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THE WHITE HOUSE

WASHINGTON

March 8, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Civil Aeronautics Board Decision
in Cayman Airways Limited

Richard Darman's office has asked for comments by March 12 on the above-referenced CAB decision, which was submitted for Presidential review as required by § 801(a) of the Federal Aviation Act of 1958, as amended, 49 U.S.C. § 1461(a). Under this section, the President may disapprove, solely on the basis of foreign relations or national defense considerations, CAB actions involving either foreign air carriers or domestic carriers involved in foreign air transportation. If the President wishes to disapprove such CAB actions, he must do so within sixty days of submission (in this case, by April 22, 1984).

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

The order amends and reissues the certificate authorizing Cayman Airways to carry persons and freight between specified points in the Caribbean and the United States. OMB describes the order as a "routine, noncontroversial matter."

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

Attachment

THE WHITE HOUSE

WASHINGTON

March 8, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Civil Aeronautics Board Decision
in Cayman Airways Limited

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

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

FFF:JGR:aea 3/8/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 8, 1984

MEMORANDUM FOR MICHAEL J. HOROWITZ
COUNSEL TO THE DIRECTOR
GENERAL COUNSEL
OFFICE OF MANAGEMENT AND BUDGET

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: A-122 Material

I am returning, as you requested, copies of all the material you provided in response to Senator Leahy's question to Attorney General Designate Meese concerning OMB Circular A-122. Many thanks for the assistance in pulling this material together on such short notice.

THE WHITE HOUSE

WASHINGTON

March 8, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Haemisegger Letter to James A. Baker, III

H. Fred Haemisegger, apparently a personal friend of Mr. Baker, wrote Mr. Baker at home concerning a pending application by Swiss Air for landing rights in Houston. Haemisegger asked if it were "wise to wait until after the elections before pursuing this matter or, in your judgment, does it make any difference?"

Section 4 of Executive Order 11920 provides, in part, that:

Individuals within the Executive Office of the President shall follow a policy of (a) refusing to discuss matters relating to the disposition of a case subject to the approval of the President under section 801 with any interested private party, or an attorney or agent for any such party, prior to the President's decision, and (b) referring any written communication from an interested private party, or an attorney or agent for any such party, to the appropriate department or agency outside of the Executive Office of the President.

Mr. Baker should not, accordingly, respond directly to Haemisegger, nor should anyone in the White House discuss the merits of the Swiss Air application with Haemisegger. I do not, however, think it necessary or even appropriate to refer the Haemisegger letter to the Department of Transportation. The purpose of section 4(b), generally calling for such a referral, is to ensure that an agency outside the Executive Office of the President, rather than White House staff members, considers matters raised in correspondence that might bear upon a CAB decision. No such matter is raised in Haemisegger's foolish letter. Since he raises no substantive points, I think it best simply to advise him that discussing the matter with Mr. Baker is inappropriate, and that any concerns he may want to raise should be presented to the CAB or the appropriate department.

A draft to Haemisegger is attached, as is a transmittal to Kathy Camalier, who asked for our advice.

THE WHITE HOUSE

WASHINGTON

March 8, 1984

MEMORANDUM FOR KATHY CAMALIER
STAFF ASSISTANT TO THE CHIEF OF STAFF

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Haemisegger Letter to James A. Baker, III

Attached is a draft reply to the letter sent to Mr. Baker by H. Fred Haemisegger. Unless I hear otherwise from you, I will send the reply.

Attachment

FFF:JGR:aea 3/8/84

cc: FFfielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 8, 1984

Dear Mr. Haemisegger:

This is written in response to your February 28 letter to James A. Baker, III. That letter concerned a pending application by Swiss Air for landing rights in Houston.

I must advise you that it would be inappropriate for Mr. Baker to discuss this matter with you or any other private party. Executive Order 11920 specifies that an individual within the Executive Office of the President shall refuse to discuss such Civil Aeronautics Board matters with an interested private party or an attorney or agent for such a party. Pursuant to the Executive Order, any questions or concerns you have should be raised directly with the CAB or the appropriate department or agency outside the Executive Office of the President.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. H. Fred Haemisegger
Post Office Box 55307
Houston, Texas 77255

FFF:JGR:aea 3/8/84
bcc: FFfielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 9, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Presidential Radio Talk: Economy

Richard Darman has asked that comments on the above-referenced remarks be sent directly to Ben Elliott by noon today. The remarks review the continued progress of the economic recovery, and criticize television coverage for emphasizing the negative in the face of steady positive economic statistics. The remarks contend that 95 percent of the statistics released in the second half of 1983 were positive, while a recent study reports that 86 percent of the television news stories were negative.

