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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name

File Folder CHRON FILE (01/26/1984 - 01/31/1984)

Box Number

Withdrawer

IGP 8/30/2005

FOIA

F05-139/01

COOK

43IGP

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	ROBERTS TO FIELDING RE TAX PROTEST	1	1/27/1984	B6	668
2	MEMO	ROBERTS TO HAUSER RE AMBASSADOR TO GUATEMALA (PARTIAL)	1	1/27/1984	B6	670

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

January 26, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

National Knife Magazine Fundraising Drive
for Marine Beirut Relief Fund

The President has received a telegram from James V. Allday, editor and publisher of National Knife Magazine, the official monthly journal of the non-profit National Knife Collectors Association. The telegram advised that the magazine has begun a nationwide drive to raise funds for the families of the Marines who died in the Beirut bombing. Allday asks the President to endorse and support the drive, and to lend his name as a co-sponsor.

Commandant Kelley's military secretary, Colonel Joseph Alexander, advised me that Allday plans to have a well-respected knife maker create a commemorative knife, to be auctioned on June 2, probably for \$15,000-\$30,000. Copies at different quality levels would then be made and sold. All proceeds over actual cost would be donated to the Marine Beirut Relief Fund. This private fund has been established at Camp Le Jeune with the blessings of the Corps, and has been accepting donations from a wide variety of sources for the families of those killed in Lebanon.

Colonel Alexander advised Allday that the Marine Corps could not officially sanction his efforts, although they were happy to establish a liaison to accept the donations. Alexander believes Allday to be very sincere and notes that the Corps is appreciative of his interest and efforts.

Our general policy is to avoid involving the President in private fundraising efforts, not only because accepting one request would precipitate a flood of equally meritorious ones, but also because the White House cannot supervise the activities of the fundraising groups who would use the President's name. This case, however, strikes me as one in which the President might be inclined to make an exception. I would not recommend that the President agree to be listed as a co-sponsor of the drive, since that implies some degree of personal involvement in the fundraising scheme. I have no objection, however, to a note from the President to Allday, commending him in a general way for his efforts to help the families of the fallen Marines. The note should

refer not to the particulars of Allday's scheme but rather to the Marine Beirut Relief Fund.

I have drafted a memorandum for your signature to Anne Higgins, advising her that our office has no legal objection to the preparation of a Presidential letter to Allday, commending him for his efforts on behalf of the survivors of those Marines killed in Beirut. We leave to Higgins whether such a letter should be sent, although our office should review any letter before it is sent. We should await a response from Higgins before sending a reply to Allday. Our reply to Allday will advise him that the President cannot be a co-sponsor of his fundraising plan and, depending on Higgins's decision, either note that a letter from the President commending his efforts will be forthcoming or that even such a letter would not be appropriate.

Attachment

THE WHITE HOUSE

WASHINGTON

January 26, 1984

MEMORANDUM FOR ANNE HIGGINS
SPECIAL ASSISTANT TO THE PRESIDENT
DIRECTOR OF CORRESPONDENCE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Telegram to the President from
James V. Allday

James V. Allday, editor and publisher of National Knife Magazine, the monthly journal of the National Knife Collectors Association, has written the President requesting him to co-sponsor or endorse a fundraising drive by the magazine for the families of the Marines killed in the Beirut bombing. We have been advised that Allday plans to have a knife maker produce a valuable commemorative knife that will be auctioned off. Copies of the knife will then be produced and sold. All proceeds over actual costs will be donated to the Marine Beirut Relief Fund.

The President should not be listed as a co-sponsor of this fundraising effort. We have no legal objection, however, to a letter from the President to Allday, commending in a general way his efforts on behalf of the families of the fallen Marines. The letter should avoid reference to Allday's particular fundraising scheme, although it may refer to the Marine Beirut Relief Fund. We leave to your judgment whether such a letter should be sent, but our office should review any proposed letter before it is sent. When you advise us of your decision, we will prepare a response from this office to Allday, noting that the President cannot be listed as a co-sponsor and advising Allday of your office's decision on a commendatory letter.

