



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

Office of the Assistant Secretary

December 22, 2003

DoD C/MSRB
SAF Personnel Council
1535 Command Dr., EE Wing, 3rd Fl.
Andrews AFB, MD 20762-7002

Mr. Allen Cates

Dear Mr. Cates

We have had the opportunity to review your correspondence of December 11, 2003, i.e. Volume III of your application. A few comments in the cover letter require us to clarify our processes and possible misunderstandings during our prior conversations. The clarifications will assist both your group and the Board during its deliberations.

The Board will consider the indigenous employees of CAT, Inc./Air America as part of the applicant group. Specifically, in your letter you requested we add the words "and indigenous" between the words "U.S. Civilian" and "Employees." Since we assume you are only referring to indigenous civilians, not military personnel, we recommend the wording should be "U.S. and Indigenous Civilian Employees." Correct us if we misunderstood your intent.

We already announced the acceptance of the group's application in the *Federal Register*. Therefore, we will announce the expansion of the group and begin the comment period anew.

As discussed in our various telephone conversations, the applicant group can be of any size, number, or nature of work. (Of course, only work satisfying the statutory and regulatory criteria will be recognized.) The application's author chooses the work the author desires recognized. If you concluded from our conversations that the "historians" would limit the types of employees who might be recognized, I apologize for any misunderstandings.

My comment, in this regard, was that the Board had made such distinctions, based on historical evidence. For example, the Board recommended to the Secretary that all the employees of the Office of Strategic Services (OSS) *should not* be recognized. On a later occasion, when an application was focused, the Board recommended the civilian personnel assigned to the Secret Intelligence Element of the OSS *should* be recognized. Concerning the former group, the Board observed the "individuals with the OSS, on the whole, were not nearly as well integrated into the military structure as were" previously approved groups. This reason, among many, caused the Board to recommend against recognizing the group. On the other hand, the Secret Intelligence Element of the OSS was "well-integrated into the military structure." For

this and other reasons the Board recommended the Secret Intelligence Element be recognized. The Secretary followed both recommendations.

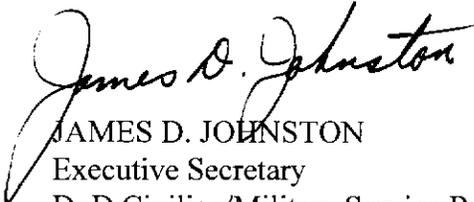
Similarly, we discussed the recognition of the aircrews and aviation ground support personnel of the various airlines who flew overseas as a result of contracts with the Air Transport Command during WWII. It was the nature of the work as it related to the criteria, most importantly the incidents of service, that determined which work was and was not recognized.

As I observed, the expansion of the applicant group to members who clearly do not meet the criteria for recognition may dilute the application's evidence or arguments supporting those who may meet the criteria. As one of the documents in your Volume III stated, "75 percent of Air America's flights were not related to the war or to the CIA's involvement in the war." Therefore, a threshold question, arising out of Public Law 95-202, is, "What work of Air America was 'service to the Armed Forces of the United States'?" The burden is upon the applicant to supply this evidence.

I have attached the new, proposed Federal Register notice. Please tell me before the end of December 2003, whether it properly reflects what your application addresses.

As always, we trust this information is helpful.

Sincerely



JAMES D. JOHNSTON

Executive Secretary

DoD Civilian/Military Service Review Board
SAF Personnel Council

Attachment
Federal Register announcement, revised