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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name Roberts, John

Withdrawer

IGP 8/3/2005

File Folder CHRON FILE (05/01/1983 - 05/05/1983)

FOIA

F05-139/01

Box Number

COOK

14IGP

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opened in whole 4/24/06

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

May 2, 1983

MEMORANDUM FOR FRED F. FIELDING

THROUGH: RICHARD A. HAUSER

FROM: JOHN G. ROBERTS

SUBJECT: 1986 World Cup

Henry Kissinger has written Michael Deaver to secure the Federal government guarantees required by the Federation Internationale de Football Association (FIFA) before it will consider an application to host the 1986 World Cup. The application of the United States Soccer Federation (USSF) to host the World Cup -- the world's most popular sporting event -- has already been rejected in favor of Mexico. FIFA did not even consider the U.S. application because the USSF failed to provide government guarantees. Kissinger is seeking a rehearing, and has asked for the guarantees as soon as possible. (See attached article from today's N.Y. Times.) Arnold & Porter has prepared a memorandum indicating that all the required guarantees can be provided under existing law, and a draft memorandum to be issued to FIFA by some undetermined government official providing the guarantees.

Ten guarantees are demanded:

1. distribution of visas without reservation to all officials, players, and media accredited by FIFA, as well as all foreign spectators.
2. free import and export of material for the teams.
3. security.
4. free import and export of foreign currency, and ready exchange of same.
5. adequate telecommunications.
6. adequate transportation.

7. "price politics": hotel prices for participants frozen as of January 1, 1986; participants only charged for "effective use" of hotels.

8. playing national anthems and hoisting teams' national flags.

9. a ceiling of 15% on state and local taxes on gate receipts.

10. a maximum 10% commission on ticket sales.

There are no problems with the draft guarantees prepared by Arnold & Porter with respect to 5, 6, and 8. Peter Wallison's office advises that there is no problem with 4. The draft guarantee for 10 states that the World Cup Organizing Committee will be responsible for regulating commissions charged by its sales agents. The draft guarantees for 7 and 9 state that the authority to provide these guarantees rests with state and local government. I would change this to "any authority" rests with state and local government, since it is unclear whether even those governments can provide the requested guarantees. The draft guarantee on security states that a committee of federal, local, and state officials will be established within the EOP; I would simply state that an appropriate committee will be established (perhaps within the Department of Justice rather than the EOP). That leaves only items 1 (visas) and 2 (customs).

With respect to customs, Arnold & Porter's proposed guarantee states that free import and export of the items listed by FIFA is permitted. Peter Wallison's office advises that this is true in one sense, but bonds may be required for items not carried by the athletes. In fact, Treasury has proposed legislation to ease customs problems for the Olympics, and would support similar legislation for the World Cup. I would simply change the guarantee of free import and export to a guarantee of import and export free of duty.

The trickiest area is with respect to visas. The Legal Advisor's office at the State Department advises that it cannot under present law provide any guarantee that visas will be issued "without reservation." It can guarantee that visas will be issued without respect to the nationality, race, or religion of participants. Media and spectators may and must apply for visas like anyone else. The Olympic agreement does not, as Arnold & Porter states, provide any more. That agreement simply governs procedures -- not eligibility -- and applies only to participants, not media or spectators. State has submitted proposed language for

item 1. State suggests not mentioning the Olympic agreement in the memorandum itself, but has no problem with assuring FIFA that it can have the same treatment as the Olympics.

I have drafted a memorandum to Deaver for your signature, reviewing the necessary changes in the draft proposed by Kissinger and Arnold & Porter.

Attachment

THE WHITE HOUSE

WASHINGTON

May 2, 1983

MEMORANDUM FOR MICHAEL K. DEEVER
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: 1986 World Cup

*not sent -- all
May 3*

By memorandum to you dated April 28, 1983, Henry A. Kissinger sought to secure the federal government commitments required by the Federation Internationale de Football Association (FIFA) for consideration of the United States Soccer Federation's bid to host the 1986 World Cup. Dr. Kissinger attached a proposed memorandum to FIFA (Tab C of the Kissinger memorandum) indicating how the United States intended to comply with FIFA's ten requirements. Based on our review of existing law, several changes must be made in the proposed draft.

