

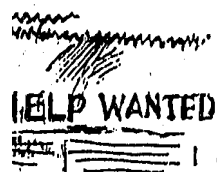
The Stigmas of Discharge

By Peter Slavin

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1.5 Million 'Bad Papers'

The Stigmas of Discharge

MARINE PFC. LEON Coates, who was wounded in a mortar barrage in Vietnam, was given an Undesirable Discharge in 1969 for "drug abuse," although no charges were ever brought against him. Why the discharge? Coates says his superiors were out to get him, that they "were paranoid" about black power and he was "talking plenty of black nationalism."

Back home in Washington, Coates could not get a job. "Every time they'd see I'd been in the service, they'd ask to see my DD214 (discharge paper)," he recalls. ". . . A couple times I knew I had the job and, as soon as the interviewer knew I had an Undesirable Discharge, it went out the window." He says the fire department told him, "We do not even consider people with discharges less than Honorable."

Those days were "a struggle." His discharge disqualified him for both unemployment compensation and veterans benefits. After nine months, Coates found a part-time job as a janitor, but only by hiding the fact that he'd been in the service. He has gotten other jobs since, as a messenger, stock clerk and newspaper editorial aide, but always by concealing the nature of his discharge, as he was advised to do by people on the job.

With legal help, Coates finally got his discharge upgraded in 1974. That qualified him for the GI Bill's educational aid, and today he is working and studying for a BA in journalism. "I was one of the lucky ones," he observes.

Since 1950, over 1.5 million American

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veterans have been the victims of "bad papers" — discharges carrying a black mark which haunts them all their lives. Many holders of bad papers are denied veterans benefits, and all face social stigma and a host of economic handicaps, including discrimination by employers, unions and colleges. In particular, they are apt to be turned away from jobs with state and local governments, jobs with federal contractors and posts requiring bonds or a security clearance.

For many, a bad paper is a ticket to America's underclass. And for the poor, the semi-educated, blacks and Latinos, a bad paper may be a bar to ever leaving it. Prison statistics suggest that a large number of veterans with bad papers, unable to find decent jobs, turn to crime.

The numbers and proportions of bad discharges rose dramatically during the Vietnam years. From 1965 through 1973, 446,000 enlisted personnel received a less than fully honorable discharge. Few of those given a bad paper had been convicted of a court-martial offense. Many had fought in Vietnam; some were decorated, some wounded. But their discharge papers made them little better in the eyes of civilians than deserters or draft dodgers.

Perhaps because it has been largely unknown, the question of bad papers has always been a neglected problem. The problem has grown worse since Vietnam. In the past four years, one GI in every nine has received a less than Honorable Discharge. Last year bad discharges were issued at the highest rate in 25 years.

The public, unfortunately for vet-

erans, tends to believe there are simply two kinds of discharge, Honorable and Dishonorable. In fact, there are five. They are, in descending order, Honorable, General, Undesirable, Bad Conduct and Dishonorable.

Honorable discharges are awarded for "honest and faithful service," General discharges for "satisfactory service," and Undesirable discharges for "unsatisfactory service." Bad Conduct and Dishonorable discharges are punitive; they follow a court-martial conviction for certain offenses. In most cases, recipients of a punitive discharge forfeit all veterans' benefits.

Severe Consequences

AT THE HEART of the discharge problem lie the Undesirable and General discharges. Although they result from administrative action rather than criminal convictions, they too have severe consequences. General discharges are regarded as "under honorable conditions," and in 1944 Congress authorized the entire array of valuable veterans benefits for nearly all those holding them. But Congress left it to the Veterans Administration to decide the eligibility of those with Undesirable discharges. In practice, the VA has denied benefits to nearly all those with Undesirables, a policy to which Congress has given silent approval. A veteran denied benefits can only turn to higher authority within the VA; he cannot appeal to the courts.

Civilian society tends to cast a jaundiced eye on anyone with other than an Honorable Discharge. Studies show that private and public employers, unions and colleges are all apt to count administrative discharges against veter-

ans. Such discharges may be enough to blackball them entirely.

An administrative discharge can dog a veteran for years. In 1965, a New York City schoolteacher received an Undesirable Discharge for homosexuality; in 1975, he privately expressed fear it would prevent his getting tenure with the school system.

