Box 3 - [JGR/Appointee Clearances – 08/01/1983-08/17/1983] -
Roberts, John G.: Files  SERIES I: Subject File
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Freedom of Information Act - [5 U.S.C. 552(b)]

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THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release August 1, 1983

NOMINATIONS SENT TO THE SENATE:

Charles Franklin Dunbar, of Maine, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qatar.

Danny J. Boggs, of Virginia, to be Deputy Secretary of Energy, vice W. Kenneth Davis, resigned.

Thomas J. Healey, of New Jersey, to be an Assistant Secretary of the Treasury, vice Roger William Mehle, Jr., resigned.

Richard L. McElheny, of Arizona, to be an Assistant Secretary of Commerce, vice William H. Morris, Jr., resigned.

The following-named persons to be Members of the Board of Directors of the National Institute of Building Sciences for terms expiring September 7, 1984:

MacDonald G. Becket, of California, vice Warner Howe, term expired.

Kyle Clayton Boone, of North Carolina, vice Blanca G. Cedeño, term expired.
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**John Roberts to Dianna Holland Re Potential Appointee**

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C. Closed in accordance with restrictions contained in donor's deed of gift.
MEMORANDUM FOR JOHN HERRINGTON

FROM: FRED F. FIELDING

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

Thomas J. Healey - Assistant Secretary of Treasury for Domestic Finance

cc: Claire O'Donnell
    Jane Dannenhauer
    John Roberts
THE WHITE HOUSE
WASHINGTON
August 2, 1983

MEMORANDUM FOR JOHN HERRINGTON

FROM: FRED F. FIELDING

All necessary clearances have been accomplished with regard to the following individual and he is ready for appointment to the President's Commission on Industrial Competitiveness:

Howard M. Love

cc: Claire O'Donnell
    Jane Dannenhauer
    John Roberts
    Barbara McQuown
THE WHITE HOUSE
WASHINGTON
August 2, 1983

MEMORANDUM FOR JOHN HERRINGTON

FROM: FRED F. FIELDING

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

George F. Moose - to be Ambassador to the People's Republic of Benin

cc: Claire O'Donnell
    Jane Dannenhauer
    Dick Hauser
    John Roberts
To: John Roberts

From: Irving P. Margulies

Per your request.

[Handwritten note]

Call in - will call 8/16
will call 8/29
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Withdrawer
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FOIA
F05-133/01
COOKE, PAMELA

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FINANCIAL DISCLOSURE REPORT (SF 278) RE IRVING MARGUILES

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C. Closed in accordance with restrictions contained in donor's deed of gift:
For Immediate Release

The President today announced his intention to appoint the following individuals to be Members of the Presidential Commission on Industrial Competitiveness. As announced on June 28, 1983, the Commission will be chaired by John Young.

ROBERT ANDERSON is Chief Executive Officer of Rockwell International Corporation in Pittsburgh, Pennsylvania.

DIMITRI V. D'ARBELOFF is Chief Executive Officer of the Millipore Corporation in Bedford, Massachusetts.

FREDERICK B. DENT is President and Treasurer of Mayfair Mills, Inc., in Arcadia, South Carolina.

RIMMER DE VRIES is Senior Vice President of Morgan Guaranty Trust Company in New York, New York.

EDWIN D. DODD is Chairman and Chief Executive Officer of Owens-Illinois, Inc., in Toledo, Ohio.

B. KIPLING HAGOPIAN is a General Partner in Brentwood Associates in Los Angeles, California.

ROBERT A. HANSON is President and Chief Executive Officer of Deere and Company in Moline, Illinois.

EDWIN L. HARPER is Executive Vice President of Overhead Door Corporation in Dallas, Texas.

GEORGE A. KEYWORTH, II, is Science Advisor to the President in the Executive Office of the President, Washington, D.C.

GERALD D. LAUBACH is President of Pfizer, Inc., in New York, New York.

