



EXECUTIVE ORDER NUMBER EIGHT

WHEREAS, during the early evening of December 9, 1968, an Iowa Air National Guard jet aircraft, performing a training mission in accordance with orders issued by federal Air Force authorities, crashed and burned on the Peter Tjernagel farm north of Story City, Iowa, completely destroying the farm home and personal belongings therein, some farm equipment and the entire 1968 crops, and damaged the other buildings on the farm to the extent that it was necessary to destroy and remove them; and

WHEREAS, Peter Tjernagel, the operator of the farm, died 52 days after the accident, and a son was drafted into the Armed Forces of the United States in April of 1969, the responsibility for rebuilding a family life and recovery of damages for property destruction has fallen on Mrs. Marie Tjernagel, the widow and mother; and

WHEREAS, Mrs. Tjernagel has received only \$5,000.00 from federal Air Force authorities and her claims for the balance of the damage, duly filed with appropriate Air Force authorities, have been refused; and

WHEREAS, that after more than three years, the Tjernagels have not been compensated for their loss--a loss visited upon them by an aircraft of the United States, flown by a pilot on active duty pursuant to a federal statute, performing a federal mission while under federal control; and

WHEREAS, on March 5, 1968, a Wisconsin National Guard jet aircraft, flying from the Truax Air Force Base in Madison, Wisconsin, crashed and burned on a farm owned by Clarence and Emma McCarville near Cresco in Howard County, Iowa, destroying the McCarville home, household goods, furnishings and numerous other personal property, to a total claimed loss of some \$86,000; and

WHEREAS, the McCarvilles have not yet been compensated for their loss although their claims were processed by the Air Force from March 5, 1968, through the Spring of 1971, at which time the McCarvilles were informed by the Air Force that they would have to pursue their remedy against the State of Wisconsin; and

WHEREAS, Mrs. McCarville is at this time residing in a chicken coop on the farm site in degrading conditions through no fault of her own; and

WHEREAS, the Office of the Governor of Iowa, the Citizen's Aide of Iowa, the Iowa Attorney General's Office, the Iowa Army and Air National Guard, the Adjutant General of Iowa and his Staff, and Authorities of the Military Division, Department of Public Defense of the State of Iowa, acting severally and jointly have exhausted every possible means of assisting the Tjernagel claimants, including offering to share the costs of an immediate claim between federal and state authorities with an understanding that any legal questions be settled afterwards, and have further provided numerous incentives for the federal military authorities to exercise their responsibilities in connection with an equitable settlement for the damages; and

WHEREAS, these incidents now have reached a stage where the citizens of the State of Iowa can rightfully feel a genuine concern that the operation of military aircraft and other military vehicles within our state constitutes a hazard to lives and property with no reason to expect that in the event of loss of lives and damage to property that might occur through said operation that there would be any reimbursement or compensation for same; and

WHEREAS, Iowa's Senators Jack Miller and Harold Hughes and Representative to Congress H. R. Gross have already sponsored in the Congress of the United States legislation to provide the settlement of the Tjernagel claims by the United States Air Force and this order supports that action;

NOW, THEREFORE, I Robert D. Ray, as Governor of the State of Iowa and acting by law as the Commander-In-Chief of the Iowa National Guard, under Section 29A.7, Code of Iowa, 1971, hereby order that, effective noon April 24, 1972, no federal vehicles, or aircraft issued to the Iowa Army or Air National Guard shall move or be used in any manner until I am satisfied that the claims involved in these matters will be settled or in case of emergency or otherwise specifically authorized by me.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines, Iowa, this 21 day of April in the year of our Lord one thousand nine hundred seventy-two.



Robert D. Ray
GOVERNOR

Attest:

Melvin D. Sybert
SECRETARY OF STATE