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A.

THE WHITE HOUSE

6/23/82

RGD:

Biff has no documentation in his files that anyone on the staff dealt with Justice re Donovan. (He has attached everything he has related to the Donovan case.)

s.

OS8905SS FGD21 FGD17 FGD17 NHOOH PETER W. RODING, JR. (HLL), CHARMAN

DOKE, WOL T Y KASTEMBER, WIS. TOM RAILSBACK, BLL. DE, CALIF. CONVERS, JR., MICH. HO L. MAZZOLL KY. FILLIAM & HUGHER, HJ. SAM B. HALL JR. TEX. MIKE SYMAR, DKLA. PATRICIA SCHROEDER, COLO. HLY LEE EVANE, GA. AH GLICKMAN, KANS D WARRINGTON, ILL MEY FRANK, MADE. W. CROCKETT, JR., MICH.

MOMENT MC CLORY, BLL. AMILTON FISH, JR., N.Y. M. CALDWELL SUTLER, VA. CARLOS J. MOORHEAD, CALIF. MENNY J. MYDE H.L. HANDLD & SAWTER, MICH DAN LUNGREN, CALIF, F. JAMES SENSENBREIGER, JR., 1 MILL MC DOLLUM, PLA.

### Congress of the United States Committee on the Judiciary

House of Representatives Mashington, A.C. 20515

Welephone: 202-225-3951

June 18, 1982

The Honorable Ronald W. Reagan President The White House Washington, D. C. 20500

Dear Mr. President:

On June 16, 1982, a resolution of inquiry, H. Res. 507, was introduced in the matter of possible Executive interference with the investigation of Secretary of Labor Raymond Donovan. The resolution has been referred to this Committee for action.

A resolution of inquiry is a privileged resolution under a strict time table. Therefore, on behalf of the Committee, I am obligated to request that you forward to us all material requested in the resolution of inquiry of the President and/or the White House. I am addressing a similar letter to the Attorney General requesting those documents concerning the Department of Justice which are contained in the resolution of inquiry. It is necessary that the Committee receive the information requested in the resolution of inquiry so that we may make a judgment as to what course of action to recommend to the full House. Under the Rules of the House, the Committee is given an extremely short period of time in which to deal with this resolution. In order that we may meet these time constraints, please respond with all of the appropriate documents by the close-come of business on June 25.

I have enclosed a copy of H. Res. 507 for your information.

PETER W. RODINO,

Chairman

PWR:dfm enclosure

#### 97TH CONGRESS 2D Session

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# H. RES. 507

To inquire in the matter of possible Executive interference with the investigation of Secretary of Labor Raymond Donovan.

#### IN THE HOUSE OF REPRESENTATIVES

June 16, 1982

Mr. MOFFETT submitted the following resolution; which was referred to the Committee on the Judiciary.

# RESOLUTION

To inquire in the matter of possible Executive interference with the investigation of Secretary of Labor Raymond Donovan.

1	Resolved, That the President and the Attorney General
2	are directed to furnish to the House of Representatives, not
3	later than ten days following the adoption of this resolution,
4	full and complete information on the following:

- (1) All records and dates of all conversations and actions of the President and/or White House officials with the Department of Justice officials regarding the investigation of Secretary of Labor Raymond Donovan.
- 9 (2) All records, memorandums, or other docu-10 ments containing any instructions from the President











and/or White House officials to the Department of

Justice in regard to the investigation of Secretary of

Labor Raymond Donovan.

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- (3) All records and dates of all conversations and actions of any Department of Justice officials with the President and/or White House officials in regard to the investigation of Secretary of Labor Raymond Donovan.
- 9 (4) All documents provided the President and/or
  10 White House officials containing Department of Justice
  11 information relating to the investigation conducted by
  12 the Department of Justice regarding Secretary of
  13 Labor Raymond Donovan.
- 14 (5) All documents relating to the involvement of 15 the President and/or White House officials in the in-16 vestigation by the Department of Justice of Secretary 17 of Labor Raymond Donovan, contained in the files of 18 the Department of Justice.
- The information requested in this resolution should be submitted to the House and disposed of in accordance with the rules of the House.



HRES 507 IH

THE WHITE HOUSE WASHINGTON

# THE PRESIDENT'S SCHEDULE Tuesday, June 15, 1982

9:00 am (30 min)	Staff/Time (Baker, Meese, Deaver)	-	Oval	Office
9:30 am (45 min)	Meeting with Bipartisan Congressional Leadership (Duberstein) (TAN	1 B A)	Cabin	et Room
10:15 am (15 min)	Meeting with Senator Howard Baker (Duberstein) (TAN	В В)	Oval	Office
10:30 am (15 min)	National Security Briefing (Clark)		Oval	Office
10:45 am (15 min)	Senior Staff Time		Oval	Office
11:00 am (60 min)	Personal Staff Time		Oval	Office
12:00 m (60 min)	Issues Briefing Lunch (Darman/Fuller) (distributed	d separate	_	et Room
1:00 pm (60 min)/30 pm 2:00 pm (60 min)	Cabinet Meeting	evet viii) BC)	0000	Office
3:05 pm (5 min)	Photo with Capitol Page School Gradu (Duberstein) . (TAN	ates B D)	Rose	Garden
3:10 pm	Depart for Houston trip (see separat schedule) (Studdert)	e —	South	Grounds

