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## THE WHITE HOUSE

WASHINGTON

January 23, 1976

MEMORANDUM FOR: BILL KENDALL  
FROM: KEN LAZARUS ~~PK~~  
SUBJECT: Nomination of Mitchell Kobelinski/  
Chairman, SBA

Attached please find the series of letters relevant to the plan which has been devised to eliminate any conflict of interest or appearance of conflict facing Mitchell Kobelinski, who was recently nominated to be Chairman of the SBA.

Kobelinski had his hearing earlier this week and is apparently well thought of by every member of the Banking Committee. However, Chairman Proxmire has indicated that he may vote against the nomination because of his dissatisfaction with our conflict of interest plan. To our knowledge, Chairman Proxmire is the only member of the committee who holds this view.

We anticipate that an executive session of the committee will be held this coming Monday, January 26. I would appreciate your contacting Senator Tower, the ranking Republican on the Committee, in an attempt to have him move the nomination. Additionally and to the extent time permits, we would appreciate your contacting other members of the committee in order to solicit their support.

Thank you.



THE WHITE HOUSE  
WASHINGTON

January 23, 1976

MEMO FOR: LARRY SPEAKES

FROM: KEN LAZARUS *KL*

Question arose during yesterday's briefing on the need for divestiture by Mitch Kobelinski, the nominee for Chairman of the SBA. As the attachments make clear, divestiture is not necessary in these circumstances.



EXPORT-IMPORT BANK OF THE UNITED STATES

WASHINGTON, D.C. 20571

January 22, 1976

BOARD OF DIRECTORS

CABLE ADDRESS "EXIMBANK"  
TELEX 89-461

Dear Ken:

Enclosed you will find a copy of the letter I am delivering to Senator Proxmire this afternoon, in which I advised him that the management of the two banks will not agree to refrain from doing SBA business. I also enclose the Justice Department letter, together with a copy of the original letter which I sent to Senator Proxmire on January 20.

I am going to deliver copies of all of the enclosures to all members of the Senate Banking Committee. I feel quite strongly that it is only Senator Proxmire who feels the presence of the appearance of conflict of interest. The other Senators appear ready to agree to the proposal which I have made which would, I believe, totally insulate me from any decisions relative to the banks.

After all, it is disclosure which is the key factor. My ownership is public knowledge, and it can be totally monitored by the Senate and the general public.

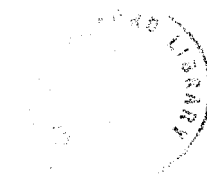
I would sincerely appreciate any assistance that could be rendered through the White House to encourage the members of the Committee to agree to the plan of action proposed in these letters.

Sincerely,

Mitchell P. Kobelinski

Mr. Kenneth A. Lazarus  
Associate Counsel to the President  
106 Old Executive Office Building  
Washington, D. C.

Enclosure



January 20, 1976

Honorable William Proxmire  
Chairman, Committee on Banking,  
Housing and Urban Affairs  
United States Senate  
Washington, D. C. 20510

Dear Mr. Chairman:

In discussions which I initiated with your Committee staff, I raised the possibility of an appearance of a conflict of interest in that should I be confirmed as the Administrator of the Small Business Administration I would own stock in two banks having outstanding loans guaranteed by SBA.

I own approximately 13% of the stock of Parkway Bank and Trust Company, Chicago, Illinois and approximately 17% of the stock of First State Bank Holding Corporation, owner of First State Bank of Chicago, Illinois. My ownership of this stock is public knowledge. I am not an officer, director or employee of either bank. I do not participate in any employee or group plan, e. g., profit sharing, pension, etc. White House Counsel has examined these facts and determined that no actual or potential conflict exists which would require sale of these assets in light of my proposals herein.

Sale of my stock in these two banks is impractical. Without doubt, having to sell these stocks at no more than book value at this time would result in substantial current and potential losses, to say nothing of the immediate unfavorable tax consequences.

I am advised by White House Counsel that my agreement to disqualify myself from any particular matter involving Parkway Bank and Trust Company and First State Bank of Chicago (hereinafter the Banks) would satisfy the restraints imposed by the Federal conflicts of interest statute. Additionally, I

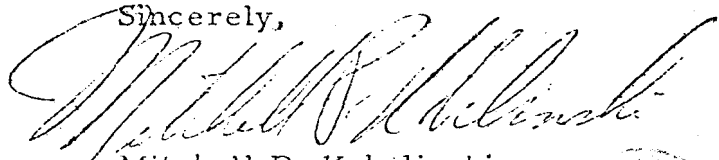


propose the following to assure the Committee that there would be no real or apparent conflict of interest. I would be pleased to adopt any of these or such further proposals -- not involving sale -- which the Committee desires to be in effect during my tenure as SBA Administrator should I be confirmed.

- (1) Arrange with both Banks that neither contact the Administrator concerning any SBA transactions.
- (2) Instruct Region V and the Chicago District Office that no transactions with the Banks are to be communicated to the Administrator and that the concurrence of at least two professional level staff members in the field office will be required on all loan application approvals affecting the Banks.
- (3) Any Washington Office level action involving the Banks, e. g. only the Administrator can deny liability to purchase a guaranty, will be handled finally by the Washington Claims Review Committee composed of three top-level career employees.
- (4) Any attempt on the part of the Banks to take advantage of their former relationship with the Administrator shall be reported by the field office to some disinterested official within or without SBA whom the Committee thinks appropriate.
- (5) My stocks in the Banks will be placed in a voting trust.
- (6) Periodic reports of activity between SBA and the Banks shall be sent to the Committee.

I am hopeful that these proposals will meet any concerns which the Committee may have.

Sincerely,



Mitchell P. Kobelinski  
Administrator Designate



January 22, 1976

Honorable William Proxmire  
Chairman, Committee on Banking,  
Housing and Urban Affairs  
United States Senate  
Washington, D. C. 20510

Dear Mr. Chairman:

I have complied with your request that I contact officials of Parkway Bank and Trust Company and First State Bank of Chicago (hereinafter Banks) to determine their reaction to a plan which would require that, should I become Administrator of the Small Business Administration, the Banks would agree not to participate in further SBA guaranteed loans during my tenure, and would take immediate steps to divest the SBA guaranteed loans which they now have. Regrettably, the Banks informed me that this proposal is unacceptable to them.

Both are young and growing neighborhood banks serving the small businesses in their communities. They stated to me that such a course would force them to turn over existing hard-won accounts to their competition and to refuse to deal with new small businesses in their areas that need the guaranteed loan program in order to develop into successful enterprises.

