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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name

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CHRON FILE (03/01/1984 - 03/07/1984)

IGP 8/30/2005

FOIA

Box Number

F05-139/01

COOK

48IGP

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	ROBERTS TO HOLLAND RE NOMINATION FOR THE RANK OF AMBASSADOR (PARTIAL)	1	3/2/1984	B6	753
2	MEMO	ROBERTS TO FIELDING RE REMOVAL FROM PROMOTION LIST (PARTIAL)	4	3/2/1984	B6	754
3	MEMO	ROBERTS TO FIELDING RE ACADEMIC FINANCIAL SERVICES ASSOCIATION (PARTIAL)	1	3/5/1984	B6	755

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

~~March~~ 1, 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 3/1/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 1, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Request for Presidential Letter
for the Book in Honor of Mother
M. Angeline Teresa

Chuck Donovan of Presidential Correspondence has asked for our views on a request, transmitted through Charles Wick, that the President submit a letter for inclusion in a book in honor of Mother M. Angeline Teresa, the founder of a congregation of nuns who care for the aged and infirm. In her request the author, Mother M. Bernadette de Lourdes, notes that the congregation operates 31 nursing homes caring for seven thousand individuals. She also notes that past Presidents have sent letters for inclusion in other books she has written for the congregation. A draft prepared by USIA is also attached.

Normally, of course, we would deny such a request, on the ground that the Presidential letter could be construed as endorsement of a commercial product, the book. Here, however, it is clear that the book is more a testimonial than a commercial undertaking, and that its circulation will be by distribution throughout the congregation rather than by any significant marketing. Accordingly, I have no objection to a letter from the President praising Mother Teresa, as the submitted draft does. The only change in the draft I would suggest is deleting "Christian" in the second paragraph, to maintain a non-denominational tone.

Attachment

THE WHITE HOUSE

WASHINGTON

March 1, 1984

MEMORANDUM FOR CHARLES A. DONOVAN
DEPUTY DIRECTOR OF CORRESPONDENCE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Request for Presidential Letter
for the Book in Honor of Mother
M. Angeline Teresa

You have asked for our views on a request that the President submit a letter for inclusion in a book on Mother M. Angeline Teresa. We generally deny such requests, to avoid the impression that the President has endorsed a commercial product, the book. In this case, however, it appears that the commercial aspects of the book are insignificant, and accordingly we have no objection to a Presidential letter about Mother Teresa. The draft submitted by USIA is unobjectionable, although we do recommend deleting "Christian" in the second paragraph, to maintain a non-denominational tone.

FFF:JGR:aea 3/1/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 1, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Radio Talk: Deficits
(3/1 -- 1:00 p.m. draft)

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 criticize Democratic proposals to reduce the deficit by increasing taxes, and urge instead that the deficit be cut by reducing the size of Government. I have reviewed the brief remarks, and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

March 1, 1984

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Radio Talk: Deficits
(3/1 -- 1:00 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 3/1/84

bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

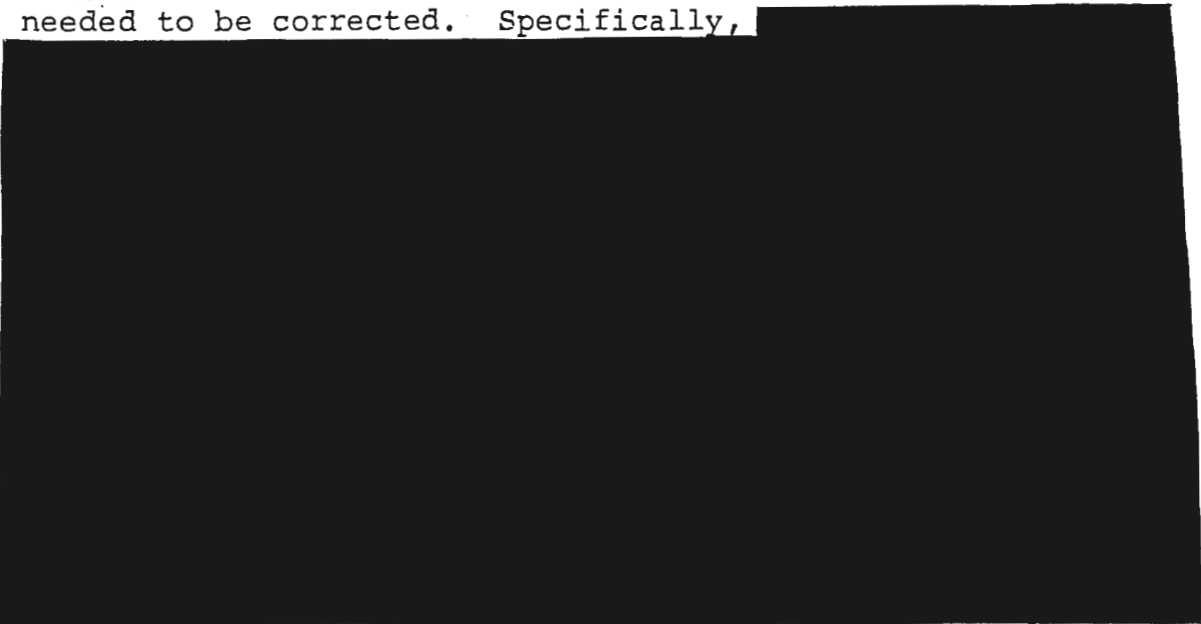
March 2, 1984

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Nomination of Paul H. Nitze to the Rank of Ambassador

I have reviewed the SF-278 and related materials submitted by Paul H. Nitze in connection with his nomination to the Rank of Ambassador, and have no objection to proceeding with the nomination. I discussed the SF-278 with Walter L. Baumann, the Agency Ethics Official for ACDA, and determined that there were several technical flaws in the form that needed to be corrected. Specifically,



With respect to substantive conflicts of interest, I have no objections.

b6

THE WHITE HOUSE

WASHINGTON

March 2, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Enrolled Res. S.J. 184 -- National
Beta Club Week for March 4-10, 1984

Richard Darman has asked for comments by noon today on the above-referenced joint resolution, which would designate next week as "National Beta Club Week." January 9, 1984, was the fiftieth anniversary of the founding of the Beta Club. The Beta Club, we are advised, is a national organization recognizing qualities of leadership and achievement in high school students.

OMB recommends approval of the joint resolution, and while I have never previously heard of the Beta Club, I have no reason to disagree with that recommendation.

Attachment

THE WHITE HOUSE

WASHINGTON

March 2, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Res. S.J. 184 -- National
Beta Club Week for March 4-10, 1984

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

FFF:JGR:aea 3/2/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 2, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Statement of John C. Lawn Regarding
DEA Budget, March 8, 1984

We have been provided with a copy of testimony DEA Acting Deputy Administrator John Lawn proposes to deliver on March 8 before the Subcommittee on Crime of the House Judiciary Committee. The testimony reviews the work of DEA and supports its budget request for FY 1985. Lawn stresses the new FBI/DEA relationship, the marijuana eradication program, the new organized crime drug enforcement task forces, international narcotics control initiatives, and the need for Congress to act on pending anti-narcotics legislation. I have reviewed the testimony and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

March 2, 1984

MEMORANDUM FOR GREGORY JONES
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Statement of John C. Lawn Regarding
DEA Budget, March 8, 1984

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

FFF:JGR:aea 3/2/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 2, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Litigation Concerning Removal of [REDACTED]
[REDACTED] from Promotion List

On September 15, 1982, the President submitted a list of military promotions to the Senate. [REDACTED] name had been removed from the list by the President, upon the recommendation of the Department of Defense, as provided by 10 U.S.C. § 629. [REDACTED] filed suit challenging his removal, and the case is now in trial. Major Wayne Price, who is handling the case for the Army, has advised that he needs to prove that the President did in fact exercise his authority to remove [REDACTED] name from the promotion list. b6

The evidence of this removal is the President's signature on the nomination list, which does not contain [REDACTED] name. By memorandum dated August 26, 1982, Deputy Secretary of Defense Frank Carlucci submitted for the President's approval a list of 526 officers recommended for promotion (enclosure 1), the board reports on the promotions (enclosure 2), and a list of 12 officers recommended for removal from promotion lists (enclosure 3). Carlucci's memorandum stated "Your signature signifies approval of the board reports at Enclosure 2 and removal of the officers at Enclosure 3." As noted, the President signed the promotion list on September 15, 1982 -- thereby signifying his decision to remove [REDACTED]. b6

Price would like the Executive Clerk to sign a statement that the packet from Carlucci -- the August 26 memorandum and three enclosures -- was submitted as a packet. Price has submitted a one-sentence certification to be signed by Ron Geisler, certifying that "the attached" -- the Carlucci memorandum and three enclosures -- is a true and exact copy of what was provided by Carlucci to the President.