On page 1, the last three sentences must be deleted. As will become evident, the U.S. cannot meet all of the demanded guarantees. In addition, the Department of State has advised that the guarantees issued with respect to the Olympics do not, as the memorandum from Arnold & Porter suggests, comply with FIFA's demands.

Item 1, visas: The State Department suggests the following language: "Visas will be issued without regard to nationality, race and religion. Visas for eligible players and officials will be issued pursuant to procedures to be developed by the Department of State and the Immigration and Naturalization Service. Media representatives who have been accredited by FIFA and foreign spectators may apply individually for appropriate visas." State is willing to accord FIFA and the World Cup the same treatment as the Olympics, but the agreement in place for the Olympics only deals with procedures for processing visa applications, not guarantees concerning eligibility. I have attached for your reference a copy of the Olympics agreement concerning visas.

Item 2, customs: This should be changed to read: "Import and export of each item specified in the terms of reference is permitted free of duty under existing law and will be coordinated by the Department of the Treasury." Posting of

a bond may be required for certain items under existing law, so we technically cannot guarantee free import and export. Legislation has been proposed to remove the bond requirement for the Olympics, and Treasury would support similar legislation for the World Cup.

Item 3, security: I would delete "under the auspices of the Executive Office of the President." It would make more sense for such a committee to be based in the Department of Justice.

Items 4, 5, and 6: no objection.

Item 7: "The authority . . ." should be changed to "Any authority . . .".

Item 8: no objection.

Item 9: "The authority . . ." should be changed to "Any authority . . .".

Item 10: no objection.

The last sentence is not only conclusory but erroneous and should be deleted.

FFF:JGR: aw 5/2/83

cc: FFfielding
JGRoberts
Subj.
Chron

*not sent -
see May 3*

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

May 2, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Working Group on South Texas

Richard Darman has asked for comments by close of business today on Craig Fuller's proposal to establish a working group on South Texas. The proposal was sparked by a letter from Senator Tower to Jim Baker, noting that the economic crisis in Mexico has had a devastating effect on the economy of South Texas. Under the proposal the working group would be chaired by a representative from Commerce, and would contain sub-cabinet representatives from several departments as well as from specified White House offices. The working group would report recommendations within 45 days, to be considered by the appropriate Cabinet Councils.

I see no legal objections. Since all the contemplated members are federal employees, there are no Advisory Committee Act problems.

Attachment

THE WHITE HOUSE

WASHINGTON

May 2, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Working Group on South Texas

Counsel's Office has reviewed the proposal to establish a Working Group on South Texas, composed of specified representatives from various Cabinet departments and White House offices. We have no legal objection.

FFF:JGR:aw 5/2/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

May 2, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Proposed Presidential
Letter to Paul Weyrich

Mike Uhlmann has asked us to clear a draft Presidential letter to Paul Weyrich on pending legislative proposals to restrict the activities of political action committees. Weyrich wrote the President on January 31, 1983, asking for a letter reaffirming the President's opposition to such proposals. The President had written Weyrich on June 2, 1981, expressing his opposition to predecessors of the bills presently under consideration.

The proposed letter stresses the importance of voluntary participation in the electoral process, commits the President to oppose any legislation similar to the Obey-Railsback bill, and indicates the President's support for raising the dollar limits on individual contributions. I have no objection to these positions, or to voicing them in a letter to Weyrich, but that is really a call for Legislative Affairs. I have drafted a memorandum to Uhlmann, noting that we have no objection to the letter but believe it should be formally staffed to obtain the views of other appropriate units in the White House, in particular Legislative Affairs.

Attachment

THE WHITE HOUSE

WASHINGTON

May 2, 1983

MEMORANDUM FOR MICHAEL M. UHLMANN
SPECIAL ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Presidential
Letter to Paul Weyrich

We have reviewed the above-referenced draft letter. While we have no legal objection to the letter, we believe it should be formally staffed in order to obtain the views of other interested offices in the White House, in particular Legislative Affairs.

