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WITHDRAWAL SHEET

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Withdrawer

IGP 8/30/2005

FOIA

F05-139/01

COOK

46IGP

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	ROBERTS TO HAUSER RE AMBASSADOR AT LARGE (PARTIAL)	2	2/21/1984	B6	727
2	MEMO	ROBERTS TO HOLLAND RE AMBASSADOR AT LARGE (PARTIAL)	1	2/22/1984	B6	728

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

February 21, 1984

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS *JGR*
SUBJECT: Nomination of Richard M. Fairbanks III
to be Ambassador-at-Large

I have reviewed the SF-278 and related materials filed by Richard M. Fairbanks III in connection with his prospective nomination to be Ambassador-at-Large, and have no objection to proceeding with the nomination. Fairbanks was Assistant Secretary of State for Congressional Relations from March 1981 to February 1982, and Special Advisor to the Secretary of State with the rank of Ambassador from February 1982 to the present, so this is the third time he has gone through the various clearance hurdles. I interviewed Fairbanks by telephone on February 21, 1984, and discussed the following items:



UFR - Reagan Presidential Record

b6

b6

THE WHITE HOUSE

WASHINGTON

February 21, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS /S/

SUBJECT: Letter of February 16, 1984 From
Citizens for America Regarding Note
From President Reagan for Support

Darman has asked for our views as soon as possible on a request from Lew Lehrman that the President assist his 501(c)(4) organization, Citizens for America, with its fundraising activities. Lehrman asks for a note of support from the President, to be included in invitations to three fundraisers Citizens for America plans to hold in the spring. He also suggests a Rose Garden reception in conjunction with a fundraiser scheduled for May here in Washington.

As you explained in your February 8 memorandum to Darman, Citizens for America is not subject to the restrictions on communications with independent expenditure committees outlined in your January 31 memorandum to the White House staff. As you advised Darman, however, there is the danger that someone may allege that Citizens for America is, in fact, a political committee affiliated with Reagan-Bush '84. Participation by the President in fundraising for Citizens for America at this time would significantly heighten that danger. Accordingly, I recommend that the President not participate in the fundraising. This is consistent with our general policy, as evidenced by our recent letter to General Graham, chastizing him for using a letter from the President in connection with fundraising for High Frontier. It is also in accord with the decision by Reagan-Bush '84 not to participate in any fundraising for 501(c)(4) organizations. I think it would be very awkward for the President to aid Citizens for America in the face of this general policy decision by his authorized campaign committee.

Attachment

THE WHITE HOUSE

WASHINGTON

February 21, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Letter of February 16, 1984 From
Citizens For America Regarding Note
From President Reagan for Support

You have asked for our views as soon as possible on Lew Lehrman's request that the President assist in fundraising efforts on behalf of Citizens for America, by sending a note of support to be included in invitations to three scheduled fundraisers and by hosting a Rose Garden reception in connection with a fundraiser in Washington.

It is our general policy that the President not participate in fundraising by 501(c)(3) organizations or 501(c)(4) organizations such as Citizens for America. This policy is necessary in light of the vast number of requests that the President receives, and because of the inability of the White House to monitor fundraising, which would be necessary to some extent were the President to lend his name to any particular function.

Particular problems associated with this request counsel adherence to our general policy. As I noted in my memorandum to you of February 8, 1984, Citizens for America is not subject to the restrictions on communication that apply to independent expenditure committees, although there is the danger that someone might allege that Citizens for America is not a 501(c)(4) organization but a political committee affiliated with Reagan-Bush '84. That danger would be considerably heightened were the President to participate in fundraising for Citizens for America at this time.

In addition, Reagan-Bush '84 has adopted a general policy of not participating in fundraisers for 501(c)(4) organizations. I think it would be awkward for the President to act contrary to the decision of his authorized campaign committee by engaging in fundraising activities for Citizens for America.

FFF:JGR:aea 2/21/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 21, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Presidential Remarks: Dinner for the
Nation's Governors and Their Spouses
Sunday, February 26, 1984

Richard Darman has asked that comments on the above-referenced remarks be sent directly to Ben Elliott by close of business today. The brief remarks discuss Federalism in a general way, and praise the efforts of state and local government officials. I have reviewed the remarks and have no legal objection.

