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# WITHDRAWAL SHEET

## Ronald Reagan Library

**Collection Name**

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DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	TO FILE FROM JOHN ROBERTS RE JUDICIAL NOMINEES (PARTIAL)	1	12/7/1982	B6 B7(C)	417

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

December 1, 1982

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Mailgram from Arthur M. Distefano,  
Self-Styled Vice-Chairman of the DNC

Arthur Distefano, who, despite his assertions, is not the Vice-Chairman of the Democratic National Committee, last wrote you on November 8 with a "message from the people of the United States for the 98th Congress." You declined to respond because you did not want to encourage further missives from Mr. Distefano. It did not work. He has now submitted a message to the President conveying the "general legal order approbations of the day." The message is utterly incomprehensible nonsense.

I recommend that you stay the course set in your previous dealings with Distefano and not respond. In any event, in light of the substance of Distefano's message, no meaningful response is possible.

THE WHITE HOUSE

WASHINGTON

December 1, 1982

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Cabinet Council on Commerce and Trade: Research and Development

Richard Darman has requested comments by December 3 on an issue paper prepared by the Office of Science and Technology Policy for the Cabinet Council on Commerce and Trade. The issue addressed is whether U.S. research and development is adequate in quality, quantity, and direction to respond to high-technology challenges from abroad. After outlining the dwindling of American technological superiority in the past decade, the paper concludes with three options for consideration during the FY-84 budget process: (1) maintain modest growth in basic research while reducing support for development and applied research; (2) introduce substantial increases in basic research, focused on areas of most benefit to industry and defense, while reducing support for development and applied research; or (3) introduce substantial increases in all research and development, basic and applied. This office does not have any particular interest in the level or allocation of funding for research and development, and should therefore not express a preference for any of the proposed options.

The general question of the high-technology challenge from abroad, however, implicates several significant legal issues. Export control legislation governs foreign dissemination of the most sensitive technology. Laws protecting proprietary technology can also affect the spread of American technology abroad, as evidenced by the highly-publicized Hitachi-IBM case. While this latter type of prosecution can slow the flow of American technology overseas, it is critical to the integrity of the justice system that such prosecutions be seen as pure law enforcement initiatives and not efforts to attain foreign policy or trade objectives.

Legal implications are also raised by joint research and development ventures by U.S. companies. The OSTP paper notes that such ventures "may well need to be less constrained" to permit effective competition with foreign government-industry partnerships. While the Antitrust Division is currently

reviewing the law to determine if it unduly restricts joint research and development efforts, it is unlikely that the Division will favor any exemption from the antitrust laws for research and development activities.

None of these legal issues, however, are directly presented by the options proposed in the OSTP paper, which simply concerns funding levels. I have accordingly prepared a response to Darman noting that this office has no legal objections to any of the proposed options and no comments on the level or allocation of research and development funding.

Attachment

THE WHITE HOUSE

WASHINGTON

December 1, 1982

MEMORANDUM FOR RICHARD G. DARMAN  
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING  
COUNSEL TO THE PRESIDENT

SUBJECT: Cabinet Council on Commerce and  
Trade: Research and Development

This Office has reviewed the paper on research and development prepared by the Office of Science and Technology Policy for the Cabinet Council on Commerce and Trade. No legal issues are directly presented by the policy options proposed in that paper. Those options concern the level and allocation of funding for research and development, on which this office expresses no view.

FFF:JGR:aw 12/1/82

cc: FFFielding  
JGRoberts  
Subj.  
Chron

THE WHITE HOUSE

WASHINGTON

December 2, 1982

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Program to Bring the Free-World  
Merchants to a Concentrated Export Area

Leo Engel of Las Vegas has submitted to you a self-generated plan to create a concentrated export trading area in the U.S. where foreign merchants could acquire U.S. goods for export. The plan would supposedly solve all of America's economic woes. Engel previously submitted the plan to the President and the Secretaries of Commerce, Labor, and Treasury. He received what to him was an unsatisfactory reply from Chief of Staff James Baker, who assured Engel the proposal would receive appropriate consideration and that his letter would be passed along to the President. Engel asks that you give the matter your "very personal attention."