GEORGE M. LOW is President of Rensselaer Polytechnic Institute in Troy, New York.

BRUNO J. MAUER is President of Rickert Industrial Supply Company in Milwaukee, Wisconsin.

RACHEL MCCULLOCH is Professor of Economics at the University of Wisconsin in Madison.

SYBIL C. MOBLEY is Dean of the School of Business, Florida A & M University, Tallahassee, Florida.
THE WHITE HOUSE
WASHINGTON
August 5, 1983

MEMORANDUM FOR JOHN HERRINGTON

FROM: FRED. F. FIELDING

All necessary clearances have been accomplished with regard to the following individual and he is ready for appointment to the National Highway Safety Advisory Committee:

Don MacGillivray

cc: Claire O'Donnell
     Jane Dannenhauer
     John Roberts
     Barbara McQuown
MEMORANDUM FOR FRED F. FIELDING
THROUGH: RICHARD A. HAUSER
FROM: JOHN G. ROBERTS
SUBJECT: Nicolas Salgo

Nicolas Salgo was Chairman of the Board of Bangor Punta Corporation during the legendary battle between Bangor Punta and Chris-Craft for control of Piper Aircraft. That battle led to extensive litigation and several landmark securities decisions by the Second Circuit and the Supreme Court. See generally Piper v. Chris-Craft, 430 U.S. 1, 9-21 (1977) (history of litigation). Bangor Punta and Salgo were found by the Second Circuit to have violated registration and antifraud provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934. The Supreme Court eventually decided that Chris-Craft did not have standing to bring the suit. Accordingly, it did not reach the merits.

The saga began when Chris-Craft announced its intent to take over Piper. Piper responded by seeking out a "white knight," Bangor Punta, to make a friendly takeover offer. Bangor Punta acquired Piper family shares and, on May 8, 1969, issued a press release announcing that it planned an exchange offer for other Piper stock. A registration statement for that offer was filed on May 29. While the exchange offer was pending, Bangor Punta continued cash purchases of Piper shares. Bangor Punta eventually secured 51 percent of the Piper shares, leaving Chris-Craft with a very expensive minority interest.

In response to suits by the SEC and Chris-Craft, a divided Second Circuit determined that:

1. Bangor Punta and its officers violated § 5(c) of the 1933 Act when they issued the May 8 press release. According to the court, that release itself constituted an offer, and as such was not properly registered. The SEC sued Bangor Punta on this ground, and Bangor Punta consented to an injunction barring any future press releases. When Chris-Craft raised this ground in its damage suit, however, the court ruled that this violation was not a violation of the antifraud provisions.
2. Bangor Punta and its officers violated § 14(e) of the 1934 Act, the tender offer antifraud provision, because the May 29 registration statement listed the worth of an asset -- the Bangor and Aroostook Railroad -- at $18 million, the value at which it was carried on the books. The directors knew the railroad to be worth only $5 million, since they were engaged in negotiations to sell it for that amount. The $18 million figure was arrived at through "dubious accounting procedure." The § 14(e) violation was not based on intent to defraud but "reckless disregard" for the accuracy of the reported figure, which the court considered sufficient to satisfy the scienter requirement. Both the SEC and Chris-Craft raised these allegations. Although agreeing with the SEC that a violation occurred, the court denied the SEC's request for an injunction against future violations.

3. Bangor Punta and its officers violated Rule 10b-6 issued under the 1934 Act, an antifraud rule, by engaging in cash purchases while the exchange offer was outstanding. The court reasoned this inflated the price of the Piper stock at a time when it would appear that the increase was due to the exchange offer, making the exchange offer appear more attractive.

The Supreme Court reversed the eventual award of damages and injunctive relief to Chris-Craft. The Court reasoned that the securities laws did not create a private cause of action for the benefit of rival tender offerors such as Chris-Craft. In light of its holding, the Court noted that it had "no occasion to pass on the Court of Appeals' underlying determination that petitioners actually violated the securities laws . . ." 430 U.S., at 37 n.24.

