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NATIONAL LEAGUE OF FAMILIES  
OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA  
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WASHINGTON, D.C. 20036-5504

UPDATE LINE: 202/659-0133

April 6, 1995

Commander E. R. Ghent, USN  
Medical Service Corps  
Director, Patient Administration Division  
Bureau of Medicine and Surgery  
Department of the Navy  
2300 E Street, N.W.  
Washington, D.C. 20372-5300

Dear Commander Ghent:

I am writing to you as executive director of the National League of POW/MIA Families. The League is very concerned about the content of correspondence that you sent to Mrs. Mary Louise Hall, a member of our organization, regarding the recovery of remains alleged to be those of her husband, Captain Harley H. Hall.

Specifically, your June 7, 1993 letter to Mrs. Hall stated, "CILHI has recommended an identification of the biological remains designated CILHI 0008-93 as those of Captain Harley H. Hall. The remains consist of three teeth and small fragments of bone". You further stated, "This recommendation has been reviewed by the CILHI scientific staff and Board Certified Forensic Consultants and all agree, that within reasonable scientific certainty, the remains designated CILHI 0008-93 are those of Captain Harley H. Hall". Finally, you stated, "I have enclosed a list of professional dentists that are all Diplomates of the American Board of Forensic Odontology". With your letter, you sent a five-page list of specific doctors that you stated "are all Diplomates of the American Board of Forensic Odontology" from which Mrs. Hall could draw if exercising her option for an independent evaluation of conclusions reached by CILHI.

There are several points about which the League has serious concern and questions. First, after legal review of this matter, the League has determined that the American Dental Association does not certify dentists as forensic specialists; neither does the American Medical Society recognize such a forensic specialty. We understand that the American Board of Forensic Odontology is a private organization, comprised of private dentists who give themselves a qualifying test. If this test is passed, they declare themselves Diplomates and Board Certified within their own organization; however, only that organization recognizes the credentials that it issues to its own members. Does your understanding differ from mine?

In comparison, the American Academy of Forensic Sciences is a well-established organization comprised of many disciplines of forensic scientists. If, for example, the American Medical Association recognizes and certifies a specialty within its own discipline, the American Academy of Forensic Sciences would recognize that specialty. Since the American Dental Association does not certify forensics as a specialty within its discipline, the American Academy of Forensic Sciences does not recognize it as a certified specialty. The American Academy of Forensic Sciences does, however, recognize forensic odontology as a unique discipline, and a separate section, forensic odontology, does exist. Therefore, we believe that your correspondence to Mrs. Hall is misleading and, as such, adds to confusion rather than ameliorating it.

There are many qualified forensic specialists across the country whom the families may retain to conduct an independent evaluation under the Procedures for Consideration of Identification of Remains by the Armed Forces Identification Review Board, issued July 30, 1987. While your actions in sending family members a list of dentists who specialize in forensic odontology is appreciated, sending a limited list of dentists who appear to have deemed themselves board certified is misleading and inappropriate.

Should an independent evaluation on the identification of returned remains be requested in an administrative proceeding or court of law and such testimony be provided by someone other than those submitted on the list you provided, it is possible that in essence, you have bolstered inappropriately the testimony of individuals who you have yourself recommended. Such actions could be deemed conflicting by a judge, an administrative hearing officer or a jury as to the sufficiency of weight of opinion rendered by other forensic scientists. That also appears to be unfair and misleading.

If you were to call the Library of Congress in Washington, D.C. and ask to reach a forensic odontologist, you would be referred to Dr. Steven Smith, a professor at Northwestern Dental School, Chicago, Illinois. I notice that Dr. Smith, one of the leading forensic odontologists in America, is not on the list that was provided to Mrs. Hall. The League believes it would be more appropriate, and appreciated, to send a complete list from the American Academy of Forensic Sciences in Colorado Springs, Colorado. That would ensure a full listing of all forensic scientists who are members of the organization which is, reportedly, the leading forensic association in the world. I am also advised that across the United States, there are other private forensic associations for many scientific disciplines.

