

The Honorable James Webb  
United States Senator  
1248 Russell Senate Office Building  
Washington, D.C. 20510-4604

Dear Senator Webb:

I am a long time resident of McLean, Virginia and served in Vietnam and other countries in Asia with Air America from 1962 to 1974 I recently read your excellent article entitled "Heroes of the Vietnam Generation" and I agree with your sentiments. I have a request of you, a concrete way that you could address the issues you discuss so passionately by supporting a very worthy effort in Congress today. I hope you will read this letter with the same level of interest with which I read your article on this subject and that you will prove to be the Senator who stood up to help deserving soldiers in need of assistance.

I am speaking of the situation of approximately 300 former employees of Air America, now universally acknowledged as having been employees of a government-owned (CIA) corporation, who have been left living without federal retirement benefits for over three decades, since their service to the U.S. Government ended in the mid-1970s. These were our "secret" warriors, airmen and their supporting cast who served this country in the decades of WWII through the Vietnam War and fought the good battle for the United States. Most of the Air Americans alive today are a group of WW2 military veterans, many highly decorated. After WW2, honorable discharge in hand, they didn't go home, they joined Air America, the secret air arm of the CIA, where their military savvy enabled them to fly covert missions efficiently, while their civilian status enabled our country to disown them if necessary.

Senator Webb, Air Americans need your immediate assistance. Senator Reid attached an Amendment on behalf of Air Americans to last year's DOD Authorization's Bill, Public Law 111-84, Section 1057, which directed the Director of National Intelligence ("DNI") to submit a Report on Air America to Congress by April 28, 2010. DNI missed the deadline and has stated that it will commit only to sending "90-day progress reports". DNI's first "progress report" revealed that it would be delegating part of the job to a private contractor. DNI now treats the overdue report as a project with an open time frame. In the meantime, Air Americans of advanced years are suffering without the federal retirement benefits they earned and deserve. DNI now says they are trying to complete their overdue Report by next spring; the contractor states that they have been given until next July to write a "history of Air America". It is obvious that DNI and its contractor, whether inadvertently or by design, can stall until all Air Americans die.

I cannot stress strongly enough the injustice of the unconscionable delay in getting this legislation passed for these aging American patriots. In their dedicated service to this country, they never ever asked anyone to wait. They didn't require studies or reports or decades of inertia to save a stranded soldier. They answered call after call in the skies over Southeast Asia to fly in, often under fire, to rescue our military men in the jungles of Vietnam and Laos. Air Americans were there in battle next to our military men for decades and have been honored and applauded

by U.S. Presidents, Ambassadors, USAF Generals, USN Admirals, CIA Directors, and foreign leaders. Even the French Government in 2005 awarded the Air Americans who supported them under CIA direction at the Battle of Dien Bien Phu with their highest award, the Legion of Honor. And yet Congressional action on behalf of Air Americans has been delayed year after year since 2004. In each effort in Congress since 2004, introduced by members of Congress in both houses, and from both sides of the aisle, the Air America legislation has not passed for reasons unrelated to its merits. This year, it is destined to die again in Congress because DNI has been unable to produce a timely Report.

The latest stall in this shameful story of the mistreatment of our men is the wait they endure for a DNI Report. This Report requirement is spelled out in PL111-84, Section 1057, with a due date of April 28, 2010. DNI states now that it has “absolutely no idea” how this project slipped past the legal due date and was only begun after April 28. DNI is now bogged down in sifting through 318 boxes of CIA personnel records to “make a determination of the whether these men should be recognized with federal retirement credit.” The courts have spoken on this issue several times, each time finding that Air Americans were not proper federal employees because they did not enter the Civil Service through the front door, (due to the clandestine nature of their employment). Although federal employees by definition under the U.S. Code during the course of their employment in wartime, OPM changed its rules retroactively after the Vietnam War in a way that excluded Air Americans, among others, from federal recognition. Professor William Leary (History) University of Georgia, has since written, “The nebulous status of Air America was devised for covert reasons, not to release the the Government from obligations to its employees.”

Other similarly situated people have gotten legislation through Congress to correct this clear injustice, groups such as the Asia Foundation and Radio Liberty. Legislation for Air Americans, arguably the very most worthy of all of these groups, is supposed to right this wrong. We do not believe the Section 1057 Report, which Congress gave DNI six months to produce, was meant to initiate a lengthy, thorough readjudication of the case law with a DNI employee and its outside contractor sitting as judge and jury. Air Americans have already written a Report that responds to the elements of Section 1057 sufficiently for Congressmen to make their own determination of the equities in this matter. I cannot imagine that Congress intended for anyone to unilaterally ignore a legal deadline and to give him/herself an open-ended period of time to sift through hundreds of boxes of personnel records dating back to WWII though the Vietnam era in order to do the right thing for these dedicated Americans. I would assume from the clear wording of Section 1057 that Congress would focus on the sacrifices Air Americans made side by side with our military men in Vietnam and Laos, and before that in Korea and China, and the fact that Air Americans operated the longest-lasting and most successful covert operation in American history. They were a net positive for the Government, and closed down as a profitable enterprise. At the end of the Cold War, Air America returned approximately \$23 Million to the U.S. Treasury, the equivalent of approximately \$119 million in today's dollars, which could have been used for their retirement, but wasn't. Almost one third of Air America pilots were killed in the course of their dangerous employment, supporting America's struggle against the very real Communist aggression of their era. What on earth else is there to say or to study until next July? (The fact that under our Constitution DNI operates in an environment in which it can unilaterally defy the law and makes its own rules is perhaps something more worthy of a thorough study and report to Congress.)

