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THE WHITE HOUSE

WASHINGTON

June 15, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Another Letter on Use of the President's
Name and Seal by the President's
Committee on Employment of the Handicapped

Frank A. Tarbutton, who has attended over 20 of the annual meetings of the President's Committee on Employment of the Handicapped (PCEH), has written to voice his disagreement with the new policy concerning invitations to the annual meeting. Tarbutton notes that past invitations were issued in the President's name and bore the Presidential Seal, and states that the new policy forbidding this is "obstinate and regressive."

Although his characterization provoked marginalia concerning my work, you will recall that the decision to which Tarbutton objects was made some time ago by Richard Darman, and only came to the attention of our office after the fact. We did concur in his decision and declined to reinstate the previous practice, explaining to the PCEH Chairman that "In light of the significant number of Presidential committees, commissions, and task forces, it is not possible to authorize any one group to take action in the President's name -- including issuing invitations -- without real risk of a broad expansion of the practice in a manner that would create the possibility of abuse and ultimately demean the Office of the Presidency by overuse." I have drafted a reply to Tarbutton.

Attachment

THE WHITE HOUSE

WASHINGTON

June 15, 1983

Dear Mr. Tarbutton:

Thank you for your letter concerning the invitations to the annual meeting of the President's Commission on Employment of the Handicapped. In that letter you indicated that you had reviewed my letter to Chairman Russell, explaining why we could not accede to his request to have the invitations issued in the President's name. As I advised Chairman Russell, it was our view that "it is not possible to authorize any one group to take action in the President's name -- including issuing invitations -- without real risk of a broad expansion of the practice in a manner that would create the possibility of abuse and ultimately demean the Office of the Presidency by overuse." You suggested that a harmful precedent would not be created, because the Commission had been issuing invitations in the President's name for some time.

We appreciate your concern and recognize the significance of the annual meeting to the entire handicapped community. We simply do not think that exceptions can be made that would authorize particular commissions to take action on behalf of the President without engendering the difficulties mentioned in my letter to Chairman Russell. We receive similar requests from numerous commissions, committees, and the like, and the only fair way to deal with them is pursuant to a general rule. Past practice is not a persuasive reply to members of one commission who want to know why they are not accorded the same privileges as another.

I am sorry that you do not agree with our position, but I hope you will recognize, as I explained to Chairman Russell, that it in no way represents a change in the commitment of

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the President to the work of the Committee on Employment of the Handicapped or to the concerns of the handicapped community. Thank you for your continuing efforts on behalf of the handicapped, and for taking the time to share your views with us.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Frank A. Tarbutton
R.D. 3
Chestertown, Maryland 21620

FFF:JGR:aw 6/15/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

June 16, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Revised Drug Abuse Policy Fact Sheet

Richard Darman has asked for comments on a revised version of the drug abuse policy fact sheet by 1:00 p.m. today. You will recall that we objected to the earlier draft as being insufficiently comprehensive. This revised draft reflects our comments, as well as those of the Department of Justice. In particular, it now includes mention of the new FBI/DEA arrangement, the Comprehensive Crime Control Act of 1983, and expanded training programs. I have no legal objections.

Attachment

THE WHITE HOUSE

WASHINGTON

June 16, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Revised Drug Abuse Policy Fact Sheet

Counsel's Office has reviewed the revised drug abuse policy fact sheet, and finds no objection to it from a legal perspective.

FFF:JGR:aw 6/16/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

June 16, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Presidential Taping: Fourth of
July Message for Voice of America
Friday, June 17, 1983

Richard Darman has asked that comments on the above-referenced draft remarks be sent directly to Aram Bakshian by noon today. The remarks discuss the significance of the Fourth of July and relate the legend of the mysterious orator who convinced those gathered in Philadelphia to sign. I have no legal objections, and only one stylistic query which I have posed in the attached draft memorandum to Bakshian.

