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THE WHITE HOUSE
WASHINGTON

ACTION

December 30, 1974

MEMORANDUM FOR THE PRESIDENT
FROM: KEN COLE
SUBJECT: Proposed Executive Order

Attached is a proposed Executive Order exempting Willard Deason from mandatory retirement as a Commissioner of the Interstate Commerce Commission until December 31, 1975.

Additional background information on Commissioner Deason is provided in William Walker's memorandum to you at Tab A.

Max Friedersdorf recommends approval and indicates that Senator Tower feels that the waiver is essential. Phil Areeda also recommends approval. Paul Theis has approved the text of the Executive Order.

RECOMMENDATION

That you sign the Executive Order at Tab B.

2 approve waiver.
WKC

THE WHITE HOUSE
WASHINGTON

MEMORANDUM FOR THE PRESIDENT

THROUGH: DONALD RUMSFELD
FROM: WILLIAM N. WALKER *Walker*
SUBJECT: Commissioner
Interstate Commerce Commission
(PAS - Level IV)

Willard Deason, Democrat, Texas (Resume, Tab A) was first appointed to a Democrat seat on the Interstate Commerce Commission on September 8, 1965, and was last commissioned as a member of the ICC on April 10, 1973, for a term to end December 31, 1979. Deason, however, reaches the mandatory retirement age of 70 on January 3, 1975. If Deason is to continue to serve, it is necessary for you to exempt him from mandatory retirement.

Deason is said to be in good health notwithstanding his age. He is a conservative Democrat who was very close to President Johnson and is highly regarded in Texas political and financial circles. Senator Tower has advised both the Legislative Affairs Office and my office that he considers the waiver for Deason essential from his own political standpoint and strongly urges you to take this step.

Alternatively, you have declined to grant waivers for Whitney Gilliland on the CAB and have accepted Eldred Rinehart's resignation from the Renegotiation Board (though other factors were involved there as well). Should you wish to do so, you could enunciate a policy of not granting waivers to persons over 70. This would be a plausible basis upon which to decline the waiver for Deason.

We do not currently have a candidate to recommend in place of Deason.

Jack Marsh recommends granting the waiver.

DECISION OPTIONS:

1. Advise Deason that he will not be exempted from the mandatory retirement provision. If this is your choice, we will see that Senator Tower's office is informed in advance.

Approve _____

2. Grant the wavier to Deason. If this is your choice, please sign the attached Executive Order. We will also see that Senator Tower's office is notified of this decision.

Approve 