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111 Box 46 - JGR/Pro Bono (17) – Roberts, John G.: Files  
SERIES I: Subject File

THE WHITE HOUSE  
WASHINGTON

February 4, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Agreement With Regard to Appearance  
and/or Participation in PANORAMA

Michael Evans has signed an appearance agreement with WTTG Channel 5, concerning his appearance on the "Panorama" television show, "subject to the approval of the White House Counsel's Office." The boilerplate agreement grants WTTG sole rights to the broadcast, and the right to use the fact of Evans's appearance in advertising for the show (e.g., "our guest next week will be Michael Evans..."). It also releases WTTG from any liability arising from Evans's appearance, and Evans agrees to indemnify the station for any liability arising from his appearance. (The latter clauses concern possible libel actions.)

The agreement was dated January 24, 1985, and the live television show aired uneventfully that same day. The agreement reached our office the next day. I recommend taking no action. If any problems do arise out of Evans's appearance (I foresee none), we can disavow the agreement at that time -- it was signed expressly subject to our approval. There is no need for us gratuitously to approve such a blanket waiver at this point.

Attachment

59

# WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
  - H - INTERNAL
  - I - INCOMING
- Date Correspondence Received (YY/MM/DD) 1/27

*JP*

Name of Correspondent: Michael Evans

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

Subject: Agreement with regard to appearance and/or participation on PANORAMA

ROUTE TO:	ACTION	DISPOSITION
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD
<u>WHolland</u>	<u>DD</u> ORIGINATOR	<u>8510125</u>
<u>WA 718 DSIE</u>	<u>DD</u>	<u>8510128</u>
		<u>85102101</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.

286985 CU



Date January 24, 1985

Metromedia, Inc.  
Channel 5  
5151 Wisconsin Avenue, N.W.  
Washington, DC 20016

Gentlemen:

I hereby agree to your recording and publicly exhibiting my appearance and/or participation on your television program entitled: PANORAMA (the "Program") and in consideration of the mutual benefits flowing from such exhibition, I agree as follows:

1. You are the sole owner of all rights in and to the Program and its contents and recordings for all purposes and uses of any type including, without limitation, the following rights which you may, in your sole discretion, exercise throughout the world and forever: (i) to publicly exhibit and/or license others to publicly exhibit the Program, and any part(s) or edited versions of the Program, one or more times by any means of transmission or exhibition now or hereafter known (including but not limited to broadcast by television stations, origination or dissemination on cable TV systems, distribution in the form of tape cassettes, or direct projection before audiences, in any of such instances whether or not the viewers or subscribers pay therefor, or whether the exhibition is on a commercial and/or non-commercial basis; (ii) to publish, disseminate, and edit the text of the Program in any form, and (iii) to assign all or part of any such rights to others.

2. You shall have the right to use and license others to use my name, likeness and such biographical material as I may furnish in connection with advertising and/or publicizing Metromedia, Inc., your stations, your licensees, the Program or program series, and the advertisers associated with the Program ("Advertisers") and their products or services but not, however, as an endorsement thereof.

3. By signing this agreement I am releasing you, your licensees and Advertisers from and against claims of any nature arising by reason of my appearance on the Program, statements made by others on, or in connection with, the Program, or your exercise of the rights which I have granted to you in this agreement.

4. I agree to indemnify and hold harmless you, your licensees and Advertisers and your and their officers, directors, agents and employees from and against any and all claims, damages, liabilities, costs and expenses (including counsel fees) arising from the broadcast or other publication of any words spoken by me, my appearance, or any materials furnished by me in connection with the Program.

Your permitting me to appear on the Program shall constitute your approval of this agreement.

Very truly yours,

Michael A. R.

Phone 202-456-2594  
Address THE WHITE HOUSE  
WASHINGTON DC  
20500

(Countersigned, if requested, by guardian or parent if signatory is under 21 years of age.)

5) SUBJECT TO THE APPROVAL  
OF THE WHITE HOUSE COUNSEL  
OFFICE MAWR

THE WHITE HOUSE

WASHINGTON

February 4, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Reimbursement for Fees Incurred  
by the Parents of Baby Jane Doe

Senator Durenberger has written to ask you to assist his effort to obtain attorneys' fees for the parents of Baby Jane Doe. The parents were intervenors on the side of the hospital in the unsuccessful suit by the United States against the hospital to obtain access to Baby Jane Doe's medical records. (A divided panel of the Second Circuit (Winter, J., dissenting) rejected the Government's efforts to obtain the records.)

