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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name ROBERTS, JOHN: FILES

Withdrawer

DLB 8/6/2005

File Folder CHRON FILE (04/01/1985-04/10/1985)

FOIA

F05-139/01

Box Number 65

COOK

8DLB

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	ROBERTS TO FRED FIELDING, RE: ALLEGATION <i>Released in Part 4/21/66</i>	1	4/4/1985	B6	857
2	LETTER	FIELDING TO GARY CARBONE	1	4/4/1985	B6	858
3	MEMO	ROBERTS TO DIANA HOLLAND, RE: APPOINTMENT ... TO THE COMMISSION OF FINE ARTS	1	4/10/1985	B6	859

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

File Folder CHRON FILE (04/01/1985-04/10/1985)

DLB 8/30/2005

Box Number 65

FOIA

F05-139/01

COOK

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3	MEMO	ROBERTS TO DIANA HOLLAND, RE: APPOINTMENT ... TO THE COMMISSION OF FINE ARTS (PARTIAL)	1	4/10/1985	B6	859

COPY - Reagan Presidential Record

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E.O. 13233

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THE WHITE HOUSE

WASHINGTON

April 1, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Requested Views Regarding Fairness in Media

Charles Donovan of Presidential Correspondence has asked us to review a proposed reply to an individual who wrote requesting the President's views on Fairness in Media and that organization's efforts -- sponsored by Senator Helms -- to gain financial control of CBS. (Donovan indicates that a small volume of similar letters has been received.) The proposed reply advises that the President generally does not comment on the merits of efforts undertaken by private organizations, with exceptions such as the Boy Scouts and the Red Cross.

The "policy" stated in the proposed reply strikes me as too broad. The President rather often comments on the activities of private organizations, as a review of any videotaping schedule would indicate. I think it would be better simply to note that it would be inappropriate for the President to become involved in this dispute between two private organizations. A revised draft reply is attached, and a transmittal memorandum to Donovan.

Attachments

THE WHITE HOUSE

48-1701

April 1, 1985

MEMORANDUM FOR CHARLES DONOVAN
OFFICE OF WHITE HOUSE CORRESPONDENCE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Requested Views Regarding Fairness in Media

You have asked for the views of this office on a proposed reply to letters requesting the President's views on the dispute between Fairness in Media and CBS. I think the "policy" announced in the draft reply is too broad. A more narrowly tailored proposed reply is attached.

Thank you for raising this matter with us.

FFF:JGR:aea 4/1/85
cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON, D.C. 20503

April 1, 1985

Dear Mrs. Cooper:

Thank you for your message to President Reagan requesting his views regarding the activities of Fairness in Media. Although your interest in contacting the White House is appreciated, I must inform you that it would be inappropriate for the President to become involved in a dispute between a private organization such as Fairness in Media and commercial entities such as the television networks.

Consequently, this office is unable to be of any assistance to you. I can only suggest that you contact the organization you mentioned directly if you desire more information about its policies and programs.

With best wishes,

Sincerely,

Anne Higgins
Special Assistant to the President
and Director of Correspondence

Mrs. G.A. Cooper
84 Elm Road
Princeton, NJ 08540

AH;JGR:aea 4/1/85
bcc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

April 1, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Request for Acknowledgment from the President
in Celebration of 100th Anniversary of Sears,
Roebuck & Co.

Nancy Clark Reynolds has written to ask you to make an exception to the rule against Presidential messages for commercial entities and approve such a message for the 100th anniversary of Sears. The justification? "Sears is more than a corporation -- it's an integral part of American life." No doubt, but I do not think the status of Sears justifies an exception to the rule. J.C. Penny and other competitors of Sears would have the right to complain or demand equal treatment, and the many companies that have been denied 100th anniversary messages -- such as Norwich Eaton and Pittsburgh and Midway Coal Mining Company this month alone -- could certainly complain. A draft reply is attached.

