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### Family trying to solve question of benefits for civilian pilot

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WASHINGTON -- Charles Herrick died in his civvies, not that it mattered to the men who shot him down.

In the shadowy dawn of the Vietnam War, Herrick seemed simply another American pilot; a suitable target for enemy soldiers on the ground in Laos. Certainly, his 1963 combat death while flying a CIA-owned airplane came in service to his country.

But because he died a civilian, having earlier resigned his Air Force commission to join an unusual outfit called Air America, Herrick also left behind some ambiguities about benefits. They are questions still frustrating his daughter, Modesto resident Gayle Herrick Holt.

"I can't get anybody to explain it, because I can't find anyone who will acknowledge having any records," Holt said.

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Nor is Holt the only one struggling to resolve disputes over service and benefits. Indeed, amid the patriotic wash of Independence Day celebrations, Holt and others like her showcase more fundamental questions about the meaning of service, the obligations of country and the significance of uniform.

When do wartime civilians deserve military-style benefits? Sometimes, Congress will simply dictate an answer. This week, for instance, Mariposa Republican George Radanovich introduced legislation extending veterans benefits to merchant seamen for all past and future wars.

"The primary effect is just the honor, because you've been in harm's way," said Rufus Hernandez, a 76-year-old retired Fresno businessman and former World War II merchant sailor. "It's a recognition, which is primarily what we wanted all along."

In the case of Air America, struggles are under way at both the group and individual level. While Holt tracks down what the government may owe her family, other Air America survivors are making a group bid to secure what they believe is due.

"Yeah, they weren't in uniform," Holt said, "but they were still in service to their country."

Air America was what the CIA termed a proprietary company -- in other words, a front. Like its predecessor firm called Civil Air Transport, Air America served U.S. national security interests in Asia. In Laos, Air America crews carried supplies, rescued downed pilots and undertook some very sporty missions indeed. Approximately 100 Americans died in the Vietnam War while serving with the company.

Holt's father was shot down while co-piloting a C-46 cargo plane filled with supplies for troops. A civilian when he died about 30 miles from the border of Laos and North Vietnam, Herrick is not listed on the Vietnam Veterans Memorial Wall.

Following her father's death, Holt recalls her mother receiving "a little stipend" from the

federal Harbor and Longshoreman's Fund.

She's subsequently heard suggestions that other Air America families received something more substantial, but details are scarce and stone walls abundant.

"All we ever get out of the CIA is, 'We don't have any records about it,'" said William Holt, Gayle's husband and himself a Vietnam veteran.

The Holts run an import business in Modesto along with son Charles, a 32-year-old Beyer High School graduate. The Holt's oldest son, William Jr., is a 36-year-old Army drill sergeant.

Last week, all of the family members had the somber satisfaction of seeing Charles Herrick's remains buried in Arlington National Cemetery. They also met a new CIA casualty assistance officer who, the Holts say, seems willing to delve into the benefits question. Herrick merited the Arlington burial by virtue of his prior Air Force service.

This dual identity -- a military veteran who died in wartime civilian service -- captured a core dichotomy within the Air America community.

"There is a dispute among (us) as to who we were," said Allen Cates, a former Marine Corps and Air America pilot. "Some want to be (considered) civil service employees and some want to have veteran status."

### **Seeking benefits**

Cates is now pinning his own hopes on a little-known review panel.

In a newly filed application with the Civilian/Military Service Review Board, Cates is seeking veterans-style benefits for all Air America alumni. These could include disability payments, increased retirement pay and an Arlington burial for those wounded in combat.

"Medical evacuations under fire, refugee movements under siege and rescues of downed military flight crews were conducted voluntarily and came from the heart," says

Cates, a Louisiana resident and past president of the Air America Association. "Air American employees were truly veterans of a foreign war, and conducting work for America."

Congress opened the door for such requests in 1977 when it recognized the World War II-era Women's Air Forces Services Pilots.

Lawmakers said groups "similarly situated" to the WASPs could apply for benefits, though some cautioned against the precedent.

"We should not now rewrite history by deeming their service, valiant though it was, as military service, which it was not," Democratic Sen. Alan Cranston of California warned during Senate debate. "What disturbs me is what will happen when some of these other groups come forward."

Veterans groups and federal judges, too, have viewed skeptically some past efforts to extend government benefits. For instance, the Board of Veterans Appeals in 1999 denied benefits to a former Air America pilot injured by exposure to Agent Orange, on grounds that he wasn't active-duty military. An appellate panel in 1987 denied the civil service benefits being sought by former Air America pilot Roy F. Watts.

"The value of (his) work is not denied or questioned, but Congress clearly did not intend to reward retirement benefits to all persons who might be thought to deserve them," the U.S. Court of Appeals for the Federal Circuit noted.

The Civilian/Military Service Review Board has granted 39 applications for benefits so far. Some are a historical footnote, such as World War I female telephone operators.

Others are far better known, like the American Field Service ambulance drivers of World War I and the U.S. Merchant Marine sailors from World War II. The World War II merchant seamen repeatedly fought with the review board before winning a lawsuit.

At least 74 other applications have been denied. These include, for instance, civilian Navy Department employees who came under fire during the 1968 Tet offensive.

The review board considers criteria including whether the group's members were subject to military control and susceptible to assignment in a combat zone. Like Gayle Holt's more singular efforts, the group application could take a long time to process.

"I'm just going to keep pushing," Holt said.

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