I have no objections. The documents are not internal White House memoranda, and in fact are already in the possession of the plaintiff's counsel (obtained from Defense). Price feels that he needs to link the President's signature on the promotion list to [REDACTED] removal, which is accomplished by b6

the Carlucci memorandum if it is also established that the removal papers were attached to the nomination list. The one-sentence certification establishes the latter fact. If you agree, I will have Geisler sign the certification on Monday.

Attachment

THE WHITE HOUSE
WASHINGTON

March 5, 1984

I hereby certify that the attached is a true and exact copy of documents provided to the President of the United States by the Deputy Secretary of Defense in August 1982, pertaining to the promotion and removal of certain officers of the United States Army, and the President's action thereon.

RONALD R. GEISLER
Executive Clerk



THE SECRETARY OF DEFENSE
WASHINGTON, THE DISTRICT OF COLUMBIA

26 AUG 1982

COPY - Reagan Presidential Record

MEMORANDUM FOR THE PRESIDENT

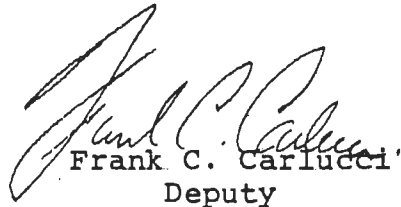
SUBJECT: Promotions

I recommend the nomination of 526 officers whose names appear at Enclosure 1 for promotion to the grades indicated in the United States Army.

I also recommend, in accordance with Title 10, United States Code, Section 629, the removal from promotion lists of the 12 officers whose names appear at Enclosure 3 for the reasons indicated.

Your signature signifies approval of the board reports at Enclosure 2 and removal of the officers at Enclosure 3.

The Secretary of the Army and Chief of Staff, United States Army, are in agreement with the nominations, board reports and removals.


Frank C. Carlucci
Deputy

Enclosures

THE WHITE HOUSE

WASHINGTON

March 5, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Statement of Stephen S. Trott
Concerning Examination of
Prospective Jurors

We have been provided with a copy of testimony Assistant Attorney General Stephen Trott proposes to deliver before the Subcommittee on Courts of the Senate Judiciary Committee on March 7. The testimony opposes S. 386 and S. 677, bills that would amend the Federal Rules of Criminal and Civil Procedure, respectively, to require that voir dire of prospective jurors be conducted by counsel rather than the court alone. Trott points out that the trend both in the States and in the Federal system (in which participation of counsel in voir dire is at the discretion of the trial judge) is away from counsel participation, because of the unseemly gamesmanship and inordinate delays accompanying direct counsel participation. Trott points out that the Constitution ensures defendants a fair and impartial jury in criminal cases, and that there is no evidence that court conducted voir dire does not achieve this goal. He also stresses the evidence of abuse and delay from those jurisdictions, most notably New York and California, that have counsel conducted voir dire.

I have reviewed the proposed testimony, and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

March 5, 1984

MEMORANDUM FOR GREGORY JONES
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Statement of Stephen S. Trott
Concerning Examination of
Prospective Jurors

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

FFF:JGR:aea 3/5/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 5, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: War Powers Problem

OPM has agreed not to submit the bill to give certain preferences to veterans of Grenada and Lebanon in the form originally proposed, which would have violated INS v. Chadha and our position on the constitutionality of the War Powers Resolution. The bill will be revised so it contains no references to a Congressional role in terminating the Lebanese operation. At this point OPM is reassessing the desirability of the bill on grounds unrelated to our objections, but if OPM does decide to go forward we will be given an opportunity to review their revised proposal before it is submitted.

THE WHITE HOUSE

WASHINGTON

March 5, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: 1982 Federal Strategy Implementation
Report for Prevention of Drug Abuse
and Drug Trafficking

Richard Darman has asked for comments by 9:00 a.m. March 8 on the proposed status report on implementation of the 1982 Federal Strategy for Prevention of Drug Abuse and Drug Trafficking. The report is the product of the Working Group on Drug Abuse Health Issues of the Cabinet Council on Human Resources, chaired by Carlton Turner. The 250-page report consists of separate reports from task forces on (1) education and prevention, (2) detoxification and treatment, (3) research, (4) international cooperation, and (5) drug abuse in the armed forces.

