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WITHDRAWAL SHEET

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IGP 8/30/2005

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F05-139/01

COOK

47IGP

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	ROBERTS TO FIELDING FBI REPORT	1	2/24/1984	B6 B7(C)	729
2	MEMO	ROBERTS TO FILE RE FBI REPORTS (PARTIAL)	1	2/24/1984	B6 B7(C)	730
3	MEMO	ROBERTS TO FILE RE FBI REPORT (PARTIAL)	1	2/24/1984	B6 B7(C)	731

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.

2025 RELEASE UNDER E.O. 14176

WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name

ROBERTS, JOHN: FILES

Withdrawer

IGP 8/5/2005

File Folder

CHRON FILE (02/24/1984 - 02/29/1984)

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1 MEMO

1 2/24/1984 B6
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ROBERTS TO FIELDING FBI REPORT

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THE WHITE HOUSE
WASHINGTON

February 24, 1984

MEMORANDUM FOR THE FILE

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: FBI Reports on [REDACTED]

b6

From 12:10-12:30 p.m. this afternoon in his office, Senator Pressler reviewed in my presence, the FBI summary memoranda on [REDACTED]

b6

THE WHITE HOUSE

WASHINGTON

February 24, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Presidential Taping: National Association
of Manufacturers -- Monday, February 27, 1984
(2/23/84; 5:30 p.m.)

Richard Darman has asked that comments on the above-referenced remarks be sent directly to Ben Elliott by noon today. In the remarks the President thanks NAM for supporting his economic recovery program, and for resisting protectionist legislation and tax increases. He also lists several legislative priorities of interest to NAM, including the joint research and development bill, streamlined patent laws, passage of the Export Administration Act, and creation of the new Department of Trade and Industry.

I have reviewed the remarks and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

February 24, 1984

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Taping: National Association
of Manufacturers -- Monday, February 27, 1984
(2/23/84; 5:30 p.m.)

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 2/24/84


bcc: FFfielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 24, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Draft Presidential Address: American Legion Women's Auxiliary Convention (2/23 -- 5:00 p.m. Draft)

Richard Darman has asked that comments on the above-referenced remarks be sent directly to Ben Elliott by close of business today. The remarks review the Administration's record, discussing the economic recovery, the improvement in our defenses, and our new anti-crime initiatives. The remarks then criticize the positions of "those who are out of step with the American public" on tax cuts, a balanced budget amendment, school prayer, tuition tax credits, crime legislation, and adequate defense spending. I have alerted the Speechwriter's Office to an error in the last paragraph on page 4 -- the organized crime commission has already held its first set of hearings -- and have no other objections.

Sherrie is concerned that the remarks may shade into the "political" category, and has advised Ben Elliott that our office will have detailed suggestions on that score in the near future. Accordingly, no memorandum to Elliott for your signature is attached; Sherrie will raise her concerns with you directly.

Attachment

THE WHITE HOUSE
WASHINGTON

February 24, 1984

MEMORANDUM FOR THE FILE

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: FBI Report on [REDACTED] *b6*

Senators Eagleton and Roth reviewed the summary memorandum
of [REDACTED] *b6*
[REDACTED] and returned the memorandum
to me.

THE WHITE HOUSE

WASHINGTON

February 27, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Statement of Jonathan Rose Before the
House Judiciary Committee on November 10,
1983 Concerning the Intercircuit Tribunal
(With Fielding-Schmults Changes)

On February 9, 1984, OMB circulated for comments a proposed Justice Department report on S. 645, the Intercircuit Tribunal bill. I reviewed the report in a memorandum for you dated February 13, noting that it was essentially identical to the Jon Rose testimony delivered on November 10. You will recall that we cleared that testimony, with final revisions worked out in a telephone conversation between you and the Deputy Attorney General. By memorandum dated February 13 to OMB, you noted no legal objection to the proposed Justice report.

The people at OMB and Michael Uhlmann, however, are a little discombobulated by the proposed Justice report. They were never privy to the changes made in the Fielding-Schmults telephone call, and consider the proposed report inconsistent with Rose's testimony as cleared by OMB. The Fielding-Schmults revisions were not cleared through OMB.

