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[Oct. 1974?]

Talked to Walker on 10/23
told him go on #1 - prepare
draft on #II - very tightly held.
will get back with before
implementing.
Dick

THE WHITE HOUSE
WASHINGTON

MZ

MEMORANDUM FOR THE PRESIDENT

THROUGH: DONALD RUMSFELD
FROM: WILLIAM N. WALKER *Walker*
SUBJECT: Policy Guidance on Personnel Matters

This memorandum seeks your guidance on two issues affecting the personnel policies to be followed by your Administration:

1. The extent you wish to continue the policy of the prior Administration of White House control over non-Presidential appointments to excepted positions in the departments and agencies.
2. The extent you wish partisan considerations to affect personnel decisions on appointments in your Administration.

I. White House Control Over Non-Presidential Appointments.

Current Policies.

The White House Personnel Office is responsible for a total of 5,682 non-career positions. This includes 540 executive level Presidential appointments, 1,175 positions as judges, ambassadors, U.S. Marshals and U.S. Attorneys and 2,240 part time positions. It also includes 1,727 non-Presidential appointments to positions excepted from the Civil Service Regulations. (A detailed breakdown of the positions appears at Tab A.)



agreed

As you know, the State Department takes the initiative in many Ambassadorial recommendations as does the Justice Department in many recommendations for judges, marshals, and U.S. Attorneys. I do not recommend that you consider further decentralizing responsibility for these appointments. Also, I do not recommend that you consider decentralizing your authority over the 540 full time executive level positions.

However, appointments to excepted positions are not Presidential appointments. Under a policy implemented by the prior Administration, appointments to all such positions require approval of the White House Personnel Office before the Civil Service Commission will permit them to be put into effect. 608 of these positions are supergrades and 1,119 are below GS-16. You may wish to consider modifying this policy and placing responsibility for some or all of the excepted appointments on the agency and department heads.

These 1,727 excepted positions represent 25 percent of the total positions for which the White House Personnel Office has responsibility. The 1,119 excepted positions below GS-16 represent 20 percent of the total. This last category includes many low-level jobs as drivers, clerks, and secretaries. Locating and clearing persons to fill excepted positions accounts for a disproportionate share of the overall White House Personnel Office workload.

Background of the Current System.

The requirement for the White House Personnel Office clearance of non-Presidential appointments was first initiated in 1969. I am told that it was not required, except in unusual cases, under either the Kennedy or Johnson Administrations. The purpose of the policy was at least two-fold. First, it was designed to gain control over the bureaucracy. When the Nixon Administration took over they were of the view that the bureaucracy was controlled by persons hostile to the Administration and that the clearance process would provide assurance that sensitive positions would be occupied by more reliable people. Under Fred Malek, the practice was refined, in what was called "Project Responsiveness", in an effort to achieve an unprecedented degree of White House control over not only the key agency positions but also the decisions made by persons occupying these positions. Second, the clearance process was used as a weapon against recalcitrant agencies and officials, and the White House Personnel Office refused to grant clearances to those who were deemed uncooperative.

The system had the effect of undercutting the authority of Cabinet members and agency heads. While it is doubtful that the objectives of the "Responsiveness" effort were ever fully achieved, it did accomplish a significant degree of centralized authority with the White House, through a network of highly-placed individuals in agencies and departments.

So long as the existing system is maintained, we will never know what channels of communications, built up over the years, will continue to exist and which may threaten or thwart the efforts of the new Administration. Moreover, though criticism of the responsiveness effort was overshadowed by other events, it did create much uneasiness on the Hill and in some elements of the Press. This concern is likely to continue so long as the present system is maintained.

Options and Rationale.

There are four options which you might consider:

1. Maintain the current system.
2. Eliminate the White House Personnel Office responsibility for all non-Presidential appointments to excepted positions.
3. Eliminate the White House Personnel Office responsibility for non-Presidential appointments to excepted positions below GS-16 but retain the authority for all supergrade appointments.
4. Eliminate the White House Personnel Office responsibility for non-Presidential appointments to excepted positions below GS-16 and delegate the authority for supergrade appointments on an agency-by-agency basis over time, based upon your confidence in the agency head and his performance in the personnel area.

