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WASHINGTON

December 17, 1984

MEMORANDUM FOR DIANNA G. HOLLAND

FROM:

JOHN G. ROBERTS

SUBJECT:

Appointment of Roger Smith to the John F. Kennedy Center for the Performing Arts Board of Trustees

I have reviewed the Personal Data Statement submitted by the above-named individual in connection with his prospective appointment to the JFK Center for the Performing Arts Board of Trustees. The President is authorized to appoint 30 general trustees to this board under 20 U.S.C. § 76h(a). Mr. Smith satisfies the only statutory requirement for trustees, i.e., that they be citizens of the United States. The duties of the Board consist of maintaining and administering the Kennedy Center, and I see nothing that would preclude the conflict-free discharge of this responsibility by Mr. Smith.

WASHINGTON

December 18, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Traffic Hearing

You have asked for a report on the traffic court appearance noted on my schedule for yesterday. I am in the process of contesting a citation issued to me in connection with an automobile accident that occurred on October 22, 1984 at 10:30 p.m., as I was returning home at the end of a normal workday. I was cited for "failure to devote full time and attention" -- a laughable catch-all charge that the prosecution will be hard-pressed to prove. There was no question of my being under the influence, although the judgment of the police officer suggests the same cannot be said of him. The ticket was for a mere \$25.00, but having never been cited for a moving violation in my entire 15 years of driving, and feeling confident I was not at fault in this instance (and of course fearful of an increase in my insurance rates), I have decided to take the matter all the way to the Supreme Court, if necessary. My "case" has been continued until February because the police officer failed to show up -- understandable in view of the weakness of his case. I will keep you advised.

I will be more than happy to rehearse my oral argument for you if you desire to be informed of the details of the accident itself. Seriously, there was no personal injury to anyone in the accident, and the only serious property damage was to my vehicle. The insurance company has taken care of everyone involved; the only outstanding issue is my liability for the \$25.00 ticket. Still continuing in a serious vein, I believe my driving at the time was exemplary and that by increasing the risk to myself I actually avoided a far more serious accident for the other drivers, whose cars were stopped in the middle of the G.W. Parkway.

WASHINGTON

The many

Monday, December 17, 1984

SCHEDULE OF JOHN G. ROBERTS

10:30 a.m.

Traffic Court

2:00 p.m.

Mtg. w/RAH

Report,

WASHINGTON

December 28, 1984

MEMORANDUM FOR RICHARD G. DARMAN

ASSISTANT TO THE PRESIDENT

FROM:

JOHN G. ROBERTS

ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT:

Draft Proposed Executive Order Entitled

"Adjustments of Certain Rates of Pay

and Allowances"

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

WASHINGTON

December 28, 1984

MEMORANDUM FOR ROGER CLEGG

ASSOCIATE DEPUTY ATTORNEY GENERAL

U.S. DEPARTMENT OF JUSTICE

FROM:

JOHN G. ROBERTS

ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT:

Crime in New York

The attached correspondence from a South African victimized by crime in New York is referred to the Department for direct response and whatever other action you consider appropriate. We have not responded to Mr. Joslin in any way.

Many thanks.

MASH-NGTON

December 3, 1984

MEMORANDUM FOR RICHARD G. DARMAN

ASSISTANT TO THE PRESIDENT

FROM:

JOHN G. ROBERTS, JR.

ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT:

Civil Aeronautics Board Decisions: Alfonso Airways and Export, Inc., Puerto Rico - Venezuela Service

Proceeding, Pacific Freight Airlines,

Inc., and JFC Enterprises, Inc.,
d/b/a Concord International Airlines

Our office has reviewed the above-referenced CAB decisions 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 these orders or to the substance of the letter from the President to the CAB Chairman prepared by OMB.

bcc: Dianna Holland

WASHINGTON

December 4, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Peanuts

Attached is the scheduling request discussed at this morning's staff meeting. My understanding of the consensus is that we should interpose no objection to filming the White House for the Peanuts film "This is America, Charlie Brown," but should object to including the President as a character in the cartoon movie. The tone of the fourth paragraph of the incoming suggests that the Peanuts people will understand and be satisfied with this response. A draft to Fred Ryan is attached for your review and signature.

WASHINGTON

December 4, 1984

MEMORANDUM FOR FREDERICK J. RYAN, JR.

