



DEPARTMENT OF DEFENSE  
OFFICE OF GENERAL COUNSEL  
1600 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1600

OCT 02 2001

The Honorable Richard B. Cheney  
President of the Senate  
Washington, DC 20510

Dear Mr. President:

The Department of Defense proposes the enclosed legislation relating to the awards of the medal of honor to Ben L. Salomon and Jon E. Swanson. These proposals are part of the Department's legislative program for the First Session of the 107<sup>th</sup> Congress, and we urge their enactment.

The Department proposes that the President be authorized to award posthumously the medal of honor to Ben L. Salomon, who served in the United States Army during World War II as a Captain in the Dental Corps with 2d Battalion, 105<sup>th</sup> Infantry Regiment, 27<sup>th</sup> Infantry Division, and to Jon E. Swanson, who served in the United States Army during the Vietnam War as a Captain with Troop B, 1/9<sup>th</sup> Cavalry, 1<sup>st</sup> Cavalry Division (Airmobile). The acts of then-Captains Ben L. Salomon and Jon E. Swanson clearly and conspicuously distinguish them by gallantry and intrepidity at the risk of their lives above and beyond the call of their duties, as required by section 3741 of title 10, United States Code, to merit these proposals and the awards of the Nation's highest military honor. These proposals would waive the specific provisions of section 3744 of title 10 that the award of the medal of honor be made within three years of the date of the act upon which the award is based.

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

Sincerely,

A handwritten signature in cursive script that reads "Daniel J. Dell'Orto".

Daniel J. Dell'Orto  
Principal Deputy General Counsel

Enclosures  
As Stated





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OFFICE OF GENERAL COUNSEL  
1600 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1600

OCT 02 2001

The Honorable J. Dennis Hastert  
Speaker of the House of Representatives  
Washington, DC 20515

Dear Mr. Speaker:

The Department of Defense proposes the enclosed legislation relating to the awards of the medal of honor to Ben L. Salomon and Jon E. Swanson. These proposals are part of the *Department's legislative program for the First Session of the 107<sup>th</sup> Congress*, and we urge their enactment.

The Department proposes that the President be authorized to award posthumously the medal of honor to Ben L. Salomon, who served in the United States Army during World War II as a Captain in the Dental Corps with 2d Battalion, 105<sup>th</sup> Infantry Regiment, 27<sup>th</sup> Infantry Division, and to Jon E. Swanson, who served in the United States Army during the Vietnam War as a Captain with Troop B, 1/9<sup>th</sup> Cavalry, 1<sup>st</sup> Cavalry Division (Airmobile). The acts of then-Captains Ben L. Salomon and Jon E. Swanson clearly and conspicuously distinguish them by gallantry and intrepidity at the risk of their lives above and beyond the call of their duties, as required by section 3741 of title 10, United States Code, to merit these proposals and the awards of the Nation's highest military honor. These proposals would waive the specific provisions of section 3744 of title 10 that the award of the medal of honor be made within three years of the date of the act upon which the award is based.

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Daniel J. Dell'Orto  
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**SEC. \_\_\_\_ . AUTHORITY FOR AWARD OF THE MEDAL OF HONOR TO BEN L.  
SALOMON FOR VALOR DURING WORLD WAR II.**

1 (a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in  
2 section 3744 of title 10, United States Code, or any other time limitation with respect to the  
3 awarding of certain medals to persons who served in the military service, the President may  
4 award the Medal of Honor under section 3741 of that title to Ben L. Salomon for the acts of valor  
5 referred to in subsection (b).

6 (b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of  
7 Ben L. Salomon on July 7, 1944, while defending the soldiers under his care as the Surgeon, 2d  
8 Battalion, 105<sup>th</sup> Infantry Regiment, 27<sup>th</sup> Infantry Division against an overwhelming enemy force  
9 at Saipan, Marianas Islands.

**Sectional Analysis**

This legislation is pursuant to the provisions and procedures of section 1130 of title 10, United States Code. The Honorable Brad Sherman of the House of Representatives requested the Secretary of the Army, the appropriate official under section 1130, to review the circumstance of this case. This legislation follows the determination made under section 1130(b)(2) that the award of the decoration warrants approval. It further recommends a waiver of the specified time restrictions prescribed by law. The Secretary of the Army and the Chairman of the Joint Chiefs of Staff both agree and recommend that Ben L. Salomon be awarded the Medal of Honor. This bill would waive the period of time limitations under section 3744 of title 10 to authorize the President to award Ben L. Salomon the Medal of Honor.

This bill would authorize the President to award the Medal of Honor to Ben L. Salomon, who served in the United States Army during World War II and who was assigned as a Captain in the Dental Corps with 2d Battalion, 105<sup>th</sup> Infantry Regiment, 27<sup>th</sup> Infantry Division. It would waive the specific provisions of section 3744 of title 10 that the award be made within three years of the date of the act upon which the award is based.

Captain Salomon was serving at Saipan, Marianas Islands on July 7, 1944 as the Surgeon, 2<sup>nd</sup> Battalion, 105<sup>th</sup> Infantry Regiment, 27<sup>th</sup> Infantry Division. The 1<sup>st</sup> and 2<sup>nd</sup> Battalions were attacked by an overwhelming force estimated between 3,000 and 5,000 Japanese soldiers, one of the greatest mass attacks attempted in the Pacific Theater during World War II. Although both

units fought furiously, the enemy soon penetrated the combined perimeter and inflicted overwhelming casualties. In the first ten minutes of the attack, possibly thirty new wounded walked, crawled, or were carried into Captain Salomon's aid station. As the perimeter began to be overrun, the situation made it increasingly difficult for him to work on wounded soldiers. While caring for wounded, Captain Salomon drew his weapon and killed a Japanese soldier he noticed bayoneting one of the wounded soldiers lying near the tent wall.

