

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 (09/20/1983-09/25/1983)
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 ROBERTS, JOHN: FILES

Withdrawer

IGP 8/4/2005

File Folder CHRON FILE (09/20/1983 - 09/25/1983)

FOIA

F05-139/01

Box Number

COOK

31IGP

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	ROBERTS TO FIELDING THRU HAUSER RE DIEGO ASENCIO	1	9/21/1983	B6	589

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

September 20, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Presidential Taping: Small Business
Investment Company Dinner, Wednesday,
September 21, 1983 (9/19/83 - 5:00 p.m.)

Richard Darman has asked that comments on the above-referenced Presidential remarks be sent directly to Ben Elliott by noon today. The remarks celebrate the 25th Anniversary of the Small Business Investment Company, see 15 U.S.C. § 681 et seq. The President lauds SBICs and the minority-oriented MESBICs as examples of joint government-private sector programs, and congratulates twelve individuals being honored at the dinner. I have no objections.

Attachment

THE WHITE HOUSE
WASHINGTON

September 20, 1983

MEMORANDUM FOR BEN ELLIOTT
PRESIDENTIAL SPEECHWRITING OFFICE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Taping: Small Business
Investment Company Dinner, Wednesday,
September 21, 1983 (9/19/83 - 5:00 p.m.)

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

cc: Richard G. Darman

FFF:JGR:aea 9/20/83

bcc: FFfielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

September 20, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Basis for \$75 Fee Cap

According to Justice, the \$75 fee cap was chosen to bring the attorneys fees paid to private litigants more closely in line with the rates of government lawyers, plus overhead and profit. Private litigants recover fees on the theory that they are acting as "private attorneys general" and, so the argument goes, should be compensated in a manner similar to those working for the real Attorney General, i.e., Justice Department attorneys. The figure is, of course, no more than a rough guess, and in any event is a maximum, not an actual amount to be used in all cases.

THE WHITE HOUSE

WASHINGTON

September 19, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Justice Draft Bill, "The Legal Fees Reform Act"

[Handwritten scribble]
What is basis for fees in DOJ's view?

OMB has asked for our views by close of business, September 20, on the above-referenced draft bill. The bill, which the Administration will only support as a package, seeks to limit the award of attorneys fees to litigants against the United States and state and local government in civil cases while at the same time increasing the rate of pay to criminal defense attorneys under the Criminal Justice Act. →

Section 4 of the draft bill would limit the award of attorneys fees to prevailing parties, and define "prevailing" more narrowly than have several judicial decisions. Section 4 would also permit attorneys fees to be awarded only for hours devoted to points on which the party eventually prevailed.

Section 5 of the act establishes a maximum hourly rate for attorneys fees awards in civil cases of \$75.00 per hour, the same rate set in the Equal Access to Justice Act. The section goes on to list several factors that should be taken into account in reducing awards, including, for example, the fact that the calculated fee unreasonably exceeds the amount of any recovery. In addition, if the litigant obtained a monetary recovery from the government, the amount of the fee is to be reduced by 25 percent of the award. This is on the theory that some portion of amounts recovered should be used to offset fees, as in normal civil litigation. Section 5 also doubles the allowable rate under the Criminal Justice Act for defense attorneys in criminal cases. The limit for courtroom hours is raised from \$30.00 to \$60.00, and for other hours from \$20.00 to \$40.00.

Section 6 of the bill establishes procedures for those applying for award of attorneys fees against the government.

Section 7 specifies that attorneys fees may only be awarded when a case has become moot due to a policy change if the litigation was a material factor in bringing about the

THE WHITE HOUSE

WASHINGTON

September 19, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Justice Draft Bill, "The Legal Fees Reform Act"

OMB has asked for our views by close of business, September 20, on the above-referenced draft bill. The bill, which the Administration will only support as a package, seeks to limit the award of attorneys fees to litigants against the United States and state and local government in civil cases while at the same time increasing the rate of pay to criminal defense attorneys under the Criminal Justice Act.

Section 4 of the draft bill would limit the award of attorneys fees to prevailing parties, and define "prevailing" more narrowly than have several judicial decisions. Section 4 would also permit attorneys fees to be awarded only for hours devoted to points on which the party eventually prevailed.

Section 5 of the act establishes a maximum hourly rate for attorneys fees awards in civil cases of \$75.00 per hour, the same rate set in the Equal Access to Justice Act. The section goes on to list several factors that should be taken into account in reducing awards, including, for example, the fact that the calculated fee unreasonably exceeds the amount of any recovery. In addition, if the litigant obtained a monetary recovery from the government, the amount of the fee is to be reduced by 25 percent of the award. This is on the theory that some portion of amounts recovered should be used to offset fees, as in normal civil litigation. Section 5 also doubles the allowable rate under the Criminal Justice Act for defense attorneys in criminal cases. The limit for courtroom hours is raised from \$30.00 to \$60.00, and for other hours from \$20.00 to \$40.00.

Section 6 of the bill establishes procedures for those applying for award of attorneys fees against the government.

Section 7 specifies that attorneys fees may only be awarded when a case has become moot due to a policy change if the litigation was a material factor in bringing about the

policy change. Section 7 also provides that if a litigant has rejected a settlement offer, and does not exceed that offer in any eventual recovery, no attorneys fees may be awarded.

Finally, section 8 requires the Comptroller General to file an annual report with Congress concerning amounts spent by the federal, state and local governments on attorneys fees for opposing parties. The package submitted by OMB also contains a draft letter to the speaker, summarizing the provisions of the draft bill.

I have reviewed the draft bill, the section-by-section analysis, and the draft speaker letter. I have no legal objections. This legislation will, of course, be opposed by the self-styled public interest bar, but the abuses that have arisen in the award of attorneys fees against the government clearly demand remedial action. Linking limitations on civil fee awards to a long overdue increase in the maximum amounts awardable to Criminal Justice Act attorneys strikes me as good strategy.

Attachment

THE WHITE HOUSE
WASHINGTON

September 19, 1983

MEMORANDUM FOR JAMES C. MURR
ASSISTANT DIRECTOR FOR LEGISLATIVE AFFAIRS
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Justice Draft Bill, "The Legal Fees
Reform Act"

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

FFF:JGR:aea 9/19/83

cc: FFFielding
JGRoberts
Subj.
Chron

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET



- O - OUTGOING
- H - INTERNAL
- I - INCOMING
Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: James C. MURR

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Justice draft bill, "The Legal Fees Reform Act."