DIRECTOR, PRESIDENTIAL APPOINTMENTS

AND SCHEDULING

FROM:

FRED F. FIELDING

COUNSEL TO THE PRESIDENT

SUBJECT:

Peanuts

You have asked for my views on a request from the producers of the Peanuts films to include a tour of the White House and a meeting with the President in their upcoming film "This is America, Charlie Brown." The film will depict the Peanuts characters visiting major cities and historical sites across the country.

I have no legal objection to permitting the producers to film scenes in the White House, to be included in the movie. I do not, however, think the President should appear in the movie. The movie will of course be a commercial venture, for profit, and our established policy generally precludes participation by the President in such ventures. There is also the danger that if the President accepts this request he will be deluged by similar requests from other producers who would like to enhance their films. In sum, I must recommend against this proposed return to the President's previous career.

FFF:JGR:aea 12/4/84

WASHINGTON

December 5, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Proposed Press Release Regarding

December 10 PSI Event

Richard Darman has asked for comments by 2:00 p.m. today on the above-referenced proposed press release. (The package was received by me at 2:10 p.m.) The press release, prepared by Jim Coyne's office, would alert the press to the December 10 White House launching of the President's Citation Program for Private Sector Initiatives. The program, loosely modeled after the "E Award" program for companies that promote exports, will recognize businesses and other groups for successful private sector initiatives. Those organizations chosen will be entitled to fly the "C Flag," with the Private Sector Initiatives slogan "We Can, We Care." The draft press release briefly describes the program, and notes that 150 executives will receive the first coveted flags on December 10. I have no objection to the draft press release.

WASHINGTON

December 5, 1984

MEMORANDUM FOR RICHARD G. DARMAN

ASSISTANT TO THE PRESIDENT

FROM:

FRED F. FIELDING

COUNSEL TO THE PRESIDENT

SUBJECT:

Proposed Press Release Regarding

December 10 PSI Event

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

FFF:JGR:aea 12/5/84

WASHINGTON

December 5, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Justice Department Actions

- The Department of Justice will file today an amicus curiae brief in the Norfolk school desegregation case pending before the United States Court of Appeals for the Fourth Circuit. In 1975 the Federal district court ruled that the Norfolk school system had become "unitary" -- i.e., had been desegregated. In 1982, the school board decided to make some changes in its desegregation plan, shifting to magnet schools. The mayor of Norfolk challenged the action, contending it must be reviewed and approved by the court. The school board argued that the role of the court ended with the 1975 finding that the school system was unitary. The board prevailed in district court. The brief to be filed today by the United States supports the ruling below and the position of the school board, contending that once a system has been desegregated -- has become unitary -- the remedial role of the court is at an end. This is not to say that the board may segregate anew, but that its actions, if challenged in a new suit, no longer carry the taint and need not be designed to correct past discrimination.
- Maryland Attorney General Stephen Sachs was angered yesterday when the Department of Justice announced plans to file a Section 2 Voting Rights Act complaint against an at-large system in Dorchester County. Sachs had conducted a state audit of the system and found no discrimination; a suit to the contrary by the Justice Department would not reflect well on Sachs. The attached story in today's Post states that Sachs won a delay to examine the situation. story is inaccurate: all Brad Reynolds granted Sachs was a day or two reprieve; there is no plan to delay the suit to allow time for corrective action by the state. himself is not authorized by state law to file suit, and Reynolds correctly declined to hold the Federal action in abeyance while Sachs sought a state constitutional amendment to permit a state suit. Sachs complains that the Federal suit contravenes principles of federalism, but I do not recall him leading the opposition to the 1982 amendments to the Voting Rights Act that compel the bringing of such suits.

Dorchester County

The Washington Post, Wednesday, Dec. 5, 1984

Voting Rights Suit Postponed

Md. Conducting Its Own Inquiry, Sachs Tells Justice Department

By Angus Phillips
Washington Post Staff Writer

ANNAPOLIS, Dec. 4—Maryland Attorney General Stephen H. Sachs today successfully prevailed on the U.S. Justice Department to postpone filing a lawsuit charging Voting Rights Act violations in Dorchester County.

Sachs said the suit, to have been filed today, was postponed after he objected to it on grounds that the state already was working to uncover and correct any problems.

