

# Baron-52



## Sergeant Joseph Matejov

**Born: February 2, 1952**

**Last Known Whereabouts:  
February 5, 1973**

**February 5, 2016 Presentation to DPAA**

# INTRODUCTION

# Purpose of Today's Meeting

- Unique case; unique facts
- Why does the Matejov family want a status change?
- Critical issues:
  - Initial change from MIA to KIA flawed
    - Not according to the regs
    - Not based on the facts
    - No positive evidence Sgt. Matejov died in the Baron-52 crash – no DNA; no remains
    - Classification of convenience/necessity
    - The positive evidence supports survival
  - Legacy of family frustration

# 1973 Political Environment: Peace Accords Signed

January 27, 1973

**The Weather**  
Today—Rain, high near 51, low in  
range 44. Clouds of precipitation  
80 per cent today and 60 per cent  
tomorrow. Monday—Cloudy, high in  
the 40s. Temperature range Today,  
48-51; Yesterday, 48-52. Details, D1.

## The Washington Post

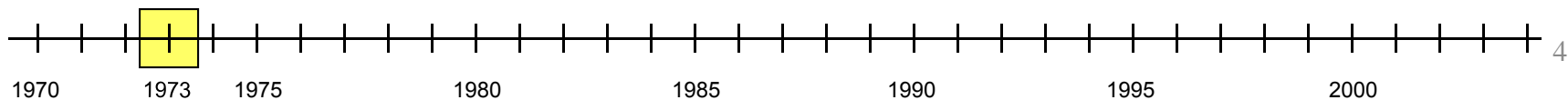
Class Herald

**Index**      **All Pages**  
by Section

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Classified	D 8	Obituary	D 8
Editorial	A 6	Obituary	Col
Finance	K 1	Spain	C 1
Garden	H 7	Style	C 1
Living	H 1	Travel	R 1

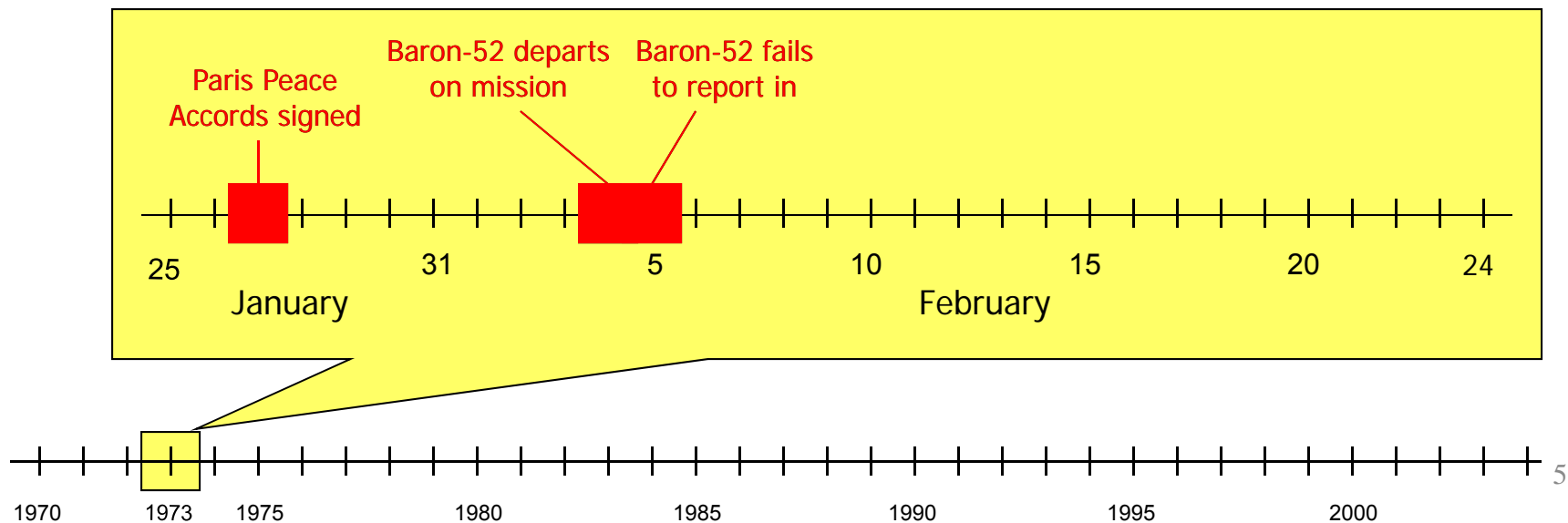
99th Year    No. 54    PUBLISHED BY THE WASHINGTON POST CO.    SUNDAY, JANUARY 28, 1973    Phone 323-6300    Circulation 323,400    INDEPENDENT PUBLICATION    40c

# War In Vietnam Officially Ends; Pact Is Signed, Cease-Fire Starts



# February 4-5, 1973 Mission

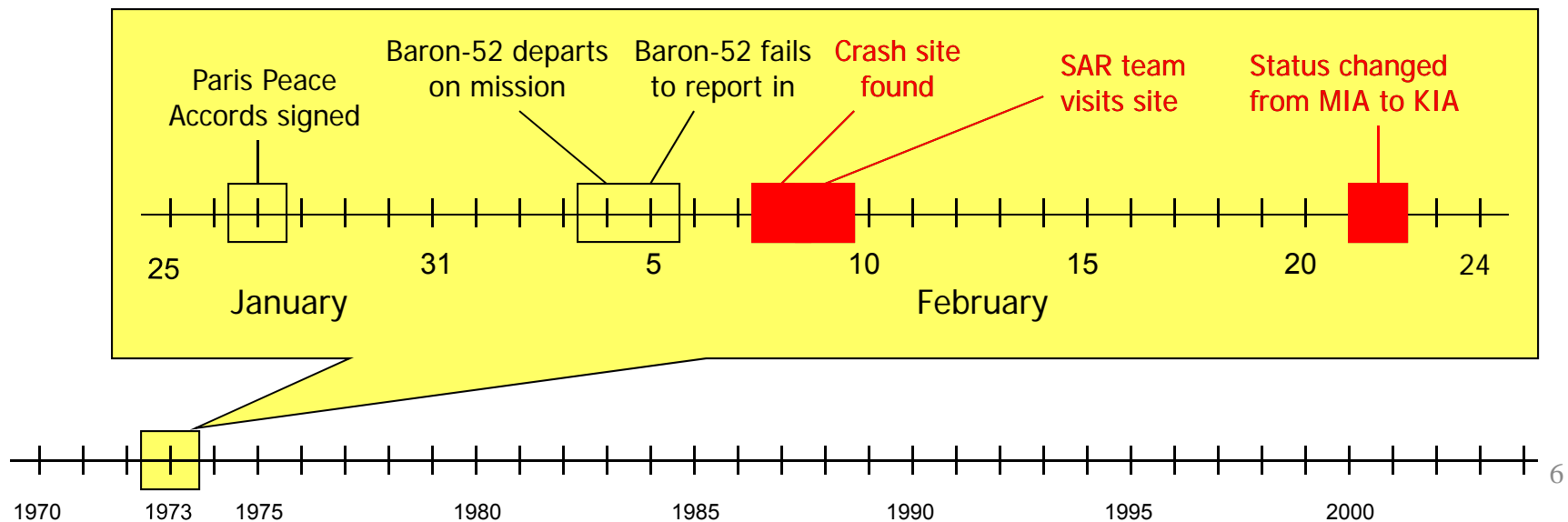
- February 4 – 8 days after the Paris Peace Accords, Baron-52 departs on a reconnaissance mission over Laos
- February 5 – Baron-52 crew fails to report in; declared MIA; beeper signal logged in SAR log
- February 7 – Beeper signal logged in SAR log



# 1973 At a Glance

## SAR and Status Change

- February 8 – Baron-52 crash site located
- February 9 – Search and Rescue team enters crash site, spending 15-20 minutes inspecting wreckage
- February 22 – All Baron-52 crewmembers status changed from MIA to KIA

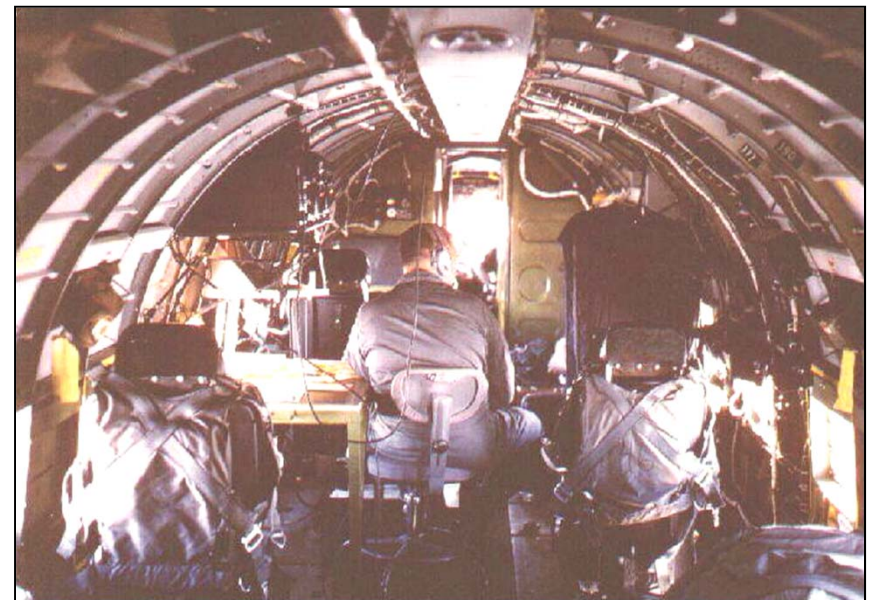


# BACKGROUND

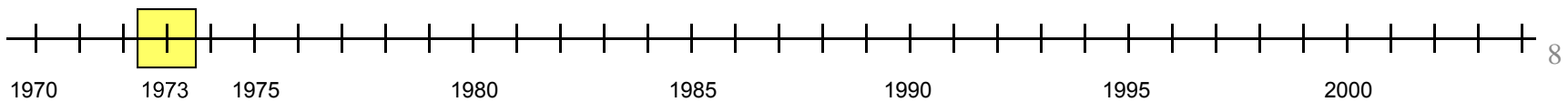
# Photographs of an EC-47



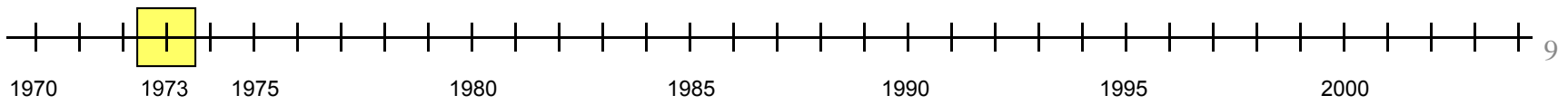
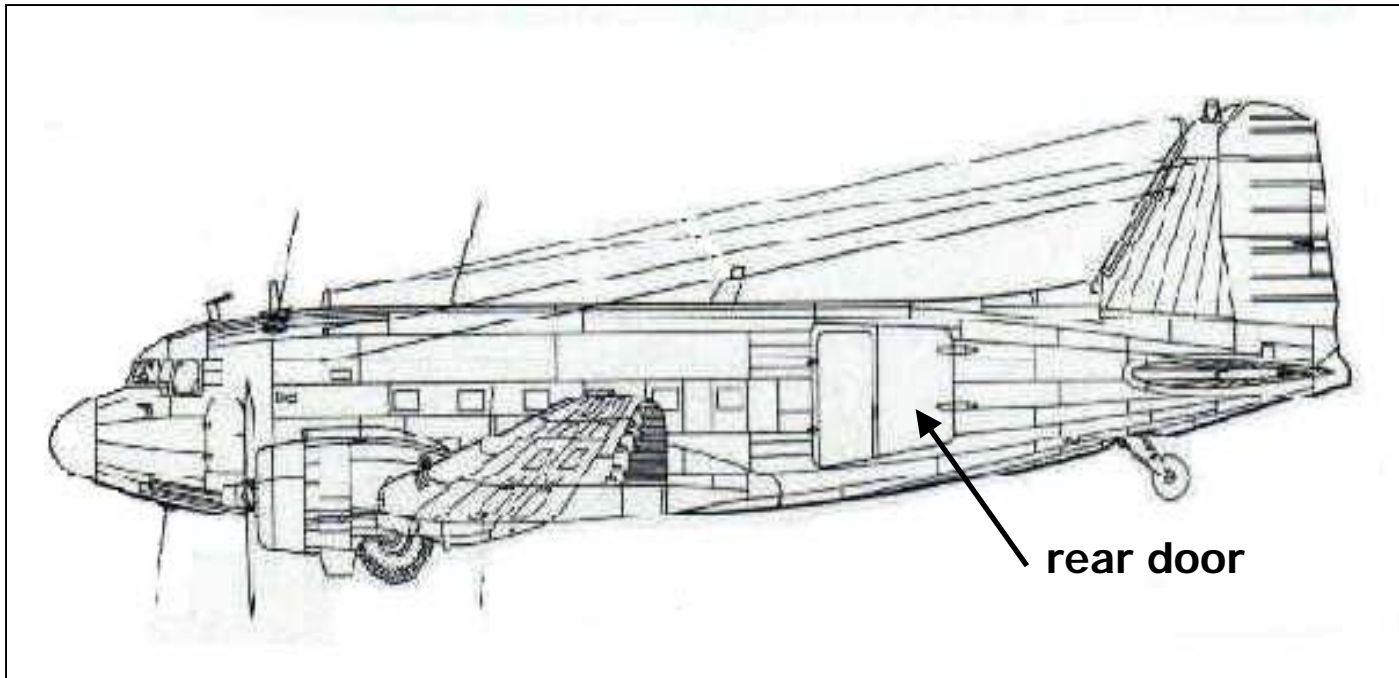
Front view



