

JOHN A. BOEHNER
Ohio

COMMITTEES
AGRICULTURE

HOUSE ADMINISTRATION

EDUCATION AND THE WORKFORCE



Congress of the United States
House of Representatives

March 24, 1999

WASHINGTON OFFICE:

1011 LONGWORTH HOUSE OFFICE BLDG.
WASHINGTON, DC 20515-3508
(202) 225-6205

DISTRICT OFFICES:

8200 BECKETT PARK DRIVE, SUITE 202
HAMILTON, OH 45011
(513) 870-0300

12 SOUTH PLUM STREET
TROY, OH 45373
(513) 338-1524

DISTRICT TOLL FREE NUMBER
1-800-682-1001

The Honorable F. Whitten Peters
Secretary of the Air Force (Acting)
1670 Air Force Pentagon
Washington, D.C. 20330-1670

Dear Mr. Secretary,

I urge you to correct what I believe to be an injustice done many years ago. A valiant airman named William H. Pitsenbarger died while repeatedly attempting to save the lives of others during an evacuation attempt in a dense jungle 35 miles east of Saigon. A Pararescue crew member, Airman First Class Pitsenbarger, was engaged in military operations involving conflict with a substantial opposing force, near Cam My, Republic of Vietnam on April 11, 1966. As the enclosed testimonials attest, Airman Pitsenbarger, without doubt, distinguished himself by conspicuous gallantry and fearlessness at the risk of his life above and beyond the call of duty.

Airman Pitsenbarger was a son of Ohio from the town of Piqua. It is obvious when you visit Piqua that the community still holds intense pride for Bill Pitsenbarger. His aged parents wholeheartedly support the award of the Medal of Honor and join me in this effort. Having worked with the Airman Memorial Museum and the Air Force Sergeants Association in researching and investigating the events that led to the award of the Air Force Cross for Airman Pitsenbarger's action, it is apparent that the Airman's actions certainly meet the criteria for a Medal of Honor. Why the Medal of Honor was not awarded is probably lost in time forever. Whether it was because of Airman Pitsenbarger's low enlisted (non-commissioned) rank, or that his heroic actions occurred relatively early in the conflict, or that there was some other unknown reason will have to remain speculation. Whatever the reason, it is time now to provide what Ohioans and Air Force enlisted members believe is deserved recognition long overdue. The facts provided in the attached package build the case far stronger than my words.

Mr. Secretary, I believe a fair assessment of Airman Pitsenbarger's actions show that he should have been presented the Medal of Honor (posthumously) rather than the Air Force Cross. I ask you to examine the package of materials,

The Honorable F. Whitten Peters

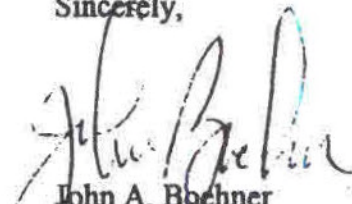
March 24, 1999

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including the testimonials that have been compiled. Due to his parent's advanced age, I would ask for swift action on this Medal of Honor request. Awarding Airman Pitsenbarger the Medal of Honor would rightfully honor an American hero and send a strong message to all of the enlisted men and women who serve this nation.

I thank you for your consideration and am ready to provide additional information as you may require. If I can provide additional information please do not hesitate to contact me or Ben Peltier of my staff at (202) 225-6205.

