

# Ronald Reagan Presidential Library Digital Library Collections

---

This is a PDF of a folder from our textual collections.

---

**Collection:** Roberts, John G.: Files  
**Folder Title:** Chron File (04/01/1986-04/11/1986)  
**Box:** 67

---

To see more digitized collections visit:

<https://reaganlibrary.gov/archives/digital-library>

To see all Ronald Reagan Presidential Library inventories visit:

<https://reaganlibrary.gov/document-collection>

Contact a reference archivist at: [reagan.library@nara.gov](mailto:reagan.library@nara.gov)

Citation Guidelines: <https://reaganlibrary.gov/citing>

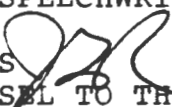

National Archives Catalogue: <https://catalog.archives.gov/>

THE WHITE HOUSE

WASHINGTON

April 1, 1986

MEMORANDUM FOR BEN ELLIOTT  
DEPUTY ASSISTANT TO THE PRESIDENT AND  
DIRECTOR OF SPEECHWRITING

FROM: JOHN G. ROBERTS    
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Revised Presidential Radio Talk:  
Packard Commission

Counsel's Office has reviewed the above-referenced revised radio talk and finds no objection to it from a legal perspective.

cc: David L. Chew

THE WHITE HOUSE

WASHINGTON

April 1, 1986

Dear Ms. Tucker:

Thank you for your recent note to the President. In that note you inquired if there were any way the President could run for a third term.

The Twenty-Second Amendment to the Constitution prohibits any individual from being elected to the office of President more than twice. The President has expressed the view that the amendment is unwise, since it detracts from the democratic principle that the people should be free to choose those who will serve them. The President has made clear, however, that any support he would give to repealing the Twenty-Second Amendment would only be for future Presidents, not himself.

Thank you for the kind comments in your note.

Sincerely,



John G. Roberts  
Associate Counsel to the President

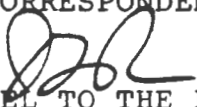
Ms. Edith Tucker  
908 Moultrie  
Mattoon, Illinois 61938

THE WHITE HOUSE

WASHINGTON

April 1, 1986

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

FROM: JOHN G. ROBERTS   
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Thank you note for Generous Donation  
to the Volunteers of America

You have asked if this office has any objection to a Presidential letter Mrs. Ruth C. von Platten, saluting her for a significant donation to Volunteers of America of Los Angeles. We have reviewed the draft letter and have no legal objection to it, though with respect to the second paragraph we have generally used "voluntarism," instead of "volunteerism."

THE WHITE HOUSE

WASHINGTON

April 1, 1986

MEMORANDUM FOR DEBORAH BALFOUR  
DEPUTY DIRECTOR OF PROJECTS  
OFFICE OF THE FIRST LADY

FROM: JOHN G. ROBERTS  
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Invitation to the First Lady to Serve as  
Honorary Chairman of the Annual Fundraising  
Luncheon for the Friends of the Superior  
Court of the District of Columbia

You have asked this office for our views on a request from the Friends of the Superior Court of the District of Columbia that the First Lady serve as Honorary Chairman of its annual fundraising luncheon. The First Lady may legally accept this invitation. As you know, however, both the President and the First Lady generally decline requests to serve as Honorary Chairman of charitable endeavors, because of the volume of requests and the impossibility of distinguishing between the many worthy charities that submit requests. Exceptions to this policy are made for organizations with which the White House has been traditionally associated, such as the American Red Cross, or organizations with which the President or First Lady are personally and substantially involved.

The Friends would not appear to fit within either of these exceptions, so unless Mrs. Reagan is interested in becoming active in this organization, we recommend declining the invitation pursuant to the general policy discussed above. It would, however, not be inappropriate for the First Lady to send a brief message to the Friends, should she wish to do so. The organization appears to be an excellent example of public-spirited voluntarism.

