

In Memory



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July 7, 1924 - May 29, 2004

JOMMSA

JOURNAL OF THE ORDERS AND MEDALS SOCIETY OF AMERICA
Volume 54 May - June 2003 Number 3



PFC Felix B. Mestas, Jr. - Silver Star or Medal of Honor?

The Felix B. Mestas, Jr. Silver Star Revisited

Todd Wheatley

Introduction

The awarding of decorations can't be other than a supreme exercise in subjectivity. The degree of valor must be determined and compared with other battlefield deeds, while at the same time a judgement is made regarding which decoration most appropriately recognizes the action performed. If a consensus concludes that a gallantry award is not befitting the deed, a conflict is created that can only be resolved by exercising non-judicial options within the military bureaucracy. It is hoped that this article will shed light on this facet of the military awards system, which, for the most part, is almost completely unknown to those with an interest in U.S. Army decorations.



Figure 1: Felix B. Mestas, Jr. on leave in Fall 1943 before going overseas. Members of his unit referred to him as "Cowboy" because he fired his Browning Automatic Rifle (BAR) with deadly accuracy from the hip.

Background

The abuses inherent in awarding decorations in the U.S. Army during World War II are legion. Sadly, politics all too often played a role as evidenced by the Medals of

Honor awarded to Douglas MacArthur and Jimmy Doolittle. Neither was deserved. The Silver Star is another decoration that was abused. War Department records indicate that 52,831 Silver Stars were awarded



Figure 2: The Mount Mestas Monument. At the dedication Brigadier General George V. Keyser, the Commanding General of Fort Carson, Colorado, noted: "It is a tribute to the American people that such men as Felix Mestas spring from all modes of life to perform deeds that live eternally." The memorial contains the names of 63 Huerfano County men killed during World War II with a photo of Felix Mestas above the names. When viewed by the author in Fall, 1992, vandals had desecrated the monument, using it for target practice. This monument was removed several years ago and plans now call for a new monument of the same design to be dedicated at the Veteran's Nursing Home in Walsenburg. In addition, the local VFW chapter plans to place a flat memorial tablet at the original site and hope that it will be less likely to be used for target practice.

Political pressures during the past ten years have forced the Army to conduct two separate reviews of previously approved gallantry awards for possible upgrade to the Medal of Honor. The first review, which was mentioned earlier, resulted in upgrades to the Medal of Honor for seven African-American soldiers. The presentations were made at the White House by President Clinton to the one surviving soldier and to the families of the other soldiers. Racial prejudice was cited as the reason why the earlier award to these soldiers did not truly reflect the degree of heroism demonstrated on the battlefield by these gallant men. This later review focused on 19 Japanese-American recipients of the Distinguished Service Cross who served in Italy, France, and Germany with the 442nd Regimental Combat Team and the 100th Battalion. The upgrade ceremony was presided over by President Clinton on June 21, 2000 in the White House. One of the new Medal of Honor recipients that emerged from the second review is Daniel Inouye, the senior U.S. Senator from Hawaii.

It is possible that there will be one or more additional reviews during the next several years. Section 552 of the National Defense Authorization Act for fiscal year 2003 has allocated funds for reviews of the decorations awarded to Hispanic and Jewish veterans. My campaign is now centered on ensuring that Felix Mestas will be included in any future review of decorations to Hispanics.

It is my sense that Mestas would not want to be a part of such an undertaking, and why should he? His deeds do not lend themselves to an effort motivated solely to ensure political correctness - his accomplishments stand on their own.

The first time the Army failed Felix Mestas was when he was only awarded the Silver Star. Its second failure occurred when the Army Decorations Board, for whatever reason, was unable to conduct an objective review of his actions 58 years earlier on the outpost line on the forward slope of Mt. Battaglia. The actions of the Decorations Board clearly exacerbated a situation replete with misjudgement and a complete lack of understanding and appreciation of an action in which an infantry soldier made the supreme sacrifice. The journey continues.

