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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name

Withdrawer

File Folder CHRON FILE (08/28/1984 - 08/31/1984)

IGP 8/30/2005

Box Number 64

FOIA

F05-139/01

COOK

62IGP

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	ROBERTS TO HAUSER RE COMMISSION ON THE BICENTENNIAL OF THE U.S. CONSTITUTION (PARTIAL)	1	8/29/1984	B6	843
2	MEMO	ROBERTS TO FIELDING RE KENNEDY CENTER FOR THE PERFORMING ARTS ADVISORY COMMITTEE (PARTIAL)	1	8/30/1984	B6	845
3	MEMO	ROBERTS TO FIELDING RE KENNEDY CENTER FOR THE PERFORMING ARTS ADVISORY COMMITTEE (PARTIAL)	1	8/30/1984	B6	846

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.

Bicentennial of
the Constitution
(3.15)

THE WHITE HOUSE
WASHINGTON

COPY - Reagan Presidential Record

August 29, 1985

MEMORANDUM FOR DIANNA G. HOLLAND

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Appointment of William Lucas to the
Commission on the Bicentennial of
the U.S. Constitution

I have reviewed the Personal Data Statement submitted by William Lucas in connection with his prospective appointment to the Bicentennial Commission, and have no objection to proceeding with that appointment. The Commission was established by Public Law 98-101. It consists of 23 members, including 20 appointed by the President, twelve on the recommendation of other officials and eight unrestricted. Lucas falls in the unrestricted category.

Lucas is Wayne County Executive, the CEO of the third largest county in the United States. A black, Lucas recently was the subject of considerable attention for shifting from the Democratic to Republican Party.

[REDACTED]

b6

Attachment

THE WHITE HOUSE

WASHINGTON

August 28, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Signing Statement for H.R. 5712

You will recall that our office advised Darman yesterday that the Department of Justice would be submitting new proposed language for the above-referenced signing statement. Justice has now done so. As we indicated in yesterday's memorandum would be the case, the Justice draft distinguishes more clearly between the two different constitutional concerns implicated by Section 510 of the bill -- the problem of Congressional interference in pending litigation and the problem of failing to fund an agency's responsibility to execute the laws. The draft Justice statement also includes language addressing the objectionable distinction in the bill between the authority of recess-appointed and Senate-confirmed directors of the Legal Services Corporation, as we suggested.

There are two minor problems with the draft. The third sentence of the third paragraph refers to the "inherent constitutional duty" of the FTC. Of course, the FTC can have no "inherent" constitutional duties, since the FTC is not mentioned in the Constitution nor, I daresay, was it envisioned by the Framers. Only the President has the inherent constitutional duty to execute the laws; the FTC can exercise this authority once the FTC has been created. I would change "its inherent" to "the."

In the last paragraph, Justice inadvertently omitted the words "during congressional recesses" in the second sentence, between "appointments" and "from."

I have reviewed both of these suggested changes with Ralph Tarr, and he agrees that they should be made. A memorandum for Darman is attached.

Attachment

THE WHITE HOUSE

WASHINGTON

August 28, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Signing Statement for H.R. 5712

Counsel's Office has reviewed the signing statement for H.R. 5712 prepared by the Department of Justice. In line 11 of the third paragraph, "the" should be substituted for "its inherent." In line 9 of the last paragraph, "during congressional recesses" should be added between "appointments" and "from." The Department of Justice has agreed to these changes.

FFF:JGR:aea 8/28/84
cc: FFFielding/JGRoberts/SUbj/Chron

THE WHITE HOUSE

WASHINGTON

August 28, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Proposed Signing Statement for H.J.
Res. 600 Agricultural Trade and Export
Policy Commission Act

Yesterday we noted no legal objection to approval of H.J. Res. 600, a bill to create a National Commission on Agricultural Trade and Export Policy. We also recommended issuance of a signing statement objecting to the mixed legislative-executive character of the Commission. The Office of Policy Development (Roger Porter) has now suggested adding language to the signing statement, announcing that the Secretary of Agriculture will not accept contributions from private sources to fund the activities of the Commission, as authorized by the bill. The proposed additional language notes that acceptance of contributions would not be "advisable" and that the other authorized sources of official funding will be used.

Porter is concerned that accepting private contributions will result in an inflated budget and large staff for the Commission, giving it the opportunity to do more damage than would otherwise be possible. Porter is also concerned that private entities affected by the Commission's work may try to "buy" a seat for a representative on the Commission, by promising a sizable donation to aid the Commission's work. (You will recall that Congress -- not the President -- appoints the vast majority of the Commission membership.)

