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WASHINGTON

April 11, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Request to Serve on the Honorary Committee for the 1985 Opera Ball

Mrs. Ted Stevens has asked Max Friedersdorf to serve on the "Honorary Committee" for the 1985 Washington Opera Ball, a charitable fundraising function to benefit the Washington Opera. My understanding of our previous staff meeting discussion is that such an "honorary" designation for an established Washington charitable event was permissible; I reviewed this understanding at this morning's staff meeting. The important point, as I see it, is that recipients of the invitation will not be likely to suppose that Mr. Friedersdorf is actually throwing the party. Of course, his official title should not be used.

Attachment

April 11, 1985

MEMORANDUM FOR MAX FRIEDERSDORF

ASSISTANT TO THE PRESIDENT

LEGISLATIVE STRATEGY COORDINATOR

FROM:

FRED F. FIELDING F3/RAH

COUNSEL TO THE PRESIDENT

SUBJECT:

Request to Serve on the Honorary Committee for the 1985 Opera Ball

You have asked whether you may accept an invitation to serve on the "Honorary Committee" for the 1985 Washington Opera Ball, a charitable fundraising event. This office has no objection to your being listed as a member of the "Honorary Committee," so long as you appear in your individual rather than official capacity. This means that your title should not appear with your name on the invitations, nor should there be any other reference to your official position.

Thank you for raising this matter with me.

FFF:JGR:aea 4/11/85

cc: FFFielding
JGRoberts

Subj Chron

April 11, 1985

MEMORANDUM FOR MAX FRIEDERSDORF

ASSISTANT TO THE PRESIDENT

LEGISLATIVE STRATEGY COORDINATOR

FROM:

FRED F. FIELDING

COUNSEL TO THE PRESIDENT

SUBJECT:

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Thank you for raising this matter with me.

FFF:JGR:aea 4/11/85

cc: FFFielding JGRoberts

Subj Chron

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WHITE HOUSE

CORRESPONDENCE TRACKING WOF

User Codes: (A)

ACTION CODES:

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Name of Correspondent:

☐ MI Mail Report

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C - Comment/Recommendation

D - Draft Response

F - Furnish Fact Sheet to be used as Enclosure I - Info Copy Only/No Action Necessary

B - Direct Reply w/Copy

S - For Signature

X - Interim Reply

FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer

Code

Date of Outgoing

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WASHINGTON

April 2, 1985

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MEMORANDUM FOR FRED FIELDING

FROM:

MAX FRIEDERSDORF

SUBJECT:

Honorary Committee 1985 Opera Ball

Attached is a letter from Mrs. Ted Stevens inviting me to be on the Honorary Committee of the 1985 Opera Ball which is a fundraiser for The Washington Opera.

I'd appreciate your guidance as to whether I can serve on the Honorary Committee.

Many thanks.

Opera Ball 1985

March 25, 1985

The Honorable Max Friedersdorf and Mrs. Friedersdorf Assistant to the President & Legislative Strategy Coordinator The White House Washington, DC 20500

Dear Max and Priscilla:

On Friday, June 7th, the 1985 Washington Opera Ball will be held at the beautiful Firenze House under the gracious patronage of Ambassador and Mrs. Petrignani.

As you may know, the Opera Ball is not only an important fundraising event for The Washington Opera but also a very festive evening with many embassies and others hosting small private dinners preceding the Ball itself. As the 1985 Opera Ball Chairman, I'd like to invite you to serve on my Honorary Committee and come as our guests to dinner and the Ball.

Please let me know if June 7th is free and if you can accept.

Cordially,

sally-we need to cruck this out office w/coursels office

Mrs. Ted Stevens

Chairman

1985 Opera Ball

RSVP: Bridget Baker

Max- We all Shorted have seewered Max- We all Shorted have seewered From on try by then The Washington Opera, John F. Kennedy Genter for the Lerforming Arts,

Washington, D.G. 20566 (202) 822-4724

WASHINGTON

April 12, 1985

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MEMORANDUM FOR MARSHALL BREGER

ASSOCIATE DIRECTOR

OFFICE OF PUBLIC LIAISON

FROM:

JOHN G. ROBERTS

ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT:

Request to Review Article for Harvard

Journal of Law and Public Policy

Counsel's Office has reviewed your draft article entitled "Accountability and the Adjudication of the Public Interest," and has no objection to your plans to publish it. I would remind you, however, that it must be made clear that the article represents your individual views and not necessarily those of the Administration.

Quotation marks appear to be missing on page 4, line 23. I also assume the bluebooking in the footnotes will be corrected.

WASHINGTON

April 12, 1985

MEMORANDUM FOR MARSHALL BREGER

ASSOCIATE DIRECTOR

OFFICE OF PUBLIC LIAISON

FROM:

JOHN G. ROBERTS

ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT:

Request to Review Article for Harvard

Journal of Law and Public Policy

Counsel's Office has reviewed your draft article entitled "Accountability and the Adjudication of the Public Interest," and has no objection to your plans to publish it. I would remind you, however, that it must be made clear that the article represents your individual views and not necessarily those of the Administration.

