

ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILES 8672

2345 SCOMM 97 HOUSE SPEC. MILITARY & VET. AFFAIRS, 1995-1996

**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

January 24, 1995

SUBJECT: Sectional Summary of HCR 5 relating to Pearl Harbor Remembrance Day (9-LS0388\C)

TO: Representative Pete Kott
Attn: George

FROM:  Theresa Bannister
Legislative Counsel

You have requested a sectional summary of the above-described resolution.

As a preliminary matter, note that a sectional summary of a resolution should not be considered an authoritative interpretation of the resolution and the resolution itself is the best statement of its contents.

1. The "Whereas" provisions give the background and reasons for establishing Pearl Harbor Remembrance Day.
2. The "Resolved" provision declares December 7, 1995, to be Pearl Harbor Remembrance Day and urges the Governor to issue a proclamation calling on state citizens to observe the day.

If I may be of further assistance, please advise.

TLB:pl
95-015.plm

ONE HUNDRED NINETY-FOURTH CONGRESS
of the
United States of America

AT THE SECOND SESSION

Begin and held at the City of Washington on Tuesday,
the twenty-fifth day of January, one thousand nine hundred and ninety-four

Joint Resolution

Designating December 7 of each year as "National Pearl Harbor Remembrance Day".

Whereas, on December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the armed forces of the United States stationed at Pearl Harbor, Hawaii;
Whereas more than 2,000 citizens of the United States were killed and more than 1,000 citizens of the United States were wounded in the attack on Pearl Harbor;
Whereas the attack on Pearl Harbor marked the entry of the United States into World War II;
Whereas the veterans of World War II and all other people of the United States commemorate December 7 in remembrance of the attack on Pearl Harbor; and
Whereas commemoration of the attack on Pearl Harbor will instill in all people of the United States a greater understanding and appreciation of the selfless sacrifice of the individuals who served in the armed forces of the United States during World War II: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That December 7 of each year is designated as "National Pearl Harbor Remembrance Day" and the President is authorized and requested—

(1) to issue annually a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities; and

(2) to urge all Federal agencies, and interested organizations, groups, and individuals, to fly the flag of the United States at halfstaff each December 7 in honor of the individuals who died as a result of their service at Pearl Harbor.

Thomas S. Foley

Speaker of the House of Representatives.

Robert L. Byrd

Vice President of the United States and
President of the Senate pro tempore.

APPROVED

AUG 23 1994

William D. Clinton

STATE OF ALASKA



Executive Proclamation

by

Walter J. Hickel, Governor

December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the armed forces of the United States stationed at Pearl Harbor, Hawaii.

More than 2,000 citizens of the United States were killed and more than 1,000 were wounded in the attack on Pearl Harbor, which marked the entry of the United States into World War II.

The veterans of World War II and all other people of the United States commemorate December 7 in remembrance of the attack on Pearl Harbor.

Commemoration of the attack on Pearl Harbor will instill in all people of the United States a greater understanding and appreciation of the selfless sacrifice of the individuals who served in the armed forces of the United States during World War II.

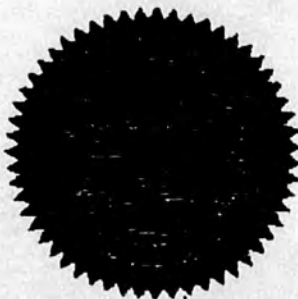
NOW, THEREFORE, I, Walter J. Hickel, Governor of the State of Alaska, do hereby proclaim December 7, 1994, as:

PEARL HARBOR REMEMBRANCE DAY IN ALASKA

and encourage all citizens and groups to observe the day with appropriate ceremonies and activities.

DATED: November 14, 1994

Done by —



Walter J. Hickel
Walter J. Hickel, Governor
who has also authorized the seal
of the State of Alaska
to be affixed to this proclamation.

SCOMM

97:8

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HCR 25

Revision Date: _____	Dept. Affected: <u>Office of the Governor</u>
Title: <u>"A Resolution Declaring May 15, 1996,</u>	BRU: <u>Executive Operations</u>
<u>381st Intelligence Squadron Logistics Division Day</u>	Component: <u>Office of the Lt. Governor</u>
Sponsor: <u>House Spec. Comm. Military and Veterans Affairs</u>	
Requester: _____	COMPONENT SERIAL NO. <u>11</u>

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 100	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: <u>John Lindback, Chief of Staff</u>	<i>John Lindback</i>	Phone: <u>465-3522</u>
Division: <u>Office of the Lt. Governor</u>		Date: <u>2/8/96</u>
Approved by Commissioner: <u>Lt. Governor Fran Ulmer</u>	<i>F. Ulmer</i>	Date: _____
Agency: _____		

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For further distribution information, call the Governor's Legislative Office

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 5, 1996

FURTHER REFERRALS:

State Affairs

Date of Committee Action: 02-14-96

The HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS Committee considered:

HCR 25

HOUSE CONCURRENT RESOLUTION NO. 25

381ST INTELL.SQUADRON DIVISION DAY

Declaring May 15, 1996, 381st Intelligence Squadron Logistics Division Day.

recommends it be replaced

☐ the same title

with the following committee substitute _____

☐ a new title

☐ additional referral to _____ Committee

☐ attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS:

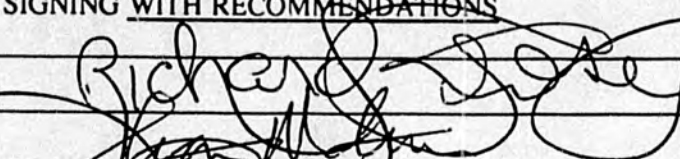
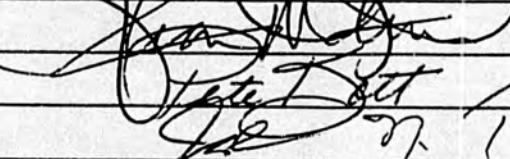
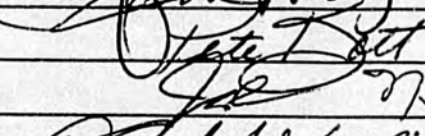
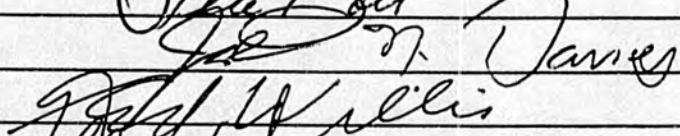
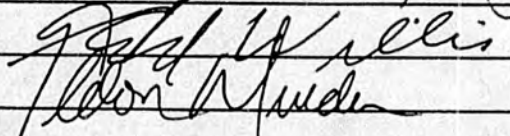
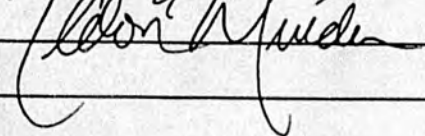
(Dept/Date)

☐ fiscal note(s) _____

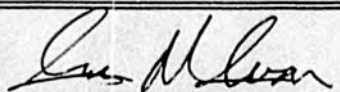
☐ fiscal note(s) _____

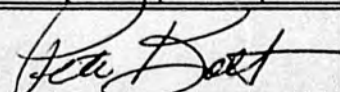
☒ zero fiscal note(s) Lt Gov's office

☐ zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
	FOSTER	X			
	IVAN	X			
	KOTT	X			
	DAVIES			X	
	WILLIS	X			
	MULDER	X			

CHAIR'S SIGNATURE


CO-Chair IVAN


KOTT

HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS AFFAIRS

SPONSOR STATEMENT HCR 25

THE 381st Intelligence Squadron Logistics Division, which is stationed at Elmendorf Air Force Base, has performed distinguished service to our nation, as indicated by the numerous merit awards it has earned. Among others, this outstanding unit has received the United States Air Force Outstanding Logistics Plans and Programs Award, the Lieutenant General Leo Marquez Award, the General Thomas P. Gerrity Award for Outstanding Logistics, and the Honorable Dudley Sharp Award.

Alaska is honored by the dedication and professional competence of this unit. HCR 25 recognizes its excellence by declaring May 15, 1996 to be 381st Intelligence Squadron Logistics Division Day. Your support is appreciated.

HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS AFFAIRS

HCR 25 ANALYSIS

This resolution would declare May 15, 1996 to be 381st Intelligence Squadron Logistics Division Day. It calls for a distribution of copies of the resolution to various officials and military leaders.

SCOMM

97:9

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HCR 32

Revision Date:	Dept. Affected: <u>Office of the Governor</u>
Title: <u>"A Resolution Establishing YUKLA 27"</u>	BRU: <u>Executive Operations</u>
Remembrance Day:	Component: <u>Executive Office</u>
Sponsor: <u>House Labor and Commerce Committee</u>	
Requester:	COMPONENT SERIAL NO. <u>6</u>

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 100	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: <u>Michael A. Nizich, Director</u>	<i>M. Nizich</i>	Phone: <u>465-3876</u>
Division: <u>Division of Administrative Services</u>		Date: <u>3/11/96</u>
Approved by Commissioner: <u>Jim Ayers, Chief of Staff</u>	<i>J. Ayers</i>	Date: <u>3/11/96</u>
Agency: <u>Office of the Governor</u>		

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House Labor & Commerce Committee

State Capitol
Juneau, Alaska 99801-1182
907-465-4954

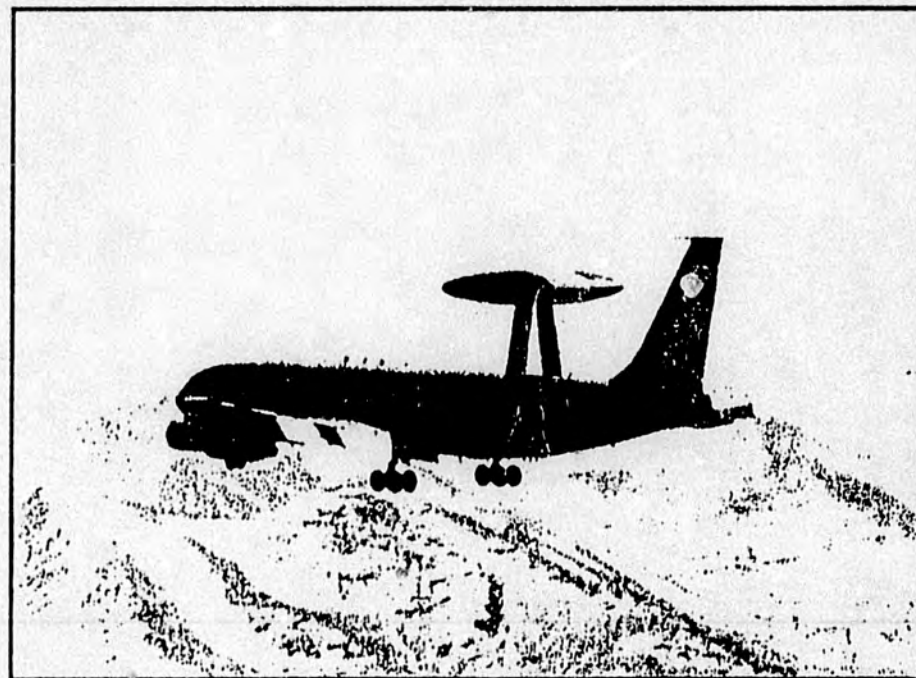
SPONSOR STATEMENT HCR 32

On September 22, 1996, an AWACS plane, with a call sign of YUKLA 27, crashed shortly after taking off from Elmendorf Air Force Base. Tragically, its entire crew of twenty-four young men perished in this catastrophic event.

