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AIR FORCE BOARD FOR  
CORRECTION OF MILITARY RECORDS  
[AFBCMR]

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 Application of: :  
 : AFBCMR Docket 91-02347  
 COLONEL REX T. BARBER :  
 :  
 ----- x

Thursday, October 17, 1991

1745 Jefferson Davis Highway  
 Crystal Square No. 4  
 Room 201  
 Crystal City, Virginia

The hearing in the above-entitled matter was  
 convened, pursuant to notice, at 9:54 a.m.

BEFORE:

LeROY BASEMAN, Panel Chairman

JOHN W. BEACH, Member  
 SYDELL P. GOLD, Member  
 HERBERT H. KAISER, Member  
 IRA KEMP, Member

WAYNE R. GRACIE, Alternate  
 C. RONALD HOVELL, Alternate

C O N T E N T S

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WITNESS

EXAMINATION

John Mitchell

By Mr. Kellogg

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## P R O C E E D I N G S

1  
2 MR. BASEMAN: The hearing will be in session. Let  
3 me, if I may, counsel and applicant, make a few opening  
4 comments. Number one, I would like to start by asking you,  
5 if you will, to have each of the people who are here with you  
6 to stand and to tell us their name so we can make that a  
7 matter of the official record of who was in your party.

8 MR. KELLOGG: On my right is Rex Barber, the  
9 applicant.

10 MR. RADCLIFF: My name is Bob Radcliff. I'm from  
11 Tampa, Florida and I'm a member of SYMA.

12 MR. DARBY: Charles Darby. I'm from New Zealand,  
13 and I'm here because I visited the Yamamoto aircraft in  
14 Bougainville several times.

15 MR. CHANDLER: I'm George Chandler, and I am the  
16 president of the Second Yamamoto Mission Association.

17 MR. MITCHELL: John Mitchell, Colonel Air Force  
18 retired. I led the mission on Yamamoto. San Anselmo,  
19 California, S-a-n A-n-s-e-l-m-o.

20 MR. KAUSLICK: My name is Albert Kauslick. I'm  
21 from Sun City, Arizona. I worked at Bougainville Copper on  
22 and off for two or three years and I visited the Yamamoto

1 wreckage site several times.

2 MR. KELLOGG: This is Kay Davis on my left, the  
3 legal assistant in our office.

4 MR. BASEMAN: Welcome to all of you. I think we  
5 owe you the same courtesy. I'll start on the left and ask  
6 the panel to introduce themselves and just, for your refe-  
7 rence, give you our title -- what we do normally other than  
8 this so you have context of who you're talking to. Dr. Gold?

9 DR. GOLD: I'm Sydell Gold. I work in the Office  
10 of the Assistant Secretary for Acquisition, and I'm the  
11 Deputy Assistant Secretary for Staff Support Analysis.

12 MR. KAISER: I'm Herb Kaiser. I work in the  
13 installations field for facility programs.

14 MR. BASEMAN: I'm Lee Baseman, and I'm the Deputy  
15 Assistant Secretary of the Air Force for Cost and Economics.

16 MR. BEACH: My name is John Beach. I'm the Deputy  
17 for Budget in the Air Force.

18 MR. KEMP: I'm Ira Kemp. I'm the Associate Deputy  
19 Assistant Secretary for Contracting for the Air Force.

20 MR. BASEMAN: We have five people to my right. The  
21 first two are alternate members of this board. I'll let them  
22 introduce themselves. They are here to ensure, in case one

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1 of us doesn't complete all of this, we've had alternates all  
2 through our deliberations. They are not a part of the board  
3 in the sense of questions or participating in the delibera-  
4 tions. They are here now as observers, but they have to  
5 participate to prepare themselves. We wanted to be certain  
6 we had a quorum. So starting with Mr. Gracie.

7 MR. GRACIE: I'm Wayne Gracie, Chief of Budget for  
8 the Air Force Reserve.

9 MR. HOVELL: I'm Ron Hovell. I'm the principal  
10 Deputy Assistant Secretary of the Air Force for Financial  
11 Management.

12 MR. BASEMAN: Major Towe next to him is here as a  
13 simple, curious citizen. He happens to be an F-15 driver  
14 among other things, but he is sort of an amateur historian.  
15 He asked to sit in so he could see the proceedings and  
16 understand them. He has no official position with the board  
17 in any capacity. He is here simply as an observer.

18 MR. KELLOGG: We have no objection.

19 MR. BASEMAN: Then to the right, please?

20 MR. HUNTINGTON: I'm Tom Huntington. I'm the  
21 managing editor of Air and Space Smithsonian magazine.

22 MR. KEAN: I'm Barry Kean from the Office of

1 General Counsel. I'm counsel to the board.

2 MR. BASEMAN: Mr. Kean is also here as an observer.  
3 He does not play a direct role in this process. You have  
4 seen his judicial views already, and he is simply an observer  
5 again.

