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THE WHITE HOUSE

WASHINGTON

January 22, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Proposed Executive Order Entitled  
"Delegation to the Secretary of State  
and the Director of the International  
Development Cooperation Agency  
Concerning Foreign Assistance"  

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Richard Darman has asked for comments by noon tomorrow on the above-referenced proposed executive order. The proposed order would amend Executive Order 12163, the omnibus delegation order, to delegate certain new foreign assistance reporting requirements to the Secretary of State. The proposed order also amends the provision in Executive Order 12163 designed to avoid the necessity of periodic delegations with respect to boilerplate in appropriations acts. Current Section 1-902(c) of the order provides that references in the order to provisions in appropriations acts include a substantially similar provision in later-enacted appropriations acts. The proposed order would simply delete the "appropriations" qualifier, to expand coverage of the section to include all acts. (This is needed primarily to cover authorization acts.)

The proposed order was submitted by State and has been approved by OMB and, as to form and legality, by the Justice Department Office of Legal Counsel. These are routine delegations; I have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

January 22, 1985

MEMORANDUM FOR RICHARD G. DARMAN  
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING  
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Executive Order Entitled  
"Delegation to the Secretary of State  
and the Director of the International  
Development Cooperation Agency  
Concerning Foreign Assistance"

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

FFF:JGR:aea 1/22/85

cc: FFFielding  
JGRoberts  
Subj  
Chron

THE WHITE HOUSE

WASHINGTON

January 22, 1985

MEMORANDUM FOR EDWARD E. MCNALLY  
SPECIAL ASSISTANT TO THE  
ASSISTANT ATTORNEY GENERAL

FROM: JOHN G. ROBERTS   
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: OAG Files

How fascinating and edifying it must have been for you to review the files I compiled during my service to the Attorney General. Thank you for providing me an opportunity to review select portions of those files. I have removed some clearly personal material and merged it with my personal file here at the White House. The material at Tab A was not in fact produced by me; if memory serves, the chicken-scratching is that of my erstwhile colleague Hank Habicht. I do not know if it should be removed from my files and added to his or not -- I recall that we were working on a project together and he gave me his work product which I then joined with mine. Tab B consists of official files that I must concede are mine.

I assume that the Archivist will deposit my files in one of those hermetically sealed display cases that drop into a concrete vault in the event of nuclear attack, similar to the cases housing the Constitution and Declaration of Independence. Once this is done, I will consider donating my personal papers, at a time to be determined by my tax advisers.

And, just in case you're thinking of it, if you plant compromising material in my files I will "amend" your FBI file with a large bottle of "white-out." Many thanks.

Attachments

THE WHITE HOUSE

WASHINGTON

January 22, 1985

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS 

SUBJECT: Nomination of Lewis A. Tambs  
to be Ambassador to Costa Rica

I have reviewed the SF-278 and related materials submitted by Mr. Tambs in connection with the above-referenced nomination, and have no objections. I would note, however, that Mr. Tambs participated in the controversial "Ambassadors for Senator Helms" episode in 1984. (Tambs was then and is now Ambassador to Colombia.) Many objected to the politicization of the diplomatic corps by those ambassadors who signed on to support Helms; I would think Tambs can expect opposition on this score.

Attachment

*JGJ*

THE WHITE HOUSE

WASHINGTON

January 23, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Request for Presidential Message to  
Special Honorees of the Trammell Crow  
Information Processing Hall of Fame

On January 10, you signed a memorandum to Craig Fuller, declining to approve Trammell Crow's request for a Presidential message commemorating the opening of INFOMART in Dallas. Crow's people have now asked for a message commemorating the opening of the "Information Processing Hall of Fame" at INFOMART, and separate messages to each of the honorees.

