

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: Chron File (03/05/1983-03/09/1983)
Box: 59

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

File Folder CHRON FILE (03/05/1983 - 03/09/1983)

IGP 8/30/2005

Box Number

FOIA

F05-139/01

COOK

SIGP

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	FORM	RE APPOINTMENT PROCESS PERSONAL INTERVIEW RECORD (PARTIAL)	1	3/9/1983	B6	1290
2	MEMO	ROBERTS TO DIANNA HOLLAND RE ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE (PARTIAL)	1	3/9/1983	B6	430

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.

Reagan Presidential Record

MEMORANDUM

THE WHITE HOUSE

March 7, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Request from President's Committee
on Employment of the Handicapped

Harold Russell, Chairman of the President's Committee on Employment of the Handicapped (PCEH) has written requesting permission to issue invitations to the PCEH Annual Meeting in the name of the President. According to Russell, invitations were sent out for three decades stating "The President of the United States invites you . . ." One of the invitations -- also bearing the Seal of the President -- came to the attention of Richard Darman in 1981, and he directed the Clerk's Office to advise PCEH to cease the practice. This was done, and invitations to the 1982 meeting were in the name of the PCEH chairman. PCEH tried to reverse this new policy for invitations to the 1983 meeting, but they were again denied permission (apparently by the Clerk's Office).

Now Russell has written to seek permission to issue invitations in the President's name for the 1984 meeting. He states that many in the handicapped community (there are over 5,000 invitees to the Annual Meeting) are confused about the change, and misinterpret it as a lack of commitment by the President to their concerns. He states that the support of the President -- symbolized by the invitations in his name -- means so much to those who are handicapped and to volunteers working in the area.

I agree with the determination made two years ago that PCEH should not be issuing invitations in the name of the President. There are so many Presidential boards, committees and commissions that sanctioning the practice would create real possibilities for abuse and demean the Office of the President. You recently signed a letter (attached) to a member of PCEH, denying a request to use the Presidential Seal on the Annual Meeting invitations. I recommend a response to Russell denying his request, but assuring him that it in no way signifies a lessening of the President's commitment to PCEH or the concerns of the handicapped. A draft is attached.

Attachment

THE WHITE HOUSE

WASHINGTON

March 7, 1983

*not sent -
see Mar. 22*

Dear Mr. Russell:

Thank you for your recent letter requesting permission to issue invitations to the 1984 Annual Meeting of the President's Committee on Employment of the Handicapped in the name of the President. In that letter you noted that use of the President's name on the invitation would have positive effects on volunteers active in the area and disabled citizens generally.

I regret that I cannot grant the permission you seek. In light of the significant number of Presidential committees, commissions, and task forces, it is not possible to authorize any one group to take action in the President's name -- including issuing invitations -- without real risk of a broad expansion of the practice in a manner that would create the possibility of abuse and ultimately demean the Office of the Presidency. Let me assure you that the policy which has been adopted is being uniformly applied, and, as I believe you know, in no way represents a change in the commitment of the President to the work of the Committee on Employment of the Handicapped or to the concerns of the handicapped community.

Thank you for writing. I am sorry that I cannot grant the permission you seek, but I am confident that your next Annual Meeting will be successful.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Harold Russell
Chairman
President's Committee on
Employment of the Handicapped
Washington, D.C. 20210

FFF:JGR:aw 3/7/83

cc: FFFielding/JGRoberts/Subj./Chron

MEMORANDUM

THE WHITE HOUSE

March 7, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Martin L. Kaiser

Martin L. Kaiser, who runs a "countersurveillance" and "surveillance electronics" company, has written the President, raising allegations of misconduct concerning the FBI. Kaiser allegedly helped officials of a Greensboro bank "bug" conversations of two FBI agents who were investigating the officials. The bank officials pleaded guilty to conspiring to bug the agents; Kaiser was tried and acquitted. The two agents then filed a \$22 million civil suit against the bank officials and Kaiser, claiming that the bugging violated their civil rights. Kaiser has filed counterclaims alleging that the FBI and the agents used the criminal case to gain information to help their civil suit. Kaiser also alleges the FBI fraudulently concealed and manufactured evidence in connection with the cases.

