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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name ROBERTS, JOHN: FILES

Withdrawer

IGP 8/6/2005

File Folder CHRON FILE (07/26/1984 - 07/31/1984)

FOIA

F05-139/01

Box Number 64

COOK

60IGP

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	ROBERTS TO FIELDING RE NATIONAL INSTITUTE OF EDUCATION <i>Released in Part 4/21/06</i>	2	7/26/1984	B6	830
2	MEMO	ROBERTS TO FIELDING RE ABSCAM	1	7/27/1984	B6	832
3	MEMO	ROBERTS TO FIELDING RE NATIONAL INSTITUTE OF EDUCATION	1	7/26/1984	B6	833

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.

WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name

Withdrawer

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IGP 8/30/2005

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2	MEMO	ROBERTS TO FIELDING RE ABSCAM (PARTIAL)	1	7/27/1984	B6	832
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THE WHITE HOUSE

WASHINGTON

July 26, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Allegations of Waste, Fraud, and Abuses
at the National Institute of Education

You asked that I review the allegations of waste, fraud, and abuses at the National Institute of Education (NIE) that surfaced in the June 25, 1984 edition of the "Department of Education Weekly." The "Weekly" and other publications were sent an anonymous four-page memorandum from "staff at NIE that know and posses [sic] integrity," detailing abuses of office by nine named NIE officials, including the Director, Manuel Justiz, and most of his staff. The memorandum also named seven NIE employees who could substantiate the charges, if given adequate "protection." The memorandum was originally sent to the Education Inspector General.

The memorandum contains a potpourri of allegations, such as:

[REDACTED]

B6

I telephoned Education General Counsel Maureen Corcoran to discuss the allegations. She referred me to [REDACTED]

[REDACTED]

B6

[REDACTED]

B6

On the issue of travel bonus points, [REDACTED] is revising Education's guidance to make it clear that such points may not be used for personal travel, even if the points are not transferrable and of no value to the Government. B6

I do not think any action by our office is necessary at this time. Allegations have been raised and are being investigated in the appropriate manner. The Department ethics officer has reviewed the charges with the head of the office and is satisfied that there are no continuing violations. [REDACTED] B6

WITHDRAWAL SHEET

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Collection Name

ROBERTS, JOHN: FILES

Withdrawer

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2 MEMO

1 7/27/1984 B6

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ROBERTS TO FIELDING RE ABSCAM

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THE WHITE HOUSE

WASHINGTON

July 27, 1984

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Missing Report With Regard to ABSCAM

Attached for your information is a copy of my reply on your behalf to Mrs. Harrison Williams, who wrote requesting that an internal Department of Justice document be made public.

Attachment

FFF:JGR:aea 7/27/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON, D.C. 20503

July 27, 1984

Dear Mrs. Williams:

Mr. Baker has asked me to respond to your letter of July 14, 1984. In that letter you requested that a report of the Department of Justice Office of Professional Responsibility be made public. The report in question concerned certain Federal prosecutors and the response of units within the Department of Justice to particular actions taken by those prosecutors.

I must advise you that such Office of Professional Responsibility reports are internal Department of Justice documents and are not available for public dissemination. I am authorized to tell you, however, that the report in question contains nothing whatsoever that could be considered exculpatory with respect to any of the Abscam defendants. I am sorry that we cannot be more responsive to your request.

Sincerely,

Fred F. Fielding
Counsel to the President

Mrs. Jeannette Williams
Box 2
Bedminster, NJ 07921

FFF:JGR:aea 7/27/84
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

July 30, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Allegations of Waste, Fraud, and Abuses
at the National Institute of Education

In response to my memorandum of July 26 on the above-referenced subject you suggested that Maureen Corcoran be urged to take personal charge of the review of allegations concerning the National Institute of Education. I talked with Ms. Corcoran today and relayed your suggestion. She agreed that Dick Werksman was in a difficult position, and indicated that she would independently review the allegations to ensure that there were no continuing improper practices.