FFF:JGR:aw 5/2/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

May 2, 1983

MEMORANDUM FOR BECKY NORTON DUNLOP
DEDE NEAL

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

SUBJECT: Harvard Case Study

As we discussed April 27, Tim Ryan, Solicitor of Labor, will call Stephanie Gould, Director of the Case Program at the Kennedy School, and advise her that:

1. the Administration will not be using the Job Corps case study in its management seminar;
2. this does not and is not intended to affect the Kennedy School's right to use the completed case study outside the Administration as provided in the contract; and
3. we still expect the Kennedy School to comply with provisions in the contract requiring it to check quotations and give good faith consideration to expressed concerns about the accuracy of the case study.

cc: Fred F. Fielding

THE WHITE HOUSE

WASHINGTON

May 2, 1983

MEMORANDUM FOR HELENE VON DAMM
JOHN HERRINGTON

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Peace Corps Country Directors

You have asked our office to prepare an executive order implementing the President's decision to elevate the stature of Peace Corps Country Directors by appointing them directly. That order has been drafted and is in the clearance process, which should be completed this afternoon. You also asked that we edit a draft memorandum from you to Peace Corps Director Loret Ruppe, informing her of this action. Our edited version is attached. This memorandum may be sent as soon as the executive order is signed.

Attachments

FFF:JGR:aw 5/2/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

May 2, 1983

MEMORANDUM FOR LORET RUPPE

DIRECTOR
THE PEACE CORPS

FROM: HELENE VON DAMM
ASSISTANT TO THE PRESIDENT

JOHN HERRINGTON
SPECIAL ASSISTANT TO THE CHIEF OF STAFF

SUBJECT: Peace Corps Country Directors

On many occasions, President Reagan has reiterated his desire to strengthen the ability of the Peace Corps to improve links between the United States and the peoples of developing countries. In remarks made at the World Affairs Council Luncheon in Philadelphia in October, 1981, the President stated: ". . . U.S. relations with developing countries play a critical role. These countries are important partners in the world economy and in the quest for world peace." By virtue of the Peace Corps' ability to carry out these objectives, the program is in essence furthering our foreign policy goals. President Reagan is anxious to send a clear message to developing countries that he is committed to their greater economic growth and prosperity. To strengthen Peace Corps efforts and to underscore his commitment to these goals, the President has decided to appoint Peace Corps Country Directors directly, pursuant to 22 U.S.C. § 2506(c). The attached executive order, signed today and effective immediately, implements this decision.

There exists a strong desire by this Administration to further the efforts within the private sector to enhance the mission of the Peace Corps abroad; at the same time, there is a strong desire to bolster the stature of the Peace Corps itself in these cooperative efforts. President Reagan will confer the added stature of direct Presidential appointment on future Country Directors so they may be in a better position to carry out the objectives of our government. Country Directors, as U.S. officials abroad, are an integral part of the U.S. team in each country in which they are based. Direct Presidential appointment authority will give them added stature in their respective countries, within the private sector constituencies, and most importantly, within the Peace Corps community here in the U.S. and abroad.

Attachment

FFF:JGR:aw 5/2/83
cc: FFFielding/JGRoberts/Subj./Chron

THE WHITE HOUSE

WASHINGTON

May 3, 1983

MEMORANDUM FOR MICHAEL K. DEEVER
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: 1986 World Cup

By memorandum to you dated April 28, 1983, Henry A. Kissinger sought to secure the federal government commitments required by the Federation Internationale de Football Association (FIFA) for consideration of the United States Soccer Federation's bid to host the 1986 World Cup. Dr. Kissinger attached a proposed memorandum to FIFA (Tab C of the Kissinger memorandum) indicating how the United States intended to comply with FIFA's ten requirements. Based on our review of existing law, several changes must be made in the proposed draft.

On page 1, the last three sentences must be deleted. As will become evident, the U.S. cannot meet all of the demanded guarantees. In addition, the Department of State has advised that the guarantees issued with respect to the Olympics do not, as the memorandum from Arnold & Porter suggests, comply with FIFA's demands.

