

# Stars on Tombstones

## Honorary Promotions of Air Corps and Air Force Leaders

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The legality of honorary promotions accomplished outside of legislation is questionable. An examination of proposed promotions for US Army officer William Mitchell and US Air Force officers Claire Chennault, James Doolittle, and Ira Eaker reveal the process through which these became standardized, the questionable motives and methods behind some, and the persistent failure over time of many service media entities to verify historical claims related to these promotions. Claims about honorary promotions should be corrected to enhance public trust and counter misinformation.

**H**onorary promotions have existed in different forms throughout US military history.<sup>1</sup> In the twentieth and early twenty-first centuries, honorary promotions for officers were normally authorized via joint resolutions or bills from Congress. But not all such honorary promotions were accomplished via legislation, and perhaps not all were lawful as a result. Several case studies of proposed promotions for William Mitchell, Claire Chennault, James Doolittle, and Ira Eaker illustrate the process by which these promotions became standardized, the questionable motives and methods behind some of them, and the widespread failure of many Air Force functionaries to verify associated historical claims. The ahistorical claims about honorary promotions should be corrected to enhance public trust and counter misinformation.

### History of Honorary Promotions

Starting in 1776, the Continental Congress authorized the Continental Army to confer brevets on officers—brevets were a form of honorary rank that could be used in courts martial or detached duty but lacked formal recognition in an officer’s own regiment or for pay or retirement purposes.<sup>2</sup> The practice of conferring brevets continued through the Civil War, but this recognition was gradually replaced by military awards.<sup>3</sup> Brevets also

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2. Art. 24, Articles of War, Sep. 20, 1776, in *Journals of the American Congress, From 1774 to 1778*, vol. 1 (Washington, DC: Way & Gideon, 1823), 489.

3. A Resolution to Provide for the Presentation of “Medals of Honor” to the Enlisted Men of the Army and Volunteer Forces Who Have Distinguished, or May Distinguish, Themselves in Battle during the Present Rebellion, Pub. Res. 43, 37th Cong. (1862) 12 Stat. 623, 624.

atrophied during conflicts with Native American tribes in the mid to late 1800s because of the statutory requirement that brevets “shall only be conferred in time of war.”<sup>4</sup> This was due to the Senate’s view that these conflicts were merely forms of domestic insurrection.<sup>5</sup>

Another form of special promotion, known as “tombstone promotion,” appeared at the turn of the twentieth century.<sup>6</sup> This type of promotion was not strictly honorary at its inception, and it allowed officers to retire with the rank and partial or full pay of a grade higher than they actually held. Since beneficiaries either never held the rank in active service or held it only briefly, the higher rank predominately appeared on their tombstone and other retirement records—hence the name “tombstone.” In the words of one congressman, the motive for such promotion was to “provide an incentive for voluntary retirement,” in order to reduce a backlog of officers in a given rank and thus facilitate the promotion of those below them.<sup>7</sup>

The Navy was authorized tombstone promotions by statute in 1889.<sup>8</sup> In contrast, the Army had no such authority at that time, and simply retired many officers as generals with only nominal service in a given grade. For example, in 1900 one congressman observed that several recently retired brigadier generals had served in that grade for only one day.<sup>9</sup> This was possible because while the number of Army generals in active service was capped, there was no such restriction on general officers in retirement, and also no time-in-service requirement to retire at a grade.<sup>10</sup>

In 1904, Congress finally sanctioned the practice of tombstone promotions for the Army with legislation permitting the procedure for certain officers who served in the Civil War.<sup>11</sup> Congress also closed the loophole allowing Army general officers to retire with little or no service at their grade; a statute enacted in 1906 specified that such officers “shall have served at least one year in such rank.”<sup>12</sup>

In the 1930s, several statutes authorizing tombstone promotions for veterans of World War I made the advancements strictly honorary for select groups of retirees; they included provisos such as “no increase in active or retired pay or allowances shall result from

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4. An Act to Amend the Act of April Tenth, Eighteen Hundred and Six, for Establishing Rules and Articles for the Government of the Armies of the United States, 40th Cong. (1869) 15 Stat. 281.

5. Committee on Military Affairs, *Conferring Brevet Rank on Officer of the Army for Gallant Services in Indian Campaigns*, Report to Accompany Bill H.R. 478, H.R. Rep. No. 79, at 3, 51st Cong. (1890).

6. See, e.g., *An Act to Reorganize and Increase the Efficiency of the Personnel of the Navy and Marine Corps of the United States*, 56th Cong. (1899) 30 Stat. 1004, 1006.

7. 32 Cong. Rec. 708 (daily ed., Jan. 17, 1899) (statement of Mr. Foss).

8. 30 Stat. 1004, 1006.

9. 33 Cong. Rec. 3320–21 (daily ed., Mar. 26, 1900) (statement of Mr. Jett).

10. 33 Cong. Rec. 3319–21.

11. An Act Making Appropriation for the Support of the Army for the Fiscal Year Ending June Thirtieth, Nineteen Hundred and Five, and for Other Purposes, Pub. L. 58-149, 58th Cong. (1904) 33 Stat. 259, 264.

12. An Act Making Appropriation for the Support of the Army for the Fiscal Year Ending June Thirtieth, Nineteen Hundred and Seven, Pub. L. 59-224, 59th Cong. (1906) 34 Stat. 240, 245.

the passage of this Act.”<sup>13</sup> Subsequent litigation over one of these provisions ruled that such advancements were merely “a gloss, put over a lower, still permanent rank,” and were “an honorarium only.”<sup>14</sup>

Blanket tombstone promotion authorizations continued through the 1950s, but in later years evolved to apply only to select retirement specialties such as service academy department heads, senior military acquisition advisors, and assistant judge advocates general of the Navy.<sup>15</sup> For other deserving retirees, Congress pioneered the practice of passing personalized legislation via joint resolution, which has the same force as a law after signature by the president.<sup>16</sup>

This method also conferred only honorary rank, meaning the promotions were solely an elevation on paper and incurred no pay or benefit increases.<sup>17</sup> This was accomplished by adding similar provisos to those used with blanket tombstone promotions in the 1930s.<sup>18</sup> Since these honorary promotions normally targeted individuals rather than entire ranks in a given service, this also meant the motive behind such promotions had shifted from incentivizing retirement to recognizing individual service or achievement.