With respect to the Second Circuit's determination that such violations did occur, it is significant to note that the court itself recognized that it was deciding issues of first impression, see 480 F.2d at 379, and that a majority rebuffed the SEC's request for a permanent injunction against Bangor Punta and its officers, agreeing with the district court that there was no basis to assume any danger of future violations by Bangor Punta or its officers. The court opinions broke new ground, and Bangor Punta's activities were hardly egregious. Indeed, the opinions continue to be widely-read in securities law classes, and have provided ample fodder for commentators, precisely because of the closeness of the issues presented. I do not think the episode should preclude Salgo's nomination.
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E. MARK BRADEN TO J. ROBERTS

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

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Cooke, Pamela

Box Number
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4 LETTER
FROM BRADEN

1 9/30/1982 B6

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THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

September 20, 1983

The President today announced his intention to nominate Nicolas M. Salgo, of Florida, as Ambassador to Hungary. He would succeed Harry E. Bergold, Jr.

Mr. Salgo was a trainee and export manager with Manfred Weiss Company in Budapest, Hungary in 1933-1938 and in Geneva, Switzerland in 1938-1939. He was Partner and Director of Salvaj and Cie in Geneva in 1939-1948. In 1948-1958 he was Owner and President of Indeco Corporation, Coal Credit Corporation, and Salvaj and Company in New York City. He was Executive Vice President of Webb and Knapp, Inc., in New York City (1950-1957), and President and Chief Executive Officer of the Norbute Corporation in Butte, Montana (1954-1960). He was Founder and Owner of Nicolas Salgo and Company in New York City in 1959-1983. In 1960-1974 he was Vice Chairman, and Chairman of Bangor Punta Corporation and subsidiaries in Greenwich, Connecticut. He was Co-owner and President of the ZX Ranch in Paisley, Oregon in 1966-1980.

Mr. Salgo was Founder and Limited Partner of the Watergate Improvement Associates in Washington, D.C. (1960-1977) and has served as Chairman of the Watergate Companies since 1977. He has also been a consultant to the United States Information Agency since 1982 and a member of the International Private Enterprise Task Force since May 1983.

He received his LL.D. and Ph.D. from the University of Budapest (Hungary) in 1937. His foreign languages are fluent Hungarian, French, and German. He was born August 17, 1914 in Budapest, Hungary and became naturalized in 1953.

# # #
For Immediate Release September 26, 1983

NOMINATIONS SENT TO THE SENATE:

Reginald Bartholomew, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

Nicolas M. Salgo, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Hungary.

Gerald Eustis Thomas, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

Clarence J. Brown, of Ohio, to be Deputy Secretary of Commerce, vice Guy W. Fiske, resigned.


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**TO RICHARD HAUSER**

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

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RE PERSONAL ASSETS

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

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THE WHITE HOUSE
WASHINGTON
August 8, 1983

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS

SUBJECT: Pending Presidential Appointments

This responds to your memoranda of August 5, inquiring into the status of two prospective appointees.

° On August 2 Irving Margulies delivered the SF 278 he filed on May 16 in compliance with the annual reporting requirement for his current position. I have advised Margulies the form must be updated for his nomination, and am awaiting receipt of an appropriately updated form.

° Bud Brown has submitted a PDS and a draft SF 278. I noted several errors on the draft SF 278 and returned it to him on July 13, along with a letter concerning steps that had to be taken with respect to his continuing interests in his family business by him and ethics officers at Commerce. Brown has yet to respond; on July 26 I reminded Commerce lawyers working on the matter that we were awaiting their action and reply.
MEMORANDUM FOR JOHN ROBERTS

FROM: FRED F. FIELDING

I would appreciate it if you would give Dianna an up-date on the attached questions regarding Presidential appointments by close of business Monday, August 8.