I have reviewed the report, with the assistance of Claudia McMurray, and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

March 5, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: 1982 Federal Strategy Implementation
Report for Prevention of Drug Abuse
and Drug Trafficking

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

FFF:JGR:aea 3/5/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 5, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Correspondence Concerning Texas
Redistricting Plan

Attached for your review and signature is a memorandum to William Bradford Reynolds requesting a draft response to a letter concerning several Texas redistricting plans submitted to the Civil Rights Division for pre-clearance in 1982 and 1983. The letter comes from State Representative Patricia Hill, who was involved in the redistricting process as an attorney and claims that the pre-clearance of the 1983 plan by the Justice Department is inconsistent with previous refusals to grant pre-clearance.

Attachment

THE WHITE HOUSE

WASHINGTON

March 5, 1984

MEMORANDUM FOR WILLIAM BRADFORD REYNOLDS
ASSISTANT ATTORNEY GENERAL
CIVIL RIGHTS DIVISION

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence Concerning Texas
Redistricting Plan

Attached is a letter from Texas State Representative Patricia Hill that has been referred to me for response. Representative Hill writes about the various Texas redistricting plans submitted to the Civil Rights Division for pre-clearance in 1982 and 1983. As you will note, Ms. Hill has been involved in the redistricting process as an attorney for the plaintiffs challenging plans for the Texas House and Senate.

I would greatly appreciate a draft response to Ms. Hall's letter, for my signature, as soon as possible.

Many thanks.

Attachment

FFF:JGR:aea 3/5/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 5, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Resolution Regarding Proposed "Armed
Career Criminal Act of 1983"

William H. Neukom, Secretary of the American Bar Association, has written to advise you that the ABA House of Delegates, upon the recommendation of the Section on Criminal Justice, has passed a resolution opposing S. 52, the "Armed Career Criminal Act of 1983," or similar legislation. As originally proposed S. 52 would have made a third armed felony a Federal crime. Much to sponsor Senator Specter's chagrin, the Administration had serious reservations about the bill, reservations shared by the National District Attorneys Association and other conservative groups concerned about "federalizing" state criminal law. On February 23 the bill passed the Senate, 92-0, but only after it had been drastically amended so that it applied only when the third armed felony was itself already a Federal offense -- e.g., a bank robbery or an offense on a Federal reservation. The Administration will doubtless support the bill as amended.

In any event, we should at this point simply thank Neukom for transmitting the resolution to us, and note that we will share it with the Department of Justice.

Attachment

THE WHITE HOUSE

WASHINGTON

March 5, 1984

Dear Mr. Neukom:

Thank you for your letter of February 24, 1984. That letter transmitted a resolution noting the opposition of the American Bar Association to S. 52, the "Armed Career Criminal Act of 1983," or similar legislation.

We appreciate having the benefit of the views of the ABA on this important matter. You may be assured that those views will receive every appropriate consideration. I have also taken the liberty of sharing the resolution with the Department of Justice.

Again, thank you for advising us of the position of the ABA.

Sincerely,

Fred F. Fielding
Counsel to the President

William H. Neukom, Esquire
Secretary, American Bar Association
1155 East 60th Street
Chicago, Illinois 60637

FFF:JGR:aea 3/5/84
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 5, 1984

MEMORANDUM FOR D. LOWELL JENSEN
ACTING DEPUTY ATTORNEY GENERAL
U.S. DEPARTMENT OF JUSTICE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Resolution Regarding Proposed "Armed
Career Criminal Act of 1983"

Attached for whatever consideration you deem appropriate is a letter announcing the opposition of the ABA to S. 52, the "Armed Career Criminal Act of 1983," or similar legislation.

Many thanks.

Attachment

FFF:JGR:aea 3/5/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 5, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: [REDACTED] Correspondence Concerning
Money His Daughter Owes to the Academic
Financial Services Association *b6*

[REDACTED] the father of [REDACTED] has "copied" us on a letter sent to Academic Financial Services Association, concerning [REDACTED] student loans. [REDACTED] states that his daughter is handicapped in both arms and legs, and requests "entitlement forms" from the Association. [REDACTED] also states that he sent some of the Association's previous "duns" to the President and Senators Denton and Heflin, whereupon they stopped. *b6*

Our office is in no position to decipher [REDACTED] letter. I do not know if any Federal agency is, but the best place to start is the Department of Education. A memorandum referring the letter to Education's General Counsel is attached for your review and signature. *b6*

Attachment

THE WHITE HOUSE

WASHINGTON

March 5, 1984

MEMORANDUM FOR MAUREEN CORCORAN
GENERAL COUNSEL
U.S. DEPARTMENT OF EDUCATION

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Francis Reese Correspondence Concerning
Money His Daughter Owes to the Academic
Financial Services Association

The attached is submitted for whatever consideration and action you deem appropriate. We have not responded to Mr. Reese, and have no continuing interest in this matter.

