

Ronald Reagan Presidential Library
Digital Library Collections

This is a PDF of a folder from our textual collections.

Collection: Roberts, John G.: Files
Folder Title: Correspondence, Miscellaneous
(02/16/1986-03/25/1986)
Box: 15

To see more digitized collections visit:

<https://reaganlibrary.gov/archives/digital-library>

To see all Ronald Reagan Presidential Library inventories visit:

<https://reaganlibrary.gov/document-collection>

Contact a reference archivist at: reagan.library@nara.gov

Citation Guidelines: <https://reaganlibrary.gov/citing>

National Archives Catalogue: <https://catalog.archives.gov/>

WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name

Withdrawer

KDB 8/30/2005

File Folder CORRESPONDENCE, MISCELLANEOUS (02/16/1986-03/25/1986)

FOIA

F05-139/01

Box Number

COOK

2KDB

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	ROBERTS TO DIANNA HOLLAND RE QUESTION (PARTIAL)	1	2/24/1986	B6	609

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

- B-1 National security classified information [(b)(1) of the FOIA]
- B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- B-3 Release would violate a Federal statute [(b)(3) of the FOIA]
- B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

E.O. 13233

C. Closed in accordance with restrictions contained in donor's deed of gift.

THE WHITE HOUSE

WASHINGTON

February 19, 1986

MEMORANDUM FOR DIANNA G. HOLLAND

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Combined Federal Campaign -- Wants
Counsel's Office to write to OPM

I must recuse myself from this matter, in light of pending discussions with Mr. Hyman's firm concerning possible future employment.

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

WED 04-01

JGR

O - OUTGOING

H - INTERNAL

I - INCOMING

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

Name of Correspondent: Leslie Symon

MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Combined Federal Campaign - wants Council's advice to write to OPM

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>CUHOLL</u>		ORIGINATOR	<u>86 10 2 13</u>	<u>M/S</u>		<u>1 1</u>
		Referral Note:				
<u>CUH 18</u>		<u>D</u>	<u>86 10 2 14</u>	<u>M/S</u>	<u>5</u>	<u>86 10 2 14</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: Feb 13, 86 David B. Waller memo for Dianna G. Holland also attached

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.

SWIDLER & BERLIN

CHARTERED

1000 THOMAS JEFFERSON STREET, N.W.

IN GEORGETOWN

WASHINGTON, D.C. 20007

(202) 342-5500

382354 cu

LESTER S. HYMAN
ATTORNEY AT LAW

DIRECT DIAL
(202) 342-5516
TELEX: 701131
TELECOPIER: (202) 342-7778

12th February 1986

Dear David -

Attached is the kind of letter we would appreciate you considering sending to Mrs. Horner on behalf of our client International Service Agencies (ISA).

Many thanks -

LS

P.S. How about just the two of us getting together for lunch or dinner?

THE WHITE HOUSE

WASHINGTON

February 13, 1986

FOR: DIANNA G. HOLLAND

FROM: DAVID B. WALLER *DBW*

Lester Hyman telephoned me yesterday complaining about OPM's failure to respond to questions he has raised regarding Combined Federal Campaign certification of member agencies of the International Services Agencies (e.g., Save the Children). He requests that we transmit that issue to OPM in an effort to secure a response.

Please staff for appropriate handling.

February 12, 1986

The Honorable Constance Horner
Director
Office of Personnel Management
1900 E Street, N.W.
Room 5518
Washington, D.C. 20415

Dear Mrs. Horner:

I write to ask if you personally would look into a matter regarding the Combined Federal Campaign that has been brought to our attention. Under ordinary circumstances, I would refer such a matter to Joe Morris, but since he no longer is General Counsel and his successor has not yet assumed his post, it seemed important to bring this matter to the attention of OPM's decision-making authorities.

It is my understanding that under proposed OPM regulations all of the federated groups of charitable agencies, other than the International Service Agencies (ISA), are accorded the right to certify that their member agencies meet the operational and substantive requirements of CFC regulations. In the ordinary circumstances, these certifications will be reviewed only to determine whether the certified agency provides the requisite level of local service.

Yet, under those same proposed CFC regulations, ISA is not allowed to certify that its member agencies meet OPM's operational and substantive requirements. These requirements, along with a third requirement that an agency wishing to be classified as an overseas agency perform a "substantial preponderance of its charitable services in overseas areas", are subject under the proposed regulations to full OPM review. Thus, the ISA federation would be the only federation without certification authority.

During the last two CFC's, ISA has undertaken a peer review of OPM requirements and certified to OPM that its agencies meet the requirements. ISA questions why this authority is being taken away from it, while it remains with each of the other federated groups.

While ISA wishes to certify as to each of the three requirements discussed above, it recognizes that OPM is concerned that doing so would exclude its members from any scrutiny by a federal agency. Accordingly, it suggests that OPM's certification requirement could be limited to the substantive and operational requirements. Under this proposal, OPM's review would be similar to that conducted on a local level for domestic charities, except in this case it would focus only on the proportion of international services provided by the applicant international agency.

