

2009 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2192

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2192

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 1/22/09

Recorder Job Number: 7558

Committee Clerk Signature *Robert Olzweski*

Minutes:

Senator Dever opened the hearing on SB2192

Senator Horne: See attached testimony #1.

Senator Cook: This would be the 4th such proclamation in the North Dakota Century Code.

Senator Ohelke: Would you support an emergency clause that would have this go into effect right away?

Senator Horne: Yes.

Senator Richard Marcellais: See attached testimony # 2.

Senator Dever: As tribal chairman do you have the authority to issue proclamations?

Senator Marcellais: Yes on the reservation.

Senator Ohelke: Are you related to most of the people in this room?

Senator Marcellais: We are all brothers that are in Vietnam.

Robert Olzweski: For the record I am C.W. Robert Olzweski, retired 2008. I am a 1968-1969 Vietnam veteran, also 2003 I was in Operation Enduring Freedom. I strongly urge you to support this bill. Thank you.

Senator Dever: I think that we honored you in the Great Hall one day.

Dave Sprynczynatyc: I am the Adjunct General of North Dakota. I stand her today in strong support of SB2192; 40 years ago our nation made a tragic mistake and that mistake was in how we treated and failed to pay respect to our veterans returning from Vietnam. I think it is most appropriate that today we recognize those veterans with a Vietnam Veteran's Day, March 29th. As I look around the room I recognize many of the individuals and the reason for it is that many of them show up at every celebration, sendoff, welcome, and funeral that we have for veterans today and how we recognize young men and women in uniform and what they are doing for our nation. I have talked to many veterans that appear at these ceremonies, and for them, they are there because it's their welcome home. They didn't get it years ago; I think it is most appropriate to consider a Do Pass on SB2192. It's not too late to pay proper respect to those who served.

Mike Plasco: My name is Mike Plasco, I live in Mandan and I served in Korea. I think that Veteran's Day, Memorial Day, and the 4th of July are enough. I think that it would cause disunity among veterans. We should strongly recognize and should be equal among veterans of all wars.

Senator Cook: You saw the treatment of Vietnam veterans when they came back. The nature of that treatment could merit recognition now?

Mike Plasco: Yes but do it locally, not sanctioned by the state.

Senator Horne: We are not trying to exclude anyone. The Vietnam Veterans were not received well when they came home. We are trying to correct some of the abuse that they endured.

Senator Dever then closed the public hearing on SB2192

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2192

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 1/22/09

Recorder Job Number: 7559

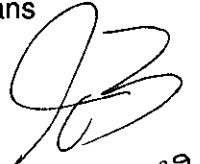
Committee Clerk Signature *Kate Ouse*

Minutes:

A motion was made by Senator Nelson with a second by Senator Cook for an amendment to add an emergency clause to the bill. There was no discussion and the motion passed 5-0.

Senator Nelson made a motion for a do pass as amended with a second by Senator Oehlke.

There was no discussion and the motion passed 5-0 with Senator Horne carrying the bill



1-22-09

PROPOSED AMENDMENTS TO SENATE BILL NO. 2192

Page 1, line 2, after "Day" insert "; and to declare an emergency"

Page 1, after line 10, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency
measure."

Renumber accordingly

Date: _____
Roll Call Vote #: _____

**2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.**

2192
Amend

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Nelson Seconded By Dwight Cook

Senators	Yes	No	Senators	Yes	No
Dick Dever	X		Dwight Cook	V	
Dave Oehlke	Y		Carolyn Nelson	Y	
Robert M. Horne	V				

Total Yes 5 No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2192: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2192 was placed on the Sixth order on the calendar.

Page 1, line 2, after "Day" insert "; and to declare an emergency"

Page 1, after line 10, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2009 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2192

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. Senate Bill 2192

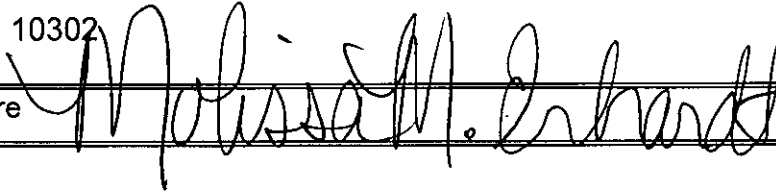
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 3/5/2009

Recorder Job Number: 10302

Committee Clerk Signature



Minutes:

Chairman Grande: Open the hearing on SB 2192. Clerk read the title.

Rep. Bill Amerman, District 26, Forman: I was asked to sign on to this bill by Senator Horne and very proud to do so being a Vietnam Veteran myself. I am just going to introduce it and my understanding is that it is a bill to have the Governor proclaim March 29 as Vietnam Veterans Day and the significance of that is when the last combat troops were pulled out of Vietnam. It is not to be a paid holiday of any sort just so that the Governor will proclaim that day as Vietnam Veterans Day.

Chairman Grande: Anyone wishing to speak in favor of 2192?

Dan Stenboldt, President of the Vietnam Veterans of ND and the Mayor of Park River, ND: I am in favor of the bill and like Rep. Amerman said March 29th is the day that the last remaining troops were withdrawn from Vietnam and as President Nixon declares: "the day we all have worked for and prayed hard for has finally come, thus ended America's longest war". During the fifteen years of

military involvement over two million American's served in Vietnam with 500,000 of them seeing actual combat there were 47,244 that were killed in action including 8,000 airmen. There were 10,446 non-combat deaths, 53,329 were seriously wounded including 10,000 amputees. Over 2400 American POWs and MIAs were accounted for in 1973 and I think at this date that is still around 1800. This is a good bill I really hope that you consider passing it by the committee and the coordinating council. I can speak from my experiences I did three tours in Vietnam, I had my nineteenth, twentieth, and twenty-first birthdays in the jungle and I got on the plane in Vietnam and flew to Fargo and because of crossing the dateline it was a 24-hour flight, I landed in Fargo one hour before I left the jungle, three times out of the three times. When we got off the plane we did not have the flag waving, we didn't have the parades, we got off alone, we were left alone, we were alone to deal with our PTSE and everything else, so this is a good bill and I really hope you can pass it. Thank you very much.

