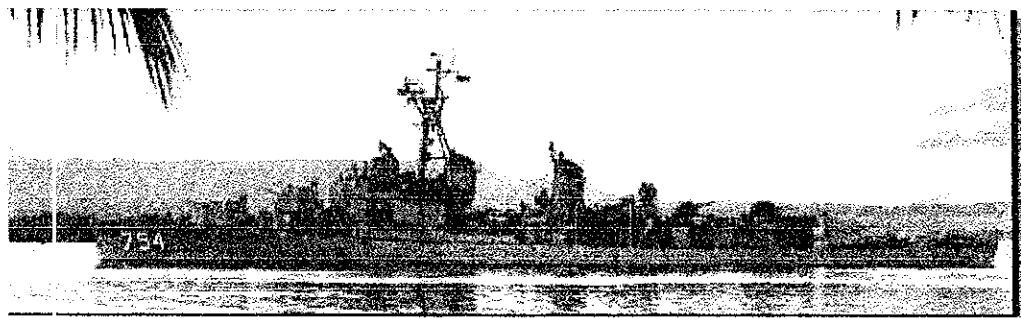


**TESTIMONY SUBMITTED FOR
S 296
"FAIRNESS TO ALL FALLEN VIETNAM
SERVICE MEMBERS ACT OF 2003**

**TO
U.S. SENATE
ENERGY AND NATURAL RESOURCES
COMMITTEE**

**SUBMITTED BY:
USS FRANK E. EVANS ASSOCIATION, INC.**



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JAMES G. ZUMWALT

SUMMARY OF QUALIFICATIONS

1993-Present **Admiral Zumwalt & Consultants, Inc. Reston, VA**
Vice President
International consulting firm, founded in 1976 by the former Chief of Naval Operations and member of the Joint Chiefs of Staff, the late Admiral E. R. Zumwalt, Jr. Provides unique expertise to foreign and domestic clients in exploring and accessing investment opportunities in overseas markets, especially those in emerging economies such as Vietnam, Cambodia, Laos, China, etc. where it has successfully brokered infrastructure agreements. Provides expert opinion on veteran's issues such as dioxin exposure and legislation affecting veterans.

1984-1990; 1993-Present **J. G. Zumwalt & Associates, Inc. Reston, VA**
President
Consulting firm with emphasis on corporate management, property management, real estate investment, international market analysis and business development, natural resource analysis, security analysis and veteran's issues.

1992-1993 **Presidential Appointee Dept. Of State**
Washington, DC Senior Advisor to the Assistant Secretary of State on Human Rights and Humanitarian Affairs
Directed, formulated and developed a broad strategy on military policy issues. Maintained dialogue with Congress on military issues related to human rights. Conducted confidential investigations into human rights problems abroad. Developed, in cooperation with the Department of Defense, a human rights training course for foreign militaries.

1990-1992 **ICTS (USA), Inc. New York, NY**
Executive Vice President
International security firm providing aviation security to all major domestic and international air carriers. (Service interrupted 1990-1991 while called to active duty in the Marine Corps Reserve for the Persian Gulf war.)

1990-1991 **U.S. Marine Corps Reserve**
Called to active duty for the Persian Gulf war, serving in Operation Desert Shield and Operation Desert Storm. Volunteered for additional service in northern Iraq to assist in the Kurdish refugee humanitarian effort, Operation Provide Comfort.

1984-1990 **Law Offices of J. G. Zumwalt Reston, VA**

Practice of law.

Attorney in General Counsel's Office. Oversaw procurement, undertook business risk analysis and ensured compliance with various government regulations.

Attorney in General Counsel's Office. Provided analysis of product liability claims, preparation of cases for trial and ensured compliance with federal regulations.

EDUCATION

1976-1979 **Villanova School of Law**
Villanova, PA
JD

MILITARY SERVICE

1976-1996 U. S. Marine Corps Reserve
Retired as Lieutenant Colonel.

PUBLICATIONS

Freelance Writer with a special emphasis on foreign policy/defense issues and human-interest stories. Articles have been featured in dozens of major newspapers including *USA TODAY*, *The Los Angeles Times*, *The Washington Post*, *The Washington Times*, *The Chicago Tribune*, *The Indianapolis Star*, *The Oregonian*, *Stars & Stripes*, *Navy Times*, *The Virginian Pilot*, *San Diego Union Tribune* and magazines such as *PARADE*, *Naval Institute Proceedings*, *Defense News* and others. Anticipating completion and publication of first book, *BARE FEET, IRON WILL*, which details stories about the Vietnam War from the enemy's perspective based on interviews with over 100 Vietnamese veterans.

ADDITIONAL PROFESSIONAL ACTIVITIES

Featured as one of 56 military professionals interviewed in *LEADING THE WAY*, a book by best-selling author Al Santoli, which documents the most critical moments of the interviewees' combat experiences from Vietnam to Somalia.

Received the degree of Doctor of Laws Honoris Causa from Mercy College in New York, 1991.

Recipient of eighteen (18) military decorations for service in the Vietnam conflict, Panama, Persian Gulf War, as well as peacetime service.

Lectured on Vietnam and Persian Gulf wars at the National War College, Fort McNair; and various universities, including: American University, the University of San Diego, Texas Tech University, and Mercy College.

Testified before Congress on veteran related issues.

PERSONAL

- Born November 25, 1948
- Two children.

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STATEMENT OF LCOL. JAMES G. ZUMWALT, USMCR (RET.)

RE SENATE BILL 296

"FAIRNESS TO ALL FALLEN VIETNAM WAR SERVICE MEMBERS ACT OF 2003"

June 3, 2003

On March 29, 1969, the USS FRANK E. EVANS (DD-754) departed its home port of Long Beach, California, with a crew of 272 onboard, setting sail for the western Pacific and duty in Vietnam. Neither the EVANS nor more than a quarter of her crew would ever return. The circumstances giving rise to the tragic loss of this ship on June 3, 1969, continues to haunt the families of the seventy-four (74) sailors who lost their lives early that morning. This haunting continues because we, as a nation, have failed to adequately address an issue which could, once and for all, provide them with closure.

I appear before this Committee today as an interested veteran and at the specific request of the USS FRANK E. EVANS Association, Inc. But I must report the subject we discuss this afternoon, Senate Bill 296, "The Fairness to All Fallen Vietnam War Service Members Act of 2003," goes beyond just the families of the FRANK E. EVANS' victims. Sadly, there are many other families who, similarly, lost loved ones in the Vietnam war under circumstances creating a "cloud of entitlement" as to eligibility for their names to be included among those that appear on the Vietnam Veterans Memorial "Wall." Accordingly, I respectfully request the Committee keep in mind numerous cases are in dispute as to a victim's entitlement to be so listed due to a failure by the Department of Defense (DOD) to uniformly apply eligibility standards for inclusion.

Let me further explain why I am here.

In late June 1969, I reported onboard the USS PERKINS (DD-877), a ship of very similar construction to the destroyer FRANK E. EVANS. When I joined my ship, she was off the coast of Vietnam, performing a very similar mission to that which the EVANS had been, i.e., providing gunfire support for U.S. and allied forces ashore. As a midshipman on PERKINS, I gained firsthand experience and appreciation for the dangers, risks and demands of serving at sea in a combat zone. That experience and appreciation was firmly embellished upon my mind as, by the time I reported onboard PERKINS, the EVANS had been lost. On occasion, my ship found itself performing the same mission EVANS was performing that ill-fated night of June 3-taking up position as rescue ship aft of an aircraft carrier preparing to launch and recover its planes. Several weeks later PERKINS arrived in Subic Bay in the Philippines where I was surprised to see the decommissioned stern section of FRANK E. EVANS. What I saw was a once proud destroyer, which had earned the nickname "The Fighter" for its Vietnam service on the gunline, now reduced to a sad, rusting hulk. Although I did not know a single member of EVANS' crew, I learned very early in my career of the bond that forms among those who serve in uniform. A fellow serviceman's pain becomes your pain; his loss becomes your loss. I suspect, Senator Campbell, based on your own service in the Korean war, that is why you as a legislator have concerned yourself so much over the years with veterans issues-for which I thank you. But as I observed the remains of the EVANS, a lump gathered in my throat. Coming to attention, I snapped a salute to the 74 souls lost onboard her. Although that emotional moment in my life occurred almost 34 years ago, I remember it as if it were yesterday. Accordingly, I was honored when the USS FRANK E. EVANS Association asked me to participate in a salute of a different nature to these 74 victims, this time by appearing before your Committee to testify as to the importance of S. 296.

The circumstances surrounding the loss of the EVANS are straightforward. Reporting for duty at Yankee Station off the coast of Vietnam on May 5th, the ship immediately demonstrated she was a valuable asset in the war effort. The crew received several commendatory messages for their professionalism, responsiveness and accuracy in destroying enemy targets in support of our fighting forces ashore. They participated as well in what was one of the largest amphibious assaults of that war. EVANS departed the combat zone, along with her two sister ships, for a brief logistics stop in Subic Bay before

participating in Operation Sea Spirit in the South China Sea. Sea Spirit involved vessels from navies representing five of our six allies in Vietnam. EVANS, along with the two sister ships in her squadron, became the US Navy contingent of a five destroyer screen operating with the Australian aircraft carrier HMAS MELBOURNE. At 0310 on June 3rd, as the ships were still observing darkened ship wartime conditions operating on a specified zig-zag plan, EVANS was ordered to take up the preliminary position for duty rescue ship 1000 yards aft of MELBOURNE prior to the Aussie conducting flight operations.

In the process of executing this maneuver, a collision occurred between the two ships at 0315—with MELBOURNE slicing EVANS in half. The forward section of EVANS, where all 74 casualties were suffered, sank within nine minutes, while the aft section was salvaged and taken to Subic Bay. Although a full investigation into the incident was conducted by both U.S. and Australian authorities, the only findings in their final report which are of relevance to us here today are the location of the collision and the activities of EVANS in the days prior to the tragedy. These are the factors too that need to be revisited by DOD, as suggested by S. 296, to determine whether the EVANS' 74 died "as a direct or indirect result of military operations in southeast Asia."

