103D CONGRESS
1st Session

SENATE

REPORT
103-1

POW/MIA'S

REPORT

OF THE

SELECT COMMITTEE ON POW/MIA AFFAIRS
UNITED STATES SENATE

JANUARY 13, 1993.—Ordered to be printed

Filed pursuant to Senate Resolution 10

U.S. GOVERNMENT PRINTING OFFICE

62-704

WASHINGTON : 1993

ACKNOWLEDGMENTS

In acknowledging those who have contributed to the Senate's investigation, we owe a special thanks to the professional staff who have helped us examine tens of thousands of documents, interview hundreds of sources, depose nearly 200 witnesses, prepare for public hearings, and provide the advocacy on both sides of the POW/MIA issue that has been lacking in other examinations of this matter. Their work represents more than a commitment to the job; it is an abiding commitment to the POW/MIA issue.

The Committee selected its non-partisan staff based on their investigative skills, and based on their abilities to argue opposing sides of the central arguments: Were Americans left behind? Are any alive today? What more can be done to find answers about their fate? Their work has been tremendous, but it is their insights that we value in particular because they have helped us sort through the myriad of issues by giving us the strongest arguments on every side of the issues.

The staff to whom we owe our special thanks are, in alphabetical order: Kim Baker, Camilla Bartels, J. William Codinha, Nancy K. Cuddy, Deborah L. DeYoung, Roger Epstein, John F. Erickson, Hilton Foster, Dan Fox, Stephen Gekoski, Heather Grimsley, Doug Hall, Keisha Hargo, Don F. Harrison, Jon D. Holstine, Bryce Hunter, Neal Kravitz, James K. Lay, Col. William LeGro (USA-Ret.), John Mattes, David McClung, Jon McCreary, Ken Mendelson, Col. Harold Nicklas (USA-Ret.), Richard S. Smith, Robert P. Taylor, Roger Thyen, Sedgwick D. Tourison, Jr., Barry L. Valentine, Jonathan Wallace, Catherine C. Woods, and Frances A. Zwenig.

We also owe our gratitude to the staff of Members' personal offices and committees, including, in alphabetical order, Dino Carluccio, Peter Cleveland, Al Fortunato, Art Grant, Chris Kolesnik, Erin McGrath, Neal McKnight, Lori Murray, Admiral James W. Nance (USN, Ret.), Carter Pilcher, Mark Salter, Bob Seltzer, Nancy Stetson, and Bill Woodward.

While there is always a danger in singling out any individual, all members of the Committee believe several people deserve special recognition:

Frances Zwenig: The Committee is particularly grateful for her leadership and patience, often under difficult circumstances. As Staff Director, she presided over the full range of passions on this issue, coordinating divergent and ultimately tenuous views much of the credit for the consensus in this report.

Bill Codinha: The Committee extends special thanks to its Chief Counsel, who took leave from private law practice and family to marshal the investigation's team. He displayed enormous legal and

political acumen, never losing his patience or direction even under the most intense pressure.

Deborah DeYoung: Charged with responsibility for relations with press and families, as well as coordinating production of the Report, our Communications Director proved sensitive, dependable and professional.

Bill Woodward: The Chairman's designee deserves special credit for eloquently expressing the complex issues surrounding POW/MIA questions. His work late into the nights, at times with failing computers, gave voice to our conclusions; throughout the year, his insight into the broader issues helped the Committee in its work.

Dino Carluccio: As the Vice Chairman's designee, he was instrumental in keeping the Committee focused on every lead in key areas of the investigation and worked in passionate pursuit of the truth and with tireless attention to detail.

Finally, we have appreciated the attention devoted to the POW/MIA issue by members of the press corps, and in particular C-SPAN, who did a great deal to help the Committee show the public its work on this unresolved question. For too long, the POW/MIA issue was the province of fringe media; during the past 15 months, the mainstream press corps has helped us to re-examine in a very open way an issue that polls consistently show still haunts more than half of all Americans.

CONTENTS

	Page
Acknowledgements	III
Executive Summary	1
Dedication	1
To POWs	1
To the Families	1
To those who Remembered	2
The Committee's Purpose	2
The Committee's Methods and Approach	5
Summary of Findings and Recommendations	6
America's "Last Known Alive" in Southeast Asia	6
Investigation of Issues Related to Paris Peace Accords	11
Obstacles Faced by U.S. Negotiators	11
American Protests	12
Post-Homecoming	13
Conclusions	14
Investigation of the Accounting Process	14
Investigation of Intelligence Activities	18
Overall Intelligence Community Support	19
The Role of the Defense Intelligence Agency	20
The Role of the National Security Agency	22
Pilot Distress Symbols	23
Covert Operations	26
Intelligence Support in Laos During the War	27
Cooperation from Governments in Southeast Asia	27
Vietnam	27
Laos	29
Cambodia	30
Government Policies and Actions	30
Declassification	30
Inter-Agency Group	31
Government-to-Government Offers	32
Review of Private Activities	33
Information from Russia and Eastern Europe	34
Gen. Volkogonov's Assessment	35
World War II	36
Cold War	36
Korean Conflict	36
Vietnam War	37
Information from North Korea and China	38
Families	40
Conclusion	41
Chapter 1: Introduction	44
Creation of the Senate Select Committee	44
The Committee's Mission	45
De-Mystifying the Process	46
Accountability and Response	47
Building a Public Record	47
The Investigation	48
Cooperation by Southeast Asian Governments	48
Vietnam	48
Laos	49
Cambodia	50
Previous Wars	51
Previous Investigations	51

Chapter 1—Continued
The Committee's Mission—Continued
Previous Investigations—Continued
Page
The Montgomery Committee 52
The Woodcock Commission 53
Live-Sighting Reports 54
Internal DIA Inquiries 55
Reagan Inter-Agency Group 56
Challenge for the Senate Select Committee 56
Baseline Hearings, November 1991 57
Chapter 2: The Paris Peace Accords 59
Key Questions and Key Issues 59
Obstacles to Resolution 59
Purpose 60
Investigative Approach 61
Background 62
Outline of the Negotations 62
Public Sessions 62
Secret Talks 63
The Issue of Prisoners 65
Timing of POW Release 66
Exchange of Lists 66
Linkage to Release of Civilian Prisoners 68
Application to Prisoners Captured Outside Vietnam 68
The Issue of U.S. Aid 73
The Agreement 75
Implementation of the Accords: The First 60 Days 77
General Expectations 77
Expectations about Laos 78
January 27, 1973: The Lists are Exchanged 81
U.S. Reaction: Disappointment and Dismay 82
U.S. Protests 83
Reactions to DRV/Laos List 83
Kissinger's February 1973 Visit to Hanoi 85
Discrepancy Cases 85
Enforcing the Indochina Understanding 86
The Laos Cease-fire Agreement 87
The Problems Gets Worse 88
U.S. Intelligence Assessment 89
Admiral Moorer's March 22 Cable 89
Ambassador Godley's March 22 Cable 90
Admiral Moorer's March 23 Cable 91
Summary 91
Homecoming Complete Laos Unresolved 92
Post Homecoming 93
Presidential Statements 93
The Clements/Shields Meeting 95
The Nixon/Shields Meeting 96
Shields' Press Conference 97
Shields' Memo to Ambassador Hill 99
Effect of Administration's Statements 100
Kissinger-Le Duc Tho Meetings, May-June 1973 101
Status Change Policy 104
Phase-Out of POW/MIA Task Force 108
Joint Economic Commission 109
Four-Party Joint Military Team 110
Efforts to Gain an Accounting in Laos 111
Discussion 113
Orchestrated Confusion: The DRV and Pathet Lao 113
What Could the Administration Have Done? 115
Diplomatic Efforts 115
Military Options 116
Congress 120
Watergate 121
Pro and Con: Were POWs Left Behind? 122
Indications that Americans May Have Been Left Behind 122
Witness Assessments 122
Laos: Complicating Factors 124

Chapter 2—Continued Page
Questions of Continued Links Between U.S. Aid and POW/MIAs 126
Conclusions 126
Chapter 3: Accounting for Missing Servicemen 127
Overview 127
Records Search 129
Civilian Accounting: Department of State 132
Civilian Accounting: Central Intelligence Agency 133
Deserters 133
War-Time Accounting 134
The Process 134
Early Losses 135
DIA's Involvement 136
Cross-Border Operations 138
Databases and Accounting Terms 139
Casualty Status Determinations 139
War-Time Lists 141
The Sullivan Report 142
Preparations for Repatriation 143
Operation Homecoming Accounting 144
POW Numbers 146
Information from Debriefings 146
Post-Homecoming Accountability: April 1973–April 1975 147
Live Americans 149
Status Reviews 151
Shifts in Intelligence Priorities 151
Disposition of Records 152
Post-War Accountability: April 1975–Present 153
Accounting Efforts 153
Carter Administration Policies 154
Reagan Administration Efforts 155
Redefining "Unaccounted For" 158
Laos: the DIA View 159
Discrepancy Cases 160
The Vice Chairman's List 161
Criticisms of U.S. Government Accounting 163
Committee Findings 163
Chapter 4: Intelligence 166
Overview 166
Intelligence and Intelligence Analysis 167
Investigating the Intelligence Agencies' Performance 168
Intelligence Community Support of the POW Effort 168
Priority 168
Analytical Priorities 168
Central Intelligence Agency Actions 169
Management Actions 169
Collection and Special Operations After Homecoming 169
CIA Primacy in Laos and Information-Sharing 169
Analysis or Lack of It 170
Current Role 170
The Role of the Defense Intelligence Agency 170
Background 170
DIA's Management Issues 170
DIA Internal Criticisms 172
Discussion 176
Live-Sighting Reports 177
Background 177
Current Operations 179
Committee Investigation 181
Cluster Analysis Methodology 181
Review of Files and DIA Source Evaluations 183
Key Events in the Investigation 184
Other Analyses 184
Source Analysis versus Content Analysis 185
Minority View 185
Majority View 186
Analysis of Clusters 187
Hanoi Ministry of Defense (Vietnam) 187
Viengxay (Laos) 189

Chapter 4—Continued
Analysis of Clusters—Continued Page
Son La Area (Vietnam) 189
Oudomsai (Laos) 190
Summary 191
Other Live-Sighting Reports 192
Current Status of Live-Sighting Investigations 193
Example: Pleiku, November 1992 195
Discussion 198
Pilot Distress Symbols 200
Background 200
Military Escape & Evasion Program 201
Investigation Procedures 201
Possible POW Signals 201
Intelligence Community Assessment 203
JSSA Findings 205
Intelligence Community Search for Evader Symbols 207
DIA Investigation 209
Committee Imagery Analysis 213
Discussion 216
Recommendations 217
Covert Operations 218
Investigative Procedures 219
Discussion 219
Private Operations With Official Support 221
The Role of the National Security Agency 222
Background 222
NSA's Responsibilities 222
SIGINT and DIA Case Files 224
Post-1973 Reports and Intercepts on Possible POWs 224
An NSA Analyst's View 225
NSA and Baron 52 227
Intelligence Support in Laos 229
Other NSA Sources 232
Chapter 5: Government Policies and Actions 232
President Nixon, Ford, Carter and Reagan 232
Declassification 233
Overview 233
Existing Law: Executive Order 1236 234
Prior Disclosure Efforts 235
Senate Joint Resolution 125 235
Committee Task Force 236
Senate Resolution 400 236
Members' Letter to President Bush 237
Senate Resolution 324 239
Executive Order 12812 239
Central Documentation Office 240
Discussion 243
Summary 244
Public Awareness Campaign 244
Nixon Administration 245
Laird Initiative 245
Search for Allies 246
H. Ross Perot 246
POW Bracelets 247
Son Tay Raid 247
Operation Homecoming 247
POWs' View 248
Debriefings 253
Debriefing Results 255
Life in Captivity 255
The Prison System 256
Information about Unaccounted-for Servicemen 256
Other Indications 259
Were Specialists Kept Behind? 259
Possibility of POWs Outside Returnees' Knowledge 261
Mulligan 263
Sponeyberger and Wilson 264

Chapter 5—Continued
Operation Homecoming—Continued
Possibility of POWs Outside Returnees' Knowledge—Continued
Col. Donald "Digger" Odell ... 265
DIA Assessment ... 265
Committee Review of Debriefing Reports ... 268
Discussion ... 270
Inter-Agency Group ... 271
History of IAGs ... 271
Creation of the IAG on POW/MIA Affairs ... 272
Public Accountability ... 272
Current IAG Practices ... 274
Policies Affected by the IAG ... 274
The League's Influence Over Government Policy ... 276
Discussion of the League's Role ... 280
Discussion ... 282
Government-to-Government Offers ... 282
The 1981 Alleged Offer ... 282
ASEAN Country ... 285
Remains Recovery Efforts ... 286
Recoverable Remains ... 286
Vessey "Sensibility Check" ... 286
Warehousing Remains ... 288
Vietnamese Amnesty Program ... 289
Excavations ... 289
Current Operations ... 291
Future Plans ... 292
Remains Repatriation Efforts ... 292
GAO's Investigation of CIL-HI ... 292
Outside Experts' Findings ... 294
GAO's Findings ... 293
On-Going Work at CIL-HI ... 294
Discussion ... 295
Conclusions: Conspiracy Theory and Other Myths ... 296
Conspiracy Theory ... 296
Myths ... 299
Island of Syphilitic Souls Theory ... 300
Systematic Lie Theory ... 300
"Black Ops" Theory ... 300
"Crazies and Amputees" Theory ... 300
Chapter 6: Private Efforts ... 301
Overview ... 301
Public Awareness Campaigns ... 301
Reconnaissance/Rescue Missions ... 302
Photographs ... 302
Fundraising ... 302
Public-Private Alliances ... 303
Lao Resistance ... 303
Questions about U.S. Government Involvement with Private Efforts to fund Lao Resistance ... 305
Other Efforts Related to Lao Resistance Forces ... 309
Recent Reconnaissance and Rescue Missions ... 310
Team Falcon ... 310
1988 Mission to Southeast Asia ... 312
James "Bo" Gritz ... 314
Dissemination of Unreliable Information ... 316
Col. Jack Bailey ... 317
Col. Albert Shinkle ... 317
Khambang Sibounheuang ... 318
Photographs ... 320
The Rowley Photo ... 321
The Borah Photo ... 321
The Carr Photo ... 322
The Robertson-Stevens-Lundy Photo ... 322
Dog Tag Reports ... 324
Discussion ... 325
Reward Offers ... 326
Fundraising ... 328