Congress eventually codified the prerequisites for honorary promotion in 2000, establishing a formal process through which a member of Congress could solicit a review of a proposed honorary promotion by a military secretary.<sup>19</sup> The results of such a review were reported back to the House and Senate Committees on Armed Services. If favorable, the committee would authorize the promotion as part of the national defense authorization act, and the president would have the option of promoting the individual.<sup>20</sup>

But the Office of the Secretary of Defense objected to the report requirement on the grounds that it required “coordinat[ing] the efforts of personnel in five separate offices” and thus was “overly burdensome.”<sup>21</sup> In 2021, Congress delegated authority to the Department of Defense to make its own honorary promotions up through the grade of

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13. An Act to Give War-Time Rank to Retired Officers and Former Officers of the Army, Navy, Marine Corps, and/or Coast Guard of the United States, Pub. L. 71-406, 71st Cong. (1930) 46 Stat. 793; and An Act to Give War-Time Commissioned Rank to Retired Warrant Officers and Enlisted Men, Pub. L. 72-123, 72nd Cong. (1932) 47 Stat. 150.

14. *Denny v. United States*, 162 Ct. Cl. 640, 645 (1963).

15. 10 USC. § 7342; 10 U.S.C. § 9342; 10 U.S.C. § 1725; and 10 U.S.C. § 8080(b).

16. US Senate, “Types of Legislation,” US Senate (website), n.d., accessed November 28, 2022, <https://www.senate.gov/>.

17. An Act to Promote the Efficiency of National Defense, Pub. L. 74-225, 74th Cong. (1935) 49 Stat. 505, 507; and An Act to Provide for the Promotion of Promotion-List Officers of the Army After Specified Years of Service in Grade, and for Other Purposes, Pub. L. No. 76-612, 76th Cong. (1940) 54 Stat. 379, 381.

18. See Committee on Military Affairs, William Mitchell, S. Rep. No. 933, at 2 (1942).

19. National Defense Authorization Act for Fiscal Year 2001, Pub. L. 106-398, 106th Cong. (2000) 114 Stat. 1654, 1654A- 115.

20. 114 Stat. 1654A- 115.

21. Office of the Secretary of Defense, “Repeal and Modification of Reporting Requirements FY14 NDAA Submission,” Washington Headquarters Services (website) n.d., accessed December 2, 2022, <https://www.esd.whs.mil/>.

major general so long as the department provided 60 days notice along with a “detailed rationale supporting the determination.”<sup>22</sup> This streamlined the process to involve committee action only in the event of disagreement.

## **William L. Mitchell**

Colonel William “Billy” Mitchell, US Army, is an outsized figure among airpower theorists. According to one Air Force historian, “he was the most prominent American to advocate a vision of strategic airpower that would ultimately come to dominate future warfare,” and “the US Air Force is Billy Mitchell’s physical legacy.”<sup>23</sup>

Yet, simultaneously Mitchell was also “the single most . . . controversial figure in the history of American airpower” as a result of his repeated insubordination.<sup>24</sup> In 1925, Mitchell was ultimately tried and convicted by courts-martial for making statements to the press that recent aviation accidents were “the result of the incompetency, the criminal negligence, and the most treasonable negligence of our national defense by the Navy and War Departments.”<sup>25</sup> He was sentenced to five years suspension with half pay, but instead chose to resign rather than accept this punishment.<sup>26</sup>

Mitchell had formerly held the temporary rank of brigadier general as assistant chief of the Air Service, but reverted to his permanent rank of colonel in 1925 after his appointment lapsed.<sup>27</sup> As a result, public perception was that he was demoted, although this was not a sentence flowing from his court-martial. Later, in 1930, Congress enacted legislation authorizing a blanket tombstone promotion to former World War I officers, authorizing their advancement to the highest temporary rank held during the war.<sup>28</sup> The act did not advance Mitchell on account of his resignation without retirement, as it required beneficiaries to already be “retired according to law.”<sup>29</sup> It did allow him to use the title of his highest wartime grade, meaning that Mitchell can be referred to as a brigadier general despite being a former colonel on official records.

Efforts to restore Mitchell’s rank or retirement began just prior to his death in 1936, when the House Military Affairs Committee considered restoring him to the Army’s retired list.<sup>30</sup> But the proposal ultimately failed over the committee’s inability to honor

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22. National Defense Authorization Act for Fiscal Year 2021, Pub. L. 116-283, 116th Cong. (2021) 134 Stat. 3388, 3598; and 10 U.S.C. § 1563.

23. Roger Miller, *Billy Mitchell: “Stormy Petrel of the Air”* (Washington, DC: Office of Air Force History, 2004), 45.

24. Miller, *Billy Mitchell*, 45.

25. Miller, 42.

26. Miller, 43.

27. Miller, 53.

28. 46 Stat. 793.

29. 46 Stat. 793.

30. Miller, *Billy Mitchell*, 45; To Authorize the Payment of Retired Pay to William Mitchell, H.R. 7412, 74th Cong. (1935); and To Authorize the Payment of Retired Pay to William Mitchell, S. 2804, 74th Cong. (1935).

Mitchell's strategic vision without simultaneously condoning his insubordination.<sup>31</sup> This same problem repeatedly scuttled proposed legislation for the next seven decades.

