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Collection/Office of Origin: Chief of Staff, White House Office of
Series: Card, Andrew, Files
Subseries:

OA/ID Number: 08373
Folder ID Number: 08373-009c

Folder Title:
Counsel's Office Materials [3]

Stack:	Row:	Section:	Shelf:	Position:
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Withdrawal/Redaction Sheet (George Bush Library)

Doc. No. / Type	Subject/Title	Date	Restriction	Classification
01. Memo	C. Boyden Gray to Attorney General, et al., Re: Agenda for September 21, 1989 Meeting of the President's Federal Judicial Selections Committee. (1 pp.)	09/21/89	(b)(6)	
02. Paper	Biographical Statement, Re: Andrew Strojny; contains Personally Identifiable Information. (1 pp.)	n.d.	(b)(6)	
03. Memo	C. Boyden Gray to Attorney General, et al., Re: Summary of May 4, 1989 Meeting of the President's Federal Judicial Selections Committee. (2 pp.)	05/05/89	(b)(6)	
04. Memo	Mark Belnick to Arthur Liman, Re: Telecall William Lytton Re Nonproduced [Oliver North] Documents. (3 pp.)	04/13/89	(b)(6)	
05. Memo	Mark A. Belnick to Senators George Mitchell and Warren Rudman, Re: Stipulation of Facts in U.S. v. North. (5 pp.)	04/10/89	(b)(6)	

Page 1 of 1

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Card, Andrew H., Jr., Files
Subseries:
WHORM Cat.:
File Location: Counsel's Office Materials [3]

Pinksheet Number: RML16187
OA/ID Number: 08373-009c
Date Closed: 5/30/2025
FOIA/Sys Case #: 2025-0373-S
Re-review Case #:
P-2/P-5 Review Case #:

10/2 JHS has seen
per ATC

✓ Give copy to Patty
FYI

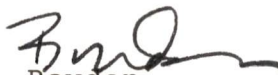
fyi

THE WHITE HOUSE
WASHINGTON

September 29, 1989

Governor Sununu:

FYI, Congressman Shaw of Florida may try to reach you or the President regarding Harrison Raleigh, whom he wants appointed to the District Court down there. Connie Mack (who, as the Republican Senator, would be entitled to considerable deference) has declined to involve himself in this issue. Raleigh is a mediocre lawyer who has no criminal background on a court whose docket is strongly criminal. There is also reason to believe that he would have trouble with the ABA, although Justice has not told Shaw this because one can never be completely sure. I see no reason why you or the President should take the call.


Boyden

cc: Fred McClure

✓

THE WHITE HOUSE
WASHINGTON

October 3, 1989

MEMORANDUM FOR GOVERNOR SUNUNU
ANDREW C. CARD

FROM: ROBERT J. PORTMAN *RJP*
SUBJECT: Eastern Airlines Vote Today

As you know, there was a cloture vote today on the proposed Eastern Airlines Presidential Commission. The Senate invoked cloture to proceed to the bill by a vote of 61 to 36. Senators Rudman and Hatfield joined seven other Republicans in voting against the Administration.

The House of Representatives has already passed a different version of the bill which recommends a Presidential Emergency Board. The House vote was 252-167, with twenty Republicans voting for the Board. It is likely that the House will accept the Senate commission version.

Yesterday, a Statement of Administration Policy went to the Hill stating that the Administration opposes the Commission, and the President's senior advisors would recommend that he veto the bill. The SAP also included a senior advisors veto recommendation on the House version of the bill.

Senator Mitchell did not expect to win cloture so easily and he appears uncertain on how to proceed. He may be willing to compromise, although there does not seem to be much negotiating room on this issue. In any event, we need an early decision on whether to take a hard line position on this bill (which will undoubtedly lead to a veto), or attempt to negotiate a compromise. Potential compromises to the Senate bill could include a more balanced membership, a broader scope to include other than Eastern issues, and a longer time period before the commission takes action.

Secretary Skinner will probably try to reach you this evening.

Withdrawal/Redaction Sheet

(George Bush Library)

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01. Memo	C. Boyden Gray to Attorney General, et al., Re: Agenda for September 21, 1989 Meeting of the President's Federal Judicial Selections Committee. (1 pp.)	09/21/89	(b)(6)	

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Subseries:
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Date Closed: 5/30/2025	OA/ID Number: 08373-009c
FOIA/SYS Case #: 2025-0373-S	Appeal Case #:
Re-review Case #:	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

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(b)(1) National security classified information
(b)(2) Release would disclose internal personnel rules and practices of an agency
(b)(3) Release would violate a Federal statute
(b)(4) Release would disclose trade secrets or confidential or financial information
(b)(6) Release would constitute a clearly unwarranted invasion of personal privacy
(b)(7) Release would disclose information compiled for law enforcement purposes
(b)(8) Release would disclose information concerning the regulation of financial institutions
(b)(9) Release would disclose geological or geophysical information concerning wells

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C(2) Closed by statute or by the agency which originated the information
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PRM. Removed as a personal record misfile

Presidential Records Act - [44 U.S.C. 2204(a)]

P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]

AC has seen ✓

THE WHITE HOUSE
WASHINGTON

August 24, 1989

MEMORANDUM FOR ANDREW H. CARD, JR.

FROM: BRENT O. HATCH *BH*
Associate Counsel to the President

SUBJECT: Correspondence from Congressman James Traficant

In response to your request for any information our office had on the above-referenced subject, I contacted the Justice Department's Office of Professional Responsibility (OPR), which is investigating this matter. According to OPR, Congressman Traficant received the materials from Edward Nishnic, who is Demjanjuk's son-in-law. OPR has asked Congressman Traficant for any further information in his possession, but he has not yet responded. OPR is meeting with Nishnic's attorneys again this week. The Office of Professional Responsibility is handling this case in the routine manner, but has indicated that their initial findings do not support Nishnic's accusations.

THE WHITE HOUSE
WASHINGTON

DATE: 8-10-89

TO: *Boyd Gray*

FROM: ANDY CARD *Andy*

*Do you know anything
about this?*

I need guidance

T. G. Carter

JAMES A. TRAFICANT, JR.
17TH DISTRICT, OHIO

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION

AVIATION
WATER RESOURCES
SURFACE TRANSPORTATION

COMMITTEE ON SCIENCE,
SPACE, AND TECHNOLOGY

SCIENCE, SPACE AND APPLICATIONS
ENERGY RESEARCH AND DEVELOPMENT

SELECT COMMITTEE ON NARCOTICS
ABUSE AND CONTROL

Congress of the United States
House of Representatives
Washington, DC 20515

312 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5261

11 OVERHILL ROAD
YOUNGSTOWN, OH 44512
(216) 788-2414

391 MAHONING AVENUE
WARREN, OH 44483
(216) 399-3513

AUG 1 1989

NEWS RELEASE OF CONGRESSMAN JAMES A. TRAFICANT, JR.

FOR RELEASE 9:00 AM, WEDNESDAY, AUGUST 2, 1989

1. I have and possess documents obtained from a trash dumpster near K street in Washington, D.C.
2. These documents were discarded by the Office of Special Investigations (OSI), criminal division of The Justice Department.
3. In my opinion, these documents impeach the credibility of Otto Horn, the S.S. Nazi soldier whose testimony was critical in the denaturalization trial of John Demjanjuk.
4. I am forwarding these documents to Judge Oberdorfer of the Federal District Court of Washington, D.C., who presided over the Freedom of Information Act Case involving OSI.
5. I am also urging Judge Oberdorfer and the defense of John Demjanjuk to subpoena all travel expense reports of OSI during the years of the investigation of John Demjanjuk.
6. These documents suggest, at the very least, contempt for Judge Oberdorfer's FOIA decision, and possible obstruction of justice by OSI.



U.S. Department of Justice

Office of Professional Responsibility

Washington, D.C. 20530

JUL 21 1989

Honorable James A. Traficant, Jr.
House of Representatives
312 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Traficant:

This is in response to your July 13, 1989 letter to Attorney General Thornburg concerning John Demjanjuk, which has been referred to this Office for review.

