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WITHDRAWAL SHEET

Ronald Reagan Library

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Withdrawer

IGP 8/4/2005

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FOIA

F05-139/01

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24IGP

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	ROBERT TO FIELDING RE ASSISTANT SECRETARY OF THE TREASURY FOR DOMESTIC FINANCE	2	7/26/1983	B6	538

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]
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- 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

July 26, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Request of John Ford Evans, Jr.
for Certification

John Ford Evans, Jr., has written you a "Dear Fred" letter, advising you that he is setting up a new practice in southern New Jersey and would like to have his firm "certified for handling U.S. government transactions such as SBA loans, FmHA loans, FHA and VA closings and the like." He indicated his recollection that "[l]ocal certifications are purely political for the incumbent Administration." I had never heard of such a thing, and after numerous inquiries determined, to my great relief, that there was in fact no such thing as political certification for handling government transactions.

John Maxim, HUD Associate General Counsel for the Office of Insured Housing and Finance, advised me that there was no certification process for handling FHA matters. There is a register of attorneys used on a rotational basis for certain GNMA matters, but any licensed attorney can be placed on the wheel. If interested, Mr. Evans can obtain more information by contacting HUD Assistant General Counsel for Finance Walter Cassidy. Robert Webber, SBA General Counsel, advised that no certification is necessary to handle SBA matters, though the SBA may "disbar" attorneys from practicing before it pursuant to 13 C.F.R. §§ 103-104. Finally, VA General Counsel John Murphy advised that any licensed attorney with a good reputation may be certified to handle VA closings by applying to the VA district counsel for his area.

Attachment

THE WHITE HOUSE

WASHINGTON

July 27, 1983

Dear John:

Thank you for your letter advising me that you will be returning to southern New Jersey to practice law. In that letter you indicated that you would like to have your new firm certified to handle U.S. government transactions such as SBA loans, FmHA loans, FHA and VA closings, and the like. I was frankly unfamiliar with any such certification process and so had one of my attorneys contact the various agencies you mentioned to determine if there were any unusual certification requirements.

We were advised that no special certification is necessary to practice before the SBA or handle SBA matters. Under 13 C.F.R. § 103.13-3(b) any attorney admitted to practice and in good standing before any Federal court or the highest court of any State may appear before the SBA.

We were similarly advised that no certification was necessary to handle FHA closings, and indeed that the government was typically not directly involved in such transactions at all. There is apparently a register of attorneys to handle certain GNMA matters, but any licensed attorney can be placed on the list. If you are interested in the GNMA register, you should contact Walter Cassidy, Assistant General Counsel for Finance, Room 541, Department of Housing and Urban Development, 7th Street SW, Washington, D.C. 20410. Finally, any licensed attorney with a good reputation can be certified to handle VA closings by contacting the VA district counsel for his area.

I hope this information is helpful. Best of luck with your new practice!

Sincerely,

Fred F. Fielding
Counsel to the President

John Ford Evans, Jr., Esq.
Homan & Evans
317 Shell Road
Carneys Point, New Jersey 08069
FFF:JGR:aw 7/27/83
cc: FFFielding/JGRoberts/Subj./Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

July 26, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Charity Auction Gifts

Anne Higgins has asked for a review of the problem of requests for charity auction gifts. The typical scenerio -- epitomized by a July 8 letter to the President from the Pearl S. Buck Foundation -- involves a request for some Presidential memorabilia to be auctioned off, with the proceeds going to a worthy charity. Higgins notes she typically has been turning down such requests, explaining that since the President could not comply with all requests he must, in fairness, decline them all. Higgins asks if these requests present a legal or public relations problem, and whether some of the requests could be granted.

Our refusal to provide personal Presidential memorabilia for charity auctions is, I believe, a matter of prudential policy rather than legal requirement. I can think of no legal bar that would preclude the President from providing such mementoes should he desire to do so. There are several reasons, however, for adhering to the policy as a prudential matter:

- ° As noted by Higgins, the President could not comply with all such requests. Fairness would thus seem to require declining them all, particularly since the White House is ill-equipped for the task of deciding which charities are more worthy than others, and distributing Presidential memorabilia for the auction block accordingly.
- ° The White House cannot supervise auctions or the charities that would benefit from the auctions, sending a Presidential token directly implicates the President in an activity over which the White House has no control.
- ° The practice of auctioning off Presidential items is ultimately demeaning to the office of the Presidency. The prestige of the office is being marketed and sold. The fact that the proceeds might go to a worthy cause is beside the point.