Perhaps the strongest push to restore Mitchell's rank came in the 1940s. The Army and the president received multiple letters urging them to make Mitchell's legacy whole. One angry citizen wrote to President Franklin D. Roosevelt suggesting he promote Mitchell in order that "all the moss backs who were so blind and hide bound by tradition then should be forced to pay tribute [to him]."<sup>32</sup> The adjutant general replied there was "no existing law under which such title or rank could be conferred posthumously," since Mitchell met none of the public law criteria.<sup>33</sup> This reply was unsurprising, for the practice of honorary promotion of individuals was relatively unprecedented at that time. In fact, it is very likely that modern honorary promotions were shaped by the many unsuccessful attempts to promote Mitchell.

Many bills were introduced in the 1940s to restore Mitchell's rank or to promote him posthumously to major general, a rank he had never held.<sup>34</sup> Two bills introduced in 1940 and 1941 simply sought to make Mitchell whole; they specified that "his rank in War Department records should appear as that of Brigadier General," or alternatively that Army records would be amended "so as to show the said William Mitchell was a brigadier general . . . at the time of his death."<sup>35</sup> Other bills added the proviso that "no pay, allowances, or other financial benefit" would flow from the promotion, a way of making the legislation less controversial by imposing no costs on the government.<sup>36</sup> Nevertheless, none of these bills passed both chambers.

The Army struggled to respond to the bills of relief seeking to promote Mitchell, as well as to the constituents who motivated them. One Texan wrote to his congressman asking him to "clear the record of Gen. Billy Mitchell . . . even school boys knew [Mitchell] was right, and that he was crucified on the altar of prejudice and ignorance."<sup>37</sup> The

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31. Miller, *Billy Mitchell*, 45.

32. Donald Elrod to Franklin Roosevelt, May 26, 1940, Official Military Personnel File for William L. Mitchell, Official Military Personnel Files, 1947-1998, Record Group 342, National Archives at College Park, MD.

33. MG R. S. Adams to Donald Elrod, Jun. 20, 1940, Mitchell OMPF, NARA.

34. Relating to the Military Record of William Lendrum Mitchell, S. 4286, 76th Cong. (1940); To Restore the Rank of Brigadier General to the Late William Mitchell, S.J. Res. 109, 77th Cong. (1941); Relating to the Military Record of William Lendrum Mitchell, S. 1706, 77th Cong. (1941); To Restore the Rank of Brigadier General to William Mitchell, Deceased, H.R. 2756, 77th Cong. (1941); Relating to the Military Record of William Mitchell, S. 1543, 77th Cong. (1941); To Restore the Rank of Brigadier General to the Late William L. Mitchell, H.J. Res. 240, 77th Cong. (1941); Authorizing the President to Issue Posthumously to the Late Col. William Mitchell a Commission as a Major General, United States Army, and for Other Purposes, S.J. Res. 34, 79th Cong. (1945); and Authorizing the President to Issue Posthumously to the Late Col. William Mitchell a Commission as a Major General, United States Army, and for Other Purposes, S.J. Res. 70, 80th Cong. (1947).

35. H.R. 2756, 77th Cong.; and S. 1543, 77th Cong.

36. S.J. Res. 109, 77th Cong.

37. F. E. Morriss to W. R. Poage, undated, Mitchell OMPF, NARA.

congressman wrote to the secretary of the Army, asking for “any suggestions . . . as to how I should reply to this letter.”<sup>38</sup>

Acting Secretary of the Army Robert Patterson replied that “General Mitchell’s convictions [on the importance of aviation] were not involved in his trial,” which only concerned “insubordination and disloyalty to his superiors” under the 96th Article of War.<sup>39</sup> He further reminded the congressman that Mitchell’s court martial had found him “guilty of highly censurable conduct,” namely “expressions which can not be construed otherwise than as breathing defiance toward his military superiors.”<sup>40</sup> Thus, the War Department did not support having Mitchell “exonerated of all the charges” against him.<sup>41</sup>

The efforts to promote Mitchell continued into the 1950s but were not enacted into law.<sup>42</sup> Nevertheless, the director of the Air Force Records Center misunderstood this, for in the late 1950s, he added a summary of military service to Mitchell’s personnel file claiming that “on 18 July 1947, a special bill was passed by Congress promoting General Mitchell to the rank of Major General.”<sup>43</sup> The summary claimed it was drawn from the “Press Branch, Office of Public Information, Department of Defense,” suggesting the Air Force Records Center misunderstood a media report about the promotion legislation. In fact, the joint resolution in question only passed the Senate on July 16, 1947—it would have had to also pass the House to achieve its aim of authorizing Mitchell’s promotion.<sup>44</sup>

Mitchell’s promotion was finally authorized in the twenty-first century. In 2004, Representative Perkins Bass (R-New Hampshire), a relative of Mitchell’s, successfully inserted a provision into the FY2005 National Defense Authorization Act which authorized his promotion to major general.<sup>45</sup> Still, the promotion reportedly did not occur, which perfectly illustrates the separation of powers issues behind such a promotion; authorization by Congress merely permitted the action and could not require the executive to carry it

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38. W. R. Poage to Henry Stimson, Mar. 15, 1943, Mitchell OMPF, NARA.

39. Robert P. Patterson to W. R. Poage, Mar. 22, 1943, Mitchell OMPF, NARA.

40. Patterson to Poage.

41. Patterson to Poage.

42. Authorizing the President to Issue Posthumously to the Late Colonel William Mitchell a Commission as a Major General, United States Army, and for Other Purposes, S.J. Res. 121, 84th Cong. (1956); Authorizing the President to Issue Posthumously to the Late Colonel William Mitchell a Commission as a Major General, United States Army, and for Other Purposes, H.J. Res. 333, 85th Cong. (1957); Authorizing the President to Issue Posthumously to the Late Colonel William Mitchell a Commission as a Major General, United States Army, and for Other Purposes, S.J. Res. 124, 85th Cong. (1957); and Authorizing the President to Issue Posthumously to the Late Colonel William Mitchell a Commission as a Major General, United States Army, and for Other Purposes, H.J. Res. 414, 85th Cong. (1957).