THE WHITE HOUSE
WASHINGTON

July 27, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

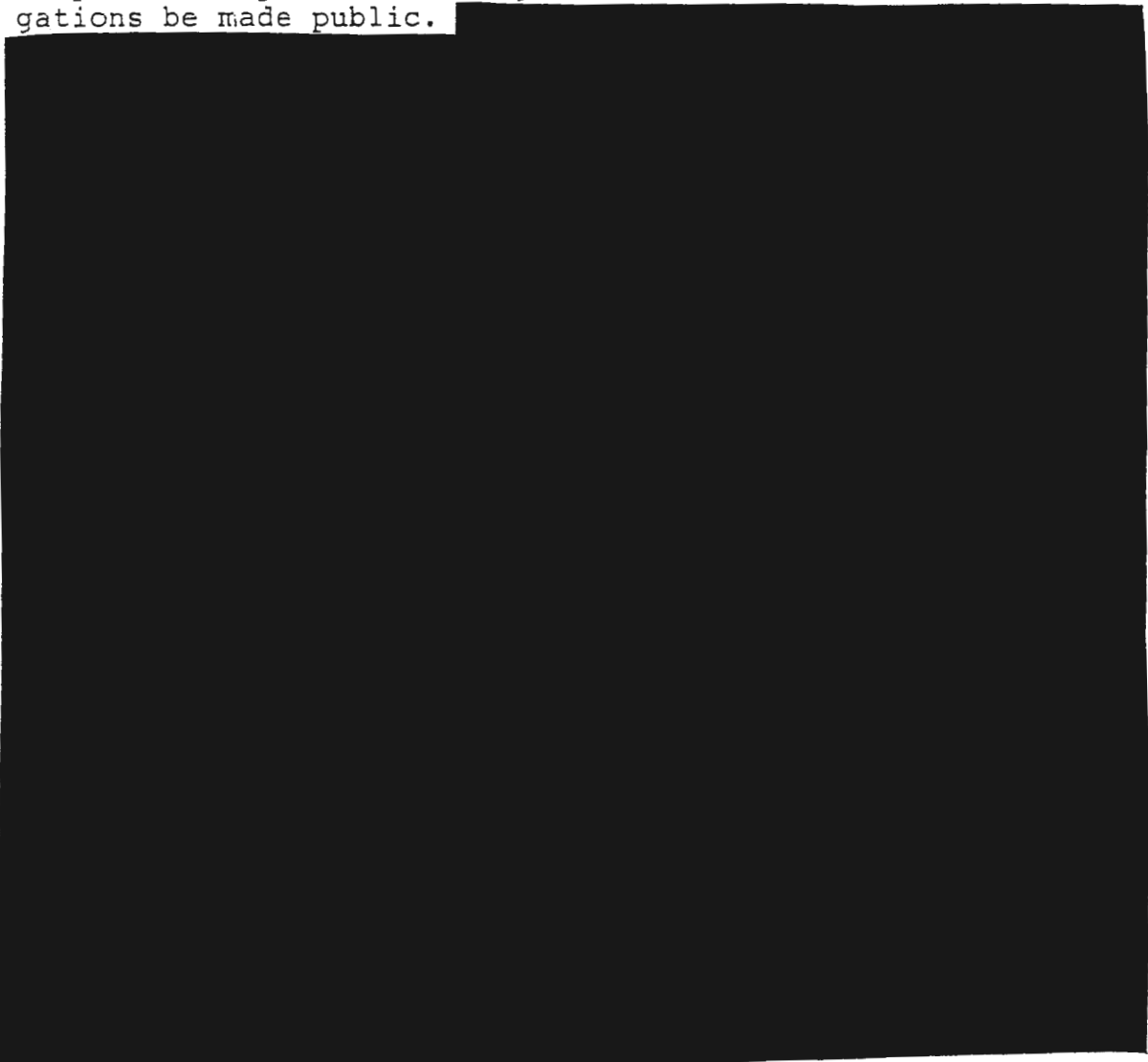
JOHN G. ROBERTS /S/

SUBJECT:

Missing Report With Regard to ABSCAM

[REDACTED] has written Mr. Baker, to urge that a report of the Justice Department Office of Professional Responsibility (OPR) arising out of the Abscam investigations be made public. [REDACTED]

