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Collection: Roberts, John G.: Files
Folder Title: JGR/Bicentennial of the Constitution
(3 of 5)
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THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

July 16, 1985

The President today announced his intention to appoint E.V. Hill to be a Member of the Commission on the Bicentennial of the United States Constitution. This is a new position.

Reverend Hill is pastor of Mount Zion Missionary Baptist Church of Los Angeles. He was a Member of the Private Sector Initiatives Task Force in 1982.

He graduated from Prairie View College (B.S., 1955). He was born November 11, 1933 in Columbus, Texas and now resides in Los Angeles.

#

THE WHITE HOUSE

WASHINGTON

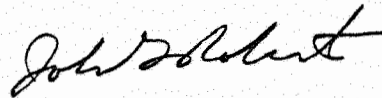
July 17, 1985

Dear Mr. Douglas:

Some time ago you wrote the Counsel to the President, volunteering your services in connection with the activities of the Commission on the Bicentennial of the Constitution. The President recently announced the appointment of the members of the Commission, and designated the Chief Justice as the Chairman. I enclose for your information a copy of this announcement.

I recommend that you contact Dr. Mark Cannon, Administrative Assistant to the Chief Justice, concerning your interest in the activities of the Commission.

Sincerely,



John G. Roberts
Associate Counsel to the President

Mr. Richard J. Douglas
7625 Moccasin Lane, Box 8
Rockville, MD 20855

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

JK

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

Name of Correspondent: Richard Douglas

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

Subject: wants to volunteer on the Constitution Bicentennial Commission

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CUMOLL</u>		<u>ORIGINATOR</u>	<u>85.04.29</u>			<u>1 1</u>
		Referral Note:				
<u>CUAT 18</u>		<u>R</u>	<u>85.04.30</u>		<u>S</u>	<u>85.05.10</u>
		Referral Note:				
			<u>1 1</u>			<u>1 1</u>
		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 - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet
to be used as Enclosure
- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
 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.

312859CU

April 26, 1985

Richard J. Douglas
7625 Moccasin Lane, Box 8
Rockville, Md. 20855

The Honorable Fred F. Fielding
Counsel to the President
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

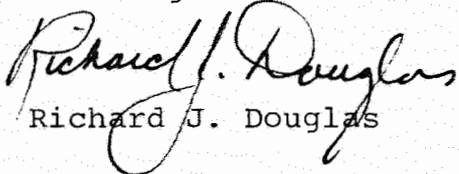
Dear Mr. Fielding:

The article published recently in the Washington Post regarding the Constitutional Bicentennial Commission prompted me to direct this inquiry to your office. I am a recent law school graduate, awaiting the results of the Maryland Bar Exam, and am employed by a trade association here in Washington. I am interested in becoming involved with the activities of the Commission, and thought your office would be a good place to start.

I would like to volunteer my services for any aspect of the planned activities, be it stuffing envelopes, hanging posters, etc. I would just like to be a part of things.

Any help you can provide in getting me in touch with the right person will be greatly appreciated. Thanks for your attention.

Best Regards,


Richard J. Douglas

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

July 26, 1985

The President today appointed Edward Moore Kennedy, United States Senator from the State of Massachusetts, upon the recommendation of the President pro tempore of the Senate, in consultation with the Majority Leader and Minority Leader of the Senate, to be a Member of the Commission on the Bicentennial of the United States Constitution. This is a new position.

#

THE WHITE HOUSE

WASHINGTON

August 5, 1985

Dear Senator Grassley:

Thank you for your recent letter recommending Russell I. Brown for a staff position on the Commission on the Bicentennial of the United States Constitution.

Public Law 98-101, which established the Commission, provides that the Commission shall appoint a staff director, and that the Commission may appoint and pay from public funds up to five additional persons, as the Chairman finds necessary. The Chairman is also authorized to appoint up to forty additional staff members to be paid out of private donations.

The President has designated Chief Justice Warren E. Burger as Chairman of the Commission. Since it is the responsibility of the Commission and the Chairman under Public Law 98-101 to appoint the staff of the Commission, I have forwarded your correspondence to the Chief Justice.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

The Honorable Charles E. Grassley
United States Senate
Washington, D.C. 20510

FFF:JGR:aea 8/5/85
bcc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

August 5, 1985

Dear Mr. Chief Justice:

Senator Grassley has written me with a recommendation for a staff position on the Commission on the Bicentennial of the United States Constitution. I have advised Senator Grassley that, pursuant to Public Law 98-101, appointing the staff is the responsibility of the Commission and the Chairman, and that I would accordingly refer his recommendation to you.

I do so without any views whatsoever on the Senator's candidate.

With best wishes,

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

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

Enclosure
FFF:JGR;aea 8/5/85
bcc: FFFielding
JGRoberts
Subj
Chron

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Counsel to the President

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With best wishes,

Sincerely,

Fred F. Fielding
Counsel to the President

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

FFF:JGR;aea 8/5/85
bcc: FFFielding
JGRoberts
Subj
Chron

35 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-3744

721 FEDERAL BUILDING
210 WALNUT STREET
DES MOINES, IA 50309
(515) 284-4890

206 FEDERAL BUILDING
101 1ST STREET S.E.
CEDAR RAPIDS, IA 52401
(319) 399-2555

103 FEDERAL COURTHOUSE BUILDING
320 6TH STREET
SIOUX CITY, IA 51101
(712) 233-3331

210 WATERLOO BUILDING
531 COMMERCIAL STREET
WATERLOO, IA 50701
(319) 232-6657

116 FEDERAL BUILDING
131 E. 4TH STREET
DAVENPORT, IA 52801
(319) 322-4331

United States Senate

CHARLES E. GRASSLEY

July 18, 1985

Mr. Fred Fielding
The White House
Washington, D.C. 20500

Dear Mr. Fielding:

As a member of the Subcommittee on Constitution and as Chairman of the Subcommittee on Administrative Practice and Procedure, I am writing to you to request the appointment Mr. Russell I. Brown to a staff position on the Commission on the Bicentennial of the Constitution.

Mr. Brown has my highest support and respect for this appointment. I believe he possesses the experience and qualities to help make this event a memorable one for our nation. He has formulated many programs and ideas that could be especially meaningful to the work of this Commission, and I would urge you appoint him to this position.

I believe the commemoration of this time in our nation's history can be important to keeping alive the spirit of this country, and it my sincere hope that the unique talents of Russ Brown can be utilized in this manner.

Thank you for your help.

*This is one
I'd really
like to have!*

CEG/clm

Sincerely,

Chuck
Charles E. Grassley
United States Senator

Committee Assignments:

- BUDGET
- FINANCE
- JUDICIARY
- LABOR AND HUMAN RESOURCES
- SPECIAL COMMITTEE ON AGING

THE WHITE HOUSE

WASHINGTON

August 16, 1985

MEMORANDUM FOR RICHARD A. HAUSER

FROM:

JOHN G. ROBERTS, JR. 

SUBJECT:

Applicability of the Federal Advisory
Committee Act to the Commission on the
Bicentennial of the U.S. Constitution

A question has been raised on the applicability of the Federal Advisory Committee Act (FACA), 5 U.S.C. App., to the Commission on the Bicentennial of the U.S. Constitution, established by Public Law 98-101. The Commission has not conducted its meetings in compliance with FACA, and some have contended that the various FACA requirements -- particularly open meetings -- must be observed.

