

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 (11/01/1983-11/06/1983)
Box: 62

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

File Folder

CHRON FILE (11/01/1983 - 11/06/1983)

IGP 8/30/2005

FOIA

Box Number

F05-139/01

COOK

38IGP

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	ROBERTS TO FIELDING RE USE OF AIRLINE BONUS POINTS	1	11/2/1983	B6	618
<i>1a memo</i>		<i>Dupe of #1</i>	<i>1</i>	<i>11/2/1983</i>	<i>B6</i>	<i>618a</i>
2	MEMO	ROBERTS TO HAUSER RE SETTLEMENT OF CIVIL SUIT (PARTIAL)	1	11/4/1983	B6	620
<i>3 letter</i>		<i>Fielding to Gary Carbone re: allegation</i>	<i>2</i>	<i>11/2/1983</i>	<i>B6</i>	<i>621a</i>

COPY - Reagan Presidential Record

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

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

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

B-3 Release would violate a Federal statute [(b)(3) of the FOIA]

B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]

B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]

B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]

B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]

B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

E.O. 13233

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

THE WHITE HOUSE

WASHINGTON

November 1, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Request for Letter of Commendation
from the President

Louis R. Pondy, head of the Department of Business Administration at the University of Illinois, has written Kathy Osborne to ask if the President would write a letter of commendation in support of Charles Luckman. Luckman is being considered for an honorary degree, and University rules require the solicitation of letters of commendation for honorary degree candidates. According to Pondy, Luckman was a trustee and chairman of the California State University and College System when the President was Governor of California. A vitae provided by Pondy indicates that Luckman is an architect whose works include Madison Square Garden, the Prudential Center in Boston, the Hoover Institute, the Los Angeles Forum, and Oahu Stadium.

Osborne sent the matter to Mr. Deaver, who has asked for your guidance. You indicated that a negative reply would be appropriate, and such a draft is attached, as well as a memorandum to Deaver advising him of our disposition.

Attachment

THE WHITE HOUSE

WASHINGTON

November 1, 1983

MEMORANDUM FOR MICHAEL K. DEEVER
ASSISTANT TO THE PRESIDENT
DEPUTY CHIEF OF STAFF

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Request for Letter of Commendation
from the President

You referred to our office a letter from Louis R. Pondy, who requested a letter of commendation from the President on behalf of Charles Luckman. Attached is a copy of our reply, noting that the President generally declines such requests as a matter of policy.

Attachment

FFF:JGR:aea 11/1/83

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

November 1, 1983

Dear Mr. Pondy:

Thank you for your letter of October 24 to Kathy Osborne, requesting that the President write a letter of commendation in support of Charles Luckman, who is being considered for an honorary degree.

The White House has been compelled to adopt a policy of generally not responding to requests for Presidential letters of recommendation. This policy is based not only on the inability of the President to consider personally the vast number of such requests he receives, but also on concern that a letter from the President could, because of his office, distort the normal workings of whatever selection process is involved.

We adhere to this policy regardless of any views on the particular individual involved, so our inability to respond to your request should in no sense be considered an adverse reflection on Mr. Luckman.

I trust you will appreciate the reasons we cannot be more responsive to your request.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Louis R. Pondy
350 Commerce Building (West)
1206 South Sixth Street
Champaign, Illinois 61820

FFF:JGR:aea 11/1/83
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

November 1, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Statement of William F. Baxter
Regarding the Need for Joint R&D
Legislation

OMB has provided us with a copy of testimony Assistant Attorney General William F. Baxter proposes to deliver on November 3 before the Joint Economic Committee concerning joint R&D legislation. Baxter has already testified before the Judiciary Committees of both Houses of Congress on the Administration's proposal in this area, the National Productivity and Innovation Act. This testimony supplements his previous statements on the subject. Baxter's testimony begins by noting how uncertain legal precedents and the existence of treble damages inhibit joint R&D ventures. Since such ventures will become economically more important in the years ahead, Congress should pass those provisions of the National Productivity and Innovation Act which explicitly sanction pro-competitive joint R&D ventures, and eliminate treble damages for antitrust violations based on such ventures.

Baxter's proposed testimony goes on to support the remaining portions of the National Productivity and Innovation Act, which strengthen the licensing and other rights of intellectual property owners and limit the doctrine of misuse as applied to those owners. Here Baxter is more direct in criticizing existing judicial interpretations, arguing that those interpretations are incorrect in viewing intellectual property, such as a patent, as inevitably in conflict with the goals of the antitrust laws.

Baxter's testimony concludes by objecting to pending alternative proposals in Congress, which would specify the structure of permitted joint R&D ventures and provide some oversight by the Government. As Baxter puts it, private enterprise responding to market forces, not Government bureaucrats, will ensure the most productive technological advances. I have reviewed the proposed testimony, and have no objection to it.