Gene Kouba, Current President of the ND Veterans Coordinating Council:

The council is made up of all the State Commanders, Adjutants, and one member-at-large, we have reviewed this bill and I cannot testify in support of it unless the vote is unanimous and it was. So on behalf of the ND Veterans Coordinating Council we ask for a Do Pass on this bill. Thank You. I will try to answer any questions you may have.

Chairman Grande: Any questions for Mr. Kouba? Anyone else wishing to speak in favor?

Al Dohrman, Deputy Adjutant General for the ND National Guard: The Adjutant General asked me to come here today to speak in favor of this bill. Just for the welcome home that these fine warriors received forty years ago we think it is appropriate to recognize them with a proclamation each year and with that I would like to say that we are in favor of the bill and I will stand for any questions that you may have.

Chairman Grande: Any questions from the committee? Anyone else wishing to speak in favor? Favor? Opposition?

John Gorchellsen, Vietnam Veterans Motorcycle Club: I was curious who wants to give us a date and why did they give us this day, March 29th, this is the day that our government abandoned 2400 POW/MIAs in southeast Asia.

POW/MIAs, Prisoners of War/Missing In Action, in the Vietnam Veterans Motorcycle Club, our motto is: "Ride for the brothers that never returned." Our mission is to account for all of our POW/MIAs and we ask you to help us have cause for celebration. Help us fulfill our mission, I have given you our packet with three items in it. Testimony. See Attachment # 1. The first one is an article from the Vietnam Veterans of America magazine, Jan/Feb 2009 Edition. Billy

Hendon a two-term congressman from North Carolina has spent the last 20

years investigating the story and fate of POW/MIAs from the Vietnam War, please read this it is very informative. If you are not up on what happened after the Vietnam War, Billy feels the same way that the Vietnam Vets Motorcycle Club does, as far as the fate of the POW/MIAs. This is not the whole article but it was the gist of the article and I talked to Billy and he gave me permission to use whatever part of the article that I needed. Item two is a Concurrent Resolution from the State of Kentucky urging US Congress to establish a select committee on POW/MIAs, this I was told was passed. I am hoping today that somehow the State of ND could do the same thing. The third thing is the item that we would like passed on a federal level. It is a copy of H. Res. 111 introduced in the 111th Session of the US Congress establishing a direct committee on POW/MIA affairs. It was introduced by Congressman Peter King, this is the fifth time it has been introduced. Last year we had 280 co-sponsors which included Congressman Pomeroy but it was stalled and never made it out of committee for a House vote. We are hoping that this year that because it started out with the initial 54 co-sponsors that we can easily get enough to bring it on the floor but it would help if we had the different States sending a concurrent bill to the Congressmen from other States telling them that we need to have this. If we can get this on the House floor for a vote maybe we can get some sort of closure to the families of

the POW/MIAs then we would be ready to celebrate. But at this time it is hard to celebrate when the POW/MIAs are not home. Any questions?

Rep. Wolf: Did you testify in front of the Senate when they heard this bill?

John Gorchellsen: The problem was that I checked with the VFW, AMVETS, and with VAEVA before that hearing and nobody knew about it except for the day before. Then I checked with the Commander's here locally, I don't know if somebody else in ND knew about it, but nobody had been asked about it before they came. They were called to come up and support the bill and we did also but at the end we had a Korean Vet stand up and was asking if the Vietnam Vets get their day, shouldn't we have our day, and shouldn't the Gulf War Vets have their day. I am not saying that all the Veterans across the nation, the Vietnam Vets Motorcycle Club included are against this day but it is putting the cart before the horse before we can start celebrating.

Rep. Wolf: Did you testify in favor?

John Gorschellsen: I got up right at the end, and I didn't sign and I told them I didn't know how I stood on it. I didn't have testimony that I gave them. I just acknowledged the Korean Vet and I knew where he stood. They were not treated very well either when they came back.

Chairman Grande: Any other questions?

Rep. Meier: Do you know how many ND POW/MIAs we have?

John Gorschellsen: At this time I do not. There are ten. I guess I did mention that there was 2400 POWs left behind in Vietnam. When you read that article you will understand where we are coming from. Actually, it is down to less than 1800 now, but they are only looking for bodies, crash sites, etc. They aren't concerned about if there are any live ones left.

Chairman Grande: Any other questions from the committee? Anyone else wishing to speak in opposition?

Dell Lind, Chairman of the ND Federation of Clubs: Testimony. See Attachment # 2.

Chairman Grande: We did not catch your name? (Dell Lind).

Rep. Winrich: The bill as it is written mentions the Vietnam Veterans Day proclamation and so on and speaks specifically about the 198 individuals who are on the wall in Washington, DC. Would it help at all or make any difference to you and the groups you represent if perhaps something was amended into the bill to speak specifically to the problem of the POW/MIAs?

