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VIETNAM

VETERANS, DESERTERS, AND DRAFT-EVADERS

A Summer Study

The Ford Foundation

September 1974

INTRODUCTION

No group of Americans was touched as deeply by the Vietnam conflict as the millions of young men who came to maturity in the decade between 1964 and 1973. On this group fell most of the burden of fighting the war. The burden was shared unequally because the nation lacked a system of universal military service. Nearly 60% of all draft-age men during these years did not serve in the armed forces.

This report is a preliminary study of the effects of the war on the lives of a limited part of the Vietnam generation: those who entered military service and those who became lawbreakers out of opposition to participation. These are overlapping, not separate, categories. Hundreds of thousands of Vietnam-era veterans hold other-than-honorable discharges, many because of their antiwar activities. Although their individual histories in the Vietnam years were lived out in different ways, all these young men did share one thing in common: for each of them, the Vietnam War was real.

More than 7 million persons served in the armed forces during the Vietnam era. Of this group, more than 2.5 million actually were sent to Indochina, where 303,000 were wounded, half of them seriously. Another 56,000 did not return. Many of those who served now face problems -- in education and employment -- that often are complicated by the effects of their military service: drug abuse, bad discharge records, or psychological distress. The first part of this report considers the situation of these Vietnam veterans.



The lives of the much smaller group of men who evaded the draft or deserted the armed forces during the Vietnam years also remained troubled. Many of them have been formally punished for their crimes; some remain in exile abroad or underground at home. They all remain under some degree of legal disability. The second part of this report considers their situation and prospects.

The final section lists some conclusions and specific recommendations for possible Foundation activity in this area.



I. VIETNAM-ERA VETERANS

Special benefits for veterans are deeply rooted in the American political tradition. They can be traced to the Revolutionary War, with earlier precedents stretching back into British and colonial experience. Historically, benefits have been justified on the grounds that veterans made special sacrifices for the nation and deserved extra consideration. Central to this concept is the notion of compensation. The veteran, especially the needy one, should be compensated for his service by being restored to full equality with his peers who did not serve. Later, the idea of payments for readjustment to civilian life also became well established.

The Revolutionary War produced the first veterans' benefits — limited medical compensation and pensions for the needy. The post-Civil War period saw expanded medical payments and preferential hiring. The present system, which serves 29 million veterans at an annual cost of over \$13 billion, was set up mainly by the World War II G.I. Bill — a far-reaching readjustment and compensation program stimulated by memories of veteran protests during the Depression and concern over the potentially massive impact of demobilization on the domestic labor market.

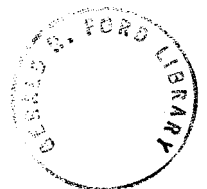
The present spectrum of veterans' programs can be grouped under several broad headings: (1) readjustment programs designed to ease return to the civilian labor market on a par with his non-veteran peers (principally



educational and training programs, employment services, preferential hiring, loan assistance, and eligibility for unemployment insurance); (2) medical services and income support for service-connected disabilities provided through the Veterans Administration (VA) hospital system; (3) income support for the needy veteran (principally pensions); and (4) additional benefits (such as life insurance and mortgage loans) not generally available to the non-veteran. Although many benefits are delivered on a need basis, eligibility for them most commonly is gained by any veteran who received a discharge under honorable conditions.

Of most interest to Vietnam-era veterans are the educational and readjustment assistance programs (commonly referred to as the G. I. Bill) and the medical support and compensation programs. Older or more affluent Vietnam veterans may also benefit from the housing loan and life insurance programs. A few programs run by other agencies are important to Vietnam-era veterans, including the Veterans Employment Program run by the Labor Department and the Veterans Cost of Instruction Program run by the Office of Education. In addition, several states have their own G. I. Bills and many local governments have veterans employment and assistance projects.

Veterans legislation is handled by special committees in Congress. The major veteran service groups, such as the American Legion, lobby actively for the interests of their members. They also serve as a major source of staff personnel at the VA. Most Members of Congress, more than a third of whom are at least nominal members of the Veterans of Foreign



Wars (VFW) or the American Legion, sympathize strongly with veterans needs. Veterans programs have evolved in a closely-knit political world where debate has generally not considered basic issues of equity and need but rather has focused on eligibility criteria and the adequacy of benefit levels.

The benefit programs also serve other functions. They have been a major selling point for recruitment into the armed services and have proved an effective way to support other institutions, such as the housing industry, universities, and certain kinds of trade and technical schools. All of this broadens the political base of support for veterans benefits.

Profile

There are approximately seven million Vietnam-era veterans (those who served after August 4, 1964) of whom about 700,000 also saw service in the Korean conflict. The average age of the Vietnam veteran is just over 28 years. Over 95% of all Vietnam-era veterans are in the 20 to 34 age bracket, with approximately 22% aged 20 to 24, 56% aged 25 to 29, and 22% aged 30 to 34. Average length of service was 32.9 months and average age at separation was 23 years. About 35% of all Vietnam-era veterans went to Indochina.

At the time of enlistment, the typical Vietnam-era veteran was a white high school graduate from a small city or rural area. He was less likely than his non-veteran peer to have attended college, but more likely to be a high school graduate. At separation, his median educational attainment was 12.5 years, making him better educated than either his World War II



or Korean counterpart, with 11.5 and 12.3 years respectively. In 1973, blacks accounted for about 10% of the Vietnam veteran population, compared to 13% of the non-veteran peer population. Defense Department studies indicate that minority group veterans were nearly twice as likely as whites not to have graduated from high school, and more likely to score in the lower deciles on military aptitude tests. Race, educational attainment, and aptitude are all interrelated in determining the in-service experience of the Vietnam-era veteran. Sample surveys show that the less educated and the minority group member is more likely to have been sent to Vietnam, and when there, to have served in combat. Black and Spanish-surnamed veterans were 60% more likely to have served in combat than white veterans. Whites were more likely to serve in skilled craft or intelligence and communications units. College graduates of any color were least likely to serve in Vietnam.

Statistics form only part of the picture of the returning Vietnam-era veteran. Each veteran must face a readjustment period. For most men this is a disrupting but bearable experience. For others, particularly the 2.5 million who saw service in Vietnam, readjustment has presented special burdens.

The nation was deeply divided by the war and the returning serviceman often felt the effects of that division. At worst he was viewed with suspicion. Sometimes he felt ignored. Since the return home was without rewards or recognition, some veterans questioned the value of the sacrifice they had made. Many felt their experiences set them apart from older veterans who



had served in more united times. This feeling contributed to a generalized uneasiness among Vietnam-era veterans about participating fully in the typical social and institutional milieu of the older veteran population: the local American Legion or VFW post.

Thus, the Vietnam-era veteran, who shared with older veterans the experience of having served, also found there was much that he did not share with his predecessors. These differences placed a special stamp on the Vietnam-era returnee.

The readjustment issues facing Vietnam-era veterans are not susceptible to easy generalization. There is broad agreement on some problems and considerable controversy over the extent, and even the existence, of others. These issues vary widely in the extent to which they touch the Vietnam veteran population. In some areas a virtual absence of sound knowledge makes an informed judgment impossible. Six problem areas are most frequently mentioned to be of concern to the Vietnam-era veteran. ^{1/}

Post-Vietnam Syndrome

Perhaps the least understood controversy surrounding Vietnam-era veterans is over the existence of the Post-Vietnam Syndrome (PVS). Considerable scholarly, and not so scholarly, attention has been devoted to this subject. This discussion can only sketch the areas of controversy

^{1/} This report excludes consideration of special problems which may face the several hundred thousand female veterans of the Vietnam era. In general, the veteran benefit system is designed to serve a male clientele.



and report the differing opinions about the extent and severity of the PVS.

Several explanations are offered for the existence of the syndrome. The most prevalent theory argues that Vietnam differed in significant respects from prior American wars. The Vietnam was was a guerrilla conflict, without distinct battle lines, clear strategic objectives or defined areas of territorial control. Unlike his World War II predecessor, the average American soldier was not in the war for the duration of hostilities, but for a specified time, usually one year. Rotation prevented growth of a strong buddy system. Men became hesitant to take chances during the last weeks of their service. The G.I.'s goal became personal survival. Equally disorienting was a logistical system that brought the soldier over in a commercial airliner and deposited him in Saigon amid stewardesses and night life and later returned him, often alone, to the States mere hours after leaving his combat post.

Severe cases of shell shock and combat fatigue were relatively few in Vietnam. But Murray Polner, a New York researcher, found broad evidence of anxiety, depression, distrust of authority and ambivalence in combat veterans. Other studies conducted at VA hospitals find distinct differences between clinical symptoms of younger and older veterans. One study found that combat veterans did not display more overtly aggressive behavior than non-combat veterans, although isolated incidents of violent behavior have received play in the media. Dr. Jonathan Boros of the Walter Reed Army Institute of Research, who also compared combat to non-combat



veterans, found few differences in the pattern of character disorders, although these were high in both groups. This literature suggests a fairly high incidence of behavioral instability, but rejects the extreme view that Vietnam created very large numbers of violence-prone veterans. The extent of criminal behavior among Vietnam-era veterans remains largely unstudied.

A second line of analysis suggests that the PVS relates to service in the armed forces rather than participation in combat. Public hostility to the war, anti-military feeling, and socio-economic differences between those who served and those who did not contributed to the soldier's feelings of rejection, guilt and hostility and the feeling that he had been "suckered." After separation, these feelings emerge according to individual circumstances and serve to intensify or distort his readjustment. A recent survey of non-college youth conducted by Daniel Yankelovich, Inc. found significant differences in the veteran sub-sample that support this line of analysis. Vietnam veterans emerge as less optimistic and more alienated, more prone toward extreme political positions, more likely to use drugs or alcohol, less likely to be employed, and more likely to view themselves as members of a minority group that is discriminated against.

A third explanation holds that many readjustment problems of the veteran are age-related and reflect attitudes of other young Americans. The veteran's military experience puts added tension on these attitudinal problems and makes it hard to cope with intergenerational and ethical/moral conflicts. There is little research to shed light on this position.



Is there a Post-Vietnam Syndrome? Dr. Charles A. Stenger of the VA Department of Medicine and Surgery concludes that the psychological readjustment problems of the Vietnam veteran are too intertwined with the nature of the war, the nature of the times, and individual personalities to justify a clinical definition. He argues that perhaps 20% of veterans are having a difficult time readjusting and cites the Harris Poll, the Boros study, and VA research as evidence for this approximate level of serious readjustment difficulties. More than anything else the collective picture that emerges is of instability — some of it manifested in identifiable psychological disorders, but much of it appearing in arrest, divorce, and drug abuse statistics.

The analytical difficulties in this area reflect the limitations of existing research, which has not adequately controlled for intergenerational and non-veteran peer group differences. Despite a sizable research budget, the VA is constrained in the kind of research it can undertake. It is limited in the extent to which it can contract for research and has access only to those veterans who show up at the VA. Little is known about the Vietnam veteran who doesn't approach the VA.

Beyond these clinical issues, there are practical and policy issues in attempting to define and treat a PVS. If the PVS is defined as a service-related disability (hence, treatable at VA hospitals) it becomes hard to exclude other older veterans with psychological problems. This raises both equity and cost implications. Secondly, defining the PVS as a service-connected disability stamps it as a disorder in a way that may further contribute



to the veteran's problems by adding a stigma or making it more difficult for him to find employment. The VA, through its hospital system, has tried to encourage more informal counseling techniques and has hired psychologists and social workers who are themselves Vietnam veterans. While these measures undoubtedly help, many veterans have rejected the VA and turned to informal Vietnam veteran self-help and "rap" groups as a way of airing their problems.



Unemployment

In recent years, unemployment has been serious and persistent for Vietnam-era veterans. Since the beginning of 1973, however, according to the Bureau of Labor Statistics (BLS), the unemployment rate for older veterans (ages 25-34) has been comparable to or lower than that for non-veterans. Among younger veterans (20-24) unemployment has remained persistently higher than for non-veterans. The changing age composition of the veteran labor force in recent years, however, has brought the overall unemployment rate for veterans to parity with non-veterans. It seems likely that the continuing "aging" of the veteran population will keep the overall unemployment rate below that of their non-veteran peers, although the rate for young veterans (a declining proportion of all veterans) is likely to remain high. Several reasons are given for the high unemployment rate among young veterans. Because they joined up during or right out of high school, they have frequently had minimal contact with the labor market and have not yet had the opportunity to close the educational gap that exists between them and their non-veteran peers.

In aggregate terms the joblessness of Vietnam-era veterans is primarily a highly age-related re-entry problem, affecting younger men who have the least experience in the labor market. In the absence of special programs, this problem is inseparable from larger employment and labor market issues facing the economy as a whole.

This guardedly optimistic interpretation should not disguise the fact that particular groups of veterans suffer severe unemployment problems. Non-white



veterans, in particular, suffer markedly higher unemployment rates than white veterans. The BLS found unemployment among young black veterans 13.5% during 1973, down somewhat from the previous year.

A special VA survey of readjustment problems in 1972 found an unemployment rate of 28% for veterans with less than a high school education and a similar rate for black veterans in general. Joblessness was most severe in cities. Two additional surveys uncovered serious unemployment among segments of the veteran population. The Yankelovich study reported 30% unemployment in its veteran subsample and a study of drug usage among veterans by the Special Action Office for Drug Abuse revealed that 49% of a sample who were regular narcotics users also were without jobs.

