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THE WHITE HOUSE

WASHINGTON

June 11, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: S.J. Res. 3 and H.J. Res. 279, Constitutional Amendments Concerning Voluntary School Prayer

OMB has asked for comments on S.J. Res. 3 and H.J. Res. 279, identical resolutions to amend the Constitution to permit voluntary prayer in public schools. The resolutions are identical to S.J. Res. 73, 98th Congress, which the Administration strongly supported. OMB noted that it will assume no objection unless otherwise advised; accordingly, no action is necessary on our part.

Attachment

THE WHITE HOUSE

WASHINGTON

June 11, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Portal-to-Portal

Horowitz has submitted a new version of the portal-to-portal bill, and has asked for your clearance by close of business today, if possible. I relayed to Horowitz your marginalia at the bottom of my June 10 memorandum (attached); he added the "determination of the agency head" language from proposed Section 1344(b) (2) (A) to Section 1344(b) (2) (B) as well to respond to your concerns. This change means that transportation is available to (1) heads and deputy heads of the Cabinet departments, (2) heads and deputy heads of up to three agencies designated by the President to have Cabinet-level status or the equivalent, and (3) Executive branch Level IIs, in all three cases only when the agency head determines that such transportation is appropriate.

I told Horowitz it was my understanding that you wanted the Cabinet heads to have portal-to-portal automatically, without the need for a determination, but he said he could not make that change in view of negotiations with Ink and Bowsher. I also pointed out the problem with the cover letter, on page 3, where it states "the bill would limit the availability of portal-to-portal transportation to those few very senior officials whose duties and responsibilities, in the view of the Comptroller General, clearly warrant it." Horowitz intends this to be read as indicating that the Comptroller General has reviewed and approves of the bill, and not that the bill itself requires any approval by the Comptroller General before portal-to-portal may be provided. I can see how both readings are possible; any confusion should dissipate upon a reading of the bill, which clearly has no provision for Comptroller General approval. I suggested that the sentence nonetheless be clarified to remove the confusion, but Horowitz would not change it because, according to him, it was the strongest statement of Comptroller General approval of the bill he could get past the Comptroller General.

The cover letter has been expanded to discuss the role of the Comptroller General in developing the bill, and contains, in paragraph 3, a specific statement that the Comptroller General supports the bill. I thus see no reason for Horowitz

to insist on the confusing language discussed above, but also do not want to delay this process any further in nit-picking with Horowitz. My own view is that we should clear the bill and simply reiterate our comments on the confusing language in the letter. The bill is close to a straight Level II with agency discretion approach, which you suggested in the first place.

Attachment

THE WHITE HOUSE

WASHINGTON

June 11, 1985

MEMORANDUM FOR MICHAEL HOROWITZ
COUNSEL TO THE DIRECTOR
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Portal-to-Portal

I have reviewed today's version of the portal-to-portal bill and transmittal letter. I would have preferred to have Cabinet heads have automatic portal-to-portal, with no need for a self-interested determination of appropriateness, but will not insist on the point if you think it would imperil the concurrence of GAO and others.

With respect to the transmittal letter, I must reiterate my concern that the statement on page 3 that "the bill would limit the availability of portal-to-portal transportation to those few very senior officials whose duties and responsibilities, in the view of the Comptroller General, clearly warrant it" is confusing. It can easily be read as suggesting that under the bill the approval of the Comptroller General is required before portal-to-portal can be provided. The latest version of the letter clearly indicates Comptroller General support of the bill in the third paragraph, and accordingly I see no need to introduce confusion by retaining the reference to the Comptroller General in the quoted language.

FFF:JGR:aea 6/11/85

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

June 12, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Meeting With Judges Interested in
Work of the Commission on Executive,
Legislative, and Judicial Salaries

Dianna has advised me that Len Garment will be bringing into your office a group of judges interested in the judicial salary issue and the work of the Commission on Executive, Legislative, and Judicial Salaries, also known as the Quadrennial Commission. You are familiar with the Commission: it consists of three members appointed by the President, two by the President of the Senate, two by the Speaker, and two by the Chief Justice. Every four years the Commission is to review the salaries of Federal judges, Congressmen, and high-ranking Executive branch officials, and report to the President on appropriate salary levels. The President then recommends salary levels to Congress, and his recommendations, under the statute, become law if approved by affirmative vote of both Houses. 2 U.S.C. §§ 351-361. This last proviso is technically invalid under INS. v. Chadha, since no bill is presented to the President after the votes of both Houses.

