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# WITHDRAWAL SHEET

## Ronald Reagan Library

**Collection Name**

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COOK

7IGP

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	ROBERTS TO FIELDING RE JUDGEMENT AGAINST WHITE HOUSE EMPLOYEE (PARTIAL)	1	3/24/1983	B6	436
2	LETTER	JUDGEMENT AGAINST WHITE HOUSE EMPLOYEE (PARTIAL)	1	3/24/1983	B6	437

COPY - Reagan Presidential Record

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

March 15, 1983

Dear Mr. Greene:

Senator Laxalt has advised the White House of your gracious proposal to paint portraits of the President and Mrs. Reagan on terms, by your description, of "speculation."

Senator Laxalt has advised us that in his opinion your portraits would be outstanding. The President and Mrs. Reagan, however, receive numerous requests to sit for portraits. For reasons I am certain you can appreciate, it has been necessary for them to adopt the policy of declining such requests. Out of fairness, it is necessary to adhere to this policy in responding to your proposal. Please be assured that this is in no way a reflection on your work.

Thank you for your generous proposal. I trust you will understand the reasons it cannot be accepted.

Sincerely,

Fred F. Fielding  
Counsel to the President

Mr. Daniel E. Greene  
Daniel Greene, N.A.  
Route 116  
North Salem, New York 10560

FFF:JGR:aw 3/15/83

cc: FFFielding  
JGRoberts  
Subj.  
Chron

*See Feb. 23 Chron*

THE WHITE HOUSE

WASHINGTON, D.C.

March 15, 1983

Dear Paul:

Mike Deaver forwarded your inquiry concerning the artist Daniel Greene to me. As you might imagine, the Reagans receive numerous requests to sit for portraits on speculation. As a result, they have had to adopt a policy of declining all such requests, even when they come from such a distinguished artist as Mr. Greene.

I have written to Mr. Greene advising him of this policy, and am enclosing a copy of that letter for your information.

Sincerely,

Fred F. Fielding  
Counsel to the President

The Honorable Paul Laxalt  
United States Senate  
Washington, D.C. 20510

Enclosure

FFF:JGR:aw 3/15/83

cc: FFFielding  
JGRoberts  
Subj.  
Chron

THE WHITE HOUSE

WASHINGTON

March 15, 1983

MEMORANDUM FOR MICHAEL K. DEEVER  
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING  
COUNSEL TO THE PRESIDENT

SUBJECT: Letter from Senator Laxalt Concerning  
Portrait Artist Daniel Greene

You forwarded the above-referenced letter to this office,  
for our direct reply on behalf of Senator Laxalt. I attach  
for your information copies of our replies to Mr. Greene and  
to Senator Laxalt.

Attachments

FFF:JGR:aw 3/15/83

cc: FFFielding  
JGRoberts  
Subj.  
Chron

THE WHITE HOUSE

WASHINGTON

March 15, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*  
SUBJECT: Draft Presidential Message  
Re: Crime Legislation

Richard Darman has submitted the draft Presidential Message on Crime for final clearance, requesting comments by 6:00 p.m. tonight. The draft is not substantially changed from the version circulated on March 1. The three changes suggested in your memorandum of March 3 (attached) have been adopted, but a line was inadvertently dropped in making the second suggested change. In light of the short deadline, I have called Darman's office and alerted them to this problem. The attached proposed memorandum will confirm that conversation.

Attachment

THE WHITE HOUSE

WASHINGTON

March 15, 1983

MEMORANDUM FOR RICHARD G. DARMAN  
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING  
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Presidential Message  
Re: Crime Legislation

Counsel's Office has reviewed the new draft of the above-referenced Presidential Message. In making a change suggested in my memorandum of March 3 on an earlier draft, a line was apparently inadvertently dropped. The last sentence of the third paragraph on page two should read: "It is unfortunate that S. 2572 was not enacted during the last Congress, but I look forward to working with the 98th Congress to secure, at long last, passage of critically needed substantive criminal law reform."

FFF:JGR:aw 3/15/83

cc: FFFielding  
JGRoberts  
Subj.  
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

March 16, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Draft Presidential Statement:  
Crime Control Legislation

Richard Darman has requested comments to be sent directly to Aram Bakshian by 11:00 this morning on a proposed Presidential statement on the Comprehensive Crime Control Act of 1983. The statement cites previous Administration efforts -- such as the task force initiative -- notes increasing successes in the war on crime, and reviews some of the highlights of the crime package. I see no legal objections to the statement. The sentence on the exclusionary rule is awkward, however, since it is phrased in terms of the rule being "barred," when that phrasing is usually used with respect to the evidence. I also think it more forceful to state the proposal affirmatively, as letting the evidence in, rather than "barring" the rule. I suggest substituting the following for the sentence beginning on page 2, line 14: "Evidence of a crime would be admissible when the officer seizing it acted in a reasonable, good faith belief that his action was lawful."