I have no legal objections to the remarks, although I have never considered it profitable to criticize media coverage. I assume we should leave that policy decision to the Media Relations gurus.

Attachment

THE WHITE HOUSE

WASHINGTON

March 8, 1984

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Radio Talk: Economy

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 3/8/84

bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 9, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Cities in Schools Project --
Proposed Plan Calling for Partnerships

Kathy Camalier, on behalf of Mr. Baker, has asked for our views by close of business today on a request by Bob Baldwin (Chairman of Morgan Stanley and a member of the President's Commission on Industrial Competitiveness) and Bill Milliken that a White House event be scheduled for their Cities in Schools project. Baldwin and Milliken would invite "heavy-hitter corporate heads" to the White House luncheon, explain the Cities in Schools project to them, and, at a later date, follow-up with fundraising requests.

Baldwin and Milliken have sent a memorandum explaining the Cities in Schools project. Cities in Schools, Inc., is a 501(c)(3) organization that focuses on the related problems of school dropouts and school violence. It has been active since the early 1960's, with significant funding from a discretionary fund administered by the Secretary of Education. Secretary Bell has reduced this funding and resisted efforts by Cities in Schools to increase it. Baldwin argues that the projects administered by Cities in Schools coincide with the President's own Partnerships in Education program, and accordingly deserve our support.

The proposal for a White House event to benefit Cities in Schools raises several problems. We generally try to avoid endorsing particular charitable organizations, not only to preclude charges of favoritism but also because we are not equipped to supervise the activities of charitable organizations, which would be necessary to some extent were the White House to endorse or otherwise support a particular organization. This proposal also would involve the White House in fundraising, despite Milliken's response that Cities in Schools would only "make contacts" at the White House event and follow-up with fundraising at a later date. As you know, we generally avoid using the White House for charitable fundraising, with only limited exceptions for events or organizations with which the Reagans have been personally associated. Finally, I do not like the idea of

using the White House to raise funds for an organization when the responsible Cabinet Secretary has resisted efforts to increase funding for the organization.

I have drafted a memorandum to Camalier noting the above concerns, recommending against a White House event for Cities in Schools, and suggesting that the matter be referred to Jim Coyne's office, which is handling the Partnerships in Education initiative. Perhaps Coyne's office can give informational or other support short of a White House fundraising event.

Attachment

THE WHITE HOUSE

WASHINGTON

March 9, 1984

MEMORANDUM FOR KATHY CAMALIER
STAFF ASSISTANT TO THE CHIEF OF STAFF

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Cities in Schools Project --
Proposed Plan Calling for Partnerships

You have asked for our views on a request from Bob Baldwin and Bill Milliken that a White House event be held to benefit Cities in Schools, Inc. As you described it, Baldwin and Milliken would invite corporate leaders to the event, explain Cities in Schools to them, and follow-up with fundraising at a later date.

The White House generally avoids endorsing or otherwise supporting particular charitable organizations, not only to preclude charges of favoritism but also because we are not equipped to monitor the activities of charitable organizations, which would be necessary to some extent if the White House were to support a particular organization. Furthermore, we generally do not permit the White House to be used for fundraising. The fact that the supporters of Cities in Schools plan to solicit funds at a later date after the proposed White House event does not alter the fact that the White House event would be used to promote those subsequent fundraising efforts. Finally, I am reluctant to involve the White House in fundraising for an organization when the responsible Cabinet Secretary has considered and rejected applications for increased funding for the organization. For these reasons, we must recommend against the proposed White House event.

Those supporting the Cities in Schools project could be referred to the Office of Private Sector Initiatives, which is coordinating the Partnerships in Education initiative, for whatever support or guidance that office can provide short of a White House event.