Chapter 6—Continued
Fundraising—Continued
Page
Amounts Raised ... 329
Professional Fundraising Techniques ... 330
Operation Rescue, Inc ... 332
Skyhook II ... 334
Veterans of the Vietnam War, Inc ... 335
DIA's Analysis of the Fundraising Solicitations ... 338
Use of Proceeds: Fundraising vs. Program Expenses ... 339
Disclosure of Fundraising Expenses ... 339
Other POW/MIA Groups ... 341
BRAVO ... 342
Georgia Committee for POW/MIA, Inc ... 342
The Lima (Ohio) Area MIA-POW ... 342
MN League of Families/MN Won't Forget POW/MIA ... 343
POW Network ... 343
Prisoner of War Committee of Michigan ... 343
Red River Valley Fighter Pilots Association ... 344
Discussion ... 344
Chapter 7: Families ... 346
Missing a Loved One ... 346
Families' Views and Experience ... 347
Families' Central Role in Committee's Work ... 348
The Search for Answers ... 349
U.S. Government Actions During the War ... 351
War-Time Secrecy ... 351
Secrecy's Effects ... 355
Mis-Reporting ... 355
When Evidence Suggested Death ... 355
When Evidence Pointed to Life ... 357
Public Relations Campaign ... 358
Post-War Government Policies ... 359
Presumed Findings of Death ... 359
Changing Definitions ... 361
Live-Sighting Reports ... 361
Repatriation of Remains ... 361
Casualty Officers ... 362
Families Turn Elsewhere for Help ... 364
National League of Families ... 364
National Alliance of Families ... 365
Fellow Combat Veterans ... 365
Private Groups ... 366
Discussion ... 368
Recommendations ... 369
Chapter 8: Gauging Cooperation of Governments in Southeast Asia ... 370
Vietnam ... 370
From Operation Homecoming Until 1982 ... 371
Reagan Administration Initiatives (1982–1987) ... 374
General Vessey's Contributions (1987–1991) ... 377
1991: The Pace of Activity Quickens ... 379
1992: Administration and Committee Efforts to Encourage Cooperation ... 382
April 1992: Select Committee Delegation ... 383
Meetings in Hanoi ... 383
"Breakthrough" Guarantees ... 383
Inspection of Thanh Liet Prison ... 384
HCM, Da Nang and Mekong Delta Visits ... 384
Recent Developments ... 385
Committee Hearings ... 388
December 1992: Kerry-Smith Trip ... 390
Laos ... 391
Cambodia ... 393
Chapter 9: Information from Russia, North Korea and China ... 394
The U.S.-Russia Joint Commission ... 394
Task Force Russia ... 394
Investigation in Progress ... 395
Committee Hearings ... 396
Volkogonov Testimony ... 397

Chapter 9—Continued
Committee Hearings—Continued
Page
Volkogonov's Dec. 17, 1992 Letter ... 401
U.S. POWs and Korea ... 401
Official Assessments ... 401
Assessment of Committee Investigator ... 402
RAND Project/Cole Testimony ... 403
Volkogonov Testimony ... 409
Corso Testimony ... 410
Simpson Testimony ... 413
Kiba Testimony ... 414
State Department Testimony ... 415
Dumas Testimony ... 416
Oprica Testimony ... 416
U.S. POWs and World War II ... 417
RAND Project/Cole Testimony ... 417
Sanders, Sauter and Brown ... 419
Cold War Incidents ... 421
Joint Staff Report ... 421
Defense Department View ... 422
Joint Commission Visit to Ukraine ... 422
RAND Project/Cole Testimony ... 422
Family Members and Task Force Russia ... 423
Vietnam War ... 424
Defense Department Testimony ... 425
Assessment of Committee Invesigator ... 425
Bui Tin Testimony ... 425
Other Reports ... 426
Mooney Testimony ... 427
Activities in Moscow ... 428
Joint U.S.-Russia Commission ... 428
U.S. Delegation ... 428
Russian Delegation ... 428
Plenary Meetings ... 428
December 1992 Meeting ... 429
Task Force Russia ... 430
Organization and Mission ... 430
Personnel ... 430
Mission ... 430
Objectives ... 430
Russian Joint Office ... 431
Joint Interview Program ... 431
Interviews with Russian Officials ... 431
Interviews with Russian Citizens ... 432
Summary of Requests to Russians ... 435
Correspondence Files ... 435
Archives ... 436
Structure of Archives ... 436
Visits to Archives ... 436
Archival Research Agreements ... 436
Documents Requested ... 437
World War II ... 437
Korean War ... 437
Cold War ... 437
Vietnam War ... 437
Documents Received ... 437
Assessment of Archival Research ... 438
POW/MIA Family Member Efforts in Russia ... 438
Repatriation of U.S. Citizens Buried in Russia ... 439
Mutual Cooperation ... 439
Russian Inquiries on Afghanistan Veterans ... 439
Soviet Submarine Incident ... 439
The Case of "David Markin" ... 439
Future Actions ... 441
Levels of Cooperation ... 441
Trips and Visits ... 442
Planned Interviews ... 442
Follow-Up Action Leads ... 442

Chapter 9—Continued
Future Actions—Continued — Page
Investigation of Individual Leads ... 442
Conclusions ... 442
Information from North Korea and China ... 445
Chapter 10: Conclusions and a Look Ahead ... 447
Russia ... 447
Vietnam, Laos and Cambodia ... 448
China and North Korea ... 448
Defense Department ... 448
Justice Department ... 449
Watergate Tapes ... 449
Progress on Declassification ... 449
Information About the Committee ... 450
Annex: Committee Members' Floor Statements ... 450
Appendices ... 503
Appendix 1: Chronology ... 504
Appendix 2: Individual POW, MIA, and KIA-BNR Cases ... 574
135 Discrepancy Cases ... 578
Sen. Smith List of 324 ... 635
Appendix 3:Prior Investigations ... 826
Appendix 4: Witnesses ... 865
Appendix 5: Excerpts from Selected Documents ... 879
Appendix 6: Selected Excerpts from Hearing Testimony ... 894

EXECUTIVE SUMMARY

DEDICATION

To POWs

This report begins with three tributes, the first to those Americans who have been imprisoned in any war. Each person who has worn the uniform and fought the battle understands the nature of sacrifice. And there is a sense in which anyone caught in a firefight, flying through flak, patrolling the jungle while sensing ambush or working desperately to perform triage in a make-shift hospital, is a prisoner of war. But we owe a special debt of respect and gratitude to those who were captured and yet still kept faith, even while deprived of their freedom, victimized by brutal tortures, and forced to battle not only their captors, but the temptation to yield to self-pity and despair.

In the words of former POW, Admiral James Stockdale:

> Young Americans in Hanoi learned fast. They made no deals. (In the end) the prisoner learns he can't be hurt and he can't be had as long as he tells the truth and clings to that forgiving hand of the brothers who are becoming his country, his family . . .
>
> What does it all come down to? It does not come down to coping or supplication or hatred or strength beyond the grasp of any normal person. It comes down to comradeship, and it comes down to pride, dignity, an enduring sense of self-worth and to that enigmatic mixture of conscience and egoism called personal honor.[1]

To the families

America's POWs and servicemen have met the test of personal honor, and so have the families of those still missing from past American wars. For these families, the wounds of conflict have been especially slow to heal. For them, there have been no joyous reunions, nor even the solace of certainty ratified by a flagdraped casket and the solemn sound of taps. There has been no grave to visit and often no peace from gnawing doubt. For them, there has been only the search for answers through years when they did not have active and visible support from their own government to the present day when our ability to get real answers has finally been enhanced. Their search for answers is truly understandable because to them, POW/MIA is not merely an issue or a symbolic figure on a black and white flag, it is a brother, a husband, a father or a son. These families, too, deserve our nation's gratitude and to them, as to their loved ones, we pay tribute.

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[1] "Perot's Veep: From Hanoi to the Debate", Wall Street Journal, Oct. 13, 1992.

To those who remembered

We salute, as well, the veterans and responsible activist groups who have never stopped pushing for answers. These are the people who fought against the forgetting; who persisted in their questioning; and whose concerns led directly to the creation of the Select Committee. The Committee's investigation has validated their efforts, for they had good reason to argue that the full story was not being told, to suggest that there was more to learn and to insist that a renewed focus on the issue would produce greater pressure and yield new results.

It is to these Americans, therefore, to the POWs who returned and to all those who did not, to the families and veterans who kept the memory alive, that we pay tribute, and to whom we have dedicated the work of this Committee, including this final report.

THE COMMITTEE'S PURPOSE

The most basic principle of personal honor in America's armed forces is never willingly to leave a fellow serviceman behind. The black granite wall on the Mall in Washington is filled with the names of those who died in the effort to save their comrades in arms. That bond of loyalty and obligation which spurred so many soldiers to sacrifice themselves is mirrored by the obligation owed to every soldier by our nation, in whose name those sacrifices were made.

Amidst the uncertainties of war, every soldier is entitled to one certainty—that he will not be forgotten. As former POW Eugene "Red" McDaniel put it, as an American asked to serve:

> I was prepared to fight, to be wounded, to be captured, and even prepared to die, but I was not prepared to be abandoned.

The Senate Select Committee on POW/MIA Affairs was created to ensure that our nation meets its obligation to the missing and to the families of those still listed as unaccounted for from the war in Southeast Asia or prior conflicts. As past years have shown, that obligation cannot fully be paid with sympathy, monuments, medals, benefits or flags. It is an obligation—a solemn duty—that can be met only with the best and most complete answers that are within our power to provide.

Tragically, and for reasons found both at home and abroad, those answers have been slow in coming. Our nation has been haunted by the possibility that some of the missing may have survived and that, somewhere in Southeast Asia, brave men remain in captivity.

Although we know that the circumstances of war make it impossible for us to learn what happened to all the missing, we have been haunted, as well, by our knowledge that there are some answers from Southeast Asia we could have had long ago, but have been denied.

Because our wartime adversaries in Vietnam and Laos have been so slow to provide the answers, the American people turned to the U.S. Government for help, but events over the past 20 years have undermined the public's trust. The Indochina war, itself, was partly a secret war and records were falsified at the time to main-

tain that secrecy. The Paris Peace Accords promised answers to POW/MIA families, but the war between North and South Vietnam did not stop, and for the families of many, the answers did not come. Ever-changing Defense Department policies confused families and others about the official status of the missing and obscured even the number of men who might possibly have remained alive. The official penchant for secrecy left many families, activists and even Members of Congress unable to share fully in their own government's knowledge about the fate of fellow citizens and loved ones and this, more than anything, contributed to the atmosphere of suspicion and doubt.

Underpinning all this, the POW/MIA issue is alive today because of a fundamental conflict between the laws of probability and the dictates of human nature. On a subject as personal and emotional as the survival of a family member, there is nothing more difficult than to be asked to accept the probability of death when the possibility of life remains. Since Operation Homecoming, the U.S. Government has sought to avoid raising the hopes of POW/MIA families; it has talked about the need to maintain perspective and about the lack of convincing evidence that Americans remain alive. But U.S. officials cannot produce evidence that all of the missing are dead; and because they have been so careful not to raise false hopes, they have left themselves open to the charge that they have given up hope. This, too, has contributed to public and family mistrust.

Many of the factors that led to controversy surrounding the fates of Vietnam-era POW/MIAs are present, as well, with respect to the missing from World War II, Korea and the Cold War. Here, too, there have been barriers to gaining information from foreign governments; excessive secrecy on the part of our own government; and provocative reports—official and unofficial—about what might have happened to those left behind.

The Select Committee was created because of the need to reestablish trust between our government and our people on this most painful and emotional of issues. It was created to investigate and tell publicly the complete story about what our government knows and has known, and what it is doing and has done on behalf of our POW/MIAs. It was created to examine the possibility that unaccounted for Americans might have survived in captivity after POW repatriations at Odessa in World War II, after Operation Big Switch in Korea in 1953, after Cold War incidents, and particularly after Operation Homecoming in Vietnam in 1973. It was created to ensure that accounting for missing Americans will be a matter of highest national priority, not only in word but in practice. It was created to encourage real cooperation from foreign governments. It was created, in short, to pursue the truth, at home and overseas.

Whether the Committee has succeeded in its assigned tasks will be a matter for the public and for history to judge. Clearly, we cannot claim, nor could we have hoped, to have learned everything. We had neither the authority nor the resources to make case by case determinations with respect to the status of the missing. The job of negotiating, conducting interviews, visiting prisons, excavating crash sites, investigating live-sighting reports and evaluating archival materials can only be completed by the Executive branch.

This job, long frustrated by the intransigence of foreign governments, will take time to complete notwithstanding the recent improvements in cooperation, especially from Vietnam. The Committee takes considerable pride, however, in its contribution, through oversight, to improvements in the accountability process, and in the record of information and accomplishment it leaves behind.

That record includes the most rapid and extensive declassification of public files and documents on a single issue in American history. It includes a set of hearings and Committee files in which virtually every part of the POW/MIA controversy has been examined. It includes disclosure after disclosure about aspects of U.S. policy and actions that have never before been made public. It includes a rigorous, public examination of relevant U.S. intelligence information. It includes an exposure of the activities of some private groups who have sought inexcusably to exploit the anguish of POW/MIA families for their own gain. It includes a contribution to changed policies that is reflected on the ground in Vietnam in the form of unprecedented access to prisons, military bases, government buildings, documents, photographs, archives and material objects that bear on the fate of our missing servicemen. And it includes encouraging the Executive branch to establish a process of live-sighting response, investigation and evaluation that is more extensive and professional than ever before.

How then, one might ask, does this issue get brought to a close? There is no simple answer to that question. Clearly, the desire for closure cannot override the obligation to pursue promising leads. Just as clearly, our future expectations must be confined within the borders of what the chaotic circumstances of war, the passage of time, the evidence of survival and the logic of human motivation allow.

We want to make clear that this report is not intended to close the door on this issue. It is meant to open it. We knew at the outset that we could never answer all the questions that exist. In fact, some questions may never be answered or are more properly answered by other branches of government.

What we set out to accomplish, however, was to guarantee that the doors and windows of government were opened so that Americans would know where to go for information, so that the information would, to the greatest degree possible, be available, so that an unparalleled record would exist on which to base judgments, and so that a process of accountability would be in place to provide answers over time. We have accomplished our goal.

The Committee believes that a process is now in place that, over time, will provide additional answers. Americans can have confidence that our current efforts can ultimately resolve this painful issue. As this Committee's investigation of World War II and Korea shows, new information can come unexpectedly, years after the fact. That is why our goal must not be to put the issue to rest, but to press the search for answers and, in this case, to go to the source for those answers in Southeast Asia and elsewhere.

We must build on recent progress to guarantee that we reach the limits of what is knowable through an accounting process that is professional, open, genuine and unrestricted. We must constantly measure whether the promises and commitments of foreign govern-

ments are being fulfilled. We must maintain the momentum that has built at the highest levels within our own country to continue the search for new information. And we must ensure that as long as there is good reason to hope for more answers, our national obligation to pursue those answers continues, as a matter of honor, and as a duty to all those who have or who someday will put their lives at risk in service to our country.

THE COMMITTEE'S METHODS AND APPROACH

The POW/MIA issue has proven almost as emotional and controversial as the Vietnam War itself. As mentioned above, vigorous disagreements have caused some to be accused of conspiracy and betrayal; and others to be accused of allowing their hopes to obscure their reason. The Committee has sought to transform this troubled atmosphere by encouraging all participants in the debate to join forces in an objective search for the truth.

Because the overriding hope and objective of the Committee was to identify information that would lead to the rescue or release of one or more live U.S. POWs, the Committee gave first priority to investigation of issues related to our most recent war, the conflict in Vietnam. Nevertheless, substantial resources were devoted to seeking and reviewing information concerning Americans missing from World War II, the Korean War and the Cold War.

To ensure credibility, the Committee has operated on a nonpartisan basis, with a nonpartisan staff, directed by Members equally divided between the two parties.

To ensure perspective, the Committee sought the guidance of family members, activists, veterans' organizations and many others about how to conduct the investigation, where to focus, whom to consult and what issues to address. Every single individual or group that has claimed to have information on the issue has been invited—and in a few cases repeatedly invited—to provide it. Former U.S. POWs from the Indochina War were contacted and asked to share their knowledge and all previous inquiries and investigations on the subject were reviewed.

To ensure thoroughness, the Committee requested, and received, access to the records of a wide range of U.S. Government agencies, including intelligence agencies and the White House. Unlike previous investigators, we refused to accept "national security" as grounds for denying information and obtained assurances from the highest levels of government that no relevant information would be withheld.[2] We traveled overseas to Moscow, Pyongyang, and several times to Southeast Asia for face to face talks with foreign officials and gained access to long-secret archives and facilities in Russia, Vietnam and North Korea. And we solicited the sworn testimonies of virtually every living U.S. military and civilian official or former official who has played a major role in POW/MIA affairs over the past 20 years.