I have outlined these concerns in the attached proposed memorandum for Higgins. She also asked whether articles paid for with appropriated funds may be given away. I would hope the foregoing discussion makes this question moot. The short answer, in any event, is that appropriated funds may be used only for the purposes for which they were appropriated. We should state this general rule and then offer to advise Higgins on any particular question she might have.

Attachment

THE WHITE HOUSE

WASHINGTON

July 27, 1983

MEMORANDUM FOR ANNE HIGGINS
SPECIAL ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Charity Auction Gifts

You have asked for our views on the frequent requests the President receives to donate memorabilia to be auctioned off for the benefit of charity. Strictly speaking, there is no legal bar that would preclude the President from donating personal items for this purpose. As a matter of policy, however, the White House declines such requests. Deviation from this policy has the potential to cause serious embarrassment to the President.

Several prudential considerations underlie the decision not to provide memorabilia for charity auctions. As noted in your memorandum, the President cannot possibly comply with all such requests, so fairness dictates that he uniformly decline them. The White House is hardly equipped to determine which charities are more worthy than others, and dispense Presidential gifts accordingly. Any preferential treatment would subject the President to charges of favoritism, a very real concern given the often competitive nature of charitable fundraising.

The White House cannot supervise charity auctions, nor can it supervise the activities of charities benefitting from the auction of Presidential memorabilia. The donation of an item thus inevitably implicates the President in activities over which the White House has no control. The potential for embarrassment in such situations is unacceptable.

Ultimately, the auctioning of Presidential memorabilia is demeaning to the office of the Presidency. The prestige of the office is being placed on the auction block and sold for a price. The fact that the proceeds go to a worthy charity is largely irrelevant.

For all of the foregoing reasons, our office has consistently advised against donating Presidential memorabilia for charity auctions.

With respect to your specific question concerning donation of articles paid for with appropriated funds, as a general matter appropriated funds may only be used for the purposes for which they were appropriated. We would be happy to review any particular questions concerning the application of this rule you might have.

FFF:JGR:aw 7/26/83

cc: FFFielding
JGRoberts
Subj.
Chron

WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name

ROBERTS, JOHN: FILES

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ROBERT TO FIELDING RE ASSISTANT
SECRETARY OF THE TREASURY FOR DOMESTIC
FINANCE

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

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E.O. 13233

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

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

July 27, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Request to Exhibit Portrait
of the President

Miss Jacqui Streeton of Memphis, Tennessee has written the President, requesting permission to exhibit a portrait she has sketched of him. Miss Streeton explained that she suffers from a disabling disease and has turned to portrait painting as a diversion and perhaps a springboard to a new career. She would like to exhibit a portrait she has sketched of the President, but some galleries and museums require written permission from celebrities before permitting exhibition of their portraits.

I see no reason not to indicate to Miss Streeton that we have no objection to the exhibition of her Presidential portrait. Sketches of the President are displayed by street corner and shopping center artists, and I do not think we should stand in the way of affording a disabled woman the same privilege. The attached draft letter makes clear that this is not an endorsement of her work.

Attachment

THE WHITE HOUSE

WASHINGTON

July 27, 1983

not sent
See July 29

Dear Miss Streeton:

Thank you for your letter to the President, requesting permission to exhibit a portrait you have sketched of him. In that letter you indicated that you had turned to portraiture during your continuing disability. You stated that you would like to share your sketch of the President by exhibiting it, but some galleries and museums require the permission of the subject of a portrait before accepting it for display.

The White House has no objection to a display of your sketch of the President. We have, of course, not seen the sketch, nor are we in any position to evaluate it, and the fact that we have no objection to its display should in no way be interpreted as approval or endorsement of the work. The White House adheres strictly to a policy of not permitting use of the name, likeness, photograph, or signature of the President in any manner that suggests or could be construed as endorsement by the President of a commercial product or enterprise. Accordingly, while we do not object to the exhibition of your sketch, you should avoid any suggestion that the White House has endorsed it. In particular, you should not indicate that it is being displayed with White House approval.

Thank you for writing. You have our best wishes for a full and speedy recovery.

Sincerely,

Fred F. Fielding
Counsel to the President

Miss Jacqui Streeton
c/o Dr. James A. Mann (G.I. Lab.)
W.F. Bowld Hospital (U.T.M.C.)
951 Court Avenue
Memphis, Tennessee 38103
FFF:JGR:aw 7/27/83
cc: FFFielding/JGRoberts/Subj./Chron

THE WHITE HOUSE

WASHINGTON

July 27, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Statement of the Honorable Kenneth W. Dam,
Deputy Secretary of State, Before the Com-
mittee on Foreign Relations of the United
States Senate, Thursday, July 28, 1983

OMB has asked for clearance of the above-referenced testimony on legislative veto by 2:00 p.m. I have reviewed the testimony and, in light of the short deadline and the fact that the testimony generally mimics Dam's previous testimony before the House Foreign Affairs Committee, I have advised OMB that, with one minor exception, we have no objection.