The Office of Professional Responsibility has opened an inquiry into the matters raised in your letter and in a July 11, 1989 memorandum from John Bradley, counsel for Edward Nishnic, to this Office, which you included as an enclosure to your correspondence. Once we complete our inquiry, we will advise you of our conclusions.

We appreciate your interest.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael E. Shaheen Jr.", is written over a horizontal line.

Michael E. Shaheen Jr.
Counsel

cc: Office of Legislative Affairs

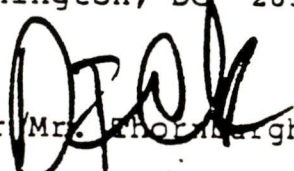
COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION
ECONOMIC DEVELOPMENT
WATER RESOURCES
SURFACE TRANSPORTATION
COMMITTEE ON SCIENCE,
SPACE, AND TECHNOLOGY
SCIENCE, SPACE AND APPLICATIONS
ENERGY RESEARCH AND DEVELOPMENT
INVESTIGATIONS AND OVERSIGHT
ELECT COMMITTEE ON NARCOTICS
ABUSE AND CONTROL

Congress of the United States
House of Representatives
Washington, DC 20515

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YOUNGSTOWN, OH 44512
(216) 788-2414
391 MAHONING AVENUE
WARREN, OH 44483
(216) 399-3513

July 13, 1989

Attorney General Richard Thornburgh
U.S. Department of Justice
Constitution Avenue and Tenth St., N.W.
Washington, DC 20530


Dear Mr. Thornburgh:

After reviewing the case of John Demjanjuk, I find it highly unusual that America would sever its ties to an American citizen in what appears to be a callous disregard for his rights.

I do not know if John Demjanjuk is Ivan the Terrible, but I have my doubts. The Office of Special Investigations (OSI) appears to have deliberately withheld information pertinent to this particular case. Mr. Demjanjuk is sitting in jail appealing a death sentence. No one is really sure of his guilt. Certainly, the information of a Mr. Danilchenko, Franz Sukomal, Kurt Franz and Richard Glazar leave reason to believe that exculpatory information had been deliberately withheld by OSI. I am asking that the Justice Department search for any other exculpatory information which I have reason to believe exists.

In addition, the OSI stated that the KGB was acting as an agent of their investigation. I want to know what documentation was made in that regard. If no documentation can be shown, I ask that an in house investigative review be geared toward those ends. Such information has been withheld from both the prosecution and defense in the John Demjanjuk case. This situation is highly unusual. Individuals involved in highly sensitive cases never rely strictly on memory. They document facts and statements. This documentation must be released.

It also appears highly suspect that the entire case against John Demjanjuk was developed and initiated by the OSI. John Demjanjuk spent seven months in prison as a "suspect" while the Israeli government scoured the Earth for additional evidence. They could not expound upon, nor supplement the so called evidence produced by OSI.

I am officially requesting that the Office of Professional Responsibility, and another objective unit within the Justice Department, review the actions of the Office of Special Investigations.

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ND TECHNOLOGY
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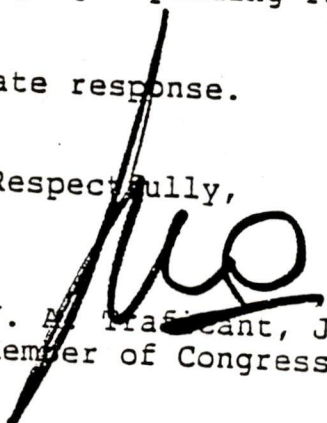
391 MAHONING AVENUE
WARREN, OH 44483
(216) 399-3513

I don't know if John Demjanjuk is Ivan the Terrible. If he is, then he certainly should be put to death. But, I don't think anyone really knows, and we endanger the rights of all Americans by allowing John Demjanjuk to be hung out to dry under such unusual circumstances.

I urge that you request the Israeli government to postpone any further proceedings against John Demjanjuk pending review of this matter by the Justice Department.

I would appreciate your immediate response.

Respectfully,


J. A. Traficant, Jr.
Member of Congress

JAT/gb

enclosures

cc: The Honorable Jack Brooks
Chairman, Committee on the Judiciary

The Honorable Bruce Morrison
Chairman, Subcommittee on Immigration, Refugees, and
International Law

Mr. Michael Waris, Jr.
Jenner & Block

Mr. John Broadley
Baker & McKenzie

Mr. Edward W. Nishnic
President & Administrator
John Demjanjuk Defense Fund

THE WHITE HOUSE
WASHINGTON

August 28, 1989

MEMORANDUM FOR ANDY CARD

FROM: STEPHEN M. STUDDERT

Sms

SUBJECT: RECUSAL

I have recently begun confidential discussions with The Mantford Group Chartered, concerning possibilities for future business opportunities. In order to avoid any actual or apparent conflicts of interests with my current duties and responsibilities, I am recusing myself from any particular matters, including general policy issues, which could have a direct and predictable effect on the interests of The Mantford Group Chartered. Matters of this nature should be directed to other staff members without consultation with me.

cc: C. Boyden Gray
Fred Sainz

THE WHITE HOUSE
WASHINGTON

August 1, 1989

MEMORANDUM FOR DAVID C. STEPHENSON
PARDON ATTORNEY
DEPARTMENT OF JUSTICE

FROM: C. BOYDEN GRAY
COUNSEL TO THE PRESIDENT

SUBJECT: Executive Clemency

Please prepare for the President's review and consideration a Master Warrant and any other necessary materials to effect Executive clemency in the form of a pardon for the following individuals:

86 06 0011	Joe Allen Deckert
86 12 0079	Donald Alvin Dibble, III
86 06 0254	Leo Friedman
86 10 0030	Charles Arnold Jacobs
86 12 0058	Mary Lou Peet
87 01 0113	Robert Gary Rice
86 06 248	Billy Wayne Rodgers
86 12 063	Raymond Joseph Shovelski

I am returning herewith the files for Billy Wayne Rodgers and Raymond Joseph Shovelski.

cc: George W. Calhoun
John P. Schmitz

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR DAVID C. STEPHENSON
PARDON ATTORNEY
DEPARTMENT OF JUSTICE

FROM: C. BOYDEN GRAY
COUNSEL TO THE PRESIDENT

SUBJECT: Recommended Denial of Executive Clemency

This is to confirm concurrence with the Department of Justice's recommendation for denial of Executive clemency for the individuals listed below:

86 08 0297	Augustus Frank Adamson
86 09 0329	James Owen Bennett
86 11 0036	Millard Preston Brown, Jr.
86 08 0326	Eugene Everett Flint
86 07 0282	Wayne Michael Fontaine
86 08 0310	Richard Eugene Gibson
86 08 0305	Enock Nicholas Gustave
86 08 0321	Norval Wayne Holloway, Jr.
86 04 0180	Donald Roy Johnson
86 04 0183	Arthur Merritt Kent
86 06 0235	Bernie Burton Kottke
86 03 0161	Gregory Lizarraga
86 08 0314	George Franklin Meece III
86 05 0224	Richard Ramos-Algarin
86 07 0283	Hulet Lemar Smith
86 04 0190	Michael A. Tanfani
86 05 0204	Sihadej Chindawongse
86 08 0319	Charles High, Jr.
86 07 0284	Eugene Chavers Kirk
86 10 0005	William Horace Brailsford, Jr.
86 07 0290	Henry Daniel Stull, Sr.
86 06 0251	James Francis Carty
86 06 0261	Michael Wayne Blackburn
86 06 0250	James Joseph Curley, Jr.
86 04 0176	Luis A. Ruelas
86 07 0293	Santos Silva
86 07 0267	Artemio Arthur Angelini
86 04 0189	Paul Duane Mercer
86 04 0194	Maurice Gerald Richetti
86 11 039	Paul Walasek
86 10 0020	Alfred Drummonds Crews

