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THE WHITE HOUSE

WASHINGTON

December 10, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Norman Rockwell Museum in Stockbridge, MA

Nancy Risque called today to advise that Legislative Affairs would like to present your signed letter on the question of the Honorary Chairmanship of the Campaign for Norman Rockwell to Silvio Conte tomorrow morning. A draft is attached. After it is signed, it should not be mailed but "red tagged" to Nancy Risque.

Attachment

THE WHITE HOUSE

WASHINGTON

December 10, 1985

Dear Mr. Conte:

Thank you for your letter of October 22 to the President, requesting that the President agree to serve as Honorary Chairman of the Campaign for Norman Rockwell. The purpose of the campaign, as detailed in your letter and accompanying materials, is to raise \$5 million to expand the Norman Rockwell Museum in Stockbridge.

White House policy generally restricts the acceptance of honorary chairmanships to those organizations with which the President has been personally associated, usually before assuming office, and to those with which the Office has traditionally been associated, such as the Red Cross or the Boy Scouts. In this case, however, the President has decided to make a rare exception to this policy, and will be happy to serve as Honorary Chairman of this laudable fund-raising campaign. I am confident that the campaign will be a great success, contributing to the preservation of not only Norman Rockwell's work but a bit of Norman Rockwell's America as well.

It will be necessary for this office to review any materials prepared by the Campaign for Norman Rockwell that use the President's name or designate him as Honorary Chairman.

With best wishes,

Sincerely,

Fred F. Fielding
Counsel to the President

The Honorable Silvio O. Conte
United States House of Representatives
Washington, D.C. 20515

FFF:JGR;aea 12/10/85
bcc: FFFfielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

December 10, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Correspondence Regarding the Ronald Reagan
Museum of Motion Picture Arts and Sciences
Project

Senator Domenici forwarded to B. Oglesby the attached proposal for a "Ronald Reagan Museum of Motion Picture Arts and Sciences." At no point in the materials or Domenici's letter are the sponsors of the proposal identified. Domenici requested Oglesby to determine if the White House staff thought the President might be interested. At no point in the materials or Domenici's letter are the sponsors of this proposal identified.

I cannot imagine this proposal getting off the ground. In the first place, the central assumption of the sponsors, that motion picture arts have "no central home, no preeminent institution established specifically for [their] preservation and enhancement," is ill-founded. The American Film Institute at the Kennedy Center fills at least some of the role envisioned for this museum.

More significantly, I doubt the President would want to lend his name to any museum or similar institution when his own Presidential library is being formed. The dangers of confusion and dispersal of public support are too great.

I would simply note these concerns in a memorandum for Oglesby, and suggest that unless he feels differently he should try to kill the idea with Domenici. I hesitate to respond directly to Domenici, since we have no idea who is behind this project.

Attachment

THE WHITE HOUSE

WASHINGTON

December 10, 1985

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence Regarding the Ronald Reagan
Museum of Motion Picture Arts and Sciences
Project

You forwarded to me for further action a proposal, sent to you by Senator Domenici, to create a "Ronald Reagan Museum of Motion Picture Arts and Sciences." At no point in the materials are the sponsors of this proposal identified, but I think it safe to recommend that you advise Senator Domenici that prospects for approval of the proposal are dim. In the first place, the American Film Institute at the Kennedy Center already fulfills many of the functions envisioned for this museum. More significantly, I doubt that the President will want to lend his name to any museum or similar institution other than his own Presidential library. Doing so would create considerable confusion and risk diminishing support for the Presidential library.

If after talking with Domenici you feel a formal reply either to him or to the unidentified sponsors of this project is necessary, I would be happy to provide one.


FFF:JGR:aea 12/10/85
cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

December 10, 1985

MEMORANDUM FOR THE FILE

FROM: JOHN G. ROBERTS 

SUBJECT: Revised DOE Draft Report on H.R. 1524,
the Employee Polygraph Protection Act

On November 27, 1985, I orally advised Branden Blum that I had no objection to the above-referenced proposed Energy Department report.

