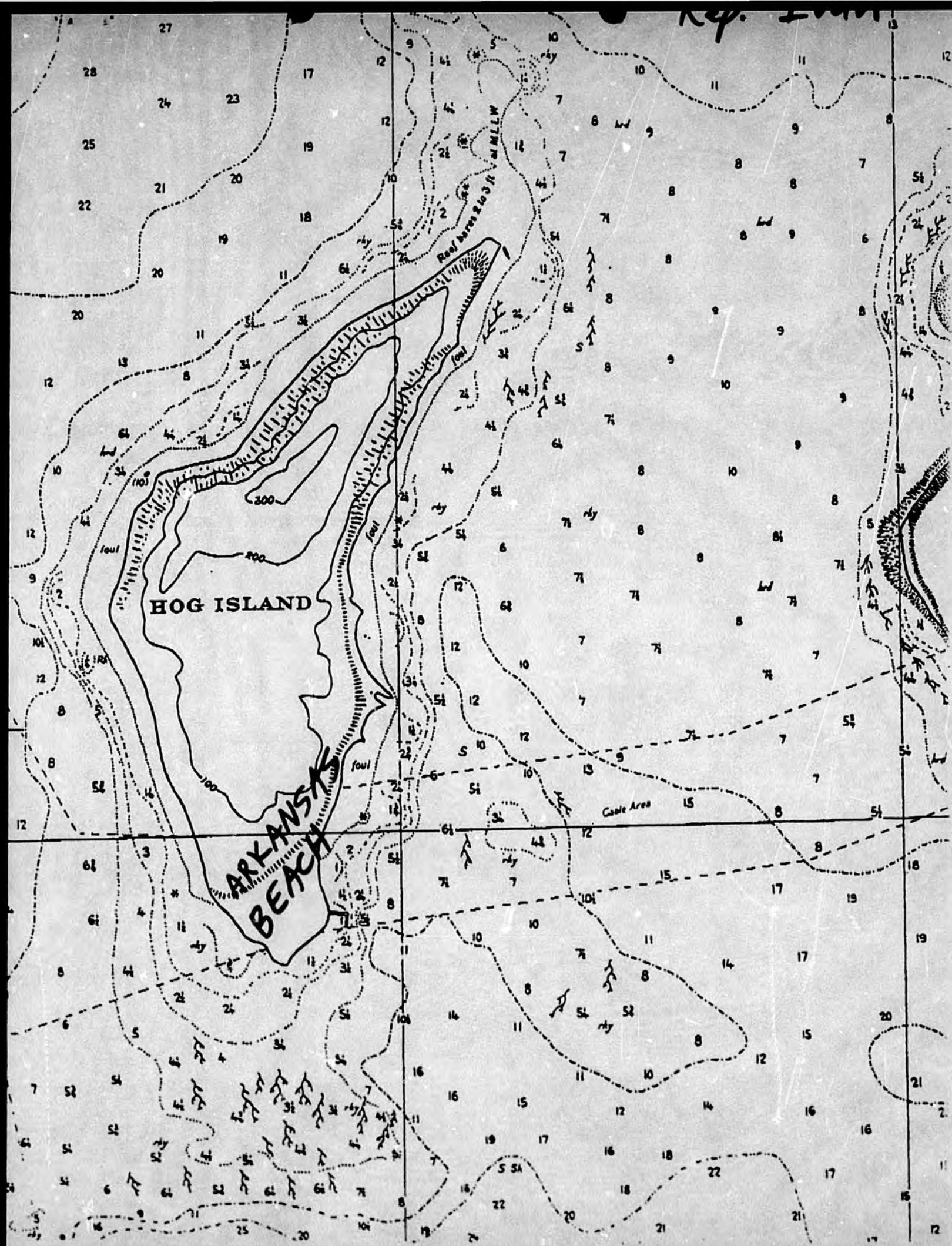


ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672
2147 SCOMM 80: HOUSE SPEC. COMM. MILITARY & VET. AFFAIRS, 1991-92

Rep. 1-1-11



STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

P.O. BOX 5800
FORT RICHARDSON, AK 99505-5800
PHONE: (907) 428-6000

OFFICE OF THE COMMISSIONER

February 11, 1992

Major General James A. Ryan
The Adjutant General, Arkansas National Guard
Camp Robinson
North Little Rock, Arkansas 72118-2200

Dear General Ryan,

Thank you for your letter of December 27, relating to the renaming of Hog Island in the Aleutians. My staff has researched this issue with various legislators and staff, and I am pleased to bring you up to date on its status.

A resolution was introduced on February 12, 1990 in the Alaska Legislature requesting that the Alaska State Geographic Board rename Hog Island to Arkansas Island (copy of SCR 51 enclosed). The information contained in the resolution was confirmed independently through the Legislative Research Agency (copy of their January 24, 1990 memo enclosed). Through either hearings or informal contacts with the residents of Dutch Harbor, where Hog Island is located, it was determined that there was widespread local opposition to renaming the island. The mayor of Dutch Harbor at that time, Paul Fuhs, is now Governor Hickel's legislation liaison and remembers writing a letter to this effect at that time. I expect to receive a copy of this letter soon, and will forward a copy of it to you.

Mr. Fuhs recalls that it was suggested as a compromise to rename the beach on Hog Island to Arkansas Beach. This suggestion was apparently favorably received by the sponsor of the original resolution, Senator Binkley, and he introduced a sponsor substitute for his resolution on March 22, 1990 (copy of SSSCR 51 enclosed). At this point in the legislative history, nothing more seems to have happened. The revised resolution did not leave its first committee of referral, and died with the end of the 16th Legislature.

With the convening of the 17th Alaska Legislature in 1991, all action on this and other legislative business began anew. The sponsors of SCR 51, Senators Binkley and Kelly, did not return to the legislature. Through my staff's legislative contacts, we have not identified any members of the 17th Legislature who have expressed any opposition to renaming the beach on Hog Island to Arkansas beach. It is possible that such a resolution could again be introduced, although at this time we cannot estimate its likelihood of passage, even without opposition.

Forwarded to Ryan 2/13/92 501-771-5203

Ryan phone # 501-771-5200

I realize that renaming the beach is not the same as renaming the island, but it seems unlikely that the Senator and Representative for this area would be willing to support a name change that was opposed by their constituents. If you would like our department to pursue the introduction of a resolution similar to SSSCR 51, renaming the beach on Hog Island to Arkansas Beach, please let me know. While awaiting your response as to whether this change would be acceptable to you, we will work with Senator Fred Zharoff and Representative George Jacko to determine their interest in pursuing the possibility of a resolution in this session of the legislature.

We will be happy to work with you and with our Legislature to make an appropriate recognition of the accomplishments and sacrifices of members of the Arkansas National Guard in the Aleutian campaign of World War II.

Sincerely,



Hugh L. Cox III, Maj Gen AKNG
The Adjutant General

enclosures

cc: Paul Fuhs, Legislative Liaison, Office of the Governor
Senator Fred Zharoff, Alaska State Legislature
Representative George Jacko, Alaska State Legislature

file: hogisle



MILITARY DEPARTMENT OF ARKANSAS
OFFICE OF THE ADJUTANT GENERAL
NORTH LITTLE ROCK, ARKANSAS 72118-2200

BILL CLINTON
GOVERNOR

28 February 1992

JAMES A. RYAN
MAJOR GENERAL
THE ADJUTANT GENERAL

Major General Hugh L. Cox, III
The Adjutant General of Alaska
Post Office Box 5800
Fort Richardson, AK 99505-5800

Dear General Cox:

Thank you for your letter of 11 February 1992 concerning legislation to rename a beach on Hog Island, in honor of the Arkansans who occupied firing positions there in 1942, to "Arkansas Beach".

I have been in contact with the 206th Coast Artillery Association and the Governor's Office and both wish that the legislation introduced by Senator Kelly Binkley (SSSCR 51) be reintroduced and, hopefully, passed to allow the renaming of the particular beach on Hog Island where the three young Arkansans, SGT James Arthur Allen, Corporal John Falls Bowen and SGT Cecil Kenneth Dix lost their lives to "Arkansas Beach". Further, if possible, it is wished that the legislation also include a provision that the 206th Coast Artillery Association be permitted to erect a monument befitting the event and suitable to the site in memory of those gallant young Arkansas Guardsmen, and that the "Arkansas Beach" and its monument be included as part of the Alaska Park system.

Your kindness and assistance is greatly appreciated by Governor Bill Clinton, the families of these three fallen Guardsmen, the 206th Coast Artillery Association and myself. Please express our thanks in advance to Governor Hickel, Senator Zharoff and Representative Jacko.

Sincerely,

James A. Ryan
Major General
The Adjutant General

Enclosure
SSSCR 51 (Alaska)

27 December 1991



Headquarters, Arkansas National Guard

Dear General Cox:

In 1989 there was considerable support for and effort expended by Arkansans and Alaskans to rename Hog Island in the Aleutians to Arkansas Island. I wish to bring this matter to your attention and most respectfully request your assistance in our efforts to remember those Arkansans who lost their lives there.

The 206th Coast Artillery and the 153d Infantry Regiment, Arkansas National Guard, formed a part of the defense of the Aleutians and, in particular, Dutch Harbor from 1942 into mid-1944. During this period, three Arkansas Guardsmen lost their lives trying to protect supplies on a temporary dock serving Hog Island during an unusually fierce wind storm. In addition, other lives were lost in the 3 June 1942 bombing by the Japanese. That period of time, as it turns out, covers the only battle campaign of World War II on the North American Continent. Because of the participation of these Arkansas National Guard units, it is proposed that Hog Island be renamed Arkansas Island.

I have enclosed a copy of the Arkansas Senate Concurrent Resolution passed by the 77th General Assembly when they met in Extraordinary Session in 1989 endorsing the renaming of Hog Island. I understand that except for a small number of Aleutian Indians, there is considerable Alaskan legislative support for the name change.

If at all possible, we would appreciate your help in the Alaskan legislature, and if you have occasion to travel that area, in explaining our reasons for desiring to rename the Island.

Sincerely,

A handwritten signature in cursive script that reads "James A. Ryan".

James A. Ryan
Major General
The Adjutant General

Enclosure

Major General Hugh L. Cox, III
The Adjutant General of Alaska
Dept of Military & Veteran Affairs
Post Office Box 5800
Ft Richardson, AK 99505-5800

*Per Conversation with
AG 9 Jan 92.*

CITY OF UNALASKA

P.O. BOX 89
UNALASKA, ALASKA 99685
(907) 581-1251



March 17, 1992

MG James A. Ryan
The Adjutant General
Military Department of Arkansas
North Little Rock, Arkansas 72118

Dear General Ryan:

Enclosed are the City of Unalaska City Council and Planning Commission Resolutions supporting the designation of a beach on Hog Island, Unalaska, Alaska as Arkansas Beach. I expect the Council to pass Resolution 92-28 on March 31, 1992.

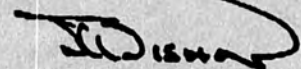
As a member of the Unalaska World War II 50th Commemorative Commission, as well as my normal job as Director of Planning for the City, I would recommend that any memorial to the three Arkansas Guardsmen be placed in the City Memorial Park near the cemetery where similar memorials to Coast Guardsmen and a World War II Memorial is planned rather than on Hog Island.

My reasoning is that, at this time Hog Island is uninhabited and the memorial would not be attended or looked at by the general public or those returning veterans for the 3-4 June activities. If you concur, please have someone coordinate with Judy Mayhew, Director of Parks, Culture and Recreation and Councilwoman Marti Murray, who is also a member of the local Historical Commission. Their address would be:

City of Unalaska
P.O. Box 89
Unalaska, Alaska 99685

I have also asked Kathleen (Mike) Dalton, the World War II Commemorative Commission Staff Support to mail to you all the available information on our commemorative events being planned for 3-4 June 1992, and an invitation to our activities is enclosed.

Sincerely,



John C. Bishop
Director of Planning

enc: AS

cc: MG Cox, TAG AKNG
Judy Mayhew, Director of PCR
Mike Dalton

rh:JCB

CITY OF UNALASKA
UNALASKA, ALASKA
RESOLUTION 92-28

A RESOLUTION IN SUPPORT OF DESIGNATING A BEACH AT HOG ISLAND, UNALASKA, ALASKA "ARKANSAS BEACH".

WHEREAS, During World War II the 206th Coast Artillery, an Arkansas National Guard Unit served with great credit and distinction on Hog Island, Unalaska, Alaska; and

WHEREAS, During this time three young soldiers of the 206th Coast Artillery Unit were killed; and

WHEREAS, The Adjutant General of the State of Arkansas has requested that a beach on Hog Island be designated Arkansas Beach, in memory of those gallant young Arkansas Guardsmen; and

WHEREAS, The designation has the approval of the current owner of Hog Island, Mr. J.W. Graham, and the long term lessee, Mr. Hal Dreyer, as long as this designation does not result in any further city, state, or federal government delays or policies that would affect or slow down future development plans

NOW THEREFORE IT BE RESOLVED THAT: The City Council of the City of Unalaska has no objections to and fully supports the designation of a beach on Hog Island, Unalaska, Alaska as Arkansas Beach.

PASSED AND APPROVED THIS _____ DAY OF _____, 1992 BY
THE CITY COUNCIL OF THE CITY OF UNALASKA, ALASKA.

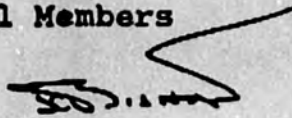
Frank Kelty
Mayor

ATTEST:

City Clerk

CITY Council scheduled
MARCH 31, 1992

MEMO

TO: Mayor Kelty and City Council Members
THRU: Mark Earnest, City Manager 
FROM: John C. Bishop, Director of Planning
DATE: March 13, 1992
SUBJECT: Arkansas Beach - Hog Island

Current Status:

Attached for your information is the following:

- Planning Commission Resolution 92-10 which supports naming a beach on Hog Island Arkansas Beach in honor of soldiers killed during WWII from an Arkansas National Guard unit who were stationed at Hog Island (206 Coast Artillery). This was generated based on a call from Paul Fuhs, last week.

- A letter dated 28 February 1992 from MG Ryan, TAG Arkansas to MG Cox, TAG Alaska providing additional details on the request.

- I have tried to call the owner of Hog Island, Joe Graham and let him know what is going on and the interest to designate the beach "Arkansas Beach"; there was no answer.

I also tried to discuss the naming of Arkansas Beach with Hal Dryer, Martech, who I believe has a long term lease on Hog Island with an option to purchase. He will return on Monday March 16, 1992, and I will continue to try to call him.

Recommendations:

Recommend the Council consider and pass the attached Resolution.

enc.: AS

cc: Jeff Morrison, Legislative Affairs
Pam Dundee, Senator Zharoff's Office
Larry Landry, Director of Veteran Affairs
Lt. Col. P. Dolzal, TAG, Alaska

City of Unalaska
Unalaska, Alaska
Planning Commission Resolution 92-10

A RESOLUTION IN SUPPORT OF AN INFORMAL REQUEST TO NAME A BEACH AT HOG ISLAND, ARKANSAS BEACH.

WHEREAS, During World War II the Arkansas National Guard served in the Aleutian Theater of Operations on Hog Island Unalaska, Alaska with great credit; and

WHEREAS, During World War II a member of this unit was killed due to a boating accident landing on a beach on Hog Island; and

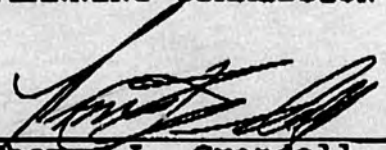
WHEREAS, The family of the soldier who was killed has requested that a beach be designated "Arkansas Beach" in memory of the soldier who was killed; and

WHEREAS, The permission of the current owner of Hog Island is also needed to designate this beach as "Arkansas Beach".

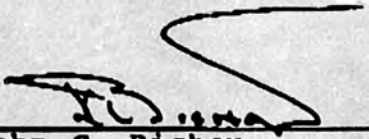
NOW THEREFORE IT BE RESOLVED, That the Planning Commission of the City of Unalaska, Alaska has no objection to and fully supports the designation of the beach as "Arkansas Beach" on Hog Island as requested, subject to the approval of the property owner.

BE IT FURTHER RESOLVED, That at the appropriate time when Hog Island/GSA Parcel 6 is platted this designation should be shown on the plat.