Attachment

FFF:JGR:aea 3/5/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 5, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Statement of Alfred S. Regnery Concerning
Missing Children Assistance Act and
Reauthorization of OJJDP - S. 2014, on
March 8, 1984

We have been provided with a copy of testimony Al Regnery, Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), proposes to deliver on March 8 before the Subcommittee on Juvenile Justice of the Senate Judiciary Committee. The testimony will not please the Subcommittee's chairman, Senator Specter. Regnery supports the proposed Missing Children's Act, which would establish a National Center for Missing and Exploited Children. Regnery opposes, however, reauthorization of the Juvenile Justice and Delinquency Prevention Act, and the office he heads. Regnery argues that the Act has had little positive impact in reducing juvenile delinquency, and has in fact had unintended adverse consequences. For example, the emphasis on deinstitutionalization of juvenile status offenders has forced such juveniles out into the streets and a life of exploitation and crime, rather than, as intended, to alternative facilities. Regnery presents the Administration view that the beneficial programs of OJJDP can be carried out in the Office of Justice Assistance, and that the states should be free to pursue their own agendas in this area rather than have approaches imposed on them through the JJDP Act.

I have no objections to the testimony, although, as noted, it will not be well received by the Subcommittee.

Attachment

THE WHITE HOUSE

WASHINGTON

March 5, 1984

MEMORANDUM FOR GREGORY JONES
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Statement of Alfred S. Regnery Concerning
Missing Children Assistance Act and
Reauthorization of OJJDP - S. 2014, on
March 8, 1984

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

FFF:JGR:aea 3/5/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 6, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Statement of Keeney on H.R. 4826,
a Bill Concerning Nonconsensual
Recordings of Telephone Conversations

OMB has asked for our views by close of business today on the above-referenced proposed testimony. The testimony announces the opposition of the Department of Justice to H.R. 4826, a bill that would make it a criminal offense for any public official to record a telephone conversation without the consent of all parties to the conversation. The penalty would be up to one year imprisonment and/or a fine of up to \$100,000.

In his testimony Keeney argues that the bill would hamper the performance of legitimate investigative and prosecutorial responsibilities. For example, federal employees could not record bribe offers to them, fire departments could not record emergency calls, and a Congressman who inadvertently forgot to obtain consent would commit a crime whenever he recorded a constituent's call to ensure appropriate follow-through. Keeney also notes that there is no reason the bill should apply only to public officials, and only to telephone conversations. These artificial limitations simply obscure the many problems associated with criminalizing this practice.

In the last page of his testimony Keeney states that the problem can be dealt with by a regulation or executive order, and notes that an executive order on the subject is currently being discussed. I telephoned Keeney who advised me that GSA has submitted a proposed executive order on this subject to OMB. I noted that we would prefer that there be no mention of any executive order, since we had not had an opportunity to consider the matter, or review GSA's proposal. Keeney understood and agreed to refer to "administrative sanctions" as an alternative to the criminal statute rather than a regulation or executive order. The attached draft memorandum for OMB notes that this change will be made.

Attachment

THE WHITE HOUSE

WASHINGTON

March 6, 1984

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Statement of Keeney on H.R. 4826,
a Bill Concerning Nonconsensual
Recordings of Telephone Conversations

Counsel's Office has reviewed the above-referenced proposed testimony. It is our understanding that the last page will be revised to delete all references to an executive order. Assuming such changes are made, we have no objections.

FFF:JGR:aea 3/6/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 6, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Appointments Clause Controversy

As you know, the Administration has expressed constitutional concerns about Public Law 98-101, the statute establishing the Commission to Coordinate the Commemoration of the Bicentennial of the Constitution. These concerns, expressed by the President in a signing statement, center on the role of the Chief Justice, Speaker of the House, and President pro tempore of the Senate on the Commission, and the consistency of that role with the Separation of Powers and the Incompatibility Clause. The President expressed the view that the heads of the other two branches could exercise only advisory and ceremonial functions under the Act.

