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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name

Withdrawer

File Folder CHRON FILE - (07/19/1985-07/28/1985)

DLB 8/6/2005

Box Number 65

FOIA

F05-139/01

COOK

13DLB

| DOC NO | Doc Type | Document Description | No of Pages | Doc Date | Restrictions | |
|--------|----------|---|-------------|-----------|--------------|-----|
| 1 | MEMO | ROBERTS TO FRED FIELDING, RE: GAO HOTLINE REFERRAL (PARTIAL) | 2 | 7/24/1985 | B6 | 898 |
| 2 | LETTER | FIELDING TO GARY CARBONE (PARTIAL) | 2 | 7/24/1985 | B6 | 899 |
| 3 | MEMO | ROBERTS TO RICHARD HAUSER, RE: APPOINTMENTS TO THE NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE (PARTIAL) | 3 | 7/23/1985 | B6 | 900 |

COPY - Reagan Presidential Record

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-5 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(5) of the FOIA]
- B-6 Release would disclose information compiled for law enforcement purposes [(b)(6) of the FOIA]
- B-7 Release would disclose information concerning the regulation of financial institutions [(b)(7) of the FOIA]
- B-8 Release would disclose geological or geophysical information concerning wells [(b)(8) of the FOIA]
- B-9 Release would disclose information concerning the regulation of financial institutions [(b)(9) of the FOIA]

E.O. 13233


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

THE WHITE HOUSE

WASHINGTON

July 19, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Request for Presidential Endorsement
to Build Richard Nixon Library

Ken Khachigian has written Anne Higgins, asking for a brief letter from the President endorsing the effort to raise funds to build the Richard Nixon Presidential Library. The letter would be addressed to Maurice Stans.

As Khachigian notes in his request, the President recently participated in a fundraiser for the Kennedy library, so I do not think we can object on any principled basis to his providing a letter of support for the Nixon library. I would simply tone down Khachigian's suggested text by changing "efforts to raise funds for" to "efforts on behalf of."

Attachment

THE WHITE HOUSE

WASHINGTON

July 22, 1985

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Request for Presidential Endorsement
to Build Richard Nixon Library

I have reviewed the request from Ken Khachigian for a brief message from the President supporting fundraising efforts for the Richard Nixon Presidential Library. As you know, we generally avoid involving the President in particular fundraising projects. Presidential libraries are a special case, however, and the President has participated in fundraising projects for other Presidential libraries. Accordingly, I have no objection to providing the requested letter.

In the text submitted by Khachigian, however, "efforts to raise funds for" should be changed to "efforts on behalf of."

FFF:JGR:aea 7/19/85

cc: FFFielding
JGRoberts
SUbj
Chron

THE WHITE HOUSE

WASHINGTON

July 19, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Aviation Decisions

As we discussed. Revision of the Executive Order at Transportation was derailed as the pertinent officials became involved in implementing the various policy initiatives with respect to the airports at Athens and Beirut. The process should be back on track now.

Attachment

THE WHITE HOUSE

WASHINGTON

July 22, 1985

MEMORANDUM FOR WHITE HOUSE STAFF

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Aviation Decisions

Executive Order 11920 (June 10, 1976) established procedures for Presidential review of international aviation decisions pursuant to Section 801 of the Federal Aviation Act, 49 U.S.C. § 1461. That order is in the process of being revised, in light of the sunset of the Civil Aeronautics Board. Section 4 of the Executive Order prohibits individuals within the Executive Office of the President from discussing Section 801 cases -- those involving international aviation -- with outside parties, and requires such individuals to refer written communications on Section 801 cases from outside parties to the appropriate office outside the Executive Office of the President. These restrictions are still in effect. You should refuse to discuss cases subject to the President's approval under Section 801 with interested private parties, and you should refer any written communications you receive on such cases to this office for appropriate referral.

I would also remind you that purely domestic aviation decisions not subject to Presidential approval under Section 801 would typically implicate our general policy against White House interference in particular matters pending before agencies with adjudicative responsibilities. You should consult with this office before discussing such cases with interested private parties or Government agencies.

FFF:JGR:aea 7/19/85

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

July 22, 1985

Dear Mr. Dales:

I am writing in response to your letter of June 14 to the President. In that letter you requested that the President and First Lady serve as "Honorary Chairpersons" of a fund-raising campaign by the Motion Picture and Television Fund, to raise \$50 million to double the capacity of the Country House and Hospital. You also requested that they host a reception at the White House in the Spring of 1986 for benefactors of the Fund.