Although limited in scope, these special surveys suggest severe unemployment among less educated and minority veterans. Upwards of 450,000 Vietnam-era veterans currently have no jobs. The recent upturn in the general unemployment rate suggests this figure is unlikely to improve in the near future.

Education and Training

Much dissatisfaction voiced by Vietnam-era veterans concerns education and training benefits under the G.I. Bill. An appendix to this report discusses these issues in depth. Several comments should be noted here.

Since World War II, education provisions in the G.I. Bill have increased veterans' access to higher education. After that war, veterans received direct subsistence allowances while tuitions and fees were paid directly to their schools. Today, however, a fixed benefit is paid to the veteran, which he uses for both,

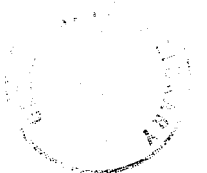


subsistence and educational costs. This difference has led to controversy about the relative value of current and prior G. I. Bill benefits.

Average purchasing power for some categories of veterans equals that of World War II veterans, but comparison of the relative value of benefits, when measured against average earnings of non-veteran peers, shows Vietnam-era veterans to be considerably worse off. They have difficulty finding the part-time jobs needed to supplement their benefits and depend heavily on their monthly VA checks which are often late in arriving. Unlike their post-World War II predecessors, they lack access to low-cost housing on their campuses.

The present system of delivery of education benefits has other consequences that disturb Vietnam-era veterans. Tuition costs vary from state to state, between public and private sectors and sometimes between lower and higher quality schools. This fact influences whether and where a veteran will be likely to use his benefits. Colleges that formerly received direct federal payments (sometimes at higher, out-of-state rates) as an incentive to provide special services for veteran-students now often pay scant attention to veterans' special educational and personal needs.

The use of G. I. Bill benefits varies directly with education levels and aptitude scores. Defense Department surveys show that veterans with some pre-service college are nearly three times as likely to use benefits as those who did not finish high school. Minority veterans with less than a high school education are slightly more likely than whites to enroll in manpower and skill



training programs. In general, the veteran with the least pre-service education and the least opportunity for practical training in the military is also least likely to benefit from educational and training provisions of the G.I. Bill. More than half of all Vietnam-era veterans do not use their education benefits, at least in part for economic reasons. While extra benefits are available for remedial and preparatory work, administrative delays in delivery of checks apparently have caused many men to abandon tutorial programs needed to pursue higher education.

Despite this unevenness in the use of benefits, the G.I. Bill, one of the largest and most comprehensive federal scholarship programs, has aided almost half of the Vietnam-era veterans. This proportion will rise, particularly because of the recent extension of the eligibility period. The system has worked best for college-eligible veterans who have access to a range of institutions in their home states. It has been less successful for educationally deprived veterans, for poor veterans, and for those who lack easy geographic access to good, low-cost schools.

Comparatively less attention has been given to the needs of those who are ineligible for college or who might profit more from manpower and skill training courses. Thus, of the 15% of young veterans who lack a high school diploma, only 9% have enrolled in manpower training programs. One-quarter of all veterans who use their education benefits attend vocational schools, but two-thirds of them are in correspondence courses that have high dropout rates and offer programs of questionable value.



Drug Abuse

The widespread use of drugs in Vietnam has drawn considerable attention in the media, has been documented by several studies, and has become an issue of special concern to the Vietnam veteran's organizations. This discussion focuses on the degree and extent of drug usage among the Vietnam veterans, the rehabilitative avenues open to the drug abuser, and the effectiveness of these channels.

According to the most recent official study of drug abuse in the Army, based on a sample of individuals who returned from Vietnam in September, 1971, rates of drug usage and addiction in Vietnam were extraordinarily high: 45% of all men used narcotics, amphetamines or barbituates at least once; 29% used narcotics regularly (more than 10 times total and more than weekly) and 20% reported they were addicted. No single factor explained this high rate of abuse. Users were more likely to be young, Army enlistees from large cities, with pre-service records of truancy, low educational attainment, and arrests, and a longer disciplinary record. Pre-service narcotics addiction (a negligible portion of the total sample) was linked to abuse in Vietnam but casual pre-service narcotics use was not strongly linked to in-service use.

Boredom was the most frequently reported reason for abusing drugs in Vietnam, although peer-group pressure, insomnia, and homesickness were contributing factors. The incidence of drug usage was not found to be related to participation in combat.

After return from Vietnam, the incidence of both any use and frequent use of drugs declined markedly without recourse to treatment or rehabilitation programs.



Despite this important decline, drug abuse remains a serious problem. Of all men in the sample, 3% reported weekly narcotics use after return, (weekly use represents either addiction or a reasonable danger of addiction), and of the drug positive sample, 35% reported weekly narcotics use. (See Table O.) The character of abuse also changed. While pre-service narcotics abuse was most frequently codeine, after service use was generally heroin. Post-Vietnam narcotics abuse was linked to a variety of other readjustment problems. Heavy narcotics users were unemployed in 49% of cases; had been arrested within a ten-months period in 41% of cases; 17% had sought psychiatric care; 18% of the married men were divorced or separated. Narcotics abuse was a better predictor of post-service arrests than was a pre-service arrest record.

In-service drug abuse can be viewed as a temporary phenomenon related to the special circumstances of Vietnam, but it remains a serious problem for a small, but significant, minority of Vietnam-era veterans and has become interrelated with a variety of other readjustment problems and the socio-economic ills that cluster in the urban environment. Most observers estimate a Vietnam veteran drug population of between 75,000 and 100,000.

Treatment opportunities open to the addicted veteran depend on his discharge status, since VA hospital services are available only to those with discharges under honorable conditions and, in some cases, to those with undesirable discharges. The services vary considerably in the kind of discharge given to drug offenders. In the Army and Marine Corps around 70% of discharges for drug offenses were undesirable while the Navy and the Air Force issued predominantly general or honorable discharges



to drug offenders. The character of the discharge differed little according to race.

Drug users recently have generally received honorable or general discharges, although the Army continues to give a higher proportion of undesirable discharges. The services are also making greater efforts to treat drug users in the service. In Germany, the Army has opened more than 70 Community Drug and Alcohol Assistance Centers. These data indicate a significant portion of all drug users are either ineligible for VA services or await a determination which is unlikely to be in the veteran's favor.

For eligible veteran drug abusers, the VA offers a variety of services from psychiatric counseling to methadone maintenance that in the eyes of most observers have achieved mixed success. Particular VA hospitals (East St. Louis and Brentwood, Calif., for instance.) have reportedly developed imaginative and sensitive drug treatment programs. In other cases, veteran drug abusers have received little effective help. The VA has relied heavily on methadone maintenance treatment which for many veterans is merely trading one addiction for another. Veterans themselves appear to favor residential rehabilitation programs and peer-group counseling as treatment programs.

The drug abuser can also avail himself of any other governmental or private drug treatment program. Many veterans hostile to the VA prefer these channels. This tendency disturbs some drug program managers who feel they are shouldering a burden that should be carried by the VA.

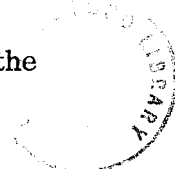


Other-than-Honorable Discharges

More than 400,000 Vietnam-era veterans have left the military without an honorable discharge. To varying degrees, bad discharges make it harder to find a job and limit eligibility for veterans benefits. So they have become an issue for Vietnam veterans and for some Members of Congress. Serious issues have been raised about the discharge system: Does it offer adequate safeguards to prevent abuse or inequity? Should a military offense that would not be a violation of civil law become the basis for an undesirable discharge that accompanies a veteran for the rest of his life?

There are five discharge categories: honorable, general, undesirable, bad conduct, and dishonorable. The first two are considered by the armed services to be under honorable conditions. The last two are under dishonorable conditions and mean a veteran forfeits his benefits. They are determined exclusively by courts-martial under procedures which provide due process rights. The middle category, undesirable discharge, normally is decided upon at administrative hearings without benefit of due process safeguards. It usually entails loss of benefits although procedures are available through which a veteran may have some or all of his benefit eligibility restored.

A Nixon Administration Task Force on the Administration of Military Justice reported great variation among the services on the grounds for different discharges. Thus, while the Army and Air Force cited "discreditable incidents" as the reason for an undesirable discharge in approximately 25% of cases, the Navy and Marine Corps gave this as the stated reason in less than 10% of the cases. The criteria for a "discreditable incident" are reasonably uniform among the

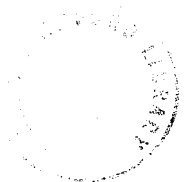


services. The study also found that blacks received proportionately fewer discharges under honorable conditions than whites when controlled for educational and aptitude levels, and for all groups bad discharges increased as aptitude and educational attainment levels dropped.

Understanding grounds for discharge demands an arcane comprehension of terms such as "unsuitability," "unfitness," and "in the good of the service."

Much criticism of the discharge system stems from the argument that the veteran suffers a stigma that inhibits his progress in the labor market. The best, and almost sole, source of information on this subject is a private study by Major Bradley K. Jones. In a recent survey of businesses, educational institutions, and professional societies, Jones found a strong negative response to other than honorable discharges but considerable evidence that employers tried to distinguish among the categories (see Table O). All respondents were negatively influenced to a degree by bad discharges. Although other-than-honorable discharge may result from actions which are of legitimate concern to employers, they may also result from life style offenses (homosexuality), AWOL offenses, or vague offenses such as "apathy" or "shirking" that may not influence job performance.

Systematic evidence is not available, but bad discharges negatively affect the veteran's chance to work in civil service jobs, in those requiring security



clearances, and to join professional and trade societies. ^{1/} Recent court cases have recognized the discriminatory power of the bad discharge and have attempted to mitigate the effects. ^{2/}

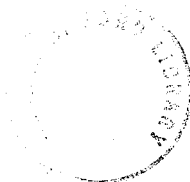
For the veteran desiring to upgrade a bad discharge there are a limited number of recourses. All involve lodging an appeal with one of the service discharge review boards in Washington, D. C. The veteran may take his case to the VA or to a veteran service organization. Here, he is provided with a counselor (generally not a lawyer) who helps him prepare a case. The American Legion estimates that it succeeds in upgrading about 20% of the cases it brings. It has recently increased its discharge staff in Washington to four people. The VA successfully upgrades about 10% to 15% of its cases. Alternatively, the veteran can take his case to the ACLU or the American Veterans Committee. Here his chances of

1/

Until recently, all discharge papers (honorable and dishonorable) contained Separation Code numbers (SPN) that contained a coded summation of the veteran's service record. These classifications cover the full range of service performance. Thus, while most codes contain the favorable notation, "expiration of term of service," more than fifty unfavorable codes refer to specific acts within the military, which may or may not have a bearing on the veteran's discharge status or punishment by courts martial. These codes range from "criminal behavior" to "unsanitary habits," "homosexual tendencies," and "bed wetting." Despite their supposedly confidential nature, these codes were widely publicized and known to large employers. Printing the codes on discharge papers is now discontinued.

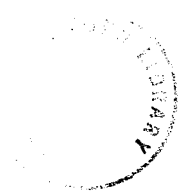
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For example, Thompson v. Gallagher, (5th Circuit Court of Appeals) and a decision of the Equal Opportunity Employment Commission against the St. Louis Fire Department.



success are greater, but both organizations are currently so swamped with requests that they have stopped taking new cases. These organizations point out, the veteran's chances for success are significantly enhanced by a personal appearance before the board in Washington, a requirement that hurts the low-income or precariously employed veteran.

The Defense Department defends the current discharge system on the grounds that (a) the soldier who serves his country well should be rewarded and (b) the military needs to know which individuals not to take back in the future. The system with its threat of lost benefits obviously forms a strong underpinning to the system of military justice. For the veteran with a bad discharge, however, the system serves little purpose. The bad discharge contains no rehabilitative mechanism, nor does it necessarily mete out a just punishment. These discharges are a neglected problem brought to light by the particular passions of the Vietnam conflict. A responsible course of action would be one that sought to reconcile the military's disciplinary needs with due process requirements of a just civilian society.



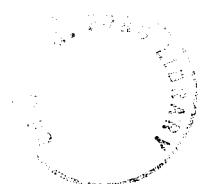
Veterans Administration

Many complaints by Vietnam-era veterans have been directed at the Veterans Administration. Dissatisfaction with the VA's performance is not limited to the younger or more alienated Vietnam veterans, but extends to neutral observers, the VA's own personnel, and Congressional offices. For these reasons, the VA itself must be considered a problem area.

Since the close of the Korean era, VA functions have largely been income support and the administration of the hospital system -- activities which consume approximately three-quarters of the budget. Its clients increasingly have become the older, needy, and chronically disabled veterans.

The VA response to the returning Vietnam veteran was, in broad terms, to gear up the employment and educational assistance provisions of the G. I. Bill and to expand publicity so as many veterans as possible were apprised of their benefit rights. The VA points to its "Operation Outreach" and the opening of Veterans Assistance Centers around the country as evidence of its concern for the returning veteran. While gross statistics in terms of contacts made, centers opened, toll-free phones installed, and "job fairs" held are impressive, it is hard to assess the real impact of these activities. It is impossible to know, for example, how many actual job match-ups occur at job fairs, or the proportion of these that result in employment of any meaningful duration.