I have attached a copy of the Proposed Legislation we would like to see attached to the upcoming DOD Authorization Bill S.3454 / H.R. 5136. We ask you to take the initiative to introduce this Amendment since Senator Reid and Senator Feinstein have decided they will wait until DNI finishes its Report before moving forward. The language is identical to what was passed last year as Section 1057, minus the DNI Report requirement. We ask you to rely upon the Report on Air America prepared by Air Americans and on your own common sense and knowledge so evident from your writing in Heroes of the Vietnam Generation. DNI's Report, whenever it is finally produced, is not going to change your mind about the facts of Air American's contributions and their worthiness for retirement credit.

Perhaps our Report on Air America will inspire you to write more on the important subject of our country's war history. Air Americans to this day suffer the effects of our country's mischaracterization of the Vietnam era that you so accurately describe in your article. Recently, President Obama awarded the Medal of Honor to Chief Master Sergeant Richard Etchberger for his bravery on a mountainside in Laos in 1968. Though never highlighted in the press reports about the Medal of Honor ceremony, Sergeant Etchberger and his USAF companions were rescued by an Air America pilot, and the Sergeant died tragically in the arms of an Air America crewmember. But a deep-seated culture of secrecy and minimal information still hangs over this era in American history; even President Obama avoided mentioning Air America at the ceremony, explaining vaguely: "And in the morning light, an American helicopter came into view, as if it were a mourning dove on its customary flight across a meadow. It was in fact a CIA-directed Air America helicopter, flown by patriotic pilots and crew who flew secretly for the U.S. Government to rescue people like Sergeant Etchberger and his companions. To this day, even the Commander-in-Chief avoids any mention of this special group of men.

Similarly, American helicopters rescuing personnel from the rooftops of Saigon in 1975, depicted in one of the most well-known journalistic photographs of that era, were operated by Air America pilots, who stayed on in Vietnam until the end. The very last American helicopter out, presumed by so many to be a U.S. military aircraft, was in fact piloted by Air American crewmembers, who turned out the lights for the United States in the Vietnam War. To this day, nobody is ever told that those last guys to leave were the CIA's Air Americans.

I am at a loss to explain to aging Air Americans who served their country for so many years, from WWII through the end of the Vietnam War, how our Government has managed for the past 30 years to stall and delay what these men and their widows are due, and how it makes sense that Congress has in 2010 assigned their cause to a private consultancy with a history of dubious integrity, which could easily bill more for their Report than the total amount of retirement benefits owed to these patriots.

I am asking you not to stand by and let the DNI and a group of young Washington consultants collect their inflated salaries while the octogenarians of Air America scrape to save enough money for their medicines and other expenses of people in their advanced years. I am appalled by this treatment of the men of America's "Greatest Generation" and warriors of the Korean and Vietnam eras, and will keep fighting for them until the last one dies. I hope you will be my ally; I need your help.

The men of Air America were there for so many downed military men in their hour of need, many of who became senior military officers. I hope you will read in our Report on Air America the accounts of some of the Air America rescue missions of our military men. Air Americans never faltered in their dedication to their military brothers; they never delayed in responding to calls for help in the midst of war. Air Americans were there for so many of you in the face of the enemy; I am asking you, Senator Webb, to please stand up and fight for them now.

“What is a hero? My heroes are the young men who faced the issues of war and possible death, and then weighed those concerns against obligations to their country. They are citizen-soldiers who interrupted their personal and professional lives at their most formative stage, in the timeless phrase of the Confederate Memorial in Arlington National Cemetery, "not for fame of reward, not for place or for rank, but in simple obedience to duty, as they understood it." Who suffered loneliness, disease, and wounds with an often-contagious élan. And who deserve a far better place in history than that now offered them by the so-called spokesman of our so-called generation.”

James Webb

... “I saw them fight; I flew with them, and personally saw that they did as much as any outstanding active duty soldier. Their presence in Southeast Asia spanned over twenty years in the war and they received no benefits or recognition. ...Now that the veil of secrecy has been lifted, it's time to acknowledge the folks at CAT, Air America, Air Asia and Southern Air Transport as government employees. It's time to extend the country's gratitude for their accomplishments and grant them the civil service credit of the time served between 1950 through 1975. It's long overdue.

Your assistance in getting pending legislation in the House and Senate would be very beneficial to these overlooked soldiers. Please do what you can for them.”

UASF Brigadier General (Ret), Harry C. Aderholt  
Letter to Michael. V. Hayden, Director of the CIA, September 16, 2007:

The remaining employees of Air America are old, and dying rapidly, as are their widows, and it is crucial that if Congress is to pass legislation to provide benefits to them this should be done immediately.

Senator Webb, you wrote:

“I am alive today because of their quiet, unaffected heroism. Such valor epitomizes the conduct of Americans at war from the first days of our existence. That the boomer elites can canonize this sort of conduct in our fathers' generation while ignoring it in our own is more than simple oversight. It is a conscious, continuing travesty.”

I call upon your patriotism and integrity to put a halt to the injustice of today's delay in passing legislation on behalf of Air Americans. It is a conscious, continuing travesty. Please attach an Amendment to this year's DOD Authorization Bill out of respect for the haste with which Air

Americans responded to the calls of their fellow patriots in the midst of war and never made anyone wait.

Sincerely,

//signed//

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*Special note: While this letter was signed and sent by William Merrigan, the text of the letter was actually written by Maureen Bevans Ebersole, daughter of former AAM/CAT legal counsel Henry Bevans.*