

ACLU vs. Army: 264, 384,

By Anne Prichard

All the discharge documents received by the seven million Vietnam War veterans carry code numbers—either the Separation Program Numbers (SPNs) of the army and navy or the Separation Designation Numbers (SDNs) of the air force. About one million veterans have code numbers which are derogatory, such as those signifying "inaptitude," "bed-wetter," "homosexual tendencies," or "apathy," on papers which they thought were honorable discharges or general discharges under honorable conditions.

These "confidential" SPN numbers have been readily available in published armed forces regulations and widely distributed in papers, manuals and articles, such as the Red Cross and Veterans of Foreign Wars' service manuals and the American Serviceman's Union's *Common Bond*. Consequently, government agencies and private employers alike have had access to the codes.

Many thousands of veterans have encountered difficulties in finding jobs because of SPN numbers. One such veteran, honorably discharged from the army, had papers with a SPN number of 384, signifying drug use, due to a marijuana "bust" while he was in Vietnam. He took a fire department test three times, received one of the top three scores each time, and three times was rejected.

Another veteran, honorably discharged from the air force, was turned down everywhere he applied for a job. Finally, a cab company representative told him that the reason they refused to hire him was the code number 264 ("character disorder") on his discharge paper.

In February 1974, the ACLU won the first federal court order limiting the use of the codes. Shortly thereafter Secretary of Defense James R. Schlesinger announced that "the use of these codes is a potentially contributing factor in undesirable discrimination against an individual by prospective employers or other persons in civilian life." Secretary Schlesinger directed that, as of March 27, 1974, SPN numbers no longer be included on discharge documents. The purpose of this change, announced the Department of Defense, is "to insure that all the information on the documents is readily understandable to the veteran, and to avoid the potential of undesirable discrimination against an individual."

In addition, as of May 1, 1974, all veterans who received discharges with adverse SPN codes in the past will be given new papers without the code—if they request them. Also on request, they will be given an explicit narrative description of the reason for discharge.

In April, Aryeh Neier, the ACLU's executive director, sent a letter to Secretary Schlesinger calling upon the Defense Department to take the responsibility for notifying every Vietnam veteran with a

derogatory SPN number about the availability of clean discharge papers.

"If General Motors can recall defective cars, the Defense Department can recall defective discharges," declared Neier.

The ACLU letter further pointed out that the black SPN number space on the new discharge papers would be evidence to government agencies, civilian employers and others that the papers once bore a derogatory SPN number. Neier urged that the Defense Department, having conceded the harmful effects of SPN numbers, replace the old derogatory numbers with ones that are neutral, such as 201 ETS ("expiration of term of service"), in order that no distinction remain between veterans on the basis of the SPN code.

In his reply to Neier's letter, Lt. Gen. Leo Benade, the Deputy Assistant Secretary of Defense for Manpower and Reserve Affairs, made the following points:

1. The only mailing addresses of veterans maintained by the Defense Department are the ones given at the time of discharge. Since these are only minimally accurate (approximately 25 percent) even for the most recent year, the Defense Department does not intend to notify veterans by mail of the change in regulations. Instead, the department plans to disseminate the procedures for requesting new papers by means of news releases and by requesting the Veterans Administration, General Services Administration, Selective Service System, Department of Labor and veterans' organizations to publicize this information.

2. Under the Freedom of Information Act, the Department of Defense is required to provide personnel records to those authorized by the veteran to obtain such information.

3. The department cannot agree with Mr. Neier's suggestion that a neutral SPN number such as "expiration of term of service" replace the derogatory SPN number. "It is a fact," wrote Lt. Gen. Benade, "that some personnel are discharged for adverse reasons, e.g., court martial, misconduct, unfitness, etc. It is this fact which is recorded in personnel records and, prior to March 27, 1974, as the SPN on the DD Form 214."

Thus, in spite of the fact that the Defense Department has acknowledged the harmful effects of the code number system, it still insists on the desirability of some distinction between veterans on the basis of reason for discharge. Yet the new system may be even more damaging to the veteran. The black space following the letters SPN or SDN on the "clean" discharge papers will indicate that derogatory information has been deleted. In the past, although veterans were not obligated to show their coded discharges, many employers insisted on seeing them

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before granting them any jobs. Now, it is feared that employers will demand to see documents carrying the reasons for discharge in narrative form.

This procedure is strikingly similar to one in use before the SPN numbers were issued routinely and which, according to Lt. Gen. Benade, was more damaging to veterans than the SPN codes. Speaking in defense of the codes in March, before the Pentagon agreed to eliminate them, Benade told a House subcommittee that SPN numbers were devised "to try to mitigate any adverse effect." He stated, "either you have a number or you have the reason stated explicitly in words. The result is the same. But by using the number, which as I say had as its sole purpose an attempt to help the individual..."

Veterans who want to find out if they have an adverse code number can send it to the Project on Amnesty, ACLU, 22 East 40th Street, New York, N.Y. 10016. The ACLU will tell the veteran what the code number means. If, in spite of the drawbacks of the new regulations, a veteran decides that he wants to apply for a set of papers with the code number deleted, he should follow the Defense Department fact sheet which explains the procedures for requesting a new DD Form 214.

The ACLU Project on Amnesty and the Military Rights Project plan to continue pressing for a just and workable method of removing the handicaps caused by separation and reenlistment codes.

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Veterans who wish to have their Separation Program Number (SPN), authority for discharge, and Reenlistment Code deleted from their copy of the DD Form 214, "Report of Separation From Active Duty," (or from previous editions of the form) may apply to their former service to have the codes deleted from their copy of the form. Requests should be mailed to the following addresses:

Army: Commander, Reserve Components Personnel and Administration Center, Box 12479, Olivette Branch, St. Louis, Missouri 63132.

Navy: Chief, Bureau of Naval Personnel (Pers 38), Department of the Navy, Washington, D.C. 20370.

Air Force: Air Force Military Personnel Center (DPMDR), Randolph AFB, Texas 78148. (It is preferable that former USAF members make their request through a local base personnel office.)

Marine Corps: Commandant, U.S. Marine Corps (MSRB-10), Headquarters, U.S. Marine Corps, Washington, D.C. 20380.

The request should include name, social security number, any military service identification number, dates of service, and a copy of the DD Form 214.

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