I have discussed these matters with the President and I am happy to advise you that he wishes to grant both requests. The President and First Lady have agreed to serve as Honorary Chairpersons of your fundraising campaign, and have agreed to host a reception for benefactors of the Fund in the Spring of 1986.

You should know that it is highly unusual for the President and First Lady to lend their names to a particular fundraising project. As a matter of general policy we routinely decline such requests, but the President desired to make an exception in the case of the Fund. It will be necessary for you to obtain the approval of this office concerning the particulars of any contemplated use of the names of the President and First Lady as Honorary Chairpersons on mailings, solicitations, and the like. I look forward to working with you on these questions.

You should work directly with Frederick J. Ryan, Jr., Deputy Assistant to the President for Scheduling, on the reception. I have advised Mr. Ryan of the President's decision to host such a reception; you should be hearing from Mr. Ryan in the near future.

I am confident that the fundraising campaign will be a great success, enabling the Fund to continue and expand its important work.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. John L. Dales
President, Motion Picture
and Television Fund
23450 Calabasas Road
Woodland Hills, CA 91364

bcc: Frederick J. Ryan, Jr.

FFF:JGR:aea 7/16/85

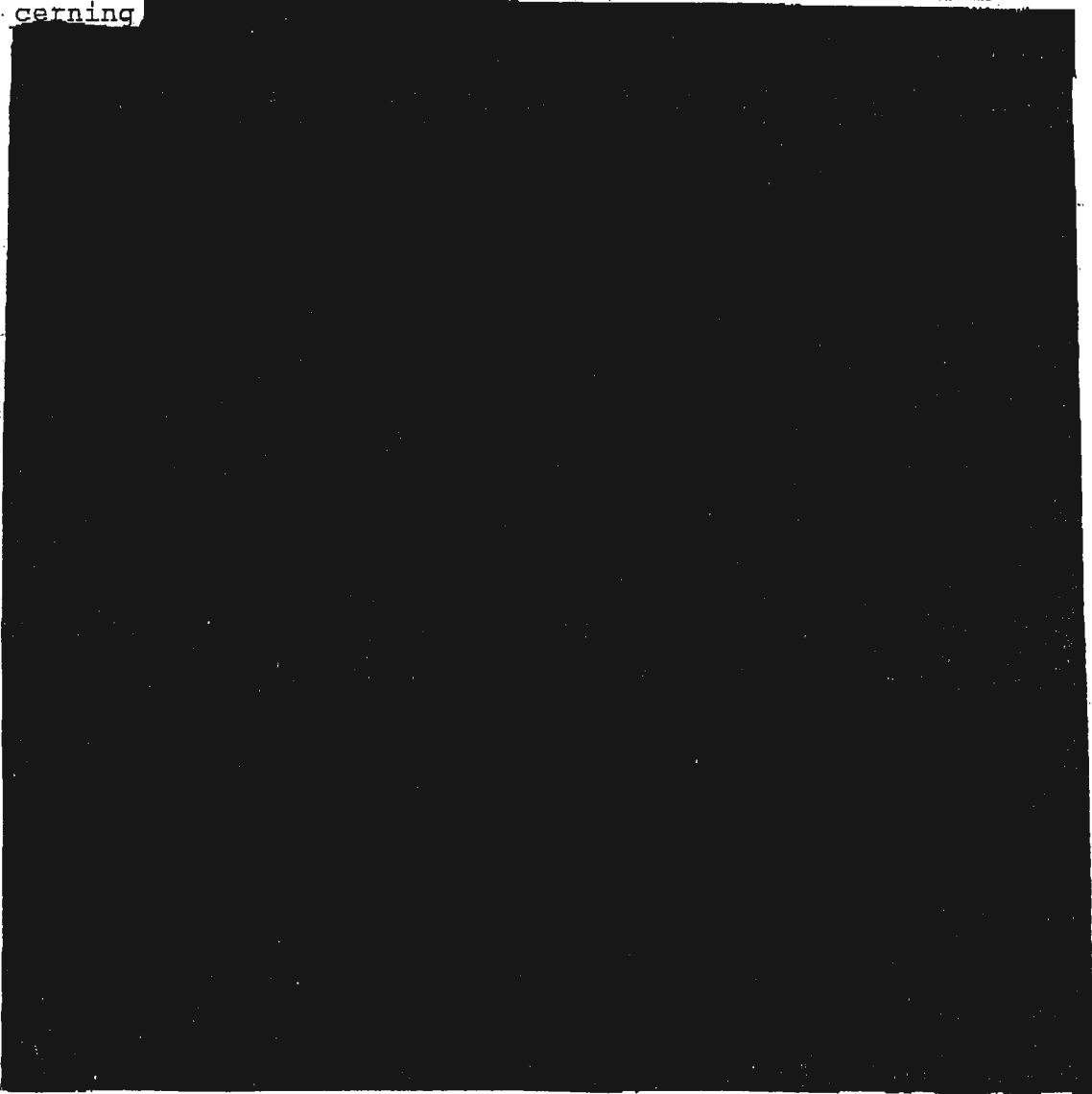
bcc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE
WASHINGTON

