
Defense Report

AUSA



Relief for Military Offenders— The Machinery is There if They Will Use It.

President Carter has fulfilled his campaign promise to pardon the men who chose to defy the Selective Service laws during the Vietnam War. For many, the fulfillment is no more palatable than the promise. But there is little left to be done now except to look apprehensively ahead to the next step the President has indicated he may take—pardons or some other form of executive relief for those who deserted from the armed forces or who received less-than-honorable discharges for a wide variety of offenses.

If we could be sure that the deserters were in fact motivated by objection to the war a Presidential pardon for them would be consistent with his pardon of the draft evaders. However, statistics compiled during President Ford's marginally successful amnesty program revealed that the vast majority of desertions were generated by despair over family problems or inability to adjust to military life not by objection to the war.

A total of 7.8 million discharges were issued by the armed forces during the Vietnam War period and 97 percent of those were under honorable conditions. The biggest share of the less-than-honorable discharges (173,600) were "undesirable" determinations made administratively for many kinds of offenses but often in lieu of court martial. Only 28,759 Bad Conduct and a miniscule number (1,903) of Dishonorable discharges were imposed by court martial and upheld by the complete judicial review process.

The military services acknowledge that there were probably many instances in which a service member accepted an Undesirable discharge administratively when he might have beaten a court martial. All the services have review boards available at several points around the country to hear requests for upgrading to the General or even Honorable level by those who feel they have been unjustly stigmatized.

In the fiscal year ending September 30, 1976 the services heard 10,673 requests for upgrading and approved 3,365 or almost 32 percent. That channel of relief remains open. Anyone who wants to make a case need only call these numbers in Washington (All Area Code 202): Army, 697-3071; Navy, 692-4991 or 4992; and Air Force, 694-5249 or 5380.

President Carter should know that the recipients of less-than-honorable discharges include all varieties of common criminal as well as the young men who could not face the war or adjust to military life. Military machinery is already available for case-by-case reviews. As Commander-in-Chief he should insist that every case be examined on its merits and shun the discipline-shattering alternative of blanket pardons or amnesty.