After reviewing FACA, Public Law 98-101, the legislative history of Public Law 98-101, and numerous court decisions on the definition of an advisory committee under FACA, I cannot definitively conclude whether or not the Commission is subject to FACA. This is largely due to the unusual composition of the Commission itself, and its uncertain stature within the Government. The uncertainty of the applicability of FACA to the Commission is simply a chicken coming home to roost, given the constitutionally dubious genesis of the Commission itself.

FACA defines an "advisory committee," in pertinent part, as "any ... commission ... which is established by statute ... in the interest of obtaining advice or recommendations for the President or one or more agencies or offices of the Federal Government...." 5 U.S.C. App. § 3(2). The Commission was established by statute, and one of its duties is to submit "to the President ... a comprehensive report incorporating specific recommendations ... for commemoration and coordination of the bicentennial and related activities." Public Law 98-101, § 6(e).

On the other hand, the Commission has various functions other than advising the President. The Commission is itself to plan and develop activities to commemorate the bicentennial, § 6(a), not simply offer advice on such observances. It is authorized to accept gifts, issue certain regulations, and use the mails as if it were a Federal agency. It has its own appropriation, hires its own staff, and is in charge of its own procurement.

In sum, the Commission is in many respects an independent, self-sufficient establishment. It is not explicitly established "in the Executive branch," and, of course, its Chairman and several of its

members belong to the other branches. It cannot be said that its chief purpose is to provide advice to the President or Executive branch. Yet FACA presupposes that this is the chief purpose of any advisory committee, and the various procedural requirements of FACA were drafted with this in mind.

For example, FACA provides that advisory committee meetings must be open to the public unless closed by the President or the head of the agency to which the committee reports. 5 U.S.C. App. § 10(d). The Commission does not report to an agency, and while it is required to submit a report to the President, this is a relatively minor part of its duties.

Another inconsistency between FACA and the Commission enabling legislation concerns staff pay. FACA prohibits paying staff at a rate in excess of GS-18, 5 U.S.C. App. § 7(d), but the Commission staff director may be paid up to Level I, Public Law 98-101, § 5(a).

I think our office should avoid becoming involved in this dispute, for institutional reasons. The more we argue that the Commission is not purely advisory, and therefore not subject to FACA, the clearer the constitutional infirmities of the Commission become. There would be no constitutional problems if the Commission were purely advisory, but then it would obviously be subject to FACA. In addition, it is not clear to me that we have any executive control over the Commission, and we should not get into the business of issuing legal guidance that might be considered gratuitous and ignored.

THE WHITE HOUSE

WASHINGTON

August 29, 1985

MEMORANDUM FOR DIANNA G. HOLLAND

FROM:

JOHN G. ROBERTS 

SUBJECT:

Appointment of William Lucas to the
Commission on the Bicentennial of
the U.S. Constitution

I have reviewed the Personal Data Statement submitted by William Lucas in connection with his prospective appointment to the Bicentennial Commission, and have no objection to proceeding with that appointment. The Commission was established by Public Law 98-101. It consists of 23 members, including 20 appointed by the President, twelve on the recommendation of other officials and eight unrestricted. Lucas falls in the unrestricted category.

Lucas is Wayne County Executive, the CEO of the third largest county in the United States. A black, Lucas recently was the subject of considerable attention for shifting from the Democratic to Republican Party. His financial holdings are in a blind trust. His PDS reveals a minor dispute with the IRS that is reportedly nearing resolution and should present no bar to this appointment.

Attachment

SUGGESTED TALKING POINTS FOR MEETING WITH
THE CHIEF JUSTICE, CHAIRMAN
COMMISSION ON THE BICENTENNIAL OF THE CONSTITUTION

- Thank you very much for this first report of the Commission on the Bicentennial of the U.S. Constitution. By law this is not due until September 29. I'm surprised enough when anything is on time in Government, let alone early. The Commission chairman must crack a sharp whip. Seriously, I am pleased that the group of distinguished Americans serving on the Commission has gotten off to such a fast start.
- It is of course fitting to do this today, the 198th anniversary of the signing of the Constitution in Philadelphia's Independence Hall. Greater statesmen than I have, over the generations, sung the praises of the Constitution, and nothing I can say can add much to the luster it has acquired over the past 198 years. The Constitution has, quite simply, done what the Framers intended it to do: it has permitted us to govern ourselves. That was rare in 1787; it is still rare today.
- One thing that has struck me is how frequently we see revolutions betrayed. People rise up and cast off oppressive rulers only to have them replaced soon thereafter by new oppressors. Our revolution was

different, because it was shortly followed by the Constitution, which has served as a blueprint for freedom ever since.

- I know from personal experience that the Constitution works. The system of "checks and balances" we learn about in high school civics turns out to be very real. I know, I've been "checked" by the other branches a few times myself! If only the Framers had remembered to include a line-item veto...
- I know, Mr. Chief Justice, that you and all the members of the Commission share my view that this upcoming bicentennial is a very important occasion. It is an opportunity for all Americans to re-educate themselves about the Constitution and rededicate themselves to the principles it embodies.
- Your great predecessor John Marshall said "the people make the Constitution, and the people can unmake it." One way they can "unmake it" is by being ignorant of what it means and how it works. Too many have sacrificed too much for us to let that happen.
- Thank you again for this first report. I wish the Commission well in its work, which I know will steadily increase in intensity as the bicentennial approaches.

THE WHITE HOUSE
WASHINGTON

9/9/85

MEMORANDUM

TO: FRED FIELDING

FROM: FREDERICK J. RYAN, JR. *FJR*

SUBJECT: APPROVED PRESIDENTIAL ACTIVITY

MEETING: Receive Report from the Commission on
the Bicentennial of the Constitution

DATE: September 17, 1985

TIME: 1:15 pm

DURATION: 10 minutes

LOCATION: Oval Office

REMARKS REQUIRED: To be covered in briefing paper

MEDIA COVERAGE: Coordinate with Press Office

FIRST LADY
PARTICIPATION: No

NOTE: PROJECT OFFICER, SEE ATTACHED CHECKLIST

cc: K. Barun
P. Buchanan
D. Chew
E. Crispen
T. Dawson
B. Elliott
L. Faulkner
M. Friedersdorf
C. Fuller
W. Henkel
E. Hickey
C. Hicks
J. Hooley

A. Kingon
J. Kuhn
C. McCain
B. Oglesby
E. Rollins
J. Rosebush
R. Scouten
R. Shaddick
B. Shaddix
L. Speakes
WHCA Audio/Visual
WHCA Operations
N. Yates

THE WHITE HOUSE

WASHINGTON

TO: PROJECT OFFICERS
FROM: FREDERICK J. RYAN, JR. *FR*
SUBJECT: CHECKLIST FOR PRESIDENTIAL EVENTS

General Responsibilities

_____ The Presidential Advance Office has responsibility for all logistical arrangements for any event involving press coverage. Please coordinate with them from the time your event is approved in order to avoid the need for last-minute modification.

