Collection: Roberts, John G.: Files
Folder Title: Chron File (04/18/1983-04/21/1983)
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12IGP

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	ROBERTS TO FRED FIELDING RE CHARGES OF NEPOTISM AT USIA	2	4/18/1983	B6	1275
2	MEMO	ROBERTS TO FIELDING RE RESOLUTIONS FOR THE PRESIDENT, VICE PRESIDENT, AND SPEAKER O'NEILL Released in Part 4/21/06	1	4/18/1983	B6	451
3	MEMO	FIELDING TO CARLTON TURNER RE RESOLUTIONS FROM THE GEORGIA ASSEMBLY ON DRUG ABUSE	1	4/18/1983	B6	452
4	LETTER	FROM FIELDING RE RESOLUTIONS FROM THE GEORGIA ASSEMBLY ON DRUG ABUSE	1	4/18/1983	B6	453
5	MEMO	ROBERTS TO HOLLAND RE APPOINTMENT TO THE TAX COURT	1	4/19/1983	B6	454
~~5~~ 6	MEMO	ROBERTS TO FRED FIELDING RE HARVARD CORPS CASE STUDY Released in Part 4/21/06	1	4/20/1983	B6	1276

Freedom of Information Act - [5 U.S.C. 552(b)]

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

E.O. 13233

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

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 18, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS JGR

SUBJECT: Draft Proclamation Designating the Week Beginning April 17, 1983, as Jewish Heritage Week

Dodie Livingston has requested comments by 9:00 a.m., April 19, 1983 on the above-referenced draft proclamation. Joint resolutions authorizing and requesting such a proclamation have been introduced in each house and have been approved by the appropriate committee in each house. On Friday the House of Representatives passed its resolution, designating this week as the week in question. Accordingly, the proclamation is being processed without awaiting final Senate action. A similar proclamation has been issued in previous years.

Public Liaison drafted the proclamation and OMB has approved it. I see no legal objections. The memorandum to Dodie Livingston prepared for your signature notes two typographical errors.

Attachment

THE WHITE HOUSE

WASHINGTON

April 18, 1983

MEMORANDUM FOR DODIE LIVINGSTON

FROM: FRED F. FIELDING

SUBJECT: Draft Proclamation Designating the Week Beginning April 17, 1983, as Jewish Heritage Week

Counsel's Office has reviewed the above-referenced draft proclamation, and finds no objection to it from a legal perspective. On page 2, line 6, "14" should be "24," and "a" should be "as."

FFF:JGR:aw 4/18/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 18, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS JGR

SUBJECT: Request for Presidential Endorsement of Private Fundraising Activity

John van Kesteren, a Kammersanger from the Netherlands who now resides with his American wife in Burt Reynold's home town of Tequesta, Florida, has written the President seeking endorsement of private fundraising activities. In particular van Kesteren wants a letter from the President endorsing his "Help the Hungry at Home" campaign and a photograph of himself with the President, to be used in fundraising. Mr. van Kesteren notes that both H.R.M. Beatrix and H.R.H. Claus supported his earlier effort to ease hunger in Sub-Saharan Africa.

I have prepared a reply for your signature telling van Kesteren "neen."

Attachment

THE WHITE HOUSE

WASHINGTON

April 18, 1983

Not Signed 4/20/83

Dear Mr. van Kesteren:

Thank you for your letter of March 11 to the President. In that letter you described your charitable efforts on behalf of those suffering from hunger and poverty, and requested a statement from the President and a photograph of yourself with the President, both to be used in connection with your fundraising activities.

Please be advised that in response to the large number of requests, and out of concern for the Office of the Presidency, we have found it necessary to adopt a policy of not providing or approving the use of statements by the President or photographs of the President in connection with private fundraising activities. It is particularly difficult to adhere to this policy when the request is made on behalf of such a good cause, but I trust you will understand why we must do so.

I am sorry that our response could not be more positive. Best of luck with your laudable efforts on behalf of the unfortunate.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. John van Kesteren
Kammersanger
60 Heritage Drive
Heritage Oaks
Tequesta, Florida 33458

FFF:JGR:aw 4/18/83

cc: FFFielding/JGRoberts/Subj./Chron

THE WHITE HOUSE

WASHINGTON

April 18, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Charges of Nepotism at USIA

On April 17 The Washington Post ran an article focusing on the hiring at USIA of relatives and friends of Administration officials. On April 18 both AP and UPI reported that Senator Zorinsky had directed inquiries to USIA Director Wick concerning nepotism at USIA. (Articles attached at Tab A.)

The basic prohibition against nepotism is found at 5 U.S.C. § 3110, with accompanying regulations at 5 C.F.R. § 310 (Tab B). These provisions prohibit a "public official" -- defined as an officer with legal authority to appoint individuals in an agency -- from appointing or advocating the appointment of a relative to an agency in which he serves or over which he exercises jurisdiction or control. Under the regulations referring a relative to a subordinate official in the chain of command for a position is deemed to constitute advocating appointment of the relative. 5 C.F.R. § 310.103(c).

Two of the individuals named in the articles -- Anne Collins and Catherine Smyth -- are described as friends, not relatives, of public officials. Neither the statute nor the regulations prohibit any practices involving mere friends. With respect to the other persons the pertinent questions are whether their relatives (1) had legal authority to appoint individuals in USIA (an often-overlooked requirement contained in the definition of "public official") and (2) served in or exercised jurisdiction or control over USIA. USIA is an independent agency within the executive branch. The Director reports to the President and the Secretary of State, and carries out his functions "[u]nder the direction of the Secretary of State." Reorg. Plan No. 2 of 1977, § 2, 91 Stat. 1636.