Attachment

THE WHITE HOUSE

WASHINGTON

February 21, 1984

MEMORANDUM FOR BEN ELLIOTT
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR, PRESIDENTIAL SPEECHWRITING OFFICE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Remarks: Dinner for the
Nation's Governors and Their Spouses
Sunday, February 26, 1984

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

cc: Richard G. Darman

FFF:JGR:aea 2/21/84

bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 21, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Presidential Remarks: Address to the
Nation's Governors -- East Room

Richard Darman has asked that comments on the above-referenced remarks be sent directly to Ben Elliott by 9:30 a.m. tomorrow. In these remarks the President urges support for a line-item veto and a constitutional requirement that the budget be balanced. He also reiterates his opposition to raising taxes to "cure" the deficit problem, and calls upon the governors to support his plea for bipartisan support for a \$100 billion "downpayment" of deficit reductions.

In the last sentence on page 2, "the specific reform, a reform" should be "these specific reforms, reforms." I assume the remarks intend to refer to both the line-item veto and the balanced budget amendment.

Attachment

THE WHITE HOUSE

WASHINGTON

February 21, 1984

MEMORANDUM FOR BEN ELLIOTT
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR, PRESIDENTIAL SPEECHWRITING OFFICE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Remarks: Address to the
Nation's Governors -- East Room

Counsel's Office has reviewed the above-referenced remarks. In the last sentence on page 2, "the specific reform, a reform" should be "these specific reforms, reforms." I assume the remarks intend to refer to both the line-item veto and the balanced budget amendment.

cc: Richard G. Darman

FFF:JGR:aea 2/21/84

bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 20, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Use of President's Letter in Solicitation for High Frontier

You have asked for my views on the use of a letter from President Reagan to Lt. General Daniel O. Graham (ret.) in a direct mailing fundraising solicitation by Graham's organization, High Frontier. Graham and High Frontier are dedicated to promoting the "Star Wars" defense against nuclear attack endorsed last year by the President. Graham wrote a book on the subject and dedicated it to President Reagan. The President wrote a note in response praising Graham and High Frontier for providing "an invaluable service."

Last August Graham's publisher asked for permission to use the letter on the book jacket. We objected to this contemplated use on the ground that the appearance of the letter on the jacket could be construed as Presidential endorsement of the book, in violation of our policy against any Presidential endorsement of a commercial product. I noted in my memorandum to you that I doubted we could legally prevent Graham from using the letter on his book if he decided to do so.

Now Graham has enclosed a copy of the same letter in a fundraising mailing for High Frontier. If Graham had asked us, we would have objected to such use of the letter, since it could readily be construed as an endorsement by the President of the fundraising effort. As it is the damage has been done, and I think the best we can do is advise Graham of our objection and ask him to cease use of the letter in his fundraising. Again, I doubt there is much we can do legally if Graham chooses to ignore our objections, but perhaps they will suffice to prevent a repetition.

Attachment

THE WHITE HOUSE

WASHINGTON

February 20, 1984

Dear Ms. Marshall:

Thank you for your further correspondence concerning the contemplated use of the Seal of the President on the upcoming Random House book, The Look-It-Up Book of Presidents. In my previous letter I advised that use of the Seal for this purpose was permissible under the regulations promulgated pursuant to 18 U.S.C. § 713(b). I cautioned, however, that the Seal not be used in a manner suggesting Government sponsorship or approval in violation of 18 U.S.C. § 713(a).

In your latest letter you described somewhat the appearance of the cover, noting that the identity of the publisher and author would appear over the Seal. This would largely dissipate any possible misimpression that the book was sponsored or approved by the Government, and, while this office does not give advisory opinions concerning compliance with 18 U.S.C. § 713(a), the contemplated use of the Seal does not appear to present any difficulties under that statute.

