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QUESTION: Senator Pastore apparently has indicated that he will not confirm Margita White to the FCC because of a conflict of interest involving her husband's law practice. Is the President going to withdraw the nomination?

ANSWER: The President remains confident that Margita White will be confirmed by the U. S. Senate on the basis of her qualifications and background. Prior to his submission of her nomination to the Senate, the Whites agreed to take certain steps to eliminate any conflict of interest or appearance of conflict with regard to Mr. White's business interests. The question came up because Mr. White, a tax attorney, is a partner in a medium-sized law firm and some of his partners represent clients before the FCC. The White House Counsel believes the steps the Whites have agreed to take are appropriate in eliminating any issue of conflict of interest.

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BACKGROUND: To eliminate any conflict of interest or appearance of conflict with respect to Stuart White's business interests (the law firm of Hamel, Park, McCabe and Saunders), Margita White has agreed to recuse herself from participating in any case or matter before the FCC which involves a party represented by the firm; and Stuart White will not share in any profits from legal fees received by his firm in payment for services provided by the firm to its communications industry clients. (This will result in an annual loss in compensation to him of approximately 10 percent).

This agreement was communicated by Ed Schmults to Senator Baker and to Senate Commerce Committee Chief Counsel Michael Pertschuk before the nomination was announced and they agreed these arrangements were appropriate. However, Pertschuk apparently failed to inform Pastore who claims he has just learned about the law firm association and believes it poses an irreconcilable conflict. Doug Bennett and Ed Schmults are going to try to meet with Pastore today to resolve the problem.