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WITHDRAWAL SHEET

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Withdrawer

IGP 8/3/2005

File Folder CHRON FILE (03/10/1983 - 03/14/1983)

FOIA

F05-139/01

Box Number

COOK

6IGP

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	ROBERTS TO FIELDING RE FOI/PA REQUEST <i>Released in part 4/21/06</i>	1	3/10/1983	B6	432
2	MEMO	ROBERTS TO JAMES HALL RE FOI/PA REQUEST	1	3/10/1983	B6	433

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.

March 10, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS.

SUBJECT: Request for President's Photograph
to Promote Photography Company

Bernie Goldring of "47st. Photo" has written Billie Shaddix, requesting that the President's "photographic" be sent to 11 listed individuals "for the promotion of our company." I have drafted a standard reply, noting that we deny requests to use the President's photograph for commercial purposes. I do not know if Mr. Goldring was involved in some way with the official photograph, but in light of the expressed purpose in his letter that strikes me as irrelevant.

Attachment

- 2 -

THE WHITE HOUSE

4-5-1171

March 11, 1983

Dear Mr. Goldring:

This is in response to your letter to the Director of the White House Photography Office, requesting that the President's photograph be forwarded to various individuals for the promotion of your company. Please be advised that the White House adheres to a policy of denying requests to use the signature, name, photograph, or likeness of the President when such use would associate the President with a commercial product or enterprise or suggest his endorsement of a particular product or enterprise.

I trust you will appreciate the reason we cannot comply with your request.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Bernie Goldring
47th Street Photo, Inc.
1159 - 56th Street
Brooklyn, New York 11219

FFF:JGR:aw 3/11/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

March 11, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Department of Justice Proposal to
Except DEA from the Competitive Service

Robert McConnell is seeking OMB clearance of a legislative proposal to except all DEA positions from the competitive service, and place the incumbents of those positions in the excepted service. As described in McConnell's proposed letter to the Speaker, the legislation is necessary to permit full coordination between DEA and FBI, pursuant to the new cooperative arrangement directed at increasing narcotics law enforcement efforts. FBI personnel are already in the excepted service, and current law prohibits transfers from the excepted service to competitive service. It is thus difficult to move personnel for any significant period between the two agencies, which will become increasingly necessary as joint FBI-DEA endeavors proliferate. Although properly not noted in the proposed letter, it is also generally recognized that efforts to increase the professionalism of DEA have been impeded by the existence of civil service "protections."

I have reviewed the proposed bill and letter and see no legal objections.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

March 10, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Herbert Budek Discrimination Complaint

A Dr. Herbert Budek has written James Baker, whom he describes as his "last hope" in connection with a five-year old racial discrimination case. The facts of the case are not clear from Budek's recital. What is clear from the letter is that his file was turned over to the Justice Department, that he filed information with the Labor Department and received a ruling from them, that he contacted both Justice and Labor a second time, that his complaint was referred to a regional office in San Francisco, that when Budek was unsatisfied with the response of that office he again contacted Labor in Washington, and that Budek has received a reply from Labor's Office of Civil Rights. We should advise Budek that the White House cannot interfere in agency handling of private complaints, and that if he wants to pursue the matter further he should contact private counsel.

THE WHITE HOUSE

WASHINGTON

March 10, 1983

Dear Dr. Budek:

This is written in response to your letter to White House Chief of Staff James A. Baker, III. In that letter you described your efforts to pursue a claim of racial discrimination before the Department of Justice and the Department of Labor.

Please be advised that the White House adheres to a policy of not interfering with the processing or disposition of private claims filed with such agencies. I am certain you can appreciate the need for this policy. If you are still interested in pursuing your claim, we can only advise that you contact private counsel for whatever assistance may be appropriate.