Item 1, visas: The State Department suggests the following language: "Visas will be issued without regard to nationality, race and religion. Visas for eligible players and officials will be issued pursuant to procedures to be developed by the Department of State and the Immigration and Naturalization Service. Media representatives who have been accredited by FIFA and foreign spectators may apply individually for appropriate visas." State is willing to accord FIFA and the World Cup the same treatment as the Olympics, but the agreement in place for the Olympics only deals with procedures for processing visa applications, not guarantees concerning eligibility. I have attached for your reference a copy of the Olympics agreement concerning visas.

Item 2, customs: This should be changed to read: "Import and export of each item specified in the terms of reference is permitted free of duty under existing law and will be coordinated by the Department of the Treasury." Posting of

a bond may be required for certain items under existing law, so we technically cannot guarantee free import and export. Legislation has been proposed to remove the bond requirement for the Olympics, and Treasury would support similar legislation for the World Cup.

Item 3, security: I would delete "under the auspices of the Executive Office of the President." It would make more sense for such a committee to be based in the Department of Justice.

Items 4, 5, and 6: no objection.

Item 7: "The authority . . ." should be changed to "Any authority . . .".

Item 8: no objection.

Item 9: "The authority . . ." should be changed to "Any authority . . .".

Item 10: no objection.

The last sentence is not only conclusory but erroneous and should be deleted.

Presupposing that this is something that we want to support, acknowledging that HAK may not be doing this "gratis" and has already told the press that "we have the full support of the White House that the Olympic provisions will also apply to this World Cup" and "just the paperwork" remains, the foregoing may be the solution.

Query: who should sign the memorandum?

FFF:JGR:aw 5/3/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

May 3, 1983

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 in your advertising and promotion. I would further request your immediate advice as to the steps you have taken and propose to take in order to correct this misrepresentation to the public.

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:aw 5/3/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE


WASHINGTON

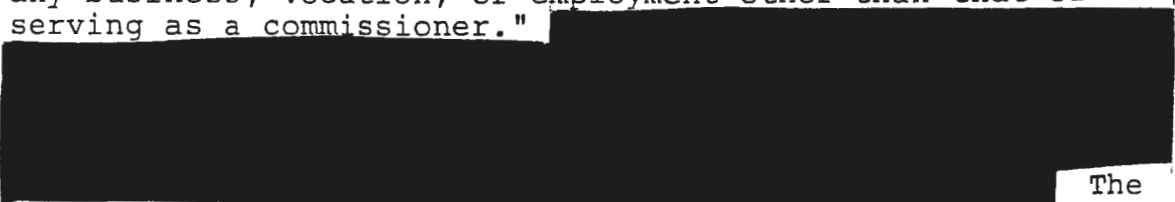
May 3, 1983

APPOINTMENT PROCESS PERSONAL INTERVIEW RECORD

DATE OF INTERVIEW: Numerous Meetings in April
CANDIDATE: Seeley G. Lodwick
POSITION: Commissioner, U.S. International Trade Commission
INTERVIEWER: John G. Roberts *JGR*

Comments

Seeley G. Lodwick is to be nominated a Commissioner of the International Trade Commission (ITC). Under 19 U.S.C. § 1330(c)(5), "[n]o commissioner shall actively engage in any business, vocation, or employment other than that of serving as a commissioner." 

 The Office of Government Ethics (per Jane Ley) has concurred in this determination.

The ITC enabling statute provides that "Not more than three of the commissioners shall be members of the same political party, and in making appointments members of different political parties shall be appointed alternately as nearly as may be practicable." Two of the three sitting commissioners are Republicans, so Lodwick would fill the Republican quota. Since the last two appointments went to Republicans, Lodwick should not be appointed until the appointment of a non-Republican commissioner. Joe Ryan of Presidential Personnel advises me that two independent nominees are ready to be sent up, and if confirmed they can be appointed immediately prior to Lodwick.

bb

bl

THE WHITE HOUSE

WASHINGTON

May 3, 1983

MEMORANDUM FOR MICHAEL K. DEEVER
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: 1986 World Cup

By memorandum to you dated April 28, 1983, Henry A. Kissinger sought to secure the federal government commitments required by the Federation Internationale de Football Association (FIFA) for consideration of the United States Soccer Federation's bid to host the 1986 World Cup. Dr. Kissinger attached a proposed memorandum to FIFA (Tab C of the Kissinger memorandum) indicating how the United States intended to comply with FIFA's ten requirements. Based on our review of existing law, several changes must be made in the proposed draft.