In the wake of EVANS' loss and the commissioning of the Vietnam Veterans Memorial, repeated efforts by both EVANS' survivors and victims' families to have the names of their 74 shipmates and loved ones placed upon The Wall have been unsuccessful. The reason given is the EVANS' victims do not meet DOD eligibility standards for such inclusion, which require that death occur within the combat zone and as a result of enemy fire. However, the eligibility standards cited as a basis for denial have been given a broad interpretation over the years to, in fact, include others now whose names are on The Wall but who fail to meet the same criteria applied to the EVANS' 74.

I do not wish to put myself in the difficult position of naming to the Committee names, already on The Wall, of individuals who, under somewhat similar circumstances, were deemed eligible while the EVANS' 74 were not. To do so would cast a shadow upon the entitlement of other deserving heroes. Therefore, I will only use generic categories to support the contention there is a lack of uniformity in applying eligibility standards.

I submit by way of example, the first addition of names to be made to the Memorial after its 1982 dedication, described in the Vietnam Veterans Memorial Fund literature as "68 names of servicemen, all of whom were killed in an airplane crash enroute from the combat zone to Tokyo for R&R." Entitlement was given to this R&R group, for deaths apparently outside the combat zone and not as a result of enemy action. Why then was entitlement denied to the EVANS' 74 who were similarly lost outside the combat zone—especially in light of evidence EVANS would have returned to the combat zone immediately after Operation Sea Spirit, as did her two sister ships? This clearly demonstrates a lack of uniformity in eligibility. Included on the Memorial too are names of aircrew members who died in the combat zone in crashes caused, not by enemy fire, but by mechanical problems.

At the time of the initial dedication of the Vietnam Veterans Memorial, a total of 57,939 names appeared on The Wall. Over the past twenty-one years, an additional 296 names have been added—the last group just this past Memorial Day. But, in the eyes and hearts of the families of the EVANS' 74, the application of eligibility standards has not been uniform to all, resulting in a denial of eligibility not only to the EVANS' 74 but others too. The confusion surrounding eligibility is further evidenced by the fact The Vietnam Veterans of America, the only Vietnam veterans organization chartered by Congress, reports almost daily inquiries being made by family members whose names of loved ones were left off the Wall.

The process for determining a victim's eligibility for name inclusion on The Wall is not unlike the evolution of workman's compensation law in many states having to determine if an act by an employee giving rise to an injury falls within the scope of employment. Initially, that scope was interpreted very narrowly by the courts. But in subsequent years, the range of factors weighed to determine if an act was "in furtherance of" the employment relationship has been broadened. Even an act occurring far away from the work location is deemed to be within the scope as long as an employer reasonably knew or should have known an employee might engage in it. Thus, the legal boundaries of the employment relationship in workman's compensation cases have been greatly expanded. A similar argument is

applicable to the eligibility standards for name inclusion on The Wall. But, unfortunately, the decision-making process at DOD for regulating applicability of eligibility standards has lacked the consistency our courts have exhibited in dealing with workman's compensation cases. This has resulted in a perception that the eligibility-determining process for name inclusion on The Wall is arbitrarily applied. Absent responsible action by Congress in the form of S. 296, it is unlikely DOD will undertake any effort to implement a uniform eligibility process, continuing to leave affected families frustrated in their efforts to honor their loved ones. A need for DOD to undertake the study and report called for by S. 296 is further underscored by the cloud of entitlement for inclusion on The Wall raised by groups such as Air America, employees of the CIA which lost 242 pilots and crew members in Southeast Asia in the war conducting rescue operations deep behind enemy lines in North Vietnam and Laos.

I would respectfully suggest to the Committee that every aspect of the eligibility issue be addressed by DOD in its final report. The issue of friendly fire, for example, needs to be included. For example, a DOD precedent has been set in awarding the Purple Heart, normally reserved for those killed or wounded by enemy fire, to those killed or wounded by friendly fire as well. If DOD recognizes entitlement to such a medal for one killed or wounded by friendly fire, should it recognize entitlement for name inclusion on The Wall where death has been caused by friendly fire? Another issue then becomes what constitutes "friendly fire?" Could the sinking of EVANS and casualties caused by its collision with MELBOURNE qualify as the equivalent of friendly fire?

In need of address too is the issue concerning the geographic area actually constituting the combat zone. Executive Order No. 11216, signed by President Johnson on April 24, 1965, designated Vietnam and its adjacent coastal waters, within specified geographical coordinates, as a combat zone. As hostilities spread to neighboring nations, so too did the designated combat zone, eventually including areas such as Laos and Cambodia. The combat zone off the coast of Vietnam varied in width as it roughly paralleled that country's coastline, with no apparent rationale as to why a variation in distances existed between the shoreline and the zone's furthest seaward boundary at any given point. While the official combat zone existed as a delineated "box" on the map, known enemy vessel activity took place outside that box, necessitating periodic air and sea patrols there as well. Did engagements outside this box, therefore, extend the combat zone beyond the parameters delineated on the map? Such issues need to be addressed.

The loss of EVANS on June 3, 1969 devastated many families. A father, Lawrence J. Reilly Sr., survived the collision, only to discover his son, Lawrence Jr., did not. Also, in a chilling reminder of the five Sullivan brothers lost during World War II in the sinking of the USS JUNEAU, one family lost three brothers-Greg, Gary and Kelly Jo Sage-the morning EVANS went down. Their now elderly mother continues to attend annual reunions of the EVANS Association, still wondering why her three sons are not recognized on The Wall.

President Nixon wrote the families of other victims, including the mother of Seaman Andrew J. Botto. In his letter, Mr. Nixon promised "I can only assure you that the nation he died to serve shares your grief, and will forever honor his memory." Mrs. Botto, now 83, still waits for a grateful nation to do so.

Mr. Chairman and distinguished members of this Committee, we respectfully ask of you the question we so often hear from the families of the EVANS' 74: "Hasn't the time now come for this Nation to forever honor their memory?" This can only be achieved by the passage of S. 296 so that the eligibility issue can be revisited with a Congressional mandate to fairly and uniformly apply policies these families can understand and support.

If the full intent of S. 296 is met, the end result should either be:

(A) A determination of eligibility to include the names of the EVANS' 74 on The Wall, as well as others who died in the Vietnam war under a cloud of entitlement, or

(B) In the event eligibility is still denied, a provision to establish an alternative memorial, honorably recognizing their sacrifice and listing the names of the EVANS' 74. This result will not only remind a grateful nation never to forget them but also fill a void in the lives of families and friends who have fought so long and hard for their recognition.

Now, Mr. Chairman, having expressed much dissatisfaction, let me hasten to commend

the enormously dedicated work of Mr. Jan Scruggs and his highly motivated staff. We know their best intentions are to operate faithfully within directives given them but over which they have no authority to change. Simply said, without Mr. Scruggs' constant, untiring efforts, there would be no Wall today honoring the Vietnam veterans who perished in that war.

Mr. Chairman and distinguished members of this Committee, on behalf of the USS FRANK E. EVANS Association, I want to thank you for allowing us to appear today to express our support for Senate Bill 296. It has no budgetary impact nor makes no change in current policies, but is an essential and necessary first step in fully re-examining the eligibility issue for name inclusion on this emotionally-inspiring memorial. It is a bill which ALL senators can and should support.

We strongly urge the prompt passage of S. 296. Thank you.

Emmett H. Tidd
Vice Admiral, U. S. Navy (Retired)

May 29, 2003

Senate Energy and Natural Resource Committee
Senator Dirksen Office Building
Suite 364
Washington, D.C. 20510-6150

RE: SENATE BILL S. 296 - FAIRNESS TO ALL FALLEN VIETNAM WAR SERVICE MEMBERS ACT 2003

Honorable Pete V. Domenici and Committee Members:

I am Emmett H. Tidd, Vice Admiral, U. S. Navy (Retired), a resident of Arlington, VA. I strongly support Senator Campbell's Senate Bill S. 296. It is a Bill that ALL Senators can sign onto as Co-Sponsors, and I respectfully ask them to do so.

1. S. 296 tasks DOD to take a fresh, new look at current policies regarding those who do and those who do not now meet current criteria for including a Vietnam veteran's name on "The Wall" of the Vietnam Veterans Memorial. The Bill makes no change in any existing policy. It seeks a new look and analysis of "feasibility and equitability" of current criteria and alternatives, in a study to be reported back to Congress in 12 months from date of becoming law.

2. There is considerable hurt and some anger among veterans, especially families of deceased Vietnam veterans, over what they perceive to be arbitrary limits on a loved one's eligibility for name entry on The Wall. Current criteria have appeared to them to vary between the Services, by those who adjudicate cases in the "gray areas" of qualification. They do not understand how there could have been 296 additions to The Wall since dedication and they do not receive answers as to why this name was added and not their loved one; only that 'Eligibility requirements were found to have been met'. There is need for greater transparency, clarity and consistency, which families, especially, now see as lacking. S. 296 will task DOD to address those perceptions and recommend alternatives.

3. Senate Bill S. 296 is a "No Cost" Bill, that simply, by its very enactment, the Senate will provide a significant boost to morale in the homes of many, many veterans of Vietnam, who will be seeing that *finally* someone in Congress is taking these issues out of the darkness of the bureaucracy and examining alternatives to improve openness, clarity, equitability and consistency. I accuse no one of intentional wrong doing; these administrators are probably sincere, honest employees working under less than ideal policies dealing with very sensitive humanitarian issues. We must try to give them better tools. Passing S. 296 will be the first, essential, step.

