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DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	ROBERTS TO RICHARD HAUSER (PARTIAL)	1	1/21/1986	B6	788

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

E.O. 13233

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

THE WHITE HOUSE

WASHINGTON

January 17, 1986

MEMORANDUM FOR RICHARD A. HAUSER

FROM:

JOHN G. ROBERTS 

SUBJECT:

Use of the White House in Advertising
for New England Colleges Fund

The attached advertisement was staffed to me, for preparation of a letter for your signature. After consideration, it is my view that we should not take issue with this use of the White House. The guidance in the Better Business Bureau's Do's and Don'ts in Advertising Copy, which we cite in these instances, directs that "Neither the name nor the photograph or likeness of the White House should be used in advertising in any way that would suggest an endorsement or approval." Taken fairly, I do not think this advertisement suggests White House approval of the appeal for funds by The New England Colleges Fund. I think we would be on shaky ground in protesting to the Fund.

If you have different views, I would be happy to prepare our standard letter, but I recommend against it.

APR

THE WHITE HOUSE

WASHINGTON

January 16, 1986

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

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

SUBJECT: Draft Proclamation:
Martin Luther King, Jr. Day, 1986

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

THE WHITE HOUSE
WASHINGTON

January 21, 1986

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: [REDACTED]

b6

Attached is the correspondence to Public Liaison that we discussed. The writer alleges that a White House contact in the Czechoslovak community may still have ties to the current Czechoslovak communist regime. Public Liaison is interested in any way that the Bureau or Secret Service could be enlisted to check on the allegations.

THE WHITE HOUSE

WASHINGTON

January 21, 1986

MEMORANDUM FOR FREDERICK J. RYAN, JR.
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR, PRESIDENTIAL SCHEDULING

FROM: FRED F. FIELDING Original signed by RAH for FFF
COUNSEL TO THE PRESIDENT

SUBJECT: Aid to Contras Meeting

I have reviewed the proposal for a briefing for the American Conservative Trust and the National Endowment for the Preservation of Liberty on Central American issues. There is no legal prohibition that would preclude such a briefing. Objections may be raised that the President is violating the spirit of the anti-lobbying provisions by enlisting these private groups to lobby Congress. Care should accordingly be taken to avoid any suggestion of White House control of these groups, to minimize these objections.

FFF:JGR:aea 1/21/86

cc: FFFielding

✓JGRoberts

Subj

Chron

THE WHITE HOUSE

WASHINGTON

January 21, 1986

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Aid to Contras Meeting

Fred Ryan has asked if you have any objections to holding a White House briefing, at which the President will appear, for the American Conservative Trust (ACT) and the National Endowment for the Preservation of Liberty (NEPL). ACT and NEPL are the two private-sector organizations that have funded public awareness campaigns to increase support for the President's positions on Central America. The organizations will launch a \$3 million public opinion campaign to encourage Congress to provide aid to the Contras. According to Ryan, Mr. Regan has approved the briefing.

I see no legal bars to the contemplated briefing. It might be argued that the President is violating the spirit of the anti-lobbying provisions by assisting outside groups that encourage the public to "write their Congressman," but such an argument proves far too much. ACT and NEPL are outside groups, and White House briefings are often held for such outside groups without the result that the groups are thereafter considered arms of the White House.

At the same time, however, Congress might resent the President assisting ACT and NEPL to pressure it, and the high-profile approach of ACT and NEPL might backfire. That, however, is an assessment for Legislative Affairs to make, not us.

Attachment

THE WHITE HOUSE

WASHINGTON

January 21, 1986

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Letter to Commission for Social Justice
Regarding Organized Crime Article

More fallout from the President's organized crime article, although in this case the objection -- that the President is being unfair to Italian Americans in using terms such as "Cosa Nostra" and "Mafia" -- strikes me as groundless. Buchanan has the action on drafting a response, which we will have an opportunity to review.

THE WHITE HOUSE

WASHINGTON

January 21, 1986

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Aid to Contras Meeting

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At the same time, however, Congress might resent the President assisting ACT and NEPL to pressure it, and the high-profile approach of ACT and NEPL might backfire. That, however, is an assessment for Legislative Affairs to make, not us.

Attachment

THE WHITE HOUSE

WASHINGTON

January 21, 1986

MEMORANDUM FOR FREDERICK J. RYAN, JR.
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR, PRESIDENTIAL SCHEDULING

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Aid to Contras Meeting

I have reviewed the proposal for a briefing for the American Conservative Trust and the National Endowment for the Preservation of Liberty on Central American issues. There is no legal prohibition that would preclude such a briefing. Objections may be raised that the President is violating the spirit of the anti-lobbying provisions by enlisting these private groups to lobby Congress. Care should accordingly be taken to avoid any suggestion of White House control of these groups, to minimize these objections.

