

23 Box 3 - [JGR/Appointee Clearances - 05/01/1985-06/30/1985] -
Roberts, John G.: Files SERIES I: Subject File

WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name Roberts, John

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File Folder [JGR/APPOINTEE CLEARANCES - 05/01/1985-06/30/1985]

KDB 7/29/2005

Box Number 3

FOIA

F05-139/01

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19 KDB

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	J. ROBERTS TO RICHARD HAUSER RE PROSPECTIVE APPOINTEE	1	5/6/1985	B6	367
2	LETTER	CHARLES WRIGHT TO FRED FIELDING	3	4/22/1985	B6	368
3	MEMO	ROBERTS TO FIELDING RE POTENTIAL PROBLEM APPOINTEES	1	5/28/1985	B6	369
4	MEMO	ROBERTS TO FIELDING, RE: APPOINTMENTS ...TO THE COMMISSION OF FINE ARTS	2	6/24/1985	B6	1174

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]
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- B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
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- B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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1 5/6/1985 B6

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J. ROBERTS TO RICHARD HAUSER RE
PROSPECTIVE APPOINTEE

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THE WHITE HOUSE

WASHINGTON

May 6, 1985

MEMORANDUM FOR ROBERT H. TUTTLE

FROM: FRED F. FIELDING *FFF/RSW*

All necessary clearances have been accomplished with regard to the following individual and he is ready for formal nomination by the President:

Edward J. Perkins - to be Ambassador to the Republic of Liberia

cc: Nancy Perot
Jane Dannenhauer
Richard Hauser
John Roberts

THE WHITE HOUSE

WASHINGTON

May 6, 1985

MEMORANDUM FOR ROBERT H. TUTTLE

FROM:

FRED F. FIELDING *FFFRMS*

All necessary clearances have been accomplished with regard to the following individual and she is ready for appointment by the President:

Naomi D. Zeavin - Member, John F. Kennedy Center for the Performing Arts Advisory Committee on the Arts

cc: Nancy Perot
Jane Dannenhauer
John Roberts
Susan Borchard

THE WHITE HOUSE

WASHINGTON

May 8, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: U.S. Institute of Peace

The U.S. Institute of Peace was established by Title 17 of Public Law 98-525, the Department of Defense Authorization Act for 1985. Pursuant to Section 1706 of that Act, codified at 22 U.S.C. § 4605, the powers of the Institute are vested in a Board of Directors. The Board consists of the Secretary of State (or another State PAS designated by the Secretary), the Secretary of Defense (or another Defense PAS designated by the Secretary), the Director of the Arms Control and Disarmament Agency (or another ACDA PAS designated by the Director), the president of the National Defense University (or the vice president, if the president so designates), and eleven individuals, appointed by the President, who are not U.S. Government officers or employees. Of the 15 Board members, no more than eight may be of the same political party. Pursuant to Section 1706(e)(3), the President was to have submitted the names of the eleven nominees no later than April 20, 1985. The law was enacted on October 19, 1984, so this deadline was not unreasonable.

In the meantime, however, OMB has cleared and submitted to the Hill a bill to amend the provisions governing the Institute Board of Directors. Under the Administration proposal, another ex officio member would be added -- the Director of the Foreign Service Institute (or the Deputy Director, if designated by the Director). The number of Directors nominated by the President would be reduced to ten, and the bipartisanship requirement would apply only to those ten. I.e., under the proposed bill no more than five of the ten nominated members may be of the President's party, while under the existing statute no more than eight of all 15 members (including those serving ex officio) may be of the same political party.

Presidential Personnel has submitted a list of eleven prospective nominees, six Republicans and five Democrats. This means that, to comply with existing law, no more than two of the four ex officio members (or designees) may be Republicans. Since we are already violating the law by not having submitted nominations by April 20, I think we must form the Board under existing law and not delay any further in the hope that new legislation will pass.

Before we can clear these nominees, then, it will be necessary to determine the party affiliations of the ex officio members, or the designees who will serve in their place. I assume Democrats or Independents in PAS positions can be found at State, Defense, and ACDA, and if at least two are designated to serve on the Board the current list of nominees can go forward. It is unusual to be worrying about the political affiliations of ex officio members, but the existing statute requires this. The proposed bill would delete this requirement, but I do not think we can wait for it to pass (if in fact it ever does).

Attachment

THE WHITE HOUSE

WASHINGTON

May 8, 1985

MEMORANDUM FOR ROBERT TUTTLE
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR, PRESIDENTIAL PERSONNEL

FROM: FRED F. FIELDING F³/RAH
COUNSEL TO THE PRESIDENT

SUBJECT: U.S. Institute of Peace

Pursuant to 22 U.S.C. § 4605, the powers of the new U.S. Institute of Peace are vested in a Board of Directors. The Board is to consist of 15 members: four specified officers of the U.S. Government (or their designees) and eleven individuals nominated by the President who are not Federal officers or employees. Of the 15, no more than eight may be members of the same political party. Nominations were to have been submitted by April 20, 1985.

The Administration has proposed legislation to amend these provisions, increasing the number of ex officio members to five, reducing the number of nominated individuals from outside the Federal Government to ten, and applying the bipartisanship requirement only to those ten. I am advised that there is little reason to suppose that the Administration bill will pass any time soon, if at all. Since we are already in violation of the statute because of our failure to submit nominations by April 20, it is my view that we should submit a list of nominees consistent with existing law. Since the bipartisanship requirement applies, under existing law, to all 15 members of the Board, it will be necessary to determine who will be filling the four ex officio slots, and their party affiliations. If the current list of eleven nominees from outside the Government is to go forward, no more than two of the four ex officio members (or designees) may be Republicans.