Attachment



THE WHITE HOUSE

WASHINGTON

March 16, 1983

MEMORANDUM FOR ARAM BAKSHIAN  
DEPUTY ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING  
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Presidential Statement:  
Crime Control Legislation

Counsel's Office has reviewed the above-referenced draft Presidential statement. In our view the exclusionary rule proposal should be stated more affirmatively. We suggest that the following be substituted for the sentence beginning on page 2, line 14: "Evidence of a crime would be admissible when the officer seizing it acted in a reasonable, good faith belief that his action was lawful." We also assume that "socking" on page 1 is meant to be "locking."

cc: Richard G. Darman

FFF:JGR:aw 3/16/83

cc: FFFielding  
JGRoberts  
Subj.  
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

March 17, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Law Day Proclamation

I have edited the draft Law Day Proclamation submitted by the ABA, and with your approval will send the new version to OMB for clearance. The most significant change between what the ABA submitted and what I would like to see go forward is deletion of the ABA's analogy between a citizen's interest in justice and a shareholder's interest in a corporation. The corporate imagery struck me as impolitic. I have attached the original ABA version, should you wish to scrutinize the changes more closely.

Attachment

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

March 17, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Draft Presidential Decision Memorandum  
Re: Commission on U.S. Trade Policy

Richard Darman has requested comments by close of business March 17 on the above-referenced draft decision memorandum, prepared by USTR William E. Brock. The memorandum recommends the establishment of a "blue-ribbon Presidential Commission with membership drawn from industry, labor, agriculture, and academia" to analyze trade policy problems and recommend an appropriate trade policy for the 1980's. Brock states in his memorandum that such an initiative is needed to respond to growing protectionist sentiments both here and among our trading partners, and to review the possibly out-moded and inadequate GATT process. Brock specifically notes that the proposed Commission would have a long-term perspective and would not address organization of Executive Branch trade offices. The proposal calls for a Commission of up to twenty-five members (and includes a list of candidates) and a staff under the direction of retiring deputy USTR David R. Macdonald.

I see no legal objections to the decision memorandum, but we should take this opportunity to remind those involved of some of the legal requirements that would accompany a decision to establish a Commission as recommended by Brock. The Commission would be subject to the Federal Advisory Committee Act (FACA), 5 U.S.C. App. I § 3(2)(B), and accordingly must be established by executive order and operate under a charter, id. § 9(a)(1), (c). Its meetings must also be conducted in compliance with FACA, id. § 10.

The other question of particular concern to this office is the applicability of conflict of interest laws. Based on descriptions in the Brock memorandum, it appears that the members of the Commission would be Special Government Employees. Although the members are to be "drawn from" industry, labor, agriculture, and academia, the memorandum does not suggest that they are to represent the interests of their respective segments of the economy in such a fashion

that they could be considered not to be government employees at all. The members of the Commission would thus be subject to 18 U.S.C. § 208, which prohibits participation in any matter the outcome of which will have a direct and predictable effect on financial interests covered by the section. The list of possible members contains many individuals with financial interests in international trade. The mandate of the Commission, however, concerns such broad policy issues that I do not think there will be any inherent section 208 problems. At this stage we should alert those concerned to the SGE status of Commission members and the need for consideration of conflicts questions once the Commission charter and list of proposed members become more definite.

THE WHITE HOUSE

WASHINGTON

March 17, 1983

MEMORANDUM FOR RICHARD G. DARMAN  
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING  
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Presidential Decision Memorandum  
Re: Commission on U.S. Trade Policy

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

A commission of the sort proposed in the decision memorandum would be subject to the Federal Advisory Committee Act, 5 U.S.C. App. I, and accordingly must be established by executive order, operate pursuant to a charter, and otherwise conduct its business in compliance with the requirements of the Act. Members of the commission would in all likelihood be considered Special Government Employees, and it will be necessary to address potential conflict of interest questions once the mandate of the commission and the list of proposed members become more definite.

FFF:JGR:aw 3/17/83

cc: FFFielding  
JGRoberts  
Subj.  
Chron

THE WHITE HOUSE

WASHINGTON

March 18, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Appropriations Authorization Proposals  
from Department of Justice

Robert McConnell is seeking OMB clearance of two legislative proposals relating to the Department of Justice appropriations authorization process. The first proposal would codify much of the language typically contained in DOJ's annual appropriations authorizations, thereby taking most of the Department's authorities out of the annual funding process.

