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STATEMENT OF SENATOR JESSE HELMS OF NORTH CAROLINA - U.S. SENATE - 10/05/90

THE MOCK-BURIAL OF MIAS

MR. HELMS: Mr. President, the Department of Defense has announced that the remains of four United States servicemen, missing in action in Laos since March 5, 1971, are to be interred in a military burial today at Arlington National Cemetery. The names of these servicemen are: Specialist 4 Joel C. Hatley, from Albemarle, North Carolina; Captain David L. Nelson, from Kirkland, Washington; Warrant Officer Ralph Moreira, from Beaver Falls, Pennsylvania; and Specialist 4 Michael E. King, from Calhoun, Georgia.

On September 21, the Department of Defense stated in press guidance that "remains recovered during January 5-10, 1990 joint excavation efforts by the U.S. and Lao governments have resulted in accounting for the (four) servicemen... The remains of these Americans will depart Hickam Air Force Base in Hawaii for a full military honors ceremony... and will travel to Travis Air Force Base, California, for the final journey home."

Mr. President, the ordinary reader who reads such statements might well conclude that U.S. experts have made positive identification of the remains, and that the families of the four men will at last be comforted by the knowledge that they know where the bodies of their loved ones lie. Unfortunately, that is not the case.

There are no remains whatsoever for Specialist 4 Hatley or for Captain Nelson. For Warrant Officer Moreira and Specialist 4 King, there are minuscule fragments of bone and a tooth not positively identifiable by any objective forensic analysis. Yet four coffins will be buried with full military honors.

Mr. President, I have contacted the families of both Specialist Hatley and Captain Nelson. They were thrilled when they first got the news that their sons had been found; but they were shocked when they were told, upon further inquiry, that no actual remains were being returned.

Why does the Department of Defense put the families of MIA's through this kind of charade?

The answer, Mr. President, lies in a highly convoluted system of investigation and analysis that depends more upon procedure and methodology than upon practical result. For example, in announcing the mock-burials at Arlington Cemetery related to the four men, the Department of Defense proudly talked about "remains," and cases "accounted for." In a Q & A statement, DOD says:

"Q. How many remains recovered from Southeast Asian countries have thus far resulted in the accounting for missing Americans?"

"A. Including these individuals, 287 Americans (245 from Vietnam, 40 from

Laos, and 2 from PRC) previously missing in Southeast Asia have been accounted for.

"Q. How many Americans are still unaccounted for in Indochina?"

"A. With this determination, there are still 2,298 Americans (1,677 in Vietnam, 530 in Laos, 83 in Cambodia, and 6 in PRC Coastal Waters) missing in Indochina."

Clearly, the implication in these statements is that physical remains have been recovered and restored to the families of the missing servicemen. Yet that is not what the bureaucratic system means. DOD has its own language, its own definitions of ordinary words, its own purposes to be served.

When DOD says "accounted for," it means that DOD has gone through a stereotyped process that allows it to close the files on a case. It means first of all that all reports of sightings of specific individuals by eye-witnesses - so-called "live sighting reports" - have been checked out, and either dismissed or investigated. Of course it is easier to dismiss reports by discrediting the witnesses, or by insisting that the reports meet bureaucratic criteria than it is to check them out.

Secondly, DOD's use of the term "remains" does not meet the ordinary definition of the word. For DOD, the word "remains" refers not to the actual physical remains, but to an abstract concept deduced from circumstances.

In the case of the four servicemen, an excavation team found remnants of a helicopter at the site where it presumably crashed on March 5, 1971. In the intervening 19 years, many things could have happened to the bodies of those killed in the crash. A fire could have consumed most of the bodies, including most of the bones. The process of tropical decay could obliterate most traces. Wild animals could drag bodies away. The difficulty of finding actual remains, and identifying them correctly, is indeed formidable. This Senator does not want to minimize the difficulties facing DOD.

In practice, DOD works by a process of deduction. Records of the incident would show who was pilot and co-pilot and crew. Any remains found in the appropriate places in the wrecked vehicle are then arbitrarily assigned to the case of the crewman who was supposed to be sitting in that place. That is reasonable enough. In some cases, teeth and dental work can be identified, but in many cases human fragments are too small to be positively identified. Nevertheless, the case is stamped "resolved," tentative though the identification may be.