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a bond may be required for certain items under existing law, so we technically cannot guarantee free import and export. Legislation has been proposed to remove the bond requirement for the Olympics, and Treasury would support similar legislation for the World Cup.

Item 3, security: I would delete "under the auspices of the Executive Office of the President." It would make more sense for such a committee to be based in the Department of Justice.

Items 4, 5, and 6: no objection.

Item 7: "The authority . . ." should be changed to "Any authority . . .".

Item 8: no objection.

Item 9: "The authority . . ." should be changed to "Any authority . . .".

Item 10: no objection.

The last sentence is not only conclusory but erroneous and should be deleted.

Presupposing that this is something that we want to support, acknowledging that HAK is not doing this "gratis" and has told the press that "we have the full support of the White House that the Olympic provisions will also apply to this World Cup" and "just the paperwork" remains, this may be the solution.

Query: who should sign the memorandum?

FFF:JGR:aw 5/3/83

cc: FFfielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

May 3, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: H.J. Res. 245 -- To Correct Public Law 98-8
Due to Errors in Enrollment of H.R. 1718
(The Jobs Bill)

Richard Darman has asked for comments by 3:00 today on the above-referenced enrolled resolution which corrects two numerical errors in the Jobs Bill. David Stockman has prepared a memorandum for the President recommending that he sign the resolution. I have reviewed that memorandum and the resolution itself, and see no legal objections.

Attachment

THE WHITE HOUSE
WASHINGTON

May 3, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: H.J. Res. 245 -- To Correct Public Law 98-8
Due to Errors in Enrollment of H.R. 1718
(The Jobs Bill)

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

FFF:JGR:aw 5/3/83

cc: FFfielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

May 4, 1983

COPY - Reagan Presidential Record

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Complaint Concerning Naval Reserve Program

[REDACTED] has been retained by [REDACTED] to represent the interests of a [REDACTED] in challenging certain practices of the Naval Reserve System. (The relationship between [REDACTED] is unclear.) [REDACTED] objects at length to the practice whereby paid naval reservists are given the option after several years in the reserve of shifting to a non-pay status and preserving accrued, non-vested retirement benefits or leaving the reserve and forfeiting the non-vested benefits. [REDACTED] legal arguments against the practice -- based on equitable estoppel, age discrimination, augmentation of appropriations, equal protection, and even the Thirteenth Amendment -- are not persuasive but neither are they entirely frivolous. [REDACTED] requests immediate reinstatement of his client to a pay billet, with a thinly-veiled threat in the penultimate paragraph of his letter to challenge the practice on a Department-wide basis if this is not done. He notes that efforts to resolve the matter "informally with the Navy Department" have been unproductive. *bb*

I recommend simply referring the matter to Will Taft for appropriate action, with a brief letter to [REDACTED] advising him of this disposition. Our office certainly should not get involved in such a specific matter at such a preliminary stage. *bb*

Attachments

THE WHITE HOUSE
WASHINGTON

May 4, 1983

MEMORANDUM FOR WILLIAM H. TAFT IV
GENERAL COUNSEL
DEPARTMENT OF DEFENSE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Challenge to Naval Reserve Practices

The attached letter raising legal challenges to certain naval reserve practices is forwarded to you for appropriate action.

Attachment

FFF:JGR:aw 5/4/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE
WASHINGTON

May 4, 1983

Dear 

b6

We have received your letter of April 5, 1983, presenting your views on certain practices of the naval reserve programs and requesting relief for your client. That letter has been forwarded to the Department of Defense for whatever consideration or action might be appropriate.

