The idea of establishing a Korean War Memorial dates back at least as far as the mid-1960's when the American Battle Monuments Commission (ABMC) was seeking an appropriation of funds to erect the memorial. At that time the request was turned down because of the high cost of prosecuting the war in Viet Nam. Later attempts by the ABMC were turned down because of concern for budget deficits.

The most recent effort to establish a memorial by a non-profit organization in the private sector began in August, 1979.

At that time, Ms. Chayon Kim, a Korean-born U.S. citizen who recalls her early childhood with memories of huddling in a bunker while American B-29s dropped bombs on North Korean troops all around her hiding place — and who was the first curator of the 2d U.S. Infantry Division Museum, Camp Howze, Korea — was involved in coordination of a luncheon in New York for officials of the Korean Veterans Association, members of the press, and some American veterans of the Korean War. As a part of this affair, Ms. Kim also arranged for and participated in a conference with Mrs. Douglas MacArthur and the Korean Veterans Association officials. At the end of the month a letter from Mrs. MacArthur inspired Ms. Kim with the idea of establishing a Korean War Memorial in Washington, D.C.

After two years of investigation and study into the means of establishing a memorial in Washington, she moved to this city and set out on her mission. She visited the ABMC, the offices of the Capital Region of the National Park Service, and the Superintendent of Records and Deeds of the District of Columbia to get the information she needed to get started on her project. In November, 1981, she enlisted the aid of two new-found acquaintances to act as incorporators on a non-profit organization she chose to call — the National Committee for the Korean War Memorial.

Today, there are, in fact, two organizations which have claimed the name, National Committee for the Korean War Memorial (NCKWM):

- The original National Committee for the Korean War Memorial which was incorporated November 30, 1981 (original NCKWM).
- The current National Committee for the Korean War Memorial which was incorporated January 3, 1984 (current NCKWM).

The original NCKWM was incorporated under the laws of the District of Columbia on November 30, 1981, and was issued a license to solicit funds within the District of Columbia as a charitable organization shortly thereafter. The original incorporators were Ms. Chayon Kim, Dr Timothy Hallinan, and Mr. Kenneth Scheibel. In the initial organization Dr. Hallinan was listed as the President, and Ms. Kim was listed as Executive Secretary and Treasurer. Neither Dr. Hallinan nor Mr. Scheibel took an active part in the
day-to-day operations of the committee; Ms. Kim was the de facto Executive Director of the original NCKWM during its formative stages.

Under Ms. Kim’s direction, the original NCKWM:

- Established its headquarters in the National Press Building (Room 292) in Washington, D.C., in December 1981.

- Applied for recognition by the Internal Revenue Service as a tax-exempt organization on July 26, 1982; the IRS determined that the organization was qualified for tax exempt status on August 6, 1982, for a advanced ruling period which ended on June 30, 1984.

- Invited prominent Americans from many fields to become members of the National Sponsoring Committee, and created a board of directors to guide and direct the routine operations of the organization.

- Drafted supporting legislation to authorize the establishment of a suitable memorial in the Nation's Capital to recognize and honor the service and sacrifice of the men and women of the armed forces of the United States and the twenty-one other allied nations who served in the Korean conflict between June 25, 1950 and July 27, 1953. This memorial is to be established without further cost to the Federal Government or the Government of the District of Columbia. Supporting legislation was introduced in both houses of the 97th Congress, but it was not acted on prior to the termination of that Congress.

- Presented its concept of operations to the National Capital Memorial Advisory Committee and obtained unanimous concurrence from that committee in both the concept of operations and the content of the supporting legislation.

- Began a search for professional fund-raising support in anticipation of favorable action by either the 97th or 98th Congress.

- Entered into negotiations with an independent accounting firm for the purpose of establishing a bookkeeping service and for annual audits of the NCKWM operations.

- Entered into a lock-box operation contract with First American Bank to ensure a simple, direct handling procedure for the receipt, handling and accounting for donations and contributions delivered in the mail. (At the same time First American Bank established a line of credit to provide “seed money” for the committee.)