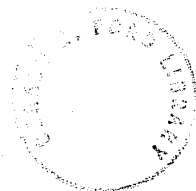
Faced with problems that fall outside the framework of the traditional benefit structure, the VA seems to have had difficulty mounting an effective response. It has not exercised new program initiative and has even been slow



to recognize its own successes (in drug treatment, for instance). One knowledgeable former VA official traces this failing to the absence of an effective Vietnam veteran input at the policy making level.

The VA also lacks effective internal program review and evaluation. Program analysis is largely confined to compilations from existing benefit rolls. The VA limits analysis to that portion of the veteran population that comes into its rolls. It cannot undertake comparative studies with non-veteran populations. Legal restrictions limit contracting for outside research. The education and training bill currently before Congress recognizes these limitations and mandates data collection and evaluation, but this provision was not recommended for additional funding. Looking beyond the VA, veterans benefits have been one of the least researched of the major social welfare programs. The Brookings Institution has done a little work in this area, and a 20th Century Fund Task Force is examining the general issue of veterans benefits. Little other scholarly work is underway.

The VA has also been accused of negligence and mismanagement in the delivery of benefits to veterans. Although comprehensive analyses do not exist, the VA's own survey of readjustment problems found that 4.4% had not received their educational checks. (See Table) Many big city newspapers have carried feature stories on problems at VA hospitals. To the extent that the level of indignation reflects the true state of affairs, the VA is in trouble; but it is worth remembering that with a clientele in the millions, even a low rate of administrative error will make many people unhappy.



Some observers see signs of change at the VA. The current educational legislation will add veteran representatives on campus and a new system of check disbursement will go into operation. More VA employees are themselves Vietnam veterans, mostly at lower levels. But in general the VA response has been slow. It is least effective in reaching younger, urban, and minority group veterans. The low level resources for evaluation and research and the general neglect of the VA on the part of scholars and policy analysts suggest that these reforms may not outlive the current wave of client indignation.

CURRENT RESPONSE

The traditional institutional actors in veterans' affairs continue to fill in the response to those problems. The newer Vietnam veteran organizations have dented this structure, but their strength and influence are limited.

The current structure of veterans' affairs can be summarized as follows:

- The Executive Branch: Aside from the White House, OMB concerns itself with the larger budgetary issues, and HEW and DOL have limited responsibilities for particular veteran programs. DOD administers a military retirement program and is an important indirect influence on veterans' affairs. The VA, of course, has the major administrative role.
- The Congress: Major responsibility lies with the House Committee on Veterans Affairs and the younger Senate Veterans Committee. Particular committees maintain an interest in different pieces of the veteran program -- Senator Ervin's subcommittee on constitutional rights, Senator Hughes' subcommittee on drugs and narcotics and the judiciary committees of both houses.



- The veteran service organizations: Most prominent are the big lobbies, the Veterans of Foreign Wars and the American Legion, which also run service programs for veterans. Surrounding them are several other large organizations which generally have a more specialized membership, such as the Disabled Veterans of America. Beyond these are special interest veterans groups representing everyone from Polish-American to Spanish-American War veterans.

- Vietnam-era veterans organizations: There are two types -- a small number of organizations whose membership is largely or entirely Vietnam-era veterans, and other public interest organizations who have special programs in support of Vietnam-era veterans.

Traditionally, the power in veterans affairs has resided with the House Veterans Affairs Committee, although the recent creation of a similar committee in the Senate has altered this picture somewhat. But the House has long-standing expertise and is considered better versed in the bread and butter issues. Considerable differences mark the perspectives of the two committees. The House panel is more conservative in outlook, reflecting its membership, and more prone to hold the line on costs. It generally takes the view that veteran readjustment problems are all pretty much alike. The Committee does not regard the poor and the disadvantaged veterans as a natural constituency and is unwilling to single them out for special attention. The committee staff has developed a close working relationship with the VA and the big veterans organizations.

The Veterans Lobby: Old and New

The veterans lobby is dominated by the Veterans of Foreign Wars and the American Legion. With membership in the millions, large budgets, and service programs run through VA centers throughout the country, these organizations are a major source of assistance to the veteran. They rightly claim credit for creating



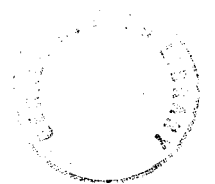
or helping to enact much major legislation. The American Legion is the larger, with 2.7 million members, while the VFW has 1.8 million members. Each claims 450,000 Vietnam-era veterans in its membership. Both run service programs for all veterans without regard to membership. Helping the veteran with his benefits and providing a congenial social environment, they are entrenched in the social milieu of suburban and small town America.



Both the Legion and VFW recognize that their future organizational health depends upon attracting the Vietnam-era veteran. The Legion, in particular, is a strong supporter of the Senate version of the current education and training bill. Alone among the old-line veteran lobbies, it supported the concerns of the younger Vietnam-era veteran groups. Nevertheless there remains serious question whether the experiences and often conflicting life styles of the two generations of veterans -- the World War II men and the youthful Vietnam group -- will really permit much more than a marriage of convenience.

Closely following the two big service organizations are the AMVETS and the Disabled Veterans of America, large organizations with more specialized memberships. AMVETS, a World War I group, are largely occupied with pension issues. These organizations generally support Vietnam veterans' groups only when their interests happen to coincide. Beyond these major organizations lies a plethora of specialized groups, some large, most small, that represent every conceivable kind of veteran subpopulation. Some carry weight on particular issues but they are too fragmented to exert concerted political pressure.

Vietnam-era veterans organizations are few in number, organizationally weak, and, generally speaking, not major political actors. The National Association of Concerned Veterans (NACV) is considered most effective in representing the Vietnam veterans' viewpoint. Formed in 1968 from a coalition of campus-based veterans groups, NACV is respected on Capitol Hill for its practical approach to the issues. Although its membership is not large, NACV



claims access through its local affiliates to a large portion of the on-campus Vietnam veteran population. NACV is trying to become a general membership organization but is constrained by its small staff and lack of a financial base. Reflecting its origins, it devotes its attention to education and employment, but would like to become more involved in issues such as drug abuse and bad discharges.

The American Veterans Committee is an older but small organization, claiming a membership of around 20,000, formed as an alternative to the big service organizations. It is extensively involved in the current educational bill but devotes more attention to discharge and civil rights issues and has a long history of involvement in civil service hiring preferences for veterans. It is one of the few organizations providing counseling and legal assistance to veterans seeking to upgrade their discharge status -- and has been quite successful in this area. Like NACV, however, it is financially weak and supported largely by volunteer effort.

The Vietnam Veterans Against the War/Winter Soldier Organization (VVAW) has shown ability to capture media attention to the more radical concerns of Vietnam-era veterans. But many doubt its political effectiveness because it does not engage in sustained lobbying on basic issues. Aside from occasional forays to Washington, the VVAW supports veterans' self-help groups in different parts of the country, placing primary emphasis on the problems of the disadvantaged and minority veteran -- drug abuse, bad discharges, alienation, unemployment, and veterans in prison.



The Vietnam Veterans National Resource Project, located in New York, attempts to promote local self-help projects. It is affiliated with 30 to 40 local veterans groups. It is particularly concerned about psychological issues and the post-Vietnam syndrome.

These four organizations are the only Vietnam-era veteran groups of national or regional significance. There are a large number of local veterans groups that run the gamut from rather informal discussion and "rap" groups to small projects with good local reputations -- such as Twice Born Men in San Francisco. Some of the largest of these are campus groups tied to the NACV. This is especially true in California, where large concentrations of veterans attend state colleges.

In addition to the veterans organizations, a number of groups support individual projects that deal with one or more of the Vietnam veteran issues. The ACLU runs a small but highly effective discharge project that provides legal assistance to veterans with bad discharges and studies other aspects of the military justice system. The National League of Cities, aided by a HEW Department grant, provides technical assistance to a selected number of cities that have veterans employment and referral services. The National Urban League runs a project to support and illuminate the position of the minority Vietnam-era veteran.

Given their small memberships (relative to the big lobbies) and lack of resources, the Vietnam veterans organizations are reasonably effective. A structure exists to give the Vietnam veteran an effective voice, but it is poorly



organized, poorly financed, and thus incapable of creating the kinds of information flow and assistance hook-ups that many feel are needed. Vietnam veterans are strongly conscious that they must help themselves and must define their own problems. They believe they have the talent and initiative to present their own case most effectively.

It is not surprising that the most sustained attention has been given to education and employment, for these are issues that affect the largest number of Vietnam-era veterans and attract the broadest support within Congress and the big lobbies. The Vietnam-era veterans have been much less successful in pressing their concerns in other areas, e.g., drug abuse, discharges, and the post-Vietnam syndrome, because less is known about these problems and there are fewer institutional channels through which to press claims.

The Legislative Picture

The current climate for veterans legislation faces uncertainty for several reasons. The President has yet to make a statement expressing his views on the Vietnam-era veterans, the VA is in the process of changing its leadership, and the Administration's current fiscal stance limits the room for new program initiatives. There is considerable activity in Congress, but it centers on the current educational assistance bill or looks ahead to legislative proposals in the areas of housing loans and life insurance. The prospects for legislation of more immediate concern to the younger Vietnam-era veterans seem dim. Only one piece of legislation of consequence to Vietnam-era veterans is pending in Congress -- the Vietnam Era



Veterans' Readjustment Assistance Act of 1974. This bill was recently reported out of conference after resolution of differences between the Senate and House versions. There is considerable dissatisfaction with the final version, however, and the President has suggested that the bill go back into conference. Earlier, President Nixon threatened to veto the bill on grounds it was inflationary.

The bill would increase educational assistance and training allowance for the single veteran without dependents from \$220 to \$270, and extend the delimiting date for utilization of benefits from 8 years to 10 years. The bill also liberalizes and strengthens the opportunities for tutorial assistance and work study; proposes minimal regulation of the placement activities of correspondence and vocational training institutes; and liberalizes the rehabilitation options of disabled veterans. Lastly, the bill establishes a VET Rep program to place VA representatives on at least 500 campuses to assist veteran students.



II. AMNESTY

The preceding section of this report focuses on the problems and prospects facing Vietnam-era veterans as they return to civilian life. The vast majority of these men and women were honorably discharged. Their major task now is to readjust to civilian society and to reintegrate themselves into American life.

A much smaller group of young people, whose opposition to U. S. policy in Indochina brought them into conflict with the law or led to other-than-honorable discharge from the armed services, are still affected directly in their daily lives by the consequences of their illegal actions. Depending on their individual situations, they remain convicted draft evaders, holders of bad discharge records, or fugitives from justice. For this group, full integration into the post-Vietnam world is difficult at best.

The controversial question of offering amnesty to those who protested the war was first raised seriously in the early 1970's, even before U. S. participation in the hostilities had ended. Since that time an increasing number of thoughtful citizens and organized groups have wrestled with the serious and complex moral and political issues that are inextricably bound up in the amnesty question. Public attention was focused on the amnesty question anew by President Ford less than two weeks after he took office in August, 1974.



THE AMNESTY IDEA

The idea of amnesty, an act of grace by the state in which persons guilty of crimes are released from the penalties set by law, has a long history in the American experience and deep roots in Western history. In cases involving long and bitter civil dispute, amnesty often has served as a useful and legal means through which magnanimity, rather than punishment, was exercised in the broad interest of reconciling a divided society. Although the act of granting amnesty waives the normal course of the legal process, it at the same time reaffirms the legitimacy and the underlying strength of that process.

Historical Record

Amnesties have been declared by the President, the Congress, or both, on 37 separate occasions in our history. About half of these actions dealt with specific categories of Civil War participants, including Union Army deserters and the former soldiers and officials of the Confederacy.

During this century, amnesty has not come automatically or quickly for Americans who were found guilty of desertion or draft evasion during periods of military hostilities. Although Presidents Coolidge, Franklin Roosevelt, and Truman did take some action, they pardoned only a small percentage of the total number of convicted offenders.

There is no precedent in our recent history for universal, unconditional amnesty covering an entire episode such as the Vietnam War. There was no general amnesty following either World War I or World War II and no action at



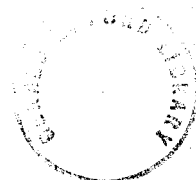
all affecting draft law violators or deserters in the Korean War period. Nor is there precedent for amnesty covering persons who have not been convicted of crimes and are still sought by authorities.

In Europe, post-World War II amnesties were granted in France, Norway, Germany, Belgium, Japan, and the Netherlands to some persons who engaged in compromising activities during the war period. More recently, President de Gaulle in 1966 amnestied most of those persons who had illegally resisted the French government's policies in Algeria. De Gaulle's action was the final step in a series of limited, conditional amnesties that began after the end of the Algerian war in 1962.

Perhaps the most relevant fact about amnesty revealed by the historical record is that it proceeds in stages. In the aftermath of our Civil War, the residual passions and bitterness simply did not permit a quick and simple general amnesty. Not until Congress in 1898 passed the Universal Amnesty Act was the drawn-out process of pardon completed. The situation in France during the 1960's was similar.

"This suggests," Professor Joseph Sax of the University of Michigan Law School told a Congressional committee in 1972, "that historically there has been a rising tide of support for amnesty, once the government got it underway." This observation leads to the conclusion that the initiatives undertaken by President Ford in 1974 may be only the first stage in a progressive broadening of amnesty for draft law violators, deserters, and other offenders of the Vietnam era.

