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### ROUTING AND RECORD SHEET

**SUBJECT:** (Optional)

Speech at Federalist Society

**FROM:**

William M. Baker  
Director, Public Affairs

**EXTENSION**

**NO.**

PAO 87-0126

**DATE**

6 Nov 87

**TO:** (Officer designation, room number, and building)

**DATE**

**OFFICER'S INITIALS**

**COMMENTS** (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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*P-309-1R*

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DCI/PAO/WMB

6Nov87

PAO 87-0126

Distribution:

- Orig. - Addressee
- 1 - ER
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6 NOV 1987

MEMORANDUM FOR: Director of Central Intelligence

FROM: William M. Baker  
Director, Public Affairs Office

SUBJECT: Address of the Federalist Society  
For Law & Public Policy Studies

1. This is background information for your remarks to the Federalist Society For Law & Public Policy Studies Conference on "Foreign Affairs and the Constitution: The Roles of Congress, the President, and the Courts" on Saturday, 7 November, 12:00 noon - 1:30 p.m. The Conference will be held at the Grand Hyatt Hotel, 1000 H Street, N.W. between 10th and 11th, Washington, D.C. Phone: 582-1234

2. Arrangements: You are asked to be at the main entrance of the Grand Hyatt Hotel at 12:00 noon where you will be met by Special Assistant for the Office of Domestic Affairs in the White House, David McIntosh, who will escort you to the Constitution Room. Lunch will be served at approximately 12:05 p.m. and your address is scheduled for 1:00 p.m. The suggested format is 20 minutes of remarks followed by 10 minutes of questions and answers. You will be introduced by either ~~Dr. Brzezinski~~ or Counsel to the Vice President C. Boyden Gray who also will monitor the Q & A period. Following is the tentative head table seating:

- Mr. C. Boyden Gray Counsel to the Vice President
- \* Judge Ralph K. Winter U.S. Court of Appeals for the Second Circuit
- ~~Dr. Zbigniew Brzezinski~~
- \* Judge Laurence Silberman U.S. Court of Appeals, D.C. Circuit
- \* Mr. Arthur B. Culvahouse Counsel to the President
- Senator Orrin Hatch
- \* Professor John Norton Moore Director, University of Virginia's Graduate Law Program
- \* Mr. Irving Kristol Co-editor, THE PUBLIC INTEREST and publisher of THE NATIONAL INTEREST
- Mrs. Kristol (Professor Gertrude Himmelfarb)
- Professor Lee Liberman National Co-Chairman, Federalist Society
- Professor of Law, George Mason Law School
- Former law clerk to Justice Scalia
- Mr. David McIntosh National Co-Chairman, Federalist Society
- Mr. Peter Keisler Assistant Counsel to the President,
- Member, Board of Directors, Federalist Society

(\*See brochure opposite for biographies.)

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CONFIDENTIAL

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Assistant for media relations, [redacted] will remain throughout the event. A podium and microphone will be available near the head table. Security will tape your remarks for the Agency's historical files. The Federalist Society is planning to publish the proceedings of the symposium in their publication "The Harvard Journal of Law and Public Policy." Arrangements have been made to review your remarks prior to publication.

Approximately 400 lawyers, members of the Intelligence Community, and policymakers will make up the audience. Representatives of the media including reporters from the WALL STREET JOURNAL, WASHINGTON POST, NEW YORK TIMES and tentatively the major networks will cover the presentation. Foreign press will include REUTERS, SYDNEY MORNING HERALD, EL-ARAB, and (London) TIMES. During the question and answer period, you can expect questions from the press.

3. Background: According to The National Law Journal, the Federalist Society has a membership of 4,500 and is a "conservative/Libertarian organization composed primarily of law students and faculty." The symposium will present a scholarly discussion of the legal and constitutional issues involved in the area of foreign affairs and covert actions. Speakers will include Caspar Weinberger, Edwin Meese, Lloyd Cutler, and Professor John Norton Moore. (See opposite for complete list of speakers and panel topics.) Professor Moore will speak before lunch (11:30 a.m. to 12:00 noon) on "Do We Have an Imperial Congress?"

