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THE WHITE HOUSE

WASHINGTON

September 3, 1985

MEMORANDUM FOR THE FILE

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: D.C. Court Pay Act Decision
(NTEU v. Reagan)

No action is necessary with respect to this item. The President, relying on Judge Gasch's decision, accepted the recommendation of his pay agents (Wright, Horner, Brock) and froze the pay levels of civilian employees.

THE WHITE HOUSE

WASHINGTON

September 3, 1985

MEMORANDUM FOR FRED F. FIELDING
RICHARD A. HAUSER

FROM: JOHN G. ROBERTS *JGR*
SUBJECT: Stockpile Planning Study

As the result of a recent inter-agency review of National Defense Stockpile needs chaired by NSC, the President advised Congress of his decision to reduce dramatically the stockpile goals. Pursuant to 50 U.S.C. § 98 et seq., the President is authorized to determine the need for and maintain a stockpile of materials needed to sustain the national defense in the event of a three-year war. In 1979, the previous Administration calculated that some \$17 billion worth of materials needed to be stockpiled for this purpose, of which some \$7 billion was already on hand. The NSC study recommended, and the President agreed, to reduce the stockpile goal to \$700 million, while retaining some \$6 billion worth of materials already owned by the Government. The net result was to deprive the pertinent Hill committees of \$10 billion worth of political clout, which prompted a GAO inquiry, riders on various bills to preclude the revision, and Hill inquiries for the documents on which the President based his decision.

NSC would like to provide GAO investigators and Hill staff access to the NSC Stockpile Goals Study, a voluminous, highly-technical study that formed the basis for the NSC recommendation to the President and the President's decision. NSC believes the study supports the decision, and some persuading of people on the Hill is necessary to remove the preclusive riders. I have looked at the study and see no reason to object to granting access to it to GAO and Hill staff with appropriate clearances (secret). It is factual rather than evaluative, and as such does not raise serious privilege concerns.

The privilege questions that are likely to arise concern agency comments on the NSC study and the stockpile reduction decision. GAO has asked for information on individual agency views. NSC has contacted all the affected general counsels, and told them NSC would provide the response for all. It is hoped that providing access to the study referred to above might quiet GAO interest in more sensitive,

- 2 -

policy evaluative documents. If not, we will have to consider protecting such documents from disclosure. I will keep you advised.

THE WHITE HOUSE

WASHINGTON

September 4, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *Q2C*

SUBJECT: Request to Reprint President's Article:
"The Presidency: Roles and Responsibilities"

The Editor of The New Federalist Papers, a bicentennial project of Public Research, Syndicated, has asked permission to reprint and distribute an 800-word excerpt from the President's article "The Presidency: Roles and Responsibilities," which first appeared in the Fall 1984 National Forum. The New Federalist Papers project provides articles to newspapers across the country free of charge. Several articles from the National Forum edition have already been syndicated by The New Federalist Papers, including the Chief Justice's and the Speaker's, not to mention Dr. Mark Cannon's.

Permission is not required to reprint the President's article, since it was prepared in the course of his official duties. 17 U.S.C. § 105. The attached reply notes that permission is not required, and thanks the editor for offering to let us approve their editing of the President's article.

Attachment

THE WHITE HOUSE

WASHINGTON

September 4, 1985

Dear Mr. Barlow:

Thank you for your letter of August 28, requesting permission to reprint and distribute the President's article, "The Presidency: Roles and Responsibilities," as part of The New Federalist Papers. Permission is not required to reprint and distribute the article, and I have no objection to your plans to do so.

You have indicated that you plan to excerpt 800 words from the President's article, and that you will submit the edited version for our approval. I appreciate your willingness to do this, and look forward to receiving your proposed excerpt.