ROUTE TO:	ACTION	DISPOSITION		
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
<u>CUB011</u>	ORIGINATOR	<u>83109115</u>		<u>1 1</u>
	Referral Note:			
<u>CWAT13</u>	<u>D</u>	<u>83109116</u>	<u>S</u>	<u>83109120</u> <u>CDR</u>
	Referral Note:			
		<u>1 1</u>		<u>1 1</u>
	Referral Note:			
		<u>1 1</u>		<u>1 1</u>
	Referral Note:			
		<u>1 1</u>		<u>1 1</u>
	Referral Note:			

- | | | |
|--|---|---|
| <p>ACTION CODES:</p> <ul style="list-style-type: none"> A - Appropriate Action C - Comment/Recommendation D - Draft Response F - Furnish Fact Sheet
to be used as Enclosure | <ul style="list-style-type: none"> I - Info Copy Only/No Action Necessary R - Direct Reply w/Copy S - For Signature X - Interim Reply | <p>DISPOSITION CODES:</p> <ul style="list-style-type: none"> A - Answered B - Non-Special Referral C - Completed S - Suspended |
|--|---|---|

FOR OUTGOING CORRESPONDENCE:
 Type of Response = Initials of Signer
 Code = "A"
 Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOP).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

LEGISLATIVE REFERRAL MEMORANDUM

TO: LEGISLATIVE LIAISON OFFICER

SPECIAL

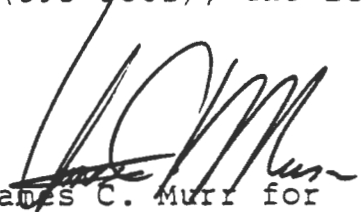
See Distribution Attached

SUBJECT: Justice draft bill, "The Legal Fees Reform Act".

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please provide us with your views no later than COB Tuesday
September 20, 1983.

Direct your questions to Branden Blum (395-3802), the legislative attorney in this office.


James C. Murr for
Assistant Director for
Legislative Reference

Enclosure

cc: F. Fielding
M. Uhlmann

R. Greene
P. Szervo

T. Lenard

DISTRIBUTION LIST

Department of Agriculture
Department of Commerce
Department of Education
Department of Defense
Department of Justice
Department of Labor
Department of Health and Human Services
Department of Housing and Urban Development
Department of State
Department of the Treasury
Department of Transportation
Department of the Interior
Department of Energy
Veterans Administration
Environmental Protection Agency
Small Business Administration
Securities and Exchange Commission
Office of Personnel Management
Federal Trade Commission
General Services Administration
Merit Systems Protection Board
Interstate Commerce Commission
Administrative Office of the United States Courts
Federal Communications Commission

THE WHITE HOUSE

WASHINGTON

September 20, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS ✓

SUBJECT: Draft Proclamation - Doc. #146,840
National Sewing Month, September 1983

Dodie Livingston has asked for our comments by 10:00 a.m. tomorrow on the above-referenced draft proclamation. The proclamation, authorized and requested by House Joint Resolution 218, reviews the virtues and contributions of home sewing. The proclamation was drafted by Virginia Knauer and approved by OMB. Prompt action is necessary since the proclamation designates the current month as National Sewing Month. I have no objections.

THE WHITE HOUSE

WASHINGTON

September 20, 1983

MEMORANDUM FOR DODIE LIVINGSTON
SPECIAL ASSISTANT TO THE PRESIDENT
DIRECTOR, SPECIAL PRESIDENTIAL MESSAGES

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Proclamation - Doc. #146,840
National Sewing Month, September 1983

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

FFF:JGR:aea 9/20/83

cc: FFFielding
JGRoberts
Subj.
Chron

John

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

O - OUTGOING

H - INTERNAL

I - INCOMING

Date Correspondence Received (YY/MM/DD) 1 / 1 /

Name of Correspondent: Dodie Livingston

MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Draft Proclamation - Doc. # 146,840
 National Sewing Month, September 1983

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u> CWH011 </u>	ORIGINATOR	<u> 83,09,20 </u>			<u> 1 </u> / <u> 1 </u> / <u> </u>
<u> CVAT18 </u>	<u> D </u>	<u> 83,09,20 </u>		<u> S </u>	<u> 83,10,21 </u> <u> 10:00 am </u>
		<u> 1 </u> / <u> 1 </u> / <u> </u>			<u> 1 </u> / <u> 1 </u> / <u> </u>
		<u> 1 </u> / <u> 1 </u> / <u> </u>			<u> 1 </u> / <u> 1 </u> / <u> </u>
		<u> 1 </u> / <u> 1 </u> / <u> </u>			<u> 1 </u> / <u> 1 </u> / <u> </u>

ACTION CODES:

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure

- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
Send all routing updates to Central Reference (Room 75, OEOB).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

THE WHITE HOUSE
WASHINGTON

[REDACTED]

September 19, 1983

MEMORANDUM FOR: KEN DUBERSTEIN
FRED FIELDING
CRAIG FULLER
ED ROLLINS
JACK SVAHN
LEE VERSTANDIG
FAITH WHITTLESEY

SUBJECT: Draft Proclamation - Document #146,840
[REDACTED]

Attached for your review is the draft proclamation designating the month of September 1983 as "National Sewing Month."

The proposed proclamation was drafted by Virginia Knauer's office and has not been changed by this office.

[REDACTED]

Thank you.

[Handwritten signature]

DODIE LIVINGSTON
480-OEOB/Ext. 2941

COMMENTS:



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

GENERAL COUNSEL

September 16, 1983

MEMORANDUM FOR: THE PRESIDENT
FROM: MICHAEL J. HOROWITZ
COUNSEL TO THE DIRECTOR
SUBJECT: NATIONAL SEWING MONTH

MW

Pursuant to House Joint Resolution 218, which passed both Houses of the Congress, the President is authorized and requested to issue a proclamation proclaiming September, 1983, as National Sewing Month.

The proposed proclamation, which was submitted by Virginia Knauer's Office, has been retyped in this office to reflect minor editorial changes and as to format.

The proposed proclamation has the approval of the Director of the Office of Management and Budget.

Enclosure

NATIONAL SEWING MONTH

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Over fifty million Americans sew at home. Their efforts demonstrate the persistence, skill, and self-reliance which are so characteristic of this Nation. The home sewing industry generates over \$3,500,000,000 annually for our economy and serves to introduce many younger Americans to activities which lead to careers in such fields as fashion, textile design, interior design and retail merchandising.

In recognition of the importance of home sewing to our economy, the Congress has, by House Joint Resolution 218, designated September, 1983, as National Sewing Month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim September, 1983, as National Sewing Month. I call upon the people of the United States to observe this month with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this
day of September, in the year of our Lord
nineteen hundred and eighty-three, and of the Independence
of the United States of America the two hundred and eighth.

THE WHITE HOUSE

WASHINGTON

September 20, 1983

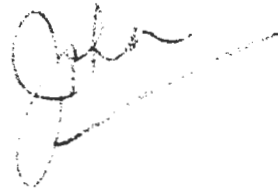
MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Rose Testimony on Bumpers Amendment

You asked whether Jon Rose's proposed testimony represented a change in Administration position on Bumpers. Rose told me that he did not think so, but suggested we run the testimony by Boyden Gray to make certain it is consistent with positions taken during more general negotiations on regulatory reform. I have revised the memorandum to OMB accordingly, and prepared a transmittal to Gray.

THE WHITE HOUSE
WASHINGTON
September 19, 1983



MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Statement of Jonathan Rose Regarding
S. 1080 - The Regulatory Reform Act
on September 21, 1983

OMB has asked for our views on the attached testimony, which Assistant Attorney General Rose proposes to deliver before the Subcommittee on Administrative Practice and Procedure of the Senate Judiciary Committee. The testimony reviews Department of Justice opposition to section 5 of S. 1080, the so-called "Bumpers Amendment." This proposal, which has significant conservative support, seeks to restrain agency action by authorizing more searching judicial review. In particular, section 5 would (1) require courts to determine if an agency were acting within its jurisdiction by reference to the enabling act, (2) generally eliminate the presumption that agency action is lawful, and (3) require agency factual determinations to have substantial support rather than simply satisfy the "arbitrary and capricious" test.