FFF:JGR:aea 5/8/85

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

May 8, 1985

MEMORANDUM FOR ROBERT TUTTLE
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR, PRESIDENTIAL PERSONNEL

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: U.S. Institute of Peace

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FFF:JGR:aea 5/8/85
cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE
WASHINGTON

May 9, 1985

MEMORANDUM FOR ROBERT H. TUTTLE

FROM: FRED F. FIELDING *FFF/RMS*

All necessary clearances have been accomplished with regard to the following individual and he is ready for formal nomination by the President:

Lannon Walker - to be Ambassador to the Republic of Senegal

cc: Nancy Perot
Jane Dannenhauer
Richard Hauser
John Roberts—

THE WHITE HOUSE

WASHINGTON

May 9, 1985

MEMORANDUM FOR ROBERT H. TUTTLE

FROM:

FRED F. FIELDING

FFF/RMS

All necessary clearances have been accomplished with regard to the following individual and he is ready for formal nomination by the President:

Lewis A. Tambs - to be Ambassador to the Republic of Costa Rica

cc: Nancy Perot
Jane Dannenhauer
Richard Hauser
John Roberts ✓

THE WHITE HOUSE

WASHINGTON

May 9, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Charles Alan Wright

Charles Alan Wright, who recently completed a Personal Data Statement (PDS) in connection with his prospective appointment to the Commission on the Bicentennial of the U.S. Constitution, has written to raise a question concerning the interpretation of Question 8 of the PDS. Wright read the entire question to be qualified by the last clause, "as a result of any prior employment or business or professional association," and therefore did not think that it sought information about stock obtained in the usual way, i.e., through purchase. Wright's daughter contends the question is not so qualified, but rather seeks information on all stock ownership. Wright contends this is "grammatically impossible."

Since I did not draft the PDS questions, I can be objective. Wright's wrong; it is his reading that is "grammatically impossible." For the final clause to modify anything other than "other arrangement" there would have to be a comma after "other arrangement." Even then, the most the final clause could reasonably be considered to modify would be the "including" language, not all of the sentence. The normal reading of the sentence would view the "including" language to describe "other arrangements," and the final clause to modify "other arrangement" in the "including" clause. Wright's reading is not only wrong but "gramatically impossible" because of the two "other arrangements" in the sentence -- if the final clause modified all that precedes it, rather than simply the last "other arrangement," it would modify "other arrangement" twice. Just as statutes should be interpreted to avoid an unconstitutional reading, so too sentences should be interpreted to avoid a redundant reading.

Out of respect the attached draft response notes the question may not be a model of clarity, but goes on to offer the above interpretation and concludes by noting, as Wright has so often himself, that we should be guided by the intent of the Framers.

Attachment

names of any other organizations with which you were affiliated prior to the past three years that might present a potential conflict or appearance of conflict of interest with your prospective appointment. (Please note that in the case of an attorney's client listing, it is only necessary to provide the names of major clients and those that might present a potential conflict or appearance of conflict of interest with the prospective appointment).

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

8. The names of all corporations, firms or other business enterprises, partnerships, nonprofit organizations and educational or other institutions in which you presently have any continuing financial interest through ownership of stock, stock options, bonds or other arrangements, including a trust, pension or retirement plan, stock bonus, profit-sharing or other arrangement as a result of any prior employment or business or professional association. Also supply such details as are necessary for a thorough understanding of such continuing financial interests. Any interests you plan to retain during your Government service should be noted with an asterisk. (If the position to which you are being appointed requires the filing of an Executive Personnel Financial Disclosure Report ["Standard Form 278"], you may omit this question.)
9. The names of any creditors (other than those to whom you may be indebted by reason of a mortgage on property used as a personal residence, or for current and ordinary living expenses), setting forth the amount of such debt and any additional information deemed relevant to explain the transaction. (If the position to which you are being appointed requires the filing of a Standard Form 278, you may omit this question. Regardless of whether you are required to file a Standard Form 278, however, please include [and so note] any debts for which you are contingently liable, loans on which you are a guarantor, etc.)
10. The names of any debtors, setting forth the amount owed to you and any additional information deemed relevant to explain the transaction. You need not include loans to your spouse, dependents or siblings for non-business purposes. Please exclude all debts under \$5,000.
11. All your interests in real property, other than a personal residence, setting forth the nature of your interest, the type of property and the address.

THE WHITE HOUSE

WASHINGTON

May 9, 1985

Dear Charlie:

Thank you for your letter of April 22, which put me in the unenviable position of having to decide a family dispute over grammar. I should begin by conceding that this office has never received any compliments on the grammatical clarity of the Personal Data Statement. The questions evolved through a process of accretion as the need for additional information became evident from time to time. This process is, as you might imagine, not the most conducive to clarity.

Having said this I must side with your daughter's reading of Question 8. If the final words were to modify the entire opening sentence, one would certainly expect a comma after "other arrangement." Even then the words would probably only modify the "including" clause. The clincher, in my view, is the fact that the words "other arrangements" appear in the sentence prior to the words "other arrangement" that immediately precede the final words. If the final words qualified the entire sentence, they would qualify "other arrangement" twice. Just as statutes should be interpreted to avoid an unconstitutional reading, so too sentences should be interpreted to avoid such a redundant reading.

