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Ronald Reagan Library

Collection Name ROBERTS, JOHN G.: FILES

Withdrawer

CAS 8/25/2005

File Folder [JGR/APPOINTEE CLEARANCES - 02/25/1984-04/17/1984]

FOIA

F05-139/01

Box Number 3

COOK

14 KDB

Doc No	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	J. ROBERTS MEMO FOR THE FILE (PARTIAL)	1	2/27/1984	B6	331
2	MEMO	ROBERTS TO DIANNA HOLLAND RE PAUL NITZE NOMINATION (PARTIAL)	1	3/2/1984	B6	332
3	MEMO	RE PAUL NITZE (PARTIAL BOTH PAGES)	2	3/1/1984	B6	333
4	MEMO	ROBERTS TO RICHARD HAUSER RE WESTON ADAMS (PARTIAL)	1	3/13/1984	B6	334
5	LETTER	RE WESTON ADAMS	2	7/19/1984	B6	335
6	MEMO	ROBERTS TO HOLLAND, RE: AMBASSADOR TO CONGO (PARTIAL)	1	3/16/1984	B6	1164
7	MEMO	ROBERTS TO FIELDING RE NATIONAL CANCER ADVISORY BOARD (P. 1 RELEASED, P. 2-3 PARTIAL)	3	4/17/1984	B6	790
8	LETTER	ARLEN SPECTOR TO REAGAN	1	3/22/1984	B6	337

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.

Ronald Reagan Library

Collection Name ROBERTS, JOHN G.: FILES

Withdrawer

CAS 8/25/2005

File Folder [JGR/APPOINTEE CLEARANCES - 02/25/1984-04/17/1984]

FOIA

F05-139/01

Box Number 3

COOK

14 KDB

Doc No	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
9	LETTER	ARLEN SPECTOR TO FRED FIELDING 218848	1	3/23/1984	B6	336
10	MINUTES	RE 4/22/83 MEETING [DRAFT] (P. 1-2 RELEASED, P. 3-7 CLOSED, P. 8 PARTIAL)	8	5/2/1983	B6	338

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E.O. 13233

C. Closed in accordance with restrictions contained in donor's deed of gift.

THE WHITE HOUSE
WASHINGTON

February 27, 1984

MEMORANDUM FOR THE FILE

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: FBI Reports on [REDACTED]

Bp, B7c)

This morning between 9:50 a.m. and 10:00 a.m. Senator Tower reviewed in his office, in my presence, the FBI summary memoranda on [REDACTED]

*FOIA(b)(6)
B7(c)*

THE WHITE HOUSE

WASHINGTON

February 27, 1984

MEMORANDUM FOR JOHN HERRINGTON

FROM: FRED F. FIELDING >

All necessary clearances have been accomplished with regard to the following individuals and they are ready for reappointment to the National Advisory Committee for Juvenile Justice and Delinquency Prevention:

Allan B. Moore
Donna M. Smith

cc: Claire O'Donnell
Jane Dannenhauer
John Roberts
Barbara McQuown

THE WHITE HOUSE
WASHINGTON

February 22, 1984

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS 

SUBJECT: Reappointments of Donna M. Smith,
Allan B. Moore, John L. Rouse, Jr. and
Keith T. Koppenhoefer to the National
Advisory Committee for Juvenile
Justice and Delinquency Prevention

Under 42 U.S.C. § 5617 the President is authorized to appoint fifteen persons to the Advisory Committee, at least five of whom shall be less than 24 years old at the time of their appointment. At least two of these five "shall have been or shall be (at the time of appointment) under the jurisdiction of the juvenile justice system." 42 U.S.C. § 5617(a)(3). No member of the Advisory Committee may be a full-time officer or employee of the Federal Government. Id. § 5617(a)(4).

On January 14, 1984, you forwarded to me the file on the Advisory Committee. The terms of five Reagan appointees serving on the Committee were due to expire on January 17, 1984, and Presidential Personnel proposed to reappoint all five to new terms. The statute authorizes reappointments and holdovers, 42 U.S.C. § 5617(b)(2). Two of the five -- Keith Koppenhoefer and John Rouse, Jr. -- were, unbeknownst to me until today, actually reappointed on January 18, 1984. I have no objection to their reappointments, since I cleared them as recently as June 30, 1983, for the remainder of terms ending on January 17, 1984. Our office should, however, have been advised before the actual reappointments were made. Both Koppenhoefer and Rouse are still under 24 years of age, and, as detailed in my memorandum of June 30, 1983, both have been under the jurisdiction of the juvenile justice system. Their appointments accordingly satisfy the requirements of 42 U.S.C. § 5617(a)(3).

Allan Moore and Donna Smith, both appointed to the Committee on November 30, 1982, for the remainder of terms expiring on January 17, 1984, have completed new Personal Data Statements for their reappointments. I have reviewed these statements and have no objections to the reappointments. Both Smith and Moore are under 24, so they may be counted toward fulfilling the requirement that five of the President's fifteen appointees be less than 24.

Sylvester Williams was appointed on January 21, 1983, to fill the remainder of a term expiring on January 17, 1984. I have not yet received a PDS from Williams. Since over a year has passed since Williams was first cleared, I think we should await a fresh PDS before clearing his reappointment.

In sum, of the five candidates you forwarded for my review:

- Koppenhoeffter and Rouse have already been reappointed,
- Smith and Moore may be reappointed,
- Williams has not yet sent in a new PDS.

THE WHITE HOUSE

WASHINGTON

February 29, 1984

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS 

SUBJECT: Appointment of D. Gene
Rickenbaker to the U.S. Court
of Military Appeals

The United States Court of Military Appeals is an Article I tribunal established by 10 U.S.C. § 867. It consists of three judges appointed by the President, by and with the advice and consent of the Senate, from civil life for 15 year terms. Appointees must be members of the bar of a Federal court or the highest court of a State; no more than two judges may be appointed from the same political party. 10 U.S.C. § 867(a) (1).

Mr. Rickenbaker has been in the private practice of law for a dozen years. Prior to that he served as an assistant United States attorney, and prior to that he served, for four years, as a Judge Advocate in the Air Force. He served in the active reserve from 1971-1981, and currently holds the rank of Major in the Air Force Reserve (inactive). The requirement that appointees to the court be from "civil life" is not defined in the statute. The provision is generally understood to prohibit appointment of currently active military officers, and I do not see Rickenbaker's prior active service or his current inactive rank as bars to his appointment. Rickenbaker satisfies the bar membership requirement. He will "vice" a fellow Republican on the court, serving with a Republican and a Democrat, so the bipartisanship requirement is also satisfied.