Reason for my interest? I served 13 months in country Vietnam (1969-1970) as Chief of Staff to ComNavForV (Vice Admiral Zumwalt). In 1950-1952 I served in USS Frank E. Evans (DD-754) as a LtJG in combat off Korea; ship was shot at many times & hit only once. Evans' collision was 03 June 1969 off Vietnam with a loss of 74 men. The families are still seeking answers as to, "Why can't their loved ones be honored by putting their name on the Wall?" **Hasn't the time come now, to finally honor them as they deserve?**

Passage of S. 296 will be a giant step toward answering that openly, clearly and equitably.

Mr. Chairman, thank you for holding these hearings and accepting our comments.
Very respectfully,
(Signed)
Emmett H. Tidd
Vice Admiral, U. S. Navy (Retired)

Emmett H. Tidd
Vice Admiral, U.S. Navy (Retired)

May 28, 2003

The Honorable John W. Warner
United States Senate
Washington, DC 20510

This Letter Requests:

(1) You Co-Sponsor (Sen. Campbell's) Senate Bill S. 296:
(a) This is a Bill ALL Senators can Support & Co-Sponsor.
(b) No Budget Impact.
(c) No change now to current policies Re: names on "The Wall".
(d) Asks DOD study, clarify, analyze current & prospective policies, feasible alternatives & report back to Congress in one year.

And, concurrently, a related matter:

(2) That You Initiate Action: Ask SecNav to Name a New Burke DDG:

"USS FRANK E. EVANS (DDG-____)"
(a) To honor the former DD-754,
(b) Its 74 shipmates lost at sea (06/03/69) off Vietnam,
(c) And Honor its 199 survivors & their loved ones;
(d) Plus continue honoring DD-754's namesake,
a distinguished USMarine Corps officer,
Brigadier General Frank Edgar Evans, USMC
(deceased 25 November 1941)

Dear Senator Warner:

First: I am Emmett H. Tidd, Vice Admiral, U.S. Navy (Retired), resident of Arlington, Virginia. During your tour as Secretary of the Navy, I was your Commander of the Navy Recruiting Command when the Draft ended and we started recruiting the All Volunteer Force. In the Fall of 1972 you introduced me to a group of key leaders of the Richmond Navy League at a meeting you had personally arranged. To stress the importance of Navy Recruiting, you said, "Gentlemen, if this young admiral does not do his job, I will lose mine!" Well, Senator, you did NOT lose your job, and neither did that young Rear Admiral, thanks to yours and the CNO's continued personal support, which got the attention of all the Navy and made quality success possible on your watch as SecNav.

Sir, this letter is to again request your assistance. This time on two important, related but non-budget actions that will be great morale boosters to many Vietnam Veterans and families:

(1st) Please give your early personal support by co-sponsoring Senator Campbell's Senate Bill, S. 296: Short Title: "Fairness to All Fallen Vietnam Service Members Act of 2003"; "*A Bill to require the Secretary of Defense to report to Congress [in one year from enactment] regarding the requirements applicable to the inscription of veteran's names on the Memorial Wall of the Vietnam Veterans Memorial.*"

S. 296 requires no change in current policies, now; but calls for an analysis of those policies, and possible alternatives, with considerations of feasibility and equitability. It is NOT a Budget impact Bill. First hearings are now scheduled for Tuesday 03 June, 02:30 pm in the Senate Dirksen Office Bldg. (Suite 366).

Your Action We Request is: Please, sir, send two personal notes, announcing your co-sponsorship of S. 296 to: (1) the Senate Energy & Natural Resources Committee Chairman, Senator Domenici, and: (2) to the National Parks Subcommitte Chairman, Senator Thomas. Please express to each, your firm support for early passage of S. 296.

Your action will be a strong boost for its eventual early enactment. It will offer high encouragement to many veterans and their loved ones who have tried for years to get such a review and clarification of current policies that now deny names of our 74 lost shipmates and many others who died in this "gray area" of the policies, from being placed on The Wall.

(2nd) It is further requested that you initiate early action leading to the Secretary of the Navy placing in the que of names for (an already authorized) new Arleigh Burke DDG destroyer; one to be named: "USS Frank E. Evans (DDG- ____)" after the former destroyer DD-754 of that name, as a fitting memorial to honor, (1) the 74 Sailors lost at sea off Vietnam, 03 June 1969, in collision with HMAS Melbourne, an Australian aircraft carrier. (2) It would also honor the 199 brave survivors of that tragedy, and (3) would continue to honor a *distinguished U.S. Marine Corps officer* for whom DD-754 was named:

Brigadier General Frank Edgar Evans, USMC

Deceased 25 November 1941.

Senator Warner, preserving the name in a new DDG, already authorized, to honor 74 lost shipmates, plus 199 survivors and a distinguished U.S. Marine Corp officer, would be a non-budget item, that would be a truly great honor to each of them.

I understand that in 1969 you mentioned to a group of our survivors meeting in Arlington, that you had always felt akin to USS Frank E. Evans (DD-754) because her tragic loss happened on your watch as Under Secretary of the Navy, and you wanted to help any way possible. Christening a new DDG and preserving that same name will have a tremendous, upward morale boost on many families and veterans, who heard their President say, in his Memorial Day address you attended in Arlington National Cemetery, what you, sir, have always declared, that,

"This nation does NOT forget!"

Please, help us prove to grieving loved ones this President is correct!
(1) Send two notes of support & Co-Sponsor S. 296; (2) Get a DDG named "USS Frank E. Evans"

Thank you very much.

Very respectfully,
(signed)
Emmet H. Tidd
Vice Admiral, USN (Retired)

Copy to: Senator B. N. Campbell Fax: 202-228-4809

Senate Energy and Natural Resources Committee
Senate Dirksen Office Bldg.
Suite 364
Washington, D.C. 20510-6150

Re: Senate Bill S296 "Fairness to All Fallen Vietnam Service Members Act of 2003"

Honorable Pete V. Dominici, (chairman) and members,

I am Kenneth E. Adams, Vice President of the USS Frank E. Evans Association, Inc. Thank you for the honor and privilege of allowing me to submit this written testimony.

I was not aboard the Evans that fateful morning of 3 June 1969, I had completed my service aboard that gallant ship some five years earlier, so I did not witness that tragic scene. I would however, like to share some tragic scenes I have witnessed. In my position in the Association, I have observed broken hearts galore, tears streaming down a mother's and a father's face. I've seen the wonderment of young men who never knew their fathers' touch or the sound of his voice as they listen raptly to shipmates, who survived, describe the fathers and share the memories of the personality they never knew as young men growing up without their fathers. I've seen grown men cry, as they tell of the horror they have lived with because, perhaps just by inches, they failed to save a shipmate as he slipped beneath the waves.

Just as importantly, I have visited the Vietnam Memorial Wall three different times, the traveling wall three times as well. Because of my own experience of unrecognized shipmates, each time after I honor those, whose names are inscribed there, I do something else. I stand back and observe, and what strikes me is not just the reverence of those visiting the wall, but always the anguish of someone discovering their loved one was not included. The shock, the anguish, the disbelief, then the anger appears by stages and consumes them.

That shock, anguish, disbelief, and anger and the consumption of those feelings are what make S296 such a compelling piece of legislation. This legislation requires the Secretary of Defense to conduct a study, not of a few, or of a single incident, but a study that "(1) identifies the veterans (as defined in section 1010(2) of title 38, United States Code) who died on or after November 1, 1955, as a direct or indirect result of military operations in southeast Asia and whose names are not eligible for inscription on the memorial wall of the Vietnam Veterans Memorial." This statement of S296 assumes the study will include ALL such veterans. There are many besides the 74 lost heroes of the Evans, and this bill is for all of them.

If I were to suggest any amendments to S296, it would be to require the Secretary of Defense at the beginning of the study, to "Nationally advertise for public comment" and to provide a ninety day window for the public to provide comment on such veterans that might fall into the category of veterans being studied. Such a study should also require public input into that portion of the SECDEF Reporting requirements that calls for "alternative means of recognition." Too many times, public comment is not solicited and the "bureaucracy operating in a vacuum" wonders why the same issues keep being reintroduced time and again, taking up the valuable time of our legislators.

This bill is not a partisan piece of legislation. It neither effects budget constraints or any

any testimony by the National Parks and/or reference to the Commemorative Works Act of 1986 are, for the purposes of this hearing not relative. Such testimony or references would only be relative should the study conclusions place a requirement on VVMF, or require exceptions to the Act. In fact, testimony by the Parks opposing the study at this juncture can only be accepted, if they assume there are forgotten veterans and assumes recommendations from the study, will violate the sanctity of the current Memorial. If such is the case, then I would say that the Parks have a conflict in interest in the true intent of the Vietnam Memorial, and Congress should therefore appoint an organization to oversee the Memorial that lacks such a conflict. Saying that "an inscription on wall at the apex, is meant to recognize all who served, whether they came home or not, and that is the purpose" (John Parsons, Associate Regional Director, Lands, Resources, and Planning, National Capital Region, National Park Service at the S1921 hearing) is an insult to every family member who arrives looking for a loved one who is not listed. Let the truth of the study required by S296, determine if the mission of the Memorial is to recognize all deserving veterans or to protect the aesthetic design of the Memorial. To quote Senator Campbell at the same hearing, and he speaks for veterans, "Well, I understand the integrity of the design. My concern, of course, in doing this at all is the integrity of the people who were left out"

S296 is supportive of veterans and to the voters who honor and appreciate the patriotic fervor with which our service men and women so bravely defend our freedoms. It will signal veterans and voters everywhere that Congress has not forgotten them, therefore All members of Congress should in good conscience be able to support S296, which will in return garner favorable reaction of the voters.

Before this committee during the Hearing for S1921, "The Vietnam Veterans Recognition Act of 1999", Senator Campbell made reference to an axiom he credited to Jim Doyle, Chair of The Public Affairs Committee For Vietnam Veterans of America who testified before this committee on that hearing. That axiom was, "we do not leave our buddies behind!" In the case of the lost shipmates of the USS Frank E. Evans, 73 of them were left behind. Lost at sea! One body was recovered, but 73 were not. 73 whose parents, wives, sisters, brothers and children never had even a gravesite to mark. Let us not forget them as well!