6 MR. KELLOGG: No objection.

7 MR. BASEMAN: A couple words for all of you just to  
8 set some kind of stage. Number one, we would prefer to make  
9 this not an arduous task. We are here as a fact-finding  
10 group of people that are empowered by statute to make  
11 recommendations to the Secretary. We do not make a decision  
12 in this case. Our decision is not binding.

13 We hear the evidence. We debate, we vote. We have  
14 a majority rule, every member voting. We will present our  
15 views to the Secretary for his final deliberation. He takes  
16 them under as a recommendation to the Secretary. We do not  
17 make the decision is what I'm suggesting to you. We do make  
18 a recommendation, as you well know, to grant, deny or  
19 whatever.

20 We have a provision for a minority opinion. If one  
21 of us should choose to not agree with the majority of board,  
22 they have an opportunity to prepare a minority opinion that

1 goes with the majority vote, the majority position to the  
2 Secretary. He has the opportunity to review both of those  
3 pieces of paper.

4 So in a sense then, the strict rules of evidence as  
5 you and I may know in some court procedure does not really  
6 apply here. This is a -- I would like to almost, euphemisti-  
7 cally perhaps, call it as a board of equity if that's a  
8 proper term. We are here to hear the applicant's case. I am  
9 very much concerned, and the board is, that you have full  
10 opportunity to present your case. We are perfectly prepared  
11 to sit here yet tomorrow if that is what's necessary.

12 We intend to break at about 12:00 for an hour-and-  
13 a-half. We'll have a short break in the morning sometime,  
14 short break in the afternoon. I think we'll probably break  
15 maybe about 4:30 or 5:00 for the day, if that's agreeable.  
16 We can work that. We'll work the schedule with you.

17 Our principal purpose is to give the applicant and  
18 those people he brought with him a fair and open and complete  
19 hearing. We want to establish a complete record of any  
20 aspects of this case that you want to be sure is considered.

21 I say again, we serve at the pleasure of the  
22 Secretary. None of us are associated with the military other

1 than being paid by the Department of Defense. We are here as  
2 members of the Senior Executive Service which is what the law  
3 requires. Senior Executives who hear these cases, if you  
4 will, untarnished by a blue perspective perhaps, if that's a  
5 choice of words, and our recommendation then will go to the  
6 Secretary.

7 I would hope, unless we run into some difficulties,  
8 that we can conclude this in a matter of today or tomorrow.  
9 Clearly, I think that's all our objectives. I would hope  
10 that we can reach a decision very quickly, without going  
11 through a lot of time. I'm going to set for the board a  
12 week. We may decide to ruminate a little bit about this and  
13 then come back.

14 But in essence, we will have a decision very  
15 quickly, which then is prepared in a written record of  
16 proceedings. That written record of proceedings is reviewed  
17 by myself and some members of the board for accuracy and  
18 completeness. Then I sign the record of proceedings which is  
19 our recommendation to the Secretary, and that record of  
20 proceedings then passes to the Secretary for his decision.  
21 He then elects to accept the view of the board, or he may  
22 change the view of the board. He has full discretion in that

1 respect.

2           Again, this is a tight room. If people are more  
3 comfortable without a coat, feel free. If you need to excuse  
4 yourself for some particular reason, that's perfectly all  
5 right. We'd like to do it a least stressful and as open as  
6 we possibly can do it.

7           One other thing, I think I did agree with two  
8 members of your party, we have no objection as a board if you  
9 would like to take some snapshots and photographs for some  
10 historical record of people testifying. I would ask you not  
11 to sort of put it in the papparazzi Italian fashion of  
12 thousands of people clicking all the time. But we have no  
13 problem if you'd like to take some photographs as witnesses  
14 discuss and whatever. That's perfectly all right with us. I  
15 was asked, if you would like a picture of the board, after  
16 it's over with, for your records, we're willing to sit for  
17 that, too.

18           What I want to make very clear is that we're  
19 interested in the facts as we can discern them. We have been  
20 prepared. We have met a number of times to go over this  
21 case. We all have over 1,400 pages of stuff, documentation  
22 and records. I've read several books on the subject. I

1 think we've done our best to be prepared for it. While none  
2 of us are experts in crash damage, and none of us are experts  
3 in aviation combat, I think we hopefully can bring some  
4 objectivity to the process. That's what our purpose is.

5 How would you like to proceed, counsel? First, any  
6 board members have any comments they'd like to make?

7 DR. GOLD: I'd just like to add one thing to the  
8 record. I think I said I was Deputy Assistant Secretary.  
9 I'm Acting Deputy Assistant Secretary.

10 MR. BASEMAN: Sir, could I ask you to tell us who  
11 you are, for the record?

12 MR. WISECARVER: Bill Wisecarver from Senator  
13 Dole's office.

14 MR. BASEMAN: You're more than welcome.

15 MR. WISECARVER: Thank you, sir.

16 MR. BASEMAN: Counsel, how would you like to  
17 proceed? We have several ways. Would you like an opening  
18 statement, the applicant's case? Would you like us to defer  
19 our questions to the end of each witness? Is it all right if  
20 we have statements of fact we'd like to pursue that we can  
21 interrupt? How would you like to proceed?

22 Two things I'd like you to do. One is clearly set