July 24, 1985

MEMORANDUM FOR FRED F. FIELDING
FROM: JOHN G. ROBERTS *JGR*
SUBJECT: GAO Hotline Referral

On July 11 the Director of the GAO Fraud Referral and Investigations Group transmitted to our office an anonymous allegation received over the fraud and abuse hotline concerning



b6

THE WHITE HOUSE
WASHINGTON

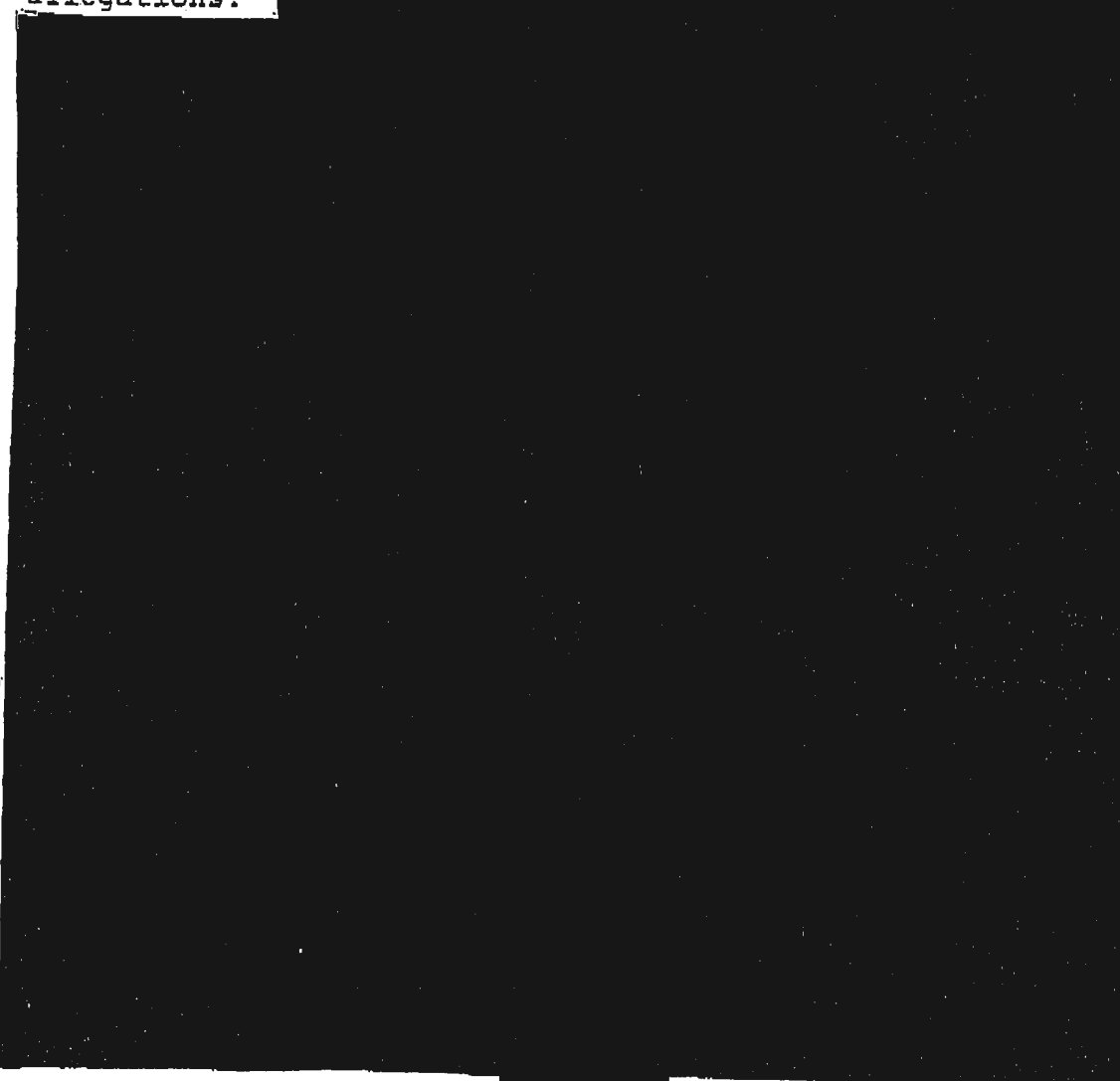
July 24, 1985

Dear Mr. Carbone:

You received an anonymous allegation [redacted] to the effect that [redacted] "is managing a retail business from [redacted] office on government time." You referred the allegation to this office for appropriate disposition.

b6

A member of my staff interviewed [redacted] concerning the allegations. [redacted]



b6

This office has admonished [redacted] not to make private long distance telephone calls on the Government system, and

not to use the photocopier for private purposes. Aside from these transgressions, it does not appear that [redacted] is violating any laws, regulations, or policies. [redacted] outside business does not present a conflict of interest, and, based on [redacted] representations to us, [redacted] cannot be said to be running the business on Government time. In addition to the specific admonitions referred to above, this office reminded [redacted] of the need to keep [redacted] outside business interests fully separate from [redacted] Government employment. We believe that [redacted] is sensitive to the need to do so.

b6

Thank you for referring this matter to us.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Gary W. Carbone
Director, Fraud Referral and
Investigations Group
U.S. General Accounting Office
Washington, D.C. 20548

FFF:JGR:aea 7/24/85
bcc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

July 24, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Mickey Mouse

You asked on my previous memorandum on the subject of commercial anniversary messages if the President had not recently appeared at a Disney World/EPCOT anniversary celebration. So far as I can tell, no. On May 27, 1985 the President visited EPCOT for a parade of many of the units that were scheduled to participate in the Inaugural Parade. There is no indication in the President's remarks that the occasion was any sort of EPCOT anniversary. The President also visited EPCOT on March 8, 1983, but again his remarks contain no suggestion that the occasion was an EPCOT anniversary.

THE WHITE HOUSE

WASHINGTON

July 18, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Mickey Mouse

Anne Higgins exploded in righteous indignation when we declined, pursuant to usual policy, to approve a Presidential message on the occasion of Disneyland's 30th anniversary. She prepared a memorandum questioning the commercial messages policy. I have prepared a reply for your signature.

Attachment

*John -
Didn't the President
appear at a Disney World
anniversary in Orlando last
month (or so)?
SPECT*

THE WHITE HOUSE
WASHINGTON

July 23, 1985

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Appointments to the National Highway Safety Advisory Committee

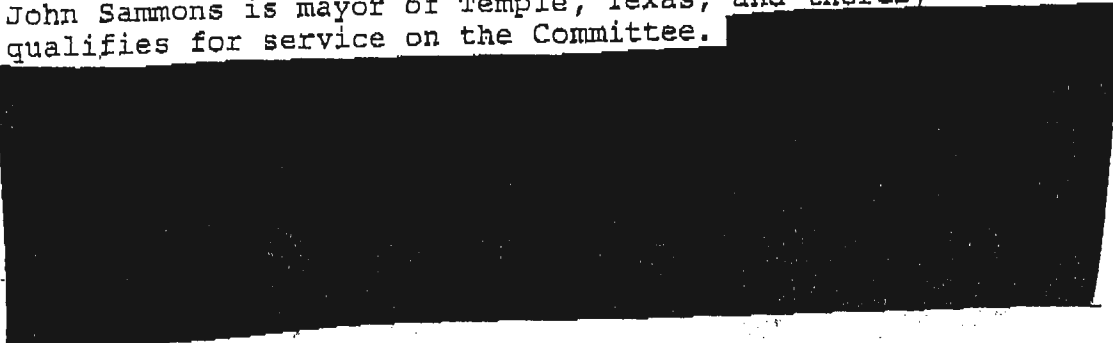
The National Highway Safety Advisory Committee consists of ex officio members and 35 members appointed by the President, no more than four of whom may be Federal officers or employees. The appointed members

shall be selected from among representatives of various State and local governments, including State legislatures, of public and private interests contributing to, affected by, or concerned with highway safety, including the national organizations of passenger car, bus, and truck owners, and of other public and private agencies, organizations, or groups demonstrating an active interest in highway safety, as well as research scientists and other individuals who are expert in this field.
23 U.S.C. § 404(a)(1).

No member who has served a three-year term is eligible for reappointment within one year following the end of his term. 23 U.S.C. § 404(a)(2)(A). The purpose of the Committee is to advise the Secretary of Transportation on highway safety. 23 U.S.C. § 404(b).

