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PRESIDENTIAL EXECUTIVE ORDERS

by Thomas Fleming, Carl Kessler and Alan Fulton

The first part of this article is on the identification, sources and interpretations of Presidential Executive Orders, the second part is a partial bibliography on the subject.

I. Identification, Sources, and Interpretations of Presidential Executive Orders

A. If it is numbered

1. E.O. 1-7315

a. Full text: Library of Congress, Photoduplication Service, Washington, DC, Presidential Executive Orders 1-7403, on microfilm; and the Office of the Federal Register, Washington, DC (copies on request).

b. Abstract: Presidential Executive Orders Numbered 1-8030, (1862-1938), New York Historical Records Survey, Works Projects Administration, Books, Inc; Rebound Edition: Buffalo, NY, Dennis and Co., 1953. (Has subject index and indicates printed source of full text)

2. E.O. 7316-

a. 1936- : Title 3, Code of Federal Regulations (CFR), Compilation of Presidential Documents with annual compilations.

b. 1936- : Federal Register; also used to update the latest cumulation of Title 3 CFR.

c. 1942- (E.O. 9014-): U.S. Code Congressional and Administrative News Service, St. Paul, MN, West Publishing Co., 1942- (annual with monthly updates).

d. 1947-1977 (E.O. 9917-12032) on both JURIS (Department of Justice) and FLITE(Federal Legal Information Through Electronics) computer systems. Presently they are available to all government agencies.

e. 1965- (E.O. 11240-): Weekly Compilation of Presidential Documents, Washington, DC, GPO.

f. 1972- : United States Code Service, Rochester, NY, Lawyers Cooperative (only in the monthly advance sheets).

B. If it is not numbered

1. Identified by date or subject in: List and Index of Presidential Orders, Unnumbered Series, Newark, NJ, Historical Records Survey, Works Projects Administration, 1942 (mineo). Indicates printed sources of full text.

2. Identified Orders

a. A Compilation of the Messages and Papers of the Presidents, 1789-1897, by James D. Richardson, Washington, DC, GPO, 1896-1899.

b. National Archives, Civil Archives Division, Legislative and Natural Resources Branch, Washington, DC, 20407.

c. Various/others books and looseleaf services on specific subject matter, ie, Executive Orders Relating to Indian Reservations 1855-1922. Washington, DC, GPO, 1912-22.

3. Unidentified Orders: National Archives, Civil Archives Division, Legislative and Natural Resources Branch, Washington, DC 20407.

C. Selected full text orders that implement general and permanent law, listed in the tables volumes of:

1. United States Code, Washington, DC, GPO.

2. United States Code Annotated, St. Paul, MN, West Publishing

3. United States Code Service, Rochester, NY, Lawyers Cooperative.

D. What is its current status

Once located and identified, verify the order's current and full status in the CFR table "Presidential Documents affected by Documents" found in all Title 3 multi-year compilations, annual compilations, and the Title 3, 1936-1965 Consolidated Tables volume of the CFR. From the last compilation use the "List of Sections Affected" (LSA pamphlet) of the Federal Register. Finally, check the cumulative "CFR Parts Affected" table in the latest or last Federal Register for each subsequent month.

E. To find judicial decisions interpreting Executive Orders

1. Shepard's Code of Federal Regulations Citations, Shepard's Inc, Colorado Springs, CO.

2. The digests for the various courts and regional reporters.

F. Codified version: Codification of Presidential Proclamations and Executive Orders, January 29, 1961 - January 20, 1977, Washington, DC, GPO (Stock #022-002-00060-1).

II. Partial Bibliography on Presidential Executive Orders

- A. American Jurisprudence 2d, volume 77, United States Sec. 46, page 48
- B. Cash, Robert B. "Presidential Power: Use and Enforcement of Executive Orders," 39 Notre Dame Lawyer 44, 1963-64.
- C. Congressional Research Service, Library of Congress. "Executive Orders: A Brief History of Their Use and the President's Power to Issue Them," March 25, 1977 (#77-105A).
- D. Corpus Juris Secundum, volume 91, United States Key # 29, page 64.
- E. "Executive Orders and the Development of Presidential Power," 17 Villanova Law Review 688, 1972.
- F. Henkin, Louis. Foreign Affairs and the Constitution. Mineola, NY, The Foundation Press, 1972.
- G. Levinson, L.H. "Presidential Self-regulation through Rulemaking: Comparative Comments on Structuring the Chief Executive's Constitutional Powers," Part 1 + 9 Vanderbilt Journal of Transnational Law 695-734, Fall 1976; Part 2 - 10 Vanderbilt Journal of Transnational Law 1-50, Winter 1977.
- H. Miller, Arthur. Presidential Power in a Nutshell, St. Paul, MN, West Publishing Co., 1977; pages 84-95.
- I. "Presidential Legislation by Executive Order," 37 University of Colorado Law Review 105, 1964-65.
- J. Price, Miles O. Effective Legal Research, fourth edition, St. Paul, MN, West Publishing Co., 1979; pages 92-107.
- K. U.S. Congress, Senate Special Committee on National Emergencies and Delegated Emergency Powers, 93d Congress, 2d Session. A Brief History of Emergency Powers in the United States. Committee Print, 1974.
- L. U.S. Congress, House Committee on Government Operations, 85th Congress, 1st Session. Executive Orders and Proclamations: A Study of a Use of Presidential Powers. Committee Print, 1957.