Attachment

THE WHITE HOUSE

WASHINGTON

November 1, 1983

MEMORANDUM FOR WILLIAM A. MAXWELL
LEGISLATIVE ANALYST
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Statement of William F. Baxter
Regarding the Need for Joint R&D
Legislation

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

FFF:JGR:aea 11/1/83

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

November 1, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Civil Aeronautics Board Decision in
Minerve, Compagnie Francaise de Transports
Aeriens, S.A.

Richard Darman's office has asked for comments by close of business Friday, November 4 on the above-referenced CAB decision, which was submitted for Presidential review as required by § 801(a) of the Federal Aviation Act of 1958, as amended, 49 U.S.C. § 1461(a). Under this section, the President may disapprove, solely on the basis of foreign relations or national defense considerations, CAB actions involving either foreign air carriers or domestic carriers involved in foreign air transportation. If the President wishes to disapprove such CAB actions, he must do so within sixty days of submission (in this case, by November 7).

The order here has been reviewed by the appropriate departments and agencies, following the procedures established by Executive Order No. 11920 (1976). OMB recommends that the President not disapprove, and reports that the NSC and the Departments of State, Defense, Justice and Transportation have not identified any foreign relations or national defense reasons for disapproval. Since this order involves a foreign carrier, the proposed letter from the President to the CAB Chairman prepared by OMB omits the standard sentence designed to preserve availability of judicial review.

This order authorizes Minerve to engage in charger service between the United States and France, including Corsica.

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

Attachment

THE WHITE HOUSE

WASHINGTON

November 1, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Civil Aeronautics Board Decision in
Minerve, Compagnie Francaise de Transports
Aeriens, S.A.

Our office has reviewed the above-referenced CAB decision and related materials and has no legal objection to the procedure that was followed with respect to Presidential review of such decisions under 49 U.S.C. § 1461(a).

We also have no legal objection to OMB's recommendation that the President not disapprove this order or to the substance of the letter from the President to the CAB Chairman prepared by OMB.

FFF:JGR:aea 11/1/83

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

November 1, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Presidential Toast: Emperor's Banquet
(Imperial Palace) (Tokyo, Japan)
Thursday, November 10, 1983
(10/31/83, 6:00 p.m. draft)

Richard Darman has asked that we send comments on the above-referenced remarks directly to Ben Elliott as soon as possible. The remarks, to be delivered at a banquet hosted by the Emperor of Japan, review the ties of friendship between Japan and the United States. The proposed toast includes, as is appropriate for the occasion, specific mention of the Emperor and the manner in which he symbolizes Japan's history and traditions. I have reviewed the proposed remarks, and find no objection to them.

Attachment

THE WHITE HOUSE

WASHINGTON

November 1, 1983

MEMORANDUM FOR BEN ELLIOTT
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR, PRESIDENTIAL SPEECHWRITING OFFICE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Toast: Emperor's Banquet
(Imperial Palace) (Tokyo, Japan)
Thursday, November 10, 1983
(10/31/83, 6:00 p.m. draft)

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

cc: Richard G. Darman

FFF:JGR:aea 11/1/83

bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

November 1, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Presidential Remarks: Signing Ceremony
for Martin Luther King Holiday Legislation
Wednesday, November 2, 1983
(10/31/83; 6:30 p.m. draft)

Richard Darman has asked that we send comments on the above-referenced remarks directly to Ben Elliott by noon today. The remarks review the progress of civil rights in America from the segregationist era to the present, and the contributions of Dr. King to that progress. The remarks make specific reference to the Civil Rights Act of 1964 and the Voting Rights Act of 1965, and note that the President recently signed into law the longest extension of the latter act.

On page 2, lines 24-26, the remarks state "The Civil Rights Act of 1964 had prohibited racial discrimination of all kinds." This is of course inaccurate; that act prohibited specific types of discrimination (e.g., public accommodation, federally-assisted programs), always with the requirement of state action. I recommend simply deleting "of all kinds."

The phrasing of the sentence noting that the President signed the longest extension of the Voting Rights Act, bottom of page 2 to the top of page 3, strikes me as too self-congratulatory in tone. I suggest ending the sentence with "vote" on the last line of page 2, deleting the remaining clause, and substituting the following new sentence: "Our commitment to the right to vote was recently reaffirmed when Congress passed and I signed into law the longest extension of the Voting Rights Act since its passage."

Attachment

THE WHITE HOUSE

WASHINGTON

November 1, 1983

MEMORANDUM FOR BEN ELLIOTT
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR, PRESIDENTIAL SPEECHWRITING OFFICE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Remarks: Signing Ceremony
for Martin Luther King Holiday Legislation
Wednesday, November 2, 1983
(10/31/83; 6:30 p.m. draft)

Counsel's Office has reviewed the above-referenced proposed remarks. On page 2, lines 25-26, we recommend deleting "of all kinds." The Civil Rights Act of 1964 prohibited certain types of racial discrimination under certain circumstances; it did not prohibit racial discrimination "of all kinds."