The exception concerns the last sentence on page 11, which begins: "In Section 4 of the [War Powers] Resolution, the President is required to make a formal report to Congress" Section 4(a) by its terms requires a formal, written report concerning the introduction of forces; section 4(c) simply requires the President to report periodically (at least every six months) to Congress concerning the continued involvement of forces. I recommended to Jim Murr of OMB that "Section 4" be changed "Section 4(a)" in Dam's testimony, to avoid any suggestion that formal reports were required under section 4(c).

THE WHITE HOUSE

WASHINGTON

July 27, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Remarks: Reception for National Council
of Negro Women (7/26 - 5:00 Draft)

Richard Darman has asked that comments on the above-referenced remarks be sent directly to Aram Bakshian by 1:00 p.m. today. The remarks praise the work of the National Council of Negro Women, and review the Administration's record in the area of employment discrimination, minority appointments, housing discrimination, and education. The remarks strike me as legally unobjectionable.

Attachment

THE WHITE HOUSE

WASHINGTON

July 27, 1983

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Remarks: Reception for National
Council of Negro Women (7/26 - 5:00 Draft)

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

cc: Richard G. Darman

FFF:JGR:aw 7/27/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

July 28, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Correspondence from Senator Goldwater
on Chadha and War Powers Resolution

On July 13 Senator Goldwater wrote Ken Duberstein, enclosing a copy of his remarks from the Congressional Record of July 12. Those remarks questioned the constitutionality of the War Powers Resolution in light of the Chadha decision. The Senator's remarks did not focus on the legislative veto provision in the War Powers Resolution, but more generally suggested that the entire Resolution was invalid on the basis of the general thrust of Chadha, i.e., that each branch should keep to its own turf.

In his letter, Goldwater expressed his hope that his remarks would be directed to the President and to you. Duberstein sent Sherrie a copy for appropriate action; Sherrie referred it to me. I have drafted a response based primarily on Ken Dam's testimony concerning the effect of Chadha on the War Powers Resolution.

Attachment

THE WHITE HOUSE

WASHINGTON

July 28, 1983

Dear Senator Goldwater:

Ken Duberstein has shared your letter of July 13 with me. Along with that letter you provided a copy of your remarks, published in the Congressional Record of July 12, 1983, concerning the War Powers Resolution and the Supreme Court's decision in Immigration and Naturalization Service v. Chadha.

Needless to say, I read your remarks with considerable interest. In the executive branch, an inter-agency working group has been active since the announcement of the Chadha decision, reviewing the various statutes containing legislative vetoes. As you doubtless know, representatives from both the Department of State and the Department of Justice have already testified before Congress on the impact of the Chadha decision. Our main effort, beyond simply evaluating the legal effect of the decision, has been to assure Congress that we have no intention of "exploiting" the decision and will continue to consult closely with Congress concerning activities previously subject to the threat of legislative veto.

Much of the debate and discussion in the wake of the Chadha decision has, of course, concerned the War Powers Resolution. Deputy Secretary of State Kenneth W. Dam has testified before both the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations concerning the effect of Chadha on the Resolution. As Mr. Dam testified, the legislative veto provision of the Resolution -- found at section 5(c) -- is clearly unconstitutional, and severable from the remainder of the statute.

Mr. Dam testified that section 5(b), which purports to require the President to withdraw troops in certain circumstances in the absence of Congressional authorization, does not fall within the scope of the Chadha decision. That section does not contain a legislative veto. As Mr. Dam noted, however, "the Executive Branch has traditionally had questions about this requirement of Congressional authorization for Presidential disposition of our armed forces, both in light of the President's Commander-in-Chief power and on practical grounds." Your suggestion that the broader implications of the analysis in Chadha -- as opposed to its specific treatment of legislative vetoes -- may have a bearing on the War Powers Resolution as a whole is certainly worthy of further consideration.

-2-

Thank you for sharing your views on this important subject with us. They will certainly be helpful as we continue to work with Congress in assessing and responding to the Chadha decision.

