

Ronald Reagan Presidential Library Digital Library Collections

This is a PDF of a folder from our textual collections.

Collection: Roberts, John G.: Files
Folder Title: Chron File (08/09/1983-08/21/1983)
Box: 61

To see more digitized collections visit:

<https://reaganlibrary.gov/archives/digital-library>

To see all Ronald Reagan Presidential Library inventories visit:

<https://reaganlibrary.gov/document-collection>

Contact a reference archivist at: reagan.library@nara.gov

Citation Guidelines: <https://reaganlibrary.gov/citing>

National Archives Catalogue: <https://catalog.archives.gov/>

WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name

Withdrawer

IGP 8/4/2005

File Folder CHRON FILE (08/09/1983 - 08/21/1983)

FOIA

F05-139/01

Box Number

COOK

26IGP

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	APPOINTMENT PROCESS PERSONAL INTERVIEW RECORD (PARTIAL)	1	8/9/1983	B6	553
2	MEMO	ROBERTS TO ROBERT HILL	1	8/11/1983	B6	1235
3	MEMO	ROBERTS TO ROBERT HILL (SAME AS DOC 2)	1	8/11/1983	B6	1241
4	MEMO	ROBERTS TO FIELDING RE PETER RITZER (PARTIAL)	1	8/12/1983	B6	555
5	MEMO	ROBERTS TO FIELDING RE REMOVAL FROM PROMOTION LIST	1	8/18/1983	B6	557

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

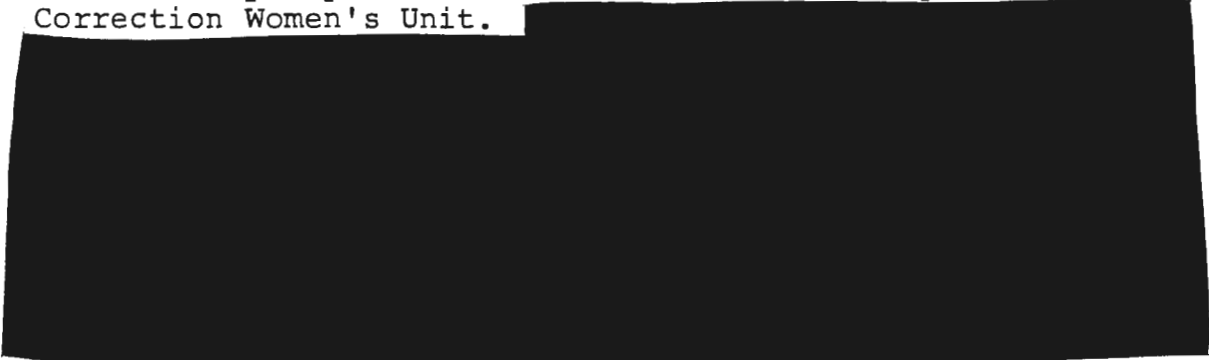
August 9, 1983

APPOINTMENT PROCESS PERSONAL INTERVIEW RECORD

DATE OF INTERVIEW: August 9, 1983 (by telephone)
CANDIDATE: Helen G. Corrothers
POSITION: Commissioner, United States Parole Commission
INTERVIEWER: John G. Roberts *JGR*

Comments

Helen G. Corrothers is to be nominated to the United States Parole Commission, pursuant to P.L. 94-233. Ms. Corrothers is currently superintendent of the Arkansas Department of Correction Women's Unit.



bl

Ms. Corrother's financial situation, as disclosed on her SF 278, is uncomplicated and presents no conflict of interest problems.

THE WHITE HOUSE

WASHINGTON

August 9, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Seeley Lodwick

I mentioned this morning my recollection, prompted by the Post report that Mr. Lodwick had been confirmed while his independent co-nominees had not been, that the International Trade Commission enabling act required members of different political parties to be appointed alternately to the ITC. The actual phrasing provides that "in making appointments members of different political parties shall be appointed alternately as nearly as may be practicable." 19 U.S.C. § 1330(a) (emphasis supplied). The underscored language is of some significance, as I have discovered that Lodwick was commissioned last Friday, August 5. Lodwick's appointment means that the last four appointees to the ITC have been Republicans, so the record of compliance with the statute's alternating scheme has not been good.