I recommend responding to Kaiser that the White House cannot become involved in pending litigation. Since the letter contains serious allegations of wrongdoing, we should also send a copy to the Department of Justice for whatever action they deem appropriate.

Attachments

THE WHITE HOUSE

WASHINGTON

March 8, 1983

MEMORANDUM FOR EDWARD C. SCHMULTS
DEPUTY ATTORNEY GENERAL

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Martin L. Kaiser Correspondence

The attached letter from Martin L. Kaiser (with a copy of my reply) is forwarded for whatever consideration or action may be appropriate.

Attachments

FFF:JGR:aw 3/8/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

March 8, 1983

Dear Mr. Kaiser:

Thank you for your recent letter to the President, concerning pending litigation in which you are involved. I am certain that you can appreciate that it would be inappropriate for the White House to become involved in a private civil suit currently pending before the courts. I have, however, forwarded your correspondence to the Department of Justice for such consideration or action as may be appropriate.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Martin L. Kaiser
President
Martin L. Kaiser, Inc.
P.O. Box 171
Cockeysville, Maryland 21030

FFF:JGR:aw 3/8/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

March 7, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Proposed Testimony of Assistant
Attorney General McGrath on
Civil Division Authorization

The Department of Justice has submitted the above-referenced proposed testimony, scheduled to be delivered March 9 before the Subcommittee on Administrative Law and Government Relations of the House Judiciary Committee. The testimony asks for a \$7 million increase, primarily to provide increased automated litigation support. The testimony also describes the continuing need for reform of the Federal Tort Claims Act to address the escalating number of suits against federal employees, the debt collection activities of the Civil Division, and its new responsibilities for most immigration cases (transferred from the Criminal Division). I see no legal objection.

MEMORANDUM

March 7, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Draft Legislation Re: Nuclear
Licensing and Regulatory Reform

Richard Darman has requested comments by March 10 on the above-referenced draft legislation, submitted by Secretary Hodel to the Cabinet Council on Natural Resources and the Environment. The legislation has already been cleared through the OMB process; the question is whether the Administration should now forward it to Congress. The legislation streamlines nuclear plant licensing procedures, primarily by authorizing advance approval of standardized nuclear plant designs, by establishing one-step licensing of construction and operation, and by improving hearing rules. The issue is complicated by the fact that the Nuclear Regulatory Commission submitted its own legislative proposal to Congress on February 21, 1983. The bills are similar in many respects, but sufficiently different that Hodel recommends that the Cabinet Council approve introduction of the Administration bill.

I have reviewed Hodel's memorandum, the bill, and the accompanying analysis, and have no legal objection. I have drafted a memorandum to Darman noting no legal objection to the draft legislation. The question whether the bill should be submitted in light of the NRC bill is purely one of legislative tactics on which I do not consider it advisable for our office to opine.

Attachment

THE WHITE HOUSE

WASHINGTON

March 7, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Legislation Re: Nuclear
Licensing and Regulatory Reform

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

FFF:JGR:aw 3/7/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

March 7, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Submission of ABA Resolution

F. Wm. McCalpin, Secretary of the American Bar Association, has forwarded for appropriate action a resolution passed by the ABA House of Delegates. The resolution supports procedural protections to safeguard the confidentiality of net worth information submitted in connection with fee applications under the Equal Access to Justice Act. Although I assume the ABA has sent copies of the resolution throughout the Federal Government, we should forward it to the Department of Justice for appropriate consideration, and advise McCalpin that we have done so.

Attachment

THE WHITE HOUSE

WASHINGTON

March 7, 1983

MEMORANDUM FOR EDWARD C. SCHMULTS
DEPUTY ATTORNEY GENERAL

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: ABA Resolution: Equal Access to Justice Act

F. Wm. McCalpin, Secretary to the American Bar Association, has forwarded the attached ABA resolution on procedural protections to safeguard the confidentiality of net worth information submitted under the Equal Access to Justice Act. I send it along for your information and whatever consideration and action you deem appropriate.