Sincerely,

Fred F. Fielding
Counsel to the President

Ms. Connie Marshall
Random House, Inc.
201 East 50th Street
New York, NY 10022

FFF:JGR:aea 2/20/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 21, 1984

Dear Mr. Justice:

Thank you for your letter of January 10 to James A. Baker III, which Mr. Baker has referred to me for consideration and reply. Along with that letter you enclosed a copy of a letter you wrote to Mr. H.L. Mitchell, co-founder of the Historic Southern Tenant Farmers Union. In that letter you disassociated yourself from the efforts of the Historic Southern Tenant Farmers Union to impeach the President over his recent actions with respect to Grenada.

We appreciate the supportive comments in your letter, and are grateful that you took the time and initiative responsibly to disassociate yourself from the misguided effort to impeach the President. The President's actions in Grenada not only protected American lives but also restored to the people of Grenada the opportunity for democracy. The mission was in every sense a rescue mission, rescuing not only the endangered American medical students but also the future of liberty in Grenada.

I must, however, respectfully note that I do not share your doubts concerning the constitutionality of the rescue mission. There are, of course, few clear guideposts in confronting what the Supreme Court has referred to as "the never-ending tension between the President exercising the Executive authority in a world that presents each day some new challenge with which he must deal and the Constitution under which we all live and which no one disputes embodies some sort of system of checks and balances." Dames & Moore v. Regan, 453 U.S. 654, 662 (1981). Indeed, in the opinion just cited, the Court was compelled to reiterate Justice Jackson's observation thirty years earlier, in the historic case in which you so prominently participated, concerning "the poverty of really useful and unambiguous authority applicable to concrete problems of Executive power as they actually present themselves." Id., at 660, quoting Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 634 (1952) (concurring opinion).

While the Constitution does confer on Congress the authority to declare war, it has also long been recognized that the President has certain inherent authority in international affairs to take action to protect American lives and defend American interests and, as Commander-in-Chief, to use the military when necessary in discharging these

- 2 -

responsibilities. There is no clear line demarking the authority of the President and the authority of Congress in this area, but it seems clear to me that the exercise of Executive authority in connection with Grenada falls comfortably on the legitimate side of the line.

We do appreciate having the benefit of your considered and informed views on this subject. Once again, thank you for your supportive comments. They mean a great deal to us.

With best wishes,

Sincerely,

Fred F. Fielding
Counsel to the President

The Honorable Arthur J. Goldberg
2801 New Mexico Avenue, N.W.
Washington, D.C. 20007

FFF:JGR:aea 2/21/84
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE
WASHINGTON

February 22, 1984

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS /S/
SUBJECT: Nomination of Harry W. Shlaudeman
to be Ambassador at Large

On January 27, 1984, I reviewed the SF-278 and related materials submitted by Mr. Shlaudeman in connection with his then-contemplated nomination to be Ambassador to Guatemala. I had no objection to the prospective nomination.

[REDACTED]

I have now re-reviewed the materials submitted by Shlaudeman, this time in connection with his prospective nomination to be Ambassador at Large to succeed Ambassador Stone. The substantive information on his SF-278 is unchanged.

[REDACTED]

Accordingly, I have no objection to proceeding with the nomination.

b6

b6

THE WHITE HOUSE

WASHINGTON

February 22, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Justice Draft Bill --
Immigration Emergency Act

OMB has asked for comments by close of business February 23 on the Justice Department's proposed Immigration Emergency Act and accompanying section-by-section analysis and Speaker letter. You may recall that we signed off on the original version of these materials last August, suggesting only that the section-by-section analysis of the constitutionality of stopping and boarding vessels in the absence of any suspicion of criminal activity be updated to include a recently decided and largely dispositive Supreme Court decision, United States v. Villamonte-Marquez.

The bill, drafted in response to the lessons of the Mariel boatlift, would authorize the President to declare an immigration emergency if certain criteria were met. For the duration of such a declared emergency the President could prohibit American vessels from traveling to designated areas (to prevent occurrences such as thousands of Florida pleasure craft operating a "shuttle service" between Mariel Harbor and Key West), authorize interdiction of vessels, flexibly detain illegal aliens and freely transport them between detention facilities, and issue exemptions from various restrictions in environmental laws for facilities used in response to an immigration crisis.