Interior view







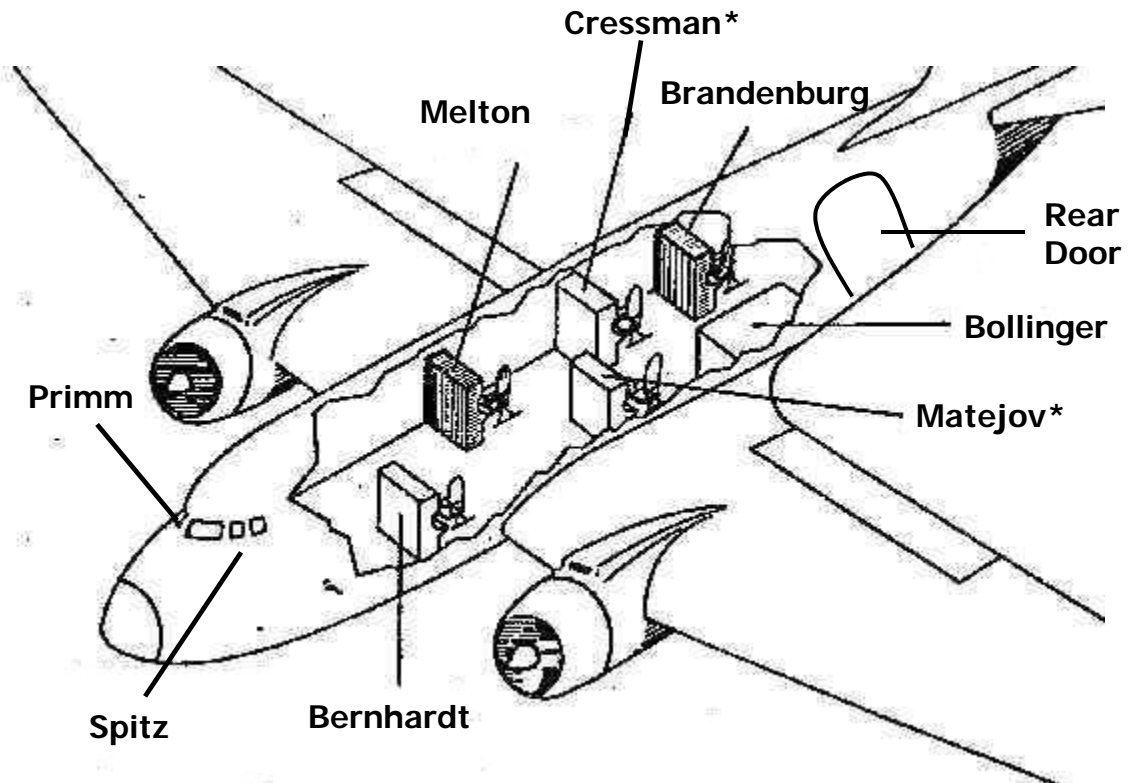
# Crewmembers and Seat Assignments

## Crew Manifest:

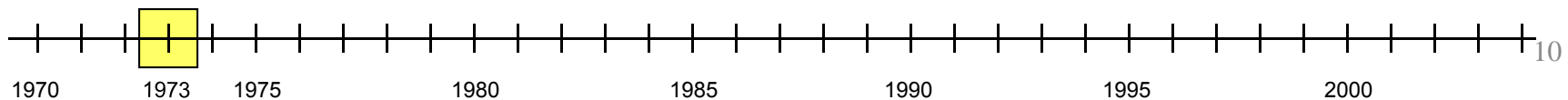
1. Captain George Spitz, Aircraft Commander
2. First Lieutenant Robert Bernhardt, First Co-Pilot
3. Second Lieutenant Severo Primm III, Second Co-Pilot
4. Arthur Bollinger, Navigator
5. Sergeant Dale Brandenburg, Electronic Warfare Systems Specialist

6. Staff Sergeant Todd Melton  
Airborne Morse Systems Operators:

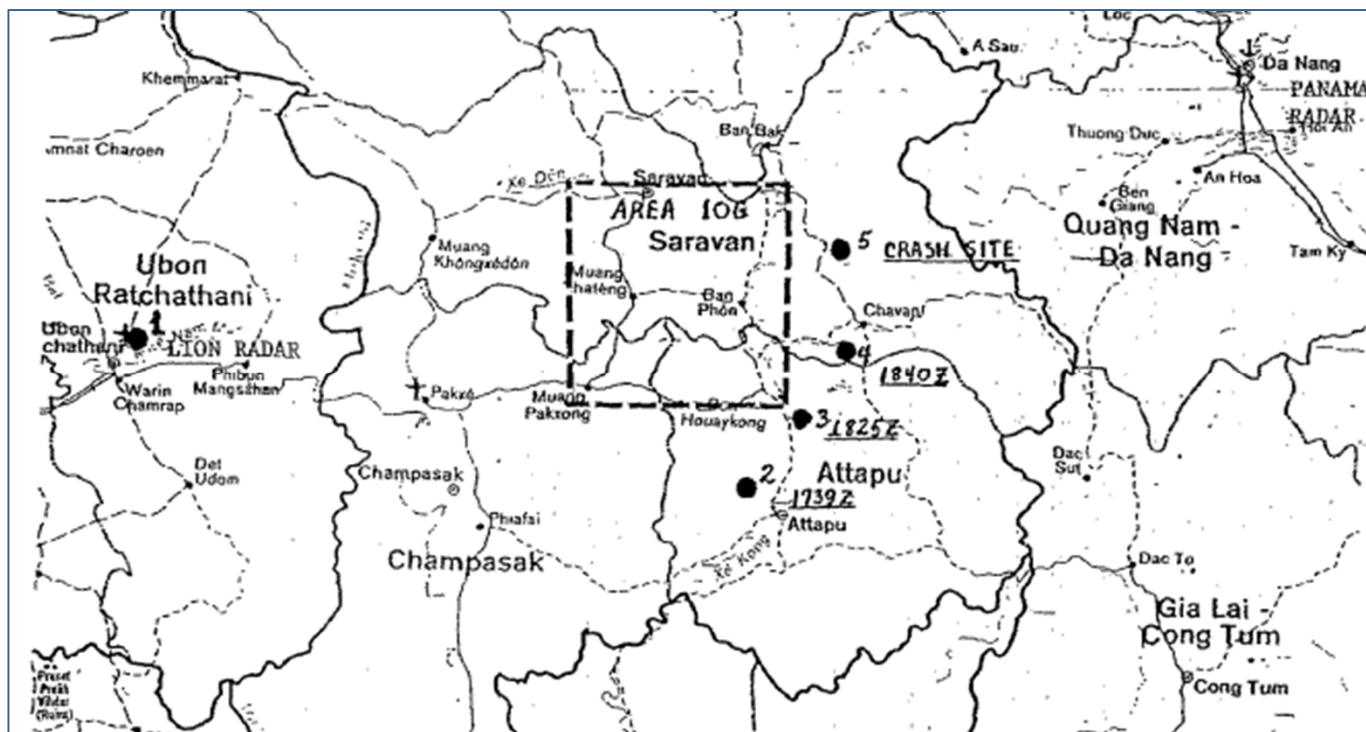
7. Sergeant Peter Cressman
8. **Sergeant Joseph Matejov**



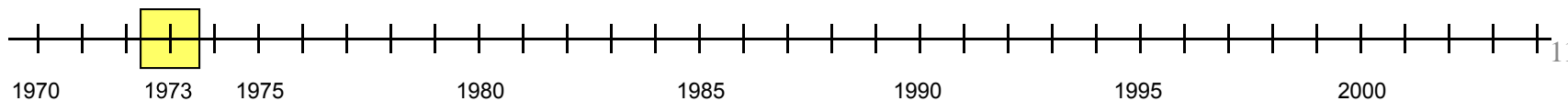
\* Cressman and Matejov may have exchanged positions.



# Baron-52 Flight Path



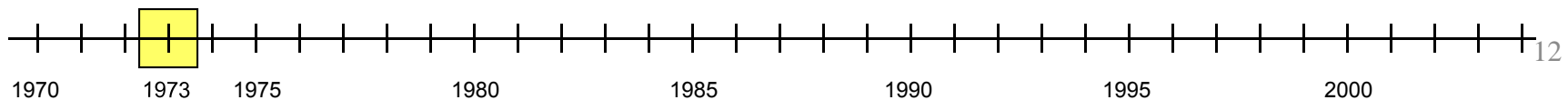
- Based on radio check-ins, Baron-52 flew from Ubon (1) through (2)-(4) before crashing at (5).



# February 9, 1973

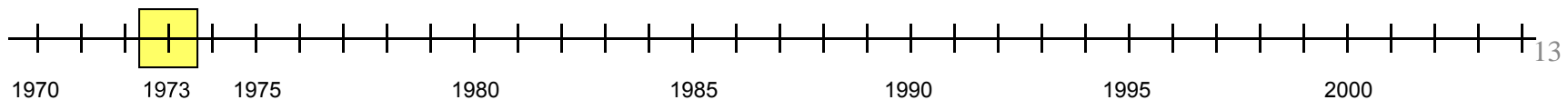
## SAR Mission

- Jolly Green 60 lowered 3 pararescue specialists (PJs) and TSgt Schofield, a Morse systems operator
- PJs spend a total time of 40 minutes on the ground (15-20 minutes used to inspect the wreckage)
- “Priorities:
  - A. LIVE PEOPLE
  - B. DEAD PEOPLE
  - C. DOCUMENTS
  - D. CLASSIFIED EQUIP.”
- “Chop up equipment if necessary.”
- Viewed remains of three, possibly four, crew members, determined to be the pilot and co-pilots



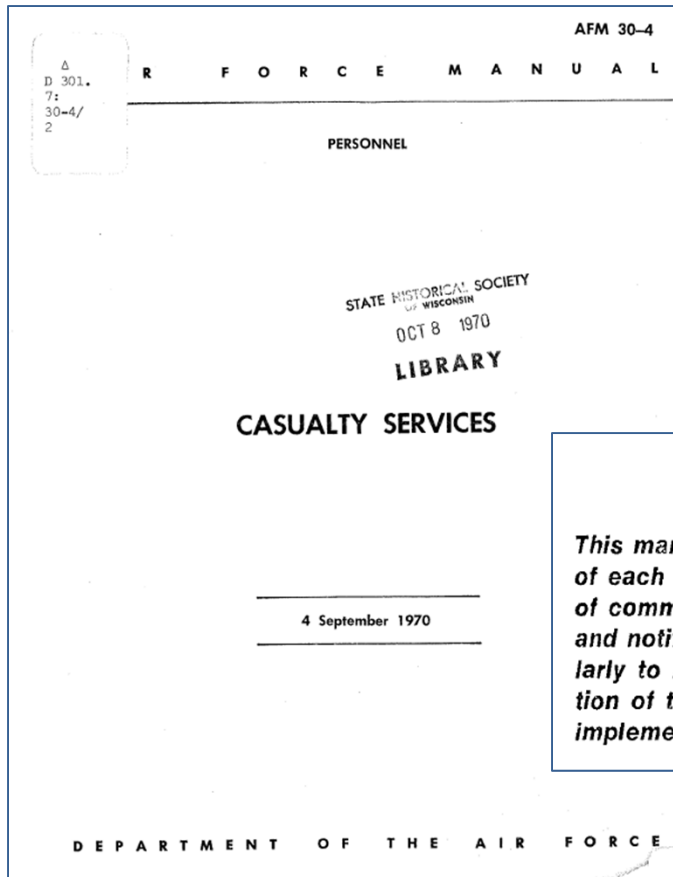
# SAR Mission Findings

- **2/10/73** – SAR Report
  - positively identified the wreckage
  - confirmed aircraft and equipment completely destroyed
  - reported “no evidence of survivors”
- **2/12/73** – One of the co-pilots, Lt. Bernhardt’s remains identified



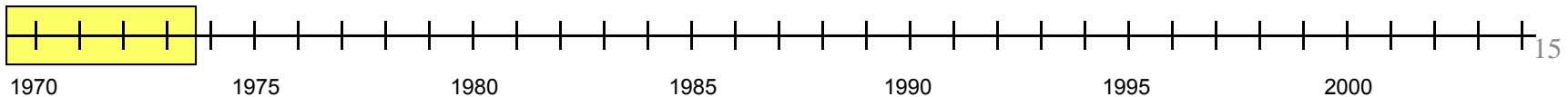
# **CASUALTY STATUS STANDARD & DETERMINATION**

# Air Force Manual 30-4 Casualty Services



## CASUALTY SERVICES

*This manual describes the Air Force Casualty Program and shows its effect on the operations of each organizational level of the Department—from the Chief of Staff to the lowest echelon of command. It consolidates and incorporates the casualty directives dealing with reporting and notification, casualty assistance, and survivor benefits. This manual is directed particularly to installation commanders and their staffs, whose efficient operation and implementation of the program tends to create more harmonious Air Force-community relationships. It implements DOD Instruction 1300.9, 6 April 1970.*



# Determining the Status of Missing Persons

- To determine the status of missing persons, the Commander must:
  - “monitor[] daily and final search progress reports” &
  - “after obtaining statements from witnesses ... fully review and analyze all available evidence pertaining to the status of missing persons.”

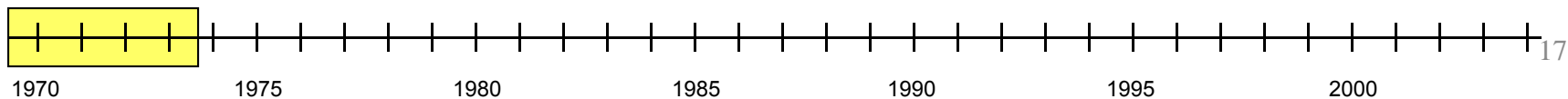
**2-10. Determining the Status of Missing Persons.**  
The responsible commander as indicated in table 2-1 after monitoring daily and final search progress reports and after obtaining statements from witnesses will fully review and analyze all available evidence pertaining to the status of missing persons.



# KIA Standard: Conclusive Evidence of Death

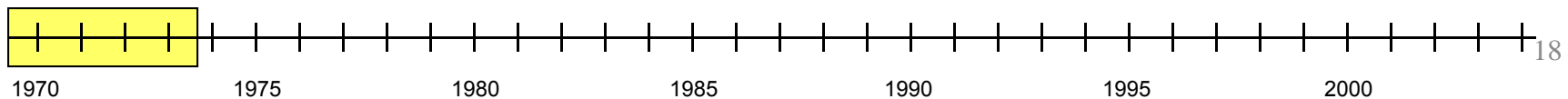
- AFM 30-4 explicitly authorizes a Commander to make a KIA determination only “[w]hen conclusive evidence of death is obtained at any time during the search ...”