Attachments

FFF:JGR:aw 3/7/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

March 7, 1983

Dear Mr. McCalpin:

Thank you for your recent letter transmitting the resolution of the American Bar Association concerning procedural protections to safeguard the confidentiality of net worth information submitted in connection with fee applications under the Equal Access to Justice Act. I have forwarded the resolution to the Department of Justice for appropriate consideration and handling.

Thank you for advising us of the action of the American Bar Association on this matter.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. F. Wm. McCalpin
American Bar Association
1155 East 60th Street
Chicago, Illinois 60637

FFF:JGR:aw 3/7/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

March 8, 1983

Dear Mr. Roberts:

With regard to your prospective appointment as Deputy Under Secretary for Intergovernmental and Interagency Affairs at the Department of Education, 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. A. Wayne Roberts
38 Ivan Street
Lexington, Massachusetts 02173

Enclosures

THE WHITE HOUSE

March 8, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Proposed Testimony by Ted Olsor on
OLC Oversight and Authorization

The Department of Justice has submitted the above-referenced testimony, to be delivered March 10 before the Subcommittee on Monopolies and Commercial Law of the House Judiciary Committee. The testimony is very brief. It describes the role of the Office of Legal Counsel as assisting the Attorney General in his role of legal adviser to the President and Executive Branch, reviewing Executive Orders, and resolving Executive Branch legal disputes. It notes as two of the "major projects" of the office in the past year a memorandum on legal authorities available to respond to an energy shortage and another on federal non-reserved water rights. I see no legal objection.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

March 8, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Inquiry from Samuel W. Phillips

Samuel Phillips, Circuit Executive of the United States Court of Appeals for the Fourth Circuit, has written seeking information on the high cost of litigation, which is the theme of the Fourth Circuit Judicial Conference scheduled for June 23-25. In particular, he indicates that it is his understanding that our office is working on an Executive Order to impose a ceiling on money that can be spent under the Equal Access to Justice Act. The legal fee cap referred to by Phillips is a legislative proposal being devised by OMB. I have delayed responding to Phillips because of repeated representations from OMB that the proposal in its latest form was on the verge of being released (OMB does not favor sending out its old proposal), but I do not think we should delay any longer. I have prepared a draft indicating that OMB -- not our office -- is exploring legislative fee cap proposals, and advising that we will send Phillips a copy when a proposal is released. I have also suggested that Phillips contact Jon Rose, whose office is working on alternative dispute resolution and other responses to the high cost of litigation.

Attachment

THE WHITE HOUSE

WASHINGTON

March 8, 1983

Dear Mr. Phillips:

Thank you for your letter advising that the theme of the upcoming Fourth Circuit Judicial Conference will be "The High Costs of Litigation." In that letter you requested information on a proposal to place a ceiling on money that can be spent under the Equal Access to Justice Act.

The Office of Management and Budget has been studying the problem of the high costs of litigation for some time. That office is exploring possible legislative initiatives to address this problem, and one of the possibilities being considered is a fee cap for Federal fee-shifting statutes other than the Equal Access to Justice Act, which already contains a \$75 per hour maximum rate. Other reforms being considered would apply to all Federal fee-shifting statutes.

I had delayed responding to your inquiry in expectation that a proposal would soon be released. It is my understanding that one may be released in the near future, and I will be happy to send a copy to you should that happen. In the meantime, you may want to contact Assistant Attorney General Jonathan Rose, who heads the Office of Legal Policy at the Department of Justice. That office is reviewing various means of alleviating the high cost of litigation, including the development of alternative means of dispute resolution.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Samuel W. Phillips
Circuit Executive
United States Court of Appeals
Fourth Circuit
P.O. Box 6G
Richmond, Virginia 23214-1850

FFF:JGR:aw 3/8/83
cc: FFFielding/JGRoberts/Subj./Chron

THE WHITE HOUSE

WASHINGTON, D.C.

