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WITHDRAWAL SHEET
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FOIA ID: 97-098/3 Phelan
Date: 03/02/00

File Folder: Subject File: [September 1984 Tabs 20/31; Second Series Tabs 1-6] OA1~~2682~~ 12688

DOCUMENT NO. & TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. Memo	David Waller to Richard Hauser re: Mark Nathanson. 2p.	9/25/84	~~P6, F6~~ B6
2. memo	Waller to Sally Kelley re: David P. Brown. 1p.	9/26/84	~~P6, F6~~ B6 CC13 1/3/01

RESTRICTIONS

P-1 National security classified information [(a)(1) of the PRA].
P-2 Relating to appointment to Federal office [(a)(2) of the PRA].
P-3 Release would violate a Federal statute [(a)(3) of the PRA].
P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA].
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA].
P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA].

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

F-1 National security classified information [(b)(1) of the FOIA].
F-2 Release could disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA].
F-3 Release would violate a Federal statute [(b)(3) of the FOIA].
F-4 Release would disclose trade secrets or confidential commercial or financial information [(b)(4) of the FOIA].
F-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA].
F-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA].
F-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA].
F-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].

WITHDRAWAL SHEET
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Date: 03/02/00

File Folder: Subject File: [September 1984 Tabs 20/31; Second Series Tabs 1-6] OA12682

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THE WHITE HOUSE

WASHINGTON

September 20, 1984

Dear Dr. Garcia:

Your letter to the President regarding the case of National Association of Radiation Survivors, et al. v. Walters, (N.D. California, Civil Action No. C83-1861-MHP), has just been referred to me for response. As you may know, we had previously received an inquiry regarding this case from Eli Sandoval, Chairman of American GI Forum of the U.S., Department of California.

As I indicated to Mr. Sandoval, this lawsuit challenges the constitutionality of an act of Congress. Except in rare circumstances, the Department of Justice is charged with the responsibility of defending statutes from constitutional attack.

On June 20, 1984, the government filed a protective Notice of Appeal to the Supreme Court, and on July 20, 1984, the District Court granted defendants a partial stay of the injunction pending resolution of the defendants' direct appeal to the Supreme Court. The Solicitor General is presently considering whether or not to pursue the appeal. Since a jurisdictional statement is due in the Supreme Court by October 1, 1984, a decision from the Solicitor General may be expected by then.

I have forwarded copies of both your letter and Mr. Sandoval's to the Solicitor General for his information and for whatever action, if any, he deems appropriate.

Thank you for sharing with us your views on this matter.

Sincerely,

D B Waller

David B. Waller
Senior Associate Counsel
to the President

Hector P. Garcia, M.D.
American GI Forum of the U.S.
1315 Bright Street
Corpus Christi, Texas 78405

THE WHITE HOUSE

WASHINGTON

September 18, 1984

Dear Mr. Sandoval:

Your letter to James Baker regarding the "federal lawsuit in San Francisco that seeks to declare the Veterans Administration's $10.00 attorney fee limit unconstitutional" has been referred to me for response. As you are probably aware, on June 12, 1984, the district court in that suit, National Association of Radiation Survivors, et al. v. Walters, (N.D. California, Civil Action No. C83-1861-MHP), preliminarily enjoined the operation of the attorney fee statutes in question, holding that the plaintiffs had made an adequate showing of probability of success on the merits of their claim that the $10 fee limitation violates veterans' constitutional rights.

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Sincerely,

David B. Waller
Senior Associate Counsel
to the President

Mr. Eli Sandoval
State Chairman, Department of California
American GI Forum of the U.S.
2545 Crest Line Terrace
Alhambra, CA 91803

Mr. Eli Sandoval
State Chairman, Department of California
American G.I. Forum of the U.S.
2545 Crest Line Terrace
Alhambra, California 91803

Dear Mr. Sandoval:

Your letter of June 5, 1984 regarding the "federal lawsuit in San Francisco that seeks to declare the Veterans Administration's $10.00 attorney fee limit unconstitutional" has been referred to me for response. As you are probably aware, on June 12, 1984, the district court in that suit, National Association of Radiation Survivors, et al. v. Walters, (N.D. California, Civil Action No. C83-1861-MHP), preliminarily enjoined the operation of the attorney fee statutes in question, holding that the plaintiffs had made an adequate showing of probability of success on the merits of their claim that the $10 fee limitation violates veterans' constitutional rights.

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Sincerely yours,

David B. Waller
Senior Associate Counsel
to the President

U.S. Department of Justice
Civil Division

Office of the Assistant Attorney General

Washington, D.C. 20530

SEP 14 1984

TO: David B. Waller
Senior Associate Counsel to the President

FROM: Richard K. Willard
Acting Assistant Attorney General
Civil Division

SUBJECT: National Association of Radiation Survivors, et al. v. Walters (N.D. Calif., Civ. No. C83-1861-MHP)

I suggest that the attached suggested response be made to the June 5, 1984 letter from Eli Sandoval, California State Chairman of the American G.I. Forum, regarding the above-referenced action challenging the Veterans Administration's $10 attorney fee limitation.

If I can be of further assistance, do not hesitate to contact me.

Attachment

236963 CU

JN 002

C O P Y WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

from ORM

☐ O - OUTGOING
☐ H - INTERNAL
☐ I - INCOMING
Date Correspondence Received (YY/MM/DD) / /

Name of Correspondent: Eli Sandoval

Dave - direct

☐ MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Reagan Administration May Be Unknowingly But Naturally Harming Vietnam Veterans in Agent Orange Cases

ROUTE TO: Office/Agency (Staff Name)	ACTION: Action Code	Tracking Date YY/MM/DD	DISPOSITION: Type of Response	Code	Completion Date YY/MM/DD
CWHolland	ORIGINATOR	84/06/14		C	84/06/18
	Referral Note:				
CWAT 14	R	84/06/15		C	84/06/18
	Referral Note:	DBW memo to Richard Willard			
		/ /			/ /
	Referral Note:				
		/ /			/ /
	Referral Note:				
		/ /			/ /
	Referral Note:				

ACTION CODES:
A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet to be used as Enclosure
I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:
A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:
Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments:

Keep this worksheet attached to the original incoming letter.
Send all routing updates to Central Reference (Room 75, OEOB).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

5/81

THE WHITE HOUSE

WASHINGTON

June 18, 1984

MEMORANDUM FOR RICHARD WILLARD
ACTING ASSISTANT ATTORNEY GENERAL
CIVIL DIVISION

FROM: DAVID B. WALLER
SENIOR ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Agent Orange Litigation

The attached copy of a June 5, 1984 letter to James A. Baker III from Eli Sandoval, California State Chairman of the American G.I. Forum for the United States asks questions regarding the "Federal lawsuit in San Francisco that seeks to declare the Veterans Administration's $10.00 attorney fee limit unconstitutional".

