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CHRON FILE (10/18/1983 - 10/24/1983)

IGP 8/30/2005

FOIA

F05-139/01

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COOK

36IGP

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	ROBERTS TO HAUSER RE NOMINATION TO RANK OF MINISTER (PARTIAL)	1	10/18/1983	B6	602
2	MEMO	ROBERTS TO FIELDING RE GERALD KINCAID	1	10/20/1983	B6	603
3	MEMO	ROBERTS TO HAUSER RE WESTON ADAMS (PARTIAL)	1	10/20/1983	B6	604

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.

THE WHITE HOUSE
WASHINGTON

October 18, 1983

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Nomination of Edmund P.C. Stohr
to Rank of Minister

At your request I raised the matter of

nomination.

Attachments

We can now proceed with this

b6

THE WHITE HOUSE

WASHINGTON

October 18, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Domestic Briefing Material --
Coal Leasing

The fourth bullet item in the coal leasing materials should be revised. Judge Oberdorfer originally stressed Congress' Article IV authority over federal lands in issuing the preliminary injunction halting the proposed leases, but in a subsequent, almost gratuitous opinion, he backed away from that untenable position and focused on the existence of an Interior Department regulation tracking the unconstitutional legislative veto. Ralph Tarr of OLC advises that in his view Oberdorfer will ultimately rule that the leases may not go forward not because Congress' authority over federal lands legitimizes legislative vetoes in this context, but because Interior should have revoked its regulations, which currently echo the statute and provide that the department will be bound by the votes of Congressional committees. A hearing on the merits is scheduled for October 27.

I suggest the following substitute:

- o A Federal District Judge last month issued a preliminary injunction blocking the planned North Dakota leases, and a hearing on the dispute is scheduled for October 27. It is not clear how the judge will ultimately rule or what the basis for his decision will be.

Attachment

THE WHITE HOUSE

WASHINGTON

October 18, 1983

MEMORANDUM FOR MICHAEL E. BAROODY
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR, OFFICE OF PUBLIC AFFAIRS

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Domestic Briefing Material --
Coal Leasing

The fourth bullet in the Coal Leasing briefing material should be revised. While the judge in question originally based his issuance of a preliminary injunction on Congress' authority over federal lands, he departed from that reasoning in a subsequent opinion, focusing instead on Interior Department regulations. We suggest the following version of the fourth bullet item:

- o A Federal District Judge last month issued a preliminary injunction blocking the planned North Dakota leases, and a hearing on the dispute is scheduled for October 27. It is not clear how the judge will ultimately rule or what the basis for his decision will be.

cc: Richard G. Darman

FFF:JGR:aea 10/18/83

bcc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

October 18, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: H. LAWRENCE GARRETT, III 
SUBJECT: Additional Domestic Briefing Materials

I have reviewed the attached proposed briefing materials concerning nominees to the Board of the Legal Services Corporation; have no legal objections, but would make the following recommendation: the last sentence in the second bullet should be changed to read:

"These nominees -- as a group -- fully satisfy the general requirements set forth in the statute."

To use the present language "-- fully satisfy all criteria in the statute" is, I believe, too definitive and might invite questions concerning the specific criteria as they relate to specific candidates.

I have prepared an appropriate memorandum for your review and signature, should you concur.

Attachment

THE WHITE HOUSE

WASHINGTON

October 18, 1983

MEMORANDUM FOR MICHAEL E. BAROODY
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR, OFFICE OF PUBLIC AFFAIRS

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Additional Domestic Briefing Materials

I have reviewed the attached proposed briefing materials concerning nominees to the Board of the Legal Services Corporation; have no legal objection to them, but submit the following recommendation for your consideration.

