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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name

Withdrawer

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CHRON FILE (04/22/1983 - 04/30/1983)

IGP 8/30/2005

FOIA

F05-139/01

Box Number

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13IGP

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	LETTER	FROM SEELEY LODWICK TO MICHAEL STEIN RE FINANCIAL INTERESTS	3	4/22/1983	B6	457
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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

April 22, 1983

MEMORANDUM FOR MICHAEL STEIN
GENERAL COUNSEL
INTERNATIONAL TRADE COMMISSION

FROM: JOHN G. ROBERTS
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Seeley G. Lodwick

I attach for your information a copy of a memorandum from the Office of the General Counsel, Federal Trade Commission, concerning 15 U.S.C. § 41, an analogue of 19 U.S.C. § 1330(c)(5). I also attach a copy of a letter from the General Counsel of the Civil Aeronautics Board concerning, in part, the applicability of 49 U.S.C. § 1321(b) -- also an analogue of 19 U.S.C. § 1330(c)(5) -- in the context of an FCC licensee who relinquished daily operation of his stations but, under FCC rules, retained ultimate control of them.

Attachments

WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name
ROBERTS, JOHN: FILES

Withdrawer
IGP 8/3/2005

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CHRON FILE (04/22/1983 - 04/30/1983)

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<i>NO Document Description</i>	<i>pages</i>		<i>tions</i>	
1 LETTER	3	4/22/1983	B6	457
FROM SEELEY LODWICK TO MICHAEL STEIN RE FINANCIAL INTERESTS				

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

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E.O. 13233

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

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 25, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Draft Proclamation Designating June 14, 1983, and the Week Beginning June 12 as National Flag Day and Week, 1983

Richard Darman has requested comments by close of business April 27 on the above-referenced proclamation. The proclamation, prepared by GSA and approved by OMB, is authorized and requested by 36 U.S.C. § 157 (Flag Day), § 157a (Flag Week), and § 157b (period between Flag Day and Independence Day as period to honor America). The proclamation reviews the history of our flag and what it symbolizes. I see no legal objections. The word "them" in the last sentence of the second paragraph should be changed to "our forefathers" or something similar. As now written, "them" refers to "[m]any of the early American flags," and accordingly the sentence makes no sense, since it is impossible to motivate a flag.

Attachment

THE WHITE HOUSE

WASHINGTON

April 25, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Proclamation Designating June 14,
1983, and the Week Beginning June 12
as National Flag Day and Week, 1983

Counsel's Office has reviewed the above-referenced draft proclamation, and finds no objection to it from a legal perspective. In the last sentence of the second paragraph, "them" should be changed to "our forefathers," or something similar. As the sentence is now written "them" refers to "[m]any of the early American flags," and the sentence accordingly makes no sense.

FFF:JGR:aw 4/25/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

April 25, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Letter to Presidents of D.C. Comics
and Keebler Company Re: Drug Abuse
Awareness Program (Revised)

Richard Darman has requested comments by close of business today on revised drafts of letters to the presidents of D.C. Comics and the Keebler Company, thanking them for their help in connection with the comic book project. You approved earlier drafts of these letters, with suggested changes. The purpose of our suggested changes was to package the project as a private sector project, with some guidance from the White House, rather than a joint venture or a White House project funded by the private sector. The Department of Justice has now suggested revisions of its own, primarily stylistic. Some of these suggestions are inconsistent with our approach, and the changes detailed in my draft memorandum to Darman correct those that are.

Attachment

THE WHITE HOUSE

WASHINGTON

April 25, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Letter to Presidents of D.C. Comics
and Keebler Company Re: Drug Abuse
Awareness Program (Revised)

Counsel's Office has reviewed the revised drafts of the above-referenced letters submitted by the Department of Justice. Consistent with the approach detailed in our memorandum of April 20 on these letters, we suggest the following changes in the Justice Department drafts:

In the letter to Ms. Kahn, "contribution and assistance to" in the first sentence should be changed to "assistance in." In the last sentence, "campaign" should be "cause," as in the original version.

In the letter to Mr. Garvin, "contribution and support to" in the first sentence should be changed to "support in." The second sentence should be changed to "Private sector involvement in this effort through projects like the "Teen Titans Comic Book" will definitely have an impact on our youth," or something similar.

