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THE WHITE HOUSE

WASHINGTON

October 30, 1985

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

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

SUBJECT: Certificates for Legislative and Judicial
Branch Appointees to the Commission on the
Bicentennial of the U.S. Constitution.

The statute establishing the Commission on the Bicentennial of the U.S. Constitution provided that certain appointments to the Commission be made by the President from lists submitted by the Chief Justice and the Hill leadership. This process resulted in the appointment of members of Congress and sitting judges to this executive branch entity. Separation of powers and incompatibility clause concerns generally preclude issuing commissions of appointment as executive officers to those serving in the other branches. Accordingly, while other members of this Commission received commissions of appointment from the President, the representatives of the judiciary and the legislative branch -- Circuit Judges Cornelias Kennedy and Charles Wiggins, Senators Stevens and Kennedy, and Congressman Crane -- did not.

The Chief Justice, who is Chairman of the Commission, has requested that some certificate of appointment be issued to these five. We have prepared an appropriate certificate, modeled on those issued to appointees to quasi-governmental entities. These certificates satisfy the Chief Justice's request without unduly compromising our position that executive commissions generally not be issued to those serving in the other branches.

When signed, these certificates should be returned to me for presentation to the Chief Justice.

FFF:JGR;aea 10/30/85

cc: FFFielding

JGRoberts

Subj

Chron

THE WHITE HOUSE

WASHINGTON

October 29, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Bicentennial Certificates

I should have mentioned in my previous memorandum that I checked with the Civil Division attorney handling the case (Tom Millet), who said he had no objection to these certificates. The litigation approach is to argue that the Commission is a governmental agency with operational responsibilities, and it is not necessary to decide if it is in the executive, judicial, or legislative branch, or a combination of the three. As a governmental agency with operational responsibilities, the Commission is (1) subject to FOIA (the Commission has conceded this point), and (2) not subject to FACA (since it is operational, and not purely advisory).

A possible response may be that the Commission cannot have operational responsibilities, because the service of the Congressional members would then be unconstitutional. Justice and the Commission are prepared to state, if this issue is raised, that the Congressional members serve only in an advisory and ceremonial role. Millet stated that sending different certificates of appointment to the Congressional members would, if anything, strengthen this rebuttal.

THE WHITE HOUSE

WASHINGTON

October 24, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Bicentennial Certificates

Ron Geisler advises that a cover memorandum is needed to send the Bicentennial certificates in to Chew for approval before signing. A draft is attached.

Attachment

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October 29, 1985

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When signed, these certificates should be returned to me for presentation to the Chief Justice.

FFF:JGR:aea 10/24/85

cc: FFFielding
JGRoberts
Subj
Chron

file w/
Bicentennial Commission
material

We the People

of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, We ordain and establish this Constitution for the United States of America.

NEWSLETTER OF THE COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

JANUARY 1986

VOL. 2, NO. 1

Bicentennial Commission Meets, Adopts Plans, Criteria For Projects

The Bicentennial Commission met at the Supreme Court Building in Washington on November 24-25 and made many substantive decisions that will guide its activities for the next four years.

Among the major actions of the Commission were: meetings of the newly-appointed Committees to carry out the substantive work of the Commission, discussion of staff and budgets, adoption of regulations on project recognition and support, adoption of regulations on acceptance of contributions and gifts-in-kind, discussion of the status of legislation concerning the Commission, approval to establish a 501 (c) (3) foundation to aid the Commission's work.

The Commission also selected the logo for the Bicentennial and the seal for the Commission. The logo was one of 42 submissions from various sources. The Committee on Project Endorsements and Support, chaired by Commissioner Cornelia Kennedy, selected three designs as finalists, and the Commission made the final selection.

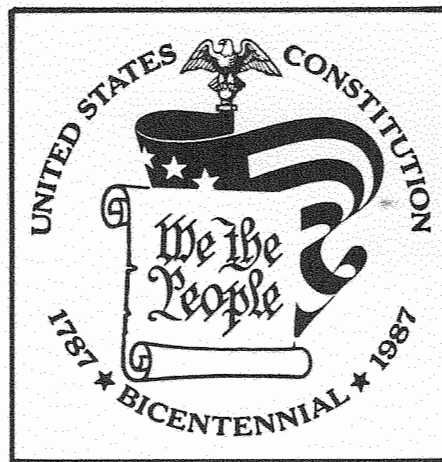
The winning design was prepared by the Institute of Heraldry of the Army, commanded by Col. Gerald A. Luchino. In response to a request made to the Defense Department, the Institute's staff prepared 14 designs on extremely short notice. The artist for the winning design was Sarah LeClerc.

The seal which was adopted will be stamped in gold, and will appear on all certificates of achievement awarded by the Commission for exceptional efforts by individuals and organizations in the Bicentennial. The Commission will also use it on special presentations.

Policies Adopted

In accord with its enabling legislation, the Commission adopted regulations concerning the acceptance of donations of money, gifts-in-kind, and services. Also in accord with the law,

the Commission adopted policies governing its sponsorship, recognition, and other support of projects planned and carried out by other organizations. These regulations will be published in the Federal Register and will be open to public comment. After revisions, if necessary, they will become final.



Official logo of the Commission.

The Commission also discussed several proposals to revise its enabling legislation, which were mentioned in its First Report and are now pending before Congress. The proposals include increasing Commission appropriations, raising the limits on gifts by individuals and companies, and extending the Bicentennial to include the 200th anniversary of the ratification of the Bill of Rights. The Commission authorized preparation and presentation of testimony for the congressional hearings on these matters scheduled in December.

Projects Approved

Since the policies on recognition of projects had just been adopted, final approval could not be given on any Bicentennial projects at this Commission

meeting. In general, the criteria for Commission recognition are that a project must be: regional, national or international in scope; of substantial educational or historical value; directed by people with a record of successful work in the field; and organized and funded so that the likelihood of success is high.

The Commission agreed to work with the Citizens' Stamp Advisory Committee of the U.S. Postal Service on a series of 28 commemorative stamps. Among those to be designed and issued would be depictions of the meeting of the Convention in Philadelphia, the ratification of the Constitution by each of the original States, the origins of the three branches of government in 1789, and the logo of the Bicentennial Commission.

Committees Named

The following Committees were established to assist the work of the Commission: Executive Committee, chaired by the Chief Justice; Committee on Finance, chaired by Herbert Brownell, with the Congressional Members as Advisors; Advisory Committee on Personnel and Administration, co-chaired by William Lucas and Ronald Walker; Advisory Committee on Educational Projects, co-chaired by Philip Crane and Charles Wright; Advisory Committee on Private Associations and Organizations, co-chaired by Edward Hill and Obert Tanner.

Others include the Advisory Committee on Media, co-chaired by Lynne Cheney and Edward Kennedy; Advisory Committee on Project Endorsements and Support, chaired by Cornelia Kennedy; Advisory Committee on Federal Liaison, co-chaired by Frederick Biebel and Lindy Boggs; Advisory Committee on State and Local Liaison, co-chaired by William Green and Phyllis Schlafly; and the Advisory Committee on International Liaison, chaired by Betty Southard Murphy. □

AEI Meeting For International Scholars

The American Enterprise Institute conducted a forum on November 18-20 in the conference rooms of the Supreme Court in Washington. The Conference began with a dinner on Sunday, hosted by Chief Justice Warren E. Burger and other members of the Court.

Some 40 constitutional judges, scholars and other experts from around the world took part in the Conference, "Unity and Diversity: An International Conference on Constitutionalism."

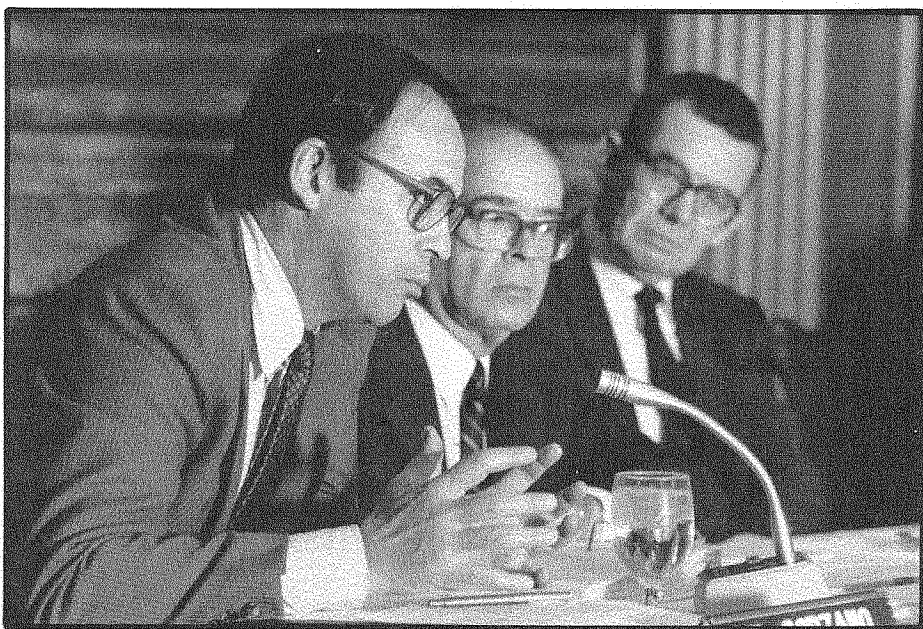
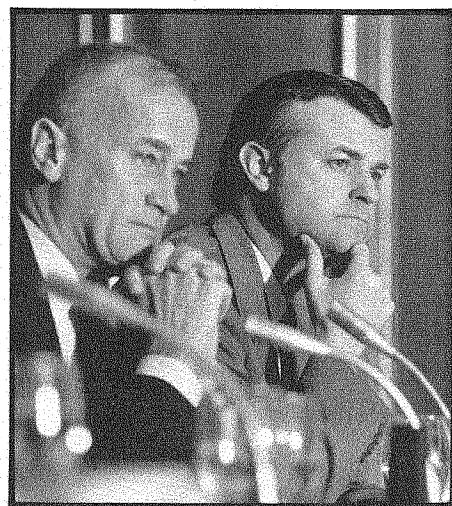
This was the second of a series of international conferences as part of the AEI's Bicentennial Project, "A Decade of Study of the Constitution," directed by Resident Scholar Robert A. Goldwin.