Dell Lind: I think we will be open to anything really but for now with the guys I talked to across the State are like me, very emotional, crying on the phone. We don't want this to happen. We really don't, this is a motorcycle community, there are hundreds of people involved in the clubs and there are only a few that are not Veterans. It is not like Butch's club where everyone is a Vietnam Veteran where

everyone is a Vietnam Veteran. I am speaking for the rest of them and I don't like coming here and doing this either but I was elected to do so. Until the rest of them are accounted for will I be happy enough to celebrate.

Rep. Winrich: I don't think that there is any sentiment on the committee or with the bill drafters to deliberately ignore the POW/MIAs if we could somehow incorporate them in.

Dell Lind: It is pretty hard, until the issue is settled or spoken to. I don't feel there is closure until it is spoken to or taken care of, then we can all celebrate. But we abandoned them once and this is to me abandoning them again. It just brings back some bad memories.

Chairman Grande: Anyone else wishing to speak against? Anyone speaking neutral? I am leaving the hearing open for Senator Horne to have the opportunity to speak. So we will leave this bill and move on to the next one.

Chairman Grande: Senator Horne we are ready for you, we left the hearing open so you could come down and speak. Senator when you are done speaking I wish to conference with you on this.

Senator Robert Horne, District 3, Minot: Testimony. See Attachment # 3.

Chairman Grande: Any questions for the Senator?

Rep. Wolf: Was there opposition in the Senate? You missed the testimony earlier for the opposition here.

Senator Horne: There was one Veteran who stepped forward and suggested this would be (don't know word) because we were singling out the Veteran's from one conflict to be recognized in one special way. The other Veteran's in the room did not agree with that idea and none of them stepped forward to support this fellow. My response to him would have been, if I had been able to come to the podium would have been that we have recognized these other Veteran's in a very positive way for years and they were offered as hero's when they returned from their battle and these folks were sometimes ignored, vilified, or blamed for the war even worse and so this is a special way of trying to make up for that disservice.

Chairman Grande: Senator Horne I am going to get you a copy of the testimony from the gentlemen that were here and that is what I would like to confer with you on. So you are clear on that because we did have a number of Vietnam Veteran's come in today.

Senator Horne: So you did have some opposition today?

Chairman Grande: I want to make sure that you are aware of that and then I do want to see about some of the committee members have mentioned to maybe include the POWs somehow in here. We are going to be looking for some language on that and I want to work with you on that. Then they also gave us a resolution and I want you to look that over too.

Senator Horne: I would be pleased to.

Chairman Grande: Anything else from the committee? Opposition? Neutral?

Closed the hearing on SB 2192.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. Senate Bill Committee Work One 2192

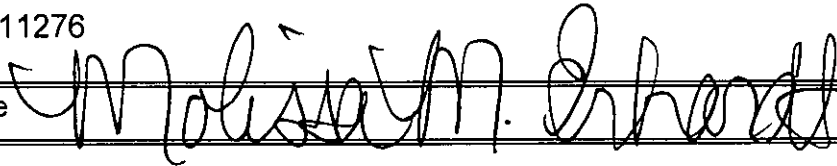
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 3/19/2009

Recorder Job Number: 11276

Committee Clerk Signature



Minutes:

Chairman Grande: We will take up discussion on SB 2192. Rep. Boehning has amendments.

Vice Chairman Randy Boehning: Basically all the amendments are going to do is after "honor" on Line 7 add "and remembrance." Line 10, after "Columbia" add "and those veterans who are or were missing in action or prisoners of war."

Rep. Dahl: 2nd.

Chairman Grande: Motion to move the 301 amendments by Rep. Boehning and 2nd by Rep. Dahl. Do we have any discussion? All in favor of these amendments say I? I. All consent. Opposition: None.

Vice Chairman Randy Boehning: Move a Do Pass As Amended.

Rep. Wolf: 2nd.

Chairman Grande: We have a Do Pass As Amended by Rep. Boehning and 2nd by Rep. Wolf. Any discussion? Clerk will call the roll on a Do Pass As Amended.

Clerk Erhardt: Roll Call. Total: Yes: 13. No: 0. Absent: 0. Carrier: Rep. Karls.

Chairman Grande: This bill we are going to push right to the floor today so that the amendments are on the calendar. We are going to take up those and then I am going to move it right to the floor to be taken up. Then we will rewrite this to the Senate and I will have spoken with Rep. Dever by then and we will accept the amendments as they are written to them.

Rep. Froseth: How can we get them (can't understand).

Chairman Grande: I don't know if we can because the calendar is set so it will have to come up tomorrow. But we should be able to get it to the Governor by Monday or Tuesday.

Rep. Amerman: Maybe there is a way to suspend the rules or something.

Chairman Grande: I will check with Rep. Vigesaa on that and see if he can do that.

Rep. Froseth: It will be on the 6th order for tomorrow.

Chairman Grande: I am going to give Molissa time to run up and have this taken care of so unless there is another bill someone wanted to take up this minute I would like to take a break and move on this and get this taken care of. We will reconvene at 10:45 AM.

VR
3/19/09

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2192

Page 1, line 7, after "honor" insert "and remembrance"

Page 1, line 10, after "Columbia" insert ", and those veterans who are or were missing in action
or prisoners of war"

Renumber accordingly

Date: 3/19/19

Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2192

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended

Motion Made By Boehning Seconded By Wolf

Representatives	Yes	No	Representatives	Yes	No
Chairman Grande	✓		Rep. Amerman	✓	
Vice Chairman Boehning	✓		Rep. Conklin	✓	
Rep. Dahl	✓		Rep. Schneider	✓	
Rep. Froseth	✓		Rep. Winrich	✓	
Rep. Karls	✓		Rep. Wolf	✓	
Rep. Kasper	✓				
Rep. Meier	✓				
Rep. Nathe	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep. Karls

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2192, as engrossed: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2192 was placed on the Sixth order on the calendar.