Attachment

THE WHITE HOUSE

WASHINGTON

June 16, 1983

MEMORANDUM FOR ARAM BAKSHIAN, JR.
DEPUTY ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Taping: Fourth of
July Message for Voice of America
Friday, June 17, 1983

Counsel's Office has reviewed the above-referenced draft remarks, and finds no objection to them from a legal perspective. On page 3, line 17, should "rules" be "rulers"?

cc: Richard G. Darman

FFF:JGR:aw 6/16/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

June 17, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Questions Concerning Reagan Tax Return

We have received inquiries from three citizens (two through Congressmen) asking why the Reagans were not required to pay a penalty for having only \$168,034 withheld or paid as estimated tax on a total tax liability for 1982 of \$292,616. The source of the citizens' concern is 26 U.S.C. § 6654, which imposes a penalty on taxpayers who have not paid at least 80 percent of their tax liability through withholding or estimated tax payments. The penalty is essentially interest on the amount by which 80 percent of the tax liability exceeds the amount withheld or paid as estimated tax. 26 U.S.C. § 6654(b). Since 80 percent of the Reagans' 1982 tax liability (\$234,093) exceeds \$168,034 by \$66,059, it would appear that a sizable penalty should have been imposed.

The penalty imposed by § 6654 is not applicable, however, if the amount withheld or paid as estimated tax exceeds the previous year's tax liability. 26 U.S.C. § 6654(d)(1). The Reagans' 1981 tax bill was \$165,291. The amount withheld or paid as estimated tax for 1982 exceeded this amount by \$2,743, so the Reagans easily fell within the § 6654(d)(1) exception. I have drafted appropriate responses to two of the concerned citizens for your signature. We do not know the identity or address of the third, so the draft response is to Congressman Hall, who transmitted the inquiry to us.

Attachments

THE WHITE HOUSE
WASHINGTON

June 17, 1983

Dear Mrs. Sauer:

Thank you for your recent letter to the President concerning his income taxes. In your letter you questioned why the President was not subject to a penalty for failing to pre-pay a sufficient portion of his tax liability for 1982.

The Internal Revenue Code specifies that the penalty to which you referred is not applicable if the amount which was pre-paid exceeds the tax liability for the previous year. In this case, the amount pre-paid by the Reagans for 1982 exceeded their tax liability for 1981. Accordingly, they were not subject to any penalty.

In your letter you also suggested that the due dates for estimated tax payments for the second and third quarters should be changed, from June 15 to July 15 and from September 15 to October 15, respectively. We appreciate having the benefit of your views on this question, and you may be assured that they will receive every appropriate consideration.

Thank you for writing.

Sincerely,

Fred F. Fielding
Counsel to the President

Mrs. Gayl Sauer
11215 Bentley
Houston, Texas 77093

FFF:JGR:aw 6/17/83

cc: FFFfielding/JGRoberts/Subj./Chron

THE WHITE HOUSE

WASHINGTON

June 17, 1983

Dear Mr. Walraven:

Congressman Pease has referred your letter concerning the Reagans' taxes to the White House for appropriate response. In that letter you questioned why the Reagans were not subject to a penalty for having an insufficient amount withheld or paid as estimated taxes.

The Internal Revenue Code specifies that the penalty to which you referred is not applicable if the amount which was pre-paid exceeds the tax liability for the previous year. In this case, the amount pre-paid by the Reagans for 1982 exceeded their tax liability for 1981. Accordingly, they were not subject to any penalty.

I hope this information responds to your concerns.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Ernest L. Walraven
36620 Center Ridge Road
North Ridgeville, Ohio 44039

FFF:JGR:aw 6/17/83

cc: FFFielding/JGRoberts/Subj./Chron

THE WHITE HOUSE

WASHINGTON

June 17, 1983

Dear Congressman Pease:

You asked the White House to respond to questions raised by one of your constituents, Ernest Walraven, concerning the Reagans' tax return. Attached please find a copy of a letter we have sent to Mr. Walraven, responding to his concerns.

