

SUPPORT OF DISCHARGED SERVICE PERSONNEL

(Slide #1)

I'm here to talk about the former military service members and their families that the Virginia Department of Veterans Services and the Virginia Veterans Services Foundation serve. You remember when we were on active duty, our job was to maintain readiness, accomplish the mission, and take care of the troops. **(Slide #2)** Our situation has not changed today. Our mission is to take care of our families and the communities in which we live. To do this, we maintain our readiness and fitness by ensuring we get the government and community support that is due to us because of the conditions under which we and our families served to support our nation and its government. We also still have an obligation to continue take care of our fellow service members who served under the same conditions. It is all about taking care of the troops today. This presentation concerns supporting former active duty military personnel who received less than honorable discharges.

First, a little bit about myself. I served 31 years in the Marine Corps infantry retiring in 1988 as a Colonel. During my service I attended the Naval Justice School, served as trial and defense councils for many Special Courts Martial, and as an infantry battalion legal officer. I had two combat tours in Vietnam, one as an infantry company commander and another as an advisor.

The members of the Department of Veterans Services, also known as DVS, greatly honor and respect those who served honorably and those who gave their very lives for our country. The issue of who should be served by DVS has received considerable thought and discussed with veterans of all ranks. As you might assume, there are no issues with veterans who have retired or have honorable or General Discharges under honorable conditions. Questions arise regarding those who have received "less-than-honorable" discharges which are Other-than-Honorable or OTH discharges, Bad Conduct Discharges or BCDs, and Dishonorable Discharges or DDs. **(Slide #3)**

Like many of you, in the past I was unsympathetic to those who received OTH discharges BCDs and DDs, particularly during the 1950's through 1973 during the draft. Back then, most OTH discharges were administrative (Convenience of the Government or COG) for a range of things from pregnancy to minor offenses and many of these have been reversed by administrative actions or review boards. Most were for non-combat related offenses by draftees. The incidence of suicide was very low. They were not victims. They got what they deserved.

Since 9/11 and with no draft, BCD and particularly OTH discharges are up exponentially as are former service members getting incarcerated and committing suicide. With modern medicine many badly combat injured

military personnel are surviving, but with serious physical and mental injuries. Many others have severe mental injuries as a result of combat that aren't visible except when they get in trouble. For many who left the military with less-than-honorable discharges, including thousands who suffered injuries and mental stress in Iraq, Afghanistan and elsewhere, standard veterans benefits are not available. **(Slide #4)** According to DoD, less-than-honorable discharges since 2000 total about 352,000 (three-hundred and fifty-two thousand) or about 9% of the total personnel discharged compared to 3% during the Vietnam war. There are about 14,000 from this era plus about 8,250 from the Vietnam era who currently reside in Virginia, including a total of about 845 from both eras with DDs. **(Slide #5)** Additionally, it appears that the Army routinely discharged wounded and mentally ill soldiers with OTH discharges for minor misconduct. The U.S. Veterans Administration or VA has started recognizing this issue and is making case-by-case exceptions to health care availability. (Explain the case-by-case exceptions.)

(Cover types of discharges. **(From Handout)** All are administrative except two which are disciplinary; BCDs and DDs. Officers character of service may be honorable, general under honorable conditions, OTH, and dishonorable – dismissed from the service.)

(Also cover DD-214 forms.)

Currently, OTH discharges and BCDs are used for more serious offenses. DDs only can be given by General Courts Martial for serious offenses including murder, desertion, and other excessively violent or high-level crimes, including war crimes, which would result in felony convictions in civil courts. Drug use was included in DDs, but that has declined with those now receiving OTH or BCDs.

Let's spend a moment on dishonorable discharges. DDs have decreased significantly in all services except the Army. Since Vietnam, the Army does not have a good reputation for handling veterans in an equitable manner. The Army freely used Courts Marshal proceedings to empty their ranks of undesirable service members despite a 2009 federal law prohibiting the practice, as several government and independent studies have shown and another is in the works. Note that officers do not receive dishonorable discharges, even from General Courts Marshal. They are dismissed from the service, which equates to a DD.

DD recipients are not veterans (by U.S. law), are ostracized from the military and veterans communities, and lose VA and other benefits, but not their citizenship or right to vote. They must live in the civilian community just as released convicted felons must and not be subjected to isolation and loneliness, which also is physically and mentally debilitating leading to death through suicide or health deterioration. Only a select few convicted

felons are ostracized from communities, notably serious sex offenders, though all felons still must reside in communities and not become burdens on communities and society. Little consideration has been given to how they got that way, only that they have been convicted. How many convictions have been overturned? The offenders may have been falsely convicted as evidenced by later DNA tests, among other things, and/or actions that may have been unduly caused or influenced by PTSD and/or TBI injuries received in the service or elsewhere. (Provide examples.)