This approach is being proposed because Congress has failed to pass the 1981, 1982, and 1983 authorization bills, creating uncertainty (though largely theoretical) concerning the authority of the Department. The second proposal contains the required annual funding level authorization request for FY 1984.

New, potentially controversial aspects of the permanent authorization bill, not included in DOJ's FY 1983 authorization request, include provisions which would:

- o authorize the Deputy Attorney General as well as the Attorney General to authorize expenditures for collection of information and evidence of a confidential nature.
- o authorize FBI, DEA, and Marshals Service agents to attend competitive firearms matches, to improve their skill and morale.
- o change the requirement that the FBI Director and the Attorney General simultaneously approve undercover operations to a requirement that the Director approve and promptly notify the Attorney General or his designee.
- o give DEA the same exceptions from general restrictions on use of government funds that the FBI enjoys, for undercover operations.

o authorize INS to use funds to purchase evidence and pay for information, and accept gifts and voluntary services.

I see no objection to the proposals, although I suspect Congress will not be particularly anxious to yield any part of its power to control, on an annual basis, the Department's authorization.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

March 18, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Food Fair Proposal for Williamsburg Summit

At a meeting held March 9 in the Roosevelt Room, Michael Deaver described to assembled food and drink trade association representatives (see attached list) a proposal whereby the associations would establish and operate food and drink booths to provide free sustenance to reporters covering the Economic Summit. The Office of Legal Counsel was looking into the proposal at our request, and has now advised that it sees no legal impediments. OLC suggests, however, that the proposal move forward under the auspices of the State Department and/or USIA, to minimize any possible conflicts problems, and because those agencies have gift acceptance authority. In particular, OLC recommends that meetings take place at State or USIA offices, and that direct contact with trade association representatives in implementing the proposal be through State or USIA officials.

Michael McManus is coordinating preparations for the Summit, and was described at the March 9 meeting as the individual to whom trade association representatives should convey their interests in pursuing the proposal. I have prepared a memorandum from you to McManus, advising that if the project moves forward it should be under the auspices of the State Department and/or USIA -- not the White House. I have read the proposed memorandum to Robert Shanks, Deputy Assistant Attorney General at OLC, and he concurs.

Attachment



THE WHITE HOUSE

WASHINGTON

March 18, 1983

MEMORANDUM FOR MICHAEL A. MCMANUS  
DEPUTY ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING  
COUNSEL TO THE PRESIDENT

SUBJECT: Food Fair Proposal for Williamsburg Summit

Counsel's Office and the Office of Legal Counsel at the Department of Justice have considered the proposal that food and beverage trade associations establish and operate booths to provide free food and drink to reporters covering the upcoming Economic Summit. While we see no legal impediments to the proposal, it should move forward under the auspices of the State Department and/or the United States Information Agency, not the White House. This will avoid involving the White House in any potential appearance of conflict of interest situations. In particular, any future meetings on the proposal should take place in State Department or USIA offices, and any necessary contact with trade association representatives to implement the proposal should be through State Department or USIA officials.

Please do not hesitate to contact us if you have any questions.

FFF:JGR:aw 3/18/83

cc: FFFielding  
JGRoberts  
Subj.  
Chron

*not sent  
see revised  
3/22*

THE WHITE HOUSE

WASHINGTON

March 22, 1983

MEMORANDUM FOR MICHAEL A. MCMANUS  
DEPUTY ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING  
COUNSEL TO THE PRESIDENT

SUBJECT: Food Fair Proposal for Williamsburg Summit

Counsel's Office and the Office of Legal Counsel at the Department of Justice have considered the proposal that food and beverage trade associations establish and operate booths to provide free food and drink to reporters covering the upcoming Economic Summit. While we see no legal impediments to the proposal, it should move forward under the auspices of the State Department and/or the United States Information Agency, not the White House. This will avoid involving the White House in any potential appearance of conflict of interest situations. In particular, any future meetings on the proposal should take place in State Department or USIA offices, and any necessary contact with trade association representatives to implement the proposal should be through State Department or USIA officials. In light of your White House position, you should not continue as the contact with the trade association representatives.

Please do not hesitate to contact us if you have any questions.

FFF:JGR:aw 3/22/83

cc: FFfielding  
JGRoberts  
Subj.  
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

March 22, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Further Correspondence From  
Linwood M. Simon and Gloria Gaynor

On January 28 songwriter Linwood M. Simon and vocalist Gloria Gaynor wrote the President, seeking his support for promotion of their new recording, "America." Simon and Gaynor consider the song patriotic and thought the President would want to support promotion of their song as part of a campaign to rekindle patriotism. You responded by noting that the President could not endorse their song or become involved in a promotional campaign, because of its obvious commercial aspects. Simon and Gaynor have now responded that they would never seek to compromise the President. They note that Ms. Gaynor performed at a concert in 1979 at Constitution Hall, with the proceeds going to Mrs. Carter's "Save the Children" campaign, and that proceeds from any White House sponsored activity in connection with their patriotic campaign could go to a similar worthy charity.