Would you please provide, at your earliest convenience, a suggested response to Mr. Sandoval's letter.

Date: 6/13/84

TO: FRED FIELDING

FROM: *KATHERINE CAMALIER*
Staff Assistant to
James A. Baker, III

☐ Information

☒ Action

Please respond on behalf of Jim Baker as you deem appropriate. Note: they have requested a quick turnaround.

AMERICAN GI FORUM OF THE U.S.

Department of California

2545 Crest Line Terrace • Alhambra, CA. 91803 • 213-581-3670

Chairman
ELI SANDOVAL

1st Vice Chairman
GILBERT GUEVARA

2nd Vice Chairman
FRED COCA

Secretary
RAMON DIAZ

Treasurer
TINO CANTU

Sargeant-at-arms
PAT VELASQUEZ

Chaplain
RAYMOND CRUZ

Executive Secretary
LARRY AMAYA

Parliamentarian
JERRY DOMINGUEZ

Historian
LEONARD VELASQUEZ

Chairperson Woman's Forum
TRINIDAD MARROQUIN

Chairperson Youth Forum
NORA CAMPOS

June 5, 1984

236963

Personal Immediate Attention

Mr. James A. Baker, III
The White House
Office of the Chief of Staff
and Assistant to the President
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Re: Reagan Administration May Be Unknowingly But Unfairly Harming Vietnam Veterans in Agent Orange Cases

Dear Mr. Baker:

The American G.I. Forum is a party to a federal lawsuit in San Francisco that seeks to declare the Veterans Administration's $10 attorneys fee limit unconstitutional. This "no attorneys allowed" provision has caused a denial of benefits to thousands of Vietnam veterans who suffered Agent Orange injuries.

The successful resolution of our case could affect the $180 million Agent Orange settlement against seven chemical companies. (Please see enclosed Oakland Tribune article on this.)

Our questions to you and the President are:

"Why should the Reagan Administration be opposing veterans seeking to use the free market to hire attorneys to pursue legitimate claims before the Veterans Administration?"

"If the Reagan Administration loses the S.F. federal court case involving the $10 attorneys fee limit, will it agree not to appeal?"

(Continued)

As the California Chairman of the American G.I. Forum, this state's largest Hispanic veterans organization, I believe that the Reagan Administration can win many points with veterans if it takes a positive attitude toward treating veterans as grown-ups capable of deciding whether or not they wish to hire attorneys to sue for Agent Orange injuries.

Our membership would greatly appreciate personally hearing from you within the next ten days.

Sincerely,

Eli Sandoval Jr

Eli Sandoval
State Chairman
Department of California

Enclosure

THE OAKLAND TRIBUNE
May 31, 1984, page B-5

Agent Orange case isn't over

By Gordon P. Erspamer and Robert Gnaizda

Outside a Brooklyn courthouse, a battery of lawyers recently announced the settlement of the largest class-action suit ever filed. They said that $180 million might be provided to Vietnam veterans who suffered injuries from Agent Orange. What was not discussed is that a lawsuit pending 3,000 miles away in San Francisco may affect approval of this settlement.

The Brooklyn settlement, still to be approved by the trial judge, appears to bring to an end nearly five years of intense and costly litigation. The veterans' attorneys have expended nearly $3 million in costs alone, not counting their time which may be worth $10 million. But in the San Francisco suit, the Reagan administration contends that veterans injured by Agent Orange may not pay lawyers who sue the government more than $10 per case, or the cost of a cheap bottle of scotch.

The settlement will require the seven prime manufacturers of the defoliant Agent Orange, including Monsanto and Dow Chemical, to pay 15,000 Vietnam veterans an average of $12,000 each. This is a rather modest sum considering that juries routinely reach million-dollar verdicts for less serious injuries.

Because the settlement amount per veteran is so modest, some veterans have contended that the settlement is inadequate to compensate veterans and their families for damages to their health, including nerve injuries, birth defects and cancer.

While the magnitude of the settlement attracted attention to the chemical manufacturers' responsibility, thousands of similar Agent Orange disability claims remain pending before the Veterans Administration. The V.A. has so far denied each and every Agent Orange disability claim. Unlike the manufacturers, who by their settlment have implicity admitted the dangers of Agent Orange, the federal government has steadfastly denied that there is any link between Agent Orange and the unique health problems suffered by veterans and their families.

Why has the government been so successful in denying responsibility, while billion-dollar companies with obviously capable counsel have failed? The answer is simple. The government has deviously devised the equivalent of a bowling game without a ball by prohibiting veterans from hiring attorneys. Specifically, the Reagan administration has taken advantage of an antiquated, Civil War statute that prohibits any veteran from paying his or her attorney more than $10 per case if he or she sues the Veterans Administration. Not surprisingly, competent attorneys have shown little enthusiasm for litigating against the Veterans Administration since each case could take up to 1,000 hours of attorney time and provide a fee of a penny an hour.

The Veterans Administration contends that in Agent Orange cases, as in other V.A. cases, the issues are simple and no attorneys are necessary. It, however, has used more than 800 attorneys in its efforts to defeat veterans' claims, and its legal staff is larger by half than the largest private law firm in America.

To ensure that veterans' claims fail, the Veterans Administration is able to seek criminal penalties of up to two years of hard labor for lawyers who violate the $10 limit.

