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MEMORANDUM

THE WHITE HOUSE

WASHINGTON

December 24, 1974

FOR: PHILIP W. BUCHEN

FROM: JAY FRENCH

SUBJECT: ENCLOSED PROPOSAL FROM
GENERAL LAWSON CONCERNING
MIA/POW MATTERS

Eva referred this memo to me for my information. I discussed it with Ted Marrs and informed him that this is not a matter requiring legal comment from our office.

It is my feeling that such a commission is improper. Intelligence information should be capable of telling us whether there is a substantial probability that a significant number of MIAs are alive. If the information is positive, we do not need a commission to do what we should do on our initiative, that is, pressure these countries to account for these men. On the other hand, if the intelligence information is negative, a commission would only wet an appetite that could never be satisfied.

Enclosure



THE WHITE HOUSE
WASHINGTON

Dec. 18, 1974

To: Jay

From: Eva

Attached is a copy of
the memo Mr. Buchen
just received. FYI

THE WHITE HOUSE

WASHINGTON

December 18, 1974

MEMORANDUM FOR:

DR. TED MARRS

FROM:

GENERAL LAWSON 

SUBJECT:

MIA/POW Matters

The attached draft proposal to the President has been forwarded to Defense, State and NSC for approval, change, comment and coordination. Defense has concurred. Neither State or NSC has formally responded, although I have been informally advised that some resistance to the proposal is developing. I am pressing for a decision in time to make an announcement on 27 January 1975 - the second anniversary of our POW release. I will keep you advised.

1 Attachment

Draft Proposal

cc:

Mr. Marsh

✓ Mr. Buchen

Mr. Baroody

MEMORANDUM FOR THE PRESIDENT

FROM:

MAJOR GENERAL LAWSON

Ⓟ

SUBJECT:

Designation of a Presidential Task Force
for MIA/POW Matters

For several months the MIA/POW families have been searching for a responsible means of realizing their objectives. After careful and intense study, they have come forward with a request for the establishment of a "Presidential MIA/POW Task Force", modeled along the lines of the Presidential Amnesty Commission. (Tab A)

Upon receipt of the request, a study group was formed to evaluate the proposal. We have now completed a series of meetings with members of the National League of Families, Congress, the Departments of State and Defense, and various other interested individuals. From these discussions, the following general observations were formulated:

(1) Family members are generally optimistic about the potential value of such a commission. Although they are realistic enough to understand that a commission cannot perform "acts of magic," they do believe that the combined power of the legislative and executive branches of government united under a Presidentially directed organization could achieve some measure of success.



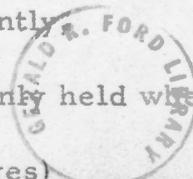
Retention Copy - Military Office

At the minimum, they believe the commission would focus international attention upon the failure of the North Vietnamese to comply with the provisions of the Paris Peace Accords.

(2) Members of Congress have already issued statements suggesting creation of either a Presidential Task Force or a Congressional Task Force to "investigate and make recommendations regarding the conduct of the MIA/POW program." (Tab B)

Congressional interest in the MIA/POW issue has increased in the past six months. Amendments to the Foreign Trade Bill and the Military Construction Bill were initiated and only narrowly missed enactment. Both State and Defense have registered concern for the impact which these amendments could have had upon existing programs (Tab C and Tab D).

(3) The Supreme Court decision which upheld the lower courts' actions in the McDonald versus McLucas case (permitting the redesignation of certain MIA/POW's to that of Presumptive Finding of Death [PFOD]) gives the green light to service secretaries to hold independent hearings and reviews on all MIA/POW cases immediately if they so desire. This issue is one of the most controversial aspects of the entire MIA/POW program. Currently because of White House guidance, redesignation hearings are only held when requested by a family member. Some members (primarily wives) would privately prefer to have the redesignation program proceed - but,



they cannot bring themselves to be the initiating factor. Others (primarily parents) have and will continue to use every possible means of delay to obstruct redesignation action. By law, this action cannot be held up much longer. A commission would be a most useful means to publicly illuminate all aspects of this very difficult question.

After careful consideration of all aspects of the National League of Families proposal, the study group has concluded that the formation of a Presidential Task Force for MIA/POW Matters is timely and could serve an extremely useful function in the final resolution of the Vietnam era MIA/POW issue. It is recognized that there are certain inherent dangers associated with the establishment of Presidentially appointed commissions, in that occasionally their recommendations tend to be narrowly focused and cannot be implemented when viewed in the context of national policy. However, in this case, the question does not appear to be - "Will there be a commission?", but "Who will initiate a commission." The mood of Congress is quite clear. If the Executive Branch does not initiate action fairly quickly, a Congressional task force will almost certainly be appointed to accomplish the study. Neither the families nor the representatives of Defense or State Departments favor that action. Considering all aspects of the current situation, it is recommended that you establish a Presidential Task Force for MIA/POW matters.

The Department of State and the Department of Defense concur with this recommendation.



-4-

If you agree, a working group consisting of White House, Defense and State Department personnel will be established in order to develop the specific guidelines for the task force in order that you might present this information to the National League of Families at the earliest possible date.

APPROVE

DISAPPROVE

LET'S DISCUSS

1 Attachment







NATIONAL LEAGUE OF FAMILIES
OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

1608 K STREET, N.W., WASHINGTON, D. C. 20006 (202) 623-6811

September 30, 1974

PRESIDENTIAL TASK FORCE -- POW/MIA

I. Why a Task Force?

The responsibility for obtaining a successful resolution of the POW/MIA issue should be centralized. Previously the issue has been a concern of the Executive Branch including State Department, Defense Department, and the Congress. It has lacked the cohesiveness that a commission directly responsible to the President would have. Therefore, it seems desirable--even imperative--that a Presidential Task Force be established.

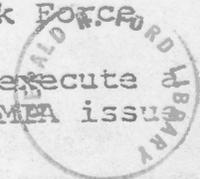
II. Make Up of Task Force

Of course the President would determine the make up. But, because we so fervently desire an acceptable determination of the fate of our men, we are bold enough to make these suggestions:

1. Someone from the Executive Branch to chair the commission.
2. Senate representation.
3. House representation.
4. State Department representation.
5. Department of Defense representation.
6. National League of Families representation.
7. Members of other agencies could be used as consultants as the need arises; i.e., Justice Department, J. C. R. C. Team, Four Party Joint Military Team, Red Cross, etc.

III. Purpose, Objectives, and Responsibilities of Task Force

1. Very simply to develop, coordinate and execute a plan for obtaining an honorable resolution of the POW/MIA issue as quickly as possible.
2. It is easy to state simply and succinctly the purposes and objectives. The difficulty is in developing a plan and then in executing such a plan. This will require diligent



- 2 -

thinking and rethinking, but the following might be used as a base which may be altered and enlarged upon as we proceed towards the goal.

The Task Force, as an arm of the government and directly responsible to the President should:

2.1 Seek ways to bring world-wide attention to the fact that the government of North Vietnam and the leaders of the Provisional Revolutionary Government (Viet Cong) are not abiding by international agreements which were witnessed by and attested to by other governments.

2.2 Use the United Nations and other world forums to call upon other governments of the world that are signatory to the Geneva Convention, to demand publicly and through official government channels that the DRV and PRG abide by international agreements.