The exact role of the White House contemplated by Simon and Gaynor is not clear from their letter. I recommend simply reiterating our earlier advice that the President cannot become involved in a promotional campaign connected to their song, and advising Simon and Gaynor that if they are interested in performing at the White House, or for a White House activity, they should contact Fred Ryan of the Scheduling Office.

Attachment

THE WHITE HOUSE

WASHINGTON

March 22, 1983

Dear Mr. Simon and Ms. Gaynor:

Thank you for your further correspondence on the subject of possible White House involvement in your efforts to increase patriotic awareness. In your letter you acknowledged the problems attendant upon Presidential endorsements of any commercial product or enterprise, and indicated that the proceeds of any White House sponsored activity could go to a worthy charity.

As I advised in my letter of February 7, the White House cannot become involved in any-way in a promotional campaign centered on your song "America." This policy is applicable regardless of any donations to charity made in connection with record sales or concert proceeds.

You referred in your most recent letter to a 1979 benefit concert at which Ms. Gaynor performed. Performance at such benefit concerts does not violate the policy referred to above, since the concerts do not involve the White House in the promotion or endorsement of a commercial product or enterprise. If you are interested in participating in such an event, I recommend that you contact Fred Ryan of the White House Scheduling Office.

Sincerely,

Fred F. Fielding  
Counsel to the President

Mr. Linwood M. Simon and  
Ms. Gloria Gaynor  
American World-Wide Sounds  
P.O. Box 374  
Fairview, New Jersey 07022

FFF:JGR:aw 3/22/83

cc: FFFielding/JGRoberts/Subj./Chron

THE WHITE HOUSE

WASHINGTON

March 22, 1983

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 we 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 by overuse.

Let me assure you that the policy which has been adopted is being uniformly applied, and, as I hope and 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 we cannot grant the permission you seek, but I am confident that your next Annual Meeting will be another success.

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 3/22/83  
cc: FFFielding/JGRoberts/Subj./Chron

THE WHITE HOUSE

WASHINGTON

March 22, 1983

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS.

SUBJECT: Patrick V. Hannon Proposal

Mr. Hannon has written Mr. Fielding, reiterating a request that the President endorse his proposal to erect a monument to American Presidents of Irish ancestry, to be built in President Reagan's ancestral village of Ballyporeen. I returned Mr. Hannon's calls in connection with this matter on March 18, and advised him that the President could not endorse his project or become involved with it in any way. Mr. Hannon, an enthusiastic supporter of the President, accepted this conclusion and the wisdom of the policy underlying it. I do not think any further response is necessary.

THE WHITE HOUSE  
WASHINGTON

March 22, 1983

Dear Mr. Armitage:

With regard to your prospective appointment as Assistant Secretary of Defense, 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. Richard Lee Armitage  
9113 Glenbrook Road  
Fairfax, Virginia 22031

Enclosures

THE WHITE HOUSE

WASHINGTON

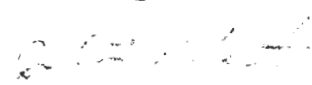
March 22, 1983

Dear Mr. Domencich:

With regard to your prospective appointment to the Interstate Commerce Commission, 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. Thomas A. Domencich  
139 Main Street  
Montpelier, Vermont 05602

Enclosures



THE WHITE HOUSE

WASHINGTON

March 22, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Draft Proclamation Designating April 14,  
1983 as Pan American Day, and the Week  
Beginning April 10, 1983 as Pan American Week

Dodie Livingston has requested comments by close of business March 25 on the above-referenced draft proclamation. Although not requested by Congress, such a proclamation is traditional. The draft proclamation, prepared by the State Department and approved by OMB, lauds the role of the Organization of American States in promoting the shared values and interests of the states of the Western Hemisphere. I have reviewed the draft proclamation and see no legal objection.