The testimony correctly points out that the well-intentioned bill would simply shift power from the agencies to the judiciary. The testimony also notes that giving the courts added review power could jeopardize deregulatory efforts as well as more traditional regulation. I have no objection.

Attachment

Before we go forward with this - I think we may want to reconsider to the extent that this will be a slight "change" in power - I personally agree that we should oppose this, but I think we previously suggested!

→ 9/19

THE WHITE HOUSE

WASHINGTON

September 20, 1983

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Statement of Jonathan Rose Regarding
S. 1080 - The Regulatory Reform Act
on September 21, 1983

Counsel's Office has reviewed the above-referenced proposed testimony, and finds no objection to it from a legal perspective. In order to ensure that the testimony is consistent with previous Administration positions, however, it should be reviewed by C. Boyden Gray, who was active in negotiations with the Hill in this area.

FFF:JGR:aea 9/20/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

September 20, 1983

MEMORANDUM FOR C. BOYDEN GRAY
COUNSEL TO THE VICE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Statement of Jonathan Rose Regarding
S. 1080 - The Regulatory Reform Act
on September 21, 1983

We have reviewed and have no objection to this proposed testimony, but would appreciate it if you would review it to determine if it is consistent with previous Administration positions. In light of the short deadline, you should raise any objection directly with Jon Rose.

FFF:JGR:aea 9/20/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

September 20, 1983

MEMORANDUM FOR JOHN B. ROBERTS, III
ASSOCIATE DIRECTOR
OFFICE OF PLANNING AND EVALUATION

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

SUBJECT: Discussion with Department of Justice
Attorneys Concerning Legal Opinions

Ralph Tarr of the Department of Justice inadvertently contacted me in the course of returning a call from you concerning a legal opinion being prepared by his office. When we established that he was looking for the "other" John Roberts, Ralph and I both became concerned from the nature of your inquiry that you may not be familiar with the attached memorandum for the White House Staff from the Counsel to the President, which also appears in the Standards of Conduct section of the White House Office Staff Manual. Pursuant to this memorandum, questions concerning legal opinions being prepared by the Department of Justice should be referred to the Office of the Counsel to the President.

The call from Ralph was hardly the first and I daresay will not be the last time our lines will cross. When you have a free moment, we should discuss means of reducing the confusion caused by our sharing of a noble name.

THE WHITE HOUSE

WASHINGTON

February 10, 1981

MEMORANDUM FOR THE WHITE HOUSE STAFF

FROM: FRED F. FIELDING
- COUNSEL TO THE PRESIDENT

SUBJECT: Communications with the Department of Justice

As we are all keenly aware, it is imperative that there be public confidence in the effective and impartial administration of the laws. To that end, after consultation between the President and the Attorney General, the following procedures have been established in regard to communications between the White House Staff and the Department of Justice.

1. All inquiries which concern or may concern particular pending investigations or cases being handled by the Department of Justice shall be directed to the Counsel to the President. If appropriate and necessary, the inquiry will then be transmitted to the Office of the Attorney General or the Deputy Attorney General.

2. All requests for formal legal opinions from the Department of Justice shall be directed to the Counsel to the President, who will direct such requests to the Office of the Attorney General or to the Assistant Attorney General -- Office of Legal Counsel.

3. All comments between the White House Office and the Department of Justice in regard to policy, legislation and budgeting should be handled directly between those parties concerned.

Your cooperation in observing these guidelines is most strongly urged. If you have any questions regarding these procedures, please contact this Office.

THE WHITE HOUSE

WASHINGTON

September 21, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Draft Proclamation: National
High School Activities Week, 1983

Dodie Livingston has requested comments by close of business, Friday, September 23, on the above-referenced draft proclamation. The proclamation, authorized and requested by Public Law 97-441, designates October 17-23 as National High School Activities Week. The proclamation was drafted by the Department of Education and approved by OMB, and praises the role extracurricular activities play in developing high school students. I have no objection.

Attachment

THE WHITE HOUSE

WASHINGTON

September 21, 1983

MEMORANDUM FOR DODIE LIVINGSTON
SPECIAL ASSISTANT TO THE PRESIDENT
DIRECTOR, SPECIAL PRESIDENTIAL MESSAGES

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Proclamation: National
High School Activities Week, 1983

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

THE WHITE HOUSE

WASHINGTON

September 21, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Draft Proclamation: National Employ
the Handicapped Week, 1983

Dodie Livingston has asked for comments by close of business, Friday, September 23, 1983, on the above-referenced draft proclamation. The proclamation, authorized and requested by 59 Stat. 530, designates the week beginning October 2 as "National Employ the Handicapped Week." It was drafted by the Department of Labor and approved by OMB. The proclamation stresses our commitment to assist the handicapped in their efforts to lead independent lives. I have no objection.

Attachment

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET



John

- O - OUTGOING
 - H - INTERNAL
 - I - INCOMING
- Date Correspondence Received (YY/MM/DD) 1 / 1 /

Name of Correspondent: Dodie Livingston

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Draft Proclamation: National Employ
the Handicapped Week, 1983

ROUTE TO:	ACTION	DISPOSITION
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD
<u>CW4011</u>	ORIGINATOR	<u>83109120</u>
	Referral Note:	
<u>CW4918</u>	<u>D</u>	<u>83109120</u>
	Referral Note:	<u>S 83109123</u> <u>CDB</u>
		<u>1 1</u>
	Referral Note:	
		<u>1 1</u>
	Referral Note:	
		<u>1 1</u>
	Referral Note:	

ACTION CODES:

- A - Appropriate Action
 - I - Info Copy Only/No Action Necessary
 - C - Comment/Recommendation
 - R - Direct Reply w/Copy
 - D - Draft Response
 - S - For Signature
 - F - Furnish Fact Sheet
 - X - Interim Reply
- to be used as Enclosure

DISPOSITION CODES:

- A - Answered
- C - Completed
- B - Non-Special Referral
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
Send all routing updates to Central Reference (Room 75, OEOB).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

THE WHITE HOUSE
WASHINGTON

146 837

September 19, 1983

MEMORANDUM FOR: KEN DUBERSTEIN
[REDACTED]
CRAIG FULLER
ED ROLLINS
JACK SVAHN
LEE VERSTANDIG
FAITH WHITTLESEY

FROM: DODIE LIVINGSTON *DL*

SUBJECT: DRAFT PROCLAMATION/
National Employ the Handicapped
Week, 1983

Attached for your review is the draft proclamation designating the week beginning October 2 as National Employ the Handicapped Week, 1983.

The proposed proclamation was drafted by the Department of Labor and was not changed in my office.

[REDACTED]

As always, many thanks.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

GENERAL COUNSEL

September 12, 1983

MEMORANDUM FOR: THE PRESIDENT
FROM: MICHAEL J. HOROWITZ
COUNSEL TO THE DIRECTOR *M/H*
SUBJECT: NATIONAL EMPLOY THE HANDICAPPED WEEK,
1983

Enclosed is a proposed proclamation which would designate the week beginning on October 2, 1983, "National Employ the Handicapped Week."

This observance was established by a joint resolution of the Congress approved in 1945 (59 Stat. 530) which requested the President to issue annually a proclamation of observance for the first week in October.