2.3 Observe closely the coalition government in Laos and use all the means available to us to get cooperation and assistance in obtaining an acceptable accounting and return of all POW's according to the Laotian protocols.

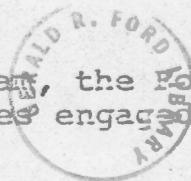
2.4 Use all available means to obtain an acceptable accounting and return of all POW's who may be in areas outside of North Vietnam, South Vietnam, and Laos. These would include but not be limited to Red China and Cambodia.

2.5 Study the possibility of applying economic pressure in obtaining an acceptable accounting, not only to North Vietnam but to any country that has not to our government's satisfaction pressured the DRV, PRG, Pathet Lao, and Khmer Rouge to honor their commitments.

2.6 Send a high ranking U. S. envoy to Southeast Asia to go from capital to capital (from Saigon to Phnom Penh to Vientiane to Hanoi to Peking) to try to gain entry into areas presently controlled by Communists for our J. C. R. C. Team, the International Red Cross, or neutral countries, so such teams could search out crash and incident sites, talk with natives, and try to obtain the honorable accounting we desire.

2.7 Seek out governments from neutral countries that would volunteer to send in teams to inspect crash and incident sites if such arrangements could be negotiated.

2.8 Work closely with our J. C. R. C. Team, the Four Party Joint Military Team, and other existing agencies engaged in Southeast Asia that could help in the POW/MIA issue.

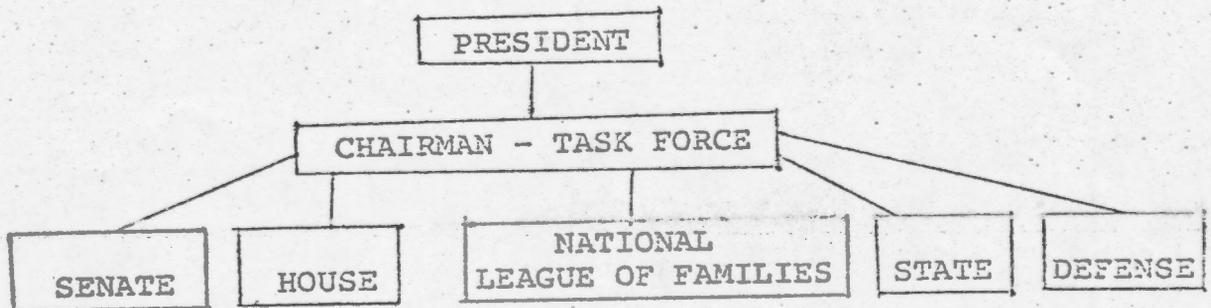


IV. Funding

The Task Force should be specially funded for a given period of time--say four months. During this time the Task Force would exert maximum effort in developing and executing a plan. The 120 days would end about January 27, 1975, which is the second anniversary of the signing of the Paris Peace Agreements.

V. Reporting

The Task Force should issue reports periodically, the first report to be issued within one month from its organizational meeting and monthly thereafter or more frequently if deemed necessary. The final report should be given approximately January 27, 1975, at which time the commission could assess the situation and recommend that the Task Force be disbanded or continued depending on the situation at that time.





FOR IMMEDIATE RELEASE

U.S. Senator Alan Cranston announced today that he will ask President Ford to create a special board of inquiry to review all existing government procedures and policies relating to Americans still missing-in-action in Southeast Asia.

Cranston said that if the President cannot create such a board by executive order, he will initiate legislation establishing the board.

"Many Americans," said Cranston, "have already begun to forget the war in Vietnam. But for wives and families of those men whose fate is still uncertain, the memory of that cruel and tragic conflict is very fresh indeed. For them, the anguished uncertainty continues day after day."

"I believe that a board of inquiry would be able to make badly-needed comprehensive recommendations as to what the federal government can do to settle once and for all the question of the fate of those Americans who are still missing and unaccounted for.

"The board should include in its review of existing policies and procedures a thorough examination of Department of Defense practices with regard to MIAs and POWs, as well as recommendations for needed legislative and executive action.

"Specifically, the board should:

"1. Determine if the State Department is actively seeking an end to the war in Vietnam so that search teams may conclude--by examining crash and grave sites--whether any Americans remain alive in Communist-controlled territory.

"2. Review Department of Defense policies and regulations on determining



missing and unaccounted for.

"The board should include in its review of existing policies and procedures a thorough examination of Department of Defense practices with regard to MIAs and POWs, as well as recommendations for needed legislative and executive action.

"Specifically, the board should:

"1. Determine if the State Department is actively seeking an end to the war in Vietnam so that search teams may conclude--by examining crash and grave sites--whether any Americans remain alive in Communist-controlled territory.

"2. Review Department of Defense policies and regulations on determining the status of missing-in-action.

"3. Recommend to the Administration and the Congress any legislation needed to correct current problems regarding DOD policies and regulations."

Cranston noted that the Senate Committee on Finance has adopted, as Title IV of the Trade Reform Act, language which reflects amendments offered by
more



MIAs--add one

Senators Chiles and Gurney of Florida conditioning the extension of most-favored-nation treatment and government credits to non-market economies upon a presidential determination that such countries had undertaken to obtain the cooperation of the pertinent governments in Southeast Asia in locating U.S. personnel missing in action, repatriating those who are alive, and in recovering the remains of those who are dead.

Earlier the Senate adopted, as part of the Military Construction Authorization Act, a provision--of which Cranston was the prime cosponsor--stating that:

No change in the status of any member of the uniformed services who is in a missing status may be made unless and until two provisions have been fulfilled. First, the President must determine and notify the Congress in writing that all reasonable actions have been taken to account for such members, and that all reasonable actions have been made to enforce the provisions of Article 8 (b) of the Paris Peace Accord. Second, the service Secretary concerned must notify that person's next-of-kin in writing of the proposed change in status. The next-of-kin then has 60 days after receipt of notification of the proposed change in status to file an objection to the change.

"These are important steps toward resolving the question of MIAs and POWs fairly and compassionately," Cranston said.

"Creation of a board of inquiry would be another important step toward

to the long-suffering relatives of our men that the government

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Paris Peace Accord. Second, the service Secretary concerned must notify that person's next-of-kin in writing of the proposed change in status. The next-of-kin then has 60 days after receipt of notification of the proposed change in status to file an objection to the change.

"These are important steps toward resolving the question of MIAs and POWs fairly and compassionately," Cranston said.

"Creation of a board of inquiry would be another important step toward demonstrating to the long-suffering relatives of our men that the government is giving priority to this tragic problem."

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GERALD R. FOND LIBRARY





December 7, 1974

Honorable Russell B. Long
Chairman, Committee on Finance
United States Senate

Dear Mr. Chairman:

This letter responds further to questions from several Members of the Committee during the Secretary's testimony December 3 concerning the Gurney-Chiles amendment (Sec. 403) to the Trade Reform Act, which calls on the Soviet Union and other nonmarket economy countries to help us achieve an accounting for Americans who are missing in action in Southeast Asia, including the repatriation of any men who may still be alive and the return of the remains of the dead.

