

President Ronald Reagan Oral History Project

Briefing Materials

Fred F. Fielding

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FRED F. FIELDING NEWS TIMELINE

Prepared by Darby A. Morrisroe

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- 1961** Fielding receives an A.B., with honors, from Gettysburg College.
- 1964** Fielding graduates from the University of Virginia School of Law, where he served on the Editorial Board of the *Virginia Law Review*.
- After graduation, Fielding joins the Philadelphia firm of Morgan, Lewis & Bockius as an Associate.
- 1965** Fielding serves in the U.S. Army, rising to the rank of Captain.
- 1967** Fielding returns to Morgan, Lewis & Bockius as an Associate.
- 1970** Fielding joins the Nixon Administration as Associate Counsel to the President.
- 1974** Fielding is named Deputy Counsel to the President.
- Fielding again returns to Morgan, Lewis & Bockius, this time in the firm's Washington, D.C. office, where he becomes a Partner.
- 1980** Fielding participates in the Reagan-Bush campaign as a member of the Thursday Night Group and the Lawyers for Reagan Advisory Group.
- November* After the election, Fielding is named Conflict of Interest Counsel for the transition. He also serves on the Transition Team for the Office of Counsel to the President and as the Transition Team Leader for the Office of Government Ethics.
- December* On the 8th, in an effort to “bend over backwards” to insure compliance with ethics regulations, transition officials create five groups, comprised of forty volunteer lawyers, to handle “legal problems arising on questions of conflict of interest and other issues.” (*National Journal*, 12/13/1980)
- 1981**
- January* Reagan is inaugurated as President on the 20th.
- On the 21st, M. Peter McPherson is selected to serve temporarily as acting Counsel to the President. McPherson was General Counsel to the transition. (*National Journal*, 2/13/1982)
- Reagan names Fielding Counsel to the President on the 29th. Fielding accepts the position with the understanding that he could not “commit for the full (four-year)

term.” Fielding will report to Chief of Staff James A. Baker, III. (*The Washington Post*, 1/30/1981; *National Journal*, 2/13/1982)

February On the 10th, Fielding and Attorney General William French Smith exchange memos outlining the procedure to be followed by White House staff in contacting anyone in the Department of Justice (DOJ). In an effort to avoid what might be perceived as “improper attempts to influence (the Justice Department’s) legal judgment,” all White House inquiries regarding cases or investigations must be approved by the counsel’s office. (*National Journal*, 2/13/1982)

March Fielding says that in selecting judges for the District of Columbia, “competence,” rather than affirmative action, will be the central factor for the new Administration. The President is given the authority to choose District judges from a list of nominees proposed by the D.C. Judicial Nomination Commission. “We are not going to make the decisions based exclusively on factors other than competence,” says Fielding. “The most important thing is the quality of the bench – judicial temperament and competency.” (*The Washington Post*, 3/12/1981)

On the 20th, Fielding’s two Deputies, Richard A. Hauser and Herbert E. Ellingwood, are announced. (*National Journal*, 2/13/1982)

Supreme Court Justice Potter Stewart privately tells Vice President George Bush that he wishes to leave the Court. Attorney General Smith is also informed of the news. Intervening events delay Reagan’s notification until April. (*The Washington Post*, 7/8/1981)

On the 31st, John Hinkley Jr. shoots Reagan during an attempted assassination. As the President undergoes surgery at George Washington University Hospital, Fielding and Attorney General Smith brief the Cabinet in the White House Situation Room on the 25th Amendment and the rules governing presidential succession. Commenting later on the level of transfer of nuclear command authority to Vice President Bush on the day of the assassination, Fielding remarks, “I’m confident that the command authority procedures that we have established cover every contingency.” He further emphasizes that “the national command authorities are only applicable to a limited number of military situations.” (*The Washington Post*, 4/5/1981)

