

STATE OF ALASKA
THE LEGISLATURE

1995

Legislative
Resolve No.

31

Source

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

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

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

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

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

WHEREAS only 591 American POWs have been released under the 1973 Peace Settlement, which means that, based on General Kwang's own report, at least 614 POWs were not returned or accounted for; and

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

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

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

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

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

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

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

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

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

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

FURTHER RESOLVED that the lawsuit demand that the Department of Defense, the

intelligence agencies, and the governments of Vietnam, Laos, Kampuchea, Russia, North Korea, and China be ordered to turn over all documents concerning Americans listed as POWs or MIAs as a result of the Vietnam War; and be it

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

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

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