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LOJ 8/12/2005

File Folder CHRON FILE (09/11/1984-09/18/1984)

FOIA

F05-139/01

Box Number 62

COOK

LOJ3

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	ROBERTS TO FRED FIELDING [RELEASED IN WHOLE - 02/03/06 - MJD]	1	9/13/1984	B6	1261

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

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THE WHITE HOUSE

WASHINGTON

September 11, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Extension of Embargo Authorities

Richard Darman has asked for our approval as soon as possible on a Presidential Determination to extend for an additional year the exercise of certain authorities under the Trading With the Enemy Act, 50 U.S.C. App. § 5. When amendments to that Act were passed in 1977, Congress provided that authorities under the Act that were then being exercised could be extended for one-year periods upon a determination for each extension that it was "in the national interest of the United States." Pub. Law 95-223, 91 Stat. 1625 § 101(b). The extensions with respect to trade embargoes against Kampuchea, Cuba, North Korea, and Vietnam; controls on the exports of strategic goods; and the freezing of assets of certain communist countries are due to expire on September 14. 48 Fed. Reg. 40695 (1983). The exercise of these authorities has been extended every year since 1978, and the proposed extension for this year is identical, mutatis mutandis, to the previous extensions. The extension cites the correct authority and contains the statutorily required determination that extension is in the national interest. I have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

September 11, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Extension of Embargo Authorities

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

FFF:JGR:aea 9/11/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

September 11, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Request for Doug Riggs to Represent
the President at a Meeting of the
Circumnavigators Club

Ryck Lydecker, a member of the Circumnavigators Club, is interested in forming a District of Columbia chapter of the club and has asked Doug Riggs to represent the President at the initial meeting. As you may know, the President is the "Honorary President" of the club, as were his three immediate predecessors. The club is a social club whose members have circumnavigated the globe, crossing all the lines of longitude in one direction.

We should advise Riggs not to represent the President at any club meeting. The President serves as Honorary President of this club only because his predecessors did, and as in all cases in which the President agrees to such an "honorary" role his involvement in the actual affairs of the organization should be strictly limited. Sending a personal representative to an organizational meeting would exceed the limits of an honorary presidency of the club. A memorandum to Riggs for your review and signature is attached.

Attachment

THE WHITE HOUSE

WASHINGTON

September 11, 1984

MEMORANDUM FOR DOUGLAS A. RIGGS
SPECIAL ASSISTANT TO THE PRESIDENT
FOR PUBLIC LIAISON

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Request for Doug Riggs to Represent the President at a Meeting of the
Circumnavigators Club

You have asked for our advice on an invitation you received from Ryck Lydecker to attend a meeting of the Circumnavigators Club as a representative of the President. The President, like his three immediate predecessors, is "Honorary President" of the club.

You are free to attend the meeting, but should not do so as the President's representative. When the President agrees to serve as honorary chairman or president of an organization, it is with the understanding that he will in no way be involved in the administration or planning activities of the organization. Sending a personal representative to an organization meeting would exceed the limits accompanying the President's purely honorary role with the club.

Thank you for raising this matter with this office.

FFF:JGR:aea 9/11/84
cc: FFFfieldng/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

September 11, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Missing Report With Regard to ABSCAM

You will recall that Mrs. Harrison Williams wrote Mr. Baker, urging that a Department of Justice Office of Professional Responsibility (OPR) report related to the Abscam investigation be released to the public. I prepared a draft response for your signature, advising Mrs. Williams that OPR reports are not available for public dissemination. The letter did, however, go on to note that you were authorized to inform her that the report contained nothing exculpatory about any Abscam defendant. You objected to such phrasing in light of the fact that you have not reviewed the report. The attached redraft notes that, according to the Justice Department, the report contains nothing exculpatory.

Attachment

THE WHITE HOUSE

WASHINGTON

September 11, 1984

Dear Mrs. Williams:

Mr. Baker has asked me to respond to your letter of July 14, 1984. In that letter you requested that a report of the Department of Justice Office of Professional Responsibility be made public. The report in question concerned certain Federal prosecutors and the response of units within the Department of Justice to particular actions taken by those prosecutors.