The Civil Rights Division, both in response to the parents' motion for attorneys' fees and in response to letters from Senator Durenberger, has argued that the parents are not entitled to fees because the Government suit, though unsuccessful, was not "frivolous, unreasonable, or without foundation," the appropriate standard articulated in Christiansburg Garment Co. v. E.E.O.C., 434 U.S. 412, 421 (1978). The Second Circuit has in fact denied the parents' application, apparently agreeing with Justice. Senator Durenberger argues that Justice should not oppose the parents' effort to obtain fees, because they were victims of "experimental" litigation and have already incurred large medical expenses to care for Baby Jane Doe. The senator also notes that he introduced a private relief bill in the last session, and will do so again in this Congress.

I see no reason to retreat from the Justice position. The Baby Doe litigation may have been ill-advised, and the courts have thrown it out, but it was hardly "frivolous, unreasonable, or without foundation." Nor do I think the Government should ignore that clearly established legal standard and dispense moneys from the public fisc out of a sense of "compassion" -- the Justice Department has no right to salve its conscience (or quiet Senator Durenberger) with taxpayers' money that is not legally owed to the parents.

THE WHITE HOUSE

WASHINGTON

February 8, 1985

Dear Dave:

Thank you for your letter of January 28, concerning the question of attorneys' fees for the parents of Baby Jane Doe. In that letter you requested that I review the decision of the Department of Justice to oppose such an award of attorneys' fees.

Upon consideration I am afraid that I must agree that the Department of Justice has no option but to oppose the award of fees to the parents. The legal standard cited by the Department in its court papers and its prior correspondence with you is well established. Fees are available in cases of this sort only if the Government suit is "frivolous, unreasonable, or without foundation." That cannot be said of the Baby Doe litigation. Since the legal standard for an award of fees has not been met in this case, it would be wholly inappropriate for the Department to acquiesce in an award of fees. Particularly when it comes to obligating public funds, the Department must be guided by established legal standards, not subjective notions of what might be considered to be otherwise fair or compassionate.

I am afraid this response will not be what you may have hoped, but I hope you will understand the reasons underlying it.

Sincerely,

Orig. signed by FFF

Fred F. Fielding  
Counsel to the President

The Honorable Dave Durenberger  
United States Senate  
Washington, D.C. 20510

FFF:JGR:aea 2/8/85

bcc: FFFielding

JGRoberts ✓

Subj  
Chron



THE WHITE HOUSE  
WASHINGTON  
February 4, 1985

*Ann*

Dear Senator Durenberger:

Thank you for your letter of January 28, concerning the question of attorneys' fees for the parents of Baby Jane Doe. In that letter you requested that I review the decision of the Department of Justice to oppose such an award of attorneys' fees.

Upon consideration I am afraid that I must agree that the Department of Justice has no option but to oppose the award of fees to the parents. The legal standard cited by the Department in its court papers and its prior correspondence with you is well established. Fees are available in cases of this sort only if the Government suit is "frivolous, unreasonable, or without foundation." That cannot be said of the Baby Doe litigation. Since the legal standard for an award of fees has not been met in this case, it would be wholly inappropriate for the Department to acquiesce in an award of fees. Particularly when it comes to obligating public funds, the Department must be guided by established legal standards, not subjective notions of what is fair or compassionate.

*might be considered to be outrageous*

*that response would not be what you may have hoped*

I am afraid ~~you will not be pleased with this response,~~ but I hope you will understand the reasons underlying it.

Sincerely,

Fred F. Fielding  
Counsel to the President

The Honorable Dave Durenberger  
United States Senate  
Washington, D.C. 20510

THE WHITE HOUSE

WASHINGTON

February 7, 1985

Dear Senator Durenberger:

Thank you for your letter of January 28, concerning the question of attorneys' fees for the parents of Baby Jane Doe. In that letter you requested that I review the decision of the Department of Justice to oppose such an award of attorneys' fees.

Upon consideration I am afraid that I must agree that the Department of Justice has no option but to oppose the award of fees to the parents. The legal standard cited by the Department in its court papers and its prior correspondence with you is well established. Fees are available in cases of this sort only if the Government suit is "frivolous, unreasonable, or without foundation." That cannot be said of the Baby Doe litigation. Since the legal standard for an award of fees has not been met in this case, it would be wholly inappropriate for the Department to acquiesce in an award of fees. Particularly when it comes to obligating public funds, the Department must be guided by established legal standards, not subjective notions of what might be considered to be otherwise fair or compassionate.

I am afraid this response will not be what you may have hoped, but I hope you will understand the reasons underlying it.