The clause in the next sentence noting the signing of the recent extension of the Voting Rights Act strikes us as too self-congratulatory in tone. We suggest the following be substituted for this sentence: "The Voting Rights Act of 1965 had made certain that from then on black Americans would get to vote. Our commitment to the right to vote was recently reaffirmed when Congress passed and I signed into law the longest extension of the Voting Rights Act since its passage."

cc: Richard G. Darman

FFF:JGR:aea 11/1/83

bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

November 2, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Department of Justice Proposed Report
on H.R. 3084, a Bill to Provide for
the Selection of the Court of Appeals
to Decide Multiple Appeals Filed With
Respect to the Same Agency Order

OMB has asked for our views by noon today on the above-referenced report. In the report the Department of Justice supports enactment of H.R. 3084, which would amend 28 U.S.C. § 2112(a) to replace the "first filing" rule for selecting the court of appeals to review agency action in the case of multiple filings with a random selection process.

The "first filing" rule of 28 U.S.C. § 2112(a) has as you doubtless know led to the unedifying spectacle of races to the courthouse as litigants seek to obtain review in the forum most amenable to their position. With technological sophistication these races have been decided by fractions of seconds; there are even cases of exact ties. The latest development, a boon to the photocopier industry, is continuous filing of copies of petitions around the time an order is to be issued, which ensures one of the copies will be filed precisely as the order is issued.

H.R. 3084 would provide that when appeals are filed in more than one court within ten days after issuance of an agency order, the reviewing court will be determined through a random selection process administered by the Administrative Office of U.S. Courts. This will not stop multiple filings. Indeed, it may encourage more. Under current law, if a litigant wishes to avoid review in the D.C. Circuit, he races to file in another court. Under H.R. 3084, he (or co-parties) will file in as many other circuits as possible, to increase the odds under random selection of avoiding the D.C. Circuit. Justice considers this consequence less troubling than races to the courthouse, which subject the judicial system to ridicule, and I agree. The Justice report notes that the Judicial Conference would prefer that the Panel on Multidistrict Litigation administer the random selection process, and suggests that deferring to the

Conference's expertise would be appropriate. The report concludes with a technical suggestion concerning treatment of stays issued by various courts pending determination of the reviewing forum.

I agree that races to the courthouse have gotten out of hand and represent a ridiculous waste of resources. They are so sophisticated now there is often extended litigation over who won. H.R. 3084 will end the races, and the new problems it will create - such as encouraging more multiple filings - are more tolerable. I have no objection.

Attachment

THE WHITE HOUSE
WASHINGTON

November 2, 1983

MEMORANDUM FOR JAMES C. MURR
CHIEF, ECONOMICS-SCIENCE-GENERAL GOVERNMENT
BRANCH, OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Department of Justice Proposed Report
on H.R. 3084, a Bill to Provide for
the Selection of the Court of Appeals
to Decide Multiple Appeals Filed With
Respect to the Same Agency Order

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

FFF:JGR:aea 11/2/83
cc: FFFielding/JGRoberts/Subj/Chron

WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name

ROBERTS, JOHN: FILES

Withdrawer

IGP 8/5/2005

File Folder

CHRON FILE (11/01/1983 - 11/06/1983)

FOIA

F05-139/01

COOK

Box Number

38IGP

DOC Document Type

No of Doc Date Restriction

NO Document Description

1 MEMO

2 11/2/1983 B6

618

ROBERTS TO FIELDING RE USE OF AIRLINE
BONUS POINTS

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

November 2, 1983

Dear Ms. Razgaitis:

Thank you for your letter of October 26, and for the information you provided at our meeting on October 14 concerning denaturalization procedures and the Office of Special Investigations.

It is my understanding that a meeting will be arranged to provide an opportunity for you and other representatives of Americans for Due Process to present your concerns in this area directly to Stephen S. Trott, Assistant Attorney General for the Criminal Division. The activities of the Office of Special Investigations fall within Assistant Attorney General Trott's area of responsibility in the Department of Justice.

I enjoyed meeting with you and appreciate the care with which you addressed the problems you see in this area. I hope the meeting with Assistant Attorney General Trott will be responsive to your concerns.

Sincerely,



John G. Roberts
Associate Counsel to
the President

Ms. Rasa Razgaitis
Coordinator, Americans for
Due Process
Post Office Box 85
Woodhaven, New York 11421



WOODHAVEN, NEW YORK 11421

P.O. BOX 85

October 26, 1983

John G. Roberts, Jr., Esq.
Office of the General Counsel
Associate Counsel to the President
The White House
Washington, D. C.

Dear Mr. Roberts:

I would like to extend our thanks to you for your attendance at the October 14th meeting with which was called together by Mr. Linas Kojelis of the Office of Public Liaison in order to discuss proposed reform of denaturalization procedures.

