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THE WHITE HOUSE

WASHINGTON

February 3, 1986

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: RICHARD A. HAUSER
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Executive Order:
Presidential Commission on Space
Shuttle Challenger Accident

Counsel's Office has reviewed the above-referenced proposed Executive Order. Based on discussions with the NASA General Counsel, "interim review board of the National Aeronautics and Space Administration" in Section 2(b)(1) should be changed to "National Aeronautics and Space Administration review board." I would also add "the" between "on" and "Space" in the name of the Commission, which appears in the title and in line 2 of Section one.

Finally, I would note that the memorandum for the President from Director Miller inaccurately states that the Commission will be composed of 20 members. It will be composed of no more than 20 members, and will probably start out with less than 20.

RAH:JGR:aea 2/3/86

cc: FFFielding
RAHauser
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

February 3, 1986

MEMORANDUM FOR ALL GENERAL COUNSEL

FROM: FRED F. FIELDING 
COUNSEL TO THE PRESIDENT

SUBJECT: Taxation of Fringe Benefits

You should be aware that Internal Revenue Service temporary regulations that appear at 50 Federal Register 52281-52313 (December 23, 1985) may be applicable to certain employees in your department or agency, and may impose certain reporting and withholding requirements on your department or agency as an employer. The regulations concern, inter alia, attribution of income to an employee who uses an employer-provided vehicle for personal purposes. Although questions of personal tax liability are the responsibility of the individual taxpayer, you should take appropriate steps to ensure (1) that potentially covered employees are aware of the possible applicability of these new regulations, and (2) that your department or agency complies with any applicable requirements.

THE WHITE HOUSE

WASHINGTON

February 3, 1986

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: IRS Fringe Benefit Issue

The attached memorandum is as "barebones" as possible, while still alerting everyone to what is involved.

Attachment

THE WHITE HOUSE

WASHINGTON

February 3, 1986

MEMORANDUM FOR ALL GENERAL COUNSEL

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Taxation of Fringe Benefits

You should be aware that Internal Revenue Service temporary regulations that appear at 50 Federal Register 52281-52313 (December 23, 1985) may be applicable to certain employees in your department or agency, and may impose certain reporting and withholding requirements on your department or agency as an employer. The regulations concern, inter alia, attribution of income to an employee who uses an employer-provided vehicle for personal purposes. Although questions of personal tax liability are the responsibility of the individual taxpayer, you should take appropriate steps to ensure (1) that potentially covered employees are aware of the possible applicability of these new regulations, and (2) that your department or agency complies with any applicable requirements.

FFF:JGR;aea 2/3/86
cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

February 3, 1986

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS

SUBJECT: Jiri Kotas

You requested that I obtain whatever information Public Liaison had on Jiri Kotas. All they have of a biographical nature is his card, a copy of which is attached.

Attachment



Dr. Jiri V. Kotas

Chairman.

The Czechoslovak Federal Council (in exile)

P.O. Box 13250
Kanata, Ontario,
K2K 1X4, Canada

Phone: 613-236-8126

P.O. Box 529, Station B
Ottawa, Ontario K1P 5P6
Canada

THE WHITE HOUSE

WASHINGTON

February 4, 1986

MEMORANDUM FOR CHRISTOPHER HICKS
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR, OFFICE OF ADMINISTRATION

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Your Memorandum (Revised)
on Fringe Benefits Taxation

I have reviewed the package you propose to send out with supplemental W-2 forms reporting taxable income attributable to personal use of a Government vehicle. You may take or leave the following suggestions as you see fit:

1. Delete the first sentence and substitute the following:
"This is to advise you that IRS temporary regulations issued on December 23, 1985 (effective January 1, 1985) may affect your tax liability for 1985 and subsequent years. The regulations provide that personal use of an employer-provided vehicle and driver may result in the attribution of taxable income to an employee. Under the regulations, commuting is considered personal use and the term "employer" appears to include the Federal Government."

This reformulation avoids an explicit statement that we consider commuting in a government-provided vehicle personal use, which would conflict with the statutory restriction that vehicles may only be used for "official purposes." (Providing the information in the supplemental W-2 is of course based on the assumption that such commuting is personal use covered by the regulations, but it is important that this assumption be laid to the IRS and not be explicitly endorsed by us.)