43. A. J. Petroski, “Statement of Military Service of William C. Mitchell,” undated, Mitchell OMPF, NARA; *Official Register of the United States, 1958* (Washington, D.C.: Government Printing Office, 1958), 217; and *Official Register of the United States, 1959* (Washington, D.C.: Government Printing Office, 1959), 220.

44. 93 Cong. Rec. 9031 (daily ed., Jul. 16, 1947).

45. Sec. 564, National Defense Authorization Act for Fiscal Year 2005, Pub. L. 108-375, 108th Cong. (2004) 118 Stat. 1918; and William J. Ott, “Maj. Gen. William ‘Billy’ Mitchell: A Pyrrhic Promotion,” *Air & Space Power Journal* 20, no. 4 (Winter 2006): 27.

out.<sup>46</sup> One Air Force officer opined that a posthumous promotion would only be “a pyrrhic victory,” since it would not “erase the questionable actions that proceeded from [Mitchell’s] passionate advocacy of airpower’s independence.”<sup>47</sup>

There is no dispute Mitchell was never posthumously promoted. Yet, as of the time of this writing, the mistaken promotion claim from Mitchell’s personnel file still appears on an Air Force website for Medal of Honor recipients.<sup>48</sup> The website claims that in 1947, “a special bill of Congress promoted him to major general,” despite the fact that this bill did not pass Congress and would not have resulted in automatic promotion.<sup>49</sup>

Perhaps unsurprisingly, the claim that Mitchell is a Medal of Honor recipient is also ahistorical—a fact which is acknowledged by the Office of Air Force History.<sup>50</sup> While Congress did recognize Mitchell with a medal in 1946, it was a Congressional Gold Medal, not a Medal of Honor.<sup>51</sup> The bill’s sponsor did not understand the difference, leading to language that originally authorized a Medal of Honor. The House Committee on Military Affairs recognized the error and amended the bill to remove all substantive references to the Medal of Honor, and clarified that “the legislation under consideration does not authorize an award of the Congressional Medal of Honor.”<sup>52</sup> Nevertheless, the title of the bill mistakenly remained uncorrected, which understandably misled many readers.

The Air Force may have advanced mistaken claims about Colonel Mitchell in good faith. But the service has many historical and legislative resources at their disposal, so it is difficult to explain both why these errors were made in the first place, and why they remain uncorrected.

## Claire L. Chennault

The first Air Force general to be advanced in retirement was Major General Claire Chennault, who famously trained the Chinese Air Force during the Sino-Japanese War and then commanded the Flying Tigers in China during World War II.<sup>53</sup> Chennault retired in 1945 but received a retirement promotion to lieutenant general authorized by

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46. John T. Correll, “The Billy Mitchell Court-Martial,” *Air & Space Forces Magazine*, Aug. 1, 2012; and Ott, “Pyrrhic Promotion,” 27.

47. Ott, “Pyrrhic Promotion,” 32.

48. Department of the Air Force (DAF), “Mitchell, William,” US Air Force (website), n.d., accessed December 2, 2022, <https://www.af.mil/Medal-of-Honor/Mitchell/>.

49. DAF, “Mitchell, William.”

50. Miller, *Billy Mitchell*, 55.

51. Authorizing the President of the United States to Award Posthumously in the Name of Congress a Medal of Honor to William Mitchell, S. 881, 79th Cong. (1945); and An Act Authorizing the President of the United States to Award Posthumously in the Name of Congress a Medal of Honor to William Mitchell, Priv. L. 79-884, 79th Cong. (1946) 60 Stat. 1319.

52. Committee on Military Affairs, Authorizing the Award of a Medal to William Mitchell, H.R. Rep. No. 2625 at 2 (1946).

53. DAF, “Major General Claire Lee Chennault,” US Air Force (website), n.d., accessed December 2, 2022, <https://www.af.mil/>.

private law in 1958.<sup>54</sup> The fact that Chennault received this tribute despite a rocky relationship with his Air Corps colleagues can perhaps be attributed to his association with the influential anticommunist “China Lobby” of that period.<sup>55</sup> Chennault was also immortalized in popular media—one historian called him “one of America’s more famous airmen.”<sup>56</sup> His biographer was more candid, calling him “a great man and a flawed one.”<sup>57</sup>

Chennault’s promotion authorization was only discernible from Mitchell’s in that it was advanced by bill rather than resolution, and was not posthumous. After Chennault was hospitalized with terminal lung cancer, Congress was incentivized to pass the promotion bill “without objection or debate,” and officials “sped it to the White House” for immediate signature only hours later.<sup>58</sup> Unlike the Mitchell legislation, Chennault’s bill was also passed separately rather than part of an omnibus package, but this was likely due to the desire to recognize Chennault before his imminent death. It is also notable that Chennault’s promotion was far less controversial than Mitchell’s, which undoubtedly helped to forge a legislative consensus. According to one report, the promotion represented “a heartfelt vote of respect to the man.”<sup>59</sup>

Chennault’s legislation was also likely influenced by nearly contemporaneous attempts to promote Mitchell in the 1950s, as it included a similar proviso stipulating that “no increase in retired pay or benefits shall accrue as a result of the enactment of the Act,” which meant it was a promotion in name only.<sup>60</sup> The proviso was added by the House Committee on Armed Services, which insisted that there be “no cost to the Government involved in the proposed legislation.”<sup>61</sup> According to the committee, “the fact that no funds are involved” obviated the need for reports from the Department of Defense or Bureau of the Budget and thus expedited the bill’s passage.<sup>62</sup>

Finally, unlike Mitchell’s promotion, Chennault’s was actually carried out.<sup>63</sup> This made it perhaps the first individual promotion of a retired officer that was strictly honorary, although the process of honorary promotions was not yet codified in law.