HCR 32, which is sponsored by the House Labor and Commerce Committee, would establish September 22 of each year as YUKLA 27 Remembrance Day. It also calls upon the Governor to issue a proclamation to commemorate the day and direct that Alaska flags be flown at half-staff.

It is only right and proper that we honor the memory of those who sacrificed so much for us. The Committee respectfully urges your support.

In Memory of
the Crew of
YUKLA 27



"YUKLA," the call sign for all
962nd AACCS flights, is from
an Alaskan dialect meaning
"EAGLE."

MEMORIAL SERVICE FOR THE CREW MEMBERS OF YUKLA 27

ELMENDORF AIR FORCE BASE, ALASKA
27 SEPTEMBER 1995

*Arrival of the Family Members of YUKLA 27

*Presentation of the Colors

*National Anthems of Canada and the United States

*Invocation

Responsive Reading

Psalm 23

Chaplain: The Lord is my shepherd, I shall not want;

People: He makes me lie down in green pastures. He leads me
beside still waters;

Chaplain: He restores my soul. He leads me in paths of righteousness
for his name's sake.

People: Even though I walk through the valley of the shadow of
death, I fear no evil; for thou art with me; thy rod and thy staff,
they comfort me.

Chaplain: Thou preparest a table before me in the presence of my
enemies; thou anointest my head with oil, my cup overflows.

People: Surely goodness and mercy shall follow me all the days of
my life; and I shall dwell in the house of the Lord forever.

Congregational Hymn "O God Our Help in Ages Past"

O God, our help in ages past, our hope for years to come,
our shelter from the stormy blast, and our eternal home.

Before the hills in order stood, or earth received her frame,
from everlasting you are God to endless years the same.

A thousand ages in your sight, are like an evening gone,
short as the watch that ends the night before the rising sun.

O God, our help in ages past, our help for years to come,
remain our guard, while life shall last and our eternal home.

Scripture Reading

Psalm 130
John 14:1-4

Meditation

*Meritorious Service Medal Presentation

Wreath Laying Ceremony

United States and Canadian Forces in Alaska

3rd Wing, 962nd Airborne Air Control Squadron,
381st Intelligence Squadron
Elmendorf Air Force Base, Alaska

The Air Force Hymn

"Lord Guard and Guide the Ones Who Fly"

*Military Honors

Rifle Salute
Taps

*Benediction

Fly By

CREW MEMBERS OF YUKLA 27

Richard G. Leary, Lieutenant Colonel, USAF
Navigator

Richard P. Stewart II, Major, USAF
Mission Crew Commander

Marlon R. Thomas, Major, USAF
Mission Crew Commander

Steve Tuttle, Major, USAF
Airborne Surveillance Officer

Glenn "Skip" Rogers, Captain, USAF
Pilot

Robert John Long, Captain, USAF
Senior Director

Bradley W. Paakola, Captain, USAF
Pilot

Carlos Alberto Arriaga, First Lieutenant, USAF
Weapons Director

Stephen C. O'Connell, Master Sergeant, USAF
Advanced Air Surveillance Technician

Bart L. Holmes, Technical Sergeant, USAF
Flight Engineer

Ernest R. Parrish, Technical Sergeant, USAF
Area Specialist

Dave Pitcher, Sergeant, CAF
Battle Director Technician

Charles D. Sweet, Jr., Technical Sergeant, USAF
Airborne Radar Technician

Brian K. Vanleer, Technical Sergeant, USAF
Advanced Air Surveillance Technician

Mark Alan Bramer, Technical Sergeant, USAF
Flight Engineer

Timothy B. Thomas, Technical Sergeant, USAF
Computer Display Maintenance Technician

Mark A. Collins, Technical Sergeant, USAF
Communications Systems Operator

J. P. Legault, Master Corporal, CAF
Communications Technician

Scott A. Bresson, Staff Sergeant, USAF
Airborne Radar Technician

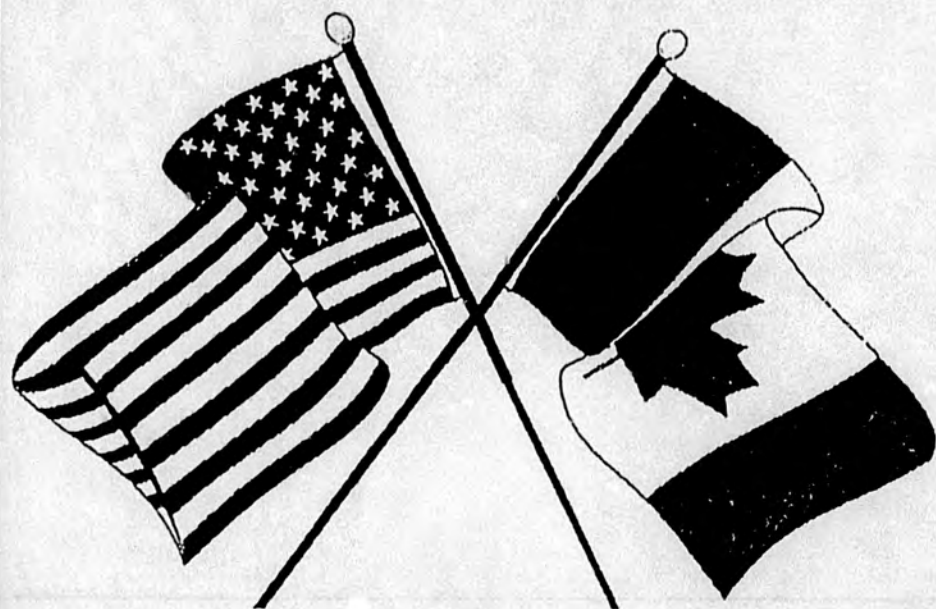
Raymond O. Spencer, Jr., Staff Sergeant, USAF
Airborne Surveillance Technician

Joshua N. Weter, Senior Airman, USAF
Computer Display Maintenance Technician

Lawrence E. DeFrancesco, Senior Airman, USAF
Communications Systems Operator

Darien F. Watson, Airman, USAF
Airborne Surveillance Technician

Jeshua C. Smith, Airman, USAF
Airborne Surveillance Technician



"HIGH FLIGHT"

by

John Gillespie Magee, Jr.

Oh, I have slipped the surly bonds of earth
And danced the skies on laughter-silvered wings;
Sunward I've climbed, and joined the tumbling mirth
Of sun-split clouds--and done a hundred things
You have not dreamed of--wheeled and soared and swung
High in the sunlit silence, Hov'ring there,
I've chased the shouting wind along, and flung
My eager craft through footless halls of air.
Up, up the long, delirious, burning blue
I've topped the windswept heights with easy grace
Where never lark, or even eagle flew,
And, while with silent, lifting mind I've trod
The high untrespassed sanctity of space,
Put out my hand, and touched the face of God.

(7)

HOUSE COMMITTEE REPORT

Date Referred to Committee: March 8, 1996

FURTHER REFERRALS:

Date of Committee Action: 3-21-96

The HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS Committee considered:

HCR 32

HOUSE CONCURRENT RESOLUTION NO. 32

YUKLA 27 REMEMBRANCE DAY

Establishing YUKLA 27 Remembrance Day.

recommends it be replaced with the following committee substitute _____ [] the same title
[] a new title

[] additional referral to _____ Committee

[] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

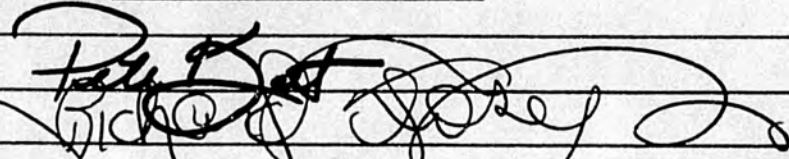
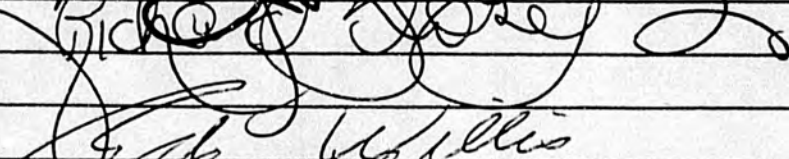
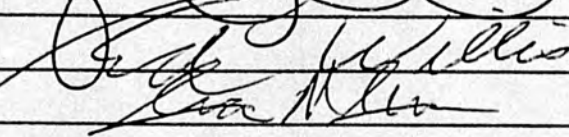
APPROVES PREVIOUS: _____ (Dept/Date)

[] fiscal note(s) _____

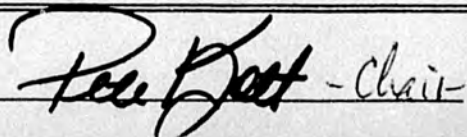
[] fiscal note(s) _____

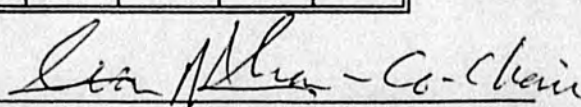
☒ zero fiscal note(s) _____

[] zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
	☒			
	☒			
	☒			
	☒			

CHAIR'S SIGNATURE

 - Chair

 - Co-Chair

SCOMM

97:10

Rep Kott



DEPARTMENT OF ALASKA

HEADQUARTERS

P.O. Box 61538 • Fairbanks, Alaska 99706
Phone: (907) 479-4008 • Fax: (907) 479-8964

DEPARTMENT SERVICE OFFICER

Phone: (907) 276-2511
Toll Free: 1-800-827-1000 EXT. 4803

20 March 1995

TO: All Members of the Military
& Veterans Affairs Committee
Alaska State Legislature

On behalf of the membership of the Disabled American Veterans (DAV), Department of Alaska, I am requesting the members of the Military and Veterans Affairs Committee to **SUPPORT** and **PASS HJR 9**; requesting the Governor to file suit in the United States Supreme Court against the United States Government, alleging violations of the civil rights of Americans listed as POW's (Prisoners of War) or MIA's (Missing in Action) in Southeast Asia. They are demanding that documents concerning these individuals be released and requesting the other States join the suit.