(1) *Death Report.* When conclusive evidence of death is obtained at any time during the search, the monitoring commander will submit a death report, regardless of search and recovery efforts. The message will contain the statement that circumstances and factors involved have been analyzed and evaluated in accordance with paragraph 2-10b and conclusive evidence of death is considered to exist.



# KIA Standard: Beyond a Reasonable Doubt

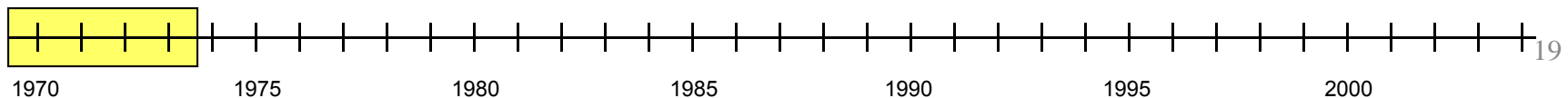
- 2-10.b. Conclusive evidence of death is considered to exist when: (1) Available information indicates **beyond a reasonable doubt** that a missing person **could not have survived**.
- “Beyond a reasonable doubt” means that no other logical explanation can be derived from the facts except that the individual could not have survived.



# Lack of Conclusive Evidence of Death

- If there is not conclusive evidence of death, the installation **Commander must maintain the missing airman in missing status and continue monitoring and evaluating all available information.** AFM 30-4, 2-10a.

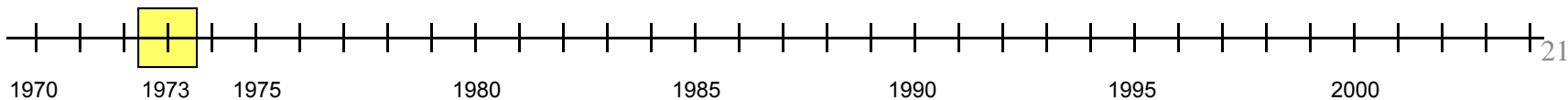
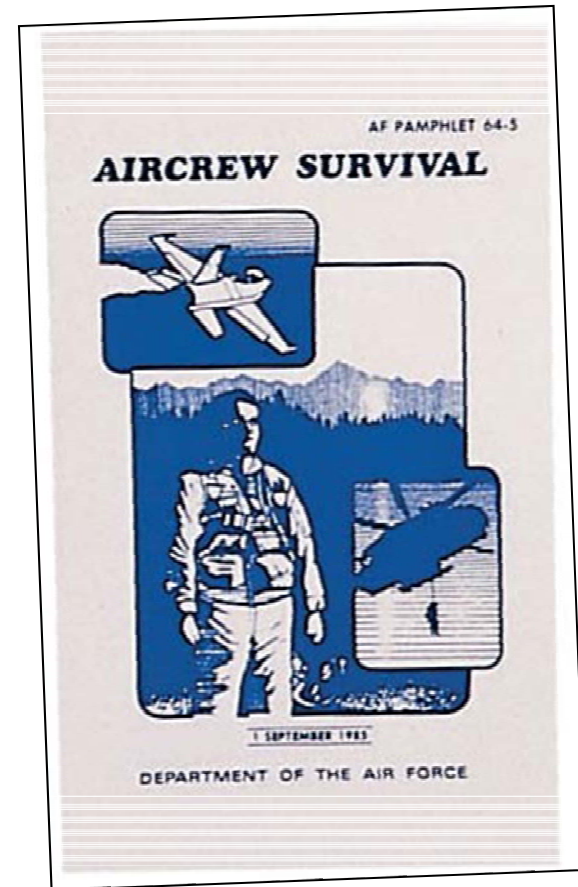
(2) *Complete Continued Missing Report.* If the commander determines that conclusive evidence of death does not exist, the member will be continued in a missing status. The continued missing report will contain the statement that circumstances and factors have been analyzed and evaluated pursuant to paragraph 2-10b and do not warrant a change in the missing status of this member. The message will include rea-



# **BARON-52 CREW'S CASUALTY STATUS DETERMINATION**

# Crewmembers Had “Good Chance of Survival”

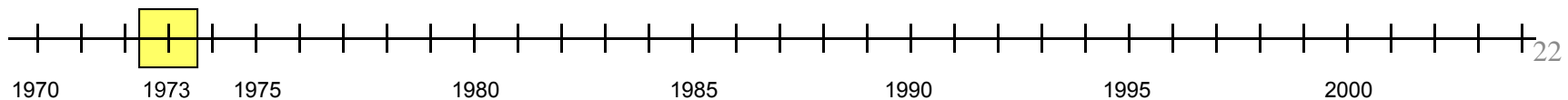
- **2/6/73** – “Members are in good physical condition. Survival kit for jungle survival part of regular equipment. Members are graduates of jungle survival school. **Have a good chance of survival in environment.”**



# February 10: No Conclusive Evidence of Death

- After the February 5 MIA determination, Commander Humphreys reviewed evidence and maintained his opinion that there was no conclusive evidence of death.
- **2/10/73** – “Although the aircraft wreckage has been found not all of the bodies were found, and none were identified. The Commander feels that there is a chance that one or more of the crew members could have bailed out and landed safely on the ground. Therefore, in accordance with the provisions of AFM 30-4, Para. 2-10B, **there is not conclusive evidence of death.**”

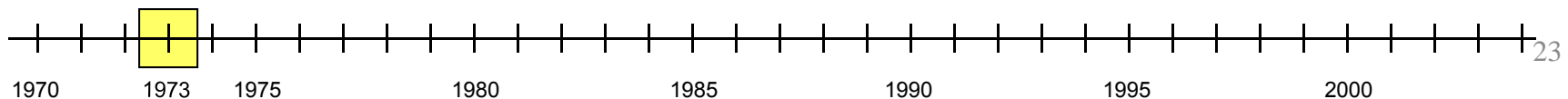
COMMANDER FEELS THAT THERE IS A CHANCE THAT ONE OR MORE OF THE CREWMENERS COULD HAVE BAILED OUT AND LANDED SAFELY ON THE GROUND, THEREFORE IN ACCORDANCE WITH THE PROVISIONS OF AFM 30-4, PARA 2010B, THERE IS NOT CONCLUSIVE EVIDENCE OF DEATH.



# February 13: Possibility that Crewmembers Survived

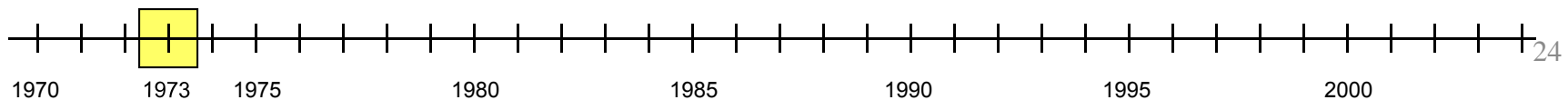
- **2/13/73** – Col. Humphreys stated his belief to Mr. and Mrs. Matejov that Sgt. Matejov could have survived the crash:
  - “. . . I feel that there is a possibility that one or more crew members could have parachuted to safety, therefore your son will continue to be carried in a missing status until a final determination can be made.”

After careful consideration I feel that there is a possibility that one or more crew members could have parachuted to safety, therefore your son will continue to be carried in a missing status until a final determination can be made.



# February 21: Request for Status Assessment

- **2/13/73-2/21/73** – No new information
- **2/21/73** – Nevertheless, 8 days later, Col. Humphreys was pushed to make a status change to KIA: “Request [Col. Humphreys] carefully evaluate all known information pertaining to this incident to determine if submission of death reports may be appropriate. **If status change [to KIA] is not made, request we be provided more complete information on what was seen at crash site and what efforts are being made to re-enter crash site area to obtain further information on which to base a status change.”**

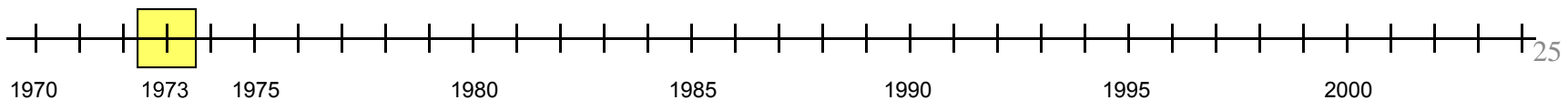




# February 22: Status Changed from MIA to KIA

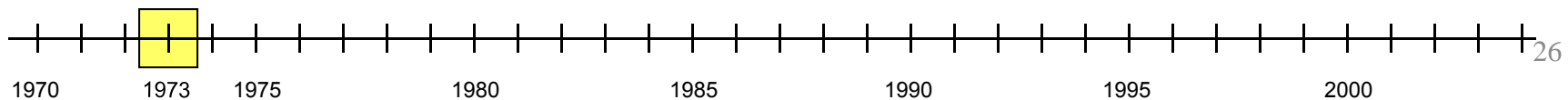
- **2/22/73** – The next day, based on no additional evidence, the Commanders summarily find all crew were KIA: Commander of the 56<sup>th</sup> Special Operations Wing, Col. Robert Wayne, in coordination with Col. Humphreys declare “there is no reasonable doubt that all the members of the Baron 52 crew were killed in the crash.”

H, THE COMMANDER, 56 SOW, HAS MADE A REVIEW OF THE AVAILABLE FACTS AND HAS FURTHER REVIEWED PARAGRAPH 2-108 OF AFM 30-4; HE NOW BELIEVES THAT THERE IS NO REASONABLE DOUBT THAT ALL THE MEMBERS OF THE CREW OF BARON 52 WERE KILLED IN THE CRASH; THIS DECISION WAS COORDINATED WITH THE COMMANDER OF THE 8TH TFW;



# Post-Status Change: Rationalization of the Change

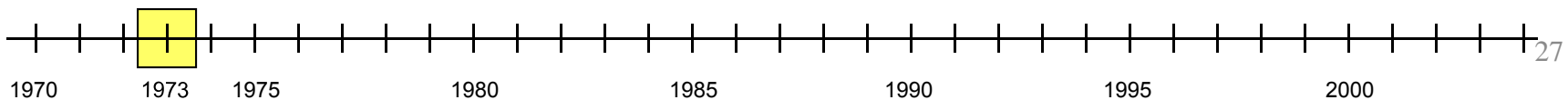
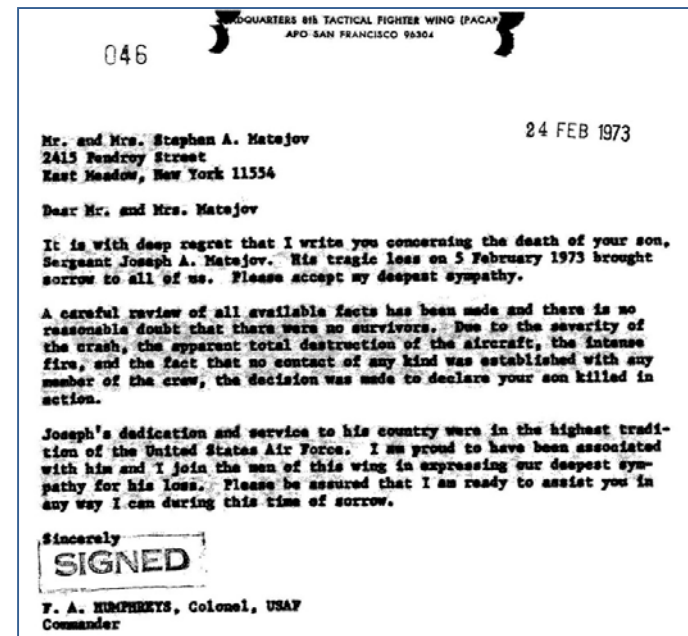
- **2/23/73** – “Insure the Commander’s final circumstance letter to NOK includes the rationale for changing status to KIA. i.e.,
  - (1) the severity of the crash;
  - (2) the apparent total destruction of the aircraft;
  - (3) the intense fire;
  - (4) no beepers or voice contact with any of the crew;
  - (5) that only one remains positively identified.”



# Rationale for Change of Status

- **2/24/73** – Col. Humphreys provided a written rationale for the change in status: “A careful review of all available facts has been made and **there is no reasonable doubt that there were no survivors.**

Due to *the severity of the crash, the apparent total destruction of the aircraft, the intense fire, and the fact that no contact of any kind was established with any member of the crew*, the decision was made to declare your son killed in action.”



# After Status Change AF Concedes Lack of Evidence

- Even after KIA determination, AF personnel did not believe there was conclusive evidence of death:
  - **2/23/73 – “The Commander [redacted] is attempting to change the status . . . from MIA to KIA. The Commander [redacted] does not feel sufficient evidence is available to do this.”**

MR: The Commander, [redacted] is attempting to change the status of crewmembers of the EC-47 lost on 5 Feb 73 from MIA to KIA. The Commander, [redacted] does not feel sufficient evidence is available to do this. The Commander, [redacted] has requested USAFSS assistance/guidance in utilizing *DATA* information for presentation to the Commander, [redacted] which will support keeping USAFSS crewmembers in MIA status. The *DATA* presentation to *DATA* personnel is an SSO function, and we have recommended that Commander, [redacted] matter to [redacted]. If this is not satisfying, then perhaps USAFSS action will be required.

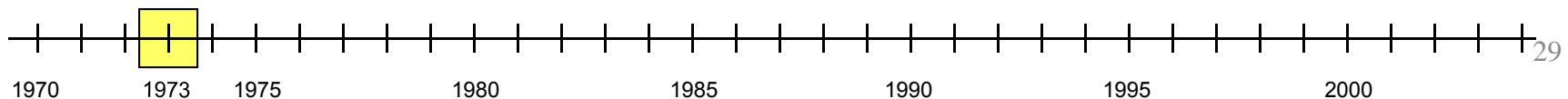
- Request was made to USAFSS to present Commander with intercept information, “which will support keeping USAFSS crewmembers in MIA status.”

