

The original documents are located in Box 38, folder “Personnel - Conflict of Interest, Powell, John (2)” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

THE WHITE HOUSE
WASHINGTON

EEOC
File

Asst. Comm. Dir. for
"fuel" 2



COMMISSION IN A SPIN AND FALLING APART. DRASTIC ACTION MUST BE TAKEN IN ORDER TO REVERSE THIS SITUATION.

1. SERIOUS PERSONNEL MORAL PROBLEM BOTH AT HEADQUARTERS AND IN THE FIELD.
2. LOSS OF EXPERIENCED PERSONNEL.
3. POOR AND INEFFICIENT FINANCIAL ACCOUNTING AND REPORTING.
4. OVER-OBLIGATION OF FUNDS.
5. WASTE OF BUDGET FUNDS.
6. REFUSAL BY CHAIRMAN TO COOPERATE WITH OTHER COMMISSIONERS IN MATTERS OF POLICY AND IN PROVIDING PERTINENT INFORMATION TO THE COMMISSIONERS ON FUNCTIONS OF THE COMMISSION.
7. REFUSAL BY THE CHAIRMAN TO ABIDE BY LEGAL OPINIONS OF THE GENERAL COUNSEL REGARDING SOME POLICY MATTERS.
8. REFUSAL BY THE CHAIRMAN TO ABIDE BY SOME LEGAL DECISIONS ISSUED BY THE UNITED STATES COMPTROLLER GENERAL.

(REQUESTED 5/13/74 ISSUED 9/19/74)

9. CONTINUOUS AND DELIBERATE HARRASMENT BY THE CHAIRMAN OF THE GENERAL COUNSEL AND MEMBERS OF HIS STAFF.

10. ONLY 8% OF 25% ACHIEVEMENT GOAL SET BY THE CHAIRMAN ATTAINED DURING FIRST QUARTERS OF PRESENT FISCAL YEAR.

Investigation

11. STRANGE PERSONAL BEHAVIOR OF THE CHAIRMAN.



PERSONNEL PROBLEMS

2.

1. HAVE LOST A NUMBER OF TOP EXPERIENCED PERSONNEL. OTHERS WANT TO LEAVE AS SOON AS THEY FIND ANOTHER JOB.
2. LABOR UNION FILING GRIEVANCES.
3. CONTINUOUS BADGERING AND THREATS OF FIRING OF EMPLOYEES BY THE CHAIRMAN.
4. CHAIRMAN HAS LOST FIVE SPECIAL ASSISTANTS, HAS ONLY ONE LEFT. LOST HIS CONFIDENTIAL SECRETARY. HAS PROBLEM FIND REPLACEMENTS.
5. UNJUSTLY REPRIMANDING AND EMBARRASING TOP STAFF PERSONNEL IN FRONT OF COMMISSIONERS AND OTHER STAFF PERSONNEL, AND OUTSIDERS.
6. REPORTS FROM PERSONNEL IN SEVERAL DISTRICT OFFICES OF IMPROPER QUESTIONING BY A SPECIAL ASSISTANT ON BEHALF OF THE CHAIRMAN.
7. TRIES TO CONTROL MEMBERS OF STAFF THROUGH CONTINUOUS INTIMIDATION AND THREATS OF FIRING.



PERSONNEL PROBLEMS - continued:

8. ISSUES ORDERS TO PERSONNEL CONTRARY TO POLICY SET BY COMMISSIONERS.
 9. TELEPHONE CALLS TO EMPLOYEES' HOMES AT ALL HOURS OF THE NIGHT.
 10. CALLS TO MEMBERS OF STAFF ON WEEKENDS DIRECTING THEM TO REPORT TO HIS OFFICE.
 11. ON NOVEMBER 12, 1974, THE COMMISSION AS A BODY, WITH A NEGATIVE VOTE BY THE CHAIRMAN, ORDERED THAT AN INVESTIGATION BE MADE OF SERIOUS INTERNAL PERSONNEL PROBLEMS REPORTED WITHIN THE FINANCIAL MANAGEMENT DIVISION. REQUIRING THE PREPARATION OF A REPORT OF FINDINGS AND CORRECTIVE ACTIONS TAKEN. THE REPORT TO BE ISSUED SIMULTANEOUSLY TO THE CHAIRMAN AND THE COMMISSIONERS.
- TO DATE, IT IS NOT KNOWN IF THE INVESTIGATION HAS BEEN MADE AND NO REPORT HAS BEEN MADE TO THE COMMISSIONERS.



REFUSAL BY THE CHAIRMAN TO ADHERE TO SOME OF THE
COMMISSION'S POLICIES.

3.

1. HAS AUTHORIZED ON HIS OWN SEVERAL MILLION DOLLARS IN CONTRACTS WITHOUT VOTE OF THE COMMISSIONERS.
 - (a) EEOC GENERAL COUNSEL HAS RENDERED A LEGAL DECISION THAT CONTRACTS INVOLVING POLICY MUST BE APPROVED BY THE MAJORITY OF THE COMMISSIONERS.
 - (b) THE COMPTROLLER GENERAL ISSUED LEGAL DECISION ON SEPTEMBER 19, 1974 STATING THAT A MAJORITY OF VOTES OF THE COMMISSIONERS ESTABLISHES POLICY, AND ALSO DETERMINES WHAT IS POLICY AND WHAT ARE ADMINISTRATIVE FUNCTIONS. ALSO, THAT THE COMMISSION AS A BODY APPROVES CONTRACTS.
2. ON NOVEMBER 11, 1974 A RESOLUTION WAS APPROVED UNANIMOUSLY, INCLUDING THE FAVORABLE VOTE OF THE CHAIRMAN, SETTING UP THE NEW ORGANIZATIONAL TOP STRUCTURE OF THE COMMISSION.
ON NOVEMBER 25, 1974, THE CHAIRMAN ON HIS OWN ISSUED ORDERS



REFUSAL BY THE CHAIRMAN TO ADHERE TO SOME OF THE COMMISSION'S
POLICIES - CONTINUED:

TO THE STAFF TO DISREGARD RESOLUTION APPROVED ON NOVEMBER 11, 1974 AND TO OPERATE UNDER AN ORGANIZATIONAL STRUCTURE REJECTED BY THE COMMISSION AS A BODY AND CONTRARY TO RECOMMENDATION BY CONSULTANTS BOOZ-ALLEN AND HAMILTON. THE ORGANIZATIONAL TOP STRUCTURE, WAS APPROVED BY THE COMMISSION AS A BODY, WAS ALSO RECOMMENDED BY BOOZ-ALLEN & HAMILTON CONSULTANTS. THIS FIRM IS BEING PAID OVER \$100,000 FOR A STUDY AND RECOMMENDATIONS ON ADMINISTRATIVE PROCEDURES.

3. SUBMITTED REQUEST FOR BUDGET SUPPLEMENT TO OMB WITHOUT CONSULTING OR APPROVAL OF THE COMMISSION AS A BODY.
4. COMMISSION AS A BODY HAS NEVER BEEN CONSULTED ON ALLOTMENT OF PERSONNEL POSITIONS OR ON THE APPOINTMENT OF DISCHARGE OF HEADS OF MAJOR ADMINISTRATIVE UNITS.
5. COMMISSIONERS NOT CONSULTED ON SELECTION OR APPROVAL OF



REFUSAL BY THE CHAIRMAN TO ADHERE TO SOME OF THE COMMISSION'S
POLICIES - continued:

5. MAJOR TRACT I CASES FOR PROCESSING SUCH AS SEARS, GENERAL MOTORS AND GENERAL ELECTRIC. *Chairman Brown*
6. NEGOTIATED AND AGREED WITH AFL-CIO ON MAJOR POLICY IN PROCESSING OF CHARGES WITHOUT CONSULTING THE COMMISSIONERS AS A BODY. THEN RELUCTANTLY PRESENTED THE AGREEMENT TO THE COMMISSIONERS WHICH WAS VOTED DOWN 3 TO 1 (CHAIRMAN VOTED NO) BECAUSE OF MANY OBVIOUS DEFICIENCIES. ADVISED AFL-CIO HE WAS IN FAVOR BUT THREE OTHER COMMISSIONERS WERE IN OPPOSITION TO HIM.