I must advise you that such Office of Professional Responsibility reports are internal Department of Justice documents and are not available for public dissemination. According to the Department of Justice, however, the report in question contains nothing whatsoever that could be considered exculpatory with respect to any of the Abscam defendants. I am sorry that we cannot be more responsive to your request.

Sincerely,

Fred F. Fielding
Counsel to the President

Mrs. Jeannette Williams
Box 2
Bedminster, NJ 07921

FFF:JGR:aea 9/11/84
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

September 11, 1984

MEMORANDUM FOR JAMES A. BAKER, III
ASSISTANT TO THE PRESIDENT
CHIEF OF STAFF

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Missing Report With Regard to ABSCAM

Attached for your information is a copy of my reply on your behalf to Mrs. Harrison Williams, who wrote requesting that an internal Department of Justice document be made public.

Attachment

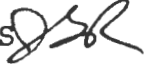
FFF:JGR:aea 9/11/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

September 11, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Draft Proclamation:
Youth of America Week 1984

Duncan Clark has asked for comments as soon as possible on a draft proclamation designating last week "Youth of America Week, 1984." The proclamation was authorized and requested by H.J. Res. 597, signed by the President on August 21, 1984. Clark blames Horowitz's office for the delinquency of the proclamation, and in fact Horowitz did not submit an approved draft until September 6. Clark's clearance memorandum is dated September 7, but was not received in our office until 3:13 this afternoon. This should be noted in our reply to Clark.

The proclamation itself was prepared by HHS and has been approved by OMB. It praises the contributions of youth and the volunteers who help youth. Since the week in question is history, the proclamation appropriately lacks the standard sentence calling on Americans to observe the week with ceremonies and activities.

Attachment

THE WHITE HOUSE

WASHINGTON

September 11, 1984

MEMORANDUM FOR DUNCAN CLARK
STAFF ASSISTANT
OFFICE OF WHITE HOUSE CORRESPONDENCE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Proclamation:
Youth of America Week 1984

Counsel's Office has reviewed the above-referenced draft proclamation, and finds no objection to it from a legal perspective. I would point out that while your memorandum seeking clearance of the proclamation is dated September 7, it was not received in this office until 3:13 p.m. September 11.

FFF:JGR:aea 9/11/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

September 11, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 
SUBJECT: Placement of all Property
in the U.S. in a Trust

One Ramon L. Rivera of Los Angeles (where else?) has written you because he has learned that "all property in the U.S. has been placed into a trust." He asks thirty specific questions about this supposed "trust," ranging from how it was created, to how it has been kept secret, to whether there are age limits on participation in the trust. The attached reply for your signature assures Mr. Rivera that all the property in the United States has not been placed into a trust.

Attachment

THE WHITE HOUSE

WASHINGTON

September 11, 1984

Dear Mr. Rivera:

Thank you for your letter of September 4, 1984. In that letter you wrote that it had come to your attention that "all property in the U.S. has been placed into a trust." You then asked a series of questions about this supposed trust.

Please be advised that all property in the United States has not, in fact, been placed into a trust. I do not know where you would have gotten such an idea.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Ramon L. Rivera
7317 Dunfield Avenue
Los Angeles, CA 90045

FFF:JGR:aea 9/11/84
bcc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

September 11, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Proposed Presidential Remarks:
Drop-by for Hispanic Excellence
in Education

Richard Darman has asked that comments on the above-referenced remarks be sent directly to Ben Elliott by 9:00 a.m. September 12. The remarks discuss the importance of excellence in education, particularly to Hispanic Americans, who have a much younger median age than other Americans. The President praises the new commitment to higher standards in schools, and singles out Hector Baretto of the U.S. Hispanic Chamber of Commerce for that organization's program to promote the educational opportunities of Hispanic students. At the end of his remarks, the President will present several Department of Education Outstanding Leadership Awards. I have reviewed the remarks and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

September 11, 1984

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Presidential Remarks:
Drop-by for Hispanic Excellence
in Education

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

FFF:JGR:aea 9/11/84

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

September 11, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 
SUBJECT: Presidential Message on the
Subject of Child Safety

Russell Mack of the Office of Public Affairs has asked us to review a proposed message from the President to be included in a brochure the Department of Education plans to distribute to schools. The brochure details steps parents and teachers can take in response to the growing problem of missing and exploited children. The message, prepared by Education, notes that October 21-27 is National Child Safety Week, discusses the work of the newly established National Center for Missing and Exploited Children, and encourages parents and educators to use the pamphlet. I see no legal problems with including such a purely non-political message in the Education pamphlet, and have no objection to the content of the proposed message.