The major provisions of the bill are unchanged from the version we approved last August. Our suggestion to include Villamonte-Marquez in the search and seizure section has been accepted. I have no objections. As I noted in my previous memorandum on this bill, it is a broad grant of emergency powers to the President, but I cannot conclude that it is too broad in light of the Mariel experience.

Attachment

THE WHITE HOUSE

WASHINGTON

February 22, 1984

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Justice Draft Bill --
Immigration Emergency Act

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

FFF:JGR:aea 2/22/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 22, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Use of President's Letter in
Solicitation for High Frontier

You have asked whether the proposed letter to Lt. General Daniel O. Graham (ret.), objecting to his use of the letter from the President in fundraising for High Frontier, should include mention of the fact that we objected to Graham's publisher's contemplated use of the same letter on Graham's book jacket. I considered this when drafting the proposed reply to Graham and decided not to mention the correspondence with the publisher for two reasons. First, it is not clear that Graham was aware of the effort to use the letter on the book jacket, or our objections to that proposed use. The request came from Devon Adair, publisher of Graham's book, and the letter from Devon Adair stated that they obtained a copy of the President's letter to Graham from Gregory A. Fossedal, co-author of the book. Our reply went to Devon Adair, not Graham. Thus, while Devon Adair doubtless would have cleared the matter with Graham before actually using the letter, it is not clear that they did so before asking if we had any objections, nor is it clear that they advised Graham of our objections. Accordingly, I was reluctant to assume Graham knew of our objections to use of the Presidential letter on the book jacket (though I will admit the odds are that he did).

Second, we objected to the use of the Presidential letter on the book jacket on the ground that it could be construed as Presidential endorsement of a commercial product -- the book itself. Graham's use of the letter in fundraising is not objectionable on that ground, since High Frontier is not a commercial enterprise. Thus we cannot, strictly speaking, contend that Graham should have known he could not use the letter in fundraising, even assuming he knew we had advised that it could not be used on the book jacket. Of course, anyone aware of our objection to use of the letter on the book jacket should have been forewarned at least to the extent of clearing any other use of the letter with our office.

A revised draft of the letter to Graham, noting the book jacket incident, is attached. I have also attached an updated version of the original proposed reply, in the event you find my reasons for originally omitting the book jacket incident compelling.

THE WHITE HOUSE

WASHINGTON

February 22, 1984

Dear General Graham:

It has come to our attention that fundraising solicitations for High Frontier recently sent out by you contained copies of the President's letter of June 3, 1983, thanking you for dedicating your book to him.

The President adheres to a policy of generally not endorsing particular fundraising projects, no matter how laudable the objectives of the organizations benefitting from the fundraising. This policy is necessary in light of the vast number of requests the President receives, and because the White House is unable to monitor such fundraising activities, which would be necessary were the President to lend his name to them. The inclusion of the President's letter in the solicitation for High Frontier, however, is likely to be construed by recipients as an endorsement of the fundraising, in violation of this policy. The letter was not written for use in fundraising and should not be used for that purpose.

I hope you will recognize the reasons we must adhere to this policy, and understand that it is in no sense intended as an adverse reflection on you or High Frontier. Now that you have been alerted to our concerns in this area, I trust that you will refrain from using the President's letter in any future fundraising activities.

Sincerely,

Fred F. Fielding
Counsel to the President

Lt. General Daniel O. Graham, USA, Ret.
High Frontier
Suite 1000
1010 Vermont Avenue, N.W.
Washington, D.C. 20005

FFF:JGR:aea 2/22/84
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE
WASHINGTON

February 22, 1984

Dear General Graham:

It has come to our attention that fundraising solicitations for High Frontier recently sent out by you contained copies of the President's letter of June 3, 1983, thanking you for dedicating your book to him.

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You may be aware that the publisher of your book, Devon Adair Company, inquired last summer if our office had any objection to reprinting the same letter from the President on the jacket of your book. We were compelled to object to this contemplated use of the letter, on the ground that it could be construed as an endorsement by the President of a commercial product. The same basic concern to avoid the appearance of Presidential endorsement applies in the case of an appeal for funds by a particular non-profit organization.