Your participation and the good will shown during that session are greatly appreciated. I trust that a review of the materials which were presented did serve to aptly illustrate some of the procedural problems in cases brought by the Office of Special Investigations.

We are looking forward to meeting with you in the future, to further delve into the points raised. In the meantime, should you require any further information, please let us know.

Respectfully yours,

Rasa Razgaitis
Rasa Razgaitis
Coordinator

RR/sa

NOV 1 1983

THE WHITE HOUSE

WASHINGTON

November 3, 1983

MEMORANDUM FOR MICHAEL K. DEEVER
ASSISTANT TO THE PRESIDENT
DEPUTY CHIEF OF STAFF

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Request for Letter of Commendation
from the President

You referred to our office a letter from Louis R. Pondy, who requested a letter of commendation from the President on behalf of Charles Luckman. Attached is a copy of our proposed reply, noting that the President generally declines such requests as a matter of policy.

Attachment

FFF:JGR:aea 11/ /83

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

November 3, 1983

Dear Mr. Pondy:

Thank you for your letter of October 24 to Kathy Osborne, requesting that the President write a letter of commendation in support of Charles Luckman, who is being considered for an honorary degree.

The White House has been compelled to adopt a policy of generally not responding to requests for Presidential letters of recommendation. This policy is based not only on the inability of the President to consider personally the vast number of such requests he receives, but also on concern that a letter from the President could, because of his office, distort the normal workings of whatever selection process is involved.

We adhere to this policy regardless of any views on the particular individual involved, so our inability to respond to your request should in no sense be considered an adverse reflection on Mr. Luckman.

I trust you will appreciate the reasons we cannot be more responsive to your request.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Louis R. Pondy
350 Commerce Building (West)
1206 South Sixth Street
Champaign, Illinois 61820

FFF:JGR:aea 11/ /83
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

November 3, 1983

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS 

SUBJECT: D.C. Chadha Bill

For your information. Since Horner and Horowitz have signed off on the Justice position, I see no reason not to advance that position at the meeting tomorrow morning. Mike Dolan will be talking with Eileen Mayer to determine who will attend for the Administration - hopefully diGenova and/or John Logan. I've told Dolan of my concern that diGenova's response to the perceived bond crisis may be inadequate, and that we should not further delay getting our position out on the merits.

Attachment

THE WHITE HOUSE

WASHINGTON

November 3, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Requests Citizenship for her Husband
Dr. David C. Webb

Liliane Webb has written the President to ask for help in obtaining citizenship for her husband, Dr. David C. Webb. Dr. Webb, a Canadian citizen, was admitted as a resident in 1978 and, under 8 U.S.C. § 1430(a), has been eligible for naturalization since 1981. Dr. Webb promptly applied for his papers in the District of Columbia INS office, and has been waiting two years for his first interview.

He was chairman of the nongovernmental associations at the U.N. Conference on Outer Space in 1982, and wrote Kellog Whittick, District INS Director, to see if he could be processed to attend as a U.S. citizen. Whittick reportedly told Mrs. Webb: "if the White House tells us it's important to the country that your husband become a citizen, it'll be done." Mrs. Webb suggests her husband could make a valuable contribution to our space program, and would be ideally suited for a particular opening at the Smithsonian. Letters of commendation support this view. His lack of citizenship, however, prevents him from being considered. Mrs. Webb asks for a letter telling Whittick that prompt processing of Dr. Webb's papers is in the national interest.

The INS D.C. office is notorious for its horrendous backlog, but two years before the first interview in an easy case seems outrageous. I am not aware of any specific formal authority for the action requested by Mrs. Webb, and of course we are in no position to determine if such action would be appropriate in this case. The attached proposed memorandum to the INS General Counsel asks for information about this case and also whether a procedure exists for action of the sort requested by Mrs. Webb. My experience in dealing with INS suggests the need for a firm deadline, which appears in the draft.

Attachment

THE WHITE HOUSE

WASHINGTON

November 3, 1983

MEMORANDUM FOR MAURICE C. INMAN, JR.
GENERAL COUNSEL
IMMIGRATION AND NATURALIZATION SERVICE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Application for Citizenship No. 086300
(D.C. Office) -- Dr. David C. Webb

The attached letter to the President concerns an application for naturalization filed with the District of Columbia INS office by Dr. David C. Webb. In the letter Mrs. Webb notes the delay in processing her husband's application and requests a statement from the White House to the effect that citizenship for her husband would be in the national interest. Please provide us such information as may be appropriate concerning the processing of Dr. Webb's application, and also advice concerning any procedure for action of the sort requested by Mrs. Webb. We would appreciate a reply within one week.

