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Collection Name Roberts, John

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MJD 8/6/2005

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Doc No	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	LETTER	CONNIE TAYLOR TO MR. DELAROSA RE BILL	1	7/29/1983	B6	737
2	INVOICE	RE ELECTRICAL WORK	1	4/4/1983	B6	738
3	FORM	PPO NON-CAREER APPOINTMENT FORM-IN HOUSE USE ONLY	1	12/1/1982	B6	1147

Freedom of Information Act - [5 U.S.C. 552(b)]

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

E.O. 13233

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

W&U —

STOR to handle
for Chief Melrossa
in the Mess —
I advise that
the chief pay
it!

WITHDRAWAL SHEET

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ROBERTS, JOHN: FILES

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1 7/29/1983 B6

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CONNIE TAYLOR TO MR. DELAROSA RE UNPAID
BILL

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2 INVOICE

RE ELECTRICAL WORK

1 4/4/1983 B6

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THE WHITE HOUSE
WASHINGTON

Date 8/11/83

MEMORANDUM

FOR: John G. Roberts (Abidjian)

FROM: H.P. Goldfield
Associate Counsel to the President

 For your information

 For your review and comment

 As we discussed

 For your files

 Please see me

 Return to me after your review

Comment

Is there anything we should do on this?

 sy Orera

THE WHITE HOUSE
WASHINGTON

H.P.

The only problem I can see w/ our response of 3-1-83, is that Title 28 § 1.3 suggests generally that one on parole, is not to submit a petition for a pardon.
Mr. Kirby is on parole.

THE WHITE HOUSE
WASHINGTON

Date 3.2.83

Suspense Date _____

MEMORANDUM FOR: H.P.

FROM: **DIANNA G. HOLLAND**

ACTION

- Approved
- Please handle/review
- For your information
- For your recommendation
- For the files
- Please see me
- Please prepare response for _____ signature
- As we discussed
- Return to me for filing



COMMENT

Wick asked that I send
this to you for your information-
would anything here change
response to Newcombe?

§ 0.191

tion, and shall be effectuated by issuance of an Attorney General's order, in accordance with Subpart AA of this part.

[Order No. 960-81, 46 FR 52354, Oct. 27, 1981]

§ 0.191 Changes which affect the overall structure of the Department.

Changes to the overall structure of the Department include: The establishment, merger or abolishment of Offices, Boards, Divisions, and Bureaus; changes in reporting lines of Offices, Boards, Divisions and Bureaus to the Department; and transfers of major functions between or among Offices, Boards, Divisions and Bureaus.

[Order No. 808-78, 43 FR 54929, Nov. 24, 1978]

Subpart CC—Jurisdictional Disagreements

§ 0.195 Procedure with respect to jurisdictional disagreements.

Any disagreement between or among heads of the organizational units as to their respective jurisdictions shall be resolved by the Attorney General, who may, if he so desires, issue an order in the numbered series disposing of the matter.

§ 0.196 Procedures for resolving disagreements concerning mail or case assignments.

When an assignment for the handling of mail or a case has been made through established procedures and the appropriate authorities in any organizational unit of the Department disagree concerning jurisdiction of the unit for handling the matter or matters assigned, the disagreement, together with a statement of the view of the unit or units involved, shall be referred to the Assistant Attorney General for Administration for determination. If the disagreement cannot be resolved, the matter shall be referred to the Deputy Attorney General for final disposition.

[Order No. 900-80, 45 FR 43703, June 30, 1980]

PART 1—EXECUTIVE CLEMENCY

Sec.

- 1.1 Submission of petition; form to be used.
- 1.2 Contents of petition.
- 1.3 Eligibility for filing petition for pardon or commutation of sentence.
- 1.4 Eligibility for filing petition for commutation of sentence.
- 1.5 Offenses against the laws of provisions or territories of the United States.
- 1.6 Disclosure of files.
- 1.7 Consideration of petitions by the Attorney General; recommendations to President.
- 1.8 Notification of grant of clemency.
- 1.9 Notification of denial of clemency.

AUTHORITY: U.S. Const., Art. II, sec. 2; authority of the President as Chief Executive.

SOURCE: Order No. 288-62, 27 FR 117, Nov. 10, 1962, unless otherwise noted.

CROSS REFERENCE: For Organization Statement, Office of the Pardon Attorney, Subpart G of Part O of this Chapter.

§ 1.1 Submission of petition; form to be used.

Persons seeking Executive clemency by pardon or by commutation of sentence, including remission of fine, shall execute formal petitions therefor which shall be addressed to the President of the United States and which, except those relating to military or naval offenses, shall be submitted to the Attorney General of the United States. Appropriate forms for such petitions will be furnished by the Department of Justice, Washington, D.C., upon application therefor. Form for petition for commutation of sentence may also be obtained from the warden of Federal penal institution. A petitioner applying for Executive clemency with respect to military or naval offenses should submit his petition directly to the Secretary of the military department which had original jurisdiction over the court-martial and conviction of the petitioner. In such instance, a form furnished by the Department of Justice may be used but should be modified to meet the needs of the particular case.

(28 U.S.C. 509 and 510; 5 U.S.C. 301 and U.S.C. 1103)

[Order No. 960-81, 46 FR 52354, Oct. 27, 1981]

Contents of each petition should include the petition of the State in which the date of sentencing was passed; the date of sentence; the name of the petitioner; his age; the offense for which he was confined; his marital status; subsequent criminal record; and date of residence. Accompanied by a favorable report, the person to be pardoned should have character...

§ 1.3 Eligibility for pardon.

No petition for pardon or commutation of sentence shall be accepted until the period of at least three years has elapsed since the date of the conviction. In some cases, such as violation of tax laws, pardon must involve other criminal offenses. In such cases, a petition for pardon to be granted to a petitioner must be accompanied by a favorable report from the person who...

§ 1.4 Eligibility for commutation.

A petition for commutation of sentence should be filed with the court or Commission on Pardons and Paroles. The petition should be accompanied by a favorable report from the person who...

§ 1.2 Contents of petition.

Each petition for Executive clemency should include: The name and age of the petitioner; the court, district, and State in which he was convicted; the date of sentence; the crime of which he was convicted; the sentence imposed; the date he commenced service of sentence; and the place of confinement. In the case of a petition for pardon, the petitioner should also state his age at the time of commission of the offense; the date of release from confinement; whether he is a citizen of the United States or an alien; his marital status; his prior and subsequent criminal record, if any; his employment since conviction; and his place of residence. A petition may be accompanied by endorsements. It is desirable that all applications for pardon be accompanied by at least three character affidavits.

§ 1.3 Eligibility for filing petition for pardon.

No petition for pardon should be filed until the expiration of a waiting period of at least three years subsequent to the date of the release of the petitioner from confinement, or, in case no prison sentence was imposed, until the expiration of a period of at least three years subsequent to the date of the conviction of the petitioner. In some cases, such as those involving violation of narcotic laws, income tax laws, perjury, violation of public trust involving personal dishonesty, or other crimes of a serious nature—a waiting period of five years is usually required. In cases of aliens seeking a pardon to avert deportation, the waiting period may be waived. Generally, the petition should be submitted by a person who is on probation or parole.

