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WITHDRAWAL SHEET

Ronald Reagan Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. memo	Fred Fielding to the President, re foreign cooperation in PATCO situation: proposed letter to the civil aeronautics board (partial)	8/20/81	P-5
2. memo	Fred Fielding to Ed Meese, re PATCO (partial)	8/14/81	P-5 <i>105 11/15/00</i>
COLLECTION: FIELDING, FRED: Files			cas
FILE FOLDER: PATCO OA 8154 [2 of 2]			12/7/94

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P-1 National security classified information [(a)(1) of the PRA].
- P-2 Relating to appointment to Federal office [(a)(2) of the PRA].
- P-3 Release would violate a Federal statute [(a)(3) of the PRA].
- P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA].
- P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA].
- P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA].

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

- F-2 Release could disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA].
- F-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA].
- F-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA].
- F-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].
- C. Closed in accordance with restrictions contained in donor's deed of gift.

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3301 Mr. LEVITAS. Thank you, Mr. Fary.

3302 Mr. Ertel?

3303 Mr. ERTEL. Thank you, Mr. Chairman. I would like to
3304 endorse what Mr. Stangeland said. We would like to be fair.

3305 I sympathize with the air traffic controller.

3306 I think I appreciate their job, the job they do, as a
3307 pilot. And it certainly gives me, as it does Mr. Roemer, a
3308 lot of embarrassment, concern, when I see this letter of
3309 October 20, 1980, memorandum of understanding.

3310 It gives me a great deal of concern. I want to lay out
3311 the background of that because I do not want to participate
3312 in anything that I consider to be improper. I use that term
3313 seriously. I am a former criminal prosecutor.

3314 There are two letters that exchanged
3315 names of the... letter with the President.

3316 October 20, 1980. A letter which was sent, roughly, on
3317 October 20, 1980, to somebody in a campaign organization.

3318 The letter states, please respond immediately by certified
3319 mail or by telegram to me so that the PATCO endorsement can
3320 be aborted before anyone suffers any embarrassment.

3321 Now, you have indicated, Mr. Leighton, that you had some
3322 conversations about this letter subsequently to its being
3323 read to Mr. Balzano. When were those conversations? And
3324 with whom?

3325 Mr. LEIGHTON. With Mr. Balzano. I think the first

3326 conversation was on this date. I am not quite sure. Let me
3327 see.

3328 Yes, I think it was on October 20. I talked to him about
3329 it then. He had some reservations about it then. And I
3330 talked to him subsequently, within, probably within the
3331 week.

3332 A the endorsement was made that week. And the concern
3333 that the word 'embarrassment' here refers to, several
3334 things.

3335 One, as you may know, PATCO endorsed President Carter, in
3336 the previous campaign. It is a very sensitive thing, doing
3337 this. And we wanted to make sure that at least our
3338 understanding of some of the comments we were receiving, in
3339 this case, from the staff, was correct and reflected, was
3340 reflected throughout the campaign officers all the way to
3341 the candidate.

3342 I believe we got the letter of October 20 hand-delivered
3343 on the 23rd. On the 22nd. Yes, it was. Had no idea that
3344 it was coming, really, in that form.

3345 Which you have to understand is we specifically did not
3346 sign this. It is really, because of the problems that PATCO
3347 was undergoing at that time, as you may remember that summer
3348 there were particular problems leading up to these contracts
3349 negotiations, particularly between PATCO and the current
3350 administrator.

3351 Mr. ERTEL. Mr. Balzano, or Mr. Leighton, I am sorry,
3352 when did PATCO endorse the Reagan campaign?

3353 Mr. LEIGHTON. 22nd or the 23rd, I believe.

3354 Mr. ERTEL. Was this letter referred to the people who
3355 met as the Endorsement Board?

3356 Mr. LEIGHTON. I don't understand the question.

3357 Mr. ERTEL. Well, was this read to the people? Who
3358 endorsed Mr. Reagan? Was it a board within PATCO?

3359 Mr. LEIGHTON. Oh.

3360 Mr. POLI. The--through the concurrence of the Executive
3361 Board of the organization. As the president, sir, I
3362 represented the organization and met with Governor Reagan in
3363 Florida.

3364 Mr. ERTEL. Did you meet with the Executive Board on the
3365 22th for the endorsement?

3366 Mr. POLI. No, sir.

3367 Mr. ERTEL. When did you meet with them?

3368 Mr. POLI. I conference-called them a few days before the
3369 22nd.

3370 Mr. ERTEL. Was this memorandum referred to in any way in
3371 those conversations?

3372 Mr. POLI. No, sir.

3373 Mr. ERTEL. You did not convey that, the contents of this
3374 memorandum when you suggested they endorse him?

3375 Mr. POLI. I conveyed to them discussions that I had wit

TO: Meg Duke
White House Legal Counsel's Office
OEGB - Rm. 115

FROM: Molly Tuchill
Hoover Institution - Reagan Collection

LENGTH OF TRANSMISSION: 2 pages

--PLEASE HAND DELIVER--

Re:

This is a 1978 radio commentary which we just came across while researching another question. It does not refer to PATCO but does involve air traffic controllers and does provide some insight into the President's thoughts on their responsibilities.

Hope it is of some help.

Molly

§ 551. Concealing or destroying invoices or other papers.

Whoever willfully conceals or destroys any invoice, book, or paper relating to any merchandise imported into the United States, after an inspection thereof has been demanded by the collector of any collection district; or

Whoever conceals or destroys at any time any such invoice, book, or paper for the purpose of suppressing any evidence of fraud therein contained—

Shall be fined not more than \$5,000 or imprisoned not more than two years, or both. (June 25, 1948, ch. 645, 62 Stat. 718.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U. S. C., 1940 ed., § 120 (Mar. 4, 1909, ch. 321, § 64, 35 Stat. 1100).

Minor changes were made in phraseology.

CROSS REFERENCES

Invoices—

Generally, see section 1481 of Title 19, Customs Duties.

Description of explosives, see section 833 of this title.

§ 552. Officers aiding importation of obscene or treasonous books and articles.

Whoever, being an officer, agent, or employee of the United States, knowingly aids or abets any person engaged in any violation of any of the provisions of law prohibiting importing, advertising, dealing in, exhibiting, or sending or receiving by mail obscene or indecent publications or representations, or books, pamphlets, papers, writings, advertisements, circulars, prints, pictures, or drawings containing any matter advocating or urging treason or insurrection against the United States or forcible resistance to any law of the United States, or containing any threat to take the life of or inflict bodily harm upon any person in the United States, or means for procuring abortion, or other articles of indecent or immoral use or tendency, shall be fined not more than \$5,000 or imprisoned not more than ten years, or both. (June 25, 1948, ch. 645, 62 Stat. 718; Jan. 8, 1971, Pub. L. 91-662, § 2, 84 Stat. 1973.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on section 1305 (b) of title 19, U. S. C., 1940 ed., Customs Duties (June 17, 1930, ch. 497, title III, § 305 (b), 48 Stat. 688).

In view of definition of misdemeanor in section 1 of this title words "shall be deemed guilty of a misdemeanor, and" were omitted.

Words "at hard labor" after "imprisonment" were omitted. (See reviser's note under section 1 of this title.)

Changes were made in phraseology.

AMENDMENTS

1971—Pub. L. 91-662 struck out "preventing conception or" preceding "procuring abortion".

EFFECTIVE DATE OF 1971 AMENDMENT

Section 7 of Pub. L. 91-662 provided that: "The amendments made by this Act (other than by section 6) [amending this section, sections 1461 and 1462 of this title, and section 1305 of Title 19] shall take effect on the day after the date of the enactment of this Act [Jan. 8, 1971]".

CROSS REFERENCES

Bribery of public officials, see section 201 of this title.
Compromise of customs liabilities, penalty, see section 1915 of this title.

Forfeitures, penalty for aiding unlawful importation, see section 1595a of Title 19, Customs Duties.

Immoral articles, importation prohibited, see section 1305 (a) of Title 19, Customs Duties.

Chapter 29.—ELECTIONS AND POLITICAL ACTIVITIES

Sec.

- 591. Definitions.
- 592. Troops at polls.
- 593. Interference by armed forces.
- 594. Intimidation of voters.
- 595. Interference by administrative employees of Federal, State, or Territorial Governments.
- 596. Polling armed forces.
- 597. Expenditures to influence voting.
- 598. Coercion by means of relief appropriations.
- 599. Promise of appointment by candidate.
- 600. Promise of employment or other benefit for political activity.
- 601. Deprivation of employment or other benefit for political activity.
- 602. Solicitation of political contributions.
- 603. Place of solicitation.
- 604. Solicitation from persons on relief.
- 605. Disclosure of names of persons on relief.
- 606. Intimidation to secure political contributions.
- 607. Making political contributions.
- 608. Limitations on political contributions and purchases.
- 609. Maximum contributions and expenditures.
- 610. Contributions or expenditures by national banks, corporations or labor organizations.
- 611. Contributions by firms or individuals contracting with the United States.
- 612. Publication or distribution of political statements.
- 613. Contributions by agents of foreign principals.

SENATE REVISION AMENDMENT

By Senate amendment, item 610 was changed to read, "610. Contributions or expenditures by national banks, corporations, or labor organizations". See Senate Report No. 1620, amendment Nos. 4 and 5, 80th Cong.