Attachment

FFF:JGR:aea 11/3/83

cc: FFFielding

JGRoberts

Subj

Chron

THE WHITE HOUSE

WASHINGTON

November 4, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Intercircuit Tribunal Proposal

Jonathan Rose has sent you a copy of draft testimony he proposes to give on November 10 before Representative Kastenmeier's Subcommittee on Courts, Civil Liberties and the Administration of Justice. The testimony has been submitted to OMB for clearance, and Rose indicates that he is providing you with a copy to expedite the review process. We have also received a copy of the testimony from OMB's Jim Murr, who has asked for our views by close of business Tuesday, November 8.

The 45-page testimony is divided into four parts, and only Part IV, concerning the Intercircuit Tribunal proposal, is controversial. Part I provides factual information on the Supreme Court's workload. Part II reiterates our arguments in favor of judicial restraint, and notes the effect broader adoption of this judicial philosophy would have in reducing the existing burden on the federal courts. Part III reaffirms Administration support for pending legislative proposals that would alleviate the burden on the federal courts, including repeal of Supreme Court mandatory jurisdiction, abolition of diversity jurisdiction, habeas corpus reform, use of administrative alternatives to litigation, and other miscellaneous reforms.

The discussion of the Intercircuit Tribunal proposal begins on page 30. The discussion is essentially identical to that in the proposed Justice Department report on S. 645, which was blocked in August and precipitated the meeting we had with Mr. Meese on this subject. In his cover memorandum to you, Rose states that the Attorney General believes that support for the Intercircuit Tribunal along the lines of the proposed testimony "is consistent with the decision of the President at the Cabinet meeting last spring." Betraying something less than complete confidence in this view, however, Rose has included, at Tab 3 of this package, alternative language should the Administration decide to continue to oppose the Intercircuit Tribunal proposal.

If the Administration is going to oppose the Intercircuit Tribunal, the alternative language proposed by Rose at Tab 3

would adequately do so. If, on the other hand, we are to support the Intercircuit Tribunal, the proposed testimony at pages 30-45 does so in the least objectionable manner. You will recall that our meeting with Mr. Meese was somewhat inconclusive, but the impression I was left with was that we would support the proposal only if it was going to be enacted in any event.

My view is that the proposal is not an unstoppable juggernaut. The letter from Representative Kastenmeier requesting the testimony supports this view. He writes that "a strong consensus has not yet appeared" concerning the Intercircuit Tribunal. He also disclosed a plan to canvass the Justices on the proposal, and I suspect the results will show opposition from three and maybe four Justices -- hardly a formidable endorsement.

You are familiar with the arguments on both sides of this issue; all that remains is for the Administration to decide. It is worth noting, however, that Kastenmeier explicitly stated in his letter that "...the Department need not take a position on any of the legislative proposals pending before the subcommittee." The inclusion in Rose's package of alternative language opposing the Intercircuit Tribunal strongly suggests to me that the Justice Department is ready to throw in the towel. I recommend that we adhere to our opposition to the Intercircuit Tribunal, and support the alternative language found at Tab 3 of the Rose package. In light of our previous meeting you will probably want to consult with Mr. Meese on this question. I await your guidance on what sort of memorandum to prepare for Murr.

THE WHITE HOUSE
WASHINGTON

November 4, 1983

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS *JGR*
SUBJECT: Settlement of Civil Suit
Involving [REDACTED] *b6*

You requested that I obtain more information on this matter from [REDACTED] attorneys. [REDACTED]

[REDACTED]

b6

Kuruczka considered the suit a run-of-the-mill commercial dispute and saw nothing in it or the settlement that could be used against [REDACTED]. *b6*

THE WHITE HOUSE

WASHINGTON

November 4, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Letter to James Baker Regarding U.S.
Land Frauds -- European/African Victims

G. Donald Murray III, President of Sivac, has written Mr. Baker concerning a land fraud scheme they discussed at Mandalay. The letter is somewhat rambling and confusing, but basically outlines a scheme to defraud European and African investors who thought they were investing in American land. According to Murray the plot thickened because the defrauded investors did not report the export of capital and were blackmailed. The funds were invested not in American real estate but, through kickbacks to European officials, in high-return European investments. Names like Vesco, Kornfeld, and even Sophia Loren are bandied about, with the "bad money" allegedly leading from Dutch Royalty to the Vatican.

I do not know if the Justice Department can make any sense out of Murray's letter, but they should be given the chance. I have drafted a referral memorandum to Schmults and an acknowledgment letter to Murray. Murray styled his letter "confidential" but he obviously did not use the label in the technical sense nor do I think it should in any way affect our disposition.

Attachment

THE WHITE HOUSE

WASHINGTON

November 4, 1983

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Letter to James Baker Regarding U.S.
Land Frauds -- European/African Victims

The attached letter addressed to James A. Baker III, along with a copy of my reply, is forwarded for whatever action you consider appropriate.

Attachment

FFF:JGR:aea 11/4/83

bcc: FFFielding

JGRoberts

Subj

Chron

THE WHITE HOUSE

WASHINGTON

November 4, 1983

Dear Mr. Murray:

This is written in response to your letter of October 14 to James A. Baker III, concerning an alleged land fraud scheme.

