

HOUSE JOINT RESOLUTION NO. 51
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES JAMES, Therriault

Introduced: 1/19/94

Referred: House Special Committee on Military and Veterans' Affairs, State Affairs

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; and requesting**
4 **the other states to join in this suit.**

5 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 **WHEREAS** there is continuing controversy concerning Americans who were listed as
7 **Prisoners of War (POW) or Missing in Action (MIA) while serving in the Southeast Asian**
8 **nations of Vietnam, Laos, and Kampuchea (formerly Cambodia); and**

9 **WHEREAS** the United States government has taken the position that all of these
10 **POWs have been returned, although only 591 American POWs have been released under the**
11 **1973 Peace Settlement; and**

12 **WHEREAS** a Vietnamese report dating from 1972 by General Tran Von Kwong,
13 **Deputy Chief of Staff for the North Vietnamese, Army reported that in September of 1972**
14 **Hanoi held 1,205 American prisoners, and Vietnamese nationals who have moved to the**
15 **United States have reported the appearance of American prisoners still being held in Southeast**
16 **Asia; and**

1 **WHEREAS** the president of Russia let it be known that the Soviet Union took
2 members of the American armed forces into Russia during the Vietnam War and that there
3 is no adequate explanation of the whereabouts of these Americans; and

4 **WHEREAS** there are still hundreds of documents concerning this issue held by the
5 United States Department of Defense that have not been released to the public, yet the federal
6 intelligence agencies have tried to discredit information concerning the existence of American
7 POWs instead of demanding a full accounting from Vietnam, Laos, and Kampuchea; and

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

10 **WHEREAS** the right to liberty--that inherent and inalienable right endowed by our
11 Creator, as guaranteed by the Declaration of Independence and the Constitution of the United
12 States--is being denied to any American being held prisoner in Southeast Asia as a result of
13 the Vietnam War; and

14 **WHEREAS** the executive branch of the federal government has not even attempted
15 to negotiate the release of Americans that may still be held in Southeast Asia and is
16 obstructing the search for remaining Americans; and

17 **WHEREAS** the legislative branch of the federal government has failed miserably to
18 thoroughly investigate and honestly report on this tragedy, and, indeed, has ordered the
19 destruction of staff documents containing intelligence reports on this sensitive issue; and

20 **WHEREAS** the inferior courts of the federal judiciary have not granted relief; and

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

24 **BE IT RESOLVED** that the Alaska State Legislature respectfully requests the
25 governor to authorize suit in the United States Supreme Court against the United States
26 government, especially the Department of Defense and the intelligence agencies, and against
27 the ambassadors or other public ministers and counsels of the governments of Vietnam, Laos,
28 Kampuchea, Russia, and China, alleging violations of the civil rights of the people of Alaska,
29 and especially alleging the violation of the right to life, liberty, and the pursuit of happiness
30 of Thomas E. Andersson, USMC, and Howard M. Koslosky, USN; and be it

31 **FURTHER RESOLVED** that the suit demand that the Department of Defense, the
32 intelligence agencies, and the governments of Vietnam, Laos, Kampuchea, Russia, and China

1 be ordered to turn over all documents concerning Americans listed as POWs or MIAs as a
2 result of the Vietnam War; and be it

3 **FURTHER RESOLVED** that the Alaska State Legislature respectfully requests the
4 other 49 states of the United States to join in this action on behalf of their citizens being held
5 in captivity in Southeast Asia.

6 **COPIES** of this resolution shall be sent to the Honorable Bill Clinton, President of the
7 United States; the Honorable Al Gore, Vice-President of the United States and President of
8 the U.S. Senate; the Honorable Robert C. Byrd, President Pro Tempore of the U.S. Senate;
9 to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the
10 Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress;
11 and to the governors and the presiding officers of the houses of the legislatures of each of our
12 sister states.