April Recovering from wounds sustained during the assassination attempt, Reagan is told of Supreme Court Justice Potter Stewart’s intention to resign from the Supreme Court on the 21st. Among those who will play central roles in the selection process for his replacement are Fielding, Attorney General Smith, Counselor to the President Edwin Meese, III, Chief of Staff James Baker, III, Deputy Chief of Staff Michael Deaver, and Deputy Attorney General Edward C. Schmults. (Henry J. Abraham, *Justices, Presidents, and Senators: A History of the U.S. Supreme Court Appointments from Washington to Clinton*, Lanham, MD:

Rowman & Littlefield Publishers, Inc., 1999, p. 283; *The New York Times*, 7/1/1981)

May

On the 7th, Reagan eliminates by executive order the citizen “merit” commissions set up by Carter to propose federal judicial nominees. Fielding says the panels “just really haven’t proven satisfactory. They didn’t really depoliticize the nominating process, they sometimes resulted in delays, and they did not produce judges of higher quality.” (*The New York Times*, 5/8/1981)

In the wake of allegations that he used his father’s name to solicit Air Force business for his military contractor employer, President Reagan’s son Michael resigns from his job. President Reagan asks Fielding to advise his son and family on how to prevent “even the appearance of impropriety.” (*The New York Times*, 5/15/1981)

Reagan announces that he will not rule out “black bag jobs” in future national security cases. Responding to an ACLU request for a presidential directive prohibiting surreptitious entries in national security cases, Fielding says, “President Reagan believes it would be neither necessary nor prudent” to issue such a “blanket directive.” (*The Washington Post*, 5/15/1981)

On the 16th, the White House announces the appointment of Philip Lacovara to the D.C. Judicial Nomination Commission, replacing Carter appointee William A. Borders. Borders, who has four years remaining on his five-year term, argues the new appointment is illegal and pledges to file suit to prevent Lacovara from taking his seat. Commenting on the decision, Fielding says, “We would not have made this step if we did not think we were on sound legal ground to do so. The President felt he was entitled to have his own person representing the White House and the Administration on that nomination board. The person nominated as the President’s representative really should be his representative.” (*The Washington Post*, 5/21/1981)

Justice Stewart personally informs President Reagan of his decision to retire during a meeting in the Oval Office on the 18th. (*The New York Times*, 6/19/1981)

June

In a surprise statement, Justice Potter Stewart publicly announces his decision to retire at a news conference on the 19th. (*1981 Congressional Quarterly Almanac*, Washington, D.C.; Congressional Quarterly Inc., 1982, p. 409)

On the 23rd, the Attorney General gives Reagan a list of approximately twenty-five possible candidates to replace Justice Stewart. (Abraham, p. 282)

By the end of the month, the list of possible nominees for the Supreme Court vacancy is reduced to five. Included in this group are Arizona Court of Appeals Judge Sandra Day O’Connor, Circuit Court Judge Cornelia Kennedy, Utah Supreme Court Judge Dallin H. Oaks, Circuit Court Judge J. Clifford Wallace and

Yale law professor Robert H. Bork. Fielding begins reviewing past jurisprudence and writings of these candidates. (Abraham, pp. 282-283; *The New York Times*, 7/1/1981)

July On the 7th, Reagan announces his nomination of Sandra Day O'Connor to the Supreme Court. (*1981 Congressional Quarterly Almanac*, p. 409)

On the 21st, Senator Daniel Patrick Moynihan (D-NY) criticizes the White House for failing to turn over to the Senate Intelligence Committee confidential documents relating Director of Central Intelligence William J. Casey's financial dealings. Fielding indicates the Committee members will be given access to the records the following day. (*The New York Times*, 7/22/1981)

August Fielding, Vice President Bush, Secretary of State Al Haig and Attorney General William French Smith all attend the American Bar Association's annual convention in New Orleans. Fielding gives a speech to the judicial administration division. (*The New York Times*, 8/8/1981)

Following a Federal Bureau of Investigation (FBI) background check, O'Connor's nomination is formally submitted to the Senate on the 19th. (*1981 Congressional Quarterly Almanac*, p. 409)

September The Senate Judiciary Committee votes, 17-0, to send O'Connor's nomination to the full Senate for consideration. (*1981 Congressional Quarterly Almanac*, p. 410)