I have drafted a reply to Engel, noting that this office is not involved in formulating economic policy and assuring him that the other officials to whom he has written will give his proposal such consideration as it merits.

Attachment

THE WHITE HOUSE

WASHINGTON

December 3, 1982

Dear Mr. Armstrong:

Thank you for sending me a copy of your letter of November 5 to the President, advocating various measures to restore the economy and eliminate the budget deficit. I am certain that the President and the other officials to whom you have written appreciate having the benefit of your views and will give them appropriate consideration.

I am concerned, however, about one aspect of your correspondence. At the top of your letter appear the printed words "Presidential Task Force." Unauthorized use of designations indicating an association with the President, such as "Presidential Task Force," convey the false impression that the President has approved or associated himself with particular individuals or enterprises. We therefore adhere to a general policy of not approving the use of such designations by private individuals or groups, regardless of the merit of the objectives pursued by any particular individual or group.

I trust that you can appreciate the need for this policy, and that you will discontinue use of the "Presidential Task Force" designation on your correspondence.

Again, thank you for the benefit of your views.

Sincerely,

Fred F. Fielding  
Counsel to the President

Mr. Harvey Armstrong  
3323 East Mayfair Boulevard  
Fresno, California 93703

FFF:JGR:aw 12/3/82

cc: FFFielding  
JGRoberts  
Subj.  
Chron



THE WHITE HOUSE

WASHINGTON

December 3, 1982

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Correspondence from Harvey Armstrong

A Harvey Armstrong of Fresno, California sent you a copy of a November 5 letter he wrote to the President, advocating various economic reform measures. The letter is undistinguished except for the printed words "Presidential Task Force," which appear on the top of the page. Checks in this office do not reveal a Harvey Armstrong serving on any Presidential organizations.

I have drafted a proposed reply to Mr. Armstrong, thanking him for his views and advising him that his use of the designation "Presidential Task Force" is unauthorized and should be discontinued.

Attachment

THE WHITE HOUSE

WASHINGTON

December 3, 1982

Dear Mr. Armstrong:

Thank you for sending me a copy of your letter of November 5 to the President, advocating various measures to restore the economy and eliminate the budget deficit. I am certain that the President and the other officials to whom you have written appreciate having the benefit of your views and will give them appropriate consideration.

I am concerned, however, about one aspect of your correspondence. At the top of your letter appear the printed words "Presidential Task Force." Unauthorized use of designations indicating an association with the President, such as "Presidential Task Force," convey the false impression that the President has approved or associated himself with particular individuals or enterprises. We therefore adhere to a general policy of not approving the use of such designations by private individuals or groups, regardless of the merit of the objectives pursued by any particular individual or group.

I trust that you can appreciate the need for this policy, and that you will discontinue use of the "Presidential Task Force" designation on your correspondence.

Again, thank you for the benefit of your views.

Sincerely,

Fred F. Fielding  
Counsel to the President

Mr. Harvey Armstrong  
3323 East Mayfair Boulevard  
Fresno, California 93703

FFF:JGR:aw 12/3/82

cc: FFFielding  
JGRoberts  
Subj.  
Chron

THE WHITE HOUSE

WASHINGTON

December 6, 1982

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Resolution from County Judges and  
Commissioners Association of Texas,  
Calling for Abolition of Legal  
Services Corporation

Bruce Coleman, Commissioner of Deaf Smith County, Texas, has written the President to complain about Texas Rural Legal Aid and its efforts to effect social change at great cost to the county rather than serve the needs of indigent clients. Commissioner Coleman transmitted with his letter a resolution adopted by the County Judges and Commissioners Association of Texas, noting abuses by Legal Services agencies and calling upon the President and Congress to abolish the Legal Services Corporation. I have prepared a reply for your signature, based on previous letters you have signed on the Legal Services Corporation.