Are the personnel who now receive less than honorable discharges getting what they deserve? This is a harder question to answer today than it was 50 years ago. A 2005 study, reported by San Francisco based “Swords to Plowshares,” showed that Marines who were in combat and diagnosed with PTSD were 11 times more likely to receive less-than-honorable discharges as a result of their mental problems. Other studies show that of the 5.6% discharged for misconduct, they account for 28.1% of those who were homeless within their first year out of the military. They also are far more likely to end up in prison or be suicidal than honorably discharged veterans. **(Slide #6)** An Army study found the suicide rate for soldiers was 264 per 100,000 compared to the national rate of 13 per 100,000. Consider that from service in Iraq and Afghanistan the United States has lost more veterans to suicide, than to actual combat

Now, let’s turn to the Commonwealth of Virginia. The Department of Veterans Services or DVS strictly adheres to federal laws for veterans’ benefits, tuition assistance, care center residents, and final resting places in veterans’ cemeteries. **(Slide #7)** These may be considered rights or privileges and not necessities of life, though education may be debatable. However, as an executive agency of the Commonwealth, DVS has an obligation to all of the citizens of Virginia, regardless of military discharge status. Moreover, DVS must not only be concerned with former military service citizens, but also the communities into which these individuals must assimilate.

DVS does this by helping all former military service members (note that I said all former military service members and not veterans). **(Slide #8)** They are helped transition from military life by the DVS Transition Program and even from jail and prison by the DVS Virginia Veteran and Family Support program. With some exceptions, they are not denied employment opportunities. (But DVS also does not aggressively support them. It’s left up to the employer to determine.) They are provided treatment for physical and mental disabilities incurred during their military service. This extends to their often homeless families who also must bear their sacrifice. Without help, the alternatives for many are incarceration, suicide, or both. These have increased exponentially, at great cost to society. **(Slide #9)** Homelessness, criminality, and suicide are predictable in

former service personnel with OTH and disciplinary discharges. Homelessness, criminality, and suicide also are preventable and we all can make a difference in the life of an at-risk former service person in crisis.

As community members, the Department has an obligation to those who reside with us to not be a burden to themselves or to us. Rest assured that no former service member is being turned away and made to suffer because someone who some may believe to be “less deserving” has taken their place. Please consider, there is room in our Commonwealth for all its citizens, and we have an obligation to help all citizens be productive members of society. Therefore, DVS does not turn away former military service members who may need help. **(Slide# 10)** DVS needs the support of all Virginians to help former service members build and maintain meaningful and strong relationships – with their care-giver teams, families, and communities. Just one small act can make a big difference – it can even save a life.

Remember that when we were on active duty, our job was to maintain readiness and good order and discipline, accomplish the mission, and take care of the troops. If we had to kick a few out because they disrupted the good order and discipline, so be it with little thought where they would go or what they would do. That was their problem. A problem they wouldn't have had if they had performed appropriately. Since they failed us while we were in the military we not only punished them, but made certain that they couldn't ever have a productive life with a family, regardless of the circumstances that they experienced in the service that got them into trouble. And let me make clear that some of these losers have the same disposition as the offenders of the 50s and 60s eras, and they deserved what they got. These reprobates (crooks) will not receive special consideration.

Consider the others who experienced combat trauma and are suffering from true mental problems. Now we are out of the military and members of the communities into which we kicked the disciplinary cases. Some of these “problem children” are predisposed to remain as such, but others adjusted and did not become burdens on society, but many with mental issues didn't and became burdens because of isolation as homeless people, worse as criminals, and finally as suicides or other fatalities. If we are going to live up to taking care of the troops while on active duty, we have a moral obligation to continue to do so when we are in our communities. At least that is how the DVS employees see it. But as good citizens, so should you. **(Slide #11)**

In conclusion, the main thing you should take away is that a community should function like one and not alienate certain members because of past mistakes. I am not here to change opinions, but ask you to think about the community in which we all live and understand why the Virginia Department of Veterans Services and the

Virginia Veterans Foundation are obligated to serve all former service members, within the law, regardless of the type of discharge that they have received. **(Slide #12)**