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**Collection:** Roberts, John G.: Files  
**Folder Title:** JGR/Commission on Executive,  
Legislative & Judicial Salaries (4 of 4)  
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THE WHITE HOUSE

WASHINGTON

July 11, 1985

MEMORANDUM FOR DONALD T. REGAN  
CHIEF OF STAFF

FROM: FRED F. FIELDING *Orig. signed by FFF*  
COUNSEL TO THE PRESIDENT

SUBJECT: Commission on Executive, Legislative,  
and Judicial Salaries

Along with Max Friedersdorf and David Chew, I met on July 11 with the Chairman of the Commission on Executive, Legislative, and Judicial Salaries, Nicholas Brady, and the Executive Director, Edie Holiday. This Commission, established by statute, meets every four years to review and issue a report on appropriate pay levels for Federal judges, Congressmen, and high-level executive branch officials. The report is to be submitted to the President, who is then required to include his own recommendations on these pay levels in his next budget submission to Congress. Congress must affirmatively approve these recommendations before they become law. 2 U.S.C. §§ 351-361.

This statutory scheme has generally failed to provide adequate compensation for high-ranking Government officials, because the pay of judges and executive officials has become linked to that of Congressmen and Congressmen lack the political will to vote pay raises for themselves. The problem has become particularly severe for judges, who serve for life rather than relatively brief periods of public service. Accordingly, the President sent a letter to Mr. Brady in March requesting that the Commission, in addition to its statutory obligations, develop recommendations for revising the statutory scheme.

The Commission will recommend new legislation, providing that the President's recommendations on salary levels would become law unless Congress disapproved them by joint resolution within 30 days. This would effectively shift responsibility for salary increases from Congress to the President. The Commission plans to make no specific salary recommendations this year, but will urge that a one-time, blue ribbon panel be appointed by July 1, 1986 to submit salary recommendations to the President by January 1, 1987. The President would then submit his recommendations under the new scheme.

Max Friedersdorf expressed the view that there was a good chance that such legislation could pass. I recommend that we support the Commission's recommendations and the proposed legislation. If the legislation does pass fairly promptly, it would relieve the Commission of its statutory obligation to recommend specific pay levels this year. If the bill does not move, it is my view that the Commission would be required to submit such pay recommendations.

This course of action -- supporting a legislative change and submitting specific pay level recommendations under the existing scheme only if the legislation stalls -- may generate some criticism from certain elements of the judiciary. As noted, judicial compensation is becoming woefully inadequate, and some short-sighted judges may demand an immediate increase rather than, or in addition to, the proposed long-term solution. I believe we can weather this potential criticism if the proposal moves steadily through Congress.


FFF:JGR:aea 7/11/85  
cc: FFFielding  
JGRoberts  
Subj  
Chron

THE WHITE HOUSE

WASHINGTON

July 31, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Report of 1984-85 Commission on Executive, Legislative, and Judicial Salaries

Nicholas Brady has formally transmitted to the President the report of the Commission on Executive, Legislative, and Judicial Salaries. As expected, the report makes no specific salary level recommendations, but proposes instead that the statutory scheme be revised. As you know, the Commission recommends that the statute be changed to provide that salary recommendations of the President, submitted to Congress after consideration of Quadrennial Commission recommendations, would become law unless blocked by legislation passed by both Houses within 30 days and submitted to the President for approval or disapproval. The Commission also recommends a one-time Commission appointed in 1986 to submit specific recommendations under the new statutory scheme.

We have previously expressed our support for this approach. We should tell Chew that the President should acknowledge receipt of the report, and thank the Commission for its work, in a letter to Brady. (Individual letters of appreciation to Commission members would also be appropriate.) Our memorandum to Chew should urge that the President wholeheartedly endorse the Commission's recommendations, and that the Administration submit legislation as called for by the Commission. The subject of judicial compensation may even be appropriate for a radio address: the President could endorse the Commission's recommendations, note the sacrifices judges make, and call for prompt action on the proposed bill. Such attention from the President would, as you know, win the hearts and minds of the Third Branch, at a time when some executive-judicial relations are strained. On the other hand, I recognize that the time may not be ripe for such an address, given the budget battles. At the very least there should be a statement of support for the Commission's recommendations released by Speakes.

Attachment

THE WHITE HOUSE

WASHINGTON

July 31, 1985

MEMORANDUM FOR DAVID L. CHEW  
STAFF SECRETARY

FROM: FRED F. FIELDING  
COUNSEL TO THE PRESIDENT

SUBJECT: Report of 1984-85 Commission on Executive,  
Legislative, and Judicial Salaries

I have reviewed the report of the Commission on Executive, Legislative, and Judicial Salaries. As you know from previous memoranda on this subject, I support the Commission's recommendations. The President should acknowledge receipt of the report and thank the Commission for its work in a letter to Chairman Brady. A draft is attached. Individual letters of thanks to Commission members would also be appropriate; suggested language is also attached.

