

# WITHDRAWAL SHEET

## Ronald Reagan Library

**Collection Name**

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[JGR/APPOINTEE CLEARANCES - 04/18/1984-05/31/1984]

CAS 8/25/2005

**FOIA**

F05-139/01

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| Doc No | Doc Type | Document Description  | No of Pages | Doc Date  | Restrictions |     |
|--------|----------|---|-------------|-----------|--------------|-----|
| 1      | MEMO     | J. ROBERTS TO RICHARD HAUSER RE A PROSPECTIVE NOMINATION (PARTIAL)          | 1           | 4/18/1984 | B6           | 339 |
| 2      | MEMO     | ROBERTS TO FRED FIELDING RE ATTACHED MEMO                                   | 1           | 4/19/1984 | B6           | 340 |
| 3      | MEMO     | FIELDING TO JOHN HERRINGTON (REVISED) (P. 1 PARTIAL, P.2 RELEASED)          | 2           | 4/17/1984 | B6           | 341 |
| 4      | MEMO     | FIELDING TO JOHN HERRINGTON (ORIGINAL VERSION) (P. 1 PARTIAL, P.2 RELEASED) | 2           | 4/17/1984 | B6           | 342 |
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| 8      | MEMO     | ROBERTS TO RICHARD HAUSER RE PROSPECTIVE APPOINTEE (PARTIAL)                | 1           | 5/2/1984  | B6           | 346 |

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.

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|--------|----------|---|-------------|-----------|--------------|------|
| 9      | MEMO     | ROBERTS TO FRED FIELDING RE<br>ADDITIONAL INFORMATION ON<br>PROSPECTIVE APPOINTEE (PARTIAL) | 1           | 5/3/1984  | B6           | 347  |
| 10     | MEMO     | CLAIRE O'DONNELL TO JANE<br>DANNEHAUER, RE: PAS AND PA<br>CANDIDATE WITHDRAWALS (PARTIAL)   | 1           | 5/22/1984 | B6           | 1165 |
| 11     | MEMO     | ROBERTS TO R. HAUSER RE A<br>FINANCIAL DISCLOSURE REPORT<br>(PARTIAL)                       | 2           | 5/31/1984 | B6           | 348  |

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THE WHITE HOUSE


WASHINGTON

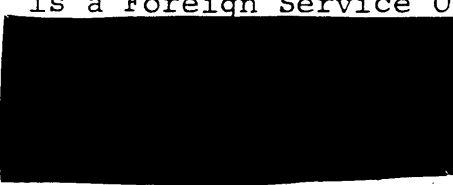
April 18, 1984

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Prospective Nomination of Owen W. Roberts  
to be U.S. Ambassador to Togo

I have reviewed the SF-278 and related materials submitted by Owen W. Roberts (no relation) in connection with his prospective nomination to be Ambassador to Togo, and have no objection to proceeding with this nomination. Mr. Roberts is a Foreign Service Officer. 

*bb*  He will, of course, be required to recuse himself from any particular matter involving a company in which he, his spouse, or dependent children have a financial interest.

Attachment

COPY - Reagan Presidential Record

THE WHITE HOUSE

WASHINGTON

April 17, 1984

MEMORANDUM FOR JOHN S. HERRINGTON  
ASSISTANT TO THE PRESIDENT  
FOR PRESIDENTIAL PERSONNEL

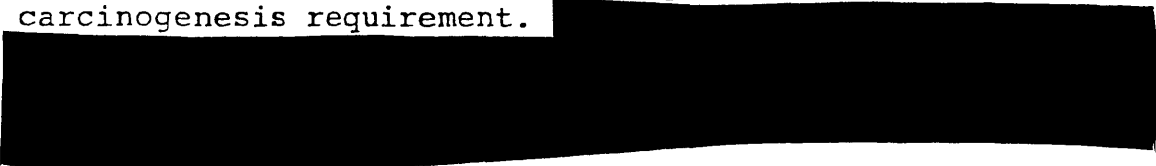
FROM: FRED F. FIELDING  
COUNSEL TO THE PRESIDENT