On the 21st, the Senate confirms O'Connor's, 99-0, as the first female Associate Justice of the Supreme Court. (*1981 Congressional Quarterly Almanac*, p. 410)

November It is reported that, on January 21st, Assistant to the President for National Security Affairs Richard Allen received a cash gift \$1,000 intended for Nancy Reagan and gave it to a White House secretary to deposit in a National Security Council (NSC) staff office safe used by Allen. The deposit is intended as an honorarium for Nancy Reagan for an interview she did with a Japanese magazine, *Shufu no Tomo* (The Housewife's Friend). Allen does not inform Mrs. Reagan about putting the money in the safe, and he eventually forgets about it. Its subsequent discovery in the NSC safe prompts an FBI inquiry into the matter. (*The New York Times*, 11/14/1981)

Department of Justice prosecutors announce that they do not think a special prosecutor is warranted in Allen's case. (*The Washington Post*, 11/19/1981)

Fielding says that DCI Casey did not violate any Reagan Administration guidelines in deciding not to create a blind trust for his stock holdings. (*The New York Times*, 11/23/1981)

December In response to an incomplete listing on his financial disclosure statements, Allen says a lawyer in the counsel's office told him he need not list the names of clients who paid less than \$5,000. The White House is unable to locate any lawyer in the counsel's office who had such a conversation with Allen. (*The New York Times*, 12/3/1981)

Administration officials consider a policy change that would allow the IRS to end the practice of denying tax exemptions to organizations that discriminate on the basis of race. Fielding meets with officials from Justice and Treasury on the issue. (*The Washington Post*, 1/17/1982, 2/3/1982)

1982

January Allen submits his resignation to President Reagan on the 4th.

On the 8th, Treasury and Justice Department officials announce that the IRS will allow tax exemptions to organizations that practice racial discrimination. Four days later, the Administration announces plans to seek legislation that would prevent organizations that discriminate from receiving tax exemptions. (*The New York Times*, 1/13/1982)

The First Lady becomes involved in a controversy over her acceptance of dresses "loaned" her by top fashion designers. Critics charge that the gifts prompt ethical concerns, because designers would be rewarded with perks from the Administration. Fielding comments, "I don't think that any designer who has loaned dresses to the First Lady has done so with any such motivation. There is nothing unethical about accepting a gift of clothes unless it would create a conflict of interest." (*The Washington Post*, 1/22/1982)

On the 26th, a majority of the lawyers in the Department of Justice's Civil Rights Division sign a letter of protest to Assistant Attorney General for Civil Rights William Bradford Reynolds objecting to the Administration's decision to allow tax exemptions for organizations that discriminate. The letter argues that the decision "violates existing federal civil rights law, as expressed in the Constitution, acts of Congress and federal court interpretation thereof." (*The Washington Post*, 2/3/1982)

February Claiming executive privilege, Secretary of the Interior James G. Watt rebuffs requests for documents from a House committee investigating a Canadian policy that makes it easier to takeover of U.S. oil companies. Commenting on Watt's refusal to comply with the request, Fielding says, "It was an intergovernmental decision." Negotiations between Fielding and the House Energy and Commerce Committee break down when Chairman John D. Dingell (D-MI) refuses to accept an Administration offer to brief committee members on the documents. (*The Washington Post*, 2/11/1982)

In papers filed by the Justice Department, the Administration asks the Supreme Court to rule on whether private schools that discriminate on the basis of race are legally entitled to tax exemptions. (*The New York Times*, 2/26/1982)

March On the 16th, the White House and the House Energy and Commerce Committee reach an agreement on the provision of Interior Department documents. In exchange for compliance with the subpoena demanding the documents, the House will not press the contempt of Congress charge against Watt. Fielding notes that “it’s important to understand that neither side views this as a precedent.” (*The New York Times*, 3/17/1982)

April William A. Borders, Jr. resigns from the D.C. Judicial Nomination Commission after being convicted of bribery by an Atlanta jury. The lawsuit filed by Borders in response to the Administration’s attempt to remove him from the Commission is currently before the U.S. Court of Appeals. (*The Washington Post*, 4/2/1982)

