## The original documents are located in Box 40, folder "Personnel - Security Investigations (1)" of the Philip Buchen Files at the Gerald R. Ford Presidential Library.

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## THE WHITE HOUSE WASHINGTON

September 13, 1974

MEMORANDUM FOR THE PRESIDENT

THROUGH:

GENERAL ALEXANDER HAIG

FROM:

DAVID J. WIMER

SUBJECT:

FBI Investigation of Candidates for Presidential Appointments Requiring

Senate Confirmation

This memorandum seeks to briefly review the security procedures which are employed before the announcement of any Presidential appointment requiring Senate confirmation (PAS).

Since the Walter Jenkins episode of the mid-1960s, the customary White House personnel practice has been to initiate and successfully complete a full-field investigation of every candidate for a PAS position prior to the White House announcement of that nomination. This investigation, which is monitored by your Legal Counsel, is undertaken to protect the Administration from any embarrassment, either during confirmation or or the job, arising rom past or present indiscretions attributable to the candidate. Questions of morality, national security, and income tax are obviously explored. These investigations seldom unearth a predicament of such magnitude that the disqualification of a candidate is justified however, on the rare occasion this does occur a delicate and potentially septic situation is created.

The candidate, of course, has previously been informed by this office that he or she is under consideration for a Presidential appointment, and that a complete FBI investigation is a sine quantum to appointment. We do not

proceed without their approval of such a security investigation. If your Legal Counsel, upon reviewing the FBI report determines that a candidate must be disqualified, the affected individual must certainly be informed. The sensitivity of both the information and the transaction is patent. Heretofore, on those rare occasions when the Legal Counsel has disqualified a candidate, this office has had the responsibility of informing the individual in question. I firmly believe that it is inappropriate for us to do this since we are correctly unaware of the particulars of the individual's problem, and thus we are unable to speak to the individual with the candor which must accompany such a serious discuss on.

It is my firm opinion that your Legal Counsel s the correct repository of the unwelcome task of informing a candidate that the White House is aware of his or her personal problems and that these, unfortunately, preclude a Presidential appointment at this time. The Legal Counsel is in possession of all the privileged information, and his contact with the individual will as closely as possible simulate an environment of attorney-client confidentiality. This is important for two reasons: it satisfies the individual's concern that his private problems remain private, and it is clear evidence that the White House is conducting a reasonable procedure in a responsible manner.

I, therefore, recommend that your Legal Counsel, Mr. Buchen, and his staff, be charged with the task of informing a candidate of his or her ineligibility for a Presidential appointment due to irreconciliable security problems.

A	D: -
Approve	Disapprove
F.F.	FF

cc: Robert Hartmann
Philip Buchen

# THE WHITE HOUSE WASHINGTON Sept. 11, 1974

Memorandum For:

Philip Buchen

From:

Skip Williams KAW

Dudley and I perceive no reason to disapprove of these two appointments

#### WASHINGTON

9/9

MEMORANDUM FOR:

PHILIP BUCHEN

FROM:

DAVID J. WIMER

SUBJECT:

Edward 7. Cahn

The attached data on this candidate has been submitted to secure formal clearance approval. Please advise this office whether or not you concur in this action.

If you recommend against action, please indicate the nature and severity of the objection.

We would appreciate your response within (8) working days. If you have need for further information concerning this case, please contact Julie Robben of my staff at X 6533.

APPROVE TWB	DISAl'PROVE
Date 9/11/74	

Please return form to Room 136.

# THE WHITE HOUSE WASHINGTON

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	<b>9</b> /4	
MEMORANDUM FOR:	PHILIP BUCHEN	
FROM:	DAVID J. WIMER	
SUBJECT:	D. Dwayne Keyen	
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If you recommend against action, please indicate the nature and severity of the objection.		
We would appreciate your response within (8) working days. If you have need for further information concerning this case, please contact Julie Robben of my staff at X 6533.		
APPROVE	DISAPPROVE	
Date		

Please return form to Room 136.

WASHINGTON

August 30, 1974

MEMORANDUM FOR:

PHIL BUCHEN

FROM:

SKIP WILLIAMS YOU

SUBJECT:

FBI Investigations -- Personnel

You have directed that investigations for new White House personnel and for new Presidential appointees should continue as before but that you wanted to review the policy regarding updating the investigations of persons already employed in these capacities.

By way of background I am attaching a copy of Executive Order No. 10450, which sets forth security requirements for government employees. This order was issued in 1953 by President Eisenhower and applies to all departments and agencies of the government. Its primary objective was the establishment of "an effective program to insure that the employment and retention in employment of any civilian officer or employee within the department or agency is clearly consistent with the interests of the national security." As a result of this order each succeeding administration has had the FBI conduct security investigations on virtually all White House staff employees and most Presidential appointments.

#### White House Employee Updates

The FBI advises that there was no regular program for updating investigations until the incident in October of 1964 involving Walter Jenkins, the former Special Assistant to President Johnson. Since that time there has been a policy of updating security investigations of the White House staff every three years.