Sincerely,

Fred F. Fielding
Counsel to the President

Dr. Herbert Budek
4546 Via Maria
Santa Barbara, California 93111

FFF:JGR:aw 3/10/83

cc: FFFielding
JGRoberts
Subj.
Chron

bcc: Katherine Camalier

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

March 10, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Draft Presidential Decision Memo
Re: USITC Investigation of Certain
Miniature Plug-In Blade Fuses

Richard Darman has requested comments by noon tomorrow on a Presidential decision memorandum from USTR William E. Brock. The United States International Trade Commission (USITC) has determined that the import of miniature plug-in blade fuses, whatever they may be, violates 19 U.S.C. § 1337, in part because the imported fuses infringe the patents and trademarks of two domestically produced fuses. USITC has ordered the imported fuses excluded from entry.

By statute the President has sixty days in which to disapprove such a USITC determination. 19 U.S.C. § 1337(g)(2). If the President does nothing, the USITC determination will become effective the day after expiration of the sixty-day period, 19 U.S.C. § 1337(g)(4). The President may expressly approve the determination, in which case it becomes effective when he notifies USITC of his approval. Id. In this case, the President must act, if at all, by March 14.

USTR and the other representatives on the Trade Policy Committee recommend that the President take no action. The USITC order would therefore become effective on March 15. I have reviewed the proposed decision memorandum and the pertinent statute, and see no legal objection to the contemplated course of inaction.

Attachment

THE WHITE HOUSE

WASHINGTON

March 10, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Presidential Decision Memo
Re: USITC Investigation of Certain
Miniature Plug-In Blade Fuses

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

FFF:JGR:aw 3/10/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

March 10, 1983

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Appointment of Dr. John A. Montgomery
to the President's Cancer Panel

Dr. John A. Montgomery is being considered for appointment to the President's Cancer Panel. Under 42 U.S.C. § 286c(a) (1) the President is authorized to appoint "three persons . . . who by virtue of their training, experience, and background are exceptionally qualified to appraise the National Cancer Program. At least two of the members of the Panel shall be distinguished scientists or physicians." Dr. Montgomery's resume indicates that he clearly meets the statutory requirements and is a "distinguished scientist."

The duties of the President's Cancer Panel are to "monitor the development and execution of the National Cancer Program" and report "[a]ny delays or blockages in rapid execution of the Program" to the President. 42 U.S.C. § 286c(b). Dr. Montgomery is involved with several cancer research institutions, and is a consultant with Bristol-Myers. Accordingly, I called Dr. Montgomery to discuss possible conflicts of interest. He advised me that matters involving particular companies or institutions did not generally come before the President's Cancer Panel, a view consistent with the statutory description of the Panel's duties. I advised him of the need to recuse himself should a matter involving or affecting any of the companies or institutions with which he is affiliated come before the Panel. He indicated his familiarity with the need to do so, based on his previous experience on numerous National Cancer Institute advisory groups.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

March 10, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Inquiry About the Legal Effect
of Presidential Proclamations

Robert L. Vincent, of California, has inquired concerning the legal effect of Presidential proclamations, and in particular a proclamation issued by the first President Johnson in 1867. His inquiry is, oddly, identical to an earlier inquiry from Ramon Rivera, also of California. Perhaps they are having some sort of contest. Sherrie drafted a response to Rivera, which you signed (copy of Rivera correspondence attached). I see no reason not to send Vincent the same response. If Vincent and Rivera are conspiring, at least they will learn we are consistent.

Attachments

THE WHITE HOUSE

WASHINGTON

March 10, 1983

Dear Mr. Vincent:

Thank you for your letter inquiring about the legal effect of proclamations issued by the President, and particularly the effect of a proclamation issued by President Andrew Johnson on September 3, 1867.

The President, in the exercise of the executive powers vested in him by the Constitution, may issue proclamations when he thinks it proper to give notice or information to the public. A proclamation has legal effect only when authorized by the Constitution or by a law passed by the Congress, and remains valid until that constitutional provision or law is repealed or until a subsequent proclamation or executive order supersedes it.

The proclamation about which you have inquired was issued by President Johnson under the authority of the Act of July 29, 1861, ch. 25, § 1, 12 Stat. 281 (1861). Such statutory authority of the President remains in effect today and is codified at 10 U.S.C. § 332.