#### SUPPLEMENTARY BRIEFING MATERIALS

TAB E - Trip Schedule (Studdert)

ON Houston

TAB F - Texas Political Briefing (Rollins)

TAB G - Briefing Paper for Fundraising Dinner for Governor Clements (Rollins)

TAB H - Memo re Governor Clements and Federalism (Williamson)

MEMBER

SUBJECT

COMMENTS

WILLIAM L. ARMSTRONG
ALSO SIGNED BY:
GORDON J. HUMPHREY
MACK MATTINGLY
DON NICKLES
STEVEN D. SYMMS

URGE YOU TO VETO HR 5922, THE "URGENT SUPPLEMENTAL" APPROPRIATION BILL, BECAUSE OF ITS SPENDING LEVELS AND ITS NEW MORTGAGE INTEREST SUBSIDY PROGRAM FOR HOMEBUYERS: "WE FEEL THAT YOUR VETO OF THIS LEGISLATION WILL BE SUSTAINED BY THE SENATE AND PLEDGE OUR EFFORTS TO ASSURE THIS OUTCOME"

ROBERT C. BYRD

ON BEHALF OF THE DEMOCRATIC CONFERENCE, REQUESTS THAT YOU "ASK MR. DONOVAN TO STEP ASIDE UNTIL ALL OF THE ISSUES RAISED... HAVE BEEN SATISFACTORILY RESOLVED." ALSO EXPRESSES DEEP CONCERN ABOUT REPORTS THAT YOUR ADMINISTRATION IS CONSIDERING REPEALING OR SIGNIFICANTLY CHANGING THE ETHICS IN GOVERNMENT ACT, AND URGES YOU TO AFFIRM YOUR SUPPORT FOR THAT LAW

Nes

LAWTON CHILES

EXPRESSES CONCERN OVER JAPANESE PENETRATION OF THE U.S. MACHINE TOOL INDUSTRY AND URGES YOUR SUPPORT FOR THE PETITION SUBMITTED BY HOUDAILLE INDUSTRIES REQUESTING A SUSPENSION OF THE INVESTMENT TAX CREDIT ON JAPANESE MACHINE TOOLS

BARRY GOLDWATER

EXPRESSES OPPOSITION TO YOUR VETO OF THE PAPAGO INDIAN WATER BILL, AND POINTS TO THE NEED FOR AN IMMEDIATE SETTLEMENT OF THIS MATTER

DANIEL PATRICK MOYNIHAN

EXPRESSES CONCERN REGARDING THE SUPPLY OF ILLICIT DRUGS IN THIS COUNTRY AND THE IMPACT OF HEROIN FROM SOUTHWEST ASIA.
RECOMMENDS THAT WE ATTEMPT TO REACH AN AGREEMENT WITH PAKISTAN TO CURTAIL OPIUM AND HEROIN PRODUCTION AND THAT WE CUT OFF ALL FORMS OF AID TO THOSE COUNTRIES THAT PERSIST IN THE ILLEGAL EXPORT OF OPIUM

ARLEN SPECTER

EXPRESSES CONCERN OVER THE PRELIMINARY
FINDING BY THE COMMERCE DEPARTMENT THAT STEEL
PRODUCTS FROM NINE COUNTRIES ARE BEING
ILLEGALLY SUBSIDIZED BY FOREIGN GOVERNMENTS,
AND URGES YOUR SUPPORT OF HIS BILL (S 2167)
TO PROVIDE GREATER ACCESS TO THE COURTS AND
RETROACTIVE RELIEF IN ANTI-DUMPING CASES

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THE WHITE HOUSE

WASHINGTON

February 2, 1982

059053CA 1120 14007 14007 PUEOLOG

(5:35 PM)

MEMORANDUM TO KEN DUBERSTEIN

CRAIG FULLER DAVE GERGEN

FROM:

M. HODAPF

SUBJECT:

Text of Secretary Donovan's Press Release Re. S.1785
Testimony

The following is the text, verbatim, of Secretary Donovan's press release, which was issued about 15 minutes ago:

AFTER DISCUSSIONS WITH WHITE HOUSE OFFICIALS, IT WAS DECIDED
THAT SINCE THE DEPARTMENT OF LABOR AND THE DEPARTMENT OF JUSTICE
HAD WORKED OUT THEIR DIFFERENCES CONCERNING THE SUBSTANCE OF
THEIR RESPECTIVE TESTIMONY THERE WAS NO NEED FOR THE SECRETARY
TO TESTIFY REGARDING S. 1785.

IT WAS AGREED THAT PROPER ADMINISTRATION GUIDANCE COULD BE GIVEN TO THE CONGRESS BY SUBMITTING THE SECRETARY'S STATEMENT FOR THE RECORD.

THE SECRETARY DIRECTED T. TIMOTHY RYAN, SOLICITOR OF THE DEPARTMENT OF LABOR, TO APPEAR TO ANSWER TECHNICAL QUESTIONS.

# OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

January 26, 1982

MEMORANDUM FOR:

Edwin L. Harper

FROM:

James M. Frey My

SUBJECT:

S. 1785, Labor Management Racketeering

Act of 1981

We need to get quick resolution of an issue between the Departments of Justice and Labor, which are scheduled to testify Thursday morning, January 28, before the Senate Labor and Human Resources Labor Subcommittee on S. 1785, "Labor Management Racketeering Act of 1981."

This bill would amend the Employee Retirement Income Security Act (ERISA), the Labor-Management Reporting and Disclosure Act (LMRDA), and the Labor-Management Relations Act (LMRA/Taft-Hartley) to:

- -- raise the penalty for a payment over \$1,000 by an employer to a union official to a felony under the LMRA.
- -- strengthen the prohibitions on individuals who have been convicted of certain crimes from serving in positions of trust or influence relating to employee benefit plans and labor organizations under ERISA and the LMRDA.
- -- extend the authority of the Secretary of Labor for criminal investigations under ERISA and related Federal laws.

#### Issue

In their draft testimony submitted for clearance (copies attached), the two Departments take different positions on provisions in the bill (Sections 12, 13, and 14) that would broaden the investigatory authority of the Secretary of Labor to detect and investigate all criminal violations involving employee pension and welfare benefit plans. Justice is opposed and Labor favors. (The draft testimony was circulated to Craig Fuller and Mike Uhlmann, among others, but we have not yet heard from them).

#### Background

ERISA requires investigations to detect violations of the disclosure and reporting, bribery, theft, and embezzlement provisions. After passage of ERISA in 1975, Justice and Labor agreed in a memorandum of understanding that Justice would have primary responsibility for criminal investigations. S. 1785 would clearly assign these to Labor and extend Labor's authority on a concurrent basis with Justice to other criminal provisions of "other related Federal laws", interpreted by Justice to mean Sections 664, 1027, and 1954 of Title 18, United States Code, which relate to theft, false statements, and unlawful payments involving employee benefit plans, and, conceivably, to violations of other crimes of general applicability such as mail fraud involving employee benefits.

#### Justice Position

In its testimony, Justice recommends against enactment of expanded investigative authority for Labor because:

- -- the current arrangements governing the division of investigative responsibilities between Justice and Labor are appropriate in view of the civil investigative responsibilities already imposed on the Labor Department.
- -- the effectiveness of Labor's civil investigators could be impaired by their receiving information in grand jury proceedings on criminal matters which are secret. Justice maintains that without a court order the Labor civil investigators could not use this information in pursuit of civil investigations which run parallel to the criminal investigations to meet statutory deadlines.
- -- current arrangements with Labor's Office of the Inspector General permit a wide range of criminal investigative assignments to agents of that Office who are detailed to the Justice's Organized Crime and Racketeering Strike Forces.

#### Labor Position

In its testimony, Labor strongly favors the intent of the bill, although it thinks the language is overly broad. Labor suggests that the bill specifically set out those provisions of law under which Labor would be given such authority, but makes no recommendations on what they should be.

In addition, Labor advises informally that it takes this position because:

-- current arrangements with Justice have not been fully satisfactory, particularly in the organized crime strike forces.

- -- more criminal cases will result if Labor's civil investigators are given criminal investigatory authority because in that context they are more likely to look for criminal violations.
- -- Labor investigators have expertise in the union and pension fields which often involve very complex issues. Successful investigations often depend on knowledge of the interworkings of unions and employee benefit plans.

#### Staff Views

JTGM agrees with the Justice comments, and adds the following two of its own:

- -- more specific statutory authority for Labor criminal investigators would be a significant step toward making them general law enforcement personnel. If experience is a guide, the next steps in this process would involve authorizing Labor investigators to carry weapons, and receive early retirement and other costly personnel benefits. This will exert budgetary pressure that would be obviated by maintaining responsibility in a general law enforcement agency, such as the FBI, where resources can be directed to the most important priorities for criminal investigation.
- -- since the Department of Labor is often involved as an advocate for organized labor, doubts have arisen about its role as an enforcer against organized labor. Justice, on the other hand, is free from this potential conflict of roles.

LVE believes this issue raises a political question. Secretary Donovan has been severely criticized in Congress for not pursuing criminal investigations and will find it very difficult to oppose expansion of his investigative authority. On the other hand, given his personal situation, he may find it desirable to retain the responsibility in Justice.

#### Decision

Concur with Justice in recommending against expanded investigatory authority of the Secretary of Labor. (Recommended by LVE, JTGM, LR).
Concur with Labor in supporting the intent of the bill to expand the investigatory authority of the Secretary of Labor, with specific provisions of law identified. (Recommended by ).

cc: Tom Arthur
Phil Hanna
Bernie Martin
Don Moran
John Komoroske
Frank Seidl
Jim MacRae
Annelise Anderson
Greg Jones
Bob Calstrom
Mike Horowitz

Reviewed in draft by Tom Arthur, Phil Hanna, Bernie Martin, John Komoroske, Frank Seidl, James MacRae, and Naomi Sweeney.