Yours in Comradeship,

Fred G. Ruppert
Department Commander
Disabled American Veterans

Alaska State Legislature

• REPRESENTATIVE
JEANNETTE JAMES

P.O. Box 56622
North Pole, Alaska 99705
(907) 488-1546
FAX (907) 488-9006



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-3743
FAX (907) 465-2381

House of Representatives

House District 34

DATE: March 15, 1995

TO: Representative Pete Kott
Military and Veterans Affairs Committee

From: Representative Jeannette James

RE: Hearing Request for HJR 9

This is a request for the Military and Veterans Affairs committee to schedule HJR 9 at your earliest convenience. This resolution would request the governor to file suit in the United States Supreme Court regarding POW's and those listed as missing in action in Southeast Asia. See attached sponsor statement.

Alaska State Legislature

REPRESENTATIVE
JEANNETTE JAMES

P.O. Box 56622
North Pole, Alaska 99705
(907) 488-1546
FAX (907) 488-9006



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-3743
FAX (907) 465-2381

House of Representatives

House District 34

SPONSOR STATEMENT

3-10-95

HJR 9

**Requesting the Governor to file suit against the U.S.
and others over POW/MIA's from Alaska**

There is continuing controversy concerning the presence of American servicemen, who were listed as Prisoners of War or Missing in Action and may be being held against their will in the Southeast Asian nations of Vietnam, Laos, and Kampuchea (formerly Cambodia).

The United States government has stated that all of our Prisoners of War have been returned from Vietnam. A top secret Vietnamese report, dated 1972, by General Tran Von Kwang, Deputy Chief of Staff for the North Vietnamese Army, reported that in September of 1972 Hanoi held 1,205 American prisoners. Only 591 American Prisoners of War have been released under the 1973 Peace Settlement.

There are two missing and unaccounted for servicemen in Southeast Asia from Alaska.

I request that the Alaska State Legislature hereby require the Governor of the state of Alaska, on behalf of the people of this state, to file in the United States Supreme Court a cause of action against the government of the United States. Defendants in this suit would include the Department of Defense and the intelligence agencies, the ambassadors or other public ministers and consuls of the governments of Vietnam, Laos, Kampuchea, Russia, and China, alleging violation of civil rights of the people of Alaska. Especially, alleging the violation of the right to life, liberty and the pursuit of happiness of the following named citizens of the State of Alaska,

Thomas E. Anderson, U.S.M.C. Spenard and **Howard M.**
Koslosky U.S.N. Anchorage.

Alaska State Legislature

REPRESENTATIVE
JEANNETTE JAMES

P.O. Box 56622
North Pole, Alaska 99705
(907) 488-1546
FAX (907) 488-9006



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-3743
FAX (907) 465-2381

House of Representatives

House District 34

DATE: March 15, 1995

TO: Representative Pete Kott
Military and Veterans Affairs Committee

From: Representative Jeannette James

RE: Hearing Request for HJR 9

This is a request for the Military and Veterans Affairs committee to schedule HJR 9 at your earliest convenience. This resolution would request the governor to file suit in the United States Supreme Court regarding POW's and those listed as missing in action in Southeast Asia. See attached sponsor statement.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HJR 9

Revision Date: _____	Dept. Affected: <u>Department of Law</u>
Title: <u>"Requesting the governor to file suit in the</u>	BRU: <u>Legal Services</u>
<u>United States Supreme Court..."</u>	Component: <u>Operations</u>
Sponsor: <u>Representative James</u>	
Requester: <u>Representative James</u>	COMPONENT SERIAL NO. <u>0093</u>

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL						

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

HJR 9 requests the governor to file suit in the United States Supreme Court against the United States government alleging violations of the civil rights of Americans listed as prisoners of war or missing in action in Southeast Asia. The resolution further requests that the suit demand that the Department of Defense, the intelligence agencies, and the governments of Vietnam, Laos, Kampuchea, Russia, North Korea, and China be ordered to turn over all documents concerning Americans listed as POWs or MIAs as a result of the Vietnam War. It is a purpose of the resolution that the lawsuit is not intended to solicit a ruling or an opinion definitively declaring the POW/MIA issue moot, but rather that it is intended to mandate that the fate or location of all Americans listed as POWs or MIAs be determined as missing beyond a reasonable doubt and on an individual basis. The resolution also requests that other states to join in the suit.

The Department of Law has no comment to offer concerning the merits of the resolution. However, we do note that if the intent of the resolution is carried out it will be necessary to hire outside counsel skilled in

Prepared by: <u>Richard I. Peques, Director</u>	Phone: <u>465-3672</u>
Division: <u>Administrative Services Division</u>	Date: <u>3/17/95</u>
Approved by Commissioner: <u>Bruce M. Botelho, Attorney General</u>	Date: <u>3/17/95</u>
Agency: <u>Department of Law</u>	

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HJR 9

ANALYSIS CONTINUATION:

U.S. Supreme Court proceedings. Outside counsel would be needed to advise the state concerning preparation of the suit, requirements of federal and international jurisdiction, to provide liaison with the National Association of Attorneys General and the other states, and to represent the state in formal proceedings before the U.S. Supreme Court. At this early juncture we cannot determine what costs might be required. We caution, however, that the U.S. Supreme Court costs could eventually reach \$50,000 or more.

SPONSOR SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 9

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES JAMES, Kubina

Introduced:

Referred:

A RESOLUTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 **FURTHER RESOLVED** that the lawsuit is not intended to solicit a ruling or an
11 opinion definitively declaring the POW/MIA issue moot, but rather that it is intended to
12 mandate that all evidence of law be used to prove beyond a reasonable doubt and on an
13 individual basis the fate or location of all servicemen who were POWs or MIAs; and be it

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

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

HOUSE COMMITTEE REPORT

(5) Date Referred: January 16, 1995 FURTHER REFERRALS: State Affairs
Judiciary

Date of Committee Action: 3-20-95

The HOUSE SPECIAL COMMITTEE ON MILITARY & VETERAN'S AFFAIRS Committee considered: HJR 9

HOUSE JOINT RESOLUTION NO. 9 SUIT RE POWS & MIAS AGAINST U.S. & OTHERS

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

recommends it be replaced with the following committee substitute CS HJR 9 (MLV ~~41814~~) ☐ the same title ☐ a new title

☐ additional referral to _____ Committee
☐ attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) APPROVES PREVIOUS: (Dept/Date)
☐ fiscal note(s) _____ ☐ fiscal note(s) _____

☒ zero fiscal note(s) Law ☐ zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
	✓			
	✓			
	*			
	✓			

CHAIR'S SIGNATURE

February 1, 1995

AN OPEN REQUEST TO ALL MEMBERS OF THE ALASKA STATE LEGISLATURE:

Reference: House Joint Resolution No. 9

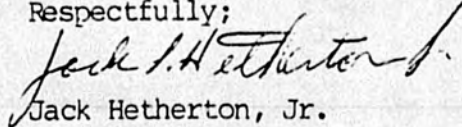
I am submitting the enclosed documents as testimony in support of passage of House Joint Resolution NO. 9.

I am a Vietnam veteran and have been very involved in the POW/MIA issue. This is a disturbing and emotional issue for me as I am sure it is for the other thousands of veterans in Alaska. My one primary goal is to verify and help repatriate any American servicemen held against their will by a foreign power.

Please take the time to read these documents. With the current political situation at the national level, every day is becoming all the more crucial.

I have other supporting documents and video tapes that I can make available to you if you wish.

Respectfully;



Jack Hetherton, Jr.
P.O. Box 2376
Soldotna, Alaska 99669
(907) 262-5455

VFW COMMANDER
POST #10046
SOLDOTNA

EXCERPTS FROM:

United States Senate
An Examination of U.S. Policy Toward POW/MIAs

By the U.S. Senate Committee on Foreign Relations Republican Staff
Thursday, May 23, 1991

(Part I; THE AEF AND WORLD WAR I):

August 20, 1921, a formal agreement between the Soviet Union and the United States, the "Riga Agreement," was concluded...Among the conditions for U.S. aid to the Soviets was....The United States expected the repatriation of approximately 20 U.S. citizens; but, in fact, more than 100 Americans were repatriated as a result of this agreement.

As Herbert Hoover wrote in his autobiography: The provision for release of American prisoners was suggested by Secretary Hughes, who informed me that the Department knew that there were about 20 of them. More than a hundred American prisoners in Russian dungeons were released on Sept 1, (1921).

Even so, reports continued to be received by the Department of State that more Americans were still held in Russia. The discrepancy between the official information in the hands of the U.S. government..20 Americans held, and the actual number of more than one hundred released..gave the U.S. Government its first taste of negotiating for Americans held against their will by Communists.

(World War II):

World War II was a great military victory for the United States Armed Forces. In both the European and the Pacific theaters, the enemy unconditionally surrendered. However, despite the total victory in Europe by Allied forces, thousands and thousands of U.S. soldiers..perhaps as many as 20,000..were never repatriated from prisoner of war (POW) camps, prisons and forced labor and concentration camps.

The daughter of one U.S. Army officer..Major Wirt Thompson..was never told that in 1955 a German POW repatriated from the Soviet concentration camp system reported to the United States Government that while he was in prison, he met her father. The German repatriate told American officials that Thompson told him that he had been imprisoned at Budenskaya prison near Moscow, and also in the Tayshet labor camp after World War II. Not only was Thompson's daughter "overwhelmed" when she found out early in 1991 that this information existed, but she wondered how her family could have been told by the United States government in 1944 that Thompson had been killed in action, body not recovered.

(Korean War):

Unlike the result in World War II, Allied forces did not achieve a military victory in Korea. The Korean War ended at the negotiating table between Communist North Korean representatives and United Nations representatives. With regard to POW repatriation, the North Koreans initially demanded an "all-for-all" prisoner exchange. The United States was reluctant to agree to this formula based on its World War II experience with the Yalta agreement and mandatory repatriation, knowing that thousands of those forced to return to the Soviet Union were either shot or interned in slave labor camps, where most of them died. After two long years of negotiations, the North Koreans agreed to the principle of voluntary or "non-forcible" repatriation." This agreement stated that each side would release only those prisoners who wished to return to their respective countries.

Operation BIG SWITCH was the name given to the largest and final exchange of prisoners between the North Koreans and the U.N. forces, which occurred over a one-month period from August 5, 1953 to September 6, 1953. Chinese and North Korean POWs were returned to North Korea, and U.S. and other U.N. troops were returned to South Korea. Approximately 14,200 Communist Chinese POWs elected not to return to the Peoples Republic of China; while 21 American POWs elected to stay with the Communist forces, and likely went to China. These 21 Americans are defectors and obviously are not considered as repatriated U.S. POWs.

However, U.S. government documents state that the U.S. government knew that nearly one thousand U.S. POWs..and an undetermined number of some 8,000 U.S.

MIAs..were still held captive after Operation BIG SWITCH and were not repatriated at the end of the Korean War. These U.S. POWs were never repatriated. Three days after the start of operation BIG SWITCH, the New York Times reported that Gen. James A. Van Fleet, retired commander of the United States Eighth Army in Korea, estimated tonight that a large percentage of the 8,000 American soldiers listed as missing in Korea were still alive.