Advantages and Disadvantages of Changing the Policy.

Advantages:

1. Responsibility for insuring the proper character of excepted appointments and accomplishing clearances, where appropriate, with the Hill and Party officials can be carried

out by the departments and agencies as well as by the White House Personnel Office. Moreover, a large number of these appointments are trivial (e.g., the secretary to a Special Assistant or the driver for an Assistant Secretary) and may not even require clearance in all cases. The agency or department head could be held accountable for these personnel decisions in the same way he is held accountable for program and policy decisions. Some instruction and assistance may be necessary, but if we mean to decentralize authority out of the White House, this is one clear way of doing it.

2. It would relieve a significant part of the White House Personnel Office workload which means we could cut down the size of the White House Personnel Office staff by perhaps as much as one quarter and that the White House Personnel Office could concentrate its efforts on securing the best possible Presidential appointees.

3. It would eliminate a continuous irritant to departments and agencies of having to clear routine excepted appointments with the White House Personnel Office (and having the White House Personnel Office block some of them). Eliminating this role should lead to a more positive and constructive relationship between the White House Personnel Office and the departments in which the White House Personnel Office can be viewed -- and in fact function -- as a resource for securing high calibre Presidential appointments.

4. It would signify a clear break with the past and permit erosion of the "network" that was established under the former Administration. It would also establish a Presidential personnel policy which would certainly be favorably received within the Administration, on the Hill and among the Press and public.

5. It would not eliminate legitimate partisan control over these positions, but rather would place responsibility for them in the agencies and departments. Thus, members of Congress and Party officials would have to deal directly with the agencies and departments rather than with the White House. While this may create frustration in some cases, it would also take the White House off the spot in many cases. Overall it seems to be a desirable trade-off.

Disadvantages:

1. It would tend to reduce your direct control over the bureaucracy and could lead to some appointments with which you disagree or to which the Hill or the Party might object if the proper clearances were not made. Although these appointees can be removed, it is often difficult to do so.

2. Your current Cabinet is accustomed to the policy of the former Administration and may not be adequately prepared to take the responsibility for these appointments.

3. A change may trouble those elements of the Party that see the control exercised by the White House Personnel Office as better assuring that partisan considerations are adequately taken into account.

Decision.

1. Maintain the current system. Agree _____
2. Eliminate the White House Personnel Office responsibility to excepted positions. Agree _____
3. Eliminate the White House Personnel Office responsibility for non-Presidential appointments to excepted positions below GS-16 but retain the authority for all supergrade appointments. Agree _____
4. Eliminate the White House Personnel Office responsibility for non-Presidential appointments to excepted positions below GS-16 and delegate the authority for supergrade appointments on an agency-by-agency basis over time, based upon your confidence in the agency head and his performance in the personal area. Agree NR1

II. Partisan Considerations in Appointments.

On numerous occasions since becoming President you have sought to encourage the healing of the wounds experienced by the Nation during the past two years. One further way of demonstrating your commitment to this process might be to adopt a policy of minimizing or eliminating partisan considerations in your top level appointments and stating your intention to search out and appoint the men and women best

qualified to serve the Nation regardless of Party. Such a policy could also begin to repair some of the damage done to the institution of government in the eyes of the public by demonstrating your commitment to emphasizing the competence and character of the people you choose. Such a policy could also facilitate the process of recruiting talented individuals.

Such a decision on your part would not mean that partisan affiliation is irrelevant. You would be expected to select persons who are in sympathy with your policies and would support your leadership. Most of these people are likely to be Republicans. But that fact would in no way detract from a policy of seeking out the best qualified candidates, since support for your Administration is, quite properly, one of the qualifications to be considered. Such a policy would, however, eliminate the political "litmus test" which is objectionable to many citizens without strong partisan affiliation.