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Comments:				

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Send all routing updates to Central Reference (Room 75, OEOB).

Always return completed correspondence record to Central Files.

Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

WASHINGTON

April 3, 1985

MEMORANDUM FOR FRED F. FIELDING
COUNSEL TO THE PRESIDENT

FROM:

MARSHALL BREGER (NOTE TO THE PRESIDENT FOR PUBLIC LIAISON

Enclosed is a copy of a draft of an article entitled,
"Accountability and the Adjudication of the Public Interest."
This article will be published in a symposium issue of the
Harvard Journal of Law and Public Policy. The article is a
revised version of a speech I gave at a Federalist Society
Symposium at Harvard last year. A number of Administration
officials, including Brad Reynolds and Mike participated in the
symposium. Approval of the speech was reviewed by your office.

Please let me know if you require any chamges in this draft text.

Thank you.

Attachment

April 3, 1985

MEMORANDUM FOR FRED F. FIELDING
COUNSEL TO THE PRESIDENT

FROM:

MARSHALL BREGER (1/1)
SPECIAL ASSISTANT TO THE PRESIDENT
FOR PUBLIC LIAISON

Enclosed is a copy of a draft of an article entitled, "Accountability and the Adjudication of the Public Interest." This article will be published in a symposium issue of the Harvard Journal of Law and Public Policy. The article is a revised version of a speech I gave at a Federalist Society Symposium at Harvard last year. A number of Administration officials, including Brad Reynolds and Mike participated in the symposium. Approval of the speech was reviewed by your office.

Please let me know if you require any changes in this draft text.

Thank you.

Attachment

Accountability and the Adjudication of the Public Interest

By Marshall J. Breger

In these remarks, I will speak briefly about the question of a lawyer's accountability to clients in public interest law. This is the fundamental theoretical problem confronting the public interest law movement, at least from the point of view of the traditional models of adjudication.

Our legal system has developed certain traditional notions of lawyer-client relations: that the attorney should be accountable to his client, that he has a duty of fidelity to his client, and that any lawsuit should be client-centered, that is, based on the needs, concerns and articulated desires of the client. All of these traditional notions place external constraints on an attorney's behavior. Although the attorney need not consult his clients on tactical or strategic issues, he must discover their desired ends and goals.

This traditional notion of a lawyer's relationship with his client may well be inconsistent with current public interest law practice in at least two situations. First, as Professor Rabkin suggested earlier, in many public interest law cases the client is more fictional than real. The client becomes important only for the determination of jurisdiction and standing. In reality, it is the attorney's understanding of an ideological cause or

his position that becomes the client. In those instances, there are no constraints on an attorney's behavior except those which he chooses to impose. I will refer to this problem later in greater detail.

The other problem occurs when a client's organizational base is diffuse or shifting. For example, the Environmental Defense Fund and the Sierra Club have diffused memberships.

Thus, one cannot state with specificity what exactly their entire membership wants on any particular issue. In most instances, the attorney and a small leadership cadre will articulate the organization's desires and interests. If you are dealing with a class action situation, seweral fundamental questions must be addressed. Who is the client? Is it the person who hired the attorney? Is it the elite of the class? The elites of the group? Is it the attorney himself? This theoretical problem becomes real when you have conflicts within the group. Such conflicts arise over whether a lawsuit ought to be brought, which tactics are to be used and which remedies ought to be sought.

The Boston busing case is a classic example of the latter problem. As you may know, the Boston schools have long been involved in an integration lawsuit. Some years back, the

¹ See. e.g., Greve, Terminating Desegregation Lawsuits, Harv. J. L. & Pub. Pol'y 304-5 (1984); Morgan v. Hennigan, 379 F. Supp. 410.

plaintiffs sought an order mandating busing as their remedy. 2 However, the question arose whether many of the black plaintiffs would prefer quality education in neighborhood schools to busing. Some commentators have suggested that the plaintiffs' attorney, the NAACP Legal Defense Fund, failed to consider adequately the interests of those plaintiffs who favored the non-busing alternative, thereby arguably creating a conflict of interest within this class and a lack of representation for the "quality education" faction. This kind of conflict arises because of the assumption of class homogeneity in class action suits under the Federal Rules and elsewhere. The fact is that in large groups and large classes there is often latent if actual heterogeneity. Since client groups are diverse in many of these public interest lawsuits, by imputing homogeneity to them you ignore the texture, the variety, the differences and the concerns that really make up their individual needs and desires. In this way, accountability to clients is lost. This home truth is ignored almost everywhere in the legal system, including, I am sorry to say, by many judges.