Attachment

THE WHITE HOUSE

WASHINGTON

December 6, 1982

Dear Commissioner Coleman:

Thank you for your recent letter to the President, transmitting a Resolution from the County Judges and Commissioners Association of Texas. That Resolution noted that many counties have found Legal Services Corporation funded agencies to operate in a highly controversial manner, increasing county costs rather than serving indigent client needs. It concluded by calling upon the President and Congress to abolish the Legal Services Corporation and send two-thirds of the money directly to counties to be used to meet the legal counsel needs of the indigent.

As you may know, the President generally has no authority over most Legal Services Corporation matters. Neither the President nor any other outside party may direct a Legal Services attorney as to the handling of any particular case. Although the President does appoint, with the advice and consent of the Senate, members of the national Board of Directors of the Legal Services Corporation, the law provides that the Board shall be independent in reaching its decisions.

The President has, however, often expressed concern about the potentials for abuse in Legal Services programs of the sort noted in the Resolution. He proposed substantially greater reductions in Federal funding for these programs than the Congress was willing to adopt. The President has also tried to appoint to the national Board persons who share his concerns that publicly funded legal assistance programs serve the needs of the indigent for legal counsel and do not become vehicles for political and social lobbying or other abuses of taxpayer dollars.

Thank you very much for making us aware of your views and the views of the County Judges and Commissioners Association on this important subject.

Sincerely,

Fred F. Fielding  
Counsel to the President

Mr. Bruce Coleman  
Commissioner, Precinct 3  
County of Deaf Smith  
Courthouse, Room 201  
Hereford, Texas 97045

FFF:JGR:aw 12/6/82

cc: FFFielding  
JGRoberts  
Subj.  
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

December 7, 1982

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Letter from Jesse Larrier to the President

On November 3, Jesse Larrier of Brooklyn sent the President a handwritten, certified letter purporting to be a "formal complaint and antitrust suit against the White House Cabinet members" for \$5 million.

Attached to the letter is a resume of Mr. Larrier, what purports to be a complaint in the United States District Court for the Eastern District of New York, and a notarized pauper affidavit.

Despite the assertion in the letter, the handwritten complaint does not name the President, the United States, or any federal official, but it does name as a defendant "New York Newspaper Delivery," which is alleged to be a U.S. Government agency. There are no court stamps on any of the papers.

The allegations are largely impenetrable, but somehow involve newspaper delivery, discrimination on the basis of color and religion, and threats from job foremen. The letter also urges the President to support veterans group insurance, and asks him to forward Larrier's veterans group insurance card to his residence.

I recommend no response. No federal entity or official is named in the complaint (despite the letter); there are no court stamps indicating any paper has actually been filed; and the substance of all the papers is nonsense.

Attachment

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

December 7, 1982

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Gifts in Connection with Official  
State Department Dinners

Earlier today you requested that I contact Davis Robinson, Legal Adviser at the State Department, and ask him if there were any restrictions on acceptance of items donated for official State Department dinners. Robinson referred me to Gene Malmborg on his staff, who advised that such gifts could be accepted under the general authority of the Secretary of State to accept gifts on behalf of the United States for the benefit of the State Department or for the carrying out of its functions. Malmborg noted that as a general rule such gifts should be unconditional (although a non-binding desired use may be expressed by the donor) and should not be from persons with a commercial relationship to the State Department. He also noted that the authority of the Secretary to accept gifts was routinely exercised in connection with furnishings for foreign posts, a situation closely analogous to that of gifts for use at State Department dinners.

The authority referred to by Malmborg is found at 22 U.S.C. § 2697(a) (Supp. IV 1980), which provides:

The Secretary of State may accept on behalf of the United States gifts made unconditionally by will or otherwise for the benefit of the Department of State (including the Foreign Service) or for the carrying out of any of its functions. Conditional gifts may be so accepted at the discretion of the Secretary, and the principal of and income from any such conditional gift shall be held, invested, reinvested, and used in accordance with its conditions, except that no gift shall be accepted which is conditioned upon any expenditure which will not be met by the gift or the income from the gift unless such expenditure has been approved by Act of Congress.

This carries forward, with only minor stylistic changes, § 1201 of the Foreign Service Act of 1946, Pub. L. No. 79-724, 60 Stat. 999.

