

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8483 SENATE STATE AFFAIRS

45.

prior to beginning a briefing. Objections to the text by the Designees prompted the Staff Director to order all persons present to leave their copies of the briefing text in Room SRB-78. Subsequent events indicated that two copies had been removed without authorization.

b. On 9 April 1992, at the beginning of the meeting of the Select Committee and prior to the scheduled investigators' briefing, Senator McCain produced a copy of the intelligence briefing text, with whose contents he strongly disagreed. He charged that the briefing text had already been leaked to a POW/MIA activist, but was reassured by the Chairman that such was not the case. He replied that he was certain it would be leaked. Whereupon, the Chairman assured Senator McCain that there would be no leaks because all copies would be gathered and destroyed, and he gave orders to that effect. No senior staff member or attorney present cautioned against a possible violation of Title 18, U.S.C., Section 2071, or of Senate or Select Committee rules.

c. Following the briefing on 9 April, the Staff Director, Ms. Frances Zwenig, restated to the intelligence investigators the order to destroy the intelligence briefing text and took measures to ensure execution of the destruction order. (See paragraph 3 of the attachment.) During one telephone conversation with the undersigned, she stated that she was "acting under orders."

d. The undersigned also was instructed to delete all computer files, which Mr. Barry Valentine witnessed on 9 April.

e. In a meeting on 15 April 1992, the Staff's Chief Counsel, J. William Codinha, was advised by intelligence investigators of their concerns about the possibility that they had committed a crime by participating in the destruction of the briefing text. Mr. Codinha minimized the significance of the documents and of their destruction. He admonished the investigators for "making a mountain out of a molehill."

f. When investigators repeated their concern that the order to destroy the documents might lead to criminal charges, Mr. Codinha replied "Who's the injured party." He was told, "The 2,494 families of the unaccounted for US Servicemen, among others." Mr. Codinha then said, "Who's gonna tell them. It's classified." At that point the meeting erupted. The undersigned stated that the measure of merit was the law and what's right, not avoidance of getting caught. To which Mr. Codinha made no reply. At no time during the meeting did Mr. Codinha give any indication that any copies of the intelligence briefing text existed.

g. Investigators, thereupon, repeatedly requested actions by the Committee to clear them of any wrongdoing, such as provision of legal counsel. Mr. Codinha admitted that he was not familiar with the law and promised to look into it.

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He invited a memorandum from the investigators stating what they wanted. Given Mr. Codinha's statements and reactions to the possibility of criminal liability, the investigators concluded they must request appointment of an independent counsel. A memorandum making such a request and signed by all six intelligence investigators was delivered to Mr. Codinha on 16 April.

h. At 2130 on 16 April, the Chairman of the Senate Select Committee, convened a meeting with the intelligence investigators, who told him personally of their concern that they might have committed a crime by participating in the destruction of the briefing texts at the order of the Staff Director. Senator Kerry stated that he gave the order to destroy the documents, not the Staff Director, and that none of the Senators present at the meeting had objected. He also stated that the issue of document destruction was "moot" because the original briefing text had been deposited with the Office of Senate Security "all along." Both the Staff Director and the Chief Counsel supported this assertion by the Chairman.

i. Senator Kerry's remarks prompted follow-up investigations (See paragraphs 4 through 9 of the attachment) and inquiries that established that a copy of the text was not deposited in the Office of Senate Security until the afternoon of 16 April. The Staff Director has admitted that on the afternoon of 16 April, after receiving a copy of a memorandum from Senator Smith to Senator Kerry in which Senator Smith outlined his concerns about the destruction of documents, she obtained a copy of the intelligence briefing text from the office of Senator McCain and took it to the Office of Senate Security. The access log maintained by the Office of Senate Security establishes that at 1307 EDT on 16 April the Staff Director entered the Office of Senate Security. Office of Senate Security personnel confirmed that the Staff Director gave them an envelope, marked "Eyes Only," to be placed in her personal file. The Staff Director has admitted that the envelope contained the copy of the intelligence briefing text that she obtained from the office of Senator McCain.

3. The facts of the destruction of the intelligence briefing text would seem to fall inside the prescriptions of the Statute, Title 18, U.S.C., Section 2071, so as to justify their referral for investigation to a competent law enforcement authority. The applicability of that Statute was debated in *United States v. Poindexter*, D.D.C. 1989, 725 F. Supp. 13, in connection with the Iran-Contra investigation. The District Court ruled, *inter alia*, that the National Security Council is a public office within the meaning of the Statute and, thus, that its records and documents fell within the protection of the Statute. In light of that ruling, the Statute would seem to apply to this Senate Select Committee and its Staff. The continued existence of a "bootleg" copy of the intelligence briefing text - i.e., a copy that is not one of those made by the investigators for the purpose of briefing the Select Committee - would seem to be irrelevant to the issues of intent to destroy and willfulness; as well as to the issue of responsibility for the order to destroy all copies of the briefing text, for the attempt to carry out that order, and for the destruction that actually was accomplished in



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, DC 20301-3040

October 7, 1992

COMBATING COMMUNICATIONS
AND INTELLIGENCE

MEMORANDUM FOR RECORD

SUBJECT: Telephone Call from Senator Kerry

At 1230PM on October 7, 1992, Senator Kerry, Chairman of the Senate Select Committee on POW/MIA Affairs, called for Assistant Secretary Andrews. As he was at lunch, Senator Kerry asked for me. This was a conference call and included Ms. Francis Zwemig, Staff Director of the Senate Select Committee on POW/MIA Affairs.

He cited the POW/MIA intelligence material released on NBC last evening [Dateline] and the leaks in the press [Evans & Novak, etc.] and said that he was very upset.

Senator Kerry was very emphatic that this has gone too far and that the Department has an obligation to take on the issue. We cannot continue to keep our arms tied behind our back. He said that we need to do at the hearing next week [October 15 and 16] what we did at the last meeting [Monday, October 5]. Bring a blow up of the photographs of the "USA" and "K" symbols and show that the "K" is not a K and that it does not have walking feet. Have Mr. Gadonry explain how the USA could have been made. He stressed that unless we answer this attack directly the leakers will win and they will be able to claim "everyone knows" it was made by a POW. "We need to demonstrate reality." "Put a lie to it." The Secretary should make a one-time exception on the photography— show a blow up of the actual photograph (symbol portion) on TV.

He said that we have been repeatedly attacked by those who do not want to deal with reality. Each time we answer they find something new to raise. If we are ever going to stop this we need to demonstrate convincingly what the real thing looks like. Openness will take the wind out of their sails.

He urges the Department to come on very strong: "We are appalled. These leaks jeopardize any American in captivity who would try to signal. It is dishonest to leak information obtained in closed hearings knowing the Department cannot discuss intelligence sources and methods in public. We took responsible actions as soon as we found this symbol."

I raised our concern with discussing intelligence in public as we have global responsibilities that we cannot jeopardize. He agreed that this is difficult but that in this one case we need to find a way to take on the issue, find some way to lay out the issue.

Concerning the hearing, he agreed that a script would be unwise and recommended Mr. Andrews just "come on strong—appalled."

He stressed that he wants to work with us but reiterated that it is time for us to take on the issue.

Ronald J. Knecht

October 30, 1992

MEMORANDUM FOR THE RECORD

FROM: John F. McCreary

SUBJECT: Obstruction of the Investigation

1. I am concerned that recent lines of investigation have been seriously compromised by leaks of sensitive information by the Committee Staff Director to the Department of Defense. Leaks to the Department of Defense or other agencies of the Executive Branch of my Memoranda for the Record are interfering with follow-up discussions with useful witnesses. Moreover, they are endangering the lives and livelihood of two witnesses.

Leak of Information on Jan Sejna

2. My MFR concerning discussions with former Czech Gen Maj Sejna have ended up in the hands of private citizen and Sejna's co-author Joseph Douglas and the LA Times. I provided copies of that memorandum to Carluccio, Codirka, and Kolesnick.

3. In spite of leaks outside the government, Bill LeGro attended a meeting of the US-Russia Joint Commission group in Washington on 28 October 1992 at the Department of State. The discussion featured information provided by Sejna. LeGro stated that Ambassador Malcolm Toon called for his dismissal. DLA personnel defended Sejna as to his expertise on Central Europe, but not as to his information on other areas, particularly POW-related.

4. On 30 October 1992, I learned from Bill LeGro that he was directed to read a letter from the Central Intelligence Agency to the Select Committee that discredits Sejna's information. The letter reportedly indicates that Sejna's information has been checked and not been confirmed by his former government. At the time this letter was received, the Staff had decided to take Sejna's deposition but had not yet scheduled a deposition of Sejna. In addition, my MFR was written from memory, and did not do justice to all that Sejna stated, either in detail or in context. As of this writing, we do not know what Sejna knows or will say under oath, yet his testimony has already been written off. This anticipatory discrediting of a Select Committee potential witness is tantamount to tampering with the evidence.

Suspected Leak of Information on Le Quang Khai

5. The second issue of suspected misconduct concerns witness Le Quang Khai. Although Le made a public statement concerning POWs on 12 September 1992, no agency of the US government contacted him concerning his POW information. He told me on 26 October that some men who represented themselves as FBI agents contacted him to attempt to recruit him to return to Vietnam as a US intelligence agent for six months. After which

his request for asylum would be favorably considered.

6. On 30 October, Mr. Robert Egan of Hackensack, New Jersey, who is a close friend of Mr. Le and the intermediary whereby the Committee Staff met Mr. Le, informed McCreezy and LeGro that the FBI had again contacted Mr. Le. A person representing himself as an FBI person called on 30 October to set up a meeting with Le to discuss Le's working as an intelligence agent for the FBI's POW/MIA office.

7. So far informal checks indicate there is no such office. Secondly, the contact occurred three days after my return from taking Le's deposition in Hackensack on 26 October after which I wrote another MFR. This MFR was sent only to JW Codinha on 28 October. I observed a copy of the MFR with apparent routing designators written in the top margin on the desk of Frances Zwenig on 28 October.

8. The contact with Le two days after preparation of my MFR, despite the passage of a month since his public declarations, is highly suspicious and more than coincidental. The circumstances of both contacts in which persons identifying themselves as FBI without showing credentials or other evidence of authenticity or authority and also making a pitch to recruit Le are also highly suspicious.

9. An internal Department of Defense Memorandum identifies Frances Zwenig as the conduit to the Department of Defense for the acquisition of sensitive and restricted information from this Committee. Based on the above sequences of events, I must conclude that Frances Zwenig continues to leak all of my papers to the Defense Department. Her flagrant disregard of the rules of the Senate and her oath of office are now jeopardizing the livelihood, if not the safety, of Senate witnesses. In addition, the Department of Defense's continuing access to sensitive Committee Staff papers is resulting in obstructions of the investigations by the Senate Select Committee by various agencies of the Executive Branch.

BRIEFING
FOR THE
SENATE SELECT COMMITTEE
ON
PRISONERS OF WAR AND THE MISSING IN ACTION

April 8, 1992

AGENDA

Introductory Statement (15 mins)

Briefing on Nommarath (45 mins)

Map Briefing (20 min)

Conclusion

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April 8, 1

INTRODUCTORY REMARKS

SENATORS,

(Introductions)

The purpose of this briefing is to inform you of what substantive intelligence indicates about the possibility of POWs and MIAs remaining in Southeast Asia.

We carefully have studied a large computer printout that contains a summary of the intelligence reporting on POWs and MIAs, which is called the SI Report. We have found this listing to be reasonably accurate and complete as a guide for our

investigation. In addition, we have scrutinized hundreds of files provided by the Department of Defense, DIA, the Department of State, JCRC, and the Air Force. Our BRIEFING is based principally on these materials and our own professional analyses.

Work that DIA already has done constitutes an important point of reference for our investigation of the intelligence. In reaching our own conclusions, we have taken into account DIA's evaluations and assessments as reflected in the eyewitness files and in the extract of the SI Report. But I want to stress that we have used a different analytical approach than that used by DIA and we have reached very different conclusions about what the intelligence indicates. We did this because we deemed that DIA's

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approach can not take into account or integrate the total volume of intelligence reporting.

THE SI REPORT

As for the SI report, the data base is current as of 9 March 1992, when the Committee received it from the Department of Defense. The original document runs to 231 pages, containing some 16,000 entries, and is available for your inspection.

For our examination of the intelligence, we have used a 91-page extract of that report, which lists intelligence reports dated after Operation Homecoming. I'd like to walk through the format of the extract. (VG-1)

- a. The first page in the package is the letter of transmittal

from DIA.

b. The second page (VG-2) is the code for the agencies who have sent in the sighting reports and other information. For example, (PAUSE FOR READING)

A is the National League of Families;

B is JCRC;

C is the Defense Attache Offices;

D is the Central Intelligence Agency;

I is Congress;

L is DIA; and so on.

O is for Stony Beach -- the DIA collection effort in Southeast Asia.