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54. An Act to Provide for the Advancement of Major General Claire L. Chennault, United States Air Force, Retired, to the Grade of Lieutenant General on the Retired List, Priv. L. 85-493, 85th Cong. (1958), 72 Stat. A67.

55. Catherine Forslund, *Anna Chennault: Informal Diplomacy and Asian Relations* (Wilmington, DE: SR Books, 2002), 27.

56. Phillip Meilinger, “US Air Force Leaders: A Biographical Tour,” *Journal of Military History* (October 1998): 843–44.

57. Daniel Ford, *Flying Tigers: Claire Chennault and the American Volunteer Group* (Washington, DC: Smithsonian, 1991), 9.

58. “President Acts Quickly to Promote Chennault,” *New York Times*, July 19, 1958, 8.

59. “Promote Chennault.”

60. 72 Stat. A67 (1958).

61. Committee on Armed Services, Advancement of Maj. Gen. Claire L. Chennault, United States Air Force, Retired, To the Grade of Lieutenant General on the Retired List, H.R. Rep. No. 2158, at 2 (1958).

62. H.R. Rept. No. 2158, at 2 (1958).

63. Special Order No. C-360, Chennault Promotion to Lieutenant General, Jul. 18, 1958, Official Military Personnel File for Claire L. Chennault, Official Military Personnel Files, 1947-1998, Record Group 342, NARA.



## James H. Doolittle and Ira C. Eaker

Starting in the early 1980s, various individuals began to petition President Ronald Reagan to advance Lieutenant General James “Jimmy” Doolittle in retirement to the grade of four-star general, a successful effort that eventually was packaged with another retirement promotion for Lieutenant General Ira Eaker. By this time the pathway for authorizing honorary promotions had long since atrophied, which perhaps influenced the administration’s choices. This case study depicts an administration and a senator seeking to circumvent congressional oversight.

In April 1981, actor and retired Air Force Reserve Brigadier General James “Jimmy” Stewart wrote to his friend President Reagan as part of a coordinated lobbying campaign to promote Doolittle to the rank of four-star general.<sup>64</sup> Stewart was only providing access for other interested parties, as he offered no justification other than Doolittle being “a fine American.”<sup>65</sup>

Doolittle had many impressive qualifications, which led one Air Force historian to call him “the United State Air Force’s true Renaissance man.”<sup>66</sup> During World War II, he headed the so-called “Doolittle Raiders” to bomb Tokyo, and he commanded the Fourth Bombardment Wing, the Northwest African Strategic Air Forces, the Fifteenth Air Force, and the Eighth Air Force.<sup>67</sup> Doolittle had attempted to retire in 1946, but was convinced to revert to inactive reserve status until 1959, when his retirement was finally accepted.<sup>68</sup>

The promotion request was referred to the Air Force, and the service’s reaction was decidedly tepid. Air Force Secretary Verne Orr opined that Doolittle had already received a Medal of Honor, which was recognition enough.<sup>69</sup> Orr also claimed Doolittle did not necessarily deserve promotion compared to his contemporaries, particularly Eaker, whom he noted “had greater responsibilities during World War II.”<sup>70</sup>

Special Assistant to the Secretary of Defense John Rixse also researched the proposed promotion and discovered the prior honorary promotion of General Chennault in 1958, which he considered “one precedent for this type of initiative.”<sup>71</sup> But the Department’s reluctance led to the drafting of a letter that pushed back on the suggestion; Reagan ultimately informed Stewart that promoting Doolittle “might create disappointment and

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64. US Air Force Staff Summary Sheet, “Promotion of Lt. General Doolittle,” n.d., Official Military Personnel File for James H. Doolittle, Official Military Personnel Files, 1947-1998, Record Group 342, NARA.

65. Telegram, James Stewart to Ronald Reagan, No. 03991, April 28, 1981, Doolittle OMPF, NARA.

66. George M. Watson Jr., *General James H. Doolittle: The Air Force’s Warrior-Scholar* (Washington, DC: Air Force History & Museums Program, 2008), 1.

67. Watson, *Doolittle*, 7–15.

68. James Doolittle and Carroll Glines, *I Could Never Be So Lucky Again* (New York: Bantam, 1991), 470.

69. Verne Orr, “Lieutenant General James H. Doolittle, USAF Retired,” memo for Special Assistant to the Secretary of Defense, May 4, 1981, Doolittle OMPF, NARA.

70. Orr, “Doolittle.”

71. John H. Rixse, “Lieutenant General James H. Doolittle, USAF Retired,” memo for Deputy Assistant to the President, May 4, 1981, Doolittle OMPF, NARA.

resentment that would outweigh the pleasure and favorable publicity of selecting one national hero for unusual promotion.”<sup>72</sup>

Around the same time Senator Barry Goldwater also lobbied the president for Doolittle’s promotion, writing that “no one man living in America has done more for the science of flying than [Doolittle].”<sup>73</sup> Obviously aware of the administration’s position, he argued “Jimmy Doolittle should take precedence” over the promotion of other retired generals.<sup>74</sup> Goldwater’s involvement was significant because as a prominent senator he had an outsized influence on any congressional action authorizing such a promotion. Goldwater was also a retired Air Force Reserve major general himself, having served contemporaneously as a general officer and a senator for ten years.<sup>75</sup>

The repeated interest in Doolittle’s promotion drew another rebuttal from Orr, who wrote to the White House expressing several concerns. In particular, he noted promotion should be solely “based on the individual’s potential to serve in a higher grade.”<sup>76</sup> Orr claimed “in the past, all of the military services have guarded against using flag or general officer promotions as a reward for performance,” and “we have not made any posthumous or honorary general officer promotions in any of the services.”<sup>77</sup> Evidently Orr’s staff had not discovered the Chennault precedent.