June On the 2nd, the press reports that Fielding was informed by an FBI agent in 1981 that there was a “tape recording” linking Labor Secretary Raymond J. Donovan’s name to “hoodlums” and that there was a separate allegation that Donovan had attended a Super Bowl game with mob figure William P. Masselli. The Senate Labor Committee did not receive the information until six months later, after Donovan had been confirmed. Commenting on the reports, Fielding says that at the time of the contact, “the information was never identified, to my recollection, as (a) that it was a wiretap, or (b) that it had anything to do with Masselli or (c) that it was anything to be worried about. We were focusing on other matters at the time with Donovan.” During this time, Donovan is being investigated by a federal special prosecutor to determine whether a construction company of which he was an officer made illegal payments to union officials to buy “labor peace.” (*The Washington Post*, 6/2/1982; *The Wall Street Journal*, 6/3/1982)

On the 7th, Senator Edward M. Kennedy (D-MA) and Senator Thomas F. Eagleton (D-MO) call on Senate Labor Committee Chairman Orrin G. Hatch (R-UT) to launch a formal investigation of the FBI’s investigation of Donovan. Senator Hatch agrees to an investigation soon after. (*The Washington Post*, 6/8/1982; *The Wall Street Journal*, 6/10/1982)

Administration officials indicate that they are reviewing proposals that would seek the repeal of financial disclosure requirements for federal appointees, arguing the measures have damaged their ability to recruit executives to government service. According to Fielding, the requirements have “inhibited recruitment; talented individuals otherwise willing to serve have concluded that public disclosure is too high a price to pay.” (*The Washington Post*, 6/9/1982)

On the 9th, FBI Director William H. Webster alleges that Fielding told FBI investigators in January 1981 that it was not necessary to question Donovan about links to organized crime figures. Fielding says, “No effort was made to ‘direct’

how the FBI should conduct its investigation in this or any other case. There was never any effort to curtail any relevant inquiry” by the FBI. (*The New York Times*, 6/10/1982)

In a letter to President Reagan on the 15th, Senate Democrats call for Donovan to “step aside” until their investigation is completed. (*The New York Times*, 6/16/1982)

It is reported that Reagan’s principal advisors think Donovan should step aside until the special prosecutor completes his report. However, following the announcement by the prosecutor that there is no evidence that would justify charging Donovan with a crime, Reagan decides against asking Donovan to resign (*The New York Times*, 6/21/1982, 6/30/1982)

July It is reported that, in a meeting with Webster on December 5, 1980, Meese requested information on possible links between Donovan and organized crime figures. (*The Washington Post*, 7/17/1982)

August On the 11th, the Senate Labor Committee begins its investigation into the Administration’s handling of the Donovan nomination. (*The Washington Post*, 8/12/1982)

October President Reagan hosts the Justices of the Supreme Court at a White House luncheon on the 1st. The luncheon was arranged after Chief Justice Warren E. Burger expressed an interest in reviving the tradition to Fielding during a lunch in August. (*The Washington Post*, 9/13/1982)

November Claiming attorney-client privilege for legal advice given to the White House, the Justice Department refuses to turn over to a House subcommittee its legal opinions relating to the Grace Commission, a presidential advisory panel funded and staffed with private money. (*The Washington Post*, 11/9/1982)

1983

January Fielding announces he will undertake an investigation into whether federal housing officials violated conflict of interest law by accepting expenses on trips from industry groups. (*The Washington Post*, 1/8/1983)

February On the 9th, Fielding announces that he is undertaking a review of the battle between Congress and the Environmental Protection Agency (EPA) over enforcement of a toxic waste clean-up law and the circumstances surrounding the firing of EPA official Rita Lavelle. Also, in an effort to resolve ongoing disputes over congressional requests for EPA documents, Fielding holds meetings on the Hill and offers to release hundreds of EPA documents previously withheld under claims of executive privilege. (*The New York Times*, 2/10/1983, 2/13/1983; *The Washington Post*, 2/10/1983)