FFF:JGR:aw 4/25/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE
WASHINGTON

April 22, 1983

MEMORANDUM FOR THE FILE

FROM: JOHN G. ROBERTS

SUBJECT: [REDACTED] *b6*

On April 21, 1983, I was present while Senator Tribble and Senator Heflin reviewed the FBI report on the above-referenced nominee. [REDACTED] *b6*

THE WHITE HOUSE
WASHINGTON

April 25, 1983

MEMORANDUM FOR THE FILE

FROM: JOHN G. ROBERTS *JR*

SUBJECT: [REDACTED] b6

On April 21, 1983, I was present while Senator Tribble and Senator Heflin reviewed the FBI report on the above-referenced nominee. [REDACTED] b6

THE WHITE HOUSE

WASHINGTON

April 26, 1983

Dear Mr. Merritt:

With regard to your prospective appointment as Chief Counsel, Internal Revenue Service, 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

James E. Merritt, Esq.
Morrison & Foerster
1920 N Street, NW
Washington, D.C. 20036

Enclosures

THE WHITE HOUSE

WASHINGTON

April 26, 1983

APPOINTMENT PROCESS PERSONAL INTERVIEW RECORD

DATE OF INTERVIEW: April 26, 1983 (by telephone)
CANDIDATE: John Warren McGarry
POSITION: Commissioner, Federal Election Commission
INTERVIEWER: John G. Roberts *JGR*

Comments

John Warren McGarry is currently a Democratic commissioner on the Federal Election Commission. His term expires April 30, 1983, although he will be able to holdover until his contemplated reappointment. 2 U.S.C. § 437c(a)(2)(B). Under 2 U.S.C. § 437c(a)(3) persons appointed to the FEC by the President "shall be individuals who, at the time appointed to the Commission, are not elected or appointed officers or employees in the executive, legislative, or judicial branch of the Federal Government." McGarry is, of course, an appointed officer, but I do not believe the quoted provision bars his reappointment. The purpose of the provision was to prevent individuals holding other government offices from simultaneously serving on the FEC. In addition, Sherrie Cooksey advises me that other commissioners have been reappointed.

Under 2 U.S.C. § 437c(a)(3), commissioners "shall not engage in any other business, vocation, or employment." [REDACTED]

[REDACTED] None of Commissioner McGarry's holdings appear to present a conflict with the duties of an FEC commissioner.

b6

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 26, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Presidential Remarks for Meeting
With New York Crime Fighters

These draft remarks have been forwarded to the President, for delivery tomorrow. Richard Darman has requested that any minor edits be sent directly to Aram Bakshian. The remarks praise the award winners of the New York Daily News Crime Fighters program, the New York City police, and the Daily News for sponsoring the award program. I see no legal objections, and recommend sending the attached memorandum to Bakshian, with a copy to Darman, advising them that we have reviewed the remarks and find them legally unobjectionable.

Attachment

THE WHITE HOUSE

WASHINGTON

April 26, 1983

MEMORANDUM FOR ARAM BAKSHIAN, JR.
DEPUTY ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Remarks for Meeting
With New York Crime Fighters

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

cc: Richard G. Darman

FFF:JGR:aw 4/26/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 26, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Letter to Shirley Moore Re: Use of
AFI Theater by Campaign Committee

Richard Stebbins has written Shirley Moore in Mr. Deaver's office, offering the facilities of the American Film Institute (224-seat theater, 38-seat screening room) for the Reagan Campaign, at specified rental rates. Deaver has asked you to prepare a proposed response for his review. I have drafted a reply for your signature, advising Stebbins that he should direct his proposal to the RNC, and a cover memorandum to Deaver submitting the proposed reply.

Attachments

THE WHITE HOUSE

WASHINGTON

April 26, 1983

Dear Mr. Stebbins:

Your letter of April 7 to Shirley Moore of Michael Deaver's office has been referred to me for response. In that letter you offered the facilities of the American Film Institute, at specified rental rates, for the use of the Reagan Campaign.

There is, of course, at present no organization established to conduct the campaign to which you refer. I can only suggest that you submit your proposal to the Republican National Committee, for whatever consideration the officials of that organization may deem appropriate.

Thank you for writing.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Richard Stebbins
The American Film Institute
The John F. Kennedy Center
for the Performing Arts
Washington, D.C. 20566

FFF:JGR:aw 4/26/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE
WASHINGTON

April 26, 1983

MEMORANDUM FOR MICHAEL K. DEEVER
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Letter to Shirley Moore Re: Use of
AFI Theater by Campaign Committee

Attached is a proposed reply to the recent letter from Richard Stebbins of the American Film Institute received in your office.

