

WITHDRAWAL SHEET

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File Folder JGR/ PROMOTION LIST REMOVAL

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FOIA

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COOK

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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 2, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

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

Signature
-
-
s/lz

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