President George W. Bush's Military Service: A Critical Analysis

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I. Summary.

The following analysis of President Bush's ("Bush") military records and the controlling legal authorities shows the following beyond any reasonable doubt:

- The pay records released by the White House this past winter prove Bush received unauthorized, i.e., fraudulent, payments for inactive duty training, even if he did show up for duty.
- The memorandum from Lieutenant Colonel (Retired) Albert C. Lloyd, who affirmed for the White House that Bush met his retention/retirement year point requirement, is an obfuscation, or outright deception, that disregarded Bush's failure to meet the statutory and regulatory fiscal year satisfactory participation requirement.
- Bush's superiors in the Texas Air National Guard failed to take required regulatory actions when Bushed missed required training and failed to take his flight physical.
- Despite seemingly laudatory comments, Bush's May 1972 officer performance report was a clear and unmistakable indication that his performance had declined from the annual 1971 report. The report was the kiss of death before he left for Alabama that year.
- Bush did not meet the requirements for satisfactory participation from 1972 to 1973.

II. Introduction.

By way of background, I am a retired (1999) Army colonel with active Marine enlisted service (1967-69). I have been a registered Independent my entire political life and truthfully can say I have voted for members of both the Republican and Democratic Parties at the local, state, and national levels.

Stories in 2000 on the Internet about Bush's military record piqued my interest. I requested and received a copy of his records from the Headquarters, Air Reserve Personnel Center (ARPC), and Department of Army and Air Force Air National Guard (ANG) Bureau (Bureau) in 2000 right after the election. The Bureau provided all the substantive records that, incidentally, coincided with the documents available on the Internet.

This analysis concluded that Bush failed to fulfill faithfully and fully the solemn obligation he accepted when he enlisted in the Texas ANG (TXANG) in 1968. The nature of his service is an important issue in this 2004 presidential election because it received scant coverage in 2000 and because it strikes at the heart of Bush's credibility.

In 2000, Bush ran on bringing back "dignity and honor to the White House (WH)" and being a "compassionate conservative." Since 9-11, he has wrapped himself in the flag to push forward a domestic agenda that is anything but compassionate and well to the right of center; embarked on a perilous new national security strategy of "preemptive war" and invaded Iraq; and even has used the uniform to

garner political support, the first for a President in my lifetime, although there have been others who had more illustrious military service. Bush himself brought on the renewed scrutiny of his military record by stressing his role as Commander-in-Chief of the U.S. armed forces, declaring himself a "wartime president," and using the word "war" more than 30 times in the course of an interview on "Meet the Press" that lasted less than an hour.

This analysis of Bush's military service is based on the documents in the FOIA response, contemporaneous regulations, selected media information, and the documents more recently released by the White House (WH) found at the *USA Today* ("USAT") and Fact Check websites.[1] The source of the WH-released documents, however, is not known, and there are different repositories, including ARPC, Defense Finance and Accounting Service (DFAS), the Office of the Texas Adjutant General, and the National Personnel Records Center (Military Personnel Records).

III. Enlistment and Attendance at Required Training in Texas Air National Guard ("TXANG").

A. Regulatory Requirements for Attendance at Required Training.

Air Force Manual ("AFM") 35-3, "Air Reserve Forces Personnel Administration," dated June 25, 1969 ("AFM 35-3"), with its periodic amendments was the primary controlling authority available for this analysis.[2] "Satisfactory Participation" was defined as "the manner in which a member meets the training requirements of his reserve assignment." Training consisted of Annual Active Duty for Training ("ANACDUTRA") and Inactive Duty for Training ("INACDUTRA").[3]

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[1] The documents referenced herein are in a volume tilted "President Bush's Military Records" (PBMR) referenced by page in a one-up numbering system from PBMR, 1, through PBMR, 83. The USAT documents are in 19 "PDF" files at http://www.usatoday.com/news/2004-02-14-bush-docs.htm, organized by theme such as "Performance Grades" and by the years 2000 and 2004. The following format will be used to cross reference them with the PBMR to provide easy access for the reader interested in looking at them: "USAT/File #/Name or Year/Page #." The Fact Check address is at 11 n. 58.

[2] The publication was updated periodically until Air Force Regulation ("AFR") 35-41, "Participation and Assignment within the Reserve Components" ("AFR 35-41"), superseded its appropriate chapters on April 16, 1974. In the 1960s and 1970s amendments were generally posted to publications by hand with pages removed; pages added; and paragraphs, words, and sentences crossed out with new verbiage added or not. A notation was made of the change.

[3] ANACDUTRA is "[a] voluntary tour to which a reserve member is ordered so that he may satisfy the annual training requirements associated with this reserve assignment." AFM 35-3, Ch. 2, 2-1, ¶ 2-7. INACDUTRA is "[t]raining performed by an ARF [Air Reserve Forces] member while not on AD [Active Duty] for which point credit is authorized. . . ." *Id.,* ¶ 2-16.

A member of the ANGUS could earn points by performing ANACDUTRA and INACDUTRA. ANACDUTRA required orders, placing the member on AD.[4] INACDUTRA had to be supervised and "authorized *in advance* by competent authority."[5] "INACDUTRA must be authorized in advance by an AF Form 40 or 40a or other means specified in this section. Use AF Form 40 when more than one person participates in the training session; use AF Form 40a when only one person participates. Use AF From [sic] 40 or 40a to authorize UTAs [Unit Training Assemblies], TPs [Training Periods], APDY [Appropriate Duty], and EQT [Equivalent Training]. . . ."[6] Satisfactory participation, therefore, involved **regular attendance** at prescribed INACDUTRA by a member unless he was properly excused.

In the type of unit[7] in which Bush served, regular attendance entailed not having more than four absences in a fiscal year ("FY") that ran from July 1 through June 30 at that time. It meant reporting to the appointed place at the designated time.[8] There were the following types of training within INACDUTRA:

1) TP: An authorized period of training, duty, or instruction performed by members as individuals.
2) UTA: An authorized and scheduled period of training, duty, or instruction, including test alerts by units.
   a) APDY: Duty which unit members perform instead of attending a scheduled UTA when absence is from cause beyond their control, such as illness or other personal hardship.
   b) EQT: Duty that may be authorized for unit members unable to attend a UTA scheduled while they are on AD in support of the active force.
3) Additional Flying Training Period ("AFTP"): An authorized additional period of flying training.[9]

Only an APDY or EQT, therefore, could be used to make up a missed UTA.

There also were time limits for making up **excused** absences, and absences because of "illness, personal hardship or other circumstances beyond [] control," from a scheduled UTA: A "member **must** perform the periods of APDY or EQT within 15 days immediately before or 30 days immediately after the regularly scheduled UTA but before the next month's first scheduled UTA (whichever is earlier) and **within the same fiscal year**."[10]

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[4] *Id.*, Ch. 17, 17-1, ¶ 17-7.
[5] *Id.*, Ch. 20, 20-1, ¶ 20-5a(5)-(6) (emphasis in original).
[6] *Id.*, 20-4 – 20-4.1, ¶ 20-8.
[7] Bush's unit was part of the ARF which consisted of units and members of the U.S. Air Force Reserve ("USAFR") and the Air National Guard of the United States ("ANGUS"). AFM 35-3, Chapter ("Ch.") 2, 2-1, ¶ 2-6. ANGUS is a reserve component of the US Air Force ("USAF") and is a federally recognized unit whose members have status in the ANGUS and additionally are Reserves of the Air Force in the same grades. The Air National Guard ("ANG") refers to the federally recognized ANG of each State, the District of Columbia, and Puerto Rico. The terms, ANGUS and ANG, are used interchangeably herein, unless specifically distinguished. AFR 35-41, Ch. 3, 3-1, ¶¶ 3-7, 3-8.
[8] AFM 35-3, Ch. 2, 2-4, ¶ 2-34.1.
[9] *Id.*, 2-2, 2-16.
[10] *Id.*, Ch. 16, 16-4, Table 16-2 (emphasis added).

Members of the ANG were required to attend 48 INACDUTRA periods per year and complete not less than 15 days ANACDUTRA to achieve the "satisfactory participation" standard.[11] A member in Bush's category could not have more than four absences from INACDUTRA in a fiscal year; attendance alone, however, was not sufficient, and a member had to assume "responsibilities commensurate with his grade" and had to perform "his assigned duties in a satisfactory manner as determined by the unit commander."[12] Retention requirements were strict: "A member who, without approval of competent authority, fails to meet the fiscal year training prescribed for his assignment must be reassigned."[13]

A member's military service obligation ("MSO") was the period "an individual must serve as a member of a regular and/or reserve component of the Armed Forces required by law."[14] An individual acquired only one MSO at the time he initially attained military status between the ages of 17 and 26. In addition to the MSO, a service member may have incurred an additional service obligation as a result of specialized training. For example, upon completion of undergraduate flight training, officers had an obligation to serve five years which could run beyond their MSO.[15]

The evaluation of "satisfactory participation" during the MSO period was separate and distinct from earning points for retention/retirement ("RR"). An RR year is "[t]he 12 consecutive months in which a . . . member, [sic] in active status is required to earn through participation in an accredited training program, [sic] a minimum number of points for either retention in active status (at least 15 earned points which does not include any gratuitous point credit) or for credit as a satisfactory year for retirement (at least 50 points that include both earned points and gratuitous points."[16] It concerned primarily those members who wished to remain in active status[17] after they completed their MSO and became a "nonobligor." Prior to that time a member was an "obligor," i.e., a member of the ARF who had an MSO.[18] For members such as Bush, the RR year starts on the date of the month he enlisted and ends on the day before the annual anniversary of such date, i.e., from May 27-May 26 for Bush.[19]

If an obligor member failed to meet the fiscal year training requirements, i.e., failed to participate satisfactorily, or lost

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[11] *Id.*, Ch. 3, 3-6, Table 3-1.
[12] *Id.*, Ch. 2, 2-4, ¶ 2-34.1a-b.
[13] *Id.*, Ch. 10, 10-5, ¶ 10-6(a).
[14] *Id.*, Ch. 2, 2-2, ¶ 2-21; Ch. 14, 14-16a.
[15] A personnel representative from the AF Personnel Center at Randolph Air Force Base confirmed the five-year obligation from completion of undergraduate flight training in a February 24, 2004, e-mail to the author. Today this obligation is much longer, 10 years. This service obligation represents the cost of the training and the value the Air Force places on retaining pilots in this specialty for a minimum number of years.
[16] *Id.*, Ch. 2, 2-4, ¶ 2-33.
[17] Defined as a member of the ARF who is not assigned to the Inactive Status List Reserve Section ("ISLRS") or Retired Reserve. *Id.*, 2-1, ¶ 2-5.
[18] *See*, *id.*, Ch. 2, 2-2, ¶ 2-25; Ch. 10, 10-5, ¶ 10-6b(1).
[19] *Id.*, Ch. 2, 2-4, ¶ 2-33b.

his proficiency, his Ready Reserve assignment was to be terminated.[20] For a member with an MSO, such action resulted in a call to extended active duty ("EAD"). "A member . . . who fails to satisfactorily participate in reserve training will be ordered to EAD . . . until AD/ACDUTRA [active duty/ANACDUTRA] equals 24 months. . . . A member who has served on AD/ACDUTRA for 20 months or more or whose remaining MSO is less than 3 months as of the date of ACDUTRA orders, will be involuntarily ordered to ACDUTRA for 45 days instead."[21] Officers who were considered to be unsatisfactory participants were to be reported directly to the Air Force, not ARPC or the ANG, for a final determination.[22] Reassignment from the Ready Reserve to the Standby Reserve[23] ("SR") was authorized only for twelve reasons specifically defined AFM 35-13, Ch. 12, Table 12-1.