It would thus seem that the only appointments of even possible concern under 5 U.S.C. § 3110 are those of Barbara Haig and Laurette Conkling, the former because the Secretary of State exercises jurisdiction over USIA and the latter because former VOA director Conkling served in USIA. I have not yet determined if the young Haig and Conkling were hired before or after their fathers left government service. If after, there would be no 5 U.S.C. § 3110 problem.

Outside of the specific nepotism provisions, the broader rules governing the conduct of government officials may also be pertinent. These rules prohibit, inter alia, "giving preferential treatment to any organization or person" and "making a government decision outside official channels." Whether these broad rules have been violated hinges on the particular facts of each appointment.

I have not yet talked with Jon Sloat, since he has been on the Hill all day. I will report back as soon as I hear from him.

THE WHITE HOUSE

WASHINGTON

April 18, 1983

Dear Mr. Rathbun:

With regard to your prospective appointment to the Legal Services Corporation, it will be necessary for you to complete the enclosed Personal Data Statement. Please return this form to me at your earliest convenience.

With best wishes,

Sincerely,

John G. Roberts

John G. Roberts
Associate Counsel
to the President

Mr. Daniel M. Rathbun
173 East Spruce Street
Route 3
Front Royal, Virginia 22630

Enclosure

THE WHITE HOUSE

WASHINGTON

April 18, 1983

Dear Mr. Robertson:

With regard to your prospective appointment to the Legal Services Corporation, it will be necessary for you to complete the enclosed Personal Data Statement. Please return this form to me at your earliest convenience.

With best wishes,

Sincerely,

John G. Roberts

John G. Roberts
Associate Counsel
to the President

Ronald E. Robertson, Esq.
Musick, Peeler & Garrett
1200 - 18th Street, NW
Suite 1175
Washington, D.C. 20036

Enclosure

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 18, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS JGR

SUBJECT: Resolutions for the President, Vice President, and Speaker O'Neill

Ward Evans, Member of the Georgia General Assembly and Chairman of the "Stop Drugs at the Source" campaign initiated by that assembly, has requested that you serve as "an official transmitter" of three resolutions passed by the 1983 Georgia General Assembly. The "Stop Drugs at the Source" campaign has proceeded under the guise of a "Treaty" signed by government officials, evincing their commitment to eradicate drug abuse. All three resolutions review the harmful effects of drug abuse and the progress of the "Stop Drugs at the Source" campaign. The resolutions note that the President, Vice President, and Speaker have signed the "treaty." Resolution H.R. 399 expresses the gratitude and appreciation of the Georgia Assembly to the Vice President for signing, H.R. 403 does the same for the Speaker, and H.R. 404 for the President.

Dr. Carlton Turner has an extensive file on the "Stop Drugs at the Source" campaign. According to Turner, the campaign -- really a nationwide petition drive -[redacted] Turner has, incidentally, received a letter identical to the one you received, requesting him to be "an official transmitter."

B6

I recommend sending the package to Turner for such handling as he deems appropriate in light of his past experience with this group. You should, however, send a letter to Ward Evans advising him of this disposition, since [redacted] Edwards is still a state legislator and the resolutions were passed by the Georgia Assembly.

B6

Attachments

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 18, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS JGR

SUBJECT: Resolutions for the President, Vice President, and Speaker O'Neill

Ward Evans, Member of the Georgia General Assembly and Chairman of the "Stop Drugs at the Source" campaign initiated by that assembly, has requested that you serve as "an official transmitter" of three resolutions passed by the 1983 Georgia General Assembly. The "Stop Drugs at the Source" campaign has proceeded under the guise of a "Treaty" signed by government officials, evincing their commitment to eradicate drug abuse. All three resolutions review the harmful effects of drug abuse and the progress of the "Stop Drugs at the Source" campaign. The resolutions note that the President, Vice President, and Speaker have signed the "treaty." Resolution H.R. 399 expresses the gratitude and appreciation of the Georgia Assembly to the Vice President for signing, H.R. 403 does the same for the Speaker, and H.R. 404 for the President.

Dr. Carlton Turner has an extensive file on the "Stop Drugs at the Source" campaign. [redacted]

b6

I recommend sending the package to Turner for such handling as he deems appropriate in light of his past experience with this group. [redacted]

b6

Attachments

THE WHITE HOUSE

WASHINGTON

April 18, 1983

MEMORANDUM FOR DR. CARLTON TURNER
DIRECTOR
DRUG ABUSE POLICY OFFICE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Resolutions from the Georgia Assembly on Drug Abuse

Ward Edwards of the Georgia Assembly and the "Stop Drugs at the Source" campaign has asked me to transmit three resolutions passed by the Assembly thanking the President, Vice President, and the Speaker of the House of Representatives for signing "treaties" sponsored by "Stop Drugs at the Source," committing themselves to fight drug abuse. I understand that you have received an identical letter, and that you have had extensive experience with this particular organization. I have accordingly advised Mr. Edwards that I have transmitted the resolutions to you for appropriate handling. I will leave it to you, in light of your past dealings with this group, to determine what response, if any, is appropriate.

Attachments

FFF:JGR:aw 4/18/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

April 18, 1983

Dear Mr. Edwards:

Thank you for your letter enclosing special resolutions concerning drug abuse passed by the 1983 Georgia General Assembly. I have transmitted the resolutions to Dr. Carlton E. Turner, Director of the Drug Abuse Policy Office here at the White House, for appropriate handling.

Thank you for making us aware of these resolutions, and for your continuing efforts to combat drug abuse. As the new initiatives undertaken by the Administration attest, we share your concern and commitment to solve this most serious threat to the well-being of our children and, ultimately, our society as a whole.