86 09 0351	Robert Zane
86 10 0013	Jerry Wayne Deloney
86 07 0281	Michael John Dragos
86 07 0287	Donald Duane Kelly
87 01 0096	William Orr Melson, III
86 10 0016	Kenneth Bobby Phillips
86 06 0252	William F. Jones
86 09 0359	Edward Blackburn Thompson
86 07 0271	Dennis Leroy Lang
86 12 0072	William Howard Anderson
86 10 0010	Paul Henry Scarff, Jr.
86 10 0004	Anthony J. Cartaginese, Jr.
86 06 0225	David Lee Allen
86 10 0006	Jerry Lee Bearkheimer
86 09 0341	Charles Clifton Hill
86 08 0313	Alberto Hernandez
86 07 0274	Jerome Albert Davidson
86 07 0272	Leo Jay Korte
86 04 0191	Joseph Albert Roland Laperle
86 06 0236	James Paul Mex
86 08 0322	Harry James Mitchell
86 04 0198	Carol Rosado
86 09 0361	Francis R. Salazar
86 05 0229	Walter Zel Talbert
86 04 0168	Miles George Sawyer, III
86 09 0350	William Ford Sellers
---	Don Seton Welch
86 07 0269	Carson Lee Brown
86 05 0203	James R. Fleming
86 09 0337	John James Gidley
86 09 0344	Glynn Greenway
86 08 0325	Henry Alvin Gregory
86 09 0334	Roy Miller, Lilley, Jr.
86 12 0073	Michael Hugh Kelly
86 10 0031	James Dale Lindsey
86 10 0015	Phillip Gregory Manley
86 09 0333	Clarence Moore Blackwelder, Jr.
88 08 0321	William Trickett Smith
86 09 0357	Mearl Edward Benson
86 07 0286	George Glover Whitaker
86 07 0273	Barry Lynn Whitford
86 09 0336	Thomas Melvin Head, Jr.
86 08 0318	Henry Robert Nelson
88 07 0311	John Elwyn Prothro, Sr.
86 09 0352	Charles Curtis Rhames, Sr.
86 06 0238	Jocelyn Telejean Rollins
86 06 0264	Fred W. Bear
86 04 0174	Joseph Cooper Burks
86 09 0331	William Roger Crawford
86 04 0201	William Tyrone Crawford
86 07 0280	Robert Severio Curreri
86 05 0221	Ralph James Elliott

86 05 0216	Jack Donald Evans
86 08 0302	Hugh Bartley Fowler
86 04 0195	James Costin Hooper
86 08 0298	Terry Lee Martin
86 10 0003	Seymour Robert Matanky
86 09 0358	Thomas Edward Morosko
86 05 0223	Edgar Emory Owens, Jr.
86 04 0193	Daniel Elbert Poore
86 08 0301	Nancy Nell Rushing
86 10 0008	Jo Anne Alberta Schuster
86 08 0303	Anthony Fracis Serrone, Jr.
86 09 0362	Daniel Erik Utley
86 06 0247	Fred Arthur Weiss
86 05 0215	Willard Lester Wyatt
86 06 0263	Ernest Lee Bellamy
86 08 0315	James Llewellyn Knowles, Jr.
86 04 0200	Walter Lee Parman

Attached are the reports for these individuals.

Attachments

THE WHITE HOUSE
WASHINGTON

June 8, 1989

MEMORANDUM FOR C. ROYDEN GRAY

THE WHITE HOUSE
WASHINGTON

ENT

DATE: 6-8-89

TO: Royden Gray

FROM: ANDY CARD *Andy*

scission authority.
h the Vice
y, Mr. Darman, et
group agreed to
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e end of that
recommend that you
ing on that date to

What's the current status
and/or thinking on Enhanced
Rescission?

Please prepare a one
page update.

(The Governor did not sign
and forward to the President
the May 16th memo.)

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR THE VICE PRESIDENT
THE SECRETARY OF THE TREASURY
THE ATTORNEY GENERAL
THE DIRECTOR OF THE OFFICE OF MANAGEMENT
AND BUDGET
GOVERNOR SUNUNU
THE COUNSEL TO THE PRESIDENT

FROM: Domestic Policy Council Working Group
on Budget Reform

SUBJECT: Enhanced Rescission Authority and Line-Item
Veto

An interagency working group under the Domestic Policy Council has identified several ways in which the law could be changed to provide the President with enhanced rescission authority. The proposals differ mainly in the degree to which they would increase the President's flexibility and authority and, concomitantly, the degree to which they will generate resistance in Congress. Negotiation and compromise are probably inevitable; this memorandum seeks a decision about the Administration's opening position and method of proceeding.

I. Enhanced Rescission

A. Enhanced Rescission Proposals

The strongest form of statutory rescission authority would allow Presidential proposals for the elimination or reduction of any spending authority to be made at any time; these proposals would go into effect unless overturned by enacted legislation. Because the President could veto such overturning legislation, this would permit the President to selectively reduce spending, so long as he was supported by at least 1/3 of the Members of one house of Congress. A bill introduced by Senators Armstrong and Dole (S. 155) would give the President this authority over all budget authority (though not over other sources of government spending such as entitlements).

A slightly different approach, suggested in a bill introduced by Senators Dole and McCain (S. 6), would give the President similar authority, but would require the President

to exercise it within 10 days after enactment of the bill appropriating the money. This approach, resembling a line-item veto over budgetary items, would give the President less flexibility but would be a very significant improvement over current law.

The similar approaches in the Armstrong and McCain bills are preferable to other approaches in which a rescission of budget authority would not be effective unless Congress passed a bill approving the rescission. While these other approaches (e.g., H. Con. Res. 45 (Martin)) include expedited Congressional procedures designed to force an up-or-down vote on the rescission proposal, they would not be as effective, from the President's perspective, as the Armstrong or McCain approaches.

B. Possible Compromise Options

While the Armstrong bill as drafted is the most acceptable of the major enhanced rescission bills, we anticipate that significant Congressional concerns exist regarding this proposal (especially in the House, where Members have declined to introduce a similar bill). As indicated further below, extensive negotiations would be necessary to secure passage of the bill. We have, therefore, considered a number of compromise options that may be proposed to us during the negotiation process. These options are not stated in any order of priority.

1. Adjust Time Limits

The bill could be modified to reduce the period of time during which the President could invoke the enhanced rescission authority -- in essence, the Dole-McCain approach. By limiting his discretion to rescind to, e.g., ten days after he signs a bill, this approach may satisfy several issues which have been raised about S. 155. First, it limits the impact of shifting the burden of inaction. Second, it negates in large part the argument that the President might hold the threat of rescissions of individual Members' projects in order to compel their votes on other issues throughout the year.

2. Add Sunset Provision

The bill could be amended to include a sunset provision. This would clearly mark the proposal as experimental. Thus, if any of its mechanisms proves unsatisfactory in operation, there would be an opportunity to cure the problems within a definite period. For example, if experience shows that Congressional action within 45 days is impracticable, or that the authority is

being used to coerce individual Members' votes, Congress can insist on amendments or simply refuse to reauthorize the proposal after the authority expires.

3. Link Key Elements to Gramm-Rudman-Hollings or Other Budget Law Triggers

The Armstrong bill could be amended to provide that the President may use the enhanced rescission mechanism only after the budget deficit targets in the Gramm-Rudman-Hollings Act (G-R-H) have been exceeded. This modification would alleviate concerns that S. 155 gives too much authority to the President: He could use this authority only after Congress failed to maintain budget discipline. It would limit the concern that the President would use the authority to target specific projects since its use would be for broader purposes of achieving a statutory benchmark.

For example, if during fiscal year 1990 the deficit exceeded the \$100 billion target for that year, the President could use the enhanced rescission authority to bring the deficit down to that level. (Note that once the last G-R-H report is issued in October, G-R-H itself provides no restraint on actual deficits for the current budget year.) If linked to G-R-H, the enhanced authority would expire with that act after FY 1992. It could be further modified to provide that after FY 1992, running any deficit would trigger the President's authority to use his enhanced rescission power.

4. Link Rescission Authority to Budget Deficit in Previous Year

The use of the authority could be contingent on a recorded deficit for the most recently completed fiscal year. However, that discipline would be subject to evasion, as are the G-R-H targets, by excluding activities from the deficit calculation. A test that would be more difficult to evade would be increases in the debt held by the public, which includes not only the debt held by the public that is subject to limit, but other debt as well. (Debt held by government accounts should be excluded, even though much of it, such as that held by the social security system, is subject to limit.)