AMENDMENTS

1966—Pub. L. 89-486, § 8(c) (1), July 4, 1966, 80 Stat. 249, added item 613.

§ 591. Definitions.

When used in sections 597, 599, 602, 609 and 610 of this title—

The term "election" includes a general or special election, but does not include a primary election or convention of a political party;

The term "candidate" means an individual whose name is presented for election as Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, whether or not such individual is elected;

The term "political committee" includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice presidential electors (1) in two or more States, or (2) whether or not in more than one State if such committee, association, or organization (other than a duly organized State or local committee of a political party) is a branch or subsidiary of a national committee, association, or organization;

The term "contribution" includes a gift, subscription, loan, advance, or deposit, of money, or anything of value, and includes a contract, promise, or agreement to make a contribution, whether or not legally enforceable;

The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift, of money, or anything of value, and includes a contract, promise, or agreement to make an expenditure, whether or not legally enforceable;

The term "person" or the term "whoever" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons;

The term "State" includes the District of Columbia and Territory and possession of the United States. (June 25, 1948, ch. 645, 62 Stat. 719; May 24, 1949, ch. 139, § 9, 63 Stat. 90; Sept. 22, 1970, Pub. L. 91-405, title II, § 204(d) (4), 84 Stat. 853.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on section 241 (a)—(f), (1) of title 2, U. S. C., 1940 ed., The Congress (Feb. 28, 1925, ch. 368, title III, § 302 (a)—(f), 1), 43 Stat. 1070).

First paragraph was inserted to indicate sections to which definitions are applicable.

Minor changes in phraseology were made.

AMENDMENTS

1970—Pub. L. 91-405 included District of Columbia in definition of "State".

1949—Act May 24, 1949, omitted from the first par. "and, in the case of a Resident Commissioner from the Philippine Islands, an election by the Philippine Legislature."

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-405 effective on Sept. 22, 1970, see section 208(b) of Pub. L. 91-405, summarized in a note set out under section 25 of Title 2, The Congress.

CROSS REFERENCES

Contribution, definition of, see section 608 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 608 of this title.

§ 592. Troops at polls.

Whoever, being an officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held, unless such force be necessary to repel armed enemies of the United States, shall be fined not more than \$5,000 or imprisoned not more than five years, or both; and be disqualified from holding any office of honor, profit, or trust under the United States.

This section shall not prevent any officer or member of the armed forces of the United States from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he offers to vote. (June 25, 1948, ch. 645, 62 Stat. 719.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U. S. C., 1940 ed., §§ 55 and 59 (Mar. 4, 1909, ch. 321, §§ 22, 26, 35 Stat. 1092, 1093).

This section consolidates sections 55 and 59 of title 18, U. S. C., 1940 ed.

Mandatory punishment provision was rephrased in the alternative.

In second paragraph, words "or member of the Armed Forces of the United States" were substituted for "soldier, sailor, or marine" so as to cover those auxiliaries which are now component parts of the Army and Navy.

Changes in phraseology were also made.

CROSS REFERENCES

Disqualification from holding any office of honor, trust, or profit, additional grounds for, see sections 204, 592, 1901, 2071, 2381, 2385, and 2387 of this title.

§ 593. Interference by armed forces.

Whoever, being an officer or member of the Armed Forces of the United States, prescribes or fixes or at-

tempts to prescribe or fix, whether by proclamation, order or otherwise, the qualifications of voters at any election in any State; or

Whoever, being such officer or member, prevents or attempts to prevent by force, threat, intimidation, advice or otherwise any qualified voter of any State from fully exercising the right of suffrage at any general or special election; or

Whoever, being such officer or member, orders or compels or attempts to compel any election officer in any State to receive a vote from a person not legally qualified to vote; or

Whoever, being such officer or member, imposes or attempts to impose any regulations for conducting any general or special election in a State, different from those prescribed by law; or

Whoever, being such officer or member, interferes in any manner with an election officer's discharge of his duties—

Shall be fined not more than \$5,000 or imprisoned not more than five years, or both; and disqualified from holding any office of honor, profit or trust under the United States.

This section shall not prevent any officer or member of the Armed Forces from exercising the right of suffrage in any district to which he may belong, if otherwise qualified according to the laws of the State of such district. (June 25, 1948, ch. 645, 62 Stat. 719.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U. S. C., 1940 ed., §§ 56-59 (Mar. 4, 1909, ch. 321, §§ 23-26, 35 Stat. 1092, 1093).

Four sections were consolidated with only such changes of phraseology as were necessary to effect the consolidation.

CROSS REFERENCES

Disqualification from holding any office of honor, trust, or profit, additional grounds for, see sections 204, 592, 1901, 2071, 2381, 2385, and 2387 of this title.

Interference by Army or Navy officers with freedom of elections, see section 1972 of Title 42, The Public Health and Welfare.

§ 594. Intimidation of voters.

Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, at any election held solely or in part for the purpose of electing such candidate, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, 62 Stat. 720; Sept. 22, 1970, Pub. L. 91-405, title II, § 204(d) (5), 84 Stat. 853.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U. S. C., 1940 ed., §§ 61, 61g (Aug. 2, 1939, 11:50 a. m. E. S. T., ch. 410, §§ 1, 8, 53 Stat. 1147, 1148).

This section consolidates sections 61 and 61g of title 18, U. S. C., 1940 ed., with changes in phraseology only.

AMENDMENTS

1970—Pub. L. 91-405 substituted "Delegate from the District of Columbia, or Resident Commissioner" for "Delegates or Commissioners from the Territories and possessions".

LEGISLATIVE HISTORY

Reviser's Note.—Based on sections 250, 252, of title 2, U. S. C., 1940 ed., The Congress (Feb. 28, 1925, ch. 368, title III, §§ 311, 314, 43 Stat. 1073, 1074).

This section consolidates the provisions of sections 250 and 252 of title 2, U. S. C., 1940 ed., The Congress.

Reference to persons causing or procuring was omitted as unnecessary in view of definition of "principal" in section 2 of this title.

The punishment provisions of section 252 of title 2, U. S. C., 1940 ed., The Congress, were incorporated at end of section upon authority of reference in such section making them applicable to this section.

Words "or both" were added to conform to the almost universal formula of the punishment provisions of this title.

Changes were made in phraseology.

CROSS REFERENCES

Definitions of terms applicable to this section, see section 591 of this title.

Minor offenses tried by United States magistrates as excluding offenses punishable under this section, see section 3401 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 591 of this title.

§ 598. Coercion by means of relief appropriations.

Whoever uses any part of any appropriation made by Congress for work relief, relief, or for increasing employment by providing loans and grants for public-works projects, or exercises or administers any authority conferred by any Appropriation Act for the purpose of interfering with, restraining, or coercing any individual in the exercise of his right to vote at any election, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, 62 Stat. 721.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U. S. C., 1940 ed., §§ 61f, 61g (Aug. 2, 1939, 11:50 a. m., E. S. T., ch. 410, §§ 7, 8, 53 Stat. 1148).

This section consolidates sections 61f and 61g of title 18, U. S. C., 1940 ed., with changes of phraseology necessary to effect consolidation.

The punishment provision was derived from section 61g of title 18, U. S. C., 1940 ed., which, by reference, was made applicable to this section.

CANAL ZONE

Applicability of section to Canal Zone, see section 14 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 14 of this title.

§ 599. Promise of appointment by candidate.

Whoever, being a candidate, directly or indirectly promises or pledges the appointment, or the use of his influence or support for the appointment of any person to any public or private position or employment, for the purpose of procuring support in his candidacy shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and if the violation was willful, shall be fined not more than \$10,000 or imprisoned not more than two years, or both. (June 25, 1948, ch. 645, 62 Stat. 721.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on sections 249, 252, of title 2, U. S. C., 1940 ed., The Congress (Feb. 28, 1925, ch. 368, title III, §§ 310, 314, 43 Stat. 1073, 1074).

This section consolidates the provisions of sections 249 and 252 of title 2, U. S. C., 1940 ed., The Congress, with changes in arrangement and phraseology necessary to effect consolidation.

Words "or both" were added to conform to the almost universal formula of the punishment provisions of this title.

CROSS REFERENCES

Definitions of terms applicable to this section, see section 591 of this title.

Minor offenses tried by United States magistrates as excluding offenses punishable under this section, see 3401 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 591 of this title.

§ 600. Promise of employment or other benefit for political activity.

Whoever, directly or indirectly, promises any employment, position, work, compensation, or other benefit, provided for or made possible in whole or in part by any Act of Congress, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in any election, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, 62 Stat. 721.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U. S. C., 1940 ed., §§ 61b, 61g (Aug. 2, 1939, 11:50 a. m., E. S. T., ch. 410, §§ 3, 8, 53 Stat. 1147, 1148).

This section consolidates sections 61b and 61g of title 18, U. S. C., 1940 ed.

Minor changes were made in phraseology.

CANAL ZONE

Applicability of section to Canal Zone, see section 14 of this title.

CROSS REFERENCES

Minor offenses tried by United States magistrates as excluding offenses punishable under this section, see section 3401 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 14 of this title.

§ 601. Deprivation of employment or other benefit for political activity.