Finally, Sax noted that amnesties in American history have been "quite



individualized and selective, tailored to the particular situation; and inevitably, whatever the Congress and the President did after the Vietnam War... would be similarly individualized. One can simply draw no precedent from these various actions of amnesty in the past," he observed, "as a standard for what should or will be done about the Vietnam War offenders. "

Jurisdictional Question

In many nations the power to grant amnesty rests with the legislature rather than the executive. In our country, however, the President has explicit "Power to grant Reprieves and Pardons for Offenses against the United States" under Article II, Section 2 of the Constitution. Virtually all amnesties have been issued by or in the name of the President, although a few have been the result of Congressional initiative.

The question recently has been raised whether Congress also possesses constitutional authority to enact broad amnesty legislation. A Justice Department spokesman, appearing in March, 1974 before a Congressional hearing, noted correctly that "Congress has never enacted... a general amnesty law purporting to confer clemency by its own actions, and therefore, the Supreme Court has never had the occasion to adjudicate the constitutionality of such a law." In Brown v. Walker (1896), however, the Supreme Court did speak indirectly on the issue. The Court used language which indicated the President did not have exclusive authority to grant pardon and amnesty.

The Justice Department in March expressed the view that any legislation which entailed the release of persons convicted for draft evasion would be



"an obvious usurpation of the President's pardoning power" and would "interfere with the power of the courts with respect to sentencing and probation." More recently, a spokesman for President Ford noted that whatever actions were taken by the President on amnesty would not be submitted to Congress for approval.

The view that Congress is limited in its power to act is not widely shared in the legal community. Nearly every scholar who has examined the question, led by Prof. Louis Lusky of Columbia University Law School, has concluded that Congress does have the power to act. This conclusion was formally endorsed in August, 1974 by the American Bar Association (ABA). At its annual convention the ABA specifically affirmed the power of Congress (1) to legislate immunity from prosecution for draft resisters; (2) to modify the terms and conditions of judicial sanctions imposed on those convicted of crimes; and (3) to enact broad amnesty legislation.

SELECTIVE OPPOSITION TO WAR: A LEGAL PROBLEM

Thousands of young Americans, who have become the possible candidates for amnesty, found themselves in difficulty during the Vietnam era because there was no way for them legally to act in accordance with their belief that participation in this particular war was morally wrong. This fact lies at the bottom of the amnesty issue.

The nation has long recognized the legitimacy of principled or conscientious objection to all war. For pre-1970 potential draftees into the armed forces, conscientious objector (CO) status was available to any Selective Service registrant



who could demonstrate to his draft board that he had a religious objection to service and that this conviction was related to a specific belief in a Supreme Being. Conscientious objectors either were assigned to noncombatant roles in the military or were placed in civilian public service jobs for a two-year period. For soldiers who came to hold similar convictions after entering the armed forces, procedures were provided for early discharge or transfer to noncombatant duty.

Two Supreme Court decisions, both arising from the Vietnam era, have clarified the scope of conscientious objector status. In Welsh v. U.S. (1970) the Court broadened the definition of conscientious objection, ruling that belief in a Supreme Being was not required and that other deeply felt views could justify classification as a CO. In a second decision, Gillette v. U.S. (1971), the Court held that selective opposition to the Vietnam War did not justify CO status for a young man who otherwise was subject to the draft. A draft-eligible youth who opposed a particular war would have to choose between obedience to the law and obedience to his conscience.

Proponents of selective opposition to military service contend that no one should be put in the position of having to make such a choice. Opponents fear that allowing selective opposition would jeopardize the nation's ability to raise and maintain military forces. It is clear that the existence of some mechanism to permit selective conscientious objection during the Vietnam era would have kept the amnesty question off the public policy agenda in 1974. Whether that would have been prudent or wise is quite another question.



Much criticism has been directed at the operation of the conscientious objector classification system during the Vietnam War period. This criticism extends both to local draft board practices and to the procedures by which soldiers could apply for discharge on grounds of conscience.

At the draft board level, CO applications received widely differing treatment, depending on local custom and policy. The Selective Service administrative pattern of local decision-making inevitably created inequities. Some boards virtually refused to grant CO status; others were very liberal.

Qualified observers note that the draft system simply was unprepared to process the flood of CO applications. Comprehensive figures are unavailable, but actual inductions in one year -- 1971 -- were outnumbered by applications for exemption from military service. In the first six months of 1971, local boards and appeal boards granted between 3,000 and 4,000 applications, about one-fourth of the 12,000 to 14,000 applications received during the same period.

Relatively few servicemen applied for discharge or transfer to noncombatant status during the period of hostilities. The peak year for such requests was 1971, when 4,381 soldiers filed the required forms. About 63% of these applications were approved. Critics argue that in-service procedures were unpublicized, that proper forms were often hard to obtain and that officers actively discouraged their men from making application. The Defense Department acknowledges it was not easy to obtain a conscience-related discharge, but it claims an honest effort was made to adhere to the spirit and the letter of existing regulations.

Not all the alleged shortcomings of CO classification procedures are



supported by detailed evidence, but it is certainly true that some injustices did occur. Some men should have been discharged or transferred from combatant roles after they entered the armed forces. Some individuals broke the law and fled rather than submit to induction or continue in the military. They are among the possible candidates for amnesty.



POSSIBLE CANDIDATES FOR AMNESTY

Four distinguishable groups of persons have been widely mentioned as possible candidates for amnesty. They include draft resisters, military deserters, veterans with less-than-honorable discharges, and civilian war protesters. Each group has special problems and faces particular legal disabilities. Proponents of universal, unconditional amnesty would restore civil rights, expunge conviction records, drop pending charges, and upgrade the discharges of all members of all four groups. Advocates of limited amnesty face the challenge of devising workable administrative machinery to determine which individuals in each category could qualify for amnesty.

The amnesty discussion has been characterized by widely varying assertions about how many people are -- or could be -- affected. The fact is that no one really knows. The most far-reaching blanket amnesty program would include perhaps 500,000 persons. If amnesty were limited to cover only those offenses which clearly resulted from objection to the U.S. role in Vietnam, this number would shrink dramatically. It probably would not exceed the 100,000 - 150,000 range and possibly would be less than 100,000.

Draft Resisters

According to Justice Department figures, between 16,000 and 17,000 men could be affected by an amnesty for Vietnam-era violations of Selective Service Laws. It is believed that the great majority in this group were motivated in their illegal acts by conscientious opposition to the Vietnam War.


Of the total number, 7,932 have been convicted and sentenced by federal



courts. Although the five-year maximum sentence for draft evasion was meted out to 384 violators, most sentences were far less severe. Nearly half the offenders were not sent to prison at all but were placed on probation for varying lengths of time. Prison sentences for the remaining men ranged from an average of 37.3 months in fiscal 1968 to an average 17.5 months in fiscal 1973. The severity of sentences varied considerably between different regions of the nation and many men were paroled long before they had served their full terms. Just over 100 men are still imprisoned for draft-related offenses. (Convictions statistics cover the period between the Gulf of Tonkin resolution in August, 1964 and the end of the draft in December, 1972.)

Initially, more than 190,000 young men failed to respond to their induction orders but more than 80% of them eventually did serve. Selection Service records show that 19,271 indictments were issued for draft-related offenses but more than half the indictments eventually were dismissed either because the FBI found that a violation was not willful or because a registrant agreed to induction in lieu of prosecution. Of the 9,118 cases reaching trial, acquittals were returned in 1,186 instances.

Amnesty for convicted draft resisters would restore their full civil rights and release the handful of violators who remain in prison. Those on probation would be released from further obligations. As convicted felons, this group of nearly 8,000 men have lost the right to vote. In many states they are barred from qualifying for professional licenses and in extreme cases they cannot be licensed to drive an automobile. Amnesty also would mean that records of conviction would be expunged.



A second category of draft resisters includes (as of Jan. 1, 1974) 5,119 men under indictment and 3,080 others whose cases are under study by the FBI and federal prosecutors for possible indictment. This group -- about 8,200 men -- includes 3,000 individuals known to be in Canada, about 500 in other countries (Sweden is the most popular haven), 3,700 non-fugitives in the U.S., and 900 whose whereabouts are unknown to the government.

For these men amnesty would mean the dropping of all charges or prospective charges against them, the expunging of indictment records and restoration of the freedom to travel. Unlike the first group of convicted evaders, these men have not been formally punished for their violations of law. Many of them have become permanent residents -- or even citizens -- of their new homelands. Those who live in Canada have formed exile committees in several major cities and they publish a regular magazine, AMEX-CANADA in Toronto. This effort has been aided by the Field Foundation. The exiles are one of the most conspicuous forces behind the "universal and unconditional amnesty" movement.

But Justice Department figures do not tell the whole story. An undetermined number of Vietnam-era draft evaders either are living "underground" at home or in exile abroad because they believe they are sought by the government. In this category belong all those who failed to register for the draft when they turned 18 but whose delinquency has not been detected by the Selective Service System. The Selective Service never systematically tried to assure itself that all eligible men in fact were registered for the draft, relying instead on voluntary cooperation and the threat of prosecution against known delinquents. Consequently, experts believe that some thousands of nonregistrants remain vulnerable to prosecution

until the statute of limitations runs out. It is believed that most of these men live in the U.S., where they typically live disjointed lives, moving frequently and hesitant to take permanent jobs lest their delinquent status be discovered and reported. There is some basis to these fears, for the Selective Service System continues to report alleged draft law violations to U.S. attorneys for investigation. Such referrals numbered about 750 in the first few months of 1974.

Some of the undiscovered draft evaders have fled to Canada or to other countries, where their presence helps explain the large gap between official American statistics on the number of exiles (based on violations known to our government) and on-the-scene estimates by foreign governments and the exile communities themselves. Thus, American authorities report that Canada holds about 5,100 exiles (known draft resisters and deserters) while Canadian estimates range from 7,000 - 10,000 (Canadian government estimate) to 40,000 (some exiles' estimates).

Amnesty for the undiscovered and unpunished draft law offenders would mean freedom to resume normal lives at home or to return to American society from abroad. Because of their precarious legal position, violators in this group have produced few public spokesmen. They obviously do not want their identities revealed to American authorities.

Military Deserters

Over the fiscal 1965-73 period the Defense Department reports that 495,689 servicemen (and women) on active duty deserted the armed forces. Technically, a desertion is an absence-without-leave of more than 30 days. As of December 31,

1973, all except 28,661 deserters had been returned to military control. When the Defense Department considers the question of amnesty for deserters, it is referring exclusively to this group who remain "at large", both in the U. S. and abroad. The Defense Department says 2,099 in this category are known to be abroad while the whereabouts of the others are unknown.

Although the gross number of desertions in the Vietnam era seems large, the desertion rate is at least comparable with figures for World War II, when ideological opposition to the war effort was virtually nonexistent. The Army desertion rate reached a modern peak of 73.5 per thousand men in fiscal 1971, compared to a high of 63.0 in calendar 1944. Nonetheless, desertion rates in all services climbed dramatically from fiscal 1965 to the early 1970's. Since the end of U. S. participation in the Vietnam War, rates have declined substantially.

Legally, deserters who remain at large have an unfulfilled military obligation.

When returned to military control, the minority are court martialed.

Upon conviction a soldier is usually sentenced up to six months in prison and given a less-than-honorable (usually a dishonorable) discharge. During the Vietnam era about half the 550,000 courts-martial proceedings were connected with absences from duty, including desertions.

No responsible analyst contends that all desertions, or even most desertions, result from objection to war. Some men flee the military because of family problems; others leave while under confinement for other military offenses. In one study, the Defense Department said no specific reason for desertion could be established in nearly half the cases under review.



At the very least, conditional amnesty for deserters would affect some of the nearly 29,000 fugitives from military justice, those whose desertions were motivated by antiwar feelings or convictions. Unconditional amnesty would free the entire group from the threat of prosecution.

Pro-amnesty groups believe the much large number of men who were tried and punished for desertion also should benefit from amnesty. All of them have had discharge records which deny them eligibility for veterans benefits and make it difficult to obtain jobs.

Other-than-Honorable-Discharges

Roughly 5.7% of the 7.5 million Vietnam-era veterans received other-than-honorable discharges in fiscal 1965-73. There are 424,868 persons in this group. Just over half the cases were general discharges. Although pro-amnesty groups include veterans with general discharges in the category of those who need relief, it is unclear what the practical effect of upgrading their discharges to "honorable" would be. A veteran with a general discharge is eligible for all veteran assistance programs and there is little compelling evidence that he suffers from severe discrimination in employment.

In the three more serious categories of discharge, there were nearly 163,000 undesirable discharges, which usually result from simple administrative hearings rather than courts-martial; more than 29,000 bad conduct discharges, and nearly 3,000 dishonorable discharges, the least desirable category of separation from the armed services.

Some of these bad discharges resulted from illegal actions prompted by



opposition to the Vietnam War. Examples of such actions are antiwar activism on military bases, desertion, or refusal to obey orders. But qualified experts believe that most bad discharges had nothing to do with ideology. Unfortunately, few statistics on this aspect of the problem are available.

The result of amnesty for eligible veterans with bad discharges would be an upgrading of their discharge papers and consequent eligibility for educational, housing, medical and pension benefits which now may be denied those in the three lower discharge categories. A major administrative problem under any limited amnesty program would be how to determine if opposition to the war really was the ultimate cause of a veteran's bad discharge.