A report by the U.N. Combined Command for Reconnaissance Activity, Korea, five days into operation BIG SWITCH, stated: "Figures show that the total number of MIAs, plus known captives, less those to be repatriated, leaves a balance of 8,000 unaccounted for."

(Vietnam War)

The war widely known as the Vietnam War was the second war fought by the Communist forces in Vietnam and in Southeast Asia. The Vietnamese forces, after defeating the French, fought the Second Indochina war against the United States and the U.S.-backed forces. In the final analysis, however, this war was a political and moral defeat for the United States.

As a result, the United States was forced at the Paris Peace Conference to negotiate its withdrawal from Southeast Asia from a military and political position. Internal divisions in the United States and mounting political pressure to extricate from the war, exacerbated this weak negotiating position. As a result, the United States, as in World War I, World War II, and the Korean War, found itself, once again, unable to guarantee the repatriation of all U.S. POWs and MIAs who were alive and held captive.

The United States' chief negotiator at the Paris Peace Conference, Henry Kissinger, admitted as much in his book, *Years of Upheaval*, published in 1982. Kissinger wrote: Equally frustrating were our discussions of the American soldiers and airmen who were prisoners of war or missing in action. We knew of at least eighty instances in which an American serviceman had been captured

alive and subsequently disappeared. The evidence consisted of either voice communications from the ground in advance of capture or photographs and names published by the Communists.

Operation HOMECOMING, the name given to the last repatriation of U.S. POWs by the North Vietnamese began February 12, 1973, and ended March 29, 1973. A grand total of 591 United States servicemen were repatriated.

However, news reports and other documentation stated that the United States Government knowingly left men..perhaps thousands of men..in the captivity of Communist forces in Southeast Asia.

On January 27, 1973, an agreement to end the war and restore peace in Vietnam was signed in Paris, France. Signatories to this agreement were the United States, North Vietnam, South Vietnam, and the South Vietnam Provisional Government(PRG). This agreement consisted of a preamble, and nine chapters, covering 23 Articles and four protocols. The Paris accord stated that the return of prisoners of war, would be carried out simultaneously with and completed not later than the same day as the troop withdrawal.

The United States did not receive the list of American POWs the whom the North Vietnamese admitted they were holding in captivity until after the peace accords were signed. Significantly, the list included only nine Americans captured in Laos. While these men were captured in Laos, they were not prisoners of the Pathet Lao, but were handed over to, and held by, the North Vietnamese after their capture. In fact, it was widely known that the Pathet Lao were holding many other U.S. POWs. On March 25, one news report stated: U.S. sources believe that a substantial number of the missing(in Laos)..perhaps as many as 100..still may be alive. These conclusions are based inspections of crash sites by search teams and on intelligence reports.

The absence of names on the U.S. POW list handed over by the North Vietnamese of Americans captured in Laos and held by the Pathet Lao was one of the great blunders of the Paris Peace Accord negotiations and caused great confusion and emotional duress among family members of missing and captured personnel.

The Department of Defense (DOD) has been gathering reports on live sightings of American prisoners since the United States became involved in the war in Southeast Asia. Live sighting reports are defined as first-hand eye-witness accounts of a person or persons whom the witness believes to be an American POW or American POWs seen in captivity in Southeast Asia. The DOD states that it has received in excess of 1,400 first-hand live-sighting reports since the end of the Second Indochina War(1955-1975).

United States Senate

WASHINGTON, DC 20510

January 24, 1995

The Honorable William J. Clinton
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

We are writing to request that you not open diplomatic liaison offices with the Socialist Republic of Vietnam (SRV) without first giving the Congress the opportunity to review the information on POWs and MIAs required within 45 days under Section 1034 of Public Law 103-337.

As you know, the Secretary of Defense is required under Section 1034 to provide us with a complete listing by name of all missing and otherwise unaccounted for U.S. personnel about whom it is possible that Vietnamese and Laotian officials can produce additional information or remains. This information was required by November 17, 1994. However, the Department of Defense subsequently requested an extension to February 17, 1995 to which we did not object. We now understand that there is a possibility the Department of Defense may not fully comply with this requirement by February 17th.

We are, therefore, concerned with Assistant Secretary of State Winston Lord's announcement on January 12, 1995 that U.S. and GRV diplomatic liaison offices in Hanoi and Washington would be opened "within a few weeks." While we are aware that an agreement on this matter was initialed in December between Vietnam and the United States, we trust that you will not allow this agreement to take effect without first fulfilling the straightforward requirement contained in Section 1034 of Public Law 103-337. We wish to emphasize that we would be extremely concerned if any level of diplomatic relations was established with Vietnam before the 104th Congress has had the opportunity to review the information required under Section 1034.

During the Congressional debate on lifting the trade embargo against Vietnam last year, there was sharp division on whether Vietnamese officials are being fully forthcoming on the POW/MIA issue (a 14 vote difference in the House on the Snowe amendment, and a 16 vote difference in the Senate on the Dole/Smith amendment). Since that time, we understand that Vietnamese

The Honorable William J. Clinton
January 24, 1995
page 2

officials have refused, as recently as last October, to further discuss U.S. concerns about relevant documents from Russian archives. We further understand that they have continued to withhold key politburo and Ministry of Defense records in Hanoi.

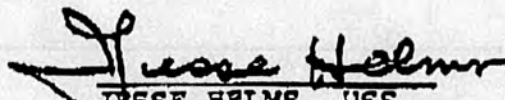
Finally, we have been made aware that a detailed account of POW/MIA information being withheld by Vietnamese officials was recently disclosed to the press by a former DIA contract agent. Given these revelations, we believe most members of the new 104th Congress would be concerned about the level of cooperation we are receiving from Vietnamese officials. We also believe that these disclosures, and the apparent Vietnamese unwillingness to provide key information, underscores the need for your Administration to fully comply with Section 1034 of Public Law 103-337 before proceeding on the diplomatic front with Vietnam.

We thank you for your assistance on this matter.

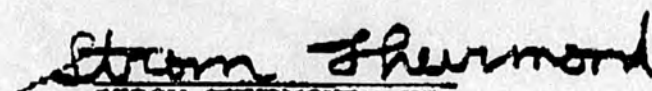
Sincerely,



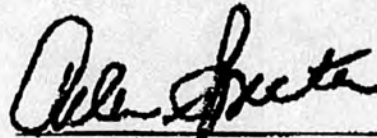
BOB SMITH, USS
Member, Committee on
Armed Services



JESSE HELMS, USS
Chairman, Committee on
Foreign Relations



STROM THURMOND, USS
Chairman, Committee on
Armed Services



ARLEN SPECTER, USS
Chairman, Select Committee
on Intelligence

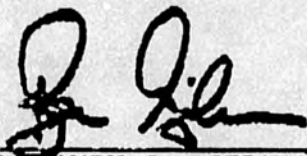


CRAIG THOMAS, USS
Chairman, Subcommittee on
East Asian and Pacific Affairs

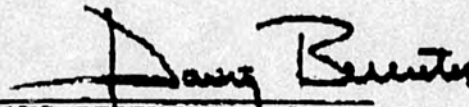


OLYMPIA SNOWE, USS
Chairman, Subcommittee on
International Operations

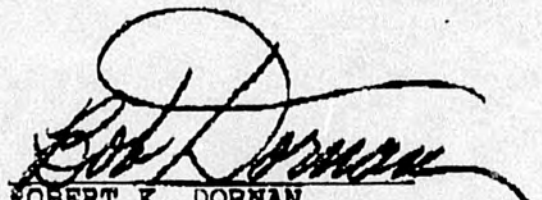
The Honorable William J. Clinton
January 24, 1995
page 3



BENJAMIN A. GILMAN, MC
Chairman, Committee on
International Relations



DOUG BEREUTER, MC
Chairman, International
Relations Subcommittee on
Asia and the Pacific



ROBERT K. DORNAN
Chairman, National Security
Subcommittee on Military Personnel

United States Senate

WASHINGTON, DC 20510-2102

January 26, 1995

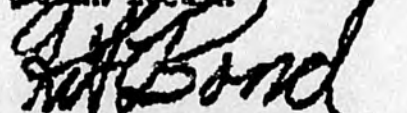
Dear Mr. President:

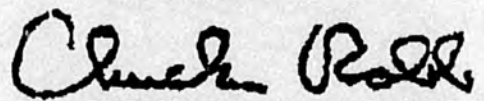
Last May the United States and Vietnam announced that liaison offices would be opened in Washington and Hanoi. We understand that these offices will be opened at the end of this week, with the signing in Hanoi of agreements on diplomatic properties, claims and frozen assets.

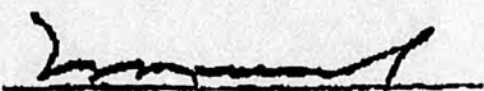
Since 1991 the United States and Vietnam have made much progress on the POW/MIA issue. Your decision in February 1994 to lift the trade embargo contributed to even greater cooperation on this issue. We believe that the opening of liaison offices will bring us closer to a resolution not only of the POW/MIA issue but also to other issues including human rights that stand in the way of normal relations between the United States and Vietnam.

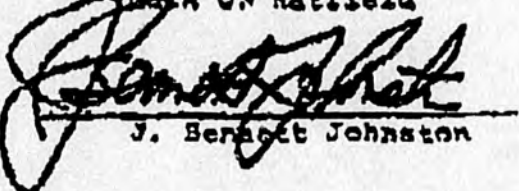
Sincerely,

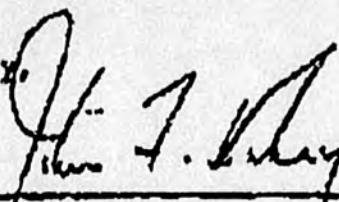

John McCain

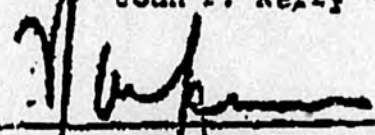

Christopher Bond

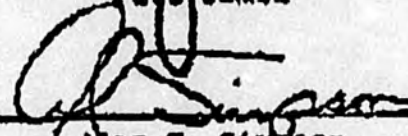

Chuck Robb

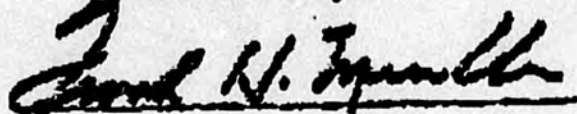

Mark O. Hatfield

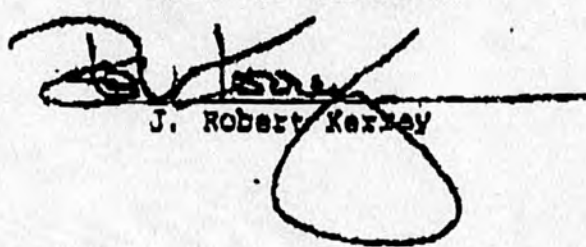

J. Bennett Johnston


John F. Kerry


Paul Simon


Alan K. Simpson


Frank H. Murkowski


J. Robert Kerrey

The President
The White House

P.O.Box 8-2977
Fairbanks, Alaska 99708
26 February, 1995

The Honorable Jeannette James
Alaska State Legislature
State Capitol
Juneau, Alaska 99802-1182

Dear Mrs. James:

Thank you for sponsoring House Joint Resolution No. 9, in support of our Prisoners of War and Missing in Action from the war in Southeast Asia. So far, twelve states have already passed similar resolutions, and sixteen others have one under consideration.