You have also inquired as to whether this proclamation was applicable only to the Federal government. The power President Johnson exercised in 1867 was limited to assuring faithful execution of "the laws of the United States within any State or Territory of the United States"; i.e., the enforcement of Federal laws.

I hope this information is helpful to you.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Robert L. Vincent
19533 E. Vista Hermosa
Walnut, California 91789

FFF:JGR:aw 3/10/83
cc: FFFielding/JGRoberts/Subj./Chron

MEMORANDUM

THE WHITE HOUSE

March 10, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: FOI/PA Request of [REDACTED]

B6

James K. Hall, Chief of the FBI FOI/PA Section, has submitted for your review two documents responsive to the FOI/PA request of [REDACTED]

[REDACTED]

B6

[REDACTED]

I see no basis for preventing the release of this information to [REDACTED] and I have prepared an appropriate memorandum to Hall.

B6

Attachment

THE WHITE HOUSE

WASHINGTON

March 10, 1983

MEMORANDUM FOR JAMES K. HALL
CHIEF, FOI/PA SECTION
FEDERAL BUREAU OF INVESTIGATION

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: FOI/PA Request of [REDACTED] bb

This is in response to your memorandum of March 2, 1983, in which you requested my review of two documents responsive to the above-referenced FOI/PA request. We have reviewed the two documents and have no legal objection to their release to the requester.

FFF:JGR:aw 3/10/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

March 11, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Draft Presidential Remarks: Memorial Service
for Federal Law Enforcement Officers

Richard Darman has requested that we provide comments directly to Aram Bakshian on the above-referenced draft Presidential remarks, by noon today. The remarks briefly describe the circumstances under which thirteen Federal law enforcement agents were killed in the line of duty during recent months. I have reviewed the remarks and find them legal unobjectionable, and have prepared a memorandum to Bakshian to that effect for your signature.

Attachment

THE WHITE HOUSE

WASHINGTON

March 11, 1983

MEMORANDUM FOR ARAM BAKSHIAN
DEPUTY ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Presidential Remarks: Memorial Service
for Federal Law Enforcement Officers

Counsel's Office has reviewed the above-referenced draft Presidential remarks, and finds no objection to them from a legal perspective.

cc: Richard G. Darman

FFF:JGR:aw 3/11/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

March 11, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Enrolled Bill H.R. 1572 -- Release of
Federal Funds for Atlanta Mass Transit

Richard Darman has requested comments by close of business March 15 on enrolled bill H.R. 1572, which would release funds for the Metropolitan Atlanta Rapid Transit Authority (MARTA). Section 311 of the recently-enacted Surface Transportation Act of 1982 provides that funds can only be made available to MARTA on condition that two lines serving different parts of the city be constructed simultaneously. The enrolled bill releases the funds by repealing § 311. The bill passed both houses by voice vote. OMB and Transportation recommend approval.

I have reviewed the memorandum for the President from James Frey, Assistant Director of OMB for Legislative Reference, and the bill itself. I see no legal objection, and have prepared a memorandum to Darman to that effect for your signature.

Attachment

THE WHITE HOUSE

WASHINGTON

March 11, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 1572 -- Release of
Federal Funds for Atlanta Mass Transit

Counsel's Office finds no objection from a legal perspective to the above-referenced enrolled bill.

FFF:JGR:aw 3/11/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

March 11, 1983

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Senator Specter's "White Paper" on a
National Program to Cut Violent Crime

You have asked for my comments on the above-referenced White Paper, which was sent to you by Paul R. Michel of Senator Specter's staff. The paper details a series of criminal justice proposals costing \$8 billion per year over a 5-10 year period which allegedly will reduce violent crime by 50 percent. Mr. Michel indicates that they are considering introducing legislation to implement this program early in the 98th Congress.

The proposals in the White Paper would increase Federal law enforcement expenditures by \$2 billion, primarily by increasing resources available to DEA, FBI, USMS, and the U.S. Attorneys. Training, laboratory, and research resources would be doubled; the Bureau of Prisons would receive \$500 million for new construction.