Page 1, line 7, after "honor" insert "and remembrance"

Page 1, line 10, after "Columbia" insert ", and those veterans who are or were missing in action or prisoners of war"

Renumber accordingly

2009 TESTIMONY

SB 2192

SB 2192
January 22, 2009

Chairman Klein and members of the Government and Veterans Affairs Committee,
My name is Robert Horne, State Senator representing District 3 in Minot.
I appear today in support of SB 2192 which would establish March 29 of each year as Vietnam Veterans' Day.

America's longest and most divisive war, the American involvement in Vietnam, spanned two decades – from the mid 1950's to the mid-1970s. At its height, more than 500,000 American troops were stationed in Vietnam, and more than 58,000 Americans lost their lives there. American involvement evolved from the attempt to prevent the Communist regime in North Vietnam from taking over the South.

An anti-war movement began in the 1960s and eventually polarized the nation. By the early 1970s, American involvement began to wind down. March 29th 1973 is acknowledged as the day the last ground troops were withdrawn.

Veterans returning from World War I, World War II and even Korea were celebrated as heroes. In contrast, because Vietnam was so unpopular, these returning vets were often surprised and disappointed to be greeted very differently - - often with indifference and sometimes even with anger.

While this may not have been as pronounced in North Dakota, many veterans were demonized to such an extent that even the widows of deceased servicemen were harassed.

Mr. Chairman and members of the committee, it is long time past that we honor and give special recognition to our Vietnam veterans.

About 20,000 North Dakotans served, hundreds were wounded and 198 gave their lives in service to their state and nation. Their names are inscribed in marble on the Vietnam Memorial in Washington, DC. Note that 17,780 Vietnam Veterans still live in North Dakota and that 418 of their comrades are buried in the ND Veterans' Cemetery.

To date, 25 states have governor's proclamations declaring March 29th as Vietnam veterans' Day, including the neighboring states of Minnesota, Iowa, Nebraska and Montana.

I urge the committee to approve this bill and send it to the Senate with a do pass.

With that, Mr. Chairman, I would respond to questions.

Testimony
Senate Bill No. 2192 – relating to Vietnam Veterans Day
Government and Veterans Affairs Committee
Senator Dever, Chairman
January 22, 2009

Chairman Dever, members of the Senate Government and Veteran Affairs Committee, for the record is my name is Richard Marcellais, Senator from District 9, of Rolette County a proud Vietnam Veteran honored to be here today to provide you with testimony on establishing March 29 of each year as Vietnam Veterans' Day.

As a Communication Specialist in the U.S. Army stationed in Quinhon, Vietnam Veteran from November, 1969 to November 1970 it's time we honor and give special recognition to North Dakota, Vietnam Veteran that served in Vietnam to protect the United States of America.

This would be an honor to all North Dakota Vietnam Veterans that served in this conflict.

On behalf of North Dakota Vietnam Veterans I want to thank the state of North Dakota for the Vietnam Veteran Bonus.

Thank you very much for the opportunity to appear in support of Senate Bill # 2192. I will try an answer any questions the committee may have.

This was taken out of the Vietnam Veterans of America Magazine, January/February 2009.

Attachment #1

For nearly twenty years, two-term North Carolina Congressman Billy Hendon has focused his energies on the story and the fate of the American POWs left in Vietnam. Last year, St. Martin's Press published *An Enormous Crime*, the culmination of his investigations.

The book, written with Elizabeth Stewart, is a compelling read. Hendon posits that the fate of American POWs was sealed at the Bay of Pigs in April of 1961, before the first serviceman was seized in Vietnam. When President Kennedy took the political expedient of paying ransom for those held in the aftermath of the aborted invasion of Cuba, the Vietnamese paid close attention.

As hostilities escalated in Vietnam, the North Vietnamese and the Viet Cong issued strict orders on the capturing of Americans: Take them alive; they will be valuable assets later.

When the Watergate investigations gathered like thunderheads over Washington in 1972, Kissinger and Nixon became desperate to end the war. The Vietnamese proved to be much harder negotiators than Kissinger anticipated. And they insisted upon reparations. Their bargaining chips were American POWs.

Ultimately, Kissinger signed an agreement that guaranteed the return of the POWs, but he never asked how many there were. Nixon, for his part, signed a secret letter promising vast sums of money to help Vietnam overcome the ravages of war.

When the Nobel Peace Prize was awarded to the negotiators of the Paris Accords, Le Duc Tho, unlike Kissinger, refused the prize because the Accords had not been fully implemented: 'The Americans, he said, hadn't provided the assistance that Nixon had promised.

Hendon claims that when pushed by congressional investigators, Kissinger denied both a quid pro quo and the existence of a secret Nixon letter. Persistent reports of live American prisoners underscored the fact that the Vietnamese still believed the POWs were their most effective bargaining chip, even though Congress moved to end speculation by declaring them dead.

Carter pushed to normalize relations with Vietnam—a move welcomed by the Vietnamese. But when Carter, too, was unwilling to pay reparations, those negotiations foundered, then ended.

In this article, Hendon picks up the POW story with the Reagan administration.

Thanks to the boat people and their accounts of hundreds of American POWs being held by the communists long after Operation Homecoming, and thanks to information about some of these POWs gleaned from intercepted postwar communist radio communications, and thanks to other information about U.S. POWs gleaned from postwar satellite images taken over Vietnam and Laos, by early 1981 there was little doubt in official Washington that: (1) the communists were still holding substantial numbers of American servicemen captive; and (2) the new president, Ronald Reagan, wasn't going to put up with it.