5. Adopt Fast-Track Congressional Procedures

The bill could be modified to spell out a fast-track procedure in each House, similar to that provided in G-R-H. Such a procedure would prevent a filibuster by a few supporters of a Presidential rescission. Alternatively, the Senate could unilaterally amend its rules to preclude

filibuster. We would not object to either approach.

6. Impose Percentage Limitations

There is nothing in the current Armstrong proposal which would preclude the President from zeroing out a program entirely, or from rescinding enough funds to cripple it. This may raise concerns that this authority is too broad and that rescissions could be narrowly focused on particular programs.

This concern could be addressed by an amendment which would provide a maximum percentage that may be rescinded from any account. Further, that amendment could also state, similar to G-R-H, that the rescission cannot be so drastic as to incapacitate a program. Such an amendment would be highly undesirable, however, and should be considered only as a last resort and after further discussions among the relevant agencies. It would encourage Congress to pad specific appropriations in anticipation of a rescission, and may lead to increased statutory earmarking in an effort to avoid Presidential rescissions.

There are a variety of possible formulations of each of these options that would make them stronger or weaker, e.g., a two-year sunset is more limiting than a four-year sunset. Also, the options are not mutually exclusive. The range of possible limiting options is thus quite broad.

C. Method of Proceeding

Senator Dole and his staff have convened several meetings of Senators and staff interested in all the various enhanced rescission proposals. The purpose of these meetings was to seek a consensus position. No consensus was achieved. To have any chance of success in securing enhanced rescission authority, all of these Senators will have to be engaged in a process of negotiation. If, instead, the Administration takes a definitive position supporting a particular bill or approach, some of these Senators may not negotiate or may be alienated and become opponents.

We think it would be prudent to enter into private negotiations rather than publicly endorsing one bill. Our starting position in negotiations would be that the Armstrong bill is preferable. We would then negotiate back from the Armstrong proposal, trying to gain the support of those with more moderate views while holding the support of those favoring the Armstrong approach. We would use the limiting options discussed above as necessary to reach agreement, after receiving further guidance from you, on a bill providing

substantial enhanced rescission authority.

We would expect these negotiations to take no longer than three weeks. If no consensus has been reached, the President should endorse the Armstrong-Dole bill and engage in a public effort to generate support for this approach (this information, however, should be closely held to maintain incentives to negotiate). If the Administration does reach agreement on a bill with congressional Republicans, then a public campaign in favor of the bill would be part of our strategy to secure its passage.

← 3 weeks

Constitutional Amendment Creating Line-Item Veto

A properly drafted constitutional amendment designed to give the President an item veto for expenditures would cover spending items (not just those regarded as budgetary authority) in order to prevent Congress from evading the President's veto through creative draftsmanship; in other respects, it would resemble the Dole-McCain approach to enhanced rescission.

In addition, the amendment could provide further enhancements of Executive authority, such as a provision giving the President with authority to veto any non-germane provision of a bill. For example, if Congress included a provision on intelligence activities in the foreign assistance appropriations bill, the President could veto the limitation. Enhancements of Executive authority are included in numerous state constitutions and are thus not unprecedented. The amendment with a broader range of enhancements, if adopted, would impose further discipline on the budget process; however, proposing it would put the President in a stronger position to reach an acceptable compromise with Congress.

A constitutional amendment can be proposed only by 2/3 vote of both Houses of Congress or by a convention called at the request of 2/3 of the state legislatures. Although we should propose a bill in Congress, it will surely not pass unless a constitutional convention becomes likely; thus, we should probably also appeal to the state legislatures in order to put pressure on Congress. One of the benefits of this approach is that it would allow the President to take his case to the people.

The Department of Justice will shortly circulate a draft of a constitutional amendment for internal Executive Branch review.

Recommendation

We recommend: 1) that the Administration state that it

← 3 weeks

Document Originally
Attached to
Following Page

substantial enhanced rescission authority.

We would expect these negotiations to take no longer than three weeks. If no consensus has been reached, the President would endorse the Armstrong-Dole bill and engage in a public effort to generate support for this approach (this information, however, should be closely held to maintain incentives to negotiate). ~~IF~~ ~~IT~~ the Administration does reach agreement on a bill with congressional Republicans, then a public campaign in favor of the bill would be part of our strategy to secure its passage.

II. Constitutional Amendment Creating Line-Item Veto

A properly drafted constitutional amendment designed to give the President an item veto for expenditures would cover all spending items (not just those regarded as budgetary authority) in order to prevent Congress from evading the President's veto through creative draftsmanship; in other respects, it would resemble the Dole-McCain approach to enhanced rescission.

In addition, the amendment could provide further enhancements of Executive authority, such as a provision providing the President with authority to veto any non-germane portion of a bill. For example, if Congress included a limitation on intelligence activities in the foreign assistance appropriations bill, the President could veto the limitation. Such enhancements of Executive authority are included in numerous state constitutions and are thus not unprecedented. An amendment with a broader range of enhancements, if adopted, would impose further discipline on the budget process; moreover, proposing it would put the President in a stronger position to reach an acceptable compromise with Congress.

A constitutional amendment can be proposed only by 2/3 vote of both Houses of Congress or by a convention called at the request of 2/3 of the state legislatures. Although we should propose a bill in Congress, it will surely not pass unless a constitutional convention becomes likely; thus, we should probably also appeal to the state legislatures in order to put pressure on Congress. One of the benefits of this approach is that it would allow the President to take his case to the people.

The Department of Justice will shortly circulate a draft of a constitutional amendment for internal Executive Branch review.

III. Recommendation

We recommend: 1) that the Administration state that it

seeks enhanced rescission authority;

2) that a meeting be convened, in close coordination with Republican leaders in Congress, of the supporters of all the various enhanced rescission proposals seeking acceptable compromise and consensus (the Administration would then proceed as indicated in Part I.C above);

3) that we also send a constitutional amendment to Congress, and simultaneously initiate a campaign to persuade 2/3 of the state legislatures to call for a convention whose function would be limited to proposing this constitutional amendment.

A. Enhanced Rescission Decision

_____ Publicly state that the Administration seeks enhanced rescission authority and quietly enter into negotiations with supporters of various enhanced rescission proposals.

_____ Publicly endorse Armstrong bill

_____ Let's discuss.

B. Constitutional Amendment

_____ Propose amendment to Congress, and simultaneously appeal to states for convention

_____ Propose amendment to Congress, but postpone appealing to states

_____ Other

cc: David Bates
Andrew H. Card, Jr.
Roger Porter

THE WHITE HOUSE

WASHINGTON

June 7, 1989

Dear Mr. Burke,

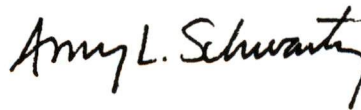
I am writing in response to the materials that you sent to the Office of the Chief of Staff concerning the dispute between Thompson & Thompson and the U.S. Patent and Trademark Office.

That office referred your materials to me in order to comply with long-standing White House policy against involvement with procurement and similar disputes at executive agencies and departments. I understand that you have been working with a number of high-level officials at the Department of Commerce in an effort to resolve your dispute in a manner satisfactory to all concerned, and can only encourage you to continue those efforts. If you have any particular additional material that you would like to have considered by the Department of Commerce, you can send it to:

Michael Kirk
Assistant Commissioner for External Affairs
U.S. Department of Commerce
Crystal Park, Building 2
Crystal Drive
Arlington, VA 22202

I regret that it is not appropriate for us to be of further assistance and hope that you can understand our position.