A frustrated Goldwater wrote to Air Force Chief of Staff General Charles Gabriel in 1984, asking about potential blowback from the Doolittle promotion. Specifically, Goldwater wanted to know if the service could “come up with some way of regulation that can be made solid and permanent, placing an absolute limit on two stars as the ultimate rank of a Reservist or a National Guardsman.”<sup>78</sup> Goldwater was worried the four-star promotion—unprecedented for a reservist like Doolittle—would potentially “open the lid to [other] three star National Guard officers and three star Reserve officers” to also seek promotion.<sup>79</sup>

Lieutenant General Duane Cassidy, the deputy chief of staff for Air Force Manpower and Personnel, took a hard look at the legality of the proposed promotion. He wrote to the chief of staff expressing it was not merely policy that prevented promotion of reservists above major general. Rather, he believed “Chapter 837 of Title 10, in its failure to address promotions above major general, places a de facto cap on non-active duty officers at two-stars.”<sup>80</sup> Further, Cassidy noted that 10 USC. § 601 made retired officers ineligible for

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72. Ronald Reagan to James Stewart, May 13, 1981, Doolittle OMPF, NARA.

73. Barry Goldwater to Ronald Reagan, No. 025873, May 15, 1981, Doolittle OMPF, NARA.

74. Goldwater to Reagan.

75. Barry Goldwater, “Personal and Political Papers of Senator Barry M. Goldwater 1880s–2008,” “Biographical Note,” n.d., accessed December 2, 2022, Arizona Archives Online (website), <http://www.azarchivesonline.org/>.

76. Verne Orr to Edward V. Hickey, Jr., September 11, 1981, Doolittle OMPF, NARA.

77. Orr to Hickey.

78. Barry Goldwater to Charles Gabriel, August 22, 1984, Doolittle OMPF, NARA.

79. Goldwater to Gabriel.

80. Memo, Duane Cassidy to Charles Gabriel, “4-Star Promotion for LGs Doolittle and Eaker,” September 12, 1984, Doolittle OMPF, NARA.

promotion, since the law “requires that officers be serving on active duty.”<sup>81</sup> Thus, promoting retirees would require either “a change in the law” or a bill of relief from Congress, based on the precedent of promoting Chennault in 1958.<sup>82</sup>

By this time Doolittle’s proposed promotion had grown to include Eaker—a shift in strategy apparently suggested to avoid embarrassing him.<sup>83</sup> Eaker had a long list of accomplishments during World War II, including commanding the Eighth Bomber Command, the Eighth Air Force, the Mediterranean Allied Air Forces, and serving as the deputy commander, Army Air Forces and chief of the Air Staff.<sup>84</sup> He had likely been denied a fourth star because of his transfer out of the European Theater during World War II, which was perceived as a rebuke from the US Army Air Forces commanding general, Henry H. Arnold.<sup>85</sup> Ironically, Doolittle was Eaker’s replacement—Doolittle’s autobiography recorded that he was “pleased” that he had proved himself to the leadership, but also “sensitive about Ira’s feelings.”<sup>86</sup>

Gabriel wrote to Goldwater expressing that he had convinced the secretary of the Air Force to endorse the proposal, and that he agreed with Cassidy’s conclusion that “special legislation will be required to get Ira and Jimmy their fourth stars,” since the law “states specifically that officers must be on active duty to be eligible for three- and four-star promotions.”<sup>87</sup> He referenced the Chennault promotion, remarking “I’m convinced that’s the right way to go.”<sup>88</sup> Gabriel even had his chief of legislative liaison draw up a draft bill.<sup>89</sup>

In October 1984, Goldwater informed Gabriel that the proposed resolution was doomed in that legislative session—he speculated that “at this late date, someone would for whatever reasons, object to it and we would get into a long harangue about whether or not it should be done.”<sup>90</sup> The resolution was thus delayed until January 1985.<sup>91</sup> It was substantively equivalent to the earlier act that promoted Chennault and contained a proviso stating that “advancement . . . shall not increase or change the compensation or benefits from the United States to which any person is now or may in the future be

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81. Cassidy to Gabriel.

82. Cassidy to Gabriel.

83. Clifford Rees Jr. to Gerald Smith, August 13, 1984, Doolittle OMPF, NARA.

84. “Promotion Ceremony: General Ira C. Eaker,” April 26, 1985, Box II:125, Ira Eaker Papers, Library of Congress (LOC).

85. James Parton, *Air Force Spoken Here: General Ira Eaker and the Command of the Air* (Maxwell AFB: Air University Press, 2000), 336–39, 434; and Meilinger, “US Air Force Leaders,” 848.

86. Doolittle and Glines, *So Lucky*, 372.

87. Charles Gabriel to Barry Goldwater, October 3, 1984, Doolittle OMPF, NARA.

88. Gabriel to Goldwater.

89. Gabriel to Goldwater.

90. Barry Goldwater to Charles Gabriel, Oct. 15, 1984, Doolittle OMPF, NARA.

91. Copy of S.J. Res. 14, January 3, 1985, Doolittle OMPF, NARA.

entitled.”<sup>92</sup> Goldwater sent the resolution to Secretary of Defense Caspar Weinberger for comment, even though the draft originally came from the Air Force.<sup>93</sup>