In the first days of his presidency, Reagan authorized the launch of a secret mission to rescue American POWs that intelligence reports indicated were being held at a prison camp in central Laos. The mission was still under way when, tragically, news about it appeared prominently in the

American press, and the mission had to be cancelled. Disappointed but undeterred, the President convened a ceremony in the Rose Garden two weeks later and almost defiantly pledged to the nation that, the cancelled rescue mission notwithstanding, his administration would do everything in its power to locate living American prisoners and gain their release. At a House hearing held just days after the Rose Garden ceremony, the director of the Defense Intelligence Agency, Gen. Eugene F. Tighe, Jr., testified that he was “absolutely certain” that living American POWs were being held captive by the Indochinese communists and echoed his Commander-in-Chief’s call for a renewed American effort to get the men home.

Throughout the last half of 1981, fresh intelligence about live POWs poured into the Pentagon. In response to this floodtide of intelligence, Reagan in early 1982 authorized a secret diplomatic effort to be undertaken to provide the communist government of Laos with medical supplies, ambulances, buses, and other humanitarian equipment, along with assistance in rebuilding damaged medical facilities, in return for Lao help in repatriating live POWs.

This effort, the first meaningful diplomatic contact between the two countries since war’s end, was unprecedented in the truest sense of the word. It was a clear quid pro quo initiative between a communist government that continued to exhibit unconcealed, almost xenophobic, hostility toward the United States and a tough, hard-line American president not known for his concern for the needs of communist governments. But for the American president, this was different: These were living American prisoners of war.

Credible intelligence on living POWs continued arriving at the Pentagon throughout the first half of 1982. *Army Times* reported that on July 9, 1982, Secretary of Defense Caspar Weinberger told POW/MIA family members gathered in the Washington area for the 13th annual meeting of the National League of Families that the administration had changed almost ten years of official government policy on the POW/MIA issue and that “we now proceed under the assumption that at least some Americans are still held captive by the Indochinese communists.” *Army Times* said Weinberger cited “over 400 first-hand sightings” as the reason for the change and told the families that determining the fate of their loved ones was “a matter of the highest national priority.”

With Weinberger’s stunning announcement, word began to spread throughout the Pentagon and the State Department that, given all the intelligence about live POWs Weinberger had publicly cited and the President’s rumored willingness to cut a deal with the Lao communists, there might be a solution to the live POW problem after all. Even hardened skeptics up at Langley and those deep down inside the bureaucracy recognized a distinct possibility. For those who knew about the president’s secret effort to get the POWs home, it was a very exciting time.

Early 1983: A Changing World

By early 1983, just six months after his electrifying speech about live prisoners to the POW/MIA families, Weinberger and other top administration officials charged with finding and freeing the POWs faced an awful dilemma. A media firestorm had erupted in early February when former Green Berets had been arrested in Thailand after returning from an unsuccessful POW rescue mission into Laos. Administration officials were first embarrassed when press reports suggested that President Reagan himself had authorized the mission—and then horrified when *The*

Washington Post quoted one of the Green Berets as saying that the President had promised prior to the mission that if the team brought out one live POW he would “start World War III to get the rest.”

Adding to the dilemma was the rapidly deteriorating military situation in Central America, where Russian- and Cuban-trained leftist rebels had pro-democracy, pro-U.S. forces on the run in El Salvador and Honduras, and the Russians reportedly were making preparations to install nuclear-tipped IRBMs in Nicaragua. By late winter, the situation was so desperate that many believed U.S. troops would have to enter the war if the region were to be saved.

Therein lay the awful dilemma” How could Weinberger send American servicemen to fight in the jungles of Central America while publicly acknowledging that other American servicemen were still being held against their will in the jungles of Southeast Asia ten years after Operation Homecoming?

Genuinely fearing that the POW/MIA issue might develop into a full-blown hostage crisis like the one in Iran that had crippled Jimmy Carter’s presidency, and acutely aware of the negative impact such a crisis would have on the administration’s ability to project American power and influence into the rapidly deteriorating situation in Central America, top administration officials decided to shut down one “matter of the highest national priority—the fledgling effort to free the Indochina POWs—and focus their efforts on another—saving Central America.

By early spring 1983, the plan had been finalized. To avoid the possibility of another hostage crisis, administration officials would secretly end the effort to free live POWs and substitute in its place a highly publicized—and politically safer—effort to recover remains. From here on out, progress in the effort to account for Americans missing in Southeast Asia would be measured in terms of crash sites excavated and remains recovered; not, as Ronald Reagan had originally intended, POWs rescued or otherwise repatriated.

The task of abandoning the live POWs only months after declaring their release a “matter of the highest national priority” would prove challenging for three important reasons. First, the hopes and expectations of the POW/MIA families, members of Congress, and many veterans had been at stratospheric levels since Weinberger had made his POW announcement the previous July. Administration officials knew there would be hell to pay if any of them ever figured out what the administration was up to.

Second, credible intelligence about living POWs continued pouring into the Pentagon. Because this mirrored the intelligence that had led Weinberger and company to state that POWs were still being held captive, dismissing it would be no easy task. And third was the problem officials had with their boss, the “soft-hearted hardliner” from California who was determined—recklessly so, some believed—to do whatever was necessary to get the live POWs home.

The most important of the three tasks—keeping the President from doing what he had set out to do in the very first hours of his presidency—was carried out by the administration’s most powerful officials: the Vice President, the president’s Chief-of-Staff, the National Security Adviser and his deputies, and the Secretaries of Defense and State and their deputies.