Sincerely,



Amy L. Schwartz
Associate Counsel to the President

Myles Burke
Thompson & Thompson
500 Victory Rd.
North Quincy, MA 02171-1545

THE WHITE HOUSE

WASHINGTON

May 15, 1989

MEMORANDUM FOR ✓ GOVERNOR JOHN H. SUNUNU
CHARLES G. UNTERMEYER

FROM: C. BOYDEN GRAY *cm*
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Designation of Andrew M. Strojny
as Acting Special Counsel for Immigration-
Related Unfair Employment Practices

The Justice Department has proposed the designation of Andrew M. Strojny as Acting Special Counsel for Immigration-Related Unfair Employment Practices. The President is expressly provided with the authority to name an Acting Special Counsel under section 102 of the Immigration Reform and Control Act of 1986, 8 U.S.C. 1324b(c) (1). Please advise my office as soon as possible, but not later than Tuesday, May 16, 1989, if you have any comments on Mr. Strojny's candidacy for that position.

Mr. Strojny is presently Deputy Special Counsel for Immigration-Related Unfair Employment Practices (7/87-Present). Before that, he was Associate Director of the Office of Civil Rights with the Environmental Protection Agency (1983-1987), a trial attorney in the Civil Rights Division of the Department of Justice (1977-1983), and the Chief of Compliance Review at the Law Enforcement Assistance Administration (1974-1977). He also served on President Carter's Reorganization Project Task Force for Civil Rights. A copy of Mr. Strojny's resume is attached.

Attachment

ANDREW M. STROJNY

N-516, 800 4th Street, S.W.
Washington, D.C. 20024

Home: (202)554-0735
Work: (202)653-8246

Bar Admission: Illinois, 1970

Work History:

Deputy Special Counsel/Senior Attorney Office of Special Counsel for Immigration Related Unfair Employment Practices	July 1987 to Present
Associate Director Office of Civil Rights Environmental Protection Agency	December 1983 to July 1987
Attorney Civil Rights Division U.S. Department of Justice	1977 to 1983
Special Assignments: Attorney Advisor Office of Management and Budget	1977 to 1978, 1980 to 1981
Supervisory Attorney Law Enforcement Assistance Administration U.S. Department of Justice	1974 to 1977
Trial Attorney Civil Rights Division U.S. Department of Justice	1970 to 1974

Professional Summary:

At the Department of Justice, the Office of Management and Budget, and the Environmental Protection Agency, gained extensive experience in developing and reviewing legislative, regulatory, and budgetary proposals to ensure policy objectives are implemented in an efficient manner. Required to outline problems, develop information, design solutions, and negotiate support for implementation of those solutions. Responsible for the investigation of sensitive matters and the conduct of negotiations involving senior Federal, state, and local officials. Have experience in the preparation and trial of civil and criminal cases. Experienced in briefing Congressional staff; Federal, state, and local officials, and public interest groups on governmental policies. Familiar with general accounting principles, basic concepts of computer programming, and various investment strategies such as covered option writing and trapezoidal hedges.

Policy and Planning Experience:

Coordinated the Outreach Program of the Office of Special Counsel (OSC). Also negotiated changes of Immigration and Naturalization Service policies to complement enforcement of the antidiscrimination provision of the Immigration Reform and Control Act of 1986.

Recruited for special assignment to the Office of Management and Budget (OMB). Played an instrumental role in ensuring that the block grant programs contained in the Omnibus Budget Reconciliation Act of 1981 were subject to specific civil rights provisions. Developed and had adopted, a procedure that coordinated OMB's regulatory relief function with the civil rights coordination responsibilities of the Department of Justice and EEOC. Received a letter of commendation from the Assistant Director of OMB.

Prepared a paper for OMB delineating the statutory and executive authority underpinning Federal agency civil rights programs.

At the Department of Justice, developed an administrative enforcement model for Federal agency use in carrying out their civil rights responsibilities. The Department officially adopted this model, proposed it to all Federal agencies, and informed the General Accounting Office, which concluded it should result in improved enforcement. Received a special achievement award from the Assistant Attorney General.

Recruited by the President's Reorganization Project, Task Force on Civil Rights. Played a key role in drafting a paper outlining problems in the Federal enforcement effort and presenting options for remedying them. This paper was distributed to over 800 individuals and organizations nationwide. Received a letter commending my contributions to the Task Force.

At the Law Enforcement Assistance Administration (LEAA), formulated functional statements, organizational structure, and job descriptions as part of a reorganization of the Office of Civil Rights.

Negotiation Experience:

Negotiated settlement of 14 charges filed within the Office of Special Counsel (OSC).

Persuaded the General Counsel's Office of the Department of Energy to issue a legal opinion affirming the Attorney General's authority to direct the organizational structure of that agency's civil rights program. Also negotiated the inclusion of an affirmative statement of support for Justice's positions in a Presidential letter.

Negotiated LEAA's first voluntary compliance agreement which involved a substantial backpay award with the San Diego Police Department. This agreement was forwarded to the Attorney General as exemplary.

Administrative and Supervisory Experience:

At OSC, served as Senior Trial Attorney and then as Deputy Special Counsel. Responsible for coordinating outreach activities, and advising attorneys on various legal and investigatory issues.

At LEAA's Office of Civil Rights Compliance, served as the Acting Chief of the Operations division. Supervised two section chiefs and up to 10 investigators. Under my supervision the complaint backlog of that Division was reduced by over 20% in a 6 month time span.

At the Environmental Protection Agency's Office of Civil Rights, served as Associate Director for External Compliance. Supervised a staff of three professionals and two clericals. Eliminated the complaint backlog.

Civil and Criminal Trial Experience:

Successfully litigated first administrative challenge to an investigatory subpoena issued on behalf of OSC.

Received letters of commendation from the Attorney General and the United States Attorney for the Eastern District of Missouri for a grand jury investigation conducted in St. Louis, Missouri.

Member of the trial team that litigated major employment discrimination cases against the Chicago Police and Fire Departments.

Spent two months on temporary duty as Special Assistant United States Attorney, trying criminal cases in Washington, D. C.

Briefing and Training Experience:

Have been specifically requested by the Immigration and Naturalization Service, and the Departments of Agriculture, Energy, Labor, and Transportation to conduct training courses. All commended my ability to explain the intricacies of legal requirements to lawyers and nonlawyers alike in an effective and interesting manner.

Have presented government positions to conventions, conferences, and seminars held by the:

- University of Texas, Johnson School of Government
- National League of Cities and United States Conference of Mayors
- National Black Police Officers Association
- North Carolina Chiefs of Police Association

Legal Education:

Northwestern University School of Law
J.D. Degree, June 1970

Selected as an Assistant in Instruction to teach legal writing.

College Education:

University of Illinois
B.A. Degree with Honors in Liberal Arts and Sciences, June 1967.

Academic Honors:

- Dean's List, Northwestern University School of Law
- Dean's List, University of Illinois
- James Scholar, University of Illinois, 1964 - 1967
- Recipient, State Legislator's Scholarship, 1965 - 1967
- Winner, Illinois State Scholarship, 1964

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
02. Paper	Biographical Statement, Re: Andrew Strojny; contains Personally Identifiable Information. (1 pp.)	n.d.	(b)(6)	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Card, Andrew H., Jr., Files
Subseries:
WHORM Cat.:
File Location: Counsel's Office Materials [3]

Date Closed: 5/30/2025	OA/ID Number: 08373-009c
FOIA/SYS Case #: 2025-0373-S	Appeal Case #:
Re-review Case #:	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

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PRM. Removed as a personal record misfile

Presidential Records Act - [44 U.S.C. 2204(a)]

P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]

AC has seen ✓

THE WHITE HOUSE
WASHINGTON

May 18, 1989

MEMORANDUM FOR THE ATTORNEY GENERAL
GOVERNOR JOHN H. SUNUNU
CHARLES G. UNTERMEYER
FREDERICK D. MCCLURE

FROM: C. BOYDEN GRAY *ing*
COUNSEL TO THE PRESIDENT

SUBJECT: Summary of May 18, 1989 Meeting of the President's
Federal Judicial Selections Committee

Set forth below is a summary of the decisions reached at the May 18, 1989 meeting of the President's Federal Judicial Selections Committee.

I. COURTS OF APPEALS

A. First Circuit. The tentative decision to go forward with Conrad Cyr was confirmed.

II. DISTRICT COURTS

A. D. Arkansas. Subject to 48 hour clearance procedures, background investigations will be initiated on Susan Webber Wright.