Nor would such a policy be inconsistent with the requirement of Hill checks and checks with the Republican National Committee, since past political activity by a job candidate is at least one measure of the reliability of his support for your Administration.

If you should decide to adopt such a policy, we will have a statement prepared for your approval setting forth your views and recommend an appropriate forum for you to announce the policy.

Prepare policy statement for my approval.

Agree

DR7

Disagree

T
A
B
A

NON CAREER POSITIONS

FULL TIME POSITIONS

Executive Level 540

Level I	11
Level II	33
Level III	76
Level IV	279
Level V	141

Super-Grades 608

GS-18	213
GS-17	182
GS-16	213

Below GS-16 1,119

Federal Judges 841

Ambassadors 146

U. S. Marshals 94

U. S. Attorneys 94

PART TIME POSITIONS 2,240

TOTAL NON-CAREER POSITIONS 5,682

NOV 26 1974

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THE WHITE HOUSE
WASHINGTON

November 26, 1974

INFORMATION

MEMORANDUM FOR THE PRESIDENT

THROUGH: RICHARD B. CHENEY

FROM: WILLIAM N. WALKER

SUBJECT: Sol Linowitz

Bill Scranton called to advise that he had been contacted by Mr. Linowitz. Scranton had talked to Linowitz about a possible position in the Administration shortly after you became President pursuant to a conversation between you and Scranton. Linowitz told Scranton that he is considering a proposal that would require a two or three year commitment on his part. Linowitz is seeking no firm statement or commitment on your part, but merely wishes to know whether he should continue to assume that at some future point you may wish his assistance. Scranton would like to be able to advise Linowitz tomorrow.

THE WHITE HOUSE

WASHINGTON

December 20, 1974

MEMORANDUM FOR THE PRESIDENT

THROUGH: DONALD RUMSFELD
FROM: WILLIAM N. WALKER *Walker*
SUBJECT: Defeated Congressman Lawrence Williams

Congressman Williams met with you on October 10 and asked about a job in the Executive Branch. You told him we would explore possibilities but you made no commitment.

In the intervening time, Congressman Williams has been interviewed by me and two members of my staff, and has had interviews in the Department of Transportation (Messrs. Heffelfinger and McCarthy), Department of Housing and Urban Development (Mr. Mosher) and has also been referred to Treasury.

Result. There is no position available for which in the opinion of senior Departmental people he is qualified and in which he is interested; there is no such position in the Philadelphia Regional Offices of those agencies either.

Recommendation. That you authorize me to advise Congressman Williams that there is nothing available for him in the Executive Branch.

Approve _____

Disapprove _____

*me
eat
Phil*

THE WHITE HOUSE

WASHINGTON

July 1, 1976

MEMORANDUM FOR THE PRESIDENT

THROUGH: RICHARD B. CHENEY

FROM: DOUGLAS P. BENNETT *DPB*

SUBJECT: Executive Level Vacancy Report

The status of executive level vacancies is as follows:

	<u>July 1, 1976</u>	<u>June 4, 1976</u>
TOTAL POSITIONS	567 (100%)	567 (100%)
<u>Total Positions Vacant</u>	38 (6.7%)	55 (9.7%)
Not Yet Confirmed	18 (3.1%)	25 (4.4%)
Pending Presidential Signature and/or Announcement	1 (0.1%)	2 (0.3%)
Approved and/or in Clearance	5 (0.8%)	7 (1.2%)
Candidates Identified by PPO, but no Presidential Decision, including:	6 (1.0%)	10 (1.7%)
A. Non-Confirmable	1 (0.1%)	
B. Confirmable	5 (0.8%)	
<u>No Decision Reached on Positions</u> <u>including:</u>	8 (1.4%)	11 (1.9%)
A. Non-Confirmable	0	
B. Confirmable	8 (1.4%)	
Projected Vacancies	1 (0.1%)	5 (0.8%)

THE WHITE HOUSE
WASHINGTON

October 20, 1976

TO: DICK CHENEY
FROM: JIM CAVANAUGH

You will recall I said the President had sent a note to Bennett in the out box on recess appointments. Here is Bennett's memorandum.