This month, a San Francisco federal district court is struggling with a difficult legal but simple moral question. Is the $10 attorney's fee limit, in an era of million-dollar fees, unconstitutional? A decision is expected at any time. Should the court declare the $10 limit unconstitutional (and should the Reagan administration not appeal), thousands of veterans will be able to hire competent attorneys who will undoubtedly win a number of Agent Orange cases against the government.

The result would be two large settlement pots for veterans which might reduce veteran opposition to the Brooklyn settlement. Should veterans be unsuccessful in throwing out the $10 fee limit, however, a substantial possibility exists that the largest class-action suit ever filed will not be settled.

It is particularly ironic this Memorial Day that the federal government, which knowingly purchased and spread 12 million gallons of Agent Orange throughout the Vietnamese countryside, seeks to avoid responsibility to its soldiers and to do so by using highly paid lawyers to battle lawyerless and often severely disabled veterans.

Why, you may ask, should private enterprise be forced to accept responsibility for these injuries, and the military, which caused the problem, be free from responsibility? It is a question an increasing number of veterans may be asking the president during this election year.

After the Lebanon terrorist bombing, the president, in his role as commander-in-chief, took full responsibility for the incompetence of subordinates. Similar bold leadership by the president may be necessary if the unsung heroes of our last war are to be decently treated.

Gordon P. Erspamer of Morrison & Foerster and Robert L. Gnaizda of Public Advocates represent veterans' organizations in the San Francisco federal court suit seeking to end the $10 fee limitation.

THE WHITE HOUSE

WASHINGTON

September 20, 1984

MEMORANDUM FOR REX E. LEE
SOLICITOR GENERAL

FROM: DAVID B. WALLER
SENIOR ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: National Association of Radiation Survivors, et al. v. Walters, N.D. California, CA No. C83-1861-MHP

Attached for your information and whatever action, if any, you deem appropriate, are two letters we have received from Eli Sandoval and Dr. Hector Garcia of the American GI Forum of the U.S., regarding the above-referenced action. We have acknowledged their letters and have notified Dr. Garcia that we were providing you with copies.

THE WHITE HOUSE

WASHINGTON

September 20, 1984

Dear Mr. Wheat:

Your August 28, 1984 letter regarding an inquiry from one of your constituents, Mr. Gordon Berg, who requested certain information concerning the President's taxes, has been referred to me for further response.

You indicated that Mr. Berg is interested in knowing whether the President ever paid income taxes on the sale of "his property in Santa Monica, California." The Reagans have never owned any property in Santa Monica, but did, in 1982, sell their residence located in Pacific Palisades, California. Assuming that this is in fact the property to which Mr. Berg refers, I have attached for your transmittal to him a copy of the Reagans' 1982 federal income tax return which reflects that sale and the taxes paid on the proceeds.

Thank you for bringing this matter to our attention and please feel free to contact me if I can be of any further assistance.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

The Honorable Alan Wheat
U.S. House of Representatives
Washington, D. C. 20515

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on

THE WHITE HOUSE

WASHINGTON

September 20, 1984

FOR: FRED F. FIELDING

FROM: DAVID B. WALLER

SUBJECT: Request for Information Concerning Taxes Paid on Proceeds of Sale of the Reagans' Residence

The attached letter from Congressman Alan Wheat (Tab A) requests assistance in responding to a constituent inquiry he received regarding income taxes on the sale of the President's "property in Santa Monica, California."

I have confirmed with Roy Miller's office that the Reagans have never owned property in Santa Monica. I assume, therefore, that the constituent was referring to the Reagans' residence in Pacific Palisades which, as you know, was sold in 1982.

Attached for your review and signature is a letter to Wheat advising him of the above, and providing a copy of the President's 1982 Federal income tax return, which reflects the sale of the residence, for Wheat's transmittal to his constituent (Tab B).

THE WHITE HOUSE

WASHINGTON

September 20, 1984

Dear Ms. Keas:

Thank you for your September 9, 1984 letter to James Baker which he has referred to this office for response.

You correctly state that for the tax year 1982 President and Mrs. Reagan paid the IRS a balance due; you ask whether they were fined for late payment.

No late payment fine was imposed, nor would one have been appropriate, because the estimated taxes and withholding paid by the Reagans for tax year 1982 exceeded the tax liability incurred and paid by them for the prior tax year. Under those circumstances, a late payment penalty is not appropriate.

I hope and trust that this information is responsive to your question. Thank you for your letter.

Sincerely,

David B. Waller
Senior Associate Counsel
to the President

Ms. Mary E. Keas
1420 Abingdon Drive
Alexandria, VA 22314

THE WHITE HOUSE

WASHINGTON

September 21, 1984

FOR: FRED F. FIELDING

FROM: DAVID B. WALLER

SUBJECT: Travel Authorization in Response to Subpoenas

Ed Wilson asked that we look at the attached Travel Voucher submitted to his office for payment. The voucher concerns travel expenses incurred by Lue Culbreath of the Correspondence Office in response to a request she received to testify on behalf of the government in Nashville, Tennessee on September 4, 1984.

I had not previously had this matter brought to my attention, and determined that neither had anyone else in our office. I, therefore, called the Correspondence Office to get the details. I was advised by Loesje Edwards, in Anne Higgins' absence, that Ms. Culbreath had received from the U.S. Attorney in Nashville a letter in lieu of a subpoena requesting her appearance. Loesje advised that the underlying case concerned a letter threatening the President that was received in the Correspondence Office.

I advised Loesje that any subpoenas received by their staff should be coordinated through this office. I indicated that in some cases, after exploring the facts surrounding a subpoena, we find justifiable reasons which obviate the need for a personal appearance, or permit something short of it, i.e., an affidavit. She agreed to remind Anne and their staff.

I notified Ed of my conversation with Loesje and he indicated that his office may consider requesting our approval prior to authorizating travel in response to subpoenas. I would favor such a procedure as a good coordinating check and possible cost saving measure. If you concur, I will so advise Ed.