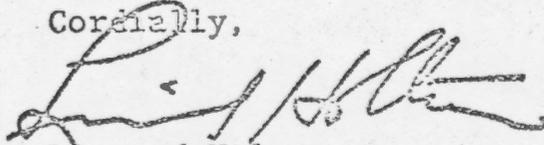
It goes without saying that the Administration shares the concern expressed by this amendment about North Vietnam's failure to account adequately for our men lost in Southeast Asia. We have pressed the communist authorities in Indochina repeatedly on this subject, and the Secretary has raised it personally with the Soviet and Chinese leaders. We have stated that there can be no consideration of economic assistance or other forms of accommodation with Hanoi until there is satisfactory compliance with the provisions of the Paris Agreement, including its missing in action requirement. When the Secretary met at the United Nations with the Foreign Minister of Laos, who represents the Pathet Lao side in the coalition government, he made clear the importance we attach to search efforts for our men missing in that country. The U.S. took the initiative at the United Nations to sponsor a resolution on accounting for the missing and dead in armed conflicts, which was overwhelmingly approved by the General Assembly on November 6. Our actions will continue with serious determination until we have obtained the fullest possible information on our men.



Although we agree with the aim of the Gurney-Chiles amendment, we are concerned that its reporting requirements will hinder, rather than advance, achievement of that objective. As the Secretary indicated in his response to questions, it is simply unrealistic to expect progress in this important matter on the basis of efforts which are publicly disclosed. We assure the Committee we will continue our efforts to enlist Soviet cooperation on this subject, but to give this any chance of success, we hope the amendment can be stated as the Sense of the Congress, and that the reporting requirement can be removed. We of course do not wish to have the bill delayed by amendments on the floor but would hope this section could be adjusted in Conference.

If we can provide further information on this subject, I hope you will let me know.

Cordially,



Linwood Holton
Assistant Secretary
for Congressional Relations



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ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

5 DEC 1974

INTERNATIONAL SECURITY AFFAIRS

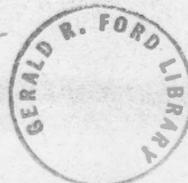
MEMORANDUM FOR GENERAL LAWSON

SUBJECT: Accounting for Missing Servicemen

The Vietnam Ceasefire Agreement, signed in January 1973, in addition to providing for the return of prisoners of war and civilian detainees, made provision for an accounting for those missing U. S. servicemen and civilians who did not return. Now, almost two years later, that accounting has not been accomplished and the Military Services continue to carry over 900 men in a missing status. The inability of the Military Services and our government to obtain compliance from North Vietnam and its allies with Article 8(b) of the Ceasefire Agreement, which obligates the signatories to cooperate in efforts to account for the missing, has resulted in great frustration and continued anxiety for the families of those who did not return from Southeast Asia. Much of this frustration has been directed at the Department of Defense. The resulting situation in which we find ourselves, and which will be described below, pleases no one.

Some next of kin are vehemently opposed to the change in status of their loved one from missing in action or prisoner to deceased. Others would like the Services to continue with status reviews but cannot bring themselves to comply with current Service procedures which have evolved as a result of the sensitivity of this issue. Congress has also consistently expressed great interest in the issue of accounting. This interest has recently been expressed by the introduction in Congress of measures which would severely restrict the ability of the Military Services to deal with the problem of their members who become missing in either wartime or peacetime.

As you are well aware, the majority of our efforts to obtain an accounting for our men who did not return have been put forth by our delegates to the Four-Party Joint Military Team in Saigon. Although we have continually pressed the other side in that forum on their clear obligation under Article 8(b) of the Paris Agreement concerning this purely humanitarian issue, we have achieved only minimal results. The only substantive response has been the return to us last March of the remains of 23 American servicemen whom the DRV reported as having died in captivity. The remains of some 17 other



Americans have been recovered through the activities of our Joint Casualty Resolution Center which is based in Thailand. Thus far, the Center has been restricted to uncontested areas of South Vietnam in conducting field searches.

When our men returned from enemy captivity in early 1973, they were able to provide information which allowed resolution of fewer than 100 cases of the 1363 servicemen who had remained unaccounted for at the time the repatriation was completed. On 20 July 1973, a law suit (McDonald v. McLucas) was filed against the Secretaries of the Military Departments in an effort to halt changes from missing status to deceased. The resultant Temporary Restraining Order handed down by the Court restricted the Secretaries to reviews of and changes to the status of missing servicemen to only cases in which the primary next of kin requested the appropriate Secretary in writing that he not delay action on the case based on information in his possession. The final decree in McDonald v. McLucas, entered on 11 March 1974, required that the Secretaries afford certain rights, including that of a hearing, to those next of kin currently receiving governmental financial benefits prior to a review of their missing service member relative's case which could result in a finding of death. By early April 1974, the Services had developed and implemented regulations to conform with the requirements of the decree. Additionally, at that time, we were informed that the decision would be appealed to the Supreme Court by plaintiffs' counsel. The appeal was subsequently filed, and the Supreme Court affirmed the decision of the lower court on 11 November 1974. We have been informed that the deadline for an appeal for a rehearing by the Supreme Court is 6 December 1974, and that as of yet, it has not been filed. The case remains technically active in that regard, although we believe that the granting of such an appeal is unlikely.

With these legal entanglements now practically behind us, I believe it is time for a look at where we have been and where we should go. An assessment should be made now of our efforts to achieve the accounting required by Article 8(b), together with consideration of further status reviews and changes. The mechanism exists in the Services to proceed in an orderly fashion in accordance with the requirements of the decree with those cases which warrant review. Some reviews will continue to be made based on the recovery and identification of remains. Others will be warranted because of the receipt of new information, or information which verifies that which is currently possessed. Still other cases may warrant review simply because of the dim prospect for the survivability of the incident itself, the fact that our returnees could add nothing to known information which would



indicate survival, and even the receipt of additional information, which might be given by the other side in some future compliance with Article 8(b), would not include additional data in a number of cases.

Although the obligation for the other side to account for our men is clear in application to both the missing and the dead, the interpretation made by many is that once a change is made to deceased, the other side is relieved of their accounting responsibilities. Recent proposed legislation reflecting this view attempts to attach unreasonable constraints on the statutory authority of the Secretaries under 37 United States Code to make findings of death, and based on the hope that somehow, if there is a halt in status changes, the other side will come forth with an accounting. Our review of the past plenary sessions of the Four-Party Joint Military Team reveals that the other side fully realizes the importance we place on the accounting for our missing and the return of the remains of the dead; therefore, they will continue to stall and rebuff our efforts in this area until internal pressure here will result in their achievement of political and military concessions which they have previously been unable to gain.

I believe the Services have proceeded thus far in an extremely conservative fashion in their reviews of the cases of their missing servicemen. They have continued, as in the past, to honor family requests for reviews. At the present time, no hearings or reviews are being scheduled by the Services except in those cases where the primary next of kin requests a hearing, or where new and significant information, such as the recovery and identification of remains, is forthcoming. As you know, the views of next of kin vary on this issue, and often have caused dissention within the same family. We know there are cases which warrant review and the request for which would never be sent by the wife. Many feel they could accept a change, but not if a need existed for them to initiate the action. Testimony to this effect was recently given by family members before the House Armed Services Committee in connection with consideration by Subcommittee Number Two of proposed legislation to restrict status changes.

In summary, I believe the situation should be studied in light of the current and foreseen environment so that we can chart a proper course of action.