Whoever, except as required by law, directly or indirectly, deprives, attempts to deprive, or threatens to deprive any person of any employment, position, work, compensation, or other benefit provided for or made possible by any Act of Congress appropriating funds for work relief or relief purposes, on account of race, creed, color, or any political activity, support of, or opposition to any candidate or any political party in any election, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, 62 Stat. 721.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U. S. C., 1940 ed., §§ 61c, 61g (Aug. 2, 1939, 11:50 a. m., E. S. T., ch. 410, §§ 4, 8, 53 Stat. 1147, 1148).

This section consolidates sections 61c and 61g of title 18, U. S. C., 1940 ed.

The words "except as required by law" were used as sufficient to cover the reference to the exception made to the provisions of subsection (b), section 61h of title 18, U. S. C., 1940 ed., which expressly prescribes the circumstances under which a person may be lawfully deprived of his employment and compensation therefor.

Changes were made in phraseology.

CANAL ZONE

Applicability of section to Canal Zone, see section 14 of this title.

2738 Mr. LEIGHTON. Mr. Chairman, may I interrupt for a second?

2739 I am sorry, but there is something that has to be explained
2740 in the letter. We, in response to the question today,
2741 saying was there anything else, and because we are under
2742 subpoena, we gave you everything. It may not be totally
2743 clear in several areas that I would like to make clear
2744 before we get on to other subjects. We don't consider it
2745 any big deal, but we would like to make one or two things
2746 clear.

2747 There has been a subsequent, there was a subsequent
2748 communication on this letter, and if it would be all right
2749 either now or later, I would like to----

2750 Mr. LEVITAS. If the Chairman would hold until I just
2751 finish this procedural part, and also, I would like to
2752 remind all of the witnesses you are still under oath.

2753 Mr. LEIGHTON. Yes.

2754 Mr. LEVITAS. Mr. Leighton, would you please proceed?

2755 Mr. LEIGHTON. Yes. Subsequent to sending this letter, we
2756 did get a verbal response from Mr. Balzano clarifying
2757 certain points. We considered the clarifications to be not
2758 of a nature requiring another written statement by us to
2759 remind everybody what our understanding of the situation
2760 was.

2761 First, you will note that this letter was not signed. That
2762 was intentionally so. It doesn't appear on this letter, so

2763 that we would not give the appearance to anybody that this
2764 was some sort of binding legal agreement. The circumstance
2765 of this letter was that we had been talking to people from
2766 the Reagan-Bush headquarters just as they were talking to
2767 other groups and asking them questions--if elected, what
2768 would you do here, what would you do there, and putting down
2769 their response. This was a compilation of the responses
2770 that we considered most important to us.

2771 The clarifications that are most important to make at this
2772 time refer to the following parts of the letter:

2773 In paragraph 2 (d) it now states that PATCO would have an
2774 opportunity--let me restate that. It now states that
2775 "Rejection by the Reagan Administration will take place of
2776 any final choice for FAA Administrator, if PATCO notifies
2777 the selectors that such choice is totally objectionable to
2778 PATCO."

2779 The key here is I don't want anyone to think that PATCO
2780 had a veto. This was a built-in bit of redundancy. This
2781 referred to the present Administrator at that time, who was
2782 making statements--at least the press was reporting that he
2783 intended to carry on if he could as Administrator, and we
2784 had long discussions with the Reagan-Bush people pointing
2785 out to them that if he did it probably would result in an
2786 automatic strike and that is what that meant.

2787 Secondly, they came back to us and they said in their

2788 opinion, although the provision paragraph 6 applies to just
2789 us getting an opportunity to endorse or explain or advocate
2790 legislation before the Administration took a position with
2791 respect to any legislation having to do with giving federal
2792 employees the right to strike, you could forget about it.
2793 They may give us an opportunity to advocate it before they
2794 came in, but there was no way in the world that they would
2795 ever endorse that.

2796 Also, they had great misgivings about paragraph (b) of
2797 that giving air traffic controllers rights in collective
2798 bargaining equal to or in excess of postal workers,
2799 especially the word "excess".

2800 With those clarifications, I think the letter reads and
2801 stands on its own.

2802 Mr. LEVITAS. I thank you for those clarifications.
2803 Earlier this morning I think Mr. Poli or you, Mr. Leighton,
2804 had indicated that while this letter of understanding was
2805 not signed by you or signed by anyone else, that it had
2806 been initialed. Would you explain that just for the
2807 purposes of----

2808 Mr. LEIGHTON. We were told, and I have never seen, that
2809 this was initialed by all of the "appropriate" people at
2810 the White House as having been received and understood, and
2811 that is as far as I know about it.

2812 Mr. LEVITAS. I only have two more. First of all, I want

2813 to make a statement, that as I stated several times this
2814 morning, and I want to repeat now, my interest at this point
2815 in this document was the effect, if any, that it had on the
2816 negotiations in terms of the fact that what FAA was offering
2817 fell short of what you thought the understanding or the
2818 attitude or the position of the Administration would be if
2819 they got elected, and I think that is certainly very
2820 specifically within the jurisdiction of the concerns that we
2821 are addressing today.

2822 Mr. POLI. Mr. Chairman, I have to say that when I was
2823 directed and advised by our competitive board of our union
2824 to attempt to contact both candidates, that one candidate
2825 wouldn't even see us, and the other candidate for the
2826 Presidency stated his interest in the air traffic
2827 controllers and the problems that we had, and was
2828 sympathetic in the conversations that I had with him to the
2829 needs of air traffic controllers, that I have to tell you
2830 sincerely that I really thought that we would get better
2831 treatment in negotiations, yes sir.

2832 Mr. LEVITAS. That is the point that I am trying to
2833 demonstrate by this, as a factor that, as I said earlier,
2834 brings us to where we are today, now, some 63 hours away
2835 from a possible strike.

2836 Mr. HOWARD. Mr. Chairman.

2837 Mr. MCEWEN. Will the gentleman yield?

2838 Mr. LEVITAS. Mr. McEwen.

2839 Mr. MCEWEN. Mr. Chairman, in repeated references Mr.

2840 Leighton has mentioned that this letter was signed off by

2841 various officials in the White House. Is that a correct

2842 characterization of what he is trying to say, or were these

2843 political campaign assistants, if I may.?

2844 Mr. LEIGHTON. I don't know. I guess the best person to

2845 ask would be Mr. Balzano.

2846 Mr. MCEWEN. But my inquiry is this is dated 1980, and so

2847 it would be difficult for anyone in the White House to have

2848 taken any officials actions concerning a letter that was

2849 written in 1980.

2850 Mr. LEIGHTON. We are not maintaining that they have.

2851 Mr. MCEWEN. I just wanted to make that clarification.

2852 Mr. LEIGHTON. I don't know what import to put on this.

2853 It is up to you to put whatever importance you want to.

2854 Mr. LEVITAS. Is Mr. Balzano in the room?

2855 Mr. MCEWEN. The use of the term White House caused

2856 concern to me. I wanted to raise that point.

2857 Thank you, Mr. Chairman.

2858 Mr. LEVITAS. Do you know if Mr. Balzano is in the room?

2859 Mr. LEIGHTON. I didn't see him.

2860 Mr. HOWARD. Mr. Chairman.

2861 Mr. LEVITAS. Just one second.

2862 Has any reference been made to this document or t the

2863 letter from Mr. Reagan that we received earlier, since
2864 January the 20th in your discussions with pepole in the
2865 Administration?

2866 Mr. POLI. Yes sir.

2867 Mr. LEVITAS. And was it disavowed in any way?

2868 Mr. POLI. No sir.

2869 Mr. LEVITAS. Thank you.

2870 The distinguished Chairman of our full Committee, who has
2871 patiently indulged and waited. I recognize you.

2872 Mr. HOWARD. Thank you, Mr. Chairman.

2873 The reason for my impatience, Mr. Chairman, is the fact
2874 that you have mentioned a certain number of hours, and that
2875 time lessens as we go by before this nation could be faced
2876 with a very, very difficult situation, and Mr. Poli, I would
2877 just like to ask you a question based on some discussions
2878 that have been going on around the committee and this room
2879 for the past couple of hours.

2880 Since we are in a critical period at this time, and there
2881 is a feeling that we get from you as witnesses and others
2882 that we do not wish to have to face the situation we are
2883 facing, which will occur on Monday morning, whether or not
2884 in any attempt to keep the air traffic moving in this
2885 country, whether or not you would be billing to sit down
2886 under the auspices of this committee and several of its
2887 members sometime as soon as can be arranged, sit down for a

3376 the Campaign Committee, and I referred them to the fact that
3377 I would get a letter from the candidate on his particular
3378 feelings about air traffic controllers. That is the only
3379 thing I relayed to the Executive Board.

3380 Mr. ERTEL. What was the purpose of the statement in
3381 here, "So that the PATCO endorsement can be aborted before
3382 anyone suffers any embarrassment"?

3383 Mr. LEIGHTON. I will have to answer that one. As I
3384 said, during that time, we wanted to make sure, we were
3385 dealing with Mr. Balzano, primarily, with Mr. Balzano who
3386 was running the labor part of the campaign.

3387 We had no contact until the day of the endorsement with
3388 anyone other than Mr. Balzano and Mr. Garrick.

3389 No, I think that is true. We just wanted to make sure it
3390 was getting through. Mr. Garrick is now Mr. Meese's
3391 assistant.