§ 1.4 Eligibility for filing petition for commutation of sentence.

A petition for commutation of sentence, including remission of fine, should be filed only if no other form of relief is available, such as from the Court or the United States Parole Commission or if unusual circumstances exist, such as critical illness, severity of sentence, ineligibility for parole, or meritorious service rendered by the petitioner.

(28 U.S.C. 509 and 510; 5 U.S.C. 301 and 8 U.S.C. 1103)

[Order No. 288-62, 27 FR 11002, Nov. 10, 1962, as amended by Order No. 960-81, 46 FR 52354, Oct. 27, 1981]

§ 1.5 Offenses against the laws of possessions or territories of the United States.

Petitions for Executive clemency shall relate only to violations of laws of the United States. Petitions relating to violations of laws of the possessions of the United States or territories subject to the jurisdiction thereof should be submitted to the appropriate official or agency of the possession or territory concerned.

§ 1.6 Disclosure of files.

Reports, memoranda, and communications submitted or furnished in connection with the consideration of a petition for Executive clemency shall be available only to officials concerned with the consideration of the petition: *Provided*, That they may be open to inspection by the petitioner or by his attorney or other representative if, in the opinion of the Attorney General or his representative, the disclosure sought is required by the ends of justice.

§ 1.7 Consideration of petitions by the Attorney General; recommendations to the President.

(a) Upon receipt of a petition for Executive clemency, the Attorney General shall consider that petition and cause such investigation to be made with respect thereto as he may deem appropriate and necessary, using the services of, or obtaining reports from appropriate officials and agencies of the Government, including the Federal Bureau of Investigation, to the extent deemed necessary or desirable.

(b) The Attorney General shall review each petition and all pertinent information developed by his investigation thereof and shall advise the President whether, in his judgment, the request for clemency is of sufficient merit to warrant favorable action by the President.

(c) If he determines that the request merits favorable action by the President, he shall submit the petition to

§ 1.8

the President together with a warrant prepared for the signature of the President granting the clemency recommended by the Attorney General.

(d) If he determines that the petition and information developed by his investigation do not, in his judgment, merit favorable action by the President, he shall provide the President with a concise statement enumerating the essential facts concerning the petitioner, the petition, and his reasons for recommending denial of clemency.

§ 1.8 Notification of grant of clemency.

When a petition for pardon is granted, the petitioner or his attorney shall be notified of such action, and the warrant of pardon shall be mailed to the petitioner. When commutation of sentence is granted, the petitioner shall be notified of such action, and the warrant of commutation shall be sent to the petitioner through the officer in charge of his place of confinement, or directly to the petitioner if he is on parole.

§ 1.9 Notification of denial of clemency.

(a) Whenever the President notifies the Attorney General that he is denying a request for clemency, the Attorney General, or at his direction the Pardon Attorney, shall so advise the petitioner and close the case.

(b) Whenever the Attorney General recommends that the President deny a request for clemency and the President does not disapprove or take other action with respect to that adverse recommendation within thirty days after the date of its submission to him, it shall be presumed that the President concurs in that adverse recommendation of the Attorney General, and the Attorney General, or at his direction the Pardon Attorney, shall so advise the petitioner and close the case.

PART 2—PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

Sec.

- 2.1 Definitions.
- 2.2 Eligibility for parole; adult sentences.

Sec.

- 2.3 Same: Narcotic Addict Rehabilitation Act.
- 2.4 Same: Youth offenders and juvenile delinquents.
- 2.5 Sentence aggregation.
- 2.6 Withheld and forfeited good time.
- 2.7 Committed fines.
- 2.8 Mental competency proceedings.
- 2.9 Study prior to sentencing.
- 2.10 Date service of sentence commences.
- 2.11 Application for parole; notice of hearing.
- 2.12 Initial hearings: Setting presumptive release dates.
- 2.13 Initial hearing; procedure.
- 2.14 Subsequent proceedings.
- 2.15 Petition for consideration of parole prior to date set at hearing.
- 2.16 Parole of prisoner in state, local or territorial institution.
- 2.17 Original jurisdiction cases.
- 2.18 Granting of parole.
- 2.19 Information considered.
- 2.20 Paroling policy guidelines: Statement of general policy.
- 2.21 Reparole consideration guidelines.
- 2.22 Communication with the Commission.
- 2.23 Delegation to hearing examiners.
- 2.24 Review of panel recommendation by the Regional Commissioner.
- 2.25 Regional appeal.
- 2.26 Appeal to National Appeals Board.
- 2.27 Appeal of original jurisdiction cases.
- 2.28 Reopening of cases.
- 2.29 Release on parole.
- 2.30 False or withheld information.
- 2.31 Parole to detainees: Statement of policy.
- 2.32 Parole to local or immigration detainees.
- 2.33 Release plans.
- 2.34 Recission of parole.
- 2.35 Mandatory release in the absence of parole.
- 2.36 Recission guidelines.
- 2.37 Disclosure of information concerning parolees: statement of policy.
- 2.38 Community supervision by United States Probation Officers.
- 2.39 Jurisdiction of the Commission.
- 2.40 Conditions of release.
- 2.41 Travel approval.
- 2.42 Probation officer's reports to Commission.
- 2.43 Early termination.
- 2.44 Summons to appear or warrant for retaking of parolee.
- 2.45 Same; youth offenders.
- 2.46 Execution of warrant and service of summons.
- 2.47 Warrant placed as a detainer and dispositional review.
- 2.48 Revocation: Preliminary interview.
- 2.49 Place of revocation hearing.
- 2.50 Revocation hearing procedure.

I think —
we've had
prior correspondence
on this.

Pls. put —
doc. # 063632.

K
12

THE WHITE HOUSE
WASHINGTON

March 1, 1983

Dear Mr. Newcombe:

Your letter of February 4, 1983 to the President regarding George Kirby has been referred to me for response.

In order for Mr. Kirby to obtain a Presidential pardon, he must file a formal application with the Office of the Acting Pardon Attorney, U.S. Department of Justice, 280 Park Place Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815, telephone: 301/492-5910. Mr. Kirby or his attorney should contact that office to ascertain his eligibility for a pardon and, if appropriate, to obtain the forms necessary to complete his application. Please be assured that once a formal petition for pardon is received, it will be given every consideration by the Acting Pardon Attorney and, in turn, the White House.

I have forwarded a copy of your letter to the President's Scheduling Office, and you should be hearing from them directly regarding Mr. Kirby's desire to present his new program to the President and Mrs. Reagan.