- ° The White House is in the process of gathering information to assist the GAO in assessing Mr. Deaver's compliance with the post-employment conflict of interest rules with respect to the acid rain issue.
- ° Contrary to the implications in The Washington Times story, the GAO has assured us that they are satisfied with our cooperation with their inquiry. It is not the GAO view that the White House has "stymied" their inquiry in any way.
- ° With respect to the B-1 Bomber issue, Mr. Deaver is not barred from contacting OMB under 18 U.S.C. § 207(c), the one-year "cooling off" rule, since that rule only applies to the department or agency in which an official served. Mr. Deaver served in the White House Office, not OMB.
- ° The Office of Government Ethics considers the White House Office and OMB to be separate departments or agencies for purposes of Section 207. Contrary to The Washington Times story, Mr. Fielding did not request a ruling on this issue "last year," nor did OGE issue its ruling "last year." Mr. Fielding requested an OGE ruling on which entities in the Executive Office of the President should be considered separate for purposes of Section 207 in 1982, and OGE made its determination in March of 1983.

THE WHITE HOUSE  
WASHINGTON

April 2, 1986

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

FROM: JOHN G. ROBERTS  
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: H.R. 3128: Consolidation Omnibus Budget  
Reconciliation Act of 1985

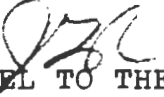
Counsel's Office has reviewed the above-referenced enrolled bill and finds no objection to it from a legal perspective.

THE WHITE HOUSE

WASHINGTON

April 3, 1986

MEMORANDUM FOR BRANDEN BLUM  
LEGISLATIVE ATTORNEY  
OFFICE OF MANAGEMENT AND BUDGET

FROM: JOHN G. ROBERTS   
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: DOJ Draft Report on H.R. 2184, a Bill to  
Provide for Administrative Naturalization

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



THE WHITE HOUSE

WASHINGTON

April 3, 1986

MEMORANDUM FOR PETER J. WALLISON

FROM:

JOHN G. ROBERTS  

SUBJECT:

FBI's Fiscal Year 1987 Budget Request for  
the Foreign Counterintelligence Program

Jack Perkins, Deputy Assistant Attorney General for Legislative and Intergovernmental Affairs, has circulated proposed testimony on the FBI budget request for the FY 1987 foreign counterintelligence program. He has asked for comments from OMB and within Justice, and copied you on the request. While it is not unusual for Justice to provide us with copies of proposed testimony, this is the first instance I can recall of classified testimony being provided. In the typical instance Justice does not expect and does not receive comments from us, unless we have serious reservations about the proposed testimony.

The instant testimony reviews the Bureau's involvement in the various highly-publicized "spy" cases in the past year, outlines the expanding need for counterintelligence and counterterrorist activities, and justifies the budget request. The draft testimony also takes note of the effects of Gramm-Rudman-Hollings on resource levels, but there is no discussion of the constitutional or other legal issues pending before the Supreme Court.

I have reviewed the draft testimony and see no need for any action by our office.

THE WHITE HOUSE

WASHINGTON

April 3, 1986

MEMORANDUM FOR DIANNA G. HOLLAND

FROM:

JOHN G. ROBERTS 

SUBJECT:

Request for White House Luncheon  
to Raise Funds for Eureka College

Close out with no response. Senator Simon received a form reply from B. Oglesby that did not promise any further response; Mr. Fielding decided not to send the draft I prepared for his signature.

THE WHITE HOUSE  
WASHINGTON

April 3, 1986

MEMORANDUM FOR DIANNA G. HOLLAND

FROM:

JOHN G. ROBERTS 

SUBJECT:

Inter-American Foundation  
President Deborah Szekely

I recommend closing this out with no response. Mr. Fielding had discussions with certain of the individuals involved in the subject dispute and decided not to send the response I drafted for his signature, but to put it on "hold." I doubt that the signers of the incoming expect a response at this point.


THE WHITE HOUSE

WASHINGTON

April 3, 1986

MEMORANDUM FOR DIANNA G. HOLLAND

FROM:

JOHN G. ROBERTS 

SUBJECT:

Letter to the President from Alabama  
Attorney General Charles Graddick

This item should be closed out. Mr. Fielding decided to hold my draft response, as indicated by his notations on the memorandum, and then the proposed response was overtaken by events.