Attachment

THE WHITE HOUSE

April 1, 1985

Dear Nancy:

Thank you for your letter of March 27, requesting a message from the President to commemorate the 100th anniversary of Sears, Roebuck and Company.

I cannot disagree that Sears is "an integral part of American life," but I do not see how I can authorize an exception to the strict policy against Presidential messages for commercial entities. I know you are aware of the reasons underlying that policy. The President receives countless requests for congratulatory messages to commercial entities. Both because it would be impossible to honor some requests without unintentionally offending those whose requests were declined, and because of concerns about the President sending congratulations to any particular company in a given competitive industry, it was decided that the only fair method of dealing with such requests would be to adopt a general rule that the President would not send messages for commercial events. You may be interested to know that in the past two weeks alone this office declined two other requests from companies celebrating 100 years in business.

Obviously, Sears, Roebuck & Company is celebrating an important event, and I can understand your seeking a message for this occasion. At the same time, though, I know you can understand the reasons we must adhere to the policy described above, in fairness to all who have requested such Presidential messages.

Sincerely,

Fred F. Fielding
Counsel to the President

Ms. Nancy Clark Reynolds
Wexler, Reynolds, Harrison
& Schule, Inc.
Suite 600
1317 F Street, N.W.
Washington, D.C. 20004

FFF:JGR:aea 4/1/85

bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE
WASHINGTON

April 1, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Request for Handwritten Letter from
the President Expressing Thoughts
About Previous Presidents in Return
For Donation to Any Charity

Mr. Deaver has asked for guidance on a letter to the President from Benjamin Shapell of Beverly Hills. Shapell has offered to donate \$10,000 to any charity designated by the President in exchange for a handwritten letter from the President expressing his thoughts on Presidents Jefferson and Lincoln. The letter would "become a permanent part of the Shapell Family Presidential Collection."

I do not think we should approve such selling of the prestige of the Office, even for a good cause. In addition, there is something unseemly about creating an historical document in return for cash, particularly when the historical document is given not to the public but to a private collector for his personal collection. Finally, established White House policy generally precludes offering White House memorabilia to be auctioned off to raise money for charity. Shapell's proposed "exchange" is really no different.

The attached proposed reply focuses on the last point, so as not to unduly offend Shapell, who may be well-intentioned.

Attachment

THE WHITE HOUSE

WASHINGTON, D.C.

April 1, 1985

Dear Mr. Shapell:

Thank you for your letter of March 7 to the President. In that letter you offered to donate \$10,000 to a charity designated by the President, in exchange for a handwritten letter from the President discussing Presidents Jefferson and Lincoln.

We are unable to accept your offer. The White House receives countless requests to provide memorabilia to be auctioned off for the benefit of particular charities. We obviously cannot grant all such requests, nor is there any fair way to discriminate among the requests. Accordingly, the White House has adopted the policy of generally declining to provide memorabilia for charitable auction.

Your proposed exchange of a charitable contribution for a particular item of Presidential memorabilia, while not an auction per se, bears many of the same essential characteristics and, in our view, must be governed by the same policy. I hope you will understand the reasons we must decline your offer.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Benjamin Shapell
9401 Wilshire Boulevard
Suite 1200
Beverly Hills, CA 90212

FFF:JGR:aea 4/1/85
bcc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

443-1000

April 1, 1985

MEMORANDUM FOR MICHAEL K. DEAVEE
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Request for Handwritten Letter from
the President Expressing Thoughts
About Previous Presidents in Return
For Donation to Any Charity

You have asked for my thoughts on a reply to a letter to the President from Benjamin Shapell of Beverly Hills. Mr. Shapell offered to donate \$10,000 to a charity chosen by the President in exchange for a handwritten letter expressing the President's thoughts on two of his predecessors, Jefferson and Lincoln.

I have prepared a reply for my signature declining the offer. I do not think we should approve such selling of the prestige of the Office, even for a good cause. In addition, there is something unseemly about creating an historical document in return for cash, particularly when the historical document is given not to the public but to a private collector for his personal collection. Finally, established White House policy generally precludes offering White House memorabilia to be auctioned off to raise money for charity. Shapell's proposed "exchange" is really no different.