PASSED AND APPROVED THIS 24th DAY OF FEB 1992, BY THE PLANNING COMMISSION OF THE CITY OF UNALASKA, ALASKA.



Thomas L. Crandall
Chairman



John C. Bishop
Secretary

1 State of Arkansas
2 77th General Assembly
3 Third Extraordinary Session, 1989
4 By: Senator Benham

S.C.R. 6

5
6
7 **SENATE CONCURRENT RESOLUTION**
8 **ENDORISING THE RENAMING OF HOG ISLAND.**
9

10
11 WHEREAS, for the first time since the War of 1812, when the British burned
12 the U.S. Capitol, Japanese Naval Forces on June 3-6, 1942, assaulted the North
13 American continent by attacking Dutch Harbor, the Aleutian Islands, Territory
14 of Alaska; and

15 WHEREAS, the anti-aircraft defense at Dutch Harbor at that time was in
16 part supplied by the 206 Coast Artillery, an Arkansas National Guard unit
17 mustered into service in early 1941, and entrenched at Dutch Harbor since
18 early 1942; and

19 WHEREAS, the Japanese Naval Forces contemporaneously landed occupying
20 forces on the islands of Attu and Kiska at the western end of the Aleutian
21 chain where they remained until driven out in late May, 1943; and

22 WHEREAS, Hog Island in Dutch Harbor was occupied by Battery B of the 206
23 Coast Artillery in mid-summer 1942 to improve the firing ring of the entire
24 anti-aircraft defenses, which occupation continued through the period of all
25 hostilities in the Aleutians and into mid-1944; and

26 WHEREAS, the 153rd Infantry, another Arkansas National Guard unit,
27 comprised part of the Alaskan defense forces in this same period of time; and

28 WHEREAS, three Arkansas Guardsmen were lost in the Aleutian campaign
29 above described, including Sgt. James Arthur Allen of Helena, Corporal John
30 Falls Bowen of Altheimer, and Sgt. Cecil Kenneth Dix of Little Rock,

31
32 NOW THEREFORE,

33 BE IT RESOLVED BY THE SENATE OF THE THIRD EXTRAORDINARY SESSION OF THE
34 SEVENTY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS, THE HOUSE OF
35 REPRESENTATIVES CONCURRING THEREIN:

36

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

That the Senate hereby endorses the renaming of Hog Island located in Dutch Harbor, Unalaska, Aleutian Islands, State of Alaska, as "Arkansas Island" in memory and honor of the extended service in the Territory of Alaska in World War II, of these two valiant Arkansas National Guard units and in honor of the lives lost on or near Hog Island, as above recited, and respectfully requests the great State of Alaska to join hands, as appropriate, with representatives of the Arkansas National Guard and the 206 Coast Artillery Association (a non-profit organization) in pursuit to conclusion of the procedures required for renaming the island, Arkansas Island.

1 IN THE SENATE

2 SPONSOR SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 51

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 Requesting the State Geographic Board to
6 consider renaming the beach on Hog
7 Island in the Aleutians as Arkansas
8 Beach.

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

10 WHEREAS the Aleutian Islands were the site of a largely forgotten
11 campaign in World War II and were considered of great strategic value to
12 both the United States and Japanese forces as occupation by either one
13 would threaten the mother country of the other; and

14 WHEREAS the 206th Coast Artillery of the Arkansas National Guard was
15 deployed to the Aleutian Islands in 1941 where they carried equipment up
16 rough terrain, strung communications wire, built outposts, bunkers, and
17 dugouts and where, as one soldier so aptly put it, they "dug and dug and
18 dug," often fighting the Willawaw winds, the cold, the fog, and the chill;
19 and

20 WHEREAS it was the young men of the 206th, some of whom had never
21 before been away from their homes in Arkansas, who were at Dutch Harbor
22 when the Japanese launched their raid in 1942; and

23 WHEREAS the attack on Dutch Harbor has been recorded in history as
24 just an "incident" and yet it powerfully influenced the course of the war
25 by diverting Japanese forces from a planned rendezvous at Midway Island, a
26 diversion that lost for the Japanese not only the battle at Midway but also
27 the balance of power and perhaps even the war; and

28 WHEREAS within days of the raid on Dutch Harbor, the Japanese occupied
29 Attu and Kiska Islands at the western end of the Aleutian chain where they

1 remained until driven out in 1943; and

2 WHEREAS Hog Island in Dutch Harbor was occupied by Battery B of the
3 206th Coast Artillery in mid-summer 1942 to improve the firing ring of the
4 entire anti-aircraft defenses and the occupation continued through the
5 period of hostilities in the Aleutians and into mid-1944; and

6 WHEREAS at least three of the young men from Arkansas lost their lives
7 at Hog Island; and

8 WHEREAS the Arkansas State Legislature adopted SCR 6 in 1989 asking
9 the State of Alaska to recognize the accomplishments of those who left
10 Arkansas as boys and returned as men with the 206th;

11 BE IT RESOLVED by the Alaska State Legislature that the Alaska State
12 Geographic Board explore the renaming of the beach on Hog Island as
13 "Arkansas Beach" and proceed with the renaming.

14 COPIES of this resolution shall be sent to the Honorable Bill Clinton,
15 Governor of Arkansas; to the President of the Arkansas Senate and the
16 Speaker of the Arkansas House of Representatives; and to the Alaska State
17 Geographic Board.

1 IN THE SENATE

2 SENATE CONCURRENT RESOLUTION NO. 51
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 Requesting the State Geographic Board to
6 consider renaming Hog Island in the
7 Aleutians as Arkansas Island.

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

9 WHEREAS the Aleutian Islands were the site of a largely forgotten
10 campaign in World War II and were considered of great strategic value to
11 both the United States and Japanese forces as occupation by either one
12 would threaten the mother country of the other; and

13 WHEREAS the 206th Coast Artillery of the Arkansas National Guard was
14 deployed to the Aleutian Islands in 1941 where they carried equipment up
15 rough terrain, strung communications wire, built outposts, bunkers, and
16 dugouts and where, as one soldier so aptly put it, they "dug and dug and
17 dug," often fighting the Willawaw winds, the cold, the fog, and the chill;
18 and

19 WHEREAS it was the young men of the 206th, some of whom had never
20 before been away from their homes in Arkansas, who were at Dutch Harbor
21 when the Japanese launched their raid in 1942; and

22 WHEREAS the attack on Dutch Harbor has been recorded in history as
23 just an "incident" and yet it powerfully influenced the course of the war
24 by diverting Japanese forces from a planned rendezvous at Midway Island, a
25 diversion that lost for the Japanese not only the battle at Midway but also
26 the balance of power and perhaps even the war; and

27 WHEREAS within days of the raid on Dutch Harbor, the Japanese occupied
28 Attu and Kiska Islands at the western end of the Aleutian chain where they
29 remained until driven out in 1943; and

1 WHEREAS Hog Island in Dutch Harbor was occupied by Battery B of the
2 206th Coast Artillery in mid-summer 1942 to improve the firing ring of the
3 entire anti-aircraft defenses and the occupation continued through the
4 period of hostilities in the Aleutians and into mid-1944; and

5 WHEREAS Hog Island derives its name from the fact that the early
6 Russian settlers kept hogs on it; and

7 WHEREAS at least three of the young men from Arkansas lost their lives
8 at Hog Island; and

9 WHEREAS the State of Arkansas passed SCR 6 in 1989 asking that the
10 State of Alaska, in recognition of the accomplishments of those who left
11 Arkansas as boys and returned as men with the 206th, rename Hog Island
12 "Arkansas Island";

13 BE IT RESOLVED by the Alaska State Legislature that the Alaska State
14 Geographic Board explore the possibility of renaming Hog Island as
15 "Arkansas Island" and proceed with the renaming if possible.

16 COPIES of this resolution shall be sent to the Honorable Bill Clinton,
17 Governor of Arkansas; to the President of the Arkansas Senate and the
18 Speaker of the Arkansas House of Representatives; and to the Alaska State
19 Geographic Board.

SCOMM

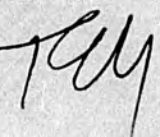
80:15

REPRESENTATIVE TOM MOYER

DISTRICT 19 • 119 N. CUSHMAN ST., SUITE 203 • FAIRBANKS, AK 99701 • (907) 456-8161

International Trade & Tourism, Chair • State Affairs, Vice Chair • Resources, Member

To: Representative Martin Ivan

From: Representative Tom Moyer 

Date: March 21, 1991

Re: House Joint Resolution 29

As requested, a list of changes that are reflected in the current copy of HJR 29.

Page 1 Line 17

add cease-fire before "to end the ground war"

Page 2, Line 1

delete [available]

add appropriate

Page 2, under COPIES section

added: Major General Sam Ebbesen, Commander, Sixth Infantry Division (Light), U.S. Army; Lieutenant General Thomas G. McInerney, Commander, Alaskan Command, U.S. Air Force; and to Adjutant General Hugh Cox, Department of Military and Veterans' Affairs.

REPRESENTATIVE TOM MOYER

ALASKA STATE HOUSE OF REPRESENTATIVES

International Trade
& Tourism, Chair
State Affairs, Vice Chair
Resources, Member

P.O. Box V
State Capitol
Juneau, AK 99811
465-4930

MEMORANDUM

To: Representative Martin Ivan, Chair
Special Committee on Military and Veterans Affairs

From: Representative Tom Moyer *TM*

Date: March 14, 1991

Re: House Joint Resolution 29

Thank you for the promptness with which you scheduled this piece of legislation. HJR 29 is straightforward and to the point. This legislature has supported our soldiers when they had to leave their families to fight a war. The war is now finished and it is time to let those Alaskan soldiers know that their efforts were appreciated.

HJR 29 resolves that the Alaska State Legislature: 1) commends the bravery of Alaska's military personnel, all men and women who served in the Persian Gulf and the civilians who lived there; 2) congratulates the Allied commanding officers for pursuing tactics that led to a speedy end of the ground war; 3) urge the President, Congress and the United Nations to find a permanent peaceful solution to all the conflicts in the Middle East; and 4) requests the Alaska Legislative Council to direct the Legislative Affairs Agency to send a welcoming message to all returning Alaskans who served in the Persian Gulf before March 1, 1991.

I believe it necessary to officially thank the Alaskan military personnel that had served in Operation Desert Shield and Desert Storm and ask that solutions be found so circumstances don't repeat themselves in the Persian Gulf.

Thank you again for your prompt consideration and I hope that you will quickly move this resolution to ensure the timely receipt of this message.

7-LS0961ND
Lauterbach
3/20/91

CS FOR HOUSE JOINT RESOLUTION NO. 29 ()
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES MOYER, Finkelstein, Barnes, Boyer, Carney, Davidson, Hudson, Ivan, Leman, Lincoln, Zawacki, Bruckman, C.Davis, Donley, Ellis, Gruenberg, Grussendorf, Kubina, Mackie, Parnell, R.Phillips, Ulmer, Baker, Brown, Choquette, M.W.Miller, Gonzales, Sharp, B.Davis, Larson, M.A.Miller

A RESOLUTION

1 Relating to the Persian Gulf conflict.

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

3 WHEREAS the members of our Armed Forces were called upon to liberate Kuwait and defend
4 Saudi Arabia and Israel from the aggression of Iraq; and

5 WHEREAS many of the U.S. troops sent to the Persian Gulf were pulled away from civilian
6 lives at great personal sacrifice; and

7 WHEREAS the Allied troops endured the uncertainties and hardships caused by separation from
8 their loved ones for months while stationed in the harsh climate of the Middle Eastern desert under
9 conditions that left them vulnerable to unpredictable missile attacks and terrorist activities; and

10 WHEREAS the troops successfully performed their mission with great dispatch, exemplifying
11 the high degree of dedication, professionalism, and training that underlies the technological and strategic
12 superiority of our military strength;

13 BE IT RESOLVED that the Alaska State Legislature

14 (1) commends the bravery of Alaska's military personnel, all the men and women who
15 served in the Allied Forces in the Persian Gulf, and the civilians residing in the area;

16 (2) congratulates the Allied commanding officers for pursuing tactics that led to a speedy
17 cease-fire to end the ground war with very little loss of American or other Allied troops' lives;

1 (3) urges President Bush, the Congress, and the United Nations to use all appropriate
2 diplomatic means to find a permanent peaceful solution to all of the conflicts and causes of instability
3 in the Middle East; and be it

4 **FURTHER RESOLVED** that the legislature requests the Alaska Legislative Council to direct
5 the Legislative Affairs Agency to send the following message to all returning Alaskans who served in
6 the U.S. military forces in the Persian Gulf before March 1, 1991: "The Alaska State Legislature thanks
7 you heartily for your efforts in stopping Iraq's aggression, liberating Kuwait, and laying the foundation
8 for a just and lasting peace in the Middle East. You deserve a hero's welcome."

9 **COPIES** of this Resolution shall be sent to the Honorable George Bush, President of the United
10 States; the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate;
11 the Honorable George Mitchell, Majority Leader of the U.S. Senate; the Honorable Thomas S. Foley,
12 Speaker of the U.S. House of Representatives; the Honorable Dick Cheney, Secretary of Defense;
13 General Colin L. Powell, Chair of the Joint Chiefs of Staff; General Norman Schwarzkopf, Commander-
14 in-Chief, U.S. Central Command; the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S.
15 Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in
16 Congress; Major General Sam Ebbesen, Commander, Sixth Infantry Division (Light), U.S. Army;
17 Lieutenant General Thomas G. McInerney, Commander, Alaskan Command, U.S. Air Force; and to
18 Adjutant General Hugh Cox, Department of Military and Veterans' Affairs.

SCOMM

80:16

**STATE OF ALASKA
1991 LEGISLATIVE SESSION**

No. 1
Bill Version: CSHJR 41 (MLV)
(H) Publish Date: 5/3/91

Revision Date: May 1, 1991

Department Affected: None

Title: Relating to missing American

BRU: _____

service personnel

Component: _____

Sponsor: House Special Committee on Military

and Veterans Affairs
Requestor: Sponsor

COMPONENT SERIAL NO.

--	--	--	--

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0					
TRAVEL	0					
CCNTRACTUAL	0					
SUPPLIES	0					
EQUIPMENT	0					
LAND & STRUCTURES	0					
GRANTS, CLAIMS	0					
MISCELLANEOUS	0					
TOTAL OPERATING	0					

CAPITAL	0					
---------	---	--	--	--	--	--

REVENUE	0					
---------	---	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	0					
FEDERAL FUNDS	0					
OTHER	0					
TOTAL	0					

POSITIONS:

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.) No fiscal impact.

Prepared By: Thomas W. Wright, Committee Staff

Phone: 465-4527

Division: House Special Committee on Military and
Veterans Affairs

Date: May 1, 1991

Approved by Commissioner: Ivan M. Ivan, Chair

Agency: House Special Committee on Military and Veterans Affairs Date: May 1, 1991

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. HJR 41

Revision Date: May 1, 1991

Department Affected: None

Title: Relating to missing American

BRU:

service personnel

Component:

Sponsor: House Special Committee on Military

and Veterans Affairs
Requestor: Sponsor

COMPONENT SERIAL NO.

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0					
TRAVEL	0					
CONTRACTUAL	0					
SUPPLIES	0					
EQUIPMENT	0					
LAND & STRUCTURES	0					
GRANTS, CLAIMS	0					
MISCELLANEOUS	0					
TOTAL OPERATING	0					

CAPITAL	0					
---------	---	--	--	--	--	--

REVENUE	0					
---------	---	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	0					
FEDERAL FUNDS	0					
OTHER	0					
TOTAL	0					

POSITIONS:

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact.

Prepared By: Thomas W. Wright, Committee Staff

Phone: 465-4527

Division: House Special Committee on Military and
Veterans Affairs

Date: May 1, 1991

Approved by Commissioner: Ivan M. Ivan, Chair

Agency: House Special Committee on Military and Veterans Affairs Date: May 1, 1991

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

UNFINISHED BUSINESS - HOUSE LIMBO LIST

April 24, 1992

CS FOR HOUSE JOINT RESOLUTION NO. 41 (MLV)

Relating to missing American service personnel.