The Ready Reserve, including the ANG, had a mandatory, regulatory policy of continuously screening the records of its members to ensure only those qualified were retained in the Ready Reserve.[24] ANGUS units were to review the records monthly to ensure their members were qualified for retention in the Ready Reserve.[25] In ANG units, "[a] member whose attendance record is poor must be closely monitored. When the unexcused absences reach one less than the maximum permitted [sic] he must be counseled and a record made of the counseling. If the member is unavailable he must be advised by personal letter."[26] The letter put the member on notice of the consequences of unsatisfactory participation:

1. You are advised that your absence on (date) _____ from scheduled training duty has been recorded.
2. You are aware from previous counseling that you are required to participate in 90 percent of the scheduled training duties of this unit during each fiscal year. . . . Such participation would allow you to continue your deferred status. On the other hand, if you fail to participate satisfactorily, you may be ordered to active duty for up to 24 months.
3. You may have a valid excuse for this absence because of illness, injury, emergency, or other circumstances beyond you control. In such a case, you must furnish this office by (15

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[20] *Id.*, Ch. 10, ¶ 10-7.
[21] *Id.*, Ch. 14, 14-1, ¶ 14-5.
[22] *Id.*, 14-2, ¶ 14-5c.
[23] The Standby Reserve consisted of the Active Status Non-Affiliated Reserve Section ("NARS-A" and "NARS-B") and the Inactive Status List Reserve Section ("ISLRS"). AFM 35-3, Ch. 2, 2-5, ¶ 2-39. All members of the ANGUS and US Air Force Reserve were in "Active Status" unless assigned to the ISLRS or Retired Reserve. *Id.*, 2-1, ¶ 2-5.
[24] *Id.*, Ch. 12, 12-1, ¶ 12-1. Members of the SR were assigned to and administered by ARPC; its members could be ordered to EAD only in time of war or national emergency declared by Congress. AFM 53-3, Ch. 2, 2-5, ¶ 2-39.
[25] *Id.*, 12-6, ¶ 12-8. The Ready Reserve consisted of members of the ARF liable for involuntary order to EAD. *Id.*, Ch. 2, 2-3, ¶ 2-26. Bush clearly was a Ready Reserve member.
[26] AFR 35-41, Ch. 7, 7-4, ¶ 7-6c (reference paragraph and figure omitted). The requirement was the same in AFM 35-3, ¶ 14-7c, and carried forward into the AFR.

days from the date of this letter) appropriate supporting documentation, such as a doctor's certificate, affidavits, etc., with your written request to be excused. If documentation is not readily obtainable, indicate the date that it will be furnished. The request to be excused *must* be submitted before (15 days from the date of this letter) [sic] and is subject to review and approval. Failure to submit the request within that time period could adversely affect your present status.

4. If your absence is excused by proper authority [sic] you may request to perform appropriate duty (APDY). APDY must be performed within 15 days immediately before or 30 days after the regularly scheduled UTA, but before the next month's first scheduled UTA.

You are directed to report for training at the next scheduled training assembly (date), beginning at _____hours, located at (place).[27]

Moving from the area where the member's unit was located did not end his requirement for "satisfactory participation." He had to sign a counseling statement, affirming his responsibility to locate and be assigned to another Reserve Forces unit or mobilization augmentation position.[28] If the member was planning to move to a location where it would be impossible to train with his assigned unit, he was to be assigned to another category A unit, or to the ARPC Obligated Reserve Section ("ORS"), if he had an MSO.[29] ARPC was to review the personnel records of each member with an MSO, when he was "initially gained to ARPC strength."[30] In the ORS, he had 60 days from ARPC notification to locate and join another unit; the commander of that unit had to accept him, regardless of vacancies if the member had an MSO, after the losing commander certified that the move was essential and the member's service was satisfactory.[31] If the member failed to find and join another Ready Reserve unit, he was to be processed for involuntary order to active duty: "If a member fails to locate and join another Ready Reserve unit or MA position, he will be processed for involuntary order to active duty. . . ."[32] In no case was transfer to the SR authorized unless the member met one of the 12 the criteria in AFM 35-3, Ch. 12, 12-13—12-17, Table 12-1.[33]

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[27] *Id.*, 14-10, Figure 14-3 (italics in original). Naturally, a letter could be used every time scheduled training was missed.

[28] A Mobilization Augmentee ("MA") was a Ready Reserve member assigned to a regular USAF unit against an individual manpower augmentation authorization to support the period immediately after the declaration of war or national emergency or to respond to any national security requirement. AFM 35-3, Ch. 2, 2-2, ¶ 2-22.

[29] *Id.*, Ch. 10, 10-2, ¶ 10-6a(2). This provision specifically applied to ANGUS members.

[30] *Id.*, 12-11, ¶ 12-16b.

[31] *Id.*, Ch. 14, 14-7, ¶ 14-6.

[32] *Id.*, 14-8, ¶ 14-6f.

[33] *Id.*, Ch. 12, 12-1, ¶ 12-2c. In any event, if not assigned to another Ready Reserve position, an obligor remained in the ORS until he completed

Each member was obligated to participate in reserve training until completion of the MSO in order to maintain a draft-deferred status.[34] The unit was required to notify the member's local draft board yearly by October 15 that he was performing satisfactorily with DD [Department of Defense] Form 44, "Record of Military Status of Registrant" ("DDF 44") for members in the Ready or Standby Reserve with an MSO.[35]

Administering ARF members with an MSO was tightly controlled in AFM 35-3, Ch. 14, based on the "statutory participation requirements and enforcement provisions for . . . ANGUS members whose retention in a draft-deferred status depends on satisfactory participation in their reserve status."[36] There was little leeway, and the regulation stipulated that failure to participate satisfactorily was to result in processing for an involuntary call to active duty.[37] If the ANGUS unit monthly review of records[38] showed unsatisfactory participation for an officer, the unit was obligated to report it in writing to the AF Personnel Center at Randolph AF Base.[39] A delay in reporting for an involuntary call to active duty was authorized for a college or university student was authorized only until the end of a term, or for a senior until the end of the school year.[40]

Finally, members of the ARF had a regulatory obligation to keep contact information current: "Each member is responsible for **promptly** reporting any change of address or telephone number. . . ."[41] AFM 35-3 even provides the notification address for members assigned to it.[42]

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his MSO; an officer upon completion of his MSO was then reassigned to the Inactive Status List reserve Section ("ISLRS") in the Standby Reserve.

[34] *Id.*, 14-1, ¶¶ 14-2, 14-3.

[35] *Id.*, 14-15, ¶¶ 14-11, 14-13c. The draft ended on June 30, 1973, but this DDF 44 requirement was continued in AFR 35-41, Ch. 8, 8-4, ¶ 8-9.

[36] AFM 35-13, Ch. 14, 14-1, ¶ 14-1.

[37] *See supra* 5.

[38] *See supra* 5.

[39] AFM 35-3, Ch. 14, 14-2, ¶ 14-5c. The format for reporting members with unsatisfactory participation included information such as the dates for unexcused INACDUTRA absences and whether the member was notified of an unexcused absence. *See id.*, 14-3, Figure 14-1.

[40] *Id.*, 14-6, Table 14-1, Rule 5.

[41] *Id.*, Ch. 5, 5-1, ¶ 5-2b (emphasis added).

[42] *Id.*, Table 5-1.

B. BUSH'S ENLISTMENT AND ATTENDANCE AT REQUIRED TRAINING.[43]

When Bush enlisted in the TXANG on May 27, 1968, as a "Reserve of the Air Force," he signed a "Statement of Understanding" ("SoU"). The SoU spelled out "satisfactory participation" as attendance and satisfactory performance of assigned duties at 48 scheduled INACDUTRA periods and 15 days ACDUTRA annually and warned that failure to participate satisfactorily could result in an involuntary order to active duty for 45 days and/or certification for induction. It also stated that his inability to participate satisfactorily in the ANG could result in his discharge from the ANG, assignment to ARPC (ORS), and call to active duty for up to 24 months considering all previous active duty and ACDUTRA, if he still had an MSO.[44] Additionally, he signed a Ready Reserve Service Agreement ("RRSA").[45] Bush's RRSA obligated him to remain a member of the Ready Reserve, "immediately available for any active duty" until May 26, 1974.[46]

Bush's attendance in his TXANG unit up to May 1972 was documented meticulously on AF Form 190, "USAF Reserve Personnel Record Card - - For Retention, Promotion, and Retirement" ("F190"), together with their continuation sheets, which have handwritten notations on the type of training for which Bush received credit for every day he reported: Active Duty Training and ANACDUTRA for which he received one point/day and INACDUTRA for which he received a point per training session which normally last four hours. Each card has a

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[43] A word about forms and personnel records is appropriate at this point. ARPC Manual 36-2603, "Point Credit Accounting and Reporting System (PCARS)," 23 May 2000, on its title page indicates an automated system with its new forms was instituted on October 1, 1972, well after Bush left his TXANGUS unit for Alabama. "It was a free-standing, tape driven system fed by card input via automatic digital network (AUTODIN) from Air National Guard (ANGUS) and reserve Military Personnel Flights (MPF); Attachment 1, Figure 5.7, states that the Air Force Form 526, "ARF Retirement Credit Summary/ARF Statement of Points Earned," APR 72 (F526RCS and F526SPE, respectively), superseded AF Form 190, 712, 1383, 1282, and National Guard Bureau Form 47. Additionally, some commentators opined that the DD Form 214, "Armed Forces of the United States Report of Transfer or Discharge" ("DDF 214"), would prove or disprove Bush's service. They are in error because the DDF 214 "Statement of Service" in block 22 does not show attendance at meetings. Bush's DDF 214 for his short enlisted service, but not for his service as an officer, was available. As for records, there was a filed personnel record, retained by the unit of assignment, and a master record. For a member of ANGUS, the master record, which would not include all the daily entries and forms, was kept "by the adjutant general of the appropriate State"; for members of the US Air Force Reserve ("USAFR"), the master record was kept by ARPC. AFM 35-3,
Ch. 8, 8-9, ¶ 8-24.

[44] PBMR, 1-2, ¶¶ g, h, j. USAT/16/2004/36-37.

[45] "A written agreement whereby an ARF member not otherwise obligated to participate, accepts, or retains Ready Reserve membership for a specific period in order to be eligible for assignment or retention in the Ready Reserve. The member waives his right to transfer to the Standby Reserve under any criteria under which he may be qualified on the date he signs the agreement or on the date of assignment, whichever is later." AFM 35-3, Ch. 2, 2-3, ¶ 2-27 (citation to chapter omitted).

[46] PBMR, 70. USAT/15/2004/1.

number in the upper card corner in the "Card Nr." Block: 1, 2, 3, 3a, 4, 4a, and 5. The continuation sheets have no "Card Nr.," but the dates show the cards to which they correspond.[47] A member, therefore, could receive four points for a weekend by attending two four-hour drills on Saturday and Sunday. For INACDUTRA on weekdays, a member usually received one point for each four-hour session.

