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THE PRESIDENT HAS SEEN....

OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

23 April 1976

MEMORANDUM FOR Dr. James E. Connor
Secretary to the Cabinet and
Staff Secretary to the President
The White House

NAJ

Subject: Private Lynn E. McClure

Attached is the Fact Sheet you requested in the case of Private McClure. I checked with our General Counsel and determined that the President is normally in the chain of review in cases involving the death sentence or a Flag or General officer. Accordingly, I recommend that the President not make any comment on this case, other than to the effect it is under investigation in accordance with the statutorily prescribed system of military justice. Any pronouncement by him could be construed as "command influence" which might prejudice disciplinary actions which may be taken at the direction of convening authorities.

I see no problem in the release of the Fact Sheet which deals with the fact that there are on-going investigations, but which does not name any names of possible accused.

A handwritten signature in cursive script, appearing to read "Alan Woods".

Alan Woods
The Special Assistant

Attachment



FACT SHEET, CASE OF

PRIVATE LYNN E. MC CLURE, 466 08 10 60 USMC (deceased)

Private Lynn E. MC CLURE was administered the Armed Services Vocational Aptitude Battery Test by personnel from the Armed Forces Entrance and Examination Station (AFEES), Houston, Texas, at a mobile examination test site at Lufkin, Texas, on 24 September 1975. He attained an Armed Forces Qualification Test (AFQT) score of 7 out of a possible 99 points and a General Test (GT) score of 60 out of a possible 147 points. Minimum qualification scores for enlistment of non-high school graduates like MC CLURE are: AFQT - 21 and GT - 95. Marine Gunnery Sergeant RODRIGUES of the Recruiting Sub-station (RSS) in Lufkin, a subsidiary of the U.S. Marine Corps Recruiting Station, Houston, rejected MC CLURE as mentally unqualified.

On 12 November 1975, MC CLURE entered the Marine Corps RRS in Austin, Texas, a subsidiary of the San Antonio Recruiting Station, and requested enlistment. Processing of his application began with telephone calls to both the District Attorney's Office and the Sheriff's Department, Angeline County, Texas, as well as to the Police Department in Lufkin to determine if MC CLURE had been involved with civil authorities. A negative reply was received from each office.

On 13 November 1975, MC CLURE was given mental and medical examinations at the AFEES in San Antonio. He successfully passed both tests with a score of 59 on the AFQT and 112 on the GT. MC CLURE stated on all enlistment documents that he had not previously been rejected for enlistment by any branch of the armed forces and that he had no police record. Having been found physically and mentally qualified for enlistment, Private MC CLURE was sworn into the U.S. Marine Corps and sent to the Marine Corps Recruit Depot, San Diego, California. An investigation has been initiated into the manner of his induction.

Shortly after his arrival there, he went on unauthorized absence on three occasions. Accordingly, he was assigned to the correctional custody platoon, a unit with the Special Training Branch for recruits who have committed disciplinary infractions. Upon release from correctional custody, he appeared insufficiently motivated to resume training and was transferred to a motivational platoon within the Special Training Branch.

On the afternoon of 6 December 1975, he was participating in pugil stick activity. At the time, Private MC CLURE was wearing a complete set of protective equipment, including a football helmet with full face mask. He was struck in the head by another trainee and knocked unconscious. Private MC CLURE was rushed by ambulance to the Depot Dispensary and later moved to the Balboa Naval Hospital where emergency surgery was performed to relieve pressure on the brain which was caused by blood clotting. Despite those efforts, the patient remained in a coma.

Early in February 1976, while still in a coma, Private MC CLURE was transferred to the Veterans Administration Hospital in Houston. He died there on 13 March 1976 from severe post traumatic encephalopathy resulting from severe head injury.