In 1974, a computer programmer found the federal government refused to consider hiring him because he was given an Undesirable Discharge some 25 years earlier.

The law now offers relief against some job discrimination based on discharge. But the problem goes beyond employment. Those who work with veterans holding administrative discharges report that they suffer discrimination of many kinds. They find it harder, if not impossible, to obtain credit, licenses, rental housing, mortgages, life and medical insurance. Their discharge raises questions about their character and makes them "bad risks."

Social observers have noted that the term "undesirable" conjures up a far worse image than does "bad conduct." So an Undesirable Discharge may provoke far more prejudice from society than the criminally tainted Bad Conduct Discharge.

Ironically, the acts which earn administrative discharges are often neither criminal nor serious. An Undesirable Discharge may result from friction between a GI and his first sergeant. Or from smoking marijuana. For some during the Vietnam years, it came from frequenting GI coffee houses or exercising the right to protest the war.

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The Stigmas Of Discharge



Washington. Last year, in reaction to congressional criticism, the Pentagon authorized traveling and local review boards.

So far, regionalization has paid off: requests for appearances have climbed. In response, the Army and Air Force the true sense for the first time since have temporarily made access to their 1941; and studies reportedly show that review boards easier. The Air Force is volunteers are more apt to get into currently holding hearings, in rotation, trouble than draftees, presumably in four cities and at seven bases; the cause their higher expectations for military is holding hearings in 13 local- itary service make them less tolerant of them. The Army is also sending a board its shortcomings. At the same time, the member equipped with videotape ever more technical nature of military machinery to veterans in "the hinter- occupations puts less intelligent hand" to record testimony for the full cruils increasingly in line for menial board's consideration.

work, frustration and perhaps an outburst of foolish behavior. The services stress, however, that these changes are not necessary perma- nent. Their continuation will depend presented the services with more financial and manpower resources would-be recruits than they need and on the extent of the demand. thereby enabling them to drop person. Few veterans even realize they can nel deemed substandard. And, in fact, challenge their discharge. Between fis- in 1973 the Army and Navy initiated 1967 and 1975, some 548,000 bad dis- "marginal performer" discharge pre- charges were issued, but only 62,000 grams to speed up the removal of un- veterans petitioned the various review tisfactory personnel through "simpli- boards.

fied procedures" for issuing Honorable Few who apply have adequate legal and General discharges. By last Decem- assistance. The Red Cross and old-line, ber, an estimated 20,000 enlisted peo- charter veterans organizations such as sons had received General discharges, veterans of Foreign Wars represent in mid-tour under these programs. thousands of veterans without charge.

The military claims any veteran who but they do not use lawyers, and ob- gets a bad discharge through error of jects a bad discharge through error of justice can have it changed through ap- plicants to prepare cases adequately. administrative review of his case. How- ever, discharge review has proven pro- ceedings are short on due process. more of a remedy on paper than in the boards lack subpoena power and practice. Since the mid 1960s, only pre- trial evidentiary procedures, have about 1 veteran in 27 issued a bad dis- charge has gotten it upgraded. And, making decisions and deny or approve many, if not most, upgrades are only upgrades without stating their reasons. a General discharge, still a bad paper. Rulings are "haphazard" and "arbitra- ry," hinging "on the personalities and predilections of individual board mem- bers," says attorney Susan Hewman. Discharge review is a three-tier sys- tem. Each service has a Discharge Re- view Board, composed of military of- ficers. If a Review Board turns down a veteran's request for upgrade, he may appeal to his service's Board for the Correction of Military Records. Corre- ction boards consist of civilian employ- ees of the Defense Department. If a correction board rules against a veter- an, he can appeal to a federal court. Very few take that last step within the allotted time out of ignorance of their rights to do so and because the legal gran has little chance (roughly 1 in 6) of winning an upgrade, unless he appears personally before a board. But corre- ction boards rarely grant hearings; they prefer everything in writing. And they are unable to afford. The burden falls unequally on minority groups members with their lower average in- come.