#### Presidential Appointee Updates

On November 3, 1965, President Johnson wrote the Chairman of the Civil Service Commission and directed that he implement the recommendations of a committee which had been established to study personnel investigations and security practices in the Executive Branch. Among those recommendations was the following, which is quoted from the Federal Personnel Manual:

The incumbent of each critical-sensitive position shall be required, five years after his appointment, and at least once each succeeding five years, to submit an updated personnel security questionnaire to the appropriate security officer in his department or agency. This questionnaire shall be reviewed, together with the personnel file of the incumbent, previous reports of investigation concerning him, and any other appropriate documents. A determination shall then be made regarding what further action, if any, is appropriate; for example, a check of local police and credit records, a national agency check, or an updated full field investigation.

It was in connection with this provision that our Security Office was contacted by the Civil Service Commission to ascertain how we would comply vis-a-vis Presidential appointees. To date no action has been taken. However, pursuant to the above provision, some action must be taken in regard to thirty-three Presidential appointees this year because it has been five years since their last full field investigation.

In connection with Presidential appointees the appropriate security officer in most instances would be the White House Security Officer, because the security officers in most of the departments and agencies never get access to the results of the investigations of the Presidential appointees in their particular department or agency.

Because of the sensitivity of many of the positions filled by Presidential appointees and by all White House personnel, I recommend that supplemental full field investigations be conducted at five and three year intervals respectively if a full field was required upon their entry into their current positions.

If you wish to discuss this in greater detail, please call.

## EXECUTIVE ORDER 10450

## SECURITY REQUIREMENTS FOR GOVERNMENT EMPLOYMENT

WHEREAS the interests of the national security require that all persons privileged to be employed in the departments and agencies of the Government shall be reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States; and

WHEREAS the American tradition that all persons should receive fair, impartial, and equitable treatment at the hands of the Government requires that all persons seeking the privilege of employment or privileged to be employed in the departments and agencies of the Government be adjudged by mutually consistent and no less than minimum standards and procedures among the departments and agencies governing the employment and retention in employment of persons in the Federal service:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, including section 1753 of the Revised Statutes of the United States (5 U.S.C. 631); the Civil Service Act of 1883 (22 Stat. 403; 5 U.S.C. 632, et seq.); section 9A of the act of August 2, 1939, 53 Stat. 1148 (5 U.S.C. 118 j); and the act of August 26, 1950, 64 Stat. 476 (5 U.S.C. 22-1, et seq.), and as President of the United States, and deeming such action necessary in the best interests of the national security, it is hereby ordered as follows:

Section 1. In addition to the departments and agencies specified in the said act of August 26, 1950, and Executive Order No. 10237 of April 26, 1951, the provisions of that act shall apply to all other departments and agencies of the Government.

Section 2. The head of each department and agency of the Government shall be responsible for establishing and maintaining within his department or agency an effective program to insure that the employment and retention in employment of any civilian officer or employee within the department or agency is clearly consistent with the interests of the national security.

Section 3. (a) The appointment of each civilian officer or employee in any department or agency of the Government shall be made subject to investigation. The scope of the investigation shall be determined in the first instance according to the degree of adverse effect the occupant of the position sought to be tilled could bring about, by virtue of the nature of the position, on the national security, but in no event shall the investigation include less than a national agency check (including a check of the fingerprint files of the Federal Bureau of Investigation), and written inquiries to appropriate local law-enforcement agencies, former employers and supervisors, references, and schools attended by the person under investigation: Provided, that upon request of the head of the department or agency concerned, the Civil Service Commission may, in its discretion, authorize such less investigation as may meet the requirements of the national security with respect to per-diem, intermittent, temporary, or seasonal employees, or aliens employed outside the United States. Should there develop at any stage of investigation information indicating that the employment of any such person may not be clearly consistent with the interests of the national security, there shall be conducted with respect to such person a full field investigation, or such less investigation as shall be sufficient to enable the head of the department or agency concerned to determine whether retention of such person is clearly consistent with the interests of the national security.

(b) The head of any department or agency shall designate, or cause to be designated, any position within his department or agency the occupant of which could bring about, by virtue of the nature of the position, a material adverse effect on the national security as a sensitive position. Any position so designated shall be filled or occupied only by a person with respect to whom a full field investigation has been conducted:

Provided, that a person occupying a sensitive position at the time it is designated as such may continue to occupy such position pending the completion of a full field investigation, subject to the other provisions of this order:

And provided further, that in case of emergency a sensitive position may be filled for a limited to riod by a person with respect to whom a full field pre-appointment investigation has not been completed if the head of the department or agency concerned finds that such action is necessary in the national interest, which finding shall be made a part of the records of such department or agency.

Section 4. The head of each department and agency shall review, or cause to be reviewed, the cases of all civilian officers and employees with respect to whom there has been conducted a full field investigation under Executive Order No. 9835 of March 21, 1947, and, after such further investigation as may be appropriate, shall re-adjudicate, or cause to be re-adjudicated, in accordance with the said act of August 26, 1950, such of those cases as have not been adjudicated under a security standard commensurate with that established under this order.