Sincerely,

Fred F. Fielding  
Counsel to the President

The Honorable Dave Durenberger  
United States Senate  
Washington, D.C. 20510

FFF:JGR:aea 2/7/85

bcc: FFfielding  
JGRoberts

Subj  
Chron

THE WHITE HOUSE

WASHINGTON

February 4, 1985

Dear Senator Durenberger:

Thank you for your letter of January 28, concerning the question of attorneys' fees for the parents of Baby Jane Doe. In that letter you requested that I review the decision of the Department of Justice to oppose such an award of attorneys' fees.

Upon consideration I am afraid that I must agree that the Department of Justice has no option but to oppose the award of fees to the parents. The legal standard cited by the Department in its court papers and its prior correspondence with you is well established. Fees are available in cases of this sort only if the Government suit is "frivolous, unreasonable, or without foundation." That cannot be said of the Baby Doe litigation. Since the legal standard for an award of fees has not been met in this case, it would be wholly inappropriate for the Department to acquiesce in an award of fees. Particularly when it comes to obligating public funds, the Department must be guided by established legal standards, not subjective notions of what is fair or compassionate.

I am afraid you will not be pleased with this response, but I hope you will understand the reasons underlying it.

Sincerely,

Fred F. Fielding  
Counsel to the President

The Honorable Dave Durenberger  
United States Senate  
Washington, D.C. 20510

FFF:JGR:aea 2/4/85  
cc: FFFielding  
JGRoberts  
Subj  
Chron

*sq*

**WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET**

*F1001-01*

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

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

Name of Correspondent: David Durenberger

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

Subject: Reimbursement for fees incurred by the parents of Baby Jane Doe

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>		ORIGINATOR	<u>085101129</u>			<u>1/1</u>
<u>WAT 18</u>		Referral Note:	<u>085101129</u>		<u>585102104</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>

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

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BOB PACKWOOD, OREG.  
WILLIAM V. ROTH, JR., DEL.  
JOHN C. DANFORTH, MO.  
JOHN H. CHAFEE, R.I.  
JOHN HEINZ, PA.  
MALCOLM WALLOP, W. O.  
DAVID DURENBERGER, MINN.  
WILLIAM L. ARMSTRONG, COLO.  
STEVEN D. SYMMS, IDAHO  
CHARLES E. GRASSLEY, IOWA

RUSSELL B. LONG, LA.  
LLOYD BENTSEN, TEX.  
SPARK M. MATSUNAGA, HAWAII  
DANIEL PATRICK MOYNIHAN, N.Y.  
MAX BAUCUS, MONT.  
DAVID L. BOREN, OKLA.  
BILL BRADLEY, N.J.  
GEORGE J. MITCHELL, MAINE  
DAVID PRYOR, ARK.

887191ca

# United States Senate

COMMITTEE ON FINANCE

WASHINGTON, D.C. 20510

*JDR*

RODERICK A. DEARMENT, CHIEF COUNSEL AND STAFF DIRECTOR  
MICHAEL STERN, MINORITY STAFF DIRECTOR

January 28, 1985

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

*Field*

Dear Mr. Fielding:

I have been reading with a growing sense of concern the news reports on attorneys' fees for the lawyers who represented Ed Meese in the government ethics case. I intend to support Ed for Attorney General and the current dispute has nothing to do with his fitness to head the Justice Department.

But I have, for almost a year, been seeking reimbursement for legal expenses imposed on two other Americans, the parents of Baby Jane Doe. That the United States Government should be favorably disposed to pay \$700,000 at \$250 per hour in the one case, while denying these Americans of modest means a much smaller slice of justice troubles me greatly.

The Ethics in Government Act will appropriately be used to resolve the financial burden imposed on Mr. Meese. His problem will be resolved permanently as he assumes a high and powerful position in our government. On the other hand, the parents of Baby Jane Doe face a lifetime of emotional and financial difficulty. We must not increase their burden by imposing thousands of dollars in legal fees made necessary by experimental federal litigation.

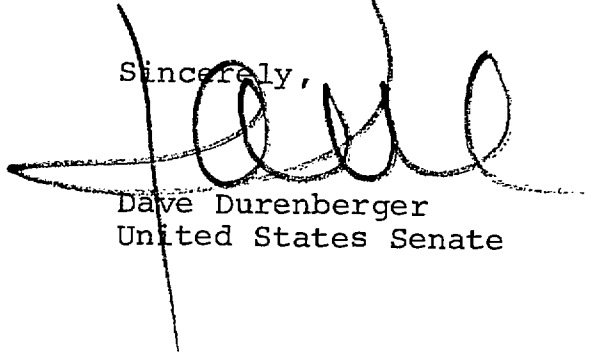
I am determined to see their needs addressed. I am enclosing previous correspondence with the Justice Department. I introduced private relief legislation in the last Congress and will do so again, if necessary. I feel that I must use every available forum to call attention to the plight of this family.