This is a matter of extreme importance to the international agencies. We would appreciate very much your looking into this matter and reporting on your findings.

Sincerely,

THE WHITE HOUSE

WASHINGTON

February 19, 1986

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Change in the Number of Years
Representatives and Senators Serve

Lloyd Cutler recently wrote Mr. Regan to urge support for a four-year term for Representatives and an eight-year term for Senators. Under this proposal, there would be no mid-term elections, with all Representatives and half the Senators being up for election at the same time the President is elected. Cutler noted that he is now opposed to a single six-year term for the President.

Regan sent Cutler a brief acknowledgement on February 11, sending a copy of the reply and incoming to you, presumably because you were mentioned in Cutler's letter. I see no need for any further response. The President has reportedly expressed support for the four-year term for Representatives, but with the Gramm-Rudman battle raging I think any effort to promote constitutional reform at this time would simply get lost in the shuffle. Cutler's motive in writing was to attempt to have the issue mentioned in the State of the Union, but that question is obviously OBE.

382351

ID # _____ CU

FG031
JF

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

O - OUTGOING

H - INTERNAL

I - INCOMING

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

Name of Correspondent: Lloyd N. Cutler

MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Change in the number of years
Congressmen and Senators serve

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>OW Holland</u>	<u>ORIGINATOR</u>	<u>86102113</u> <i>M/S</i>			<u>1 1</u>
<u>WAT18</u>	<u>AD</u>	<u>86102114</u> <i>M/S</i>		<u>586102124</u>	
		<u>1 1</u>			<u>1 1</u>
		<u>1 1</u>			<u>1 1</u>
		<u>1 1</u>			<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
- 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: Feb 11, 86 Donald Regan ltr to
Lloyd Cutler also attached.

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.

February 11, 1986

Dear Lloyd:

Thank you for your letter and also sending to me a copy of Reforming American Government, the workpapers of the Committee on the Constitutional System.

I appreciate your bringing your thoughts and ideas to my attention. I will be sure to share your views with the appropriate members of the White House staff.

With best wishes,

Sincerely,

Donald T. Regan
Chief of Staff to the
President of the United States

The Honorable Lloyd N. Cutler
Wilmer, Cutler & Pickering
1666 K Street, N.W.
Washington, D.C. 20006

DTR/lm (2DTR)

cc: w/incoming to Fred Fielding - 2FL/WW

WILMER, CUTLER & PICKERING

1666 K STREET, N. W.
WASHINGTON, D. C. 20006

INTERNATIONAL TELEX: 440 239 WCP: U
TELEX: 89-2402 WICRING WSH
TELEPHONE 202 872-6000

John R. [unclear]
EUROPEAN OFFICE
4 CARLTON GARDENS
PALL MALL
LONDON, SW1Y 5AA, ENGLAND
TELEPHONE 011-441-839-4466
TELEX: 8613916 WCPLDN
TELECY: 839 3537
CABLE ADDRESS: WICRING LONDON

LLOYD N. CUTLER

DIRECT LINE (202)

872-6100

January 16, 1986

382351 *ll*

The Honorable Donald T. Regan
Chief of Staff
The White House
Washington, D.C. 20500

Dear Don:

In the light of the difficulties encountered in building a coalition for House passage of the tax reform bill, especially among Republican members, I wanted to call to your attention a possible constitutional amendment in which the President has previously expressed interest. If there is still time, you might want to consider suggesting that the possibility be mentioned in the State of the Union message.

The proposal, previously advanced by President Johnson, is that Members of the House be elected for four-year terms running simultaneously with the presidential term. In the version I prefer, it would also include an eight-year Senate term with two classes of Senators instead of the present three, so that one Senator from each state would be elected at the time of each presidential election. The result would be to eliminate the mid-term election entirely and to lengthen the political time horizon of House members and Senators to the same four years as the President's.

The proposal was developed by the Committee on the Constitutional System, of which Senator Nancy Kassebaum, Douglas Dillon and I are co-chairmen and in which Nick Brady plays an important part. The Committee is trying to develop some proposals for reversing the continuing decline in party loyalty among voters and party cohesion between the President and legislators of the President's party, in an effort to correct the present drift toward deadlock on major issues like the budget and foreign policy.

The President spoke warmly of the four-year House term at a meeting I attended on January 7, 1985 along with

The Honorable Donald T. Regan
January 16, 1986
Page 2

members of the Committee on a Single Six-Year Presidential Term, which I have now come to oppose. Ed Meese, Jim Baker, Dick Darman and Fred Fielding were also present. At the meeting the President was reserved about the six-year presidential term but expressed very warm enthusiasm for a four-year term for House members, running simultaneously with the presidential term. At the end of the meeting, he said he would keep an open mind on the six-year presidential term, but that his mind was "made up" in favor of the four-year House term.