FINANCIAL MANAGEMENT DIVISION

4.

THIS OFFICE IS IN COMPLETE DISARRAY. UNABLE TO PERFORM PROPERLY AND FAILURE TO ISSUE FINANCIAL REPORTS ON TIME AND REPORTS ISSUED TO OMB ARE INCORRECT. ALSO, MONTHLY FINANCIAL STATUS REPORTS ISSUED FOR THE USE OF THE COMMISSION ARE DEFICIENT AND CONTAIN MANY ERRORS.

1. IMPOSSIBLE TO APPROVE SUBSTANTIAL FINANCIAL OBLIGATIONS SINCE THE TRUE AND CORRECT STATUS OF FINANCES ^{is} IS NOT KNOWN.
2. FOR EXAMPLE: AT THE END OF SEPTEMBER 1974, THE FINANCIAL REPORT COMPILED INDICATED TOTAL OBLIGATIONS OF \$435 MILLION DOLLARS AS AGAINST A BUDGET OF \$53 MILLION DOLLARS. THIS REPORT WAS REVISED DOWN TO A SUM OF \$13 MILLION DOLLAR OBLIGATIONS, BUT STILL IS INACCURATE AND SHOWED AS ONE EXAMPLE, A HEALTH BENEFITS ITEM OF \$1,350,000 WHICH IS COMPLETELY OUT OF LINE.

ALSO, THE REPORT FOR SEPTEMBER SHOWED TOTAL OBLIGATIONS ON



FINANCIAL MANAGEMENT DIVISION -- continued:

PER DIEM TO BE \$252,671.00; HOWEVER A MONTH LATER THE OCTOBER
REPORT SHOWED TOTAL OBLIGATIONS ON PER DIEM OF \$5,343,000.
AN INCREASE OF OVER \$5 MILLION DOLLARS IN ONE MONTH, WHICH
IS GROSSLY INCORRECT.



AUDIT OF FINANCIAL MANAGEMENT DIVISION

ON NOVEMBER 12, 1974 IN VIEW OF THE DEFICIENCIES CONTAINED IN THE MONTHLY FINANCIAL REPORTS, THE COMMISSION AS A BODY ORDERED THE AUDIT STAFF TO CONDUCT AN AUDIT OF THE ACCOUNTING AND REPORTING FUNCTIONS OF THE FINANCIAL MANAGEMENT DIVISION. THIS AUDIT WAS NECESSARY TO DETERMINE THE CORRECT FINANCIAL STATUS OF THE COMMISSION IN ORDER THAT ACTION COULD BE SAFELY TAKEN IN THE APPROVAL OF SUBSTANTIAL FINANCIAL OBLIGATIONS. THE RESOLUTION REQUIRED THE ISSUANCE OF A REPORT TO THE CHAIRMAN AND THE COMMISSIONERS SIMULTANEOUSLY.

THE CHAIRMAN REPEATEDLY REFUSED TO HAVE THE AUDIT MADE, HOWEVER, WE UNDERSTAND THAT IT IS NOW IN PROGRESS. ALSO, IT IS OUR UNDERSTANDING THAT AT LEAST TWO INTERIM REPORTS HAVE BEEN ISSUED TO THE CHAIRMAN ON THE AUDIT. THE CHAIRMAN REFUSES TO HAVE COPIES OF REPORTS ISSUED TO THE COMMISSIONERS. HAS THREATENED TO FIRE THE CHIEF OF THE AUDIT STAFF IF HE PROVIDES COPIES TO THE COMMISSIONERS.



AUDIT OF FINANCIAL MANAGEMENT DIVISION - continued:

IT IS ASSUMED THAT THE REASON FOR HIS ACTION IN WITHHOLDING
INFORMATION FROM THE COMMISSIONERS IS THE FACT THAT THE
REPORTS INDICATE OVER-OBLIGATION OF FUNDS FOR FISCAL YEAR 1974.



OVER-OBLIGATION OF FUNDS - FISCAL YEAR 1974

HAVE REASONS TO BELIEVE THAT ONE REPORT (11/18/74) LISTS THE OVER-OBLIGATION OF \$200,000 FOR FISCAL YEAR 1974 IN CONNECTION WITH INDEBTEDNESS TO GSA.

THE SECOND REPORT (11/27/74) LISTS ANOTHER OVER-OBLIGATION OF MORE THAN \$200,000 FOR FISCAL YEAR 1974 IN CONNECTION WITH COSTS IN THE ESTABLISHMENT OF THE TRAINING ACADEMY (DEVELOPMENT ASSOCIATES, INC.).

IT IS VERY POSSIBLE THAT OTHER SUBSTANTIAL OVER-OBLIGATIONS MAY BE UNCOVERED WITH THE PROGRESS OF THE AUDIT.

AN ATTEMPT WAS MADE TO TRANSFER THE OBLIGATION ON THE TRAINING ACADEMY TO FISCAL YEAR 1975 ALTHOUGH CONTRACTED IN FISCAL YEAR 1974, HOWEVER, SINCE IT IS NOT LEGAL THIS SUM REMAINS AS AN OVER-OBLIGATION AGAINST FISCAL YEAR 1974.

THERE MAY BE VIOLATIONS OF THE ANTI-DEFICIENCY ACT, AND THEREFORE ACCORDING TO THE ACT SEVERAL STEPS HAVE TO BE TAKEN:



OVER-OBLIGATION OF FUNDS - FISCAL YEAR 1974 - continued:

1. VIOLATIONS MUST BE REPORTED IMMEDIATELY TO THE PRESIDENT THROUGH THE DIRECTOR OF OMB.
2. THOSE RESPONSIBLE MUST BE IDENTIFIED AND APPROPRIATE DISCIPLINARY ACTION TAKEN.



ISSUE OF CONTRACTS

CONTRACTS ISSUED AMOUNTING TO SEVERAL MILLION DOLLARS, NOT PRESENTED TO OR AUTHORIZED BY THE COMMISSION AS A BODY. SEVERAL CONTRACTS ISSUED ON A SOLE SOURCE BASIS.

1. THREE CONTRACTS ISSUED TO OPPORTUNITY SYSTEM, INC. (OIS) ^{OST}
TOTTALLING \$530,000 ON A SOLE SOURCE BASIS AS 8-a CONTRACTS.
(\$320,000 - \$60,000 - \$150,000) CONTRACT AWARDED ON 3/11/74.
2. INTERIM REPORT ISSUED BY THE AUDIT STAFF LISTED EXCESSIVE CHARGES BY THE CONTRACTOR, INEQUITABLE ALLOCATION OF COSTS, UNLAWFUL SUB-CONTRACTING WHICH INCLUDED DOUBLE MARGIN OF PROFIT TO THE CONTRACTOR, AND FAILURE TO PERFORM IN ACCORDANCE WITH THE TERMS OF THE CONTRACT.
MEMORANDUM DATED AUGUST 13, 1974 ISSUED TO THE CHAIRMAN ADVISING HIM OF SERIOUSNESS OF THIS MATTER.
ALSO, RESOLUTION WAS PASSED ON NOVEMBER 12, 1974 BY APPROVAL OF ALL COMMISSIONERS WITH THE ABSTENTION OF THE



ISSUE OF CONTRACTS - continued:

CHAIRMAN, THAT NO CONSIDERATION BE GIVEN TO THE AWARD OF ADDITIONAL CONTRACTS TO OPPORTUNITY SYSTEMS, INC. THIS ACTION WAS NECESSARY DUE TO OSI'S BAD PERFORMANCE ON PREVIOUS CONTRACTS AND ALSO THERE WAS AN INDICATION THAT CONSIDERATION WAS BEING GIVEN TO THE AWARD OF AN ADDITIONAL \$360,000 CONTRACT TO THIS FIRM. SINCE THEN ONE OF THE THREE ORIGINAL CONTACTS (\$150,000) HAS BEEN CANCELLED.