THE WHITE HOUSE

WASHINGTON,

January 8, 1982

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MEMORANDUM FOR JAMES A. BAKER III

SUBJECT: Scheduled Senate Testimony by Secretary Donovan

#### Background

Secretary Donovan is scheduled to testify before the Labor Subcommittee of the Senate Committee on Labor and Human Resources twice in late January, on the 26th and 28th. Because both hearings will involve issues concerning labor union corruption, Secretary Donovan's testimony is likely to result in considerable media attention.

Although Secretary Donovan testified before Congress on a number of occasions last Spring, he has testified only once in each house since last May. His decision to testify twice in one week later this month may be viewed as a considerable departure from previous practice.

#### January 26: Pension Plan Regulation

Secretary Donovan is scheduled to testify on January 26 on fiduciary standards under the Employee Retirement Income Security Act (ERISA), and on various plans to reduce reporting and disclosure requirements under ERISA. In both of these areas, deregulation, while probably justified, would reduce the enforceability of federal laws against pension fraud, and would inevitably increase the likelihood of future pension plan misuse, even if only slightly. ERISA's fiduciary standards and reporting and disclosure requirements were enacted primarily as a response to well publicized pension fund abuses by the teamsters and several Mafia-connected unions. It is possible that Senators at the hearing will point this out, putting Donovan in the awkward position of downplaying the importance or likelihood of labor union corruption with regard to pension plans.

Although the January 26 testimony has been scheduled for some time, Donovan was not originally slated to be the Labor Department's witness. Originally, administration testimony was to be given by Jeff Clayton, Administrator of the Pension and Welfare Benefits Program at Labor, who is one level below a Deputy Assistant Secretary in the Labor Department's hierarchy. Apparently, Donovan made the decision to testify in Clayton's place earlier this week.

#### January 28: Labor Racketeering

Donovan is scheduled to testify before the same subcommittee on January 28, on the subject of labor racketeering. The hearings will focus on a series of loopholes in the Landrum-Griffin Act which allow convicted felons to remain on union payrolls, and which prevent the Labor Department from submitting certain evidence to the Justice Department when they uncover evidence of criminal activities in the course of pursuing a civil investigation. Donovan will advocate closing these loopholes.

Donovan testified on this issue before the Senate Labor Committee's Permanent Subcommittee on Investigations last October. Since the Labor Department's proposals on this matter have already been made, the January 28 hearing before the subcommittee that will mark up the legislation is considered proforma and mainly technical in nature.

Labor Committee staff members were surprised when Donovan decided to testify on this matter again. Although the Labor Department had been requested to send a witness, the staff had not expected Donovan, both because his views on this issue are already well known and detailed, and because the hearings, at least initially, were expected to be largely perfunctory. They now anticipate, with mixed emotions, that their routine hearing is likely to become a major news event.

Dear Bill:

HE WHITE HOUSE WASHINGTON

090406 FB021 PB005-021 PP010-06

July 26, 1982

I hope you don't mind my using your first name. I just feel that way about the Donovans. I never lost faith for a moment but I think it's a shame that people who are willing to serve their country at great personal sacrifice have to be subjected to the kind of thing that was heaped upon your brother.

Give my best to that "life time" Republican and let me be early in wishing you both a happy anniversary.

Sincerely,

Range Reagan

Mr. William F. Donovan Apartment 55 843 Webster Hayward, California 94544

Bay Donerge also Wedding Connecto 920727

HARRANN FLE

To Mr. W. F. Downson 843 Welster # 55 Hoywood Baly.

Dear Bill

I hope you don't mind my wang your friet name.

I first feel That may about the Bonovane. I never last

faith for a moment but I think it is a share that feestle

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that was beauged upon your livetlar.

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. me dre early in wishing you lost a happy cominiony.

Simen RR

My Dear Mr. President-

I just wanted to write you a short thank you note, in appreciation of your loyalty to my brother Ray during his "trial by fire."

I'm sure support during the rough going was important to him and Cathy and the children.

Speaking of wives I would like to wish your Nancy a happy birthday.

My wife, Doris and I have something else in common with you and Nancy, for we were also married in 1952 and will celebrate our 30th on Oct. 4th. She is also the only lifetime registered Republican in the "Donovan Clan."

Thanks again Mr. President --

Gratefully and loyally

yours

Bill Donovan

W.F. Donovan

843 Webster #55

Hayward, Calif. 94544

July 6= 1982 my Dear M. Ereident thank you note, in appreciation of your loyality to my brother Bay during his trial by fire. Join sure support during the rough going was important to him and Cettly and the Children. Speaking of wina I mould hik to week your nancy a lappy birthday. My wife Dois and of have something elec also married in 1952 and will celebrate our 30th on Out 4th. Ih a dea the only lifetime regestered Bepublican in the Vonoran Thanks again mr Evendent -Gratefully and loyally Bill Voneran

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MEMORANDUM

THE WHITE HOUSE

WASHINGTON

July 19, 1982

091514 PD FG021 FG HOOIQ JL003 WE005

FOR:

EDWIN L. HARPER

FROM:

MICHAEL M. UHILADON

SUBJECT: OFCCP Regulations

Reference Number: 085261

I previously indicated my belief that the political market had already discounted the effect of the proposed changes. Although I have not discussed the matter with him in detail, Boyden Gray generally shares that view. It may therefore be useful if you were to talk directly to him.

