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THE WHITE HOUSE

WASHINGTON

December 2, 1983

MEMORANDUM FOR WHITE HOUSE STAFF

FROM: FRED F. FIELDING 
COUNSEL TO THE PRESIDENT

SUBJECT: Holiday Season Reminder on Gift Policy

With the advent of another Holiday season, it is especially important for you to review White House policy regulating the receipt of gifts. This memorandum summarizes and supplements material contained in the Staff Manual. Please take the time to familiarize yourself with this.

Gifts that may not be accepted

No member of the White House staff may accept a gift from a person who --

- o has or is seeking to do business with any part of the Executive Branch,
- o is involved in activities which are regulated by the Executive Branch,
- o has an interest which would be substantially affected by the staff member's performance of official duties.

If such a gift is received by a staff member either at the office, or at home, the staff member has the obligation to return it to the donor with the explanation that it cannot be accepted. A copy of the letter returning the gift should be retained in your files with a copy to this Office. If for some reason you feel you cannot return the gift (donor unknown, the address of donor unknown, or other) you should advise this Office. If, after analysis, it is confirmed that return is not possible, the gift should be turned over to the Counsel's Office for disposal, with an accompanying memorandum explaining the rationale for not returning the item. Of course, these prohibitions apply to your spouse and immediate household as well.

Gifts between Staff Members

Federal law expressly prohibits gifts from a subordinate employee to his supervisor or others in the office whose pay status is higher than the employee's. This does not prohibit customary exchange of gifts of nominal value between co-workers, but any lavish gifts or gifts to superiors which are not part of a traditional exchange are prohibited.

Gifts that may be accepted

Gifts from family and relatives may, of course, be accepted.

Gifts from friends may also be accepted, but only if it is clear that the motivation is personal and the circumstances are such that no appearance of conflict of interest is created. Thus, for example, if you have traditionally exchanged gifts with a neighbor, you may continue to do so even though he happens to be a lawyer with occasional cases involving the government or he is a banker subject to federal regulation. It would be imprudent to accept such a gift, on the other hand, if the neighbor has a specific interest in an issue which is under review in your particular office. While perhaps totally innocent, a gift in these latter circumstances might create the appearance of conflict of interest.

Unsolicited advertising and promotional materials of nominal value may be accepted even if they come from individuals or businesses having business with or regulated by the government. This only extends to such customary items as desk calendars, pens, pocket diaries, etc.; however, by way of example, this rule would not permit acceptance of a case of cognac, a piece of furniture, or other items of substantial value.

Reporting Requirements

In addition to the recordkeeping set forth above, those staff members required to file financial disclosure reports (SF 278) are reminded that they have an obligation to report certain gifts received from persons other than relatives. Any gift over \$100 in value must be reported. Also gifts over \$35 in value must be reported if the aggregate of such gifts received from the same source within a year totals over \$100. Thus, it would be prudent to make a record of all gifts valued over \$35 which you receive so that you can determine, at reporting time, whether there is a reporting requirement. The Gift Unit can supply forms for such use. Please note that the \$35 reporting limit is not related to the issue of whether a gift may be accepted. The propriety of accepting any gift must be determined without regard to its value, except as provided herein.

Gifts from Foreign Governments or Officials

The United States Constitution and a federal statute generally prohibit government officials from accepting gifts from foreign governments or from foreign multinational organizations. The following general guidelines obtain:

Gifts valued at under \$140 may be accepted and retained by the official, unless the acceptance would otherwise violate the regulations pertaining to domestic gifts. These gifts must be reported as any other gift.

Gifts that are valued at \$140 or more become the property of the United States. They should be turned over as soon as possible and within sixty (60) days to the White House Gift Unit for recording and the necessary reporting to the General Services Administration.

Gifts for the President or First Lady

Under no circumstances should a staff member accept such a gift intended for the President or the First Lady without first checking with this Office. Any member of the staff who receives a gift intended for the President or the First Lady should ensure that it goes through the security unit before entering the complex. It should then be immediately delivered to the White House Gift Unit so that it can be properly recorded and a decision made as to its disposition.

A Word of Caution

It is an unfortunate, but necessary, reminder that staff members should be particularly cautious about gifts of consumables, and about packages delivered at home. The Secret Service makes it a practice to destroy consumables received at the White House unless both the donor and the source are personally well known. Likewise, all packages and letters received at the White House by mail or delivery are scanned to make sure they are not hazardous. If you receive a package at home from a source not personally known to you, please take it to Room 45 OEOB for scanning before opening. Under no circumstances should you bring it into the Executive Office/White House complex without such screening.

Additional Questions

This memorandum is necessarily summary and does not deal with all questions that may arise. If you are in doubt about the propriety of accepting any gift, please consult with the Counsel's Office.

THE WHITE HOUSE

WASHINGTON

November 2, 1983

MEMORANDUM FOR THE WHITE HOUSE STAFF

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Bonuses or Discounts from Official Travel

You are reminded that any reduced fare coupons, bonuses, discounts, or similar items of value received by you incident to or on account of official travel must be accounted for and should never be used in connection with private travel. Such items, when obtained on the basis of travel paid for by the Government, are the property of the Government and should be turned in to the Travel Office.

Any questions on this subject should be referred to the Counsel's Office.

Morton

THE WHITE HOUSE

WASHINGTON

October 27, 1983

MEMORANDUM FOR THE SENIOR STAFF

FROM: FRED F. FIELDING *[Signature]*
COUNSEL TO THE PRESIDENT

SUBJECT: Receipt of Political Contributions

It has come to my attention that several offices within the White House have received letters containing political contributions to Reagan-Bush '84. It is a violation of Federal law for a political contribution to be received in a Federal building occupied for the discharge of official Government duties. Accordingly, it is the policy of this Administration to return all political contributions sent to the White House to the sender; such contributions should not be forwarded to the campaign committee.

Attached is a standard reply form that I recommend be used when returning political contributions sent to your offices. Please make sure the appropriate members of your staff are instructed to use the language in this form in responding to any letters containing political contributions. If you or your staff have any questions regarding this matter, please contact Sherrie Cooksey at 456-7803.

Attachment

Dear :

This will respond to your letter of (date) enclosing a contribution to Reagan-Bush '84.

I regret to inform you that as a matter of Federal law, we are prohibited from receiving your contribution for purposes of transmittal to Reagan-Bush '84. Section 607 of Title 18 of the United States Code prohibits the receipt of any contribution, within the meaning of 2 U.S.C. § 431(8), in any Federal building occupied for the discharge of official Government duties. The only exception to this prohibition relates to receipt of contributions in offices of members of the House of Representatives or the United States Senate. Accordingly, your contribution is returned to you for direct forwarding, if you so desire, to Reagan-Bush '84. For your information that address is 440 First Street N.W., Washington, D.C. 20001.

I apologize for any inconvenience this may cause for you. However, I am sure you understand that we must adhere to our policy of strict compliance with all Federal laws.

Sincerely,

Morton

THE WHITE HOUSE
WASHINGTON

September 27, 1983

MEMORANDUM FOR OPL STAFF

FROM: JONATHAN VIPOND, III *J. Vipond*
SUBJECT: Official Signatures on OPL Letters

A recent request was made by Linas Kojelis for an auto-pen to sign a substantial number of Pulaski Day and Columbus Day proclamations. I advised Linas that while I had no conceptual opposition to his use of an auto-pen rather than manual signatures, I would remind him that it is usually more appropriate to utilize the signature of the President or of Faith Ryan Whittlesey when official communications such as proclamations or messages are being sent out. After all, Faith is the head of the office and we are all here to serve the President. Therefore, I would request that you use their signatures in such mass communications as opposed as to in your own routine correspondence.

THE WHITE HOUSE

WASHINGTON

July 19, 1983

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

FROM: FRED F. FIELDING 
COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence Relating to the 1984 Elections

This will respond to your request for guidance on various questions arising from correspondence to the President about the 1984 elections.

First, you noted that you are receiving an increasing number of letters from individuals who are volunteering to work on behalf of the President's re-election in 1984, and provided to us for review and comment, a proposed response to such letters. We have no legal objections to the text of that proposed response, however, we are concerned that the signature line on this standard response appears to be for the President; we recommend that all letters of this type that you receive be forwarded to Ed Rollins for signature.