You will recall that the President wrote a letter to the Chairman of the Commission, Nicholas Brady, requesting that the Commission not simply look at salary levels but in addition evaluate the entire statutory scheme for setting salaries of high-level officials. The letter accurately noted that the process has not worked effectively. Since the Chadha problem is probably severable from the Commission's functions, the letter did not refer to any constitutional infirmity in the statute.

We have seen a draft Commission report. The Commission will recommend that the Pay Act be revised to provide that the President's recommendations become law unless blocked by a joint resolution of disapproval. As I have noted in prior memoranda, this shifts effective responsibility for salary levels from Congress to the President. You have voiced general support for this approach. The Commission has advised that it will make no salary adjustment recommendations this year.

I do not think you should tip the Commission's hand to this group of judges, but you can note that the President has asked the Commission to review the entire statutory scheme. You can also express awareness of the problem of relatively low judicial compensation, and perhaps offer personal views on how it has affected the judicial selection process. Suggested talking points follow.

Attachment

SUGGESTED TALKING POINTS FOR MEETING WITH
JUDGES INTERESTED IN WORK OF
QUADRENNIAL COMMISSION

- There is an increasing amount of attention being devoted to the question of the adequacy of judicial compensation in the Administration. As salaries for talented lawyers in the private sector sky-rocket, the sacrifice demanded to give up a successful practice for the bench, or to remain on the bench, increases. I am acutely aware of this problem, because I chair the President's Judicial Selection Committee and am often in the position of asking if prospective candidates for the bench are willing to make that sacrifice.
- I am aware that an unprecedented number of judges have left the bench for financial reasons, often brought on by the burdens of putting children through college. I agree that this trend threatens to undermine the constitutional intent that Federal judges would generally serve for life. With all the care and effort we put into selecting judges, we certainly do not want them forced off the bench for financial reasons.
- I think there is general agreement that the current system of fixing judicial compensation has proven ineffective. Judicial salaries are, as a practical matter, linked to Congressional salaries under the Pay Act, as well as to the salaries of high-level executive

officials. Congress must affirmatively vote any pay raise under the existing scheme, and for obvious political reasons has been unable to vote raises for itself. Judicial salaries, accordingly, stagnate.

-- The President is aware of the problem of judicial compensation, and is also concerned more generally with the compensation of Congressmen and high-level executive officials. Neither the Federal bench nor the Government as a whole should become the province only of the very young, the semi-retired, or the independently wealthy. Accordingly, he appointed very high-quality and experienced individuals to fill his slots on the Commission on Executive, Legislative, and Judicial Salaries, which issues recommendations every four years under the Pay Act -- Chairman Nicholas Brady, Lloyd Cutler, and Alexander Trowbridge.

-- In addition, the President took the very significant step of formally requesting the Commission to reexamine the entire Pay Act. In his letter the President wrote that "the statutory formula under which the Commission operates has failed in the past to resolve salary determinations in an orderly and effective manner."

-- It is our hope that the Commission will develop recommendations for revising the current, ineffective scheme. This is far more important than trying to work

a one-shot raise through the existing system. It is the system for setting judicial salaries that has failed, and it is the system that must be corrected.

THE WHITE HOUSE

WASHINGTON

June 12, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: GAO Report on Inaugural

I met with Jim Mitchell and Ron King from GAO yesterday, to discuss their needs for information from PIC in connection with the report they are preparing for Senator Proxmire on expenditure of Federal funds for the inaugural. They would like to review the PIC files, which are now located partly at Hale & MacKenzie and partly with the Archivist, in order to be able to advise Proxmire that they were able to review all the pertinent records. They have already reviewed documents at Defense, GSA, and other agencies involved in inaugural support.

Mitchell and King assured me that they had no interest in drafting an exposé of inaugural funding or anything along those lines; I have no way of knowing what credence to give these assurances. I called Bruce Soll who stated that either he or someone else familiar with the PIC files would be available to walk the GAO auditors through them. I recommend that Soll meet with the auditors and provide them access to the files. From its review of other agency records GAO already knows what support was provided to PIC, and denying access would simply result in a negative reference in the GAO report, fueling Proxmire's interest.