The AEI is one of the organizations whose Bicentennial efforts are substantial and long-standing. The AEI's Bicentennial Project is now in its eighth year. Books, conferences and television programs are among the products of its efforts.

The participants included the Chief Justice of the Supreme Court of Zimbabwe, the Solicitor General of the Republic of Singapore, a judge of the Constitutional Tribunal of Spain, and public figures, academics and judges from 22 countries besides the United States. Each session addressed, in its own way, the problem of accommodating diversity under a nation's constitution without doing fatal damage to the fabric of the nation. As Dr. Goldwin noted at the beginning of the Conference, "Some people may think the United States—known as the 'melting pot' of the world—is one of only a few nations struggling with problems of diversity. As this Conference demonstrates, we are but one of many such nations. We can all learn a great deal from each other about constitutional problems and solutions concerning differences of race, religion, language and nationality."

The Conference demonstrated the degree to which concepts of freedom of religion, freedom of the press, citizenship of the entire nation, and the right to travel are often adopted in the constitutions of other nations from the oldest written constitution, that of the United States.

Papers were presented on the constitutions of Belgium, Canada, India, Malaysia, Spain, Switzerland, the United States and Yugoslavia. In addition to the working sessions, recep-



Upper left: Robert A. Goldwin, Director of Constitutional Studies, AEI; Upper right, left: Jean-Pierre De Bandt, De Bandt, Van Hecke, Lagae & Van Bael, Brussels, Belgium; Professor Terence Marshall, University of Paris; Below, left to right: Jose Sorzano, President, Cuban American National Foundation; Professor Jacob Landau, Hebrew University, Jerusalem; Professor and former Dean of Law Faculty Jacques Vanderlinden, University of Brussels.

tions for the participants were held at several government departments, including the Department of Justice, the Department of State and the National Archives. The AEI also hosted a reception.

Each of the papers addressed, from the standpoint of that nation, the accommodations made in its constitution for the diversity of the population. India was the largest of the nations represented, and the one with the greatest religious and cultural disparities among its people. The Indian Constitution of 1950 was one of the longest ever written, extending to 251 pages, and recognizing and protecting six main religions and nearly 200 "religious persuasions."

Despite its length and complexity,

the goal of the Indian Constitution was to meld many peoples with many traditions into a single nation. A major step in this direction was the declaration of a common language, Hindi in the Devanga script, with English as a second official language.

Each of the other papers addressed the same central point. Very large portions of the populations of nations other than the United States consist of people who have distinct and different cultural traditions, including a separate language. All of the other nations' constitutions make specific accommodations for these differences.

The AEI will publish a volume containing the Conference papers and selected portions of the proceeding. □

Selected Efforts of Organizations

Described below are a variety of Bicentennial activities from outside organizations. The Commission hopes that these will inspire others.

*The **Constitution Project**, a non-profit foundation in Oregon, is developing a 13-part television series on the Constitution. A Content Committee, including the Attorney General of Oregon and scholars from leading institutions across the country, is supervising the preparation of scripts.*

Topics include: the Philadelphia Convention, relationships between Congress and the President, and the evolution of the federal judiciary. The Constitution Project expects to obtain funding to provide videotapes to schools and civic organizations.

*On September 8, 1985, the **Masons of Nevada City, California**, conducted their 19th annual **Constitution Day Celebration**. They reenact the signing of the Constitution, and hold a parade. This project began on a small scale, but has grown into the largest of its type in California.*

Col. William Lambert, organizer of the Nevada City event, has a detailed project description which he will send to any organization wishing to conduct a similar event. Write him at: 537 Coyote Street, Nevada City, California, 95959.

***Convention II**, a private, educational organization with over 90 Members of Congress on its Founders Committee, will conduct its eleventh*

annual Constitutional Convention in the Congress, February 4-8. High school students from all over the country participate in a mock convention, ending in the House chamber.

Students, parents or teachers interested in the project can call: Bob Feinman, (202) 544-1789.

On November 8-9, the Minneapolis Metrocenter YMCA hosted a "planning retreat" for Minnesota groups interested in the Bicentennial. A representative of the national Commission participated in it.

*Among the public and private organizations and individuals taking part were: Hubert H. Humphrey, III, Attorney General of Minnesota; staff of the State Supreme Court; representatives of businesses; foundations; the Humanities Council; law schools; bar associations and schools. Sponsored by "**Our Constitution**"*

***Project**, the meeting had three main goals: public education on the Constitution, public commitment to participation in civic life, and public celebration of America's heritage of freedom and self-governance.*

*The Unicover Corporation of Wyoming some years ago commissioned paintings of the **Signers of the Constitution**. These 39 paintings were done by Lyle Tayson, a leading American portrait artist.*

Unicover Corporation has loaned these paintings to the Commission for appropriate display in the headquar-

ters of the Bicentennial. The Commission staff will explore with the Corporation and the artist ways that these might be reproduced for groups across the country.

*One of the many organizations that has quietly but effectively operated programs to support the Bicentennial is the **United States Capitol Historical Society**. This private organization has many government leaders (both Republicans and Democrats) on its Board.*

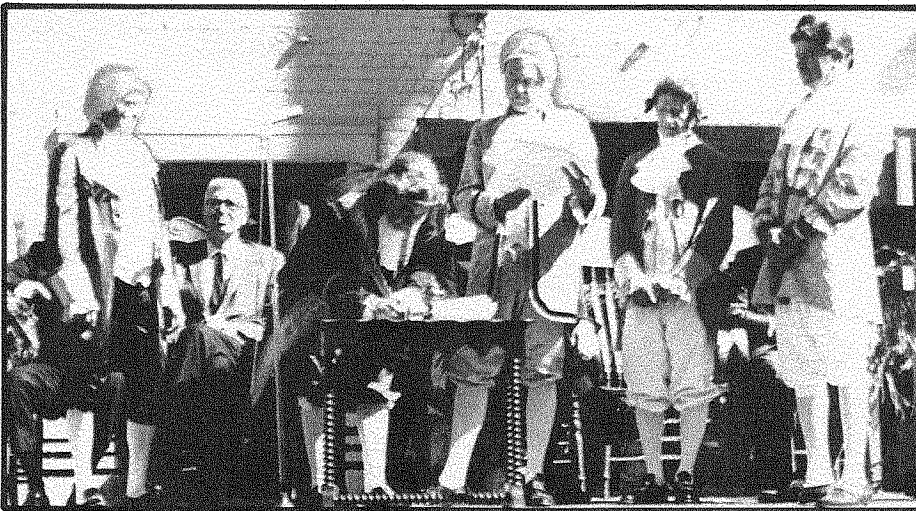
The Society publishes an annual calendar, focusing this year on the Bicentennial. It produces commemorative medals on events leading up to the Constitution. It conducts an annual symposium in March, which now concentrates on constitutional issues, and whose papers are published. For further information about the publications and medals of the Society, call (202) 543-8919. □

Additional State and Local Commissions Established

Listed below are the changes and additions since the November issue of the Newsletter. A statewide meeting in Maryland of counties, companies, colleges and civic groups produced an outpouring of grassroots Bicentennial activities. The interest is there. The State and local Commissions simply need to find, guide and coordinate it.

The newest Commissions are in Rhode Island, San Diego County and Utah. The rest listed below are changes of names or numbers.

State	Contact and Tel. No.
Alabama.....	Walter Cox 205-324-1314
New Hampshire.....	(delete education)
North Carolina.....	Jerry Hancock 919-787-6763
Pennsylvania.....	Robert Wingert 717-783-1832
Rhode Island.....	Patrick T. Conley 401-861-5656
San Diego County	Joan Bowes 619-459-7677
South Carolina.....	Charles E. Lee 803-758-5816
Utah	Eldon Tolman 801-277-5444
Washington.....	Putnam Barber 206-753-0177



The Masons of Nevada City, California, conducting their 19th annual reenactment of the signing of the Constitution.