3. AT AN EXECUTIVE SESSION OF THE COMMISSIONERS WITH THE CHAIRMAN ON JUNE 18, 1974, IT WAS AGREED BY ALL, INCLUDING THE CHAIRMAN, TO BRING A NUMBER OF CLINICAL TRAINING PROGRAM CONTRACTS BEFORE THE COMMISSION AS A BODY FOR CONSIDERATION AND APPROVAL. INSTEAD, ON JUNE 26, 1974, EIGHT DAYS LATER, THE CHAIRMAN AUTHORIZED AND SIGNED SIX SUCH CONTRACTS TOTALLING \$575,548.

A CONTRACT WAS ALSO AUTHORIZED BY THE CHAIRMAN WITH IAOHRA

() FOR THE SUM OF \$181,000.



ISSUE OF CONTRACTS - continued:

4. THE CHAIRMAN AND HIS STAFF RECOMMENDED THE APPROVAL OF A CONTRACT TO NU-WAY INC. ON A SOLE SOURCE BASIS FOR THE SUM OF \$280,000 AS CONSULTANTS ON THE ESTABLISHMENT OF THE TRAINING CENTER. THE COMMISSIONERS REJECTED THE CONTRACT AND DIRECTED THAT PROPOSALS BE REQUESTED FROM SEVERAL QUALIFIED CONSULTANTS. AS A RESULT A CONTRACT WAS ISSUED TO A BETTER QUALIFIED FIRM (DEVELOPMENT ASSOCIATES, INC.) FOR THE SUM OF \$207,000 OR A SAVING TO THE GOVERNMENT OF \$73,000.

5. LAWYERS COMMITTEE CONTRACT \$338,873.29.

THE CHAIRMAN ON HIS OWN APPROVED AND PAID \$52,000 ON A PROPOSED AND ^{NOT} YET APPROVED CONTRACT WITH THE LAWYERS COMMITTEE WITHOUT APPROVAL OF THE COMMISSION AS A BODY.

AT A MEETING OF THE COMMISSION ON 11/26/74 THE CHAIRMAN REQUESTED THE COMMISSIONERS TO RATIFY HIS PAYMENT OF \$52,000



ISSUE OF CONTRACTS - continued:

AND ALSO APPROVAL OF THE TOTAL CONTRACT FOR \$338,873.29.

IN VIEW OF THE EVIDENT ERRONEOUS FINANCIAL REPORTING BY THE FINANCIAL MANAGEMENT DIVISION, THE COMMISSIONERS REQUESTED A BRIEFING BY THE CHAIRMAN'S TOP FINANCIAL STAFF ON AVAILABILITY OF FUNDS TO APPROVE THE LAWYERS COMMITTEE CONTRACT. THE BRIEFING WAS TOTALLY UNSATISFACTORY AND UPON QUESTIONING, ONE OF THE CHAIRMAN'S TOP FINANCIAL STAFF MEMBERS ADMITTED THAT THE FINANCIAL STATUS PRESENTED WAS ONLY AN "EDUCATED GUESS" AND THAT HE COULD NOT GUARANTEE THE CORRECTNESS OF THE INFORMATION, AND FURTHER THAT HE COULD NOT HONESTLY RECOMMEND APPROVAL OF SUBSTANTIAL FINANCIAL OBLIGATIONS BY THE COMMISSIONERS UNDER THE CIRCUMSTANCES. IN FACT, HE STATED THAT THE COMMISSION WAS IN A FINANCIAL CRISIS.

IN VIEW OF THIS DEVELOPMENT DURING THE COMMISSIONERS' MEETING, A RESOLUTION WAS APPROVED BY THE COMMISSION AS A BODY, WITH THE NEGATIVE VOTE OF THE CHAIRMAN, TO DIRECT MEMBERS OF THE



ISSUE OF CONTRACTS - continued:

AUDIT STAFF TO COME TO THE MEETING TO REPORT ON THE STATUS OF
AUDIT ORDERED OF THE FINANCIAL MANAGEMENT DIVISION AND ALSO TO
REPORT IF POSSIBLE ON THE AVAILABILITY OF FUNDS IN ORDER TO
CONSIDER THE APPROVAL OF THE LAWYERS COMMITTEE CONTRACT. THE
CHAIRMAN ABSOLUTELY REFUSED TO HONOR THE ORDER OF THE
COMMISSION AND REFUSED TO DIRECT THE MEMBERS OF THE AUDIT STAFF
TO APPEAR. (I MIGHT ADD THAT THE RESOLUTION APPROVED ON
NOVEMBER 11, 1974 ON THE TOP ORGANIZATIONAL STRUCTURE INCLUDED
THE AUDIT STAFF WHICH WAS ESTABLISHED AS AN INDEPENDENT FUNCTION
REPORTING DIRECTLY TO THE CHAIRMAN AND THE COMMISSIONERS IN
ACCORDANCE WITH GAO REGULATIONS.)

THE LAWYERS CONTRACT WAS TO COVER FIVE EEOC DISTRICT OFFICE \$
AREAS (WASHINGTON, D.C., BIRMINGHAM, NEW ORLEANS, PHILADELPHIA
(AND SAN FRANCISCO). THREE OF THESE DISTRICT OFFICES OUT OF THE
FIVE STATED THEY WOULD NOT SUPPORT THE CONTRACT WITH THE
LAWYERS COMMITTEE.



ISSUE OF CONTRACTS - continued:

NOTE: IN ORDER TO ATTEMPT TO CONTROL THIS SERIOUS CONTRACT SITUATION, A RESOLUTION WAS APPROVED ON NOVEMBER 12, 1974 BY THE COMMISSION AS A BODY, AND ONLY THE CHAIRMAN VOTED NO, TO HAVE ALL CONTRACTS OVER \$2,500 SUBMITTED TO THE COMMISSION FOR APPROVAL, WITH THE EXCEPTION OF THOSE INVOLVING DAILY ROUTINE OPERATING EXPENSES. TO DATE ONLY TWO CONTRACTS HAVE BEEN SUBMITTED TO THE COMMISSION FOR APPROVAL. (LAWYERS COMMITTEE FOR CIVIL RIGHTS UNDER LAW; TRAINING CENTER SPACE.)



WASTE OF FUNDS

8.

1. CONTRACT FOR \$125,000 WAS ISSUED TO FORWARD MANAGEMENT, INC. TO PRODUCE A CONTRACT MANAGEMENT MANUAL ON A SOLE SOURCE BASIS. IT HAS BEEN ESTIMATED BY PERSONNEL IN THIS FIELD THAT SUCH A MANUAL CAN BE PRODUCED IN HOUSE FOR \$5,000 TO \$10,000.

ON 10/22/74 THIS MATTER WAS REPORTED TO THE CHAIRMAN. OTHER THAN A MEMORANDUM ISSUED ON THIS REPORT, WITH A WEAK EXPLANATION, NO ACTION WAS TAKEN OTHERWISE.

2. MOVE OF EEOC HEADQUARTERS TO THE COLUMBIA-PLAZA BUILDING. (THE MOVE INCLUDES BOTH THE GENERAL COUNSEL'S OFFICE AND THE OFFICE OF RESEARCH.)

THE COMMISSIONERS WERE NOT CONSULTED OR ADVISED. A REQUEST FOR NECESSARY FUNDS WAS NOT PRESENTED TO OR APPROVED BY THE COMMISSIONERS.

THE MOVE WAS TO HAVE BEEN MADE IN

middle of July 1974



WASTE OF FUNDS - continued:

NO REPORT HAS EVER BEEN MADE TO THE COMMISSIONERS ON THE ESTIMATED COST OR THE COST TO DATE. THE BEST INFORMATION THAT CAN BE OBTAINED INDIRECTLY READS AS FOLLOWS:

ORIGINAL ESTIMATE OF COST TO MOVE \$300,000.