Attachment

FFF:JGR:aw 4/26/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 26, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Request that President Write Introduction
to Book on U.S. Olympic Athletes

Bill Mallon, who is joining three other authorities on the Olympics to author a book on U.S. Olympic athletes through the ages, has written the President asking him to write an introduction to the book. Mallon enclosed an outline of the book, biographies of the authors, and examples of entries on former American Olympic stars, including Z.B. Strebler, who won a bronze medal in 1904 for wrestling even though he wrestled only once and lost.

This is a commercial endeavor (not sponsored by the U.S. Olympic Committee) and accordingly the President should not become involved. I have drafted an appropriate letter to Mallon.

Attachment

THE WHITE HOUSE
WASHINGTON

April 26, 1983

Dear Mr. Mallon:

Thank you for your letter to the President, requesting that he write an introduction to your book on American Olympic athletes. While your proposed volume promises to be an interesting contribution to Olympic literature, we cannot comply with your request that the President author an introduction. As a general matter the President avoids any action that suggests or could be construed as endorsement of any commercial product or enterprise, in this case your book. In addition the sheer volume of requests that the President author introductory statements has necessitated adoption of a general policy of declining all such requests.

I am confident that you will understand why we cannot comply with your request. Thank you for your inquiry, and best of luck with the book.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Bill Mallon
2330 Hilton Avenue
Apartment 3
Durham, North Carolina 27707

FFF:JGR:aw 4/26/83

cc: FFFielding
JGRoberts
Subj.
Chron

Handwritten notes:
Mallon
See
Apr 28

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

April 26, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: FOIA Request of [REDACTED] b6

[REDACTED] b6
[REDACTED] has requested a copy of [REDACTED] file at the Personnel Office. [REDACTED] states that [REDACTED] understands [REDACTED] is entitled to a copy under the FOIA. I have drafted a response to [REDACTED] advising [REDACTED] that the White House Office is not subject to the FOIA.

Attachment

THE WHITE HOUSE
WASHINGTON

April 26, 1983


Dear  *bb*

I am writing in response to your letter to the President, in which you requested a copy of your file at the Presidential Personnel Office under the Freedom of Information Act.

Please be advised that the White House Office -- including the Presidential Personnel Office -- "whose sole function is to advise and assist the President," is not an agency subject to the Freedom of Information Act. Kissinger v. Reporters Committee for Freedom of the Press, 445 U.S. 136, 156 (1980). Accordingly, we are not in a position to respond to your Freedom of Information Act request.

Sincerely,

Fred F. Fielding
Counsel to the President

 *bb*
FFF:JGR:aw 4/26/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

April 26, 1983

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Appointment of Richard F. Hohlt to
the Peace Corps Advisory Council

I have reviewed the Personal Data Statement submitted by Richard F. Hohlt for appointment to the Peace Corps Advisory Council. Appointment of up to 30 persons by the President to this advisory committee is authorized by Executive Order 12412 (March 29, 1983). The Council is to advise the President and Peace Corps Director on initiatives to implement the Peace Corps Act; members serve without compensation. Neither the holdings nor associations revealed on the PDS suggest any conflict with the duties of a member of the Council, and accordingly I see no legal objection to the appointment.

THE WHITE HOUSE

WASHINGTON

April 27, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Testimony of Roger M. Olsen, Deputy
Assistant Attorney General Re:
H.R. 2643 - Extradition Act of 1983

Cary Copeland of the Office of Legislative Affairs has submitted the above-referenced proposed testimony, to be delivered April 28 before the Subcommittee on Crime of the House Judiciary Committee. The testimony discusses H.R. 2643, which is substantially similar to the Administration's proposal, embodied in H.R. 2151. H.R. 2151 is also Title XIV, Part M of the Comprehensive Crime Control Act of 1983. Both proposals are designed to modernize the antiquated extradition statutes, which were enacted in the previous century. The testimony reviews the dramatic rise in extradition matters, and applauds the improvements common to H.R. 2643 and H.R. 2151. It then objects to certain aspects of H.R. 2643, primarily its unilateral revision of certain treaty provisions and its liberalization of bail requirements.