Roger E. Shields

ROGER E. SHIELDS
Deputy Assistant Secretary



For Jay French



NATIONAL LEAGUE OF FAMILIES
OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA
Mrs. Ann Griffiths, State Coordinator, Southern California
6575 Christine Circle, Buena Park, CA 90620

November 14, 1974

Dr. Theodore Marrs
Special Assistant to the President
The Whitehouse
Washington, D.C.

Dear Dr. Marrs:

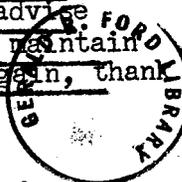
I wanted to thank you for taking the time to discuss what I know to be our mutual concern of obtaining the accounting. I greatly appreciated our very frank discussion of this situation and related matters.

In attempting to convince the families that bitterness should not be aimed at our current President, I have to say that most families feel President Ford is the only one who actually can help us obtain the information we must have in order to feel any real peace within ourselves. It really would not matter who occupied the presidency, the frustration would still be vented upon that person. They would consider it irrelevant that President Ford was not initially to blame, only that he can help us now and has not yet acted with the strength and determination they feel is mandatory.

I share your view that there is no person who can negotiate from a position with nothing to offer. The leverage must be there. What can we do to help our leaders gain the leverage? We must have suggestions before we can attempt to help. So many of the families have already waited so long that their patience has worn quite thin. Almost to a member, the families were relieved and happy when Mr. Ford became the President and they all shared the expectancy that now, finally, something would be done. It is imperative that we have an all-out effort for a solution immediately, and I know you certainly share the urgency we all feel.

We anxiously await further word from General Lawson on the formation of a special committee of qualified persons who might be able to advise the President in a positive manner. Until then I know we must maintain patience in spite of the impatience which often engulfs us. Again, thank you for your concern, efforts and time.

Sincerely,



Ann Mills Griffiths

Ann Mills Griffiths
(714) 826-3110 or (714) 893-7531

THE WHITE HOUSE

WASHINGTON

December 16, 1974

MEMORANDUM FOR: GENERAL LAWSON
FROM: DR. MARRS

Dick - the attached letter from Ann Mills Griffiths is characteristic of the thinking of a number of families of MIAs. Few have been quite as reserved however.

The establishment of a committee would be a welcome indicator of interest to all - and announcement of such before Christmas would be particularly appreciated. By the way, December 27 or 28th is date considered as MIA "anniversary."

As you know, prior to my opportunity to sample the sincerity and depth of pained feelings in regard to the Clemency Board I did not support such a Committee. Now I am convinced it is a moral obligation.

If there is any way I can be of assistance let me know.

I still cannot guarantee specific recommendations or whitewash - and don't expect the latter. Good selection of the committee can preclude a disaster type product.

Enclosure

cc: Mr. Marsh
✓ Mr. Buchen
Mr. Baroody
General Scowcroft



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: January 22, 1975

Time:

FOR ACTION: Phil Buchen

cc (for information):

FROM THE STAFF SECRETARY

DUE: Date:

Time:

SUBJECT:

Lawson memo (1/20/75) re: Designation of
a Presidential Board for MIA Matters

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Jerry H. Jones
Staff Secretary

THE WHITE HOUSE

WASHINGTON

January 20, 1975

MEMORANDUM FOR THE PRESIDENT

FROM

MAJOR GENERAL LAWSON

SUBJECT

Designation of a Presidential Board
for MIA Matters

For several months the MIA families have been searching for a responsible means of realizing their objectives. After careful and intense study, they have come forward with a request for the establishment of a "Presidential MIA Board", modeled along the lines of the Presidential Amnesty Commission.

Upon receipt of the request, a study group was formed to evaluate the proposal. We have now completed a series of meetings with members of the National League of Families, Congress, the Departments of State and Defense, and various other interested individuals. From these discussions, the following observations were formulated:

(1) Family members are generally optimistic about the potential value of such a group. Although they are realistic enough to understand that a Board cannot perform "acts of magic," they do believe that a Presidentially directed organization might achieve some measure of success. At the minimum, they believe the activities of the Board would focus international attention upon the failure of the North Vietnamese to comply with the provisions of the Paris Peace Accords.

(2) Members of Congress have already issued statements suggesting creation of either a Presidential Board or a Congressional Committee to "investigate and make recommendations regarding the conduct of the MIA program." Congressional interest in the MIA issue has increased in the past six months. Restrictive amendments to the Foreign Trade Bill and the Military Construction Bill on this subject were initiated and only narrowly missed enactment. Both State and Defense have registered concern for the impact which such amendments could have had upon existing programs.



(3) The Supreme Court decision which upheld the lower courts' actions in the McDonald versus McLucas case (permitting the redesignation of certain MIA to that of Presumptive Finding of Death [PFOD] - gives the green light to service secretaries to hold independent hearings and reviews on all MIA cases immediately if they so desire. This issue is one of the most controversial aspects of the entire MIA program. Currently, redesignation hearings are only held when requested by a family member. Some members (primarily wives) would privately prefer to have the redesignation program proceed - but, they cannot bring themselves to be the initiating factor. Others (primarily parents), have and will continue to use every possible means of delay to obstruct redesignation action. By law, this action cannot be held up much longer. A Board would be a most useful means to publicly illuminate all aspects of this very difficult question, and to develop recommendations for the resolution of the matter.

The study group recognized that there are certain inherent dangers associated with the establishment of Presidential Boards.

(1) Some recommendations of similar groups have tended to be narrowly focused and could not be implemented when considered in the context of total national policy. (This is a potential problem in this case since one of the most frequent proposals from the MIA community is the adoption of foreign trade restrictions designed to force access for search and identification teams into North Vietnam and other communist occupied areas.)

(2) The recommendations of Presidential Boards seldom satisfy everyone concerned with the issue. In this case, it is the study group's conclusion that approximately 80% of the family members will be satisfied with the recommendations of the MIA Board, primarily because they know that their issue was carefully considered by the very top leadership of the nation.

(3) The news media has sometimes postulated that the very act of establishing a "Presidential Group", in itself, implies the existence of a serious problem.

Despite the dangers cited above, the study group's final conclusion was that the formation of a Presidential MIA Board is timely and would serve an extremely useful function in the resolution of Vietnam era matters.



This recommendation was primarily influenced by the following observations:

- (1) The programs and actions taken on behalf of the American MIA and Unaccounted for in Southeast Asia have been recognized by all nations as models of concern, interest and coordinated governmental action. These programs should be reviewed, analyzed and documented. Family members do not have a concise, complete view of the total actions taken by their government in support of the POW's, MIA's, and unaccounted for personnel. This review would do much to mute those charges which have been made that "the government doesn't care."
- (2) There is strong evidence that the question is not - "Will there be a Board?", but, "Who will initiate the Board?" The mood of Congress is quite clear. If the Executive Branch does not initiate action within the immediate future, a Congressional committee will almost certainly be appointed to accomplish the study. Neither the families nor the representatives of the Defense or State Departments favor that action.
- (3) As a result of modern communications and the extended duration of the Vietnam Conflict, the families of the POW, MIA and unaccounted for personnel became acquainted and formed organizations for mutual support. These groups have not dissolved as they have in the aftermath of previous conflicts. Indeed the principal organizations seem to be stronger than ever. They are well funded, have strong leadership, and they are now achieving the autonomy of purpose which they seemed to lack in the past. During the recent holiday season, over 65,000 Christmas cards were addressed to the MIA's and mailed to various government agencies, "to be delivered to addressee at current location." Marches and demonstrations are becoming more vocal and demonstrative. They have come to believe that only in this manner can they achieve their objectives. It is the considered, collective judgment of the study group that these groups will not "go away" without an overt action on the part of the government.
- (4) The responsible family members look to the establishment of the Presidential Board as the "Beginning of the End" to their long vigil. Certainly they do hope that the activities of the Board will focus international attention on their problem and will result in a relaxation of restrictions on search and identification team movements. However, none of them believe that military force could or should be employed to force entry, just as the thought of additional Americans being killed while on search