FFF:JGR:aea 3/9/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 9, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Enrolled Res. S.J. 225 -- National
Eye Donor Month, March 1984

Richard Darman has asked for comments by 10:00 a.m. March 13 on the above-referenced enrolled resolution. The resolution, which passed both Houses by voice vote, praises the contributions of eyebanks and designates this month as "National Eye Donor Month." OMB and HHS recommend approval. I have reviewed the memorandum for the President prepared by OMB Assistant Director for Legislative Reference James M. Frey, and the resolution itself, and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

March 9, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Res. S.J. 225 -- National
Eye Donor Month, March 1984

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

FFF:JGR:aea 3/9/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 9, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Correspondence From John Steel

You have asked for my views on a January 25, 1984 letter from John A. Steel of New York to the President. In his letter Mr. Steel complains that his previous letter of October 6, 1983 has gone unanswered, even though the matter was reportedly discussed by your staff. Mr. Steel is an indefatigable correspondent, having written a wide variety of government officials over the past several years to complain that his mother is being held in a New York State hospital against her will, and that his complaints on that score have not been satisfactorily resolved. For example, he has called for a Special Prosecutor to investigate his charge that his file at the Department of Justice did not contain all that he thought it should.

Ed Wilson handled this matter previously for our office. On February 1, 1983, you referred Steel's correspondence to the Justice Department, so advising Steel. Justice has responded directly to Steel on several occasions. On May 24, 1983, September 19, 1983, and October 18, 1983, you forwarded redundant letters from Steel to Central Files without reply. I see no reason to depart from this path, and recommend no reply to Steel's latest letter. Nor do I see any need to trouble Justice with Steel's claims, which the Department has already considered.

Attachment

JV

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

Ed has handed previous cover forwarded to Schmeltz

JR - your advice, ps

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

Name of Correspondent: John A. Steel

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

Subject: Writes President regarding alleged "cover-up" of tampering with Government Records

ROUTE TO: Office/Agency (Staff Name)	ACTION		DISPOSITION	
	Action Code	Tracking Date YY/MM/DD	Type of Response Code	Completion Date YY/MM/DD
<u>CWHOLL</u>	<u>ORIGINATOR</u>	<u>84,02,08</u>		<u>1/1</u>
<u>CWAT18</u>	<u>D</u>	<u>84,02,08</u>	<u>S</u>	<u>84,02,18</u>
		<u>1/1</u>		<u>1/1</u>
		<u>1/1</u>		<u>1/1</u>
		<u>1/1</u>		<u>1/1</u>

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

Comments: see 171025CU ~~202866~~ (+ other previous)

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 9, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Loyalty Day/Law Day

You have inquired whether Loyalty Day (May 1) conflicts with Law Day (May 1). Public Law 85-529, passed in 1958, designates May 1 of each year as Loyalty Day; Public Law 87-20, passed in 1961, designates the same day as Law Day, U.S.A. See 36 U.S.C. § 162 (Loyalty Day); 36 U.S.C. § 164 (Law Day). You are correct that the genesis of both statutes -- a rebuttal to May Day activities in communist countries -- is the same. To the extent there is a conflict there is nothing we can do about it, since the simultaneous celebrations are mandated by statutes. Loyalty Day and Law Day have both been celebrated on May 1 for 23 years.

In case you are interested, May 1 is also Chimney Sweep Day in London.

Attachment

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

*Doesn't this conflict w/
Law Day (May 1) -
which serves same
purpose.*

THE WHITE HOUSE

WASHINGTON

March 12, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Statement of Carolyn B. Kuhl
Concerning the Reauthorization
of the Equal Access to Justice
Act on March 14, 1984

The Justice Department has provided us with a copy of testimony Deputy Assistant Attorney General Carolyn Kuhl proposes to deliver March 14 before the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the House Judiciary Committee. The testimony supports reauthorization of the Equal Access to Justice Act, the statute that provides for the award of attorneys fees and expenses to private parties in litigation with the United States when the position of the United States is not "substantially justified."