b6



Attachment

THE WHITE HOUSE
WASHINGTON

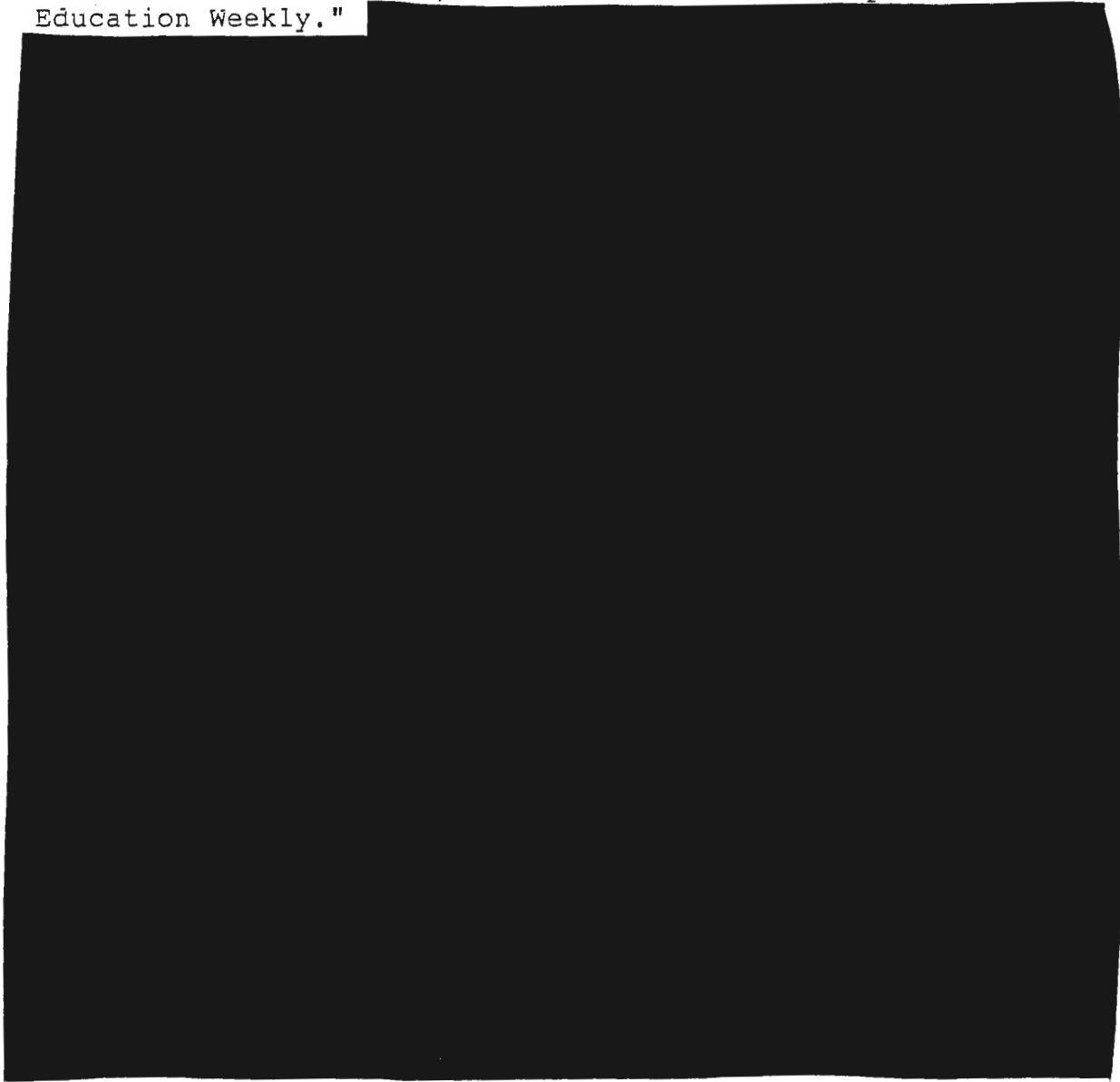
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MEMORANDUM FOR FRED F. FIELDING

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SUBJECT: Allegations of Waste, Fraud, and Abuses
at the National Institute of Education

You asked that I review the allegations of waste, fraud, and abuses at the National Institute of Education (NIE) that surfaced in the June 25, 1984 edition of the "Department of Education Weekly."



b6

b6

COPY - Reagan Presidential Record

THE WHITE HOUSE

WASHINGTON

July 30, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Phi Delta Kappa Magazine
(Prepared by Campaign)

Richard Darman asked that we provide comments to Mike Baroody on a draft candidate article for the education magazine Phi Delta Kappan. I received the article at 2:00 p.m.; comments were due by 3:00 p.m. In light of the imminent deadline I telephoned my comments directly to Baroody. The only substantive legal comment concerned the first sentence on page 2: "The motto of the United States is 'E Pluribus Unum,' -- out of many, one." In fact, 36 U.S.C. § 186 specifies that "[t]he national motto of the United States is declared to be 'In God we trust'." Accordingly, I advised Baroody's office not to refer to "E Pluribus Unum" as our national motto.

A memorandum to Baroody memorializing our review and comments is attached.