After discussing this with Crow's representative Rallin Aars, I must again recommend that we do not approve the messages. The Hall of Fame has no separate status; it is simply an area set aside at INFOMART. It is not organized as a separate corporation and does not enjoy 501(c)(3) status. Its opening ceremony would simply be part of the opening ceremony for INFOMART. Any Presidential recognition would of necessity be viewed as recognition of INFOMART (concerning which, see attached). Mr. Aars seemed a bit miffed at my views and was not looking forward to conveying them to "Ed Meese's good friend Mr. Crow." Attached is a draft memorandum for Fuller and a draft letter to Crow.

Attachment

THE WHITE HOUSE

WASHINGTON

January 23, 1985

MEMORANDUM FOR CRAIG L. FULLER  
ASSISTANT TO THE PRESIDENT  
FOR CABINET AFFAIRS

FROM: FRED F. FIELDING  
COUNSEL TO THE PRESIDENT

SUBJECT: Request for Presidential Message to  
Special Honorees of the Trammell Crow  
Information Processing Hall of Fame

You have asked for our views on a Presidential message to the Information Processing Hall of Fame, which is to be dedicated Friday as part of the INFOMART opening. By memorandum dated January 10 I counseled against any message concerning INFOMART itself, due to the commercial nature of the INFOMART effort. After obtaining additional information about the Hall of Fame, I must still recommend against any Presidential messages.

The Hall of Fame is not a 501(c)(3) organization. In fact, it is not organizationally separate from INFOMART in any way. The Hall of Fame is simply an area set aside at INFOMART. The dedication of the Hall of Fame, at which any Presidential message would be read, will simply be part of the INFOMART opening ceremonies. In sum, the Hall of Fame is closely linked to the commercial INFOMART, and has no separate status. Accordingly, a Presidential message would be inappropriate.

THE WHITE HOUSE

WASHINGTON

January 23, 1985

Dear Mr. Crow:

As you are aware, we found it necessary to decline to approve your requests for, initially, a Presidential message commemorating the opening of INFOMART and, subsequently, a Presidential message commemorating the opening of the Information Processing Hall of Fame at INFOMART. Our decision was based on longstanding White House policy to avoid use of the President's name in any manner that suggests or could be construed as endorsement of a commercial product or enterprise. INFOMART is unquestionably such an enterprise, and accordingly a message from the President commemorating its opening would clearly have been inappropriate.

We found it necessary to decline the Hall of Fame request for the same reason. The Hall of Fame is closely linked to INFOMART itself. It has no separate organizational status, and its dedication was planned as part of the INFOMART opening ceremonies. Presidential messages of the sort you requested are, as a general rule, restricted to charitable entities enjoying 501(c)(3) status, and even in those cases they are granted only in unusual circumstances.

I hope you will understand the reasons for our position, and recognize that it in no way constitutes an adverse reflection on INFOMART or the Hall of Fame.

Sincerely,

Fred F. Fielding  
Counsel to the President

Mr. Trammell S. Crow  
Chairman of the Board  
Dallas Market Center Company  
2100 Stemmons Freeway  
Dallas, Texas 75207




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THE WHITE HOUSE

WASHINGTON

January 24, 1985

MEMORANDUM FOR RICHARD G. DARMAN  
ASSISTANT TO THE PRESIDENT AND  
DEPUTY TO THE CHIEF OF STAFF

FROM: JOHN G. ROBERTS   
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Part III: Economic Assumptions  
and the Budget (prepared by OMB)

Counsel's office has reviewed the above-referenced paper  
and has no objection to it from a legal perspective.

bcc: Dianna Holland

THE WHITE HOUSE

WASHINGTON

January 25, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Letter from Chief Judge Frank McGarr  
Concerning Commission on Executive,  
Legislative and Judicial Salaries

Chief Judge Frank McGarr of the United States District Court for the Northern District of Illinois has written the President, complaining about his low salary and noting that the Commission on Executive, Legislative and Judicial Salaries (the Quadrennial Commission) has not begun its work because the President has not yet appointed his three members. Now that the President has done so, we can respond to Judge McGarr. A draft simply noting that the appointments have been made is attached for your review and signature.