Civilian War Protesters

Little public discussion has been heard about a fourth major group of possible amnesty candidates: civilians convicted for antiwar activities during the Vietnam era. Thousands of men and women were arrested for taking their political views into the streets, but relatively few were convicted of serious crimes. Those convicted of felonies remain deprived of some civil rights and may have difficulty gaining certain types of employment, especially in the licensed professions. There are no good estimates on the number of persons in this category.

The Arguments

Opinions remain strongly divided about amnesty. Feelings are often very strong. At its heart, the question involves the proper balance between compassion, justice, and law. Until relatively recently the arguments about the merits of amnesty

have been interwoven with judgments about American participation in the war itself. Until these two issues are fully separated, the continuing controversy about the war could impede any attempt to make progress on amnesty.

Case For Amnesty

The most broadly-based argument for amnesty, with or without conditions attached, is that a compassionate policy toward those who violated the law will help heal the domestic wounds caused by the war in Vietnam. Advocates of this view also note that a substantial number of violators are basically loyal citizens, capable of constructive and creative effort in American society. They recognize that many who went into exile -- or to prison -- believed this was the only way to dramatize their objections to the war. They understand that many young men faced a terribly difficult decision between obedience to conscience and obedience to the law. Advocates also point out that some young violators may have acted upon a misunderstanding of Selective Service regulations or under undue influence of misguided advisors. They contend that restoration of domestic unity outweighs, in this case, the value of further punitive measures.

Advocates of universal and unconditional amnesty base their argument somewhat more narrowly. They argue that in withdrawing from Vietnam the U.S. implicitly admitted a foreign policy error. Those who first understood this error and protested against the policy are therefore vindicated and deserve amnesty. At the foundation of this argument is the lies the belief that the lawbreakers are guilty of no crimes and that it is the nation which is guilty.

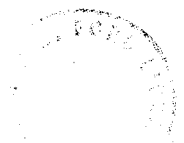
Case Against Amnesty

Opponents argue that amnesty would invite future violations of military law



and undermine the discipline which is fundamental to military morale and effectiveness. Conscription in a future war would be impossible if draft-age men thought they could flout the law and simply wait for an amnesty to exonerate them. A related point is that anyone who breaks the law must accept the consequences of his acts. Otherwise the legal system is seriously undermined and weakened.

Opponents also argue that amnesty would offend those who did serve in Indochina and in previous wars. It would be repugnant especially to former prisoners of war, to those who suffered physical disabilities in combat and to the families of the soldiers who died. The U.S. withdrawal was possible, they contend, only because the efforts and sacrifices of Americans brought our objectives within sight. Draft evaders and deserters did not share the effort and sacrifice needed to reach this goal, increasing the burden borne by those who did serve. They should not be rewarded for failing to support their country in time of war.



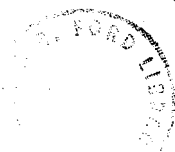
CURRENT RESPONSE

From relatively small beginnings in the early 1970's, when the amnesty issue was the exclusive property of outspoken antiwar activists, some major religious groups, and a segment of the Democratic Party, an ever-broadening political constituency has taken shape to support some degree of action.

President Ford's announcement in August that he personally favored and would implement a policy of leniency toward Vietnam-era offenders marked an important step in the separation of the amnesty question from the issue of U.S. policy in Indochina. Through their public statements and writings, several prominent Republicans -- including Senator Robert Taft, Jr. (R-Ohio), Senator Mark Hatfield (R-Oregon), former Defense Secretary Melvin R. Laird and former Army Secretary Robert Froehlke -- had earlier expressed similar views. The President's action has helped establish amnesty as a legitimate subject for serious consideration by Americans of all political persuasions.

Over the past 2 1/2 years, public opinion polls show very little movement on the limited question of amnesty for draft evaders in exile. According to both Gallup and Harris surveys, about one-third of the public favors unconditional amnesty for this group. About 60% favor amnesty with some conditions attached, with the rest undecided. In March, 1974, Gallup noted that only 6% of the public favored jail sentences for draft evaders, a policy which the President also has rejected. Harris reported at the same time that fully two-thirds of his under-30 sample, which includes many veterans, favored unconditional amnesty.

It is unclear whether the public understands the full scope and complexity



of the amnesty question. Until President Ford's recent statement there had been relatively little news media coverage or discussion of amnesty since the 1972 Presidential campaign. The issue has not received detailed treatment by the television networks.

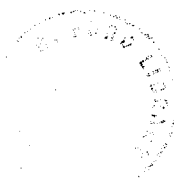
Ford Administration

Speaking on the subject of draft evaders and deserters, President Ford on August 19 told a VFW convention in Chicago that he would throw "the weight of my Presidency into the scales of justice on the side of leniency." The President specifically rejected both "amnesty" and "revenge." He said an "earned reentry" program would allow violators to rejoin American society. Since that time Administration officials have studied a variety of possible plans but few firm details of the President's intentions have been made public.

Congress

A growing feeling in Congress that some action on the amnesty question was needed has been left in limbo by the initiatives undertaken by the White House. Congress probably will not seriously consider action until the President has spoken.

However, three main legislative approaches have been suggested: (1) blanket amnesty for whole categories of offenders, favored by Representatives Ron Dellums (D-California), Bella Abzug (D-New York), and others; (2) the so-called earned immunity approach backed by Senators Robert Taft, Jr. (R-Ohio) and Claiborne Pell (D-Rhode Island); and (3) the tentatively-named National Reconciliation Act being drafted in the office of Senator Philip Hart (D-Michigan).



The Dellums-Abzug approach extends amnesty automatically to all draft evaders, deserters, and civilian war protesters (such as the destroyers of draft board files) and sets up a five-member Amnesty Commission, named by the President and Congress. The commission could grant amnesty for violations of other federal laws and could upgrade other-than-honorable discharges. It would work on a case-by-case basis; applicants would have to show that opposition to the war was at least partly responsible for their legal difficulties or bad discharges.

The earned immunity bill authored by Senator Taft covers only draft law violators. A five-member Immunity Review Board named by the President would consider applicants for immunity on a case-by-case basis. For successful applicants who completed up to two years of alternate service, prosecution would be dropped. As Taft told a House subcommittee, his bill is designed to provide "a practical method whereby . . . individuals could return to this country or cease to be fugitives without creating further divisions among Americans." This approach reportedly was the starting point of President Ford's thinking on amnesty. It seems to have widespread support on Capitol Hill.

The Hart bill, not yet introduced, is a carefully thought-out attempt to deal with several classes of offenders. A National Reconciliation Commission, operating on a case-by-case basis, would grant unconditional amnesty to draft resisters and deserters. Upon application by an individual offender, the commission would search out his records, certify his amnesty automatically, and inform the applicant if separate, non-amnestiable charges were pending against

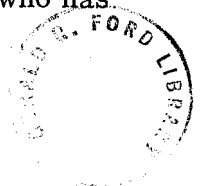
him. Conviction records would be expunged and all civil rights restored. The bill in its present tentative form does not deal with the other-than-honorable discharge problem. Amnestied deserters, however, would be granted general discharges from the armed forces.

Hearings on amnesty were held for three days in March, 1974, before a House Judiciary subcommittee chaired by Representative Robert Kastenmeier (D-Wisconsin). More than 50 witnesses were heard, representing every possible shade of opinion on the subject. The 900-page printed transcript of the hearings provides an up-to-date summary of all these positions. The subcommittee may draft its own bill early next year.

Citizen Organizations

Many main-line religious bodies, including the National Council of Churches, United Church of Christ, United Presbyterian Church, and the National Catholic Conference, have taken formal positions in favor of unconditional amnesty at recent national conventions. A major public education campaign, including distribution of statements by religious leaders, copies of pending bills, and other study materials, is conducted by the National Interreligious Service Board for Conscientious Objectors from a Washington office. Spokesmen for this group say public interest in the question, as measured by incoming queries, has increased steadily over the past two years.

Perhaps the most effective pro-amnesty organization is the American Civil Liberties Union (ACLU), which runs a special public education effort from offices in New York. The amnesty project is directed by Henry Schwartzschild, who has



become a highly visible national-level spokesman for unconditional amnesty.

In addition to the major religious groups and the ACLU, literally dozens of smaller organizations have set up a New York-based steering group, the National Council for Universal and Unconditional Amnesty (NCUUA). It serves as a national-level spokesman for these groups, many of which are purely local in membership. The council in 1973 sponsored a two-day national conference on amnesty in Washington to act as a catalyst for further public education and lobbying efforts.

Opponents of all amnesty proposals are not similarly organized. Perhaps the most outspoken foes of leniency are the old-line veterans groups, led by the Veterans of Foreign Wars. The moderate view on amnesty is not well served by organized groups. The leading spokesmen for a middle path at this juncture are individual public officials such as President Ford, former Defense Secretary Laird, Representative Edward Koch (D-New York), and Senator Taft.

Institutional and Scholarly Interest

As far as can be discovered, major public policy-oriented institutions have not taken great interest in amnesty. Some individual scholars, like Professor Louis Lusky of Columbia University Law School and Professor Joseph Sax of University of Michigan Law School, have examined carefully the major legal questions involved. Institutions such as the Kennedy School of Government at Harvard and the Woodrow Wilson School at Princeton have not addressed themselves to the issue.

Interest in amnesty among major foundations apparently is increasing. Since 1972 the Field Foundation has granted \$110,000 to the ACLU amnesty project.



A smaller institution, the DJB Foundation of Scarsdale, New York, provided \$45,000 in 1973 to finance the NCUUA-sponsored national amnesty conference in Washington.

At least three major foundations have approached the ACLU recently to express interest in some phases of the amnesty question. These were the Stern Fund (David Hunter), the John Hay Whitney Foundation (Hugh Burroughs) and the Twentieth Century Fund (Josh Nelson). The Whitney Foundation was interested in local research and public education programs, while the Twentieth Century Fund wanted to pursue the problem of the administration of any amnesty program. No grants have yet emerged from these discussions, as far as is known.

The Board is familiar with previous discussions in this subject area with the Rockefeller Foundation and the Carnegie Foundation.



III. CONCLUSIONS AND RECOMMENDATIONS

I. President Ford's initiatives to offer leniency to Vietnam-era deserters and draft evaders is a most welcome beginning in dealing with the problems of young Americans that arose as a result of the war in Vietnam. The President's initial actions will not cause the question to vanish, but he has legitimized renewed discussion of the issue at the center of the political spectrum. Rather than solving all the complexities at a single stroke, the President's actions probably will come to be considered as an important first step toward full national reconciliation. The residual bitterness of past conflicts has been dissipated by several stages of action. That may well become the pattern in the case of Vietnam. The shape and timing of future steps is not yet known. They will depend ultimately on public education, research, and the evolution and intensity of public opinion.

The draft evader-deserter group is not large--perhaps 45,000 to 65,000 persons--but they have evoked great passion and controversy. In the heat of emotion, the special problems facing the much larger group of Vietnam-era veterans have unconsciously been neglected. The time may be ripe to focus broader public attention on these men and their situation, in the twin interests of equity and furthering the national healing process.

The majority of Vietnam-era veterans seem to be adjusting well to civilian society in the mid-1970s. Their relative socio-economic status will improve over time. But for a significant minority, severe problems remain. Some studies already document the incidence of unemployment,

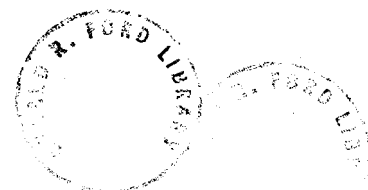
drug abuse, psychological instability and even criminal behavior among this minority. The problems are linked to low educational levels, minority group membership, bad discharges, and urban environments.

Four broad areas emerge as topics for analysis and action:

(1) levels of existing benefits compared to the needs of Vietnam-era veterans; (2) the way federal agencies dispense these benefits; (3) the special needs of honorably discharged veterans who belong to minority groups, live in urban areas, may have drug or psychological problems, and are probably unemployed (between 100,000 and 150,000 individuals); and (4) less-than-honorably discharged men who suffer from job discrimination and loss of VA benefits in many cases (between 150,000 and 200,000 individuals).

Dispassionate and useful studies exist in some of these areas. But there is need for analysis of the subject as a whole. A high-level commission, either appointed by the President or with his approval, could launch this research and stimulate public awareness in a responsible manner.

If a Presidential commission is set up, we would recommend that the Foundation offer support for some research activities. Private funds can help with research that might otherwise not be undertaken. If such funds come from several sources, they would provide some measure of broad-based community support.



II. If a Presidential initiative does not occur, the Foundation should consider, in concert with others, a research program that would focus on the most difficult problems in these areas. The program would enlist qualified individual scholars or groups, providing small grants with detailed research goals.

Examples of areas where foundation-supported study could play a useful and constructive role are:

The readjustment process;

The role and functions of the Veterans Administration;

Equity issues in veterans benefits;

Veterans and crime;

Veterans and psychological problems;

The consequences of the current discharge system with a view to developing alternative recommendations;

The issue of conscientious objection to war, with an analysis of the consequences of permitting selective opposition to particular conflicts;

The administrative machinery for amnesty decisions; and

The numbers and the legal status of civilian war protesters who were convicted of state and federal offenses during the Vietnam period.

III. The Board may also want to consider support for the fledgling organizations which are attuned to the specific problems of the Vietnam veteran. They are generally financially strapped, and rely on membership dues, small foundations, and other donors for funds. Assistance should



reflect a "self-help" approach that takes account of the veterans' own desires and capacities. These groups help educate the public and perform many services: vocational, educational, and psychological counseling, job placement, and, where available, legal aid. The Foundation clearly could not undertake major support for a substantial number of these groups, but there may be a few whose functions and position among veterans make it important for us to be helpful.

