

CS FOR HOUSE JOINT RESOLUTION NO. 9(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/12/95

Referred: Rules

Sponsor(s): REPRESENTATIVES JAMES, Kubina, Therriault, Mulder, Brice, Nicholia

A RESOLUTION

1 Requesting the governor to file suit in the United States Supreme Court against
2 the United States government alleging violations of the civil rights of Americans
3 listed as prisoners of war or missing in action in Southeast Asia, demanding that
4 documents concerning these individuals be released; and requesting the other states
5 to join in this suit.

6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

7 WHEREAS there is continuing controversy concerning Americans who were listed
8 as prisoners of war (POW) or missing in action (MIA) while serving in the Southeast Asian
9 nations of Vietnam, Laos, and Kampuchea (formerly Cambodia); and

10 WHEREAS the United States government has stated that all of our POWs have been
11 returned; and

12 WHEREAS a top secret Vietnamese report dating from 1972 by General Tran Von
13 Kwang, Deputy Chief of Staff for the North Vietnamese Army reported that in September of
14 1972 Hanoi held 1,205 American prisoners; and

15 WHEREAS only 591 American POWs have been released under the 1973 Peace

1 Settlement, which means that, based on General Kwang's own report, at least 614 POWs were
2 not returned or accounted for; and

3 **WHEREAS** Vietnamese nationals who have moved to the United States have reported
4 the appearance of American prisoners still being held in Southeast Asia; and

5 **WHEREAS** Boris Yeltsin, President of Russia, let it be known that the Soviet Union
6 took members of the American armed forces into the former Soviet Union during the Vietnam
7 War and that there is no adequate explanation of the whereabouts of these Americans; and

8 **WHEREAS** there are still hundreds of documents concerning this issue held by the
9 United States Department of Defense that have not been released to the public, yet individuals
10 within the federal intelligence agencies have tried to discredit information concerning the
11 existence of American POWs instead of demanding a full accounting from Vietnam, Laos,
12 Kampuchea, North Korea, China, and the former Soviet Union; and

13 **WHEREAS** there are two missing and unaccounted for servicemen in Southeast Asia
14 from Alaska; and

15 **WHEREAS** the right to liberty--that inherent and inalienable right endowed by our
16 Creator, as guaranteed by the Declaration of Independence and the Constitution of the United
17 States--is being denied to any American being held prisoner as a result of the Vietnam War;
18 and

19 **WHEREAS** the executive branch of the federal government has not even attempted
20 to negotiate the release of Americans that may still be held prisoner as a result of the war in
21 Southeast Asia and is not actively searching for remaining Americans; and

22 **WHEREAS** the lower courts of the federal judiciary have not granted relief to
23 American soldiers listed as POWs or MIAs; and

24 **WHEREAS** the United States Supreme Court is the last bastion that an American
25 citizen has for redress of grievances and protection of constitutional liberties; and

26 **WHEREAS** the United States Constitution in art. III, sec. 2, states, "In all Cases
27 affecting Ambassadors, other public Ministers and Counsels and those in which a State shall
28 be a Party, the Supreme Court shall have original Jurisdiction.";

29 **BE IT RESOLVED** that the Alaska State Legislature respectfully requests the
30 governor to authorize suit in the United States Supreme Court against the United States
31 government, especially the Department of Defense and the intelligence agencies, and against

1 the ambassadors or other public ministers and counsels of the governments of Vietnam, Laos,
2 Kampuchea, Russia, North Korea, and China, alleging violations of the civil rights of the
3 people of Alaska, and especially alleging the violation of the right to life, liberty, and the
4 pursuit of happiness of Thomas E. Anderson, USMC, and Howard M. Koslosky, USN; and
5 be it

6 **FURTHER RESOLVED** that the lawsuit demand that the Department of Defense, the
7 intelligence agencies, and the governments of Vietnam, Laos, Kampuchea, Russia, North
8 Korea, and China be ordered to turn over all documents concerning Americans listed as POWs
9 or MIAs as a result of the Vietnam War; and be it

10 **FURTHER RESOLVED** that the lawsuit is not intended to solicit a ruling or an
11 opinion definitively declaring the POW/MIA issue moot, but rather it is intended to seek a
12 mandate that all documents and other information concerning POWs and MIAs be released
13 to the public so that the fate or location of all members of the service who were POWs or
14 MIAs may be proven beyond a reasonable doubt; and be it

15 **FURTHER RESOLVED** that the Alaska State Legislature respectfully requests the
16 other 49 states of the United States to join in this action on behalf of their citizens being held
17 in captivity as a result of the war in Southeast Asia.

18 **COPIES** of this resolution shall be sent to the Honorable Bill Clinton, President of the
19 United States; the Honorable Al Gore, Jr., Vice-President of the United States and President
20 of the U.S. Senate; the Honorable Strom Thurmond, President Pro Tempore of the U.S.
21 Senate; to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and
22 the Honorable Don Young, U.S. Representative, members of the Alaska delegation in
23 Congress; and to the governors and the presiding officers of the houses of the legislatures of
24 each of our sister states.