Acknowledgments

Gathering information for this article was truly inspirational. The citizens of Huerfano County, Colorado, had not forgotten Felix Mestas and his contributions to the Italian campaign of 1944. I am

indebted to Mrs. Carolyn Newman, Curator of the Mining Museum of Walsenburg, Colorado, for a series of newspaper articles from wartime issues of *The La Veta Adventurer* concerning the exploits of Felix Mestas. Another contributor was Darrell Arnold of La Veta, owner-publisher of *Cowboy Magazine*, who raided the La Veta Museum securing for me several articles from the defunct *World Independent*, thus adding to the Mestas story. Mention must also be made of Mrs. Dorothy Mihanovich of the Huerfano County Chamber of Commerce, who provided me with information dealing with Huerfano County and the dedication of the Mestas Memorial Monument near North La Veta Pass on U.S. Highway 160 in June of 1952. Historian Mrs. Nancy Christofferson of La Veta is acknowledged for directing me to several surviving members of the Mestas family, one in my own backyard. Mr. Ray Bustos is a cousin of Felix Mestas and a childhood playmate. He is presently the commander of the Walsenburg VFW post and sent to me a picture of the Mestas' Memorial Monument. Grace Mestas Konieczny of Chesterland, Ohio, a sister of Felix Mestas, served as a 1st Lieutenant in the Army Nurse Corps during World War II. Her son, Joseph Konieczny, supplied me with several additional newspaper articles highlighting Felix Mestas' wartime exploits. In addition, he directed me to another sister, Mrs. Bell Davis of Paso Robles, California. Mrs. Davis invited me to her home and over lunch showed me clippings from *The Denver Post* and remarks entered into the *Congressional Record* by Congressman J. Edgar Chenoweth of Colorado on March 1, 1945, dealing with the actions of Felix Mestas during the period of September 27-29, 1944 on Mt. Battaglia in Italy. The picture of Felix Mestas appearing in this article was provided by Mrs. Davis from her collection of family memorabilia.

Please note: This article is one author's view of the process involved in attempting to retroactively upgrade a posthumous decoration awarded to an individual soldier during World War II. The opinions expressed in this article do not necessarily represent the views of the Orders and Medals Society of America, its officers or board of directors, or the editor of this Journal. [The Editor]

by the Army. Many of the Silver Stars awarded to general officers at division and higher levels are suspect. Most did not smell of powder smoke. Perhaps the most controversial of the World War II Silver Star awards is the one that was made by General Douglas MacArthur to Lyndon Baines Johnson, who allegedly needed a wartime decoration to enhance his future political career. The above abuses are examples of the *overrated* award. There is, however, another type of award abuse - the *underrated* award. Just such a type is exemplified by the Silver Star awarded posthumously to Private First Class Felix B. Mestas, Jr. (Figure 1) of Company G, 350th Infantry Regiment, 88th Infantry Division. In this case, the degree of valor and self-sacrifice demonstrated by Private Mestas on Mount Battaglia, Italy, during the period of September 27-29 1944 far exceeded the level of the Silver Star. This award to Mestas and my attempt to have it upgraded is the primary focus of this article.

In December 1943, I was a private assigned to the 81mm Mortar Section of Headquarters Company, 5th Infantry Regiment, 71st (Light) Division, at Camp Carson, Colorado. It was there where I met Felix B. Mestas, Jr. of La Veta, Colorado. During January 1944, the 71st Division was deployed to Hunter Liggett Military Reservation in California, where we maneuvered for the next four months against the 89th Division. From January through May, I shared a pup tent with Felix Mestas. It was during this period that I grew to know the man, and a man he truly was. He professed a hatred for the Army and desired only to "kill Germans" so he could return to Colorado as soon as possible to manage the family holdings.