_____ Notify and clear all participants. (Full name, social security number, date of birth and place of birth).

_____ Prepare and submit briefing paper to David Chew's Office by 3:00 p.m. of the preceding day. (14 copies)

_____ Coordinate with James Kuhn (x2168) on Presidential involvement.

_____ Coordinate with the Press Office (x2100) regarding Press Coverage. Indicate hometowns of participants. No organizational photographers will be admitted to any event unless other press is present. Clearance of such photographers should be coordinated through the Press Office.

_____ If remarks are required, coordinate with the Speechwriters Office (x6266) well in advance.

_____ For Rose Garden events, clear and reserve a backup location in case of inclement weather.

_____ If participant plans to bring a gift, contact the White House Gift Unit (x7133), in advance, for review and proper procedure for handling.

_____ If any foreign visitor or dignitary is to be involved, please coordinate with William Martin of the NSC (x2224).

_____ If any Department of Defense or Military personnel are to be involved, please coordinate in advance with the White House Military Office (x2150).

_____ If press coverage is expected, please provide all pertinent information concerning this event (guests, scenario, backdrop, etc.,) to the Presidential Advance Office at least 72 hours prior to the event.

_____ Submit a complete, confirmed list of staff and attendees, identified by title, as well as the actual starting and completion times, to the President's Diarist, Office of Presidential Appointments and Scheduling (x7560) within five (5) days after the event.

_____ If tent name cards are needed, send a list of names to Social Secretary's office (x7064) at least 48 hours in advance.

_____ For West Wing Meetings all room arrangements (chairs, notepads, pencils, etc.) should be made through Carl Jones (x2275) or Nell Yates (x2605).

Residence Events

_____ Coordinate with the Social Secretary's office (x7064) for all arrangements.
_____ Send guest list to Social Secretary's office, preferably three weeks prior to the event.

Revised 7/85

Supreme Court of the United States
Washington, D. C. 20543

ADMINISTRATIVE ASSISTANT TO
THE CHIEF JUSTICE

APPROVED FOR

Date 9-17-8

Time 1:15 pm

Length 10 minutes - Oval Office September 3, 1985

Date 9-9-8

RECEIVED
1985
SCHEDULING
OFFICE

Frederick J. Ryan, Jr.
Director of Presidential
Appointments and Scheduling
182 Old Executive Office Building
Washington, D.C. 20500

RE: Presentation to the President of first report of the
Commission on the Bicentennial of the United States
Constitution.

Dear Mr. Ryan:

Pursuant to Ron Walker's discussion with you and your request for more details, we propose that the Chief Justice, acting in his capacity as Chairman of the Bicentennial Commission, present President Reagan with a copy of the first report of the Commission on September 17, 1985.

The statute requires that the preliminary report be presented by September 29, but the presentation of the report on the 17th will symbolize the determination of the President and the Commission to move ahead rapidly with the commemoration.

We would like to handle this in whatever way the President wishes. These are some thoughts in case they are helpful. The Chief Justice could present the report to the President and brief him on the Commission's concepts and objectives for five minutes in the oval office. The media could then enter for a photo opportunity of the presentation, possibly in front of the flags. A prepared statement could then be given by the President and the Chief Justice could leave the office and briefly answer questions by the press.

Alternatively, the Chief Justice could make a brief verbal presentation and the President make a brief verbal response before the press all moved out.

The presentation could take place anytime during the day, although a morning time might possibly receive more news coverage, because it could be played on Constitution Day.

In accord with your previous discussions, the Chief Justice alone would represent the Commission, bringing with him only the Commission Director (who would stay in the background) if that is satisfactory.

In accepting the report the President could, either orally or in writing give his endorsement of the Constitution and the cornucopia of benefits it has produced. The President could then announce his full support for the efforts of the Commission in making 1985-1989 the most meaningful commemoration of and education about the Constitution in our history.

This will help reverse the false allegations in the press that the President is not interested in the Constitution.

It would be helpful for the President to wind up his remarks with a statement of the following actions. These ideas were all discussed in detail by the Chief Justice and the President in April shortly before the President went to Germany.

- 1) Sending a memo to every cabinet member and agency head asking for appointment of a person at the Assistant Secretary level or above to direct the planning of commemorative activities about the Constitution appropriate to that agency. The Commission could draw on these representatives from time to time for ideas and assistance.
- 2) Designating a senior White House person as liaison to assist the Commission in its efforts to get a fast start. Since the statute contemplates that the Commission will be staffed heavily with persons detailed from federal agencies, a major function of this liaison person will be to assure that agencies carry out the President's and Congress's intent that they give substantial support to the Commission in many ways, including the detail of quality staff where needed.
- 3) Committing his personal support for the efforts of the Commission in stimulating nationwide support and activity by private organizations to educate their members and others about the Constitution, and in raising private funds as contemplated in the statute.

Should you desire background materials or any help on our part, please let us know.

Thank you for your assistance.

Sincerely,




Mark W. Cannon

cc: Ron Walker

THE WHITE HOUSE
WASHINGTON

September 4, 1985

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

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Request for Scheduling Presentation of
"Constitution of the U.S. Bicentennial
Flag" by Henry Fredette

You have asked this office if there are any legal restrictions you could cite in response to Henry Fredette's request to present a flag to the President in commemoration of the upcoming bicentennial of the Constitution. I assume you intend to decline the request.

There are no legal restrictions that would preclude the President from accepting the flag. Presumably the President would not want to accept the flag as a personal gift, but rather on behalf of the United States, in which case it would be turned over to GSA for possible inclusion in the Reagan Library.

You can advise Fredette of the existence of the Commission on the Bicentennial of the United States Constitution, established by Public Law 98-101 to plan and coordinate commemoration of the bicentennial. The Commission is chaired by the Chief Justice; Dr. Mark Cannon serves as Executive Director. Perhaps the rejection of Fredette's request would be softened if you told him to present his proposal to the Commission.

61002

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

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

Name of Correspondent: Fred Ryan

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

Subject: Request for scheduling Presentation of "Constitution of the US Bicentennial Flag" by Henry Fredette

ROUTE TO:		ACTION	DISPOSITION		
Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response Code	Completion Date YY/MM/DD
<u>WV</u>		ORIGINATOR	<u>85, 09, 20</u> <u>PT</u>		<u>1 1</u>
		Referral Note:			
<u>crat 18</u>		<u>R</u>	<u>85, 09, 10</u> <u>PT</u>	<u>S</u>	<u>85, 09, 13</u>
		Referral Note:			
			<u>1 1</u>		<u>1 1</u>
		Referral Note:			
			<u>1 1</u>		<u>1 1</u>
		Referral Note:			
			<u>1 1</u>		<u>1 1</u>
		Referral Note:			

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- A - Appropriate Action
 - C - Comment/Recommendation
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 - F - Furnish Fact Sheet to be used as Enclosure
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 - R - Direct Reply w/Copy
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 - X - Interim Reply
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 - B - Non-Special Referral
 - C - Completed
 - S - Suspended
- FOR OUTGOING CORRESPONDENCE:**
- Type of Response = Initials of Signer
 - Code = "A"
 - Completion Date = Date of Outgoing

Comments: Aug 16, 85 Henry A. Fredette submitting ltr to the President also attached

Keep this worksheet attached to the original incoming letter.
Send all routing updates to Central Reference (Room 75, OEOP).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

THE WHITE HOUSE
WASHINGTON

343939cu

MEMORANDUM

August 29, 1985

TO: FRED FIELDING

FROM: FREDERICK J. RYAN, JR., DIRECTOR
PRESIDENTIAL APPOINTMENTS AND SCHEDULING

SUBJ: REQUEST FOR SCHEDULING RECOMMENDATION

PLEASE PROVIDE YOUR RECOMMENDATION ON THE FOLLOWING
SCHEDULING REQUEST UNDER CONSIDERATION:

EVENT: Presentation of "Constitution of the United States Bicentennial
Flag" by Henry A. Fredette*

DATE: Between September 17 and October 17, 1985

LOCATION: The White House

BACKGROUND: See attached

* Are there any legal restrictions we can cite in our response?