THE WHITE HOUSE

WASHINGTON

June 13, 1985

MEMORANDUM FOR CLAUDIA KORTE
PRESIDENTIAL MESSAGES

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Opening Trading on CPI Inflation Futures

You have asked for guidance concerning a request for a Presidential message to the Coffee, Sugar & Cocoa Exchange in New York, commemorating the opening of trading in a Consumer Price Index inflation futures contract. Such a message should not be sent.

Futures exchanges are themselves commercial activities in a competitive business. Another competing exchange could decide to offer trading in CPI inflation futures, and the President should not endorse one particular exchange or one particular futures contract.

THE WHITE HOUSE

WASHINGTON

June 13, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Travel Inquiry

B. Oglesby has been invited to speak at the annual dinner of the Brunswick-Golden Isles Chamber of Commerce at the Cloister Hotel on Sea Island, Georgia. His wife has been invited as well. B. has asked whether he may accept transportation (private aircraft) and travel expenses from the Chamber.

The Chamber is not a 501(c)(3) organization, and accordingly B. may not accept transportation or travel expenses for himself. In particular, he should not travel on the Chamber aircraft. As we discussed this morning, since the Chamber may not pay for B.'s travel it may not pay for his wife's.

The foregoing assumes that the travel is official, which I think is the correct assumption.

Attachment

THE WHITE HOUSE

WASHINGTON

June 13, 1985

MEMORANDUM FOR M. B. OGLESBY, JR.
ASSISTANT TO THE PRESIDENT
FOR LEGISLATIVE AFFAIRS

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Travel Inquiry

You have asked if the Brunswick-Golden Isles Chamber of Commerce may pay your travel expenses, and those of your wife, in connection with an invitation for you to address their annual convention. The invitation would have to be considered to have been extended to you in your official capacity, and accordingly you may accept reimbursement of travel expenses only from a 501(c)(3) organization. The Chamber is not such an organization. Since the Chamber may not pay for your travel, it may not pay for that of your spouse. In particular, you should not travel on the Chamber's private aircraft.

FFF:JGR:aea 6/13/85

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

June 13, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Request for Endorsement on Government
Funding of Radical and Liberal Activist
Organizations

As discussed this morning.

Attachment

THE WHITE HOUSE

WASHINGTON

June 13, 1985

MEMORANDUM FOR PATRICK BUCHANAN
ASSISTANT TO THE PRESIDENT
FOR COMMUNICATIONS

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Request for Endorsement on Government
Funding of Radical and Liberal Activist
Organizations

You have asked whether you may provide an endorsement for a book to be published on government funding of radical and liberal activist organizations. Established White House policy prohibits the provision of such endorsements by staff members. In such cases it is impossible to separate your private from your official persona, and any endorsement by Pat Buchanan would be perceived as an endorsement by the White House, in contravention of our policy against endorsement of any commercial product or enterprise. In addition, an endorsement, however crafted, would be taken as official sanction for the views expressed in the book, which may or may not coincide with those of the Administration.

Thank you for raising this matter with me.

FFF:JGR:aea 6/13/85

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

June 13, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

GAO Inquiry on Portal-to-Portal

You will recall that your recent memorandum (Tab A) providing Chris Hicks guidance on responding to the GAO portal-to-portal inquiry (Tab B) advised Hicks that we could not provide a response concerning the authority for transporting spouses without knowing the details of such transportation. Hicks has now told me that the military office, which coordinates the motor pool, only keeps logs for 30 days, after which they are destroyed. This is pursuant to Army regulations, and is not peculiar to the White House. In addition, on those occasions when she has used an official vehicle, Mrs. Regan has used Mr. Regan's dedicated vehicle, so no separate log entry exists for her travel. For these reasons, records do not exist to enable Hicks to provide a detailed response to GAO's request for information on the use of official vehicles since January 1, 1985, by spouses of officials given portal-to-portal (viz., Mesdames Bush, Baker, Meese, Deaver, Regan, and McFarlane).

Hicks proposes explaining to GAO why a detailed response cannot be provided, and then stating what the existing records, and his knowledge of Mrs. Regan's use of the dedicated car, indicate: that, on limited occasions, the spouses of officials afforded portal-to-portal service use official vehicles to meet their spouses at official functions.