FFF:JGR:aea 1/26/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

January 27, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Correspondence from Arthur J. Goldberg
on a Constitutional Convention to Propose
a Balanced Budget Amendment

Arthur Goldberg has written you to express his deep concern over the imminent possibility of a Constitutional Convention to propose a balanced budget amendment. Article V of the Constitution specifies two routes for proposing Constitutional amendments: a two-thirds vote of both Houses of Congress or a Convention called by two-thirds of the States. In either case proposed amendments must be ratified by three-fourths of the States. By one popular count, 32 of the requisite 34 states have called for a convention to propose a balanced budget amendment. Whether this count is accurate depends on open questions concerning how similar and how contemporaneous state applications under Article V must be to be aggregated.

Goldberg, like many commentators, is concerned that if a Convention is called it may become a "runaway" convention, proposing broad revision of the entire Constitution rather than adhering to a limited mandate to propose a balanced budget amendment. Goldberg correctly notes that the convention amendment route has never been tried, so it is surrounded with unanswered legal questions. It is not clear if an Article V convention may be limited to a single topic, if an Article V convention is bound by limitations imposed by Congress, or what role the courts have in deciding such questions. The Office of Legal Counsel has concluded that an Article V convention would be required to respect limitations imposed by the states applying for a convention, 3 O.L.C. Ops. 390 (1979), but such opinions understandably furnish little solace to those who, like Goldberg, recall that the 1787 Convention itself was called for the expressly limited purpose of amending the Articles of Confederation.

Goldberg notes that the President has called for a balanced budget amendment. He urges the President to make clear that he means an amendment proposed by a two-thirds vote of both Houses of Congress, rather than by the untried and hazardous route of a convention. Goldberg enclosed with his letter a mailing from Californians for a Balanced Federal Budget, a

group mounting an initiative campaign to have California become the thirty-third state to call for an Article V convention. The mailing quotes the President's statement on October 7, 1983: "Let us urge the American people to keep working at the grassroots for a Constitutional amendment mandating a balanced budget. If you want it to happen, it will happen." Goldberg argues that the mailing could leave the impression the President supports the drive for a Constitutional Convention.

I do not know whether the President does or not. Mike Uhlmann advises that the Administration has scrupulously avoided taking a position on the question. This strikes me as sagacious, particularly since the President has no formal legal role in the Article V amendment process. We should hardly depart from this course simply because Arthur Goldberg has asked us to.

I have drafted an innocuous reply to Goldberg, thanking him for sharing his wisdom and noting that we have referred his letter to the Justice Department for their edification. The draft reply does not refer to the California mailing. The quotation of the President is accurate and is not taken out of context. I do not think any action against the sponsors would be appropriate or desirable.

Attachment

THE WHITE HOUSE

WASHINGTON

January 27, 1984

Dear Mr. Justice:

Thank you for your letter of January 17. In that letter you noted that thirty-two of the requisite thirty-four states have applied, pursuant to Article V, for a Constitutional Convention to propose a balanced budget amendment. You expressed concern at the possibility that such a convention might be held, in light of the many unanswered legal questions surrounding this method of amending our Constitution.

It is true that the Article V convention route is somewhat shrouded in mystery, largely because it has never been tried. We certainly appreciate having the benefit of your views on this topic, and will give them the careful consideration merited by their source. In that regard, I have taken the liberty of sharing your letter with the Department of Justice.

Thank you again for writing.

Sincerely,

Fred F. Fielding
Counsel to the President

The Honorable Arthur J. Goldberg
2801 New Mexico Avenue, N.W.
Washington, D.C. 20007

FFF:JGR:aea 1/27/84
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

January 27, 1984

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence from Arthur J. Goldberg
on a Constitutional Convention to Propose
a Balanced Budget Amendment

We received the attached correspondence from Arthur J. Goldberg, and submit it to you, together with a copy of my reply, for whatever review and action, if any, you deem appropriate.

Many thanks.