The League has further concern regarding your June 7, 1993 letter; it indicates that the remains designated by CILHI 0008-93 are the recoverable remains of Captain Harley H. Hall, despite the lack of any chain of custody on the teeth identified and the lack of any relevance of the bone fragments recovered separately. Your letter mentions specifically, "The remains consist of three teeth and small fragments of bone." Are you stating that the bone fragments have been correlated, within reasonable scientific certainty,

to Captain Hall? If not, why are the bone fragments mentioned? And were the bone fragments considered in any manner by the consultants retained by the Army or the AFIRB?

As noted in the enclosed, approximately one month later, July 8, 1993, Captain M.S. Debien, USN, Director, Personal, Family and Community Support Division, sent a letter to Mrs. Hall stating, "I assure you that your husband's case is not closed, and we will continue to aggressively pursue the repatriation of his remains." Captain Debien further stated, "no case will be closed until we have found and returned the missing American alive, received and identified his remains, or obtained convincing evidence as to why neither is possible. This is the official United States Government definition of accountability." You can be certain that this official definition of accountability is strongly supported by the League. Nevertheless, the Navy has, within a time period of one day beyond a month, stated that remains designated CILHI 0008-93 are those of Captain Hall and stated clear determination to continue aggressive efforts to obtain accountability.

What is further disturbing in this case is that CILHI appears to have violated the spirit if not the letter of the Procedures for Consideration of Identification of Remains by the AFIRB. Having participated in the development of these official procedures, I am very much aware of the intention to ensure that forensic scientists are sought to provide **independent** evaluations, not pro-forma agreement, to CILHI identification recommendations. The League strongly believes that outside consultants should be retained by the U.S. Army's CILHI to provide **independent** evaluations. We would, therefore, appreciate receiving a list of all specialists in forensic odontology.

From the letter included in Captain Hall's file, it appears that Dr. Lowell J. Levine, D.D.S., may be "rubbing stamping" CILHI's recommended identifications. In particular, as a dentist specializing in forensic odontology, it appears beyond Dr. Levine's purview to state in his April 12, 1993 letter that, based upon the three teeth he reviewed, it is "my opinion that the above case is the remains of Captain Harley H. Hall, USN". Without a clear chain of custody or having the teeth in scientific context (i.e. in the skull or jaw), the League believes it inappropriate for Dr. Levine to determine that the recoverable remains of Captain Harley H. Hall consist of the three identified teeth.

I hope that you understand why this is so very disturbing to the family members who comprise the League. The entire identification process established in 1987 was to underscore and reinforce the scientific integrity of the identification process on remains of Americans returned and recovered in an effort to obtain accountability as defined by the U.S. Government. Our understanding of the procedures is that **independent** consultants are to receive the remains (or a file satisfactory for undertaking evaluation), conduct an independent evaluation, and forward that evaluation to CILHI. It is further our understanding that the independent consultants would reach one of two conclusions: 1) supporting the CILHI recommendation; 2) differing from the CILHI recommendation which

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Medical Service Corps

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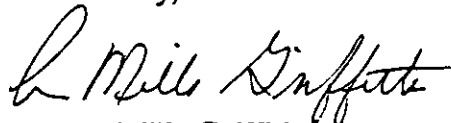
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then requires further CILHI study to resolve differences, if possible. If not possible, the primary next of kin is to be fully informed of any remaining differences. It is ultimately the decision of the AFIRB as to whether the remains are identifiable as those of an American. We do not believe it is the prerogative of a forensic consultant, not any one expert, to make a judgment as to whether identified teeth, with unidentifiable bone fragments, constitute the recoverable remains of a missing American.

The integrity of the accounting process is of paramount importance, not only to the League and individual family members, but to future members of our military and their families. In view of the circumstances surrounding Captain Hall's incident, confirmation exists of his having exited his plane and, therefore, his remains would not have been virtually destroyed; the fact that there is no chain of custody on the three teeth, removal of which was not life-threatening, and Vietnam's well-established process for collection and retention of U.S. servicemen's remains, the League strongly believes that Captain Hall should be returned to the list of Americans on whom accountability is sought. Captain Hall's case lends itself to continued priority investigation as a discrepancy case, last known alive or remains on which unilateral Vietnamese action is likely to produce accountability as defined by the U.S. Government.

I look forward to your response, as does Mrs. Hall. Should you desire to discuss this matter, please feel free to call the League office.

Sincerely,



Ann Mills Griffiths  
Executive Director