Beyond that, you may want to ask DOL to prepare (a) a draft set of Q's and A's and (b) some sort of marketing plan in which they sell the positive features of what they're trying to do.

#### THE WHITE HOUSE

WASHINGTON

July 14, 1982

MEMORANDUM FOR MICHAEL UHLMANN

FROM:

ELEDWIN L. HARPER by ? Rock

SUBJECT:

Spin-On Crime Package

One thing you might consider as you develop the crime package is whether of not we can emphasize the fact that reductions in crime should be a special interest to the elderly.

#### OFFICE OF POLICY DEVELOPMENT

JECT: 8:00		Meetings	CE/COMMENT DUE BY: _		
	ACTION	FYI		ACTION	FYI
HARPER			DRUG POLICY		
- PORTER			TURNER		
BARR			D. LEONARD		
BAUER			OFFICE OF POLICY	INFORMA	TION
BOGGS			GRAY		
BRADLEY			HOPKINS		
CARLESON			PROPERTY REVIEW BOAT	RD 🗆	
DENEND			OTHER		
FAIRBANKS					
FERRARA					
GUNN					
<b>B. LEONARD</b>			with the state of		
MALOLEY					
MONTOYA					
SMITH					
UHLMANN	X				
<b>ADMINISTRATION</b>					. 🗖

(UHLMANN) ACTION

**OFCCP** 

ELH confirm accuracy of summary.

D.D. to circulate

Get comments to D.D.

Then discuss political issues.

7. cante Campliance

Edwin L. Harper

Piease return this tracking sheet with your response.

Assistant to the President for Policy Development (x6515)

Kalking point, re DONOVAN,

TLO02 TLO03 01

- o Not appropriate to comment on investigation (special #5000) prosecutor's) until report made public. (Or "until chance to review findings" if report is released by June PRO16 30th. Timing uncertain but may be out by Tuesday or Wednesday.)
- o But, Donovan did ask for the investigation and has said he welcomes it.
- o He continues to have my confidence.

HINCKLEY TRIAL

- o No comment on verdict; up to jury -- not RR -- to decide if guilty or not.
- o Have supported bill to revise law governing the insanity defense. Had supported as part of Thurmond's crime package in Senate before the verdict was in.

NOTE: Thurmond package endorsed by RR on May 26. One bill in it would reform the insanity plea. (It would not eliminate insanity defense on ground that accused did not know difference between right and wrong. But it would eliminate as another basis for the plea, question whether accused could "control his behavior" at time of crime. Also shifts burden on insanity issue from prosecutor to defense.

#### and DRUGS

- o Last week, RR announced plan to ensure much closer coordination among drug enforcement agencies of Federal government.
- o Established Drug Abuse Policy Office in White House to oversee effort.
- o RR intends major campaign against drug abuse.
- o Success in Florida by V.P.'s Task Force proves coordinated effort can succeed.

- o Five-pronged effort:
  - -- law enforcement -- stopping U.S. drug traffic, an \$80 billion a year illegal industry
  - -- international cooperation -- eliminate at the source
  - -- education -- to discourage use by young people
  - -- treatment -- public and private efforts
  - -- research -- expand knowledge of effects on health
- o First Lady's involvement and concern will continue; will travel, speak out, encourage the energetic workers she finds in so many cities and towns.
- o Both RR and NR believe progress can be made -- want to avoid fatalism of late 70s that problem was bound to grow and nothing we can do

THE WHITE HOUSE

WASHINGTON

July 22, 1982

092393 1140 F6021 IT043 C0126

Dear Ray:

Thanks very much for sending me a copy of <u>Bob Searby's June</u>
22 statement before the International Labor Organization

<u>Conference</u> expressing disappointment with the failure to
adopt a report critical of the Polish Government's crackdown
on Solidarity and the reasons why the United States voted
for the report.

The statement clearly reflects our strong principles on one of the critical issues before the conference. As you well know, in the years ahead we will need to work with others to protect the ILO's supervisory machinery or, as Bob's statement notes, "the conscience of the ILO."

Sincerely,

Will

William P. Clark

The Honorable Raymond J. Donovan
Secretary of Labor
U.S. Department of Labor
Washington, D.C. 20210

NSC 8205010

# National Security Council 47/ The White House

82 JUL 21 P5: 14

	SEQUENCE TO	HAS SEEN	ACTION
John Poindexter		#	
<b>Bud McFarlane</b>			
Jacque Hill	2 Y	-	
Judge Clark	9	V	A
John Poindexter			
Staff Secretary	4		D
Sit Room			
I-Information A-Ad	ction R-Retain (		
cc: VP Mees	e Baker De	eaver Other	
	COMMENTS	S	

#### **MEMORANDUM**

5010

092393

#### NATIONAL SECURITY COUNCIL

ACTION

July 21, 1982

MEMORANDUM FOR WILLIAM P. CLARK

FROM:

MICHAEL A. GUHIN '7

SIGNED

SUBJECT:

Response to Secretary Donovan Letter

At Tab I is a letter thanking Secretary Donovan for forwarding a copy of a statement by his Deputy Under Secretary for International Affairs, Bob Searby, before the International Labor Organization (Tab II). It expresses our dissatisfaction with the failure to adopt a report critical of the Polish Government's crackdown on the Polish labor movement.