COSTS TO DATE PLUS ESTIMATED COSTS TO COMPLETE MOVING JOB:

ALTERATIONS COST TO DATE (FLOORS 1, 3, 4, & 5)	\$396,500
PRIVATE BATHROOM IN CHAIRMAN'S OFFICE	18,600
PRIVATE KITCHEN IN CHAIRMAN'S OFFICE	13,300
GENERAL COUNSEL (2nd FLOOR) ALTERATIONS (ESTIMATE ONLY)	150,000
CARPETING, DRAPERIES, WALL COVERING AND FURNITURE FOR THE OFFICES OF THE CHAIRMAN AND THE FOUR COMMISSIONERS.	61,473
CHAIRMAN'S OFFICE	\$25,810
EACH COMMISSIONER'S OFFICE COST AVERAGES	5,374
OFFICE DIRECTORS - CARPETING, DRAPERIES AND RE-UPHOLSTERING OF OLD FURNITURE (FLOORS 1, 3 and 4)	152,400
PHYSICAL MOVE	23,500
SPACE STUDY	187,900
TOTAL TO DATE.....	<u>\$1,003,673</u>

PLUS COST YET TO BE DETERMINED ON DECORATION FOR GENERAL



WASTE OF FUNDS - continued:

COUNSEL'S OFFICES.

~~DOUBLE RENT PAID~~

AS MENTIONED BEFORE - THE COMMISSIONERS WERE NOT CONSULTED OR ADVISED ON THE MOVE, AND REQUEST FOR NECESSARY FUNDS WAS NOT PRESENTED TO OR ACTED UPON BY THE COMMISSIONERS. IN VIEW OF THE INFORMATION, AS MENTIONED HERE, OBTAINED INDIRECTLY BY THE COMMISSIONERS, A RESOLUTION WAS APPROVED BY THE COMMISSION AS A BODY ON NOVEMBER 11/12/74 TO HAVE AN AUDIT MADE OF THE COSTS TO DATE AND FINAL TOTAL ESTIMATED COSTS OF THE MOVE. A REPORT TO BE ISSUED TO THE CHAIRMAN AND THE COMMISSIONERS SIMULTANEOUSLY. FURTHER, IT WAS ORDERED THAT NECESSARY QUALIFIED PERSONNEL BE PROVIDED TO THE AUDIT STAFF. TO DATE NO ACTION HAS BEEN TAKEN TO COMPLY WITH THE DIRECTIVE OF THE COMMISSION.



HARRASMENT OF GENERAL COUNSEL AND HIS STAFF BY THE CHAIRMAN ^{9.}

1. INTERFERENCE WITH LITIGATION PROCESS.
2. GIVING DIRECT ORDERS TO MEMBERS OF GENERAL COUNSEL'S STAFF.
3. ATTEMPTS TO FIRE SENIOR MEMBERS OF GENERAL COUNSEL'S STAFF.
4. INSTRUCTING MEMBER OF GENERAL COUNSEL'S STAFF TO SIGN THE
GENERAL COUNSEL'S NAME TO MEMORANDUM INVOLVING VERY
DELICATE SUBJECT.
5. REDUCING PERSONNEL SLOTS WITHOUT CONSULTATION WITH GENERAL
COUNSEL.
6. INSULTS UPON THE PERSON OF THE GENERAL COUNSEL BY THE
CHAIRMAN.



STRANGE PERSONAL BEHAVIOR OF THE CHAIRMAN

10.

1. GUARD INCIDENT
2. AIRLINE BUMPING
3. BULLET PROOF GLASS FOR CAR
4. SIREN AND RED LIGHT FOR CAR
5. CALLS TO STAFF MEMBERS AT ALL HOURS OF THE NIGHT.



JOHN H. POWELL, JR. - CHAIRMAN, EEOC

PAS

LEVEL III

DATE APPOINTED: JANUARY 1974

NOTE:

The EEOC has no agency classified position descriptions for Members of the Commission or the General Counsel. Descriptions of their duties are contained in the Equal Employment Opportunity Act of 1972 (Page 6 Attached).

G. C. Civil Rights Comm

*booked by Mark Lucas Black RNC
EOP book booked*

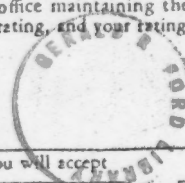


ptions for which you wish to be considered (if listed in examination announcement)

Month	Day	Year
2	11	1931

057 26 8619

9. If you are currently on a register of eligibles for appointment to a Federal position, give the name of the examination, the name of the office maintaining the register, the date on your notice of rating, and your rating.



d. Primary place(s) you wish to be employed

2. Home telephone

3. Business telephone

Area Code	Number
516	883-7203

Area Code	Number

4. Name (Last) (First) (Middle) (Maiden, if any) Mr. Miss Mrs.
Powell, John H., Jr.

5. Number and street, R.D., or Post Office box number
3 Ivy Way,

6. City State ZIP Code
Port Washington, New York 11050

10. Lowest pay or grade you will accept

PAY		GRADE	
\$	per	OR	18

11. Are you willing to travel? (Check one)

<input type="checkbox"/> NO	<input checked="" type="checkbox"/> SOME	<input type="checkbox"/> OFTEN
-----------------------------	--	--------------------------------

12. When will you be available?

13. Will you accept:

YES	NO

(C) Will you accept a job in:

YES	NO

(A) Temporary appointment of n/a
 --1 month or less?
 --1 to 4 months?
 --4 to 12 months?

--Washington, D.C.?
 --any place in the United States?
 --outside of the United States?

(B) Less than full time work? (Less than 40 hours per week)

--only in (specify) New York, metropolitan area

14. EDUCATION

(A) Did you graduate from high school, or will you graduate within the next nine months?

YES	MONTH/YEAR	NO	HIGHEST GRADE COMPLETED
X	2/1949		

(B) Name and location (city and State) of last high school attended

Bayside High School, Bayside, New York

(C) Name and location (city, State, and ZIP Code if known) of college or university. (If you expect to graduate within 9 months, give MONTH and year you expect degree.)

Name and location	Dates attended		Years completed		Credits completed		Type of degree	Year of degree
	From	To	Day	Night	Semester hours	Quarter hours		
Cornell University	9/49	6/53	4				BA	1953
Harvard University Law School	9/53	6/56	3				LLB	1956
New York Univ. Graduate School of Law	9/59	10/63		4			LLM	1963

(D) Chief undergraduate college subjects

Political Science
Economics
Psychology

Credits completed	
Semester hours	Quarter hours

(E) Chief graduate college subjects

Law

Credits completed	
Semester hours	Quarter hours

(F) Major field of study at highest level of college work
Law

(G) Other schools or training (for example, trade, vocational, armed forces, or business). Give for each the name and location (city, State, and ZIP Code if known) of school, dates attended, subjects studied, certificates, and any other pertinent data.

15. HONORS, AWARDS, AND FELLOWSHIPS RECEIVED

Phi Beta Kappa
BA received Magna Cum Laude

16. FOREIGN LANGUAGES

Enter foreign languages and indicate your knowledge of each by placing "X" in proper columns

Reading			Speaking			Understanding			Writing		
Excl.	Good	Fair	Excl.	Good	Fair	Excl.	Good	Fair	Excl.	Good	Fair

17. Special qualifications and skills (licenses; skills with machines, patents or inventions; publications—do not submit copies unless requested; public speaking; memberships in professional or scientific societies; typing or shorthand speed; etc.)

