



# Judicial Watch

*Because no one is above the law!*

August 18, 2004

**By Fax & FedEx**

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Navy Department Board of Decorations  
and Medals  
2000 Navy Pentagon  
Washington, DC 20350-2000

**Re: Request for Investigation, Determination and Final Disposition of Awards  
Granted to Lieutenant (junior grade) John Forbes Kerry, USNR.**

- Reference:**
- a. SECNAV Instruction 1650.1G (Navy and Marine Corps Awards Manual) dated 7 January 2002 (Excerpted at Exhibit 1).
  - b. 10 U.S.C. § 6249 ("Limitation of honorable service.")

Gentlemen:

**Introduction**

Judicial Watch, Inc. (hereinafter "Judicial Watch") is a nonprofit, nonpartisan public interest group that investigates and prosecutes government corruption. Judicial Watch, in the interests of the American public, hereby files this formal complaint and request for investigation, determination and final disposition of awards granted to Lieutenant (junior grade) John Forbes Kerry, U.S. Naval Reserve, (hereinafter "Senator Kerry") under the provision of Paragraph 116 (Requirement for Honorable Service),

SECNAV Instruction 1650.1G (Navy and Marine Corps Awards Manual) dated 7 January 2002.

### Background

The recent publication of the book, Unfit for Command by John E. O'Neill and Jerome R. Corsi, PhD (Exhibit 2), as well as a number of news media interviews of former U.S. Navy officers and sailors who served with Senator Kerry in Vietnam, raise extremely grave questions concerning the legitimacy and propriety of the awards Senator Kerry received for heroism and wounds received from enemy fire in combat.

Eyewitness accounts of officers, sailors and one medical doctor (who treated a "wound" Senator Kerry allegedly suffered from enemy fire) refute Senator Kerry's version of events in a number of instances. Questions of fraud, false official statements and abuse by Senator Kerry must be answered. Specifically, the Silver Star, Bronze Star and three Purple Hearts awarded to Senator Kerry during the period 2 December 1968 to 17 March 1969 appear to be based upon Senator Kerry's false official statements, distortions of fact and subornation. The evidence and testimony compiled in Exhibit 2 may oblige the Secretary of the Navy to revoke Senator Kerry's awards.

A second and equally important matter concerns Senator Kerry's actions while serving as a commissioned officer in the inactive Naval Reserve. Dishonorable and possibly unlawful actions by Senator Kerry during the early 1970s – actions that manifestly benefited a foreign power with which the U.S. was at war – are so grievously damaging to the dignity, honor and traditions of the U.S. Navy and the American republic that the Secretary of the Navy may be compelled to revoke Senator Kerry's awards.

This complaint and request for investigation is based on the public statements of U.S. Navy flag officers, commissioned officers and sailors. Combat veterans and career naval professionals have staked their personal honor and lives to correct the record and reveal the full, complete and accurate history of the events Senator Kerry has repeatedly leveraged for personal political gain since 1970. In the least, the U.S. Navy and the Department of Defense owe a full investigation to all those who fought and died for this country.

### Authority & Scope

These are matters of fraud, waste and abuse that bear directly on the resources, policies, procedures, efficiency, good order and honor of both the Department of Defense and the U.S. Navy. The, as yet, unresolved allegations include: false official reports and statements; dishonorable conduct; aiding the enemy; dereliction of duty; misuse and abuse of U.S. government equipment and property; war crimes; and multiple violations of U.S. Navy regulations and directives, the Uniform Code of Military Justice (UCMJ) and U.S. Code.

As noted in the operative instruction: "Any award for a distinguished act, achievement or service may be revoked . . . after presentation by SECNAV, if **facts subsequently determined, would have prevented the original approval of the award, or if the awardee's service after the distinguishing act, achievement or service has not been honorable.**" [Emphasis added] (See Paragraph 116.2 of Exhibit 1) Further, 10 U.S.C. § 6249 states: "No medal, cross, or bar, or associated emblem or insignia may be awarded or presented to any person or to his representative if **his service after he distinguished himself has not been honorable.**" [Emphasis added] Based upon the facts contained, *inter alia*, within Exhibit 2 we believe an investigation is warranted at this time.