2. I recommend not providing the summary of the pertinent provisions of the regulations. We should let the IRS speak for itself through the regulations, and neither endorse nor interpret the IRS position. Any White House summary runs the risk of establishing a White House interpretation that may differ from the IRS interpretation, or unnecessarily restrict the flexibility of affected taxpayers in responding to the IRS. (I have no objection to furnishing the explanation of the valuation formula used by the Office of Administration, since this is necessary to make sense of the provided figures.)

3. A query with respect to the valuation formula explanation: why was it considered necessary to calculate an "average workday"? A government vehicle is devoted to official use for the entire period it is not used for commuting, so why should the denominator in the commuting time to total time ratio not be 24 hours?

4. Throughout the value formula explanation, "chauffeur" should be changed to "driver," for appearance purposes.

5. Typos: last line of section I on page 2 ("wich") and line 3 in section IV ("attache").

THE WHITE HOUSE

WASHINGTON

February 4, 1986

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Request to Use Presidential Seal
on Cover of Report (Victims of Crime)

Assistant Attorney General Lois Herrington has asked for permission to use the Seal of the President on a report her Office of Justice Programs is preparing. The report will review the implementation of the recommendations of the President's Task Force on Victims of Crime, and will be presented to the President during Victims of Crime Week, April 20-26.

Our office approved Mrs. Herrington's request to use the Seal on the cover of the December 1982 report of the Task Force, which was chaired by Mrs. Herrington. Ms. Owen recently approved Mrs. Herrington's request of December 3, 1985 to use the Seal on various materials being prepared for a meeting of the President's Child Safety Partnership (correspondence attached).

This request, however, does not concern a Presidential task force, commission, or partnership, but rather a report prepared by an office within the Department of Justice. The only connection to the President is that the report is being presented to him, and that only because of the staging: there is no statutory requirement that there be a report to the President.

I recommend denying Mrs. Herrington's request, and have attached a memorandum for her accomplishing this.

Attachment

THE WHITE HOUSE

WASHINGTON

February 4, 1986

MEMORANDUM FOR LOIS HERRINGTON
ASSISTANT ATTORNEY GENERAL
OFFICE OF JUSTICE PROGRAMS
U.S. DEPARTMENT OF JUSTICE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Request to Use Presidential Seal
on Cover of Report (Victims of Crime)

Thank you for your letter of January 24, requesting permission to use the Seal of the President on a report prepared by your Office of Justice Programs on implementation of the recommendations of the President's Task Force on Victims of Crime. You advised that the report will be presented to the President during Victims of Crime Week, April 20-26.

I must decline to grant the permission you seek. You are aware that the permitted uses of the Seal are limited by law, 18 U.S.C. § 713, and by regulations issued pursuant to that statute and embodied in Executive Order 11649. Although the Executive Order authorizes the Counsel to the President to grant permission to use the Seal for "exceptional historical, educational, or newsworthy purposes," I have generally tried to limit use of the Seal within the Government to Presidential entities. Thus, for example, this office approved the use of the Seal on the final report of the President's Task Force on Victims of Crime, and recently approved your request to use the Seal on specified materials for the President's Child Safety Partnership. Your present request, however, concerns a report prepared by an office within the Department of Justice. The fact that the report is to be presented to the President is not sufficient.

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

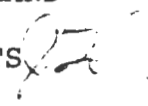
FFF:JGR:aea 2/4/86
cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

February 4, 1986

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS 

SUBJECT: Appointment of Marvin L. Mann
to the President's National
Security Telecommunications
Advisory Committee

I have reviewed the Personal Data Statement submitted by Marvin L. Mann in connection with his prospective appointment to the President's National Security Telecommunications Advisory Committee. The Committee was established by Executive Order 12382 (September 13, 1982) to provide advice to the President and the Secretary of Defense on national security telecommunications policy. Pursuant to the Executive Order, the President may appoint up to 30 members to the Committee, who "shall have particular knowledge and expertise in the field of telecommunications and represent elements of the Nation's telecommunications industry."

Mr. Mann is President and Chief Executive Officer of Satellite Business Systems, and concurrently a Vice President of IBM. He clearly satisfies the criteria set forth in the Executive Order. Like other members of this Committee, Mr. Mann has interests and affiliations in the telecommunications area, but these do not present conflicts problems that would bar his appointment, since members serve in an explicit representational capacity.