IS IT NUMBERED? IF IT IS: 1. E.O. 1-7315

2. FULL TEXT:

Library of Congress, Photoduplication Service, Washington, D.C. Presidential Executive Orders 1-7403, 1862-1936, on microfilm

Office of the Federal Register, Washington, D.C. (copies on request)

D. ABSTRACT:

Presidential Executive Orders Numbered 1-8030, 1862-1958, New York, N.Y. Historical Records Survey, Work Projects Administration, Books, Inc. Distributed by Archives Publishing Co., Hasting House; Rebound edition: Buffalo, N.Y., Dennis and Co., 1953. (Has subject index and indicates printed sources of full text)

2. E.O. 7316 --

a. 1936-1975: Title 3, Code of Federal Regulations (CFR), Compilation of Presidential Documents

b. 1942- (E.O. 9014-): U.S. Code Congressional and Administrative News Service, St. Paul, Minn., West Publishing Co., 1942- (annual with monthly updates)

c. 1976- : Title 3, CFR, Annual Compilation

From the latest cumulation: the Federal Register

B. IF IT IS NOT: 1. IDENTIFY BY DATE OR SUBJECT IN:

*estimated 80% of unnumbered orders

List and Index of Presidential Orders, Unnumbered Series, Newark, N.J., Historical Records Survey, Works Projects Administration, 1942 (mimeo) (indicates printed sources of full text of these orders)

2. IDENTIFIED ORDERS

a. Indian Affairs, Laws and Treaties, by Charles Kappler, Washington, D.C., Government Printing Office, 1903-1941

c. Executive Orders Relating to Indian Reservations, From May 14, 1855 to July 1, 1922, Washington, D.C., Government Printing Office, 1912-1922; Reprint edition: Wilmington, Del., Scholar Resources, 1975

c. A Compilation of the Messages and Papers of the Presidents, 1789-1897, by James D. Richardson, Washington, D.C., Government Printing Office, 1896-1899

and other printed sources, or

d. National Archives, Civil Archives Division, Legislative and Natural Resources Branch, Washington, D.C. 20407

3. UNIDENTIFIED ORDERS

National Archives, Civil Archives Division, Legislative and Natural Resources Branch, Washington, D.C. 20407

selected

WHAT IS ITS CURRENT STATUS?

ONCE LOCATED AND IDENTIFIED, VERIFY THE ORDER'S CURRENT STATUS IN THE CFR TABLE "PRESIDENTIAL DOCUMENTS AFFECTED BY DOCUMENTS" FOUND IN ALL TITLE 3 MULTI-YEAR COMPILATIONS, ANNUAL COMPILATIONS, AND THE TITLE 3, 1936-1965 CONSOLIDATED TABLES VOLUME. FROM THE LAST COMPILATION USE THE "LIST OF SECTIONS AFFECTED" (LSA PAMPHLET) OF THE FEDERAL REGISTER. FINALLY, CHECK THE CUMULATIVE "CFR PARTS AFFECTED" TABLE IN THE LATEST OR LAST FEDERAL REGISTER FOR

Prepared by:

LAW BRANCH Staff
Natural Resources Library
U.S. Department of the Interior

OCTOBER 25, 1945

EXECUTIVE ORDER

9646
-----COAT OF ARMS, SEAL, AND FLAG OF THE
PRESIDENT OF THE UNITED STATES

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

The Coat of Arms of the President of the United States shall be of the following design:

SHIELD: Paleways of thirteen pieces argent and gules, a chief azure; upon the breast of an American eagle displayed holding in his dexter talon an olive branch and in his sinister a bundle of thirteen arrows all proper, and in his beak a white scroll inscribed "E PLURIBUS UNUM" sable.

CREST: Behind and above the eagle a radiating glory or, on which appears an arc of thirteen cloud puffs proper, and a constellation of thirteen mullets argent.

The whole surrounded by white stars arranged in the form of an annulet with one point of each star outward on the imaginary radiating center lines, the number of stars conforming to the number of stars in the union of the Flag of the United States as established by the act of Congress approved April 4, 1818, 3 Stat. 415.