This testimony is consistent with the Administration's previously-cleared endorsement of H.R. 2151. I see no legal objection.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 27, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Presidential Youth Citizenship Award

William F. Sittman has asked for your views on a proposal to establish a Presidential Youth Citizenship Award program. As described in the attached memorandum, youth organizations that worked with local government and successfully completed a community improvement project would receive a Presidential Youth Citizenship Award. The program would require approval and guidance from local government, a specified amount of work from each individual in the youth organization, and acknowledgment of successful completion of the project by local government.

I can discern no legal bar to the program, at least as described in general outline. Legal issues will, however, arise in implementing the program: Will the local government be liable for injuries sustained by members of the youth organization during the project? Will the Federal government? What if the youth organization "discriminates" in some fashion, as most do -- a boy's club, a Latino "gang," a church club? Will there be challenges to the program as a means of securing free labor for local governments? From a legal perspective it would be much better if the program were not as formalized as it apparently is intended to be. It is not apparent to me why it is desirable to establish a rigid program with participation and certification requirements. The imposition of such requirements and the concomitant involvement of the White House raise questions concerning our legal liability with respect to organizations participating in the program and their activities while doing so.

I suggest a memorandum to Sittmann, raising these general concerns, and recommending a less formal approach. The President can always recognize laudable youth activities, and even establish a new award for this purpose, but need not erect a new structure of rules and procedures.

Attachment

THE WHITE HOUSE

WASHINGTON

April 27, 1983

MEMORANDUM FOR WILLIAM F. SITTMANN
SPECIAL ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Youth Citizenship Award

You have asked for our views on the proposal to establish a Presidential Youth Citizenship Award program. As described in your memorandum, youth organizations could earn Presidential recognition by completing a community improvement project. The project must have the approval of local government and the work must constitute an average contribution of ten hours per individual.

We see no overriding legal objections to consideration of this proposal. A wide range of legal issues will, however, arise in the course of implementing the proposal. Typical questions will concern the potential liability of local government and/or the Federal government for acts of or injuries to individuals participating in the program, appearance problems created by White House "approval" of youth organizations that may engage in prohibited practices, objections to particular projects or the use of volunteer labor on those projects, and so on. From our point of view it would be best not to formalize procedures and criteria for Presidential recognition of laudable youth projects. Creating a formal structure and program, with participation guidelines and performance requirements, increases the involvement of the White House in activities we cannot control -- such as those of the youth organizations -- and accordingly increases our potential legal exposure. There can be no objection to the President establishing an award for contributions by youth organizations, and issuing the award on a systematic basis. I would avoid anything more formal.

FFF:JGR:aw 4/27/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 27, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: CAB Decision Re: U.S.-Canada Fare Increases
Proposed by Air Canada - 10 Day Case

Richard Darman's office has asked for comments by close of business April 27 on the above-referenced CAB decision, which was submitted for Presidential review as required by § 801(b) of the Federal Aviation Act of 1958, as amended, 49 U.S.C. § 1461(b). Under this provision, any order of the Board pursuant to 1482(j) of Title 49, "suspending, rejecting or canceling a rate, fare, or charge for foreign air transportation, and any order rescinding the effectiveness of any such order," must be submitted to the President. The President may disapprove a submitted order, but only for foreign policy or national defense reasons. If the President wishes to disapprove an order, he must do so within ten days of submission of the order to him by the Board (in this case, by April 29, 1983).

The CAB order would suspend coach fare increases proposed by Air Canada on all of its U.S.-Canada routes. Air Canada stated the increases were required by rising costs of "food, maintenance, and labor." The CAB regarded this as insufficient justification.

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 allow the order to go into effect, and reports that the NSC and the Departments of State, Defense, Justice and Transportation have no objection to the Board's order. In ten-day review cases, unlike sixty-day review cases under 49 U.S.C. § 1461(a), it is standard simply to take no action on CAB orders not being disapproved, rather than sending a "no disapproval" letter to the Board.

I see no reason for disagreeing with the recommendation that the President not disapprove this order.

Attachment

THE WHITE HOUSE

WASHINGTON

April 27, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: CAB Decision Re: U.S.-Canada Fare Increases
Proposed by Air Canada - 10 Day Case

We have reviewed the above-referenced CAB decision and have no legal objection to the procedure that was followed with respect to Presidential review of such decisions under 49 U.S.C. § 1461(b).

We also have no legal objection to OMB's recommendation that the President not disapprove this order.

