



NATIONAL LEAGUE OF FAMILIES  
OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA  
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April 11, 1995

Colonel Bill Jordan, USA  
Commander, CILHI  
310 Worchester Avenue  
Hickam AFB, HI 96853-5530

Dear Colonel Jordan:

I am writing regarding the case of CAPT Harley H. Hall, USN, and potential adverse ramifications on the accounting process due to CILHI, AFIRB and DOD actions concerning this case.

The League is very disturbed about the recommendations of consultants retained by CILHI to review the case of CAPT Hall. The three consultants, Ted A. Rathbun, Ph.D., Lowell J. Levine, D.D.S., and Michael Finnegan, Ph.D., all stated in varying language that three teeth, identified as those of CAPT Hall, though with no established chain of custody, are "the remains" of (Finnegan and Levine) or that "the remains represent" Captain Hall (Rathbun).

The consultants agreed that the bone fragments, also without chain of custody, could not be correlated to CAPT Hall; therefore, one must assume that the fragments were noted in CAPT Hall's case file only because they were turned over at the same time as the teeth, by the same Vietnamese citizen. Regarding the bone fragments, CILHI Physical Anthropologist Thomas D. Holland's statement was clear: "The remains designated as 0008-93 probably represent those of an adult male. No other biological traits can be determined with any degree of scientific certainty."

LTC Jimmie C. Schmidt, Acting Lab Director at CILHI, acknowledged that there was no chain of custody on the teeth or bone fragments by stating in his 18 March 1993 MEMORANDUM FOR Commander, USA CILHI:

"One witness provided the joint team with three teeth and bone fragments he allegedly had personally recovered from the grave after unknown villagers had excavated it."

Yet, despite the lack of any chain of custody on either teeth or bone fragments, lack of any correlation of the bone fragments to CAPT Hall and conflicting data from an assortment of witnesses, LTC Schmidt recommended that the remains be identified as CAPT Hall. LTC Schmidt's memo further stated:

"Based on the location and circumstances of the incident, and on a favorable comparison between relevant features of the dentition designated CILHI 0008-93 and the antemortem dental radiographs and records of CAPT Hall, it is recommended that these remains be identified as: HALL, Harley H. CAPT, USN."

Prior to the AFIRB's acceptance of the three teeth as "identifiable remains of" CAPT Hall, many were aware of and shared the League's concern over accepting the teeth, without chain of custody, as having achieved accountability for CAPT Hall. Mrs. Hall repeatedly raised questions and expressed her opposition to such acceptance to the Navy, The Defense POW/MIA Office and to the League.

The League, in turn, expressed the firm position that without chain of custody, acceptance of the teeth as accountability undercut the U.S. Government's own definition which has long been accepted by the League and all major national veterans organizations as inviolate. In the case of CAPT Hall, for the reasons cited above and more, CILHI and AFIRB appear to have altered established procedures and acquiesced to pressures to move forward with a recommended identification despite knowledge that it was problematical from a scientific standpoint.

The Armed Forces Identification Review Board (AFIRB) reviewed the accumulated recommendations and, on 7 September 1994, approved the three teeth with no chain of custody and unidentified bone fragments "as identifiable remains of" CAPT Hall. In receipt of the AFIRB's decision memo and required DoD form, the DPMO staff removed CAPT Hall's name from the list of Americans still missing and unaccounted for from the Vietnam War. It is clear that all parties responsible for achieving accountability for missing U.S. personnel participated in accepting three teeth, with no chain of custody, as the remains of CAPT Hall. In a 13 December 1994 letter to Mrs. Harley H. Hall, Secretary of the Navy John H. Dalton stated:

"It is our painful conclusion that the AFIRB was correct in its decision to approve the recommended identification. Consequently, we also concur with the decision to list your husband as 'accounted for' based on this identification."