Boston University, Center for Democracy Host Commission Reception at National Archives

The Center for Democracy, a bipartisan foundation associated with Boston University, hosted a reception for members of the Bicentennial Commission, government leaders, ambassadors and leaders of many private organizations at the National Archives on Wednesday, November 6.

Dr. John R. Silber, President of Boston University, welcomed the guests, stating that the University was pleased that the Center for Democracy was host to the reception. Dr. Silber further noted that the Center's continuing participation in the Bicentennial is important because all activities of the Center are part of the outreach of Boston University in the nation's capital. He said the University was honored to play a part in the commemoration of the genius of the Founders and the principles of the Constitution.

The President of the Center for Democracy, Professor Allen Weinstein, expressed the pride of the Center in hosting the reception to honor the Commission. Professor Weinstein said the Center will focus attention on the Constitution in the context of the Commission's work to bring about a national commemoration. Professor Weinstein noted that the attending dignitaries came to the reception at the National Archives out of "love for the Constitution itself."

Professor Weinstein concluded his remarks by noting that British statesman William Gladstone wrote to the Constitution's Centennial Committee, "The Constitution is the most remarkable piece of work known to me in modern times to have been produced by the human intellect."

The Chairman of the Commission, Chief Justice Warren E. Burger, addressed the gathering, noting that the 200th anniversary of the Constitution presents a singular opportunity for "a history and civics lesson for us all." The Chief Justice commended the Center for Democracy for providing momentum for that approach, calling for increased public and congressional support for the Commission's work.

The gathering was also addressed by Dr. Frank Burke, Acting Archivist of the United States. Dr. Burke noted that it was fitting and appropriate that a major Bicentennial event attended by the Commission Chairman and members should be held at the National Archives where the duty of preserving documents is best exemplified by the preservation and display of the Consti-

tution. Dr. Burke reopened the Archives after 5:00 P.M. so that the Constitution and other significant documents, such as the Declaration of Independence and the Magna Carta, remained on display for the reception guests.

Frank N. Fahrenkopf, Jr., Chairman of the Republican National Committee and a Vice President of the Center for Democracy, also spoke. He stressed that "the Constitution is a subject that is beyond partisanship. I know I speak for my Democratic colleagues who are also associated with the Center, in saying that we all join in the commemoration of the Constitution, which creates the framework of freedom in which we sometimes disagree on specific issues."

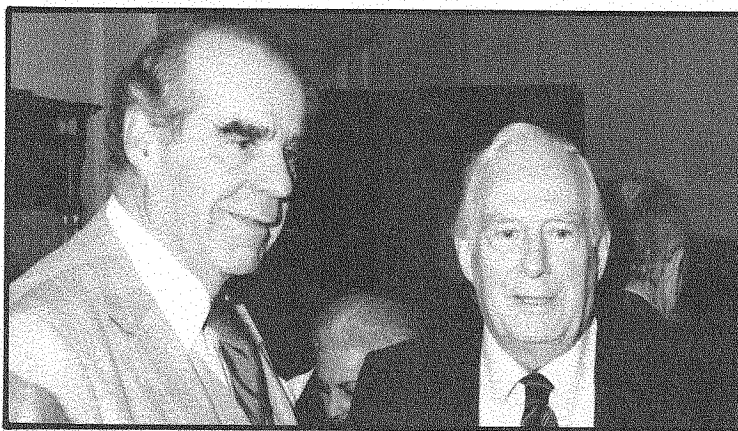
Distinguished Guests

Among the distinguished guests were: Representative Chester G. Atkins; Secretary of Education William Bennett; Commissioner Frederick K. Biebel; Commissioner Lindy Boggs; Representative Edward P. Boland; Representative Dick Cheney; Commissioner Lynne V. Cheney; Commissioner Philip M. Crane; Representative Dante B. Fascell; former

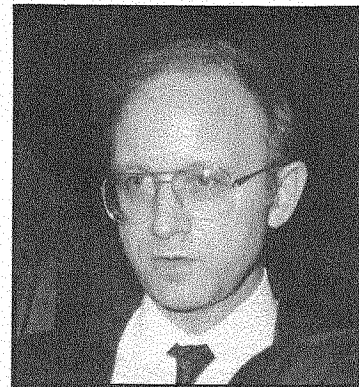
Ambassador George Feldman.

Also present were: then-Secretary of Health and Human Services Margaret Heckler; Professor A.E. Dick Howard, Chairman of the Virginia Bicentennial Commission; Commissioner Edward M. Kennedy; Li Fenglou, Deputy Director, State Archives Bureau, People's Republic of China; Commissioner Harry McKinley Lightsey, Jr.; Chief Judge Howard Markey, Federal Circuit; Attorney General Edwin Meese, III; Judge Abner Mikva, D.C. Circuit; Director of National Park Service William Penn Mott, Jr.

Also present were: former Senator Jennings Randolph; His Excellency Meir Rosenne, Ambassador of Israel; Judge Antonin Scalia, D.C. Circuit; former Representative Fred Schwengel; Senator Paul Simon; Judge Kenneth Starr, D.C. Circuit; Dr. Gregory Stiverson, Director, Maryland Office for the Bicentennial; Commissioner Ronald H. Walker; His Excellency Guenther van Well, Ambassador of the Federal Republic of Germany; William H. Webster, Director of the FBI; Supreme Court Justice Byron R. White; and His Excellency Sir Oliver Wright, Ambassador of the United Kingdom. □



Above: left, His Excellency Sir Oliver Wright, Ambassador of the United Kingdom; right, Chairman Warren E. Burger.
Below: Dr. Allen Weinstein, President of the Center for Democracy.



Notes From the Founders

On 22 November, 1785, the Maryland Legislature passed a Resolution that ultimately led to the Philadelphia Convention. Virginia responded on 21 January, 1786, asking all States to meet in Annapolis. That meeting in 1786 led to the Philadelphia Convention in 1787.

From the Maryland Legislature

The first two paragraphs of the Maryland Resolution confirmed the first Interstate Compact which ended the Oyster Wars between Maryland and Virginia.

The other paragraphs provided a sound currency, a sound basis for international and interstate trade, and a "commission" to resolve differences.

The third paragraph made "...foreign gold and silver coins..." the currency of those States. Therefore, standard European coins became the convenient basis of interstate commerce.

The fourth concerned "...damages on foreign bills of exchange protested...." It provided a common standard of proof, making such bills equal to contracts in writing, signed by the parties. The fifth said that, "...the draughts by the merchants of either state..." should require the same damages for nonpayment.

The sixth required that "...duties on imports or exports...be the same in both States..." and established a joint commission to regulate duties and confer on commerce between the States.

The last and critical paragraph said that the above resolutions, "should be communicated to...Delaware and Pennsylvania; and that they be requested to nominate commissioners..." to meet and make joint decisions on laws, commerce, and taxes in all those States.

From the Delaware Legislature

Fully, Freely & Entirely., the Delaware Bicentennial Newsletter, contains this tidbit from 1786:

"An ACT for the suppression of idleness and immorality. WHEREAS, it has been too much the practice,... for people to assemble...under the various pretenses of horse-racing, foot-racing, cock-fighting, shooting-matches,&c...with intent to vend...strong liquors; thereby promoting idleness, vice, and immorality, to the great prejudice of religion, virtue and industry."

The Act provided for a ten pound fine for anyone promoting such activities to increase his sales of "wine, rum, brandy, beer, cyder..." at such events.

The Delaware newsletter concluded that: "Fortunately, Delawareans have outgrown any inclination towards vice in the last 200 years." □

Hill Testimony On Enabling Legislation

On December 5, 1985, supporters of the Commission testified before a House Committee on important changes in its legislation.

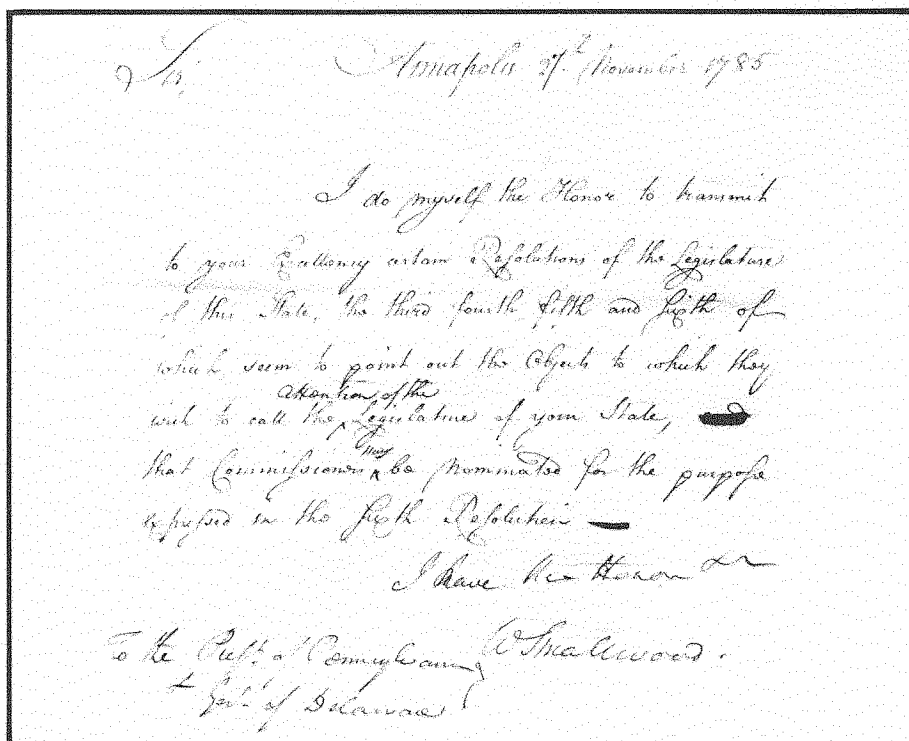
H.R. 3559, now before the House Committee on Post Office and Civil Service, includes: approval for adequate staffing, permission for individual gifts up to \$100,000 and corporate ones up to \$1 million, and extension of the Bicentennial through 1991. The Chairman of the Committee, Rep. William D. Ford (D., Mich.), said that the enabling legislation should be promptly amended.