The Seal of the President of the United States shall consist of the Coat of Arms encircled by the words "Seal of the President of the United States."

The Color and Flag of the President of the United States shall consist of a dark blue rectangular background of sizes and proportions to conform to military and naval custom, on which shall appear the Coat of Arms of the President in proper colors. The proportions of the elements of the Coat of Arms shall be in direct relation to the hoist, and the fly shall vary according to the customs of the military and naval services.

That portion of Executive Order No. 2390 of May 29, 1916, pertaining to the illustration and requirements for the President's Flag is revoked.

The Coat of Arms, Seal, and Color and Flag shall be as described herein and as set forth in the illustrations and specifications which accompany this order and which are hereby made a part thereof.

These designs shall be used to represent the President of the United States exclusively.

This order shall be published in the Federal Register.

HARRY S. TRUMAN

THE WHITE HOUSE,

October 25, 1945

OCTOBER 25, 1945

The following background material is for information and use of press and radio correspondents in connection with the Executive Order signed by the President today, concerning the Coat of Arms, the Seal and the Flag of the President of the United States:

This Executive Order establishes for the first time a legal definition of the President's Coat of Arms and his Seal. The design of the Coat of Arms and the Seal has been changed slightly from the former design, and the Presidential Flag has also been changed. The Flag will consist of the Coat of Arms in full color, surrounded by 48 white stars on a blue field.

The former Presidential flag was adopted in 1916 by President Wilson. Prior to that time, the Army and the Navy had had separate flags for the Commander in Chief. President Wilson instructed his Assistant Secretary of the Navy, Franklin D. Roosevelt, and the Aide to the Secretary of the Navy, Commander Byron McCandless, U.S.N., to design a Presidential flag which would be suitable for use by both the Army and the Navy. On May 29, 1916, President Wilson signed an Executive Order adopting the flag suggested by Assistant Secretary Roosevelt and Commander McCandless. The flag consisted of the Presidential coat of arms on a blue field with a white star in each of the corners. That flag was in use from 1916 until today.

In March of this year, President Roosevelt discussed with his Naval Aide, Vice Admiral Wilson Brown, the advisability of changing the President's Flag. It seemed inappropriate to President Roosevelt for the flag of the Commander in Chief to have only four stars when there were five stars in the flags of Fleet Admirals and Generals of the Army, grades which had been created in December 1944.

It was natural that President Roosevelt should turn at this time to the officer who had worked with him in 1916, and who now holds the rank of Commodore, Byron McCandless.

For many years Commodore McCandless, who now commands the U.S. Naval Repair Base at San Diego, California, has studied the histories of the various flags of the United States. When Vice Admiral Brown wrote to him, at President Roosevelt's request, late in March for suggestions for a new design for the President's flag, Commodore McCandless prepared several designs based upon early American flags. His proposed designs arrived in Washington after the death of President Roosevelt and the President did not have the opportunity of seeing them until early in June.

The President and members of his staff examined them carefully and, preferring one design to the others, the President made several suggestions to Commodore McCandless concerning it. The President believed that all of the states in the Union should be represented on the Commander in Chief's Flag, and he asked Commodore McCandless to submit a new design with a circle of 48 stars around the Coat of Arms.

Commodore McCandless sent a painting of the proposed flag, with the circle of 48 stars, to the White House in July and when the President returned from Berlin in August, he tentatively approved that design.

It was then sent to the War and Navy Departments for comment and suggestions. The Chief of the Heraldic Section of the Office of the Quartermaster General of the Army, Mr. Arthur E. DuBois, like Commodore McCandless, has studied the history of flags and heraldic emblems for many years. Mr. DuBois made several suggestions to the President. He pointed out that there was no known basis in law for the Coat of Arms and the Seal which had been used by Presidents since 1880 and which was reproduced on the Flag. The Seal had originated during the administration of President Hayes, apparently as an erroneous rendering of the Great Seal of the United States.

It is a curious fact that the eagle on the Great Seal faces to its own right, whereas the eagle on the seal in use by Presidents since 1880 faces to its own left. According to heraldic custom, the eagle on a Coat of Arms, unless otherwise specified in the heraldic description, is always made to face to its own right. There is no

explanation for the eagle facing to its own left in the case of the President's Coat of Arms. To conform to heraldic custom, and since there was no authority other than usage for the former Presidential Coat of Arms, the President had Mr. DuBois redesign the Coat of Arms in accordance with the latter's suggestions.

In the new Coat of Arms, Seal and Flag, the Eagle not only faces to its right -- the direction of honor -- but also toward the olive branches of peace which it holds in its right talon. Formerly the eagle faced toward the arrows in its left talon -- arrows, symbolic or war.

