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**Collection:** Roberts, John G.: Files  
**Folder Title:** JGR/Promotion List Removal  
**Box:** 46

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# WITHDRAWAL SHEET

Ronald Reagan Library

**Collection Name**

**Withdrawer**

**File Folder** JGR/ PROMOTION LIST REMOVAL

MJD 8/30/2005

**Box Number** 46

**FOIA**

F05-139/01

COOK

18MJD

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	JOHN ROBERTS TO FRED FIELDING RE PROMOTION LIST (PARTIAL)	2	3/2/1984	B6	804
2	MEMO	JOHN ROBERTS TO FRED FIELDING RE PROMOTION LIST (ANNOTATED) (PARTIAL)	2	3/2/1984	B6	805

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-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.

THE WHITE HOUSE

WASHINGTON

March 2, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Litigation Concerning Removal of [REDACTED]  
[REDACTED] from Promotion List

b6

On September 15, 1982, the President submitted a list of military promotions to the Senate. [REDACTED] name had been removed from the list by the President, upon the recommendation of the Department of Defense, as provided by 10 U.S.C. § 629. [REDACTED] filed suit challenging his removal, and the case is now in trial. Major Wayne Price, who is handling the case for the Army, has advised that he needs to prove that the President did in fact exercise his authority to remove [REDACTED] name from the promotion list.

b6

The evidence of this removal is the President's signature on the nomination list, which does not contain [REDACTED] name. By memorandum dated August 26, 1982, Deputy Secretary of Defense Frank Carlucci submitted for the President's approval a list of 526 officers recommended for promotion (enclosure 1), the board reports on the promotions (enclosure 2), and a list of 12 officers recommended for removal from promotion lists (enclosure 3). Carlucci's memorandum stated "Your signature signifies approval of the board reports at Enclosure 2 and removal of the officers at Enclosure 3." As noted, the President signed the promotion list on September 15, 1982 -- thereby signifying his decision to remove [REDACTED]

b6

Price would like the Executive Clerk to sign a statement that the packet from Carlucci -- the August 26 memorandum and three enclosures -- was submitted as a packet. Price has submitted a one-sentence certification to be signed by Ron Geisler, certifying that "the attached" -- the Carlucci memorandum and three enclosures -- is a true and exact copy of what was provided by Carlucci to the President.

I have no objections. The documents are not internal White House memoranda, and in fact are already in the possession of the plaintiff's counsel (obtained from Defense). Price feels that he needs to link the President's signature on the promotion list to [REDACTED] removal, which is accomplished by

b6

the Carlucci memorandum if it is also established that the removal papers were attached to the nomination list. The one-sentence certification establishes the latter fact. If you agree, I will have Geisler sign the certification on Monday.

Attachment

THE WHITE HOUSE

WASHINGTON

March 5, 1984

I hereby certify that the attached is a true and exact copy of documents provided to the President of the United States by the Deputy Secretary of Defense in August 1982, pertaining to the promotion and removal of certain officers of the United States Army, and the President's action thereon.

RONALD R. GEISLER  
Executive Clerk



THE SECRETARY OF DEFENSE  
WASHINGTON, THE DISTRICT OF COLUMBIA

26 AUG 1982

MEMORANDUM FOR THE PRESIDENT

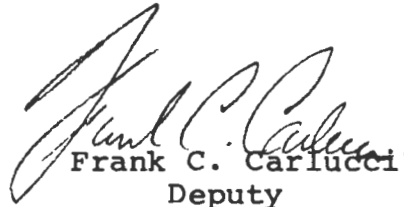
SUBJECT: Promotions

I recommend the nomination of 526 officers whose names appear at Enclosure 1 for promotion to the grades indicated in the United States Army.

I also recommend, in accordance with Title 10, United States Code, Section 629, the removal from promotion lists of the 12 officers whose names appear at Enclosure 3 for the reasons indicated.

Your signature signifies approval of the board reports at Enclosure 2 and removal of the officers at Enclosure 3.

The Secretary of the Army and Chief of Staff, United States Army, are in agreement with the nominations, board reports and removals.

  
Frank C. Carlucci  
Deputy

Enclosures

THE WHITE HOUSE  
WASHINGTON

March 2, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Litigation Concerning Removal of [REDACTED]  
[REDACTED] from Promotion List

On September 15, 1982, the President submitted a list of military promotions to the Senate. [REDACTED] name had been removed from the list by the President, upon the recommendation of the Department of Defense, as provided by 10 U.S.C. § 629. [REDACTED] filed suit challenging his removal, and the case is now in trial. Major Wayne Price, who is handling the case for the Army, has advised that he needs to prove that the President did in fact exercise his authority to remove [REDACTED] name from the promotion list. *b6*

The evidence of this removal is the President's signature on the nomination list, which does not contain [REDACTED] name. By memorandum dated August 26, 1982, Deputy Secretary of Defense Frank Carlucci submitted for the President's approval a list of 526 officers recommended for promotion (enclosure 1), the board reports on the promotions (enclosure 2), and a list of 12 officers recommended for removal from promotion lists (enclosure 3). Carlucci's memorandum stated "Your signature signifies approval of the board reports at Enclosure 2 and removal of the officers at Enclosure 3." As noted, the President signed the promotion list on September 15, 1982 -- thereby signifying his decision to remove [REDACTED]. *b6*

Price would like the Executive Clerk to sign a statement that the packet from Carlucci -- the August 26 memorandum and three enclosures -- was submitted as a packet. Price has submitted a one-sentence certification to be signed by Ron Geisler, certifying that "the attached" -- the Carlucci memorandum and three enclosures -- is a true and exact copy of what was provided by Carlucci to the President.

I have no objections. The documents are not internal White House memoranda, and in fact are already in the possession of the plaintiff's counsel (obtained from Defense). Price feels that he needs to link the President's signature on the promotion list to [REDACTED] removal, which is accomplished by *b6*

the Carlucci memorandum if it is also established that the removal papers were attached to the nomination list. The one-sentence certification establishes the latter fact. If you agree, I will have Geisler sign the certification on Monday.

Attachment



THE WHITE HOUSE  
WASHINGTON

September 1, 1982

MEMORANDUM FOR THE PRESIDENT

Forwarded for your approval and signature is a nomination containing 526 names for promotion to various grades in the Army.

Also included is a recommendation that the names of 12 officers be removed from promotion lists. Their names and reasons for this action are provided at enclosure 3.

This nomination has been staffed by the Secretary of the Army and approved by the Deputy Secretary of Defense.

Recommend you approve and sign the attached.

  
EDWARD V. HICKEY, JR.

Attachment

*John*

*FYI*

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*Tim*