It can, however, readily be maintained, at least with respect to Lodwick's appointment, that the Administration made every effort to comply with the alternating requirement, and only failed to do so because it was not "practicable." Lodwick's name was sent up along with two non-Republicans, and the Administration can hardly be blamed for the Senate's refusal to confirm the Independents while confirming Lodwick. Nor is there anything in the statute to suggest that the appointment of a confirmed nominee must be held in abeyance until the Senate confirms a nominee of a different party.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

August 9, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Resale Price Maintenance Correspondence

B.M. Fauber, Chairman of the Board of K Mart Corporation, wrote the President on April 4 to complain about the Anti-trust Division's position that resale price maintenance should not be considered a per se violation of the antitrust laws. On April 19 the letter was referred to Commerce; on April 28 it was referred to Justice, with a cover note requesting a direct reply within nine days. Instead of replying, Justice waited until June 21 to send back to the White House a copy of the boilerplate resale price maintenance letter, for your signature. This letter was prepared some time ago in response to Congressional mail on the same subject. (You will recall that we revised those letters and forwarded them to Ken Duberstein for sending over his signature.) Over one month later, on July 25, the package was sent to our office.

I see no reason for our office to be sending out letters on substantive antitrust policy. As indicated in the original April 28 referral to Justice, a direct reply to Mr. Fauber should come from the responsible agency, in this instance Mr. Baxter's Antitrust Division or, if Justice considers it appropriate, higher officials at Justice. Of course, by now Mr. Fauber surely expects no reply at all to his letter of April 4. Presumably Justice (which held the letter for two months) and White House Correspondence (which held Justice's draft for another month) thought Mr. Fauber would change his mind as he matured. The proposed memorandum to Schmults (with copy to Sally Kelly) notes suggested revisions to the substance of the draft reply. You approved these changes in the draft of this form letter we forwarded to Ken Duberstein.

Attachment

THE WHITE HOUSE

WASHINGTON

August 9, 1983

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence from B.M. Fauber,
Chairman of K Mart Corporation,
Concerning Resale Price Maintenance

On April 4, 1983, B.M. Fauber, Chairman of the Board of K Mart Corporation, wrote the President to complain about the Administration's policy with respect to resale price maintenance. On April 28 this letter was referred to the Justice Department, the action requested being a direct reply within nine days. Two months later the Justice Department submitted a draft reply for my signature, and that draft has now found its way to my office.

Since the proposed reply discusses substantive issues of antitrust policy, it would seem appropriate for it to be sent over the signature of the officials responsible for that policy, as contemplated by the April 28 referral. (On previous occasions when we have used this draft, it was sent over Ken Duberstein's signature since Congressional correspondence was involved.) In reviewing the proposed reply, I question whether it is desirable to introduce pending Supreme Court litigation (the Monsanto v. Spray-Rite case) into a general discussion, and also whether discussion of the bid-rigging cases is at all relevant to Mr. Fauber's inquiry. Assuming Mr. Fauber has not lost his interest in this subject over the past several months, I am returning his letter to you for direct reply.

cc: Sally Kelley

FFF:JGR:aw 8/9/83

cc: FFfielding/JGRoberts/Subj./Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

August 9, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: "Honorary Citizenship Certificate"
From Kennesaw, Georgia

I could not discern from your jottings exactly what changes you wanted made in this letter, so I simply tried another version. I consider it important to disassociate the President from the Kennesaw ordinance, which requires every homeowner to own and maintain a firearm, particularly since the honorary citizenship award asserts that the President supports the ordinance.

Attachment

THE WHITE HOUSE

WASHINGTON

August 9, 1983

Dear Chief Ruble:

Thank you for your letter of March 22, 1983 to the President. Along with that letter you transmitted a certificate stating that the President concurs with the ordinance passed by Kennesaw, Georgia concerning firearms, and making the President an honorary citizen of Kennesaw. You also requested a photograph of the President. In response to your request, I am happy to enclose an autographed portrait of the President.

While we are grateful for your loyal support of the President, as evidenced by the grant of honorary citizenship, I must advise you that it would not be appropriate under the circumstances for the President to express a view, either pro or con, on the specific local ordinance passed by Kennesaw. Accordingly, the President should not be represented as concurring in the Kennesaw firearms ordinance. I trust you will understand that this is in no way a reflection on you or the citizens of Kennesaw.

