

pagel

2309 North Glebe Road  
Arlington, Virginia 22207

17 January 1984

Mr. Jan Scruggs  
7070 Winter Rose Path  
Columbia, Maryland 21045

Dear Jan:

This responds to your letter of 28 December, 1983, asking that I consent to an interview with your ghost writer so that I might have a place in THE JAN SCRUGGS STORY.

Having been accused by you over the past two years of being a McCarthyite, a Viet Cong, a "determined adversary of the Memorial," one who "would go to all lengths to stop the Memorial," and other such abuse designed to affect my reputation, I trust you can understand my feeling that it would be a futile effort to expose myself to yet another round of defamation. Additionally, it is clear to me that you have a very difficult time keeping your facts straight, as you have demonstrated time and again. As you must well know, the "memo" you typed and circulated to the press prior to the Sherwood piece was filled with inaccuracies, and the David Christian affidavit is a sham.

As a few examples:

1. The affidavit mentions that Sherwood heard me on a radio show denouncing the Vietnam memorial, and thereafter met me at his home, in the winter of 1981. First, I have done more than 400 radio and television shows over the past five years, and have never done one on the Memorial. As Jack Wheeler well knows, I even refrained from talking about the controversy when I had an audience of 700 at the National Cathedral in November, 1981 who had come to listen to key issues regarding Vietnam veterans, because I hoped the matter would be resolved privately. Second, I have never in my life been to Sherwood's house, nor to my knowledge did he become involved in the WVMF issue before the summer of 1983. Really, Jan -- if we had a Pulitzer and Peabody winner on our side in 1981, don't you think he would have done something then?

2. Your own "memo" alleges that Ross Perot hired Roy Cohn, and that Cohn's "other clients were a Mr. John Baines and a Mr. William Stensland. Both Mr. Stensland and Mr. Baines are friends of Mr. James Webb." From your following sentences, it seems clear that you presented such "facts" to your independent audit committee, which "unanimously voted against any further cooperation with Perot, or Mr. Roy Cohn."


First, Perot did not hire Roy Cohn, John Baines did. Perot had nothing to do with Cohn, and neither did I. Baines is hardly a friend of mine; I met him through the WLP, but have never even had a conversation with him. But he was an associate of Jack Wheeler, who recruited him to be the Program Chairman of the San Antonio Vietnam Veterans Leadership Program, and who even lobbied for Mr. Baines to be the subject of a feature in U.S. News and World Report! What does that mean about Mr. Baines and Mr. Wheeler? I don't know — ask Wheeler.

3. You also allege that Mr. Carlton Sherwood is a "longtime friend and close personal associate of the determined adversary of the memorial fund named Mr. James Webb." Very interesting, then, that Mr. Sherwood had to send me a telegram in order to contact me when he decided to do the story.

I have the highest regard for Mr. Sherwood's reporting abilities. Prior to this story, I had a brief contact with him when he did an investigative piece on the Naval Academy, but that is the extent of my "longtime friendship and close personal association." He is good; he has raised questions that I had never considered, and that you have not answered. Come, now: what is so odious about asking a public, charitable corporation to open its records to public scrutiny?

Rather than being interviewed, I enclose the following statement. You may quote it and this letter directly, in context, in your book. I would urge you to stay closer to the facts than you have in the past few years. I hope also that you will be able to explain why you have spent a fabulous amount of the public's money on the best criminal lawyers in the country in order to keep the public from seeing how the rest of their money was spent. I hope you will also explain your method of using such high powered lawyers as attack dogs against anyone who questioned what you were doing. It will make fascinating reading. If you can come up with a rational explanation for that, I might even give the book a blurb.

Sincerely,

  
James Webb

pagel

Those who wish to paint the "dissenters" as men who were opposed to a Vietnam Memorial and the attendant honor and recognition of service, should consider that most of us were early and continuing supporters of the memorial, who worked long and hard throughout the unfortunate controversy to see it built. They should also consider that without our "dissent" the Vietnam Memorial would not even boast an American flag, much less an inscription on the wall in honor of those who served, or a sculpture. Additionally, without a continuing "dissent," the sculpture chosen by the Sculpture Panel would not be of three men, including a Black soldier, but would simply have been a single soldier in a traditional "follow me" pose, which in all likelihood would never have been approved by the Fine Arts Commission. And without uninterrupted pressure, the sculpture and the flag would have been isolated in the woods of the Mall, far from the black wall -- an oddity of sorts, but not a significant part of the Memorial itself. And unlike the officers of the Memorial Fund, who were largely unknown before the debate and whose careers have been greatly enhanced by the Memorial issue, we accomplished these additions at no small cost to our personal reputations, due to vitriolic attacks on our supposed politics and credibility.