It should be noted that today is 3 June 2003, thirty-four years to the day since the loss of 74 brave young men of the Evans. While the committee is hearing the merits of S296, veterans of the HMAS Melbourne and veterans of the Royal Australian Navy are laying wreaths in memory of the 74. They have done this annually for thirty-four years with special commemorative ceremonies at the National Anzac Memorial in Sydney every fifth year. Downunder, they have not been forgotten. Can we do no less for our own?

Lest We Forget
They Died in The Vietnam War

"Signed"

Ken Adams, Vice President
USS Frank E. Evans Association, Inc.

Senate Energy and Natural Resources Committee
Senate Dirksen Office Building
Suite 364
Washington, D.C. 20510-6150

Honorable Senator Pete V. Domenici (Chairman) and Committee Members,

I am Ron Baker, friend of the USS Frank E Evans Association. I appreciate the opportunity to submit this written testimony:

"I was a radio operator in the Royal Australian Navy, posted to HMAS Melbourne when that ship collided with USS Frank E Evans in the South China Sea during exercise 'Sea Spirit' on June 3rd, 1969, resulting in the loss of 74 American officers and sailors.

Having previously seen action, I considered myself prepared for most situations at sea. There was, however, no way to prepare for the accidental loss of 74 allied servicemen. The events of that day are indelibly etched into my mind. It is my belief that the entire crew of HMAS Melbourne (some 1200 men) was traumatized by the tragic aftermath of the collision. I know, for a fact, that ex-members of our crew have been institutionalized as a direct result of the accident. Others became alcoholics, marriages broke down, and many suffered what would now be recognized as a form of post stress disorder.

In an effort to 'bury our own ghosts', I and Arthur Donnelly (a shipmate) contacted each other each subsequent June 3rd, to remember the 74 who were lost. I began laying wreaths at memorials in whatever city I happened to be in on June 3rd. I believe that others also laid wreaths annually.

On the 24th anniversary of the collision, Arthur Donnelly and I decided to hold a 25th anniversary reunion in our national capital, Canberra. I was advised by Government and Service officers not to go ahead, as it was a political hotcake and that I would only open old wounds.

We went ahead anyway, and 140 ex-Melbourne crew members (including our Captain, John Stevenson) attended, along with 2 Frank E Evans survivors and their partners, the US Navy attache to Canberra, and other dignitaries.

Five years later, in Sydney in 1999, we held the 30th anniversary reunion, at which several hundred of our old crew attended, with over 40 Frank E Evans Association members. Next year, in Adelaide, South Australia, we will hold the 35th anniversary reunion.

We still lay the wreaths on June 3rd, we still have the nightmares, and we still attend USS Frank E Evans reunions each year in America.

We have forged a strong bond of friendship with members of that association and their families, and I feel that it is all part of the necessary healing process.

The 74 Americans who were lost on June 3rd 1969 are forever in our thoughts."

Lest we Forget

"Signed"

Ron Baker
Chief Petty Officer Radio Supervisor
Royal Australian Navy (Retired)

GLENN R BELEC

SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
SENATE DIRKSEN OFFICE BLDG.
SUIT 364
WASHINGTON, D.C. 20510-6150

Honorable Senator Pete V. Domenici (Chairman) and Committee members.

I am Glenn R. Belec a Survivor. Thank you for allowing me to submit this written testimony.

On behalf of the USS Frank E. Evans (DD754) survivors I am asking you to pass Bill S296, The Fairness To All Fallen Vietnam War Service Members Act of 2003.

On 3 June 1969 we lost 74 shipmates due to a collision between USS Frank E. Evans and the Australian Aircraft Carrier, HMAS Melbourne. I feel we all have an obligation to see that those 74 men that died receive the proper recognition that they deserve for their sacrifice. We were on a SEATO training exercise at the time of the collision and are told that our shipmates don't qualify to be recognized on the Vietnam Memorial Wall because we were not in the combat zone at the time.

The truth is we had just left the gun line shortly before the SEATO training exercise and I am sure we would have never been off the coast of Vietnam had it not been for the Vietnam War. I would greatly appreciate your support on this bill. Thank you for your assistance.

Respectfully
Lest We Forget
They Died in the Vietnam War

"Signed"

Glenn R Belec

Frances Belue Box

*Senate Energy and Natural Resources Committee
Senate Dirksen Office Bldg.
Suite 354
Washington D.C. 20510-6150*

Honorable Senator Pete V. Domenici (Chairman) and Committee members

My son, Thomas Belue Box, was one of the 74 lost during the Operation Sea Spirit when the Australian carrier Melbourne and our destroyer U.S.S. Frank E. Evans collided in the South China Sea on June 3rd, 1969. Even though they were outside the combat zone on a training mission, they were following orders from their United States Government without question. None of these men would have been in that area except for Naval orders. They were defending their country.

My husband and I visited The Wall in Washington D.C. and we were very disappointed to find that our only son was not recognized. In fact, I was heartbroken.

Please consider beginning action by passing Bill S296. Thank you for allowing me to submit this written testimony.

*Sincerely,
Lest We Forget,
They Died in Vietnam*

"Signed"

Frances Belue Box

Marie A. Buchner

May 27, 2003

Senate Energy and Natural Resources Committee
Senate Dirksen Office Bldg.
Suite 364
Washington, D.C. 20510-6150

Honorable Senator Pete V. Domenici (Chairman) and Committee Members.

I am the wife of Rolf A. Buchner, a survivor of the USS Frank E. Evans DD 754. My husband and I both went through the horror of losing so many of our friends to the Vietnam conflict. It has been many years since the end of that conflict yet the pain is as sharp and the memories as vivid as if it were yesterday. I implore you to pass Bill S 296 to insure that every service person that died as a result of serving their country be honored.

Thank you for your time and your consideration.

Yours truly,
Lest We Forget
They Died in the Vietnam War

"Signed"

Marie A. Buchner

Rolf A. Buchner

(

Senate Energy and Natural Resources Committee
Senate Dirksen Office Bldg.
Suite 364
Washington, D.C. 20510-6150

Honorable Senator Pete V. Domenici (Chairman) and Committee members,

I am Rolf A. Buchner, a survivor. Thank you for allowing me to submit this written testimony. I urge you to recommend approval of S 296. Our veterans, who died as a result of service in Viet Nam, even though when they died they were not "in country", need to be recognized for their service to the United States of America. This bill will allow such recognition to be provided.

Rolf A. Buchner

RICHARD F. BURKE

May 22, 2003

Senate Energy and Natural Resources Committee
Senate Dirksen Office Bldg.
Suite 364
Washington, D.C. 20510-6150

Honorable Senator Pete V. Domenici (Chairman) and Committee members,

I am Richard F. Burke, Survivor of the USS Frank E. Evans (DD 754). Thank you for allowing me to submit this written testimony. I am in favor of the passage of SB 296 for many reasons, emotional as well as logical. Many service members gave their lives for their country and because they were in the wrong place their sacrifice has been ignored.

The USS Frank E. Evans was on "Yankee Station" in Vietnam supporting naval and ground forces. We were pulled off the gun line to participate in a SEATO exercise. On 3 June 1969, the USS Frank E. Evans and the HMAS Melbourne were involved in a tragic collision. As my shipmates and I scrambled up the ladder to the main deck from our berthing compartment, we were met with an incredible sight. There was nothing forward of the raidships passageway. You could look down into the engineering spaces from the main deck. Soon we found out that many of our shipmates had lost their lives and went down with the forward half of the ship. Later we learned that the count was 74 hands lost. I lost friends, men I had only hours before, played cards with, had dinner with, worked with, now they were gone. I think of these men almost every day and I am saddened that when I visit the Vietnam Veterans Memorial, I don't see their names.

It is an omen that your committee is meeting on the 34th anniversary of the collision. I would like to bring your attention to the following facts regarding SB296:

- 1) SB296 is not a budget related item.
- 2) Requires no decision now on changing current policies.
- 3) Gives adequate time for an updated review of those policies in light of current conditions and greater appreciation for the sacrifices of veterans of the Vietnam War era, as stated in the title of the bill.
- 4) Enactment of S 296 will give positive evidence to all Vietnam veterans and to the families of those deceased veterans, that the Congress has NOT forgotten them.
- 5) Therefore, ALL members of Congress should in good conscience be able to support SB296, who will in turn receive favorable reactions of the voters.

I strongly urge you to give SB296 favorable consideration. Please show Vietnam veterans and the families of those deceased veterans, that the Congress has NOT forgotten them.

Thank you for your time.

Lest we forget!
They Died in the Vietnam War

“signed”
Richard F. Burke
1SG, Artillery, US Army (Ret)

J. C. Campbell

Senate Energy and Natural Resources Committee
Senate Dirksen Office Building
Suite 364
Washington, C.C. 20510-6150

Honorable Senator Pete V. Domenici (Chairman) and Committee members,

My name is J. C. Campbell, President of the USS Frank E. Evans Association, Inc. and I am writing in support of SB296 "The Fairness to All Fallen Vietnam War Services Members Act of 2003".

In 1949 while still a student at Irving High School, I joined the Naval Reserve. Shortly after graduation I was called to active duty to serve my country in the Korean Conflict. This is exactly what a lot of other young men did during those times. It was our duty to defend the freedom of our country, the United States of America and we did!

It is now time for America to respond in kind to those young men who went off to defend that same freedom in the Vietnam War. It was not a popular war and there are some who did not return from service to our country and are being forgotten. No American Serviceman who paid the ultimate price should ever be forgotten by our government! Our country asked that they serve, they did and now after 34 year of forgetting, you, our representatives can make it right by passing SB296.

It is very ironic that 3 June 2003, this hearing date is exactly thirty four (34) years ago, 3 June 1969 that my ship, the USS Frank E. Evans DD754 was cut in half in the South China Sea and seventy four (74) of my shipmates were lost in the service of our country. They have been forgotten!