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[2] There were a few instances where the Executive branch denied the Committee access to specific intelligence sources. The Committee has been assured, however, that the information that could have been provided by those sources has not been withheld. Also, access to the debriefings of returned POWs was granted only to the Chairman and Vice-Chairman.

To ensure openness, the Committee's hearings were held almost entirely in public session. Among these were first-ever public hearings on POW-related signal and photographic intelligence and thorough discussions of live-sighting reports. Also, the Committee has worked with the Executive branch to declassify and make public more than one million pages of Committee, Defense Department, State Department, intelligence community and White House documents, including Committee depositions, related to POW/MIA matters. The Committee believes that this process must—and will—continue until all relevant documents are declassified.[3]

We believe that the Select Committee's hearing and investigatory process provide grounds for pride on the part of every American. The Committee's very existence was a testament to the effectiveness of public action. And although offensive to a few and painful to some, the rigorous examination of current and former high government officials and some private citizens on a matter of public interest is what democratic accountability is all about. Members of the Committee asked difficult and probing questions in order to ensure the fullest possible exploration of the issue. And, indeed, the Committee's own work has been subject to rigorous public questioning and that, too, has been healthy and appropriate.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Americans "last known alive" in Southeast Asia

Information available to our negotiators and government officials responsible for the repatriation of prisoners indicated that a group of approximately 100 American civilians and servicemen expected to return at Operation Homecoming did not.[4] Some of these men were known to have been taken captive; some were known only to have survived their incidents; others were thought likely to have survived. The White House expected that these individuals would be accounted for by our adversaries, either as alive or dead, when the war came to an end. Because they were not accounted for then, despite our protests, nor in the period immediately following when the trail was freshest and the evidence strongest, twenty years of agony over this issue began. This was the moment when the POW/MIA controversy was born.

The failure of our Vietnam war adversaries to account for these "last known alive" Americans meant that families who had had good reason to expect the return of their loved ones instead had cause for renewed grief. Amidst their sorrow, the nation hailed the war's end; the President said that all our POWs are "on the way home";[5] and the Defense Department, following standard procedures, began declaring missing men dead. Still, the governments in Southeast Asia did not cooperate, and the answers that these families deserved did not come. In 1976, the Montgomery Committee

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[3] Subject only to the deletion of specific information that, if made public, would compromise intelligence sources and methods.

[4] On January 29, 1973, at a meeting of the Washington Special Action Group, a DOD representative told Dr. Henry Kissinger that "We have only six known prisoners in Laos, although we hope there may be forty or forty-one." On February 1, 1973, DIA statistics listed 80 Americans as POWs who were not accounted for on the lists provided by the North Vietnamese or Viet Cong.

[5] Richard M. Nixon, Address of the President to the nation, March 29, 1973.

concluded that because there was no evidence that missing Americans had survived, they must be dead.[6] In 1977, a Defense Department official said that the distinction between Americans still listed as "POW" and those listed as "missing" had become "academic".[7] Nixon, Ford and Carter Administration officials all dismissed the possibility that American POWs had survived in Southeast Asia after Operation Homecoming.[8]

This Committee has uncovered evidence that precludes it from taking the same view. We acknowledge that there is no proof that U.S. POWs survived, but neither is there proof that all of those who did not return had died. There is evidence, moreover, that indicates the possibility of survival, at least for a small number, after Operation Homecoming:

First, there are the Americans known or thought possibly to have been alive in captivity who did not come back; we cannot dismiss the chance that some of these known prisoners remained captive past Operation Homecoming.

Second, leaders of the Pathet Lao claimed throughout the war that they were holding American prisoners in Laos. Those claims were believed—and, up to a point, validated—at the time; they cannot be dismissed summarily today.

Third, U.S. defense and intelligence officials hoped that forty or forty-one prisoners captured in Laos would be released at Operation Homecoming, instead of the twelve who were actually repatriated. These reports were taken seriously enough at the time to prompt recommendations by some officials for military action aimed at gaining the release of the additional prisoners thought to be held.

Fourth, information collected by U.S. intelligence agencies during the last 19 years, in the form of live-sighting, hearsay, and other intelligence reports, raises questions about the possibility that a small number of unidentified U.S. POWs who did not return may have survived in captivity.

Finally, even after Operation Homecoming and returnee debriefs, more than 70 Americans were officially listed as POWs based on information gathered prior to the signing of the peace agreement; while the remains of many of these Americans have been repatriated, the fates of some continue unknown to this day.

Given the Committee's findings, the question arises as to whether it is fair to say that American POWs were knowingly abandoned in Southeast Asia after the war. The answer to that question is clearly no. American officials did not have certain knowledge that any specific prisoner or prisoners were being left behind. But there remains the troubling question of whether the Americans who were expected to return but did not were, as a group, shunted aside

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[6] Final Report of the House Committee on Missing Persons in Southeast Asia, 12/13/76.

[7] Dr. Roger Shields, head of the Defense Department's POW/MIA Task Force, briefing of the Woodcock Commission, February, 1977.

[8] This discussion refers to U.S. POWs who were captured prior to Operation Homecoming. One civilian pilot, Emmet Kay, was known to have been taken captive after Operation Homecoming and was held prisoner from May, 1973 until his release in September, 1974. In addition, a small number of other Americans, including Private Robert Garwood, USMC, are known to have remained in Southeast Asia after the end of the war.

and discounted by government and population alike. The answer to that question is essentially yes.

Inevitably the question will be asked: who is responsible for that? The answer goes beyond any one agency, Administration or faction. By the time the peace agreement was signed, a decade of division, demonstrations and debate had left our entire nation weary of killing and tired of involvement in an inconclusive and morally complex war. The psychology of the times, from rural kitchens to the Halls of Congress to the Oval Office, was to move on; to put the war out of mind; and to focus again on other things. The President said, and our nation wanted to believe, that all of our American POWs were on the way home.[9] Watergate loomed; other crises seized our attention. Amidst it all, the question of POW/MIA accountability faded. In a sense, it, too, became a casualty of war.

The record does indicate that efforts to gain accountability were made. Dr. Henry Kissinger personally raised the issue and lodged protests with Le Duc Tho and leaders of the Pathet Lao. Defense and State Department spokesmen told Congress of their continuing dissatisfaction with the accounting process; stressed their view that the POW/MIA lists received were not complete, and referred to the cases of Americans last known alive as the "most agonizing and frustrating of all." [10]

However, compared to the high-level, high-visibility protests about prisoners made public during the war, post-Homecoming Administration efforts and efforts to inform the American public were primarily low-level and low-key.

Before the peace agreement was signed, those "last known alive," were referred to as "POWs;" afterward, they were publicly, although not technically, lumped together with all of the others called "missing."

Before the agreement, Secretary of Defense Melvin Laird and other Administration officials had berated the North Vietnamese for their failure to disclose the status of these "last known alive" cases, while citing their dramatic case histories and distributing photographs to the press. After Homecoming, Administration criticisms were less vociferous and names and case histories cited only rarely and, even then, not publicly by cabinet officials, but by their assistants and their assistants' assistants." [11]

When the war shut down, so, too, did much of the POW/MIA related intelligence operations. Bureaucratic priorities shifted rapidly and, before long, the POW/MIA accounting operation had become more of a bureaucratic backwater than an operations center for matters of life and death.

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[9] In an address to the nation on March 29, 1973, President Nixon said:

"For the first time in 12 years, no American military forces are in Vietnam. All of our American POWs are on their way home . . .

"There are still some problem areas. The provisions of the agreement requiring an accounting for all missing in action in Indochina, the provisions with regard to Laos and Cambodia, the provisions concerning infiltration from North Vietnam into South Vietnam have not been complied with . . ."

[10] Testimony of Dr. Roger Shields, head of the DOD Task Force on POW/MIA, before the House Committee on Foreign Affairs, May 31, 1973

[11] Sen. Brown wishes to stress his view that, based on testimony received by the Committee, when the Administration discussed those missing in action, they were referring to prisoners of war and those last known alive; and that significant efforts were made to raise these issues as a matter of public concern.

From the fall of Saigon in 1975 through the early 1980's, efforts to gain answers from the Government of Vietnam and the other communist governments of Southeast Asia bore little fruit. In 1982, President Reagan wisely raised the issue of accounting for our missing to a "matter of highest national priority." In 1987, a Special Presidential Emissary to Vietnam was named and serious discussions resumed. More recently, the disintegration of the Soviet empire has opened new doors and created compelling new incentives for foreign cooperation—almost 20 years after the last American soldier was withdrawn. Today, the U.S. spends at least $100 million each year on POW/MIA efforts.

Still, the families wait for answers and, still, the question haunts, is there anyone left alive? The search for a definitive answer to that question prompted the creation of this Committee.

As much as we would hope that no American has had to endure twenty years of captivity, if one or more were in fact doing so, there is nothing the Members of the Committee would have liked more than to be able to prove this fact. We would have recommended the use of all available resources to respond to such evidence if it had been found, for nothing would have been more rewarding than to have been able to re-unite a long-captive American with family and country.

Unfortunately, our hopes have not been realized. This disappointment does not reflect a failure of the investigation, but rather a confrontation with reality. While the Committee has some evidence suggesting the possibility a POW may have survived to the present, and while some information remains yet to be investigated, [there is, at this time, no compelling evidence that proves that any American remains alive in captivity in Southeast Asia.]

The Committee cannot prove a negative, nor have we entirely given up hope that one or more U.S. POWs may have survived. As mentioned above, some reports remain to be investigated and new information could be forthcoming. But neither live-sighting reports nor other sources of intelligence have provided grounds for encouragement,[12] particularly over the past decade. The live-sighting reports that have been resolved have not checked out; alleged pictures of POWs have proven false; purported leads have come up empty; and photographic intelligence has been inconclusive, at best.

In addition to the lack of compelling evidence proving that Americans are alive, the majority of Committee Members believes there is also the question of motive. These Members assert that it is one thing to believe that the Pathet Lao or North Vietnamese might have seen reason to hold back American prisoners in 1973 or for a short period thereafter; it is quite another to discern a motive for holding prisoners alive in captivity for another 19 years. The Vietnamese and Lao have been given a multitude of opportunities to demand money in exchange for the prisoners some allege they hold but our investigation has uncovered no credible evidence that they have ever done so.

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[12] Senators Smith and Grassley dissent from this statement because they believe that live-sighting reports and other sources of intelligence are evidence that POWs may have survived to the present.

Yes, it is possible even as these countries become more and more open that a prisoner or prisoners could be held deep within a jungle or behind some locked door under conditions of the greatest security. That possibility argues for a live-sighting followup capability that is alert, aggressive and predicated on the assumption that a U.S. prisoner or prisoners continue to be held. But, sadly, the Committee cannot provide compelling evidence to support that possibility today.

Finally, there is the question of numbers. Part of the pain caused by this issue has resulted from rumors about hundreds or thousands of Americans languishing in camps or bamboo cages. The circumstances surrounding the losses of missing Americans render these reports arithmetically impossible. In order for Americans to judge for themselves, we will append to this report a summary of the facts surrounding each known discrepancy case.[13] An analysis of these incidents will show that:

Only in a few cases did the U.S. Government know for certain that someone was captured;

In many of the cases, there is only an indication of the potential of capture; and

In a large number of the cases, there is a strong indication that the individual was killed.

The Committee emphasizes that simply because someone was listed as missing in action does not mean that there was any evidence, such as a radio contact, an open parachute or a sighting on the ground, of survival. We may make a presumption that an individual could have survived, and that is the right basis upon which to operate. But a presumption is very different from knowledge or fact, and cannot lead us—in the absence of evidence—to conclude that someone is alive. Even some of the cases about which we know the most and which show the strongest indication that someone was a prisoner of war leave us with certain doubts as to what the circumstances were. The bottom line is that there remain only a few cases where we know an unreturned POW was alive in captivity and we do not have evidence that the individual also died while in captivity.

There is at least one aspect of the POW/MIA controversy that should be laid to rest conclusively with this investigation and that is the issue of conspiracy. Allegations have been made in the past that our government has had a "mindset to debunk" reports that American prisoners have been sighted in Southeast Asia. Our Committee found reason to take those allegations seriously. But we also found in some quarters a "mindset to accuse" that has given birth to vast and implausible theories of conspiracy and conscious betrayal. Those theories are without foundation.

Yes, there have been failures of policy, priority and process. Over the years, until this investigation, the Executive branch's penchant for secrecy and classification contributed greatly to perceptions of

[13] The Defense Intelligency Agency defines a "discrepancy case" as including three categories of missing Americans: "individuals who were carried as POWs by their respective services during the war but did not return during Operation Homecoming; "individuals who were known or suspected to have survived their loss incidents and might have been taken prisoner"; and "other cases in which intelligence indicates the Indochinese government may know the fate of a missing man."

conspiracy. In retrospect, a more open policy would have been better. But America's government too closely reflects America's people to have permitted the knowing and willful abandonment of U.S. POWs and a subsequent coverup spanning almost 20 years and involving literally thousands of people.

The POW/MIA issue is too important and too personal for us to allow it to be driven by theory; it must be driven by fact. Witness after witness was asked by our Committee if they believed in, or had evidence of, a conspiracy either to leave POWs behind or to conceal knowledge of their fates—and no evidence was produced. The isolated bits of information out of which some have constructed whole labyrinths of intrigue and deception have not withstood the tests of objective investigation; and the vast archives of secret U.S. documents that some felt contained incriminating evidence have been thoroughly examined by the Committee only to find that the conspiracy cupboard is bare.

The quest for the fullest possible accounting of our Vietnam-era POW/MIAs must continue, but if our efforts are to be effective and fair to families, they must go forward within the context of reality, not fiction.

Investigation of issues related to Paris Peace Accords

Most of the questions and controversies that still surround the POW/MIA issue can be traced back to the Paris Peace Accords and their immediate aftermath. If that agreement had been implemented in good faith by North Vietnam and with necessary cooperation from Cambodia and Laos, the fullest possible accounting of missing Americans would have been achieved long ago.

During negotiations, the American team, headed by Dr. Henry Kissinger, had sought an agreement that would provide explicitly for the release of American prisoners and an accounting for missing American servicemen throughout Indochina. The U.S. negotiators said, when the agreement was signed, that they had "unconditional guarantees" that these goals would be achieved.

The great accomplishment of the peace agreement was that it resulted in the release of 591 American POWs, of whom 566 were military and 25 civilian. It also established a framework for cooperation in resolving POW/MIA related questions that remains of value today. Unfortunately, efforts to implement the agreement failed, for a number of reasons, to resolve the POW/MIA issue.

Obstacles faced by U.S. negotiators

During its investigation, the Committee identified several factors that handicapped U.S. officials during the negotiation of the peace agreement, and during the critical first months of implementation.

The first and most obvious obstacle to a fully effective agreement was the approach taken to the POW/MIA issue by North Vietnam (DRV) and its allies. During the war, the DRV violated its obligations under the Geneva Convention by refusing to provide complete lists of prisoners, and by prohibiting or severely restricting the right of prisoners to exchange mail or receive visits from international humanitarian agencies.

During negotiations, the DRV insisted that the release of prisoners could not be completed prior to the withdrawal of all U.S.

forces, and consistently linked cooperation on the POW/MIA issue to other issues, including a demand for reconstruction aid from the United States. Once the agreement was signed, the DRV was slow to provide a list of prisoners captured in Laos. Following Operation Homecoming, the North Vietnamese refused to cooperate in providing an accounting for missing Americans, including some who were known to have been held captive at one time within the DRV prison system. Perhaps most important of all, the DRV's continued pursuit of a military conquest of South Vietnam dissipated prospects for cooperation on POW/MIA issues.

