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BY EMAIL & USPS EXPRESS MAIL

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David Ignatius
Associate Editor
The Washington Post
1150 15th Street, N.W.
Washington, D.C. 20071

Subject: The CIA's Neglected Warriors

Dear Mr. Ignatius:

With Memorial Day rapidly approaching, and in memory of a small and largely unrecognized group of 86 Americans killed in action in Southeast Asia while carrying out U.S. Government directives, I feel compelled to bring to your attention the most recent irresponsible actions of CIA and DNI in failing to provide Congress in a timely manner with information which could reverse this historic and tragic oversight. They were required by legislation, P.L. 111-84 passed on October 28, 2009, to respond to certain specific requests, the substance of which would enable Congress to make a policy decision on granting Federal service retirement credit and benefits to employees of Air America and associated companies for services performed when those companies were owned and controlled by the U.S. Government. Section 1057 of P.L. 111-84 required the DNI, with input from CIA, to file the report by April 29, 2010, a 180 day time frame.

Instead of providing the information, DNI's Director of Legislative Affairs, Kathleen Turner, waited the full 180 days and then filed an "interim response" on the stipulated date stating that "due to the substantial number of documents that were identified they could not develop a full understanding of the records and facts necessary for a comprehensive response." And further, they could not predict *when* they would be able to be in full compliance, but would make "90 day progress reports" on their efforts.

The history of this legislation goes back years. This current impasse is, however, perhaps the most egregious example of the CIA's longtime obfuscation of the issues involved. Every single item requested in the legislation can be addressed by materials and/or documentation readily at hand and both the DNI and CIA are well aware that without undue effort they could have complied within the statutory time frame. First and most obviously, much of the historical information requested on Air America's operations is a matter of public record, specifically in CIA's own 2009 publication (and its accompanying CD), "Upholding the Airman's Bond - A Symposium Acknowledging and Commemorating Air America Rescue Efforts During the Vietnam War." And, in fact, as these agencies were advised by a former Air America Legal Counsel, my colleague and friend William J. Merrigan, all of the remaining requested information was indeed available to the CIA and DNI from official company records available locally and offered to them. Any implication to the contrary is deliberately misleading. Sadly, Ms. Turner's iteration of CIA's most damning insinuation, i.e., that they might have to review personnel records for as many as "2,429 individuals" is patently outrageous. At most, the legislation affects fewer than 500 U.S. citizen employees (or their surviving widows). And virtually every month that number decreases.

For six years, from 1968 to 1974, I was an Assistant Legal Counsel for Air America (for all matters related

May 18, 2010

Page 2

RE: CIA's Neglected Warriors

to military and civilian contracts between the company and the U.S. Government) stationed in Taipei and Bangkok. From 1962 to 1974, Mr. Merrigan was one of the other Air America legal counsels based in Taipei, and the **only** attorney responsible for personnel and benefits issues. Part of his job was to function as Secretary to Air America's Retirement Board, whose records are a critical part of the information requested by Congress. When Air America ceased operations in 1975, he was directed by the late Clyde Carter, Air America's last CEO (and former chief Legal Counsel), to retain all corporate records related to employment issues and benefits. He did so, and has had them in his possession all these years. And he has advised both the CIA and DNI that he has every corporate file, document or record required to provide the necessary personnel information to respond to each item included in the legislation. Mr. Merrigan is also the "godfather" of legislation to secure these benefits, working since 2005 in close contact with Senate Majority Leader Harry Reid and Congresswoman Shelley Berkley (D-NV) and their staffs.

The lackluster and apathetic attitude of CIA and DNI towards P.L. 111-84's requirements does serious disservice to a group of heroic and accomplished aviators, including the 86 U.S. citizens (and their few remaining widows) killed in action for their country while pursuing directives initiated by and for U.S. Government objectives. It also virtually cripples current efforts to remedy years of neglect by the CIA through action on retirement benefits for them during the current legislative session. With each passing week, more of these gallant men have passed on. They are indeed neglected warriors who deserve the gratitude of a grateful nation through passage of this legislation without further delaying tactics by the CIA and DNI. CIA has heralded their accomplishments with symposiums, plaques and testimonials, but never with the same level of credited service and benefits accorded to employees of other World War II and Cold War proprietary organizations.

This is a long and tortured saga. If it piques your interest, and I hope it will, I would like to take you to lunch or meet with you at any convenient time. This is a Memorial Day story with all the right ingredients: drama, aeronautical history, some larger-than-life heroes, and spycraft during the Cold War. It's a story that begins with Gen. Chennault, progresses through DienBienPhu and ultimately through the conclusion of the war in Viet Nam. In addition to being able to substantiate and corroborate every comment above, my extensive library on Air America's history is at your disposal. Attached are several documents to provide some initial background.

I look forward to hearing from you.

Sincerely,

Gary B. Bisson

Attachments:

1. September 16, 2007 Letter from Brig. Gen. Harry C. Aderholt to Michael V. Hayden, D/CIA
2. October 30, 2009 Letter from Gary Bisson (with attachment) to Dennis Blair, DNI
3. April 29, 2010 Letter from DNI Director of Legislative Affairs Kathleen Turner to The Honorable Dianne Feinstein and The Honorable Christopher S. Bond

cc: AFIO Editors