FFF:JGR:aea 1/27/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

January 27, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Address: International Concrete
and Aggregates Show Convention

Richard Darman has asked that comments on the above-referenced remarks be sent directly to Ben Elliott by close of business today. The remarks stress opposition to big government, central planning, and regulation, and support for free enterprise and unleashing the profit motive. The remarks also review the progress of the economic recovery, and express support for line-item veto authority (the form is not specified) and a constitutional amendment mandating a balanced Federal budget.

On page 9, line 7, the President refers to his support for the creation of a "bipartisan commission" to deal with the deficit. What the President proposed in his State of the Union address was the designation by the congressional leadership of a bipartisan group of congressional representatives to meet with administration representatives. Use of the term "bipartisan commission" suggests an advisory committee along the lines of the Scowcroft, Social Security, and Kissinger Commissions. I think we should avoid use of the "bipartisan commission" label to avoid the confusion about exactly what the President meant that characterized media reports after the address. I would delete "by supporting the creation of a bipartisan commission" and substitute "by urging the congressional leadership to designate a bipartisan group of congressional representatives to work with my representatives on this question."

The attached memorandum includes this suggestion and two more minor grammatical ones.

Attachment

THE WHITE HOUSE

WASHINGTON

January 27, 1984

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Address: International Concrete
and Aggregates Show Convention

Counsel's Office has reviewed the above-referenced draft remarks. On page 9, line 7, we recommend deleting "by supporting the creation of a bipartisan commission" and substituting "by urging the congressional leadership to designate a bipartisan group of congressional representatives to work with my representatives on this question." What the President proposed in his State of the Union address was quite different from a "bipartisan commission" such as the Scowcroft, Social Security, or Kissinger Commissions. Use of the term "bipartisan commission" to describe the President's proposal for a bipartisan group of congressional representatives meeting with Administration officials would create considerable confusion over precisely what the President intended.

On page 3, line 11, either "energies" should be "energy" or "it" should be "them."

On page 3, line 23, "there" should be "therefrom" or "from it."

cc: Richard G. Darman

FFF:JGR:aea 1/27/84

bcc: FFFielding/JGRoberts/Subj/Chron

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1 MEMO

1 1/27/1984 B6

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ROBERTS TO FIELDING RE TAX PROTEST

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

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

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THE WHITE HOUSE

WASHINGTON

January 27, 1984

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: John and Betsy Kinker
Tax Protest

We received the attached tax protest/litigation materials addressed to the President, and submit them to you for whatever action you deem appropriate. We have not responded in any fashion.

Many thanks.

FFF:JGR:aea 1/27/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE
WASHINGTON

January 27, 1984

MEMORANDUM FOR RICHARD A. HAUSER

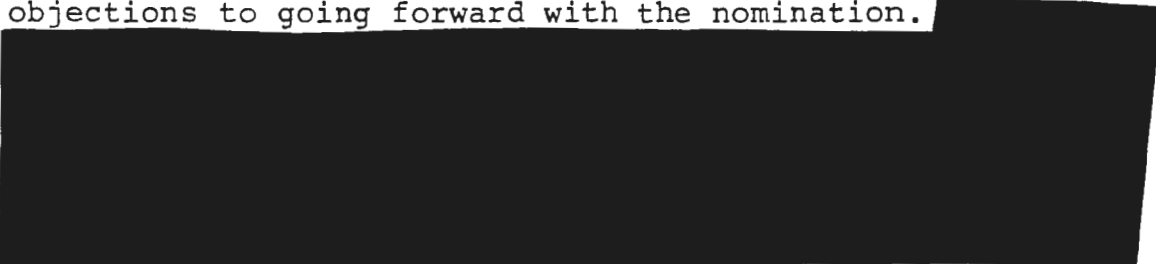
FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Nomination of Harry W. Shlaudeman to be
Ambassador to Guatemala

I have reviewed the SF-278 and related materials submitted by Mr. Shlaudeman in connection with his prospective nomination to be Ambassador to Guatemala, and have no objections to going forward with the nomination.