# WITHDRAWAL SHEET

## Ronald Reagan Library

*Collection Name*  
ROBERTS, JOHN: FILES

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*File Folder*  
CHRON FILE (12/01/1982 - 12/13/1982)

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<i>DOC Document Type</i>	<i>No of</i>	<i>Doc Date</i>	<i>Restrictions</i>	
<i>NO Document Description</i>	<i>pages</i>			
1 MEMO	1	12/7/1982	B6 B7(C)	417
TO FILE FROM JOHN ROBERTS RE JUDICIAL NOMINEES				

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

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E.O. 13233

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



MEMORANDUM

THE WHITE HOUSE

WASHINGTON

December 7, 1982

MEMORANDUM FOR THE FILE

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Judicial Nominees [REDACTED]

b6

On December 6, 1982, Senator Eagleton and Senator Mathias reviewed the FBI files on [REDACTED]

b6

Senator Eagleton reviewed [REDACTED]

b6

Senator Mathias reviewed [REDACTED]

b6

UFR - Reagan Presidential Record

MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

December 7, 1982

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Mailgram Urging President to Halt  
Alleged Election Intimidation by  
Mississippi Republican Party

On October 26, Dr. Aaron Shirley, Chairman of the Board of Trustees of the Mississippi Medical & Surgical Association, sent a mailgram to the President alleging that the Mississippi Republican Party, encouraged and supported by the Republican National Committee, was engaged in a campaign of intimidation to deny blacks the right to vote on November 2. He acknowledged that the President did not condone such activity and urged him to use the powers of his office and of moral persuasion to end it. Lee Atwater replied on November 4 with a brief note indicating he had "appropriately" referred the matter to this office.

The time for any action of the sort requested by Dr. Shirley has long since passed. A reply nonetheless seems to be called for by Atwater's referral, and Dr. Shirley may well expect one. I therefore recommend a reply simply noting the President's opposition to discrimination and his efforts to protect the right to vote. While this is not quite responsive to Dr. Shirley, it is all that can now be done. I do not recommend any further referrals of Dr. Shirley's mailgram, because the mailgram (1) contains no specific allegations, and (2) appears only to request the President to use his "bully pulpit." Inquiries with the Civil Rights Division and the RNC reveal no pending litigation with respect to this matter.

Attachment

THE WHITE HOUSE

WASHINGTON

December 7, 1982

Dear Dr. Shirley:

Lee Atwater, Deputy Assistant to the President for Political Affairs, has forwarded to me your mailgram to the President. In that mailgram you urged the President to use the powers of his office and moral persuasion to halt what you considered to be an effort to intimidate black citizens in the exercise of their right to vote.

I am of course in no position to comment on any particular instances which may underlie the concerns expressed in your mailgram. I can assure you, however, that the President abhors discrimination in any form and has used the powers of his office and his powers of moral persuasion to help eradicate it. His record fully substantiates this. In the particular area of voting, for example, the President signed into law an extension of the Voting Rights Act for ten years -- longer than any previous extension. When he signed this legislation, the President remarked that "the right to vote is the crown jewel of American liberties, and we will not see its luster diminished."

Please be assured that the President will continue to work to ensure that the right to vote is protected for all citizens.

Sincerely,

Fred F. Fielding  
Counsel to the President

Dr. Aaron Shirley  
Chairman, Mississippi  
Medical & Surgical Association  
1040 Dalton Street  
Jackson, Mississippi 39203

FFF:JGR:aw 12/7/82  
cc: FFFielding/JGRoberts/Subj./Chron

THE WHITE HOUSE

WASHINGTON

December 8, 1982

MEMORANDUM FOR FRED F. FIELDING

THROUGH: RICHARD A. HAUSER

FROM: JOHN G. ROBERTS

SUBJECT: Testimony on Organized Crime and  
Narcotics Task Force Initiative

Rudy Giuliani has sent over proposed testimony on the organized crime and narcotics task force initiative, to be delivered tomorrow, December 9, before the Subcommittee on Crime of the House Judiciary Committee. The testimony essentially repeats the President's October 14 speech on the program, adding some specifics which were originally announced by the Attorney General in his November 16 speech in Atlanta before the International Association of Chiefs of Police.