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b. The third page (VG-3) is an explanation of some of the analytical evaluations and the management review and approval categories, which are entered in code form in the SI report. We'll get back to this shortly.

c. This chart (VG-4) is a reproduction of the first page of the extract. page 163.

Your page numbering is a bit confusing because your extract concentrates only on information after Operation Homecoming. What you have is the actual document that we are using on a day-to-day basis to guide our analysis.

Each entry in the extract relates to an intelligence report that Defense Intelligence Analysts and Technicians have summarized,

coded, and entered in a computer database. I want you to look at the headings of page 163 and follow me as I take you through some examples.

There are ten columns in the heading, left to right across the top of the page.

EXAMPLES FROM PAGE 163

By way of illustration, on page 163, the first item is a live sighting report entitled POW-F/H in Kampong Speu, Cambodia; the sighting occurred in 1973; the date of the report is not shown. The sighting was reported by Stony Beach, the DIA collection group in Thailand. Of course, this was not used in our investigation because it occurred before Operation Homecoming.

Continuing the illustration, on December 12, 1989, the Interagency Committee approved the DIA evaluation of that report as a fabrication. 11 and 12 lines down, you will find the entries CAT 4 and REC CAT 9. CAT 4 refers to the code on page two and means the case remains unresolved with "no correlation or further action possible." REC CAT 9 is a Recommendation for Category 9, that is to say, that DIA has recommended that the Interagency Committee approve his evaluation that the report is a FABRICATION. CATEGORY 9 reports are approved fabrications. These entries on lines 11 and 12 are illustrations and were not used in the analysis because they occurred before Operation Homecoming.

THE MAP

About the map. Each push-pin and flag represents one intelligence report from the SI report.

SLOWDOWN HERE (POINT TO THE LEGEND AND A FLAG) The color BLUE signifies sightings and hearsay reports that occurred in the 1970's, according to the SI Report. Thus, THESE FLAGS HERE ALONG THE CHINA BORDER INDICATE THAT PRIOR TO THE CHINESE INVASION OF VIETNAM IN FEBRUARY 1979, WE OBTAINED INTELLIGENCE REPORTS CLAIMING POW SIGHTINGS IN THIS REGION.

The color RED signifies information in the 1980s and 1990s (taken from Column Three of the SI Report). YOU CAN SEE THAT

THERE ARE NO RED FLAGS IN THIS AREA. THIS MEANS THERE WERE NO SIGHTINGS IN THE 1980S OR 1990S, AND CONFIRMS NUMEROUS OTHER INTELLIGENCE REPORTS THAT PEOPLE DETAINED IN THIS REGION WERE REMOVED PRIOR TO THE CHINESE INVASION AND DID NOT RETURN IN THE 1980'S. The Yellow flags indicate that the precise date of the sighting was not reported.

Our task, as I stated at the outset, is to examine what the substantive intelligence indicates about the possibility of American prisoners of war remaining in Southeast Asia. We posted flags only for those entries that indicated Americans in a captive environment after Operation Homecoming. This means we looked

for the presence of guards; weapons; chains and shackles; prison features and confinement; and so on.

WHAT IS AND IS NOT REFLECTED ON THE MAP

WE DID NOT POST FLAGS FOR:

- a. Clearly outrageous, inflated, exaggerated, or impossible reports -- such as numbers in the 1,000s;
- b. several hundred sightings that equated to Robert Garwood; sightings of Emmet Kay, Arlo Gay, Tucker Gougelman; and other known US personnel who have since returned, whether alive or dead.
- c. We did not post flags for reports of dogtags, remains, crash sites, gravesites.

b-

d. We rejected reports that plausibly equated to French, Australian, Soviet, Greek, or other foreign nationals.

e. We rejected reports of Americans living freely, or with wives and children or those we assessed to not be in confinement at the time of the sighting.

f. We rejected for posting a number of reports that we equated to sightings of stragglers.

g. We did not accept reports of yachtsmen, adventurers, and drug- or other smugglers.

h. We also excluded sightings equated to Americans detained during and after the fall of Saigon and later released.

The end product of this process is this map which contains

928 flags - each, as I said before, representing an entry from the SI report. ((The map shows only 14 percent of the entries in the extract.)) There are 215 blue and red square flags, signifying eyewitness accounts; 484 blue and red pennants and 229 yellow pennants, signifying hearsay accounts.

The pins are plotted as precisely as the map scale allows according to the GRID coordinates in the SI report, correcting for errors when we found them.

ANALYTICAL TECHNIQUE

We used a cluster analysis technique to investigate possible consistency and redundancy in ALL of the intelligence, both hearsay and eyewitness. We wanted to see what all of the

intelligence indicated -- to see how the content of the reporting clustered. This is a longstanding and proven method of analysis used by the US Intelligence Community. I want to stress that this is the same method of analysis used by the US Intelligence Community to track SCUD Missile firings by Iraq during the Gulf War. As you recall, Missile basket areas were identified, defined, and then targeted. A similar process also is used in tracking SS-25 mobile missile units in the Commonwealth of Independent States. This is a longstanding and proven analytical technique in the US Intelligence Community.

We want to emphasize that in this cluster analysis we have chosen to focus on the information content that the refugees and

other sources have provided during the past 19 years. The information trends which are reflected on the MAP are not dependent on one or even a handful of individual reports. Rather, the trends and patterns reflect the redundancy and the consistency in the total volume of intelligence reporting in the period under investigation.

To recap our procedure,

1. We took the DoD SI report list of over 16,000 items and filtered out all reports before Homecoming.

2. Next we filtered out all reports that we felt did not relate to Americans in a captive environment after Operation Homecoming.

41.

3. Finally, we plotted what was left over on the map to see what it showed about the total volume of intelligence reporting from all sources. The clustering effects (POINT) are the output of this process.

I have labored to explain our data and our technique because our findings disagree with those of the DIA. In conducting our investigation, we were shocked to find on page 3 of your package (VG-3 RETURN) that there is no category for a POW sighting – both for the DIA analysts and the Interagency Committee. We agree with the major findings of the report written by Col Kim Gaines, USAF, for Lt Gen Perroots, Director, DIA in 1986. Copies of that report, known as the Gaines Report, are available for your

use here, but a classified SECRET and r st remain here. They will be provided to your Senator during the briefing.

We concur with these findings in the Gaines Report (VG)

We also wish to state clearly our analytical conclusion. (VG)

THE INTELLIGENCE INDICATES THAT AMERICAN PRISONERS OF WAR HAVE BEEN HELD CONTINUOUSLY AFTER OPERATION HOMECOMING AND REMAIN IN CAPTIVITY IN VIETNAM AND LAOS AS LATE AS 1989.

THE INTELLIGENCE INDICATES THAT NO AMERICAN PRISONERS OF WAR HAVE SURVIVED IN CAMBODIA.

THE BRIEFING

During this briefing you will see many handwritten entries in the reports. These are DIA redactions to protect sources and methods.

The detailed briefings, which we now propose to begin, will describe in detail for you some of the clusters in Vietnam and Laos that stand out on the MAP.

MEMORANDUM

For: Senator John F. Kerry, Chairman
✓ Senator Robert C. Smith, Vice Chairman
Senate Select Committee on POW/MIA Affairs

From: Dr. Joseph D. Douglass, Jr. *JD*

Date: July 20, 1992

Subject: KGB/GRU Information on U.S. POW/MIAs

Like you, I am appalled at the negligent manner in which our government has sought the return of American POW/MIAs.

I am writing this memo to bring my knowledge on this subject to your attention and to express my interest in assisting you in your efforts 1) to determine the fate of American POW/MIAs and 2) to obtain their release or the return of their remains.

Based on newspaper accounts, it appears to me that you have encountered difficulties in obtaining support and information from the KGB and GRU. I have in mind recent statements by Col.-Gen. Dmitri Volkogonov that Vietnam will be a difficult case because much of the information "has not reached the archives," by Yevgeny Primakov, that the KGB has "found no new information that missing Americans from the Vietnam conflict were held in Russia," and from reports that Russian intelligence agencies are resisting efforts to uncover files on U.S. POW/MIAs.

I have been in the defense and national security business for over twenty-five years. From 1975 to 1990 I was heavily involved in the analysis of Soviet operations and strategy. Based on this work, I believe there is a considerable information in the KGB and GRU on the fate of U.S. POW/MIAs from the Korean and Vietnam Wars and other situations. I also believe there are approaches other than "searching the archives" that may be much more effective.

To explain my beliefs and to indicate why my experience may be particularly relevant to your efforts, I would like to share with you selected portions of my notes on my debriefings of a particularly important Soviet bloc defector, Jan Sejna.

Mr. Sejna is now an American citizen. When he defected in 1968, then Gen.-Maj. Sejna held a variety of top-level positions in Czechoslovakia that brought him into first-hand contact with Soviet intelligence operations of the highest sensitivity. Among the positions he held were chief of staff to the Minister of Defense and secretary of the Defense Council, which was the highest decision-making body in areas of defense, intelligence, counter-intelligence, and foreign policy in the communist system.

That is, Sejna was a member of the decision-making hierarchy, in daily contact with top-level communist officials from around the world, and privy to military and intelligence plans and operations. His reports have been assessed within U.S. intelligence to be of the highest credibility and have been repeatedly confirmed as other information has become available. To my knowledge, no one has ever shown his testimony to be wrong or misleading. Let me begin with some of my notes on Mr. Sejna's recollections of the Korean War.

During the Korean War, Czechoslovak intelligence, operating under instructions from the Soviet Union, constructed a hospital in North Korea. Ostensibly, the hospital was built to treat casualties of the war. In reality, it was an intelligence research facility in which Czechoslovak, Soviet, and North Korean doctors would experiment on U.S. and, to a lesser extent South Korean, prisoners of war.

Czechoslovak military intelligence operations in North Korea came under the direction of Soviet military intelligence. The Czechoslovak official who was in charge of their portion of the operations in North Korea was Colonel Rudolf Bubka of the Military Intelligence Administration (Zpravdajská správa or Zs) of the Czechoslovak General Staff. Colonel Bubka was in North Korea under diplomatic cover. The hospital was under his authority. The Czechoslovak official immediately in charge of the hospital was Colonel Professor Dr. Dufek, who was a heart specialist. Sejna learned about the hospital directly from Col. Bubka, from various official reports on the experiments, and from briefings to the Defense Council by experts such as Dr. Dufek and Dr. Plzak, a neurologist who was also a member of the medical team at the experimental hospital in North Korea, and from other top-level officials in Czechoslovakia and the Soviet Union.

The experiments were justified by the Soviet officials as preparations for the next war. The Soviet objective was to

determine the strengths and weaknesses of U.S. servicemen so that the Soviets could better assess the ability of U.S. soldiers to survive and operate in the rigorous conditions of all-out global war. Special experiments were devised and run to test the psychological and physiological endurance limits of U.S. servicemen. The fate of some U.S. POWs is inextricably tied to these experiments. This is one of several reasons why the KGB and GRU are less than enthusiastic in their efforts to uncover the fate of U.S. POWs. The experiments likely would surface in the process.

Additionally, the U.S. POWs were used as guinea pigs to test a variety of chemical and biological warfare agents and drugs that were being developed for military and intelligence use. One of the series of experiments conducted on U.S. POWs was to test the effectiveness of different mind-control drugs. As it turned out, the most effective drugs were those that had been developed at the Czechoslovak Air Force Scientific Center. Many of us can still recall the radio broadcasts and filmed newsreels that were shown at the movies in the mid 1950's in which the propaganda statements of U.S. servicemen denouncing America were aired. It was the Czechoslovak mind control drugs that caused the captured U.S. servicemen to renounce America, speak of the benefits of the communist system, and subsequently refuse to return to the United States following the cease fire. I understand our defense establishment lists such people as defectors and traitors. This may be a most unjust approach to a very complex problem.

To investigate bio-chemical aspects of U.S. servicemen, which was also part of the Soviet search for vulnerabilities, autopsies were performed on dead servicemen whose bodies were taken by the North Koreans and on those POWs who did not survive the various experiments at the intelligence medical facility. To further show the coupling of seemingly disparate intelligence operations to the POW issue, it was because of these autopsies on U.S. POW/MIAs that the Soviets, Khrushchev in particular, first seized on the idea of waging war on American youth with narcotics.

The idea of using narcotics as weapons, as different from their use as intelligence tools, was a major thrust of communist China's foreign policy adopted in 1949. The Korean War was the first war in which the Chinese would push narcotics as a way to undermine the effectiveness of the opposition's military forces. This strategy would later be employed with greatly enhanced effectiveness against the French, and later the Americans, in

Vietnam. During the Korean War Soviet KGB intelligence was especially interested in the Chinese narcotics operation and followed it with great care. One of their findings was the existence of a surprisingly high incidence of use of hard narcotics, such as heroin, cocaine, and the synthetic hiropon, among U.S. servicemen when contrasted with similar use by South Korean servicemen, a factor of two greater.