Here are a few points for your consideration on SB296: (1) SB296 is not a budget related item, and (2) it requires no decision now on changing current policies. (3) It gives adequate time for an updated review of those policies in light of current conditions and greater appreciation for the sacrifices of veterans of the Vietnam War era, as stated in the title of the bill. (4) Enactment of SB296 will give positive evidence to all Vietnam Veterans and to the families of those deceased veterans, that our Congress has NOT forgotten them. (5) Therefore, ALL members of Congress should in good conscience be able to support SB296, which will in turn be received with a favorable reaction from their constituents at home who do vote.

Passing SB296 is the right thing to do.

Thanking you for your commitment to our country with your service as elected officials. This is not an easy task that you do. I know that we can count on you to see that **ALL** of our Vietnam Veterans will be remembered.

Sincerely,

(Signed)
J. C. Campbell, President
USS Frank E. Evans Association, Inc.

Pamela Jean Chilcutt

Senate Energy and Natural Resources Committee
Senate Dirksen Office Building
Suite 364
Washington, D.C. 20510-6150

Honorable Senator Pete V. Domenici (Chairman) and Committee members,

I am Pamela J. Glines Chilcutt, I am the sister of Kenneth Wayne Glines who was killed the night of June 3, 1969 in the South China Sea, when a collision of the HMAS Melbourne and the Frank E. Evans DD754, a destroyer with the United States Navy was cut in half. My brother, Kenneth Wayne Glines was the only body recovered from that tragic accident. My brother had just turned 19 years old in May. In my brother's letters he stated they had been within the combat zone, a half-mile from the coast, shooting upon Vietnam. My Mother and Father have waited all of their lives for not only having my brother's name on the Vietnam War but to also have the written transcripts on what really happened that fateful night.

This is the reason for which I am writing to you about the bill S296. It requires no decision on changing current policies; this bill is not a budgeted related item. It gives adequate time for an updated review of policies in the light of current conditions and greater appreciation for the sacrifices of the veterans of the Vietnam War era, as stated in the title of the bill. Yet, enactment of the S296 bill will give positive evidence to all Vietnam Veterans and the families of the deceased veterans, that Congress has not forgotten them. Therefore, ALL members of Congress should be in good conscience be able to support S296, who will turn receive favorable actions from the voters.

My parent's lives were destroyed that fateful night. Their only son, Kenneth Wayne Glines was killed. They were never the same and neither were my sister and I. My Mother who has now passed never got to know what really happened that night and will never see her sons' name on the Vietnam Wall. My Father is not well either; time is running out for the parents and families of the Vietnam Veterans who died that night. I am now a parent of four sons and have told them of their Uncle Kenny and what he died for. They have all learned what a wonderful nation we live in and what freedom stands for.

Sincerely,
Lest We Forget,
They Died in the Vietnam War

(Signed)
Pamela Jean Glines Chilcutt

Sister of Kenneth Wayne Glines

A wish for the Wall

By Robert Hite

The Examiner

Larry Glines waited for 14 hours to find out whether his son was killed on a ship off the Vietnam coast in 1969.

"Finally, I called Washington and told them I wanted to know what happened to my boy," he said. "I don't plan on waiting any more."

The news was the worst he could get. His son died during a training exercise with 40 other ships 50 miles off the coast, 25 miles outside the combat zone.

Glines, an Independence resident, wants his son's name inscribed on the Vietnam Wall Memorial in Washington, D.C. Seaman Kenneth Wayne Glines, a 1968 Van Horn High School graduate, was 19 when he died. He is buried in Mount Washington Cemetery.

He died nine days short of being in the Navy for four months, Glines, 72 said.

Congressman Stephen Horn, R-Calif., introduced a bill in December to allow the 74 sailors who died on the USS Frank E. Evans to be listed on the Vietnam Memorial Wall in Washington, D.C., or have some type of marker. The bill calls for the Secretary of State to examine the criteria for including names on the Wall, the feasibility of revising the eligibility requirements and alternative means of recognizing those sailors. There are 27 co-sponsors on the bill. Veterans had to have died within 25 miles of the Vietnam shore or on land to be qualify for listing on the Wall.

Pam Chilcutt, 47, of Lee's Summit, remembers the day the news came about her brother.

"We did not know. We did not know a thing," she said about the waiting.

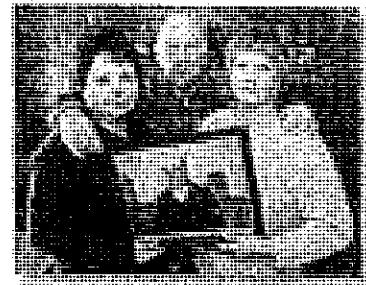
Chilcutt was surprised her brother's name was not engraved on the wall originally and wants to see it added.

Pushing hard to get the crew added to the Vietnam Wall is Del Francis of Waldon, Colo., one of the crew members who survived.

Francis was sleeping several decks below topside of the Evans the morning of June 3, 1969. At 4 a.m. the destroyer was accidentally rammed by the Australian aircraft carrier "Melbourne."

It happened during a training exercise dubbed "Operation Sea Spirit" involving more than 40 ships, he said. About 274 sailors were on the ship.

"How I knew a carrier hit us was beyond me," said Francis, 59.



Paul Beaver, the Examiner

■ Larry Glines holds his two daughters Pam Chilcutt, left, of Lee's Summit and Jackie Holland of Raytown, who are holding a photograph of their brother Kenneth Glines, who was killed June 3, 1969, in the South China Sea when his destroyer, the USS Frank E. Evans, was sliced in half by the Melbourne, an Australian aircraft carrier. Seventy-eight sailors were killed. Only Glines body was recovered.

The impact split the Evans in two, he said. The back portion stayed afloat and the men there were rescued. The front sank in two or three minutes. Of the 97 sailors on the front, 23 survived and 74 died. Francis was one who survived. Glines' body was the only one recovered.

Francis has been trying to get his shipmates' names on the memorial since its dedication on Nov. 11, 1982.

One requirement for being listed is that the soldier or sailor must have been killed within the combat zone, which is on land or within 25 miles of the shore, he said. A radarman, Francis knew the ship was in the South China Sea and about 50 miles from the Vietnam shore. He said he has written newspapers and lobbied members of Congress to try to get the requirements changed.

"They died serving their country," Francis said. "Is the Vietnam memorial for Vietnam vets or just a selected few?"

The Evans and its crew had been within the combat zone, a half-mile from the coast, shooting 5-inch shells, he said.

Buckner resident Dennis Turner, a Navy veteran of Vietnam, agrees that the Evans crew should be on the Wall.

"They were actual combat veterans," he said. "If he was that close and was in the combat zone, then I think he should be on the Wall."

Turner, 50, who served from 1971-73, said if they had never been in the combat zone then it would be proper to omit them from the Wall.

Glines said his son fought in the Gulf of Tonkin and other places within the combat zone. That should qualify him for his name being inscribed on the Wall.

He hopes to see that happen soon.

"The time is getting late for me. I'm not really in good health," Glines said. "My wife was waiting all her life."

The Evans was commissioned on Feb. 3, 1945 and saw action during World War II and the Korean War.

To reach Robert Hite, send e-mail to:

Delbert A. Francis

Senate Energy and Natural Resources Committee
Senate Dirksen Office Bldg.
Suite 364
Washington, D.C. 20510-6150

Honorable Senator Pete V. Domenici (Chairman) and Committee members,

I am Del Francis Survivor U.S.S. Frank E. Evans (DD754). I am writing to beseech you to pass S296. The title of this bill very appropriately seeks "Faimess to All Fallen Vietnam War Service Members". I have no idea how many additional names this will add to the Memorial. However, it is irrelevant. If the true number of people lost in Vietnam is 59000 or half a million. The American people deserve to know the truth. The family and friends of these brave souls deserve the honor of recognition. Personally, I have been fighting for this recognition for 34 years as of the date of this hearing. When the Vietnam Memorial was envisioned I was delighted that they were finally going to be recognized. I was crushed when I found out that because of an arbitrary line they would not be included. I have contacted Mr. Scruggs. I have contacted many Representatives and Senators, including a personal meeting with Senator Campbell. I have contacted many news agencies. Now the "Faimess" fails to you. Please support this Bill. From personal experience I can only speak to the "Unfaimess" of the 74 men that were lost on the Evans. The Evans had just been relieved of duty on the "Gun Line" to participate in a training exercise with Allied forces to enhance our proficiency in operating together. After the accident the rest of the squadron went right back to the "Gun Line". Our entire purpose for being there was the war. We did our duty and we did it well. The entire crew were there because a sense of duty to serve their country. This was a time of tremendous anti-war sentiment in the country and many of these men did not even get recognized in their local papers. When the ship left Long Beach it didn't even have a full complement. We picked up additional crew in Hawaii and Japan. Many of these were fresh out of boot camp, 17 and 18 years old. We also lost several "Old Hands" some with young children. Every single one of these men were important to someone. If you had asked the family or friends of these men where they were on June 1, 1969 the unanimous response would have been "Vietnam". The loss of this ship was a huge embarrassment for the Navy in a time of several embarrassments. The Navy originally stated the site of the accident was 650 miles Southeast of Luzon. I guess they thought if we were further away they wouldn't be as dead, or at least they wouldn't be added to the "Body Count". So far, they have accomplished half of their goal. Please support this Bill. I am quite confident that there are other service members that were lost as a direct result of the Vietnam War but for similar reasons they have not been recognized. This Bill only calls for "Faimess".

"Signed"
Delbert A. Francis

Barbara deLutio

May 28, 2003

Senate Energy and Natural Resources Committee
Senate Dirksen Office Bldg.
Suite 364
Washington, D.C. 20510-6150

Subject: Senate hearing on S296, "The Fairness to All Fallen Vietnam War Service Members Act of 2003".