The proposed proclamation, which was submitted by the Department of Labor, has been retyped in this office to reflect minor editorial changes and as to format.

The proposed proclamation has the approval of the Director of the Office of Management and Budget.

Enclosure

THE WHITE HOUSE

WASHINGTON

September 21, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Continuing Correspondence:
G. Add Lighthall

You will recall that G. Add Lighthall wrote to the President to complain that he had been sorely used by the FBI in an undercover operation. We referred the letter to Justice. Justice apparently responded over the signature of Donald Foster, a deputy chief in the fraud section of the Criminal Division. Lighthall has now written Foster to express dissatisfaction with the response, and copied us on his letter. This dispute should remain between Justice and Lighthall; no response.

2003
John

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
- H - INTERNAL
- I - INCOMING
Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: J. Add Lighthall

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Letter to Donald Foster re: his involvement with the F.B.I.

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
<u>CW1011</u>	ORIGINATOR	<u>8310911</u> <i>VLS</i>		<u>1 1</u>
<u>CWAT 18</u>	Referral Note: <i>D</i>	<u>8310918</u>	<u>Cont. Corresp</u>	<u>S 83109129</u>
	Referral Note: <i>VLS</i>			
	Referral Note:			
	Referral Note:			
	Referral Note:			

ACTION CODES:

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure
- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOB).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

THE WHITE HOUSE

WASHINGTON

September 21, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS, JR.

SUBJECT: Honegger Files

I have now received from the Justice Department a box of White House files left behind by Barbara Honegger. Judy Hammerschmidt, a special assistant in the Civil Rights Division who gathered and returned the files, is confident that Honegger removed the bulk of the White House files from her Justice Department office. The small amount of White House files returned to us by Hammerschmidt supports this supposition. Accordingly, I recommend sending the attached letter to Honegger. Honegger may choose to garner publicity over the files question, but I believe our position is unassailable, particularly since we are simply asking Honegger to comply with a memorandum she signed. Perhaps you should raise the matter with Deaver, both in his capacity as head of the working group on women and in his unenviable role of Administration liaison with Honegger.

Attachment

THE WHITE HOUSE

WASHINGTON

September 21, 1983

Dear Ms. Honegger:

As you know, individuals employed at the White House are not permitted to take originals or copies of documents in White House files with them when they terminate their employment. When you left the White House on March 16, 1982, you executed an agreement concerning White House files (copy attached). Under this agreement you were permitted to take copies of certain documents from White House files with you to the Department of Justice on the express conditions that the integrity of the files be maintained and that they be returned intact by you to the White House upon completion of your work at the Department of Justice. As you stated in your memorandum, "When my tenure with the legal equity function is complete, the files moved from the White House to Justice will be returned to Terry Good, or his successor, and I will take full responsibility to see that that is done. I will notify Counsel's Office in writing when such documents have been returned to the White House."

Although your tenure with the legal equity function has been complete for some time, the files in question have not yet been returned to Terry Good. If the files in question were left at the Department of Justice, please advise us accordingly. If they are in your personal possession, please discharge immediately the responsibility you undertook to return them to the White House. I would remind you that, consistent with White House policy and the agreement you signed, you may not retain copies of White House files for any purpose.

If you have any questions concerning this matter, please contact this office immediately. We look forward to your prompt compliance with the memorandum you signed.

Sincerely,

Fred F. Fielding
Counsel to the President

Ms. Barbara Honegger
4635 North 15th Street
Arlington, VA 22207

cc: Terry Good

THE WHITE HOUSE

WASHINGTON

September 12, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Honegger Files

Central Files has alerted us to the existence of a memorandum from Barbara Honegger to H.P. Goldfield, dated March 16, 1982, in which Honegger states, "When my tenure with the legal equity function is complete, the files moved from the White House to Justice will be returned to Terry Good, or his successor, and I will take full responsibility to see that that is done. I will notify Counsel's Office in writing when such documents have been returned to the White House." This undertaking was apparently considered necessary before Honegger was permitted to carry copies of White House files to the Justice Department. Although Honegger has resigned her post, thereby "completing" her "tenure" with the legal equity function, the files have not been returned nor has our office been so notified.

I called over to the Justice Department (Ken Starr) to determine if the copies of White House files taken by Honegger are still in Honegger's office, and advised that any White House files identifiable as such should be returned to us. I have not yet heard back from Justice. Terry Good of Central Files advised that there was no way of ascertaining if what Justice returns to us - if anything - constitutes a complete set of what Honegger took with her. It will therefore probably be advisable to write Honegger to request her compliance with the terms of the agreement she signed (and remind her that she may not retain copies of White House files, even for use on her forthcoming book). We can revisit this question when we see what files were left behind at Justice. */sk*

Attachment

SEP 13 1983

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

FG006-01

- O - OUTGOING
- H - INTERNAL
- I - INCOMING
Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: Barbara Honegger

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Memo to HP Goldfield re: Honegger's White House Files

ROUTE TO:	ACTION	DISPOSITION
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD
<u>CU4011</u>	<u>ORIGINATION</u>	<u>83109102</u>
<u>CU4118</u>	<u>D</u>	<u>83109102</u>
	<u>DDI</u>	<u>S 83109102</u>
		<u>1 1</u>
		<u>1 1</u>
		<u>1 1</u>
		<u>1 1</u>

ACTION CODES:

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure

- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
Send all routing updates to Central Reference (Room 75, OEOB).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

THE WHITE HOUSE

WASHINGTON

March 16, 1982

gsk

FOR: H.P. GOLDFIELD

FROM: BARBARA HONEGGER

[Handwritten signature]

166779 *cu*

SUBJECT: Continued Use of Files Relating to my Continued Function, While at Justice, as Chairman of the Cabinet Council on Legal Policy Working Group on Legal Equity for Women

Pursuant to your request, this memorandum confirms my agreement to follow the guidelines set forth by the Counsel's Office, as communicated in our telephone conversation, regarding continued use of files relating to my function as Chairman of the Cabinet Council on Legal Policy Working Group on Legal Equity for Women while at the Department of Justice.

The files referred to are those generated as a result of my function over this past year as policy analyst and resource contact at the White House on issues as they affect women and as Chairman of the Working Group on Legal Equity for Women. Though I will be physically moving to Justice, I will be continuing with the same function begun here at the White House and so will require continued access to information accumulated over this past year relating to that function.

I agree to make copies of all original file documents which are necessary for me to continue my work while at Justice, leaving the originals with Terry Good. All the files moved to Justice will be kept segregated from other files, and not co-mingled with files created while at Justice, or files generated from the files moved to Justice. Justice has agreed to provide lockable filing cabinets for this purpose.

When my tenure with the Department of Justice terminates, I will transfer to Terry Good, of his office, all files relating to my function at the White House.

Per your suggestion, approval of the agreement contained in this memorandum, below, will be sufficient, together with Mr. Good's receipt of originals in the files, to allow me to move the documents to the locked filing cabinet at the Department of Justice.