A second factor inhibiting the achievement of U.S. objectives was the limited leverage enjcyed by U.S. negotiators. It was U.S. policy, fully known to the North Vietnamese, that the U.S. sought to disengage from the war. President Nixon was elected on a platform calling for an end to U.S. involvement; support was building rapidly within the Congress for measures that would have mandated a withdrawal conditioned on the return of prisoners; and the American public had become increasingly divided and war-weary as the conflict continued. These same factors, along with the debilitating effects of the Watergate scandal on the Nixon Presidency, weakened the U.S. hand in responding to DRV violations after the peace agreement was signed.

A third factor limiting the success of the agreement was the absence of Lao and Cambodian representatives from the peace table. Although the U.S. negotiators pressed the DRV for commitments concerning the release of prisoners and an accounting for the missing throughout Indochina, the peace accords technically apply only to Vietnam. Although the DRV, in a side understanding, assured Dr. Kissinger that it would cooperate in obtaining the release of U.S. prisoners in Laos, the fact is that the prisoners captured in Laos who were actually released had long since been transferred to Hanoi. No Americans held captive in Laos for a significant period of time have ever been returned. Neither the peace agreement, nor the assurances provided by North Vietnam to Dr. Kissinger, established procedures to account for missing Americans in Cambodia or Laos.

American protests

The Paris Peace Accords provided for the exchange of prisoner lists on the day the agreement was signed and for the return of all prisoners of war within 60 days. It also required the parties to assist each other in obtaining information about those missing in action and to determine the location of graves for the purpose of recovering and repatriating remains.

U.S. officials, especially in the Department of Defense, were disappointed that more live American prisoners were not included on the lists exchanged when the peace agreement was signed or—with respect to prisoners captured in Laos—four days after the agreement was signed. The record uncovered by the Committee's investigation indicates that high level Defense Department and Defense Intelligence Agency officials were especially concerned about the incompleteness of the list of prisoners captured in Laos.

This concern was based on intelligence that some Americans had been held captive by the Pathet Lao, on repeated Pathet Lao

claims that prisoners were being held, and on the large number of American pilots who were listed as missing in action in Laos compared to the number being proposed for return. Top military and intelligence officials expressed the hope, at the time the peace agreement was signed, that as many as 41 servicemen lost in Laos would be returned. However, only ten men (7 U.S. military, 2 U.S. civilian and a Canadian) were on the list of prisoners captured in Laos that was turned over by the DRV.

During the first 60 days, while the American troop withdrawal was underway, the Nixon Administration contacted North Vietnamese officials repeatedly to express concern about the incomplete nature of the prisoner lists that had been received. In early February, President Nixon sent a message to the DRV Prime Minister saying, with respect to the list of only ten POWs from Laos, that:

> U.S. records show there are 317 American military men unaccounted for in Laos and it is inconceivable that only ten of these men would be held prisoner in Laos.[14]

Soon thereafter, Dr. Kissinger presented DRV officials with 19 case folders of Americans who should have been accounted for, but who were not. The U.S. protests continued [15] and in mid-March, the U.S. threatened briefly to halt the withdrawal of American troops if information about the nine American prisoners on the DRV/Laos list *and* about prisoners actually held by the Pathet Lao were not provided.[16] By the end of the month, top Defense Department officials were recommending a series of diplomatic and military options aimed at achieving an accounting for U.S. prisoners thought to be held in Laos.

Ultimately, the Nixon Administration proceeded with the withdrawal of troops in return for the release of prisoners on the lists provided by the North Vietnamese and Viet Cong.

Post-homecoming

The public statements made by President Nixon and by high Defense Department officials following the end of Operation Homecoming did not fully reflect the Administration's prior concern that live U.S. prisoners may have been kept behind. Administration officials did, however, continue to stress publicly the need for Vietnam to meet its obligations under the peace agreement, and U.S. diplomats pressed both the North Vietnamese and the Pathet Lao for information concerning missing Americans. Unfortunately, due to the intransigence of our adversaries, those efforts were largely unavailing.

During the Committee's hearings, it was contended by Dr. Kissinger and some Members of the Committee that Congressional at-

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[14] Cable from President Nixon to Pham Van Dong, February 2, 1973

[15] For example, Dr. Kissinger sent a cable to Le Duc Tho on March 20, 1973 saying, in part: "The U.S. side has become increasingly disturbed about the question of American prisoners held or missing in Laos . . . the U.S. side has made clear on many occasions that the list of only nine American prisoners presented belatedly by the Pathet Lao is clearly incomplete."

[16] Some Members of the Select Committee believe that the U.S. threat to halt troop withdrawals referred only to the prisoners on the DRV/Laos list, and have cited testimony by some former Nixon Administration officials and some contemporary press accounts to support that view.

titudes would have precluded any Administration effort to respond forcefully to the DRV's failure to provide an accounting for missing American servicemen. These Members of the Committee contend that their view is supported by the Senate's rejection on May 31, 1973 of an amendment offered by U.S. Sen. Robert Dole that would have permitted the continued bombing of Laos and Cambodia if the President certified that North Vietnam "is not making an accounting, to the best of its ability, of all missing in action personnel in Southeast Asia." [17]

CONCLUSIONS

The Committee believes that its investigation contributed significantly to the public record of the negotiating history of the POW/MIA provisions of the Paris Peace Accords, and of the complications that arose during efforts to implement those provisions both before and after the completion of Operation Homecoming. That record indicates that there existed a higher degree of concern within the Administration about the possibility that prisoners were being left behind in Laos than had been known previously, and that various options for responding to that concern were discussed at the highest levels of government.

The Committee notes that some Administration statements at the time the agreement was signed expressed greater certainty about the completeness of the POW return than they should have and that other statements may have understated the problems that would arise during implementation and that—taken together, these statements may have raised public and family expectations too high. The Committee further notes that statements made after the agreement was signed may have understated U.S. concerns about the possibility that live prisoners remained, thereby contributing in subsequent years to public suspicion and distrust. However, the Committee concludes that the phrasing of these statements was designed to avoid raising what were believed to be false hopes among POW/MIA families, rather than to mislead the American people.

Investigation of the accounting process

The Committee investigation included a comprehensive review of the procedures used by the U.S. Government to account for American prisoners and missing from the beginning of the war in Southeast Asia until the present day. The purposes were:

To determine accurately the number of Americans who served in Southeast Asia during the war who did not return, either alive or dead;

To evaluate the accuracy of the U.S. Government's own past and current process for determining the likely status and fate of missing Americans;

To learn what the casualty data and intelligence information have to tell us about the number of Americans whose fates are truly "unaccounted for" from the war in Vietnam; and

[17] Other Committee Members believe that this second degree amendment to an amendment offered by Sen. Mark Hatfield was aimed far more at authorizing President Nixon to continue prosecuting the war in Southeast Asia than to gain an accounting for missing Americans.

To consider whether efforts to obtain the fullest possible accounting of our POW/MIAs was treated, as claimed, as a matter of "highest national priority" by the Executive branch;

To assess the extent to which Defense Department and DIA accounting policies and practices contributed to the confusion, suspicion and distrust that has characterized the POW/MIA issue for the past 20 years; and

To determine what changes need to be made to policies and procedures in order to instill public confidence in the government's POW/MIA accounting process with respect to past and future conflicts.

Although 2,264 Americans currently are listed as "unaccounted for" from the war in Indochina, the number of Americans whose fate is truly unknown is far smaller. Even during the war, the U.S. Government knew and the families involved knew that, in many of these cases, there was certainty that the soldier or airman was killed at the time of the incident. These are generally cases involving individuals who were killed when their airplanes crashed into the sea and no parachutes were sighted, or where others witnessed the death of a serviceman in combat but were unable to recover the body.

Of the 2,264 Americans now listed as unaccounted for, 1,095 fall into this category. These individuals were listed as "killed in action/body not recovered" (KIA/BNR) and were not included on the lists of POW/MIAs that were released publicly by the Defense and State Departments during the war or for several years thereafter. It was not until the late 1970's that KIA/BNRs were added to the official lists of "missing" Americans.

The next largest group of Americans now on the list of 2,264 originally was listed by the military services or by DIA as "missing in action." These are individuals who became missing either in combat or in non-combat circumstances, but who were not known for certain either to have been killed or to have been taken into captivity. In most, but not all, of these cases, the circumstances of disappearance coupled with the lack of evidence of survival make it highly probable that the individual died at the time the incident occurred.

Approximately 1,172 of the still unaccounted for Americans were originally listed either as MIA or as POW. Of these, 333 were lost in Laos, 348 in North Vietnam, 450 in South Vietnam, 37 in Cambodia and 4 in China. Since before the war ended, the POW/MIA accounting effort has focused, for good reason, on a relatively small number of these 1,172 Americans, that is, those who were either known to have been taken captive, or who were lost in circumstances under which survival was deemed likely or at least reasonably possible. These cases, in addition to others in which intelligence indicates a Southeast Asian Government may have known the fate of the missing men, are currently referred to as "discrepancy cases."

In 1987, Gen. John W. Vessey, Jr. (USA-Ret.) was appointed Presidential Emissary to Vietnam on POW/MIA matters. Gen. Vessey subsequently persuaded Vietnam to allow in-country investigations by the U.S. Government of high-priority discrepancy cases. The DIA and DOD's Joint Task Force-Full Accounting (JTF-FA) have

identified a total of 305 discrepancy cases, of which 196 are in Vietnam, 90 are in Laos, and 19 are in Cambodia.[18]

In 61 of the cases in Vietnam, the fate of the individual has been determined through investigation, and the Committee finds that Gen. Vessey correctly states that the evidence JTF-FA has gathered in each of these cases indicates that the individuals had died prior to Operation Homecoming. The first round of investigation of the 135 remaining cases in Vietnam is expected to be completed by January 18, 1993. A second round of investigation, which will proceed geographically on a district by district basis, will commence in February, 1993.

None of the discrepancy cases in Laos and Cambodia has been resolved. Because many of the Americans lost in those countries disappeared in areas that were under the control of North Vietnamese forces at the time, resolution of the majority of Laos/Cambodia cases will depend on a process of tripartite cooperation that has barely begun. The Committee further finds that, in addition to the past reluctance of the Vietnamese and Lao to agree to a series of tripartite talks with the United States, both the Department of State and the Department of Defense have been slow to push such a process forward.

As mentioned above, the Committee will append a case-by-case description of the circumstances of loss of each unresolved discrepancy case to this report. Those descriptions demonstrate that the U.S. Government has knowledqe in only a small number of cases that the individuals involved were held captive and strong indications in only a small number more.

However, that is not to say that the Governments of Vietnam and Laos do *not* have knowledge pertaining to these or other MIA cases which may indicate survival. Answers to these troublesome questions will best be obtained through an accounting process that enjoys full cooperation from those governments.

The findings of this phase of the Committee's investigation include:

> By far the greatest obstacle to a successful accounting effort over the past twenty years has been the refusal of the foreign governments involved, until recently, to allow the U.S. access to key files or to carry out in-country, on-site investigations.
>
> The U.S. Government's process for accounting for Americans missing in Southeast Asia has been flawed by a lack of resources, organizational clarity, coordination and consistency. These problems had their roots during the war and worsened after the war as frustration about the ability to gain access and answers from Southeast Asian Governments increased. Through the mid-1980's, accounting for our POW/MIAs was viewed officially more as a bureaucratic exercise than as a matter of "highest national priority."
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> The accounting process has improved dramatically in recent years as a result of the high priority attached to it by Presidents Reagan and Bush; because of the success of Gen. Vessey

[18] Gen. Vessey's responsibilities are limited to Vietnam. The investigation of discrepancy cases in Laos and Cambodia is the responsibility of the Joint Task Force-Full Accounting, established January 23, 1992, as a successor to the Joint Casualty Resolution Center.

and the JTF-FA in gaining permission for the U.S. to conduct investigations on the ground in Southeast Asia; because of an increase in resources; and because of the Committee's own efforts, in association with the Executive branch, to gain greater cooperation from the Governments of Vietnam, Laos and Cambodia.

After an exhaustive review of official and unofficial lists of captive and missing Americans from wartime years to the present, the Committee uncovered numerous errors in data entry and numerous discrepancies between DIA records and those of other military offices. The errors that have been identified, however, have since been corrected. As a result, the Committee finds no grounds to question the accuracy of the current, official list of those unaccounted for from the war in Southeast Asia. This list includes 2,222 missing servicemen except deserters and 42 missing civilians who were lost while performing services for the United States Government. The Committee has found no evidence to support the existence of rumored "secret lists" of additional missing Americans.

The decision by the U.S. Government to falsify "location of loss" data for American casualties in Cambodia and Laos during much of the war contributed significantly both to public distrust and to the difficulties experienced by the DIA and others in trying to establish what happened to the individuals involved.

The failure of the Executive branch to establish and maintain a consistent, sustainable set of categories and criteria governing the status of missing Americans during and after the war in Southeast Asia contributed substantially to public confusion and mistrust. During the war, a number of individuals listed as "prisoner" by DIA were listed as "missing in action" by the military services. After the war, the legal process for settling status determinations was plagued by interference from the Secretary of Defense, undermined by financial and other considerations affecting some POW/MIA families and challenged in court. Later, the question of how many Americans remain truly "unaccounted for" was muddied by the Defense Department's decision to include "KIA/BNR's"—those known to have been killed, but with bodies not recovered—in their listings. This created the anomalous situation of having more Americans considered unaccounted for today than we had immediately after the war.

The Committee's recommendations for this phase of its investigation include:

Accounting for missing Americans from the war in Southeast Asia should continue to be treated as a "matter of highest national priority" by our diplomats, by those participating in the accounting process, by all elements of our intelligence community and by the nation, as a whole.

Continued, best efforts should be made to investigate the remaining, unresolved discrepancy cases in Vietnam, Laos and Cambodia.

The United States should make a continuing effort, at a high level, to arrange regular tripartite meetings with the Govern-

ments of Laos and Vietnam to seek information on the possible control and movement of unaccounted for U.S. personnel by Pathet Lao and North Vietnamese forces in Laos during the Southeast Asia war.

The President and Secretary of Defense should order regular, independent reviews of the efficiency and professionalism of the DOD's POW/MIA accounting process for Americans still listed as missing from the war in Southeast Asia.

A clear hierarchy of responsibility for handling POW/MIA related issues that may regretably arise as a result of future conflicts must be established. This requires full and rapid coordination between and among the intelligence agencies involved and the military services. It requires the integration of missing civilians and suspected deserters into the overall accounting process. It requires a clear liaison between those responsible for the accounting (and related intelligence) and those responsible for negotiating with our adversaries about the terms for peace. It requires procedures for the full, honest and prompt disclosure of information to next of kin, at the time of incident and as other information becomes available. And it requires, above all, the designation within the Executive branch of an individual who is clearly responsible and fully accountable for making certain that the process works as it should.

In the future, clear categories should be established and consistently maintained in accounting for Americans missing during time of war. At one end of the listings should be Americans known with certainty to have been taken prisoner; at the other should be Americans known dead with bodies not recovered. The categories should be carefully separated in official summaries and discussions of the accounting process and should be applied consistently and uniformly.

Present law needs to be reviewed to minimize distortions in the status determination process that may result from the financial considerations of the families involved.

Wartime search and rescue (SAR) missions have an urgent operational value, but they are also crucial for the purposes of accounting for POW/MIAs. The records concerning many Vietnam era SAR missions have been lost or destroyed. In the future, all information obtained during any unsuccessful or partially successful military search and rescue mission should be shared with the agency responsible for accounting for POW/MIAs from that conflict and should be retained by that agency.