THE WHITE HOUSE

WASHINGTON

September 21, 1984

MEMORANDUM FOR J. PAUL MCGRATH
ASSISTANT ATTORNEY GENERAL
ANTITRUST DIVISION

FROM: DAVID B. WALLER
SENIOR ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Petition to the United States Requesting Intervention in Application of United Telespectrum before the Public Utilities Commission of Ohio, Case No. 84-651-RC-ACE

Attached for whatever action, if any, you deem appropriate is a "Petition to the United States of America Requesting Intervention in the Above Captioned Matter, as the Franchise Granted to United, Etc. by the Public Utilities Commission of Ohio, Illegally Restrains Interstate Commerce," which was received at the White House, via Federal Express, on September 17, 1984.

Although bearing a case number, this "Petition" does not appear to have been filed in any court, but rather is "Before the United States of America and The Public Utilities Commission of Ohio."

Thank you for your assistance.

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THE WHITE HOUSE

WASHINGTON

September 21, 1984

FOR: JAMES A. COYNE

FROM: DAVID B. WALLER

SUBJECT: Proposed Fire Safety Volunteer Book Markers

As requested, we have reviewed the letter and attachments your office has received from J. Raymond White, Director of Marketing and Communications, the Boys and Girls Clubs of Greater Washington, which proposes their development, in conjunction with FEMA, of a Fire Safety Volunteer Book Marker. As you know, the bookmarker is intended to spread the message of fire safety and enlist individuals to become fire safety volunteers in their communities. White indicates that funding for the bookmarker has been provided by the National Capital Optimist Club, and that no federal money will be required.

White requests from the White House "a letter of endorsement and the signature of the President." He indicates that the signature will be used on the obverse side of the bookmark under the following message:

> Each year more than 6,000 Americans lose their lives to fire. Prevention of these disasters is a national priority, a community necessity and an individual responsibility. Through your personal commitment to fire safety and the education of others we can relieve the pain and suffering caused by this national tragedy. I hope that you will join with the Federal Emergency Management Agency, your local fire department and others in your community to become a fire safety volunteer. We need your help to make a fire safe America.

White also requests permission to place the Presidential seal immediately above the message.

We have no objection to use of the Presidential seal or the President's signature in the manner shown on the mock-up, nor to the proposed Presidential message. Further, assuming the requested Presidential "letter of endorsement" is of a similar tone, we anticipate no problem in approving it, but will, of course, want to review it prior to approval.

Thank you for bringing this matter to our attention.

THE WHITE HOUSE

WASHINGTON

September 24, 1984

FOR: FRED F. FIELDING

FROM: DAVID B. WALLER

SUBJECT: Enrolled Bill S. 1538 - Drug Price Competition and Patent Term Restoration Act of 1984

The attached Staffing Memorandum seeks, by 9:00 a.m. today, your comments on the referenced bill.

This bill, sponsored by Senator Thurmond, accomplishes three aims. Title I streamlines the regulatory approval procedure for generic copies of drugs once the brand name patents expire. Title II promotes the research and development of new drugs by extending the patent protection for brand name drugs by five years. Finally, Title III requires that both foreign and domestic textile and wool products be labeled to identify the country of origin.

The referenced bill passed the House by a vote of 362-0 and the Senate by voice vote. OMB, HHS, Commerce, Justice, State and the Office of Consumer Affairs recommend approval. Treasury has no objection, and the U.S. Trade Representative has no objection to Title III, but deferred on Titles I and II.

I find no basis for legal objection, and have attached for your recommended use a memorandum so advising Dick Darman.

THE WHITE HOUSE

WASHINGTON

September 24, 1984

FOR: FRED F. FIELDING

FROM: DAVID B. WALLER

SUBJECT: H.J. Res. 545 - Emergency Medicine Week

The attached Staffing Memorandum seeks, by noon today, your comments on the referenced enrolled joint resolution.

This resolution, sponsored by Rep. Vandergriff, designates the week of September 16 through September 22, 1984, as "Emergency Medicine Week," and requests the President to issue a proclamation calling upon the American people to observe this week with appropriate ceremonies and activities. The resolution recognizes the importance of and improvements in emergency medical services. It passed both Houses by voice vote. Both OMB and HHS recommend approval.

I find no basis for legal objection, and have attached for your recommended use a memorandum so advising Dick Darman.

THE WHITE HOUSE

WASHINGTON

September 24, 1984

FOR: FRED F. FIELDING

FROM: DAVID B. WALLER

SUBJECT: Draft Proclamation: World War I Aces and Aviators Day

The attached draft proclamation designating September 21, 1984 as "World War I Aces and Aviators Day" has been submitted for your review and comment by noon today.

This proclamation commends the American aces and aviators of World War I, and calls upon the American people to observe this day with appropriate programs and activities.

I find no basis for legal objection, and have attached for your recommended use a memorandum so advising Anne Higgins. The memorandum also calls to Anne's attention one typographical error.

THE WHITE HOUSE

WASHINGTON

September 24, 1984

FOR: FRED F. FIELDING

FROM: DAVID B. WALLER

SUBJECT: Enrolled Resolution S.J. Res. 333 - World War I Aces and Aviators Day

The attached Staffing Memorandum seeks, by noon today, your comments on the referenced enrolled joint resolution.

This resolution, sponsored by Senator Helms, designates September 21, 1984 as "World War I Aces and Aviators Day." It passed both Houses by a voice vote, and has the approval of OMB and the Department of Defense.

I find no basis for legal objection, and have attached for your recommended use a memorandum so advising Dick Darman.

THE WHITE HOUSE

WASHINGTON

September 24, 1984

FOR: FRED F. FIELDING

FROM: DAVID B. WALLER

SUBJECT: HUD Request to Increase Public Housing Borrowing Limitation

The attached Staffing Memorandum seeks, by 4:00 p.m. today, your comments on the referenced draft letter.

