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Last Updated: 12/12/2023

June 16, 1981

MEMORANDUM FOR: EDWIN MEESE III
FROM: FRED F. FIELDING
SUBJECT: Appointment of Major General Thomas K. Turnage
as Director, Selective Service System

Major General Turnage is to be nominated for the position of Director, Selective Service System. In that regard, I have reviewed the question whether such nomination would be precluded because of his status as an active duty Army officer. The following discussion is provided for your information.

There is a general prohibition against Regular officers of the armed forces assuming civilian positions found in subsection (b) of Section 973 of Title 10 United States Code which provides, in part, as follows:

Except as otherwise provided by law, no officer on the active list of the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps or Regular Coast Guard may hold a civil office by election or appointment, whether under the United States, The acceptance of such a civil office or the exercise of its function by such an officer terminates his military appointment. (emphasis added)

A review of General Turnage's personal assignment history together with information obtained from the Department of the Army's General Officer Management Office reveals that he, in fact, is a National Guard officer holding a reserve commission; presently on "active duty for training." The Department of the Army confirmed that General Turnage is not on the active list of the Regular Army. General Turnage's Personal Data Statement shows that he will be eligible to retire as a reserve commissioned officer in June of 1983.

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

June 8, 1981

*Leatt -
Prepare memo to
ad. Messer re this.*

MEMORANDUM FOR FRED F. FIELDING

FROM: H. LAWRENCE GARRETT *HLG*

RE: Appointment of Major General Thomas K. Turnage
Director, Selective Service System

Dianna Holland asked me to look into the question whether General Turnage, as an active duty Army officer, could be appointed as Director, Selective Service System. *TZ*

Review of applicable statutes leads me to conclude that General Turnage's appointment would not violate any provision of law.

Subsection (b) of §973 of Title 10 United States Code provides, in part, as follows:

Except as otherwise provided by law, no officer on the active list of the Regular Army ... may hold a civil office by election or appointment, whether under the United States, The acceptance of such a civil office or the exercise of its function by such an officer terminates his military appointment. (emphasis added)

General Turnage's Personal Data Statement shows that he will be eligible to retire as a reserve commissioned officer in June of 1983. A review of his personal assignment history together with information obtained from the Department of the Army's General Officer Management Office reveals that he, in fact, is a National Guard officer, holding a reserve commission; presently on "active duty" for training." The Department of the Army confirmed that General Turnage is not on the active list of the Regular Army.

Accordingly, the general prohibition of 10 USC §973(b) does not prohibit his appointment as Director, Selective Service System.

Further, the Selective Service System's Organic Act at 50 App. §460(b)(4) provides that "any officer on the active or retired list of the armed forces, or any reserve component thereof with his consent, may serve in and perform the function of such office or position [in the Selective Service System] without loss of or prejudice to his status as such officer in the armed forces or reserve component thereof,"

Based upon the foregoing, I conclude that General Turnage may be appointed to the position as Director, Selective Service System.

As a practical matter, since he is on active duty orders for training only, upon nomination his status will most likely revert to standby reserve, i.e., his orders will most likely be cancelled, returning him to his original status.

June 16, 1981

MEMORANDUM FOR: FRED F. FIELDING
FROM: H. LAWRENCE GARRETT III
SUBJECT: Appointment of Major General Thomas K. Turnage
as Director, Selective Service System

Pursuant to your request, the attached proposed memorandum for Edwin Meese III is submitted for your review and signature.

HLG:sd 6/16/81

✓SUBJECT
CHRON.

June 16, 1981

MEMORANDUM FOR: EDWIN MEESE III

FROM: FRED F. FIELDING

SUBJECT: Appointment of Major General Thomas K. Turnage as Director, Selective Service System

Major General Turnage is to be nominated for the position of Director, Selective Service System. In that regard, I have reviewed the question whether such nomination would be precluded because of his status as an active duty Army officer. The following discussion is provided for your information.

There is a general prohibition against Regular officers of the armed forces assuming civilian positions found in subsection (b) of Section 973 of Title 10 United States Code which provides, in part, as follows:

Except as otherwise provided by law, no officer on the active list of the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps or Regular Coast Guard may hold a civil office by election or appointment, whether under the United States, The acceptance of such a civil office or the exercise of its function by such an officer terminates his military appointment. (emphasis added)

A review of General Turnage's personal assignment history together with information obtained from the Department of the Army's General Officer Management Office reveals that he, in fact, is a National Guard officer holding a reserve commission; presently on "active duty for training." The Department of the Army confirmed that General Turnage is not on the active list of the Regular Army. General Turnage's Personal Data Statement shows that he will be eligible to retire as a reserve commissioned officer in June of 1983.