and identification missions is especially repugnant to them. The families' concept of a Presidential Board is an organization which will review and document the past, assess the present and make responsible recommendations for the future. They believe an independent Board would be less bound to the past than a similar group made up of administration officials, congressmen, or even family members. While the thought is never openly stated, it is evident that more than anything the families want this matter to be brought to a conclusion. A final report of a Presidential Board represents the end that they seek. In their minds, the establishment of a Presidential Board is their proof that the country did care - that they as a group had succeeded in getting their issue to the very top, and that the final resolution of their problem had been reviewed by the President himself. Thus, the imperative for a "Presidential Board." Anything less, in their eyes, means one more step that could and therefore must be taken. Most importantly, the study group is convinced that the majority of the families have privately agreed that the findings and recommendations of the Board will represent the last word. If the Commission reports to the President that "All has been done that can be done," these family members are ready to disband, and return to their lives.

For these reasons, the Study Group recommends the establishment of a Presidential MIA Board. The Departments of State and Defense concur with this recommendation.

The second anniversary of the signing of the Paris Peace Accords is January 27, 1975. This date has assumed great significance among all MIA groups. A large national meeting is planned here in Washington beginning January 25 and ending with a series of events commemorating the anniversary on January 27, 1975. It is recommended that you support these activities by meeting in the Oval Office with the Board of Governors of the National League of Families, and issuing a proclamation declaring January 27, 1975 as "National MIA Awareness Day". This proclamation should be issued on January 25, in order to permit appropriate planning to occur around the nation. If you agree with the designation of a Board, it is further recommended that you sign the Executive Order creating the Board at this time. Approximately 16 family members can be expected to attend such a signing ceremony.

APPROVE

DISAPPROVE

LET'S DISCUSS



Attachments

- TAB A - Executive Order establishing MIA Board
- TAB B - Listing of Potential Board Members
- TAB C - Proclamation declaring January 27, 1975
as "National MIA Awareness Day"



EXECUTIVE ORDER

Establishing a Board on United States personnel missing or unaccounted for in Southeast Asia.

By virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, I hereby order as follows:

Section 1. Establishment of the Board. There is hereby established in the Executive Office of the President, a board of eight members, which shall be known as the President's MIA Board. The members of the Board shall be appointed by the President, who shall also designate its Chairman.

Section 2. Functions of the Board. The Board shall examine and review the efforts that have been made to obtain an accounting for United States personnel missing or unaccounted for in Southeast Asia, and shall make recommendations to the President regarding the future conduct of this vital program. Pursuant to the realization of this objective, the following areas of interest are identified as starting points for the Board's study:

2.1. Review and evaluate actions of the Executive Branch of government in support of the national program on United States personnel missing or unaccounted for in Southeast Asia.

2.2. Describe and document the failure of the communist authorities to account for the missing and to return the remains of the dead, as provided in the Vietnam and Laos Agreements.

2.3. Consider what further actions can be taken to obtain information on United States personnel missing or unaccounted for in Southeast Asia.

2.4. Explore means by which search efforts can be undertaken for crash and incident sites and other information on United States personnel missing or unaccounted for throughout Southeast Asia.



2.5. Review existing laws, regulations, and procedures on United States personnel missing or unaccounted for in Southeast Asia to insure their current suitability and effectiveness, and, if appropriate, to recommend changes and deletions thereto.

Section 3. Compensation of Board Members. Each member of the Board, except any member who then receives other compensation from the United States, may receive compensation for each day he or she is engaged upon the work of the Board, not to exceed the daily rate now or hereafter prescribed by law for persons and positions in GS-18, as authorized by law (5 U. S. C. 5703) for persons in the government service employed intermittently.

Section 4. Funding of the Board. Necessary expenses of the Board may be paid from the Unanticipated Personal Needs Fund of the President, or from such other funds as may be available.

Section 5. Administrative Services and Support for the Board. Necessary administrative services and support may be provided the Board by the General Services Administration on a reimbursable basis.

Section 6. Informational and Technical Support of the Board. All departments and agencies in the Executive branch are authorized and directed to cooperate with the Board in its work, and to furnish the Board all appropriate information and assistance, to the extent permitted by law.

Section 7. Tenure of the Board. The Board shall submit its final recommendations to the President not later than June 30, 1975, at which time it shall cease to exist.

THE WHITE HOUSE
January 25, 1975



POTENTIAL CHAIRMAN OF THE BOARD

The study group was unanimous in its recommendations that Ambassador Bunker be nominated for selection as Chairman of the Board. Because of the potential workload associated with the position, Mr. Bunker was contacted and indicated tentatively that he would serve as Chairman of the Board -- if such a Board were established and if he was appointed.

POTENTIAL BOARD MEMBERS

The list of potential Board members was developed after careful review of capabilities and demonstrated public service. None of these individuals has been contacted regarding service on the Board, however, each has indicated a willingness to serve in support of this matter in the past. With your approval, contact will be established.



POTENTIAL BOARD MEMBERS

HONORABLE ELLSWORTH BUNKER
Ambassador-at-Large
Department of State
22nd and C Streets, N. W.
Washington, D. C. 20520

Mr. Frank T. Cary
Chairman of the Board
International Business Machines
Armonk, New York 10504

Lieutenant General Charles A. Corcoran
United States Air Force (Retired)
3819 Prince William Drive
Fairfax, Virginia 22003

Mr. Charles Duncan
Dean, Howard University Law School
2935 Upton Street, N. W.
Washington, D. C. 20008

Mr. George Elsey
President, American Red Cross
1730 E Street, N. W.
Washington, D. C. 20006

Lieutenant General Alvan C. Gillem II
United States Air Force (Retired)
2408 Belcher Drive
Montgomery, Alabama 36111

Mr. Jerome Holland
President, Hampton Institute
Suite 1490
270 Park Avenue
New York, New York 10017



Mr. Gilbert Jones
Vice Chairman of the Board
International Business Machines
Armonk, New York 10504

Mr. Tom Jones
President and Chairman of the Board
Northrop Corporation
1800 Century Park East Century City
Los Angeles, California 90067

Dr. George Kozmetsky
Dean, Graduate School of Business
University of Texas BEB 203
Austin, Texas 78712

Mrs. Oswald B. Lord
Formerly Ambassador to Human Rights Commission
770 Park Avenue
New York, New York 10021

Admiral John S. McCain
United States Navy (Retired)
2101 Connecticut Avenue, N. W.
Washington, D. C. 20006

General John C. Meyer
United States Air Force (Retired)
TAB Communications Incorporated
410 32nd Street
Newport Beach, California 92660

Major General John Murray
United States Army (Retired)
Vice President
Association of American Railroads
1920 L Street, N. W.
Washington, D. C. 20036



Dr. Dallion Oakes
President
Brigham Young University
Provo, Utah 84601

Mr. David Packard
Chief Executive
Hewlett-Packard
4 Choke Cherry Road
Rockville, Maryland 20850

Mr. T. A. Wilson
Chairman of the Board
The Boeing Company
Post Office Box 3707
Seattle, Washington 98124

Announcing the designation of January 27, 1975, as National MIA Awareness Day.