The attached proposed reply focuses on the last point, so as not to unduly offend Shapell, who may be well-intentioned.

FFF:JGR:aea 4/1/85
cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

April 1, 1985

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS

SUBJECT: Attached

Both of these matters may be closed out. I discussed both on March 11 with Jerry Jennings of the Office of Science and Technology Policy. I advised Mr. Jennings that the requirement in the OSTP appropriations bill that OSTP reimburse other agencies for at least one-half of the personnel compensation costs of detailees was not unconstitutional. I also advised him that we could not support revising the Executive Order establishing the National Commission on Space to vest certain responsibilities under the Federal Advisory Committee Act with respect to that Commission in the Director of OSTP rather than NASA. I have discussed both items with Mr. Hauser.

Attachments

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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



Name of Correspondent: Richard Hauser

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

Subject: Limitation on Detailees on Office of Science and Technology Policy

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>CU Hall</u>	ORIGINATOR	1 1		1 1
<u>CUAT 18</u>	Referral Note: <u>D</u>	<u>85,02,25</u>		<u>S 85,03,07</u>
	Referral Note:	1 1		1 1
	Referral Note:	1 1		1 1
	Referral Note:	1 1		1 1
	Referral Note:	1 1		1 1

ACTION CODES:

- A - Appropriate Action
- I - Info Copy Only/No Action Necessary
- C - Comment/Recommendation
- R - Direct Reply w/Copy
- D - Draft Response
- S - For Signature
- F - Furnish Fact Sheet
to be used as Enclosure
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- C - Completed
- B - Non-Special Referral
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: _____

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.

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

JR

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

Name of Correspondent: Richard Hauser

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

Subject: Executive Order -- National Commission on Space

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>CUHoll</u>	ORIGINATOR	<u>1 1</u>			<u>1 1</u>
<u>CUAT18</u>	Referral Note: <u>D</u>	<u>85102125</u>		<u>S</u>	<u>8510307</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>

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THE WHITE HOUSE

WASHINGTON

April 3, 1985

MEMORANDUM FOR THE FILE

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Child Safety Meeting, April 3, 1985

By telephone on April 2 I advised Fred Ryan that care should be taken to avoid triggering the Federal Advisory Committee Act in connection with the proposed "National Partnership for Child Safety." I told Ryan that this office should review any documents or agreements to be executed to ensure that an advisory committee is not inadvertently created.


THE WHITE HOUSE

WASHINGTON

April 4, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Draft Proclamation: Law Day USA 1985

Duncan Clark has asked for comments by close of business today on the Law Day proclamation. You have already reviewed and approved the text, which underwent only insignificant stylistic changes at OMB. I have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

April 4, 1985

MEMORANDUM FOR DUNCAN CLARK
OFFICE OF WHITE HOUSE CORRESPONDENCE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Proclamation: Law Day USA 1985

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

FFF:JGR:aea 4/4/85

cc: FFFielding
JGRoberts
Subj
Chron

857

THE WHITE HOUSE

WASHINGTON

April 4, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: [REDACTED]

136

David Waller and I called Mr. Hayes this morning and advised him of the anonymous allegation received on the GAO hotline.

[REDACTED]

136

I do not think we need to do anything else at this point beyond sharing Mr. Hayes's response with GAO.

cc: David B. Waller

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<i>NO Document Description</i>	<i>pages</i>		<i>tions</i>	
2 LETTER	1	4/4/1985	B6	858
FIELDING TO GARY CARBONE				

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E.O. 13233

C. Closed in accordance with restrictions contained in donor's deed of gift.


THE WHITE HOUSE

WASHINGTON

April 11, 1985

MEMORANDUM FOR DIANNA G. HOLLAND

FROM:

JOHN G. ROBERTS 

SUBJECT:

Request to Furnish Financial Information
on 50th Inaugural to Accountants

This item may be closed out. As I have discussed with Mr. Fielding, Bruce Soll is responding to the accountants' request.