Section 5. Whenever there is developed or received by any department or agency information indicating that the retention in employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, such information shall be forwarded to the head of the employing department or agency or his representative, who, after such investigation as may be appropriate, shall review, or cause to be reviewed, and, where necessary, re-adjudicate, or cause to be re-adjudicated, in accordance with the said act of August 26, 1950, the case of such officer or employee.

Section 6. Should there develop at any stage of investigation information indicating that the employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, the head of the department or agency concerned or his representative shall immediately suspend the employment of the person involved if he deems such suspension necessary in the interests of the national security and, following such investigation and review as the deems necessary, the head of the department or agency concerned

shall terminate the employment of such suspended officer or employee whenever he shall determine such termination necessary or advisable in the interests of the national security, in accordance with the said act of August 26, 1950.

Section 7. Any person whose employment is suspended or terminated under the authority granted to heads of departments and agencies by or in accordance with the said act of August 26, 1950, or pursuant to the said Executive Order No. 9835 or any other security or loyalty program relating to officers or employees of the Government, shall not be reinstated or restored to duty or reemployed in the same department or agency, and shall not be reemployed in any other department or agency unless the head of the department or agency concerned finds that such reinstatement, restoration, or reemployment is clearly consistent with the interests of the national security, which finding shall be made a part of the records of such department or agency: Provided, that no person whose employment has been terminated under such authority thereafter may be employed by any other department or agency except after a determination by the Civil Service Commission that such person is eligible for such employment.

Section 8 (a) The investigations conducted pursuant to this order shall be designed to develop information as to whether the employment or retention in employment in the Federal service of the person being investigated is clearly consistent with the interests of the national security. Such information shall relate, but shall not be limited, to the following:

- (1) Depending on the relation of the Government employment to the national security:
  - (i) Any behavior, activities, or associations which tend to show that the individual is not reliable or trust-worthy.
  - (ii) Any deliberate misrepresentations, falsifications, or omissions of material facts.



- (iii) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.
- (iv) An adjudication of insanity, or treatment for serious mental or neurological disorder without satisfactory evidence of cure.
- (v) Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of the national security.
- (2) Commission of any act of sabotage, espionage, treason, or sedition, or attempts thereat or preparation therefor, or conspiring with, or aiding or abetting, another to commit or attempt to commit any act of sabotage, espionage, treason, or sedition.
- (3) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, or with an espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the government of the United States or the alteration of the form of government of the United States by unconstitutional means.
- (4) Advocacy of use of force or violence to overthrow
  the government of the United States, or of the alteration of the form
  of government of the United States by unconstitutional means.
- (5) Membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group, or combination of persons which is totalitarian, Fascist, Communist, or subversive, or which has adopted, or shows,



a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or which seeks to alter the form of government of the United States by unconstitutional means.

- (6) Intentional, unauthorized disclosure to any person of security information, or of other information disclosure of which is prohibited by law, or willful violation or disregard of security regulations.
- (7) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.
- (b) The investigation of persons entering or employed in the competitive service shall primarily be the responsibility of the Civil Service Commission, except in cases in which the head of a department or agency assumes that responsibility pursuant to law or by agreement with the Commission. The Commission shall furnish a full investigative report to the department or agency concerned.
- (c) The investigation of persons (including consultants, however employed), entering employment of, or employed by, the Government other than in the competitive service shall primarily be the responsibility of the employing department or agency. Departments and agencies without investigative facilities may use the investigative facilities of the Civil Service Commission, and other departments and agencies may use such facilities under agreement with the Commission.
- (d) There shall be referred promptly to the Federal
  Bureau of Investigation all investigations being conducted by any other
  agencies which develop information indicating that an individual may
  have been subjected to coercion, influence, or pressure to act contrary
  to the interests of the national security, or information relating to any of
  the matters described in subdivisions (2) through (7) of subsection (a) of
  this section. In cases so referred to it, the Federal Bureau of Investigation
  shall make a full field investigation.



Section 9. (a) There shall be established and maintained in the Civil Service Commission a security-investigations index covering all persons as to whom security investigations have been conducted by any department or agency of the Government under this order. The central index established and maintained by the Commission under Executive Order No. 9835 of March 21, 1947, shall be made a part of the security-investigations index. The security-investigations index shall contain the name of each person investigated, adequate identifying information concerning each such person, and a reference to each department and agency which has conducted an investigation concerning the person involved or has suspended or terminated the employment of such person under the authority granted to heads of departments and agencies by or in accordance with the said act of August 26, 1950.

- (b) The heads of all departments and agencies shall furnish promptly to the Civil Service Commission information appropriate for the establishment and maintenance of the security-investigations index.
- (c) The reports and other investigative material and information developed by investigations conducted pursuant to any statute, order, or program described in section 7 of this order shall remain the property of the investigative agencies conducting the investigations, but may, subject to considerations of the national security, be retained by the department or agency concerned. Such reports and other investigative material and information shall be maintained in confidence, and no access shall be given thereto except, with the consent of the investigative agency concerned, to other departments and agencies conducting security programs under the authority granted by or in accordance with the said act of August 26, 1950, as may be required for the efficient conduct of Government business.