March 8, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Civil Aeronautics Board Decision in
Capitol Air, Inc. and United Air Lines, Inc.

Richard Darman's office has requested comments by close of business Wednesday, March 9, 1983 on the above-referenced CAB decision involving international aviation, which was submitted for Presidential review as required by § 801(a) of the Federal Aviation Act of 1958, as amended, 49 U.S.C. § 1461(a). Under this section, the President may disapprove, solely on the basis of foreign relations or national defense considerations, CAB actions involving either foreign air carriers or domestic carriers involved in foreign air transportation. If the President wishes to disapprove such CAB actions, he must do so within sixty days of submission (in this case, by March 15).

The order here has been reviewed by the appropriate departments and agencies, following the procedures established by Executive Order No. 11920 (1976). OMB recommends that the President not disapprove, and reports that the NSC and the Departments of State, Defense, Justice and Transportation have not identified any foreign relations or national defense reasons for disapproval. Since these orders involve domestic carriers, judicial review is theoretically available. Hence, the proposed letter from the President to the CAB Chairman prepared by OMB includes the standard sentence designed to preserve availability of judicial review, as contemplated by the Executive Order for cases involving domestic airlines.

The order authorizes Capitol Air and United to serve numerous countries, primarily in Latin America and the Caribbean. The State Department has noted that while no foreign relations or national defense considerations warrant disapproval, it may not be able to designate the airlines as carriers to all of the nations covered by the order. Some of the nations, for example, may not be receptive to new scheduled service. The State Department accordingly has proposed, and all affected Federal agencies and departments have approved, the addition of language to the President's letter noting that foreign policy considerations may prevent

Designation of the carriers to provide service to all nations covered by the order. The new language also states that State will consider appropriate means of addressing these concerns while remaining committed to efficient and competitive airline operations. I see no objection to this course of action. It offers a flexible means of addressing foreign policy concerns that do not rise to the level of warranting disapproval of the CAB order, and indeed which could not appropriately be reviewed by the CAB in any event.

Attachment

THE WHITE HOUSE

WASHINGTON

March 8, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Civil Aeronautics Board Decision in
Capitol Air, Inc. and United Airlines, Inc.

Our office has reviewed the above-referenced CAB decision and related materials and has no legal objection to the procedure that was followed with respect to Presidential review of such decisions under 49 U.S.C. § 1461(a).

We also have no legal objection to OMB's recommendation that the President not disapprove this order or to the substance of the letter from the President to the CAB Chairman prepared by OMB.

FFF:JGR:aw 3/8/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

March 8, 1983

APPOINTMENT PROCESS PERSONAL INTERVIEW RECORD

DATE OF INTERVIEW: March 7, 1983 (by telephone)
CANDIDATE: John A. Kraeutler
POSITION: Member, National Highway Safety Advisory
Committee
INTERVIEWER: John G. Roberts

Comments

Mr. Kraeutler is being considered for appointment as a member of the National Highway Safety Advisory Committee (NHSAC). According to statute,

"[t]he appointed members, having due regard for the purposes of this chapter, shall be selected from among representatives of various State and local governments, including State legislatures, of public and private interests contributing to, affected by, or concerned with highway safety, including the national organizations of passenger car, bus, and truck owners, and of other public and private agencies, organizations, or groups demonstrating an active interest in highway safety, as well as research scientists and other individuals who are expert in this field."

I discussed these criteria with Mr. Kraeutler, who advised me that his insurance companies were involved in trucking and automobile insurance, and thus were "affected by" and "concerned with" highway safety.

I also discussed possible conflicts with Mr. Kraeutler. Mr. Kraeutler does have connections with the trucking industry, both through his insurance companies and interests owned by his wife. This does not constitute a conflict with his contemplated duties on the NHSAC, since NHSAC advises generally on highway safety and is not involved in highway regulation. Indeed, as noted above, the statute specifically contemplates that representatives of truck owners would serve on the NHSAC. In light of this fact, Mr. Kraeutler's less direct involvement with the trucking industry cannot be considered a conflict.