Second, you requested guidance as to the appropriate response to letters expressing interest in becoming involved in or supporting House or Senate campaigns. In our opinion, the appropriate response to such inquiries is to refer the writer to either the Republican Senatorial Campaign Committee or the Republican Congressional Campaign Committee.

Third, you asked for guidance as to the appropriate response to inquiries seeking "partisan replies" (e.g., "Why should I support you or Senator X for re-election?"). We note that in response to these questions asking why should an individual support the President for re-election, it should be noted that the President is not, at this time, a candidate for re-election. In our opinion, the most appropriate response to such letters is either (a) to thank the individual for his views; or (b) to respond to specific partisan questions by referring to public statements of Administration positions.

Finally, you requested guidance on the appropriate response to letters seeking a Presidential response to statements made by candidates, particularly Democratic Presidential candidates. All letters of this type should be answered by referring to public statements of Administration positions; partisan

responses should not be made; additionally, such letters should not, as a general rule, receive Presidential responses.

Please note that if you have any questions regarding the appropriateness of a response to any particular letter or letters regarding the 1984 elections or "partisan" issues, you or your staff should contact both the Political Affairs Office and this Office for guidance before the response is sent out.

cc: Ed Rollins

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

To: Correspondence Staff
From: Anne Higgins *Anne Higgins*
Re: Handling of Political Mail

The following guidelines should be adhered to for the handling of mail discussing the 1984 elections and other mail of a partisan nature. As noted, any and all questions regarding mail of this kind should be directed to Duncan Clark for referral to White House Counsel and/or Political Affairs.

Mail from Individuals Volunteering to Work
in a Reelection Effort in 1984

- a) AVH Form Reply Attached (AVH-285)
- b) cc of Form Reply, or any draft letter incorporating its substance, w/copy of incoming to Political Affairs
- c) Letter is restricted to Duncan Clark: CODE and refer to Room 94; do the same for any letter bearing a fragment of AVH-285.

Mail Supporting the President and Urging Him
to Run in 1984

- a) Good support and VIP - consult P-102 and refer to Phil Nicolaides, Room 94. Where P-102 with alteration fits, send to PN also.
- b) Support where a Presidential reply is not warranted - send to SLR for use of RR3 paragraph selection.

Issue Mail Including References to 1984

- a) If reference to 1984 is in passing, treat as issue mail and code or refer as appropriate.
- b) If both issues and discussion of 1984 are prominent, refer to SLR for combination of RR3 or AVH-285 with appropriate issue language. P-102 can be used for good support with some discussion of issues when a reply to issue discussed is not expected by the writer.
- c) Agency mail with reference to 1984:

- c) if 1984 reference is in passing, code for agency and send on; if reference is substantive, refer to SLR for RR3/AVH285 combination with AVH20/40 style agency referral language.
- d) Issue mail with offers of help in 1984 go to SLR for AVH-285 and issue response: all such letters are then cc'd w/copy of incoming to Political Affairs.

Mail Discussing House and Senate Campaigns
and Writer's Desire to Assist in Electing Republicans

- a) These should be rare; writers should be advised to contact the National Republican Congressional Committee or National Republican Senatorial Campaign Committee as appropriate. No form reply will be prepared unless volume justifies. SLR to execute.

Mail Discussing Partisan Matters And/Or Democratic Candidates

- a) White House Counsel advises that replies should either 1) thank the writer for his views, or 2) respond to partisan questions by "referring to public statements of Administration positions." This is mail which mentions a candidate for office by name and requests a reply to arguments/statements a candidate has made.
- b) Letters of this kind, should not, as a general rule, receive a Presidential response.
- c) Responses should not be partisan or advert to candidates or characterizations of their views. Replies should be limited to stating the Administration's publicly-enunciated positions.
- d) Questions in this category, as in others, should be referred to RDC.

Please note:

Mail which discusses exclusively political affairs/tactics/organizations should be referred directly to Political Affairs when active Republicans/VIP/et al. are writing. Routine mail with such suggestions may be answered in Correspondence with a "thank-you" for views and cc'd to Political Affairs if merited.

July 19, 1983 Memo from FFF Discussing Correspondence
Relating to 1984 Elections
Standard Replies:

AVH-285

P-102

RR3

cc: Robert C. Hill
R. Duncan Clark
Chuck Donovan
Pat Gleason
Charley Shepherd
Sharleen Volpe
Lillie Bell
Connie Mackey
Linda Frick ✓

Room 191

THE WHITE HOUSE
WASHINGTON

November 3, 1983

NOV 4 1983

MEMORANDUM FOR WHITE HOUSE STAFF

FROM: JAMES A. BAKER, III *J.A. Baker*

SUBJECT: Political Activity

By now each of you should have received a copy of a memorandum from Fred Fielding on the above-referenced subject. On Monday, November 7, 1983 at 2:00 pm in Room 450 of the Old Executive Office Building there will be a briefing on this subject. Every member of the White House Staff ("Hatched" personnel included) should attend this briefing.

It is incumbent upon each of you to read the memorandum and understand its contents. Please have any questions on this subject ready for presentation at the November 7 meeting. As will be explained in the briefing, it is most important that all members of the White House Staff be familiar with all aspects of prescribed and proscribed conduct with regard to the upcoming campaign.

Please make the necessary arrangements to attend.

Thank you for your attention to this matter.

Morton Blackwell

THE WHITE HOUSE
WASHINGTON

November 1, 1983

MEMORANDUM FOR ALL WHITE HOUSE STAFF

FROM: FRED F. FIELDING 
COUNSEL TO THE PRESIDENT

SUBJECT: Political Activity

On October 17, the President authorized the formation of a campaign committee to work on behalf of his re-election. The purpose of this memorandum is to advise you of the legal and policy limitations on your individual political activity on behalf of Reagan-Bush '84.

First, only those employees in the Executive Office of the President who are paid from the appropriations for the White House Office may engage in political activity. You should check with your supervising officer to ascertain whether you are paid from White House Office appropriations; do not assume that because you have a White House pass you are paid from White House Office appropriations. If you are not paid from appropriations for the White House Office, you are subject to the provisions of the Hatch Act and may not engage in any partisan political activities. For a discussion of the permissible and impermissible activities of "hatched" employees, please turn to pages 8-11 of this memorandum. You will be expected to adhere strictly to the guidelines set forth on those pages.

Second, you should be aware that Federal law (18 U.S.C. § 603) prohibits any employee of the White House Office from contributing to the authorized campaign committee of the President, i.e., Reagan-Bush '84.

USE OF LEAVE

(1) White House staff members must perform their official duties for a minimum of 40 hours per week or 80 hours per two week pay period in order to receive their full Federal salary. If a staff member does not complete 40 hours of official duty in any week, the difference between the number of hours completed and 40 hours must be covered by annual leave, leave without pay, official holidays or made up in the second week of that pay period. The difference cannot be made up in a subsequent pay period.

(2) Those White House staff members who complete a

minimum of 40 hours of official duty during any full week (Monday-Sunday) may be absent from their official duty station for no more than one weekday (Monday-Friday) for the purpose of engaging in campaign activity without taking annual leave or leave without pay. If a staff member desires to be absent for campaign purposes for more than one weekday in any week, each additional weekday must be covered by annual leave or leave without pay, regardless of the number of official hours worked during that week. In other words, it is not permissible for a staff member to put in 40 hours of official duty in the first three days of the week and then take the remaining two weekdays off for campaigning without using annual leave or leave without pay.

(3) Sick leave cannot be used to cover an absence from official duty for the purpose of engaging in campaign activity.

(4) Any White House staff member not subject to the Hatch Act is permitted to take leave without pay to cover absence from official duties for the purpose of engaging in campaign activity.

(5) Some White House staff members are entitled to specific amounts of annual leave. Such leave may be used for campaign purposes; however, one cannot take an "advance" on annual leave to work on the campaign. Those White House staff not entitled to annual leave (e.g., commissioned officers) may use a ceiling of 15 days of paid leave (i.e., the equivalent of vacation time) for political campaign purposes.