YOUR RECOMMENDATION:

Accept _____ Regret _____ Surrogate _____ Message _____ Other _____
Priority _____
Routine _____

IF RECOMMENDATION IS TO ACCEPT, PLEASE CITE REASONS:

RESPONSE DUE September 6, 1985

TO JEAN APPLEBY JACKSON

Schedule
Sept 17 - Oct 17

Henry A. Fredette

HISTORIAN

150 MAIN STREET • FITCHBURG, MASSACHUSETTS 01420

TELEPHONE 617-345-4450

August 16, 1985

President Ronald Reagan
The White House
Washington, D.C. 20006

Dear President Reagan:

Enclosed is a copy of a letter that I recieved from Mr. Hobart Cawood, Superintendant of Independence National Historical Park inviting me to present to him my copywritten "CONSTITUTION of the UNITED STATES BI-CENTENNIAL flag" at Independence Hall.

This would be on September 17th which is the 198th anniversary of the signing of our Constitution.

President Reagan I would like to present to you a 3'x5' nylon Constitution flag with gold fringe which would be an auditorium flag which could be used in The White House between now and the celebration in 1987.

After my visit to Philadelphia on September 17th I would be able to go to Washington within the next 30 days. and make a presentation to you Mr. President.

Looking forward to hearing from you soon, I remain

Respectfully Yours

Henry A. Fredette
Henry A. Fredette



United States Department of the Interior

NATIONAL PARK SERVICE

INDEPENDENCE NATIONAL HISTORICAL PARK

311-313 WALNUT STREET
PHILADELPHIA, PA. 19106

IN REPLY REFER TO:

August 6, 1985

A8227(INDE)

Mr. Henry A. Fredette
150 Main Street
Fitchburg, Massachusetts 01420

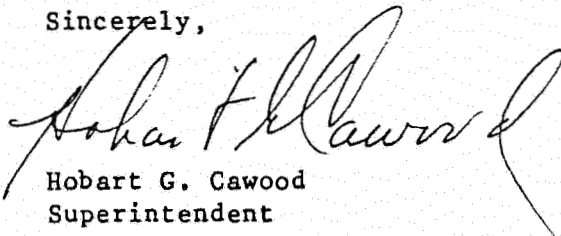
Dear Mr. Fredette:

It was a pleasant surprise to hear from you after so long a time. I was not in the least surprised that you are still up to your old habit of designing flags.

I would be pleased to be the recipient of one of your new bicentennial of the U.S. Constitution flags, although as yet, I do not know how I will use it. I will be fairly busy on September 17, 1985, however, I am sure we can find the time to get together. I will have the Director of the National Park Service here on that day so you may wish to make the presentation at approximately 12:30PM at our Reception Room in the West Wing of Independence Hall.

I look forward to seeing you soon.

Sincerely,



Hobart G. Cawood
Superintendent



A National Celebration in Philadelphia of the United States Constitution, 1987

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

September 9, 1985

The President today announced his intention to appoint William Lucas to be a Member of the Commission on the Bicentennial of the United States Constitution. This is a new position.

He was elected Wayne County (Michigan) Executive in 1982 and took office in January 1983. Previously, he served in Wayne County as Sheriff (1969-1983) and Undersheriff (1968-1969). Prior to that time, he was a Special Agent for the Federal Bureau of Investigation in Washington, D.C., Cincinnati and Detroit.

Mr. Lucas graduated from Manhattan College (B.A., 1952) and Fordham Law School (J.D., 1961). He is married, has five children and resides in Detroit, Michigan. He was born January 5, 1928 in New York City.

#

PUBLIC CITIZEN LITIGATION GROUP

SUITE 700

2000 P STREET, N. W.

WASHINGTON, D. C. 20036

(202) 785-3704

*Bicentennial of
the US Const,*

HAND DELIVERED

September 23, 1985

Honorable Mark W. Cannon, Director
Commission on the Bicentennial of
the United States Constitution
United States Supreme Court
One First Street, NE
Washington, D.C. 20543

Dear Dr. Cannon:

I am writing you on behalf of Public Citizen, a non-profit public interest organization headquartered in the District of Columbia, concerning the operations of the Commission on the Bicentennial of the United States Constitution (the "Commission"). I have reviewed the enabling legislation and familiarized myself with those activities of the Commission that have been made public to date. Based upon that review, I have reached the conclusion that the Commission is a Federal Advisory Committee, as defined in section 3(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I ("FACA"), because it was both established by statute and is being utilized by the President and/or one or more federal agencies in the interest of obtaining advice and/or recommendations. Therefore, it is required to comply with the dictates of FACA -- principally by opening its meetings to the public -- and to make its records generally available to the public under the Freedom of Information Act, 5 U.S.C. § 552 (the "FOIA").

Accordingly, on behalf of Public Citizen, I hereby request that the Commission immediately begin providing reasonable advance notice of its meetings, including publication in the Federal Register of the date of all its meetings, and that all future meetings of the Commission be open to the public, unless closing them is specifically authorized pursuant to section 10(d) of FACA. I also request, pursuant to the FOIA, that Public Citizen be provided access to copies of all documents furnished to Commission members or otherwise discussed in connection with the Commission's two previously closed meetings.

It is our understanding that the Commission's next scheduled meeting is in November, and that the Commission intends to close that meeting to the public. Accordingly, unless we are advised

by the close of business on October 8, 1985, that the November meeting of the Commission will be open to the public, we shall consider this request to be denied and shall proceed accordingly.

Respectfully yours,

Alan B. Morrison
Counsel to Public Citizen

ABM/sm

THE WHITE HOUSE

WASHINGTON

September 23, 1985

Dear Miss Hahn:

Thank you for your letter of September 9 to the President, and the accompanying enclosures. In your letter you suggested that the Sunday or Saturday of Constitution Week should be designated for commemoration and celebration of the Constitution.

As you know, Congress has designated September 17 of each year as Citizenship Day, and has designated the week of September 17-23 of each year as Constitution Week, both in honor of the Constitution. I am enclosing for your information a copy of the proclamation issued by President Reagan, proclaiming Citizenship Day and Constitution Week for 1985.

It is our hope that the coming bicentennial of the Constitution will cause all Americans to reflect on our national blueprint for freedom, and the values it embodies. Perhaps this 200th anniversary of the signing of the Constitution in Philadelphia's Independence Hall will provide the impetus to make Citizenship Day and Constitution Week more widely observed by the public.