SUBJECT: Appointments of David Korn, Louise C. Strong,  
Gertrude Elion, Helene Brown, and Reappoint-  
ment of Roswell K. Boutwell as Members of the  
National Cancer Advisory Board

Counsel's Office has reviewed the Personal Data Statements submitted by the above-referenced prospective appointees to the National Cancer Advisory Board. Of the 18 members appointed by the President to the Board, no more than 12 may be scientists or physicians, no more than eight may be representatives of the general public, not less than five must be knowledgeable in environmental carcinogenesis, and at least two must be physicians primarily involved in treating cancer patients. 42 U.S.C. § 286b(a)(1). The background and qualifications of this latest group of prospective appointees cannot be assessed in a vacuum but must be considered together with the background and qualifications of the sitting Board members, to ensure that the composition of the total Board satisfies the statutory requirements.

Our office is of course not qualified to determine who is or is not "knowledgeable in environmental carcinogenesis," but we have been advised by Dr. Vincent DeVita, Director of the National Cancer Institute, that none of the members appointed in 1980 and 1982 satisfy this requirement. In filling the six vacancies created by expiration of terms on March 9, 1984, therefore, five of our appointees must be knowledgeable in environmental carcinogenesis. DeVita advises that Strong, Elion, Korn, and Boutwell meet this requirement; Brown does not. Whomever is chosen to replace Irving J. Selikoff and fill the sixth vacancy thus must meet the carcinogenesis requirement.

b6



- 2 -

Appointing five carcinogenesisists, however, presents a problem with the requirement that no more than 12 Board members be scientists or physicians. Of the sitting Board members whose terms do not expire until 1986 or 1988, eight are scientists or physicians. Appointing five carcinogenesisists would result in exceeding the cap of 12 scientists or physicians. Not appointing five carcinogenesisists, however, would result in violating the carcinogenesis requirement. This highly unsatisfactory quandary is the result of using up scientist and physician slots in prior appointments on scientists or physicians who were not carcinogenesisists.

Dr. DeVita advised us that one of the sitting members, Tim Lee Carter, M.D., is considered a lay member and not a "scientist or physician." Carter served in Congress for 16 years and has a largely inactive medical practice. While we are not entirely content with finessing the problem by viewing Dr. Carter as not being a physician, and note that the composition of the Board may be open to challenge, adopting this argument is no more troubling than failing to appoint five carcinogenesisists, as required by statute.

Not surprisingly, the prospective appointees have associations of different types with various institutions or individuals that could at some point apply for grants reviewable by the Board. Obviously, those associations will have to be reviewed on a case-by-case basis should the institutions or individuals apply for grants or otherwise come under the jurisdiction of the Board. If necessary, affected members will have to recuse themselves from the review and certification process with respect to those particular applications.

Assuming that your office confirms what we have been told -- that Strong, Elion, Korn, and Boutwell satisfy the carcinogenesis requirement -- and assuming that whomever is appointed to replace Irving Selikoff also satisfies the carcinogenesis requirement, we have no objection to proceeding with the appointments of Strong, Elion, Korn, Brown and the reappointment of Boutwell.

FFF:JGR:aea 4/18/84  
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

April 17, 1984

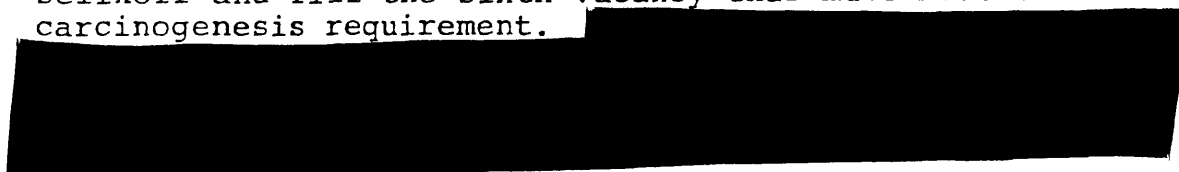
MEMORANDUM FOR JOHN S. HERRINGTON  
ASSISTANT TO THE PRESIDENT  
FOR PRESIDENTIAL PERSONNEL

FROM: FRED F. FIELDING *Orig. signed by FFF*  
COUNSEL TO THE PRESIDENT

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b6

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Assuming that your office confirms what we have been told -- that Strong, Elion, Korn, and Boutwell satisfy the carcinogenesis requirement -- and assuming that whomever is appointed to replace Irving Selikoff also satisfies the carcinogenesis requirement, we have no objection to proceeding with the appointments of Strong, Elion, Korn, Brown and the reappointment of Boutwell.