There are a number of ways in which we deal theoretically with the realization that public interest law often pays

²See Bell, <u>Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation, 85 Yale LJ 470, 432 (1976).</u>

³See e.g., Fed. R. Civ. P. 23(a); Note, Due Process Rights of Absentees in Title III class action -- The Myth of Homogeneity of Interest 59 B.U.L. Rev., 661 (1979)

insufficient attention to the issue of client accountability. Some have sought to escape the dilemma by manipulating the conflict of interest rules. There are two primary devices used in this gambit. The first is to make use of the "limited retainer. I have seen some retainers used by the ACLU which say it will represent a client unless and until that client's interests conflict with the civil liberties concerns of the ACLU, at which point they will drop the client like the proverbial "hot potato." Those of us, I suppose, who are less subtle and less sophisticated might see certain problems with this arrangement, at least on traditional attorney-client fidelity principles. Nonetheless, the limited retainer approach is really a method for acknowledging explicitly what often happens furtively. In other words, the client is put on notice that when a conflict arises between his concerns and the broader ideological concerns propagated in many "public interest" lawsuits, the attorney will drop the client rather than try to resolve the conflict. Another kind of doctrinal manipulating device is the prospective waiver. In this device, the client's retainer agreement states that, "I will agree to be represented by you, Mr. Public Interest Attorney, and if in the future there is a conflict of interest, just ignore it. You do what you think is best. By signing such a retainer, the client is agreeing to rely on the attorney's discretion not only over tactical issues, where the need for attorney control may be persuasively debated, but over the determination of a client's goals and ends as well.

The second broad method of resolving the accountability problem is to reject this dilemma completely. Some of our academic colleagues at Harvard Law School, Abe Chayes for example, take the position that there is no dilemma because there is no need for accountability to actual clients in public interest law cases. In his view, a client is only necessary as a nominal plaintiff, a warm body to meet antiquated standing requirements. 4 This view, however, appears either to ignore Article Three of the U.S. Constitution or to reinterpret the judiciary as a vehicle to elicit pronouncements on public policies and values rather than as a forum to redress what we conventionally understand as "cases or comtroversies." After all, a client serves no purpose in a philosophy or political Indeed, a flesh and blood client just causes science debate. trouble. One cannot deal with pure theory when he has some poor slob who has facts and wants individual redress. So one might reject that any dilemma exists.

Some commentators, such as Mark Tushmet, concede that the lawyer must be accountable. However, Tushmet's accountability

⁴1See Chayes, Foreword: Public Law Litigation and the Burger Court, 96 Harv. L. Rev. 4, 24-26 (1982).

⁵Specifically, this view ignores the requirement contained in Article III, Section 2 that there be "cases" or "controversies" to meet this requirement. An attorney must produce a client whose interests are adverse to those of the defendant. See e.g., Muskrat v. United States. 219 U.S. 346 (1911)

is to the ideological norm the attorney represents rather than to the individual client. 6 If one looks at what is really going on in the public interest litigation process, he will see that this extreme method has become quite popular even if not always explicitly acknowledged.

Many scholars and lawyers have recognized the client accountability dilemma as a serious problem for the public interest law movement. They do not like the "rejecting the dilemma" approach. Chayes' indifference is a little bit too much for them, so they seek to ameliorate the dilemma. However, many of them, like Deborah Rhode at Stanford Law School, eventually resign themselves to the existence of the dilemma. 7 troubles them; they do not like the idea of lawyers not being concerned about their clients' interests, but it is a fact of How else will there be public interest litigation? prime utilitarian value for these commentators is the nurturing of public interest lawsuits. They seek to ameliorate the situation by efforts to sensitize judges and counsel to the fact that there can be conflict of interest within a lawsuit, within a class or within a group. Some commentations have suggested polling the class or a sample of it to get its views and con-They would have counsel report to the court on the

⁶See Tushnet, the "Case or Controversy" Controversy, 93 Harv. L. Rev. 1698, 1708-1713 (1980).

⁷See Rhode Class Conflicts in Class Actions, 34 Stan. L. Rev. 1183. 1261-62 (1982).

potential range of opinion. This would be obtained through notice, and counsel would be required to write what almost amounts to a conflicts brief. The judge would then be required to make a factual inquiry into the adequacy of representation at the remedy stage. These efforts seek to approximate the traditional model requiring client consent while recognizing that accountability to clients as we traditionally understand it is unattainable. Admittedly, many of these efforts are made in good faith. However, ultimately we must recognize that they only mitigate the problem.

A third solution to the lack of homogeneity involves adding counsel to represent the divergent interests of class members as they appear. When you add counsel, you ensure the pluralist dialogue through which all the different voices in the lawsuit are heard. For example, in a bilingual education lawsuit, a dispute over remedy may occur. Should Puerto Rican culture be taught in the school? Should English as a second language be taught? What should be done about the Hispanic parents who come and say, "the last thing we want our kinds to learn is Puerto Rican culture. We're from Ecuador. We're from Guatemala." What about the Greek students coming in and saying, "Well, if they can have Spanish, we should have Greek." The result is a town meeting held in a courtroom. Indeed, as one presses the ameliorative solution, he moves closer and closer to facing the limits inherent in a town meeting. In doing so, he moves further and further from the traditional understanding of judicial process as a forum to resolve specific individual

disputes. Therefore, even from a theoret ical point of view, this solution offered in good faith may not work.

