

March 24, 1971

Honorable Robert E. Hampton
Chairman
Civil Service Commission
Washington, D. C. 20415

Dear Mr. Chairman:

The Civil Service Commission, on November 6, 1970, approved our recommendation that professional-level positions in grades GS-13 through GS-15 allocated to this Office be excepted from the competitive service and placed under Schedule A.

We have now further defined our program and staffing requirements. In so doing, we have identified the need to augment our analytic capability with highly qualified but younger and more junior professional staff -- generally recent graduate students possessing masters or doctoral degrees in various disciplines. We believe that such talent is a necessary and valuable complement to the more senior members of our professional staff.

Since many of the individuals that we wish to attract may be interested only in working at the Executive Office level for two or three years before returning to academic or other research careers, we are recommending that professional positions in the mid-level range of grades GS-9 through GS-12 also be excepted from the competitive service and placed under Schedule A.

Before submitting this proposal, we have carefully investigated alternative appointing authorities to determine if any would adequately facilitate the recruitment and hiring of exceptionally qualified junior personnel. None of the alternatives identified meet the stringent flexibility requirements for assembling an interdisciplinary staff at the highest level of Government involved in one of the most sensitive of all public policy areas. The alternatives considered include: excepted appointing authority for professional staff completing certain academic requirements; persons referred by the National Research Council under the post-doctoral research associate program; term appointments; and waiver of the certification process under certain circumstances.

Essentially, we are interested in professionals who will devote their full energies to OTP and who will not be pursuing further academic courses during their period of employment with us; the other alternatives considered are either excessively time-consuming or, in the case of the waiver approach, do not sufficiently guarantee that we will be able to reach the particular person being recruited. Timeliness and flexibility in our appointing authority are especially important since we are seeking the exceptionally qualified person who will be intensively recruited by other employers.

We believe that this Schedule A appointing authority will permit us to have the necessary flexibility to recruit highly gifted but relatively junior professional staff associates possessing the latest and most current academic training and analytic skills. Of course, such Schedule A authority will not extend to incumbent employees serving with competitive status under career or career-conditional appointments.

It is estimated that, for the present, there will not be more than seven professional positions at the GS-9 through GS-12 level. This number may increase over time if budget resources available to the Office are also increased. We have developed a recruitment program, dictated by immediate staff requirements, to attract June graduate students from leading universities and, therefore, urgently request your approval of the proposed action.

Sincerely,



Clay T. Whitehead

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cc:

Mr. Whitehead (2) ✓

Subject file

Reading file

CSC

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF TELECOMMUNICATIONS POLICY
WASHINGTON, D.C. 20504

DIRECTOR

February 1, 1971

Honorable Robert Hampton
Chairman
Civil Service Commission
Washington, D. C. 20415

Dear Bob:

I will be transmitting in the near future a personnel action request concerning establishment of the position of General Counsel in this Office. I consider this to be the single most important personnel action which I have requested, or will be requesting, from the Commission.

This action establishes the position of General Counsel for this Office at the GS-18 level. I consider this to be essential, both to attract the kind of person necessary and to enable him to perform effectively the job we have to do.

The President and the Congress have made it clear that OTP is to reassess the very foundation of our national communications policy and to recommend whatever institutional and legislative changes may be needed. We also are to coordinate the communications planning activities of the executive branch agencies -- which go to the heart of our national security and encompass billions of dollars annually.

The legal aspects of communications policy are pervasive and complex. They include important Constitutional issues, large segments of contract, corporation, and antitrust law, and regulatory legislation at every governmental level. The General Counsel of this Office, then, must combine truly outstanding legal talent with the creativity and broad perspective necessary for policy formulation.

The demands on this position are compounded by the fact that our policy role is one of decision and action rather than staff advice. The General Counsel will be required to work with top officials of other

agencies such as the FCC, OMB, Justice, Defense, Commerce, and State, as well as members of the Congress and the White House staff. He must have the stature to deal with those officials on a personal basis and to assert the position of this Office effectively when views conflict. I do not believe he can adequately represent this Office if his stature is less than that of a GS-18.

I have discussed this matter with other White House officials, and they agree. Since I have been operating now for more than four months without high-level, in-house legal assistance, I also attach considerable urgency to this request.

Sincerely,



Clay T. Whitehead

cc: Mr. Peter Flanigan
Mrs. Margaret Cates
Mrs. Betty Johnston
Mr. Whitehead

Scalia/Whitehead:jm