Consideration should be given to how the President should announce his support for the Commission proposal. This may even be an appropriate topic for a radio address: the President's direct concern would win the hearts and minds of the Third Branch, at a time of some tension between the executive and the judiciary. It could even provide an opportunity for a graceful gesture during the budget battles: "As Congress struggles with the budget, I would like to take one spending concern off their hands. An independent Commission has recommended that the President, not Congress, be directly responsible for setting the pay of Congressmen, judges, and high-level Executive officials." The President could then make gracious comments about hard-working legislators, and the need to pay them what they are worth, and call for adopting the Commission's plans. At the very least, a statement of support by the President for the Commission's recommendations should be issued, and the appropriate office -- Legislative Affairs or OMB -- should promptly draft and submit legislation.

Attachments

FFF:JGR:aea 7/31/85  
cc: FFFielding  
JGRoberts  
Subj  
Chron

THE WHITE HOUSE

WASHINGTON

August 1, 1985

Dear Nick:

Shortly after I appointed you as Chairman of the Commission on Executive, Legislative, and Judicial Salaries, I wrote to you requesting that the Commission review the entire statutory scheme for setting the salaries of top government officials. I now have the Commission's report before me, and I am pleased to see that you took up the challenge and have submitted a comprehensive proposal for reform. I have directed my Administration to undertake a prompt review of the specifics of the Commission's recommendations, and hope to act on those recommendations in the near future.

You concluded your report by stating that we must structure the compensation of top officials "in a fair and reasonable way that allows the best to serve and that enables those who serve to give their best." While I am certain compensation had nothing to do with it in this instance, I am delighted that the best agreed to serve on this Commission, and from the results I can safely say that they have given their best. Please accept my personal thanks for the important service you have rendered.

Sincerely,

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

RR:JGR:aea 7/31/85

bcc: FFFielding

JGRoberts

Subj

Chron

# DRAFT

August 1, 1985

Dear \_\_\_\_\_:

I have received the report of the Commission on Executive, Legislative, and Judicial Salaries, and have advised Chairman Brady that my Administration is studying your recommendations at this time. I hope to be able to act on them promptly.

I just wanted to thank you personally for the time and effort you devoted to the work of the Commission. The issues you have addressed are critical to the effective functioning of our Government, for that Government can never be better than the people who serve in it. Thank you again for the important service you have rendered.

Sincerely,

(RR)

RR:JGR:aea 7/31/85  
cc: FFFielding  
JGRoberts  
Subj  
Chron

# DRAFT



THE WHITE HOUSE

WASHINGTON

July 31, 1985

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FROM: FRED F. FIELDING  
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SUBJECT: Report of 1984-85 Commission on Executive,  
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cc: FFFielding  
JGRoberts  
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bcc: FFFielding  
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I just wanted to thank you personally for the time and effort you devoted to the work of the Commission. The issues you have addressed are critical to the effective functioning of our Government, for that Government can never be better than the people who serve in it. Thank you again for the important service you have rendered.

Sincerely,

(RR)

RR:JGR:aea 7/31/85  
cc: FFFielding  
JGRoberts  
Subj  
Chron

# DRAFT

## WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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

Name of Correspondent: D. Chew

MI Mail Report      User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: Report of the 1984-85 Commission on Executive, Legislative and Judicial Salaries

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>CUTAW</u>	ORIGINATOR	<u>85,07,30</u> _____      _____ <u>  1  /  1  /  </u>
<u>Chat 18</u>	Referral Note: <u>D</u>	<u>85,07,30</u> _____ <u>5</u> <u>85,08,05</u>
_____	Referral Note: _____	_____      _____      _____ <u>  1  /  1  /  </u>
_____	Referral Note: _____	_____      _____      _____ <u>  1  /  1  /  </u>
_____	Referral Note: _____	_____      _____      _____ <u>  1  /  1  /  </u>
_____	Referral Note: _____	_____      _____      _____ <u>  1  /  1  /  </u>

**ACTION CODES:**

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

**DISPOSITION CODES:**

- A - Answered
- C - Completed
- B - Non-Special Referral
- 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.

## WHITE HOUSE STAFFING MEMORANDUM

DATE: 7/30/85 ACTION/CONCURRENCE/COMMENT DUE BY: August 5th

SUBJECT: Report of the 1984-85 Commission on Executive, Legislative and Judicial Salaries.

