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1	MEMO	ROBERTS TO FIELDING RE JAMES STEIGLITZ (PARTIAL)	2	1/12/1984	B6	648
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2	MEMO	ROBERTS TO HOLLAND RE PRESIDENT'S ADVISORY COMMITTEE ON WOMEN'S BUSINESS OWNERSHIP (PARTIAL)	1	1/16/1984	B6	649
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Freedom of Information Act - [5 U.S.C. 552(b)]

- B-1 National security classified information [(b)(1) of the FOIA]
- B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- B-3 Release would violate a Federal statute [(b)(3) of the FOIA]
- B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
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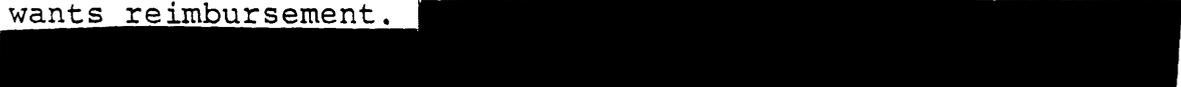
January 12, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: James E. Steiglitz

James E. Steiglitz is a former Special Forces medic, son of a famous New York photographer, and a free-lance photographer himself. In a private capacity Steiglitz used his medical background to gain access to areas in Nicaragua where Miskito Indians were being held, taking photographs not only of their deplorable conditions but also of significant strategic locations such as military installations and oil refineries. Steiglitz, through his attorney William J. Olson, maintains that two NSC staff members, Oliver North and Alfonso Sapia-Bosch, and two unidentified CIA agents, ordered him to obtain professional quality enlargements of some of the photographs. Steiglitz did so, allegedly at a cost of \$10,970.17, and now wants reimbursement.

 b6
and threatened litigation if the matter is not resolved quickly, warning that during such litigation it may be necessary to disclose sensitive and embarrassing security-related information.

I discussed the matter with Bob Kimmitt, Paul Thompson, North, and Sapia-Bosch. North and Sapia-Bosch provided statements to Thompson, which are attached. According to North, Steiglitz came to him with the photographs in early July. North ascertained from DIA that the photographs lacked intelligence value, but he did tell Steiglitz that a larger copy of one of the photographs, of a malnourished Miskito child, would be useful. Steiglitz returned with an enlargement, which he provided to North along with several other photographs, on the condition that North not publish the prints and give Steiglitz credit whenever they were used. North gave Steiglitz a signed note embodying these conditions, without retaining a copy. North has used the photograph in briefings, always giving Steiglitz credit. North asserts that he never discussed paying Steiglitz for anything, and did not imply in any way that Steiglitz would be paid.

According to Sapia-Bosch, Steiglitz approached him when North was away from the office. Sapia-Bosch reviewed the

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photographs and told Steiglitz that they were of bad quality. Steiglitz asked if Sapia-Bosch would be interested if he could get better copies, to which Sapia-Bosch replied that he would. Sapia-Bosch was later given some 30 photographs by Steiglitz, which he has retained but never used. In response to Steiglitz's repeated inquiries, Sapia-Bosch told him he would try to help him obtain money from private sources. Sapia-Bosch did so, unsuccessfully. Sapia-Bosch asserts that he never promised Steiglitz payment.

Steiglitz's version of the facts is different from the foregoing. In Steiglitz's version North and Sapia-Bosch "order" enlargements of various prints, saying such things as that expenses "will be taken care of" and that "two guys will be calling with the money." Assuming the accuracy of the North/Sapia-Bosch version, it seems that the case comes down to Steiglitz interpreting North's and Sapia-Bosch's statements that something would be "useful" as an order for that to be done, with reimbursement for expenses to follow. This may have been naive on Steiglitz's part, but it also strikes me as disingenuous for North and Sapia-Bosch to claim they never implied they would cover Steiglitz's costs when they did tell him that they would "like" certain things and that certain things would be "useful." My impression is that anyone dealing with Steiglitz would know that he could easily misinterpret such remarks. In the case of the photograph of the Miskito child, Steiglitz at least has something of a quantum meruit claim, since that enlargement has been used extensively by the Administration. I would not be averse to offering Steiglitz his expenses associated with that enlargement and, pending more precise information on what photographs were given to Sapia-Bosch after he said he would like better copies, perhaps the expenses associated with those as well. This would be far less than the \$11,000 demanded by Steiglitz, but may be enough to settle the claim, particularly since Steiglitz would have great difficulty prevailing in court on a theory of implied contract with the Government.

Paul Thompson is checking to determine if NSC has authority to provide any money to Steiglitz. If such authority exists, I would recommend telling NSC that we think it advisable to try and settle the claim for an amount equal to or less than the documented expenses Steiglitz incurred to obtain items North and Sapia-Bosch indicated they would "like" to have, and then retained. Presumably actual negotiations would be handled by NSC and/or OA rather than our office.

THE WHITE HOUSE

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January 16, 1984

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS /s/

SUBJECT: Appointments of Malcolm A. MacKillop, Corlene H. Cathcart and Clara Giordano to the President's Advisory Committee on Women's Business Ownership

By Executive Order 12426 (June 22, 1983) the President is authorized to appoint no more than 15 members to the President's Advisory Committee on Women's Business Ownership, which is to review the status of businesses owned by women, foster private sector support for women entrepreneurs, and advise the President and the Small Business Administration on these issues. Members "shall have particular knowledge and expertise concerning the current status of businesses owned by women in the economy and methods by which these enterprises might be encouraged to expand."

Corlene Cathcart, [REDACTED]

[REDACTED] She is Vice-President and Comptroller of Majo Ranch. Clara Giordano recently retired after 18 years of owning and operating a pizza parlor. Both clearly satisfy the expertise requirement of the Executive Order. Malcolm MacKillop is Senior Vice President for Corporate Relations at Pacific Gas and Electric. He is less obviously associated with women's business issues, but may be considered to possess the requisite expertise in light of his broad business and legal background and service on numerous advisory panels on business issues. Neither MacKillop nor Giordano have any financial interests likely to present a conflict of interest. Cathcart, of course, has interests in businesses owned by women, the subject matter of the advisory committee. In light of the general advisory role of the committee, however, these interests should not be considered a bar to her appointment.

As we have discussed, I have not yet received a PDS from Donald Seibert or Paula Brown.

Attachment