Honorable Fred F. Fielding  
January 28, 1985  
Page Two

I ask that you review the case one more time before the nomination of Mr. Meese is debated by the Senate. I am convinced that the Justice Department can agree to pay their legal expenses without establishing any difficult precedent. Better that it be handled by a compassionate Administration in that way than by the Congress, the courts or the press in an adversarial setting.

Thank you for your close attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave", written over a circular scribble. A vertical line is drawn through the signature.

Dave Durenberger  
United States Senate

DD:jp

# United States Senate

WASHINGTON, D.C. 20510

April 11, 1984

The Honorable William French Smith  
U.S. Attorney General  
Department of Justice  
Washington, D.C. 20530

Dear Attorney General Smith:

We were extremely disappointed to learn that the Justice Department has requested the United States 2nd Circuit Court of Appeals to deny attorney's fees to the family of Baby Jane Doe. While we recognize the propriety of the questions you have raised relating to the reasonableness of the fees, we do believe it is inappropriate and cruel to subject this family to the additional financial burden imposed by these costs.

This family has suffered far too long, both emotionally and financially. They have endured the pain of parenting a severely handicapped child, as well as the difficulty of their decisions.

Not only did an individual whom they had never met involve them in extensive litigation, but the Federal Government sought to recover Baby Doe's medical records in an effort to determine whether this family, in consultation with their doctors, had discriminated against their own child. All efforts to produce evidence of discrimination failed, and the decision of the family and the doctors was upheld in seven different courts--including the New York Supreme Court and the 2nd Circuit Court of Appeals.

The Justice Department has advanced the position that the parents of Baby Doe should not be awarded attorney's fees because they were intervening defendants in the action. In support of that argument, Justice has asserted that attorney's fees should only be awarded to original defendants in civil rights actions when the plaintiff's claims are frivolous, unreasonable, or without foundation.

We believe that Baker v. City of Detroit, 504 F. Supp. 841 (E.D. Mich, 1980) supports quite a different conclusion. In that case, intervening defendants were awarded attorney's fees in a reverse discrimination case brought pursuant to Title VII. The Court held that intervenors, members of a black policeman's association, served the traditional role of civil rights plaintiffs and had no alternative but to intervene in that action.

Similarly, in the Baby Doe case, the parents had little recourse than to intervene as defendants. The allegations of discrimination advanced by the Justice Department

The Honorable William French Smith  
April 11, 1984  
Page 2

necessitated the parents participation in the lawsuit if they were to protect their right to privacy.

In Baker, attorney's fees were allowed despite the fact that the plaintiff's arguments were not without foundation.

The Justice Department has maintained that the parents should be denied attorney's fees because the hospital ably advanced their position and their presence was unnecessary. A similar argument was expressed in Baker and rejected by the Court. The Court specifically held that hindsight could not justify denial of attorney's fees to intervenors when there was sound reason for their participation.

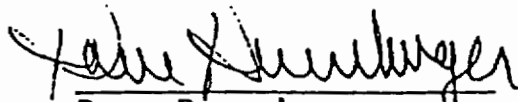
The Civil Rights Attorney's Fees Award Act has consistently been liberally construed to effectuate the purpose of encouraging civil rights activities. In the instant case, the family had to intervene in order to protect their civil and constitutional rights to privacy. If we intend to promote vigorous enforcement of the civil rights laws, and we believe we do, then this family should not be penalized for having done so.

We believe that the sanctity of human life formulates the very premise of our civilization, and we will fight to preserve human life. We do believe that the Federal Government has an obligation to protect life, but we also believe that compassion must be part of that activity.

At this point, we feel that the question of the payment of attorney's fees is separate and distinct from the merits of the Baby Doe case. That issue remains unsettled, but the issue of attorney's fees should be resolved. We should not subject this family to the additional financial burden imposed by these costs--they have already incurred over one hundred thousand dollars on legal and medical costs and anticipate many more.

Mr. Attorney General, we urge the Justice Department to reverse its position against payment of any fees and compensate this family for reasonable attorney's fees. This family has suffered enough.