The President also decided that the eagle on his Seal and his Flag should appear in the full color of the natural bird as is customary in most flags, rather than in white as it had been on the former Flag.

The 48 stars in the circle represent the states collectively; no single star represents any particular state.

If one of the territories should become a state, the President's Coat of Arms, Seal and Flag will have an additional star added at the same time that another star is added to the Flag of the United States.


There will be no change in the bronze impression of the Seal at the front entrance of the White House, in the Seal as it appears in the ceiling of the President's office in the West Wing, or in the cornerstone of the new East Wing, and the President has issued instructions that the present supplies of stationery and documents bearing his former Coat of Arms or Seal be used until exhausted.

THE WHITE HOUSE

WASHINGTON

March 19, 1985

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Executive Order Entitled "President's
Commission on Organized Crime"

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

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
- H - INTERNAL
- I - INCOMING
Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: Dave Chew

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

Subject: Executive order entitled "President's Commission on organized crime"

ROUTE TO:	ACTION	Tracking Date	Type of Response	Disposition
Office/Agency (Staff Name)	Action Code	YY/MM/DD	Code	Completion Date YY/MM/DD
<u>CU HOLL</u>	ORIGINATOR	<u>8510319</u>		<u>1 1</u>
	Referral Note:			
<u>CUAT 18</u>	<u>R</u>	<u>8510319</u>		<u>S 85103121</u>
	Referral Note:			
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		<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
- I - Info Copy Only/No Action Necessary
- C - Comment/Recommendation
- R - Direct Reply w/Copy
- D - Draft Response
- S - For Signature
- F - Furnish Fact Sheet to be used as Enclosure
- 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.

WHITE HOUSE STAFFING MEMORANDUM

DATE: 3/19/85

ACTION/CONCURRENCE/COMMENT DUE BY: 3/21/85

SUBJECT: EXECUTIVE ORDER ENTITLED "PRESIDENT'S COMMISSION ON ORGANIZED CRIME"

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	McMANUS	<input type="checkbox"/>	<input type="checkbox"/>
REGAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OGLESBY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	ROLLINS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BUCHANAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CHEW	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FRIEDERSDORF	<input checked="" type="checkbox"/>	<input type="checkbox"/>	VERSTANDIG	<input type="checkbox"/>	<input type="checkbox"/>
FULLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WHITTLESEY	<input type="checkbox"/>	<input type="checkbox"/>
HICKEY	<input type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HICKS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
KINGON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
McFARLANE	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please provide any comments/recommendations on the attached by March 21st. Thank you.

RESPONSE:

1985 MAR 19 AM 11:21

David L. Chew
Staff Secretary
Ext. 2702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

March 14, 1985

MEMORANDUM FOR: THE PRESIDENT
FROM: DAVID A. STOCKMAN *DAS*
SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED "PRESIDENT'S
COMMISSION ON ORGANIZED CRIME"

SUMMARY. This memorandum forwards for your consideration a proposed Executive order which would amend Executive Order No. 12435, which established the President's Commission on Organized Crime.

BACKGROUND. The proposed Executive order was submitted by the Department of Justice. The amendment would extend the date upon which the operations of the Commission are to terminate. Section 4(b) of the Executive order currently provides that the Commission is to terminate on July 28, 1985. Additional time is necessary so that the Commission can continue its work on the report that it is required to issue no later than March 1, 1986. The Amendment provides that the Commission shall terminate on April 1, 1986, or thirty days after it submits its final report, whichever occurs first.

None of the affected agencies has objected to the proposed order.

RECOMMENDATION. I recommend that you sign the proposed Executive order.

Enclosure



U.S. Department of Justice

Office of Legal Counsel

Office of the
Assistant Attorney General

Washington, D.C. 20530

MAR 18 1985

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive order entitled "Continuance of the President's Commission on Organized Crime."

This proposed Executive order was prepared by the President's Commission on Organized Crime and forwarded to the Office of Management and Budget (OMB) by the Attorney General. It was subsequently transmitted to this Office by the Director of OMB for this Office's formal review for form and legality pursuant to Executive Order No. 11030, as amended.

The proposed Executive order is approved as to form and legality.

Respectfully,

Ralph W. Tarr
Acting Assistant Attorney General
Office of Legal Counsel

EXECUTIVE ORDER

- - - - -

CONTINUANCE OF THE PRESIDENT'S COMMISSION ON ORGANIZED CRIME

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), it is hereby ordered that Section 4(b) of Executive Order No. 12435, establishing the President's Commission on Organized Crime, is amended to provide as follows:

"(b) The Commission shall terminate on April 1, 1986, or thirty days after it submits its final report, whichever occurs first."