Sincerely,



John A. Boehner

United States Representative

TALKING PAPER
ON
MEDAL OF HONOR (MOH) RECOMMENDATIONS

- DoD 1348.33-M, *Manual of Military Decorations & Awards*, is the governing directive that establishes procedures for award of the MOH
- Service Secretaries establish procedures for processing recommendations for award of the MOH
- Air Force has written policy for general award processing procedures requiring SecAF approval and Sister Service concurrence but no MOH-specific processing procedures
 - MOHs are processed through the member's Command channel (may also go through a member of Congress if needed due to time limitations) to the Air Force Personnel Center, to the CSAF, Under SecAF, SecAF, all other Service Secretaries, Chairman JCS and individual members, and the SecDef with final approval by the President presented in the name of Congress
- Request for consideration/reconsideration for award of the MOH is initiated by an individual in the member's chain of the command at the time of the incident, and who has had first-hand knowledge of the acts or achievements
 - Air Force policy states award recommendations must be formally entered into official channels within two years of the act warranting the recommendation and awarded in three years
 - The uniqueness of the MOH approval process may require up to two years, hence the three-year presentation guidance may be extended
 - Army also has a two-year recommendation, three-year award rule; Navy has a three-year recommendation, five year award rule
 - For request for consideration/reconsideration for awards longer than two years after the acts or achievements, the request must be submitted through a member of Congress who can ask a military service to review a proposal for a new decoration/reconsideration or upgrade based on the merits of the proposal and the award criteria in existence when the event occurred
 - Recommendations for award of the MOH disapproved by a Service Secretary or SecDef may only be resubmitted if new, substantive and material information is provided
 - Information forming the basis must have been previously unknown and not considered by recommending and disapproving officials
 - Determination of the existence of new material and substantive information being a basis for reconsideration may not be delegated below the Service Secretary

-- Other basic for reconsideration:

--- The Service Secretary or the SecDef determines there is evidence of material error or impropriety in the original processing or decision on a recommendation for award of the MOH (i. e., loss of accompanying and/or substantiating documents to the recommendation, or proven gender or racial discrimination)

--- All other instances of reconsideration shall be limited to those in which the formal recommendation was submitted in statutory time limits, the recommendation was lost or inadvertently not acted on, and when those facts are conclusively established by the respective Service Secretary or other official delegated appropriate authority



SECRETARY OF THE AIR FORCE
WASHINGTON

APR 29 1999

The Honorable John A. Boehner
House of Representatives
Washington DC 20515

P.01/02

OT-16-2000 12:17

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Dear Mr Boehner:

SECRETARY OF THE AIR FORCE

I appreciate your concern and interest in Airman William H. Pitsenbarger, our well-known Air Force enlisted hero. His extraordinary heroism under fire in Vietnam earned him the posthumous award of the Air Force Cross, one of our most prestigious Air Force awards.

I have taken seriously your request to upgrade Airman Pitsenbarger's Air Force Cross to the Congressional Medal of Honor. Your extensive package with supporting documentation has been forwarded to my staff for review. I must note that due to the strenuous nature of this review, it could take up to two years for the senior leadership within the Department of Defense to thoroughly evaluate this request.

My legislative liaison staff member, Ms Donna Warren, will keep you apprised on our ongoing evaluation. She can be reached at (703) 695-7364.

Again, thanks for your interest in Airman Pitsenbarger's case. I assure you that his case will be handled fairly and as quickly as possible.

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Again, thanks for your interest in Airman Pitsenbarger's case. I assure you that his case will be handled fairly and as quickly as possible.

Sincerely,

F. Whitten Peters
Acting Secretary of the Air Force

COORDINATION(S):

OGC (P&HP)

[Signature] - 8/21/00

RECOMMENDATION: That you sign the memorandum at Tab A.

ASSISTANT SECRETARY OF DEFENSE (FMP) DECISION:

☐ Approved
☐ Disapproved
☐ Other:

*(X) As indicated in attached
draft of legislation
re transition
analysis -*

COORDINATION(S): OGC (P&HP) SEE UNDER

CJCS

SECRETARY OF DEFENSE DECISION:

hsc ~~Approved~~ SEP 14 2000

 Disapproved

 Other:

OSD LETTERS TO CONGRESS

28 SEP 00

(AFTER UNTOLD HOURS OF PUSHING)



GENERAL COUNSEL

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
1600 DEFENSE PENTAGON
WASHINGTON, D. C. 20301-1600

SEP 28 2000

The Honorable Floyd Spence
Chairman, Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515-6035

Dear Mr. Chairman:

Enclosed pursuant to section 1130 of title 10, United States Code, is a legislative proposal that would waive the time limitations for the award of the Medal of Honor, posthumously, to then-Airman First Class William H. Pitsenbarger. The Honorable John A. Boehner of the House of Representatives requested that the Secretary of the Air Force look into such an award.