I have reviewed Rickenbaker's PDS (but not his SF-278), and have no objection to proceeding with his nomination.

THE WHITE HOUSE

WASHINGTON

February 29, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Appointment of Joel Gerber
to the United States Tax Court

The United States Tax Court is an Article I tribunal established by 26 U.S.C. § 7441. It is composed of 19 members appointed to 15 year terms by the President, by and with the advice and consent of the Senate, "solely on the ground of fitness to perform the duties of the Office." 26 U.S.C. § 7443(a), (b).

Mr. Gerber has eminent qualifications for the post, having worked for the Internal Revenue Service Counsel's Office since 1965. He is currently Deputy Chief Counsel of the Internal Revenue Service, and Acting Chief Counsel. In addition to his law degree he has a masters in taxation. He notes that he has been publicly identified with the Bob Jones controversy, due to his service as Deputy Chief Counsel at IRS at the time. His role was not a prominent one, however, and I would not expect it to present an impediment to his confirmation.

I have reviewed Mr. Gerber's PDS (not his SF-278), and have no objection to proceeding with the nomination.

THE WHITE HOUSE

WASHINGTON

March 2, 1984

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Nomination of Paul H. Nitze to the
Rank of Ambassador

I have reviewed the SF-278 and related materials submitted by Paul H. Nitze in connection with his nomination to the Rank of Ambassador, and have no objection to proceeding with the nomination. I discussed the SF-278 with Walter L. Baumann, the Agency Ethics Official for ACDA, and determined that there were several technical flaws in the form that needed to be corrected. Specifically,

With respect to substantive conflicts of interest, I have no objections.

FOIA(b)(6)

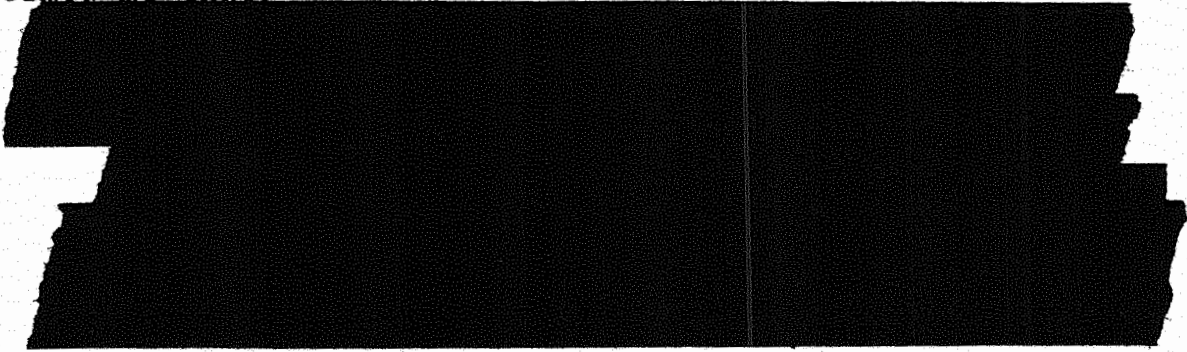
UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

March 1, 1984

MEMORANDUM

SUBJECT: Agency Ethics Official's Opinion on Financial
Disclosure Report of Paul H. Nitze

In my capacity as the designated agency ethics official of the U.S. Arms Control and Disarmament Agency, I have reviewed the Financial Disclosure Report of Paul H. Nitze dated February 29, 1984 for the Executive Level IV position of Special Representative for Arms Control and Disarmament Negotiations with the rank of Ambassador. In addition, on March 1, 1984 I discussed the report with Mr. Nitze who informed me that:



- (b) the entry "CSA Annuity" on page 2 of the Report refers to his Civil Service retirement annuity;
- (c) he believes that the securities held by Bedford Associates (a limited partnership listed on page 2 of the Report) are in the organizations identified as Acme Cleve., Avon, Butler International, Church & Dwight, Computer Consoles, E.I. duPont, 1st Tenn. National Corp., G.E., Peabody International, Russell Corp., Taft Broadcasting, and Warner Communications;
- (d) valuation method Option B ("value based upon a recent appraisal of the property interest") has been used throughout Schedule A of the Report for stocks and bonds rather than valuation method Option H ("... any recognized indication of value (such as last sale on a stock exchange)") because these values were taken from brokerage account statements;
- (e) his good faith estimate is that his interest in the Sea Knife limited partnership listed on page 2 of the Report has no current value;

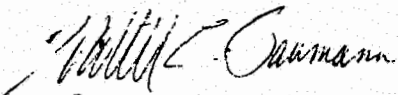
- (f) he believes that the assets of the trust established for him by his father W.A. Nitze which is listed on page 2 of the Report are invested by the First National Bank of Chicago in units of two diversified funds, the First National Bank of Chicago Personal Trust Growth Equity Fund and the First National Bank of Chicago Personal Trust Tax Exempt Bond Fund;
- (g) he believes that the remainder unitrust for the benefit of Harvard University which is listed on page 2 of the report is invested in U.S. Treasury Notes; and

FOIA(b)(6)



Mr. Nitze also informed me that he would check further on the items which are expressed above as matters of belief, and would immediately provide corrected information if he found any discrepancies.

In my opinion, the information contained in Mr. Nitze's report as supplemented by the foregoing information discloses no conflict of interest under applicable laws and regulations.