The Doolittle and Eaker resolution passed the Senate on February 21.<sup>94</sup> But Air Force officials recorded that it “[met] resistance in the House,” which led them to search for other options.<sup>95</sup> Lieutenant Colonel Andrew Pelak in the Air Force office of the deputy chief of staff for Manpower and Personnel advocated one alternative. According to Pelak, “the White House asked if some more expeditious method existed” to accomplish the promotions.<sup>96</sup> He claimed both the Defense and Air Force General Counsel’s Offices believed Doolittle and Eaker “could be advanced in their retired grade pursuant to the appointment power of the President contained in Article II, Section 2, Clause 2 of the US Constitution,” (known as the “Appointments Clause”) although there were no legal opinions attached to evidence this claim.<sup>97</sup> An added bonus, he believed, was that this pathway would authorize “increases in retired pay under Title 10,” since the absence of legislation meant there was no pay or benefit proviso.<sup>98</sup>

Pelak’s suggestion quickly ascended into orbit, presumably because it was backchanneled to Goldwater without significant staffing. Goldwater boasted to friends that he brought the proposal directly to Reagan, telling him that “even though the reserve rules prevent the additional third or fourth star,” he could ignore the statute and “promote anybody he wanted.”<sup>99</sup> According to Goldwater, the nominations dropped and were confirmed by the Senate the very next day.<sup>100</sup>

The strategy of seeking Senate confirmation was clearly uncoordinated, for it was not communicated to the Senate Committee on Armed Services. Weeks later, the committee incorporated Goldwater’s promotion resolution into a draft of the FY1986 defense bill.<sup>101</sup> According to the report, the promotions were justified by Doolittle and Eaker’s “unique contributions . . . to the development of air power and to the defense of this nation.”<sup>102</sup>

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92. Copy of S.J. Res. 14, February 21, 1985, Box 223, White House Office of Speechwriting (WHOS), Ronald Reagan Presidential Library.

93. Barry Goldwater to Caspar Weinberger, January 10, 1985, 99 S.J. Res. 14 docket, Center for Legislative Archives, NARA, Washington DC.

94. Advancement of Ira C. Eaker and James H. Doolittle to the Grade of General on the Retired List, 131 Cong. Rec. 3056 (Senate, Feb. 21, 1985); and National Defense Authorization Act for Fiscal Year 1986, Sen. Rep. 99-41, 99th Cong. § 534 (1985).

95. Andrew J. Pelak, Staff Summary, “Retired General Officer Nomination Action,” April 3, 1985, Doolittle OMPF, NARA.

96. Pelak, “Officer Nomination Action.”

97. Pelak, “Officer Nomination Action.”

98. Pelak, “Officer Nomination Action.”

99. Barry Goldwater to Richard Knobloch, November 7, 1985, Box 29, C.V. Glines Papers, University of Texas at Dallas; and Barry Goldwater to John O’Connor, April 17, 1985, Barry Goldwater Papers, Box 492, Arizona State University.

100. 131 Cong. Rec. 7673 (daily ed. April 4, 1985).

101. 131 Cong. Rec. 7673 (daily ed. April 4, 1985); and S. Rep. No. 99-41, at 201 (1985).

102. S. Rep. No. 99-41, at 201 (1985).

The committee expressed that while such promotions were rare, “there have been a number of cases in the past 20 years in which similar authority has been enacted into law.”<sup>103</sup> Yet, the provision had already been preempted by its own sponsor and was removed from later drafts of the defense bill.

On April 26, 1985, Eaker was promoted at the Pentagon by Gabriel.<sup>104</sup> A written transcript of prepared remarks shows that Eaker thanked “the members of Congress” among other Air Force officials, perhaps suggesting that he misunderstood who was responsible.<sup>105</sup> His biography, written by a former member of his staff in cooperation with the Air Force Historical Foundation, also incorrectly recorded that Congress “passed special legislation” authorizing the promotion.<sup>106</sup>

Doolittle was promoted by Reagan and Goldwater at the White House on June 13, 1985.<sup>107</sup> Reagan thanked Goldwater “for his part in making this ceremony possible today.”<sup>108</sup> An earlier draft of the speech also thanked Representative Ike Skelton (D-Missouri), who along with Goldwater was credited in the speech’s border as being an “[initiator] of legislation.”<sup>109</sup> Skelton’s name was removed after speechwriters ordered a legislative trace of the resolution, which uncovered that the House had no involvement.<sup>110</sup> Newspaper reports credited Goldwater as the “sponsor of the legislation promoting the 89-year-old Doolittle,” suggesting the administration did not make the authorization clear.<sup>111</sup>

The authority behind the promotions was also distorted in multiple releases. An Air Force public affairs spokesman told the media this was “the first time [such promotions have] ever happened.”<sup>112</sup> The Air Force biography of Eaker claims that “Congress passed special legislation awarding four-star status to General Eaker, prompted by Senator Barry Goldwater and endorsed by President Ronald Reagan.”<sup>113</sup> Doolittle’s Air Force biography claims “the US Congress advanced him to full general on the Air Force retired list.”<sup>114</sup> As the record clearly shows, Congress did not pass any legislation, and the full Congress was intentionally bypassed.

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103. S. Rep. No. 99-41, at 201 (1985).

104. “Promotion Ceremony: General Ira C. Eaker,” April 26, 1985, Box II:125, Eaker Papers, LOC.

105. “Gen. Eaker’s Response,” Box II:125, Eaker Papers, LOC.

106. Parton, *Spoken Here*, 492.

107. Associated Press (AP), “Jimmy Doolittle Given Fourth Star by Reagan,” *LA Times*, June 14, 1985, <https://www.latimes.com/>.

108. “Presidential Remarks: Dropby Meeting of USAF Senior Statesmen in Honor of General James H. Doolittle,” June 13, 1985, Box 223, WHOS, Reagan Library.

109. Douglas/BE, “Presidential Remarks: Dropby Meeting of USAF Senior Statesmen in Honor of General James H. Doolittle,” draft, June 11, 1985, Box 223, WHOS, Reagan Library.