The Banks are located in a new and developing area near O'Hare Airport, and consequently have been called upon to assist many new business enterprises which are being established in this rapidly expanding community.

As I am only a minority stockholder in these Banks, I find myself unable to persuade management to consent to the proposed plan that we agreed was a possible solution to the question.

I believe in and understand the importance of small business in our free enterprise system, having been an integral part of the small business community for most of my business and professional life. I earnestly

2.

desire to put my energies to work on its behalf, once again, by providing leadership to the government's agency dedicated to its preservation.

I am most hopeful that such an agreement can be reached based upon the six proposals put forward in my letter to the Committee dated January 20, 1976, a copy of which is attached. I feel that the steps outlined therein, which have both White House Counsel and Justice Department approval, when added to the fact that total public disclosure has been made, will allow Congress and citizen interests groups to monitor any transaction between SBA and the Banks. I believe, the six proposals, in addition to full disclosure, will protect both the government and the public interests.

If there are additional ideas the Committee may have, I would be most happy to explore them.

Sincerely,

SIGNED BY MR. MITCHELL P. KOBELINSKI

Mitchell P. Kobelinski  
Administrator Designate





Department of Justice

Washington, D.C. 20530

JAN 22 1976

Honorable William Proxmire  
Chairman, Committee on Banking,  
Housing and Urban Affairs  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

At the request of Senator Tower, I have reviewed Mr. Mitchell P. Kobelinski's letter to you of January 20, 1976, in connection with his nomination to be Administrator of the Small Business Administration. Mr. Kobelinski's letter concerns his ownership of approximately 13 percent of the stock of Parkway Bank and Trust Company, Chicago, Illinois, and approximately 17 percent of the stock of First State Corporation, owner of the First State Bank, Chicago, Illinois.

Mr. Kobelinski's agreement to disqualify himself from any particular matter coming before him as Administrator involving either of the banks will avoid any potential conflict of interest problems under 18 U.S.C. 208 arising from his holding of these securities. The additional steps which Mr. Kobelinski proposes to take go beyond the statutory requirements and in my judgment serve to eliminate any appearance of conflict of interest as to his holdings in these banks.

Sincerely,



Antonin Scalia  
Assistant Attorney General  
Office of Legal Counsel



THE WHITE HOUSE  
WASHINGTON

February 18, 1975

MEMORANDUM FOR: WILLIAM WALKER

FROM: PHILIP BUCHEN *P.W.B.*

SUBJECT: Appointment to Securities  
and Exchange Commission

Ray Garrett and I talked on February 12 regarding the position on the Commission held by Irving Pollack whose term expires on June 5. He holds one of the Democratic positions.

Pollack has served only one year on the Commission but spent 35 previous years on the staff. Ray Garrett commends him very highly for reappointment to fill the succeeding full term.

*Personnel  
Presidential  
Apppts.*

*SEC*



NATIONAL ARCHIVES AND RECORDS ADMINISTRATION  
Presidential Libraries Withdrawal Sheet

WITHDRAWAL ID 01516

REASON FOR WITHDRAWAL . . . . Donor restriction  
TYPE OF MATERIAL . . . . . Notes  
CREATOR'S NAME . . . . . S.A.K.  
RECEIVER'S NAME . . . . . Jane  
DESCRIPTION . . . . . Charles Collatos and the National  
Selective Service Appeals Board. With  
attachments.  
CREATION DATE . . . . . 01/19/1976  
COLLECTION/SERIES/FOLDER ID . 001900432  
COLLECTION TITLE . . . . . Philip W. Buchen Files  
BOX NUMBER . . . . . 39  
FOLDER TITLE . . . . . Personnel - Presidential Appointments  
by Agency, A-Z  
DATE WITHDRAWN . . . . . 08/26/1988  
WITHDRAWING ARCHIVIST . . . . LET

THE WHITE HOUSE  
WASHINGTON



Memorandum For: Phil Buchen

From: Skip Williams *SW*


I know of no reason to disapprove of the proposed memorandum. Because the reply is due today I would recommend advising Greg Lebedev's office by telephone at extension 2981. You need only advise his secretary of your decision.

*Eva: Please so advise  
Lebedev's secretary  
P. 3:50 advised  
Greg Lebedev's*

THE WHITE HOUSE  
WASHINGTON

*South  
Pacific  
Commission*

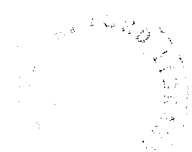
September 5, 1974

MEMORANDUM FOR: PHILIP BUCHEN  
FROM: DAVID J. WIMER   
SUBJECT: South Pacific Commission (PA, WAE,  
GS-15 Step 5)

Attached is a copy of my proposed memorandum to The President discussing the appointment of Stanley S. Carpenter as Senior U.S. Commissioner and the reappointment of Aaron G. Marcus as U.S. Commissioner of the subject Commission.

Please have your office contact Greg Lebedev's office to let us know of your opinion of the proposed action in order that we may accurately represent your views in the final decision memorandum. As we wish to act on this matter as expeditiously as possible, we would very much appreciate a reply by Tuesday, September 10, 1974. If we have not heard from your office by that time, we will assume that you have no comment and go forward with the memorandum. Your observations and assistance will be greatly appreciated.

Attachment: a, s



THE WHITE HOUSE  
WASHINGTON

MEMORANDUM FOR THE PRESIDENT

THROUGH: GENERAL ALEXANDER HAIG  
FROM: DAVID J. WIMER  
SUBJECT: South Pacific Commission (PA, WAE,  
GS-15 Step 5)

This memorandum seeks your approval of the appointment of Stanley S. Carpenter as Senior U.S. Commissioner, and the reappointment of Aaron G. Marcus as the U.S. Commissioner of the subject Commission.

The South Pacific Commission (SPC) is an organization which was formed in 1947 and authorized in the U.S. by P.L. 403, Sect. 1, of January 28, 1948. Its purpose is to encourage inter-nation cooperation in promoting the economic and social welfare and development of the non-self-governing territories of the South Pacific. Its role is largely advisory; however, it conducts studies and makes recommendations promoting research and providing technical assistance in agriculture, communications, industry, public works, education, and health and general welfare.

The SPC includes representatives of the U.S., Australia, France, Nauru, New Zealand, the United Kingdom, Western Samoa, and Fiji. The U.S. is represented by one Senior Commissioner (William Barrett Taylor III), one Commissioner (Aaron G. Marcus), and two Alternate Commissioners (D. Hebden Porteus and Carlos Camacho). All are appointed by The President for two year terms, with compensation, with the exception of the second Alternate Commissioner who is appointed by the Secretary of State. A summary of the legislation is attached at Tab A.