It was as a consequence of the autopsies that this information came to take on strategic importance. During the autopsies, the Soviet and Czech doctors discovered that an unusually high percentage of the young U.S. servicemen had cardiovascular damage -- "mini heart attacks" was how the Soviet doctors described the damage -- a much higher percentage than among South Koreans. While several possible contributing factors were identified, such as diet, the doctors recognized the correlation between the incidence of heart damage and use of hard drugs and concluded that the drugs were probably a major cause.

When Khrushchev learned about this finding, he immediately recognized the potential of narcotics as a strategic weapon and commissioned a study to determine the potential effectiveness of narcotics trafficking as a strategic weapon for use against the West, the United States in particular. This was the origin of what would become by 1962 one of the most important Soviet-bloc intelligence operations undertaken to undermine our society, military effectiveness, and economic stability. Their primary initial targets were our youth, which are the backbone of any nation's military strength, and our colleges, because that was where our future leaders were to be found. A thorough investigation of the fate of U.S. POWs ultimately should also lead American intelligence to the sources of the narcotics plague that has grown exponentially since roughly 1959, when the Soviet trafficking strategy went operational.

What happened to the unaccounted for American POWs in the Korean War? Most are probably dead. But, some of the roughly 3,000 still unaccounted for might be alive. Were any of the American POW guinea pigs likely to have been returned? When I put this question to Sejna, his response was emphatic. "No way!" he exclaimed, adding that Czechoslovak intelligence also built a crematorium in North Korea to help dispose of the remains of U.S. servicemen following the autopsies -- the ultimate fate of a majority of the American POW guinea pigs.

Obtaining information about the fate of POWs from the Vietnam War will be even more difficult than from the Korean War because many POWs are coupled to extremely sensitive programs. Before his fall from power in September 1964, Sejna explained, Khrushchev put the wheels in motion to continue in North Vietnam the experiments that were begun in North Korea during the Korean War. The experiments had been considered extremely profitable and there were many new drugs, chemical and biological agents and possible counteracting vaccines developed in the intervening years that needed to be tested.

Accordingly, arrangements were negotiated with the North Vietnamese and medical experiments using American POWs as guinea pigs were continued. Doctors from East European countries besides Czechoslovakia were involved. Most of the experiments on U.S. POWs were conducted in military hospitals in North Vietnam. But, the most sensitive experiments were conducted in KGB and GRU facilities back in the Soviet Union. This is why the movement of U.S. POWs to Russia and their interment in prisons and psychiatric "clinics" as revealed by Mr. Yeltsin takes on added significance.

It is highly unlikely that information on these activities will ever find its way into the Russian archives. Being research operations, the activities directly relate to special capabilities that are in being today and to covert operations over the past twenty years of the highest sensitivity.

For openers, the POW experiments are coupled with efforts to develop new generations of military chemical and biological warfare agents, efforts that, according to Sejna were more sensitive and more highly classified than nuclear weapons programs. They are also coupled to the development of chemical agents and drugs for intelligence applications and their nature likely will raise serious questions about a wide variety of assassination activities, including several undertaken against a variety of the highest-level national and international leaders.

They are coupled to the development of a wide variety of mind-control drugs. One that was describe by Sejna was a follow-on to the drug used to reverse the values of selected U.S. POWs during the Korean War and cause them to disown America as described earlier. The new drug tested in the mid-1960's was covertly administered through food. It was operationally used as early as

- S E N S I T I V E -

1967 to turn influential anti-Soviet individuals in various countries into neutral and even pro-Soviet supporters.

That is, the telltale trail of U.S. POWs impinges on these, and other, extremely sensitive Soviet intelligence operations and capabilities that are still highly valued today. It goes without saying that neither the KGB nor the GRU are likely to find and volunteer such information on their own initiative!

I am convinced that the above is only a fraction of the information that is close at hand respecting the fate of U.S. POW/MIAs. The above information is just bits and pieces I collected in the process of pursuing other subjects. I have not had the time or support to conduct careful debriefings on the POW/MIA issue -- but would welcome the opportunity to do so. There is no doubt in my mind that considerably more information could be extracted from further debriefings, and that among the items of greatest interest would be the names of other officials and participants from various former communist countries who would also have detailed memories based on first-hand knowledge. Once identified, these people could be contacted and the process repeated. The result would be a mass of detail that would be most difficult to refute and which then could be used as the basis for specific discussions with President Yeltsin to obtain his assistance in a much more direct attack on the KGB and GRU bureaucracies than merely looking for needles in the archive haystacks.

I would welcome the opportunity to discuss the above in detail with you and address any questions you may have. An overview of my background is attached for your information. My phone number is (703) 356-5410.

Finally, I would like to caution your staff not to take any precipitous action based on the above without careful deliberation. That is, there are a number of important operational nuances that I did not discuss above because of their sensitivity.

12..

Remarks by Joseph D. Douglass Jr., Ph.D. at National Alliance of Families for the Return of Missing American Servicemen news conference July 15, 1993

An Important Missing Dimension of the POW/MIA Search

One of the features of the search for U.S. POW/MIAs, is to focus attention on Vietnam. This is particularly evident in the final report of the Senate Select Committee on POW/MIA Affairs which explicitly ties the resolution of the POW/MIA issue to the governments of Vietnam and its communist neighbors.

Unfortunately, this is a gross error. Both the Soviet Union and China were heavily involved in the Vietnam War (as well as in the Korean War) and many POWs are missing because they were moved to the Soviet Union and China for exploitation. This is the essence of the eye-witness testimony of the former Czech official, General Major Jan Sejna.

At the time of the Vietnam War, General Sejna was a member of the Czech decision-making hierarchy. He was Chief of Staff to the Minister of Defense, First Secretary of the Party at the Ministry, and a member of the Minister's Kollegium. He was also a member of the Central Committee, the Presidium and National Assembly, the Main Political Administration, and the Administrative Organs Department. His is an eye-witness account.

I have talked extensively with General Sejna about what happened to American POWs from Korea and Vietnam. His information makes it clear to me why so little definitive information has been found and why there has been no real assistance on the part of Vietnam, Russia, or China. Let me now provide the essence of his knowledge.

In both the Korean and Vietnam Wars, American POWs were used as guinea pigs in military medical experiments. They were used:

- 1) to test new medical procedures for handling military casualties,
- 2) to test chemical and biological warfare agents,
- 3) to test the ability of American soldiers to withstand severe psychological and physiological stress,
- 4) to test new mind-control and behavior-modification drugs, and
- 5) to test lethality levels of nuclear radiation exposure and the long-term consequences of sub-lethal radiation exposure.

From the beginning, the Soviets stressed that the operation should be conducted so that "no one would ever know about it." Extreme secrecy measures and deception were employed to protect the operation's integrity.

During the Korean War, an experimental hospital was constructed in North Korea for this

operation. It was manned by Soviet and Czech military intelligence doctors. In one year alone, 600 American POWs were there as "patients." To the best of Sejna's knowledge, none were ever returned to the North Koreans. At the end of the war, roughly 100 remaining American prisoners at the hospital were shipped to the Soviet Union where the tests were continued. There were four shipments of about 25 POWs each. They were shipped first to Czechoslovakia, and then to the Soviet Union.

During the Vietnam War, experiments on U.S. and G.V.N. POWs were conducted in North Vietnam by North Vietnamese doctors, with Czech and Soviet doctors serving as advisors and monitoring the results. In Laos, Czech and Soviet doctors worked directly on the POWs.

Also during the Vietnam War, American POWs were shipped back to the Soviet Union where more sensitive chemical and biological agents and drugs were tested. A special dedicated network was established to collect POWs who were to be shipped to the Soviet Union. They were separated from other POWs from the instant of their capture. They were given special psychological interviews to make certain no trouble makers were selected, and then shipped by plane to Czechoslovakia. This system was designed by Soviet, Czech, and North Vietnamese military counter-intelligence officers. POWs were also shipped through North Korea and, quite possibly, through East Germany in route to the Soviet Union.

Up until Sejna left in February 1968, there were 2 or 3 shipments each year. The shipments were usually about 25 POWs, although there were several very small shipments and one in which about 60 POWs were moved to the Soviet Union. These shipments went through Czechoslovakia for security; specifically, so that the Soviets could deny that any POWs were ever shipped to the Soviet Union from Vietnam.

The POWs were shipped by air. They landed at Zatek military air base. They were then taken to a military counter-intelligence barracks in Prague, where they stayed for about a week. They were given physical exams during this time by doctors at the Central Military Hospital and then were flown on to the Soviet Union.

Sejna often witnessed the unloading of POWs at the airbase and at the barracks. He was a participant in discussions with North Vietnamese, Soviet, and Czech leaders. He was responsible for preparing many of the actual decision documents. He also monitored parts of the operation and read reports on the results of the experiments and autopsies.

This description of what happened is just a brief summary of General Sejna's first-hand knowledge. Based on our discussions, I would estimate that over a thousand American POWs got caught up in this Soviet military intelligence operation. And, I should add, the Chinese had a similar operation also using American POWs in both the Korean and Vietnam Wars.

Clearly, if the search for American POW/MIAs is to have any prospects for success, the search must be expanded to include China and the Soviet Union. The search process must recognize that the answers are equally if not more likely to be found in those countries than in Vietnam. Moreover, the search process must take into account the simple fact that those countries are most unlikely to cooperate in finding and revealing this type of shocking information.

Are the POWs Pawns of War?

On May 21, 1990, Harriet Lavin, United States Charge d'Affaires to Laos (the person responsible for any efforts to return POWs from Laos), said:

There is a pretense and future in Indochina involves complex negotiations with Hanoi and other nations in Vietnam, Laos, Thailand, and Southeast Asian allies and eventually a compromise. You should be aware that there is a greater desire for our foreign policy in Asia and the POWs are expendable in pursuit of that policy particularly when it comes to an undeclared war.

Are they Expendable?

There is clearly an unacceptable attitude for our government to embrace -- but if at least such as (from the position of the US Government on the value of American military personnel)

Major Captain Eugene "Red" McDonald, who spent six years in a Vietnamese POW camp, poignantly says:

I was prepared to fight, I was prepared to be wounded, I was prepared to be captured, I was even prepared to die, but I wasn't prepared to be abandoned."

Has the US Government abandoned these unfortunate American men and women? Ask yourself what you have heard of the government doing to bring them home.

"When one American is not worth the effort to be found, we as Americans have lost."

Former Defense Intelligence Agency Director Eugene Tigue

It is not better, as we do, that the tactics of the federal government are far more unacceptable, what is on you do in "make it happen" yourself?

Get real. And then do something about it.

Let us know where about the issue by reading one or more of the following books:

Recommended Reading

- An Examination of US Policy Toward POW/MIA's, United States Senate Foreign Relations Committee, May 1991. (For a free copy, call 202/224-3941.)
- *Are the Boys Goodbye: How the United States Betrayed Its Own POWs in Vietnam 1950-1975* by Minnie Jensen Stevenson and William Stevenson
- *The Rambon Cage 1971*, by Nigel Cummings
- *China 1981* by Scott Barnes
- *Snuffers of Misfortune, 1972* by Mark Sauter, James Sanchez & Carl Falkowski

The Smoking Gun has been Found!

Since the dissolution of the USSR, a treasure trove of evidence has turned up on government files in spite of the best efforts of the United States Government, the truth is coming out! For instance, in February 1993, Steve Morris, a scholar from Harvard University's Russian Research Center, discovered a Top Secret document in the files of the Central Commission, Communist Party Soviet Union, International Department (formerly known as the COMINTERM)

General Tran Van Quang, Deputy Chief of Staff of the North Vietnamese Army, authored a report dated September 13, 1973 to the North Vietnamese Politburo which ended up in Russian intelligence archives. This document provided a detailed accounting of 1,295 live American POWs then held in 11 North Vietnamese prisons. The General's statements are quite revealing:

"1,295 American prisoners of war located in the prisons of Vietnam -- this is a big number. Officially, we have published a list of only 544 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."

The Senate Armed Services Committee provides **SUPPORTING EVIDENCE** from a Committee Memo for Record dated April 8, 1993: "A member of the DRV (Democratic Republic of Vietnam) Politburo, Mr. La Diab, defected in 1979. He was debriefed (informally) by DIA, and he revealed that in 1973, the Vietnamese possessed about 700 American POWs." The memo goes on to state: "Again, La Diab's statement that about 700 American POWs were kept back in a warehouse. It is consistent with the Soviet document, and it corroborates it."

Former National Security Advisors Henry Kissinger and Edgewood Bruce (L), for the Nixon and Carter Administrations respectively, have publicly and privately stated that, based on their knowledge and expertise, they believe the Vietnamese document found in the Russian archives to be accurate and accurate in its numbers of living POWs held back by Vietnam. Further, a number of well placed Pentagon military officials, administration bureaucrats, and Washington insiders have agreed with Kissinger and Bruce (L)'s appraisal of the validity of the report.