# Doubts Remain Regarding Evidence Supporting Status Change

- **2/23/73** – Major Watts, Commander of the 6994<sup>th</sup> Security Squadron, expresses doubt as to KIA status, particularly since there were no backend crew members bodies seen or collected, nor was a thorough sifting of the debris made.

1. THE STATUS OF ALL CREWMEMBERS ABOARD BARON-52 HAS BEEN CHANGED FROM MIA TO KIA. BASED ON INFO REPORTED IN REF A; DET 3, 6994TH SS COMMANDER FEELS THERE IS SOME DOUBT AS TO KIA STATUS, PARTICULARLY SINCE THERE WERE NO BACKEND CREW MEMBERS BODIES SEEN/COLLECTED AT THE CRASH SITE, NOR WAS A THOROUGH SIFTING OF THE DEBRIS MADE.

- In fact, the PJs stated they did not sift at all.



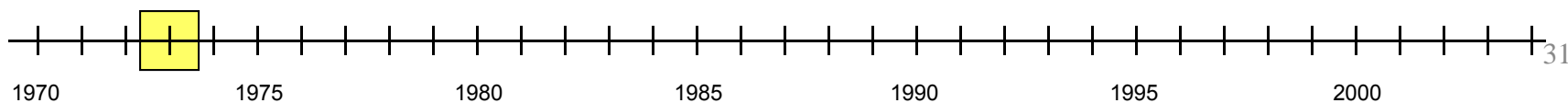
# SHUTTING THE DOOR TO FURTHER REVIEW

# Shutting the Door

- **2/21/73** – Vientiane Treaty – ceasefire with Laos
- **2/22/73** noon local time – “**NO repeat NO** US military aircraft manned or drone will penetrate the boundaries of Laos.”

1400	BB	FM USSAG <sup>EFFECTIVE</sup> A 22/0500Z FEB 73 "NO REPEAT NO US MILITARY AIRCRAFT MANNED OR DRONE WILL PENETRATE THE BOUNDARIES OF LAOS."
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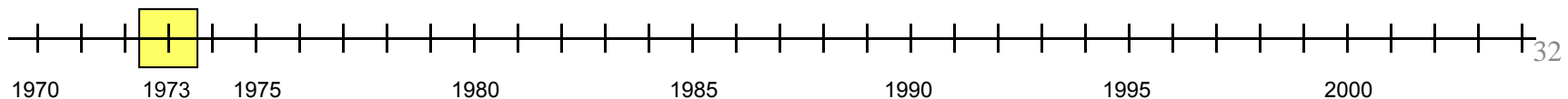
- **2/23/73** – Status of remains reported as waste. Request you advise this HQs (LGSKC) ASAP efforts being made to enter crash site to recover remains. If recovery efforts are not being made at this time, please advise reason why not.



# February 26: Commanders Lacked Crucial Evidence

- **2/26/73** – Communication confirms that the Commanders made their decision without having all of the critical available information that, by law, should have factored into their status determination.
- Especially information that raises the possibility that some of all of the crew may have survived.

“It is obvious that 56 SOW did not have the info (however related) contained in Ref Bravo. I concur with Capt. Shea [redaction] and Maj. Watts (Ref Alpha) that the [redaction] reflection (Ref Bravo) do raise the possibility that some or all of the USAFSS crew may have survived. ...request that HQ USAFSS initiate energetic action to see that all possible actions, at whatever level, are taken to determine, as fully as possible, the actual status of our personnel.”



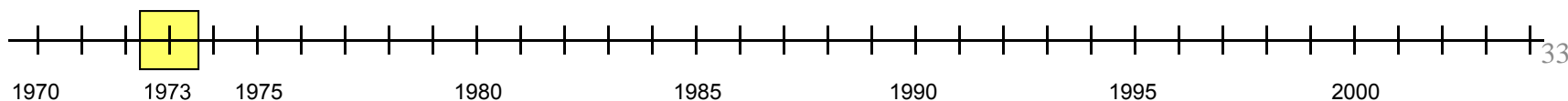


# Shutting the Door

- **2/26/73** – “No additional efforts are being made to reenter the crash site of Baron 52 at this time nor are any anticipated. The information gained by the team that went in on 9 Feb 73 indicated that there was nothing else left in the aircraft that could either be recovered or would be worth recovering.”

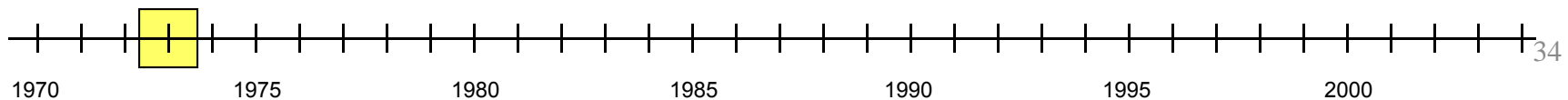
NO ADDITIONAL EFFORTS ARE BEING MADE TO REENTER THE CRASH SITE OF BARON 52 AT THIS TIME NOR ARE ANY ANTICIPATED. THE INFORMATION GAINED BY THE TEAM THAT WENT IN ON 9 FEB 73 INDICATED THAT THERE WAS NOTHING ELSE LEFT IN THE AIRCRAFT THAT COULD EITHER BE RECOVERED OR WOULD BE WORTH RECOVERING.

- **2/27/73** – State Department Directive: “Following eight named members of C-47 downed 2/5 are KIA and should not be included in lists given to LPF (Lao Patriotic Front) or ICRC (International Committee of the Red Cross).”
  - Taken off POW/MIA list renders crew ghosts



# Shutting the Door

- **2/28/73** – Efforts to recover other remains have ceased . . . .  
However, reasons given for failure to attempt recovery are insufficient and inappropriate. Chapter 8, AFM 143-1, spells out specific responsibilities and requirements in search, recovery, and identification of remains.
  - The “worth” of burned or decomposed human remains cannot be measured on an economic or time-invested scale. Suitable reasons might be active hostilities or temporary nonavailability of rescue aircraft/personnel due to more pressing combat needs. But the next of kin cannot be told air force efforts have been stopped just because the remains are severely burned or decomposed. Request early reply on other reasons active recovery efforts are not underway and/or plans for reentering crash site to remove and recover all portions of human remains, regardless of condition.

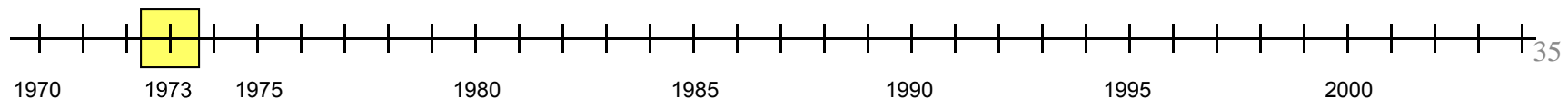


# Shutting the Door

- **3/3/73** – “The area is considered hostile, and no further attempts to search for and recover remains will be made until such time as authorization is obtained for JCRC to operate in the area.”

THE AREA IS CONSIDERED HOSTILE, AND NO FURTHER ATTEMPTS TO SEARCH FOR AND RECOVER REMAINS WILL BE MADE UNTIL SUCH TIME AS AUTHORIZATION IS OBTAINED FOR JCRC TO OPERATE IN THE AREA.

- But SAR Report reads: No unfriendly activity reported during the mission nor evidence of any previous action in the area



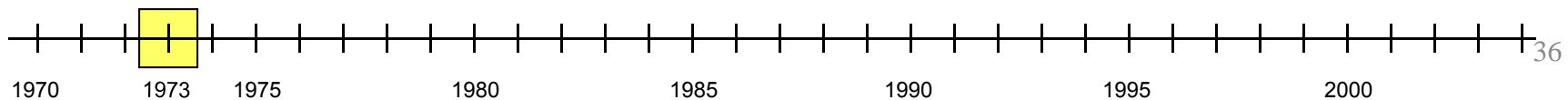
# March 7: “No Present Evidence Positively Confirms Death”

- **3/7/73** – Communication indicates that the SAR team did not sift through the debris to confirm the status of the backenders and therefore, as of March 7, 1973, there is still no evidence that positively confirms death

*Present*

2. SINCE NO EVIDENCE POSITIVELY CONFIRMS DEATH OF REMAINING FIVE

MR: Msg provides Air Staff with summary of actions taken to determine fate of HARON 52 (EC-47) crewmembers. Further, since it can be speculated that missing crewmembers could have survived, we are asking Air Staff to make HARON 52 crash site priority for graves registration personnel who may be authorized to enter Laos following cease fire. We don't want the matter to die while there is still the remotest possibility that crewmembers may have survived.

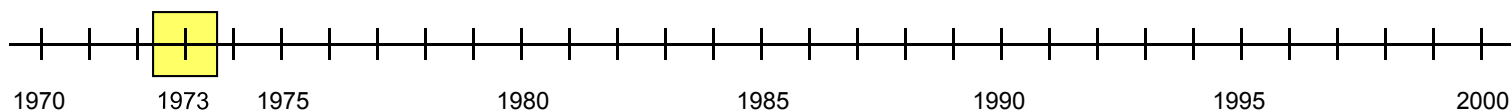


# Shutting the Door

- **3/15/73** – “Request you ensure that subject EC-47 crash site is among the first inspected by the JCRC. As a matter of urgency, we wish to resolve completely by crash site re-inspection and cargo compartment analysis the identity and status of all eight crew members.”

1. THIS HEADQUARTERS CONCURS IN THE REQUEST STATED IN REFERENCED MESSAGE. ACCORDINGLY, REQUEST YOU ENSURE THAT SUBJECT EC-47 CRASH SITE IS AMONG THE FIRST INSPECTED BY THE JCRC. AS A MATTER OF URGENCY, WE WISH TO RESOLVE COMPLETELY BY CRASH SITE RE-INSPECTION AND CARGO COMPARTMENT ANALYSIS THE IDENTITY AND STATUS OF ALL EIGHT CREW MEMBERS.

- **3/20/73** – “Concur with the urgency of subject inspection due to possibility of unidentified POWs in Laos. Also understand lack of authorities to pursue such a mission at the present time; request that inspection of Baron 52 crash site be accomplished at the earliest possible time commensurate with authorities granted.”



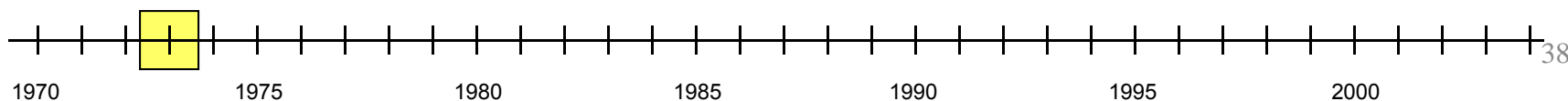
# Shutting the Door

- **3/27/73** – Political/military situation in Laos prohibits reentry of personnel at this time for inspection of crash site. Authorities for entry of JCRC personnel into Laos have not been negotiated and any effort to undertake an operation of this nature prior to receiving these authorities might be construed as a violation of the Laos Peace Agreement. The Baron-52 crash site will be afforded a high priority for early inspection upon receipt of operating authorities for JCRC in Laos.

1. (S) POLITICAL/MILITARY SITUATION IN LAOS PROHIBITS REENTRY OF PERSONNEL AT THIS TIME FOR INSPECTION OF BARON-52 CRASH SITE. AUTHORITIES FOR ENTRY OF JCRC PERSONNEL INTO LAOS HAVE NOT BEEN NEGOTIATED AND ANY EFFORT TO UNDERTAKE AN OPERATION OF THIS NATURE PRIOR TO RECEIVING THESE AUTHORITIES, MIGHT BE CONSTRUED AS A VIOLATION OF THE LAOS PEACE AGREEMENT.

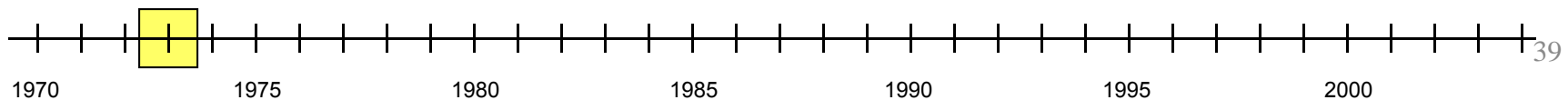
2. (S) THE BARON-52 CRASH SITE WILL BE AFFORDED A HIGH PRIORITY FOR EARLY INSPECTION UPON RECEIPT OF OPERATING AUTHORITIES FOR JCRC IN LAOS.

PAGE 2 RUMMRGA0021 C O N F I D E N T I A L



# Humphreys's Letter to Families

- **4/3/73** – Operation Homecoming
- **4/7/73** – Letter from Col. Humphreys affirming decision to change status from MIA to KIA, gives rationale:
  1. crewmembers would have utilized emergency communication,
  2. most crews don't wear survival equipment in flight due to its burdensome nature,
  3. "can be logically assumed" that the aircraft was hit and burst into flames,
  4. SAR team had to conduct a swift search due to threat of attack and couldn't thoroughly search for additional bodies, etc.

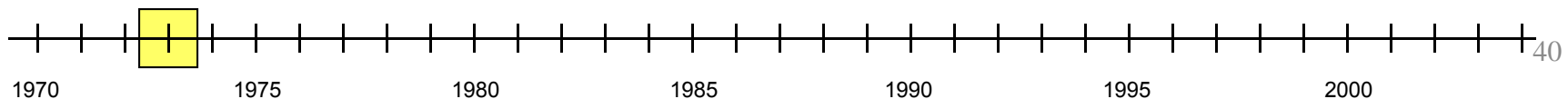


# Humphreys's Letter to Families

- **4/7/73** – “Let me summarize by stating that we did employ a certain amount of conjecture to visualize the events as they took place.

