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The Kin of Missing Servicemen Push for Action on Their Status

By PAUL L. MONTGOMERY

Relatives and friends of some of the 1,359 American servicemen listed as missing in action in Southeast Asia urged local congressmen yesterday to see to it that both the United States and North Vietnam made greater efforts to resolve the status of the men.

"We were promised we would have a full accounting of the missing," said George Brooks of Newburgh, N.Y., whose son has been missing since January, 1970.

"I have made up my mind that there are men still alive over there. Until we know for sure, I don't see how we can go on with business as usual."

Koch and Rangel at Session

Mr. Brooks and other parents and interested people appeared before a local fact-finding committee headed by Representative Lester Wolff, Democrat of Nassau County, preparatory to hearings of the House Foreign Affairs Committee on the problem next week. Representatives Edward I. Koch and Charles B. Rangel, both Manhattan Democrats, also attended the session, held at the Federal Building, 26 Federal Plaza.

Mr. Wolff said a prompt resolution of the status of the men was essential to remove "the state of agonizing uncertainty it places on the family."

Mr. Koch said the problem was of interest to all officials. "Hawk or dove, on this we are united," he declared.

Ultimate Disposition in Year

The Defense Department has said that within a year it will make an ultimate disposition of the cases of those missing in action, whose next of kin continue to receive their service pay until they are declared killed in action or a presumptive finding of death is made. It is estimated that from 75 to 200 of the 1,359 have already undergone a "status change."

Dermott G. Foley, New York lawyer whose brother is among those missing, told the Congressmen that a "status change" is often done without presentation of any new evidence. He also said the Paris accords seemed to place the burden of evidence on the North Vietnamese, without corroborating data.

"If as a lawyer I did that to one of my clients, they'd call it malpractice," he said.

Accepts Finding of Death

Mrs. Walter Schmidt of Carle Place, L.I., whose son is missing, said that although it was the last thing she wanted to do, she was accepting a finding of death for him.

"If he comes out, it will be a most welcome miracle," she said. "But they cannot continue to ask us to live in this limbo. We must find a way to do on."

Mr. Brooks also said he was aware of all the possibilities regarding his son. "But I don't believe he should be written off without anybody looking for him," he said.

Joseph McCain, the son of Adm. John S. McCain Jr., retired, and the brother of a former prisoner of war, presented pictures and other evidence to the panel showing servicemen who had apparently been captured but who have not been heard of since. He said he had data on 54 such cases.

Another problem mentioned by a number of those who testified was the difficulty of identifying bodies, and the possibility that bodies already sent to the United States and buried had been misidentified.

Jerry Dennis, a Miamisburg, Ohio, fireman, told of his extensive efforts to show that the body sent home as his brother's was someone else. He has obtained a court restraining order changing his brother's status from killed in action to missing in action, pending a hearing.

Mr. Dennis, whose voice trembled when he spoke, said the Navy had opposed his efforts and had obstructed his work.

"All we ask is that our Gov-

ernment be humanitarian and account for a man who volunteered to serve his country," he said.

"I feel there were two countries involved in this war, and both of them were wrong, damned wrong."