Sincerely,

Fred F. Fielding
Counsel to the President

The Honorable Barry Goldwater
United States Senate
Washington, D.C. 20510

FFF:JGR:aw 7/29/83

cc: FFFielding
JGRoberts
Subj.
Chron

bcc: Ken Duberstein

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

July 28, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Draft State Department Q & A's
on Legislative Veto

OMB is in the process of clearing State Department Q & A's on legislative veto, and has asked for the views of Justice, Defense, and NSC by noon August 1. The Q & A's review all of the major statutes in the area of foreign affairs containing legislative vetoes (War Powers Resolution, Foreign Assistance Act, Arms Export Control Act, Nuclear Non-Proliferation Act, Atomic Energy Act, Jackson-Vanik Amendment) and concludes with respect to each that the legislative veto is unconstitutional and severable. The President's powers and the report and wait provisions thus survive. The draft answers stress the executive branch's commitment to close consultation with Congress in developing and implementing a bipartisan foreign policy. The answers also oppose the various proposals that have been advanced to bar executive actions in the absence of affirmative Congressional authorizations as a substitute for legislative vetoes.

The Q & A's on sections 669 and 670 of the Foreign Assistance Act note that prior to the 1981 amendments, the statute provided for a joint resolution veto of Presidential waivers. The 1981 amendments substituted concurrent resolution vetoes. The draft answer states: "Since the 1981 change is not valid, it is my view that the joint resolution veto provision is reinstated."

This is absurd. The judicial invalidation of amendments by no means operates to resurrect those provisions repealed by the amendments. If the law specifies A, Congress repeals A and substitutes B, and B is declared unconstitutional, A is not suddenly the law once again. It has been repealed and can only become law by re-enactment.

Congress can overturn a Presidential waiver under section 669 or 670 by a joint resolution, but recognition of that fact is far different from saying that the pre-1981 "joint resolution veto provision is reinstated." I would strike the last sentence of these draft answers and substitute the following: "If Congress strongly disagrees with a Presidential waiver it can always attempt to overturn it through a joint resolution."

THE WHITE HOUSE

WASHINGTON

July 28, 1983

MEMORANDUM FOR RONALD PETERSON
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Clearance of Department of State Draft
Q & A's Concerning Legislative Veto

Counsel's Office has reviewed the proposed State Department Q & A's on legislative vetoes, and objects to the draft answers to questions on sections 669 and 670 of the Foreign Assistance Act. The draft answers note that prior to 1981, these sections provided for a joint resolution veto of Presidential waivers. The 1981 amendments substituted concurrent resolution vetoes invalid under Chadha. The last sentence of both draft answers states: "Since the 1981 change is not valid, it is my view that the joint resolution veto provision is reinstated."

There is no legal support for the proposition that the judicial invalidation of an enacted amendment operates to resurrect the provision repealed by the amendment. In no sense are the joint resolution veto provisions of sections 669 and 670 "reinstated" by the invalidation of the concurrent resolution veto provisions substituted for them in 1981. We recommend striking the last sentence of both of these answers and substituting the following, or something like it: "If Congress strongly disagrees with a Presidential waiver it can always attempt to overturn it through a joint resolution."

cc: Theodore B. Olson

FFF:JGR:aw 7/28/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

July 28, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Enrolled Bill H.R. 2637 -- Increase
in Authorization for Federal Payment
to the District of Columbia

Richard Darman has requested our views on the above-referenced enrolled bill by close of business August 1, 1983. The bill, which passed both houses by voice vote, would increase the annual federal payment to the District from its current level of \$361 million to \$386 million. OMB recommends approval and, not surprisingly, so does the D.C. Government.

I have reviewed the bill and the memorandum for the President prepared by Naomi Sweeney, Acting Assistant Director of OMB for Legislative Reference. While our office obviously is in no position to assess the budgetary policy underlying the bill, I see no legal objections.

Attachment

THE WHITE HOUSE

WASHINGTON

July 28, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2637 -- Increase
in Authorization for Federal Payment
to the District of Columbia

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

FFF:JGR:aw 7/28/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

July 29, 1983

Dear Miss Streeton:

Thank you for your letter to the President, requesting permission to exhibit a portrait you have sketched of him. You stated that you would like to share your sketch of the President by exhibiting it, but some galleries and museums require the permission of the subject of a portrait before accepting it for display.

The White House has no objection to a display of your sketch of the President. We have, of course, not seen the sketch, nor are we in any position to evaluate it, and the fact that we have no objection to its display should in no way be interpreted as approval or endorsement of the work.

The White House adheres strictly to a policy of not permitting use of the name, likeness, photograph, or signature of the President in any manner that suggests or could be construed as endorsement by the President of a commercial product or enterprise. Accordingly, while we do not object to the exhibition of your sketch, you are requested to be sure to avoid any suggestion that the White House has endorsed it. In particular, you should not indicate that it is being displayed with White House approval.

Thank you for writing. You have our best wishes for a full and speedy recovery.