The practical differences between the Rose position as delivered (with the Fielding-Schmults revisions) and as cleared by OMB strike me as insignificant, as we discussed at the time. You and Schmults settled the long-simmering dispute between Justice and the White House on this issue by agreeing that we could support the Intercircuit Tribunal only if more basic reforms were tried "before, or at least at the same time as" the Intercircuit Tribunal. As cleared by OMB, the Rose testimony committed us to study the proposal further after more basic reform. Since Congress is unlikely to repeal diversity and restrict prisoner petitions -- the more significant examples of basic reform -- the two positions, in practical terms, struck me (and I presume you) as the same. I have explained this in the attached memorandum to OMB.

Attachment

THE WHITE HOUSE
WASHINGTON

February 27, 1984

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Statement of Jonathan Rose Before the
House Judiciary Committee on November 10,
1983 Concerning the Intercircuit Tribunal
(With Fielding-Schmults Changes)

As noted in my memorandum to you of February 13, 1984, Counsel's Office has no objection to the proposed Justice report on S. 645. The Rose testimony delivered on November 10, 1983, represented the resolution of the long dispute between the White House and the Justice Department on the Intercircuit Tribunal proposal. I do not consider there to be any significant practical difference between the Rose testimony as cleared by OMB and as delivered, with the revisions agreed to by me and the Deputy Attorney General. As delivered, the Rose testimony conditioned possible support for the Intercircuit Tribunal on at least concurrent enactment of more basic reform long sought by the Administration -- such as repeal of diversity jurisdiction and restrictions on prisoner petitions. The cleared testimony called for further study after such basic reform. Since Congress is unlikely to enact the requisite basic reform in the foreseeable future, however, the Administration's opposition to the Tribunal was effectively communicated. To cite just one example, The New York Times reported on Rose's testimony by noting "[t]he Reagan Administration, which for months has been avoiding comment on the proposal, also came out in opposition today."

FFF:JGR:aea 2/27/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 27, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Takeover by Texaco of Getty Oil
and Finder's Fee to Grant MacDonald

By memorandum dated February 6, 1984, we referred this entire matter to FTC General Counsel John H. Carley, noting that we had no further interest in the matter. We so advised Mr. MacDonald, by letter dated February 6, 1984. Accordingly, we should not reply to MacDonald, but simply refer the latest incoming to John Carley.

Attachment

THE WHITE HOUSE

WASHINGTON

February 27, 1984

MEMORANDUM FOR JOHN H. CARLEY
GENERAL COUNSEL
FEDERAL TRADE COMMISSION

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Takeover by Texaco of Getty Oil
and Finder's Fee to Grant MacDonald

By memorandum dated February 6, 1984, this office referred to you correspondence from Mr. MacDonald, in which Mr. MacDonald claimed he was entitled to a finders fee in connection with the Getty-Texaco merger. Attached is additional correspondence received from Mr. MacDonald on this same subject.

Many thanks.

FFF:JGR:aea 2/27/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 27, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: John Ballou

Charles Donovan of White House Correspondence has asked for guidance in responding to a request from John Ballou, a citizen. On April 14, 1982, Mr. Ballou wrote the President a supportive letter from a hospital bed, enclosing a \$100 bill. On May 4, Anne Higgins responded, thanking Ballou for his comments but returning the "monetary item." Ballou now states that he never received the reply, and believes it was stolen at the hospital. He now would like a copy of the May 4 reply.

I see no reason not to send Ballou a copy, clearly denominated as such.

Attachment

THE WHITE HOUSE

WASHINGTON

February 27, 1984

MEMORANDUM FOR CHARLES DONOVAN
DEPUTY DIRECTOR OF CORRESPONDENCE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: John Ballou

You have asked for our views on a request from John Ballou that he be provided with a copy of a May 4, 1982 letter sent to him over Anne Higgins's signature. Ballou states that he never received the original, apparently due to theft (the letter returned a monetary item sent to the White House by Ballou).