Thank you for writing.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Don Newcombe
Don Newcombe Enterprises
22507 Peale Drive
Woodland Hills, CA 91364

HP
KX

ID # 126421 CU

JLDDI

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
- H - INTERNAL
- I - INCOMING
Date Correspondence Received (YY/MM/DD) / /

Name of Correspondent: Don Newcombe

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Pardon for George Kirby

ROUTE TO:	ACTION	DISPOSITION			
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>W Holland</u>	ORIGINATOR	<u>831021</u>			<u> / / </u>
<u>WAT 03</u>	D	<u>831021</u>		S	<u>83103102</u>
		<u> / / </u>			<u> / / </u>
		<u> / / </u>			<u> / / </u>
		<u> / / </u>			<u> / / </u>

- ACTION CODES:**
- A - Appropriate Action
 - C - Comment/Recommendation
 - D - Draft Response
 - F - Furnish Fact Sheet to be used as Enclosure
 - I - Info Copy Only/No Action Necessary
 - R - Direct Reply w/Copy
 - S - For Signature
 - X - Interim Reply
- DISPOSITION CODES:**
- A - Answered
 - B - Non-Special Referral
 - C - Completed
 - S - Suspended
- FOR OUTGOING CORRESPONDENCE:**
- Type of Response = Initials of Signer
 - Code = "A"
 - Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
Send all routing updates to Central Reference (Room 75, OEOB).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

8

Don Newcombe Enterprises

DN

22507 PEALE DRIVE, WOODLAND HILLS, CALIFORNIA 91364

(213) 628-4715

February 4, 1983

126421 CU

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

Just a few lines to say "hello" and to let you know that I am fine and hope that you and Mrs. Reagan are the same.

Mr. President, I have something I would like to run by you to see what you think of it and to evaluate whether it would be politically feasible to even get involved in something like this.

You know of an entertainer by the name of George Kirby who was incarcerated for being involved in a drug exchange in Nevada some 5 years ago. He was at Terminal Island, California, when I became aware of his problem and helped him to gain a parole six months ago. Since his parole he has been working in different parts of the country and doing quite well for himself, I might add.

Now, Mr. President, here is my concern. See what you think of it.

George has recently signed a contract with ICM, probably the largest entertainment management company in the business. He has gotten some offers to perform outside the Continental limits of the U.S. and because of parole restrictions, George cannot accept these offers. My idea is this. If George could obtain from your office a presidential pardon or if he could be given a special waiver to accept some of these offers, the resultant positive publicity emanating from this type of decision by you would, I believe, create a positive image because of who George is, and the very fact he is so well known and to have him talking about this action by your office as he performs would, I believe, create that positive image. It would also bring some positive reactions from many black people both in and outside the U.S. I believe this is something we could use also for our party image.

He also has a new program which he wrote while in prison, called "King Heroin" that he would like to present to you and Mrs. Reagan at your convenience at the White House, whenever you deem it necessary. It's a cracker jack, Mr. President, and says a lot of

The President
The White House
2.4.83 - page 2

things about the problems that we are all trying to deal with, with reference to the use and abuse of drugs in the U.S. I also think this could be a usable item for us, is why I would like you and Mrs. Reagan to hear it.

I would surely appreciate hearing from you on this matter if you think it has merit.

Thanking you in advance, I remain,

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Don", with a horizontal line underneath the name.

Don Newcombe

AW —

pls get me
our proposed
response

ASTA

Huh?

THE WHITE HOUSE

WASHINGTON

March 1, 1983

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I have forwarded a copy of your letter to the President's Scheduling Office, and you should be hearing from them directly regarding Mr. Kirby's desire to present his new program to the President and Mrs. Reagan.

Thank you for writing.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Don Newcombe
Don Newcombe Enterprises
22507 Peale Drive
Woodland Hills, CA 91364

bcc: Scheduling Office

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Counsel to the President

Mr. Don Newcombe
Don Newcombe Enterprises
22507 Peale Drive
Woodland Hills, CA 91364

FFF:HPG/k1
FFFfielding ✓
HPGoldfield
Subj.
Chron.

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FFF:HPG/kl
FFFfielding
HPGoldfield ✓
Subj.
Chron.

Copy
THE WHITE HOUSE
WASHINGTON

April 28, 1981

063632

JH 63

1-119

MEMORANDUM FOR EDWIN MEESE, III

FROM: FRED F. FIELDING
Counsel to the President

Subject: George Kirby

This afternoon Ken Cribb requested that Counsel's Office provide you with information relative to the process, if any, by which the above-referenced individual, now serving in a Federal correctional institution in California, could be made eligible for release under a work release program.

Title 18 of the United States Code, Section 4082 provides the statutory basis by which the Attorney General may authorize such release. (A copy of the statute is attached at Tab A.) Where there is reasonable cause to believe that a prisoner will honor the prescribed conditions of his release, the Attorney General may release the prisoner to work at paid employment or as a volunteer in a community based training program while such prisoner continues to serve as a prisoner of the institution to which he is committed. However, release is subject to the following conditions:

1. that local union representatives are consulted;
2. that such paid employment that will not result in the displacement of employed workers, or be applied in skills or trades for which there is a surplus of labor, or impair existing contracts for services; and
3. that the rate of pay and other employment conditions for the prisoner will be comparable to that which is paid or provided for work of a similar nature in the community.

In addition, Justice has issued formal regulations concerning work release eligibility and the Bureau of Prisons has issued supplementary policy guidance to wardens. A Program Statement embodying both regulations and guidance is attached at Tab B.

While the Attorney General may authorize that a prisoner serving a Federal sentence be placed on a work release program, certain other considerations merit attention.

It is my understanding that Mr. Kirby is currently serving a concurrent ten-year Federal and twenty-year state prison sentence. Furthermore, the Counsel's Office was informed that Kirby is eligible for parole on the Federal charges in approximately one year. This information was relayed to the White House in February of this year by the office of Congressman Paul Simon (D-Ill.) at the request of a Don Newcombe. At that time, Simon's office asked that a meeting be scheduled for the President with Simon, Newcombe and Bob Hope, each of whom were interested in stirring interest in Kirby's case. Counsel's office advised Congressman Simon that such a meeting would not be advisable. Inasmuch as Kirby is also serving a state sentence, the President would have no jurisdiction to affect such sentence even if he deemed it advisable to urge the Attorney General to grant work release under the Federal statute.

It is also important to note that the statute expressly vests work release authority in the Attorney General, not the President, and that the Attorney General has issued regulations governing the administration of that statutory responsibility. Under traditional concepts of administrative procedure, the Attorney General is bound to follow his own procedures.

Under the circumstances presented, I believe it would be inappropriate for the White House to intervene in this matter. I would suggest that any "outside" inquiries or comments on Kirby's case be directed to the Attorney General for consideration.

A

Historical and Revision Notes

Reviser's Note. Based on Title 18, U.S.C. Minor changes were made in phrase-
C. 1940 ed., § 907 (May 27, 1930, c. 339, ology. 80th Congress House Report No.
[T. 46 Stat. 390]. 304.

Language of section is so changed as to
make one policy for all institutions, thus
clarifying the manifest intent of Congress.

Library References

Prisons C-13

C.J.S. Prisons §§ 18, 19.

Notes of Decisions

- Administrative segregation 3
- Discretion in classification 1
- Solitary confinement 4
- Standard of care 2

1. Discretion in classification

Warden of federal penitentiary has
broad discretion in classifying prisoners.
Muniz v. U. S., D.C.N.Y.1968, 280 F.Supp.
542.

2. Standard of care

In discharge of government's duty to
prison inmates, government must exercise
ordinary care in classification of prison-
ers and in the custody of prisoners
properly classified. Muniz v. U. S., D.C.
N.Y.1968, 280 F.Supp. 542.