A paper outlining the text of the proposal and the arguments for and against it is attached. In addition to creating the same political time horizon for all elected officials, it would provide a three-year period after each election in which Congress could do its legislative job without the time, money and political distractions of preparing for the biennial election which always seems to be just a few months away. As one example, it is a political maxim that Congress cannot address the budget in an election year which now means, at a minimum, every other year. Last December the same came close to being true for tax reform.

From the soundings we have taken, I believe the four-year House term would be very popular with House members, and would be accepted by the Senate if incumbent Senators were protected against being challenged in an off year election by an incumbent House member running from the sanctuary of his four-year seat. This protection is automatically afforded if the eight-year two-class Senate term is included. If this is thought to go too far, Senators could be protected by a clause requiring an incumbent House member to resign his seat in order to run for the Senate.

Best regards,


Lloyd N. Cutler

Attachment

P.S. I am sending under separate cover a copy of Reforming American Government, the workpapers of the Committee on the Constitutional System in which the proposal appears.

A. COORDINATED TERMS OF OFFICE
(CONSTITUTIONAL AMENDMENT)

Article _____

Section 1. The House of Representatives shall be composed of members chosen every fourth year by the people of the several states.

Section 2. The terms of members of the House of Representatives shall end at noon on the third day of January in those years in which the term of the president ends; and the terms of their successors shall then begin.

Section 3. The Senate shall be composed of two senators from each state chosen every eighth year by the people of several states.

Section 4. In the year of the first election of a president and vice-president after this article takes effect, the Senate shall be divided as equally as may be into two classes. The first class shall consist of the senators whose terms expire in the following year, plus those senators of other states whose terms expire two years later. The second class shall consist of the remaining senators. The seats of the senators of the first class shall be vacated at noon on the third day of January of the year following such election of a president and vice-president. The seats of the senators of the second class shall be vacated four years later.

Section 5. This article shall take effect on the first day of January of the year of the first election of a president and vice-president occurring one year or more after the ratification of this article.

Analysis

The proposed amendment changes the length of terms of members of the House of Representatives from two years to four years, running concurrently with the term of the president. It also changes the length of terms of senators from six years to eight years and divides senators into two classes, with one class being elected every four years. Senate terms would begin and end in the same years as presidential terms (and, under the amendment, congressional terms). The amendment could be accompanied by a federal statute providing that elections of members of the House and of senators would be held two to six weeks after presidential elections [see page 117].

The proposed amendment is intended to serve several important interests. By establishing concurrent four-year terms for representatives and the president, the amendment would link the political fortunes of a party's presidential and congressional candidates more closely than currently is the case. Moreover, a four-year term running simultaneously with the presidential term would give House members the same electoral time horizon as the president, and permit members to support presidential initiatives requiring sacrifices for one or two years in order to achieve favorable results within four years. For both these reasons, presidents and legislators of the same party might be expected to achieve greater party cohesion and thereby enact the party's legislative program. The amendment could have similar effects in the Senate, since all senators would be chosen in elections held at the time of presidential elections and would not face new elections before the president. The enhanced party unity resulting from the amendment might lessen executive-legislative deadlock, at least in situations where the same party controlled both the White House and Capitol Hill.

The proposed amendment would also permit representatives to devote greater time and attention to legislative responsibilities and less to the currently unending task of campaigning for reelection. The increasing range and complexity of subjects dealt with by Congress add particular weight to this point. Moreover, the longer term could attract the most qualified persons to the House and might permit them greater freedom to support party positions opposed by a powerful single-issue interest group. In addition, a reduction by half in the number of elections faced by representatives would reduce expenditures on campaigns and would give persons of moderate means a better chance of winning election to the House.

Reelection pressures experienced by senators might also be marginally diminished by the lengthening of Senate terms, and, as with House seats, election costs might be reduced. By dividing the Senate into two, rather than three, classes the proposed amendment relieves senators from facing new elections before the president. By holding the presidential, House and Senate elections in the same year, the amendment increases the voting public's opportunity to elect a president and legislature responsive to its desires. The longer lifespan of each Congress resulting from the amendment (four years rather than two) would provide greater time for each Congress to complete its legislative tasks, and to do so without the distraction of upcoming biennial elections.

A number of objections can be raised to the proposed amendment. Since the House of Representatives is meant to be close to the people, the present system of biennial elections is the surest way to accomplish this goal. Biennial terms require a member to stay in touch with and be responsive to his or her constituency. Opponents also reject the notion that the president and the legislators of the same party should work more closely to carry out the party's legislative program, on the ground that party cohesion is less important than a legislator's independence and responsiveness to his or her constituents. Opponents also reject the argument that two-year terms deter qualified persons from running for the House and doubt that four-year elections will reduce election costs, reasoning that the higher stakes in each election will be reflected in increased campaign expenditures. In any event, they believe, the added cost of frequent elections is simply the price of a legislative body truly responsive to the popular will.