Walter L. Baumann

THE WHITE HOUSE

WASHINGTON

March 5, 1984

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 formal nomination by the President:

Paul H. Nitze - To be Special Representative for Arms Control and Disarmament Negotiations with the Rank of Ambassador while so serving

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

THE WHITE HOUSE

WASHINGTON

March 5, 1984

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 formal nomination by the President:

Gerald P. Carmen - To be the Representative of the United States of America to the European Office of the United Nations, with the Rank of Ambassador

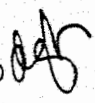
cc: Claire O'Donnell
Jane Dannenhauer
Richard Hauser
John Roberts

THE WHITE HOUSE

WASHINGTON

March 5, 1984

MEMORANDUM FOR T.A.D. THARP

FROM: DIANNA HOLLAND 

I just received a memo from the State Department forwarding Barrington King's nomination papers. This is just to advise you that I sent a memo clearing him on 2/13.

cc: Jane Dannenhauer
John Roberts ←

THE WHITE HOUSE

WASHINGTON

March 5, 1984

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 formal nomination by the President:

David Charles Miller, Jr. - To be Ambassador to Zimbabwe

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

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

March 7, 1984

The President today announced his intention to nominate Richard Fairbanks, of the District of Columbia, as Ambassador at Large. Mr. Fairbanks had previously served as Special Negotiator for the Middle East Peace Process for the past two years. Prior to that he was Assistant Secretary of State for Congressional Relations (1981-1982).

Mr. Fairbanks served in the United States Navy in 1962-1966 as Lieutenant. He was an Associate Attorney in the law firm of Arnold and Porter in Washington, D.C., in 1969-1971. In 1971 he was Special Assistant to the Administrator of the Environmental Protection Agency. He was with the President's Domestic Council as Staff Assistant (1971-1972), and Associate Director for National Resources, Energy and Environment (1972-1974). In 1974-1977 he was a member of the Citizen's Advisory Council on Environmental Quality. In 1974-1981 he was the founding partner in the law firm of Beveridge, Fairbanks and Diamond in Washington, D.C.

Mr. Fairbanks received his A.B. (1962) from Yale University and J.D., magna cum laude, (1969) from Columbia University Law School. His foreign languages are reading knowledge of French and Spanish. He was born February 10, 1941 in Indianapolis, Indiana.

#

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

March 9, 1984

The President today announced his intention to nominate Paul Henry Nitze, of the District of Columbia, as Special Representative for Arms Control and Disarmament Negotiations, and to have the rank of Ambassador while so serving.

Mr. Nitze was an accountant with Container Corporation of America in Bridgeport, Connecticut in 1928-1929, and Vice President of Dillon, Read and Company in New York, New York in 1929-1938 and also in 1939-1941. In 1938-1939 he was President of P.H. Nitze and Company in New York City. He was coordinator of Inter-American Affairs at the Department of State in Washington, D.C., in 1941-1942. He was Chief of Bureau of the Board of Economic Warfare (1942-1943), Director of Bureau of the Foreign Economic Administration (1943-1944) and Director of Policy Planning Staff at the Department of State (1946-1953). In 1953-1961 he was President of the Foreign Service Educational Foundation in Washington, D.C. He was Assistant Secretary of Defense for International Security Affairs (1961-1963), Secretary of the Navy (1963-1967), Deputy Secretary of Defense (1967-1969), and a Member of the United States Arms Control and Disarmament Agency as Head of the United States Delegation to the Strategic Arms Limitation Talks (1969-1974). In 1974-1981 he was a self-employed consultant in Washington, D.C. In 1981, he was appointed to the United States Arms Control and Disarmament Agency as Head of the United States Delegation to the Intermediate-Range Nuclear Force Negotiations, with the rank of Ambassador (1981-1984), and since January 1984 he has been Special Representative for Arms Control and Disarmament Negotiations.

Mr. Nitze received his A.B. (cum laude) in 1928 from Harvard University. His foreign languages are German and French. He was born January 26, 1907 in Amherst, Massachusetts.

#

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

March 12, 1984

NOMINATIONS SENT TO THE SENATE:

Thomas H. Anderson, Jr., of Mississippi, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Barbados, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of Dominica, Ambassador Extraordinary and Plenipotentiary of the United States of America to Saint Lucia, Ambassador Extraordinary and Plenipotentiary of the United States of America to Saint Vincent and the Grenadines, Ambassador Extraordinary and Plenipotentiary of the United States of America to Antigua and Barbuda, and Ambassador Extraordinary and Plenipotentiary of the United States of America to St. Christopher and Nevis.

Gerald P. Carmen, of New Hampshire, to be the Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador.

Richard Fairbanks, of the District of Columbia, to be Ambassador at Large.

Barrington King, of Georgia, 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 Brunei.

David Charles Miller, Jr., of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America, to Zimbabwe.

Paul H. Nitze, of the District of Columbia, to be Special Representative for Arms Control and Disarmament Negotiations (New Position - Public Law 98-202, of December 2, 1983), to which position he was appointed during the recess of the Senate from November 18, 1983, until January 23, 1984, and to have the rank of Ambassador while so serving.

Marge Bodwell, of New Mexico, to be a Member of the National Advisory Council on Women's Educational Programs for a term expiring May 8, 1986. (Reappointment)

Paul H. Lamboley, of Nevada, to be a Member of the Interstate Commerce Commission for the remainder of the term expiring December 31, 1984, vice Darius W. Gaskins, Jr., resigned.

The following-named persons to be Members of the National Council on Educational Research for terms expiring September 30, 1986:

J. Floyd Hall, of South Carolina. (Reappointment)
Donna Helene Hearne, of Missouri. (Reappointment)
George Charles Roche III, of Michigan. (Reappointment)
Carl W. Salser, of Oregon. (Reappointment)

#

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

March 12, 1984

The President today announced his intention to appoint Nackey Scripps Loeb to be a Member of the Architectural and Transportation Barriers Compliance Board for a term expiring December 3, 1986. She will succeed William Reid Ralls.

Mrs. Loeb is publisher of the Union Leader in Manchester, New Hampshire. She has two children and resides in Goffstown, New Hampshire. Mrs. Loeb was born February 24, 1924 in Los Angeles, California.

#

THE WHITE HOUSE

WASHINGTON

March 13, 1984

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Nomination of Weston Adams to be
Ambassador to Malawi

By memorandum dated October 4, 1983, I advised you that I had no objection to proceeding with Mr. Adams's nomination to be Ambassador to Lesotho. I noted, however, that Adams should be prepared to answer questions concerning his service on the Boards of Trustees of the American African Affairs Association and the James H. Hammond Academy. You requested more information on those two matters, which I provided by memorandum dated October 20, 1983.

[REDACTED]

As you know, Lesotho is completely surrounded by South Africa and relations between the two nations are delicate. Adams is now to be nominated to be Ambassador to Malawi. Malawi is in the same region of Africa as Lesotho, but does not border on South Africa. Presumably it is felt that this makes a difference.