Sincerely,

Fred F. Fielding
Counsel to the President

The Honorable Ward Edwards
House Chairman
The General Assembly
Special Stop Drugs at the Source
Study Committees
453 State Capitol
Atlanta, Georgia 30334

FFF:JGR:aw 4/18/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 18, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS JGR

SUBJECT: National Association for Campus Activities Day, April 20, 1983

Dodie Livingston has requested comments by 2:00 p.m. today on a Presidential Proclamation designating April 20, 1983, as National Association For Campus Activities (NACA) Day. The proclamation notes that young people prepare to meet the challenges of tomorrow through participating in the activities of NACA. President Ford requested the Proclamation (copy of the letter attached), and it has been approved by OMB. I contacted the Department of Education, which determined that NACA was a tax-exempt, non-profit volunteer organization.

As a general matter, I do not think it wise to issue proclamations for private groups, however laudable their activities, and we generally do not do so. (Traditional proclamations, such as the annual one for Red Cross Month, are exceptions.) Hundreds of private, tax-exempt, non-profit organizations have at least as strong a claim for recognition as the unheralded NACA -- except for the support of this particular requester. I leave the decision on whether to assert our general policy in this instance to you. I have no other objection to the proclamation.

Attachment

THE WHITE HOUSE

WASHINGTON

April 18, 1983

MEMORANDUM FOR DODIE LIVINGSTON

FROM: FRED F. FIELDING

SUBJECT: Draft Proclamation Designating April 20, 1983, as National Association for Campus Activities Day

Counsel's Office has reviewed the above-referenced draft proclamation. We have been advised by the Department of Education that the National Association for Campus Activities is a tax-exempt, non-profit volunteer organization. In light of this information we have no legal objection to the draft proclamation.

FFF:JGR:aw

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

April 18, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS JGR

SUBJECT: Congressional Letter Concerning Compania Minera de Cananea

Six Senators and eight Congressmen have signed a letter to the President requesting a briefing on financing of the proposed expansion of the Compania Minera de Cananea copper smelting operations 20 miles south of the Arizona border in Mexico. The expansion is to be financed in part by a loan from the Export-Import Bank and another from the World Bank. The loans had the support of the U.S. representatives on the banks, and the signers allege that this violates § 552 of Public Law 97-121. That section directs the Secretary of the Treasury to oppose any loans for the production of a commodity for export if the commodity is in world surplus and additional foreign production will injure United States producers. (The signers are from copper-producing states.) The letter also asserts that pollution from the operations will enter the U.S. atmosphere.

Ed Harper was given responsibility for a response; you were given an information copy, presumably because of the assertion that Public Law 97-121 had been violated. That assertion, of course, hinges on numerous debatable points concerning the world copper market, Mexico's domestic use of copper, harm to U.S. producers, and so on -- Harper's response will presumably address these factual issues. I see no need for any action on the part of our office at this time.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 18, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS JGR

SUBJECT: Draft Proclamation Designating the Month of May 1983 as National Physical Fitness and Sports Month, 1983

Dodie Livingston has requested comments by close of business April 21 on the above-referenced draft proclamation. The proclamation, authorized and requested by Senate Joint Resolution 53, was prepared by the President's Council on Physical Fitness and Sports and has been approved by OMB. It lauds the virtues of physical exercise and sports. I see no legal objections.

Attachment

THE WHITE HOUSE

WASHINGTON

April 18, 1983

MEMORANDUM FOR DODIE LIVINGSTON

FROM: FRED F. FIELDING

SUBJECT: Draft Proclamation Designating the Month of May 1983 as National Physical Fitness and Sports Month, 1983

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

FFF:JGR:aw 4/18/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

April 19, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS JGR

SUBJECT: Department of Justice Recommendations on Creation of an Intercircuit Tribunal

Jonathan Rose has transmitted for your consideration the conclusions of the Department of Justice with respect to the Chief Justice's proposal to create an intercircuit tribunal between the Courts of Appeals and the Supreme Court. Shortly after the Chief Justice announced his proposal the Attorney General formed a committee within the Department, chaired by Paul Bator and composed of most of the Assistant Attorneys General, to formulate a Department position. The committee has now completed its work, and issued a ten-page report.

In a marked departure from previous Department positions on national court of appeals proposals, the committee recommended that the Department support creation of a temporary (five year) intercircuit tribunal to hear cases referred by the Supreme Court. The decisions of the tribunal would be nationally binding, subject to further review by the Supreme Court. The committee proposed that the tribunal be composed of 7 or 9 court of appeals judges, rather than, as currently proposed in the pending bills, shifting panels of 5 or 7 drawn from a pool of 28 court of appeals judges. The committee also recommended that the Chief Justice select the judges to sit on the new court, subject to approval by the Supreme Court. The current bills provide for selection of the judges by Circuit Councils. Assistant Attorney General for Civil Rights Reynolds dissented from the committee report and filed a statement detailing his reservations.

As I explained in my February 10 memorandum to you on this subject, I think creation of a new intercircuit tribunal is exceedingly ill-advised. Nothing in the Department of Justice committee report dissuades me from this view. The President we serve has long campaigned against government bureaucracy and the excessive role of the federal courts, and yet the Department committee would have his Administration support creation of an additional bureaucratic structure to permit the federal courts to do more than they already do. What is particularly offensive from the unique perspective of our office is the committee recommendation that judges be appointed to the new tribunal in a manner that not only constitutes an unprecedented infringement on the President's appointment powers, but would go far in undermining the significance of our prior judicial appointments.

