



PERSONNEL AND  
READINESS

OFFICE OF THE UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

INFO MEMO

October 2, 2007

FOR: William J. Carr, DUSD (MPP)

FROM: Sheila M. Earle, Principal Director (MPP)

SUBJECT: Medal of Honor (MOH) Recommendation for Then-Chief Master Sergeant  
Richard L. Etchberger, United States Air Force

- The Secretary of the Air Force (AF) forwarded a recommendation package (located on left side of folder) to upgrade CMSgt Etchberger's posthumous AF Cross to the MOH based on a request from Representative Pomeroy (Tab A).
- The recommendation must show that CMSgt Etchberger meets the MOH criteria (Tab B) of conspicuous "gallantry and intrepidity at the risk of his life above and beyond the call of duty." There are several inconsistencies noted at Tab C that require clarification prior to forwarding the recommendation to the USD (P&R) for review.
- DoD 1348.33-M, *Manual of Military Decorations and Awards*, Paragraph C2.2.1, requires endorsement by the CJCS (Tab D). CJCS coordination at Tab E was signed by General James E. Cartwright, Vice Chairman of the JCS. AF should staff package through CJCS to obtain required CJCS endorsement.
- This MOH recommendation is governed by Title 10, §1130 (Tab F), and requires a Congressional time waiver since statutory MOH submission and award timelines have passed (Tab G). AF/LL should request the required time waiver.
- The original AF Cross staff package and supporting documentation was not included in the MOH recommendation. Inclusion of the original package will provide additional historical context and may include written details that clarify current inconsistencies.

RECOMMENDATION: Option C

\_\_\_\_\_ Option A: Return to Secretary of the AF via official PDUSD (P&R) Memorandum identifying MOH recommendation inconsistencies.

\_\_\_\_\_ Option B: Staff MOH recommendation through OGC to PDUSD (P&R) for review.

\_\_\_\_\_ Option C: Work at DUSD (MPP) and ASAF (MR) level to address inconsistencies.

COORDINATION: None

Attachments:  
As stated

Prepared by:

(b)(6)

(b)(6)

ODUSD(MPP)/OEPM,

(b)(6)



COMMITTEE ON VETERANS AND MILITARY

MEMBERS

COMMITTEE ON AGRICULTURE

MEMBERS

Barack Obama

Mark Warner

MARK WARREN CASE COALITION



Earl Pomeroy

Congress of the United States

North Dakota

June 27, 2006

WASHINGTON OFFICE

2001 Longworth Building, Omaha Building

Washington, DC 20540

(202) 225-2811

REP. EARL POMEROY (R-N.D.)

SENATOR

2001 Longworth Building, Washington

200 Longworth Building

Washington, DC 20540

(202) 225-4000

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Room 100

Washington, DC 20540

(202) 225-4000

Major General Daniel Darnell  
1160 Air Force Pentagon  
Washington, DC 20330-1160

Dear General Darnell:

This letter is in follow-up to earlier correspondence I submitted to the Air Force on behalf of my constituent Cory Buchberger of Bismarck, North Dakota on behalf of his father Chief Master Sergeant Richard Buchberger (deceased), for whom I have requested a review of military records in order to consider the award of a Congressional Medal of Honor.

In March 2006, I received correspondence from the Air Force that indicated the need for additional documentation from an individual in CMSgt. Buchberger's chain of command at the time of the incident that occurred at Lima Site 85 "who has firsthand knowledge of the acts or achievements." I am hereby submitting correspondence I have received from such individuals that testifies to the circumstances both of the actual achievements of CMSgt. Buchberger and of the subsequent decision to award CMS Buchberger an Air Force Cross.

Included with this letter is the following documentation:

- 1) Notarized letter from US Air Force Colonel Ruffin Gray (ret.). Colonel Gray was the Executive Officer for the Air Force Vice Chief of Staff, General John D. Ryan, at the time of the recommendation for the posthumous award of the Air Force Cross to CMSgt. Buchberger. Colonel Gray states in this letter that both he and General Ryan were supportive of awarding the Congressional Medal of Honor to CMSgt. Buchberger. However, Gray indicates that the determining factor for awarding the Air Force Cross instead was that the Medal of Honor could not be made without national publicity, a situation that was to be avoided due to the size of the action and the details surrounding it.
- 2) Letter from US Air Force Colonel Gerald Clayton (ret.). Colonel Clayton was the commander for the operation for which CMSgt. Buchberger is being nominated for the Congressional Medal of Honor. Immediately after the action, Clayton interviewed all of the survivors and due to their testimony, recommended to his superior officer that CMSgt. Buchberger be considered for the Congressional Medal of Honor.
- 3) Letter from US Air Force John Daniel (ret.). John Daniel was an eyewitness to the operation for which CMSgt. Buchberger is being nominated for the Congressional

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Medal of Honor. Daniel testifies to the heroism exhibited by CMSgt. Etchberger during this operation.

- 4) Letter from US Air Force Major Stan Slitz (ret.). Major Slitz was an eyewitness to the operation for which CMSgt. Etchberger is being nominated for the Congressional Medal of Honor. Slitz testifies to the heroism exhibited by CMS Etchberger during this operation.

I believe such correspondence corroborates the evidence that indicates the tremendous heroism and gallantry of CMSgt. Etchberger and that the timing of this tragic event and its location in Laos led to CMSgt. Etchberger not receiving a Congressional Medal of Honor. I am requesting that this information be considered as part of the record for CMSgt. Etchberger's eligibility for the Congressional Medal of Honor. I hope you will contact me or the individuals mentioned with any further questions.

Sincerely,



EARL POMEROY  
Member of Congress

**Attachments:**

- 1) Response letter from US Air Force indicating the need for additional documentation
- 2) Letter from US Air Force Colonel Ruffin Gray (ret.).
- 3) Letter from US Air Force Colonel Gerald Clayton (ret.).
- 4) Letter from US Air Force John Daniel (ret.).
- 5) Letter from US Air Force Major Stan Slitz (ret.).
- 6) Proposed citation
- 7) AF Form 642
- 8) Special order GB-645, 13 Dec 68

DEPARTMENT OF THE AIR FORCE  
WASHINGTON, DC



Office of the Secretary

March 30, 2005

The Honorable Earl Pomeroy  
House of Representatives  
Washington DC 20515

Dear Mr. Pomeroy:

This is in reply to your inquiry on behalf of the family of Chief Master Sergeant Richard Bachberger, USAF, Decased, regarding the upgrade of his Air Force Cross (AFC) to the Congressional Medal of Honor (CMOH).

The recommendation package, as submitted, meets the basic criteria specified by the Fiscal Year 1996 National Defense Authorization Act (FY96 NDAA) in that the written recommendation has been made by someone other than the member himself and has been submitted through a Congressional member. However, the FY96 NDAA further stipulates that the written recommendation must not only be made by someone other than the member himself, but should be made by someone in the member's chain of command at the time of the incident who has firsthand knowledge of the acts or circumstances.

The Secretary of the Air Force Personnel Council (SAFPC) could board this package as he, however, the package is lacking the justification to support upgrade to the MCOH. In order for a request to be reasonably considered under the provisions of the FY96 NDAA, it is important that the recommendation be corroborated by eyewitness statements attesting to the act(s). As a general rule, corroborating evidence is best provided by former commanders, supervisors, and other eyewitnesses who had personal knowledge of the circumstances and events relative to the recommendation. Unfortunately, all that has been provided is the recommendation from Congressman Pomeroy, who does not identify himself as being a member of Chief Master Sergeant Bachberger's chain of command, a field commander/supervisor, or an eyewitness, and an e-mail from a John G. Ditzel, with nothing identifying exactly who he is or was (i.e. his duty position/job title) on March 11, 1968.

Additionally, Congressman Pomeroy states that "other reviewing documents provided by the USAF and written statements from members of the Lima Site 85 crew", he believes Chief Master Sergeant Bachberger should have received the MCOH instead of the AFC for his actions on March 11, 1968; however, such documentation was not included in Congressman Pomeroy's request for upgrade, other than the e-mail from John G. Ditzel.

Further than disapprove the request at this time, the Air Force recommends that it be returned for a written recommendation from someone in Chief Master Sergeant Bachberger's chain of command, written statements from the Lima Site 85 crew or other eyewitnesses, and any additional documentation to support upgrading to the MCOH.

We trust this information is helpful.

Sincerely,



VINCENT G. SMITH, Lt Col, USAF  
Deputy Chief, Congressional Inquiry Division  
Office of Legislative Liaison

**Raffin W. Gray**

(b)(6)

June 3, 2006

Congressman Earl Pomeroy

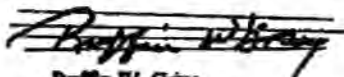
(b)(6)

Congressman Tim Holden

Gentlemen,

It is my understanding that both of you are involved in the efforts to posthumously award the Congressional Medal of Honor to Chief Master Sergeant Richard L. Etchberger for his actions at the fall of Lima Site 85 when it was overrun by the NVN. Attached is a sworn statement for my involvement and knowledge about the circumstances surrounding his award of the Air Force Cross. It may be of some value in your efforts.

Sincerely,



Raffin W. Gray  
Colonel, USAF (Ret)

Office of the Law Revision Counsel, U.S. House of Representatives  
[Home](#) [Search](#) [Download](#) [Classification](#) [Codification](#) [About](#)



-CITE-

10 USC Sec. 8741

01/02/2006

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle D - Air Force

PART II - PERSONNEL

CHAPTER 857 - DECORATIONS AND AWARDS

-HEAD-

Sec. 8741. Medal of honor: award

-STATUTE-

The President may award, and present in the name of Congress, a medal of honor of appropriate design, with ribbons and appurtenances, to a person who, while a member of the Air Force, distinguishes himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty -

(1) while engaged in an action against an enemy of the United States;

(2) while engaged in military operations involving conflict with an opposing foreign force; or

(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

-SOURCE-

(Aug. 10, 1956, ch. 1041, 70A Stat. 540; Pub. L. 88-77, Sec. 3(1),

July 25, 1963, 77 Stat. 94.)

-MISC1-

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[REDACTED]

Inconsistencies noted with recommendation package relating to whether CMSgt Etchberger's actions meet MOH award criteria:

- Original AF Cross citation, Tab 1, states that during the firefight CMSgt Etchberger "continued to direct air strikes and call for air rescue on his emergency radio, thereby enabling the air evacuation force to locate the surrounded friendly element."
  - Statement by Col (Ret) Gerald H. Clayton, who interviewed the three lone survivors, does not corroborate that CMSgt Etchberger directed air strikes or called for air rescue. (Tab 2)
  - Statement by John G. Daniel, USAF (Ret), states, "I had the only radio that worked and was talking to the aircraft ("SANDY" Flight A-1E's) if I recall correctly." His statement does state that he and CMSgt Etchberger decided jointly to have the aircraft drop their ordnance and strafe with their guns. (Tab 3)
  - Statement provided by Maj (Ret) Stan Sliz\*, does not corroborate that CMSgt Etchberger directed the airstrikes or called for air rescue. The copy of his story states that he, not CMSgt Etchberger, contacted a C-130 flareship and directed the A-1 aircraft to drop their ordnance and make strafing runs. (Tab 4)
- Original Air Force Cross citation, Tab 1, states that during the evacuation CMSgt Etchberger "deliberately exposed himself to enemy fore ("fore" is a typo and could be "fire" or "force") in order to place his three surviving wounded comrades in the rescue slings permitting them to be airlifted to safety."
  - Statement by Col (Ret) Gerald H. Clayton, who interviewed the three lone survivors, makes no mention of CMSgt Etchberger deliberately exposing himself to enemy fire in order to rescue his three surviving wounded comrades. (Tab 2)
  - Statement by John G. Daniel, USAF (Ret), makes no mention of CMSgt Etchberger deliberately exposing himself to enemy fire in order to load the three survivors in the helicopter rescue sling. He only states that "as were lifting off there was a short burst of small arme fire that hit the bottom of the chopper." (Tab 3)
  - Statement provided by Maj (Ret) Stan Sliz\*, makes no mention of CMSgt Etchberger exposing himself to enemy fire in order to rescue the others. The copy of his story provided states that after the A-1s dropped their cluster bomb units that things went quiet. There is no mention of CMSgt Etchberger taking enemy fire while he loaded members into the evacuation slings. He does state in his story (Tab 4);

[REDACTED]

"I remember laying on the floor, staring at the tiny particles of metal, as they were getting everyone else up into the chopper, when they opened fire at us. I saw this little hole in the floor beside my face and thought, "Hey, that hole wasn't there a second ago-and what's that red spot?—My god!—I've been hit again!" Then I looked up at Etch as he was falling out of the canvas seat above me."