Investigation of POW/MIA-related intelligence activities

The Committee undertook an investigation of U.S. intelligence agency activities in relation to POW/MIA issues. This included a review of the DIA's primary role in investigating and evaluating reports that Americans missing from the Vietnam war were or are being held against their will since the end of the war in Southeast Asia. The investigation also included a review of signals intelligence (SIGINT) obtained by the National Security Agency (NSA), a review of imagery intelligence (IMINT) obtained by aerial photog-

raphy and a review of covert U.S. Government activities associated with POW/MIA concerns.

In the area of intelligence, more than any other, the Committee and the Executive branch had to balance concerns about the public's right to know with a legitimate national need to maintain secrecy about intelligence sources and methods. The Committee insisted, however, that the fullest possible accounting of government activities in the intelligence field be made public and that no substantive information bearing directly on the question of whether there are live American POWs in Southeast Asia be withheld.

As a result of Executive branch cooperation, especially from CIA Director Robert Gates and National Security Adviser Brent Scowcroft, the Committee gained unprecedented access to closely-held government documents, including access to relevant operational files, the President's Daily briefs, the Executive Registry and the debriefs of returning POWs. Unfortunately, the limited number of individuals affiliated with the Committee who were given access to these materials prevented as thorough a review as the Committee would have preferred.

At the Committee's insistence, and despite the reservations of the Executive branch, public hearings were held for the first time on the products of satellite imagery related to the POW/MIA issue. Two former employees of the National Security Agency testified in public about information they gathered while working as specialists in the field of signal intelligence. And two days of hearings culminated an exhaustive Committee investigation of reports that American captives had been seen in Southeast Asia during the postwar period. In addition, thousands of pages of live-sighting reports have been declassified and made available to the public.

The Committee understands that the process of analyzing intelligence information is complicated and subjective. In most instances, the quality and source of information is such that it can be interpreted in more than one way and isolated bits of information may easily be misinterpreted. As a result, the Committee believes in the importance of taking all sources of information and intelligence into account when judging the validity of a report or category of data.

Overall intelligence community support

During the Committee's investigation, all DIA directors since the late 1970's testified that the POW effort lacked national-level Intelligence Community support in terms of establishing a high priority for collection, in funding, in the allocation of personnel and in high-level attention. None of the former directors recalled attending national-level management meetings to discuss the POW/MIA issue prior to the mid-1980's, and only one national intelligence estimate was produced on this issue during the first 17 years after the end of the war.

Senior CIA officials told the Committee that there was no written collection requirement on POWs, but that everyone understood that POW information was important when obtained. CIA officials also asserted that this issue was the near exclusive preserve of the Department of Defense and that the CIA played only a supporting role.

Former NSA Director, Admiral Bobby Inman, testified that the NSA signals intelligence collection efforts in Southeast Asia were dismantled after the war and was not resumed until at least 1978.

Over the past decade, the Reagan and Bush Administrations have raised the priority of POW/MIA intelligence collection, have increased resources and improved policy level management. The basic structure of responsibilities, however, has not changed.

The role of the Defense Intelligence Agency

The DIA has had a central, two-pronged, role in U.S efforts to account for our POW/MIAs. First, the DIA is responsible for investigating and analyzing reports of live-sightings or other evidence that American prisoners may still be held. Second, the Department of Defense relies heavily on DIA's analysis to reach conclusions about the fate of missing servicemen.

In addition to these responsibilities, the DIA's prominent role in the POW/MIA issue over the years has caused it to become a focal point for family, Congressional, press and public questions on the subject.

Criticisms of DIA Operations. The Committee identified and arranged for the declassification of a series of internal reviews of the DIA's POW/MIA operations that were conducted during the mid-1980's. A principal concern raised by these reviews were the agency's procedures for evaluating and responding to reports that U.S. POWs had been seen alive after the conclusion of the war.[19]

The Committee agrees that the DIA's POW/MIA Office has historically been:

Plagued by a lack of resources;

Guilty of over-classification;

Defensive toward criticism;

Handicapped by poor coordination with other elements of the intelligence community;

Slow to follow-up on live-sighting and other reports; and

Frequently distracted from its basic mission by the need to respond to outside pressures and requests.

In addition, several of those who reviewed the workings of DIA during this period also faulted DIA's analytical process and referred to a "mindset to debunk" live-sighting reports.

Several Committee Members express concern and disappointment that, on occasion, individuals within DIA have been evasive, unresponsive and disturbingly incorrect and cavalier. Several Members of the Committee also note that other individuals within DIA have performed their work with great professionalism and under extraordinarily difficult circumstances both at home and abroad.

The Committee recommends that the Secretary of Defense ensure the regular review and evaluation of the DIA's POW/MIA office to ensure that intelligence information is acted upon quickly and that information is shared with families promptly.

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[19] The reviews included Inspector General reports in 1983 and 1984/5; a 1985 inter-agency review; a September, 1985 review by Rear Admiral Thomas Brooks (USN-Ret.); and Task Force reports conducted in 1986 by Gen. Eugene Tighe (USAF-Ret.) and Col. Kimball Gaines (USAF-Ret.)

The Committee also believes that a central coordinating mechanism for pooling and acting upon POW/MIA-related intelligence information should be created as one of the Intelligence Community's Interagency Coordination Centers.

The Committee notes that the focus of the POW/MIA accounting process is in Southeast Asia. As a result, DIA analysts are spending more and more of their time traveling back and forth between Washington and the region or to Hawaii. The Committee believes that this would be an opportune time to move the DIA's POW/MIA office to Hawaii where it could be closer to JTF-FA and CINCPAC, which it supports. A number of tasks now sometimes performed by the office involving public and family relations can be handled, and handled more capably and appropriately, by the office of the Deputy Assistant Secretary of Defense for POW/MIA Affairs.

Live-sighting Reports. For the past 20 years, there has been nothing more tantalizing for POW/MIA families than reports that Americans have been seen alive in Southeast Asia and nothing more frustrating than the failure of these reports to become manifest in the form of a returning American—with the single exception of Marine Private Robert Garwood in 1979.

A live-sighting report is just that—a report that an American has been seen alive in Southeast Asia in circumstances which are not readily explained The report could come from a refugee, boat person, traveler or anyone else in a position to make such an observation. The information could be first-hand or hearsay; it could involve one American or many; it could be detailed or vague; it could be recent or as far back as the end of the war.

The sheer number of first-hand live sighting reports, almost 1600 since the end of the war, has convinced many Americans that U.S. POWs must have been kept behind and may still be alive. Other Americans have concluded sadly that our failure, after repeated efforts, to locate any of these alleged POWs means the reports are probably not true. It is the Committee's view that every livesighting report is important as a potential source of information about the fate of our POW/MIAs.

Accordingly, the review and analysis of live-sighting reports consumed more time and staff resources than any other single issue. The Committee investigation used a method of analysis that was based on the content of a carefully screened set of reports that dealt only with men allegedly seen in captivity after Operation Homecoming. The Committee took into account past criticisms and assessed current procedures while examining and testing DIA's methodology for evaluating live-sighting reports. In so doing, Committee investigators examined more than 2000 hearsay and first-hand live-sighting files while compiling a list of 928 reports for "content" analysis. These reports were plotted on a map and grouped into geographic "clusters". During briefings and public hearings, the Committee reviewed the most significant "clusters" for the purpose of determining whether they would, taken together, constitute evidence of the presence of U.S. POWs in certain locations after Operation Homecoming.

DIA Assessment. It is DIA's position that the live-sighting reports evaluated to date do not constitute evidence that currently unaccounted for U.S. POWs remained behind in Southeast Asia

after the end of the war. Of the 1638 first-hand reports received since 1975, DIA considers 1,553 to be resolved.[20]

Committee View. The Committee notes that 40 first-hand live-sighting reports remain under active investigation and that the nature of the analytical process precludes certainty that all past DIA evaluations are correct. Accordingly, the Committee recommends a strong emphasis on the rapid and thorough follow-up and evaluation of current unresolved and future live-sighting reports. The DIA is urged to make a continued and conscious effort to maintain an attitude among analysts that presumes the possible survival of U.S. POWs. The Executive branch is also urged to continue working with the governments of Southeast Asia to expand our ability to conduct on the ground, on-site investigation and inspections throughout the region.

The role of the National Security Agency (signals intelligence)

The responsibility for monitoring and collecting signals (including communications) intelligence rests with the National Security Agency (NSA). During the Vietnam War, the NSA monitored all available sources of signals intelligence bearing on the loss, capture or condition of American personnel. Such information would sometimes provide a basis for concluding whether or not a missing American had survived his incident and, if so, possibly been taken prisoner.

During its investigation, the Committee was disturbed to learn that the NSA and its Vietnam branch were never asked to provide an overall assessment of the status of POW/MIA personnel prior to Operation Homecoming. The Committee believes that this information would have been useful both for the U.S. negotiating team and for those preparing for the repatriation of American POWs. The Committee also found that neither DIA nor any other agency within the Intelligence Community placed a formal requirement for collection with NSA concerning POW/MIA related information. In fact, the Committee found that NSA end product reports were not used regularly to evaluate the POW/MIA situation until 1977. It was not until 1984 that the collection of information on POW/MIAs was formally established as a matter of highest priority for SIGINT.

After the fall of Saigon, the National Security Agency and the military service components that support it largely dismantled their collection efforts in Southeast Asia. The elaborate collection capabilities that supported the war essentially ceased or were relocated to other trouble spots around the world. The analytical organizations that monitored signals intelligence in the region were also disbanded or sharply reduced as personnel were transferred to other assignments.

U.S. collection capabilities were further diminished during this period as Vietnam and Laos developed secure landline communica-

[20] According to DIA, 1111 (68%) first-hand live-sighting reports correlate to Americans who are accounted for (returned POWs, missionaries, civilians jailed for reasons unrelated to the war etc); 45 (3%) of the reports were correlated to wartime sightings of military personnel or pre-1975 sightings of civilians who remain unaccounted for; and 397 (24%) of the reports were found to be fabrications. Of the 85 reports that remain under investigation, 54 pertain to Americans allegedly seen in a captive environment.

tions to replace the radio networks used during time of war. If officials in either country were communicating about live U.S. POWs, the likelihood that these communications would be detected by the U.S. had become remote. However, during this period, the NSA did receive third party intercepts concerning the reported presence of American POWs in Laos.[21]

In conducting its review of NSA files, the Committee examined more than 3,000 postwar reports and 90 boxes of wartime files. The Committee discovered that previous surveys of NSA files for POW/MIA related information had been limited to the agency's automated data base. Hundreds of thousands of hard copy documents, memoranda, raw reports, operational messages and possibly tapes from both the wartime and post-war periods remain unreviewed in various archives and storage facilities. Most troubling, NSA failed to locate for investigators any wartime analyst files related specifically to tracking POWs, despite the fact that tracking POWs was a known priority at the time. This failure made it impossible for the Committee to confirm some information on downed pilots that was provided by NSA employee Jerry Mooney.

At the Committee's request, the NSA and DIA are conducting a review of past SIGINT reports that appear relevant to the POW/MIA issue for the purpose of adding to the all-source database used in the accounting process. Thousands of such reports have been identified. Although it is not clear that the reports will succeed in resolving questions about missing American servicemen, they have raised questions about an individual's status in several cases and will, at a minimum, add to the context in which other POW/MIA information is considered.

The Committee benefitted from the insights of a retired NSA SIGINT analyst, Senior Master Sergeant Jerry Mooney (USAF-retired). During the war, SMSgt. Mooney maintained detailed personal files concerning losses of aircraft and downed airmen. Unfortunately, those personal files did not become part of the archived files maintained by the NSA and have been lost. Although SmSgt. Mooney has sought to reconstruct some of that information from personal memory, the loss of the files makes it impossible to check those recollections against the contemporaneous information.

The Committee found no evidence to substantiate claims that signals intelligence gathered during the war constitute evidence that U.S. POWs were transferred to the Soviet Union from Vietnam.

Pilot distress symbols

The Committee's investigation of pilot distress symbols as a possible source of evidence of live POWs after 1973 was the first such investigation conducted by anybody of Congress.

During the war, the military services gave many pilots who flew combat missions individual authenticator numbers to identify themselves by radio or other means in the event their airplanes were shot down or crashed. During their pre-flight training, pilots were also given Escape and Evasion (E&E) signals to employ either as an evader or POW to facilitate their eventual recovery. Most

[21] A description of these intercepts is contained in Chapter 4 of the Committee's final report.

pilots received training in methods of constructing these E&E symbols in survival courses, prior to assignment to Vietnam. Both E&E symbols and authenticator numbers were classified.

It was expected that these symbols would be used to attract rescuers and would be deployed in ways which would avoid ground detection and yet be visible to overhead collecting sources. Consequently, intelligence analysts have been encumbered with the difficult task of searching for signals which could be extremely faint, or a clever blend of natural and man-made features.

The Committee became interested in this area while looking into intelligence concerning the reported presence of POWs at a camp near Nhom Marrott, Laos, in 1980. This intelligence included the discovery of what appeared to be a "52", possibly followed by a "K" in the prison garden. It was learned that "K" was a pilot distress signal used during the war.

The Committee discovered that the intelligence community had other overhead photographs, taken by both airborne and satellite collection platforms, showing what appeared to be symbols or unexplained markings.

The earliest example was a four digit set of numbers followed by what appeared to be the letters "TH" found on a May, 1973 photograph of an area in central Laos. According to the Joint Service SERE Agency (JSSA),[22] the four digit number could be an authenticator number followed by the primary and back-up distress symbols of a downed pilot. Another example was a 1975 photograph of a prison facility in Vietnam, in which the CIA noted unusual markings on the roof of one of the buildings. Although the CIA analysts assessed as remote the possibility that this represented a signal from a POW, they noted that the markings might be transposed to the letter "K" in Morse code. The Committee also learned of a 1988 photograph of a valley near Sam Neua, Laos, showing what clearly was a "USA" dug into a rice paddy. Beneath the "USA", DIA also noted a possible "K" created by "ground scarring."

During its investigation, the Committee was surprised by statements from DIA and CIA imagery analysts directly involved in POW/MIA work that they were not very knowledgeable about the military's E&E signals or, in some cases, even aware of the program. These analysts were not even tasked to look for such information prior to April, 1992. The Committee concluded that there had not been a purposeful effort to search for distress signals, or a written formal requirement for symbols, after the end of the war. The Committee is confident, however, that if a symbol appeared clearly on imagery, it would be identified by imagery analysts, as was the case with the 1988 "USA" symbol.

The Committee recommends that the search for possible POW distress symbols in Southeast Asia be a written intelligence requirement and that imagery analysts be educated fully about JSSA training. This is because a prisoner under detention is not likely to have the opportunity to construct distress signals that are blatant or elaborate; they are, in fact, trained to use discreet methods to

[22] The JSSA is the service proponent agency for pilot distress symbols, code of conduct, survival training and POW resistance training.

avoid detection. The more familiar imagery analysts are with JSSA training, the more likely it is that they will be able to detect such a discreet signal. Also, given the possibility that past signals could have been missed, the Committee recommends that past photography of suspect detention sites be reviewed to the extent that resources permit.[23]

The Committee notes that JSSA officials had not been consulted previously with respect to the suspected symbols, except for the 1973 "TH" photograph, which was shown to them in the mid-1980's. Accordingly, the Committee asked JSSA to evaluate a number of possible symbols and markings to see if they were consistent with JSSA training methods and distress symbols used during the war. JSSA concluded that the "USA, possible K", the "52 possible K", the "TH", the roof top markings and one other symbol were consistent with the methods taught to pilots downed in Laos.[24] JSSA analysis of the "USA possible K" concluded that this should be considered a valid distress symbol until proven otherwise. It should be emphasized, however, that JSSA officials are not trained in photo analysis, and are not qualified to determine whether, in fact, symbols that may seem to appear in imagery actually exist.