05/14/91 P.1392 PASSED Y39 N- E1

2D SCS CSHJR 41(STA)

PASSED SENATE 04/23/92 Y19 N- A1

Patrick M. Rodey
Senator

Alaska State Legislature



Senate

MEMORANDUM

3111 C. St., Suite 510
Anchorage, Alaska 99503
(907) 561-7618

During Session:
P.O. Box V
Juneau, Alaska 99811
(907) 465-3793

DATE: March 24, 1992

TO: Committee Members
Senate State Affairs Committee

FROM: Senator Pat Rodey, Chairman
Seante State Affairs Committee

SUBJ: HJR 41 Relating to missing American service personnel

Today in committee, we will readdress this measure. As it came back from the senate floor, Senator Cotten had questions concerning references to an "interim report" of the US Senate Foreign Relations Committee, and whether or not we should endorse the resolution without knowing more about the report.

Research into the matter has determined that the Committee itself did not write an interim nor a final report. Senator Jesse Helms of the Republican minority wrote an "interim report" (copy enclosed).

Referencing the report is not central to the thrust of HJR 41. The resolution urges support for HR 1147, the Truth Bill (copy enclosed); it calls for opposing normalizing relations with Vietnam and Laos, including not lifting trade embargoes and economic sanctions, until POW/MIA issues are "resolved"; and it requests Congress to continue funding its investigation into the status of missing Americans.

A draft CS is enclosed to address the above by deleting two sections which refer to the report, and by inserting into the the current Senate State Affairs version wording which opposes lifting trade embargoes and economic sanctions. This is consistent with the intent, and is at the request of members of POW/MIA families. It is supported by Senator Cotten and Representative Ivan.

Also included in the folder is an article from ATLANTIC MONTHLY, "The POW/MIA Myth", and an article and letter criticizing that article.

Mr. Charles Coleman, son of a missing serviceman, will be available by teleconference today.

Alaska State Legislature

House of Representatives



Rep. Ivan, Chair
Rep. Davidson
Rep. Foster
Rep. Gonzales
Rep. Gruenberg
Rep. M.W. Miller
Rep. Parnell

State Capitol
Juneau, Alaska 99801-1182
(907) 465-4527

Special Committee on Military & Veterans Affairs

MEMORANDUM

TO: Senator Fred Zharoff, Chair
Senate Rules Committee

FROM: Representative Ivan M. Ivan, Chair 
House Special Committee on Military and
Veterans Affairs

DATE: February 4, 1992

RE: Request for Calendaring - HJR 41

Please consider this request to schedule House Joint Resolution 41: Relating to missing American service personnel, for the floor at your convenience.

House Joint Resolution 41 was introduced by the House Special Committee on Military and Veterans Affairs to recognize that POW/MIA's probably still exist in Southeast Asia, as well as Korea and possibly from World War II. The resolution requests that Congress increase the federal government's involvement in locating POW/MIA's from the Viet Nam, Laos, Korean and Second World Wars. Other states have passed or are passing similar resolutions.

In 1990, the U.S. Senate Foreign Relations Committee released an interim report that concluded that American service personnel were still being held in Southeast Asia after the end of the Viet Nam conflict and that information available to the U.S. government does not rule out the probability that American service personnel are still being held. In fact, the Department of Defense has received more than 11,700 live sighting reports, and the department admits there are a number of unresolved and discrepancy cases.

The resolution urges Congress to begin committee hearings to consider enacting the POW/MIA Truth Bill, H.R. 1147, introduced by Representative John Miller of Washington; requests Congress to continue funding its investigation into the status of

missing American service personnel in an effort to resolve the POW/MIA situation; and, urges Congress to oppose normalization of affairs with Viet Nam until the POW/MIA issue is resolved based upon the recommendations of the Senate Select Committee on POW/MIA Affairs.

Thank you for your consideration of my request. Please do not hesitate to contact Tom Wright of my staff or me if you need further information or if I can be of assistance.

Thank you.

IMI:tw

Alaska State Legislature

House of Representatives

Rep. Ivan, Chair
Rep. Davidson
Rep. Foster
Rep. Gruenberg
Rep. M.W. Miller



P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4527

Special Committee on Military & Veterans Affairs

M E M O R A N D U M

TO: Representative Johnny Ellis, Chair
House Rules Committee

FROM: Representative Ivan M. Ivan, Chair *IMI*
House Special Committee on Military and
Veterans Affairs

DATE: May 10, 1991

RE: Request for Calendaring - HJR 41

Please consider this request to schedule House Joint Resolution 41: Relating to missing American service personnel, for the floor at your earliest possible convenience.

This resolution requests that Congress increase the federal governments involvement in locating POW/MIA's from the Viet Nam, Laos and Korean Wars. Other states are passing similar resolutions.

In 1990, the U.S. Senate Foreign Relations Committee released an interim report that concluded that American Service personnel were held in Southeast Asia after the end of the Viet Nam conflict and that information available to the U.S. government does not rule out the probability that American service personnel are still being held. In fact, the Department of Defense has received more than 11,700 live sighting reports of POW/MIA's since 1973 and the department admits there are a number of unresolved and discrepancy cases.

The resolution requests Congress to appoint a select committee to assist in the obtaining of information in government files on missing American service personnel; urges Congress to begin committee hearings immediately to consider enacting the POW/MIA Truth Bill; and requests Congress to continue funding its investigation into the status of missing American service personnel in an effort to resolve the POW/MIA situation in Southeast Asia.

May 10, 1991

I appreciate your consideration of my request. Please do not hesitate to contact Tom Wright of my staff or me if you need further information or if I can be of assistance.

Thank you.

IMI:tw

Alaska State Legislature

House of Representatives

Rep. Ivan, Chair
Rep. Davidson
Rep. Foster
Rep. Gruenberg
Rep. M.W. Miller



P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4527

Special Committee on Military & Veterans Affairs

MEMORANDUM

TO: Representative Gene Kubina, Chair
House State Affairs Committee

FROM: Representative Ivan M. Ivan, Chair 
House Special Committee on Military and
Veterans Affairs

DATE: May 1, 1991

RE: Request for Hearing - HJR 41

Please consider this request to hear House Joint Resolution 41: Relating to missing American service personnel, at your earliest possible convenience (pending referral).

This resolution requests that Congress increase the federal governments involvement in locating POW/MIA's from the Viet Nam, Laos and Korean Wars. Other states are passing similar resolutions.

In 1990, the U.S. Senate Foreign Relations Committee released an interim report that concluded that American Service personnel were held in Southeast Asia after the end of the Viet Nam conflict and that information available to the U.S. government does not rule out the probability that American service personnel are still being held. In fact, the Department of Defense has received more than 11,700 live sighting reports of POW/MIA's since 1973 and the department admits there are a number of unresolved and discrepancy cases.

The resolution requests Congress to appoint a select committee to assist in the obtaining of information in government files on missing American service personnel; urges Congress to begin committee hearings immediately to consider enacting the POW/MIA Truth Bill; and requests Congress to continue funding its investigation into the status of missing American service personnel in an effort to resolve the POW/MIA situation in Southeast Asia.

May 1, 1991

I appreciate your consideration of my request. Please do not hesitate to contact Tom Wright of my staff or me if you need further information or if I can be of assistance.

Thank you.

IMI:tw

Alaska State Legislature

House of Representatives

Rep. Ivan, Chair
Rep. Davidson
Rep. Foster
Rep. Gonzales
Rep. Gruenberg
Rep. M.W. Miller
Rep. Parnell



State Capitol
Juneau, Alaska 99801-1182
(907) 465-4527

Special Committee on Military & Veterans Affairs

This
~~House Joint Resolution 41~~ was introduced by the House Special Committee on Military and Veterans Affairs to recognize that POW/MIA's probably still exist in Southeast Asia, as well as Korea and possibly from World War II. The resolution requests that Congress increase the federal government's involvement in locating POW/MIA's from the Viet Nam, Laos, Korean and Second World Wars. Other states have passed or are passing similar resolutions.

In 1990, the U.S. Senate Foreign Relations Committee released an interim report that concluded that American service personnel were still being held in Southeast Asia after the end of the Viet Nam conflict and that information available to the U.S. government does not rule out the probability that American service personnel are still being held. In fact, the Department of Defense has received more than 11,700 live sighting reports, and the department admits there are a number of unresolved and discrepancy cases.

The resolution requests Congress to appoint a select committee to assist in the obtaining of information in government files on missing American service personnel; urges Congress to begin committee hearings immediately to consider enacting the POW/MIA Truth Bill, H.R. 1147, introduced by Representative John Miller of Washington; and requests Congress to continue funding its investigation into the status of missing American service personnel in an effort to resolve the POW/MIA situation.

Alaska State Legislature

House of Representatives

Rep. Ivan, Chair
Rep. Davidson
Rep. Foster
Rep. Gonzales
Rep. Gruenberg
Rep. M.W. Miller
Rep. Parnell



State Capitol
Juneau, Alaska 99801-1182
(907) 465-4527

Special Committee on Military & Veterans Affairs

House Joint Resolution 41 was introduced by the House Special Committee on Military and Veterans Affairs to recognize that POW/MIA's probably still exist in Southeast Asia, as well as Korea and possibly from World War II. The resolution requests that Congress increase the federal government's involvement in locating POW/MIA's from the Viet Nam, Laos, Korean and Second World Wars. Other states have passed or are passing similar resolutions.

In 1990, the U.S. Senate Foreign Relations Committee released an interim report that concluded that American service personnel were still being held in Southeast Asia after the end of the Viet Nam conflict and that information available to the U.S. government does not rule out the probability that American service personnel are still being held. In fact, the Department of Defense has received more than 11,700 live sighting reports, and the department admits there are a number of unresolved and discrepancy cases.

The resolution requests Congress to appoint a select committee to assist in the obtaining of information in government files on missing American service personnel; urges Congress to begin committee hearings immediately to consider enacting the POW/MIA Truth Bill, H.R. 1147, introduced by Representative John Miller of Washington; and requests Congress to continue funding its investigation into the status of missing American service personnel in an effort to resolve the POW/MIA situation.

Alaska State Legislature

House of Representatives

Rep. Ivan, Chair
Rep. Davidson
Rep. Foster
Rep. Gruenberg
Rep. M.W. Miller



P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4527

Special Committee on Military & Veterans Affairs

House Joint Resolution 41 was introduced by the House Special Committee on Military and Veterans Affairs to recognize that POW/MIA's probably still exist in Southeast Asia. The resolution requests that Congress increase the federal governments involvement in locating POW/MIA's from the Viet Nam, Laos and Korean Wars. Other states are passing similar resolutions.

In 1990, the U.S. Senate Foreign Relations Committee released an interim report that concluded that American Service personnel were held in Southeast Asia after the end of the Viet Nam conflict and that information available to the U.S. government does not rule out the probability that American service personnel are still being held. In fact, the Department of Defense has received more than 11,700 live sighting reports of POW/MIA's since 1973, 1,400 of those are first-hand, live sighting reports, and the department admits there are a number of unresolved and discrepancy cases.

The resolution requests Congress to appoint a select committee to assist in the obtaining of information in government files on missing American service personnel; urges Congress to begin committee hearings immediately to consider enacting the POW/MIA Truth Bill, H.R. 1147, introduced by Representative John Miller of ; and requests Congress to continue funding its investigation into the status of missing American service personnel in an effort to resolve the POW/MIA situation in Southeast Asia.

Alaska State Legislature

House of Representatives

Rep. Ivan, Chair
Rep. Davidson
Rep. Foster
Rep. Gruenberg
Rep. M.W. Miller



P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4527

Special Committee on Military & Veterans Affairs

SUMMARY OF HJR 41

House Joint Resolution 41 requests Congress to enact the POW-MIA Truth Bill, H.R. 1147, introduced by Representative John Miller of Washington. This bill would require federal government officials to disclose information on live sightings of American soldiers missing in World War II and the Korean and Viet Nam wars. Under the bill, sources and methods used to collect the reports would be censored to protect national security.

HJR 41 also urges Congress to continue funding of the POW-MIA special investigation that's being conducted by the Senate Foreign Relations Committee and to appoint a select committee to assist in obtaining information in government files on missing American service personnel.

CHANGES ADOPTED IN SENATE VERSION OF HJR 41

There were some questions about sponsorship of an interim report referenced in the original resolution. The original version of the resolution, passed by the House, stated that the Senate Foreign Relations Committee issued an interim report on the POW/MIA controversy. However, after researching the issue further, it was found that the report was not issued by the committee itself, but was a report from the office of Senator Jesse Helms ~~of the~~ ~~Republican minority~~.

Referencing the report is not central to the resolution and was omitted from the other body's version of HJR 41.

The main thrust of the resolution is still urging Congress to support HR 1147, the POW/MIA Truth Bill, opposing normalization of relations with Viet Nam and Laos, to include not lifting trade embargoes and economic sanctions until the POW/MIA controversy is resolved and requesting Congress to continue funding its investigation into the status of missing Americans.

Another change made in the resolution is the request of Congress to oppose the lifting of trade embargoes and economic sanctions with Viet Nam or Laos.

I support the changes made in the resolution and urge this body to support the resolution.

(7)

Date Referred: May 3, 1991

HOUSE COMMITTEE REPORT

FURTHER REFERRALS:

Date of Committee Action: 5-10-91

The STATE AFFAIRS Committee considered:

HJR 41

HOUSE JOINT RESOLUTION NO. 41

MIA/POW AMERICAN SERVICE PERSONNEL

Relating to missing American service personnel.

RECOMMENDATIONS:

be replaced with _____

☐ the same title

☐ a new title

☐ have attached amendments(s)

☒ do pass

☐ do not pass

☐ no recommendations

☐ individual recommendations

☐ additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

☐ fiscal impact _____

☐ fiscal note(s) _____

☐ zero fiscal note _____

☒ zero fiscal note(s) H.Spec MhV 5-3-91

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Gene K. Rubin</i>					
<i>Tom M. Meyer</i>	☒				
<i>David H. ...</i>					
<i>Don ...</i>	☒				

Gene K. Rubin
CHAIRMAN'S SIGNATURE

7-LS1177J✓
Bannister
3/24/92

SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 41 ()

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

A RESOLUTION

1 Relating to missing American service personnel.

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

3 WHEREAS there are more than 88,000 American service personnel missing in action from
4 World War II, the Korean War, and the Vietnam conflict; and

5 WHEREAS recent information has been released regarding American service personnel held
6 against their will after World War II, the Korean War, and the Vietnam conflict; and

7 WHEREAS on April 12, 1973, the United States Department of Defense publicly stated that
8 there was no evidence of live American prisoners of war in Southeast Asia; and

9 WHEREAS the public statement was given nine days after Pathet Lao leaders had declared that
10 Laotian communist forces did in fact have live American prisoners of war in their control; and

11 WHEREAS the prisoners of war held by the Laotian government and its military forces were
12 never released; and

13 WHEREAS there have been more than 11,700 live sighting reports received by the Department
14 of Defense since 1973 and, after detailed analysis, the Department of Defense admits there are a number
15 of unresolved and discrepancy cases; and

16 WHEREAS there is conjecture that congressional inquiries into the POW/MIA issue have been
17 hampered by information that was concealed from committee members or that was misinterpreted or

1 manipulated in government files; and

2 **WHEREAS** the POW/MIA Truth Bill has been introduced into the United States Congress, and
3 the bill would direct the heads of the federal government agencies and departments to disclose
4 information concerning the United States service personnel classified as prisoners of war or missing in
5 action from World War II, the Korean War, and the Vietnam conflict; and

6 **WHEREAS** the bill protects national security by censoring the sources and methods used to
7 collect the live sighting reports; and

8 **WHEREAS** the families of these missing service personnel need and deserve the opportunity to
9 have access to the information concerning the status of their loved ones; and

10 **WHEREAS** the Senate Select Committee on POW/MIA Affairs has been established in the
11 United States Congress to resolve the POW/MIA issue;

12 **BE IT RESOLVED** that the Alaska State Legislature urges the United States Congress to oppose
13 lifting trade embargoes, lifting economic sanctions, and normalizing affairs with Vietnam and Laos until
14 the Congress resolves the POW/MIA issue in Southeast Asia based on the recommendations of the
15 Senate Select Committee on POW/MIA Affairs; and be it

16 **FURTHER RESOLVED** that the Alaska State Legislature urges the United States Congress to
17 begin committee hearings immediately to consider enacting the POW/MIA Truth Bill; and be it

18 **FURTHER RESOLVED** that the Alaska State Legislature requests the United States Congress
19 to continue funding its investigation into the status of missing American service personnel, which is vital
20 to resolving the POW/MIA issue.