I recommend the last sentence in the second bullet be changed to read: "These nominees -- as a group -- fully satisfy the general requirements set forth in the statute."

cc: Richard G. Darman

FFF:HLG:aea 10/18/83

bcc: FFFielding
HLGarrett
Subj
Chron

THE WHITE HOUSE

WASHINGTON

October 18, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*
SUBJECT: Draft Proclamation - National Poison
Prevention Week, 1984

Dodie Livingston has asked for comments by October 20 on the above-referenced draft proclamation. The proclamation, authorized and requested by a joint resolution approved in 1961, was drafted by the Consumer Product Safety Commission and approved by OMB. It reviews the history of National Poison Prevention Week and this year's theme - "Children Act Fast...So Do Poisons." I have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

October 19, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Statement of Roger P. Brandemuehl
Regarding Federal Identification
Systems and Fraudulent Use of
Identification Documents - 10/21/83

OMB has provided us with a copy of the proposed testimony of Roger P. Brandemuehl, Acting Associate Commissioner of INS, which is to be delivered before the Subcommittee on Courts of the Senate Judiciary Committee on October 21. The testimony reviews the various documents issued by INS which may be used for identification purposes, and examines the rising problem of counterfeiting identifiers for the purpose of obtaining citizenship and the benefits accruing thereto. In particular, the testimony describes how an individual obtaining one key identification document, called a "breeder document," can use that document to secure a broad range of other identification documents. The testimony reviews several efforts to combat this problem, including the establishment of task forces across the country. I have reviewed the testimony and have no objection to it, although, for the sake of any members of the Subcommittee who may be in attendance, I hope that Mr. Brandemuehl is a fast reader.

Attachment

THE WHITE HOUSE

WASHINGTON

October 19, 1983

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Statement of Roger P. Brandemuehl
Regarding Federal Identification
Systems and Fraudulent Use of
Identification Documents - 10/21/83

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

FFF:JGR:aea 10/19/83

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

October 19, 1983

MEMORANDUM FOR TERRY W. GOOD
ASSISTANT DIRECTOR
RECORDS MANAGEMENT

FROM: JOHN G. ROBERTS *JGR*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Honegger Files

We have received from the Department of Justice those White House files left at Justice by Barbara Honegger. I am herewith forwarding those files to you for appropriate handling and disposition.

Many thanks.

THE WHITE HOUSE

WASHINGTON

October 19, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Proposed Announcement to Presidential
and Secretarial Appointees Concerning
Subscriptions

We discussed this at Tuesday's staff meeting. The draft memorandum reflects your negative reaction to the proposal.

Attachment

THE WHITE HOUSE

WASHINGTON

October 19, 1983

MEMORANDUM FOR CRAIG L. FULLER
ASSISTANT TO THE PRESIDENT
FOR CABINET AFFAIRS

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Announcement to Presidential
and Secretarial Appointees Concerning
Subscriptions

You have asked for our views on a proposal, originating with Bruce Chapman, that you announce to Presidential and Secretarial Appointees that they consider adding publications such as National Review, Human Events, Accuracy in Media Report, Policy Review, Public Opinion, Public Interest, and American Spectator to their office subscription lists. Your announcement would be accompanied by distribution of a handout with the mailing addresses of the listed publications.

While we understand the purpose of such an announcement, it is nonetheless true that the publications in question are for-profit ventures, and formally touting them in the manner proposed by Chapman would not only raise serious appearance problems but would also be likely to generate adverse publicity. Accordingly, we recommend against the proposal.

FFF:JGR:aea 10/19/83

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

October 19, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Continuing Correspondence from
Reginald Brinkmann, Jr.

My memorandum of September 26, 1983 (copy attached) provides the necessary background. Brinkmann has now written Senator Tower again, with a copy to you, asking for an opportunity to meet with you, Brad Reynolds, and a member of Tower's staff. I see no purpose to be served by such a meeting. We do not have to reply to anything at this point, although Tower will doubtless refer the request to us eventually. We should await such a referral.