Attachment

THE WHITE HOUSE

WASHINGTON

January 25, 1985

Dear Judge McGarr:

Thank you for your letter to the President concerning judicial compensation and the reconvening of the Commission on Executive, Legislative and Judicial Salaries. I am happy to advise you that the full membership of the Commission has now been appointed and that the Commission has begun meeting. I am enclosing for your information copies of the White House press releases announcing the President's appointments to the Commission.

Thank you for sharing your informed views on this important issue with us. You may be certain that we will accord them the careful consideration merited by their source.

Sincerely,

Fred F. Fielding  
Counsel to the President

The Honorable Frank J. McGarr  
Chief Judge  
United States District Court  
Northern District of Illinois  
219 South Dearborn Street  
Chicago, Illinois 60604


Enclosures

THE WHITE HOUSE

WASHINGTON

January 25, 1985

MEMORANDUM FOR BEN ELLIOTT  
DEPUTY ASSISTANT TO THE PRESIDENT  
AND DIRECTOR OF SPEECHWRITING

FROM: JOHN G. ROBERTS   
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Presidential  
Radio Talk: The Economy

Counsel's office has reviewed the above-referenced proposed radio talk and has no objection to it from a legal perspective.

cc: Richard G. Darman  
bcc: Dianna Holland

*Cham*

THE WHITE HOUSE

WASHINGTON

January 25, 1985

MEMORANDUM FOR RICHARD G. DARMAN  
ASSISTANT TO THE PRESIDENT AND  
DEPUTY TO THE CHIEF OF STAFF

FROM: JOHN G. ROBERTS *JGR*  
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Letter to Senator Danforth re:  
Administration Position on  
Telecommunications Bill  
(prepared by USTR)

Counsel's office has reviewed the above-referenced letter and has no objection to it from a legal perspective.

bcc: Dianna Holland

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THE WHITE HOUSE

WASHINGTON

January 28, 1985

MEMORANDUM FOR RICHARD G. DARMAN  
ASSISTANT TO THE PRESIDENT AND  
DEPUTY TO THE CHIEF OF STAFF

FROM: JOHN G. ROBERTS   
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Executive Order Entitled:  
Protection of Semiconductor Chip Products

Counsel's office has reviewed the above-referenced proposed Executive order and has no objection to it from a legal perspective.

bcc: Dianna Holland

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THE WHITE HOUSE

WASHINGTON

January 28, 1985

MEMORANDUM FOR BEN ELLIOTT  
DEPUTY ASSISTANT TO THE PRESIDENT  
AND DIRECTOR OF SPEECHWRITING

FROM: JOHN G. ROBERTS *JGR*  
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Presidential Remarks:  
National Prayer Breakfast

Counsel's office has reviewed the above-referenced remarks and has no objection to them from a legal perspective.

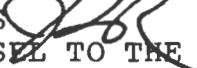
cc: Richard G. Darman  
bcc: Dianna Holland

THE WHITE HOUSE

WASHINGTON

January 28, 1985

MEMORANDUM FOR ANNE HIGGINS  
SPECIAL ASSISTANT TO THE PRESIDENT  
AND DIRECTOR OF CORRESPONDENCE

FROM: JOHN G. ROBERTS   
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Draft Proclamation -  
Red Cross Month, 1985

Counsel's office has reviewed the above-referenced draft proclamation and the accompanying draft memorandum for heads of departments and agencies and finds no objection to them from a legal perspective.

bcc: Dianna Holland



THE WHITE HOUSE

WASHINGTON

January 30, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Duracell ITC Case

The attached letter from Duracell counsel James N. Bierman advises that his client plans to challenge the President's disapproval of the I.T.C. decision in court. Mr. Bierman also asks for a meeting to discuss a compromise to avoid litigation.