Sincerely,

  
Dave Durenberger  
United States Senator

  
Mark Hatfield  
United States Senator





U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

May 1, 1984

Honorable Dave Durenberger  
United States Senate  
Washington, D.C. 20510

Dear Senator Durenberger:

Your letter of April 11 to the Attorney General has been referred to me for response. As a result of your inquiry, we have carefully reevaluated the issue whether Baby Jane Doe's family is entitled to an award of attorney's fees for costs incurred in participating in the suit of the United States to obtain access to Baby Jane Doe's medical records. While our sympathies are certainly with the infant's parents, we cannot properly ignore the legal principles that control such a decision. Those legal principles compel the response we have given, and thus we are not at liberty to acquiesce in a fee-award in this case.

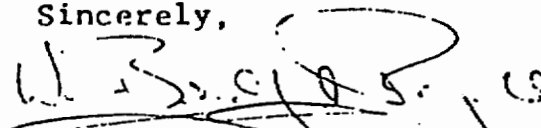
We have, of course, set forth the law in this area, and how it applies here, in our response to the motion for attorney's fees. As there explained, a fee award against the United States in cases of this sort are available only where it can be demonstrated that the Government's suit was "frivolous, unreasonable, or without foundation." Christiansburg Garment Co. v. E.E.O.C., 434 U.S. 412, 421 (1978). Whatever one's personal views regarding the Baby Doe matter, I doubt seriously that many would honestly assert that the litigation effort fits that characterization. Indeed, on the central issue regarding Section 504 of the Rehabilitation Act of 1973, and whether it protects handicapped infants like Baby Jane Doe, the four judges who have heard the issue on the merits (i.e., one district judge and three circuit judges) have split on the question whether Section 504 covers infants born with severe disabilities. Judge Winter, in dissent, observed that "[t]he logic of the government's position . . . is . . . about as flawless as a legal argument can be." Acquiescence in a fee award in such circumstances would be wholly improper under Christiansburg, and we felt compelled to so advise the court. Nothing has surfaced in our reevaluation of that position to suggest that the law can be read otherwise.

Your letter seems to isolate our response to the parents' fee application on the "intervenor" question. It is a fact that the parents in this instance decided on their own to become involved in the Government's suit against the hospital; they were not sued or forced into court. As intervenors, the law pretty clearly recognizes the parents of Baby Jane Doe as standing on somewhat different footing than a named defendant for purposes of receiving a fee award as a "participant" in the action. We do not suggest, however, that such a difference is itself reason to reject the claim, and indeed the case cited in your letter, Baker v. City of Detroit, 504 F. Supp. 841 (E.D. Mich. 1980), is discussed in our court filing. Undeniably, the facts leading to an award of attorneys fees to the intervenors in Baker are not present in our case.

Nonetheless, the essential point to be made is the one already discussed. Whatever the status of the parents in the Government's Section 504 suit against the Stoney Brook Hospital (i.e., whether a named defendant or an intervenor), a fee award cannot by law be granted unless the action commenced by the United States was "frivolous, unreasonable, or without foundation." That rule of law guided our filing with the Second Circuit.

Let me add in closing that the Government fully appreciates the considerable concern you have registered regarding this matter and shares many of the same feelings you have expressed for the family. In our court filing, we suggested that the attorneys involved in this appeal might want to rethink a sizeable portion of the requested fees (as perhaps duplicative or unnecessary) and in this manner alleviate some of the family's financial costs associated with the litigation. Whatever their response to that suggestion, it is unmistakably the case that there are in this instance no convenient answers. For us, the law in such circumstances must be our guide. With this in mind, I hope that the foregoing discussion will help to make our position more understandable, even if you might not find it personally more acceptable.

Sincerely,

  
Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division

June 7, 1984

The Honorable William French Smith  
U.S. Attorney General  
Department of Justice  
Washington, D.C. 20530

Dear Attorney General Smith:

We were extremely disappointed by the Justice Department's response to our letter of April 11, 1984, indicating that Justice would not reconsider the decision to resist payment of attorneys' fees in the Baby Jane Doe case in the Second Circuit Court of Appeals. In light of the Second Circuit's recent denial of a rehearing in banc and the District Court's decision in American Medical Association v. Heckler, 84 Civ. 1724 (Southern District, New York), we are renewing our request that the Justice Department pay reasonable attorneys' fees in this matter.

Although prevailing plaintiffs may be awarded attorney's fees in virtually all civil rights actions, prevailing defendants, on the other hand, may be awarded attorney's fees under more limited circumstances. This case, however, is in no sense of the word, a typical case. In fact, this case is so unusual that we believe fairness demands that attorneys' fees be paid on behalf of the family of Baby Jane Doe.