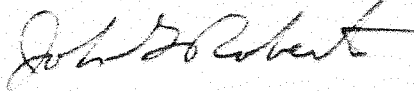
Some of the President's views on the bicentennial and the Constitution may be found in an article he wrote for the Fall 1984 edition of National Forum. In light of your interest in the Constitution, I am enclosing a copy of that issue, which was devoted entirely to the Constitution and the upcoming bicentennial celebration.

I should also make you aware that Congress has established a Commission on the Bicentennial of the U.S. Constitution, to coordinate the national celebration. The President has designated the Chief Justice to serve as Chairman of the Commission.

- 2 -

Thank you for sharing your views on the Constitution with us. We appreciate the time and effort you have taken.

Sincerely,

A handwritten signature in cursive script, appearing to read "John G. Roberts".

John G. Roberts
Associate Counsel to the President

Miss Theora Pierce Hahn
44 Flint Avenue
Larchmont, NY 10538

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

HO 017
JR - [unclear]

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: Sheara Hahn

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

Subject: Request to designate the Sunday or Saturday of Constitution week for celebration and commemoration of the birthday of our Constitution

ROUTE TO:	ACTION	DISPOSITION
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD, Type of Response, Completion Date YY/MM/DD
<u>CU/MLL</u>	ORIGINATOR	<u>85,09,12</u>
<u>CU/MLL 18</u>	Referral Note: <u>R</u>	<u>85,09,13</u> TR <u>S 85109123TR</u>
	Referral Note:	<u>1 1</u>
	Referral Note:	<u>1 1</u>
	Referral Note:	<u>1 1</u>

ACTION CODES:

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure
- I - Info Copy Only/No Action Necessary
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- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: See ID 096182 - fji

Keep this worksheet attached to the original incoming letter.
Send all routing updates to Central Reference (Room 75, OEOP).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

44 Flint Avenue
Larchmont, NY 10538

September 9, 1985

President Ronald Reagan
The White House
Washington, DC 20500

345526 *u*

Dear Mr. President:

Our Declaration of Independence is celebrated on July Fourth, and our Flag is honored on Flag Day, but our Constitution is not commemorated in any comparable way. What attention our Constitution receives is often for selfish purposes. Although Constitution Week and Citizenship Day were designated by an Act of Congress and annual Presidential Proclamations, most of the media fail to print the latter or acknowledge the former in any way. George Washington said of our Constitution: "It is little short of a miracle; it is provided with more checks and barriers against tyranny than any government hitherto instituted among mortals." Yet two years before the Bicentennial of this remarkable Document it seems incredible that most Americans are not aware of the significance of September 17th. Surely we Americans can render a more fitting tribute to this birthday of our Constitution!

I can understand that there are economic problems in creating national holidays, especially on a weekday. However, no individuals or groups presently honored are more deserving of special tribute than this Charter of Freedom. Mothers, fathers, and grandparents are rightly honored on their Sundays. At the very least, we should designate the Sunday or Saturday of Constitution Week (or both) for commemoration and celebration of this Guarantee of our Freedoms and the privilege of American citizenship. We owe this to our remarkable Founders and Patriots, and it should be established before the Bicentennial in 1987. This is non-partisan — a cause in which all Americans can unite. However, with my lifelong admiration for you, Mr. President, I do hope you will be the one to establish the annual commemoration of this tremendous and miraculous event from our American Heritage, which has influenced the world. In this Land of "Justice for all" let us give justice to this Document of Justice and shine a beacon light on our Beacon Light. This Foundation of our Freedoms is the channel through which our "Blessings of Liberty" flow.

Thank you for restoring a spirit of patriotism so urgently needed, and for the wonderful achievements under your Administration. Your vision, valiant courage, and spiritual strength continue to inspire millions of our citizens and others around the world. My daily prayers continue with countless others for Divine Guidance and His Healing Light for you and our gracious First Lady and family. In the words of our Declaration of Independence: "with a firm reliance on the protection of Divine Providence" may God bless you and all who are a part of your dedicated service to America.

Gratefully and with loving wishes to you both,

Theora Pierce Hahn
(Miss) Theora Pierce Hahn

P.S. Enclosed are some quotations of famous Americans which I promised to add to those of a similar letter of Aug. 17, 1982. A responsive phone call (from Faith Whittlesey) and letter, and a copy of your Proclamation were deeply appreciated.

QUOTATIONS FROM FOUNDERS & OTHER FAMOUS AMERICANS
(Addenda to letter of September 9, 1985, by Theora Pierce Hahn)

THOMAS PAINE (in The American Crisis): "What we obtain too cheap we esteem too lightly. Heaven knows how to put a proper price upon its goods, and it would be strange, indeed, if so Celestial an article as Freedom should not be highly rated."

"A Constitution is not the act of a Government, but of a People constituting a Government, and Government without a Constitution is Power without a Right."

JOHN ADAMS: "Posterity! You will never know how much it cost the present generation to preserve your freedom! I hope you will make good use of it. If you do not, I shall repent it in Heaven that I ever took half the pains to preserve it."

ABIGAIL ADAMS: "I know America is capable of anything she undertakes with spirit and vigor."

GEORGE MASON: "Taking a retrospective view of what is past, we seem to have been treading on enchanted ground."

BEN FRANKLIN (on the Constitution): "When you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble all their prejudices, passions, errors of opinion, local interests, and their selfish views. From such an assembly can a perfect production be expected? It therefore astonishes me, Sir, to find this System approaching so near to perfection as it does."

THOMAS JEFFERSON: "Yes, we did produce a near perfect Republic, but will they keep it, or will they, in the enjoyment of plenty, lose the memory of freedom? Material abundance without character is the surest way to destruction!"

"How little do my countrymen know what precious blessings they are in possession of, and which no other people on earth enjoy."

"The God that gave us life gave us liberty. Can the liberties of a Nation be secure when we have removed a conviction that these liberties are the gift of God?"

"That government is best that governs least."

WOODROW WILSON: "Liberty has never come from the government— the history of liberty is the history of the limitation of government, not the increase of it."

GEORGE WASHINGTON: "There is nothing so likely to produce peace as to be well prepared to meet the enemy."

JOHN JAY (Chief Justice): "God governs the world, and we have only to do our duty wisely and leave the issue to Him."

BEN FRANKLIN: "To whom you betray your secret you sell your liberty."

DANIEL WEBSTER: "No man can suffer too much or fall too soon, if he suffer or fall in the defense of the liberties and Constitution of his country."

"It is the people's Constitution, the people's Government; made for the people; made by the people; and answerable to the people."

ABRAHAM LINCOLN: "In regard to the Great Book, I have only to say that it is the best gift which God has given to man."

DANIEL WEBSTER: "Hold on, my friends, to the Constitution of the United States of America and to the Republic for which it stands. Miracles do not cluster, and what has happened once in 6000 years may never happen again. Hold on to your Constitution, for if the American Constitution should fail, there will be anarchy throughout the world."

P.S. The N.Y. State Assemblyman for the 85th District, the Hon. John M. Perone, and N.Y. Senator, the Hon. Alfonse D'Amato, have been kind enough to direct this to your special attention, with my appreciation.