#### RECOMMENDATION

That you sign the letter at Tab I.

Approve /

Disapprove

#### Attachments

Tab I Proposed response

II Secretary Donovan's letter

#### U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR WASHINGTON, D.C.

82 JUL 15 P ! : 81 JUL 12 1982

Honorable William P. Clark
Assistant to the President
for National Security Affairs
The White House
Washington, D.C. 20500

Dear Bill:

I thought you might enjoy reading a recent statement made by Deputy Under Secretary for International Affairs Robert Searby, which caused somewhat of a "stir" in the international community of the ILO.

Bob Searby was expressing the U.S. Government's dissatisfaction with the non-adoption of a report which was critical of the Polish Government's crackdown on their labor movement. The Soviets, by passing normal tactics of using other bloc countries, raised three "points of order" during Bob's speech. Of particular interest is his discussion of "sovereignty" on page 4 of his address. That particular thought on page 4 might be incorporated in a future Presidential address on foreign policy. Let me know what you think.

Best regards,

Raymond J. Donovan

Enclosure

STATEMENT BY
ROBERT W. SEARBY
U.S. GOVERNMENT DELEGATE
TO THE
68TH SESSION OF THE
INTERNATIONAL LABOR CONFERENCE
ON

THE COMMITTEE ON APPLICATION OF CONVENTIONS AND RECOMMENDATIONS

JUNE 22, 1982

THANK YOU, MR. PRESIDENT.

I WOULD LIKE TO TAKE THIS OPPORTUNITY TO EXPLAIN THAT THE UNITED STATES GOVERNMENT DELEGATES VOTED FOR ADOPTION OF THE REPORT OF THE COMMITTEE ON THE APPLICATION OF STANDARDS AS A DEMONSTRATION OF OUR CONTINUING SUPPORT FOR THE ILO'S SUPERVISORY MACHINERY.

THIS COMMITTEE HAS OFTEN BEEN CALLED THE "CONSCIENCE OF THE ILO." LIKE EACH OF OUR INDIVIDUAL CONSCIENCES, WE MIGHT TRY TO IGNORE IT, TO REPRESS IT, TO REFUTE IT. BUT WE CANNOT ESCAPE IT. IT HAUNTS US. IT REMINDS US WHAT IS OBJECTIVELY RIGHT AND OBJECTIVELY WRONG. LAST WEEK, WE ALL HEARD AND APPLAUDED POPE JOHN PAUL II WHEN HE TALKED TO US ABOUT A MORAL IMPERATIVE TO LIVE THE DIGNITY AND "SOLIDARITY

- 2 -

OF WORK," I DARE TO SAY THAT THE MAN WE ALL LISTENED TO WAS CHALLENGING EACH OF US -- NOT WITH ARMED DIVISIONS, SINCE HE COMMANDS NONE. HE WAS CHALLENGING US WITH A SPECIFIC, COM-PELLING MORAL PRINCIPLE. HE MUST SPEAK, AND EACH OF US SHOULD LISTEN. HE ADMONISHED US THAT, "THE RIGHT TO ASSOCIATE FREELY IS A FUNDAMENTAL RIGHT FOR ALL THOSE WHO ARE CONNECTED WITH THE WORLD OF WORK AND WHO CONSTITUTE THE WORK COMMUNITY. IT MEANS THAT NO WORKING MAN NEED BE EITHER ALONE OR ISOLATED: IT EXPRESSES THE SOLIDARITY OF ALL IN THE DEFENSE OF THE RIGHTS WHICH ARE RIGHTFULLY THEIRS AND FLOW FROM THE REQUIREMENTS OF THEIR WORK; IT AFFORDS A NORMAL CHANNEL FOR PARTICIPATING ACTIVELY IN THE PERFORMANCE OF WORK AND EVERYTHING RELATED TO IT, WHILE BEING GUIDED AT THE SAME TIME BY A CONCERN FOR THE COMMON GOOD." HE WAS SAYING TO EACH OF US, "WHY DO YOU COME TO GENEVA? WHAT DOES THE SOLIDARITY OF LABOR TRULY MEAN? WHAT BASIC PURPOSE DO WE SERVE AT THE INTERNATIONAL LABOR CONFERENCE?"

When we hear the CACR Report, the "conscience of the ILO," we see all those questions converge on one point — on the point of our individual conscience, on the point of the "conscience of the ILO" that makes it so distinct in the international community. Truly, it is difficult for each of us to live with — both as individuals and as nations in the great and diverse family of nation — states.

WE ALL KNOW THAT THE WORK OF THIS COMMITTEE IS OFTEN
CRITICIZED BY THOSE GOVERNMENTS WHICH COME UNDER ITS SCRUTINY.
WE HAVE SEEN THAT AGAIN TODAY.