The New Federalist Papers is an exciting project and I am pleased to learn of your plans to include the President's article.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Jack Barlow
4650 Arrow Highway
Suite D7
Montclair, CA 91763

FFF:JgR:aea 9/4/85
bcc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

September 4, 1985

MEMORANDUM FOR THE PRESIDENT

FROM: FRED F. FIELDING

SUBJECT: Requests from Charitable Organizations
Concerned with Cancer for Fundraising
Endorsements

I. ACTION FORCING EVENT

We have received several requests from reputable charitable organizations involved in cancer treatment and research, asking that you permit your name to be used in their promotional or fundraising campaigns.

II. DISCUSSION

As you know, our usual policy is to decline such requests from charitable organizations. We explain that the White House receives countless requests for such endorsements, cannot possibly grant them all, and out of fairness to all has been compelled to adopt a policy of generally declining such requests. Rare exceptions are made only after consultation with you and Mrs. Reagan, and typically only for particular causes in which you or Mrs. Reagan have been personally involved, such as Foster Grandparents, various drug abuse prevention programs, and the Motion Picture Country House and Hospital.

A decision needs to be made whether to adhere to the general policy of declining to provide fundraising endorsement for particular charities in the case of cancer-related charities, or to make an exception. I recommend that an exception not be made for cancer-related charities. Your successful operation and recuperation have already done much to promote awareness in this area. Charitable fundraising is as intensely competitive as any business, and I think those working on other diseases might legitimately object to Presidential endorsement of donations to fight only cancer. You often endorse charitable contributions and voluntarism in general, but the choice of what particular cause to support should be an individual's own, and I do not think the President's name should be invoked to sway that decision.

III. RECOMMENDATION

That you adhere to our usual policy and not endorse particular fundraising or promotional campaigns for cancer-related charities.

Approve _____

Disapprove _____

FFF:JGR:aea 9/4/85

cc: FFFielding

JGRoberts

Subj

Chron

THE WHITE HOUSE

WASHINGTON

September 5, 1985

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: INS Draft Statement on H.R. 3080, the
Immigration Control and Legislation
Amendments Act of 1985

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

THE WHITE HOUSE

WASHINGTON

September 5, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Washington Times Article Regarding
U.S. Army Communications System "MSE"

I talked with Chapman Cox, Kathleen Buck, and Dave Ream of the Defense General Counsel's office, several times each, in an effort to gather information on an appropriate response to Mr. Brophy's letter to Mr. Regan. They repeatedly stressed that the matter was very sensitive. The contract award decision is apparently being considered by the Secretary of the Army, the Undersecretary of the Army, and Will Taft. No decision has yet been made. The award is being reviewed under the Defense Acquisition Regulations, which do not provide for consideration of foreign relations. On the other hand, the President could become involved in the process on the basis of such considerations if he so desired, though this is ordinarily not done and would probably not be desirable in such a high-profile, bitterly contested case. Many expect any contract award to be appealed by the loser to the Armed Services Board of Contract Appeals and, from there, to the U.S. Claims Court. The attached response is based on recommendations from Cox's office.

Attachment

THE WHITE HOUSE

WASHINGTON

September 5, 1985

Dear Mr. Brophy:

This is written in response to your letter to Chief of Staff Don Regan concerning the contract for the United States Army communications system known as "MSE."

I am advised that no decision has yet been made on the award of this contract, and that the matter is still under review in the source selection process. You may be assured that the Department of Defense will fully comply with all applicable rules and regulations in reaching a decision on this contract award. Any specific concerns you may have should be addressed directly to the appropriate officials in the Department of Defense and the Department of the Army.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Theodore F. Brophy
GTE Corporation
One Stamford Forum
Stamford, CT 06904

FFF:JGR:aea 9/5/85
bcc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

September 6, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Stockpile

Attached is the decision memorandum for the President on the stockpile reduction decision, and the NSDD implementing that decision. You wanted to look at this before NSC proceeded to permit GAO and Hill staffers to review the technical study that formed the basis for the NSC recommendation. You were particularly interested in the nature of internal agency objections to the study. Those are best discerned by reviewing Tab B of the decision memorandum.

NSC would like to conduct a briefing for GAO and Hill staffers, at which they will be permitted to review the technical study, on September 10.