To the extent the intent of the Framers is pertinent in this context, it was in fact our intent to solicit information about all stock holdings, whether or not they resulted from any prior employment or business or professional association. That is, we intended the final words to modify "other arrangement." The fact that we failed to convey this intent clearly suggests that it may be time to consider revising the questions. Thank you for alerting me to this possible confusion, and for providing all the information we need in response to Question 8.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Professor Charles Alan Wright
School of Law
The University of Texas at Austin
727 East 26th Street
Austin, TX 78705

FFF:JGR:aea 5/9/85
bcc: FFFfielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

May 9, 1985

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Sincerely,

Fred F. Fielding
Counsel to the President

Professor Charles Alan Wright
School of Law
The University of Texas at Austin
727 East 26th Street
Austin, TX 78705

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CHARLES WRIGHT TO FRED FIELDING

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

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E.O. 13233

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THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

May 14, 1985

The President today announced his intention to nominate Lewis Arthur Tambs to be Ambassador of the United States of America to the Republic of Costa Rica. He would succeed Curtin Windsor, Jr.

Mr. Tambs served in the United States Army in 1945-1947 and in 1950-1951. In 1953-1954 he was an Assistant Plant Engineer at Standard Brands, Incorporated in San Francisco, California. He was in Venezuela as Pipeline Engineer at Creole Petroleum (1954-1957) and General Manager of CACYP-Instalaciones Petroleras (1957-1959). In 1960-1961 he was Cryogenic Small Piping Designer at AirReduction Corporation in San Francisco. He was Teaching and Research Assistant at the University of California at Berkeley (1961-1964) and Instructor, then Assistant Professor of History at Creighton University in Omaha, Nebraska (1965-1969). In 1969-1982 he was with Arizona State University in Tempe, Arizona as Assistant Professor (1975-1982). Mr. Tambs was a Lecturer in Brazilian History, American Graduate School of International Management at Thunderbird Campus in Glendale, Arizona in 1973-1979; Visiting Professor of Latin American History at the University of Arizona Summer School in Guadalajara, Mexico in 1974-1976, and Lecturer, Eighteenth Annual Institute for the Study of Comparative Politics and Ideologies at the University of Colorado in Boulder, 1982. In 1972-1975 he was also Director of the Center for Latin American Studies. He was a Consultant to the National Security Council at the White House in 1982-1983, and from 1983 to the present has been our Ambassador to the Republic of Colombia.

He graduated from the University of California at Berkeley (B.S.I.E., 1953) and the University of California at Santa Barbara (M.A., 1962; Ph.D., 1967). His foreign languages are Spanish and Portuguese. He is married to the former Phyllis Greer and has five daughters.

#

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

May 14, 1985

The President today announced his intention to appoint Naomi Zeavin to be a Member of the Advisory Committee on the Arts (John F. Kennedy Center for the Performing Arts). This is an initial appointment.

Mrs. Zeavin is President of UR Unique, a marketing and public relations firm, in Falls Church, Virginia. She is a former author, actress, producer and director and has worked for JBS Productions. She served as a Member of the American Federations Television & Radio Association (AFTRA), Screen Actors Guild, Women in Film and Women's Committee in AFTRA. She produced, wrote and directed the film Journey to Augustow in Poland for PBS. In 1980-1984 she was appointed by Governor Dalton to serve on the Board of Visitors for the two Deaf and Blind Schools of Virginia.

She attended Emerson College in Boston, Massachusetts. She is married, has four children and resides in Falls Church, Virginia. She was born March 12, 1933 in New Britain, Connecticut.

#

THE WHITE HOUSE.

WASHINGTON

May 17, 1985

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS 

SUBJECT: Appointment of Mildred Teas to the
Library of Congress Trust Fund Board

Pursuant to 2 U.S.C. § 154 the Library of Congress Trust Fund Board consists of the Secretary of the Treasury (or an Assistant Secretary designated by the Secretary), the chairman of the Joint Committee on the Library, the Librarian of Congress, and two persons appointed by the President. The Trust Fund Board accepts, holds, and administers gifts for the benefit of the Library of Congress. 2 U.S.C. § 156.

Mrs. Teas is a housewife, and a member of the Dallas Historical Society and the Executive Committee of Texans for the Republic. Although she does not appear to have any particular qualifications for this post, I have no legal objection to proceeding with the appointment.

Attachment

THE WHITE HOUSE

WASHINGTON

May 24, 1985

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: *TR* JOHN G. ROBERTS *JGR*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Nomination for Posthumous Promotion
of Major Arthur D. Nicholson, USA

Counsel's Office has reviewed the proposed nomination of Major Arthur D. Nicholson for posthumous promotion to lieutenant colonel, and finds no objection to it from a legal perspective. Detailed statutory procedures do exist for normal promotions, but the President retains authority under the Constitution to submit nominations outside those procedures. Precedent for the exercise of this authority may be found in the routine promotion of astronauts after their space flights. In those cases, the constitutional authority is cited.

Are you sure, after flight just expiration -
eg: Borden power is constitutional + apparently unfettered & however, recipient must be living.
pres authority for this?