Attachment

THE WHITE HOUSE

WASHINGTON

October 19, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Tony Conigliaro Sports Benefit

Donald R. Saccani, Chairman of the Tony Conigliaro Benefit Committee of Marin County, has asked the President to become Honorary Chairman of the 1984 Tony Conigliaro Sports Benefit. I assume you are familiar with the truly tragic story of Tony Conigliaro, whose promising professional baseball career - and indeed almost his life - was cut short when he was struck on the side of the head by a fastball. The film of the incident is literally chilling, and the tragedy was a major factor in the shift to baseball helmets with ear and temple protectors. Conigliaro still suffers serious health consequences; this benefit is apparently intended to assist him. Saccani routed the request for the President to be Honorary Chairman through David Fischer, who obtained a get well card from the President for Conigliaro, and Fischer sent it to Anne Higgins, who forwarded it to us.

Our usual policy is to decline such requests, citing the numerous requests the President receives and his inability to grant them all. I have prepared a letter along these lines.

Attachment

THE WHITE HOUSE

WASHINGTON

October 19, 1983

Dear Mr. Saccani:

Thank you for your letter to the President, requesting that he serve as Honorary Chairman of the 1984 Tony Conigliaro Sports Benefit. We appreciate the kind thoughts contained in your letter.

I am sorry to have to inform you, however, that the President cannot accept your gracious invitation to serve as Honorary Chairman. I am certain you will appreciate that the President receives countless such invitations from charitable groups. He cannot accept them all, and out of fairness has been compelled to adopt a policy of uniformly declining the requests, no matter how laudable the objectives of the charitable organization.

Please be assured that our need to adhere to this policy in this instance is in no sense an adverse reflection on you or the work of the Tony Conigliaro Benefit Committee. We wish you every success in your efforts.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Donald R. Saccani
President-General Manager
Mariner Distributing Co.
San Rafael, California

FFF:JGR:aea 10/19/83
cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

October 19, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Statement of Conrad S. Banner
Regarding Federal Identification
Systems on October 21, 1983

OMB has provided us with a copy of the testimony Conrad Banner, Deputy Assistant Director of the FBI's Identification Division, proposes to deliver on October 21 before the Subcommittee on Courts of the Senate Judiciary Committee. The testimony begins with an overview of the FBI's Identification Division, with which you are of course familiar, and the National Crime Information Center, which contains a wide variety of criminal histories and related data. The bulk of the testimony discusses various methods of identification, in particular fingerprints, and the advantages and disadvantages of each type. The testimony concludes with a general discussion of security and privacy considerations in the use of identification systems. I have reviewed the testimony and have no objections to it.

Attachment

THE WHITE HOUSE

WASHINGTON

October 19, 1983

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Statement of Conrad S. Banner
Regarding Federal Identification
Systems on October 21, 1983

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

FFF:JGR:aea 10/19/83

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

October 20, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: "Good Morning America" Interview with
the President - Issue here: Education
Talking Points

Richard Darman has asked that comments on the above-referenced talking points be sent directly to Michael Baroody by noon today. The talking points review Administration policies and programs in the education area, stressing merit pay, return to basics, partnerships in education, and tuition tax credits. The points review statistics to demonstrate that we have not cut back education funding, while at the same time emphasizing that more money is not the answer. I have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

October 20, 1983

MEMORANDUM FOR MICHAEL E. BAROODY
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR, OFFICE OF PUBLIC AFFAIRS

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: "Good Morning America" Interview with
the President - Issue here: Education
Talking Points

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

cc: Richard G. Darman

FFF:JGR:aea 10/20/83

bcc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

October 20, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Letter to James Baker Regarding
Redistricting Plan in Texas

Frederick R. Meyer, Dallas County Republican Party Chairman, has written Mr. Baker to complain about the Justice Department decision to clear the apportionment of Congressional seats in Dallas County. The Democratic apportionment scheme preserves white Democratic incumbent seats by splitting minority and Republican blocs. In a strange bedfellows case typical of the Alice-in-Wonderland world of voting rights law, the NAACP and the Republican Party challenged the apportionment. Both wanted a "majority minority" district, the NAACP so that a minority representative would be elected, the GOP because concentrating minority voters in one district would, in the nature of things, increase Republican strength in the other districts.

