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Give heroes of Air America their due

By Bill Maxwell, Times Correspondent

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Air America's story is one of courage, honor and loyalty under circumstances most people cannot imagine. It also is a story of disappointment and betrayal by the government Air America's employees risked their lives to serve.

From 1950 to 1976, the year the United States officially left Vietnam, Air America was a federal corporation owned and operated by the Central Intelligence Agency. It supported U.S. missions during the Cold War. Often under enemy fire and using outdated equipment without artillery, the organization flew cargo to countries such as Cambodia, Korea, Laos and Vietnam. While operating bases in these countries, it carried out covert and humanitarian missions in Thailand, Taiwan, Japan, Burma and China.

Its most iconic image was captured in dramatic footage from Saigon on April 29, 1975, showing an Air America Huey helicopter lifting CIA operatives, military personnel and their families from an apartment building.

Fewer than 500 Air America employees, including pilots and crewmen, are still living. Records show that 240 pilots and crew members were killed in action, most of them as a result of enemy fire in the covert war in Laos. Some pilots are still missing in action.

The CIA conducted Air America operations in secret. To this day, the CIA and other intelligence agencies have not officially recognized Air America. Off the record, however, the intelligence community has nothing but praise for Air America, and in its own history the CIA lauds Air America's flying prowess.

But because they have not received official recognition (translate that to mean "legal" recognition), Air America employees have never received the federal retirement benefits they deserve. Their toughest enemies, ironically, have been their own government's bureaucracy and the courts.

For about a decade, a handful of Washington lawmakers have campaigned on behalf of Air America. Senate Majority Leader Harry Reid has led the charge. In 2009, Reid, a Nevada Democrat, along with Rep. Shelley Berkley, also a Nevada Democrat, introduced the Air America Veterans Act that called for authorizing a study to determine their eligibility for benefits. Congress asked the director of National Intelligence to prepare a report on the issue.

Gary B. Bisson, former Air America assistant legal counsel, wrote in an e-mail message that

the report was subcontracted, at a cost of about \$350,000, to Booz Allen Hamilton, which sent it to the CIA for further vetting.

Based on the report's findings, the director of National Intelligence, quite predictably, determined that "granting such benefits would undermine the national security utility of proprietaries (CIA jargon for an arm's-length company that gives the agency deniability), create a costly precedent for granting such benefits to other proprietary employees, and would not withstand legal or public scrutiny."

This decision let the government maintain its position that Air America was not a government company and not part of the Civil Service. Bisson and others disagree. He wrote in an e-mail message that overwhelming evidence shows that the company was "created, controlled and funded by the U.S. government/CIA."

Bisson wrote that during years of the CIA's predecessor, the Office of Strategic Services, "Corporations, even though established for cover purposes, were recognized as bona fide government agencies." He pointed out that employees of other CIA corporations such as Radio Free Asia, the Asia Foundation and Radio Free Europe, were given Civil Service status for the time they served and granted appropriate federal benefits. Air America employees deserve the same or more.

While the government will continue to use the advice of for-hire companies such as Booz Allen Hamilton to justify denying benefits to Air America employees, I submit that the time has come for Congress, the president and the intelligence community to muster the moral courage to write new legal language that will correct a terrible injustice, that will make an exception for Air America.

If we can accept presidential pardons for people who have committed crimes, some treasonous, against our government, why can't we find the goodwill, the wisdom and the means to rewrite language that will give surviving employees, now in their 70s and 80s, Civil Service status and federal retirement benefits?

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