

**Mr. Robert Noble
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February 7, 2014

BRUCE T. BROWN
Executive Secretary and Legal Advisor
DoD Civilian/Military Service Review Board
SAF Personnel Council
1500 West Perimeter Road, Suite 3700
Joint Base Andrews NAF, MD 20762-7002

RE: Department of the Air Force, Headquarters United States Air Force
Memorandum for DoD C/MSRB, SAF Personnel Council authored by Robert A.
Ramey, Colonel, USAF Director, Operations and International Law dated 6
November 2013

Rebuttal

The opinion, as stated, is highly prejudicial to former Air America employees seeking benefits under public law 95-202 and should be omitted from the record for the following reasons.

Essentially, the USAF opinion represents a prosecutorial case for the Pathet Lao. In the eyes of the enemy, Air America, the Ravens in the Steve Canyon program, and the Air Force technicians on LS-85 would be considered unprivileged belligerents. They were covert and clandestine because they wore civilian clothes and performed war like activity.

United States Air Force and Navy pilots flying combat missions in Laos would also be considered by the Pathet Lao to be unlawful combatants due to restrictions contained in the 1962 Geneva Accords.

By the same token the North Vietnamese Army operating in Laos would be considered unlawful combatants as well. However, North Vietnam would not prosecute their soldiers for illegally entering Laos or deny them benefits when it was their government who sent them there in the first place.

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Therefore, the question that begs answering is why would the United States Air Force take a prosecutorial position against Americans who acted in accordance with their own government?

Actually, the Ravens, the technicians at LS-85 and the Air Force and Navy pilots who flew combat missions in Laos were not denied benefits. Yet, Air America personnel, who performed the same work, are denied benefits. I am assuming, therefore, the USAF JAO is separating Air America from the Ravens and technicians at LS-85, although that is not declared in the memorandum.

Subparagraph c and d under paragraph 3 provide some insight regarding the opinion. I would like to point out the crux of the Air America employees' argument is they acted under the jurisdiction of the United States military.

The proof for this argument is contained in the documents furnished previously, but I would like to reiterate that position due the inclusion of Dr. Leary's book *Perilous Missions*.

That book refers to the beginning of Air America while it was a project. Initially, CAT, Inc. as it was known in the fifties, was a CIA proprietary to assist the agency with their intelligence gathering operations in China.

Quickly thereafter Air America became an on-going operation. The CIA did not have enough work to keep the airline afloat. Yet, the agency wanted to retain the asset. A decision was made by the National Security Council to farm the company out to other government departments. However, no one considered the long-term plight of the employees.

The first was with Operation Booklift in Korea. Next, it was with contracts to the French Republic. ¹

¹
chrome-
extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.cia.gov/readingroom/docs/CAT%20VOL%201.
pdf
Page 82
The files are highly redacted making it impossible to understand CAT/Air America ownership.

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The United States Government did not want to send U.S. military troops into Dien Bien Phu. Eisenhower was embroiled in the 1954 Geneva Accords and was worried that overt U.S. military would be observed publicly inversely.

Therefore, he arranged for CAT (AAM) flight crews to fly USAF C-119s to support the French Republic. The USAF trained CAT pilots and maintained the aircraft. This was the first time CAT/Air America pilots operated military aircraft that were not FAA certified in combat, but it was not the last.

The same arrangement occurred in Laos. Operation White Star (also known as Project White Star) was the code name for a United States military advisory mission to Laos during the first years of the Second Indochina War, which would eventually become known in the United States as the Vietnam War. The purpose was to train the Royal Laotian Army as well as indigenous Hmong, and Yao tribesmen to fight the Pathet Lao communist insurgency. This was later extended to include combat against the North Vietnamese Army, which was increasingly using Laos as a staging, transit, and resupply area for its operations in South Vietnam.

White Star began in 1959 as "Operation Hotfoot" with the deployment of 107 United States Special Forces soldiers (Green Berets) of the 77th Special Forces Group—later named the 7th SFG in May 1960—under the command of Lt. Col. Arthur D "Bull" Simons. Because Laos was ostensibly a neutral party to the conflict between the United States and North Vietnam, the soldiers did not wear United States Army uniforms. In 1961, however, the United States lent full and open support to the Vientiane government and the program was renamed "Operation White Star" with US soldiers openly wearing their uniforms. Operation White Star formally ended in July 1962 when Laotian neutrality was officially established.

The North Vietnamese Army did not comply with the 1962 Geneva Accords. The United States government had a dilemma. They could overtly violate the Geneva Accords to protect neutral Laos or use covert and clandestine operations. It was decided to do the latter.

The Special Forces in Laos required support for food, water, ammunition, and other supplies. The only flying force that had the capability to accomplish this was Air

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America and they were tasked with this responsibility from the National Security Council.

In 1961 President Kennedy ordered the United States Marine Corps to go to north Thailand and set up Air America's operations and maintenance programs. This act included turning over 16 UH-34D helicopters from the Marine Corps fleet to Air America. The aircraft were not FAA certified. They were painted over to hide the military markings, but observers reported you could still see the Marine Corps markings.²

The history is extensive, but in a nutshell, United States Air Force personnel were brought into Laos in the mid-1960s as forward air controllers. They wore civilian clothes. In the eyes of the Pathet Lao I'm sure they would be considered as unprivileged belligerents. However, in the eyes of United States government they were considered essential personnel that operated in an extreme hazardous environment. They too required support and once again Air America was tasked with this responsibility.