Section 10. Nothing in this order shall be construed as eliminating or modifying in any way the requirement for any investigation or any determination as to security which may be required by law.

Section 11. On and after the effective date of this order the Loyalty Review Board established by Executive Order No. 9835 of March 21, 1947, shall not accept agency findings for review, upon appeal or otherwise. Appeals pending before the Loyalty Review Board on such date shall be heard to final determination in accordance with the provisions of the said Executive Order No. 9835, as amended. Agency determinations favorable to the officer or employee concerned pending before the Loyalty Review Board on such date shall be acted upon by such Board, and whenever the Board is not in agreement with such favorable determination the case shall be remanded to the department or agency concerned for determination in accordance with the standards and procedures established pursuant to this order. Cases pending before the regional loyalty boards of the Civil Service Commission on which hearings have not been initiated on such date shall be referred to the department or agency concerned. Cases being heard by regional loyalty boards on such date shall be heard to conclusion, and the determination of the board shall be forwarded to the head of the department or agency concerned: Provided, that if no specific department or agency is involved, the case shall be dismissed without prejudice to the applicant. Investigations pending in the Federal Bureau of Investigation or the Civil Service Commission on such date shall be completed, and the reports thereon shall be made to the appropriate department or agency.

Section 12. Executive Order No. 9835 of March 21, 1947, as amended, is hereby revoked. For the purposes described in section 11 hereof the Loyalty Review Board and the regional loyalty boards of the Civil Service Commission shall continue to exist and function for a period of one hundred and twenty days from the effective date of this order, and the Department of Justice shall continue to furnish the information described in paragraph 3 of Part III of the said Executive Order No. 9835, but directly to the head of each department and agency.

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Section 13. The Attorney General is requested to render to the heads of departments and agencies such advice as may be requisite to enable them to establish and maintain an appropriate employee-security program.

Section 14. (a) The Civil Service Commission, with the continuing advice and collaboration of representatives of such departments and agencies as the National Security Council may designate, shall make a continuing study of the manner in which this order is being implemented by the departments and agencies of the Government for the purpose of determining:

- (1) Deficiencies in the department and agency security programs established under this order which are inconsistent with the interests of, or directly or indirectly weaken, the national security.
- (2) Tendencies in such programs to deny to individual employees fair, impartial, and equitable treatment at the hands of the Government, or rights under the Constitution and laws of the United States or this order.

Information affecting any department or agency developed or received during the course of such continuing study shall be furnished immediately to the head of the department or agency concerned. The Civil Service Commission shall report to the National Security Council, at least semiannually, on the results of such study, and shall recommend means to correct any such deficiencies or tendencies.

(b) All departments and agencies of the Government are directed to cooperate with the Civil Service Commission to facilitate the accomplishment of the responsibilities assigned to it by subsection (a) of this section.

Section 15. This order shall become effective thirty days after the date hereoi. Dunght Clean home

THE WHITE HOUSE, ARL7 4 LATM'

April . , 1953. DIVISION

#### August 31, 1974

To: Bob

From: Phil

You had earlier said you wanted to raise a point concerning a policy of updating security investigations. Here is a memorandum concerning present practices and their origin.

I would be pleased to have your comments before moving on this.

Attachment



WASHINGTON

August 30, 1974

MEMORANDUM FOR:

PHIL BUCHEN

FROM:

SKIP WILLIAMS How

SUBJECT:

FBI Investigations -- Personnel

You have directed that investigations for new White House personnel and for new Presidential appointees should continue as before but that you wanted to review the policy regarding updating the investigations of persons already employed in these capacities.

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Because of the sensitivity of many of the positions filled by Presidential appointees and by all White House personnel, I recommend that supplemental full field investigations be conducted at five and three year intervals respectively if a full field was required upon their entry into their current positions.

If you wish to discuss this in greater detail, please call.

## 9/17/74

To: Dave Wimer

From: Phil Buchen



# THE WHITE HOUSE WASHINGTON 9-16-74

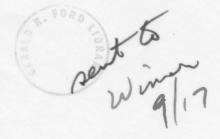
Memorandum For:

Pril Bushen

From:

Skip Williams

to Work's appointment.



## THE WHITE HOUSE WASHINGTON

September 12, 1974

MEMORANDUM FOR:

PHILIP BUCHEN

FROM:

DAVID J. WIMER

SUBJECT:

Deputy Administrator for Policy Development, Law Enforcement Assistance Administration, Department of Justice (PAS, Level IV)

Attached is a copy of my proposed memorandum to General Haig discussing the appointment of Charles R. (Chuck) Work as Deputy Administrator for Policy Development of the Law Enforcement Assistance Administration.

Please have your office contact Greg Lebedev's office to let us know of your opinion of the proposed action in order that we may accurately represent your views in the final decision memorandum. As we wish to act on this matter as expeditiously as possible, we would very much appreciate a reply by September 17, 1974. If we have not heard from your office by that time, we will assume that you have no comment and go forward with the memorandum. Your observations and assistance will be greatly appreciated.

Attachment: a/s

## 9/17/74

To: Dave Wimer

From: Phil Buchen



9-16-74

Memorandum For:

Phil Bucken

From:

Skip Williams Hed

to disapprove.