Mr. Shlaudeman served as Deputy Chief of Mission in Santiago during 1969-1973, and as Deputy Assistant Secretary of State for Inter-American Affairs during 1973-1975, and he notes that he was identified with the controversial U.S. policy toward Chile during the Allende period. He volunteers that he was attacked in Congress and elsewhere for allegedly attempting to mislead the House Foreign Affairs Committee in testimony he delivered in 1974 on U.S. involvement in Chile. Shlaudeman has been confirmed by the Senate for three different posts since then, so I consider the episode safely behind him.

bl

THE WHITE HOUSE

WASHINGTON

January 30, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Seal Inquiry

Connie Marshall, of the Juvenile Books division of Random House, Inc., has requested a copy of the Seal of the President for possible use on the cover of the upcoming The Look-It-Up Book of Presidents. Marshall describes the volume as a children's trade book, and suggests the use of the Seal would be an "educational use."

Executive Order 11649, section 1(b), permits use of the Seal "in encyclopedias, dictionaries, books, journals, pamphlets, periodicals, or magazines incident to a description or history of...the Presidency." The contemplated use of the Seal by Random House thus appears to comply with 18 U.S.C. § 713(b), which prohibits use of the Seal except in accordance with regulations issued by the President.

A separate question is raised under 18 U.S.C. § 713(a), however, by the contemplated use of the Seal on the cover of the book. Section 713(a) prohibits knowing display of the Seal for the purpose of conveying or in a manner reasonably calculated to convey the false impression of governmental sponsorship. A use of the Seal can comply with 18 U.S.C. § 713(b) and the regulations issued thereunder and still violate 18 U.S.C. § 713(a). It is quite easy to imagine a use of the Seal on a book cover that runs afoul of § 713(a) by conveying the impression that the book is a government sponsored or approved publication.

I recommend sending Marshall a copy of the pertinent statute and Executive Order along with the Seal, and alerting her to the concern that the book cover not run afoul of § 713(a). I do not, as a general matter, think it advisable for us to seek pre-publication review of the precise nature of planned uses of the Seal that comply with § 713(b) on the ground that they might violate § 713(a). In this case that would involve review of a mock-up of the cover, after which we would be in the position of giving an advisory opinion on compliance with a criminal statute -- something I think we should never do.

Attachment.

THE WHITE HOUSE

WASHINGTON

January 30, 1984

Dear Ms. Marshall:

Thank you for your letter of January 25. That letter requested a full-color photograph of the Seal of the President, for possible use on the cover of the upcoming Random House book, The Look-It-Up Book of Presidents.

The permitted uses of the Seal of the President are governed by Title 18 of the United States Code, section 713. Section 713(b) generally prohibits the use of the Seal except in accordance with regulations promulgated by the President. Those regulations are embodied in Executive Order 11649, as amended. A copy of the statute and implementing regulations is enclosed for your information.

You will notice that section 1(b) of the Executive Order permits use of the Seal "in encyclopedias, dictionaries, books, journals, pamphlets, periodicals, or magazines incident to a description or history of...the Presidency." Your contemplated use of the Seal appears to fall within this category of permitted uses.

I must advise you, however, that use of the Seal on the cover of the book raises the separate concern under section 713(a) that such use may convey the false impression of sponsorship or approval of the book by the Government. Whether this is in fact the case depends upon the precise manner in which the Seal is displayed and whatever else appears on the cover.

I have enclosed a full-color photograph of the Seal of the President, for possible use in The Look-It-Up Book of Presidents consistent with the above-referenced statutory provisions.

Sincerely,

Fred F. Fielding
Counsel to the President

Ms. Connie Marshall
Juvenile Books
Random House, Inc.
201 East 50th Street
New York, NY 10022

FFF:JGR:aea 1/30/84
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

January 30, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Administration Position Regarding
Immigration Bill (Prepared by OMB)

Richard Darman has asked for our comments by noon today on a proposed Administration position on H.R. 1510, the House version of the Simpson-Mazzoli bill, the Immigration Reform and Control Act of 1983. The draft was prepared by OMB and reflects that agency's fiscal reservations about the bill. As discussed at the recent Cabinet Council on Legal Policy meeting on immigration reform, the House version of the bill differs from the Senate version in several significant particulars, each of which markedly increases the anticipated costs of the measure.