In December, 1982, because of internal difficulties, a plurality of the NCKWM Board of Directors present at a board meeting of questionable validity, ousted Ms. Kim as Secretary-Treasurer and as a member of the board. At that time the newly reorganized Board of Directors appointed Mr. Myron E. McKee as Chairman of the Board of Directors and Executive Director.

- According to the minutes of the meeting, shortly after the departure of Ms. Kim — and two other board members who resigned upon her ouster — the board elected to its membership three individuals: Jesse Brown, Milton Copulos, and Ross Perot. Within six days of this
meeting Copulos and Perot were identified as directors on a borrowing resolution required by the First American Bank of Washington, D.C., to support an unsecured note for the corporation. In sworn testimony given in December, 1985, Milton Copulos denied being elected to the board of directors before sometime in January, 1983, and pointed out that he resigned from the board a month later. In January, 1986, Ross Perot signed an affidavit stating that he had no recollection of ever being invited to serve on the board of directors, denied being elected to or serving on the board, and denied ever allowing the use of his name on the borrowing resolution.

Following the reorganization of the Board of Directors on December 8, 1982, the NCKWM operation was transferred to the building owned by the Officers Service Club, 1644 21st Street, NW, Washington, DC, known at that time to be considered by the D.C. Fire Department as unsafe for residential or commercial occupancy. In September, 1983, having been forced by the Fire Chief to vacate the 21st Street location, the NCKWM operation was moved into a townhouse apartment in Alexandria, VA. However, the organization continued to use the Officers Service Club as its business address and as an address to which donations and contributions were to be sent.

In July, 1985, the organization (by this time called The Korean War Memorial, Inc.) moved into donated office space in a building at 2550 M Street, NW, Washington, DC.

In January, 1983, pursuant to a contract signed by McKee in October, 1982, the original NCKWM initiated a direct mail fund raising campaign, using a professional fund raising corporation. By mid-1984 it had collected over $400,000 and reported a net worth of just over $10,000. According to reports submitted to the IRS for the period beginning July 1, 1982 and ending June 30, 1984, the organization had revenues of $516,458, expenses of $505,720 for a net worth of $10,738. An article published on July 7, 1985, in the Miami Herald reported that the organization had by that time collected $600,000, had expenses of $642,000, and was, therefore, $42,000 in debt.

Another Washington, DC, address, 1712 Eye Street, NW, was established for responses to the mass-mailing fund-raising campaign. The original NCKWM does not occupy space in that building, nor maintain a telephone there. Mail addressed to NCKWM, 1712 Eye Street, NW, Washington, DC, 20006, is held by Post Office personnel for pick-up by a courier designated by a company in Rockville, Maryland, which specializes in opening such mail and accounting for contributions contained therein. This company deposits all money and checks with a bank which maintains an escrow account for the original NCKWM. The escrow agent, a certified public accountant, also performed accounting services for the organization for the fiscal years ending on June 30, 1983 and 1984, and prepared necessary IRS reports for those two years.

In 1983, the newly re-organized NCKWM drafted legislation similar to that introduced in 1982 in the 97th Congress, and succeeded in having it introduced in both houses of the 98th Congress; however, this new proposed legislation included an added proviso that the enactment of the legislation would also authorize the expenditure of Federal funds.
in the amount of $3,500,000 to purchase a site for the memorial should it be determined that no "suitable" site can be found on Federal land. This proposed legislation expired without action at the end of the final session of the 98th Congress in 1984.

The direct mail fund raising campaign is still in progress. A recurring theme in this campaign is that "Congress is in the process" of authorizing the establishment/erection/construction of the memorial, but rarely is any mention made of what legislation Congress is supposed to be working on. At one point this organization went so far as to mail out a fund raising letter claiming the Congress had authorized the building of the memorial, and upon being challenged mailed out another fund raising letter apologizing for the "clerical error" and returning to the "Congress is in the process" theme. Another recurring theme is the "Please send your next contribution to arrive by [a specific date] so that we may reach our goal" theme. What is interesting is that, aside from a stated dollar goal, no information is given as to what goal within the plan to establish a memorial is to be attained with the money.