Honorable Senator Pete V. Domenici (Chairman) and Committee members,

I am Barbara deLutio, friend of Luanne Reilly Oda, sister of Lawrence J Reilly, one of the 74 lost on the USS Frank E Evans during the Vietnam War. Their father was a survivor on the USS Frank E Evans.

I am respectfully asking for passage of this bill. It places a requirement on the Department of Defense to perform a study on the deaths of all Vietnam era deaths. The goal for these hearings is positive action on the part of the committee to recommend approval to the full Senate. An example of some who may deserve further consideration for inclusion on the wall are "the 74 service members who died aboard the U.S.S. Frank E. Evans on June 3, 1969, while the ship was briefly outside the combat zone participating in a training exercise."

S296 is not a budget related item. It requires no decision now on changing current policies. It gives adequate time for an updated review of those policies in light of current conditions and greater appreciation for the sacrifices of veterans of the Vietnam War era, as stated in the title of the bill. Enactment of S 296 will give positive evidence to all Vietnam veterans and to the families of those deceased veterans, that the Congress has NOT forgotten them. ALL members of Congress should in good conscience be able to support S 296, who will in turn receive favorable reactions of the voters. This could be the final opportunity to get national recognition for our 74 on The Wall.

As the parent of a current US Navy EA-6B pilot, I know firsthand what the military stands for. I feel that passage of S296 will bring a sense of closure to the families who suffered unimaginable loss when their loved ones perished in the line of duty on the USS Frank E Evans for the country they loved.

**Lest We Forget!
They Died In the Vietnam War.
(signed)
Barbara deLutio**

May 24, 2003

Honorable Senator Domenici
Senate Energy and Natural Resources Committee
U. S. Senate
Washington, DC 20510

Dear Senator,

I am the mother of a sailor who was lost on the USS Frank E. Evans. I am asking that Senate Bill 296 be reconsidered. I strongly feel that those 74 sailors who lost their lives when the Evans collided with the Australian aircraft carrier HMAS Melbourne on June 3, 1969 deserved recognition.

I understand this bill will give adequate time for a review of policies concerning national monuments. Thank you for your consideration.

Sincerely

(Signed)

Margaret E. Frye

Sara Box Green

Senate Energy and Natural Resources Committee
Senate Dirksen Office Bldg.
Suite 364
Washington D.C. 20510-6150

Honorable Senator Pete V. Domenici (Chairman) and Committee members,

My name is Sara Box Green, 3rd sister of Thomas Belue Box who was one of the 74 lost in the USS Frank E. Evans and the Australian ship Melbourne collision.

The timing on passing Bill S296 is at hand. For years my family and I have wondered why my brother's name was not on the Wall in Washington DC, only to be told that it was because the collision was an accident. Then I discovered that the USS Frank E. Evans was bombing near the DMZ the day of the collision. They were providing support for an amphibious Marine unit and did not leave the destroyer that day. As it turned out, 74 men never left the destroyer again. The USS Frank E Evans left these waters for a covert operation and followed their Naval orders to participate in Operation Sea Spirit. They were fighting for their country, willing to make the greatest sacrifice and because of an accident in the same day, they lose their credibility and honor?

I did not personally lose anyone in the Sept 11th tragedy, but I cried, lost sleep and prayed for all the families and friends affected by their loss. Patriotism seems to be coming back into it's own since this tragedy, but it was always present during my childhood. My father fought in WW2 and The Korean War. I knew how to fold a flag before I started school and the lyrics to every patriotic song. This wasn't a must in our family, it was second nature.

My brother took his military oath seriously and I would appreciate your serious consideration in the passing of the Bill S296. Thank you for taking the time to read my letter.

Sincerely,
Lest We Forget

“Signed”

Sara Box Green and sons
Thomas Belue and Daniel William

Richard E. Hoskins, PhD MPH

May 26 2003

Senate Energy and Natural Resources Committee
Senate Dirksen Office Bldg.
Suite 364
Washington, D.C. 20510-6150

Dear Senator Domenici and committee members:

I am writing to support the passage of Bill S296, *"The Fairness to All Fallen Vietnam War Service Members Act of 2003"*.

I was, and remain even in death and memory, a close friend of a young man, Melvin Gardner who died on the Frank E Evans in 1969, a casualty of the Vietnam War. However he is not properly remembered for his sacrifice to our country.

Three years ago I went to the Vietnam Memorial in Washington, D.C. finally having the courage to go to that place and remember my lost friends. I found the names of 6 others who perished in that conflict that I knew as a child and in college, but to my complete surprise Melvin's name did not appear. It broke my heart.

I wrote the Defense Department and received letters, which seemed more about technicalities and bureaucratic procedures than anything of substance. One clerk told me on the phone, that in her view there was no reason that the 74 men on the Frank E Evans should not be on the Vietnam Wall, and apparently there are many other situations where young men and women have made the ultimate sacrifice only to be forgotten by our government.

This bill will place these young people in their rightful place as distinguished veterans of war, and comfort the families and friends who still to this day, 34 years later grieve for their loss.

Next time I go to the Wall, I want to see Melvin's name there along with his other 73 comrades.

Best regards,

Richard E. Hoskins

Mrs. Gerry Hemphill

Senate Energy and Natural Resources Committee
Senate Dirksen Office Building
Suite 364
Washington, D.C. 20510-6150

Honorable Senator Pete V. Domenici (Chairman) and Committee Members,

I am Gerry Hemphill and a member of the Frank E. Evans Association. I am the sister of SA James W. Kerr who, at age 18, lost his life while aboard the destroyer U.S.S. Frank E. Evans on 3 June 1969 during the Vietnam War. I thank you for allowing me this opportunity to submit this written testimony on behalf of Senate Bill, S-296 - "The Fairness to All Fallen Vietnam War Service Members Act of 2003".

I am very sad, and disappointed, that my brother and 73 fellow sailors have not been named on the Vietnam Wall. This fact brings me to request that your committee take positive action at the upcoming 3 June 2003 hearing to recommend approval of Bill S-296 to the full Senate.

It has come to my attention that S-296 is not a budget-related item, nor does it require a decision now on the changing of current policies. Bill S-296 also gives the needed time for an updated review of policies in light of current conditions and greater appreciation for the sacrifices of Vietnam War era veterans. I see great importance in recommending the passing of this bill. To those of us who have lost our beloved relatives as a result of the Vietnam War, the committee's passing of S-296 would be a tremendous encouragement toward letting us know that Congress has not forgotten the ultimate sacrifice of these 74 courageous servicemen.

It would appear that members of Congress should be able to support this bill without any qualms. I would certainly be appreciative as a voter, as well as a family member who lost a dear brother, if you would, please give full consideration to recommending approval of Bill S-296 to our full Senate.

Thank you on behalf of my deceased brother, SA James W. Kerr, his family, and myself.

Lest We Forget

Signed:

Mrs. Gerry Hemphill

Fern T. Kerr

Senate Energy and Natural Resources Committee
Senate Dirksen Office Building
Suite 364
Washington, D.C. 20510-6150

Honorable Senator Pete V. Domenici (Chairman) and Committee Members,

I am the mother of SA James W. Kerr, member of the Frank E. Evans Association. Thank you for allowing me to submit this written testimony.

I am writing for the purpose of comments on the hearing for Bill, S 296. I want to see positive action by the committee to recommend approval to the full Senate on June 3, 2003.

Since S 296 is not a budget item, nor does it require a decision on changing current policies. It gives adequate time for an updated review of those policies in light of current conditions, and greater appreciation for sacrifices of veterans of the Vietnam War era. It will also give positive evidence to all Veterans and to the families of deceased veterans that Congress has not forgotten them, and the cause for which they died. Therefore, all Congressional members in good conscience should support S 296, which will bring favorable reactions to them from voters.

I am sorrowfully disappointed that these veterans, as well as others, have not been duly recognized for their sacrifice for the freedom of all Americans.

My son, SA James W. Kerr, age 18, died on the Frank E. Evans in an accident in the South China Sea on June 3, 1969. Please do all you can to pass S 296.

With grateful and hopeful thanks,

Signed:

Fern T. Kerr

FROM: NUTRIUS FRED KERR EOS 549 9701 FAX NO. : 10055499701

May. 26 2003 11:13AM P2

May 26, 2003

Fred Kerr

Senate Energy & Natural Resources Committee
Senate Dirksen Office Bldg.
Suite 364
Washington, D C 20510-6150

Honorable Senator Pete V. Domenici and Committee members,

I am Fred Kerr, and my brother SA James W. Kerr, was killed aboard the U.S.S. Frank E. Evans, on June 3, 1969. Thank you for allowing me to submit this written testimony.

I am asking you on behalf of my family to support passage of Senate Bill S296, "The Fairness to All Fallen Vietnam War Service Members Act of 2003". All members of Congress should in good conscious be able support S296 because it is not a budget related item, requires no decision now on changing current policies, gives adequate time for review of those policies and gives positive evidence to all Vietnam veterans and to the families of those deceased veterans that Congress has NOT forgotten them.

SA James W. Kerr (Jim) was my only brother and was 18 years old when he was killed aboard the American destroyer, U.S.S. Frank E. Evans, DD754. This was a horrific naval accident and tragedy for our family and our country. Our father just died last year at the age of 91. Our mother is 84 and she along with my sister, me and our families wish to see Jim's name along with the other 73 American sailors who perished with him, added to the Vietnam Veterans Memorial Wall in Washington, D.C. These men were lost at sea and to this day have no final resting place monument.

I have attached a photo of Jim as well as a newspaper article detailing his death, and letters from President Richard Nixon, Secretary of the Navy, John Chafee and Vice Admiral C.K. Duncan, Chief of Naval Personnel for your inspection and review.