I hope you will recognize the reasons we must adhere to this policy, and understand that it is in no sense intended as an

adverse reflection on you or High Frontier. Now that you have been alerted to our concerns in this area, I trust that you will refrain from using the President's letter in any future fundraising activities.

Sincerely,

Fred F. Fielding
Counsel to the President

Lt. General Daniel O. Graham, USA, Ret.
High Frontier
Suite 1000
1010 Vermont Avenue, N.W.
Washington, D.C. 20005

FFF:JGR:aea 2/22/84
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 22, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Use of President's Letter in Solicitation for High Frontier

You have asked whether the proposed letter to Lt. General Daniel O. Graham (ret.), objecting to his use of the letter from the President in fundraising for High Frontier, should include mention of the fact that we objected to Graham's publisher's contemplated use of the same letter on Graham's book jacket. I considered this when drafting the proposed reply to Graham and decided not to mention the correspondence with the publisher for two reasons. First, it is not clear that Graham was aware of the effort to use the letter on the book jacket, or our objections to that proposed use. The request came from Devon Adair, publisher of Graham's book, and the letter from Devon Adair stated that they obtained a copy of the President's letter to Graham from Gregory A. Fossedal, co-author of the book. Our reply went to Devon Adair, not Graham. Thus, while Devon Adair doubtless would have cleared the matter with Graham before actually using the letter, it is not clear that they did so before asking if we had any objections, nor is it clear that they advised Graham of our objections. Accordingly, I was reluctant to assume Graham knew of our objections to use of the Presidential letter on the book jacket (though I will admit the odds are that he did).

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- 2 -

A revised draft of the letter to Graham, noting the book jacket incident, is attached. I have also attached an updated version of the original proposed reply, in the event you find my reasons for originally omitting the book jacket incident compelling.

THE WHITE HOUSE

WASHINGTON

February 22, 1984

Dear General Graham:

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The President adheres to a policy of generally not endorsing particular fundraising projects, no matter how laudable the objectives of the organizations benefitting from the fundraising. This policy is necessary in light of the vast number of requests the President receives, and because the White House is unable to monitor such fundraising activities, which would be necessary were the President to lend his name to them. The inclusion of the President's letter in the solicitation for High Frontier, however, is likely to be construed by recipients as an endorsement of the fundraising, in violation of this policy. The letter was not written for use in fundraising and should not be used for that purpose.

I hope you will recognize the reasons we must adhere to this policy, and understand that it is in no sense intended as an adverse reflection on you or High Frontier. Now that you have been alerted to our concerns in this area, I trust that you will refrain from using the President's letter in any future fundraising activities.

Sincerely,

Fred F. Fielding
Counsel to the President

Lt. General Daniel O. Graham, USA, Ret.
High Frontier
Suite 1000
1010 Vermont Avenue, N.W.
Washington, D.C. 20005

FFF:JGR:aea 2/22/84
bcc: FFFfielding/JGRoberts/Subj/Chron

THE WHITE HOUSE
WASHINGTON

February 22, 1984

Dear General Graham:

It has come to our attention that fundraising solicitations for High Frontier recently sent out by you contained copies of the President's letter of June 3, 1983, thanking you for dedicating your book to him.

The President adheres to a policy of generally not endorsing particular fundraising projects, no matter how laudable the objectives of the organizations benefitting from the fundraising. This policy is necessary in light of the vast number of requests the President receives, and because the White House is unable to monitor such fundraising activities, which would be necessary were the President to lend his name to them. The inclusion of the President's letter in the solicitation for High Frontier, however, is likely to be construed by recipients as an endorsement of the fundraising, in violation of this policy. The letter was not written for use in fundraising and should not be used for that purpose.

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I hope you will recognize the reasons we must adhere to this policy, and understand that it is in no sense intended as an

- 2 -

adverse reflection on you or High Frontier. Now that you have been alerted to our concerns in this area, I trust that you will refrain from using the President's letter in any future fundraising activities.