→

THE WHITE HOUSE

WASHINGTON

May 28, 1985

MEMORANDUM FOR ROBERT H. TUTTLE

FROM: FRED F. FIELDING

All necessary clearances have been accomplished with regard to the following individual and she is ready for appointment by the President:

Mildred Teas - Member, Library of Congress Trust Fund Board

cc: Nancy Perot
Jane Dannenhauer
John Roberts
Susan Borchard

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ROBERTS TO FIELDING RE POTENTIAL
PROBLEM APPOINTEES

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

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THE WHITE HOUSE

WASHINGTON

May 28, 1985

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS 

SUBJECT: Prospective Appointment of Jack Edwards
to the Permanent Joint Board on Defense,
United States and Canada

Kathleen Buck advises that the Joint Board will make decisions on specific defense procurement matters, particularly in the missile, radar, and aircraft areas. It will not be merely advisory, nor will it deal with solely broad policy matters. Jack Edwards has several major defense contractors as clients, and has expressed an unwillingness to cease representing them to serve as Chairman of the Joint Board. Since the position is not as a member of a collegial body, Edwards could not avoid conflicts problems by selective recusal. Accordingly, this appointment may not go forward.

I have attached for reference the rather obscure enabling documents for the Joint Board.

Attachment

PERMANENT JOINT BOARD ON DEFENSE, UNITED STATES AND CANADADepartment of State

AUTHORITY: Board was established by the United States and Canada in pursuance of an announcement by the President and the Prime Minister of Canada, August 17, 1940 Letter dated February 26, 1954, from the President to the Secretary of State and the Secretary of Defense

METHOD: Appointed by the President

MEMBERS: The Chairman only is appointed by the President. The representative of the Department of State and the representatives of the military departments of the Department of Defense are appointed by the Secretary of State and Secretary of Defense, respectively.

CHAIRMAN: Appointed by the President

TERM: Pleasure of the President

SALARY: Without compensation

80. *Joint Canada-U.S. Defense Board*

80 (White House Statement on Establishment of Joint Board on Defense of Canada and the United States. August 18, 1940

THE Prime Minister of Canada and the President have discussed the mutual problems of defense in relation to the safety of Canada and the United States.

It has been agreed that a Permanent Joint Board on Defense shall be set up at once by the two countries.

This Permanent Joint Board on Defense shall commence immediate studies relating to sea, land and air problems including personnel and matériel.

It will consider in the broad sense the defense of the north half of the Western Hemisphere.

The Permanent Joint Board on Defense will consist of four or five members from each country, most of them from the services. It will meet shortly.

NOTE: The foregoing statement was issued after a conference between the Canadian Prime Minister, the Right Honorable W. L. Mackenzie King, and myself in August, 1940. I had invited him, while I was on an inspection tour of some defense establishments near the Canadian border, to meet with me and discuss problems of defense common to Canada and the United States.

A few days later, the members of the Permanent Joint Board on Defense—United States and Canada, were appointed. They held their first meeting on August 26, 1940, in Ottawa; and thereafter held meetings in Washington, Bos-

ton, Halifax, San Francisco, Victoria, B. C., and Vancouver, B. C., New York, Montreal, and Buffalo.

Various recommendations and reports relating to defense plans have been submitted to the United States and Canada by this board. Obviously, these cannot be made public because of existing military considerations.

The adoption of these joint defense efforts is another proof of the solidarity existing among the American Republics, which has been even more closely cemented by the danger and threat which loom up from the swift movement of events in Europe and in the Far East.

CONF

February 26, 1951

My dear Mr. Secretary:

The Secretary of State is authorized to make necessary changes hereafter to the United States State Department Membership on the Permanent Joint Board on Defense, Canada-United States.

By separate correspondence the Secretary of Defense has been authorized to make necessary changes to that Department's membership.

This change in procedure will not affect the appointment by the President of the Chairman of the U. S. Section.

Sincerely,

DWIGHT D. EISENHOWER

The Honorable John Foster Dulles
The Secretary of State
Washington, D. C.

cc: Commander Beach

THE WHITE HOUSE

WASHINGTON

May 30, 1985

MEMORANDUM FOR ROBERT H. TUTTLE

FROM: FRED F. FIELDING

All necessary clearances have been accomplished with regard to the following individual and he is ready for formal nomination by the President:

George C. Montgomery - to be Ambassador to the Sultanate of Oman

cc: Nancy Perot
Jane Dannenhauer
Richard Hauser
John Roberts

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

June 3, 1985

The President today announced his intention to appoint Mildred Lois Nichols Teas to be a Member of the Library of Congress Trust Fund Board for the term of five years from March 9, 1985. She will succeed Mrs. Charles W. Engelhard.

Mrs. Teas is a member of the Kent Waldrep International Spinal Cord Research Foundation. She serves on the Executive Committee of Texans for the Republic and as a member of the Dallas Historical Society.

She is married, has one child and resides in Dallas, Texas. She was born October 8, 1935 in Cisco, Texas.

#

THE WHITE HOUSE
WASHINGTON

June 5, 1985

MEMORANDUM FOR ROBERT H. TUTTLE

FROM: FRED F. FIELDING

The following individual is ready for designation by the President:

Peter H. Dailey - to be the United States National Chairman for
United Nations Day 1985

cc: Nancy Perot
Jane Dannenhauer
Richard Hauser
John Roberts

THE WHITE HOUSE

Office of the Press Secretary
(Birmingham, Alabama)

For Immediate Release

June 6, 1985

The President today announced his intention to appoint Peter H. Dailey to be the United States National Chairman for United Nations Day, 1985. He would succeed Theodore Burtis.