On the 15th, the FBI begins an investigation into allegations that EPA officials shredded numerous documents subpoenaed by a House Public Works subcommittee investigating the Agency. EPA officials insist that none of the subpoenaed documents were shredded. The same day, Fielding is ordered to review contacts between the White House and the EPA for any evidence of political manipulation of the Agency's activities. (*The Washington Post*, 2/16/1983, 2/26/1983)

On the 16th, Fielding, Representative Elliott M. Levitas (D-GA), DOJ officials and the Counsel to Clerk of the House Stanley M. Brand hold negotiations on the EPA document request question. It is reported that the Administration makes an offer that would allow only members of the House subcommittee investigating the EPA to view the subpoenaed documents in exchange for Congress voiding its December 16 contempt of Congress citation of EPA Administrator Anne M. Gorsuch for refusing to turn over documents. That evening, Reagan announces at a news conference that he has ordered a "complete investigation by the Justice Department into every charge of wrongdoing" at the EPA. (*The New York Times*, 2/17/1983; *The Washington Post*, 2/17/1983)

On the 18th, the Administration and Representative Levitas reach an agreement on procedures that would allow subcommittee members to view subpoenaed documents. Levitas agrees to ask Congress to void the Gorsuch's contempt citation if the Administration abides by the agreement to produce documents. The terms of this agreement do not resolve disputes with other subcommittees that have requested documents. (*The New York Times*, 2/19/1983)

March On the 2nd, the White House announces it will offer congressional committees investigating the EPA complete access to the Agency's documents. "Categorically we have not put any limitations on the investigation," says Fielding. "We have urged the Justice Department not to do so. We want them to investigate everything and anything." (*The Washington Post*, 3/3/1983)

EPA Administrator Anne M. Buford resigns on the 9th. (*The New York Times*, 3/10/1983)

April Meese and Fielding reportedly meet with officials from the Justice Department to ask them to persuade the Equal Employment Opportunity Commission (EEOC) not to file a legal brief as a friend of the court in a case involving race-conscious promotion quotas in the New Orleans Police Department. (*The New York Times*, 4/08/1983)

May In *Bob Jones University v. United States* (461 U.S. 574), the Supreme Court rules that the IRS was correct in revoking the tax-exempt status of Bob Jones University because of the school's policies of racial discrimination.

The Senate Labor Committee concludes that the FBI “misled” the Committee by withholding information in 1981 and 1982 that cast doubt on Labor Secretary Donovan’s fitness to serve. (*The New York Times*, 5/16/1983)

June

On the 27th, the White House announces it has turned over to the Justice Department “papers” prepared by former President Jimmy Carter’s aides in preparation for his 1980 debate with Reagan. The papers were discovered in the files of Reagan campaign staff. In giving the papers to Justice, Reagan tells the Department to “pursue their monitoring” of the circumstances of how the papers were obtained and to take “prompt legal steps if illegality is indeed found.” It is reported that the counsel’s office is handling the matter for the White House and that White House staffers with knowledge of the papers are to report any recollections on the matter to Fielding. (*The Washington Post*, 6/28/1983; *The Wall Street Journal*, 6/29/1983)

July

On the 1st, the FBI begins its own investigation into how the Reagan campaign obtained copies of Carter’s debate preparation materials. The FBI will interview individuals from both the Reagan and Carter campaigns. According to a White House spokesman, Fielding is continuing to investigate the matter, talking to White House officials and having the Reagan campaign papers at Stanford’s Hoover Institution reviewed for any relevant information. (*The Washington Post*, 7/2/1983)

On the 2nd, in order to “avoid confusion” with the DOJ investigation, Fielding and the White House discontinue their inquiry into the Carter debate materials controversy. Before concluding its involvement, the White House provides the FBI with a list of names of persons who might have been involved in the affair. Fielding also sends a memo to 1980 Reagan campaign staff asking them to provide any information they may have to the Justice Department. (*The Washington Post*, 7/3/1983)

The Human Resources Subcommittee of the House Post Office and Civil Service Committee, the subcommittee investigating the Carter debate book affair, asks Fielding for a copy of a memo he sent to Administration officials requesting information on the subject and a copy of the list of potential suspects Fielding provided to the FBI. Representative Donald J. Albosta (D-MI), Chairman of the subcommittee, also requests copies of any documents Fielding received from the Hoover Institution. (*The Washington Post*, 7/7/1983)