We have referred your letter to the Department of Justice for review and whatever action that department considers appropriate. Thank you for sharing your concerns on this matter with us.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. G. Donald Murray III
President
Sivac
Post Office Box 126
Napa, California 94558

FFF:JGR:aea 11/4/83
bcc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

November 4, 1983

MEMORANDUM FOR JAMES A. BAKER III
ASSISTANT TO THE PRESIDENT
CHIEF OF STAFF

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Letter from G. Donald Murray Regarding
U.S. Land Frauds -- European/African Victims

Attached for your information is a copy of my response to the letter you received from G. Donald Murray, President of Sivac, concerning a scheme to defraud European and African investors.

Attachment

FFF:JGR:aea 11/4/83

cc: FFfielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

November 4, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Presidential Remarks: Reception
for St. George Students -- Monday,
November 7, 1983

Richard Darman has asked that we send comments on the above-referenced remarks directly to Ben Elliott by noon today. The remarks express appreciation -- both the President's and the students' -- for the servicemen who rescued the students. This draft of the remarks is to be expanded with examples of military heroism in Grenada.

In the last paragraph on page 2 the remarks note that the students have expressed their respect and appreciation for the servicemen in their public statements. The last sentence of the paragraph urges the students to honor those who died by continuing to speak out. Such an explicit admonition, in my view, cheapens what the students have said thus far and certainly will diminish the impact of any future statements. Such direct prompting from the President will make any subsequent student statements seem contrived, and the President will be portrayed by the cynical media as crassly trying to use the students to defend his actions. The students have willingly and sincerely done so already without prompting. I recommend deleting the last sentence.

In the second sentence on page 3, the President states: "Well we didn't invade Grenada, we rescued Grenada." I do not agree with the effort to avoid use of the term "invade." Of course we invaded Grenada, as we invaded France on D-Day. There is no reason to pretend we did not, and doing so sets up an easy target for media sniping (as was done on all three networks last evening). I recommend deleting the second and third sentences on page 3 and substituting: "Well we rescued Grenada; the Soviets enslaved Afghanistan" or something similar.

Attachment

THE WHITE HOUSE

WASHINGTON

November 4, 1983

MEMORANDUM FOR BEN ELLIOTT
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR, PRESIDENTIAL SPEECHWRITING OFFICE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Remarks: Reception
for St. George Students -- Monday,
November 7, 1983

Counsel's Office has reviewed the above-referenced draft remarks, and finds no objection to them from a legal perspective. We do, however, recommend deleting the last sentence on page 2. The students have, thus far, spontaneously and sincerely praised the actions of the servicemen and the President. Anything that could be perceived as "prompting" of the students by the President would certainly diminish the impact of any subsequent statements the students might make, and the cynical media can be expected to focus on any such prompting.

We are also uncomfortable with the assertion in the second sentence on page 3. We did invade Grenada, just as we invaded France on D-Day. Asserting that we did not erects an easy target for media sniping and detracts from the true distinctions between our actions in Grenada and those of the Soviets in Afghanistan. We recommend deleting the second and third sentences on page 3 and substituting "Well we rescued Grenada; the Soviets enslaved Afghanistan" or something similar.

cc: Richard G. Darman

FFF:JGR:aea 11/4/83

bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

November 3, 1983

MEMORANDUM FOR MAURICE C. INMAN, JR.
GENERAL COUNSEL
IMMIGRATION AND NATURALIZATION SERVICE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Application for Citizenship No. 086300
(D.C. Office) -- Dr. David C. Webb

The attached letter to the President concerns an application for naturalization filed with the District of Columbia INS office by Dr. David C. Webb. In the letter Mrs. Webb notes the delay in processing her husband's application and requests a statement from the White House to the effect that citizenship for her husband would be in the national interest. Please provide us such information as may be appropriate concerning the processing of Dr. Webb's application, and also advice concerning any procedure for action of the sort requested by Mrs. Webb. We would appreciate a reply within one week.

*Please understand, however, that we are ~~not~~ acting for this request only for the purposes of facilitating a response to this citizen's request; ~~and~~ we do not desire any action except for the requested request ~~and~~ - hence my request thanks you
Yours*

Thank you

THE WHITE HOUSE

WASHINGTON

November 3, 1983

MEMORANDUM FOR MAURICE C. INMAN, JR.
GENERAL COUNSEL
IMMIGRATION AND NATURALIZATION SERVICE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Application for Citizenship No. 086300
(D.C. Office) -- Dr. David C. Webb

The attached letter to the President concerns an application for naturalization filed with the District of Columbia INS office by Dr. David C. Webb. In the letter Mrs. Webb notes the delay in processing her husband's application and requests a statement from the White House to the effect that citizenship for her husband would be in the national interest. Please provide us such information as may be appropriate concerning the processing of Dr. Webb's application, and also advice concerning any procedure for action of the sort requested by Mrs. Webb. We would appreciate a reply within one week.