The final method for dealing with all this is to acknowledge the fact that there is an accountabillity dilemma, and that it requires a trade-off. Instead of using the myth of homogeneity to legitimate the utilitarian subordination of client accountability to the presumed social reform benefits of public interest litigation, one may admit openly that one is making a trade-off saying, "look, we can't expect client consent in a large group case, whether it be a Rule 23 case or some other kind of group action. We can't expect to accommodate the needs and concerns of all the individual people we are representing. Some clients don't fit into our particular way of doing things. We claim to represent only those people who are actually taking the position we are putting forward. Although we can't do that exactly, we can approximate it, and approximating it's enough. After all, it's important to have social change through law." Well, this is one way of doing things, but it is not congenial to me, and I suspect it is not congenial to many of you, either. But more importantly, it is at extreme odds with our traditional understanding of the modes and norms of formal adjudication.

The alternative is to limit public interest lawsuits to instances in which there are no conflicts, instances where homogeneity within a group exists. Where there are conflicts, this alternative requires that divergent interests secure their own counsel. If counsel is not available or the conflicted

interests cannot afford counsel, the broad reach of a public interested lawsuit may have to be reined in on client accountability grounds. Likewise, where a proper sensitivity to accountability concerns would require so many attorneys that there no longer is a "lawsuit," but a "town meeting," the scope of the "public interest" lawsuit may have to be reduced.

Finally, where a conflict exists, one may wish to require that the compromised attorney withdraw. Indeed, he may have to withdraw not merely from representing one party, but from the entire case because, after all, his error has compromised whomever his client may be. In many instances, where this cannot or will not be done, the judge may have no choice but to limit or dismiss public interest law litigation on ethical grounds, and perhaps on justiciability or standing grounds.

Fidelity and accountability to the client, therefore, can be seen as a natural limit to the excesses of the public interest lawsuit. Reaffirming our traditional system of dispute resolution -- the adversary system -- based on client-centered adjudication will limit, if not remove, mamy of the jurisprudential errors wrought by the 60's "judicial activism". At least I put these arguments forward for your consideration.

WASHINGTON

April 12, 1985

MEMORANDUM FOR CHERI NOLAN

OFFICE OF THE CHIEF OF STAFF

FROM:

JOHN G. ROBERTS, JR. (

ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Letter to Mr. Regan from Dean Robert H. Mundheim

You have asked for our views on a response to a letter Mr. Regan received from Robert H. Mundheim, Dean of the University of Pennsylvania Law School. In his letter Mr. Mundheim requested a list of members of minority groups who hold or recently held positions in the Government at or above the Deputy Assistant Secretary level. Dean Mundheim hopes to use the list for recruitment of minority faculty members.

A list of minority group members serving at the Deputy Assistant Secretary level or above does not currently exist, but such a list could easily be developed using information available in Presidential Personnel files. That office requests racial and ethnic background information from prospective political appointees, for statistical purposes only.

After consultation with the Department of Justice and the U.S. Civil Rights Commission, however, it is our view that it would be inappropriate to compile and provide such a list. As you know, it is the policy of this Administration not to distinguish among individuals on the basis of race, creed, color, or national origin. Indeed, making hiring decisions on such a basis would be illegal, and we should not be in the position of facilitating such action. We simply do not classify people according to whether they belong to a minority group, and we should not assist others in doing so. (The fact that Presidential Personnel requests and retains such information is not inconsistent with this approach, since the statistics are necessary to respond to charges of discrimination. It is one thing to provide statistical information, and quite another to provide the names of individuals grouped by race.)

Both the Civil Rights Division of the Department of Justice and the General Counsel's Office of the U.S. Civil Rights Commission urged that a list of minority Administration officials not be provided, contending that to provide such a list would be offensive and inconsistent with the Administration's color-blind approach to civil rights law. A draft reply embodying this position is attached for Mr. Regan's signature. If you prefer, this office would be happy to respond directly to Dean Mundheim on Mr. Regan's behalf.

Attachment

WASHINGTON

April 12, 1985

Dear Bob:

Thank you for your letter requesting a list of members of minority groups who hold (or have held in the last four years) positions in the Federal Government at or above the Deputy Assistant Secretary level.

I am advised that no such list exists. No such list exists for a simple reason: This Administration does not group individuals on the basis of race, creed, color, or national origin. The entire thrust of our civil rights policy is to ensure that individuals are treated as individuals, and not as members of a particular racial or ethnic group. I suppose we could compile a more or less accurate list of the sort you requested, but I think such an effort would be offensive and inconsistent with our concerted effort to bring about a "color-blind" society in which individuals are judged on the basis of their merit rather than any group characteristic.