(6) The following procedures will be followed when annual leave or leave without pay is used for campaign purposes:

(a) Staff members must submit, in advance of the leave period, a request for leave to their White House unit supervisor. Following approval by the supervisor, the request should be forwarded to the White House Administrative Office for approval and bookkeeping purposes.

(b) Supervisors must forward, in advance of a leave period, a report of their intended use of leave for political purposes to the White House Administrative Office.

USE OF VEHICLES AND MESSENGERS

White House vehicles may not be used for campaign purposes. This means that White House cars may not be used to transport staff members or materials to or from any campaign committee office or event. Nor may White House vehicles be used to transport staff members or campaign materials to airports or any other location if the purpose of the trip is primarily

campaign-related. Exceptions may be made to this rule only in those limited instances where time is of the essence and no other transportation is readily available. Because of the special requirements surrounding departures and arrivals from Andrews Air Force Base, White House vehicles may be used to transport White House staff members to that facility when they are accompanying the President, Vice President or First Lady on a campaign-related trip. Additionally, where the President is participating in a campaign event in the Washington, D.C. area or other location where White House cars are available for official purposes, White House cars may be used for the Presidential motorcade; however, the campaign committee must reimburse the Government for the fair market rental value of such transportation to the extent that it is not essential to the security and support of the President.

White House messengers should not be used to deliver or pick-up materials from the campaign committee.

USE OF COMMUNICATIONS SYSTEMS AND COPYING MACHINES

(1) In those limited circumstances in which government communication systems (telephone, telegraph, teletype, or radio) are used for campaign-related purposes, appropriate reimbursement or payment must be made by the campaign committee.

(2) Because of the need for liaison between limited numbers of White House staff members and the campaign committee, telephones may be used for local calls to the principal campaign office. However, White House telephones must not be used, even locally, for regular committee activities such as recruiting volunteers or fundraising.

(3) Government credit cards must not be used for campaign-related calls, whether made from within or without the White House.

(4) Government operators should not be used to place campaign-related long distance calls.

(5) Campaign-related long distance telephone calls made from the White House may be made only if charged to a credit card issued by the campaign committee or on telephones installed and maintained by the campaign committee for exclusive use in dealing with campaign committee matters.

(6) The incoming WATS System (800 #) should not be used to call into the White House on campaign matters.

(7) White House Communications Agency (WHCA) facilities provided outside the White House in connection with travel may

continue to be used during mixed and wholly campaign trips. These facilities must be used exclusively for communications relating to trip planning and arrangements and not for direct campaign purposes such as fundraising and crowd building. The government will be reimbursed for the use of these facilities.

(8) Except in limited instances approved by the White House Counsel's Office, Government copying machines may not be used to reproduce materials for transmittal to the campaign.

TRAVEL

Government funds are not to be used for the political travel of staff members. Specific guidelines relating to campaign travel by Senior Administration officials will be circulated by a separate memorandum.

Any political or "mixed" travel by White House staff must be approved in advance by Margaret Tutwiler and John Rogers. No reimbursements will be made for non-approved travel expenses.

MEETINGS IN GOVERNMENT BUILDINGS

(1) Government buildings, including White House offices and meeting rooms, should not be used for meetings or events organized by the campaign. Informal meetings involving small numbers of campaign officials and White House staff members may occasionally be held in a White House staff member's office or, if it is a luncheon or breakfast meeting, in the White House Mess, provided that such meetings do not interfere with the conduct of Government business.

(2) Campaign fundraising activities of any kind are prohibited in or from Government buildings.

(3) Campaign-sponsored activities (receptions, dinners, meetings, but not fundraisers) may be held in the Executive Residence at the White House, provided that either the President, Mrs. Reagan, or some other family member attends the event. Campaign events (other than fundraisers) may also be held at the Vice President's Residence so long as the Vice President, Mrs. Bush, or some other family member attends the event. The cost of campaign events at either residence must be paid by the campaign in accordance with the guidelines which have been established for the use of these residences for non-official purposes.

USE OF PHOTOGRAPHS

(1) White House photographers may continue to photograph

all Presidential, First Lady, and Vice Presidential activities for the purpose of creating an archival record of this Administration. However, as a general rule, photographs taken by White House photographers at campaign events may not be used for distribution to individuals attending such events or for any other campaign purpose.

(2) Photographs taken at events in the Executive Residence (other than campaign-sponsored events), at West Wing and East Wing meetings, and at non-campaign events outside the White House may be distributed as in the past.

(3) The campaign committee will be expected to provide a photographer at all campaign events for which it desires to distribute photographs to the participants. White House photographers will not photograph receiving lines or greetings at campaign events, except to the extent necessary for archival purposes.

(4) The campaign committee may purchase for its use photographs taken by White House photographers in those limited circumstances where those photographs provide the only source for a particular picture. All photograph purchase requests from the campaign committee must be directed to the Director of the White House Photo Office. A record of all campaign photo requests will be maintained by the Director of the White House Photo Office who will be responsible for billing the campaign committee for all photo orders on a monthly basis at the normal rate and according to the procedures established by the government for the purchase of pictures.

(5) Photographs of appropriate quality which are produced by campaign photographers may be forwarded to the White House for signature.

CORRESPONDENCE

(1) Campaign-related correspondence must not be produced at the White House, nor can White House stationery, stamps or related supplies be used in the preparation of such correspondence at another location. Campaign-related correspondence, prepared elsewhere, may be brought to the White House for signature.

(2) These guidelines will be followed in handling campaign-related correspondence received at the White House:

(a) Correspondence expressing general support for the President and his policies may continue to be answered as at present. Letters of response may include whatever substantive response is appropriate as well as thanking the writer for his

or her encouragement. Note well, however, that no references should be made to the 1984 elections or the political prospects of the Administration or the Republican Party.

(b) Correspondence which primarily relates to the 1984 campaign should not be answered by White House staff members or other government employees. All such correspondence should be forwarded to the campaign committee. However, if you receive resumes of individuals offering their services to the campaign, you may send an acknowledgement to the sender advising of the referral of his or her resume to the campaign committee.

(c) Correspondence that primarily deals with governmental issues and refers to the campaign may be answered in the White House as to the governmental issues raised but no reference should be made to campaign-related comments. The original of the correspondence can be forwarded to the campaign committee for response to the campaign-related matters.

(d) Federal law prohibits the receipt of contributions in federal buildings. Occasionally, contributions intended for the campaign committee may be addressed to the White House and delivered with other mail. Such contributions should be handled as they have in the past, by returning the contributions to the sender with an explanation of the applicable Federal law and a statement of the appropriate recipient's address. (Appropriate language may be obtained from the White House Counsel's Office.) There should be no acknowledgement of receipt of a contribution from the White House to the contributor. If the contribution is accompanied by a letter that deals primarily with governmental issues, a response dealing with those issues may be prepared and sent from the White House; however, there must be no reference to the contribution.

(e) The White House or EOB address should not be suggested as a place where any communication relative to the campaign should be addressed. All such communications should be sent to Reagan-Bush '84, 440 First Street N.W., Washington, D.C. 20001.

(f) In responding to incoming mail and preparing outgoing correspondence, staff members should be guided by the following:

- No reference should be made to the writer's, the recipient's or any other individual's future support, role or interest in a political campaign;
- No reference should be made to any past, present or future political contributions;

- Outgoing correspondence should be prepared with a view toward possible interpretations by a third party reader: Your intentions are not the only criteria by which your words are judged.

CRIMINAL STATUTES

A number of criminal statutes prohibit the use of Federal programs, property, or employment for political purposes. Violation of these criminal statutes are punishable by imprisonment and/or the payment of a substantial fine. Certain staff members may also be subject to investigation and possible prosecution by a Special Prosecutor in connection with alleged violations of these statutes.

Solicitation of Campaign Contributions: Solicitation of campaign contributions from or by Federal employees is prohibited, as is the solicitation or receipt of contributions in Federal buildings or on Federal property. Unless specifically approved by the White House Counsel's Office, no White House staff member shall sign a fundraising letter on behalf of any Federal candidate.