FFF:JGR:aw 4/27/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

April 28, 1983

Dear Mr. Mallon:

Thank you for your letter to the President, requesting that he write an introduction to your book on American Olympic athletes. While your proposed volume promises to be an interesting contribution to Olympic literature, we cannot comply with your request that the President author an introduction. As a general matter the President avoids any action that suggests or could be construed as endorsement of any commercial product or enterprise, such as, in this case, your book.

I am confident that you will understand why we cannot comply with your request. Thank you for your inquiry, and best of luck with the book.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Bill Mallon
2330 Hilton Avenue
Apartment 3
Durham, North Carolina 27707

FFF:JGR:aw 4/28/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

April 28, 1983

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: United States Representation at
the 36th World Health Assembly
of the World Health Organization,
Geneva, Switzerland, May 2-18, 1983

By note dated April 27 you asked that I check to determine if the State Department proposal to have the President designate delegates to the Thirty-sixth World Health Assembly of the World Health Organization complied with Public Law 80-643. I have examined that statute, codified at 22 U.S.C. § 290a, and have no objection to the contemplated action. The President is authorized to designate up to three delegates (including a chief delegate) and an unspecified number of alternates. As proposed by State, he will name three delegates and two alternates. The designees must be investigated as to loyalty and security by OPM; State verifies that this has been done.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 28, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Request from President Ford that
President Reagan Send Letter Supporting
Bid of Vail, Colorado to Host 1986/1987
World Alpine Ski Championship

President Ford has asked Jim Baker if President Reagan would send a letter (draft attached) to the President of the Federation Internationale de Ski (FIS), supporting Vail, Colorado as the site for the 1986/1987 World Alpine Ski Championships. (Whether the world championship will be in 1986 or 1987 has not yet been determined by FIS.) Baker has indicated he would like to do this if possible.

According to Rob Henderson of the State Department's Bureau of International Organizations-International Sports, FIS is the recognized international governing body for amateur alpine skiing. The American counterpart, the U.S. Ski Association, has selected Vail as its proposed site. Henderson approves of sending the letter, and notes the President sent a similar letter supporting bringing the World Cup (soccer) to the U.S. In light of the fact that if the event is held in the U.S. it will be held at Vail -- due to the U.S. Ski Association selection -- I see no objection to sending the letter. The draft letter notes that Governor Dick Lamm of Colorado will support the event. Presumably Ford cleared this with Lamm, but Intergovernmental Affairs should double-check.

Attachment

THE WHITE HOUSE

WASHINGTON

April 28, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Request from President Ford that
President Reagan Send Letter Supporting
Bid of Vail, Colorado to Host 1986/1987
World Alpine Ski Championship

The State Department's Bureau of International Organizations -International Sports has advised us that the U.S. Ski Association has selected Vail as its proposed site for the 1986/1987 World Alpine Ski Championships. Accordingly, we have no legal objection to the President sending a letter to the international governing body for amateur alpine skiing in support of the Vail candidacy. We have reviewed the proposed letter and have no legal objection to it. Intergovernmental Affairs should, however, clear the reference to Governor Dick Lamm with him.

FFF:JGR:aw 4/28/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

April 28, 1983

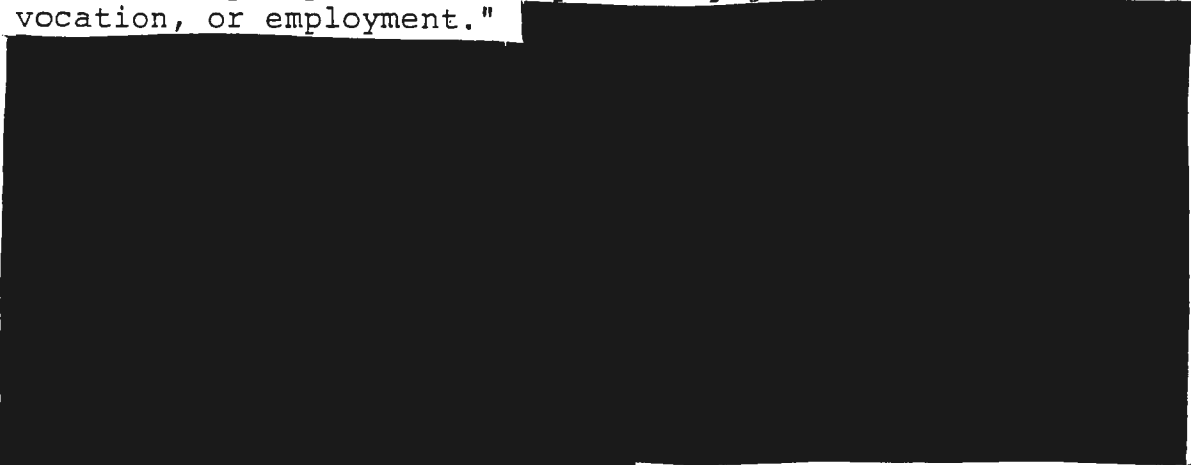
APPOINTMENT PROCESS PERSONAL INTERVIEW RECORD