3392 Mr. ERTEL. You had not met with Mr. Garrick, or you had?

3393 Mr. LEIGHTON. We had talked with Mr. Garrick over the
3394 telephone.

3395 Mr. ERTEL. And you made this agreement with him. You
3396 said as evidence of that understanding, Governor Reagan,
3397 through you, Bob Garrick, and other agents, has agreed the
3398 following take place after the Governor is elected to the
3399 presidency.

3400 Mr. LEIGHTON. That is why I had to explain the letter.

3401 See, this is obviously not meant for--to be the comprehensive
3402 description of what went on.

3403 The way the system worked was we would put questions to
3404 them. What would you do if? Could we have reasonable input
3405 into an FAA administrator selection and things like that.

3406 We took notes. And then just prior to the endorsement, we
3407 tried to collect those notes. It was our understanding of
3408 it, we sent the letter.

3409 Rather than getting the letter, the certified mail or
3410 telegram back, because of the time being so short, we got
3411 back a telephone call from Mr. Balzano, which, after
3412 discussing the thing, we said, that's enough.

3413 I explained that prior, where he did not agree with all of
3414 this. We also agreed that, of course, it could never be
3415 binding, but it was our understanding. On the basis of that
3416 understanding, there would be an endorsement.

3417 Mr. ERTEL. Of course, I understand that you say it can't
3418 be binding. But you say, as evidence of that understanding.
3419 That is a legal term.

3420 And you state, the President and Administrator of the
3421 Federal Aviation Administration will be replaced by a
3422 competent administrator. I am no friend of Langhorn Bond,
3423 nor did I think he did a particularly good job.

3424 But that is a direct statement, evidence of that
3425 understanding, that he will be replaced. 601 of the

3426 Criminal Code, are you aware of that?

3427 Mr. LEIGHTON. I think I am if you can relate it to me

3428 Mr. ERTEL. Whoever directly or indirectly knowingly

3429 causes or attempts to cause any person to make a

3430 contribution of a thing of value for the benefit of any

3431 candidate or any political party by means of denial or

3432 deprivation or the threat of denial or deprivation of any

3433 employment--

3434 Mr. LEIGHTON. Yes, I am quite familiar with that.

3435 Mr. ERTEL. Now just, when you talk about an endorsement

3436 and you talk about replacement of a Federal officer, and you

3437 have stated that this is evidence of that understanding, how

3438 would you read it as a lawyer and as a layman?

3439 Mr. LEIGHTON. Let me combine the two. The intent and

3440 understanding on this and, indeed, PATCO's understanding,

3441 was, in response to questions put by us to them, they made

3442 it clear that they did not think that Langhorn Bond was a

3443 competent administrator, and that he would be replaced.

3444 We just reflected their intent.

3445 Mr. ERTEL. I suggest the word "has agreed that the

3446 following will take place," somebody agreed to something.

3447 Directly.

3448 I have some very serious considerations about this. It

3449 seems to me now, if we are in the position of having a

3450 bargaining position for a contract between your people and

3451 the FAA administrator, what influence would this letter have
3452 on that particular administrator?

3453 Because he realizes you were able to bargain the last time
3454 to, in a sense, get rid of an administrator.

3455 Mr. LEIGHTON. No, he doesn't realize that. In fact,
3456 that is not what happened. What happened was this letter
3457 was just put away and primarily forgotten.

3458 The superseding letter from President Reagan had always
3459 been taken as the letter on this point. PATCO did not
3460 bargain for any FAA administrator, did not submit any names,
3461 did none of those things.

3462 If you are implying that a crime has been committed, I
3463 would suggest to you, then, sir, may I ask if you are a
3464 lawyer?

3465 Mr. ERTEL. I am. I was a prosecutor before I came here.

3466 Mr. LEIGHTON. I am sorry, I forgot. Then as a lawyer, I
3467 think we should reserve this to the proper forum.

3468 Mr. ERTEL. I would suggest to the Chairman that this do
3469 be referred to the Justice Department, the Judiciary
3470 Committee and the possibility of a special prosecutor be
3471 questioned to whether or not anybody has committed a crime.

3472 I think it is probably beyond the purview of this
3473 committee to get into that. It gives me a great deal of
3474 concern. I spent nine years as a prosecutor, to see a
3475 letter like this, I have got to say to you, no judgment, I

3476 am concerned.

3477 Thank you.

3478 Mr. ROEMER. Would the gentleman yield?

3479 Mr. ERTEL. I will be happy to yield to the gentleman.

3480 Mr. ROEMER. I would like to support my colleague's
3481 request of the chairman, that carefully and appropriately,
3482 this be turned over to the Justice Department. Perhaps it
3483 is as you say, Mr. Leighton, nothing. Perhaps it is an
3484 accident of time and place.

3485 But it seems a reasonable reading of this message that a
3486 deal was, in effect, made to fire a person in return for an
3487 endorsement. That may or may not have happened, in fact.

3488 But it is more than implied by these documents. If that,
3489 in fact, did happen, the law clearly states under Section
3490 600 that a fine of not more than \$1000 or imprisonment of
3491 not more than one year, or both, be levied.

3492 Thank you, Mr. Chairman.

3493 Mr. ERTEL. I reclaim my time. The gentleman is right
3494 under Section 600, except the fine has been increased to
3495 \$10,000.

3496 Mr. LEVITAS. The--

3497 Mr. LEIGHTON. If I might say, I would like to deny
3498 categorically that there was any deal.

3499 Mr. LEVITAS. The Chair will take under advisement the
3500 request of the gentleman from Pennsylvania and the gentleman

3501 from Louisiana. I have some further questions at this
3502 point.

3503 Mr. POLI. Yes, sir.

3504 Mr. LEVITAS. We received testimony yesterday, Mr. Poli,
3505 that an analysis had been made of the economic impact which
3506 would result from a controllers strike if it resulted in a
3507 significant reduction of the number of commercial aircraft,
3508 both passenger and cargo, that could operate.

3509 And the estimate which we went into in some detail was
3510 that it could amount to as much as a quarter of a billion
3511 dollars a day.

3512 Are you familiar with that testimony yesterday?

3513 Mr. POLI. Yes, sir, I am.

3514 Mr. LEVITAS. Now, that being the case, it obviously
3515 would have a devastating effect on this Nation's economy.
3516 You would agree with that?

3517 Mr. POLI. Yes, sir.

3518 Mr. LEVITAS. Now, the purpose of a strike or job action
3519 is generally, as I understand it, to bring pressure to bear
3520 on somebody.

3521 Now, who is it that you are trying to bring pressure on as
3522 a result of the economic losses, the inconvenience? Is it
3523 the American public? Is it the FAA? Is it this Congress?

3524 Mr. POLI. Certainly it is not this Congress. It is not
3525 the American public. We feel that a responsibility in the

3970 Mr. ERTEL. Mr. Chairman, earlier today I made a motion
3971 that we refer specific items to Department of Justice, to
3972 the Judiciary Committee. I would amend that to also the FEC
3973 at the present time.

3974 I wondered, has the Chairman made a decision on that at
3975 this point?

3976 Mr. LEVITAS. The Chair has that matter under advisement
3977 and will consult with counsel to the committee and will
3978 report back to the members at the next meeting of the
3979 committee.

3980 Mr. ERTEL. Thank you.

3981 Mr. LEVITAS. Is there further business? If not, at this
3982 time I am advised by staff that we have a copy of the tape
3983 that was referred to.

3984 It has been played down to the part where the reference is
3985 made that was discussed earlier. I don't know how to
3986 operate this contraption, but put it next to one of those
3987 microphones.

3988 (Tape recording is played.)

3989 Mr. LEVITAS. Replay that portion again. I didn't get
3990 the first part.

3991 That is the only reference to the tape.

3992 (Tape recording is replayed.)

3993 Mr. LEVITAS. Thank you. The transcript of the tape
3994 will, without objection, be made part of the record.

RONALD REAGAN

(Reprint of a radio program entitled "Dulles Airport"
Commentary by Ronald Reagan)

American commercial aviation has a safety record unequalled in all the world, but even so we still occasionally hear that dreaded news flash of a plane that didn't make it. Occasionally I fly into Washington's Dulles Airport, so a recent story in Electronic Engineering Times worried me more than a little bit.

The air traffic controllers, those gentlemen who sit with their eyes glued to a radar screen, "talking" planes into a safe landing at Dulles have a complaint--a very legitimate complaint. It has to do with the performance in wet weather of the Federal Aviation Administration's surface detection system.

What we're talking about is the radar called the A.S.D.E.-2 which is used in bad weather to track aircraft after they drop to altitudes of 40 feet or less. The radiating antenna is housed in what is called a spherically shaped radome. That means it's in a round, ball-shaped shelter. That ball is made of rubberized canvas. When it rains or snows (which is when it's needed most) the moisture settles on the ball and is soaked up by that rubberized fabric. This reduces the power of the signal returns and the air controller sees a white spot on his screen instead of the moving blip made by the airplane he's tracking. Incidentally, this system is in use at about a dozen other airports and the same complaint is made at all of them.

F.A.A. engineers have been experimenting with different designs and shapes for the radome to find an answer to the problem. They have come up with one that looks like an upside down tea cup. John Curran, Chief of the Dulles airwave facilities field office, says this shape they've found is the answer. "The moisture drops roll off the dome like rain falling off an overhanging roof" he says.

Well, you'd say that solves the problem--we trade in the oversize tennis balls for over-size inverted tea cups and we're all safer on a rainy day. But hold on. Dulles airport is a federally-owned facility. The change of shape is being blocked for aesthetic reasons by the Department of Interior's Advisory Council of Historic Preservation. Washington's Fine Arts Commission also objects to the proposed new dome shape.