- IV. The legal needs of Vietnam veterans fall into two general categories: (1) individual aid in dealing with the VA, the Defense Department, and other agencies on a range of problems including discharges, benefits and disability determinations; (2) monitoring of government agencies, rule-making, and class litigation. Although the Foundation probably lacks funds to help in the first category, it could, if the Board approves, play some role in the latter type of assistance. Staff would not recommend the creation of a new institution to meet these needs but would suggest either grants to legal organizations now active in the field or supplementary grants to Foundation-supported public interest law and/or civil rights litigation entities.

TABLE 1

PERCENT OF ARMY MEN SERVING IN VIETNAM: BY SELECTED CHARACTERISTICS

<u>ENTRY SOURCE</u>		<u>RACE</u>	
Enlistee	- 65.8	Caucasian	- 62.9
Inductee	- 61.7	Negro	- 65.2
<u>AGE AT SERVICE ENTRY</u>		<u>EDUCATIONAL LEVEL</u>	
17 - 19	- 66.7	1-11	- 70.2
20 - 23	- 61.4	12	- 64.0
24 - 26	- 56.7	13-15	- 57.4
		16-18	- 42.3
<u>MARITAL STATUS AT SEPARATION</u>		<u>AFQT CATEGORY</u>	
Married	- 60.9	IV	- 66.0
Single	- 64.1	III	- 64.1
		II	- 59.7
		I	- 54.5

Source: Eli S. Flyer, Department of Defense.

TABLE 2

PERCENT OF ARMY MEN SERVING IN VIETNAM BY RACE, ENTRY SOURCE, AND EDUCATIONAL
LEVEL: RANK ORDER

Rank Order	Characteristics			Percent in Vietnam
	Race	Entry Source	Educational Level	
1	Caucasian	Enlisted	1-11	74.9
2	Negro	Enlistee	1-11	70.8
3	Caucasian	Inductee	1-11	67.9
4	Negro	Enlistee	12	67.8
5	Negro	Inductee	1-11	66.6
6	Caucasian	Enlistee	12	66.2
7	Negro	Inductee	12	64.1
8	Caucasian	Inductee	12	62.3
9	Negro	Inductee	13-15	59.6
10	Negro	Enlistee	13-15	59.1
11	Caucasian	Inductee	13-15	58.1
12	Negro	Enlistee	16-18	57.9
13	Caucasian	Enlistee	13-15	55.2
14	Negro	Inductee	16-18	47.2
15	Caucasian	Enlistee	16-18	43.5
16	Caucasian	Inductee	16-18	41.2

Source: Eli S. Flyer, Department of Defense

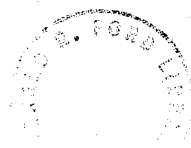
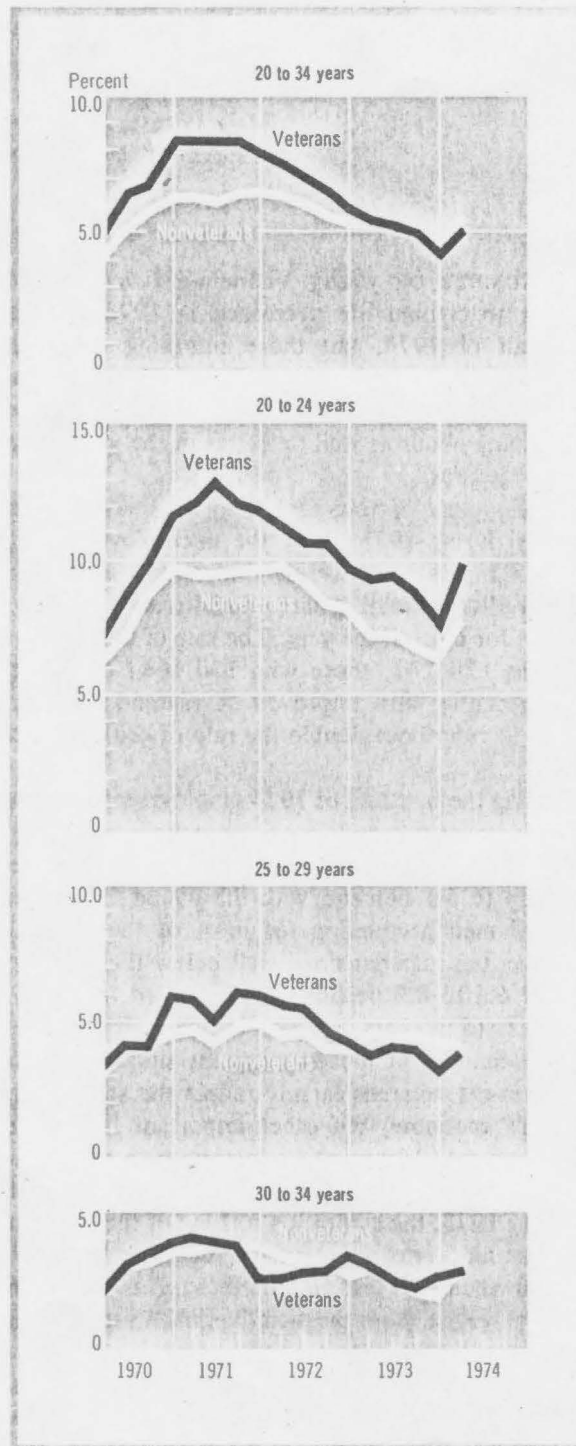


TABLE 3

UNEMPLOYMENT RATES OF VIETNAM-ERA VETERANS AND NON-VETERANS 20 TO 34 YEARS OLD, 1970 - 74

Chart 1. Unemployment rates of Vietnam-era veterans and nonveterans 20 to 34 years old, 1970-74
[Seasonally adjusted quarterly averages]



Source: Bureau of Labor Statistics.



TABLE 4

DRUGS COMMONLY USED IN VIETNAM
(Interviewed General Sample, N = 451)

	Proportion Reporting Use
Alcohol	92%
Marijuana	69*
Heroin	34
Opium	38
Amphetamines	25
Barbiturates	23

*Estimated.

Source: The Vietnam Drug User Returns, Special Action Office for Drug Abuse Prevention, 1973

TABLE 5

PREVALENCE OF WEEKLY DRUG USE IN 3 TIME PERIODS
(In General Sample, N = 451)

	Narcotics		Amphetamines		Barbiturates		Marijuana	
	Total	Of Users† (201)	Total	Of Users† (180)	Total	Of Users† (131)	Total	Of Users† (314)
Total								
Before service	*	1%	3%	20%	2%	16%	12%	42%
In Vietnam	27%	62	7	29	9	40	—	—
Since Vietnam	3	35	6	38	3	23	25	56
Net change	+3%	+34%	+3%	+18%	+1%	+7%	+13%	+14%

* <0.5%.

†In any of the 3 time periods.

Source: The Vietnam Drug User Returns, Special Action Office for Drug Abuse Prevention, 1973

TABLE 6

COMPARISON OF DISCHARGE EFFECTS BY TYPES
OF DISCHARGE*A. *Discharge Inquiries* (questions 4-7):

<i>Inquire into Discharge</i>	<i>Accept word</i>	<i>Look at Discharge</i>	<i>Write armed forces</i>
65.6%	51.8%	46.8%	8.6%

B. *Acceptance Policies* (questions 8-23):

	<i>Policy Influenced by</i>	<i>Reject Automati- cally</i>	<i>Look Behind</i>	<i>Probation</i>
I. General	51.2%	15.1%	77.1%	17.9%
II. Undesirable	69.1%	28.8%	66.7%	15.6%
III. BCD	75.0%	35.4%	62.2%	14.4%
IV. Dishonorable	77.4%	43.3%	56.3%	11.6%

*Percentages on left of vertical line are total affirmative responses of which those on the right are a portion.

Source: Military Law Review, 1973

TABLE 7

Readjustment Problems of Veterans by Race, Rank, Educational Level and Sex

Group	No Adjust- ment Problems	Hard Time Finding a Steady Job	Hard Time Making Ends Meet	Have Not Received Educational Check From VA	Unable to Find My- self (Feel Lost)	Hard Time Getting Along With Civilians	Personal Health Pro- blems Affect- ing My Work or Personal Life	Hard Time Finding a Place to Live	Hard Time or Unable To Get a Loan	Other Problems
Grand Total	48.4%	22.6%	23.8%	4.4%	11.7%	1.8%	7.1%	5.9%	7.0%	12.1%
Officers	63.4	14.1	13.1	2.8	6.7	1.3	5.3	2.7	3.3	8.5
Enlisted Personnel	47.3	23.3	24.7	4.5	12.1	1.8	7.3	6.2	7.3	12.4
Educational Level										
01-11th Grade	39.6	30.7	29.2	5.5	14.1	1.9	10.5	9.0	11.4	14.8
12th Grade	46.7	23.8	24.5	4.3	13.1	2.1	7.6	6.4	7.2	12.6
One or more years of college	54.8	17.5	20.6	4.1	8.4	1.2	5.0	4.0	5.2	10.3
Race - Male Enlisted Reservists Only										
Negro	31.5	34.4	30.1	7.7	16.8	2.4	9.4	11.8	12.4	18.2
Non-Negro	51.2	20.5	23.6	4.0	11.5	1.6	5.7	5.2	6.3	10.8

Source: The Veterans Administration, "Readjustment Profile for Recently Separated Vietnam Veterans."
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APPENDIX C

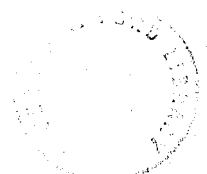
Following is a listing of persons whose views were solicited and considered in the preparation of this report. In nearly all cases they were contacted by telephone or interviewed in person. In a few cases their views were obtained from recent public statements or position papers.

<u>NAME</u>	<u>AFFILIATION</u>
David Addlestone	American Civil Liberties Union Discharge Project Washington, D.C.
David Baker	United States Navy Washington, D.C.
Mike Beanan	University of California Office for Veteran Affairs Irvine campus
Janice Berman	<u>San Francisco Examiner</u>
Sandie Beth	Mt. Diablo Peace Center Walnut Creek, California
Ron Bitzer	Vista Project San Francisco, California
Charles Branan	Veterans Administration Department of Veterans Benefits Washington, D.C.
Mandy Carter	War Resisters League San Francisco, California
Jack Colhoun	Staff Editor AMEX Magazine Toronto, Ont., Canada
Tim Craig	Director National Association of Concerned Veterans Washington, D.C.

NAME

AFFILIATION

William P. Dixon	Majority Counsel House Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice Washington, D.C.
Bill Du Fosse	San Bernardino Valley College San Bernardino, California
Leslie Dunbar	Executive Director The Field Foundation New York, New York
Stuart Feldman	Veteran Coordinator National League of Cities/U.S. Conference of Mayors Washington, D.C.
Richard Filer	Veterans Administration Department of Medicine and Surgery Washington, D.C.
Eli Flyer	Directorate for Manpower Research Department of Defense Alexandria, Virginia
Richard Frank	Center for Law and Social Policy Washington, D.C.
Mr. Goldsmith	Legislative Assistant Senate Armed Services Committee Office of Senator Stennis
Katherine Gover	Research Economist Bureau of Labor Statistics Washington, D.C.
Julian Granger	Legislative Assistant Senate Subcommittee on Drugs and Narcotics
Milton S. Gwartzman	Attorney Washington, D.C.



NAME

AFFILIATION

Larry Hatfield

San Francisco Examiner

Sen. Mark O. Hatfield
(R-Ore.)

Washington, D.C.

Rose M. Hick

Antelope Valley Jr. College
Veterans Services
Lancaster, California

Roger Hickey

Public Media Center
San Francisco, California

Warren Hoover

National Interreligious Service Board for
Conscientious Objectors
Washington, D.C.

Steve Houston
Bishop Cochran

Central Committee for Conscientious Objectors
San Francisco, California

Frank Ivey

Assistant to Congressman Dellums
Berkeley, California

Dr. H.R. Kormus

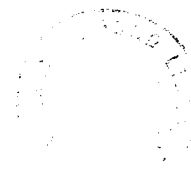
Former Veterans Administration Psychiatrist
Berkeley, California

Robert E. Lynch

Deputy Director
National Veterans Affairs and Rehabilitation
Commission
American Legion
Washington, D.C.

Barry Lynn

United Church of Christ Center for Social Action
Washington, D.C.



NAME

AFFILIATION

John Matthews

DeAnza College
Office of Veterans Affairs
Cupertino, California

Mike McCain

Vietnam Veterans Against War
San Francisco

Gus McMichael

Chief Colonel
Senate Veterans Committee
Washington, D. C.

Oliver Meadows

Staff Director
House Veterans Committee
Washington, D. C.

Robert K. Musil

National Council for Universal
and Unconditional Amnesty
Washington, D. C.

Frank Noffke

California State University
Long Beach, California

Dr. Albert Piltz

Regional Director
VCIP Program
U. S. Office of Education
San Francisco Region

Jim Remillard

California State University at Chico
Office of Veterans Affairs
California

James Reston, Jr.

Author
Washington, D. C.

Don Rice

Twice-Born Men
San Francisco

Dick Rust

Legal Assistant
Senator Inouye
Washington, D. C.

