

LEGISLATIVE RESOLUTION recommending that the Attorney General of the State of New York file suit against the United States Government in regard to the civil rights of those New Yorkers listed as prisoners of war and missing in action.

WHEREAS, Among the Prisoners of War (POWs) and the Missing In Action (MIAs) of the armed conflicts into which the United States has in the past been drawn, there are many who are members of families in the Empire State; and

WHEREAS, The families, friends and supporters of those POWs and the MIA continue to suffer deep anguish and grave concern over the plight of their loved ones who are numbered among the POWs and the MIA who are not afforded the recognition which they, indeed, have earned, for the sacrifices they made and the heroism they have displayed; and

WHEREAS, General Eugene Tighe, Intelligence Chief of CINCPAC, was asked in late 1972 or early 1973, by the Joint Chiefs of Staff, to compile a list of American Servicemen whom could reasonably expect to be released under Article 8 of 1973 Paris Peace Accords; and

WHEREAS, Only 591 American POWs were released under the 1973 Paris Peace Accords and none released from Laos who were under the Pathet Lao control, and

WHEREAS, There are still documents in the United States Defense Department that have not been released to the public concerning the fate of American servicemen classified as Prisoners of War or Missing in Action, and

WHEREAS, There are at least 144 missing and unaccounted for servicemen from the war in Southeast Asia from New York State, some for whom data exists that they were last known alive yet no remains have been returned nor information provided on their status; and

WHEREAS, The Paris Peace Accord is now twenty years old and any national security secrets on the technology that was used in the war would be outdated, especially considering that military research has made most of the technology and methods used in the Vietnam War obsolete; and

WHEREAS, Americans highly prize and value that sacred right of liberty, that right the founders of our nation pledged to fight for with their lives, their fortunes, and their sacred honor to win and to protect; and

WHEREAS, The United States Constitution in Article II, section 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"; now, therefore, be it

RESOLVED, That the New York State Legislature hereby recommends that the Attorney General of the state of New York, on behalf of the people of the state of New York, file in the United States Supreme Court a cause of action against the government of the United States, especially the Department of Defense and the intelligence agencies, alleging the violation of civil rights of the people of New York, especially alleging the violation of the right to life, liberty, and the pursuit of happiness of the following named citizens of the state of New York:

NEW YORK STATE SENATE - Passed without opposition 30 June 1994

RESOLVED, That the Attorney General of the state of New York, in filing this suit, shall demand that the Department of Defense, the intelligence agencies, turn over all documents concerning Prisoners of War and Missing in Action in Laos, Cambodia, and Vietnam; and be it further

RESOLVED, That copies of this Resolution, suitably engrossed, be transmitted to the Attorney General of the state of New York, to the United States Supreme Court, the President of the United States, to the Speaker of the House of Representatives, to the President of the United States Senate, to the New York State Congressional delegation and to the Attorney General of the state of Michigan.

SHORT TITLE: Recommending that the Attorney General of the State of New York file suit against the United States Government in regard to civil rights of prisoners of war and those listed as missing in action.

Included in this Senate Resolution is the list of names included in the Assembly Resolution. It is omitted for space considerations in this report. We will attempt to gain the most comprehensive lists for all our wars and conflicts.