Adams's situation has not materially changed from when we initially cleared him, although his SF-278 has been updated.

[REDACTED]

FOIA(b) (6)



United States Department of State

Washington, D.C. 20520

Delivery by hand

July 13, 1984

Mr. David H. Martin, Director
Office of Government Ethics
P.O. Box 14108
Washington, D.C. 20044

Attention: Ms. Jane S. Ley

Dear Mr. Martin:

In response to your letter of May 31, 1984, William E. Gressman of my office talked several times to Mr. Weston Adams, the United States Ambassador designate to Malawi, in order to convey your office's concerns with regard to the transfer of Mr. Adams's law practice. Mr. Gressman has also discussed this matter with Ms. Ley of your office on several occasions. My office has just received the enclosed correspondence from Mr. Adams, which includes an opinion letter (No. 84-14) from the South Carolina Bar Ethics Advisory Committee written in response to Mr. Adams's request letters (copies also enclosed) setting forth his intentions with respect to the transfer of his practice. After reviewing this material and in light of the guidance of the South Carolina Bar, I have determined that provided Mr. Adams follows the guidelines established by the bar (which he has indicated he will do), there will be, in my opinion, no 18 U.S.C. 209 or other conflict of interest problem with this arrangement. Please let me (632-2350) or Mr. Gressman (632-9516) know as soon as possible of your final determination or if you have further questions. Your prompt resolution of this matter would be appreciated.

Sincerely,

Knute E. Malmberg
Assistant Legal Adviser for
Management & Deputy Designated
Agency Ethics Official

Enclosures

cc: ✓ John Roberts
White House Counsel's Office
Weston Adams

Received 7/11/84 WEA

WESTON ADAMS

ATTORNEY AT LAW
1518 RICHLAND STREET
POST OFFICE BOX 291
COLUMBIA, SOUTH CAROLINA 29202

TELEPHONE 254-1675

July 3, 1984

Mr. William E. Gressman
L/M Room 4427 A
Department of State
2201 C Street
Northwest
Washington, D.C. 20520

Re: Opinion of the South Carolina Bar

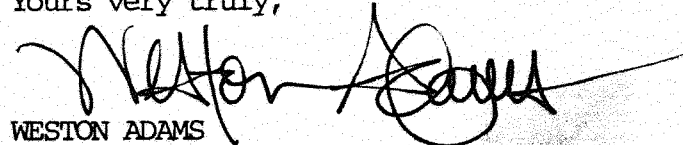
Dear Mr. Gressman:

Enclosed you will find a copy of the transmittal letter of the Chairman, Ethics Advisory Committee, South Carolina Bar and Ethics Opinion 84-14 approving the particulars of the arrangement which I have outlined for the operation of my law office and compensation therefrom during my federal service. Also, enclosed you will find copies of my letters to the Chairman requesting that opinion. In outlining my questions to the Committee, I was faithful to our conversations and the matters which you raised.

I am mailing the correspondence to you at this time, because it was delayed in reaching my office. As a result, I am even more concerned by the time factor in processing approval by the Office of Government Ethics. Accordingly, I will greatly appreciate any assistance you can give me in accomplishing this approval at the earliest date.

Thank you for your cooperation and with best wishes, I am

Yours very truly,


WESTON ADAMS

WA/jsm
Enclosure

SINKLER GIBBS & SIMONS

PROFESSIONAL ASSOCIATION

160 EAST BAY STREET
CHARLESTON, SOUTH CAROLINA
TELEPHONE AND TELECOPIER
(803) 722-3366

MAILING ADDRESS.
CHARLESTON OFFICE
POST OFFICE BOX 340
CHARLESTON, S. C. 29402

COLUMBIA OFFICE
SUITE 1160
FIRST NATIONAL BANK BUILDING
POST OFFICE BOX 11456
COLUMBIA, S. C. 29211
TELEPHONE AND TELECOPIER
(803) 765-1555

June 26, 1984

Weston Adams, Esquire
P.O. Box 291
Columbia, SC 29202

RE: Ethics Advisory Request No. 84-14

Dear Weston:

Enclosed please find Ethics Opinion 84-14 in response to your request for an ethics advisory opinion from the South Carolina Bar. I wish you luck as our new Ambassador to the Republic of Malawi.

With kind regards, I am,

Yours truly,



Robert H. Hood
Chairman, Ethics Advisory
Committee

RHH/rbs
enclosure

Ethics Advisory Opinion No. 84-14

Question 1:

May an attorney leave his law firm name unchanged when he leaves his practice to accept the ambassadorship of a foreign country?

Opinion:

Yes.

Text of Opinion:

The South Carolina Ethics Advisory Committee adopts in toto ABA Formal Opinion 318 which states in pertinent part the following:

[A]nything to the contrary in Formal Opinion 315 or in the other opinions cited notwithstanding that: "where a partner whose name appears in the name of a law firm is elected or appointed to high local, state or federal office, which office he intends to occupy only temporarily, at the end of which time he intends to return to his position with the firm, and provided that he is not precluded by holding such office from engaging in the practice of law and does not in fact sever his relationship with the firm but only takes a leave of absence, and provided that there is no local law, statute or custom to the contrary, his name may be retained in the firm name during his term or terms of office, but only if proper precautions are taken not to mislead the public as to his degree of participation in the firm's affairs."

Therefore, it is the opinion of the South Carolina Ethics Advisory Committee that the inquirer's firm name may remain intact with the designation "leave of absence" or "in Federal service." Also in accord see Disciplinary Rule 2-102(b) and Ethical Consideration 2-112.

Question 2:

Is it ethically proper for an attorney going into foreign service, but leaving his firm in existence, to be compensated by severance pay for past contribution and services in establishing the law practice?

Opinion:

Yes.

Text of Opinion:

An attorney may be compensated for the worth of his services in existing cases and client matters which he has handled and the value of those services may be put in the form of regular severance pay until such value of those services has been paid out. It is appropriate and proper for such regular payments to compensate the attorney for the use of his capital assets including furniture, furnishing, office equipment, office machinery, file cabinets, inventory of office supplies, and law library. This Committee specifically points out that it would be improper for an attorney to lease or rent clients and that an open or pending case can only be transferred to another attorney with the client's knowledge, permission, and consent. Likewise, an attorney should not be paid any fee or fee for referral of cases.