I have no doubt of your good intentions in requesting the list, but I hope you will understand why we must decline to compile and provide it.

Sincerely,

Donald T. Regan Chief of Staff

Robert H. Mundheim
Dean and University
Professor of Law and Finance
University of Pennsylvania
3400 Chestnut Street I4
Philadelphia, PA 19104

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Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

Comments:

THE WHITE HOUSE WASHINGTON March 20, 1985

NOTE TO FRED FIELDING'S OFFICE:

Regarding the attached letter, I was wondering if someone there might be able to give our office some guidance in responding to the University of Pennsylvania Law School's request.

I can be contacted at x 2520.

Checi Nolan

Cheri Nolan Office of the Chief of Staff

UNIVERSITY of PENNSYLVANIA

PHILADELPHIA 19104 (215) 898-7463

ROBERT H. MUNDHEIM

Dean and University Professor of Law & Finance

The Law School
3400 CHESTNUT STREET 14

1/1

March 15, 1985

Honorable Donald Regan White House Chief of Staff The White House Washington, D. C.

Dear Don:

The Law School, as well as the University, is making a major effort to identify potential minority candidates for teaching positions. It occurs to me that one possible source of candidates is former high-level government employees. These people often have the experience, ability, and inclination to be splendid professors.

Is there a list that could be made available of members of minority groups who hold (or have held in the last four years) positions in the government at the Deputy Assistant Secretary or above level? If such a list could be made available to us I suspect it will be very useful both for the Law School and the University.

Sincerely,

RHM: rdb

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WASHINGTON

April 10, 1985

Dear Mr. Powell:

Thank you for your letter to Counsel to the President Fred F. Fielding, requesting permission to use portions of the videotape message from the President, supplied for your 1984 annual convention, in a planned public service announcement.

This office has no legal objection to your plans to incorporate portions of the President's message into the public service announcement, as those plans were described in your letter. Since your use of portions of the videotape will cause the President to be associated in the minds of viewers with the announcement, however, we would ask that you keep the White House Office of Communications apprised of the progress of this project, and permit that office to review the announcement before airing.

Thank you for raising this matter with us.

Sincerely,

John G. Roberts, Jr. Associate Counsel to

John Soldent

the President

Mr. R. Jack Powell Executive Director Paralyzed Veterans of America 801 Eighteenth Street, N.W. Washington, D.C. 20006

April 18, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Donation of a Telescope to the Country Through the President in Commemoration

of "Halley's Comet"

Michael Srednick wrote Mr. Deaver, on behalf of Celestron Precision Optics, conveying that company's interest in donating to the country, through the President, a \$6,000 telescope. Celestron wants to make the gesture in honor of the December 1985 appearance of Halley's Comet. Deaver has asked for our views.

The President could accept the telescope on behalf of the country, in which case it would be turned over to GSA for disposition. I am concerned, however, that Celestron would try to use the presentation for promotion of its products. The incoming notes that the telescope model in question "is owned by both Johnny Carson and Leonard Nimoy, just to mention a couple names." We should make clear that such name-dropping of the President's name would not be permitted, nor would any commercial use of the presentation. I suspect this will dampen Celestron's interest, but perhaps not.

Attachment

WASHINGTON

April 18, 1985

MEMORANDUM FOR MICHAEL K. DEAVER

ASSISTANT TO THE PRESIDENT

FROM:

FRED F. FIELDING Signed by FFF COUNSEL TO THE PRESIDENT

SUBJECT:

Donation of a Telescope to the Country Through the President in Commemoration

of "Halley's Comet"

You have asked for my views on an April 10 letter to you from Michael Srednick. In his letter, Mr. Srednick conveyed the interest of Celestron Precision Optics in donating a \$6,000 telescope to the country through the President. President could accept such a gift on behalf of the Government. After any such acceptance, the telescope would be turned over to the General Services Administration for disposition.

Celestron must understand that it may not use the presentation in any commercial promotion. The President's name could not be used in advertising for Celestron, nor could the fact that he accepted the telescope on behalf of the United Such promotion by Celestron would contravene established White House policy against any use of the President's name in a manner that suggests or could be construed as endorsement of any commercial product or enterprise. I am particularly concerned about this potential problem in light of Srednick's letter, which notes that the telescope in question "is owned by both Johnny Carson and Leonard Nimoy, just to mention a couple names."

FFF:JGR:aea 4/18/85 cc: FFFielding JGRoberts Subi Chron

THE WHITE HOUSE WASHINGTON

April 18, 1985

MEMORANDUM FOR MICHAEL K. DEAVER

ASSISTANT TO THE PRESIDENT

FROM:

FRED F. FIELDING

COUNSEL TO THE PRESIDENT

SUBJECT:

Donation of a Telescope to the Country Through the President in Commemoration

of "Halley's Comet"

You have asked for my views on an April 10 letter to you from Michael Srednick. In his letter, Mr. Srednick conveyed the interest of Celestron Precision Optics in donating a \$6,000 telescope to the country through the President. The President could accept such a gift on behalf of the Government. After any such acceptance, the telescope would be turned over to the General Services Administration for disposition.

