

# WITHDRAWAL SHEET

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[JGR/APPOINTEE CLEARANCES - 06/24/1983-07/08/1983]

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	REPORT	APPOINTMENT PROCESS PERSONAL INTERVIEW RECORD RE DANIEL RATHBURN (PARTIAL)	1	6/24/1983	B6	263
2	MEMO	ROBERTS TO DIANNA HOLLAND RE APPOINTMENTS TO ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION (PARTIAL)	1	6/30/1983	B6	264
3	MEMO	ROBERTS TO FRED FIELDING RE NOMINATION	1	7/7/1983	B6	265
4	MEMO	COPY OF PREVIOUS DOCUMENT (#265), W/NOTATIONS	1	7/7/1983	B6	266
5	MEMO	IRVING P. MARGULIES TO CLARENCE J. BROWN RE APPOINTMENT AS DEPUTY SECRETARY	2	7/5/1983	B6	1146
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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.

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Doc No	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
8	NOTES	RE C. BROWN	2	ND	B6	269
9	NOTES	RE C. BROWN (PAGE 2 ONLY)	1	ND	B6	270
10	FORM	SECURITY INVESTIGATIVE DATA FOR SENSITIVE POSITION (SF 86)	8	6/23/1983	B6	271
11	FORM	FINANCIAL DISCLOSURE REPORT (SF 278) - 1982 [DRAFT]	6	ND	B6	272
12	FORM	FINANCIAL DISCLOSURE REPORT (SF 278) - JAN-JUNE 1983 [DRAFT]	6	ND	B6	273
13	MEMO	ROBERTS TO RICHARD HAUSER RE MEETING ON PROSPECTIVE NOMINEE	2	7/8/1983	B6	274

Freedom of Information Act - [5 U.S.C. 552(b)]

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THE WHITE HOUSE

WASHINGTON

June 24, 1983

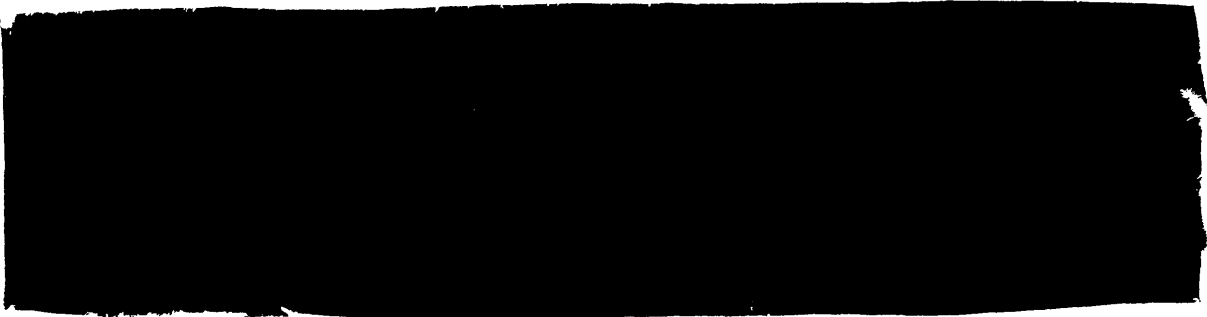
APPOINTMENT PROCESS PERSONAL INTERVIEW RECORD

DATE OF INTERVIEW: June 22, 1983 (by telephone)  
CANDIDATE: Daniel M. Rathbun  
POSITION: Member, Board of Directors  
          Legal Services Corporation  
INTERVIEWER: John G. Roberts *JGR*

Comments

Daniel M. Rathbun currently holds a recess appointment on the Board of Directors of the Legal Services Corporation, as an "eligible client" representative. At the time of his recess appointment (October 23, 1982), Rathbun was a full-time student at Christendom College and was unemployed. Since he was not a dependent of his parents, Rathbun had no difficulty satisfying the Legal Services Corporation annual income ceiling of \$5,850 for a family of one to qualify as an eligible client. See 45 C.F.R. § 1611 (Appendix A).

Rathbun has now been graduated from Christendom, however, and is actively seeking full-time employment which he hopes will provide annual earnings substantially in excess of \$5,850. He has not yet found a job. The statute provides that "the membership of the Board shall be appointed so as to include eligible clients . . ." It is unclear what Rathbun's position would be if he were an eligible client when appointed, but ceased to be so at some time thereafter. To avoid difficulties, I recommend that Rathbun's nomination not be considered as one for an eligible client seat on the Board. Rathbun indicated to me that he was being considered for a "regular" seat -- i.e., one representative of the "general public," since he does not fit the other categories of specific representation (organized bar or attorneys providing assistance to eligible clients). I have advised Dennis Patrick that Rathbun should not be nominated for an eligible client position.