As you know, the Interior Alaska Veterans Committee, with representatives from all the major veterans service organizations, is following the progress of HJR 9 with special interest, and several members have already communicated their support to the Legislature. The Committee will be tracking the Resolution through the House and Senate, and will keep advised of hearings through the Legislative Information Office. The records on our POW/MIA's must be opened, and the government's policy of abandonment for convenience must be changed.

There are several excellent references on POW/MIA's, particularly

"The Men We Left Behind", by Mark Sauter & Jim Sanders, National Press Books, 1993

"Moscow Bound", by John M.G. Brown (a former Alaskan), Veteran Press, 1993

"An Examination of U.S. Policy Toward POW/MIAs", by U.S. Senate Committee on Foreign Relations, Minority Staff, 1991

There are also several documentaries on video cassette; probably the best summary of the issue is "Americans Abandoned", by American Defense Institute, 1992. There should be a copy of it in Representative Therriault's office (from 1994 - HJR 51), or I could send you mine. It runs about 58 minutes, and is tentatively scheduled to air next month on KJNP.

In further support of HJR 9, copies of selected pages from the listed books are attached:

Moscow Bound

Pages 8 - 9: Origin of U.S. policy on American prisoners/hostages.

Pages 900-901: Excerpts from the "1205 Report".

26 February, 1995

The Men We Left Behind

Pages 326 - 327: Confirmation of Lt. Gen. Kwang's "1205 Report"
and related North Vietnamese policy considerations.

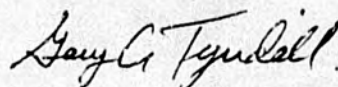
Pages 328 - 329: POW files shredded that had been requested by
U.S. Senate.

Page 380 : The crux of the issue, and hope.

Please let me know if you would like any additional information, and how
we in the Interior can help expedite approval of HJR 9.

Thank you.

Sincerely,



Gary C. Tyndall

Attachments: As stated

INTRODUCTION

**"YE SHALL KNOW THE TRUTH
AND THE TRUTH WILL MAKE YOU FREE."**

(Motto cut in stone at CIA Headquarters, Langley, Virginia)

It has long remained official US policy to refuse public payment of ransom to Communist nations holding American prisoners of war (POWs) or civilians as hostages. This policy evolved from Soviet conduct with U.S. POWs and missing in action (MIAs) of the 1918-1920 American Intervention in Russia, the Allied response to Lenin's withdrawal of Russia from WW I, after the 1917 Bolshevik Revolution. Subsequent Soviet actions in retaining thousands of missing U.S. POWs of WW II, Korea and Vietnam for intelligence purposes, and as forced-labor were dictated by Russian national interests in what became a death-struggle between Soviet Communism and western democratic Capitalism, led by the United States. This example was followed by subsequent Soviet-surrogate regimes in eastern Europe, Communist China, North Korea, Cuba, Vietnam and Laos. The announced ending of the Cold War may ultimately reveal the fate of many of these lost American POWs and could result in the return of survivors to the United States.

During the Revolutionary War of 1775 to 1783, American prisoners of war had been held in appalling conditions on British prison ships or in dungeons and many American POWs, denied the most basic necessities and care, died in British captivity. This contributed to the great bitterness felt in the newly-free nation towards British-American loyalists, who were subsequently mistreated and expelled from their communities in the 13 former colonies. During the American Civil War, from 1861-1865, both Union and Confederate prisoners of war were mistreated, starved and even murdered by their guards, but at the end of that war the survivors were released. As the victors, U.S. authorities subsequently conducted investigations of Confederate war crimes against Union prisoners of war, and carried out reprisal executions.

Official American policy toward military and civilian hostages seized by a foreign state, for use in diplomatic or monetary blackmail, may be said to descend from U.S. reaction to the Barbary pirates of North Africa illegally seizing American prisoners and boasting of it. At first, from 1795 to 1801, large amounts of money were paid by the United States for protection against the pirates and as ransom, but under President Thomas Jefferson, the U.S. went to

Origin of U.S. policy on prisoners

war against Tripoli from 1801 to 1805, and subsequently against Algeria. After this, the seizing of American sailors on the high seas by Great Britain led to the War of 1812. These attitudes reflected more than two centuries of American experience at frontier Indian wars, conducted by descendants of European immigrants on the margins a vast continent, in which the often rude and unlettered settlers were actually outnumbered by the indigenous inhabitants and sometimes, as at the time of the 1675-1678 Narragansett, or King Phillip's War, were in danger of being driven into the sea by the natives. In one Indian war after another that followed, from the 1600's to the late 1800's, known American captives had been ransomed whenever possible, or tracked down and liberated by the regular army or volunteer citizen-scouts, if they could be found.

Subsequent experiences in America's minor foreign wars of the late 19th century, in Cuba and the Philippines, did not call for implementation of a different policy. The natural American reaction to public knowledge of U.S. prisoners being held hostage was expressed by President Theodore Roosevelt during the turn-of-the-century era when he quoted a West African proverb: "Speak softly and carry a big stick." Roosevelt believed in using the threat of American military force to carry out U.S. foreign policies. In its youth and vigor as a new nation that had achieved world power status by the early 20th century, America had bypassed some hard-learned lessons which had resulted in the subtleties of European and Asian diplomacy regarding prisoners of war and hostages. These experiences extended back over two millennia, from the time of the Persians, Greeks, Romans and Muslims, and Europe had since gone through other evolutions in the treatment of war prisoners from the Dark and Middle ages, through the Renaissance.

The Russian Revolution and subsequent Bolshevik triumph in the civil war resulted in a return to a bygone age in which all war prisoners became hostages, to be secretly held for future use. Since the time of Czar Ivan the Terrible, who created the Oprichnina political police in 1565, state-imposed terror had been a fact of life in Russia. Carrying a dog's head and broom, representing their authority to sweep away traitors, thousands of these agents, dressed in black and riding black horses, roamed Russia in the 1570's, administering death sentences under authority of the Czar. Secret confinement, torture and execution of suspects became commonplace in Russia. This traditional oppression of the landed peasants and city dwellers was continued by Czar Peter the Great and his Romanov successors up until the time of Nicholas II. Under the Communists after 1918, the state terror apparatus was enormously expanded to levels of persecution and mass-death never equaled, before or since, in human history. The American prisoners of war, from the fabled and far-away continent of emigrant dreams,

thousands of files about American POWs and MIAs, which contained numerous refugee live-sighting reports of Americans in captivity long after the war, and years of hand-written notes and comments from investigators. The mass-shredding was conducted by Brigadier General Thomas Needham, commander of "Joint Task Force Full Accounting", a Navy Commander identified as Dale Hayes and an 'unidentified' CIA officer. The destruction of these documents made the task of analyzing which of the POWs and MIAs may have survived in captivity for years, more difficult, and appeared to be an effort to destroy critical evidence that could be used to prove criminal negligence on the part of DIA and JCRC analysts who had for decades been responsible for resolving the fate of over 2,500 missing American servicemen. It is noteworthy that the United States Ambassador to Thailand at this time was David Lambertson, who as a Deputy Assistant Secretary of State, six years before, had denied to the author in a meeting at the Department of State, that any evidence existed concerning American POWs who remained in Communist control after Operation Homecoming in 1973, or that any POW/MIAs had survived in captivity years after the war's end.

On April 9th, the Russian member of the US-Russian Commission on POWs, General Volkogonov, claimed that there was no evidence of any American prisoners of war alive in Russia, but Ambassador Malcolm Toon said that some Russians were hampering efforts to account for missing U.S. soldiers, and reported that he had given the Russians details on the shootdowns of ten U.S. aircraft. He was quoted by the press as saying: "We cannot understand why the Russian government cannot give definitive information about the shootdowns, or whether there were any survivors.⁹ The Clinton Administration announced on the same day that General John Vessey would travel to Hanoi again on a fact-finding mission, and that the President would make no decision on relaxing U.S. pressure on Vietnam until he felt convinced that Hanoi was actually cooperating on resolving the fate of American MIAs. It was reported that the International Monetary Fund would decide in late April whether to resume lending to Vietnam, a move supported by France, Germany and Japan.¹⁰ Meanwhile, American business interests, led by major oil companies, kept up pressure for normalization of relations with Vietnam's Communist government, irregardless of the fate of U.S. prisoners. At this point a major story on the missing Americans again brought the issue to national prominence.

The New York Times published a report on April 12th, revealing that a top-secret report on U.S. POWs, written by General Trần Văn Quang, Deputy Chief of Staff of the North Vietnamese Army, on September 12, 1972 had been uncovered in the archives of the Soviet Communist party in Moscow, which stated that there were:

" 1,205 AMERICAN PRISONERS OF WAR LOCATED IN THE PRISONS

OF NORTH VIETNAM- THIS IS A BIG NUMBER. OFFICIALLY, UNTIL NOW, WE PUBLISHED A LIST OF ONLY 368 PRISONERS OF WAR, THE REST WE HAVE NOT REVEALED. THE GOVERNMENT OF THE U.S.A. KNOWS THIS WELL, BUT IT DOES NOT KNOW THE EXACT NUMBER OF PRISONERS OF WAR, AND CAN ONLY MAKE GUESSES BASED ON ITS LOSSES. THAT IS WHY WE ARE KEEPING THE NUMBER OF PRISONERS OF WAR SECRET, IN ACCORDANCE WITH THE POLITBURO'S INSTRUCTIONS." The U.S. POWs were held in 11 North Vietnamese prisons in the fall of 1972 before the Paris peace agreement was signed. Since more Americans were captured between September 1972 and February 1973 and a total of 591 American POWs were released, the figures indicated that some 700 American POWs were secretly withheld by Hanoi after Operation Homecoming in 1973. (This number closely conforms to the author's estimates for two U.S. Senate investigations of 1990-1993, based on the research for this book. It would not include those Americans already transported to the USSR (or China) from 1965- September 1972, and would not necessarily include all those held in Laos, South Vietnam or Cambodia at that time.)

Consisting of both a Russian translation of Tran Van Quang's report marked "top secret" in Russian, and a summary of it by the Soviet Army Intelligence, the document was found in February 1993 by Stephen J. Morris, an Australian researcher for the Harvard Center for International Affairs and the Russian Research Center at Harvard University, who stated he had first showed it to senior White House officials of the Clinton Administration in February. According to the New York Times, copies of it were subsequently circulated among U.S. Government officials, and on the first page of the summary are handwritten instructions for a 'brief note...on the prisoners of war,' to be sent to the Soviet Politburo. The newspaper reported that General Quang said in the report that the American POWs could only be freed as part of an overall peace settlement, and they could be "used as leverage to obtain compensation for the devastation caused by the war." Members of the U.S.-Russian Commission on POWs said that the document was authentic and some experts were quoted by the newspaper as calling it a "smoking gun." The Russian newspaper Izvestia had reported on April 10th that the document on the U.S. POWs and other recently declassified files had been a topic of a closed meeting of the Commission.