Senator Hatch responded to the President's statement in an October 20, 1983 letter to Edwin Meese. Hatch argued that the Incompatibility Clause was not violated when Congressmen served without pay on temporary commissions, even if the commissions have more than advisory powers. On December 9, 1983, the Congressional Research Service of the Library of Congress issued an analysis supporting Hatch's views. On February 2, 1984 Assistant Attorney General Ted Olson responded to the CRS study in a memorandum for the Attorney General. On February 7, Olson forwarded that memorandum to you, along with a letter to Hatch, over Assistant Attorney General Robert McConnell's signature, noting that the Department was not persuaded by the CRS analysis.

On February 22, Olson sent you a memorandum to alert you to related developments concerning H.R. 1492 and S. 500, The Christopher Columbus Quincentenary Jubilee Act. Last year the Justice Department objected to S. 500 on the ground that it violated the Appointments Clause by specifying that the Majority Leader of the Senate and Speaker of the House would appoint members to the Commission. The Senate Judiciary Committee agreed and appropriately revised the bill to provide that the members be appointed by the President (albeit on the recommendation of the Majority Leader and Speaker). On February 1, 1984, during floor debate on S. 500, the Senate also deleted the Secretary of the Smithsonian Institution as a member of the Commission, expressly to bring the bill into compliance with the Appointments

Clause (the Secretary is not appointed by the President). The critical point, in Olson's view, was that the Committee explicitly recognized that the initiation and conducting of commemorative activities was a function that could only be performed by an Officer of the United States.

In other words, the Judiciary Committee has taken the Justice Department's side in the dispute between Hatch and the Justice Department.

You wanted to see me about the Bicentennial Commission. There is no urgency to the matter that I can see, although the issue needs to be finally resolved before the members of the Commission can be appointed and the Commission can begin its work.

PG 999
Edwards
actions

**WHITE HOUSE
 CORRESPONDENCE TRACKING WORKSHEET**

JV

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

JR - ps see me

Name of Correspondent: Ted Olson

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

Subject: Commission on the Bicentennial
of the Constitution (encloses copy of Feb 284
ltr. to Sen. Hatch)

ROUTE TO:	ACTION		DISPOSITION		
	Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response Code	Completion Date YY/MM/DD
<u>WHOL</u>	<u>ORIGINATOR</u>	<u>A</u>	<u>84,02,09</u>		<u>1 1</u>
<u>CVAT 18</u>	<u>Referral Note:</u>	<u>A</u>	<u>84,02,09</u>		<u>1 1</u>
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	<u>Referral Note:</u>		<u>1 1</u>		<u>1 1</u>

- ACTION CODES:**
- A - Appropriate Action
 - C - Comment/Recommendation
 - D - Draft Response
 - F - Furnish Fact Sheet to be used as Enclosure
 - I - Info Copy Only/No Action Necessary
 - R - Direct Reply w/Copy
 - S - For Signature
 - X - Interim Reply
- DISPOSITION CODES:**
- A - Answered
 - B - Non-Special Referral
 - C - Completed
 - S - Suspended
- FOR OUTGOING CORRESPONDENCE:**
- Type of Response = Initials of Signer
 - Code = "A"
 - Completion Date = Date of Outgoing

Comments: _____

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

THE WHITE HOUSE

WASHINGTON

March 6, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Statement of Al Regnery Concerning
DOJ's Proposals to Reauthorize the
Juvenile Justice and Delinquency
Prevention Act, on March 7, 1984

We have been provided with a copy of testimony that Al Regnery, Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), proposes to deliver on March 7 before the Subcommittee on Human Resources of the House Committee on Education and Labor. The first part of the testimony reviews the activities and projects funded by OJJDP in FY 1983. The remainder of the testimony is identical to that Regnery proposes to deliver before Senator Specter's Subcommittee on March 8. As I noted in my memorandum for you on that testimony, Regnery announces the Administration's opposition to reauthorization of the JJDP Act. Regnery argues that the Act has not reduced delinquency and has in fact had unintended deleterious consequences. The testimony will be very controversial, but I see no reason to second-guess the policy judgments behind the decision not to reauthorize the Act or OJJDP.