3. Administrative segregation

Placement of prisoner in administrative
segregation because of his failure to work
at assigned jobs was consistent with in-
stitution's duty to maintain effective
prison discipline. Fallis v. U. S., D.C.
Pa.1967, 263 F.Supp. 780.

4. Solitary confinement

Segregated confinement in maximum
security facilities, as such, is not cruel
or unusual treatment, punishment, or
penalty. Graham v. Willingham, C.A.
1st, 1967, 364 F.2d 367.

Segregated confinement in maximum
security facilities as administrative con-
trol relating to inmates considered to be
threat to themselves, others, or to safety
and security of institution is proper and
lawful and does not constitute "cruel
and unusual punishment." Id.

Continuous, segregated confinement for
more than two years in maximum securi-
ty facilities was proper and lawful and
did not constitute "cruel and unusual
punishment," considering prisoner's par-
ticipation, directly or indirectly, in con-
duct of extreme violence during three
separate periods of confinement within
the prison population. Id.

Where the President of United States
commuted a death sentence to a sentence
of life and Attorney General construed
commutation to mean solitary confine-
ment, such construction became binding
upon convicted person upon entering
service of sentence. Stroud v. Johnston,
C.C.A.Cal.1943, 139 F.2d 171, certiorari de-
nied 64 S.Ct. 846, 321 U.S. 796, 88 L.Ed.
1035.

Where prisoner's death sentence for
murder because of stabbing of a guard
at the penitentiary where he was serving
a sentence was commuted by the Presi-
dent to sentence of life and Attorney
General deemed solitary confinement nec-
essary, such "punishment" would not be
"unreasonable". Id.

§ 4082. Commitment to Attorney General; residential
treatment centers; extension of limits of confine-
ment; work furlough

(a) A person convicted of an offense against the United States
shall be committed, for such term of imprisonment as the court may
direct, to the custody of the Attorney General of the United States,
who shall designate the place of confinement where the sentence
shall be served.

(b) The Attorney General may designate as a place of confinement any available, suitable, and appropriate institution or facility, whether maintained by the Federal Government or otherwise, and whether within or without the judicial district in which the person was convicted, and may at any time transfer a person from one place of confinement to another.

(c) The Attorney General may extend the limits of the place of confinement of a prisoner as to whom there is reasonable cause to believe he will honor his trust, by authorizing him, under prescribed conditions, to—

(1) visit a specifically designated place or places for a period not to exceed thirty days and return to the same or another institution or facility. An extension of limits may be granted only to permit a visit to a dying relative, attendance at the funeral of a relative, the obtaining of medical services not otherwise available, the contacting of prospective employers, or for any other compelling reason consistent with the public interest; or

(2) work at paid employment or participate in a training program in the community on a voluntary basis while continuing as a prisoner of the institution or facility to which he is committed, provided that—

(i) representatives of local union central bodies or similar labor union organizations are consulted;

(ii) such paid employment will not result in the displacement of employed workers, or be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for services; and

(iii) the rates of pay and other conditions of employment will not be less than those paid or provided for work of similar nature in the locality in which the work is to be performed.

A prisoner authorized to work at paid employment in the community under this subsection may be required to pay, and the Attorney General is authorized to collect, such costs incident to the prisoner's confinement as the Attorney General deems appropriate and reasonable. Collections shall be deposited in the Treasury of the United States as miscellaneous receipts.

(d) The willful failure of a prisoner to remain within the extended limits of his confinement, or to return within the time prescribed to an institution or facility designated by the Attorney General, shall be deemed an escape from the custody of the Attorney General punishable as provided in chapter 35 of this title.

(e) The authority conferred upon the Attorney General by this section shall extend to all persons committed to the National Training School for Boys.

(f) As used in this section—

the term "facility" shall include a residential community treatment center; and

the term "relative" shall mean a spouse, child (including step-child, adopted child or child as to whom the prisoner, though not a natural parent, has acted in the place of a parent), parent (including a person who, though not a natural parent, has acted in the place of a parent), brother, or sister.

June 25, 1948, c. 645, 62 Stat. 850; Sept. 10, 1965, Pub.L. 89-176, § 1, 79 Stat. 674.

Historical and Revision Notes

Reviser's Note. Based on Title 18, U.S.C., 1940 ed., § 753f (May 14, 1930, c. 274, § 1; 46 Stat. 326; June 14, 1941, c. 204, 55 Stat. 232; Oct. 21, 1941, c. 453, 55 Stat. 232).

Words "by the juvenile court of the District of Columbia, as well as to those committed by any court of the United States," at end of section were omitted as unnecessary, and word "all" inserted before "persons", without change of meaning.

Provision against penitentiary imprisonment for a term of 1 year or less without consent of defendant was incorporated in section 4083 of this title.

The phrase "if in his judgment it shall be for the well-being of the prisoner or where overcrowded or unhealthful conditions in the institution where such person is confined or for other reasons", was omitted as unnecessary.

Changes were made in phraseology. This section supersedes section 705 of Title 18 U.S.C., 1940 ed., providing for execution of sentences in houses of correction or reformation; and section 748 of Title 18 U.S.C., 1940 ed., providing for placement of prisoners in United States Penitentiary Barracks. 80th Congress House Report No. 304.

1965 Amendment. Subsec. (a). Pub.L. 89-176 designated as subsec. (a) the former first unnumbered paragraph of the section and removed "or his authorized representative" following "Attorney General of the United States".

Subsec. (b). Pub.L. 89-176 designated as subsec. (b) the former second and third unnumbered paragraphs of the section, added "or facility" following "appropriate institution", substituted "may at any time transfer a person from one place of confinement to another" for "may order any inmate transferred from one institution to another", and made minor changes in language.

Subsecs. (c), (d). Pub.L. 89-176 added subsecs. (c) and (d).

Subsec. (e). Pub.L. 89-176 designated as subsec. (e) the former fourth and last unnumbered paragraph of the section.

Subsec. (f). Pub.L. 89-176 added subsec. (f).

Legislative History. For legislative history and purpose of Pub.L. 89-176, see 1965 U.S. Code Cong. and Adm. News, p. 3076.

Cross References

- Commitment of juvenile delinquents to custody of Attorney General, see section 5034 of this title.
- Expenses of transferring prisoners at prison camps, see section 4125 of this title.
- Expenses of transportation of prisoners, see section 4008 of this title.
- Penitentiary imprisonment for term of one year prohibited except with consent of defendant, see section 4053 of this title.
- Transfer of Federal prisoner to State penal or correctional institution, see section 4085 of this title.

Forms

Form of judgment and commitment, see form 25.

18 § 4081 CRIMES AND CRIMINAL PROCEDURE

of misdemeanor sentences in event mandatory release was revoked, and where judicial review would as a practical matter be foreclosed because of the relatively short time remaining to be served on the misdemeanor sentences. Robinson v. McCune, C.A.Kan.1978, 536 F.2d 1340.

Judicial review of management of federal penal institutions will be granted only upon a showing that the prison officials have exercised their discretionary power in such a manner as to constitute a clear abuse or caprice. Marchesani v. McCune, C.A.Kan.1978, 531 F.2d 459, certiorari denied 87 S.Ct. 127, 429 U.S. 848, 50 L.Ed.2d 117.