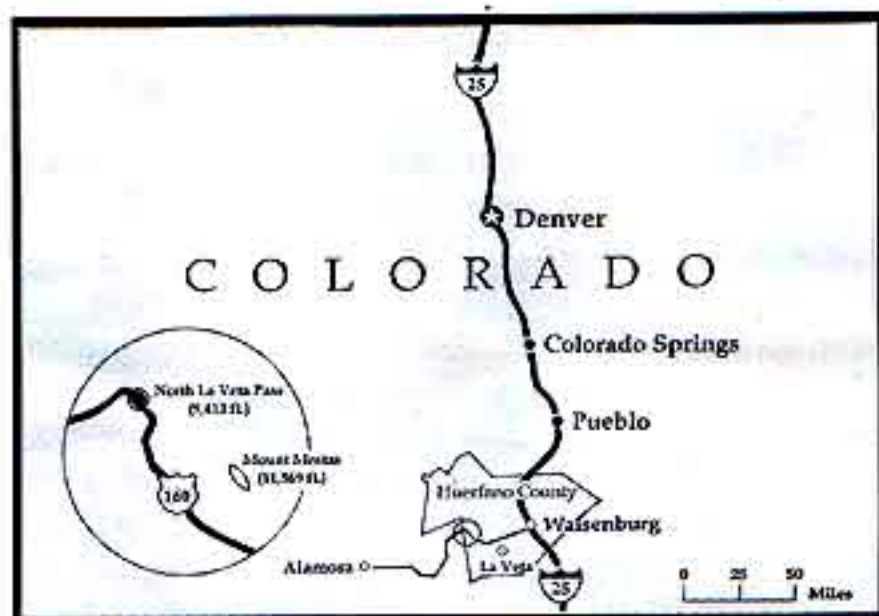


Figure 3: Location of the Mount Mestas Memorial

Felix B. Mestas, Jr. was born on a ranch five miles north of La Veta, Colorado on August 23, 1921. He was one of eight children born to the county assessor of Huerfano

(war-fa-no) County. Mestas graduated from La Veta High School and at the time of his induction into the Army he was working on the family ranch. After his death, he was interred in the Pietramala Cemetery at Mt. Beni, Italy, but was re-interred in La Veta in 1948.

While at Hunter Liggett, my mortar section provided close support to the 5th Infantry Regiment during maneuvers. As part of the 71st (Light) Division, we had no organic motor transportation; although our mobility was enhanced somewhat by mules assigned to the section. This meant that in addition to servicing our weapons, we doubled as mule skinnners.

We maneuvered for four months throughout the coastal range east of the William Randolph Hurst ranch at San Simeon. Following the end of the exercises around the middle of May, the privates of the division were alerted and sent by train to Camp Patrick Henry, Virginia, for overseas processing. From there, our contingent entrained to Newport News, Virginia, where we boarded the transport *William A. Mann*, which sailed on June 5, 1944 for Oran, Algeria in North Africa. From Oran, we sailed on His Majesty's Transport (HMT) *Samaria* to Naples and then traveled a short distance by rail to the Caserta-Santa Maria area and to a replacement depot known as the "dairy farm" by veterans of the Italian campaign. Mestas was assigned to the 88th Division, while I was assigned to the 34th. I never saw him again. Despite the short duration of our friendship, Felix Mestas has had a profound influence on my life. To me, he was the personification of what an infantryman should be.

I was later wounded and returned to the States for a prolonged hospital stay in California. One evening, the local radio station broadcast a Treasury Department "Hero of the Week" spot aimed at selling war bonds. To my surprise, the program highlighted the inspired exploits of Felix Mestas during a three-day battle on Mt. Battaglia, Italy, which resulted in his death. The military situation at that time is depicted in Figure 4.

I often thought of Felix Mestas following the war; but I knew little of the circumstances of his death until I made a trip to Washington, DC, in 1982. My trip included a visit to the National Archives, and once there I decided to canvas the General Orders of the 88th Division for any information on Mestas. After several hours, I found General Order (GO) 22, dated February 21, 1945, which gazetted the award of a posthumous Silver Star to Felix Mestas. The citation accompanying the Silver Star awarded to Mestas is shown in Figure 5. I had been under the impression that he had been awarded the

The President of the United States of America, authorized by Act of Congress, July 9, 1918, has awarded the Silver Star, posthumously, to

PRIVATE FIRST CLASS FELIX B. MESTAS, JR., USA

for gallantry in action:

