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**Collection:** Roberts, John G.: Files  
**Folder Title:** JGR/Marine Mammal Commission  
(1 of 3)  
**Box:** 32

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# WITHDRAWAL SHEET

## Ronald Reagan Library

**Collection Name**

**Withdrawer**

**File Folder** JGR/MARINE MAMMAL COMMISSION (1)

CAS 8/30/2005

**Box Number** 32

**FOIA**

F05-139/01

COOK

27CAS

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	ROBERTS TO FRED FIELDING RE DINGELL CORRESPONDENCE ON MARINE MAMMAL (PARTIAL)	1	3/1/1983	B6	1244
2	MEMO	ROBERTS TO FIELDING RE CORRESPONDENCE FROM CONGRESSMAN DINGELL ON APPOINTMENT OF NEW CHAIRMAN OF MARINE MAMMAL COMMISSION (PARTIAL)	1	1/7/1983	B6	1246
3	MEMO	ORIGINAL OF ITEM #2 (PARTIAL)	1	1/7/1983	B6	1247
4	MEMO	ANNOTATED COPY OF ITEM #1 (PARTIAL)	1	3/1/1983	B6	1248
5	MEMO	ANNOTATED COPY OF ITEM #2 (PARTIAL)	1	1/7/1983	B6	1249

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

- B-1 National security classified information [(b)(1) of the FOIA]
- B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- B-3 Release would violate a Federal statute [(b)(3) of the FOIA]
- B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

E.O. 13233

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

MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

March 1, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Dingell Correspondence on  
Marine Mammal Commission

You recently returned this package, submitted on January 7, with the notation that you hoped it was "OBE." No response has been sent to Dingell. According to Presidential Personnel, it is now widely known, including by Dingell, that the nomination of [REDACTED] -- the source of Dingell's concern -- is not going forward. A new candidate has not yet been selected for the opening. In light of the elapsed time since receipt of Dingell's letter, no response may now be the best response. Dingell asked in his letter only to be advised of actions taken to fill the Marine Mammal Commission opening, and that can be done when any such action is taken.

b6

THE WHITE HOUSE

WASHINGTON

January 7, 1983

DBH -  
I'd like to believe  
this is OBE -  
it's not, pls  
see me  
>

CONFIDENTIAL - Reagan Presidential Record

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Correspondence from Congressman Dingell  
on Appointment of New Chairman of Marine  
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John Dingell wrote the President on December 10, 1982, to raise concerns about the prospective appointment of a new chairman for the Marine Mammal Commission. He quoted the provisions of the Marine Mammal Protection Act of 1972, 16 U.S.C. § 1401(b)(1) [incorrectly cited in the letter to 15 U.S.C.] which require that commissioners be knowledgeable in marine ecology and chosen from a list submitted by several agencies. Dingell stated he had received "disquieting" reports that those provisions were not being followed, and requested that the President advise him of any actions he might take with regard to this matter and identify how any appointments he might make to the Commission comply with the law.

The Office of Presidential Personnel advises that they are not going ahead with plans to appoint [REDACTED] the apparent source of Dingell's concern. That prospective appointment was never even announced. They have asked that this office draft a reply to Dingell. b6

Dingell's letter does no more than tell the President what the law is and admonish him to abide by it. I have drafted what I consider an appropriate reply to such a presumptuous letter, telling Dingell we are aware of the law and will, as always, comply with it. As for his request to be kept advised of any actions taken with respect to this matter, I would tell Dingell that appointments to Commissions of this sort are routinely publicly announced. The contemplated Hobbs appointment was never announced, and I do not think Dingell has any right to know that we have decided not to pursue it.

000000

COPY - Reagan Presidential Record

THE WHITE HOUSE  
WASHINGTON

January 7, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Correspondence from Congressman Dingell  
on Appointment of New Chairman of Marine  
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THE WHITE HOUSE

WASHINGTON

January 7, 1983

Dear Congressman Dingell:

Thank you for your letter of December 10, 1982, to the President, concerning the Marine Mammal Commission. In that letter you reviewed the provisions of the Marine Mammal Protection Act of 1972 governing appointment of members of the Commission. You requested to be advised of any actions the President might take with respect to new appointments to the Commission, and also requested that the President identify how any appointments comport with the requirements of the Act.