Again, thank you for your support.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Robert L. Ruble
Chief of Police
City of Kennesaw Police Department
2844 South Main Street
Kennesaw, Georgia 30144

Enclosure

FFF:JGR:aw 8/9/83

cc: FFFielding/JGRoberts/Subj./Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

August 10, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Presidential Address: American GI Forum
El Paso, Texas, Saturday, August 13, 1983

Richard Darman has asked for comments to be sent directly to Aram Bakshian by 10:00 a.m. today on the above-referenced Presidential remarks. The remarks dwell on the contributions of Hispanic Americans in the armed forces, and the role of the GI Forum in guaranteeing civil rights for Hispanics. The remarks then discuss the economic recovery, and the restoration of American military capabilities.

At page 5, lines 7-9, the draft states "and I have instructed the Justice Department to maintain a special vigilance with regard to your civil rights complaints." I know of no basis for this statement, and hope there is none. "Special" vigilance for Hispanic civil rights complaints can logically only mean something less for black civil rights complaints. Such a statement will lend support to the contention that we have cynically "written off" blacks and are actively courting Hispanics. Even if this is viewed as a defensible political strategy it cannot be pursued through preferential treatment with respect to civil rights complaints. I suggest substituting something like "and that our Justice Department is ever alert to safeguard your civil rights and those of all Americans."

I have noted this objection, along with more minor stylistic ones, in the attached draft memorandum.

Attachment

THE WHITE HOUSE

WASHINGTON

August 10, 1983

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Address: American GI Forum
El Paso, Texas, Saturday, August 13, 1983

Counsel's Office has reviewed the above-referenced proposed Presidential remarks. At page 5, lines 7-9, the remarks contain the clause "and I have instructed the Justice Department to maintain a special vigilance with regard to your civil rights complaints." We know of no basis for this remark, and hope there is none. "Special" vigilance with respect to Hispanic civil rights complaints can logically only mean something less with respect to those of blacks and other minority groups. Such a statement plays into the hands of those who allege that we have cynically "written off" blacks. Whatever the merits of this as a political strategy, we cannot implement it through preferential treatment of certain civil rights complaints, and, so far as I know, have not done so. I suggest substituting something like "and our Justice Department is ever alert to safeguard your civil rights and those of all Americans."

More minor points follow:

- ° Page 2, line 25: Delete second "to".
- ° Page 5, lines 2-3: It seems awkward for the President to wish Doctor Garcia financial success. We would delete this sentence.

cc: Richard G. Darman

FFF:JGR:aw 8/10/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

August 10, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Draft Presidential Address Before the
Hispanic Chamber of Commerce in Tampa on
Friday, August 12 (8/9 2:00 p.m. Draft)

Richard Darman has asked that comments on the above-referenced draft Presidential remarks be sent directly to Aram Bakshian by 10:00 a.m. today. The remarks laud the commercial contributions of the Hispanic community, review the progress of the economic recovery, and discuss Central American policy. With respect to the last topic, there is considerable discussion of AID projects in the area. In the course of his remarks the President presents the Hispanic businessman and businesswoman of the year awards to Manuel Caldera and Lourdes Miranda, respectively.

I have no legal or other objection to the remarks, but we should check with Justice to ensure that none of the companies referred to in the remarks are about to be indicted or have otherwise run afoul of the law. The President mentions three by name -- Caldera's AMEX, Tampa's Southern Bio-Tech, and Jamaica's Federated Pharmaceutical Company -- and two others indirectly, Hector Barreto's and Miranda's. With your approval, I will telephone the Attorney General's office and request a review of Justice's criminal files for any information on these companies. A draft memorandum to Bakshian is attached.

Attachment

THE WHITE HOUSE

WASHINGTON

August 10, 1983

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Presidential Address Before the
Hispanic Chamber of Commerce in Tampa on
Friday, August 12 (8/9 2:00 p.m. Draft)

Counsel's Office has reviewed the above-referenced draft Presidential address and finds no objection to it from a legal perspective. In the course of the remarks, however, the President would refer to several companies, and we are endeavoring to check with appropriate government officials to ensure that those companies have not been engaged in any activities that would make such references inadvisable.

cc: Richard G. Darman

FFF:JGR:aw 8/10/83

cc: FFFielding
JGRoberts
Subj.
Chron

WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name

Roberts, John

Withdrawer

IGP 8/4/2005

File Folder

CHRON FILE (08/09/1983 - 08/21/1983)

FOIA

F05-139/01

COOK

Box Number

26IGP

DOC Document Type

NO Document Description

No of Doc Date Restriction
pages *pages* *pages*

2 MEMO

1 8/11/1983 B6

1235

ROBERTS TO ROBERT HILL

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.

WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name

Roberts, John

Withdrawer

IGP 8/4/2005

File Folder

CHRON FILE (08/09/1983 - 08/21/1983)

FOIA

F05-139/01

COOK

Box Number

26IGP

DOC Document Type

No of

Doc Date

Restric-

NO Document Description

pages

tions

3 MEMO

1 8/11/1983 B6

1241

ROBERTS TO ROBERT HILL (SAME AS DOC 2)

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

August 11, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Presidential Citizens Medal

Bill Sittmann has inquired if we have any objections to providing the Kansas City Chiefs with a photograph of the Presidential Citizens Medal, to be used to create a patch for the players to wear on their uniforms. A former member of the team, Joe Delaney, was awarded the medal posthumously this year after he drowned trying to save two drowning boys, even though he himself did not know how to swim.

Executive Order 11494, which establishes the medal, contains nothing that would preclude the Chiefs from displaying it. A photograph of the medal is attached. The medal is vaguely similar to the Presidential Seal, but not close enough to present any problems. There is no danger that the patches will lead anyone to think the Government has endorsed or is sponsoring the Chiefs. I think the proposal is a fine gesture and see no reason to block it. Sittmann has asked for a quick answer; if you agree, I will call and let him know we have no objection.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

August 11, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Presidential Address: Veterans of
Foreign Wars Convention, New Orleans,
Louisiana, Monday, August 15, 1983

Richard Darman has requested that comments on the above-referenced remarks be sent directly to Aram Bakshian by 3:00 p.m. today. The remarks center on our improving defense posture and Central American policy. The remarks also refer to the recent headlines about wasteful Pentagon spending, and forcefully make the point that uncovering the abuses was the result of initiatives by this Administration. I have no objection.

Attachment

THE WHITE HOUSE

WASHINGTON

August 11, 1983

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Address: Veterans of
Foreign Wars Convention, New Orleans,
Louisiana, Monday, August 15, 1983

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

cc: Richard G. Darman

FFF:JGR:aw 8/11/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

August 12, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Enrolled Resolution S.J. Res.
116 -- Youth of America Week

Richard Darman has asked for comments on the above-referenced enrolled resolution by noon today. The resolution, sponsored by Senator Kasten and passed by voice vote, would designate September 4 through 10 as "Youth of America Week." It calls upon the President to issue an appropriate proclamation. OMB recommends approval.

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

Attachment

THE WHITE HOUSE

WASHINGTON

August 12, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Resolution S.J. Res.
116 -- Youth of America Week

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

FFF:JGR:aw 8/12/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

August 12, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Fact Sheet: Federal Initiatives
in the Southwest Border Region

Richard Darman has asked for comments by 6:00 p.m. tonight on the above-referenced fact sheet. The fact sheet, to be released tomorrow in El Paso, summarizes the Cabinet's decision with respect to the report of the Southwestern Border States Working Group. It notes that the Vice President will chair an interagency "action group" with representatives from various departments. The interagency group will implement the recommendations of the working group, primarily designed to increase the flow of federal aid to the area. The fact sheet also announces establishment of a "project team" to serve as contact point for government and business leaders from the region. Finally, the fact sheet reviews the economic distress in the region, caused by the recent peso devaluations.

The decision having been made to funnel aid to the region, I have no legal objection to the fact sheet. The fact sheet really does not say much of substance, other than that the Vice President will oversee the effort.

Attachment

THE WHITE HOUSE

WASHINGTON

August 12, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Fact Sheet: Federal Initiatives
in the Southwest Border Region

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

FFF:JGR:aw 8/12/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

August 12, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Proposed Letters from Carlton Turner

Carlton Turner proposes to send letters to Carnation and Ricardo Montalban's agent encouraging them to participate in the drug awareness campaign. Stephen Jacobs, who is working on involving the private sector in the campaign, has been in contact with both and has determined that they are tentatively interested. The letters are very general and stress the President's and First Lady's commitment to fighting drug abuse, and the importance of involving the private sector in the fight.

I have no objection to the letters per se. Turner asks if it is "legal" for him to "encourage/solicit" support from the private sector. No general answer to this question is possible. It is clearly acceptable for him to encourage the private sector to undertake anti-drug projects, but he should not be dunning companies or individuals. Our general tack with these sorts of projects has been to advise that they be treated and depicted as private sector projects with some guidance from the White House Drug Abuse Policy Office, rather than as joint ventures, White House projects funded by the private sector, or officially approved private sector projects.