- o Original "Recommendation for Decoration" was for an Air Force Cross, not for a Medal of Honor that was downgraded to the Air Force Cross. (Tab 5)

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[REDACTED]



CITATION TO ACCOMPANY THE AWARD OF

THE AIR FORCE CROSS  
(POSTHUMOUS)

TO

RICHARD L. ETCHBERGER

The president of the United States of America, authorized by title 10, Section 8742, United States Code, awards the Air Force Cross to Chief Master Sergeant Richard L. Etchberger for extraordinary heroism in the military operations against an opposing armed force on 11 March 1968. On this date, Sergeant Etchberger was manning a defensive position when the base was overrun by an enemy ground force. The enemy was able to deliver sustained and withering fire directly upon this position from higher ground. His entire crew dead or wounded, Sergeant Etchberger continued to return the enemy's fire thus denying them access to his position. During the entire period, Sergeant Etchberger continued to direct air strikes and call for air rescue on his emergency radio, thereby enabling the air evacuation force to locate the surrounded friendly element. When air rescue arrived Sergeant Etchberger deliberately exposed himself to enemy fire in order to place his three surviving wounded comrades in the rescue slings permitting them to be airlifted to safety. As Sergeant Etchberger was finally being rescued, he was fatally wounded by enemy ground fire. His fierce defense which culminated the supreme sacrifice of his life, saved not only the lives of his three comrades but provided for the successful evacuation of the remaining survivors of the base. Through his extraordinary heroism, superb leadership, and aggressiveness Sergeant Etchberger reflected the highest credit upon himself and the United States Air Force.

force  
or  
Fire (most probable)

June 17, 2005

(b)(6)

Gerald Clayton

(b)(6)

## To Whom It May Concern:


I was the commander of the covert operation in which Chief Etchberger was killed although I was not present at the site during the attack; however I interviewed all of the survivors the following day. Their testimony led me to recommend to my superior officer that Sgt Etchberger be considered for the award of the Medal of Honor. Without question Sgt Etchberger saved the lives of his operations officer and two other members of his crew.

When the enemy discovered his crew's location they immediately threw several hand grenades down into their hiding place killing two of the crew and seriously wounding his operations officer and another crewman. Being the only one able to counter the enemies actions Sgt Etchberger returned fire with his M16 while his wounded crewmates passed ammunition to him.

He held off the enemy until rescue helicopters arrived. At that time he helped his wounded fellow crewman into the sling so that they might be raised into the helicopter from the face of the cliff where they were trapped. After his crew and another survivor were safely aboard Sgt Etchberger finally got in the sling and was rescued. As the helicopter pulled away from the cliff and enemy soldier sprayed the bottom of the helicopter with AK 47 fire. One of the rounds hit Sgt Etchberger and he bled to death in the helicopter.

When I first saw Sgt Etchberger's body in the aircraft on the ramp at my HQ he still had a pair of wire cutters in his right hand. The purpose of those cutters was to clip the activating wires to the thermite placed on all the crypto equipment. Severing the wire activated the thermite that would destroy all the equipment and codes. It was evident to me that Sgt Etchberger's last efforts were to sever these wires but he was unable to get to them.

I was told by the Air Force Chief of Staff at the award ceremony for the Air Force Cross that due to the sensitive political situation in Southeast Asia the Medal of Honor would not be awarded. (The president had just recently announced that there were no American fighting men in Laos). The attention the Medal of Honor receives would have revealed just the opposite and the possibility of upgrading the award after the war was over was discussed and I left with the opinion that that was what would happen. Unfortunately I have no written record of all these actions and am relying on my memory.

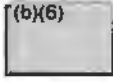
  
Gerald H. Clayton  
Col USAF retired

(b)(5)



JOHN G. DANIEL

April 12, 2005



TO WHOM IT MAY CONCERN

IT HAS BEEN A LONG TIME SINCE THIS HAPPENED BUT I WILL RECALL WHAT HAPPENED TO THE BEST OF MY MEMORIES AND HOPE THAT IT HELPS.

ON MARCH 10, 1968 WE HAD BEEN RUNNING MISSIONS ALL DAY LONG AND HAD GOTTEN A BREAK AND DECIDED TO COOK DINNER.

AS WE WERE GETTING READY TO COOK DINNER BILL BLANTON CAME AND CALLED EVERYONE BACK UP TO THE RADAR VAN FROM THE COOKING AREA AND WAS BRIEFING US ON THE STATUS OF US AND OUR MISSION.

HE SAID THAT WE WERE IN DIRE DANGER AND PERHAPS WE COULD STILL GET SOME CHOPPERS IN THAT EVENING AND EVACUATE OR WE COULD GO AHEAD AND DROP BOMBS AND GET OUT AT FIRST LIGHT.

WE ALL DECIDED TO STAY AND CONTINUE OUR MISSION.

AT THIS TIME THERE WAS FIRING OF SOME HEAVY WEAPONS AND THE COOKING AREA TOOK AT LEAST ONE DIRECT HIT.

IT WAS DECIDED THAT BLANTON AND HIS CREW WOULD STAY AND MAN THE EQUIPMENT AND THAT OUR CREW WHICH CONSISTED OF STAN, MONK, GISH, DICK AND MYSELF WOULD GO TO THE BUNKER.

WE DECIDED THAT INSTEAD OF THE BUNKER AS IT WAS CLOSE TO THE COOKING AREA AND SLEEPING AREA WE WOULD GO OVER THE SIDE OF THE MOUNTAIN WHERE WE HAD EXPLORED BEFORE AS THERE WAS GOOD COVER THERE. WE REMAINED THERE AND SOMETIME DURING THE NIGHT THERE WAS LOTS OF SMALL ARMS FIRE AND GRRENADES.

ABOUT THAT TIME WE STARTED COMING UNDER FIRE AND GISH WAS HIT FIRST. I BELIEVE THAT MONK AND STAN WERE HIT AND MONK'S WAS FATAL. THEN I WAS HIT IN BOTH LEGS AND GISH WAS HIT AGAIN AND THIS ONE WAS FATAL.

DURING THIS TIME ONLY DICK AND MYSELF WERE ABLE TO DEFEND OURSELFS AND THE OTHERS WHICH AT THIS TIME ONLY STAN BEING ALIVE.

8

DICK NEVER GOT HIT DURING THIS TIME AND WAS DIRECTING ME ON WHAT WAS TAKING PLACE AND WHAT TO DO.

I HAD THE ONLY RADIO THAT WORKED AND WAS TALKING TO THE AIRCRAFT ("SANDY" FLIGHT A-1E'S) IF I RECALL CORRECTLY.

DICK AND I DECIDED THAT WE NEEDED THEM TO DROP THEIR ORDNANCE ON TOP OF THE HILL (LS-85) AS THERE WAS NO EVIDENCE OF LIFE THERE EXCEPT OF THE ONES SHOOTING AT US.

THEY KEEP DROPPING ALL OF THEIR ORDNANCE AND STRAFING WITH THEIR GUNS AND AS THEY WENT DRY OTHER AIRCRAFT KEEP REPLACING THEM.

ALSO THERE WERE SOME FLARE SHIPS IN THE AREA DROPPING FLARES FOR US.

ABOUT DAYLIGHT AN AIR AMERICA CHOPPER CAME IN AND WAS ABLE TO DROP A LIFT DOWN AND DICK WAS ABLE TO GET STAN AND ME LOADED INTO THE CHOPPER.

AT THIS TIME ONE OTHER ONE PERSON WHOM WE DIDN'T KNOW WAS ALIVE CAME DOWN TO WHERE DICK WAS STILL ON THE GROUND AND GOT LOADED INTO THE CHOPPER.

THEN DICK WAS ABLE TO GET LOADED INTO THE CHOPPER.

AS WE WERE LIFTING OFF THERE WAS A SHORT BURST OF SMALL ARME FIRE THAT HIT THE BOTTOM OF THE CHOPPER.

I WAS TOLD LATER THAT ONE ROUND HIT DICK AND HE BLED TO DEATH BEFORE THE CHOPPER HIT THE NEXT LS TO TRANSFER US TO AN EVACUATION FLIGHT BACK TO KORAT AIR BASE.

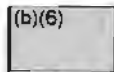
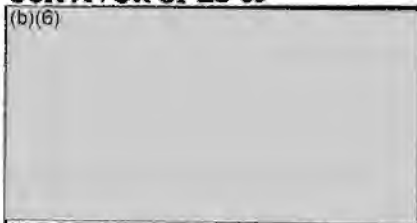
THIS I BELIVE IS AN ACCURATE DESCRIPTION OF WHAT HAPPENED TO US ON THE NIGHT OF 10 MARACH AND THE MORNING OF 11 MARCH 1968.

IF I CAN BE OF ANY FUTHER ASSISTANCE PLEASE FEEL TO CONTACT ME.



*John G. Daniel*

**JOHN G. DANIEL, USAF RETIRED  
SURVIVOR OF LS-85**



To: Mike Jenkins,


I served with Richard Eichberger since January 1961. He was a T/Sgt at that time, and I observed his professional performance on an ongoing basis as his superior officer as well as his comrade in arms. He was always the consummate NCO, and deservedly rose through the ranks quickly. It came as no surprise that he was chosen for this highly sensitive assignment along with the other elite airmen. Given the choice, all volunteered for this dangerous task.

During this deployment, Eichberger always conducted himself in the highly professional manner I had come to expect from him.

In spite of the fact that we had no combat training, when we were overrun, we managed to fight the enemy troops off repeatedly. Eichberger continuously fought back the enemy attacks. He managed to keep us from being wiped out by his tenacious defense of our position and when the chopper arrived, he assisted the wounded onto the jungle penetrator and into the aircraft. Unfortunately, he lost his life when the rescue helicopter was hit by enemy gunfire.

Eichberger as well as the other men who gave their lives for this disastrous venture deserve to be recognized and honored by this country.

I'm enclosing a copy of my story that was included in the book, "The Soldier's Story", by Ron Solomon.

  
Earl Pom  
Major USAF (Ret)

**The Secret War****Captain Stan Sliz****Radar Operations Controller  
Top Secret Lima Site 85  
Northern Laos, 1967-68**

Stan Sliz helped operate Lima Site 85 where he guided F-4 and F-105 fighter/bombers with ground-controlled radar bombing assistance on targets in North Vietnam. Lima Site 85 was overrun on 11 March, 1968. Sliz was one of four survivors.

The site was chosen because we had all these forces out of Thailand that were going to bomb targets in the North, when weather would move in. So here's this huge force of F-4s and F-105s streaming into North Vietnam and the targets are obscured. These guys didn't have the capability to drop the bombs through the clouds. Consequently Phu Pha Thi mountain was selected as the location for a radar site to give our pilots an all-weather capability. Located only 150 miles from Hanoi, it was well within range of the Skyspot radar system. The Army Corps of Engineers went in there, leveled off the top of the mountain and brought in all the equipment using choppers.

We were selected as members of the radar bombing team. We had to go through a screening process. I imagine the "suits" who interviewed us were CIA. They made sure that we were patriotic and that we were the kind of people they wanted to do this kind of thing. We were moved out of the military (Sheep-dipped) so that we could be civilians. We all signed papers and were legally discharged from the Air Force, so that we could be hired as radar technicians by Lockheed Aircraft Corporation. That's how we got paid. We felt that we were the elite, and I still believe that everybody up there was a special individual. We thought we were going to shorten the war because we could bomb the North during the monsoon season.

I remember the first trip we made up there. Everybody was pretty jolly and joking until we crossed the river. Then we got very somber. It was like there was a curtain over Laos, there wasn't any joking around anymore. Everybody got real serious. There were other Americans stationed at the helipad. I'm pretty sure they worked for the CIA and ran the "road watchers". They spoke the language pretty well and did keep track of what the enemy was doing.