Attachment

THE WHITE HOUSE

WASHINGTON

October 20, 1976

MEMORANDUM FOR THE PRESIDENT

THROUGH: RICHARD B. CHENEY
FROM: DOUGLAS P. BENNETT **DPB**
SUBJECT: Recess Appointments

There were 76 nominations not confirmed by the Senate when it adjourned sine die on October 2, 1976. These include 4 full-time positions within executive branch departments or agencies; 18 judicial positions; 6 ambassadorial positions; 8 regulatory positions; and, 40 part-time advisory boards and commissions.

Under the Constitution you have the authority to grant all of these nominees recess appointments. Upon receiving a recess appointment, each individual would be fully qualified (eligible to receive full pay and allowances and carry out the responsibilities associated with the post to which appointed) just as if he or she had been confirmed by the Senate. They could continue to serve in that capacity without being subject to confirmation until the end of the following session of Congress - December 31, 1977. However, the Congress has specified that unless the nomination of the individual who received the recess appointment is submitted to the Congress for its disposition within 40 days after the Congress returns, that individual will have his pay and allowances terminated although he or she may continue to serve until the end of the session of Congress.

At this juncture the critical question is whether you wish to make any recess appointments prior to the election. If you made all 76 appointments, you could charge the Congress with failing to act responsibly by refusing to take up qualified nominations to important executive and judicial posts and that this was done for partisan political reasons. I should point out that while this charge is in part accurate, the Congress confirmed nominations to include judicial and ambassadorial right up until the closing hours of this past Congress. Thus, you could be subject to criticism for making appointments in the closing days of the election for purely political reasons and that in fact the Congress had been cooperative in discharging its responsibilities perhaps more so than any preceding Congress faced with a similar political situation. There is some truth to this particularly regarding judicial and ambassadorial nominations.

Two steps need to be taken before a recess appointment can be made: (1) you must agree in concept and on an individual basis as to those recess appointments you would like to make, and (2) each individual to whom you would like to give a recess appointment must be queried as to whether or not he or she will accept it. I suspect this second factor would substantially reduce the number of recess appointments you theoretically could make, hence, make you even more vulnerable to the political charge.

I have discussed each of the categorical areas with the appropriate individuals concerned at the State Department, Justice Department and the White House.

Full-Time Executive Positions:

These 4 positions all have individuals either in an acting capacity or the statute provides that the incumbent continues to serve. There is no direct political advantage to making these appointments with the possible exception of Stanley Shirk.

Director, National Bureau of Standards - Ernest Ambler, Democrat. Maryland. Nominated 6/2/76. Ambler is currently Deputy Director, a career slot. He probably would not accept until after the election. Ambler is acting and the Commerce Department sees no problem in leaving it that way.

Comptroller of the Currency - Stanley Shirk. Independent. Connecticut. Nominated 7/19/76. An excellent appointment. Shirk will not accept until after November 2. Treasury favors a recess appointment. Highly likely to be confirmed.

Coordinator, Human Rights and Humanitarian Affairs, State Department James Wilson. Career Foreign Service Officer. Maryland. Nominated 9/29/76. Currently Acting Coordinator. Likely to be confirmed.

Chairman, National Endowment for the Humanities - Ronald Berman. Virginia. Nominated 2/11/76. He is incumbent and continues to serve as Chairman. Enjoys a wide spectrum of support. Only problem regarding confirmation was with Senator Pell and it was highly personalized. Likely to be confirmed.