After reviewing the growth and interrelation of the organized crime and narcotics trafficking problems, and efforts already undertaken by the Department of Justice, the testimony focuses on the structure of the proposed task forces. There will be twelve regional task forces covering the entire country. Each will be headed by a U.S. Attorney and will bring together Justice investigators (FBI and DEA) and prosecutors, as well as personnel from IRS, BATF, Customs, and other agencies. On the controversial budget point, the testimony simply notes that the Department has submitted a 1983 budget amendment for \$130 million, to begin the program next month, and that regular funding requests will follow after the first year. The testimony concludes with language taken verbatim from the President's speech, describing the remaining seven points of the eight-point program: organized crime commission, Governors Project, Cabinet-level committee, training center, legislative package, Attorney General annual report, and funds for prison space.

The testimony does not announce anything that has not already been announced by either the President or Attorney General. Questioning by Congressmen is likely to focus on the funding issue, a matter of contention between the Justice Department and OMB and the litmus test for credibility in the media (see attached editorial).

There is one minor error, in the last sentence on page 4. The victimization studies providing the "one-third of all households" figure include all crime, not just serious crime. While any crime is a serious matter, "serious crime" is a term of art in this area, limited to murder, rape, assault, robbery and burglary. It does not, for example, include larceny, which is in fact the leading component of the one-third figure. The adjective "serious" should therefore be deleted. This objection does not seem serious enough to warrant comment from you, and I can communicate it directly. I have attached a proposed memorandum to Giuliani indicating that this office has reviewed the proposed testimony and has no objection.

Attachment

THE WHITE HOUSE

WASHINGTON

December 8, 1982

MEMORANDUM FOR RUDOLPH W. GIULIANI  
ASSOCIATE ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

FROM: FRED F. FIELDING  
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Testimony Before the Subcommittee  
on Crime of the House Judiciary Committee  
Concerning the Administration's Initiative  
to Establish Regional Task Forces on  
Narcotics and Organized Crime

This Office has reviewed the above-referenced proposed testimony, and we have no objection to it. Thank you for forwarding a copy to us.

FFF:JGR:aw 12/8/82

cc: FFFielding  
JGRoberts  
Subj.  
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

December 8, 1982

MEMORANDUM FOR DIANNA HOLLAND

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Vacation

If convenient, I would like to be out of the office on December 27, 1982. I expect to be in the office during the remainder of the holiday period.

THE WHITE HOUSE

WASHINGTON

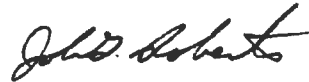
December 8, 1982

Dear Mr. Schlesinger:

With regard to your prospective appointment to the Bureau of Justice Statistics, it will be necessary for you to complete the enclosed Personal Data Statement and Financial Disclosure Report. Please return these forms to me at your earliest convenience.

With best wishes,

Sincerely,



John G. Roberts  
Associate Counsel  
to the President

Mr. Steven R. Schlesinger  
Department of Politics  
The Catholic University  
of America  
Washington, D.C. 20064

Enclosures



THE WHITE HOUSE

WASHINGTON

December 9, 1982

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Mailgram from Fraydun Manocherian

Fraydun Manocherian sent you a mailgram proposing that one-tenth of one cent per gallon of the contemplated five cent per gallon gasoline tax be used for highway safety programs. I have prepared a response thanking Manocherian for his views and indicating that you forwarded his letter to the Department of Transportation for their consideration, and a memorandum to John M. Fowler, General Counsel at the Department of Transportation, transmitting the letter for appropriate action.

Attachments

THE WHITE HOUSE

WASHINGTON

December 9, 1982

Dear Mr. Manocherian:

Thank you for your mailgram of December 2, 1982, suggesting that one-tenth of one cent per gallon of the proposed five cent per gallon gasoline tax be devoted to highway safety programs. I have taken the liberty of forwarding your correspondence to the Department of Transportation, the agency most directly involved with the issues you raised. I am certain your proposal will receive the careful consideration of officials at that department.

Thank you again for sharing your views with us.