The usual restriction on the recovery of attorney's fees by defendants in civil rights actions should not be used to punish an innocent party who has been singled out to serve as the subject of experimental litigation. In the Baby Jane Doe case, such litigation was instituted despite the family's earlier successes at all levels of the New York State court system.

Furthermore, when the government acts as the plaintiff and the defendant becomes a test model for future interpretation of the law, a more liberal policy for awarding attorney's fees to prevailing defendants is warranted. In the Baby Jane Doe case, an award of attorneys' fees to the family will not deter the Justice Department from pursuing future civil rights cases.

Likewise, if the goal of awarding attorney's fees is to encourage involvement in civil rights actions, this family should not be penalized for having advanced their civil and constitutional arguments by intervening in the case. Baby Jane Doe's parents faced no alternative other than to intervene--they could not have been expected to turn over sensitive family decisions to the hospital's corporate counsel. Although, in hindsight, it appears that the hospital did an excellent job of representing its interests and the family's, hindsight does not justify punishing the

family for intervention.

Finally, the Federal government ostensibly entered this lawsuit to protect Baby Jane Doe's welfare. However, the effect of the government's position will deprive the family of badly needed resources. This family is starting its life together with over \$150,000 medical and legal bills. Why should the \$25,000 legal fees in the Second Circuit (and the \$53,000 in the District Court), which the government should pay, be added to the family's child rearing expenses?

Baby Doe and her family deserve to begin their lives together--free of governmental interference and the crushing burden of these legal fees. It is, therefore, proper for the Justice Department to take the first step in leading this family on their journey by assuming the cost of attorneys' fees. By so doing you will demonstrate compassion and restore faith in the role of government in our society.

Sincerely,

---

Dave Durenberger  
United States Senator

---

Mark Hatfield  
United States Senator

VINCENT F. ZARRILLI  
Box 101 Hanover Station  
Boston, MA 02113

18 February 1985

John Roberts, esq.  
Fred Fielding, esq.  
Counselors to the President  
The White House  
Washington, D.C.

Gentlemen:

May I express my disappointment of your apparent unwillingness to execute my simple request that you show the President the annexed Supreme Court tabulation and if then requested, the proposal I have offered for a meaningful solution to this most serious national problem.

Sincerely,

  
Vincent F. Zarrilli

VFZ/nbp

Copy to  
John Sununu - pres. advisor

AP 53

# IT'S THE BOTTOM LINE THAT COUNTS

U.S. Supreme Court  
10 year record of entered cases  
denied or dismissed **WITHOUT  
A HEARING**

<u>Term</u>	<u>Paid Cases</u>	<u>Miscellaneous Cases</u>	<u>Total</u>
1973	1405	1942	3347
1974	1594	1914	3508
1975	1538	1903	3441
1976	1620	2013	3633
1977	1676	1899	3575
1978	1732	1938	3670
1979	1776	1757	3533
1980	1999	1968	3967
1981	2100	2014	4114
1982	1892	1995	3887
	<u>17,332</u>	<u>19,343</u>	<u>36,675</u>
GRAND TEN YEAR TOTAL .....			<u>36,675</u>


does the  
**36,675** Supreme Cou  
need help?

Source: Compiled from November editions of the Harvard Law Review.

THE WHITE HOUSE  
WASHINGTON

February 19, 1985

MEMORANDUM FOR CHARLES A. DONOVAN  
OFFICE OF WHITE HOUSE CORRESPONDENCE

FROM: JOHN G. ROBERTS   
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Letter to Sheriff W. F. Conway

You have asked for our views on whether the President should send the above-referenced letter of commendation to Sheriff W.F. Conway of Texas. The Department of Justice recommends that the letter be sent and provided the instant draft. Counsel's Office has reviewed the proposed letter and finds no objection to it from a legal perspective.

Attachment

THE WHITE HOUSE

WASHINGTON

February 21, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: "An Teach Ban" Letterhead

We have been asked if we have any legal objections to the President delivering a brief letter to the Irish Ambassador under a special letterhead reading "An Teach Ban" -- supposedly "The White House" in Gaelic. The idea is a little cute for my tastes, but I have no legal objection. The attached memorandum for Ryan, copy to Kimmitt, notes that we have no objection but that the translation of "An Teach Ban" should be verified. (For all I know it means "Free the IRA.")