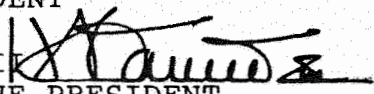
THE WHITE HOUSE,

THE WHITE HOUSE

WASHINGTON

January 18, 1985

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

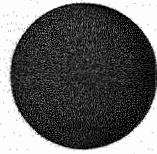
FROM: H. LAWRENCE GARRETT, III 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Executive Order Entitled
"President's Blue Ribbon Task Group
on Nuclear Weapons Program Management"

At your request, Counsel's Office has reviewed the above-referenced proposed Executive Order, and has no legal objection to the President signing it.

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
- H - INTERNAL
- I - INCOMING
Date Correspondence Received (YY/MM/DD) 1 / 1 /



Name of Correspondent: Richard Daman

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

Subject: Proposed Executive Order Entitled "President's Blue Ribbon Task Group on Nuclear Weapons Program Management"

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>CUATOU</u>	ORIGINATOR	<u>850117</u> <u> 1 / 1 / </u>
<u>CUAT O2</u>	Referral Note: <u>R</u>	<u>8510117</u> <u>58510118</u> <u>9:00</u>
_____	Referral Note: _____	<u> 1 / 1 / </u>
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_____	Referral Note: _____	<u> 1 / 1 / </u>
_____	Referral Note: _____	<u> 1 / 1 / </u>

- | | | |
|--|---|--|
| <p>ACTION CODES:</p> <ul style="list-style-type: none"> A - Appropriate Action C - Comment/Recommendation D - Draft Response F - Furnish Fact Sheet to be used as Enclosure | <ul style="list-style-type: none"> I - Info Copy Only/No Action Necessary R - Direct Reply w/Copy S - For Signature X - Interim Reply | <p>DISPOSITION CODES:</p> <ul style="list-style-type: none"> A - Answered B - Non-Special Referral C - Completed S - Suspended <p>FOR OUTGOING CORRESPONDENCE:</p> <ul style="list-style-type: none"> 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.

WHITE HOUSE STAFFING MEMORANDUM

DATE: 1/17/85 ACTION/CONCURRENCE/COMMENT DUE BY: 9:00 a.m. 1/18/85

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED "PRESIDENT'S BLUE RIBBON TASK GROUP ON NUCLEAR WEAPONS PROGRAM MANAGEMENT"

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OGLESBY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	VERSTANDIG	<input type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WHITTLESEY	<input type="checkbox"/>	<input type="checkbox"/>
FULLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HERRINGTON	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HICKEY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
McFARLANE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
McMANUS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

May we have your comments by 9:00 a.m. tomorrow, Friday, January 18.
Thank you.

RESPONSE:

1985 JAN 17 PM 2:49

Richard G. Darman
Assistant to the President
Ext. 2702



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

January 11, 1985

MEMORANDUM FOR: THE PRESIDENT

FROM: DAVID A. STOCKMAN *AS*

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED "PRESIDENT'S
BLUE RIBBON TASK GROUP ON NUCLEAR WEAPONS
PROGRAM MANAGEMENT"

SUMMARY. This memorandum forwards for your consideration a proposed Executive order that would establish the President's Blue Ribbon Task Group on Nuclear Weapons Program Management.

BACKGROUND. Section 1632 of the Department of Defense Authorization Act, 1985 (Public Law 98-525) required the President to establish a task force to examine the procedures employed by the Departments of Defense and Energy in establishing requirements and providing resources for the nuclear weapons program. The proposed Executive order would establish this entity. Four of the seven members of the group will be appointed by Congress; three members, including the Chairman, will be appointed by the President.

As the transmittal memorandum from the Secretary of Defense and the Secretary of Energy reflects, requests from this group for access to their employees and records will be treated in the same manner as any other request from the Legislative Branch. Thus, the agencies will retain the right to protect the confidentiality of vital national security related documents in the event that the group would attempt to depart from the scope of the responsibilities defined by the Act.

None of the affected agencies has objected to the proposed Executive order.

RECOMMENDATION. I recommend that you sign the proposed Executive order.

Attachment



U.S. Department of Justice

Office of Legal Counsel

Office of the
Assistant Attorney General

Washington, D.C. 20530

JAN 16 1985

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive order entitled "President's Blue Ribbon Task Group on Nuclear Weapons Program Management."

This proposed order was submitted by the Departments of Energy and Defense and has been forwarded for the consideration of this Department as to form and legality by the Office of Management and Budget with the approval of the Director.

The proposed Executive order is approved as to form and legality.

Respectfully,

A handwritten signature in cursive script that reads "Ralph W. Tarr".