State and local law enforcement would receive an additional \$6 billion. The biggest ticket items comprising the \$6 billion include \$1 billion for state prisons, \$700 million for juvenile delinquent programs, and \$500 million each for special detective squads, compensation for victims and witnesses, school police and counselors, neighborhood crime prevention programs, commercial crime prevention programs, and drug treatment programs.

At a time when a very modest increase in narcotics law enforcement resources requires an all-out effort by the Department of Justice and the Attorney General, it is unlikely that the major increases called for by this White Paper will receive any serious consideration. The proposals are the epitome of the "throw money at the problem" approach repeatedly rejected by Administration spokesmen. I have talked with Marshall Cain, Deputy Assistant Attorney General in the Office of Legislative Affairs, who did not recall a copy of the package being delivered to Justice. Cain advised that Michel often tries to obtain White House

approval of legislative proposals rather than dealing with Justice, and recommended that the package be forwarded to Justice for appropriate handling. I have prepared a letter to Michel for your signature, thanking him for the package and advising that you have transmitted it to Justice for appropriate consideration. A transmittal memorandum to Stan Morris is also attached.

Attachments

THE WHITE HOUSE

WASHINGTON

March 11, 1983

MEMORANDUM FOR STANLEY E. MORRIS
ASSOCIATE DEPUTY ATTORNEY GENERAL

FROM: RICHARD A. HAUSER
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: Senator Specter's "White Paper" on a
National Program to Cut Violent Crime

Attached for whatever consideration and handling you deem appropriate is a "white paper" describing a legislative proposal prepared by Paul R. Michel of Senator Specter's staff.

Attachment

RAH:JGR:aw 3/11/83

cc: RAHauser
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

March 11, 1983

Dear Paul:

Thank you for providing me with a copy of your draft "white paper" on a national program to cut violent crime. Please be assured that the package will be reviewed with interest. I have also taken the liberty of forwarding a copy to the Department of Justice for appropriate consideration. As you know, that Department is responsible for preparing Administration legislative proposals in this area, and for developing Administration responses to other legislative proposals.

Thank you for advising us concerning your efforts.

Sincerely,

Richard A. Hauser
Deputy Counsel
to the President

Mr. Paul R. Michel
c/o The Honorable Arlen Specter
United States Senate
Washington, D.C. 20510

RAH:JGR:aw 3/11/83

cc: RAHauser
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

March 14, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Proposed Testimony of the Attorney General
Before the House Judiciary Committee on
Department of Justice Authorization

The Department of Justice has submitted the above-referenced testimony on its budget, which the Attorney General plans to deliver tomorrow. The focus of the General's remarks is on the organized crime and drug trafficking initiative. The testimony notes that the Department's budget reflects a shift from previous years to an emphasis on fighting violent and drug-related crime. The testimony discusses nine areas of budget increase:

- o investigative resources in the regional drug task forces;
- o prosecutorial resources in the regional drug task forces;
- o federal prison capacity;
- o federal detention capacity (for holding prisoners pending trial);
- o technological programs;
- o limited state and local assistance;
- o INS automation;
- o FBI foreign counterintelligence;
- o new personnel: FBI technology experts, FBI hostage rescue team, DEA foreign support and laboratory technicians, Prison System doctors, Marshals Service court security, and Civil Rights attorneys (for new voting rights responsibilities).

The testimony notes budget reductions in the area of juvenile justice grants, state and local drug grants, and service of private process by the Marshals Service.

While the proposed testimony lacks some of the panache of previous statements by the Attorney General, I see no legal objections. The interesting aspect of the hearing will not be the prepared statement but the questioning, which may touch upon Justice's handling of the E.P.A. controversy and the foreign films registration flap.