Attachment

THE WHITE HOUSE

WASHINGTON

April 8, 1985

Dear Mr. Wray:

You recently wrote to Senator Barry Goldwater concerning the purchase of foreign automobiles by certain members of a White House advance team at a discount available to holders of diplomatic passports. Senator Goldwater has referred your correspondence to the White House for a reply.

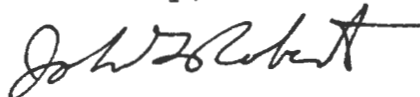
Regulations promulgated by the Department of State generally permit the acceptance of discounts available to holders of diplomatic passports. The offering of such discounts by foreign automobile manufacturers is a long-standing practice in several countries.

The acceptance of such discounts is not illegal, but the practice had never been reviewed by the White House and the White House had never given guidance on it to members of the staff. After review, we decided to prohibit members of the White House staff from accepting such discounts in the future, unless they are out of the country for 30 days or more. This office has alerted members of the staff to this new policy, and has also suggested to other departments and agencies that they review their policies on this question.

With respect to your comments on the particular make of automobile chosen by the individuals in question, I can only state that such decisions are matters of personal consumer preference which it would be inappropriate for the Government to regulate.

I hope the foregoing information responds to your concerns.

Sincerely,



John G. Roberts
Associate Counsel to the President

Mr. Park Q. Wray
11813 N. Oakhurst Way
Scottsdale, AZ 85254

THE WHITE HOUSE

WASHINGTON

April 8, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Correspondence Concerning Duracell Case

Robert Wagner, an attorney from Chicago, has written an apparently gratuitous letter to the President, objecting to his decision to disapprove the proposed International Trade Commission order in the Duracell case. As you know, that case is presently in litigation before the United States Court of Appeals for the Federal Circuit. Accordingly, comment by this office or any other to an attorney (apparently not involved in the case) would be inappropriate. A brief reply noting this is attached.

Attachment

THE WHITE HOUSE
WASHINGTON

April 8, 1985

Dear Mr. Wagner:

Thank you for your letter to the President concerning his action with respect to the proposed order of the International Trade Commission in the Duracell case. As you may be aware, that case is presently in litigation before the United States Court of Appeals for the Federal Circuit. Accordingly, it would be inappropriate for us to comment upon it at this time.

Thank you for sharing your views on this matter with us.

Sincerely,

Fred F. Fielding
Counsel to the President

Robert E. Wagner, Esquire
Wallenstein, Wagner, Hattis,
Strampel & Aubel, Ltd.
100 South Wacker Drive
Chicago, IL 60606


FFF:JGR:aea 4/8/85
bcc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

April 8, 1985

MEMORANDUM FOR THE FILE

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Request for a Presidential Message
to Ducks Unlimited for Their Auction

I orally noted no objection to sending a message to the Ducks Unlimited auction. Ducks Unlimited is a charitable conservation organization, and the auction is conducted to raise funds to preserve wetlands for waterfowl. I reviewed the message before it was sent, to ensure that it did not endorse any particular artist or commercial entity.

THE WHITE HOUSE

WASHINGTON

April 8, 1985

Dear Mr. Knies:

Thank you for your recent letter to Joan DeCain requesting a Presidential message congratulating Bernard's Department Store on its 70th anniversary.

I am sorry to advise you that we must decline this request. Throughout the Administration, the White House has sought to adhere to a policy of not sending Presidential congratulatory messages to commercial entities. As you might expect, the White House receives numerous requests for such messages. Both because it would be impossible to honor some requests without unintentionally offending those whose requests were declined, and because of concerns about the President sending congratulations to any particular company in a given competitive business, it was decided that the only fair method of dealing with such requests would be to adopt a general rule that the President would not send messages for commercial events.

Obviously, Bernard's is celebrating an important event, and I can understand your seeking a message for this occasion. At the same time, though, I know you can understand the reasons we must adhere to the policy described above, in fairness to all who have requested such Presidential messages.