The articles of incorporation for the original NCKWM were revoked by the government of the District of Columbia on September 12, 1983. The organization, however, continued to conduct its business even though the revocation of its articles of incorporation constituted an involuntary dissolution of the corporation. The articles of incorporation were reinstated on May 25, 1984. However, the original NCKWM was forced to assume a new name, Korean War Memorial, Inc., because the original name had already been awarded to the current NCKWM upon its incorporation, January 3, 1984. As late as July 17, 1984, almost two months after the name change, however, the Korean War Memorial, Inc., was still soliciting contributions under the original name.

The current National Committee for the Korean War Memorial was incorporated under the laws of the District of Columbia on January 3, 1984, to ensure that the effort initiated in 1982 could continue under the same name since the original NCKWM had ceased to exist under the laws of the District of Columbia.

Headquarters for the current NCKWM is located in the residence of one of its incorporators, Ms. Chayon Kim, and uses her residence telephone number. The organization will move its headquarters to an established business address and install a business telephone as soon as funds are available.

The current NCKWM was recognized by the IRS as a tax exempt organization on September 24, 1984, for an advanced ruling period ending December 31, 1985.

The current NCKWM has not yet engaged in any fund-raising activity. However, it has registered as a non-profit fund-raising organization in most of the fifty states requiring such registration.

The current NCKWM has continued in its efforts to meet the original goals of the earlier organization. Under the direction of its Board of Directors the current NCKWM has continued to pursue a course of action which should lead to the establishment of a compelling, dignified memorial worthy of the memory of
those American servicemen and women and the members of the armed forces of the twenty-one Allied nations who served with honor in the Korean conflict.

- Having received recognition as a tax exempt organization, the current NCKWM began preparing plans for an initial fund raising effort to obtain the necessary "seed money" to support the operations of the committee during the early stages.

- The current NCKWM began preparing draft legislation to be introduced in the 99th Congress in January, 1985.

- Upon Congressional approval of its draft legislation the NCKWM planned to begin a coordinated public campaign to raise the money necessary to establish the memorial in accordance with the original objectives of the organization.

The NCKWM target date for the dedication of the Korean War Memorial was tentatively set for July 27, 1988 — thirty-five years after the end of hostilities in the Korean Conflict.

On May 25, 1984, articles of incorporation of the original NCKWM were reinstated by the District of Columbia following the filing of required reports and payment of fees and penalties. The corporation was also required to assume a new name because the original name had been taken by the current NCKWM. The name adopted by the newly reinstated organization is, The Korean War Memorial, Incorporated.

The fact that the petition for reinstatement of the original NCKWM corporate charter required the use of a new corporate name did not deter the original NCKWM from continuing to send out fund-raising correspondence under the original corporate name. Therefore, it became necessary for the current NCKWM to demand on June 7, 1984, that the newly reinstated corporation, The Korean War Memorial, Inc., cease and desist from using the name, National Committee for the Korean War Memorial and also consider turning over to the newly incorporated National Committee for the Korean War Memorial all donations and contributions collected since January 3, 1984, using its corporate name.

On July 5, 1984, The Korean War Memorial, Inc. (original NCKWM), filed a suit against the current NCKWM and its incorporators in The Superior Court of the District of Columbia. Included in the complaint was a statement that the plaintiff, formerly the original NCKWM, now The Korean War Memorial, Inc., had found it necessary to be reinstated under its new name since the current NCKWM had already been incorporated on January 3, 1984. The complaint was signed by Edward R. Borchert, President, The Korean War Memorial, Inc. Ironically, the same individual signed a mass mail fund raising letter on July 17, 1984 — twelve days later — in which he identified himself as president of the National Committee for the Korean War Memorial, the current NCKWM, and the defendant in the suit he brought into the court.