However, we made logical assumptions based on all the available facts and information. You may be assured that every facet of each piece of information was considered prior to arriving at the difficult decision to change (your son's) status to killed in action. **Conclusive evidence of death is not required for a commander to arrive at such a decision.**”

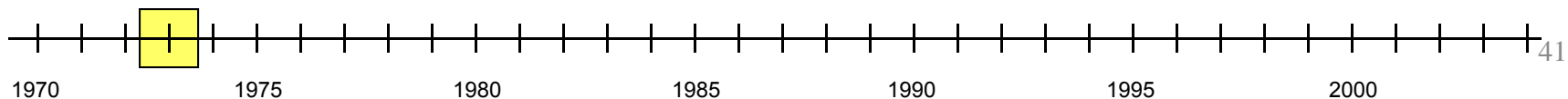
Let me summarize by stating that we did employ a certain amount of conjecture in trying to visualize the events as they took place. However, we made logical assumptions based on all the available facts and information. You may be assured that every facet of each piece of information was considered prior to arriving at the difficult decision to change Joseph's status to killed in action. Conclusive evidence of death is not required for a commander to arrive at such a decision. Existing evidence did warrant this decision, which is one of the most agonizing and difficult tasks a commander must face.





# Possible Second Incursion to Crash Site

- Col. Alexander stated that, approximately 2 months after crash, there was a second incursion to site:
  - “The squadron had been wanting to go in for a while but the Jolly Greens would not do it because of the Peace Agreement. Finally the Special Missions HH-53’s, the Knives, went into the crash site. This occurred about two months after the incident.”
- DPMO has stated that it is unclear whether this second incursion occurred; either they never went back to obtain actual evidence of death, if any existed, or they went back and could not confirm death.



# Despite Possibility of Survival, Interest in Pursuing Baron-52 Is “Academic”

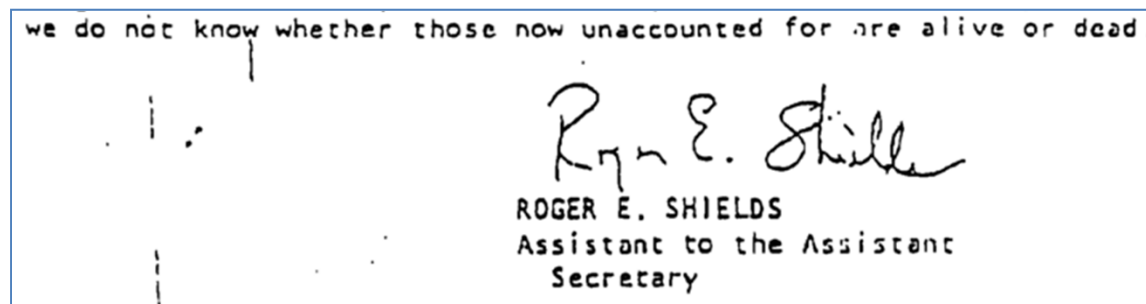
- **5/23/73** – Message from John T. Berbrich to Commander Trowbridge related to a call with Dr. Shields on Baron-52
  - “since the men are listed as KIA our interest in pursuing the subject is academic”
  - “there is a possibility some of the EC-47 crew survived”

Dr. Shields called on 21 May. He had met with DEPSEC elements and had another meeting scheduled with him. The question arose of whether there are any U.S. PWs in SEA. Dr. Shields wanted our opinions re the 7 May Turboporter and the February EC-47. I told him we were evaluating the Turboporter incident and were awaiting a reply from JANAF Laos, but the available information looked good; however, we were still carrying the American as MIA. Regarding the EC-47, I told him since the men are listed as KIA our interest in pursuing the subject is academic in that we are not attempting to force Air Force to bring the men back to live. In sum, our position is that there is a possibility some of the EC-47 crew survived, but the evidence was sketchy and inconclusive.

After saying this, Dr. Shields said he viewed both situations as we did and that it appeared that he should not be adamant in denying that there are no U.S. PWs in SEA. I agreed, adding that the Cambodian situation is also less than clear and conclusive.

# Shutting the Door

- **5/24/73** – Memo from Shields to Ambassador Hill re Current PW/MIA Issues – DIA is continuing investigation of Baron-52 crewmembers but feels there is some reason to believe that the four may actually have been captured; requests concurrence in position to be offered in congressional testimony that “we do not know whether those now unaccounted for are alive or dead.”



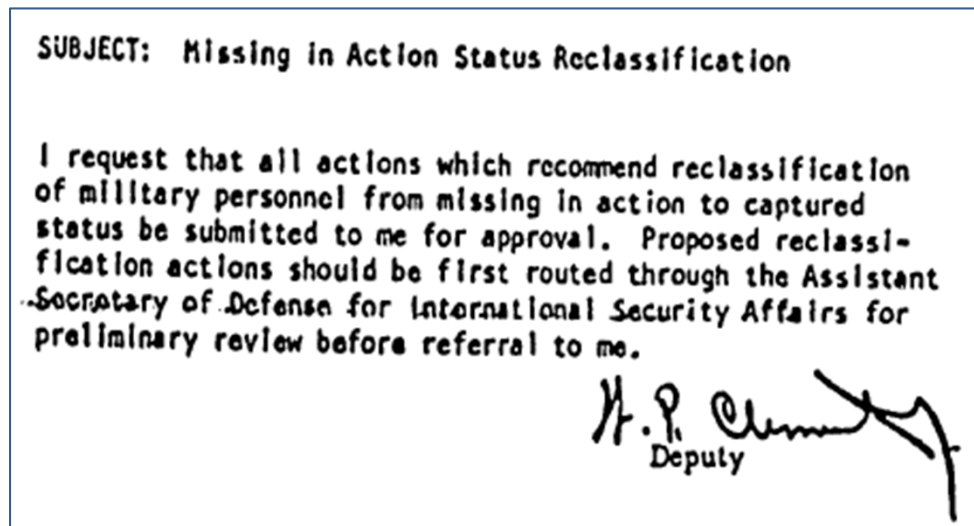
we do not know whether those now unaccounted for are alive or dead.

*Roger E. Shields*

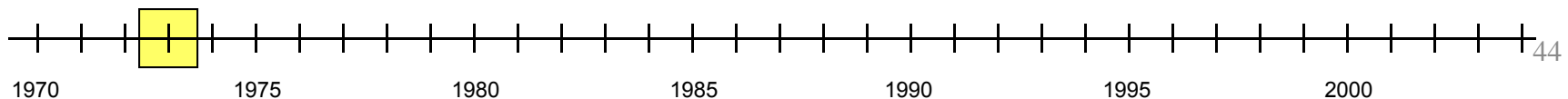
ROGER E. SHIELDS  
Assistant to the Assistant  
Secretary

# Shutting the Door

- **6/8/73** – Deputy Secretary of Defense William Clements memo: “I request that all actions which recommend reclassification of military personnel from missing in action to captured status be submitted to me for approval.”



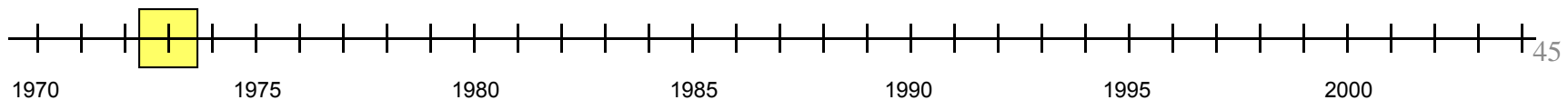
– In other words, no status changes other than to KIA.



# SAR Final Report

- **6/28/73** – SAR team found “fresh trails leading into the crash site and that people were seen in the area. . . . At YC141304 in the vicinity of the fork of the stream several huts were seen.”

7. Local Population. Jolly Green Mission 012 did not receive any hostile fire/action in the area of the crash site. The crash site was not booby trapped. This is significant in that the search and rescue team found fresh trails leading into the crash site and that people were seen in the area. These people attempted to stay hidden from the aircraft flying protection for the SAR's aircraft. At YC141304 in the vicinity of the fork of the stream several huts were seen.



# Shutting the Door


- **8/13/73** – Hill Memo: “I have prepared a memorandum directing the Secretaries of the Military Departments to proceed as prescribed by law with changes in status to deceased, where warranted, of servicemen who did not return from South East Asia.”

MEMORANDUM FOR THE DEPUTY SECRETARY OF DEFENSE

SUBJECT: Changes in Status of Servicemen who did not return from South East Asia -- ACTION MEMORANDUM

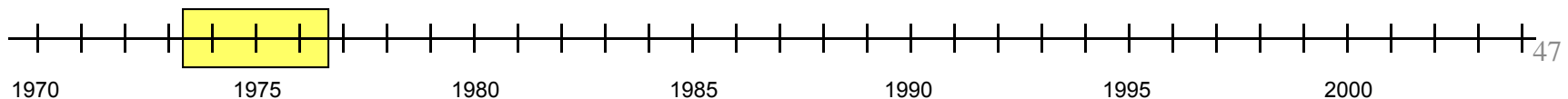
As you requested, I have prepared a memorandum directing the Secretaries of the Military Departments to proceed as prescribed by law with changes in status to deceased, where warranted, of servicemen who did not return from South East Asia. The memorandum also asks the Military Departments to coordinate their actions in this area with the PW/MIA Task Force in order to insure that all status changes made comply with the recent court order which sets limits upon the cases in which these changes can be made.

I recommend you sign the attached memorandum.

  
Robert C. Hill

# Shutting the Door

- Eugene Tighe, Deputy Director of DIA from June 1974 until December 1975 and Acting Director from December 1975 until May 1976 (2/27/92 Interview):
  - JWC [J. William Codinha (Chief Counsel to Senate Select Committee on POW/MIA Affairs)]: Do you think that the policy by the Administration of declaring that there were no more POWs, that they were all dead, set in motion a practice by the services and by the DIA that made that a reality, so that it became a self fulfilling prophecy and nobody was going to look for these people?
  - Tighe: **No doubt about it** . . . .
  - JWC: Did you feel that the military services were reaching out to DIA for all the information DIA had before they were making these decisions?
  - Tighe: **Nope.** The only time I think they were interested is when they had a wife or widow on their hands who was giving them a hard time and they were trying to drag something out, a bone to throw or something of that nature to satisfy the widow.



# Shutting the Door

- **4/10/79** – Dr. Shields testified to the House Foreign Affairs Committee that there were concerns in the Pentagon that some crew members survived

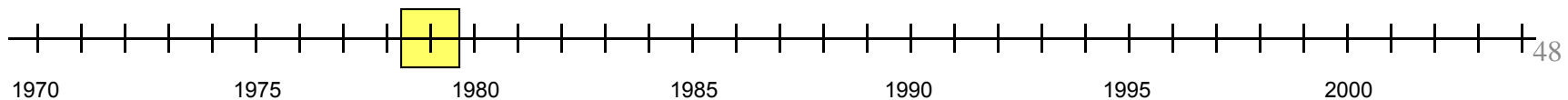
POW'S AFTER HOSTILITIES

Mr. FOUNTAIN. You made reference to one case in which information was withheld. Are you in a position to tell us the circumstances in connection with that case?

Mr. SHIELDS. The one case of which I am aware in which there was not what we might describe as simply an oversight was a case in which three men may have been captured. This would have been after the termination of hostilities in South Vietnam. I believe that record has been made public now, has it not?

This was a communications intercept which indicated three men out of a reconnaissance aircraft may have been captured. In fact the communication intercept stated they were captured. The men though, were declared presumptively dead.

The circumstances of the loss were examined on the scene, and as I recall there was concern among officials within the Pentagon that the remains of those three men may not have been in the wreckage of the aircraft, so it raised strong presumptions in my mind that something may have happened to those men. They may have been captured. Nevertheless, they were declared presumptively dead.

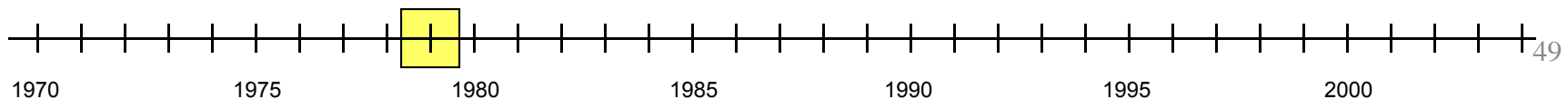




# Classification of Convenience

- **5/3/79** – Letter from Air Force explaining that the agency does not feel that reopening the case is warranted because of the length of time since the plane went down, the fact that repatriated POWs had no information about Matejov or any member of his crew, and the health problems an American would experience in the region.
  - Letter states Humphreys was unaware of the “reports about four captives” at the time of loss.
- Laos was a “black hole” of information.

– Dr. Roger Shields



# Dr. Roger Shields

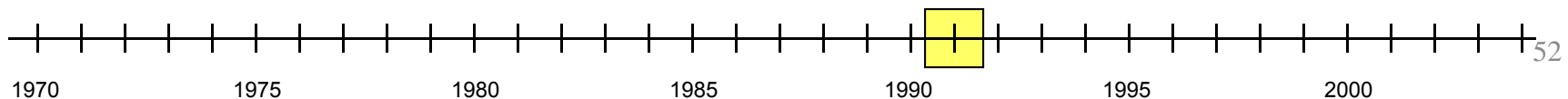
- Position at time – Head of POW/MIA Affairs at DOD
- Knowledge of facts
- Nature of intelligence out of Laos
- Disagreement within DOD
- Would have done it differently

# Dr. Roger Shields

- “The case stands on its merits. It is unique, and I remain convinced after almost 43 years that the Air Force made the wrong call in its early KIA decision.”

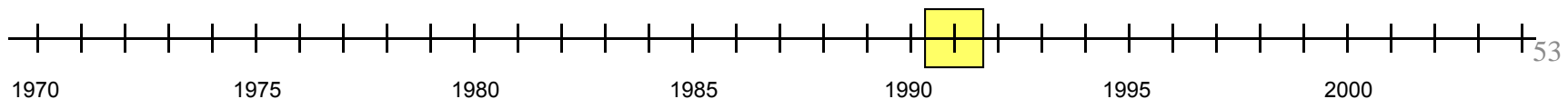
# Shutting the Door

- **12/17/91** – Sedgwick Tourison Memo to Francis Zwenig:
  - Memo examines DOD’s MIA totals – “Two Sets of Books” and concludes: The Baron-52 crew “were reported as having been killed by the U.S. Air Force three weeks after their loss, in the absence of any compelling evidence of death and in a manner inconsistent with the normal casualty investigation procedures.”