Attachment

THE WHITE HOUSE

WASHINGTON

September 11, 1984

MEMORANDUM FOR RUSSELL MACK
OFFICE OF PUBLIC AFFAIRS

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Message on the
Subject of Child Safety

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

FFF:JGR:aea 9/11/84

cc: FFFielding

JGRoberts

Subj

Chron

THE WHITE HOUSE

WASHINGTON

September 12, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Photo Request

As we discussed at Tuesday's staff meeting, the attached response has been updated for your signature.

Attachment

THE WHITE HOUSE

WASHINGTON

September 12, 1984

Dear Mr. Seeds:

Your letter to Mary Wylie requesting a photograph of the President barbecuing has been referred to this office for consideration and response. You indicated that the photograph would be used in a trade publication mailed to the membership of the Barbecue Industry Association.

We must decline to provide the requested photograph. The White House adheres to a policy of not approving any use of the President's name, likeness, photograph, or signature in any manner that suggests or could be construed as an endorsement of a commercial product or enterprise. Even if no particular company would be endorsed through your contemplated use of the photograph, this policy precludes use of photographs of the President to promote particular trade associations or products.

I trust you will appreciate the reasons for our response. Thank you for raising this matter with us.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Arthur W. Seeds, CAE
President, Barbecue Industry
Association
710 East Ogden - Suite 114
Naperville, Illinois 60540

cc: Carol Greenawalt
White House Photo Office

Mary Wylie
Office of Public Liaison

FFF:JGR:aea 9/12/84

bcc: FFFfielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

September 12, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Proposed Presidential Tapings: (1) Future
of Small Town America; (2) Public Service
Announcement for Texas Chamber of Commerce;
(3) Eagle Forum Annual Conference

Richard Darman has asked that comments on the above-referenced tapings be sent directly to Ben Elliott by 10:00 a.m. September 13. The first taping celebrates the virtues of small town America, the work of the National Trust for Historic Preservation and its National Main Street Center, and the strong impetus given preservation by the Administration's tax credits for the renovation of older buildings.

The second taping is a very brief message supporting the role of chambers of commerce in promoting economic growth. The third taping thanks Phyllis Schlafly and the Eagle Forum for their support of Administration economic, defense, foreign, education, and social policies. I see nothing objectionable in any of these tapings.

Attachment

THE WHITE HOUSE

WASHINGTON

September 12, 1984

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Presidential Tapings: (1) Future
of Small Town America; (2) Public Service
Announcement for Texas Chamber of Commerce;
(3) Eagle Forum Annual Conference

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

FFF:JGR:aea 9/13/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

September 13, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Request From Boris Feinman For President
Reagan to Sign a Diploma in Connection
With the Bicentennial of the Constitution

You have corresponded in the past with Boris Feinman, a citizen gadfly who devises various schemes to promote the Bicentennial of the Constitution. Most recently, on June 20, you wrote Feinman, responding to his concerns over the delay in appointing members to the Commission on the Bicentennial of the Constitution. Feinman replied a month later to ask the President to endorse his latest brainstorm, a "Diploma of Voter Status" program "designed to cloak in majesty Youths' entry to political power at age 18." Feinman wants the President to sign an enclosed "diploma," to be awarded to students when they reach age 18 and become eligible to vote.

I do not think the President should sign the diploma or otherwise specifically endorse Feinman's project. On the merits, Feinman's idea does not strike me as particularly inspired. In any event, it seems advisable generally to limit the President's involvement in Bicentennial commemorations to those of an official nature. We really know nothing about Feinman, or to what use he might put the President's signature on his diploma or the President's endorsement of his scheme.