This letter, if signed by the President as recommended by OMB, will increase from $1.5 billion to $3.75 billion the amount Secretary Pierce is authorized to borrow from the Treasury on behalf of HUD's Low Rent Public Housing Loan Fund. Formerly, HUD encouraged local authorities to borrow at the lower rates available in the short term tax-exempt market, and HUD would commit to pay off the borrowing over a period of 20-40 years. Enactment of the Deficit Reduction Act of 1984 (P.L. 98-369), however, caused financial markets to question the tax exempt status of public housing notes. Consequently, HUD must make direct Federal short-term loans to cover the notes coming due in October and possibly November. These outlays can only be made by borrowing more than $1.5 billion from the Treasury, and thus Presidential authorization is required pursuant to Section 4(b) of the U.S. Housing Act of 1937, as amended.

I find no basis for legal objection, and have attached for your use a memorandum so advising Dick Darman.

THE WHITE HOUSE

WASHINGTON

September 21, 1984

FOR: FRED F. FIELDING

FROM: DAVID B. WALLER

SUBJECT: Remarks: The Timken Company, Faircrest Steel Plant, Canton, Ohio

The attached Staffing Memorandum seeks, by 9:00 a.m. September 24, 1984, any edits you might have to the referenced Presidential remarks.

The remarks recognize this new steel mill and the history of the Timken Company as examples of America's entrepreneurial spirit and continuing commitment to economic growth and prosperity.

I find no legal basis for objection, and have attached for your use a memorandum so advising Ben Elliott.

THE WHITE HOUSE

WASHINGTON

September 21, 1984

FOR: FRED F. FIELDING

FROM: DAVID B. WALLER

SUBJECT: Enrolled Bill S. 1546 - Deepwater Port Act Amendments of 1984

The attached Staffing Memorandum requests, by C.O.B. today, your comments regarding the referenced enrolled bill.

The Deepwater Port Act of 1974 ("the Act") was originally enacted to provide licensing and federal regulation of deepwater ports constructed to service an anticipated increased flow of petroleum products. The general purpose of the instant bill, sponsored by Senators Johnston and Long of Louisiana, is to amend the Act to make deepwater ports more competitively viable under changed economic and oil supply conditions. It endeavors to accomplish that end by simplifying the licensing process, deregulating rates where effective competition exists at deepwater ports, eliminating a two-cent-per-barrel fee for an oil spill clean-up fund so long as the fund's balance exceeds $4 million, and allowing foreign vessels admittance to deepwater ports if their nations have either signed a bilateral agreement recognizing U.S. jurisdiction or do not object to notification that the U.S. intends to exercise jurisdiction over foreign vessels using our deepwater facilities.

The enrolled bill passed both Houses by voice vote. OMB, DOT, Justice and Energy recommend approval. Defense, State, Treasury, the FTC and the EPA have no objection.

I find no basis for legal objection, and have attached for your recommended use a memorandum so advising Dick Darman.

THE WHITE HOUSE

WASHINGTON

September 24, 1984

MEMORANDUM FOR RICHARD K. WILLARD
ACTING ASSISTANT ATTORNEY GENERAL
CIVIL DIVISION

FROM: DAVID B. WALLER
SENIOR ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Helen Richardson v. Ronald Reagan, U.S.D.C. for the District of Columbia, CA No. 84-2635

Attached for handling by your office is a copy of plaintiff's Opposition to Motion to Dismiss filed in the above-referenced action and received at the White House, via certified mail, on September 10, 1984.

Unless you feel otherwise, it does not appear necessary that this office participate further in the defense of this matter. If any questions arise, however, please have the assigned attorney contact me at 456-2674.

Thank you for your assistance.

THE WHITE HOUSE

WASHINGTON

September 25, 1984

FOR: ANNE HIGGINS

FROM: DAVID B. WALLER

SUBJECT: United States v. Larry Ennis, U.S.D.C. for the Middle District of Alabama

Lily Bell of your office forwarded to us the attached subpoena received by Mr. Stephen Porcelli commanding his appearance to testify at the trial in the captioned action on October 1, 1984 in Montgomery, Alabama.

In an effort to confirm the necessity of Mr. Porcelli's appearance in this case, I contacted Assistant U.S. Attorney Charles Niven, the Federal prosecutor. He advised that the case concerns a threat letter to the President allegedly written and sent by the defendant. Mr. Porcelli's testimony concerning receipt of the letter in the Mail Room will be necessary to prove the case.

I left my number with Mr. Niven and requested that he contact me immediately if the circumstances change in any manner which obviate the need for Mr. Porcelli's presence. Should that happen, I will contact you immediately. Otherwise, however, Mr. Porcelli should plan to appear at the designated time and place.

Thank you for referring this matter to us.

cc: D. Edward Wilson

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THE WHITE HOUSE

WASHINGTON

September 25, 1984

Dear Ms. King:

Your August 28, 1984 letter to B. Oglesby regarding a videotape of an interview with Mr. and Mrs. John Hinckley, Sr. which Dr. Jean Carlin of the University of Oklahoma indicates she loaned to the White House, has been referred to me for response.

Our efforts to locate the videotape have, to date, been unsuccessful. We would appreciate it if you could provide us with the name of the individual at the White House to whom the tape was presented, or the specific office with which Dr. Carlin might have corresponded regarding the tape.

We regret our inability to locate the tape, but will be happy to resume our search once provided with the above information.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Ms. Mona King
Staff Assistant to
Congressman Mickey Edwards
U.S. House of Representatives
Washington, D. C. 20515

FFF:DBW:kl
FFFielding
DBWaller
Subject
Chron

THE WHITE HOUSE

WASHINGTON

September 25, 1984

FOR: FRED F. FIELDING

FROM: DAVID B. WALLER

SUBJECT: Videotape of Interview with Mr. and Mrs. John Hinckley

In her attached August 28, 1984 letter (Tab A), Mona King, Staff Assistant to Congressman Mickey Edwards, requests that we locate and return to Dr. Jean Carlin of the University of Oklahoma a videotape of an interview with Mr. and Mrs. John Hinckley which she "loaned . . . for the President's viewing."

We have checked with Central Files, the Gift Unit, Media Relations, WHCA and David Fischer, and can find no record of such a videotape. Accordingly, attached for your use is a letter to Ms. King requesting that she provide us with more specific information (Tab B).