In accordance with Paragraph 116.3 of Exhibit 1, Judicial Watch submits this formal complaint and request for investigation to the Navy Department Board of Decorations and Medals via the Chief of Naval Operations for a determination and final disposition of awards granted to Lieutenant (jg) John Forbes Kerry, USNR.

Judicial Watch also submits this formal complaint and request for investigation to the Inspectors General of the Defense Department and the U.S. Navy, who each have the inherent duty and obligation to conduct concurrent and independent investigations of the serious fraud, waste and abuse matters alleged herein. Evidence and testimony is now publicly available that Senator Kerry engaged in conduct violating law, rule, and/or regulation and abused his authority. While a U.S. Navy regulatory remedy may exist (via an administrative departmental board) for the correction of award records, the matters presented in this complaint are sufficiently serious to merit the full and immediate attention and action of the Inspectors General, as well as the Chief of Naval Operations. Subsequent action by the Secretary of the Navy may also be required.

#### Fraudulent Medals:

With respect to Senator Kerry's justifications for award of the Purple Heart (on three occasions) for wounds suffered at the hands of the enemy in combat, and for award of both the Silver Star and Bronze Star for heroism, your particular attention is called to Exhibit 2, Chapter 3, "The Purple Heart Hunter," pages 29 - 49; as well as Chapter 5, "More Fraudulent Medals," pages 71 - 95.

For example, Senator Kerry's commanding officer in Vietnam, Commander Grant Hibbard, USN (retired) stated the following on 4 May 2004:

"While in Cam Rahn Bay, he [Senator Kerry] trained on several 24-hour indoctrination missions, and one special skimmer operation with my most senior and trusted Lieutenant. The briefing from some members of that crew the morning after revealed that they had not received any

enemy fire, and yet Lt.(jg) Kerry informed me of a wound – he showed me a scratch on his arm and a piece of shrapnel in his hand that appeared to be from one of our own M-79s. It was later reported to me that Lt.(jg) Kerry had fired an M-79, and it had exploded off the adjacent shoreline. I do not recall being advised of any medical treatment, and probably said something like 'Forget it.' He later received a Purple Heart for that scratch, and I have no information as to how or whom.”

Former Navy physician Louis Letson has reportedly executed a notarized statement that states the injury Dr. Letson treated Kerry for occurred when Kerry and two others (a fellow lieutenant and a crewman), seeing movement from an unknown source, opened fire. Kerry's rifle jammed, and *in the absence of return fire*, he resumed firing with a grenade launcher, spraying his own boat and causing a tiny piece of shrapnel to be embedded in his arm. The lieutenant and crewman, parties to the incident, accompanied Kerry to sick call, where they disputed Kerry's claim that he'd been wounded by hostile fire and provided an account of the actual episode to Dr. Letson—after which Letson removed the tiny fragment with tweezers and covered Kerry's scratch with a band aid.

Another Swift Boat veteran, William Franke, from Coastal Division 11 (Senator Kerry's unit) stated the following concerning the legitimacy of Senator Kerry's Purple Hearts:

“Many took exception to the Purple Hearts awarded Kerry. His 'wounds' were suspect, so insignificant as to not be worthy of the award of such a medal. That Kerry would seek the Purple Heart for such 'wounds' is a mockery of the intent of the Purple Heart and an abridgement of the valor of those to whom the Purple Heart had been awarded with justification.”

Serious questions have also been raised about the awarding of the Silver Star to Senator Kerry. Commander George Elliott, who wrote the initial draft citation, confirmed that neither he nor anyone else involved in preparing the recommendation were aware, prior to 1996, that Senator Kerry was facing a single, wounded, young Viet Cong fleeing the area of the engagement in a loin cloth. Commander Elliott indicates that he would not have drafted a Silver Star recommendation had he been aware of the actual facts. Senator Kerry's official reports supporting the award of a Bronze Star and his third Purple Heart contain similar exaggerations and distortions (See Exhibit 2, page 85).