The job of keeping the families, members of Congress, and Vietnam veterans in the dark was given to the Politico-Military Affairs staff at the National Security Council, to the administration's POW/MIA Interagency Group (IAG), and to key senior members of the U.S. House and Senate. The crucial task of dismissing, manipulating, assailing, and ultimately destroying the value of the intelligence about living POWs fell to DIA.

Since 1983: The Cover-UP

The managers and analysts at DIA's Special Office for POWs and MIAs and those who oversaw their work were in no mood in the spring of 1983—and hadn't been since war's end, for that matter—to do or say anything that might give U.S. officials reason to commit what most in the Office believed would be the ultimate act of national humiliation: paying the communists the billions of dollars in reconstruction aid Henry Kissinger and Richard Nixon had promised them in Paris. So when the word came down the chain of command in the spring of 1983 that the matter of live POWs had become politically radioactive and the policy people now wanted the entire matter just to go away, declassified DIA records show that the managers and analysts and those who oversaw their work were more than ready, willing and able to do the job.

When Senate Select committee on POW/MIA Affairs intelligence investigators first gained access to the Special Office analysts' super-secret working files in 1992, they discovered that, unlike the intelligence reports Secretary Weinberger had cited in July 1982, the analysts and managers had officially ruled that none of the scores of eyewitness sightings of live POWs received after mid-1983 were actually sightings of live POWs—not one. Senate investigators found that the analysts and managers had accomplished this remarkable feat by determining after mid-1983 that every eyewitness who had reported seeing American prisoners in captivity after the war was either lying or confused and had not actually seen American prisoners after the war—but instead had seen either American prisoners who had been released at Operation Homecoming, American missionaries, European tourist, Russian soldiers, Amerasians, or other individuals “who might be confused with Americans.”

“How could that be?” the Senate investigators wondered—and then quickly found that the answers lay deep in the analysts' working files; in their meeting notes, phone conversations and desk memoranda, as well as in hurriedly scribbled memoranda and in carefully typed, formal ones; on a Post-it note here, in a letter to a CIA official there; in handwritten briefing notes in one file; and in the Vu-Graphs used in classified briefings in another.

The Senate intelligence investigators examined hundreds of these analysts' working files. Most are now declassified and available at the Library of Congress or the National Archives. Some three hundred of these intelligence reports are discussed or referenced in the text of *An Enormous Crime*. Some fifteen that were received by DIA from mid-1983 (when the cover-up began in earnest) until December 1984 are analyzed in detail at www.enormouscrime.com

Though credible intelligence about living POWs continues arriving at DIA even today, the cover-up that began in 1983 and was perpetuated so effectively by the Senate Select Committee and the press in 1993 remains firmly in place.

It is an enormous crime, indeed, and surely the most important cold case of our time.

A CONCURRENT RESOLUTION urging the United States Congress to appoint an independent counsel to investigate the issue of American prisoners of war and those missing in action.

WHEREAS, the issue of prisoners of war and those missing in action (POW/MIA) has been a national dilemma since the end of World War II; and

WHEREAS, there is a strong need for an independent investigation into all unresolved matters relating to any United States personnel unaccounted for from the Vietnam era, the Korean conflict, World War II, Cold War missions, or the Gulf War, including MIAs and POWs; and

WHEREAS, it is the responsibility and the duty of the United States government to bring home Americans missing in action from the Vietnam War, the Cold War, the Korean War, World War II, and the Gulf War; and

WHEREAS, as of July 2005, the Government Accountability Office listed 88,115 service men and women unaccounted for from World War II, Korean and Cold War conflicts, the Vietnam War, the Gulf War, and other conflicts; and

WHEREAS, American POWs and their missing comrades have demonstrated the true spirit of our nation and should never be forgotten; and

WHEREAS, the families of these inspiring Americans deserve to know what truly happened to their loved ones; and

WHEREAS, Americans from every generation have answered the call to duty with dedication and valor; these brave Americans deserve the respect and gratitude of our nation and all efforts should be made to resolve the POW/MIA issue in their honor;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

➔ Section 1. Both the Kentucky Senate and the House of Representatives strongly urge the United States Congress to appoint an independent counsel to investigate the POW/MIA issue.

➔ Section 2. Copies of this Resolution shall be transmitted to the presiding officers of each chamber of Congress of the United States and to each member of the Kentucky congressional delegation.

Establishing a Select Committee on POW and MIA Affairs. (Introduced in House)

**HRES 111 IH
111th CONGRESS
1st Session**

H . RES . 111

**Establishing a Select Committee on POW and MIA
IN THE HOUSE OF REPRESENTATIVES**

February 3, 2009

Mr. KING of New York (for himself, Mr. ACKERMAN, Mrs. BACHMANN, Mrs. BLACKBURN, Mrs. BONO MACK, Mr. BOOZMAN, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Ms. GINNY BROWN-WAITE of Florida, Mr. BUCHANAN, Mr. BURGESS, Mr. BURTON of Indiana, Mr. BUTTERFIELD, Mrs. CHRISTENSEN, Mr. COBLE, Mr. COHEN, Mr. COSTELLO, Mr. CROWLEY, Mr. DAVIS of Kentucky, Mr. DAVIS of Tennessee, Mr. FORBES, Mr. FRELINGHUYSEN, Mr. GOHMERT, Ms. HARMAN, Mr. HELLER, Mr. HOLDEN, Mr. ISSA, Ms. KAPTUR, Mr. KILDEE, Mr. LINDER, Mr. LOBIONDO, Mr. DANIEL E. LUNGREN of California, Mr. MACK, Mr. MANZULLO, Mr. MCCAUL, Mr. MCHENRY, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mrs. MYRICK, Mr. PAUL, Mr. POE of Texas, Mr. PRICE of Georgia, Mr. ROGERS of Kentucky, Mr. ROHRBACHER, Mr. SCHIFF, Mr. SCOTT of Virginia, Mr. SENSENBRENNER, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. TERRY, Mr. WITTMAN, Mr. WOLF, Mr. WU, and Mr. YOUNG of Alaska) submitted the following resolution; which was referred to the Committee on Rules

RESOLUTION

Establishing a Select Committee on POW and MIA

Resolved, That there is established in the House of Representatives a select committee to be known as the Select Committee on POW and MIA Affairs.