How did they get into the act? Well, it seems that the Dulles Airport terminal building was recently nominated for the National Register of Historic Places by the Secretary of Transportation upon the advice of the Advisory Council of Historic Preservation. This is a group that oversees the care of such designated buildings. So anything that threatens to change the appearance of the airport building is carefully looked at.

I hope by the time you hear this sanity has come to someone in Washington, but at the moment the new and safer dome has been rejected and the F.A.A. controllers who help get the big birds safely down has lost to the Fine Arts Commission.

For me, I don't care whether it looks like an upside down tea cup or an upside down garbage can. I'm for giving those controllers what they want--especially when the weather is bad.

TO: Rep Duke
-page 2-

AIR TRAFFIC CONTROLLER SUPPORT
ORGANIZATION

Jo Werts
E. 10416 Nora
Spokane, WA 99206

Reagan For President
9841 Airport Blvd.
31430
Los Angeles, CA 90045

4 September 80

Dear Mr. Reagan:

Our organization is concerned with promoting Air Safety and educating the public on matters concerning them as consumers in this area. We have a short questionnaire we would like you to answer for us, if you would. Your time is appreciated.

- 1.. What is your position on the Hatch Act - which limits political involvement of Federal Employees?
2. Should you be elected, who would you appoint to head the Federal Aviation Administration?
3. You have stated that you would cut federal jobs should you be elected. Would you include Air Traffic Controllers in this cut?
4. If you are elected would you designate the use of the Airport Trust Fund for updating air traffic control equipment as it was intended?

Thank you for your time. We hope to receive your reply by October 15th.

Sincerely,

Jo Werts
Jo Werts, ATCSO

Reagan Bush Committee

901 South Highland Street, Arlington, Virginia 22204 (703) 687-1000

TO: Reg Duke -- White House Counsel's Office
OROB - Rm. 115

FROM: Molly Tuthill
Hoover Institution

October 22, 1980

Length of Transmission: 4 pages

Mr. Jo Werts
Air Traffic Controller Support Organization
E. 10416 Nora
Spokane, WA 99206

Dear Mr. Werts:

Thank you for the opportunity to respond to your organization's concerns.

o Governor Reagan believes that the Hatch Act is an appropriate safeguard for federal employees that protects them from potential abuse for political purposes.

o Governor Reagan is committed to seeking and appointing men and women of the highest caliber to federal positions in a Reagan Administration. He will also insist on professional and personal familiarity with the field of appointment.

o Governor Reagan has said that he will place a freeze on the overall size of the federal work force. Personnel levels in individual agencies would be evaluated on the basis of effect on health and safety of the public.

o Governor Reagan has not had an opportunity to study in depth the questions surrounding the use of the Trust Fund, but supports efforts to enhance aviation safety through updating the air traffic control system's procedures and equipment, and through expansion of reliever airports in congested areas.

If we may be of further assistance in presenting Governor Reagan's views, please let me know.

Sincerely,

Stefan A. Halper
Director, Policy Coordination

SNV/nb

Reagan Bush Committee

901 South Highland Street, Arlington, Virginia 22204 (703) 684-3400

TO: Reg Duke
-page 3-

October 3, 1980

Mr. James R. Philion
President and Managing Director
Airline Passengers Association, Inc.
P. O. Box 2758
Dallas, Texas 75221

Dear Jim:

Best wishes on the Airline Passengers Association's 20th anniversary and continued success in representing the interests of the airline passenger, which you have done so successfully in the past.

As a frequent airline traveler myself, I am concerned about the same issues that you have been addressing for many years. A Reagan Administration will give a high priority to aviation safety and the concerns of the airline passenger. Specifically, we will seek to:

1. Eliminate the current rash of near-misses and computer outages, by improving air traffic control facilities and equipment through encouraging the:
 - improvement of air traffic control radars and computers;
 - improvement of collision avoidance systems;
 - building of more control towers; and
 - installing of more ground surveillance radars.
2. Eliminate the hazards of the approach and landing phase of the flight, which historically has been the most dangerous. I would improve approach and landing aid equipment by encouraging the improvement of:
 - instrument and Microwave landing systems;
 - visual approach slope indicators;
 - approach lights;
 - wind shear detection equipment.
3. Dangers even exist after the plane touches down because of short runways, skidding, and inadequate ground emergency equipment. To help prevent this I would seek to encourage the following runway and airport improvements including:

- runway grooving;
- overrun areas;
- runway end identifier lights; and
- more effective crash, fire and rescue services.

4. And to protect the passenger after a survivable accident, there is a need to:

- improve aircraft cabin safety;
- reduce post crash fires;
- improve cabin materials to reduce flammability and resulting toxicity; and
- increase passenger seat strength.

All of these projects are important.

I appreciate the opportunity to state my ideas to the Airline Passengers Association on aviation safety improvements. Although the aviation industry has an excellent safety record, we can improve it...and we will. I will give a high priority to doing just that.

Again, continued success in your endeavors.

Sincerely,

Ronald Reagan

END TRANSMISSION
PLEASE HAND DELIVER

THE WHITE HOUSE

Office of the Press Secretary

FOR IMMEDIATE RELEASE

AUGUST 3, 1981

STATEMENT BY THE PRESIDENT

This morning at 7:00 am the union representing those who man America's air traffic control facilities called a strike. This was the culmination of seven months of negotiations between the Federal Aviation Administration and the union.

At one point in these negotiations, agreement was reached and signed by both sides granting a \$40,000,000 increase in salaries and benefits. This is twice what other government employees can expect. It was granted in recognition of the difficulties inherent in the work these people perform.

Now, however, the union demands are 17 times what had been agreed to -- \$681 million. This would impose a tax burden on their fellow citizens which is unacceptable.

I would like to thank the supervisors and controllers who are on the job today helping to keep the Nation's air system operating safely. In the New York area, for example, four supervisors were scheduled to report for work and 17 additionally volunteered. At National Airport a traffic controller told a news person he had resigned from the union and reported to work because, "How can I ask my kids to obey the law if I don't." This is a great tribute to America.

Let me make one thing plain; I respect the right of workers in the private sector to strike. Indeed as President of my own union I led the first strike ever called by that union. I guess I'm the first one to ever hold this office who is a life-time member of an AFL-CIO union. But we cannot compare labor management relations in the private sector with government. Government cannot close down the assembly line, it has to provide without interruption the protective services which are government's reason for being.

It was in recognition of this that the Congress passed a law forbidding strikes by government employees against the public safety. Let me read the solemn oath taken by each of these employees:

I am not participating in any strike against the Government of the United States or any agency thereof, and I will not so participate while an employee of the Government of the United States or any agency thereof.

It is for this reason I must tell those who failed to report for duty this morning they are in violation of the law and if they do not report for work within 48 hours they have forfeited their jobs and will be terminated.

#

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

August 3, 1981

STATEMENT BY THE PRESIDENT
ON THE AIR TRAFFIC CONTROLLERS STRIKE,
WITH SECRETARY OF TRANSPORTATION DREW LEWIS
AND ATTORNEY GENERAL WILLIAM FRENCH SMITH

The Rose Garden

10:55 A.M. EDT

THE PRESIDENT: Ladies and gentlemen, I have a statement which will be made available to you but which I will read for the audio media.

This morning at 7:00 A.M. the union representing those who man America's air traffic control facilities called a strike. This was the culmination of seven months of negotiation between the Federal Aviation Administration and the union. At one point in these negotiations agreement was reached and signed by both sides, granting a \$40 million increase in salaries and benefits. This is twice what other government employees can expect. It was granted in recognition of the difficulties inherent in the work that these people perform. Now, however, the union demands are seventeen times what had been agreed to, \$681 million. This would impose a tax burden on their fellow citizens which is unacceptable.

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It is for this reason that I must tell those who fail to report for duty this morning that they are in violation of the law and if they do not report for work within 48 hours, they have forfeited their jobs and will be terminated.

Q Mr. President, are you going to order any union members who violate the law to go to jail?

MORE

THE PRESIDENT: I have some people around here and maybe I should refer that question to the Attorney General.

Q Do you think that they should go to jail, Mr. President, anybody who violates this law?

THE PRESIDENT: I told you what I think should be done. They are terminated.

ATTORNEY GENERAL SMITH: As the President has said, striking under these circumstances constitutes a violation of the law and we intend to initiate in appropriate cases criminal proceedings against those who have violated the law.

Q How quickly will you initiate criminal proceedings, Mr. Attorney General?

ATTORNEY GENERAL SMITH: We will initiate those proceedings as soon as we can.

Q Today?

ATTORNEY GENERAL SMITH: The process will be underway probably by noon today.

Q Are you going to try and fine the union \$1 million per day?

ATTORNEY GENERAL SMITH: Well, that is the prerogative of the courts. In the event that any individuals are found guilty of contempt of a court order, the penalty for that is, of course, imposed by the court.

Q How much more is the government prepared to offer the union?

SECRETARY LEWIS: We think that we had a very satisfactory offer on the table. It is twice what other government employees are going to get, 11.4 percent. Their demands were so unreasonable that there was no spot to negotiate, when you are talking to somebody 17 times away from where you presently are. We do not plan to increase our offer to the union.

Q Under no circumstances?