The Chairmen of the key Subcommittees are Rep. Robert Garcia (D., NY) of Census and Population, and Rep. Mary Rose Oaker (D., Ohio), of Compensation and Employee Benefits. Both met with Staff Director Mark Cannon before the hearings. In opening the hearing, Chairman Garcia said that the proposed amendments "...will enhance the celebration of the Constitution and [its] central role in our nation."

Rep. Lindy Boggs (D., La.) and Rep. Philip Crane (R., Ill.), who are Commissioners and sponsors, testified for the bill. Rep. Boggs stressed that the proposed amendments "...will [allow] a celebration worthy of the Constitution." Rep. Crane said "prompt attention [is needed] so the Commission can...undertake the enormous task before it."

Director Cannon testified in detail on all aspects of the bill. He noted that, compared to other celebrations, the time is short and the need is great. Another witness strongly supporting the changes was Dr. Sheilah Mann, Director of PROJECT '87, a joint effort of the American Historical Association and the American Political Science Association, dedicated to a thoughtful commemoration of the Bicentennial. She said that it should "...leave a legacy of extensive...knowledge about American founders, the principles of American democracy and the promise of American life."

The Subcommittee report of the bill may come as early as February 6. □



Transmittal letter from Governor Smallwood of Maryland to the President of Pennsylvania and the Governor of Delaware. Photo courtesy of the Archives of the State of Maryland.

Bicentennial Minutes Proposed by CBS

CBS advised the Bicentennial Commission that it is considering the broadcast of Bicentennial Minutes in prime time, from September, 1986 through 1987, and possibly longer.

The Commission is pleased that CBS probably will play a major role in the commemoration of the Constitution. The Commission hopes that others will undertake similar projects.

The Constitution Bicentennial series would replace the highly successful CBS American Portrait series, which has been well received both by audiences and by advertisers.

The new effort will be similar in format to the successful American Portrait series, and in content to the original "Minutes," developed in 1976 by CBS for the Bicentennial of the American Revolution. The CBS Bicentennial Minutes should be an effective communication tool in helping the Commission fulfill its primary goal—to educate the public on the Constitution.

Members of the Commission

WARREN E. BURGER, Chairman,
Chief Justice of the United States

FREDERICK BIEBEL, Executive Vice
President, International Cooperation
Fund

LINDY BOGGS, Member of Congress,
2nd District, Louisiana

HERBERT BROWNELL, attorney;
former Attorney General of the
United States

LYNNE V. CHENEY, Senior Editor,
Washingtonian Magazine

PHILIP M. CRANE, Member of Con-
gress, 12th District, Illinois

WILLIAM J. GREEN, attorney; former
Member of Congress; former Mayor
of Philadelphia

EDWARD VICTOR HILL, Pastor, The
Mount Zion Missionary Baptist
Church; Vice President of the Nation-
al Baptist Convention, Inc.

CORNELIA KENNEDY, Judge, Unit-
ed States Court of Appeals,
Sixth Circuit

EDWARD M. KENNEDY, U.S. Sena-
tor, Massachusetts

HARRY M. LIGHTSEY, JR., Presi-
dent, College of Charleston,
Charleston, S.C.

WILLIAM LUCAS, Chief Executive
Officer, Wayne County, Michigan

EDWARD P. MORGAN, attorney; for-
mer Chief Inspector, F.B.I.

BETTY SOUTHARD MURPHY, attor-
ney; former Chairman, NLRB

THOMAS H. O'CONNOR, Professor of
History, Boston College

PHYLLIS SCHLAFLY, President,
Eagle Forum

BERNARD H. SIEGAN, Distinguished
Professor, University of San Diego
Law School

TED STEVENS, U.S. Senator, Alaska

STROM THURMOND, U.S. Senator,
South Carolina; President Pro-Tem-
pore of the United States Senate

OBERT C. TANNER, Chairman, O.C.
Tanner Company; Professor Emeritus
of Philosophy, University of Utah

RONALD WALKER, Partner, Manag-
ing Director, Korn/Ferry International

CHARLES E. WIGGINS, Judge, Unit-
ed States Court of Appeals, Ninth Circuit

CHARLES ALLEN WRIGHT, William
B. Bates Professor of Administration of
Justice, University of Texas
School of Law

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION, 734 Jackson Place, N.W., Washington, DC 20503 ■ (202) 872-1787

Please pass this newsletter on to others who are interested in the Bicentennial, and feel free to copy and reuse any of this information as you or your company or organization choose.

For the Bicentennial to be a success, hundreds of thousands of citizens, and thousands of businesses and organizations will have to get involved. To take your first step in being part of the 200th anniversary of the Constitution, fill out and return this form:

Name.....
Organization..... Title.....
Address.....
City..... State..... Zip Code.....
Phone (Office)..... (Home).....

☐ Please add me (us) to the mailing list
for the Newsletter.

☐ Please tell me (us) how to assist in
the ☐ national, ☐ State Bicentennial
activities.

☐ Enclosed is information about plans
for the Bicentennial that you may not have,
and that might be of interest to others.

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734 Jackson Place, N.W., Washington, D.C. 20503

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EXECUTIVE OFFICE
OF THE PRESIDENT
PERMIT G-261

Mr. John Roberts
c/o The Honorable Fred F. Fielding
Counsel to the President
Old Executive Office Building
Room 45
Washington, D.C. 20500

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

45 CFR Part 2000

Organization and Functions

AGENCY: Commission on the Bicentennial of the United States Constitution.

ACTION: Final rule.

SUMMARY: These regulations are for the purpose of informing the public as to the creation and organization of the Commission on the Bicentennial of the United States Constitution, its purposes, duties and functions. The intended effect is to provide basic information on the authority and structure of the Commission so that individuals and public and private organizations, including governmental agencies, may deal with the Commission in an informed manner.

EFFECTIVE DATE: February 28, 1986.

ADDRESS: 734 Jackson Place, NW., Washington, DC 20503. Tel. (202) USA-1787.

FOR FURTHER INFORMATION CONTACT: Joseph B. McGrath, General Counsel, Tel. (202) USA-1787.

SUPPLEMENTARY INFORMATION:

Background

This regulation is designed to inform the public as to the creation, authority, organization, purposes and functions of the Commission. Although its enacting statute was approved in September 1983, the Commission was not appointed until June 1985. Its first five months were spent in selecting a Staff Director and an initial staff, in developing basic policies on project and program recognition and in obtaining funds to operate. It is now important for the general public to know the basic facts about the Commission and its operations, which this regulation provides.

Classification

This is not a major rule under E.O. 12291 since it has no effect on the economy, on costs or on prices, nor does it affect economic competition and U.S. enterprise. It has no effect on the environment and no environmental impact statement is necessary.

Public Comment

This regulation is being issued as a final rule without opportunity for public comment since it consists solely of a recital of facts and an explanation of the organization and functions of the Commission.

Statutory Authority

This regulation is issued under the general powers granted to the Commission by Pub. L. 98-101, 97 Stat. 719, and the authority of 5 U.S.C. 552.

List of Subjects in 45 CFR Part 2000

U.S. Constitution Bicentennial, Commemorative activities, Donations, Organization and functions (government agencies).

Issued in Washington, DC, on January 10, 1986.

Mark W. Cannon,
Staff Director.

For the reasons set out in the preamble and under the authority of Pub. L. 98-101, 97 Stat. 719, a new Chapter XX is established and a new Part 2000 is added to Title 45, *Code of Federal Regulations*, to read as follows:

CHAPTER XX—COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

PART 2000—ORGANIZATION AND FUNCTIONS

Subpart A—Commission Organization

Sec.

- 2000.10 Authorization.
- 2000.11 The Commission.
- 2000.12 The Chairman.
- 2000.13 Purpose, duties and responsibilities.
- 2000.14 Delegation to State Commissions.

Subpart B—Powers and Functions

- 2000.20 Personnel.
- 2000.21 Facilities and services.
- 2000.22 Donations to Commission.

Subpart C—Commemorative Activities

- 2000.30 Planning considerations.

Subpart D—Commission Operations

- 2000.40 Offices of the Commission.
- Authority: Pub. L. 98-101, 97 Stat. 719; 5 U.S.C. 552.

Subpart A—Commission Organization

§ 2000.10 Authorization.