In addition, Congress established the Commission on the Bicentennial of the Constitution to "plan and develop activities appropriate to commemorate the bicentennial of the Constitution, including a limited number of projects undertaken by the Federal Government." Section 6(a)(1), Public Law 98-101, 97 Stat. 721 (1983). It would seem more in keeping with the spirit of this statute to await guidance from the Commission before endorsing specific projects to commemorate the Bicentennial. (Of course, we have yet to appoint the members of the Commission, but that is another story.) A draft reply to Feinman is attached.

Attachment

THE WHITE HOUSE

WASHINGTON

September 13, 1984

Dear Mr. Feinman:

Thank you for your letter describing your "Diploma of Voter Status" program. In that letter you requested that the President sign such a diploma, and announce support for the idea.

The President has frequently emphasized the importance of the right to vote and encouraged every eligible citizen to exercise the franchise. If your program succeeds in alerting young people to this precious right it will be providing an invaluable service.

We must, however, decline to have the President sign the diploma you have provided, or otherwise specifically endorse the program as a commemoration of the Bicentennial of the Constitution. As you certainly know, Congress has established a Commission on the Bicentennial of the Constitution, to plan and develop appropriate commemoration of the Bicentennial, including a limited number of projects to be undertaken by the Federal Government. The Commission is also to coordinate Bicentennial activities throughout the States. Section 6 of Public Law 98-101, 97 Stat. 721 (1983). It seems more in keeping with the spirit of this statute for the President generally to await guidance from the Commission, once it is operational, before endorsing particular projects designed in connection with the Bicentennial.

I hope you will appreciate the reasons for our response. Thank you for sharing your "Diploma of Voter Status" idea with us.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Boris Feinman
130 Highridge Road
New Rochelle, NY 10804

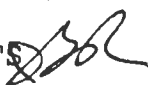
FFF:JGR:aea 9/13/84
bcc: FFFfielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

September 13, 1984

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS 
SUBJECT: Request to Publish Article
by the President Regarding
U.S. Scientific Leadership

No response is necessary on this. The questionnaire has been completed and submitted, after review by all appropriate offices, including the Counsel's Office.

THE WHITE HOUSE

WASHINGTON

September 14, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Proposed Questionnaire: National
Conference of State Legislatures
(Prepared by Reagan-Bush '84)

Richard Darman has asked that our views on draft responses to the above-referenced candidate questionnaire be sent directly to Mike Baroody by noon September 20. The responses were prepared by Reagan-Bush '84 in accordance with your memorandum on candidate questionnaires of November 28, 1983.

The draft responses convey Administration views on deficit reduction (through continued recovery, line-item veto, and balanced budget amendment), block grants, tax reform (Treasury plan to be unveiled in December), Medicare, the national drinking age, and relations between the White House and state and local officials. I have reviewed the proposed responses and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

September 14, 1984

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Questionnaire: National
Conference of State Legislatures
(Prepared by Reagan-Bush '84)

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

cc: Richard G. Darman

FF:JGR:aea 9/14/84

bcc: FFFfielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

September 14, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Letter in Support of Granting Posthumous
Citizenship to Corporal Wladyslaw "Scotty"
Staniszewski, USMC

Richard W. Johnson, Jr., the Director of Legislative Affairs of the Non Commissioned Officers Association of the United States, has written the President in support of the efforts to confer posthumous citizenship on Corporal Wladyslaw Staniszewski. You will recall from our previous work on this subject that Staniszewski, a British subject admitted to permanent residence, joined the Marines and was killed in action in Vietnam in 1967. If he had survived his voluntary military service he would have been eligible for immediate naturalization under 8 U.S.C. § 1440, but private legislation is required to confer posthumous citizenship. Such a private bill, H.R. 960, is pending before the House Judiciary Committee.