Celestron must understand that it may not use the presentation in any commercial promotion. The President's name could not be used in advertising for Celestron, nor could the fact that he accepted the telescope on behalf of the United States. Such promotion by Celestron would contravene established White House policy against any use of the President's name in a manner that suggests or could be construed as endorsement of any commercial product or enterprise. I am particularly concerned about this potential problem in light of Srednick's letter, which notes that the telescope in question "is owned by both Johnny Carson and Leonard Nimoy, just to mention a couple mames."

FFF:JGR:aea 4/18/85

cc: FFFielding JGRoberts

Subj Chron

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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 Peference, ext. 2590.



April 10, 1985

Mr. Michael Deaver The White House 1600 Pennsylvania Avenue Washington, DC 20500

Dear Mike;

I'm sorry that we didn't see you at the inauguration. Hope this letter finds you and the family all well.

An interesting situation has developed whereby a company called Celestron Precision Optics, located in Torrance, California would like to present to the country through the President their finest telescope in commemoration of this year's much-herald "Halley's Comet"

As you know, this is a once in 75 years even as well as you know, this is a once in 75 years even as well as you know, this is a once in 75 years even as well as you know.

Celestron is the absolute epitome of fine telescopes and a copy of the 14 inch, catadioptric model they have in mind, is owned by both Johnny Carson and Leonard Nimoy, just to mention a couple names. The retail value is \$6,000.00 and the people at Celestron would be honored to make this presentation both in honor of Halley's Comet and the fact that this unit is entirely made in the U.S.A.

Please let me know if you have any interest in the above.

Best of luck and success to you in your new endeavor and if I can be of any assistance, please feel free to contact me.

Sincerely

MICHAEL SREDNICK COMPANY, INC.

Michael Srednick

President

MS:pf

WASHINGTON

April 19, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 262

SUBJECT:

Request for Confirmation that the President Uses a Cadillac Auto on Official Business

A New York advertising agency has requested confirmation that the President uses a Cadillac. The agency plans to air a television commercial based on the theme "Wouldn't you like to treat yourself royally like a Head of State? It's easy, drive a Cadillac." The attached draft reply advises the agency of our policy against commercial endorsement, without actually responding to their inquiry.

Attachment

WASHINGTON

April 19, 1985

Dear Mr. Lane:

Thank you for your letter of April 16. In that letter you requested confirmation that the President uses a Cadillac automobile on official business. You indicated that such confirmation was necessary in light of your plans to air an advertisement stating "Wouldn't you like to treat yourself royally like a Head of State? It's easy, drive a Cadillac."

I must advise you that the White House adheres to a policy of declining to approve any use of the President's name, photograph, likeness, signature, or title in any manner that suggests or could be construed as endorsement of a commercial product or enterprise. Your contemplated advertisement -- suggesting that the President uses a Cadillac -- would contravene this policy, and accordingly I must object to it and advise you not to proceed with it.

I trust you will appreciate the reasons for this response.

Sincerely,

Orig. signed by FFF

Fred F. Fielding Counsel to the President

Mr. Mark Lane Avrett, Free & Ginsberg, Inc. 800 Third Avenue New York, NY 10022

FFF:JGR:aea 4/19/85 bcc: FFFielding JGRoberts Subj Chron

April 19, 1985

Dear Mr. Lane:

Thank you for your letter of April 16. In that letter you requested confirmation that the President uses a Cadillac automobile on official business. You indicated that such confirmation was necessary in light of your plans to air an advertisement stating "Wouldn't you like to treat yourself royally like a Head of State? It's easy, drive a Cadillac."

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Sincerely,

Fred F. Fielding Counsel to the President

Mr. Mark Lane Avrett, Free & Ginsberg, Inc. 800 Third Avenue New York, NY 10022

FFF:JGR:aea 4/19/85 bcc: FFFielding JGRoberts Subj Chron

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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.

AVRETT, FREE & GINSBERG, INC.

311010eW

April 16, 1985

The Honorable Fred F. Fielding Counsel of the President The White House Washington, D.C. 20500

Dear Mr. Fielding:

This requests confirmation from your office that the President uses a Cadillac automobile on official business.

We represent the Tri-State Cadillac Dealer Association here in New York, and plan to air a television commercial which states "Wouldn't you like to treat yourself royally like a Head of State? It's easy, drive a Cadillac." The visual simply shows a typical 40 year old man getting into a Cadillac.

ABC Network requires us to substantiate this statement by submitting proof that the American Head of State does indeed use a Cadillac.

We'd be very grateful for your reply by April 30.