It is basic rule that control and management of federal penal institutions lies within sound discretion of responsible administrative agency and judicial review will be granted only upon showing that prison officials exercised their discretionary power in such manner as to constitute clear abuse or caprice. Harness v. Day, D.C.Okla.1976, 428 F.Supp. 18.

Generally, basic responsibility for control and management of penal institutions, including discipline, treatment and care of those confined, lies with Attorney General and is not subject to judicial review unless exercised in such manner as to constitute clear abuse and caprice on part of prison officials. Ker-

micle v. Day, D.C.Okla.1976, 428 F.Supp. 18.

8a. Habeas corpus. Where petitioner, incarcerated at federal correctional institute, was classified as a "Central Monitoring Case" pursuant to a procedure that did not meet minimum due process standards, inmate was entitled to a writ of habeas corpus unless within 30 days the "Central Monitoring Case" classification was expunged. Coppola v. U. S. Atty. Gen., D.C.Conn.1977, 455 F.Supp. 13.

Where inmate of federal correctional institute alleged, in petition for writ of habeas corpus, that he had been classified as a "Central Monitoring Case," procedures that did not meet minimum due process requirements and that the classification had resulted in the denial of his application for a furlough, allegations of injury were sufficient to constitute standing to challenge the classification procedures. Id.

9. Discretion in classification. Prison officials must have broad discretion, free from judicial intervention in classifying prisoners in terms of their custodial status. Jones v. U. S., C.A.F.D. 1976, 534 F.2d 33, certiorari denied 97 S.Ct. 487, 429 U.S. 978, 50 L.Ed.2d 588.

§ 4082. Commitment to Attorney General; residential treatment centers; extension of limits of confinement; work furlough

[See main volume for text of (a) and (b)]

(c) The Attorney General may extend the limits of the place of confinement of a prisoner as to whom there is reasonable cause to believe he will honor his trust, by authorizing him, under prescribed conditions, to—

- (1) visit a specifically designated place or places for a period not to exceed thirty days and return to the same or another institution or facility. An extension of limits may be granted to permit a visit to a dying relative, attendance at the funeral of a relative, the obtaining of medical services not otherwise available, the contacting of prospective employers, the establishment or reestablishment of family and community ties or for any other significant reason consistent with the public interest; or

[See main volume for text of (c)(2) to (f)]

As amended Dec. 28, 1973, Pub.L. 93-209, 87 Stat. 907.

1973 Amendment, Subsec. (c)(1). Pub. L. 93-209 provided for extension of limits to permit the establishment or reestablishment of family and community ties and deleted word "only" following "may be granted".

EXECUTIVE ORDER NO. 11755

Dec. 29, 1973, 39 F.R. 779

PRISON LABOR

The development of the occupational and educational skills of prison inmates is essential to their rehabilitation and to their ability to make an effective return to free society. Meaningful employment serves to develop those skills. It is also true, however, that care must be exercised to avoid either the exploitation of convict labor or any unfair competition between convict labor and free labor in the production of goods and services.

paid employment in the community during their terms of imprisonment under conditions that protect against both the exploitation of convict labor and unfair competition with free labor.

Several states and other jurisdictions have similar laws or regulations under which individuals confined for violations of the laws of those places may be authorized to work at paid employment in the community.

Under section 4082 of title 18 of the United States Code [this section], the Attorney General is empowered to authorize Federal prisoners to work at

Executive Order No. 325A, which was originally issued by President Theodore Roosevelt in 1905, prohibits the employment, in the performance of Federal contracts, of any person who is serving

POCKET FACT →

OPI : CORRECTIONAL PROGRAMS
Number : 5328.6
Date : November 10, 1980
Subject : WORK/STUDY RELEASE

Program Statement

EFFECTIVE DATE: December 15, 1980

1. [PURPOSE AND SCOPE §570.10. The Bureau of Prisons uses Work and Study Release programs to allow selected inmates, in preparation for release from confinement, to attend school or to work in the local community during the day, returning to the institution at night. An inmate may not work as a strikebreaker or under working conditions at less than acceptable minimum standards, or in any other situation which, in the Warden's judgment and discretion, could evoke adverse public response towards the inmate, the Bureau of Prisons, or the government.]

Each job must meet acceptable community employment standards and must adequately fulfill the program goals for the inmate involved.

2. DIRECTIVES AFFECTED.

a. Directive Rescinded:

P.S. 5328.3, Work/Study Release Policies and Procedures.

b. Directives Referenced:

P.S. 5190.2, Central Inmate Monitoring System.

P.S. 7300.1, Community Programs Manual.

P.S. 5354.1, Postsecondary Education Programs for Inmates.

P.S. 5300.6, Inmate Programs Reporting System.

P.S. 5270.3, Inmate Discipline.

c. Rules cited in this Program Statement are contained in 28 CFR 570.10-24.

3. [DEFINITIONS §570.11. The term "work and study release" means an inmate's authorized absence from an institution other than a community treatment center, for the purpose of employment or to participate in an academic or vocational education activity.]

Work Release and Study Release are correctional tools to serve offenders whose needs may be met by resources available in the community. Inmate release needs fall in two categories:

a. Temporary - To secure release funds and/or as an extension of institutional training or education.

b. Permanent - Entry or return into stable employment or educational programs.

Bracketed Italics - Rule

Regular Type - Implementing Information

Category (a) is applicable to the bulk of participants with (b) applicable only to those inmates whose release residence will be the local community. Where suitable contract residential facilities exist, or can be developed in a candidate's home area, staff ordinarily may not place the inmate in the institutional Work/Study Release program.

4. ADMINISTRATION §570.12.

a. Except as provided in §570.16, the Warden may approve an inmate's placement for Work or Study Release, or may remove the inmate from such participation. The Warden may not further delegate this authority.

Placement in a Work/Study Release program is limited by the conditions established at the time of approval. Any modification to the program plan requires a new approval by the authorizing authority.

Chief Executive Officers are delegated authority to implement this Program Statement. The Central or Regional Office retains the approval authority for specific types of Work/Study Release cases in accordance with the provisions of §570.16 (page 4 of this Program Statement). Questionable Work/Study Release placements are to be referred to the Regional Office, Attention: Correctional Programs Administrator.

Administrative responsibility for a Work/Study Release program may be delegated to an Associate Warden. Daily operational responsibility for managing Study Release may be delegated to the Supervisor of Education. Operational responsibility for managing Work Release may be delegated to the respective inmate's Unit Manager.

b. An inmate participant in a community program remains in the custody of the Attorney General. The Warden shall credit time during which an inmate participates in a community program toward service of the inmate's sentence. The Warden shall process an inmate who absconds from a community placement as an escaped federal prisoner. The Warden may subject an inmate who violates the conditions of a community program to disciplinary action as provided in Part 541, Subpart B.]

Part 541, Subpart B refers to the Bureau's policy on Inmate Discipline.

5. COMMUNITY RELATIONS. It is essential that the Chief Executive Officer (Warden) and staff promote public understanding and support for the Work/Study Release program wherever it exists. In part, this is a matter of developing and maintaining a communication network for the purpose of imparting basic information, interpreting the aims of Work/Study Release and explaining its role in the total correctional process. It is important that institutions take this into account in designing staff training and development programs.