The Commission on the Bicentennial of the United States Constitution was authorized by Pub. L. 98-101, 97 Stat. 719, signed by the President on September 29, 1983. Appointment of the Commission and designation of the Chairman were announced by the President on June 25, 1985. Commission members were sworn into office on July 30, 1985. The first meeting of the Commission was held on July 29 and 30, 1985.

§ 2000.11 The Commission.

(a) *Composition.* The Commission is composed of 23 members chosen and appointed in accordance with section 4 of Pub. L. 98-101, 97 Stat. 719, as follows:

(1) Twenty members appointed by the President;

(2) The Chief Justice of the United States or his designee;

(3) The President pro tempore of the United States or his designee;

(4) The Speaker of the United States House of Representatives or his designee.

(b) *Recommendations for appointment.* Of the 20 members appointed by the President, 12 are appointed from recommendations made as follows:

(1) Four were appointed from among recommendations made by the Chief Justice of the United States;

(2) Four were appointed from among recommendations made by the President pro tempore of the United States Senate;

(3) Four were appointed from among recommendations made by the Speaker of the United States House of Representatives.

(c) *Balanced membership.* In making recommendations to the President regarding appointments to the Commission, the statutory mandate was to achieve a balanced membership representing, to the maximum extent practicable, the Nation as a whole.

(d) *Term of Commissioners.* Members of the Commission are appointed for the life of the Commission, which terminates December 31, 1989.

(e) *Service without compensation.* Members of the Commission serve without being compensated as a member of the Commission, except that each member is reimbursed for travel, subsistence and other necessary expenses incurred in performance of Commission duties.

(f) *Vacancies.* A vacancy in the Commission must be filled in the same manner in which the original appointment was made. A vacancy does not affect the powers of the Commission.

(g) *Quorum.* Twelve members of the Commission constitute a quorum, but a lesser number may conduct meetings.

(h) *Qualifications.* Commission members are required to be chosen from among individuals who have demonstrated scholarship, a strong sense of public service, expertise in the learned professions, and abilities likely to contribute to the fulfillment of the duties of the Commission.

§ 2000.12 The Chairman.

(a) The Chairman of the Commission is the Chief Justice of the United States, who is also a member of the Commission.

(b) The Chairman is designated by the President of the United States and serves at the pleasure of the President.

(c) The Chairman is authorized by the Commission to appoint an Executive Committee and such committees of the Commission as the Chairman believes will advance and expedite the work of the Commission.

§ 2000.13 Purpose, duties and responsibilities.

(a) The primary purpose of the Commission is to promote and coordinate activities to commemorate the bicentennial of the United States Constitution.

(b) The duties of the Commission include the following:

(1) To plan and develop activities to commemorate the bicentennial of the Constitution, including a limited number of projects to be undertaken by the Federal Government;

(2) To encourage private organizations, and State and local governments, to organize and participate in bicentennial activities commemorating or examining the drafting, ratification, and history of the Constitution and the specific features of the document;

(3) To coordinate, generally, commemorative bicentennial activities throughout all of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and the Territories of American Samoa, Guam and the Virgin Islands; and

(4) To serve as a clearinghouse for the collection and dissemination of information about the bicentennial events and plans.

(c) The Commission is required to submit an annual report to the President, to each House of the Congress, and to the Judicial Conference of the United States.

(d) The Commission is directed to seek the cooperation, advice and assistance of both public and private organizations, including governmental agencies.

§ 2000.14 Delegation to State Commissions.

In carrying out its purposes, the Commission may delegate authority to

State bicentennial advisory commissions to assist in implementing Pub. L. 98-101, 97 Stat. 719.

Subpart B—Powers and Functions

§ 2000.20 Personnel.

(a) In carrying out its functions and responsibilities, the Commission is empowered:

(1) To appoint a Staff Director;

(2) To appoint and fix the compensation of such additional publicly paid personnel as the Chairman finds necessary to carry out the purposes of the Commission;

(3) To appoint and fix the pay of additional personnel to be paid out of private donations, not to exceed forty staff members;

(4) To request the head of any Federal agency to detail to the Commission, without reimbursement to the agency, such personnel as the Commission may require for carrying out its duties and functions.

(b) The Staff Director has responsibility for administering the work of the Commission's staff under the oversight of the Chairman and the Commission.

§ 2000.21 Facilities and services.

(a) To accomplish its purposes, the Commission is authorized to procure supplies, services and property, within the limits of appropriated or donated funds, and to enter into agreements with the General Services Administration.

(b) The Commission may use the United States mails in the same manner and under the same conditions as other Federal departments and agencies.

§ 2000.22 Donations to Commission.

(a) *Authorization.* The Commission is authorized to accept, use, solicit and dispose of donations of money, property, or personal services.

(b) *Limits.* Donations may not exceed:

(1) \$25,000 in value annually, in the case of individual donors, or

(2) \$100,000 in value annually in the case of donations from a corporation, partnership, or other business organization.

(c) *Nonprofit donors.* There is no limit on donations from a nonprofit

organization which is tax exempt and qualified under section 501(c)(3) of the Internal Revenue Code.

Subpart C—Commemorative Activities

§ 2000.30 Planning considerations.

(a) In planning and implementing appropriate activities to commemorate the bicentennial, the Commission shall give due consideration to the following:

(1) The historical setting in which the Constitution was developed and ratified;

(2) The contribution of diverse ethnic and racial groups;

(3) The relationship and historical development of the three branches of the Government;

(4) The importance of activities concerning the Constitution and citizenship education throughout all of the States regardless of when each State achieved statehood;

(5) The unique achievements and contributions of the participants in the Constitutional Convention of 1787 and the State ratification proceedings;

(6) The diverse legal and philosophical views regarding the Constitution;

(7) The need for reflection upon academic and scholarly views of the Constitution as well as the principle that the general public also must understand the document, its contents and meaning.

(8) The substantive provisions of the Constitution itself;

(9) The impact of the Constitution on American life and government;

(10) The need to encourage appropriate educational curriculums designed to educate students at all levels on the drafting, ratification, and history of the Constitution and its specific provisions; and

(11) The significance of the principles and institutions of the Constitution to other nations and their citizens.

Subpart D—Commission Operations

§ 2000.40 Offices of the Commission.

The offices of the Commission are located at 734 Jackson Place, NW., Washington, DC 20503. There are no field offices.

[FR Doc. 86-3856 Filed 2-27-86; 8:45 am]

BILLING CODE 6340-01-M

THE WHITE HOUSE

WASHINGTON

March 5, 1986

MEMORANDUM FOR FREDERICK J. RYAN, JR.
DIRECTOR
PRESIDENTIAL APPOINTMENTS AND SCHEDULING

FROM: JOHN G. ROBERTS
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Request to Prepare a Videotape for
the Commission on the Bicentennial
of the U.S. Constitution

You have asked for our views on whether the President should do a videotape for the Commission on the Bicentennial of the U.S. Constitution. The Commission would use the videotape in presentations to state and local groups to promote appropriate commemoration of the bicentennial.

This office has no legal objection to the President providing a brief videotape, and we think it would be a good idea. The videotape would provide the President an opportunity to present his views on the importance of recommitting ourselves to the basic values of Federalism and liberty embodied in the Constitution. The message should not discuss the Commission or specific projects, but simply the general importance of the Constitution. This office should review the message, and can assist in the drafting as well.

It should be noted that the Commission is authorized by law to accept donations to cover its own expenses and projects. It must be made clear to the Commission that a Presidential videotape will be provided only if there are adequate assurances that it will not be used in any sort of fundraising activity.

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1 1Name of Correspondent: Fred Ryan☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Request to prepare a videotape for
the Commission on the Bicentennial
of the U.S. Constitution.

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CU HOLL</u>	ORIGINATOR	<u>86,03,05</u>			<u>1 1</u>
<u>CUnt 18</u>	Referral Note: <u>R</u>	<u>86,03,05</u>		<u>S</u>	<u>86,03,04</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>

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.

THE WHITE HOUSE

WASHINGTON

MEMORANDUM

March 4, 1986

TO: FRED FIELDING

FROM: FREDERICK J. RYAN, JR., DIRECTOR
PRESIDENTIAL APPOINTMENTS AND SCHEDULING

SUBJ: REQUEST FOR SCHEDULING RECOMMENDATION

PLEASE PROVIDE YOUR RECOMMENDATION ON THE FOLLOWING
SCHEDULING REQUEST UNDER CONSIDERATION:

EVENT: Prepare a videotape for the Commission on the
Bicentennial of the United States Constitution

DATE: Earliest possible convenience

LOCATION: The White House

BACKGROUND: See attached

YOUR RECOMMENDATION:

Accept ☐

Regret ☐

Surrogate
Priority ☐
Routine ☐

Message ☐

Other ☐

IF RECOMMENDATION IS TO ACCEPT, PLEASE CITE REASONS:

RESPONSE DUE: ASAP

TO JEAN APPLEBY JACKSON

THE WHITE HOUSE

WASHINGTON

SCHEDULE PROPOSAL

February 24, 1986

TO: FRED RYAN

FROM: TOM GIBSON *TG*

REQUEST: Presidential Videotape for Commission on the Bicentennial of the United States Constitution.

