

March 19, 1999

The Honorable Richard Danzig
Secretary of the Navy
Pentagon, Room 4E686
Washington, D.C. 20350-1000

Dear Secretary Danzig:

We are writing to request that you use your authority under Title 37, USCS, Section 555 (a) and 556 (d) to reconsider and change or modify the "finding of death" determination made by the Secretary of the Navy's designee on May 22, 1991 with respect to Lt. Cmdr. Michael Scott Speicher, USN. We strongly believe, for the reasons noted below, that such action is indeed "warranted by information that has been received and other circumstances," as provided for in the above-cited law.

We have further been advised that status determinations with respect to Lt. Cmdr. Speicher are not currently covered by the Missing Persons Act, Title 10, USCS, Sections 1501-1510, as amended, thereby making action under Title 37 appropriate.

Lt. Cmdr. Speicher was the first American to be listed as missing in action when his F-18 was lost over Iraq during a combat strike mission in the first hours of the Gulf War in January, 1991. When the war ended, the Iraqi Government returned a "soft tissue fragment and hair bearing skin" which allegedly related to Lt. Cmdr. Speicher. However, subsequent DNA tests determined the remains were not those of Lt. Cmdr. Speicher.

The Navy convened a Status Review Board on May 20, 1991 to consider the state of evidence at that time related to Lt. Cmdr. Speicher's loss. On May 22, 1991, the late Admiral Mike Boorda, then Chief of Naval Personnel, approved and signed out the board-recommended "finding of death" which resulted in Lt. Cmdr. Speicher's status being changed from missing in action to killed in action.

In December, 1993, a Qatari official and his hunting party came upon Lt. Cmdr. Speicher's aircraft wreckage in Iraq. He immediately forwarded to U.S. military officials pictures of the plane's canopy, a shard of metal with serial numbers, and passed on his recollection of having seen the ejection seat as well.

Two years later, in December, 1995, U.S. crash site specialists from the Department of Defense were permitted to access the crash site, following coordination efforts between the Iraqi Government and the International Committee of the Red Cross. The results of the crash-site investigation were briefed to the Congress in the winter and spring of 1996.

In December, 1997, we were further briefed on this matter by the Principal Deputy Assistant Secretary of Defense for International Security Affairs, Frederick Smith, in response to concerns generated by the attached New York Times story.

In February, 1998, a classified follow-up briefing on this case was provided to the Senate Select Committee on Intelligence by the Department of Defense POW/Missing Personnel Office (DPMO). In September, 1998, pursuant to our earlier inquiries on this matter, the Intelligence Community and the Department of Defense provided to the Senate Select Committee on Intelligence a classified chronology outlining Intelligence Community activities bearing on the issues raised as a result of Lt. Cmdr. Speicher's loss.

The briefing materials and the chronology referenced above are available for your review. We strongly believe that the information contained therein supports the request we are making of you with this letter. During the last three years, we understand that the Department of Defense has refused to authorize any further approaches to the Iraqi Government concerning the fate of Lt. Cmdr. Speicher "because of the state of U.S.-Iraqi relations."

Nonetheless, our offices were informed during a briefing we received on March 12, 1999 that the official publicly-stated position of the Department of Defense POW/Missing Personnel Office (DPMO) with respect to whether the available evidence indicates Lt. Cmdr. Speicher perished in his aircraft incident, is "we don't know."

As you know, the DPMO is charged with developing, implementing, and overseeing policy on unaccounted for U.S. personnel for the Department of Defense. In view of the official position of the Department of Defense and the classified evidence now available to the Department of the Navy, we believe that the justification for the finding of death determination in May, 1991, is no longer valid and conclusive.

We, therefore, urge you to use your statutory authority to change the status of Lt. Cmdr. Speicher back to "missing in action" — a status that more accurately reflects the available evidence and provides a presumptive "benefit of the doubt" to Lt. Cmdr. Speicher. We owe nothing less to Lt. Cmdr. Speicher and his family. We look forward to your response, and thank you for your personal attention to this very important matter that deeply concerns us.

Sincerely yours,

BOB SMITH, United States Senator

ROD GRAMS, United States Senator