Critics of the proposed amendment also argue that, by reducing the staggered character of senatorial terms, the amendment dilutes an important constitutional safeguard. By providing for three staggered classes of senators with one class being elected every two years, the framers sought to minimize the dangers that a transitory electoral sweep could entirely dominate the government. Since the proposed amendment allows election of the Senate in only two stages, it increases the danger of pendulum-like swings in legislative programs.

WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name

ROBERTS, JOHN: FILES

Withdrawer

KDB 8/5/2005

File Folder

CORRESPONDENCE, MISCELLANEOUS (02/16/1986-03/25/1986)

FOIA

F05-139/01

COOK

Box Number

2KDB

DOC Document Type

No of Doc Date Restric-
pages tions

NO Document Description

1 MEMO

1 2/24/1986 B6

609

ROBERTS TO DIANNA HOLLAND RE QUESTION

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

B-1 National security classified information [(b)(1) of the FOIA]

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

B-3 Release would violate a Federal statute [(b)(3) of the FOIA]

B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]

B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]

B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]

B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]

B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

E.O. 13233

C. Closed in accordance with restrictions contained in donor's deed of gift.

THE WHITE HOUSE

WASHINGTON

February 24, 1986

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS, JR.

SUBJECT: Seal Question

Chris Hicks called to request that our office look into the sale of a cap featuring the Great Seal and "The White House" by [REDACTED] Billy Dale in the Press Office can provide further details to whomever this problem is assigned.

b6

THE WHITE HOUSE

WASHINGTON

February 25, 1986

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY AND DEPUTY ASSISTANT
TO THE PRESIDENT

FROM: JOHN G. ROBERTS
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Posthumous Promotion for Michael Smith

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

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

O - OUTGOING

H - INTERNAL

I - INCOMING

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

Name of Correspondent: Dave Chew

MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Posthumous Promotion for Michael Smith

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>CUTROLL</u>	ORIGINATOR	<u>86,02,24</u>			<u>1 1</u>
	Referral Note:				
<u>Quat 18</u>	<u>R</u>	<u>86,02,24</u>		<u>S</u>	<u>86,02,25</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.

WHITE HOUSE STAFFING MEMORANDUM

DATE: 2/24/86 ACTION/CONCURRENCE/COMMENT DUE BY: 2/25/86

SUBJECT: POSTHUMOUS PROMOTION FOR MICHAEL SMITH

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	OGLESBY	<input type="checkbox"/>	<input type="checkbox"/>
REGAN	<input type="checkbox"/>	<input type="checkbox"/>	POINDEXTER	<input type="checkbox"/>	<input type="checkbox"/>
MILLER	<input type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
BUCHANAN	<input type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input type="checkbox"/>
CHAVEZ	<input type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
CHEW	<input type="checkbox"/> P	<input checked="" type="checkbox"/> SS	STEELMAN	<input type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" 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"/>
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"/>
LACY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS: Do you have any objection to the President approving the attached nomination?

RESPONSE:

1091
FEB 24 11 03

THE WHITE HOUSE
WASHINGTON

February 24, 1986

MEMORANDUM FOR THE PRESIDENT

FROM: JOHN M. POINDEXTER *JMP*

SUBJECT: Posthumous Promotion Nomination

Issue

Should you posthumously promote Commander Michael J. Smith, USN, pilot of Space Shuttle Challenger.

Facts

Secretary Weinberger has recommended Commander Michael J. Smith, USN, who died aboard the Shuttle Challenger, for posthumous promotion to the grade of Captain. He had never flown a previous space mission and, therefore, has never been promoted for duties involving space flight.

Lieutenant Colonel Elison Onizuka, USAF, also died aboard that flight but has been promoted once for a previous space flight. The Air Force is therefore not recommending him for promotion. The DOD has approved the award of the Defense Distinguished Service Medal to both officers. The promotion of Commander Smith will honor his service to the country and the space program in a manner equivalent to that of Lieutenant Colonel Onizuka and all other astronauts. The White House Military Office concurs.

Recommendation

<u>OK</u>	<u>No</u>
_____	_____

That you approve the nomination of Commander Michael J. Smith for posthumous promotion to the grade of Captain, United States Navy, and sign the nomination to the Senate at Tab A.

Attachments

- Tab A Nomination to U.S. Senate
- Tab B Memorandum from Secretary Weinberger, dated February 5, 1986

cc Vice President

The White House

Washington

To the Senate of the United States:

I NOMINATE
THE FOLLOWING-NAMED OFFICER FOR PROMOTION TO THE GRADE INDICATED
UNDER THE PROVISIONS OF ARTICLE II, SECTION 2, CLAUSE 2 OF THE
CONSTITUTION OF THE UNITED STATES OF AMERICA.