WASHINGTON

9/14

MEMORANDUM FOR:	PHILIP BUCHEN	
FROM:	DAVID J. WIMER	
SUBJECT:	James R. Durkom, Gr.	
The attached data on this candidate has been submitted to secure formal clearance approval. Please advise this office whe her or not you concur in this action.		
If you recommend against action, of the objection.	please indicate the nature and severity	
We would appreciate your response within (8) working days. If you have need for further information concerning this case, please contact Julie Robben of my staff at X 6533.		
APPROVE T. W.B.	DISAPPROVE	
Date 9/14/74		
Please return form to Room 136.		

Return to J. Jones -Mr. B spine with him about this-

# The party.

## THE WHITE HOUSE

Date Sept. 17, 1974

TO:

PHIL BUCHEN

FROM:

JERRY H.

Before the attached goes forward, could we please have your thoughts and/or concurrence.

Attachment

WASHINGTON

September 13, 1974

MEMORANDUM FOR THE PRESIDENT

THROUGH:

GENERAL ALEXANDER HAIG

FROM:

DAVID J. WIMER

SUBJECT:

FBI Investigation of Candidates for Presidential Appointments Requiring

Senate Confirmation

This memorandum seeks to briefly review the security procedures which are employed before the announcement of any Presidential appointment requiring Senate confirmation (PAS).

Since the Walter Jenkins episode of the mid-1960s, the customary White House personnel practice has been to initiate and successfully complete a full-field investigation of every candidate for a PAS position prior to the White House announcement of that nomination.\* This investigation, which is monitored by your Legal Counsel, is undertaken to protect the Administration from any embarrassment, either during confirmation or on the job, arising from past or present indiscretions attributable to the candidate. Questions of morality, national security, and income tax are obviously explored. These investigations seldom unearth a predicament of such magnitude that the disqualification of a candidate is justified; however, on the rare occasion this does occur a delicate and potentially septic situation is created.

The candidate, of course, has previously been informed by this office that he or she is under consideration for a Presidential appointment, and that a complete FBI investigation is a sine qua non to appointment. We do not

\*All White House Staff members are subject to full field FBI investigations.

These frequently are done after the fact, however.

proceed without their approval of such a security investigation. If your Legal Counsel, upon reviewing the FBI report, determines that a candidate must be disqualified, the affected individual must certainly be informed. The sensitivity of both the information and the transaction is patent. Heretofore, on those rare occasions when the Legal Counsel has disqualified a candidate, this office has had the responsibility of informing the individual in question. I firmly believe that it is inappropriate for us to do this since we are correctly unaware of the particulars of the individual's problem, and thus we are unable to speak to the individual with the candor which must accompany such a serious discussion.

It is my firm opinion that your Legal Counsel is the correct repository of the unwelcome task of informing a candidate that the White House is aware of his or her personal problems and that these, unfortunately, preclude a Presidential appointment at this time. The Legal Counsel is in possession of all the privileged information, and his contact with the individual will as closely as possible simulate an environment of attorney-client confidentiality. This is important for two reasons: it satisfies the individual's concern that his private problems remain private, and it is clear evidence that the White House is conducting a reasonable procedure in a responsible manner.

I, therefore, recommend that your Legal Counsel, Mr. Buchen, and his staff, be charged with the task of informing a candidate of his or her ineligibility for a Presidential appointment due to irreconciliable security problems.

Approve	Disapprove
pp10v0	Disappieve

cc: Robert Hartmann Philip Buchen

## THE WHITE HOUSE WASHINGTON

September 18, 1974

MEMORANDUM FOR:

PHILIP BUCHEN

FROM:

DAVID J. WIMER

SUBJECT:

Security Clearance for the Members of

the Presidential Clemency Board

(PA, WAE)

As you know, The members of the Presidential Clemency Board were announced by the President on Monday, September 16, without having gone through the "safeguard" procedures usually followed by your office and mine. The customary FBI security review required of all Presidential Appointees was not initiated.

It is my understanding that a limited security review of each individual—the so called National Agency Check—is now desired. This, of course, cannot be undertaken without some basic personal information (date of birth, legal residence, and so forth), and we have requested current resumes of each Board Member. With these in hand, we will immediately initiate the necessary security investigation.

WASHINGTON

September 24, 1974

MEMORANDUM FOR:

T. R. BEAL

FROM:

PHILLIP AREEDA / .

You asked me to suggest some first class people who might grace the Administration as Presidential appointees. The following are of the highest quality. All but two are lawyers.

Paul Bator is Associate Dean and Professor of Law at Harvard. In his youth, he was Law Clerk to Justice Harlan and practiced briefly in New York before coming to the law school. He is approximately 44. He would be superb in any job calling for high level legal analysis.

Ernest May is a Professor of History at Harvard. He has specialized in diplomatic history and is exceedingly knowledgeable in the substance and organization of the state and defense areas. One does not often appoint professors of history to general government positions, but Ernest May is a clear thinking generalist who would be an excellent addition. Ernest May is in his 40's.