Accordingly, the general prohibition of 10 U.S.C. §973(b) does not prohibit his appointment as Director, Selective Service System.

Further, the Selective Service System's Organic Act, (50 U.S.C. App. §460(b)(4)) provides that "any officer on the active or retired list of the armed forces, or any reserve component thereof with his consent, may serve in and perform the function of such office or position [in the Selective Service System] without loss of or prejudice to his status as such officer in the armed forces or reserve component thereof, ..." (emphasis added).

Based on the foregoing, I conclude that General Turnage's appointment to the position as Director, Selective Service System is not precluded by law..

As a practical matter, since he is on active duty orders for training only, upon confirmation his status will most likely revert to standby reserve, i.e., his active duty orders will be cancelled, returning him to his reserve status.

HLG:sd 6/16/81

Subject
Chron.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

June ¹⁶/~~15~~, 1981

MEMORANDUM FOR FRED F. FIELDING

FROM: H. LAWRENCE GARRETT III

SUBJECT: Appointment of Major General Thomas K. Turnage
as Director, Selective Service System

Pursuant to your request, the attached proposed memorandum for Edwin Meese III is submitted for your review and signature.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

14
June 15, 1981

FOR: EDWIN MEESE III
FROM: FRED F. FIELDING
SUBJECT: Appointment of Major General Thomas K. Turnage
as Director, Selective Service System

Major General Turnage is to be nominated for the position of Director, Selective Service System. In that regard, I have reviewed the question whether such nomination would be precluded because of his status as an active duty Army officer. The following discussion is provided for your information.

There is a ^{General} special prohibition against Regular officers of the armed forces assuming civilian positions found in subsection (b) of Section 973 of Title 10 United States Code which provides, in part, as follows:

Except as otherwise ^{Regular} provided by law, no officer on the active list of the Regular Army, ^{Regular} Navy, Regular Air Force, Marine Corps or Regular Coast Guard may hold a civil office by election or appointment, whether under the United States, ... The acceptance of such a civil office or the exercise of its function by such an officer terminates his military appointment. (emphasis added)

^{General Turnage's}
General Turnage's Personal Data Statement shows that he will be eligible to retire as a reserve commissioned officer in June of 1983. A review of ~~his~~ personal assignment history together with information obtained from the Department of the Army's General Officer Management Office reveals that he, in fact, is a National Guard officer holding a reserve commission; presently on "active duty for training." The Department of the Army confirmed that General Turnage is not on the active list of the Regular Army.

Accordingly, the general prohibition of 10 USC §973(b) does not prohibit his appointment as Director, Selective Service System.

Further, the Selective Service System's Organic Act, (50 App. Section 460(b)(4)) provides that "any officer on the active or

retired list of the armed forces, or any reserve component thereof with his consent, may serve in and perform the function of such office or position [in the Selective Service System] without loss of or prejudice to his status as such officer in the armed forces or reserve component thereof,..." (Emphasis added).

Based on the foregoing, I conclude that General Turnage ~~may be~~ appointed ^{ment} to the position as Director, Selective Service System ^{is not precluded by law.}

As a practical matter, since he is on active duty orders for training only, upon confirmation his status will most likely revert to standby reserve, i.e., his orders will be cancelled, returning him to his reserve status.

↑
active duty

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

June 8¹⁵, 1981

*Leavitt -
Prepare memo to
ad Meese re this.*

Edwin MEESE, III

MEMORANDUM FOR ~~FRED F. FIELDING~~ *Counselor to the President*

FROM: ~~FRED F. FIELDING~~ *H. LAWRENCE GARRETT*
Counsel to the President

RE: Appointment of Major General Thomas K. Turnage as Director, Selective Service System

~~Dianna Holland asked me to look into the question whether General Turnage, as an active duty Army officer, could be appointed as Director, Selective Service System.~~ *Rec issue reviewed*

~~Review of applicable statutes leads me to conclude that General Turnage's appointment would not violate any provision of law.~~

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As a practical matter, since he is on active duty orders for training only, upon ^{confirmation} nomination his status will most likely revert to standby reserve, i.e., his orders will ~~most likely~~ be cancelled, returning him to his ~~original~~ ^{reserve} status.