On 8 December 1975, the Commanding Officer of the Recruit Training Regiment ordered an informal Line of Duty/Misconduct (LOD) investigation, standard procedure in all cases of injury to members of the Naval service, except for minor incidents. Such investigations are undertaken to determine whether or not the service member's injuries were incurred in the line of duty and not as a result of his or her own misconduct. The LOD investigation was completed on 6 January 1976, was reviewed and endorsed by the Commanding Officer, Recruit Training Regiment, and forwarded to the Commanding General, MCRD, San Diego.

Review of the LOD investigation left sufficient doubt as to circumstances surrounding Private MC CLURE's injuries that the Commanding General, on 5 February 1976, ordered a formal one-officer investigation of the incident. Numerous witnesses were examined and their testimony taken verbatim. The formal investigation is now completed and is being reviewed by the Staff Judge Advocate, MCRD, San Diego. It consists of 898 pages of sworn testimony. The completed investigation, together with the Staff Judge Advocate's recommendations will be delivered to the Commanding General, Marine Corps Recruit Depot on 23 April 1976. After his review, it is expected that he will publicly announce on 28 April 1976, the action he intends to take.

Following that decision by the Commanding General, the investigation will be routinely forwarded to the Judge Advocate General of the Navy whose office is the final repository for all such investigations, and who is the proper official to receive and act upon a request for release of the investigation.

On 5 April 1976 court action was initiated against the government requesting the names of witnesses to Private MC CLURE's injury and further requesting that those witnesses not be transferred from San Diego. The action also requested that civilian investigators be permitted to enter the Marine Corps Recruit Depot to continue their investigation. The names of witnesses were provided as requested. On 9 April 1976, the government filed a motion to dismiss the court action. A hearing thereon is expected on 10 May 1976.

After Private MC CLURE's demise, a wrongful death claim under the Federal Tort Claims Act was delivered to Marine Corps authorities at San Diego on 6 April 1976 in the amount of 3.5 million dollars. This claim was immediately forwarded to the Judge Advocate General of the Navy in accordance with current regulations. Action on the claim is currently awaiting receipt of the complete investigation report in Washington.

Gobbledygook

Part of a Prince Georges County fire station memorandum:

In order to standardize all shift stations to the same platoon letter designations, the following letter changes are effective immediately:

A is now B
B is now A
C is now D
D is now C

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Tape Tells of Death

2 'Just Went Crazy' In Beating Marine

OCEANSIDE, Calif. (UPI) — Two former Marines say they "just went crazy" in fatally beating a fellow recruit during training exercises at the San Diego Marine Recruit Depot.

After the beating Dec. 6, Lynn McClure, 20, lapsed into a coma, and died March 13.

An attorney representing McClure's family Monday released taped interviews with the two recruits he said had participated in the incident.

Attorney John Gyorkos said the two former Marines were among four or five who beat McClure with pugil sticks — padded poles used to simulate bayonet fighting, instill aggressive behavior and for disciplinary measures.

ONE OF THE participants said McClure screamed "God, no, please, what did I do?" The other said: "We were like animals. We got out there for blood with pugil sticks and just went crazy."

"When I go to bed, I think about it," one said. "There's no going to sleep. I hear him screaming, asking for the mercy of God."

McClure's mother and

stepfather, Hubert and Betty Calhoun of Lufkin, Tex., have filed a \$3.5 million wrongful death claim against the Marine Corps. A family relative said McClure was mentally retarded, a high school dropout and once confined to the Rusk State Mental Hospital in Texas for a short time.

"He was not violent, though," said the relative. "He just did not know what other boys his age knew."

The Marine Corps is investigating the incident in which several officers — including a colonel — and sergeants were suspended from training duties.

THE TWO recruits, who Gyorkos refused to identify, said a drill instructor encouraged the attack, even after McClure begged for help, by shouting, "Kill, kill." The drill instructor was not identified.

They said McClure was assigned to a "motivational" platoon after he was in correctional custody for being AWOL.

Both were interviewed by a detective Gyorkos had hired and said they received general discharges from the service for being considered unfit for duty.

WED.,
THURS.,
FRI.,
SAT.



*P. Wang's
Lullaby*