Attachment

THE WHITE HOUSE  
WASHINGTON

March 22, 1983

MEMORANDUM FOR DODIE LIVINGSTON

FROM: FRED F. FIELDING

SUBJECT: Draft Proclamation Designating April 14,  
1983 as Pan American Day, and the Week  
Beginning April 10, 1983 as Pan American Week

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

FFF:JGR:aw 3/22/83

cc: FFFielding  
JGRoberts  
Subj.  
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

March 23, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Donation of Ten Percent of Contributions  
to May 12 Senate-House Dinner to James  
S. Brady Presidential Foundation

Last Friday, March 18, we were asked to review draft Presidential remarks to the Republican Leadership Council. Those remarks contained a statement that ten percent of the contributions to the May 12 Senate-House Republican dinner would go to the James S. Brady Presidential Foundation. I checked with Peter Wallison on this proposal, and he advised that the scheme would subject the funds going to the Foundation to a 46 percent tax, payable by the Committee holding the dinner, under 26 U.S.C. § 527 (copy attached). That provision imposes a tax on non-exempt function political organization income, defined as income to the political organization not used for political purposes. In light of Wallison's concern, and the short turn-around time for reviewing the draft remarks (four hours), I advised the Speechwriter's Office, with RAH's concurrence, to delete the reference to the ten percent scheme. They did so, retaining the unobjectionable statement that the dinner would honor Mr. Brady.

I have now called Larry Halloran, counsel to the committee holding the May 12 dinner, to alert him to the concern raised by Wallison. Halloran was familiar with 26 U.S.C. § 527, and indicated that it would be considered in planning the dinner. There is no need for any further action on our part, but I wanted to advise you of what had transpired.

THE WHITE HOUSE

WASHINGTON

March 23, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Presidential Seal Request  
of Miss Terry Lynn Green

Terry Lynn Green is planning to participate in the Essex County Scholarship Pageant, an opening round event on the road to the Miss America Pageant itself. For the "talent" portion of the contest she contemplates delivering an oration entitled "The First Woman President of the United States" (she encloses a draft) and would like to use the Presidential Seal on the podium during her oration. Such use is not permitted by the regulations, unless you were to consider Miss Green's use one for an "exceptional historical, educational, or newsworthy purpose." Assuming that is not the case, I have drafted a letter to Miss Green denying her request, with copies of the pertinent statute and executive order. Presumably we can reconsider should Miss Green make it all the way to Atlantic City.

Attachment

THE WHITE HOUSE

WASHINGTON

March 23, 1983

Dear Miss Green:

Thank you for your recent letter requesting permission to use the Seal of the President in connection with your participation in the Essex County Scholarship Pageant. The permitted uses of the Seal of the President are limited by statute and executive order. I have attached a copy of the pertinent provisions for your information.

Your contemplated use of the Seal in connection with the Scholarship Pageant does not fall within any of the uses of the Seal authorized by law. Accordingly, I am unable to grant your request. I trust you will understand that this determination is in no way a reflection on the oration you plan to deliver.

Best of luck at the pageant,

Sincerely,

Fred F. Fielding  
Counsel to the President

Miss Terry Lynn Green  
191 North 16th Street  
East Orange, New Jersey 07017

Attachments

FFF:JGR:aw 3/23/83

cc: FFFielding  
JGRoberts  
Subj.  
Chron

THE WHITE HOUSE

WASHINGTON

March 23, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Request for Presidential Message  
From Ray Scherer, RCA

The RCA Space Center is planning a celebration to commemorate its twenty-fifth anniversary on March 28, and Ray Scherer, RCA Vice President, has asked William F. Sittmann if President Reagan might send a congratulatory letter to the RCA Chairman and the General Manager of RCA Astro-Electronics. Mr. Scherer thought such a message would be in keeping with the President's recent tributes to high-technology industry.

The "Guidelines for Special Presidential Messages" circulated August 20, 1982, provide that events sponsored by a profit-making organization generally do not qualify for messages. I see no reason to depart from this policy in this case, and have drafted a memorandum to Sittman for your signature, reminding him of the established policy.

Attachment

THE WHITE HOUSE

WASHINGTON

March 23, 1983

MEMORANDUM FOR WILLIAM F. SITTMAN

FROM: FRED F. FIELDING

SUBJECT: Request for President Message  
From Ray Scherer, RCA

You have asked for our comments on the request from Ray Scherer for a Presidential message commemorating the twenty-fifth anniversary of the RCA Space Center. The "Guidelines for Special Presidential Messages," circulated on August 20, 1982, provide that messages over the President's signature will be issued only for enumerated events and occasions. The event described in Mr. Scherer's letter does not fall within any of the accepted categories. In addition, the Guidelines provide that events sponsored by a profit-making organization generally do not qualify for Presidential messages. We see no reason to depart from established policy in this instance, and the request from Mr. Scherer should accordingly be denied. I have attached a copy of the Guidelines for your information and reference.

Attachment

FFF:JGR:aw 3/23/83

cc: FFFielding  
JGRoberts  
Subj.  
Chron

THE WHITE HOUSE

WASHINGTON

March 23, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Enrolled Resolution S.J. Res. 35 --  
National Mental Health Counselors Week

Richard Darman has requested comments by 1:00 p.m. today on enrolled resolution S.J. Res. 35, which designates this week as National Mental Health Counselors Week, and calls upon the President to issue an appropriate proclamation. The resolution, passed by voice vote in both houses, describes the training, certification, and work of mental health counselors. OMB and HHS recommend approval; I see no legal objections. A proclamation is being drafted, and we should stress that it should be available for Presidential signature before expiration of the week.