Note that this report is dated 4 months before the war ended. It only includes POWs held by North Vietnam in North Vietnam up to that point. However, it does not include Prisoners of War held in South Vietnam by the Viet Cong, those POWs held in Laos by the Pathet Lao, or those POWs held in Cambodia by the Khmer Rouge.

**THE LONG DEBATE IS OVER --
ALL THE WORLD KNOWS POWS WERE HELD BACK!**

YOU CAN HELP

Write and call your elected officials, including the President. Demand that the US Government

-- issue an ultimatum to the Communist governments of Vietnam and Laos to return live American POWs and account for the others, or suffer immediate dire consequences, including the use of appropriate military force.

-- Seek war crimes trials for any Vietnamese or Laos who may have killed American POWs

-- Issue similar ultimatums to other Communist -- and former Communist -- governments demanding the return of all POWs, regardless of when captured, who are under their direct or indirect control, or face the same dire consequences.

We realize the articles suggested are very strong; however, they are fully justified because the Vietnamese report shows that Hanoi committed a major violation of the Paris Peace Accords by not returning all American POWs. Quang's report is proof positive that the Vietnamese have been lying for over 20 years to mislead American officials of the past 50 military leaders.

TASK FORCE OMEGA INC.

14043 North 64th Avenue

Glendale, Arizona 85306

Phone & FAX (602) 979-5651

POW ★ MIA

Thank you for caring!

There are LIVE American POWs in SE Asia!!

A Senate aide confirmed that the POW issue is not a high priority because there is "no public interest." We don't believe that's true. Please support our efforts. Read the enclosed information. Then write or call your elected representative **DEMAND** that these public servants account for their inaction on this issue of vital interest!

The following information is provided for your convenience:

President William J. Clinton
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500
Telephone 202 654-1111
FAX: 202/456-3441

Senator (Your Senator's Name)
United States Senate
Washington, DC 20510

Congressman (Your Representative's Name)
United States House of Representatives
Washington, DC 20515

**YOU'D DAMN WELL CARE
IF IT WERE SOMEONE
YOU LOVED!**

Task Force Omega, Inc. is a non-profit 501(c)(3) organization.
our ID number is 54-1243251

There ARE Live American POWs in SE Asia!

Jan 1, 1973. London (American Forces) believe they are holding more than 100 American POWs and are prepared to give a full accounting. The US government expects 9 days later by being they are all dead without ever talking to the families about the POWs they admit they are.

Jan 1974. Upon the terms of an unreported sum of money to the Vietnamese, the communist and POWs captured in 1979. The Vietnamese had claimed all of them had died.

Jan 1971. Defense Intelligence Agency Director Eugene Tigue testified before the House Committee on Asian Pacific Affairs that live Americans POWs remain in Southeast Asia.

Jan 1971. The Washington Times reports that Bobby Greenwald, released by Vietnamese, was captured by the Viet Cong in the war ended.

Jan 1971. The Washington Times reports that Director Lieutenant General Eugene Tigue believes he will see a confirmed number of live POWs for \$4 billion. The White House decided the POWs were captured and reported.

Jan 1971. The Wall Street Journal reports that National Security Advisor Robert Feltone says live Americans POWs remain in Southeast Asia.

Jan 1971. The Wall Street Journal reports the White House knew in 1981 Vietnamese POWs will see a confirmed number of live POWs for \$4 billion. The White House decided the POWs were captured and reported.

Jan 1971. The New York Times reports a Pentagon report estimates up to 100 live POWs are held in Vietnam alone.

Jan 7, 1988. CIA Director William Casey says "Look, the nation knows they (the POWs) are there, they know they are there, but there's no groundswell of support for getting them out. I seriously see one and releasing and pay for them, surely not saying we could do nothing that had with no public support."

Jan 1978. A letter from the Joint Chiefs of Staff to the President states that during General West's visit to Hanoi, "The Vietnamese people were prepared to turn over 7 or 8 live American POWs if they held them what they would be have. All the prospective releases were willingly held in a situation on the last side of the border."

Jan 1978. The Washington Post reports a Japanese source released after 13 years in a Vietnamese prison had Americans POWs who were held in North Vietnam.

Jan 1978. The Soviet Foreign Relations Committee's Interim Report on POW/MIA's in Vietnam states that despite public assurances in 1973 that no POWs remained in the country, in April 1978 concluded beyond a doubt that several hundred Americans POWs remained in captivity in Southeast Asia.

Jan 1979. Senate Issue House. "The deeper story may be that there was a deliberate effort to convince people in the government to disregard all information or reports about the POWs. It may be that the government cover there and for gain by the country, could be made if we could find them and bring them back home."

Our Government Leaders Know...

October 1989. Vietnamese Foreign Minister Nguyen Co Thuan admits Vietnam will hold American POWs but is willing to release "as many as 10 live American POWs." His offer, like others before it, is ignored by Secretary of State James Baker III.

February 1991. Colonel William Puck, Chief of the Pentagon's Special Office for Prisoners of War and Missing in Action, reports in a report of being ordered by policy makers in the NVA/MIA Inter-Agency Group not to investigate intelligence reports of American POWs.

April 25, 1991. Senator Bob Smith addresses the Senate and reveals that, of more than 1,400 prisoners of war of live POWs, NONE has ever received an official investigation!

May 22, 1991. The Senate Foreign Relations Committee's Examination of US Policy Toward POW/MIA's concludes that the US has ignored thousands of American POWs, and left them to rot in Soviet slave labor camps and North Korean and Vietnamese prisons. "Any evidence that is established as MIA might be alive was uniformly and arbitrarily rejected."

September 1991. A flood of new evidence of live POWs from Southeast Asia: pictures, handwriting samples, hair samples, blood samples, fingerprints, smears, and other physical proof. The Bush administration: "disregards the evidence, and attempts to discredit it by rumor and innuendo. Some of the photos are scientifically validated, however — and have never been scientifically disproved!"

August 2, 1991. President Bush says "Until we can account for every person missing, we have no way of knowing there are POWs out there." (That's right, Bush says he has no way of knowing the Vietnamese hold scores of our men and women!!! Who does he work for?)

November 1991. Senate Intelligence Committee Chairman Dan Rostenkowski: "I think we're going to see, probably, that a lot more POWs were left at large... It's been true in other instances of both wars — where the agreements were made, and they were made to get agreements at the time — there were people involved that simply wanted to get the agreements and they didn't want to have all the questions raised at that time... It was too embarrassing. The longer it went, the more embarrassing it got to be... A lot more information is going to come on line... It's things that happened over time. Personnel directives that came about over a 10 year period of time. Then, once when somebody found and knew that it was, nobody wanted to take the blow. They always thought, well, I'd heard that on so the next guy so believe that we really made a big mistake... Those who know the truth kept knowing it on. There are people, obviously, in the military and elsewhere, in the foreign policy establishment, who feel they're going to be embarrassed, now, if this comes out and in, they keep it secret... It has to come out and it will."

June 3, 1991. Lieutenant Peter R. Hudson, USAF, gives his secret subcommittee code — CX31317 — valuable live prison camp.

June 1991. Major Henry M. Brown, USAF, gives his secret code and secret subcommittee code — 737488 — right outside the prison wall of a second prison camp where he was being held.

Both operations were photographed because of what the intelligence reports of US POWs being held in these facilities. Furthermore, these are just the latest credible photographic evidence made public of LIVE AMERICAN PRISONERS OF WAR held captive in South Vietnam since the mid-1970's.

Who is Hiding what? And

Why would the Vietnamese and Laotians still hold American POWs? On January 27, 1973, the Paris Peace Accords were signed. POWs were returned by the Vietnamese.

On February 1, 1973, President Nixon agreed to pay \$12 million to the Vietnamese for the return of the money.

The Laotians also wanted reconstruction money but the US denied it. So why should we have expected them?

Credible evidence has been presented that some Americans were in exchange for uranium and other materials. "Special Forces" such as electronic, communications, etc. returned. At least six prisoners of war were also held up in the possibly given to the North.

Why hasn't the United States Government done more on this? It's probably not to bring them home? Very few in the government know about it. One theory, made possible by the evidence, holds that some of the POWs held by the Vietnamese were captured years after the war in SE Asia.

According to this theory, our intelligence agencies were in violation in SE Asia following the end of the war. Though legitimate and reasonable, Congress was refused to be involved in anything more about that!

Some believe the CIA used the "propaganda" — private! MIA's and POWs that provided "cover" for their activities throughout the "Operation Triangle" and "Lambert" — the plot.

It is easy responsible to assume that some of the POWs and MIA's are still in the hands of our enemies. There is evidence that some of the POWs are still in the hands of our enemies. There is evidence that some of the POWs are still in the hands of our enemies. There is evidence that some of the POWs are still in the hands of our enemies.

Fast or Fiction? Only the government knows.

Don't you find it strange that the government "let" POWs who are fingerprinted samples to come out of South Vietnam? Why? Why? Why?

What has that police in the hands of the American's P.O.W.'s?

The PROUD... THE BRAVE... TI

Dealing with the haunting legacy

AL SANTOLI

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Glendale, Arizona 85306
Phone & Fax (602) 979-5651

The debate over a Soviet intelligence document has refocused attention on the haunting legacy of American prisoners missing in Southeast Asia. A U.S. mission to Hanoi to investigate the documents has ended in a familiar pattern of denials by Vietnamese officials, token "just discovered" information and claims of "progress" by American negotiators. However, significant questions remain unanswered.

The Soviet documents, quoting a 1972 speech by a high-ranking Vietnamese general, Tran Van Quang, became known by the Pentagon last February. A month later, at the U.S. Embassy in Bangkok, thousands of original historical and investigative records — vital to resolving the MIA mystery — were destroyed in a shredder. The document destruction reportedly was overseen by Maj. Gen. Thomas Needham, commander of the Joint Task Force for Full Accounting, which is responsible for conducting MIA investigations throughout Indochina.

Protests about the incident from Sen. Robert Smith, New Hampshire Republican, and MIA families led the Pentagon to order an internal investigation. However, veterans organizations are calling for an independent inquiry. President Clinton created another controversy by dispatching retired Gen. John Vessey to Hanoi.

Gen. Vessey was a distinguished artilleryman and staff officer. However, as President Bush's MIA envoy he gained a reputation as too willing

to accept Hanoi's duplicity. For example, in 1991 testimony before the U.S. Senate, Gen. Vessey supported Vietnamese claims that "worms" ate their POW records. A year later, Hanoi admitted to possession of a vast collection of POW archives and historical records. They still deny access to records of the Enemy Proselytizing Department, the key organization responsible for foreign prisoners, claiming they were "destroyed in a fire." The communists maintained meticulous records in

A full and honest resolution can be achieved only by a hands-on commitment by both the executive branch and Pentagon leadership.

duplicate, with copies stored in more than one office.

Documents just handed to Gen. Vessey mention only 368 prisoners held or deceased before 1973. This is a mere fraction of the 591 living and 500 bodies already returned, and the 2,200 who are still missing.

Field investigations are repeatedly staged with coached witnesses and animal bones planted at excavation sites. Since 1991, of 80 flag-draped caskets returned from Vietnam, only 13 have proved to be Americans. This charade has cost taxpayers \$100 million. Unfazed, Gen. Vessey continued to praise Vietnamese cooperation and advocate giving away the administration's only negotiating leverage — the trade embargo.

This is not the first Vessey-Quang meeting. On Jan. 30, 1992, they sat across a table in Hanoi, where Gen. Vessey conveyed a gift of \$1.3 million, primarily to assist communist war veterans. They did not discuss withheld American prisoners. The current mission is clouded by the presence of Gen. Needham, State Department official Ken Quinn — a member of the 1977 Woodcock Commission that declared all U.S. prisoners dead — and Andre Savageot, who is under contract with a U.S. corporation that is lobbying to lift the trade embargo.

Hanoi has denounced the Soviet document by claiming that Gen. Quang was a minor figure as commander of Military Region 4. However, volumes of official records show that between 1958 and 1974 he was also a deputy chief of staff of the army. His previous role as chief of the Enemy Proselytizing Department made him an expert on prisoner exploitation. As commander of Military Region 4, he controlled areas of Laos where a secondary prison system was located.

Pentagon debunking artists claim that some of Gen. Quang's prisoner count could have been South Vietnamese or Thai. However, Gen. Quang's language specifically states "Americans." The Vietnamese language is very precise. In all communist documents, South Vietnamese are referred to specifically as "puppets." There is no record of South Vietnamese mixed in with Americans in North Vietnamese prisons.

Recently declassified U.S. intelligence documents support claims of a secret prison system. Some 80 percent of American prisoners in Laos were captured by the Vietnamese or held in areas under their authority. Post-1975 satellite imagery of prison areas in Laos and Vietnam contain pictures of distress signals and au-

Al Santoli is the author of two histories of the Vietnam War and its aftermath. He is a former assistant to the chairman of the U.S. House of Representatives POW-MIA Task Force.