We have no objection to providing Ballou with a copy of the reply, clearly denominated as such.

FFF;JGR:aea 2/27/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 27, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Testimony on H.R. 3668

OMB has asked for our views by close of business Tuesday, February 28, on two sets of testimony to be delivered on March 1 by Administration officials before the Subcommittee on Administrative Law and Governmental Relations of the House Judiciary Committee. Both Deputy Assistant Attorney General Stuart Schiffer and Department of Defense Assistant General Counsel Dennis Trosch plan to oppose H.R. 3668. That bill would eliminate the requirement in current law that contractors certify that contract claims against the Government in excess of \$50,000 are made in good faith, that supporting data are accurate and complete to the best of their knowledge, and that the amount claimed is that for which the contractor believes the Government to be liable..

Trosch notes in his testimony that the certification requirement is not cumbersome and serves the very useful purpose of eliminating "gamesmanship" by contractors seeking to obtain a favorable settlement of their claims. Schiffer argues in his testimony that this is not an anomalous requirement, despite the fact that private parties trying to reach a settlement do so by just such a process of gamesmanship. The difference is that the Government party in these cases -- a contracting officer -- must under law carefully consider and resolve claims in a quasi-judicial manner. In short, the Government cannot play the usual settlement "game;" accordingly, the certification requirement reasonably inhibits contractors from doing so.

I have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

February 27, 1984

MEMORANDUM FOR GREGORY JONES
LEGISLATIVE ANALYST
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Statements of Stuart E. Schiffer
and Dennis H. Trosch Concerning
H.R. 3668 -- Contract Disputes
Improvement Act -- on March 1, 1984

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

FFF:JGR;aea 2/27/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 27, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Proposed DOJ Report on H.R. 4144, a Bill
to Amend the Procedures Used to Promulgate
Rules for Various Federal Judicial
Proceedings

OMB has asked for our views on a proposed Justice Department report on H.R. 4144. You will recall that this bill would transfer the Supreme Court's authority to promulgate rules of procedure to the Judicial Conference. OMB earlier asked for our views on the bill itself. By memorandum to you dated February 17, I outlined the bill's provisions and noted that I had no strong feelings either way on the policy question of whether the Supreme Court or the Judicial Conference should promulgate the rules of procedure. Mr. Hauser, on your behalf, signed a "no objection" memorandum for OMB's Branden Blum that I had prepared.

Justice's report takes no position on the proposed transfer of rulemaking authority from the Supreme Court, but mildly opposes the bill on a variety of grounds. In particular, Justice contends that the bill would make the already cumbersome rulemaking procedure even more so. Justice also objects to deletion of language in the current Rules Enabling Act prohibiting rules abridging, enlarging, or modifying substantive rights. The bill confers only authority to promulgate rules of practice and procedure, however, and Justice recognizes that deletion of the language probably will not expand the scope of the rulemaking authority, but nonetheless recommends against the deletion in an excess of caution.

I have no objection to Justice's proposed report, a position that I do not regard as inconsistent with the fact that we had no objection to the bill itself. If Justice wants mildly to oppose the bill, I see no reason for us to stop them. There is, however, a substantive error in the Justice report that should be corrected. On page 1, in the first paragraph of the "Summary of the Bill" section, the Justice report notes one effect of the bill: "The legislative veto provision would be repealed." In fact, however, there is no legislative veto provision in the current rulemaking

statutes governing civil (28 U.S.C. § 2072), criminal (18 U.S.C. § 3771) or bankruptcy rules (28 U.S.C. § 2075). Only the provision governing rules of evidence, 28 U.S.C. § 2076, contains a legislative veto. The other provisions contain a "report and wait" procedure specifically upheld as constitutional in INS v. Chadha, slip op., at 14 n. 9. An appropriate revision is suggested in the attached memorandum to Branden Blum.