PURPOSE: To encourage states and other organizations to develop activities for the bicentennial which focus on the importance of the Constitution.

BACKGROUND: The success of the commemoration depends on the widespread and enthusiastic involvement of private groups and organizations to enlarge public understanding and appreciation of the Constitution.

A message from the President would reinforce the importance of the celebration and give the Commission a valuable tool to promote the bicentennial. Commission members would show the message to state and local groups as part of their effort to encourage organization of local activities. To date, 22 states have established local commissions for the celebration.

The bicentennial commemorative period lasts through 1991.

DATE: Earliest possible convenience.

LOCATION: To be determined.

REMARKS REQUIRED: Prepared script, approximately 2 - 3 minutes in length.

PROJECT OFFICER: Tom Gibson/Elizabeth Board

THE WHITE HOUSE
WASHINGTON

Date 3.24.86

Suspense Date _____

MEMORANDUM FOR: John

FROM: DIANNA G. HOLLAND

ACTION

- _____ Approved
- _____ Please handle/review
- X _____ For your information
- _____ For your recommendation
- _____ For the files
- _____ Please see me
- _____ Please prepare response for
_____ signature
- _____ As we discussed
- _____ Return to me for filing

COMMENT

March 18, 1986

MEMORANDUM FOR AMY WEIST

FROM: PAMELA K. ELMETS *PKE*
SUBJECT: COMMISSION ON THE BICENTENNIAL OF THE U.S. CONSTITUTION

Edward P. Morgan died on March 3, 1986. He had been serving as a Member of the Commission on the Bicentennial of the U.S. Constitution.

Please withdraw his name from the membership list. He was an appointee of Senator Thurmond's. Nancy Kennedy has contacted the Senator's office regarding a new candidate.

Please notify the appropriate offices.

AW sent copies 3/19:

*✓ Dianna Holland
Nancy Kennedy
Jasmine Chase
Betty Chiles*

THE WHITE HOUSE

WASHINGTON

March 27, 1986

MEMORANDUM FOR FREDERICK J. RYAN, JR.
DIRECTOR
PRESIDENTIAL APPOINTMENTS AND SCHEDULING

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Request for POTUS to Address the Los Angeles
Bar Association as they Observe the
Bicentennial of the Constitution

You have asked for our views on an invitation to the President to address the Los Angeles County Bar Association on the subject of the Bicentennial of the Constitution. It is our view that the President should schedule an address to a bar association or other legal gathering to articulate the Administration's views on the Constitution during the bicentennial period. The American Bar Association may be a more appropriate forum than a local bar group, but serious consideration should be given to any local invitations that fit conveniently into the schedule.

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1 1Name of Correspondent: Fred Ripa☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Request for POTUS to address the
Los Angeles Bar Association as they
observe the Bi-Centennial of the
Constitution

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CUTALL</u>	ORIGINATOR	<u>86.02.13</u>			<u>1 1</u>
<u>Cut 18</u>	Referral Note: <u>R</u>	<u>86.02.13</u>		<u>S</u>	<u>86.02.18</u>
	Referral Note:				
		<u>1 1</u>			<u>1 1</u>
	Referral Note:				
		<u>1 1</u>			<u>1 1</u>
	Referral Note:				
		<u>1 1</u>			<u>1 1</u>
	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 C - Completed
B - Non-Special Referral 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.

THE WHITE HOUSE

WASHINGTON

MEMORANDUM

February 12, 1986

TO: FRED FIELDING

FROM: FREDERICK J. RYAN, JR., DIRECTOR
PRESIDENTIAL APPOINTMENTS AND SCHEDULING

SUBJ: REQUEST FOR SCHEDULING RECOMMENDATION

PLEASE PROVIDE YOUR RECOMMENDATION ON THE FOLLOWING
SCHEDULING REQUEST UNDER CONSIDERATION:

EVENT: Address the Los Angeles Bar Association as they observe
the Bi-Centennial of the Constitution

DATE: open

LOCATION: Los Angeles, California

BACKGROUND: See attached

YOUR RECOMMENDATION:

Accept _____ Regret _____ Surrogate _____ Message _____ Other _____
Priority _____
Routine _____

IF RECOMMENDATION IS TO ACCEPT, PLEASE CITE REASONS:

RESPONSE DUE: February 18, 1986

TO  JACKSON

**Los Angeles County
Bar Association**

617 South Olive Street
Los Angeles, California 90014
213 627-2727

Mailing address:
P.O. Box 55020
Los Angeles, California 90055



January 2, 1986

The Honorable Ronald Reagan
President
United States of America
The White House
Washington, D.C. 20500

Charles S. Vogel
President

Donald P. Baker
President-Elect

Larry R. Feldman
Senior Vice-President

Margaret M. Morrow
Vice-President
Treasurer

Richard Walch
Executive Director

David R. Pascale
Associate Executive Director
& Director of Finance

Jill Switzer
Associate Executive Director
& General Counsel

Trustees

Anthony E. Alexander
James R. Andrews
Philip W. Bartenetti
Allan Browne
Claudia A. Carver
Hon. H. Walter Croskey
Jeffrey C. Freedman
Patricia A. Gartner
Lorraine C. Gollub
Ann Ruth Grant
Harry L. Hathaway
Haig Kehiayan
Patrick M. Kelly
Candace Kay Ladley
Cheryl White Mason
Robin Meadow
Neal S. Millard
Richard Rosin
James B. Russell
Federico Castelan Sayre
Robert S. Schlifkin
Marjorie S. Steinberg
William Lew Tan
Jeffrey A. Tidus
Donald M. Wessling
Helena Sunny Wise

ATTN: Frederick J. Ryan, Jr.
Deputy Assistant to the President
and Director of Presidential
Appointments and Scheduling

Dear Mr. President:

The Los Angeles County Bar Association is planning an observance of the Bi-Centennial of the Constitution of the United States. On behalf of the Association, I am honored to invite you to speak to our membership on this occasion.

Although the actual Bi-Centennial does not take place until September 17, 1987, we feel that an event of such profound historical significance merits extended and careful planning. We have not yet selected a specific date as we are anxious to induce your acceptance and wish to schedule a date that is most convenient to you. Your participation, Mr. President, will greatly enhance our efforts to celebrate the adoption of the United States Constitution.

The Los Angeles County Bar Association is the largest voluntary bar in the nation. With the support of its 18,000 members, the Association works to enhance the administration of justice, promotes a variety of public service projects, and sponsors educational programs for its members and the public. In the past we have been fortunate to have as our guest speakers such renowned persons as President Jimmy Carter, Attorney General William French Smith, Solicitor General Rex Lee, Secretary of Education Shirley Hufstедler and Deputy Secretary of State Warren M. Christopher. It is in keeping with this tradition that we invite you to address us as we pay tribute to the Constitution and the system of government to which we all owe so much.

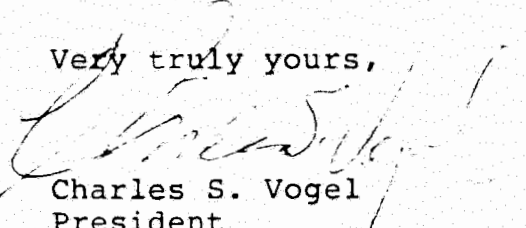
The Honorable Ronald Reagan
January 2, 1986
Page Two

We would be pleased to have you speak on any subject of interest, and your remarks may be as general or specific as you choose. We suggest, however, that your views on the Constitution as a cornerstone of our government would be especially significant to the legal community and the public at large.

If you are able to accept this invitation, we will do all that is requested to accommodate your convenience and requirements to make your visit pleasurable and minimally inconvenient to your schedule.

Your consideration of this request is greatly appreciated, and we look forward to hearing from you with every hope that you will be able to accept.

Very truly yours,



Charles S. Vogel
President

Reply to: Charles S. Vogel, Esq.
Sidley & Austin
35th Floor
2049 Century Park East
Los Angeles, California 90067
(213) 556-6430

CSV:cc

cc: William French Smith, Esq.

THE WHITE HOUSE

WASHINGTON

March 31, 1986

Dear Mr. McGrath:

Thank you for your letter of March 25 to Counsel to the President Fred F. Fielding, concerning the appointment of the members of the Commission on the Bicentennial of the United States Constitution.

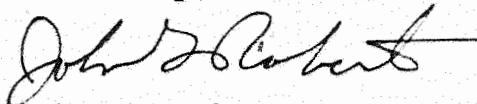
The White House press releases you enclosed with your letter accurately describe the appointment process for each of the appointed members. As you note in your letter, the President retains ultimate responsibility for all of the appointments, as he must under Article II, section 2, clause 2 of the Constitution.

Commission members Biebel, Hill, Lucas, Murphy, Schlafly, Siegan, Walker, and Wright were appointed by the President without formal recommendations under Section 4(a)(1) of Public Law 98-101. Commission members Crane, Cheney, Green, and O'Connor were appointed by the President from among the recommendations of the Speaker of the House (in consultation with the minority leader of the House). Commission members E. Kennedy, Lightsey, Morgan, and Stevens were appointed by the President from among the recommendations of the President pro tempore of the Senate (in consultation with the majority and minority leaders of the Senate). Commission members Brownell, C. Kennedy, Tanner, and Wiggins were appointed by the President from among the recommendations of the Chief Justice.