Use of Official Authority: Criminal statutes also prohibit a Federal employee from using his or her "official authority for the purpose of interfering with, or affecting, the nomination or the election of any candidate." There is, however, no definitive interpretation as to what types of activities constitute interference with or affecting the results of such an election. If you have any question as to whether any action you may take would be precluded by these laws, do not do it; seek guidance from the White House Counsel before taking any further action.

The following types of activities are prohibited by these laws:

- One Federal employee directly or indirectly soliciting another Federal employee for a campaign contribution.

- Solicitation or receipt of campaign contributions on federal property or in federal buildings. This means that fundraising events may not be held in the White House; that no fundraising phone calls or mail may emanate from the White House or any other Federal buildings; and that no campaign contributions may be received at the White House or any other federal building.

- Soliciting or accepting a campaign contribution or campaign support in exchange for a promise to appoint someone to a Federal job.

-- Promising or withholding Federal benefits (jobs, grants, contracts, etc.) based on political support or non-support.

-- Penalizing employees or withholding employment in order to induce someone to make a political contribution or otherwise participate in political activity.

The White House Counsel's Office is available to answer any question on the legality or propriety of activities falling within the statutes discussed above. You should call Sherrie Cooksey at 456-7803 if you have any questions concerning proposed campaign activities.

HATCH ACT

The Hatch Act, 5 U.S.C. §§ 7321-7327, covers all EOP employees except those:

- a) paid from the appropriations for the White House Office;
- b) appointed to their current positions by the President by and with the advice and consent of the Senate;
- c) serving as head or assistant head of an executive or military department.

All other government employees, including Schedule Cs and detailees, are covered by Hatch Act prohibitions. Thus, employees in the Office of the Vice President (other than those paid from Senate appropriations) and the Office of Policy Development, are, among others, "hatched" under the Act and must abide by its provisions.

The restrictions of the Hatch Act are applicable to covered employees 24 hours a day, regardless of whether such employees are on annual or sick leave or leave without pay -- as long as a covered individual is on the employment rolls of the Government, he or she is subject to the restrictions of the Hatch Act.

Employees covered by the Hatch Act may not:

- 1) take an active part in the management of a political campaign;
- 2) be a partisan candidate in an election for state or national office;

- 3) serve as an officer of a political party, a member of a national, state or local committee of a political party, or an officer or member of a committee of a partisan political club;
- 4) organize a political organization or club;
- 5) solicit, receive, handle, otherwise account for, or disburse political contributions;
- 6) sell tickets to, organize or actively participate in any political fundraising activity;
- 7) solicit votes for or against a candidate;
- 8) serve as a party or candidate challenger or pollwatcher;
- 9) drive voters to the polls for a candidate or party;
- 10) endorse or oppose a candidate in a political advertisement, broadcast or campaign literature;
- 11) serve as a delegate or alternate to a political convention;
- 12) organize or actively participate in the activities of a political convention;
- 13) serve on a standing committee of a political convention;
- 14) circulate a candidate nominating petition;
- 15) address a convention, rally, or similar gathering of a political party in support of or in opposition to a partisan candidate for public office.

Employees covered by the Hatch Act may:

- 1) register and vote;
- 2) make financial contributions to a party or candidate, except that 18 U.S.C. § 603 precludes employees of the White House Office from contributing to the authorized campaign committee of the President;
- 3) express their opinion on political subjects;
- 4) wear campaign buttons or display bumperstickers;

- 5) be a member (but not an officer or committee member) of a political party or organization, so long as they do not actively engage in campaign activities;
- 6) attend (but not as a delegate) a political convention, fundraising function or other political gathering, so long as they do not organize or participate in the program of such an activity;
- 7) sign a nominating petition.

The "hatched" support staff of an exempted Administration official may perform their normal clerical and ministerial functions in connection with the political travel and appearances or activities of their principal provided that the functions they perform are related to their official responsibilities. Such employees, however, may not perform tasks that are purely political in nature and which relate solely to their principal's political activities. Hence, a "hatched" employee may make the logistical arrangements for his or her principal's political travel or appearances and even accompany the principal on such travel 1/, but, such employee may not write a purely partisan speech for his or her principal or engage in any of the "management" activities of a political event or convention, e.g., plan or sell tickets to a political event or work on the activities of a committee, such as the Platform or Rules Committees, of a political convention.

Additionally, the Special Counsel of the Merit Systems Protection Board has taken the position that "hatched" employees, may write briefing materials on official Administration activities for use by Administration officials, even when such materials will be included in partisan political statements; however, such employees may not write or prepare any materials that will be used only for political purposes, e.g., materials for the platform of the Republican Party, nor may they prepare any materials containing statements of political advocacy.

Again, if you have any questions with respect to these matters, please call the White House Counsel's Office before you act.

1/ The travel expenses of a "hatched" employee accompanying his or her principal on political business must be paid from appropriated funds.

W. T.
Personnel

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

September 27, 1982

The President today announced his intention to appoint William Henkel to be Special Assistant to the President and Director of Presidential Advance. He will succeed Stephen Studdert, who will serve as a consultant to the White House and to the Republican National Committee.

Since 1981, Mr. Henkel has been a Corporate Financial Services Marketing Representative for the Merrill Lynch White Weld Capital Markets Group in New York City. He was Manager of Corporate Financial Services for the Capital Markets Group between 1977 and 1981. He served as Deputy Assistant Secretary of Commerce for Economic Development Operations in 1975-1977.

Mr. Henkel served previously in the White House in several related positions. In 1970, he joined the White House staff as a Staff Assistant to the President, serving as a Presidential Advance Representative. In November 1972, he was named Director of the White House Advance Office. He was appointed Special Assistant to the President and Director of Advance in 1973 and served in that position until January, 1975.

From 1965 to 1970, Mr. Henkel served as an account executive in a Merrill Lynch New York City branch office. He joined Merrill Lynch in 1963 as a Junior Executive Trainee.

During the 1980 Presidential campaign, Mr. Henkel served as an advance representative of Ronald Reagan and in 1982, he coordinated logistical arrangements for the President's participation in the Economic Summit at Versailles Palace.

Mr. Henkel graduated from St. Lawrence University (B.S., 1963). He is married to the former Alice O'Brien, has six children and resides in Arlington, Virginia. He was born June 19, 1941.

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OFFICE OF POLICY DEVELOPMENT

STAFFING MEMORANDUM

DATE: 8/31/82 ACTION/CONCURRENCE/COMMENT DUE BY: FYI

SUBJECT: Office of Policy Information Deputy Director

	ACTION	FYI		ACTION	FYI
HARPER	<input type="checkbox"/>	<input type="checkbox"/>	DRUG POLICY	<input type="checkbox"/>	<input type="checkbox"/>
PORTER	<input type="checkbox"/>	<input type="checkbox"/>	TURNER	<input type="checkbox"/>	<input type="checkbox"/>
BARR	<input type="checkbox"/>	<input type="checkbox"/>	D. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>
BOGGS	<input type="checkbox"/>	<input type="checkbox"/>	OFFICE OF POLICY INFORMATION		
BRADLEY	<input type="checkbox"/>	<input type="checkbox"/>	HOPKINS	<input type="checkbox"/>	<input type="checkbox"/>
CARLESON	<input type="checkbox"/>	<input type="checkbox"/>	COBB	<input type="checkbox"/>	<input type="checkbox"/>
DENEND	<input type="checkbox"/>	<input type="checkbox"/>	PROPERTY REVIEW BOARD	<input type="checkbox"/>	<input type="checkbox"/>
FAIRBANKS	<input type="checkbox"/>	<input type="checkbox"/>	OTHER		
FERRARA	<input type="checkbox"/>	<input type="checkbox"/>	<i>see list</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
GALEBACH	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GARFINKEL	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GUNN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
B. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
LI	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
MONTOYA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
SMITH	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
UHLMANN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
ADMINISTRATION	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

*White House
Personnel*

THE WHITE HOUSE
WASHINGTON

August 31, 1982

MEMORANDUM FOR SPECIAL ASSISTANTS TO THE PRESIDENT

FROM: EDWIN L. HARPER *EH*
SUBJECT: Office of Policy Information Deputy Director

I am happy to welcome Joe Cobb to the Office of Policy Information staff. As Deputy Director of OPI, Mr. Cobb will report directly to Kevin Hopkins.