The terms of William Barrett Taylor of Virginia, the Senior U.S. Commissioner, and Aaron G. Marcus of Hawaii, the U.S. Commissioner, expire on September 9, 1974; and my recommendations to fill these positions follow.

SENIOR U.S. COMMISSIONER (VICE WILLIAM BARRETT TAYLOR III)

Stanley S. Carpenter (Tab B) is Deputy Assistant Secretary of the Interior for Territorial Affairs and has primary responsibility for the territories in the South Pacific. Without question, he is extremely well-versed in matters with which the Commission is concerned. By way of background, the U.S., following the annual SPC meeting last September, was severely criticized by the Lt. Governor of Guam because the U.S. section of the Commission, in his estimation, consists of relative "light-weights" with no day-to-day working knowledge of or apparent interest in South Pacific affairs. The Lt. Governor's point may have validity; however, the seriousness of the U.S. Commissioners' role in the South Pacific negotiations is negligible since the U.S. is not even entitled to an official vote. On the other hand, our Commissioners do make recommendations which are probably taken very seriously due to the obvious role of the U.S. in world affairs and the concomitant responsibility for protecting U.S. interests in the South Pacific. Therefore, I am not recommending the reappointment of William Barrett Taylor although well aware of his Congressional ties (Brock, Baker, Zablocki, etc.), due to a strong consensus at the Department of State that Taylor is invariably not well enough informed on issues which are discussed at the SPC meetings and consequently does not command the respect that is absolutely necessary for the Senior U.S. Representative.

I recommend and the Department of State strongly concurs, that Stanley S. Carpenter be appointed Senior U.S. Commissioner of the SPC.

\_\_\_\_\_ Approve

\_\_\_\_\_ Disapprove

U.S. COMMISSIONER (REAPPOINTMENT)

Aaron G. Marcus (Tab C) is a retired international businessman who has served on the SPC since 1970. He has been a useful Member of the Commission and has been particularly helpful in providing business contacts in the Pacific area which have aided in the expeditious and successful completion of projects beneficial to the inhabitants of the South Pacific territories. He has also assisted in the introduction of Fijian Government officials to the University of Hawaii research laboratories which are involved in the development of cheaper fishing methods an issue of vital importance to South Pacific territory residents.



Commissioner Marcus is 81 years old, and the Department of State feels that he is too old to be a productive Member of the Commission. Marcus, however, a life-time Republican, has asked to be reappointed, and Senator Fong, who, has a very legitimate geographical interest in the SPC, considers his reappointment to be of the utmost importance. Therefore in order to accomodate both Fong and the Department, an arrangement has been worked out whereby Marcus could be reappointed with no objection from the Department provided that he resigns sometime after the Commission's meeting in September. Marcus is amenable to this plan and Fong is pleased since Marcus' resignation will provide the opportunity for Alternate U. S. Commissioner Hebden Porteus, a Fong recommendation last year, to move up to take Marcus' place as U. S. Commissioner.

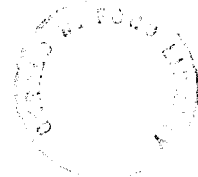
Therefore, because of Fong's strong interest in this reappointment and with the concurrence of the State Department, I recommend that Aaron G. Marcus be reappointed as U. S. Commissioner of the SPC.

\_\_\_\_\_ Approve

\_\_\_\_\_ Disapprove

Attachments: Tabs A - C

cc: Robert Hartman





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I recommend and the Department of State strongly concurs, that Stanley S. Carpenter be appointed Senior U.S. Commissioner of the SPC.

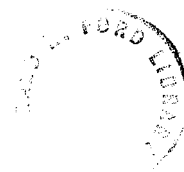
\_\_\_\_\_ Approve                      \_\_\_\_\_ Disapprove

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T  
A  
B  
A



SOUTH PACIFIC COMMISSION, U. S. COMMISSIONERS AND ALTERNATES

Department of State  
(International)

AUTHORITY: P. L. 403, Sec. 1, 80th Cong. of January 28, 1948  
Memorandum for the President, 9/27/51, from Under  
Secretary of State, fixes the terms for Commissioners  
and Alternates.

METHOD: Appointed by the President

MEMBERS: Each of the Member countries appoint TWO COMMISSIONERS  
and such alternates as they care to designate.  
The Member countries are:

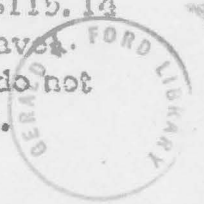
- Australia
- France
- Netherlands- ceased to be a Member December 1962
- New Zealand
- United Kingdom
- United States
- Western Samoa (became a Member September 1964)
- Nauru (became a Member October 1969)

(The United States in the past has had two alternates.  
See NOTE below)

TERM: Fixed at two years by Department of State -- for  
Commissioners and Alternates

SALARY: Fixed by State Department - at the rate of the 5th step  
of GS-15 (\$25,937) when actually employed. \$115.14  
per day, plus per diem for subsistence and travel  
allowances, except that Government officials do not  
receive any additional compensation as salary.  
(Per State Department - 6/1/70)

NOTE: September 3, 1953: The President approved a memorandum  
from the Under Secretary of State authorizing the Secretary  
of State to appoint the 2nd Alternate Commissioner on the  
South Pacific Commission on an ad hoc basis from among  
the Governors (or their alternates) of American Samoa,  
Guam, and the Trust Territory of the Pacific Islands.



SALARY CHANGE  
&  
CHANGES IN COUNTRY MEMBERSHIP

I 620  
VOL. P.

Records  
PV (EOP)  
PV (RO)  
Handbook  
Gen, Index

SOUTH PACIFIC COMMISSION, U. S. COMMISSIONERS  
AND ALTERNATES

Department of State  
(International)

AUTHORITY: ~~XX~~ at the end of the 1st line immediately following "Cong."  
add the date of the law - "of January 28, 1948."