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THE WHITE HOUSE

WASHINGTON

September 26, 1984

MEMORANDUM FOR KATHY RATTE JAFFKE
DIRECTOR, CONGRESSIONAL CORRESPONDENCE
LEGISLATIVE AFFAIRS

FROM: FRED F. FIELDING Orig. signed by FFF
COUNSEL TO THE PRESIDENT

SUBJECT: President's Health Care

As requested, this office has reviewed your draft letter to Senator Humphrey.

We have discussed the draft with both the Office of the General Counsel, Department of Defense, and with Dan Ruge. Subject to the minor changes made in the attached version of the draft, we have no legal objection to it.

Thank you for referring this matter to us.

FFF:DBW:kl
FFFielding
DBWaller
Subject
Chron

THE WHITE HOUSE

WASHINGTON

September 27, 1984

Dear Senator Humphrey:

This is in further response to your inquiry, made on behalf of your constituent, regarding the President's health care.

As Commander-in-Chief, the President is entitled to health care in military hospitals. Depending on the particular circumstances, the President may be billed and does pay for some of the services rendered at those hospitals. In other instances, claims are filed with the President's insurance company. In addition, the White House Medical Unit, itself a military medical facility, has available some medicine which can be dispensed to the President.

I hope this general information proves helpful to you in responding to your constituent.

With best wishes,

Sincerely,

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

The Honorable Gordon Humphrey
United States Senate
Washington, D. C. 20510

THE WHITE HOUSE

WASHINGTON

September 26, 1984

FOR: FRED F. FIELDING

FROM: DAVID B. WALLER

SUBJECT: President's Health Care

The attached memorandum from Kathy Ratte Jaffke of the Congressional Affairs Office (Tab A) seeks your comments on her draft of a response from B. Oglesby to Senator Humphrey regarding a constituent's inquiry into the funding of the President's health care (Tab B). Kathy indicates in her memorandum that she prepared the draft based on information given to her telephonically by Dan Ruge.

To ensure the accuracy of the general statement in the draft that "As Commander-in-Chief the President is entitled to health care in military hospitals," we contacted the General Counsel's Office at DOD. We were advised that military medical care for the President is authorized pursuant to P.L. 98-212, 97 Stat. 1447 (Sec. 735), which grants such care to personnel entitled thereto by "regulation." The specific regulations of the Army, Navy and Air Force (A.R. 40-3 (Army), Bureau of Medical Instruction 63020.31(a)(Navy), and Air Force 168-6), in turn, empower their Secretaries to designate the President and others as qualifying for medical care.

I also discussed with Dr. Ruge the remainder of the draft, and based on his comments have made minor changes. The draft, you will see, remains very non-specific.

I have no legal objection to the letter as modified, and have attached for your recommended use a memorandum so advising Kathy Ratte Jaffke (Tab C).

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THIS FORM MARKS THE FILE LOCATION OF ITEM NUMBER 2 LISTED ON THE WITHDRAWAL SHEET AT THE FRONT OF THIS FOLDER.

THE WHITE HOUSE

WASHINGTON

September 27, 1984

FOR: FRED F. FIELDING

FROM: DAVID B. WALLER

SUBJECT: Enrolled Bill S. 277 - Relief of Marlon Dolon Opelt

The attached memorandum seeks, by 3:00 p.m. today, your comments on the referenced enrolled bill.

The bill, sponsored by Senator Proxmire, would grant six-year old Opelt permanent resident status. A native and citizen of the Philippines, Opelt was adopted by his Aunt and Uncle, both United States citizens, with the consent of his natural parents who could not support him. He is ineligible for a visa because his natural parents are living and he has not been abandoned. S. 277 classifies Opelt as a child pursuant to § 101(b)(1)(F) of the Immigration and Nationality Act and thereby an immediate relative eligible for admission under § 201(b). In addition, S. 277 precludes Opelt's siblings or parents from gaining any right, privilege or status under the immigration laws by reason of this legislation. The bill passed both Houses by voice vote, and has the approval of OMB and the INS. State filed no objection.

I find no basis for legal objection, and have attached for your recommended use a memorandum so advising Dick Darman.

THE WHITE HOUSE

WASHINGTON

September 27, 1984

FOR: FRED F. FIELDING

FROM: DAVID B. WALLER

SUBJECT: Enrolled Bill S. 301 - Relief of Kim Hae Ok Heimberger

The attached Staffing Memorandum seeks, by 3:00 p.m. today, your comments on the referenced enrolled bill.

This bill, sponsored by Senator Mathias, grants permanent residence status to Kim Hae Ok Heimberger by classifying her as a "child" pursuant to § 101(b)(1)(F) of the Immigration and Nationality Act upon petition of her adoptive parents. Her adoption at the age of 16 presently precludes her from classification as an immediate relative and subjects her to further exclusion proceedings should this bill fail. The bill passed both Houses by voice vote and has the approval of OMB and INS. State has no objection.

I find no basis for legal objection, and have attached for your recommended use a memorandum so advising Dick Darman.

THE WHITE HOUSE

WASHINGTON

September 27, 1984

FOR: FRED F. FIELDING

FROM: DAVID B. WALLER DBW

SUBJECT: Enrolled Bill S. 1989 - Relief of Vladimir Victorovich Yakimetz

The attached Staffing Memorandum seeks, by C.O.B. tomorrow, your comments on the referenced enrolled bill.

S. 1989, sponsored by Senator Moynihan, would authorize Yakimetz's immediate permanent residence in the United States and naturalization as a citizen, notwithstanding any other requirement of the Immigration and Nationality Act. Yakimetz is a Soviet citizen and U.N. employee who, in allegiance to his oath as an international civil servant, refused to conduct espionage activities as instructed by the Soviet Union. He did not return to the Soviet Union as ordered by that government, and consequently it did not second Yakimetz's continued U.N. employment as required by U.N. procedures. This bill, by granting him permanent residence, makes possible the United States' seconding of Yakimetz for continued U.N. employment. Such action, in the words of the Senate Judiciary Committee: "would encourage greater neutrality among other international civil servants at the United Nations."

The bill passed both Houses by voice vote, and has the approval of OMB. The INS and State filed no objections.

I find no basis for legal objection, and have attached for your recommended use a memorandum so advising Dick Darman.