Kuhl's testimony points out, however, no less than a dozen problems that have developed under the Act, and invites Congressional clarification to resolve these problems. The problems include (1) use of multipliers to exceed the \$75/hour maximum in the Act, (2) confusion as to whether the agency position or only the position argued in court should be considered, (3) whether land condemnation cases should be covered, and if so how the prevailing party is to be identified in litigation over land valuation, (4) relationship of the Act to other fee-shifting statutes, (5) whether Social Security cases are covered by the Act, (6) whether agencies can seek review of fee determinations, (7) whether Tax Court cases are covered, (8) definition of "party," (9) definition of "final judgment," (10) authorization of interim fee awards, (11) whether the Act applies in cases in which statutes are declared unconstitutional, and (12) definition of "expenses."

The testimony objects to several provisions of H.R. 5059, a bill to reauthorize and amend the Equal Access to Justice Act introduced by Representative Kastenmeier, because the bill would expand litigation over fee awards and effectively limit the government's right to appeal excessive fee awards. I have reviewed the testimony and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

March 12, 1984

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Statement of Carolyn B. Kuhl
Concerning the Reauthorization
of the Equal Access to Justice
Act on March 14, 1984

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

FFF:JGR:aea 3/12/84

cc: FFfielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 12, 1984

MEMORANDUM FOR KATHY CAMALIER
STAFF ASSISTANT TO THE CHIEF OF STAFF

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Cities in Schools Project --
Proposed Plan Calling for Partnerships

You have asked for our views on a request from Bob Baldwin and Bill Milliken that a White House event be held to benefit Cities in Schools, Inc. As you described it, Baldwin and Milliken would invite corporate leaders to the event, explain Cities in Schools to them, and follow-up with fundraising at a later date.

The White House generally avoids endorsing or otherwise supporting particular charitable organizations, not only to preclude charges of favoritism but also because we are not equipped to monitor the activities of charitable organizations, which would be necessary to some extent if the White House were to support a particular organization. Furthermore, we generally do not permit the White House to be used for fundraising. The fact that the supporters of Cities in Schools plan to solicit funds at a later date after the proposed White House event does not alter the fact that the White House event would be used to promote those subsequent fundraising efforts. Finally, I am reluctant to involve the White House in fundraising for an organization when the responsible Cabinet Secretary has considered and rejected applications for increased funding for the organization. For these reasons, we must recommend against the proposed White House event.

FFF:JGR:aea 3/12/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 12, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Statement of Lois Haight Herrington
on H.R. 3498 -- "The Victims of Crime
Act of 1983"

We have been provided with a copy of testimony Assistant Attorney General Lois Herrington proposes to deliver on March 14 before the Subcommittee on Criminal Justice of the House Judiciary Committee. The testimony concerns H.R. 3498, "The Victims of Crime Act of 1983," which is very similar to the Administration's own "The Victims of Crime Assistance Act of 1984." Herrington's testimony reviews the major features of the Administration's bill, and then discusses the differences between it and H.R. 3498. The Administration bill would create a Fund from criminal fines and other sources, and distribute 50 percent of the Fund to reimburse states for compensating victims, 30 percent to states to improve victim assistance programs, and 20 percent to Federal agencies for the same purpose. The Fund would be administered by an official appointed by the Attorney General, advised by an advisory committee appointed by the President. H.R. 3498 also establishes a Fund, with slightly broader sources of funding, and would distribute 80 percent of the Fund to reimburse states for compensating victims, and 20 percent for victim assistance programs.

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

Attachment

THE WHITE HOUSE

WASHINGTON

March 12, 1984

MEMORANDUM FOR JAMES C. MURR
CHIEF, ECONOMICS-SCIENCE-GENERAL
GOVERNMENT SECTION, OMB

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Statement of Lois Haight Herrington
on H.R. 3498 -- "The Victims of Crime
Act of 1983"

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

FFF:JGR:aea 3/12/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 12, 1984

MEMORANDUM FOR GREGORY JONES
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Statement of William R. McGuiness
Concerning H.R. 3498 -- Victim
Compensation, March 14, 1984

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

THE WHITE HOUSE

WASHINGTON

March 12, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Proposed Executive Proclamation
Entitled "Import Fees on Certain
Sugars, Sirups and Molasses"

Richard Darman has asked for comments on the above-referenced proposed proclamation by March 14. Under 7 U.S.C. § 624, the President is authorized to request an investigation by the International Trade Commission (ITC) if the Secretary of Agriculture reports that he has reason to believe that an agricultural price support program may be rendered ineffective or materially interfered with by the import or practically certain prospective import of any article or articles. If the President determines this to be the case, on the basis of the ITC report to him, he is authorized to impose certain fees on the import of the articles in question. The President is also authorized to impose fees on an emergency basis pending receipt of the ITC report.