Ralph W. Tarr
Acting Assistant Attorney General
Office of Legal Counsel



Office of the
Assistant Attorney General

Washington, D.C. 20530

JAN 16 1985

MEMORANDUM

Re: Proposed Executive order entitled "President's Blue Ribbon Task Group on Nuclear Weapons Program Management"

The attached proposed Executive order was submitted by the Departments of Energy and Defense and has been forwarded for the consideration of this Department as to form and legality by the Office of Management and Budget with the approval of the Director.

The proposed order is authorized by § 1632 of the Department of Defense Authorization Act of 1985 (Act), Pub. L. No. 98-525, 98 Stat. 2492 (1984). That section directs the President to establish a Blue Ribbon Task Group to examine the procedures used by the Departments of Energy and Defense to establish requirements for and provide resources for nuclear weapons programs.

The Task Group will be a statutory advisory group, with administrative support being supplied by the Department of Defense. The Task Group will, because of its membership, be an advisory group for the Legislative Branch. 1/ Requests for access to Executive Branch employees and records will therefore be treated as any other request from the Legislative Branch. The Task Group will submit its final report in approximately six months.

The proposed Executive order is acceptable as to form and legality.

Ralph W. Tarr
Acting Assistant Attorney General
Office of Legal Counsel

1/ The President appoints only three of the Task Group's members while members of Congress appoint the remaining four. Act, § 1632(b)(1). To permit a group appointed in this fashion to act as an advisory unit within the Executive Branch would raise serious constitutional problems.

EXECUTIVE ORDER

PRESIDENT'S BLUE RIBBON TASK GROUP
ON NUCLEAR WEAPONS PROGRAM MANAGEMENT

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to establish, in accordance with the provisions of Section 1632 of the Department of Defense Authorization Act, 1985 (Public Law 98-525) ("the Act"), and of the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), a Blue Ribbon Task Group on Nuclear Weapons Program Management, it is hereby ordered as follows:

Section 1. Establishment. (a) There is established the President's Blue Ribbon Task Group on Nuclear Weapons Program Management. The Task Group shall consist of seven members qualified for service by reasons of experience and education. The President shall appoint three members and shall designate one of those members to act as chairman of the Task Group. The chairman and ranking minority members of the Committees on Armed Services of the Senate and House of Representatives will each appoint one member.

(b) None of the members of the Task Group may be an employee of the Department of Defense or the Department of Energy.

Sec. 2. Functions. (a) The Task Group shall examine the procedures used by the Department of Defense and the Department of Energy in establishing requirements for, and in providing resources for, the research, development, testing, production, surveillance, and retirement of nuclear weapons and shall recommend any needed change in such procedures.

(b) The Task Group shall report to the President and the Committees on Armed Services of the Senate and the House of

Representatives as specified in its charter but not later than July 16, 1985. The Task Group's report shall contain recommendations in the areas specified in Section 1632(e) of the Act.

Sec. 3. Administration. (a) The heads of Executive agencies shall, to the extent permitted by law, provide the Task Group such information as it may require for purposes of carrying out its functions.

(b) Members of the Task Group shall serve without compensation for their work on the Task Group. To the extent funds are available therefore, all members of the Task Group performing duties away from their home or regular place of business, or designated post of duty, may be allowed travel expenses, as authorized by law, including per diem in lieu of subsistence for persons serving intermittently in the government service, as provided under 5 U.S.C. 5701-5707.

(c) The Secretary of Defense shall provide the Task Group with such administrative services, facilities, staff and other support services as may be necessary. Any expenses of the Task Group shall be paid from such funds as may be available to the Secretary of Defense.

Sec. 4. General. (a) Notwithstanding any other Executive order, the functions of the President under the Federal Advisory Committee Act, as amended, except that of reporting to the Congress, which are applicable to the Task Group, shall be performed by the Secretary of Defense, in accordance with guidelines established by the Administrator of General Services.

(b) The Task Group shall terminate on September 30, 1985, unless its existence is sooner extended in accordance with the Federal Advisory Committee Act.

THE WHITE HOUSE

WASHINGTON

January 22, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Proposed Executive Order Entitled
"Delegation to the Secretary of State
and the Director of the International
Development Cooperation Agency
Concerning Foreign Assistance"

Richard Darman has asked for comments by noon tomorrow on the above-referenced proposed executive order. The proposed order would amend Executive Order 12163, the omnibus delegation order, to delegate certain new foreign assistance reporting requirements to the Secretary of State. The proposed order also amends the provision in Executive Order 12163 designed to avoid the necessity of periodic delegations with respect to boilerplate in appropriations acts. Current Section 1-902(c) of the order provides that references in the order to provisions in appropriations acts include a substantially similar provision in later-enacted appropriations acts. The proposed order would simply delete the "appropriations" qualifier, to expand coverage of the section to include all acts. (This is needed primarily to cover authorization acts.)