The New York Times said that a report on the Soviet document was provided to President Clinton just before the Vancouver summit with Boris Yeltsin, and quoted an unnamed Clinton Administration official saying of the report of the document, 'We are pursuing it very seriously but are not in a position to evaluate it.' The spokesman said that the researcher had informed the Government of the discovery but 'he would not give us the document,' that former Ambassador Malcolm Toon had been requested to follow up on the

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And Le Dinh had told the DIA in early 1980 that about 700 Americans continued to be held hostage after Homecoming. DIA admitted Le Dinh had "access to PW/MIA information within this ministry [North Vietnam's Ministry of Defense]." DIA also knew the report out of the Soviet archive closely correlated to Le Dinh's debriefing.

The Le Dinh and Russian reports agree on the number and location of Americans not repatriated. The Russian report indicates more than 600 extra POWs were being held on September 15, 1972. Counting those Americans lost after that date, the number matches the Le Dinh figure of 'about 700' U.S. prisoners captured but not repatriated at the end of the war. In addition, both Le Dinh and the Russian document indicate there are more Vietnamese POW camps than known by the U.S. Le Dinh said there were 12 Vietnamese POW camps by the end of the war, with the Russian document putting the number at 11.

Most importantly, Le Dinh and the Russian document agreed on the motives behind Hanoi's POW policy. One Pentagon POW expert told the authors that the Soviet report alone cannot prove the number of Americans retained by Hanoi. But it does appear to be conclusive evidence of Hanoi's policy of secretly retaining U.S. POWs. This is the critical message of the Soviet document.

Le Dinh and the Russian report agree on the following policy issues:

- The categorization of American POWs. Both the Russian and Le Dinh reports say Americans were placed into various categories, with one of them being "progressives," or those who accepted communism and/or Vietnam's views on the war. Both sources imply the Vietnamese had a plan to withhold POWs from wealthy families. Le Dinh called them "the sons of rich families," and the Russian document referred to them as the "products of rich families."
- Both reports agree on the Vietnamese motive for retaining American POWs. The Russian document quotes the Vietnamese as saying they would hold U.S. POWs for political "concessions" and to obtain U.S. war reparations. According to the Russian report, the Vietnamese general wrote:

"Nixon must compensate North Vietnam for the great damage inflicted on it by this destructive war."

- According to the Le Dinh report, he said "the SRV (Vietnam) retained a 'strategic asset' of over 700 American prisoners that could be used to force the U.S. to pay reparations."

A close reading of the general's documents indicates that two North Vietnamese Politburo decisions made in March and April 1972 caused dissension within the Communist Party. "Both of these [Politburo] decisions touch on the questions of exploiting these American POWs captured in time of war. This disturbs the public opinion of the whole world and the USA. There are various thoughts on the question of American POWs... but even among us there is a group of comrades whose opinions differ from the opinion of the Politburo."

The Politburo had decided to use American POWs as a counterbalance to the vastly superior U.S. military and industrial power—in other words, as hostages to manipulate the Nixon Administration. This decision was apparently questioned or actively opposed by elements within Hanoi's ruling elite who were strong enough to make the Politburo defend its decision.

The general's report was a clear message to the dissenters to get in line with the Politburo decision:

... The question of American POWs has great significance for the resolution of the South Vietnamese problem. ... We intend to resolve the question of American POWs in the following manner: 1. The government of the USA must demonstrate concessions, in other words, a cease fire and the removal [of] Nguyen Van Thieu, and then both sides can begin discussing the question of repatriating POWs to the Nixon government. 2. ... we can free some more pilots from the number who are progressively inclined. Nixon should not hinder the return of these pilots to their homeland and not undertake any disciplinary measures toward them. 3. Nixon must compensate North Vietnam for the great damage inflicted on it by this destructive war. ... If we take a path of concession toward Americans and liberate POWs we would be at a great loss.

Confirmation of "1205 Report", and N. Viet / Soviet policy

Confirmation of 1205 Report, and N. Vietnamese / Soviet policy

Lieutenant General Tran Van Quang in this report accurately outlined the strategy that was followed by the North Vietnamese. Within a week of the report's appearance, three American pilots were released, and the North Vietnamese did warn the U.S. not to take "any disciplinary measures toward them." And they did demand reparations—as we have shown, it had in fact been an essential part of their negotiating posture since 1968.

But North Vietnam would concede their number one point at the bargaining table that same month—the removal of South Vietnam's President Thieu. This made even more important the use of American POW hostages as leverage in the final negotiating stages and the implementation of the Paris Agreement.

The United States was forced to place \$3.25 billion on the table in advance of any POW release just to get the repatriations started—but the North Vietnamese held back the majority of the POWs to ensure the actual delivery of promised "reconstruction" aid. As we have seen, however, the money wasn't delivered and the hostages were not returned.

As of this writing, there is still not enough evidence in to make a final determination about the accuracy of the Soviet document. But one thing can be said for sure: the DIA is not telling the truth when it says the report's numbers are totally inconsistent with the facts.

In reality, the reports give numbers that closely match the number of POW/MIAs that many Pentagon experts believed Hanoi possessed during the war.

A former Director of the DIA, retired Lieutenant General Eugene F. Tighe, recently said what the DIA already knew: "We had a list [of POWs in 1973] that was really significantly larger than those who came back . . . we had been expecting a lot more people. It was terribly shocking. Finally, we are getting proof of what we said—the numbers [in the Soviet report] don't surprise me at all."

The Shredding Party

Perhaps it was just a coincidence. But soon after the DIA found out about the Soviet POW report, Pentagon POW/MIA officials quietly ran thousands of POW files through a refrigerator-sized shredder at the U.S. Embassy in Bangkok, the military later admitted. By the time the U.S. Ambassador to Thailand learned of the shredding, which took place during March 25 through 27,

1993, it was too late. The original files of the Joint Casualty Resolution Center, the agency which looked for U.S. POWs during the war, were gone.

Major General Thomas Needham, Commander of Hawaii's Joint Task Force Full Accounting, reportedly claimed the shredding was simply a "consolidation" of records. But POW experts said otherwise.

While copies of the shredded reports themselves existed elsewhere, the hand-written notes and additions to the files in Thailand were irreplaceable. "They were basically informational notes and memoranda—the meat of actual investigations," retired Major George Petrie was quoted as saying. The major, a former POW investigator, said the DoD may have destroyed the original files to "simplify case files as much as possible, declare them [the POWs] dead and move on."¹³

Senator Bob Smith complained about the shredding, which apparently involved files the Senate POW committee had requested but never received. So the Pentagon was forced to initiate an "investigation," conducted by none other than the office of the Commander-in-Chief, Pacific Command, an office closely tied to the fortunes of Joint Task Force Full Accounting.

While POW activists hoped for a fair investigation, it didn't really matter. Documents requested by the Senate, and by the authors of this book, and by many POW family members—documents that hundreds of American citizens would gladly have removed from the government's hands if there had been a need to "consolidate" them for reasons of saving space—had been shredded. And there was really nothing anyone could do about it.

Government shredding of POW files

issue. And bringing the boys home from Vietnam might help him deal with the fact that he never went to war there.

Clinton certainly claims commitment to the issue. In a prepared statement released April 2, 1993 he said:

I truly believe that the power of the Presidency could resolve this issue. As the Chief Executive Officer of all federal agencies, the President should not just state that the resolution of this issue is a "national priority"; he should make it the national priority, and direct that all agencies to cooperate and resolve it [sic]. Before I would normalize relations or provide assistance to any of the countries [sic] involved, they would be required to open their files and actively assist in solving this issue. I firmly believe that America should never leave its warriors on the battlefield. This is not a political issue; it is a moral test of those values and traits that made America great.

But there are certainly plenty of people in the bureaucracy urging the President to stick with the status quo. There are certainly many reasons to avoid pushing the POW issue. And making the return of America's POWs truly the "highest national priority" wouldn't be easy.

"See, that's not the issue," Perot said. "The issue is they're our men, they went into combat for us, we left them, we owe it to them to bring them home. It won't look pretty back here, but we can build a consensus here that it's the right thing to do."²

Perhaps. But many who know the POW issue best have lost faith that the U.S. government will ever willingly do what is needed to bring the prisoners home.

With no faith left in their government, many POW/MIA family members and activists have belief only in a justice far beyond the petty political concerns of Washington, D.C.

They place their faith in a promise much stronger than the long-abandoned pledges of successive Presidents. They rely on the words of *Jeremiah 31: 16-17*:

Thus saith the Lord: Refrain thy voice from weeping, and thine eyes from tears; for thy work shall be rewarded, saith the Lord: and they shall come again from the land of the enemy; and there is hope in thine end, saith the Lord, that thy children shall come again to their own border.

Endnotes

Chapter 1

- 1) Nov. 23, 1979, memo for the Chairman, JCS, Library of Congress POW/MIA Microform reel no. 55 Hereafter referred to as "reel."
- 2) *Ibid.*
- 3) Garwood deposition to the Senate Select Committee on POW/MIA Affairs. Hereafter referred to as "Garwood deposition." All information concerning Garwood is from the deposition unless otherwise noted.
- 4) Pentagon's "Uncorrelated Information Relating to Missing Americans in South-east Asia." Volume 15, page 434. Hereafter referred to only by volume, (vol.), and page, (p.), numbers.
- 5) Vol. 15, p. 434.
- 6) Vol. 7, pp. 311-313.
- 7) June 30, 1975, speech as quoted in *National Review*, Aug. 21, 1981.
- 8) Jan. 1969 memo RM-5729-1-ARPA: "Prisoners of War in Indochina."
- 9) Jan. 9, 1990, DIA Memo: "Possible American Stay-Behinds in Vietnam."
- 10) *New York Times*, March 25, 1993, p. A-4.
- 11) Oct. 25, 1988, Pentagon intelligence report IIR 6 024 006 89.

Chapter 2

- 1) 15 April, 1976 State Department telegram, "Subject: Information on French POWs."
- 2) See 20 times. 8 April 1976 State telegram "Subject: Repatriation of French Remains from North Vietnam and Information on French POWs." Also: 4 March 1976 State Department telegram "Subject: Repatriation of French Remains from North Vietnam."
- 3) Jan. 1969 Rand memo RM-5729-1-ARPA "Prisoners of War in Indochina" by Anita Lauve Nutt; and statement of Anita Lauve to House Select Committee on Missing Persons in SEA, 7 April 1976 as reprinted in "Americans in Southeast Asia: The POW/MIA Issue" William Homolka, New World Books, NY, 1986.
- 4) *Newsweek*, Jan. 4, 1965, p. 24.
- 5) May 19, 1976 Department of State telegram, "Subject: More Information on French POW/MIA."
- 6) Vol. 10, p. 250.
- 7) 5 June 1971 State Department telegram, "Subject: Repatriation of French PW in 1954."
- 8) 24 February 1972 DIA memo, "Subject: Debrief of Moroccan Personnel Recently Returned from North Vietnam."
- 9) 25 March 1983 State Department telegram, "Subject: POW/MIA Affairs/Former French Servicemen." 8 April 1983 State Department telegram "Subject: POW/MIA Affairs: Former French Servicemen."
- 10) From files of Tracy Usry.
- 11) 22 April 1982 State Dept. telegram "Subject: POW/MIA Affairs: Report of Possible Americans in Vietnam."