B. N.D. Ill. Subject to 48 hour clearance procedures, background investigations will be initiated on George Lindberg.

AC has seen ✓

THE WHITE HOUSE

WASHINGTON

May 31, 1989

MEMORANDUM FOR THE ATTORNEY GENERAL
GOVERNOR JOHN H. SUNUNU
CHARLES G. UNTERMEYER
FREDERICK D. MCCLURE

FROM: C. BOYDEN GRAY *CM*
COUNSEL TO THE PRESIDENT

SUBJECT: Summary of May 25, 1989 Meeting of the President's
Federal Judicial Selections Committee

Set forth below is a summary of the decisions reached at the May 25, 1989 meeting of the President's Federal Judicial Selections Committee.

I. DISTRICT COURTS

A. S.D. Ala. Subject to 48 hour clearance procedures, background investigations will be initiated on E.T. Rolison, Jr.

B. D. Kansas Subject to 48 hour clearance procedures, background investigations will be initiated on George T. Van Bebber.

THE WHITE HOUSE

WASHINGTON

May 30, 1989

MEMORANDUM FOR ANDREW H. CARD, JR.
ASSISTANT TO THE PRESIDENT AND
DEPUTY TO THE CHIEF OF STAFF

FROM: C. BOYDEN GRAY *cmh*
COUNSEL TO THE PRESIDENT

SUBJECT: Letter from the Association of Brass
and Bronze Ingot Manufacturers Regarding
OSHA Lead Remand Feasibility Proceeding

Thank you for bringing the above-referenced letter to our attention. We do not think it would be appropriate to confer with the industry at this stage. However, for your information, we understand OMB is reviewing the OSHA lead remand proceeding to ensure that Commerce Department and other agency concerns are being considered.

THE WHITE HOUSE
WASHINGTON

MEMORANDUM FOR:

FROM: C. BOYDEN GRAY *CMh*
COUNSEL TO THE PRESIDENT

SUBJECT: Personal Data Statement

As part of the clearance procedures for your prospective appointment, please answer all of the following questions [(please do not respond "not applicable" or "N/A" if your response is "no" or "none.")] For questions 7-12, inclusive, please supply information as it pertains to you, your spouse and any relatives living in your immediate household. In addition, in responding to the other questions, please supply any information regarding your spouse or relatives that you deem to be relevant. Your responses to this questionnaire, which is not subject to public disclosure, will remain confidential.

Because your appointment cannot be finalized until all necessary reviews have been completed, please supply this information at your earliest convenience.

If you have any questions or need assistance in responding to this questionnaire, please do not hesitate to contact this Office. Thank you for your cooperation.

* * * * *

1. Full name.
2. Date and place of birth and social security number.
3. Current position and business address and telephone number.
4. Home address and telephone number.
5. Name of person to contact (if other than yourself) with regard to clearance matters, and home and office telephone numbers for that person.

6. Schools attended beyond high school, degrees awarded and dates thereof.

7. The names of all corporations, firms, partnerships or other business enterprises, and all nonprofit organizations and other institutions with which you are now, or during the past three years have been, affiliated as an officer, owner, director, trustee, partner, advisor, attorney or consultant. In addition, please provide the names of any other organizations with which you were affiliated prior to the past three years that might present a potential conflict or appearance of conflict of interest with your prospective appointment. (Please note that in the case of an attorney's client listing, it is only necessary to provide the names of major clients and those that might present a potential conflict or appearance of conflict of interest with the prospective appointment).

Those organizational affiliations that you plan to continue during your Government service should be noted with an asterisk.

8. The names of all corporations, firms or other business enterprises, partnerships, nonprofit organizations and educational or other institutions in which you presently have any continuing financial interest through ownership of stock, stock options, bonds or other arrangements, including a trust, pension or retirement plan, stock bonus, profit-sharing or other arrangement as a result of any prior employment or business or professional association. Also supply such details as are necessary for a thorough understanding of such continuing financial interests [(i.e., please indicate whether securities are listed, the business of the company if the security is not listed or is not readily recognized, etc.)]. Any interests you plan to retain during your Government service should be noted with an asterisk. (If the position to which you are being appointed requires the filing of an Executive Personnel Financial Disclosure Report ["Standard Form 278"], you may omit this question.)

9. The names of any creditors (other than those to whom you may be indebted by reason of a mortgage on property used as a personal residence, or for current and ordinary living expenses), setting forth the amount of such debt and any additional information deemed relevant to explain the

transaction. (If the position to which you are being appointed requires the filing of a Standard Form 278, you may omit this question. Regardless of whether you are required to file a Standard Form 278, however, please include [and so note] any debts for which you are contingently liable, loans on which you are a guarantor, etc.)

10. The names of any debtors, setting forth the amount owed to you and any additional information deemed relevant to explain the transaction. You need not include loans to your spouse, dependents or siblings for non-business purposes. Please exclude all debts under \$5,000.
11. All your interests in real property, other than a personal residence, setting forth the nature of your interest, the type of property and the address.
12. List direct involvement through contracts, provision of consulting services, etc., that you or your current business has with the Federal Government. Please specify the agency or agencies involved.
13. The details of any contractual or informal arrangement you may have with any person or any business enterprise in regard to future employment.
14. Any employee fringe benefits you are now receiving and would desire to retain during your Government service.
15. Have you or any firm, company or other entity with which you have been associated ever (1) registered as an agent of a foreign principal; (2) requested and received an exemption from such registration requirements; or (3) acted as an agent of a foreign government? If so, please give full details (e.g., date of registration, request for exemption, or notice provided to the Secretary of State concerning service as an agent of a foreign government; name in which filing was made; name of foreign principal; identity of country involved; and, if applicable, date representation was terminated).
16. Have you or any firm, company or other entity with which you have been associated ever been convicted of a violation of any Federal, state, county or municipal law, regulation or ordinance? If so, please give full details (do not include traffic violations for which a fine of \$25.00 or less was imposed).

17. Have you or any firm, company or other entity with which you have been associated ever been the subject of Federal, state or local investigation for possible violation of a criminal statute? If so, please give full details.
18. Has a tax lien or other collection procedure ever been instituted against you by Federal, state or local authorities? If so, please give full details.
19. Have you ever been involved in civil or criminal litigation, or in administrative or legislative proceedings of any kind, either as a plaintiff, defendant, respondent, witness or party in interest? If so, please give full details.
20. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, professional association, disciplinary committee or other professional group? If so, please give full details.
21. Have you ever run for political office, served on a political committee or been identified in a public way with a particular organization, candidate or issue? If so, please describe.
22. Have you ever been publicly identified, in person or by organizational membership, with a particularly controversial */ national or local issue? If so, please describe.
23. Have you ever submitted oral or written views to any government authority (executive or legislative) or the news media on any particularly controversial */ issue other than in an official governmental capacity? If so, please describe.
24. Have you ever written any particularly controversial */ books or articles? If so, please describe.
25. Have you ever had any association with any person, group or business venture that could be used, even unfairly, to impugn or attack your character and qualifications for this position?
26. Do you know anyone who might take any steps, overtly or covertly, to attack your appointment? If so, please identify and explain the basis for the potential attack.

27. Please provide any other information that could be a possible source of embarrassment to you, your family or the President, if publicly known.

*/ References to "particularly controversial" is intended to focus on issues that could be used, even unfairly, against you.

THE WHITE HOUSE
WASHINGTON

5/17
Told Rob
AHC has no
comment.
Lg

May 15, 1989

MEMORANDUM FOR ANDREW H. CARD, JR.
ASSISTANT TO THE PRESIDENT AND
DEPUTY TO THE CHIEF OF STAFF

DAVID Q. BATES, JR.
ASSISTANT TO THE PRESIDENT AND
SECRETARY TO THE CABINET

JAMES W. CICCONI
ASSISTANT TO THE PRESIDENT AND
DEPUTY TO THE CHIEF OF STAFF

DEBRA R. ANDERSON
DEPUTY ASSISTANT TO THE PRESIDENT AND
DIRECTOR OF THE OFFICE OF
INTERGOVERNMENTAL AFFAIRS

FROM: C. BOYDEN GRAY *MB*
COUNSEL TO THE PRESIDENT

SUBJECT: GAO Inquiry Regarding White House Handling of
Federal Emergency Management Agency (FEMA)
Recommendations

The General Accounting Office is conducting an investigation into how the White House handles FEMA recommendations regarding Presidential declarations of major disasters. GAO has been directed to undertake this study at least in part because of Congressional concern over White House involvement in a FEMA major disaster recommendation regarding a May, 1988 rocket fuel plant explosion in Nevada. Although in that instance the President ultimately concurred with the FEMA recommendation that a disaster declaration was not appropriate, apparently there were some who questioned whether there were undue political considerations involved.