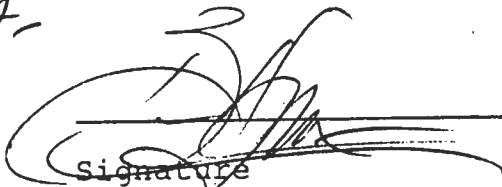
Date _____

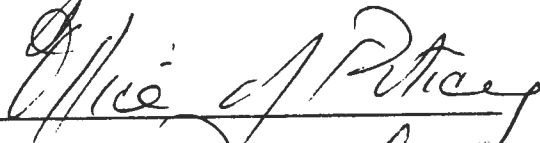
THE WHITE HOUSE
WASHINGTON

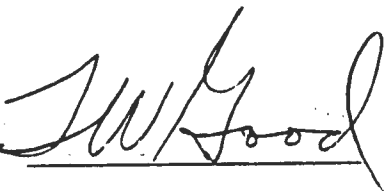
STATEMENT OF DEPOSIT OF PRESIDENTIAL RECORDS

I have turned over all ^{original} official records and other materials that were in my custody to the Office of Records Management or my office. I ~~have not retained copies of any of these records.~~ See attached memo of understanding per President's Counsel dated 3-16-82.

3-16-82
Date


Signature HONEGGER


Office of Policy Development

Checked out by 

WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name
ROBERTS, JOHN: FILES

Withdrawer
IGP 8/4/2005

File Folder
CHRON FILE (09/20/1983 - 09/25/1983)

FOIA
F05-139/01
COOK

Box Number

311GP

<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>	
1 MEMO	1	9/21/1983	B6	589
ROBERTS TO FIELDING THRU HAUSER RE DIEGO ASECNCIO				

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

September 22, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Remarks: Teleconference to Republican
Northeast Regional Leadership Conference
(9/23 - 4:30 p.m. draft)

Richard Darman has asked that comments on the above-referenced remarks be sent directly to Ben Elliott by noon today. The remarks are based on the standard political speech, reviewing the progress of the recovery and the re-building of our defenses. I have no legal objections, but have noted two stylistic ones in the attached draft memorandum to Elliott.

Attachment

THE WHITE HOUSE
WASHINGTON

September 22, 1983

MEMORANDUM FOR BEN ELLIOTT
PRESIDENTIAL SPEECHWRITING OFFICE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Remarks: Teleconference to Republican
Northeast Regional Leadership Conference
(9/23 - 4:30 p.m. draft)

Counsel's Office has reviewed the above-referenced draft remarks, and finds no objection to them from a legal perspective. On page 1, lines 8-9, the phrase "separates the difference between" strikes us as awkward. Perhaps "distinguishes" or "captures the difference between" could be substituted. The first line on page 5 is redundant of the line near the bottom of page 4.

cc: Richard G. Darman

FFF:JGR:aea 9/22/83

bcc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

September 23, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: S. 675 - Department of Defense
Authorization Act, 1984

Richard Darman has asked for our views by 2:00 p.m. today on the above-referenced enrolled bill. The 94-page bill authorizes Defense Department appropriations of \$187.5 billion, \$10.5 billion short of the Administration request. The overall and specific numbers are agreeable to OMB and Defense, and of course we are in no position to question their judgment on the merits of the budget amounts.

The bill is surprisingly free of objectionable riders. An environmental impact statement on deployment of the MX is required by January 31, 1984. Various limits are placed on chemical weapons development, including a requirement of Presidential certification of need before production. Impact aid to school districts with large numbers of federal dependents is continued (our proposal to end this has caused quite a stir). NATO assignments are limited to 315,600, but this could be overridden upon Presidential certification. OPM objects to a provision liberalizing retirement benefits for Military Appeals Court judges, but does not recommend a veto on this basis.

There are several "report and wait" provisions, e.g., §§ 108, 1202, 1224, but these are acceptable under Chadha. A Board of Actuaries within DOD is established by § 925, with members appointed by the President and removable only for misconduct or failure to perform their duties. One of the many provisions requiring a report to Congress from the Secretary also requires a later report from the President, containing his views on the Secretary's report, § 1105, but this is not expressly nor should we construe it as a simultaneous reporting requirement with respect to the Secretary's report - i.e., the President may review the Secretary's report prior to its submission to Congress. Section 1211 creates a Director of Operational Test and Evaluation in DOD, and under proposed 10 U.S.C. § 136a(c) his reports to congressional committees must be submitted in the same form as submitted to the Secretary. This is an objectionable simultaneous report provision at the lower levels, but the Secretary and the Director can consult

informally prior to actual submission of the Director's report to the Secretary. This provision will not, by any stretch, justify not approving the bill. Under section 1218, the Secretary cannot expand the use of polygraphs in DOD.

All affected agencies either recommend approval, have no objection, or defer to Defense (with the exception of OPM, which noted its concerns). I have reviewed the bill and have no objection to the President signing it.

Attachments

THE WHITE HOUSE

WASHINGTON

September 23, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: S. 675 - Department of Defense
Authorization Act, 1984

Counsel's Office has reviewed the above-referenced enrolled bill. While there are several objectionable provisions - for example, the simultaneous reporting requirement with respect to reports of the Director of Operational Test and Evaluation - none of them rise to the level of justifying disapproval or even specific comment upon signature.

FFF:JGR:aea 9/23/83

cc: FFFielding
JGRoberts
Subj.
Chron

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Date Correspondence Received (YY/MM/DD) 83,09,22

Name of Correspondent: DARMAN, RICHARD G.

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: S. 675. DEPT. OF DEFENSE AUTHORIZATION ACT, 1984

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CU HOLL</u>	<u>ORIGINATOR</u>	<u>830922</u>			<u>1 1</u>
<u>CU AT 11</u>	<u>D</u>	<u>83,09,22</u>		<u>5</u>	<u>83,09,26</u> <u>12N</u>
<u>CU AT 18</u>		<u>1 1</u>			<u>1 1</u>
		<u>1 1</u>			<u>1 1</u>
		<u>1 1</u>			<u>1 1</u>

ACTION CODES:

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure

- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOb).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

WHITE HOUSE STAFFING MEMORANDUM



DATE: 9/22/83 ACTION/CONCURRENCE/COMMENT DUE BY: Monday, 9/26/83

SUBJECT: S. 675 - DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1984

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	HERRINGTON	<input type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HICKEY	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	JENKINS	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	McMANUS	<input type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input type="checkbox"/>	<input type="checkbox"/>
CLARK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/> P	<input checked="" type="checkbox"/> SS	ROLLINS	<input type="checkbox"/>	<input type="checkbox"/>
DUBERSTEIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FELDSTEIN	<input type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	VERSTANDIG	<input type="checkbox"/>	<input type="checkbox"/>
FULLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WHITTLESEY	<input type="checkbox"/>	<input type="checkbox"/>
GERGEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please provide recommendations/comments by Monday, September 26th.

Thank you.

RESPONSE:

Richard G. Darman
Assistant to the President
Ext. 2702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

Received SS
1983 SEP 22 PM 5:50

SEP 22 1983

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 675 - Department of Defense
Authorization Act, 1984

Sponsor - Senator Tower (R) Texas

Last Day for Action

September 28, 1983 - Wednesday

Purpose

(1) Authorizes fiscal year 1984 appropriations of (a) \$115.6 billion for procurement and research, development, test, and evaluation (RDT&E) for the Armed Forces, (b) \$71.8 billion for operation and maintenance of the Armed Forces, and (c) \$169 million for civil defense; (2) prescribes the authorized personnel strengths for active duty and reserve components of the Armed Forces and for civilian personnel of the Department of Defense, and military training student loads; and (3) makes several significant personnel and other policy revisions.