Each date, type of training, and points earned were documented on the F190 card and continuation sheets in Bush's records in the TXANG up to May 1972. The regulation, however, clearly placed time limits on an APDY and EQT: the "member must perform the periods of APDY or EQT within 15 days immediately before or 30 days immediately after the regularly scheduled UTA but before the next month's first scheduled UTA (whichever is earlier) and within the same fiscal year."[48]

F190 became obsolete at the end of September 1972, however.[49] The new system included AF Form 40, "Authorization for Inactive Duty Training" ("F40"), for the unit and AF Form 40a, "Record of Individual Inactive Duty Training" ("F40a"), for an individual unit member. The available records strangely contained not one of these forms documenting Bush's attendance at any INACDUTRA after September 1972 for either the Alabama ANG or TXANG units.

The F190, F40, and F40a required a certification signature to show the member performed the training, and there also was a block in which the reservist certifies that the computation of service and training points for the period are correct. None of the F190s with this block had Bush's signature.[50] Why did the unit not have Bush certify even one form as correct?

There was another relevant form in the FOIA response: AF Form 1383, "Annual Statement of Credits" (F1383), prepared by the 147th Fighter Group (FG), the headquarters (HQ) of Bush's 111th Fighter Interceptor Squadron (FIS), that documented the points earned at the end of an anniversary year which for Bush was annually on the 26th of May. The use of this form also was discontinued at the end of September 1972, and the last one in Bush's record was dated June 13, 1972, for the anniversary year ending May 26, 1972.[51] It then became obsolete before Bush reached another anniversary year.

The 2000 FOIA response contained ten pages of these two forms – F190 and F1383 – with more than one form reproduced on a single page,[52] that document Bush's attendance in his TXANG unit

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[47] PBMR, 5-12, 17. The F190s are available in a number of "PDF" files at USAT but are sometimes together with another form, AF Form 1383. USAT/11/2000/1-4, 7; USAT/16/2004/1-5; USAT/5/Performance Points/2, 5-12, 17.

[48] AFM 35-3, Ch. 16, 16-4, Table 16-2.

[49] *See* ARPC Instruction 36-3203, "Computation of Creditable Service for Reserve Retired Pay," dated 22 January 2003, paragraph 6.4.8, for the use and obsolescence of the F190.

[50] PBMR, 9-10. USAT/5/Performance Points ("PP")/6, 17.

[51] PBMR, 3-4. USAT/5/PP/2, 5, 7, 10.

[52] The F190s have been organized by card and continuation sheet. The F1383 have been separated and are at PBMR, 3-4. These ten correspond to the ones at the aforementioned USAT/5/PP. The FOIA response did not have Card No. 5 from May 1973, although it is at USAT/11/2000/7.

until he departed in May 1972. The close-out date for his TXANG unit on a F190 was May 26, 1972, his yearly anniversary date; it was certified and signed.[53] These cumulative points for ANACDUTRA and INACDUTRA were documented on both the F190 and F1383 for the anniversary years through May 26, 1972. The last F1383, dated June 13, 1972, showed Bush earned 22 ANACDUTRA points, 75 INACDUTRA points, and 15 gratuitous points for a total of 112 yearly points for the previous anniversary year.[54]

Another form also documented Bush's daily attendance after 1972: the F526SPE, the "ARF [Air Reserve Forces (USAF Reserves and Air National Guard)] Statement of Points Earned."[55] The two F526SPEs released were undated and unsigned, however, and were clearly computer-generated. The data and their accuracy, therefore, were dependent on inputted information from another form for INACDUTRA, the aforementioned F40 and F40a, and on a special order and certification the duty was performed for ANACDUTRA.[56] These forms for INACDUTRA covered only the period after he left his TXANG unit for Alabama and then returned, because they went into effect at that time, replacing the aforementioned discontinued forms.

The WH also released an undated memorandum from a Lieutenant Colonel Albert C. Lloyd (Retired) (Lloyd) who reviewed two Bush F526SPEs to verify Bush met his annual retention/retirement requirement from 27 May 72--26 May 73 by earning 56 points and 27 May 73-–26 May 74 by earning 56 points.[57] Lloyd referred to these simply as AF Form 526 in his memorandum; they will be referenced herein as F526SPE.[58] It evidently replaced the AF Form 712, "Air Reserve Forces Retirement Credit Summary."[59] The WH also provided a summary pay document (SPD),[60] together with finance forms,[61] to back up its version of Bush's service after May 1972.

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[53] PBMR, 8, Card No. 4a. USAT/5/PP/7.
[54] PBMR, 4. USAT/5/PP/10.
[55] PBMR, 15-16, 64, 66. *See supra* 7 n. 37. This form is probably part of the F526, but since none that have been produced have a number, it will be referred to separately. USAT/5/Performance Points/14; USAT/11/2000/6.
[56] *See* ANGUS Instruction 65-101, "Air National Guard (ANGUS) "Workday Accounting and Reporting Procedures," 15 April 1994, for an explanation of this system as it existed in the 1990s. It is clear from the "Summary of Changes" section that the automated system introduced in 1972 evolved over the years from the initial punch card inputting system and forms were revised and new ones introduced to keep up with the automation changes. One thing, however, is clear from reading this instruction: ANGUS always had a redundant system of documented checks and balances at the unit level to certify its members' training.
[57] PBMR 13, 15-16. This memorandum, together with the SPD, finance records, F526SPEs, and F526RCS, is available at http://www.factcheck.org/article.aspx?docID=40 ("Fact Check"). The article at this address provides access to the February 2004 WH-released Bush records in a number of clearly titled "Supporting Documents" PDF files.
[58] *See* PBMR at 64, 66 for the F526SPEs, the computer-generated form. *See* 9 n. 50 for the USAT reference.
[59] PBMR, 67. USAT/15/2004/15.
[60] PBMR, 14. Fact Check.

A major problem with the F190 from May 1973, certifying Bush's ANACDUTRA and INACDUTRA for the previous anniversary year, is its obsolescence: the form had become obsolete at the end of September 1972, some eight months earlier than it was signed.[62] Why was his TXANG using an obsolete form? It should be noted, however, that there were no detailed F190, F40, F40a, or unit schedules, for any INACDUTRA after May 1972. There is no "Special Order" for the ANACDUTRA on May 1-3, 7-9, 1973, for which he received credit, although there was a "Special Order," dated "1 May 1973"[63] for ANACDUTRA on May 22-24, 29-31, 1973, as well as for June 5-7, 1973. There was no "Special Order" for Bush's 13 days of ANACDUTRA in July 1973. No detailed forms, certifying the training was authorized and performed, have been made public to back up the WH-released forms showing all Bush's ANACDUTRA and INACDUTRA in October and November 1972, as well as in January, April, May, June, and July 1973. There was also a glaring error on the obsolete F190 from May 26, 1973: It showed Bush's "Aero[nautical] Rating" as "Plt On-fly," although he had been grounded since August 1, 1972.[64] This error, together with the obsolescence of the form since October 1, 1972, makes the authenticity of this particular F190 suspect.

Lloyd is supposedly an expert in these matters, but his simple mathematical calculations are wrong. He says, "[F]or the period May 73 – May 74 . . . Bush accumulated 19 points for 19 days of active duty and 16 points for 16 periods of inactive duty plus 15 points for his guard/reserve membership for a total of 56 points for that year." Simple addition of "19" plus "16" plus "15" equals "50," not "56" points. Also, Lloyd's "56" points are at odds with an F526RCS, prepared on January 30, 1974, which shows the total retirement points accrued for the year from May 26, 1973, and earned through September 15, 1973, well after Bush's last training day on July 30, 1973, as "38," not "40" points.[65] The largest difference is attributable to the number of gratuitous points awarded to Bush, Lloyd's "15" and the F526RCS "5" points, and a lesser two-point difference between total and retirement points earned: The latter are "38" instead of "40" points. Presumably, the difference between the F526's "5" and Lloyd's "15" gratuitous points is the result of calculating them on the duration of creditable service. The former is for four months, while the latter is for the full year. On October 2, 1973, Bush was transferred to the ARPC (ORS) and was not eligible to receive any gratuitous membership points.[66] Lloyd

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[61] PBMR, 51-57. Fact Check. The finance forms come from DFAS which was created in the early 1990s to consolidate all Service finance functions in DFAS. It became the repository for finance forms from the individual Service finance organizations that existed prior to its creation.

[62] *See* ARPC Instruction 36-3203, "Computation of Creditable Service for Reserve Retired Pay," 22 January 2003, paragraph 6.4.8.

[63] PBMR, 19. This special order could not be found at USAT or other websites with Bush's records.

[64] PBMR, 21-22, 77. USAT/11/2000/16-17; USAT/12/2000/12-13.

[65] PBMR, 38, 65. USAT/5/PP/13.

[66] PBMR, 40. USAT/12/2000/1. This section, ORS, manages those assigned to ARPC who still have a military service obligation. AFM 35-3, Ch. 20, 20-1, ¶¶ 20-3b—3(b)(1), states: "Members assigned to the following are *not* eligible to earn points: (1) ORS, except for officers appointed in the USAFR against

erroneously added the "10" remaining gratuitous points for the anniversary year through May 26, 1974. Lloyd's conclusion that Bush "did in fact have a satisfactory year for retirement/retention" is, therefore, wrong even if the "10" gratuitous points were authorized because they still leave Bush at "48" points, two short for a satisfactory retention/retirement year.

Lloyd's most serious error obliterates the distinction between a satisfactory RR year and "satisfactory participation" as a condition of service. These are two distinct requirements unrelated to each other. He failed to conduct the most relevant analysis and attempted to prove Bush met the regulatory standard for "satisfactory participation" by using irrelevant terms. Even a cursory review of his attendance at ANACDUTRA and INACDUTRA for the FY July 1, 1972, through June 30, 1973, results in an unequivocal "no" for that fiscal year. Even if all the points Bush earned are legitimate for this period which included his time in Alabama, he earned 15 ANACDUTRA points to satisfy this requirement, but only 36 INACDUTRA points, woefully short of the minimum 44 INACDUTRA points he was required to earn.[67]

The F526RCSs present other problems. The one with an "EFF[ective] DATE: 730526" shows Bush earned no points within the previous year.[68] Unfortunately, it does not have the "DATE PREPARED" on it as does the F526RCS for cumulative points in the new RR year to "730915"[69] with an "EFF[ective] DATE: 730915": The latter was prepared on "74/01/30," well after the effective date. The USAT document with an effective date of "730526," however, tellingly has a processing date of October 3, 1973, stamped in the right upper corner. It most likely is an ARPC date-stamp, and the logical question is: Why had

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requirements of the RegAF who are required to participate in ACDUTRA before entry on EAD as part of their professional training" (italics in original) The later 1974 AFR 35-41, Ch. 9, 9-1, ¶¶ 9-2 – 9-2a, has the same prohibition. ARPC Instruction 36-3203, "Computation of Creditable Service for Reserve Retired Pay," dated January 22, 2003, confuses the issue, however: "Reservists in an **active status** are eligible for the award of membership points. Reservists are given membership points only while assigned to the Obligated Reserve Section. . . ." *Id.*, 13, ¶ 6.4.8 (emphasis added). Bush's F526RCRs that was prepared on January 30, 1974, shows he was in an "Inactive Status" as the "Reason for Statement," and, therefore, he would not have been eligible for any membership "gratuitous" points. PBMR, 65. USAT/5/PP/13. His status naturally raises a question since only members assigned to the Inactive Status List Reserve Section ("ISLRS"), not the ORS or NARS-B, had an "Inactive Status."

[67] Bush's SoU *supra* required 48 INACDUTRA points, but the regulation *supra* allowed a member to miss four meetings and earn only 44 points for a fiscal year. None of Bush's training in July 1973 could apply to the missed training in the prior fiscal year because it was in a new fiscal year and all missed training had to be made up in the same fiscal year.