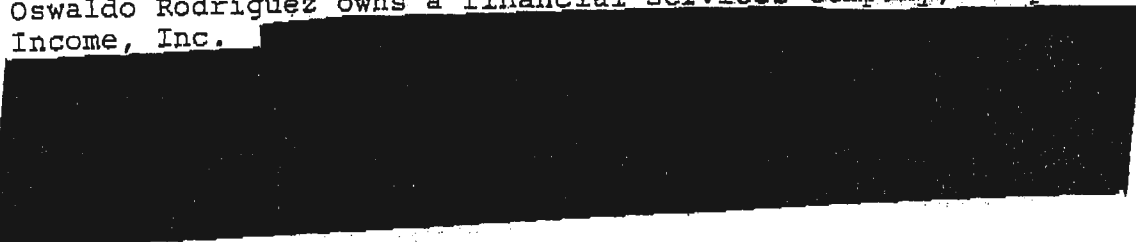
The following prospective appointees satisfy the statutory criteria, and their Personal Data Statements present no difficulties (their qualifications for service are noted in parentheses): Frank Raper (packaging corporation; active in drunken driving awareness campaign and legislative efforts in California), Fritz Hitchcock (automobile dealer), Cynthia Bros (automobile dealer), William Taylor (insurance), Thomas McGuire (insurance; former chairman of California Traffic Safety Committee), Eric Jostrom (former advisor to Massachusetts governors on transportation issues), Candy Lightner (founder, president of Mothers Against Drunk Driving; previously cleared for President's Commission on Drunk Driving), Thom Holmes (active in mass transportation issues), Edward Reilly (insurance; state senator), A. Starke Taylor (mayor), and Andrew Natsios (state representative).

John Sammons is mayor of Temple, Texas, and thereby qualifies for service on the Committee.



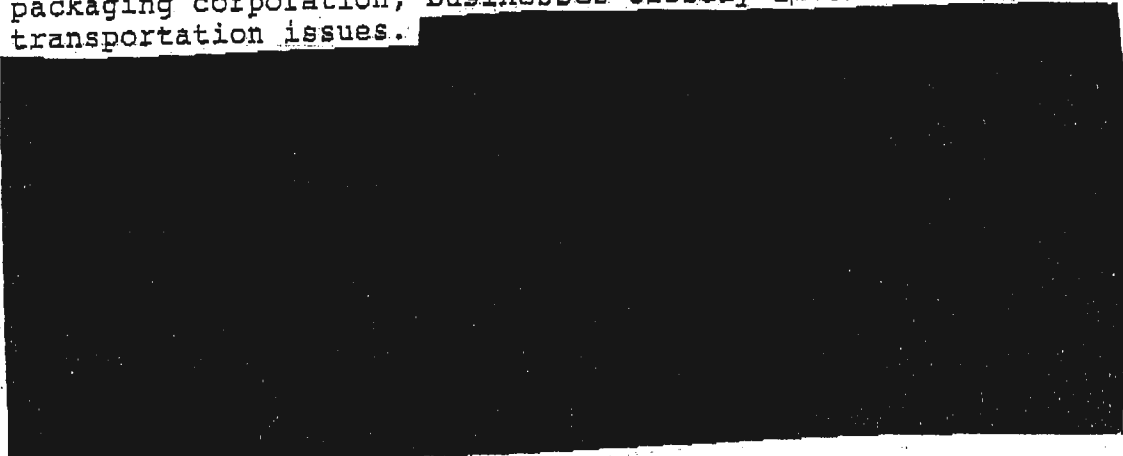
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Oswaldo Rodriguez owns a financial services company, Comput Income, Inc.



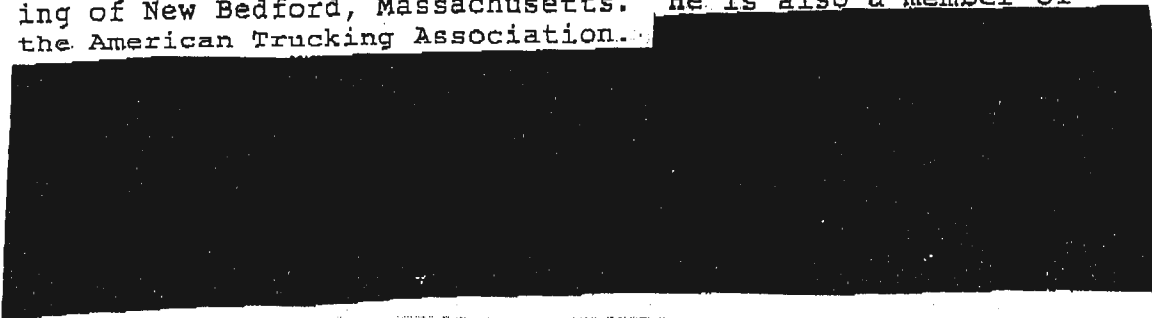
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Vern McCarthy is eligible for service on this Committee as a former owner and director of a container and industrial packaging corporation, businesses closely involved in truck transportation issues.