Those who wonder about our actions might also consider, from the outset, the peculiar positions of the leadership of the Memorial Fund.

page2

When in our history, for example, have individuals professing to honor American veterans fought against placing the American flag at a memorial to wartime service? That our dissent was even necessary is a source of unending sadness to me. This matter could have been resolved without great divisiveness, had the leadership of the Memorial Fund, particularly that of its Chairman of the Board, been forthright and capable. Unfortunately the reverse was true, on both counts.

During the summer of 1979, while on tour for Fields of Fire, I was contacted by Jan Scruggs, Jack Wheeler, Bob Doubek and others, and asked if I would help them in their effort to build a Vietnam Veterans Memorial. In my years of working with veterans, I had spoken to many people about the possibility of a memorial, but these men already had a Senate sponsor (Mathias), and Wheeler claimed extensive experience after having been instrumental in erecting a memorial at West Point. I resolved to help them.

I became an original member of the Fund's National Sponsoring Committee. My immediate superior, Congressman John Paul Hammerschmidt of Arkansas, agreed to be the first sponsor for the Memorial legislation in the House of Representatives. While serving as minority counsel to the Veterans Affairs Committee, I spent many hours of my own time working on the legislation. I drafted a "Dear Colleague" letter for Mr. Hammerschmidt which eventually drew more than 240 cosponsors. I helped arrange press conferences. I called on my own credibility among members of Congress and their staffs in order to further the legislation. I

page3

conferred frequently with the Fund's volunteer lobbyists, John Morrison and Ron Gibbs. The Resolution became Public Law in July, 1980, and authorized VVMF to build a memorial on public ground just off the mall, giving it five years to do so.

In October, 1980, VVMF had a fundraising dance at the Pension Building. At the request of VVMF, I arranged with my publisher to provide, gratis, several hundred hardback copies of Fields of Fire, all of which I personally autographed. The books were awarded as table prizes at the dance. Ross Perot, who was the Fund's most generous supporter at this time, was one of the celebrated guests. It was a grand moment for all of us who had worked to see a memorial to those who served.

From this point until May, 1981, those of us who were not involved in the day to day activities of VVMF paid little attention to the mechanics of obtaining a design for the memorial. We had done our part, and had our regular professions to attend to. My contact with VVMF was almost nil, although at one point I sent a clipping from the Texas Monthly to them as a joke. It showed a local town's Vietnam Veteran Memorial, which had been picked by an arts community panel. The memorial was an egg carton with twenty holes, nineteen of them white and one black, symbolizing the nineteen men the town had lost in the war. The town was appalled. The artists were delighted, deep in metaphorical analysis. I attached a note to the clipping — "We're not going to get an egg carton, are we?"

And we didn't. We got a mass grave.

The Memorial Fund has continually attempted to portray those who were disappointed with the winning design as a disgruntled few "right wingers" who read their own frustrations about the war into the bleakness of the wall. This is ridiculous. It is interesting to note, for instance, that the first strong criticism of the design came from the New Republic, a respected liberal magazine, which stated that "its purpose is to impress upon the visitor the sheer human waste, the utter meaninglessness of it all... to treat the Vietnam dead like the victims of some monstrous traffic accident is more than a disservice to history; it is a disservice to the memory of the 57,000." That Jan Scruggs was not affected by such a metaphor might be understandable, since he had written a few years before in the Washington Post that Vietnam was a "shameful war" and that a monument was needed "in order to remind an ungrateful nation of what it has done to its sons."

Other notables joined in expressing disappointment over the design. Paul Gapp, the Pulitzer Prize winning architecture critic of the Chicago Tribune, predicted that it was so terrible it would never be built, calling it "something resembling an erosion control project." Tom Wolfe, author of The Right Stuff, wrote that it was "a tribute to Jane Fonda," brought about by the arrogance of the art world, saying that "the history of American sculpture since the 1950's, when the mullahs rose to their eminence, is one of the most ludicrous chapters in the history of Western art."