[68] PBMR, 63. USAT/11/2000/5.

[69] PBMR, 65. USAT/5/PP/13 and USAT/10/2000/17. The source of these three documents highlights the variations in the same form from different repositories. The PBMR F526RCS is from Bush's file at ARPC since it shows an ARPC facsimile number in 2000 at the top; the USAT/5/PP/13 F526RCS is the "Officer Command Selection Folder," and is most likely from the Texas Adjutant General's Office since it has no dates stamped at the top. The last USAT F526RCS is from the National Personnel Records Center as indicated by USAT.

ARPC received no documentation for training accomplished in the previous RR year, as far back as October 1972 in Alabama, by the time this form was date-stamped? Where is the ANACDUTRA and INACDUTRA documentation from the TXANG files for the specific days of training? The extensive documentation available for his duty up to May 1972 makes the absence of any detailed documentation after that date extremely suspicious. Why does the first F526RCS fail to reflect the points on the F526SPE?[70]

There is no required counseling statement or indication in the records that Bush had submitted paperwork for permission to perform equivalent duty in an Alabama unit prior to Bush's move to Alabama in May 1972. On May 24, 1972, after Bush cleared his TEXANG unit and left Houston for Alabama on May 15, 1972,[71] he then requested assignment to a unit in Alabama, the 9921st Air Reserve Squadron,[72] a unit that could have gone out of existence at any time, according to its commander.[73] He would have had no mandatory attendance requirements.[74] Normally, a request and approval from the approving higher HQ would be obtained before departure. The HQ, ARPC, turned down this request on July 31, 1972.[75] Most important is that Bush requested permanent assignment to the 9921st, not just permission to perform equivalent training there for a period of time. He, his unit leadership, and the TXANG hierarchy, therefore, evidently colluded to have Bush assigned to a unit where he would have minimal training requirements and would not be flying.

After ARPC denied him reassignment to the 9921st, Bush waited until September 5, 1972, 5 weeks, to request permission to "perform equivalent duty with the 187th Tac[tical] Recon[aissance] Group" in Montgomery, Alabama, "for the months of September, October, and November."[76] Bush evidently abandoned his wish for permanent "reassignment,"[77] in this case, to a unit where he could eventually return to flying with some retraining. That request was approved, and written orders, dated "15 September 1972," told Bush to report

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[70] PBMR, 64. USAT/11/2000/6.

[71] PBMR, 34. USAT/4/Performance Grades ("PG")/13.

[72] PBMR, 47. USAT/6/Reassignments Split Training ("RST")/9.

[73] PBMR, 48. USAT/6/RST/10. According to the commander the 9921st was Training Category G unit. AFM 35-3, Ch. 3, 3-6—3-8, Table 3-1, "ARF Assignments and Training," Rule 14, had only a Standby Reserve unit for NARS-A members, all "nonobligors," as a Training Category G unit. As such, Bush clearly was not eligible for assignment to it.

[74] Retired Colonel Rufus G. Martin ("Martin"), the then personnel officer for the 147th FG, told reporters that he knew Bush was ineligible for the first assignment but advised Bush to try for it since "[i]t was the [unit with the] least participation of any type of unit." *See* George Lardner, Jr., Howard Kurtz, "2 Democrats: Bush Let Guard Down," *Washington Post,* November 3, 2000. Martin's statement says much about the National Guard in the 1960s and 1970s. It was a good-old-boy club inextricably enmeshed in State politics. Otherwise, why would the personnel officer help Bush to avoid fulfilling his obligation?

[75] PBMR, 49. USAT/6/RST/5.

[76] PBMR, 50. USAT/6/RST/8.

[77] The difference between temporary and permanent is evident in the requests. For the 9921st Bush filled out an AF Form 1288, "Application for Reserve Assignment."

to the deputy commander, Lieutenant Colonel William Turnipseed, and to attend the "Unit Training Assembly (UTA)" on "7-8 Oct 72" and "4-5 Nov 72"; he already missed the opportunity to attend a scheduled September 1972 UTA.[78] There is absolutely no evidence, testimonial or documentary, that he reported to anyone. The WH-released documents show Bush was paid for attending UTAs on October 28 and 29, and November 11, 12, 13, and 14, 1972, not the UTA days he was ordered to training. He was awarded 12 points. There is no F190, F40a, or any other paperwork to back his attendance up, and these days do not match the days the unit had a "Unit Training Assembly." Logically, he could not have attended UTAs on these days. He should have been credited with an APDY, the only type of training to substitute for an excused missed UTA.[79] Moreover, November 13-14, 1972, are weekdays, and he received four points for this bogus UTA training. Did he receive permission to disregard the original orders? Did he request equivalent training for the days for which he received credit? What did Bush do and who was his supervisor? Where is the authorization? Whom did he report to? Why did he receive four points instead of the customary two for INACDUTRA during the week? Most important, Bush missed UTAs in July, August, and September of the new fiscal year; yet there was not one warning letter about missing scheduled UTAs in his file. He then missed the December UTA, and there was no letter. Clearly Bush's TXANG had a mandatory duty to inform him of his unsatisfactory participation with a counseling letter, but there is not one scrap of paper showing it carried out this regulatory requirement.[80]

Normally, orders were issued for ANACDUTRA, and UTAs were listed in a schedule.[81] Where are these documents? There is no way to tell what type of training Bush performed for each day he supposedly showed up for duty without the back-up forms and orders, and, therefore, impossible to determine accurately how many points he earned. The more important question is: Why would units, the 147th FG and 111th FIS, that meticulously kept records up to 1972 suddenly fail to have the proper forms in his file after that date? Where are the orders for ANACDUTRA? Why was he improperly credited with attending UTAs during the week?

In all his previous duty in the TXANG prior to his departure in May 1972, every UTA Bush was credited with was on a weekend. Only during his period of duty after May 26, 1972, are UTAs improperly credited for weekdays, both in the Alabama ANG and TXANG units.

The F526SPEs also raise a number of questions about point calculation. For example, why was he credited with 8 points in Alabama for November 11-14, 1972, a weekend with the following Monday and Tuesday?[82] He had missed the scheduled UTA so they cannot be UTAs. Normally, he would receive 6 points even if he made up the missed UTA with EQTs and APDYs: 4 for the weekend and one point each for the weekdays. January 4-6, 1973, a Thursday, Friday, and

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[78] PBMR, 20. USAT/6/RST/2.
[79] *See supra* 3.
[80] *See supra* 5-7. The answer is *infra* in the Pay Records section.
[81] PBMR, 18-20. USAT/6/RST/2; USAT/7/2000/6 (Special Order dated January 11, 1971; Special Order dated may 1, 1973 not available at USAT.)
[82] PBMR, 15. USAT/11/2000/9.

Saturday, he evidently was in Alabama, based on the WH-released dental record, and was credited with 6 points.[83] Normally it would have been four. For duty in April and May 1973, evidently at his TXANG unit, the points were calculated correctly: one point for weekdays and two for each weekend day.[84] He supposedly served 2 days in April 1973 in his TXANG unit, but, strangely, for his performance rating through April 30, 1973, his superiors, two lieutenant colonels, one of whom was his direct supervisor, wrote they had not seen him and could not rate him.[85] July 16-19, 1973, Monday through Thursday, Bush strangely is also credited with 8 UTA points by his TXANG unit. Why? There could not be that many UTAs in a month. Was this to ensure he had enough points to qualify for a discharge and transfer to ARPC?

Prior to May 26, 1972, in his TXANG unit Bush received credit for the following types of INACDUTRA: UTA, APDY, EQT, and TP.[86] After that date, he received credit for only two types of training: ANACDUTRA at one point per day, and UTA INACDUTRA at 2 points per day. In fact, 7 of 16, or 44 percent, of his UTA days for his anniversary year ending on May 26, 1973, are weekdays for which he received 2 points. The weekdays are all in Alabama. But a UTA by its very nature is scheduled for weekends and only 2 days of UTA per month are authorized. A missed UTA is made up by an EQT or APDY.

The same anomaly marks his training for his new anniversary year with training between May 27, and July 30, 1973, in his TXANG unit: 4 of 8 UTA days, July 16-19, 1973, or 50 percent, are weekdays, Monday through Thursday. Prior to this time his TXANG unit had never credited him with a UTA on a weekday.[87] Why the sudden change in July 1973?

One WH-released F526SPE also has a facsimile date and time of ”6-15-95 12:04 p.m.” in the upper left corner.[88] What is its significance? What is its origin? Who faxed it? Who received it? Bush already had been elected governor of Texas, so the public interest in his military records would have been minimal at that time. As previously stated, the point calculation on it also was inconsistent with ANG practice. For example, Bush earned an abnormal eight points for four UTAs on weekdays, July 16-19, 1973, and the normal five for five other ANACDUTRA weekdays, July 23-27, 1973.[89] Where are the orders and other forms backing up the awarding of these points?

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[83] PBMR, 15. USAT/11/2000/9. The dental record is at Fact Check.
[84] PBMR, 15. USAT/11/2000/9.
[85] PBMR, 34. USAT/4/PG/13.
[86] *See* 8 n. 41. There are four copies of this F526SPE at USAT; none have the facsimile information. USAT/10/2000/18; USAT/11/2000/6, 9; USAT/16/2004/7.
[87] PBMR, 3-12. *See supra* 8 n. 41 and USAT/5/PP/ 2, 5, 7, 10.
[88] PBMR, 16. *See supra* 14 n. 80.
[89] The F526SPE evidently listed the type of training under its “TP”: “1” is for ANACDUTRA and “2” for INACDUTRA or some type of INACDUTRA. The WH-released finance documents [PBMR, 51-57; Fact Check] list only three types of training “AD,” “UTA,” and “AFTP” with the last two being INACDUTRA. It is unknown if the F526SPE differentiated between different types of INACDUTRA.

The January 6, 1972, dental evaluation coincided with the WH-released SPD and F526SPE.[90] Bush evidently was fulfilling his INACDUTRA by going for a dental exam, an appropriate activity for a UTA. The examination was on a Saturday. There was no unit UTA schedule in the records. Why did Bush not attend the normally scheduled UTA for Sunday? Where is the authorization? Why did he return to Alabama for duty, instead of reporting to his TXANG unit that he was back in Texas and ready for duty, since his request and his commander's approval covered duty in Alabama only during September, October, and November 1972?[91]

There are numerous accounts in the press of service members in the Alabama unit saying they neither met nor saw Bush at the unit. One pilot even says he was looking for Bush, but never saw him, even at the pilot lounge; another pilot confirms the first's account.[92] The WH recently produced a retired Lieutenant Colonel John Calhoun who has said he spent time with Bush, but the periods do not coincide with the training documents.[93] When a hefty reward was offered in 2000 to anyone who saw Bush in Alabama, Calhoun never collected, a factor also undermining his credibility. All eyewitness evidence is anecdotal, however, and obscures the main problems: Bush moved to Alabama without gaining prior approval to fulfill his ANG duty in Alabama; the evidence clearly shows he never attended any kind of training from April 1972 until the end of October 1972, a period of six months; and he was strangely credited for UTAs that could not have been this type of training.[94] He also seemingly attended no INACDUTRA in December 1972, as well as in February and March 1973.[95] Yet there is not one counseling letter in his records.