COPY - Reagan Presidential Record

THE WHITE HOUSE

WASHINGTON

June 30, 1983

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Appointment of Keith Koppenhoefer and John L. Rouse, Jr. to the National Advisory Committee for Juvenile Justice and Delinquency Prevention

I have reviewed the Personal Data Statements submitted by the above-named individuals. Under 42 U.S.C. § 5617 the President is authorized to appoint fifteen persons to the Advisory Committee, at least five of whom shall be less than 24 years old. At least two of these five "shall have been or shall be (at the time of appointment) under the jurisdiction of the juvenile justice system." 42 U.S.C. § 5617(a)(3). No member of the Advisory Committee may be a full-time officer or employee of the Federal Government. Id. § 5617(a)(4).

Master Koppenhoefer is 18 years of age and will enter the University of Cincinnati this fall. [REDACTED]

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[REDACTED] In response to item 27 of the PDS, Koppenhoefer notes that he is dating the daughter of [REDACTED]

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who suggested him for this appointment. I do not know why this could be "a possible source of embarrassment," but then I have not met the girl.

Master Rouse is also 18. A student at Prince Georges Community College, he plans to transfer to the University of Maryland this fall. [REDACTED]

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[REDACTED] Rouse works as a staffer at the Office of the Architect of the Capitol during the summer, but this does not constitute full-time federal employment so as to disqualify him from serving on the Advisory Committee.

Neither lad has any financial or property interests [REDACTED] that would preclude the conflict-free discharge of their contemplated duties.

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THE WHITE HOUSE

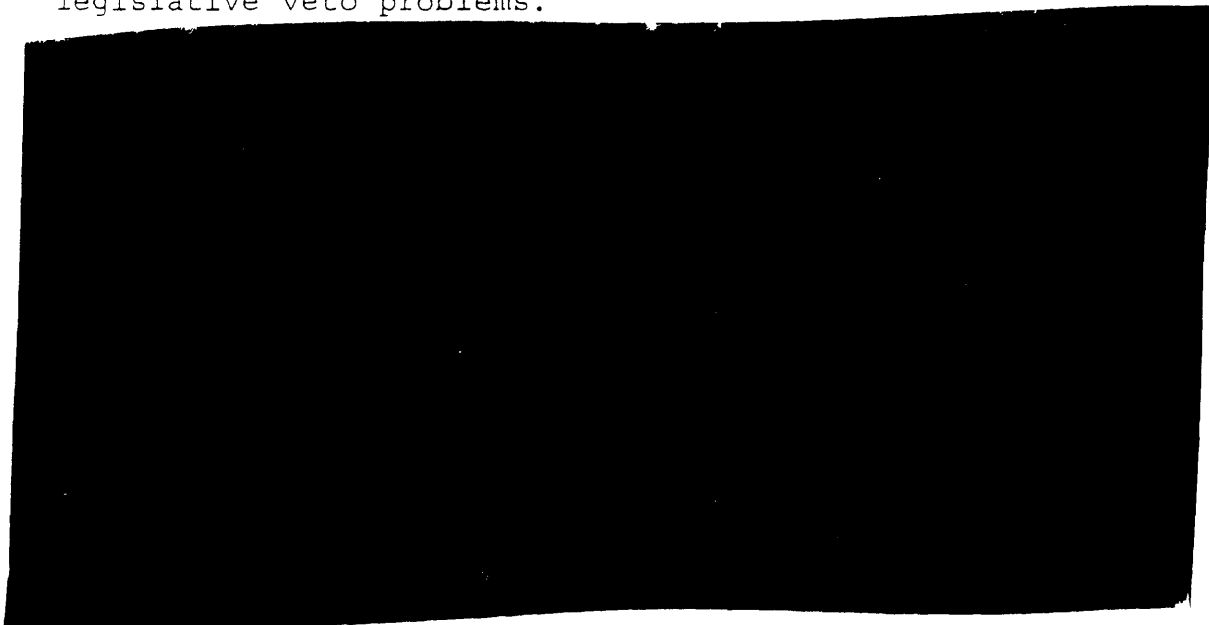
WASHINGTON

APPOINTMENT PROCESS PERSONAL INTERVIEW RECORD

Several meetings in late June;  
DATE OF INTERVIEW: Numerous telephone conversations thereafter  
CANDIDATE: Clarence J. Brown  
POSITION: Deputy Secretary of Commerce  
INTERVIEWER: John G. Roberts