Attachment



THE WHITE HOUSE

WASHINGTON

February 21, 1985

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

FROM: FRED F. FIELDING   
COUNSEL TO THE PRESIDENT

SUBJECT: "An Teach Ban" Letterhead

Counsel's Office has no legal objection to the proposal to have the President deliver a brief letter to the Irish Ambassador on stationery with a special letterhead reading "An Teach Ban," supposedly Gaelic for "The White House." The translation should, of course, be rigorously verified.

cc: Robert Kimmitt  
National Security Council

*(for all I know, it could mean  
"Free the IRA")*

FFF:JGR:aea 2/21/85

bcc: FFFielding  
JGRoberts  
Subj  
Chron

THE WHITE HOUSE  
WASHINGTON

February 21, 1985

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

FROM: FRED F. FIELDING  
COUNSEL TO THE PRESIDENT

SUBJECT: "An Teach Ban" Letterhead

Counsel's Office has no legal objection to the proposal to have the President deliver a brief letter to the Irish Ambassador on stationery with a special letterhead reading "An Teach Ban," supposedly Gaelic for "The White House." The translation should, of course, be rigorously verified.

cc: Robert Kimmitt  
National Security Council

FFF:JGR:aea 2/21/85

bcc: FFFielding  
JGRoberts  
Subj  
Chron

WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET

PR014-05  
JR (see no prob)  
ASAP depl, ps-

29

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

Name of Correspondent: Peter R. Sommer

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

Subject: Presidential scheduling recommendation for delivering a letter to the Irish Ambassador

ROUTE TO:		ACTION	Tracking Date	Disposition	Completion Date
Office/Agency	(Staff Name)	Action Code	YY/MM/DD	Type of Response Code	YY/MM/DD
<u>CUHOLL</u>		<u>ORIG</u>	<u>8510219</u>		<u>1 1</u>
		Referral Note:			
<u>CUAT 18</u>		<u>IC</u>	<u>85102120</u>	<u>S</u>	<u>85103102</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, OEOP).  
Always return completed correspondence record to Central Files.  
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

*Fred. F. Fielding*  
1148

MEMORANDUM

NATIONAL SECURITY COUNCIL

296090 *CU*

ACTION

February 16, 1985

MEMORANDUM FOR ROBERT M. KIMMITT

FROM: PETER R. SOMMER *PRS*

SUBJECT: Presidential Scheduling Recommendation for  
Delivering a Letter to the Irish Ambassador

RECOMMENDATION

That you sign the self-explanatory Tab I memo to Fred Ryan.

Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

Attachment

- Tab I Memo to Fred Ryan
- Tab A Ryan Memo With Background Paper

cc: Fred Fielding  
Ben Elliott

MEMORANDUM FOR FREDERICK J. RYAN

FROM: ROBERT M. KIMMITT

SUBJECT: Presidential Scheduling Recommendation for  
Delivering a Letter to the Irish Ambassador

Neither we nor State object in principle to the President delivering a short letter to Irish Ambassador Tadhg O'Sullivan for St. Patrick's Day with a special letterhead: "An Teach Ban" ("The White House" in Gaelic). The President will have an appropriate opportunity to do this in his already-scheduled meeting with O'Sullivan for presentation of the traditional Shamrocks on Friday, March 15, 1985 at 10:45 a.m.

There may, however, be legal implications for using special White House letterhead in Gaelic, and we defer to Fred Fielding's office in addressing this consideration.

Please let us know if you decide to go ahead with the special letter, as we would like to provide the suggested text.

Attachment

Tab A Your Memo With Background Paper

MEMORANDUM

February 11, 1985

TO: ✓ ROBERT KIMMITT - MICHAEL MCMANUS - ED HICKEY

FROM: FREDERICK J. RYAN, JR., DIRECTOR  
PRESIDENTIAL APPOINTMENTS AND SCHEDULINGSUBJ: REQUEST FOR SCHEDULING RECOMMENDATIONPLEASE PROVIDE YOUR RECOMMENDATION ON THE FOLLOWING  
SCHEDULING REQUEST UNDER CONSIDERATION:EVENT: Deliver a short letter to the Irish Ambassador on St. Patrick's  
Day with a special letterhead: "An Teach Ban," which means  
"The White House" in Gaelic.

DATE: March 17, 1985

LOCATION: Washington, D.C.