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From page F1

thenticator codes identified to specific MIAs. A compelling authenticator and distress symbol and the names of two missing pilots were stamped out in high grass during June 1992 outside of Dong Mang prison in Vietnam. Despite numerous Senate inquiries, Gen. Needham's Hanoi-based task force has yet to visit the prison site.

The Moscow archive documents demonstrate intense Soviet interest in the American prisoners. U.S. officials continue to deny evidence of Soviet involvement. However, Senate investigators concur with Gen. Quang that some Americans with technical expertise were taken to secret prisons. There, Soviet advisers extracted their knowledge.

A series of secret State Department cables between January and June 1967 describe two to six "wounded U.S. fliers captured in Vietnam and currently held in an East German hospital ... including a double amputee," being offered in trade for a Soviet spy team imprisoned in England. After five months of negotiations, the British refused to cooperate. The disabled Americans disappeared.

MIA families disagree with Gen. Vessey's and the task force's near-exclusive emphasis on crash-site excavations. They believe Hanoi should first be required to provide real answers for the nearly 200 last-known-alive and 1,100 missing men who may have been seen alive. The real answers are in the records of Vietnam's Enemy Proselytizing Department and General Political Directorate. Similar records are contained in the Soviet archives.

The destruction of thousands of pages of U.S. investigators' handwritten analyses — dating back to 1970 — by Gen. Needham's task force further complicates research. The task force has been severely criticized for a glaring lack of investigative standards. Detachment chiefs and field team leaders in Vietnam, Laos and Cambodia are primarily young infantry and artillery officers without previous intelligence training, no POW-MIA re-

search experience and rudimentary language ability.

Task force teams often rely upon Vietnamese or Laotian government translators and conduct interviews in the presence of communist cadres. They simply do not have the ability to perform quality research or evaluate the status of individual cases. On the other hand, Garnett Bell, the Pentagon's most respected MIA expert and Vietnamese linguist, was transferred to a desk in Bangkok after he spoke honestly at Senate hearings regarding problems with Vietnamese cooperation. He is no longer involved in field investigations.

Archival research in Hanoi is led by a Defense Intelligence Agency official whose testimony at Senate hearings was discredited by serious inconsistencies. The agency's MIA office is controlled by career bureaucrats whose performance was described in internal evaluations as "unprofessional ... never employing the most basic analytic tools ... (possessing) a mind-set to debunk (reports of live Americans)." Numerous family members believe the DIA's primary objective is to protect two decades of coverup.

After any war, there can never be a complete accounting for all of the missing. However, to resolve the

heartache of MIA families and obtain an honest accounting, the Clinton administration should expedite the following actions:

- The Vietnamese must produce live men, their remains, or an explanation that withstands intense scrutiny, before they receive any U.S. aid or international financing or the trade embargo is lifted.

- Gen. Quang is a lifelong communist who cannot be expected to provide sincere testimony. Instead, the Vietnamese must provide full on-site access to Enemy Proselytizing Department and General Political Directorate archives. These records must be scrutinized by a no-nonsense linguist and POW-MIA expert, preferably Garnett Bell.

- A full and impartial investigation must be conducted into the destruction of the Bangkok embassy documents and immediate replacement of those responsible, whether at the Pentagon or at CINCPAC in Hawaii.

- The Defense Intelligence Agency MIA office must be revitalized by replacing those managers and analysts chastised in the Brooks and Gaines reports and those whose performance and Senate testimonies have proved disingenuous.

- Replace task force infantry and artillery officers in Indochina with qualified investigators, and employ Indochinese-American translators. Each discrepancy case must be approached like an FBI investigation from the time of capture until his release or the return of his remains. All means of human and technical intelligence must be fully integrated.

- Task Forces Russia and Full Accounting must be permitted to consult and share information related to Indochina on a regular and timely basis.

- A new presidential envoy should be appointed who is above politics and will not permit duplicity by Vietnam and Laos.

A full and honest resolution can be achieved only by a hands-on commitment by both the executive branch and Pentagon leadership. This effort will not only end the suffering of grieving families. It may help to prevent American servicemen from being left behind again.

POW ★ MIA
YOU'D DAMN WELL CARE
IF IT WERE SOMEONE
YOU LOVED



House of Representatives
State of Michigan

96TH DISTRICT
STATE REPRESENTATIVE
ALAN L. CROUSEY
STATE CAPITOL
LANSING, MICHIGAN 48913
(517) 373-1778

COMMITTEES
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November 17, 1993

This is a short update on the status of the POW/MIA resolution as per the other states.

At the present time there are no other states which have formally passed a resolution, but Virginia, Connecticut, Kansas and Florida are close. There are another twenty-seven states which are working on it but we will have nothing to report about them until January 1994.

It is possible that you could obtain more complete information from Task Force Omega Inc. in Arizona. The number is 602-979-5651. If you have more information than we do, please write and update us.

We urge you to contact your Legislators and encourage them to consider this Resolution using ours as your model.

As of 5 October 93

- 1) Wisconsin -
- 2) Colorado - Been contacted by Legislator and Mayor of Colorado Springs.
- 3) New York - Is being taken right to Gov. Cuomo.
- 4) Texas -
- 5) Indiana -
- 6) New Hampshire -
- 7) Alabama - Had a lot of contact from individuals, but no Legislators.
- 8) Florida - Went before State Legislature 4 Oct 93. No word as yet.
- 9) California - Introduced by State Sen. Wyman. Also being taken right to Gov. by Fran Masterson.
- 10) New Jersey -
- 11) Ohio -
- 12) Vermont - Been contacted by Gov. of VT. He is son of MIA.
- 13) Utah -
- 14) Illinois - Been in contact with Senate President Phillips. Springfield.
- 15) Washington State -
- 16) Connecticut - Going before Special Session 20 Oct 93.
- 17) Pennsylvania - Been contacted by State Legislator
- 18) Georgia -
- 19) Kansas -
- 20) Missouri -
- 21) North Carolina - Linda Gurganus has an appointm't with Speaker of the House and State Attorney General.
- 22) Minnesota -

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

House of Representatives
State of Michigan

96TH DISTRICT
STATE REPRESENTATIVE
ALAN L. CROUSEY
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LANSING, MICHIGAN 48913
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COMMITTEES
JUDICIARY
EDUCATION
LABOR
CORRECTIONS

September 30, 1993

Commander
American Legion
P.O. Box 1055
Indianapolis, IN 46206

Dear Legionnaires:

Thank you for your interest in Michigan House Concurrent Resolution No. 185. This resolution requests the Michigan Attorney General to file a lawsuit in the U.S. Supreme Court on behalf of the Vietnam War era Michigan POW/MLAs. The Attorney General told me that we need other states to join with us before we file the lawsuit.

Enclosed is a copy of the Michigan resolution. I would suggest that you use this resolution as a basis for a resolution in the other states. Obviously you would change the names of the people to those who are POW/MLA status to the other specific states. The resolution should end by requesting that the state join with Michigan in pursuing this issue in front of the United States Supreme Court.

It is extremely important that this lawsuit move forward. President Clinton has already allowed the IMF to give loans to Vietnam. Even though the U.S. still has a trade embargo in effect, American businesses are allowed to participate in the building of Vietnam using these IMF loans.

Unless the American people demand that the POW issue be resolved, full normalization with Vietnam will soon take place. Vietnam and Laos have held on to the POWs to use them as pawns in getting aid from the United States. If Vietnam's relationship with the United States is normalized and aid flows to Vietnam without the release of the POWs, Vietnam and Laos have no further use for the POWs. In fact, the POWs would become a liability to Vietnam and would probably be killed.

I strongly urge the Legionnaires to encourage other states to pass a resolution joining with Michigan asking that our United States Supreme Court hear this issue. If the U.S. Supreme

Court allows the states to have standing to bring this lawsuit, then we would demand discovery of government documents that have not been released to the public.

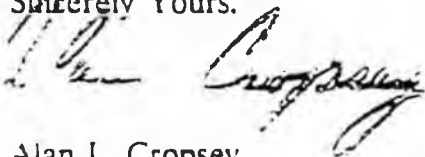
If any Legionnaire or other interested persons have questions they may write me at:

State Representative Alan L. Cropsey
Michigan House of Representatives
P.O. Box 30014
Lansing, MI 48913

Or you may call me at (517) 373-1778 or send a fax to (517)373-5780.

Please do all you can and keep me informed.

Sincerely Yours.



Alan L. Cropsey
State Representative

As of 5 October 93

- 1) Wisconsin -
- 2) Colorado - Been contacted by Legislator and Mayor of Colorado Springs.
- 3) New York - Is being taken right to Gov. Cuomo.
- 4) Texas -
- 5) Indiana -
- 6) New Hampshire -
- 7) Alabama - Had a lot of contact from individuals, but no Legislators.
- 8) Florida - Went before State Legislature 4 Oct 93. No word as yet.
- 9) California - Introduced by State Sen. Wyman. Also being taken right to Gov. by Fran Masterson.
- 10) New Jersey -
- 11) Ohio -
- 12) Vermont - Been contacted by Gov. of VT. He is son of MIA.
- 13) Utah -
- 14) Illinois - Been in contact with Senate President Phillips. Springfield.
- 15) Washington State -
- 16) Connecticut - Going before Special Session 20 Oct 93.
- 17) Pennsylvania - Been contacted by State Legislator
- 18) Georgia -
- 19) Kansas -
- 20) Missouri -
- 21) North Carolina - Linda Gurganus has an appointment with Speaker of the House and State Attorney General.
- 22) Minnesota -



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator

11/6/97
Date

HB

47

ELECTIVE DISTRICT 14
ELMENDORF A.F.B.
EAST ANCHORAGE
GOVERNMENT HILL

REP. TERRY MARTIN

HOME
355 DONNA DR., #11
ANCHORAGE, AK 99504
PHONE: 333-6990

DURING SESSION
P.O. BOX V
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE: 465-3783

Alaska House of Representatives

SPONSOR STATEMENT

CSHB47 (FIN)

An Act pertaining to the delivery of a primary ballot under political party rule, when two or more ballots must be provided.

As a direct result of the 1992 Primary Election, this legislation has been drafted in the event an absentee ballot applicant does not indicate a ballot preference or lacks the opportunity. The absentee voter would receive the appropriate primary election ballot, as determined by his/her political affiliation on record. The bill also creates a 30-day limitation on party affiliation changes to facilitate a flowing election process.

Need for Legislation

In retrospect of last year's primary, a significant number of votes were lost for primary candidates due to the Division of Elections' emergency regulation 6 AAC 28.040(c) requiring the "open ballot" to be sent to applicants failing to signify their ballot choice. Many Republican absentee voters expected a ballot aligned with their registered party affiliation. Instead, all eligible absentee voters with the affiliation of Republican, Independent, and Undeclared who did not mark their ballot preference on the absentee ballot application received the "open ballot" with only Democrat, Green, and Alaska Independent Party candidates to select. As a result, they either voted for a candidate they did not truly support or opted not to vote. In either case, this hindrance to equal selection is an example of why the regulation of the electoral process should be changed.

CSHB47(FIN) removes the barriers to the democratic process of voting in a primary election in Alaska. If a party closes its primary, forcing the Division of Elections to offer multiple ballots, and an individual voting absentee does not clearly mark the desired ballot selection on the absentee application, the absentee voter will be sent the ballot allowed under his/her party affiliation. If the affiliation is non-partisan or undeclared, or if no determination can be made as to the affiliation, the "open ballot" will be sent.

The prohibition to change party affiliation within 30 days preceding the primary election is strongly supported by the Division of Elections because it prevents confusion and untimely registration changes which muddle the process.

FLOOR DISCUSSION - May 6, 1994

HB 153 - Good Time at Point Mac:

- * **Jerry Luckhaupt at Legislative Legal does not see equal protection problems with this program and awarding special good time because:**
 - * **Special requirements and different from other prisoners, working harder and longer hours and in harsher conditions without many amenities, and in return state offers good time. Program is different and conditions are different from other prisoners**
 - * **Only possible equal protection problem he sees is if the program is not offered to women. The department is planning to offer the program to women as soon as the facilities are available. If this is the case, Luckhaupt sees no problems with equal protection.**
-

HB 47 - Primary Ballots

- * **Non-partisan will automatically receive the statutory ballot if they do not specifically mark the Republican ballot**
- * **ONLY changes for registered Republicans**

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS
P.O. BOX AF
JUNEAU, ALASKA 99811-0105
PHONE (907) 465-4611

Position Statement
CSHB 47 (JUD)

This bill provides in statute the legal basis for the current "split" party primary election. It further clarifies how the division of elections is to determine which ballot a voter may receive, and prevents a voter from changing party affiliation within 30 days of the primary election. The division of elections strongly supports this bill. The bill helps the public as well as the division understand better who is eligible to vote in a party's primary and which ballots voters can receive. The 30-day limitation on party affiliation changes provides for a smoother, faster primary election process. It also lessens the chance that the division will not be able to determine the voter's intention and eligibility. In the past, there were some times when the voter filled out a party change form on the same day he or she filled out a registration form. This caused the district and state review boards to be confused about voter eligibility, and resulted in the disenfranchisement of some voters.