FFF:JGR:aea 1/21/86
cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

January 23, 1986

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Requests Permission to Use
the Seal of the Vice President

The Minnesota Historical Society has asked for your written authorization to use the Seal of the Vice President on guides to the donated papers of former Vice President Mondale and other publications promoting scholarly use of the papers.

In my view, this qualifies as an "exceptional historical... purpose" that you may authorize under subsection 1(g) of Executive Order 11649. This was staffed to me for direct response, but under the Executive Order the written permission must be from the Counsel to the President. The attached draft for your signature grants permission, with appropriate limitations. The draft also responds to the statement in the incoming that permission was first sought in 1981, with no response. I caused a search to be made for this 1981 letter in Central Files and the Vice President's files, but we have no record of the incoming.

Attachment

THE WHITE HOUSE

WASHINGTON

January 24, 1986

Dear Mr. Fogerty:

Thank you for your letter requesting permission to use the Seal of the Vice President in connection with the papers of former Vice President Walter F. Mondale housed at the Minnesota Historical Society. I was troubled to learn from your letter that you first requested such permission in 1981, but received no response. I caused a search to be made of the White House files in an effort to locate the 1981 letter, and was advised that we have no record of having received it. In any event, I hope the delay in obtaining the necessary permission to use the Seal has not inconvenienced your work with the Mondale papers.

As you are aware, the permitted uses of the Seal of the Vice President are limited by 18 U.S.C. § 713. Among other things, that provision prohibits use of the Seal of the Vice President except in accordance with regulations promulgated by the President. The regulations are embodied in Executive Order 11649, as amended. Subsection 1(g) permits use of the Seal for "exceptional historical, educational, or newsworthy purposes as may be authorized in writing by the Counsel to the President."

You have requested permission to use the Seal of the Vice President "on the cover of published guides to the papers, on a flyer promoting research use of the papers, and in similar publications relating to the scholarly use of the papers." You have represented that you will not use the Seal in such a manner as to suggest sponsorship or approval by the Government of the United States, nor will you use the Seal in any profit-making activity. In light of the foregoing, I am pleased to authorize you to use the Seal of the Vice President for the limited purposes outlined above. Those purposes satisfy the exceptional historical and educational requirement of subsection 1(g) of the Executive Order. Should you desire to use the Seal for any purpose beyond those specified, it will be necessary to request additional permission.

- 2 -

Thank you for raising this matter with us, and best of luck with your important work.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. James E. Fogerty
Deputy State Archivist
Minnesota Historical Society
1500 Mississippi Street
St. Paul, MN 55101


FFF:JGR:aea 1/24/86
cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

January 25, 1986

MEMORANDUM FOR ALFRED K. KINGON
CABINET SECRETARY AND
ASSISTANT TO THE PRESIDENT

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

SUBJECT: President's Legislative Message - Second Revision

Counsel's Office has reviewed the second revision of the President's Legislative Message, and finds no objection to it from a legal perspective.

cc: David Chew

THE WHITE HOUSE

WASHINGTON

January 25, 1986

MEMORANDUM FOR WILLIAM F. MARTIN
SPECIAL ASSISTANT TO THE PRESIDENT
FOR NATIONAL SECURITY AFFAIRS

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: President's Legislative Message - Second Revision

Counsel's Office has reviewed the second revision of the President's Legislative Message, and finds no objection to it from a legal perspective.

cc: David Chew

THE WHITE HOUSE

WASHINGTON

January 27, 1986

MEMORANDUM FOR JAMES C. MILLER, III
DIRECTOR, OFFICE OF MANAGEMENT
AND BUDGET

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Budget for FY 1987: Parts 2 and 4

Counsel's Office has reviewed the above-referenced budget chapters. We recommend deletion of the last sentence of the first paragraph on page 2-20. The point is adequately made without this sentence, and it was after all the Administration, among others, which maintained that certain aspects of Gramm-Rudman-Hollings were unconstitutional. We see little benefit in calling attention to the pending litigation in this document.

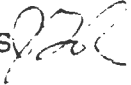
cc: David L. Chew

THE WHITE HOUSE

WASHINGTON

January 27, 1986

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS 

SUBJECT: Request to Use Excerpt of
Presidential Letter In Brochure

The Friends of the Kennedy Center have requested permission to use an excerpt from a letter the President wrote them in a brochure commemorating the 20th anniversary of their organization. The excerpt notes the importance of volunteer support for the arts, and commends the Friends for their invaluable efforts.