My reaction in May, 1981, was to call Mr. Wheeler and ask him

page5

how we ended up with a new version of the egg carton. A memorial which was supposed to avoid a political statement had somehow stumbled onto a very powerful negative one. Plato once said that art is politics, and certainly public art is political metaphor. And a black wall, receding into the earth, lacking words that honored service, lacking even the word "Vietnam," with the names so scrambled that one would need a catalogue to find them, with no flag and no ornamentation of any sort, was as negative as a design could possibly get, absent direct language or obscene gesture.

Mr. Wheeler assured me that this was the Eiffel Tower, a design that needed time to understand. He implored me to remain silent in my criticism until I had more time to judge, saying that I would destroy the memorial. At his suggestion, I agreed to remain silent for a month.

I asked him if there had been any Vietnam veterans on the jury, as it is standard practice in such competitions to place a layperson on such juries. He answered that none were considered qualified. Mr. Wheeler would later change his rationale, saying that the VVMF had participated by accepting the design, and thus Vietnam veterans had ratified it. Months later, Mr. Scruggs would write in response to an article I wrote for the Wall Street Journal that I myself had been invited to be on the jury, which was ludicrous, first because there are probably a hundred thousand Vietnam Veterans more qualified than I, and second because it is untrue. The jury was chosen from a panel of approximately 25 "eminent" figures in the art world, who were interviewed by Mr. Wheeler and others, and I was hardly among them, nor

page6

should I have been. I did not yet comprehend it, but this sort of casual disregard for the truth would become a standard tactic over the following months.

Thus from the outset the Fund, and particularly Mr. Wheeler, knew the design was not only controversial, but deeply disliked by many reputable individuals and organizations. Mr. Ross Perot, whose Naval Academy roommate had died in Vietnam and who had funded the entire design competition, had quietly withdrawn his support for the project after seeing the winning entry, asking only that the VWMF inform "those involved with the Memorial" of his actions. VWMF interpreted that request to mean its Board of Directors -- I and others did not learn of Mr. Perot's decision for five months, and then only by accident. The Marine Corps League expressed its acute disappointment. Many others had contacted VWMF in individual capacities. I travelled extensively in May and June, speaking to Veterans groups, and did not hear one positive comment about the design. The most one could say for it was that, well, at least it was a memorial, which was arguably better than no memorial.

True leadership, particularly by individuals acting not on their own behalf but as fiduciaries for a very large constituency, would have called for directly addressing this disappointment. VWMF was allowed five years by law to erect the Memorial. Certainly there was enough time before moving forward on the project to convene prominent veterans from around the country, and either develop a consensus for the design, or modify it to the liking of those to whom it was dedicated. Instead, VWMF apparently decided to move quickly, and in effect preempt the



page7

criticism by making it pointless.

While silencing people like myself with appeals to loyalty and promises of eventual modification, VVMF took its case to media personnel who believed the design appropriate. I and others were indeed torn by conflicting loyalties, still supporting very much the concept of a memorial, and hopeful that this one would receive the changes necessary to make it acceptable. Just before Memorial Day I received a letter from Mr. Wheeler, praising my restraint and requesting that I continue my silence, maintaining that another month or so was needed "for rumination." The clear implication was that an accommodation was in the offing. Not realizing yet that I had become an "enemy" rather than a contributing participant, I went to work on my new novel and awaited Mr. Wheeler's call.

My next news on the memorial was "a month or so" later when I learned that VVMF had rushed the design through the National Capital Memorial Advisory Committee and the Fine Arts Commission, where it had been approved with hardly a questioning word.

This sort of arrogance was beyond belief. The plan, evidently, was to "manage" the issue, to gain approval for the design from the arts community, then to attack anyone who complained as being both gauche and disloyal. Approval by the arts community was guaranteed, both due to the makeup of the jury -- average age 65, every man having been either a student or teacher at Yale, Harvard or MIT -- and of the design chosen, which was the ultimate in "minimalist" art, a structure so nonintrusive on the precious soil of the Mall that one would not even be able to see

page8

it from nearby Constitution Avenue. The Ivy League, which had largely abandoned us during the war, had gathered together to decide how our service would be honored. And if we did not like it, we now were supposed to continue to remain silent. Our silence had already hurt us. VVMF gained the backing of the American Legion in August at their national convention, Mr. Scruggs maintaining in his presentation that he had never heard of a Vietnam veteran who disliked the design.