The proposed order was submitted by State and has been approved by OMB and, as to form and legality, by the Justice Department Office of Legal Counsel. These are routine delegations; I have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

January 22, 1985

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

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

SUBJECT: Proposed Executive Order Entitled
"Delegation to the Secretary of State
and the Director of the International
Development Cooperation Agency
Concerning Foreign Assistance"

Counsel's Office has reviewed the above-referenced proposed executive order, and finds no objection to it from a legal perspective.

FFF:JGR:aea 1/22/85

cc: FFFielding

JGRoberts ✓

Subj

Chron

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
- H - INTERNAL
- I - INCOMING
Date Correspondence Received (YY/MM/DD) 1 / 1 /

Name of Correspondent: Richard Dorman

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

Subject: Proposed Executive Order Entitled "Delegation to the Secretary of State and the Director of the Intl. Development Cooperation Agency Concerning Foreign Assistance"

ROUTE TO:	ACTION	DISPOSITION
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD
<u>CUTOW</u>	ORIGINATOR	<u>85 01 22</u>
<u>CUAT 18</u>	Referral Note:	<u>585 01 23</u>
	Referral Note:	<u>NOON</u>
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	Referral Note:	<u>1 1</u>
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ACTION CODES:

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

WHITE HOUSE STAFFING MEMORANDUM

DATE: 1/22/85 ACTION/CONCURRENCE/COMMENT DUE BY: 1/23 - NOON

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED "DELEGATION TO THE SECRETARY OF STATE AND THE DIRECTOR OF THE INTL. DEVELOPMENT COOPERATION AGENCY CONCERNING FOREIGN ASSISTANCE"

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OGLESBY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/> P	<input checked="" type="checkbox"/> SS	VERSTANDIG	<input type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WHITTLESEY	<input type="checkbox"/>	<input type="checkbox"/>
FULLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HERRINGTON	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HICKEY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
McFARLANE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
McMANUS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

May we have your comments by noon tomorrow. Thank you.

RESPONSE:

Richard G. Darman
Assistant to the President
Ext. 2702



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

January 15, 1985

MEMORANDUM FOR: THE PRESIDENT

FROM: DAVID A. STOCKMAN *DAS*

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED "DELEGATION TO THE SECRETARY OF STATE AND THE DIRECTOR OF THE INTERNATIONAL DEVELOPMENT COOPERATION AGENCY CONCERNING FOREIGN ASSISTANCE"

SUMMARY. This memorandum forwards for your consideration a proposed Executive order delegating certain functions vested in the President to the Secretary of State and the Director of the International Development Cooperation Agency.

BACKGROUND. The Foreign Assistance and Related Programs Appropriations Act, 1985, as enacted in P.L. 98-473, and the Department of Defense Authorization Act, 1985 (P.L. 98-525), vest in the President certain reporting and certification requirements concerning various foreign assistance programs. The Appropriations Act appropriates funds for foreign assistance programs for the remainder of Fiscal Year 1985. The Congress enacted this Act as a separate section within the omnibus Continuing Resolution for Fiscal Year 1985 as a substitute for the regular authorization and appropriation legislation. This legislation confers several reporting functions upon the President with respect to foreign assistance programs in El Salvador, Turkey, and Honduras. The proposed Executive order would delegate these functions to the Secretary of State.

Section 1540 of the Department of Defense Authorization Act, 1985, authorizes the Department of Defense to transport to Central American countries goods and supplies furnished by private sources for humanitarian purposes. This Section requires the President to establish and institute certain procedures to assess the need for and potential usefulness of the donated commodities and to ensure that the assistance is consistent with our foreign policy objectives. Under the proposed Executive order, the functions under this Section would be delegated to the Secretary of State who intends to delegate implementation of these humanitarian programs to the Director of the International Development Cooperation Agency.

Finally, the proposed Executive order makes certain technical changes in Executive Order 12163 in order to continue to reserve for the President the decision to suspend foreign assistance to any major illicit drug-producing country which the President determines is not taking adequate steps to prevent narcotic drugs from being, inter alia, smuggled into the United States. Also, the proposed Executive order makes a further technical amendment to Executive Order 12163 in order to delegate automatically to the same extent functions contained in a later enacted act if these functions are the same, or substantially the same, as those contained in previously enacted legislation.

All affected agencies concur in the proposed Executive order.

RECOMMENDATION. I recommend that you sign the proposed Executive order.