Van Odell served in the U.S. Navy from October 1966 to October 1972. He was assigned to Coastal Squadron 1 on Swift Boats as a Gunners Mate in Vietnam, on 9 January 1969. He provided the following statement concerning Senator Kerry's third Purple Heart and Bronze Star award:

“During the period January 9, 1969 through July 1969 I served in Coastal Division [CosDiv] 11 at An Thoi,

Republic of Viet Nam. While assigned to Cos Div 11 I served on PCF's 93, 35, and 10. I was on many of the river patrols that John Kerry was also assigned. During this time I observed his behavior and some of the incidents that are in dispute. My battle station as Gunners mate was the twin 50-cal gun tub; this position was the highest point on a swift and allowed a 360 degree view of any action.

During the month of March our crew was given a river patrol mission along with several other boat crews on the Bay Hop River. During our run in, and part of the run out of the river, we encountered no hostile fire.

As we exited the river PCF 3 was the lead boat, we were second in the line, PCF 51 was astern of our craft. The other boats were lined up beside us including Kerry's boat PCF 94. During the transit we encountered a fishing weir (gill net) stretched across the middle of the river with just enough room on either side to allow a Swift boat to pass. We passed the fishing weir river left. As the 3 boat passed the weir on the narrowest part of the river it was hit by a mine, which lifted it completely out of the water.

I immediately began firing my twin 50's towards river left to suppress any fire. I fired a couple of hundred rounds and realized we were not receiving any return fire from either bank. The other boats quit firing and we commenced rescue operations for the PCF 3 crew and boat. WE DID NOT RECEIVE ANY FIRE FROM EITHER BANK. [Emphasis in original] Our boat picked up members of the disabled PCF-3. I continued to watch all the area for any VC activity and witnessed the majority of the events of the day.

John Kerry received a Bronze Star for this incident, claiming that he saved Jim Rassman's life, at the risk of his own, while receiving hostile fire. That simply did not happen."

As there was no hostile fire, Senator Kerry's Purple Heart for this incident must be investigated as well. Indeed, the evidence suggests the wound for which Senator Kery received the Purple Heart was self-inflicted (See Exhibit 2, page 78).

Dishonorable Commissioned Service:

According to publicly available records, Senator Kerry was released from Active Duty and transferred to the Naval Reserve (inactive) on 3 January 1970. On 1 July 1972 he was transferred to the Standby Reserve (inactive). While a commissioned officer in

the inactive Naval Reserve, Senator Kerry traveled to Paris, France and met with official delegations from the Democratic Republic of Vietnam (North Vietnam) and the Provisional Revolutionary Government (the Viet Cong). The Vietnamese Communists eagerly met Senator Kerry and benefited directly from the obvious propaganda victory (See Exhibit 2, page 126 - 129).

These acts are clear violations of the legal prohibitions on individual citizens negotiating with foreign powers (18 U.S.C. § 953) and the constitutional prohibition against giving support to our nation's enemies in wartime (Article III, Section 3). Additionally, as a commissioned officer of the Naval Reserve, Senator Kerry was subject to the UCMJ, and likely violated Article 104 ("Aiding the Enemy") through his actions with the North Vietnamese/Viet Cong delegation.

Senator Kerry returned from his private negotiations with the Vietnamese Communists to Washington, DC and held a press conference. At that press event, Senator Kerry advocated a Vietnamese Communist "peace proposal" calling for a U.S. withdrawal from Vietnam and payment of war damage reparations to the Communist government. Senator Kerry engaged in this advocacy on behalf of a foreign power with whom we were at war while continuing to hold a commission as an officer in the U.S. Naval Reserve.

A detailed treatment of Senator Kerry's dishonorable service during the period from 3 January 1970 through 16 February 1978, when he was incorrectly granted an "Honorable Discharge," can be found in Exhibit 2, Chapters 6 - 10, pages 99 - 185.