As I explained in my memorandum for you of May 8 on this issue, GAO provides more authority for transporting spouses than our own Justice Department. You will recall that the Office of Legal Counsel issued an opinion concluding that a spouse of an official may use Government transportation only when accompanying the Government official on a space-available basis (Tab C). In a June 28, 1984 letter (B-210555.9) (Tab D) to Senator Garn, however, Milt Socolar, for the Comptroller General, concluded that such transportation would be permissible "when the spouse is accompanying the official to or from an official function, when it is in the public interest for the spouse of a cabinet-level official to attend an official function and circumstances make it awkward or impossible for the official to accompany the spouse enroute, or when the spouse's safety is threatened and Government transportation would provide protection not otherwise available."

I would advise Hicks to respond to question 2d of the GAO inquiry, authority for spousal transportation, as follows:

In a June 28, 1984 letter (B-210555.9) to Senator Garn, Milt Socolar, for the Comptroller General, concluded that such transportation would be permissible "when the spouse is accompanying the official to or from an official function, when it is in the public interest for the spouse of a cabinet-level official to attend an official function and circumstances make it awkward or impossible for the official to accompany the spouse enroute, or when the spouse's safety is threatened and Government transportation would provide protection not otherwise available."

THE WHITE HOUSE

WASHINGTON

June 13, 1985

MEMORANDUM FOR CHRISTOPHER HICKS
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR, OFFICE OF ADMINISTRATION

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: GAO Inquiry on Portal-to-Portal

You have advised this office that you will respond to the GAO inquiry concerning transportation of relatives of officials afforded portal-to-portal by noting that the pertinent records are destroyed after 30 days, so a detailed response is not possible. You indicated you will go on to state that, based on your knowledge and the records that are available, on limited occasions spouses of officials afforded portal-to-portal use official vehicles to meet their spouses at official functions. In light of the foregoing, the following may be used as a response to GAO question 2d, on the authority for such transportation:

In a June 28, 1984 letter (E-210555.9) to Senator Garn, Milt Socolar, for the Comptroller General, concluded that such transportation would be permissible "when the spouse is accompanying the official to or from an official function, when it is in the public interest for the spouse of a cabinet-level official to attend an official function and circumstances make it awkward or impossible for the official to accompany the spouse enroute, or when the spouse's safety is threatened and Government transportation would provide protection not otherwise available."

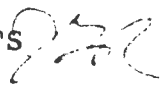
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JGRoberts
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Chron

THE WHITE HOUSE

WASHINGTON

June 13, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Radio Talk: Civil Rights

The President's proposed radio address discusses the Administration's civil rights policies and contains a push for Senate confirmation of Brad Reynolds. I have no objection to the remarks -- other than the minor ones noted in the attached memorandum -- but thought you would want to review them yourself.

Attachment

THE WHITE HOUSE

WASHINGTON

June 13, 1985

MEMORANDUM FOR BEN ELLIOTT
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR, PRESIDENTIAL SPEECHWRITING

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Radio Talk: Civil Rights

Counsel's Office has reviewed the above-referenced proposed remarks. In the interest of strict accuracy, the "and" in line 5 of the first paragraph should not be included in the quotation from the Declaration of Independence; it does not appear in the text.

I would also delete the "and" in line 5 of the third paragraph. As written the sentence could be read to mean that employment, voting, and housing are the only areas covered by law, which is not correct. Deleting the "and" makes the list seem illustrative rather than exhaustive.

Finally, the statue of Justice does not preside "over all our court rooms." I would change "all" to "many of."

cc: David L. Chew

FFF:JGR:aea 6/13/85

bcc: FFFielding
JGRoberts
Subj
Chron

Chron

THE WHITE HOUSE

WASHINGTON

June 14, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: SHERRIE M. COOKSEY *SMC*
JOHN G. ROBERTS

SUBJECT: Domestic Briefing Materials

David Chew's office requested that you provide any comments or edits on the domestic briefing materials for Tuesday's Presidential press conference directly to Russ Mack by 2:00 p.m. today.

We have reviewed these briefing materials and recommend revisions in the following areas: school prayer, description of the E.F. Hutton case, comments on controversial nominees, and the responses to suggestions that the President's tax proposals favor the Sun Belt. Attached for your review and signature is a memorandum to Mack detailing each of those revisions. That memorandum also suggests another question that could arise with respect to the elimination of the deduction for state and local taxes.