METHOD: XX

Strike out everything and insert the following:

MEMBERS:

Each of the Member countries appoint TWO COMMISSIONERS  
and such alternates as they care to designate.  
The Member countries are:

Australia  
France  
~~Netherlands~~---ceased to be a Mbr. December 1962.  
New Zealand  
United Kingdom  
United States  
Western Samoa (became a Mbr. September 1964)  
Nauru (became a Mbr. October 1969)

(The United States in the past has had two alternates.  
See NOTE below)

CHAIRMAN: XX

TERM: XX

SALARY:

Strike out everything and insert the following:

Fixed by State Dept - at the rate of the 5th step of GS-15  
(\$2,937) when actually employed. \$115.14 per day, plus per diem  
for subsistence and travel allowances, except that Government  
officials do not receive any additional compensation as salary.  
(Per State Dept - 8/5/70)

XXXXXXXXXX



T  
A  
B  
B



OFFICER PROFILE

Name: STANLEY SHERMAN CARPENTER Class: FSO-1 DOB: 2/27/17  
Massachusetts

Family Status: Married; children born 1943, 1950

Present Position: ~~Executive Director, Bureau of European  
Affairs, Department of State~~

Date of Last Promotion: 1965

Date and Circumstances of Entering Foreign Service: FSS-11,  
1947; Appointed FSO-6, December 1947

Education and In-Service Training:

1936-40	BA	Wheaton College: Latin, Greek
1940-43	MA; PhD	Univeristy of Illinois: Latin, Greek
1944-45		University of Michigan: Japanese (US Army auspices)
1955-56		Foreign Service Institute, Tokyo: Japanese Language & Area
1959-60		National War College

Experience: 1943-47 US Army, First Lt., Philippines and Japan

Department and Foreign Service:

1948-49	Kobe: Consular Officer (FSO-6)
1949-52	Tokyo: Political Officer (FSO-5, 1950; FSO-4, 1952)
1953-55	London: Political Officer; Chief, Visa Section
1955-59	Tokyo: Language and Area Trainee; Political Officer (1956) (FSO-3, 1957)
1960-62	Office of Personnel, Personnel Operations Division: Assistant Chief (FSO-2, 1960)
1962-65	Copenhagen: Deputy Chief of Mission (FSO-1, 1961)
1965-67	Office of Personnel: Director, Performance Evaluation Division
1967-69	Civil Administrator of the Ryuku Islands, Naha (Personal Rank of Minister)
1969-1972	Executive Director, Bureau of European Affairs

1972 - Detailed, Deputy Assistant Secretary for Territorial Affairs, Dept of Interior

PER/CA/I&II  
8/71

9/1972 - US Alternate Commissioner, South Pacific Commission Conference.

T  
A  
B  
C



AARON G. MARCUS

Position for which considered: United States Commissioner, South Pacific Commission (reappointment)

Present Position: United States Commissioner

Office Address: Department of State, Washington, D. C.

Born: December 25, 1893, New York City

Legal Residence: Honolulu, Hawaii

Marital Status: Widower

Family: Son: Stanley J.

Home Address: 427 Portlock Road, Honolulu, Hawaii

Education: Attended University of Denver Law School

Experience:

Non-Government	
1906-12	Private employed in dairy and milk route
1915-21	Practiced law in Denver
Military	Served on Balkan Front in World War I as ambulance driver for American Red Cross and later as liaison officer with Allied Control in Bulgaria; member of Brig. Gen. Burnham's staff
Non-Government	
1922	Co-partner with father and brother in Crown City Dairy Co., Pasadena, California
1930	Company merged with Creameries of America, Inc.
1930-45	Manager, Southern California Division, Creameries of America
1946-48	Vice President, General Manager, Dairyman's Association
1946	Director and Vice President, Hawaii Brewing Corporation
1948-61	President, General Manager, Dairyman's Association
1953	Beatrice Food Company became parent company of Dairyman's Association
1956	District Manager for Hawaii of Beatrice Foods Company
1961	Retired from local management Dairyman's Association, Ltd., Honolulu





1961-66

General Manager Asian Development for  
Beatrice Foods Company

1966

Retired

Government

. 1970 to present

United States Commissioner, South  
Pacific Commission (Department of  
State)

Memberships:

Past Chairman Los Angeles Milk Distributors  
Association  
Director, Past President Dairy Institute of  
California  
Director International Association of Milk  
Dealers (now Milk Industry Foundation), 1936  
President of Milk Industry Foundation, 1940-44  
Member Advisory Committees assisting government  
agencies in war effort  
Past President Pasadena Chamber of Commerce,  
Pasadena Civic Music Association  
Member of numerous committees, Tournament of  
Roses and other civic activities  
Past Chairman, Board of Governors Quartermaster  
Association, Hawaii Chapter  
Member (Vice Chairman) Hawaii State Board of  
Health, 1959-62

Clubs:

University (Pasadena); Outrigger Canoe Club;  
Pacific Club; Hawaiian Village Health Club.

Awards:

Brotherhood Week Award, 1970.  
Awarded "high commendation for distinguished  
service to the nation, to the Association and  
to the industry", 1946 (Milk Industry Foundation).



THE WHITE HOUSE

WASHINGTON

November 13, 1975

*Pres  
Appointments*

MEMORANDUM FOR: DOUGLAS BENNETT

FROM: PHIL BUCHEN *P.*

You advised that you were still looking for a qualified candidate to become Assistant Secretary for Science and Technology at the State Department.

Attached is material concerning Mr. Arnold Frutkin who is now Assistant Administrator for International Affairs at NASA. He comes highly recommended to me from Steve Doyle who is presently with NASA but who formerly worked at State. Steve would very much like to supplement this material by meeting with us at your convenience.

Attachment



THE WHITE HOUSE  
WASHINGTON

December 19, 1974

*Personnel*  
*Student*  
*Marketing*  
*Assoc*

MEMORANDUM FOR: JERRY JONES

FROM: PHILIP BUCHEN *P.W.B.*

SUBJECT: Determination Regarding Election of  
Student Loan Marketing Association  
Board of Directors

The attached papers are returned for further background as a basis for the President's decision. In particular, the President should be advised as to:

- (1) What was the purpose of vesting this judgement in the President, and what kind of criteria did the Congress have in mind?
- (2) How do the present facts compare to the Congressional purpose?
- (3) What practical pressures weigh in favor of acting now? What are the disadvantages of waiting?
- (4) What are the risks of vesting control in too small and unrepresentative a group of stockholders by acting now?
- (5) What are the realistic prospects for expanding ownership in the immediate future?



THE WHITE HOUSE

WASHINGTON

December 18, 1974

MEMORANDUM FOR: PHILIP BUCHEN

FROM: DUDLEY CHAPMAN *DC*

SUBJECT: President's Determination Regarding  
Election of Student Loan Marketing  
Association Board of Directors

The attached paper presents opposing views by Secretary Weinberger and Roy Ash (favoring), and Secretary Simon (opposing), a judgment to be made by the President. The judgment is whether sufficient stock has been sold in a government-sponsored private corporation to warrant turning its control over to the private stockholders.