Many families would prefer to know simply that the vehicle had been found at the crash site, and that unidentifiable

remains were recovered inside. They would be happy to join in a ceremony commemorating anyone who may have died in the crash, but they are disturbed when told that "remains" have been identified as their loved one even though no positive identification is possible.

However, DOD goes even further. When no actual human remains are found in the crash, or not enough remains are found to account for each of the crewman, the DOD declares that the whole crew has been "accounted for." Thus empty caskets are returned as symbolic "remains." That is why no actual remains are being buried today for two of the missing airmen.

The problem with this method, although bureaucratically convenient for closing cases, is that it is dishonest. The missing servicemen may well have escaped by jumping in the last moments of the crash - something not impossible in a helicopter that falls in a certain way. If that is the case, the man may have survived and disappeared as a prisoner of war.

This possibility is very inconvenient for closing cases, particularly if there are live-sighting reports of the missing airman. That is exactly what happened in the case of Captain Nelson. In 1986, a Laotian eyewitness, a member of the Royal Laotian Army, reported that he had been imprisoned in 1978 with Captain Nelson and another westerner, that he had nursed Captain Nelson, who was badly burned, as best he could in the prison camp, and buried him in the camp when he died. He provided specific locations, geographical names, a hand-drawn map of the camp, and the site of the grave in the camp.

Press reports have stated that, instead of treating the Laotian eye-witness' information seriously, DOD sought to discredit him. DOD administered "lie-detector" tests on him, and claimed that he was lying, even though he had no discernible motivation to lie, and the information on his map checked out with other sources. Indeed, some reports say that he was threatened with deportation from the United States, where he now lives, if he did not retract his story. I hope that these reports are inaccurate, especially since the conduct of interrogation team was questionable and no native language statement was taken from a witness not thoroughly familiar with English. In my opinion, his testimony should be re-examined by competent experts.

Nevertheless, this is an example of a "live-sighting report" that was "resolved" through "correlation." Meanwhile, DOD insists that the empty casket that will be buried in Arlington is the true "remains" of Captain Nelson.

Mr. President, the question remains as to why such efforts are made to "resolve"

cases instead of vigorously prosecuting any reasonable leads on MIAs. I cannot answer that question yet, but I am very disturbed by a further statement that appears in the DOD guidance on these cases. DOD states:

"The serious cooperation of the Lao Government was instrumental in achieving productive results from this joint operation and is deeply appreciated by the U.S. Government. The most important measure by which to judge the success of agreements reached between Washington and Vientiane to broader cooperation on the POW/MIA issue is obtaining final answers for the families of Americans missing in action in Southeast Asia."

Mr. President, as I have just pointed out in detail, DOD has not obtained final answers for the families, nor can the results be described as truly productive, when nothing is produced. But this fawning appreciation lavished upon a government that may well be concealing the fate of many other MIAs suggests that politics has been placed before families.

Mr. President, with the able assistance of the distinguished Senior Senator from Iowa, Mr. Grassley, I have been studying the question of MIA/POWs very closely. Recently, DOD granted access to the 12,000 files on open cases to me and Mr. Grassley - an access I am sorry to say which was granted reluctantly and after many weeks. Mr. Grassley and expert analysts on my staff have personally spent more than 110 man-hours reviewing hundreds of these documents. These files are classified, and it is not my intention to discuss them at this time. Of course, these four cases I have been discussing here today are based upon open sources and unclassified documents.

However, I can say that we have found a number of problems similar to those cases which I have been discussing today. Although certain elements in the U.S. government were bitterly opposed to an independent examination of the cases by qualified independent experts, I deeply appreciate the efforts of top-level officials to make the documents available to elected representatives of the people for proper oversight purposes. In the weeks to come, I hope that even greater access will be granted to make evaluation of the cases go more smoothly. The American people will not rest until they are convinced that the questions relating to MIA/POWs have satisfactorily cleared up.