It is specifically contemplated in this particular instance that the firm will continue in existence and that some compensation will be paid to the attorney going into foreign service in the form of severance pay for past contribution and service in establishing the law practice. Such severance pay is appropriate and allowed under the Canons of Professional Ethics in the opinion of this Committee.

WESTON ADAMS
ATTORNEY AT LAW
1518 RICHLAND STREET
POST OFFICE BOX 291
COLUMBIA, SOUTH CAROLINA 29202

June 14, 1984

TELEPHONE 254-1875

Robert H. Hood, Esquire
Chairman
Ethics Subcommittee of the Professional
Responsibility Section
S. C. Bar
P. O. Box 340
Charleston, South Carolina 29402

Re: Leave of Absence from Law Practice and Name Listing

Dear Mr. Hood:

Yesterday I discussed with you my impending departure to Africa representing the United States in the Republic of Malawi. I have delayed taking the oath of office until I satisfied the federal authorities as to the arrangement of my law firm while I am in government service. In that connection, I will greatly appreciate your rendering an opinion at the earliest possible time as to the continuation of my name on the firm letterhead and as to the general financial arrangement which I propose to have with the firm upon my departure.

Concerning the first of these, as suggested by State Department legal counsel, I propose leaving my name on the firm's stationary with the explanation such as Weston Adams (Leave of Absence) or Weston Adams (In Federal Service). As you know, Rule 32 of the Rules of the Supreme Court of South Carolina makes applicable the ABA Code of Professional Responsibility. The specific provisions of Rule 32 (Code of Professional Responsibility) which concern the question of leaving one's name on the firm letterhead are DR2-102(B) and EC2-12. Research indicates that all recent textbooks and ethics reporters still cite ABA Formal Opinion 318 (1967) which held:

"anything to the contrary in Formal Opinion 315 or in the other opinions cited notwithstanding that: 'where a partner whose name appears in the name of a law firm is elected or appointed to high local, state or federal office, which office he intends to occupy only temporarily, at the end of which time he intends to return to his position with the firm, and provided that he is not precluded by holding such office from engaging in the practice of law and does not in fact sever his relationship with the firm but only takes a leave of absence, and provided that there is no local law, statute or custom to the contrary, his name may be retained in the firm name during his term or

Robert H. Hood, Esquire

Page 2

June 14, 1984

terms of office, but only if proper precautions are taken not to mislead the public as to his degree of participation in the firm's affairs.'"

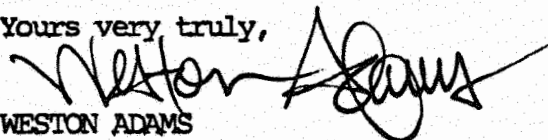
I can find no statutes or SC Bar ethics opinions which are inconsistent with the above ABA opinion. Your opinion as to this analysis will be appreciated.

As to the arrangement of my law firm in my absence and my continuing benefit from that firm, this law firm, a legal entity, will continue as currently constituted with capital assets, Tax ID number, etc., and in my absence, I will be compensated for the worth of my services in existing cases and client matters which I have handled and the value of those services shall be in the form of a set regular severance payment until such value of my services shall have been paid out. The set regular payment also shall compensate for the use of my capital assets including furniture, furnishings, office equipment, office machinery, file cabinets, inventory of office supplies, paintings, law library, etc. This contemplated arrangement recognizes that one cannot lease or rent clients and that open cases cannot be transferred to other attorneys without permission of the clients. Although it should not be necessary to say this, this arrangement also recognizes that there shall be no forwarding fees or fees for referral of cases while I am in federal service. I will appreciate your rendering an opinion as to the acceptability of this arrangement under S.C. Bar rules at the earliest possible time.

I believe that the letter head listing and the office arrangement as described above are in keeping with the South Carolina Code of Professional Responsibility. I will appreciate your opinion as to both particulars, and I will be grateful if this can be done in the very near future for reasons I have described. As noted, my departure from the firm will be a leave of absence although at this time I do not know when I will return to the practice of law. I will make plans with respect to that at a later date.

Thanking you in advance for your cooperation and assistance, I am

Yours very truly,


WESTON ADAMS

WA/jsm

WESTON ADAMS

ATTORNEY AT LAW
1518 RICHLAND STREET
POST OFFICE BOX 291
COLUMBIA, SOUTH CAROLINA 29202

June 15, 1984

TELEPHONE 254-1875

Robert H. Hood, Esquire
Chairman, Ethics Subcommittee of the
Professional Responsibility Committee
South Carolina Bar
P. O. Box 340
Charleston, South Carolina 29402

Re: Payment for Past Services and Past Contribution to Firm During Leave
of Absence

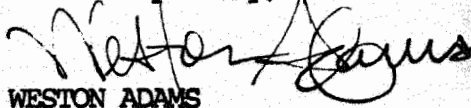
Dear Mr. Hood:

As a followup to my letter of yesterday, I will appreciate your including in your Committee's response the question as to whether it is proper under Rules of the South Carolina Bar for an attorney to receive compensation or pay during a leave of absence for general services to his firm such as "past contributions" or "past services" in the establishment of the firm. It is my understanding from the State Department counsel that the U.S. Office of Government Ethics looks favorably upon an attorney on leave of absence from a firm with continued existence receiving severance pay or pay of a general nature for past contributions to the firm and/or past services rendered in the establishment of the firm. Please recall from our conversations and from our letter of yesterday that this law firm will continue as currently constituted with its capital assets, employees, bank accounts, Tax Identification Number, etc., with an associate attorney conducting the firm's activities during my leave of absence. I understand that the Office of Government Ethics might view differently severance pay for past services or past contributions from a sole practitioner's law firm, because customarily sole practitioners dissolve or phase out such practice when entering government service. However, as I have made abundantly clear, such will not be the case in my practice because it will have a continued existence and the legal entity will be maintained during my leave of absence. It is and will be a continuing law firm and, as such, should be regarded as one from which an attorney on leave of absence could draw a severance payment for past services or past contributions in the establishment of the firm.

I will appreciate your including in the Committee's response an opinion as to whether such pay as described above could be made to me during my leave of absence from this law firm.

Again, I thank you in advance for your cooperation and assistance.