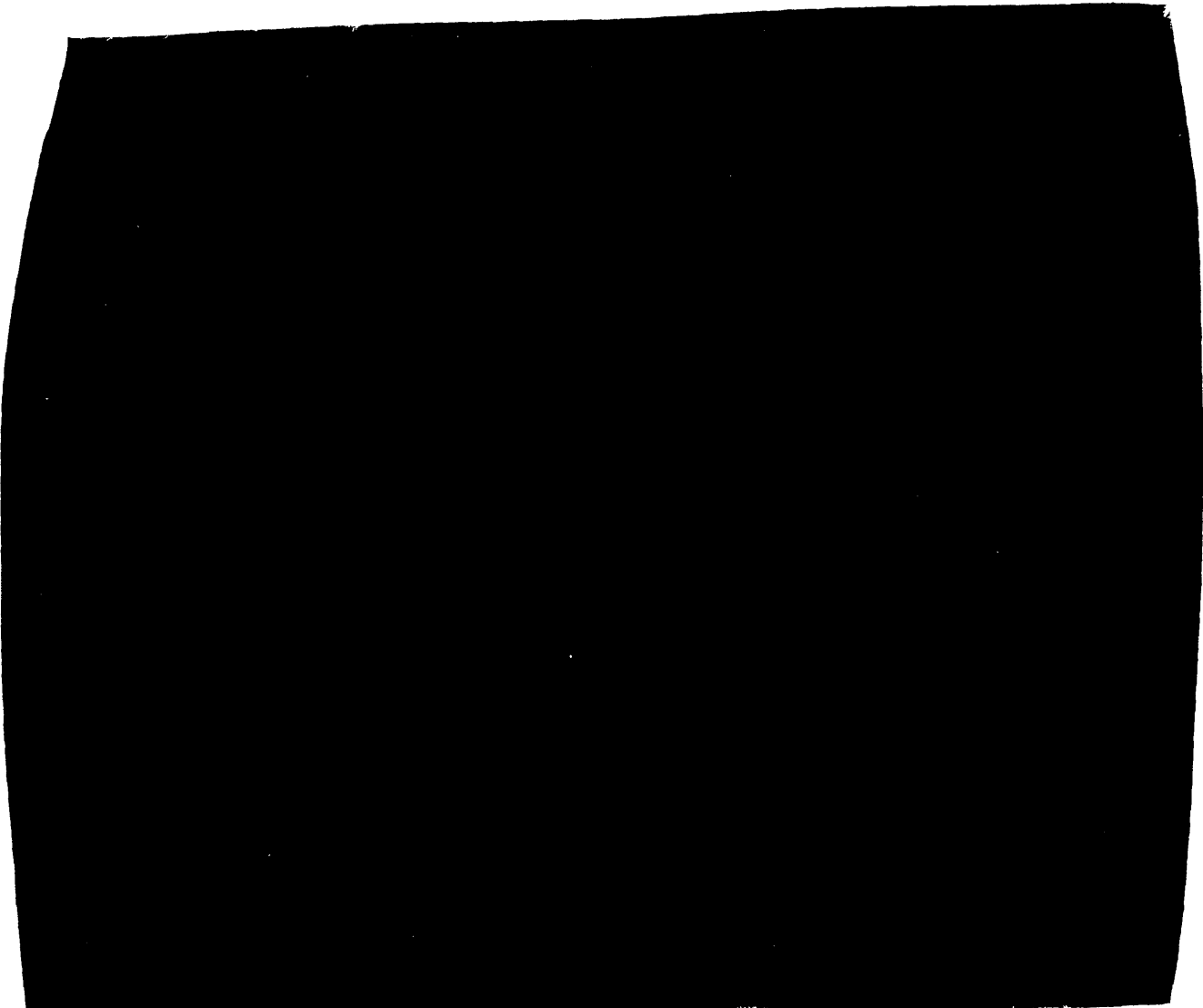
COMMENTS:

The President has announced his intention to nominate Clarence J. Brown to be the Deputy Secretary of Commerce. The Office of Deputy Secretary of Commerce was established by § 2(b)(1) of Reorganization Plan No. 3 of 1979, 5 U.S.C. App. II, see Executive Order 12175 (December 7, 1979). That Reorganization Plan, like all others, contained an unconstitutional legislative veto provision, see 5 U.S.C. § 906. It can be argued that the authority to create the Office of Deputy Secretary of Commerce was not severable from the unconstitutional legislative veto, and that accordingly there was no power to create the office. The government-wide ramifications of acceptance of such an argument are, of course, staggering, but I must report that the Federal District Court in Mississippi has in fact accepted such an argument in the context of a suit challenging the authority of the Equal Employment Opportunity Commission, which was established through a Reorganization Plan. I recommend that we proceed on the assumption that the Office of Deputy Secretary of Commerce does exist, but I wanted to alert you to the possible legislative veto problems.



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I have no objection to Brown's nomination going forward.

Attachments