I have no objection. The Kennedy Center and its associated entities have always been something of an exception to our usual rules concerning endorsement of particular non-profit organizations; the planned brochure is not a fundraising solicitation; and the excerpt encourages donation of "time and energy," not funds. A brief note of approval is attached for your signature.

cc: David B. Waller

THE WHITE HOUSE

WASHINGTON

January 27, 1986

Dear Ms. Lamb:

Thank you for your letter of January 16 to David B. Waller, requesting permission to include an excerpt from a letter from the President to your organization in a brochure you are preparing commemorating the 20th anniversary of the Friends of the Kennedy Center.

We have no objections to your proposed use of the excerpt. Please accept our congratulations and best wishes as the Friends complete two decades of service to the arts in America.

Sincerely,

Richard A. Hauser
Deputy Counsel to the President

Ms. Susan T. Lamb
Friends of the Kennedy Center
Washington, D.C. 20566

RAH:JGR:aea 1/27/86

cc: FFFielding
RAHauser
JGRoberts
DBWaller
Subj
Chron

THE WHITE HOUSE

WASHINGTON

January 27, 1986

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

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Remarks: Thomas Jefferson
High School for Science and Technology

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

cc: David L. Chew

THE WHITE HOUSE

WASHINGTON

January 27, 1986

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: IRS Regulations on Attributed Income

Attached are the temporary IRS regulations on attribution of income based upon receipt of employer-provided fringe benefits. Our discussion of these regulations has focused on portal-to-portal, but the regulations go beyond that specific question and could well cover other Government fringe benefits, such as the White House Mess and the Presidential box at the Kennedy Center. The regulations specifically provide that fringe benefits that must be included in income include "an employer-provided automobile," "an employer-provided ticket to an entertainment or sporting event," "a meal provided at an employer-operated eating facility for employees," and a personal "flight on an employer-provided aircraft." In general, the fair market value of the fringe benefit, less any cost to the recipient, must be included in income.

A large portion of the regulations is devoted to the question of how to value an employer-provided vehicle. The basic rule is that an employee must declare as income the annual lease value of an employer-provided vehicle, plus employer-provided fuel (at 5.5 cents per mile), plus any extras, including specifically a chauffeur. Equipment provided for the convenience of the employer, such as a telephone, need not be included. There is a special "commuting value" formula that may be used by employees whose only personal use of an employer-provided vehicle is commuting. Such employees may calculate their "income" from this fringe benefit at \$1.50 per one-way commute. This rule is, however, not available if a chauffeur is provided, or if the employee is in the so-called "control group" of the employer. The regulations specifically provide that a control employee of a government employer includes a "Federal employee who is appointed by the President and confirmed by the Senate." This is clear evidence that the IRS intends these rules to apply to Federal officials.

The regulations also detail the circumstances under which fringe benefit income may be excluded. Fringe benefits may be excluded only if the employee would be entitled to a deduction under I.R.C. sections 162 or 167 for the benefit if he paid for it himself. Those sections impose very rigorous substantiation requirements. With respect to portal-to-portal, an "employee may not exclude the value of the commuting from income as a working condition

fringe because commuting is a nondeductible personal expense." Security can be cited to avoid inclusion of the cost of a chauffeur, but only if the employer establishes "an overall security program" with respect to the employee. Such a program must include 24-hour protection, not only on the road but at home and work as well. Presumably the Vice President would qualify; I do not know of any others receiving portal-to-portal who would. The 24-hour rule can be waived if a security study is performed by "an independent security consultant" who determines that 24-hour protection is not necessary.

The value of employer-provided meals (over employee cost) can be excluded only if the revenue to the employer equals or exceeds the employer's direct costs of running the facility, and if access to the facility is not discriminatory in favor of "officers, owners, and highly compensated employees." Any employee who is paid over \$50,000 is a "highly compensated employee."

THE WHITE HOUSE

WASHINGTON

January 27, 1986

MEMORANDUM FOR ALFRED H. KINGON
CABINET SECRETARY AND
ASSISTANT TO THE PRESIDENT

WILLIAM F. MARTIN
SPECIAL ASSISTANT TO THE PRESIDENT
FOR NATIONAL SECURITY AFFAIRS

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Revised Legislative Agenda/
"Agenda for the Future"

As Counsel's Office advised each of you earlier this afternoon, we have reviewed the latest revision of the President's legislative agenda and find no objection to it from a legal perspective.

cc: David L. Chew

THE WHITE HOUSE

WASHINGTON

January 27, 1986

Dear Ms. Lamb:

Thank you for your letter of January 16 to David B. Waller, requesting permission to include an excerpt from a letter from the President to your organization in a brochure you are preparing commemorating the 20th anniversary of the Friends of the Kennedy Center.

We have no objections to your proposed use of the excerpt. Please accept our congratulations and best wishes as the Friends complete two decades of service to the arts in America.