But some of us find it curious that only one region -Eastern Europe -- seems incapable of tolerating the
Criticism of their violations of ILO human rights standards.
We note that only twice before -- in 1974 and 1977 -- did
the Conference fail to adopt the Committee's Report. In
Both years the Committee Report included specific criticism
of Eastern European violations. No similar protest was
Lodged in other years when only third world countries were
Involved.

Some of us also find it curious that those who have spoken most loudly about ILO non-interference in the affairs of sovereign governments — by which they mean that the ILO should ignore its supervisory responsibilities in the case of Poland — have themselves demanded active ILO involvement in cases concerning other countries.

ARE WE NOW SUPPOSED TO FORGET WHAT THEY SAID IN THE PAST? WHAT ARE WE TO THINK OF MR. PIMENOV'S DEMAND IN CASE No. 763 OF THE GOVERNING BODY'S COMMITTEE ON FREEDOM OF ASSOCIATION IN MARCH 1980? IS HIS STATEMENT THAT THE "ILO SHOULD UNEQUIVOCALLY CONDEMN WHAT WAS TAKING PLACE" IN THE COUNTRY WHICH WAS THE SUBJECT OF THAT CASE NO LONGER VALID?

What is the status of Mr. Timmer's statement relating to Case No. 823 at the May 1980 Governing Body? At that time he said that "When Freedom of Association was so blatantly denied, it was disappointing to see the Committee adopt such timid conclusions." He added that "the time had come for firmer action."

IN THE LAST FEW WEEKS, WE HAVE HEARD SEVERAL SPEAKERS RAISE THE QUESTION OF RIGHTS OF SOVEREIGNTY AS A BASIS OF REJECTING THE CACR REPORT. ALL OF US HAVE HEARD IT IN PLENARY AND IN THE CACR. WHAT IS THIS CLAIM TO SOVEREIGNTY THAT IS SO OFTEN REFERRED TO? I ASK THIS QUESTION AS A SPOKESMAN FOR THE FIRST NON-EUROPEAN NATION - STATE TO CLAIM ITS RIGHTS OF SOVEREIGNTY BY FORCE OF ARMS. UNDER INTERNATIONAL LAW AND AS A FACT OF HISTORY, SOVEREIGNTY IS NOT AN ABSOLUTE CLAIM. RATHER IT IS A CLAIM TO INDEPENDENT MEMBERSHIP IN THE UNIVERSAL COMMUNITY OF NATIONS, SOVEREIGNTY IS THE MIDDLE GROUND -- BETWEEN THOSE PEOPLE WHO ARE UNABLE TO DEFEND THEIR RIGHTS AND THOSE STATES WHO CLAIM A RIGHT OF OMNIPOTENCE, A RIGHT TO DO WHATEVER THEY CHOOSE TO THEIR OWN PEOPLE AND TO ALL OTHER PEOPLES -- DISREGARDING THE RIGHTS OF OTHER STATES. THE CLAIM OF SOVEREIGNTY INFERS BOTH RIGHTS AND OBLIGATIONS. IT INFERS THE ABILITY TO FULFILL INTERNATIONAL CONTRACTS AND AGREEMENTS. IT IMPLIES THE "VALUE OF YOUR WORD." WHEN YOU

Join the ILO, it means the will to try to fulfill the ILO's basic principles of freedom of association. No one interfers with another nation, especially developed and well-developed nations, when the ILO asks it to comply with conventions it has agreed to. Pacta Sunt Servanta -- pacts must be kept. That is the first basis of sovereignty. It is well time that someone remind those who use the argument precisely what it means in the international community.

My Government voted in support of the Committee's Report to express our firm and unwavering support for the ILO's basic principles of objectivity, impartiality, and due process. The failure of this Conference to adopt the Report does not weaken those principles in the slightest. All governments are bound by the same obligations with respect to freedom of association. And all governments — including those which have not ratified Convention 87 — are bound to cooperate with the ILO's complaint machinery on Freedom of Association — an obligation my government always has and always will fully comply with.

MR. PRESIDENT, I HAD NOT INTENDED TO MAKE THIS KIND OF STATEMENT. RATHER, I HAD PLANNED TO CONGRATULATE THOSE GOVERNMENTS WHICH HAD RESPONDED POSITIVELY TO THE ILO'S SUPERVISORY PROCEDURES. AND THERE ARE MANY SUCH GOVERNMENTS. TO THEM I EXTEND THE APPRECIATION AND MUTUAL RESPECT OF MY GOVERNMENT.

of today's vote I extend something different. A promise.

A promise that those of us who cherish freedom — and freedom of association is the most basic freedom of all — we will not be deterred. We will not be denied.

WE WILL CONTINUE TO ADHERE TO THE BASIC PRINCIPLES OF THE ILO AND STRIVE TO USE THE ILO'S MACHINERY TO THE UTMOST TO KEEP THE SPARK OF FREEDOM ALIVE -- ALIVE FOR THE WORKERS AND LEADERS OF SOLIDARITY IN POLAND, ALIVE FOR WORKERS IN ALL OUR COUNTRIES, FOR EACH OF US ON THIS CONFERENCE FLOOR TODAY.