As I noted in my memorandum for you of August 8, there is considerable precedent for such private legislation. The Administration position has been communicated to Congress by the Department of Justice. That Department, in response to a request from Chairman Rodino for its views, has advised that the Administration has no objection to the enactment of H.R. 960. You indicated on the tracking sheet that you would like to do something other than wait on Congress, if possible. The grant of citizenship is totally within Congressional control, however, and the Executive cannot naturalize individuals without Congressional authorization. The most we could do is take a more aggressive posture in support of H.R. 960. Such Administration support for private legislation would be unusual; indeed, it is unusual for the Administration not to object to private legislation.

The attached draft reply advises Johnson that the Administration has no objection to granting Corporal Staniszewski citizenship, but that for this to be accomplished Congress must act.

Attachment

THE WHITE HOUSE

WASHINGTON

September 14, 1984

Dear Mr. Johnson:

Thank you for your letter to the President concerning Corporal Wladyslaw Staniszewski. In that letter you noted that the Non Commissioned Officers Association supported efforts to grant posthumous citizenship to Corporal Staniszewski, who died bearing arms for his adopted country. You also requested that we assist these efforts.

You are correct that had Corporal Staniszewski not been killed in action he would have been eligible for naturalization upon his honorable discharge from the Marines, pursuant to 8 U.S.C. § 1440. This section provides that aliens who have served honorably in the Armed Forces of the U.S. for any length of time during certain defined periods of hostility -- including the Vietnam conflict -- are eligible for naturalization.

The public laws of the United States do not provide for posthumous naturalization. Indeed, those laws are specific in requiring a personal petition for naturalization, a personal appearance in court, and a personal taking of the oath of allegiance as part of the process. Accordingly, in order for Corporal Staniszewski to be held and considered to be a United States citizen at the time of his death, private legislation is necessary.

A private bill, H.R. 960, has been introduced to grant Corporal Staniszewski United States citizenship. As noted, such Congressional action is necessary; there is nothing that the President can do acting alone to grant citizenship. The Administration has, however, advised Congress through a formal report of the Department of Justice that it has no objection to enactment of H.R. 960.

Thank you for sharing your views on this matter with us.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Richard W. Johnson, Jr.
219 North Washington Street
Alexandria, Virginia 22314

FFF:JGR:aea 9/14/84
Bcc: FFFfielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

September 17, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Automotive Age Questionnaire
(Prepared by Reagan-Bush '84)

Richard Darman has asked that comments on the above-referenced candidate questionnaire be sent to Mike Baroody by noon today. The draft responses were prepared by Reagan-Bush '84, in accordance with your memorandum on candidate questionnaires of November 28, 1983.

The draft responses discuss continuing voluntary import restrictions on Japanese automobiles (will depend on market developments and progress of trade negotiations), domestic content legislation (oppose), and deregulation. In response to a question on anti-fleet subsidy legislation, the President simply notes that the issue is before Congress, that no final version of a bill has emerged, and that he can neither support nor oppose any legislation at this time. "Anti-fleet subsidy legislation" refers to several bills that would prohibit auto manufacturers from granting discounts to high-volume direct purchasers, such as Hertz or Avis. The bills are supported by automobile dealers, who contend (incorrectly) that they must pay inflated prices to finance the discounts.

As noted, the draft response on anti-fleet subsidy legislation is non-committal. In fact, however, the Administration is clearly on record as opposing such legislation. For example, on June 7, 1984, Deputy Assistant Attorney General for Antitrust Charles Rule noted the Administration's strong opposition to H.R. 1415 and H.R. 5305, the leading anti-fleet subsidy bills. The gist of the Administration view was that the volume discounts to large, non-dealer purchasers reflected the realities of the marketplace. I have checked with OMB Legislative Reference and been assured that the Administration position is unchanged.

The draft response prepared by Reagan-Bush '84 obviously plays to the readership of Automotive Age, primarily dealers who would benefit from anti-fleet subsidy legislation. In light of the Administration's unequivocal opposition to such legislation, however, the response strikes me, to borrow

Churchill's euphemism, as terminologically inexact. The attached memorandum for Baroody suggests that the response be changed to reflect the Administration's position.