On December 23, 1981, the President issued Proclamation 4887, requesting an ITC report on the effect of imports of certain sugars, sirups (the correct spelling in international trade documents) and molasses on the price support program for sugarcane and sugar beets. The Proclamation also imposed fees on such imports on an emergency basis pending receipt of the ITC report. On May 5, 1982, the President issued Proclamation 4940, revising the earlier proclamation and continuing in effect emergency import fees. The ITC report has now been received, and the proposed proclamation continues the import fee system with minor adjustments recommended by the ITC.

The proclamation was submitted by the Department of Agriculture. A policy dispute precipitated by the proposed proclamation concerning calculation of the market stabilization price was resolved by the Cabinet Council on Food and Agriculture. The proclamation has been approved by OMB and, as to form and legality, by the Office of Legal Counsel.

I have reviewed the proposed proclamation and related materials and have no legal objections. The proclamation contains the requisite findings that the articles in question "are being or are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with" the price support program, and that the import fees are "necessary in order that the entry of such article or articles will not render or tend to render ineffective, or materially interfere with" the program. As required by 7 U.S.C. § 624, the fees do not exceed 50 percent ad valorem.

Attachment

THE WHITE HOUSE

WASHINGTON

March 12, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Executive Proclamation
Entitled "Import Fees on Certain
Sugars, Sirups and Molasses"

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

FFF:JGR:aea 3/12/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 13, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: CCCT Decision Paper and Press Release
Regarding Antitrust Barriers to Joint
Research and Development

Richard Darman has asked for comments by 5:00 p.m. today on a proposal by Secretary Baldrige, for the Cabinet Council on Commerce and Trade, that the White House reiterate its strong support for legislation to foster research and development joint ventures. Last September the Administration introduced its proposal in this area, the National Productivity and Innovation Act of 1983. The President's Commission on Industrial Competitiveness recently recommended passage of such legislation, and bills similar to the Administration proposal are facing imminent action in both the Senate and House Judiciary Committees. Baldrige urges White House support for the Senate bill, scheduled to be voted on by the Committee on March 15, and calls for the issuance of a White House press release affirming Administration support for the legislation.

I have reviewed Baldrige's proposal and have no objections. The Administration is already clearly on record as supporting the substance of this legislative initiative, and there can be no objection to reiterating this support. (Presumably any Cabinet member who feels otherwise can simply write an op ed piece for the New York Times, as Baldrige did last Sunday on McGrath's steel merger decision.)

Attachment

THE WHITE HOUSE

WASHINGTON

March 13, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: CCCT Decision Paper and Press Release
Regarding Antitrust Barriers to Joint
Research and Development

Counsel's Office has reviewed the above-referenced decision paper and proposed press release, and finds no objection to them from a legal perspective.

FFF:JGR:aea 3/13/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 14, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Draft Presidential Remarks: Luncheon
With Prime Minister FitzGerald
(3/13 - 3:00 p.m. Draft) -- Dropby
Briefing for Puerto Rican Leaders
(3/13 - 2:00 p.m. Draft)

Richard Darman has asked that comments on the above-referenced remarks be sent directly to Ben Elliott by noon today. The FitzGerald remarks contain the usual blarney about Irish-American ties, a strong condemnation of the terrorists active in Northern Ireland, and a plea for an end to the "troubles." The remarks also contain, on page 2, some light-hearted ribbing of Tip O'Neill (who will be at the luncheon), including a reference to his ambition to be Ambassador to Ireland. I do not object to that reference, nor to the accompanying witticism in the first full paragraph on page 2. I do, however, question whether the subsequent three paragraphs of political humor is appropriate in remarks for a visiting foreign leader, and recommend raising this concern in the memorandum for Elliott.