In a July 11 letter to Representative Albosta, Fielding informs the Chairman that Reagan has directed the Department of Justice to grant congressional investigators access to Carter debate documents found in the files of Reagan aides. It is reported that Fielding is the Administration’s point person in ongoing negotiations with the congressional committee on this issue. (*The Washington Post*, 7/12/1983; *The Wall Street Journal*, 7/13/1983)

On the 14th, the Resources Subcommittee of the House Post Office and Civil Service Committee votes unanimously to open an investigation into the conduct of 1980 campaign staff in relation to the debate materials. (*The New York Times*, 7/15/1983)

Fielding says that he will review transactions involving 1981 loans to Meese and Deaver arranged by California tax accountant John McKean. The loans were made during a period when Meese and Deaver were supporting a presidential appointment for McKean. An aide to Meese says that the loans were not connected with Mr. McKean's appointment to the U.S. Postal Service's Board of Governors. Mr. McKean says the loans were of a "purely professional nature" to two clients. (*The Washington Post*, 7/26/1983)

On the 29th, the White House and the House subcommittee investigating the 1980 Carter debate book come to an agreement regarding access to Reagan's 1980 campaign files. The accord is negotiated by Fielding and a special counsel to the subcommittee. (*The Washington Post*, 7/30/1983)

Three Democrats on the House Post Office and Civil Service Committee ask the General Accounting Office to conduct an "independent review" of the loans to Meese and Deaver arranged by John McKean. (*The Washington Post*, 7/30/1983)

August Fielding warns White House officials to maintain an "arms-length relationship" with Teamsters Union President Jackie Presser as he is currently under investigation by the Labor Department on charges of union embezzlement. (*The Washington Post*, 8/17/1983)

September Three House members ask Justice to review a GAO report that "raises questions" about the handling of loans arranged for Meese by McKean. Meese replies that he will work with Fielding, if necessary, to amend his financial disclosure statements. (*Washington Post*, 9/21/1983)

October It is reported that Fielding has begun an investigation into whether Federal Aviation Administration chief J. Lynn Helms violated any federal laws in his personal business activities. (*The New York Times*, 10/20/1983)

December Judge Irving R. Kaufman, Chairman of the President's Commission on Organized Crime refuses to sign a White House-prepared pledge to abide by all DOJ ethical standards and not to reveal any information about the Commission without authorization. Kaufman thinks it inappropriate to ask a federal judge to sign such a pledge. Fielding reportedly asked Kaufman to reconsider his position. (*The New York Times*, 12/3/1983)

1984

- January* On the 18th, Representative Albosta cancels the scheduled hearings into the Carter debate book. Instead, the subcommittee's staff will seek to gather sworn depositions from the important witnesses. Fielding tells Representative Albosta that Reagan will encourage his staff to comply with any such requests from the subcommittee. (*The Washington Post*, 1/19/1984)
- On the 19th, Attorney General William French Smith submits his resignation to Reagan. Meese is named as his replacement on the 23rd. (*The Washington Post*, 1/23/1984)
- In anticipation of the upcoming presidential election, Fielding and Baker undertake efforts to insure that government and political activities remain distinct. (*The New York Times*, 1/31/1984)
- February* Reagan suspends key provisions of a national security order that expanded the use of lie-detector tests and required many government workers to sign pledges agreeing to submit all writing for "prepublication review" by government censors for life. The decision follows a month of internal debate about the policies among top White House aides, including Fielding, Baker, Meese and Deaver. (*The New York Times*, 2/15/1984)
- March* Citing attorney-client privilege and separation of powers concerns, Fielding refuses to provide the Senate Judiciary Committee, currently considering Meese's nomination, with sworn written answers to questions about his conversations with Meese regarding the McKeon loan and Meese's decision to switch to inactive Army reserve status. At Meese's request, the Senate Judiciary Committee suspends confirmation hearings while the Justice Department conducts a preliminary investigation into his finances. (*The Washington Post*, 3/13/1984, 3/19/1984)
- At Meese's request, Attorney General Smith asks a special judicial panel to appoint an independent counsel to investigate whether Meese has committed any federal crimes. (*The New York Times*, 3/28/1984)
- October* On the 1st, Donovan is indicted by a Bronx grand jury. It is unknown what the charges are as the indictment is sealed. Donovan requests and is granted a "leave of absence without pay effective immediately" by Reagan in order to defend himself against the charges. (*The New York Times*, 10/2/1984)
- December* Fielding asks the Office of Government Ethics to look into allegations that Deputy Chief of Staff Michael Deaver failed to comply with federal reporting requirements in association with a real estate investment. Fielding reports, "There is a question as to whether, as a minor general partner, he had to report the