TO BE CAPTAIN

COMMANDER MICHAEL J. SMITH, U. S. NAVY, 246-68-2102/1310

THE WHITE HOUSE

WASHINGTON

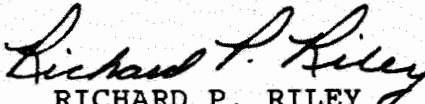
February 6, 1986

MEMORANDUM FOR THE PRESIDENT

Forwarded for your approval and signature is the nomination of Commander Michael J. Smith, U.S. Navy, who died aboard Challenger Flight 51L on 28 January 1986, for posthumous promotion to the grade of captain.

This nomination has been staffed by the Secretary of the Navy and approved by the Secretary of Defense.

Recommend you approve and sign the attached.


RICHARD P. RILEY

Attachment



THE SECRETARY OF DEFENSE
WASHINGTON, THE DISTRICT OF COLUMBIA

5 FEB 1986

MEMORANDUM FOR THE PRESIDENT

SUBJECT: PRESIDENTIAL POSTHUMOUS NOMINATION

I recommend that you nominate Commander Michael J. Smith, U. S. Navy, 246-68-2102/1310, who died aboard Challenger Flight 51L on 28 January 1986, for posthumous appointment to the grade of captain.

Such appointment would be made under the authority vested in you by Article II, section 2, clause 2 of the Constitution.

This action is based on the recommendation of the Secretary of the Navy.

A handwritten signature in black ink, which appears to read "James W. Parsons", is located on the right side of the page.

Enclosure

THE WHITE HOUSE

WASHINGTON

March 4, 1986

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: George Washington Law Review's Article
on Laurence Tribe's God Save This
Honorable Court

Pursuant to our discussion at this morning's staff meeting, I have re-dated my proposed response for your signature.

THE WHITE HOUSE

WASHINGTON

March 4, 1986

Dear Mr. Walker:

Thank you for your letter of February 3. Along with that letter you submitted a copy of a review of Laurence Tribe's God Save This Honorable Court, and suggested that this office consider a response.

I hope you will understand that my current responsibilities do not afford sufficient time to undertake such activity. Thank you for your inquiry, and best of luck with the Law Review.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Mr. Jeffrey Walker
Book Review Editor
The George Washington Law Review
716 20th Street, N.W., Suite 302
Washington, D.C. 20052


FFF/JGR:jmk
cc: FFFielding
JGRoberts
subject
chron.

THE WHITE HOUSE

WASHINGTON

March 21, 1986

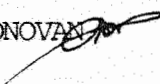
MEMORANDUM FOR FRED F. FIELDING
RICHARD A. HAUSER
DAVID B. WALLER
H. LAWRENCE GARRETT
JOHN G. ROBERTS
DEBORAH K. OWEN
HUGH HEWITT

FROM: JOHN G. ROBERTS 
SUBJECT: Christmas Party Bill

The Christmas party was a great success, and no great success is ever achieved without a price. The price, in this case, was \$1308.76. Messrs. Fielding and Hauser have offered to pay at a rate twice that of each member of their staff, resulting in an assessment of \$290 per person for management and \$145 per person for labor. Please send a check payable to me for the appropriate amount as soon as possible.

THE WHITE HOUSE
WASHINGTON

March 24, 1986

TO: JOHN ROBERTS
FROM: CHUCK DONOVAN 
RE: Anonymous Money Order for
Debt Reduction

In line with your memorandum to me of February 27, 1986 regarding an anonymous money order received by the White House following the CHALLENGER disaster, I am seeking your authorization to forward the attached money order to the Public Debt Reduction Fund at the Treasury Department. The facts in this instance are similar to the NASA example, with the exception that here the donors indicate their intent to send further donations on a monthly basis for the same purpose.

CD -

AGREED



3/25

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

February 8, 1986

Dear Mr. President:

My wife and I are very concerned about the national deficit. We feel strongly, that if you took the matter directly to the American people, that you might have some very positive and surprising responses.

We would like to contribute \$100 from our first month's 1986 income, toward the reduction of our nation's debt. Don't you think that possibly millions of other Americans might willingly pledge contributions for this cause?

It is our intention to continue making a monthly contribution of \$100 as long as our financial circumstances permit. We choose to make our contributions anonymously. Enclosed is a money order for \$100.

We hope this correspondence finds you and Mrs. Reagan in good health. Our sincerest best wishes and warm regards.

God bless.

THE WHITE HOUSE

WASHINGTON

March 25, 1986

MEMORANDUM FOR DIANNA G. HOLLAND

FROM:

JOHN G. ROBERTS 

SUBJECT:

Plight of their Daughter, Billie Garde,
as a Result of Whistle Blowing

This matter should be closed out with no response. According to my notes, I discussed it with David Horn of OMB and Irving Marguiles at Commerce. They noted that the individual in question was not a legitimate "whistleblower," that the incident had generated many lawsuits, and that litigation was pending. Both recommended that the White House not respond in any way, but permit the pending litigation to conclude.