SECRETARY LEWIS: As far as I am concerned, under no circumstances.

Q Will you continue to meet with them?

SECRETARY LEWIS: We will not meet with the union as long as they are on strike. When they are off of strike, and assuming that they are not decertified, we will meet with the union and try to negotiate a satisfactory contract.

MORE

Q Do you have any idea how it's going at the airports around the country?

SECRETARY LEWIS: Relatively, it's going quite well. We're operating somewhat in excess of 50 percent capacity. We could increase that. We have determined that until we feel we're in total control of the system that we will not increase that. Also, as you probably know, we have some rather severe weather in the Midwest and our first priority is safety.

Q What can you tell us about possible decertification of the union and impoundment of its strike funds?

SECRETARY LEWIS: There has been a court action to impound the strike fund of \$3.5 million. We are going before the National Labor Relations authority this morning and ask for decertification of the union.

Q When you say that you're not going to increase your offer, are you referring to the original offer or the last offer which you've made? Is that still valid?

SECRETARY LEWIS: The last offer that we made in present value was exactly the same as the first offer. Mr. Poli asked me about 11:00 o'clock last evening if he could phase the increase in over a period of time. For that reason, we phased it in over a longer period of time. It would have given him a larger increase in terms of where he would be when the next negotiations started, but in present value it was the \$40 million originally on the table.

Q Mr. Attorney General, in seeking criminal action against the union leaders, will you seek to put them in jail if they do not order these people back to work?

ATTORNEY GENERAL SMITH: Well, we will seek whatever penalty is appropriate under the circumstances in each individual case.

Q Do you think that is an appropriate circumstance?

ATTORNEY GENERAL SMITH: It is certainly one of the penalties that is provided for in the law, and in appropriate cases, we could very well seek that penalty.

Q What is appropriate?

ATTORNEY GENERAL SMITH: Well, that depends upon the fact of each case.

Q What makes the difference?

Q Can I go back to my fine question? How much would you like to see the union fined every day?

ATTORNEY GENERAL SMITH: Well, there's no way to answer that question. We would just have to wait until we get into court and see what the circumstances are and determine what position we would take in the various cases under the facts as they develop.

Q But you won't go to court and ask the court for a specific amount?

ATTORNEY GENERAL SMITH: Well, I'm sure we will when we reach that point, but there's no way to pick a figure now.

MORE

Q Mr. President, will you delay your trip to California or cancel it if the strike is still on later this week?

THE PRESIDENT: If any situation should arise that would require my presence here, naturally I will do that. So that will be a decision that awaits what's going to happen. May I just -- because I have to back in there for another appointment -- may I just say one thing on top of this? With all this talk of penalties and everything else, I hope that you'll emphasize again the possibility of termination because I believe that there are a great many of those people, and they're fine people, who have been swept up in this and probably have not really considered the result, the fact that they have taken an oath, that this is now in violation of the laws that one supervisor referred to with regard to his children. And I am hoping that they will, in a sense, remove themselves from the lawbreaker situation by returning to their posts.

I have no way to know whether this had been conveyed to them by their union leaders who had been informed that this would be the result of a strike.

Q Your deadline is 7:00 Wednesday morning for them to return to work?

THE PRESIDENT: 48 hours.

SECRETARY LEWIS: It's 11:00 Wednesday morning.

Q Mr. President, why have you taken such strong action as your first action? Why not some lesser action at this point?

THE PRESIDENT: What lesser action can there be? The law is very explicit. They are violating the law. And as I say, we called this to the attention of their leadership. Whether this was conveyed to the membership before they voted to strike, I don't know. But this is one of the reasons why there can be no further negotiation while this situation continues. You can't sit and negotiate with a union that's in violation of the law.

SECRETARY LEWIS: And their oath.

THE PRESIDENT: And their oath.

Q Are you more likely to proceed in the criminal direction toward the leadership than the rank-and-file, Mr. President?

THE PRESIDENT: That, again, is not for me to answer.

Q Mr. Secretary, what can you tell us about the possible use of military air controllers -- how many, how quickly can they get on the job?

SECRETARY LEWIS: In answer to the previous question, we will move both civil and criminal, probably more civil than criminal, and we now have papers in the U.S. Attorney's offices under the Attorney General in about 20 locations around the

country where it will only involve two or three principle people.

As far as the military personnel are concerned, they are going to fundamentally be backup to the supervisory personnel. We had 150 on the job, supposedly, about a half-hour ago. We're going to increase that to that somewhere between 700 and 850.

Q Are you ready to hire other people should these other people not return?

SECRETARY LEWIS: Yes, we will and we hope we do not reach that point. Again, as the President said, we're hoping these people come back to work. They do a fine job. If that does not take place, we have a training school, as you know. We will be advertising. We have a number of applicants right now. There's a waiting list in terms of people that want to be controllers and we'll start retraining and reorganizing the entire FAA traffic controller group.

Q Just to clarify, is your deadline 7:00 a.m. Wednesday or 11:00?

SECRETARY LEWIS: It's 11:00 a.m. Wednesday. The President said 48 hours and that would be 48 hours.

Q If you actually fire these people, won't it put your air traffic control system in a hole for years to come since you can't just cook up a controller in --

SECRETARY LEWIS: That obviously depends on how many return to work. Right now we're able to operate the system. In some areas, we've been very gratified by the support we've received. In other areas, we've been disappointed. And until I see the numbers, there's no way I can answer that question.

Q Mr. Lewis, did you tell the union leadership when you were talking to them that their members would be fired if they went out on strike?

SECRETARY LEWIS: I told Mr. Poli yesterday that the President gave me three instructions in terms of the firmness of the negotiations: One is there be no amnesty, the second there be no negotiations during the strike, and the third is that if they went on strike, these people would no longer be government employees.

Q Mr. Secretary, you said no negotiations. What about informal meetings of any kind with Mr. Poli?

SECRETARY LEWIS: We'll have no meetings until the strike is terminated with the union.

Q Have you served Poli, at this point, has he been served by the Attorney General?

SECRETARY LEWIS: In the civil action that was filed this morning, the service was made on the attorney for the union and the court has determined that that was an appropriate service on all of the offices of the union.

Q My previous question about whether you're going to take a harder line on the leadership than rank-and-file, in terms of any criminal prosecution, can you give us an answer on that?

SECRETARY LEWIS: No, I can't answer that except to say that each case will be investigated on its own merits and action will be taken as appropriate in each of those cases.

Q Mr. Lewis, do you know how many applications for controller jobs you have on file now?

SECRETARY LEWIS: I do not know. I'm going to check when I get back. I am aware there's a waiting list and I do not have the figure. If you care to have that, you can call our office and we'll tell you. Also, we'll be advertising and recruiting people

for this job if necessary.

Q Mr. Secretary, how long are you prepared to hold out if there's a partial but not complete strike?

SECRETARY LEWIS: I think the President made it very clear that as of 48 hours from now, if the people are not back on the job, they will not be government employees at any time in the future.

Q How long are you prepared to operate the system --

SECRETARY LEWIS: Four years if we have to.

Q How long does it take to train a new controller, from the waiting list?

SECRETARY LEWIS: It varies. It depends on the type of center they're going to be in. For someone to start in the system and work through the more minor office types of control situations until they get to, let's say a Chicago, or Washington National, it takes about three years. So, in this case, what we'll have to do if some of the major metropolitan areas are shut down or considerably -- a considerable portion is shut down, we'll be bringing people in from other areas that are qualified and then start bringing people through the training schools in the smaller cities and smaller airports.

Q Mr. Secretary, have you definitely made your final offer to the union?

SECRETARY LEWIS: Yes, we have.

THE PRESS: Thank you.

END

THE WHITE HOUSE

WASHINGTON

August 20, 1981

MEMORANDUM FOR THE PRESIDENT

FROM: FRED FIELDING *Orig. signed by FFF*

SUBJECT: Foreign Cooperation in PATCO Situation:
Proposed Letter to the Civil Aeronautics
Board

The airline tariff coordination activities of the International Air Transport Association (IATA) have enjoyed antitrust immunity, granted by the CAB, since 1945. Thus for years all international aviation pricing was routinely established through the IATA coordination process.

By recent Order, to be effective September 15, 1981, the CAB would authorize all airlines to continue to participate in IATA activity, but prohibit U.S. carriers from participating in regard to the setting of transatlantic route tariffs. This Order has caused a great deal of concern and irritation to foreign governments.

At this time it is deemed essential that we have the total assistance of all foreign governments to support our position in regard to the air traffic controllers, by preventing unauthorized sympathy strikes and otherwise maintain the cooperation of foreign air traffic controllers. Thus, it is important that we negate this irritant and demonstrate our commitment to an international aviation system based on close government-to-government cooperation.

The attached letter from you to the Chairman and members of the CAB expresses a Presidential determination that it would be inconsistent with our foreign policy considerations to issue the Order at this time, and directs that the CAB suspend the effective date of its Order beyond September 15 and until resolution of the air traffic controllers situation.

Transportation, State and Justice recommend this action. Meese and Fielding concur.