Pursuant to Section 4(f), the vacancy resulting from the death of Mr. Morgan should be filled through appointment by the President from among recommendations submitted by the President pro tempore of the Senate, in consultation with the majority and minority leaders of the Senate.

Please do not hesitate to contact this office if we may be of any further assistance.

Sincerely,



John G. Roberts
Associate Counsel to the President

Joseph B. McGrath, Esquire
General Counsel
Commission on the Bicentennial
of the United States Constitution
734 Jackson Place
Washington, D.C. 20503

ID # 397286 CU

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

FB 4/15
JBR

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMING

Date Correspondence Received (YY/MM/DD) 1 / 1

Name of Correspondent: Joseph McDiath

☐ MI Mail Report

User Codes: (A) (B) (C)

Subject: Request to examine papers relating to the Commission on the Bicentennial of the U.S. Constitution

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
CUHOLL		ORIGINATOR	86103125			1 / 1
Chat 18		Referral Note:	R 86103127		5	86104107
		Referral Note:				1 / 1
		Referral Note:				1 / 1
		Referral Note:				1 / 1
		Referral Note:				1 / 1

ACTION CODES:

A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet
to be used as Enclosure

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Code = "A"

Completion Date = Date of Outgoing

Comments:

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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.

We the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

March 25, 1986

397286 *cu*

Honorable Fred F. Fielding
Counsel to the President
The White House
Washington, D.C. 20500

Dear Mr. Fielding:

Would you be kind enough to have someone examine for me the enclosed chart of the members of this Commission showing how, I believe, these members were appointed in relation to the specific requirements of section 4(a) of Public Law 98-101 (copy enclosed)?

I would appreciate any corrections which your office or other staff at the White House deem warranted. The only information I can find in the Commission files are White House press releases of June 25, July 16, July 26 and September 9, 1985 (copies enclosed).

The question presents itself in connection with the requirement of section 4(f) that a vacancy "shall be filled in the same manner in which the original appointment was made." (See also, 45 CFR 2000.11(f) enclosed.) While all appointments are made by the President, I want to assure that our Commission records are accurate as to those Commission members who were appointed under section 4(a) from recommendations made by the Speaker, by the Chief Justice and by the President pro tempore of the Senate.

The enclosed listing of the present Commission indicates the genesis of each appointment as I understand it to be. I would appreciate having this information confirmed by a return of the enclosed list with any corrections necessary. Thank you very much for your help, and good luck on your future career.

Sincerely,

Joseph B. McGrath
Joseph B. McGrath
General Counsel

Enclosures

Warren E. Burger
Chairman
Frederick K. Biebel
Andy Boggs
Herbert Brownell
Clyde V. Cheney
Philip M. Crane
William J. Green
Edward Victor Hill
Bernice G. Kennedy
Edward M. Kennedy
Harry M. Lightsey, Jr.
William Lucas
Edward P. Morgan
Betty Southard Murphy
Thomas H. O'Connor
Phyllis Schlafly
Bernard H. Siegan
Fred Stevens
Robert C. Tanner
From Thurmond
Donald H. Walker
Charles E. Wiggins
Charles Alan Wright
Mark W. Cannon
Staff Director
Donald M. Mann
Deputy Staff Director

4 Jackson Place
Washington D.C. 20503
Telephone (202) USA-1787

Return to: Joseph B. McGrath, Counsel
734 Jackson Place, N.W., Washington, D.C. 20503

COMMISSION
MEMBERS

SOURCE Under Sec. 4(a) Pub. L. 98-101

	<u>The</u> <u>President</u>	<u>Senate</u> <u>President</u> <u>Pro Tem</u>	<u>Chief</u> <u>Justice</u>	<u>Speaker</u>
1. Warren E. Burger	<u>NAMED</u>	<u>BY</u>	<u>THE</u>	<u>STATUTE</u>
2. Frederick K. Biebel	<u>X</u>			
3. Lindy Boggs	<u>DESIGNATED</u>	<u>BY</u>	<u>THE</u>	<u>SPEAKER</u>
4. Herbert Brownell			<u>X</u>	
5. Lynne V. Cheney				<u>X</u>
6. Philip M. Crane				<u>X</u>
7. William J. Green				<u>X</u>
8. Edward Victor Hill	<u>X</u>			
9. Cornelia G. Kennedy			<u>X</u>	
10. Edward M. Kennedy		<u>X</u>		
11. Harry M. Lightsey, Jr.		<u>X</u>		
12. William Lucas	<u>X</u>			
13. Edward P. Morgan*		<u>X</u>		
14. Betty Southard Murphy	<u>X</u>			
15. Thomas H. O'Connor				<u>X</u>
16. Phyllis Schlafly	<u>X</u>			
17. Bernard H. Siegan	<u>X</u>			
18. Ted Stevens		<u>X</u>		
19. Obert C. Tanner			<u>X</u>	
20. Strom Thurmond	<u>NAMED</u>	<u>BY</u>	<u>THE</u>	<u>STATUTE</u>
21. Ronald H. Walker	<u>X</u>			
22. Charles E. Wiggins			<u>X</u>	
23. Charles Alan Wright	<u>X</u>			

*Died March 3, 1986

Public Law 98-101
98th Congress

An Act

To provide for the establishment of a Commission on the Bicentennial of the Constitution.

Sept. 29, 1983

[S. 118]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That there is established a Commission on the Bicentennial of the United States Constitution, hereinafter referred to as the "Commission".

Commission on
the Bicentennial
of the
Constitution.
Establishment.

FINDINGS

SEC. 2. The Congress finds that—

- (1) the bicentennial of the Constitutional Convention's adoption of the Constitution occurs on September 17, 1987;
- (2) the Constitution enunciates the limitations on government, the inalienable rights, and the timeless principles of individual liberty and responsibility, and equality before law, for the people of the United States of America;
- (3) this document has set an enduring example of representative democracy for the world; and
- (4) the maintenance of the common principles that animate our Republic depend upon a knowledge and understanding of their roots and origins.

PURPOSE

SEC. 3. It is the purpose of this Act to establish a Commission to promote and coordinate activities to commemorate the bicentennial of the Constitution.

MEMBERSHIP

✓ SEC. 4. (a) The Commission shall be composed of twenty-three members as follows:

- (1) twenty members appointed by the President, four of whom shall be appointed from among the recommendations made by the Speaker of the House of Representatives (in consultation with the minority leader of the House of Representatives), four of whom shall be appointed from among the recommendations made by the President pro tempore of the Senate, in consultation with the majority leader and minority leader of the Senate, and four of whom shall be appointed from among the recommendations made by the Chief Justice of the United States;
- (2) the Chief Justice of the United States, or his designee;
- (3) the President pro tempore of the Senate, or his designee;
- and
- (4) the Speaker of the House of Representatives, or his designee.

(b) Each of the individuals making recommendations to the President regarding appointments shall seek to achieve a balanced membership representing, to the maximum extent practicable, the Nation as a whole. The Commission members shall be chosen from

among individuals who have demonstrated scholarship, a strong sense of public service, expertise in the learned professions, and abilities likely to contribute to the fulfillment of the duties of the Commission.

(c) Members of the Commission shall be appointed for the life of the Commission.

(d) One of the members shall be designated as Chairman by, and shall serve in the position of Chairman at the pleasure of, the President.

(e) Twelve members of the Commission shall constitute a quorum, but a lesser number may conduct meetings.

Vacancy.

✓ (f) A vacancy in the Commission resulting from the death or resignation of a member shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

ADMINISTRATIVE PROVISIONS AND POWERS

Pay rate.

SEC. 5. (a) The Commission shall appoint a staff director who shall be paid at a rate not to exceed the rate of basic pay provided for level I of the Executive Schedule pursuant to section 5312 of title 5, United States Code.

5 USC 5101 et
seq.
5 USC 5331.

(b) The Commission is authorized to appoint and fix the compensation, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, of such additional publicly paid personnel ~~up to five persons~~, as the Chairman finds necessary to carry out the purposes of this title. Such personnel shall be compensated at a rate not to exceed a rate equal to the maximum rate of pay for GS-18 of the General Schedule under section 5332 of title 5, United States Code. ✓

(c) Subject to the provisions of this subsection, the Commission may appoint and fix the pay of such additional personnel to be paid out of private donations. An individual appointed to a position funded in such manner shall be so designated at the time of such individual's appointment. The Chairman may appoint such additional personnel as he deems appropriate, not to exceed forty staff members.

Compensation
and
reimbursement.

(d) Each member of the Commission shall serve without being compensated as a member of such Commission, except that each member shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

Detailed Federal
agency
personnel.

(e)(1) Upon request of the Commission, the head of any Federal agency may detail any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act. Details under this subsection shall be without reimbursement by the Commission to the agency from which the employee concerned was detailed.

(2) The Commission may accept ~~the services of not to exceed twenty employees under this subsection at any time.~~ ✓

(f) The Commission is authorized to procure supplies, services, and property, and make contracts, in any fiscal year, only to such extent or in such amounts as are provided in appropriation Acts or are donated pursuant to subsection (h) of this section.