Attachment

THE WHITE HOUSE

WASHINGTON

July 30, 1984

MEMORANDUM FOR MICHAEL E. BAROODY
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR, PUBLIC AFFAIRS

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Phi Delta Kappa Magazine
(Prepared by Campaign)

Counsel's Office has reviewed the proposed article for the education magazine Phi Delta Kappan. As we have advised orally, the first sentence on page 2 should be changed. Pursuant to 36 U.S.C. § 186, the national motto is "In God We Trust," not "E Pluribus Unum."

cc: Richard G. Darman

FFF:JGR:aea 7/30/84

bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

July 31, 1984

Dear Dr. White:

Enclosed please find the corrected galley proofs for the President's article. All of the changes are properly classified as author's alterations; you are well served by your printer.

Thank you once again for your continuing assistance.

Sincerely,



John G. Roberts
Associate Counsel to the President

Stephen W. White, Editor
NATIONAL FORUM
Box 19420A
East Tennessee State University
Johnson City, TN 37614-0002

cc: Mark Cannon

THE WHITE HOUSE

WASHINGTON

July 31, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Brief for the United States as
Amicus Curiae in New Jersey v. T.L.O.

New Jersey v. T.L.O., a case concerning the authority of public school officials to conduct searches of students, was argued before the Supreme Court last Term. The Court was unable to reach a decision in the case before adjournment, however, and accordingly set it for reargument in the fall. The United States did not participate in the case last Term in any way, but today filed an amicus curiae brief supporting New Jersey. As you know, the President has on several occasions announced that he has directed the Department of Justice to file amicus curiae briefs in support of the rights of school officials and teachers to enforce discipline in the schools. This is the first such brief.

A teacher caught T.L.O., a 14-year-old girl, smoking cigarettes with another student in a Piscataway High School restroom. The girls were sent to the assistant vice principal, whereupon T.L.O.'s companion confessed but T.L.O. denied smoking. The assistant vice principal asked to see T.L.O.'s purse and she gave it to him. The assistant vice principal opened the purse to reveal a pack of Marlboros. He also noticed rolling papers in plain view inside the purse and, searching further, discovered marijuana, a significant amount of cash, and records of marijuana sales to other students. T.L.O. was eventually judged a delinquent. The New Jersey Supreme Court reversed that determination, however, ruling that the assistant vice principal lacked reasonable grounds to search T.L.O.'s purse, even though probable cause and a warrant were not required.

The brief of the Solicitor General urging reversal agrees with the New Jersey Supreme Court that probable cause and warrants are not required for searches of students at school, but argues that the actions of the assistant vice principal in this case were completely reasonable. Teachers and school officials act in loco parentis and must be accorded leeway to exercise their authority in a manner that permits them to maintain discipline and achieve their educative mission. Here opening T.L.O.'s purse to determine the truth of the smoking charge was reasonable, and once the

rolling papers were in plain view the assistant vice principal was justified in conducting a further search of the purse.

The attached proposed memorandum to Baroody, copy to Speakes, provides guidance concerning the Department's filing in this case, should any press questions arise.

Attachment

THE WHITE HOUSE

WASHINGTON

July 31, 1984

MEMORANDUM FOR MICHAEL E. BAROODY
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR, PUBLIC AFFAIRS

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Brief for the United States as
Amicus Curiae in New Jersey v. T.L.O.

Today the Solicitor General filed an amicus curiae brief in the Supreme Court case of New Jersey v. T.L.O. This case was argued last Term, without any involvement by the United States, but the Court did not reach a decision before adjournment and set the case for reargument.

The case concerns the authority of public school teachers and officials to conduct searches of students. A teacher caught T.L.O., a 14-year-old girl, smoking cigarettes with another student in a Piscataway High School restroom. The girls were sent to the assistant vice principal, whereupon T.L.O.'s companion confessed but T.L.O. denied smoking. The assistant vice principal asked to see T.L.O.'s purse and she gave it to him. The assistant vice principal opened the purse to reveal a pack of Marlboros. He also noticed rolling papers in plain view inside the purse and, searching further, discovered marijuana, a significant amount of cash, and records of marijuana sales to other students. T.L.O. was eventually judged a delinquent. The New Jersey Supreme Court reversed that determination, however, ruling that the assistant vice principal lacked reasonable grounds to search T.L.O.'s purse, even though probable cause and a warrant were not required.

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rolling papers were in plain view the assistant vice principal was justified in conducting a further search of the purse.

The President has announced on several occasions that he has directed the Department of Justice, in appropriate cases, to file amicus curiae briefs supporting the rights of teachers and principals to enforce school discipline. This brief is consistent with that directive.

cc: Larry Speakes

FFF:JGR:aea 7/31/84

bcc: FFFielding/JGRoberts/Subj/Chron