
HOUSE JOINT MEMORIAL 4031

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Brough, Heavey, Van Luven, Moak, Silver, Reams, Jones, Fuhrman, Linville, Campbell, Horn, Wineberry, Conway and Anderson

Read first time 01/28/94. Referred to Committee on State Government.

1 TO THE HONORABLE BILL CLINTON, PRESIDENT OF THE UNITED STATES, AND
2 TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
3 REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
4 UNITED STATES, IN CONGRESS ASSEMBLED, AND TO THE CHIEF JUSTICE OF THE
5 UNITED STATES SUPREME COURT, THE ATTORNEY GENERAL OF THE STATE OF
6 WASHINGTON, AND TO THE CHIEF CLERK OF THE HOUSE AND SENATE OF THE
7 LEGISLATURES OF EACH STATE OF THE UNION:

8 We, your Memorialists, the Senate and House of Representatives of
9 the State of Washington, in legislative session assembled, respectfully
10 represent and petition as follows:

11 WHEREAS, There is continuing controversy concerning the presence of
12 American servicemen, who were listed as Prisoners of War or Missing in
13 Action, being held against their will in the Southeast Asian nations of
14 Vietnam, Laos, and Kampuchea, formerly known as Cambodia; and

15 WHEREAS, The United States government has stated that all of our
16 Prisoners of War have been returned from Vietnam; and

17 WHEREAS, A recent top secret Vietnamese report, dating from 1972,
18 by General Tran Von Kwong, Deputy Chief of Staff for the North
19 Vietnamese Army, reported that in September 1972 Hanoi held one
20 thousand two hundred five American prisoners; and

1 WHEREAS, Only five hundred ninety-one American Prisoners of War
2 have been released under the 1973 Peace Settlement, which means that
3 according to the North Vietnamese General's report, there are still six
4 hundred fourteen American "Prisoners of War" unaccounted for by
5 Vietnam; and

6 WHEREAS, Vietnamese nationals who have moved to the United States
7 have reported the appearance of American Prisoners of War still being
8 held against their will in Southeast Asia; and

9 WHEREAS, The President of Russia let it be known that the Soviet
10 Union took American servicemen during the Vietnam War into the Soviet
11 Union and that there is no adequate explanation concerning the
12 whereabouts of these servicemen; and

13 WHEREAS, There are still hundreds of documents in the United States
14 Defense Department that have not been released to the public concerning
15 the fate of American servicemen classified as Prisoners of War or
16 Missing in Action, even though a Senate Select Committee, chaired by
17 Senator John Kerry, spent over a year investigating our government's
18 desertion of our American Prisoners of War from Vietnam, Korea, and
19 World War II, has requested all documents pertaining to the issue of
20 Prisoners of War and servicemen missing in action. President William
21 Clinton had also promised that all documents pertaining to American
22 Prisoners of War and Missing in Action would be declassified and
23 released by November 11, 1993, by all United States government
24 agencies; and

25 WHEREAS, The United States government's intelligence agencies have
26 taken the position of trying to discredit any information concerning
27 the existence of American Prisoners of War, instead of demanding a full
28 accounting from Vietnam, Laos, and Kampuchea based upon the information
29 that has been received; and

30 WHEREAS, There are fifty-five missing and unaccounted-for
31 servicemen in Southeast Asia from Washington State that must never be
32 forgotten and we the citizens of the State of Washington demand a full
33 accounting beyond a reasonable doubt of their whereabouts or fate; and

34 WHEREAS, The United States government has never entered into
35 negotiations with the government of Laos or Kampuchea concerning the
36 release of American Prisoners of War who were taken prisoner by the
37 communists in Laos during the Vietnam War; and

1 WHEREAS, The reason for secrecy at this time is to cover up the
2 shame of politicians, bureaucrats, and negotiators who abandoned
3 American Prisoners of War after the Vietnam War; and

4 WHEREAS, The executive branch of the federal government has not put
5 forth adequate efforts to negotiate the release of Americans that may
6 still be held in Southeast Asia, and appear to be obstructing the
7 discovery of any remaining servicemen; and

8 WHEREAS, The legislative branch of the federal government has
9 failed to thoroughly investigate and honestly report on this tragedy,
10 and, indeed, has even ordered the destruction of staff documents
11 containing staff intelligence reports on this sensitive issue; and

12 WHEREAS, The courts of the federal judiciary have not granted
13 relief to the American soldiers listed as Prisoners of War or Missing
14 in Action which deprives those soldiers of their constitutional rights
15 and protection under the Geneva Convention as well as violating
16 international law governing humanitarian issues; and

17 WHEREAS, The United States Supreme Court is the last bastion that
18 an American citizen has for the redress of grievances and the
19 protection of Constitutional liberties against an oppressive federal
20 executive and a duplicitous federal legislature; and

21 WHEREAS, The United States Constitution, in Article III, section 2,
22 states "In all Cases affecting Ambassadors, other public ministers and
23 Consuls, and those in which a State shall be a Party, the Supreme Court
24 shall have original Jurisdiction"; and

25 WHEREAS, Any Americans who are still being held against their will
26 in Southeast Asia as a result of the vietnam War are having their right
27 to liberty, that inherent and inalienable right by which they are
28 endowed by our Creator, as guaranteed by the Declaration of
29 Independence and the Constitution of the United States, violated;