I had been hearing from a lot of them, and as the realization that their views were being ignored hit home, their voices grew louder. VVMF would later term them shrill, out of control, unreasonable. But who could blame them? Their wonderment was at a few men of no particular stature who would act as conduits between one element of the arts community (the jury) and another (the approval commissions) to help erect a black wall that did not even contain the name of the war they had fought in, or the flag for which they had sacrificed and bled.

I wrote a letter to VVMF in September, urging them, at a minimum, to erect a flag that would be permanently lit. I received no response, even though I was still a member of the National Sponsoring Committee.

In October, Tom Carhart testified before the Fine Arts Commission, registering his outrage at the design even though it was too late for a reconsideration. Carhart and Wheeler were West Point classmates. Carhart had volunteered for infantry duty with the 101st Airborne Division, while Wheeler had gone to Harvard for an M.B.A., and then served as a computer officer in Long Binh. Carhart termed the

page9

memorial a "black gash of shame," asking that it be made white, be brought above ground, and that a flag and inscription be added. After his testimony, he was accosted on the front steps of the Commission's building by Jan Scruggs, in the presence of General Michael Davison, former Commandant of cadets at West Point. Scruggs taunted Carhart, calling him a traitor and asking him if they taught disloyalty at the Academy.

Nastier stuff was in store for Carhart. Even as he spoke, Mr. Wheeler was calling me at my home, telling me that Carhart had psychological problems. "Tom has problems that you and I neither one know about, Jim," Wheeler maintained. Carhart's supposed post-traumatic stress syndrome became a major focus of VVMF's answer to his charges that the memorial design was not suitable. Insinuations were also made regarding Carhart's lack of major awards for gallantry, to discredit his stature as a spokesman for Vietnam veterans on the issue. This was peculiar, since he had been wounded twice and decorated for valor, while Wheeler himself had not even earned the usual end-of-tour award in his staff job at Long Binh, and in fact had been given an Article 15 and issued a letter of reprimand during his tour. But the implications were clear: first, if you didn't support the memorial you were crazy. And second, if you spoke up you could expect a barrage of hateful innuendo.

Once the dissatisfaction became public, the simple design issue, which might easily have been resolved through proper leadership, undertook mammoth political overtones. The memorial design became the Great Rorschach Test of Vietnam. Rather than healing, bringing us

pagel0

together, it pulled out of the attic all the old attitudes that had disrupted our country decades before. Mud was being slung back and forth like artillery shells. We were in a sad and now unavoidable brawl.

Conservative groups believed the design choice had been inevitable, given the instructions VVMF outlined in the materials for competitors, and the makeup of the jury. The more conservatives accused, the more ammunition VVMF had to feed to the liberal press. The simple questions of modification now were metaphorical for a national debate on the meaning of the war itself. And we were like scorpions in a jar, with the rest of the country shaking it.

Through October and November, I sought to mediate some of this debate, while still hoping that modifications could take place. One conservative group claimed they had evidence that a member of the jury had belonged to the Communist Party in the late 1940's, and had signed petitions during Vietnam urging young men to avoid the draft. As a member of the National Sponsoring Committee, I took this information privately to Mr. Wheeler. Within a few weeks, I had been accused of McCarthyism in a letter from VVMF to an individual at the Hoover Institution at Stanford University. ✓

In early November I decided to write an article on the design controversy for the Washington Post. Still a member of the National Sponsoring Committee, I believed it was my duty to inform VVMF. I called Mr. Wheeler and read the entire article to him. Claiming that the article might destroy the memorial, he asked me if I would agree to

pagell

pull it in exchange for his serious attempt to convince others at VVMF to modify the design. I agreed, although it is anathema for a writer to pull a story after it has been submitted and accepted, because I hoped the debate might be resolved without further public dispute. Mr. Wheeler told me he would be back in touch with me within a week.