Attachment

THE WHITE HOUSE

WASHINGTON

December 10, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Norman Rockwell Museum in Stockbridge, MA

Nancy Risque called today to advise that Legislative Affairs would like to present your signed letter on the question of the Honorary Chairmanship of the Campaign for Norman Rockwell to Silvio Conte tomorrow morning. A draft is attached. After it is signed, it should not be mailed but "red tagged" to Nancy Risque.

Attachment

THE WHITE HOUSE

WASHINGTON, D.C. 20503

December 10, 1985

Dear Mr. Conte:

Thank you for your letter of October 22 to the President, requesting that the President agree to serve as Honorary Chairman of the Campaign for Norman Rockwell. The purpose of the campaign, as detailed in your letter and accompanying materials, is to raise \$5 million to expand the Norman Rockwell Museum in Stockbridge.

White House policy generally restricts the acceptance of honorary chairmanships to those organizations with which the President has been personally associated, usually before assuming office, and to those with which the Office has traditionally been associated, such as the Red Cross or the Boy Scouts. In this case, however, the President has decided to make a rare exception to this policy, and will be happy to serve as Honorary Chairman of this laudable fund-raising campaign. I am confident that the campaign will be a great success, contributing to the preservation of not only Norman Rockwell's work but a bit of Norman Rockwell's America as well.

It will be necessary for this office to review any materials prepared by the Campaign for Norman Rockwell that use the President's name or designate him as Honorary Chairman.

With best wishes,

Sincerely,

Fred F. Fielding
Counsel to the President

The Honorable Silvio O. Conte
United States House of Representatives
Washington, D.C. 20515

FFF:JGR;aea 12/10/85
bcc: FFfielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

December 11, 1985

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Gramm-Rudman

I have reviewed the proposed Gramm-Rudman signing statement prepared by the Speechwriters' Office, and have no objection to it, as far as it goes. Language must be added, however, addressing the various serious constitutional concerns raised by the bill. Suggested language is attached.

I understand that the Department of Justice will propose signing statement language taking issue with the grant of Congressional standing to bring suit in the bill. Raising this concern would prevent the President from calling for a prompt resolution of the other constitutional issues through the mechanisms provided in the bill, since those mechanisms contemplate Congressional standing. I think it best to leave the Congressional standing battle for another field, and simply not mention it at all in this signing statement.

FFF:JGR:aea 12/11/85

cc: FFFielding
JGRoberts
Subj
Chron

In signing this bill, I am mindful of the serious constitutional questions raised by some of its provisions. The bill assigns a significant role to the Director of the Congressional Budget Office and the Comptroller General in calculating the budget estimates that trigger the operative provisions of the bill. Under the system of separated powers established by the Constitution, however, executive functions may only be performed by officers in the Executive branch. The Director of the Congressional Budget Office and the Comptroller General are agents of Congress, not officers in the Executive branch.

The bill itself recognizes this problem, and provides procedures for testing the constitutionality of the dubious provisions. The bill also provides a constitutionally valid alternative mechanism should the role of the Director of the Congressional Budget Office and the Comptroller General be struck down. It is my hope that these outstanding constitutional questions can be promptly resolved.

Similar constitutional concerns are raised by a provision in the bill authorizing the President to terminate or modify defense contracts for deficit reduction purposes, but only if the action is approved by the Comptroller General. Under our constitutional system, an agent of Congress may

not exercise such supervisory authority over the President. As the Supreme Court made clear in its Chadha decision, Congress can "veto" Presidential action only through the constitutionally-established procedure of passing a bill through both Houses and presenting it to the President.

My Administration alerted Congress to these various problems throughout the legislative process, in an effort to achieve a bill free of constitutionally suspect provisions. Although we were unsuccessful in this goal, I am nonetheless signing the bill. In doing so I am in no sense dismissing the constitutional problems or acquiescing in a violation of the system of separated powers carefully crafted by the Framers. Rather, it is my hope that the constitutional problems will be promptly resolved so that the vitally important business of deficit reduction can proceed.

THE WHITE HOUSE

WASHINGTON

December 12, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Advisory Committee for Trade Negotiations

Bob Tuttle has asked if a state government employee may be appointed to the Advisory Committee for Trade Negotiations. Tuttle wishes to make such an appointment, but was told by USTR that the Committee is a private sector board on which government officials are not eligible to serve.