FUNCTIONS

Sec. 2. The select committee shall conduct a full investigation of all unresolved matters relating to any United States personnel unaccounted for from the Vietnam era, the Korean conflict, World War II, Cold War Missions, Persian Gulf War, Operation Iraqi Freedom, or Operation Enduring Freedom, including MIA's and POW's missing and captured.

APPOINTMENT AND MEMBERSHIP

Sec. 3. (a) Members- The select committee shall be composed of 10 Members of the House, who shall be appointed by the Speaker. Not more than half of the members of the select committee shall be of the same political party.

(b) Vacancy- Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

(c) Chairperson- The Speaker shall designate one member of the select committee to be its chairperson.

AUTHORITY AND PROCEDURES

Sec. 4. (a) Authority- For purposes of carrying out this resolution, the select committee (or any subcommittee of the select committee authorized to hold hearings) may sit and act during the present Congress at any time or place within the United States (including any Commonwealth or possession of the United States, or elsewhere, whether the House is in session, has recessed, or has adjourned) and to hold such hearings as it considers necessary.

(b) Rules of Procedure- The provisions of clauses 1, 2, and 4 of rule XI of the Rules of the House shall apply to the select committee.

(c) Prohibition Against Meeting at Certain Times- Subsection (a) may not be construed to limit the applicability of clause 2(i) of rule XI of the Rules of the House to the select committee.

ADMINISTRATIVE PROVISIONS

Sec. 5. (a) Expenses- Subject to the adoption of expense resolutions as required by clause 6 of rule X of the Rules of the House, the select committee may incur expenses in connection with its functions under this resolution.

(b) Staff and Travel- In carrying out its functions under this resolution, the select committee may--

(1) appoint, either on a permanent basis or as experts or consultants, any staff that the select committee considers necessary;

(2) prescribe the duties and responsibilities of the staff;

(3) fix the compensation of the staff at a single per annum gross rate that does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in section 5316 of title 5, United States Code;

(4) terminate the employment of any such staff as the select committee considers appropriate; and

(5) reimburse members of the select committee and of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their functions for the select committee, other than expenses in connection with any meeting of the select committee, or a subcommittee thereof, held in the District of Columbia.

(c) Expiration- The select committee and all authority granted in this resolution shall expire 30 days after the filing of the final report of the select committee with the House.

REPORTS AND RECORDS

Sec. 6. (a) Final Report- As soon as practicable during the present Congress, the select committee shall submit to the House a final report setting forth its findings and recommendations as a result of its investigation.

(b) Filing of Reports- Any report made by the select committee when the House is not in session shall be filed with the Clerk of the House.

(c) Referral of Reports- Any report made by the select committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

(d) Records, Files, and Materials- Following the termination of the select committee, the records, files, and materials of the select committee shall be transferred to the Clerk of the House. If the final report of the select committee is referred to only one committee under the provisions of subsection

(c), the records, files, and materials of the select committee shall be transferred instead to the committee to which the final report is referred.

DEFINITIONS

Sec. 7. For purposes of this resolution:

(1) The term 'Member of the House' means any Representative in, or Delegate or Resident Commissioner to, the Congress.

(2) The term 'MIA' means any United States personnel that is unaccounted for and missing in action.

(3) The term 'POW' means any United States personnel that is unaccounted for and known to be a prisoner of war.

(4) The term 'select committee' means the Select Committee on MIA and POW Affairs established by this resolution.



H.RES.111

Title: Establishing a Select Committee on POW and MIA Affairs.

Sponsor: Rep King, Peter T. [NY-3] (introduced 2/3/2009) Cosponsors (54)

Latest Major Action: 2/3/2009 Referred to House committee. Status: Referred to the House Committee on Rules.

Original COSPONSORS(54), ALPHABETICAL (Sort: by date)