Thank you very much.
MEMORANDUM

THE WHITE HOUSE
WASHINGTON

August 5, 1983

FOR: JOHN ROBERTS
FROM: DIANNA HOLLAND

Have you received the financial forms for Irving Margulies.

Please advise. Thank you.
FOR:     JOHN ROBERTS
FROM:    DIANNA HOLLAND

Could you please let me know where we stand with Bud Brown's personal data statement and 278? Please advise.

Thank you.
Collection Name
ROBERTS, JOHN: FILES

File Folder

Box Number
9 KDB

DOC Document Type
NO Document Description
11 REPORT
APPOINTMENT PROCESS PERSONAL INTERVIEW RECORD RE HELEN CORROTHERS

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

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THE WHITE HOUSE
WASHINGTON
September 22, 1983

MEMORANDUM FOR JOHN HERRINGTON

FROM: FRED F. FIELDING

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

Helen G. Corrothers - Commissioner, U.S. Parole Commission

cc: Claire O'Donnell
    Jane Dannenhauer
    John Roberts
THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release          October 27, 1983

The President today announced his intention to nominate the following individuals to be Commissioners of the United States Parole Commission for terms of six years:

VINCENT FECHTEL, JR., would succeed Audrey Kaslow. Mr. Fechtel is a business investor in Leesburg, Florida. He was a Florida state legislator in 1972-1980. He was owner of various small businesses in 1963-1972. He graduated from the University of Florida (B.S., 1959). He has two children and resides in Leesburg, Florida. He was born August 10, 1936 in Leesburg.

HELEN G. CORROOTHERS would succeed Robert D. Vincent. Since 1971, she has served as Superintendent of the Women's Unit of the Arkansas Department of Correction. Previously, she was an instructor of the Arkansas Department of Correction in 1970-1971. She served in the United States Army from 1955-1969, discharged with the rank of Captain. She graduated from Roosevelt University (B.S.) and Arkansas Baptist College (A.A.). She has one son and resides in Pine Bluff, Arkansas. She was born March 19, 1937 in Montrose, Arkansas.

PAULA A. TENNANT would succeed Cecil M. McCall. Since 1980, she has been serving as Assistant District Attorney in San Mateo, California. Previously, she was Deputy District Attorney for San Mateo County in 1978-1979; a Member of the U.S. Board of Parole in 1970-1976; and a member of the California Youth Authority in 1968-1970. She graduated from Lincoln University (LL.B., 1954). She was born May 23, 1913 in Kendallville, Indiana and now resides in Burlingame, California.

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**FOIA**
F05-133/01
COOKE, PAMELA

**Box Number**
9 KDB

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**Memo**

J. ROBERTS TO DIANNA HOLLAND RE HOLLAND'S 9/8/83 MEMO

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

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13  MEMO  

**D. HOLLAND TO J. ROBERTS**

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THE WHITE HOUSE
WASHINGTON

August 9, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Seeley Lodwick

I mentioned this morning my recollection, prompted by the Post report that Mr. Lodwick had been confirmed while his independent co-nominees had not been, that the International Trade Commission enabling act required members of different political parties to be appointed alternately to the ITC. The actual phrasing provides that "in making appointments members of different political parties shall be appointed alternately as nearly as may be practicable." 19 U.S.C. § 1330(a) (emphasis supplied). The underscored language is of some significance, as I have discovered that Lodwick was commissioned last Friday, August 5. Lodwick's appointment means that the last four appointees to the ITC have been Republicans, so the record of compliance with the statute's alternating scheme has not been good.