THE WHITE HOUSE

WASHINGTON

February 5, 1986

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Proposed Presidential Letter to
Harry Casey Who Made Substantial
Contribution to Eureka College

Fred Ryan has asked for your views on a proposed letter from the President to Harry Casey, thanking Mr. Casey for a recent substantial contribution to Eureka College. I called Ryan for more background. The 95-year old Casey has been a long-time supporter of Eureka. Eureka officials learned that Casey would be present at a December 2 fundraiser in Seattle for Senator Packwood that the President was addressing, and asked if a "handshake" could be arranged. The President did meet briefly with Casey in Seattle, simply exchanging the usual pleasantries. Casey gave the President two gold coins, which are being appropriately processed by the Gift Unit. On January 6, Casey made an unexpected and unsolicited gift of \$500,000 to Eureka. The President learned of this and asked for Casey's address for a thank-you note; Ryan thought it best to furnish a draft.

I have no objection. Based on what Ryan has told me, there was no "quid pro quo" involved here, and I see no reason to object to a brief thank-you on Ronald Reagan personal stationery.

Attachment

THE WHITE HOUSE

WASHINGTON

February 5, 1986

MEMORANDUM FOR FREDERICK J. RYAN, JR.
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR, PRESIDENTIAL SCHEDULING

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Presidential Letter to
Harry Casey Who Made Substantial
Contribution to Eureka College

I have reviewed the draft letter from the President to Harry Casey, thanking Casey for his contribution to Eureka College. You have assured my staff that Mr. Casey's contribution was not solicited by anyone at the White House, nor was anyone at the White House aware of it until after the fact. Under these circumstances, I have no objection to a brief thank-you note from the President, on his personal stationery.


FFF:JGR:aea 2/5/86
cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

February 6, 1986

MEMORANDUM FOR THOMAS F. GIBSON III
SPECIAL ASSISTANT TO THE PRESIDENT AND
DIRECTOR OF PUBLIC AFFAIRS

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT 

SUBJECT: Briefing Materials for Q & A with
Thomas Jefferson High School Students

Counsel's Office has reviewed the above-referenced briefing materials. In the third bullet item on the Shuttle Accident, it may be better to delete "12-member." The Executive Order provided for a commission of not more than 20 members, and the actual size may change.

cc: David Chew

THE WHITE HOUSE

WASHINGTON

February 6, 1986

MEMORANDUM FOR THOMAS F. GIBSON III
SPECIAL ASSISTANT TO THE PRESIDENT AND
DIRECTOR OF PUBLIC AFFAIRS

FROM: JOHN G. ROBERTS
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Domestic Briefing Materials
For the President

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



cc: David Chew

THE WHITE HOUSE

WASHINGTON

February 6, 1986

MEMORANDUM FOR BEN ELLIOTT
DEPUTY ASSISTANT TO THE PRESIDENT AND
DIRECTOR OF SPEECHWRITING

FROM: JOHN G. ROBERTS  
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Radio Talk: Budget

Counsel's Office has reviewed the above-referenced radio talk and finds no objection to it from a legal perspective. I would point out, however, that we expect a decision from the special three-judge court hearing the Gramm-Rudman litigation at noon tomorrow. The court's opinion may necessitate changes in the remarks, but it is impossible to say until we read the opinion.

cc: David L. Chew

THE WHITE HOUSE

WASHINGTON

February 6, 1986

MEMORANDUM FOR EDWARD P. DJEREJIAN
SPECIAL ASSISTANT TO THE PRESIDENT AND
DEPUTY PRESS SECRETARY FOR FOREIGN AFFAIRS

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

SUBJECT: Foreign Policy Briefing Materials

Counsel's Office has reviewed the above-referenced briefing materials and finds no objection to them from a legal perspective. I would point out, however, that we expect a decision in the Gramm-Rudman case at noon tomorrow. That decision may necessitate changes in the "Gramm-Rudman-Hollings and Defense" section.

cc: David L. Chew

THE WHITE HOUSE

WASHINGTON

February 6, 1986

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: H.R. 4027: Amendment of District of
Columbia Revenue Bond Act of 1985

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

THE WHITE HOUSE

WASHINGTON

February 5, 1986

MEMORANDUM FOR CLAUDIA KORTE
PRESIDENTIAL MESSAGES

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

SUBJECT: 75th Anniversary of
Wanamaker's Pipe Organ

You have asked for our views on a request for a message from the President commemorating the 75th anniversary of the Great Music program on the Grand Court organ in the Wanamaker store in Philadelphia. I would have no objection to a brief note focused on the music program, the historic organ, and private sector support for the arts in general, obviously avoiding any commercial endorsement of Wanamaker's.