Please understand, however, that we are asking for this information only for the purposes of facilitating a response to this citizen inquiry; we do not desire any action except for the requested information -- hence my request through your office.

Thank you.

FFF:JGR:aea 11/3/83
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

November 4, 1983

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Special Prosecutor on
Covert Aid Issue

This is the matter I mentioned at breakfast. Since the President will be a subject of the ordered investigation, I think we should get information from Justice as soon as possible.

Attachment

U.S. Is Ordered To Probe Charge Against Reagan

President, Others Allegedly
Violated Neutrality Act
By Action Over Nicaragua

By a WALL STREET JOURNAL Staff Reporter

SAN FRANCISCO—A federal judge ordered U.S. Attorney General William French Smith to investigate whether U.S. government support of paramilitary operations against Nicaragua violates the Neutrality Act.

The decision came as the Republican-controlled Senate voted to continue covert aid for the guerrillas, who are trying to overthrow the Nicaraguan government. Sources said the bill contains about \$19 million in aid. The amount is officially secret. The House has twice voted to halt the aid.

Federal Judge Stanley A. Weigel issued the memorandum of judgment here Thursday, but emphasized that he wasn't passing judgment as to whether any federal official had violated the act, only ordering that the attorney general should investigate the charge.

The Neutrality Act makes it a crime to organize, or launch, a paramilitary expedition against a country with which the U.S. isn't at war.

The case was brought by U.S. Rep. Ronald V. Dellums, who requested that Attorney General Smith begin such an inquiry last January, Mr. Smith declined.

The case also involves the Ethics in Government Act, which requires the attorney general to investigate specific information that federal officers have breached federal criminal statutes. Under that same law, the Carter administration investigated allegations that Carter aide Hamilton Jordan had used cocaine.

In several prior cases, courts have sidestepped challenges to the legality of U.S. actions in Latin America—principally because it is impossible for courts to discover exactly what actions are taken in countries such as Nicaragua. In addition, courts have felt that any limits upon the president's power to conduct foreign policy are best decided through political channels.

"This case is different," Judge Weigel wrote. "Plaintiffs don't ask the court to declare illegal any action by the president . . . they ask only that the attorney general be required to make an investigation. . . ."

Under the order, Attorney General Smith has 90 days to make his investigation, or to appoint an independent counsel.

In ordering the investigation, Judge Weigel rejected the attorney general's argument that the case concerned political questions inappropriate for court review, and that such an order would infringe upon the attorney general's discretion as a prosecutor.

The investigation will consider a charge by Rep. Dellums and two co-plaintiffs that President Reagan, then-Secretary of State Alexander Haig Jr., Secretary of Defense Caspar Weinberger and other federal officials breached the Neutrality Act in approving in November 1981 a plan by the Central Intelligence Agency to support a covert war against Nicaragua's leftist government.

Judge Orders U.S. Inquiry on Nicaragua Plans

By KATHERINE BISHOP

Special to The New York Times

SAN FRANCISCO, Nov. 3 — A Federal district judge here has ordered Attorney General William French Smith to conduct a preliminary investigation of charges that President Reagan and other Government officials violated the Neutrality Act by supporting the activities of paramilitary groups seeking to overthrow the Nicaraguan Government.

The ruling today came in a lawsuit filed July 8 by Representative Ronald V. Dellums, a Democrat who represents Berkeley, and two private citizens, under the Federal Ethics in Gov-

ernment Act. The 1978 ethics law, passed in the aftermath of the Watergate scandals, requires the Attorney General to conduct a preliminary investigation upon receiving specific and credible information that a Federal official has violated the law.

In their suit, the plaintiffs argued that they sent a letter to Attorney General Smith Jan. 27 detailing violations of the 1794 Neutrality Act. The rarely used act makes it a criminal offense to furnish money or prepare for a military enterprise against a country at peace with the United States. It provides for a maximum penalty of a \$3,000 fine and three years in jail.

In their letter, the plaintiffs charged President Reagan and members of his Administration, including William J. Casey, Director of Central Intelligence; Assistant Secretary of State Thomas O. Enders, Secretary of Defense Caspar W. Weinberger and others, with approving a covert Central Intelligence Agency plan to finance and participate with Nicaraguan exiles in attacking and attempting to overthrow the Nicaraguan Government.

It Charges Camps in 6 States

The letter charges that the plan involved paramilitary training of invasion forces on United States soil at

camp in six states, including California and Florida and using Honduras as a base for those forces. Previous rulings by lower Federal courts have held that the Neutrality Act applies to preparations in the United States to launch military raids from a second country into a third country.

On March 12, Assistant Attorney General D. Lowell Jensen responded to the letter by denying the request for an investigation, saying that the information provided did not constitute grounds for an investigation. Both Mr. Jensen and Attorney General Smith are named as defendants in the suit.