Sincerely,

Fred F. Fielding
Counsel to the President



b6

FFF:JGR:aw 5/3/83

cc: FFFielding
JGRoberts
Subj.
Chron

WITHDRAWAL SHEET

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<i>DOC Document Type</i>	<i>No of</i>	<i>Doc Date</i>	<i>Restric-</i>	
<i>NO Document Description</i>	<i>pages</i>		<i>tions</i>	
5 MEMO	1	5/4/1983	B6	468
ROBERTS TO FIELDING RE TAX PROTEST				

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

- B-1 National security classified information [(b)(1) of the FOIA]
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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

May 4, 1983

FOR: FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Department of Justice Report on S. 645,
the Courts Improvement Act of 1983

Jim Murr from OMB's Legislative Reference shop has provided a copy of the Department of Justice's proposed letter to Chairman Thurmond on the above-referenced bill. Of particular interest is Title VI of the bill, which would establish the temporary Intercircuit Tribunal. Justice's letter simply notes that "[d]ue to the complex policy issues that are presented in title VI, the Department requests permission to submit its comments on this title at a later date." I see no objection to this.

Justice supports titles I, II, III, and V. Title I abolishes the mandatory appellate jurisdiction of the Supreme Court, making the appellate docket entirely discretionary. The Administration has supported this provision in the past. It would eliminate the requirement that the Court decide certain cases on the merits regardless of their general significance, easing the Court's workload.

Title II, also supported by the Administration in the past, eliminates the 50-odd provisions according priority on court dockets to certain types of cases. This is a "good government" reform, since there is generally no rhyme or reason to the priorities, which simply reflect each legislative committee's view that cases under the statutes it drafted are the most important cases in the courts. Indeed, there are about a dozen types of cases which must be given priority on the docket over all other cases. This raises an interesting conundrum when a judge has four different cases, each one of which is to be given priority over all others -- including the other three.

Title III upgrades judicial survivors benefits, to alleviate at least partially the state of affairs captured by former Judge Mulligan's statement that he "could live on his judicial salary, but couldn't die on it."

Title IV would create a State Justice Institute, to fund improvements in state court systems. We have opposed this in the past, primarily on budgetary grounds, and Justice's letter does so again. The letter also appropriately objects to the scheme for appointing members to the contemplated State

Justice Institute Board. Under the bill the President would appoint 7 members from a list of only 14 submitted by the Conference of Chief Justices.

Title V would create a commission to render advice on the jurisdiction of state and federal courts. The commission would have sixteen members, four appointed by the President, President pro tempore of the Senate, the Speaker and the Chief Justice, respectively. Since the commission is only advisory, this raises no appointment clause concerns.

I have drafted a no objection memorandum to Murr for your signature.

Attachment

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

May 4, 1983

FOR: FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Department of Justice Report on S. 645,
the Courts Improvement Act of 1983

Jim Murr from OMB's Legislative Reference shop has provided a copy of the Department of Justice's proposed letter to Chairman Thurmond on the above-referenced bill. Of particular interest is Title VI of the bill, which would establish the temporary Intercircuit Tribunal. Justice's letter simply notes that "[d]ue to the complex policy issues that are presented in title VI, the Department requests permission to submit its comments on this title at a later date." I see no objection to this.

Justice supports titles I, II, III, and V. Title I abolishes the mandatory appellate jurisdiction of the Supreme Court, making the appellate docket entirely discretionary. The Administration has supported this provision in the past. It would eliminate the requirement that the Court decide certain cases on the merits regardless of their general significance, easing the Court's workload.

Title II, also supported by the Administration in the past, eliminates the 50-odd provisions according priority on court dockets to certain types of cases. This is a "good government" reform, since there is generally no rhyme or reason to the priorities, which simply reflect each legislative committee's view that cases under the statutes it drafted are the most important cases in the courts. Indeed, there are about a dozen types of cases which must be given priority on the docket over all other cases. This raises an interesting conundrum when a judge has four different cases, each one of which is to be given priority over all others -- including the other three.

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I have drafted a no objection memorandum to Murr for your signature.