The Secretary of the Air Force advised you on July 19, 2000, of his determination under section 1130(b) of title 10 that the Medal of Honor was warranted for Airman First Class Pitsenbarger and that the statutory time restrictions for such award should be waived. Enclosed is legislation that would accomplish such a waiver. The Department of Defense joins with the Secretary of the Air Force in recommending its enactment.

The Office of Management and Budget advises that from the standpoint of the Administration's program, there is no objection to the presentation of this legislation for the consideration of the Committee and the Congress.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas A. Dworkin".

Douglas A. Dworkin

Enclosure:
As Stated

cc: The Honorable Ike Skelton
Ranking Member



GENERAL COUNSEL

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
1600 DEFENSE PENTAGON
WASHINGTON, D. C. 20301-1600

SEP 28 2000

The Honorable John Warner
Chairman, Committee on Armed Services
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Enclosed pursuant to section 1130 of title 10, United States Code, is a legislative proposal that would waive the time limitations for the award of the Medal of Honor, posthumously, to then-Airman First Class William H. Pitsenbarger. The Honorable John A. Boehner of the House of Representatives requested that the Secretary of the Air Force look into such an award.

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Sincerely,

Douglas A. Dworkin

Enclosure:
As Stated

cc: The Honorable Carl Levin
Ranking Member

SEC. ____ . AUTHORITY FOR AWARD OF THE MEDAL OF HONOR TO WILLIAM
H. PITSENBARGER FOR VALOR DURING THE VIETNAM WAR.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the period of limitations specified in section 8744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Air Force, the President may award the Medal of Honor under section 8741 of that title, posthumously, to William H. Pitsenbarger, of Piqua, Ohio, for the acts of valor referred to in subsection (b).

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of William H. Pitsenbarger on April 11, 1965, as an Air Force pararescue crew member, serving in the grade of Airman First Class at Cam My, Republic of Vietnam, with Detachment 6, 38th Aerospace Rescue and Recovery Helicopter Squadron, in support of the combat mission known as "Operation Abilene".

Sectional Analysis

This legislation is pursuant to the procedures of section 1130 of title 10, United States Code. The Honorable John A. Boehner of the House of Representatives requested the Secretary of the Air Force, the appropriate official under section 1130, to review the circumstance of this case. In 1966, Airman First Class (A1C) William H. Pitsenbarger was posthumously awarded the Air Force Cross, the highest award in the Air Force other than the Medal of Honor, for his heroic actions in the Republic of Vietnam, as noted briefly below. Subsequent information from Army personnel, not available to the Air Force in 1966, substantiate that A1C Pitsenbarger should have been awarded the Medal of Honor at that time.

This legislation follows the determination made under section 1130 (b)(2) that the award of the decoration warrants approval. It further would waive the period of time limitations under section 8744 of title 10 to authorize the President to make that award, posthumously, to A1C William H. Pitsenbarger. It specifically would waive the requirement that the award be made within three years of the date of the act upon which the award is based. The Secretary of the Air Force and the Chairman of the Joint Chiefs of Staff both join in the recommendation that A1C Pitsenbarger's actions were such as to justify the award of the Medal of Honor.

On April 11, 1966, then-Airman First Class William H. Pitsenbarger was assigned as a