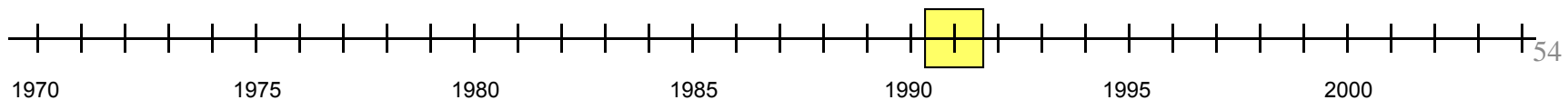
# Shutting the Door

- **12/17/91** – Sedgwick Tourison Memo to Francis Zwenig:
  - Memo further concludes: “The reporting to the Defense Department that the EC-47Q aircraft personnel were ‘Dead’ and not ‘Unaccounted for’ effectively removed these eight individuals from any serious consideration for recovery. The simple fact that the U.S. Air Force had reported them as having died removed them from all lists of ‘Unaccounted for’ and would reasonably have moved them into a category of ‘died’ which had the affect of making them invisible to those U.S. intelligence personnel who had the mission of actively collecting information on the fate of those ‘Unaccounted for’ or who had died without their remains being recovered.”



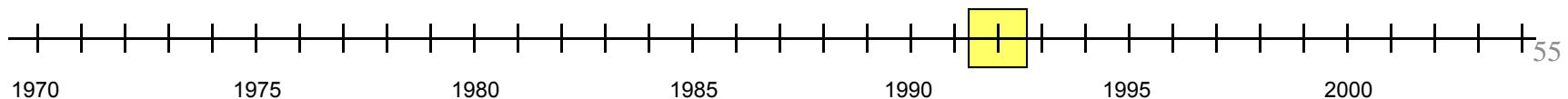
# Shutting the Door

- **12/17/91** – Sedgwick Tourison Memo to Francis Zwenig:
  - Memo further concludes: “Furthermore, U.S. military intelligence resources in Laos and Thailand which could have been employed to help determine the fate of such personnel may have been actively prevented from doing so by the CIA Station in Vientiane, Laos.”
  - “In short, U.S. intelligence resources were available in the area to help learn about the fate of the EC-47Q personnel but were not used or authorized . . . .”



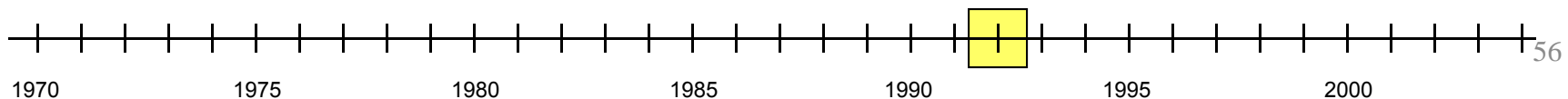
# Shutting the Door

- **6/10/92** – Sedgwick Tourison Memo to Francis Zwenig:
  - “On January 27, 1973, U.S. Navy Commander Harley H. Hall is shot down in South Vietnam. He is initially reported by the U.S. Navy as MIA and in February the Navy reports him to be a POW. He is the last such individual to be placed in that status. In early February an EC-47Q aircraft based in Thailand is shot down in southern Laos. On February 12th the Air Force reports that they have confirmed one crew member is dead. On February 22nd the Air Force reports confirmed the entire crew is dead although not all remains are recovered.”



# DIA's Own, Separate Accounting

- **6/19/92** – Tourison/Lang Memo to Senate Select Committee:
  - “Disagreements over the Air Force’s handling of this incident [Baron 52] are evident in DIA documents through 1979.”
- **8/2/92** – Tourison Memo to Francis Zwenig for the Senate Select Committee:
  - “18 servicemen listed in DIA’s own internal documents with a casualty code of having died in captivity. DIA responded that the code, KK, has been used for the last 19 years to indicate died in captivity. However, in early 1973 it was used briefly to signify died while missing.”
  - SSC Staff Comment: “DIA’s response is reasonably explained by both the casualty files and other archival documents. However, DIA's own declassified documents indicate an analytical judgement through at least 1979 that the crew of Baron 52 may have survived into captivity. The 4 in this case are not in DIA’s list of 83 possible live POW candidates and further explanation is required.”





# WITNESS TESTIMONY

# Weight of the Evidence

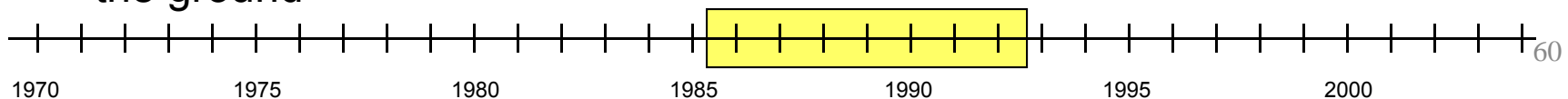
- Contemporaneous written evidence from government document
- Evidence from witnesses with first-hand knowledge
  - Dr. Shields
  - Jan. 31, 2016 Interview of Commander Marek
  - 1992 Deposition Testimony of Ronald Schofield
  - 1989 Oral History Interview with
    - Lt. Col. Lionel Blau
    - Chief MSgt. Ronald Schofield
    - Captain Joseph Harder
    - Captain Ronald Ribellia

# Commander Edward Marek

- Acting Commander of Det 3 at the time
- Two nights earlier, flew the same mission as Sgt. Matejov and was in the briefing for the mission the night before Baron-52 mission
- Responsible for alerting AF of the initial intercept
- **1/31/16** – Interview with counsel: Based on the reference to 4 fliers, and the proximity of the timing, and his group’s analysis, Marek thought – and continued to think for many years – “that it correlated to Baron-52 and that there was a good chance that they were POW/MIA”

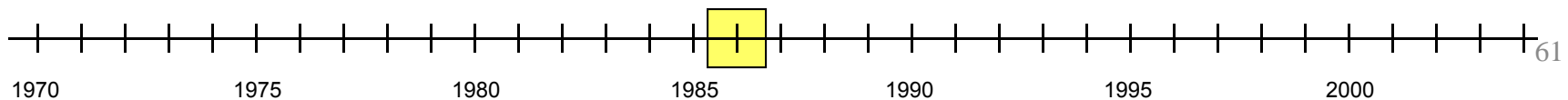
# Chief MSgt Schofield

- Det 3 Morse Systems Operator & Volunteer Member of the Search and Rescue Team
- Deposed during the 1992 Senate Select Committee Hearings
  - In his sworn testimony, Ronald Schofield testified that:
    - He role on the SAR Team was to destroy classified equipment and retrieve bodies
    - He only saw 3 bodies – the pilot and co-pilots
    - The bodies were easily recognizable because the Nomex flying suits preserved the bodies in fire
    - He got a good look at the airplane but he did not see any of the backenders and if they were there he would have expected to see them
    - Cargo Door was missing
    - Also had information that the prisoners referenced in the intercepts were badly burned and in shock
  - Also testified that in 1986 DIA Analyst Robert Destatte interviewed him and attempted to get him to change his testimony about what he saw on while on the ground



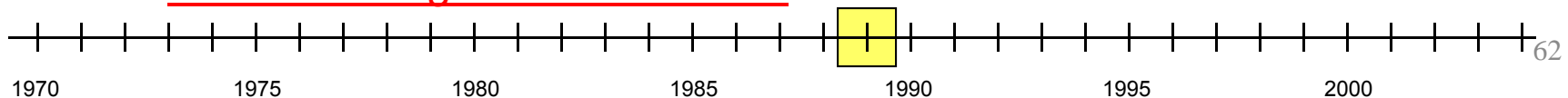
# Shock/Burns & “Phenomenon”

- **11/6/86** – Cable from Ronald Schofield to, likely, Robert Destatte, reiterating knowledge of specific survival intel:
  - “This is further proven in my mind, based on two – I feel related incidents. The first was an intelligence report which indicates the enemy had captured four or five aircrew members who had parachuted from a stricken aircraft. One or more of these crewmembers were in shock and suffering from burns. The other incident concerns an unusual DATA which took place approximately one month after crash of EC-47. The DATA affected every echelon DATA something that had not happened before or after the crash.”
- These messages clearly indicate more was known at the time
- No information or explanation about
  - (1) shock and burns,
  - (2) “unusual” occurrence/“phenomenon,” or
  - (3) the redacted (DATA) information has ever been provided



# Shock/Burns & “Phenomenon”

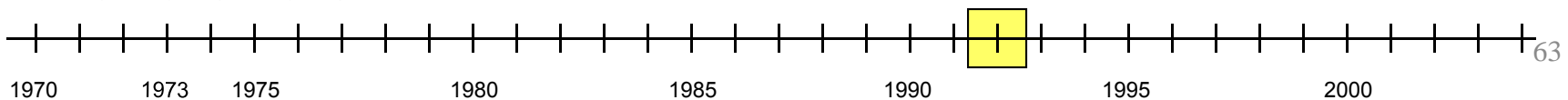
- **10/24/89** – Testimony of Ronald Schofield:
  - Schofield: I thought so originally. I’ve had this on my mind for a long time because, whatever I said, had a direct impact on the decisions made. No, I’ve given it a lot of thought and I’ve talked to the Colonel (Blau) about that, and the absence of the top of the door, the intel report about the four fliers, shock, which indicates that they’d been suffering from burns, which they probably would have. We had another interesting phenomenon. DATA DATA DATA I brought this up and they said, “No, that’s happened before.” But I had five years in Southeast Asia, 4 1/2 on flying status, and never have I seen them just DATA They were very cautious because they could screw up pretty bad. And they were very amateurish out there. They had very little training and whenever they DATA DATA DATA And I felt in my own mind that they had, in fact, been captured and had been interrogated. . . .
  - Ellerson: Yes, it indicates that, from the apparent flight profile at the time. It’s hard to read, but I think it says, 55 kilometers away, prevailing winds would have caused them to be floating in that area, and that there were four fliers captured and being transported in ground transport. . . .
  - Schofield: That was one of the things that came out, that they were in shock or being treated for shock.



# Destatte Testimony

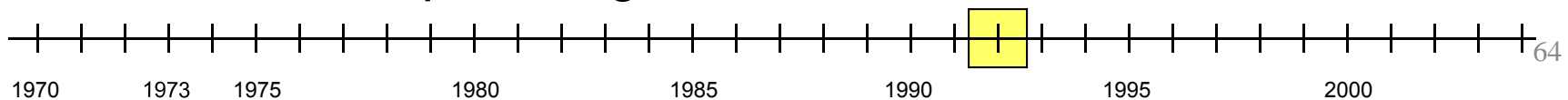
## August 4-5, 1992

- The analysis of DIA Analyst Robert Destatte has been heavily relied upon as definitive in supporting the KIA determination. This analysis was made *post hac* and does not merit the weight historically afforded to it.
- He and elements of the DIA work product have been criticized by important figures in DIA and J-PAC.
- He sought to have eyewitness Schofield change his testimony to suit Destatte's theory.
- His analysis is replete with bias and errors.



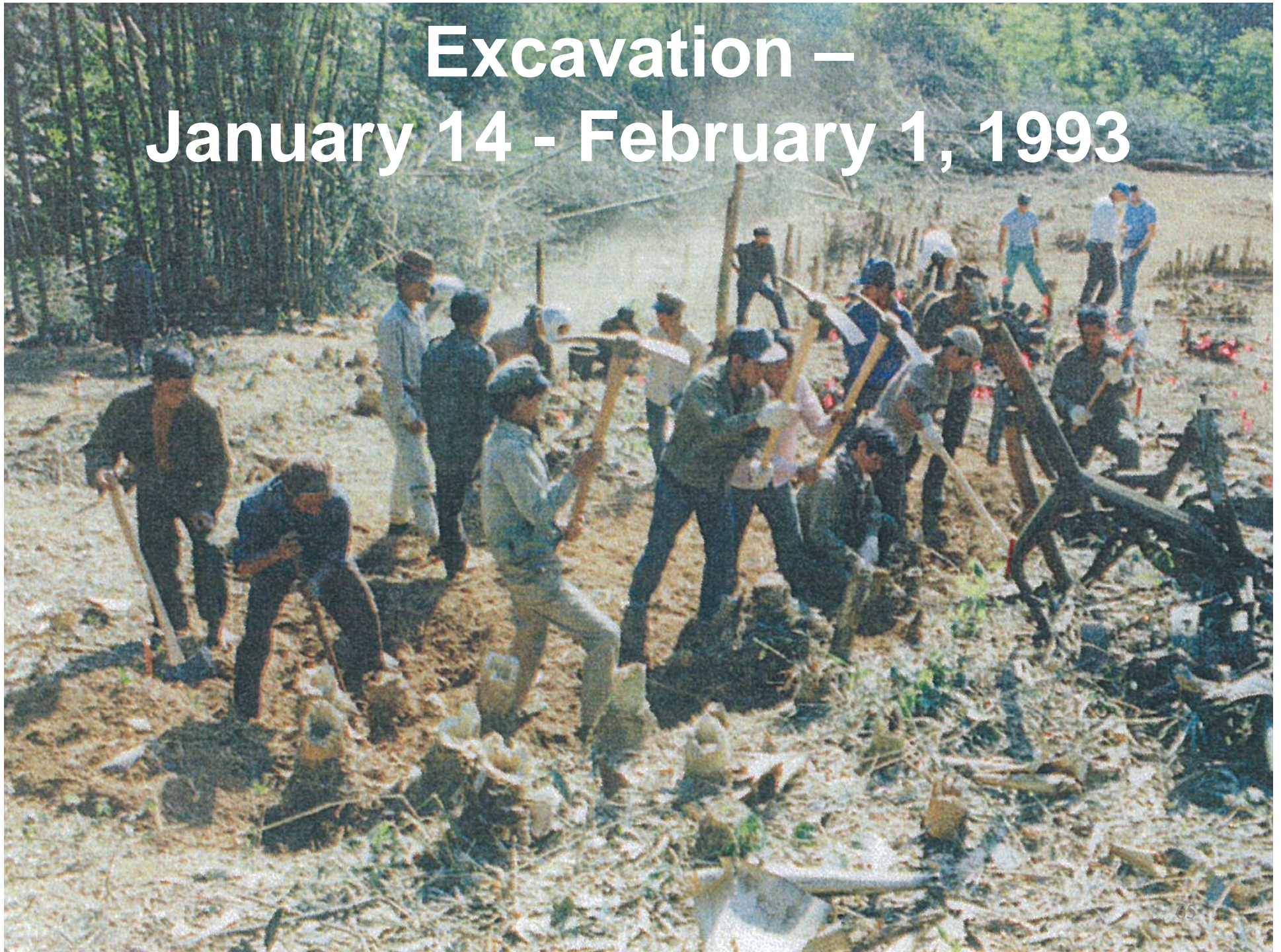
# 5 Erroneous Points Made by Destatte

1. **Timing of Intercept** – Destatte said it was 46 minutes after loss of Baron-52 but actually was 5.5 to 6 hours after.
2. **Origin of Message** – Destatte said it was from Vinh (240 miles from crash site), but impossible to determine place of origin.
3. **Pilot Reference** – Destatte claimed the pilot reference related to South Vietnamese pilots, not American pilots.
4. **Nature of Crash** – Destatte discounted survival based on the “straight in” nature of the crash, but the aircraft impacted at a shallow angle.
5. **Lack of Radio Communication** – Destatte placed undue emphasis on the lack of a mayday call; the survival radios were line-of-sight and SAR forces were unable to conduct rescue attempts at night.