BACKGROUND: See attached

## YOUR RECOMMENDATION:

Accept \_\_\_\_\_ Regret \_\_\_\_\_ Surrogate \_\_\_\_\_ Message \_\_\_\_\_ Other \_\_\_\_\_  
Priority \_\_\_\_\_  
Routine \_\_\_\_\_

IF RECOMMENDATION IS TO ACCEPT, PLEASE CITE REASONS:

RESPONSE DUE 2/14/85TO JEAN APPLEBY JACKSON

THE WHITE HOUSE  
WASHINGTON

February 8, 1985

RECEIVED

FEB 11 1985

SCHEDULING  
OFFICE

MEMORANDUM FOR FRED RYAN

FROM:

DANA ROHRBACHER

DR

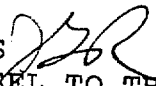
It has been suggested that the President deliver a short letter to the Irish Ambassador on St. Patrick's Day with a special letterhead: "An Teach Ban," which means "The White House" in Gaelic. The gesture would be widely reported in the Irish press, reemphasizing the President's pride in his heritage. I recommend it.

THE WHITE HOUSE

WASHINGTON

February 20, 1985

MEMORANDUM FOR DAVID L. CHEW  
STAFF SECRETARY

FROM: JOHN G. ROBERTS   
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Reducing Waste and Improving Management  
in the Federal Government (Prepared by OMB)

Counsel's Office has reviewed the above-referenced memorandum, 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: David L. Chew

MI Mail Report

User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: Reducing waste and improving management in the Federal Govt (prepared by OMB)

**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>CURTOLL</u>		ORIGINATOR	<u>85102120</u>			<u>1 1</u>
		Referral Note:				
<u>CUAT 18</u>		<u>R</u>	<u>85102120</u>		<u>S</u>	<u>85102120</u> <u>3pm</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:**

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- D - Draft Response
- F - Furnish Fact Sheet  
to be used as Enclosure

- I - Info Copy Only/No Action Necessary
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- Type of Response = Initials of Signer
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Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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# WHITE HOUSE STAFFING MEMORANDUM

DATE: 2/20/85 ACTION/CONCURRENCE/COMMENT DUE BY: 3:00 TODAY

SUBJECT: MEMO TO DEPARTMENTS & AGENCIES RE REDUCING WASTE AND IMPROVING MANAGEMENT IN THE FEDERAL GOVERNMENT (Prepared by OMB)

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OGLESBY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
REGAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHEW	<input type="checkbox"/>	<input checked="" type="checkbox"/>	VERSTANDIG	<input type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WHITTLESEY	<input type="checkbox"/>	<input type="checkbox"/>
FULLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	KINGON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>	BUCHANAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HICKEY	<input type="checkbox"/>	<input type="checkbox"/>	ROLLINS	<input type="checkbox"/>	<input type="checkbox"/>
McFARLANE	<input type="checkbox"/>	<input type="checkbox"/>	FRIEDERSDORF	<input checked="" type="checkbox"/>	<input type="checkbox"/>
McMANUS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

**REMARKS:**

Please provide any comments/edits on the attached memo by 3:00 p.m. today.  
Thank you.

**RESPONSE:**

1985 FEB 20 11 09 02

David L. Chew  
Staff Secretary  
Ext. 2702

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: INCREASED EMPHASIS ON REDUCING WASTE AND IMPROVING  
THE MANAGEMENT OF THE FEDERAL GOVERNMENT

In 1981, I pledged that we were coming to Washington, D.C., not to do away with Government, but rather to make it work. In 1984, we renewed that commitment and promised an effective and efficient Government at minimum cost.

We have made great progress in reducing waste and fraud through the efforts of our President's Council on Integrity and Efficiency. Forty six billion dollars has been put to better use in the past four years.

And we have also made a good start on the massive task of improving the management of the Federal Government by reducing the size of the Federal workforce, controlling administrative overhead costs, developing effective cash and credit management systems, improving the delivery of services, reducing program error rates, enhancing Federal productivity and making more effective use of modern computer and communications technology. It is an evolving success story and one in which we can and will all take pride.

This week, as a companion document to the FY 1986 Budget, the first annual management report was transmitted to the U.S. Congress. This new report, The Management of the U.S. Government, is a comprehensive description of a variety of initiatives being implemented as part of this Administration's Management Improvement Program, more commonly referred to as Reform '88.

However, we cannot rest in our efforts to reform, revitalize and restructure the U.S. Government. Therefore, I am personally asking you, as a member of my Cabinet and the head of your agency, to commit to an increased effort to further reduce waste, fraud and abuse and improve the management of your agency.

Only through your continued commitment, the enthusiastic support of your staff, and a redoubling of our efforts can we leave the American public with a permanent legacy of a more efficient and effective Federal Government.