As for the DD Form 44, the released records contained only three for the years 1968, 1969, 1971.[96] Additionally, the recently released records showed Bush did not even keep his contact address current, as required by regulation *supra.*[97] The address on the F526RCS prepared on January 30, 1970, is Bush's residential address in Houston before he departed for Harvard Business School ("HBS") in the summer 1973.[98] ARPC Reserve Order N-D 1704, dated March 7, 1974, has a Houston address that does not correspond with the one on the

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[90] PBMR, 14, 15, respectively. Fact Check.
[91] PBMR, 50, 69, respectively. USAT/6/RST/8, 7, respectively.
[92] *See* Jackson Baker, "Bush a No-Show at Alabama Base, Says Memphian," the *Memphis Flyer,* February 12, 2004.
[93] *See* Walter v. Robinson and Wayne Washington, "Bush releases his military records," *Boston Globe,* February 14, 2002.
[94] In a discussion with an Alabama ANGUS technician, it was determined that the Alabama unit would have sent the attendance document to Bush's parent TXANG unit which would have submitted the paperwork to initiate payment for the training. Additionally, the Alabama ANGUS unit would not have permanently retained records on Bush since he was not a member of the unit.
[95] This anomaly will be explained *infra* in the Pay Records section of this analysis.
[96] PBMR, 71-73. USAT/7/Miscellaneous/10, 11, 12.
[97] Previously released records had the address redacted. *See, e.g.,* PBMR, 38, 47.
[98] PBMR, 65. USAT/10/2000/17.

previously mentioned F526RCS.[99] The first Reserve Order with a HBS address is dated May 1, 1974.[100] The first with a home address in Massachusetts is dated November 21, 1974.[101]

Finally, on July 30, 1973, prior to his departure for Boston to attend HBS, Bush signed a counseling statement recognizing his responsibility to find another unit in which to serve his obligated service or face an involuntary call to active duty. Some six weeks later, on September 13, 1973, the unit personnel officer certified that Bush had "satisfactorily participated in his Ready reserve assignment while assigned to the 111th Ftr Intcp Sq, Ellington AFB, Texas[.]"[102] This certification is a bold-faced lie, since Bush's participation for the previous fiscal year clearly was unsatisfactory when he earned only 36 INACDUTRA points. It was signed by the same TXANG personnel officer who suggested Bush request assignment to the unit in Alabama where he would have had no mandatory meetings.[103]

In summary, there was no F190, F1383, AF Form 40, or AF Form 40a documenting his attendance in the ANG after May 1972 until the time he was discharged and assigned to ARPC on October 2, 1973. There was no record of his ever receiving any warning letters or of the unit's reporting him for unsatisfactory participation in accordance with AFM 35-3, although he missed more than the 4 UTA periods permitted. Other important documents are the above-mentioned Special Orders normally issued by the commander for ANACDUTRA periods.[104] There are some, but none for ANACDUTRA after June 7, 1973, although he earned an abnormal number of points in July 1973.

There was, however, another form that belies the WH version: AF Form 11, "The Officer Military Record": Page two has an October 1, 1973, entry documenting Bush's discharge from the TXANG and transfer to ARPC. The previous entries document only ANACDUTRA up to May 26, 1972.[105] Where is the entry for the ANACDUTRA after May 1972? After all, the form has a "1 Oct 73" closeout entry. The evidence shows that Bush clearly and convincingly did not meet the fiscal year satisfactory participation requirement for July 1, 1972-June 30, 1973.

There is no doubt that his superiors in the TXANG did not carry out their responsibilities to fulfill the regulatory requirements

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[99] PBMR, 74. USAT/13/20044. This order also showed Bush's lost his pilot rating and was assigned the primary skill category of "Executive Support Officer." Whether Bush initiated this change or ARPC did cannot be determined at this time because there is no other information available in the released records.

[100] PBMR, 75. USAT/12/2000/22.

[101] PBMR, 68. USAT/12/2000/24.

[102] PBMR, 76. USAT/13/2004/3.

[103] *See* 13 n. 77. By September 13, 1973, Bush had begun his first term at Harvard Business School ("HBS") in Massachusetts which began on September, 11, 1973 for first year students. March 30, 2004, E-mail from HBS Registrar Services. In addition, it was irrelevant for the purpose of seeking an assignment in Massachusetts because Bush had already requested transfer to ARPC (NARS) on September 5, 1973. USAT/2/Discharge/5.

[104] PBMR, 18-19. Only the January 11, 1971, Special Order to AD is available at USAT/7/2000/6.

[105] PBMR, 23-24. USAT/11/2000/10-11.

for notifying him of his unsatisfactory participation and loss of proficiency and properly reporting Bush's failures to higher HQ, especially since the Texas Adjutant General maintained Bush's master personnel records file.[106]

IV. Flight Status.

Bush was grounded by verbal orders on August 1, 1972, for not taking his flight physical. On September 5, 1972, the 147th FG commander published written orders, confirming the grounding.[107] On September 29, 1972, official written orders issued by Major General Francis S. Greenlief, Chief, National Guard Bureau, confirmed the grounding, and, most important, ordered Bush to "comply with para[graph] 2-10, AFM 35-13";[108] paragraph 2-28, AFM 35-13, says the following: "The officer suspended will acknowledge in writing that he has received the orders indicating the time and date of receipt according to paragraph 2-10b." Walter V. Robinson (Robinson) and Francie Latour (Latour) in "Bush's loss of flying status should have spurred probe," *Boston Globe,* February 12, 2004, first noted this requirement. There is no document that shows Bush ever complied with this notification requirement, however. Robinson and Latour went on to cite two generals about the seriousness of Bush's failure to take his flight physical and the duty of the commander to investigate the reasons for his failure to take it.

If a pilot failed to take a medical examination, the local commander who had the authority to convene a Flying Evaluation Board ("FEB")[109] had to "direct an investigation as to why the individual failed to accomplish the medical examination."[110] That commander then had two options, to convene an FEB or to forward a detailed report of the case up the chain of command with a recommendation that the suspension be removed [if the flight physical has been taken]."[111] The records released to date contain no information about either Bush or his commander's fulfilling these mandatory requirements.

Another explanation is possible for Bush's loss of interest in fulfilling the obligation he undertook. Perhaps Bush had a flight incident that vitiated his fervor for flying? Dangerous incidents, such as engine flameout, in that time frame were not uncommon and sometimes were an epiphany for a pilot. The regulation even provided for grounding because of the fear of flying.[112] Interestingly, Bush

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[106] *See supra* 8 n. 44.
[107] PBMR, 77. USAT/18/2004/11.
[108] PBMR, 21-22. USAT/18/2004/9-10.
[109] Normally, that would be a wing commander; in this case, probably the commander of the 147th FG, Bush's higher HQ.
[110] AFM 35-13, 2-13, ¶ 2-28(m). A copy of the appropriate pages was obtained from Walter V. Robinson; the title page was not available.
[111] *Id.*
[112] *Id.* "George W. Bush: military pilot" at http://www.danford.net cites fighter pilot Ed Rasimus: "Every time you kick the tires and light the fire in a single-engine, single-seat Century Series jet, it can kill you—all by itself without help from any enemy." An AF retired colonel who served with Bush in the TXANGUS, William Camtenni, noted several aviators in their unit died while both were there. Bob Dart and Bob Dean, "Bush records fail to disprove charges,"

had time for a dental exam in January 1973, which required his traveling from Texas to Alabama, but no time to carry out a standing regulatory requirement to take a yearly flight physical?

In fact, there is no evidence that he ever complied with this obligation, even after he returned to Texas sometime in the winter 1972, or even complied with paragraph 2-10, AFM 35-13, to respond to his notification of grounding in writing. His AF Form 1712, "Uniform Military Personnel Record," dated "73MAY10," shows his last physical was taken in May 1971.[113] It also shows he was suspended.[114] But, as previously mentioned, the WH-released F190 from May 26, 1973[115] strangely shows that his aeronautical rating was "Plt On-fly," although he had been grounded since August 1, 1972. This entry also is at odds with the entry on the May 1, 1973, "Special Order," that requires Bush to attend "Annual Active Duty Training" at his TXANG unit and indicates he was in a "Non-Fly" status.[116] If he had already returned to Houston in November 1972, why did he not report in at his unit immediately, take his flight physical, and resume his self-described passion for flying fighters?[117] Why did he go back to Alabama without prior approval in January 1973 to perform INACDUTRA? Why did the TXANG leadership fail to enforce the requirement for a flight physical after he returned?

One way of determining whether his abandonment of his flying obligation hurt his unit is to look at its authorized strength and assigned personnel in 1972 when Bush left his Texas unit for Alabama without prior written authorization and in 1973 after he returned to Texas. A 1970 document in the FOIA response shows the unit was authorized 13 lieutenants but was assigned only 7 in that year.[118] It was 5 over strength at the grade of captain, so it was still one short of company grade officers, lieutenants and captains, in 1970. That is precisely why the commander of the 147th FG at that time, retired Major General Bobby W. Hodges, has stated, that were Bush in Texas, "I would have kept him flying the 102 until he got out, but I don't recall him coming back at all."[119] He evidently was available, but not qualified, because he never took his flight physical, although he had a regulatory obligation to take it. Bush never flew after April 1972, although he had an obligation to fly into November 1974.

In summary, Bush agreed to fly for 60 months after completion of his training at Moody AF Base. Bush then received F-102 training at his home base. After some eighteen months of training at a cost of some one million 1970 dollars, Bush flew operationally for about 22

Cox News Service at www.azstarnet.com/dailystar. Bush mentions these deaths in his autobiography, *A Charge to Keep* (William Morrow and Company, Inc. 1999) ("Charge"), 55: "We lost two men in our unit when I was flying."

[113] PBMR, 62. USAT/14/2000/22.

[114] USAT/14/2000/23.

[115] PBMR, 17. USAT/11/2000/7.

[116] PBMR, 19. This Special Order is not available at USAT.

[117] PBMR, 43-46. Only the Statement of Intent is available at USAT/14/2004/7.

[118] PBMR, 39. This for is not available at USAT.

[119] Martin Heldt, "Four days in the fall," September 3, 2000, at http://onlinejournal.com/bush.

of the remaining 53 months he agreed to fly. He had 39 days of ANACDUTRA and 75.5 days [151 points] of INACDUTRA from July 1970 until he departed his TXANG unit in May 1972 with his last attendance at training on April 16, 1972, for a UTA. There is no evidence his unit took any corrective action whatsoever. Its inaction enabled Bush to escape his failure to take a flight physical, i.e., maintain his proficiency,[120] without suffering any consequences.

V. Bush's Performance as Documented on AF Form 77, "Officer Effectiveness/Training Report" (F77).

The FOIA response contained three F77s covering his duty performance from November 27, 1969, through April 30, 1973.[121] Newspaper articles and some commentators have highlighted the laudatory comments in these performance reports, while overlooking the most important element: his 1972 rating is demonstrably lower than his 1971 report. It was written by the same officers, and Bush had not changed positions or been promoted, factors that can have an impact on a performance rating: New raters can have a different rating philosophy; assuming a new position and promotion to a higher rank entail a learning process and raters usually left room for improvement.