Sincerely,



John G. Roberts
Associate Counsel to the President

Mr. Frank J. Knies
Vice President, Energy Bank
Post Office Box 650
Kingston, TN 37763

April 21

421

ENERGY
BANK



Handwritten: J. Roberts Counselor's office

FRANK J. KNIES
Vice-President

P.O. Box 650, Kingston, TN 37763
Telephone (615) 376-5555

March 22, 1985

Mrs. Joan DeCain
Room 39, Greetings Office
White House
Washington, D.C. 20500

Dear Mrs. DeCain,

We have a business in Roane County that I think warrants your special attention and/or a greeting similar to the greetings that you mail out to 50th anniversary and older individuals. Bernard's Department Store has been operating in Rockwood, Tennessee for 70 years. They are having their 70th anniversary celebration the 21st of April 1985. The principals of Bernard's Department Store are Maurice and Carolyn Grief.

If we would research our records back, I wonder how many businesses in the United States have survived 70 years. Because of this I think this business and the principals deserve the greetings that your office sends out for special anniversary occasions.

Thank you for your consideration.

Sincerely,

Frank J. Knies
Vice President


FJK/ta

THE WHITE HOUSE

WASHINGTON

April 8, 1985

MEMORANDUM FOR DUNCAN CLARK
PRESIDENTIAL MESSAGES

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Opening of Saguaro Factory Outlet Mall,
Tucson, Arizona

You have asked this office if it would be appropriate for the President to send a message to the opening ceremonies for the Saguaro Factory Outlet Mall in Tucson. Based on the information available to me, it appears that the mall is a purely commercial entity and that the opening ceremony is designed to promote that commercial entity. As you know, White House policy generally precludes messages for commercial entities or activities, and accordingly, a Presidential message to be read at the opening ceremonies for this mall would be inappropriate.


Thank you for raising this matter with us.

THE WHITE HOUSE

WASHINGTON

April 8, 1985

MEMORANDUM FOR THE FILE

FROM: JOHN G. ROBERTS 

SUBJECT: Request to Auction a White House Tour for
the Cerebral Palsy Benefit Anniversary Ball

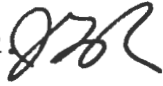
I orally advised Fran in Pam Turner's office that tours of the White House by staff members may be auctioned off to benefit charity if an individual staff member is willing to provide the tour because of the staff member's own personal interest in or association with the particular charity in question. I cautioned her that tours provided by the White House as an institution, or by offices in the White House (such as Legislative Affairs) were not available for auction.

THE WHITE HOUSE

WASHINGTON

April 10, 1985

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS, JR. 

SUBJECT: Appointment of Robert Fryer 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. I have advised you orally that I have no objection to proceeding with this appointment. The President is authorized to appoint 30 general trustees to this board under 20 U.S.C. § 76h(a). Mr. Fryer 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.

Mr. Fryer is a well-known producer of both theatrical productions and films, and is the artistic director of a theater group based in Los Angeles. Certainly conflicts could arise in the course of his duties, for example if the Kennedy Center were considering putting on one of Mr. Fryer's plays. Normally such questions would not be decided by the trustees, however, and Mr. Fryer could and should recuse himself should any situation of this sort arise.


Attachment

THE WHITE HOUSE

WASHINGTON

April 10, 1985

MEMORANDUM FOR JOHN C. MURPHY
GENERAL COUNSEL

FROM: JOHN G. ROBERTS, JR. 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence from Joseph Scovitch

The attached letter to Counsel to the President Fred F. Fielding from Joseph Scovitch of College Park, Maryland, is referred to you for whatever action you consider appropriate. The letter contains several complaints concerning the Philadelphia FDIC office.

Thank you.

Attachment

THE WHITE HOUSE
WASHINGTON

April 10, 1985

Dear Mr. Scovitch:

This is written in reply to your letter of March 7, 1985 to Counsel to the President Fred F. Fielding. In that letter you raised several complaints concerning the Philadelphia office of the Federal Deposit Insurance Corporation (FDIC).