21 **COPIES** of this resolution shall be sent to the Honorable George Bush, President of the United
22 States; the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate;
23 the Honorable Robert C. Byrd, President Pro Tempore of the U.S. Senate; the Honorable George J.
24 Mitchell, Majority Leader of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S.
25 House of Representatives; the Honorable Richard A. Gephardt, Majority Leader of the U.S. House of
26 Representatives; the Honorable Robert Dole, Minority Leader of the U.S. Senate; the Honorable William
27 S. Broomfield, Minority Leader of the U.S. House of Representatives; the Honorable Claiborne Pell,
28 Chair of the Senate Committee on Foreign Relations; the Honorable Dante B. Fascell, Chair of the House
29 Committee on Foreign Affairs; the Honorable John F. Kerry, Chair of the Senate Select Committee on
30 POW/MIA Affairs; the Honorable Robert C. Smith, Vice-Chair of the Senate Select Committee on
31 POW/MIA affairs; the Honorable John Miller, U.S. Representative; the Honorable James A. Baker, III,
32 Secretary of the U.S. Department of State; the Honorable Dick Cheney, Secretary of the U.S. Department

WORK DRAFT

WORK DRAFT

WORK DRAFT

- 1 of Defense; the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the
- 2 Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and to the
- 3 Honorable Jerry W. Hefner, Chair of the Oklahoma House Veterans Affairs Committee.

7-LS1177G

Bannister

1/29/92

SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 41 (SA)**IN THE LEGISLATURE OF THE STATE OF ALASKA****SEVENTEENTH LEGISLATURE - SECOND SESSION****BY****Offered:****Referred:****Sponsor(s): HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS****A RESOLUTION****1 Relating to missing American service personnel.****2 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 WHEREAS there are more than 88,000 American service personnel missing in action from
4 World War II, the Korean War, and the Vietnam conflict; and

5 WHEREAS recent information has been released regarding American service personnel held
6 against their will after World War II, the Korean War, and the Vietnam conflict; and

7 WHEREAS the United States Senate Foreign Relations Committee released an interim report
8 in October 1990 that concluded that American service personnel were held in Southeast Asia after the
9 end of the Vietnam conflict and that information available to the United States government does not rule
10 out the possibility that American service personnel are still being held in Southeast Asia; and

11 WHEREAS on April 12, 1973, the United States Department of Defense publicly stated that
12 there was no evidence of live American prisoners of war in Southeast Asia; and

13 WHEREAS the public statement was given nine days after Pathet Lao leaders had declared that
14 Laotian communist forces did in fact have live American prisoners of war in their control; and

15 WHEREAS the prisoners of war held by the Laotian government and its military forces were
16 never released; and

17 WHEREAS there have been more than 11,700 live sighting reports received by the Department

1 of Defense since 1973 and, after detailed analysis, the Department of Defense admits there are a number
2 of unresolved and discrepancy cases; and

3 **WHEREAS** in October 1990 the United States Senate Foreign Relations Committee released an
4 Interim Report on the Southeast Asian POW/MIA Issue that concluded that United States military and
5 civilian personnel were held against their will in Southeast Asia, despite earlier public statements by the
6 Department of Defense that there was no evidence of live prisoners of war, and the report also concluded
7 that information available to the United States government does not rule out the possibility that United
8 States citizens are still held in Southeast Asia; and

9 **WHEREAS** the interim report states that congressional inquiries into the POW/MIA issue have
10 been hampered by information that was concealed from committee members or that was misinterpreted
11 or manipulated in government files; and

12 **WHEREAS** the POW/MIA Truth Bill has been introduced into the United States Congress, and
13 the bill would direct the heads of the federal government agencies and departments to disclose
14 information concerning the United States service personnel classified as prisoners of war or missing in
15 action from World War II, the Korean War, and the Vietnam conflict; and

16 **WHEREAS** the bill protects national security by censoring the sources and methods used to
17 collect the live sighting reports; and

18 **WHEREAS** the families of these missing service personnel need and deserve the opportunity to
19 have access to the information concerning the status of their loved ones; and

20 **WHEREAS** the Senate Select Committee on POW/MIA Affairs has been established in the
21 United States Congress to resolve the POW/MIA issue;

22 **BE IT RESOLVED** that the Alaska State Legislature urges the United States Congress to oppose
23 the normalization of affairs with Vietnam until Congress resolves the POW/MIA issue in Southeast Asia
24 based on the recommendations of the Senate Select Committee on POW/MIA Affairs; and be it

25 **FURTHER RESOLVED** that the Alaska State Legislature urges the United States Congress to
26 begin committee hearings immediately to consider enacting the POW/MIA Truth Bill; and be it

27 **FURTHER RESOLVED** that the Alaska State Legislature requests the United States Congress
28 to continue funding its investigation into the status of missing American service personnel, which is vital
29 to resolving the POW/MIA issue.

30 **COPIES** of this resolution shall be sent to the Honorable George Bush, President of the United
31 States; the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate;
32 the Honorable Robert C. Byrd, President Pro Tempore of the U.S. Senate; the Honorable George J.

1 Mitchell, Majority Leader of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S.
2 House of Representatives; the Honorable Richard A. Gephardt, Majority Leader of the U.S. House of
3 Representatives; the Honorable Robert Dole, Minority Leader of the U.S. Senate; the Honorable William
4 S. Broomfield, Minority Leader of the U.S. House of Representatives; the Honorable Claiborne Pell,
5 Chair of the Senate Committee on Foreign Relations; the Honorable Dante B. Fascell, Chair of the House
6 Committee on Foreign Affairs; the Honorable John F. Kerry, Co-Chair of the Senate Select Committee
7 on POW/MIA Affairs; the Honorable Robert C. Smith, Co-Chair of the Senate Select Committee on
8 POW/MIA affairs; the Honorable John Miller, U.S. Representative; the Honorable James A. Baker, III,
9 Secretary of the U.S. Department of State; the Honorable Dick Cheney, Secretary of the U.S. Department
10 of Defense; the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the
11 Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and to the
12 Honorable Jerry W. Hefner, Chair of the Oklahoma House Veterans Affairs Committee.

HOUSE JOINT RESOLUTION NO. 41**IN THE LEGISLATURE OF THE STATE OF ALASKA****SEVENTEENTH LEGISLATURE - FIRST SESSION****BY THE HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS**

Introduced: 4/12/91

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

A RESOLUTION**1 Relating to missing American service personnel.****2 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 WHEREAS there are more than 88,000 American service personnel missing in action from
4 World War II, the Korean War, and the Vietnam conflict; and

5 WHEREAS recent information has been released regarding American service personnel held
6 against their will after World War II, the Korean War, and the Vietnam conflict; and

7 WHEREAS the United States Senate Foreign Relations Committee released an interim report
8 in October 1990 that concluded that American service personnel were held in Southeast Asia after the
9 end of the Vietnam conflict and that information available to the United States government does not rule
10 out the ^{possibility} ~~probability~~ **that American service personnel are still being held in Southeast Asia; and**

11 WHEREAS on April 12, 1973, the United States Department of Defense publicly stated that
12 there was no evidence of live American prisoners of war in Southeast Asia; and

13 WHEREAS the public statement was given nine days after Pathet Lao leaders had declared that
14 Laotian communist forces did in fact have live American prisoners of war in their control; and

15 WHEREAS the prisoners of war held by the Laotian government and its military forces were
16 never released; and

17 WHEREAS there have been more than 11,700 live sighting reports received by the Department

1 of Defense since 1973 and, after detailed analysis, the Department of Defense admits there are a number
2 of unresolved and discrepancy cases; and

3 WHEREAS in October 1990 the United States Senate Foreign Relations Committee released an
4 Interim Report on the Southeast Asian POW/MIA Issue that concluded that United States military and
5 civilian personnel were held against their will in Southeast Asia, despite earlier public statements by the
6 Department of Defense that there was no evidence of live prisoners of war, and the report also concluded
7 that information available to the United States government does not rule out the ^{possibility} ~~probability~~ that United
8 States citizens are still held in Southeast Asia; and

9 WHEREAS the interim report states that congressional inquiries into the POW/MIA issue have
10 been hampered by information that was concealed from committee members or that was misinterpreted
11 or manipulated in government files; and

12 WHEREAS the POW/MIA Truth Bill has been introduced into the United States Congress, and
13 the bill would direct the heads of the federal government agencies and departments to disclose
14 information concerning the United States service personnel classified as prisoners of war or missing in
15 action from World War II, the Korean War, and the Vietnam conflict; and

16 WHEREAS the bill protects national security by censoring the sources and methods used to
17 collect the live sighting reports; and

18 WHEREAS the families of these missing service personnel need and deserve the opportunity to
19 have access to the information concerning the status of their loved ones;

20 BE IT RESOLVED that the Alaska State Legislature urges the United States Congress to appoint
21 a select committee to assist the United States Senate Foreign Relations Committee to obtain information
22 in government files on missing American service personnel; and be it

23 FURTHER RESOLVED that the Alaska State Legislature urges the United States Congress to
24 begin committee hearings immediately to consider enacting the POW/MIA Truth Bill; and be it

25 FURTHER RESOLVED that the Alaska State Legislature requests the United States Congress
26 to continue funding its investigation into the status of missing American service personnel, which is vital
27 to resolving the POW/MIA issue, ~~in Southeast Asia, in the Pacific, and in the Caribbean~~

28 COPIES of this resolution shall be sent to the Honorable George Bush, President of the United
29 States; the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate;
30 the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; the Honorable James
31 A. Baker, III, Secretary of the U.S. Department of State; the Honorable Dick Cheney, Secretary of the
32 U.S. Department of Defense; and to the Honorable Ted Stevens and the Honorable Frank Murkowski,

other addresses

HJR 41

: George Mitchell

-2-

HJR041a

- bill sponsor

: Chairman of the Senate Foreign Relations Committee
House

1 U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation
2 in Congress.

7-LS1177A
Bannister
4/10/91

HOUSE JOINT RESOLUTION NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

Introduced:
Referred:

A RESOLUTION

1 Relating to missing American service personnel.

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

3 WHEREAS there are more than 88,000 American service personnel missing in action from
4 World War II, the Korean War, and the Vietnam conflict; and

5 WHEREAS recent information has been released regarding American service personnel held
6 against their will after World War II, the Korean War, and the Vietnam conflict; and

7 WHEREAS the United States Senate Foreign Relations Committee released an interim report
8 in October 1990 that concluded that American service personnel were held in Southeast Asia after the
9 end of the Vietnam conflict and that information available to the United States government does not rule
10 out the probability that American service personnel are still being held in Southeast Asia; and

11 WHEREAS on April 12, 1973, the United States Department of Defense publicly stated that
12 there was no evidence of live American prisoners of war in Southeast Asia; and

13 WHEREAS the public statement was given nine days after Pathet Lao leaders had declared that
14 Laotian communist forces did in fact have live American prisoners of war in their control; and

15 WHEREAS the prisoners of war held by the Laotian government and its military forces were
16 never released; and

17 WHEREAS there have been more than 11,700 live sighting reports received by the Department

1 of Defense since 1973 and, after detailed analysis, the Department of Defense admits there are a number
2 of unresolved and discrepancy cases; and

3 **WHEREAS** in October 1990 the United States Senate Foreign Relations Committee released an
4 Interim Report on the Southeast Asian POW/MIA Issue that concluded that United States military and
5 civilian personnel were held against their will in Southeast Asia, despite earlier public statements by the
6 Department of Defense that there was no evidence of live prisoners of war, and the report also concluded
7 that information available to the United States government does not rule out the probability that United
8 States citizens are still held in Southeast Asia; and

9 **WHEREAS** the interim report states that congressional inquiries into the POW/MIA issue have
10 been hampered by information that was concealed from committee members or that was misinterpreted
11 or manipulated in government files; and

12 **WHEREAS** the POW/MIA Truth Bill has been introduced into the United States Congress, and
13 the bill would direct the heads of the federal government agencies and departments to disclose
14 information concerning the United States service personnel classified as prisoners of war or missing in
15 action from World War II, the Korean War, and the Vietnam conflict; and

16 **WHEREAS** the bill protects national security by censoring the sources and methods used to
17 collect the live sighting reports; and

18 **WHEREAS** the families of these missing service personnel need and deserve the opportunity to
19 have access to the information concerning the status of their loved ones;

20 **BE IT RESOLVED** that the Alaska State Legislature urges the United States Congress to appoint
21 a select committee to assist the United States Senate Foreign Relations Committee to obtain information
22 in government files on missing American service personnel; and be it

23 **FURTHER RESOLVED** that the Alaska State Legislature urges the United States Congress to
24 begin committee hearings immediately to consider enacting the POW/MIA Truth Bill; and be it

25 **FURTHER RESOLVED** that the Alaska State Legislature requests the United States Congress
26 to continue funding its investigation into the status of missing American service personnel, which is vital
27 to resolving the POW/MIA issue in Southeast Asia.

28 **COPIES** of this resolution shall be sent to the Honorable George Bush, President of the United
29 States; the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate;
30 the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; the Honorable James
31 A. Baker, III, Secretary of the U.S. Department of State; the Honorable Dick Cheney, Secretary of the
32 U.S. Department of Defense; and to the Honorable Ted Stevens and the Honorable Frank Murkowski,

WORK DRAFT

WORK DRAFT

WORK DRAFT

- 1 U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation
- 2 in Congress.



JERRY W. HEFNER
State Representative
District 12

State Capitol Bldg.
Room 304E
Oklahoma City, OK 73105-4885
(405) 521-2711

COMMITTEES:
Veterans Affairs
Chairman

Energy, Environment and
Natural Resources
Tourism and Recreation
Transportation
Rules

STATE OF OKLAHOMA

HOUSE OF REPRESENTATIVES

STATE CAPITOL
OKLAHOMA CITY, OKLAHOMA 73105-4885

April 19, 1991

Mr. Tom Wright
House of Representatives
P. O. Box V
Juneau, Alaska 99811

Dear Mr. Wright:

Enclosed is our itinerary and supporting documents from our Veteran Affairs Committee Meeting on March 26, 1991. I faxed the House Concurrent Resolution to your office today.

If you should have any additional questions or comments, please do not hesitate to call our office.

Sincerely,

Phyllis M. Isaacs
Secretary to
Rep. Jerry W. Hefner

PMI

enc.



JERRY W. HEFNER
State Representative
District 12

State Capitol Bldg.
Room 304E
Oklahoma City, OK 73105-4885
(405) 521-2711

COMMITTEES:
Veterans Affairs
Chairman

Energy, Environment and
Natural Resources
Tourism and Recreation
Transportation
Rules

STATE OF OKLAHOMA

HOUSE OF REPRESENTATIVES

STATE CAPITOL
OKLAHOMA CITY, OKLAHOMA 73105-4885

RECEIVED
APR 06 1991

April 4, 1991

Rep. Iwan

The Honorable ~~Ben~~ Grussendorf
Speaker of the House
State Capitol
P. O. Box V
Juneau, AK 99811

Dear Speaker Grussendorf:

The Oklahoma House of Representatives sponsored a Public Hearing at the State Capitol on March 26th of this year for the purpose of increasing the federal government's involvement in locating the POW/MIA's from the Viet Nam, Laos and Korean wars.

House Concurrent Resolution 1013 was passed in support of this effort. I am writing to encourage Alaska to join us in this endeavor and I am challenging every state to pass a Resolution to do the same. This **still** is an extremely important issue and hopefully by working together, we can change the process to locate our missing prisoners of war and bring them home.

Time is of the essence. Minnesota and Florida passed a similar Resolution and other states have pending legislation. Please let me know if you will be able to help. If you have any questions or need background information, please do not hesitate to contact me.

Sincerely,

Jerry W. Hefner

Jerry W. Hefner
State Representative
District 12

JWH/pi

BILL TEXT Report for H.R.3603

As introduced in the House, November 7, 1989

101st CONGRESS
1st Session

H. R. 3603

To direct the heads of Federal departments and agencies to disclose information concerning United States personnel classified as prisoners of war or missing in action from World War II, the Korean conflict, and the Vietnam conflict.