In his ruling today, Judge Stanley A. Weigel strongly disagreed, calling Mr. Jensen's assertion "unreasonable and wholly unsupported by the record."

"The information plaintiffs provided

the Attorney General was much more than mere 'generalized allegations of wrongdoing' without factual support," Judge Weigel said.

'Well Served' in Covert Cases

Emphasizing that he was making no ruling whether any Federal official had violated any Federal law, Judge Weigel noted that one of the underlying purposes of the Ethics in Government Act was to assure that Congress and the public had access to the facts whenever a violation of law by a high Federal official was charged. "This underlying purpose would appear to be particularly well served in cases such as this involving claims of unlawful covert action," the judge said.

A spokesman for Representative Dellums called the decision "a milestone."

Ellen Yaroshefsky, a lawyer with the Center for Constitutional Rights in New York, which conducted the suit along with the National Lawyers Guild in San Francisco, said: "This historic opinion affirms that the President cannot stand above the law. We have a peace treaty with Nicaragua and the President cannot overtly or covertly attempt to overthrow the Government. This ruling is especially important in light of the recent invasion of Grenada."

John K. Russell, a spokesman for the Department of Justice in Washington, said the department would have no comment until officials had an opportunity to review the decision.

Smith ordered to probe CIA's covert activities

San Francisco (AP) — A federal judge ordered Attorney General William French Smith yesterday to investigate the CIA's covert activities in war-torn Nicaragua to determine whether the agency has violated the Neutrality Act.

U.S. District Judge Stanley A. Wiegel gave Mr. Smith 90 days to determine the legality of "paramilitary expeditions" in Nicaragua or appoint a special prosecutor for the investigation.

His ruling in a lawsuit filed by Representative Ronald V. Dellums (D, Calif.) and two women came as the Senate approved continued CIA support for rebels battling the leftist Sandinista government in Nicaragua. The voice vote set the stage for a House-Senate conference committee battle over whether the United States should back the estimated 15,000 guerrillas supported by the Reagan administration.

The lawsuit sought an order forcing Mr. Smith to study whether the consent of the president and administration officials to paramilitary operations violated the Neutrality Act. That law makes it a crime to organize or launch a paramilitary expedition against a country with which the United States is not at war.

The judge stressed that his decision made no judgment on "whether or not any federal official has violated any federal law," but he added that "it is the duty of the attorney general to investigate" that possibility.

The Justice Department planned no comment on the ruling until officials in Washington read its text, according to a spokesman.

Mr. Dellums said in the suit, filed July 8, that Mr. Smith's refusal to launch an inquiry deprived him of his right as a congressman to vote on whether the United States should make war on Nicaragua.

In an interview, Mr. Dellums called it a "major, major victory" in the federal courts.

"We think that if they go forward with an objective, detached investigation, they will arrive at the same conclusion we have: that to finance people whose expressed effort is to overthrow the Nicaraguan government is clearly in violation of the law. And for the president to engage in that policy means . . . that the president is engaging in lawless activity," he said.

Mr. Dellums made his comments as he was preparing for a visit to Grenada with the task force investigating the U.S. invasion there.

Joining Mr. Dellums as plaintiffs in the suit were Eleanor Ginsburg and Myrna Cunningham. Ms. Ginsburg claimed that training Nicaraguan exiles near her home in Dade county, Fla., was a nuisance.

Judge Orders Smith to Study Legality of CIA Covert Action

SAN FRANCISCO, Nov. 3 (AP)—A federal judge today ordered U.S. Attorney General William French Smith to investigate the CIA's covert activities in war-torn Nicaragua to determine whether the agency had violated the Neutrality Act.

U.S. District Court Judge Stanley A. Wiegel gave Smith 90 days to determine the legality of "paramilitary expeditions" in that Central American country or else appoint a special prosecutor for the investigation.

His ruling came in a lawsuit filed by Rep. Ronald V. Dellums (D-Calif.).

The lawsuit sought an order forcing Smith to study whether the consent of the president and administration officials to paramilitary operations violated the Neutrality Act. That law makes it a crime to organize or launch a paramilitary expedition against a country with which the United States is not at war.

The Justice Department planned to issue no comment on the ruling until officials in Washington read its text, according to spokesman John Russell.

The lawsuit cited the Ethics in Government Act as a basis for its request, and Wiegel said his decision was based on the law's directives as well.

THE WHITE HOUSE

WASHINGTON

November 4, 1983

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Partnerships in Education

Jim Coyne has responded to your October 13 memorandum, which recommended changes in the proposed memorandum for department and agency heads from the President concerning Partnerships in Education. You will recall that we recommended making explicit in the memorandum that any participation by federal employees in this program would be entirely voluntary. Coyne has added language responsive to our concerns, and I have no objection. We should, however, reiterate our caution concerning use of appropriated funds, and I have done so in the attached draft memorandum.

Attachment