The Committee notes that imagery anomalies are caused by regularly occurring natural phenomena and that JSSA originally identified 150 such numbers during its review of photography, of which 19 appeared to match the four-digit authenticator numbers of U.S. airmen. It was later demonstrated to the satisfaction of all parties that none of these numbers were man-made, and all were naturally occurring phenomena such as shadows, ridges, or trees, with the exception of one additional symbol identified by one consultant in an altogether different location.

The DIA does not dispute that two of the possible symbols, the "USA" in 1988, and the 1973 "TH" are intentionally-constructed man-made symbols. In a message to the Committee received in January, 1993, however, the agency stated that the "'USA' symbol was not a distress symbol and had nothing to do with missing Americans." This finding was based on a December, 1992 on-site investigation which "determined that the symbol was made by Hmong tribe members." In the same message, the DIA raised the possibility that the 1973 "TH" symbol may have been made by a Hmong tribesman whose name started with the English letters "TH" and who was a passenger on an aircraft piloted by the American Emmet Kay which went down in May, 1973, "a few kilometers" away from where the symbol appeared.

DIA now contends that the "52", possible "K" seen at Nhom Marrott is the result of shadowing and in no way represents a pilot distress symbol. The Committee notes, however, that DIA had earlier discounted the possibility that the symbol was caused by shad-

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[23] Some members note DIA's contention that many DIA analysts are well aware of E&E signals and have worked with the agency's analysts for years, searching for E&E signals. The DIA also points out that the two alleged E&E signals given most prominence in this report were discovered by U.S. government imagery analysts.

[24] Some members note DIA's contention that the symbols in question are consistent with expected actions only because they are symbols; they do not relate to any evader signal in use during the Vietnam War.

owing because of the constant shape of the figures over a period of days and at different times of the day. In fact, the intelligence community had concluded in 1980 that this symbol had been dug into the ground intentionally.

Due to the complexity of interpreting symbols obtained through imagery, the Committee decided to hire two independent imagery consultants. Each consultant was given access to the necessary equipment and each submitted independently a report to the Committee. The consultants' reports, which differed on only the one symbol referred to earlier, were subsequently provided to the intelligence community for its comments and evaluation.

A joint task group of DIA, CIA and NPIC imagery analysts found that an unresolved symbol found by one consultant was "probably not manmade." This consultant had detected, with "100 percent confidence" a faint "GX 2527" in a photograph of a prison facility in Vietnam taken in June, 1992. This number correlates to the primary and back-up distress symbols and authenticator number of a pilot lost in Laos in 1969. The joint agency team agreed that there were visible markings that could be interpreted as letters and numbers, but concluded that the marking "appeared" too "haphazard and ill-defined" to be man-made distress symbols.

Disagreement arose within the Committee about the interpretation of some of the possible symbols, including the question of whether there is reason to believe that the "GX 2527" symbol is man-made, rather than the result of natural phenomena. However, the Committee agrees that the benefit of the doubt should go to the individual in this case, because the apparent number corresponds to a particular authenticator number and because it was identified by one analyst with 100 percent confidence. Accordingly, the Committee urges the appropriate officials in the Executive branch to request information about the serviceman involved from the Government of Vietnam.

Although the Committee cannot rule out the possibility that U.S. POWs have attempted to signal their status to aerial observers, the Committee cannot conclude, based on its own investigation and the guidance of imagery experts, that this has definitely happened. Although there is now an adequate collection process in place, the Committee investigators found unacceptable lapses in time between the point of collection and evaluation; and between evaluation and follow-up. The Committee recommends better integration among the various intelligence agencies, including improved training and a better system for collecting and acting on information gathered through imagery.

Covert operations

The Committee investigated whether the United States Government may have undertaken or supported covert operations in order to confirm the presence of U.S. POWs in Southeast Asia after Operation Homecoming and, if so, to review the intelligence information upon which those operations were based.

The Committee has identified only one operation of this type mounted after 1973. Although operational details remain classified, the fact that the operation took place has been reported publicly. The operation was prompted by a combination of human, photo-

graphic and signals intelligence concerning the possible presence of as many as 30 American POWs at a detention camp near the village of Nhom Marrot in Laos from 1979 until early 1981. The intelligence resulted in extensive and highest-level efforts by the U.S. Government to confirm the information. Unfortunately, the results of the covert operation were inconclusive and subsequent efforts were rendered impossible by press leaks.[25]

Intelligence support in Laos during the Vietnam war

During the Vietnam war, intelligence support for the U.S. effort in Laos was handicapped because Administration policy, at the insistence of the State Department, excluded the significant use of military intelligence assets. This was true despite the fact that accounting for missing military personnel in Laos was the responsibility of the respective military services, and despite strenuous efforts made by Secretary of Defense Melvin Laird to gain support for an improved POW/MIA related military intelligence effort. The Committee believes that an expanded wartime military intelligence effort in Laos might have increased significantly our ability to account for the Americans lost in that country.

Cooperation from governments in Southeast Asia

It is not possible to account for the Americans who are missing from the war in Southeast Asia without cooperation from the governments of the region, especially Vietnam. The U.S. has requested this cooperation in four forms. First, we have requested information concerning live American prisoners, former prisoners or deserters. Second, we have asked for the return of any recovered or recoverable remains of missing American servicemen. Third, we have sought accesss to files, records, documents and other materials that are relevant to the fate of missing Americans. Finally, we have asked for permission to visit certain locations within these countries for the purpose of investigating live-sighting reports and searching actual or suspected airplane crash sites.

The Committee has done everything it could to complement the diplomatic and political initiatives of the Executive branch in seeking to encourage a greater degree of cooperation on POW/MIA issues from the governments of Southeast Asia.

Vietnam

The U.S. has long suspected that the North Vietnamese have been withholding a considerable amount of information bearing on the fate of missing Americans. The North Vietnamese maintained detailed records of U.S. servicemen who came within their prison system during the war, including many lost in North Vietnamese-controlled areas of South Vietnam, Cambodia and Laos. U.S. intelligence agencies are convinced, moreover, that the Government of Vietnam recovered and stored an unknown quantity of remains of American servicemen for release at politically strategic points in time.

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[25] Some members note DIA's contention that U.S. intelligence has interviewed former Royal Laotian officials held at Nhom Marrott for a number of years, including the time period in question. These individuals stated that no Americans were held at Nhom Marrott.

The level of U.S.-Vietnamese cooperation in accounting for missing Americans has varied over the years depending on bilateral and global political conditions and on the degree of emphasis placed on the issue by officials of the United States. At the time the Select Committee was created, there was considerable progress being made in the investigation of discrepancy cases. In addition, an agreement had been reached with Vietnam to allow an official Defense Department investigating presence to be established in Hanoi. These steps were directly attributable to the work of Gen. John Vessey, the President's Special Emissary to Vietnam on POW/MIA issues.

The impetus for Vietnam's cooperation has come from several directions. Gen. Vessey has provided the Vietnamese with a respected and influential source of contact within our government. Bush Administration policies have established a clear linkage between different levels of Vietnamese cooperation and American response. The disintegration of the Soviet empire has deprived Vietnam of many external sources of economic assistance and political comfort. The rapid economic growth of other Southeast Asian nations has given younger Vietnamese leaders a strong incentive to establish their own contacts with the west. And the creation of the Select Committee has demonstrated anew the high priority attached to the POW/MIA issue by the American people and government. Obviously, the Committee does not know precisely how all of these matters have been factored into the calculations of the Vietnamese Government, but clearly the overall trends are hopeful.

Over the past year, Committee Members have visited Vietnam on four occasions to press for further information. Committee delegations met with a wide range of high-level Vietnamese officials, including those in charge of administering the wartime prisoner of war system. The Committee visits, coupled with ongoing efforts from the Executive branch, have yielded substantial results.

These results include:

Permission for U.S. investigators to carry out short-notice investigations of many live-sighting reports;

Permission for U.S. investigators to use U.S.-owned, maintained and operated helicopters in the course of investigations within Vietnam;

Grants of access to certain highly-secure prison and defense ministry buildings for the purpose of investigating live sighting reports;

Guarantees of full access for JTF-FA investigators to political and military archives containing POW/MIA related information;

Access to certain key archival documents and personnel that had been long-requested, and long-denied by Vietnam;

The provision of thousands of photographs of American wartime casualties;

Access to Vietnam's military museum, including hundreds of material objects once owned by American servicemen that might contain clues about the fate of missing Americans;

Declaration of an amnesty for any Vietnamese citizens illegally holding American remains to come forward with them without fear of punishment;

A commitment to cooperate in the conduct of an "oral history" program that would seek to record information from Vietnamese military officials, soldiers and civilians who might have information about the fate of missing Americans;

Promises of full cooperation from Vietnam in working with Laos and Cambodia to investigate discrepancy cases involving servicemen lost in parts of those countries controlled by North Vietnamese forces during the war; and

Permission for POW/MIA families, if they so desire, to come to Vietnam and evaluate the investigation process.

The Committee welcomes the very substantial strides towards full cooperation on the POW/MIA issue that the Government of Vietnam has made in recent months. The Committee looks forward to the implementation of those steps in the hope that they will yield significant additional information concerning missing Americans and encourages the Executive branch to do all it can to see that the promises and commitments made by Vietnam are fulfilled.

In noting recent progress, the Committee does not wish to understate the fact that the progress is coming very late—almost 20 years after the signing of the peace agreement, and after two decades of noncooperation, stalling and deception on the part of Vietnam's leaders The Committee also recognizes that the recent changes in policy appear to be the result primarily of Vietnam's desire for economic contacts with the west. The closed and nondemocratic nature of the government in Vietnam argues for caution in accepting Vietnamese promises, for pledges given by a government unwilling to be open with its own people can hardly be taken at face value. Nonetheless, the Committee remains hopeful that recent improvements in POW/MIA cooperation are symptomatic of a trend in Vietnam that will lead ultimately to dramatic improvements in human rights, and political, economic and religious freedoms

United States policy towards Vietnam should reflect the importance of freedoms that are central to American society and which have been central to our investigation. Without a free press or representative government, the American people would not have learned the full extent of our own government's knowledge about our POW/MIAs. Our policy towards Vietnam, as towards the other nations of Southeast Asia, should be predicated on a vision of the same freedoms for the people of that region that we enjoy here at home.

Laos

More than 500 Americans are still listed as unaccounted for in Laos, including 335 who were originally considered either POW or MIA. Accordingly, the Committee has attached a high priority to gaining greater cooperation from the Lao Government. The current leaders of Laos, who are successors to the Pathet Lao forces that contended for power during the war, almost certainly have some information concerning missing Americans that they have not yet shared. At a minimum, they should be able to provide specific information about the fates of a small number of U.S. POWs known to have been held by the Pathet Lao during the early stages of the war. Unfortunately, Lao leaders have been significantly less coop-

erative than those in Vietnam The Lao have denied any knowledge of U.S. POWs; they have refused access to some requested sources of information; and they have been even more reluctant than the Vietnamese to grant U.S. access to their territory for conducting live-sighting investigations and inspecting crash sights. The atmosphere has improved to some extent in recent months, however. As a result, some discrepancy case investigations are underway and negotiations are ongoing for the establishment of a permanent POW/MIA investigation office in Vientiane.

Cambodia

The present government of war-ravaged Cambodia cannot be expected to possess documentary information relevant to the fate of missing American servicemen. Nonetheless, the Committee met with Cambodian President Hun Sen, who expressed his government's full cooperation with the U.S. in efforts to resolve discrepancy cases. Unfortunately, the Cambodian Government is unable to guarantee security in areas controlled by the brutal and lawless Khmer Rouge. The Committee is grateful to President Hun Sen for his help on this issue, given the scope and urgency of the other perils faced by his government and his country.

Government policies and actions

Declassification

The Committee believes that much of the controversy surrounding the U.S. Government's handling of the POW/MIA issue could have been avoided if relevant documents had been declassified and made available to the public long ago. Unnecessary secrecy breeds the suspicion that important information is being withheld, while fueling speculation about what that information may be.

From its inception, the Committee has urged the Executive branch to identify and declassify all documents and other materials within its possession that are related to POW/MIA issues, with the single exception of information bearing directly on intelligence sources and methods.

A Task Force of the Select Committee, led by Senators Charles Robb and Chuck Grassley, formulated specific requests and recommendations upon which the Committee acted. For example, the President was asked, and agreed, to order the expeditious declassification of POW/MIA records from the Vietnam War, and the U.S. Senate unanimously approved a resolution calling for the declassification of POW/MIA materials. A series of letters sent, requests made and meetings held resulted in a high degree of cooperation and understanding between the Committee and the Executive branch on this issue.

The result of the Committee's efforts has been the most rapid and comprehensive declassification of materials on a single subject in American history. More than one million pages have already been declassified and the Committee is confident that remaining documents will be made available. The Committee believes that President Bush and National Security Adviser Brent Scowcroft should be congratulated for their cooperation on this issue.

Although the Committee was generally very satisfied with the degree of understanding and help it received from the Executive branch, its request for the release of relevant CIA operational files has, to date, been denied.

The Committee recommends that the process of declassification of current POW/MIA related materials go forward rapidly until completion and that the relevant CIA operations files be included.

The Committee also recommends that policies be put in place to assure the rapid declassification of POW/MIA related information from possible future conflicts. It should be enshrined in both attitude and law that the right of a POW/MIA family to know what the government knows about its loved one is as inalienable a right as any spelled out in the Constitution.

Finally, the Committee's records will be sent to the National Archives, with specific instructions that they be made available for public review. We caution, however, that these records include staff materials, memoranda of conversation, notes and other documents that may reflect raw opinion, incorrect data, discredited theories, or bits of fact that may mislead unless placed within a proper context. The Committee emphasizes that judgments reached by the Committee, after consideration of all available evidence, are reflected in this report Other information and judgments should not be accorded credibility simply because of their presence in the Committee's working files.

Inter-agency group

Since January, 1980, Executive branch policy-making has been coordinated by the Interagency Group on POW/MIA Affairs (IAG). Agencies and organizations represented on the IAG include the Departments of State and Defense, the Joint Chiefs of Staff, the National Security Council and the National League of POW/MIA Families (the League). In recent years, IAG meetings have occurred every two to three weeks on the average. Meetings are characterized by informal discussions of policy options; decisions are reached by consensus; and no formal minutes of the meetings are maintained.

The scope of IAG discussion covers a broad spectrum of POW/MIA related matters including intelligence collection, communications with families, diplomatic initiatives and public awareness activities. A major focus of attention over the past two years has been U.S. policy towards Vietnam.

The presence of League President Ann Mills Griffiths on the IAG is controversial. During Committee hearings, Members of the IAG said Griffiths was a highly constructive and energetic member of the group who has contributed significantly to improvements in U.S. policy. It is, however, extremely unusual for a private citizen to serve on a high-level panel such as the IAG, and to have access to sensitive intelligence information without the kind of accountability and official responsibility demanded of government representatives on that group.

During the summer of 1991, for example, Griffiths actively discouraged the Defense Department from granting access to classified POW/MIA materials to Senate staff investigators with appropriate clearances. The Committee finds it anomalous that a private

citizen representing POW/MIA families would be in a position to try to deny Senate investigators the same right to review sensitive materials that she herself has been granted.

The Committee believes that an interagency coordinating body for POW/MIA policies is needed and that the IAG ably fulfills this role. However, the Committee is disturbed by the lack of formality in IAG record-keeping and believes that, at a minimum, that the minutes of discussions at such meetings should be maintained.