The basic reason given by the committee to support creation of an intercircuit tribunal is the excessive workload on the Supreme Court. While some of the tales of woe emanating from the Court are enough to bring tears to the eyes, it is true that only Supreme Court Justices and schoolchildren are expected to and do take the entire summer off. Even assuming that the Justices have reached the limit of their capacity, it strikes me as misguided to take action to permit them to do more. There are practical limits on the capacity of the Justices, and those limits are a significant check preventing the Court from usurping even more of the prerogatives of the other branches. The generally-accepted notion that the Court can only hear roughly 150 cases each term gives the same sense of reassurance as the adjournment of the Court in July, when we know that the Constitution is safe for the summer. Creating a tribunal to relieve the Court of some cases -- with the result that the Court will have the opportunity to fill the gap with new cases -- augments the power of the judicial branch, ineluctably at the expense of the executive branch. In this respect it is highly significant to note that the committee conceded that the executive branch is <u>not</u> adversely affected by the Court's workload: "The Department has a high success rate with its petitions for certiorari; and no Division reports substantial dissatisfaction with its ability to get conflicts resolved."

It is also far from certain that the proposed tribunal will in fact reduce the workload of the Court. As noted above, it seems probable (to me, at least) that if the new tribunal relieves the Court of 40 cases, the Court's eventual response will be to take 40 new cases it otherwise would not have to fill the void. Even aside from this, the new scheme will increase the workload by (1) making initial review of a petition more complicated and time-consuming, since a new option -- referral to the tribunal -- must be considered; (2) requiring review of the decisions of the new tribunal; and (3) increasing filings as lawyers perceive increased opportunities for review after decision by the Court of Appeals. In his memorandum to you, Rose states that "Only actual experience with such a tribunal can take the arguments for and against an enlarged appellate capacity at the national level out of the realm of conjecture and provide a concrete evidentiary basis for assessing this approach." This is total abdication of reason, tantamount to arguing that the only way to determine if a bridge can hold a 10-ton truck is to drive one across it. And the critical assumption -- that this is only a five-year experiment -- strikes me as unfounded. Once the tribunal becomes a part of the federal judicial bureaucracy there will be no chance to abolish it, particularly if, as I strongly suspect, the Supreme Court promptly fills its caseload to capacity even with the aid of the tribunal.

The most objectionable aspect of the committee's report is its recommendation that the Chief Justice select the members of the new court, subject to approval by the Supreme Court. The power of the tribunal -- to reverse Courts of Appeals and provide nationally-binding legal interpretations -- is significantly different from the power currently exercised by sitting Court of Appeals judges. When those judges were appointed and confirmed it was not envisioned that they would exercise such power. The proposal would create essentially new and powerful judicial positions, and the President should not willingly yield authority to appoint the members of what would become the Nation's second most powerful court. The "precedents" cited by the committee -- appointment of district judges to sit on circuit courts, and selection of members of specialized judicial panels -- strike me as qualitatively different from the proposal under consideration. Such "precedents" do not, in any event, explain why we should sacrifice the Constitutionally-based appointment power of the President.

Further, requiring approval of the Supreme Court for appointments ensures that the new tribunal will be either bland or polarized, depending on whether the Court splits the seats (a Bork for Rehnquist, a Skelly Wright for Marshal) or proceeds by consensus (I cannot immediately think of an example agreeable to both Rehnquist and Marshal). In either case the new court will assuredly not represent the President's judicial philosophy -- and will have the authority to reverse decisions from courts to which the President has been able to make several appointments that do reflect his judicial philosophy. Under the committee proposal a Carter-appointed judge (there definitely will have to be some on the new court) could write a nationally-binding opinion reversing an opinion by Bork, Winter, Posner, or Scalia -- something that cannot happen now.

The Justice Department must soon respond to inquiries from the Senate subcommittee considering the pertinent bills, and Rose accordingly would appreciate "a prompt White House response." I await your guidance on what type of response to prepare.

THE WHITE HOUSE

WASHINGTON

April 19, 1983

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS JGR

SUBJECT: Appointment of Charles Clapp to the Tax Court

I have reviewed the PDS (not the financial forms) of Charles Clapp, who is to be nominated for the Tax Court. I telephoned Clapp on April 19, 1983, to clarify certain aspects of his PDS. [redacted] Based on my review of the PDS, I see no objection to going forward with Clapp's nomination.

b6

THE WHITE HOUSE

WASHINGTON

April 19, 1983

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS

SUBJECT: Presidential Letter to Paul Weyrich on PAC Legislation

Steve Galebach of Mike Uhlmann's office provided me with this draft letter, indicating that Mike wanted it cleared by the Counsel's Office. I would be happy to work on it, but wanted to send it to you for appropriate staffing.

Attachment

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 19, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: S.J. Res. 53 -- National Physical Fitness and Sports Month

Richard Darman has requested comments by April 20 on the above-referenced enrolled resolution, which authorizes and requests the President to designate May as "National Physical Fitness and Sports Month." The resolution passed both houses by voice vote; OMB and HHS recommend approval.

I have reviewed the memorandum for the President prepared by James M. Frey, Assistant Director of OMB for Legislative Reference, and the resolution itself, and see no legal objections. You may recall that we have already cleared the proclamation authorized and requested by this resolution.

Attachment

THE WHITE HOUSE

WASHINGTON

April 19, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: S.J. Res. 53 -- National Physical Fitness and Sports Month

Counsel's Office finds no objection from a legal perspective to the above-referenced enrolled resolution.

FFF:JGR:aw 4/19/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

April 20, 1983

Dear Mr. van Kesteren:

Thank you for your letter of March 11 to the President. In that letter you described your charitable efforts on behalf of those suffering from hunger and poverty, and requested a statement from the President and a photograph of yourself with the President, both to be used in connection with your fundraising activities.