THE WHITE HOUSE

WASHINGTON

April 3, 1986

MEMORANDUM FOR DIANNA G. HOLLAND

FROM:

JOHN G. ROBERTS 

SUBJECT:

Request for Mrs. Reagan to Contribute to an  
Anthology being Published to Raise Funds  
for the National Society for the Prevention  
of Cruelty to Children

---


This correspondent asked if the President would endorse her charitable fundraising efforts; Mr. Fielding declined, citing the usual reasons, by letter dated September 5, 1984. She wrote back asking if Mrs. Reagan could assist her, stating "if the same reasons...apply to Mrs. Reagan, please don't bother to reply." They do and we did not.

THE WHITE HOUSE  
WASHINGTON

April 3, 1986

MEMORANDUM FOR DIANNA G. HOLLAND

FROM:

JOHN G. ROBERTS 

SUBJECT:

Berliner Correspondence Concerning Barbados

No further action necessary. Mr. Fielding reconsidered his decision to raise the difficulties we encountered in obtaining accurate information from the Legal Adviser's office with Dave Robinson.

THE WHITE HOUSE

WASHINGTON

April 3, 1986

MEMORANDUM FOR DIANNA G. HOLLAND

FROM:

JOHN G. ROBERTS 

SUBJECT:

Request for Information Relative to Polygraph  
and Pre-Publication Review Policies

No further action is required on this. The request for information was not pursued at the time by the Hill, and we decided it was best not to revive the issue ourselves. The same information is now being requested again, in connection with another review, and Mike Shepard is handling the request. I have discussed our previous experience with him.

THE WHITE HOUSE

WASHINGTON

April 4, 1986

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

FROM: JOHN G. ROBERTS  ASSOCIATE COUNSEL TO THE PRESIDENT 

SUBJECT: Updated Revised Letter to  
Congressman Fred Eckert

Counsel's Office has reviewed the above-referenced letter to Congressman Fred Eckert and finds no objection to it from a legal perspective.



THE WHITE HOUSE

WASHINGTON

April 4, 1986

MEMORANDUM FOR PETER J. WALLISON

FROM:

JOHN G. ROBERTS 

SUBJECT:

Domestic Briefing Materials

You have asked for my comments on the "Ethics in Government" section of the Domestic Briefing Materials. The section begins by noting that "[t]here is nothing to suggest that former Administration officials are not in compliance" with applicable law on post-employment restrictions. We do not, of course, have all the pertinent facts on which to base such a conclusion. I would hesitate to have either the President or Administration spokesmen reflexively defend the conduct of former Administration officials when we do not know all the facts. I think it preferable simply to note that we are assisting GAO at this time, as the first "note" item in this section does. I suggest the following language be included in your memorandum for Gibson:

The first sentence in the "Ethics in Government" section should be deleted. The Administration should not issue a blanket defense of the conduct of former officials in the absence of familiarity with all pertinent facts. As indicated by the first "note" item, we are still gathering those facts.

THE WHITE HOUSE  
WASHINGTON

April 7, 1986

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

FROM: PETER J. WALLISON   
COUNSEL TO THE PRESIDENT

SUBJECT: Deaver Questions and Answers  
for Press Conference

Attached are several possible questions and suggested answers on the issues that have arisen concerning Michael K. Deaver and the post-employment conflict of interest rules.

THE WHITE HOUSE

WASHINGTON

April 7, 1986

MEMORANDUM FOR PETER J. WALLISON

FROM:

JOHN G. ROBERTS 

SUBJECT:

Deaver Questions and Answers  
for Press Conference

Dick advised me that David Chew would like guidance on how the President should respond at his upcoming press conference to questions on Michael K. Deaver's post-employment activities. Possible questions and suggested answers, with a transmittal memorandum for your signature, are attached. You will see that I recommend that the President distance himself from the controversy to the extent possible, and avoid any expression of approval of Mr. Deaver's activities.