Attachment



THE WHITE HOUSE

WASHINGTON

March 23, 1983

MEMORANDUM FOR RICHARD G. DARMAN  
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING  
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Resolution S.J. Res. 35 --  
National Mental Health Counselors Week

Counsel's Office has reviewed the above-referenced enrolled resolution, and finds no objection to it from a legal perspective. The proclamation called for by this resolution should be issued before expiration of the week it commemorates.

FFF:JGR:aw 3/23/83

cc: FFFielding  
JGRoberts  
Subj.  
Chron

THE WHITE HOUSE

WASHINGTON

March 24, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS, ~~JK~~

SUBJECT: Holdover Status of Federal Reserve Board Chairman

I was asked to determine the consequences of the expiration of the term of the Chairman of the Federal Reserve Board, and in particular whether the incumbent could hold over as Chairman until qualification of a successor. The pertinent statute provides that the Chairman of the Federal Reserve Board shall serve "for a term of four years." 12 U.S.C. § 242 (App. I 1977). Paul Volcker's term as Chairman expires August 5, 1983; his term as a member of the Board does not expire until January 31, 1992.

In an opinion dated January 31, 1978, the Office of Legal Counsel considered the status of the Chairmanship of the Federal Reserve Board in the event the President's nominee was not confirmed by the time the incumbent's term expired. 2 O.L.C. Op. 394 (Tab A). That opinion concluded that the statutory holdover provision applicable to members of the Board, 12 U.S.C. § 242 (App. I 1977), did not apply to the office of Chairman. The Chairman cannot hold over; his term expires when the statutory period has run. The opinion further concluded that the Vice Chairman should not assume the responsibilities of the Chairman upon expiration of the Chairman's term. The statute provides that the Vice Chairman shall preside at Board meetings in the "absence" of the Chairman, 12 U.S.C. § 244 (1976), but the opinion concluded that the term "absence" referred to a temporary condition, not a vacancy.

The O.L.C. opinion determined that, when a vacancy arises in the office of Chairman while the President's nominee is awaiting Senate confirmation, the President should designate a member of the Board to serve as Acting Chairman. This is in fact what President Carter did. On February 2, 1978, he designated Arthur F. Burns, the previous Chairman, to serve as "Acting Chairman" until designation of his successor. Mr. Burns served as Acting Chairman until March 8, 1978, when G. William Miller was designated Chairman. (The need to have an Acting Chairman was occasioned by the fact that

-2-

Miller was not confirmed as a member of the Board until March 3, 1978; at the time the office of Chairman did not require separate Senate confirmation, as it now does.)

The option of designating an Acting Chairman, however, would not seem to be available in the absence of a pending nomination or other circumstance indicating that the designation was only to cover a short-term, emergency situation. While the Vacancy Act, 5 U.S.C. §§ 3345-3348 (1976), does not, by its terms, apply to the Federal Reserve Board, see 2 O.L.C. Op., at 396, there is pertinent case law to the effect that the President cannot appoint "acting" officers in the face of statutes requiring Senate confirmation, in the absence of an emergency situation.

The leading case is Williams v. Phillips, 360 F. Supp. 1363 (D.D.C.) aff'd, 482 F. 2d 669 (D.C. Cir. 1973) (Tab B). President Nixon appointed Howard Phillips Acting Director of the Office of Economic Opportunity; the post of Director required Senate confirmation. The district court enjoined Phillips from taking any action as Acting Director of OEO, ruling that "in the absence of . . . legislation [providing for an acting director] or legislation vesting a temporary power of appointment in the President, the constitutional process of nomination and confirmation must be followed." 360 F. Supp., at 1371. The Court of Appeals affirmed, noting that even if the power existed "to appoint an acting director for a reasonable period of time before submitting the nomination of a new director to the Senate," such a power would not justify the situation before it, in which Phillips had served as Acting Director for four months with no nomination having been submitted to the Senate. 482 F. 2d, at 670-671. The O.L.C. opinion specifically distinguished the Phillips case on the ground that in Phillips no name had been submitted to the Senate, while in the case considered in that opinion a nomination was pending. 2 O.L.C. Op., at 396 n. 5.

According to the O.L.C. opinion, the Chairman of the Federal Reserve Board cannot hold over; in the event of a vacancy, the President must designate an Acting Chairman. According to Phillips, such an acting official can only be appointed for a short period and in an "emergency" situation. The combined effect of these authorities is that, upon expiration of Chairman Volcker's term, the President may appoint any member of the Board Acting Chairman (including Volcker), but only if a nomination for Chairman is pending or soon to be submitted.