I have no objection to Porter's suggested addition to the signing statement. The bill is permissive -- "the Secretary of Agriculture may receive" -- not mandatory.

Attachment

THE WHITE HOUSE

WASHINGTON

August 28, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Addition to Signing Statement for
H.J. Res. 600 Agricultural Trade and Export
Policy Commission Act

Counsel's Office has reviewed the proposed addition to the above-referenced signing statement suggested by OPD, and finds no objection to it from a legal perspective.

FFF:JGR:aea 8/28/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

August 28, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Response to Sophie Dadiotes

Chuck Donovan of White House Correspondence has sent us a "typical" agency draft response to a letter to the President, and has asked whether it is preferable for the White House to transmit the reply or have the agency respond directly. The letter in question concerned possible SBA action in response to default on an SBA loan.

While each case must be examined individually, it seems clear that as a general matter it would be better not to run agency replies through the White House, when the issue concerns loans, contracts, adjudications, and the like. This is of course the rule with respect to independent agencies, and it certainly makes sense to extend the rule to executive branch agencies, at least with respect to individual matters such as a specific SBA loan. A contrary approach -- having replies prepared at the agency but sent from the White House -- creates the potential for misinterpretation of the White House role in the matter at issue, not only on the part of the correspondent but the agency as well.

A draft memorandum for Donovan, recommending that in this case and similar ones replies come directly from the pertinent agency, is attached for your review and signature.

Attachment

THE WHITE HOUSE

WASHINGTON

August 28, 1984

MEMORANDUM FOR CHARLES A. DONOVAN
DEPUTY DIRECTOR
WHITE HOUSE CORRESPONDENCE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Response to Sophie Dadiotes

You have asked whether a reply to a letter to the President, prepared by the Small Business Administration (SBA), should be sent by the agency or by White House Correspondence. The correspondence concerns possible action by the SBA in response to default by the correspondent on an SBA loan.

As a general matter correspondence concerning specific cases pending before agencies should be answered directly by the pertinent agency rather than the White House. This is of course the rule with respect to so-called "independent" agencies; the rule should also be followed with respect to individual cases involving loans, grants, contracts, adjudication, or the like before executive branch agencies. A contrary course of action creates the potential for misinterpretation of the White House role in the agency process not only by the correspondent but by agency personnel as well. Since the instant letter concerns the handling of a specific SBA loan, it should be answered directly by SBA, not the White House.

Thank you for raising this matter with us. If you have any further questions on this score, please do not hesitate to contact this office.

FFF:JGR:aea 8/28/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

August 28, 1984

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THE WHITE HOUSE

WASHINGTON

August 28, 1984

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Thank you for raising this matter with us. If you have any further questions on this score, please do not hesitate to contact this office.

FFF:JGR:aea 8/28/84
cc: FFFielding/JGRoberts/Subj/Chron


THE WHITE HOUSE

WASHINGTON

August 29, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Draft DOD Report on S. 2568
The Civil Rights Act of 1984

OMB has asked for comments by close of business today on a draft Defense Department report on S. 2568, the "Civil Rights Act of 1984." You will recall that S. 2568 is portrayed by its supporters as designed to overturn the Grove City decision, although in fact it would do much more. The draft Defense report declines to express a view on the need for the legislation. Consistent with prior agency reports, however, the Defense report does note that the bill would impose vast new burdens on Federal agencies administering grant or loan programs. In particular, Defense objects to the need to ensure non-discrimination at every organizational subunit of a grant or loan recipient, no matter how removed from the defense-related activity receiving Defense Department funds. Defense also notes that it would be troublesome to permit Defense funding (to, for example, a state national guard unit) to be terminated because of unrelated discrimination elsewhere (for example, at a state university).

I have reviewed the draft report and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

August 29, 1984

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft DOD Report on S. 2568
The Civil Rights Act of 1984

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

FFF:JGR:aea 8/28/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

August 29, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Revised Signing Statement for H.R. 5712

Richard Darman has asked for our views as soon as possible on what I hope is the final revision of the above-referenced signing statement. This version embodies our earlier comments, and has been cleared by all affected agencies. (Securing the simultaneous concurrence of Justice and the FTC was no mean feat.) The only change you have not seen is the suggested addition of a sentence to the Legal Services discussion, noting that the problem raised by the bill's distinction between recess-appointed and confirmed LSC directors could be avoided if the Senate would confirm our nominees for the LSC board. All affected agencies agree that the suggested addition is desirable, and so do I.