The statute provides no criteria for how the President should make this judgment:

"When in the judgment of the President, sufficient common stock of the association has been purchased by educational institutions and banks or other financial institutions, the holders of common stock which are educational institutions shall elect . . ."

I do not believe the attached papers are completed staff work. No explanation is made of the purpose of the Presidential judgment based on the legislative history of the statute. Both the Simon and Weinberger memos seem overly cryptic, failing to set out the competing policy issues. In sum, I do not find an adequate basis for making a recommendation to the President.

Attached is a draft memorandum to Jerry Jones that would correct this.





EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

NOV 26 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Determination regarding election of Student  
Loan Marketing Association Board of Directors

The Student Loan Marketing Association (SLMA) was established by the Education Amendments of 1972 (P.L. 92-318) as a government-sponsored, private corporation to provide liquidity for guaranteed student loans by serving as a secondary market and a warehousing facility.

SLMA currently operates under an interim board of 21 directors, appointed by the President. By statute, SLMA common stock may be purchased only by eligible financial and educational institutions. Public Law 92-318 calls for a judgment by you regarding sufficiency of stock purchases before stockholding financial institutions may elect their seven board members and educational institutions may elect their seven. You appoint the remaining seven members to represent the general public.

Edward A. McCabe, Chairman of the SLMA Interim Board, wrote you on September 19 to request that you make your judgment regarding sufficiency of SLMA stock purchases. Secretary Weinberger recommends a favorable determination. Secretary Simon recommends that you not make a determination now.

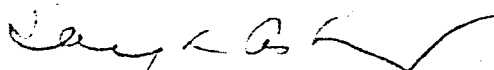
Eligible institutions have purchased 166,667 shares of SLMA common stock for some \$25 million. Although only 2.1 percent of those institutions eligible to purchase stock did so, these institutions held an estimated 28 percent of student loans outstanding as of June 30, 1973. The 553 shareholders are located in 44 States, the District of Columbia and Puerto Rico.

SLMA's stock issue has suffered from general market conditions, and because SLMA is a new organization with no earnings record. Nevertheless, every eligible institution has been afforded an opportunity to purchase stock.

I believe that turning control of fourteen seats on the SLMA Board of Directors over to those institutions which have invested \$25 million will be a positive step toward making SLMA more responsive to the needs of participants in the Guaranteed Student Loan Program. I see no gain from delaying your determination.

Accordingly, I recommend that you determine that sufficient common stock has been purchased to permit an election of directors by SLMA shareholders. Your seven appointments to the board may be announced at a later time, prior to the first meeting of the new board.

A draft memorandum of determination and a letter to Chairman McCabe are attached.



Roy L. Ash  
Director

Attachments

THE WHITE HOUSE

WASHINGTON

Dear Mr. McCabe:

I have today determined that sufficient common stock of the Student Loan Marketing Association has been purchased by educational institutions and banks or other financial institutions, and therefore that the election of directors by stockholders may take place. Enclosed herewith is the memorandum of determination.

Let me take this opportunity to thank you and all the members of the interim Board of Directors for your efforts in guiding the Student Loan Marketing Association during its initial period of operation. I look forward to the future growth of the Association as an important source of funds for lenders who provide loans to postsecondary students.

Sincerely,

Enclosure

Mr. Edward A. McCabe  
Chairman of the Board  
Student Loan Marketing Association  
1750 K Street, N.W.  
Washington, D. C. 20006

P.L. 92-318 Sec. 439(c)(3)

When in the judgment of the President, sufficient common stock of the Association has been purchased by educational institutions and banks or other financial institutions, the holders of common stock which are educational institutions shall elect seven members of the Board of Directors and the holders of common stock which are banks or other financial institutions shall elect seven members of the Board of Directors. The President shall appoint the remaining seven directors, who shall be representative of the general public.



MEMORANDUM OF

[Presidential Determination No. ]

SALE OF COMMON STOCK OF THE STUDENT LOAN  
MARKETING ASSOCIATION

Memorandum for the Chairman of the Board,  
Student Loan Marketing Association

THE WHITE HOUSE  
Washington

Pursuant to the authority vested in me by the Education Amendments of 1972 (P.L. 92-318), I hereby determine that sufficient common stock of the Student Loan Marketing Association has been purchased by educational institutions and banks or other financial institutions, and that therefore the holders of common stock which are educational institutions may elect seven members of the Board of Directors, and the holders of common stock which are banks or other financial institutions may elect seven members of the Board of Directors.

I shall appoint seven directors to represent the general public in advance of the first meeting of the new Board.

You are requested on my behalf to convey this determination to the holders of common stock in the Student Loan Marketing Association.

This determination shall be published in the Federal Register.

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE  
WASHINGTON, D. C. 20201

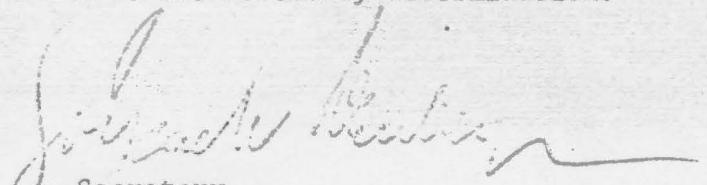
NOV 8 1974

MEMORANDUM FOR HONORABLE PAUL H. O'NEILL,  
ASSOCIATE DIRECTOR FOR  
HUMAN AND COMMUNITY AFFAIRS,  
OFFICE OF MANAGEMENT AND BUDGET

This is in response to your request of October 17, 1974, for my comments and recommendation concerning the request of the Student Loan Marketing Association that the President now determine that sufficient common stock of the Association have been purchased for an election of members of the board of directors to occur.

Although the proportions of eligible lenders and educational institutions who have purchased common stock are small, participation has been reasonably well balanced in terms of their relative participation as lenders under the Guaranteed Student Loan Program. A postponement of the requested Presidential determination in order to achieve more widespread ownership of the stock might well be protracted. The Association's stock purchase requirement would probably have to be relied on to achieve such wider ownership, and will have this effect in any case.

Accordingly, I see no purpose in delaying the requested action, and I recommend that the President make the necessary determination.