Attachment

THE WHITE HOUSE

WASHINGTON

May 5, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Self-Styled Petition for Redress
of Grievances from John F. England

John F. England was advised by the Commissioner of Social Security that he could not withdraw from the Social Security program and cancel the use of his Social Security number. In response England has submitted a petition for redress of grievances under the First Amendment, apparently alleging that he cannot be forced to participate in the Social Security program.

I do not recommend any response. Commissioner Svahn's earlier response adequately answered England's contentions. England has sent his grievance to the Commissioner's office as well as to the President, and we should leave it to that office to deal with him.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

May 5, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Letter Recommending Terry Calvani
for Appointment to the FTC

James F. Rill of Collier, Shannon, Rill & Scott has written to recommend Professor Terry Calvani of Vanderbilt for appointment to the FTC. I have drafted a reply thanking Rill for his views and advising him that you have forwarded his testimonial to Presidential Personnel. A memorandum to Helene von Damm and John Herrington transmitting the letter is also attached.

Attachments

THE WHITE HOUSE

WASHINGTON

May 5, 1983

MEMORANDUM FOR HELENE VON DAMM
JOHN HERRINGTON

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Terry Calvani

The attached letter is forwarded for whatever consideration may be appropriate.

Attachment

FFF:JGR:aw 5/5/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

May 5, 1983

Dear Mr. Rill:

Thank you for your letter of April 26, 1983, recommending Professor Terry Calvani of Vanderbilt University for appointment to the Federal Trade Commission. I have taken the liberty of forwarding your letter to the Office of Presidential Personnel, so that your views may be given every appropriate consideration throughout the process of selecting the nominee for the position in question.

Professor Calvani must be truly outstanding to merit your enthusiastic endorsement, and we are grateful for the benefit of your views.

Sincerely,

Fred F. Fielding
Counsel to the President

James F. Rill, Esq.
Collier, Shannon, Rill & Scott
1055 Thomas Jefferson Street, NW
Washington, D.C. 20007

FFF:JGR:aw 5/5/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

May 5, 1983

APPOINTMENT PROCESS PERSONAL INTERVIEW RECORD

DATE OF INTERVIEW: May 5, 1983 (by telephone)
CANDIDATE: Ron Robertson
POSITION: Member, Board of Directors, Legal Services Corp.
INTERVIEWER: John G. Roberts *JGR*

Comments

Mr. Robertson is to be nominated for the Board of Directors of the Legal Services Corporation pursuant to 42 U.S.C. § 2996c. Under 42 U.S.C. § 2996c(a), a majority of the board shall be members of the bar of the highest court of any State, and none shall be full-time federal employees. Mr. Robertson is a member of the State Bar of California, and is not a federal employee. As a member of the ABA, the National Health Lawyers Association, the American Society of Hospital Attorneys, and the Administrative Conference, Mr. Robertson also helps satisfy the statutory requirement that the board be "generally representative of the organized bar . . ." 42 U.S.C. § 2996c(a).

Mr. Robertson is a partner in a prominent law firm and a trustee of the 1980 Reagan Campaign Liquidating Trust. He advised me that he has not taken any public positions with respect to legal services, nor was he aware of any litigation between his firm and a legal services funded organization. He did note that he prepared a legal opinion for Dean Harvey on a question which arose at the Legal Services Corporation concerning the authority of the LSC President. Robertson characterized the opinion as a technical legal one examining the intricacies of corporation law in the District of Columbia.

Robertson affirmed that he was not a registered foreign agent.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

May 5, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Executive Order Entitled "Incentive
Pay for Hazardous Duty"

Richard Darman has requested comments by close of business May 6 on the above-referenced proposed executive order, prepared by the Department of Defense and approved by OMB and, as to form and legality, by the Office of Legal Counsel. Public Law 97-60 amended 37 U.S.C. § 301(a) to permit the award of hazardous duty pay, subject to regulations issued by the President, for frequent and regular exposure to toxic pesticides and for laboratory work utilizing live dangerous viruses or bacteria. The proposed executive order amends Executive Order 11157, adding specific definitions of the new types of hazardous duty recognized by Public Law 97-60. The executive order is made retroactive to October 1, 1981, the effective date of Public Law 97-60.