Attachment

THE WHITE HOUSE

WASHINGTON

September 6, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Stockpile

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Attachment

THE WHITE HOUSE

WASHINGTON

September 6, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 
SUBJECT: Radio Talk: Section 301 of Trade Act

David Chew has asked that comments on the above-referenced remarks be sent directly to Ben Elliott by 2:30 p.m. today. The radio address discusses the Section 301 investigation the President has directed the Trade Representative to initiate. According to USTR General Counsel Alan Holmer, the consultations required by 19 U.S.C. § 2412(c)(2) prior to self-initiation of an investigation were begun and completed yesterday. Holmer also advised that his office had examined the question of whether the President could direct the Trade Representative to initiate an investigation, and determined that this raised no problems.

The President's remarks accurately describe the 301 process: investigation, negotiation, and retaliation if negotiations are unsuccessful. The remarks then discuss the three investigations to be initiated -- Korean insurance, Brazilian computers, and Japanese tobacco -- and the two pending matters to be accelerated -- Japanese leather and European canned fruit. Finally, the remarks stress that it is preferable to open up foreign markets than to close our own.

I have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

September 6, 1985

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Radio Talk: Section 301 of Trade Act

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

FFF:JGR:aea 9/6/85

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

September 6, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Request Concerning Senate Ratification
of the Genocide Convention

Joseph E. Ross, President of the Federal Bar Association, has written to ask you if the Administration will consider approaching the Senate leadership to urge floor action on the Genocide Convention. You will recall that the Convention was voted out of Committee after the Administration agreed to acquiesce in a number of reservations proposed by Senator Helms.

I discussed the matter with Pam Turner, who advised that it was highly unlikely that the controversial Convention could successfully compete for floor time with tax reform, the budget, South Africa, trade legislation, and so on. I think the best that we can do for Ross is to reiterate the President's support for ratification of the Convention, and refer the suggestion to Legislative Affairs. Drafts are attached.

Attachments

THE WHITE HOUSE

WASHINGTON

September 6, 1985

MEMORANDUM FOR PAMELA J. TURNER
DEPUTY ASSISTANT TO THE PRESIDENT
FOR LEGISLATIVE AFFAIRS

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Request Concerning Senate Ratification
of the Genocide Convention

The attached letter on the Genocide Convention, together with a copy of my response, is referred to you for your review and whatever further action you consider appropriate.

Many thanks.

Attachment

FFF:JGR:aea 9/6/85

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

September 6, 1985

Dear Mr. Ross:

Thank you for your letter of September 3. In that letter you asked if the Administration would consider approaching the Senate leadership to urge floor action on the Genocide Convention.

As you know, the President strongly supports ratification of the Convention. He has made this clear not only in public addresses but to the Senate as well. As I am certain you are aware, the Senate faces a busy schedule this fall, with tax reform, budget matters, international relations, and trade issues dominating the agenda. I cannot accurately assess the prospects for floor action on the Convention, but I have taken the liberty of sharing your letter with our Legislative Affairs office.

You may be assured that the Administration remains committed to securing ratification of the Convention, and will do all within its power to achieve this goal.

Sincerely,

Fred F. Fielding
Counsel to the President

Joseph E. Ross, Esquire
President, Federal Bar Association
1815 H Street, N.W.
Washington, D.C. 20006

FFF:JGR:aea 9/6/85
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

September 9, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Washington Times Article Regarding
U.S. Army Communications System "MSE"

I concur in your suggestion that Defense respond directly to Brophy, particularly since there is nothing of substance that we can tell him. Having Defense respond also keeps distance between the White House and this controversial issue. I discussed this with Chapman Cox and he is willing to respond to Brophy's letter.

Attachment

THE WHITE HOUSE

WASHINGTON

September 9, 1985

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Washington Times Article Regarding
U.S. Army Communications System "MSE"

You have discussed a possible response to the attached letter from GTE Chairman Brophy to White House Chief of Staff Regan with my staff. On reflection, it is my view that it would be preferable for the Department of Defense to respond directly to the letter.