Sachs said he was "dumbstruck" when U.S. Atty. J. Frederick Motz notified him today of the impending suit. "Three of my lawyers were on their way to Dorchester at that moment" to audit the Western Shore county for possible voting rights violations, he said. "The state is dedicated to any self-correction necessary, and hard at work doing it."

Justice Department spokesman John Wilson confirmed that Sachs asked for and won a delay. Sachs made the request to William Bradford Reynolds, head of the Civil Rights division, who told Sachs "the department is willing to work with the state or anyone to correct the situation in Dorchester as quickly as possible," according to Wilson.

Whether Sachs can win a long-term reprieve from federal action is not clear. The Voting Rights Act is a federal law, updated by Congress in 1982, which the Justice Department is required to enforce.

The 1982 updating puts in jeopardy jurisdictions such as Dorchester that elect local officials at-large, rather than by districts. Civil rights groups maintain that such at-large elections can permit whites to control all seats on boards or commissions, even though blacks may comprise a significant portion of the voting population.

Congress strengthened the act by permitting federal courts to undo at-large election systems that have been proven to exclude minorities.

Sachs last summer ordered a staff audit of 13 of Maryland's counties that elect at-large and have black populations of 10 percent or more.

He said audits have been completed in Anne Arundel and Howard, where no violations were found, and Dorchester was next on the list.

"We're as committed to full enfranchisement of Maryland voters as anyone," Sach's said. "We're talking about a 1982 law. We're on top of it. We're not dragging our feet.

"In view of the fact that my people are there today, and the next election there is not until 1986, they [Justice] could at least stay their hand until completion of the [Dorchester] audit by the end of January," Sachs said.

Sachs said he assured county officials last summer that "it was better if we self-corrected than to have to scramble at the end of a third-party lawsuit."

The filing of a federal lawsuit, said Sachs, "is a kind of piling-on that is unjustified and sends the message that there

WASHINGTON

December 7, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Proposed Remarks: PSI Citation Ceremony

Richard Darman has asked that comments on the abovereferenced proposed remarks be sent directly to Ben Elliott by noon today. The remarks are to be delivered Monday at a ceremony launching a Presidential recognition program for organizations with exemplary voluntarism efforts. remarks praise the shift from reliance on government programs to private sector initiatives, citing several examples of corporate community involvement. The President also focuses on National Care and Share Day, December 15, and encourages Americans to participate in food relief efforts on that day. Finally, the remarks outline the "C" flag program, under which companies can qualify for recognition by aiding charitable efforts in the community. According to the remarks, 100 companies will be cited by the President for outstanding programs each year and thirty will receive a Presidential medal. I had thought virtue was its own reward, but apparently the Private Sector Initiatives Office felt this new government program was needed to promote private sector voluntarism. I have no objections.

WASHINGTON

December 7, 1984

MEMORANDUM FOR BEN ELLIOTT

DEPUTY ASSISTANT TO THE PRESIDENT DIRECTOR, PRESIDENTIAL SPEECHWRITING

FROM:

FRED F. FIELDING

COUNSEL TO THE PRESIDENT

SUBJECT:

Proposed Remarks: PSI Citation Ceremony

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 12/7/84

WASHINGTON

December 7, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Legality of Granting Permission to Sandra Sobotin to Use a Letter from Mr. Deaver in a Book on Autographs

Mr. Deaver has asked for your views on a request from an autograph collector for permission to use a letter Deaver wrote the collector. The collector asked Deaver for his autograph in 1981, and Deaver replied with a brief note. The collector is "considering" writing a book on autographs, and would like to include the Deaver note.

I see no problem with granting the requested permission. The collector could probably use the letter even if Deaver objected. In what may be an excess of caution, however, the collector and would-be author should be warned not to use the letter in any promotional fashion (on the book's cover, in advertisements for the book, etc.). Such a cautionary letter should come from our office. An appropriate draft is attached for your review and signature, as is a memorandum for Deaver.

WASHINGTON

December 7, 1984

Dear Ms. Sobotin:

This is in reply to your letter of November 9 to Assistant to the President and Deputy Chief of Staff Michael K. Deaver. In that letter you requested permission to use a letter Mr. Deaver wrote to you on December 18, 1981, in a book you are considering writing on autographs.

We have no objection to your including the letter in your book. I must caution, however, that the letter or the fact of its inclusion in your book may not be used in any promotional manner. We could not, for example, approve use of the letter on the book cover or in advertising for the book.