P.P.S. Larchmont (N.Y.) Bicentennial Art Projects

In December of 1975, it was a pleasure to present to our Chamber of Commerce an idea for a project to create the atmosphere of Williamsburg— to emphasize their arts, crafts, and skills of early American life— to honor their values of work and their spirit of achievement. In those days craftsmen were "fined for shoddy workmanship". The creation of something beautiful was more important than profit. A revival of that attitude would help our County today. Various Larchmont artists and craftsmen volunteered services, and by July (1976) sixty-six beautiful "Pictorial Identity" signs graced the commercial establishments in "Merchant's Square." Within this atmosphere, and before our "Colonial Fair," two art collections were displayed to commemorate Constitution Week. One of our committee, the extraordinary artist, Alton Tobey, loaned us many of his paintings on the Revolutionary period, originally painted for the "Golden Book Encyclopedia." As a member of the National Society of Mural Painters, Mr. Tobey (whose murals enhance the MacArthur Memorial) also arranged for an exhibit by this Society.

P.P.S. During these years of patriotic writing, I have collected many superb words of wisdom by Founders, past Presidents, and other Patriots. Recalling your excellent use of quotations in communications, I thought a few of these "verbal nuggets" listed below might be of special value to you with current issues pending. Americans need to hear these often forgotten yet timeless thoughts. If you would be interested in additional quotations, please let me know to whom I should send this material.

JEFFERSON: "The principle of spending money to be paid by posterity— under the name of funding— is but swindling futurity on a large scale."

D.WEBSTER: "God grants Liberty only to those who love it and are always ready to guard and defend it."

J. MONROE: "There is a price tag on human liberty— that price is the willingness to assume the responsibilities of being free men."

WASHINGTON: "To be prepared for war is one of the most effectual means of preserving peace."

B.FRANKLIN (declared in the crisis of the Constitutional Convention when problems seemed beyond solution): "I have lived, sir, a long time, and the longer I live, the more convincing proofs I see of this truth: that God governs in the affairs of men. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid? I therefore beg leave to move that henceforth prayers imploring the assistance of Heaven, and its blessings on our deliberations, be held in this Assembly every morning before we proceed to business, and that one or more of the clergy of this city be requested to officiate in that service."

JEFFERSON: "The republican is the only form of government which is not eternally at open and secret war with the rights of mankind."

B.FRANKLIN: "Liberty will last just as long as the desire for Liberty burns in the hearts of generations to follow as it burned in those who created it."

J.P.W.

THE WHITE HOUSE

WASHINGTON

October 15, 1985

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS 

SUBJECT: Applicability of the Federal Advisory
Committee Act to the Commission on the
Bicentennial of the U.S. Constitution

We have, as you know, been provided a copy of the Public Citizen complaint alleging that the Bicentennial Commission is subject to, and not complying with, the Federal Advisory Committee Act. A copy of my memorandum of August 16 on these questions is attached. As I noted in that memorandum, the questions are open to dispute, but I do not think it is a dispute we should enter. The Commission did not ask for our counsel before deciding to close its meetings, nor is it clear that it would consider itself bound by our -- or any Executive Branch -- legal advice. And, as I noted in my memorandum, we have a real conflict in defending the Commission, since the arguments we would make to defend the inapplicability of FACA would simply highlight the constitutional infirmities of the Commission itself.

JR002
JR

JV

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: Alan Morrison, Patti Daldman, David Hladick

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

Subject: Public Citizen v. Commission on the Bicentennial of the US Constitution

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CUT011</u>		<u>ORIGINATOR</u>	<u>85,10,10</u>			<u>1 1</u>
		Referral Note:				
<u>CUT 04</u>		<u>I</u>	<u>85110111</u>			<u>1 1</u>
		Referral Note:				
<u>CUAT 18</u>		<u>A/I</u>	<u>85110111</u>			<u>1 1</u>
		Referral Note:				
			<u>1 1</u>			<u>1 1</u>
		Referral Note:				
			<u>1 1</u>			<u>1 1</u>
		Referral Note:				

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FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
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.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

349267 *EW*

PUBLIC CITIZEN)
2000 P Street, N.W.)
Washington D.C. 20036)
(202) 293-9142)
Plaintiff,)
v.)
COMMISSION ON THE BICENTENNIAL)
OF THE UNITED STATES CONSTITUTION,)
734 Jackson Place, N.W.)
Washington D.C. 20503)
(202) USA-1787)
Defendant.)

Civil Action No.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. This action seeks declaratory and injunctive relief under the Federal Advisory Committee Act ("FACA"), 5 U.S.C. App. I, from defendant's refusal to provide reasonable advance notice of its meetings and to open its meetings to the public, and under both FACA and the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, from defendant's failure to provide plaintiff access to certain of its records that plaintiff requested.

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 5 U.S.C. § 552(a)(4)(B).

PARTIES

3. Plaintiff Public Citizen is a non-profit public interest organization which has been working since 1971 to increase government accountability. Plaintiff is interested in following the activities of defendant by attending its meetings and

reviewing its records.

4. Defendant Commission on the Bicentennial of the United States Constitution (the "Commission") was established by Public Law 98-101, 97 Stat. 719 (Sept. 29, 1983), for the purpose of advising the President on the commemoration of the bicentennial of the United States Constitution and on the coordination of bicentennial and related activities. Three of its members are designated in Public Law 98-101, twelve are appointed by the President from among recommendations made by the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Chief Justice of the United States, and the remaining eight are selected solely by the President.

FACTS

5. On July 29-30, 1985, the Commission held its first meeting. The Commission failed to provide reasonable advance notice of this meeting by either publishing a notice in the Federal Register or providing some other public notice designed to ensure that all interested persons would be notified of the meeting. The meeting was not open to the public, and interested persons were not permitted to attend the meeting.

6. On August 22-23, 1985, the Commission held its second meeting. The Commission again failed to provide reasonable advance notice of this meeting and did not open it to the public.

7. The Commission plans to hold its next meeting on November 24-25, 1985, but has not provided any public notice of this

meeting and does not intend to open this meeting to the public.

8. On September 23, 1985, plaintiff hand delivered a letter to defendant in which it requested that the Commission immediately begin providing reasonable advance notice of its meetings, and that all future meetings of the Commission be open to the public, unless closing is specifically authorized pursuant to section 10(d) of FACA. By letter dated October 10, 1985, defendant denied plaintiff's request, asserting that it is not a federal advisory committee and hence is not required to comply with FACA.

9. In its September 23 letter, plaintiff also requested that it be provided access under the FOIA to all documents furnished to Commission members or otherwise discussed in connection with the Commission's two previously closed meetings. In its October 10, 1985 response, defendant failed to comply with this request as well.

COUNT ONE

10. The Commission is a federal advisory committee as that term is defined in section 3(2) of FACA, because it was established by statute in the interest of obtaining advice and/or recommendations for the President and/or one or more federal agencies and is being utilized for that purpose.

11. Section 10(a) of FACA provides that advisory committees must furnish the public with reasonable notice of their meetings and must open those meetings to the public, except in the limited circumstances described in section 10(d) of FACA, none of

which is applicable to the Commission's meetings.