Dates of employment (month, year) From May 1967 To PRESENT TIME		Exact title of position Attorney		If Federal service, classification series and grade	
Salary or earnings Starting \$25,000 per year Present \$26,500 per year		Avg. hrs. per week 45	Place of employment City: New York State: New York	Number and kind of employees supervised one secretary	Kind of business or organization (manufacturing, accounting, insurance, etc.) manufacturing
Name and title of immediate supervisor Edwin H. Todd, Vice President			Name of employer (firm, organization, etc.) and address (including ZIP Code, if known) Inmont Corporation 1133 Ave. of Americas, New York, N.Y. 10036		
Area Code and phone No. if known (212) 765-1100					
Reason for wanting to leave To accept more responsible position.					
Description of work Engaged as attorney in general corporate matters with particular emphasis on acquisition projects.					
For agency use (skill codes, etc.)					
2 Dates of employment (month, year) From March, 1966 - May, 1969		Exact title of position attorney		If Federal service, classification series and grade	
Salary or earnings Starting \$15,000 per year Final \$17,750 per year		Avg. hrs. per week 45	Place of employment City: New York State: New York	Number and kind of employees supervised one secretary	Kind of business or organization (manufacturing, accounting, insurance, etc.) manufacturing
Name and title of immediate supervisor Mrs S. Hill, V. Pres., Gen. C. & Sec			Name of employer (firm, organization, etc.) and address (including ZIP Code, if known) Delanese Corp., 522 Fifth Ave. New York, N.Y. 10036		
Area Code and phone No. if known (212) 867-2000					
Reason for leaving To accept a better position.					
Description of work Handled general business problems, particularly anti-trust questions and potential merger studies.					
For agency use (skill codes, etc.)					
3 Dates of employment (month, year) From July, 1962 To March, 1966		Exact title of position self employed attorney		If Federal service, classification series and grade	
Salary or earnings Starting \$7,000 per year Final \$16,000 per year		Avg. hrs. per week 60	Place of employment City: Mineola State: New York	Number and kind of employees supervised one secretary	Kind of business or organization (manufacturing, accounting, insurance, etc.) law practice
Name and title of immediate supervisor n/a			Name of employer (firm, organization, etc.) and address (including ZIP Code, if known) 100 East Old Country Rd.		
Area Code and phone No. if known					
Reason for leaving To accept a position involving corporate experience.					
Description of work General legal practice - also served^{as} associate counsel to Joseph F. Carlino, Speaker of the N.Y. State Assembly (1962 - 1964) and as deputy town attorney, Town of North Hempstead, N.Y. (Feb - Nov 1965) and as counsel to investigative subcommittee of the Board of Directors of HARYOU-ACT (Nov 1965 - March 1966)					
For agency use (skill codes, etc.)					

P 1, John H., Jr. Feb 11, 1931

(4) Feb 1961 - June 1962 attorney law firm
 \$7,500 year New York
 \$8,250 year New York
 Arthur M. Michaelson, now General Counsel & V. President Glen Alden Corporation, 1150 Broadway, New York, N.Y. Wachtel & Michaelson, Esq. Law Firm then located at 711 Fifth Ave, N.Y.N.Y. now Ruben, Baum & Leven, Esc 598 Madison Ave., N.Y., N.Y.

Performed general legal work including corporate matters, labor problems and litigation

(5) June 1959 - Feb. 1961 Asst. U.S. Atty., E.D.N.Y. government agency
 \$6,000 year Brooklyn
 \$6,500 year New York
 James M Fitzsimmons, Asst. U.S. Atty. in charge of Civil Division



(6) Sept. 1958 - June 1959 attorney G.S.9
 \$4,980 year Washington
 \$6,000 year D.C. Government agency
 Ira S. Funston, Deputy Solicitor Office of Solicitor, Dept. of Labor
 Worked in several areas including the opinions section of the Solicitor's office

(7) Aug 1956 - Aug 1958 Staff Judge Advocate U.S. Air Force
 Chicago, Ill.
 Newburgh, N.Y.
 Legal officer in U.S. Air Force

John H. Powell, Jr.
February 8, 1970



Grade		Job Title		City: Albion		State (or Foreign Country): New York		New York	
		Assistant U.S. Attorney							

22. REFERENCES. List three persons who are NOT related to you and who have definite knowledge of your qualifications and fitness for the position for which you are applying. Do not repeat names of supervisors listed under Item 18, EXPERIENCE.

Full Name	Present Business or Home Address (Number, street, city, State and ZIP Code)	Business or Occupation
Paul J. Curran	425 Park Ave., New York, N.Y.	lawyer
Howard Jenkins, Jr.	1133 Tuckerman St., N.W., Wash., D.C.	Lawyer
Samuel R. Pierce, Jr.	280 Park Ave., New York, N.Y.	lawyer

23. VETERAN PREFERENCE. A. Have you ever served on active duty in the United States military service? (Exclude tours of active duty for training as a reservist or Guardsman.)

B. List for all active military service:			C. Have you ever been discharged from the armed services under other than honorable conditions? (You may omit any such discharge changed to honorable by a Discharge Review Board or similar authority.)	
Dates (From-To)	Branch	Serial or Service Number	Yes	No
Aug '56	U.S. Air Force	A003009659	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Aug '58			<input type="checkbox"/>	<input checked="" type="checkbox"/>
			D. Do you claim 5-point preference based on active duty in the armed forces?	
			<input checked="" type="checkbox"/>	<input type="checkbox"/>
			E. Do you claim 10-point preference?	
			<input type="checkbox"/>	<input type="checkbox"/>

ANSWER ITEMS 24 THROUGH 33 BY PLACING AN "X" IN THE PROPER COLUMN

Item	Yes	No
24. Are you a citizen of the United States? If "No," give country of which you are a citizen:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
25. Before answering this question read Item 25 in the attached instructions.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
A. Are you now, or within the last ten years have you been, a member of:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(1) The Communist Party, U.S.A., or any subdivision of the Communist Party, U.S.A.?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) An organization that to your present knowledge advocates the overthrow of the constitutional form of government of the United States by force or violence or other unlawful means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. If your answer to item A(1) or A(2) is "Yes," write your answers to the following questions in Item 34 or on a separate piece of paper:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(1) The name of the organization? (2) The dates of your membership? (3) Your understanding of the aims and purposes of the organization at the time of your membership?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
26. To insure that you are not placed in a position which might impair your health, or which might be a hazard to you or to others, we need information about the following: Do you have, or have you had, heart disease, a nervous breakdown, epilepsy, tuberculosis, or diabetes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
27. Within the last five years have you been fired from any job for any reason?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
28. Within the last five years have you quit a job after being notified that you would be fired?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
29. Have you ever been convicted of an offense against the law or forfeited collateral, or are you now under charges for any offense against the law? (You may omit: (1) traffic violations for which you paid a fine of \$30.00 or less; and (2) any offense committed before your 21st birthday which was finally adjudicated in a juvenile court or under a Youth Offender law.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
30. While in the military service were you ever convicted by general court-martial?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
31A. Does the United States Government employ in a civilian capacity or as a member of the Armed Forces any relative of yours (by blood or marriage)? (See Item 31 in the attached instruction sheet.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Do you live with, or within the past 12 months have you lived with, any of these relatives who are employed in a civilian capacity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
32. Do you receive or have you applied for retirement pay, pension, or other compensation based upon military or Federal civilian service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
33. Are you an official or employee of any State, territory, county, or municipality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If more space is required, use full sheets of paper approximately the same size as this page. Write on EACH sheet your name, birth date, and examination (or position) title. Attach all sheets to this Statement at the top of Page 3.

ATTENTION: READ THE FOLLOWING PARAGRAPH CAREFULLY BEFORE SIGNING THIS STATEMENT

Any false answer to any question in this Statement may be grounds for not employing you, or for dismissing you after you begin employment, and may be punishable by fine or imprisonment (U.S. Code, Title 18, Sec. 1001). All statements are subject to investigation, including a check of your fingerprints, police records, and former employers. All the information you give will be considered in reviewing your Statement and is subject to investigation. A false answer to Items 25 A or B could deprive you of your right to an annuity when you reach retirement age in addition to the penalties described above.