Sincerely,

Fred F. Fielding  
Counsel to the President

Mr. Fraydun Manocherian  
New York Health & Racquet Club  
475 Park Avenue South  
New York, New York 10016

FFF:JGR:aw 12/9/82

cc: FFFielding  
JGRoberts  
Subj.  
Chron

THE WHITE HOUSE

WASHINGTON

December 9, 1982

MEMORANDUM FOR JOHN M. FOWLER  
GENERAL COUNSEL  
DEPARTMENT OF TRANSPORTATION

FROM: FRED F. FIELDING  
COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence from Fraydun Manocherian

The attached correspondence is forwarded for your review and direct response as you deem appropriate. Please provide this office with copies of any correspondence from your office to Mr. Manocherian.

Thank you.

Attachment

FFF:JGR:aw 12/9/82

cc: FFFielding  
JGRoberts  
Subj.  
Chron

THE WHITE HOUSE

WASHINGTON

December 13, 1982

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Proposed Testimony of DEA Acting  
Administrator Francis Mullen

The proposed testimony of DEA Acting Administrator Francis Mullen, to be given tomorrow, December 14, before the Subcommittee on Crime of the House Judiciary Committee, has been submitted for your review. The testimony covers opium and heroin production, processing, and trafficking in the Golden Triangle area of Southeast Asia. It reviews the growing of opium in communist-controlled northern Burma, its processing into heroin under the protection of the insurgent Shan United Army along the Thai-Burmese border, and the trafficking patterns that bring it into the United States. The testimony discusses DEA's intelligence and support role abroad, and the difficulties of mounting law enforcement activities against the hill tribes and the insurgent groups involved in the Golden Triangle heroin traffic. The testimony also covers new efforts to pierce the financial structures funding the heroin flow. It concludes by noting the Attorney General's recent trip and suggesting that both that trip and the recent trip of a Congressional delegation led by Congressman Hughes (who will be chairing the hearing) were constructive.

I have no objection to the proposed testimony. Based on my personal experience with raiding Asian heroin processing plants (see attached photograph), the testimony is accurate.

Page 10 was inadvertently omitted in the testimony sent to us, and is being forwarded, but in view of the imminence of the testimony, I thought it best to submit this memorandum without delay. I will let you know if page 10 contains anything controversial.

Attachment

MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

December 13, 1982

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Check to President Reagan  
from W.T. Fletcher

W.T. Fletcher of Rancho Palos Verdes, California, sent Congressman Mark Siljander a check for \$100, payable to "President Reagan's." The Congressman contacted Fletcher, who told him to send the check to the White House. Siljander forwarded the check to James Rosebush, who has requested advice on the appropriate disposition.

I have drafted a proposed letter from you to Siljander, advising him of the prohibitions contained in 18 U.S.C. § 607(a) (Supp. IV 1980) and indicating that we have returned the check to Fletcher. I have also drafted a "thanks, but no thanks" letter to Fletcher, and a memorandum to Rosebush describing our disposition of the matter. Since the letter to the Congressman discusses the law, I think it is better coming from you than Rosebush.

Attachments

THE WHITE HOUSE

WASHINGTON

December 13, 1982

Dear Mr. Fletcher:

Your check (#395) for \$100, payable to "President Reagan's," has been forwarded to me. You originally sent the check to Congressman Siljander, who, on your subsequent instructions, forwarded the check to the White House.

While we appreciate the "good luck" sentiments noted on your check, please be advised that the President cannot accept it. I am accordingly returning the check to you.

With best wishes,

Sincerely,

Fred F. Fielding  
Counsel to the President

Mr. W.T. Fletcher  
5431 Littlebow Road  
Rancho Palos Verdes, California 90274

Enclosure

FFF:JGR:aw 12/13/82

cc: FFFielding  
JGRoberts  
Subj.  
Chron

THE WHITE HOUSE

WASHINGTON

December 13, 1982

Dear Congressman Siljander:

On December 1, 1982, you forwarded to James Rosebush a check originally sent to you by W.T. Fletcher. The check, for \$100, was payable to "President Reagan's." Mr. Rosebush has forwarded the check to me for appropriate disposition.