FFF:JGR:aea 4/18/84  
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE  
WASHINGTON

May 1, 1984

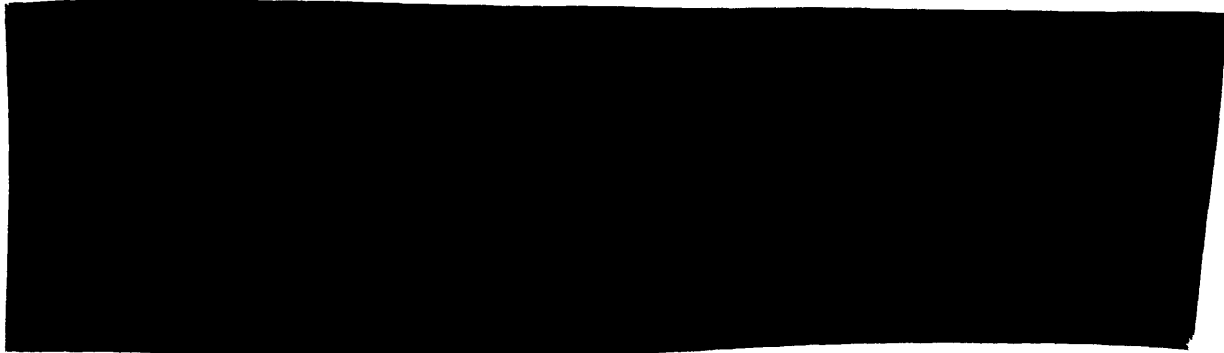
MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Appointment of Walter Thompson Cox III  
to the U.S. Court of Military Appeals

The United States Court of Military Appeals is an Article I tribunal established by 10 U.S.C. § 867. It consists of three judges appointed by the President, by and with the advice and consent of the Senate, from civil life for 15 year terms. Appointees must be members of the bar of a Federal court or the highest court of a State; no more than two judges may be appointed from the same political party. 10 U.S.C. § 867(a)(1).

Cox served in the Judge Advocate General's Corps from the time he entered law school in 1964 until 1972. He was in private practice from 1973-1978, and has been a state trial judge since 1978. The requirement that appointees to the court be from "civil life" is not defined in the statute. The provision is generally understood to prohibit appointment of currently active military officers, and I do not see Cox's prior, discontinued military service as a bar to his appointment. Cox satisfies the bar membership requirement.



*bl*

I have reviewed Cox's PDS (but not his SF-278), and have no objection to proceeding with his nomination.