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

Sincerely,

Fred F. Fielding
Counsel to the President

The Honorable Don J. Pease
House of Representatives
Washington, D.C. 20515

Attachment

FFF:JGR:aw 6/17/83

cc: FFFielding/JGRoberts/Subj./Chron

THE WHITE HOUSE

WASHINGTON

June 17, 1983

Dear Congressman Hall:

On May 9, 1983, you forwarded to the White House a letter from a constituent concerning the Reagans' tax return. The constituent, who cannot be identified from the copy of the letter forwarded to us, questioned why the Reagans were not subject to a penalty for failure to have 80 percent of their tax liability paid by January 15, 1983.

The Internal Revenue Code specifies that the penalty to which your constituent referred is not applicable if the amount which was pre-paid exceeds the tax liability for the previous year. In this case, the amount pre-paid by the Reagans for 1982 exceeded their tax liability for 1981. Accordingly, they were not subject to any penalty.

You may assure your constituent that the President is not "exempt from the same rules the rest of us taxpayers must follow." Please do not hesitate to contact us if we may be of any further assistance.

Sincerely,

Fred F. Fielding
Counsel to the President

The Honorable Tony P. Hall
House of Representatives
Washington, D.C. 20515

FFF:JGR:aw 6/17/83

cc: FFFielding/JGRoberts/Subj./Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

June 17, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: OPM Proposal to Amend 5 U.S.C. § 8312

OMB has asked for our views on OPM's proposal to submit legislation to amend 5 U.S.C. § 8312. Currently 5 U.S.C. § 8312 withholds retirement pay from federal employees convicted of specified offenses, typically offenses relating to national security. OPM's proposal would extend the list of offenses to include any state or federal felony punishable by imprisonment for two or more years and which occurred in connection with the employee's federal service. As OPM states in its proposed letter to the President of the Senate and the Speaker of the House, it believes the withholding of a government annuity is justified when a public official uses his office to engage in serious (punishable by two or more years) felonious conduct.

You may recall that 5 U.S.C. § 8312 was passed in response to the case of Alger Hiss and his confreres (its popular name is the "Hiss Act"), and was held unconstitutional as applied to them on ex post facto grounds. Hiss v. Hampton, 338 F. Supp. 1141 (D.D.C. 1972) (3-judge court). OPM's proposal avoids this pitfall by specifying that the predicate felony must have been committed on or after the date of enactment of the amendment.

I have no strong views on the policy behind the proposal. I would suppose federal employees convicted of a serious felony would be in enough trouble without losing their pension to boot, but the requirement that the predicate felony be employment-related does present a strong case for revoking the retirement benefits. I see no legal objections.

Attachment

THE WHITE HOUSE

WASHINGTON

June 17, 1983

MEMORANDUM FOR JEFFREY A. WEINBERG
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: OPM Proposal to Amend 5 U.S.C § 8312

Counsel's Office has reviewed OPM's proposal to amend 5 U.S.C. § 8312, and finds no objection to it from a legal perspective.

FFF:JGR:aw 6/17/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

June 17, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Presidential Remarks: GOP Fundraiser -
Jackson, Mississippi, Monday, June 20, 1983

Richard Darman has asked that comments on the above-referenced draft remarks be sent directly to Aram Bakshian by noon today. The remarks honor Minority Whip Trent Lott and his fellow Mississippi Republicans. The remarks also review the continuing progress of the economic recovery, repeat promises to veto budget-busting bills or efforts to interfere with the tax cut or indexing, and support the rebuilding of our defenses and Administration initiatives in Central America. I see no legal objections.

Attachment

THE WHITE HOUSE

WASHINGTON

June 17, 1983

MEMORANDUM FOR ARAM BAKSHIAN, JR.
DEPUTY ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Remarks: GOP Fundraiser -
Jackson, Mississippi, Monday, June 20, 1983

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

FFF:JGR:aw 6/17/83

cc: FFFielding
JGRoberts
Subj.
Chron