I have prepared a memorandum noting no objection to the proposed letters, declining to answer Turner's general question but advising him to clear specific items with us, and reminding Turner of our general approach.

THE WHITE HOUSE

WASHINGTON

August 12, 1983

MEMORANDUM FOR CARLTON E. TURNER
SPECIAL ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Letters to Private Sector

You have asked for our advice concerning letters you proposed to send to Carnation and Velasco-Cardinale & Associates. The letters discuss the commitment of the President and the First Lady to the campaign against drug abuse, and the importance of private sector involvement in that campaign. The letters also encourage Carnation and Ricardo Mantalban in their incipient willingness to undertake anti-drug projects.

We have reviewed the letters and have no legal objection to them per se. No general answer is available to your question concerning the legality of encouraging or soliciting support from the private sector. Encouraging and guiding companies and individuals who have expressed an interest in doing something in this area - as, for example, in these two letters - is unobjectionable. "Solicitation" raises more concern, particularly with respect to companies doing business with or regulated by the Federal Government. Obviously it would be inappropriate to do anything more by way of "solicitation" than advise companies of available opportunities. The question requires the exercise of judgment on a case-by-case basis, and we stand ready to provide guidance on particular questions as they arise.

While we have no objection to the two letters, we would reiterate our previous advice concerning the general approach to these projects. The projects should be treated and depicted as private sector projects, with some guidance from your office. As a general matter, they should not be viewed as joint White House/private sector ventures or White House projects funded by the private sector. In no event should the White House endorse commercial products or activities of the private sector firms.

FFF:JGR:aw 8/12/83

cc: FFFielding/JGRoberts/Subj./Chron

THE WHITE HOUSE
WASHINGTON

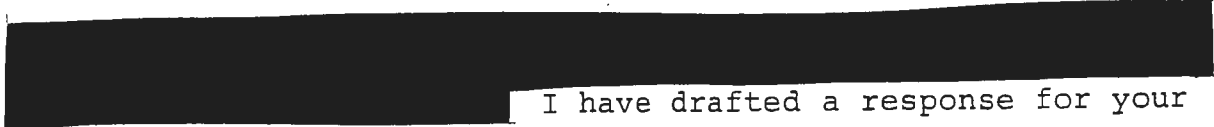
August 12, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Letter from Peter A. Ritzer

Peter Ritzer of Sun Prairie, Wisconsin wrote the President on July 10, 1983, expressing support for the President on "debate-gate," abortion and affirmative action. Ritzer, a recent college graduate, notes that he does not have a job, and encloses his resume, "just to be able to have a V.I.P. hold one."

 I have drafted a response for your signature.

b6

THE WHITE HOUSE

WASHINGTON

August 12, 1983

Dear Mr. Ritzer:

Thank you for your letter of July 10, 1983 to the President. In that letter you expressed your support of the President in connection with the briefing book affair and in the area of the rights of the unborn and affirmative action.

We are very grateful for your message, and hope we will continue to merit your support in the future. You have an impressive resume and I wish you the best of luck in your search for employment.

Thank you for sharing your views with us.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Peter A. Ritzer
235 North Street
Sun Prairie, Wisconsin 53590

FFF:JGR:aw 8/12/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

August 15, 1983

FOR: FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Enrolled Bill H.R. 3232 -- Moving Expenses for Department of Justice Agents

Richard Darman has requested comments by 10:00 a.m. August 16 on the above-referenced enrolled bill. The bill, proposed by the Department of Justice and passed by voice vote, would authorize payment of moving expenses for newly hired FBI and DEA agents. Moving expenses are typically only reimbursable for transfers, not initial hires. All newly-hired agents must go through initial training at Quantico before being assigned to an office. GAO recently ruled that Quantico could not be treated as the first duty station, thereby eliminating the customary payment of moving expenses to the agents' first assignment after training. The bill would eliminate the need to assign newly-hired agents to their home towns for a brief period after training before assigning them to their "real" duty station, a practice which has arisen so that moving expenses could be paid. OMB, Justice, and OPM recommend approval.