Thank you for raising this question with us.

THE WHITE HOUSE

WASHINGTON

February 7, 1986

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS

SUBJECT: Fringe Benefit Taxation

Don Korb, Assistant to the Commissioner, has advised me that Mr. Egger confirmed that it was his view that the regulations in question do apply to Federal Government officials. I read Mr. Fielding's proposed memorandum to Mr. Korb, who reviewed it with Mr. Egger. Korb advised me that it was Egger's view that the memorandum should be sent.

THE WHITE HOUSE

WASHINGTON

February 7, 1986

MEMORANDUM FOR BEN ELLIOTT
DEPUTY ASSISTANT TO THE PRESIDENT AND
DIRECTOR OF SPEECHWRITING

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

SUBJECT: Presidential Remarks: Fundraiser
for Governor Kit Bond

Counsel's Office has reviewed the above-referenced draft remarks and finds no objection to them from a legal perspective. It may well be necessary, however, to revisit the Gramm-Rudman sections after we review the court decision to be released this afternoon.

cc: David L. Chew

THE WHITE HOUSE

WASHINGTON

February 10, 1986

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: H.J. Res. 520: Supplemental Funding
for Commodity Credit Corporation

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

THE WHITE HOUSE

WASHINGTON

February 10, 1986

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

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

SUBJECT: DOT International Aviation Decision:
Suspension of Operations Between
the U.S. and Libya

Our office has reviewed the above-referenced Department of Transportation International Aviation decision, and has no legal objection to the procedure that was followed with respect to Presidential review of such decisions under 49 U.S.C. § 1461(a).

We also have no legal objection to OMB's recommendation that the President not disapprove this order or to the substance of the letter from the President to the Secretary of Transportation.

THE WHITE HOUSE

WASHINGTON

February 10, 1986

Dear Mr. and Mrs. Hale:

Thank you for your letter of January 29 to the President and Mrs. Reagan. We appreciate your support for the President's efforts to bring Federal spending under control. The President shares your concern about the welfare system. In the State of the Union Address delivered by the President on February 4, he had this to say about the need to reform the welfare system:

....In the welfare culture, the breakdown of the family, the most basic support system, has reached crisis proportions -- in female and child poverty, child abandonment, horrible crimes and deteriorating schools. After hundreds of billions of dollars in poverty programs, the plight of the poor grows more painful. But the waste in dollars and cents pales before the most tragic loss -- the sinful waste of human spirit and potential.

We can ignore this terrible truth no longer. As Franklin Roosevelt warned 51 years ago, standing before this chamber, he said, "Welfare is a narcotic, a subtle destroyer of the human spirit." And we must now escape the spider's web of dependency. Tonight I am charging the White House Domestic Council to present me by December 1, 1986, an evaluation of programs and a strategy for immediate action to meet the financial, educational, social, and safety concerns of poor families. I am talking about real and lasting emancipation, because the success of welfare should be judged by how many of its recipients become independent of welfare....

You noted in your letter that you hoped the President would run again. Under the Twenty-Second Amendment to the Constitution, no person may be elected to the office of President more than twice. This will, therefore, be President Reagan's last term.

Thank you again for your supportive comments. We appreciate hearing from you.

Sincerely,



John G. Roberts
Associate Counsel to the President

Mr. and Mrs. George Hale
235 Bassett Drive
Springfield, Ohio 45506

THE WHITE HOUSE

WASHINGTON

February 10, 1986

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS

SUBJECT: Reappointment of Albert J. Ossman, Jr., to
the National Historical Records and
Publications Commission.