Please be assured that we are well aware of the requirements of the law and will, in this as in every other matter, fully comply with them. With respect to your request that you be apprised of any actions taken concerning new appointments to the Commission, please be advised that any such appointments will be publicly announced, as a matter of course, when made.

Thank you for sharing your concerns with us.

Sincerely,

Fred F. Fielding  
Counsel to the President

The Honorable John D. Dingell  
United States House of Representatives  
Washington, D.C. 20515

FFF:JGR:aw 1/7/83

cc: FFFfielding  
JGRoberts  
Subj.  
Chron

THE WHITE HOUSE

WASHINGTON

January 7, 1983

MEMORANDUM FOR HELENE VON DAMM  
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING  
COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence from Congressman Dingell  
Concerning Marine Mammal Commission

Attached for your review is a proposed response to the December 10, 1982 correspondence from Congressman Dingell concerning the legal requirements for appointees to the Marine Mammal Commission.

Attachment

FFF:JGR:aw 1/7/83

cc: FFFielding  
JGRoberts  
Subj.  
Chron



FB171WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence  
Received (YY/MM/DD) 1/1Name of Correspondent: John D. Dingell☐ MI Mail Report

User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: Appointment of a new Chairman of  
Marine Mammal Commission

## ROUTE TO:

## ACTION

## DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>W Holland</u>	ORIGINATOR	<u>82, 12, 28</u>			<u>1/1</u>
<u>CUAT 18</u>	Referral Note:	<u>D 82, 12, 28</u>			<u>3 83, 01, 08</u>
	Referral Note:	<u>1/1</u>			<u>1/1</u>
	Referral Note:	<u>1/1</u>			<u>1/1</u>
	Referral Note:	<u>1/1</u>			<u>1/1</u>
	Referral Note:	<u>1/1</u>			<u>1/1</u>

## ACTION CODES:

A - Appropriate Action  
C - Comment/Recommendation  
D - Draft Response  
F - Furnish Fact Sheet  
to be used as EnclosureI - Info Copy Only/No Action Necessary  
R - Direct Reply w/Copy  
S - For Signature  
X - Interim Reply

## DISPOSITION CODES:

A - Answered  
B - Non-Special Referral  
C - Completed  
S - Suspended

## FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer  
Code = "A"  
Completion Date = Date of Outgoing

Comments: \_\_\_\_\_

Keep this worksheet attached to the original incoming letter.  
 Send all routing updates to Central Reference (Room 75, OEOb).  
 Always return completed correspondence record to Central Files.  
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.



December 20, 1982

Roberts

Dear Mr. Dingell:

On behalf of the President, I would like to acknowledge and thank you for your letter dated December 10 regarding the appointment of a new Chairman of the Marine Mammal Commission.

You may be assured that the questions you have raised with respect to this matter have been directed to the appropriate White House officials for further review and response. Your concerns are appreciated and will receive most careful consideration.

With best wishes,

Sincerely,

Kenneth M. Duberstein  
Assistant to the President

The Honorable John D. Dingell  
House of Representatives  
Washington, D.C. 20515

KMD:CMF:nap

cc: w/copy of inc, Helene von Damm -- for DIRECT response (with copy to Ken Duberstein)

cc: w/copy of inc, Fred Fielding -- FYI

WH RECORDS MANAGEMENT WILL RETAIN ORIGINAL INCOMING

JOHN D. DINGELL  
15TH DISTRICT, MICHIGAN

WASHINGTON OFFICE:

ROOM 2221, RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, D.C. 20515  
(202) 225-4071

DISTRICT OFFICE:

4917 SCHAEFER ROAD  
DEARBORN, MICHIGAN 48126  
(313) 846-1276

Congress of the United States  
House of Representatives  
Washington, D.C. 20515