Mr. Dailey is currently Chairman of Enniskerry Financial Company and President of the World Business Council. Previously, he was United States Ambassador to Ireland (1982-84) and Chairman, President and Chief Executive Officer of Dailey International Group in Los Angeles (1968-82). He was Senior Vice President and Director, Western and Far Eastern Regions of Campbell Ewald Company in 1964-68. He served as Vice President of Foote, Cone and Belding in 1963-64.

Mr. Dailey served in the United States Navy in 1954-56. He graduated from the University of California (B.S., 1954). He is married, has five children and resides in Los Angeles, California. He was born May 1, 1930, in New Orleans, Louisiana.

#

THE WHITE HOUSE

WASHINGTON

June 6, 1985

MEMORANDUM FOR ROBERT H. TUTTLE

FROM:

FRED F. FIELDING *FF/afg*

All necessary clearances have been accomplished with regard to the following individuals and they are ready for appointment to the Commission on the Bicentennial of the Constitution:

Frederick K. Biebel
Herbert Brownell
Lynne A. Cheney
The Honorable Philip M. Crane
The Honorable William J. Green
The Honorable Cornelia G. Kennedy
Harry M. Lightsey, Jr.
Edward P. Morgan
Betty S. Murphy
Thomas H. O'Connor
Phyllis Schlafly
Bernard H. Siegan
The Honorable Theodore F. Stevens
Obert C. Tanner
Ronald H. Walker
The Honorable Charles E. Wiggins
Charles A. Wright

cc: Nancy Perot
Jane Dannenhauer
John Roberts
Susan Borchard

THE WHITE HOUSE

WASHINGTON

June 10, 1985

MEMORANDUM FOR DIANNA G. HOLLAND

FROM:

JOHN G. ROBERTS 

SUBJECT:

Appointments of David M. Walters and
Calvin M. Whitesell to the Franklin
Delano Roosevelt Memorial Commission

I have reviewed the Personal Data Statements submitted by David Walters and Calvin Whitesell in connection with their prospective appointments to the Franklin Delano Roosevelt Memorial Commission. Pursuant to Public Law 84-372, 69 Stat. 694 (1955), the President may appoint four members to this Commission. The President of the Senate appoints four senators and the Speaker of the House appoints four representatives. The function of the Commission is to consider and report on plans for an FDR memorial in Washington.

David Walters served as the President's Personal Representative to the Holy See, 1977-1978, and is currently President of the Miami Children's Hospital Foundation. Calvin Whitesell is an attorney from Montgomery, Alabama. Both were active in Democrats for Reagan. I have no objection to either appointment.

Attachment

THE WHITE HOUSE

WASHINGTON

June 13, 1985

MEMORANDUM FOR ROBERT H. TUTTLE

FROM: FRED F. FIELDING 

All necessary clearances have been accomplished with regard to the following individual and he is ready for formal nomination by the President:

Thomas Anthony Nassif - to be Ambassador to the Kingdom of
Morocco

cc: Nancy Perot
Jane Dannenhauer
Richard Hauser
John Roberts

THE WHITE HOUSE

WASHINGTON

June 19, 1985

MEMORANDUM FOR ROBERT H. TUTTLE

FROM: FRED F. FIELDING

All necessary clearances have been accomplished with regard to the following individual and he is ready for appointment by the President:

David M. Walters - Member, Franklin Delano Roosevelt Memorial
Commission

cc: Nancy Perot
Jane Dannenhauer
John Roberts
Susan Borchard

THE WHITE HOUSE

WASHINGTON

June 24, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Prospective Nomination of John Blane
to be Ambassador to Chad

I have reviewed the SF-278 and related materials submitted by John Blane in connection with his prospective nomination to be Ambassador to Chad. Ambassador Blane is a career Foreign Service Officer, and was confirmed in 1982 as Ambassador to Rwanda.

The only issue raised by his materials concerns his decision to join Amnesty International in 1983. My concern was not that this organization issues reports highly critical of the United States Government, but, more significantly, that it could well issue reports critical of Chad during Mr. Blane's tenure there as our ambassador. I would think such an eventuality -- having our ambassador listed as a member of an organization criticizing the host country -- could be very embarrassing to our envoy and prejudicial to the effective representation of the President and the United States. I raised this concern with Mr. Hauser, who suggested I share it with Ambassador Wes Egan in the Office of the Deputy Secretary of State. Egan, in turn, expressed his view that the matter should be raised with the State Legal Adviser's Office.

I thereupon shared my concerns with Bill Gressman of the Legal Adviser's office, stressing that we were not interested in the private affiliations of Foreign Service Officers, but that this particular affiliation might give rise to a conflict of interest. Gressman discussed the matter with Knute Malmborg, who concluded that State should do nothing. Malmborg noted that Blane was a member only and not an officer, and that established rules precluded use of his title in organizational listings. I was not particularly satisfied with this response, but am not inclined to pursue the matter directly with Blane if State will not do so. There is too great a danger that Blane will perceive the White House as trying to inhibit his rights of free expression, which is not at all the case. I told Gressman that we would rely on the judgment of his office that nothing should be done. This will afford us some security in the event of an embarrassment.

THE WHITE HOUSE

WASHINGTON

June 24, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Appointment of Edward Victor Hill
to the Commission on the Bicentennial
of the Constitution

My memorandum for you of April 25 (copy attached) reviewed the statutory scheme for appointments to the Bicentennial Commission. Reverend Hill is the pastor of a Baptist church in Los Angeles. He has been active in the Southern Christian Leadership Conference, the NAACP, and the Moral Majority. The Reverend also has several real estate investments in the Los Angeles area. He has served on the Private Sector Initiatives Task Force, and is widely identified as a black supporter of the President.