In light of the nature of the allegations contained in your letter, I have taken the liberty of referring it to the General Counsel of the FDIC, for whatever review and action he considers appropriate.

Sincerely,

John G. Roberts, Jr.
Associate Counsel to the President

Mr. Joseph M. Scovitch
4815 Calvert Road
Number 355
College Park, MD 20740

~~FFF~~:JGR:mbg


cc: FFFielding
JGRoberts
Subject
Chron

THE WHITE HOUSE

WASHINGTON

April 10, 1985

MEMORANDUM FOR D. LOWELL JENSEN
ACTING DEPUTY ATTORNEY GENERAL

FROM: JOHN G. ROBERTS, JR. 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Congressional Correspondence Concerning
Henry Liu Murder

The attached letter to the President from Congressman Matthew Martinez was recently referred to this office by the White House Office of Legislative Affairs. In his letter, Congressman Martinez urges that steps be taken to extradite the Taiwanese suspected of killing Henry Liu. (It is my understanding that Taiwan recently convicted and sentenced to death two of the suspects.) In light of the subject matter involved, the letter is referred to the Department of Justice for consideration and reply. The White House has not responded to Congressman Martinez in any fashion.

Attachment

THE WHITE HOUSE

WASHINGTON

April 10, 1985

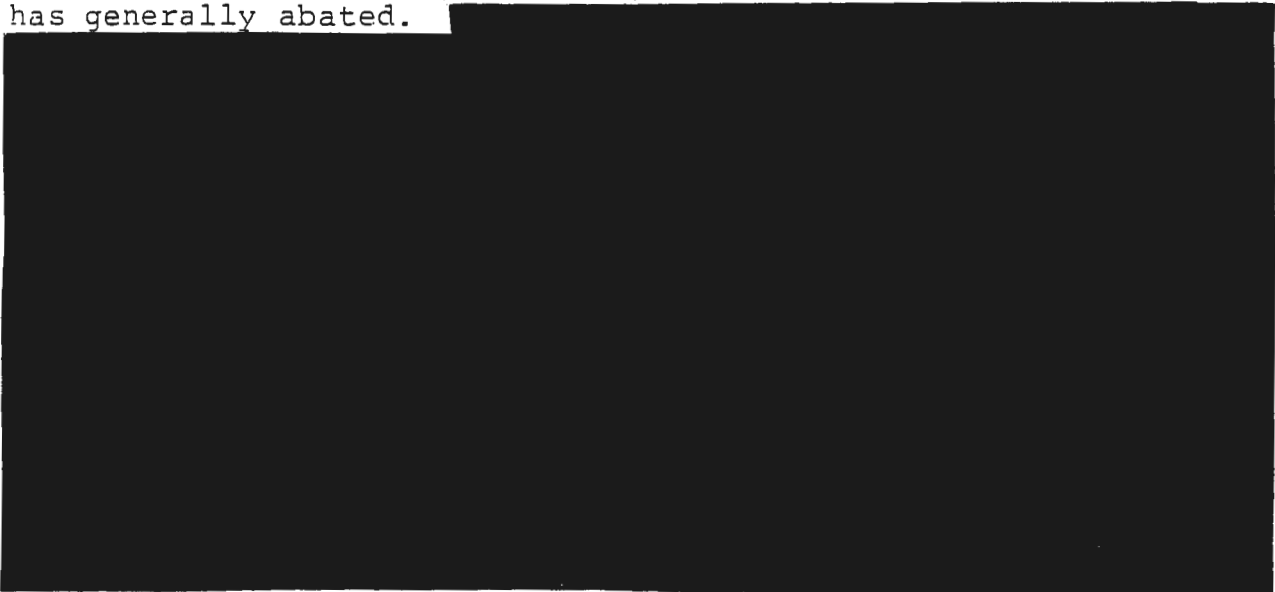
MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Appointment of Frederick Hart to the Commission of Fine Arts