THE WHITE HOUSE

WASHINGTON

September 26, 1984

FOR: FRED F. FIELDING

FROM: DAVID B. WALLER

SUBJECT: Enrolled Bill S. 798 - Relief of Grietje Rhea Pietens Beumer, et al.

The attached Staffing Memorandum seeks, by noon today, your comments on the referenced enrolled bill.

This bill, sponsored by Senator Heflin, grants permanent residence status to a mother and three children who have lost their derivative third preference status following the mother's divorce of her husband and his departure from the United States. The bill passed both Houses by voice vote and has OMB approval. The Immigrantion and Naturalization Service and State have no objection.

I find no basis for legal objection, and have attached for your recommended use a memorandum so advising Dick Darman.

THE WHITE HOUSE

WASHINGTON

September 26, 1984

FOR: FRED F. FIELDING

FROM: DAVID B. WALLER

SUBJECT: Enrolled Bill S. 1140 - Relief of Patrick P.W. Tso

The attached Staffing Memorandum seeks, by C.O.B. today, your comments on the referenced bill.

This bill, sponsored by Senator Baker, would grant Patrick P.W. Tso permanent residence status. Tso is a specialist in gastrointestinal physiology, which relatively few scientists practice. In transferring from Albany Medical College of Union University to the University of Tennessee Center for the Health Sciences, he was incorrectly assured that his forms had been properly filed with INS. Unless this bill is enacted, Dr. Tso will remain subject to deportation. The bill passed both Houses by voice vote and has the approval of OMB. INS and State have no objection.

I find no basis for legal objection, and have attached for your recommended use a memorandum so advising Dick Darman.

THE WHITE HOUSE

WASHINGTON

September 26, 1984

FOR: FRED F. FIELDING

FROM: DAVID B. WALLER

SUBJECT: Enrolled Bill S. 692 - Relief of Charles Gaudencio Beeman, et al.

The attached Staffing Memorandum seeks, by C.O.B. today, your comments on the referenced enrolled bill.

This bill, sponsored by Senator Danforth, deems the four mentioned persons "children" for purposes of permanent residence under the Immigration and Nationality Act upon petition of their adoptive parents. The bill passed both Houses by voice vote and has the approval of OMB and INS. State has no objection.

I find no basis for legal objection, and have attached for your recommended use a memorandum so advising Dick Darman.

THE WHITE HOUSE

WASHINGTON

September 27, 1984

FOR: FRED F. FIELDING

FROM: DAVID B. WALLER DBW

SUBJECT: Dr. Roger Pearson

As requested by your note on my September 21, 1984 memorandum regarding the referenced individual (Tab A), I have prepared and attached for your recommended use a letter advising Dr. Pearson to cease his reportedly improper use of the letter he received from the President (Tab B).

I have also attached for your general information on this subject background materials regarding Pearson which I have assembled subsequent to my September 21 memorandum (Tab C). I direct your attention in particular to the first document, entitled Information Digest, which contains a lengthy biography of Dr. Pearson. The third paragraph of the biography refers to Pearson's misuse of the President's letter.

THE WHITE HOUSE

WASHINGTON

September 21, 1984

FOR: FRED F. FIELDING

FROM: DAVID B. WALLER

SUBJECT: Dr. Roger Pearson

Anson Franklin provided me with the attached copy of an April 14, 1982 Presidential letter to Dr. Roger Pearson, President, Council for Social and Economic Studies. Anson indicated that you had been contacted by Rick Jaroslovsky of The Wall Street Journal regarding this matter. Anson's brief comments suggested possible misuse of the letter by Dr. Pearson.

Please let me know if I can be of assistance in preparing a letter to Dr. Pearson.

2

THE WHITE HOUSE

WASHINGTON

September 27, 1984

FOR: FRED F. FIELDING

FROM: DAVID B. WALLER DBW

SUBJECT: Request from "Environmental Action" Magazine for Comments from President re Fitness and Health

Sally Kelley forwarded to you for response a September 18, 1984 letter from Rose Marie Audette, Editor of Environmental Action magazine (Tab A), in which she requests the President's "prescription" for living a long and healthy life. The President's comments would appear in the November issue of the magazine which will be devoted to health in America.

Ms. Audette stated that "[i]f there is a particular selection from an essay or article by [the President] which would be appropriate for [their] purposes, [they] would be happy to draw an excerpt from it."

As you know, the President wrote an article on fitness which appeared in the December 4, 1983 issue of Parade magazine. Mike Deaver has indicated the Administration's desire that it be as widely disseminated as possible.

In connection with an earlier request by the Los Angeles Times Syndicate International to syndicate the Parade article, we were advised that it is Parade's standard practice to seek no compensation for the syndication of its articles. This certainly would suggest that Parade welcomes the further dissemination of its articles.

Accordingly, I recommend that we provide Environmental Action with a copy of the article for its consideration, with the cautionary language that it is being provided subject to any rights Parade may have. Attached for your signature is a letter to Ms. Audette accomplishing same (Tab B).

3

THE WHITE HOUSE

WASHINGTON

September 27, 1984

FOR: FRED F. FIELDING

FROM: DAVID B. WALLER

SUBJECT: Basketball Hall of Fame

The White House Gift Unit has requested our opinion on the attached letter from the Basketball Hall of Fame (Tab A). In it the Hall of Fame requests for their collection the autographed basketball which was presented to the President by the Boston Celtics on June 13, 1984. In making their case, the Hall of Fame refers to basketballs provided to them by Presidents Ford and Carter which they had received from the Harlem Globetrotters.

The Gift Unit has advised that they have been fairly liberal in giving away items given to the President that are (1) of less than $100 in value (and therefore need not be reported by the President even if accepted personally), and (2) have no potential historical significance for the Presidential Library. Items of that type have been given, for example, to various charities and to a museum in Dixon, Illinois. Additionally, a few items of more than $100 in value have been placed on loan (e.g., model trains at train museums, an Indian painting at Department of the Interior).