I have no legal objection to proceeding with this appointment, although, as is true with respect to many other prospective appointees to this Commission, I question whether Reverend Hill has the sort of qualifications envisioned by Congress when it established this Commission.

Attachment

THE WHITE HOUSE
WASHINGTON

April 25, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Appointments to the Commission
on the Bicentennial of the United
States Constitution

Pursuant to Section 4(a) of Public Law 98-101, 97 Stat. 719 (1983), the President is authorized to appoint 20 of the 23 members of the Commission (the Chief Justice, Speaker of the House, and President pro tempore of the Senate are appointed by statute). Of the 20 Presidential appointees, four are to be chosen from recommendations submitted by the Speaker, four from recommendations submitted by the President pro tempore, and four from recommendations submitted by the Chief.

Recommendations of the Speaker

- Lynne Cheney, Senior Editor of The Washingtonian, wife of Congressman Dick Cheney of Wyoming.
- Thomas Henry O'Connor, Professor of History at Boston College.
- William Joseph Green, Philadelphia attorney, former Congressman and Mayor of Philadelphia.
- Congressman Philip M. Crane (R-IL).

The only difficulty with these appointments involves the appointment of Crane, a sitting member of Congress. As you know, the President stated when he signed the bill establishing the Commission that "in view of the Incompatibility Clause of the Constitution, any member of Congress appointed by me pursuant to section 4(a) (1) of this Act may serve only in a ceremonial or advisory capacity." (This concern is distinct from the concerns surrounding the role of the Chief Justice, which did not involve the Incompatibility Clause but separation of powers more generally.)

Recommendations of the President pro tempore

- Harry M. Lightsey, Dean of the University of South Carolina School of Law.

- Edward P. Morgan, sole practitioner in Washington, D.C.
- Senator Ted Stevens (R-Alaska).
- Senator Wendell Ford (D-KY).

I have reviewed the Personal Data Statements submitted by Messrs. Lightsey and Morgan, and have no objection to proceeding with their appointments. I have received nothing from the Senators. They would be subject to the same limitations discussed above with respect to Congressman Crane.

Recommendations of the Chief Justice

- Charles Wiggins, U.S. Circuit Judge, Ninth Circuit.
- Cornelia Kennedy, U.S. Circuit Judge, Sixth Circuit.
- Herbert Brownell, Of Counsel to Lord, Day & Lord, former Attorney General.
- O.C. Tanner, founder and chairman of O.C. Tanner Company, attorney.

I have reviewed Personal Data Statements submitted by all of the foregoing and have no objection to the appointments. Service of sitting Federal judges does raise separation of powers concerns, but as those were overcome in appointing the Chief as Chairman I see no purpose to be served by raising them now.

Presidential Choices

- Bernard Siegan, Professor of Law, University of San Diego School of Law.
- Fred Biebel, Executive Vice President of the International Republican Cooperation Fund.
- Betty S. Murphy, partner in Baker & Hostetler.
- Phyllis Schlafly, President of Eagle Forum.
- Ron Walker, partner in Korn/Ferry International.
- Charles Alan Wright, Professor of Law, University of Texas.

- Russel Kirk, author.

- ?

Kirk has yet to submit a PDS. Of the others, some, such as Schlafly, will obviously be controversial. Siegan's writings on the Constitution advance a theory of economic liberty that will be controversial to many constitutional law scholars. Wright is an attorney for Tavoulareas in the controversial Tavoulareas v. Washington Post case. Ron Walker was a consultant in 1975 for Saudi Arabia. I telephoned him to alert him to the prohibitions of 18 U.S.C. § 219, and he advised that he was not now registered as a foreign agent and saw no likelihood that he would be in a position to register in the future.

In sum, we can proceed with the appointments of Cheney, O'Connor, Green, Crane, Lightsey, Morgan, Wiggins, Kennedy, Brownell, Tanner, Siegan, Biebel, Murphy, Schlafly, Walker, and Wright. We can add Senators Stevens and Ford if you wish to dispense with PDS's from them. Kirk should not be announced until he submits a PDS. Finally, there is still a remaining slot on which I have no information.

THE WHITE HOUSE

WASHINGTON

June 24, 1985

MEMORANDUM FOR DIANNA G. HOLLAND

FROM:

JOHN G. ROBERTS 

SUBJECT:

Appointment of Stanley M. Freehling
to the President's Committee on the
Arts and Humanities

The President's Committee on the Arts and the Humanities was established by Executive Order 12367 (June 15, 1982) to increase private sector support for the arts and the humanities. The Committee consists of several ex officio members and "not more than twenty persons who are not full-time officers or employees of the Federal Government ("non-Federal members"), who shall be appointed by the President and shall be selected from among private individuals and State and local public officials who have a demonstrated interest in and commitment to support for the arts or the humanities." The Committee reports to the President, the National Endowment for the Arts, and the National Endowment for the Humanities.

Mr. Freehling is a partner in a stock brokerage firm. He has been very active in the arts, serving as trustee of the Chicago Symphony, and chairman of the Goodman Theatre, the Illinois Public Arts Commission, and the Art Institute Film Center. He is also vice-chairman of the Art Institute. He clearly satisfies the above-quoted criteria, and I have no objection to proceeding with this appointment.