On September 13, 1984, using the good offices of Mr. Travis Stewart, Mr. John Kenney, current NCKWM, met with Mr. Edward Borchert, President, The Korean War Memorial, Inc. (original NCKWM) at Harvey’s Restaurant, at 18th and L Streets, NW, Washington, D.C., to examine ways to ameliorate the differences between the two organizations.
These initial discussions led to a series of three meetings between Mssrs. Borcherdt and Kenney and a fourth meeting, attended by Ms. Kim, at which Mr. Stewart acted as mediator; however, the differences in approach to arriving at agreement precluded any amelioration of differences. Discussions ended on October 3, 1984. Attorney for the KWM, Inc., scheduled depositions from Kenney, Kim, and Prescott on October 17, 1984.

On October 17, 1984, the attorney of record for the current NCKWM and its incorporators filed a motion to withdraw from the case — having fulfilled a commitment to provide defendant responses to the Korean War Memorial, Inc., complaint to preclude a default judgment. Defendant current NCKWM was granted a protective order pending obtaining new counsel.

On November 13, 1984, the directors of the current NCKWM, as defendants, appeared at Superior Court and identified Mr. Nicholas A. Addams as their attorney. Counsel for the plaintiff was present and requested that depositions be taken as soon as possible. The judge allowed until December 4, 1984, for the new counsel to become familiar with the case and to file an amended response to the complaint. Attorney for the plaintiff also scheduled depositions on that date. The pre-trial conference was scheduled for July 25, 1985.

On December 2, 1984, attorney for the defendant, current NCKWM, filed a motion to amend the defense responses to the July 6 complaint and to introduce a counterclaim based on the lack of validity of the actions which led to Ms. Kim's ouster in October, 1982. Companion motions for a subpoena to Bruce Eberle for deposition concerning the original NCKWM contract and to overrule plaintiff objections to providing KWM, Inc., (original NCKWM) documents and records to defendant NCKWM for review and analysis. After more than six months of delay occasioned by motions and countermotions, arguments and counterarguments, on July 1, 1985, the DC Superior Court ruled that the defendants' defense may be amended to include a counterclaim and denied the plaintiff's motions to quash a subpoena for Bruce Eberle and to prevent the defendants access to KWM, Inc., documents and records.

In the meantime the plaintiff had been granted leave to amend its complaint to include a charge of libel for the copying and distribution of a Baltimore Sun article published September 2, 1984. This article was also the subject of a suit against the Baltimore Sun instituted by the plaintiff in U.S. District Court, Washington, D.C., in January, 1985. This suit was dismissed and the case was closed by May 1, 1985. The defendant, current NCKWM, has filed a motion to dismiss this complaint. Needless to say the preliminary hearing scheduled for July 25, 1985, has been postponed.

On April 24, 1985, Congressman Florio, New Jersey, introduced a bill (HR 2205) to authorize the establishment of a Korean War Memorial in the National Capital. The wording of the bill is the same as the bill (HR 523) introduced by Congressman Hammerschmidt and Senator Pryor in July, 1982. Congressmen Hammerschmidt, Arkansas, and Montgomery, Alabama, are co-sponsors.