In Bush's case, however, he is rated lower in 1972 than in 1971 in section III (Rating Factors) in the "Performance of Duties" and "Leadership" blocks. To be fair, "Judgment" is higher.[122] The most important section, his "Promotion Potential" in section VI, went from a top block 4 "Promote ahead of contemporaries"[123] to the penultimate block 3, "Consider for advancement ahead of contemporaries."[124]

Another indicator of a precipitous drop in his performance is the comments by the 147th FG commander, Lieutenant Colonel Bobby W. Hodges ("Hodges"), in an "Additional Endorsement" to the F77 in 1971 and 1972. In 1971, Hodges wrote, "Lieutenant Bush is an outstanding young pilot and officer . . . This officer is rated in the upper 10% of his contemporaries."[125] In 1972, after one more year of service, now Colonel Hodges changed "outstanding" to "exceptionally fine" and had no comment about Bush's being in the top ten percent of his contemporaries.[126]

One also should not put too much stock in the praiseworthy comments and seemingly high ratings because rating inflation was rampant at that time. The trend in an officer's performance rating, however, is the most important factor, and Bush clearly was on a downward slope. Rating Bush lower as his career progressed in the exact same job with the same rank was military code for saying

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[120] *See supra* 5.
[121] PBMR, 27-37. USAT/4/PG/2-13.
[122] *Compare* PBMR, 27 and 30. USAT/4/PG/2, 5.
[123] PBMR, 28. USAT/4/PG/3.
[124] PBMR, 31. USAT/4/PG/6.
[125] PBMR, 29. USAT/4/PG/4.
[126] PBMR, 32. USAT/4/PG/7.

something stinks in Denmark and the kiss of death for an officer's career, regardless of the seemingly high rating and flattering comments. Overall the 1972 rating was devastating. Did this lower rating indicate a problem? Did it play a role in Bush's decision to go to Alabama and to abandon his flying career?

His May 1973 F77 is the one in which his superiors wrote they could not rate him because he was in Alabama performing his obligated ANACDUTRA and INACDUTRA for the previous year.[127] When that report hit ARPC, an ARPC Form 204 was sent to Bush's Texas unit ordering it to obtain an AF Form 77a from the training unit in Alabama so that Bush "can be rated in the position he held"; it added, "Ratings must be entered on this officer in Sections V & VI [of the AF Form 77]"; the suspense date for responding was August 6, 1973.[128] When the AF Form 77a was completed on November 12, 1973, more than three months past its suspense date, after Bush had been discharged from the TXANG, it simply stated, "Report for this period not available for administrative reasons."[129] It had absolutely no input from the Alabama ANG. Why did his TXANG unit disregard the suspense date and submit the form after Bush was discharged in October 1973? Why had his TXANG unit not obtained input from the Alabama unit? Could nobody there provide any input on Bush's performance? If Bush had a supervisor and Calhoun's statement about him fulfilling his duties conscientiously is true, why did his TXANG leadership comply with the order from ARPC?

There is one more important facet about his performance reports: Both of the reports before 1973, in section II, "Duties," list the number of active duty days and training periods. On the report "from 27 Nov 69 thru 30 Apr 71" they were listed as "166 Active Duty Days/78 Training Periods; on the one for the next year – "22 Active Duty Days/82 Training Periods"; on the one where he could not be rated there is no entry,[130] indicating his TEXANG superiors had no idea what Bush had been doing in Alabama, or anywhere else for that matter, for the entire previous year.

Bush also has no F77 evaluating his performance from May 1, 1972, until his discharge on October 1, 1973, from the TXANG. For the last 17 months of his time in the ANG, there is no record of the duties he performed and how well he performed them because both the Alabama and TXANG units failed to submit a F77 documenting his performance.

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[127] PBMR, 34. USAT/4/PG/13.

[128] PBMR, 35. USAT/4/PG/11. The ARPC Form 204 also notes in the "Corrective Action Section" that Bush's "DAFSC [Air Force Specialty Code] and/or duty title in Section II [of the DAF 77] does not agree with Item 8, AF Form 11," and in the "Remarks Section" that Bush "should have been reassigned since he no longer is training in his AFSC or with his unit of assignment." There are several copies of the AF Form 11 in the records that differ, and no explanation has ever been provided for the redaction of the first line in the "1 Oct 73" entry in some of them. *Compare, e.g.,* USAT/14/2000/16 and USAT/17/2004/25(redacted) with USAT/7/2000/3, USAT/18/2004/5, and PBMR, 24 (unredacted). The comment about Bush's reassignment highlights the failure of Bush's TXANG unit to take any corrective action when Bush failed to take his flight physical.

[129] PBMR, 37. USAT/4/PG/10.

[130] PBMR, 27, 30, 33, respectively. USAT/4/PG/2, 5, 12, respectively.

Moreover, Bush had extensive service in his TXANG before his discharge on October 1, 1973: Of the 150 total days in his TXANG unit during this period, he had 12 days of ANACDUTRA and 2 days of UTA in May 1973; 3 days of ANACDUTRA and two days of UTA in June 1973; and 13 days of ANACDUTRA and 6 days of UTA in July 1973. Yet his superiors decided not to give him an officer performance evaluation on his discharge after he had not been rated for the previous year.[131] Why would his superiors allow the last 17 months of his duty to be unrated time?[132]

VI. Discharge from TXANG and Assignment to ARPC.

A. REGULATORY REQUIREMENTS.

AFM 35-3, Ch. 12, ""Screening the Ready Reserve," 12-7, ¶ 12-11, has special provision for ANGUS members: "Subject to paragraph 12-2e, ANGUS members who do not qualify for retention of Ready Reserve status under the screening criteria will be discharged from the State ANG under this chapter and ANG 36-05 or 39-10;[133] paragraph 12-2(e) allows a qualifying member to request a transfer to the Standby Reserve from his commander. Such a transfer is governed, however, by specific criteria in Table 12-1 of this chapter, and the only criterion that applied to Bush, a member of the ANG, is Rule 8 which says the member "does not possess the required military qualifications for his grade or specialty; or he does not meet the mental, moral, professional or physical standards of the Air Force (see note 4)." Note 4 required notification of the member if a unit initiated action, and a right for the member to submit documentation in his behalf. The National Guard Bureau made the final determination and recommended disposition of the member with the file going to ARPC. ANGR 36-05, "Separation of Air National Guard Officers," December 31, 1968, governed Bush's discharge. Paragraph 6a(12) provided for the discharge of an officer from the State ANG "[a]s a result of screening under any of the criteria contained in ANGR 35-03 [ANGR 35-3, Table 12-1 *supra*]."

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[131] AFM 36-10 is not available to determine if a performance report was mandatory or optional. The current AF Instruction 36-2406, "officer and Enlisted Evaluation Systems," 1 July 2000, in Table 3.3, dealing with performance reports for ANGUS officers with the rank from lieutenant through colonel, indicates 120 days of supervision is required when the officer is separating, and, according to a representative at the Air Force Personnel Command, a performance report has always been mandatory, even under AFM 36-10 in the 1970s, if the officer is transferred to ARPC to finish his MSO.

[132] The decline in performance in 1972-1973 should be placed in perspective. As has been widely reported, during this period Bush was still drinking, and, in December 1972 while visiting his parents in Washington D.C., challenged his father to go *mano a mano* after coming home drunk with his younger 16-year-old brother Marvin. *See, e.g.,* Suzanne Goldenberg and Oliver Burkeman, "George's War," *The Guardian*, February 12, 2004, and Lois Romano and George Lardner, Jr., "Bush's Life-Changing Year," *Washington Post*, July 25, 1999.

[133] ANGR 36-05, "Separation of Air National Guard Officers," dated December 31, 1968, applies to Bush's situation.

The procedure for Rule 8 *supra* dictates that if a member has an MSO he is transferred to ARPC (ORS). The discharge order had to contain the following statement, however: "[D]ischarge from ANG and transfer to USAFR, ARPC (ORS), standby screening by authority of AFM 35-3, table 12-1, rule 8C." If an ANG order cited Rule 8C, then the member would be assigned to NARS-B because he still had an MSO.

In the alternative, moving from the area of assignment also qualified a member for a discharge from ANGUS and assignment to ARPC (ORS) for processing in accordance with AFM 35-3, Ch. 14.[134]

For those transferred from the ANGUS to ARPC,

> [t]he following categories of members who have an unfulfilled MSO are initially assigned to ORS when gained to the Ready Reserve strength of ARPC.
>
> . . . . .
>
> A member transferred from the ANGUS to complete the remainder of his MSO.[135]

When moving, the member was obligated to inform his unit, and, in turn, it had to counsel him before the move that he was subject to an involuntary call to active duty to serve a maximum of 24 months of active duty or 45 days of ACDUTRA.[136]

In any event, when an officer's records arrived at ARPC (ORS), they were screened upon arrival:

> ARPC will review the personnel records of each member with an MSO when he is initially gained to ARPC strength. ARPC will determine his current status and will then award an appropriate availability classification code and assign the individual to the appropriate section. Publication of orders is not required for these actions.[137]

The two criteria for ARPC's placing a member in the Standby Reserve in order of priority were participation in combat and obligated Ready Reserve time remaining: Those with the least time were selected first.[138]

If the member did not qualify for transfer to the Standby Reserve, ARPC had to notify the member that he had 60 days from notification to locate and join another Ready Reserve unit or MA position.[139] Moreover, the individual had the responsibility to find

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[134] AFM 35-3, Ch. 8, 8-6 ¶ 8-15b(2), (4).

[135] AFM 35-3, Ch. 10, "USAFR Assignment Policies," 10-2, ¶ 10-9a(2).

[136] AFM 35-3, Ch. 14, 14-7, ¶ 14-4a. Any periods of previous active duty were subtracted from the 24 months. For example, if the member had already served 19 months, he could be involuntarily called to active duty for a maximum of 5 months.

[137] AFM 35-3, 12-11, ¶ 12-16b.

[138] AFM 35-3, Ch. 12, 12-2, ¶ 12-3: "Members of the Ready Reserve, who are equally eligible for transfer to the Standby Reserve, will be selected in the following order. A person:

a. Who has participated in combat.

b. With the least remaining obligated Ready Reserve Service."

[139] AFM 35-3, Ch. 14, 14-7, ¶ 14-6b.

a unit or MA position.[140] If he failed to find and join a unit or be placed in an MA position, he had to be processed for an involuntary call to active duty. The regulation was seemingly unequivocal in this regard, i.e., for the "processing" of a member.[141] To facilitate the ability of a member to fulfill his obligation, commanders of ARF units practically had no leeway to reject a member who changed his residency because of a cogent reason, if *inter alia* the losing unit certified in writing that the member had participated satisfactorily in his assignment, the member's specialty was usable in the unit or he could be retrained.[142]

The member also had the right to request discharge or assignment to the Standby Reserve within five days of the receipt of the notification.[143] If the member objected to the involuntary call to active duty, assistance had to be provided to help him prepare his case, and no member was to be ordered to active duty unless his case was reviewed by an informal board of officers at ARPC.[144] In some instances, the member required a medical examination prior to entry into active duty.[145] Finally, if a member believed his case had not been given full consideration, he could submit an appeal within 15 days of the receipt of ARPC's decision on his request; the appeal had to be based on a change in circumstances not previously considered; and an informal board of officers at ARPC would issue a decision within seven days of receipt by the approving authority.[146]

The regulation, however, did not demand that all such members be called involuntarily to active duty: "[I]ndividuals who are unable to participate and who have not fulfilled their statutory participation requirements and cannot qualify for continued assignment to ORS **may** be ordered to AD [active duty] if they have not served on AD and/or ACDUTRA for 20 months, or their remaining MSO is more than 3 months."[147]