Attachment

THE WHITE HOUSE

WASHINGTON

September 12, 1985

MEMORANDUM FOR ROBERT H. TUTTLE

FROM: FRED F. FIELDING

All necessary clearances have been accomplished with regard to the following individual and he is ready for appointment by the President:

Stanley Freehling - Member, President's Committee on the Arts and Humanities

cc: Catherine Bedell
Jane Dannenhauer
John Roberts
Susan Borchard

THE WHITE HOUSE

WASHINGTON

June 24, 1985

MEMORANDUM FOR DIANNA G. HOLLAND

FROM:

JOHN G. ROBERTS 

SUBJECT:

Appointment of Donald A. Schwartz
to the Board of Directors, Federal
Prison Industries, Inc.

I have reviewed the Personal Data Statement submitted by Donald Schwartz in connection with his prospective appointment to the Board of Directors of Federal Prison Industries, Inc. The President is authorized by 18 U.S.C. § 4121 to appoint the six members of this Board, representing (1) industry, (2) labor, (3) agriculture, (4) retailers and consumers, (5) the Secretary of Defense, and (6) the Attorney General. The Board supervises penal employment programs for Federal prisoners.

Mr. Schwartz is the President of Medallic Art Company, as well as several other closely-held corporations. He is a Past President of the Rotary Club of New York City. He would serve on the Board as a representative of industry. I have no objection to this appointment.

Attachment

THE WHITE HOUSE

WASHINGTON

June 24, 1985

MEMORANDUM FOR DIANNA G. HOLLAND

FROM:

JOHN G. ROBERTS 

SUBJECT:

Appointments of Steven A. Diaz and
William J. Tangye to the Architectural and
Transportation Barriers Compliance Board

Pursuant to 29 U.S.C. § 792(a)(1)(A) the President is authorized to appoint eleven members to this Board from the general public, of whom five shall be handicapped individuals. Reappointments are authorized, but no member may be reappointed more than once without a hiatus of at least two years in Board service. It is the function of the Board to ensure compliance with the Architectural Barriers Act of 1968 and to explore and report on various issues relating to access by the handicapped. See 29 U.S.C. § 792(b).

William J. Tangye is a professional engineer and Executive Vice President of the Southern Building Code Congress International. The Congress is a professional organization that establishes construction standards for the building industry. Steven Diaz was, until recently, Deputy City Attorney of San Francisco, and is now a partner in a private law firm. There is no indication that either Mr. Tangye or Mr. Diaz is handicapped, so they cannot be counted toward satisfying the handicapped quota on this Board. I have no objection to either appointment.

Attachment

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ROBERTS TO FIELDING, RE: APPOINTMENTS
...TO THE COMMISSION OF FINE ARTS

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.

Cityscape

Guardian of Grandeur

75 Years of the Commission of Fine Arts

By Benjamin Forgey
Washington Post Staff Writer

On May 17, 1910, under the signatures of J.G. Cannon, speaker of the House of Representatives, and J.S. Sherman, vice president of the United States, a statute creating a permanent Commission of Fine Arts "to advise upon the location of statues, fountains, and monuments in the public squares, streets, and parks in the District of Columbia" became law.

Sherman signed the measure in his capacity as president of the Senate and as agent for President William Howard Taft, a strong supporter of the bill. Cannon's signature on the document is ironic—he had fiercely opposed the legislation, just as, in the preceding years, he had fought one by one the recommendations of the 1902 Senate Park Commission Plan for the Improvement of the Park System of the District of Columbia, better known as the McMillan plan after its sponsor, Sen. James McMillan of Michigan.

"Uncle Joe" Cannon did not lose many fights during his powerhouse, eight-year term as speaker, but for 75 years the city of Washington has been the fortunate inheritor of this major defeat. In its advisory role as arbiter of the McMillan plan and, by implication, of the original L'Enfant plan for the city, the Commission of Fine Arts has had an extraordinary hand in making Washington the rare and beautiful place it is.

Even though the scope of its authority has been expanded by presidential decree and congressional legislation in subsequent years, how a small body (the commission has seven appointed members and a professional staff of four) with purely advisory responsibilities has for three quarters of a century exer-

cised such beneficent power remains intriguing. One large reason is the continuity of its leadership—the commission has had but seven chairmen—and its quality.

J. Carter Brown, the distinguished connoisseur (he's also director of the National Gallery of Art) with the fine eye for architecture and urban design, has held the chairmanship since 1971. When he stated recently that "Washington is quite simply the most beautiful city in the world," he was carrying on a notable tradition: Each of his predecessors has held similarly educated, impassioned beliefs concerning the uniqueness and importance of design to the reality and image of the capital city.

The first commission chairman was none other than Daniel H. Burnham, the Chicago architect who, with the assistance of architect Charles Follen McKim, landscape architect Frederick Law Olmsted Jr. and sculptor Augustus Saint-Gaudens, devised the McMillan plan. Burnham served officially for only two years, but for eight years before the official appointment he and McKim had acted as staunch guardians of the plan.

These formidable talents were, in effect, commissioners before there was a commission. The McMillan plan was of course much more than a treatise on the city's parks. It was an exemplary, broad vision that foresaw the rescue of the nobility of L'Enfant's concept from the destructive, predatory raids that had been conducted on it as the city grew during the 19th century, and it built upon the L'Enfant scheme in important ways.