pararescue crew member to Detachment 6, 38th Aerospace Rescue and Recovery Helicopter Squadron with station at Bien Hoa (close to Saigon), Republic of Vietnam. In the middle of the afternoon of the 11th, Easter Monday, his aircraft, Pedro 73, already was airborne and was informed of Army casualties in the close-by area of Cam My. An Army infantry company of about 135 men had unexpectedly entered a Viet Cong Battalion's encampment. There were approximately 400 Viet Cong in the area. The enemy ambush that resulted immediately killed one soldier and wounded six others. The area was in a thick triple-layered jungle that made it difficult for movement, to see from the air to the ground, for support, and to get evacuation equipment to the ground and out again. Pedro 73 proceeded as far as they could into the jungle canopy and initiated evacuation of the wounded using a wire stokes litter. The procedure was hampered by severe sniper and small arms fire, the jungle growth, and a lack of understanding by the on-ground Army personnel as to the proper use of the litter. Aside from taking too long for the loading, the on-ground medics failed to tie the first wounded soldier to be evacuated into the litter, almost causing him to fall to his death during the extraction. Then A1C Pitsenbarger discussed the problem during the flight of the first recovered soldier to the medical treatment area and volunteered to descend into the jungle and the ongoing fire-fight to assist in loading and evacuating the other wounded soldiers. On the return of Pedro 73 to the area, A1C Pitsenbarger immediately descended into the fight and started to send the wounded up to the waiting helicopter. The operation proceeded considerably faster and safer despite being conducted in the middle of a severe fire fight. Pedro 73 departed again, this time with a full load of wounded soldiers with the idea that it would recover A1C Pitsenbarger on its return trip. When it got back into the area, the Viet Cong Battalion had intensified the fight further and even attacked the rescue aircraft. Pedro 73 was hit numerous times by small arms and armor-piercing bullets. It was forced to leave the area, barely making it back to its base of operations. A1C Pitsenbarger was advised that someone would get him the next day.

A1C Pitsenbarger continued to render medical assistance to the wounded Army personnel at the site of the heaviest fighting by pulling them out of the line of fire and bandaging their wounds. At one time, he left his area and maneuvered through the heavy fighting to get a resupply of ammunition for some pinned-down soldiers. He then joined them in their fight and shot down several snipers who were hidden in the jungle canopy. He was seen by several Army participants in the battle moving through the area and rendering aid while battle-hardened veterans were hiding from the deafening and intense battle. He moved to an area where he set up a firing position and was last seen alive firing at the enemy. He was found later with three non-fatal wounds and a fatal wound to the head. With his movements throughout the area during the intense firing, in all likelihood he was wounded well before his fatal wound. Placing himself voluntarily into a known terrific and deadly fire fight to assist in evacuating severely wounded comrades in arms, and joining in the fight while continuing to aid others, is exemplary of the highest professional standards and traditions of the American Armed Forces. A1C Pitsenbarger's actions were above and beyond the call of duty. He saved others who would not have been evacuated without his assistance. He saved still others on the ground by his fearless determination and valiant efforts after he was left behind. These actions, in the face of great risk of life that ultimately took its toll, exhibited bravery and such conspicuous gallantry as to merit the award of the Nation's highest military honor, the Medal of Honor.

US Code as of: 01/05/99

Sec. 1130. Consideration of proposals for decorations not previously submitted in timely fashion: procedures for review and recommendation

- (a) Upon request of a Member of Congress, the Secretary concerned shall review a proposal for the award or presentation of a decoration (or the upgrading of a decoration), either for an individual or a unit, that is not otherwise authorized to be presented or awarded due to limitations established by law or policy for timely submission of a recommendation for such award or presentation. Based upon such review, the Secretary shall make a determination as to the merits of approving the award or presentation of the decoration and the other determinations necessary to comply with subsection (b).
- (b) Upon making a determination under subsection (a) as to the merits of approving the award or presentation of the decoration, the Secretary concerned shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives and to the requesting member of Congress notice in writing of one of the following:
 - (1) The award or presentation of the decoration does not warrant approval on the merits.
 - (2) The award or presentation of the decoration warrants approval and a waiver by law of time restrictions prescribed by law is recommended.
 - (3) The award or presentation of the decoration warrants approval on the merits and has been approved as an exception to policy.
 - (4) The award or presentation of the decoration warrants approval on the merits, but a waiver of the time restrictions prescribed by law or policy is not recommended. A notice under paragraph (1) or (4) shall be accompanied by a statement of the reasons for the decision of the Secretary.
- (c) Determinations under this section regarding the award or presentation of a decoration shall be made in accordance with the same procedures that apply to the approval or disapproval of the award or presentation of a decoration when a recommendation for such award or presentation is submitted in a timely manner as prescribed by law or regulation.
- (d) In this section:
 - (1) The term "Member of Congress" means -
 - (A) a Senator; or
 - (B) a Representative in, or a Delegate or Resident Commissioner to, Congress.
 - (2) The term "decoration" means any decoration or award that may be presented or awarded to a member or unit of the armed forces.