All the missions out of Thailand came right over our site as they headed north. We usually saw them and it was quite a sight to see them swoop down after they flew over the mountain. You could stand out there and look down at this whole force flying north. It was pretty awesome watching them swoop down through the valleys.

Laotian Hmong tribesmen and Thai mercenaries guarded the site from possible attack, but it was impossible to keep the location hidden for very long. Everything soon changed.

We knew that the enemy was coming. We could see them on the other mountains around us. Looking out through binoculars, you could see them. They'd throw a finger at you, and you'd throw one back at them. That kind of stuff.

On the 12th of January, I was showing a Thai NCO our newly constructed bunker next to our living quarters. As we were standing there, all of a sudden this commotion started down the side of the mountain near the helipad. I looked there and saw these biplanes circling around dropping some kind of ordinance. I said, "My God, what is this? The Spanish Civil War?" I jumped into the equipment room, got on the radio to Udorn, and said, "Hey, they're bombing us up here!" Just to show you that I didn't know what was going on, when they asked me the size of the bombs, I answered 250 pounders. (They actually were dropping grenades.) I looked out the door just in time to see one of the biplanes hovering over the helipad and aiming right at me. He nosed up and fired a salvo of rockets that passed right over the top of the equipment I was standing in. (I found out later that a Thai Captain was standing in the middle of the helipad with his AK-47, which he emptied into the belly of this aircraft as it flew overhead. His action saved us, because he must have hit the pilot and caused the guy to flutter and lose his aim. This aircraft staggered off and crashed. Another biplane was shot down by an Air America chopper who flew alongside it so the crew chief could shoot it down.



As a result of this action we were armed with M-16s and grenades. The most significant thing that happened was they gave us a couple of survival vests. (Or I wouldn't be here today.) These vests are the kind the pilots wear when they fly, so that if they bail out, there's a little radio in there, as well as flares and other survival gear. If it wasn't for that radio when we got overrun, I wouldn't have been able to talk to the guys who were flying overhead and direct them in making strafing runs in our support.

The day we got overrun, my crew was on the day shift. We worked from six in the morning to six at night. Afterward, both crews sat in a meeting about the situation getting grave, and do we want to be evacked out tonight, or the next morning. We decided to spend the night. We had targets for the night, so let's run them, and we'll get out first thing in the morning. Just as we were getting ready to break off, this loud explosion occurred outside the door. We found that when we ran into the bunker for protection; a rocket had made a direct hit on the corner of the bunker. Because of the condition of the bunker, we decided to hide on the reverse slope of the mountain, below the equipment. I went to get some cigarettes out of a carton that I had on my bed in our living quarters, and found that a piece of shrapnel had torn through the whole carton. I didn't have a salvageable cigarette in the whole bunch. We all grabbed whatever we could; I grabbed the survival vest off the corner of my bed and put it on. We all stayed on the side of the mountain until the barrage ended after about three hours. Deciding to see if the radar was still operational, Bill Blanton's crew found that the equipment was okay, and started making bomb runs. The rest of us decided to spend the night on the mountain side in case of another attack.

Stech, Hank and I set up a portable HF radio with a battery pack and contacted our HQ at Udorn with a report of what was going on. Then we fell asleep.

We were awakened by the sound of automatic weapons fire from the vicinity of the outposts on our inner perimeter. Hearing footsteps and voices above us, we snuck down the mountain about twenty feet to a cave where Danny and Monk were sleeping. There were five of us in that little hole, with just barely enough room for two guys. It really wasn't the greatest spot, but it worked out well for most of us.

We heard all this commotion going on above us, guns firing, grenades popping. Soon everything became still. Etch was watching the trail above us and whispered, "Stan, there's people coming!" I said, "When they get close enough, SHOOT!" So he did; and almost immediately, all hell broke loose. They opened up on us from all over, throwing grenades and firing their AK-47s. The first burst killed Hank and that's when I got wounded in my thighs. John also got wounded on that first attack. The pain was unbearable, but we just managed to fight them off. I don't recall ever looking at my watch, or wondering what the hell time it was. We were more interested in trying to stay alive, using our weapons and firing back. Grenades kept coming in; bullets fragmenting all around. I soon reached the threshold of pain where I just didn't feel anything anymore; I felt my body vibrating from the hits. It became just like the nuisance of standing in a very heavy rainstorm. Another grenade came in, but I couldn't reach it. I thought about jumping onto it. John said, "Here, grab Hank, he's dead." So I took Hank and went on top of the grenade. It blew us back, the concussion knocking me out. When I came to, pieces of Hank were all over me. But the rest of us weren't killed. I got a real big piece of it in my thigh, and saw that my hands appeared mangled, but seemed usable. I thought I was close to death, and the thought flashed through my mind, "So this is what it's like to die, I wonder what the final feeling's like?"

I know at one time someone, I don't remember who, brought up the idea that maybe we should surrender. I said I thought that was BS, because I was pretty sure that they weren't taking any prisoners. I remember turning to John and saying, "They couldn't take us anyway, you're shot in the legs and so am I. There's no way we could walk out of here!"

During lulls in the fighting, I contacted a C-130 flareship circling overhead and dropping parachute flares; using my little survival radio. He encouraged us to "Hang on, help's on the way!" Sure enough a pair of A-1s from NKP arrived overhead at daybreak. Contacting them, I found that they were armed with 20 millimeter cannons and CBUs. I oriented them to make strafing runs from the Tacan building toward the radar equipment, where I figured the enemy troops were. Each aircraft made two passes with little effect on the enemy fire. So, I asked them to drop their CBUs along the same axis of attack, saying, "You might as well, we're goners anyhow, so you might as well do it!" So, they made their passes and dropped the bombs. It was like setting off a string of firecrackers, only a thousand times magnified. It was just a horrendous noise. After a while everything was deathly still. I thought I'd gone deaf.

After the A-1s dropped their bombs, I couldn't hear a thing; just ringing in my ears. Then I heard this chopper. I got on the radio and talked to these guys; telling them where we were. The pilot asked if we had any "smoke" down there. I pulled it out of my vest and said, "Yeah, it's Purple!" I handed the flare to Etch, because my hands were too bloody to pop it, so he did. The whole cave filled with the smoke and we sat there gagging. The pilot said, "I gotcha!" and lowered a jungle penetrator to us. Etch needed help opening the leaves before we put Danny on it. After reeling him up, they dropped it down so I could be pulled up. As they lifted me up, I swung sharply away from the mountain and the backswing crashed me back against the mountain. I was stunned as they continued to pull me up, but I remember looking down and seeing one of our guys, Willie Husband, coming around the side and waving at me; like, don't forget me. I remember laying on the floor, staring at the tiny particles of metal, as they were getting everyone else up into the chopper, when they opened fire at us. I saw this little hole in the floor beside my face and thought, "Hey, that hole wasn't there a second ago--and what's that red spot?--My God!--It's blood. I've been hit again!" Then I looked up at Etch as he was falling out of the canvas seat above me. The bullet had gone right up through him and got him internally. He was killed instantly.

I kept passing out from loss of blood, but each time I awoke, I got a cigarette from the crew chief. And when I passed out again, he took it from me. That's all I remember until I woke up at Udorn.

Prior to this tour, Captain Slix assisted in the development of the Skyspot ground directed radar bombing system during the winter of 1965-66. From June to December, 1966, he served as a Skyspot controller at Bien Hoa AB, South Vietnam.

In the spring of 1967, he represented SAC in a project combining F-4 and F-105 pilots with B-58 navigator/bombardiers in a series of tests that resulted in improved airborne radar bombing techniques for fighter bombers.

He started another tour at Bien Hoa in June, before being called back in September to participate in this endeavor.

After several months in hospitals and numerous operations, he was promoted to Major and returned to active duty in July, 1968.

He was awarded the Purple Heart and was recommended for the Silver Star as a result of this action. He retired after 20+ years of service in December of 1972.

RECOMMENDATION FOR DECORATION		Date
1. Organization and address <b>AFTSAB, USAFPC, Randolph AFB, Tex</b>		<b>17 Sep 1968</b>
2. Name, branch and address <b>AFFPPS, Hq USAF, Wash D.C.</b>		
3. RECOMMENDATION IS BASED ON:		
a. DUTY ASSIGNMENT		b. DUTY ASSIGNMENT
1. NAME OF DECORATION (Indicate number of citation, if appropriate) <b>1st Force Cross</b>		2. DUTY ASSIGNMENT OF ACT, ACKNOWLEDGMENT OR SERVICE <b>11 March 1968</b>
3. RECOMMENDATION IS BASED ON:		4. DUTY ASSIGNMENT
<input type="checkbox"/> MERIT		<input type="checkbox"/> MERIT
<input type="checkbox"/> MERIT (Based on award)		<input type="checkbox"/> MERIT
<input type="checkbox"/> MERIT (Based on award)		<input type="checkbox"/> MERIT
<input type="checkbox"/> MERIT (Based on award)		<input type="checkbox"/> MERIT
4. NAME OF INDIVIDUAL RECOMMENDED		
a. NAME	b. GRADE	c. GRADE
<b>Ward, Richard L.</b>	<b>(b)(6)</b>	<b>CMSgt</b>
5. ORGANIZATION AND STATION		
a. ORGANIZATION AND STATION		b. ORGANIZATION AND STATION
<b>Not Applicable (Deceased)</b>		<b>Deceased</b>
6. PERMANENT HOME ADDRESS		
a. PERMANENT HOME ADDRESS		b. ORGANIZATION OF NEXT DUTY ASSIGNMENT (if applicable)
<b>Not Applicable</b>		<b>Not Applicable</b>
7. DATE OF ACT OR SERVICE		
a. DATE OF ACT OR SERVICE		b. DATE OF ACT OR SERVICE
<b>Det 1, 1043 Radar Eval Sq (SqComd, USAF) Bolling AFB, D.C.</b>		<b>1 Apr 67</b>
8. DATE OF ACT OR SERVICE		
a. DATE OF ACT OR SERVICE		
<b>Det 1, 1043 Radar Eval Sq (SqComd, USAF) Bolling AFB, D.C.</b>		
9. NATURE OF OPERATION IS <input type="checkbox"/> VOLUNTARY <input type="checkbox"/> NON-VOLUNTARY AND THE FOLLOWING SERVICE DATES APPLY:		
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(b)(6)



DEPARTMENT OF THE AIR FORCE  
WASHINGTON

SPECIAL ORDER  
OS-443

13 December 1948

By direction of the President, **MSGT RICHARD L. FICKENOR**, (b)(6) is awarded the Air Force Cross (posthumously) for extraordinary heroism while participating in military operations against an opposing armed force on 11 Mar 48.

(b)(6)

BY ORDER OF THE SECRETARY OF THE AIR FORCE



J. F. MCCORMELL, General, USAF  
Chief of Staff

JOHN F. NASH, Colonel, USAF  
Director of Administrative Services

WASHINGTON  
OO

(b)(5)

OS-443

## C2. CHAPTER 2

### MEDAL OF HONOR (MOH) RECOMMENDATIONS

#### C2.1. PURPOSE

The purpose of this Chapter is to furnish guidance to the Military Departments in the processing of recommendations for the MOH.

#### C2.2. PROCEDURES INVOLVING RECOMMENDATIONS FOR THE MOH

C2.2.1. The Secretary concerned shall establish procedures for processing recommendations for the award of the MOH in his or her Military Department. Minimally, those recommendations shall contain the endorsement of the subordinate Unified Combatant Commander or the JTF Commander, if involved; the Unified Combatant Commander concerned; and the Chairman of the Joint Chiefs of Staff. After endorsement by the Chairman of the Joint Chiefs of Staff, the recommendation shall be referred to the Secretary concerned for appropriate action.

C2.2.2. The Army and Air Force MOH recommendations must be entered formally into official channels in two years of the act warranting the recommendation, and awarded in three years (except as provided in title 10 U.S.C. 3744 or 8744 (reference (e)) and Section 1130 of title 10, U.S.C. (reference (a))). The Navy-Marine Corps MOH recommendations must be formally entered into official channels in three years of the act warranting the recommendation, and awarded in five years (except as provided in Section 6248 of reference (f) and Section 1130 of reference (a)). However, a Member of Congress can request consideration of a proposal for the award or presentation of a decoration not previously submitted in a timely fashion under reference (a).