Second, although the IAG should consult regularly with the League and other POW/MIA family organizations, the Committee believes that the role of the IAG and issues of membership on it should be reviewed by the new Administration.

Government-to-government offers

The Committee investigated the possibility that Vietnam or Laos had approached U.S. officials at any time since the end of the war in Southeast Asia with a proposal that live U.S. POWs be returned in exchange for money or some other consideration. The Committee found no convincing evidence of any such offer being made. There were, however, two incidents which require further explanation.

The Committee received information that the Reagan Administration may have received an offer from Vietnam in 1981, transmitted through a third country, to exchange live POWs for $4.5 billion. The source of the information was a Secret Service agent who reported that he had overheard a discussion in the White House concerning this subject. The Committee deposed one of the individuals, former National Security Adviser Richard Allen, said to have been involved in the discussion, and several individuals who were said to have been in the area of the discussion. The Secret Service agent was not willing to provide testimony to the Committee voluntarily, and the Committee voted 7–4 not to subpoena that testimony. A complete description of the investigation and the subpoena issue is contained in Chapter 6 of this report.

The Committee also received a report concerning a possible approach by Vietnam in 1984, through officials in an ASEAN nation, concerning the exchange of American remains and possibly live POWs. According to the report, the Vietnamese had indicated that they would welcome an offer from the U.S. on the subject. U.S. officials traveled to Vietnam late in 1984, but were reportedly told by Vietnamese officials that there were no live POWs and that the only issue that could be discussed involved remains. Select Committee investigators traveled to the ASEAN nation to interview officials in an effort to determine whether an approach from Vietnam concerning live U.S. POWs had, in fact, been made. The results were inconclusive. Two secondary sources disagreed about whether an exchange involving live POWs had been discussed. The individual who had initially discussed the subject with Vietnamese officials later told the State Department that the issue of live American POWs had not been raised. This investigation is also described in greater detail in chapter 6.

Review of private activities

A major part of the Committee's investigation entailed the review of private activities related to the POW/MIA issue. This review focused on efforts by such organizations to educate the public about the issue, to influence government policy, to raise funds and to recover information concerning possible American POWs.

In its review, the Committee asked more than 50 POW/MIA-related organizations to provide information, on a voluntary basis, concerning their activities. Committee staff also interviewed or took formal testimony from organization officials and from the family members of some POW/MIAs.

The Committee found that the vast majority of POW/MIA related organizations are modest, local groups of volunteers operating on small budgets and dedicated to public education, grassroots lobbying, mutual assistance and remembrance activities. These organizations, and those who support them, have performed an important service for the nation in maintaining a strong national spotlight on the need for the fullest possible accounting of our POW/MIAs.

The Committee investigated several privately-organized operations aimed at physically rescuing or recovering information concerning possible American POWs. These included: (1) the Team Falcon operation in 1991-1992; (2) a 1988 effort to locate prisoners in Laos; (3) Operation Skyhook II, an early 1980's initiative also aimed at finding prisoners in Laos; and (4) the efforts of retired Army Lt. Col. Bo Gritz. None of these operations have been successful in rescuing prisoners or in uncovering evidence that prisoners are being held.

The Committee also investigated a number of photographs of individuals purported to be of U.S. POWs. In the cases investigated, we found that such photographs are sometimes used by private organizations as a means of attracting financial support for "rescue" or "reconnaissance" operations. The Committee concluded, based on investigative work done by the DIA, that photographs circulated in 1991 allegedly depicting missing Americans Donald Carr, Daniel V. Borah, John L. Robertson, Larry J. Stevens and Albro Lundy are fraudulent. (The Committee respects the fact that the Robertson, Stevens and Lundy families have not accepted the DIA analysis).

In contrast to the large number of small, voluntary POW/MIA organizations, there are a few private POW organizations that are relatively large, have paid staff and use professional fundraisers to prepare and distribute solicitation materials to millions of actual or potential contributors. These solicitations have yielded tens of millions of dollars in contributions since the end of the war. The Committee was concerned about a number of issues, including the extent to which some groups have diverted funds for purposes other than those advertised, the possibility that misleading or false information has been included in solicitations, the failure of fundraisers to disclose information to potential donors and the impact that these solicitations may have had on the emotions and expectations of POW/MIA families.

The Committee's principal findings are:

The vast majority of private organizations engaged in POW/MIA related activities reflect the highest standards of voluntary, public service and deserve the nation's gratitude and praise.

Private initiatives aimed at the "rescue" of U.S. prisoners have failed in the past and are problematic for several reasons. In general, such operations are dependent on sources of information in Southeast Asia that have a very poor record of reliability and, in some cases, a consistent track record of fraud. Second, it is unrealistic to believe that such efforts will have a better chance of success than official efforts. Third, the possibility exists that such operations might jeopardize ongoing U.S. diplomatic and intelligence activities. Fourth, such activities sometimes involve the violation of U.S. and/or foreign law.

The manufacture of fraudulent POW/MIA related materials, including photographs, dog tags and other purported evidence of live Americans has become a cottage industry in certain parts of Southeast Asia, and particularly Thailand. Sadly, these activities have been spurred by well-intentioned private offers of large rewards for information leading to the return of live U.S. POWs. The Committee is angered and repulsed by activities that exploit the anguish of POW/MIA families for private gain.

The Committee's examination of POW/MIA-related fundraising activities has created serious reason for concern. In some instances, an excessive percentage of funds raised has been retained by the fundraising organization. In others, the fundraising solicitations have over stated to the point of distortion the weight of evidence indicating that live U.S. POWs continue to be held in Southeast Asia.

Information from Russia and Eastern Europe

Although the Committee's investigation focused primarily on efforts to account for Americans missing from the war in Southeast Asia, the principle of accounting for lost American servicemen is the same, whether the war occurred 20 years ago or 50 years ago. Accordingly, the Committee undertook a review of information and allegations concerning Americans missing from earlier conflicts and hired a full time investigator to work in Moscow on this and related issues.

The Committee's effort was facilitated greatly by the lifting of the Iron Curtain and by the policies of openness and cooperation advocated by Russian President Boris Yeltsin. In February, 1992, the Committee's Chairman, Sen. John Kerry, and Vice-chairman, Sen. Bob Smith, met with Russian officials and veterans in Moscow to discuss cooperation on the POW/MIA issue. This visit laid the groundwork for the creation of the U.S.-Russia Joint Commission (Commission) on POW/MIA Affairs under the leadership of Col. Gen. Dimitri Volkogonov and Malcolm Toon, former U.S. Ambassador to the Soviet Union.[26] The objectives of the Commission are (1)

[26] Senators Kerry and Smith were appointed to serve as the Senate's representatives on the joint commission.

to gain access to people and documents in Russia that could shed light on the fate of missing Americans; (2) to pursue reports that current or former U.S. POWs may be alive within the borders of the former Soviet Union; and (3) to establish a means by which remains identified as American may be repatriated. Investigative work by the U.S. side to the Joint Commission is carried out by the Defense Department's Task Force Russia (TFR), under the leadership of Gen. Bernard Loeffke.

The Committee's investigation was conducted, in large part, through the staff investigator assigned to work with the Commission in Moscow. In Washington, the Committee reviewed documents obtained from the National Archives and from private researchers. We also conducted interviews with former officials of the Eisenhower Administration and others possessing information on the subject.

In June, 1992, the Committee hosted a meeting of the Commission with Gen. Volkogonov following Russian President Yeltsin's public statements on the POW/MIA issue. In November, 1992, two days of public hearings were held during which both U.S. investigators and Gen. Volkogonov testified. Finally, in December, 1992, Committee investigators participated in fact-finding trips to Czechoslovakia and Ukraine, and attended a formal meeting of the Commission in Moscow.

The Committee emphasizes that firm or precise judgments about the number and circumstances under which American military and civilian personnel may have found themselves detained within the former Soviet Union in the past cannot yet be made. Large quantities of records, both in Moscow and elsewhere, remain to be reviewed. There are also many well-informed former military and intelligence officers and diplomatic personnel who have not yet been interviewed. It is possible that evidence will be uncovered indicating greater involvement of former Soviet officials in the interrogation, transportation or detention of U.S. POWs from the Vietnam War and prior conflicts. Thus, the findings below, which are based on work to date, must be considered as preliminary in nature:

Gen. Volkogonov's assessment

Gen. Volkogonov contends that, to his knowledge, no Americans are currently being held against their will within the borders of the former Soviet Union.[27] Although the Committee has found evidence that some U.S. POWs were held in the former Soviet Union after WW II, the Korean War and Cold War incidents, we have found no proof that would contradict Gen. Volkogonov's contention with respect to the present. However, the Committee cannot, based on its investigation to date, rule out the possibility that one or more U.S. POWs from past wars or incidents are still being held somewhere within the borders of the former Soviet Union.

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[27] Gen. Volkogonov did not mean to include in this contention any Americans who might legitimately be under arrest for recent violations of civil or criminal law. For example, at the time of the Select Committee hearing, one American was under arrest for dealing in contraband religious icons.

World War II

The Committee found that the Russians have been particularly successful in producing World War II archival documents, and is pleased to report that the fate of some American military and civilian personnel from the World War II era has been determined through recent investigations in Russia. Moreover, archival documents provided by Russia indicate that several hundred U.S. POWs were held against their will on Soviet territory at the end of World War II. In almost all cases, these were individuals who had been born in, or who had previously lived in, the Soviet Union, and who could, therefore, be considered Soviet citizens by the Soviet Government. Many of these individuals served in the Armed Forces of Germany, fought against the Soviet Army and were captured in combat. Some U.S. civilians from this era survived terms in concentration camps and are still alive today, living freely either in one of the former Soviet Republics or in the United States.

Cold war

There is evidence, some of which has been confirmed to the Committee by President Yeltsin, that some U.S. personnel, still unaccounted for from the Cold War, were taken captive and held within the former Soviet Union. This information involves several incidents stretching across the former Soviet Union from the Baltic Sea to the Sea of Japan.

The Committee is pleased to report that Task Force Russia has been actively investigating these cases and is keeping surviving family members fully apprised of its progress to date. The Committee notes, however, that progress is, in large part, dependent on cooperation from Russian authorities. In the Committee's November, 1992 hearings, our investigator in Moscow testified that the U.S. was "intentionally being stonewalled" by the Russians on the subject of Cold War incidents, despite pledges of cooperation from President Yeltsin and Gen. Volkogonov. The Committee, therefore, urges the Joint Commission to place special attention and focus on obtaining further information on the fate of those U.S. personnel who are believed to have been taken captive during the Cold War.

Korean conflict

There is strong evidence, both from archived U.S. intelligence reports and from recent interviews in Russia, that Soviet military and intelligence officials were involved in the interrogation of American POWs during the Korean Conflict, notwithstanding recent official statements from the Russian side that this did not happen. Additionally, the Committee has reviewed information and heard testimony which we believe constitutes strong evidence that some unaccounted for American POWs from the Korean Conflict were transferred to the former Soviet Union in the early 1950's. While the identity of these POWs has not yet been determined, the Committee notes that Task Force Russia concurs in our assessment concerning the transfers. We are pleased that this subject was raised by the U.S. side in December, 1992 at the plenary session of the Joint Commission in Moscow.

The Committee further believes it is possible that one or more POWs from the Korean Conflict could still be alive on the territory of the former Soviet Union. The most notable case in this regard concerns a USAF pilot named David "Markham" or "Markin", who was reportedly shot down during the Korean Conflict. According to several sources, this pilot was reportedly alive in detention facilities in Russia as late as 1991. Although Task Force Russia has thus far been unable to confirm these reports, we note that the investigation is continuing.

Vietnam war

The Committee is aware of several reports that U.S. POWs may have been transferred to the Soviet Union during the Vietnam War. Information about this possibility that was provided by a former employee of the National Security Agency (NSA), Mr. Jerry Mooney, was thoroughly investigated and could not be substantiated. The Committee notes that Mr. Mooney testified that he personally believed prisoners were transferred to the Soviet Union but that he had "no direct information" that this took place.[28] Other reports concerning the possibility that U.S. POWs were transferred from Vietnam to the former Soviet Union deserve further investigation and followup.

With respect to interrogations, the Committee has confirmed that one KGB officer participated directly in the questioning of an American POW during the Vietnam Conflict. More generally, Soviet military officers have told the Committee that they received intelligence from North Vietnamese interrogations of American POWs and that the Soviets "participated" in interrogations through the preparation of questions and through their presence during some of the interrogations. It is possible that American POWs would not have been aware of the presence of Soviet officers during these interrogations. The Committee has also received information that Soviet personnel operated certain SAM sites in Vietnam which shot down American aircraft during the war.

The Committee notes that the cooperation received to date from Russia on POW/MIA matters has been due largely to the leadership of President Boris Yeltsin. During a visit to Washington last summer, President Yeltsin declared that "each and every document in each and every archive will be examined to investigate the fate of every American unaccounted for." Although there is still much work to be done, Russian officials deserve credit for providing access to archival material, for cooperating in efforts to solicit testimony from Russian veterans and other citizens and for their willingness to disclose certain previously undisclosed aspects of the historical record. The ultimate success of the Joint Commission will be judged, however, on whether the U.S. side is able to obtain full support for its interview program and archival research from all levels of power and authority throughout the former Soviet Union.

President Yeltsin has made a heroic effort to demonstrate his own commitment to full cooperation and Gen. Volkogonov has done a great deal, with limited resources, to meet this standard.

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[28] Committee hearing, Jan. 22, 1992

Unfortunately, the level of cooperation from within the Russian military and intelligence bureaucracy has been less extensive and has, at times, seemed intentionally obstructive. This may well be due to the uncertainty of the current political situation in Russia. It is vital, therefore, that U.S. officials, both in Congress and the Executive branch, continue to demonstrate to Russian authorities that America attaches a high priority to cooperation on this issue and to ensure that any problems that might develop are raised with the Russians promptly and at a senior level.

The Committee also recommends strongly that the U.S.-Russia Joint Commission be continued and that efforts be made to gain the full cooperation, as needed and appropriate, of the other Republics of the former Soviet Union.

Information from North Korea and China

As part of the Committee's investigation into the fate of those Americans still missing from the Korean Conflict, the Committee Vice-Chairman traveled to Pyongyang, North Korea from December 19–21, 1992. This trip was especially significant in that it was the first time a United States Senator had traveled to the North Korean capital. Also, for the first time, a State Department official traveled with Senator Smith to Pyongyang, in addition to two staff members working with the Committee. The trip itself was a follow-on to an earlier trip made by Senator Smith to Korea in June, 1991.

The timing of the trip was important in that just a few weeks earlier, the Committee had held the first in-depth Congressional hearings on American POW/MIAs from the Korean Conflict in more than 35 years. In view of the fact that the North Korean Government has provided virtually no information on 8,177 unaccounted for Americans in the last 40 years,[29] the goal of the trip was to establish a dialogue which would encourage North Korea to move the accounting process forward on a humanitarian basis. A second goal of the fact-finding trip was to gain information from North Korea on reports which had surfaced during the Committee's November hearings on the fate of some American POWs.

The Committee is pleased to report that Senator Smith was successful in achieving both of these goals during the trip. Meetings were held with Supreme Assembly Speaker Yang Hyong Sop, Deputy Foreign Minister Kang Sok Ju, and a staff of ministry officials who appeared knowledgeable on POW/MIA issues. The atmosphere was cooperative and it was the sense of Senator Smith and his delegation that North Korea is prepared and willing to move forward on this humanitarian issue without any preconditions. As a sign of good faith, the North Koreans allowed Senator Smith and his delegation to visit their war museum in Pyongyang, although the request had been made only hours earlier. This was the first time any American official had visited the museum. At the museum, Senator Smith was able to view photographs of POWs, documents, letters, personal effects and captured weaponry from U.S. servicemen. Senator Smith's delegation was also permitted to

[29] The Committee notes, however, that over the past two and one-half years, North Korea has repatriated the remains of 41 American servicemen.

photograph and take notes concerning many of the items in the museum. Important new information was also learned from North Korean officials concerning China's involvement with American POWs.