IN THE HOUSE OF REPRESENTATIVES
November 7, 1989

Mr. Denny Smith (for himself, Mr. Smith of New Hampshire, Mrs. Bentley, Mr. Hansen, Mr. Jones of North Carolina, Mr. Lancaster, Mr. Donald E. Lukens, Mr. McCloskey, Mr. Regula, Mr. Rowland of Connecticut, and Mr. Sundquist) introduced the following bill; which was referred to the Committee on Government Operations

A BILL

To direct the heads of Federal departments and agencies to disclose information concerning United States personnel classified as prisoners of war or missing in action from World War II, the Korean conflict, and the Vietnam conflict.

=====

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. DISCLOSURE OF INFORMATION CONCERNING UNITED STATES PERSONNEL CLASSIFIED AS PRISONER OF WAR OR MISSING IN ACTION FROM WORLD WAR II, THE KOREAN CONFLICT, AND THE VIETNAM CONFLICT.

(a) Information To Be Disclosed.--Except as provided in subsection (b), the head of each department or agency which holds or receives any records and information, including live-sighting reports, which have been correlated or possibly correlated to United States personnel listed as prisoner of war or missing in action from World War II, the Korean conflict, and the Vietnam conflict shall make available to the public all such records and information held or received by that department or agency. In addition, the Department of Defense shall make available to the public with its records and information a complete listing of United States personnel classified as prisoner of war,

missing in action, or killed in action (body not returned) from World War II, the Korean conflict, and the Vietnam conflict. This listing shall include the current classification for each service member as well as any changes which may have occurred in the service member's classification during or after the conclusion of hostilities of World War II, the Korean conflict, and the Vietnam conflict.

(b) Exceptions To Subsection (a).--As follows:

(1) Does not apply with respect to information that would reveal sources and methods of intelligence collection that when released would compromise national security. By definition, the existence or possible existence of persons of American parentage in communist countries shall not be interpreted as compromising national security.

(2) No records or information, including fatality reports, which specifically mention a United States service member by name and does not correlate or possibly correlate to circumstances which may involve United States personnel listed as prisoner of war or missing in action shall be made available to the public without the expressed written consent of the closest living relative. This proscription in no way limits the access of that family member to the information. This authority may not be delegated to any other person or organization without express legal power of attorney from the closest living relative.

(c) Deadline.--As follows:

(1) The head of each department or agency covered in subsection (a) shall make records and information available not later than one hundred and eighty days after the date of enactment of this Act.

(2) When the head of each department or agency covered in subsection (a) receives records and information after the date of enactment of this Act, such records and information shall be made available not later than one hundred and eighty days after it is received by the department or agency.

(d) Exceptions to Deadline.--If the head of a department or agency determines that release of certain records and information after the deadlines in subsection (c) will compromise the safety of United States personnel known or thought to be held prisoner of war, then such a determination once made must be immediately reported to and is subject to the review of the appropriate intelligence committees of the United States Congress and the President of the United States.

102d CONGRESS

1st Session

H.R. 1147

HLC

John Miller
(Original signature of Member)

Insert
title
here

To direct the heads of agencies to disclose information concerning United States personnel classified as prisoners of war or missing in action after 1940, including from World War II, the Korean conflict, and the Vietnam conflict.

IN THE HOUSE OF REPRESENTATIVES

Feb. 17, 1991

Insert
report
here

Mr. MILLER of Washington introduced the following bill; which was referred to the Committee on _____

A BILL

- 1 *Be it enacted by the Senate and House of Representatives of the United*
- 2 *States of America in Congress assembled,*

1 SECTION 1. DISCLOSURE OF INFORMATION CONCERNING UNITED STATES
2 PERSONNEL CLASSIFIED AS PRISONER OF WAR OR
3 MISSING IN ACTION AFTER 1940.

4 (a) IN GENERAL.--Except as provided in section 2, the
5 head of each department or agency which holds or receives any
6 records and information, including live-sighting reports,
7 which have been correlated or possibly correlated to United
8 States personnel listed as prisoner of war or missing in
9 action after 1940, including from World War II, the Korean
10 conflict, and the Vietnam conflict, shall make available to
11 the public all such records and information.

12 (b) DEPARTMENT OF DEFENSE.--The Department of Defense
13 shall make available to the public with its records and
14 information a complete listing of United States personnel
15 classified as prisoner of war, missing in action, or killed
16 in action (body not returned) after 1940, including from
17 World War II, the Korean conflict, and the Vietnam conflict.
18 The listing shall include--

19 (1) the current classification for each service
20 member; and

21 (2) any changes which have occurred in the service
22 member's classification during or after the conclusion of
23 hostilities of World War II, the Korean conflict, and the
24 Vietnam conflict.

25 SEC. 2. LIMITATIONS ON DISCLOSURE.

1 (a) PROTECTION OF SOURCES AND METHODS.--

2 (1) IN GENERAL.--Section 1 does not apply with
3 respect to information that would reveal sources and
4 methods of intelligence collection that if released would
5 compromise national security.

6 (2) PERSONS OF AMERICAN PARENTAGE.--For purposes of
7 this subsection, information regarding the existence or
8 possible existence of persons of American parentage in
9 communist countries shall not be interpreted compromising
10 national security.

11 (b) SPECIFIC MENTION BY NAME.--No records or information,
12 including fatality reports, which specifically mention a
13 United States service member by name and does not correlate
14 or possibly correlate to circumstances which may involve
15 United States personnel listed as prisoner of war or missing
16 in action, shall be made available to the public pursuant to
17 this Act without the expressed written consent of the closest
18 living relative. This proscription does not limit the access
19 of that family member to the information. This authority may
20 not be delegated to any other person or organization without
21 express legal power of attorney from the closest living
22 relative.

23 SEC. 3. DEADLINES.

24 (a) EXISTING RECORDS AND INFORMATION.--The head of each
25 department or agency covered in subsection (a) shall make

1 records and information available pursuant to this Act not
2 later than 180 days after the date of the enactment of this
3 Act.

4 (b) NEW RECORDS AND INFORMATION.--If the head of a
5 department or agency covered in subsection (a) receives
6 records and information after the date of the enactment of
7 this Act, such records and information shall be made
8 available not later than 180 days after it is received by the
9 department or agency.

10 (c) EXCEPTIONS.--If the head of a department or agency
11 determines that release of certain records and information
12 after the date required by subsection (a) or (b) will
13 compromise the safety of United States personnel known or
14 thought to be held prisoner of war, then such a determination
15 once made must be immediately reported to and is subject to
16 the review of the appropriate intelligence committees of the
17 United States Congress and the President.

ENDING THE POW/MIA QUESTION

Recommendations to the United States Government to settle the POW/MIA issue.

This information was assembled by ex-POW Larry Stark, Wallace Robinson III, USAF Ret. and Wayne Groner USAF Ret.

It has been prepared in coordination with many POW groups and presents an approach that has broad base support within the POW community. Recommendations that do not have broad base support have not been included.

Our thanks to members of the following organizations who have provided positive input and constructive criticism in order to make this report possible.

The Last Patrol
Task Force Omega
Vietnow
Operation Rescue
National Alliance of Families
National Forget Me Nots

THE PROBLEM AND THE SOLUTION

Almost eighteen years have passed since American prisoners of war were released from Vietnam. Not a day has gone by without doubt from both the private and public sector that not every living American had been released.

Americans have been promised by every president since Richard Nixon to obtain a full accounting of our servicemen missing in action, yet not one concrete step has been taken to look for LIVING survivors still held captive against their will.

It is inconceivable that our Government has not used every means at its disposal to get these men back to the country they gave their freedom for.

On the following pages we have provided a summary of the current status of the MIA/POW situation as well as our conclusion and recommendations for solving the problem.

SUMMARY

It is common knowledge that the Republic of Vietnam is in dire straights and is desperate to lift the trade embargo and normalize relations with the United States. It is one of the poorest nations in the world, unemployment is high, its Gross National Product is low, and the Russians are decreasing their aid. Vietnam wants world acceptance and recognition of its communist system of government. There is broad discontent with its harsh totalitarian rule. There is a great need for economic and medical assistance.

While Hunt Oil Co., Mobil Oil, Exxon, Pepsico, Holiday Inns, and the U.S. Chamber of Commerce want normal relations with Vietnam for their personal gain, the people of the United States have little or nothing to gain unless the release of live POW's is a condition for normalization. In fact, normalizing relations with Vietnam will be another monetary burden for the United States taxpayer. The Vietnamese deny they have any live POW's under their control even though ample evidence such as the Tighe Report, Helms-Grassley Report, Garwood debriefing and live sightings by creditable people (some of whom have been polygraphed and double polygraphed), indicates otherwise. If we normalize relations without obtaining the return of the POW's, Vietnam will no longer have any reason to keep them alive and will most likely kill them to avoid embarrassment should they show up at a later date.

**RECOMMENDATIONS FOR IMPROVING GOVERNMENT EFFECTIVENESS IN
SOLVING THE POW PROBLEM**

#1. Agencies that have been responsible for past POW policy should be closely scrutinized to determine if they have actually contributed toward solving the problem. If not, changes in direction and leadership should be made.

#2. A new Southeast Asian Political and military affairs officer should be appointed to the National Security Council. This appointee should be an expert on POW issues and have an extensive background in SE Asian politics as well as personal contacts with key individuals in Thailand, Laos, Cambodia, and the Republic of Vietnam.

#3. People with fresh, positive approaches should be appointed to key positions such as State Dept. Advisor, member of Interagency Group and advisor to the Negotiation Team.

#4. A special assistant for MIA/POW's should be established to work directly under Vice-President Dan Quayle. The Special Assistant should be an expert on the POW issue and have broad based support from the POW community.

#5. An advisory board made up of people who are dedicated to the POW cause should be established to work with the Special Assistant. This board should have full access to all POW/MIA material classified as well as unclassified and would evaluate current National Policy and recommend changes where necessary.

#6. Government agencies and private POW organizations should work together to develop a coordinated course of action rather than each discrediting each other.

For 18 years the private sector and the government have worked separately with neither accomplishing anything positive. The private sector has a great deal to offer in the form of intelligence, personal contacts expertise and motivations. A whole-hearted coordinated effort could be the decisive factor in affecting the release of the live POW's.

#7. The people of the United States and the world should be made aware of the concerted effort that is being made to resolve the POW issue.

This report is submitted with the sincere hope that it will assist the Government to bring our loved ones home and put an end to the terrible scar that has been with all of us for so many years.

RECOMMENDATIONS FOR RELEASE OF POW'S

#1. The U.S. Government should negotiate from a position of strength and make no concessions without the release of the live POW's.

#2. The U.S. should solicit the cooperation of its close friends (England, France, Australia, Canada, and Japan) to refrain from normalizing relations and limit trade until our POW's are released. We should press them to negotiate for our POW's.

#3. Concessions should only be made to Vietnam if they release our POW's. Steps can be taken leading towards normalization as our POW's are released.

#4. The Vietnamese should be provided with a face saving method such as assisting the U.S. Government in obtaining the release of our POW's from Cambodia, Laos, and remote areas of Vietnam. We need one also.

#5. The President should begin a dialogue with General-Secretary Gorbachev to ask for his assistance in obtaining the release of our POW's. Gorbachev has already expressed a willingness to pursue this matter.

#6. Military force should not be ruled out as an option if negotiations are not successful including support for Vietnam resistance forces.

CONCLUSIONS

For the past 18 years all efforts by the U.S. Government to secure the release of American POW's in SE Asia have been totally ineffective. If the Government has had a viable plan to obtain their release it is not apparent. The DIA denies the existence of live POW's, four presidents have said our POW's were their number one priority, but accomplished nothing. The National League of Families has lost its creditability with the families they supposedly represent and with the POW community. Hundreds of families are uncertain as to the fate of their loved ones, and have been lied to so much that they no longer trust the League or the Government. Finally, U.S. Government agencies are openly accused of having sold drugs and weapons to finance illegal activities. (The Politics of Heroin in SE Asia by Alfred C. McCoy).

In reality, the U.S. has never been in a stronger position to obtain the release of our POW's, only the will to do so is lacking. The Vietnamese should be told in the strongest terms that the U.S. Government knows live POW's are in SE Asia under Laotian and Vietnamese control. There will be no normalizing of relations until the POW's are released. In addition, there will be no loans from the World Bank or IMF, no exchange of cultural representatives, and no endorsement of trade with Vietnam by other nations.

Perhaps even more importantly, our own government's embarrassment would militate against anyone coming out after normalized relations.

SMITH/MCINTIRE LAWSUIT -- UPDATE

JULY 19, 1986

COMPILED BY:

HOMEcoming II PROJECT

P.O. BOX 8222 SHAWNEE MISSION, KANSAS 66208 (913) 432-1518

On Jan. 29, Major Mark Smith, testifying before the Senate Veterans' Affairs Committee, said that within the preceding 5 days he had "... viewed evidence which proves beyond any doubt that in excess of 30 Americans and other nationalities are presently being held as prisoners of war in Southeast Asia." Information has now been made public regarding the conclusive evidence viewed by Major Smith. This report provides all relevant facts which can be revealed and corrects some misunderstandings about the resultant controversy....

The intelligence service of a foreign power friendly to the United States showed Major Smith a 4-hour, 8-minute videotape which had been produced from a 16mm film which was shot over a period of 5 days in the recent past. It was produced for the purpose of documenting certain facts which an unidentified organization in Southeast Asia wanted to make known to certain other political organizations worldwide.

Smith says the videotape shows (incidental to the purpose for which the film was produced) 4 segments which reveal the existence of Caucasian prisoners, many of whom are believed to be, and are reported by other sources to be, Americans. A portion of the film reveals a unique landmark which allows conclusive identification of the location in which it was made. A portion of the film reveals conclusively that the film was made in the recent past (2-3 years at most). Through alternative means, it has been determined that it was probably produced in mid-late 1985.

The four segments which show Caucasians are as follows: (1) 20-40 individuals who appear to be Caucasians who are a part of a much larger group of prisoners of several nationalities; (2) 30-40 Caucasians panning gold and doing related hard labor. These men are in chains and shackles and under armed guard -- guards are identifiable as to their political association by the uniforms they are wearing; (3) A close-up of an individual (not in a captive environment) thought to be American but not yet conclusively identified; (4) A segment in which "John Obassy" (one of the affiants in the Smith/McIntire lawsuit) is shown examining male Caucasians and administering medical treatment to them. Other portions of the film reveal information which can have profound international political consequences if it becomes publicly known.

Obassy showed an edited version of the tape to Major Smith, SFC McIntire and attorney Mark Waple in December, 1985. He refused to show an unedited copy of the tape because some information revealed in it could put lives in danger if that information fell into the wrong hands. [The reason he originally obtained the tape was to prove certain facts contained in his affidavit in the Smith/McIntire lawsuit. DIA had contended that he was lying about the existence of something in a certain region. The videotape proved that DIA was wrong!]

Not being able to obtain the videotape from Obassy, Maj. Smith initiated an effort to discover who else might have access to, or possession of, the unedited version. He discovered that the intelligence service of a nation friendly to the United States had a copy. Smith made contact with a member of that foreign intelligence service who was personally known to him. An opportunity was arranged for Smith to see the tape, with the caveat that he not reveal publicly the most sensitive portions thereof.

In the tape Smith saw that other evidence, which was even more conclusive than the tape itself, was in the possession of a particular anti-communist group. Smith knew that Obassy had contact with that group, and asked Obassy to investigate whether the other evidence might be obtained from that group.

After meeting with that group, Obassy returned with a list of items for which the group would trade the "other evidence". The list included food, clothing, medical supplies, arms and ammunition. Smith, McIntire and Waple attempted to estimate the cost of the listed items and arrived at a figure of \$4.2 million.

Waple drafted a letter to President Reagan, hoping to obtain the assistance of the President in acquiring the needed materiel. Not wanting to confuse the

issue in the initial communication by including the entire list of demanded items, Waple wrote, "...required to pay the sum of \$4.2 million in cash and take receipt of the original of the film and other evidence of live Americans and other allied POWs still being held in Southeast Asia." This minor misstatement of the facts for the purpose of simplicity would come back to haunt them later. Even though the whole truth was completely and exhaustively revealed to USG representatives in follow-up meetings, someone leaked the letter to the media (a possibility which should have been foreseen). The letter created the impression that someone was demanding \$4.2 million in ransom for the tape. Actually, the real importance of the tape was that it would prove that the "other evidence" was in the hands of the group requesting the supplies.