Professor Joseph Sax

University of Michigan Law School
Ann Arbor, Michigan

Arlie Schardt

American Civil Liberties Union
Washington, D. C.



NAME

AFFILIATION

John Schulz

Editor
Selective Service Law Reporter
Washington, D. C.

Harry Schwartzchild

Director
American Civil Liberties Union
Amnesty Project
New York City

John Sessler

Drug Abuse Council
Washington, D. C.

Ms. J. C. Shaeffer

Education & Training Division
Veterans Administration
Washington, D. C.

Duane Shank

National Interreligious Service Board
for Conscientious Objectors
Washington, D. C.

Ed Shenk

Grossmont College
Veterans Affairs Office
California

J. Smith
Gonzalo Orrego

Director
Vietnam Veterans National Resource
Project
New York City

Regnia Sneed

Federal Trade Commission
San Francisco

Dr. George F. Solomon

Director of Medical Education
Fresno County Health Dept.
Former V. A. Psychiatrist & Stanford
Medical School Professor
Fresno, California

John Steinberg

Legislative Assistant
Office of Senator Cranston
Washington, D. C.

Charles Stenger

Dept. of Medicine & Surgery
Veterans Administration
Washington, D. C.



NAME

AFFILIATION

Bob Steven

Former Asst. to Donald Johnson,
University of Maryland
College Park, Maryland

Donald Tucker

Legislative Assistant to
Senator Philip Hart (D-Mich.)
Office of Senator Hart
Washington, D. C.

John H. Vaisey

Attorney
San Francisco, California

Rick Wedgle

Former Aide to Congressman Dellums
Berkeley, California

Fred Wilcox

KCBS
San Francisco

June Willenz

Director
American Veterans Committee
Washington, D. C.

Bob Winston

Veteran Representative
University of California
Berkeley

R. James Woolsey

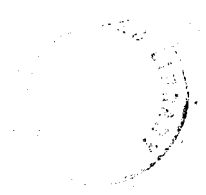
Former General Counsel
Senate Armed Services Committee
Washington, D. C.

Amy Zinn

Aide, Senator Cranston
San Francisco Office



EDUCATION AND THE VIETNAM-ERA VETERAN



Vietnam-era veterans focus their dissatisfaction with current G I Bill educational benefits on several issues: the real economic value of the benefits as compared to those available to veterans of World War II and the Korean War; the inadequacy of the benefits to support full-time student status, especially for married veterans with families; delays in payment, which cause the least affluent veterans to make erratic and often incomplete use of their benefits; and the ineligibility of many veterans with "bad discharges" for any educational benefits--an ineligibility which has disproportionate impact upon minority veterans.

Related to the adequacy and delivery of G I Bill benefits is a series of additional problems affecting the ability of Vietnam-era veterans to complete postsecondary programs. They, and the veterans' advocates now appearing on campus (as a result of H. E. W. funds made available to institutions of higher education, pursuant to the 1973 Amendments to the 1965 Higher Education Act), are particularly concerned about low sensitivity on the part of faculty and administrators to veterans' special educational and personal problems, inadequate vocational and personal counseling, insufficient or nonexistent emergency and long-term loans and scholarships for veterans, and the inability of student veterans to find the part-time jobs necessary to supplement G I benefits.

DESCRIPTION OF G I BILL EDUCATION BENEFITS

Veterans who have served on active duty for at least 181 days since January 31, 1955, and who received discharges under conditions other than dishonorable or for service-connected disability are eligible for educational benefits consisting of one and one-half months of full-time education benefits for each month of active duty. The maxi-

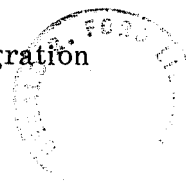
maximum educational entitlement is thirty-six months. These benefits must be used within eight years of the veteran's discharge. Legislation now being debated proposes extending the eight-year eligibility period, and expanding entitlement from thirty-six to forty-eight months, to allow veterans more flexibility in finding educational programs suited to their personal and vocational needs. Opponents of these extensions argue not only that the increased costs are too burdensome but also that the proposals represent a move away from the original readjustment rationale for veterans' benefits.

Present benefits provide \$220.00 per month for a veteran with no dependents, \$261.00 with one dependent, \$298.00 with two dependents, and an additional \$18.00 per month for each additional dependent. The educational assistance benefits were intended by Congress to meet only part of a veteran's educational expenses. Beyond his monthly benefit he is expected to borrow or earn the income needed for any remaining educational and maintenance expenses. Benefit levels are reduced proportionately for three-quarter and half-time students.

In addition to these basic benefits, special educational assistance is available for veterans without high-school degrees, those needing special courses to qualify for admission to institutions of higher education, and those needing tutorial assistance while in college. Use of these benefits does not reduce the thirty-six month full-time entitlement.

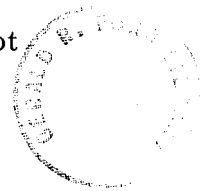
REAL ECONOMIC VALUE OF EDUCATIONAL ASSISTANCE BENEFITS

The major issue relating to educational benefits in the 1970's is their adequacy. Congress has traditionally viewed education benefits as merely an aid to reintegration



into civilian life, a supplement to self-help efforts, rather than a full subsidy for veterans' postsecondary education. Although the first G I Bill covered less than the cost of attending school full-time, Vietnam-era veterans claim that current benefits are worth less than those available to previous veterans, buy a lower-quality education, and are administered according to a system which creates geographical and other inequities which did not exist under earlier bills. Congress, the V. A., and the previous administration have not been particularly responsive to veterans' contentions, partly because of the memory of abuses prevalent after World War II, when tuition payments were made directly to schools, and partly because of the cost of increasing benefits. Vietnam veterans also argue that the established World War II veterans' organizations do not appear to have made increased education benefits a high priority, and it is only recently that grassroots organizations of young veterans have publicized the issue.

The value controversy has most often taken the form of comparing benefits provided to World War II veterans and to Vietnam-era veterans (though this may not be the most revealing way to look at the issue.) The focus of Congressional discussion presently is the highly-publicized report of the Educational Testing Service (ETS), prepared under contract with the V. A., comparing educational assistance benefits under the three G I Bills, and the V. A. rejoinder to that study. Briefly, the ETS study concludes that the Vietnam-era veteran has less purchasing power for education than did the World War II veteran, after cost-of-living adjustments are made. Additionally, it concludes that a veteran's financial ability to use G I Bill benefits depends more upon the state in which he resides than upon any other factor. The V. A., using the same data, concludes that benefits are roughly equivalent, and does not concern itself with variations in purchasing power from state to state.



The comparison of residual purchasing power of educational assistance benefits depends significantly upon whether the veteran attended a public or private educational institution. A veteran attending a public institution with average tuition costs is apparently somewhat better off than his World War II counterpart, whereas, if he attends an average tuition-level private institution, he is worse off. (See Table I.) The reason for the difference is that after World War II, tuition costs under the G I Bill, up to a ceiling of \$500.00, were paid directly to the institution, and subsistence money was paid directly to the veteran, while Vietnam-era veterans must pay their own tuition out of a monthly benefit which does not make any allowance for the great disparity between average public and private tuitions in the 1970's. Since nearly 80% of veterans using education benefits attend public institutions, these figures can be interpreted, as the V. A. views them, to mean that the average Vietnam-era veteran is eligible for benefits equivalent to those offered World War II veterans.

The figures in Table I should be viewed, however, with several reservations. First, the selection of the years 1947 and 1971 yields a comparison which shows relatively more generous present benefit levels than if 1948 benefits were compared to those of 1974, because World War II benefits were increased in 1948, and inflation between 1972 and 1973 eroded the purchasing power of present benefits. Second, the figures in Table apply only to single veterans, not to those with dependents. A married veteran with two dependents must earn \$133.00 per month above his G I Bill payments to equal the purchasing power of a similarly situated World War II veteran. Third, other changes both in the G I Bill and in general social and economic circumstances throw into doubt the utility of comparisons of this kind. For example, World War II veterans had access to low-cost on-campus housing, and to an expanding postwar job market, the former decreasing subsistence costs and the latter diminishing the

TABLE I
 COMPARISON OF WORLD WAR II AND VIETNAM ERA GI BILLS
 ADJUSTED TO CONSTANT DOLLARS AS OF CALENDAR YEAR 1971
 FOR VETERANS IN ATTENDANCE AT INSTITUTIONS OF HIGHER LEARNING

Period of service and school year	VA assistance average school year-- 9 months	Average cost of tuition ²	Remainder for other expenses	Comparison to World War II	Percent in attendance IHL
World War II (calendar year 1947):					
Public	\$1,303	\$241	\$1,062		50
Private	1,720	658	1,062		50
Vietnam Era (calendar year 1971):					
Public	1,575	367	1,208	+\$146	79
Private	1,575	1,781	-206	-1.268	21
Vietnam Era (Public Law 92-540):					
Public	1,980	367	1,613	551	79
Private	1,980	1,781	199	-863	21

¹ Based on educational assistance allowance of single veterans in full-time training. Monthly rate for World War II -- \$65 (plus up to \$500 tuition fee) adjusted to \$118 in constant dollars.

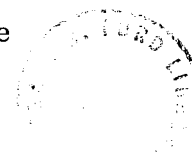
² Source for average tuition rates -- OE official unpublished data. World War II tuition rates for school year 1947-48 (public \$133 -- private \$363) adjusted to constant dollars as of calendar year 1971.

Source: Veterans' Administration, Department of Veterans' Benefits.

likelihood that the V. A. check would constitute the veteran's sole source of income. On the other hand, World War II benefits were reduced if the veteran had earnings, a provision which does not apply to Vietnam-era veterans. And World War II veterans did not have access to recent forms of federal assistance such as food stamps and scholarship loans. The effect of such factors upon the comparison of benefit values is not easily assessed, and has not figured in the conclusions drawn from the available data by ETS and the V. A.

ETS concludes that for both single veterans and those with dependents, and for veterans attending both two-year and four-year public colleges, the "real value" of educational benefits is lower today than after World War II. The main basis for this conclusion is that present benefits constitute a much smaller proportion of average earnings than did World War II G I benefits--a fact consistent with the V. A. conclusion that present benefits are higher in real purchasing power for the veteran attending an average-tuition public college, since average earnings have increased over the decades following World War II much more rapidly than have consumer prices. The result, then, is that Vietnam-era veterans attending public institutions which charge average or below average tuition enjoy slightly more purchasing power, after tuition is paid, than did their World War II counterparts, but that their benefits are considerably smaller than those of the World War II veterans when compared to the average earnings and standard of living of the respective contemporaries who did not see active duty.

Most economists would conclude from these facts that the average Vietnam-era veteran does not receive benefits equal to those available after World War II. Viewing education as an investment in human capital, the rate of return or value to the



veteran of his investment of time depends upon the cost borne by the veteran himself, including both direct educational expenditures and foregone earnings. The value of the G I Bill subsidy can be measured by how much it lowers the veteran's cost of education. Foregone earnings have been shown in extensive empirical studies to be a far more significant educational cost than the direct expenditures component. The cost of foregone earnings for a full-time veteran-student can conveniently be measured by average earnings in the economy. Since current benefits meet a much smaller fraction of this cost than did the older benefits, it is clear that--viewed in a human capital investment framework--the average Vietnam-era veteran receives a G I Bill subsidy of much lower value than that provided to veterans in the 1940's.

This analysis, concentrating on relative benefit levels, which has been the focus of discussion about adequacy of education benefits, omits important non-economic considerations: the sacrifices borne by, and the readjustment needs of, the two groups of veterans. The World War II veteran was more likely to have served in combat zones, to have served longer tours of duty, and to have been a battle casualty; his life was disrupted for a longer period, and he received less adequate pay and medical care. But while only a minority of Vietnam-era veterans served in Vietnam, and seldom for longer than a year, their sense of sacrifice, if different, is nonetheless real. Many recent veterans feel rejected by the society to which they have returned, and, according to a recent survey, more than one out of three consider themselves a discriminated-against minority group. These veterans look not to the economic status of World War II veterans, but to the economic status of their own more fortunate contemporaries who escaped military service--a group better educated, more fully



employed, and from a more upwardly-mobile background than the veterans. If the purpose of G I benefits is to reintegrate servicemen into civilian life on equal footing with those who did not serve, it is the contemporary economic disparity which is the significant one.



UTILIZATION OF EDUCATION BENEFITS

The second major conclusion of the ETS study links utilization of veterans' educational benefits to state-by-state variations in cost and availability of public postsecondary education. This problem, a serious one for Vietnam-era veterans, did not exist after World War II when tuition (up to a \$500 ceiling) was paid directly to colleges, leaving veterans with a standard subsistence benefit, wherever they lived and whether they attended public or private institutions. Today a California veteran pays \$200 of G I Bill benefits for tuition at a state college, while a New Jersey or Ohio veteran pays from \$600 to \$800 to attend a similar institution.

Per capita payments to veterans vary greatly from state to state. California leads the major states, with veterans utilizing over \$1,230 in benefits per capita during the five years from fiscal 1968 to fiscal 1972; New Jersey and Ohio veterans used approximately half as many G I Bill dollars per capita in the same period. These figures correlate directly with the availability of low-cost public institutions. California has far more Vietnam veterans than any other state, and 35% of these veterans use their education benefits in institutions of higher education, while less than 14% of Indiana veterans, and only 16% of Ohio and Pennsylvania veterans use their benefits.