Given the fact that the basketball has been valued at less than $100, I find no basis for legal objection to it being given to the Hall of Fame for their display. This should be done, however, only with the approval of the Archives, i.e., its determination that the item has no potential historical value for the Presidential Library. If the Archives has any reservations on that score, the basketball could be loaned to the Hall of Fame for their display subject to recall by the Archives at any time.

One reservation I did have about either a gift or a loan of the basketball to the Hall of Fame was that it might precipitate similar requests. The Gift Unit, however, has advised that this request is sufficiently unique that they anticipate no such problem.

Attached for your recommended use is a memorandum so advising the Gift Unit (Tab B).

THE WHITE HOUSE

WASHINGTON

September 27, 1984

MEMORANDUM FOR JOHN HILBOLDT
DIRECTOR, GIFT UNIT

FROM: FRED F. FIELDING Orig. signed by FFF
COUNSEL TO THE PRESIDENT

SUBJECT: Request by Basketball Hall of Fame for Basketball Presented to the President by the Boston Celtics

You have asked for our opinion regarding the request by the Basketball Hall of Fame for the autographed basketball presented to the President last June by the Boston Celtics.

Given the fact that you have determined that the basketball is worth less than $100, we have no objection to it being given to the Hall of Fame for their display. This should be done, however, only with the concurrence of the Archives, i.e., their determination that it has no potential historical value for the Presidential Library. If the Archives has any reservations on that score, the basketball may be loaned to the Hall of Fame for their display, subject to recall by the Archives at any time.

Thank you for referring this matter to us.

FFF:DBW:kl
FFFielding
DBWaller
Subject
Chron

THE WHITE HOUSE

WASHINGTON

September 27, 1984

FOR: FRED F. FIELDING

FROM: DAVID B. WALLER

SUBJECT: Proposed Executive Order: Continuance of Certain Advisory Committees

The attached Staffing Memorandum seeks, by 10:00 a.m. today, your comments on the referenced executive order.

This order would continue until September 30, 1986, 11 advisory committees due to expire September 30, 1984, and extend for a shorter period one advisory committee. In addition, this order would revoke seven executive orders establishing advisory committees that have completed their work. OMB recommends that the President sign this order, and Justice has approved its form and legality.

I find no basis for legal objection and have attached for your recommended use a memorandum so advising Dick Darman.

5

THE WHITE HOUSE

WASHINGTON

September 28, 1984

FOR: FRED F. FIELDING

FROM: DAVID B. WALLER

SUBJECT: Enrolled Bill S. 38 - Longshore and Harbor Workers' Compensation Act Amendments of 1984

The attached Staffing Memorandum seeks, by 10:00 a.m. today, your comnments on the referenced enrolled bill and Presidential signing statement.

S. 38, sponsored by Senator Nickles and ten others, is a bipartisan consensus bill developed with the support of employers' associations, insurance companies and unions. Its purpose is to address the numerous problems created by the Longshoremen's and Harbor Workers' Compensation Act (LHWCA), as amended in 1972.

The bill restricts the jurisdiction of the LHWCA by exempting from coverage land based workers whose work is not centrally connected to maritime navigation and commerce. In addition, S. 38 reasonably limits employee benefits and medical services, slows the growth of the Special Injury Fund's payments, liberalizes and clarifies compensation provisions for occupational disease, provides stiffer penalities for fraud and abuse, and remedies the problem of a growing backlog of cases by increasing from three to five the permanent membership of the Benefits Review Board, and by empowering the Secretary to designate four temporary administrative law judges to serve on the Board.

Both Houses adopted S. 38 and the conference report by voice vote. OMB and Transportation approve, with Transportation viewing the bill as "landmark legislation." Labor approves, but acknowledges the bill fails to include all the Administration's recommendations. Defense and Justice have no objections.

I find no basis for legal objection to either S. 38 or the suggested Presidential signing statement, and have attached for your recommended use a memorandum so advising Dick Darman. Given the timing on this matter, I have notified Darman's office of our non-objection.

6

THE WHITE HOUSE

WASHINGTON

September 28, 1984

FOR: FRED F. FIELDING

FROM: DAVID B. WALLER DBW

SUBJECT: H.R. 5343 - Relief of Narciso Archila Navarrete

The attached Staffing Memorandum seeks, by C.O.B. October 1, 1984, your comments on the referenced enrolled bill.

H.R. 5343, sponsored by Congressman Gickman, would classify Navarrete, age 17, as a child pursuant to § 101(b)(1)(F) of the Immigration and Nationality Act and thereby, upon adoption by a U.S. citizen, an immediate relative eligible for permanent residence in the United States. The Yoders, Amish Mennonite missionaries of Kansas and U.S. citizens, wish to adopt Navarrete. The boy is a citizen of El Salvador who has lived there in an orphanage for a number of years. H.R. 5343 passed both Houses by voice vote and has OMB's approval. The INS and State filed no objections.

I find no basis for legal objection, and have attached for your recommended use a memorandum so advising Dick Darman.

THE WHITE HOUSE

WASHINGTON

September 28, 1984

FOR: FRED F. FIELDING

FROM: DAVID B. WALLER DBW

SUBJECT: Enrolled Bill H.R. 1236 - Relief of Andrew and Julia Lui

The attached Staffing Memorandum seeks, by C.O.B. October 1, 1984, your comments on the referenced enrolled bill.

H.R. 1236, sponsored by Congressman Frank, would grant permanent residence to Andrew and Julia Lui, who reside in Massachusetts with their 11-month old daugher, a U.S. citizen. Both parents are citizens of the British Dependent Territories, and Andrew is a native of Hong Kong. Mr. Lui has degrees in management and chemical engineering from M.I.T., and as a systems engineer with a Cambridge computer firm, he is eligible for certain employment-related immigrant visas. The time before issuing such a visa, however, may be six to eight years. Enactment of H.R. 1236 will admit Mr. and Mrs. Lui for immediate permanent residence in the United States upon payment of the required visa fees, and allow Mr. Lui to retain his current employment. The bill passed both Houses by voice vote and has OMB's approval. The INS and State filed no objections.

I find no basis for legal objection, and have attached for your recommended use a memorandum so advising Dick Darman.