C2.2.3. Recommendations for award of the MOH disapproved by a Secretary of a Military Department, or the Secretary of Defense, may only be resubmitted if new, substantive and material information is provided in the time limits in 10 U.S.C. 3744, 6248, and 8744 (references (e) and (f)). The information forming the basis must have been previously unknown and not considered by recommending and disapproving officials. The determination of the existence of new material and substantive information being a basis for reconsideration may not be delegated below the Secretary of a Military Department.



<u>ORGANIZATION/POSITION</u>	<u>NAME</u>	<u>DATE SIGNED</u>
Chairman, Joint Chiefs of Staff (CJCS)	<i>[Signature]</i>	<i>23 Aug 87</i>
Assistant Secretary of Defense (LA)	_____	_____
Under Secretary of Defense (P&R)	_____	_____

James E. Cartwright  
Gen, USMC  
was the acting  
CJCS at the time.

Office of the Law Revision Counsel, U.S. House of Representatives  
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-CITE-

10 USC Sec. 1130

01/02/2006

-EXPCITE-

TITLE 10 - ARMED FORCES  
Subtitle A - General Military Law  
PART II - PERSONNEL  
CHAPTER 57 - DECORATIONS AND AWARDS

-HEAD-

Sec. 1130. Consideration of proposals for decorations not  
previously submitted in timely fashion: procedures for review

-STATUTE-

(a) Upon request of a Member of Congress, the Secretary concerned shall review a proposal for the award or presentation of a decoration (or the upgrading of a decoration), either for an individual or a unit, that is not otherwise authorized to be presented or awarded due to limitations established by law or policy for timely submission of a recommendation for such award or presentation. Based upon such review, the Secretary shall make a determination as to the merits of approving the award or presentation of the decoration.

(b) Upon making a determination under subsection (a) as to the merits of approving the award or presentation of the decoration, the Secretary concerned shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives and to the requesting Member of Congress a detailed discussion of the rationale supporting the determination.



(c) Determinations under this section regarding the award or presentation of a decoration shall be made in accordance with the same procedures that apply to the approval or disapproval of the award or presentation of a decoration when a recommendation for such award or presentation is submitted in a timely manner as prescribed by law or regulation.

(d) In this section:

(1) The term "Member of Congress" means -

(A) a Senator; or

(B) a Representative in, or a Delegate or Resident Commissioner to, Congress.

(2) The term "decoration" means any decoration or award that may be presented or awarded to a member or unit of the armed forces.

-SOURCE-

(Added Pub. L. 104-106, div. A, title V, Sec. 526(a), Feb. 10, 1996, 110 Stat. 313; amended Pub. L. 106-65, div. A, title X, Sec. 1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 108-136, div. A, title X, Sec. 1031(a)(10), Nov. 24, 2003, 117 Stat. 1597.)

-MISC1-

AMENDMENTS

2003 - Pub. L. 108-136, Sec. 1031(a)(10)(B), struck out "and recommendation" after "review" in section catchline.

Subsec. (a). Pub. L. 108-136, Sec. 1031(a)(10)(A)(i), struck out "and the other determinations necessary to comply with subsection (b)" after "of the decoration".

Subsec. (b). Pub. L. 108-136, Sec. 1031(a)(10)(A)(ii), substituted "to the requesting Member of Congress a detailed discussion of the rationale supporting the determination." for "to

the requesting member of Congress notice in writing of one of the following:

- "(1) The award or presentation of the decoration does not warrant approval on the merits.
- "(2) The award or presentation of the decoration warrants approval and a waiver by law of time restrictions prescribed by law is recommended.
- "(3) The award or presentation of the decoration warrants approval on the merits and has been approved as an exception to policy.
- "(4) The award or presentation of the decoration warrants approval on the merits, but a waiver of the time restrictions prescribed by law or policy is not recommended.

A notice under paragraph (1) or (4) shall be accompanied by a statement of the reasons for the decision of the Secretary."

1999 - Subsec. (b). Pub. L. 106-65 substituted "and the Committee on Armed Services" for "and the Committee on National Security" in introductory provisions.

**ELIGIBILITY FOR ARMED FORCES EXPEDITIONARY MEDAL FOR PARTICIPATION  
IN OPERATION JOINT ENDEAVOR OR OPERATION JOINT GUARD**

Pub. L. 105-85, div. A, title V, Sec. 572, Nov. 18, 1997, 111 Stat. 1756, provided that:

"(a) Inclusion of Operations. - For the purpose of determining the eligibility of members and former members of the Armed Forces for the Armed Forces Expeditionary Medal, the Secretary of Defense shall designate participation in Operation Joint Endeavor or Operation Joint Guard in the Republic of Bosnia and Herzegovina, and in such other areas in the region as the Secretary considers appropriate, as service in an area that meets the general requirements for the award of that medal.

"(b) Individual Determination. - The Secretary of the military department concerned shall determine whether individual members or former members of the Armed Forces who participated in Operation Joint Endeavor or Operation Joint Guard meet the individual service requirements for award of the Armed Forces Expeditionary Medal as established in applicable regulations. A member or former member shall be considered to have participated in Operation Joint Endeavor or Operation Joint Guard if the member -

"(1) was deployed in the Republic of Bosnia and Herzegovina, or in such other area in the region as the Secretary of Defense considers appropriate, in direct support of one or both of the operations;

"(2) served on board a United States naval vessel operating in the Adriatic Sea in direct support of one or both of the operations; or

"(3) operated in airspace above the Republic of Bosnia and Herzegovina, or in such other area in the region as the Secretary of Defense considers appropriate, while the operations were in effect.

"(c) Operations Defined. - For purposes of this section:

"(1) The term 'Operation Joint Endeavor' means operations of the United States Armed Forces conducted in the Republic of Bosnia and Herzegovina during the period beginning on November 20, 1995, and ending on December 20, 1996, to assist in implementing the General Framework Agreement and Associated Annexes, initialed on November 21, 1995, in Dayton, Ohio.

"(2) The term 'Operation Joint Guard' means operations of the United States Armed Forces conducted in the Republic of Bosnia and Herzegovina as a successor to Operation Joint Endeavor during the period beginning on December 20, 1996, and ending on such

date as the Secretary of Defense may designate."

ELIGIBILITY OF CERTAIN WORLD WAR II MILITARY ORGANIZATIONS FOR  
AWARD OF UNIT DECORATIONS

Pub. L. 105-85, div. A, title V, Sec. 576, Nov. 18, 1997, 111  
Stat. 1758, provided that:

"(a) Authority. - A unit decoration may be awarded for any unit or other organization of the Armed Forces (such as the Military Intelligence Service of the Army) that (1) supported the planning or execution of combat operations during World War II primarily through unit personnel who were attached to other units of the Armed Forces or of other allied armed forces, and (2) is not otherwise eligible for award of the decoration by reason of not usually having been deployed as a unit in support of such operations.

"(b) Time for Submission of Recommendation. - Any recommendation for award of a unit decoration under subsection (a) shall be submitted to the Secretary concerned (as defined in section 101(a) (9) of title 10, United States Code), or to such other official as the Secretary concerned may designate, not later than two years after the date of the enactment of this Act [Nov. 18, 1997]."

AUTHORITY TO AWARD DECORATIONS RECOGNIZING ACTS OF VALOR PERFORMED  
IN COMBAT DURING THE VIETNAM CONFLICT

Section 522 of Pub. L. 104-106 provided that:

"(a) Findings. - Congress makes the following findings:

"(1) The Ia Drang Valley (Pleiku) campaign, carried out by the Armed Forces in the Ia Drang Valley of Vietnam from October 23, 1965, to November 26, 1965, is illustrative of the many battles during the Vietnam conflict which pitted forces of the United States against North Vietnamese Army regulars and Viet Cong in

vicious fighting.

"(2) Accounts of those battles that have been published since the end of that conflict authoritatively document numerous and repeated acts of extraordinary heroism, sacrifice, and bravery on the part of members of the Armed Forces, many of which have never been officially recognized.

"(3) In some of those battles, United States military units suffered substantial losses, with some units sustaining casualties in excess of 50 percent.

"(4) The incidence of heavy casualties throughout the Vietnam conflict inhibited the timely collection of comprehensive and detailed information to support recommendations for awards recognizing acts of heroism, sacrifice, and bravery.

"(5) Subsequent requests to the Secretaries of the military departments for review of award recommendations for such acts have been denied because of restrictions in law and regulations that require timely filing of such recommendations and documented justification.

"(6) Acts of heroism, sacrifice, and bravery performed in combat by members of the Armed Forces deserve appropriate and timely recognition by the people of the United States.

"(7) It is appropriate to recognize acts of heroism, sacrifice, or bravery that are belatedly, but properly, documented by persons who witnessed those acts.

"(b) Waiver of Time Limitations for Recommendations for Awards. -

(1) Any decoration covered by paragraph (2) may be awarded, without regard to any time limit imposed by law or regulation for a recommendation for such award to any person for actions by that person in the Southeast Asia theater of operations while serving on active duty during the Vietnam era. The waiver of time limitations

under this paragraph applies only in the case of awards for acts of valor for which a request for consideration is submitted under subsection (c).

"(2) Paragraph (1) applies to any decoration (including any device in lieu of a decoration) that, during or after the Vietnam era and before the date of the enactment of this Act [Feb. 10, 1996], was authorized by law or under regulations of the Department of Defense or the military department concerned to be awarded to members of the Armed Forces for acts of valor.

"(c) Review of Requests for Consideration of Awards. - (1) The Secretary of each military department shall review each request for consideration of award of a decoration described in subsection (b) that are received by the Secretary during the one-year period beginning on the date of enactment of this Act [Feb. 10, 1996].

"(2) The Secretaries shall begin the review within 30 days after the date of the enactment of this Act and shall complete the review of each request for consideration not later than one year after the date on which the request is received.

"(3) The Secretary may use the same process for carrying out the review as the Secretary uses for reviewing other recommendations for award of decorations to members of the Armed Forces under the Secretary's jurisdiction for valorous acts.

"(d) Report. - (1) Upon completing the review of each such request under subsection (c), the Secretary shall submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives [now Committee on Armed Services of the House of Representatives].

"(2) The report shall include, with respect to each request for consideration received, the following information:

"(A) A summary of the request for consideration.

"(B) The findings resulting from the review.

"(C) The final action taken on the request for consideration.

"(e) Definition. - For purposes of this section:

"(1) The term 'Vietnam era' has the meaning given that term in section 101 of title 38, United States Code.

"(2) The term 'active duty' has the meaning given that term in section 101 of title 10, United States Code."

MILITARY INTELLIGENCE PERSONNEL PREVENTED BY SECRECY FROM BEING  
CONSIDERED FOR DECORATIONS AND AWARDS

Section 523 of Pub. L. 104-106, as amended by Pub. L. 105-85, div. A, title V, Sec. 575, Nov. 18, 1997, 111 Stat. 1758, provided that:

"(a) Waiver on Restrictions of Awards. - (1) Any decoration covered by paragraph (2) may be awarded, without regard to any time limit imposed by law or regulation for a recommendation for such award, to any person for an act, achievement, or service that the person performed in carrying out military intelligence duties during the period beginning on January 1, 1940, and ending on December 31, 1990.

"(2) Paragraph (1) applies to any decoration (including any device in lieu of a decoration) that, during or after the period described in paragraph (1) and before the date of the enactment of this Act [Feb. 10, 1996], was authorized by law or under the regulations of the Department of Defense or the military department concerned to be awarded to a person for an act, achievement, or service performed by that person while serving on active duty.

"(b) Review of Requests for Consideration of Awards. - (1) The Secretary of each military department shall review each request for consideration of award of a decoration described in subsection (a) that is received by the Secretary during the period beginning on

February 10, 1996, and ending on February 9, 1998.

"(2) The Secretaries shall begin the review within 30 days after the date of the enactment of this Act and shall complete the review of each request for consideration not later than one year after the date on which the request is received.

"(3) The Secretary may use the same process for carrying out the review as the Secretary uses for reviewing other recommendations for awarding decorations to members of the Armed Forces under the Secretary's jurisdiction for acts, achievements, or service.