liability. We have asked them to look into the factual background and advise us as to what advice the reporting individual should receive and how we should proceed.” (*The Washington Post*, 1/5/1985)

1985

January Treasury Secretary Donald Regan and Chief of Staff James Baker switch jobs. (*The Washington Post*, 1/11/1985)

On the 29th, the Senate Judiciary Committee begins a second set of hearings on the nomination of Meese as Attorney General. Among the witnesses is David H. Martin, Director of the Office of Government Ethics, who testifies that Meese’s actions were free of any conflicts of interest. Mr. Martin is questioned about an earlier finding by two of his staff attorneys that two of Meese’s transactions appeared in conflict with his official duties. (*The Washington Post*, 1/25/1985)

In a 12-6 vote, the Senate Judiciary approves the nomination of Meese for Attorney General. All Republicans vote for Meese in addition to two of the eight Democrats. (*The New York Times*, 2/6/1985)

February In response to the December 1984 inquiry from Fielding, the Director of the Office of Government Ethics David A. Martin advises Deaver to amend his financial disclosure reports concerning the real estate investment in question. Martin reports that he found no evidence that Deaver “intended to evade the reporting requirements” of the ethics regulations. “I’m sure that Mr. Deaver will make whatever amendments are recommended,” says Fielding. (*The Wall Street Journal*, 2/12/1985)

On the 23rd, the Senate votes 63-31 to confirm Meese as Attorney General. (*The New York Times*, 2/24/1985)

March Chief of Staff Donald Regan asks Fielding to investigate charges that Deaver used diplomatic passports to purchase a BMW car at a discounted rate while in West Germany on government business. Fielding concludes that there is “nothing per se illegal or unethical” about the purchase. (*The Washington Post*, 3/5/1985, 3/12/1985)

Secretary Donovan resigns on the 15th after a New York state court orders him to stand trial on charges of fraud and larceny.

April At the behest of Fielding and Chief Justice Burger, Reagan removes Roger W. Jepsen as the prospective Chairman of a national commission designed to commemorate the 200th anniversary of the U.S. Constitution. It is reported that Fielding and Burger wish to “upgrade” the commission to an eminent body that would consider important institutional questions and could influence the national

debate. As Chief Justice, Burger is a member of the commission, and is later named its Chairman. (*The Washington Post*, 4/18/1985)

- July* After conferring with Fielding and Chief of Staff Donald Regan, the President decides to transfer his presidential authority to Vice President Bush for the eight hour period during which he will undergo intestinal surgery. Reagan was presented with two differently worded letters, choosing the one that indicated some doubt about the applicability of the 25th Amendment in the present circumstances. Despite the wording of the letter, Fielding acknowledges that “the Vice President was clearly Acting President consistent with the 25th Amendment during that period of time.” (*The Washington Post*, 7/14/1985; *The New York Times*, 7/15/1985)
- November* Reagan signs an order requiring thousands of federal employees who deal with classified materials to undergo regular polygraph tests. Fielding is among a number of top White House aides who are not informed of National Security Directive 196 before it is signed. (*The Washington Post*, 12/24/1985)
- December* After the order is made public in a news report on the 11th, Fielding strongly urges that it be amended. Following Secretary of State George Shultz’s threat to resign if asked to take a polygraph, Reagan scales back the order. (*The Washington Post*, 12/24/1985)