I have reviewed the Personal Data Statement submitted by Albert J. Ossman, Jr., in connection with his prospective reappointment to the National Historical Records and Publications Commission. Pursuant to 44 U.S.C. § 2501, the President may appoint two members to the Commission who are "outstanding in the fields of the social or physical sciences." The other members of the Commission serve ex officio from throughout the government, or are appointed by private historical and archival organizations. The Commission makes recommendations on historical works to be preserved at government expense. 44 U.S.C. § 2504(a).

Mr. Ossman, Professor of Political Science at Bethany College, holds a doctorate in social sciences from Syracuse. His PDS reveals no conflicts problems that would bar this reappointment.

THE WHITE HOUSE

WASHINGTON

February 10, 1986

MEMORANDUM FOR DIANNA G. HOLLAND

FROM:

JOHN G. ROBERTS 

SUBJECT:

Appointment of Roger E. Birk as United States National Chairman for U. N. Day

I have reviewed the Personal Data Statement submitted by Roger E. Birk in connection with his prospective appointment to be United States National Chairman for United Nations Day. There is no specific statutory or executive order authority for this position. Every year since 1945, however, the President has appointed a chairman to preside over the U. N. Association public relations program and coordinate the observance of U. N. Day (October 24).

I have no objection to proceeding with this largely honorific appointment. Mr. Birk is Chairman Emeritus of Merrill Lynch, and his PDS presents no problems.

THE WHITE HOUSE

WASHINGTON

February 11, 1986

MEMORANDUM FOR BEN ELLIOTT
DEPUTY ASSISTANT TO THE PRESIDENT AND
DIRECTOR OF SPEECHWRITING

FROM: JOHN G. ROBERTS
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Address: Peace
and National Security

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

cc: David L. Chew

THE WHITE HOUSE

WASHINGTON

February 11, 1986

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: PSI Commendations

You have asked for our views on a proposal from the Office of Private Sector Initiatives for the President to issue certificates of commendation to corporations that have contributed to the economic rebuilding of Grenada.

It is of course legal for the President to issue such certificates, but we question the desirability of doing so. Such formal Presidential recognition has the potential to cause embarrassment in several ways. We know nothing about which corporations are to be honored, so we do not know if there is anything about a particular honoree, or the honoree's actions in Grenada, that would make such a direct Presidential commendation inadvisable.

Formal Presidential commendation of these corporations presents the additional potential problem of commercial exploitation. We would object to any use of these certificates for commercial promotion, but once they are issued it is very difficult to police possible misuse of them by the recipients.

Finally, these ad hoc certificates seem redundant of the Private Sector Initiatives "C Flag" program, which recognizes laudable private sector initiatives. We cannot create a new award program every time someone does something good.

THE WHITE HOUSE

WASHINGTON

February 11, 1986

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Duracell v. ITC

I wanted to be certain you noticed this decision, since you had extensive correspondence on the underlying dispute, and because the decision reaffirms the unreviewability of a Presidential disapproval of an ITC decision.

You will recall that the ITC, in the Duracell case, ruled that "grey market" imports were illegal. The President disapproved this determination in a statement citing the conflict between the ITC position on the one hand and Section 42 of the Lanham Act, the Treasury interpretation, and several court decisions on the other hand. The President's statement also noted that a review of the grey market issue was underway, and that failure to disapprove the ITC determination could be misinterpreted as a change in current policy.

Duracell, through its attorney James Bierman, appealed to the Court of Appeals for the Federal Circuit. Duracell contended that the President's disapproval was ineffective, since it was for legal, not policy reasons. The pertinent statute authorizes the President to disapprove ITC decisions "for policy reasons," 19 U.S.C. § 1337(g). The Court, in a unanimous decision, ruled that "the decision by the President is not reviewable either directly or indirectly in this court." Only final ITC orders are reviewable, and the effect of Presidential disapproval is that there is no final ITC order. The Court went further and ruled that even if it had jurisdiction to review the President's action, that action was legal, since the President's disapproval was for policy reasons: "There is no requirement...that the President articulate or detail the reasons for his disapproval of a Commission determination. It is sufficient that the President disapprove the determination for his policy reasons" (emphasis in original).

On all counts, a significant victory, and a vindication of our decision to stand firm in the face of Duracell's explicit threats that if we did not compromise on the merits it would pursue litigation that could severely limit Presidential authority.