Please be advised that in response to the large number of requests, and out of concern for the Office of the Presidency, we have found it necessary to adopt a policy of not providing or approving the use of statements by the President or photographs of the President in connection with private fundraising activities. It is particularly difficult to adhere to this policy when the request is made on behalf of a good cause, but I trust you will understand why we must do so.

I am sorry that our response could not be more positive. Best of luck with your laudable efforts on behalf of the unfortunate.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. John van Kesteren
Kammersanger
60 Heritage Drive
Heritage Oaks
Tequesta, Florida 33458

FFF:JGR:aw 4/20/83

cc: FFFielding/JGRoberts/Subj./Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 20, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS JGR

SUBJECT: Inquiry from Kathy Osborne Concerning Private Fundraising Invitation

Kathy Osborne has asked for your views on an invitation she has received from the St. Joseph's Parish Council of Wilton, California. In connection with the parish's annual fund-raising effort, Robert Koetitz, the President of the Parish Council, would like to have Osborne to dinner and auction off invitations to the dinner to 4-6 other couples. Koetitz expects such an affair would net $1000 for the parish.

Osborne states that her "inclination is to say no -- that they are trying to use me." I tend to agree, and would advise her that we generally avoid involving the White House in private fundraising efforts. Here the parish is trying to "cash in" on Osborne's position, something we should not encourage.

Attachment

THE WHITE HOUSE

WASHINGTON

April 20, 1983

MEMORANDUM FOR KATHY OSBORNE

FROM: FRED F. FIELDING

SUBJECT: Invitation to Participate in Private Fundraising Activity

You have asked for our views on the invitation you received to participate in fundraising for St. Joseph's Parish in California. As described in the letter to you from Robert Koetitz, the parish would auction off invitations to attend dinner with you to several other couples. We generally avoid efforts to involve the White House in private fund-raising. In this instance it appears that the parish would be using the attraction of your official position as a means of raising funds, and accordingly it would be best to decline the offer. Thank you for bringing this to our attention.

FFF:JGR:aw 4/20/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 20, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS JGR

SUBJECT: Uncle Sam's Christmas Account

We have received a savings account statement for "Uncle Sam's Christmas Account, c/o President Ronald Reagan," from the Homer Branch of the National Bank of Alaska. You will recall that this account was opened by Dayton Child, to accept donations to retire the national debt. You have written Child and advised him the account should not be in the President's name; apparently we should similarly advise the bank. I have prepared a letter informing the bank that the account should not be in the President's name, and that it should contact the appropriate individual at Treasury -- identified in the letter -- to work out arrangements for disposition of the monies collected.

This is consistent with the recommendation of Ken Schmalzback, General Counsel of the Bureau of Financial Operation at Treasury. Schmalzback is Treasury's legal expert on private donations to retire the national debt. When you sign this letter, I will send a copy of it, the statement and copies of our correspondence with Child to Schmalzbach, pursuant to my conversation with him.

Attachment

THE WHITE HOUSE

WASHINGTON

April 20, 1983

Dear Sir:

We have received a savings account statement from your bank for an account styled "Uncle Sam's Christmas Account, c/o President Ronald Reagan." It is our understanding that this account was opened by Mr. Dayton Child to accept private contributions to retire the national debt.

We have advised Mr. Child that contributions to retire the national debt may be made directly to the Treasury Department, as provided in 31 U.S.C. § 901(a), and that it is neither necessary nor appropriate to open accounts in the President's name for this purpose. Accordingly, please do not continue to carry this account in the President's name. For guidance on appropriate handling of the contributions you have received please contact W.E. Douglas, Commissioner of the Bureau of Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Thank you for your cooperation.

Sincerely,

Fred F. Fielding
Counsel to the President

National Bank of Alaska
Homer Branch
Box 135
Homer, Alaska 99603

FFF:JGR:aw 4/20/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 20, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS JGR

SUBJECT: Letter to Presidents of D.C. Comics and Keebler Company Re: Drug Abuse Awareness Program

Ed Harper, at the behest of Carlton Turner, has requested clearance of two draft Presidential letters and a press release. The letters are to the presidents of D.C. Comics and the Keebler Company, thanking them for their help in putting together the anti-drug abuse comic book for fourth graders. The press release is to be issued at a press conference on the project, scheduled for April 25.

I recommend several minor editorial changes in both the Presidential letters and the press release. The purpose of these changes is to posture the project as a private sector effort with some guidance from the White House, rather than as a White House project funded by private groups (augmentation of appropriations problems) or a joint White House-private company project (White House endorsement problems). I also recommend advising that those dealing with the company representatives make certain it is understood in advance that the Presidential letters may not be used in any promotional campaign for the companies.

Attachment

THE WHITE HOUSE

WASHINGTON

April 20, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Letter to Presidents of D.C. Comics and Keebler Company Re: Drug Abuse Awareness Program

Counsel's Office has reviewed the above-referenced draft letters, as well as the draft press release to be issued at the April 25 press conference. We have several minor editorial suggestions. The purpose of our suggested changes is to present the comic book project as a private sector activity with guidance from the White House, rather than as a White House project supported by private companies or a formal "joint venture" between the companies and the White House. We believe this approach will minimize any potential legal difficulties.

In the letter to Mr. Garvin, we suggest changing "our national effort" to "the national effort" in the second line, and deleting "to the joint White House/private sector project" in the fourth line. In the letter to Ms. Kahn we recommend changing "our" to "the" in the second line.

With respect to the press release, we advise deleting the last sentence of the first paragraph, and changing "accepted the sponsorship of" to "sponsored" at lines 3-4 of the third paragraph.