Thank you for your inquiry, and best of luck with your project.

Sincerely,

Fred F. Fielding Counsel to the President

Ms. Sandra Sobotin 8004 Curate Wynd Vancouver, British Columbia Canada V5S 4K2

FFF:JGR:aea 12/7/84

WASHINGTON

December 7, 1984

MEMORANDUM FOR MICHAEL K. DEAVER

ASSISTANT TO THE PRESIDENT

DEPUTY CHIEF OF STAFF

FROM:

FRED F. FIELDING

COUNSEL TO THE PRESIDENT

SUBJECT:

Legality of Granting Permission to Sandra Sobotin to Use a Letter from

You in a Book on Autographs

Attached for your information and files is a copy of my reply to Sandra Sobotin, who wrote you recently requesting permission to use a letter from you in a planned book on autographs.

Attachment

FFF:JGR:aea 12/7/84

WASHINGTON

December 10, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Scandal in the Department of Agriculture

Tom Minary has written Mr. Baker to urge him to have the Federal Bureau of Investigation launch an investigation into the "worst criminal fraud bribery and conspiracy scandal in the history of our country." That is, of course, the grain drying shrinkage schedule scandal, allegedly involving Cargill, Inc. and high-ranking Department of Agriculture officials. Supposedly Cargill, conspiring with USDA, brought about a shift from the use of tables developed by Mr. Minary to measure grain shrinkage in elevators to a different system more favorable to Cargill and less favorable to farmers. Minary has already contacted GAO and the FBI directly. His allegations should be referred to Justice for handling.

WASHINGTON

December 10, 1984

MEMORANDUM FOR CAROL E. DINKINS

DEPUTY ATTORNEY GENERAL U.S. DEPARTMENT OF JUSTICE

FROM:

FRED F. FIELDING

COUNSEL TO THE PRESIDENT

SUBJECT:

Scandal in the Department of Agriculture

The attached correspondence, containing various allegations of criminal conduct, is referred to you for direct response and whatever other action you consider appropriate. You will notice that the correspondent has already been in contact with the Department of Justice. The White House has not responded to Mr. Minary in any way.

Attachment

FFF:JGR:aea 12/10/84

WASHINGTON

December 10, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Inaugural Guidelines

I met Thursday afternoon with a group from the Armed Forces Inaugural Committee (AFIC) headed by Lt. Col. Hye-Knudsen to discuss guidelines for military participation in the Inaugural. They were very receptive to the idea of developing such guidelines. Contrary to General Roosma's representations to you, however, AFIC had prepared no guidelines itself.

On Friday I learned that Kathleen Buck of the Defense Department General Counsel's office had been asked by superiors at Defense to prepare guidelines. I talked with Buck on Friday and we agreed to collaborate in drawing up the guidelines, since the lists of what PIC should request from the military (the demand side) and what the military should provide (the supply side) should obviously coincide. Buck will be meeting with the AFIC people on Tuesday; we plan to get together after that. The final product will presumably be a set of guidelines that you could issue to PIC and that Defense could issue to AFIC.

WASHINGTON

December 10, 1984

MEMORANDUM FOR DIANNA G. HOLLAND

FROM:

JOHN G. ROBERTS

SUBJECT:

Letter Concerning NASA Involvement in the Labor Relations of Contractor

Company in Orlando, Florida

This matter may be closed out, with no need for action by our office. As you will see from the attached, the incoming letter to the President was appropriately answered on September 4 by NASA. The Teamsters were decisively defeated in the union election, the employees deciding in favor of no union, and the Teamsters have decided not to challenge the results.

WASHINGTON

December 10, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Section 1988 -- Liability of Judges for Attorneys Fees; <u>Pulliam v. Allen</u> Section 1983 -- Liability of Public

Defenders; Tower v. Glover

Circuit Judge Cecil J. Burrows of the Circuit Court of the Eighth Judicial Circuit of Illinois has written the President, forwarding a copy of two resolutions passed by the judges of the Eighth Judicial Circuit. The two thoughtful resolutions express concern over the Supreme Court decisions last term in Pulliam v. Allen, 104 S. Ct. 1970 (1984) and Tower v. Glover, 104 S. Ct. 2820 (1984). In Pulliam a 5-4 Court ruled that judicial immunity does not bar the award of attorneys fees against judges in Section 1983 actions. Tower the Court unanimously ruled that public defenders are not immune from Section 1983 suits alleging that they conspired with other state officials to deprive their clients of Federally protected rights. (The United States did not participate in either case.) The resolutions call upon Congress to amend 42 U.S.C. §§ 1983 and 1988 to reverse the effect of these two decisions.