Attachment

THE WHITE HOUSE

WASHINGTON

September 17, 1984

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Automotive Age Questionnaire
(Prepared by Reagan-Bush '84)

Counsel's Office has reviewed the draft responses to the above-referenced candidate questionnaire. The response to question six does not accurately represent the Administration's position. The Administration is on record as being strongly opposed to anti-fleet subsidy legislation. For example, Deputy Assistant Attorney General for Antitrust Charles Rule testified in opposition to H.R. 1415 and H.R. 5305, the leading anti-fleet subsidy bills, on June 7, 1984. The draft response has obviously been crafted with the readership of Automotive Age -- primarily dealers who support anti-fleet subsidy legislation -- in mind, but I think it is far too disingenuous in light of the Administration's announced position.

cc: Richard G. Darman

FFF:JGR:aea 9/17/84
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

September 17, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Request for Complete Investigation
Regarding the Suicide of Danny Holley
at Fort Ord

Lee Verstandig has referred to our office a letter to the President from Los Angeles County Supervisor Kenneth Hahn, concerning the tragic case of 13-year-old Danny Holley. Holley committed suicide in order to ease the financial burden on his family, headed by an Army sergeant on active duty. Hahn requests a full and complete investigation of the case, suggesting that the financial problems of the Holleys were the result of inadequate personnel planning by the Army.

This case has received a great deal of publicity, and I am certain that the Department of Defense has received numerous letters on it. It seems best to have any reply emanate directly from Defense. The attached memorandum refers Hahn's letter to Defense General Counsel Chapman Cox. Hahn has already received an interim reply from Verstandig.

Attachment

THE WHITE HOUSE

WASHINGTON

September 17, 1984

MEMORANDUM FOR CHAPMAN B. COX
GENERAL COUNSEL
U.S. DEPARTMENT OF DEFENSE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Request for Complete Investigation
Regarding the Suicide of Danny Holley
at Fort Ord

The attached correspondence to the President from Los Angeles County Supervisor Kenneth Hahn is referred to you for direct response and whatever other action you consider appropriate. Many thanks.

Attachment

FFF:JGR:aea 9/17/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

September 18, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Questionnaire: Landmarc
(Prepared by Reagan-Bush '84)

Richard Darman has asked that comments on the above-referenced candidate article be sent directly to Mike Baroody by 2:00 p.m. September 21. The article, prepared by Reagan-Bush '84, reviews Administration efforts concerning coal. The article stresses the need to reduce excessive reliance on vulnerable oil by increased development of coal resources. It discusses the expansion of the coal leasing program, recognition of the States' role under the Mining Control and Reclamation Act of 1977, and the effort to address the acid rain problem through more research rather than immediate additional controls on sulfur dioxide emissions. I have reviewed the draft article and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

September 18, 1984

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Questionnaire: Landmarc
(Prepared by Reagan-Bush '84)

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

FFF:JGR:aea 9/18/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

September 18, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Law Review Article on Attorneys
Fees for Duke Law School

Marshall Breger of Public Liaison has asked if you have any problems with his publishing an article on attorneys fees in Duke Law School's Law and Contemporary Problems. A footnote would identify Breger's current position but go on to state that the article was substantially completed before Breger entered Government service and that nothing in it should be construed as the position of the United States Government.

In the article Breger criticizes the "market rate" approach to awarding attorneys fees, noting that law firms often adjust this rate for particular clients and that there is no reason to consider the rate charged G.M. for corporate litigation the appropriate guide to an award of attorneys fees in an environmental or civil rights case. There is nothing shocking in Breger's analysis, and I would not expect the article to excite particular comment in the profession. The attached memorandum advises Breger that we have no objection to his publishing the article.

Attachment

THE WHITE HOUSE

WASHINGTON

September 18, 1984

MEMORANDUM FOR MARSHALL BREGER
SPECIAL ASSISTANT TO THE PRESIDENT
FOR PUBLIC LIAISON

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Law Review Article on Attorneys
Fees for Duke Law School

By memorandum dated August 22, you inquired if I had any objection to your publishing an article in Law and Contemporary Problems on attorneys fees. In light of the fact that a footnote will clearly indicate that the article presents your personal views and not those of the Administration, and that the article was largely completed before you entered Government service, I have no objections.