Subsequently, the Vice President reportedly authorized Hendon, Smith and Waple to travel to Southeast Asia to acquire the tape and the "other evidence". Mr. Bush is said to have arranged to pay the travel costs and to have caused \$4.2 million to be deposited in the Singapore Bank of America in the name of Bill Hendon. The 3 Americans met with Obassy and told him that they had the ability to supply the \$4.2 Million for the "other evidence" but that Hendon's authorization to proceed with negotiations was contingent upon his viewing the tape.

Obassy refused, saying that money was not and never had been the issue. It was the supplies themselves, and the ability to accumulate and deliver them, for which the involvement of the U.S. government was most needed. Further, because it had been revealed in the American press that Obassy was a Briton, some people in Southeast Asia had been able to determine his true identity. As a result, his life was in danger, and he had been denied authorization to show the unedited version of the tape to anyone, including Bill Hendon. He did, however, show an edited version to Hendon, and Hendon was able to confirm many of the elements of Smith's report regarding the content of the videotape.

When questioned in closed session of the Senate Veterans' Affairs Committee by Chairman Frank Murkowski about the supplies being requested, Major Smith read the list compiled by Obassy. Murkowski interrupted, "I don't want to hear a laundry list, what's the bottom line -- what will it cost us?" Major Smith responded that it appeared the cost of the materiel would be in the neighborhood of \$4.2 Million. After the closed-door meeting, someone told the media that Obassy was demanding \$4.2 Million in ransom for the tape.

One of the conditions required by Obassy for his cooperation was that his true identity be absolutely protected. Although never told by Smith and McIntire, U.S. intelligence officials believed that they had "figured out" who he was. (He is an individual long known to the intelligence community, but not known to them as "John Obassy".) U.S. Navy Commander Frank Brown, who is associated with U.S. intelligence in a manner which we have not yet determined, allegedly notified the Senate Veterans' Affairs Committee staff that "Obassy" was one Robin Gregson. A member of the Committee staff then reportedly called Washington Times reporter Susan Katz and spilled the beans. Brown also called Katz. An unknown source in Southeast Asia informed an associate of former Congressman John LeBoutillier that Obassy and Gregson were one and the same. Katz was told to confirm the story with LeBoutillier. Another person whose identity we know but cannot reveal, was informed by Brown of the alleged identity of Obassy, and Katz obtained further confirmation from him. On April 28, The Washington Times published a story by Katz (entitled "Rumors Aplenty") in which Obassy was identified as Gregson. On May 1, in an open, public hearing, Chairman Murkowski identified Obassy as Gregson.

On May 6, Rep. Bill Hendon wrote Murkowski, "Mr. Chairman, your identifying this critical witness is the most reprehensible action I have ever witnessed in my 5 1/2 year effort to help return U.S. military personnel from communist prisons in Southeast Asia... here we have what appears to be the ultimate in dirty tricks: you subpoena Major Mark Smith to produce the Obassy videotape - and then in the same breath you virtually ensure that he cannot produce it when you divulge his source's true identity in open session. Had you asked

me, I could have told you that divulging this man's identity would jeopardize not only Obassy's life but the lives of U.S. prisoners of war whom I am convinced he has direct access to."

Murkowski then wrote Hendon on May 8, defending himself by saying: (1) "Mr. Gregson's identity was revealed some time ago [3 days before the hearing] in an internationally available publication..." [An article entitled "Rumors Aplenty" hardly provides conclusive identification. Publication of a rumor article did not release Murkowski from his obligation to guard sensitive information. Murkowski had been told that efforts to obtain further cooperation and assistance from Gregson would be seriously damaged if his identity became publicly known. What did Murkowski hope to gain by confirming Katz' story?]; (2) "Former Congressman John LeBoutillier, in a letter to CIA Director William Casey, also revealed Mr. Gregson's identity." [The fact that the Director of CIA knows something shouldn't automatically make that information public!]; (3) "...Mr. Obassy's true identity is contained in an unclassified document given to me by the Office of the Secretary of Defense prior to the May 1 hearing." [The "unclassified document" was reportedly a memorandum authored by Frank Brown. Why is it in the interest of the Department of Defense and/or the U.S. government to reveal this man's name? Are they so desirous of defending themselves from the various allegations about their bad faith in pursuing live POW information that they're willing to throw away any assistance he may be able to provide?]; (4) "...identity was not 'divulged' against the wishes of the Defense Department..." [True, it was divulged over the objections of DIA Director General Leonard Perroots who has privately stated that he believes Smith and McIntire.]

Fortunately, Gregson was in Southeast Asia and did not know that his identity had been compromised. Following a series of discussions between Smith, Waple and Gregson, Gregson brought a copy of the edited version of the tape to Washington, D.C. on June 25th with the intention of taking it to the White House. Being convinced that he would never "get within 100 yards of the White House" he agreed to show it in closed session to the Senate Veterans Affairs Committee on the next day. Upon arriving in Washington, however, he discovered that his true identity had been revealed in a session of the Senate Committee by Chairman Murkowski. He was furious!

After several hours of unsuccessful attempts by Smith, McIntire and Waple to convince him to show the tape anyway, or at least some still frames from it, Gregson took it and left town.

Smith was scheduled to testify before the Committee on the next day. A subpoena had been issued by the Committee demanding his presence, but upon his promise to appear, the Committee decided not to serve the subpoena. Smith, McIntire and Waple knew that the subpoena demanded evidence which they had earlier claimed to have, but exactly which of the evidence was in demand was unknown to them. Smith knew that if he went with no videotape, no Gregson, and no documentary evidence, the Committee would serve him with the subpoena demanding information which he did not want to turn over to them. In a last-minute meeting, Smith decided not to testify, so those involved could have time to decide what to do next.

When Waple called the Committee to tell them Smith would not be appearing, 3 Committee staffers rushed to National Airport with the subpoena and an AP photographer and a newspaper reporter in tow. Smith, unwilling to participate in a media event, ducked out and returned to North Carolina. Eight days later, Waple invited US Marshals to his law office where Smith accepted the subpoena.

The subpoena, as written, demanded all evidence in Smith's possession. However, in a cover letter authored by Committee Counsel Tony Principi, specific references were made to closed session testimony of Smith in which certain evidence had been mentioned. These references were to pictures of Americans left behind in 1975, and specific locations where American prisoners have been

held. Unwilling to provide all evidence to the Committee, Smith chose to supply only that which was specifically demanded in the cover letter, as that information was not particularly sensitive. If the Committee were to demand additional material, he was prepared to refuse, be charged with contempt of Congress, and go to jail if necessary. When asked by the Committee why he had presented only such insubstantial material, Smith responded, "I brought exactly what you asked for." The Committee did not pursue the matter.

The reason that Smith is willing to pay such a price to keep information out of the hands of the Committee and its staff is that it is extremely sensitive in several ways, and the Committee has already shown that it cannot be trusted with sensitive information--on three occasions, critically sensitive information has been "leaked". Some of it could endanger the life of Gregson, and his assistance is much needed, not only in acquiring various kinds of information about identities and locations of American prisoners but in obtaining the cooperation of foreign organizations which can be very helpful in implementing any kind of extraction plan. Some of it, if revealed publicly could endanger the lives of some of the prisoners. Some of it, if revealed, would endanger and/or alienate foreign organizations which have already been helpful in some ways and which can be even more helpful in the future.

Smith has also become convinced that the Committee does not intend to do anything useful with any evidence he provides to them. The Chairman has refused to pursue several available avenues to the truth, and besides the Chairman, only Senator DeConcini has made himself available for all of the hearings to hear the testimony and cross-examine witnesses.

Perhaps the most compelling evidence that the Chairman is not interested in a good faith pursuit of the truth is his denial of Congressman Hendon's request to sit on the panel where Hendon would have the opportunity to cross-examine government witnesses if and when they are "less than accurate" in their statements. It is interesting that the Chairman would deny participation to the man widely known to be the most knowledgeable on Capitol Hill regarding the evidence presently in the possession of DIA.

After having been twice refused a seat on the panel, Hendon wrote Murkowski in the May 6 letter, "if you want to see overwhelming evidence of U.S. prisoners of war being held in Southeast Asia, why don't you direct Defense Intelligence to let me and several of my colleagues show you and your Committee some of the evidence DIA already has in its possession? We don't want to show your personal staff or your Committee staff, we want to show you and your Committee along with 'Interagency Intelligence Senior Review Panel' which is now investigating the work of DIA..... If you really want to get to the bottom of this, I challenge you to arrange such a session immediately."

Murkowski wrote back in his May 8 letter, "...my earlier invitation to you to testify still stands" - No comment on whether he thought it would be useful to have DIA analysts bring intelligence files and explain them in the presence of someone knowledgeable enough to make sure they keep their story straight!

Another problem with providing to the Committee all evidence in their possession, according to Smith and McIntire, is that certain of it proves their allegation that individuals within USG have destroyed files which contain evidence of living American POWs. If Smith and McIntire were to provide proof of that allegation to the Committee, it could be given to the government so that destroyed files could be "reconstituted". Additionally, it is clear that the Justice Department attorneys are much in need of advance knowledge of the evidence which they intend to produce in court, as that will give Justice the greatest opportunity to take actions and formulate plans to off-set the impact of that evidence. Smith and McIntire believe that the Senate Committee could

way. Judge Boyle has made it clear that this case is not going to be "tried in the media". While the priority must remain bringing prisoners home, the lawsuit is important in itself because it will provide an opportunity to obtain information, in 2 ways, which can never be acquired outside of court: (1) Many individuals have notified Smith, McIntire and Waple that if subpoenaed and placed under oath, they will provide information that they cannot supply in any other forum. These include individuals presently employed in the U.S. intelligence community, active duty military personnel, and officials of foreign governments; (2) If the court allows and the litigants agree upon terms which will allow "discovery", Waple will be granted access to information not otherwise accessible. "Discovery" is the process through which the two sides can agree to provide all their evidence to each other before the case is tried. It gives side the opportunity to put the adversary's evidence to the harshest test, and evaluate their own chances to win in court. If the Justice Department is able to determine from the Senate exactly what Smith and McIntire have, they will argue against discovery in order to deny Waple access to important Live POW information now in USG files.

Publicly revealing conclusive evidence of the existence of Live POWs could accomplish one important objective: cause the American People to DEMAND their return. However, those same revelations could destroy the best opportunity to bring some of the men home quickly, and Smith and McIntire won't throw away those opportunities unless they give up hope that necessary USG cooperation can be obtained to implement actions with the greatest hope for success.

On June 19, 1986, U.S. District Court Judge Terrence Boyle announced his decision on the U.S. Justice Department motion to dismiss the lawsuit. In rendering his decision, Judge Boyle issued an order denying defendants' motion to dismiss the case. A portion of the suit, the mandamus action, was dismissed on the grounds that such was a question of foreign policy and therefore under the exclusive authority of the Executive Branch.

On the declaratory judgement action, the court ruled that whether or not American Prisoners of War exist is a question of fact for decision by the court. Judge Boyle wrote:

"The government claims that the court is barred by political question considerations from entertaining any inquiry into the existence of the alleged group of persons. If there is a contested issue of fact over the existence of such persons, then the government finds itself claiming dual power. It claims the executive power to exclusively administer and execute the government and laws of the United States. This is a legitimate claim. It also claims the exclusive power to determine the facts that it will use in administering the government and executing the law as it applies to this class of persons. This claim of power is in excess of the government's legitimate executive authority...the court is mindful of its obligation to accept the exercise of judicial power under the United States Constitution where parties seek relief and have the right to the exercise of the judicial power of the United States."

"For the reasons outlined in this opinion, the defendants' motion to dismiss the plaintiffs' claim for mandamus relief under the Hostage Act...for lack of subject matter jurisdiction is ALLOWED. The defendants' motion to dismiss the plaintiffs' action for declaratory judgement ... is DENIED."

Plaintiffs Smith and McIntire were dismissed from the case on the grounds that they have no legally recognized representative capacity regarding the rights of American POWs who may still be alive. According to attorney Waple, "...this is an inconsequential development in the case... they stand ready as material and relevant witnesses on the ultimate issue."

Twenty-five POW/MIA family members who have joined the suit as plaintiffs have been allowed to continue to seek declaratory judgement as to the existence of living American POWs. This is an important victory for the plaintiffs. The case may now proceed to the critical process of discovery. There is a

question whether that right exists, and even if the court should rule that appeal is permissible, then the appeal itself would have to be argued on its own merits. Whether the defendants intend to appeal will likely not be known until the time limitations approach expiration.

Whatever the outcome of the case, it is already clear that the U.S. government is feeling the pressure as a result of the victories already won by the plaintiffs. The clearest evidence of this is presented by the outlandish attacks on the integrity of Smith and McIntire themselves. Interestingly, and wisely, the defamers have left Lt. Col. Howard alone. America's most highly decorated soldier says Smith and McIntire are telling the truth. We believe him.

 This case must not be allowed to fail because of inadequate funding. If you care, and if you can, **HELP NOW!** The following is provided by:

Smith/McIntire/Howard Foundation

P.O. Box 650

Fayetteville, NC 28302

Dear Concerned American:

This letter is intended to relay our sincere appreciation for your expressed interest and financial support in our battle to resolve the issue of living Americans still being held as Prisoners of War in Southeast Asia. Your interest and financial support is making the difference. As you know in September 1985, Major (Ret) Mark A. Smith and Sergeant First Class Melvin C. McIntire filed a federal class action lawsuit in United States District Court seeking to have the provisions of the Hostage Act and Fifth Amendment of the United States Constitution made applicable to Americans being held as Prisoners of War in Southeast Asia. During that same month four additional plaintiffs joined the lawsuit. Mrs. Anne Hart, Mr. Jerry Dennis, Mrs. Kathryn Fanning and Mrs. Dorothy Shelton all joined the lawsuit on behalf of members of their family and in a representative capacity on behalf of American Prisoners of War being held in Southeast Asia. Since January, 18 more members have joined the lawsuit.

Since that time our attorney, Mark L. Waple and his staff have interviewed in excess of 100 witnesses and have reviewed thousands of documents relating to this problem. The Department of Justice, representing the Defendants, responded in late 1985 by claiming that the lawsuit was a "political question" and therefore there should be no trial and that the Government should not be required to answer the allegations. In January 1986, a 185-page response was filed on our behalf and approximately one month later the Government agreed that they "did not necessarily disagree" with our allegations that Americans were being held as POWs in Southeast Asia. On Feb. 18th our attorneys and the Justice Department argued in United States District Court over this entire issue. Our attorneys argued that the fact that the Government has so radically changed its position in the past six months was in itself a clear indication that there was something terribly wrong in how our Government was handling this problem. The Government lawyers argued that there has been no cover-up and that the Government is doing all that it can. On the 20th of June 1986, the Federal Courts refused to dismiss this litigation by saying whether such persons exist (American POWs) . . . is a question of fact . . . for decision by the court!

Since filing the lawsuit tremendous developments have occurred. The Government has changed its position and now states that "they cannot rule out the possibility that Americans are being held against their will in Southeast Asia." At least three Government delegations have visited Hanoi since the case was filed. The Senate Veterans Affairs Committee continues hearings in Washington, D.C. Additionally, the DIA (a Defendant in this lawsuit) now agrees to an "oversight committee" headed by former DIA Director Lieutenant General Retired Eugene Tighe. And, Robert McFarlane has resigned as the President's National Security Adviser and has stated that "I think there have to be live Americans" in Southeast Asia. It is our belief that none of these things would have occurred if this lawsuit had not been filed.

The litigation and the expenses of developing evidence has been and will continue to be extremely expensive. Your interest and your financial assistance is the only reason that we have come this far. This issue and this case has been supported entirely by public interest alone. No private organization and no single individual is financially supporting this case. We urge you to do the following: (1) any financial contribution in support of this case will be most appreciated and should be sent to "Smith — McIntire — Howard Foundation, Post Office Box 650, Fayetteville, North Carolina 28302. (2) please write and call your United States Congressmen and Senators and get them moving on this problem. (3) if you have any information concerning this matter please send it to the above address.

President Reagan said "We've learned in these past few months that we're frail and fallible," as he accepted the report issued by the 13-member commission investigating the cause of January's Challenger disaster. "But we have also learned that we have the courage to face our faults and the strength to correct our errors." The Foundation is dedicated to receiving the same attitude from our government for our POWs in SE Asia.

go verified the existence of the document, denying it represented Army policy. But Gen. Luis Pérez Documet, the commander of Army forces in the central Andean highlands, says: "The State Department is defending the terrorists by talking about human rights."