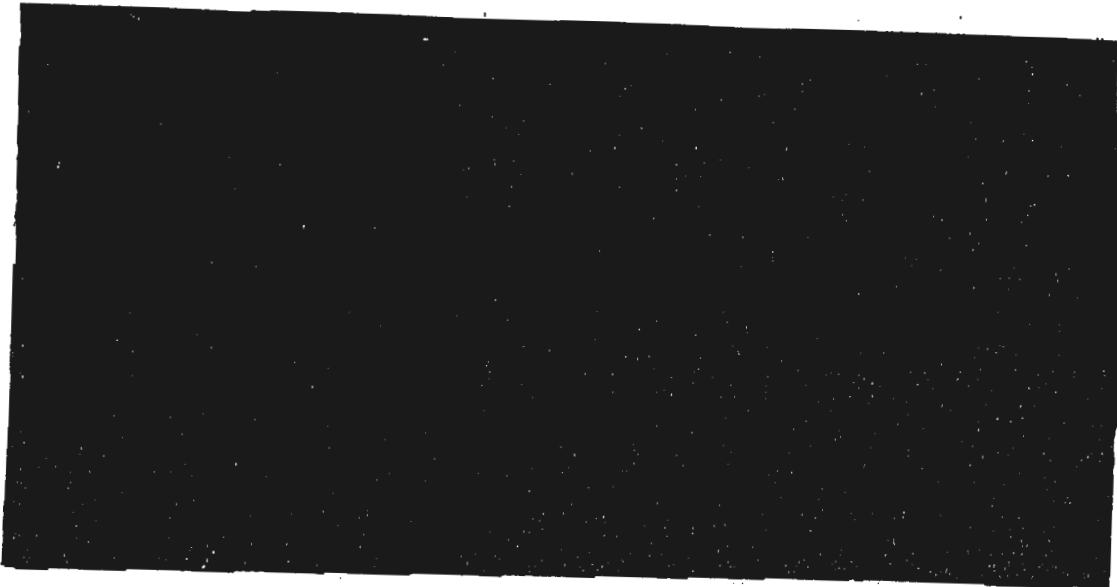


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Francis Morse is qualified for service on the Committee because he is the owner of a trucking company, Adams Trucking of New Bedford, Massachusetts. He is also a member of the American Trucking Association.



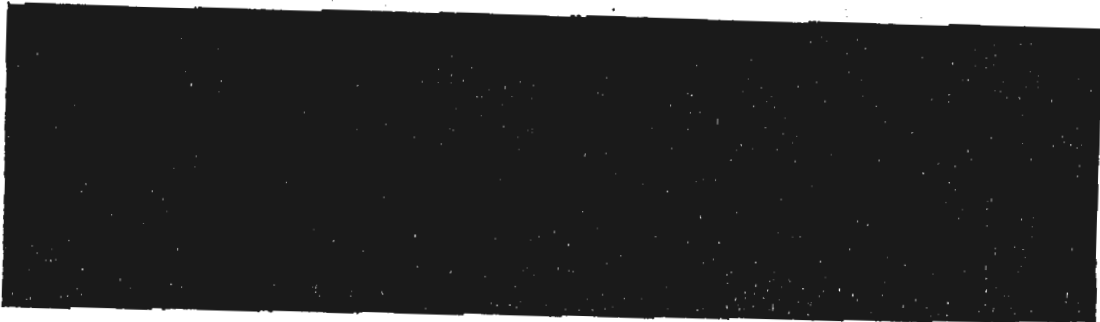
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b6

The Personal Data Statements of Joseph Ambrose, Hae Park, and Robert Ling present no problems. Ambrose is in the oil and gas and real estate business in Texas. He lists three civil actions against him. I talked with his son (Ambrose himself was not available) and determined that the suits were standard business litigation, and one probate dispute. Hae Park owns a real estate consulting, investment, and sales company. Robert Ling is a former mayor and current president of a cable television corporation. He describes himself as experienced in banking, food processing, communications, defense issues, and environmental issues.



b6

Finally, I have received no Personal Data Statements from Diarmuid O'Scannlain or James Crawford.

THE WHITE HOUSE

WASHINGTON

July 23, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Draft of President's Column
for ABA Journal on Terrorism

You have asked for a draft reply as soon as possible to the attached letter from new ABA President William Falsgraf, transmitting an advance copy of an upcoming column responding to the President's call for ABA action against terrorism. A draft is attached. The column reviews past action of the ABA, and announces a national conference on legal responses to terrorism. It is supportive of the President's speech, but also stresses that responses to terrorism cannot make unacceptable inroads on civil liberties.