Agency Recommendations

Office of Management and Budget	Approval
Department of Defense	Approval
Federal Emergency Management Agency	Approval
National Security Council	Approval
Department of State	Approval
Department of Transportation	Approval
Department of Education	Approval
Selective Service System	No objection (Informally)
General Services Administration	No objection
Department of the Treasury	No objection (Informally)
Department of Commerce	No objection (Informally)
Department of the Interior	No objection (Informally)
Small Business Administration	No objection
Central Intelligence Agency	No objection (Informal)
Department of Health and Human Services	No objection (Informal)
Veterans Administration	Defers to Defense
Department of Justice	Defers to Defense
Office of Personnel Management	Cites concerns

Discussion

Authorization Levels

In total, S. 675 authorizes appropriations for fiscal year 1984 of \$187.5 billion for Defense programs, \$10.5 billion below the Administration's request of \$198 billion. This reduction includes \$1.3 billion in anticipation of lower-than-budgeted fuel costs. Specific amounts authorized are shown below in millions of dollars:

	<u>Adm. Request</u>	<u>S. 675</u>	<u>Net Change</u>
Procurement	\$ 94,087.7	\$ 88,259.9	- 5,827.8
RDT & E	29,625.3	27,303.0	- 2,322.3
O & M	74,001.6	71,758.8	- 2,242.8
Civil Defense	<u>253.5</u>	<u>169.0</u>	<u>- 84.5</u>
Total	\$ 197,968.1	\$ 187,490.7	- 10,477.4

In addition, the enrolled bill authorizes personnel strengths for active duty (2,135,900) and reserve (1,035,600) components of the Armed Forces and for civilian personnel of the Department of Defense (1,056,200). The active duty level authorized is 28,800 below the Administration's request, reflecting the conferees' desire that the military services make greater use of the reserve components, which were increased by 9,600 over the level requested. The conferees also placed Defense on notice that beginning in fiscal year 1985, they are prepared to deny further active duty personnel increases unless the military services report actions taken to increase the use of Reserve Forces.

Although S. 675 includes most of the major elements of the Administration's request, Congress made several adjustments to procurement and research and development that resulted in net reductions. Among programs cut are the procurement of the MX missile, AV-8B and F-15 aircraft, two ships (1 oiler and 1 mine countermeasures), and several munitions programs and aircraft modifications programs. Procurement of 155mm nuclear projectiles was terminated altogether. These reductions are offset somewhat by increases in M-1 tank, FFG frigate, F-16 aircraft, and ALCM-B missile procurement.

MX-Missile

S. 675 authorizes procurement of 21 MX-missiles versus 27 requested by the Administration and authorizes development of follow-on technology, the small mobile missile, as recommended by the Scowcroft Commission. The conferees also adopted provisions requiring an environmental impact statement concerning deployment of the MX-missile, which has to be published no later than January 31, 1984. The first 10 missiles are to be operational no later than December 31, 1986.

Binary Chemical Weapons

As requested by the Administration, S. 675 authorizes assembly of binary chemical weapons. As conditions of production, the conferees added requirements that (1) assembly of chemical munitions be prohibited until October 1, 1985; (2) one serviceable unitary artillery shell be rendered useless for each binary chemical munition produced; and (3) the President certify that binary chemical munitions are essential to the national interest before production is initiated.

Impact Aid

As explained in the Department of Education's attached views letter, S. 675 makes several budgetary and substantive changes in the operation of the Impact Aid Program of the Department of Education. It extends and increases the authorization for the program through 1985 and continues payments in fiscal year 1984 to school districts on behalf of students who live on or have parents who work on Federal property ("B" students). In separate legislation, the Administration has proposed eliminating funding for these students because they do not constitute a burden that justifies Federal financial assistance. In its views letter the Department of Education expresses concerns about the impact aid provisions but does not believe they warrant disapproval of S. 675.

Military Pay Raise

S. 675 authorizes a four percent pay raise for uniformed service members, except recruits with less than four months of active duty who would receive no increase. This increase is to be effective April 1, 1984, unless general schedule employees receive a pay increase earlier, in which case military pay would be increased at that earlier time. In comparison, you have recommended a 3.5 percent pay increase for civilian employees effective January 1984.

Limit on NATO Assignments

S. 675 would limit the number of U.S. military personnel assigned to permanent duty ashore in European member nations of NATO to 315,600. This number could be increased to 320,000 if the Secretary of Defense provides certain certification and reports on NATO-related activities. The limitation would exempt personnel assigned to Ground Launch Cruise Missile or the Pershing II Missile programs. The limitation could also be exceeded if the President certifies that overriding national interests so require.

Other Personnel and Management Provisions

S. 675 includes a number of desirable personnel and management provisions which were originally requested in legislation submitted by the Department of Defense. In particular, the enrolled bill would:

- freeze the 1984 rates of the variable housing allowance, the supplemental housing component of military pay, at 1983 rates, and deny the allowance to reservists on active duty for short tours, because they do not incur housing costs;
- establish a new DOD Military Retirement and Disability Fund to permit accounting and budgeting for military retired pay on an actuarial basis and permit a more realistic treatment of the actual costs of supporting the active military forces;
- extend the military service obligation from not less than six years to no more than eight years to enhance retention in the individual ready reserve;
- authorize the payment of enlistment and reenlistment bonuses to members of the individual ready reserve for fiscal years 1984 and 1985 to aid in the recruitment and retention of personnel with combat or combat-support skills; and
- authorize four new Assistant Secretaries of Defense, to be appointed by the President with Senate confirmation. Two positions are specifically designated--one would be for Reserve Affairs, not requested by the Administration, and the other for Command, Control, Communications and Intelligence, requested by the Administration. The other two are not designated but were requested by the Administration. In addition, two new military department Assistant Secretaries were authorized, as requested.

Finally, the enrolled bill liberalizes retirement benefits for judges of the U.S. Court of Military Appeals who currently receive the same civil service retirement (CSR) benefits as Federal employees generally. S. 675 would allow a judge on that Court to retire at any age after completing the term of service for which he was appointed, regardless of whether it is the normal 15-year term or a shorter period during which he completed a predecessor's term. In its enrolled bill views letter, the Office of Personnel Management (OPM) objects to this provision because: "Retirement benefits are not available to any individuals under the CSR System, including Members of Congress, unless they have at least 5 years of civilian service, since 5 years is the point at which benefits first vest under the

structure of the System. It is essential that a staff retirement system, which is designed to reward Federal civilian employees for continued service to the Government, should require a minimum period of civilian service to be performed before any employee may be eligible for benefits....It is inappropriate to exempt judges of the U.S. Court of Military Appeals from the 5-year service requirement." Furthermore, OPM objects to allowing military judges to retire after completing a full 15-year term, regardless of their age, thereby giving military judges more generous retirement eligibility provisions than Members of Congress who must meet certain age requirements. However, given the overall importance of S. 675, OPM does not recommend a veto of the bill on the basis of its objections.