THE WHITE HOUSE

WASHINGTON

March 14, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Proposed Testimony on S. 336: Labor
Management Racketeering Act of 1983

The Department of Justice has submitted the above-referenced testimony, which Lowell Jensen proposes to deliver on the Ides of March before the Subcommittee on Labor of the Senate Labor and Human Resources Committee. The testimony repeats the generally favorable testimony Jensen delivered last year on the same bill, which passed the Senate. The bill would increase penalties for corrupt payments to union officials, and strengthen the provisions of 29 U.S.C. §§ 504 and 1111, which bar those found guilty of certain crimes from holding certain union offices. The proposed testimony suggests several changes in the bill to strengthen its provisions. The testimony opposes section 5 of the bill, which would give the Department of Labor the responsibility to investigate criminal violations involving pension and welfare plans. The Department of Labor currently investigates some such criminal violations by delegation from Justice units, and refers other matters to Justice.

I see no legal objections to the testimony, the substance of which has been clear on prior occasions.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

March 14, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Draft Fact Sheet Re: Comprehensive
Crime Control Act

Richard Darman has requested comments by 10:00 a.m. tomorrow on a proposed fact sheet on the Comprehensive Crime Control Act prepared by the Department of Justice. The substance of that Act was described in my March 3 memorandum to you (copy attached). The proposed fact sheet notes that the 44-point bill is not necessarily intended to be treated as a single bill but as a reference document, and that it is quite different from the ill-fated and controversial Criminal Code reform effort. The major provisions of the bill are then detailed. The fact sheet concludes by noting that action on most of the proposals is long overdue, and that favorable legislative action will better arm the new regional drug task forces.

I have no legal objections, but do have two grammatical ones. On page 3, bullet item 2, parallelism requires the last word be changed from "him" to "them." On the same page, under "Title VI," "limit" should be "limiting" and "make" should be "making." I have included these comments in a proposed "no legal objection" memorandum to Darman.

Attachment

THE WHITE HOUSE

WASHINGTON

March 14, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Fact Sheet Re: Comprehensive
Crime Control Act

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

We would, however, note several grammatical objections. On page three, second bullet item, "establish procedures for . . . will commit him" should be changed to "establish procedures for . . . will commit them." On the same page, under "Title VI," "limit" should be changed to "limiting" and "make" to "making."

FFF:JGR:aw 3/14/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

March 14, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Postage Stamp Honoring Douglas Fairbanks, Sr.

At a March 18 meeting, the Citizen Stamp Advisory Committee will reconsider a proposal to issue a commemorative stamp honoring the actor Douglas Fairbanks, Sr. The Committee declined to recommend the issuance of such a stamp at an earlier meeting. Douglas Fairbanks, Jr., wrote W.R. Hearst to seek his support for the stamp, and Hearst contacted Bob Gallagher. Gallagher has inquired what can be done by the President in connection with this matter, and Becky Norton Dunlop has sent the inquiry to you, noting that the younger Fairbanks is a personal friend of the President. She asks, specifically, if the President can and should contact the Chairman of the Committee in support of the Fairbanks stamp.

The Citizen Stamp Advisory Committee is a Postal Service advisory committee. It issues recommendations to the Postmaster General, who makes the final decision on issuance of stamps. It receives some 4,000 proposals for commemorative stamps each year; less than twenty are issued annually.

I do not think the President should become involved in this matter. A mechanism is in place for selecting commemorative stamps, and a call or letter from the President would constitute interference with established procedures on behalf of a personal friend. This is particularly objectionable since the Committee previously voted not to issue a Fairbanks stamp.

I have drafted a memorandum to Dunlop for your signature, advising that the President not involve himself in this affair. Dunlop has requested a response by close of business.

THE WHITE HOUSE

WASHINGTON

March 14, 1983

MEMORANDUM FOR BECKY NORTON DUNLOP
SPECIAL ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Postage Stamp Honoring Douglas Fairbanks, Sr.

You have inquired whether it would be appropriate for the President to contact the Chairman of the Citizen Stamp Advisory Committee in support of a stamp honoring Douglas Fairbanks, Sr. Counsel's Office advises against any such action by the President or on his behalf. There are established procedures for the selection of commemorative postage stamps, and the President should not be seen to use his position to promote personal interests in that selection process.

FFF:JGR:aw 3/14/83

cc: FFFielding
JGRoberts
Subj.
Chron