December 10, 1982

COMMITTEES:  
CHAIRMAN  
COMMITTEE ON ENERGY AND  
COMMERCE  
CHAIRMAN  
SUBCOMMITTEE ON OVERSIGHT  
AND INVESTIGATIONS  
OFFICE OF TECHNOLOGY  
ASSESSMENT  
NATIONAL COMMISSION ON  
AIR QUALITY  
MIGRATORY BIRD  
CONSERVATION COMMISSION

The Honorable Ronald W. Reagan  
The President  
The White House  
Washington, D. C. 20500

Dear Mr. President:

I understand that you may be considering the appointment of a new Chairman of the Marine Mammal Commission. Questions have been raised about both the process by which the appointment is being made and the qualifications of the person.

As one of the authors of the Marine Mammal Protection Act of 1972, which created the Marine Mammal Commission, I would like to let you know exactly what we had in mind when writing the provisions governing the Commissioners. I draw your attention to the following, which requires:

"(b) (1) The Commission shall be composed of three members who shall be appointed by the President. The President shall make his selection from a list, submitted to him by the Chairman of the Council on Environmental Quality, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, and the Chairman of the National Academy of Sciences, of individuals knowledgeable in the fields of marine ecology and resource management, and who are not in a position to profit from the taking of marine mammals (emphasis added). . ." 15 U.S.C. 1401  
(b) (1)

The Act requires that Commissioners be chosen from a list of names submitted by the National Science Foundation, the Smithsonian Institution, the National Academy of Sciences, and the Council on Environmental Quality. This was done to ensure

114643a

PAGE TWO

unanimous agreement on a list of people knowledgeable in marine ecology and resource management and otherwise qualified to serve as Commissioners. We believed, and continue to believe, that such an approach should provide necessary assurances to you or any President as to the non-political, professional nature of the Commission.

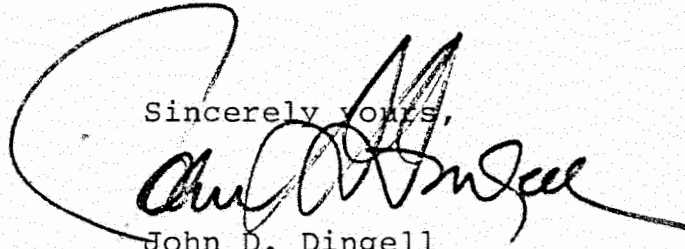
I have received disquieting reports that suggest that the requirements governing the qualifications and development of a list of candidates have not been adhered to. I trust that this is not the case. However, in the event any person is nominated to be the Chairman of the Marine Mammal Commission who fails to meet the requirements of 16 U.S.C. 1401(b)(1), you may be assured of my active involvement.

I request that you apprise me of any actions which you take with regard to this matter and further request that you identify the way in which any appointment which you make to the Commission comports with the requirements of the Act. ] !!!

Thank you for your consideration of this matter.

With every good wish,

Sincerely yours,

  
John D. Dingell  
Member of Congress

WAS/T

THE WHITE HOUSE  
WASHINGTON

Date 3.4.83

Suspense Date \_\_\_\_\_

MEMORANDUM FOR: John

FROM: **DIANNA G. HOLLAND**

**ACTION**

- ☐ Approved
- ☒ Please handle/review
- ☐ For your information
- ☐ For your recommendation
- ☐ For the files
- ☐ Please see me
- ☐ Please prepare response for  
\_\_\_\_\_ signature
- ☐ As we discussed
- ☐ Return to me for filing

**COMMENT**

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MEMORANDUM

THE WHITE HOUSE

WASHINGTON

March 1, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Dingell Correspondence on  
Marine Mammal Commission

You recently returned this package, submitted on January 7, with the notation that you hoped it was "OBE." No response has been sent to Dingell. According to Presidential Personnel, it is now widely known, including by Dingell, that the nomination of [REDACTED] -- the source of Dingell's concern -- is not going forward. A new candidate has not yet been selected for the opening. In light of the elapsed time since receipt of Dingell's letter, no response may now be the best response. Dingell asked in his letter only to be advised of actions taken to fill the Marine Mammal Commission opening, and that can be done when any such action is taken.