Attachment

THE WHITE HOUSE

WASHINGTON

August 29, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Revised Signing Statement for H.R. 5712

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

FFF:JGR:aea 8/29/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE
WASHINGTON

August 30, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Appointments of Ophelia DeVore Mitchell and G. Robert Truex, Jr. to the John F. Kennedy Center for the Performing Arts Advisory Committee

I have reviewed the Personal Data Statements submitted by the above-referenced individuals for appointment as members of the Kennedy Center Advisory Committee.

Appointments to the Kennedy Center Advisory Committee are authorized by Public Law 85-874 § 2(c). Appointees "shall be persons who are recognized for their knowledge of, or experience or interest in, one or more of the arts in the fields covered by the [Kennedy Center]." Id.

Mrs. Mitchell is the Chief Executive Officer of Ophelia DeVore Associates, Inc., a consulting firm, and Publisher and Editor of the Columbus Times of Georgia.

[REDACTED]

b6

Mr. Truex is the Chairman of the Rainier Bank.

[REDACTED]

b6

Neither Mrs. Mitchell nor Mr. Truex have any holdings or associations that would present conflict of interest problems with respect to their service on this committee.

Attachments

THE WHITE HOUSE
WASHINGTON

August 30, 1984


MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*


SUBJECT: Appointments of Ophelia DeVore Mitchell
and G. Robert Truex, Jr. to the John F.
Kennedy Center for the Performing Arts
Advisory Committee

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b6

Mr. Truex is the Chairman of the Rainier Bank. 

b6

Neither Mrs. Mitchell nor Mr. Truex have any holdings or associations that would present conflict of interest problems with respect to their service on this committee.

Attachments

THE WHITE HOUSE

WASHINGTON

August 31, 1984

MEMORANDUM FOR DIANNA G. HOLLAND

FROM:

JOHN G. ROBERTS 

SUBJECT:

Appointments of Larry Zarian, Tommy L. Tabor, William H. Taggart, Frank Ursomarso and Reappointments of Russell I. Brown, Joanne C. Kozberg, Michael L. Johnson, and Stuart J. Northrup

I have reviewed the Personal Data Statements submitted by the above-referenced individuals in connection with their prospective appointments or reappointments to the National Highway Safety Advisory Committee (NHSAC). Pursuant to 23 U.S.C. § 404(a)(1), the President may appoint 35 members of NHSAC. The statute provides that the appointed members "shall be selected from among representatives of various State and local governments,...of public and private interests contributing to, affected by, or concerned with highway safety,...and of other public and private agencies, organizations, or groups demonstrating an active interest in highway safety, as well as research scientists and other individuals who are expert in this field."

Of the prospective reappointees, Mr. Johnson is a county coroner, Mr. Ursomarso owns and manages a large automobile dealership, Mrs. Kozberg serves on the board of the Coro Foundation (in which capacity she initiated a study of the Los Angeles urban transit system), and Mr. Brown owns a consulting firm specializing in planning, administering, and evaluating public safety programs. All four continue to satisfy the statutory requirements for appointment to this committee. The act creating the NHSAC prohibits reappointment of any member who has served a three-year term, within one year following the end of his preceding term. 23 U.S.C. § 404(a)(2)(A). These four individuals were appointed on June 28, 1982, to fill the remainder of terms expiring on March 15, 1984. Since they have not served a full three-year term, the limited ban on reappointments does not apply to them. The ban arguably would apply if they continued to holdover past June 28, 1985, since they would then have served three years: just under two years of a term and the rest as holdovers. Since Presidential Personnel can move slowly, we should -- in what is probably an excess of caution -- advise that office that these reappointments must be made before June 28, 1985.

Of the new appointees, Mr. Taggart is active in the San Diego County Safety Council, Mr. Zarian serves on the Glendale City Council, Mr. Northrop is Chairman of the Huff Corporation (world's largest manufacturer of bicycles), and Mr. Tabor is a Memphis policeman and former President of the Afro-American Police Association. All of the prospective new appointees satisfy the statutory requirements for appointment to the Committee.

I have reviewed the Personal Data Statements submitted by the above-referenced eight individuals, and have no objection to proceeding with these appointments and reappointments. I have not yet received a PDS from Carl Jefferson.

Attachment