Felix B. Mestas, Jr., 37354821, Private First Class, Company G, 350th Infantry Regiment. For gallantry in action on 27, 28, and 29 September 1944, on Mount Battaglia, Italy. On 27 September 1944, Company G, occupied Mount Battaglia with orders to hold this strategic height at all costs. Private Mestas, a BAR gunner, and his assistant dug a position on the forward slope of the hill. Within an hour after its occupation, Mount Battaglia received the first of many severe counterattacks. As the Germans crept up the hill, Private Mestas stood upright in his position and fired the BAR from his hip. His accurate fire dispersed the enemy and inflicted casualties upon them. The next day the Germans counterattacked three times but each time Private Mestas helped to repel the attacks. On the afternoon of the third day, the enemy launched a particularly heavy counter-attack, and due to the rain and fog, were able to approach close to our positions. With utter disregard for the withering hail of fire directed at him, Private Mestas again fired his BAR from a standing position in order to obtain a better field of fire. When his weapon jammed, he calmly repaired the stoppage under the protecting rifle fire of his assistant gunner. Occasionally he paused to throw grenades, and after expending his meager supply of grenades, resorted to the use of rocks. As it became evident that their position would soon be overrun, Private Mestas ordered his assistant gunner to run to the safety of the reverse slope of Mount Battaglia while he protected his withdrawal with his BAR. The only soldier now on the forward slope of Mount Battaglia, Private Mestas calmly fired clip after clip from his BAR into the fanatical enemy ranks who were charging up the hill massed almost shoulder to shoulder. Private Mestas killed twenty-four enemy soldiers before he was killed. His gallant stand held off the enemy long enough for our men to reform and to repel the attack. His characteristic disregard for danger and tenacious determination to hold his position at all costs served as a guide to the fighting spirit of our men and is typical of the valor and self-sacrifice of the infantry soldier.