Attachment



Office of the
Assistant Attorney General

Washington, D.C. 20530

MEMORANDUM

JAN 18 1985

Re: Proposed Executive order entitled "Delegation
to the Secretary of State and the Director of
the International Development Cooperation Agency
Concerning Foreign Assistance"

The attached proposed Executive order was submitted by the Department of State and has been forwarded for the consideration of this Department as to form and legality by the Office of Management and Budget with the approval of the Director.

The proposed order will delegate authority granted the President under the Foreign Assistance and Related Programs Appropriations Act of 1985 (Foreign Assistance Act), Pub. L. No. 98-473, 98 Stat. 1837 (1984) and § 1540 of the Department of Defense Authorization Act of 1985 (Act), Pub. L. No. 98-525, 98 Stat. 2492, 2637 (1984). The proposed order will delegate to the Secretary of State the President's responsibility to file certain reports on conditions in El Salvador, Turkey, Honduras and Haiti, as provided for in title III and §§ 533 and 540 of the Foreign Assistance Act. The proposed order will also delegate to the Secretary of State the President's duties under § 1540 of the Act, which concerns transport of goods for humanitarian purposes to Central America. The Secretary of State intends to redelegate this authority to the Director of the International Development Cooperation Agency. These delegations and certain minor technical changes will be effectuated by amending Exec. Order No. 12163, 3 C.F.R. 435 (1980), which presently reflects similar delegations.

The proposed Executive order is acceptable as to form and legality.

Ralph W. Tarr
Acting Assistant Attorney General
Office of Legal Counsel



U.S. Department of Justice

Office of Legal Counsel

Office of the
Assistant Attorney General

Washington, D.C. 20530

JAN 18 1985

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive order entitled "Delegation to the Secretary of State and the Director of the International Development Cooperation Agency Concerning Foreign Assistance."

This proposed order was submitted by the Department of State and has been forwarded for the consideration of this Department as to form and legality by the Office of Management and Budget with the approval of the Director.

The proposed Executive order is approved as to form and legality.

Respectfully,

A handwritten signature in cursive script that reads "Ralph W. Tarr".

Ralph W. Tarr
Acting Assistant Attorney General
Office of Legal Counsel

EXECUTIVE ORDER

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DELEGATION TO THE SECRETARY OF STATE AND
THE DIRECTOR OF THE INTERNATIONAL DEVELOPMENT
COOPERATION AGENCY CONCERNING FOREIGN ASSISTANCE

By the authority vested in me as President by the Constitution and statutes of the United States of America, including section 621 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2381), and section 301 of title 3 of the United States Code, and in order to delegate certain functions concerning foreign assistance to the Secretary of State and the Director of the International Development Cooperation Agency, it is hereby ordered as follows:

Section 1. Section 1-201(a) of Executive Order No. 12163, as amended, is further amended by inserting the following new paragraphs at the end thereof:

"(26) title III of the Foreign Assistance and Related Programs Appropriations Act, 1985 (as enacted in Public Law 98-473) under the unnumbered paragraph entitled "Military Assistance" insofar as they relate to El Salvador, Turkey and Honduras;

"(27) section 540 of the Foreign Assistance and Related Programs Appropriations Act, 1985;

"(28) section 1540 of the Department of Defense Authorization Act, 1985 (Public law 98-525), which shall be exercised in consultation with the Secretary of Defense".

Sec. 2. Section 1-102(a) of Executive Order No. 12163, as amended, is further amended by inserting the following new paragraph at the end thereof:

"(6) Section 533 of the Foreign Assistance and Related Programs Appropriations Act, 1985, which shall be exercised in

consultation with the Secretary of State".

Sec. 3. Section 1-701(d) of Executive Order No. 12163, as amended, is further amended by deleting "481(a)" and inserting in lieu thereof "481(h)".

Sec. 4. Section 1-902(c) of Executive Order No. 12163, as amended, is amended to read as follows:

"References in this order to provisions of any Act, and references in any other Executive order or in any memorandum delegation to provisions of any Act related to the subject of this order shall be deemed to include references to any hereafter-enacted provision of law that is the same or substantially the same as such provisions, respectively."

THE WHITE HOUSE,

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

January 24, 1985

EXECUTIVE ORDER

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DELEGATION TO THE SECRETARY OF STATE AND
THE DIRECTOR OF THE INTERNATIONAL DEVELOPMENT
COOPERATION AGENCY CONCERNING FOREIGN ASSISTANCE

By the authority vested in me as President by the Constitution and statutes of the United States of America, including section 621 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2381), and section 301 of title 3 of the United States Code, and in order to delegate certain functions concerning foreign assistance to the Secretary of State and the Director of the International Development Cooperation Agency, it is hereby ordered as follows:

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RONALD REAGAN

THE WHITE HOUSE,

January 24, 1985.

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