The proposed position paper notes that the Administration supports the Senate bill and "strongly opposes the massive budget add-ons and the weakened enforcement provisions" of the House bill. The paper then states that the Administration will seek amendments to (1) eliminate the 100 percent Federal reimbursement provision in the House bill, in favor of the block grant approach in the Senate bill (capped at \$1.4 billion for 1984-1988), (2) move back the entry date for legalization, as provided in the Senate bill, (3) eliminate the House bill provision allowing employers "one free bite" at hiring illegal aliens, and (4) delete the House bill's requirement of a search warrant before INS officers can investigate "open fields."

I have no objection to the proposed Administration position. The Senate bill is vastly superior to the House bill, and Administration lobbyists should work diligently to correct the excesses of the House bill. What I do object to is language implying that the President will veto the immigration bill if our suggested changes are not adopted. The course of the immigration reform controversy requires the greatest degree of sensitivity in presenting our concerns with respect to the House bill.

OMB's position on Simpson-Mazzoli calls to mind what has been said of the Roman legions: they lost many battles but they never lost a war, because they never let a war end until they had won it. We were concerned prior to the

Cabinet Council meeting that Stockman's memorandum strongly voicing his objections to the House bill would become public and rekindle controversy over the Administration's sincerity concerning immigration reform. That is precisely what occurred. It is perfectly correct to raise concerns and seek revisions in the legislation as it works its way to the President's desk; it is disloyal to seek to undermine the effort to obtain any legislation at all by constantly raising fiscal risks previously acknowledged and accepted by the President and his Cabinet.

This is less a question of precise wording in memoranda than of the manner in which Administration concerns are presented on the Hill. The attached draft memorandum for Darman simply notes the need for sensitivity in presenting the Administration position on the objectionable features of the House bill, although it does suggest changing "strongly opposes" in the memorandum to "objects."

Attachment

THE WHITE HOUSE

WASHINGTON

January 30, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Administration Position Regarding
Immigration Bill (Prepared by OMB)

Counsel's Office has reviewed the above-referenced proposed Administration position paper. We have no legal objections to the proposed positions themselves. It is imperative, however, that Administration spokesmen promoting these positions be sensitive to the background of the controversy over immigration reform, and not inadvertently or otherwise permit the voicing of budgetary concerns to prevent the legislation from reaching the conference stage. In this regard, we recommend changing "strongly opposes" on line 4 of the first page of the draft position to "objects."

FFF:JGR:aea 1/30/84
cc: FFFieldng/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

January 30, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Statement of J. Paul McGrath
Regarding Department of Justice
Authorization for Fiscal Year 1985

OMB has asked for our views on the attached testimony that Assistant Attorney General McGrath plans to deliver before the Subcommittee on Monopolies and Commercial Law of the House Judiciary Committee on February 2. That Subcommittee is holding the annual hearings on the Antitrust Division's authorization.

McGrath's proposed testimony reviews the Division's budget request and enforcement priorities. Those priorities, as under William Baxter, focus on cartel activities and review of mergers. The most significant aspect of McGrath's testimony concerns resale price maintenance. Baxter pursued a policy of not treating resale price maintenance as per se illegal, contending that the Supreme Court decision establishing the per se rule for such schemes was ill-reasoned and undermined by later developments. The issue was presented to the Supreme Court last fall in the Monsanto v. Spray-Rite case. McGrath announces in his testimony that he:

will enforce the law as interpreted by the Supreme Court unless and until its prior interpretation is altered. Thus, we will enforce existing legal precedent holding agreements between manufacturers and distributors regarding the price at which the manufacturers' products are to be resold to be unlawful per se.

This should remove for McGrath an issue that had been a considerable irritant in relations between Baxter and the Hill.

I have no objection. The resale price maintenance issue is before the Supreme Court, and there is no reason for McGrath to confront the issue in the brief interim before the Court offers guidance.