  
Secretary



THE SECRETARY OF THE TREASURY  
WASHINGTON 20220


OCT 21 1974

MEMORANDUM FOR PAUL H. O'NEILL, ASSOCIATE DIRECTOR  
FOR HUMAN AND COMMUNITY AFFAIRS  
OFFICE OF MANAGEMENT AND BUDGET

In response to your memorandum of October 17, 1974, I recommend that the President not make a determination at this time that sufficient common stock of the Student Loan Marketing Association has been purchased by educational institutions and banks or other financial institutions. Such a determination by the President would permit the stockholders to elect two-thirds of the SLMA board of directors to replace the interim directors appointed by the President. I do not feel that SLMA has made sufficient progress toward achievement of its statutory objectives to justify the transition to permanent private control.

While SLMA has been in existence for 22 months, its initial stock sale of \$24 million was completed only 4 months ago. The \$24 million stock sale is far short of the \$105 million common stock goal initially established by SLMA, and the stock is held by less than 3 percent of the institutions participating in the guaranteed student loan program. Moreover, SLMA has accumulated only about \$175 million in its loan portfolio, compared to its \$1 billion target.

I am also concerned about the financing of SLMA's debt issues. We have been financing SLMA through the Federal Financing Bank. Yet, FFB financing is not available to the Federal National Mortgage Association, which is controlled by a board of directors elected by FNMA stockholders. While SLMA obligations may be guaranteed by the Secretary of Health, Education, and Welfare until July 1, 1982, and are thus technically eligible for FFB financing, the appropriateness of such financing would need to be reviewed in connection with any transition to private stockholder control of SLMA.

  
William E. Simon



*Referred  
to [unclear]*

THE WHITE HOUSE

WASHINGTON

December 20, 1975

MEMORANDUM FOR: DOUG BENNETT  
FROM: PHIL BUCHEN *P.*  
SUBJECT: Vacancies at the Treasury  
Department in the positions of  
Deputy Secretary and Under Secretary

The other day after the Senior Staff meeting, Bill Simon registered with me concern over the way the filling of these vacancies is being handled. He is particularly disturbed that Jerry Thomas seems to be letting it be known that he will be appointed to one of these positions, a development which disturbs Bill for a variety of reasons. I thought I would alert you to this problem and would be glad to discuss the matter further with you.

THE WHITE HOUSE  
WASHINGTON

April 25, 1975

*Personnel -  
Heffernan  
Scholarship  
Foundation*

MEMORANDUM FOR: ROBIN WEST

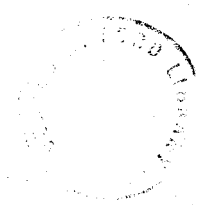
FROM: PHILIP BUCHEN

*P.W.B.*

Sometime ago, you asked me to suggest a State Supreme Court Judge, who was a Democrat, for possible appointment to the Board of Truman Scholarship Foundation.

I attach a sketch of Justice Nathan S. Heffernan of the Wisconsin Supreme Court. I have known Justice Heffernan for a long time and he was at one time a law partner with my brother. I have also had Rod Hills check on his reputation among people familiar with the courts of various States, and Rod tells me he is highly regarded.

Attachment



THE WHITE HOUSE  
WASHINGTON

December 19, 1974

MEMORANDUM FOR PHILIP W. BUCHEN

FROM: WILLIAM N. WALKER *Walker*

SUBJECT: Board of Directors of the United States  
Railway Association

Senator James Pearson of Kansas, new ranking minority member of the Senate Commerce Committee has assured me that if the President's nominee is received on Capitol Hill to fill the vacancy on the Board of Directors of the United States Railway Association, by 5:00 p.m. today, the nomination will be considered by the Senate before adjournment.

The President has decided to nominate Mr. Charles B. Shuman to fill the current vacancy. As Mr. Shuman will represent the interests of the small shippers and as the Association is about to consider matters crucial to small shippers, it is important that we act expeditiously to fill the vacancy.

I am therefore requesting a waiver of an FBI full field for Mr. Charles A. Shuman. Ken Lazarus advises that Special Prosecutor FBI name check and conflict of interest clearances are complete.

I waive the need for a full field investigation before nomination on Mr. Charles A. Shuman.

Date:

Dec. 19, 1974

*Philip W. Buchen*  
Philip W. Buchen

THE WHITE HOUSE

WASHINGTON

July 18, 1975

Presidential  
Appointments  
Woodrow  
Wilson  
Int Center

MEMORANDUM FOR: DOUG BENNETT  
THROUGH: PHIL BUCHEN *T.W.B.*  
FROM: DUDLEY CHAPMAN *DC*  
SUBJECT: Board of Trustees, Woodrow  
Wilson International Center for  
Scholars

Bill Walker raised the question of whether Pat Moynihan and Bob Bork can continue as members of the Board of Trustees of the Woodrow Wilson Center. Both were appointed under the provision of the statute for members chosen from private life, before they entered the Government. The question is whether their later entry into public office disqualified them from future participation as members of the Board. Both had continued their membership for some time before the question was raised.

I have spoken informally with Bob Bork who indicated that, while he would like to continue, he did not want to do so if it would be legally questionable.

The Department of Justice has advised that, while the question is not free from doubt, they believe the better interpretation of the statute would permit both Messrs. Moynihan and Bork to continue as trustees. I agree with this conclusion. A copy of the Justice Department Opinion is attached. Please note that this conclusion depends uniquely on the language of this statute and would not necessarily apply to other statutes calling for appointment of persons from designated categories.

cc: Bob Bork



## Department of Justice

Washington, D.C. 20530

JUN 27 1975

Memorandum for Dudley H. Chapman  
Associate Counsel to the President

Re: The status of members of the Board of Trustees of the Woodrow Wilson International Center for Scholars.

This is in response to your oral request for our views on the status of Ambassador-designate Moynihan and Solicitor General Bork as members of the Board of Trustees of the Woodrow Wilson International Center for Scholars.

The Board consists of 15 members. Messrs. Moynihan and Bork, along with six other persons, were appointed to the Board "from private life" pursuant to 20 U.S.C. 80f(b)(8). However, since his appointment, Mr. Bork has assumed a position with the federal government as Solicitor General and currently holds that Office. Mr. Moynihan, who formerly served as Ambassador to India, is expected to return to public life as the head of our U.N. delegation.

The question is whether Messrs. Moynihan and Bork may continue to serve on the Board or whether their positions as Trustees have become vacant because they are or will no longer be private citizens. While no definitive answer is possible, we are inclined to the view that they may continue as Board members.

Our position is based primarily upon the language of the legislation establishing the Woodrow Wilson International Center for Scholars. The legislation refers repeatedly to trustees either "appointed" or "chosen" from private life. See 20 U.S.C. 80f(b)(8), (d), and (e). The implication is that while Congress was clearly concerned with the station from which a given trustee is appointed, it was not concerned with the problem of a trustee who after appointment joins the government.