Attached is a draft letter in response to specific GAO questions. Please review this proposed response and provide my Office with any comments as soon as possible. Because we are under a tight time schedule I must ask that any comments be communicated directly to Rob Portman of the Counsel's Office (ext. 7953) by close of business tomorrow (Tuesday, May 16).

THE WHITE HOUSE

WASHINGTON

DRAFT

Dear Mr. Peach:

This is in response to your letter to this Office dated March 24, 1989 requesting certain information regarding declarations of a major disaster. Below please find a restatement of the specific questions posed in your letter and a response to such questions.

1. What criteria or other factors does the White House consider in evaluating FEMA's recommendation that a disaster should or should not be declared? What sources of information, if any, are used in addition to the information provided by FEMA?

The White House reviews Federal Emergency Management Agency (FEMA) major disaster recommendations for their compliance with P.L. 93-288, as amended by P.L. 100-707. Section 401 of P.L. 100-707 sets forth the procedures for the declaration of a major disaster. To our knowledge, during this Administration the White House has relied on information provided by FEMA.

2. Are particular types of disasters examined more closely than others? If so, please explain.

This Office is not aware that the "type" of disaster has been relevant during this Administration.

3. For the cases we reviewed, we found that the White House usually acted on FEMA's recommendation in 1 week or less -- sometimes in 1 day or less. However, there were three instances in the summer of 1988 that took longer -- the previously cited Henderson, Nevada case; a tornado in Kentucky; and the drought in North Dakota. What circumstances, in these instances, caused the disaster declaration decision to take longer than usual?

As you know, these actions were taken in the previous Administration. We do not know why these declaration decisions were handled as they were.

4. In the Henderson incident, the White House apparently asked FEMA to perform a second damage assessment. What circumstances prompted such action?

Again, we do not know why such actions may have been taken in the previous Administration.

5. We understand that on occasion the White House may reverse FEMA's recommendation that a disaster should or should not be declared. When this happens, does it indicate a different assessment of the data provided by FEMA, the use of other data in addition to information provided by FEMA, or assessment of the event against criteria different than those used by FEMA?

We do not know why, in individual cases, a FEMA recommendation may have been reversed by a previous Administration. It is our understanding that all FEMA recommendations which have been submitted in the current Administration have been followed. As noted above, these FEMA recommendations are reviewed in accordance with the statute.

6. Usually, FEMA is notified of the President's decision and then notifies the governor who requested the declaration. Subsequently, the affected congressional delegation is notified by FEMA. Under what circumstances might the White House inform these or other persons directly and not go through FEMA? How many times was this done in the last 2 years, if any?

We do not know under what circumstances the process you specify may or may not have been followed in the previous Administration. In this Administration, it is our understanding that, as a courtesy, the White House has informed the governor and the affected congressional delegations directly of the President's decisions on major disaster relief. It is our understanding that there has been a formal FEMA notification to the governor and affected congressional delegation as well.

I hope these comments are responsive to your questions. Please contact me should you have any questions.

Sincerely,

Robert J. Portman
Associate Counsel to the President

J. Dexter Peach
Assistant Comptroller General
United States
General Accounting Office
Washington, D.C. 20548

C. RAYMOND MARVIN
ATTORNEY AT LAW
818 CONNECTICUT AVENUE, N.W.
SUITE 1020
WASHINGTON, D.C. 20006
(202) 659-5311

May 9, 1989

Andrew H. Card, Jr.
Assistant to the President &
Deputy to Chief of Staff
White House
Washington, DC 20500

Re: Virgin Islands Federal Judge - Richard R. Knoepfel

Dear Andy:

I have been looking for a good reason to write you and to you express my admiration for your willingness to serve our new President. Your unique background of government service, especially the unusually effective work you accomplished in the position of Director of Intergovernmental Affairs for President Reagan, provides President Bush with an invaluable resource. You have my most enthusiastic wishes for a successful term with the new President.

Because time may be an important part of the process, I am writing this letter and having it delivered to you immediately, prior to being able to talk with you, because I think you should know of the special qualifications of Richard Knoepfel for appointment to the Federal District Court in the Virgin Islands. I am enclosing a copy of his resume, and of a letter I wrote in 1985 when then-Governor Juan Luis nominated Dick to be Attorney General of the Virgin Islands. It should be noted that the Virgin Islands' Senate refused to confirm Dick, but the reasons had absolutely nothing to do with his qualifications for the position and related purely to internal, political considerations on the Island. I have inquired recently about Dick with contacts I know to be reliable and can verify that his reputation in the community as a citizen and as an attorney remain totally above controversy or reproach. He is especially highly regarded by the Republican political community on the Island.

I have no idea who else may be under consideration for the appointment so any of my positive remarks for Dick should not be construed to be in any way a commentary on other candidates. I only know that Dick Knoepfel is the essence of a judicial mind. The very nature of his being is to be fair-minded. I am absolutely convinced that there is not a prejudiced or biased opinion in his

5/12 I called
Ray. He thinks
very highly of
Richard - I'll
send info to
Rayden.

5/15
Sent to Boyden

Andy

Andrew H. Card, Jr.
May 9, 1989
Page 2

makeup. He judges people and situations which he encounters in life on their individual, factual merits. In many ways, I believe that he embodies the essence of the dedicated attorney true to the highest ethical principals of the profession. In terms of quality of judicial function, I have every confidence that his performance would hold to the highest standards of judicial behavior and productivity.

Incidentally, I have no litigation or business affairs active in the Virgin Islands and deem it to be extremely unlikely that I would ever encounter Dick in an official capacity. My letter springs from a desire to help your Administration identify especially talented and capable candidates for appointment. I do look forward to breaking bread and talking about Massachusetts politics in the near future. I hear you may have some plans. When the pressure eases off on your schedule, please let me know. I'm just a block away and could come by on a moment's notice.

With best personal regards, and

Sincerely,


C. Raymond Marvin

Andy -
Dick Knappfel is really first class.
Look forward to talking with you.
-A.

THE WHITE HOUSE

5/12/89

Ray -

It was great to talk with you
the other day. Thanks too for your
note and the political intelligence.

Your interest and support mean
much to me. - Keep in touch.

Andy

Andy Card
THE WHITE HOUSE
WASHINGTON

Ray Jolie
673 Franklin Street
Worcester, MA 01604

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
03. Memo	C. Boyden Gray to Attorney General, et al., Re: Summary of May 4, 1989 Meeting of the President's Federal Judicial Selections Committee. (2 pp.)	05/05/89	(b)(6)	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Card, Andrew H., Jr., Files
Subseries:
WHORM Cat.:
File Location: Counsel's Office Materials [3]

Date Closed:	5/30/2025	OA/ID Number:	08373-009c
FOIA/SYS Case #:	2025-0373-S	Appeal Case #:	
Re-review Case #:		Appeal Disposition:	
P-2/P-5 Review Case #:		Disposition Date:	
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P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]

Roy Plautch *fil*

THE WHITE HOUSE
WASHINGTON

April 10, 1989

MEMORANDUM FOR ANDREW CARD

FROM: LEE S. LIBERMAN *LSL*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Honorary Co-Chairmanship of Afghan Children's
Hospital Fundraising Dinner

You have requested this office's guidance on what action to take regarding an invitation to serve as honorary co-chairman of a fundraising dinner on behalf of an Afghan children's hospital to treat children injured in the course of the fighting in Afghanistan.