The Mad River contract in Laos and subsequent Air Force contracts were a guise to make Air America appear to be a commercial airline. However, the truth is Air Force personnel required support, which included search & rescue operations for downed Air Force and Navy pilots.³

Air America pilots flew T-28s in combat initially. They also flew Air Force enlisted personnel in small airplanes conducting forward air control operations under combat situations.

² <https://www.marines.mil/News/Publications/MCPEL/Electronic-Library-Display/Article/899756/operation-millpond-us-marines-in-thailand-1961/>

³ <https://utdallas.app.box.com/v/history-Laos2Part1>

It is interesting to note that while Dr. Leeker's article is exhaustive, he continues to insert the statement that Air America and the CIA were connected and insinuates Air America followed orders from the CIA. But reading the article you can readily see that the US government made the decisions, not the CIA.

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A great deal of effort was made to keep the effort secret from the public, but once the war in SEA ended the rationale for secrecy is not required. Therefore, using the secrecy factor to prevent Air America personnel from getting benefits is a disservice.

In subsection e of paragraph 3 it states, "There was no evidence to indicate CAT/AA personnel were ever subject to military discipline." Mr. Wolf, the USAF historian, also brought up the military discipline issue when he critiqued our reconsideration request. Public law 95-202 does not require applicants to have been subjected to military discipline. DoD 1000.20 states this would be a factor that would be favorable for recognition, but it does not require it.

Furthermore, according to records available, very few, if any, of the companies or personnel recognized previously were subject to military discipline. Also, none of them were ever integrated into the armed forces. Why is that required for Air America?

In paragraph 5, subparagraph a, it states, "Whether the United states assimilated AA group members as lawful combatants into the US armed forces is a factual question." This is elaborated in subparagraph b and c.

It is not a factual question and the suggestion that AAM employees should be denied benefits because there was no declared war in SEA would be laughable if it were not so serious. Is the USAF JAO suggesting that the Ravens, military pilots who were forced down in Laos and the AF technicians at LS-85 should be denied POW status and denied benefits? Is that the reason why America left POWs in Laos and refused to negotiate with the Pathet Lao after the war ended to bring them home?

Some Lao POWs made their way to North Vietnam and were released. A couple of them escaped and none were denied benefits. At least one Air America

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employee POW, who was in the same camp as Dieter Dingler, a U.S. Navy pilot who escaped, did escape. The article, Prisoner In Laos was printed in Smoke Jumper's Magazine and added to the Air America website with their permission. ⁴

However, while all the POWs received benefits, and even one Bird and Sons pilot, Ernie Brace, received the Purple Heart and POW medal, no benefits were given to Air America. Why not? Because there was no declared war? That's ludicrous. Where in public law 95-202 does it say that war must be declared before becoming eligible?

Had Air America conducted war like activity in Laos supporting only the CIA, who were supporting Hmong, Yao and Royale Lao troops, they then perhaps could be branded mercenaries, unlawful combatants, or the more polite term used by the USAF JAO-unprivileged belligerents.

However, this was not the case and the evidence previously submitted proves it was not the case. The USAF JAO cannot hide behind the façade presented by the government for plausible deniability and repudiate history.

The interaction between Air America and the United States military, whether with the Army Special Forces, Ravens, USAF technicians at LS-85, USAF communications personnel, USAF helicopter operations and USAF and USN pilots operating in Laos under extreme hazardous conditions far exceeded those previously granted recognition.

The United States government may not have wanted the public to know what the United States military and Air America were doing in Laos, but that doesn't change the fact that we were indeed doing it and doing it together.

In May 1987 during one of the reunions for Air America a Memorial Plaque to those who died with Air America was dedicated. President Ronald Reagan sent this message.

⁴<https://www.air-america.org/articles/prisoner-in-laos-a-story-of-survival-by-phisit-intharathat.html>

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***President Ronald Reagan - May 5, 1987
gives me great pleasure to greet everyone
gathered for the Air America Club's
1987 reunion, and to dedicate a
memorial for the pilots and associates of
Air America who died in the line of duty
in Asia during 1947-1975.***

Each of you has gone his separate way in the world, but as this reunion shows once again, the unique service you shared in defense of freedom forged a bond of brotherhood that time and distance cannot break. Unsung and unrecognized, each of you confronted danger and endured terrible hardships, and each of you rose to the challenge; you never faltered. Although free people everywhere owe you more than we can hope to repay our greatest debt is to your companions who gave their last full measure of devotion. Just as their names are inscribed on this memorial, so their memories are inscribed in our hearts. We will never forget them or their families, some of whom still seek answers.

I send a special salute to all those members of Air America present and reaffirm my Administration's pledge to obtain the fullest possible accounting on the fate of our missing in action. You have my best wishes. God bless you, and God bless America.

I am respectfully asking the C/MSRB to judge Air America based on the evidence we provided and not pass judgment based on myth and subterfuge expressed by the USAF JAO and the USAF historical archive.

Yours truly,

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