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[140] *Id.*, 14-11, 14-8a(3)(a).
[141] *Id.*, 14-8, ¶ 14-6f.
[142] *Id.*, ¶ 14-6d.
[143] *Id.*, 14-11, ¶ 14-8a(3)(b).
[144] *Id.*, ¶ 14-8a(4).
[145] *Id.*, ¶ 14-8b.
[146] *Id.*, 14-13, ¶ ¶ 14-8(e).
[147] *Id.*, 14-11, ¶ 14-8a (emphasis added). ARPC seemingly had discretion, at this point, but the penalty for unsatisfactory participation or loss of proficiency was termination of the Ready Reserve assignment and an involuntary call to active duty. *See supra* 5. Interestingly, AFR 35-41, Ch. 7, 7-5, ¶ 7-8a with an effective date of April 16, 1974, says, "ARPC administers the program to order to active duty **enlisted members** of the ORS who qualify for a 24-month tour of active duty" (emphasis added). This qualification is not in AFM 35-3. The logical inference is that some other authority, not ARPC, had to order officers to active duty involuntarily. Although AFR 35-41 was not in effect when Bush was transferred to ARPC, new regulations usually lag behind practices that have already been implemented. As for the word "may," it "usually is employed to imply permissive, optional or discretional, and not mandatory action or conduct" and "[i]n construction of statutes and presumably also in construction of federal rules [the] word 'may' as opposed to 'shall' is indicative of discretion or choice. . ." although the context in which the

B. BUSH'S RECORDS.

Before Bush left Texas to attend HBS, his unit made him sign a counseling statement,[148] dated July 30, 1973, in accordance with AFM 35-3.[149] On his September 5, 1973, letter requesting discharge, Bush asked for assignment to "ARPC (NARS)" in the Standby Reserve[150] which would have provided him sanctuary from an involuntary call to active duty except in case of national emergency or war declared by Congress. Although the regulation required that he be assigned to ARPC (ORS),[151] his 111th commander recommended approval of Bush's request for assignment to the Standby Reserve a day later.[152]

On September 18, 1973, the commander of the 147th FG approved his discharge but properly requested that Bush be assigned to ARPC (ORS).[153] In between these two dates, on September 13, 1973, the personnel officer for 147th FG, Martin, falsely affirmed on Bush's July 30, 1973, counseling statement that he had participated in his assignment satisfactorily: "1st Lt Bush has satisfactorily participated in his Ready reserve [sic] assignment while assigned to the 111th Ftr Intcp Sq [sic], Ellington AFB, Texas."[154] This statement is a brazen lie because Bush neither quantitatively nor qualitatively had completed the requirements for satisfactory participation for FY 1972-1973: He had only earned 36 INACDUTRA points, instead of the minimum 44; had failed to take his flight physical and lost his proficiency, although he had returned to Texas by January 1973; and had no performance rating for the last 17 months of duty in the TXANG.

On October 16, 1973, the Adjutant General's Department issued a Special Order confirming Bush's discharge from the TXANG and assignment to ARPC (ORS).[155] The Adjutant General, however, did not send Bush's master record file to ARPC until November 15, 1973, some 45 days after his discharge.[156]

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word is used is ultimately the "controlling factor." *Black's Law Dictionary* (6th ed. 1990), 979.

[148] PBMR, 76. USAT/13/2004/3.

[149] AFM 35-3, Ch. 14, 14-7, ¶ 14-6a. A sample counseling statement is at *id. 14-9, Figure 14-2.* Bush's counseling statement conforms to the figure.

[150] PBMR, 78. USAT/2/Discharge/5. Members of the Standby Reserve can be called to active duty only in time of war or national emergency declared by Congress. AFM 35-3, Ch. 2, 2-5, ¶ 2-39.

[151] *Id.*, Ch. 10, 10-2, ¶ 10-6a(2).

[152] PBMR, 78. USAT/2/Discharge/5.

[153] PBMR, 79. USAT/2/Discharge/2.

[154] PBMR, 76. USAT/13/2004/3. The signature block does not state that Martin is the personnel officer for the 147th FG. *See Washington Post*, "At Height of Vietnam, Bush Picks Guard," July 28, 1999, found at http://www.washingtonpost.com/wp-srv/politics/campaigns/wh2000/stories/bush072899.htm at 3. This same officer had recommend Bush attempt reassignment to the 9921st in 1972, although Bush was ineligible for such an assignment. *See* 13 n. 77.

[155] PBMR, 80. USAT/2/Discharge/4.

[156] PBMR, 81. USAT/7/Miscellaneous/2. The Texas Adjutant General, not ARPC, had the responsibility of maintaining Bush's master personnel records file. AFM 35-3, Ch. 8, 8-9, ¶ 8-24a(2). It is practically impossible to determine, therefore, how much information about Bush's record was available to ARPC prior to the transfer of the complete file to ARPC.

There is no documentary evidence that ARPC ever screened his records and notified him that he had 60 days to find and join another Ready Reserve unit, or MA position, to avoid an involuntary call to active duty, after it received Bush's records. At that point Bush had completed just over 20 months of active duty and ACDUTRA and was just over one of the thresholds allowing ORS to avoid calling him involuntarily to active duty.[157] He did have more than three months of his MSO remaining, almost eight months from October 2, 1973, to May 26, 1974, and at the most some five months by the time ARPC screened his records, and could have been called to active duty under that provision, but, as stated above, the regulation gave ARPC discretion since it said such members "may be ordered" to active duty.[158]

At some point ARPC transferred Bush to NARS-B before he had fulfilled his MSO, although Bush seemingly should have remained in ORS until it was completed: "An obligor not assigned to another

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Certainly ARPC received Bush's reassignment request, copies of his officer performance reports, and the F190s after the RR year was closed. ARPC probably was not aware of the day-to-day and month-to-month attendance records, and the TXANG clearly had the responsibility to screen Bush's records for satisfactory participation and proficiency. If no adverse action was taken by the TXANG, ARPC most likely would have little chance of knowing Bush's participation was unsatisfactory until well after it occurred. In fact, the ARPC F526RCS prepared on January 30, 1974, has a date-stamp of April 8, 1974, in the upper right hand corner which could indicate that date ARPC processed it. PBMR, 65. *See supra* 11-12 at n. 67 for the variations of this form in the records.

[157] Bush had completed 629 days of active duty and ACDUTRA which comes to 20 months and 29 days, considering every month is 30 days.

[158] Bush had completed 5 years, 4 months, and 5 days of his six-year MSO when he was discharged form the TXANG according to his National Guard Bureau Form 22. PBMR, 40. USAT/2/Discharge/6. In the context of the times, with the large influx of pilots, as well as other AF personnel, because of the drawdown in Vietnam, ARPC was probably swamped with records to review. Moreover, ARPC would have received the records right at the start of the Thanksgiving Day with Christmas and the New Year's celebration right around the corner. A contemporary of Bush's in the 111th in 1970-71, retired Colonel William Campenni ("Campenni") wrote: "'The Bush excusal in 1972 was further facilitated by a change in the unit's mission, from an operational fighter squadron to a training squadron with a new airplane, the F-101, which required that more pilots be available for full-time instructor duty rather than part-time traditional reservists with outside employment.

"'The winding down of the Vietnam War from 1971 [until the US total withdrawal in 1973] provided a flood of exiting active-duty pilots for these instructor jobs, making part-timers like Lt. Bush and me somewhat superfluous. There was a huge glut of pilots in the Air Force in 1972, and with no cockpits available to put them in, many were shoved into nonflying desk jobs. Any pilot could have left the Air Force or the Air Guard with ease after 1972 before his commitment was up because there just wasn't room for all of them anymore.'" *See* http://www.danford.net/bushf102.htm, at 2-3. In 1969, AFM 53-3 had listed "fighter pilot" as a critical military specialty under AFSC.

AFM 35-3, Ch. 12, 12-57, Figure 4. The elimination of "fighter pilot" as a critical specialty in AFR 35-41 in 1974 gives credence to Campenni's statement about a surplus of fighter pilots in the post-Vietnam War period. AFR 35-41, Ch. 8, 8-9, Figure 8-3.

Ready Reserve position will be retained in ORS until he completes his MSO, unless sooner transferred to the Standby Reserve under chapter 12."[159] Unfortunately, the regulation permitted ARPC to transfer him to NARS-B without publishing orders,[160] and the reason and timing for his assignment to NARS-B can only be deduced from another action, the change of his Primary Air Force Specialty Code ("PAFSC").

In relation to ARPC actions, there are two F526RCSs for the RR year of May 27, 1972, through May 26, 1973, that also require explanation. The first has an effective date of May 26, 1973; shows it was generated as an annual statement; and has no points on it. There is no date showing when it had been prepared, although the one at the *USA Today* website has a date-stamp of October 3, 1973, in the upper right hand corner.[161] The origin of this stamp is impossible to determine, however, and the F190 from May 26, 1973, certifies that Bush earned 9 ACDUTRA and 32 INACDUTRA points for that RR year. The second F526RCS for that RR year has a "DATE PREPARED" of January 30, 1974, after Bush was discharged from the TXANG, and specifies the reason for its generation as "INACTIVE STATUS." If Bush were in ORS or NARS-B, the only two possibilities based on the records, he could not have been in "Inactive Status." This form also has two dates stamped on it at the top: April 8, 1974, and April 10, 1974.[162]

When Bush had been assigned to ARPC, he had a PAFSC for a fighter pilot, 1125D, but had not flown for some 20 months and did not have a current flight physical. On March 7, 1974, ARPC stripped Bush of his fighter pilot status by changing his PAFSC to Executive Support Officer with the issuance of Reserve Order N-D 1704.[163] It was sent to a Houston address at which Bush had not lived since about 1971. There is nothing in the records to show whether Bush requested this change or ARPC unilaterally ordered it. There was no acknowledgment from Bush about the change. He, therefore, lost his coveted status as a fighter pilot without so much as whimper.

On May 1, 1974, ARPC issued an order[164] transferring Bush from NARS-B to the Inactive Status List Reserve Section ("ISLRS") in the Standby Reserve with an effective date of May 27,1974, since he had completed his MSO, but still had to complete his obligated service pursuant to the additional time he incurred as a result of his flight training. There is an undated letter with no addressee information that shows Bush was interested in finding out his status with the "Air Reserve." It indicates he knew he was in the Standby Reserve and desired a discharge: "I would like to discharge [sic]

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[159] AFM 35-3, Ch. 10, 10-3, ¶ 10-6c. There is no documentary evidence in the records that ARPC applied any provision of Chapter 12.
[160] AFM 35-3, Ch. 12, 12-11, ¶ 12-16b.
[161] *Compare* PBMR, 63, with PBMR, 82, from USAT/11/2000/5. Not all copies of this form have this date stamped on them, indicating, most likely, that they came from different records repositories.
[162] USAT/16/2004/6. The F526RCS at the USAT website is missing the print at the bottom telling which copy it is. It is not the Master Personnel Record Copy since this copy has ARPC facsimile information at the top, while the USAT version has the date-stamp of April 10, 1974. PBMR, 65.
[163] PBMR, 74. USAT/13/2004/4.
[164] PBMR, 75. USAT/16/2004/17.

from the standby reserve. He knew his section or unit number, as well as his Standby Reserve number.[165] On November 21, 1974, Bush was discharged from ISLRS.[166] There is no documentary or testimonial evidence that ARPC ever considered calling Bush involuntarily to active duty. Thus, while flagrantly violating regulations and his commitment to serve and fly, Bush skated through the system of checks and balances to ensure members of the ANGUS fulfilled their obligations, or paid a penalty with an involuntary call to active duty, with help from his comrades-in-arms in the TXANG, the circumstances of the time, the military drawdown, and ARPC's inattention or indifference to his regulatory violations.[167]

VII. Pay Records.[168]

Pay records are unreliable as an ultimate proof of attendance at drills, as Richard Cohen pointed out in a *Washington Post* editorial, "From Guardsmen . . .," on February 10, 2004. The ARPC FOIA response letter clearly stated: "The information regarding pay records . . . would be located in the Texas State Adjutant General's Office."[169] These records reportedly come from Defense Finance and Accounting Service. Has the WH released pay records from Texas?