4. Remarks: You said you would use the remarks you gave at the House of Hope Presbyterian Church last Sunday for this presentation. I have included your annotated copy of those remarks in which I have inserted the introduction and the section on academic relations from your Aspen speech.

William M. Baker

CONFIDENTIAL

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General Counsel

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**MEET**

Society

PAO 87-0135

26 Oct 87

COMMENTS (Number each comment to show from whom them. Draw a line across column after each comment.)

Please call me

note and return

Please handle

Please prepare reply for my signature

or your recommendation

What are the facts?

or your info

Remarks:

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*ER:*

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5 NOV 1987

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*Bill B.*

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FORM 610 USE PREVIOUS EDITIONS

U.S. Government Printing Office: 1985-494-834/40156

*P. 309-1R*

FROM  
OFFICE OF THE DIRECTOR, PUBLIC AFFAIRS  
TO  
OFFICIAL INDICATED BELOW

*with  
H.N.M.*

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- DDCI..... (✓)
- EXDIR..... (✓)
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- DDI ..... (✓)
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- General Counsel ..... (✓)
- Inspector General ..... (✓)
- Comptroller..... (✓)
- IC Staff..... (✓)
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- PAO ..... (✓)

- Please call me ..... ( )
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Remarks: \_\_\_\_\_  
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FROM  
DIRECTOR OF CENTRAL INTELLIGENCE  
TO  
OFFICIAL INDICATED BELOW

- Bill Baker
- Danny Childs
- Dave Doherty
- Bill Donnelly
- Bob Gates
- Clair George
- Dave Gries
- Carroll Hauver
- Evan Hineman
- Dick Kerr

- See me
- Note and return
- For your recommendation
- Prepare reply and return for my signature
- Respond over your signature
- What are the facts?
- Please handle
- Hold

Remarks: John Norton Moore  
Dir Center for  
Law + National Security  
will be Luncheon speaker.

11/3  
 Judge:  
 They already  
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 Luncheon  
 speaker  
 for 11/7.  
 Telephonically  
 advised of  
 your request.  
 Inside is  
 suggested  
 followup  
 letter  
 for your  
 signature  
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ADMINISTRATIVE INTERNAL USE ONLY

PAO 87-0135

26 October 1987

JUDGE:


RE: Speaking Invitation  
The Federalist Society  
Washington, D.C.  
6 - 7 November 1987

You have been invited by Zbigniew Brzezinski on behalf of the Federalist Society to be the luncheon speaker on Saturday, 7 November at their symposium on "Foreign Affairs and the Constitution: The Roles of Congress, the President, and the Court." As an alternative, you are invited to be a member of the panel on the First Amendment and National Security on Friday, 6 November at 3:45 p.m. Floyd Abrams a lawyer from New York and a specialist on the First Amendment also will participate. You could expect an audience of 300 - 400 lawyers and foreign policymakers. The event would be covered by the media. The symposium will present a scholarly discussion of the legal and constitutional issues involved in the area of foreign affairs and covert actions. Appearing on other panels will be Attorney General Edwin Meese, Lloyd Cutler, Irving Kristol, Abe Sofaer, John Norton Moore, Ralph Winter, Richard Perle and Eugene Rostow and possibly Ambassador Jeane Kirkpatrick.

According to The National Law Journal, the Federalist Society has a membership of 4,500 and is a "conservative/libertarian organization composed primarily of law students and faculty."

Since your schedule is heavily committed for this period of time, I do not believe you should accept another engagement or give up your Saturday. If you agree, attached is a letter of regret for your signature.

STAT

  
Bill Baker

*see next page  
for revised letter.*



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Central Intelligence Agency



Washington, D. C. 20505

Dr. Zbigniew Brzezinski  
Symposium Chairman  
The Federalist Society  
For Law & Public Policy Studies  
1625 Eye Street, N.W.  
Washington, D.C. 20006

Dear Dr. Brzezinski:

Thank you for the invitation to speak at the luncheon for the Federalist Society Symposium or participate on one of the panels November 6th or 7th in Washington, D.C. I regret that my schedule could not be juggled to fit with your conference dates and I must decline the honor. Perhaps we can work out something for another time. I am sure your symposium on "Foreign Affairs and the Constitution: The Roles of Congress, the President, and the Court" will be a challenge to your participants and I too would have enjoyed the exercise.