Attachment

THE WHITE HOUSE

WASHINGTON

January 30, 1984

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ANALYST
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Statement of J. Paul McGrath
Regarding Department of Justice
Authorization for Fiscal Year 1985

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

FFF:JGR:aea 1/30/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

January 30, 1984

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: CEQ Report

On December 15, 1983, Anne D. Neal copied Mr. Fielding on a memorandum she prepared for Kemp Harshman, CEQ Executive Officer, reviewing suggested changes in a draft CEQ report on problems associated with the CEQ consolidated working fund. When this issue first arose some time ago, our office directed that the matter be handled by CEQ and OA. Neal's suggestions were adopted by CEQ, and the report, with several other revisions, has been finalized. I have included a copy of the final report for the files. There is no need for action by our office, and this matter may be closed.

Attachment

THE WHITE HOUSE

WASHINGTON

January 31, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Presidential Remarks: Birthday Rally/
Dixon, Illinois -- Monday, Feb. 6, 1984

Richard Darman has asked that comments on the above-referenced remarks be sent directly to Ben Elliott by 1:00 p.m. today. The remarks are to be delivered at a birthday rally and appropriately begin with some defusing comments about the President's age. The bulk of the remarks are general ones about American values and community spirit, interspersed with references to the history of Dixon, Illinois.

In the last full sentence on page 3 the President states that if the founder of Dixon "had to fill out environmental impact statements and report to regulatory agencies in Washington, I'd probably still be calling Dixon's Ferry my hometown." I think this could easily be misinterpreted as an adverse reflection on those who never left and never will leave Dixon. If the point is that Dixon would still be Dixon's Ferry, i.e., that there would have been no technological development, it could be made clearer by changing "I'd probably still be calling Dixon's Ferry my hometown" to "Dixon would probably still be known as Dixon's Ferry." I have no legal objections.

Attachment

THE WHITE HOUSE

WASHINGTON

January 31, 1984

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Remarks: Birthday Rally/
Dixon, Illinois -- Monday, Feb. 6, 1984

Counsel's Office has reviewed the above-referenced remarks, and finds no objection to them from a legal perspective. The last full sentence on page 3 may be misconstrued as an adverse comment on the people who never left and never will leave Dixon. If the point is that Dixon would still be known as Dixon's Ferry, because there would have been no technological progress, it could be made clearer by changing "I'd probably still be calling Dixon's Ferry my hometown" to "Dixon would probably still be known as Dixon's Ferry."

cc: Richard G. Darman

FFF:JGR:aea 1/31/84
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

January 31, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Cerami Correspondence Transmitting
Second Interim Report on Special
Trade Study

Charles A. Cerami has written you, enclosing a copy of the second interim report on the Special Trade Study "that you helped to make possible." Cerami notes that a State Department working group will review the report, but asks for any comments you might have.

The report begins by noting that the current talk of a "world trade crisis" is exaggerated, as is the belief that the world is experiencing a "protectionist drift." Part I of the report outlines politically-based trade restrictions deliberately used by national governments (an example would be local content or "Buy American" legislation). The report concedes that such ingrained practices cannot easily be extirpated, and urges greater reporting about and communication concerning the practices, as a first step in educating governments and peoples about their counter-productive effects on the nation as a whole.

Part II of the report considers more narrowly-based restrictions, such as special protection for particular industries, usually represented by politically influential legislators. The report is more optimistic about resisting such restrictions, primarily because the injury to the nation as a whole is clearer when an isolated industry or region is protected.

Part III of the report discusses the north-south crisis and the need to facilitate the provision of credit to the less developed countries. The report's argument is that the world trading system desperately needs new markets, and that such markets cannot develop if the Third World has no means of paying for goods from the developed countries. This section of the report also emphasizes the deleterious effect on world trade of the over-valued U.S. dollar.

Since a State Department working group will be reviewing the report, it strikes me as somewhat inappropriate for you to offer substantive comments that may conflict with the

official views of the Government as presented by the working group. For the same reason I do not recommend a referral to those in the White House more involved with trade matters. Accordingly, the attached draft reply is innocuous and simply thanks Cerami for sharing the report with you.