*bl*

*Note to Dingell + keep track of this*

THE WHITE HOUSE  
WASHINGTON

January 7, 1983

*DGH -  
I'd like to believe  
this is OBE -  
to not, pls  
see me  
/*

MEMORANDUM FOR FRED F. FIELDING

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The Office of Presidential Personnel advises that they are not going ahead with plans to appoint [REDACTED] the apparent source of Dingell's concern. That prospective appointment was never even announced. They have asked that this office draft a reply to Dingell. *bl*

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THE WHITE HOUSE

WASHINGTON

January 7, 1983

MEMORANDUM FOR HELENE VON DAMM  
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING  
COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence from Congressman Dingell  
Concerning Marine Mammal Commission

Attached for your review is a proposed response to the December 10, 1982 correspondence from Congressman Dingell concerning the legal requirements for appointees to the Marine Mammal Commission.

Attachment



THE WHITE HOUSE

WASHINGTON

January 7, 1983

Dear Congressman Dingell:

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Thank you for sharing your concerns with us.

Sincerely,

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Counsel to the President

The Honorable John D. Dingell  
United States House of Representatives  
Washington, D.C. 20515

THE WHITE HOUSE

The Honorable John D. Dingell  
United States House of Representatives  
Washington, D.C. 20515

THE WHITE HOUSE

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FFF:JGR:aw 1/7/83

cc: FFFielding  
JGRoberts  
Subj.  
Chron

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Fred F. Fielding  
Counsel to the President

The Honorable John D. Dingell  
United States House of Representatives  
Washington, D.C. 20515

FFF:JGR:aw 1/7/83

cc: FFFielding  
JGRoberts  
Subj.  
Chron

# WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- ☐ O - OUTGOING  
☐ H - INTERNAL  
☐ I - INCOMING

Date Correspondence Received (YY/MM/DD) 1/1

Name of Correspondent: John S. Dingell

☐ MI Mail Report User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: Appointment of a new Chairman of Marine Mammal Commission

## ROUTE TO:

## ACTION

## DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CU Holland</u>	ORIGINATOR	<u>82,12,28</u>			<u>1/1</u>
<u>CU AT 18</u>	Referral Note:	<u>D 82,12,28</u>		<u>3</u>	<u>83,01,08</u>
	Referral Note:	<u>1/1</u>			<u>1/1</u>
	Referral Note:	<u>1/1</u>			<u>1/1</u>
	Referral Note:	<u>1/1</u>			<u>1/1</u>

### ACTION CODES:

- A - Appropriate Action  
C - Comment/Recommendation  
D - Draft Response  
F - Furnish Fact Sheet to be used as Enclosure

- I - Info Copy Only/No Action Necessary  
R - Direct Reply w/Copy  
S - For Signature  
X - Interim Reply

### DISPOSITION CODES:

- A - Answered  
B - Non-Special Referral  
C - Completed  
S - Suspended

### FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer  
Code = "A"  
Completion Date = Date of Outgoing

Comments: \_\_\_\_\_

Keep this worksheet attached to the original incoming letter.  
Send all routing updates to Central Reference (Room 75, OEOP).  
Always return completed correspondence record to Central Files.  
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.



## RECORDS MANAGEMENT ONLY

### CLASSIFICATION SECTION

No. of Additional Correspondents: \_\_\_\_\_ Media: L Individual Codes: 1.230 \_\_\_\_\_

Prime Subject Code: FG171 \_\_\_\_\_ Secondary Subject Codes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### PRESIDENTIAL REPLY

Code	Date	Comment	Form
C		Time: _____	P. _____
DSP		Time: _____	Media: _____

#### SIGNATURE CODES:

**CPn - Presidential Correspondence**  
 n - 0 - Unknown  
 n - 1 - Ronald Wilson Reagan  
 n - 2 - Ronald Reagan  
 n - 3 - Ron  
 n - 4 - Dutch  
 n - 5 - Ron Reagan  
 n - 6 - Ronald  
 n - 7 - Ronnie

