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1	MEMO	ROBERTS TO FRED FIELDING RE CHARGES OF NEPOTISM AT USIA (OPEN IN WHOLE)	2	4/18/1983	B6	1275
2	MEMO	ROBERTS TO FIELDING RE RESOLUTIONS FOR THE PRESIDENT, VICE PRESIDENT, AND SPEAKER O'NEILL (PARTIAL)	1	4/18/1983	B6	451
3	MEMO	FIELDING TO CARLTON TURNER RE RESOLUTIONS FROM THE GEORGIA ASSEMBLY ON DRUG ABUSE (PARTIAL)	1	4/18/1983	B6	452
4	LETTER	FROM FIELDING RE RESOLUTIONS FROM THE GEORGIA ASSEMBLY ON DRUG ABUSE (PARTIAL)	1	4/18/1983	B6	453
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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]

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C. Closed in accordance with restrictions contained in donor's deed of gift.

THE WHITE HOUSE

WASHINGTON

April 18, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Charges of Nepotism at USIA

On April 17 The Washington Post ran an article focusing on the hiring at USIA of relatives and friends of Administration officials. On April 18 both AP and UPI reported that Senator Zorinsky had directed inquiries to USIA Director Wick concerning nepotism at USIA. (Articles attached at Tab A.)

The basic prohibition against nepotism is found at 5 U.S.C. § 3110, with accompanying regulations at 5 C.F.R. § 310 (Tab B). These provisions prohibit a "public official" -- defined as an officer with legal authority to appoint individuals in an agency -- from appointing or advocating the appointment of a relative to an agency in which he serves or over which he exercises jurisdiction or control. Under the regulations referring a relative to a subordinate official in the chain of command for a position is deemed to constitute advocating appointment of the relative. 5 C.F.R. § 310.103(c).

Two of the individuals named in the articles -- Anne Collins and Catherine Smyth -- are described as friends, not relatives, of public officials. Neither the statute nor the regulations prohibit any practices involving mere friends. With respect to the other persons the pertinent questions are whether their relatives (1) had legal authority to appoint individuals in USIA (an often-overlooked requirement contained in the definition of "public official") and (2) served in or exercised jurisdiction or control over USIA. USIA is an independent agency within the executive branch. The Director reports to the President and the Secretary of State, and carries out his functions "[u]nder the direction of the Secretary of State." Reorg. Plan No. 2 of 1977, § 2, 91 Stat. 1636.

It would thus seem that the only appointments of even possible concern under 5 U.S.C. § 3110 are those of Barbara Haig and Lorette Conkling, the former because the Secretary of State exercises jurisdiction over USIA and the latter because former VOA director Conkling served in USIA. I have

not yet determined if the young Haig and Conkling were hired before or after their fathers left government service. If after, there would be no 5 U.S.C. § 3110 problem.

Outside of the specific nepotism provisions, the broader rules governing the conduct of government officials may also be pertinent. These rules prohibit, inter alia, "giving preferential treatment to any organization or person" and "making a government decision outside official channels." Whether these broad rules have been violated hinges on the particular facts of each appointment.

I have not yet talked with Jon Sloat, since he has been on the Hill all day. I will report back as soon as I hear from him.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 18, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Resolutions for the President,
Vice President, and Speaker O'Neill

Ward Evans, Member of the Georgia General Assembly and Chairman of the "Stop Drugs at the Source" campaign initiated by that assembly, has requested that you serve as "an official transmitter" of three resolutions passed by the 1983 Georgia General Assembly. The "Stop Drugs at the Source" campaign has proceeded under the guise of a "Treaty" signed by government officials, evincing their commitment to eradicate drug abuse. All three resolutions review the harmful effects of drug abuse and the progress of the "Stop Drugs at the Source" campaign. The resolutions note that the President, Vice President, and Speaker have signed the "treaty." Resolution H.R. 399 expresses the gratitude and appreciation of the Georgia Assembly to the Vice President for signing, H.R. 403 does the same for the Speaker, and H.R. 404 for the President.

Dr. Carlton Turner has an extensive file on the "Stop Drugs at the Source" campaign.

[REDACTED]

bb

I recommend sending the package to Turner for such handling as he deems appropriate in light of his past experience with this group.

[REDACTED]

bb

Attachments

CU-1 - Reagan Presidential Record

THE WHITE HOUSE

WASHINGTON

April 18, 1983

MEMORANDUM FOR DR. CARLTON TURNER
DIRECTOR
DRUG ABUSE POLICY OFFICE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Resolutions from the Georgia
Assembly on Drug Abuse

Ward Edwards of the Georgia Assembly and the "Stop Drugs at the Source" campaign has asked me to transmit three resolutions passed by the Assembly thanking the President, Vice President, and the Speaker of the House of Representatives for signing "treaties" sponsored by "Stop Drugs at the Source," committing themselves to fight drug abuse. I understand that you have received an identical letter, and that you have had extensive experience with this particular organization. I have accordingly advised Mr. Edwards that I have transmitted the resolutions to you for appropriate handling. I will leave it to you, in light of your past dealings with this group, to determine what response, if any, is appropriate.

Attachments

FFF:JGR:aw 4/18/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

April 18, 1983

Dear Mr. Edwards:

Thank you for your letter enclosing special resolutions concerning drug abuse passed by the 1983 Georgia General Assembly. I have transmitted the resolutions to Dr. Carlton E. Turner, Director of the Drug Abuse Policy Office here at the White House, for appropriate handling.

