

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE  
RESOLUTION 30

By: Jett

AS INTRODUCED

A Resolution recognizing that the United States Government and the Republic of India have a commitment to fallen service members; calling for the recovery of KIA soldiers in the Republic of India; calling on the United States Government to express dissatisfaction and impose certain sanctions under certain circumstances; and directing distribution.

WHEREAS, the United States Government has made a sacred pledge to our servicemen and servicewomen, to their families, and to the American people that no man or woman who has made the ultimate sacrifice in military service to the United States shall be left behind; and

WHEREAS, the Department of Defense estimates that the mortal remains of approximately 400 American servicemen and servicewomen still lie unrecovered at or near their many World War II crash sites in India, with the vast majority located in the mountainous Himalayan state of Arunachal Pradesh, the area of the famous Allied Hump Airlift of World War II; and

1           WHEREAS, the remains of many Oklahomans are among the World War  
2 II servicemen and servicewomen still unrecovered in territory of the  
3 Government of India; that among those Oklahomans are US Army Air  
4 Force 2nd Lt. Jerrold (Gerald) E. Owens of Norman, Oklahoma, who  
5 served as co-pilot of the 425th Bomb Squadron, 308th Bomb Group,  
6 14th Air Force B-24 bomber nicknamed "The Pregnant Swan" (which was  
7 lost on March 20, 1943, over the Himalayan Hump but not discovered  
8 until September 20, 2008, in Arunachal Pradesh, India) and US Army  
9 Air Force Staff Sgt. Aubrey Stevenson, of Hugo, Oklahoma, who served  
10 as assistant flight engineer on the same aircraft; and

11           WHEREAS, the precise locations of many of the crash sites of  
12 these servicemen and servicewomen have been discovered in recent  
13 years by nongovernmental organizations, which have reported this  
14 information to both the United States and Indian Governments; and

15           WHEREAS, the surviving close relatives of these missing  
16 servicemen and servicewomen, among whom are their widows, widowers,  
17 brothers, sisters, sons, daughters, nephews, and nieces, have a  
18 legal right, under the First Amendment of the US Constitution and  
19 the Universal Declaration of Human Rights, to give their loved ones  
20 lost in war the honored burial they are entitled to, according to  
21 the rites of their religious faiths; and

22           WHEREAS, the Indian Government is both a major defense and trade  
23 partner of the United States, having purchased billions of dollars  
24 worth of military equipment from the United States and having

1 engaged in a multitude of joint training exercises with US Armed  
2 Forces over the years; and

3 WHEREAS, the Indian Government committed to the United States  
4 Government in 2008 that it would permit recovery of the remains of  
5 our MIAs without any arbitrary restrictions; and

6 WHEREAS, the Indian Government, like all governments, is  
7 obligated under the Geneva Conventions, customary international  
8 humanitarian law, and numerous resolutions of the United Nations  
9 General Assembly and the United Nations Security Council to do its  
10 utmost to return the remains of foreign-war dead on its territory to  
11 their families, and cannot legally permit political considerations  
12 to override this humanitarian obligation; and

13 WHEREAS, the Indian Government, like all governments, is  
14 obligated to respect the freedom of religion not only of its own  
15 citizens but of all people impacted by its policies including  
16 citizens of the United States.

17 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE 2ND SESSION  
18 OF THE 58TH OKLAHOMA LEGISLATURE:

19 THAT the State of Oklahoma holds the Government of the Republic  
20 of India accountable for violating its commitment to the United  
21 States Government and its obligations under international  
22 humanitarian law to permit recovery operations for America's 400  
23 missing in action American servicemen and servicewomen in India's  
24 territory without arbitrary restrictions, and places on the

1 Government of the Republic of India the primary responsibility for  
2 the poor progress in recovering and repatriating the remains of  
3 these servicemen and servicewomen.

4 THAT the State of Oklahoma expresses serious dissatisfaction  
5 with the current Administration and previous Administrations,  
6 Democrat and Republican, for their failure to put meaningful  
7 pressure on the Government of the Republic of India to live up to  
8 its expressed commitment to cooperate with United States efforts to  
9 recover our MIAs from its territory.

10 THAT the State of Oklahoma urges the President of the United  
11 States, the Secretary of Defense, the Secretary of State, and the  
12 United States Ambassador to the Republic of India to express  
13 directly to their counterpart Indian Government officials including  
14 the Prime Minister of India, the National Security Advisor of India,  
15 the Minister of Defense, the Minister of External Affairs, and the  
16 Indian Ambassador to the United States, serious dissatisfaction with  
17 the level of Indian Government cooperation with United States MIA  
18 recovery efforts in India and demand an immediate cessation of all  
19 arbitrary restrictions on MIA recoveries in India.

20 THAT the State of Oklahoma urges the President of the United  
21 States, the Secretary of Defense, the Secretary of State, and the  
22 United States Ambassador to the Republic of India to demand from the  
23 Government of India a public apology for the moratorium it imposed  
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1 on MIA recovery operations in Arunachal Pradesh from the beginning  
2 of 2010 until late 2015.

3 THAT the State of Oklahoma urges the United States Congress, in  
4 the event the Indian Government does not respond satisfactorily to  
5 those approaches, to suspend US arms sales to the Republic of India  
6 and impose significant trade sanctions on the Government of India as  
7 long as the Government of the Republic of India continues to  
8 withhold full cooperation with US Government MIA recovery efforts in  
9 India.

10 THAT a certified copy of this resolution be transmitted to the  
11 Oklahoma Congressional Delegation and the Consulate General of  
12 India, in Houston, Texas.

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