Sincerely,

signed

Richard A. Hauser
Deputy Counsel to the President

Ms. Susan T. Lamb
Friends of the Kennedy Center
Washington, D.C. 20566

RAH:JGR:aea 1/27/86

cc: FFFielding
RAHauser
JGRoberts
DBWaller
Subj
Chron

THE WHITE HOUSE

WASHINGTON

January 27, 1986

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS, *JGR*

SUBJECT: Request to Use Excerpt of
Presidential Letter In Brochure

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I have no objection. The Kennedy Center and its associated entities have always been something of an exception to our usual rules concerning endorsement of particular non-profit organizations; the planned brochure is not a fundraising solicitation; and the excerpt encourages donation of "time and energy," not funds. A brief note of approval is attached for your signature.

cc: David B. Waller

THE WHITE HOUSE

WASHINGTON

January 29, 1986

MEMORANDUM FOR RICHARD A. HAUSER

FROM:

JOHN G. ROBERTS 

SUBJECT:

Request to Use White House in Commercial

An advertising agency has requested permission to use the White House in an audio and visual commercial for the Mr. Good Buys President's Day sale. The incoming asserts that the use "would not imply an endorsement by the White House," but there is no way for us to judge that for ourselves. In any event, any use of the White House in such a commercial carries the danger of a false impression of endorsement, if not of the product or company itself then of the particular sale or promotion. Accordingly, I have prepared the attached standard reply, denying permission to use the White House in this commercial promotion.

Attachment

THE WHITE HOUSE

WASHINGTON

January 29, 1986

Dear Ms. Tursi:

Thank you for your letter of January 27 to Counsel to the President Fred F. Fielding. In that letter you requested permission to use the White House in a commercial for Mr. Good Buys, scheduled to air February 14-17.

We must decline to grant the permission you seek. Portraying the White House in a commercial of the sort you described presents the danger that viewers would be left with the false impression that the White House has endorsed Mr. Good Buys or the particular sale in question. This would contravene established White House policy and Section 235 of the Do's and Don'ts in Advertising Copy, published by the Council of Better Business Bureaus, Inc. A copy of the pertinent sections of this publication is enclosed for your information.

Thank you for raising this matter with us. I trust you will appreciate the reasons for our response.

Sincerely,

Richard A. Hauser
Deputy Counsel to the President

Ms. Valencia H. Tursi
Lewis, Gilman & Kynett Inc.
1700 Market Street
Philadelphia, PA 19103

RAH:JGR:aea 1/29/86
bcc: FFFielding
RAHauser
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

January 29, 1986

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS 

SUBJECT: Effect of Gramm-Rudman
on 15 U.S.C. § 1022(a)

I have reviewed the Balanced Budget and Emergency Deficit Control Act of 1985 (a.k.a. Gramm-Rudman-Hollings) and determined that it has no effect on the requirement in 15 U.S.C. § 1022(a) that the President transmit his Economic Report during the first twenty days of each regular session of Congress.

For future information, Section 221(a) of Gramm-Rudman-Hollings changes from April 1 to February 15 the due date of the Congressional Budget Office report to Congress required by 2 U.S.C. § 602(f)(1); Section 222(a) changes from November 11 to January 3 (February 5 in 1986) the due date of the interim report of the President to Congress on budget outlays and authorization required by 31 U.S.C. § 1109(a), and Section 222(b) changes the due date of the Joint Economic Committee response to this report, required by 31 U.S.C. § 1109(b), from January 1 to March 3; Section 241(a) changes from the first fifteen days of each session to January 3 (February 5 in 1986) the due date of the Budget required by 31 U.S.C. § 1105(a); and Section 242 changes from July 16 to April 11 the due date of the supplemental report of the President required by 31 U.S.C. § 1106(b).

THE WHITE HOUSE
WASHINGTON

January 30, 1986

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Remarks: Memorial Service
for the Challenger Crew

Attached are the President's remarks for the Challenger memorial service. They touch briefly on a few personal points about each of the deceased astronauts, and move to a recommitment to the space program. In the carryover paragraph between pages 4 and 5, the remarks cite the Challenger Seven Fund, which apparently seeks to raise the money for a replacement shuttle through private donations. I have no information on this apparently private sector effort, and would delete mention of it at this point. On its face this approach raises serious supplementation of appropriations problems.

Attachment

THE WHITE HOUSE

WASHINGTON

January 30, 1986

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Remarks: Memorial Service
for the Challenger Crew

I have reviewed the above-referenced proposed remarks, and recommend deleting the paragraphs on pages 4 and 5 discussing the Challenger Seven Fund. I have no information on this Fund, and serious supplementation of appropriations problems may be raised by a private sector effort to fund aspects of the space program. At least until I learn more, the President should not endorse the Fund.

cc: David L. Chew

FFF:JGR:aea 1/30/86

bcc: FFFielding
JGRoberts
Subj
Chron