The Committee is authorized by 19 U.S.C. § 2155(b). That subsection provides that the Committee "shall include representatives of government, labor, industry, agriculture, small business, service industries, retailers, consumer interests, and the general public" (emphasis supplied). It seems clear, therefore, that government officials may be appointed to the Committee.

I called Al Holmer for clarification of the USTR position. He conceded that there was no legal bar to the appointment contemplated by Tuttle, but noted that historically the Committee had been a purely private sector committee. He stated that USTR strongly preferred to keep committee membership restricted to the private sector, for policy reasons.

The attached memorandum for your signature advises Tuttle that he may legally appoint a state government official to the Committee. (Indeed, an argument can be made that such an official must be appointed, since the statute provides that the Committee "shall include representatives of government....")

Attachment

THE WHITE HOUSE

WASHINGTON

December 12, 1985

MEMORANDUM FOR ROBERT E. TUTTLE
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR, PRESIDENTIAL PERSONNEL

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Advisory Committee for Trade Negotiations

You have asked if a state government official may be appointed to the Advisory Committee for Trade Negotiations. The Committee was established pursuant to 19 U.S.C. § 2155(b). That subsection provides that the Committee "shall include representatives of government, labor, industry, agriculture, small business, service industries, retailers, consumer interests, and the general public" (emphasis supplied). Accordingly, a state government official may be appointed to the Committee.

My office discussed this with USTR. USTR now agrees that there is no legal bar to appointing a state government official to the Committee, but USTR objects to such an appointment on policy grounds, preferring to keep the Committee a purely private sector committee. You should resolve that policy dispute as you see fit. As a legal matter, the appointment may be made.

FFF:JGR:aea 12/12/85
cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

December 12, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: United Artists Presentation to the President of Gloves and Robe Worn by Sylvester Stallone in "Rocky IV" for Display at the Smithsonian

Pete Roussel has asked for guidance in responding to a letter from the CEO of United Artists, Jerry Weintraub. In his letter Weintraub offered to have Sylvester Stallone present to the President the gloves and robe worn in the current film "Rocky IV." The gloves and robe would be displayed at the Smithsonian.

"Rocky IV" is a current, Christmas season release, and Weintraub's offer seems a rather transparent publicity stunt to promote the film. With the Rambo comments and White House dinner invitation, the President has already given Stallone more than his fair share of free publicity. I have prepared the attached draft for Roussel's signature, declining the offer. A transmittal memorandum for your signature is also attached.

Attachment

THE WHITE HOUSE

WASHINGTON

December 12, 1985

MEMORANDUM FOR PETER ROUSSEL

DEPUTY PRESS SECRETARY

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: United Artists Presentation to the President
of Gloves and Robe Worn by Sylvester Stallone
in "Rocky IV" for Display at the Smithsonian.

You have asked for guidance in responding to a letter from the CEO of United Artists, Jerry Weintraub. In his letter Weintraub offered to have Sylvester Stallone present to the President the gloves and robe worn in the current film "Rocky IV." The gloves and robe would be displayed at the Smithsonian.

The attached draft reply for your signature declines Weintraub's offer. It seems clear to me that the presentation contemplated by Weintraub would be little more than a publicity stunt to promote the film.

Attachment

FFF:JGR:aea 12/12/85

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

December 12, 1985

Dear Mr. Weintraub:

Thank you for your letter of December 2, offering to have Sylvester Stallone present the President with the gloves and robe worn in your current release, "Rocky IV." For reasons I am certain you will understand, we must decline your offer.

As you note in your letter, "Rocky IV" is a current, Christmas season release. A presentation of the sort described in your letter could be misinterpreted as an endorsement by the President of the film. This would violate the firm White House policy of scrupulously avoiding endorsement of any commercial product or enterprise.

I appreciate the spirit in which your offer was extended, and I hope you will appreciate the reasons we cannot accept it.

With best wishes,

Sincerely,

Peter Rousel
Deputy Press Secretary

Mr. Jerry Weintraub
United Artists Corporation
450 North Roxbury Drive
9th Floor
Beverly Hills, CA 90210

PR:JGR:aea 12/12/85
cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

December 13, 1985

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: H.R. 3918 -- Temporary Extension
of Cigarette Excise Tax, etc.