A week passed. In fact, two weeks passed. It became clear that I had again been manipulated toward a short-term gain. Such tactics might be tolerated in some business environments, but this was not the sort of conduct that honorable men working toward national unity engaged in. Disgusted at this continual dissembling, I decided to resign from the National Sponsoring Committee. I wrote letters to two other members of the Committee, General William C. Westmoreland, and Admiral James B. Stockdale. General Westmoreland received a briefing from VVMF and continued to support the memorial, although he later spoke out strongly on the controversy over the sculpture and flag. Admiral Stockdale, Medal of Honor winner in Vietnam and dean of the POWs there, joined me in leaving the VVMF.

The next few months enlarged the controversy. Ross Perot became active when hundreds of Vietnam veterans called him after a wire service story ran regarding his disappointment with the design. Perot decided to commission a Gallup survey regarding Vietnam veterans attitudes toward the design, and to abide fully by the results of such a poll. As an initial step, he decided to allow Gallup to poll the former prisoners of war, since they were an identifiable and immediately reachable group. Mr. Perot asked VVMF to provide its best picture of the design, and to

pagel2

write its own description of the memorial's concept. Jan Scruggs would later attack both the poll and Mr. Perot on ABC's "Nightline," saying that "We have had his poll reviewed by polling specialists and quite frankly it's not worth the paper it's printed on. He violated every scientific principle. It was not a random sampling. He used a bad artist's conception, aaah, the questions were loaded."

It is hard to imagine the prestigious Gallup organization's "violating every scientific principle." And it would seem that VVMF should have taken credit for the "bad artist's conception," since it was VVMF who provided the picture to Mr. Perot, at his request, for this survey. But there was not much else Mr. Scruggs could do unless he wanted to frankly admit that these Vietnam veterans were unhappy with the design he and others at VVMF were so vociferously supporting. Two-thirds of those polled disliked the design. 70 percent believed it should be white. 96 percent believed there should be a flag located at a prominent place. 82 percent believed it should be above the ground.

Mr. Perot began making plans to enlarge the Gallup poll so that the opinions of all Vietnam veterans could be gauged. Interior Secretary Watt asked to review the project. Several dozen Congressmen began a process to require the design be modified. Faced with these and other pressures, VVMF finally agreed to a compromise meeting to discuss the design in January, 1982. Asking Senator Warner to arrange this meeting, VVMF then criticized it, claiming it was "grotesque" that a national memorial could be designed through "backroom political tactics." However, those who had been cut away from the decision

page13

process thought it even more "grotesque" that two or three people could have sought to stifle all legitimate debate among the beneficiary class regarding the appropriateness of the design.

There were two compromise meetings. VVMF complained that they were vastly outnumbered at each by their "opponents." This in itself should have told them something, rather than that a "small" group of "conservatives" disliked the design: feelings among Vietnam veterans ran very high on this subject. Several members of Congress spoke emotionally about the stark, incomplete design, including Senator Jeremiah Denton, Congressmen Don Bailey and Congressman Duncan Hunter, all combat veterans from Vietnam. People who happened to disagree with VVMF did not deserve to be labelled as "enemies." Nor did they deserve to be avoided by VVMF for what then had become eight months.

A compromise was reached. The wall would contain an inscription honoring service. There would be an American flag, over the objection of the VVMF, whose architect, Kenneth Cooper, maintained that the flag was simply "a long, stringy object" that got in the way of the design. There would be a statue "of a serviceman," although VVMF was saying privately then, and now admits publicly, that it believed the Fine Arts Commission would never approve the emplacement of a sculpture on the hallowed grounds of the Mall. The elements would fit together as a single memorial, rather than as two separate memorials. The flag would be at the apex of the wall, and the statue would be just in front of it. The memorial was not to be dedicated until the statue was in place — a safeguard, in light of earlier deception by VVMF, since they had

pagel4

contacts with the Fine Arts Commission, and also controlled all monies.

A Sculpture Panel was formed in April to select a sculptor, work with him to develop a suitable sculpture, and decide on exact locations for the flag and sculpture. The panel was broadly based, consisting of myself, Milt Copulos of the Heritage Foundation, Art Mosely, a West Point and Harvard classmate of Wheeler, and Bill Jayne, who had been affiliated with VVMF since its inception.