Brad Reynolds determined that the Voting Rights Act was not violated by the scheme because (1) there was no racial motive underlying the apportionment and (2) there was no dilution of minority voting strength. Reynolds' theory was that minority voters could protect their interests by being a significant force in several districts rather than a dominant force in one. Put simply and a bit crassly, Reynolds could not reject the argument that minority interests would be better served by three white Democratic Congressmen and one Republican, with the Democrats having to obtain a significant number of minority votes, than by one black Congressman elected by most of the minority votes and three Republicans, none of whom had to obtain minority support.

The issue raised by this case - whether the Voting Rights Act is concerned with electing minorities or protecting minority voter strength - is a very basic one that has not been definitively resolved. Both the NAACP and the Dallas County GOP have stated they will challenge the plan in court. Our response on Baker's behalf should avoid comment in light of the fact that litigation is imminent.

Attachment

THE WHITE HOUSE

WASHINGTON

October 20, 1983

FOR: FRED F. FIELDING

FROM: JOHN G. ROBERTS *DRK*

SUBJECT: Request for President to Recreate the
Signing of the Last Letter by General
Washington as Commander-in-Chief of
the Continental Army

Frank Finnegan, Press Director of the Steuben Society of America, has written Larry Speakes to request that the President "recreate" the signing of Washington's last letter as Commander-in-Chief to General von Steuben on December 23, 1783. General von Steuben is apparently something of a patron saint to German-Americans. Finnegan asks that the President sign his last letter of 1983 as close to December 23 as possible, and that it be sent to Steuben Society Chairman Robert Diedolf. Finnegan also offered to send down someone dressed as General von Steuben, and some singers and dancers to liven up the ceremony.

I see nothing wrong with the President sending a nice message on December 23 to Diedolf to commemorate the anniversary (if Research agrees with Finnegan's history), but I really do not see the point -- or the possibility -- of having this be the last Presidential letter of 1983. A draft memorandum to Speakes, copy to Higgins, is attached.

THE WHITE HOUSE

WASHINGTON

October 20, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Status of H.R. 3932

You have asked for a status report on H.R. 3932, the bill to revise the D.C. Council legislation in the wake of the Chadha decision. You will recall that the bill would require a joint resolution of disapproval before Congress could block laws passed by the D.C. Council. The bill has passed the House and is pending in the Senate.

On October 7 a meeting was held in the Deputy Attorney General's Conference Room, attended by the Deputy, Assistant Attorneys General Olson and McConnell, Principal Deputy U.S. Attorney for D.C. Joseph DiGenova, and myself. The attendees were receptive to DiGenova's proposal that the Department of Justice support an exception reversing the approach of H.R. 3932 in the criminal area; i.e., that no D.C. Council law affecting Titles 22, 23, and 24 of the D.C. Code would go into effect unless it was approved by a duly enacted joint resolution of Congress.

DiGenova was to prepare a position statement by last week but has not yet done so; I am told by Justice's Office of Legislative Affairs that they now hope to have a statement ready for OMB clearance by the end of this week. I have advised OMB that Justice was developing an alternative to H.R. 3932 to be presented to the Senate, so the memorandum of October 4 I prepared for your signature is OBE. We will want to assist Justice in obtaining prompt clearance of their statement when it is ready, and can make our views formally known at that time.

Attachment

THE WHITE HOUSE

WASHINGTON

October 20, 1983

FOR: FRED F. FIELDING
FROM: JOHN G. ROBERTS *QAC*
SUBJECT: Kentucky Heritage Foundation and the Great Seal

In response to your marginalia on my previous memorandum on this subject, I contacted Gene Malmborg in the Legal Advisor's Office at State, who was willing to answer to the title "Keeper of the Seal." Malmborg indicated that he handles Great Seal inquiries precisely as we proposed to, i.e., by pointing out 18 U.S.C. § 713(a) and declining to authorize any contemplated use. I have revised our proposed reply slightly to make it clearer that we are neither approving nor disapproving the Foundation's planned use of the Great Seal.