I recommend this approach for two reasons: First, we are not familiar with all the pertinent facts, either about Mr. Deaver's involvement with particular issues while on the White House staff, or more significantly, about his activities after he left the White House. We obviously have no control over the latter, and the Administration should not put itself in the position of being accountable for those post-employment activities. Second, even if Mr. Deaver did comply fully with the Ethics in Government Act, I think a sizable portion of the public nonetheless regards the sheer lucrateness of his trip through the revolving door as at least distasteful. There is no reason for the President to applaud the fact that an individual whom most regard (however fairly or unfairly) as having little to sell but his personal relationship with the President can receive an offer of \$18 million for his year-old firm. I think it better for the President to stress that whatever those paying for the services of lobbyists may think, his Administration is not subject to influence-peddling.

Questions & Answers on Deaver and  
Post-Employment Conflict of Interest

- Q. Mr. President, did your former close aide Michael Deaver violate the Ethics in Government Act when he met with OMB Director Jim Miller to discuss the B-1 bomber on behalf of a client?
- A. I am told that there was no violation of the one-year so-called "cooling off period" since that restriction only applies to contacting one's former department or agency, and OMB has been ruled to be a separate department or agency from the White House Office. I know Jim Miller was careful to check with OMB counsel before the meeting, to make certain it was legal.
- Q. Even if the contact was legal, do you think it was a good idea? Won't such contact by such a close friend and such an important former aide lead the public to conclude that the fairness of government decision making is being tainted?
- A. The decisions made by me and my Administration are not affected in any way by the fact that former officials may be arguing one side or another of an issue. The issues are too big to be decided on the basis of personal friendship. If the clients paying these lobbyists think they are buying influence, they are very mistaken, and they're wasting their money.
- Q. But Mr. Deaver has been granted special treatment -- he still, for example, has his White House pass. How do you justify this special treatment?
- A. We have found it helpful to call upon Mike from time to time to help out with certain projects, like the Geneva summit, that call for the expertise he developed while working at the White House. I suppose he keeps the pass for the times he is called back as a consultant. In any event, I really don't think his holding a pass is particularly significant. The ease with which Mr. Deaver can pass through the gates here does not change the fact that, under the law, he can't meet with those in the White House Office on behalf of clients on any matter for a full year, and he can never represent clients before the Government on matters he worked on while he was here.

- Q. Questions have been raised about Mr. Deaver's representation of Canada on acid rain issues. It has been alleged that Mr. Deaver worked on acid rain while at the White House, and that his subsequent representation of Canada on the same issue therefore violates the Ethics in Government Act. Has Mr. Deaver violated the law?
- A. I know that the General Accounting Office has been asked to look into this specific question. We have been cooperating fully with the GAO to help them gather all the facts. I think it would be best to wait until all the facts are in before commenting.
- Q. Should an independent counsel be appointed under the Ethics in Government Act to conduct this investigation?
- A. We are not conducting any sort of investigation; we are simply responding to a GAO request for information on whether Mr. Deaver was involved in the acid rain discussions at the White House.
- Q. Legal niceties aside, do you approve of the large fees Mr. Deaver is receiving? It's been reported that a large public relations firm has offered to buy him out for \$18 million. Isn't he simply marketing his relationship with you?
- A. I doubt that Mike looks at it that way. Most reputable lobbyists believe they have expertise on government processes and how government operates that is valuable to those who want to do business with the government, and do it fairly. No lobbyist can sell influence simply because of personal friendship with anyone in this Administration; as I indicated before, the issues in government are too large to be determined on the basis of personal friendship. Any client that pays for influence peddling is not only wasting his money, he's probably ruining any chance he might have had to win the decision he wants.


- Q. Do we need stricter restrictions on lobbying by former officials?
- A. My view is that the decisions made by this Administration are made on their merits, and are not influenced in any way by personal friendships. Under these circumstances, I see no need for further restrictions in the laws governing these matters. What we need is a better understanding by people outside the government that employing a former official simply because he is a friend of current officials is a waste of money.