# Excavation – January 14 - February 1, 1993



# Evidence Found at Excavation



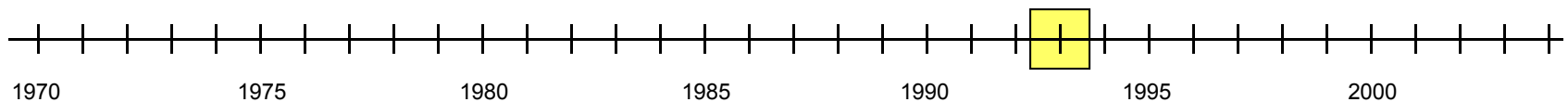
## Items Found:

- 4 revolvers
- 3 dog tags\*
- 1 tooth
- bone fragments

\*Matejov dog tag found during site survey in November 1992

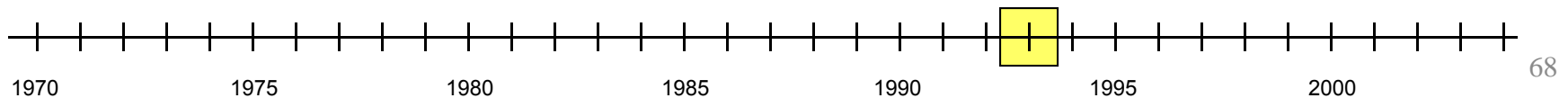
# Excavation Findings: Parachute Pieces

- Representing as many as 8 parachutes
  - 22 V-rings → 8 parachutes
  - 13 J1 releases → 7 parachutes
  - 18 ejector snaps → 6 parachutes
  - 6 ripcords → 6 parachutes
  - 24 connector links → 6 parachutes
  - 8 D-rings → 4 parachutes
  - 5 adjustment buckles → 3 parachutes



# Excavation Findings: Flight Suit Pieces

- Representing as many as 5 flight suits
  - 42 zipper closer devices
  - 17 closer devices
  - 50+ flight suit pieces



# Excavation Findings: Bone Fragments

31 bone fragments recovered

“The minimum number of individuals represented must be stated to be **one**. This is based on the absence of any duplication of skeletal elements....”



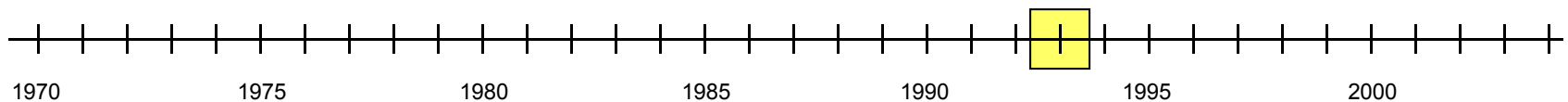
– Anthropology Summary by Bruce Anderson

“It is unclear why there was such a limited amount of remains found at this remote site.”

– Report of Excavation by Peter Miller

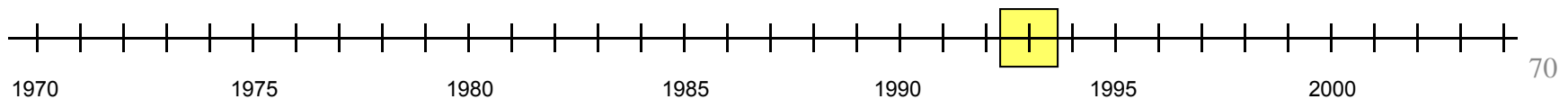
“We are further hampered by the inability to certify with 100% confidence that all these bone fragments are of human origin.”

– CILHI Letter to Family of April 21, 1993



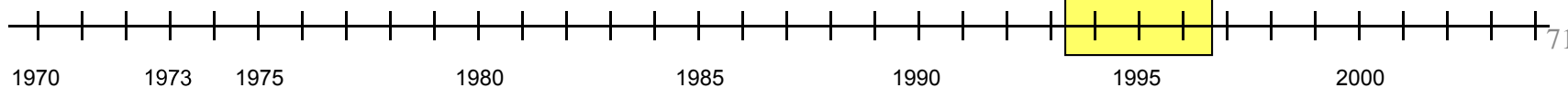
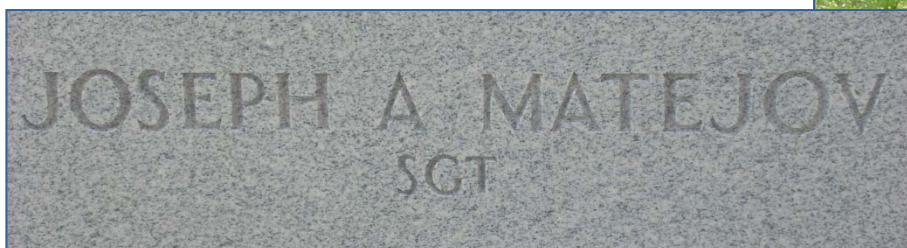
# Excavation Findings: Critically Absent Items

- 0 radios
- 5 lap belt buckles, only 3 in locked position
- 4 .38 cal. revolvers, not 8 sidearms
- 4 dog tags, 1 on surface during Nov. site survey
- No rear door
- Missing survival kits
- No AMS bag latches
- Missing 6 MC-1 knives
- Missing 255 teeth



# Group Burial

- 2/9/94 – Memo from Mortuary Affairs Specialist states “that burial could be at Arlington National Cemetery and all eight families must agree [to group burial].”
- 3/27/96 – Group burial at Arlington National Cemetery



# EVIDENCE OF SURVIVAL



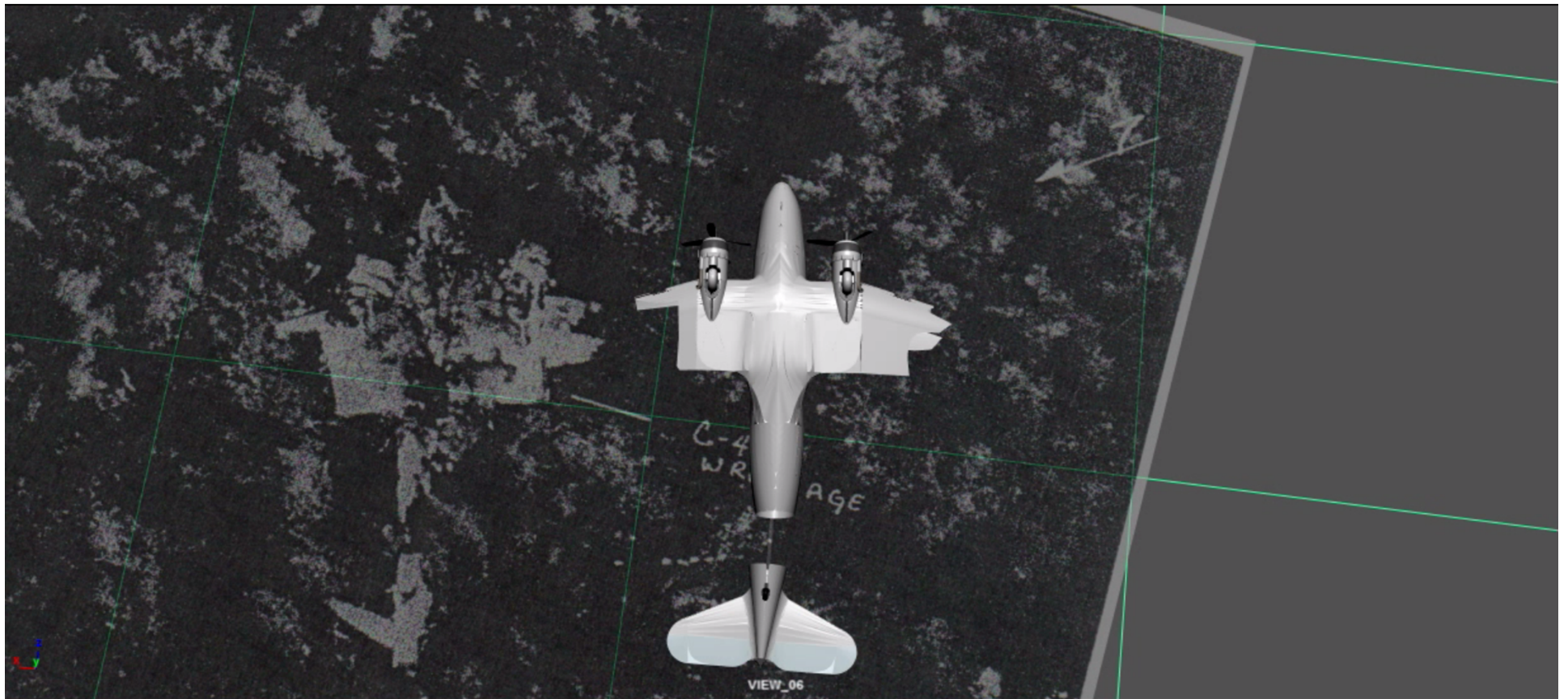
# Two Theories of Survival

1. Parachuted out
  2. Escape After Plane Came to Rest
- First, we will review the descent of the aircraft.
  - Second, we will review the evidence that specifically supports each theory.
  - Third, we will review the evidence that supports survival post-crash, regardless of theory of survival.

# Aircraft Descent



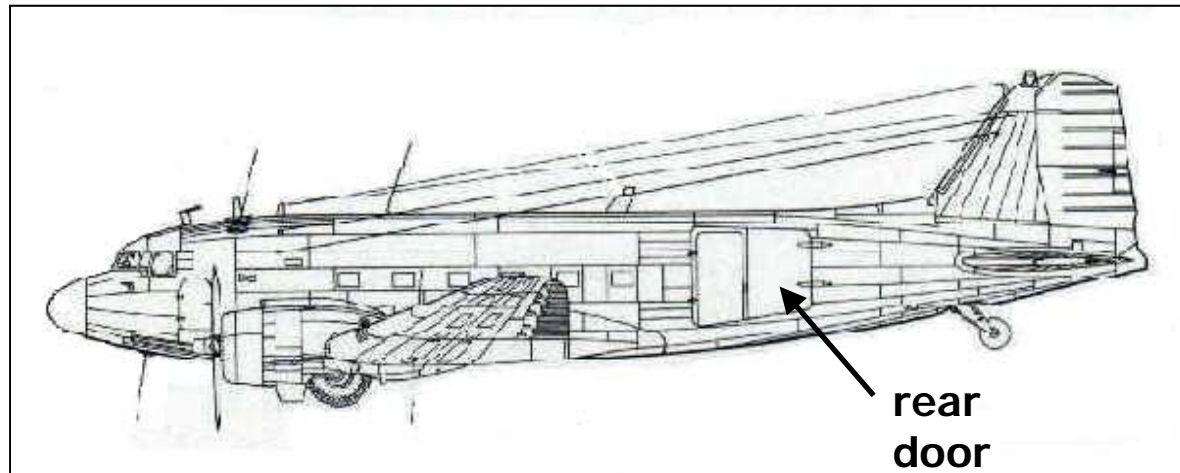
# Aircraft Descent



# Evidence Supporting Parachuted Out

## 1. Rear Cargo Door

- Jettisoned off – door never found



# Evidence Supporting Parachuted Out

## 2. Parachute Evidence

- As many as 8 parachutes have been accounted for
- No accounting has been provided for the number of parachutes on board the aircraft
- Not uncommon to have extras on board –  
“There were always at least two extra chutes in number. . . . We never took off without extra chutes on board.”
  - Affidavit of Scott Sechrist, Backender in 1972



# Evidence Supporting Parachuted Out

## 3. Altitude and Level Flight

- Cruising altitude was 10,000 feet; plane crashed at less than 2000 feet
- Crashed at level flight – glided in, hit ground and bounced, severed wings, flipped sideways, and came to a landing pointed in the same direction downhill



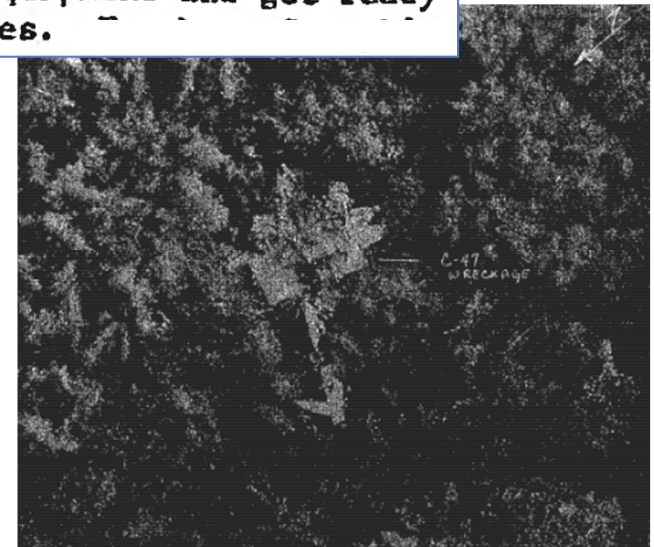
# Evidence Supporting Parachuted Out

## 3. Altitude and Level Flight

- Controlled flight; did not nose dive; plenty of time to don parachutes, as only two minutes needed:

The crews are trained to be able to put on the equipment and get ready to leave the aircraft in approximately two minutes.