Joe Cobb comes to OPI from the Interstate Commerce Commission, where he served as Staff Advisor in Economics for Commissioner Frederic Andre. Prior to joining the ICC, he worked as an economist and issues manager with the Sabre Foundation, the Council for a Competitive Economy, and the Choice in Currency Commission in Washington, D.C. He has worked as an economist on the staff of the Vice President for Public and Government Affairs, Standard Oil Company (Indiana) in Chicago, and moved to Washington in 1979 to take a more active role in politics.

Mr. Cobb served as Chief Budget and Fiscal Officer of the Industrial Commission of Illinois from 1970 to 1977, and before that as an economist with the Illinois Commerce Commission. He received his A.B. and M.B.A. degrees from the University of Chicago, where he specialized in finance, monetary theory and industrial organization. He was editor-in-chief of the New Individualist Review at Chicago and has been published widely on economic issues over the past three years.


Mr. Cobb worked actively in local Chicago politics from 1962 through 1979, as well as holding a number of offices in College Republicans, Young Republicans, and the Republican party. He was coordinator for the Reagan Presidential Campaign in Chicago's 1st Congressional District in 1976.

Mr. Cobb's office will be in Room 234 of the Old Executive Office Building.

THE WHITE HOUSE
WASHINGTON
June 10, 1982

*White House
regs -*

MEMORANDUM FOR ALL DETAILEES--WHITE HOUSE OFFICE

FROM: FRED F. FIELDING 
Counsel to the President

SUBJECT: Participation in Political Activities--
Hatch Act Restrictions

As the November elections approach, I remind you that you are subject to the Hatch Act, 5 U.S.C. 7321-7327, which places specific restrictions on your partisan political activities.

Generally, the Act prohibits you from taking an active part in political management or in political campaigns, and using your official position to influence, interfere with or affect the result of an election. You are covered by the Hatch Act at all times, 24 hours a day, whether on duty or not. You cannot avoid the requirements of the Act by taking time off or a leave of absence.

Below are the general guidelines applicable to you as a detailee. This list is not intended to be exhaustive. When particular questions arise, feel free to give me or anyone on my staff a call.

As an employee covered by the Hatch Act, you may not:

- 1) take an active part in the management of a political campaign;
- 2) be a partisan candidate in an election for state or national office;
- 3) serve as an officer of a political party, a member of a national, state or local committee of a political party, or an officer or member of a committee of a partisan political club;
- 4) organize a political organization or club;
- 5) solicit, receive, handle, otherwise account for, or disburse political contributions;
- 6) sell tickets to, organize or actively participate in any political fund-raising activity;
- 7) solicit votes for or against a candidate;

- 8) serve as a party or candidate challenger or pollwatcher;
- 9) drive voters to the polls for a candidate or party;
- 10) endorse or oppose a candidate in a political advertisement, broadcast, or campaign literature;
- 11) serve as a delegate or alternate to a political convention;
- 12) organize or actively participate in the activities of a political convention;
- 13) serve on a standing committee of a political convention;
- 14) circulate a candidate nominating petition;
- 15) address a convention, rally, or similar gathering of a political party in support of or in opposition to a partisan candidate for public office.

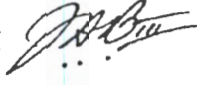
As an employee covered by the Hatch Act, you may:

- 1) register and vote;
- 2) make financial contributions to a party or candidate;
- 3) express your opinion on political subjects;
- 4) wear campaign buttons or display bumperstickers;
- 5) be a member (but not an officer or committee member) of a political party or organization, so long as you do not actively engage in campaign activities;
- 6) attend (but not as a delegate) a political convention, fund-raising function or other political gathering, so long as you do not organize or participate in the program of such an activity;
- 7) sign a nominating petition.

None of the above guidelines is intended to prohibit you from participating in an election or campaign regarding a question which is not specifically identified with a national or state political party or candidate, such as constitutional amendments, referendums, or approval of municipal ordinances.

THE WHITE HOUSE
WASHINGTON

April 23, 1982

MEMORANDUM FOR: ALL WHITE HOUSE COMPLEX PERSONNEL
FROM: JAMES A. BAKER, III 
SUBJECT: TOUR CONDUCT IN WEST WING COMPLEX

Various staff members and their guests have been stopping the President as he moves to and from his office in the West Wing to engage him in conversation. This particularly occurs along the West Wing colonnade. It is imperative that all personnel realize the inappropriateness of this activity and refrain from it.

Furthermore, it should be clearly understood that the viewing of the Oval Office and Cabinet Room is a rare privilege intended for staff and their families. Large groups should not be brought in to view these areas. Unless staff members abide by the restriction of touring only after regular business hours (after 6:00pm), and never when the President and Vice President are in the area, this privilege will be discontinued.

If there are any questions regarding this policy, please contact John Rogers, Deputy Assistant to the President for Management.

THE WHITE HOUSE
WASHINGTON

March 24, 1982

*file
EOB
White House*

MEMORANDUM FOR: WHITE HOUSE AND EOB STAFF

FROM: JOHN F. W. ROGERS
DEPUTY ASSISTANT TO THE PRESIDENT
FOR MANAGEMENT

SUBJECT: THE PENNSYLVANIA AVENUE LOBBY,
OLD EXECUTIVE OFFICE BUILDING

I hope that you will enjoy the new look of the Old Executive Office Building lobby area and I believe the improvements will significantly increase the attractiveness of our building for the many persons who enter there.

The improvements have been designed in keeping with the particular history of the OEOB. The building was constructed from 1871 - 1888 for the State, War and Navy departments. The antique furniture in the lobby dates from the era of the building's construction, and has been loaned to us by the Treasury Department. The four portraits hanging in the lobby are of the department secretaries who had offices in the OEOB.

Elihu Root (portrait by Ellen Emmet) - occupied room 231 as Secretary of War and occupied room 208 as Secretary of State

- A native of Clinton, New York, served as a Senator from New York 1909 - 1915
- Secretary of War 1899-1904
- Secretary of State 1905 - 1909
- Served in Cabinet of President McKinley and T. Roosevelt
- Headed Carnegie Endowment for International Peace 1910
- Won Nobel Peace Prize in 1912

Josephus Daniels (portrait by R.S. Meryman) - occupied room 274 as Secretary of the Navy

- Born in Washington, North Carolina
- Secretary of the Navy 1913-1921
- Carried on the "Good Neighbor Policy" as Ambassador to Mexico 1933 - 1942
- Served in Cabinet of President Wilson
- Admitted women to armed services for the first time
- Directed activities of American Naval forces during World War I, from his offices in the OEOB
- Selected as his Assistant Secretary, Franklin Delano Roosevelt, (office also located in the OEOB, later President of the U.S.)

Cordell Hull (portrait by Stapko and Edward Murry) - occupied room 208
as Secretary of State

- Born in Overton (now Pickett), Tennessee
- Secretary of State 1933 - 1944
- Served in Cabinet of President Franklin D. Roosevelt
- Awarded Nobel Peace Prize in 1945
- Received emissaries from the Japanese Government in Room 208 OEOB on December 7, 1941 (Pearl Harbor Day)

James Francis Byrnes (portrait by Alfred Jonniaux) - occupied room 208 OEOB
as Secretary of State

- Born in Charleston, South Carolina 1879
- Served as Representative (1911 - 1925) and Senator (1931 - 1941) from South Carolina
- Served as Associate Justice of the U.S. Supreme Court 1941 - 1942
- Attended Yalta (1945) and Potsdam Conference (1945)
- Secretary of State (1944 - 1947) in President Truman's Cabinet
- Represented the United States at the Paris Peace Conference 1946

I will continue to keep you informed as we complete other projects in the OEOB.

