

MEMORANDUM
OF CALL

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TO:

YOU WERE CALLED BY— YOU WERE VISITED BY—

OF (Organization)

per Mr. Almond

PLEASE CALL WILL CALL AGAIN RETURNED YOUR CALL IS WAITING TO SEE YOU WISHES AN APPOINTMENT

PHONE NO.
CODE/EXT.

MESSAGE

*Capt Shade is ISA has reviewed
the files & did not turn up
anything substantive as to
Worley or Clifford*

RECEIVED BY DATE TIME

STANDARD FORM 63
REVISED AUGUST 1967
GSA FPMR (41 CFR) 101-11.6

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Mr Almond

December 14, 1973

MEMORANDUM FOR GENERAL WICKHAM

SUBJECT: The Marianas - Mr. Paul C. Warnke

F T T P I

This refers to your inquiry to me with respect to whether there is any restriction against the representation by Mr. Warnke of the citizens of the Marianas in dealing with representatives of the United States Government.

Mr. Warnke served as General Counsel of the Department of Defense from October 3, 1966 to July 31, 1967 and as Assistant Secretary of Defense (ISA) from August 1, 1967 to February 15, 1969.

Under 18 U. S. C. 207 there are two disqualifications for former government officers. In reverse order, subparagraph b of this statute prohibits such a former officer for a period of one year after he quits government from any representational activity involving a matter which was under his official responsibility (regardless of his participation). This year has of course expired in the case of Mr. Warnke.

Under subsection a an officer of the government is forbidden forever to represent anyone in connection with a matter in which the United States is interested and in which he participated personally and substantially.

There is also an "attribution" rule which extends the disability of an officer to his partners under Section 208c. Thus, any disability attached to Mr. Clark M. Clifford would attach to Mr. Warnke since they are now partners. Mr. Clifford served as Secretary of Defense from March 1, 1968 to January 20, 1969.

The Marianas are included in the so-called "Trust Territories of the Pacific Islands" (TTPI). ISA personnel responsible for TTPI matters at the time of Mr. Warnke's tenure are no longer on board. If necessary we can make inquiries outside the building. The formal documents which we find in the files of the General Counsel and ISA include a memorandum by the Deputy Secretary of Defense dated 25 July 1968 designating Mr. Ralph Earle, II, the Principal Deputy Assistant Secretary of Defense (ISA), as the officer responsible for

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TTPI affairs. There is also a letter addressed to Secretary Clifford dated April 5, 1968 requesting testimony on the bills establishing the status of the TTPI. There is no indication of any personal involvement of Mr. Clifford who would routinely be addressed as head of the Department in relation to such congressional requests.

On the basis of this meager information I am unable to conclude that Mr. Warnke has participated "personally and substantially" in TTPI matters. However, there would be no objection to having the Interior Department people raise this issue with Mr. Warnke. He should wish to avoid embarrassment, just as the government representatives. Interior probably has in its regulations some provision requiring its personnel to inquire about such disabilities. For example, Department of Defense personnel are prohibited from knowingly dealing with former military or civilian personnel if such action will result in a violation of a statute or policy. (DoD Directive 5500.7, Section IV. B.) In fact, I would have no objection to telephoning Mr. Warnke in order to raise this issue with him myself, if this is indicated.

(Signed) L

Niederlehner

L. Niederlehner
Acting General Counsel