THE WHITE HOUSE  
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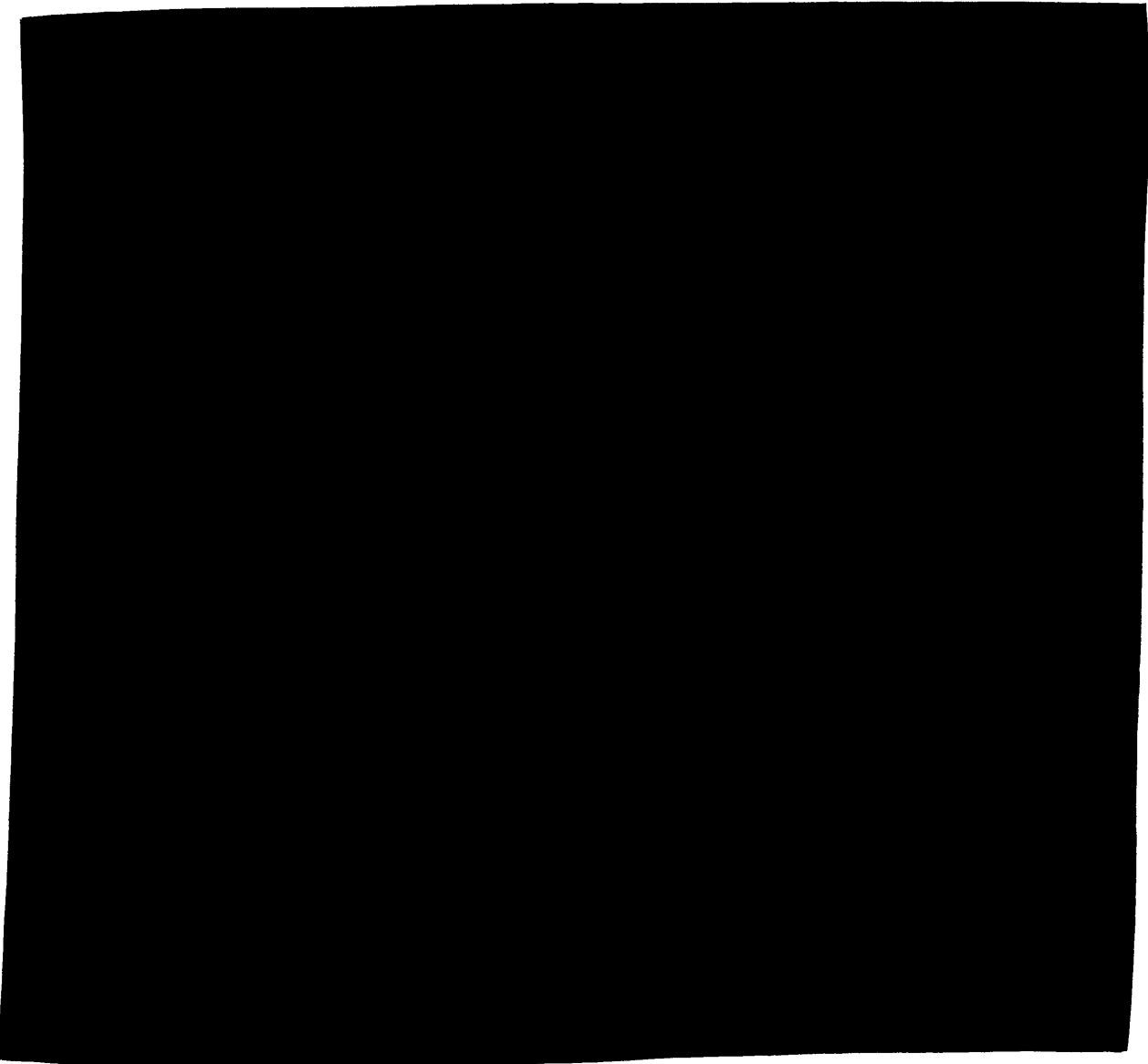
May 2, 1984

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Prospective Nomination of Paul H. Boeker  
to become U.S. Ambassador to Jordan

COPY - Reagan, Presidential Record



Based on the media accounts and Boeker's responses, I have no objection to proceeding with the nomination.