It should be noted that states offering a comprehensive low-cost public post-secondary education for their residents are granting a substantial subsidy to students, with the true cost of education more accurately reflected in the out-of-state tuition rates. Legislators investigating abuses in the post-World War II G I Bill were disturbed by the practice of charging veterans the out-of-state



rate, and indeed discontinued direct tuition payments in part for this reason.

Nevertheless, it can be argued that the federal government should figure the true cost of education in computing G I benefits, rather than shifting the burden to the states. * Moreover, the payment of out-of-state rates served as an incentive to colleges to attract veterans by providing special services and programs, an incentive not now present.

Another effect of the differential between in-state tuition rates and out-of-state rates is to limit the educational options available to veterans. Out-of-state tuition levels at land-grant colleges approach tuition at private colleges; the cost level has increased fivefold since 1945, now averaging almost \$2,000 per year. The total subsistence plus tuition benefit for a single veteran, \$1,980, makes it equally unlikely that he will attend a private college, or that he will be able to leave his home state. The problem is especially acute in those New England and Eastern states in which as much as 50% of enrollment in higher education is in private institutions. Veterans in these states have few options open to them.

Comparison of state-by-state use of the G I Bill with the number of community and junior colleges in the state shows a strong correlation between utilization and nearby location of low-cost, easy-access educational facilities. In areas where public tuition is high, and public facilities limited, available studies suggest that there may be an increased utilization of correspondence schools, whose completion

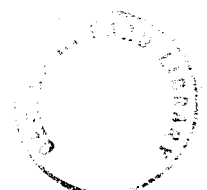
* Some critics of the G I Bill are also urging Congress to consider the cost of hidden federal subsidies paid to veterans in the form of welfare and food stamps.



rate is a mere 25%.

In short, the value to the veteran of his G I education benefits depends more upon where he lives than any other single factor, and the same variable affects what kind of educational alternatives are within the practical reach of veterans dependent upon G I Bill benefits.

Proposed solutions which would provide variable tuition allowances have been opposed by the V. A. , on the ground that variations in the cost of education are not the responsibility of the V. A. or the federal government. This attitude reflects an assumption that veterans should not be placed in a better position than non-veteran students who face the same tuition disparities. Whether veterans alone should be freed from the inequities of financing higher education, in addition to receiving the existing educational subsidy of the G I Bill, is the policy question underlying debate over variable tuition allowances. Veterans groups point to high post-World War II figures for veteran enrollments at Harvard and Yale in 1947-48, contrasted with 1.5% and .8% respectively for 1971-72. Even at the land grant colleges, Ohio State enrolled 51% veterans in 1948-49, and only 7% in 1972-73, and the University of California fell from 44% in 1948-49 to 6.5% in 1972-73. These figures are affected by more than the switch away from direct tuition payments. Other changes which have contributed to the differences are the almost universal conscription in World War II, contrasted with widespread student deferments among Vietnam-era college students, and higher admissions criteria in the '70s which would tend to exclude rather than welcome the typical Vietnam-era veteran. (Vietnam era veterans are disproportionately representa-



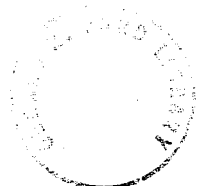
tive of the middle of the educational spectrum.) But veterans are aware of their concentration in community colleges, and while there are some educationally sound reasons for such a choice (e. g., availability of remedial and supplementary programs, receptivity toward adult students and awareness of their special needs, flexible scheduling of classes, an easier transition into student life), many express resentment about being channeled into them by the G I Bill.

Finally, in assessing the impact of economic factors in patterns of utilization of educational benefits, it has been argued that use of G I benefits is inverse to need. V. A. statistics show that 20% of returning Vietnam-era veterans have less than a high school education, but these veterans constitute only about 3% of the total enrolled in college or junior college under the G I Bill. A recent study has concluded that veterans who had some preservice college are twice as likely to make use of the G I Bill than those who had none.

Veterans' advocates on campus claim that even these figures are inflated, since V. A. figures include every veteran who applies for his benefits, while many--especially those from minority and educationally disadvantaged backgrounds--drop out of school because of late arrival of checks and other economic pressures. For example, in San Diego County in the fall of 1973, out of 20,000 students receiving G I Bill subsidies, 997 were forced to withdraw from school and 1,692 dropped from full-time to part-time status as a result of delayed V. A. checks. Educationally and economically disadvantaged veterans often must discontinue needed tutorial sessions because the tutors, unlike the colleges, are unable to wait for V. A. checks to arrive.



Moreover, these veterans often require extensive supporting services which few colleges are now providing for veterans. Until June 30, 1973, when Veterans Cost of Instruction (VCI) monies were distributed to colleges, only a \$4 processing fee was available to colleges for paperwork involved in enrolling veterans, in sharp contrast to extensive investment after World War II in special programs and facilities for veterans.



OTHER ISSUES AFFECTING VETERANS' POST-SECONDARY EDUCATION

The more than 50% of eligible veterans who fail to utilize their education benefits have been the target for outreach efforts by the V. A., VCI on-campus representatives, and self-help groups. No systematic assessment of the effectiveness of these efforts is available yet. Those engaged in outreach efforts believe their task would be greatly simplified if the military conducted a uniform, thorough pre-discharge program of information about the G I Bill. Existing informational programs in the military are not national in scope, and depend for their success upon the commitment of local unit commanders. In many cases, Vietnam veterans are discharged directly, alone or in small groups, without the benefit of any transition programs. The great burden of educational, vocational, and personal readjustment counseling falls upon the approximately thirty public and private groups involved in veterans' outreach programs.

These groups work with varying effectiveness. The V. A., in 1968, initiated Operation Outreach, a major effort to inform veterans of their benefits and to encourage utilization through a series of mailings, toll-free telephone numbers, and regional counselors. Estimates of success vary. The number of participating veterans has increased somewhat since 1968, but other outreach groups claim credit for the increase. Critics of the V. A. program note its reliance upon poorly written direct-mail brochures which receive little attention.



The other major federally-supported outreach program is the Veteran's Cost of Instruction Payments (VCIP) program administered by the U. S. Office of Education, and sponsored by Senator Cranston, which provides funds to colleges for veterans' outreach and supporting services in proportion to the increase in veteran enrollments or the percentage of veterans enrolled. It is intended to encourage special attention to veterans' needs; campus representatives, often Vietnam-era veterans themselves, attempt to find veterans where they gather--in poolrooms, unemployment offices, job fairs. Their legislative mandate includes providing counseling and other services on campus.

The VCIP program is, on some campuses, a vital and energetic self-help program, and on others, an ineffectual, distrusted, overburdened and poorly-supported token effort. The reason for this varying success is that the administration of a campus qualifying for VCIP funds has full control over the local program. Staffing, workloads, facilities, and policies vary greatly from campus to campus, and where commitment to veterans' problems is low, the program may be viewed as an opportunity to obtain and divert federal money for other purposes. Also, precarious yearly funding gives the VCIP programs an insecure institutional base. Further, by definition, most VCIP support goes to the campuses doing the best job of recruiting and retaining veteran students. Those doing little for veterans, such as the University of California--Berkeley, do not even bother to apply for VCIP funds. Even on campuses where VCIP programs are vigorous, staff have been forced to spend much of the time which



should be devoted to veterans' educational services helping veterans instead to obtain delayed checks from the V. A. Without money, the veteran will drop out of school. If VCIP staff cannot help veterans with their V. A. problems, their credibility with veterans is diminished and the VCIP program loses effectiveness. One VCIP director kept a log for one and one-half months of forty complaints which he attempted to expedite through the V. A. Of forty inquiries, twenty-seven received no response whatever; keeping track of these cases absorbed most of the energy of that VCIP office. Its experience is not unusual. A new Veterans' Representative Program, operated by the V. A., may alleviate some of these problems. In addition to providing on-campus assistance to veterans with G I Bill difficulties, this program will employ more young veterans in V. A. regional offices, presumably reducing communication barriers between V. A. personnel and Vietnam-era veterans.

The VCIP was intended to provide one-stop supporting services for veterans. The VCIP and veterans' self-help organizations, which often cooperate with VCIP staff, are the only sources for personal and vocational counseling, job and loan assistance, referrals, and advocacy for veterans on campus. The need for such services far exceeds their capacity to deliver. Many Vietnam-era veterans are reluctant to turn to older service organizations such as the American Legion or Veterans of Foreign Wars, because of generational, cultural, and political differences which make those organizations unsympathetic and unresponsive in the eyes of younger veterans. As a result, these groups have worked most



effectively on campuses with student veterans. Their emphasis presently is upon two issues which relate to education: upgrading bad discharges, and peer counseling for widespread problems such as divorce, drug use, and the "post-Vietnam syndrome."

V. A. regulations deny education benefits to veterans with discharges under other than honorable conditions. Dishonorable and bad conduct discharges automatically render the recipient ineligible, but the status of undesirable discharges is ambiguous. A veteran may be eligible for benefits if the V. A. rules that the specific cause for discharge is "other than dishonorable." But there are several obstacles to obtaining such a ruling. Title 38 of the U. S. Code, S 3404 establishes a flat maximum fee of \$10 for anyone who represents a veteran in a claim before the V. A.; consequently, veterans are restricted in practice to the assistance of legal aid attorneys, if available, or to the lay advocate services of persons from "recognized" organizations like the American Legion, who work closely with the V. A., or to donated services of attorneys, or to the lay advocacy available from groups like Vietnam Veterans Against the War.

Most applications for benefits from veterans with undesirable discharges are denied. In a five-month period in 1972, of the 1,305 applications for education benefits received from men with bad discharges, only 91 were approved; in 1973, the rejection rate was 93%. Until recently, appeal was possible only in Washington; now a travelling appeals board will make regional visits. Even with this change, the discharge review procedure is complex, costly, and generally

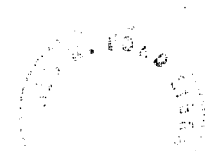


unrewarding. The number of these who are ineligible for education benefits is not known. A disproportionate percentage of veterans with bad discharges are minority veterans and veterans with less than high school educations.

Three small minority groups with special educational problems, in addition to those affecting Vietnam-era veterans generally, are disabled veterans, women veterans, and veterans in prison. Disabled veterans who are in wheel-chairs, the veterans' coordinator at one state college estimated, are physically barred from 67 different major fields of study offered on the campus.

Women, constituting 2% of the Vietnam-era military forces, are the invisible veterans--both because they are ignored in statistical data, and because even more than males, they believe they are looked upon as freaks by their peers and shed their veteran identity as soon as possible. Moreover, they receive even less information about G I Bill benefits while in the military than do men, and outreach efforts ignore them. One woman veteran supported herself as a full-time student at San Francisco State for two years before learning of her eligibility for G I Bill education benefits. Women veterans feel that the eight-year period within which benefits must be used discriminates against women who wish to have children before completing their schooling.

Veterans constitute approximately 30% of the population at every level of the prison system. Vietnam-era veterans in prison, half of whom have other-than-honorable discharges, are not identified as such in prison system data; the V. A. has no programs for meeting the special needs of this veteran



population. Study programs inside prisons, and furlough programs for early release into educational programs, are ways in which prisoners could utilize G I Bill education benefits. Those working with prisoner-veterans complain of obstacles to such programming in the form of conflicting or circular administrative rules: e.g., in order to set up programs inside prisons, money must be available in advance, but the V. A. will not certify students and send checks until the program exists; to qualify for an education furlough, a prisoner needs \$40 cash in hand, but he cannot get the cash from the V. A. until he is enrolled in school. The problems of prisoner-veterans have not been well-researched yet, though peer organizations are beginning to explore the issue.

CONCLUSION

Vietnam-era veterans are not benefiting from the G I Bill education benefits to the extent that older veterans did. Though average purchasing power for some categories of veterans is equal to or greater than that of World War II veterans, the value of benefits in terms of human capital investment is far less than the value of the first G I Bill. Moreover, many categories of veterans are worse off economically, whatever measure is used. Geographical tuition inequities and other pressures force many veterans into community colleges and correspondence schools. Few of them attend academically prestigious institutions, public or private, for many reasons: higher tuition, less receptivity to the needs of adult undergraduates, higher admission standards applied to a middle-range achievement



population, lack of special admissions and supplementary courses. Their educational choices are limited; though the data is unclear, their completion rate may be lower than for their peers or for World War II veterans. More than 50% of them fail to utilize their benefits, probably in part for economic reasons.

More than in previous wars, some returning Vietnam-era veterans seem to adopt economically marginal, even radical life styles, partly from political identification, and partly because lack of part-time employment forces them to subsist on late and relatively low G I Bill checks. Colleges do not provide them with low-cost housing as they did after World War II. Veterans make use of other forms of federal and local assistance: food stamps, welfare, unemployment compensation, state-subsidized tuition. It has been argued that these hidden subsidies ought to be included in the G I Bill package, to permit veterans a more dignified and less anxiety-ridden transition into civilian and student life.

Other more specific recommendations include building a tuition-equalizer into the education benefit, through direct payments or some form of voucher system; providing support to the peer organizations which are doing the most effective work in outreach, counseling, and advocacy for veterans; establishing an adequate student loan and scholarship program for veterans, who are often ineligible for such monies because of their access to G I benefits; increased vocational counseling and work-study opportunities for veterans; a system of legal representation for veterans which would provide adequate counsel at low (or no) cost, and reform of the military discharge system.