It can, however, readily be maintained, at least with respect to Lodwick's appointment, that the Administration made every effort to comply with the alternating requirement, and only failed to do so because it was not "practicable." Lodwick's name was sent up along with two non-Republicans, and the Administration can hardly be blamed for the Senate's refusal to confirm the Independents while confirming Lodwick. Nor is there anything in the statute to suggest that the appointment of a confirmed nominee must be held in abeyance until the Senate confirms a nominee of a different party.
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For the remainder of the term expiring...
### UNITED STATES INTERNATIONAL TRADE COMMISSION

**INDEPENDENT MEMBERS: 6 **
**TERM: 9 yrs **

#### Frank, Eugene J.
- **State:** Pa.
- **Term Expires:** 12/16/82
- **Nominated:** 7/13/81
- **Confirmed:** 7/30/81
- **Commissioned:** 9/19/81
- **Vice:** CM Moore, rsgnd.

(for the remainder of the term expiring...)

#### Eckeles, Alfred E., Jr.
- **State:** Va.
- **Term Expires:** 6/16/90
- **Nominated:** 7/13/81
- **Confirmed:** 9/16/81
- **Commissioned:** 9/18/81
- **Vice:** I H ablondi

(CM Bedell left payroll on 11/30/81, per Leslee Sherrill, PPO - no exchange of letters with the President occurred. This info ascertained on 2/4/82)

#### Haggart, Veronica A.
- **State:** Va.
- **Term Expires:** 6/16/84
- **Nominated:** 2/11/82
- **Confirmed:** 3/8/82
- **Commissioned:** 3/9/82
- **Vice:** CM Bedell

(for the remainder of the term expiring...)

(WRA Alberger rsgnd as Mbr. & Chmn., eff. 6/16/82; acc. 5/5/82, eff. 6/16/82)

(MJ Calhoun rsgnd. 7/8/82, eff. 9/10/82; acc. 8/17/82, eff. 9/10/82.)

(EJ Frank rsgnd. 9/3/82, eff. 10/23/82; acc. 10/1/82, eff. 10/23/82.)

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### UNITED STATES INTERNATIONAL TRADE COMMISSION

**INDEPENDENT MEMBERS: 6 **
**TERM: 9 yrs **

#### Leon, Enrique J.
- **State:** N.Y.
- **Term Expires:** 12/16/82
- **Nominated:** 11/15/82
- **Confirmed:** NOT CONFIRMED
- **Commissioned:** EJ Frank, rsgnd.

(for the remainder of the term expiring...)

#### Liebeler, Susan Wittenberg
- **State:** Calif.
- **Term Expires:** 12/16/88
- **Nominated:** 11/15/82
- **Confirmed:** NOT CONFIRMED
- **Commissioned:** MJ Calhoun, rsgnd.

(for the remainder of the term expiring...)

#### Leon, Enrique J.
- **State:** N.Y.
- **Term Expires:** 12/16/91
- **Nominated:** 11/15/82
- **Confirmed:** NOT CONFIRMED
- **Commissioned:** Reappointment

#### Schlitt, Lyn M. (Mrs.)
- **State:** Va.
- **Term Expires:** 12/16/85
- **Nominated:** 5/26/83
- **Confirmed:** RETURNED - 8/8/83

(for the remainder of the term expiring...)

#### Liebeler, Susan Wittenberg
- **State:** Calif.
- **Term Expires:** 12/16/88
- **Nominated:** 5/26/83
- **Confirmed:** RETURNED - 8/8/83

(for the remainder of the term expiring...)

#### Lodwick, Seeley
- **State:** Iowa
- **Term Expires:** 12/16/91
- **Nominated:** 5/26/83
- **Confirmed:** 8/4/83
- **Commissioned:** EJ Frank, rsgnd.

8/5/83
**WHILE YOU WERE OUT**

**M. Steve Halloway**

of **Commerce**

**Phone** 377-1328

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**Message**

Re: Bird Brown nomination

Will talk w/ both Grant & Marylia

Operator
MEMORANDUM FOR JOHN HERRINGTOn

FROM: FRED F. FIELDING

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

Alan Lee Keyes - to be Representative of the United States of America on the Economic and Social Council of the United Nations

cc: Claire O'Donnell
    Jane Dannenhauer
    Dick Hauser
    John Roberts