Rod Hills is a partner in a law firm of his own creation in Los Angeles (and he is not a Harvard man). He has been active in Republican affairs in California, and is a real "go getter." He is currently President of the Republic Corporation, which he has resuscitated, and will be returning more completely to private practice. His wife is an Assistant Attorney General (Civil Division). Hills is a first class man. He is about 44.

Lloyd Dinkelspiel is a partner in the Heller, Erman (etc.) firm in San Francisco. He is a first class general lawyer. He might also be a trustee of Stanford. He is in his mid 40's.

Bruce Nichols is a partner of Davis, Polk (etc.) New York, and is the primary legal advisor to the Morgan Guaranty Bank. He is brilliant and unusually hard working. A post with financial overtones, international or domestic, would be excellent for him. He is in his mid 40's.

Sam Butler is a leading partner of the Cravath firm in New York. He would be an excellent addition to the SEC, and many other places. Mid 40's.

James McKie is a sensible economist, and currently Chairman of the Social Science Department at the University of Texas. He is interested in the regulated industries. Because I believe strongly in the contribution that an economist can make to a regulatory agency, I would strongly recommend McKie to, for example, the CAB.

With the exception of Hills, I cannot tell you much about the political attachments of these people. I would guess that Dinkelspiel is a practicing Republican. Nichols and McKie might also be Republicans. May is an independent. I assume that Butler is an independent.

I hope to give you more names later.

CC: Phil Buchen

Dear Bobs

Following up our recent telephone conversation, this is to confirm that you have given us permission to initiate a security background investigation as an integral part of your consideration as a candidate for U.S. Alternate Representative to the 18th General Conference of UNESCO.

Please do not hesitate to call if you have any questions concerning this process.

Sincerely,

Greg Lebedev Staff Assistant to the President

Mr. Robert H. B. Wade 3049 West Lane Keye, N. W. Washington, D. C. 20007

bcc: Philip Buchen

Julie Robben



JK. to po. JK. to po. I've checked With Leon.

#### WASHINGTON

October 1, 1974

MEMORANDUM FOR:

THE PRESIDENT

THROUGH:

DONALD RUMSFELD

FROM:

SAMUEL A. SCHULHOF School

SUBJECT:

Letter to the Honorable J. William

Fulbright.

Attached for your signature is a letter to the Honorable J. William Fulbright giving your full support to the Committee on Foreign Relations to act on the nomination of Stanton D. Anderson as Ambassador to Costa Rica. This nomination was submitted to the Senate on April 24, 1974, and although confirmation hearings have been held, the Committee has failed to report it out.

#### September 10, 1974

#### MEMORANDUM FOR THE PRESIDENT

THEOUGH GENERAL ALEXANDER HAIG

FROM: DAVID J. WIMER

SUBJECT: Pending Nomination of Stanton D.

Anderson as Ambassador to Costa Pica

This memorandum seeks to review the pending nomination of Stanton D. Anderson to be Ambassador to Costa Rica. Anderson was nominated on April 24, 1974, to succeed Viron P. Vaky who was appointed Ambassador to Columbia. Agreement has, of course, been received from Costa Rica, and although confirmation hearings have been held by the Senate Foreign Relations Committee (SFRC), Anderson's nomination has yet to be reported out of Committee.

#### STANTON D. ANDERSON (Tab A)

Anderson is a young (33) and aggressive Non-Career Officer at the State Department who skillfully served as Deputy Assistant Secretary for Cougressional Polations from March 1973 until his recent nomination. For some time prior to his nomination, he considered returning to his former law firm, as a parmer; however, Secretary Kisninger highly regarded Anderson's Departmental performance and formally recommended him for the Costa Rica assignment (Tab B). The Secretary's strategy was to retain Anderson within the Departmental network as an available backstop to the next Assistant Secretary for Congressional Affairs, Liawood Holton.

Anderson also served as a Staff Assistant to The President immediately prior to his State Department appointment and continues to be hold in high regard



by Eill Timmons and the many others with whom he worked. During the two years (1971-1973) that Anderson worked at the White House, as well as brief stints at CREP and the National Convention, a number of staff people on the Hill were critical—rightly or wrongly—of the manner in which he did business. Furthermore, his nomination was announced at a time when the Watergate investigations were at full steam, and the press speculated on several occasions about Anderson's role as a White House "political operative" somehow involved in the so called "responsiveness program." It is critical to note, however, that these accusations of political contrivance on Anderson's part have been completely investigated by Special Prosecutor Jaworski, who has sent a letter to SFRC Chairman Fulbright completely expectating Anderson of any and all such wrongdoing (Tab C).

Bill Timmons suggests that Anderson's confirmation is still a very real possibility; in fact, he reports that Senator Sparkman's original negative reaction to Anderson's youth has dissipated considerably. Anderson, however, is confronted with some very serious family-related problems which would prevent him from indertaking the Costs Rica assignment, if confirmed. Secretary Rissinger is aware of these unfortunate circumstances, and in agreement with Bill Timmons, strongly feels that your support of the Anderson nomination should be made known to the Senate in order that Anderson may withdraw his name without a cloud over his credibility. Conversely, if this nomination is withdrawn without any evidence of Presidential support, a degree of embarrassment will be caused both to the Department and the individual in question. The Department does not intend for the SFRC to ever vote on this nomination; they only desire the creation of an environment which will permit the state to be cleared in an appropriate manner.