1986

- January* It is reported in the press that Fielding intends to leave the White House this spring. (*The New York Times*, 1/11/1986)
- February* Fielding publicly acknowledges his decision to resign as Counsel. The longest serving assistant to the current President, Fielding remarks that he is “one of the last of the Mohicans.” Says Fielding of his departure, “I am leaving because it is simply time to go. I’ve spent longer here than I anticipated.” (*The New York Times*, 2/20/1986)
- March* On the 26th, Fielding submits his formal letter of resignation to President Reagan. Fielding will be replaced by Peter Wallison.
- May* Fielding joins the Washington, D.C. law firm of Wiley & Rein as a Partner. (*National Journal*, 5/3/1986)

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FRED FIELDING SUGGESTED TOPICS

Prepared by Darby A. Morrisroe

Miller Center of Public Affairs, University of Virginia, 3/25/2004

1980 Campaign and Transition

- How did you come to join the campaign? Comment on the role of the Thursday Night Group and the Lawyers for Reagan Advisory Group.
- Discuss your various roles and responsibilities on the transition team: Conflict of Interest Counsel, Transition Team for the Office of Counsel to the President, and Transition Team Leader for the Office of Government Ethics. How did the recently adopted Ethics in Government Act of 1978 affect the transition's background screening of candidates?
- Describe the process of recruitment and selection of the Cabinet and White House staff.
- What attributes did Reagan consider most important for his staff and Cabinet? How involved was Reagan in making staffing decisions?

Counsel to the President

- Discuss the circumstances surrounding your selection as Counsel to the President.
- Did you have any conversations with Reagan or other White House staff about your role as Counsel?
- How was the counsel's office organized? What were the priorities of the counsel's office? Discuss the staffing of the counsel's office. How did the new ethics regulations affect the operation of the counsel's office?
- Discuss the range and nature of your responsibilities as White House Counsel. What issues and investigations occupied most of your time (ethics regulations, pardons, EPA, Carter debate book, school tax exemption issue, Allen, Donovan, Meese, etc)?
- What role did you and your staff play in reviewing presidential speeches, legislation (proposed language, signing statements, enrolled bills, etc.), executive orders and pardons? Do any instances of review stand out in your mind?
- Comment on efforts to invoke executive privilege in dealing with Congress.
- Discuss your recollections of the events following the assassination attempt. Comment on the consideration or use of the 25th Amendment on this and other occasions.
- Describe your relationships and interactions with other members of the White House staff and Cabinet (Chief of Staff, policy development staff, press staff, national security staff, cabinet councils, etc.). With whom did you work most closely?
- Discuss the frequency and nature of your interactions with President Reagan.
- Describe your relationships with other legal policymakers in the Administration (Attorney General, Solicitor General, DOJ's Office of Legal Counsel, agency counsels, etc.).

Judicial Selection

- What political concerns and philosophies guided President Reagan's judicial appointments?
- What were the Administration's objectives and considerations in nominating Sandra Day O'Connor?
- What part did you and the White House counsel's office play in selecting and screening the nominees for the lower federal bench? Discuss the division of judicial selection

responsibilities with the Department of Justice. Comment on the Administration's impact on the federal courts.

- Discuss the Administration's involvement in judicial selection for the District of Columbia.

Comparison with Previous Administrations

- Having served in the counsel's office during the Nixon Administration, you are in a unique position to offer a comparative perspective on presidential legal policy formulation. Discuss the parallels and differences between the Nixon and Reagan Administrations.
- How has the role and capacity of the counsel's office changed over time? What has been the effect of the emerging politics of scandal on the operation of the counsel's office?

The Reagan Presidency in Retrospect

- Discuss your observations of Reagan's decision-making style. What were the distinctive characteristics of Reagan as a public leader, a legislative leader, and a party leader?
- What do you consider to be your most significant contributions during your years in the Reagan Administration?
- What were the strengths and weaknesses of the Reagan presidency?
- What features of the Reagan presidency were overlooked or misunderstood by the press?
- How should the Reagan presidency be viewed in historical perspective?