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	LACY	<input type="checkbox"/>	<input type="checkbox"/>
REGAN	<input type="checkbox"/>	<input type="checkbox"/>	McFARLANE	<input type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	OGLESBY	<input type="checkbox"/>	<input type="checkbox"/>
BUCHANAN	<input type="checkbox"/>	<input type="checkbox"/>	ROLLINS	<input type="checkbox"/>	<input type="checkbox"/>
CHAVEZ	<input type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
CHEW	<input type="checkbox"/> P	<input type="checkbox"/> SS	SPEAKES	<input type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDERSDORF	<input type="checkbox"/>	<input type="checkbox"/>	THOMAS	<input type="checkbox"/>	<input type="checkbox"/>
HENKEL	<input type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
HICKEY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HICKS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
KINGON	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS: Could we please have your recommendations by August 5th?  
Thanks.

Please return report to my office.

RESPONSE:

1985 JUL 30 PM 2:59

David L. Chew  
Staff Secretary  
Ext. 2702

COMMISSION ON EXECUTIVE,  
LEGISLATIVE AND JUDICIAL SALARIES

July 29, 1985

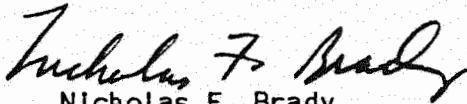
President Ronald Reagan  
The White House  
Washington, D.C. 20500

Dear Mr. President:

I am pleased to transmit the enclosed report of the 1984-85 Commission on Executive, Legislative, and Judicial Salaries. This report responds to your letter of March 7, 1985, requesting that the Commission review the statutory scheme for setting the salaries of top government officials and develop recommendations for any necessary changes.

Our recommendations, we believe, offer a durable, orderly system for setting salaries in the future. We believe the inadequacy of salaries cannot be addressed until the system for determining them is corrected. As soon as the process is revised, we feel strongly that proper salary adjustments should be made.

Respectfully submitted,

  
Nicholas F. Brady  
Chairman

Enclosure

THE WHITE HOUSE

WASHINGTON

August 5, 1985

*Ans*  
*not sent*

MEMORANDUM FOR DAVID L. CHEW  
STAFF SECRETARY

FROM: FRED F. FIELDING  
COUNSEL TO THE PRESIDENT

SUBJECT: Suggested Formal Presentation for Printed  
Report from Commission on Executive,  
Legislative, and Judicial Salaries

You have asked for my views on a proposal by the Commission on Executive, Legislative, and Judicial salaries for a formal presentation of their report to the President. I think such a ceremony would be a good idea, if the Administration is prepared to endorse the recommendations of the Commission, not only with respect to the proposed statutory change but also with respect to the eventual significant increase in judicial compensation. If the President is prepared to agree that the compensation of Federal judges is woefully inadequate -- as I believe it is -- a presentation ceremony would provide an excellent vehicle for making this point and increasing the morale of an overworked and underpaid bench.

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

THE WHITE HOUSE

WASHINGTON

August 5, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Suggested Formal Presentation for Printed Report from Commission on Executive, Legislative, and Judicial Salaries

The Commission on Executive, Legislative, and Judicial Salaries has proposed a formal presentation of their report to the President. Chew has asked for your views. Whether such a ceremony should take place depends, of course, on whether the Administration is prepared to commit publicly to accepting the Commission's recommendations. I think there will be little opposition to endorsing the proposed legislative reform, but the President should be prepared to agree with what the Commission has to say about the inadequacy of judicial compensation before staging a presentation ceremony.

Attachment



THE WHITE HOUSE

WASHINGTON

August 5, 1985

MEMORANDUM FOR DAVID L. CHEW  
STAFF SECRETARY

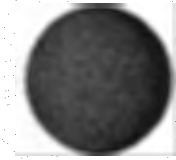
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## WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET



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

Name of Correspondent: D. Chew

MI Mail Report      User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: suggested formal presentation per printed report from Commission on Legislative, Executive & Judicial Salaries

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>Ch Hall</u>	ORIGINATOR	<u>85,08,03</u>	<u>1 / 1</u>
	Referral Note:		
<u>Cent 18</u>	<u>D</u>	<u>85,08,03</u>	<u>S 85,08,05</u> <u>ASAP</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:		