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

PEON

JBR

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

Name of Correspondent: Mr. & Mrs. Milton Pinner

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

Subject: Plight of their daughter, Billie
Garde, and heretofore by whistle
blowing

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>W Holland</u>		<u>ORIGINATOR</u>	<u>DDP 1/10/01</u>			<u>1 1</u>
<u>WAT 18</u>		<u>D</u>	<u>DDP 1/10/04</u>			<u>S 8/10/14</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
- 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, OEOP).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

3/20/84 Second ...
incl article April 2, 1984

Mr. President,

CAD I am writing to call your attention to a situation which has become a very serious and heart breaking matter in our family. 230123 cu

When you first ran for President - you asked for help to remove waste and fraud and cheating from the mire of governments many offices. I believe you encouraged "Whistle Blowers" to come forward. At the time I quietly applauded the idea. That was before it became a horror story for my family.

My daughter - Billie Pinner Garde was naive enough to do just that. As a result she exposed herself and two small girls to an unreal experience.

2

Very briefly her nightmare began in Oklahoma when she exposed a Census scandal. Our whole family has been on an emotional and financial tight-rope ever since.

NOW - The reason for this letter - is my OUT RAGE - that after 4 years of near poverty and despair - she has to again go to court to fight against the government who is tenaciously trying to discredit her character.

I have read with interest excerpts from Mr Haigs book CAVEAT and was struck by the statement that sometimes you are ill advised. Thus my letter will most likely never receive its due attention.

Nor will my daughter and her

(3)

family ever be out of legal
poverty - or emotionally secure
again

An idealistic person will again
have to go to court - alone -
to face the mighty government.
I wonder - is the price we
are paying worth the effort.

Mr. & Mrs. Milton Pinner
800 E. Pershing Street
Appleton, WI 54911

MY DAUGHTER:

MS. BILLIE GARDE PHONE:
3316 CHARIDEE CT. 301-942-2190
WHEATON, MD. 20902

JACK ANDERSON

Case Angering Reagan Stymied By Bureaucrat

The real tyrants in our system are the faceless bureaucrats who inhabit the catacombs of government and become bogged down in trivia. Yet within their limited jurisdictions, they can sometimes overrule the president himself.

One such bureaucrat named Thomas J. Conley has delayed justice in a case that outraged President Reagan when he first heard about it. Conley is a lawyer in his late 30s who presides over an obscure corner of the Commerce Department's legal offices.

The case he refuses to settle is that of a courageous young mother, Billie Garde, who blew the whistle on her boss in the Census Bureau and was driven to ruin as a result.

[REDACTED]

But it did happen. From interviews and official documents, my associate Indy Badhwar has pieced to-

gether the ghastly story of Garde's harassment. It reads like something out of the files of the KGB.

Garde was hired by the Census Bureau in Muskogee, Okla., in 1980. The district director, John Hudson, was a local Democratic big shot who demanded that women in his office perform sexual favors for him and his political cronies. Garde rejected his advances.

Hudson threatened her repeatedly, telling her to give in to his advances and to keep quiet about his operation of the office. He then fired her. She reported the shabby story to government investigators.

Hudson, thereafter, worked with Garde's estranged husband, Larry, to deprive her of custody of her two children. She fled in fear to Maryland. Once, when her children visited her, the local authorities in Oklahoma brought spurious kidnapping charges against her.

Not only that, but when the Justice Department finally got around to indicting the Muskogee census official for the behavior Garde had exposed, it also considered indicting her—for not blowing the whistle fast enough!

Thanks to a diligent investigation by the Commerce Department's inspector general, Sherman Funk, Garde's story was corroborated. Funk's 400-page report contains evidence that Hudson tried to help deprive Garde of her children.

Hudson eventually went to jail on charges arising from his operation of the census office. (There is no federal criminal law governing sexual harassment of employees.) Garde got her kids back and the ridiculous kidnapping charges against her were dropped. Larry Garde has told federal investigators, "I wonder if I was used as a pawn to shut Billie up."

Citing the role of government officials in her troubles, Garde asked the Commerce Department to pay the expenses of her custody fight and the move from Oklahoma. Her case was brought to the president's personal attention by Edwin L. Harper, then director of the President's Council on Integrity and Efficiency.

[REDACTED]

Yet because of Conley's stubborn obstructionism, the Commerce Department refuses to compensate Garde for the grief it caused her. Conley argues that Garde's custody battle was unrelated to her troubles in the Muskogee census office—an astonishing conclusion, considering the evidence set forth in the IG report that the custody litigation was part of the retaliation against Garde for blowing the whistle on her boss.

6/4/84

JACK ANDERSON

Commerce Dept. Tries to Muzzle Whistle Blower

Commerce Department lawyers have been using shoddy tactics to discredit a whistle blower who dared to stand up to her bureaucratic bosses. She encountered such harassment that it moved President Reagan to an emotional outburst when he learned of it.

