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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.

THE WHITE HOUSE
WASHINGTON

April 22, 1983

MEMORANDUM FOR THE FILE

FROM: JOHN G. ROBERTS

SUBJECT: [REDACTED] *b6*

On April 21, 1983, I was present while Senator Tribble and Senator Heflin reviewed the FBI report on the above-referenced nominee. [REDACTED] *b6*

THE WHITE HOUSE
WASHINGTON

April 25, 1983

MEMORANDUM FOR THE FILE

FROM: JOHN G. ROBERTS *gjr*

SUBJECT: [REDACTED] b6

On April 21, 1983, I was present while Senator Tribble and Senator Heflin reviewed the FBI report on the above-referenced nominee. [REDACTED] b6

THE WHITE HOUSE

WASHINGTON

April 26, 1983

APPOINTMENT PROCESS PERSONAL INTERVIEW RECORD

DATE OF INTERVIEW: April 26, 1983 (by telephone)
CANDIDATE: John Warren McGarry
POSITION: Commissioner, Federal Election Commission
INTERVIEWER: John G. Roberts *JGR*

Comments

John Warren McGarry is currently a Democratic commissioner on the Federal Election Commission. His term expires April 30, 1983, although he will be able to holdover until his contemplated reappointment. 2 U.S.C. § 437c(a)(2)(B). Under 2 U.S.C. § 437c(a)(3) persons appointed to the FEC by the President "shall be individuals who, at the time appointed to the Commission, are not elected or appointed officers or employees in the executive, legislative, or judicial branch of the Federal Government." McGarry is, of course, an appointed officer, but I do not believe the quoted provision bars his reappointment. The purpose of the provision was to prevent individuals holding other government offices from simultaneously serving on the FEC. In addition, Sherrie Cooksey advises me that other commissioners have been reappointed.

Under 2 U.S.C. § 437c(a)(3), commissioners "shall not engage in any other business, vocation, or employment." [REDACTED]

[REDACTED] None of Commissioner McGarry's holdings appear to present a conflict with the duties of an FEC commissioner.

COPY - Reagan Presidential Record

b6

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

April 26, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: FOIA Request of [REDACTED] b6

[REDACTED] b6
[REDACTED] has requested a copy of [REDACTED] file at the Personnel Office. [REDACTED] states that [REDACTED] understands [REDACTED] is entitled to a copy under the FOIA. I have drafted a response to [REDACTED] advising [REDACTED] that the White House Office is not subject to the FOIA.

Attachment

THE WHITE HOUSE
WASHINGTON

April 26, 1983

Dear  bb

I am writing in response to your letter to the President, in which you requested a copy of your file at the Presidential Personnel Office under the Freedom of Information Act.

Please be advised that the White House Office -- including the Presidential Personnel Office -- "whose sole function is to advise and assist the President," is not an agency subject to the Freedom of Information Act. Kissinger v. Reporters Committee for Freedom of the Press, 445 U.S. 136, 156 (1980). Accordingly, we are not in a position to respond to your Freedom of Information Act request.

Sincerely,

Fred F. Fielding
Counsel to the President

 bb
FFF:JGR:aw 4/26/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

April 28, 1983

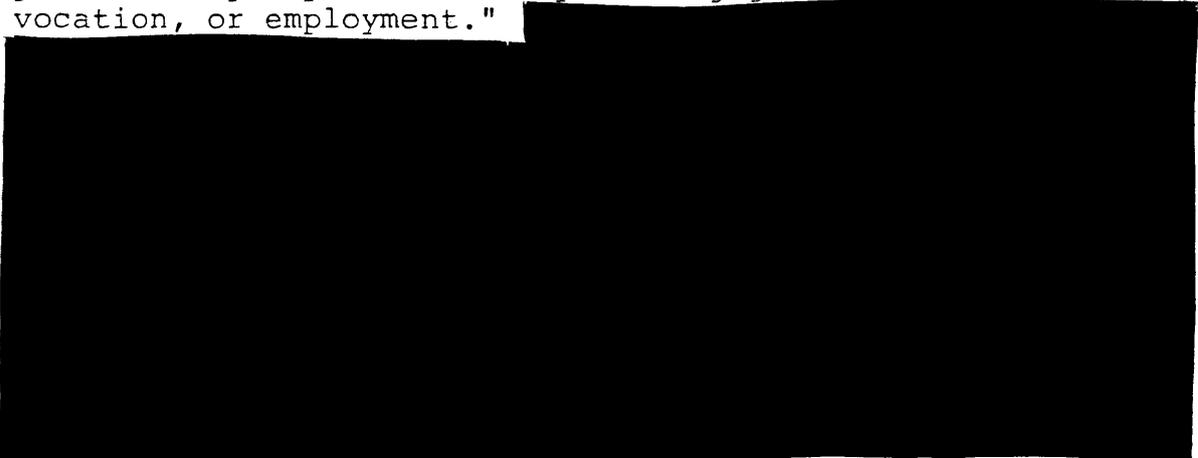
APPOINTMENT PROCESS PERSONAL INTERVIEW RECORD

DATE OF INTERVIEW: April 27, 1983 (by telephone)
CANDIDATE: Thomas A. Domencich
POSITION: Member, Interstate Commerce Commission
INTERVIEWER: John G. Roberts *JGR*

Comments

Mr. Domencich is to be appointed to the Interstate Commerce Commission. The ICC now has seven seats, and no more than four commissioners may be appointed from the same political party. P.L. 97-253, 96 Stat. 806, § 502. Mr. Domencich affirmed that he was an Independent, not registered with either party.

Under 49 U.S.C. § 10301(d) "a member of the Commission may not have a pecuniary interest in, hold an official relation to, or own stock in or bonds of, a carrier providing transportation by any mode and may not engage in another business, vocation, or employment."



b6

Domencich also owns a retail store in Montpelier, Vermont. He affirmed that he would sell the store if the appointment went forward.

COPY - Reagan Presidential Record