The remarks for Puerto Rican leaders focus on the economic recovery. The remarks praise the Job Training Partnership Act and urge support for a lower minimum wage for young people, enterprise zone legislation, and the Comprehensive Crime Control Act. I have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

March 14, 1984

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Presidential Remarks: Luncheon
With Prime Minister FitzGerald
(3/13 - 3:00 p.m. Draft) -- Dropby
Briefing for Puerto Rican Leaders
(3/13 - 2:00 p.m. Draft)

Counsel's Office has reviewed the above-referenced remarks, and finds no objection to them from a legal perspective. We are concerned, however, that the political humor in paragraphs 2-4 on page 2 of the FitzGerald remarks may be inappropriate in remarks for a foreign leader.

cc: Richard G. Darman

FFF:JGR:aea 3/14/84
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 14, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

H.R. 3655 -- District of Columbia
Judges for Superior and Appeals Court

Richard Darman has asked for comments by today on the above-referenced enrolled bill. The bill would add seven new judges to the D.C. Superior Court, and would increase the mandatory retirement age for judges on that court and the D.C. Court of Appeals from 70 to 74. The bill allows the D.C. Judicial Nomination Commission to take up to 90 days to submit nominations for the new judgeships, rather than the usual 30 days for a vacancy. OMB, the District, and Justice recommend approval. I have reviewed the memorandum for the President prepared by OMB Assistant Director for Legislative Reference James M. Frey, and the bill itself, and have no objections.

At our request Justice submitted a draft signing statement. Mr. Hauser and I have revised the statement, and accordingly our memorandum to Darman attaches our redraft.

Attachment

THE WHITE HOUSE

WASHINGTON

March 14, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: H.R. 3655 -- District of Columbia
Judges for Superior and Appeals Court

Counsel's Office has reviewed the above-referenced enrolled bill, and finds no objection to it from a legal perspective. A revised signing statement prepared by this office is attached.

Attachment

FFF:JGR:aea 3/14/84

cc: FFFielding
JGRoberts
Subject
Chron.

THE WHITE HOUSE

WASHINGTON

March 15, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Enrolled Bill H.R. 2173 -- Contract
Services for Drug Dependent Federal Offenders
Authorization Act Authorizing Additional
Appropriations

Richard Darman has asked for comments on the above-referenced enrolled bill by 5:00 p.m. Friday, March 16. This bill authorizes appropriations for 1984-1986 for drug treatment programs for Federal convicts required to participate in such programs as a condition of probation or parole. The Administrative Office of the United States Courts (AOUSC) contracts with public and private agencies to provide this sentencing option to Federal judges. The bill passed both Houses by voice vote. OMB, Justice, and AOUSC recommend approval; HHS defers. I have reviewed the memorandum for the President prepared by OMB Assistant Director for Legislative Reference James Frey, and the bill itself, and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

March 15, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2173 -- Contract
Services for Drug Dependent Federal Offenders
Authorization Act Authorizing Additional
Appropriations

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

FFF:JGR:aea 3/15/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 15, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Enrolled Resolution S.J. Res. 132 --
"National Correctional Officers Week"
May 6, 1984

Richard Darman has asked for comments on the above-referenced enrolled resolution by 5:00 p.m. Friday, March 16. This resolution reviews the difficulties confronting correctional officers and designates the week beginning May 6 in their honor. The resolution passed both Houses by voice vote. OMB and Justice recommend approval. I have reviewed the memorandum for the President prepared by OMB Assistant Director for Legislative Reference James Frey, and the resolution itself, and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

March 15, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Resolution S.J. Res. 132 --
"National Correctional Officers Week"
May 6, 1984

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

FFF:JGR:aea 3/15/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 15, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Violation of Constitutional, Civil
and Human Rights

You have received another letter from John J. Pelczarski of New Bedford, Massachusetts. Mr. Pelczarski writes government officials periodically with somewhat opaque complaints about violations of his various rights. On September 29, 1982, and March 4, 1983, our office referred Pelczarski's correspondence to the Deputy Attorney General, and I recommend doing the same with this latest -- but probably not last -- letter from him.