- |   |   |
|---|---|
| <p><b>ACTION CODES:</b></p> <ul style="list-style-type: none"> <li>A - Appropriate Action</li> <li>C - Comment/Recommendation</li> <li>D - Draft Response</li> <li>F - Furnish Fact Sheet<br/>to be used as Enclosure</li> <li>I - Info Copy Only/No Action Necessary</li> <li>R - Direct Reply w/Copy</li> <li>S - For Signature</li> <li>X - Interim Reply</li> </ul> | <p><b>DISPOSITION CODES:</b></p> <ul style="list-style-type: none"> <li>A - Answered</li> <li>B - Non-Special Referral</li> <li>C - Completed</li> <li>S - Suspended</li> </ul> |
|---|---|
- FOR OUTGOING CORRESPONDENCE:**  
 Type of Response = Initials of Signer  
 Code = "A"  
 Completion Date = Date of Outgoing

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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THE WHITE HOUSE  
WASHINGTON

August 3, 1985

MAX FRIEDERSDORF  
FRED FIELDING ✓

The Commission on Legislative,  
Executive and Judicial Salaries  
will have its printed report late  
next week. They plan to go public  
at that time. They are suggesting  
a formal presentation.

What do you think?

David L. Chew

THE WHITE HOUSE

WASHINGTON

September 27, 1985

MEMORANDUM FOR THE PRESIDENT

FROM: FRED F. FIELDING Orig. signed by FFF

SUBJECT: Letter to Nicholas Brady, Chairman,  
Commission on Executive, Legislative,  
and Judicial Salaries

I. ACTION FORCING EVENT

Receipt of the Report of the Commission, and request from Nicholas Brady, Chairman of the Commission, for support of the Commission's proposals.

II. DISCUSSION

Under current law, the Commission meets every four years to recommend to the President appropriate salaries for Federal judges, Congressmen, and certain high-ranking Executive branch officials. The President then submits his own recommendations to Congress, which become law only if approved by Congress. The scheme has never worked well, because of the reluctance of Congress to vote pay raises for itself, with the result that judicial salaries in particular, but Executive branch salaries and Congressional salaries as well, have stagnated.

In light of this background, you wrote Commission Chairman Nicholas Brady, urging that the Commission review the statutory scheme and come up with a better approach. The Commission took up this challenge, and submitted a report to you and Congress, urging enactment of legislation to permit the President's recommendations on salary levels to become effective unless blocked by Congress. It is the Commission's view that this will permit the salaries of high-ranking officials to be set in a more rational and less-politicized manner. The Commission did not submit any specific salary recommendations, but called for the appointment of a one-time blue ribbon commission to submit salary recommendations under the new proposed scheme. The attached letter to Brady for your signature announces support for the Commission's proposals.

III. RECOMMENDATION

That you sign the attached letter to Nicholas Brady.

FFF:JGR:aea 9/27/85

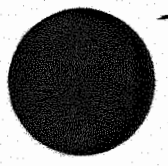
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE  
WASHINGTON

9-20

TO: *FFF*

FROM: John G. Roberts, Jr.  
Associate Counsel *JGR*  
to the President



- FYI
- COMMENT
- ACTION

*I THINK THIS IS BETTER*

THE WHITE HOUSE

WASHINGTON

September 27, 1985

MEMORANDUM FOR THE PRESIDENT

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III. RECOMMENDATION

That you sign the attached letter to Nicholas Brady.

FFF:JGR:aea 9/27/85

cc: FFFielding/JGRoberts/subj/Chron

THE WHITE HOUSE

WASHINGTON

September 24, 1985

MEMORANDUM FOR DAVID L. CHEW

FROM: FRED F. FIELDING

SUBJECT: Letter to Nicholas Brady, Chairman, Commission on  
Executive, Legislative, and Judicial Salaries

The attached letter has been revised to reflect suggested changes from Legislative Affairs and Chris Hicks. It is ready to be signed and I am requesting that it be sent to the attention of Ede Holiday at the Fund for America's Future, 1200 18th Street, N.W, Suite 300, Washington, D.C. 20036, for delivery to Nick Brady.

Thank you.



THE WHITE HOUSE

WASHINGTON

Dear Nick:

Shortly after I appointed you as Chairman of the Commission on Executive, Legislative, and Judicial Salaries, I wrote to you requesting that the Commission review the entire statutory scheme for setting the salaries of top government officials. I now have the Commission's report, and I am pleased that you took up the challenge and have submitted a comprehensive proposal for reform. I directed my Administration to undertake a review of the Commission's specific recommendations. Based upon this review, we hope that the Congress will act on your legislative proposals in the near future. They represent a fresh approach to a long-standing problem.

Please accept my personal thanks for the important service you have rendered.

Sincerely,

The Honorable Nicholas F. Brady  
Chairman, Commission on  
Executive, Legislative,  
and Judicial Salaries  
734 Jackson Place, N.W.  
Washington, D.C. 20503