Dealing with problem GIs. Second, the military still has drug problems. Third, all four services are now volunteer

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Attorneys David F. Addlestone and Susan H. Hewman, two of the country's foremost experts on discharge, put it this way: "Frequently, the only 'crime' is an inability to conform totally or to adapt to military life or to the whims of a commander."

Some administrative discharges seem a product of racial bias. An investigation of military justice by a Pentagon-appointed civilian-military task force found that in 1970-72 black enlisted men received bad discharges at more than double the rate of other GIs, even after making some allowance for differences in aptitude and education. The task force found that many black servicemen felt administrative discharges were used to get rid of black GIs considered outspoken or militant. The investigators heard accounts of officers harassing black soldiers until they agreed to take an administrative separation.

This points to still another failing: the lack of due process in administrative discharge proceedings. In some situations a GI facing administrative release has a right to a hearing before a board of officers. But Addlestone says that "a sense of futility, bad advice and immaturity" cause "the vast majority" of GIs to waive the hearing and to leave the discharge decision to the commanding officer, subject to approval by higher authority. "The General discharge," he concludes, "is normally awarded without a hearing."

Even worse, so are Undesirable discharges. It works this way: A GI in trouble may be threatened with a court-martial unless he accepts an Undesirable discharge. Fearing the stockade primarily, a GI will take an Undesirable discharge, especially as it is a ticket to what he most wants under the circumstances — to get out of the service fast. Hardly any GIs realize the consequences of an administrative discharge, observers say, and some have been led to believe such discharges can easily be changed later.

In many of the cases, says Addlestone, the GI would have been better off if he had chosen trial by court-martial. He might have been acquitted. And even if convicted of a typical offense, say 30-plus days AWOL, he would have served his time and probably returned to duty. Had he shaped up afterwards, he still could have earned an Honorable discharge, and his minor court-martial conviction would cause little trouble in civilian life compared to the impact of an Undesirable discharge.

The military itself has admitted that commanders frequently resort to administrative discharges to avoid holding courts-martial, which take time, ex-

pendence and substantial due process to win. Given the severe consequences of administrative discharges, some critics maintain the military has thus turned them into an alternative means of punishing service members. Nothing in the law, they say, authorizes this practice.

The Vietnam Years

AFTER DECLINING in the first years of the Vietnam War, the number of administrative discharges shot upward beginning in fiscal 1970. In 1964-69 the number of General and Undesirable discharges averaged 32,000 per year, but by fiscal 1972 they had soared to 81,000. Percentage-wise, they accounted for only 4.1 per cent of all discharges during the first years of the war, but by fiscal 1972 they amounted to 9.7 per cent.

None of the reasons for the upsurge do the military much credit. Perhaps the main cause was the little-known manpower crisis.

According to David Cortright, who wrote the powerful book "Soldiers in Revolt" after spending 1968-71 in the Army, evasion and defiance of the draft, enlistment, re-enlistment and desertion rates all reached critical levels during the war. Indeed, in fiscal 1971, more men applied for conscientious objector status than enlisted. The success of middle class youth in beating the draft by hook or crook, says Cortright, meant that an abnormally high share of poorer class men, traditionally those with the greatest difficulty in adapting to military life, entered the ranks. Presumably, their inaptitude made these men particularly susceptible to bad discharges.

Another factor apparently was an officer response to the so-called GI resistance movement, the agitation in the ranks against the war and racial discrimination and in favor of greater rights for the enlisted men. Internally, turmoil grew so great, critics contend, that many commanders responded in panic and used discharges to oust the men they believed were endangering the combat effectiveness of their units.

In 1973, the Navy handed discharges — most of them Generals — to 2,933 sailors. Cortright believes this was an effort to get rid of dissenters and not administrative discharges to get rid of unwanted personnel more attractive than the carriers Kitty Hawk and Constellation. Officers were well aware that even minor transgressions — being five minutes late, wearing an improper uniform — could serve as the basis of an administrative discharge. At the same time, unit commanders were under

pressure to trim personnel in line with out unpromising new personnel, with the cutback in military manpower accompanying the troop withdrawal from Vietnam.

the Navy, the recruit attrition rate jumped in 1969-73 to use administrative discharges to get rid of unwanted GIs.