THE WHITE HOUSE

WASHINGTON

February 11, 1986

MEMORANDUM FOR BEN ELLIOTT
DEPUTY ASSISTANT TO THE PRESIDENT AND
DIRECTOR OF SPEECHWRITING

FROM: JOHN G. ROBERTS
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Remarks: Press
Conference Opening Statement

Counsel's Office has reviewed the draft opening statement for this evening's news conference. In our view, the first sentence of the second paragraph does not convey an accurate impression of the Gramm-Rudman litigation, for three reasons:

- ° The decision was not rendered by a typical "Federal District Court" but by a special three-judge panel consisting of an appellate judge and two district judges. This is an important fact since it increases the significance of the unanimous ruling and provides direct appeal to the Supreme Court.
- ° It is too simplistic to assert that the ruling was "against" Gramm-Rudman. The decision in fact upheld most of the law in the face of a challenge that the entire statute should be struck down as an improper delegation of legislative authority.
- ° It bears mentioning that the court decision agreed with the President's statement when he signed Gramm-Rudman, and with the Administration's arguments in litigation.

In light of the foregoing, I would change the first sentence of the second paragraph to the following, or something similar: "Now last Friday, a three-judge panel of the Federal District Court, agreeing with the concern I expressed when I signed Gramm-Rudman-Hollings, found one aspect of that law unconstitutional."

cc: David L. Chew

THE WHITE HOUSE

WASHINGTON

February 11, 1986

TO: JOHN ROBERTS
Counsel's Office

RE: American Citizens for Justice
(DUE: FEBRUARY 15)

The attached Presidential message is sent for your review/approval. The original draft came from Justice Department.

For background: the organization is primarily an Asian American civil rights organization that formed after the tragic beating death of Vincent Chin in Detroit and the outcry that resulted from the light sentences meted out to the assailants, who claimed leniency because they thought their victim was Japanese -- and the Japanese had "taken away" their jobs in the auto industry.

Thank you.

NO OBJECTION
JRK
2/11

Claudia
CLAUDIA KORTE
Presidential Messages
18-OEOB/Ext. 2941

THE WHITE HOUSE

WASHINGTON

February 11, 1986

Attorney General Ed Meese and Brad Reynolds, Assistant Attorney General for Civil Rights, join me in greeting everyone at the Third Annual Rededication Dinner of American Citizens for Justice.

Your courageous work has already forged a proud tradition of service in the public interest. Congratulations!

I can assure you that this Administration shall continue its vigorous enforcement of laws safeguarding the civil rights of Asian Americans, and all Americans. We are resolved that one day all our children will be free of unlawful discrimination throughout American society.

Nancy joins me in wishing you a memorable evening and every happiness. God bless you all.

THE WHITE HOUSE

WASHINGTON

February 11, 1986

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Letter to the Editor of the
Orange County Register

Counsel's Office has reviewed the above-referenced proposed letter from the President, and finds no objection to it from a legal perspective. We defer to others on the desirability of sending it. I would note that the typed version of the letter omits (perhaps intentionally) the last paragraph of the President's handwritten draft.

THE WHITE HOUSE

WASHINGTON

February 11, 1986

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: S.J. Res. 74: National
Black History Month

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

THE WHITE HOUSE

WASHINGTON

February 10, 1986

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Executive Order Entitled
"Debarment and Suspension"

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

THE WHITE HOUSE

WASHINGTON

February 12, 1986

MEMORANDUM FOR BEN ELLIOTT
DEPUTY ASSISTANT TO THE PRESIDENT AND
DIRECTOR OF SPEECHWRITING

FROM: JOHN G. ROBERTS
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Radio Talk: Welfare

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

cc: David L. Chew

THE WHITE HOUSE

WASHINGTON

February 12, 1986

Dear Ms. Wing:

Thank you for your letter of January 15 to the President. In that letter you suggested handwriting analysis be considered as an alternative to polygraph use in the Government. You also enclosed information on graphoanalysis.

We appreciate your taking the time to share your suggestion with us, and for providing the supporting material for our review. With respect to your request for a handwritten note from the President, I hope you will understand that it is not possible for the President to comply with the countless requests he receives for such items.