"(c) Report. - (1) Upon completing the review of each such request under subsection (b), the Secretary shall submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives [now Committee on Armed Services of the House of Representatives].

"(2) The report shall include, with respect to each request for consideration reviewed, the following information:

"(A) A summary of the request for consideration.

"(B) The findings resulting from the review.

"(C) The final action taken on the request for consideration.

"(D) Administrative or legislative recommendations to improve award procedures with respect to military intelligence personnel.

"(d) Definition. - For purposes of this section, the term 'active duty' has the meaning given such term in section 101 of title 10, United States Code."

ELIGIBILITY FOR ARMED FORCES EXPEDITIONARY MEDAL BASED UPON SERVICE

IN EL SALVADOR

Section 525 of Pub. L. 104-106 provided that:

"(a) In General. - For the purpose of determining eligibility of members and former members of the Armed Forces for the Armed Forces Expeditionary Medal, the country of El Salvador during the period

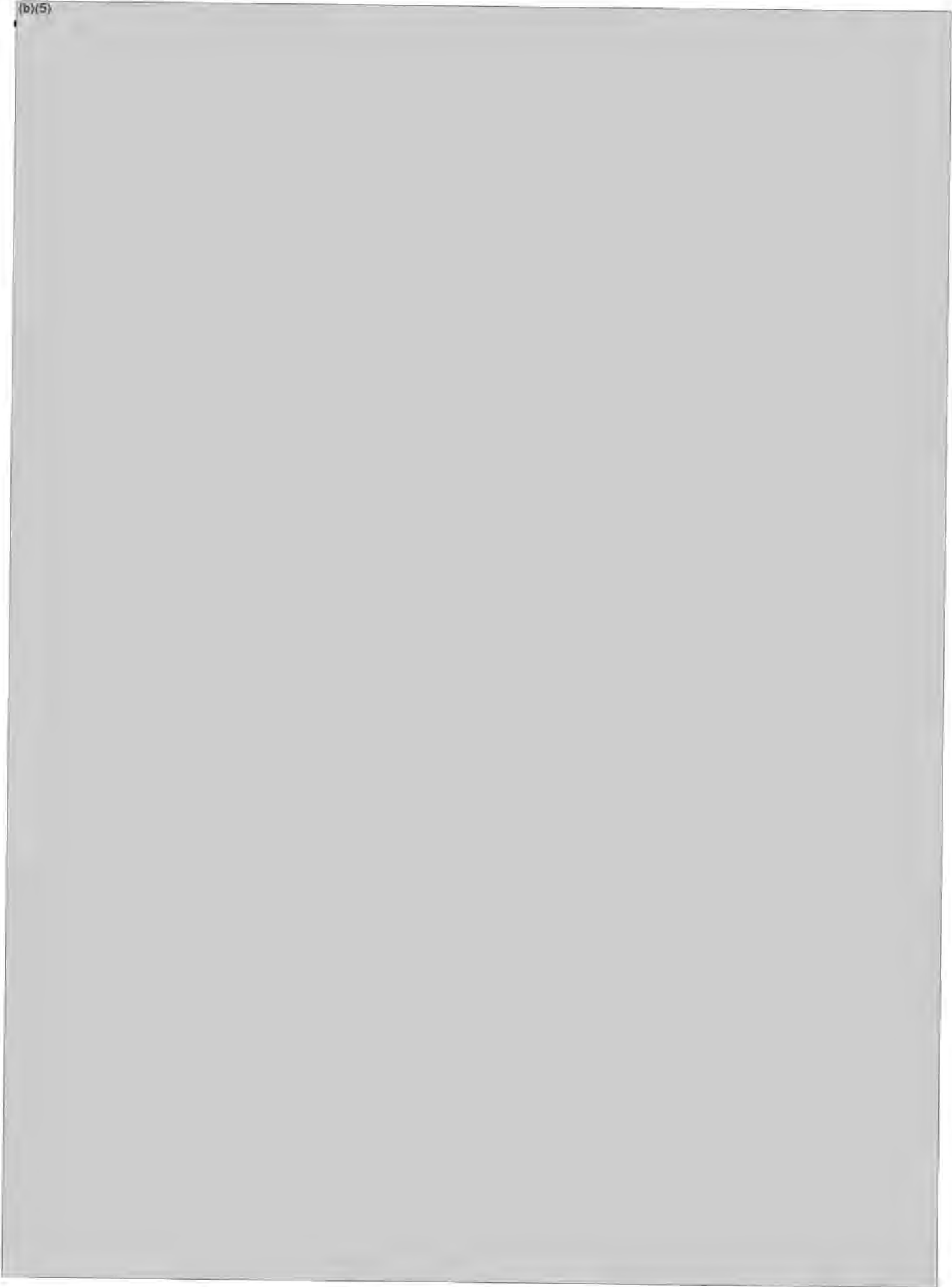


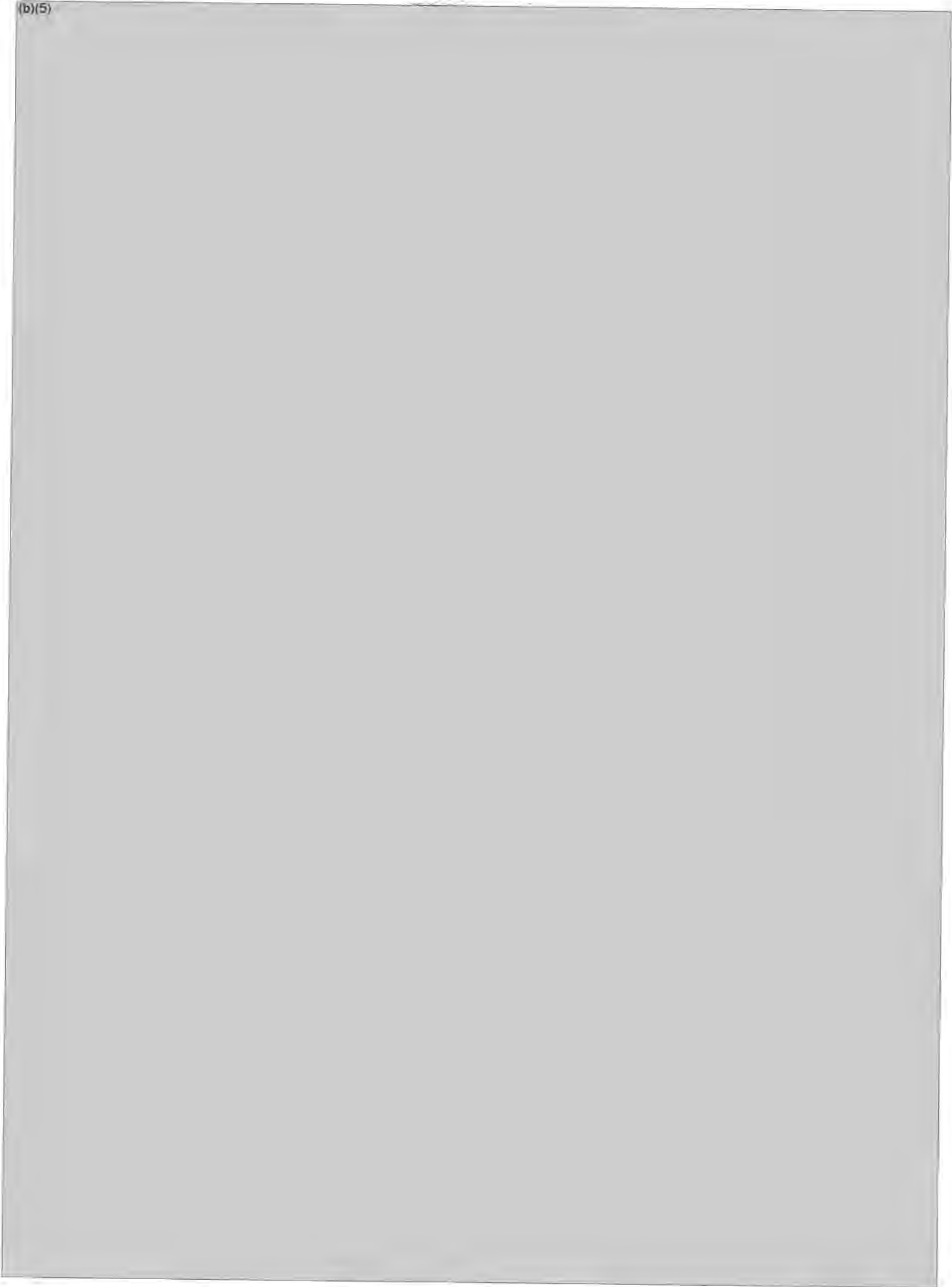
beginning on January 1, 1981 and ending on February 1, 1992, shall be treated as having been designated as an area and a period of time in which members of the Armed Forces participated in operations in significant numbers and otherwise met the general requirements for the award of that medal.

"(b) Individual Determination. - The Secretary of the military department concerned shall determine whether individual members or former members of the Armed Forces who served in El Salvador during the period beginning on January 1, 1981 and ending on February 1, 1992 meet the individual service requirements for award of the Armed Forces Expeditionary Medal as established in applicable regulations. Such determinations shall be made as expeditiously as possible after the date of the enactment of this Act [Feb. 10, 1996]."



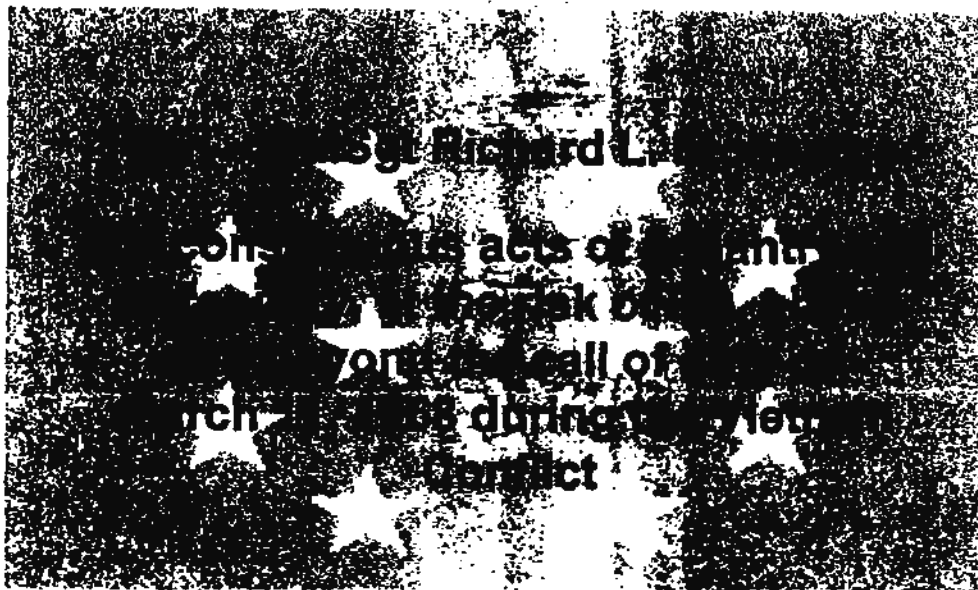
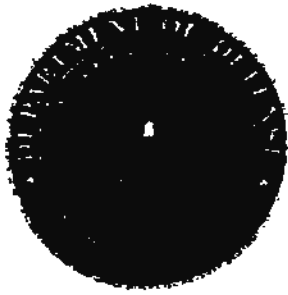
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*Office of the Law Revision Counsel, U.S. House of Representatives*





For Official Use Only

# Medal of Honor Award Recommendation





PERSONNEL AND  
READINESS

THE UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

DEC 2 2008

MEMORANDUM FOR THE SECRETARY OF THE AIR FORCE

SUBJECT: Medal of Honor Recommendation for Chief Master Sergeant Richard L. Etchberger

I have thoroughly reviewed the Medal of Honor recommendation for Chief Master Sergeant (CMSgt) Richard L. Etchberger. The evidence presented is limited and does not present a compelling case for upgrading CMSgt Etchberger's Air Force Cross to the Medal of Honor.