I recommend referring the resolutions to Justice, and so advising Burrows. Appropriate drafts are attached.

WASHINGTON

December 10, 1984

Dear Judge Burrows:

Thank you for your letter of November 28 to the President. Along with that letter you forwarded copies of two resolutions adopted by the judges of the Eighth Judicial Circuit of Illinois, calling upon Congress to amend 42 U.S.C. §§ 1983 and 1988 to reverse the effect of the Supreme Court's recent decisions in Pulliam v. Allen, 104 S. Ct. 1970 (1984) and Tower v. Glover, 104 S. Ct. 2820 (1984).

I have taken the liberty of forwarding your correspondence and the resolutions to the Department of Justice, in order that the Department may be aware of the concerns of you and your colleagues as it considers the impact of those decisions. We appreciate having the benefit of your informed views.

Sincerely,

Fred F. Fielding
Counsel to the President

The Honorable Cecil J. Burrows
Circuit Judge, Circuit Court
of the Eighth Judicial Circuit
of Illinois
Pike County Courthouse
Pittsfield, IL 62363

FFF:JGR:aea 12/10/84

WASHINGTON

December 10, 1984

MEMORANDUM FOR CAROL E. DINKINS

DEPUTY ATTORNEY GENERAL U.S. DEPARTMENT OF JUSTICE

FROM:

FRED F. FIELDING

COUNSEL TO THE PRESIDENT

SUBJECT:

Section 1988 -- Liability of Judges for Attorneys Fees; <u>Pulliam v. Allen</u> Section 1983 -- Liability of Public <u>Defenders</u>; Tower v. Glover

Attached for your review and whatever other action you consider appropriate is a letter to the President from Judge Cecil J. Burrows. Judge Burrows forwarded two resolutions adopted by the judges of the Eighth Judicial Circuit of Illinois, criticizing the Supreme Court's recent decisions in Pulliam v. Allen and Tower v. Glover. I have also attached a copy of my response.

Attachments

FFF:JGR:aea 12/10/84

WASHINGTON



December 12, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Inaugural Guidelines

The attached working draft guidelines -- including the revisions -- have been approved by the Department of Defense. The guidelines are very rough, but I wanted to get some reaction before developing them further. Also, it would be helpful to know from the PIC people if there are any areas we are overlooking, or if any of the restrictions present difficulties.

The preamble is for Defense purposes only, and would be replaced by other language in what I anticipate will be a memorandum from you to PIC personnel.

WASHINGTON.

December 13, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Proposed Response to Ed Skinner Regarding "Independence" Yacht

Commodore Ed Skinner, with whom we have corresponded in the past, has written Mr. Meese to offer the President and his Cabinet complimentary use of the new 112-foot yacht Independence, owned by Mr. and Mrs. Herbert Molz. Meese has prepared a brief response, thanking Skinner for his thoughtfulness and advising that his generous offer will be kept in mind.

I cannot foresee any circumstances under which we would approve acceptance of Skinner's offer, but I have no objection to the draft response. The response certainly does not commit the Administration to anything, and can hardly be used by Skinner in any commercially exploitive fashion.

V X S E 1, 5 T 5 %

December 13, 1984

MEMORANDUM FOR EDWIN MEESE III

COUNSELLOR TO THE PRESIDENT

FROM:

FRED F. FIELDING

COUNSEL TO THE PRESIDENT

SUBJECT:

Proposed Response to Ed Skinner Regarding "Independence" Yacht

You have asked that I review your proposed response to a letter from Ed Skinner, offering the President and Cabinet complimentary use of the yacht Independence. While I do not foresee any circumstances under which I would approve acceptance of this offer, I have no objection to your response thanking Skinner for extending it.

FFF:JGR;aea 12/13/84

WASHINGTON

December 14, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS

SUBJECT:

Inaugural Guidelines

Here is the latest product from the Department of Defense. I am being pulled in opposite directions by civilians in the Defense Department, who want to restrict military aid to PIC as much as possible, and by the Armed Forces Inaugural Committee (AFIC), which wants to help PIC in any way it can. We need to discuss.