Many thanks.

FFF:JGR:aea 9/9/85

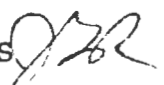
cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

September 9, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 
SUBJECT: Threat to Deliberative Privilege
Posed by the Presidential Records Act

The attached draft memorandum responds to your request for a memorandum warning of the need to do something about the flaws in the Presidential Records Act of 1978, 44 U.S.C. §§ 2201-2207. I was pleased to learn in the course of additional research that Carter's Justice Department opined during hearings on the Act that it was, as enacted, "of doubtful constitutionality." The dilemma is that a court challenge cannot be mounted until 2001 at the earliest -- no case would be ripe until then -- and at that time the incumbent President, whose views will be critical in an executive privilege dispute, may have a political interest in disclosing Reagan documents. In addition, the existence of the Act serves to burden the full and frank exchange of advice now, and the possibility of curing the problem in the year 2001 does not ease that present burden.

I do not know to whom the memorandum should be addressed. The Attorney General, Boyden Gray (because of 44 U.S.C. § 2207), Horowitz, and someone from White House Legislative Affairs should be included; presumably Mr. Regan as well.

Attachment

THE WHITE HOUSE

WASHINGTON

September 9, 1985

MEMORANDUM FOR

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Threat to Deliberative Privilege
Posed by the Presidential Records Act

This is the first Administration to be subject to the Presidential Records Act of 1978, 44 U.S.C. §§ 2201-2207. That Act provides, among other things, that internal White House memoranda and notes are the property of the United States, and pass under the control of the Archivist of the United States upon the conclusion of President Reagan's second term. Pursuant to 44 U.S.C. § 2204, President Reagan, prior to leaving office, may specify durations, not to exceed 12 years, for which access to certain types of Presidential records shall be restricted. One type of document for which access may be restricted, but for no more than 12 years, is "confidential communications requesting or submitting advice, between the President and his advisers, or between such advisers." 44 U.S.C. §§ 2204(a)(5).

After expiration of the specified period of restricted access (the year 2001 at the latest), all Presidential records -- even the most sensitive, confidential communications -- will be administered in accord with the Freedom of Information Act (FOIA). Pursuant to 44 U.S.C. § 2205(c)(1), however, exemption (b)(5) of FOIA -- the provision most frequently used to block disclosure of confidential deliberative documents -- is explicitly not available to withhold Presidential records from disclosure. In other words, the most sensitive White House document from this Administration will be fully open to the public by the year 2001. (I should also note that Vice Presidential records are subject to the foregoing in the same manner as Presidential records, 44 U.S.C. § 2207.)

Twelve years is a brief time in public life. Many of the personalities candidly discussed in sensitive White House memoranda, and certainly many of the authors of the memoranda, will be active twelve years from now. My concern is not so much the embarrassment that might result in the year 2001 when comments made under different circumstances become public, but the danger that the prospect of disclosure after such a brief period might inhibit the free flow of candid

advice and recommendations within the White House. That flow is protected by the constitutionally based doctrine of executive privilege, and a strong argument can be mounted that the statutory 12-year ceiling on restricting access is unconstitutional, at least as applied to the most sensitive White House communications.

This argument was in fact raised by the Carter Department of Justice when the Presidential Records Act was being considered by Congress. A representative of the Department's Office of Legal Counsel testified as follows:

The Supreme Court has clearly recognized that a constitutional privilege rooted in the doctrine of separation of powers extends to confidential communications between the President and his advisers and among those advisers. Although the justifications supporting the privilege may become less critical with the passage of time, there is no indication that it can be said to dissipate altogether after the passage of any particular period of years. An effective declaration that the privilege can be asserted for 10, 13, or 15 years but no longer must consequently be seen as of doubtful constitutionality. Statement of Deputy Assistant Attorney General Larry A. Hammond, Hearing Before the Senate Committee on Governmental Affairs on S. 3494, 95th Cong., 2d Sess. 14 (1978).