I have reviewed the Personal Data Statement submitted by Frederick Hart in connection with his prospective appointment to the Commission of Fine Arts. I also discussed certain issues raised by the PDS with Mr. Hart by telephone this morning. Pursuant to 40 U.S.C. § 104, the President is authorized to appoint "seven well-qualified judges of the fine arts" to the Commission of Fine Arts, for four-year terms. It is the duty of the Commission to advise upon the location of statues and monuments in the District of Columbia, and upon the selection of artists to execute the same, as well as to advise generally on the arts as requested by the President or any committee of Congress.

Mr. Hart is the sculptor who created the Vietnam Veterans Memorial sculpture (not the wall). There was considerable controversy surrounding the design of the memorial, but that has generally abated.



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I have no objection to preceding with the appointment.

THE WHITE HOUSE

WASHINGTON


April 10, 1985

Dear Mr. Hicks:

Thank you for your letter to the White House Press Office, requesting permission to quote from the State of the Union Address in a contemplated book.

Please be advised that the State of the Union Address is in the public domain, and that permission is not required to quote from it. The text or portions of the text of the President's address should not, however, be used in your book in any manner that conveys the impression that the President has endorsed or is otherwise associated with the book.

Sincerely,



John G. Roberts, Jr.
Associate Counsel to
the President

Professor Maynard Hicks
237 Faculty Office Building
California State University
Northridge, CA 91330

THE WHITE HOUSE

WASHINGTON

April 10, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Reprinting of the President's Abortion Article

Kathleen Bursley, an attorney for Harcourt Brace Jovanovich, Inc., has written to ask for a public domain copy of "Abortion and the Conscience of the Nation," by the President. Harcourt wants to include the article in a college rhetoric text as an example of argumentation. They approached Thomas Nelson, Inc., which published the article in book form, for permission. Thomas Nelson is demanding a fee of \$1,000, which Bursley considers exorbitant under the circumstances.

You will recall that this article first appeared in the Summer 1983 issue of Human Life Review, and was copyrighted at that time by the publisher of Human Life Review, The Human Life Foundation, Inc. The article was later published in book form by Thomas Nelson, pursuant to an arrangement whereby royalties benefit The Human Life Foundation. You approved the Nelson reprint and the royalties arrangement by letters dated November 7, 1983. The article has also been distributed by the White House in pamphlet form, bearing the Seal of the President, with no copyright notation.

As I read the law, no copyright protection is available for the article. There was no basis for the publishers of Human Life Review to copyright it when it first appeared. The article was clearly Government work, and not the private product of the President. It was drafted by OPD and Speechwriters, with editing by Peter Rusthoven of this office, and went through the White House clearance process. There is no copyright protection "for any work of the United States Government." 17 U.S.C. § 105. "Work of the United States Government" is defined to be "a work prepared by an officer or employee of the United States Government as part of that person's official duties." 17 U.S.C. § 101. The article clearly fits that definition from the perspective of those on the White House staff who prepared it. Since it expresses the President's view on a public policy issue, and was designed to shape the debate on that issue, the article should also be considered to have been prepared by the President in the course of his official duties.

The Presidential Records Act confirms this conclusion. The article certainly qualifies as a Presidential record, see 44 U.S.C. § 2201, and ownership, possession, and control of such records is retained by the United States, 44 U.S.C. § 2202.

My recommendation would be to send Harcourt one of the White House pamphlets of the article, advising that no permission is necessary to reprint it. I would alert The Human Life Foundation and Thomas Nelson before doing so, since they are apparently under the impression that they have some rights to the article. I have not called them yet, however, since the fact that the article was copyrighted by the Foundation, and the fact that this office has granted reprint permission (to Thomas Nelson) and denied reprint permission (to Charisma) suggest my view of the law may not have been previously operative in this area. Peter may have discussed these issues with you; perhaps there are some facts (not revealed in the file, which I have reviewed) of which I am unaware. Please advise.