Regulatory Positions:

Ed Schmults and I discussed these nominations. With the exception of the Federal Home Loan Bank Board, these are term appointments and are the "swing" seats. You could be criticized for politicizing the regulatory agencies by making recess appointments particularly before the election. However, Thad Garrett's

appointment to the Consumer Product Safety Commission does have substantial political benefit...but, you could then be criticized for not appointing a woman, a Spanish-speaking American and Jim Delaney's son and his relationship to the Catholic community. In my opinion there are far more political disadvantages than advantages.

Federal Power Commission - Barbara Simpson. Republican. North Carolina. Nominated 2/6/76. Doubtful she would accept the appointment as she is a sitting State public utilities commissioner. She was not confirmed primarily because her philosophy differed from that of the Democrats on the Senate Commerce Committee and because Jim Pearson did not push. She is qualified and could be a candidate for a recess appointment.

Consumer Product Safety Commission - Thad Garrett. Republican. Ohio. Nominated 7/22/76. He would be the first Black on the Commission. Substantial political benefit with Black community. Clarence Mitchell has fully endorsed him (Clarence is almost a godfather to Thad); Black Caucus endorses particularly Shirley Chilsom; Black church is highly favorable (Thad's an ordained minister). He is highly likely to be confirmed. The politics associated with this original nomination were substantial. It is not clear how much more benefit would result from a recess appointment. In the past couple of weeks I have talked with Clarence Mitchell three or four times about the appointment - he complained about the Democrats and Jimmy Carter but never mentioned a recess appointment. This nomination in my opinion should be at the top of the list of candidates for a recess appointment.

Interstate Commerce Commission - Richard Quick. Republican. Pennsylvania. Nominated 8/30/76. Administrative Assistant to Hugh Scott. Confirmation highly unlikely. Strongly recommend against.

Equal Employment Opportunity Commission - Raymond Telles. Democrat. Texas. Nominated 7/28/76. Good appointment. Would have been confirmed but shortly after his nomination the U.S. Attorney in the Eastern District of Virginia commenced an investigation regarding an immigration matter. Committee did not feel it could hold hearings. It would be very unwise to do a recess appointment.



Chairman, Federal Home Loan Bank Board - J. Ralph Stone. Republican. California. Nominated 2/6/76. Excellent appointment. Had votes for confirmation but Senator Proxmire would not allow it to be brought up because of alleged conflict of interest. Stone is willing to make very substantial financial sacrifice for this post. Perhaps one of the best cases of motivation by patriotism. Could be considered for recess appointment. Definitely should be resubmitted in January.

Securities and Exchange Commission - Patrick Delaney. Democrat. New York. Nominated 7/21/76. Rod Hills strongly opposed to recess appointment and with merit on the substantive side as the issues to be decided by the SEC within the next two months are complex and far reaching. Delaney has encountered some rather minor legal problems regarding his investment activities when with Harris, Upham in New York. Although minor, I feel there is a risk of evoking criticism. On the other side there could be some benefit in New York City and in the Catholic community. Likely that he will be confirmed although there are mixed reports.

Tennessee Valley Authority - Tom Longshore. Republican. Alabama. Nominated 6/16/76. Although defeated in committee his nomination is technically pending and thus eligible for a recess appointment. He was defeated for purely partisan political reasons. A recess appointment could create severe problems in Tennessee and possibly Mississippi and perhaps other States within the TVA. Probably no benefit in Alabama.

Nuclear Regulatory Commission - George Murphy. Democrat. Maryland. Nominated 9/20/76. Mixed reaction to this appointment although we feel it was a good one. No political benefit but could evoke some bad press if recess appointment made.

Ambassadorial Positions:

Henry Kissinger recommends that no appointments be made until the agreement on Malcolm Toon is received from Moscow. Then advises it could make sense for the career appointments except Graham Martin (his nomination was put aside by the Senate Foreign Relations Committee) but not the non-career appointments of Jack Olson and William McGuire.

Ambassador to Guyana - William McGuire. Democrat. Maryland. Nominated 6/23/76. Recommended by Lane Kirkland. Committee refused to take up nomination because of his involvement in an alleged CIA cover operation many years ago. This has been discussed with Brent, George Bush and Lane Kirkland. He is a good man but nothing to be gained.