Sincerely,

Fred F. Fielding
Counsel to the President

Lt. General Daniel O. Graham, USA, Ret.
High Frontier
Suite 1000
1010 Vermont Avenue, N.W.
Washington, D.C. 20005

FFF:JGR:aea 2/22/84

bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 22, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: World Wide Drug Production Estimates
Before the Foreign Affairs Committee Task
Force on International Narcotics Control

OMB has asked for comments by 3:00 p.m. today on testimony to be delivered tomorrow before the Task Force on International Narcotics Control of the House Foreign Affairs Committee. The testimony, tentatively to be delivered by the Deputy Assistant Administrator for Intelligence of DEA, concerns the methodology used in compiling the annual illicit drug production estimates. The testimony discusses how the data was compiled, and the obvious difficulties in obtaining accurate information on illicit crop production from around the world. The testimony concludes by noting that it would be more efficient for Congress to require submission of the annual drug production statistics by March 15 rather than February 1. The February 1 deadline does not provide sufficient time for data gathered on a calendar year basis by other governments to be assimilated into the report. I have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

February 22, 1984

MEMORANDUM FOR GREGORY JONES
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: World Wide Drug Production Estimates
Before the Foreign Affairs Committee Task
Force on International Narcotics Control

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

FFF:JGR:aea 2/22/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 22, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Subcommittee on Crime Meeting: Comprehensive
Drug Abuse Prevention and Control Act of 1970

We have been provided with a copy of testimony to be delivered by an unidentified Justice Department official before the Subcommittee on Crime of the House Judiciary Committee, concerning diversion of legally produced controlled substances into illicit channels. The testimony supports passage of H.R. 4698, an Administration-sponsored bill that would (1) expand the authority of DEA to revoke the registration of those registered to handle controlled substances, (2) authorize DEA to fund and otherwise support state programs designed to reduce diversion of legally produced controlled substances, (3) permit the Attorney General to temporarily "schedule" a drug as a controlled substance on an emergency basis, to respond quickly to the creativity of drug abusers in finding illicit uses for legal drugs, and (4) refine DEA control over the import and export of drugs. The testimony also urges passage of the other parts of the Administration's Comprehensive Crime Control Act of 1983, in particular those provisions increasing penalties for drug offenses.

I have reviewed the testimony and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

February 22, 1984

MEMORANDUM FOR GREGORY JONES
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Subcommittee on Crime Meeting: Comprehensive
Drug Abuse Prevention and Control Act of 1970

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

FFF:JGR:aea 2/22/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 23, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Commerce Testimony on S. 1917,
Proposal to Reduce and Eliminate
Broadcast Content Regulation

OMB has asked for our views by February 24 on testimony Assistant Secretary of Commerce David J. Markey proposes to deliver before the Senate Committee on Commerce, Science, and Transportation. The testimony concerns S. 1917, a bill to eliminate content regulation of radio and television. The testimony begins by reviewing the three major "rules" requiring content regulation of broadcasters -- the Fairness Rule, the Equal Time Rule, and the Political Access Rule -- as well as several less prominent content regulations. Markey supports repeal of the three major content rules, arguing that the original justification for the rules -- the scarcity of broadcast fora -- has been seriously eroded by the dramatic expansion in the number of radio outlets and development of cable television. Markey's views are based on an extensive study of the industry conducted by his staff and shared with the Committee. Markey does note that S. 1917 may be too broad, in doing away with all content regulation rather than simply the three most prominent content-based rules. Since the staff study did not consider, for example, regulation of obscene programs, limits on airing of network-supplied programs, and a host of other miscellaneous restrictions, Markey is unprepared to endorse their elimination, and warns that S. 1917, as drafted, may inadvertently do so.

I have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

February 23, 1984

MEMORANDUM FOR GREGORY JONES
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Commerce Testimony on S. 1917,
Proposal to Reduce and Eliminate
Broadcast Content Regulation

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

FFF:JGR:aea 2/23/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 23, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: OSC Case Regarding Allegations of Violation
of Law and Regulation and Abuse of Authority
at National Emergency Training Center,
Emmittsburg, Maryland

K. William O'Connor, Special Counsel of the Merit Systems Protection Board, has sent to the President, through you, a report of the Director of the Federal Emergency Management Agency, concerning allegations against officials of the National Emergency Training Center (NETC). The Special Counsel received allegations that an employee was hired without proper authorization for work at NETC, that the employee was paid through an improper method, and that overtime was abused at NETC. The Special Counsel referred the allegations to the Director of FEMA, pursuant to 5 U.S.C. § 1206(b)(3).