Finally, those who have been dealing with the representatives of D.C. Comics and Keebler should make certain that it is well understood that the letters from the President may under no circumstances be used in connection with any commercial promotion of the companies or their products.

FFF:JGR:aw 4/20/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

April 20, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS JGR

SUBJECT: Testimony of DEA Acting Deputy Administrator John C. Lawn on Cultivation and Eradication of Marihuana in the United States

The above-referenced testimony is scheduled to be delivered April 19 before the Subcommittee on Government Information, Justice and Agriculture of the House Committee on Government Operations. The testimony notes the increase in domestic cultivation of marihuana in recent years, and some of the obstacles -- remote cultivation sites, societal acceptance, financial attractiveness -- in the way of effective eradication programs. The bulk of the testimony reviews DEA's eradication efforts, including training programs for state and local officials, air surveillance, guidance on use of herbicides, and direct aid in eradication of crops. I see no legal objection.

THE WHITE HOUSE

WASHINGTON

April 20, 1983

MEMORANDUM FOR THE FILE

FROM: JOHN G. ROBERTS JGR

SUBJECT: John A. Kraeutler, NHSAC

On April 18, 1983 I returned a call Mr. Kraeutler had placed to Fred Fielding, asking for advice on a potential conflict of interest. Kraeutler was appointed to the National Highway Safety Advisory Committee on March 16, 1983. Kraeutler told me that he was actively seeking insurance business with General Motors, and was concerned that the NHSAC might be reviewing the recall of G.M.'s K-cars and/or X-cars. I advised Kraeutler that he should recuse himself from any such deliberations of the NHSAC, and that I would alert the appropriate individuals in the General Counsel's Office of the Department of Transportation to make a written record of this recusal.

I called Jim Burnley, General Counsel at DOT, and advised him of Kraeutler's situation. I recommended that Burnley's office contact Kraeutler and prepare a written record of the recusal, with copies to the Office of Government Ethics. Burnley indicated that he would have his ethics expert contact Kraeutler to do so. Burnley also indicated, however, that he doubted that NHSAC would be reviewing the K-car or X-car.

I called Kraeutler and advised him that he would be hearing from Burnley's office, and that if NHSAC were reviewing G.M. automobiles a written record of Kraeutler's recusal should be prepared.

THE WHITE HOUSE

WASHINGTON

April 20, 1983

Dear Mr. van Kesteren:

Thank you for your letter of March 11 to the President. In that letter you described your charitable efforts on behalf of those suffering from hunger and poverty, and requested a statement from the President and a photograph of yourself with the President, both to be used in connection with your fundraising activities.

Please be advised that in response to the large number of requests, and out of concern for the Office of the Presidency, we have found it necessary to adopt a policy of not providing or approving the use of statements by the President or photographs of the President in connection with private fundraising activities. It is particularly difficult to adhere to this policy when the request is made on behalf of a good cause, but I trust you will understand why we must do so.

I am sorry that our response could not be more positive. Best of luck with your laudable efforts on behalf of the unfortunate.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. John van Kesteren
Kammersanger
60 Heritage Drive
Heritage Oaks
Tequesta, Florida 33458

FFF:JGR:aw 4/20/83

cc: FFFielding/JGRoberts/Subj./Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 20, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS JGR

SUBJECT: Harvard Job Corps Case Study

The Administration, through Craig Fuller's Office, has been holding a series of seminars on management for mid-level appointees throughout the executive branch. The Office of Administration contracted with the Kennedy School at Harvard to run the seminars and prepare case studies for use during them. One of the case studies prepared concerned the Job Corps program at the Department of Labor. Peter Zimmerman of the Kennedy School conducted interviews with Labor officials involved with the Job Corps, and received some very candid responses. [redacted]

B6

Since the Harvard case study concerns the same matters as the [redacted] recommend that the case study not be used, at least until the [redacted] matter is finally resolved. I concur in their recommendation. If the [redacted] case does become a cause celebre it would be most unfortunate to be using it as a basis for management training. Use of the case could also be considered ratification of some of the statements in it, statements which are and will be the subject of dispute in connection with [redacted] case.

B6

I have prepared a memorandum to Fuller, advising that the case study should not be used in the seminars, at least for the present.

Attachment

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 20, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Harvard Job Corps Case Study

The Administration, through Craig Fuller's Office, has been holding a series of seminars on management for mid-level appointees throughout the executive branch. The Office of Administration contracted with the Kennedy School at Harvard to run the seminars and prepare case studies for use during them. One of the case studies prepared concerned the Job Corps program at the Department of Labor. Peter Zimmerman of the Kennedy School conducted interviews with Labor officials involved with the Job Corps, and received some very candid responses. [redacted]

b6

Attachment

THE WHITE HOUSE

WASHINGTON

April 20, 1983

MEMORANDUM FOR CRAIG L. FULLER
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Harvard Case Study

You have requested our views on whether a case study on the Job Corps prepared for use in management seminars for Administration officials may appropriately be used. The topics covered by the Job Corps case study are unfortunately also the subject of an ongoing Inspector General investigation. That investigation will soon culminate in a report and possible administrative action, both of which could generate considerable public controversy and further legal proceedings. I think you will agree that it would be most unfortunate to be using such matters as the basis for a management training seminar. Accordingly, I must advise against using the Job Corps case study, at least so long as official proceedings with respect to the matters covered in the study are active.