Attachment

THE WHITE HOUSE

WASHINGTON

February 27, 1984

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed DOJ Report on H.R. 4144, a Bill
to Amend the Procedures Used to Promulgate
Rules for Various Federal Judicial
Proceedings

Counsel's Office has reviewed the proposed report by the Department of Justice on H.R. 4144. While we noted no legal objection to H.R. 4144 itself in our memorandum of February 17, we also have no objection to Justice raising policy concerns if it desires to do so.

In the first paragraph of the summary section of the report, however, the statement that "The legislative veto provision would be repealed" could easily be misleading. Of the four separate sections that would be replaced by H.R. 4144, only one -- 28 U.S.C. § 2076 (rules of evidence) -- contains a legislative veto. The provisions governing civil rules (28 U.S.C. § 2072), criminal rules (18 U.S.C. § 3771), and bankruptcy rules, on the other hand, contain constitutional "report and wait" procedures. See INS v. Chadha, slip op., at 14 n. 9. We recommend adding "in the enabling statute governing the rules of evidence," or something similar, between "provision" and "would."

FFF:JGR:aea 2/27/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 27, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Request for Presidential Greeting for the
Bank of New York on its 200th Anniversary

White House Correspondence has asked if the President may send a message commemorating the 200th anniversary of the founding of the Bank of New York. The Chairman of the Board has invited the President to attend a gala in New York honoring the occasion; the invitation has been declined. Richard Field, Senior Vice President of the Bank, has written his friend Jim Baker to suggest that if the President cannot attend he might send a congratulatory message.

Our established policy is not to approve such messages to businesses, primarily because congratulatory messages -- no matter how artfully worded -- cannot help but appear to be endorsements. A memorandum to White House Correspondence reiterating this policy is attached for your review and signature.

Attachment

THE WHITE HOUSE

WASHINGTON

February 27, 1984

MEMORANDUM FOR CHARLES A. DONOVAN
DEPUTY DIRECTOR OF CORRESPONDENCE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Request for Presidential Greeting for the
Bank of New York on its 200th Anniversary

You have asked for our views on a request that the President send a congratulatory message to the Bank of New York on the occasion of the 200th anniversary of its founding. Established White House policy generally precludes sending such congratulatory messages to commercial enterprises. This policy is a corollary of the general prohibition against any use of the President's name, likeness, photograph, or signature in a manner that suggests or could be construed as endorsement of a commercial product or enterprise. Any congratulatory message from the President to the Bank would likely be construed as an endorsement of the Bank, no matter how artfully worded and regardless of whether the Bank agreed not to use such a message in its commercial advertising.

Accordingly, we must advise against any Presidential message to the Bank of New York.

FFF:JGR:aea 2/27/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 27, 1984

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Statement of Jonathan Rose Before the
House Judiciary Committee on November 10,
1983 Concerning the Intercircuit Tribunal
(With Fielding-Schmults Changes)

As noted in my memorandum to you of February 13, 1984, Counsel's Office has no objection to the proposed Justice report on S. 645. The Rose testimony delivered on November 10, 1983, represented the resolution of the long dispute between the White House and the Justice Department on the Intercircuit Tribunal proposal. I do not consider there to be any significant practical difference between the Rose testimony as cleared by OMB and as delivered, with the revisions agreed to by me and the Deputy Attorney General with the acquiescence of the White House Senior Staff. As delivered, the Rose testimony conditioned possible support for the Intercircuit Tribunal on at least concurrent enactment of more basic reform long sought by the Administration -- such as repeal of diversity jurisdiction and restrictions on prisoner petitions. The cleared testimony called for further study after such basic reform. Since Congress is unlikely to enact the requisite basic reform in the foreseeable future, however, the Administration's opposition to the Tribunal was effectively communicated. To cite just one example, The New York Times reported on Rose's testimony by noting "[t]he Reagan Administration, which for months has been avoiding comment on the proposal, also came out in opposition today."