Attachment

THE WHITE HOUSE

WASHINGTON

July 23, 1985

Dear Bill:

Thank you for your letter of June 16 to the President. Enclosed with that letter was an advance copy of your upcoming "President's Column" on the Bar response to terrorism. The column represents a prompt response to the President's call for action by the American Bar Association to confront the basic challenge to the rule of law posed by international terrorism.

I know I do not need to stress the seriousness of the problem posed by terrorism, or the sincerity of the President's call for assistance from the Bar in meeting that problem. The active involvement of the ABA will help mobilize not only the profession but the Nation as a whole in defending our free society and the rule of law from terrorists. I appreciate your personal involvement, which indicates the importance the Bar attaches to the issue, and look forward to working with you in ensuring that our profession will effectively meet the challenge of terrorism.

Sincerely,

Fred F. Fielding
Counsel to the President

William W. Falsgraf, Esquire
American Bar Center
750 North Lake Shore Drive
Chicago, IL 60611

FFF:JGR:aea 7/23/85
bcc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

July 26, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Check for Reagan Library Submitted
as Fee for Reproducing White House
Photograph

The Gift Unit has asked for our advice on handling a check for \$100 payable to the Reagan Library from the Ansel Adams Publishing Rights Trust. The check was enclosed with a letter from the editor of the forthcoming posthumous autobiography of Adams, thanking Carol Greenawalt of the Photo Office for permission to reprint a photograph of Adams with the President. The editor, Mary Alinder, described the donation as "the agreed upon reproduction fee."

I contacted both Carol Greenawalt and Michael Evans, the only people at the White House with whom Alinder talked. Neither requested any reproduction fee, and neither suggested a donation to the Reagan Library. Evans told Alinder she needed permission from the Photo Office, and Greenawalt granted that permission. Both advised Alinder that there was no charge for reprinting the photograph in the book. The donation seems to have been Alinder's own idea.

I recommend returning the check to Alinder, advising her once again that no fee is necessary (and that none was "agreed upon"). A draft is attached.

Attachment

THE WHITE HOUSE

WASHINGTON

July 26, 1985

Dear Ms. Alinder:

You sent to the White House Photo Office a check in the amount of \$100, payable to the President Reagan Library, from the Ansel Adams Publishing Rights Trust. Your letter to Carol Greenawalt accompanying that check described the check as "the agreed upon reproduction fee" for permission to include a White House photograph of Mr. Adams meeting with the President in the forthcoming autobiography of Mr. Adams.

As you were advised at the time, there is no fee for reprinting White House photographs, nor is there any charge for permission to use White House photographs. A donation to the Reagan Library was not "agreed upon" as a reproduction fee; indeed, it would have been highly inappropriate for anyone at the White House to suggest a donation to such a private entity in exchange for services we are happy to provide free of charge. I am, accordingly, returning the check to you.

Sincerely,

Fred F. Fielding
Counsel to the President

Ms. Mary Alinder
Ansel Adams
Route 1, Box 181
Carmel, CA 93923

bcc: John E. Hilboldt
Carol Greenawalt

FFF:JGR:aea 7/26/85
bcc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

July 29, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Productivity Improvement Program

David Chew has asked for comments by 3:00 p.m. today on the attached memorandum to the Cabinet on the proposed productivity improvement program. On two prior occasions the accompanying message to Congress was staffed to me for direct reply; it has been extensively revised. The message to Congress announces the President's intention to issue an Executive Order on productivity improvement, and calls for legislation needed to improve productivity in the management of Government.

The proposed memorandum to the Cabinet reviews the message to Congress, asks Cabinet officers to identify prospective productivity improvement initiatives in their agency, and advises them that the Executive Order will require them to designate a department "productivity chief" to help implement the program.

I have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

July 29, 1985

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Productivity Improvement Program

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

FFF:JGR:aea 7/29/85

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

July 26, 1985

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

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Background on Nixon Papers

The following provides background information that may be helpful to OMB in considering the proposed regulations on access to Nixon Administration materials submitted by the National Archives and Records Administration pursuant to Executive Order 12291.

In 1974 Congress enacted the Presidential Recordings and Materials Preservation Act, note following 44 U.S.C. § 2111, a law applicable only to the Nixon White House files, which directed the Administrator of GSA to take control of all such files. The Administrator was directed by the Act to issue regulations, subject to legislative veto, governing public access to the files. President Nixon challenged the constitutionality of the Act on numerous grounds, most prominently separation of powers and executive privilege. A splintered Supreme Court upheld the Act, Nixon v. Administrator of General Services, 433 U.S. 425 (1977), essentially avoiding the privilege issue by noting that any privilege claims could be raised prior to disclosure under the regulations to be issued by GSA.