Figure 5: Citation for Mestas' Silver Star

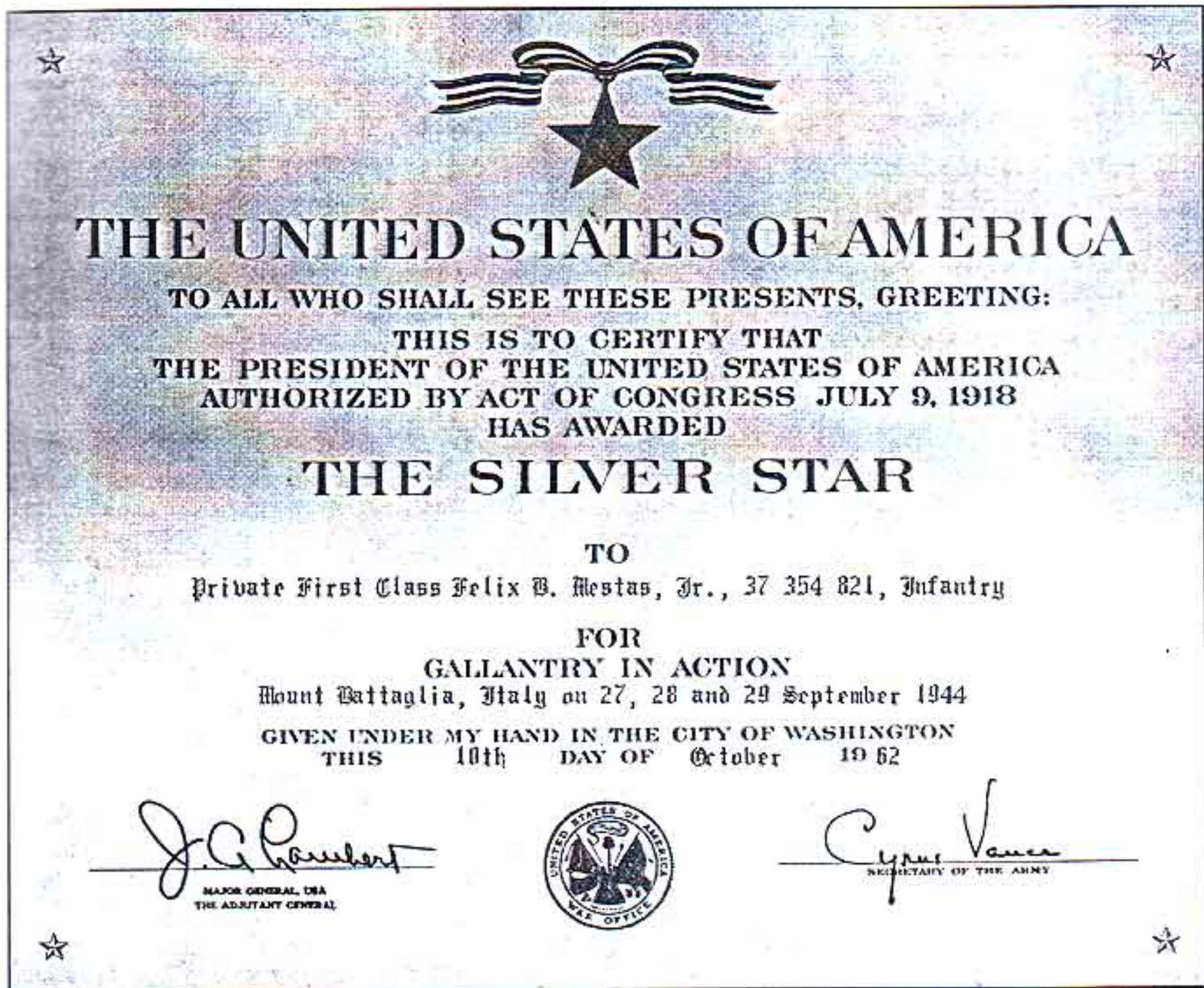


Figure 6: Certificate for the Silver Star posthumously awarded to Private First Class Felix B. Mestas.

of six Distinguished Service Crosses and one Silver Star, all to African-American veterans of World War II, had been upgraded to the Medal of Honor. Noting that the Army now appeared to be receptive to reviewing previously awarded decorations, I thought the time had come to rectify what I considered an injustice regarding the Silver Star to my friend.

The Upgrade Effort

The first step for me in what has been a five year quest was an April 1, 1996 letter (Figure 7) to Congresswoman Patricia Schroeder of Colorado that solicited her assistance in upgrading Mestas' Silver Star. Regarding the citation, I suggested that it "represents a gross injustice and in no way reflects the degree of his [Mestas'] valor and sacrifice." Instead, the citation "fully supports an

award of the Congressional Medal of Honor. At a minimum he should receive the Distinguished Service Cross." I also sent a copy of my letter to each member of the Senate Armed Services Committee (21 copies) and the National Security Committee of the House of Representatives (54 copies).

The first reply to my letter came from the Chairman of the Senate Armed Services Committee, Senator Strom Thurmond of South Carolina. In his April 10th reply Senator Thurmond acknowledged receipt of my letter and stated "if I can be of assistance ... please do not hesitate to contact me." Congresswoman Schroeder's April 15th response arrived a few days later. Her letter informed me that my request had been forwarded to Congressman Wally Herger of California (Figure 8), who is the Representative of the congressional district where I

1 April 1996

The Honorable Patricia Schroeder
United States House of Representatives
Washington DC 20515

Dear Representative Schroeder:

An article in The Army Times of March 25, 1996, announced that the Department of the Army would shortly begin to review the citations of certain decorations awarded for "gallantry in action" to World War II soldiers with the view of upgrading them to properly reflect their degree of valor.

The purpose of this correspondence is to request your assistance in upgrading the Silver Star awarded posthumously to a Hispanic-American soldier, the late Private First Class Felix B. Mestas, ASN 37354821, Co. "G" 350th Infantry Regiment, 88th Infantry Division, for "gallantry in action" in the Italian campaign of 1944. A photocopy of his citation is attached for your review and study.

As a student of United States campaign and service medals and decorations for over fifty years, the citation accompanying the award of the Silver Star to Private Mestas represents a gross injustice and in no way reflects the degree of his valor and sacrifice. This citation, I submit, fully supports an award of the Congressional Medal of Honor. At a minimum he should receive the Distinguished Service Cross. It is in the spirit of correcting this oversight that I commend the case of Private Mestas to you with the hope of soliciting your aid to correct this tragic and unthinkable inequity.

While serving as a young infantry soldier in Headquarters Company, 5th Infantry Regiment, 71st Infantry Division during the fall and spring of 1943-1944, I came to know Felix Mestas. While on maneuvers at Hunter Liggett Military Reservation we shared a pup-tent for several weeks. We were both alerted for overseas duty in May of 1944 and sailed on the transport W.A. Mann from Newport News, Virginia, on June 5, 1944. My last association with Mestas was at a Replacement Depot in Italy known as the "dairy farm." After processing he was assigned to the 88th Division, I to the 34th. I never saw him again.

