
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 208 Session of
1993

INTRODUCED BY LUCYK, MUNDY, O'BRIEN, KAISER, EGOLF, TIGUE,
ROONEY, YEWIC, ZUG, FAIRCHILD, DEMPSEY, KING, HESS, LEH,
STERN, ROBERTS, SERAFINI, SURRA, TANGRETTI, PETTIT AND
SANTONI, NOVEMBER 23, 1993

ADOPTED, NOVEMBER 23, 1993

A CONCURRENT RESOLUTION

1 Supporting the State of Michigan in its effort to file suit in
2 the United States Supreme Court against the Federal
3 Government and the official representatives of certain other
4 countries alleging violations of the civil rights of
5 prisoners of war or missing in action and to demand that
6 documents concerning these individuals be released.

7 WHEREAS, There is continuing controversy concerning the
8 presence of American servicemen, who were listed as prisoners of
9 war or missing in action, being held against their will in the
10 Southeast Asian nations of Vietnam, Laos and Kampuchea (formerly
11 Cambodia); and

12 WHEREAS, The Federal Government has stated that all of our
13 prisoners of war have been returned from Vietnam; and

14 WHEREAS, A recent top secret Vietnamese report, dated from
15 1972, by General Tran Von Kwong, Deputy Chief of Staff for the
16 North Vietnamese Army, reported that in September of 1972, Hanoi
17 held 1,205 American prisoners; and

18 WHEREAS, Only 591 American prisoners of war have been
19 released under the 1973 Peace Settlement; and

1 WHEREAS, Vietnamese nationals who have moved to the United
2 States have reported the appearance of American prisoners of war
3 still being held against their will in Southeast Asia; and

4 WHEREAS, The President of Russia let it be known that the
5 Soviet Union took American servicemen during the Vietnam War
6 into Russia and that there is no adequate explanation concerning
7 the whereabouts of these servicemen; and

8 WHEREAS, There are still hundreds of documents in the United
9 States Defense Department that have not been released to the
10 public concerning the fate of American servicemen classified as
11 prisoners of war or missing in action; and

12 WHEREAS, The Federal Government's intelligence agencies have
13 taken the position of trying to discredit any information
14 concerning the existence of American prisoners of war, instead
15 of demanding a full accounting from Vietnam, Laos and Kampuchea
16 based upon said information that has been received; and

17 WHEREAS, There are 73 missing and unaccounted for servicemen
18 in Southeast Asia from Michigan; and

19 WHEREAS, The Federal Government has never entered into
20 negotiations with the governments of Laos and Kampuchea
21 concerning the release of American prisoners of war who were
22 taken prisoner by the Communists in Laos and Kampuchea during
23 the Vietnam War; and

24 WHEREAS, The Paris Peace Accord is now 20 years old, and any
25 national security secrets on the technology that was used in the
26 war would be outdated, especially considering that the military
27 research and arms buildup have made most of the technology and
28 methods used in the Vietnam War obsolete; and

29 WHEREAS, Any Americans who are still being held against their
30 will in Southeast Asia as a result of the Vietnam War are having

1 their right to liberty--that inherent and inalienable right by
2 which they are endowed by our Creator, as guaranteed by the
3 Declaration of Independence and the Constitution of the United
4 States--violated; and

5 WHEREAS, Americans highly prize and value that sacred right
6 of liberty, that right the founders of our nation pledged to
7 fight for with their lives, their fortunes and their sacred
8 honor to win and to protect; and

9 WHEREAS, The executive branch of the Federal Government has
10 miserably failed to even attempt to negotiate the release of
11 Americans that may still be held in Southeast Asia, and is
12 obstructing the discovery of any remaining servicemen; and

13 WHEREAS, The legislative branch of the Federal Government has
14 also miserably failed to thoroughly investigate and honestly
15 report on this tragedy and, indeed, has even ordered the
16 destruction of staff documents containing staff intelligence
17 reports on this sensitive issue; and

18 WHEREAS, The inferior courts of the Federal judiciary have
19 not granted relief to the American soldiers listed as prisoners
20 of war or missing in action; and

21 WHEREAS, The United States Supreme Court is the last bastion
22 that an American citizen has for redress of grievances and
23 protection of Constitutional liberty against an oppressive
24 Federal executive and a duplicitous Federal legislature; and

25 WHEREAS, Section 2 of Article III of the Constitution of the
26 United States states "In all Cases affecting Ambassadors, other
27 public Ministers and Counsels, and those in which a State shall
28 be a Party, the Supreme Court shall have original Jurisdiction";
29 therefore be it

30 RESOLVED (the Senate concurring), That the General Assembly

1 of the Commonwealth of Pennsylvania support the State of
2 Michigan in its effort to file suit in the United States Supreme
3 Court against the Federal Government and the official
4 representatives of certain other countries alleging violations
5 of the civil rights of prisoners of war or missing in action and
6 to demand that documents concerning these individuals be
7 released.