Attachments

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

March 24, 2983

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS

SUBJECT: Ohio River Valley Water Sanitation Commission

I have reviewed the Personal Data Statements submitted by Jean M. Barren and Joseph D. Cloud for appointment as representatives of the United States on the Ohio River Valley Water Sanitation Commission. The President is authorized to appoint representatives to this Commission by Article IV of the Ohio River Valley Water Sanitation Compact, 54 Stat. 753 (1940). The Commission, composed of three Federal representatives and three representatives from each member state, is charged with reviewing and reporting on water pollution in the Ohio River Valley, and is empowered to issue orders against municipalities, corporations, and individuals with respect to the discharge of sewage or waste into the Ohio or its tributaries.

The Personal Data Statements for both Mrs. Barren and Mr. Cloud are straightforward, and reveal no conflicts that would preclude their appointment to the Commission.


MEMORANDUM

THE WHITE HOUSE

WASHINGTON

March 24, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Correspondence from A.R. Ceresa,  
Trustee of the Rossmoor Liquidating  
Trust, to Michael Deaver

A.R. Ceresa, trustee of the Rossmoor Liquidating Trust, has written Michael Deaver about litigation involving his company and the Marine Corps. According to Ceresa's letter, the Marine Corps has imposed land use restrictions on property owned by Ceresa's company. Ceresa wants to develop the land, but was unsuccessful in negotiating a modification of the restrictions and brought suit last year. On March 7, 1983 a federal district court denied a Marine Corps motion for summary judgment and set an October date for a full hearing. Ceresa states that he wants to avoid lengthy litigation and offer a substantial settlement, but the Marines have rebuffed his overtures. He would like to discuss the matter with Deaver.

It would be inappropriate for Deaver to meet with a personal friend to discuss settlement of a pending lawsuit filed by that individual against the United States. I have prepared a reply for Deaver's signature, advising Ceresa of this fact, and a transmittal memorandum to Deaver.

Attachments

THE WHITE HOUSE

WASHINGTON

March 24, 1983

MEMORANDUM FOR MICHAEL K. DEEVER  
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING  
COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence from A.R. Ceresa

I attach a draft reply to A.R. Ceresa, trustee of the Rossmoor Liquidating Trust, who has written you asking to discuss pending litigation between his company and the United States. As you know, such a discussion would be inappropriate, and the draft reply so advises Mr. Ceresa.

Attachment

FFF:JGR:aw 3/24/83

cc: FFFielding  
JGRoberts  
Subj.  
Chron

THE WHITE HOUSE

WASHINGTON

March 24, 1983

Dear Al:

Thank you for your recent letter, describing the circumstances which have led to litigation between your company and the United States Marine Corps. I appreciate the spirit in which your letter was written.

It would, however, be inappropriate for me to discuss with you matters presently the subject of litigation between your company and the United States government. I must leave the conduct of that litigation and any settlement negotiations to the attorneys handling the matter for the government. I am confident that you will appreciate the need for adherence to this policy.

With best wishes,

Sincerely,

MICHAEL K. DEAVER  
Assistant to the President  
Deputy Chief of Staff

A.R. Ceresa, Trustee  
Rossmoor Liquidating Trust  
P.O. Box 5000  
Laguna Hills, California 92653

FFF:JGR:aw 3/24/83

cc: FFFielding  
JGRoberts  
Subj.  
Chron

MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

March 24, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Letter from Congressman Gregg (R-N.H.) to  
Ed Meese Concerning Foreign Films Controversy

Congressman Judd Gregg has written Ed Meese to complain about the action taken by the Department of Justice with respect to the Canadian acid rain film. Gregg notes that he sponsored a forum last year at which the film was shown, and expresses his concern that the DOJ action is a move by the Administration to suppress views differing from its own. Meese has asked for preparation of a reply for his signature. I have drafted such a reply, drawing on the Justice Department's public pronouncements on the issue.

Attachments



THE WHITE HOUSE

WASHINGTON

March 24, 1983

MEMORANDUM FOR EDWIN MEESE III  
COUNSELLOR TO THE PRESIDENT

FROM: FRED F. FIELDING  
COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence from Congressman Judd Gregg

You requested preparation of a reply for your signature to the attached letter from Congressman Judd Gregg, concerning the action taken by the Department of Justice with respect to the Canadian acid rain film. A proposed reply is attached.