FFF:JGR:aea 9/18/84
cc: FFFielding/JGRoberts/Subj/chron

THE WHITE HOUSE

WASHINGTON

September 18, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Disposition of James A. Baker, III
Papers (Request from Norman Hackerman
of Rice University)

Some time ago Kathy Camalier asked for our advice concerning the disposition of Mr. Baker's White House papers. Mr. Baker had received a letter from the President of Rice University, asking that he agree to deposit the papers at Rice. Mr. Baker's office informed Rice officials that the request was premature, but asked us to look into the matter, noting that it "is not a top priority inquiry."

The vast majority of Mr. Baker's papers are, of course, covered by the Presidential Records Act, 44 U.S.C. §§ 2201-2207, since they were "created or received by the President, his immediate staff, or a unit or individual of the Executive Office of the President whose function is to advise and assist the President, in the course of conducting activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President." 44 U.S.C. § 2201(2). The only papers from his White House tenure that Mr. Baker could consider donating to Rice are, accordingly, "personal records," defined in the Act to include "diaries, journals, or other personal notes" not used in transacting Government business, private political materials having no relation to the President's duties, and materials relating solely to the President's own election. Id. § 2201(3).

With respect to such "personal records" of Administration officials, however, Mr. Meese's office has been working with the Archivist to secure them for possible inclusion in the Reagan Presidential Library. Mr. Meese's office asked us earlier this year to review a letter they prepared with the Archivist, asking Administration officials to donate personal materials to the National Archives for placement in the Reagan Presidential Library. (We have been holding the letter in abeyance because of our many disputes with the Archivist and the unresolved status of the Reagan Library.) Any decision by Mr. Baker to donate his personal papers to Rice would be inconsistent with the proposal to house those papers in the Reagan Library.

- 2 -

The attached memorandum for Mr. Baker advises him that (1) he can only consider donating his personal papers (as defined in the Presidential Records Act) to Rice, and (2) it has been proposed that such personal papers of staff members and Cabinet officials be donated to the National Archives for inclusion in the Reagan Presidential Library.

Attachment

THE WHITE HOUSE

WASHINGTON

September 18, 1984

MEMORANDUM FOR JAMES A. BAKER, III
ASSISTANT TO THE PRESIDENT
CHIEF OF STAFF

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Disposition of Your White House Papers

Your office has requested guidance on inquiries you have received concerning the possible donation of your White House papers to Rice University. The vast bulk of your White House papers are covered by the Presidential Records Act, 44 U.S.C. §§ 2201-2207. That Act defines "Presidential records" broadly to include:

documentary materials, or any reasonably segregable portion thereof, created or received by the President, his immediate staff, or a unit or individual of the Executive Office of the President whose function is to advise and assist the President, in the course of conducting activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President. Id. § 2201(2).

Pursuant to 44 U.S.C. § 2202, the Government retains "complete ownership, possession, and control of Presidential records." At the end of a President's last term, the Archivist assumes custody and control of the Presidential records. Id. § 2203(f)(1). Accordingly, you are not in a position to consider donating those of your papers defined as Presidential records -- the vast majority -- to Rice or any other institution.

You do retain control over "personal records...of a purely private or nonpublic character," including "diaries, journals, or other personal notes" not used to transact Government business, "materials relating to private political associations," and "materials relating exclusively to the President's own election." Id. § 2201(3). With respect to such materials of White House staff members and Cabinet officials, however, Mr. Meese's office has been working with the Archivist to secure their donation to the National Archives for inclusion in the Reagan Presidential Library. It is the Archivist's view that the Reagan Presidential Library would be

considerably enriched by the inclusion of the personal records of key Administration officials. Mr. Meese's office and the Archivist have prepared a letter to Administration officials, asking them to consider donating their personal papers for inclusion along with their official papers in the Reagan Presidential Library. That letter has not yet been sent, because of certain outstanding issues involving the Archivist and the Reagan Library, but the basic notion that the Reagan Library would be the best place for the personal records of Administration officials seems unassailable.

FFF:JGR:aea 9/18/84
cc: FFFielding/JGRoberts/Subj/Chron