Chapter 3

- 1) "Treatment and Indoctrination of U.S. Prisoners Held by the Viet Minh." November 1954. USAF Technical Memorandum OERL-TM-54-1.
- 2) Undated INSCOM record, from FOIA.
- 3) June 17 1955 Pentagon record from the Defense Advisory Committee on Prisoners of War: "Recovery of Unrepatriated Prisoners of War."
- 4) *Ibid.*
- 5) Gutterson remembers the title "On Limited War." In Kissinger's 1957 book *Nuclear Weapons and Foreign Policy*, Chapter 5 is entitled: "What Price Difference? The Problems of Limited War." This appears to be the declassified version of the paper Gutterson remembers.
- 6) Henry Kissinger, *Nuclear Weapons and Foreign Policy* (New York, 1957) Southeast Asia, Indochina and South Vietnam were all mentioned as potential points of conflict.

Chapter 4

- 1) Vol. 7, p. 361.
- 2) As quoted by Bobby Garwood.
- 3) As quoted by a Top Secret Soviet document (Dec. 1, 1972, Top Secret Report for the Central Committee of the Communist Party of the Soviet Union. Hereafter the "Dec. 1, 1972, Soviet Report").
- 4) *Ibid.*
- 5) *Ibid.*
- 6) Uncorrelated Info. Vol. 7, page 333.
- 7) FIR-317/09165-78.

Chapter 5

- 1) June 24-25 1992 hearings of the Senate Select Committee on POW/MIA Affairs.

SCOMM

97:11

ALASKA NATIONAL GUARD YOUTH CORPS**ChalleNGe Program****Camp Carroll Training Site****P.O. Box 5727****Fort Richardson, Alaska 99505****(907) 384-6015/6017 or Toll Free 800-797-2267**

13 February 1996

Rep. Tom Brice

State Capitol

Juneau, Alaska

Dear Rep. Brice;

Please accept my thanks for your support of the Alaska National Guard Youth Corps ChalleNGe Program. As you are aware, the program is designed to provide "at-risk" 16-18 year-old Alaskans with the opportunity to earn a general educational development (GED) certificate, gain some basic skills training, and learn important life skills.

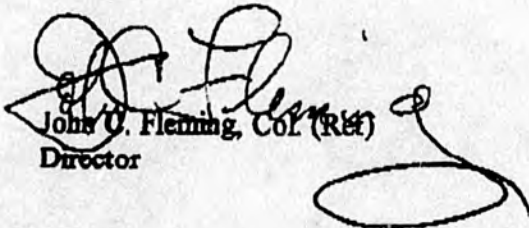
The Alaska ChalleNGe Program will graduate its fourth class, Class 95-2 this coming Friday morning. The young men and women who will cross the stage of the Fort Richardson post theater have completed a demanding 22-week residence program, which will be followed by 12 months of one-on-one assistance and tracking.

We are proud to say that ChalleNGe Program graduates are doing very well. Through our post-residential tracking program we know that 85 percent of our graduates are either employed full-time, or are currently in academic or skills training. These graduates came to us with little hope of future success. None had completed high school programs. Many had troubled lives prior to entering our program. Statistically, most of these teenagers were headed for futures on welfare or, worse, in prison.

We are encouraged by your support for the ChalleNGe Program and the well-being of these successful Alaskan young adults. Your introduction of a joint resolution in support of our efforts on behalf of our students is truly appreciated.

If my staff or I may be of any assistance to you or your fellow legislators, please do not hesitate to call me.

Sincerely;



John C. Fleming, Col. (Ret)
Director



Representative Tom Brice

ALASKA STATE LEGISLATURE

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While in Juneau
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SPONSOR STATEMENT

HJR 47: Supporting continued federal funding of the Alaska National Guard Youth Corps ChalleNGe Program

The Alaska National Guard Youth Corps ChalleNGe program seeks to prevent "at-risk" youths, those who have left school without having completed a high school program, from entering society's correctional systems. According to national statistics, 80 per cent of those in federal prisons do not have high school diplomas or GED certificates.

The ChalleNGe program offers the opportunity for students to complete a GED program, or return to high school with new, positive skills and strengths which allow them to obtain a diploma in a traditional setting. Currently, 85 per cent of the ChalleNGe program graduates are fully employed or attending school. 136 students have graduated from the ChalleNGe program, with another 64 slated to graduate February 16, 1996.

It can cost between \$20,000 and \$50,000 per year to house a prisoner in Alaska. For a fraction of that cost, the ANG Youth Corps ChalleNGe program offers Alaska's at-risk youths the skills necessary to not only stay out of our jails, but to succeed in today's ever more complicated society. The ChalleNGe program is cost effective, utilizing \$2.9 (1996 program year) million in federal funding to provide opportunities to succeed to at-risk young people in Alaska. At \$20,000 per year, 136 inmates would cost Alaska \$2.72 million. According to the Department of Corrections, Alaska's approximate cost for a medium security prisoner is \$107 per day, or \$39,055 per year.

Through tough, structured military-style training, ChalleNGe program graduates receive the discipline and self-esteem needed to succeed. ChalleNGe program graduates tend to have a drive to succeed, become productive Alaskans, and serve as role models for other youths and adults. ChalleNGe program graduates are likely to stay off public assistance rolls. They are also likely to support their local economies, pay taxes, and contribute to the well-being of their communities.

Supporting continued funding of this program pays off far beyond its cost.



SCOMM

97:12

ALASKA STATE LEGISLATURE

COMMITTEES:

- State Affairs
- Military and Veterans Affairs
- Economic Development

BUDGET SUBCOMMITTEES:

- Department of Administration
- Department of Military and Veterans Affairs



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REPRESENTATIVE ED WILLIS

DISTRICT 25

Birchwood • Chugiak • Eagle River • Fire Lake • Lower Peters Creek

TO: Co-Chairman Ivan
Co-Chairman Kott
House Special Committee on Military
and Veterans Affairs

FROM: Representative Ed Willis 

DATE: March 20, 1996

RE: HJR 61 - Supporting the Anchorage Veterans Affairs Regional Office

HJR 61 is before this committee because of some very serious concerns about adverse impacts resulting from proposed downsizing and restructuring of the Anchorage Veterans Affairs Regional Office. As the members of this committee are aware, over 73,000 of Alaska's citizens are veterans. Alaska is one of only five states in which the proportional population of veterans is actually *increasing*, rather than decreasing. The volume of compensation and pension claims *increased* by 11% in FY1995 while nationally the VA saw a *decrease* of 27% in such claims nationally. I'd also add that the Anchorage Veterans Affairs Regional Office is nationally the sixth best in terms of claims completed per staff hour in comparison to the other 57 regional offices.

In short, I believe that the Anchorage Veterans Affairs Regional Office is currently serving a steadily increasing veteran population in a very efficient manner. I do not believe that it is in the best interests in Alaska's veterans to fragment the function of this efficient operation to other offices thousand of miles away from those veterans needing assistance. I strongly encourage this committee to approve HJR 61, putting the Alaska Legislature on the record as opposing the proposed changes to the Anchorage VA Office.

I have included a memorandum from Mr. Warren Colver, a Department Service Officer for the American Legion, as well as other attached information, which more fully addresses some of the negative impacts of restructuring of the Anchorage Veterans Affairs Regional Office.



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MEMORANDUM

To: Representative Ed Willis

From: Mr. Warren C. Colver
Department Service Officer
The American Legion

Subject: HJR 61
Veterans Affairs Restructuring Proposal

Date: March 20, 1996

Legislative Request for Impact Information

*Impact of Federal VBA Restructuring and Downsizing
of Anchorage Veterans Affairs Regional Office*

A. Gained Efficiencies in transfer of certain operating functions from Anchorage Regional Office to lower 48 Regional Offices--None.

1. Anchorage Veterans Affairs Medical & Regional Office Center is nationally the sixth best in claims completed per staff hour in comparison with the other 57 Regional Offices. Transferring Compensation and Pension functions to other locations would diminish the high productivity and cost efficiencies now existing at present location.
2. Compensation and Pension claims increased in Anchorage by 11% in FY95, while nationally, VA experienced a decrease of 27% in the processing and completion of C&P claims. Thus, the transfer of C&P functions to other locations would mean long and costly delays in processing of Alaskan Veteran claims.
3. The Anchorage VAM&ROC has expeditiously completed C&P examinations in 19 days well below the national performance time of 35 days. Any location change, however, would probably increase performance time to the national standard of 35 days, and perhaps even longer depending on the workload of the transferee station. Further, timely processing of claims would suffer and the Veteran would ultimately be the loser because of division of claims functions located at different locations.

4. Adding additional layers and steps to the Claims and Pension process by keeping local counseling functions in Anchorage and sending claims decision making processing to Reno, Nevada and Phoenix, Arizona does little to improve the efficiency of the process. The consolidated claims process which splits counseling and decision functions to different localities can only result in long and inordinate delays in the processing of Alaskan Veterans claims. Additionally, many Veterans will suffer long delays as claims for Compensation and Pension are sometimes filed at the same time and the claims would be divided between Phoenix and Reno. As VA maintains only one claims folder, it would have to be transferred between the two offices, requiring extra time and delay in coordinating the transfer. Also, Veterans rights are compromised as they have a right to have their claims reviewed in a timely manner. Further, file folders would need to be transferred from Reno or Phoenix to the Anchorage Regional Office. Under the above circumstances, cost and productivity are at a low ebb, and certainly of a low priority.
5. Alaska is one of only five states which has a growing Veteran population. Many young veterans want to stay in Alaska rather than return to the lower 48. Transferring C&P claims outside will mean long and costly delays in the processing of their claims. This is especially true when it is realized that Anchorage has been able, with existing facilities, to up its performance rate for its Veteran customers by 23%, whereas in some of the larger VA facilities outside, rather than increasing, have diminished.

Respectfully submitted,


Warren C. Colver
The American Legion
Department Service Officer

WCC/mjr

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SENT BY:

Congressional Delegation Request for Information

Impact of VBA Restructuring on Alaska Veterans

A. Gained Efficiency - Anchorage is already very efficient

1. The Anchorage VAMC/ROC is sixth best nationally when compared to the other 57 Regional Offices in claims completed per staff hour.
2. Compensation and Pension (C&P) Claims increased in Anchorage 11% in FY95 while nationally VA experienced a decrease of 27% in C&P claims.
3. Anchorage is now below the national average for C&P examination timeliness, a considerable improvement over our aspect the previous year.
4. Our percent of cases pending over six months dropped from the highest in the nation during FY94 to well below the national average.
5. Anchorage improved productivity despite experiencing staffing cuts and reductions in overtime funds available.
6. Anchorage is experiencing increasing workload and productivity gains simultaneously. It does not appear that this restructuring can have a positive effect on these trends.