Sincerely,

Fred F. Fielding
Counsel to the President

Miss Jacqui Streeton
c/o Dr. James A. Mann (G.I. Lab.)
W.F. Bowld Hospital (U.T.M.C.)
951 Court Avenue
Memphis, Tennessee 38103

FFF:JGR:aw 7/29/83
cc: FFFfielding/JGRoberts/Subj./Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

July 29, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Statement of Jim Knapp Re: Efforts
of the Department of Justice to
Improve the Collection of Fines

The above-referenced testimony is to be delivered on August 3, 1983. It reviews statistics on outstanding criminal fines, noting that there are some 21,000 individual cases with a balance due of \$132 million. The testimony discusses some of the problems associated with collecting assessed fines, and notes that under this Administration the Justice Department has made collection of fines a priority item. Finally, the testimony urges favorable legislative action on the sentencing provisions of the proposed Comprehensive Crime Control Act of 1983, which would improve the collectibility of criminal fines. I have no objections to the proposed statement.

Attachment

THE WHITE HOUSE

WASHINGTON

July 29, 1983

MEMORANDUM FOR GREG JONES
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Statement of Jim Knapp Re: Efforts
of the Department of Justice to
Improve the Collection of Fines

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

FFF:JGR:aw 7/29/83

cc: FFFielding
JGRoberts
Subj.
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

July 29, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Options for Federal Initiative
in the Southwest Border Region

Richard Darman has asked for comments by close of business August 2 on the above-referenced options paper prepared for the President. The subject of the options paper will be discussed at the Cabinet meeting scheduled for August 9.

The memorandum reviews the economic difficulties of the southwest border region, noting the dependency of the economy of that area on the Mexican economy and currency. The memorandum explains that prior to the recent peso devaluation the area experienced a boom, and is now confronting the other side of the coin. Specific questions presented for Presidential decision include:

1. Should a special effort be made to help the border region?
2. How large a resource commitment is warranted?
3. Should the effort carry a specific price tag?
4. Should the Administration establish a small, temporary Office of Border Assistance?

None of the proposed options, at least as presently formulated, present legal difficulties. I do not know to what extent you want to comment on the policy questions. For my part, I do not think any special federal effort for the border region is justified. To paraphrase the famous Fitzgerald-Hemingway dialogue, the border region is different from the rest of the country -- it's nearer the border. Every area of the country has peculiar economic concerns. The condition of the fishing industry affects New England more than Tennessee; the international grain market affects Kansas more than Miami; and, yes, the value of the peso affects El Paso more than Seattle. As the memorandum notes, however, when the peso was strong between 1978 and 1981 the southwest benefitted disproportionately as it now suffers disproportionately after peso devaluation.

If you wish to present this viewpoint, I would be happy to prepare an appropriate memorandum. Assuming you do not, I have drafted a memorandum noting no legal objection to consideration of the options, although the draft does question the absence of a "con" paragraph for the fourth option.

Attachment

THE WHITE HOUSE

WASHINGTON

July 29, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Options for Federal Initiative
in the Southwest Border Region

Counsel's Office has reviewed the above-referenced options paper, and has no legal objections to consideration of the various questions presented for decision. We would, however, note that discussion of the fourth question to be decided contains only a "pro" paragraph -- no "con." The establishment of an Office of Border Assistance does not strike us as so obviously desirable that it is impossible to formulate any arguments against it.

FFF:JGR:aw 7/29/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

July 29, 1983

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS

SUBJECT: Appointment of Howard M. Love to the
President's Commission on Industrial
Competitiveness

The President's Commission on Industrial Competitiveness is a new advisory committee established by Executive Order 12428 (June 28, 1983). The purposes of the Commission are to review means of increasing the competitiveness of United States industry, with particular emphasis on high technology, and provide appropriate advice to the President. The Commission was established in such a fashion that its members from the private sector would not be considered government employees for purposes of the conflicts laws. Thus, members are not paid for their services and "shall represent elements of industry, commerce, and labor most affected by high technology, or academic institutions prominent in the field of high technology." Under the executive order members must also "have particular knowledge and expertise concerning the technological factors affecting the ability of United States firms to meet international competition at home and abroad."

Mr. Love, Chairman and CEO of National Steel Corporation, represents an industry deeply affected by developments in the area of high technology. His position and background have doubtless provided him with particular knowledge and expertise concerning the technological factors affecting the competitiveness of American industry. Mr. Love has numerous affiliations with and holdings in high technology firms and firms affected by high technology. Since he will serve on the Commission in a representative capacity, these affiliations and holdings are not an impediment to his appointment.