THE WHITE HOUSE

WASHINGTON

October 20, 1983

Dear Mr. Riner:

Thank you for your letter of September 21. In that letter you requested written permission under Executive Order 11649, subsection 1(g), to use portions of the Great Seal of the United States in a display highlighting the National Motto. You provided a facsimile of the contemplated display and indicated that the Kentucky Heritage Foundation would produce the seals and donate them for display in government buildings.

The provisions of Executive Order 11649 apply only to the Seals of the President and Vice President of the United States, not to the Great Seal. The limits on use of the Great Seal are found in 18 U.S.C. § 713(a). Although this office is deeply concerned about use of the Seal of the President, we do not review questions involving the separate and distinct Great Seal, and are not in a position to either approve or disapprove your contemplated use.

Sincerely,

Fred F. Fielding
Counsel to the President

The Honorable Tom Riner
Kentucky Heritage Foundation
1143 East Broadway
Louisville, KY 40204

Enclosure
FFF:JGR:aea 10/20/83
bcc: FFFielding
JGRoberts
Subj
Chron

WITHDRAWAL SHEET

Ronald Reagan Library

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ROBERTS, JOHN: FILES

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1 10/20/1983 B6

603

ROBERTS TO FIELDING RE GERALD KINCAID

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

B-1 National security classified information [(b)(1) of the FOIA]

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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.

THE WHITE HOUSE
WASHINGTON

October 20, 1983

MEMORANDUM FOR STANLEY E. MORRIS
ASSOCIATE DEPUTY ATTORNEY GENERAL

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Gerald W. Kincaid

Attached is additional correspondence received in this office on a matter previously referred to you for appropriate handling.

Many thanks.

Attachment

FFF:JGR:aea 10/20/83

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

October 20, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS /S/
SUBJECT: Alan I. Marshall Correspondence

You were previously copied on correspondence between Alan I. Marshall, a convict, and the Justice Department. Marshall is complaining about the conduct of federal prosecutors. Marshall has now sent you copies of his latest correspondence. You have not responded directly to Marshall in the past and should not do so now. The matter is under review by Justice's Professional Responsibility Division.

Attachment

THE WHITE HOUSE
WASHINGTON

October 20, 1983

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS /S/

SUBJECT: Weston Adams

You had two follow-up questions on my October 4 memorandum on Weston Adams. The responses follow.

bb

THE WHITE HOUSE
WASHINGTON

October 21, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*
SUBJECT: Draft Proclamation - Metropolitan
Opera Day, Saturday, October 22, 1983

Dodie Livingston has asked for our comments by 11:00 a.m. today on the attached draft proclamation, which designates tomorrow as Metropolitan Opera Day. The proclamation, authorized and requested by S.J. Res. 128, was drafted by NEA and approved by OMB. It notes the contributions of the Met to the tradition of musical theatre in the United States. I have no legal objections, but have noted a minor stylistic one in the attached draft memorandum.

Attachment

THE WHITE HOUSE

WASHINGTON

October 21, 1983

MEMORANDUM FOR DODIE LIVINGSTON
SPECIAL ASSISTANT TO THE PRESIDENT
DIRECTOR, SPECIAL PRESIDENTIAL MESSAGES

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Proclamation - Metropolitan
Opera Day, Saturday, October 22, 1983

Counsel's Office has reviewed the above-referenced draft proclamation, and finds no objection to it from a legal perspective. In the second line, however, "which are" can be deleted.