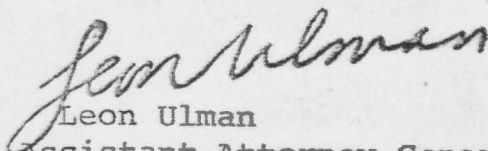




This appraisal of Congressional intention is buttressed by at least one other provision in which Congress demonstrated that it can provide, when it wishes, that a change in the status of a person appointed to a commission or board operates to vacate his membership. With regard to the Advisory Commission on Inter-governmental Relations, Congress provided that "[w]here any member ceases to serve in the official position from which originally appointed . . . his place on the Commission shall be deemed vacant." 42 U.S.C. § 4274(d). If it had desired, Congress certainly could have included a provision in the Wilson Center legislation expressly covering a change in the status of trustees appointed from private life.

The contrary argument would be the following: since the Board of Trustees consists of 15 members eight of whom are appointed from private life, this suggests a Congressional intent to maintain on the Board a majority of nongovernmental figures. The argument is not without merit. But such a construction of the statute has no firm basis in the language of the law itself. Moreover, our research has revealed no support for that construction in the legislative history of the statute, which is generally silent on the question of a change in status. Nor is there any indication of subsequent Congressional concern with the problem. Mr. Bork became Solicitor General in June, 1973 and it is our understanding that he has served on the Board continuously since then. Mr. Moynihan was appointed to the Board in 1971 and continued to serve despite his tenure in 1973-1974 as Ambassador to India. Yet to our knowledge (assuming Congressional awareness of these facts), there has been no objection from Congress.

In short, given the language of the statute, the absence of legislative history on the point and of any subsequent objection by the Congress, we believe that it is proper to construe the statute as permitting a trustee appointed from private life to continue to serve as a trustee even though he thereafter enters government service.



Leon Ulman  
Acting Assistant Attorney General  
Office of Legal Counsel

THE WHITE HOUSE  
WASHINGTON

Date July 18, 1975

TO: Phil Buchen

FROM: DUDLEY CHAPMAN

I have included a cc to Bob Bork because I have discussed it with him, though not to Moynihan with whom I have not talked.



THE WHITE HOUSE  
WASHINGTON

April 23, 1975

MEMORANDUM FOR:

DUDLEY CHAPMAN

FROM:

PHILIP BUCHEN

*P.W.B.*

SUBJECT:

Board of Trustees,  
Woodrow Wilson Inter-  
national Center for  
Scholars

Kindly prepare a memo, from you through me,  
to William Walker in answer to the attached  
memo on the same subject.

Attachment



THE WHITE HOUSE  
WASHINGTON

April 17, 1975

MEMORANDUM FOR PHILIP BUCHEN

THROUGH: WILLIAM N. WALKER *Walker*  
FROM: J. ROBINSON WEST *R*  
SUBJECT: Board of Trustees, Woodrow Wilson  
International Center for Scholars

A question has arisen concerning the status of two Board members (or ex-members) of the Woodrow Wilson International Center for Scholars (legislation attached).

Daniel Patrick Moynihan was appointed by the President in 1970, to serve a six year term as a private member. Mr. Moynihan was also designated Vice Chairman of the Center. Upon becoming Ambassador to India in 1973, Mr. Moynihan was considered by WH Records to be ineligible for further service as a private member and his position has been listed as vacant.

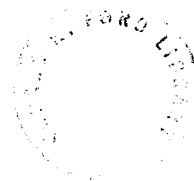
Since his return from India, Mr. Moynihan has resumed his association with the Center and continues to act as Vice Chairman.

Robert H. Bork was appointed by the President in 1972, to serve a six year term as a private member. Similarly, his appointment as Solicitor General was considered by WH Records to disqualify Mr. Bork from service as a private member. His position, too, is listed as vacant.

Mr. Bork continues to serve on the Board of the Center and participate in all of its activities.

The General Counsel of the Smithsonian Institution believes that the government's employment of Mr. Moynihan and Mr. Bork did not disqualify them for service as private members.

Could you please clarify for us whether Sec. 3, subparagraph (b)(f) of the legislation does, in fact, implicitly prevent those appointed under Sec. 3, subparagraph (b)(8) from service in the Federal government during their tenure as members.



## DECLARATION OF POLICY

SEC. 2. The Congress hereby finds and declares—

(1) that a living institution expressing the ideals and concerns of Woodrow Wilson would be an appropriate memorial to his accomplishments as the twenty-eighth President of the United States, a distinguished scholar, an outstanding university president, and a brilliant advocate of international understanding;

(2) that the Woodrow Wilson Memorial Commission, created by joint resolution of Congress, recommended that an International Center for Scholars be constructed in the District of Columbia in the area north of the proposed Market Square as part of the Nation's memorial to Woodrow Wilson;

(3) that such a center, symbolizing and strengthening the fruitful relation between the world of learning and the world of public affairs, would be a suitable memorial to the spirit of Woodrow Wilson; and

(4) that the establishment of such a center would be consonant with the purposes of the Smithsonian Institution, created by Congress in 1846 "for the increase and diffusion of knowledge among men."

## THE CENTER AND THE BOARD OF TRUSTEES

SEC. 3. (a) There is hereby established in the Smithsonian Institution a Woodrow Wilson International Center for Scholars and a Board of Trustees of the Center (hereinafter referred to as the "Center" and the "Board"), whose duties it shall be to maintain and administer the Center and site thereof and to execute such other functions as are vested in the Board by this Act.

(b) The Board of Trustees shall be composed of fifteen members as follows:

- (1) the Secretary of State;
- (2) the Secretary of Health, Education, and Welfare;
- (3) the Chairman of the National Endowment for the Humanities;
- (4) the Secretary of the Smithsonian Institution;
- (5) the Librarian of Congress;
- (6) the Archivist of the United States;
- (7) one appointed by the President from time to time from within the Federal Government; and
- (8) eight appointed by the President from private life.

(c) Each member of the Board of Trustees specified in paragraphs (1) through (7) of subsection (b) may designate another official to serve on the Board of Trustees in his stead.

(d) Each member of the Board of Trustees appointed under paragraph (8) of subsection (b) shall serve for a term of six years from the expiration of his predecessor's term; except that (1) any trustee appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of office of the trustees first taking office shall begin on the date of the enactment of this Act, and shall expire as designated at the time of appointment, two at the end of two years, three at the end of four years, and three at the end of six years. No trustee of the Board chosen from private life

75 Stat. 783.

9 Stat. 102.

Woodrow Wilson  
International  
Center for  
Scholars; Board of  
Trustees of the  
Center.  
Establishment.