Mr. President, I ask unanimous consent that the unclassified DOD cable relating to the cases of the four servicemen be printed in the Record at the conclusion of my remarks.

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Families of MIAs have new questions

This article appeared in the Daily News 10/01/90

By Nicole Weisensee
States News Service

Washington, Sept. 30, 1990 — They are the forgotten ones.

For years, these people have fought reams of bureaucratic red tape to find out what fate befell loved ones who fought in the Vietnam War and were declared Missing in Action (MIA) by the U.S. government.

They are tired. And so, when the government tells them their son, their husband, their brother's remains have been found, they believe. Because no one has the doubts they do.

There were questions, many questions I had," said Mrs. Pat Matsey of Beaver, Pa. "But you're alone. You don't talk to other families. You just feel you almost have to accept it, as probably 80, 90 percent of the families do."

That is also how Mrs. Elsie King of Calhoun, Ga., Mrs. Karla Carter of Monroe, Wash. and Mr. Lawrence Hatley of Albemarle, N.C. felt, they said in interviews this week.

Two weeks ago, these people learned that the remains of Ralph Moriera, Jr. (Mrs. Matsey's son), Michael King (Mrs. King's son), David Nelson (Karla's half brother) and Joel Hatley (Mr. Hatley's son), which were found at an excavation site in Laos, had been positively identified.

Laos is a country in southeast Asia located next to Vietnam. The U.S. government said the four men's remains were found at the site of an alleged helicopter crash in Laos. A helicopter carrying the four men reportedly was hit by enemy fire in 1971 in the same area.

What the government did not tell the Matseys, Kings or Hatleys was that two years ago, in an NBC-TV Nightly News segment, a Laotian refugee said he was in prison with David Nelson seven years after the helicopter crash.

Pat Matsey, in her years of trying to learn more about what had happened to her son, never had been able to learn who else was aboard his helicopter when it went down March 5, 1971. Thus, she was unaware of the NBC broadcast or of any relation it might have had to her son.

When a reporter informed Matsey last week about the NBC report, she was stunned.

"I'm quite shocked to hear about Nelson," Mrs. Matsey said. "We were never told that and I feel at this point that we should have been, even if it was just a rumor. Had I known that, there would have been other questions I would have asked over the years."

The report of Nelson's imprisonment is making her question whether the teeth and wedding band that the government has told her are the remains of her son, Ralph Moriera, Jr., actually do confirm his death in the chopper crash.

The ring is in virtually perfect condition, several family members said, and does not look as if it had been in the ground for 19 years.

"The only thing I can say is the teeth appear to be Ralph's (when compared with dental records), but I did not have this other information," she said. "You know, this ring does not prove a great deal to me. I had letters from Ralph that said he went into areas sterile — with no dog tags, no wedding ring, nothing."

For years, Elsie King attempted to find out more about the crash and was certain that her son, Michael, was still alive. But the recovery of the teeth the government said belonged to her son, plus the excavation report's mention of Moriera's wedding ring, were what really convinced her that the searchers had indeed found the crash site.

King hadn't heard the doubts raised by Moriera's family about the ring's condition. King, now 73, said the government's disclosure is a way for her to have some peace at last, although she harbored her own doubts about dental evidence. The government assured her that four of the teeth found had belonged to Michael. Yet when she took the dental x-rays to her orthodontist, he was "90 percent sure" that only one of the teeth could be Michael's.

"Could be, could not be," she said. "To specifically say which teeth are my son's, which are his bones, I don't know. I really don't, and I really don't know if any of those are his bones. I am saying this — I think group burial under these circumstances can be the only way out for us. Perhaps we ought to accept these."

The remaining objects recovered from the crash site are 44 bone fragments and 10 teeth or fragments of teeth the government could not identify. But, even though there were seven or eight South Vietnamese on board that helicopter, the government has decided Nelson's and Hatley's remains must be included in the crash site.

Nelson and Hatley will now be taken off of the "MIA" list. This means the government will not respond to sighting reports of all four men "identified" in the crash site, according to Ted Sampley, who heads Homecoming II Project, a North Carolina veterans group that searches for POWs and MIAs from Vietnam.