B. Greater access - Moving providers 3000 miles from their Alaska customers does not necessarily improve access

1. Anchorage has made major resource shifts to make decision makers directly accessible to the customer via the new team concept for a Veterans Service Unit. Restructuring reverts to the old method of one type of employee accepts and develops paperwork and another type, removes from the veteran, decides the claims merits.
2. Specialization of service centers reduces the level of personalized service that any one staff can provide the veteran. Personnel at consolidated service centers will become familiar with only one aspect of veterans benefits.
3. Customer service survey instruments have shown that customers want to speak to decision makers, claims specialists will undermine this effort. Recently some VBA stations have received Vice President Gore's Hammer Award for placing decision makers in touch with the customer. This proposal seems to ignore the success of these stations experiences.

III. Reduced Operating Costs - Alaska cost savings data is not explained.

1. While individual salary costs in Alaska are higher due to the 25% Cost of Living Allowance (COLA), the Anchorage VBA staff are low cost when analyzed on total salary costs. This is due to being collocated with the medical center under the VAM&ROC structure which provides the space and overhead for the operation. No rent will be saved since VA has a 10 year lease on the Anchorage VAM&ROC building.

2. VAM&ROC structure of "one stop shopping" for veterans is a positive approach to not only reducing operating costs, but also improvements in customer service and employee understanding of the agency as a whole. Of the six VAM&ROCs in VA's system, this restructuring proposal effectively eliminates four.

3. The net reduction in FTEE from restructuring is very small, compared the creation of a sizable backlog of claims following a move of this magnitude.

4. The responsibility for serving Alaskan veterans will still rest with the Director of the Anchorage VAM&ROC, but this authority to control claims processing will be lost.

5. Additional layers and steps are being added to the process by splitting claims counseling in Alaska from claims decision making in Nevada.

IV. Improvements in Timeliness and Quality - For Alaska veterans making the process more complex will not necessarily improve timeliness and/or quality.

1. Anchorage has shown considerable improvements in timeliness despite growing workload and reduction in both overtime and staffing. Staffing has been cut and frozen at approximately 23% of our authorized ceiling.

2. Anchorage has received excellent marks in the quality indicators.

3. Anchorage has very positive customer relations, this includes congressional offices, service organizations and individual veterans.

4. Alaska is one of only five states which continue to have a growing veteran population. The average age of Alaska veterans is second only to Utah for youngest. This young and growing veterans population will not experience the natural attrition that states with older veteran populations will.

5. Transferring records back and forth between Alaska and Reno/Phoenix will add delays and increase the chance for errors. In many instances a veteran applies for numerous benefits simultaneously. This would require multiple claims folders being created and sent to Reno, Nevada and Phoenix, Arizona, for Compensation and Pension respectively. This will delay processing timeliness and require unbelievable coordination between the three facilities.

Hypothetical Example #1

Veteran is discharged from Fort Wainwright, Alaska and joins Alaska National Guard. Veteran files a claim with Anchorage VAM&ROC. Power of Attorney is provided to veterans service organization with initial claim. Anchorage forwards claim to Reno, VARO for adjudicative action (mailing time approximately 3days). Reno, VARO builds folder and requests records and Compensation and Pension Examination from Anchorage VAM&ROC. Reno, VARO sends claims folder to Anchorage for examination (mailing time approximately 4days, one way). Examination completed and folder forwarded to Reno, VARO with completed examination (mailing time approximately 4days). Reno, VARO has difficulty obtaining military medical records from Alaska National Guard. Anchorage Veterans Service Officer requests review of claims folder (mailing time 4days each way). Reno, VARO completes claim and an additional 19 days of record transfer time is accrued during this process. This delay does not include the time lost in communications with Alaska national Guard.

Hypothetical Example #2

Alaska Native widow, in remote village, files Eligibility Verification Review (EVR). Reno, VARO is unfamiliar with special laws regarding Alaska Native income and creates an erroneous underpayment. Reno, VARO also does not check for unreported Alaska Permanent Fund Dividend bonus and Longevity Bonus income and thus creates an unnecessary overpayment. Later an income verification match (IVM) detects under reporting of income, leading to a suspension of the widows payments. Widow experiences extended financial hardship, and several Veterans Assistance Inquiries (VAIs) and congressional inquiries needed to correct problem.

SENT BY: 12-20-85 : 8:28AM : ANCH VA OC/RO- 8202242354: 5/ 9

The proposal to restructure Veterans Benefits Administration (VBA) functions which was released December 13, 1995, presents some interesting questions and concerns upon review.

The motivating factor for initiating this restructure plan is that of improved efficiencies and cost savings. What savings will be realized from such a restructuring plan? Federal employees at the affected sites will be subject to federal relocation and placement authority. Additionally, what real reductions in staffing levels are to be gained under this plan? The benefits processing workload will be reallocated and require increased staffing at Reno and Phoenix VA offices to handle Alaska's veterans claims.

Customer expectations is isolated as being addressed by the restructure of VBA. How are veterans expectations being met through the elimination of local offices? The Veterans Health Administration (VHA) has been developing increased access points and consolidated service delivery. The establishment of VA Medical And Regional Office Centers (VAM&ROCs) was a positive approach to creating one stop shopping for veterans seeking their federal benefits. The restructure proposal eliminates four VAM&ROCs and removes this convenient access. The VAM&ROC concept also minimizes the need for redundant VBA and VHA offices and improves the customer's understanding of the agency. It appears that customer expectations will not be positively impacted by the initiative being proposed.

Alaska's veterans currently expect and receive priority claims processing when necessary to expedite treatment decisions or when a considerable hardship will or has been experienced. Can a consolidated claims processing process, such as the one being proposed meet this need?

SENT BY:

12-20-95 : 9:26AM :

ANCH VA OC/RO-

82022242354: 6/ 9

Additionally, often veterans file claims for both compensation and/or pension. If the processing for these two different claims is divided between Reno, Nevada and Phoenix, Arizona, wouldn't additional delays be expected as a result? VA maintains only one claims folder on the veteran and this would have to be transferred between the two offices. This will take extra time, coordination between offices and resources to coordinate and transfer the necessary documents and files.

In developing this proposal was any input solicited from the Anchorage VAM&ROC regarding the impact of such a change? The Alaska landscape and demographics are very unique and many lessons have been learned by this local VBA staff. The Anchorage VAM&ROC has shown consistent improvement over the past eighteen months on all critical customer service indicators. In FY93 a waiver of the national standard for Compensation and Pension Examination timeliness was needed in order to exempt the station from compliance with national timeliness standards. *Ed P. down 12 19 days*
Over the past year Anchorage VAM&ROC has consistently completed examinations well below the 35 day national standard, the most recent performance being 19 days.

The relocation of veterans claims files and adjudication activities will have a very real impact on the medical care provided by the Anchorage VAM&ROC. Alaska VA medical providers depend more heavily on access to a veterans claims folder for guidance in treatment decisions. This is due to the unique mechanism VA utilizes for service delivery, fee for service community medical providers. The use of fee services is very strictly regulated by federal regulation. Very specific information is needed in order to determine VA's authority to pay for care by private providers. With the current collocation of VA activities this information is accessed quite readily. VA's

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relationship with the community has been greatly improved as a result of the efficiency of the Anchorage VA clinic staff.

In reading the specifics of the proposal one must wonder about the methodology used to develop this plan. Was there a methodology behind the decision? If so were the criteria made known nationally or was the decision made without input? This is a very major step to undertake without the thoughtful input of those effected by the changes.

(7)

HOUSE COMMITTEE REPORT

Date Referred to Committee: March 8, 1996

FURTHER REFERRALS:

State Affairs

Date of Committee Action: 3-22-96

The HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS Committee considered:

HJR 61

HOUSE JOINT RESOLUTION NO. 61

ANCHORAGE VETERANS AFFAIRS OFFICE

Opposing the proposed changes in the functions of the federal Office of Veterans Affairs in Anchorage.

recommends it be replaced with the following committee substitute [] the same title [] a new title

[] additional referral to Committee [] attached amendment(s)

ADOPTS: Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

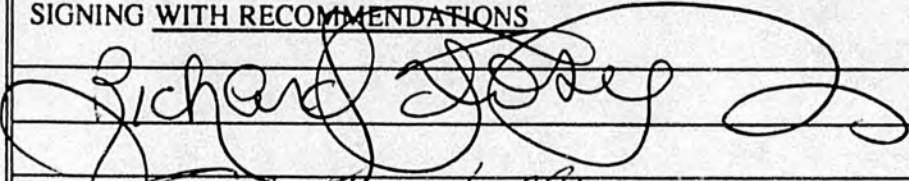
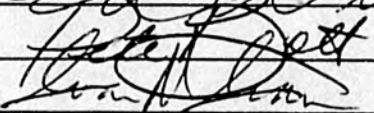
APPROVES PREVIOUS: (Dept/Date)

[] fiscal note(s)

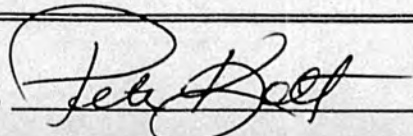
[] fiscal note(s)

[] zero fiscal note(s) Gov. Office, by Committee (MSVT) 3-21-96

[] zero fiscal note(s)

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
	X			
	X			
	X			
	X			

CHAIR'S SIGNATURE



 Co-Chair

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HJR 61

Revision Date: _____ Dept. Affected: Office of the Governor
Title: "A Resolution Opposing the proposed changes in
the functions of the federal Office of Veterans Affairs in Anchorage." BRU: Executive Operations
Sponsor: House State Affairs Component: All components
Requester: House Military/Veterans Affairs COMPONENT SERIAL NO. _____

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 100	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Michael A. Nizich, Director Phone: 465-3876
Division: Division of Administrative Services Date: 3/21/96
Approved by Commissioner: Jim Ayers, Chief of Staff Date: 3/21/96
Agency: Office of the Governor

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HJR 61

Title: A Resolution opposing the proposed changes in the functions of the Federal Office of Veterans Affairs in Anchorage
Sponsor: House State Affairs
Requestor: _____

Dept. Affected: Office of the Governor
BRU: Executive Operations
Components: All components
Serial #: _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (THOUSANDS OF DOLLARS)

General Fund						
Federal Fund						
Other						
TOTAL	0	0	0	0	0	0

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

see attached analysis

Prepared by:

Pete Scott
Representative Pete Scott
Co-Chair
House Special Committee on Veterans
Military & Veterans Affairs

Date: 3-21-96
Phone: 465-3777
Phone: _____