30 NOW, THEREFORE, Your Memorialists respectfully pray that the
31 Attorney General of the State of Washington, on behalf of the people of
32 the State of Washington, file in the United States Supreme Court a
33 cause of action against the government of the United States, and also
34 against the ambassadors or other public ministers and consuls of the
35 governments of Vietnam, Laos, Kampuchea, Russia, and The People's
36 Republic of China, alleging violation of civil rights of the people of
37 Washington, especially alleging the violation of the right to life,
38 liberty, and the pursuit of happiness of the following named citizens
39 of the State of Washington. This cause of action must insist of a full

1 accounting of all of our Washington Prisoners of War and Missing in
2 Action and not relinquish our government's obligation to continue to
3 search for pertinent documentation proving beyond reasonable doubt our
4 Washington Prisoners of War and Missing in Action whereabouts or fate:

5	Name	Military Service	Home City of Record
6	<hr/>		
7	Alfred Jr., Gerald Oak	USAF	Seattle
8	Alm, Richard Andrew	USMC	Puyallup
9	Ayers, Darrell Eugene	USMC	Alderwood Manor
10	Balcom, Ralph Carol	USAF	Seattle
11	Barber, Robert Franklin	USN	Seattle
12	Benedett, Daniel Andrew	USMC	Auburn
13	Berg, Bruce Allen	USA	Olympia
14	Booth, Gary Preston	USA	Olympia
15	Bossio, Galilco Fred	USAF	Deer Park
16	Brown II, Wayne Gordon	USAF	Tacoma
17	Charvet, Paul Claude	USN	Grand View
18	Clark, Richard Champ	USN	Tacoma
19	Colombo, Gary Lewis	USMC	Yakima
20	Crandall, Gregory Stephen	USA	Tacoma
21	Crosby, Richard Alexander	USA	Spokane
22	Ferguson, Douglas David	USAF	Tacoma
23	Fors, Gary Henry	USMC	Puyallup
24	Francisco, Dewayne San	USAF	Burbank
25	Graffe, Paul Leroy	USA	Shelton
26	Crewell, Larry Irwin	USAF	Tacoma
27	Hall, Harley Hubert	USN	Vancouver
28	Hanley, Larry James	USAF	Walla Walla
29	Hill, Gordon Clark	USAF	Seattle
30	Holland, Melvin Arnold	USAF	Woodland
31	Jacobs Jr., Edward James	USN	Mount Vernon
32	Jensen, George William	USAF	Seattle
33	Koenig, Edwin Lee	USN	Spokane
34	Lester, Roderick Barnum	USN	Morton
35	Livingston, Richard Allen	USN	Tenino
36	Logan, Jacob Drummond	USN	Seattle
37	Lono, Luther Albert	USMC	Tacoma
38	Lopex, Robert	USA	Seattle

1	Masterson, Michael John	USAF	Ephrata
2	McDonald, Emmett	USAF	Bellevue
3	McDonald, Kurt Casey	USAF	Bellevue
4	McQuade, James Russel	USA	Hoquiam
5	Meldahl, Charles Howard	USA	Monroe
6	Nyman, Lawrence Frederick	USN	Aberdeen
7	Okerlund, Thomas Richard	USA	Seattle
8	Osborne, Rodney Dee	USA	Kent
9	Owens, Joy Leonard	USAF	Seattle
10	Paschall, Ronald Page	USA	Alderwood Manor
11	Pick, Donald William	USAF	Richland
12	Prentic, Kenneth Morton	USN	Tacoma
13	Price, David Stanley	USAF	Centralia
14	Ramos, Rainier Sylvester	USA	Bellingham
15	Richardson, Stephen Gould	USN	Seattle
16	Riordan, John Michael	USN	Seattle
17	Robertson, John Leighton	USAF	Seattle
18	Spinelli, Domenick A.	USN	Oak Harbor
19	Strait, Douglas Frank	USA	Moses Lake
20	Stubbs, William W.W.	USA	Newport
21	Trembley, J. Forrest George	USN	Spokane
22	Williamson, James D.	USA	Tumwater
23	Worthington Jr., Richard C.	USA	Bothell

24 BE IT RESOLVED, That the Attorney General of the State of
25 Washington, in filing this suit, shall demand that the Department of
26 Defense, the intelligence agencies, the governments of Vietnam, Laos,
27 Kampuchea, Russia, and the People's Republic of China turn over all
28 documents concerning Prisoners of War and Missing in Action in Laos,
29 Kampuchea, and Vietnam. This law suit is not intended to authorize the
30 United States Supreme Court to rule or enter a decision declaring the
31 Prisoner of War and Missing in Action issue to be dead. All evidence
32 of law must be used to prove beyond reasonable doubt, on an individual
33 basis, the fate or whereabouts of our Prisoners of War and Missing in
34 Action; and

35 BE IT FURTHER RESOLVED, That the other forty-nine states of the
36 United States of America be urged to join this action on behalf of
37 their state and the citizens of their state who are being held in
38 captivity in Southeast Asia; and

1 BE IT FURTHER RESOLVED, That copies of this Memorial be immediately
2 transmitted to the Honorable Bill Clinton, President of the United
3 States, the Chief Justice of the United States Supreme Court, the
4 Attorney General of the State of Washington, the Chief Clerk of the
5 House and Senate of the Legislatures of each State of the Union, the
6 President of the United States Senate, the Speaker of the House of
7 Representatives, and each member of Congress from the State of
8 Washington.

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