Membership.

Term.



shall be eligible to serve in excess of two consecutive terms, except that a trustee whose term has expired may serve until his successor has qualified.

(e) The President shall designate a Chairman and a Vice Chairman from among the members of the Board chosen from private life.

POWERS AND DUTIES OF THE BOARD

SEC. 4. (a) In administering the Center, the Board shall have all necessary and proper powers, which shall include but not be limited to the power to—

(1) appoint scholars, from the United States and abroad, and, where appropriate, provide stipends, grants, and fellowships to such scholars, and to hire or accept the voluntary services of consultants, advisory boards, and panels to aid the Board in carrying out its responsibilities;

(2) solicit, accept, and dispose of gifts, bequests, and devices of money, securities, and other property of whatsoever character for the benefit of the Center; any such money, securities, or other property shall, upon receipt, be deposited with the Smithsonian Institution, and unless otherwise restricted by the terms of the gift, expenditures shall be in the discretion of the Board for the purposes of the Center;

(3) obtain grants from, and make contracts with, State, Federal, local, and private agencies, organizations, institutions, and individuals;

(4) acquire such site as a location for the Center as may subsequently be authorized by the Congress;

(5) acquire, hold, maintain, use, operate, and dispose of any physical facilities, including equipment, necessary for the operation of the Center;

(6) appoint and fix the compensation and duties of the director and such other officers of the Center as may be necessary for the efficient administration of the Center; the director and two other officers of the Center may be appointed and compensated without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and chapter 51 and subchapter III of chapter 53 of title 5 of the United States Code; and

(7) prepare plans and specifications for the Center, including the design and development of all buildings, facilities, open spaces, and other structures on the site in consultation with the President's Temporary Commission on Pennsylvania Avenue, or its successor, and with other appropriate Federal and local agencies, such plans to include an exterior classic frieze memorial to Woodrow Wilson.

(b) The Board shall, in connection with acquisition of any site authorized by Congress, as provided for in paragraph (4) of subsection (a) of this section, provide, to businesses and residents displaced from any such site, relocation assistance, including payments and other benefits, equivalent to that authorized to displace businesses and residents under the Housing Act of 1949, as amended. The Board shall develop a relocation program for existing businesses and residents within the site and submit such program to the government of the District of Columbia for a determination as to its adequacy and feasibility. In providing such relocation assistance and developing

5 USC 5101 et seq.  
5331 et seq.

63 Stat. 413.  
42 USC 1441  
note.



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SEC. 5. T  
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THE WHITE HOUSE

WASHINGTON

July 22, 1975

*US Delegation to Gen  
Assembly  
Presidential  
Appointments  
Security  
waiver*

MEMORANDUM FOR:

PHILIP BUCHEN

FROM:

DOUGLASE BENNETT **DPB**

SUBJECT:

Waiver of Security for the U. S. Delegation to the U. N. General Assembly and for Representatives to the Security Council and the Economic and Social Council of the U. N.

Because the Senate is expected to recess for the entire month of August and the U. S. Delegation to the U. N. General Assembly requires Senate confirmation, I request that you waive security clearances for five of the ten-member delegation so that nominations may be presented to the Senate this week.

Clearances would, of course, be completed by September when the General Assembly convenes. This procedure was followed for several individuals last year with the concurrence of your office, the Department of State, and the Senate Foreign Relations Committee.

The individuals (resumes attached) for which a waiver is requested are as follows:

Clarence M. Mitchell, Jr.	Representative
Carmen Rosa Maymi	Alternate Representative
John H. Haugh	Alternate Representative
Jacob M. Myerson	Alternate Representative
Albert W. Sherer, Jr.	Alternate Representative

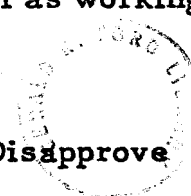
Two of these candidates have been approved by the President for two other positions within the United Nations. They are: Albert William Sherer, Jr., Deputy Representative of the U. S. in the Security Council of the U. N., with the rank of Ambassador; and Jacob M. Myerson, Representative of the U. S. on the Economic and Social Council of the U. N., with the rank of Ambassador. (Decision memoranda attached.)

The request for waiver for these individuals should also apply to these two positions, in order to secure Senate confirmation in time for them to be properly presented to the U. N. Security Council and the Economic and Social Council as working participants.

P.W.B.

Approve

Disapprove





THE WHITE HOUSE  
WASHINGTON

July 22, 1975

MEMORANDUM FOR:

PHILIP BUCHEN

FROM:

DOUGLAS P. BENNETT **DPB**

SUBJECT:

Waiver of Security for the U. S. Delegation to the U. N. General Assembly and for Representatives to the Security Council and the Economic and Social Council of the U. N.

*US Delegation to Gen  
Personnel Assamb  
Presidential  
Appointments  
(see  
security  
waiver*

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Albert W. Sherer, Jr.	Alternate Representative

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The request for waiver for these individuals should also apply to these two positions, in order to secure Senate confirmation in time for them to be properly presented to the U. N. Security Council and the Economic and Social Council as working participants.

P.W.B.

Approve

Disapprove



4011  
11/11  
Furvell

Personnel  
General  
W/H Fellowships

THE WHITE HOUSE  
WASHINGTON

November 7, 1974

MEMORANDUM FOR: PHILIP BUCHEN

FROM: WILLIAM N. WALKER *Walker*

SUBJECT: President's Commission on  
White House Fellowships

We are aware of Geoff Shepard's interest in appointment to the President's Commission on White House Fellowships. Bob Shaw has talked with Geoff and indicated to him that he will be considered for the Commission when an overall review of Commission membership is completed later this year. Normally, no additional appointments would be made until next spring. However, it is our current intention to solicit resignations from some Commissioners and make new appointments in January. You should be aware that there are other former White House Fellows, including Warren Rustand on the White House staff, who also seek a position on the Commission.

*Bill S.  
W. W. sign*

THE WHITE HOUSE  
WASHINGTON

November 1, 1974

MEMORANDUM FOR: WILLIAM WALKER  
FROM: PHIL BUCHEN *P.W.B.*

Geoff Shepard of the Domestic Council, who will be leaving for private practice at the end of the year, asks that he be considered for appointment to the White House Fellows Commission.

He was originally a White House Fellow and is very interested in seeing the program improved.

*Walker*  
11/4/74

