

ALLEN CATES

December 29, 2003

Mr. James D. Johnston
Executive Secretary
DoD Civilian /Military Service Review Board
SAF Personnel Council
1535 Command Dr., EE Wing, 3rd Fl.
Andrews AFB, MD 20762-7002

Dear Mr. Johnston:

I am responding to your letter dated December 22, 2003 referring to my requested change to the Federal Notice concerning non-U.S. citizens who were employees of CAT/Air America. Your assumption is correct and I concur with your recommendation for the positioning of the wording. However, in retrospect, the term "indigenous." may not adequately describe the employees I intended to be included. In this regard it may be necessary to explain the reasoning for my requested change. I am hoping my explanation will also satisfy the balance of your letter regarding the criteria for recognition. I am including with this letter a CD of Dr. Joe Leeker's documentary that I sent to you earlier in print. The CD allows one to conduct searches for key words and may be beneficial to those who evaluate the application.

In previous correspondence to you I have discussed the problem defining CAT/Air America's role in South East Asia due to secrecy imposed by the Government. My purpose for including documents downloaded from the Internet was to show that many; in fact most, military veteran groups recognize Air America as an integral part of their activity in the Vietnam War. Unfortunately, comments made in some of the documents presented are not necessarily correct, which leaves the historians with the difficult task of determining the truth.

Let me address non-U.S. employees first with first hand experiences regarding SAR activity. I am not sure it will be possible to provide detail accounting on all of the downed U.S. pilots Air America rescued. The numbers are somewhere between 75 and 100 and almost all, if not all, of Air America's Udom helicopter flight crews participated in this activity. It was impossible to program an emergency rescue, and nearly impossible to keep flight crews on a static alert status in all of Laos. Yet, it is ***not*** correct to say that Air America just happened to be in the vicinity when a U.S. aircraft was downed and acted accordingly because it was the right thing to do. Previous correspondence sent to you clearly shows that U.S. military commanders recognized the capability of Air America to conduct search and rescue operations, and further recognized the obvious fact that helicopter flight crews were spread all over Laos on any given day. Therefore, it was their intention to use this resource specifically for the purpose of supporting U.S. aviation activity within Laos, and acted on this intention by ***designating*** in writing Air America's civilian flight crews as a primary SAR source in the event of an emergency. Initially, static flight crews

were placed on standby, but it soon became obvious. that this was unnecessary, and better for them to be operating in the vicinity. I believe this activity could, and should, have been handled better with a closer relationship between Air America and the military's operation managers, but the essential requirement for secrecy may have prevented the record keeping that would provide today the evidence to prove beyond any doubt our current claim.

The point is though, that one could not say that Air America's helicopter flight crews only acted to support U.S. Military operations when they were involved in an actual rescue, which may have been less than 1% of their time, because they were on duty to act in this regard 100% of the time. The same applies to the fixed wing crews in Laos, but it is not correct to conclude that Air America's presence was only due to the 1962 Geneva Accords that prevented U.S. Military presence. Yes, there is no doubt that Air America in Laos, and CAT in what was then called French Indochina, performed paramilitary roles because the U.S. Military was not allowed to act in this regard, and there is no doubt that these crews received U.S. Military training and U.S. Military supervision during the course of these duties, but this hands on observation and supervision was not readily apparent to the flight crews and difficult to show proof for this claim. Equally important was the requirement for an Air Force to be able to immediately conduct U.S. Military operations on a moments notice. CAT/Air America flight crews were already trained and they lived in country. It was easier, safer and with a better chance for success for the U.S. Military to loan a civilian group their airplanes and give them their mission...and that's what they did. CAT/Air America was never intended to be a commercial concern for any and all projects after the Government purchased it. Although it was the intention of the management to make the operation appear as such to the outside public. CAT/Air America was never intended to be a clandestine CIA secret airline either, although many will argue differently. I make this point because it would be impossible to keep secret an enterprise the size of CAT/Air America. Perhaps they should have appointed all flight and ground support personnel into the civil service retirement system, but it is obvious that it was never their intention to do so. CAT/Air America employees were not hired as civil service employees and that was clearly understood at the time of their employment. What the government needed was a fast response Air Force that was not restricted by international treaty. They wanted a military organization that was not construed by the public to be military. The argument that we were not drafted and forced into combat has merit, but few, if any, officers and pilots in the Vietnam War were drafted. They too were volunteers with a sense of patriotic duty and I never met an Air America employee, foreign or U.S. citizen, who was not patriotic toward America's cause in that war. But, you needed military equipment in order to conduct military operations. Loaning military hardware without rules and covenants could have jeopardized the operation. Close examination of the Air Force contracts clearly show the U.S. Military had far more authority than most Air America flight crews perceived, and few knew the U.S. Military had the authority to terminate the employment of any Air America flight crew member they considered to be unsuitable to fly their aircraft, which were on loan to Air America directly from the U.S. Military. I may be mistaken, but in the course of my investigation, I have not found any other civilian organization that had use of U.S. Military aircraft, as did CAT/Air America, and should there have been a case to the contrary, I can safely say that never to the extent experienced by CAT/Air America.

But, you can't just limit this to Laos. Initially, I couldn't prove it, because it did not appear that Air Force Contracts were used in Vietnam, but Dr. Joe Leeker provided that proof. His documents, entitled "Air America Aircraft", are a testimonial for my claim that Air America was an extension of the U.S. Military in Laos and Vietnam. And, you can't limit it just to U.S. citizens either. I thought that only U.S. citizens could obtain veteran benefits when I first filed my claim. I now know that premise to be false.