WHITE HOUSE OFFICE OF RECORDS MANAGEMENT: Subject File

FILE TRANSFER
BY THE REAGAN LIBRARY STAFF

Previously filed: FRED FIELDING files on 8154
W PATLO

New file location: PE001 038189 W HOM SUBJECT FILE

Date of transfer: 10/18/94 CAS

original placed in PE001 038189
copy retained in FIELDING W PATLO
FILE

RECEIVED
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**WHITE HOUSE
 CORRESPONDENCE TRACKING WORKSHEET**

- O - OUTGOING
- H - INTERNAL
- I - INCOMING
 Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: John J. Wilson

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Prosecuting Poli for his
illegal conduct

ROUTE TO: Office/Agency (Staff Name)	ACTION		DISPOSITION	
	Action Code	Tracking Date YY/MM/DD	Type of Response Code	Completion Date YY/MM/DD
<u>CW Holland</u>	ORIGINATOR	<u>81108124</u>	<u>S</u>	<u>1 1</u>
	Referral Note:	<u>holding file - PA7CD</u>		
<u>CW AT II</u>	<u>D</u>	<u>81108126</u>	<u>C</u>	<u>81108127</u> DD
	Referral Note:			
<u>CW FIEL</u>	<u>S</u>	<u>81108127</u>	<u>FF A</u>	<u>81108127</u> DD
	Referral Note:			
		<u>1 1</u>		<u>1 1</u>
	Referral Note:			
		<u>1 1</u>		<u>1 1</u>
	Referral Note:			

- ACTION CODES:**
 A - Appropriate Action
 C - Comments
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 I - Info Copy/No Action Necessary
 R - Direct Reply w/Copy
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 S - Suspended

FOR OUTGOING CORRESPONDENCE:
 Type of Response = Initials of Signer
 Code = "A"
 Completion Date = Date of Outgoing

Comments: _____

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

RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: _____ Media: 2 Individual Codes: 4640 _____

Prime Subject Code: PE 001 _____ Secondary Subject Codes: CA 001 _____ JL _____
PE 009 _____ JL 007 _____
FA 024.22 _____

PRESIDENTIAL REPLY

Code	Date	Comment	Form
C	_____	Time: _____	P. _____
DSP	_____	Time: _____	Media: _____

SIGNATURE CODES:

- CPn - Presidential Correspondence
- n - 0 - Unknown
- n - 1 - Ronald Wilson Reagan
- n - 2 - Ronald Reagan
- n - 3 - Ron
- n - 4 - Dutch
- n - 5 - Ron Reagan
- n - 6 - Ronald
- n - 7 - Ronnie

- CLn - First Lady's Correspondence
- n - 1 - Nancy Reagan
- n - 2 - Nancy
- n - 3 -

- CBn - Presidential & First Lady's Correspondence
- n - 1 - Ronald Reagan - Nancy Reagan
- n - 2 - Ron - Nancy

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- P - Photo
- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study

THE WHITE HOUSE

WASHINGTON

038189

August 27, 1981

Dear Mr. Wilson:

Thank you for your letter of August 18, 1981, regarding the possibility of prosecuting Robert Poli, President of the Professional Air Traffic Controllers Organization. I have taken the liberty of forwarding it to the Attorney General for his consideration.

In view of the ongoing nature of PATCO's dispute with the Government, I am not in a position to comment on the substance of your suggestion. As you know, whether to seek an indictment is a matter of prosecutorial discretion vested in the Department of Justice.

With best regards.

Sincerely,

~~Orig.~~ signed by FFF

Fred F. Fielding
Counsel to the President

John J. Wilson, Esq.
Whiteford, Hart, Carmody & Wilson
1828 L Street, Northwest
Washington, D.C. 20036

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

August 27, 1981

MEMORANDUM FOR FRED F. FIELDING

FROM: D. EDWARD WILSON, JR. *DEW*

SUBJECT: John J. Wilson

Should the reply to a letter such as Mr. Wilson's be checked with the Department of Justice? If so, please advise.

MEMORANDUM

THE WHITE HOUSE
WASHINGTON
August 27, 1981

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Counsel to the President

John J. Wilson, Esq.
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Washington, D.C. 20036

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	Referral Note:	<u>1 1</u>		<u>1 1</u>
	Referral Note:	<u>1 1</u>		<u>1 1</u>
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19 AUG 1981

LAW OFFICES

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1828 L STREET, NORTHWEST

WASHINGTON, D. C. 20036

(202) 466-3930

CABLE WHITEHART

August 18, 1981

ROGER J. WHITEFORD 1886-1965
RINGGOLD HART 1886-1965
JOHN J. CARMODY 1901-1972

COUNSEL
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HARRY L. RYAN, JR. **
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MICHAELA MUDRE TWOMEY **
ANNE GALLAGHER COLLINS *

*ALSO ADMITTED IN MARYLAND
**ALSO ADMITTED IN VIRGINIA

Mr. Fred Fielding
Counsel, The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20005

Dear Mr. Fielding:

Many people are asking why the Administration does not prosecute Poli for his illegal conduct. He and members of the PATCO Union could be indicted for a conspiracy to defraud the United States under 18 U.S.C. 371.

As early as HAAS v. HENKEL, (1909) 216 U.S. 462, the Supreme Court said:

"The statute is broad enough in its terms to include any conspriacy for the purposes of impairing, obstructing, or defeating the lawful functions of any department of government."

For later cases in the Supreme Court, see DENNIS v. U.S., 384 U.S. 855 (1966), and U.S. v. JOHNSON 383 U.S. 169 (1966).

If ever there was a perfect case under this statute, it is the instant one. In the eyes of the average citizen Poli is the chief instigator. For a conspiracy, one or more Local officials could easily be joined with him. The Administration is permitting Poli to "shoot his mouth off" at will in defiance of lawful authority. I can't imagine why the Government is holding back.

You know that I have had considerable experience in the criminal law, both as a prosecutor and as a defense

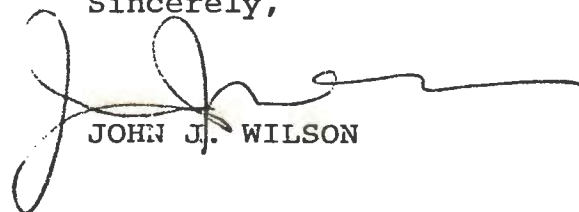
WHITEFORD, HART, CARMODY & WILSON

Mr. Fred Fielding
August 18, 1981
Page 2

-- attorney. Many times have I considered the scope of this statute. I cannot help but feel a reluctance on the part of the Administration to prosecute Poli. Why?

Kindest personal regards.

Sincerely,

A handwritten signature in cursive script, appearing to read "John J. Wilson", written in black ink. The signature is fluid and somewhat stylized, with a long horizontal stroke at the end.

JOHN J. WILSON

JJW:hie

THE WHITE HOUSE
WASHINGTON

August 14, 1981

SENSITIVE

MEMORANDUM FOR:

ED MEESE

FROM:

FRED F. FIELDING

ORIGINAL FILED
BY F.F.F.

SUBJECT:

PATCO

I do not necessarily agree with the necessity for any of this at this time, and certainly have some problems with some of the terms proposed in the attached.

However, I pass it on to you for whatever informational value it may be.

THE WHITE HOUSE

WASHINGTON

August 14, 1981

SENSITIVE

MEMORANDUM FOR THE FILE

FROM: FRED F. FIELDING

ORIGINAL SIGNED
BY F.F.F.

SUBJECT: PATCO - Proposed Resolution of Strike

Through an intermediary, I am advised that Lane Kirkland is allegedly receiving a great deal of pressure to take a position in support of "unionism", as it applies to the PATCO strike. He also notes the potential that the international controllers are uncontrollable and could force the President into an untenable position.

Asserting he wants to be of help, Kirkland would "deliver" and support the following proposal:

- 1) Poli and "other top national officers" would
 - a) resign,
 - b) admit the strike was illegal, and
 - c) admit that the rank and file had been misled by them.

Note: This would not include local union officers.

- 2) Administration would agree to offer rehire to all strikers.
 - a) This would not include Poli and "other top national officers"; it would also not include other isolated troublemakers (not clearly defined except that the local officers would not be excluded "en masse");
 - b) This would not preclude Administration from laying off or RIFing unneeded controllers;
 - c) Each rehired striker would sign a new oath (and presumably sign a statement acknowledging the legality of the oath);
 - d) Each rehired striker would assume his or her former seniority (presumably including bumping those who refused to strike, although this may be negotiated);
 - e) There is a possibility that Kirkland might agree that each rehire should pay a fine; and

- f) Each rehired striker would agree not to harass, etc. any who refused to join strike.
- 3) President will appoint someone, such as George Shultz, to conduct a "fact-finding" investigation into the strikers' grievances -- to make a report which is not binding, but merely the recommendations of the investigator.
- 4) Kirkland would issue or join in statement that
 - a) the law was constitutional,
 - b) the strike was illegal,
 - c) the President acted properly, and
 - d) this solution was clearly not amnesty, but a fair resolution because strikers had been misled.

19 AUG 1981

LAW OFFICES

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August 18, 1981

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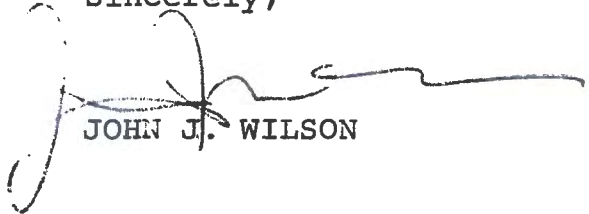
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Mr. Fred Fielding
August 18, 1981
Page 2

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Sincerely,

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JOHN J. WILSON

JJW:hie

July 14, 1981

TO: DAVID L. WRIGHT
MAX FRIEDERSDORF

FROM: FRED F. FIELDING

SUBJECT: PATCO

This will acknowledge receipt of and thank you for your materials from Representative Bob McEwen regarding the above.