Yours very truly,



WESTON ADAMS

WA/jsm

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5 LETTER

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RE WESTON ADAMS

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-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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THE WHITE HOUSE
WASHINGTON

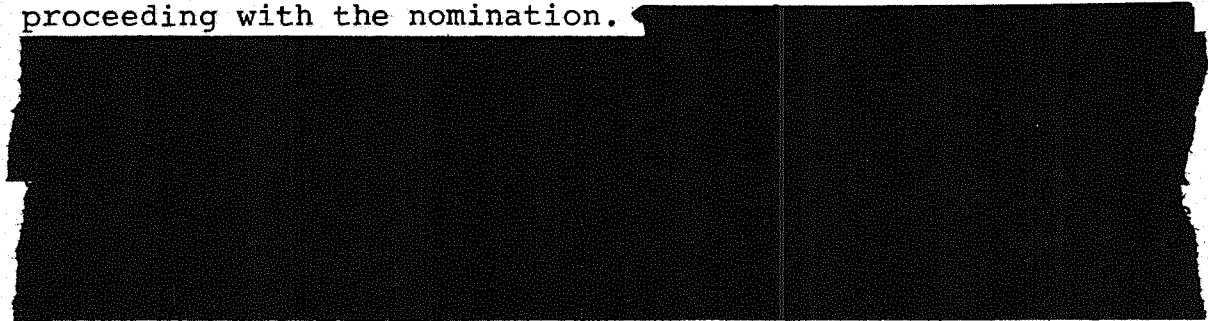
March 16, 1984

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Nomination of Alan W. Lukens
to be Ambassador to Congo

I have reviewed the SF-278 and related materials submitted by Alan W. Lukens in connection with his prospective nomination to be Ambassador to Congo, and have no objection to proceeding with the nomination.



Attachment

FOIA(b)(6)

THE WHITE HOUSE

WASHINGTON

April 17, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Appointments of David Korn, Louise C. Strong, Gertrude Elion, Helene Brown, and Reappointment of Roswell K. Boutwell as Members of the National Cancer Advisory Board

I have reviewed the Personal Data Statements submitted by the above-referenced prospective appointees to the National Cancer Advisory Board. The functions of the Board include reviewing the programs of the National Cancer Institute, collecting and disseminating information on cancer studies, and reviewing applications for grants for cancer research projects. 42 U.S.C. § 286b(b). The President is authorized to appoint 18 members to the Board, no more than 12 of whom may be scientists or physicians, no more than eight of whom may be representatives of the general public, and not less than five of whom shall be knowledgeable in environmental carcinogenesis. The scientists and physicians must be "among the leading scientific or medical authorities outstanding in the study, diagnosis, or treatment of cancer or in fields related thereto," and at least two of the physicians must be physicians primarily involved in treating cancer patients. Each Board member must be "especially qualified" to appraise the work of the National Cancer Institute. 42 U.S.C. § 286b(a)(1). Reappointments are specifically authorized by 42 U.S.C. § 286b(a)(2)(B).

In order to verify compliance with the arcane numerical requirements outlined above, I reviewed the PDS's of the six members appointed on June 12, 1982, in addition to those of the above-referenced prospective appointees, and obtained information concerning the six members appointed on May 14, 1980, from Katherine Reardon of HHS. Reardon handles advisory committees for the Secretary. Based on this review and information, it appears that we are presented with a legal "Catch-22" concerning compliance with the requirements of 42 U.S.C. § 286b(a)(1). Of the 12 members whose terms have not expired, there are eight scientists or physicians but no carcinogenesisists. We must, therefore, appoint five carcinogenesisists this time. To comply with the requirement that no more than 12 of the members be scientists or physicians, however, we can appoint no more than four scientists

or physicians. Since there is no such thing as a carcinogenesisist who is not a scientist, we are in a quandary. If we satisfy the carcinogenesis requirement, we will violate the scientist or physician cap. If we comply with the cap, we will violate the carcinogenesis requirement. This difficulty is the result of using up the scientist or physician slots in prior appointments on non-carcinogenesisists.

At Reardon's suggestion I contacted Dr. Vincent DeVita, the Director of the National Cancer Institute, who had reviewed the prospective appointees. DeVita recognized the apparent problem, but argued that the scientist or physician cap was not violated because Tim Lee Carter, M.D., appointed in 1982, should not be considered a physician but rather a lay member. Carter served in Congress from 1964-1980, and while he is a licensed physician he did not practice for 16 years and even now only sees an occasional patient. DeVita argued that there was precedent for such a functional rather than literal reading of the "scientist or physician" cap. According to DeVita, a physicist was carried on the Board in the past as a non-scientist, despite his doctorate, since his scientific expertise was entirely unrelated to the activities of the Board.

I am not particularly comfortable arguing that Tim Lee Carter, M.D., should not be considered a "physician," as that term is used in the statute. The argument is a colorable way out of a dilemma, however, and is no more troublesome than simply violating the carcinogenesis requirement by not appointing five carcinogenesisists or the physician cap by doing so. Accordingly, I recommend that we insist on the appointment of five carcinogenesisists, and argue that Carter is not a "scientist or physician" as those terms are used in the statute if anyone asserts we have violated the scientist or physician cap.

DeVita advises that Strong, Elion, Korn, and Boutwell satisfy the carcinogenesis requirement; Brown -- a general public representative -- does not.

We should advise Presidential Personnel that whomever is appointed to this open seat must satisfy the carcinogenesis requirement. That will result in the required five carcinogenesisists serving on the Board.

A memorandum to Herrington is attached for your review and signature. The memorandum clears the above-referenced five individuals,

FOIA(b)(6)

BL

FOIA(b) (6)

[REDACTED] As noted, perhaps
sending this memorandum will help force the issue.

Attachment

THE WHITE HOUSE

WASHINGTON

April 17, 1984

MEMORANDUM FOR JOHN S. HERRINGTON
ASSISTANT TO THE PRESIDENT
FOR PRESIDENTIAL PERSONNEL

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Appointments of David Korn, Louise C. Strong,
Gertrude Elion, Helene Brown, and Reappoint-
ment of Roswell K. Boutwell as Members of the
National Cancer Advisory Board

Counsel's Office has reviewed the Personal Data Statements submitted by the above-referenced prospective appointees to the National Cancer Advisory Board. Of the 18 members appointed by the President to the Board, no more than 12 may be scientists or physicians, no more than eight may be representatives of the general public, not less than five must be knowledgeable in environmental carcinogenesis, and at least two must be physicians primarily involved in treating cancer patients. 42 U.S.C. § 286b(a)(1). The background and qualifications of this latest group of prospective appointees cannot be assessed in a vacuum but must be considered together with the background and qualifications of the sitting Board members, to ensure that the composition of the total Board satisfies the statutory requirements.