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

Attachment

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

August 15, 1983

FOR: RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT AND
DEPUTY TO THE CHIEF OF STAFF

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 3232 -- Moving
Expenses for Department of Justice Agents

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

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

August 15, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Civil Aeronautics Board Decisions in
Societe Antillaise de Transports, et al
Certain Indirect Foreign Air Carriers;
Certain Foreign Air Carriers;
Trans North Turbo Air Limited

Richard Darman's office has asked for comments by close of business Wednesday, August 17, 1983 on the above-referenced CAB decisions, which were 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 these cases, by September 13, August 29, September 18, and September 13, respectively).

The orders here have been reviewed by the appropriate departments and agencies, following the procedures established by Executive Order No. 11920 (1976). OMB recommends that the President not disapprove, and reports that the NSC and the Departments of State, Defense, Justice and Transportation have not identified any foreign relations or national defense reasons for disapproval. Since these orders involve foreign carriers, 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.

The Air Guadeloupe order authorizes specified service by that carrier. The indirect foreign air order cancels certain existing permits to compel the carriers to comply with new registration procedures. (The carriers have had ample time to do so voluntarily.) The foreign air order revokes certain permits for failure to maintain adequate insurance, and the Trans North order authorizes specified service by that carrier.

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

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

August 15, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Civil Aeronautics Board Decisions in
Societe Antillaise de Transports, et al
Certain Indirect Foreign Air Carriers;
Certain Foreign Air Carriers;
Trans North Turbo Air Limited

Our office has reviewed the above-referenced CAB decisions 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 these orders or to the substance of the letter from the President to the CAB Chairman prepared by OMB.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

August 16, 1983

FOR: FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Draft Telegram to Governor Harris of Georgia

Richard Darman has asked for comments by 4:00 p.m. today on a draft telegram, proposed by Carlton Turner, from the President to Governor Harris of Georgia. Last week the federal government sprayed paraquat on marijuana fields in the Chattahoochee National Forest. The action prompted a lawsuit, and Judge Charles Moye issued an injunction banning further spraying in the area until a hearing could be held. Although no further spraying is planned for the forest, there are plans to spray in other states.

Governor Harris has supported the spraying, and been criticized for it. Turner proposes to send a telegram to Harris from the President expressing appreciation for his support. I recommend advising against sending the telegram over the President's signature. The question of the use of paraquat for marijuana eradication is the subject of pending litigation, and the President should not gratuitously become personally involved. If Turner believes a telegram is necessary it should be over his signature.

Attachment

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

August 16, 1983

FOR: RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT AND
DEPUTY TO THE CHIEF OF STAFF

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Telegram to Governor Harris of Georgia

Counsel's Office has reviewed the proposed telegram from the President to Governor Harris of Georgia, concerning the use of paraquat for marijuana eradication. The spraying conducted last week in Georgia prompted the filing of a lawsuit and the issuance of a preliminary injunction. While we certainly do not mean to suggest that there is any merit to the lawsuit, the pendency of litigation counsels against involving the President directly and personally in the dispute. Accordingly, we recommend that the proposed telegram not be sent over the President's signature. If it is sent at all, it should be over Dr. Turner's signature.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

August 16, 1983

FOR: FRED F. FIELDING
FROM: JOHN G. ROBERTS *JGR*
SUBJECT: Additional Martin Kaiser Correspondence

You will recall that Martin Kaiser has written us in the past concerning his allegations of misconduct on the part of FBI agents. We referred his previous letters to the Department of Justice. Kaiser has now written Webster, stating that a Federal court in North Carolina has agreed with him, although no evidence or specifics are adduced to support this claim. In his letter to Webster, Kaiser claims the agents violated the FBI standards of conduct, and asks that they be fired. Kaiser sent you a copy of his letter to Webster, with a brief cover note.

As we decided before, this is not a matter in which the White House should become involved. No response is necessary, nor is any referral, since Justice already has the letter to Webster.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

August 17, 1983

FOR: FRED F. FIELDING
FROM: JOHN G. ROBERTS *JGR*
SUBJECT: Presidential Seal Inquiry

Congressman Timothy Wirth (D.-Colorado), on behalf of his constituent Perry Conway, has asked the Photo Office for a slide of the Presidential Seal. Conway has been commissioned by the Jefferson and Boulder County Schools to prepare an educational program about eagles, and would like to use the Seal in the program. Diane Powers of the Photo Office sent Wirth's letter, and a slide of the Seal, to us for direct response.

I have no objection to Conway's contemplated use of the slide of the Seal. The proposed use could be considered acceptable under subsection 1(c) of Executive Order 11649 (use in an "educational facility" incident to description of the Seal) or subsection 1(f) (reproduction in pictures of bona fide news content), and could be authorized under subsection 1(g) (exceptional educational purpose). There appears to be no danger of commercial exploitation of the Seal, and we can caution against this in our letter to Conway.