Given the fact that Secretary Kiscinger does deem Anderson a suitable choice and that the objections from the bill have diminished considerably. I recommend that you support the comination of Stanton D. Anderson as Ambassador to Costa Rica by sending a brief note (which will follow your decision) to Senator Fulbright, which will simultaneously trigger a letter from Anderson to Fulbright withdrawing his name from consideration.

Approve Nonlination for the purpose of appropriate withdrawal

1

Disapprove Comination and Withdraw without support

Attachments: Tals A - C

cc: Robert Eartmenn

# THE WHITE HOUSE WASHINGTON

Dear Mr. Chairman:

As part of my overall review of nominations pending before the Senate, I have considered the nomination of Stanton D. Anderson as Ambassador to Costa Rica. I have examined his qualifications and background carefully and have determined that his nomination has my full support.

I respectfully request the Committee to approve this nomination.

Sincerely,

The Honorable J. William Fulbright Chairman, Committee on Foreign Relations United States Senate Washington, D. C.



#### DEPARTMENT OF STATE



Washington, D.C. 20520

October , 1974

Dear Mr. President:

I respectfully request that you withdraw my nomination as Ambassador to Costa Rica. Solely personal factors dictate this very difficult decision.

I want to thank you for the indication of your support of my nomination in your recent letter to Chairman Fulbright. It was a great honor to have been nominated as Ambassador to Costa Rica.

It is my hope that I will be able to continue to serve my Country and your Administration in some capacity in the future.

May I extend to you my best wishes for your continued success in achieving the great goals that you have set for your Administration.

Sincerely yours,

Stanton D. Anderson

The President,
The White House.

Soul w to fall w/K



#### THE WHITE HOUSE

#### WASHINGTON

October 1, 1974

MEMORANDUM FOR:

BILL WALKER

FROM:

KEN LAZARUS

SUBJECT:

Security Updates

Pursuant to your request, attached are copies of the following:

- (1) Form memo which has been utilized in the past to request information from White House staffers in order to facilitate their updates;
- (2) Form 86 to be filled out by the individual being investigated;
- (3) Form for communication of information and request for update to the FBI;
- (4) Proposed form letter to be used by White House Security Officer to appropriate Department Security Officer regarding update of security check on Presidential appointees;
- (5) Proposed form letter to be used by White House Counsel to notify Presidential appointees of request for security update; and
- (6) List of Presidential appointees who are currently due for updates.

As you will note, many of the Presidential appointees who are due for updates could be factored out in an attempt to reduce the unnecessary expenditure of investigative manpower. Perhaps it would be best to adopt the general policy of five-year updates for these people but exclude those where it is clear that the individual will not be in service for more than six months or a year.

cc: Phil Buchen /
Phil Areeda
Bill Casselman

# THE WHITE HOUSE WASHINGTON

TO:

FROM:

Jane Dannenhauer

Staff Assistant, Security

Since it is necessary to update your previous security investigation, I am enclosing Form 86.

This form should be completed and returned in triplicate as soon as possible. (You may wish to make a copy for your future reference.)

Please note only the changes occurring since

Also, Nos. 26a. and b. should include references outside the White House offices.

Thank you.

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Standard Form 86						CASE SERIAL	. NO. (CS	C use or	ıly)
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(F.P.M. CHAPTER 736)  84-107	sion )	FOR S	ENSITIVE POS	ITION					
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FROM (Yr.)

TO (Yr.)

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belief, and are made in	_				
is punishable by law.		(DATE)	(SIGN	ATURE—Sign original and	first carbon copy)
		INFORMATION TO BE F	URNISHED BY	AGENCY	
INSTRUCTIONS TO AGENCY: See Federal Personnel Manual Chapter 736 and FPM Supplement 296-31, Appendix A, for details on when this form is required and how it is used. If this is a request for investigation before appointment, insert "APPL" in the space for Date of Appointment and show information about the proposed appointment in the other spaces for appointment data. The original and the first carbon copy should be signed by the applicant or appointee. Submit the original and the unsigned carbon copy of the form, Standard Form 87 (Fingerprint Chart), and any investigative information about the person received on voucher forms or otherwise, to the United States Civil Service Commission, Bureau of Personnel Investigations, Washington, D.C., 20415. If this is a request for full field security investigation, submit these forms to the attention of the Division of Reimbursable Investigations; if this is a request for preappointment national agency checks, submit these forms to the attention of the Control Section.  RETAIN THE CARBON COPY OF STANDARD FORM 88 (SIGNED BY THE APPLICANT OR APPOINTEE) FOR YOUR FILES					
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Remarks:

# THE WHITE HOUSE WASHINGTON

TO:	'Robert H. Ha	aynes, FBI	
FROM:	Jane Dannenl	nauer	
SUGJECT:	FBI Investiga	ations	
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Present Addre	ss:		,
We Request:		Copy of Previous Report	
		Name Check	
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The person nam	med above is b	eing considered for:	
		White House Staff Position	
		Presidential Appointment	
Attachments:			
		SF 86 (in duplicate)	
		SF 87, Fingerprint Card	
		Biography	

#### THE WHITE HOUSE

WASHINGTON

Suggested Letter
To Department and Agency Security Officers
From White House Security Office

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With reference to our telephone conversation, we ask that you provide this office with a list of your current Presidential Appointees who have served five years or longer.