The Act contains a statement that "Nothing in this Act shall be construed to confirm, limit, or expand any constitutionally-based privilege which may be available to an incumbent or former President," 44 U.S.C. § 2205(c)(2), but that statement merely frames the dispute.

As noted, this is the first Administration subject to the Act. Prior Presidents were considered to have control over the records of their Administration, and when these records were donated to the Archives the former Presidents typically reserved to themselves or aides chosen by them the right to restrict access to sensitive communications, for periods considerably longer than the 12-year period permitted under the Act. President Nixon's case was an exception, and the authority of the Government to seize the Nixon papers and open them to public access is still being contested. In any event, the validity of the present Act is very much in doubt.

The difficulty is that no court challenge to the 12-year ceiling on restricting access can be mounted until the case is legally "ripe," which will not be until the year 2001, when the Archivist actually proposes to release Reagan

Administration documents and someone with legal standing sues to block disclosure. At that point any executive privilege claim would hinge to a large extent on the views of the incumbent President, who may or may not be in a position to place the long-term interests of the institution above short-term political interests that may be served by disclosure of Reagan Administration documents. In any event, the existence of the statute, however vulnerable to later challenge, still serves to chill the full and robust exchange of views the President requires to discharge the office.

For these reasons, steps should be taken before the end of the Administration to cure the infirmities of the Act. The most obvious possibility is legislative amendment. Other possibilities include Archives regulations explicitly recognizing the validity of possible executive privilege claims to block disclosure after the expiration of the statutory 12-year period. I welcome your views on these questions and any suggestions you might have on how to proceed.

FFF:JGR:aea 9/9/85
cc: FFFielding
JGRoberts
Sbj
Chron

THE WHITE HOUSE

WASHINGTON

September 9, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 
SUBJECT: South Africa Materials

After our conversation Sunday morning I became involved in drafting and approving as to legality the proposed Executive Order, statutorily required report to Congress, fact sheet, and Presidential remarks. A final version of the Executive Order was formally transmitted, with Office of Legal Counsel approval as to form and legality, at 9:30 p.m. Sunday. Justice also reviewed and cleared the report to Congress required by Section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. § 1703(b). IEEPA also requires the President to consult, "in every possible instance," with Congress before exercising emergency authorities, 50 U.S.C. § 1703(a). Ed Cummings of the State Legal Adviser's office advised me that Secretary Schultz, on behalf of the President, had undertaken such consultation with regard to the President's proposed action.

OMB, State, and Justice determined that the President was authorized to declare a national emergency in this instance. The report to Congress most clearly articulates the justification for this declaration; the President's remarks and the fact sheet, on the other hand, do not focus on the "emergency" situation.

As we discussed Sunday morning, the most difficult legal question was whether the President should follow the procedures of the Export Administration Act as well as IEEPA, or proceed independently under IEEPA. It was the view of Justice and State that IEEPA provided sufficient authority, but the EAA was cited in the Executive Order, not as authority for action but because the export licenses referred to in the Order, that will be prohibited under IEEPA, are issued under the EAA. The EAA establishes a comprehensive system of export controls, but I agree with State and Justice that a strong argument can be made that the EAA system does not displace IEEPA. The consultations and reports required under EAA are required when the President exercises authority under that Act; here he is exercising authority under IEEPA, not EAA.

I nonetheless think we should discuss with Justice and State the possibility of complying with the requirements of the EAA, to the extent possible, to avoid or mute criticism of the President's action.

THE WHITE HOUSE

WASHINGTON

September 10, 1985

MEMORANDUM FOR RICHARD A. HAUSER

FROM:

JOHN G. ROBERTS 

SUBJECT:

Economic Policy Council Policy Directives

I discussed this with Gene McAllister, and he decided to withdraw the items. Decisions have already been made on these two and there is no need for an additional piece of paper. I suggested that if the EPC feels the need for a tasking memorandum from the President, it should be included as part of the decision package for the President to sign off on. We would review it through the normal clearance process, as we review the package being submitted to the President.

McAllister said he would consider this suggestion and discuss it with us shortly.