The Problem Grows

THE CONTINUING climb in discharges in the post-Vietnam era is more surprising, but a few possibilities can be offered. First, there remain the advantages of administrative discharges over courts-martial members with their lower average in-

come. Second, the military still has drug problems. Third, all four services are now volunteer

only in Washington, forcing the few positioners invited to make a trip the

Washington. Attorneys and law stu- dents working for these groups, which they take all but hopeless cases, have represented 162 veterans and won

upgrades for 81 per cent. If 4 of 5 bad discharges can be overturned, they say, something obviously is wrong with dis- charge practices.

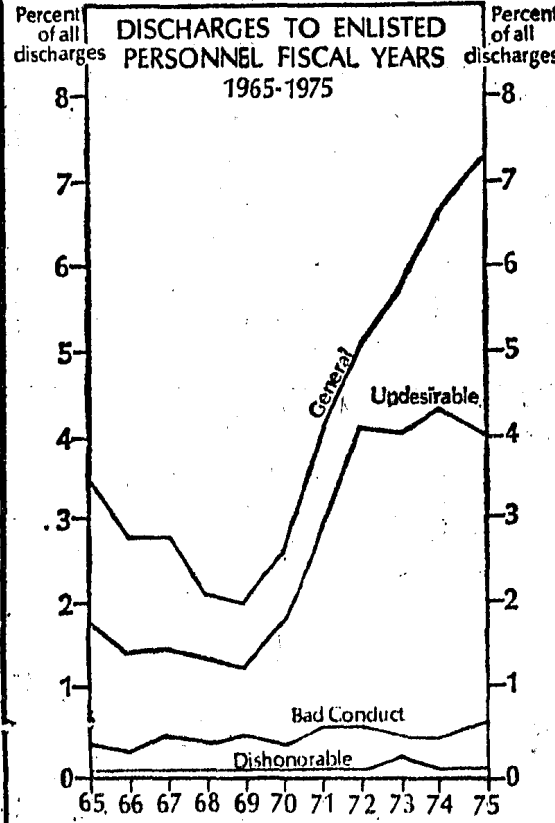
all, but for years they, too, met only

The Problem Codes

UNTIL MARCH 1974 many discharge papers were stamped with sets of damaging code numbers. These codes on their papers still cause serious discrimination for veterans in civilian society. For, although these codes are supposed to be classified, many corporate hiring offices have learned how to decipher them.

Most administrative discharges are tagged with prejudicial codes. More damaging yet, derogatory codes have also been pinned on Honorable discharges — an estimated 150,000 of them during the Vietnam war alone.

One code is the SPN (Separation Program Number),



By Million Clipper — The Washington Post

which refers to the specific reason for an individual's discharge. Most SPNs stand for such routine factors as expiration of enlistment period or "hardship."

Many veterans, however, have been labeled with such terms as "inadequate personality," "homosexual tendencies," "unclean habits," "bed-wetter," "shirker," "liar," "sexual deviant" and "anti-social personality." Some SPNs are vague; thus, a classification for drug abuse can mean anything from smoking marijuana to heroin addiction.

RE (Reason for Enlistment) codes are also used. Most RE codes are non-prejudicial and assume that any RE other than 1 indicates the individual is "undesirable." Actually, a poor RE often results from one or another non-prejudicial reason, such as medical disability or family hardship, rather than unsatisfactory service performance or poor character.

Bad SPNs in particular can cast shadows for years. They have the effect of a blacklist among many employers.

Ironically, most veterans have never been told their discharge carries such a code. This sets up a veteran for hidden discrimination. To his bewilderment, he may find himself rejected for job after job despite his Honorable discharge.

Congressional pressure finally spurred the military to stop putting SPNs and REs on discharge papers. But most veterans discharged before March, 1974, remain unaware that their papers contain such code numbers. And few who know their number is damaging realize the service will now remove it on request. Critics estimate that half a million veterans still carry discharge papers containing bad SPNs.

Further, it does veterans issued bad SPNs in years past little good to have them removed. Potential employers realize few would bother to remove an SPN unless it was derogatory.

The only way to avoid continued discrimination based on SPNs, critics argue, is for the Pentagon to mail new discharges shorn of codes to all veterans.

— PETER SLAVIN