



## Vietnam Veterans of America

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*A Not-For-Profit Veterans Service Organization Chartered by the United States Congress*

# An OPEN LETTER to the PRESIDENT and the PRESIDENT-ELECT

November 30<sup>th</sup>, 2016

Honorable Barack Obama  
President of the United States  
1600 Pennsylvania Ave NW  
Washington, DC 20500

Honorable Donald J. Trump  
President-elect of the United States  
1600 Pennsylvania Ave NW  
Washington, DC 20500

Dear Mr. President and Mr. President-elect:

I write to respectfully and urgently request that President Obama immediately use the power vested in the office to help the most vulnerable veterans in our country by pardoning all Post-9/11 veterans who were administratively separated resulting in a less-than-honorable discharge without the due process of a court-martial; and to request that President-elect Trump commit the full support of his incoming administration for this executive action.

On January 21, 1977, President Jimmy Carter issued full pardons to Americans who had avoided the draft. Through an executive order, President Carter erased the felony-level offense of draft-dodging for thousands of men who refused to serve their country during the Vietnam War. We believe that veterans who have done their duty and served their country deserve similar consideration before President Obama leaves office.

As a result of the systemic under-diagnosis of Post-traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), and other service-related illnesses and injuries such as Military Sexual Trauma (MST), many veterans have been unjustly discharged from our Armed Forces in a manner that makes them ineligible for veterans' benefits. Due to untreated physical and psychological symptoms and the nature of their separation from the military, veterans with less-than-honorable discharges are often socially isolated from the military and veterans community. They are more likely to suffer with self-medication and substance abuse, to become homeless, or incarcerated, or to die by suicide. For many injured and ill veterans, these administrative separations and the denial of critical veterans' benefits is a life-sentence.

Because PTSD was not entered into the *Diagnostic and Statistical Manual of Mental Disorders* until 1980, countless Vietnam veterans were discharged unfairly with “bad paper” administrative discharges. Despite their need for treatment of mental-health issues, they were denied access to critical benefits, simply because the science regarding the effects of war had not yet evolved enough for commanders to interpret their symptoms accurately. Many of our newest veterans who show symptoms of PTSD suffer the same fate, having been discharged for alleged misconduct or preexisting conditions such as personality disorder or adjustment disorder, despite years of honorable service.

President Obama and his staff have long been aware of this situation, which is why, while Senator and during his first presidential campaign, President Obama introduced the bipartisan S.1817 in the 110th Congress. This bill would have prohibited the military’s use of personality disorder discharges for combat veterans, and it would have required the military to review such discharges. President-elect Trump made his support for veterans a core tenet of his campaign, promising to take care of veterans who were often forgotten. Together, they can work through the transition period to fulfill America’s promise to the veterans who have served their country and suffered for it.

Over the last 15 years of continuous warfare, our government has failed to respond appropriately to multiple, comprehensive reports of veterans being inappropriately discharged from the military. While it is unconscionable that many Vietnam veterans have been denied access to care for half a century, there is no excuse for the broken administrative discharge system to continue to discard today’s veterans like trash, considering the current state of diagnostic science. As you know, Mr. President and Mr. President-elect, VVA’s founding principle is, “Never again will one generation of veterans abandon another.” While it would be righteous for you to pardon Vietnam veterans with administrative discharges as well, we implore you to at least save the current generation of America’s warriors an unfairly marginal life as outcasts in the nation they have so faithfully served.

Earlier this year, *The New York Times* reported that as many as 13 percent of Post-9/11 veterans have received less-than-honorable discharges. Swords to Plowshares reported that combat Marines with PTSD are 11 times more likely than their peers to receive a misconduct discharge and 8 times more likely to be discharged for substance abuse. Last year, NPR reported that the Army had issued bad paper to more than 22,000 combat soldiers afflicted with PTSD or TBI. Department of Defense studies and the Government Accountability Office reports uncovered significant racial disparities in the denial of benefits to minority veterans. Human Rights Watch revealed that men and women who reported being raped while in the service were significantly more likely to be forced out of the military with records branding them with preexisting conditions. While there has been virtually no change in the rate of punitive discharges for troops actually convicted of crimes since WWII, the rate of veterans denied access to VA health care and other benefits has more than tripled. More than 500,000 Vietnam-era veterans received “bad paper,” as compared to over 300,000 Post-9/11 vets in a much smaller military.

Although some avenues of relief for veterans with “bad paper” do exist, it is nearly impossible for veterans suffering from a service-related condition such as PTSD to successfully appeal for a discharge upgrade on their own. For those denied access to VA health care, this is a process that can cost the individual veteran tens of thousands of dollars to pay private doctors for treatment and documentation of their conditions—or years struggling without care for their service-related injuries. Furthermore, the complicated process of fact-finding and case-building typically requires hundreds of hours of work by an attorney. Because the federal government stopped sponsoring discharge-upgrade centers in the early 1980s, veterans are typically stuck on waiting lists for years before they can even begin to receive services from attorneys familiar with the legal strategies needed to assist increasingly desperate clients.

We cannot allow our country to forget the many tens of thousands of veterans who suffered physical and mental wounds yet were cast aside. This could be rectified if, prior to leaving office, President Obama simply upgraded them all to Honorable Discharges, and instructed the Secretary of Veterans Affairs to immediately grant access to PTSD and TBI screening at the VA for all veterans, regardless of discharge status. So as not to overwhelm the already-strained VA system, the President should call on the medical community to assist in these efforts.

President Obama should start working now with President-elect Trump to ensure that this program extends as long as it takes for every applicable veteran to be properly screened and granted the appropriate pardon. This action has the potential to save lives and is not without legal precedent. We ask that President-elect Trump support this initiative and make this pardoning program’s success a top-priority for his transition team.

We would like to ask for similar action for Vietnam-era vets, but for many of them it is too late. Let’s ensure that their children and/or grandchildren do not suffer the same fate. This period of transition between administrations offers the opportunity for you to work together to use the power of the office to bring thousands of injured veterans in from the cold and finally get them the care that they need. Your cooperation and focus on veterans will help to bring this country together and heal some of the festering wounds of war.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Rowan", with a long horizontal flourish extending to the right.

John Rowan  
National President  
Vietnam Veterans of America