MEMORANDUM


THE WHITE HOUSE
WASHINGTON

*White
House
Memo*

August 24, 1981

MEMORANDUM FOR THE WHITE HOUSE STAFF

FROM:

FRED F. FIELDING 
COUNSEL TO THE PRESIDENT

SUBJECT:

Acceptance of Transportation
and Travel-Related Expenses

The attached memorandum replaces the memorandum on the same subject dated August 4, 1981.

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

August 24, 1981

MEMORANDUM FOR THE WHITE HOUSE STAFF

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Acceptance of Transportation and
Travel-Related Expenses

The following discussion is designed to provide general guidance regarding the circumstances under which you may or may not accept travel-related expenses (transportation, lodging, food, entertainment), or reimbursement of same. Since such situations are often unique, guidelines must be general in scope. You are, however, strongly urged to seek specific advice in regard to any proposed trip prior to accepting the invitation or request.

A. Official Travel

In each instance for which you will seek Government payment of expenses, approval shall be obtained from the Special Assistant to the President for Administration prior to acceptance of the invitation or request.

Whenever you are traveling on official business of the Government, traveling to attend a function or give a speech as the representative of the White House or the Administration, all travel-related expenses must be paid from appropriated funds. These funds may be from the White House Office appropriations, or the appropriations of a particular Department or Agency, depending on the circumstances of your travel.

There is one major exception to this general rule. If you are traveling to attend a training seminar, meeting or conference sponsored by a non-profit organization granted tax-exempt status under the law (Section 501(c)(3) of the Internal Revenue Code), that organization may pay for your

normal, reasonable travel expenses under most circumstances unless the acceptance of such expenses creates an actual or apparent conflict of interest with your official duties. Such payment shall never be solicited by a staff member. In each instance where such an offer of payment or reimbursement is made, you should check with the Counsel's office before acceptance of the invitation for a determination of (a) the tax exempt status of the organization, and (b) the propriety of accepting the proffered expenses.

You may, of course, accept food or refreshments of nominal value in the ordinary course of your meeting or while in attendance at functions where you are otherwise properly in attendance. Likewise, it is acceptable to stay at the private residence of your host if this would be appropriate under the circumstances of your visit.

Ordinarily, all official travel should be on commercial transportation. In a very unique circumstance, where private or chartered aircraft or other means of transportation is the only transportation available the individual or corporation providing the transportation must be reimbursed. In this regard, please bear in mind that this restriction generally prohibits accepting free transportation while on official business if someone offers you a ride on a private plane that is otherwise going to the same destination as yours.

B. Official Travel Abroad

Normally, the U.S. Government should pay the cost of official travel abroad. However, the Foreign Gifts and Decorations Act, 5 U.S.C. §7342, permits a Government official to accept transportation and lodging while abroad from a foreign government or international governmental organization if refusal to accept would embarrass the foreign government or the United States. This does not permit acceptance of travel expenses to or from the United States.

The rules applicable to officials also apply to an accompanying spouse except that Government funds may not be used to pay for the spouse's transportation to or from the United States nor may a foreign government do so.

C. Travel on Political Campaigns

If an official travels for a political committee or on behalf of a particular candidate, Government funds may not be used to cover travel or lodging expenses. These should be paid by the appropriate committee or campaign fund.

The Federal Election Commission has detailed rules on allocating costs when a trip combines both political and official activities. Staff should consult the Counsel's Office before undertaking such trips.

D. Personal Travel

It is sometimes difficult to determine whether travel to and attendance at a particular event should be deemed to be "official" travel or personal travel. Very often you may be invited to attend a conference or meeting or to make a presentation where the circumstances do not make clear whether the invitation is being issued to you in your private or official capacity. Likewise, there are some instances where you may wish to attend a meeting, but you would not normally be officially requested or directed to attend.

As a rule of thumb, if your travel is in furtherance of your official duties or the Administration's policies, it should be considered as "official" travel for purposes of determining whether you may accept expenses. If not, your travel may be deemed personal.

When your travel is not official, but for personal business or pleasure, the law provides that you may not accept or be reimbursed for normal, ordinary travel expenses from non-Government sources if the individual or organization so providing it:

- 1) has, or is seeking to obtain, contractual or other business relations with your agency;
- 2) conducts business or activities that are controlled or regulated by your agency;
- 3) otherwise has interests that may be substantially affected by the performance or non-performance of your official duty.

In the case of all White House personnel, these prohibitions must be scrupulously observed. If there is any doubt as to the appropriateness of accepting travel expenses or reimbursement, it must be resolved in favor of not accepting. These limitations do not apply when the gift of transportation or travel expenses is a result of an obvious friend of the family or close personal relationship, and it is clear that the relationship is the motivation for the gift. Again, any doubt must be resolved in favor of not accepting. Remember that the appearance of a conflict often creates far greater problems and embarrassment than a true conflict.

Some other rules of thumb in regard to personal travel:

- o You may accept normal and reasonable expenses in connection with travel to receive a personal award or honor, if not otherwise proscribed by the business activity of the individual or organization;
 - o If you hold an official position in a professional organization, or serve on a board or committee, you may accept reimbursement for travel expenses while attending meetings if reimbursement of such expenses is customary for others in similar positions, and the position is personal to you rather than by virtue of your position in the White House.
 - o Except under the most unusual or special circumstances, travel on corporate aircraft shall not be accepted. This is a constant and recurring source of embarrassment to Government officials.
 - o Questions of legality aside, you should not accept any gift of travel expenses which you are not willing to have discussed in the press.
- E. Travel Expenses of Spouse/Family Members

Except in the most unusual circumstances, Government funds are not available to cover the travel expenses for a spouse or other family member accompanying a staff member on official business. Such expenses may not be accepted from the sponsor of the event you are attending, or from any third party, except under those few circumstances where a personal gift would be acceptable.

Other than on official Government-paid travel, in evaluating whether travel expenses of your spouse or other family members may be accepted, you must be guided by the same restrictions that are

applicable to your acceptance of such expenses or reimbursement. You must always be alert to avoid embarrassing appearances and if you accept such reimbursement, the amount must appear to be reasonable.

F. Honoraria

In connection with travel, it is the policy of the Administration that White House personnel should not accept an honorarium for any speaking, teaching, writing or appearance, on a subject which is in any way related to your official position, or to the operations or activities of the White House or the Administration. Further, you may not designate a charity to receive such honoraria.

This restriction does not preclude the acceptance of a personal award, honorary degree, etc., or from accepting a suitable memento of a function in which you were honored.

G. Public Reporting Requirements (Not applicable to all Staff Members)

Subject to certain exclusions you are required to report, on Schedule C of your annual Financial Disclosure Report (SF 278), "Gifts and Reimbursements," the source, description and approximate value of gifts of transportation, lodging, food, and entertainment aggregating \$250 or more in the preceding year from one source which were received by you, your spouse or dependent children, or the reimbursement for the same.


H. Additional Information

If you have any questions regarding the propriety of accepting transportation and/or travel-related expenses, you are urged to contact the Office of the Counsel to the President for further guidance. Except in emergency situations, such consultations and clearance should be obtained prior to accepting an invitation or request to travel.

WH
memo

THE WHITE HOUSE
WASHINGTON

January 25, 1982

MEMORANDUM FOR: ALL WHITE HOUSE STAFF
FROM: JOHN F. W. ROGERS 
SPECIAL ASSISTANT TO THE PRESIDENT
FOR ADMINISTRATION
SUBJECT: STAFF CONTACTS WITH COMMERCIAL VENDORS

There have been situations recently where staff members have been contacted directly by representatives of commercial firms wishing to sell their products. This memorandum reiterates the White House policy that direct contact between commercial vendors and White House staff members may not occur without the knowledge of and approval by the Administrative Office. This applies both to solicitations by outside parties and contacts initiated by staff members seeking products or services for their office. Vendors who wish to sell their products to the White House should be referred to the Administrative Office, Room 1, ext. 2500 for registration of their offerings. Staff members who require items which are not available from the Supply Room should obtain such items through the Administrative Office, as financial and legal requirements generally do not permit unauthorized staff members to purchase material on behalf of the White House Office.