THANK YOU, MR. PRESIDENT,

# UNCLASSIFIED Department of State

OUTGOING. Telegram

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TO USMISSION GENEVA IMMEDIATE

UNCLAS STATE 174454

PLEASE DELIVER TO SEARBY

E.O. 12065: N/A
TAGS: ILO CONFERENCE
SUBJECT: PERSONAL MESSAGE TO SEARBY FROM SECRETARY DONOVAN

REF: GENEVA 86547

I EXTEND MY WARMEST CONGRATULATIONS AND THANKS FOR YOUR OUTSTANDING WORK THROUGHOUT THE CONFERENCE. IN PARTICULAR I WAS IMMENSELY IMPRESSED WITH YOUR SPEECH TO THE PLENARY REPORTED IN REF CABLE, A COPY OF WHICH I AM SENDING TO THE PRESIDENT. I AM GRATEFUL FOR THE OUTSTANDING WAY IN WHICH YOU CARRIED THE FLAG, DURING A MOST DIFFICULT AND IMPORTANT CONFERENCE. YOU HAVE MY FULL SUPPORT. HAIG

NSC/S PROFILE UNCLASSIFIED

ID 8205010

RECEIVED 16 JUL 82 19

TO CLARK

FROM DONOVAN, R DOCDATE 12 JUL 82

KEYWORDS: ILO

POLAND

SEARBY, R

SPEECHES

CM

SUBJECT: SPEECH BY SEARBY RE ILO & POLAND

ACTION: PREPARE MEMO FOR CLARK DUE: 19 JUL 82 STATUS S FILES

FOR ACTION

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#### U.S. DEPARTMENT OF LABOR

OFFICE OF THE SECRETARY WASHINGTON, D.C. 20210

523-9862

8-26.82

TO

Sally Kelley Director Agency Liaison

FROM:

Ruth E. Morgenstern

Director

Executive Secretariat

Re

White House Referral - Direct Response

ID

Attached is a copy of the Department of Labor's response, with the Basic Correspondence and the White House Control Sheets.

#### **U.S. Department of Labor**

Office of Legislation and Intergovernmental Relations Washington, D.C. 20210

Reply to the Attention of:



August 23, 1982

Mr. W. Patrick Flack 2041 Bolt Drive Anderson, South Carolina 29621

Dear Mr. Flack:

Thank you for your letter of July 28 expressing interest in membership with Secretary of Labor Raymond J. Donovan's new task force within the Department of Labor.

Secretary Donovan announced the establishment of this permanent working group in a speech before the National Association of Government Labor Officials on July 27. Its purpose is to strenghten and improve communications between State Labor Commissioners and the Labor Department. This group will meet regularly to discuss the interests of the Commissioners and to get their input on a wide range of issues of mutual concern.

The Secretary is currently reviewing the qualifications of those individuals who have shown interest in membership with this group. However, I am sorry to inform you that there are no plans to include private citizens in this working group. Membership is limited to State Labor Commissioners and Department of Labor Officials.

Thank you again for your interest in this task force.

Sincerely,

Donald E. Shasteen

Deputy Under Secretary

for Legislation and

Intergovernmental Relations

#### THE WHITE HOUSE OFFICE

#### REFERRAL

AUGUST 10, 1982

TO: DEPARTMENT OF LABOR

ACTION REQUESTED:

DIRECT REPLY, FURNISH INFO COPY

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DESCRIPTION OF INCOMING:

ID:

092741

OFFICIAL CORRESPONDENCE PLEASE RETURN 10 NOCM S-2519

MEDIA: LETTER, DATED JULY 28, 1982

TO:

MICHAEL DEAVER

FROM:

MR. W. PATRICK FLACK 2041 BOLT DRIVE

ANDERSON SC 29621

SUBJECT: WOULD LIKE TO BE CONSIDERED AS A MEMBER OF THE PERMANENT GROUP TO IMPROVE COORDINATION OF LABOR RELATED PROGRAMS BETWEEN THE REAGAN

ADMINISTRATION AND THE STATES

PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN TAKEN WITHIN 9 WORKING DAYS OF RECEIPT, PLEASE TELEPHONE THE UNDERSIGNED AT 456-7486.

RETURN CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE (OR DRAFT) TO: AGENCY LIAISON, ROOM 91, THE WHITE HOUSE

> SALLY KELLEY DIRECTOR OF AGENCY LIAISON PRESIDENTIAL CORRESPONDENCE

MR. W. PATRICK FLACK
2041 Bolt Drive
Anderson, South Carolina 29621
Telephone: (803) 224-1247 or 224-5692

July 28, 1982

Mr. Michael K. Deaver White House Deputy Chief of Staff THE WHITE HOUSE Washington, D. C.

Dear Mr. Deaver:

I would like to be considered as a member of the permanent group to improve coordination of Labor related programs between the Reagan Administration and the States. It is my understanding that the Secretary of Labor is establishing this permanent group.

Sincerely yours

W. Patrick Flack

WPF/1mj

cc: Sen. Strom Thurmond