With best wishes,

Sincerely,



John G. Roberts
Associate Counsel to the President

Ms. Margaret E. Wing
Route 2, Box 396
Ellsworth, Maine 04605

THE WHITE HOUSE

WASHINGTON

February 12, 1986

MEMORANDUM FOR D. LOWELL JENSEN
DEPUTY ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

FROM: JOHN G. ROBERTS
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence to the President
from Richard Stanczyk

In the attached letter to the President, Richard Stanczyk contends that the Federal Bureau of Investigation seized his tax records and now cannot locate them, thereby prejudicing his defense against Internal Revenue Service assessments. This correspondence is referred to the Department of Justice for whatever review and direct response you consider appropriate. This office has not responded to Mr. Stanczyk.

Many thanks.

Enclosure

THE WHITE HOUSE

WASHINGTON

February 12, 1986

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: JOHN G. ROBERTS
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: DOJ Draft Bill to Provide Posthumous Citizenship
for Aliens Killed in Action in Vietnam While
Serving in the Armed Forces of the United States

Counsel's Office has reviewed the above-referenced draft report, and finds no objection to it from a legal perspective. In the penultimate line of the penultimate paragraph, "given" should be inserted between "have" and "their."

THE WHITE HOUSE

WASHINGTON

February 12, 1986

Dear Ms. Moses:

Thank you for your recent letter to Larry Speakes, which has been referred to this office for consideration and response. In that letter you inquired about the possibility of the President providing a foreword or letter for your publication America's Best Recipes.

Established White House policy generally precludes the President from endorsing commercial products or enterprises, including publications such as your book. Providing a foreword or letter would create the false impression of Presidential endorsement, in contravention of this policy. There have been rare instances in which the President has provided a foreword, but the circumstances have been unique, involving a long association between the President and the subject of the book, as well as special arrangements to minimize any commercial aspects of the publication.

I hope you will understand the reasons we cannot provide a Presidential foreword or letter as you requested. Thank you for your inquiry, and best of luck with America's Best Recipes.

Sincerely,



John G. Roberts
Associate Counsel to the President

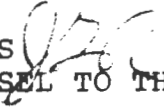
Ms. Sandy Moses
Editor
America's Best Recipes
2100 Gulf Shore Boulevard, North
Naples, Florida 33940

THE WHITE HOUSE

WASHINGTON

February 12, 1986

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Testimony re: Miroslav Medvid


We have been provided a copy of proposed testimony by Roger Brandemuehl, Assistant Border Patrol Commissioner, on Miroslav Medvid. The testimony is purely factual, and accordingly we are in no position to comment on it.

THE WHITE HOUSE

WASHINGTON

February 12, 1986

MEMORANDUM FOR GREGORY JONES
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL ~~TO~~ THE PRESIDENT

SUBJECT: Department of the Treasury Proposed Report
on H.R. 3506: "Pornography Forfeiture
Proceedings Venue Act of 1985"

Counsel's Office has reviewed the above-referenced proposed Treasury report. In suggesting new language for the subject bill on page two, the Treasury Department borrows language from United States v. Thirty-Seven (37) Photographs, 402 U.S. 363 (1971), to the effect that "no seizure or forfeiture shall be invalidated for delay...where proceedings are postponed pending the consideration of constitutional issues appropriate only for a three-judge court." The language made sense in 1971, when it appeared in Thirty-Seven (37) Photographs, but I am not certain it makes any sense today. In 1976 Congress repealed former 28 U.S.C. § 2282, which provided for the convening of three-judge district courts in cases challenging the constitutionality of Acts of Congress -- the situation of concern in Thirty-Seven (37) Photographs. Three-judge district courts are far rarer now than prior to 1976, and are convened only when specially required by Congress (as in the Gramm-Rudman litigation) or in apportionment cases. See 28 U.S.C. § 2284(a).

THE WHITE HOUSE

WASHINGTON

February 12, 1986

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Letter Re: Organized Crime Article

Counsel's Office has reviewed the draft letter from Mr. Buchanan on the use of the terms "mafia" and "La Cosa Nostra" in the President's organized crime article, and finds no objection to it from a legal perspective. The spelling of Rudy Giuliani's name needs to be corrected in the two places it appears, and "Casa" should be "Cosa."