The above restrictions should also be applied to service technicians who repair office machines in the White House. Broken office machines should be reported immediately to the Supply Room, ext. 2260, or the Administrative Office, ext. 2500, so that the machine can be serviced promptly by the appropriate technician. Suggestions or recommendations by the service technician that extend beyond the operation of the specific machine at hand (e.g. attachment of additional equipment or change to a different model of machine) should be referred to the Administrative Office. Your cooperation in eliminating unauthorized vendor activities is appreciated.

W H Rego

THE WHITE HOUSE
WASHINGTON

December 21, 1981

MEMORANDUM FOR: THE WHITE HOUSE STAFF
FROM: JOHN F. W. ROGERS
SPECIAL ASSISTANT TO THE PRESIDENT
FOR ADMINISTRATION
SUBJECT: CHECK OUT PROCEDURE

The White House Personnel Office must be advised immediately when a staff member is departing the White House staff. This includes White House employees, detailees, other governmental support and volunteers. The terminating employees must complete the check out form and turn in all official property including their White House or EOB pass.

For further information concerning this procedure please contact:

White House Personnel Office, ext. 2260

Detailees contact: Jeanne Reed, ext. 2787

Thank you.


*White House
Regs.*

THE WHITE HOUSE

WASHINGTON

December 8, 1981

MEMORANDUM FOR WHITE HOUSE STAFF

FROM: FRED F. FIELDING 
Counsel to the President

SUBJECT: Holiday Season Reminder on Gift Policy

With the advent of the Holiday season, it is especially important for you to review White House policy regulating the receipt of gifts. This memorandum summarizes and supplements material contained in the Staff Manual.

Gifts that may not be accepted

No member of the White House staff may accept a gift from a person who --

- o has or is seeking to do business with any part of the Executive Branch,
- o is involved in activities which are regulated by the Executive Branch,
- o has an interest which would be substantially affected by the staff member's performance of official duties.

If such a gift is received by a staff member either at the office, or at home, the staff member has the obligation to return it to the donor with the explanation that it cannot be accepted. A copy of the letter returning the gift should be retained in your files with a copy to this Office. If for some reason you feel you cannot return the gift (donor unknown, the address of donor unknown, or other) you should advise this Office. If, after analysis, it is confirmed that return is not possible, the gift should be turned over to the Counsel's Office for disposal, with an accompanying memorandum explaining the rationale for not returning the item. Of course, these prohibitions apply to your spouse and immediate household as well.

Gifts between Staff Members

Federal law expressly prohibits gifts from a subordinate employee to his supervisor or others in the office whose pay status is higher than the employee's. This does not prohibit customary exchanges of gifts of nominal value between co-workers, but any lavish gifts or gifts to superiors which are not part of a traditional exchange are prohibited.

Gifts that may be accepted

Gifts from family and relatives may, of course, be accepted.

Gifts from friends may also be accepted, but only if it is clear that the motivation is personal and the circumstances are such that no appearance of conflict of interest is created. Thus, for example, if you have traditionally exchanged gifts with a neighbor you may continue to do so even though he happens to be a lawyer with occasional cases involving the government or he is a banker subject to federal regulation. It would be imprudent to accept such a gift, on the other hand, if the neighbor has a specific interest in an issue which is under review in your particular office. While perhaps totally innocent, a gift in these latter circumstances might create the appearance of conflict of interest.

Unsolicited advertising and promotional materials of nominal value may be accepted even if they come from individuals or businesses having business with or regulated by the government. This only extends to such customary items as desk calendars, pens, pocket diaries, etc.; however, by way of example, this rule would not permit acceptance of a case of cognac, a piece of furniture, or other items of substantial value.

Reporting Requirements

In addition to the recordkeeping set forth above, those staff members required to file financial disclosure reports (SF 278) are reminded that they have an obligation to report certain gifts received from persons other than relatives. Any gift over \$100 in value must be reported. Also gifts over \$35 in value must be reported if the aggregate of such gifts received from the same source within a year totals over \$100. Thus, it would be prudent to make a record of all gifts valued over \$35 which you receive so that you can determine, at reporting time, whether there is a reporting requirement. Please note that the \$35 reporting limit is not related to the issue of whether a gift may be accepted. The propriety of accepting any gift must be determined without regard to its value, except as provided herein.

Gifts from Foreign Governments or Officials

The United States Constitution and a federal statute generally prohibit government officials from accepting gifts from foreign governments or from foreign multinational organizations. The following general guidelines obtain:

Gifts valued at under \$140 may be accepted and retained by the official (note that this is a recent increase in the definition of minimal value for these purposes), unless the acceptance would otherwise violate the regulations pertaining to domestic gifts. These gifts must be reported as any other gift.

Gifts that are valued at \$140 or more become the property of the United States. They should be turned over as soon as possible and within sixty (60) days to the White House Gift Unit for recording and the necessary reporting to the General Services Administration.

Gifts for the President or First Lady

Under no circumstances should a staff member accept such a gift intended for the President or the First Lady without first checking with this Office. Any member of the staff who receives a gift intended for the President or the First Lady should ensure that it goes through the security unit before entering the complex. It should then be immediately delivered to the White House Gift Unit so that it can be properly recorded and a decision made as to its disposition.

A Word of Caution

It is an unfortunate, but necessary, reminder that staff members should be particularly cautious about gifts of consumables, and about packages delivered at home. The Secret Service makes it a practice to destroy consumables received at the White House unless both the donor and the source are personally well known. Likewise, all packages and letters received at the White House by mail or delivery are scanned to make sure they are not hazardous. If you receive a package at home from a source not personally known to you, please take it to Room 45 OEOB, for scanning before opening or before turning it over to the Counsel's office. Under no circumstances should you bring it into the complex without such screening.

Additional Questions

This memorandum is necessarily summary and does not deal with all questions that may arise. If you are in doubt about the propriety of accepting any gift please consult with the Counsel's Office.

White House
Personnel

Little Known Aides

'Informers' Keep Reagan Up to Date

Obviously, a man's judgment cannot be better than the information on which he has based it.

—the late Arthur Hays Sulzberger,
publisher.

By GEORGE SKELTON,
Times Staff Writer

WASHINGTON—Richard Darman and Craig Fuller probably are not President Reagan's favorite authors, but they are the ones he reads the most these days.

They provide the President with most of the information he gets about his government. To a significant degree, they determine what he reads, what he is told—and, sometimes, when.

Access is power in Washington, and these two have it in extraordinary fashion—directly into the President's mind.

They prepare the President's background memos, brief him before important meetings, then usually sit in on the sessions. They also decide what information from Cabinet officers and White House officials should be passed on to the President (or passed over), serve as presidential troubleshooters and coordinate a long list of government activities.

Known Only to Powerful

You probably have never heard of Darman and Fuller. Few people have. They are not household words, except at the White House. Generally, they are known only to the most powerful in Washington.

"We can phone anybody who is at a certain level and get them called out of any meeting. Below that level, they don't know who we are," Darman said.

"The less most people know about what we do the better off we are," Fuller said.

White House Chief of Staff James A. Baker III declared: "They make the system work."

Unlike Baker, presidential Counselor Edwin Meese III and Deputy Chief of Staff Michael K. Deaver—the so-called "Big 3"—Darman and Fuller have no collective nickname.

They could be called "the informers," because it is their duty to keep the President and the Big 3 abreast of what is happening throughout the White House and in the Cabinet. They could be called "the enforcers," because they also try to ensure that the President's policies and decisions are being implemented.

Jobs Often Intertwine

Unlike the Big 3, they do not have an office on the same floor as the President; they are in the White House basement. But they commonly see the President several times a day in the Oval Office or in the Cabinet Room.

Darman reports to Baker as an assistant to the President, carrying the additional titles of deputy to the chief of staff, White House staff secretary and coordinator of the legislative strategy group. Fuller answers to Meese as an assistant to the President for Cabinet affairs.

Darman and Fuller are equals, as are Baker and Meese. Because their jobs frequently intertwine and mingle, they sometimes find themselves working for any one, or all, of the Big 3.

Basically, Deaver said, "they're responsible for the information the President gets."