Counsel's Office has reviewed the above-referenced enrolled bill, and finds no objection to it from a legal perspective. If possible, this bill should be signed before December 15.

THE WHITE HOUSE

WASHINGTON

December 13, 1985

MEMORANDUM FOR TOM GIBSON
SPECIAL ASSISTANT TO THE PRESIDENT
DIRECTOR, PUBLIC AFFAIRS

FROM: JOHN G. ROBERTS
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: President's Interview for Scholastic Magazine

Counsel's Office has reviewed the above-referenced questions and answers, and finds no objection to them from a legal perspective.

cc: David L. Chew

THE WHITE HOUSE

WASHINGTON

December 13, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS
HUGH HEWITT

SUBJECT: Memorandum for John Block re: Section 129
of S. 1714

Attached for your review and signature is a memorandum for Secretary Block that reviews our objections to the referenced proposal. The Conference on the legislation is scheduled to reconvene at 1:00 p.m.

THE WHITE HOUSE

WASHINGTON

December 13, 1985

MEMORANDUM FOR JOHN BLOCH
SECRETARY OF AGRICULTURE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Section 129 of S. 1714

This office has preliminarily reviewed the referenced section of the Senate version of the Farm Bill. This section, if adopted by the Congress and signed into law, would create the new position of "Special Assistant to the President for Agricultural Trade and Food Aid." This Special Assistant would serve in the Executive Office of the President with broad advisory, coordinating, and operational authority over agricultural policy. The Special Assistant would be compensated at Executive Level I. 5 U.S.C. § 5312.

This proposal raises several concerns on our part. Our records going back to the Administration of Franklin Roosevelt indicate that such a position would be an unprecedented attempt by the Congress to structure the Office of the President. Historically, Congress has respected the constitutionally-based need for the President to have a generally free hand in selecting his closest advisors and structuring his White House staff as he sees fit.

The organization of the Executive Office of the President consists of five active offices or bureaus. 3 U.S.C.A. § 101, note. One of these, "The White House Office, comprises the officers and employees of the staff of the President required in the performance of the detailed activities incident to his immediate office." Id. The "Assistants to the President" are in the White House Office, and paid from that appropriation. The personnel policies governing the White House Office are set forth at 3 U.S.C. § 105. These provisions are general, and seek only to determine the number and salary of employees available to the President. None of these positions are subject to the advice and consent of the Senate, and all are viewed as extensions of the President. As such the White House Office is exempt from the Freedom of Information Act, 5 U.S.C. § 552, and the Government in the Sunshine Act, 5 U.S.C. § 552b. See Kissinger v. Reporters Committee for Freedom of the Press, 445 U.S. 136 (1980), Rushforth v. Council of Economic Advisers, No. 83-02632, D.C. Circuit, May 24, 1985.

The proposed new position is a curious hybrid of a traditional White House Office position and title and a new agency position. A

wide array of powers are proposed for this new official, an unparalleled intrusion on the President's authority to organize his personal staff in his own discretion. The proposal, in effect contemplates the creation of a Cabinet-level official within the Executive Office of the President, if not the White House Office. However, if not in the latter entity, there is no other organized place for this person. The presence of such an official may compromise the protected status of White House documents and internal deliberations, protections that are based on constitutional separation of powers concerns. The ability of such an official to function effectively and to enjoy the full confidence of the President as a member of his senior staff is questionable, if for no other reason than the possibility that the paperwork of the Presidency would no longer enjoy freedom from premature public inspection under its FOIA exemption and/or the claim of executive privilege. It is possible that this official would quickly be condemned to an ineffective and obscure place within the Executive Office of the President in order that his curious status not come to impede the functioning of the Presidency.

More important than this objection is the assertion of Congressional control over the personal staff of the President. It is easy to see how such a precedent could tempt further attempts by Congress to exercise authority over the functioning of the White House Office. There are serious Constitutional questions raised by that possibility, all of them linked to a concern that the traditional separation of powers not be eroded.

We also point out that the proposal with its contemplated assignment of wide duties to the new official, if assigned to a new entity within the Executive Office of the President, would entail great expense and an additional layer of bureaucracy. We believe this to be an unnecessary and unwise attempt to essentially duplicate functions already assigned to various agencies within the Executive Branch. The policy arguments against creating still another office to patrol duties already assigned are obvious.