FFF:JGR:aw 4/20/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 21, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Enrolled Bill S. 126 -- Alcohol and and Drug Abuse Amendments of 1983

Richard Darman has requested comments by close of business April 22 on enrolled bill S. 126, which extends through fiscal year 1984 appropriation authorizations for alcohol and drug abuse research and prevention programs within HHS. The 1983 levels are those contained in the continuing resolution; the 1984 levels those requested in the 1984 budget. The bill also consolidates existing research authorities in a new title of the Public Health Service Act, creates a new position of Associate Administrator for Prevention within the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA), consolidates several reporting requirements, eliminates the requirement for an interagency committee on federal alcohol abuse activities, and expressly includes Native Hawaiians in the definition of Native Americans in the Alcohol and Drug Abuse Act.

OMB recommends approval. HHS objects to the establishment of a new Associate Administrator within ADAMHA, but also recommends approval of the bill. I have reviewed the memorandum for the President from James M. Frey, Assistant Director of OMB for Legislative Reference, and the bill itself. I see no reason to disagree with OMB and HHS.

Attachment

THE WHITE HOUSE

WASHINGTON

April 21, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill S. 126 -- Alcohol and and Drug Abuse Amendments of 1983

Counsel's Office finds no objection from a legal perspective to the above-referenced enrolled bill.

FFF:JGR:aw 4/21/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

April 21, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS JGR

SUBJECT: Retirement of James Coyne Campaign Debt

John Rogers has advised me that Jim Coyne is now on the White House payroll. This removes any Hatch Act problems, and we can now send out the memorandum giving Coyne guidance on retiring his campaign debts. You previously approved the bulk of this memorandum; I have indicated with a yellow tag the new portion.

Attachment

THE WHITE HOUSE

WASHINGTON

April 21, 1983

MEMORANDUM FOR THE HONORABLE JAMES COYNE
SPECIAL ASSISTANT TO THE PRESIDENT
PRIVATE SECTOR INITIATIVES

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Retirement of the Debts of the James Coyne for Congress Committee

As a Special Assistant to the President for Private Sector Initiatives, you are in a unique position with regard to your efforts to retire the campaign debts of your 1982 Congressional Campaign Committee (the "Committee"). You are subject to the Standards of Ethical Conduct for Government Officers and Employees as set forth in Executive Order No. 11222, and the Standards of Conduct for White House Employees, 3 C.F.R. § 100.735. Further, several provisions of the Federal Criminal Code, 18 U.S.C. §§ 201, 203, 209, 210, 211, 602, 603 and 607 are applicable to you as a Federal employee and should be reviewed carefully in the course of retiring the Committee's debts. Since the Committee owes a substantial debt to you as an individual, contributions to the Committee must be considered indirect payments to you.

Outlined below is our analysis of the restrictions of each of the statutory provisions */ and the Executive Order noted above which are or should be considered applicable to your activities in connection with any efforts to retire the debts of the Committee. Additionally, we have attached a summary of the general guidelines which you and your campaign committee should follow in planning the Committee's fundraising activities to retire the Committee's debts.

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*/ All references to statutory requirements contained herein, unless otherwise specifically noted, are paraphrases of the referenced statutes. Accordingly, when in doubt as to the applicability of these statutory provisions to specific facts or circumstances, reference should be made directly to the statute in question.

As an initial matter, we have been advised by the Office of Administration that you are now paid from the appropriation for the office of the President. Accordingly, the prohibitions on fundraising found in the Hatch Act, 5 U.S.C. § 7324, are not applicable. Fundraising efforts by you or the Committee should, however, be strictly limited to retiring debts from your past campaign.

18 U.S.C. § 201: provides in part that any public official may not solicit, accept, receive or agree to receive anything of value for himself or for any other person or entity, in return for being influenced in his performance of any official act; for being induced to do or omit any act in violation of his official duty; or being influenced in his testimony under oath in any proceeding before any court or Congressional hearing. Violations of this provision are punishable by fine, imprisonment or both, and possible disqualification from holding any office of honor or trust under the United States.

Additionally, 18 U.S.C. § 201 prohibits any public official from soliciting, accepting, receiving or agreeing to receive anything of value for himself or for another person or entity for or because of any official act, including testimony before any court or Congressional committee, to be performed by him. Violations of this provision are punishable by fine, imprisonment or both.

Under certain circumstances these restrictions may preclude you or the Committee from accepting any contributions from individuals or political committees, including political action committees (PAC's), whose specific purpose in making such contribution is to influence your official acts. To avoid any appearance of a violation of this provision, you and the Committee should not solicit or accept contributions from any individual, political committee or organization which has interests or represents individuals or organizations having interests that are now or will be affected by the actions or non-actions of the Office of Private Sector Initiatives.

18 U.S.C. § 203: prohibits Members of Congress, or officers or employees of the Federal government from receiving, soliciting, or seeking any compensation for services rendered by them or any other person on behalf of another person in relation to any proceeding, request for a ruling or other determination, controversy or particular matter in which the United States is a party or has a direct and substantial interest. Violation of this provision is punishable by fine, imprisonment or both. Accordingly, you and the Committee should not accept contributions from any

individual, political committee or organization if the acceptance of such contribution could reasonably be perceived as compensation for anticipated services to be rendered by you as a Federal employee on behalf of such individuals or groups represented by such political committees. Hence you and the Committee should not solicit or accept contributions from entities which have or will have interests pending before the Office of Private Sector Initiatives or before other Federal government agencies which could reasonably be construed to be subject to significant influence by you.

18 U.S.C. § 209: prohibits supplementation of the salary of a Federal official as compensation for his services as a Federal official. No payments to the Committee may be solicited or accepted as additional compensation for your services as a Special Assistant to the President. Contributions may only be solicited and accepted to retire the Committee's preexisting debt. As a general matter, you and the Committee should not accept any contributions which you have reason to believe would not have been made but for your current Federal employment.