Brutal tactics do produce temporary results. In the highlands of Peru's Ayacucho Department, where Guzmán's forces began their revolution, the military has killed, tortured and "disappeared" thousands over the last decade. A soccer stadium in the town of Huanta, site of mass executions between 1983 and 1986, became known as Pinochet Stadium, after Chile's former military dictator. Bullet holes in its walls are still visible. Today Shining Path has largely been ousted from Huanta, giving way to Army-controlled *rondas campesinas*, or peasant patrols. Instead of torturing and killing peasants, the Army lets them live—as long as they inform on Shining Path and join the patrols.

Drug trade: Like his predecessors, Fujimori affirms that the best weapon against Shining Path is economic development. Yet even with U.S. aid, Fujimori's government will never have the funds to end Peru's profound rural poverty. No amount of U.S. crop-substitution money can compete with drug profits—much less terrorist intimidation. "The objective of a counterinsurgency war is not to win territory, but people," says Gen. Alberto Arciniega, who won popular support for the anti-guerrilla fight in the upper Huallaga Valley two years ago by allowing people to grow coca—only to be ousted amid American charges he was on the traffickers' payroll. Yet U.S.-financed coca eradication has driven many peasants into the guerrillas' arms, leading the United States to demand Peru escalate military pressure.

The administration's aid proposal is being held up by congressional Democrats who want more proof that Peru's human-rights record has really improved. Says Democratic Sen. Patrick Leahy of Vermont, "We all want to stop the flow of drugs into this country. But... we cannot ignore the deplorable human-rights situation in Peru today." Embattled Peru, which has an often brutal Army but also a functioning democracy with broad participation by everyone from conservatives to nonviolent Marxists, is not exactly "another El Salvador," as the administration's critics contend. But for American Special Forces, it won't be Kuwait revisited, either. It could follow another, tragic, model. Says Enrique Obando: "The future of Peru is Lebanon—a country so factionalized that no group is able to dominate the entire territory." And U.S. counterinsurgency manuals don't contain much proven advice about how to piece a broken country back together again.

CHARLES LANE with BROOK LARMER in Lima and CLARA BINGHAM in Washington



JEFF WIDENER-AP

'Grueling': Recovered bones and GI gear

MIA's: Help From Hanoi

Vietnam wants to repair its ties with America

On a hillside in Vietnam's Quang Binh province, American experts and Vietnamese laborers have dug a massive pit. They work shovelfuls of dirt through fine, wire-mesh sifters. In three days, they turn up only bullets, metal fragments and aircraft springs. Their mission: to find proof that a Navy pilot was killed when he flew his A-7 attack jet into the mountain in 1968. "It's very grueling work," says Maj. Brenda Bradley, 42, her brown T shirt soaked with sweat. And there is no guarantee of success. Says Sara Collins, the search team's archeologist: "Sometimes there is simply not enough left to make an ID."

On their 14th trip to Vietnam in three years, American MIA hunters last week were only halfway to their target: accounting for all 119 U.S. servicemen who were reported—or could possibly have been—captured in Vietnam, yet never came home. An additional 2,154 servicemen also are still classified as missing in action; the searchers may be able to resolve the fates of only a few. But at least Vietnam has eased their burden. Amid uproar over the release

last month of dubious photographs purporting to show U.S. prisoners still in captivity, Hanoi has thrown open its classified war files. American specialists have retrieved fading, insect-eaten war reports from military headquarters and libraries around Hanoi that they can cross-check with U.S. records to locate remains. The most dramatic discovery: an 84-page report documenting 1,811 air crashes in central Vietnam between 1964 and 1973. "I have seen more documentary evidence on this trip than on all my other trips here put together," says team leader James Coyle. "It helps us confirm our own records and pinpoint crashes."

Classified files: Suddenly, almost nothing is off-limits to the U.S. experts. "They are doing more for us than we'd do for them," says Robert Destatte, chief research analyst at the newly opened U.S. MIA office in Hanoi. "Can you imagine the Pentagon giving the Vietnamese access to our classified military files?" When rumors began circulating that two Navy fliers were still being held west of Da Nang, U.S. experts were permitted to visit prison camps in the area. No Americans were found. The Vietnamese turned over classified war documents describing the downing of an F-4 Phantom fighter over the Red River Delta in 1966. Local militiamen, an anti-aircraft crew and a MiG fighter pilot all report that the U.S. pilot, Air Force Col. John Robertson, was in the plane when it crashed.

Still, finding physical evidence to back up the newly unearthed records remains agonizingly difficult—and sometimes impossible. That frustrates Vietnamese officials, who are seeking their own reward: the trade, loans and investment that would result from improved ties to the United States. "The pilot flies his plane into a mountain and he and his plane are blown to bits," said Ngo Hoang, deputy director of Vietnam's MIA office. "Yet Americans think he's alive. What can we do?"

Vietnam may be doing what it can to resolve the MIA issue, but officials in Washington say that alone won't thaw relations. It is only the first step in what administration officials hope will be a two-step process. They also want Vietnam to apply pressure on the government it installed in Cambodia to negotiate a settlement to that country's festering civil war. The Americans say normalization talks will begin only after the Phnom Penh government endorses a U.N. plan for a cease-fire leading to internationally supervised national elections. Still, the United States is "very pleased" about Vietnam's stepped-up assistance on the MIA search, says a State Department official. The hunt goes on, but a long era of mutual suspicion appears to be ending.

RON MOREAU in Quang Binh province with JANE WHITMORE in Washington

POWS

1. During the Paris Peace Accords in 1973, the U.S. representatives readily accepted the list of 582 captives that the Vietnamese delegation proffered. Our representatives failed to demand the return of any of the POWS known to be held in Laos. Our representatives presented a list of ONLY 70 "discrepancy" cases to the Vietnamese when in fact hundreds of POW/MIAs were known or presumed to be POWS. Hanoi never released them because we never asked for them.
2. The countries of Laos and Cambodia, who held American POWs, did not participate in the Paris Peace negotiations which led to an agreement only between the U.S. and the North Vietnamese. No direct, formal negotiations for POWS were ever conducted with either country.
3. The final agreement reached in Paris said that the U.S. government would pay "...in the range of \$3.25 billion ..." in reconstruction aid. Prisoners could have been retained as insurance against what the Vietnamese termed a "blood debt".
4. A declassified intelligence report indicated that "remaining American prisoners" would be used as a bargaining tool if the planned military objectives against South Vietnam were not successful. (Foreign Intelligence Report, April, 1973)
5. Many of the missing men who were not returned had highly specialized expertise or advanced training in areas of particular value. A very small number of these "high priority captures" were returned during Homecoming II. For example, not ONE Electronics Warfare Officer (EWO) on the F-4 Phantom jet was ever returned.
6. Basic mechanical, repair and maintenance skills were also needed by an under-developed Vietnam. Many of the enlisted men captured and not returned had valuable "hardware" skills.
7. POWS were considered "war criminals" who were not entitled to the protection of the Geneva convention which requires the return of POWS after a negotiated settlement. Further, the Vietnamese did not feel bound to recognize these men as "POWS" because the United States never officially declared war in Vietnam.
8. POWS were retained for purposes on internal propaganda.
9. The countries of Vietnam, Laos and Cambodia include many different regional and political factions. These factions may have held POWS outside of "official government control" in remote areas.
10. There is substantial indication that there was a "secondary" prison system in Vietnam for POWS who were considered incorrigible and who did not cooperate. Many POWS who did return reported that they knew of such a system.



**PAUSE
AND
REFLECT:**

- On Americans who have **NO** freedom
 - Men who have **NO** graves
 - And families who have **NO** peace.

POWs WERE ABANDONED, REPORT SAYS

The following interim report was released by the Senate Foreign Relations Committee, Monday, October 19, 1990.

Introduction: One year ago, the Ranking Member of the Senate Committee on Foreign Relations assigned members of the Minority Staff to investigate the following three questions:

1.) Whether the United States Government has received and still possesses valid information concerning living prisoners of war/missing in action -- POW/MIA -- in Southeast Asia;

2.) Whether the U.S. Government has failed to act on such information; and,

3.) Whether the U.S. Government has acted improperly to intimidate and discredit sources of such information. It is not the purpose of this investigation to determine whether any POW/MIAs remain alive today. Its purpose is only to determine whether the U.S. government has handled the question in a truthful and effective manner.

The inquiry remains on-going. It is based not only on the review of thousands of classified and non-classified documents, but also upon hundreds of telephonic and face-to-face interviews with government officials and those affected by their decisions with regard to POW/MIAs. A full report will require much additional investigation and analysis. The following, however, represents an interim report at the conclusion of one year's work. It allows the presentation of some preliminary conclusions.

Preliminary Conclusions

The U.S. Government states it has no evidence that POWs were left behind in Southeast Asia. The official policy asserts that it is open to investigation of all reports. For example, the official Department of Defense (DOD) POW/MIA Fact Book, issued July, 1990, states:

Although we have thus far been unable to prove that Americans are still detained against their will, the information available to us precludes ruling out that possibility. Actions to investigate live sighting reports receive and will continue to receive necessary priority and resources based on the assumption that at least some Americans are still held captive. Should any report prove true, we will take appropriate action to ensure the return of those involved.

Notwithstanding this professed openness to new evidence, the U.S. Government has insisted since April 12, 1973 that it has no evidence of living POWs. In fact, on that date -- at the conclusion of OPERATION HOMECOMING, which brought home 591 POWs -- Dr. Roger Shields, then Assistant Secretary of Defense, stated that the DOD had "no evidence that there were any more POWs still alive in all of Indochina."

This assertion has been consistent. For example, last July, Col. Joseph A. Schlatter, then chief of the Defense Intelligence Agency's Special Office for POW/MIAs, was saying that "If we look at everything we collected during the war and everything we've collected since the war, we don't find any evidence that Americans are captive."

Furthermore, as late as October, 1990 an unnamed senior State Department official was quoted in the press as saying the U.S. Government has "no evidence" of living American prisoners in Southeast Asia.

However, to say that the U.S. Government has "no evidence" is not the same as saying that no evidence exists. After all, there have been nearly 11,700 reports relating to POW/MIAs over the years, including 1,400 first-hand, live-sighting reports. The question is whether every single one of these reports can be dismissed from the category of credible evidence.

The U.S. Government position makes sense only if every single one of these reports can be shown to have been fabricated, erroneous, or not relating directly to a POW/MIA -- for example, some reports may relate to Europeans in the area. In fact, DIA analysts have rejected the evidence of all these reports, except for a small pool of less than 150 still considered "unresolved."

The preliminary conclusions presented by staff for review by Senators are as follows:

1. After the conclusion of OPERATION HOMECOMING in April, 1973 brought the return of the 591 POWs, official U.S. Government policy internally adopted and acted upon the presumption that all other

POWs were dead, despite public assertions that the government was still open to investigating the possibility of discovering the existence of living prisoners.

2. Following the adoption of an internal policy in April, 1973 that all POW/MIAs were presumed dead, the U.S. Government convened commissions in each military service to consider each case on the POW/MIA list in order to make a statutory declaration of presumption of death.

3. While there is no reason to believe that the majority, if not most, of the declarations of presumptive death are incorrect, staff review of live-sighting report files at DIA found a disturbing pattern of arbitrary rejection of evidence that connected a sighting or to specific POW/MIA or U.S. POW/MIA in general.

4. The pattern of arbitrary rejection resulted in a declaration of presumptive finding of death for every such individual case, except one.

5. The internal policy that all POW/MIAs were presumed dead resulted in an emphasis on finding and identifying remains of dead personnel, rather than searching for living POW/MIAs.

6. The desire to identify specific sets of remains with specific names on the POW/MIA list led DOD to an exaggeration of the capabilities of forensic science, and identification based on dubious presumptions and illogical deductions rather than actual physical identification -- a process which resulted in numerous misidentifications of remains.

7. Despite adherence to internal policies and public statements after April, 1973 that "no evidence" existed of living POWs, DIA authoritatively concluded as late as April, 1974 that several hundred living POW/MIAs were still held captive in Southeast Asia.

8. Although the Pathet Lao declared on April 3, 1973 that Laotian Communist forces were holding American POWs and were prepared to give an accounting, nine days later a DOD spokesman declared that there were no more American prisoners anywhere in Southeast Asia. No POWs held by Laotian Communist forces were ever returned. The evidence indicates that American government officials made a decision to abandon U.S. citizens still in the custody of the Socialist Republic of Vietnam, Laos and Cambodia, at the conclusion of U.S. involvement in the Second Indochina War.

9. U.S. casualties, to include POW/MIAs in Southeast Asia, resulting from covert or cross border operation, may not be included on the list of those missing.

10. The executive branch has failed to address adequately the concerns of the family members of the POW/MIAs, and has profoundly mishandled the POW/MIA problem.

Definition of POW/MIA

The subject of POW/MIAs requires some definitions. After the Second Indochina War -- popularly known as the Vietnam War, even though Thailand, Burma, Laos and Cambodia saw U.S. combat action -- hundreds of POWs returned alive, notably in OPERATION HOMECOMING, which concluded in April, 1973.

Those who did not return home are classified by the Department of Defense into two categories: POW/MIAs -- that is, those for whom there is some documentation that they were captured but never repatriated; and KIA/BNRs -- that is, those believed to have been killed in action, but whose bodies were not recovered. For the latter, there is no evidence of their death except DOD's evaluation of the circumstances, even though no physical evidence of death may be available.

In April, 1973, DOD reported that 2,383 personnel were unaccounted for: 1,259 POW/MIAs, and 1,124 KIA/BNRs. This study assumes that both categories of the unaccounted for deserve review. Since 1973, DOD has announced the return of 280 sets of remains, diminishing the over-all number by that amount.

In addition, there could well be an equal number of military personnel missing in action from various U.S. covert actions during the war. Since DOD files on covert actions have not been opened, and the participants in such actions never publicly identified. This inquiry could not establish any number for covert POW/MIAs. However, public source books and interviews with participants suggest that the issue of covert operations adds a substantial, but unknown, dimension to the MIA question which has received no scrutiny.

Review of Live-Sighting Documents

In this inquiry, staff has reviewed hundreds of U.S. Government classified, declassified, and open-source documents. In addition, Senator Grassley and Committee Minority staff were given access to, and have reviewed personally, hundreds of classified live-sighting reports (accounts by Southeast Asians of live POWs in Southeast Asia) in the files of the Defense Intelligence Agency (DIA). According to DIA, this is the first time that either a United States Senator or any United States Congressional Committee staff have been given access to the raw intelligence contained in the 1,400 live-sighting reports.

Out of the 1,400 live-sighting reports, approximately 1,200 are considered by DIA to be "resolved." Each of the so-called "resolved" sightings was resolved by concluding that the live-sighting report did not pertain to U.S. POWs present after April 1979. Staff felt that in some cases such a conclusion was correct, but that in many it was not supported by the facts.

Staff began by first examining so-called resolved cases in order to study DIA methodology by which a conclusion of "resolution" was reached. Since the guidelines set by DIA for access to the files were extremely restrictive, the time available allowed review of only about one-quarter of the so-called "resolved" cases, and none of those in the category of "unresolved." Nevertheless, staff concluded that a significant number of the "resolved" cases reviewed showed that the DIA methodology was faulty, or that the evidence did not support the DIA conclusion in the case, or both.

The information collected and reviewed to date by the staff shows that the position held by the United States Government -- namely, that no evidence exists that Americans are still being held against their will -- cannot be supported. Rather, the information uncovered during this inquiry provides enough corroboration to cast doubt upon the veracity of the U.S. Government's conclusion.

Without revealing classified information, staff believes that the review of the classified live-sighting reports forces that doubt. Although more information remains to be reviewed, the evidence this inquiry has thus far uncovered shows that:

1) living U.S. citizens, military and civilian, were held in Southeast Asia against their will after the U.S. Government's statement on April 13, 1973 that no prisoners remained alive; and

2) the information available to the U.S. Government does not rule out the probability that U.S. citizens are still being held in Southeast Asia.

In fact, classified, declassified and unclassified information all confirm one startling fact: That DOD in April, 1974 concluded beyond a doubt that several hundred living American POWs remained in captivity in Southeast Asia. This was a full year after DOD spokesmen were saying publicly that no prisoners remained alive.