By the President of the United States of America

A Proclamation

January 27, 1975, marks the second anniversary of the signing of the Paris Agreement on Ending the War and Restoring the Peace in Vietnam. Although that Agreement contains specific obligations on accounting for the missing and the return of the remains of the dead, the communist authorities have failed to provide information on Americans missing in Southeast Asia, or to complete the return of the remains of our dead. Over 2400 Americans are still unaccounted for -- some 900 of them still listed as missing, the remainder declared dead with their bodies never recovered. The families of these men continue to live with the anguish of uncertainty about the fate of these loved ones.

NOW, THEREFORE I, Gerald R. Ford, President of the United States of America, do hereby designate Monday, January 27, 1975, as National MIA Awareness Day, a day dedicated to the many Americans who remain missing or unaccounted for in Indochina, and to their families. I call upon all Americans to join in this occasion in voicing the clear, continuing commitment of the American people and their government to seek the fullest possible accounting for Americans missing in Southeast Asia and the return of the remains of those who died. As an expression of that commitment, I have this day ordered the establishment of a Presidential Board on United States personnel missing or unaccounted for in Southeast Asia. It shall be the responsibility of this board to review all aspects of our national program on this subject and to



develop and make recommendations for achieving our national goal as previously cited -- "the fullest possible accounting for Americans missing in Southeast Asia and the return of the remains of those who died."

IN WITNESS THEREOF, I have hereunto set my hand this twenty fifth day of January, in the year of our Lord nineteen hundred seventy-five and of the Independence of the United States of America the one hundred ninety ninth.



MIA
File

Wednesday 1/22/75

5:45 Geof Shepard brought this over -- would like your comments tonight or first thing in the morning. They want to get it in to the President tomorrow.

As requested, here are Mr. Areeda's comments.

Put in
Am file



THE WHITE HOUSE

WASHINGTON

ACTION

January 22, 1975

MEMORANDUM FOR THE PRESIDENT

FROM: KEN COLE

SUBJECT: Designation of Presidential Board
for MIA Matters

Attached at Tab A is a memorandum from General Lawson advocating three items:

- (1) Issuance of a Presidential proclamation declaring January 27, 1975 (the second anniversary of the signing of the Paris Peace Accords), to be "National MIA Awareness Day."
- (2) Issuance of an Executive Order designating a Presidential MIA Board to investigate and recommend actions in this area.
- (3) An Oval Office meeting with the Board of Governors of the National League of Families this Saturday, January 25, when you would sign both the Proclamation and the Executive Order.

Neither the proposed Proclamation nor the proposed meeting with sixteen representative families are particularly controversial. The Proclamation is an appropriate and reasonable designation and provides a convenient reason for meeting with MIA representatives if you have not already done so.

There is, however, a great deal of controversy over the wisdom of the Executive Order creating a Presidential Board for MIA



matters. General Lawson indicates that the families favor one and that Congressional interest is growing. However, such a Board runs the substantial risk of thrusting you personally into an area of past controversy which you bore no responsibility for creating and for which there is absolutely no hope of solution.

Clearly, the expectations of the group have been raised--but this alone should not force you further into a very emotional and difficult situation. One viable alternative might be to direct the Secretary of Defense to create such a Board and report to you upon its recommendations. This would show some action, but would insulate the White House from the known unpredictabilities of Commissions.

OPTIONS:

1. Create the Presidential Board by Executive Order.
[N. B. In any event, the Executive Order cannot be prepared and funded by this Saturday, so that it will have to follow the Proclamation by a week.]
2. Direct the Secretary of Defense to establish a departmental board and report to you upon its recommendations.
3. Postpone the creation of any such Board pending possible Congressional action in this area.

RECOMMENDATIONS:



THE WHITE HOUSE

WASHINGTON

January 20, 1975

MEMORANDUM FOR THE PRESIDENT

FROM

MAJOR GENERAL LAWSON

SUBJECT

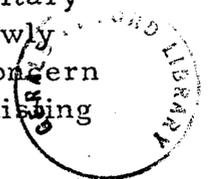
Designation of a Presidential Board
for MIA Matters

For several months the MIA families have been searching for a responsible means of realizing their objectives. After careful and intense study, they have come forward with a request for the establishment of a "Presidential MIA Board", modeled along the lines of the Presidential Amnesty Commission.

Upon receipt of the request, a study group was formed to evaluate the proposal. We have now completed a series of meetings with members of the National League of Families, Congress, the Departments of State and Defense, and various other interested individuals. From these discussions, the following observations were formulated:

(1) Family members are generally optimistic about the potential value of such a group. Although they are realistic enough to understand that a Board cannot perform "acts of magic," they do believe that a Presidentially directed organization might achieve some measure of success. At the minimum, they believe the activities of the Board would focus international attention upon the failure of the North Vietnamese to comply with the provisions of the Paris Peace Accords.

(2) Members of Congress have already issued statements suggesting creation of either a Presidential Board or a Congressional Committee to "investigate and make recommendations regarding the conduct of the MIA program." Congressional interest in the MIA issue has increased in the past six months. Restrictive amendments to the Foreign Trade Bill and the Military Construction Bill on this subject were initiated and only narrowly missed enactment. Both State and Defense have registered concern for the impact which such amendments could have had upon existing programs.



(3) The Supreme Court decision which upheld the lower courts' actions in the McDonald versus McLucas case (permitting the redesignation of certain MIA to that of Presumptive Finding of Death [PFOD] - gives the green light to service secretaries to hold independent hearings and reviews on all MIA cases immediately if they so desire. This issue is one of the most controversial aspects of the entire MIA program. Currently, redesignation hearings are only held when requested by a family member. Some members (primarily wives) would privately prefer to have the redesignation program proceed - but, they cannot bring themselves to be the initiating factor. Others (primarily parents), have and will continue to use every possible means of delay to obstruct redesignation action. By law, this action cannot be held up much longer. A Board would be a most useful means to publicly illuminate all aspects of this very difficult question, and to develop recommendations for the resolution of the matter.

The study group recognized that there are certain inherent dangers associated with the establishment of Presidential Boards.

(1) Some recommendations of similar groups have tended to be narrowly focused and could not be implemented when considered in the context of total national policy. (This is a potential problem in this case since one of the most frequent proposals from the MIA community is the adoption of foreign trade restrictions designed to force access for search and identification teams into North Vietnam and other communist occupied areas.)

(2) The recommendations of Presidential Boards seldom satisfy everyone concerned with the issue. In this case, it is the study group's conclusion that approximately 80% of the family members will be satisfied with the recommendations of the MIA Board, primarily because they know that their issue was carefully considered by the very top leadership of the nation.

(3) The news media has sometimes postulated that the very act of establishing a "Presidential Group", in itself, implies the existence of a serious problem.

Despite the dangers cited above, the study group's final conclusion was that the formation of a Presidential MIA Board is timely and would serve an extremely useful function in the resolution of Vietnam era matters.