Sherry Lawrence, a spokesperson for the Department of Defense, said the agency realizes some of the remains are Vietnamese and will include a recognition of that on the headstone.

"For whatever reason, we know the rest of the remains were American," she said. "We would not have gone to the families if we didn't believe that."

The uncertainty has left Nelson's and Hatley's relatives feeling very frustrated, but helpless to do anything but attend the group burial next Friday at Arlington National Cemetery near Washington, D.C.

"In a way, I feel like we're back to Square One," Karla said. "As far as I'm concerned, he could still be alive—he could have died in the camp or he could have died later, but there's no evidence he died in the crash."

Mr. Hatley said he feels the same way. "Now they're saying he (Joel Hatley) was with the crew, so they're declaring him dead and this is a way of closing the books on the case," he said.

The new information about Nelson "Makes me think I've been lied to," he said. "They want all of these cases closed out, that's the purpose of this thing. We've had all kinds of reports that there are still boys in Southeast Asia, but I've tried to keep that off my mind. You dwell on something long enough and you lose your mind."

His son, Dale, said he still has the same doubts about his brother being dead that he did 19 years ago.

"As far as the government goes in this situation, I don't believe anything they say," he said. "They're saying they're through



Nearly two years ago, John Parcels, a former prisoner of war, (left), Somdee Phommachanh (center), and Somdee's friend, Tom Rother (right) waited patiently in a congressional hearing room in hopes that Somdee would be allowed to tell the Congressmen what he had seen in Laos. Somdee was not allowed to speak.

with the investigation... that's going in one ear and out the other. My feelings haven't changed in 19 years."

But all will convene at Arlington Cemetery this Friday to honor their loved ones.

"I'm going not necessarily because I believe he's going to be buried, it's more as a memorial," Karla said. "It's an honor to be buried in that cemetery, it's an honor to be memorialized there. He deserves it — but I don't know that it's actually him."

Lawrence Hatley said he's going, "because my family thinks it's the thing to do. I dread it, I was debating about it, but it seems like they're all saying we have no choice."

Mrs. King described her feelings about the pending burial as "sweet agony."

The source of families' doubts is Somdee Phommachanh, a former Royal Lao Army member who fought the Southeast Asian Communists. When he appeared on the NBC Nightly News report in 1988, he was a janitor at a Tecumseh, Nebraska school.

Phommachanh was a captive of the Communists, but was used as a medical orderly because he spoke a little English. One of the prisoners he says he took care of was David Nelson, who the Laotian said he buried when the American captain died in 1978 — seven years after the U.S. government declared Nelson dead in a helicopter crash.

In the NBC report, Phommachanh was able to pick out a never-before published picture of Nelson from a collage of 20 other servicemen whose photos were presented in a similar fashion.

Shortly after the segment was broadcast, however, Phommachanh was interrogated by employees of the Defense Department's Defense Intelligence Agency (DIA), various sources said. Afterward, he would no longer speak about what he had seen in the camp. He still lives in Nebraska but is no longer employed as the school janitor. A school official said he

continues to avoid discussing his Laotian camp experiences with reporters.

Ted Landreth, a Los Angeles-based producer of a BBC television documentary about U.S. POWs in Laos that aired on American television in 1987 said incidents like this have prevented other Laotians from telling their stories.

"This is one of the first things we discovered when talking to Laotian refugees here and around the world," he said. "Whenever the U.S. government, mainly the DIA, found out someone was telling a story, something awful would happen, someone would descend on him and start threatening. That is certainly the case with Somdee."

Landreth interviewed Phommachanh for his documentary. The DIA sought to persuade the producer later that he had recanted his story, but Landreth said that was not so. Landreth, in fact, provided Phommachanh's name to the NBC news crew for the network segment.

Sampley contends that the government's motives are more far-reaching.

"There is a movement afoot by the Bush Administration to lay the POW/MIA issue to rest," Sampley said. "They're not identifying people, they're accounting and they're doing it solely for political reasons."

The Defense Department's Lawrence would not comment on anything about Phommachanh or about anything Sampley said.

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