Federal law generally prohibits the receipt of political contributions on federal property by officers of the United States (with a limited exception for Congressional staffers). See 18 U.S.C. § 607(a) (Supp. IV 1980). Even if the check were intended not as a political contribution but a personal gift, the President has established a policy of not accepting such gifts. Accordingly, I have returned the check to Mr. Fletcher, with a note advising him that the President cannot accept it.

Sincerely,

Fred F. Fielding  
Counsel to the President

The Honorable Mark D. Siljander  
United States House of Representatives  
Washington, D.C. 20515

FFF:JGR:aw 12/13/82

cc: FFFielding  
JGRoberts  
Subj.  
Chron

THE WHITE HOUSE

WASHINGTON

December 13, 1982

MEMORANDUM FOR JAMES S. ROSEBUSH

FROM: FRED F. FIELDING

SUBJECT: Check from W.T. Fletcher

You requested advice on the appropriate disposition of a check from W.T. Fletcher, payable to "President Reagan's," which was forwarded to you by Congressman Siljander. As you will see from the attached, I have returned the check to Mr. Fletcher with a note indicating that the President cannot accept it, and have written to Congressman Siljander advising him of this disposition.

Attachment

FFF:JGR:aw 12/13/82

cc: FFFielding  
JGRoberts  
Subj.  
Chron



THE WHITE HOUSE

WASHINGTON

December 13, 1982

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Legislative Veto in Nuclear Waste Policy Act

Bob McConnell, Assistant Attorney General for the Office of Legislative Affairs, has forwarded for your review a copy of a memorandum he recently wrote to David Stockman, seeking expeditious OMB clearance of a letter advising that a House floor amendment to the pending Nuclear Waste Policy Act is unconstitutional. The amendment, adopted on November 29, provides that if a State or Indian tribe notifies Congress that it disapproves of a Presidential Decision on siting of a nuclear waste repository, either House of Congress may nullify the decision by passage of a resolution. McConnell's proposed letter to Morris Udall, Chairman of the relevant committee, reiterates the Administration position that the legislative veto is unconstitutional, a position successfully argued in Consumer Energy Council of America v. FERC, 673 F.2d 425 (D.C. Cir. 1982), cert. pending, Nos. 81-2008, 81-2020, 81-2151, 81-2171, 82-177, 82-209, and Consumers Union v. FTC, No. 82-1737 (D.C. Cir., Oct. 22, 1982) (en banc) (per curiam), and pending before the Supreme Court in Chada v. INS, Nos. 80-1832, 80-2170, 80-2171.

McConnell acknowledges in his cover letter to Stockman that the Administration has already made its views on this subject known to Congress, but argues that it is necessary to rebut floor arguments that this legislative veto is different from the others. McConnell's letter also makes the related point that the assumption of power by Congress to determine the effectiveness of a siting decision is unconstitutional, quite apart from the legislative veto procedure, since such a determination constitutes executing the law, a task exclusively within the province of the Executive Branch. Finally, the proposed letter discusses the need to address specifically the severability issue, which would arise in the event the legislative veto provision were declared unconstitutional.

Bob Bedell, Deputy General Counsel of OMB, advises that OMB will not only not expeditiously clear the letter, it will not clear it at all. The bill is now in Conference, and since both Houses passed nearly identical legislative veto provisions, the issue is not appropriately subject to Conference action. The Department of Energy, lead agency supporting the bill, persuaded OMB that sending the letter would not only be futile, but may complicate passage of the bill. DOE's opposition to the Justice letter was communicated to Larry Simms, Deputy Assistant Attorney General at OLC, and OMB's decision not to send it was conveyed to Jack Perkins at OLA.

Congress is well aware of the Administration's views on the legislative veto. The real merit to sending the proposed letter would be in making our views on severability in this particular case part of the record. Severability will be the major issue if the legislative veto is struck down, and a negative ruling on severability would jeopardize the entire program DOE so urgently wants enacted. I do not recommend becoming gratuitously involved in the dispute, if Justice is resigned to the OMB ruling. Should Justice want to contest the decision, however, you may want to propose the compromise of limiting the letter so that it only expresses our view on the severability point.