

WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name

Withdrawer

File Folder PE 411537

LOJ 8/30/2005

Box Number

FOIA

F05-139/01

COOK

69LOJ

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	RICHARD HAUSER TO JOHN HERRINGTON	2	6/29/1983	B6	1218
2	MEMO	HAUSER TO BAKER, DEEVER, HERRINGTON	2	6/28/1983	B6	1219
3	MEMO	HAUSER TO BAKER, DEEVER, HERRINGTON (DRAFT)	2	6/28/1983	B6	1220
4	MEMO	JOHN ROBERTS TO FRED FIELDING (OPEN IN WHOLE)	2	4/18/1983	B6	1221

COPY - Reagan Presidential Record

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

- B-1 National security classified information [(b)(1) of the FOIA]
- B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- B-3 Release would violate a Federal statute [(b)(3) of the FOIA]
- B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- B-5 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(5) of the FOIA]
- B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

E.O. 13233

C. Closed in accordance with restrictions contained in donor's deed of gift.

THE WHITE HOUSE
WASHINGTON

April 18, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Charges of Nepotism at USIA

On April 17 The Washington Post ran an article focusing on the hiring at USIA of relatives and friends of Administration officials. On April 18 both AP and UPI reported that Senator Zorinsky had directed inquiries to USIA Director Wick concerning nepotism at USIA. (Articles attached at Tab A.)

The basic prohibition against nepotism is found at 5 U.S.C. § 3110, with accompanying regulations at 5 C.F.R. § 310 (Tab B). These provisions prohibit a "public official" -- defined as an officer with legal authority to appoint individuals in an agency -- from appointing or advocating the appointment of a relative to an agency in which he serves or over which he exercises jurisdiction or control. Under the regulations referring a relative to a subordinate official in the chain of command for a position is deemed to constitute advocating appointment of the relative. 5 C.F.R. § 310.103(c).

Two of the individuals named in the articles -- Anne Collins and Catherine Smyth -- are described as friends, not relatives, of public officials. Neither the statute nor the regulations prohibit any practices involving mere friends. With respect to the other persons the pertinent questions are whether their relatives (1) had legal authority to appoint individuals in USIA (an often-overlooked requirement contained in the definition of "public official") and (2) served in or exercised jurisdiction or control over USIA. USIA is an independent agency within the executive branch. The Director reports to the President and the Secretary of State, and carries out his functions "[u]nder the direction of the Secretary of State." Reorg. Plan No. 2 of 1977, § 2, 91 Stat. 1636.

It would thus seem that the only appointments of even possible concern under 5 U.S.C. § 3110 are those of Barbara Haig and Laurette Conkling, the former because the Secretary of State exercises jurisdiction over USIA and the latter because former VOA director Conkling served in USIA. I have

not yet determined if the young Haig and Conkling were hired before or after their fathers left government service. If after, there would be no 5 U.S.C. § 3110 problem.

Outside of the specific nepotism provisions, the broader rules governing the conduct of government officials may also be pertinent. These rules prohibit, inter alia, "giving preferential treatment to any organization or person" and "making a government decision outside official channels." Whether these broad rules have been violated hinges on the particular facts of each appointment.

I have not yet talked with Jon Sloat, since he has been on the Hill all day. I will report back as soon as I hear from him.