Based on the information provided, I have concluded it is unclear as to whether the Air Force attempted to contact all individuals with first-hand knowledge of CMSgt Etchberger's actions at Site 85 in Laos on March 11, 1968 to corroborate the facts stated in the citation accompanying the award of the Air Force Cross. Therefore, before the recommendation is forwarded to the Secretary of Defense for decision, I am requesting that the Air Force attempt to contact individuals who may have additional clarifying information regarding CMSgt Etchberger's actions. These individuals include: 1) Mr. Ken Wood, pilot of the helicopter that rescued CMSgt Etchberger from Site 85 in Laos; 2) Mr. L. M. "Rusty" Irons, Flight Engineer of the helicopter that rescued CMSgt Etchberger; and 3) Mr. Frank Roura, the individual who allegedly wrote a Medal of Honor recommendation for CMSgt Etchberger.

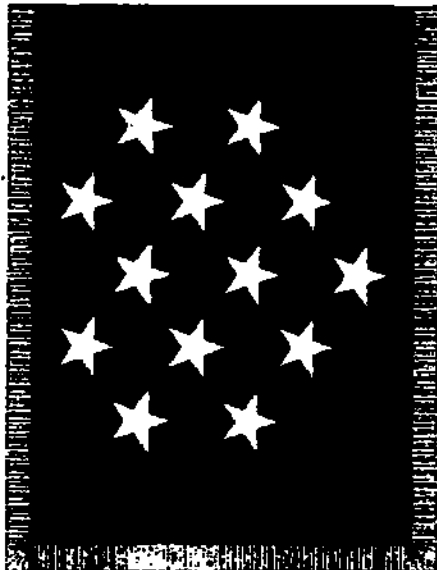
Additionally, I recommend that, in addition to other sources you deem pertinent, the book *One Day Too Long*, by Timothy N. Castle, which provides a detailed history of the covert operation at Site 85 in Laos where CMSgt Etchberger perished, be reviewed to determine if there are other individuals who should be contacted regarding this Medal of Honor recommendation. This book is available at the Pentagon Library.

David S. C. Chu

Attachment:  
CMSgt Etchberger Medal of Honor Recommendation



**Medal of Honor  
Award Recommendation  
for  
CMSgt Richard L. Etchberger**



**Secretary of Defense  
Recommendation**

**B** **Secretary of the Air Force  
Recommendation**

**C** **Chairman of the Joint Chiefs  
of Staff Endorsement**

**D** **Chief of Staff of the Air Force  
Endorsement**

**E** **Air Force Decorations  
Board Vote Card**

**F** **Congressional Request for  
Review**

**G** **Medal of Honor Criteria**


**H** **Original Air Force Cross  
Award Recommendation and  
Citation**

**I** **Documents Justifying  
Upgrade of Award**

**J** **Original Casualty Report**

**Klotz, Frank G Lt Gen AF/CVA**

**From:** Donley, Michael Honorable SAF/OS  
**Sent:** Tuesday, December 02, 2008 2:22 PM  
**To:** Klotz, Frank G Lt Gen AF/CVA  
**Cc:** Schwartz, Norton A Gen AF/CC; Fraser, William M III Gen AF/CV; Newton, Richard Y Lt Gen AF/A1; Duehring, Craig Honorable SAF/MR; (b)(6) Col USAF SAF/MRBP  
**Subject:** MoH Nomination  
**Attachments:** Comments from OSD regarding MOH for CMSgt Etchberger.pdf (b)(6)

  
Comments from  
OSD regarding MOH.

Frank: Dave Chu advised me he is withholding action on the Medal of Honor nomination for CMSgt Etchberger pending further clarification of facts (a short memo from Dr. Chu will follow). Attached is a list of issues raised during the course of P&R's review suggesting conflicting accounts / inconsistencies, such as who called for air support, and whether documentation exists to confirm that an original nomination for a MoH was reportedly downgraded to the AF Cross to protect the sensitivity of the site location. (If not, then say so.)

In addition, whether the Air Force has contacted and gleaned all available information from all living individuals with first-hand knowledge of the events at Site 85 is a matter of particular concern. P&R believes we need to document contacts with anyone who may have clarifying information, and suggests three individuals in particular: Ken Wood (pilot who rescued the team), L.M. "Rusty" Irons (flight engineer for the rescue chopper), and Frank Roura (who allegedly wrote a MoH recommendation for CMSgt Etchberger).

SAF/MR and A1 have the expertise and history on this case, but I also believe this particular situation calls for a small team led by a GO/SES of exceptional integrity to conduct appropriate follow up and lock down this package. Perhaps GC/JAG assistance might be helpful. This is probably a one-time opportunity to add pertinent facts where available; and clarify what we do know and what we don't / cannot know. It's all about thoroughness, documentation, and demonstrating the integrity of our process in meeting the highest standard appropriate to a MoH nomination.

Please work with SAF/MR & A1 and provide the Chief and me an upcheck on the proposed team, plan, and schedule.

Many thanks, MD

**Inconsistencies noted with the MOH recommendation  
for  
Then-CMSgt Etchberger**

- o Original AF Cross citation, Tab 1, states that during the firefight CMSgt Etchberger "continued to direct air strikes and call for air rescue on his emergency radio, thereby enabling the air evacuation force to locate the surrounded friendly element."
  - Statement by Col (Ret) Gerald H. Clayton, who interviewed the three lone survivors, does not corroborate that CMSgt Etchberger directed air strikes or called for air rescue. (Tab 2)
  - Statement by John G. Daniel, USAF (Ret), states, "I had the only radio that worked and was talkint (sic) to the aircraft ("SANDY" Flight A-1E's) if I recall correctly." (Tab 3)
  - Statement provided by Maj (Ret) Stan Sliz<sup>1</sup>, does not corroborate that CMSgt Etchberger directed the airstrikes or called for air rescue. As part of his statement he provided an excerpt from *The Soldier's Story: Vietnam in Their Own Words*, by Ron Steiman, that states he, not CMSgt Etchberger, contacted a C-130 fleaship and directed the A-1 aircraft to drop their ordnance and make strafing runs. (Tab 4)
  - The book, *One Day Too Long*, provides witness accounts that air rescue located the survivors, to include CMSgt Etchberger, via an emergency beacon that was emitting from a radio and that all other radio communication was inoperative.
- o Original Air Force Cross citation, Tab 1, states that during the evacuation CMSgt Etchberger "deliberately exposed himself to enemy fire in order to place his three surviving wounded comrades in the rescue slings permitting them to be airlifted to safety."
  - Statement by Col (Ret) Gerald H. Clayton, who interviewed the three lone survivors, makes no mention of CMSgt Etchberger deliberately exposing himself to enemy fire in order to rescue his three surviving wounded comrades. (Tab 2)
  - Statement by John G. Daniel, TSgt (Ret), makes no mention of CMSgt Etchberger deliberately exposing himself to enemy fire in order to load the three survivors in

(b)(5)

(b)(5)



[REDACTED]

the helicopter rescue sling. He only states that "as (sic) were lifting off there was a short burst of small arme (sic) fire that hit the bottom of the chopper." (Tab 3)

- Statement provided by Maj (Ret) Stan Sliz\* makes no mention of CMSgt Etchberger exposing himself to enemy fire in order to rescue the others. The excerpt of his story states that after the A-1s dropped their cluster bombs things went quiet. There is no mention of CMSgt Etchberger taking enemy fire while he loaded members into the evacuation slings (Tab 4). His excerpt provides,

"I remember laying on the floor, staring at the tiny particles of metal, as they were getting everyone else up into the chopper, when they opened fire at us. I saw this little hole in the floor beside my face and thought, "Hey, that hole wasn't there a second ago-and what's that red spot?—My God!—It's blood. I've been hit again!" Then I looked up at Etch as he was falling out of the canvas seat above me."

- CMSgt Etchberger was formally recommended for award of an "Air Force Cross" through an AF Form 642, *Recommendation for Decoration*, which was approved on December 13, 1968 (Tab 5).
- The Air Force Cross that CMSgt Etchberger received, according to the AF Form 642 on file, was NOT a Medal of Honor recommendation which was downgraded at the headquarters level for political or security reasons.
- CMSgt Etchberger was never formally recommended for the Medal of Honor according to the documentation provided.
- The commander of the covert operation, HEAVY GREEN<sup>2</sup>, Gerald Clayton, Col (Ret.), stated (Tab 2), "Their testimony led me to recommend to my superior officer that Sgt Etchberger be considered for the award of the Medal of Honor." There is no record of this MOH recommendation. He also stated, "I was told by the Air Force Chief of Staff at the award ceremony for the Air Force Cross that due to the sensitive political situation in Southeast Asia the Medal of Honor would not be awarded...and the possibility of upgrading the award after the war was over was discussed..."
- The statement provided by Ruffin Gray, Col (Ret.), (Tab 6) includes the following passages:

<sup>2</sup> HEAVY GREEN was the code name for the top secret program established in Laos to allow U.S. Air Force personnel to covertly operate a ground-directed radar system and a tactical air navigation system from Site 85. Site 85 was the code name for the location, in northeastern Laos, where the TSQ-81 ground-directed radar bombing system was located. At the time, Laos was supposed to be a neutral country in the Vietnam Conflict. Therefore, Operation HEAVY GREEN was classified.

- "After reviewing the recommendation [Air Force Cross] and supporting documents, I took the file into Gen. Ryan's [Air Force Vice Chief of Staff] office and told him that I believed it met all elements for the award of the Congressional Medal of Honor. After Gen. Ryan read all the supporting documents, he said that he agreed with me." Gen. Ryan further stated, "the award of the Congressional Medal could not be made without national publicity."
- "I then suggested that in fairness to CMSgt. Etchberger, his records be flagged to be reviewed annually and when this information was declassified and we could acknowledge what had transpired then the award of the Air Force Cross be revoked and the Congressional Medal of Honor be awarded. Gen. Ryan concurred with that recommendation, and I assumed it would be (had been) carried out..."



ORGANIZATION/POSITION

NAME

DATE SIGNED

Chairman, Joint Chiefs of Staff (CJCS)

*[Signature]*

7.26.08

Assistant Secretary of Defense (LA)

\_\_\_\_\_

\_\_\_\_\_

Under Secretary of Defense (P&R)

\_\_\_\_\_

\_\_\_\_\_



SECRETARY OF THE AIR FORCE  
WASHINGTON

MAR 11 2009

MEMORANDUM FOR UNDER SECRETARY OF DEFENSE (PERSONNEL & READINESS)


SUBJECT: Medal of Honor Recommendation for Chief Master Sergeant Richard L. Etchberger

I reviewed your concerns surrounding the Medal of Honor recommendation for Chief Master Sergeant (CMSgt) Richard L. Etchberger. Per your recommendation, contacts with the remaining witnesses were made, and additional evidence is attached which supports the Air Force's case to upgrade CMSgt Etchberger's Air Force Cross to the Medal of Honor.

The Air Force renewed its attempt to contact all individuals with first-hand knowledge of CMSgt Etchberger's actions at Lima Site 85 in Laos to corroborate the facts contained in the Air Force Cross and the original eyewitness statements provided in the Medal of Honor package. The Air Force made repeated attempts via phone, email and registered mail to contact Mr. Ken Wood and Mr. Loy "Rusty" Irons, the pilot and flight engineer of the helicopter that rescued CMSgt Etchberger, and the three other survivors that morning from Site 85 in Laos, as well as CMSgt (Ret) Francis "Frank" Roura, the First Sergeant and likely Medal of Honor recommendation author. Mr. Wood gave a telephone interview as well as sent an email concerning the events that day, whereas Mr. Irons gave a telephone interview of his recollections. After unsuccessfully trying to leave a phone message for CMSgt Roura, we were able to confirm that he received his registered letter in January 2009 but, to date, has not responded to our request for information.

Additionally, the Air Force reviewed the book *One Day Too Long* by Dr. Timothy Castle as well as a North Vietnamese Army report titled *Raid on the "TACAN" Site Atop Pha-Thi Mountain by a Military Region Sapper Team*, and found additional corroborating statements from both friendly U.S. forces, as well as North Vietnamese Army accounts of the battle. These statements show CMSgt Etchberger and survivors were under attack all night through the helicopter rescue the following morning. Furthermore, only CMSgt Etchberger was able to return fire, even while his wounded comrades were loaded on the rescue helicopter first, killing one enemy sapper before he was fatally wounded upon his entry onto the helicopter.