DATE OF INTERVIEW: April 27, 1983 (by telephone)
CANDIDATE: Thomas A. Domencich
POSITION: Member, Interstate Commerce Commission
INTERVIEWER: John G. Roberts *JGR*

Comments

Mr. Domencich is to be appointed to the Interstate Commerce Commission. The ICC now has seven seats, and no more than four commissioners may be appointed from the same political party. P.L. 97-253, 96 Stat. 806, § 502. Mr. Domencich affirmed that he was an Independent, not registered with either party.

Under 49 U.S.C. § 10301(d) "a member of the Commission may not have a pecuniary interest in, hold an official relation to, or own stock in or bonds of, a carrier providing transportation by any mode and may not engage in another business, vocation, or employment."

 *bb*
Domencich also owns a retail store in Montpelier, Vermont. He affirmed that he would sell the store if the appointment went forward.

THE WHITE HOUSE

WASHINGTON

April 28, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Enrolled Bill S. 304 --
Burns Paiute Indian Lands

Richard Darman has requested comments by noon April 29 on the above-referenced enrolled bill, which would declare the estate of Jesse James (not that Jesse James) public trust land held by the United States for the Burns Paiute Indians. James, a Burns Paiute, died intestate with no heirs, leaving a 160-acre public domain allotment. In such cases 25 U.S.C. § 373b provides the land shall escheat to the Secretary of Interior to be held in trust for the tribe, if its value does not exceed \$2,000. Here the land is worth \$9,600, and accordingly this specific congressional action is necessary. The bill also accords similar treatment to the land of any other Burns Paiute Indians who die intestate without heirs in Harvey County, Oregon. Finally, the bill raises the limits in 25 U.S.C. § 373b from \$2,000 to \$50,000. OMB and Interior recommend approval; Justice defers to Interior.

I have reviewed the memorandum for the President from Naomi Sweeney, Acting Assistant Director of OMB for Legislative Reference, and the bill itself. I see no legal objections.

Attachment

THE WHITE HOUSE

WASHINGTON

April 28, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill S. 304 --
Burns Paiute Indian Lands

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

FFF:JGR:aw 4/28/83

cc: FFfielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 28, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Letter to the President from Alabama
Attorney General Charles Graddick

General Graddick has written the President to note his opposition to the Chief Justice's proposal to create a temporary national court of appeals. Graddick argues in his letter that the proposal treats only a symptom and not the more serious problem of the federal litigation explosion. In suggesting more significant reform, Graddick focuses on abuse of habeas corpus by state court prisoners, praising the Administration proposals but asserting that reform has become a "very low priority" in the Administration and requires the President's personal involvement. Graddick then calls for limiting § 1983 suits, and requiring every bill considered by Congress to carry a "judicial impact" statement. Graddick concludes by citing the general problem of judicial activism and the need to appoint judges who are more restrained.

As you know, we have not yet taken a position on the Chief's proposal. All we can tell Graddick is that Justice is looking at the proposal and that we will make his views known to the appropriate individuals. Graddick's criticism of our habeas corpus effort is unfair and can be dismissed by noting that habeas reform is a prominent part of the new crime package. Justice has been looking into several avenues of § 1983 reform -- § 1983 abuse really has become the most serious federal court problem -- but the general sense is that it would be impolitic to touch the provision, which authorizes most actions for civil rights violations, until after 1984. Our record in resisting judicial activism is, of course, quite good.

I have drafted a reply to Graddick for your signature, sympathetically sharing his concerns, and advising that Justice is reviewing the Chief's proposal and that you have forwarded his letter to Justice for appropriate consideration. Also attached is a cover memorandum to the Deputy Attorney General.