Section 1 provides historical background and correctly points out that the current regulations used by the division were based on court proceedings rather than on statute. The division supports the passage of statutes that establish rules for the split primary.

Section 2 adds a new section to AS 15.20, dealing with absentee voting, which clarifies how the division may determine which ballot an absentee applicant may receive. Applicants will be sent the ballot they request and are eligible to receive.

If they do not qualify for the ballot requested or do not indicate a ballot preference, they will receive the appropriate

Mr. Joseph L. Swanson, Director

April 1, 1994

Page 2

ballot based on party affiliation or nonaffiliation. The party affiliation used is the one in effect prior to the 30th day before the primary election. The appropriate ballot will be that of the party to which the voter belongs at the above described time if that party has satisfied the requirements to adopt and implement rules limiting participation in the party's primary to voters with certain party affiliations or nonaffiliations. Voters who belong to a party that has not limited participation in its primary, or are not affiliated with any party, and who do not indicate a preference, will receive the primary ballot.

The division strongly supports this section. It is clear, and the division will be able to follow its intent easily. It differs from current regulations, but, of course, procedure will be brought into compliance if this bill becomes law.

Section 3 is a technical amendment to statute which establishes the name of "statutory primary ballot" for candidates whose parties have not limited participation in their primaries.

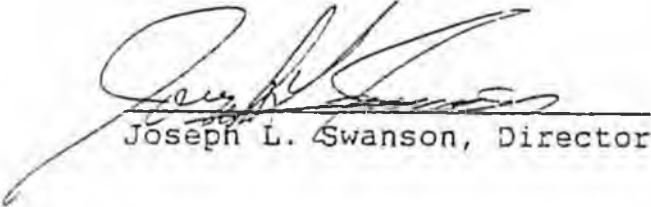
Section 4 establishes the "FILL IN THE BLANK party primary ballot" to those candidates who belong to parties that have adopted rules limiting participation in their party, and have given the rules to the division by March 1 of the primary election year, and the rules have been submitted to the United States Department of Justice and the Justice Department has provided an affirmative indication of nonobjection to the rules. Candidates appearing on this ballot may not appear on the statutory primary ballot.

Finally, this section makes it clear that registered voters may choose the ballot they wish to use, but may not be given a ballot which they are not eligible to vote.

Mr. Joseph L. Swanson, Director
April 1, 1994
Page 3

Section 5 prohibits a voter's change of party affiliation from taking effect for the primary if it is requested by the voter during the period after the 30th day preceding the primary election. The division strongly supports this section. In the past, voters could fill out a change of party affiliation at the polling place. Not only did this slow down the voting process, resulting in lines and delays for the voter, but it produced a potentially confusing record in cases where the voter filled out a registration form on the same day which may not have been consistent with the change in party affiliation form. It was impossible to tell which was executed last. This section makes the 30-day cutoff apply to the party affiliation just as it does to all other aspects of the voters's registration.

Section 6 is a technical amendment annulling the current regulation that is out of compliance with the provisions of this bill.


Joseph L. Swanson, Director

4/1/94
Date

FISCAL NOTE

BILL

STATE OF ALASKA

1994 LEGISLATIVE SESSION

Revision Date: _____

Department Affected: Office of the Governor

Title: An Act relating to primary elections and to the delivery of the primary ballots to person making application for them when, by operation of political party rule, two or more primary ballots must be provided to the public.

BRU: Div of Elections

Component: Gen/Prim

Sponsor: Rep. Martin

COMPONENT SERIAL NO. 22

Requestor: _____

EXPENDITURES/REVENUES:

OPERATING	FY 98	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND &	0	0	0	0	0	0
GRANTS,	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE						
---------	--	--	--	--	--	--

FUNDING:

1002 Federal	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY94) impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Joseph L. Swanson, Director

Phone: 465-4811

Division: Division of Elections

Date: Apr 13, 1994

Approved by Commissioner: John B. Coghil, Lieutenant Governor

Agency: Office of the Governor

Date: Apr 19, 1994

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HB

49



155 SOUTH SEWARD STREET
JUNEAU, ALASKA 99801

January 27, 1994

Mr. Tom Anderson
The Office of Representative Terry Martin
Alaska State Legislature
State Capitol
Juneau, Alaska 99811

Dear Tom:


It was a pleasure to have the opportunity to meet with you about CS for House Bill No. 49 (STA).

Concern had apparently been raised that House Bill 49 would apply to municipal elections as well as state elections. In reviewing the bill, it applies only to Title 15, which is the State Election Code. Municipal election requirements are contained in Title 29 of Alaska Statutes. Municipalities generally adopt their own election ordinances and may pattern their election codes after State Statutes, however, there are no requirements for municipalities to adopt the State Code.

The City and Borough of Juneau revised its own election code about two years ago and now allows voters to request an absentee ballot by facsimile. The facsimile application must be received no later than five days before the date of the election. Our experience with the facsimile application is that it works well and voters have been pleased to have it as an option. At the time that the Assembly considered revisions to the City and Borough's election code, the facsimile transaction of ballots to the voters and of ballots returned from the voters was considered but not adopted.

If I may be of assistance or provide additional information, please do not hesitate to contact me.

Sincerely,


Patty Ann Polley, CMC
Municipal Clerk

PAP:etp



FEDERAL VOTING ASSISTANCE PROGRAM
OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, DC 20301-1155

March 11, 1994

The Honorable Ramona Barnes
Speaker of the House
State Capitol
Juneau, Alaska 99801-1182

Dear Madam Speaker:

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), which this office administers, concerns the absentee voting rights of 15,653 Alaska citizens currently serving in the Armed Forces. In addition, there are 11,740 voting age spouses and dependents, and over 5,747 Alaska citizens overseas not affiliated with the federal government covered by the Act.

We understand the House is scheduled to vote on CSHB49 (JUD) in the near future. This bill allows for the electronic transmission by facsimile of all aspects of the absentee voting process. Our 1992 Post-election survey reflected 35% of the citizens covered by the UOCAVA were unable to vote because they did not receive their ballot. Allowing for this procedure would cut ballot transit time at least in half, thereby reducing the major obstacle to voting absentee by these citizens.

This measure enfranchises many voters who would otherwise not be able to vote due to time constraints. In 1992, voting materials were electronically routed to 699 local election offices in 49 states, the Virgin Islands, Puerto Rico and the District of Columbia. Voters served were located in 38 foreign countries as well as throughout the United States.

Currently, 36 states have successfully implemented electronic transmission of election materials. All materials may be faxed *at no cost to the local election official* by using FVAP's toll free number, (800) 368-8683.

On behalf of the citizens covered by the UOCAVA, we urge Alaska adopt this legislation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Phyllis J. Taylor".

Phyllis J. Taylor
Director

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

March 14, 1994

SUBJECT: CSHB 49 (Finance) amended (Work Order No. 8-LS0359\M)

TO: Senator Loren Leman, Chair
Senate State Affairs Committee

FROM: Jack Chenoweth
Legislative Counsel



Directing attention to section 10 of CSHB 49 (Finance) amended, this section was modified by floor amendment in the House-passed version, and the floor amendment was, as you can see in the text of this section of the bill, incomplete.

For editorial purposes, and not for the purpose of making a substantive change, the committee should consider correcting the bill's section 10 to read:

*** Sec. 10. ABSENTEE VOTING DURING PRIMARY AND SPECIAL STATE ELECTIONS DURING 1994.** Notwithstanding AS 15.20.066(a), added by sec. 1 of this Act, in the primary or a special state election held during 1994, a person may not cast an absentee ballot by electronic transmission.

JBC:mi:pl
94-059.mai

cc: Representative Terry Martin

*Senator
Yeas*

Alaska State Senate
Eighteenth Legislature
Second Session

RCS# 479
Item 21

04-27-94
14:44:01

SCS CSHB 49(STA)
Third Reading - Final Passage
Effective Date

Yeas:	8	Frank, Halford, Jacko, Kelly, Leman, Miller, Sharp, Taylor
Nays:	12	Adams, Donley, Duncan, Ellis, Kerttula, Lincoln, Little, Pearce, Phillips, Rieger, Salo, Zharoff
Excused:	0	
Absent:	0	

REP. TERRY MARTIN

ELECTIVE DISTRICT 13
MOUNTAIN VIEW
RUSSIAN JACK SPRINGS
NUNAKA VALLEY
ELMENDORF AFB
CREEKSIDE
EAST ANCHORAGE



HOME
3900 REKA DRIVE B6
ANCHORAGE, AK 99508
PHONE 333 6990

DURING SESSION
POUCH
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE 465 3783

Alaska House of Representatives

SPONSOR SUMMARY

CSHB 49 (FIN) am

An Act relating to absentee voting by electronic transmission.

Per a request by the Secretary of Defense, Federal Voting Assistance Program Director Phyllis J. Taylor, I requested LAA Legal Services to draft *HB 49*. With new committee and House changes resulting in *CSHB 49 (FIN) am*, the intent is to allow residents of Alaska voting absentee to utilize electronic transmission (fax), whether in-state, out-of-state in the United States, or outside of the United States.

Need for Legislation

In consideration of the 1990 Desert Storm conflict, the difficulty in sending and receiving ballots from outside the U.S. has escalated through failures in our postal system, changes in electoral regulations, and misunderstandings by voters. With regard to the military, reports reveal that there are 26,281 Alaska residents serving in the Armed Forces alone, with over 19,000 spouses and dependents of voting age, and almost 5,750 residents not affiliated with the federal government, but eligible to vote in Alaska. These figures do not include the other Alaskan residents who vote out of state by absentee such as college students, state employees, and private business people who must leave state on business. Finally, even in-state travelers who may not be in their city's election district during a state election can utilize the use of electronic transmission to cast their absentee ballot. This is especially helpful when one considers the potential delays and difficulties in traveling throughout Alaska.

The national trend is to expand voting practices and allow those individuals voting absentee the most expeditious means by which they can cast their ballot. In terms of Alaska's requirements, there is a 36-45 day ballot transmission time. Ballots are mailed 21-30 days before the election. Marked ballots mailed by voters within the United States will be counted if postmarked by the day of the election and if received by the Division of Elections by the tenth day following the election. Ballots returned by voters outside the United States must be received by the Division of Elections by the fifteenth day following the election. Alaska also provides a Special Write-in Absentee Ballot, which is available 60 days before the election.



In the 1988 presidential election, 200,000 military personnel alone tried to vote absentee but were unable to do so because they didn't receive their ballot on time or at all. Presently, the following seven (7) states allow some form of electronic transmission for ballots or information: California, Hawaii, Louisiana, Montana, North Dakota, Utah, and Washington. In the 1992 presidential election, 140 U.S. citizens voted by electronic transmission. In addition, 699 election offices in 49 states utilized fax machines to distribute information and material.

The purpose of *CSHB 49 (FIN) am* is not to substitute the use of electronic transmission over mail service, but to decrease lost, delayed, or denied absentee ballots due to time constraints. The use of electronic transmission maintains confidentiality, while at the same time, maintains speed and efficiency. In essence, it expands the use of alternative voting procedures which might otherwise disenfranchise an Alaskan resident voting absentee when time is of the essence. In other states, such as Montana, the use of facsimile machines for absentee voting has been integrated into statute. Through a set of specific guidelines and regulated procedures established in *CSHB 49 (FIN) am*, those absentee voters unable to return to their respective election district, whether inside or outside Alaska or the United States, would have the opportunity to cast their vote via electronic transmission. The effective date allowing electronically transmitted absentee ballots is for the 1994 General Election (Section 10 prohibits this type of absentee ballot transmission during the 1994 Primary).

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS
P.O. BOX AF
JUNEAU, ALASKA 99811-0105
PHONE (907) 465-4611

Position Statement
CSHB 49 (FIN)am

This bill allows both in-state and out-of-state voters to request by electronic transmission (fax) an absentee ballot for a state election. It also allows the division of elections to send an absentee ballot to a voter and for the voter to return the voted absentee ballot to the division via electronic transmission. The division of elections supports this bill, and believes it will facilitate absentee voting for registered Alaskan voters who otherwise may be discouraged from voting because of the limitations of time and distance.

Section 1 allows the division of elections to adopt regulations to provide for the delivery of absentee ballots to voters and the receipt of voted absentee ballots from voters using electronic transmission. The division supports the language in this section which requires the voter to comply with the same time deadlines as for voting in person, since it is imperative that the votes be cast on or before election day, and not afterward. The division also understands the concern about maintaining the secrecy of the ballot process mentioned in this section, and supports the language whereby the voter waives his or her right to a secret ballot.