FFF:JGR:aea 2/27/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 28, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Draft Presidential Response for Fortune 1000
Members on Behalf of Minority Financial
Institutions

Richard Darman has asked for comments by close of business today on a proposed letter from the President to Fortune 1000 companies, encouraging them to do business with minority financial institutions. The letter was drafted by the National Bankers Association, and, according to Steve Rhodes, the Association and the Vice President agreed at a meeting last December that the letter would be sent out over the President's signature. The letter stresses the important role of minority financial institutions in serving minority communities, and notes that their continued success depends on greater involvement by the private sector generally in their activities.

On December 17, 1982, the President announced his minority business enterprise development program. In pertinent part, the President stated: "In order to spur private sector involvement in minority business development, I will ask the business leaders of this country to work with me to encourage private firms to expand their business transactions with minority enterprises." This letter is intended as a step toward fulfilling that commitment.

Although the notion of the President urging business leaders to deal with a particular type of entity distinguished by the race of its owners may seem problematic, the President does not name or endorse any specific organization, and the appeal is fully in accord with the December 17, 1982 statement. I have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

February 28, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Presidential Response for Fortune 1000
Members on Behalf of Minority Financial
Institutions

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

FFF:JGR:aea 2/28/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 28, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Request for Presidential Endorsement of
Frank Sinatra's Participation in a Special
Event for the Benefit of USO

Anne Higgins referred to us a letter to the President from William A. Whyte, President of USO, asking the President to intercede with Frank Sinatra to convince Sinatra to perform for the USO. Higgins telephoned me today to advise that Ambassador von Damm short-circuited proper channels and hand delivered a copy of the letter to the President. The President apparently is now drafting a letter to Sinatra. Higgins asked that the material be returned to her.

Attachment

THE WHITE HOUSE

WASHINGTON

February 28, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Correspondence From Congressman Edward F. Feighan Forwarding Constituent Request for Meeting With the President

Congressman Edward Feighan (D-Ohio) has forwarded to the White House a letter he received from his constituent, Gregory Miller. In his letter to Feighan, Miller asked for a meeting with the President to discuss how Miller lost all his liberties and constitutional rights in a domestic relations case involving custody of his son. Miller claims he appealed all the way to the Supreme Court, and lost. I recommend a reply saying that it would be inappropriate for the White House to become involved in a domestic relations dispute. Miller's case is no longer legally pending, but the dispute apparently is still alive. Miller's letter does not, in my view, raise any allegations that should be referred to the Justice Department.

Attachment

THE WHITE HOUSE

WASHINGTON

February 28, 1984

Dear Mr. Miller:

Congressman Feighan has referred your letter to him of January 11, 1984, to the White House. In that letter you requested a meeting with the President to discuss a domestic relations case in which you were involved.

I must advise you that it would be inappropriate for the White House to become involved in a private domestic relations dispute. Accordingly, it will not be possible to arrange a meeting with the President.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Gregory G. Miller
Post Office Box 24503
Cleveland, Ohio 44124

FFF:JGR:aea 2/28/84
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 28, 1984

Dear Congressman Feighan:

You recently forwarded to the White House a letter from a constituent, Gregory Miller. Mr. Miller requested a meeting with the President to discuss domestic relations litigation in which he was involved.

Enclosed for your information and files is a copy of our reply to Mr. Miller, noting that it would be inappropriate for the White House to become involved in a private domestic relations dispute, and declining the request for a meeting.

Sincerely,

Fred F. Fielding
Counsel to the President

The Honorable Edward F. Feighan
House of Representatives
Washington, D.C. 20515

Enclosure

FFF:JGR:aea 2/28/84
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 28, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Draft Proclamation Designating World
Trade Week -- May 20, 1984

Dodie Livingston has asked for comments by February 29 on the above-referenced draft proclamation. The proclamation, submitted by the Department of Commerce and approved by OMB, has not been requested by Congress but is traditional, having been issued annually since 1948. The proclamation extols the virtues of the Yankee trader, stresses the importance of world trade to our economy, and reiterates our opposition to protectionism.