THE WHITE HOUSE

WASHINGTON

April 9, 1986

MEMORANDUM FOR WILLIAM H. SATTERFIELD  
GENERAL COUNSEL  
FEDERAL ENERGY REGULATORY COMMISSION

FROM: JOHN G. ROBERTS   
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Alleged Conflict of Interest

The attached letter to the President, alleging a conflict of interest involving former FERC officials, is referred to you for whatever action, if any, you consider appropriate. This office has no continuing interest in this matter.

Thank you for your assistance.

THE WHITE HOUSE

WASHINGTON

April 9, 1986

MEMORANDUM FOR RICHARD A. HAUSER

FROM:

JOHN G. ROBERTS 

SUBJECT:

Nomination of Ted Garrish to Serve  
Concurrently in a Second PAS Position

You asked that I consider whether Ted Garrish, who currently serves as Assistant Secretary of Energy, a PAS position, may be nominated to serve concurrently as Federal Inspector of the Alaska Natural Gas Transportation System, also a PAS position. It is well-established that an individual may serve in two separate positions, so long as he is only paid for one. Accordingly, I have no objection to Garrish being nominated for a second PAS position. His pay must be the higher of the salaries fixed for the two positions.

There is nothing in the Constitution that prohibits the President from filling two separate PAS positions with the same individual, and such a restriction on Presidential appointment power should not be lightly inferred. Case law recognizes that an individual may simultaneously hold two offices separately established by Congress see Dabney v. Reagan, 559 F. Supp. 861, 866 (S.D.N.Y. 1982); United States v. Thompson, 475 F. 2d 1359, 1363 (5 Cir. 1973), and the situation has occurred not infrequently in the past, as for example when Sargent Shriver served simultaneously as Director of the Peace Corps and Director of the Office of Economic Opportunity. In addition, Federal law prohibits an individual from receiving pay for more than one position, 5 U.S.C. § 5533(a), an implicit recognition that one may serve in more than one position. (Indeed, 5 U.S.C. § 5533(a) replaced a previous statute that did prohibit dual office-holding.) Finally, the Office of Legal Counsel has determined that "an individual can concurrently hold two Federal executive offices." Memorandum Opinion for the Counsel to the President from Deputy Assistant Attorney General Larry A. Hammond (September 9, 1977), 2 OLC Ops. 368. That same opinion noted that since a Federal officer cannot legally waive a salary fixed by law, an individual in two positions must accept the higher salary, if both are fixed by law, but only the one salary, consistent with 5 U.S.C. § 5533(a).

The Department of Energy General Counsel has concluded that Garrish may serve in both positions. I have reviewed the opinion prepared by the General Counsel, and agree with its conclusion.

cc: Dianna G. Holland



THE WHITE HOUSE

WASHINGTON

April 9, 1986

MEMORANDUM FOR DIANNA G. HOLLAND

FROM:

JOHN G. ROBERTS 

SUBJECT:

Mazzoli Letter on Pardons for  
Abortion Clinic Bombers

I have as yet received no response from Nancy Risque on the attached. I do not know if she has decided we need no response, or if she responded in another fashion.

THE WHITE HOUSE

WASHINGTON

April 10, 1986

MEMORANDUM FOR DIANNA G. HOLLAND

FROM:

JOHN G. ROBERTS 

SUBJECT:

Appointment of William C. Doherty, Jr.,  
to the Presidential Task Force  
on Project Economic Justice

I have reviewed the Personal Data Statement submitted by Mr. Doherty in connection with his prospective appointment to Project Economic Justice. The President may make an unlimited number of appointments to this Task Force pursuant to Section 713(c) of Public Law 99-83. Appointees must be "distinguished leaders of the private sector." The Task Force is to report on the expanded use of employee stock ownership plans in the development of Central America and the Caribbean.

Mr. Doherty is Executive Director of the American Institute for Free Labor Development. His PDS presents no problems. Hugh Hewitt, who had responsibility for clearing the initial appointees to this Task Force, adopted the policy of having prospective members sign an "Agreement on Non-disclosure of Information" by which the members agree to limitations on personal use of information provided to them in the course of the Task Force's work. I have sent Mr. Doherty Hugh's cover letter (over my signature) and a copy of the Agreement to sign (copies attached). I asked that he return the signed Agreement to you. When he has done so, we may proceed with his appointment.