Section 2 allows voters to apply for an absentee ballot by electronic transmission.

Section 3 requires that an application requesting the delivery of an absentee ballot by electronic transmission must be received by the division of elections not less than 4 days prior to the applicable election day. The section changes the time to receive an application requesting delivery of an absentee ballot by mail from 4 days to 7. The division strongly supports these provisions. We

Page 2

Mr. Joseph L. Swanson, Director

March 14, 1994

believe this language recognizes the inherent limitations of relying on the mail service for absentee voting. Four days before an election rarely provide enough time for the division to mail a ballot and for the voter to mark the ballot and return it to the division postmarked by election day. On the other hand, use of electronic transmission should allow for a timely execution of the process by the division and the voters.

Section 4 provides the ability of the division to send an absentee ballot and other relevant material to a voter by electronic transmission.

Section 5 requires that, if the voter returns an absentee ballot by mail, these ballots will be mailed in the same manner and within the same time frames regardless of whether the ballot was mailed to the voter or delivered using electronic transmission.

Section 6 is a technical change requiring the division to maintain the same records of absentee ballot delivery whether the delivery is via the mail or electronic transmission.

Section 7 exempts absentee voting via electronic transmission from the section providing for "special absentee ballots" for by-mail absentee voting from outside the United States. The division supports this language since the main objective of the use of electronic transmission is to speed the process. This should eliminate the need for special ballots for people who choose to use electronic transmission.

Section 8 is a technical amendment providing that write-ins will be handled the same for absentee ballots whether received by mail or by electronic transmission.

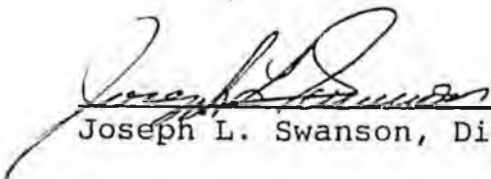
Section 9 defines a state election for which the absentee voting procedure will be applicable. We support this definition.

Page 3

Mr. Joseph L. Swanson, Director

March 14, 1994

Section 10 prevents absentee ballots from being voted and returned to the division via electronic transmission for the primary state election or for a special election in 1994. Voters can, however, apply for a ballot using electronic transmission for those elections. They could vote via electronic transmission in the general election. Delaying the ability to vote using electronic transmission until the general election will provide the division of elections with needed time to develop appropriate procedures to maximize convenience for the voter and to minimize the impact on the secrecy of the absentee voting procedure.



Joseph L. Swanson, Director

3/14/94
Date



FEDERAL VOTING ASSISTANCE PROGRAM
OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, DC 20301-1155

March 11, 1994

The Honorable Ramona Barnes
Speaker of the House
State Capitol
Juneau, Alaska 99801-1182

Dear Madam Speaker:

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), which this office administers, concerns the absentee voting rights of 15,653 Alaska citizens currently serving in the Armed Forces. In addition, there are 11,740 voting age spouses and dependents, and over 5,747 Alaska citizens overseas not affiliated with the federal government covered by the Act.

We understand the House is scheduled to vote on CSHB49 (JUD) in the near future. This bill allows for the electronic transmission by facsimile of all aspects of the absentee voting process. Our 1992 Post-election survey reflected 35% of the citizens covered by the UOCAVA were unable to vote because they did not receive their ballot. Allowing for this procedure would cut ballot transit time at least in half, thereby reducing the major obstacle to voting absentee by these citizens.

This measure enfranchises many voters who would otherwise not be able to vote due to time constraints. In 1992, voting materials were electronically routed to 699 local election offices in 49 states, the Virgin Islands, Puerto Rico and the District of Columbia. Voters served were located in 38 foreign countries as well as throughout the United States.

Currently, 36 states have successfully implemented electronic transmission of election materials. All materials may be faxed *at no cost to the local election official* by using FVAP's toll free number, (800) 368-8683.

On behalf of the citizens covered by the UOCAVA, we urge Alaska adopt this legislation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Phyllis J. Taylor".

Phyllis J. Taylor
Director



155 SOUTH SEWARD STREET
JUNEAU ALASKA 99801

January 27, 1994

Mr. Tom Anderson
The Office of Representative Terry Martin
Alaska State Legislature
State Capitol
Juneau, Alaska 99811

Dear Tom:


It was a pleasure to have the opportunity to meet with you about CS for House Bill No. 49 (STA).

Concern had apparently been raised that House Bill 49 would apply to municipal elections as well as state elections. In reviewing the bill, it applies only to Title 15, which is the State Election Code. Municipal election requirements are contained in Title 29 of Alaska Statutes. Municipalities generally adopt their own election ordinances and may pattern their election codes after State Statutes, however, there are no requirements for municipalities to adopt the State Code.

The City and Borough of Juneau revised its own election code about two years ago and now allows voters to request an absentee ballot by facsimile. The facsimile application must be received no later than five days before the date of the election. Our experience with the facsimile application is that it works well and voters have been pleased to have it as an option. At the time that the Assembly considered revisions to the City and Borough's election code, the facsimile transaction of ballots to the voters and of ballots returned from the voters was considered but not adopted.

If I may be of assistance or provide additional information, please do not hesitate to contact me.

Sincerely,


Patty Ann Polley, CMC
Municipal Clerk

PAP:etp

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HJR 51

Revision Date: February 11, 1994
 Title: "Requesting the governor to file suit in the United States Supreme Court..."
 Sponsor: Representative James
 Requestor: House Special Committee on Mil. & Vet. Affairs

Department Affected: Department of Law
 BRU: Legal Services
 Component: Operations
 COMPONENT SERIAL NO. 0093

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX
CAPITAL						
REVENUE						
FUNDING:						
1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX
POSITIONS:						
FULL-TIME	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: XXXX

ANALYSIS: (Attach a separate page if necessary.)
 Please see the attached analysis.

Prepared by: Richard J. Peques, Director
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho Attorney General
 Agency: Department of Law

Phone: 465-3672
 Date: February 11, 1994
 Date: February 11, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HJR 51

ANALYSIS CONTINUATION:

HJR 51 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, and China be ordered to turn over all documents concerning Americans listed as POWs or MIAs as a result of the Vietnam War. The resolution also requests the 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 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.

FISCAL NOTE

No. 3

Bill Version: CSHB 49(FIN)

BILL NO. (H) Publish Date: 3/7/94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Revision Date: 2/15/94

Title: Absentee Balloting by FAX

Sponsor: Representative Martin

Requestor: _____

Department Affected: Office of the Governor

BRU: Division of Elections

Component: Primary and General

COMPONENT SERIAL NO. 22

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	20.0	0	20.0	0	20.0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	3.4	0	0	0	0	0
LAND &	0	0	0	0	0	0
GRANTS,	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL	23.4	0	20.0	0	20.0	0

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

REVENUE						
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FUNDING:

1002 Federal	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	23.4	0	20.0	0	20.0	0
1005 GF/Program	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	23.4	0	20.0	0	20.0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY94) impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Joseph L. Swanson, Director

Division: Division of Elections

Phone: 465-4811

Date: _____

Approved by Commissioner: John B. Coghill, Lieutenant Governor

Agency: Office of the Governor

Date: _____

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Rev 12/93

Page 1 of

8-LS0359AS
Chenoweth
3/22/94

Sen. Ellis

#1 → add in amendment to require the Division to immediately send confirmation to voter that the fixed ballot has been received

SENATE CS FOR CS FOR HOUSE BILL NO. 49(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:

Referred: STA, FIN

Sponsor(s): REPRESENTATIVES MARTIN, Brice, Mulder

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to absentee voting, to electronic transmission of absentee ballot
2 applications, to delivery of ballots to absentee ballot applicants by electronic
3 transmission, and enacting a definition of the term 'state election' for purposes
4 of absentee voting; and providing for an effective date."

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9 electronic transmission in a state election and to the use of electronic transmission
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11 (1) require the voter to comply with the same time deadlines as for
12 voting in person on or before the closing hour of the polls;

13 (2) ensure the accuracy and, to the greatest degree possible, the
14 integrity and secrecy of the ballot process.

1 (b) An absentee ballot that is completed and returned by the voter by
2 electronic transmission must

3 (1) contain the following statement: "I understand that by using
4 electronic transmission to return my marked ballot, I am voluntarily waiving my right
5 to a secret ballot.", followed by the voter's signature and date of signature; and

6 (2) be accompanied by a statement executed under oath as to the
7 voter's identity; the statement under oath must be witnessed by

8 (A) a commissioned or noncommissioned officer of the armed
9 forces of the United States;

10 (B) an official authorized by federal law or the law of the state
11 in which the absentee ballot is cast to administer an oath; or

12 (C) two United States citizens who are 18 years of age or older.

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17 transmission, the telephone electronic transmission number, to which the absentee
18 ballot is to be returned, the applicant's full Alaska residence address, and the
19 applicant's signature. However, a person [PERSONS] residing outside the United
20 States and applying to vote absentee in federal elections in accordance with
21 AS 15.05.011 need not include an Alaska residence address in the application.

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3 may not include a provision that permits a person to register to vote under
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20 a mail service at least equal to first class and mail the ballot not later than the day of
21 the election to the election supervisor for the election district in which the voter seeks
22 to vote. Except as provided in AS 15.20.480, the ballot may not be counted unless it
23 is received by the close of business on the 10th day after the election. If the ballot is
24 postmarked, it must be postmarked on or before election day. After the day of the
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14 acting governor, a state senator, or a state representative;

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16 (3) approve or reject an initiative submitted under art. XI of the state
17 constitution and AS 15.45.190 - 15.45.200 or a referendum submitted under art. XI of
18 the state constitution and AS 15.45.420 - 15.45.440;

19 (4) recall an official identified in (1) of this section when authorized
20 by art. XI of the state constitution and AS 15.45.650 - 15.45.690;

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22 under AS 15.50; or

23 (6) ratify or reject a state general obligation bond when authorized by
24 AS 37.15.

25 * Sec. 10. ABSENTEE VOTING DURING PRIMARY AND SPECIAL STATE
26 ELECTIONS DURING 1994. Notwithstanding AS 15.20.066(a), added by sec. 1 of this Act,
27 in the primary or a special state election held during 1994, a person may not cast an absentee
28 ballot by electronic transmission.

29 * Sec. 11. This Act takes effect immediately under AS 01.10.070(c).

8-LS0359V ✓
Chenoweth
3/23/94

SENATE CS FOR CS FOR HOUSE BILL NO. 49(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:
Referred:

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*change
 needed for
 by legal
 services
 to clarify
 no substantive change*

1 * **Sec. 11.** This Act takes effect immediately under AS 01.10.070(c).



SUBMITTED BY: REP. MARTIN
REF: HB49
1/25/93

December 1992

Voting Information News Vol. 2 No. 12

A roundup of voting news from the Federal Voting Assistance Program (FVAP) ✓ ✓ For voters, potential voters and those who assist voters.

In November 3 election

Electronic Transmission of Voting Materials

The electronic transmission service provided by the Federal Voting Assistance Program (FVAP) processed over 5,000 applications, ballots and other documents from voters and election officials. This alternate process of requesting registration and/or a ballot was first used during Operation Desert Shield in the Persian Gulf and has since been adopted by many States and localities around the nation.

While the method was available to all, it was invaluable for overseas citizens who would have otherwise been unable to

Last-minute voters . . . found this option to be the only alternative which allowed them to vote.

register or vote due to lengthy mail transit times from their country of residence. Also some last-minute voters who registered just a few days before the State deadline to request a ballot found this option to be the only alternative which allowed them to vote.

Voters using this alternate method should always consult Chapter 3 of the *Guide* as well as *Appendix I* to see if their State allows for the electronic transmission of materials and insure that the proper procedure is followed when faxing.

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Increased participation reflects nat'l trend

Absentee Voters Make A Difference

Official results from the November 3 general election will not be available until later but absentee votes played an important role in several contests around the nation.

While the deadline for receipt of absentee ballots usually coincides with the close of polls on election day, several States and jurisdictions count ballots after November 3. In many instances, these absentee ballots can make a difference.

Take the case of the race for the U.S. House of Representatives seat in the 43rd District in Riverside, California. Absentee votes are the pivotal factor in deciding the winner. Before Saturday, November 7, 1992, Democrat Mark Takano was maintaining a 1,234 vote lead over Republican Kenneth Calvert. Following the count of absentee votes on that date, however, Calvert overtook Takano by a 397 vote margin. A total of 22,842 absentee ballots were cast in Riverside County. Presently, Calvert has 87,869 votes (46.4%) to Takano's 87,472 (46.4%). After official certification on November 25, 1992, candidates have five days to request a recount. The official result of this election will be declared after that date.

In Minnesota's 2nd Congressional district, less than 600 votes separated Republican Cal Ludeman from Democrat David Minge, out of a total of 263,000 votes cast. Ludeman conceded defeat on November 12.