Giuffrida referred the allegations to the FEMA Inspector General, who conducted an investigation. The Inspector General filed a report, reviewed and signed by Giuffrida, concluding that the employee in question was improperly hired. This conclusion was based on an extremely technical analysis of what formal concurrences were required to hire someone under an Intergovernmental Personnel Act agreement between FEMA and the District of Columbia. Although I have no reason to doubt the IG's finding that the hiring was improper because a specific official's concurrence was omitted from the form, nothing in his report suggests anything other than an inadvertent technical omission.

The IG also concluded that the employee in question was improperly paid. When he was terminated, FEMA received an invoice from the District for \$10,600 for the employee's services. The NETC officials were only authorized to approve payments of up to \$10,000, so they improperly "split" payment of the \$10,600 bill into two parts. Finally, the IG concluded that allegations of abuse of overtime by NETC employees were unsubstantiated.

The IG report noted corrective action taken by FEMA, including a letter of reprimand for one employee and oral admonishment for another, issuance of guidance on appropriate hiring procedures, and a policy statement on overtime to avoid any future appearance of wrongdoing. Pursuant to 5 U.S.C. § 1206(b)(6), the Special Counsel reviewed the IG report and determined that its findings were reasonable and complete. As required by 5 U.S.C. § 1206(b)(5), the Special Counsel has submitted the report, together with his determination of reasonableness and completeness, to the President, the President of the Senate, and the Speaker of the House.

There is no need for any response to O'Connor. H.P. and I reviewed the pertinent statutory procedures with O'Connor over a year ago when we first received one of these reports and determined that O'Connor does not expect a reply in such cases. My review of the IG report discloses no need for further action in response to the allegations. I recommend no further action.

Attachment

THE WHITE HOUSE

WASHINGTON

February 23, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Louis Richmond

Attached, as you requested, is a memorandum referring to the Justice Department the latest missives from the indefatigable Mr. Richmond. Since the previous Richmond material was sent to Stan Morris, this memorandum is addressed to Jay Stephens, the Acting Stan Morris.

Attachment

THE WHITE HOUSE

WASHINGTON

February 23, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Louis Richmond

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THE WHITE HOUSE

WASHINGTON

February 27, 1984

MEMORANDUM FOR JAY B. STEPHENS
ACTING ASSOCIATE DEPUTY ATTORNEY GENERAL
U. S. DEPARTMENT OF JUSTICE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Louis Richmond

By memorandum dated January 11, 1983, this office forwarded to Associate Deputy Attorney General Stan Morris, for appropriate action, a variety of material sent to us by Louis Richmond, raising allegations concerning the management of Pershing Hall in Paris, France. Additional material sent to us by Mr. Richmond over the course of the past year has also been forwarded to the Department of Justice.

Attached are the latest form letters from Mr. Richmond. We assume that the Department of Justice is doing whatever is appropriate in response to Mr. Richmond's charges, and we have no continuing interest in this matter.

Many thanks.

FFF:JGR:aea 2/27/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 23, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: OSC Case Regarding Allegations of Violation
of Law and Regulation and Abuse of Authority
at National Emergency Training Center,
Emmittsburg, Maryland

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Attachment

JV]

ID # 202863 CU

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

FB331

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1 1Name of Correspondent: K. William O'Connor☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: OCC Case No. 10-3-70208 & 10-3-00209, Feb 784 letter

the Pres. report is: allegations of violation of law and abuse of authority at National Emergency Training Center, Emmitsburg, MD

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>WHOLL</u>	ORIGINATOR	<u>84102109</u>			<u>1 1</u>
<u>WAT 17</u>	Referral Note:	<u>84102109</u>		<u>C 84102117</u>	
	Referral Note:	<u>1 1</u>			<u>1 1</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>

ACTION CODES:

A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet
to be used as Enclosure

I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:

A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.

Send all routing updates to Central Reference (Room 75, OEOB).

Always return completed correspondence record to Central Files.

Refer questions about the correspondence tracking system to Central Reference, ext. 2590.