110. Legi-Slate Report for 99th Congress, Sen. J.Res. 14, June 11, 1985, Box 223, WHOS, Reagan Library.

111. AP, “Jimmy Doolittle.”

112. Chuck Conconi, “Doolittle Gets His Fourth Star,” *Washington Post*, April 10, 1985.

113. DAF, “General Ira C. Eaker,” US Air Force (website), n.d., accessed December 2, 2022, <https://www.af.mil/>.

114. DAF, “General James Harold Doolittle,” US Air Force (website), n.d., accessed December 2, 2022, <https://www.af.mil/>.

As chairman of the Senate Committee on Armed Services and a retired major general, Goldwater certainly knew the promotions raised separation of powers issues, but it appears that any such concerns were subordinate to his own interest in securing Doolittle's recognition. Goldwater originally informed Doolittle that "all we need to do is get the [promotion] bill through the House of Representatives," but then told him "I went to the President . . . because of some complication that arose with my bill in the House."<sup>115</sup> He later explained Senate confirmation was "a way around these scoundrels [in the House]" who wanted to "trade these promotions" for his vote on their "boondoggling projects."<sup>116</sup> Yet Goldwater himself had introduced a joint resolution, which suggests he believed House approval was a prerequisite.

By way of authorization, Doolittle and Eaker's promotion orders listed only the Constitution and Senate confirmation.<sup>117</sup> While the attorney general had previously ruled the president could appoint officers in violation of statutory provisions "in exceptional cases," he also ruled "Congress may point out the general class of individuals from which an appointment may be made, and may impose other reasonable restrictions."<sup>118</sup> In this case, the primary statutory restriction was to be presently serving in the military and thus capable of actually occupying the office in question. This seems like a reasonable restriction that would not encroach on the president's constitutional appointment authority. The Air Force leadership apparently reached the same conclusion, since they believed statutory provisions barred promotions of this type.

The authority behind the promotions became even murkier the next year. In November 1986, the comptroller general accepted the Air Force Accounting and Finance Center's request to review the promotions.<sup>119</sup> The comptroller general ruled "when retired service members are advanced in grade on the retirement lists, their retired pay may not be recalculated . . . in the absence of statutory authority."<sup>120</sup>

He opined, "there does not appear to be an Act of Congress authorizing a recalculation of the officers' retired pay," and "we are unaware of any provision of statute which would provide for a recomputation of their retired pay predicated on the action that was taken to advance them on the retired list."<sup>121</sup> While this ruling concerned only pay implications, it plainly contradicted the claims of Pelak, who argued Doolittle and Eaker would receive higher pay in retirement.

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115. Barry Goldwater to James Doolittle, February 22 and April 9, 1985, Box 66, James Doolittle Papers, University of Texas at Dallas.

116. Doolittle and Glines, *So Lucky*, xiv.

117. Special Order AA-775, April 4, 1985, Doolittle OMPF, NARA.

118. 41 Op. Att'y Gen. 293-94; and 29 Op. Att'y Gen. 256.

119. Comptroller General, B-224142, "General Ira C. Eaker, USAF (Retired) and General James H. Doolittle, USAF (Retired), Nov. 28, 1986.

120. Comptroller General, B-224142, 1.

121. Comptroller General, B-224142, 1.

While the process for honorary promotions of retired members was not yet codified in 1985, a precedent already existed for legislative authorization, and there were many such promotions authorized later which passed both chambers of Congress.<sup>122</sup> No caselaw exists on this precise issue, for a claimant must be denied promotion to have the standing and motive to litigate. Even if standing were satisfied, separation of powers concerns are often nonjusticiable political questions.<sup>123</sup> It is likely the Appointments Clause permits some promotions to override statutory restrictions, but these particular promotions lack the exigency and other circumstances to make a compelling case.

## Conclusion

These case studies offer a window into the evolution of honorary promotions into present-day statutory provisions, as well as the questionable methods behind some individual promotion efforts. Some were driven by personal motives, which at times may have been conflicts of interest. There are also questions about the validity of some promotions, such as those for Generals Doolittle and Eaker. Both men certainly deserved this recognition, and yet the ends do not justify the means.

As mentioned earlier, Congress recently delegated the authority for honorary promotions up through major general, meaning that many defective honorary promotions of the past could be easily remedied without legislation. Unfortunately, this remedy would not apply to Doolittle and Eaker because of their ranks. As a result, reauthorizing those promotions would require Congress to waive public law, much like the aim of Goldwater's unsuccessful resolution in 1985. Mitchell is another matter, as his advancement remains bound-up in his own impropriety. While that promotion has already been authorized by Congress, the effort appears to have been abandoned, and is probably best left alone.

This article also documents that various Air Force officials repeatedly made ahistorical claims which remain uncorrected. The service's website continues to claim, incorrectly, that Colonel Mitchell was promoted to major general and earned the Medal of Honor. Official biographies also incorrectly state that Generals Doolittle and Eaker were promoted under legislative authorization. Perhaps these mistakes were made in good faith, but even if true, this means that many officials are not soliciting information from government historians or attorneys, and are not critical consumers of information themselves. This is potentially a strategic problem in today's information environment, which is why these inaccurate claims deserve correction. With public trust in the federal government at record lows, the Air Force cannot afford to contribute to misinformation.<sup>124</sup> ➔ ✎

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122. See authorizations for Ellison Onizuka (1986); Benjamin O. Davis Jr. (1998); Husband Kimmel (2001); Walter Short (2001); Charles Yeager (2004); George Day (2016); Charles McGee (2020); and Richard Cole (2020).

123. *Baker v. Carr*, 369 U.S. 186, 217 (1962).

124. Ronald Reagan Institute, *Reagan National Defense Survey* (Simi Valley, CA: Ronald Reagan Institute, November 2022), <https://www.reaganfoundation.org/>; and Brian Kennedy, Alec Tyson, and Carey Funk, "America's Trust in Scientists, Other Groups Declines," Pew Research Center (website), February 15, 2022, <https://www.pewresearch.org/>.

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