12. Plaintiff seeks, and continues to seek, to attend and observe these meetings, or to obtain transcripts of them, but has been prevented from doing so because of defendant's refusal to comply with the provisions of FACA. Unless the Court provides plaintiff the relief that it seeks, the Commission will continue to violate FACA by refusing to provide public notice of its meetings and refusing to open them to the public.

COUNT TWO

13. Section 10(b) of FACA, together with the FOIA, require advisory committees, such as the Commission, to make their records, transcripts, working papers, and other documents available for public inspection, with certain exceptions, none of which is applicable to these records.

14. More than ten working days have passed since defendant received plaintiff's request for the records described in paragraph 9, supra. In its October 10 response, defendant failed to provide plaintiff access to the requested documents within the time allowed by 5 U.S.C. § 552(a)(6), and hence plaintiff has exhausted its administrative remedies.

15. Unless the Court provides plaintiff the relief it seeks, the Commission will continue to deny plaintiff access to the requested records.

WHEREFORE, plaintiff prays that this Court enter an order:

(a) declaring that the Commission is a federal advisory committee within the meaning of section 3(2) of the Federal

Advisory Committee Act;

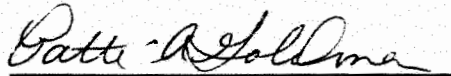
(b) preliminarily and permanently enjoining defendant from convening any further meetings without fully complying with the provisions of the Federal Advisory Committee Act, and specifically requiring defendant to: (1) open its meetings to the public except in the limited circumstances provided for in section 10(d) of the Federal Advisory Committee Act; and (2) provide reasonable advance public notice of all future meetings;

(c) directing defendant to grant plaintiff access to the records requested by it;

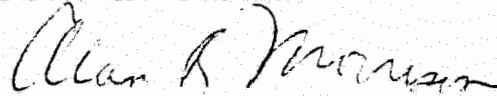
(d) awarding plaintiff its costs and disbursements, including reasonable attorneys' fees; and

(e) granting plaintiff such other and further relief as may be just and proper.

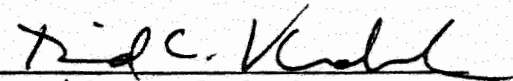
Respectfully submitted,



Patti A. Goldman*



Alan B. Morrison



David C. Vladeck

Public Citizen Litigation Group
Suite 700
2000 P Street, N.W.
Washington D.C. 20036
(202) 785-3704

Attorneys for Plaintiff

October 10, 1985

* Not admitted in the District of Columbia

John

THE WHITE HOUSE
WASHINGTON

October 17, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Certificates for Judicial and Legislative
Branch Members of the Bicentennial Commission

Attached is a prototype of certificates we could issue to the members of the judiciary and Congress who have been appointed to the Bicentennial Commission. The certificates are similar to those issued to appointees to quasi-governmental corporations, such as the Corporation for Public Broadcasting, Synfuels, and the Legal Services Board. The explicit reference to the statute may be helpful in distinguishing both past and future cases, and also incorporates by reference the peculiar appointment procedures of the statute (appointees chosen from recommendations submitted by the Chief Justice and the congressional leadership). I think this approach is a good compromise between a commission and either a letter or nothing.

Incidentally, the Chief Justice will not receive one of these, because the President did not appoint him to the Commission. The Chief was designated a member of the Commission by the statute itself.

Should we process these?

*Yes / ASAP /
to us for delivery to CJ.*

> 10/17

<u>NAME</u>	<u>POL.</u>	<u>STATE</u>	<u>DATE APPOINTED</u>	<u>TERM EXPIRES</u>
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COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION (23)

Chief Justice of the United States, or his designee; (CHAIRMAN - by ORDER)
 President pro tempore of the Senate, or his designee;
 Speaker of the House of Representatives, or his designee; and
Twenty appointed by the President:

Eight without recommendation:

Frederick K. Biebel	R	Conn.	7/3/85
Betty Southard Murphy	R	Va.	7/3/85
Phyllis Schlafly	R	Ill.	7/3/85
Bernard H. Siegan		Calif.	7/3/85
Ronald H. Walker	R	Md.	7/3/85
Charles Alan Wright	R	Texas	7/3/85
E. V. Hill (Mr.)	R	Calif.	7/23/85

Four from among the recommendations made by the Speaker of the House of Representatives (in consultation with the minority leader of the House of Representatives):

* Philip M. Crane, U.S. Representative from the State of	R	Ill.	6/25/85-Press Release
Lynne Anne Vincent Cheney	R	Wyo.	7/3/85
William Joseph Green	D	Pa.	7/3/85
Thomas Henry O'Connor	D	Mass.	7/3/85

Four from among the recommendations made by the President pro tempore of the Senate (in consultation with the majority leader and minority leader of the Senate):

* Theodore Fulton Stevens, U.S. Senator from the State of	R	Alaska	6/25/85-Press Release
Harry McKinley Lightsey, Jr.	I	S.Car.	7/3/85
Edward P. Morgan	D	Md.	7/3/85
* Edward Moore Kennedy, U.S. Senator from the State of	D	Mass.	7/26/85-Press Release

Four upon recommendation of the Chief Justice:

* Cornelia G. Kennedy, U.S. Circuit Judge for the Sixth Circuit		Mich	6/25/85-Press Release
* Charles E. Wiggins, U.S. Circuit Judge for the Ninth Circuit	R	Calif.	6/25/85-Press Release
Herbert Brownell	R	N.Y.	7/3/85
Obert Clark Tanner	I	Utah	7/3/85

THE WHITE HOUSE

WASHINGTON

October 21, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: KQED/ABA Bicentennial Project

You may recall that Fred Ryan's office asked for our views last summer on a request from the ABA and public television station KQED that the President videotape an introduction to the television series on the Constitution being produced by KQED and the ABA. By memorandum dated May 16, 1985, you supported the request. The producers of the series, according to Jean Jackson of Ryan's office, have now requested an interview with the President for the body of the program. Jackson has asked if we support that as well.

I think we should, for the same reasons detailed in our memorandum of May 16. The President is of course not a lawyer, and should not be expected to answer specific legal questions about the Constitution, but he has led the Second Branch and can provide interesting perspectives on the role of the Chief Executive.

Jackson's request for our views was raised informally; if you agree, I will tell her we have no objection to the President being interviewed for this series.

Attachment

THE WHITE HOUSE
WASHINGTON

June 25, 1985

MEMO FOR SHERRIE COOKSEY

FROM: JEAN JACKSON

If you can read through all the scribble on the attached, we have learned that this group does not need the the introduction until next January.

However, in finding that out, they mentioned that they would also like for the President to do an interview for the body of the program.

Do you support that request also?

THE WHITE HOUSE
WASHINGTON

May 16, 1985

RECEIVED

MAY 17 1985

SCHEDULING
OFFICE

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Videotape Message Regarding ABA and
Bicentennial of the U.S. Constitution

You have asked for my views on whether the President should tape an introduction to the planned comprehensive media project "We the People," jointly sponsored by public television station KQED, Inc., and the American Bar Association. "We the People," centering on eight 60-minute television programs, will explore the major themes of the Constitution in commemoration of the bicentennial of its drafting.