Attachments

THE WHITE HOUSE

WASHINGTON

April 28, 1983

Dear General Graddick:

Thank you for your letter of March 10 to the President. In that letter you noted your opposition to the Chief Justice's proposal to create a national court of appeals, reasoning that such a court would treat only a symptom of a much larger and more serious problem. In particular, you focused on the causes of the litigation explosion in the federal courts, including abuse of habeas corpus by state prisoners, the increase in § 1983 filings, enactment of legislation without regard for judicial consequences, and the tendency of some federal judges to exceed the limited role envisioned for them by the Framers.

The Administration has not yet taken a position on the proposal of the Chief Justice. A working group within the Department of Justice is currently reviewing the question. I will see to it that your views are made known to the Department, so they may be given every appropriate consideration throughout the process of developing our position.

I think you know that this Administration shares your concern about the root causes of the explosion in federal litigation, and that we are trying to do something about them. Our habeas corpus reform proposal, designed to restore federal-state comity and the finality of state court convictions, has been resubmitted to Congress as an integral part of the proposed Comprehensive Crime Control Act of 1983. Your suggestion that Congress be required to consider the judicial impact of proposed legislation is intriguing; for the present we make every effort to examine legislation from this critical perspective to avoid increasing the litigiousness of our society. The burden imposed by abuse of § 1983 is becoming intolerable, and we are examining what can be done to alleviate the problem without undermining the historic role of § 1983 in vindicating Constitutional rights.

I agree with your conclusion that judicial activism is the basic cause of the litigation burden on the federal courts. So long as courts view themselves as appropriate forums for resolving all of society's problems, they will, quite understandably, be overloaded. This is not the role envisioned by the Framers for the Third Branch. As you know,

Attorney General Smith has on frequent occasions articulated the Administration's program to promote the values of judicial self-restraint. This program includes resisting arguments in litigation that invite judicial activism, and appointing to the bench qualified men and women who recognize the limited nature of the judicial role.

Thank you for providing us with your considered views on these serious matters. I think it is evident that we share your concerns. We are committed to restoring faith in the federal court system, and protecting it from the abuses that threaten to overwhelm it.

Sincerely,

Fred F. Fielding
Counsel to the President

The Honorable Charles A. Graddick
Attorney General
State of Alabama
64 North Union Street
Montgomery, Alabama 36130

FFF:JGR:aw 4/28/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE
WASHINGTON

April 28, 1983

MEMORANDUM FOR EDWARD C. SCHMULTS
DEPUTY ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence from Attorney
General Graddick of Alabama

I attach for whatever consideration you deem appropriate a letter to the President from General Graddick, and a copy of my reply.

Attachment

FFF:JGR:aw 4/28/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

April 29, 1983

MEMORANDUM FOR PETER J. WALLISON
GENERAL COUNSEL
DEPARTMENT OF THE TREASURY

FROM: JOHN G. ROBERTS *JGR*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: 1986 World Cup

Attached is the material we discussed briefly this afternoon. It appears that only items 3.2 and 3.4 are of particular concern to the Treasury, but naturally we would welcome any comments on the other items as well. We need an answer for Dr. Kissinger on the entire package by Monday, so I would be grateful for whatever guidance you can provide as soon as possible.

Many thanks.

Attachment

THE WHITE HOUSE

WASHINGTON

April 29, 1983

MEMORANDUM FOR DAVIS R. ROBINSON
LEGAL ADVISER
DEPARTMENT OF STATE

FROM: JOHN G. ROBERTS
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: 1986 World Cup

Attached is the material we discussed briefly this morning. It appears that only item 3.1 is of particular concern to the State Department, but naturally we would welcome any comments on the other items as well. We need an answer for Dr. Kissinger on the entire package by Monday, so I would be grateful for whatever guidance you can provide as soon as possible.

Many thanks.

Attachment

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 29, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Unauthorized Use of President's Name
and Likeness in Advertisement

Edward Friedman of Silver Spring has written to ask why the President would endorse and associate himself with the International Gold Bullion Exchange (IGBE), a retailer of precious metals. IGBE is under heavy investigation and generally seems to be a sleazy operation, although it claims some \$80 million in annual sales. Friedman submitted an advertising flyer from IGBE. Page 5 of the flyer contains a photograph of the President at what is obviously a large meeting. Another individual is prominent in the photograph, and the caption reads: "Chief Financial Officer of International Gold Bullion Exchange Michael P. Zambouros, in Washington, D.C. on business with President Ronald Reagan."