THE WHITE HOUSE

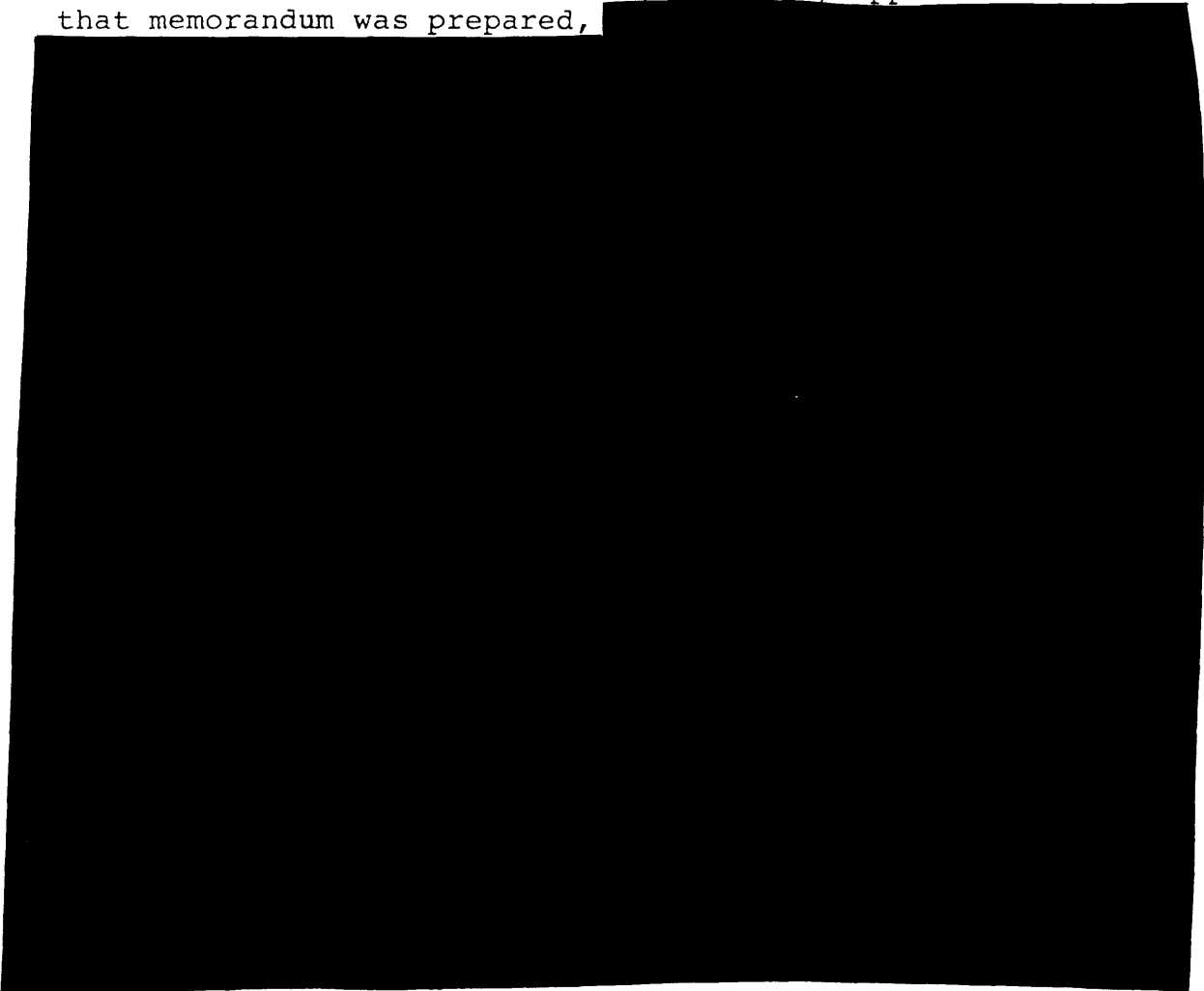
WASHINGTON

May 3, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Additional Information Concerning  
the Prospective Appointment of  
Walter T. Cox to the U.S. Court  
of Military Appeals

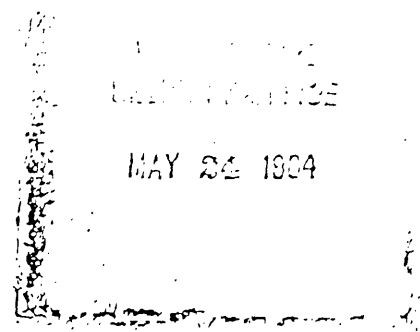
By memorandum dated May 1, 1984, I advised Dianna G. Holland that I had no objection to proceeding with the nomination of Walter T. Cox III to the Court of Military Appeals. After that memorandum was prepared, 

b6

THE WHITE HOUSE  
WASHINGTON

May 22, 1984

*appointments  
file*



COPY - Reagan Presidential Record

MEMORANDUM FOR JANE DANNENHAUER

FROM: Claire O'Donnell

SUBJECT: PAS and PA Candidate Withdrawals

For your permanent records please be advised that the following individuals have been withdrawn from consideration as Presidential appointments:

PAS Candidates:



*bl*

PA Candidates:



*bl*

cc: Holland  
Kennedy  
Bullock

THE WHITE HOUSE

WASHINGTON

May 31, 1984

MEMORANDUM FOR RICHARD A. HAUSER

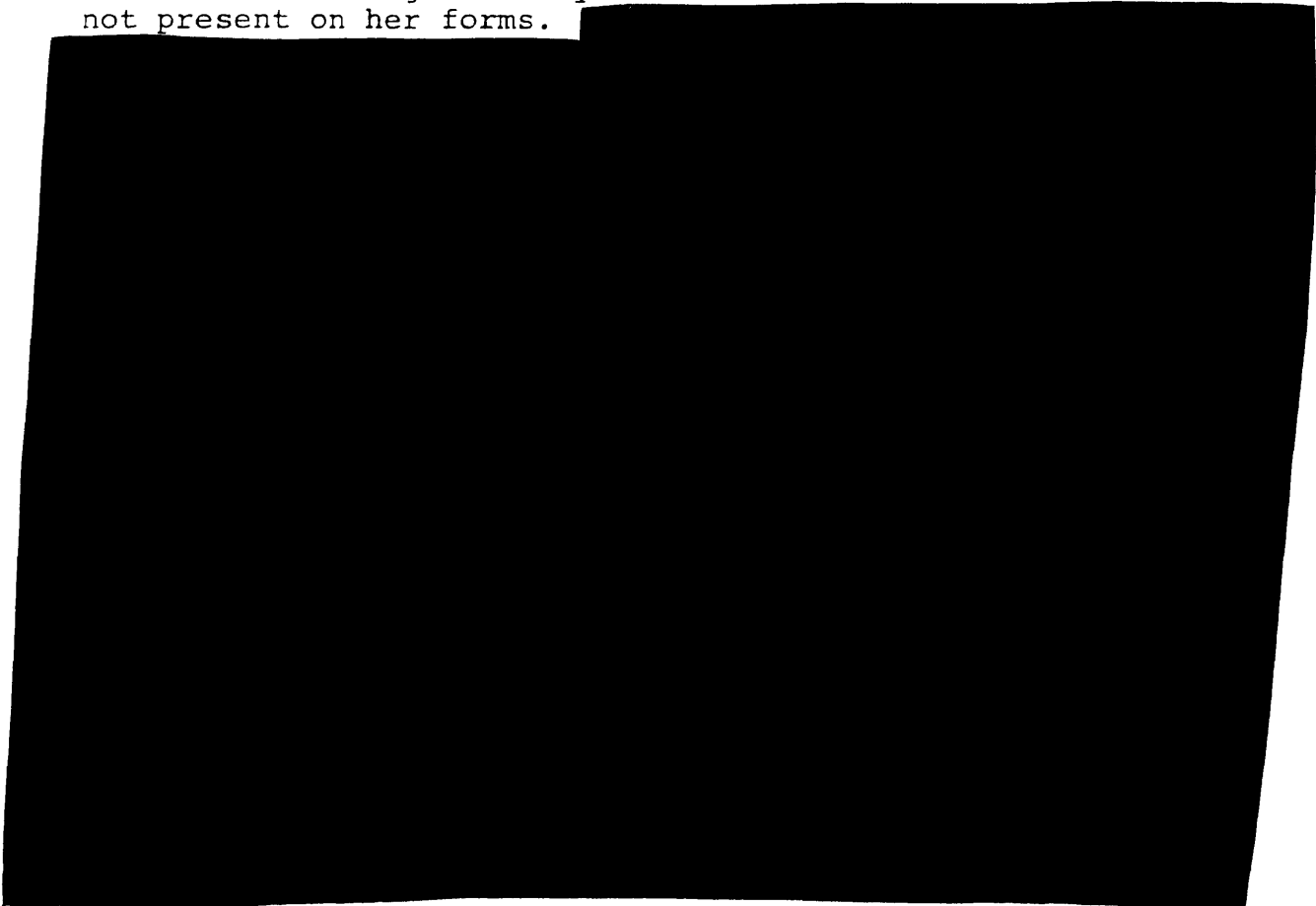
FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Prospective Nomination of Diana Lady Dougan to be the Coordinator for International Communications and Information Policy at the Department of State With the Rank of Ambassador