Our office is of course not qualified to determine who is or is not "knowledgeable in environmental carcinogenesis," but we have been advised by Dr. Vincent DeVita, Director of the National Cancer Institute, that none of the members appointed in 1980 and 1982 satisfy this requirement. In filling the six vacancies created by expiration of terms on March 9, 1984, therefore, five of our appointees must be knowledgeable in environmental carcinogenesis. DeVita advises that Strong, Elion, Korn, and Boutwell meet this requirement; Brown does not. Whomever is chosen to replace Irving J. Selikoff and fill the sixth vacancy thus must meet the carcinogenesis requirement.

Appointing five carcinogenesisists, however, presents a problem with the requirement that no more than 12 Board members be scientists or physicians. Of the sitting Board members whose terms do not expire until 1986 or 1988, eight are scientists or physicians. Appointing five carcinogenesisists

would result in exceeding the cap of 12 scientists or physicians. Not appointing five carcinogenesisists, however, would result in violating the carcinogenesis requirement. This highly unsatisfactory quandary is the result of using up scientist and physician slots in prior appointments on scientists or physicians who were not carcinogenesisists.

Dr. DeVita advised us that one of the sitting members, Tim Lee Carter, M.D., is considered a lay member and not a "scientist or physician." Carter served in Congress for 16 years and has a largely inactive medical practice. While we are not entirely content with finessing the problem by viewing Dr. Carter as not being a physician, and note that the composition of the Board may be open to challenge, adopting this argument is no more troubling than failing to appoint five carcinogenesisists, as required by statute.

Not surprisingly, the prospective appointees have associations of different types with various institutions or individuals that could at some point apply for grants reviewable by the Board. Obviously, those associations will have to be reviewed on a case-by-case basis should the institutions or individuals apply for grants or otherwise come under the jurisdiction of the Board. If necessary, affected members will have to recuse themselves from the review and certification process with respect to those particular applications.

Assuming that your office confirms what we have been told -- that Strong, Elion, Korn, and Boutwell satisfy the carcinogenesis requirement -- and assuming that whomever is appointed to replace Irving Selikoff also satisfies the carcinogenesis requirement, we have no objection to proceeding with the appointments of Strong, Elion, Korn, Brown and the reappointment of Boutwell.

FFF:JGR:aea 4/17/84
cc: FFFielding/JGRoberts/Subj/Chron

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

F6022-09

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1/1ADMINISTRATIVELY SENSITIVE - not to be released
without authority of the Counsel to the President

John

Name of Correspondent: Arlen Specter

☐ MI Mail Report

User Codes: (A) (B) (C)

Subject: Appointment of Dr. Helene Karpowksi
to the National Cancer Advisory Board

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
CU Holland	ORIGINATOR	84.103.23			1/1
CU AT18	Referral Note: D	84.103.26		S	84.104.06
	Referral Note:				1/1
	Referral Note:				1/1
	Referral Note:				1/1
	Referral Note:				1/1

ACTION CODES:

A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet
to be used as Enclosure

I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:

A - Answered C - Completed
B - Non-Special Referral S - Suspended

FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments:

Keep this worksheet attached to the original incoming letter.
Send all routing updates to Central Reference (Room 75, OEOB).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

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ARLEN SPECTOR TO REAGAN

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]

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336

ARLEN SPECTOR TO FRED FIELDING

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

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A special meeting of the Board of Managers of The Wistar Institute of Anatomy and Biology was held in the Institute's Auditorium on Friday, April 22, 1983 at 10:00 A.M. Mr. John W. Eckman, President, was in the chair.

There were present:

Mr. George Barnard	Mr. James Rees Hollihan	<u>Attendance</u>
Dr. Thomas Peter Bennett	Mr. Harris N. Hollin	
Mr. Frank G. Binswanger, Sr.	Mr. W. Thacher Longstreth	
Mr. Herbert W. Blades	Dr. Peter C. Nowell	
Mrs. T. Wistar Brown	Mrs. Faye Olivieri	
Joseph W. DuBarry IV, Esq.	Dr. Donald Vail Rhoads	
Mr. John T. Dorrance, Jr.	Mr. Gerald B. Rorer	
Mr. Robert A. Fox	Mr. E. Robert Thomas	
Dr. David R. Goddard		

Also Present:

Dr. Carlo M. Croce
Dr. Hilary Koprowski
Mr. H. Donald Putney

There being a quorum present, Mr. Eckman opened the meeting by	<u>President's</u>
announcing the receipt of a check in the amount of \$50,000 from	<u>Remarks</u>
the estate of Joseph E. Frankel. Mr. Frankel was president of	
J. E. Frankel, Inc. a firm that is a large provider of glassware	<u>Joseph E.</u>
and plasticware to the Institute. Mr. Frankel, as was his custom,	<u>Frankel</u>
also gave a generous annual contribution to Wistar.	<u>Estate</u>

Mr. Eckman welcomed Mr. James Rees Hollihan to membership on the	<u>Mr. James</u>
Board as the president of the Friends of Wistar.	<u>Rees</u>
	<u>Hollihan</u>

Mr. Eckman also noted that the following legal advisors were available for consultation.

<u>Legal</u>	Representing Wistar Institute
<u>Counsel</u>	Joseph W. Swain, Esq.
	Representing the Special Committee
	Edward W. Madiera, Esq.
	Representing Dr. Koprowski
	Lane Taylor, Jr., Esq.

<u>Minutes of</u>	By motion duly made and seconded the minutes of the meetings
<u>Previous</u>	of regular meeting of December 10, 1982; the special meeting of
<u>Meetings</u>	January 6, 1983; the regular meeting of March 11, 1983 and the
	executive session of March 11, 1983 were approved as distributed by
	the Secretary with the proviso that the minutes of the meeting of the
	special meeting of January 6, 1983 be changed to read as follows:

Page 259 - First Paragraph beginning with the 6th line "on a 5-5 vote, the motion did not carry. Dr. Nowell abstained, referring to his professional relationships with Wistar scientists" to be changed to:

By vote, to accept Mr. Ravenscroft's duly seconded motion; one member, Dr. Nowell, voiced his abstention; five members being recorded as voting yea with five members voting nay, the other members abstained from voting. The motion did not carry.