**CLn - First Lady's Correspondence**  
 n - 0 - Unknown  
 n - 1 - Nancy Reagan  
 n - 2 - Nancy  
 n - 3 - Mrs. Ronald Reagan

**CBn - Presidential & First Lady's Correspondence**  
 n - 1 - Ronald Reagan - Nancy Reagan  
 n - 2 - Ron - Nancy

#### MEDIA CODES:

B - Box/package  
 C - Copy  
 D - Official document  
 G - Message  
 H - Handcarried  
 L - Letter  
 M - Mailgram  
 O - Memo  
 P - Photo  
 R - Report  
 S - Sealed  
 T - Telegram  
 V - Telephone  
 X - Miscellaneous  
 Y - Study

DEC 23 1982

December 20, 1982

*Roberts*

Dear Mr. Dingell:

On behalf of the President, I would like to acknowledge and thank you for your letter dated December 10 regarding the appointment of a new Chairman of the Marine Mammal Commission.

You may be assured that the questions you have raised with respect to this matter have been directed to the appropriate White House officials for further review and response. Your concerns are appreciated and will receive most careful consideration.

With best wishes,

Sincerely,

Kenneth M. Duberstein  
Assistant to the President

The Honorable John D. Dingell  
House of Representatives  
Washington, D.C. 20515

KMD:CMP:nap

cc: w/copy of inc, Helene von Damm -- for DIRECT response (with copy to Ken Duberstein)

cc: w/copy of inc, Fred Fielding -- FYI

WH RECORDS MANAGEMENT WILL RETAIN ORIGINAL INCOMING



JOHN D. DINGELL  
13TH DISTRICT, MICHIGAN

WASHINGTON OFFICE:  
ROOM 2221, RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, D.C. 20515  
(202) 225-4071

DISTRICT OFFICE:  
4917 SCHAEFER ROAD  
DEARBORN, MICHIGAN 48126  
(313) 846-1276

**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515**

December 10, 1982

COMMITTEES:  
CHAIRMAN  
COMMITTEE ON ENERGY AND  
COMMERCE  
CHAIRMAN  
SUBCOMMITTEE ON OVERSIGHT  
AND INVESTIGATIONS  
OFFICE OF TECHNOLOGY  
ASSESSMENT  
NATIONAL COMMISSION ON  
AIR QUALITY  
MIGRATORY BIRD  
CONSERVATION COMMISSION

The Honorable Ronald W. Reagan  
The President  
The White House  
Washington, D. C. 20500

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"(b)(1) The Commission shall be composed of three members who shall be appointed by the President. The President shall make his selection from a list, submitted to him by the Chairman of the Council on Environmental Quality, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, and the Chairman of the National Academy of Sciences, of individuals knowledgeable in the fields of marine ecology and resource management, and who are not in a position to profit from the taking of marine mammals (emphasis added). . ." 15 U.S.C. 1401  
(b)(1)

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114643a

PAGE TWO

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I have received disquieting reports that suggest that the requirements governing the qualifications and development of a list of candidates have not been adhered to. I trust that this is not the case. However, in the event any person is nominated to be the Chairman of the Marine Mammal Commission who fails to meet the requirements of 16 U.S.C. 1401(b)(1), you may be assured of my active involvement.

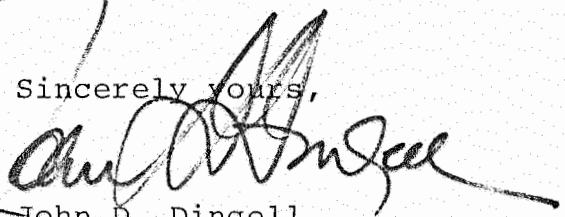
I request that you apprise me of any actions which you take with regard to this matter and further request that you identify the way in which any appointment which you make to the Commission comports with the requirements of the Act.

!!!

Thank you for your consideration of this matter.

With every good wish,

Sincerely yours,



John D. Dingell  
Member of Congress

WAS/T