In November of 1944 I was returned to the States as a result of wounds received during the reduction of Pisa, Italy. During my convalescence at De Witt General Hospital, Auburn, California, Mestas was the subject of a Treasury Department "Hero of the Week" radio broadcast aimed at selling war bonds. As I recall, the broadcast was a mirror of his Silver Star citation with the additional comment that after running out of ammunition, he beat two enemy soldiers to death using his Browning Automatic Rifle (BAR) as a club before he succumbed to enemy small arms fire.

Several years ago my wife and I were traveling on US Highway 160 in Colorado. At a point midway between La Veta Pass and the town of Walsenburg was a vista point containing a cairn which supported a plaque and picture of Felix Mestas. The inscription on the tablet guided the viewer to Mount Felix B. Mestas which rose in the background. The monument was a tribute from the citizens of Colorado to one of her soldier sons.

Having served in an infantry rifle company in combat, I believe I am qualified to say unequivocally that the conduct of Felix B. Mestas under fire was truly inspirational - a model for all to emulate. In reviewing a score or more Medal of Honor citations of the period, he clearly demonstrated an equal or higher degree of valor and sacrifice than many of the World War II Medal of Honor recipients.

The story of Felix B. Mestas and his unselfish devotion to duty is the sole motivation for this letter. To my knowledge there is no one left to champion his cause. I hope you agree that this oversight on the part of the United States Army needs correcting and will enlist with me in this crusade. Thank you in advance for your attention and assistance.

Sincerely yours,

EDWIN T. WHEATLEY, JR.
Colonel AUS (Ret.)

Figure 7: Letter to Congresswoman Patricia Schroeder



Figure 8: Congressman Wally Herger.

reside. She suggested that "this ... matter can be best handled by Representative Herger." Near the end of April, I received correspondence from Congressman Herger that acknowledged receipt of my earlier letter to Congresswoman Schroeder. Congressman Herger's letter also indicated that he had requested the Department of the Army to conduct a review of Mestas' award. Unknown to me at the time, Senator Dianne Feinstein of California had also forwarded my packet to the Department of the Army and requested a review. More on this later. Sometime around the middle of May I met with Congressman Herger, and over lunch I presented the case for upgrading Mestas' Silver Star as I viewed it, emphasizing just why I felt an injustice had been done. I also showed him several Medal of Honor citations that I compared against Mestas' citation.

I should mention at this juncture that Congressman Herger acted upon information that I provided to him. Whenever his staff prepared a letter to be sent to the Department of the Army under his letterhead, I provided the basic text and the staff added the required political boiler-plate. Once dispatched, it took the Department weeks or even months before it responded to Congressman Herger's letters.

Several months after my luncheon with Congressman Herger, I forwarded a letter to the Records Reconstruction Branch of the National Personnel Records Center in St.

Louis. After invoking certain provisions of the Freedom of Information Act, my letter requested information pertaining to the award of the Silver Star from Mestas' official Army personnel records, commonly known as the "201 File." After waiting two months without receiving a reply, I called the office of the branch to check on the status of my request. The representative of the branch that I spoke to explained that Mestas' file had been destroyed in the Records Center fire of July 12, 1973. The only surviving records were a letter from a niece who lived in the Los Angeles area and a War Department (WD) AGO Form 52-1, "Report of Death." The representative would not disclose the contents of the niece's letter, but the branch did forward a copy of AGO Form 52-1. For some unknown reason, AGO Form 52-1 shows Mestas as missing in action from September 29, 1944 to December 16, 1944, at which time "evidence considered sufficient to establish the fact of death was received by the Secretary of War from a Commander in the Mediterranean area."

As previously noted, both Congressman Herger and Senator Feinstein had contacted the Department of the Army and requested a review of the circumstances surrounding the award of the Silver Star to Felix Mestas. The thrust of the responses by the Department to these requests were almost identical. They centered on the lack of documentation, eyewitness accounts of the event, affidavits, chain-of-command recommendations and endorsements, and related documentation that would support the upgrade action.

The reply to Congressman Herger's initial request of April 1996 was provided by the Army's Legislative Liaison Office. It clumsily summarized its views on the subject by stating that "an initial review of the information submitted in support of this award recommendation indicates that the documentation is insufficient to support an equitable assessment of the request." Attached to the reply was a listing of federal repositories where the needed documentation might be available. A short time later, Congressman Herger forwarded to the Legislative Liaison Office a copy of my letter to Congresswoman Schroeder, Mestas' Silver Star citation, extracts from the 88th Division's official World War II history that highlighted the exploits of Private Mestas, the gazette of the award of the Silver Star to Mestas from the 350th Infantry Regiment roster, and lastly, extracts from Title 10, USC, Armed Forces, dated December 31, 1996. In his cover letter, Congressman Herger indicated that he felt the attachments met the documentation requirements for a review of Mestas' Silver Star.