THE WHITE HOUSE

WASHINGTON

February 11, 1986

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: S. 1831: Arms Export Control
Act Amendments


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

THE WHITE HOUSE

WASHINGTON

February 13, 1986

MEMORANDUM FOR RICHARD DAVIS
ASSOCIATE DIRECTOR
CABINET AFFAIRS

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Disaster Declaration for Washington

Our office was asked to review a request from Governor Booth Gardner of Washington for Presidential declaration of a "major disaster," within the meaning of the Disaster Relief Act of 1974, Pub. L. 93-288.

Based on a review of the request and the related materials forwarded by the Federal Emergency Management Agency, the Governor's request appears to comply with the statutory requirements for a disaster declaration. We also have no legal objection to the implementation materials prepared by FEMA in connection with this request.


cc: David L. Chew

THE WHITE HOUSE

WASHINGTON

February 13, 1986

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: DOJ Testimony Regarding
Civil Division Authorization

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

THE WHITE HOUSE

WASHINGTON

February 13, 1986

MEMORANDUM FOR DONALD EBERLY
ASSOCIATE DIRECTOR FOR PUBLIC LIAISON

FROM: JOHN G. ROBERTS
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Letter to William Blakemore

Counsel's Office has reviewed the proposed letter to William Blakemore of the Gulf and Caribbean Foundation. As we have discussed, the last paragraph should be revised to remove any suggestion that we are encouraging direct private assistance to the Contras or that we are supporting any lobbying efforts by the Foundation or associated groups before Congress.

In our discussion you noted that the purpose of the letter was to commend the public awareness efforts of the Foundation. The following suggested revision focuses on this legitimate Foundation activity and removes the ambiguity that could raise legal questions:


"These are hard times for the Contras. It is important that all Americans recognize the threat posed by sophisticated Soviet and Cuban weapons in Nicaragua. I know you share my concern that progress must continue in promoting the cause of democracy in Central America. Again, your efforts have been deeply appreciated."

THE WHITE HOUSE

WASHINGTON

February 13, 1986

MEMORANDUM FOR HILDA SCHREIBER
LEGISLATIVE ANALYST
OFFICE OF MANAGEMENT AND BUDGET

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: OPM's Testimony on H.R. 4033, "The Whistleblower Protection Act of 1986"



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

THE WHITE HOUSE

WASHINGTON

February 14, 1986

MEMORANDUM FOR BEN ELLIOTT
DEPUTY ASSISTANT TO THE PRESIDENT AND
DIRECTOR OF SPEECHWRITING

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT 

SUBJECT: Presidential Address: Queen's Park
St. George, Grenada

Counsel's Office has reviewed the above-referenced remarks. The Office of the General Counsel at USTR has advised that the language on page six, lines 7-14, must be changed. The President can, according to USTR, promise guaranteed levels of access for C.B.I. textiles, and separate higher levels for C.B.I. apparel that is the product of American-made materials. He cannot promise quota-free access for either category of C.B.I. products. You should discuss alternate language directly with Richard Parker of USTR at 395-6800.

The first full paragraph on page seven also raises concerns. It is my understanding that a decision has not been made on how to respond to the Farm Bill's requirement that the sugar quota be cut 25%. GATT may require that the C.B.I. countries be included in these cuts. These are pending proposals to compensate for the results of this cut in C.B.I. countries, but the language on page seven seems far more optimistic than is warranted by the facts. Gene McAllister of the Economic Policy Council is aware of the status of the issue and is reviewing the language.

cc: David L. Chew

THE WHITE HOUSE

WASHINGTON

February 14, 1986

MEMORANDUM FOR DIANNA G. HOLLAND

FROM:

JOHN G. ROBERTS 

SUBJECT:

Appointment of Wallace Earl Walker
to the President's Commission on
White House Fellowships

I have reviewed the Personal Data Statement submitted by Mr. Walker in connection with his prospective appointment to the President's Commission on White House Fellowships. The President is authorized to appoint an unspecified number of members to the Commission by Executive Order 11183, as amended. Members must be "outstanding citizens from the fields of public affairs, education, the sciences, the professions, other fields of private endeavor, and the Government service."

Colonel Walker is a career military officer and a Professor at West Point. He served as a White House Fellow 1980-1981, and is the current president of the White House Fellows Association. His PDS reveals no problems, and I have no objection to proceeding with this appointment.