In view of the fact that my former law firm was retained by Secretary Lewis to handle these negotiations for the United States at a period of time when I was still a partner in the firm, I have chosen to recuse myself from the matter. I don't think this recusal is required, but have done so to remove any potential appearance of conflict or favoritism.

Thus, I have forwarded this material to one of my deputies, Dick Hauser, for handling. Please direct all future correspondence on this subject to him.

Thank you.

cc: Dick Hauser
James Baker III
Edwin Meese

FFF:kt
Stored: B-2

back-up w/ Dick Hauser

File under
PATCO

Special Prosecutor Sought Over Union Endorsement

Associated Press

Four Democratic congressmen are asking that a special prosecutor be named to examine the circumstances surrounding the endorsement of Ronald Reagan by the air traffic controllers' union during last year's presidential campaign.

The request is based on the controllers' claim, made last week, that they endorsed Reagan after they were assured he would dismiss Langhorne Bond as head of the Federal Aviation Administration.

In a letter sent yesterday to Attorney General William French Smith, the four congressmen questioned whether such an assurance would violate federal law, which prohibits the deprivation of employment in exchange for political contributions or services.

The letter was signed by Reps. Allen E. Ertel (D-Pa.), Buddy Roemer (D-La.), Geraldine A. Ferraro (D-N.Y.) and Robert W. Edgar (D-Pa.).

Bond resigned on Inauguration Day, which was not considered unusual. He was a political appointee in the Carter

administration and had not been expected to remain at the post.

The union position on Bond's dismissal and other matters is contained in a letter dated Oct. 20, 1980, from an official of the Professional Air Traffic Controllers Organization (PATCO) to Michael Balzano, a member of the Reagan-Bush campaign staff.

The letter from the union's general counsel, Richard J. Leighton, was released by the House transportation subcommittee and said in part:

"If you or anyone else in the governor's campaign has second thoughts about any of the agreements set forth in this letter please respond immediately . . . so that the PATCO endorsement can be aborted before anyone suffers any embarrassment."

Leighton told the subcommittee June 20 that PATCO received no written response, but did get verbal assurances from the Reagan camp that Reagan would go along with Bond's dismissal. Reservations were expressed about some other parts of the letter, he said.

PRESERVATION COPY

THE WHITE HOUSE

WASHINGTON

June 23, 1981

MEMORANDUM FOR: EDWIN MEESE, III
FROM: FRED F. FIELDING
SUBJECT: PATCO

I assume you wish to keep this in your
Transition files.

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

2 JUN 1981

June 20, 1981

FOR: FRED FIELDING, COUNSEL TO THE PRESIDENT

THRU: MAX FRIEDERSDORF, ASSISTANT TO THE PRESIDENT
FOR LEGISLATIVE AFFAIRS *see. 6.*
KENNETH M. DUBERSTEIN, DEPUTY ASSISTANT TO *Ken D.*
THE PRESIDENT FOR LEGISLATIVE
AFFAIRS

FROM: DAVID L. WRIGHT, SPECIAL ASSISTANT FOR *dw*
LEGISLATIVE AFFAIRS

SUBJECT: Letter From Richard J. Leighton to Michael
Balzano, Dated October 20, 1980,
Regarding the Professional Air
Traffic Controllers Organization
(PATCO) Endorsement of the
President

The attached letter was given to our office by Representative Bob McEwen (R-Ohio), who serves on the House panel which has been conducting oversight hearings on the air traffic controller issue. According to McEwen, reference has been made to the letter during the hearings. The letter is being forwarded to you for information and follow-up, as appropriate.

RICHARD J. LEIGHTON
KENNETH E. CONKLIN
MICHAEL R. LEMOV
JERALD A. JACOBS
JEREMIAH S. BUCKLEY
RONALD D. COLEMAN
LYNDA S. ZENGERLE
GARY ETHAN KLEIN
RICHARD F. MANN
JULIE HUNT BLAIR
RONALD M. STRONG
WALTER B. MCCORMICK, JR.
SCOTT O. ANDERSEN
DON ROBERT LONGANO

OF COUNSEL
WILLIAM R. NOBLE
ROBERT E. STEIN

LAW OFFICES
LEIGHTON CONKLIN LEMOV AND JACOBS
CHARTERED

2033 M STREET, NORTHWEST
WASHINGTON, D. C. 20036

TELEPHONE: (202) 785-4800

CABLE: LECON

INTLX: 197622

WUD 89659

October 20, 1980

Michael Balzano, Ph.D.
Reagan-Bush Campaign Headquarters
901 South Highland Street
Arlington, Virginia 22204

Dear Mike:

This is the letter of understanding that I read to you relating to the endorsement of Governor Ronald Reagan by the Professional Air Traffic Controllers Organization.

If you or anyone else in the Governor's campaign has second thoughts about any of the agreements set forth in this letter, please respond immediately by certified mail or by telegram to me, so that the PATCO endorsement can be aborted before anyone suffers any embarrassment.

PATCO, through its President, Robert E. Poli, has agreed that it will endorse Governor Reagan for President of the United States. This will be done because PATCO believes that the Governor, more than any other candidate, has a better understanding of the needs of the flying public and air traffic controllers who provide service to that public.

As evidence of that understanding, Governor Reagan, through you, Bob Garrick and other agents, has agreed that the following will take place after the Governor is elected to the Presidency:

1. The present Administrator of the Federal Aviation Administration will be replaced by a competent administrator.
2. PATCO will play a role in the process for replacing the FAA Administrator, and that role shall include the following:

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- a. A reasonable opportunity to recommend nominees for the FAA Administrator's position.
 - b. Serious consideration of such PATCO recommendations by those in the Reagan Administration who will be selecting the FAA nominee.
 - c. A reasonable opportunity to review and comment on the final choice(s) for FAA Administrator, prior to a commitment being made to nominate any particular person to the job.
 - d. Rejection by the Reagan Administration of any such final choice for FAA Administrator, if PATCO notifies the selectors that such choice is totally objectionable to PATCO.
3. The Reagan Administration will commit itself to improving air traffic control by taking actions to assure that outdated air traffic control equipment is replaced as soon as feasible.
 4. The Reagan Administration will support legislation designed to reduce the hours of work of air traffic controllers (but not their annual salaries) if PATCO can demonstrate that such a reduction is needed to assure safety to the flying public and to air traffic controllers.
 5. The Reagan Administration will commit itself to fully staffing air traffic control positions at air traffic terminals and en route centers on the grounds that understaffed facilities present a danger to the flying public.
 6. The Reagan Administration will give PATCO a reasonable opportunity to advocate PATCO's position to appropriate members of the Reagan Administration with respect to any proposed legislation directly affecting air traffic controllers, prior to the Reagan Administration taking a position on that legislation. This proposed legislation may include proposals to --

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- a. Increase pay of air traffic controllers;
 - b. Give air traffic controllers stronger negotiating rights in collective bargaining equal to or in excess of those enjoyed by postal workers, and
 - c. Give air traffic controllers the right to strike in certain circumstances.
7. The Reagan Administration will recognize that air traffic controllers are unique among government workers, and because of the existing significant problems in the air traffic control system, the working conditions of air traffic controllers are deserving of priority review.

Sincerely,

LEIGHTON CONKLIN LEMOV AND JACOBS

Richard J. Leighton
General Counsel
Professional Air Traffic Controllers
Organization

Copy: Robert E. Poli

(Dictated to Mrs. Balzano. Mike Balzano acknowledged that it was typed and on October 23, 1980 stated that he would put it in the Reagan file on PATCO, unsigned.)

THE WHITE HOUSE
WASHINGTON

(F)

January 7, 1982

MEMORANDUM FOR FRED F. FIELDING

FROM:

J. MICHAEL LUTTIG *J. M. L.*

SUBJECT:

Postal Service Hiring of PATCO Employees

On December 9, 1981, in a memorandum to the Director of the Office of Personnel Management, the President directed OPM to "perform suitability determinations with respect to all such applicants [former PATCO members terminated because of their strike against the federal government] according to established standards and procedures under 5 CFR, Part 731."

Title 39, § 410 describes the application of other federal laws to the Postal Service. Section 410(b), in relevant part, provides that Title 5, Chapter 73, generally shall apply to the Postal Service, but that no regulation issued pursuant to the Chapter shall apply, unless expressly made applicable. Part 731 was formulated in part under the authority of Title 5, Section 7301 of the United States Code. The regulations in Title 5, Part 731, however, are not expressly made applicable to the Postal Service. Thus, by the terms of 39 U.S.C. § 410(b), the Postal Service is not bound by Part 731. It is therefore technically immune from the President's December 9 directive.

The above interpretation is consistent with that adopted by the Office of Personnel Management, although this position has not been articulated publicly. The Office did not forward to the Postal Service, for instance, its January 6, 1981 Federal Personnel Manual Bulletin 731-6 to all agencies considering the appointment or reinstatement of persons previously employed by the federal government as air traffic controllers.

It is my understanding that statutes applicable to such agencies and departments as the FBI, CIA, and Secret Service also, by their terms, exempt those organizations from certain regulations.