It is no less important that the official and other important segments of the community be kept advised of progress, modifications and program innovations. To realize the program's full potential and to guard against any tendency on the part of employers and others to over-protect Work/Study Release inmates, the understanding and continuing good will of community groups must be maintained.

In line with the requirement that consultation with unions be carried out before inmates are placed in Work Release positions, it is emphasized that this requirement applies to government employee unions, as well as those in private industry. It is the responsibility of each Chief Executive Officer to ensure that these consultations are carried out as prescribed.

c. [PROGRAM PARTICIPATION §570.13. The Warden may consider an inmate for placement in a Work or Study Release program under the following procedure and conditions:

- a. The inmate makes written application for placement;*
- b. The inmate has community custody status;*
- c. The Warden determines that the inmate is physically and mentally capable of performing the proposed work or study;*

The candidate for Work Release shall be in good health and physically able to perform the proposed assignments. This requirement should not preclude the use of Work Release as an unusual opportunity to aid a physically handicapped person in obtaining community employment consistent with the inmate's capabilities.

Inmates with serious emotional or personality defects will be excluded from Work/Study Release. However, Work/Study Release may be considered under limited circumstances for others who are mentally or emotionally handicapped and who are not dangerous to others when it is apparent that community employment or training will significantly aid their post-release adjustment.

d. The Warden determines that the inmate has demonstrated a level of responsibility which provides reasonable assurance that the inmate will comply with the requirements of a placement;

e. The Warden finds the proposed placement appropriate under this subpart; and]

There are no general restrictions on the kinds of work release jobs for which candidates may be considered. The expectation is that the job selected will best fulfill the purpose of Work Release in each case, consistent with the fact that the employed inmate is still in custody. Good employment placement will give preference to jobs that are related to prior training, work experience, or institutional training and may be suitable for continuing post-release employment. The "break-even" point between wages and expenses will tend to eliminate temporary, part-time, and intermittent employment, except when combined with a study release program.

f. The Warden verifies the conditions of the proposed placement.

g. [LIMITATIONS TO PROGRAM PARTICIPATION §570.14.

a. Except as provided in paragraph (b) of this section, the Warden may not consider for placement in a Work or Study Release program:]

[1. An inmate who will not be within 6 months of a probable date of release from confinement at the time of the program placement;]

The optimum placement period is usually 3 to 6 months from a probable release date.

[2. An inmate who is to be transferred to a community program facility, such as a community treatment center or work release facility, in the inmate's area of release;

3. An inmate who has a history of violent or assaultive behavior; or

4. An inmate convicted of an offense which involved a violation of financial trust.

b. When the Warden determines that an inmate needs a Work or Study Release program placement and that the community will not be endangered thereby, the Warden may make an exception to any of the limitations in paragraph (a) of this section.

c. An inmate may not participate in Study Release on a full-time basis in excess of one academic year without the approval of the Warden and Regional Director.]

The Regional Correctional Programs Administrator is ordinarily delegated the authority to approve such participation on behalf of the Regional Director. When Study Release is on a part-time basis, the time limitations in paragraph (a) of this section shall apply.

[TRANSFERS §570.15. When an institution does not have a Work/Study Release program, the Warden may recommend an inmate for transfer to another institution which does operate a Work/Study Release program, provided all other eligibility requirements for transfer are met.]

Instructions pertaining to transfers to non-federal facilities, see the Community Programs Manual.

[CASES REQUIRING SPECIAL APPROVAL §570.16.

a. An inmate convicted of a serious crime against persons, and whose presence in the community could attract undue public attention, create unusual concern, or indicate the seriousness of the offense, must have approval of the Regional Director prior to participation in Work or Study Release.

b. An inmate tentatively designated or confirmed as a Central Monitoring Case must have approval as authorized in the Bureau of Prisons rule on Central Inmate Monitoring Cases in order to participate in a Work or Study Release program.

[TRANSPORTATION AND SUBSISTENCE §570.17.

a. All transportation arrangements require approval of the Warden. An inmate must use and pay for commercial transportation to and from the program placement. Arrangements for transportation to and from the program placement require prior approval of the Warden.]

[b. Under 18 USC 4082(c)(iii), "... A prisoner authorized to work at paid employment in the community under this subsection may be required to pay, and the Attorney General is authorized to collect, such costs incident to the prisoner's confinement as the Attorney General deems appropriate and reasonable. Collections shall be deposited in the Treasury of the United States as miscellaneous receipts."

c. The Warden may waive transportation and subsistence costs under paragraphs (a) and (b) of this section when the Warden determines that the costs would unduly burden the inmate financially. Such waivers of transportation and/or subsistence requirements shall be documented.

d. An inmate may not reimburse the Government for expenses of Work or Study Release except as provided in paragraphs (a) and (b) of this section.]

All financial transactions shall be conducted in accordance with standard policies and procedures as outlined in the Accounting Management Manual.

11. CLOTHING §570.18. The Warden shall provide an inmate who is approved for Work or Study Release placement with appropriate attire for the placement. The inmate may purchase supplemental or replacement clothing with personal funds through regular institutional commissary procedures or directly from outside commercial sources. The inmate may not wear clothing acquired through the program placement inside the institution unless authorized by the Warden to do so. The Warden shall make special arrangements for an inmate to have access to a locker and change of clothing.

12. EXPENSES §570.19.

a. The inmate, his family, or other sources approved by the Warden shall bear all expenses incidental to a Work or Study Release program, such as the cost of meals in the community, laundry fees for clothing, cost of special equipment, etc.]

The institution may provide laundry service for Work/Study Release clothing provided the same supervisory control is exercised over these civilian style clothes as is now exercised over officers' uniform clothing. Generally, this service is extended with the initial issue and is continued until the Work/Study Releasee gets established on the job and earnings are received. Then the use of a commercial laundromat or other alternative arrangement may be worked out by the Work/Study Releasee with the Work/Study Release Coordinator. Payment for such services should be directed to the commercial firm by the Work/Study Releasee or through the Coordinator at the time the laundry is picked up or as soon thereafter as possible. The institution may not get involved in contributing to the vendor through institution accounts. The Work/Study Release Coordinator will be responsible for arranging pick-up and delivery schedules and making other arrangements as required.

[b. An inmate who has sufficient personal financial resources shall bear the cost of his Study Release program. The Bureau of Prisons may participate in payment of educational courses which lead directly to the development or increase of a valuable occupational skill in accordance with the provisions of the Bureau of Prisons rule on Postsecondary Education Programs for Inmates.]

13. [SUPERVISION OF AN INMATE ON WORK OR STUDY RELEASE §570.20. Staff shall monitor an inmate on a Work or Study Release placement to ensure the appropriateness of the placement and to assess the performance of the inmate.]

Staff shall make field checks at reasonable intervals on Work/Study Release placements. While these are not to disturb the training or work programs, the field check is intended to allow staff to monitor a person in the program, to assure that the placement is satisfactory, and to develop and maintain a relationship in which responsibilities for the program are shared.

14. [GUIDANCE AND COUNSELING §570.21. Staff shall make guidance and counseling services available to a Work/Study Release inmate.]