This recommendation was primarily influenced by the following observations:

(1) The programs and actions taken on behalf of the American MIA and Unaccounted for in Southeast Asia have been recognized by all nations as models of concern, interest and coordinated governmental action. These programs should be reviewed, analyzed and documented. Family members do not have a concise, complete view of the total actions taken by their government in support of the POW's, MIA's, and unaccounted for personnel. This review would do much to mute those charges which have been made that "the government doesn't care."

(2) There is strong evidence that the question is not - "Will there be a Board?", but, "Who will initiate the Board?" The mood of Congress is quite clear. If the Executive Branch does not initiate action within the immediate future, a Congressional committee will almost certainly be appointed to accomplish the study. Neither the families nor the representatives of the Defense or State Departments favor that action.

(3) As a result of modern communications and the extended duration of the Vietnam Conflict, the families of the POW, MIA and unaccounted for personnel became acquainted and formed organizations for mutual support. These groups have not dissolved as they have in the aftermath of previous conflicts. Indeed the principal organizations seem to be stronger than ever. They are well funded, have strong leadership, and they are now achieving the autonomy of purpose which they seemed to lack in the past. During the recent holiday season, over 65,000 Christmas cards were addressed to the MIA's and mailed to various government agencies, "to be delivered to addressee at current location." Marches and demonstrations are becoming more vocal and demonstrative. They have come to believe that only in this manner can they achieve their objectives. It is considered, collective judgment of the study group that these groups will not "go away" without an overt action on the part of the government.

(4) The responsible family members look to the establishment of the Presidential Board as the "Beginning of the End" to their long vigil. Certainly they do hope that the activities of the Board will focus international attention on their problem and will result in a relaxation of restrictions on search and identification team movements. However, none of them believe that military force could or should be employed to force entry, just as the thought of additional Americans being killed while on search



and identification missions is especially repugnant to them. The families' concept of a Presidential Board is an organization which will review and document the past, assess the present and make responsible recommendations for the future. They believe an independent Board would be less bound to the past than a similar group made up of administration officials, congressmen, or even family members. While the thought is never openly stated, it is evident that more than anything the families want this matter to be brought to a conclusion. A final report of a Presidential Board represents the end that they seek. In their minds, the establishment of a Presidential Board is their proof that the country did care - that they as a group had succeeded in getting their issue to the very top, and that the final resolution of their problem had been reviewed by the President himself. Thus, the imperative for a "Presidential Board." Anything less, in their eyes, means one more step that could and therefore must be taken. Most importantly, the study group is convinced that the majority of the families have privately agreed that the findings and recommendations of the Board will represent the last word. If the Commission reports to the President that "All has been done that can be done," these family members are ready to disband, and return to their lives.

For these reasons, the Study Group recommends the establishment of a Presidential MIA Board. The Departments of State and Defense concur with this recommendation.

The second anniversary of the signing of the Paris Peace Accords is January 27, 1975. This date has assumed great significance among all MIA groups. A large national meeting is planned here in Washington beginning January 25 and ending with a series of events commemorating the anniversary on January 27, 1975. It is recommended that you support these activities by meeting in the Oval Office with the Board of Governors of the National League of Families, and issuing a proclamation declaring January 27, 1975 as "National MIA Awareness Day". This proclamation should be issued on January 25, in order to permit appropriate planning to occur around the nation. If you agree with the designation of a Board, it is further recommended that you sign the Executive Order creating the Board at this time. Approximately 16 family members can be expected to attend such a signing ceremony.

APPROVE

DISAPPROVE

LET'S DISCUSS



January 20, 1975

MEMORANDUM FOR: GENERAL LAWSON
FROM: PHILLIP AREEDA
SUBJECT: MIA Presidential Board

There is no legal obstacle to the creation of the proposed board. Of course, any Executive Order or Proclamation must be reviewed in OMB and the Justice Department in accord with the usual procedure.

I do believe, however, that it is presumptively unsound for the President to create non-governmental boards to investigate the workings of the Executive Branch. To be sure, there are exceptions, such as the recent commission looking into the CIA. I do not see a similar need here. I do not see why the Executive Branch itself cannot do all that needs to be done in this area.

I understand, finally, that the Unanticipated Personnel Needs Fund is more than exhausted by the Clemency Board and by the CIA Commission.

bcc: Jay French



THE WHITE HOUSE
WASHINGTON

January 18, 1975

Mr. Areeda:

Jay asked me to type this memo to you since Mr. Buchen had left and due to the time factor. However, he says it is not a terribly important matter but should be returned today or no later than Monday.

He said to mention ~~that you are~~ to do what ever you wish concerning it.

O.K.

Thanks.

Patsy.



THE WHITE HOUSE

WASHINGTON

January 18, 1975

MEMORANDUM FOR: PHILLIP AREEDA

FROM: JAY FRENCH

SUBJECT: MIA PRESIDENTIAL BOARD

General Lawson requests your comments concerning the creation of a "Presidential MIA Board." The attached memorandum is scheduled to go to the President on January 20. We just received it for review.

The board would perform these functions:

- a. review efforts of the Executive branch to obtain an accounting of MIA's
- b. describe and document failure of communist countries to account for MIA's
- c. consider what further action can be taken to obtain information on MIA's
- d. review existing laws and regulations concerning MIA's

The funds for such a board would come from the Unanticipated Personnel Needs Fund.

I believe that such a broad charter invites problems. For example, the first function is to investigate the Executive branch.

If there are a significant number of MIA's still believed to be alive then we should act but through direct Executive action, not a board of persons who are exhausted emotionally.

Furthermore, I would point out that the Unanticipated Personnel Needs Fund is low on funds and the financial future of the Clemency Board is still undecided.



THE WHITE HOUSE

WASHINGTON

January 18, 1975

MEMORANDUM FOR

MAJOR GENERAL LAWSON .

Set forth below are my comments with regard to your memorandum proposing the creation of a Presidential "MIA" Board.

1. I share the concern of these families, but I wonder if it is the best policy, in responding to their needs, to create a Board which has a function of reviewing the Executive branch's past efforts to locate these persons.
2. If information exists which indicates that these MIA's are still alive, then perhaps more speedy and positive Executive action should be contemplated.
3. However, if the concern of these families is to stimulate a more effective accounting of the MIA's, then I do not believe we need a Presidential Board to achieve this goal.
4. Several recent programs have drawn heavily on the Unanticipated Personnel Needs Fund and I am also concerned that we might unknowingly overextend ourselves.

Phillip Areeda
Counsel to the President



MEMORANDUM FOR THE PRESIDENT

FROM:

MAJOR GENERAL LAWSON

SUBJECT:

Designation of a Presidential Board
for MIA Matters

For several months the MIA families have been searching for a responsible means of realizing their objectives. After careful and intense study, they have come forward with a request for the establishment of a "Presidential MIA Board", modeled along the lines of the Presidential Amnesty Commission.

Upon receipt of the request, a study group was formed to evaluate the proposal. We have now completed a series of meetings with members of the National League of Families, Congress, the Departments of State and Defense, and various other interested individuals. From these discussions, the following observations were formulated:

(1) Family members are generally optimistic about the potential value of such a group. Although they are realistic enough to understand that a Board cannot perform "acts of magic," they do believe that the combined power of the legislative and executive branches of government united under a Presidentially directed organization might achieve some measure of success. At the minimum, they believe the activities of the Board would



focus international attention upon the failure of the North Vietnamese to comply with the provisions of the Paris Peace Accords.