Attachment

THE WHITE HOUSE

WASHINGTON

January 31, 1984

Dear Charles:

Thank you for your kind letter transmitting the second interim report on the Special Trade Study. I was pleased to read on the opening page of the report that talk of a "world trade crisis" is exaggerated, and that the common belief in a "protectionist drift" is unwarranted. At the same time, however, as the bulk of the report makes clear, there certainly are serious problems and troubling developments in this area that merit the most careful attention. For that reason, I was pleased to learn that your impressive work will be reviewed by a working group organized by the State Department.

The discussion on page 17 of the report concerning the counter-productive nature of some retaliatory trade measures called to mind a favorite analogy of the President's. As the President stated in his September 27, 1983 address before the Board of Governors of the World Bank and the International Monetary Fund:

[W]e and our trading partners are in the same boat. If one partner shoots a hole in the bottom of the boat, does it make sense for the other partner to shoot another hole in the boat? Some people say yes and call it getting tough. I call it getting wet -- all over.

Once again, thank you for sharing this draft with me. I am certain that those reviewing it will find it a valuable contribution to a very important discourse.

With warmest personal regards,

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Charles A. Cerami
The Atlantic Council of the
United States
1616 H Street, N.W.
Washington, D.C. 20006

FFF:JGR:aea 1/31/84

bcc: FFFielding/JGRoberts/Sub j/Chron

THE WHITE HOUSE

WASHINGTON

January 31, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Testimony: Hearing on the FY-1985
Reauthorization of the Drug Enforcement
Administration

OMB has asked for our comments on the attached testimony, which DEA Administrator Bud Mullen proposes to deliver tomorrow. The testimony, for DEA's reauthorization hearings, reviews last year's accomplishments and priorities for the future. In the former category Mullen stresses the success of the new DEA-FBI relationship, the establishment of the Organized Crime Drug Enforcement Task Forces, and the world-wide reduction in methaqualone production. With respect to objectives Mullen lists five priorities:

1. bringing all available resources to bear on the drug problem by continually improving coordination and cooperation among different federal agencies,
2. improving cooperation with state and local officials,
3. reducing drug supplies in source countries,
4. refining internal DEA procedures to maximize effective use of existing resources, and
5. becoming more involved in the popular anti-drug educational and prevention movement.

I have reviewed the testimony, which is still in a fairly rough form, and have no legal objections.

Attachment

THE WHITE HOUSE

WASHINGTON

January 31, 1984

MEMORANDUM FOR GREGORY JONES
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Testimony: Hearing on the FY-1985
Reauthorization of the Drug Enforcement
Administration

Counsel's Office has reviewed the above-referenced draft testimony, and finds no objection to it from a legal perspective, although the testimony is still in rather rough draft form.

FFF:JGR:aea 1/31/84
cc: FFFielding/JGRoberts/Subject/Chron.

THE WHITE HOUSE

WASHINGTON

January 31, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Remarks: National Prayer Breakfast

Richard Darman has asked that comments on the above-referenced remarks be sent directly to Ben Elliott by 4:00 p.m. today. The remarks reflect upon the importance of prayer, and stress the success of the Year of the Bible proclamation. Aside from mention of that proclamation itself, the only politically controversial reference is one on page 3, lines 12-13 to "the right of our children to worship God in their schools." The President simply states that on this issue we should all work and pray together.

I have no legal objections, although the opening joke -- Churchill's famous quip about how more people would come to see him hanged than to hear him speak -- strikes me as inappropriate.

Attachment

THE WHITE HOUSE

WASHINGTON

January 31, 1984

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Remarks: National Prayer Breakfast

Counsel's Office has reviewed the above-referenced remarks, and finds no objection to them from a legal perspective. I would point out, however, that I found the Churchill story on page one to be somewhat inappropriate.

cc: Richard G. Darman

FFF:JGR:aea 1/31/84

bcc: FFfielding/JGRoberts/Subj/Chron