In summary, the proposal appears to raise serious questions, not only of a Constitutional variety, but also in terms of the efficiency of the Presidency and the integrity of the policy-making process. We will continue to study this, but I wanted you to have my preliminary views and thoughts.

cc: M. Peter McPherson
Director
International Development Cooperation Agency

FFF/HH/JGR:jmk

cc: FFFielding
✓GRoberts
HHewitt
subject
chron.

THE WHITE HOUSE

WASHINGTON

December 17, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Michael K. Deaver

Attached is a draft reply to David Martin's cryptic letter on Mr. Deaver. I obtained the factual information from Jim Medas, Deputy Assistant Secretary of State for Canadian Affairs.

Attachment

THE WHITE HOUSE

WASHINGTON

December 17, 1985

MEMORANDUM FOR DAVID E. MARTIN
DIRECTOR, OFFICE OF
GOVERNMENT ETHICS

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Michael K. Deaver

This is in response to your letter of November 21, concerning an October 27, 1985 Washington Post article on Michael K. Deaver. The article discussed Mr. Deaver's purported role in establishing an agreement between the President and the Prime Minister of Canada on acid rain, and his present work in the private sector on behalf of Canada. You raised three questions: (1) was the agreement a particular matter involving specific parties, (2) did Mr. Deaver participate in a personal and substantial manner in or have official responsibility for the agreement, and (3) where does Special Envoy Drew Lewis fit organizationally within the Executive branch.

The agreement between the President and Prime Minister is embodied in a joint statement released during the Quebec summit (Tab A); it has no more formal stature. It is unclear whether the agreement should be considered to involve the United States and Canada, or simply the President and Prime Minister. The agreement provides for the appointment of Special Envoys to examine the general issue of acid rain and report to the President and Prime Minister before their next meeting. It establishes a very general framework for addressing acid rain and other environmental issues, rather than deciding or addressing those issues on the merits.

The scope of the mandate for the Special Envoys is sufficiently broad ("pursue consultation on laws and regulations," "enhance cooperation," "pursue means," "identify efforts") that it is doubtful that the agreement can be considered to involve a "particular matter," beyond the particular matter of the appointment of the Special Envoys themselves. Participation in that particular matter would not bar an individual from subsequent participation concerning particular substantive issues, any more than involvement in establishing an agency would preclude an

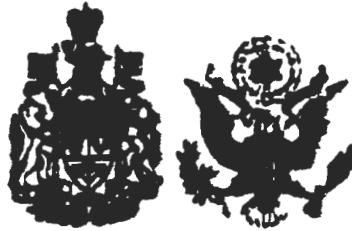
individual from representational activity before that agency on particular cases or issues not related to the establishment of the agency.

Based on representations from the State Department official who had lead responsibility for acid rain issues with Canada, it appears that Mr. Deaver played no role whatsoever with regard to substantive acid rain issues. United States and Canadian representatives negotiated for some time prior to the summit on a joint statement of principles on acid rain. Mr. Deaver was not involved in those negotiations. The same individuals were involved in negotiating the abbreviated, non-substantive joint statement providing for the appointment of Special Envoys that was eventually released. Again, according to the State Department official in charge of those negotiations, Mr. Deaver played no role whatsoever in preparing this joint statement. It does appear that Mr. Deaver was involved in discussions concerning the idea of appointing Special Envoys, but he was not the source of the proposal.

Mr. Lewis has not formally been placed anywhere in the Executive branch. The only evidence of his appointment is the enclosed March 17, 1985 press release (Tab B), which contains no discussion of organizational placement. Mr. Lewis's expenses are paid out of a fund at the State Department. He does not have a government office; he does have a White House pass. Based on the foregoing, it does not appear that Mr. Lewis is in the "department or agency" in which Mr. Deaver previously served. The Special Envoy should probably be considered to be either within the State Department or a separate entity in the Executive Office of the President, not a constituent element of the White House Office.