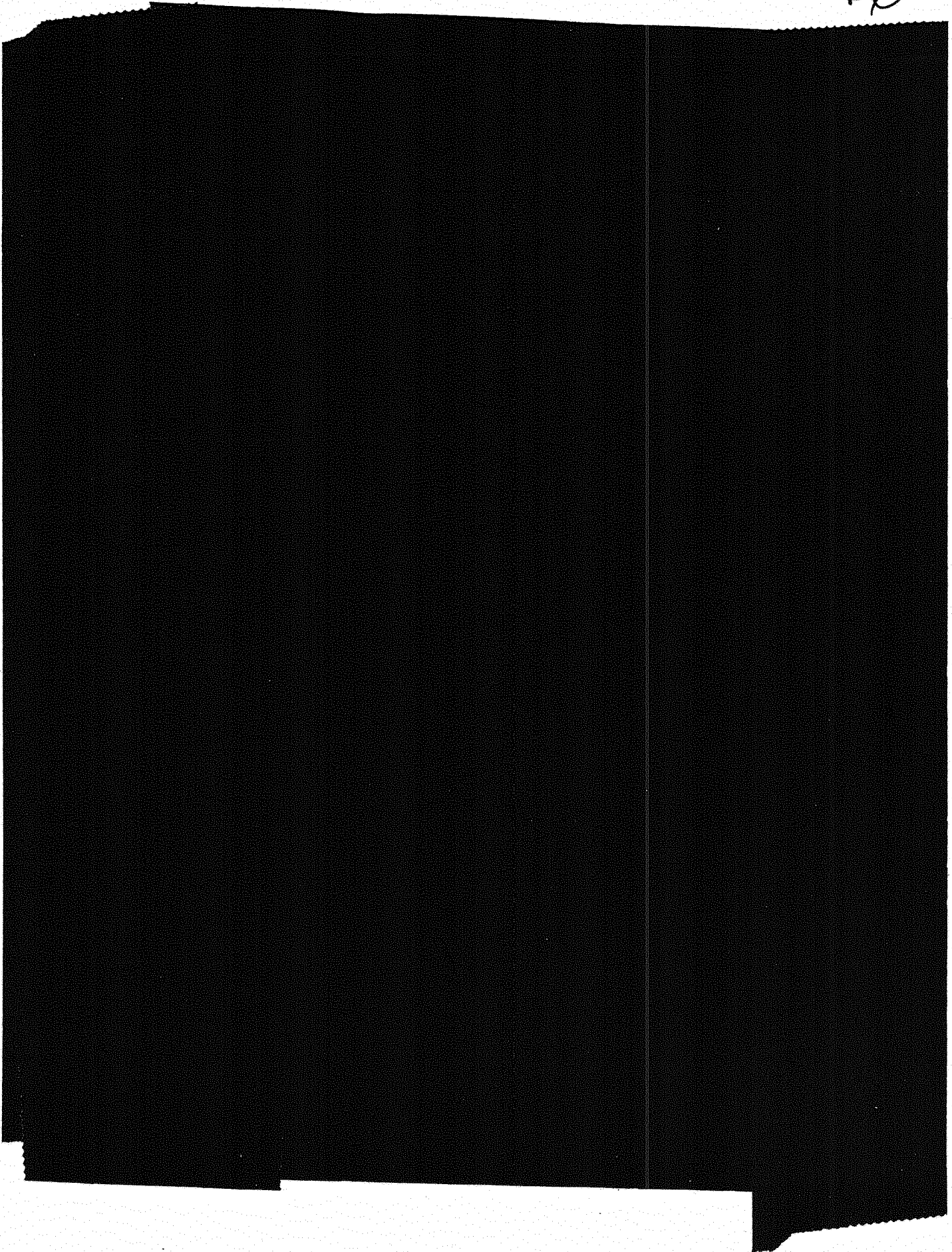
<u>Report of</u>	Mr. Eckman then asked Mrs. Brown, Chairwoman of the Special
<u>the</u>	Committee to present the report of the Special Committee. A copy of
<u>Special</u>	that report dated April 22, 1983 is appended to and made a part of
<u>Committee</u>	these minutes.

\$b

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\$16



\$/b

FOIA(b) (6)

Dr. Nowell remarked that he believed that the matter had been most amicably resolved.

There being no further business, the meeting adjourned at 11:15 A.M.

Respectfully submitted

Donald Vail Rhoades, M. D.
Secretary

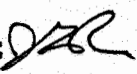
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THE WHITE HOUSE

WASHINGTON

March 21, 1984

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS 

SUBJECT: Appointment of Charlton Heston
to the John F. Kennedy Center for
the Performing Arts Board of Trustees

I have reviewed the Personal Data Statement submitted by Charlton Heston in connection with his prospective appointment to the JFK Center for the Performing Arts Board of Trustees. The President is authorized to appoint 30 general trustees to this board under 20 U.S.C. § 76h(a). Mr. Heston was born in Evanston, Illinois, and thus satisfies the only statutory requirement for trustees, i.e., that they be citizens of the United States. The duties of the Board consist of maintaining and administering the Kennedy Center, and I see nothing in Mr. Heston's PDS that would preclude his conflict-free discharge of this responsibility.

Mr. Heston notes that he has for some time been a leading figure in disputes within the Screen Actors Guild, and that he has been an advocate against a nuclear freeze. I do not view these controversies as impediments to this appointment. Mr. Heston was advised that he was not required to answer items 8 through 14 of the PDS, and the foregoing is based only on the answers to the remaining questions.

THE WHITE HOUSE

WASHINGTON

March 26, 1984

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 be a member of the Board of Trustees to the John F. Kennedy Center for the Performing Arts:

Charlton Heston

cc: Claire O'Donnell
Jane Dannenhauer
John Roberts
Susan Borchard

THE WHITE HOUSE

WASHINGTON

March 26, 1984

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 formal nomination by the President:

Stephen Warren Bosworth - To be Ambassador to the Republic of the Philippines

cc: Claire O'Donnell
Jane Dannenhauer
Richard Hauser
~~John Roberts~~
Susan Borchard