Attachment

FFF:JGR:aw 3/24/83

cc: FFFielding  
JGRoberts  
Subj.  
Chron

THE WHITE HOUSE

WASHINGTON

March 24, 1983

Dear Congressman Gregg:

Thank you for your recent letter concerning the action taken by the Department of Justice with respect to the Canadian film "Acid Rain: Requiem or Recovery." Let me assure you that action was in no way an effort by the Administration to suppress views differing from its own on the issue of acid rain, to censor the film, or to curtail its dissemination.

The Department of Justice was simply enforcing the Foreign Agents Registration Act as passed by Congress. Whenever an agent of a foreign government distributes material referred to in that statute as "political propaganda," the law requires the material to be accompanied by a label disclosing the identity of the agent, the fact that the agent is registered under the Foreign Agents Registration Act, and the fact that such registration does not indicate approval of the contents of the material by the United States government. "Political propaganda" is defined by the statute as any communication "reasonably adapted to . . . influence a recipient . . . with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party or with reference to the foreign policies of the United States . . ." The Act does not require a listing of those who view the film. It does require the foreign agent to file a dissemination report registering the name of the station, organization, or theater using the film, the dates the film was shown, and the estimated attendance.

The Foreign Agents Registration Act, which mandated the action taken by the Department of Justice, has been on the books for several decades. The Department has publicly stated that the decision that the Act applied to the acid rain film was made solely by career personnel who are charged with enforcing the Act and have been doing so for many years through many administrations. Whatever views one

may have on the Act itself, I hope the foregoing description of its requirements and application in this instance suffices to dispel your expressed concern that "this is a move by the Administration to suppress views which differ from the Administration's."

Sincerely,

Edwin Meese III  
Counsellor to the President

The Honorable Judd Gregg  
House of Representatives  
Washington, D.C. 20515

FFF:JGR:aw 3/24/83

cc: FFFielding  
JGRoberts  
Subj.  
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

March 24, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Collection of Judgment Against  
White House Employee

Attorney Murray Watson, Jr., of Waco, Texas has written James A. Baker, III, advising him that Watson's law office represents a state agency which has obtained a judgment against a former employee "who is now a paid employee on the Whitehouse [sic] staff." I called Watson to obtain the name of the individual. Watson identified the debtor as [REDACTED] [REDACTED] allegedly received state checks after [REDACTED] left [REDACTED] state job. The state asked to be reimbursed and [REDACTED] agreed, but [REDACTED] never sent the money back. The state sued and obtained a judgment, and Watson wants to know how to collect without embarrassing the White House. *b6*

I have been unable to locate any [REDACTED] employed by the White House. Ray Kogut, Director of the Personnel Division of the Office of Administration, advises that no [REDACTED] works for the Executive Office of the President. Jim Rogers, Director of Personnel for the White House Operations Office, reports that [REDACTED] works as a detailee. The Secret Service has not issued a pass of any sort to a [REDACTED] *b6*

I have prepared a letter for your signature informing Watson that we have no [REDACTED] *b6*

Attachment

COPY - Reagan Presidential Record

THE WHITE HOUSE  
WASHINGTON

March 24, 1983

Dear Mr. Watson:

This is written in response to your letter to James A. Baker III, concerning a judgment against a former Texas state employee who you assert is now a paid employee on the White House staff. You have advised this office that the individual in question is named [REDACTED] b6

We have thoroughly searched White House personnel records and have been unable to locate a [REDACTED] on the rolls of any office within the Executive Office of the President. Accordingly, we are unable to offer any guidance on collection of the debt in question. b6

— Sincerely,

Fred F. Fielding  
Counsel to the President

Murray Watson, Jr., Esq.  
111 South 18th Street  
Waco, Texas 76701

FFF:JGR:aw 3/24/83

cc: FFFielding  
JGRoberts  
Subj.  
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

March 24, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Enrolled Bill S. 271 -- National  
Trails System Amendments

Richard Darman has requested comments by noon March 25 on enrolled bill S. 271, which would designate three new trails as part of the National Trails System, designate six trails for study for possible addition to the System, authorize the Secretary of Interior to accept donated markers for one trail, and make certain amendments respecting management of the Trails System. OMB, Interior, Agriculture, and TVA recommend approval; Transportation, Treasury, and ICC have no objection. The bill passed both Houses by voice vote, and OMB states that it responds to Administration recommendations.

I have reviewed the memorandum for the President from James M. Frey, Assistant Director of OMB for Legislative Reference, and the bill itself, and see no legal objections.

Attachment

THE WHITE HOUSE

WASHINGTON

March 24, 1983

MEMORANDUM FOR RICHARD G. DARMAN  
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING  
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill S. 271 -- National  
Trails System Amendments

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

FFF:JGR:aw 3/24/83

cc: FFFielding  
JGRoberts  
Subj.  
Chron