As he turned back to the wounded, two more enemy soldiers appeared in the front entrance of the tent. By the time these adversaries were clubbed, shot, and bayoneted, four more crawled under the tent walls. Rushing them, Captain Salomon kicked the knife out of the hand of one, shot another, and bayoneted a third. He butted a fourth in the stomach, and a wounded soldier shot and killed the enemy soldier. Given the rapidly diminishing conditions, Captain Salomon ordered the wounded to make their way back to the regimental aid station as best they could, while he attempted to hold off the enemy until they were clear. He grabbed a rifle from one of the wounded and rushed out of the tent. Captain Salomon took control of a machine gun when the four men manning it were killed. When his body was later found by the machine gun, ninety-eight Japanese soldiers were piled in front of the machine gun position. Captain Salomon sacrificed his own life while attempting to protect the soldiers under his care.

The acts of then-Captain Ben L. Salomon clearly distinguish him conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty, as required by section 3741 of title 10, United States Code, to merit this legislation and the award of the Nation's highest military honor.

**SEC. \_\_\_\_ . AUTHORITY FOR AWARD OF THE MEDAL OF HONOR TO JON E.**

**SWANSON FOR VALOR DURING THE VIETNAM WAR.**

1           (a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in  
2 section 3744 of title 10, United States Code, or any other time limitation with respect to the  
3 awarding of certain medals to persons who served in the military service, the President may  
4 award the Medal of Honor under section 3741 of that title to Jon E. Swanson for the acts of valor  
5 referred to in subsection (b).

6           (b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of  
7 Jon E. Swanson on February 26, 1971, while piloting a Scout helicopter on a close-support  
8 reconnaissance mission in support of the Army of the Republic of Vietnam Task Force 333 in the  
9 Kingdom of Cambodia.

**Sectional Analysis**

This legislation is pursuant to the provisions and procedures of section 1130 of title 10, United States Code. The Honorable Floyd Spence of the House of Representatives requested the Secretary of the Army, the appropriate official under section 1130, to review the circumstance of this case. This legislation follows the determination made under section 1130(b)(2) that the award of the decoration warrants approval. It further recommends a waiver of the specified time restrictions prescribed by law. The Secretary of the Army and the Chairman of the Joint Chiefs of Staff both agree and recommend that Jon E. Swanson be awarded the Medal of Honor. This bill would waive the period of time limitations under section 3744 of title 10 to authorize the President to award Jon E. Swanson the Medal of Honor.

This bill would authorize the President to award the Medal of Honor to Jon E. Swanson, who served in the United States Army during the Vietnam War and who was assigned as a Captain with Troop B, 1/9<sup>th</sup> Cavalry, 1<sup>st</sup> Cavalry Division (Airmobile). It would waive the specific provisions of section 3744 of title 10 that the award be made within three years of the date of the act upon which the award is based.

On February 26, 1971, Captain Jon E. Swanson was flying an OH-3A aircraft on a close-support reconnaissance mission in support of Army of the Republic of Vietnam (ARVN) Task Force 333 in the Kingdom of Cambodia. Two well-equipped enemy regiments were known to be in the area, and Captain Swanson's mission was to pinpoint precise enemy positions. To

accomplish this mission, he was required to fly at treetop level at a slow airspeed, thus making his aircraft a very vulnerable target. The advancing ARVN unit came under heavy automatic weapons fire from enemy bunkers in a treeline approximately 100 meters to their front. Captain Swanson, completely exposing himself to enemy anti-aircraft fire, immediately engaged the enemy bunkers with concussion grenades and machine gun fire.

After destroying five bunkers and successfully evading ground-to-air fire, he discovered a .51 caliber machine gun position. He had expended his heavy ordnance on the bunkers and did not have sufficient explosives to destroy the positions. Consequently, he marked the position with a smoke grenade and directed a Cobra gunship attack on the position. Upon completion of the attack, he again returned to the area to assess the battle damage. Captain Swanson found the weapon still intact and an enemy soldier crawling over to man it. He immediately engaged the individual and killed him. His aircraft was then taken under fire by a second .51 caliber machine gun position. Although his aircraft had sustained several hits, Captain Swanson engaged the position with his aircraft weapons, marked the target, and directed a second Cobra gunship attack. He volunteered to continue the mission despite the fact that he was critically low on ammunition and his aircraft was crippled from the hits it sustained. While approaching the target area, Captain Swanson was taken under fire by yet another .51 caliber machine gun position. In an effort to mark the position with smoke, he again flew into the objective area. Although his aircraft was taking heavy fire, he continued to fly to the .51 caliber position. It was at this point that his aircraft exploded in the air and crashed to the ground. Captain Swanson's courageous actions resulted in at least eight enemy killed and the destruction of three enemy anti-aircraft positions, which would have been responsible for the destruction of many more helicopters and crews.

The acts of then-Captain Jon E. Swanson clearly distinguish him conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty, as required by section 3741 of title 10, United States Code, to merit this legislation and the award of the Nation's highest military honor.