(g) The Commission is authorized to enter into agreements with the General Services Administration for procurement of necessary financial and administrative services, for which payment shall be

✓ Changes made by Pub. L. 99-190.

(1) the historical setting in which the Constitution was developed and ratified, including such antecedents as the Federalist Papers, the Articles of the Confederation, and the ratification debates in the States;

(2) the contribution of diverse ethnic and racial groups;

(3) the relationship and historical development of the three branches of the Government;

(4) the importance of activities concerning the Constitution and citizenship education throughout all of the States regardless of when such State achieved statehood;

(5) the unique achievements and contributions of the participants in the Constitutional Convention of 1787 and the State ratification proceedings;

(6) the diverse legal and philosophical views regarding the Constitution;

(7) the need for reflection upon both academic and scholarly views of the Constitution and the principle that the document must be understood by the general public;

(8) the substantive provisions of the Constitution itself;

(9) the impact of the Constitution on American life and government;

(10) the need to encourage appropriate educational curriculums designed to educate students at all levels of learning on the drafting, ratification, and history of the Constitution and the specific provisions of that document; and

(11) the significance of the principles and institutions of the Constitution to other nations and their citizens.

Private and
governmental
organizations,
assistance.

(c) The Commission shall seek the cooperation, advice, and assistance from both private and governmental agencies and organizations, including the National Endowment for the Arts, the National Endowment for the Humanities, the Library of Congress, the Smithsonian Institution, the National Archives, the Department of the Interior, State and local governments, learned societies, academic institutions, and historical, patriotic, philanthropic, civic, and professional groups, and bar associations.

(d) The Commission may, in carrying out the purposes of this Act, delegate authority to State advisory commissions to assist in implementing this Act.

Report to
President,
Congress, and
Judicial
Conference of
U.S.

(e) Within two years after the date of enactment of this Act, the Commission shall submit to the President and each House of the Congress and the Judicial Conference of the United States a comprehensive report incorporating specific recommendations of the Commission for commemoration and coordination of the bicentennial and related activities. Such report shall include recommendations for publications, scholarly projects, conferences, programs, films, libraries, exhibits, ceremonies, and other projects, competitions and awards, and a calendar of major activities and events planned to commemorate specific historical dates. Each year after such comprehensive report, the Commission shall submit an annual report to the President, each House of the Congress, and the Judicial Conference until such Commission terminates.

TERMINATION

SEC. 7. The Commission shall terminate on December 31, 1989.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are authorized to be appropriated to carry out the purposes of this Act \$300,000 for fiscal year 1984 and such sums as may be necessary for the subsequent fiscal years through fiscal year 1989.

EFFECTIVE DATE

SEC. 9. This Act shall become effective on the date of enactment.

Approved September 29, 1983.

LEGISLATIVE HISTORY—S.118:

SENATE REPORT No. 98-68 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 129 (1983):

July 18, considered and passed Senate.

Aug. 4, considered and passed House, amended.

Sept. 14, Senate concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 19, No. 39 (1983):

Sept. 29, Presidential statement.

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

June 25, 1985

The President today announced his intention to appoint the following individuals to be Members of the Commission on the Bicentennial of the United States Constitution. The President also intends to designate Chief Justice Warren E. Burger as Chairman, who is a member by law.

FREDERICK K. BIEBEL is Executive Vice President and Treasurer of the International Republican Cooperation Fund in Washington, D.C. He was born April 5, 1926 in Bridgeport, Connecticut, and now resides in Stratford, Connecticut.

BETTY SOUTHARD MURPHY is Partner in the law firm of Baker & Hostetler in Washington, D.C. She was born March 1, 1928 in East Orange, New Jersey, and now resides in Alexandria, Virginia.

PHYLLIS SCHLAFLY is President of Eagle Forum in Washington, D.C. She was born August 15, 1924 in St. Louis, Missouri, and now resides in Alton, Illinois.

BERNARD H. SIEGAN is Distinguished Professor of Law at the University of San Diego. He was born July 28, 1924 in Chicago, Illinois, and now resides in La Jolla, California.

RONALD H. WALKER is Managing Director and Partner of Korn/Ferry International in Washington, D.C. He was born July 25, 1937 in Bryan, Texas and now resides in Potomac, Maryland.

CHARLES ALAN WRIGHT is Professor of Law at the University of Texas at Austin. He was born September 3, 1927 in Philadelphia, Pennsylvania, and now resides in Austin, Texas.

Upon the recommendation of Warren E. Burger, Chief Justice of the United States:

HERBERT BROWNELL is currently of Counsel with the law firm of Lord, Day and Lord in New York City. He was born February 20, 1904 in Peru, Nebraska, and now resides in New York City.

CORNELIA G. KENNEDY is currently U.S. Circuit Judge for the Sixth Circuit. She was born August 4, 1923 in Detroit, Michigan, and now resides in Grosse Pointe Woods, Michigan.

MORE

(OVER)

CBERT CLARK TANNER is Founder and Chairman of the Board of OC Tanner & Company. He was born September 20, 1904 in Farmington, Utah, and now resides in Salt Lake City, Utah.

CHARLES EDWARD WIGGINS is currently U.S. Circuit Judge for the Ninth Circuit. He was born December 3, 1927 in El Monte, California, and now resides in San Francisco, California.

Upon the recommendation of the President Pro Tempore of the Senate, in consultation with the Majority Leader and Minority Leader of the Senate:

HARRY MCKINLEY LIGHTSEY, JR. is Dean, University of South Carolina School of Law. He was born December 27, 1931 in Columbia, South Carolina, and now resides in West Columbia, South Carolina.

EDWARD P. MORGAN is owner of the law firm of Welch & Morgan of Washington, D.C. He was born May 28, 1913 in St. Louis, Missouri, and now resides in Bethesda, Maryland.

THEODORE FULTON STEVENS is a U.S. Senator for the State of Alaska. He was born November 18, 1923 in Indianapolis, Indiana, and now resides in Chevy Chase, Maryland.

Upon the recommendation of the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives:

LYNNE ANNE VINCENT CHENEY is currently Senior Editor of the Washingtonian Magazine. She was born January 14, 1941 in Casper, Wyoming, and now resides in Washington, D.C.

PHILIP M. CRANE is U.S. Representative for the 12th District of Illinois. He was born November 3, 1930 in Chicago, Illinois, and now resides in Washington, D.C.

WILLIAM JOSEPH GREEN is an attorney with the firm of Wolf, Block, Schorr & Solis-Cohen of Philadelphia. He was born June 6, 1938 in Philadelphia, Pennsylvania, and still resides there.

THOMAS HENRY O'CONNOR is a Professor of History at Boston College. He was born December 9, 1922 in Boston, Massachusetts, and resides in Braintree, Massachusetts.

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

July 16, 1985

The President today announced his intention to appoint E.V. Hill to be a Member of the Commission on the Bicentennial of the United States Constitution. This is a new position.

Reverend Hill is pastor of Mount Zion Missionary Baptist Church of Los Angeles. He was a Member of the Private Sector Initiatives Task Force in 1982.

He graduated from Prairie View College (B.S., 1955). He was born November 11, 1933 in Columbus, Texas and now resides in Los Angeles.

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THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

July 26, 1985

The President today appointed Edward Moore Kennedy, United States Senator from the State of Massachusetts, upon the recommendation of the President pro tempore of the Senate, in consultation with the Majority Leader and Minority Leader of the Senate, to be a Member of the Commission on the Bicentennial of the United States Constitution. This is a new position.

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THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

September 9, 1985

The President today announced his intention to appoint William Lucas to be a Member of the Commission on the Bicentennial of the United States Constitution. This is a new position.

He was elected Wayne County (Michigan) Executive in 1982 and took office in January 1983. Previously, he served in Wayne County as Sheriff (1969-1983) and Undersheriff (1968-1969). Prior to that time, he was a Special Agent for the Federal Bureau of Investigation in Washington, D.C., Cincinnati and Detroit.

Mr. Lucas graduated from Manhattan College (B.A., 1952) and Fordham Law School (J.D., 1961). He is married, has five children and resides in Detroit, Michigan. He was born January 5, 1928 in New York City.

#

Friday
February 28, 1986

Part III

Commission on the Bicentennial of the United States Constitution

45 CFR Part 2000 Organization and Functions; Final Rule

The Commission on the Bicentennial of the United States Constitution was established by Public Law 99-191, 104 Stat. 1033, October 12, 1985. The President signed the law on September 22, 1985. The Commission was announced by the President on June 25, 1985. The members were sworn into office on July 1, 1985. The first meeting of the Commission was held on July 1, 1985.

The Commission is composed of 25 members, including the President, Vice President, and members of the Supreme Court. The Commission is authorized to study and report on the bicentennial of the United States Constitution.

This is not a minor law under E.O. 12812 since it has no effect on the economy or on costs or on prices, nor does it affect economic competition and U.S. enterprises. It has no effect on the environment and no environmental impact statement is necessary.

Public Comment

The Commission is being issued as a final rule without opportunity for public comment since it contains no substantive provisions of law and no expansion of the Commission's authority.