Attachment

THE WHITE HOUSE

WASHINGTON

June 14, 1985

MEMORANDUM FOR RUSSELL R. MACK, JR.
SPECIAL ASSISTANT TO THE PRESIDENT AND
DIRECTOR OF PUBLIC AFFAIRS

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Domestic Briefing Materials

We have reviewed the proposed domestic briefing materials for the upcoming Presidential press conference and have the following comments.

First, the proposed responses to a question on the Supreme Court's recent school prayer decision, Wallace v. Jaffree, should be changed. In the second bullet item, "moment of silent meditation" should be changed to "moment of silence." The third bullet item suggests that the Court was wrong or should reconsider its decision because a large majority of the populace favors a different result. Since the basis of the Court's decision -- however erroneous -- was the Constitution, it is legally irrelevant how large a percentage of the public is opposed to the decision. The President should not appear to endorse Mr. Dooley's view that the Supreme Court should follow the election returns. I would have the third bullet item read as follows: "The Court's decision should cause us to redouble our efforts to pass a constitutional amendment permitting voluntary school prayer. Even three-quarters of the liberals in this country favor voluntary school prayer, so we should be able to achieve this goal."

Second, the description of the E.F. Hutton situation should be revised by deleting everything after the second bullet and inserting in lieu thereof the following:

- ° The E.F. Hutton situation involved a complex corporate money management policy using overdrafts on checking accounts to increase profits;
- ° The complexity of this investigation and the need to bring those fraudulent practices to a prompt halt and obtain a full and complete recovery of the victims' monies convinced the Justice Department to act as it did;

- ° The result was that a large brokerage house admitted to 2,000 counts of fraud, paid a \$2 million fine, covered the costs of the government's investigation, and will make restitution to the banks;
- ° All things considered, RR thinks the settlement was in the public interest.
- ° At the same time, RR is confident that where an investigation reveals individuals with criminal culpability, the Department of Justice will not hesitate to prosecute those individuals.

Third, the discussion of controversial appointees should be revised by deleting the last three bullets.

Fourth, in the discussion of whether the President's tax plan favors Sun Belt states, we note that the description of the effect of our proposals on the Detroit auto worker assumes that the auto worker's wife will be a homemaker, rather than a wage earner. To preclude suggestions that the President's model American family has the wife at home, we recommend that this example include alternative descriptions of the wife. (For example: if his wife is a homemaker, she gets to put more money, tax free, into an IRA; if she is also employed, the reduction in rates will enable the family to keep more of the money both hardworking parents earn.)

Finally, in the listing of possible questions for the press conference, we suggest inclusion of a question relating to the charge that our proposal to eliminate the deduction for state and local taxes actually hurts those states that have been cooperating with the President's New Federalism program.

cc: David L. Chew

JGR Chro

THE WHITE HOUSE
WASHINGTON

June 14, 1985

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY AND
DEPUTY ASSISTANT TO THE PRESIDENT

FROM: JOHN G. ROBERTS
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Resolution: H.J. Res. 211 --
Recognition of the Pause for Pledge of
Allegiance as Part of National Flag Day

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

THE WHITE HOUSE
WASHINGTON

June 17, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Book of Buchanan Writings

Pat Buchanan has asked if there are any problems with his company -- PJB Enterprises, run by his wife -- publishing a collection of his columns, all written before he came to the White House. He stated that he was looking for an agent to do this before joining the staff.

I see no purely legal objections. Since the columns are already written, any income from sales of the book would not be earned income attributable to the period of Buchanan's service on the White House staff, and accordingly would not be subject to the fifteen percent ceiling on outside earned income (a matter of policy with respect to the White House staff).

At the same time, however, there is the appearance of using public office for private gain, since it is likely that a collection of Buchanan writings will sell more with its author on the White House staff. The question is one of degree, since such a book would certainly sell to some extent even if Buchanan were not on the staff. In addition, the views expressed in many old Buchanan columns are not necessarily in accord with those of the Administration. Re-issuing the columns in book form would serve to highlight these differences, to the detriment of a coherent presentation of Administration policy.

I recommend pointing out these concerns to Buchanan, and suggesting that the better course may be simply to await until he leaves the White House.