Ambassador to Bahamas - Jack Olson. Republican. Wisconsin. Nominated 9/15/76. Cleared out of Committee. Blocked in closing hours of session by Jesse Helms due to his relationship with the current Ambassador Seymour Weiss. Helms thought Kissinger was dismissing Weiss because of disagreements over nuclear matters. Could be political problem both in North Carolina and by virtue of political change. Olson wants a recess appointment. Recommend resubmitting in January.

Ambassador to Botswana, Lesotho and Swaziland - Donald Norland. Career Foreign Service Officer.

Ambassador to Malta - Lowell Lainger. Career Foreign Service Officer.

Ambassador to Ethiopia - McMurtrie Godley. Career Foreign Service Officer.

Ambassador At Large - Graham Martin. Career Foreign Service Officer.

Judicial Positions:

Phil Buchen, Deputy Attorney General Tyler and I discussed these posts. Historically, it has been many years since there have been judicial recess appointments. Since judges are lifetime appointments, a recess appointment with potential tenure of about a year would prompt the individual concerned to be watchful of the Congress and to avoid any controversy which might affect his confirmation. This could evoke criticism that the appointments are politically motivated without regard for the court process itself and that you are insensitive to judicial proceedings. You have an outstanding record on judicial appointments. Recess appointments could taint this record. Additionally, a nominee who is not already a sitting State judge is highly unlikely to accept an appointment but this would have to be ascertained on an individual basis.

6th U.S. Circuit Court - Harry Welford. Tennessee. Nominated 8/4/76. Howard Baker recommended him. He was not reported out of committee. Almost certain to encounter more difficulty. NAACP has opposed him on a bigotry charge which we feel is not valid. He is a sitting Federal District Court Judge.

9th U.S. Circuit Court - Richard Bilby. Arizona. Nominated 8/3/76. Practicing attorney in Phoenix. Favorably reported by Judiciary Committee. In closing hours Bob Byrd was ready to bring up Bilby, Fannin urged it but we think for some unrelated reason Senator Goldwater stopped it. Excellent man. Good chance of confirmation next year. A recess appointment could be argued on the grounds that the 9th Circuit has a serious need for this judge as the workload is extremely heavy. A solid appointment.

U.S. District Court, Western Kentucky - Richard Revell. Kentucky. Nominated 4/26/76. Senator Ford has played politics with this appointment and has been criticized for it. The Louisville Courier supports this appointment. Revell is a sitting State judge and a good man. Appointment could be argued on grounds of heavy caseload.

U.S. District Court, Middle District of Florida - Elizabeth Kovachevich. Florida. Nominated 6/11/76. Good appointment. Sitting State judge. One of few women judges you have nominated. The two Democrat Senators have blocked this appointment under the guise that she was not selected by their heavily partisan "State Judicial Selection Committee." Appointment argued on basis of very heavy workload in this court. A politically popular appointment in Florida.

U.S. District Court, Eastern and Western District of Arkansas Edwin Bethune. Arkansas. Nominated 6/15/76. John Paul Hammerschmidt recommended. Good appointment. Chairman Eastland supports him. Senator Bumpers held it. He is popular in Arkansas. Court is quite busy.

U.S. District Court, Colorado - Donald Brotzman. Colorado. Nominated 7/22/76. Senator Haskell killed the appointment with the result of Colorado papers being quite critical of Haskell. He is a good appointment. A case could be made regarding heavy court workload.

U.S. District Court, Southern Florida - John Moore. Florida. Nominated 8/4/76. Recommended by Congressman Herb Burke. The appointment is probably on shaky grounds. Senator Eastland considers his confirmation prospects unlikely. He is a practicing attorney.

U.S. District Court, Western Louisiana - Donald Walter. Louisiana. Nominated 8/5/76. You will recall this appointment as it relates to Senator Long. While he is a good man his confirmation could be a problem. You could run the risk of antagonizing Senator Long as he originally strongly opposed him.