As we have discussed, the appropriate response is to refer the correspondence to the Department of Justice. A memorandum doing so is attached, as is a brief acknowledgment to Bierman.

Attachment

THE WHITE HOUSE

WASHINGTON

January 30, 1985

MEMORANDUM FOR CAROL E. DINKINS  
DEPUTY ATTORNEY GENERAL

FROM: FRED F. FIELDING  
COUNSEL TO THE PRESIDENT

SUBJECT: Duracell ITC Case

In the attached letter, counsel for Duracell advises that his client plans to litigate the question of the President's authority to disapprove the recent I.T.C. decision involving Duracell. He also suggests a compromise to avoid litigation. In light of the imminent lawsuit I am referring this correspondence, along with a copy of my brief acknowledgment, to the Department.

Attachments

FFF:JGR:aea 1/30/85

cc: FFFielding  
JGRoberts  
Subj  
Chron

THE WHITE HOUSE

WASHINGTON

January 30, 1985

Dear Mr. Bierman:

Thank you for your letter of January 23, advising that you plan to litigate the question of the President's disapproval of the recent International Trade Commission decision involving your client Duracell. In that letter you also raised the possibility of a "compromise solution."

In light of your announced plans I have referred your correspondence to the Department of Justice for handling as that Department considers appropriate.

Sincerely,

Fred F. Fielding  
Counsel to the President

James N. Bierman, Esquire  
Foley & Lardner  
1775 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006-4680

FFF:JGR:aea 1/30/85

cc: FFFielding  
JGRoberts  
Subj  
Chron

THE WHITE HOUSE

WASHINGTON

January 30, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Correspondence Concerning South Africa  
from Lawyers' Committee for Civil Rights  
Under Law

Gay J. McDougall, Director of the Southern Africa Project of the Lawyers' Committee for Civil Rights Under Law, has written the President to request that he urge South Africa to drop charges of treason against certain individuals. The matter should be referred to the Department of State for handling. A draft doing so is attached, as is a brief letter advising McDougall of our referral.

Attachment

THE WHITE HOUSE

WASHINGTON

January 30, 1985

Dear Ms. McDougall:

Thank you for your letter to the President requesting that he urge the government of South Africa to drop treason charges against certain individuals.

I have referred your correspondence to the Department of State for whatever review that Department considers appropriate. You may expect to hear directly from that Department.

Thank you for sharing your concerns with us.

Sincerely,

Fred F. Fielding  
Counsel to the President

Ms. Gay J. McDougall  
Director, Southern Africa Project  
Suite 400  
1400 Eye Street, N.W.  
Washington, D.C. 20005

FFF:JGR:aea 1/31/85  
cc: FFFielding  
JGRoberts  
Subj  
Chron

THE WHITE HOUSE

WASHINGTON

January 30, 1985

MEMORANDUM FOR DAVIS ROBINSON  
LEGAL ADVISER  
U.S. DEPARTMENT OF STATE

FROM: FRED F. FIELDING  
COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence Concerning South Africa  
from Lawyers' Committee for Civil Rights  
Under Law

The attached letter to the President from the Lawyers' Committee for Civil Rights Under Law is referred to the Department of State for whatever action and direct response you consider appropriate. The letter requests that the President urge South Africa to drop treason charges against certain individuals. I have also attached a copy of my interim reply.

Attachments

FFF:JGR;aea 1/31/85  
cc: FFFielding  
JGRoberts  
Subj  
Chron

THE WHITE HOUSE

WASHINGTON

January 30, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Presidential Initiative Regarding Need for  
Structural Reform as Part of the Celebration  
of the Bicentenary of the Constitution

Lloyd Cutler has written you with suggestions on Presidential initiatives to stimulate discussion on the need for structural reform of the Constitution. He has two ideas: (1) a Presidential commission and (2) Presidential comment on the subject in a speech or press conference. The former strikes me as ill-advised. Not only are there several groups already studying the matter, but I do not think we want this President to commemorate the Bicentennial of the Constitution by suggesting in a formal way that it should be significantly changed. I recommend simply thanking Cutler for his suggestions and noting that they -- particularly the second -- will be carefully considered.