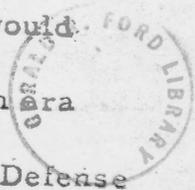
(2) Members of Congress have already issued statements suggesting creation of either a Presidential Board or a Congressional Committee to "investigate and make recommendations regarding the conduct of the MIA program." Congressional interest in the MIA issue has increased in the past six months. Restrictive amendments to the Foreign Trade Bill and the Military Construction Bill on this subject were initiated and only narrowly missed enactment. Both State and Defense have registered concern for the impact which such amendments could have had upon existing programs.

(3) The Supreme Court decision which upheld the lower courts' actions in the McDonald versus McLucas case (permitting the redesignation of certain MIA to that of Presumptive Finding of Death [PFOD]) gives the green light to service secretaries to hold independent hearings and reviews on all MIA cases immediately if they so desire. This issue is one of the most controversial aspects of the entire MIA program. Currently, redesignation hearings are only held when requested by a family member. Some members (primarily wives) would privately prefer to have the redesignation program proceed - but, they cannot bring themselves to be the initiating factor. Others-----



(primarily parents), have and will continue to use every possible means of delay to obstruct redesignation action. By law, this action cannot be held up much longer. A Board would be a most useful means to publicly illuminate all aspects of this very difficult question, and to develop recommendations for the resolution of the matter.

It is recognized that there are certain inherent dangers associated with the establishment of Presidentially appointed commissions, in that occasionally their recommendations tend to be narrowly focused and cannot be implemented when viewed in the context of national policy. However, in this case, the question does not appear to be - "Will there be a Board?", but "Who will initiate a Board?" The mood of Congress is quite clear. If the Executive Branch does not initiate action fairly quickly, a Congressional Committee will almost certainly be appointed to accomplish the study. Neither the families nor the representatives of Defense or State Departments favor that action. After serious considerations of all aspects of the current situation, the study group has concluded that the formation of a Presidential MIA Board is timely and would serve an extremely useful function in the resolution of Vietnam MIA matters. The Department of State and the Department of Defense



concur with this recommendation.

NOTE:

An Executive Order establishing the MIA Board is attached at TAB A.
A listing of potential Board members is located at TAB B.

The second anniversary of the signing of the Paris Peace Accords is January 27, 1975. This date has assumed great significance among all MIA groups. A large national meeting is planned here in Washington beginning January 25 and ending with a "Candle-Light Vigil" on January 27, 1975. It is recommended that you support these activities by issuing a proclamation declaring January 27, 1975 as "National MIA Awareness Day" (See TAB C). This proclamation should be issued on January 25 in order to permit appropriate planning to occur. Further, it is recommended that you meet publicly with the Family members on January 27, 1975 in order to sign the Executive Order creating the Presidential MIA Board. Approximately 300 family members and Congressmen can be expected to attend such a signing ceremony.

APPROVE

DISAPPROVE

LET'S DISCUSS



EXECUTIVE ORDER

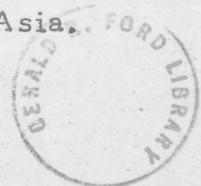
Establishing a Board on U.S. personnel missing or unaccounted for in Southeast Asia.

By virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, I hereby order as follows:

Section 1. Establishment of the Board. There is hereby established in the Executive Office of the President a board of _____ members, which shall be known as the President's MIA Board. The members of the board shall be appointed by the President, who shall also designate its Chairman.

Section 2. Functions of the Board. The Board shall examine and review the efforts that have been made to obtain an accounting for U.S. personnel missing or unaccounted for in Southeast Asia, and shall recommend to the President on means to obtain an honorable resolution of this subject. Pursuant to the realization of this objective, the following areas of interest are identified as starting points for the Board's study:

2.1. Review and evaluate actions of the Executive Branch of government in support of the national program on U.S. personnel missing or unaccounted for in Southeast Asia.



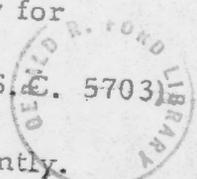
2.2. Describe and document the failure of the communist authorities to account for the missing and to return the remains of the dead, as provided in the Vietnam and Laos Agreements.

2.3. Consider what further actions can be taken to obtain information on U.S. personnel missing or unaccounted for in Southeast Asia, including the return of any Americans who may still be alive.

2.4. Explore means by which search efforts can be undertaken for crash and incident sites and other types of information on U.S. personnel missing or unaccounted for in communist controlled areas of Southeast Asia.

2.5. Review existing laws, regulations, and procedures on U.S. personnel missing or unaccounted for in Southeast Asia to insure their current suitability and effectiveness, and, if appropriate, to recommend changes and deletions thereto.

Section 3. Compensation of Board Members. Each member of the Board, except any member who then receives other compensation from the United States, may receive compensation for each day he or she is engaged upon the work of the Board, not to exceed the daily rate now or hereafter prescribed by law for persons and positions in GS-18, as authorized by law (5 U.S.C. 5703) for persons in the government service employed intermittently.



Section 4. Funding of the Board. Necessary expenses of the Board may be paid from the Unanticipated Personal Needs Fund of the President, or from such other funds as may be available.

Section 5. Administrative Services and Support for the Board.
Necessary administrative services and support may be provided the Board by the General Services Administration on a reimbursable basis.

Section 6. Informational and Technical Support of the Board.
All departments and agencies in the Executive branch are authorized and directed to cooperate with the Board in its work, and to furnish the Board all appropriate information and assistance, to the extent permitted by law.

Section 7. Tenure of the Board. The Board shall submit its final recommendations to the President not later than June 30, 1975, at which time it shall cease to exist.

THE WHITE HOUSE
January 28, 1975



Announcing the designation of January 27, 1975 as National MIA Awareness Day.

By the President of the United States of America

A Proclamation

January 27, 1975 marks the second anniversary of the signing of the Paris Agreement on Ending the War and Restoring the Peace in Vietnam. Although that Agreement contains specific obligations on accounting for the missing and the return of the remains of the dead, the communist authorities have failed to provide information on Americans missing in Southeast Asia, or to complete the return of the remains of our dead. Over 2400 Americans are still unaccounted for -- some 900 of them still listed as missing, the remainder declared dead with their bodies never recovered. The families of these men continue to live with the anguish of uncertainty about the fate of these loved ones.

NOW, THEREFORE I, Gerald R. Ford, President of the United States of America, do hereby designate Monday, January 27, 1975 as National MIA Awareness Day, a day dedicated to the many Americans who remain missing or unaccounted for in Indochina, and to their families. I call upon all Americans to join in this occasion

in voicing the clear, continuing commitment of the American people and their government to seek the fullest possible accounting for Americans missing in Southeast Asia and the return of the remains of those who died. As an expression of that commitment, I have this day ordered the establishment of a Presidential Board on U.S. personnel missing or unaccounted for in Southeast Asia. It shall be the responsibility of this board to review all aspects of our national program on this subject and to develop and make recommendations for achieving our national goal as previously cited -- "the fullest possible accounting for Americans missing in Southeast Asia and the return of the remains of those who died."

IN WITNESS THEREOF, I have hereunto set my hand this twenty fifth day of January, in the year of our Lord nineteen hundred seventy-five and of the Independence of the United States of America the one hundred ninety ninth.