Often there will be special and/or immediate needs for such services arising from problems on the job and working conditions, in addition to the usual range of personal and family matters. Casemanager duty hours should be scheduled to permit no less than weekly contact with all Work/Study Releasees. These contacts will ordinarily include group and/or individual guidance.

15. [WORK/STUDY RELEASE GOOD TIME §570.22. Extra good time for an inmate in work or study release programs is awarded automatically, beginning on the date the inmate is assigned to the program and continuing without further approval as long as the inmate is participating in the program, unless the award is disallowed.]

See 28 CFR §523.12 - P.S. 5881.1, Extra Good Time.

16. [TERMINATION §570.23. The Warden in his discretion may terminate an inmate's participation in a Work or Study Release program for any of the following causes:

- a. Completion of the program by the inmate;
- b. The inmate's misconduct or willful negligence;

The approval for and removal of an inmate from Work/Study Release is a case management decision.

[c. Cancellation of a placement for reasons beyond the inmate's control, e.g., budget cutbacks, job layoffs, etc.; or

d. Other sound correctional reasons, documented in the record.]

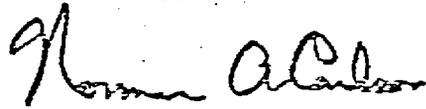
17. [COMPENSATION FOR INJURY §570.24. The Federal Government assumes no responsibility for injury received by an inmate on Work or Study Release. However, the Government shall provide needed medical treatment so long as the inmate remains in the custody of the Attorney General.]

Since a Work Releasee who is injured on the job is not employed by Federal Prison Industries, Inc., nor involved in any work activity in connection with the maintenance or operation of the institution where confined, the Work Releasee is not eligible for compensation under the Inmate Accident Compensation procedures.

Generally, Work Release inmates who are injured in work related accidents will be covered by state workmen's compensation laws. Such compensation laws vary between states and many states exempt employers having fewer than a specified number of employees. We have no standing to insist that employers or prospective employers be covered by workmen's compensation. Inmates assigned to Work Release shall be advised in writing that in the event of an on-the-job accident, any claims arising will be a matter between employee and employer.

18. REPORTS AND RECORDS. It shall be the responsibility of the Unit Team to coordinate essential documentation of the Work/Study Release program. It is important that planning for Work/Study Release placement begin at initial classification. Classification Studies, Progress Reports and other communications must clearly explain the purpose for placement in, and removal from, community-based programs. Progress in a Work/Study Release program will be documented and interpreted in a Progress Report with reference to readiness for parole, treatment needs, relevance to release planning, and relationship to goals set at the time of initial classification.

Institutions need only to complete IPRS Forms 6.1 and 6.2 to satisfy all Central Office reporting requirements for Work Release and Study Release.



NORMAN A. CARLSON
Director

① *Senex Kirby*

THE WHITE HOUSE
WASHINGTON



Kirby

KEN CRIBB

THE WHITE HOUSE
WASHINGTON

Date 8/12

MEMORANDUM

FOR: John Roberts
FROM: H.P. Goldfield
Associate Counsel to the President

- For your information
- For your review and comment
- As we discussed
- For your files
- Please see me
- Return to me after your review

Comment

Neither EPA Counsel, Morris
Kay nor Becky Norton Dunlop
(PPO) has any problem with EPA
releasing these documents pursuant
to a FOIA request. The only
thing left to check is the
(over)

position itself - i.e. non-career
853 with Joe Morrison to make
sure the paperwork is
appropriate. Then just give Tom
Danner at EPA a call.
Thanks. H.

To HP
 Date 8-12 Time 2:15

WHILE YOU WERE OUT
 M. Becky Dunlop
 of _____
 Phone 6440

Area Code	Number	Extension
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL <input checked="" type="checkbox"/>
CALLED TO SEE YOU	<input checked="" type="checkbox"/>	WILL CALL AGAIN
WANTS TO SEE YOU	<input type="checkbox"/>	URGENT

RETURNED YOUR CALL

Message _____

Operator _____

To HP
 Date 8-8 Time 9:15

WHILE YOU WERE OUT
 M. Tom Darnier
 of EPA
 Phone 382-5460

Area Code	Number	Extension
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL <input checked="" type="checkbox"/>
CALLED TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN
WANTS TO SEE YOU	<input type="checkbox"/>	URGENT

RETURNED YOUR CALL

Message _____

Operator _____

ROUTING AND TRANSMITTAL SLIP

Date 8/2/83

TO: (Name, office symbol, room number, building, Agency/Post)	initials	Date
1. <u>Joe Ryan</u>		
2.		
3.		
4.		
5.		

3825460

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

Attached are two White House forms on Morris Kay that have been requested under the Freedom of Information Act. Our General Counsel recommends that if you and Morris Kay have no problem with our releasing these items that we should do so. They feel that the description of these items would be more provocative than the forms themselves. I showed the forms to Morris. He has no problem with the information (including

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
<i>social security number, etc.) being released. Does your office?</i>	Phone No.

5041-102

Diane Boyle

OPTIONAL FORM 41 (Rev. 7-76)
 Prescribed by GSA
 FPMR (41 CFR) 101-11.206

The Kansas City Times

1319 F Street, N.W., Suite 501

Washington, D. C. 20004

(202)393-2020

Geralene Green
Freedom of Information officer
Environmental Protection Agency
Washington, DC

5 July 1983
~~Mr. Hardy (10 AM)~~
One 7/21/83 Mrs. Bazzle (OA)
RIN 6822-83 00

Dear Mrs. Green:

Under the provisions of the Freedom of Information Act, 5 U.S.C. 552, I am requesting access to agency records regarding the appointment of Morris Kay as regional administrator, Kansas City regional office, for the EPA.

"Documents" refers to all hand-written, typed, printed, recorded, transcribed copies or reproductions of every kind and description. This includes letters, memoranda, telegrams, notes, reports, background checks, details of accounts, minutes, work sheets and any other tape or other compilation that information can be obtained.

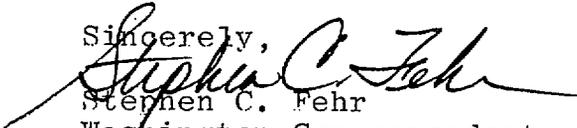
I am interested in seeing documents regarding Mr. Kay's appointment that circulated within the agency. If these documents include letters from persons outside the agency, such as U.S. Sen. Bob Dole and Nancy Landon Kassebaum, I also would like to see those.

As you know, the Act permits you to reduce or waive the fees when the release of the information is considered "as primarily benefiting the public." I believe this request fits that category.

If all or part of this request is denied, please cite the specific exemptions and inform me of the agency's appeal procedure.

I would look forward to your handling this request as quickly as possible, and I look forward to hearing from you within 10 working days as the law stipulates.