Attachment

THE WHITE HOUSE

WASHINGTON

September 11, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Portal-to-Portal

I have now received a copy of the Comptroller General letter (B-210555.10) to Senator Proxmire that prompted the recent media interest in portal-to-portal. The letter concludes that there is no present statutory authority for anyone at OMB or on the White House staff regularly to receive portal-to-portal service.

The letter reviews the 1983 GAO opinion, rejects Horowitz's argument that Congress's explicit prohibition of portal-to-portal in the 1985 HUD appropriations act is evidence that 31 U.S.C. § 1344 should not be strictly construed, and recognizes a security exception to the portal-to-portal ban but asserts there must be a "clear and present danger." The letter then discusses the penalty provision for violating the portal-to-portal ban, 31 U.S.C. § 1349(b), which provides a minimum one-month suspension without pay for willful use or authorization of portal-to-portal in violation of 31 U.S.C. § 1344. The letter states "we are aware of no reason why White House or OMB staff would not be subject to this provision." Bowsher notes that Stockman and Wright's violations appear not to be willful, since they relied on advice of counsel. Bowsher "assumed" White House officials using portal-to-portal also acted on advice of counsel. He concluded by stating that "the officers and employees on the White House staff who might be involved should immediately cease such use of Government vehicles unless adequate justification is provided." In a footnote, Bowsher also expressed his view that any GAO moratorium on enforcement has long since lapsed.

THE WHITE HOUSE

WASHINGTON

September 11, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Transfer of Ownership
of Callaway's Nancy D

The attached cover letter transmits the necessary form to transfer ownership of Callaway's Nancy D. One possible problem: the President signed with a felt marker that did not transfer through to the second copy. Should we do this all over or see if the Association can make do?

Attachment

THE WHITE HOUSE

WASHINGTON

September 11, 1985

Dear Ms. Jones:

As my staff has discussed with you, the President wishes to transfer ownership of Callaway's Nancy D to Mrs. Betty Weldon. Enclosed please find the completed transfer report, certificate of registration, and a personal check from the President in the amount of \$35.00. It is my understanding that the Association will issue a new certificate of registration showing Mrs. Weldon as the owner of Callaway's Nancy D, and send that certificate directly to Mrs. Weldon.

Please do not hesitate to contact this office if anything further is required. Thank you for all your assistance.

Sincerely,

Fred F. Fielding
Counsel to the President

Ms. Alohana Jones
American Saddlebred Horse
Association Incorporated
4093 Iron Works Pike
Lexington, KY 40511

FFF:JGR:aea 9/11/85
bcc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

September 11, 1985

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Sincerely,



Fred F. Fielding
Counsel to the President

Ms. Alohana Jones
American Saddlebred Horse
Association Incorporated
4093 Iron Works Pike
Lexington, KY 40511

CERTIFIED MAIL

THE WHITE HOUSE

WASHINGTON

September 12, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 
SUBJECT: Florida Disaster Declaration

At 11:00 a.m. I discussed with FEMA Associate Director Sam Speck the proposed disaster declaration for Florida. Speck had been on the telephone to Air Force One and confirmed Tom Dawson's statement that, if possible, review of the Florida disaster application should be completed before the plane landed at about 11:20.

Speck reviewed the letter from the Governor with me and confirmed that (1) it was signed by the Governor, (2) it included a finding that the disaster was of such severity and magnitude as to be beyond the capabilities of the State and affected local governments, (3) it indicated that the State emergency plan had been implemented, and (4) it furnished information on the extent and nature of State resources committed to alleviate the disaster. 42 U.S.C. § 5141. Damage caused by hurricanes fits within the definition of a "disaster." 42 U.S.C. § 5122. Speck advised that he had, earlier that morning, discussed the question and received appropriate recommendations from the FEMA regional office.

I reviewed a draft press announcement dictated by Speck to Tom Dawson. I advised Dawson that, on the basis of Speck's representations about the Governor's letter, the announcement could be made. Speck told me paperwork referencing our conversation would follow.