Sincerely,

Mark Lane

Account Supervisor

/bs

WASHINGTON

April 19, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 376

SUBJECT:

Acceptance of \$1,000 Check for the Restoration of the Statue of Liberty from Children with Learning Disabilities

Legislative Affairs has asked whether a Special Assistant to the President from that office may accept a \$1,000 check payable to the Statue of Liberty -- Ellis Island Foundation, the 501(c)(3) organization established to restore the Statue of Liberty. A group of students from a school in Kentucky for those with learning disabilities is visiting Washington next week, and had originally asked to present the check -- representing funds they had raised -- to the President. Congressman Carroll Hubbard (D-Ky.) transmitted the request to B. Oglesby.

I would normally object to having White House staff members accept donations to charitable organizations, for the same reasons that the White House declines to endorse specific fundraising efforts: engaging in the practice would precipitate a deluge of requests for similar treatment from equally worthy causes, and there is no way for the White House to monitor the activities of any charity that would benefit from White House participation in fundraising. Statue of Liberty fundraising effort, however, appears to be a special case. The President himself launched the restoration effort when he appointed the commission headed by Lee Iacocca, and the President has hosted a White House reception for the Commission and issued messages supporting its efforts. On numerous occasions the White House has received checks in the mail and forwarded them directly to the Foundation. The President has also signed several letters thanking students for their fundraising efforts for the restoration project. In light of the close association of the White House with the fundraising effort, I have no objection to having a staff member accept a check for transmittal to the Foundation.

Attachment

WASHINGTON

April 19, 1985

MEMORANDUM FOR M. B. OGLESBY

ASSISTANT TO THE PRESIDENT FOR LEGISLATIVE AFFAIRS

FROM:

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

SUBJECT:

Acceptance of \$1,000 Check for the Restoration of the Statue of Liberty from Children with Learning Disabilities

Your office has inquired if the Counsel's Office has any objection to a Special Assistant from Legislative Affairs accepting a \$1,000 check from a group of students from the Charles L. Shedd APSL Research Academy, representing funds the students raised for donation to the Statue of Liberty restoration project. Normally I would object to such an arrangement, in light of established White House policy precluding endorsement of any specific charitable fundraising efforts. The Statue of Liberty restoration project is a special case, however, because the President and the White House are already closely associated with the project. In light of these unique circumstances, I have no objection to a member of your office accepting the check for transmittal to the Statue of Liberty -- Ellis Island Foundation.

FFF:JGR:aea 4/19/85

cc: FFFielding JGRoberts.

> Subj Chron

WASHINGTON

April 19, 1985

MEMORANDUM FOR M. B. OGLESBY

ASSISTANT TO THE PRESIDENT FOR LEGISLATIVE AFFAIRS

FROM:

FRED F. FIELDING

COUNSEL TO THE PRESIDENT

SUBJECT:

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FFF: JGR: aea 4/19/85

cc: FFFielding JGRoberts

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Keep this worksheet attached to the original incoming letter.

Send all routing updates to Central Reference (Room 75, OEOB).

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Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

2182 RAYBURN HOUSE OFFICE BUILDING WASHINGTON, DC 20515 (202) 225-3115

Congress of the United States House of Representatives

Washington, DC 20515

DEPUTY MAJORITY WHIP

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COMMITTEES: BANKING, FINANCE AND URBAN AFFAIRS

MERCHANT MARINE AND FISHERIES

CHAIRMAN, SUBCOMMITTEE ON
GENERAL OVERSIGHT
AND INVESTIGATIONS OF THE
BANKING COMMITTEE

3/10

April 8, 1985

Hon. M. B. Oglesby, Jr. Assistant to the President The White House Washington, DC 20500

Dear B.:

Enclosed please find a copy of the April 5 letter to me from Kay Cole, Director of The Charles L. Shedd APSL Research Academy, Mayfield, Kentucky, and a copy of the April 4 letter to the President from the Academy's upper class officers.

B., these students have been working for four years to come to Washington, D.C., and tour the capital of our nation.

I respectfully urge that every consideration be given to their request to personally present President Reagan with a check in the amount of \$1,000 to be used for the restoration of the Statue of Liberty. This would indeed be an honor for these exceptional young children who have certain learning disabilities.

Again, many thanks for your attention to this request.

I look forward to hearing from you soon about this critical matter. The students and their chaperones will be in Washington,

D.C., April 22-27.

With best wishes for you, I am

Wound Warney

Enclosure

cc: Kay Cole, Directory

Higher of 1,00 and 1,00

Sincerely yours,

Carroll Hubbard Member of Congress

their the



BOARD OF DIRECTORS

THE CHARLES L. SHEDD APSL RESEARCH ACADEMY

1023 WEST BROADWAY MAYFIELD, KENTUCKY 42066-2040

PHONE: 502 - 247-8007 NON-PROFIT ORGANIZATION

April 5, 1985



COUNCIL ON EDUCATION

Alicia Bym Donna Blasi Katherine Cole Wanda Wade Dorothy Williamson Celia Batts Sharon Shreve

Benjamin Lookofsky, President Jean Crawford Chairman of Board of Directors Exchange Bank and Contractor

Chairman of Board of Directors Exchange Bank and Contractor Frank Kodman, Jr., Ph. D. Robert D. Fields, M. D. Joe S. Cole, Jr.