18 U.S.C. § 210: prohibits the payment of money or anything of value to any person, firm or corporation in consideration of the use or promise to use any influence to procure any appointive office in the United States.

18 U.S.C. § 211: prohibits the solicitation or receipt, either as a political contribution or personal emolument, of any money or thing of value in consideration for the promise of support or use of influence in obtaining for any person any appointive office in the United States.

Out of an abundance of caution, these prohibitions should be viewed by you and the Committee as prohibiting the acceptance of any contributions from individuals whom you may wish to appoint to positions within your office, or who are seeking appointments to positions within your office or any other position within the Federal government.

18 U.S.C. § 602: prohibits any candidate for the Congress, any Senator or Congressman, or any officer or employee of the United States or any department or agency thereof, from knowingly soliciting political contributions from any other such officer or employee.

Thus, you and the Committee should take the steps necessary to ensure that no Senators or Congressmen, or officers or employees of the Federal government, are knowingly solicited for contributions to the Committee.

18 U.S.C. § 603: prohibits an officer or employee of the Federal government from making political contributions to their supervising officers in the Federal government. For purposes of this provision, a contribution to a political

committee authorized by an officer of the Federal government is considered a contribution to such officer.

The Committee, therefore, should not accept any contributions from individuals presently employed by your office.

18 U.S.C. § 607: prohibits the solicitation or acceptance of a political contribution in a Federal building. There is an exception to this prohibition for the receipt of contributions in Federal buildings by persons on the staff of a Senator or Congressman under specific circumstances, but such exception would no longer be applicable to you or the Committee.

This provision would preclude all solicitation of contributions at the Office of Private Sector Initiatives. Further, in the event that any political contributions to the Committee are received at your office, such contributions should be returned directly to the donor with instructions as to the appropriate mailing address for the Committee.

Section 201(c) of Executive Order No. 11222 provides in part:

> It is the intent of this section that employees avoid any action . . . which might result in, or create the appearance of:
>
> (1) using public office for private gain;
> (2) giving preferential treatment to any organization or person;
> (3) impeding government efficiency or economy;
> (4) losing complete independence or impartiality of action;
> (5) making a government decision outside official channels; or
> (6) affecting adversely the confidence of the public in the integrity of the Government.

You and the Committee should, therefore, avoid soliciting or accepting unsolicited contributions whose receipt will create the appearance of precluding your exercise of independent judgment or impartial action with regard to the issues coming before you. Accordingly, you and the Committee should not accept contributions from individuals or political committees who have not previously contributed to your political committees and whose contributions, in light of your current position, could be viewed as efforts to affect your independence and impartiality in issues coming before you. Additionally, the Committee should not solicit contributions in any manner that suggests that you are using your appointment to Federal office for personal gain. Solicitations by the Committee referring to your current position could create such an appearance, and should, therefore, be avoided.

Finally, the issues raised by settlement of the debts of the Committee for less than their full amount are governed by the provisions of the Federal Election Campaign Act of 1971, as amended, and its regulations. Although a full discussion of those provisions is beyond the scope of this memorandum, you should be aware that all of the above considerations which apply to contributions would also apply to the forgiveness of all or part of an existing debt.

If you have any questions concerning the appropriateness of accepting any particular contributions, or concerning any other matters discussed in this memorandum, please do not hesitate to contact this office for guidance.

Attachment

SUMMARY OF GENERAL GUIDELINES FOR ACCEPTANCE OF POLITICAL CONTRIBUTIONS

I. GENERAL RULE:

The Committee should not solicit or accept contributions from any individual, political committee, or organization (a) if the individual or entities represented by the Committee or organization has interests in matters which are or may be pending before your office or is affected or regulated by any policies, decisions or regulations of your office, or (b) if such solicitation or acceptance would create the appearance of precluding your exercise of independent judgment or impartial action with regard to the issues coming before you, or otherwise affect adversely the confidence of the public in the integrity of the government.

II. SPECIFIC PROHIBITIONS:

Fundraising activity is permitted only to retire debts from your past campaign.

Do not accept any contributions from individuals whom you may wish to appoint to positions within the Office of Private Sector Initiatives.

Do not accept any contributions from individuals who are seeking appointments within the Office of Private Sector Initiatives or any other position within the Federal government.

Do not solicit any Senators, Congressmen or officers or employees of the Federal government for contributions to the Committee.

Do not accept any contributions from individuals presently employed by the Office of Private Sector Initiatives.

Do not solicit or accept any contributions in your Federal offices. If any contributions are received at these offices, such contributions should be returned directly to donors with instructions as to the appropriate mailing address of the Committee.

Do not solicit contributions in any manner which suggests that you or the Committee are using your appointment to Federal office for your personal gain. Solicitations should not include reference to the fact of your current Federal employment.

THE WHITE HOUSE

WASHINGTON

April 21, 1983

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS JGR

SUBJECT: Appointments of Ann S. Penberthy and Betty Jane Noe as Members of the John F. Kennedy Center for the Performing Arts Advisory Committee

I have reviewed the Personal Data Statements submitted by the above-referenced individuals for appointment as members of the Kennedy Center Advisory Committee.

Appointments to the Kennedy Center Advisory Committee are authorized by Public Law 85-874 § 2(c). Appointees "shall be persons who are recognized for their knowledge of, or experience or interest in, one or more of the arts in the fields covered by the [Kennedy Center]." Id. Mrs. Penberthy is active in the Phoenix Musical Theatre and Symphony Guild, and as a Kennedy Center volunteer. Mrs. Noe is active in the New Orleans Opera Association. Based on my review of the Personal Data Statements submitted by these individuals, I see no reason to object to their appointments.