When James Rausch, an American, was shot and killed, while flying on duty in a loaned U.S. Marine Corps helicopter, it was his copilot who saved the aircraft and the life of the Flight Mechanic. First Officer Disoum was a Thai citizen and a trained Air America employee. When Link Luckett and I rescued Navy Lt. M.P. Hamilton, after he was shot down in southern Laos, we were experiencing heavy ground fire. We were flying a loaned U.S. Marine Corps helicopter, on duty to support U.S. Military flight crews in case of an emergency, and we successfully removed him from harm's way because our Filipino Flight Mechanic, had the presence of mind and the experience while under heavy ground fire to precisely drop the hoist, direct me in position, bring Lt. Hamilton on board, and then use his carbine to suppress enemy ground fire while exiting the area. Air America's Flight Mechanics and Air Freight Specialists have a special place in our history. They saw more war and tragedy, smelled and tasted more blood and human misery and were exposed more often to enemy ground fire than any other employee and many were not U.S. citizens.

However, the term "indigenous." may not apply by strict definition. Thais and Filipinos in Laos would not be classified as "indigenous." They were in fact third country nationals. Mr. Phil Goddard, Assistant Chief Pilot Helicopter, who is featured in all three of the videos I sent to you, was by strict definition a native of Barbados, and served in the U.S. Marine Corps, but he was not a U.S. citizen. Mr. Wayne Knight, who was Udon's Chief Pilot Helicopter, was lightly wounded in Laos and qualifies for a Purple Heart and he is now immigrated to Australia. He may have retained his U.S. citizenship, but I would not want he and others like him to be excluded over a technicality in wording. Therefore, do you think we should change the wording from "indigenous." to "U.S. and **Foreign** Civilian Employees?" Would it be appropriate to just state "Employees?" I believe either would be more appropriate and it would include indigenous as well as third country nationals that qualified in the category as described in the notice.

Your point about tightening the group to be recognized is well taken, but I don't know how anyone in good faith could do it. C-123 crews actually, according to records, operated with U.S.AID contracts, and that would indicate activity that had nothing to do with the U.S. Military. Yet, the records are also clear that U.S. Military personnel routinely loaded U.S. Military C-123 aircraft with ammunition in Udon at an area commonly called "Pepper Grinder." Air America flight crews then transported the ammunition into Laos. The aircraft did not have military marking, but Dr. Leeker's documents show these aircraft to be on loan to Air America and were actually the property of the U.S. Air Force. They were in fact conducting U.S. Military operations in an area where the U.S. Military were restricted from entering. For all intents and purposes they were actual U.S. Military crewmembers flying in civilian clothes.

This activity was not limited to just the helicopters and C-123 aircraft. **All** of Air America's aircraft, whether on loan or actually owned by the company conducted this work. A poignant observation can be made that Air America's **total** activity ended at the same time the war ended in Laos. Vietnam is no exception. Yes, the U.S. Military was present in Vietnam and that would appear to suggest that Air America's activity was other than U.S. Military support. At first glance that would seem to be the case, but Dr. Leeker's investigation revealed that a C-45 shot down near Saigon and operated by Air America in Vietnam was actually a loaned U.S. Military aircraft on an Air Force contract. The C-47's operated by Air America in Vietnam were loaned by the U.S. Air Force, and rarely did I fly an Air America owned Pilatus Porter without a U.S. Military passenger, whose duty was to act as a courier delivering and picking up classified documents, and under whose direction I was flying. Master Sergeant Rudolf Bourg, who now resides in Lafayette, Louisiana, was a Special Forces Team member who had been inserted into enemy held territory. They were out of food and water and had wounded personnel. Air America was **directed** by U.S. Military personnel to pick up the Team, because they were outside the

country of Vietnam, and to deliver them to Nha Trang, South Vietnam. Rudy Bourg tells me he owes his life to Air America. This was not a chance happening. The U.S. Military did not always have the capability to conduct these operations and Air America was designated by the U.S. Military to operate secretly and in accordance with U.S. Military operations. Mark Albertson never served in the U.S. Military. He was an Air America helicopter Flight Mechanic in Vietnam. He was wounded by enemy ground fire while conducting U.S. Military paramilitary operations and lost two fingers resulting in a 40% disability. How could one say that Mark Albertson is not a veteran of the Vietnam War? Yet, Mark cannot go to a VA hospital.

Mr. Johnston, others and I landed in Khe Sanh during the siege more times than we can remember. During that time, the only reason for going to Khe Sanh was for the U.S. Military. They and the North Vietnamese Army were the only one there. The record is not clear, but through it all the presence of Air America is blatantly observed and just like Laos, when the war ended in Vietnam, Air America was the last one out and the company ceased operations.

It would be an easier task had a written document been made that explained the intentions of the U.S. Government. It is my sincere belief that my interpretation, and the evidence submitted in support, satisfies the requirement and the intent of Congress to grant Veteran status to those civilian organizations who supported U.S. Military operations in South East Asia, and that CAT/Air America meets the criteria.

I want to thank you for the time and effort you have taken to explain the Government's position, and to assist us with our application. You have gone out of your way to be helpful and regardless how this matter is decided you have my sincere appreciation.

Yours truly,


Allen Cates