For at least one month, March 1972, the finance records do not correspond to the F190: the former[170] show four entries for UTAs (2 for March 12, 1 each for March 14 and 15), five entries for AFTPs (March 1, 6, 14, 15, and 31), and 4 days of AD training (March 8-11) for a total of 13 day-points; the latter[171] shows no AFTPs only five TPs, albeit on the same days, four days of AD training, 2 UTAs for March 12, and one EQT for March 15 for a total of 12 day-points. This error, most likely, was administrative in nature. There are other administrative disconnects such as the unit crediting Bush with TPs that were paid for as AFTPs. These errors probably also are administrative in nature.

The WH-released records also raise a much more serious issue, however: Fraudulent payment for unauthorized UTAs. The TXANG allowed, certified, and authorized payment for INACDUTRA that the regulation unambiguously precluded. The regulatory time limit for making up authorized missed UTAs was 15 days immediately before, or 30 days immediately after, the scheduled UTA.[172] In November 1972 and January 1972, supposedly while in Alabama, Bush was given credit and paid for 12 UTA periods (6 days) that were outside this time envelope; in July 1973, while in his TXANG unit, Bush was given

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[165] PBMR, 83. USAT/19/2004/3.
[166] PBMR, 68. USAT/16/2004/26.
[167] At least one other critic of Bush's service believes more sinister reasons exist for ARPC's failure to call Bush involuntarily to active duty. *See* http://users.snip.net/~awol/deserter/how_bush.htm.
[168] I am indebted to Paul Lukasiak for interpretation of the pay records. His instructions for reading them are at http://users.snip.net/awol/default.htm.
[169] PBMR, 25. This form is not available on the Internet.
[170] PBMR, 52. USAT/16/2004/2.
[171] PBMR, 54. Fact Check at "Air Force Reserve Summary Payroll Records for 1st Lt. George W. Bus 1972-1973" ("Summary PR"), 5(1st Quarter 1973).
[172] *See supra* 3-4.

credit and paid for 8 UTA periods (four days) that were outside the time limitation. Moreover, there is no evidence whatsoever that the absences were authorized: no requests and no approvals. The transaction codes on the finance records show that finance paid Bush for the following INACDUTRA periods, performed in lieu of scheduled UTAs (2periods per day), that were outside the time limit of 15 days immediately prior to, or within 30 days immediately after, the scheduled UTA:

Date Duty Performed				**Date Duty Scheduled**[173]			
Month	Day	Year	UTAs	Month	Day	Year	UTAs
November	13	1972	2	December	2	1972	2
November	14	1972	2	December	3	1972	2
January	6	1973	2	February	10	1973	2
January	8	1973	2	February	11	1973	2
January	9	1973	2	March	10	1973	2
January	10	1973	2	March	11	1973	2
July	16	1973	2	August	18	1973	2
July	17	1973	2	August	19	1973	2
July	18	1973	2	September	22	1973	2
July	19[174]	1973	2	September	23	1973	2

These payments also explain why Bush requested a discharge on October 1, 1973, instead of any earlier date, although his counseling statement is dated July 30, 1973. Finance certainly would not have paid him for INACDUTRA after he was discharged. It clearly and convincingly demonstrates intent to defraud the government both on Bush's part and those in the TXANG who approved the payments.[175]

[173] PBMR, 54 (1st Quarter 1973), 56 (3rd Quarter 1973). Fact Check, Summary PR, 5, 7.

[174] The "day" numbers are blurred on the pay record for the July entries of "18" and "19," and September entry of "23," but the months are clearly July and September.

[175] Larceny and fraud are not minor offenses and are listed as violations of the *Uniform Code of Military Justice*, "Article 121: Larceny and Wrongful Appropriation," and "Article 132: Frauds against the United States," respectively. These are court-martial offenses punishable with dismissal and confinement for up to five years. *Manual for Courts-Martial,* Section IV, 67, 69, ¶¶ 46, 58, respectively, discusses these offenses. There are also lesser offenses that could be included in these charges.

In summary, Bush provided his critics with the rope to hang him. The finance records showed only that Bush was paid for the periods the WH claims he attended training. They, however, do not show if he indeed performed any training and how well he performed his assigned duties in Alabama and in his TXANG unit since there are no performance evaluations for those periods. The pay records do show he was fraudulently paid for unauthorized INACDUTRA periods.[176]

VIII. Altering Official Records.[177]

The charge has been made that Bush's records were "doctored," i.e., derogatory documents perhaps were removed or even documents inserted to prove attendance at ANACDUTRA and INACDUTRA. These are serious charges since 18 U.S.C. § 2071 punishes such action by a fine or imprisonment, or both. These allegations could have been avoided if proper procedures had been followed when Bush's representatives reviewed his file in Texas. They never should have had unfettered access to the originals, or, if they did, a disinterested official should have monitored their perusal of the original records. In the alternative, they could have been given copies. The WH further undermined its own case and fed the suspicion of file manipulation recently by itself requesting and releasing the records. Bush should have authorized the Texas ANG, ARPC, and any other record holder to release all the information through Freedom of Information Act requests.

Also, Lieutenant Colonel (ret.) Burkett is not the only one who has made such an allegation: Chief Warrant Office 4 Harvey Gough said that Dan Bartlett and Danny James [of the Texas ANG] scrubbed the records when Bush became governor. Naturally, a forensic analysis of the paper in the original file would show if any documents were inserted after the 1970s.

This charge is now more credible based on Burkett's recent interview and supporting statements by people who were in the unit with him.[178] In addition, where did the above-mentioned F526 with a facsimile date and time entry come from in 1995? Could this be related to the alleged "doctoring" of Bush's records after he became governor?

The most highly suspicious aspect of his record is its incomplete, fragmentary nature, and missing forms. In some instances, there are orders for ANACDUTRA, but in most cases, none. The regulations required documentation for attendance at ANACDUTRA and INACDUTRA. Up to May 1972, the proper attendance certification documents are in the record. After that date, there are none. In the

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[176] Interestingly, the F190s for the period before May 1972 show UTAs that Bush missed were made up within the regulatory time limit. *See, e.g.,* the months of March 1971 [PBMR, 11; USAT/15/2004/21] and February 1971, August 1971, and March 1972 [PBMR, 12; USAT/10/2000/20].

[177] *See* http://users.snip.net/~awol/bombshell.htm for an analysis of documents altered in 1973-1974.

[178] *See* http://www.democrats.com/display.cfm?id=30 at 8-11 for a discussion of the evidence.

end, the WH's handling of the release of Bush's records and the records themselves have only widened the President's credibility gap.

IX. Standards for Evaluating Bush's Performance.

Bush signed an agreement on May 27, 1968, when he enlisted in the TXANG that he would attend 48 scheduled INACDUTRA periods and 15 days of ANACDUTRA annually.[179] In addition to the regulatory standard of judging his performance, when he wanted to become a pilot in the TXANG, he signed a statement of intent saying,

> I, George Walker Bush, upon successful completion of pilot training **plan to return to my unit and fulfill my obligation to the utmost of my ability**. I have applied for pilot training with the goal of making flying a lifetime pursuit and I believe I can best accomplish this to my own satisfaction by **serving as a member of the Air National Guard as long as possible**.[180]

On March 24, 1970, his unit issued a press release in which Bush was quoted as being thrilled to be flying and saying fighter planes are his cup of tea.[181] An evaluation of his records to determine if he fulfilled his obligation should apply the aforementioned standards Bush himself agreed to and enunciated and forgo any accusations of legal determinations such as AWOL or desertion.

Another standard that can be used to judge Bush's service and credibility is in his autobiography *Charge* because there are statements in it that can be compared to the official record. For example, Bush says that after completing flight training in June 1970, he continued flying for "several years."

> After the study and training flights, I'll never forget my first solo flight in the F-102.
>
> . . . . .
>
> I continued flying with my unit for the next several years.[182]

Bush stopped flying with his unit in April 1972, about 22 months after he finished training on the F-102. Any standard dictionary defines the word "several" as more than two. The record clearly shows Bush did not fly several years.

In another passage, Bush explains that at the time he applied to HBS in 1972, he "was almost finished with [his] commitment in the ANG, and was no longer flying because the F-102 jet [he] had trained in, was being replaced by a different fighter."[183] This statement, however, does not square with the above-mentioned comment by his commander who said he would have had Bush flying, if he had known he was there, and the history of the 111th FIS that shows it had the F-

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[179] PBMR, 1-2. USAT/16/2004/36-37.
[180] PBMR, 43 (emphasis added).
[181] PBMR, 44-46.
[182] *A Charge to Keep: My Road to the White House*, 53-54. This quotation is not at USAT, but can be found in numerous newspaper articles.
[183] *Id.*, 57.

102 until at least mid-1974.[184] He also was not even close to fulfilling his commitment to the ANG. Even if he applied for HBS in December 1972, he still had almost 23 months of obligated service: His commitment, therefore, was not "almost finished." Most important, he was not flying because he had not taken his flight physical, not because the unit was transitioning to a new fighter.

Bush clearly and convincingly did not meet the standards he himself set and agreed to, and his unit, as well as ARPC, failed to take the proper regulatory corrective and punitive actions. Both, therefore, connived at his shirking his duties.

X. Conclusion.

My research confirms the conclusions about Bush's military service by Martin Heldt that were published in several articles in 2000, available at the above-mentioned "Online Journal" website, and by the *Boston Globe* reporters in their numerous articles. As Robinson and Latour noted in the above-mentioned article, Bush's commander, who according to Bush's biography was a friend, probably thought Bush lost interest in flying, wanted out of the ANG prior to fulfilling his commitment, and did not press the issue. It is likely that he knew pursuing any corrective action would have brought him much aggravation and been damaging to his own career because Bush was politically well connected in Texas. His commander probably chose the easy way out, but his choice has nothing to do with the morality of Bush's behavior or whether Bush met his obligation to the TXANG. His commander's connivance at ensuring Bush paid no penalty for his flagrant violation of regulatory requirements for attendance at training and taking a flight physical in no way excuse Bush's disgraceful, selfish behavior.

In the final analysis, the record clearly and convincingly proves he did not fulfill the obligation he incurred when he enlisted in the Air National Guard and completed his pilot training, despite his honorable discharge. He clearly shirked the duty he undertook in 1968 upon enlistment and in 1969 upon completion of his flight training at Moody AF Base. Less than two years after Bush won his solo wings, he walked away from his duty to serve as a fighter pilot while troops were still dying in Vietnam. Moreover, he received fraudulent payments for INACDUTRA.

We have not yet heard a satisfactory explanation by the President for his abandoning a profession he purportedly loved passionately. He, therefore, must four-square his past public statements about his performance with the official record and must explain why he prematurely abandoned a commitment to serve his Nation in the TXANG during another war to pursue personal goals. As a self-proclaimed "wartime president," this President owes the U.S. public, especially the military and veterans, no less. He certainly cannot rely on his military record to answer these questions.

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[184] *See* http://home.att.net/~jbaugher1/f102_2.html for the history of the F-102.