A good example of what they do

'INFORMERS': Reagan Briefings

Continued from First Page

—and why it is so important—came last week when Reagan faced a crucial decision on how much to cut from planned defense spending in the 1983 and '84 fiscal years. Defense Secretary Caspar W. Weinberger was pushing for minimal cuts. Budget Director David A. Stockman was advocating substantial savings.

Preparing the President for a showdown meeting on Wednesday, Darman and Fuller collected and delivered to Reagan on Monday a bulky package of lengthy opuses from each side. But they did their real work on Tuesday.

Bedtime Reading

For the President's bedtime reading on the eve of the big meeting, Darman and Fuller boiled the hundreds of pages of arguments and backup material into one six-page memo summarizing and comparing four basic options being offered to him: two from defense (Weinberger), a third from the Office of Management and Budget (Stockman) and a fourth from the Commerce Department. They also mentioned a fifth option: do nothing.

"Everybody turned out to be an advocate on this," Darman said, referring to Cabinet officers and key White House officials, such as Chairman Murray L. Weidenbaum of the Council of Economic Advisers, policy assistant Martin Anderson and national security adviser Richard V. Allen. All of those officials submitted written recommendations to the President. "We tried to pull everything together into a presentation with more fairness and balance."

"The nature of our role," Fuller said, "is to make sure the President is given information that is accurate and is generally accepted throughout the Administration as accurate. It is not our role to design policy options, but to make sure the President is aware of all the policy options being suggested by his advisers, so that he acts only when he has all the views of interested parties."

"We're careful not to inject our own personal views on most issues," Fuller added. "When we do, we make it clear those are our personal views."

In other words, Fuller and Darman—working under guidelines laid down by the Big 3—are the principal arbiters of whether information given the President is fair, balanced, accurate and complete and whether he should get it now or later. And occasionally they argue for their personal views.

They interpret and withhold and shape information for the President—a function that gives them immense, if subtle, power. "We're in a position to either really screw things up or be a constructive influence," Darman noted.

President Pleased

The President and the Big 3 obviously are pleased with their work because on Monday they gave the pair fancier titles—"assistants to the President"—and pay raises, from \$55,000 annually to \$60,600.

"The key was that those two guys, never having known each other, came in and decided they were going to work cooperatively together and not compete," Baker said. "You know how staff tends to compete."

Darman and Fuller basically are opposites in personality and background.

Darman, 38, tends to be introverted and idealistic. His roots are in the Northeast (Massachusetts) and Ivy League (Harvard MBA). His philosophy, for a Republican, leans liberal. But the Reagan White House has had its effect.

"The metamorphosis was complete when I arrived out in California (during Reagan's vacation) and Dick Darman was there in cowboy boots," Baker said.

For years, Darman was a disciple of Elliot L. Richard-

son, serving under him in five Cabinet departments (state, health, education and welfare; defense, justice, and commerce) in two Republican administrations: Richard M. Nixon's and Gerald R. Ford's.

In 1973, when Richardson resigned as attorney general because he refused to obey Nixon's order to fire Watergate special prosecutor Archibald Cox, Darman was one of four Justice Department officials who walked out the door with him in what became known as "the Saturday night massacre."

"We are all close friends," Darman recalled. "I quit the same moment Richardson quit out of respect for him."

Darman hooked up with Reagan through Baker, who was undersecretary of Commerce when Darman was an assistant secretary. Darman worked with Baker on the

Please see 'THE INFORMERS,' Page 11

Continued from 10th Page

debates between candidate Reagan and President Jimmy Carter last fall and later became executive director of the White House transition team.

Fuller, 30, is an outgoing Southern Californian, raised in Los Angeles and educated at UCLA and Occidental College.

His first big career break came at UCLA when he tried to become a summer intern at the Capitol in Sacramento. He picked up the wrong application by mistake and filled out a bid to run the entire intern program. Fuller got the job, to his surprise, and wound up impressing Gov. Reagan's top two aides, Meese and Deaver.

Later, Deaver recruited Fuller into his public affairs consulting firm and last January opened doors for him at the White House, where he got three job offers in two days.

"Dick (Darman) is an extremely bright guy. So is Craig," Baker said. "Craig has not had the prior government experience that Dick has, but he catches on quickly. You ask him to get something, he's back to you within minutes, not hours."

Although Darman and Fuller share the same office suite and often work in tandem, their duties are distinctively different. Basically, Darman's bailiwick is the White House, Fuller's the Cabinet.

Virtually anything that goes to or comes from the President passes through Darman. But he is more than an in-and-out basket. He exercises "quality control," as he puts it, rejecting material from advisers if he considers it "not of proper intellectual quality to go to the President," asking for additional information and condensing, always condensing.

"I read slightly more than the President," he said wryly.

A few extremely sensitive things he does not read or even see—such as super secret covert actions of the Central Intelligence Agency. But even then he would record the fact that the President has met with the National Security Planning Group and approved a clandestine activity.

Darman functions as a critical conduit between the President and the wide-ranging areas of the White House supervised by Baker, such as political strategy, legislative lobbying, personnel appointments, public liaison, intergovernmental affairs, the press office and the White House legal staff.

Fuller serves the same coordinating role for areas watched over by Meese—notably the Cabinet and domestic policy planning. Security matters go directly to the National Security Council and Meese, essentially bypassing Fuller.

The public position of the White House is that any

Cabinet member can have a private session with the President any time he wants. What is not said publicly, and only subtly implied privately, is that the Cabinet member had better have a very good reason for requesting such a meeting—or there might not be another one.

The President generally does not like to be lobbied individually by Cabinet secretaries, or anyone else he has appointed, and that is why Fuller and Darman play such an important role. Reagan likes to be briefed first, then meet at the Cabinet table or Oval Office, listening to all competing sides argue their cases, before he makes a decision.

Fuller's job is to orchestrate those events—collecting written material from the Cabinet secretaries, passing it around to all interested parties, summarizing it in a memo for Darman to deliver to the President, shaping the Cabinet agenda and suggesting a timetable.

Some Cabinet members initially resented the idea of having not only to go through Meese to reach the President but quite often through a 30-year-old government neophyte as well.

System Broke Down

"People, particularly with experience in other administrations, would like to have had the benefit of putting through their views to the President unchecked, but our system doesn't allow for that," Fuller said. "Once they got used to that and realized the system was working the same for everybody, they dealt with it more comfortably."

The system broke down once, everybody agrees, in mid-May when Reagan proposed cutbacks in some Social Security benefits. The feeling around the White House is that Darman and Fuller let the Big 3 and Reagan get stampeded into moving too quickly because Richard S. Schweiker, secretary of health and human services, insisted on adhering to an arbitrary congressional committee deadline.

The Big 3 did not learn details of the Social Security proposals until the day they were presented to Reagan and approved by him. The political strategists were never consulted.

"If I could do it all over, I would delay another couple of weeks—or a couple of months," Fuller said.

Fuller has gotten involved in all kinds of things—from being the White House point man for the air traffic controllers' strike, to talking with California's Gov. Edmund G. Brown Jr. on the telephone about medflies, when Brown really wanted to talk with Reagan.

Brown's Poor Timing

Brown did not plan his call to Reagan very well—telephoning the White House switch board about 5 a.m. EDT (2 a.m. California time). "Nobody woke up the President," Fuller noted. Brown asked to speak with Reagan, but the only person he could talk with at that hour was the operator.

That was Friday, July 10—the day the Reagan Administration was planning to announce a statewide quarantine of California produce because the governor had refused to allow aerial spraying of the medfly. Brown called again four hours later, this time for Meese, and Fuller and Meese both got on the phone.

"The governor was very upset," Fuller recalled. "We put him (Brown) on hold and called (Agriculture Secretary John R.) Block and asked him to put off the quarantine until Monday because the aerial spraying could not begin until then anyway."

"Block said he'd give him 24 hours, that was all. We got back on the phone with Brown and said he had 24 hours. He was somewhat frustrated but said fine, hung up and went out and held a press conference accusing us of holding a gun to his head."

If Brown had placed his first call a couple of hours later, he probably could have talked to either Fuller or Darman instead of the White House operator—the two officials usually begin their 13-hour days about 7 a.m.