Contract Authority

The enrolled bill also contains a number of provisions affecting Defense procurement and contracting authorities, including:

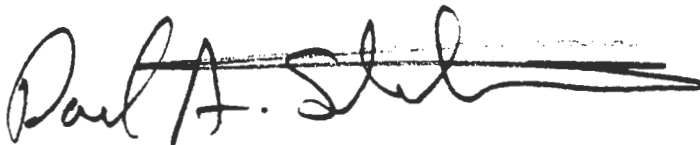
- Certain limitations and earmarkings are imposed on RDT&E funds for the Army, Navy, Air Force, and Defense agencies.
- A lease or service contract of a vessel that has major components not built in the United States is prohibited, if the lease is in excess of five years or involves a substantial termination liability.
- The prohibition on contracting out for services of firefighters and security guards by the Department of Defense is extended for two years until 1986. This is an objectionable provision which the Administration has sought to eliminate because it prevents the Department from selecting the most cost-effective way to obtain needed services.
- The test program that allows a limited price differential to be paid for relieving economic dislocations on contracts entered into by the Defense Logistics Agency is continued for one year, an approach supported by the Administration. This program is an exception to the "Maybank Amendment," which prohibits the use of appropriated funds by the Department of Defense to pay price differentials for the purpose of paying higher prices on contracts in areas of high unemployment.

The conferees denied the Administration's request for authority to execute multi-year procurement contracts for certain equipment, including CH-47D helicopter modification.

Conclusion

S. 675 contains a number of additional provisions that were proposed by the Administration, as well as other policy revisions initiated by the Congress. These are cited by the Department of Defense in its attached views letter. While several of the congressional initiatives are objectionable, including numerous, detailed reporting requirements, given the overall importance of the authorizations and other requested authorities in the enrolled bill, we join the Department of Defense in recommending that you sign S. 675.

S. 675 passed the House by voice vote and the Senate by a vote of 83 to 15. The Conference Report subsequently cleared the House by a vote of 266 to 152 and 83 to 8 in the Senate.

A handwritten signature in black ink, appearing to read "Paul A. St. John", with a long horizontal flourish extending to the right.

Director

Enclosures

THE WHITE HOUSE

WASHINGTON

September 23, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Proposed District of Columbia Constitution

Courts Oulahan, a delegate to the D.C. Statehood Constitutional Convention who voted against the Constitution eventually approved by District voters, has written concerning a meeting of the Statehood Compact Commission scheduled for September 26, 1983. Pursuant to D.C. Code § 1-116, the Convention is empowered to establish this Commission, "which shall consist of members of the Statehood Commission as may be deemed necessary by the convention, as well as an equal number of members representing the federal government as may be authorized by the President or the Congress of the United States." The duties of the Commission include studying means of transferring authority from the federal government to the state of New Columbia, reporting to the Convention, and advising the public of the progress of the Convention "through a newspaper of general circulation." D.C. Code § 1-116(b). A press release issued by the Convention on September 7 announced that the Commission "begins its work" on September 26.

Presidential Personnel and the Executive Clerk confirm that the President has made no appointments to the Commission. I have not discovered any evidence of Congressional action. I have asked the Office of Legal Counsel about the legality of Presidential appointments pursuant to local law, but have not yet heard back from them. Although the powers of the Commission appear to be largely advisory, suggesting the President could appoint representatives on his own, I do not think it desirable for the President to become involved in D.C. Statehood issues in the absence of a Congressional request.

In his letter Mr. Oulahan urges the President not to appoint representatives to the Commission, stating that the convening of the Commission is simply an effort to put pressure on Congress, which is considering the D.C. Constitution at the moment. He also points out the glaring flaws in the D.C. Constitution, and urges a review of the threat those flaws pose for the federal government.

I suggest that we do nothing in this area, and if asked state that we are waiting for Congressional authorization or

guidance before appointing any federal representatives. I have prepared a bland reply to Oulahan. He is a protagonist in the statehood debate (albeit on the side of truth and justice), and we should not appear to be working behind the scenes with him.

Attachments

THE WHITE HOUSE

WASHINGTON

September 23, 1983

Dear Mr. Oulahan:

Thank you for your letter of September 8 concerning the District of Columbia Constitution and the Statehood Compact Commission. We appreciate having the benefit of your informed views on these subjects and will give them every appropriate consideration.

Sincerely,

Fred F. Fielding
Counsel to the President

Courts Oulahan, Esquire
1527 18th Street, N.W.
Washington, D.C. 20036

THE WHITE HOUSE

WASHINGTON

September 23, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Bernold M. Jacobsen

Bernold M. Jacobsen of Palm Coast, Florida, wrote his Congressman, William Chappell, asking Chappell to look into the trust fund which Jacobsen says has been held by every President since FDR for his benefit. According to Jacobsen, it was started with \$1,000,000 in 1937 from the "King Features Syndicated" estate, 90 percent in stock of 14 companies and 10 percent in bank accounts. Chappell asked B. Oglesby to help Jacobsen, and Oglesby referred the matter to us.

Rather than simply directing Treasury to issue Jacobsen a check, I decided to investigate further. One of the law clerks called Jacobsen, who was able to recite several details of the alleged trust fund, but stated he was not certain if there was any documentation. I recommend sending the attached letter asking for substantiation and further identification of the fund. Jacobsen probably is just off his rocker, but may also simply be confused and actually have some trust fund somewhere. We should at least give him a chance to send us proof.

Attachment

THE WHITE HOUSE
WASHINGTON

September 23, 1983

Dear Mr. Jacobsen:

Your letter to Congressman Chappell concerning your "trust fund" has been referred to this office.

We are unfamiliar with any such fund and have been unable to locate any records concerning it. If you will forward to us copies of any records you have substantiating your claims and supporting the existence of a trust fund of the sort you described, we will be happy to consider the matter further.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Bernold M. Jacobsen
56 Club House Drive
Post Office Box 741
Palm Coast, Florida 32037

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

JL

JR

O OUTGOING

H INTERNAL

I INCOMING

Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: Bernold M. Jacobsen

MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: writes Cong. Bill Chappell re: status of his, ie Jacobsen's, trust fund

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CU41011</u>	<u>DD</u>	<u>83108126</u>			<u>1 1</u>
<u>CUAT 18</u>	<u>DD</u>	<u>83108126</u>			<u>83109107</u>
					<u>DD</u>
					<u>1 1</u>
					<u>1 1</u>
					<u>1 1</u>
					<u>1 1</u>

ACTION CODES:

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet
- E - to be used as Enclosure

- 1 - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

Type of Response Code _____ Initials of Signer _____
 Completion Date _____ Date of Outgoing _____

Comments: _____

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOB).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

August 25, 1983

MEMORANDUM FOR FRED FIELDING

FROM: M. B. OGLESBY, *J.F.*

SUBJECT: Correspondence from Congressman
Bill Chappell (D-Florida)

Congressman Bill Chappell has forwarded the attached letter from Mr. Bernold Jacobsen who claims to have an inheritance in trust with President Reagan.

Could you please look into this matter for us.

Thank you.