Attachment

THE WHITE HOUSE

WASHINGTON

January 30, 1985

Dear Lloyd:

Thank you for your letter of January 10, containing suggestions for a Presidential initiative to prompt discussion on the need for structural reform of the Constitution. You suggested a Presidential advisory committee or mention by the President of the subject in a speech or press conference.

I am not certain that an advisory committee would add much to the work currently being done by the private groups, with which you are of course fully familiar. I will, however, keep alert for an opportunity to have this subject considered for inclusion in future Presidential remarks.

Thank you for your suggestions.

Sincerely,

Fred F. Fielding  
Counsel to the President

Lloyd N. Cutler, Esquire  
Wilmer, Cutler & Pickering  
1666 K Street, N.W.  
Washington, D.C. 20006

FFF:JGR:aea 1/30/85

cc: FFFielding  
JGRoberts  
Subj  
Chron



THE WHITE HOUSE

WASHINGTON

January 31, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Request for Kathy Osborne to Send  
Item to Garden Grove Unified School  
District Auction

Pacifica High School has written Kathy Osborne, asking her to submit a personal memento to be auctioned off to assist a program to encourage high school students to read. Ms. Osborne has asked if she can participate in the program, perhaps by sending along an unsigned photograph of herself with the President.

It is our standard policy not to involve the President in such charitable auctions, in light of our inability to monitor such fundraising and to avert a flood of requests from equally deserving charities. I recommend advising Osborne of this policy. She is free to send a personal memento if she so desires, but it should not be a photograph of the President or other item directly implicating the President.

Attachment

THE WHITE HOUSE

WASHINGTON

January 31, 1985

MEMORANDUM FOR KATHY OSBORNE  
PERSONAL SECRETARY TO THE PRESIDENT

FROM: FRED F. FIELDING  
COUNSEL TO THE PRESIDENT

SUBJECT: Request for You to Send Item to Garden  
Grove Unified School District Auction

You have asked for our views on a request you have received from Pacifica High School for a personal memento to be auctioned off to benefit a program to encourage high school students to read. The White House generally adheres to a policy of not providing photographs or other mementos of the President in response to these fairly common requests. Such a policy is necessary in light of the large number of requests, and because the White House cannot monitor the fundraising to ensure there is no misuse of the President's photograph, name, or likeness. You are free to submit a personal memento of your own, in your discretion, but it should not directly implicate the President. Accordingly, a photograph of you with the President would not be appropriate.


FFF:JGR:aea 1/31/85  
cc: FFFielding  
JGRoberts  
Subj  
Chron

THE WHITE HOUSE

WASHINGTON

January 31, 1985

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS 

SUBJECT: Appointment of Matthew Guglielmo to the President's Committee on Mental Retardation

I have reviewed the Personal Data Statement submitted by the above-named individual in connection with his prospective appointment to the President's Committee on Mental Retardation (PCMR). The PCMR, established by Executive Order 11776, provides advice to the President on mental retardation, Federal programs in the area, and the development and dissemination of information on mental retardation. The PCMR submits an annual report to the President on mental retardation.

Pursuant to section 2 of the Executive Order 11776, several Cabinet members serve on the Committee ex officio, and the President may appoint "[n]ot more than twenty-one other members...employed in either the public or the private sectors...includ[ing] specialists in medicine and other healing arts, human development, special education, law, and employment problems, as well as members of foundations and other private organizations active in the mental retardation field."

Mr. Guglielmo is a Vice President of Carter Hawley Hale Stores. He has been quite active in the mental retardation field, however, and thus satisfies the criteria of the Executive Order. I have reviewed his PDS and have no objections.

Attachment