Please act now in a positive fashion to get full Senate approval for Senate Bill S296. We want all Vietnam veterans and their families to know they are American heroes and not forgotten. Thank you in advance,

FROM : NUTRIUS FRED KERR 805 549 9701 FAX NO. : 18055499701

May. 26 2003 11:14AM P3

Let Us Forget!
They Died In The Vietnam War.



Fred Kerr

FROM : NUTRIUS FRED KERR E05 549 9701 FAX NO. : 18055499701

May, 26 2003 11:14AM P4

Scammon Apprentice James W. Kerr (Tim)
10-24-50 — 6-3-69



THE WHITE HOUSE
WASHINGTON

June 20, 1969

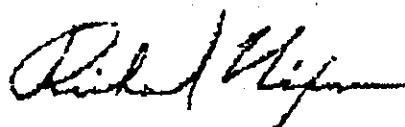
Dear Mr. Kerr:

It is with great sorrow that I have learned of the death of your son, Seaman Apprentice James W. Kerr.

Of all the burdens of the Presidency, the cruclest to bear are the losses of men such as your son in the service of our country. The only consolation I can offer is the profound respect of the nation he died to serve, and the humble recognition of a sacrifice no man can measure and no words can describe. Those who give their own lives to make the freedom of others possible live forever in honor.

Mrs. Nixon joins me in extending our own sympathy, and in expressing the sympathy of a saddened nation. You will be in our prayers, and in our hearts.

Sincerely,



Mr. James T. Kerr



THE SECRETARY OF THE NAVY
WASHINGTON

12 JUN 1969.

Mr. James Thompson Kerr

My dear Mr. Kerr:

I offer to you my heartfelt condolence in the loss of your son, Seaman Apprentice James William Kerr, United States Navy.

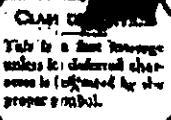
He was a member of our Navy family, as well as of your own. We truly share with you in your bereavement.

I extend my gratitude to you for your son's service to the Navy and his country.

Sincerely yours,

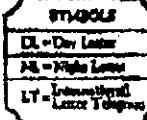
A handwritten signature in black ink, appearing to read "John H. Chafee".

JOHN H. CHAFFEE



WESTERN UNION

TELEGRAM



The flag that shows in the box has the following meaning: LOCAL TIME at point of origin, TIME of receipt is LOCAL TIME at point of destination.

003A PDT JUN 5 69 LA080

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4 812P EDT

JAMES THOMPSON KERR, DONT PHONE, OK OLY CHGS ABOVE 75 OTS,
REPORT DELIVERY

977 NORTH LAKESIDE ST #6 AI FIRM F GAI IP

I DEEPLY REGRET TO CONFIRM ON BEHALF OF THE UNITED STATES NAVY
THAT YOUR SON, BA JAMES WILLIAM KERR, BI 6 82 88, USN PREVIOUSLY
REPORTED MISSING NOW HAS BEEN REPORTED TO HAVE DIED ON 2 JUNE
69 IN THE SOUTH CHINA SEA AS A RESULT OF THE COLLISION OF USS
FRANK E EVANS (DD74) AND THE AUSTRALIAN CARRIER, HMAS MELBOURNE,
WHILE ENGAGED IN COMBINED EXERCISE SEA SPIRIT. IT IS WITH FURTHER
REGRET I MUST CONFIRM THAT SEARCHES FAILED TO RECOVER YOUR
SON'S REMAINS. THIS ACTION IS TAKEN ONLY AFTER AN EXTENSIVE
UNSUCCESSFUL SEARCH BY A LARGE NUMBER OF SURFACE AND AIR UNITS
UNDER VERY FAVORABLE SEARCH CONDITIONS. A LETTER FROM HIS COMMANDING
OFFICER SETTING FORTH THE CIRCUMSTANCES OF DEATH WILL FOLLOW. YOUR

SON DIED WHILE SERVICING HIS COUNTRY. MY SINCEREST SYMPATHY
IS EXTENDED TO YOU IN YOUR GREAT LOSS. IF I CAN ASSIST YOU
PLEASE WRITE OR TELEGRAPH THE CHIEF OF NAVAL PERSONNEL, DEPT
OF THE NAVY, WASHINGTON DC 20370. MY PERSONAL REPRESENTATIVE
CAN BE REACHED BY TELEPHONE AT OXFORD 42746 DURING WORKING
HOURS AND OXFORD 42768 AFTER WORKING HOURS

VICE ADMIRAL O K DUNCAN CHIEF OF NAVAL PERSONNEL
(750).

Glendale Man Dies in That Navy Crash

By BILL SAUL

From Los Angeles Times

"Well, I guess Jim's gone," said the father of seaman apprentice James H. Kerr, 18, of 205 N. Locust St.

James T. Kerr has been told by Navy officials that his 6-ft. 2-inch, 200-lb. son is missing with 73 other crewmen on the destroyer Frank E. Evans after it was cut in two by the Australian aircraft carrier, Melbourne, on Tuesday.

The young deceased's mother, Mrs. Fern Kerr, of 1017 W. Kenton Road, said in a broken voice:

"I can't believe it's really happening — that he's really gone. But I guess it's true."

Jim had been planning on a career as a dentist after his tour of duty.

He had been on the destroyer for less than a month after finishing boot camp and flying to Subic Bay in the Philippines.

Jim sent a letter to his father, who teaches printing at Muir Junior High School in Burbank.

And in that letter is a diagram of where Jim sleeps in a

forward compartment with 50 of his buddies.

Their bunks were three deep and Jim's was on the bottom.

The men died in their sleep just after the collision tore their ship in half.

Today sailors on the carrier Melbourne, the ship that hit the Evans and then picked up survivors, stood on deck with their heads bowed as the mournful notes of taps were sounded for the lost men.

The bow part of the Evans sank in 5,400 feet of water.

Kerr's parents said their son was anxious to finish his tour of duty but he wanted to see the world with the Navy.

Jim is survived by a sister, Mrs. Alan Humphill of Long Beach, and a brother, Fred, 17.

He attended Hoover High School before joining the Navy for a four-year tour.

Jim had always loved baseball and got some attention from a professional team's scout before they found out he was going into the service.

Justin & Shelley Kerr

Senate Energy and Natural Resources Committee
Senate Dirksen Office Bldg.
Suite 364
Washington, D.C. 20510-6150

Honorable Senator Pete V. Domenici (chairman) and committee members,

I am Justin F. Kerr, I am the nephew of S.A. James W. Kerr, thank you for allowing me to submit this testimony.

I hope and pray that S-296 will be recommended to the Full Senate. Please consider S-296 not just as a Bill, please consider S-296 as a peace of history. S-296 is the opportunity for future generations to acknowledge and recognize the selfless sacrifices that young men and women have and will continue to make in order to secure our freedom.

I am too young to have met my Uncle Jim, as he perished on June 3rd, 1969, aboard the DD-754 USS Frank E. Evans. I suppose some might consider the loss of such a wonderful man to be a waste, some might express bitterness and ask why? Not my family, instead my parents and grandparents shared stories, pictures and the joy of having Jim in there lives for 19 years. My uncle was left-handed, so it only made sense for his baseball glove to accompany my left-handed brother through Little League. My concern is that stories grow fewer and baseball gloves grow older as generations pass. S-296 is more than stories and baseball gloves, S-296 is a place to point to, S-296 is the names on The Wall the will forever tell the stories and forever acknowledge the sacrifices.

Again, I thank Senator Domenici and the committee for there time and the efforts to rightfully acknowledge those whom I feel earned our Nations recognition.

Sincerely,
(signed)

Justin F. & Shelley Kerr

Senate Energy and Natural Resources Committee
Senate Dirksen Office Blvd
Suite 364
Washington, D. C. 20510-6150

Subject: S 296

Honorable Senator Pete V. Domenic (Chairman) and Committee members.

I am Stephen A Kraus, I was the signalman of the watch at the time of the collision between the USS Frank E. Evans DD 754 and HMS Melbourne. On that terrible day in history June 3, 1969, 74 sailors lost their lives so that I can continue to live in freedom. It is hard to believe that it is almost 34 years since the accident but the happenings of that early morning are as vivid as if it happened yesterday. Thank you for allowing me to submit this written testimony.

I believe that it is now more imperative then ever to bring closure to many outstanding issues associated with the Vietnam War. This is a crucial time for our represented members of Congress to address the sacrifices that were made by all veterans associated with the Vietnam War. Since our represented Congress during the Vietnam War found it easier to turn their blind eyes away from Vietnam and listened to home issues rather then toward foreign problems it is now time "to do the right thing" rather then doing what's right. I have all the confidence in the world that today's Congress is more in touch with military issues than ever so I ask that in all good conscience you support S 296.

S 296 should be easy to pass since it has no budget related considerations, requires no immediate decisions on changing current policies, provides for an opportunity of appreciation and thanks to all Vietnam Veterans, provides another opportunity to recognize those that gave the ultimate sacrifices by giving up their lives for freedom. S 296 will also give positive evidence not only to the Vietnam Veterans but to the families of the deceased veterans too. Lastly the time clock is ticking and each day that we delay in giving the proper recognition due to Vietnam Veterans the more difficult it will become to ever to heal this wound. I firmly believe that now is the time for Congress to make the message clear that Congress has not and will not ever forget the Vietnam Veteran.

I recently watched as our young courageous military returned from Iraq, I had feelings of joy for them that our country truly appreciates and supports them. I still have periods of sadness that the Vietnam Veteran never fully received the recognition they deserved; S 296 is a bill that will begin the healing process. I do believe that we all have learned from past mistakes and what occurred over 35 years ago and it will never happen again. I ask that Congress too join in on supporting those that didn't receive the same home coming by passing S 296 and starting a clear road to recovery.

Again I ask for your support and remain sincerely,

Lest We Forget!
The 74 Died in the Vietnam War
(signed)
Stephen A Kraus

Julie Box Lea

Senate Energy and Natural Resources Committee
Senate Dirksen Office Bldg.
Suite 364
Washington D.C. 20510-6150

Honorable Senator Pete V. Domenici (Chairman) and Committee members,

I am Julie Box Lea, the 2nd sister of Thomas Belue Box, who served on the U.S.S. Frank E. Evans and who, along with 73 others, was lost in the South China Sea on June 3rd, 1969.