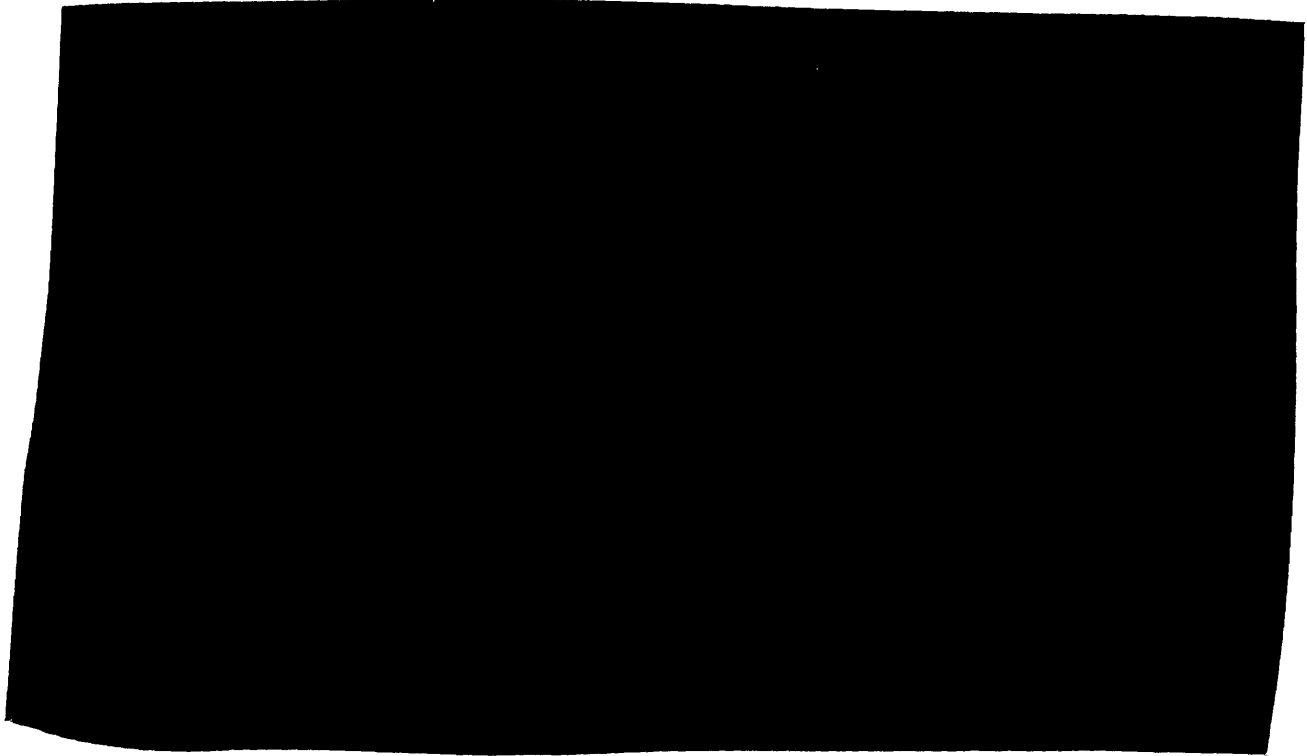
I have reviewed the Financial Disclosure Report and related materials submitted by Diana Lady Dougan in connection with her prospective nomination to be Coordinator for International Communications and Information Policy at the Department of State, with rank of Ambassador. Ms. Dougan is currently occupying this position without ambassadorial rank. I contacted Ms. Dougan on May 30 to obtain needed information not present on her forms.

COPY - Reagan Presidential Record

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ble



I have no objection to proceeding with this nomination.