On May 22, 1985, Congressman Parris, Virginia, introduced a bill (HR 2588) to authorize the establishment of a Korean War Memorial by the American Battle Monuments Commission in the National Capital. A bill (S 1223) using the same wording was introduced in the Senate on May 24 by Senator Armstrong, Colorado.
The Task Force for Libraries and Memorials, Committee on House Administration, held a public hearing on these bills at 1:00 PM, July 10, 1985, at which testimony was heard from Congressmen Florio, Montgomery, Edgar, Molinari, and Parris; Senator Glenn; Colonel Ryan (American Battle Monuments Commission); and representatives of most of the major veterans organizations. The current NCKWM presented a written statement strongly supporting the bill and placing particular emphasis on the provisions of the proposed legislation which call for the American Battle Monuments Commission to establish the memorial. Task Force Chair, Ms. Mary Rose Oakar, expressed concern over the manner in which the public might be invited to make personal and/or corporate donations to offset the money appropriated by the Congress to fund the establishment of the memorial by the American Battle Monuments Commission. She was assured that the Commission had already established a bank account and an accounting and acknowledgement system for donations. Both the original and current NCKWM provided written testimony for the Task Force hearing report. The current NCKWM testimony strongly supported the wording of HR 2588, which calls for the establishment of the Korean War memorial by the American Battle Monuments Commission. The House bill has been passed. The Senate bill is in committee.

By July 26 the Korean War Memorial, Inc., (the original NCKWM) issued another mass-mail appeal for contributions using a letter which, by implication, credited that organization with initiating the legislation and bringing it to the Task Force hearing.

By the end of July the KWM (original NCKWM) had prevailed upon Senator Jeremiah Denton to introduce Senate Joint Resolution (SJ Res) 184, which calls for the establishment of a Korean War memorial by the Korean War Memorial, Inc., (KWM) on the grounds that the nation’s interest would be better served if the memorial were to be established using private enterprise rather than a public institution. Both the Armstrong bill (S.1223) and the Denton resolution (S.J. Res 184) were referred to the Senate Committee on Energy and Natural Resources. The Public Land Sub-Committee held hearings on both actions on October 29, 1985. Both the KWM and the current NCKWM presented oral and written testimony to the sub-committee.

The current NCKWM testimony supported the Armstrong bill (S.1223) pointing out that the nation has a moral obligation to recognize the service and sacrifice of those who served during the Korean war, and pointing out that the American Battle Monuments Commission is the organization best suited to establish a Korean War Memorial in the nation’s capital — without further controversy and under conditions of strict fiscal accountability. The current NCKWM also testified against the Denton resolution emphasizing the KWM track record as a responsible fund-raising organization as shown in public documents and the press. The written testimony was supported by eight exhibits.

The KWM written testimony summarized the need for a Korean War memorial, pointed out that it had mailed 2.5 million letters, received contributions from approximately 23,000 supporters, and raised approximately $650,000. The main thrust of the presentation was that, as a private enterprise, KWM is ready to establish the memorial with private funds. No mention was made of the fact that despite having collected approximately $650,000, the KWM was still heavily in debt — mostly for fund raising expenses. KWM oral testimony consisted of a reading of prepared written testimony. In response to a question from the acting sub-committee chairman, Senator Mikurski, the KWM presenter stated that the KWM books were "open to anyone." Senator Mikurski
took him up on the offer and asked that the KWM books be turned over to the sub-committee for review. The current NCKWM has a court order allowing it access to these records, but has been unable to review them. It is understood that the sub-committee staff has not yet seen the books either.

On July 12, 1985, KWM filed a motion for summary judgment on its original complaint, and on September 19, 1985 KWM filed a motion for a summary judgment to dismiss the current NCKWM counterclaim. The current NCKWM filed oppositions to both of these motions for summary judgment. Following a hearing before Judge Nicholas Nunzio, during which oral argument was presented by the attorneys representing both parties, both parties were required to submit memoranda to Judge Nunzio. On December 20 Judge Nunzio denied both of the KWM motions for summary judgment.

As of this date no trial date or pre-trial conference date has been established; therefore, the discovery period for this suit remains open for an indefinite period. The current NCKWM has made use of discovery to examine the books and records of the KWM (original NCKWM) through the end of the fiscal year ending July 31, 1984, and is looking forward to examining the KWM books and records for the period from that date to the present date. In addition the current NCKWM has obtained sworn testimony from key witnesses through deposition and through sworn affidavits and is preparing another round of depositions, interrogatories, and requests for affidavits in a wider ranging search for additional evidence to support, in particular, the allegations in its counterclaim.