Inquiries with the Social, Appointments, Photographic and Correspondence Units have turned up nothing on a meeting with Mr. Zambouros. Presumably the photograph was not taken at the White House. (If it were, you can be certain that would have been mentioned in the caption.) This is as egregious a violation of our policy on use of the President's name or likeness as I have seen, and it obviously is a calculated, advertent use. I have drafted an appropriately outraged letter to the Chairman of IGBE, and a reassuring letter to Friedman.

THIS JUST IN:

According to the attached story in yesterday's Wall Street Journal, IGBE has just filed for protection from creditors under Chapter XI.

Attachments

THE WHITE HOUSE

WASHINGTON

April 29, 1983

See May 2

Dear Mr. Alderdice:

It has come to our attention that the International Gold Bullion Exchange is using an advertising flyer containing a photograph of the President. The caption beneath the photograph reads: "Chief Financial Officer of International Gold Bullion Exchange Michael P. Zambouros, in Washington, D.C. on business with President Ronald Reagan."

Please be advised that the use of the name and likeness of the President in your advertising flyer is not permitted. The White House adheres strictly to a policy of not authorizing the use of the name, likeness, or photograph of the President in any manner that suggests or could be construed as endorsement of any commercial product or enterprise. Your unauthorized use of the name and likeness of the President creates and was obviously intended to create the false impression that the President is associated with or has endorsed the International Gold Bullion Exchange. Indeed, we have received inquiries asking why the President has endorsed your firm.

The established policy prohibiting the use of the President's name or likeness in connection with any advertising or commercial promotion is clearly announced in section 236 ("Use of President's Name or Likeness") of Do's and Don'ts in Advertising Copy, a publication of the Council of Better Business Bureaus, Inc. You should also be aware that your use of the President's name and likeness could well constitute a violation of 15 U.S.C. § 45(a)(1), which prohibits, among other things, "unfair or deceptive acts or practices in or affecting commerce."

In light of the foregoing, I must advise you to cease immediately any use of the President's name or likeness. I would appreciate prompt notification if you do not intend to adhere to this advice, in order that we may take other appropriate action.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. William Alderdice
International Gold Bullion Exchange
110 East Broward Boulevard
Fort Lauderdale, Florida 33301

FFF:JGR: 4/29/83

cc: FFFielding
JGRoberts
Subj.
Chron

See May 2

THE WHITE HOUSE

WASHINGTON

April 29, 1983

Dear Mr. Friedman:

Thank you for your letter of April 20. Along with that letter you sent an advertising flyer from the International Gold Bullion Exchange, containing a photograph of the President with several other individuals. One of the individuals was identified as the Chief Financial Officer of the International Gold Bullion Exchange, and the caption to the photograph indicated this officer was "in Washington, D.C. on business with President Ronald Reagan." In your letter you questioned why the President would allow the Exchange to use his name.

Please be assured that the President has not permitted the Exchange to use his name or likeness, nor is the President in any way associated with the Exchange. The White House adheres strictly to a policy of not permitting the name or likeness of the President to be used in any way that suggests or could be construed as endorsement of a commercial product or enterprise. The use of the President's name and likeness in the Exchange advertising flyer was done without our knowledge, was completely unauthorized, and is contrary to established White House policy. We have taken appropriate action to correct the false impression of Presidential endorsement conveyed by the flyer.

Thank you for bringing this unfortunate matter to our attention.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Edward Friedman
13004 Collingwood Terrace
Silver Spring, Maryland 20504

FFF:JGR:aw 4/29/83
cc: FFFielding/JGRoberts/Subj./Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 29, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Civil Aeronautics Board Decision
in Transportes Aereos Kantuta, Ltd.

Richard Darman's office has asked for comments by close of business Monday, May 2, 1983 on the above-referenced CAB decision, 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 May 9, 1983).

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 this order involves a foreign carrier, the proposed letter from the President to the CAB Chairman prepared by OMB does not include the standard sentence designed to preserve availability of judicial review.

This order denies an application for service by a Bolivian airline, because the Bolivian government has not issued the airline a license. My review confirms the OMB description of this as "a routine noncontroversial matter."

A memorandum for Darman is attached for your review and signature.

Attachment

THE WHITE HOUSE

WASHINGTON

April 29, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Civil Aeronautics Board Decision
in Transportes Aereos Kantuta, Ltd.

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 4/29/83

cc: FFFielding
JGRoberts
Subj.
Chron