FFF:JGR:aea 12/17/85

cc: FFFielding
JGRoberts
Subj
Chron



Le Sommet
de Québec
17-18 mars

The Quebec
Summit
March 17-18

The Quebec Summit

JOINT STATEMENT ON THE ENVIRONMENT

During their tête-à-tête, the President and the Prime Minister discussed environmental matters at some length. They took note of the 75-year history of environmental cooperation between the two countries as exemplified by the Boundary Waters Treaty, the Great Lakes Water Quality Agreement and the recent Skagit River-Ross Dam Treaty. The President and the Prime Minister expressed their determination to continue to deal with U.S.-Canadian environmental issues in a responsible and cooperative spirit.

In the spirit of cooperation, and in recognition that the actions of one country are of concern to the other, there was agreement that a high level Special Envoy would be appointed by each government to examine the acid rain issue and report to the President and Prime Minister by their next meeting. The Envoys will:

- (a) pursue consultation on laws and regulations that bear on pollutants thought to be linked to acid rain;
- (b) enhance cooperation in research efforts, including that for clean fuel technology and smelter controls;
- (c) pursue means to increase exchange of relevant scientific information, and
- (d) identify efforts to improve the U.S. and Canadian environment.

The President announced that the U.S. Special Envoy will be Andrew L. Lewis, former Secretary of Transportation.

The Prime Minister announced that his Special Envoy will be William G. Davis, former Premier of Ontario.

THE WHITE HOUSE

Office of the Press Secretary
(Quebec City, Canada)

For Immediate Release

March 17, 1985

The President today announced his intention to appoint Andrew Lindsay Lewis, Jr., to be his Special Envoy.

Mr. Lewis is Chairman of the Board of Warner Amex Cable Communications, a position he has held since February 1983. Previously, he was Secretary of Transportation in 1981-1983.

He was Deputy Chairman of the Republican National Committee in 1980-1981 and served as Deputy Director of the Office of the President-Elect.

He was associated with the firm of Lewis & Associates, financial and management consultants in Plymouth Meeting, Pennsylvania in 1974-1980. He was President and Chief Executive Officer of Snelling & Snelling, Inc., 1970-1974. In 1970 he joined the Simplex Wire & Cable Company in Boston as President and Chief Executive Officer and served as its Chairman until 1972. He was assistant to the Chairman of National Gypsum Company in Buffalo, New York in 1969-1970; Vice President for Sales and Director of American Olean Tile Company, Inc., in 1960-1968; and Foreman, Job Superintendent, Production Manager, and Director of Henkels & McCoy, Inc., of Blue Bell, Pennsylvania in 1955-1960.

He presently serves as a director of Campbell Soup Company, Equitable Life Insurance Company, and Smith, Kline & Beckman. He is also Chairman of MTV Networks, Inc.

He graduated from Haverford College (B.S., 1953) and Harvard University (M.B.A., 1955). He did post-graduate work at the Massachusetts Institute of Technology in 1968.

He is married, has three children and resides in Philadelphia, Pennsylvania. He was born November 3, 1931 in Philadelphia.

THE WHITE HOUSE

WASHINGTON

December 17, 1985

MEMORANDUM FOR M. E. OGLESBY, JR.
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Recess Appointments

Attached is a draft reply, for your signature, to the December 16 letter from Senators Dole and Byrd on recess appointments. The reply reflects my and Max Friedersdorf's recollection (memorialized in a memorandum at the time of the meeting) that we agreed only to advise Dole and Byrd of recess appointments before they were made, not before the Senate adjourned.

cc: Robert H. Tuttle

FFF:JGR:aea 12/17/85
bcc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

December 17, 1985

Dear Bob:

This is in response to your letter of December 16 to the President, concerning recess appointments during the upcoming adjournment of the Senate.

At this time, the President has no plans to make any recess appointments during the adjournment, assuming that there are votes before adjournment on those nominations currently pending before the Senate. There can be no doubt, however, that the adjournment will be of sufficient duration to permit recess appointments to be made, as envisioned by the Constitution. If for any reason we should decide it is necessary to make recess appointments during the upcoming adjournment, we will, pursuant to previous discussions you have had with Administration officials on this issue, advise you of those appointments before they are made.

With best wishes for a joyous holiday season,

Sincerely,

M.B. Oglesby, Jr.
Assistant to the President

The Honorable Robert C. Byrd
United States Senate
Washington, D.C. 20510

MBO:JGR:aea 12/17/85
bcc: FFFielding
JGRoberts
Subj
Chron