Based on this information, I strongly recommend you review the evidence provided and forward the package to the Secretary of Defense and the President of the United States for award of the Medal of Honor to CMSgt Etchberger's family.

  
Michael B. Donley

Attachments:

1. Discrepancies Response
2. Substantiating Information



TALKING PAPER  
ON  
RESPONSE TO DOD CONCERNS  
REGARDING CMSGT ETCHBERGER'S  
MEDAL OF HONOR NOMINATION

**PURPOSE**

To address USD (P&R)'s concerns with subject Medal of Honor (MoH) nomination

**BACKGROUND**

In 2006, a package was submitted to upgrade (to the MoH) CMSgt Etchberger's 1969 posthumous Air Force Cross (AFC) awarded for his action at Site 85 in Laos on March 11, 1968. The primary basis for the upgrade request was that the AFC was chosen rather than consideration for the MoH due to the classified and politically sensitive nature of Site 85 operations.

Despite strong support from AF COS, SECAF, CJCS and an approved congressional waiver of time standards, by memorandum dated 2 Dec 08, USD (P&R) returned subject nomination with directions to attempt to contact specific potential witnesses to determine whether they could provide "clarifying information regarding CMSgt Etchberger's actions." These witnesses included the rescue helicopter pilot (Mr. Ken Wood) and flight engineer ("Rusty" Irons) and the individual who reportedly wrote the Medal of Honor nomination (Mr. Roura). That memo also recommended reviewing a recent publication (*One Day Too Long*) to determine if there were other individuals who should be contacted regarding this MoH nomination. Lastly, the memo had an attachment with a list of "discrepancies" identified by the action officers at OSD, which is the basis for the clarification efforts directed by USD (P&R).

**DISCREPANCIES, RESPONSE AND ADDITIONAL INFORMATION**

**Air Rescue Communication Issue**

This discrepancy is between the AFC citation that credits CMSgt Etchberger with directing air strikes and calling for air rescue on his emergency radio which allowed the rescue force to locate the surrounded friendly element and certain witness statements. Specifically, witness Daniel stated he had the only operating radio and was working the rescue forces (SANDY flight) while the highly suspect witness Sliz (see attachment, Credibility of Sliz) has told varying accounts, but eventually took credit for working with the SANDY forces.

**Response**

When contacted as suggested, the helicopter pilot (Wood) indicates that he used smoke from a flare to gain a visual on the survivors' position on his initial approach to the rescue site. This

[REDACTED]

statement does clarify how the rescue pilot sighted the survivors, but a complete review of the credible witnesses' statements (See attachment, Direction of Airpower) establishes that the citation is still essentially correct in crediting CMSgt Etchberger with making the difficult and dangerous decision to have Daniel use the survival radio to call suppressive airpower right in on the site. Without effective suppressive fire, the rescue helicopter might not have been in a position to locate the survivors, or even attempt the rescue. The citation correctly describes CMSgt Etchberger's actions. The fact that the citation should have said "a" survival radio and not "his" survival radio is not a significant inconsistency.

#### **Exposure to Fire Issue**

This discrepancy notes that the citation credits CMSgt Etchberger with deliberately exposing himself to enemy fire, whereas the statements of Col (Ret) Clayton, Daniel and Sliz *make no mention* (emphasis added) of such exposure.

#### **Response**

While first noting that a failure to mention something is not itself an inconsistency, it is beyond reasonable dispute that the tactical situation, and the statements included in the MoH package and related in *One Day Too Long*, as well as in enemy after-action reports, establish that CMSgt Etchberger exposed himself to enemy fire, and in fact, could not have placed his men on the helicopter rescue hoist without doing so.

The tactical situation had very little, or no, chance of surprise, evasion or misdirection. Enemy forces, site members and the crew knew what was going to happen, an attempted helicopter rescue. They also knew the friendly forces would be most vulnerable when the helicopter was slowed, or hovering, with the crew members and Etchberger literally having their hands full loading the wounded on the helicopter's hoist.

The attachment has a significant number of statements and quotations from *One Day Too Long* (some reiterated when recently contacted by phone consistent with USD (P&R)'s direction) that document that CMSgt Etchberger took fire through the night, fended off the enemy with his weapon to try and protect comrades and the chopper and was fatally shot as the enemy predictably closed in for their last best chance to prevent the rescue.

#### **Medal of Honor versus AFC Cross Issue**

Another purported discrepancy is that the member was nominated for the Air Force Cross and did not experience a Headquarters directed MoH downgrade for security or political reasons.

#### **Response**

This issue can be conclusively addressed and resolved. The upgrade package never purported that this was a formal, downgraded MoH nomination. As the statements in the attachment establish, there was some preliminary gathering of information and statements and discussion of a MoH nomination, but the evidence is clear this was a nomination for the AFC. At the time of award, there was opinion expressed at AF senior leadership level that a MoH nomination would not be appropriate or feasible, but that someday a MoH should be considered. This package is that consideration.

## **SUMMARY**

USD (P&R) concerns have been addressed and all reasonable efforts to contact the former members identified in its 2 Dec 08 memorandum have been expended. Further efforts to reconstruct this incident through more eyewitness statements will not shed further light on the discrepancies identified. As in almost all such incidents, the historical record will always have some contradictions and information gaps.

## **CONCLUSION**

The record documents that CMSgt Etchberger gallantly fought off a numerically superior enemy force over several hours, made decisions in directing airstrikes on LS 85, then without regards to his own life, loaded his two wounded teammates and one additional unwounded survivor, one by one, onto an Air America helicopter rescue hoist while exposed to enemy fire, giving his life as he entered the helicopter. Thus, the available record supports the upgrade to the MoH.

## **RECOMMENDATION**

SECAF forward attached package to the Secretary of Defense with a recommendation that CMSgt Etchberger's Air Force Cross be upgraded to the Medal of Honor.



## Attachment - Substantiating Information

### Credibility and Bias of Sliz

There is considerable doubt cast upon the testimony given by Maj (ret) Stan Sliz account in the article *The Soldier's Story: Vietnam in Their Own Words*, by Ron Steilman (attachment 3 - Tab I, 3 of original MOH pkg), based on information given in the book *One Day Too Long*, by Dr. Castle.

- Dr. Castle, states "Over the years, Sliz has recounted somewhat different versions of the events that terrifying morning. I have, therefore, relied mostly on testimony he provided just two years after the fact and the recollections of the other survivors... Oddly, in recent interviews, Sliz has said little about Dick Etchberger's actions (p. 294, note 67)."
- Castle's book also states, Sliz has also displayed some bitterness about the level of post-attack recognition, telling an NBC News interviewer "And all I got out of it was a Purple Heart [medal] and a pat on the back (p. 295, note 67)."
- Indications are that "Sliz passed out soon after the battle raged due to his wounds (*One Day Too Long*, p.123)."
- Sliz says he was talking to flare ship crew on his survival radio (attachment 3 - Tab I, 3 of original MOH pkg) but John Daniel said he had only working radio (attachment 2)

### Direction of Airpower

Even though John Daniel's statement (attachment 2 - Tab I, 4; dated April 12, 2005 of original MOH pkg) states "I had the only radio that worked and I was talking (sic) to the aircraft ("SANDY" Flight A-1E's) if I recall correctly."

- In the sentence prior, he does state "Dick [Etchberger] never got hit during this time and was directing me (emphasis added) on what was taking place and what to do."
- In the sentence after, he says, "Dick [Etchberger] and I decided that we needed them to drop their ordnance (sic) on top of the hill (LS-85) as there was no evidence of life there, except of (sic) the ones shooting at us."
- These statements show CMSgt Etchberger was in fact, making decisions with John Daniels regarding where the aircraft should place their ordnance which constitutes the act of directing, then letting John Daniels talk to the aircraft on the radio while he (Etchberger) continued to fight off the enemy.
- Mr. Ken Wood, Air America helicopter pilot for the initial rescue (Telecon interview 18 December 2008) confirmed the account of the rescue in the book *One Day Too Long*. He noted that the smoke from the flare had already been "popped" giving him a visual on the survivor's position on the side of the cliff as he was making his initial approach to the rescue site.

### Corroboration of Exposure to Fire

The following eyewitness statements and excerpts from a North Vietnamese after action report and the book *One Day Too Long* corroborate the original AFC citation statement.

- John Daniel states (attachment 2 - Tab I, 4 of original MOH pkg) that "We were under fire all night and still under fire when the chopper arrived. The Chief and myself (sic) were the only ones to mount any kind of defense. I was unable to do much as I had both legs with gunshot wounds and was unable to move about. The Chief was laying down a pretty good field of fire and keeping them off of us. Here comes the chopper and he gets us all loaded and then himself."
- "Based on the recollections of Stan Sliz and John Daniel, who said they witnessed their colleague fight off the North Vietnamese forces and repeatedly risk personal exposure to enemy fire as he placed each of the wounded men on the rescue hoist, Roura wrote a recommendation that Etchberger receive the Medal of Honor (*One Day Too Long* p. 151)."
- "Hours after their rescue and the death of Etchberger, Sliz and Daniel described the sergeant's heroic efforts to save his comrades (p. 294, note 67)."
- According to Mr. Ken Wood, Air America helicopter pilot in the rescue chopper (via Telecon interview 18 December 2008) added to/confirmed the account in the book *One Day Too Long*:
  - "We had hoisted two survivors into the helicopter and it was during the last hoist that we began taking enemy ground fire. We were 'sitting ducks' at that point so I decided, for safety of the crew and passengers, to "bug out" but Rusty [Irons] (his Flight Engineer working the hoist) told him there were still survivors being hoisted up. We then took additional ground fire as the last survivors were entering the helicopter and surmised that's when CMSgt Etchberger was hit."
- According to Mr. Loy "Rusty" Irons, Air America helicopter flight engineer in the rescue chopper (Telecon interview 29 January 2009) added to/confirmed accounts in the book *One Day Too Long*:
  - "I was focused on the hoist and didn't see any enemy or hear any shooting that I can recall. Again, I was focused on the hoist operation, and only saw the guys coming up the hoist onto the helicopter and out of there safely. I did see the last guy, who wasn't wounded (presumably CMSgt Etchberger), destroy his weapon on the ground before coming up the hoist which was a heads up move to keep it from the enemy. Then, shortly after we began hoisting him up we began to take enemy ground fire. I didn't see where

it came from but I heard the gunfire and saw several holes in the floor (of the helicopter) and blood. Apparently, one of the rounds came up through the floor, through my weapon and hit the last guy we brought up. I found out later that he died."


- There were two North Vietnamese accounts of the battle that addressed the fight for LS 85 and the helicopter rescue; One from the book *One Day Too Long*, the other from *Raid on the "TACAN" Site Atop Pha-Thi Mountain by a Military Region Sapper Team on 11 March 1968*.
- These documents show, from the enemy viewpoint, that CMSgt Etchberger was exposed to a withering enemy fire during the fight for the LS 85 and that they (Truong Muc's enemy sapper cell) fired upon the rescue helicopter as he loaded the wounded on the rescue line and even grabbing another survivor that came out of nowhere (William Husband).
- In *One Day Too Long*, the North Vietnamese Sapper team Cell 1 commander, 1Lt Truong Muc, said:
  - "At about 9:00 AM...the bombing ended and a helicopter arrived to rescue one American from a ledge on the cliff below the TACAN/TSQ site. Muc says that one of his men attempted to prevent the rescue, and was shot and killed by either the American on the ground or the rescue force. The rest of the Vietnamese team then fired upon the helicopter but failed to prevent the recovery (p. 125)."
- Mr. "Rusty" Irons said, during a telephone interview 29 January 2009, that, "I had a weapon with me but I didn't use it because I was too busy hoisting the survivors into the helicopter."
- *Raid on the "TACAN" Site Atop Pha-Thi Mountain by a Military Region Sapper Team on 11 March 1968* reports:
  - "At 0415 hours, after losing the TACAN, the enemy ran out and hid in the rock crevices...they used their rapid fire assault rifles and hand grenades and organized a counterattack to try to retake the TACAN...the fighting continued fairly violently (p.16)."
  - "At 0900 hours, one helicopter dropped a line down near the TACAN site and rescued three wounded enemy. We were tangled up in the mountain, so we fired on it without hitting it (p. 16)."