This information is requested in connection with the policy of reinvestigations of incumbents holding critical-sensitive positions with the Federal Government as outlined in the Federal Personnel Manual (Chapter 736, Sub-Chapter 2-6, p. 736-8.01).

As soon as this information is received, a determination will be made regarding the necessity of reinvestigation.

Notification will then be made to the Appointee by the Counsel to the President. I shall keep you advised of any such action.

Thank you for your assistance.

Sincerely,

Jane Dannenhauer Staff Assistant, Security

# THE WHITE HOUSE

Suggested Letter from Mr. Buchen to

Current Presidential Appointees needing Five-Year Reinvestigation

Dear	:

This letter will serve as notification that you are subject to reinvestigation by the Federal Bureau of Investigation in connection with your current Presidential appointment.

Reinvestigation of incumbents holding critical-sensitive positions with the Federal Government is required five years after appointment. This policy was initiated in 1965 by President Johnson's endorsement of a letter from the Chairman of the Civil Service Commission and is set forth in the Federal Personnel Manual.

I thank you for your cooperation in this regard.

Sincerely,

Philip W. Buchen Counsel to the President

## Independent Agencies

Name & Title	Date Appointe	d Expiration Date	Full-Field
Brantley Blue Indian Claims Commission	4/28/69	POP	5/7/69
Margaret Pierce Indian Claims Commission	10/11/68	POP	1968
Richard Yarborough Indian Claims Commission	12/15/67	POP	No Record
Kenneth H. Tuggle Interstate Commerce Commiss	10/2/68 ion	12/31/75	No Record
George M. Low Department Administrator NAS	12/2/69 A	POP	10/7/69
R. Frank Gregg Chairman-New England River Basin	9/6/67	POP	No Record
Daniel Rinehart The Renegotiation Board	9/29/69	POP	8/26/69
Rex Mattingly The Renegotiation Board	8/18/69	POP	7/10/69
William Whitehead The Renegotiation Board	6/20/69	POP	6/18/69
Will Leonard, Jr. Tariff Commission	6/17/69	6/16/75	7/1/69
Donald O. McBride Tennessee Valley Authority	5/20/66	5/18/75	No Record
Aubrey J. Wagner Tennessee Valley Authority	5/27/69	5/18/78	6/30/69

## Independent Agencies

Name & Title	Date Appointed	Expiration Date	Full-Field
Ludwig J. Andolsek Civil Service Commission	4/29/69	3/1/75	4/10/69
Walter C. Sauer Export-Import Bank	3/28/69	POP	1951
R. Alex McCullough Export-Import Bank	5/20/69	POP	4/30/69
John C. Clark Export-Import Bank	6/2/69	POP	5/8/69
Frederick Rouse Chairman, Great Lakes Basin Commission	8/13/69	POP .	None
John T. Vance Indian Claims Commission	12/15/67	POP	No Record
Jerome K. Kuykendall Indian Claims Commission	12/15/67	POP	1967

## Department of The Treasury

Name & Title	Date Appointed	Expiration Date	Full-Field
Betty Higby	3/10/69	POP	4/9/69
Superintendent of the Mint (Denver)			
Hildreth Frost Assayer Denver Mint	12/9/69	POP	11/14/69
Nicholas Costanzo Superintendert of the Mint New York	7/16/69	POP	6/18/69
Nicholas Theodore Superintendent of the Mint Philadelphia, Pa.	5/20/69	POP	5/5/69
Frank Gasparro Engraver - Philadelphia Mint	2/15/65	POP	No Record

## Department of Commerce

Name & Title	Date Appointed	Expiration Date	Full-Field
George C. Roeming Examiner-in-Chief, Patent Office	6/6/68	POP	No Record
Herbert Magil Examiner-in-Chief, Patent Office	10/1/59	POP	No Record
Orville Lerch Alternate Federal Co-Chairman, Appalachian Region Comm	7/17/69 mission	POP	6/23/69

## Department of the Interior

Name & little	Date Appointed	Expiration Date	Full-Field	
Edward Johnston	5/1/69	POP	4/2/69	
High Commissioner,				
Pacific Island Trust Territo	orv			

## Department of Transportation

Name & Title	Date Appointed	Expiration Date	Full-Field
Isabel Burgess National Transportation	10/7/69	12/31/74	1/23/70
Safety Board			

# Department of Agriculture

Name & Title	Date Appointed	Expiration Date	Full-Field
J. Phil Campbell Under Secretary of Agricultur	1/22/69 e	POP	1/29/69
David Hamil  Administrator, Rural  Electrification Administration	3/3/69	3/2/79	2/10/69