The need for a commission to oversee the McMillan plan was apparent to its authors and supporters from the beginning. In 1903 the Agriculture Department proposed to build a new structure on the south side of the Mall near Independence Avenue and 12th Street. This was fine, except that the building was to be situated 300 feet from the center line of the Mall instead of the 400 feet envisioned in the McMillan plan.

Today, with the magnificent greensward and its bordering "panels" of elm trees in place, it is not hard to appreciate the wise foresight of the planners. At the time, when the Mall was a forest of trees and curving pathways, obstructed by several buildings, it wasn't so easy to see the difference a hundred feet can make. Burnham and McKim twice had to intercede to get the building placed correctly and at the proper height, each time taking the case all the way to President Theodore Roosevelt.

The bitterness of the struggle to maintain the plan can be gauged by a comment made years later, during the House debate on the bill to establish the commission, when an opponent testified that "a future place will never be hot enough to properly singe a man for the present Agriculture Department constructed as it is."

"Uncle Joe" Cannon was much less polite in a later fight over the location of the Lincoln Memorial. "So long as I live," he told Elihu

Root, another strong supporter of the McMillan plan, "I'll never let a memorial to Abraham Lincoln be erected in that God damned swamp." He lost that battle, too. In one of its first acts the newly constituted Commission of Fine Arts argued persuasively for the isolated site in then-swampy Potomac Park.

These two crucial victories set the stage for the monumental core of the city as we know it today—the one established the building line for the stretch of the Mall from the Capitol to 15th Street, and thereby permitted the elm trees to be planted in the 1930s. The other locked into place the western terminus of the spacious, symbolic ensemble that extends from the equestrian statue of Gen. Grant in the east, past the Washington Monument to the Lincoln Memorial.

The commission's great achievements in ensuing years, under the leadership of chairmen Daniel Chester French (1912-1915), Charles Moore (1915-1937), Gilmore D. Clarke (1937-1950), David E. Finley (1950-1963), William Walton (1963-1971) and Brown, have been accomplished with the same kind of high public spirit.

There have been notable defeats, of course, the most recent being the construction of high-rise buildings on the Virginia side of the Potomac and the building of the Washington Harbour complex on the Georgetown Waterfront, both of which are being done over the strenuous, principled objections of the Commission of Fine Arts. There have been famous architectural duds okayed by the commission—the FBI building being the most remarkable of recent vintage—and numerous fiascoes of lesser importance.

The degree to which a design review commission can affect architectural design for the better is of course a pertinent question. Such an agency can alter design, but it does not and cannot initiate it. Its powers in some ways are negative, as Brown stresses: "That's the fun of the Fine Arts Commission, the hidden part of the process that you never see—all the half-baked proposals that don't get built."

But the commission's power to do good for the city has been far greater than this modest assessment implies. Over the years it has not proven inflexible in its judgments—Finley and Walton, Brown's immediate predecessors, both effectively fought the demolition of the row houses surrounding Lafayette Park, which was a major feature of the McMillan plan. And Brown's handling of the bitter fight over the design of the Vietnam Veterans Memorial was indisputably sagacious.

With the exception of sculptor Frederick Hart, the creator of the "three soldiers" statue for the memorial who was appointed last month by President Reagan to serve a four-year term, the current commission members, including the brilliant Brown, are lame ducks. Hart was an excellent choice. One hopes that the president takes advantage of his opportunity to give the commission a superb 75th-birthday present by appointing (or reappointing) members of similar, or even greater, stature.

The Commission of Fine Arts deserves a great gift. For 75 years it has acted, in the apt accolade of Commission Secretary Charles Atherton, as the true "guardian of the quality of public spaces in this city."

THE WHITE HOUSE

WASHINGTON

June 24, 1985

MEMORANDUM FOR ROBERT H. TUTTLE

FROM: FRED F. FIELDING

All necessary clearances have been accomplished with regard to the following individual and he is ready for appointment by the President:

Bernard A. Schriever - Member, National Commission on Space

cc: Nancy Perot
Jane Dannenhauer
John Roberts
Susan Borchard

THE WHITE HOUSE

WASHINGTON

June 25, 1985

MEMORANDUM FOR ROBERT H. TUTTLE

FROM: FRED F. FIELDING >

All necessary clearances have been accomplished with regard to the following individuals and they are ready for appointment to the Architectural and Transportation Barriers Compliance Board:

Steven A. Diaz
Norman R. Hughes
William J. Tangye

cc: Nancy Perot
Jane Dannenhauer
John Roberts
Susan Borchard

THE WHITE HOUSE

WASHINGTON

June 25, 1985

MEMORANDUM FOR ROBERT H. TUTTLE

FROM: FRED F. FIELDING >

All necessary clearances have been accomplished with regard to the following individual and he is ready for appointment by the President:

Donald A. Schwartz - Member, Board of Directors, Federal Prison Industries, Inc.

cc: Nancy Perot
Jane Dannenhauer
John Roberts
Susan Borchard

THE WHITE HOUSE

WASHINGTON

June 26, 1985

MEMORANDUM FOR RICHARD A. HAUSER

FROM:

JOHN G. ROBERTS 

SUBJECT:

Nomination of Malcolm Wilkey to be
Ambassador to Uruguay

I have reviewed the SF 278 and related materials submitted by Malcolm Wilkey in connection with his prospective nomination to be Ambassador to Uruguay. Judge Wilkey has taken senior status pursuant to 28 U.S.C. § 371(b), and will retire from the judiciary altogether pursuant to 28 U.S.C. § 371(a) upon confirmation as ambassador. I have no objection to this nomination.