Thank you for making us aware of these resolutions, and for your continuing efforts to combat drug abuse. As the new initiatives undertaken by the Administration attest, we share your concern and commitment to solve this most serious threat to the well-being of our children and, ultimately, our society as a whole.

Sincerely,

Fred F. Fielding
Counsel to the President

The Honorable Ward Edwards
House Chairman
The General Assembly
Special Stop Drugs at the Source
Study Committees
453 State Capitol
Atlanta, Georgia 30334

FFF:JGR:aw 4/18/83

cc: FFFielding
JGRoberts
Subj.
Chron

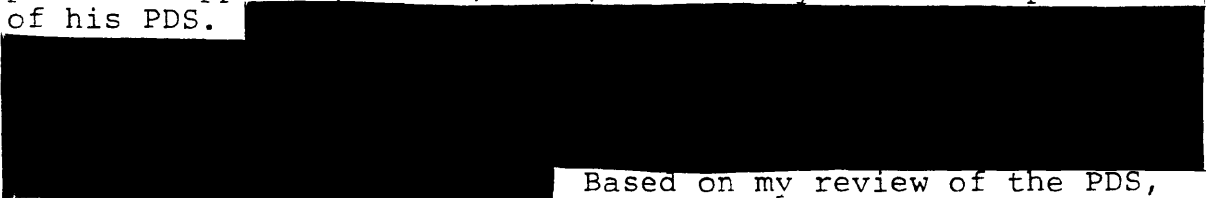
THE WHITE HOUSE
WASHINGTON

April 19, 1983

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS *JGR*
SUBJECT: Appointment of Charles Clapp
to the Tax Court

I have reviewed the PDS (not the financial forms) of Charles Clapp, who is to be nominated for the Tax Court. I telephoned Clapp on April 19, 1983, to clarify certain aspects of his PDS.

 *b6*
Based on my review of the PDS, I see no objection to going forward with Clapp's nomination.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

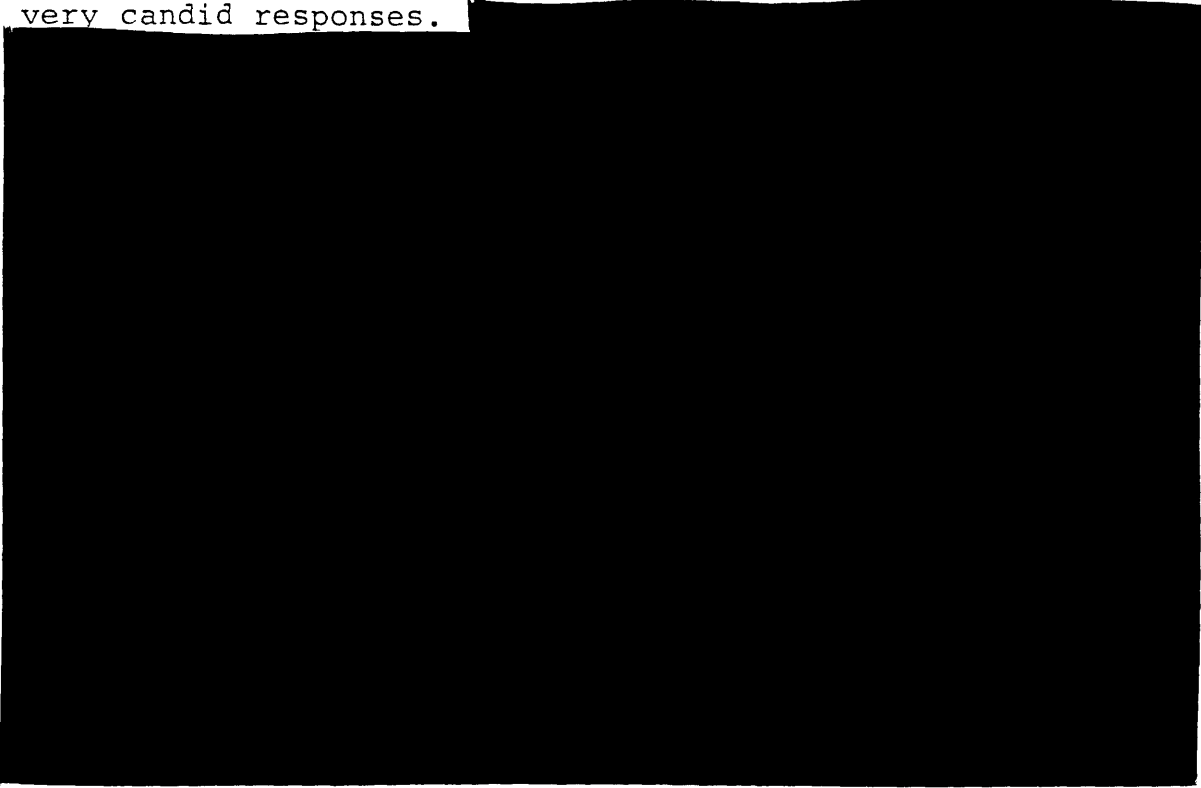
April 20, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Harvard Job Corps Case Study

The Administration, through Craig Fuller's Office, has been holding a series of seminars on management for mid-level appointees throughout the executive branch. The Office of Administration contracted with the Kennedy School at Harvard to run the seminars and prepare case studies for use during them. One of the case studies prepared concerned the Job Corps program at the Department of Labor. Peter Zimmerman of the Kennedy School conducted interviews with Labor officials involved with the Job Corps, and received some very candid responses.



Attachment

UHR - Reagan Presidential Record

bb