Attachment

BILL CHAPPELL

4TH DISTRICT, FLORIDA

2468 RAYBURN OFFICE BUILDING

WASHINGTON, D.C. 20515

(202) 225-4035

COMMITTEE:

APPROPRIATIONS

SUBCOMMITTEES:

DEFENSE

ENERGY AND WATER

DEVELOPMENT

MILITARY CONSTRUCTION

Congress of the United States
House of Representatives
Washington, D.C. 20515

August 23, 1983

DISTRICT OFFICES:

575 NORTH HALIFAX AVENUE
DAYTONA BEACH, FLORIDA 32018
(904) 253-7632

3015 HARTLEY ROAD
SUITE 13
JACKSONVILLE, FLORIDA 32217
(904) 262-3570

25 AUG 1983

Mr. B. Oglesby
Deputy Assistant to the President for
Legislative Affairs
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D. C. 20500

Re: Bernold M. Jacobsen - Estate

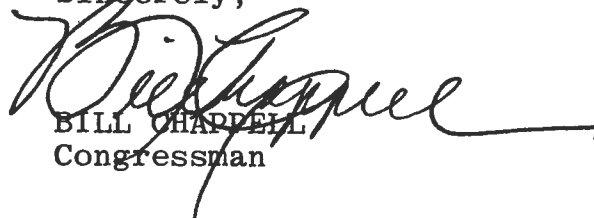
Dear Mr. Oglesby:

The attached letter from Bernold M. Jacobsen is forwarded
for your consideration.

Anything you can do to be of assistance to Mr. Jacobsen
will be deeply appreciated.

Thank you for your kind cooperation.

Sincerely,


BILL CHAPPELL
Congressman

BC:grs
enclosure

WASHINGTON

PLEASE RESPOND TO:
 DAYTONA BEACH

JACKSONVILLE

BERNOLD M. JACOBSEN
56 CLUB HOUSE DRIVE
P. O. BOX 741
PALM COAST, FLORIDA 32037

AUG 19 1983

Representative William Chappell Jr. 8/17/83
165877 CU
Dear Sir,

I am requesting you to represent me to Pres. Regan regarding my trust fund. The fund was inherited in 1937 from estate of Mr. King. "King Features Syndicated" in trust for Bernold M. Jacobsen (Sr.). I am retiring and would like to claim my inheritance which has been in trust for me, at my request, with Pres. Franklin Roosevelt and each succeeding President until I claim it. The fund was started with \$1,000,000.

I would like you to find out how I can claim it. How much it is worth? Do I have to personally go to Washington to claim it?

This fund has been started 90% in stock in 14 companies and 10% in bank. Over the years I have made many changes. I have sent mail to Pres. Regan in past which he hasn't answered. Please advise me if you need more information.

Sincerely,
Bernold M. Jacobsen Sr.

Phone 904-445-2219

THE WHITE HOUSE

WASHINGTON

September 23, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Enrolled Resolution H.J. Res. 218
National Sewing Week

Richard Darman has asked for comments by close of business today on the above-referenced enrolled resolution, which authorizes and requests the President to designate this month as "National Sewing Month." In light of the fact that we are already well into the month, we previously cleared the proclamation requested by this resolution. OMB recommends approval. I have reviewed the memorandum for the President from OMB Assistant Director for Legislative Reference, James M. Frey, and the resolution itself, and have no objection.

Attachment

THE WHITE HOUSE

WASHINGTON

September 23, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Resolution H.J. Res. 218
National Sewing Week

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

FFF:JGR:aea 9/22/83

cc: FFfielding
JGRoberts
Subj.
Chron

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

John

- O - OUTGOING
- H - INTERNAL
- I - INCOMING
Date Correspondence Received (YY/MM/DD) 1 1



Name of Correspondent: Richard G. Darman

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Enrolled - Resolution H. J. Res. 218 -
National Sewing Week

ROUTE TO: Office/Agency (Staff Name)	ACTION		DISPOSITION	
	Action Code	Tracking Date YY/MM/DD	Type of Response Code	Completion Date YY/MM/DD
<u>CWJ011</u>	ORIGINATOR	<u>83109121</u>		<u>1 1</u>
	Referral Note:			
<u>CVAT18</u>	<u>D</u>	<u>83109121</u>	<u>S</u>	<u>83109123</u>
	Referral Note:			
		<u>1 1</u>		<u>1 1</u>
	Referral Note:			
		<u>1 1</u>		<u>1 1</u>
	Referral Note:			
		<u>1 1</u>		<u>1 1</u>
	Referral Note:			

ACTION CODES:
 A - Appropriate Action I - Info Copy Only/No Action Necessary
 C - Comment/Recommendation R - Direct Reply w/Copy
 D - Draft Response S - For Signature
 F - Furnish Fact Sheet X - Interim Reply
 to be used as Enclosure

DISPOSITION CODES:
 A - Answered C - Completed
 B - Non-Special Referral S - Suspended

FOR OUTGOING CORRESPONDENCE:
 Type of Response = Initials of Signer
 Code = "A"
 Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOP).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

WHITE HOUSE STAFFING MEMORANDUM

DATE: 9/21/83 ACTION/CONCURRENCE/COMMENT DUE BY: 9/23/83

SUBJECT: ENROLLED RESOLUTION H.J. RES. 218 - NATIONAL SEWING MONTH

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	HERRINGTON	<input type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HICKEY	<input type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	JENKINS	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	McMANUS	<input type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input type="checkbox"/>	<input type="checkbox"/>
CLARK	<input type="checkbox"/>	<input type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/> P	<input checked="" type="checkbox"/> S	ROLLINS	<input type="checkbox"/>	<input type="checkbox"/>
DUBERSTEIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input type="checkbox"/>
FELDSTEIN	<input type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	VERSTANDIG	<input type="checkbox"/>	<input type="checkbox"/>
FULLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WHITTLESEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GERGEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>LIVINGSTON</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

REMARKS:

May we have your comments on the attached Bill by close of business September 23. Thank you.

RESPONSE:



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

received SS
1983 SEP 21 PM 5:05

September 21, 1983

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Resolution H.J. Res. 218 - National Sewing
Month
Sponsor - Rep. Boner (D) Tennessee and 106 others

Last Day for Action

Recommend early action, since the designated month is nearly over.

Purpose

Designates the month of September 1983 as "National Sewing Month".

Agency Recommendation

Office of Management and Budget

Approval

Discussion

H.J. Res. 218 designates September 1983 as "National Sewing Month", and requests that the President issue a proclamation calling upon the American people to observe the month with appropriate ceremonies and activities. The resolution was passed by voice vote in both Houses.

The preamble to the resolution states that the home sewing industry accounts for over \$3.5 billion in sales annually, and that numerous careers in fashion, retail merchandising, textile design and related fields were begun in the home and in elementary school home economics sewing classes. Approximately fifty million people sew at home and an estimated forty million people sew at least part of their wardrobe.

A proposed proclamation for your consideration has already been forwarded to the White House.

James M. Frey
Assistant Director for
Legislative Reference

Ninety-eighth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Monday, the third day of January,
one thousand nine hundred and eighty-three*

Joint Resolution

To designate the month of September of 1983 as "National Sewing Month".

Whereas the sewing industry annually honors the approximately fifty million people who sew at home and the approximately forty million people who sew at least part of their wardrobe;

Whereas the home sewing industry generates over \$3,500,000,000 annually for the economy of the United States; and

Whereas innumerable careers in fashion, retail merchandizing, design, patternmaking, and textiles have had their geneses in the home and in elementary school home economics classes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of September of 1983 is designated "National Sewing Month". The President is requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate ceremonies and activities.

Thomas S. Omie
Speaker of the House of Representatives.

Strom Thurmond

~~Vice President of the United States and~~
President of the Senate *pro Tempore*