Despite the materials provided by Congressman Herger, no action was taken by the Army. During October 1997, nearly a year and a half after the Army had received the materials, I attempted to rejuvenate my effort by sending a letter to the Army Chief of Staff, General Dennis J. Reimer. My letter resulted in two responses from the Army. The first, dated in January 1998, was from the Military Awards Branch of the Total Army Personnel Command's Personnel Service Support Division. It quoted Section 526, USC, paragraphs 104-106, which outlined the requirements for upgrading a previously approved award. Attached was a worksheet that highlighted the types of documentation required for an upgrade action and a list of government repositories with holdings of such materials. A DA Form 636, "Recommendation for Award," completed the package. The second letter was dated in February and originated from the office of the Deputy Chief of Staff of the Army for Personnel. This letter merely restated the contents of the letter previously received from the Military Awards Branch.

Almost the same time that the Military Awards Branch was preparing its response to me, Congressman Herger sent a letter to the Department of the Army through its Congressional Inquiry Division that reemphasized his desire for a review of Mestas' Silver Star. This letter produced the first positive response from the Army since I began my effort nearly two years earlier, because the 28 January reply from the Division to Congressman Herger stated that a case number (No. 80403522) had been assigned and that "an inquiry into this matter has been initiated."

In an effort to establish a paper trail from regiment to division relating to the Mestas Silver Star award, I called the Washington National Records Center at College Park, Maryland, in mid-February 1998. During a lengthy conversation with an archivist, I outlined in detail the data I was seeking and why. On the same day, I formally requested this information by letter noting that the personnel files of the 350th Infantry should be searched as well as the G-1 (Personnel) and Adjutant General (AG) files of the 88th Division Headquarters. It was my belief that selected facts in these files would add materially to the case of upgrading Mestas' Silver Star. Two weeks later I received a reply from my contact who indicated "I [have] searched the 88th Division After-Action Reports and histories in our custody, but none of the material cites Mr. Mestas or his actions." It was my sense that the reply was bureaucratic in nature and possibly a standard response to an inquiry deemed unworthy of serious consideration and/or research.

Meanwhile, Congressman Herger was acting on his own initiative in my behalf. During April, he sent a letter to Secretary of the Army Togo D. West, Jr. in an attempt to motivate the Army into action. Among the issues raised by Herger in his letter were earlier concerns by agencies within the Department of the Army regarding a lack of eyewitness accounts of Mestas' valor on Mt. Battaglia. To these objections, Herger noted that Mestas' 201 File was destroyed in the 1973 Records Center fire and that his Silver Star citation constituted the ultimate eyewitness account. Congressman Herger closed by saying, "The recognition of gallant service and the sacrifice of one's life can never be adequately conveyed by any award, but surely we owe at least this tribute to Private First Class Mestas."

Congressman Herger's letter to Secretary West produced a positive reply from Major Daniel B. Gibson, the Chief of the Military Awards Branch, which stated that "the recommendation to upgrade [the] award of the Silver Star ... has been accepted for processing under the provisions of Title 10, USC, Section 1130." At last, Mestas' case would be referred to the next convening Army Decorations Board for review and a final determination.

An explanation of how the Army Decorations Board functions appears to be in order. There are, in fact, three boards. The reader will note that only two of the boards have an impact on the Mestas upgrade effort, thus only they will be discussed in detail. The senior board is staffed by three lieutenant generals, the ranking general presiding as board president. Representing the Army's enlisted personnel is the Sergeant Major of the Army. As with all boards, the agenda is prepared by a secretary. The senior board's responsibilities center on Medal of Honor upgrades as well as upgrades of previously awarded decorations to general officers. A unique requirement of the senior board is that when considering an upgrade to the Medal of Honor there is always present a Medal of Honor recipient as sort of an emeritus board member having "been there and done that." In some instances, a retired officer might be called to duty to fill this role but only for the duration of the board meeting.