CERTIFICATION

I CERTIFY that all of the statements made in this Statement are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

SIGNATURE (Sign in ink)

DATE SIGNED

John H. Powell Jr.
February 8, 1970

DO NOT WRITE IN THIS BLOCK—FOR USE OF EXAMINING OFFICE ONLY

- Refer for medical action Medical action Approved by Disapproved (reason):

Announcement No.	Name	Entered Register:		Option	Grade	Earned Rating	Preference	Aug. Rating	Initials and Date	THIS SPACE FOR USE OF APPOINTING OFFICER ONLY	Signature and Title	Date
		Material	Entered Register:									
		<input type="checkbox"/> Appor.	<input type="checkbox"/> Submitted				<input type="checkbox"/> 5 Points (Tent.)			<input type="checkbox"/> 5-Pt. <input type="checkbox"/> 10-Pt. Comp. Disab. <input type="checkbox"/> 10-Pt. Other Preference has been verified through proof that the separation was under honorable conditions, and other proof as required.		
		<input type="checkbox"/> Nonappor.	<input type="checkbox"/> Returned				<input type="checkbox"/> 10 Points Comp. Dis.					
		Notations:					<input type="checkbox"/> Other 10 Points					
		Form Reviewed:					<input type="checkbox"/> Disab.					
		Form Approved:					<input type="checkbox"/> Being Investigated					

THIS SPACE FOR USE OF APPOINTING OFFICER ONLY

- 5-Pt. 10-Pt. Comp. Disab. 10-Pt. Other

Preference has been verified through proof that the separation was under honorable conditions, and other proof as required.

Signature and Title

Agency

Date

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
WASHINGTON, D.C. 20506

October 17, 1974

Mr. Robert L. Warlick
Vice President
Civic and Government Relations
Purex Corporation
5101 Clark Avenue
Lakewood, California 90712

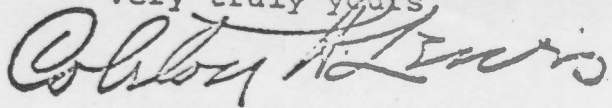
Re: EEOC vs. Purex Corporation
Case No. YSL 2-104

Dear Mr. Warlick:

I have in my possession a letter to you from John H. Powell, Jr., Chairman of this Commission, which says among other things, that he has taken the above styled matter from the General Counsel's office with a view toward returning it to Compliance with assistance of the District Directors offices where your companies are located.

This is to advise, that it is not within the power of the Chairman's office to transfer any matter from the General Counsel's office, absent of a mandate from the full Commission. The authority given to the General Counsel to proceed in such matters emanate from a vote by the Commission. This vote cannot under any circumstances be modified, nullified, or abrogated by the Chairman or anyone else. Therefore, the Chairman's letter to you of the 16th of September is of no effect on the above styled matter and any further dealings should be through the office of General Counsel. I am

Very truly yours



Colston A. Lewis
Commissioner





EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
WASHINGTON, D.C. 20505
MEMORANDUM



IN REPLY REFER TO:

TO: The Chairman
FROM: William A. Carey
General Counsel

DATE: September 30, 1974

RE: EEOC v. Purex Corp., Civil Action No. 73 C 458(2).

This memorandum is my objection to what I consider unwarranted and unauthorized interference by you with the Office of General Counsel's conduct of the litigation in the captioned Purex Corporation case which is presently pending in the United States District Court for the Eastern District of Missouri.

This interference seems plain from your letter of September 16, 1974, to Robert L. Warlick, a vice-president of the Purex Corporation. A copy of this letter is attached. This letter reflects that in the course of my office's litigation efforts in this case, Purex was told by you that:

(1) My Chicago Litigation Center staff was perhaps involved in a "regrettable misunderstanding" with Purex representatives.

(2) You had personally injected yourself into trial strategy in this case by instructing the Chicago Litigation Center to meet with a Purex representative and then to provide you with a "status report" by September 30, 1974 concerning this case (even though such reports, as you know, are routinely prepared in the regular course of business by this Office concerning all litigation matters).



(3) You had earlier conducted a meeting in Washington with Purex concerning this litigation in the absence of any General Counsel representative. You also asserted that District Office staffs would be "capable and willing" to assist you in your compliance efforts.

At the heart of this memorandum is the fact that the Office of General Counsel and its staff (which of course includes the Chicago Litigation Center) were wholly unaware of your intervention as set forth above until you wrote Purex with a carbon copy sent to the Chicago Litigation Center. You never informed me, William Robinson or Ron James of these matters. As you know, Mr. Robinson is the Associate General Counsel in charge of all OGC litigation matters and Mr. James is the OGC's Regional Attorney whose staff is prosecuting this case.

I might further add that you seem to have failed to recognize:

First: That under Section 705 of Title VII the conduct of litigation is the province of the General Counsel.

Second: That your personal intervention has at once lessened the opportunity for a successful resolution of this case; compromised the integrity of the Office of General Counsel's litigation process by giving the appearance that special treatment may be obtained by personal ex parte contact with you; and provided the unfortunate opportunity for the staff of the General Counsel to believe that hard fought efforts may be circumvented or rendered nugatory by negotiations which neither my staff nor I are aware of; and



Third: That you have begun a precedent which, if not stopped in its tracks, presents a clear and present danger of undermining public confidence in the impartial and even-handed Commission enforcement of Title VII. That is to say that if your personal intervention were to be tolerated, every one of the some 425+ respondents against whom suit has been authorized could expect to receive the same personal attention of the Chairman. Failure to give such personal attention would involve the Chairman in personal selectivity which is always the hallmark of special treatment and its commitment to public misunderstanding.

On a final note, I believe it is appropriate to point out that I often receive requests from respondents for special or individualized treatment with respect to cases filed against them. Without exception, I have found it not only desirable but appropriate to inform the representatives of those respondents that they should deal with our regional attorneys or headquarters staff responsible for the prosecution of such cases. It is my honest belief that the fair and impartial enforcement of Title VII mandates nothing less.*

When I accepted from the President the appointment of General Counsel, I understood my obligation to be to conduct the Commission's litigation to the best of my ability in accordance with the highest ethics of the legal profession. Under no circumstances can I tolerate the personal intervention of anyone in a litigation matter pending in the Office of General Counsel.

Attachment

cc: EEOC Commissioners

*Of course, the General Counsel must always be available, and indeed responsible for the direction, control, and review of major litigation matters.



Some items in this folder were not digitized because it contains copyrighted materials. Please contact the Gerald R. Ford Presidential Library for access to these materials.

[Dec. 1974?]

You might take a look into Powell's empire. You may be interested in the astronomical and wasteful cost of moving EEOC from G street to the Columbia Plaza building. The ridiculous cost includes around \$20,000 for a private bathroom and \$15,000 for a private kitchen in Chairman Powell's office. (I saw them yesterday - automatic dish washer, 3-plate electric stove, regular sink and metal cabinets). This whole move and cost authorized by Powell, probably well over one million dollars.

These facts can be verified with Ms. Yvette Duggar - EEOC Director of the Office of Management.

You can also ask the other Commissioners.

You can also ask General Counsel Bill Carey.

To top it all, the morale of EEOC personnel throughout is extremely low.

Jack Anderson could really blow up this kind of information if he ever got a hold of it.

Someone interested in the welfare
of the Commission and The White House



12-12-74

Jack Anderson

Tortured Greek Hero Due in U. S.

WASHINGTON — A Greek military hero, who fought beside American troops in Korea and later was tortured unmercifully by the Greek dictatorship, is now seeking treatment in the United States.

He is Maj. Spyridon Moustaklis, now 48, who began his military career against the Nazis in World War II and then fought at

counsel of the General Services Administration has spent thousands of dollars of the taxpayers' money on a whirlwind romance with another man's wife.