In the meantime, GSA was encountering difficulty promulgating the regulations mandated by the Act. Between 1975 and 1976 three sets were proposed by GSA and rejected by Congress pursuant to the legislative veto clause. The fourth and final set -- allegedly prepared with substantial Congressional input -- was not disapproved and became effective in August 1977.

Under the regulations the Archivist is to review the Nixon files, returning private and personal material and removing material that falls into six specified categories, including classified material, law enforcement investigatory material, trade secrets, and material the disclosure of which would constitute a clearly unwarranted invasion of privacy. After this has been done the Archivist is to announce his intent to release publicly the remainder of the material, subject

only to an opportunity for interested parties to assert any legal or constitutional right or privilege that would prevent or limit disclosure.

On August 12, 1983, the Archivist announced that he had completed his review of and proposed to release to the public 628 cubic feet (1.5 million pages) of material from the "Special Files Unit" of the Nixon files. According to the notice, the Special Files Unit "was established in 1972 to provide a central storage location for materials perceived as sensitive." The Special Files Unit includes files from Nixon's office and the offices of high-ranking advisors such as Henry Kissinger, H.R. Haldeman, and John Ehrlichman, and other files that would normally have gone to Central Files but were for various reasons considered more sensitive than routine files. Pursuant to the regulations, President Reagan was notified of the material proposed to be released, as were President Nixon and certain members of the Nixon White House staff.

Representatives of the Department of Justice (Office of Legal Counsel) and the White House Counsel's office met with Archivist officials to consider whether and how the Administration would review the files to determine whether to assert possible claims of privilege. At the same time, a group of former Nixon White House staff members filed suit to block release of the files. The suit alleged that the regulations pursuant to which the files would be released were invalid because they were tainted by the unconstitutional legislative veto. The Department of Justice (Civil Division) defended the Archivist, conceding that the legislative veto provision in the Nixon Records Act was unconstitutional, but arguing that the regulations were nonetheless valid. In a decision issued on December 30, 1983, Allen v. Carmen, 578 F. Supp. 951 (D.D.C.) (Hogan, J.) the district court agreed with the plaintiffs and struck down the regulations. A decision was made not to appeal.

The Archivist thereupon set up a Nixon Materials Regulations Review Group to develop new regulations. Proposed regulations were published for comment on March 29, 1985, 50 F.R. 12575. The proposed regulations were substantially similar to those struck down in Allen v. Carmen, though without the taint of the statutory legislative veto provision. Archives now proposes to issue the regulations in final. Since Archives has already reviewed the Nixon Special Files Unit under previous regulations essentially identical to the proposed regulations, it can be expected that notice to release those files to the public would quickly follow the effective date of the proposed regulations.

Former President Nixon and various former Nixon White House staff members object to the proposed regulations on a wide variety of grounds. They contend that the Archivist has not adequately segregated personal from Presidential historical material, and that the definition of "Presidential historical material" employed in the reviewing process is too broad. They contend that the 30-day notice provided prior to disclosure of files is inadequate given the volume involved, and they object to the absence of any means of notifying third parties discussed in the files who were not on the White House staff. Under the regulations, notice of disclosure is sent only to the President, former President Nixon, the staff member whose files are to be disclosed, and any individual who has submitted his name to be included on a "Nixon Materials Registry" maintained by the Archivist. Individuals on the registry are to be notified when file segments containing references about them are to be released. The Nixon parties also object to the fact that there is no adequate locator system to permit meaningful review of the massive files.

In our previous discussions with Archives and Department of Justice officials, our main concern has been the possible need to assert executive privilege. In reviewing the files, the archivists did not segregate material possibly privileged on deliberative process or other grounds. Presumably someone in the Administration -- perhaps Justice attorneys -- will have an obligation to review these Presidential materials before disclosure for privileged items. As the regulations are written, we would have only 30 days to do so. Even more problematic, it would seem that claims of privilege by the President are to be presented to the Archivist for a decision, even though the Archivist is within the executive branch, subject to Presidential control and subject to legal guidance from the Justice Department. If the President and the Attorney General decide to assert privilege with respect to a document in the control of the executive branch, that decision should not be subject to adjudication by the Archivist.

We have also raised concerns with the Archivist on proposed handling of the documents. There are no copies. The Archivist proposes to provide originals to members of the media and public for review. This scheme raises serious security questions (many of the documents are quite valuable) and questions about the integrity of the documents (dangers of alteration, destruction, etc.).

cc: Richard A. Hauser