Attachment

THE WHITE HOUSE

WASHINGTON

March 15, 1984

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Violation of Constitutional, Civil
and Human Rights

On September 29, 1982, and March 4, 1983, this office referred to the Deputy Attorney General correspondence from John J. Pelczarski, for whatever action might be appropriate. Attached is further correspondence from Mr. Pelczarski. As with our earlier referrals, the correspondence is submitted for whatever action, if any, you consider appropriate. We have no continuing interest in this matter.

Many thanks.

Attachment


FFF:JGR:aea 3/15/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

March 15, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Media Requests for Copies of Reports
on Alaska Railroads, Administrator of
Veterans Affairs, and FEMA

In the last several months K. William O'Connor, Special Counsel of the Merit Systems Protection Board, has had occasion to send to the President three reports concerning allegations brought within his jurisdiction. In each case the reports reflected O'Connor's determination that the allegations had been dealt with in a satisfactory manner by the pertinent agencies, and no further action was necessary or taken by the President. As required by statute, O'Connor also sent copies of his reports to Congress, and this fact was noted in the Congressional Record. Those notices prompted a media request for the reports, and O'Connor complied with the request. O'Connor wrote you on March 7, simply to alert you to the media interest.

I have prepared a brief response to O'Connor, thanking him for advising us of the media request for the three reports. The reports themselves are not particularly noteworthy, and do not involve high-ranking Administration officials. I do not foresee any significant media interest.

Attachment

THE WHITE HOUSE

WASHINGTON

March 15, 1984

Dear Bill:

Thank you for your letter of March 7. In that letter you noted that you had, in response to a media request, released copies of reports referred to the President by you on December 20, 1983, and February 3 and 7, 1984.

We appreciate being advised of this action on your part. Again, many thanks.

Sincerely,

Fred F. Fielding
Counsel to the President

The Honorable K. William O'Connor
Special Counsel
U.S. Merit Systems Protection Board
1120 Vermont Avenue, N.W.
Washington, D.C. 20419

FFF:JGR:aea 3/15/84
bcc: FFFielding/JGRoberts/Subj/Chron

FE010-01
[Handwritten initials]

JV 1

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

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

Name of Correspondent: K. William O'Connor

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

Subject: Requests from media to make available copy of following records: OSC Case No. 24-2-70027 re: Alaska Railroads; OSC Case No. 40-3-70174 re: Administrator of Veterans Affairs; OSC Case No. 10-3-70208 & 10-3-00208 re: FEMA

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>CW Holland</u>		<u>ORIGINATOR</u>	<u>84 103108</u>		<u>1 1</u>
<u>CWAT18</u>		<u>D</u>	<u>84 103109</u>		<u>584 103119</u>
			<u>1 1</u>		<u>1 1</u>
			<u>1 1</u>		<u>1 1</u>
			<u>1 1</u>		<u>1 1</u>

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

Comments: Doc. # 193196 CW - OSC Case No. 24-2-70027 (DBW)
Doc. # 202598 CW - OSC Case No. 40-3-70174 (DBW)
Doc. # 202863 CW - OSC Case No. 10-3-70208 & 10-3-00208 (JGR)

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



OFFICE OF THE SPECIAL COUNSEL
U.S. Merit Systems Protection Board

The Special Counsel

1120 Vermont Avenue, N.W.
Washington, D.C. 20419

March 7, 1984

210800 *ce*

The Honorable Fred F. Fielding
Counsel to the President
The White House
Washington, D.C. 20500

Dear Mr. *Fielding*:

As you may recall, I referred to the President on December 20, 1983, one report pursuant to 5 U.S.C. § 1206 (b) (5). On February 3 and 7, 1984, two reports were referred pursuant to my statutory responsibilities under 5 U.S.C. § 1206 (b) (5) and 5 C.F.R. § 1252.2 (f).

As you may know, copies of the reports were also sent, pursuant to the statute, to The Honorable George Bush and The Honorable Thomas P. O'Neill, Jr., in their respective capacities as President of the Senate and Speaker of the House. Apparently, when such referrals are made, it is a practice of the Congress to insert notices in the Congressional Record. Today, my office received a request from the media to make available one copy of each of the reports, referring to the Congressional Record. Because these reports fall in the public domain, I am complying with this request. I did, however, feel it appropriate to notify you of this media interest.

With respect,

K. William O'Connor

HAA/smj

For your convenience, copies are enclosed.