The government Lochinvar is Harold "Ted" Trimmer, who flew with a beautiful associate on romantic escapades and charged the expenses to the taxpayers as official business. He was

us there was no relation between the romance and her promotion to the national coordinator's job. Mrs. Riordan, now divorced, made the same point. Both their friends and GSA spokesmen assert that both are competent in their jobs and that they put in long, daylight hours for the government during their trips.

LIBRARY

Goodell Slated to Be Attorney General

By Jack Anderson

Charles Goodell, the former Republican senator who was ridden out of office by the Nixon administration because of his anti-war views, has now been

came away from a meeting with Mr. Ford a few weeks ago with the understanding that he could keep it.

At the White House, Saxbe is admired for his tough stands on crime which have also won him

up 38%; Parkay margarine and Welch's grape jelly to go on the muffins, up 106% and 41% respectively; Pillsbury Hungry Jack pancakes, up 32%; Log Cabin syrup for the pancakes, up 36%; M.J.B. instant coffee, up

thorized interference" in a delicate discrimination case against the Purex Corp.

Instead of fighting for employees' rights through normal legal channels, charged Commission general counsel William Carey.



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

WASHINGTON, D.C. 20506

MEMORANDUM

IN REPLY REFER TO:

TO: The Chairman

DATE: September 30, 1974

FROM: William A. Carey
General Counsel

WAC

RE: EEOC v. Purex Corp., Civil Action No. 73 C 458(2).

This memorandum is my objection to what I consider unwarranted and unauthorized interference by you with the Office of General Counsel's conduct of the litigation in the captioned Purex Corporation case which is presently pending in the United States District Court for the Eastern District of Missouri.

This interference seems plain from your letter of September 16, 1974, to Robert L. Warlick, a vice-president of the Purex Corporation. A copy of this letter is attached. This letter reflects that in the course of my office's litigation efforts in this case, Purex was told by you that:

(1) My Chicago Litigation Center staff was perhaps involved in a "regrettable misunderstanding" with Purex representatives.

(2) You had personally injected yourself into trial strategy in this case by instructing the Chicago Litigation Center to meet with a Purex representative and then to provide you with a "status report" by September 30, 1974 concerning this case (even though such reports, as you know, are routinely prepared in the regular course of business by this Office concerning all litigation matters).



(3) You had earlier conducted a meeting in Washington with Purex concerning this litigation in the absence of any General Counsel representative. You also asserted that District Office staffs would be "capable and willing" to assist you in your compliance efforts.

At the heart of this memorandum is the fact that the Office of General Counsel and its staff (which of course includes the Chicago Litigation Center) were wholly unaware of your intervention as set forth above until you wrote Purex with a carbon copy sent to the Chicago Litigation Center. You never informed me, William Robinson or Ron James of these matters. As you know, Mr. Robinson is the Associate General Counsel in charge of all OGC litigation matters and Mr. James is the OGC's Regional Attorney whose staff is prosecuting this case.

I might further add that you seem to have failed to recognize:

First: That under Section 705 of Title VII the conduct of litigation is the province of the General Counsel.

Second: That your personal intervention has at once lessened the opportunity for a successful resolution of this case; compromised the integrity of the Office of General Counsel's litigation process by giving the appearance that special treatment may be obtained by personal ex parte contact with you; and provided the unfortunate opportunity for the staff of the General Counsel to believe that hard fought efforts may be circumvented or rendered nugatory by negotiations which neither my staff nor I are aware of; and



Third: That you have begun a precedent which, if not stopped in its tracks, presents a clear and present danger of undermining public confidence in the impartial and even-handed Commission enforcement of Title VII. That is to say that if your personal intervention were to be tolerated, every one of the some 425+ respondents against whom suit has been authorized could expect to receive the same personal attention of the Chairman. Failure to give such personal attention would involve the Chairman in personal selectivity which is always the hallmark of special treatment and its commitment to public misunderstanding.

On a final note, I believe it is appropriate to point out that I often receive requests from respondents for special or individualized treatment with respect to cases filed against them. Without exception, I have found it not only desirable but appropriate to inform the representatives of those respondents that they should deal with our regional attorneys or headquarters staff responsible for the prosecution of such cases. It is my honest belief that the fair and impartial enforcement of Title VII mandates nothing less.*

When I accepted from the President the appointment of General Counsel, I understood my obligation to be to conduct the Commission's litigation to the best of my ability in accordance with the highest ethics of the legal profession. Under no circumstances can I tolerate the personal intervention of anyone in a litigation matter pending in the Office of General Counsel.

Attachment

cc: EEOC Commissioners



*Of course, the General Counsel must always be available, and indeed responsible for the direction, control, and review of major litigation matters.

Powell file

November 14, 1974

MEMORANDUM

TO: John H. Powell, Jr.
Chairman

FROM: William A. Carey
General Counsel

I am in possession of irrefutable evidence (including times, places, and persons present) that you have been telling government officials and others that I have a serious drinking problem.

It seems to me that little purpose would be served by engaging in discourse on such an issue since you have so clearly drawn non-negotiable lines. It is enough to say that I do not believe that government employment either diminishes my rights or enlarges yours.

Accordingly, it is my intention upon the next such occasion to obtain private legal counsel to assert my rights to the full extent.

WAC:mhb
11-14-74



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
WASHINGTON, D.C. 20506
November 29, 1974

MEMORANDUM

TO: John H. Powell, Jr.
Chairman

FROM: William A. Carey *WAC*
General Counsel

RE: Signature Authority - Lawyers' Committee Contract

I understand that on November 27 you instructed a member of my staff to sign my signature to a memorandum involving the very delicate subject of the funding of the Lawyers' Committee. Quite properly this staff member refused to do so. Apparently, you believe that there is no limit to your authority, a belief that I suggest you re-examine. Your instructions to sign my name to a document involving a very delicate matter to me is unprecedented.

When that approach failed you ordered my staff member to give you her personal advice on this matter. While I agree with her personal advice contained in her memorandum to you of November 27, it remains just that: personal advice.

This office issues legal opinions and advice thru its staff and General Counsel as a unitary body. While I do not doubt your statutory authority to order a member of my staff to give personal advice that seems to me to be a procedure that can only fragment an office.



I can anticipate that your response will be, among others, that I was not available for advice. I was. Between 1:00 and 2:15 p.m., I was keeping a luncheon date of long standing. However, my secretarial staff knew where I could be reached during that period and with the exception of that period I was in the office the entire day until after 6:00 p.m.

cc: Commissioners





EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
WASHINGTON, D.C. 20506

November 19, 1974


MEMORANDUM FOR:

John H. Powell, Jr.
Chairman

RE: Discrepancies in Overtime Claimed
by Charles Crawford

In reviewing the complete record of the above styled matter, as presented to me, it is apparent that a concerted effort has been made to seize the opportunity to take a simple violation of Commission Rules and Regulations by an employee, and attempt to utilize an employee's misconduct in an effort to demean, insult and impugn the character of a fellow Commissioner.

The fact that this matter is still viable, even in light of the overwhelming evidence indicating the employee's misconduct, is evidence which indicates to me you have no respect for the fellow members of the Commission or for the position which you hold. In addition, the attached memorandum from the General Counsel demonstrates that you are no stranger to character assassination. I find your conduct in this regard to be of a very questionable nature.


Colston A. Lewis
Commissioner



Attachment

cc: All Commissioners
General Counsel

THE WHITE HOUSE

WASHINGTON

12/4/74

Phil A:

Had a call from
Ken Garment on the
Powell matter.

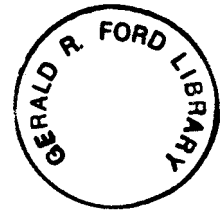
He expressed a view
that it might be better
tactics to try casing
Powell out through putting
him on notice of a
need to reshape operations
over the next 7 mos
(at which time Ethel
Walsh's term expires)
when, if Powell does not
succeed, a new appointment
would be made of a
person who would also
become chairman.

In any event he is
concerned about our (over)

undertaking an investigation,
with the possible consequence
that Powell's reaction
will be to misrepresent
our motives and to arouse
his supporters into a
strong public defense of
him.