Attachment

THE WHITE HOUSE

WASHINGTON


March 9, 1983


APPOINTMENT PROCESS PERSONAL INTERVIEW RECORD

DATE OF INTERVIEW: March 8, 1983 (by telephone)
CANDIDATE: Kyle C. Boone
POSITION: Member, National Institute of Building Sciences
INTERVIEWER: John G. Roberts

Comments

Kyle C. Boone is being considered for appointment to the National Institute of Building Sciences "as representative of the public interest," 12 U.S.C. § 1701j-2(c)(4). Mr. Boone meets the statutory requirements for this appointment. The statute provides that "Those representing the public interest on the Board shall include architects . . .," id. § 1701j-2(c)(1), and Mr. Boone is an architect. The statute also provides that "Such members of the Board shall hold no financial interest or membership in, nor be employed by, or receive other compensation from, any company, association, or other group associated with the manufacture, distribution, installation, or maintenance of specialized building products, equipment, systems, subsystems, or other construction materials and techniques for which there are available substitutes." Mr. Boone advised that he had no affiliation that would disqualify him under this provision.

Mr. Boone's financial interests 



b6

It should be noted that Mr. Boone is being considered for a vacancy which will not arise until September 7, 1983. It will therefore be necessary for him to update his disclosure forms later this year.

THE WHITE HOUSE

WASHINGTON

March 9, 1983

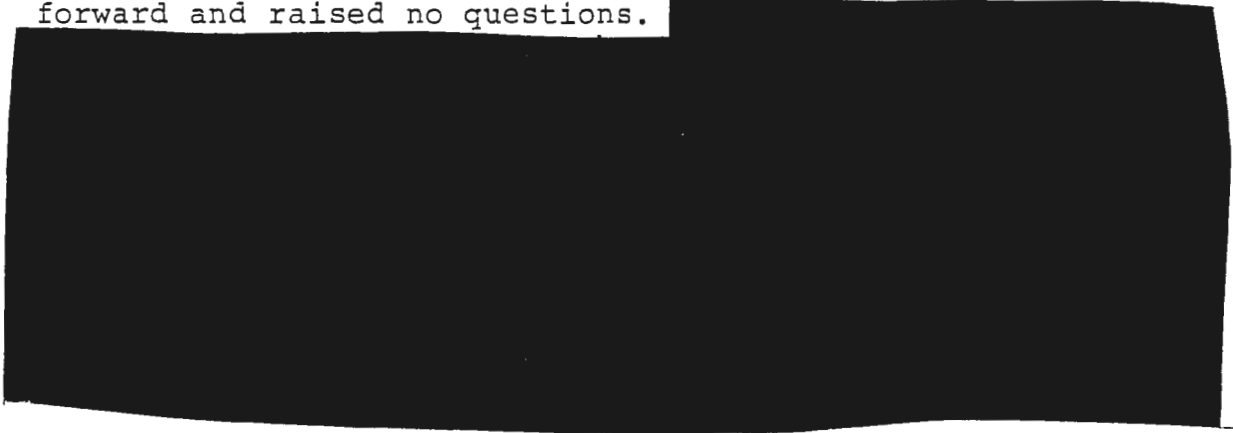
MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Architectural and Transportation
Barriers Compliance Board

I have reviewed the Personal Data Statements submitted by Richard Chavez, Rosemary Front, and Jackie O. McSpadden for appointment as members of the Architectural and Transportation Barriers Compliance Board. The President is authorized to appoint members to this Board by 29 U.S.C. § 792(a)(1)(A). That provision specifies that five of the eleven Presidential appointees "shall be handicapped individuals." All three of the above-named individuals are handicapped.

The statements submitted by Front and McSpadden were straightforward and raised no questions.



b6

COPY - Reagan Presidential Record