I have no legal objection to the President taping an introduction to the series, and recommend that he do so. It is my view that the President should be as closely identified as possible with the celebration of the bicentennial of the Constitution. Such identification is not only entirely appropriate as a general matter, but also provides an opportunity for the President to articulate his views on the Constitution and the system of government it established. The celebration of the bicentennial is likely to occasion spirited and broad discussion about the nature of our government, and the President should participate actively in that discussion.

The text of the President's introduction should focus on the Constitution itself and the bicentennial rather than the television programs. This office would be happy to participate in preparing the President's remarks.

*Tape in January an introduction
plus an interview for body of program*

*Sr. Producer: David Knard
Sr. Reporter: William Turner*

THE WHITE HOUSE

WASHINGTON

MEMORANDUM

May 13, 1985

TO: FRED FIELDING

FROM: FREDERICK J. RYAN, JR., DIRECTOR
PRESIDENTIAL APPOINTMENTS AND SCHEDULING

SUBJ: REQUEST FOR SCHEDULING RECOMMENDATION

PLEASE PROVIDE YOUR RECOMMENDATION ON THE FOLLOWING
SCHEDULING REQUEST UNDER CONSIDERATION:

EVENT: Video-tape message for a media project in connection with the
American Bar Association and the Bicentennial of the U.S.
Constitution.

DATE: ---

LOCATION: The White House

BACKGROUND: See attached

YOUR RECOMMENDATION:

Accept ___ Regret ___ Surrogate ___ Message ___ Other ___
Priority ___
Routine ___

IF RECOMMENDATION IS TO ACCEPT, PLEASE CITE REASONS:

RESPONSE DUE 5/16/85 TO JEAN APPLEBY JACKSON

THE WHITE HOUSE
WASHINGTON

Date: 5/4/85

TO: FRED RYAN

FROM: PAT BUCHANAN

- Action
- Comment
- Let's Discuss
- FYI

RECEIVED

SCHEDULING
OFFICE

For your appropriate action. I
have no recommendation one way or
the other.

Peter D. Hannaford
655 Fifteenth Street, N.W.
Washington, D.C. 20005
202/638-4600

April 22, 1985

The Honorable
Pat Buchanan
Assistant to the President
The White House
Washington, D.C. 20500

Dear Pat,

The enclosed material comes from Bob Daggett, a senior partner in Brobeck, Phleger & Harrison, a major San Francisco law firm, and a friend of long standing (he was best man in our wedding). He is working with the American Bar association on a media project in connection with the Bicentennial of the U.S. Constitution and is wondering if the President would be interested in taping an introduction. I pass it on as an amicus curiae. If there is interest in the project, I suggest you have someone contact him direct. His telephone number is 415/434-0900.

442-0900

Sincerely,

Beverly J.
OrNSTein-KGED
(415) 553-2260

PDH:aca

Enclosure

~~Full file: Hold for Presidential Commission~~
~~Director, Pat~~

Director of Current Affairs
500 8th ST
SF 94103

We the People

**A Comprehensive Audio Project
in Celebration of the Bicentennial
of the United States Constitution**

**A Joint Project of NQED, Inc.
and the American Bar Association**

John

THE WHITE HOUSE
WASHINGTON

file

October 21, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*
SUBJECT: KQED/ABA Bicentennial Project

You may recall that Fred Ryan's office asked for our views last summer on a request from the ABA and public television station KQED that the President videotape an introduction to the television series on the Constitution being produced by KQED and the ABA. By memorandum dated May 16, 1985, you supported the request. The producers of the series, according to Jean Jackson of Ryan's office, have now requested an interview with the President for the body of the program. Jackson has asked if we support that as well.

I think we should, for the same reasons detailed in our memorandum of May 16. The President is of course not a lawyer, and should not be expected to answer specific legal questions about the Constitution, but he has led the Second Branch and can provide interesting perspectives on the role of the Chief Executive.

Jackson's request for our views was raised informally; if you agree, I will tell her we have no objection to the President being interviewed for this series.

Attachment

*- Shouldn't we prep him?
- Can we negotiate for
rather 6 questions?*

X



Assistant Attorney General

Washington, D.C. 20530

OCT 21 1966

TO : Ralph W. Tarr
FROM: *RW* Richard K. Willard
RE : Public Citizen v. Commission on
the Bicentennial of the U.S.
Constitution (D.D.C.)

Attached is a memo on the status of
the Commission as it pertains to this
litigation. Please let me know if you
concur with our proposed position.

cc: Carolyn Kuhl (with enclosure)

bc: John Roberts
Assistant Counsel to
the President

Memorandum



OCT 15 1985

Subject Public Citizen v. Commission on the Bicentennial of the United States Constitution, USDC DDC	Date OCT 15 1985 DJA:CSorenson:baf Tel: 633-2809
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To Richard K. Willard
Acting Assistant Attorney General
Civil Division

From David J. Anderson
Director
Federal Programs Branch
Civil Division

As you know, a lawsuit has been filed by the Public Citizen Litigation Group against the Commission on the Bicentennial of the United States Constitution, alleging violations of the Freedom of Information Act (FOIA) and the Federal Advisory Committee Act (FACA). An issue has arisen as to whether or not the Commission is an executive agency subject to the FOIA. Initially, Counsel for the Commission indicated that the Commission believed it was subject to the FOIA, but asked that we look into the question before the Commission responds to plaintiff's FOIA request. We advised the Commission that we would inform them of our position as soon as possible. After reviewing the matter, including numerous Office of Legal Counsel Memoranda relating to the status of the Commission, it would appear that the Justice Department has consistently taken the position that the Commission is an executive agency.

The Commission was established by Congress in 1983 "to promote and coordinate activities to commemorate the bicentennial of the Constitution." The Chairman is the Chief Justice of the United States. In addition, by statute, the President pro tempore of the Senate and the Speaker of the House or their designees are members of the Commission. Twelve of the remaining twenty members were to be appointed by the President from nominations submitted by the Chief Justice, the President pro tempore of the Senate, and the Speaker of the House, and eight members were to be selected solely by the President.

As a result of this composition, questions were raised during 1983 and 1984 as to the constitutionality of the Commission under the Appointments and Incompatibility clauses of the United States Constitution. In a series of OLC memoranda to various White House and Congressional officials, the Justice Department has essentially taken the position that because the Commission has certain clearly executive functions it is an agency within the Executive Branch of the Government, and the individuals who perform those duties must be executive officers appointed by the President. Accordingly, OLC has indicated that the composition and functions of the Committee would be

unconstitutional unless the executive duties of the Committee are performed only by the members of the Commission appointed by the President who are not members of Congress.

Although the constitutionality of the Commission is not presently at issue in this case, the Department's position that the Commission is within the Executive Branch would seem determinative on the issue of the applicability of the FOIA to the Commission. Moreover, by taking the position that the Commission is an executive agency, it is likely that we will not only avoid the potential constitutional issue relating to the Commission's composition and status, but will strengthen our FACA defense and eliminate the FOIA claim in this case. Accordingly, with your concurrence we will advise the Commission that it is subject to the FOIA, and that the Justice Department will represent the Commission in this case.