He also raises the matter
of developing new
legislation to rationalize
the Civil Rights enforcement
program.

P.



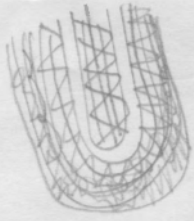
Ken L.

Re: Criminal Div

J.A. +

203 para on
allegations





22

Caren Klaus

any good



Carm Kaas

40

Assoc. Lab. (wage & hour)

Hardman

March 25

Solid in wage & hour

Seriously Considered by Labor Comm.

Not women's Lib.



160 B, A
12/3

THE WHITE HOUSE

WASHINGTON

December 2, 1974

MEMORANDUM FOR: PHIL BUCHEN
~~PHIL AREEDA~~

FROM: DICK CHENEY *D*

I was called tonight, Monday, December 2nd, by a man named Don Zimmerman.

He is the Majority Counsel on the Labor Committee on the Hill.

He indicated to me that he was visited recently by members of the Equal Employment Opportunity Commission who were very critical of Chairman Powell.

He said they alleged there were contract irregularities at EEOC, as well as over-spending. In other words, Powell had permitted the Commission to spend more than had actually been appropriated, which obviously violated federal statutes.

In addition, Powell has supposedly refused and told the staff to refuse to permit other Commissioners to look at the books, and there are allegations that Powell himself has personal irregularities in his travel and expense accounts.

Supposedly, Paul O'Neill has some general knowledge of the problems in EEOC, but Zimmerman wanted to call me to make certain the White House is aware of this. Specifically, he'd like to have someone sit down with these Commissioners.

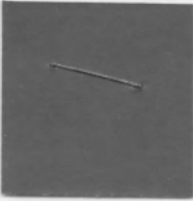
I think we should move immediately to look into this entire matter. We cannot let any time pass over it, because we've now been put on notice by the Majority Counsel of the relevant Congressional Committee.

Would you please contact Paul O'Neill immediately. See what additional information you can get, and move as quickly as possible to make certain that we take whatever action is appropriate.

Silberman
O'Neil
Walker
Cheney
Stan Scott
PA
PB (if available)



160 B, A
12/3



THE WHITE HOUSE

WASHINGTON

December 2, 1974

MEMORANDUM FOR:

✓ PHIL BUCHEN
PHIL AREEDA

FROM:

DICK CHENEY D

I was called tonight, Monday, December 2nd, by a man named Don Zimmerman.

He is the Majority Counsel on the Labor Committee on the Hill.

He indicated to me that he was visited recently by members of the Equal Employment Opportunity Commission who were very critical of Chairman Powell.

He said they alleged there were contract irregularities at EEOC, as well as over-spending. In other words, Powell had permitted the Commission to spend more than had actually been appropriated, which obviously violated federal statutes.

In addition, Powell has supposedly refused and told the staff to refuse to permit other Commissioners to look at the books, and there are allegations that Powell himself has personal irregularities in his travel and expense accounts.

Supposedly, Paul O'Neill has some general knowledge of the problems in EEOC, but Zimmerman wanted to call me to make certain the White House is aware of this. Specifically, he'd like to have someone sit down with these Commissioners.

I think we should move immediately to look into this entire matter. We cannot let any time pass over it, because we've now been put on notice by the Majority Counsel of the relevant Congressional Committee.

Would you please contact Paul O'Neill immediately. See what additional information you can get, and move as quickly as possible to make certain that we take whatever action is appropriate.



Tuesday 12/3/74

MEETING
12/3/74
5:00 p. m.

1:00 We have scheduled the meeting on EEOC for 5 o'clock
this afternoon (Tuesday 12/3).

The following people will be attending:

Larry Silberman

Paul O'Neill (available between 5 and 5:30)

Dick Cheney

William Walker (has a 4 o'clock with two Senators but hopes to
get back by 5 o'clock)

Stan Scott

The meeting will be held in the Situation Room Conference Room.

cc: Mr. Areeda



DRAFT for Phillip Areeda

12/4/74
from
Jay French

RE: Chairman, Equal Employment Opportunity Commission

This memorandum is for the purpose of informing you of certain alleged misconduct on the part of John Powell, Chairman of the Equal Employment Opportunity Commission. Powell was appointed in January 1974 for a term of five (5) years.

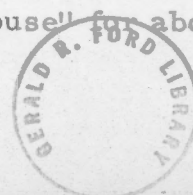
The allegations, generally characterized by the labels of mismanagement, unlawful conduct and obvious improprieties, have been made by the Commissioners of the EEOC and its General Counsel. The majority counsel of the House Education and Labor Committee is aware of the charges.

In particular:

(1) The Chairman met with an officer of a corporation, that was then a defendant in a case brought by the Commission's Counsel, without informing the counsel's office. At this meeting he agreed to take the case from the counsel's office and handle it in a different manner.

(2) During his tenure, the Chairman has issued several million dollars in contracts without the approval of any other member of the Commission. As an example, a contract for \$125,000 was issued to produce a contract management manual. The same manual could have been produced "in house" for about \$10,000.

w/o cn



(3) The Chairman unilaterally decided to move the Commission's headquarters at a cost of \$1,000,000. Of this amount \$23,000 was the cost of the physical move, while \$23,000 was to install a kitchen and bath in the Chairman's office and \$187,000 was for a "space study."

(4) The members of the Commission have directed that an audit be held of the Financial Management Division. The Chairman has refused to supply copies of interim reports of this audit and has threatened to discharge the chief of the audit staff if he provides copies to the Commissioners. It is alleged that the Chairman has arbitrarily fired personnel and harassed others by phone calls at home and public abuse. Morale is very low and experienced staff members are resigning their positions.



Needs fossils

one vac.

Kendrick

[Jan. 1975]

Lewis

Appt + Conf'd JAN 24

Gen Ad Civ Rts Com

No till 7.94p.

Thought to be "crazy"

July was speaker for a month

No leadership, no admin leadership
Mgmt disaster; falling apart
C Actg Exec Dir - No

Other Commrs can't do w/ him

(might leave if not hired)

Unorganized; hot + cold

Entire staff has left

Other Commrs asked w/ht
for support



Private mtgs w/ Respondents
& w/o Comm

Unreliable

~~FF~~

Carey - honest, respect of
staff; lightweight,
B/W for advice. Drink a lot

good library
able to show the probe
right about

Ego maniac

Agency falling apart



Abner
Smith
Cory

Blacks

lover

Screams + yells in public places
Fires people right + left

==

~~Karen~~



{Jan. 1975?}

77 want to be chairman
(wants to go)

Calvin Lewis

Ellen Walsh (she can't recall)

Bill Corey (wants change)

AFL-CIO

NAACP

Pollard

Davis

Jackson

Mitchel

Always had the chance
to be effective
Chairman

Mitchel & Jackson can't talk w/ them

It will only be removed if he don't work out



EEOC file

John Powell, Chairman of the Equal Employment Opportunity Commission, was appointed in January, 1974 for a statutory term of five years. You may designate someone else as Chairman at any time. You can also remove a member for cause. Whether a member may be removed at your pleasure is being researched.

Various allegations of impropriety have been made against Powell by the other Commissioners and by the Commission's General Counsel. (The Majority Counsel of the House Education and Labor Committee is aware of the charges.) The allegations include the following; personal irregularities in his travel and expense accounts; meetings with defendants in cases brought by the Commission without the approval or participation of the Commission's members or litigating officers; contracting on behalf of the Commission without competitive bidding and without the approval of other Commission members; moving the Commission's headquarters at a cost of \$1 million without the approval of the Commission; "wasteful" expenditures; expenditures in excess of appropriated funds in violation of the Anti-Deficiency Act; refusal to supply Commission members with audits ordered by the Commission of the Financial Management Division; harassment and arbitrary discharge of Commission personnel; public abuse of other Commissioners and of the staff; and comprehensive mismanagement.