Many thanks for your appearance at the Agency. Your presentation certainly received many compliments.

Sincerely yours,

William H. Webster  
Director of Central Intelligence

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PAO 87-0135

STAT DCI/PAO/WMB [redacted] 26Oct87

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[redacted signature box]

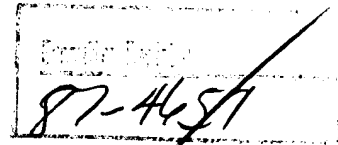
*J* Bill Baker

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Central Intelligence Agency



Washington, D.C. 20505



Dr. Zbigniew Brzezinski  
Symposium Chairman  
The Federalist Society  
For Law & Public Policy Studies  
1625 Eye Street, N.W.  
Washington, D.C. 20006

Dear Dr. Brzezinski:

Thank you for the invitation to speak at the luncheon for The Federalist Society Symposium or participate on one of the panels November 6th or 7th in Washington, D.C. Unfortunately, my schedule is heavily committed for this time, and I am unable to accept the honor. I am sure your symposium on "Foreign Affairs and the Constitution: The Roles of Congress, the President, and the Court" will be a challenge to your participants and I too would have enjoyed the exercise.

Many thanks for your appearance at the Agency. Your presentation certainly received many compliments.

Sincerely yours,

William H. Webster  
Director of Central Intelligence

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**THE FEDERALIST SOCIETY  
FOR LAW & PUBLIC POLICY STUDIES**

1625 EYE STREET, N.W.  
WASHINGTON, D.C. 20006  
202-822-8188

MED

October 13, 1987

The Hon. William Webster  
Director  
Central Intelligence Agency  
Washington, DC 20505

Dear Judge Webster:

I am writing to invite you to join me as a speaker at a conference on "Foreign Affairs and the Constitution: The Roles of Congress, the President, and the Court," sponsored by the Federalist Society. The symposium will present a scholarly discussion of the legal and constitutional issues involved in the area of foreign affairs and covert actions, and it will reflect a variety of viewpoints. The symposium will be held in Washington, D.C., on November 6 and 7. Those who have already agreed to participate include Ambassador Jeane Kirkpatrick, Attorney General Edwin Meese, Lloyd Cutler, Irving Kristol, Abe Sofaer, John Norton Moore, Ralph Winter, and Eugene Rostow.

The symposium will address the following topics:

- The first panel will examine the President's powers as Commander-in-Chief vs. Congress' War Power and Appropriations Power.
- The second will consider the Treaty Power and executive powers to interpret and terminate treaties and enter into executive agreements, as well as the proper scope of "advice and consent" in this context.
- The third will review the First Amendment and National Security. It will inquire into what special consideration or exemptions national security interests require in defining the scope of First Amendment rights. It will also examine what the proper structure is for resolving this issue, i.e., who judges?
- The fourth panel will address what the Constitution means by executive power and whether it means only the execution of the laws or encompasses some of the residual powers of the King of England as well. It will also consider whether the President enjoys greater

discretion in exercising his executive powers in conducting foreign policy than in performing his other functions, and whether the appropriate scope of congressional oversight differs in examining executive actions undertaken in this, as opposed to other, fields. Finally, it will consider the political question doctrine and the role envisaged for the courts in this area.

- The last panel will explore the virtues and vices of democracy in general, and of American-style democracy in particular, in conducting foreign affairs.

We hope the conference will contribute to understanding the role the Constitution establishes for each branch of our government in the conduct of foreign affairs, and how the government as a whole should operate. The proceedings of the symposium will be published in a major law review.

I enclose a brochure briefly describing the Federalist Society. Thank you for your consideration, and I very much hope that you will be able to participate.

Sincerely,

Zbigniew Brzezinski  
Symposium Chairman

Encl.