- **CRITICAL** because this was the primary basis for the theory of non-survival and is demonstrably incorrect



# Evidence Supporting Escape After Crash Landing

## 1. Altitude, Level Flight, and Terrain

- Controlled flight; did not nose dive
- Bounced on triple canopy jungle and came to a rest after rolling sideways and landing upside down

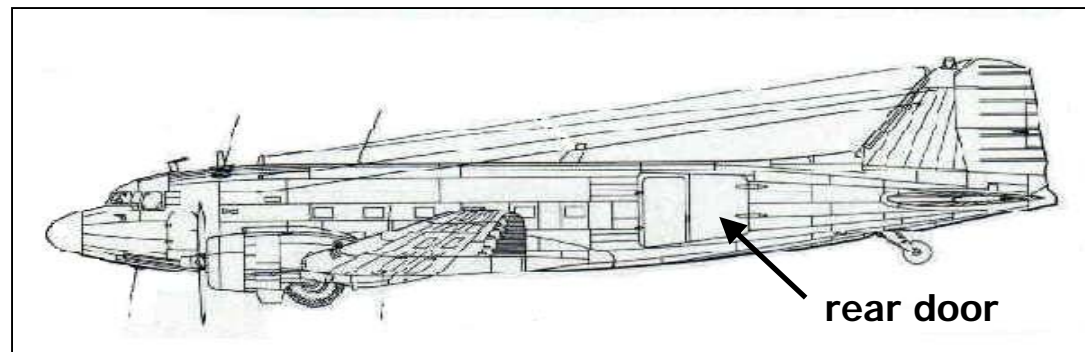




# Evidence Supporting Escape After Crash Landing

## 2. Rear Cargo Door and Tail Broken Off

- Jettisoned off – door never found
- Schofield witnesses missing door
- Plane landed upside down, and, without door, no impediment to egress



- Tail broken off – egress possible out the back

# Evidence Supporting Escape After Crash Landing

## 3. Two Guns Buried Side-by-Side

- Unlikely that a villager or the enemy would have buried them, as they would have kept the guns
- Most plausible that survivors buried them in fear of being captured near fiery plane that was acting as a beacon to the enemy to search for survivors to capture



# Evidence Supporting Escape After Crash Landing

## 4. Dog Tags

- Only 4 of 16 dog tags found at crash site
- One of Matejov's found on the surface during the 1992 site survey
- Matejov's other tag was apparently recovered in 2010



# Evidence Supporting Survival Post Crash

## 1. Radio Intercepts

- First intercept reported aircraft shot down

AT APPROX 050548Z FEB 73, AN UNID. SPEAKER REPORTED THE SHOOTDOWN OF AN UNID ACFT. COMMENTS, THE TYPE AND NATIONALITY OF THE ACFT IS UNKNOWN. NO MENTION WAS MADE AS TO THE CREW STATUS OR DATE AND LOCATION OF THE SHOOTDOWN. THIS REPORT BASED ON PRELIMINARY ANALYSIS OF AIRBORNE INTERCEPT. 150 00114 NNNN

- Baron-52 was the only aircraft shot down in the three-week period preceding the intercept, let alone on the date of the intercept

*only plane  
down this date  
was Baron 52  
Refno 1983*

# Evidence Supporting Survival Post Crash

## 1. Radio Intercepts

- Second intercept – approximately 5.5 to 6 hours after crash reported capture of **four** “pilots”

BTWN 05/0024-9036Z FEB 73, IN A MSG BTWN TWO UNID MULTI-CHANNELLED ...  
SPEAKERS THE FOLLOWING WAS REVEALED: GROUP 217 (UNID TRUE UNID  
DESIGNATORY) IS **HOLDING FOUR PILOTS CAPTIVE** AND THE GROUP IS REQUESTING  
ORDERS CONCERNING WHAT TO DO WITH THEM FROM AN UNID UNIT PROB  
SUBORDINATE THE 559TH,

- Captors requested orders “concerning what to do with” the captives – if this was a planned movement of previously captured pilots, would not need to seek direction from superiors

# Evidence Supporting Survival Post Crash

## 1. Radio Intercepts

- Subsequent re-translation of message reported capture of “pirates” “usually a coverterm for American pilots”

((EXTRACT)) ((1)) PRESENTLY GROUP 210 HAS FOUR PIRATES ((2)); THEY ARE GOING TO THE CONTROL OF MR VAN ((3)) ((YAKN)); THEY ARE GOING FROM 44 ((4)) TO 93 ((4)); THEY ARE HAVING DIFFICULTIES MOVING ALONG THE ROAD,  
((1)) DUE TO IRRELEVANT TEXT  
((2)) USUALLY A COVERTERM FOR AMERICAN PILOTS;  
((3)) POSSIBLY ASSOCIATED WITH BINH TRAM 14  
((4)) UNLOCATED KILOMETER MARKER;

# Evidence Supporting Survival Post Crash

## 1. Radio Intercepts

- Location of transmitter not reported to have been determined by triangulation
- “Moving along the road” – in trucks on the Ho Chi Minh Trail

((EXTRACT)) ((1)) PRESENTLY GROUP "210" HAS FOUR PIRATES ((2)); "THEY ARE GOING TO THE CONTROL OF MR VAN ((3)) ((YAWN)), THEY ARE GOING FROM 44 ((4)) TO 93 ((4)), THEY ARE HAVING DIFFICULTIES MOVING ALONG THE ROAD."

((1)) DUE TO IRRELEVANT TEXT  
((2)) USUALLY A COVER TERM FOR AMERICAN PILOTS;  
((3)) POSSIBLY ASSOCIATED WITH BINH TRAM 14  
((4)) UNLOCATED KILOMETER MARKER.





# Evidence Supporting Survival Post Crash

## 1. Radio Intercepts

- Four Undisputed Facts

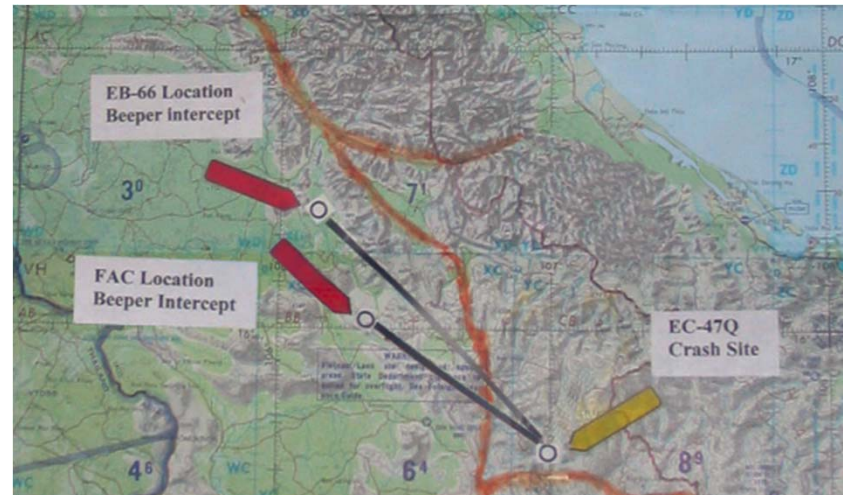
1. At least 3 messages intercepted
2. Refer to **4 individuals**
3. No other plane downed at the time
4. Refer to movement of prisoners

“This communication addressed, in the simplest of terms, the ongoing movement of a reported four unidentified prisoners.” — DPMO

# Evidence Supporting Survival Post Crash

## 2. Beeper Signals

- SAR logs report beeper signals on
  - February 5 at 1800 EB 66 intercept
  - February 7 at 650 FAC intercept
- Short beeper transmissions were consistent with DPMO analysis that “personnel would have been sparing in their use of their personal radios to avoid wearing out battery life”
- Status change to KIA made in part on “lack of beepers” but at least two reported



# Evidence Supporting Survival Post Crash

## 3. SAR Team Saw No Backender Flight Suits

- Pilots in front
- “And also the frontend - nomex flight suits are good, I learned that. You could recognize the pilot, copilot and third pilot, and there should have been some remains of the backenders in the fire, but there wasn't anything.”
  - Chief MSgt Ronald Schofield (1989 Interview)

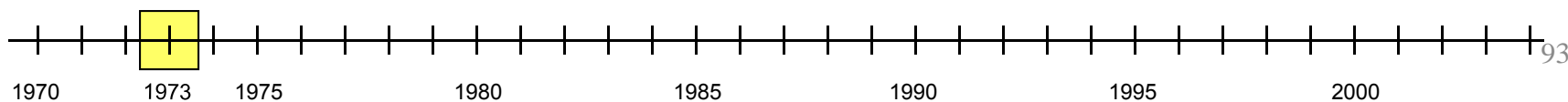
# Evidence Supporting Survival Post Crash

## 4. 1993 Excavation Evidence

Piece of Evidence	Found	Not Found
Seat Belts	3 found buckled 2 found unbuckled	3 not found
Survival kit clips (D rings)	8 D rings found Represents 4 kits	8 D rings not found Represents 4 kits
Radios	0 radios found	At least 8 radios missing
Dog Tags	4 dog tags found	12 not found
Guns	4 guns found	4 not found
Human (?) Remains	31 bone fragments found	“unclear why there was such a limited amount of remains found at this remote site”

# 2009: Other Remains Recovered

- In 2009, sources contacted U.S. authorities with possible remains of Sgt. Matejov, along with a dog tag
- In 2010, DPMO contacted the family to alert them to the remains and stated it believed the dog tag to be “authentic” the reported dog tag appears to be authentic,
- The initial small fragment samples could not be tested; a subsequent 4-inch fragment was found to be “inconclusive” for a match



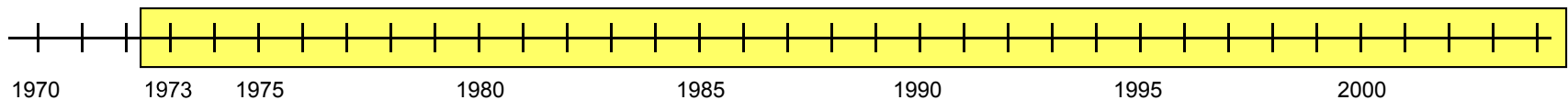
# Summary of Evidence Supporting Survival

## AF's Evidence

- Vertical
- No radio beacons
- SAR: All crew members perished
- “Conjecture”
- “Waste”

## MIA Evidence

- Horizontal entry
- At least two radio beacons
- Did not see what would have been readily visible
- Did not sift remains
- More specific intel on survival
- First hand witnesses
- Physical evidence
- Newly recovered dog tag
- No pistol, DNA, bones, teeth



# CONCLUSION

# Classified Documents

- The family has established the foregoing evidence despite that many Baron 52 documents are withheld:
  - DIA’s “KK” list
  - Shock/burns and “unusual phenomena” communication(s) referenced by Schofield and Blau
  - Jan. 2014 – DPMO General Counsel confirmed that “a large portion of the report and analysis [concerning the intercepted intelligence communications] was still classified during the 1990s.”
    - Dec. 2013 FOIA to DIA – sent by DIA to DoD; Dec. 2015 DPAA responded “no documents found”



# Arlington: The Sum Total Buried

- “I believe you know how very little was recovered during the two week excavation of the site. From dentition, it appears we may be able to establish one individual identification, but that individual is not your brother. The other remains consist only of approximately 30 small bone fragments that have been exposed to fire and/or heat.”
- **All eight buried as one** – “Due to the impossibility of establishing exclusive identity for these highly fragmented remains, the recommendation of designating them commingled remains (CILHI Group Remains 7-93) of the individuals manifested on the plane in REFNO 1983, is a reasonable one.”

# Summary

- DPAA's Mission: "Provide the fullest possible accounting for our missing personnel to their families and the nation."
- Scott Speicher's status change is a model comparison
- Rush to judgment
- Accepting the KIA status, based as it is on faulty evidence, conjecture and outside influences – not conclusive evidence of death – is the same as saying that AF accepts incorrect conclusions and will stand by them
- Totality of the evidence not only refutes KIA, but positively confirms MIA
- Chronology clearly shows this was a classification of convenience and circumstance – not fact
- **Sgt. Joseph Matejov did not die in the Baron-52 crash**

# Family Request

- What the Matejov family wants
  - DPAA to recommend to AF change KIA to MIA
- What the Matejov family does not want
  - Money
  - Exhumation
- Hard decision, but not a close case
- Would your mother and father be proud of this KIA?

# Matejov Family Military Service

- 100 years of combined military service
- 3 West Point graduates (2 in immediate family, 1 by marriage)
- Father awarded Silver Star in Korea
- Army, Navy, Air Force and Marine Corps are represented
- 1 nephew presently serving as an officer in Navy Nuclear Submarine Program

SERIALS AND GRADES OF ALL SERVED IN THE SERVICE OF THE UNITED STATES OF AMERICA SGT, SSGT AND SGT PERFORMANCE REPORT	
I. IDENTIFICATION DATA	
1. LAST NAME - FIRST NAME - MATEJOV, Joseph A.	FACTS AND SPECIFIC ACHIEVEMENTS: Sgt Matejov's performance can best be described as thoroughly professional. His sense of responsibility and job proficiency are truly unique. This is best explained by the fact that as a "junior" Sgt (E-4), he was seen all available aids in order to improve his performance. Nothing less than his best performance is acceptable to Sgt Matejov and for this he has earned the respect of both superiors and subordinates. He can be relied upon to function well as a supervisor or

# Sergeant Joseph Matejov



**Today is 43 years to the day.  
Now is the time to get it right.**

# **Please direct questions and inquiries to**

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