The "DIA EVALUATION OF INFORMATION PROVIDED BY THE SOCIALIST REPUBLIC OF VIETNAM IN THE CASE OF COMMANDER HARLEY HALL, USN" serves as an example of SRV manipulation of CAPT Hall's case. To the League and Defense Intelligence Agency (DIA) analysts, all of whom were and are still POW/MIA specialists, it was illogical to accept as accountability what DIA termed a "concocted" story. Though the entire document is relevant (see enclosed), some sections are very clear:

"While we have no information which would indicate that Commander Hall survived to become a captive of the Vietnamese, the claims made by the SRV authorities regarding this incident stretch credulity and totally contradict their known policies and practices in handling remains of Americans."

"In the specific instance of Commander Hall, if indeed he died at the time of his loss incident, one must presume that the outlined procedures were followed and he was not simply buried in a convenient nearby trench."

"The claim that the grave was repeatedly robbed by 'many people from different areas,' is highly implausible. In general, Vietnamese citizens are highly superstitious about the dead and are not roaming the country robbing graves. Further, as all personal effects would have been previously forwarded to Hanoi, it should be well known to any would-be grave robbers that there is nothing of monetary value in the grave."

"In summary, the report furnished by the SRV is implausible and in direct conflict with their known policies and practices. Based on the circumstances of Commander Hall's loss, we believe the communist government of Vietnam has more information and for reasons known only to them has decided to concoct this story."

Subsequent interviews and investigations, as well as analyses, were also contradictory. Many inconsistencies are noted in the enclosed analysis, conducted at the request of Mrs. Mary Louise Hall, by Richard Childress, staff member of the Reagan National Security Council for nearly eight years. In addition to his NSC role in all matters related to Southeast Asia/POW/MIA policy, negotiations and approach, Mr. Childress participated directly in formation of DIA's Stony Beach POW/MIA operation and developing and monitoring the joint field investigation process, the AFIRB procedures and was a strong advocate for CILHI's expanded identification process, structure, functional ability and personnel level.

In accordance with her rights under the AFIRB procedures, Mrs. Hall also requested that her husband's remains, designated CILHI 0008-93, be sent to Dr. F. Nicholas Powers, Jr., for an independent forensic odontological review. Although the remains have not yet been sent to Dr. Powers, Mrs. Hall sent a complete set of xrays, photographs and reports for his review. Enclosed you will find a copy of his interim report.

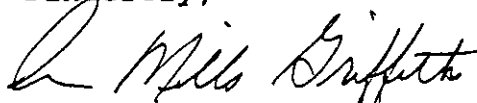
In the case of CAPT Hall, the League is concerned that CILHI staff and forensic consultants have rendered opinions beyond the scope of their scientific expertise and purpose within the accepted AFIRB procedures. In the League's view, two to three teeth with no chain of custody do not constitute the recoverable remains of an American, and no forensic scientist should be rendering an opinion that such are "the remains of" an individual. On the other hand, with established chain of custody, even one or two teeth can support a recommendation for identification as "the remains of" a missing American sufficient to consider him accounted for in keeping with the U.S. Government definition.

These matters have been referred to Judge Haskell Pitluck, President of the American Academy of Forensic Science, to obtain the guidance and views of that esteemed association. Further, enclosed is a copy of my letter to Commander E.R. Ghent, USN Medical Service Corps, expressing the League's concern that incomplete and possibly misleading information is being provided to family members regarding the credentials of forensic scientists.

As you know, the integrity and principles of CILHI are fundamental to the accounting effort. If the families cannot rely on long-accepted definitions and procedures, without exception, then to whom do we turn? Accountability for missing Americans can be achieved only if the identification process is in strict accordance with established AFIRB procedures and scientific parameters of a given discipline.

I'm sure you understand the League's vital interest in halting acceptance of accountability without chain of custody, which not only undercuts established U.S. Government criteria, but signals Hanoi that teeth with no chain of custody and unidentifiable bone fragments are acceptable to the U.S. Government as accountability for missing U.S. personnel. The League's Board of Directors has taken a position strongly urging that CAPT Harley H. Hall, USN, be restored to the list of unaccounted for Americans, an administrative reversal that would ensure viability in the accounting process.

Sincerely,



Ann Mills Griffiths  
Executive Director

cc: The Honorable John H. Dalton  
Secretary of the Navy

Mr. James Wold  
DASD for POW/MIA Affairs

Mrs. Mary Louise Hall