FFF:JGR:aea 10/21/83

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

October 21, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Treasury Testimony on S. 1870
Credit Card Fraud

OMB has asked for our views by noon today on proposed Treasury testimony on S. 1870, the Credit and Debit Card Counterfeiting and Fraud Act of 1983. The proposed testimony makes five salient points concerning credit and debit card fraud:

1. There has been a dramatic increase in such fraud.
2. The bank and credit card industry is beginning to recognize the problem and is increasing its security against such fraud.
3. S. 1870 would close loopholes in existing laws, for example, the judicial decision that use of a credit card account number was not prohibited by the statute which covers fraudulent use of credit cards, and the decision which has held that a credit card sold by the original cardholder to someone who intends to use it to defraud is not "fraudulently obtained" within the meaning of the pertinent statute.
4. Use of credit and debit cards will increase dramatically in the years ahead.
5. Federal investigative efforts must correspondingly increase, and S. 1870 effectively provides the tools for that investigative effort.

I have reviewed the proposed testimony, and have no objections to it.

Attachment

THE WHITE HOUSE

WASHINGTON

October 21, 1983

MEMORANDUM FOR JAMES C. MURR
ASSISTANT DIRECTOR FOR LEGISLATIVE
REFERENCE, OMB

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Treasury Testimony on S. 1870
Credit Card Fraud .

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

FFF:JGR:aea 10/21/83

cc: FFFielding
JGRoberts
Subj
Chron

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

October 21, 1983

FOR: FRED F. FIELDING
FROM: JOHN G. ROBERTS *JGR*
SUBJECT: Medal of Honor for Josephine Baker

You asked that I obtain the FBI files on Josephine Baker, for your personal review. I attempted to do so through Jane Dannenhauer. To our mutual surprise, the Bureau reports that it has no files on Miss Baker. I find this almost incomprehensible, but was reluctant to pursue the matter without further guidance. I do not think we need to review the files for the purpose of preparing a response. A draft response noting the statutory limits on award of the Medal of Honor -- including the fact that the recipient must have been in the armed forces at the time of the deed, and the fact that the award must be made within a specified time frame -- is attached. Preston could write back suggesting another medal (or a national holiday), but we can cross that bridge if and when we come to it.

Attachment

THE WHITE HOUSE

WASHINGTON

October 21, 1983

Dear Mr Preston:

Thank you for your letter suggesting that the President award the Medal of Honor posthumously to Josephine Baker. We apologize for the delay in responding to your letter, which was just recently referred to our office due to the legal requirements surrounding awards of the Medal of Honor.

The Medal of Honor may only be awarded to individuals who, while serving in one of the branches of the armed forces, distinguished themselves in the extraordinary manner specified by statute. 10 U.S.C. §§ 3741 (army), 6241 (naval forces), 8741 (air force). A Medal of Honor may not be awarded unless a statement setting forth the distinguished service and recommending official recognition was made within two years after the distinguished service in the case of the army or air force, and three years in the case of the naval forces. Generally the award must be made within three years of the distinguished service (five years in the case of the naval forces), unless the requisite statement setting forth the distinguished service and recommending official recognition was lost or not acted upon through inadvertence. It must also appear from the records of the pertinent military department that the member of the armed forces is entitled to the award. 10 U.S.C. §§ 3744, 6248, 8744.

In short, the circumstances under which the Medal of Honor may be awarded are carefully delimited by statute, and the President is not at liberty to ignore those limits.

Thank you for writing.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Tom Preston
Executive Administrator
Chiropractic Association of Nevada
1500 E. Sahara Avenue
Las Vegas, Nevada 89104

FFF:JGR:aea 10/21/83

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 24, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS, *JGR*

SUBJECT: Tony Conigliaro Sports Benefit

You requested that I "beef up" the draft response declining the invitation to the President from the Tony Conigliaro Benefit Committee of Marin County to serve as Honorary Chairman of the 1984 Tony Conigliaro Sports Benefit. There are basically two reasons we decline such invitations: (1) the President cannot accept all and accordingly out of fairness declines all (except for traditional activities such as the Red Cross, or ones with which he has been personally associated in the past), and (2) we cannot supervise or control the activities in question and accordingly are reluctant to have the President's name associated with them. In this case, for example, we do not know who will be invited to the Sports Benefit, what form any fundraising will take, and so on.