There is what I take to be a typographical error in the third line of the draft executive order. "Title 3" should be "Title 37." (There is no Section 301(a) of Title 3.) I have no other objections.

Attachment

THE WHITE HOUSE

WASHINGTON

May 5, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Executive Order Entitled "Incentive
Pay for Hazardous Duty"

Counsel's Office has reviewed the above-referenced proposed executive order, and finds no objection to it from a legal perspective. In the third line, however, "Title 3" should be "Title 37."

FFF:JGR:aw 5/5/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

May 5, 1983

MEMORANDUM FOR EDWIN MEESE III
COUNSELLOR TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence from Robert L. Smith

A draft response to the letter sent you by Robert L. Smith is attached for your review and signature.

Attachment

FFF:JGR:aw 5/5/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

May 5, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Meese Request for Draft Response to
Letter Concerning Al Regnery and OJJDP

Mr. Meese has requested a draft response to a letter sent him by Robert L. Smith, a recently retired deputy director of the National Institute of Corrections (NIC) and purportedly an acquaintance of Mr. Meese's from Alameda County. In his letter Mr. Smith sings the praises of NIC and registers his disappointment at the nomination of Regnery for OJJDP. Smith writes that it annoys him as a Californian to have the Administration embarrassed by inexperience, and sniffily remarks that the Administration has enough important issues to deal with "without some obscure attorney out of the mid-west creating more."

There really is not much for Mr. Meese to say in response other than thanking Smith for his contribution to and views on NIC, and expressing his confidence in Regnery for OJJDP.

Attachments

THE WHITE HOUSE
WASHINGTON

May 5, 1983

COPY - Reagan Presidential Record

Dear Bob:

Thank you for your recent letter concerning the National Institute of Corrections [REDACTED] I appreciate having the benefit of your views on the National Institute of Corrections. Since those views are based on your three decades of work in the field, they merit and you may rest assured they will receive careful consideration.

bb

[REDACTED]

bb

Thank you again for taking the time to share your views with us.

Sincerely,

Edwin Meese III
Counsellor to the President

Mr. Robert L. Smith
2007 O Street, NW
Apt. 501
Washington, D.C. 20036

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

May 5, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: President's Commission on
Industrial Competitiveness

I have drafted a memorandum to Wendell Gunn, advising him of the changes that should be made in his proposed executive order so that the private sector members will not be considered Special Government Employees. This can be done simply by inserting a sentence providing that members from the private sector shall represent elements of industry and commerce most affected by high technology, or academic institutions prominent in the field of high technology. This will cover all of the private sector members. I also suggest deleting specific reference to 5 U.S.C. §§ 5701-5707 in the section authorizing payment of travel expenses, and replacing it with the more general phrase "to the extent permitted by law." 5 U.S.C. §§ 5701-5707 authorizes expenses for employees, including employees serving intermittently in the Government service, and our effort is to establish that the members of the commission are not employees.

I also suggest reminding Gunn that we must receive completed PDS forms before we can clear the prospective members of this commission.

Attachment

THE WHITE HOUSE

WASHINGTON

May 5, 1983

MEMORANDUM FOR WENDELL W. GUNN
SPECIAL ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: President's Commission on
Industrial Competitiveness

Counsel's Office has reviewed the proposed executive order establishing the President's Commission on Industrial Competitiveness, and we offer the following suggestions:

1. The title of section 1 should be "Establishment," not "Established."

2. A new sentence should be added at the end of section 1(a), to read as follows: "Members appointed from the private sector shall represent elements of industry and commerce most affected by high technology, or academic institutions prominent in the field of high technology." Providing that members of the commission will serve in a representative capacity protects against their being considered government employees.

3. The second sentence of section 3(b) should be changed to read as follows: "However, members appointed from among private citizens of the United States may be allowed travel expenses, including per diem in lieu of subsistence, to the extent permitted by law and to the extent funds are available therefor."

I am advised that Personal Data Statements have been sent to the prospective members of this commission by Presidential Personnel. As soon as these statements are completed and returned, we will be able to begin clearing the prospective appointees.

FFF:JGR:aw 5/5/83

cc: FFFielding/JGRoberts/Subj./Chron