The tactics of the Commerce lawyers—Irving Mangulies, Gordon Fields and Thomas Conley—threaten to discourage government employees who may be thinking of exposing waste, incompetence and corruption in their agencies. In fact, their attempt to discredit the whistle blower could undercut the president's pledge to battle bureaucratic misbehavior.

For two years, my associate Indy Badhwar has been following the case of Billie Garde, a young mother who exposed sexual harassment and political cronyism in the Census Bureau office in Muskogee, Okla.

About 10 weeks after starting her job in 1980, she began complaining about her boss, John Hudson, to his superiors. When Hudson found out, he first threatened her, then fired

her. Also, according to a 400-page inspector-general report that examined Garde's charges, Hudson helped her ex-husband to obtain custody of the Gardes' two little girls.

Hudson eventually went to jail because of the way he ran the census office, but the damage he had instigated lingered on. Garde's long legal fight to regain custody of her children finally succeeded, but it left her broke.

As I reported three months ago, Reagan was told about the case at a Cabinet meeting. He reportedly pounded the table in anger and said: "Tell me this couldn't happen! Not in my country! Not in my country!"

The IG report—signed by Commerce Secretary Malcolm Baldrige and sent to the White House—concluded that Garde had been sexually harassed and improperly fired. So she sought compensation for the legal costs she had to pay as a result of the harassment. But this elementary justice was apparently more than Commerce's lawyers were willing to give.

They set about to depict Garde as a greedy, unscrupulous, dope-smoking, willing participant in the crimes she had exposed.

At one point, the lawyers tried to show that Garde had not been fired, but that her job had been abolished. Yet in an earlier statement, Fields had said, "We agree that she was fired illegally."

And in a letter dated Feb. 22, attorney Conley wrote to Garde's lawyer: "I want to reiterate our sympathy for your client and our desire that she be compensated for the damages caused by the Commerce Department's employe"

But the lawyers had a curious way of showing their sympathy. For example, attorney Fields told the Equal Employment Opportunity Commission that Garde was trying to collect \$900,000 in damages, a figure he termed "incredible."

It was not so much incredible as imaginary. The \$900,000 figure was produced by a personnel consultant—in response to a letter from Conley—as the amount Garde theoretically might have earned over a lifetime if her government career had not been terminated illegally. As the Commerce lawyers were well aware, Garde's attorney emphasized in a letter to them that the \$900,000 "figure is not a settlement demand."

On Oct. 19, 1981, presidential assistant Ed Harper wrote to Garde: "It was your personal courage which provided the impetus to see that justice was done I appreciate not only what you have already done, but also your willingness to tell others that, even while it may be difficult, the system does work."

Unfortunately, the Commerce Department's attorneys seem determined to show that the system doesn't work.

THE WHITE HOUSE

WASHINGTON

March 25, 1986

MEMORANDUM FOR DIANNA G. HOLLAND

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Memo and Issue Paper re: Denial of an
NAACP-Backed Appeal for the Release of
Confession Tapes Involving Civil Rights

This matter should be closed out with no response. When the question first came into our office, I raised it with Roger Clegg, then Acting Assistant Attorney General for the Office of Legal Policy. Clegg explained that while a "confession" did exist in the Bureau's files, the Bureau had determined that it was not credible. According to Clegg, the file is not releasable under FOIA.

I conveyed the foregoing to Mel Bradley, who first raised the issue. Bradley advised that he would get back to me if anything further were needed; he did not.

JL003

JR

JV

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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

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

Name of Correspondent: John Svahn

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

Subject: Memo and Issue Paper re: Denial of an NAACP-backed appeal for the release of 3 confession tapes involving a Civil rights

ROUTE TO: Office/Agency (Staff Name)	ACTION		DISPOSITION		
	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>WHOLE</u>	ORIGINATOR	<u>84102101</u>			<u>1 1</u>
	Referral Note:				
<u>WAT 18</u>	<u>D</u>	<u>84102101</u>		<u>S</u>	<u>84102109</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.

OFFICE OF POLICY DEVELOPMENT

MEMORANDUM

DATE: 1/30/84 ACTION/CONCURRENCE/COMMENT DUE BY: 2/10/84
 SUBJECT: MEMO AND ISSUE PAPER RE: DENIAL OF AN NAACP-BACKED APPEAL FOR THE
 RELEASE OF CONFESSION TAPES INVOLVING A CIVIL RIGHTS MURDER