Sincerely,


Stephen C. Fehr
Washington Correspondent
The Kansas City Times

EX-100

JUL 7 1983

Freedom of Information Act
Office of the Administrator

WITHDRAWAL SHEET

Ronald Reagan Library

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Roberts, John

Withdrawer

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PPO NON-CAREER APPOINTMENT FORM-IN
HOUSE USE ONLY

Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

B-3 Release would violate a Federal statute [(b)(3) of the FOIA]

B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]

B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]

B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]

B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]

B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

E.O. 13233

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

POLITICAL ACTIVITIES

Republican nominee for U. S. Congress, 1982
Site Selection Committee, 1984 Republican Convention
Republican National Committee, 1979-1982
Reagan delegate, 1980 Republican National Convention
Elected Republican State Chairman, 1979; re-elected 1981
Republican nominee for Governor, 1972
Majority Floor Leader, Kansas House of Representatives, 1970-'72
Elected to three terms in the Kansas House of Representatives
1966 - '72

MORRIS KAY

Residence address: 2832 Tomahawk Drive, Lawrence, Kansas 66044
Office address: 2500 W. 6th, Suite D, Lawrence, Kansas 66044

Residence phone: 913/843-6005
Office phone: 913/843-7114

Age: 50, Born St. John, Kansas, July 31, 1932

Married: Former Judy Cook of Silver Lake, Kansas. Four children, Brad, 25; Larry, 20; Jerry, 18; Lisa, 13.

Education: Graduated from University of Kansas, 1954, B.S. Degree in Education.

One year study course in management through Life Insurance Agency Management Association, 1963.

C.L.U. designation from American College of Life Underwriters, 1965

Background: 27 years of business, management and professional experience, as well as political experience which include multi-public appearances speaking to business, professional and public groups.

Served two years in the U. S. Army

Business: Entered the life insurance business full time in 1957.

Regional Vice President for National Guardian Life Insurance Company 1963-1980.

Partner to Insurance Managers Association with offices in Lawrence.

Maintains farming and other business interests in Kansas.

Political Activities: Republican nominee for U. S. Congress, 1982
Site Selection Committee, 1984 Republican Convention
Republican National Committee, 1979-1982
Reagan delegate, 1980 Republican National Convention
Elected Republican State Chairman, 1979; re-elected 1981
Republican nominee for Governor, 1972
Majority Floor Leader, Kansas House of Representatives, 1970-'72
Elected to three terms in the Kansas House of Representatives, 1966-'72

Activities: Member of First Methodist Church - past President of Methodist Men's Group - past member of Church Board.
President of Lawrence Chamber of Commerce in 1970
Lawrence Jaycees Distinguished Service Award for outstanding community service in 1968
Alumni Association of University of Kansas
Masonic Lodge

Activities:
(cont'd.)

State and Local Life Underwriters Association
Cosmopolitan International Civic Club - President in 1962 -
awarded "Man of the Year" award in 1959
Director Lawrence National Bank and Trust Company
Served 6 years as a member of Kansas Advisory Council,
Kansas State Geological Survey
Salvation Army Board

Hobbies:

Active sports fan - enjoys playing golf and handball.

THE WHITE HOUSE

WASHINGTON

December 14, 1982

MEMORANDUM FOR: Clif Miller
Special Assistant to the Administrator
Environmental Protection Agency

FROM: John E. Schrote
Deputy Director
Presidential Personnel

SUBJECT: Morris Kay, SES
Regional Administrator, Region VII

Thank you for the opportunity to comment on the above candidate and position.

We concur with your proposal and recommend your proceeding with this action.

THE WHITE HOUSE

WASHINGTON

January 4, 1984

MEMORANDUM FOR THE FILES

FROM: JOHN G. ROBERTS *JGR*
SUBJECT: Surrogate Speakers Request

After discussing this inquiry with Mr. Hauser, I advised Hutton that the White House should not assist Louis Harris and Associates, Inc., in filling the program for that company's for-profit symposium. Harris should be advised to contact Secretary Regan and Director Stockman directly, and those officials can decide if it is in the interest of their agencies to appear before Harris' group.

cc: Sherrie Cooksey

THE WHITE HOUSE

WASHINGTON

January 3, 1985

MEMORANDUM:

TO: SHERRIE COOKSEY

THROUGH: FREDERICK J. RYAN, JR.

FROM: DEBBIE HUTTON *jh*

SUBJECT: Surrogate Speakers Request

PLEASE PROVIDE YOUR RECOMMENDATION AND COMMENTS ON THE FOLLOWING REQUEST UNDER CONSIDERATION:

Event: Meeting and Remarks with Financial and Corporate Leaders sponsored by Louis Harris and Associates, Inc.

Date: January 8, 1985 - at 8:15 am and 10:15 am

Location: Madison Hotel, Washington, DC

Background: See attached. The request for a photo with the President has been regretted, and Mike McManus' office has requested our help in securing Secretary Regan to speak at 8:15 am and David Stockman at 10:15 am on 1/8 to talk about the budget and tax simplification. Those gathering are clients of Mr. Harris' (he holds this meeting every year) and Mr. Harris' has assured this office that all remarks will be off-the record during each question and answer session which will be chaired by Mr. Harris. Shall we pursue this with Secretary Regan and Director Stockman?

RECOMMEND ACCEPT _____

RECOMMEND WHITE HOUSE STAFF _____

RECOMMEND REGRET _____

RECOMMEND CABINET MEMBER _____

RECOMMEND SUB-CABINET MEMBER _____

RESPONSE DUE _____ ASAP.

LOUIS HARRIS AND ASSOCIATES, INC.

630 FIFTH AVENUE

NEW YORK, NEW YORK 10111

TEL: (212) 975-1600 TELEEX: 148383

WASHINGTON, D. C.

SAN FRANCISCO

LONDON

PARIS

December 7, 1984

Mr. Michael A. McManus
Deputy Assistant to the
President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mike:

This will follow up on our conversation of the other day. During the week of January 7th, 1985, over a two day span, I plan to hold some top level conferences with 40 of our top clients from the financial and corporate world in Washington. During this time, we will have sessions with the Chairman of the Federal Reserve, the Speaker of the House, the Majority Leader of the Senate, and other top leaders in the Executive Branch and Congress.

To a man, the group would like nothing more --- and would change their plans and dates --- if it were possible to hold a session in the White House, where they could get a briefing on where the economy is headed, the question of cuts in spending and the deficit, taxes, and matters close to where they live.

But, most of all, they would like to have some contact with the President. My own view is that if he could just drop in, not to address them or to answer any questions, but just to have a group picture with them, that in itself would mean more than all the other experiences put together. As you can imagine, they all voted for the President, I'm sure contributed to his campaign, and to have such a group picture taken would be an important event in their lives.

Most of the people coming will be from the financial world. They constitute the core of the actual money managers, who in the aggregate manage \$700 billion of the pension funds and other assets. They make or break the financial markets. While they work for banks, investment banking firms, and other institutions, they make the investment decisions for their companies, not the Chief Executive Officers of those institutions.

From their recent behavior on Wall Street, obviously they need some reassuring, so I think there would be some highly positive effect from their visit to the White House.

LOUIS HARRIS AND ASSOCIATES, INC.

Mr. Michael A. McManus
December 7, 1984
Page 2

The corporate people also come from some of the most important and prestigious companies, including AT&T, Exxon, and Philip Morris. Stan Scott of Philip Morris, whom I believe you know, is working closely with me on this program.

I would deeply appreciate it if we can work this out. You name the time any time during the week of January 7th, and the people will be there. All the other meetings will be arranged around this pivotal visit.

Best,

Lou Harris
Louis Harris