THE WHITE HOUSE

WASHINGTON

April 10, 1986

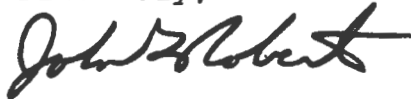
Dear Mr. Doherty:

As a member of the Presidential Task Force on Project Economic Justice ("the Task Force"), you will be a "Special Government Employee" and as such will be subject to the conflict of interest statutes, see 18 U.S.C. §§ 202-208, and the standards of conduct applicable to all Government employees (Executive Order No. 11222). In an effort to avoid even the appearance of a conflict of interest as a result of the financial holdings and the clients of any firm or business association of members of the Task Force, we have determined that each member of the Task Force will be required to sign an Agreement on Non-disclosure of Information. That Agreement is attached for your review and signature.

By signing this Agreement you are agreeing to adhere to all terms and conditions on the basis of which any information (whether classified, privileged or not) is submitted to the Task Force, and that you will not disclose or use any such information for personal benefit; not to advise, directly or indirectly, any clients with respect to matters that may be reviewed by the Task Force; and to recuse yourself from all or part of the Task Force's proceedings if you believe you have a financial interest or relation with a third party that might be deemed to adversely affect the integrity or impartiality of the Task Force's reports or recommendations.

Please sign and date this Agreement and return it to Dianna G. Holland, Executive Assistant, Office of the Counsel to the President, as soon as possible. Following our receipt of this signed Agreement, your appointment as a member of the Commission will be finalized.

Sincerely,



John G. Roberts  
Associate Counsel to the President

Mr. William C. Doherty, Jr.  
Executive Director  
American Institute for Free Labor Development  
1015 20th Street, N.W.  
Washington, D.C. 20036

AGREEMENT ON NON-DISCLOSURE OF INFORMATION

I agree that I will abide by all applicable conflict of interest statutes and regulations, and any applicable Federal laws to prevent the unauthorized disclosure of any information provided to the Presidential Task Force on Project Economic Justice ("the Task Force").

I further agree that I will adhere to all terms and conditions on the basis of which any information (whether classified, privileged, or not) is submitted to the Task Force; and I will not disclose or use any such information for personal benefit, unless such information is already in the public domain. This agreement shall not apply to information that is publicly released through the report of the Task Force or by any authorized official of the Federal Government. In addition, I hereby agree that during my tenure as a member of the Task Force, I will not advise, directly or indirectly, any client with respect to any matters that will be, or may reasonably be expected to be, reviewed by the Task Force.

I further agree to disqualify myself from all or part of the Task Force's deliberations if I feel I have any financial interest or any relation with a third party which might be deemed likely to affect the integrity of impartiality of the Task Force's report and recommendations.

Signed \_\_\_\_\_  
William C. Doherty, Jr.

Dated \_\_\_\_\_


THE WHITE HOUSE

WASHINGTON

April 10, 1986

MEMORANDUM FOR DIANNA G. HOLLAND

FROM:

JOHN G. ROBERTS 

SUBJECT:

Reinstatement of Richard Nixon  
to Public Life

As you will see, Mr. Fielding did not agree with my draft response on these items. We were not able to address the question of an alternative response in a timely fashion, and I believe the items should now be closed out without a response.

THE WHITE HOUSE

WASHINGTON

April 10, 1986

MEMORANDUM FOR DIANNA G. HOLLAND

FROM:

JOHN G. ROBERTS 

SUBJECT:

Executive Order 11246 (Affirmative Action)  
Correspondence

Mr. Fielding directed that we not respond to these letters concerning the controversy over possible changes in Executive Order 11246 until the President decided whether or not to make any changes. At that time it was thought that a decision was imminent, but the debate is still raging within the Administration and there has as yet been no final decision. The matter is not OBE, but the incoming letters are by now sufficiently dated that I recommend closing them out with no response. A response was never necessary in any event.