In the eighth district race for State senate in Nevada, at last count, twenty-four votes separated Republican Mark James with 20,709 votes from Democrat Sandi Krenzer who was trailing with 20,685 ballots cast in her favor. However, the State had not received all absentee ballots and was counting on 122 absentee voting members of the Armed Forces and overseas citizens to determine the outcome of the race in this district which includes Las Vegas. All ballots received on or before November 17 at 5:00 pm will be counted.

Even more interesting is that not only will these absentee voters determine the outcome of the James-Krenzer race, they will also determine which party will have the majority in the Senate. Both Republicans and Democrats currently have ten seats each in the twenty-one member Nevada Senate, making participation by all 122 absentee voters even more critical. In another electoral cliff-hanger this year, the 18th district race between Lonny B. Winrick and Clare Carlson for the North Dakota State House of Representatives may be decided by a coin toss. The district, which includes part of Grand Forks Air Force Base, received a large number of absentee ballots.

Both contenders received an equal number of votes, 1,895. A date for a mandatory recount has not been assigned. However, if after the recount the contest is still tied, a coin toss will determine the winner.

In the Codington district race for State senate in neighboring South Dakota, out of 92,095 ballots cast, 1,238 were cast by absentee voters. In this race, Democrat Dale Howlett received 46,048 votes in his favor while his opponent, Republican Berdeter Solum received 46,047, a difference of only one vote.

Official canvassing (counting) for this race will be completed on November 18. At that time the losing candidate can accept the official results or choose to file a petition with the State. In the latter case, a presiding judge, a referee and two members of the elections commission will conduct an official recount.

Absentee ballots accounted for 32% of the total 24,448 votes cast in the race for the 38th State senate seat in Texas. Challenger Jim Solis, a Democrat, edged out Republican incumbent Ken Slunet by 34 votes. The 7,838 absentee ballots out of a total 24,448 votes cast proved that absentee voting again played a significant role.

INSIDE THE BELTWAY

Getting out the fax

Just as many recipients were about to declare Fax the biggest threat to sanity and human progress, what with unsolicited press releases and 27-page dissertations on Indonesian pottery overheating the machine, along comes someone with a socially redeeming value for the thing: "Vote by Fax."

The system, provided to the Pentagon by Election Technology Co. of Raleigh, N.C., will enable U.S. forces in Operation Desert Shield to vote in local, state and federal elections next month. Absentee ballots, provided by the GI's election board back home, will be faxed over to Saudi Arabia in a matter of minutes. The men and women fill out their ballots and either mail them back or, if they don't mind everyone along the way looking, can fax them back to election officials.

Ed Weems Jr., president of ETC, said 30 states and the District have already made use of "Vote by Fax" to send ballots over to the desert, and he expects the system eventually will be used by about 5,000 of the 200,000 troops there.

Lighten up

More than a dozen Republican members of the House crawled off to the Republican Cloak Room to try to unfrazzle themselves after too long a dose of Democrats debating the budget and taxes and how to spend more money. They have a television set with a VCR in there and amused themselves watching reruns of "12 O'Clock High." That's the series that Rep. Bob Dornan, back in his acting days, starred in as a co-pilot. In fact, as we hear it, Mr. Dornan was present during the showing of the reruns and provided a running commentary, pointing out eccentricities such as the scene in which a British Spitfire is shot down by American B-17s. Whoops.

Lend me an ear

Ted Turner gave a Brazilian reporter a hard time when asked about the political leanings of his Cable News Network. Mr. Turner asked the reporter to repeat the question in "better" English and claimed to be "hard of hearing."

stand. Then a British reporter asked in perfect king's English when Mr. Turner planned to marry Jane Fonda. "Sorry, I don't understand that one either," Mr. Turner said, according to a report in the New York Post.



Take care when tangling on the Senate floor with Robert Byrd.

Levels of the game

Sen. Robert Byrd, West Virginia Democrat, undoubtedly wears of being described as gentlemanly, courtly, old-school and all the other compliments that make him sound as if he belongs in a display case. But you get the picture. He's also a master of the game. Witness an exchange when he asked for a little more time to continue his comments on budget matters:

Mr. Byrd: "I ask unanimous consent to proceed for such time as I may need."

Presiding officer: "Is there objection?"

Sen. John Chafee: "Well, Mr. President."

Mr. Byrd: "Do not worry, this senator will end it."

Presiding officer: "Is there an objection? Hearing none, it is so ordered."

Mr. Byrd (to Mr. Chafee, who had reconsidered his objection): "I thank you for your nice card that I

with in the Interior appropriations bill." [This remark referring to some favor bestowed brought laughter from the assembled senators.]

Mr. Chafee: "I had that in mind as I rose to my feet. [More laughter.] The reason I rose was I thought I wanted to assist you in any way I could in an extension of the time you wanted. [Further laughter.]

Mr. Byrd: "I say to the senator, wait until next year and he will write me a bigger card. I thank the senator."

Way off base

The chap from the Pentagon who said he'd get back to us on the cost of the trip to South America for the Air Force's 65-piece Serenade in Blue brass band has done so. Our source estimated the cost of the expedition at \$500,000, but the spokesman said that's too high. It will cost \$170,000 to feed and lodge the musical crew. The aircraft in question would have to be flying anyway to log in the hours assigned to it, he said. But if the flight were billed at an estimated cost of \$2,650 per hour, that cost would come to about \$118,000.

So it won't cost nearly as much as we predicted. Of course, that's what they said about the Hubble, and the S&L bailout, and ...

Inscrutable Bill

Rep. Bill Alexander, Arkansas Democrat, happens to agree with President Bush on most points regarding dialogue and commerce with China, and he has some ideas about the difficulty of understanding that country: "One must visit China in order to fully understand the importance of this relationship," Mr. Alexander said on the House floor the other day. "About 10 years ago, I had the opportunity to travel to the People's Republic of China on four separate occasions. Prior to my travel, I had little or no knowledge of the Orient. When I arrived there, I found it such a contrast to the United States that I was reminded of the statement by Mark Twain that 'East is East and West is West.'"

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SUBMITTED BY: REP. MARTIN
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Take the case of the race for the U.S. House of Representatives seat in the 43rd District in Riverside, California. Absentee votes are the pivotal factor in deciding the winner. Before Saturday, November 7, 1992, Democrat Mark Takano was maintaining a 1,234 vote lead over Republican Kenneth Calvert. Following the count of absentee votes on that date, however, Calvert overtook Takano by a 397 vote margin. A total of 22,842 absentee ballots were cast in Riverside County. Presently, Calvert has 87,869 votes (46.4%) to Takano's 87,472 (46.4%). After official certification on November 25, 1992, candidates have five days to request a recount. The official result of this election will be declared after that date.

In Minnesota's 2nd Congressional district, less than 600 votes separated Republican Cal Ludeman from Democrat David Minge, out of a total of 263,000 votes cast. Ludeman conceded defeat on November 12.

In the eighth district race for State senate in Nevada, at last count, twenty-four votes separated Republican Mark James with 20,709 votes from Democrat Sandi Krenzer who was trailing with 20,685 ballots cast in her favor. However, the State had not received all absentee ballots and was counting on 122 absentee voting members of the Armed Forces and overseas citizens to determine the outcome of the race in this district which includes Las Vegas. All ballots received on or before November 17 at 5:00 pm will be counted.

Even more interesting is that not only will these absentee voters determine the outcome of the James-Krenzer race, they will also determine which party will have the majority in the Senate. Both Republicans and Democrats currently have ten seats each in the twenty-one member Nevada Senate, making participation by all 122 absentee voters even more critical. In another electoral cliff-hanger this year, the 18th district race between Lonny B. Winrick and Clare Carlson for the North Dakota State House of Representatives may be decided by a coin toss. The district, which includes part of Grand Forks Air Force Base, received a large number of absentee ballots.

Both contenders received an equal number of votes, 1,895. A date for a mandatory recount has not been assigned. However, if after the recount the contest is still tied, a coin toss will determine the winner.

In the Codington district race for State senate in neighboring South Dakota, out of 92,095 ballots cast, 1,238 were cast by absentee voters. In this race, Democrat Dale Howlett received 46,048 votes in his favor while his opponent, Republican Berdette Solum received 46,047, a difference of only one vote.

Official canvassing (counting) for this race will be completed on November 18. At that time the losing candidate can accept the official results or choose to file a petition with the State. In the latter case, a presiding judge, a referee and two members of the elections commission will conduct an official recount.

Absentee ballots accounted for 32% of the total 24,448 votes cast in the race for the 38th State senate seat in Texas. Challenger Jim Solis, a Democrat, edged out Republican incumbent Ken Slurter by 34 votes. The 7,838 absentee ballots out of a total 24,448 votes cast proved that absentee voting again played a significant role.

INSIDE THE BELTWAY

Getting out the fax

Just as many recipients were about to declare Fax the biggest threat to sanity and human progress, what with unsolicited press releases and 27-page dissertations on Indonesian pottery overheating the machine, along comes someone with a socially redeeming value for the thing: "Vote by Fax."

The system, provided to the Pentagon by Election Technology Co. of Raleigh, N.C., will enable U.S. forces in Operation Desert Shield to vote in local, state and federal elections next month. Absentee ballots, provided by the GI's election board back home, will be faxed over to Saudi Arabia in a matter of minutes. The men and women fill out their ballots and either mail them, jack or, if they don't mind everyone along the way looking, can fax them back to election officials.

Ed Weems Jr., president of ETC, said 30 states and the District have already made use of "Vote by Fax" to send ballots over to the desert, and he expects the system eventually will be used by about 5,000 of the 200,000 troops there.

Lighten up

More than a dozen Republican members of the House crawled off to the Republican Cloak Room to try to unfrazzle themselves after too long a dose of Democrats debating the budget and taxes and how to spend more money. They have a television set with a VCR in there and amused themselves watching reruns of "12 O'Clock High." That's the series that Rep. Bob Dornan, back in his acting days, starred in as a co-pilot. In fact, as we hear it, Mr. Dornan was present during the showing of the reruns and provided a running commentary, pointing out eccentricities such as the scene in which a British Spitfire is shot down by American B-17s. Whoops.

Lend me an ear

Ted Turner gave a Brazilian reporter a hard time when asked about the political leanings of his Cable News Network. Mr. Turner asked the reporter to repeat the question in "better" English and claimed to be "hard of hearing."

stand. Then a British reporter asked in perfect king's English when Mr. Turner planned to marry Jane Fonda. "Sorry, I don't understand that one either," Mr. Turner said, according to a report in the New York Post.



Take care when tangling on the Senate floor with Robert Byrd.

Levels of the game

Sen. Robert Byrd, West Virginia Democrat, undoubtedly wears of being described as gentlemanly, courtly, old-school and all the other compliments that make him sound as if he belongs in a display case. But you get the picture. He's also a master of the game. Witness an exchange when he asked for a little more time to continue his comments on budget matters:

Mr. Byrd: "I ask unanimous consent to proceed for such time as I may need."

Presiding officer: "Is there objection?"

Sen. John Chafee: "Well, Mr. President."

Mr. Byrd: "Do not worry, this senator will end it."

Presiding officer: "Is there an objection? Hearing none, it is so ordered."

Mr. Byrd (to Mr. Chafee, who had reconsidered his objection): "I thank you for your nice card that I

with in the Interior appropriations bill." (This remark referring to some favor bestowed brought laughter from the assembled senators.)

Mr. Chafee: "I had that in mind as I rose to my feet. (More laughter.) The reason I rose was I thought I wanted to assist you in any way I could in an extension of the time you wanted. (Further laughter.)"

Mr. Byrd: "I say to the senator, wait until next year and he will write me a bigger card. I thank the senator."

Way off base

The chap from the Pentagon who said he'd get back to us on the cost of the trip to South America for the Air Force's 65-piece Serenade in Blue brass band has done so. Our source estimated the cost of the expedition at \$500,000, but the spokesman said that's too high. It will cost \$170,000 to feed and lodge the musical crew. The aircraft in question would have to be flying anyway to log in the hours assigned to it, he said. But if the flight were billed at an estimated cost of \$2,650 per hour, that cost would come to about \$118,000.

So it won't cost nearly as much as we predicted. Of course, that's what they said about the Hubble, and the S&L bailout, and ...

Inscrutable Bill

Rep. Bill Alexander, Arkansas Democrat, happens to agree with President Bush on most points regarding dialogue and commerce with China, and he has some ideas about the difficulty of understanding that country. "One must visit China in order to fully understand the importance of this relationship," Mr. Alexander said on the House floor the other day. "About 10 years ago, I had the opportunity to travel to the People's Republic of China on four separate occasions. Prior to my travel, I had little or no knowledge of the Orient. When I arrived there, I found it such a contrast to the United States that I was reminded of the statement by Mark Twain that 'East is East and West is West.'"

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