- CMSgt Etchberger was the only survivor, in that immediate area, that had a weapon and both Sliz and Daniel credit him with holding off the enemy.
  - SSgt Daniels' written statement that they were under fire all night and when the helicopter arrived, Mr. Irons' assertion that he didn't fire his weapon or even see any enemy soldiers (from the helicopter) coupled with Lt Muc's (NVA) statement that, "One of his men was killed by either the American on the ground of the rescue force," shows that it was the American on the ground that most likely killed his man during the rescue. The only American in the area that had and was able to use a weapon during the rescue was CMSgt Etchberger, thus supporting the AFC account that he was under fire during the rescue attempt.

#### **Background on Air Force Cross Submission**

All documentation shows that the recommendation that reached the VCSAF's office nominated CMSgt Etchberger for the AFC not the MoH (attachment 4 - Tab I, 1 of original MOH pkg).

- SSgt Daniels' written statement Per Col (Ret) Gray's statement (attachment 4 - Tab I, 1 of original MOH pkg), he verbally recommended an upgrade of the AF Cross package he reviewed for the VCSAF to the MoH but it was not formally upgraded due to the sensitive nature of the operation and politics at the time.
- CMSgt (Ret) Roura and Lt Col (Ret) Clayton claim to have submitted MoH recommendations (*One Day Too Long*, p. 151/ attachment 4 - Tab I, 1 of original MOH pkg). There is no record of who changed the MoH recommendation to an AFC.
- Col Clayton called Col Armstrong 29 Jan 09 with the following information via telephone interview:
  - "I [Col Clayton] verbally interviewed the survivors upon their return. There was nothing written down and no paperwork kept due to the secrecy of the operation. I verbally passed my recommendation for the MoH to the Office of Special Plans, Col John Moore (ret). This office was closed during the (President) Carter administration and all paperwork was destroyed. CMSgt Roura also interviewed the witnesses, wrote the MoH and probably hand-carried this through the Office of Special plans, but you'd have to talk to him about that."
- All attempts to contact CMSgt Roura and Col (Ret. Grey) through telephone and registered mail have been unsuccessful.

  
**BULLET BACKGROUND PAPER**  
**ON**  
**DOD ADDITIONAL CONCERN**  
**CMSGT ETCHBERGER'S**  
**MEDAL OF HONOR (MOH) NOMINATION**

**PURPOSE**

To address an additional USD (P&R)'s concern with subject MOH nomination

**BACKGROUND**

Currently a package to upgrade (to the MOH) CMSgt Etchberger's 1969 posthumous Air Force Cross (AFC) awarded for his action at Site 85 in Laos on March 11, 1968 is pending. The primary basis for the upgrade request was that the AFC was chosen rather than consideration for the MOH due to the classified and politically sensitive nature of Site 85 operations.

Despite strong support from AF COS, SECAF, CJCS and an approved congressional waiver of time standards, by memorandum, dated 2 Dec 08, USD(P&R), returned subject nomination with directions to attempt to contact specific potential witnesses to determine whether they could provide "clarifying information regarding CMSgt Etchberger's actions". That memo also recommended reviewing a recent publication (*One Day Too Long*) to determine if there were other individuals who should be contacted regarding this MOH nomination. Lastly, the memo had an attachment with a list of "discrepancies" identified by the action officers at OSD, which are the basis for the clarification efforts directed by USD (P&R).

By letter dated March 24, 2009, Secretary Donley addressed the concerns and discrepancies identified in the Dr Chu memo. USD (P & R) have now asked SAF/MRB to address a concern identified in an earlier legal review that was not included in the prior memo. That concern is whether CMSgt Etchberger was a member of the Air Force within the meaning of the statute authorizing the Medal of Honor.

**DISCUSSION AND ANALYSIS**

There is convincing evidence that CMSgt Etchberger was a member of the Air Force and the only evidence that contradicts this conclusion are cover documents and a complex arrangement to provide a politically necessary subterfuge to allow plausible deniability.

**Documents and Indicia of Status as an Air Force Member**

SAF/MRB/857-3137/2 Apr 09

[REDACTED]

Armed and expected to engage in at least defensive combat operations (violation of Geneva Convention for Civilians)

Casualty report listed him as active duty, present for duty and assigned to a military organization

His rank and authority was recognized and exercised military control over other site members not just supervision

Top Secret memorandum of agreements were signed with all members that governed the terms and conditions of their service

Described by the president of Lockheed Airline Services (LAS) as employment arrangement necessary to give "civilian" status to military personnel necessary to undertake the mission. Note :He put the word civilian in quotation marks. (page 39, *One Day Too Long*)

Memorandum of agreement ( pages 43-45, *One Day Too Long*) refers to members serving under "the documentation of being an LAS employee" It provided that if a member completed the assignment, all military records would be corrected to show continuous military service (including appropriate promotions) and that if killed at the site, the paperwork would indicate Air Force status. (As the casualty report for CMSgt Etchberger in fact did)

In 1967 SAFMR, Mr William Doolittle, changed the records of the missing eleven retroactively to show continuous military service (*One Day Too Long*, p 161)

#### Other Factor

In Section 523 of Public Law 104-106 Congress issued a time limit waiver for submitting awards for achievement, or service performed in carrying out military intelligence duties during the period beginning on January 1, 1940, and ending on December 31, 1990 to allow a special review. This law recognized the secrecy involved in such activities led to many inaccurate or incomplete military records that prevent timely submission or consideration. By analogy, this is a case of a secret agreement about creating intentionally misleading records as to status.

#### Evidence of Contract Status

Lockheed issued contracts, uniforms and badges but asserted no control over their activities. This was part of an enhanced cover plan to argue they were contract employees entitled to Geneva Convention status if captured, since active duty members performing military operations in Laos would violate Geneva Accords and military members just wearing contractor uniforms and carrying identification cards (so called shallow cover) could be executed (page 37 *One Day Too Long*)

#### SUMMARY

Facts and conduct should determine the conclusion not a false paper trail. CMSgt Etchberger died as a military member fighting and was an LAS employee on paper only. He has been recognized as an Air Force, not LAS, hero for a generation. The Medal of Honor is sacred but SAF/MRB/857-3137/2 Apr 09

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no reasonable person would object to awarding it to him because of a flimsy cover story that he was an LAS employee.

**RECOMMENDATION**

That USD (P and R) accept this analysis as adequately dressing the status concern.

## Chief Etchberger Medal of Honor Processing Timeline

### BACKGROUND

In 1969, Chief Master Sergeant (CMSgt) Etchberger received the Air Force Cross for his action at Site 85 in Laos on March 11, 1968.

- In 2006, a package was submitted to upgrade this award to the MoH (Medal of Honor) based upon indications that it was classified and politically sensitive due to the nature of Site 85 operations that prevented a submission for the MOH in the 1968 time frame.
  - o All of the original information used in the Air Force Cross package in 1969 was not available, most likely due to the classified nature of the operation
  - o Per notarized letter from Col (Retired) Ruffin Gray, VCSAF (Vice Chief of Staff Air Force) Executive Officer at the time, Gen John D. Ryan believed the nomination warranted upgrade to the MoH, but could not be submitted as such due to classification. Presumably the leaders at the time decided on the AF Cross as the appropriate award until such time that it could be upgraded after the operational declassification.
- The package to upgrade used the citation from the original submission of the Air Force Cross.
- By memorandum, dated 2 Dec 08, USD (P&R) [Under Secretary of Defense (Personnel and Readiness)], returned subject nomination with directions to attempt to contact specific potential witnesses and consider a recent publication (*One Day Too Long*) to better substantiate statements in the proposed award citation.
- On 2 Dec 08 SECAF (Secretary of the Air Force) tasked AF/CVA (Assistant to the Vice Chief of Staff of the Air Force) to put together a small team led by a GO/SES (General Officer/Senior Executive Service) to conduct an appropriate follow-up and lock down the package. After conversations with SAF/MR (Secretary of the Air Force/Manpower and Readiness), SECAF has transferred that tasking back to SAF/MR and SAF/MRB (SAF Personnel Council).

### PROCESSING HISTORY

1. **10 Aug 2006:** the AF Decorations Board (AFDB - SAF/MRBP) considered CMSgt Etchberger's MoH nomination
2. **18 Oct 2006:** SSS and MoH package was forwarded through SAF/MR to SECAF
3. **May 2007:** SECAF signed SSS for the MoH package
4. **23 Aug 2007:** VCJCS signed SSS for the MoH package
5. **Oct 2007:** OSD P&R Action Officer provided *draft* 2 Oct 07 DUSD(MPP) Info Memo to the SAF Personnel Council (SAF/MRBP) for additional information, clarification of inconsistencies, inclusion of time waiver requirement IAW Title 10, Sec 1130, and signature of CJCS (Chairman, Joint Chiefs of Staff) versus VCJCS (Vice Chairman, Joint Chiefs of Staff).
6. **Oct 2007:** SAF/MRBP contacted AF Historical Research Agency (AFHRA) for additional information, but they did not have any additional information specific to CMSgt Etchberger. AFHRA provided a copy of Project CHECO report, which included information on the actual attack on Lima Site 85, but nothing that would strengthen the MoH package.
7. **Oct 2007:** OSD (P&R) AO (through DoD Office of General Counsel (OGC) Office) notified SAF/MRBP to work through SAF/LL (Secretary of the Air Force Legislative Liaison) to get a time waiver request. Time waiver was included in FY09 NDAA (National Defense Authorization Act).



## Chief Etchberger Medal

8. **Oct 2007:** SAF/MRBP received an addendum to TSgt Daniel's witness statement clearly stating that "we were under fire all night and still under fire when the chopper arrived...The Chief was laying down a pretty good field of fire and keeping them off of us. Here comes the chopper and he gets us all loaded and then himself..." This information was forwarded to OSD (P&R) Action Officer (AO).
9. **12 Oct 2007:** SAF/MRBP determined AF would ask OSD to continue to review award nomination with the additional information: TSgt Daniel's witness statement, CJCS signature on the package, and time waiver. This was seen as a reasonable effort and adequate to address concerns in draft memo.
10. **28 Jul 2008:** in accordance with OSD request, CJCS signed the MoH nomination package (VCJCS had previously signed 23 Aug 07)
11. **Jul 2008:** after CJCS signed MoH package, it required SECAF to re-sign the MoH package so that his signature was after CJCS signature
12. **2 Dec 2008:** received OSD request for additional clarifying information
13. **5 Dec 2008:** SAF/MRB to review and respond to OSD inconsistency requests
14. **19 Dec 2008:** SAF/MRB responded to OSD inconsistency requests via BBP to SAF/MR
15. **9 Jan 2009:** SAF/MR requested additional information, SAF/MRB provided information as requested
16. **30 Jan 2009:** SAF/MRB prepared updated BBP addressing OSD inconsistency requests
17. **11 Mar 2009:** SECAF Memorandum to USD(P&R) addressed concerns in USD(P&R) 2 Dec 08 Memo
18. **19 Mar 09:** Mr. (b)(6) (GS-15, OSD P&R O&EP) sent email stating "he had many questions for the Air Force" and wanted a meeting scheduled (b)(6)
19. **March 2009:** MRB personnel had teleconference with Mr. (b)(6) and (b)(6) from OSD P&R
20. **10 Apr 2009:** Mr. (b)(6) emailed (b)(5)
21. **30 Apr 2009:** the MoH nomination package was forwarded to CJCS for re-coordination
22. **7 May 2009:** The package was in coordination at OSD and CJCS. A letter signed by Mr. Donley to be attached to the package was sent to MRB.
23. **September 2009:** The package was awaiting USD (P&R) signature prior to moving to the Office of the SecDef.
24. **7 December 2009:** The award package recommendation is at USD (P&R) front office. A specific course of action to free up package for further movement up the chain of command is not certain.
25. **10 December 2009:** The MOH recommendation was endorsed by Ms. McGuinn in her capacity as USD (P&R)...next stop is the Office of the SecDef.
26. **17 December 2009:** The package officially left the confines of the Pentagon.
27. **15 Jan 2010:** SAFFPC learns that package has reached the White House Military Office