Executive Order 11222 and Office of Government Ethics regulations implementing that order and governing the conduct of White House employees forbid White House staff from taking any actions that may create the appearance of using public office for private gain. Longstanding White House policy has been to treat that as a general bar on accepting invitations of this sort even for worthy causes. We therefore recommend that you decline this invitation. A draft letter to that effect is attached.

AC has seen ✓

THE WHITE HOUSE

WASHINGTON

April 4, 1989

MEMORANDUM FOR AMY SCHWARTZ

FROM: JOHN P. SCHMITZ *JPS*
SUBJECT: Aspen Institute Berlin

Would you please review the attached invitation to join the Aspen Institute Berlin Study Group on German-American Relations. I would like to be able to say yes, even if time will not permit me to attend this year's meeting in Berlin May 26-29. Please call me if you need any additional information about the Aspen Institute Berlin or this study group.

Attachment

cc: Andrew H. Card, Jr. ✓

ASPEN INSTITUTE BERLIN

Inselstraße 10 · D-1000 Berlin 38 · West Germany · Telephone (030) 8039041 · Cable: Aspen Berlin

David Anderson, Director · Daniel Hamilton, Deputy Director · Margarita Mathiopoulos, Assistant Director

December 15, 1988

Mr. John Schmitz
Deputy Counsel to the Vice President of the USA
Room 280
Old Executive Office Building
Washington, D.C. 20500

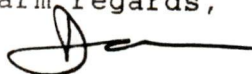
Dear John,

I am pleased to report that the Tagesspiegel Press Foundation has approved our proposal to continue support of the Aspen Institute Berlin Study Groups on Germany and the United States in a new form. Beginning in 1989, we would like to extend an invitation to you and the other members of the Study Group on Germany, together with the German members of the counterpart group, to become members of a new **Aspen Institute Berlin Study Group on German-American Relations**. This Study Group will hold an annual meeting under Aspen Berlin auspices, alternately in Europe and the United States, on various aspects of German-American relations.

We plan to sponsor the first annual meeting this year in Berlin on the broad theme East-West-Relations in the 1990's: European, American and Soviet Approaches. In addition to our German and American members, we will invite a selected group of Soviet and East European participants. We propose to begin with an opening dinner Friday, May 26, at 19:30 hours, and conclude Monday, May 29, at 17:00 hours. Tentative plans call for a 1990 meeting in the United States.

Please let me know whether, as we hope, you will be able to join this new Study Group and can be with us in May. I will be in touch with you with further details regarding the meeting. In the meantime, everyone at Aspen Berlin sends their very best wishes of this holiday season.

Warm regards,



Dan Hamilton

THE WHITE HOUSE
WASHINGTON

Date: 4-21-89

FOR: *Gov. Sununu*

FROM: ANDY CARD *Andy*

☐ Action

☐ Your Comment

☐ Let's Talk

☒ FYI *as you requested.*

*To answer Sen. Rudman's
Ethics Czar question.*

THE WHITE HOUSE

WASHINGTON

April 21, 1989

MEMORANDUM FOR ANDREW H. CARD, JR.
ASSISTANT TO THE PRESIDENT AND DEPUTY TO THE CHIEF
OF STAFF

FROM: C. BOYDEN GRAY *only*
COUNSEL TO THE PRESIDENT

SUBJECT: Talking Points on the Congressional Ethics Office

Per your request, attached is a background sheet of talking points describing the Congressional Ethics Office in the Administration's ethics bill.

Please let me know if you would like a copy of the relevant portions of the bill or any other information.

Attachment

THE WHITE HOUSE
WASHINGTON

Congressional Ethics Office

The proposed Government-Wide Ethics Act would authorize a Congressional Ethics Office within the legislative branch that would:

- o be modeled after the Congressional Budget Office or General Accounting Office in that it would have an independent Director and its own nonpartisan staff;
- o administer the financial disclosure system under the Ethics in Government Act;
- o investigate allegations of misconduct by Members of Congress and other legislative officials and employees, publicly report its findings to the House or Senate ethics committee, and recommend appropriate sanctions; and
- o have a Director named by a House-Senate nominating committee without regard to partisan considerations, and confirmed by a majority vote of both houses of Congress.

THE WHITE HOUSE
WASHINGTON

DATE: 4-3-89

TO: *Bayden*

FROM: ANDY CARD *Andy*

*Do you have problems
with this? I do!*

*The only card that
I could justify would
come from the RNC without
the word "Presidential."
Guidance?*

03/24/89

13:44

305 381 6872

COURTELIS

003



Presidential Transition

ALEC P. COURTELIS
Chairman,
National Advisory Committee

(202) 673-2950
(202) 673-2300

1825 Connecticut Avenue
Washington, D. C. 20270

*How
AHC*

Mr. Courtelis would like to have his business card (shown above) changed to the following:



ALEC P. COURTELIS
National Chairman
Presidential Advisory Committee

(305) 379-8467 Phone
(305) 374-4981 Fax

701 Brickell Ave., Suite 1400
Miami, Florida 33131-2822

file

THE WHITE HOUSE

WASHINGTON

March 1, 1989

MEMORANDUM FOR C. BOYDEN GRAY
COUNSEL TO THE PRESIDENT

FROM: JOHN H. SUNUNU
CHIEF OF STAFF TO THE PRESIDENT

JS

SUBJECT: Disqualifications

I am aware of the restrictions of 18 U.S.C. Section 208, a criminal conflicts of interest law that prohibits government employees from taking official acts that affect personal financial interests or financial interests of associated persons and organizations. I also understand that Executive Order No. 11222 requires that I avoid any action that might result in, or create the appearance of, using public office for private gain, giving preferential treatment to any organization or person, losing independence or impartiality of action, or weakening the confidence of the public in the integrity of the government.

I therefore will disclose my interests to my staff and direct them to insulate me from any official business matters that may arise which might specifically affect or involve the Republican Governors Association, Tufts University and Lakeside Insurance Agency, Inc. Any matters involving such entities should be directed to the attention of Deputy to the Chief of Staff Andrew Card or such other official as he may designate. Should such a matter nonetheless come to my attention, I shall abstain from participating in it in any manner.

Given the industry and sector wide effect of most matters that come before the White House Chief of Staff, and the fact that my interests in Tufts University and Lakeside Insurance Agency, Inc. are not so substantial as to affect my actions in matters involving broad policy issues, I hereby request a waiver under 18 U.S.C. Section 208(b) with respect to matters which may indirectly affect or involve those two entities. Until I receive such a waiver, I will instruct my staff to insulate me from all matters which might have a direct and predictable effect on those two entities. I have been advised by your office that such a policy waiver for my interest in the Republican Governors Association is unnecessary.

cc: Andrew Card
Edward Rogers

4-17-89

Copy to Cicconi.

Document Originally
Attached to
Following Page

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
04. Memo	Mark Belnick to Arthur Liman, Re: Telecall William Lytton Re Nonproduced [Oliver North] Documents. (3 pp.)	04/13/89	(b)(6)	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Card, Andrew H., Jr., Files
Subseries:
WHORM Cat.:
File Location: Counsel's Office Materials [3]

Date Closed: 5/30/2025	OA/ID Number: 08373-009c
FOIA/SYS Case #: 2025-0373-S	Appeal Case #:
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United States Senate

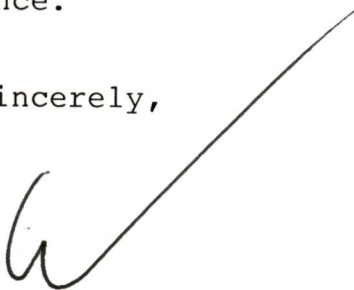
MEMORANDUM

April 12, 1989

Dear John:

This memo should be held very tightly for a number of reasons at this time and should be shared only with those in whom you have complete confidence.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'W' or 'A' shape followed by a long, sweeping diagonal line extending upwards and to the right.

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
05. Memo	Mark A. Belnick to Senators George Mitchell and Warren Rudman, Re: Stipulation of Facts in U.S. v. North. (5 pp.)	04/10/89	(b)(6)	

Collection:

Record Group: Bush Presidential Records
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