Tom was my only brother, and the only grandson of his generation. My family does not have all the answers to the questions surrounding his death, but we continue the search. The facts are extremely sketchy, at best.

We have recently discovered The Frank E. Evans Association Inc., and we attended their September 2002 meeting in St. Louis MO. How comforting it was to be around people who knew Tom, and to have a few of our questions answered. That experience almost made up for the fact that my then 70 year old parents had gone to The Wall in Washington D.C. and found Tom's name was not there. They were astonished, bewildered, and extremely saddened.

Even though Tom's death has been ruled accidental, he is just as dead and gone from us as any soldier killed in combat, anywhere. My father's branch of the family tree was forever shattered.

My family isn't the only one scarred by this same omission. There are at least 73 other families so affected.

A man's name bespeaks of his family, it's history and his place in it. Tom was only 21 1/2 when he died. He never got the chance to make much of a way for himself in our family, but has left an indelible mark on our hearts.

Such good memories deserve to be honored and remembered by a good name ---a name on *The Wall in Washington D.C.*

Please pass Bill S296 as it will honor, not just the crew of the Evans, but all those so deserving, who have yet to be recognized for the sacrifice they made.

Thank you for your time and consideration, and for allowing me to submit this written testimony.

Sincerely,

Lest We Forget
They Died in Vietnam

"Signed"

Julie Box Lea

Tom and Mary Manley

May 26, 2003

Senate Energy and Natural Resources Committee
Senate Dirksen Office Bldg
Suite 364
Washington, D. C. 20510-6150

Honorable Senator Pete V. Domenici (Chairman) and Committee members:

We, Tom and Mary Manley, Wife and Survivor of the USS Frank E. Evans tragedy and members of the Frank E. Evans Association would like to thank you for allowing us this opportunity to give you our written testimony on S296.

We feel strongly that your committee recommends S296 for approval by the Senate. This bill is not a budget related item and requires no decision on changing current policies. Our Vietnam Veterans and the families of the veterans who have given their lives to our country need to know that Congress has not forgotten them.

Imagine losing a son or daughter during the Vietnam conflict and believing that their name was among the 58,000 inscribed on the Vietnam Memorial. When visiting Washington D. C. or the moving wall to locate their name. You discover that their name is not there. This has happened to many parents, sisters, brothers, wives, sons, daughters and other family members. The emotional pain this causes is indescribable. These Vietnam veterans who died serving our country need to be finally given the recognition they deserve. Their family members also deserve to know that our country has not forgotten their sacrifice.

We always believed that the 74 crew members of the USS Frank E. Evans were inscribed on the "Wall." In doing research on the ship's history we discovered that their names had been omitted. This has happened to many other Vietnam era families. S296 uses the Evans incident as one example of how many Vietnam veterans have been overlooked and forgotten. Congress needs to rectify this situation now. Passing S296 will start the process of recognition for our forgotten veterans.

In doing research on adding names to the wall we came across the "In Memory Project." While this may meet the needs of some families we do not feel that it meets ours. We want to be able to visit the "Wall" and see the names of our fallen comrades. We feel that emotional healing about the Vietnam war can't take place until all the forgotten Vietnam veterans are given their place on the "Wall."

Jan Scruggs, for reasons we can't understand does not feel that S296 should pass. He has written a book titled, "To Heal a Nation." Until the "Wall" includes the names of all forgotten veterans of the Vietnam conflict our nation's healing will not be complete.

Lest We Forget,

"signed"

Thomas and Mary Manley

Joe Bob Mann

Senate Energy and Natural Resources Committee
Senate Dirksen Office Bldg.
Suite 364
Washington, D.C. 20510-6150

Honorable Senator Pete V. Domenici (Chairman) and Committee Members:

I am Joe Bob Mann, survivor and member of Frank E. Evans Association. Being a survivor of the collision of the Frank E. Evans DD754 on 3 June 1969 during the Vietnam War, I have spent most of my life remembering my friends that sacrificed their lives for our country. I am finding that there are few Americans today that remember the sacrifice they made for our country. I believe the Senate should pass the bill S296.

To demonstrate my reason for wanting the bill passed, I will use the example of Joe Luis Gonzales. Joe and I were both nineteen (19) years of age and both had been in the Navy less than a year at the time of the collision. We had each been recruited into the Navy by the recruiter in Clovis, New Mexico. Joe's family lived in Clovis, and he had attended school there.

In the last few years, I wanted to know more about Joe and his family. I have met with veterans groups in Clovis and cannot find anyone that remembers him or his family. I believe that someone who has given his life for our country should at least be remembered in his own hometown.

This is only one example why I believe that passage of S296 will be helpful to many families throughout America. The families, of the seventy-four brave men of the Frank E. Evans and all the others who lost their loved ones, need to know that their sons and daughters have not been forgotten.

Sincerely,

(signed)

Joe Bob Mann

Robert T Maughan

Senate Energy and Natural Resources Committee
Senate Dirksen Office Building
Suite 364
Washington D.C. 20510-6150

Honorable Senator Pete V. Domenici (Chairman) and Committee Members.

I am Robert T. Maughan. Lieutenant RAN (Rtd) and former member of HMAS Melbourne's Ship's Company. Thank you for allowing me to submit this written testimony.

In Australia, we have an HMAS Melbourne Association and many members hold close, individual ties with the USS Frank E. Evans Association. The 'Melbourne' Association is primarily a Sydney based organization whereas, for the past three years, I have lived in a small community on the Central Queensland coast.

The last USS Frank E. Evans Association I was able to attend was at Denver, Co. in the year 2000 but I still stay in contact with both the Association and individual members.

April 25, ANZAC DAY, is the day each year when all Australians remember and pay homage to all those who have given their lives in the service of their country. Each year on this special day, I lay a wreath at our Community 'Stone of Remembrance' on behalf of both the "Melbourne" and "Frank E. Evans" Associations, remembering all of those that have paid the supreme sacrifice in service to their country, regardless of their Nationality.

I have previously photographs of these wreaths to Mr. Ken Adams of the USS Frank E. Evans Association for their records and others are on file with the local Sub-Branch of our Returned Servicemen's League should they be desired.

Thank you again for allowing me this opportunity to express the feelings of at least one former member of the 'other ship' involved on that fateful day, June 3, 1969.

**Lest We Forget
We Will Remember Them,**

"Signed"

Robert T Maughan

Thomas W. Moore

Senate Energy and Natural Resource Committee
Senator Dirksen Office Building
Suite 364
Washington, D.C. 20510-6150

RE: Senate Bill S296 Fairness to All Fallen
Vietnam War Service Members Act.

Honorable Pete V. Domenici (Chairman) and Committee
Members.

I am one of the survivors of the U.S.S. Frank E. Evans D.D.754 that collided with the H.M.S. Melborn on June 3, 1969 that lost 74 brave sailors. I am aware that there is a bill (S296) before your committee that might allow those sailors and other brave men and women that died in the Vietnam conflict to be recognized for their loss.

There is not a day that goes by that I don't think of the sailors and friends that were lost that morning and the sadness in my heart for their families that don't have recognition for their loss

So as you consider the bill that is before you, Please consider the closure that this will give to those that were lost, to see their names on the WALL.

Thank you for your time on this matter.

Respectfully:
Lest We Forget,
They Died in the Vietnam War

"Signed"

Thomas W. Moore

TOM NOBLES

May 23, 2003

Senate Energy and Natural Resources Committee Senate Dirksen Office Bldg. Suite 364
Washington, D.C. 20510-6150

Honorable Senator **Pete V. Domenici** (Chairman) and Committee members

I am Torn Nobles, member of the **USS Frank E. Evans Association**. Thank you for allowing me to submit this written testimony regarding S296.

Fresh out of high school in 1951, I joined the USN, to serve my country in the **Korean War**. I was proud of our distinguished service along the **Korean Coastline**, while escorting our **7th Fleet**. Our duties then, was much like they were in 1969, when an accident occurred while "The **Old Gray Ghost**" was on a training exercise while serving with the **7th Fleet** again, and met it's demise at 03:15 am, while most of it's crewmen were asleep! Seventy-four crew-members went down when the ship was cut in two pieces, in a collision with another ship.

My civilian occupation after my service aboard the **USS Evans**, did not allow me to stay in touch with my shipmates, or to be aware of that terrible accident in 1969! In 2000 while searching for my old shipmates, I learned of the existence of the **USS Frank E. Evans Association**, and began what has become a very active "hobby" of searching for "all former shipmates!" This activity has brought me in contact with many who served aboard the **USS Evans**, including the family members of those 74 American Heroes who were left in the South China Sea, due to that accident.

One thing in common, whether they were shipmates, or family members they are all proud of the heritage left behind for our sailors of the future! This trait is common to most Americans, especially when our loved ones reflect such patriotism as members of all branches of our military did in the recent IracWar. We are all proud to be Americans!

Your passage of S296 will be appreciated for several good reasons: It is not a budget related item; it requires no decision now on changing current DOD policies; it gives adequate time to review policies in light of current conditions and greater appreciation for the sacrifices of the Vietnam War, as stated in the title of this bill! Enactment of S296 will give positive evidence to all veterans and families of those deceased veterans, that the Congress has not forgotten them! Therefore, support for S296 is a "win-win" proposition for everyone, especially our leaders in government and those military comrades who were left behind!

I hope to forward a copy of this testimony to all of the non-survivor families of those Sailors whose names were not allowed on the Vietnam Memorial Wall due to the "technicality" of being assigned to a training exercise while serving their country in the Vietnam War! Thank you for your consideration, and passage of this important legislation S296!

Sincerely,
Lest We Forget
They Died in the Vietnam War

"Signed"
Tom Nobles