My draft response cited only the first reason, since it seems a bit awkward to cite concerns about unfortunate associations or inappropriate activities to those requesting the association and supervising the activities. The only way I see of beefing up the response is to cite these concerns, however, so the attached redraft attempts to do so as tactfully as possible.

Attachment

THE WHITE HOUSE

WASHINGTON

October 24, 1983

Dear Mr. Saccani:

Thank you for your letter to the President, requesting that he serve as Honorary Chairman of the 1984 Tony Conigliaro Sports Benefit. We appreciate the kind thoughts contained in your letter.

I am sorry to have to inform you, however, that the President cannot accept your gracious invitation to serve as Honorary Chairman. I am certain you will appreciate that the President receives countless such invitations from charitable groups. Except for activities with which Presidents have traditionally been associated, such as the Red Cross, or activities in which the President has been personally involved in the past, the President has been compelled to adopt a policy of uniformly declining these requests, no matter how laudable the objectives of the charitable organization.

Adherence to this policy is necessary primarily out of considerations of fairness. The President cannot possibly accept all the invitations to serve as an honorary chairman he receives, and arbitrarily choosing some would be unfair to those not chosen. The White House also cannot permit the President's name to be used in connection with activities beyond our control or supervision, which would necessarily occur were the President to accept such invitations.

Please be assured that our need to adhere to this policy in this instance is in no sense an adverse reflection on you or the work of the Tony Conigliaro Benefit Committee. We wish you every success in your efforts.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Donald R. Saccani
President-General Manager
Mariner Distributing Co.
San Rafael, California

FFF:JGR:aea 10/24/83

bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 24, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Statement of Francis M. Mullen, Jr.
Regarding Drug Trafficking on the
Gulf Coast - October 28, 1983

OMB has provided us with a copy of the statement Bud Mullen proposes to deliver before Senator Denton's Subcommittee on Security and Terrorism in Mobile, Alabama, on October 28, 1983. Mullen's testimony is a comprehensive overview of marijuana and cocaine trafficking in Alabama, Mississippi, Louisiana, and Arkansas. It begins with a discussion of the source countries, principally Columbia, and the difficulties to law enforcement presented by the jagged Gulf Coastline. Mullen then reviews the staffing of DEA offices in the area, and seizure statistics. The testimony concludes by noting the excellent cooperation that DEA has received from state and local law enforcement officials in the area. I have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

October 24, 1983

MEMORANDUM FOR GREGORY JONES
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Statement of Francis M. Mullen, Jr.
Regarding Drug Trafficking on the
Gulf Coast - October 28, 1983

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

FFF:JGR:aea 10/24/83

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

October 24, 1983

MEMORANDUM FOR LARRY M. SPEAKES
ASSISTANT TO THE PRESIDENT AND
PRINCIPAL DEPUTY PRESS SECRETARY

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Request for the President to Recreate the
Signing of the Last Letter by General
Washington as Commander-in-Chief of the
Continental Army

We have reviewed the letter sent to you by Frank Finnegan, Press Relations Director of the Steuben Society of America, requesting that the President "recreate" George Washington's signing of his last letter as Commander-in-Chief. According to Finnegan, Washington's last such letter was signed on December 23, 1783, and sent to General von Steuben. Finnegan proposes that the President sign his "last letter of 1983" as close to December 23 as possible, and have it be a letter to Steuben Society Chairman Robert Diedolf.

We would have no objection to observing the 200th anniversary of Washington's letter to von Steuben with a December 23 letter from the President to the Steuben Society, assuming verification of the historical facts. (This could also tie in with the 300th (Tricentennial) of German-American relations.) We do not, however, see much point in making this the last Presidential letter of 1983, even if that were feasible.

cc: Anne Higgins

FFF:JGR:aea 10/24/83

bcc: FFFielding/JGRoberts/Subj/Chron