THE WHITE HOUSE

WASHINGTON

June 17, 1985

MEMORANDUM FOR PATRICK J. BUCHANAN
ASSISTANT TO THE PRESIDENT AND
DIRECTOR OF COMMUNICATIONS

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Book of Buchanan Writings

You have asked if there are any problems with PJB Enterprises seeking to publish, in book form, a selection of Buchanan writings originally published prior to your joining the White House staff. I have no technical legal objections to your proposal. Since you wrote the articles prior to joining the White House staff, any income derived from sales of the book would not be earned income attributable to your period of White House service. The income would accordingly not be subject to the fifteen percent ceiling on outside earned income.

At the same time, however, publishing such a book during your tenure on the staff would subject you to criticism for appearing to use public office for private gain. Certainly a book of Buchanan writings would be a brisk seller even were you not serving at the White House, but it cannot be denied that your current position would help sales.


In addition, there is the problem that the views expressed in the articles may not always coincide with Administration policy. Re-issuing the articles would highlight any differences that do exist, to the detriment of a coherent presentation of Administration policy.

For the foregoing reasons, while your proposal is technically legally permissible, I hope you will agree that it would be better to wait until you leave the staff to publish the book.

THE WHITE HOUSE
WASHINGTON

June 17, 1985

MEMORANDUM FOR BENTLY T. ELLIOTT
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR OF SPEECHWRITING

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

SUBJECT: National Jaycees Convention
Indianapolis, Indiana

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

cc: David Chew

THE WHITE HOUSE

WASHINGTON

June 17, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS, JR. 

SUBJECT: GAO Inquiry on Portal-to-Portal

You questioned the use of the plural "spouses" in my draft memorandum for Chris Hicks dated June 13. The plural was used because the GAO inquiry covered the period beginning January 1, and thus covered use by Mesdames Baker, Meese, and Deaver. In any event, the plural is appropriate even for the present, because the described use is provided to Mesdames Regan and McFarlane, as well as Mrs. Bush. A fresh copy of the June 13 draft is attached for your signature.

THE WHITE HOUSE

WASHINGTON

June 17, 1985

MEMORANDUM FOR CHRISTOPHER HICKS
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR, OFFICE OF ADMINISTRATION

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: GAO Inquiry on Portal-to-Portal

You have advised this office that you will respond to the GAO inquiry concerning transportation of relatives of officials afforded portal-to-portal by noting that the pertinent records are destroyed after 30 days, so a detailed response is not possible. You indicated you will go on to state that, based on your knowledge and the records that are available, on limited occasions spouses of officials afforded portal-to-portal use official vehicles to meet their spouses at official functions. In light of the foregoing, the following may be used as a response to GAO question 2d, on the authority for such transportation:

In a June 28, 1984 letter (B-210555.9) to Senator Garn, Milt Socolar, for the Comptroller General, concluded that such transportation would be permissible "when the spouse is accompanying the official to or from an official function, when it is in the public interest for the spouse of a cabinet-level official to attend an official function and circumstances make it awkward or impossible for the official to accompany the spouse enroute, or when the spouse's safety is threatened and Government transportation would provide protection not otherwise available."


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cc: FFFielding
JGRoberts
Subj.
Chron.

THE WHITE HOUSE

WASHINGTON

June 17, 1985

MEMORANDUM FOR DAVID CHEW
STAFF SECRETARY

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

SUBJECT: White House Liaison with the
National Commission on Space

Counsel's office has reviewed the proposed memorandum for Thomas Paine, Chairman of the National Commission on Space, from an as yet unidentified author, specifying that (1) the Director of the Office of Science and Technology Policy (OSTP) shall serve as White House liaison with the Commission, (2) the Commission shall report to the President through the Senior Interagency Group for Space, and (3) the Director of OSTP shall serve as liaison between the Senior Interagency Group and the Commission.

Although there is, strictly speaking, nothing legally objectionable in sending the proposed memorandum, we do not see any need for such a formal step, which may create unnecessary controversy. The statute establishing the Commission specifies that it is to submit its report to the President, Public Law 98-361, § 204(c), and Commission members might object to reporting through another administrative entity. The President can easily refer the report to the Senior Interagency Committee once he receives it from the Commission. As far as the liaison responsibilities of the Director of the OSTP are concerned, those can be more informally communicated in a letter from the Director, indicating that he has been designated to assist the Commission with any questions it may have concerning the White House.