Evidence uncovered in the several hundred cases reviewed thus far clearly demonstrates that, in a disturbing number of cases, DOD made significant errors in drawing conclusions about live-sighting reports, the presumed deaths of individuals, or about individuals that were unaccounted for at the conclusion of the war. Although many cases were resolved correctly based upon the files, there were too many errors apparent to rule out the need to undertake and complete the review of the "unresolved" cases.

Staff also concluded that DOD spent an excessive amount of effort in discrediting live-sighting reports, while exaggerating or mishandling forensic data in order to confirm a presumptive finding of death. DOD appeared to be more anxious to declare a presumptive finding of death than in following up reports of sightings with creative investigative work.

Furthermore, there is evidence of insensitivity on the part of the Executive Branch of the U.S. Government in providing complete and accurate information to the next-of-kin of missing American servicemen.

The classified evidence in DIA files suggests a pattern by a few U.S. Government officials of misleading Congressional inquiries by concealing information, and misinterpreting or manipulating data in government files. Interested Senators and staff with proper clearances no

doubt will want to review the classified files themselves and draw their own conclusions.

The 1973 Policy Decision

Those who have not dealt with the POW/MIA issue may find it difficult to understand how DOD's analysis of the information could be in error. Unfortunately, staff believes that DOD has allowed its procedures to be dictated by a pre-conceived policy finding.

The New York Times reported on April 12, 1973 as follows:

WASHINGTON, April 12 (AP) — The Pentagon, two months after the first American prisoners of war began coming home, said today that it had no evidence that there were any more prisoners still alive in all of Indochina.

Despite the fact that interviews with all returning prisoners are nearly complete, a Pentagon official, Dr. Roger Shields said that none of the 1,389 Americans listed as missing were now technically considered prisoners. "We have no indication at this time that there are any Americans missing alive in Indochina," Dr. Shields said at a news conference.

Dr. Shields was at that time Assistant Secretary of Defense, but he was following guidance issued on that date by the Department of State in a memorandum to DOD which stated that "There are no more prisoners in Southeast Asia. They are all dead." This directive was issued immediately after the return of the last POWs in OPERATION HOMECOMING. This finding was made despite the fact that none of the hundreds of POW/MIAs that the Pathet Lao publicly acknowledged holding were ever returned from Laos. There were hundreds of live-sighting reports on file in 1973. Thousands of such reports have continued to be received since then.

Process for

"Presumption of Death"

Since it was official policy, then, that all MIAs were dead, it became a bureaucratic necessity for all "unresolved" cases to be resolved in favor of a presumed finding of death.

Each respective military service from time to time convenes its own special commissions to pronounce on individual cases. Such a commission has before it at least three categories of information: The first is intelligence-related information concerning the individual. The second is eyewitness accounts of the loss event. The third is the so-called "incident report" — the official report of the loss incident.

If a year passes without new information, the respective military service can convene a commission to determine whether a presumptive finding of death should be declared.

The April, 1973 statement of policy was a political statement, rather than a finding according to statutory authority. As a result, the military services subsequently reviewed each individual case of those who previously had been declared dead en masse. And in every case except one, the commissions made a determination of a presumptive finding of death.

Because of this procedure, the bureaucratic necessity arose for discrediting any evidence that might cast doubt on the mass presumptive finding of death of April, 1973. From the standpoint of law and military regulations, the procedure followed in each case gave a legal affirmation to the original political statement.

Therefore, in order to discredit any information which might undermine the political thesis, the analysis of intelligence files fell into a systematic pattern of debunking information contrary to the thesis.

This systematic debunking included discrediting of reports, possible intimidation of witnesses, dismissal of credible evidence through technicalities, and — if all else failed — the arbitrary disregard of evidence contrary to the thesis.

DOD's Working Hypothesis

An analysis of DOD's working hypothesis for fully accounting for American MIAs is the key to understanding the discrepancies between DOD's position on the POW issue and the evidence uncovered by the staff.

DOD's premise, beginning in April, 1973, has been that all MIAs are dead; the corollary, therefore, is that DOD must never find any evidence that any MIA is alive. The best evidence, in DOD's opinion, is a set of physical remains that can be identified as a specific individual on the POW/MIA list. Once such an identification has been made, the case of that individual can be removed forever from the list. This is an easier task than to accept live-sighting reports that might point to a living POW necessitating appropriate follow-up action.

It is a reasonable assumption to remove POW/MIAs from the list when remains are identified, if the identification is correct. But the fact is that such identifications have been made on the basis of inadequate physical evidence, using presumptive deductions that may or may not be true. The pressure to identify sets of remains has resulted in specific cases where caskets have been buried with full military honors as the "remains" of the individual when, in fact, the casket is empty.

Therefore, DOD acts on its premise by vigorously investigating for the remains of dead MIAs. The list of MIAs presumed dead following the conclusion of the war totaled 2,383. DOD has received and claimed to have identified a total of 280 sets of remains since 1973.

Any full accounting of MIAs, according to DOD's working hypothesis, would necessarily involve only those cases in which either a presumptive finding of death could be made, or else full or partial remains could be discovered. As each presumptive finding of death is declared or set of remains is identified, DIA would remove, as accounted for, the names that matched those on the original MIA list. In this respect, DOD claims that DIA has vigorously investigated and resolved hundreds of such cases.

The policy of DOD is to focus attention on the cases where some evidence, no matter how small, of physical remains can be recovered. But even while DOD enthusiastically and vigorously investigates remains cases — no matter how fragmentary — it just as vigorously discredits live-sighting and other witness accounts. Throughout the 1970s and 1980s hundreds of thousands of Asians fled Vietnam, Cambodia and Laos. These refugees provided many first-hand reports, or knew by second- or third-hand reports, of American prisoners being held in their respective countries.

To date, over 11,700 accounts have been received by DOD; 1,400 of these are first-hand, live-sighting reports. DIA claims to have analyzed fully each of these live-sighting reports, and to have left "no stone unturned" in searching for living prisoners. After analyzing the live-sighting reports, DIA has concluded that the majority are not related to living American POWs, with the possible exception of a small percentage of reports that DIA describes as "unresolved."

However, no "resolved" case has ever concluded that an American POW remains captive in Southeast Asia. In this way DIA concludes that there is no evidence of Americans currently being held captive in Southeast Asia. This contention is consistent with both the working hypothesis described above and with DIA's apparent success at removing from the MIA list names that involve only those cases in which remains are identified, or a finding of death declared.

Insofar as these discrepancies relate to the 1,400 first-hand reports of living prisoners, DOD's original premise comes into question. Numerous live-sighting reports have been erroneously discredited by DIA analysts. Moreover, staff has reason to believe that DOD has misidentified the remains of scores of MIAs, and has incorrectly presumed dead many others.

This analytical bias is typical of a bureaucracy defending an established policy at all costs, even if it means denying the obvious. It is also a typical characteristic of an out-moded paradigm that can no longer explain the real world or real facts. If the original premise of DOD were that at least some of the 2,383 MIAs were alive, then the evidence collected by DOD, including the thousands of live-sighting reports, would have to be viewed as valid or potentially valid. Therefore, the evidence would have to be presumed worthy of consideration.

The same could be said of problems relating to the forensic identification of remains and the presumptive finding of death: Unless convincing or conclusive evidence were known, remains cases and presumptive finding of death would not be prematurely made.

Importance of the Problem

The resolution of these questions is important not only to any MIA/POWs who may be still alive, but also to the families involved. It is also important to the fate of any possible POWs in a future military action. With 200,000 U.S. troops now deployed to the Persian Gulf, the question of possible prisoners of war once again becomes an urgent matter.

Moreover, the resolution of issues relating to Southeast Asia is a key priority of our nation's foreign policy. Secretary of State James A. Baker III stated recently that the POW/MIA issue is the last remaining obstacle to resumption of relations with the government of Vietnam. But if it turns out that Vietnam has been concealing the existence of POWs, then it would be a complicating factor in initiating relations with the present regime.

-- From POW-MIA Fact Book, Department of Defense, July 1990:

"The fullest possible accounting for the missing, the return of all Americans who may still be held in captivity, and the repatriation of all recoverable remains is required to resolve the POW/MIA issue. While the live prisoner issue remains at the forefront of our negotiation and intelligence efforts, we recognize that accountability is both a complementary goal to resolving this pressing question and vital to obtaining the answers which the POW/MIA families of our nation so richly deserve."

-- Dick Cheney, Secretary of Defense, July 1990.

"Accountability lies in oversight by Congress or in criticism from the electorate, but not in the judgment of the courts."

-- From Smith vs. Reagan, United States Court of Appeals, for the Fourth Circuit, No. 87-1661, April, 20, 1988, regarding the POW/MIA issue.

This is a SPECIAL MAILING FROM THE

Heart of Illinois POW/MIA Association

MEMBERSHIP - Joe Schott (309) 346-7606
2507 Cherry Lane
Pekin, IL 61554

INFORMATION/MERCHANDISE -

Sam Cretaro (309) 352-5564
P.O. Box 1193
Pekin, IL 61554

Ron/Clarie Steinkner (309) 694-6696
123 Devron Circle
E. Peoria, IL 61611





Interim Report on the Southeast Asian POW/MIA Issue

**By the U.S. Senate Committee on Foreign
Relations Republican Staff**

RELEASE DATE: Monday, October 29, 1990

CLAIBORNE PELL, RHODE ISLAND, CHAIRMAN

JOSEPH R. BIDEN, JR., DELAWARE
PAUL S. SARBANES, MARYLAND
ALAN CRANSTON, CALIFORNIA
CHRISTOPHER J. DODD, CONNECTICUT
JOHN F. KERRY, MASSACHUSETTS
PAUL SIMON, ILLINOIS
TERRY SANFORD, NORTH CAROLINA
DANIEL P. MOYNIHAN, NEW YORK
CHARLES S. ROBB, VIRGINIA

JESSE HELMS, NORTH CAROLINA
RICHARD G. LUGAR, INDIANA
NANCY L. KASSEBAUM, KANSAS
RUDY BOSCHWITZ, MINNESOTA
LARRY PRESSLER, SOUTH DAKOTA
FRANK H. MURKOWSKI, ALASKA
MITCH MCCONNELL, KENTUCKY
GORDON J. HUMPHREY, NEW HAMPSHIRE
CONNIE MACK, FLORIDA

GERYLD B. CHRISTIANSON, STAFF DIRECTOR
JAMES P. LUCIER, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

October 26, 1990

Dear Republican Colleague:

Enclosed is an Interim Report prepared by the Minority Staff of the Senate Committee on Foreign Relations on the U.S. Government's handling of the POW/MIA matter. This summary document represents a year of intensive investigation, culminating in a major breakthrough in the careful examination of DIA live-sighting reports on POW/MIAs--the first time in 17 years that an independent branch of the government has had an opportunity to make an objective evaluation of the methods used in accounting for those categorized as POW/MIAs in Southeast Asia.

On October 17, 1990, the Foreign Minister of Vietnam, Nguyen Cao Thac addressed a coffee at the Foreign Relations Committee and attended by Senators of the Committee as well as invited guests. In my opinion, the Department of State's invitation to Thac to visit the United States was inappropriate at a time when the Executive Branch is still unwilling to address the hard issue of living American POWs still being held captive in Southeast Asia.

The thrust of Thac's address was to call for the acceleration of the time table for renewal of relations between the governments of Vietnam and the United States. Thac indicated that the resolution of the POW/MIA issue is one of two major areas of contention. Furthermore, Thac stated that he had agreed to all terms levied by the President through his special envoy, General John Vessey USA (Ret.). But in re-stating the terms to which he had agreed, Thac never once mentioned that the issue of living American POWs in Vietnam had been addressed.

The position of the Executive Branch is that there is "no evidence" that living Americans exist in SE Asia, nor were any left after American prisoners were returned in 1973.

Nevertheless, public opinion polls continue to suggest that 62% of the American people believe that U.S. POW/MIAs are still alive in Vietnam, and 84% of Vietnam veterans believe so. Clearly the U.S. Government no longer maintains credibility on this issue.

For this reason, a year ago, I assigned investigators on the Minority Staff of the Senate Foreign Relations Committee to conduct a staff investigation of the handling of the POW/MIA issue by the U.S. Government. These investigators are highly trained professionals, with a total of more than 68 years of investigative experience in the Executive Branch, including criminal investigative experience, as well as more than 17 years of experience in intelligence analysis. All served in Vietnam and are knowledgeable about the history, geography, and language of that unfortunate country.

The investigation has proceeded quietly, and without public fanfare. But much remains to be done. Information developed in the course of the inquiry was the result of the following methods: 1) face-to-face and telephonic interviews; 2) review of various classified and unclassified official documents; 3) corroborative information from government and private sources; and 4) historical research. This report is in all respects an interim report: It is incomplete and it is a summary report of conclusions which must be further tested.

The Committee on Foreign Relations has authority to engage in oversight of POW/MIA issues implicit in its broad mandate to study and review foreign policy. Senate Rule 25.1j specifically refers to the Committee on Foreign Relations matters dealing with: "[11.] Intervention abroad and declarations of war," and "[15.] Protection of United States citizens abroad and expatriation."

The focus of the inquiry has centered on the following questions:

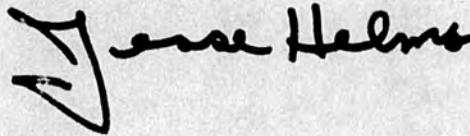
- 1. Does the U.S. Government possess valid information concerning living POWs in Southeast Asia?*
- 2. Has the U.S. Government failed to act on information concerning living POWs in Southeast Asia?*

3. *Has the U.S. Government acted improperly to intimidate, coerce, or discredit sources which have valid information concerning living POWs in Southeast Asia?*

I believe that the investigators have come to valid conclusions, although of course much of the material they reviewed remains classified. Moreover, I believe that the American people have the right to see that this inquiry is pursued to a proper conclusion.

I am deeply grateful for the enormous contribution of Senator Chuck Grassley who, out of his deep concern for American service personnel, joined me at the very beginning and supported and encouraged it at every step.

Sincerely,

A handwritten signature in black ink, reading "Jesse Helms". The signature is written in a cursive, slightly stylized font. The first letter "J" is large and loops around the first part of the name. The last name "Helms" is written in a more straightforward cursive style.

JESSE HELMS:lb

"Accountability lies in oversight by Congress or in criticism from the electorate, but not in the judgement of the courts."

--From *Smith vs. Reagan*, United States Court of Appeals, for the Fourth Circuit, No. 87-1661, April, 20, 1988, regarding the POW/MIA issue.

Introduction

One year ago, the Ranking Minority Member of the Senate Committee on Foreign Relations assigned members of the Minority Staff to investigate the following three questions:

- 1.) Whether the United States Government has received and still possesses valid information concerning living prisoners of war/missing in action--POW/MIAs--in Southeast Asia;
- 2.) Whether the U.S. Government has failed to act on such information; and,
- 3.) Whether the U.S. Government has acted improperly to intimidate and discredit sources of such information.

The primary purpose of this investigation has been, and will continue to be, to determine whether the U.S. government has handled the question in a truthful and effective manner. But if it results in a determination that even one POW may still be alive, it will result in a dividend of blessings.

The inquiry remains on-going. It is based not only on the review of thousands of classified and non-classified documents, but also upon hundreds of telephonic and face-to-face interviews with government officials and those affected by their decisions with regard to POW/MIAs. A full report will require much additional investigation and analysis. The following, however,

represents an interim report at the conclusion of one year's work. It allows the presentation of some preliminary conclusions.

Preliminary Conclusions

The U.S. Government states it has no evidence that POWs were left behind in Southeast Asia. The official policy asserts that it is open to investigation of all reports. For example, the official Department of Defense (DOD) *POW-MIA Fact Book*, issued July, 1990, states:

Although we have thus far been unable to prove that Americans are still detained against their will, the information available to us precludes ruling out that possibility. Actions to investigate live sighting reports receive and will continue to receive necessary priority and resources based on the assumption that at least some Americans are still held captive. Should any report prove true, we will take appropriate action to ensure the return of those involved.

Notwithstanding this professed openness to new evidence, the U.S. Government has insisted since April 12, 1973, that it has no evidence of living POWs. In fact, on that date--at the conclusion of OPERATION HOMECOMING, which brought home 591 POWs--Dr. Roger Shields, then Assistant Secretary of Defense, stated that the DOD had "no evidence that there were any more POWs still alive in all of Indochina."

This assertion has been consistent. For example, last July, Col. Joseph