> Honorable Carroll Hubbard, Jr. 2182 Rayburn House Office Building Washington, D.C. 20515

Honorable Hubbard:

The students at the Charles L. Shedd Academy have worked diligently for four years to achieve the financing for a trip to Washington D.C. This has become a reality. We will be in Washington D.C. on April 21 - 27, 1985.

Would you please help us to meet our goal on our itinerary, as this historical trip will help complete our studies in American History. We look forward to hearing from you.

Sincerely,

Xay Cale

Kay Cole

Director

KC/kb

Enclosures: 1) itinerary

2) letter to the President

3) pamphlet on the Academy



THE CHARLES L. SHEDD APSL RESEARCH ACADEMY

> 1023 WEST BROADWAY MAYFIELD. KENTUCKY 42066-2040

> > PHONE: 502 - 247-8007 NON-PROFIT ORGANIZATION

> > > April 4, 1985

COUNCIL ON EDUCATION

Alicia Byrn Donna Blasi Katherine Cole Wanda Wade Dorothy Williamson Celia Batts Sharon Shreve

ACARD OF DIRECTORS

asalismin Luokatsky, President _Har_inawlore Chairman of Board of Directors Exchange Bank and Contractor Hoper C. Freids, M. D. See S. Cole, Jr.

> Honorable President Reagan White House 1600 Pennsylvania Avenue Washington D.C. 20000

Honorable President Reagan:

The students at the Charles L. Shedd Academy will be visiting Washington D.C. on April 21 - 27, 1985. Thirty-five students attend the Academy. and they are from throughout the United States and one from abroad. All students have been diagnosed as having a specific perceptual learning disability - dyslexia or hyperkenesis. We have been working diligently for four years to achieve the financing for this great historical trip which will complete our studies in American History.

The student body of Shedd Academy has earned \$1000.00 for the repairs of the Statue of Liberty by selling cheese and candles. The students would like to present this check for this great cause to you, Mr. President, or to our First Lady, Mrs. Reagan, during our visit. We would also like to have you hear our sound blends and word families that we recite every morning before class.

In October, Mr. President, we had the pleasure of watching the debate between you and Mr. Mondale while at Brandon Springs Group Camp in Land Between the Lakes. Our director asked us to listen very carefully to each debator. At the end of the debate, our director asked us to tell her in the morning which one of you pronounced the word a ("uh") correctly. And guess what? When asked who it was, we were proud to announce that you were the one.

Sincerely,

The Reversibles

Upper Class Officers

Here'll Jones - President

Matt Clark - Vice President

Kinderly Doctor - Secretary James Sutton - Treasurer

Jony Jodd - Reporter

THE CHARLES L. SHEDD ACADEMY NEWSLETTER April, 1985

SPRING BREAK

Beginning April 5, 1985 at 1:00 p.m. through April 13, 1985.

BOARDING STUDENTS

Return on or before April 14, 1985.

ACADEMY

Classes will resume at 8:00 a.m. SHARP! April 15, 1985. Students will have orientation for the Washington D.C. trip, including study point schedule, etc. WASHINGTON D.C. TRIP ITINERARY

Departing April 21, 1985 at 4:00 a.m. Returning April 28, 1985 at 5:00 p.m.

TIME SCHEDULE

Departure from Shedd Academy	Sunday, April 21 - 4:00 a.m.
Arriving at Washington D.C. The Virginia Lodge	Sunday, April 21 - midnight
Tour U.S. Mint, Mount Vernon, and Arlington Cemetary	Monday, April 22
Tour White House, Capitol, and the Senate and House	Tuesday, April 23
Tour Washington Monument and Smithsonian Institution	Wednesday, April 24
Complete tour of Washington Monument and Smithsonian Inst.	Thursday, April 25
Tour F.B.I., Lincoln Monument, Kennedy Center, Embassy Road, Water Gate Hotel and the city	Friday, April 26
Departure from Washington D.C.	Saturday, April 27 - 8:00 a.m.
Arriving Cambridge, OH The Best Western Motel (site-seeing tour to OH)	Saturday, April 27 - 6:00 p.m.
Departure from Cambridge, OH	Sunday, April 28 - 8:00 a.m.
Arrive Shedd Academy, Mayfield (site-seeing tour to Mayfield)	Sunday, April 28 - 5:00 p.m.

The Virginia Lodge 6027 Richmond Hwy. Alexandria, VA 22303 (703) 765-7000

April 21 - 27

The Best Western Motel 1945 Southgate Parkway Cambridge, OH 43725 (614) 439-3581

April 27 - 28