

10-30-92 04:22PM FROM SEN E SMITH DC TO 42300 P002/004

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**United States Senate**  
 SELECT COMMITTEE ON POW/MIA AFFAIRS  
 WASHINGTON, DC 20510-6500

November 4, 1992

Mr. John F. Syphrit  
14314 Mansion Heights Drive  
Harvard, Illinois 60033

Dear Mr. Syphrit:

As Members of the United States Senate Select Committee on POW/MIA Affairs, we are writing to request that you voluntarily appear before the Select Committee at the earliest possible date.

We would like you to describe under oath your reported knowledge of a 1981 offer discussed at the White House involving the return of American POWs by Vietnam in exchange for \$4.5 billion by the United States. We understand you acquired this reported knowledge in your capacity as an individual serving a limited function on a Secret Service detail inside the White House in 1981.

As you are aware, the Select Committee chose not to enforce the subpoena we served on you in July following a request by the Executive Branch for discussions on this matter. Since July, the Select Committee has held discussions with the National Security Advisor to the President, the Secretary of the Treasury, and the Director of the Secret Service. During these discussions, no one has challenged the authority of the Select Committee to issue the subpoena that was served on you. However, the Executive Branch has urged that we not enforce the subpoena because it may set a precedent which would adversely affect the unique, protective relationship between the President and the Secret Service.

We want to underscore the importance we place on determining the accuracy of your information. It is the view of the Select Committee that any American that may have information on American prisoners of war being held after 1973 has a moral obligation to our missing men and their families to bring this information to our attention. We have no doubt that you are a patriotic American who loves his country, as demonstrated by your distinguished military and civilian service record spanning 24 years.

We hope you will therefore comply with our request that you provide your sworn testimony on a voluntary basis. By not complying with this request, the Select Committee will be faced

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with having to balance the concerns of preserving the integrity of the Secret Service in its role of protecting the President with the Committee's determination to obtain all relevant testimony where necessary by subpoena. With your cooperation, the Select Committee will not be forced into this difficult position.

We also want to allay any concerns you may have about possible intimidation, harassment, or retaliation against you as a result of any statements you make before the Select Committee. Both the Department of the Treasury and the Secret Service have assured us that they will not assume a posture of retaliation against you for voluntarily testifying before the Select Committee. We ask you to accept our word as United States Senators that we will take strong action to respond to any retaliation or intimidation against you as a result of being asked to testify before our Committee.

You may know that the laws of the United States make obstruction of a congressional investigation a criminal offense. In 1982, Congress enacted the Victim and Witness Protection Act to strengthen these criminal provisions. It is a criminal offense to attempt to intimidate, threaten, or corruptly persuade an individual in order to induce the individual not to testify before a congressional committee, or to withhold information, or to change his or her testimony.

Harassment of an individual to hinder or dissuade the individual from testifying is also criminal conduct. The criminal penalties for obstructing an investigation or tampering with a witness extend up to ten years' imprisonment and \$250,000 fines in the most serious cases. These laws are complemented by civil statutes prohibiting interference with or retaliation against government employees, military or civilian, for providing information to Congress.

As the Chairman of our Committee stated on the floor of the Senate this past spring, "Even a hint that any witness is being harassed, intimidated, or threatened in any way will be the basis for an immediate referral of the incident to the appropriate authorities for investigation and, where justified, criminal prosecution."

We hope this letter has convinced you of the importance we place on hearing your sworn testimony. The Senate has given us an important mission, which the American people expect us to complete.

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Your decision to assist the Select Committee will be greatly appreciated. We ask that you immediately contact us to arrange for your testimony at the earliest possible date. Should you have any questions on this matter, please contact any one of us directly.

Sincerely,



BOB SMITH  
Vice-Chairman  
United States Senator

JOHN F. KERRY, USS  
Chairman  
United States Senator

JOHN MCCAIN  
United States Senator

TOM DASCHLE  
United States Senator

HANK BROWN  
United States Senator

HARRY REID  
United States Senator

CHUCK GRASSLEY  
United States Senator

CHARLES ROBB  
United States Senator

NANCY LANDON KASSEBAUM  
United States Senator

BOB KERREY  
United States Senator

JESSE HELMS  
United States Senator

HERB KOHL  
United States Senator

cc: J. Thomas Burch, Attorney at Law