Attachments

THE WHITE HOUSE

WASHINGTON

August 17, 1983

Dear Mr. Conway:

You have requested, through your Congressman, a color slide of the Seal of the President. It is our understanding that you have been commissioned by the Jefferson and Boulder County Schools to prepare a program on eagles, and that you would like to include a slide of the Seal in the program.

Title 18 of the United States Code, Section 713 generally prohibits use of the Seal of the President except in accordance with regulations promulgated by the President. These regulations are embodied in Executive Order 11649. A copy of the statute and implementing regulations are enclosed for your information.

We have no objection to your use of the Seal in connection with your program on eagles, solely for the purpose of demonstrating the appearance of the eagle on the Seal. We have enclosed a color slide, pursuant to your request, which may be used for this purpose. We would remind you that the permitted uses of the Seal are limited by law, and that the Seal may not be used by you for any purpose other than that specified above.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Perry Conway
Post Office Box 303
Louisville, Colorado 80027

THE WHITE HOUSE

WASHINGTON

August 17, 1983

Dear Congressman Wirth:

On August 12 you wrote the White House Photo Office on behalf of a constituent, Perry Conway, seeking to obtain a color slide of the Seal of the President. The permitted uses of the Seal are limited by law, but we have determined that Mr. Conway's contemplated use is acceptable. A copy of our letter to Mr. Conway, explaining the limits on the use of the Seal and forwarding the slide he requested, is attached for your information.

Please do not hesitate to let us know if we may be of any further assistance.

Sincerely,

Fred F. Fielding
Counsel to the President

The Honorable Timothy Wirth
U.S. House of Representatives
Washington, D.C. 20515

WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name
Roberts, John

Withdrawer
IGP 8/4/2005

File Folder
CHRON FILE (08/09/1983 - 08/21/1983)

FOIA
F05-139/01
COOK

Box Number

26IGP

<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	8/18/1983	B6	557
ROBERTS TO FIELDING RE REMOVAL FROM PROMOTION LIST				

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.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

August 18, 1983

FOR: FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Vinsik Statement re: Latin American
Drug Trafficking and its Impact on
North Carolina -- August 22, 1983

Raymond Vinsik, DEA Special Agent in charge of the Atlanta field office, proposes to deliver the attached statement before Senator Helms' Foreign Relations Western Hemisphere Subcommittee. The statement reviews DEA efforts with respect to the leading western hemisphere source countries, including Peru, Columbia, Jamaica, and Mexico. The testimony recognizes that heightened enforcement in South Florida has diverted more traffic to North Carolina; reviews Operation Gateway, a successful anti-smuggling operation centered on North Carolina; and stresses that new Administration initiatives will direct more anti-drug resources to North Carolina. I have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

August 18, 1983

MEMORANDUM FOR GREG JONES -
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Statement of Vinsik before the Senate Foreign
Relations Subcommittee on Western Hemisphere

Counsel's office has reviewed the above-referenced proposed testimony, and finds no objection to it from a legal perspective.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

August 18, 1983

FOR: FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Request for Constitutional Opinion

Paul M. Walters of Cleburne, Texas asks: "Is Article 1 Section 10 of the Constitution still binding in the states?" He notes that he needs our opinion to determine the validity of a judgment expressed in "paper dollars," from which I deduce that he is referring to that clause in article 1, section 10 which provides "No State shall... make any Thing but gold and silver Coin a Tender in Payment of Debts..." Walters addressed identical queries to Secretary Dole and Dave Gergen, both of whom referred the letters to us.

The short answer to Mr. Walters' question is yes, of course article 1, section 10 of the Constitution is still binding on the states. With respect to his underlying concern, however, it should be noted that Congress -- not any state -- has made "paper dollars" legal tender, so there is no violation of the "legal tender" clause when a judgment -- even a state judgment -- is expressed in such dollars. By its terms article 1, section 10 does not apply to the federal government.