We quickly agreed that a sculpture with only one serviceman would be a disservice to minority members who had fought in Vietnam, and during our first meeting decided that a sculpture should consist of three men, one of them Black. That night, Mr. Wheeler called me at my home and accused me of attempting to create "another Iwo Jima memorial," demanding that we reduce the design back to the single soldier. I had joined the sculpture panel with the guarantee of complete independence, and informed him that I would resign if he did not honor that guarantee.

At the next meeting, we learned that VVMF was going forward with its plans to dedicate the Memorial, even though Secretary Watt had allowed groundbreaking on the condition that the Memorial would not be dedicated until the sculpture and flag were in place. Dedication plans were being made for November, a mere seven months away. A sculpture could not be ready for at least another year. It seemed inappropriate in light of the place the memorial would enter in our national mindset, and the importance of its being viewed with all its elements intact, that it be dedicated when it was incomplete. Furthermore, with VVMF's



page15

history and the Fine Arts Commission's reluctance to add a sculpture on the Mall, it again seemed possible that VVMF was preparing to win back from the arts community what it had lost to its "enemies." The incomplete memorial could be dedicated, the Fine Arts Commission could disapprove the sculpture and the flag, and those who had pushed for the memorial's modifications would be left with nothing but the wall, while the VVMF could simply shrug and say they had tried. We asked for a meeting between Mr. Wheeler, as Chairman of the Board, and the Sculpture Panel.

At this meeting, Mr. Wheeler maintained that VVMF was being pushed by the American Legion to hold a National Salute in November, and that the Legion was threatening to withhold its promise of a million dollars toward the Memorial if the Salute were held up. I and Milt Copulos both stated that we supported the concept of a National Salute, but that it should not include the dedication of the Memorial, since the Memorial would not be complete. Mr. Wheeler gave us his word, not once but four times during this meeting, that no dedication would take place until all components of the memorial were in place. We were not trying to browbeat Mr. Wheeler; if such a guarantee was not in concert with his other obligations, he could have told us so. But he had the authority to make such a guarantee, and it was relied on during our planning.

The Sculpture Panel resumed work, putting in hundreds of hours of volunteer time in an effort to resolve the issue. We chose Frederick Hart, a nationally renowned sculptor who also had been the highest placing sculptor in the original design competition, to do the

page16

sculpture. Within a few weeks, Mr. Hart had put together a clay sketch that was met with enthusiasm by all four members of the panel. Within four months, he had translated the sketch into an intricately done bronze sculpture approximately 18 inches high. Within another month, the sculpture panel had made its decisions regarding placement of the flag and sculpture.

Contrary to what VVMF consistently maintains, the placement of these two elements was not the product of political considerations over artistic ones, and did not precisely follow the recommendation of the compromise committee. Our sole guideline was to make the three elements work as a single memorial, rather than causing the flag and sculpture to become a mere sideshow, off in the woods. The entire design of the sculpture was based on the premise that the three figures would interact directly with the wall, creating an artistic tension that would be lost if the sculpture were isolated in the woods. But we had altered the "compromise" positioning of the flag and the sculpture in the interest of artistic fairness, deciding to place the flag on its own plaza some 40 feet behind the wall, and the sculpture a full 170 feet in front of it, and slightly to one side. This decision was supported by every member of the sculpture panel, "enthusiastically" by VVMF's design architect, and eventually by VVMF itself.

During the summer it became clear that, despite Mr. Wheeler's assurances, VVMF was summoning all its resources, including connections in the White House, to gain approval for dedicating the uncompleted memorial in November, during the National Salute. It thus became

page17

imperative that the Fine Arts Commission approve the sculpture and flag before this event, since given our past experiences there was a high probability it would otherwise never occur. We on the sculpture panel, and those others who had felt strongly about modifications for the design, asked for and obtained an October date for hearings before the Fine Arts Commission.

As we approached the October hearings which would seek approval of both the sculpture and the concept of placement for the sculpture and flag, the American Institute of Architects and the entire arts community began a campaign to discredit the sculpture and prevent its approval. AIA President Robert Lawrence called for architects across the country to lobby against the sculpture, and personally testified at the hearings against its addition, calling it a "breach of faith." Paul Spreiregen, who had received 50 thousand dollars to put together the ill-fated design competition, called the prospect of a sculpture an "outrageous desecration," noting that there were no bronze soldiers looming over the graves in Arlington, and neither should there be such figures near the wall. This was a striking admission of what VVMF had denied all along — that without modification, the design chosen was no better than a mass grave.