For example, Rear Admiral Roy Hoffman, the former Commander of Coastal Surveillance Force Vietnam, CTF 115 characterized Senator Kerry's performance as follows:

"I do not believe John Kerry is fit to be Commander-in-Chief of the armed forces of the United States. This is not a political issue. It is a matter of his judgment, truthfulness, reliability, loyalty and trust -- all absolute tenets of command. His biography, 'Tour of Duty,' by Douglas Brinkley, is replete with gross exaggerations, distortions of fact, contradictions and slanderous lies. His contempt for the military and authority is evident by even a most casual review of this biography. He arrived in-country with a strong anti-Vietnam War bias and a self-serving determination to build a foundation for his political future. He was aggressive, but vain and prone to impulsive judgment, often with disregard for specific tactical assignments. He was a 'loose cannon.' In an abbreviated tour of four months and 12 days, and with his specious medals secure, Lt.(jg) Kerry bugged out and began his

infamous betrayal of all United States forces in the Vietnam War. That included our soldiers, our marines, our sailors, our coast guardsmen, our airmen, and our POWs. His leadership within the so-called Vietnam Veterans Against the War and testimony before Congress in 1971 charging us with unspeakable atrocities remain an undocumented but nevertheless meticulous stain on the men and women who honorably stayed the course. Senator Kerry is not fit for command."

Captain Charles Plumly, USN (retired) (under whose command Senator Kerry served during a Swift Boat operation from 5 – 7 March 1969) found Senator Kerry to be "like a child with an attention problem," who simply would not obey orders. Captain Plumly reported Senator Kerry's poor performance to Admiral Roy Hoffman (quoted above). Captain Plumly assesses Senator Kerry as follows:

"During Lt.(jg) Kerry's tour, he was under my command for two or three specific operations, before his rapid exit. Trust, loyalty and judgment are the key, operative words. His turncoat performance in 1971 in his grubby shirt and his medal-tossing escapade, coupled with his slanderous lines in the recent book portraying us that served, including all POWs and MIAs, as murderous war criminals, I believe, will have a lasting effect on all military veterans and their families. Kerry would be described as devious, self-absorbing, manipulative, [having] disdain for authority, disruptive, but the most common phrase that you'd hear is 'requires constant supervision.'"

Conclusion:

Serious, credible reports of dishonorable conduct; false official reports and statements; aiding the enemy; dereliction of duty; misuse and abuse of U.S. government equipment and property; war crimes; and multiple violations of U.S. Navy regulations and directives, the Uniform Code of Military Justice (UCMJ) and U.S. Code by Lieutenant (jg) John Forbes Kerry, USNR (Senator Kerry) are now before you.

These reports are specific as to the nature of the wrongdoing, the timeframe and location. There are corroborating witnesses. These witnesses have made public statements detailing their specific knowledge of wrongdoing by Senator Kerry. The claims against Senator Kerry – both concerning his fraudulently obtained awards for valor and combat wounds, as well as his dishonorable and potentially illegal conduct as a commissioned officer of the Naval Reserve – are gravely serious matters that demand your immediate and direct action.

**Re: Awards Granted to LT (jg) John Forbes Kerry, USNR**

**August 18, 2004**

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This formal complaint and request for investigation, determination and final disposition is consistent with and satisfies the reporting requirements of Paragraph 116.3 of SECNAVINST 1650.1G. It is also in accordance with specific reporting guidelines and subject matters enumerated on the Department of Defense Inspector General Internet site and the Naval Inspector General's Internet site. Therefore, we urge you to take action based on this complaint and investigate these allegations concerning Senator Kerry immediately.

Thank you for your prompt attention to this important matter.

Sincerely,

JUDICIAL WATCH, INC.



**Thomas Fitton**  
President

CC: Secretary of the Navy Gordon R. England  
Secretary of Defense Donald H. Rumsfeld