	ACTION	FYI		ACTION	FYI
<input checked="" type="checkbox"/> SVAHN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	DRUG POLICY	<input type="checkbox"/>	<input type="checkbox"/>
PORTER	<input type="checkbox"/>	<input type="checkbox"/>	TURNER	<input type="checkbox"/>	<input type="checkbox"/>
ANDERSON	<input type="checkbox"/>	<input type="checkbox"/>	D. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>
BLED SOE	<input type="checkbox"/>	<input type="checkbox"/>	WILLIAMS	<input type="checkbox"/>	<input type="checkbox"/>
BRADLEY	<input type="checkbox"/>	<input type="checkbox"/>			
CHAO	<input type="checkbox"/>	<input type="checkbox"/>	OFFICE OF POLICY INFORMATION		
COY	<input type="checkbox"/>	<input type="checkbox"/>	HOPKINS	<input type="checkbox"/>	<input type="checkbox"/>
GALEBACH	<input type="checkbox"/>	<input type="checkbox"/>			
GUNN	<input type="checkbox"/>	<input type="checkbox"/>	PROPERTY REVIEW BOARD	<input type="checkbox"/>	<input type="checkbox"/>
HOBSON	<input type="checkbox"/>	<input type="checkbox"/>	OTHER		
B. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>	100 Fred Fielding	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LI	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
McALLISTER	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
McCAFFREY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
SIMMONS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
SMITH	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
SWEET	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
UHLMANN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
WALTERS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
ADMINISTRATION/ JOHNSTON	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

RESPONSE TO:

John A. Svahn
 Assistant to the President
 for Policy Development
 (x6515)

Roger B. Porter
 Director
 Office of Policy Development
 (x6515)

THE WHITE HOUSE

WASHINGTON

January 30, 1984

185689cu

MEMORANDUM FOR FRED F. FIELDING

FROM: JACK SVAHN 

SUBJECT: Memo and Issue Paper re: Denial of an NAACP-Backed
Appeal for the Release of Confession Tapes
Involving a Civil Rights Murder

Mel Bradley recently brought the attached matter to my attention. Would you ask the people at DOJ for an explanation and let me have your opinion on what, if anything, can be done?

Attachments

THE WHITE HOUSE

WASHINGTON

January 5, 1984

MEMORANDUM FOR JACK SVAHN

FROM: MEL BRADLEY *mb*

SUBJECT: Memo and Issue Paper re: Denial of an NAACP-Backed
Appeal for the Release of Confession Tapes
Involving a Civil Rights Murder

The attached memo suggests that we look into the matter to assure ourselves that the best interest of justice is served. In the interim, we can anticipate a question being directed to the President or other Administration officials on this matter. For this reason I have also prepared an issue paper on the subject.

Attachments

cc: Mike Uhlmann

THE WHITE HOUSE

WASHINGTON

January 5, 1984

MEMORANDUM FOR JACK SVAHN

FROM: MEL BRADLEY *mb*

SUBJECT: Denial of a Request for the Release of FBI Tapes
of a Self-confessed Anti-Civil Rights
Assassination Participant

I recommend that the Justice Department give us a briefing on information contained in the attached articles from Crisis, the official magazine of the NAACP. The articles narrate a 32-year old case involving the assassination of the Florida head of the NAACP, Harry T. Moore, and his wife, who was also a civil rights activist, along with a story involving Raymond Henry, Jr. who is said to have made a taped confession to the FBI which reveals his participation and the participation of others, including a number of Florida law enforcement officials.

The articles further state that although the taped confession was voluntarily made in the presence of an NAACP official, the Justice Department has denied an NAACP-backed appeal of an FBI decision not to release the tape on the grounds that the privacy interests of the self-confessed participant outweigh any public interest in the matter.

We can expect the NAACP to raise these kinds of arguments in pressing for reconsideration of the denial:

- (1) President Reagan has expressed strong views regarding the protection of constitutional rights.
- (2) As we stress the importance of striking back at terrorism against Americans abroad we should also demonstrate every reasonable effort to fight terrorism against Black Americans at home.
- (3) The public interest in discouraging future terrorist-murders against Black Americans would appear to outweigh the privacy interests of the self-confessed participant.
- (4) Since there is no statute of limitations on murder under Florida law, the release of the tapes could lead to public pressure by citizens of the State to bring the participants to justice.

This issue is an explosive one given the peculiar history of Black Americans. For example, the NAACP which celebrates its 75th anniversary on February 12, was founded in the wake of a series of lynch-murders. Further, this case follows closely on the heels of the 1983 conviction of a Ku Klux Klan leader on December 10 in connection with the 1981 lunch-murder of Michael Donald of Mobile, Alabama. The perception is that this conviction would not have taken place without the persistent efforts of the local NAACP president to have the case reopened.

Attachments

cc: Mike Uhlmann

NRAACP

Station K. wrote article - Raymond Henry responsible
for 1951 bombing that killed Harry Moore.

FBI has transcript (no tapes)

Henry says - nothing to his confession. Facts
all wrong, etc.

If guy is informant, S.O.P. is to refuse copies or
any portion of file. Otherwise would
violate privacy act.

Kennedy still pushing forward.

Can't say informant, or crazy.

If Henry were dead, no P. Act problem.

Sue

FOIA contains exemption - b7