I have reviewed the proclamation, and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

February 28, 1984

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Proclamation Designating World
Trade Week -- May 20, 1984

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

FFF:JGR:aea 2/28/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February, 29, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Proposed Executive Order Entitled
"Continuation of Export Control Regulations"

Richard Darman has asked for comments by 10:00 a.m. February 29 on the above-referenced proposed executive order and accompanying transmittal to Congress. As you know, the Export Administration Act expired on October 14, 1983, due to the inability of Congress to agree upon an extension prior to that date. On October 14, 1983, the President signed Executive Order No. 12444 declaring a national economic emergency and, pursuant to his emergency powers, continuing in effect the provisions of the Act. The order specified that it would be terminated upon enactment of a bill reauthorizing the authorities contained in the Act.

On November 18, 1983, Congress enacted a law changing the termination date of the Act from October 14 to February 29, 1984, nunc pro tunc. The bill was signed December 5, 1983. Public Law 98-207. On December 20, 1983, the President accordingly issued Executive Order No. 12451, revoking Executive Order No. 12444 and rescinding the declaraton of economic emergency. At the time, all involved recognized that we might have to go through the drill of issuing another executive order on February 29, 1984, if Congress again failed to meet the deadline. It was decided, however, that the executive order should nonetheless be revoked, to avoid any dilution in the legal defensibility of the emergency powers by invoking them in the absence of an actual emergency.

As predicted, it now appears that Congress will not meet the February 29 deadline, and accordingly it is necessary once again to declare a national economic emergency and thereby continue in effect the provisions of the Act. Stockman has submitted a draft executive order and an accompanying transmittal to Congress. Both the executive order and transmittal are identical, mutatis mutandis, to their October 14, 1983 counterparts. Stockman reports that no interested agencies object to the proposed executive order. The executive order has not yet been cleared by Justice, and we should condition our "no objection" memorandum on the obtaining of the appropriate formal clearances by Justice.

THE WHITE HOUSE

WASHINGTON

February 29, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Executive Order Entitled
"Continuation of Export Control Regulations"

Counsel's Office has reviewed the above-referenced proposed Executive Order, and the accompanying transmittal to Congress. Assuming the appropriate formal clearances are obtained from the Justice Department, we have no objections.

FFF:JGR:aea 2/28/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 29, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

War Powers Problem

The difficulty with the attached is that it recognizes a role for Congress in terminating the Lebanon operation, by granting veterans preference to those serving in Lebanon between August 20, 1982 and the date the operation ends, set either by Presidential proclamation or concurrent resolution of Congress. As drafted the bill is unconstitutional, since giving legal effect to a concurrent resolution of Congress would violate INS v. Chadha. Changing "concurrent" to "joint" would solve the legislative veto problem but not the broader war powers issue, since I do not think we would want to concede any definitive role for Congress in terminating the Lebanon operation, even by joint resolution presented to the President. (A veto of such a resolution could be overridden.)

In light of the imminence of the submission of this bill, I telephoned John Cooney with the above concerns. Cooney is waiting to hear from Justice, and will keep us posted. I noted that I saw no reason to fix beginning and termination dates in the bill at all. Conditioning the preference on the award of a campaign badge should suffice, since the badge will only be awarded for service within the pertinent time frames. Cooney will keep us posted.

THE WHITE HOUSE

WASHINGTON

February 29, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Presidential Address: National League
of Cities Congressional-Cities Conference
Monday, March 5, 1984

Richard Darman has asked that comments on the above-referenced remarks be sent directly to Ben Elliott by 2:00 p.m. today. The comprehensive remarks review the four major components of the Administration's urban policy: sustained economic recovery, Federalism, pooling of Government and private sector resources, and a renewal of community life. In the course of the remarks the President notes that the Senate has passed and the House bottled up two pieces of legislation of particular concern to the cities -- enterprise zones and the crime package. He urges the audience to make their views known on Capitol Hill. With respect to the crime issue, the President states, on page 8, that "[l]enient judges are only lenient on crooks; they're very hard on society." I have reviewed the remarks and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

February 29, 1984

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Address: National League
of Cities Congressional-Cities Conference
Monday, March 5, 1984

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 2/29/84

bcc: FFFielding/JGRoberts/Subj/Chron