U.S. District Court, Rhode Island - Herbert DeSimone. Rhode Island. Nominated 8/5/76. He is a practicing attorney. The ABA will fight this appointment as its review found him to be unqualified as you will recall. We understand John Chaffee supports him. Case could be argued that there is a heavy workload in this court. This would be a questionable candidate for a recess appointment.

U.S. District Court, Eastern & Western Washington - James Anderson. Washington. Nominated 8/6/76. Highly recommended by Dan Evans. Sitting State Judge. Excellent appointment. Senators Magnuson and Jackson blocked the appointment. Case could be argued that there is an extremely heavy workload in this Court.

Superior Court - District of Columbia Associate Judge - Charles Halleck. Maryland. Nominated 10/20/75. You are aware of new charges against Halleck. Disciplinary action may be forthcoming. It is possible that the District of Columbia Nominating Committee may submit a new name. Definitely should wait for the outcome of the disciplinary hearing.

Associate Judge - Edwin Brown. District of Columbia. Nominated 9/29/76. The only reason he was not confirmed was the late hour of nomination. The three recommendations from the District of Columbia Nominating Committee were not received by the White House until the middle of September. We tried to expedite the appointments and in fact made the nominations within a two week period.

U.S. Parole Commission - Curtis Crawford (MD) and Paula Tennant (Calif.). Nominated 8/6/76. Both are incumbents and will serve until successors are nominated and confirmed. Not necessary to do recess appointments.

U.S. Tax Court - Jules Korner. Maryland. Nominated 6/9/76. Opposed by Senator Long. He wants a member of the staff of the Joint Committee on Internal Revenue Taxation appointed. A recess appointment would antagonize Long.

U.S. Attorney, Eastern Arkansas - David Rutledge. Arkansas. Nominated 9/21/76. He is a young man who is considered a good appointment. No advantage in a recess appointment. He should be confirmed when his name is resubmitted in January.

U.S. Marshal, Middle District of North Carolina. Ellis Almond. North Carolina. Nominated 6/24/76. No advantage to recess appointment. He should be confirmed when his name is resubmitted in January.

U.S. Marshal, Oregon - Everett Langford. Oregon. Nominated 8/26/76. No advantage in recess appointment. He should be confirmed when his name is resubmitted in January.

PART-TIME BOARDS & COMMISSIONS:

There are 40 nominations for part-time boards and commissions which were not confirmed by the Senate. In most instances confirmation was not forthcoming due to the lateness of the nomination resulting from security investigations which were not top priority and which took an extended period of time. There is no necessity for these individuals to receive recess appointments. I expect confirmation to be likely when they are resubmitted in January. It is difficult to tell whether all of the individuals would accept recess appointments - I think it is unlikely that they all would - and, therefore, we could be in a position of granting recess appointments to only some of the individuals. Respecting recess appointments in this area, you could be charged with pure political motivation particularly with respect to some of the boards which are highly technical in nature. I recommend against any recess appointments for these individuals. The following is a list of the nominations pending:

(SEE SHEET)

Date of Nomination

Communications Satellite Corporation:

Edward E. David, Jr. (R)	(Illinois)	5/21/74
Frederic G. Donner (R)	(New York)	5/07/75
George Meany (D)	(Maryland)	5/07/75

Corporation for Public Broadcasting:

Charles H. Crutchfield (D)	(North Carolina)	7/22/76
Leslie N. Shaw (D)	(California)	7/22/76
Paul M. Stevens (D)	(Texas)	7/22/76

U.S. Metric Board:

Louis F. Polk - Chairman (R)	(Ohio)	9/22/76
Harold M. Agnew (D)	(New Mexico)	9/22/76
Sydney D. Andrews (D)	(Florida)	9/22/76
Andrew H. Kenopensky (D)	(New Jersey)	9/22/76
Adrian H. Weaver (R)	(Connecticut)	9/22/76
Virginia H. Knauer (R)	(Pennsylvania)	9/22/76
Valerie Antoine (D)	(California)	9/22/76
Carl A. Beck (R)	(Pennsylvania)	9/22/76
Ralph V. Durham, Sr. (D)	(North Carolina)	9/22/76
W.E. Hamilton (R)	(Illinois)	9/22/76
Harry E. Kenney (R)	(New Mexico)	9/22/76
Francis R. Dugan (R)	(Ohio)	9/22/76
Frank Hartman (R)	(Michigan)	9/22/76
James D. McKeivitt (R)	(Colorado)	9/22/76

Date of Nomination

U.S. Metric Board (Cont'd):

Jerry J. McReal (R)	(Oregon)	9/22/76
Satenig S. St. Marie (Unk)	(Connecticut)	9/22/76
Kenyon Y. Taylor (R)	(Illinois)	9/22/76

Commission on Civil Rights:

Herschel Schacter (D)	(New York)	9/29/76
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Legal Services Corporation:

Roger A. Yurchuck (R)	(Ohio)	3/03/76
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National Commission on Libraries and Information Science:

Robert W. Burns, Jr. (R)	(Colorado)	9/29/76
Gloria Sepulveda-Vazquez (R)	(Michigan)	9/29/76

Securities Investor Protection Corporation:

F. Barter Harvey, Jr. (R)	(Maryland)	9/20/76
J. W. Van Gorkom (R)	(Illinois)	9/20/76

National Institute of Building Sciences:

Jack C. Sanders (D)	(Oklahoma)	9/30/76
Ernest Ambler (D)	(Maryland)	9/30/76
Charles J. Orlebeke (R)	(Maryland)	9/30/76

Date of Nomination

National Library of Medicine:

Julio E. Figueroa (R)	(Louisiana)	10/01/76
Francis X. Scannell (R)	(Michigan)	10/01/76
Neva Martin Abelson (I)	(D.C.)	10/01/76
Charles Huggins (Unk)	(Illinois)	10/01/76
Carla M. Ambrus (R)	(New York)	10/01/76
John A. Hill (R)	(Connecticut)	10/01/76

National Corporation for Housing Partnership:

Charles J. Urstadt (R)	(New York)	7/19/76
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U.S. Advisory Commission on Information:

D. Tennant Bryan (D)	(Virginia)	9/29/76
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SUMMARY:

Jack Marsh and I both recommend against any recess appointments. With a couple of exceptions there is very little political benefit to be gained. Regarding State Department appointments, I concur with Henry Kissinger's guidance that no appointments be made at the very least until agreement is received from Moscow on Malcolm Toon. At that point, it might make some sense and could be justified to make recess appointments to those who are career foreign service officers. I will raise this with you at the appropriate time. Regarding the judicial nominations, I recommend against recess appointments. I don't think it is appropriate to stir up any controversy in the States concerned. While there may be some marginable benefit, you could be subject to substantial criticism for the reasons described earlier. However, if you wish to make any judicial appointments I recommend the following candidates:

Bilby of Arizona, Bethune of Arkansas, Brotzman of Colorado, Kovachevich of Florida, Revell of Kentucky, Anderson of Washington and possibly DeSimone of Rhode Island.

With respect to the regulatory nominations, I again recommend against recess appointments. I think in this area you are most susceptible to a political charge. Nevertheless, if you desire to make recess appointments, I recommend consideration be given to Barbara Simpson to the Federal Power Commission, Thad Garrett to the Consumer Product Safety Commission, Ralph Stone to the Federal Home Loan Bank Board and perhaps Pat Delaney to the Securities and Exchange Commission.

Regarding both the full-time Executive Branch positions and the part-time Boards and Commissions, I recommend against doing any of them. All Executive Branch functions are being performed either by the incumbent or individuals in acting capacities.

Jack Marsh and I both are of the opinion that at this late date in the campaign any action on your part which could evoke controversy over a recess appointment could be counter-productive.