The intermediate board is composed of colonels, as a rule, three in number, with the ranking colonel functioning as board president. Enlisted representation is accomplished by the appointment of the Command Sergeant Major from the U.S. Total Army Personnel Command. This board is chartered to review upgrades through the Distinguished Service Cross to Army personnel up to and including the rank of colonel. It

should be noted that both the senior and intermediate boards occasionally rule on downgrades of decorations as well. Further, all board members are decorated officers from the combat arms - Infantry, Artillery, Armor, and Engineers. Of late, it is becoming increasingly difficult to staff the intermediate board because almost thirty years have passed since the end of the Vietnam War. It is anticipated that future board appointments will be made from a reservoir of retired officers living in and around the Washington, DC, area.

The third board, last in the trilogy, is concerned with reviewing and recommending Unit Citations - the equivalent of a Silver Star award for an entire organization whose conduct under fire was felt to be exemplary. At present, certain units on line in Afghanistan and Iraq are under consideration for this prestigious award.

One final thought on the Army Decorations Boards. The DD Form 149 (August 1943), "Application for Correction of Military Records," affords an opportunity for an applicant to appear before either the senior or intermediate board to champion his or her cause. Most important, however, the reader should remember that the burden of proof in any upgrade effort always rests with the petitioner.

Near the end of May, Congressman Herger forwarded to me a copy a letter he had received from Major Gibson. In his letter, Major Gibson stated that the Army Decorations Board had convened on April 30th, and that "it was determined that the recommendation [to upgrade Mestas' Silver Star to the Medal of Honor] does not meet the criteria for the proposed award."

Disappointed but undeterred, I called Major Gibson on June 9 to discuss the ruling of the Board. In particular, I wanted to know if the Board had considered upgrading the Silver Star to the Distinguished Service Cross. Major Gibson replied to this question by assuring me that the Distinguished Service Cross had been considered but was rejected by a majority of the Board members. In light of the deed performed, these members felt that the Silver Star was an appropriate award to Private Mestas. After expressing my view that the Board ruling was totally unacceptable, I then asked for a copy of the minutes of the Board meeting. Major Gibson declined my request, stating that Department of the Army policy precluded the release of any Board proceedings. The same policy was invoked when I asked for the ranks and branches of the individual Board members.

Major Gibson followed up by sending a letter dated the day of our conversation. In his letter he advised, "If you feel that the decision by the Army Decorations Board is unfair or unjust, you may appeal the decision." Enclosed was a DD Form 149 which would initiate the appeal process. At his suggestion, I completed the DD Form 149, attached a copy of Mestas' Silver Star citation and his WD AGO Form 52-1 ("Report of Death"), and forwarded the completed package to the Records Center in St. Louis on 8 July. More than four years later, I have yet to receive a reply from the Records Center despite several calls to ascertain the status of my appeal.

Conclusions

Although my effort to upgrade the Silver Star awarded to Private Mestas continues, I can make several general observations about my experience so far in dealing with the various government agencies that I have contacted. At the outset, it became apparent that the Department of the Army does not like to admit to making a mistake. To protect its self-perceived reputation for infallibility, the Department has posed one obstacle after another that were specifically intended to discourage me or impede any progress towards righting what I felt was a gross injustice. Primary among these impediments was the Army's oft-stated position that there was a lack of eyewitness accounts needed to upgrade the award. Whenever the Army proffered this absurd assertion, I responded by simply noting that Mestas' Silver Star citation was certainly a composite of several eyewitness accounts, and thus it constituted the ultimate account of his extraordinary heroism on Mt. Battaglia.

It can also be said that many of the agencies I encountered during the course of my effort were not helpful or even forthright. For example, the Military Awards Branch was virtually uncooperative, which tended to make my contacts with the Branch somewhat adversarial in nature. By contrast, my association with Congressman Herger was fruitful beyond my wildest expectations. The Congressman and his staff made themselves available to me on numerous occasions, often on short notice; and it was his letter of April 2, 1998 to Army Secretary Togo West that elevated Mestas' Silver Star to the Army Decorations Board for a formal review. Although the determination of the Board was not what I had hoped for, I was satisfied at the time that all that could have been done was accomplished. Nonetheless, I was convinced that the Army's determination had only compounded the initial mistake it made regarding Mestas' award.