In the famous Legal Tender Case, 110 U.S. 446 (1884), the Supreme Court ruled that although states are denied the power to make anything but gold and silver coin legal tender, it could not be inferred that the Framers also intended to prohibit Congress from doing so. It is not unusual for amateur attorneys to attempt to escape liability or obtain a windfall by citing the legal tender clause, and refusing to be bound to a debt or judgment expressed in dollars. Such efforts have been rebuffed on the ground relied upon in the Legal Tender Case. See, e.g., Rush v. Casco Bank & Trust Co., 348 A. 2d 237 (Maine 1975); Chermack v. Bjornson, 302 Minn. 213, 223 NW. 2d 659, cert. denied, 421 U.S. 914 (1974).

I recommend advising Walters, first and foremost, that we are not in the business of giving legal advice to private parties. We can, however, suggest that while article 1, section 10 is binding on the states, that does not mean a judgment expressed in paper dollars is invalid.

Attachment

THE WHITE HOUSE

WASHINGTON

August 18, 1983

Dear Mr. Walters:

Thank you for your letter of August 7, 1983. In that letter you asked whether article 1, section 10 of the United States Constitution was still binding on the states. You indicated that you needed an answer in order to determine the validity of a judgment expressed in "paper dollars."

As an initial matter I must advise you that our office cannot provide legal advice to private parties with respect to particular personal claims or concerns. As a general matter, however, I can advise that article 1, section 10 is binding on the states, although as with any constitutional or statutory provision it must be interpreted in light of judicial precedent. With respect to your concern about the validity of a judgment expressed in "paper dollars," it is significant that Congress, as opposed to any state, has made federal currency legal tender. Courts have ruled that the "legal tender clause" of article 1, section 10 does not bar Congress from taking such action.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Paul M. Walters
1204 Crestwood Drive
Cleburne, Texas 76031

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

August 18, 1983

FOR: FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Request from Joey Adams that the
President Write Foreword to His New Book

You will recall that Joey Adams, President of The Actors Youth Fund and a close friend of the President's, wrote the President to ask him to write a foreword to Laugh Yourself Well, a new book on the uses of humor being written by Adams. We advised Kathy Osborne that the President should not become involved in such a commercial venture, and prepared a letter to Adams to that effect. Osborne replied that the President would like to make an exception if Adams were doing the book for the benefit of The Actors Youth Fund. There were no indications from Adams' correspondence that this was the case, but, at your request, I placed a call to him. He was out of the country and only returned my call today.

I told Adams that as a matter of policy the President avoided involvement in commercial ventures, and Adams stated that all the money would go to The Actors Youth Fund. While we typically avoid endorsing charitable projects as well as commercial ventures, the problems are less severe and exceptions have been made. In light of the President's expressed desire to write the foreword, and Mr. Adams' assertion that proceeds from the book will go for charitable purposes, I see no objection to an exception in this case. A proposed memorandum to Osborne is attached for your review and signature.

Attachment

THE WHITE HOUSE

WASHINGTON

August 18, 1983

MEMORANDUM FOR KATHLEEN OSBORNE
PERSONAL SECRETARY TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Request that President Write Foreword

You will recall that Joey Adams, President of The Actors Youth Fund, asked the President to write a foreword to his new book on the uses of humor. We advised that it would be inappropriate for the President to do so, in light of the White House policy of avoiding involvement in commercial ventures. The President thereupon inquired if Adams were doing the book for the benefit of The Actors Youth Fund. Mr. Adams has been out of the country, and only recently has been able to return our calls. He has now indicated that all of the proceeds of the book will in fact go to The Actors Youth Fund. Accordingly, we have no objection to the President writing a brief foreword to Mr. Adams' book, should he desire to do so. Our office, however, should review a draft of the proposed foreword.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

August 18, 1983

FOR: FRED F. FIELDING

FROM: JOHN G. ROBERTS, *JGR*

SUBJECT: Draft Presidential Radio Address:
Efficiency in Government

Richard Darman has asked for comments to be sent directly to Aram Bakshian by 2:00 p.m. today on the above-referenced remarks. The remarks review several Administration initiatives that have reduced the cost of the federal bureaucracy, including trimming the number of personnel, requiring more evidence before allowing disability retirement, and adjusting civil service retirement benefits to inflation once rather than twice per year. The remarks also urge requiring federal employees to earn their pay raises (first proposed last March), and note that this Administration deserves credit for unveiling the much-publicized examples of Pentagon contracting abuses. I have no objections.

Attachment

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

August 18, 1983

FOR: ARAM BAKSHIAN, JR.
DEPUTY ASSISTANT TO THE PRESIDENT
AND DIRECTOR OF SPEECHWRITING

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Presidential Radio Address:
Efficiency in Government

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