Rep Ackerman, Gary L. [NY-5] - 2/3/2009	Rep Bachmann, Michele [MN-6] - 2/3/2009
Rep Blackburn, Marsha [TN-7] - 2/3/2009	Rep Bono Mack, Mary [CA-45] - 2/3/2009
Rep Boozman, John [AR-3] - 2/3/2009	Rep Boswell, Leonard L. [IA-3] - 2/3/2009
Rep Brady, Robert A. [PA-1] - 2/3/2009	Rep Brown-Waite, Ginny [FL-5] - 2/3/2009
Rep Buchanan, Vern [FL-13] - 2/3/2009	Rep Burgess, Michael C. [TX-26] - 2/3/2009
Rep Burton, Dan [IN-5] - 2/3/2009	Rep Butterfield, G. K. [NC-1] - 2/3/2009
Rep Christensen, Donna M. [VI] - 2/3/2009	Rep Coble, Howard [NC-6] - 2/3/2009
Rep Cohen, Steve [TN-9] - 2/3/2009	Rep Costello, Jerry F. [IL-12] - 2/3/2009
Rep Crowley, Joseph [NY-7] - 2/3/2009	Rep Davis, Geoff [KY-4] - 2/3/2009
Rep Davis, Lincoln [TN-4] - 2/3/2009	Rep Forbes, J. Randy [VA-4] - 2/3/2009
Rep Frelinghuysen, Rodney P. [NJ-11] - 2/3/2009	Rep Gohmert, Louie [TX-1] - 2/3/2009
Rep Harman, Jane [CA-36] - 2/3/2009	Rep Heller, Dean [NV-2] - 2/3/2009
Rep Holden, Tim [PA-17] - 2/3/2009	Rep Issa, Darrell E. [CA-49] - 2/3/2009
Rep Kaptur, Marcy [OH-9] - 2/3/2009	Rep Kildee, Dale E. [MI-5] - 2/3/2009
Rep Linder, John [GA-7] - 2/3/2009	Rep LoBiondo, Frank A. [NJ-2] - 2/3/2009
Rep Lungren, Daniel E. [CA-3] - 2/3/2009	Rep Mack, Connie [FL-14] - 2/3/2009
Rep Manzullo, Donald A. [IL-16] - 2/3/2009	Rep McCaul, Michael T. [TX-10] - 2/3/2009
Rep McHenry, Patrick T. [NC-10] - 2/3/2009	Rep Moran, James P. [VA-8] - 2/3/2009
Rep Murphy, Christopher S. [CT-5] - 2/3/2009	Rep Myrick, Sue Wilkins [NC-9] - 2/3/2009
Rep Paul, Ron [TX-14] - 2/3/2009	Rep Poe, Ted [TX-2] - 2/3/2009
Rep Price, Tom [GA-6] - 2/3/2009	Rep Rogers, Harold [KY-5] - 2/3/2009
Rep Rohrabacher, Dana [CA-46] - 2/3/2009	Rep Rothman, Steven R. [NJ-9] - 2/4/2009
Rep Schiff, Adam B. [CA-29] - 2/3/2009	Rep Scott, Robert C. "Bobby" [VA-3] - 2/3/2009
Rep Sensenbrenner, F. James, Jr. [WI-5] - 2/3/2009	Rep Smith, Christopher H. [NJ-4] - 2/3/2009
Rep Souder, Mark E. [IN-3] - 2/3/2009	Rep Terry, Lee [NE-2] - 2/3/2009
Rep Wittman, Robert J. [VA-1] - 2/3/2009	Rep Wolf, Frank R. [VA-10] - 2/3/2009
Rep Wu, David [OR-1] - 2/3/2009	Rep Young, Don [AK] - 2/3/2009

Attachment
#2

My name is Dell Lind, I am chairman of the North Dakota confederation of clubs which represents a majority of motorcycle clubs across the state of North Dakota. The proposed day for the recognition of Vietnam Vets is a great thought and one that is appreciated greatly by all of us. We recognize and appreciate all the hard work that has gone into this legislation. There is one major drawback and that is the abandoning of our POW'S by our government. We have a hard enough time accepting anykind of recognition from anyone let alone celebrating us when our POW's are still not accounted for. How can we celebrate with those still on our minds, IMPOSSIBLE! For most of us our day of recognition is veterans day and that will always be the day we can meet ,greet and celebrate with all our brothers. Vietnam Vets are not a lot different than other vets from other wars, our common bond is the issue of our POW's, so consequently our thoughts and prayers are with our brothers who have never returned. Until we have accountability for those left behind we would find it very difficult to celebrate a day set aside for us. Again thank you for your thoughts and consideration, for now that is recognition enough.

SB 2192
March 5, 2009

Attachment
#3

Chairman Grande and members of the Government and Veterans Affairs Committee,
My name is Robert Horne, State Senator representing District 3 in Minot.
I appear today in support of SB 2192 which would establish March 29 of each year as Vietnam Veterans' Day.

America's longest and most divisive war, the American involvement in Vietnam, spanned two decades – from the mid 1950's to the mid-1970s. At its height, more than 500,000 American troops were stationed in Vietnam, and more than 58,000 Americans lost their lives there. American involvement evolved from the attempt to prevent the Communist regime in North Vietnam from taking over the South.

An anti-war movement began in the 1960s and eventually polarized the nation. By the early 1970s, American involvement began to wind down. March 29th 1973 is acknowledged as the day the last ground troops were withdrawn.

Veterans returning from World War I, World War II and even Korea were celebrated as heroes. In contrast, because Vietnam was so unpopular, these returning vets were often surprised and disappointed to be greeted very differently - - often with indifference and sometimes even with anger.

While this may not have been as pronounced in North Dakota, many veterans were demonized to such an extent that even the widows of deceased servicemen were harassed.

Madam Chairman and members of the committee, it is long time past that we honor and give special recognition to our Vietnam veterans. By the way, this would not be a paid holiday, but would be a way to give special honor to those who served in Vietnam.

About 20,000 North Dakotans served, hundreds were wounded and 198 gave their lives in service to their state and nation. Their names are inscribed in marble on the Vietnam Memorial in Washington, DC. Note that 17,780 Vietnam Veterans still live in North Dakota and that 418 of their comrades are buried in the ND Veterans' Cemetery.

Other states have proclaimed March 29th as Vietnam veterans' Day, including the neighboring states of Minnesota, Iowa, Nebraska and Montana.

I believe North Dakota should do the same and urge the committee to support SB 2192 with a do pass recommendation.

With that, Madam Chairwoman, I would respond to questions.