Attachment

THE WHITE HOUSE

WASHINGTON

March 6, 1984

MEMORANDUM FOR BRAD CATES
SPECIAL COUNSEL, OFFICE OF
INTERGOVERNMENTAL AFFAIRS

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Statement of Al Regnery Concerning
DOJ's Proposals to Reauthorize the
Juvenile Justice and Delinquency
Prevention Act, on March 7, 1984

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

FFF:JGR:aea 3/6/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 6, 1984

MEMORANDUM FOR WILLIAM BRADFORD REYNOLDS
ASSISTANT ATTORNEY GENERAL
CIVIL RIGHTS DIVISION

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence Concerning Texas
Redistricting Plan

Attached is a letter from Texas State Representative Patricia Hill that has been referred to me for response. Representative Hill writes about the various Texas redistricting plans submitted to the Civil Rights Division for pre-clearance in 1982 and 1983. As you will note, Ms. Hill has been involved in the redistricting process as an attorney for the plaintiffs challenging plans for the Texas House and Senate.

I would greatly appreciate a draft response to Ms. Hill's letter, for my signature, as soon as possible.

Many thanks.

Attachment

FFF:JGR:aea 3/5/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 6, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Photo Request

Jennifer S. Lyle, Director of Publicity for Columbia Artists Management, Inc., has written the Photo Office requesting photographs of the November 19, 1982 visit of the Spanish Riding School of Vienna to the White House. You may recall that during that visit horses from the famous school performed on the South Lawn. Amadeus, the stallion donated by the school to the President and the United States, also performed. Lyle notes that the photographs may be used in promotions for the school's upcoming American tour, and in the souvenir book to be sold on the tour.

Lyle's contemplated use of the requested photographs clearly contravenes our policy of not approving any use of a photograph of the President or the White House in a manner that suggests or could be construed as endorsement of a commercial product or enterprise. I have drafted a letter for your signature advising Lyle of our policy.

Attachment

THE WHITE HOUSE

WASHINGTON

March 6, 1984

MEMORANDUM FOR CAROL GREENAWALT
PHOTO EDITOR
WHITE HOUSE PHOTO OFFICE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Photo Request

Attached for your information is a copy of my reply to Jennifer S. Lyle, who wrote the Photo Office requesting White House photographs for use in promotional activities for the Spanish Riding School of Vienna. Thank you for raising this matter with us.

Attachment

FFF:JGR:aea 3/6/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 6, 1984

Dear Ms. Lyle:

This is written in response to your letter of February 27 to Diane Powers of the White House Photo Office. In that letter you requested White House photographs of the visit of the Spanish Riding School of Vienna to the White House on November 19, 1982. You indicated that the photographs might be used as promotion for the Riding School's upcoming tour, and that they would be considered for inclusion in the souvenir book to be sold on the tour.

I must advise you that we cannot approve any use of a photograph of the President or the White House in a manner that suggests or could be construed as White House endorsement of a commercial product or enterprise. In this case, we could not approve use of the White House photographs to promote the appearances of the Riding School, either as a separate promotion or as part of the souvenir book. I hope you will appreciate the reasons for this policy, and understand that our adherence to it in this instance is in no sense an adverse reflection on the Riding School.

Sincerely,

Fred F. Fielding
Counsel to the President

Ms. Jennifer S. Lyle
Director of Publicity
Columbia Artists Management Inc.
165 West 57th Street
New York, NY 10019

FFF:JGR;aea 3/6/84
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 7, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Revised Draft For
Fortune 1000 Members

Richard Darman has asked for our views by close of business today on a revised draft of the proposed Presidential letter to Fortune 1000 companies, urging them to assist minority business enterprises. We noted no objection to the earlier draft on February 28. The revised draft, prepared by OPD, urges support for minority businesses generally rather than focusing on minority-owned financial institutions. I have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

March 7, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Revised Draft For
Fortune 1000 Members

Counsel's Office has reviewed the above-referenced proposed Presidential letter, and finds no objection to it from a legal perspective. In paragraph 5, "any" should be inserted between "regarding" and "initiative."

FFF:JGR;aea 3/7/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 7, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Draft Proclamation:
Loyalty Day, May 1984

Dodie Livingston asked for comments by March 9 on the above-referenced draft proclamation. The proclamation, issued annually pursuant to 36 U.S.C. § 162, is a traditional rebuttal to May Day activities around the world. The draft was prepared by the Veterans Administration and has been approved by OMB. It stresses our commitment to liberty and democratic ideals.

I have reviewed the draft proclamation, and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

March 7, 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:
Loyalty Day, May 1984

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

FFF:JGR:aea 3/7/84

cc: FFFielding/JGRoberts/Subj/Chron