However, every veterans group except the Vietnam Veterans Against the War testified in favor of both the sculpture and its proposed placement, as did numerous private individuals. One of the most poignant moments occurred when a veteran who merely happened to be visiting his brother in Washington walked into the hearing room and to

page18

the microphone. He was an offshore oil-rig worker from Louisiana who had spent two tours as a Green Beret in Vietnam, and had donated 20 dollars of his hard-earned money to the Memorial. Pointing to the sculpture model before the Commission, he stated, "That's my memorial. That and the flag. That other thing, it's just a ditch in between."

The sculpture and the flag were approved, but the Commission placed them away from the wall, in what J. Carter Brown, its Chairman, termed an entryway. Mr. Brown stated that it would do no good to mix the two designs, since they were "as different as opera and country music."

And that, except for a few minor skirmishes to ensure a visible and dynamic presence for the sculpture in concert with the "entryway" concept, was the war. But another issue had surfaced during this bitter and arduous year, one which none of us who were attempting to modify the design had ever contemplated. That issue was money.

In the late summer of 1982, Mr. Wheeler asked to meet with me. He told me that he believed Ross Perot was trying to destroy him. I asked why. Wheeler said that Perot had instructed his attorneys to examine WVMF's books, in order to see how Wheeler and others had spent the millions of dollars in contributions toward the Memorial. I told him the answer to his problem was simple: open up the books, and it would go away. He said I did not understand, that WVMF had been audited, and that it had recently formed a special Audit Committee of prominent Americans to oversee their financial dealings. My response

page19

was that Mr. Wheeler had nothing at all to worry about, since opening up the books would resolve the issue, and that VVMF in fact had such an obligation as a charitable institution existing on public donations. Mr. Wheeler maintained that this was totally unacceptable.

Rather than opening their books for public inspection, VVMF retained the most noted criminal law firm in the country, run by Edward Bennet Williams, to keep Perot and others out of the books. The Williams law firm has now represented VVMF for a year and a half, for what can only be a fabulous and growing sum of money. On behalf of VVMF's Board of Directors, the law firm has fought every effort to make the records public. It is supremely ironic that the monies paid in by public donors have been used to keep those same people from knowing how their dollars were spent.

There are legitimate questions. In a recent investigative series for a Washington television station, Pulitzer and Peabody award-winner Carlton Sherwood (himself a thrice-wounded Marine in Vietnam) raised many of them, and was viciously attacked by the Fund and its attorneys for doing so. One cannot help but wonder why Mr. Wheeler and Mr. Scruggs so adamantly refuse to open these books for public scrutiny. Instead, they have built a tent around the records, keeping them from public scrutiny and attacking anyone who wonders about the matter as "an enemy of the memorial." VVMF continues to claim that its regular audits, and a one-day administrative visit by the IRS, should quell all further questions, but the questions persist. Recently, several Vietnam veteran members of Congress asked that GAO conduct an

page20

audit of VVMF's financial dealings. It appears that, even in this case, VVMF is negotiating with GAO to keep its receipts and disbursements from the public view on the grounds of "privacy."

Whose privacy?

So the issue is whether VVMF's books should now be fully opened to public inspection, although one wonders why such a prospect should even be debatable. How can such accountability be considered harrassment, rather than a duty? And how can it possibly be dangerous to the Memorial Fund, as an entity? VVMF (as opposed to its directors) is a single-purpose, charitable institution whose funds were provided by the donations of thousands of generous Americans. In short, it belongs to the public, held in trust by its directors. How can the public be harmed by seeing its own records? Why should these directors be allowed to spend hundreds of thousands of dollars of the public's donations for high-powered lawyers, whose mission is to keep the public from seeing disbursement ledgers that would indicate how and where their money was spent? It seems very clear that, rather than this fabulous sum of money having been spent for the protection of VVMF, it was (and still is) being used by certain officials at VVMF in order to protect themselves from public scrutiny.

The question is why they would wish to do so. The answer is known only by a small knot of individuals who unleash big-money lawyers to attack anyone who dares ask.