The principal Committee findings and recommendations concerning this trip are:

Although the North Korean officials with whom Senator Smith met denied that any American POWs had survived to the present day in North Korea, the Committee cannot exclude the possibility in view of intelligence information which has been received by the United States in recent years. Specifically, the Committee shares Senator Smith's frustration during his trip at not being able to investigate unconfirmed reports that a small number of American POWs may be teaching English at a military language school on the outskirts of Pyongyang. The Committee, therefore, urges the Government of the Democratic People's Republic of Korea to cooperate fully in the investigation of these recent reports, in addition to other live-sighting reports which have been received by the United States during the last few decades.

It is likely that a large number of possible MIA remains can be repatriated and several records and documents on unaccounted for POWs and MIAs can be provided from North Korea once a joint working level commission is set up under the leadership of the United States. Accordingly, the Committee strongly urges the Departments of State and Defense to take immediate steps to form this commission through the United Nations Command at Panmunjom, Korea. The Committee also encourages President-elect Clinton, upon taking office, to appoint a high level representative to sit on the commission. The Committee further believes that the proposed joint commission should have a strictly humanitarian mission and should not be tied to political developments on the Korean peninsula.

Comments made by North Korean officials during the trip substantiated indications that many American POWs had been held in China during the Korean Conflict and that foreign POW camps in both China and North Korea were run by Chinese officials. In addition, North Korean officials confirmed that propaganda photos showing POW camps with large numbers of U.S. personnel had, in fact, been taken in China, not in North Korea as purported by the propaganda publications. The Committee notes that other information from both high level Russian intelligence sources and from several U.S. intelligence reports corroborates the comments made by the North Koreans.

Given the fact that only 26 Army and 15 Air Force personnel returned from China following the war, the Committee can now firmly conclude that the People's Republic of China surely has information on the fate of other unaccounted for American POWs. The Committee, therefore, strongly urges the Departments of State and Defense to form a POW/MIA task force on China similar to Task Force Russia. The Committee also strongly urges the Department of State to raise this matter at the highest levels in Beijing.

In this regard, we are pleased that the first round of talks was held in January, 1993. We believe that a proposed POW Task Force on China will need to have several additional rounds of talks with the Chinese in order to search for and receive POW information in China over the coming months.

For the surviving families of those Americans still missing from the Korean Conflict, the perception has been that determining the fate of their loved ones is a task that has not been vigorously pursued by their government. We note that this perception has been fueled by past intransigence and lack of information from North Korea and China. In addition, accounting for POWs and MIAs from the Vietnam Conflict has received far greater media attention in America. The Committee can therefore understand why the Korean Conflict has often been labeled the "Forgotten War" by veterans and POW/MIA family members.

However, in view of the Vice-Chairman's recent trip to North Korea, the Committee believes that a dramatic breakthrough has been achieved in terms of establishing a dialogue and gaining access to new information on POWs and MIAs. Consequently, there is now a window of opportunity which the Committee believes should be fully exploited by the United States on behalf of the families of those Americans still missing from the Korean Conflict.

Families

By its nature, war claims victims and produces suffering. Some are killed, and their loved ones mourn. Some become missing, and their loved ones both mourn and hope. When a loved one is in danger, the state of "not knowing" is emotionally the most difficult; and for many POW/MIA families, that state has now stretched on for two decades or more.

The Committee understands that it is difficult to generalize accurately about POW/MIA families, whether from the Vietnam era or from prior wars. The families are diverse in their views, in the particular circumstances surrounding the loss of their loved one, and in the experiences they have had in dealing with their government. Some believe the government has generally done all it could; others believe it has bungled inexcusably. Some believe we should put this part of our history behind us; others are convinced live Americans remain in captivity. None among us can attack the validity of any one of these points of view; for on this question, every POW/MIA family member has fair claim to be considered an expert in the truest sense of that word.

The Committee owes its creation to the activism of family members and, from the beginning, sought to work closely with the families and with their representatives. Fitting, family members were represented at the Committee's first set of hearings and the last. The Committee asked not only for public testimony about individual cases, but directly contacted each of the POW/MIA families from the Vietnam era seeking their advice and participation.

Largely in response to Committee and family requests, the President appointed a Deputy Assistant Secretary of Defense for POW/MIA Affairs in January, 1992 to serve as a central coordinator and point of contact for families and for the bureaucracy. Even more importantly, the Committee's drive for the declassification and

public release of POW/MIA related documents was a direct result of past family frustration in seeking answers to legitimate questions about their loved ones and about the government's overall knowledge of the issue.

The Committee's review of past family experiences reflect an array of problems in dealing with our government that never should have happened and that can—with proper organization and planning—be avoided in the future.

Accordingly, the Committee recommends:

Those actually working on POW/MIA accounting in the field in Southeast Asia should be made available, when schedules permit, to meet with families in the United States.

Military service casualty offices should be headed by civilians who are not subject to the kind of routine duty rotations experienced by military personnel. Individuals in these sensitive positions must have experience and a base of institutional memory if they are to deal effectively and knowledgeably with family members.

The resumed publication of a regular newsletter containing POW/MIA related information would be a useful means of sharing new developments with the families.

Guidelines should be established immediately for the creation of a central computerized data base within the Executive branch with information on all unaccounted for U.S. personnel from past military conflicts, to include World War II, Korea, the Cold War and Vietnam. All relevant casualty and intelligence data, in addition to any recently obtained information potentially correlating to a specific case should be made readily available to family members and researchers through the central data base. On-line access to the central data base should be made available through an easily accessible modem system.

Procedures also should be developed to ensure that requests for information contained in the data base can be processed easily so that family members receive prompt, printed responses when necessary. Additionally, procedures should be established by the Department of Defense and the Department of State to ensure that the data base is updated regularly. The Committee further recommends that the Secretary of Defense authorize the DOD family liaison officer to work with the service casualty officers to develop a data base program which meets the needs of families and researchers who need to use the system.

Family members of Vietnam era POW/MIAs who would like to travel to Southeast Asia for direct discussions with appropriate U.S. and foreign government officials should be encouraged and helped to do so.

CONCLUSION

This executive summary began with three well-deserved tributes—to our POWs, to POW/MIA families, and to veterans and other responsible activist groups. The efforts and contributions of others deserve recognition, as well. The investigatory responsibil-

ities of this Committee caused it to place enormous demands on the Executive branch for information, for the processing and declassification of documents, and for access to archived files.

Committee Members questioned current and former Executive branch officials rigorously, repeatedly and, at times, very bluntly about important issues of judgment and fact. These requests and questions were an essential part of the Committee's job, but the demands placed on the time and energies, especially of current officials, was very real.

Accordingly, the Committee wishes to acknowledge the truly extraordinary level of cooperation it received from President George Bush, Secretary of Defense Dick Cheney, Secretaries of State James Baker and Lawrence Eagleburger, National Security Adviser Brent Scowcroft, and many others in the Executive branch.

Further, the Committee must respond to the frequently-heard criticism that our government is "not doing enough" in behalf of our missing Americans. There is no question that such criticisms have been valid at points in the past. Although the answers we seek are in Vietnam and Laos and other foreign lands, this Committee was created not so much because other governments have failed to cooperate, but because our people did not believe our own government was doing enough.

We believe that, over the past 15 months, our Committee has played a major role in remedying past problems. Building on the efforts of family and veterans groups, we urged creation of the JTF-FA. We have complemented the heroic efforts made by Gen. John Vessey to gain greater access to Vietnam so that our investigations of livesighting reports and discrepancy cases in that country will yield credible results. We helped spark creation of the U.S.-Russia Joint Commission and took steps to open the doors of cooperation with North Korea.

Today, the improvements are visible on the ground throughout Southeast Asia and in Moscow. The level of commitment at the highest levels of our government has never been greater, and our Committee has witnessed first-hand the dedication that exists within the rank and file of the JCRC and the DIA. These are people who have worked in extremely difficult conditions in Southeast Asia, often for weeks at a time in remote and hostile locations, searching for remains, following up live-sighting reports or pursuing other evidence about what happened to missing Americans. These individuals have earned our admiration and are symptomatic of a revived national effort to gain the fullest possible accounting for our POW/MIAs.

This Committee was created to remedy the atmosphere of suspicion and distrust that has so long pervaded this issue. It is our hope that this report, and the record of our work, will in fact help to repair the bonds of trust between our government and the public, and heal the wounds caused by past allegations and anger.

The bitterness surrounding the U.S. Government's effort to account for Americans missing from past wars has gone on long enough. It is time to move beyond past differences to a unified and informed commitment to seek further answers within the bounds of what time and the circumstances of war realistically permit.

Our people, and especially our POW/MIA families, have a right to know all that it is possible to know about the fate of their fellow countrymen and loved ones. This Committee, with strong public support, has pressed both our government and foreign governments to add to that knowledge—through the declassification of documents, response to hard questions, access to archives and eyewitness accounts. A process has been established that will permit timely, in-country investigations of evidence that live Americans remain in captivity. The search for remains and other evidence that could bring certainty to families is ongoing. More people are now employed and working full time on the POW/MIA issue than at any time since the end of the war, almost 20 years ago. America is finally being allowed to do what it should have been able to do long ago.

Unfortunately, the existence of a strong "accountability process" cannot stop the pain in a family member's heart, nor can it substitute for the gut belief held by some that one or more U.S. POWs survive. The qualities of love and faith reflect what is best about us, and are not answerable to laws of probability or perspective. That is why some of us will always bring to the evidence a different level of passion and a different standard for judging evidence than others. But this Committee's investigation demonstrates that these kinds of differences need not lead to differences of goal. It does not matter with what emotions we proceed at this point to seek further answers; it is important only that we continue looking as long as there is good reason to believe that additional answers may be found.

The Committee's investigation has answered a host of questions about the past, while opening the door to future progress. With this final report, the Committee will cease to exist. But that does not mean that our own work on this issue will also end. To the extent that there remain questions outstanding that are not adequately dealt with by the Executive branch, we will ensure that these questions are pursued through the normal Committee structure of the Congress. We will also work with officials in the Clinton Administration to see that the major recommendations of the Select Committee are implemented and that needed, additional diplomatic steps are taken.

We undertook our assignments as Members of this Committee not only out of official duty, but as a personal commitment; a commitment founded variously on prior military service or a concern for families in our respective states or out of a simple desire to pursue the truth. For each of us, that commitment has grown over the past year as we have worked with the families and agonized with them in trying to sort out the facts. Now, having completed our work as Members of the Select Committee, we move to a different stage of our effort but with no change of goal. We remain committed, and will ensure that our nation remains dedicated, to obtaining the fullest possible accounting of missing Americans. We owe no less to our POW/MIA families; nor can we accept less and be at peace with ourselves.

CHAPTER 1: INTRODUCTION

CREATION OF THE SENATE SELECT COMMITTEE

The Senate Select Committee on POW/MIA Affairs was created because in 1991, almost nineteen years after the formal termination of U.S. participation in the Vietnam War, a part of the war remained very much with us as a nation. For almost two decades, the questions of whether American prisoners were left behind and, if so, whether they remained alive somewhere in captivity had haunted America. The failure to resolve these questions had raised doubts about the good faith of our government, about whether a real commitment had been made to the issue, about the wisdom of past actions taken or not taken and about realistic options for the future.

The durability of the debate surrounding the POW/MIA issue caused—it did not result from—creation of the Select Committee. The committee began its work at a time of swirling controversy and doubt about whether official U.S. handling of the issue matched the high priority the government claimed it received.

The Committee was established on August 2, 1991 when the Senate approved a Resolution introduced by Sen. Bob Smith providing for the creation of a Select Committee on POW/MIA Affairs to serve during the remainder of the 102nd Congress. By October, 1991, a Chairman, Vice-chairman and ten additional Members had been appointed to the Committee and a Resolution providing funding had been approved.

Despite the passage of time, the work of previous Committees and commissions, the efforts of countless officials to clarify and explain and the public status throughout the past decade of this issue as one of highest national priority, a Wall Street Journal poll, taken shortly before the Committee was created, found that 69 percent of Americans believed that U.S. servicemen were still being held against their will in Southeast Asia and that of those, three-fourths felt the U.S. Government was not doing enough to bring the prisoners home.

As these numbers indicate, the POW/MIA issue has had a life of its own. The simple explanation for this is that although no American prisoners are known for certain to be alive, 2,264 continue to be officially "unaccounted for" and therefore not proven dead. In addition, the U.S. Government has continued to receive reports alleging that some Americans remain alive in captivity. It is only human nature to hope, in the absence of contrary proof, that a loved one has survived. And it is only to be expected, in such circumstances, that the American people, would demand the fullest possible effort to establish the truth.

The evidence of the past 20 years is that on a subject as personal and emotional as the survival of a husband, brother or son, it is simply not enough to talk of probabilities and the need for perspective. It means little to the family and friends of a missing serviceman to be told by some that the percentage of U.S. forces missing after Vietnam is lower than in previous wars or that it is inevitable that there will be a certain number unaccounted for in any major armed conflict and that the opposing side has far more MIAs

than the U.S. The search for answers to POW/MIA questions is not about mathematics; it is about the fate of individual human beings who went to Indochina to fight for their country and who did not come back. Something very real happened to each of those brave men, and our country will not be at peace with itself until we are morally certain we have done all we could to find out what.

In addition to the emotional concerns of families, a second impetus for establishing the Committee was provided by legitimate unresolved questions of fact. Why, Americans asked, did so few of the U.S. airmen downed in Laos return home? How do we explain the dozens of unresolved, first-hand reports of Americans being sighted in captivity in Southeast Asia after the end of the war? Were the hundreds of resolved reports adequately investigated? How can we trust the assurances of Vietnam that it holds no prisoners when we have strong evidence that it has stockpiled American remains? What about the Tighe Commission's 1986 conclusion that "there is a strong possibility of U.S. prisoners being held?" And what about the steady drumbeat of rumors about conspiracy, cover-ups, photographs, failed rescue missions and mysterious videotapes?

All of this controversy was fueled in the period just prior to the Committee's creation by the February 12, 1991 resignation of Colonel Millard Peck as Director of DIA's Special Office for POW/MIA Affairs. In his letter of resignation, Col. Peck criticized what he called a "mindset to debunk" information that U.S. POWs might be alive and suggested that a "cover-up may be in progress."

Even more dramatic was the identification by family members in mid-1991 of individuals in three photographs that appeared to depict American POWs in Southeast Asia. The photographs generated enormous publicity and sparked demands for an immediate government response.

Interest in the issue was stimulated, as well, by discussions of conditions for establishing normal diplomatic and economic relations between the United States and Vietnam. The U.S. State Department's "Road Map" to normalization required, among other things, full cooperation by Vietnam in resolving last known alive discrepancy cases, implementing a plan to resolve expeditiously live-sighting reports on which the U.S. requests assistance and the rapid repatriation of all recovered and recoverable American remains.

THE COMMITTEE'S MISSION

Obviously, even the fullest possible accounting for U.S. POW/MIAs will leave some questions unanswered. Investigations can uncover information, but not create it. If, for example, neither friend nor foe had certain knowledge at the time about the fate of a pilot lost over water, there is little likelihood that the Committee or any other investigative unit could, at this distance in time, establish that certainty.

But the Committee was not created with the expectation of final, definitive, case-by-case answers. That is a task that may well be beyond mortal power to achieve, and that only the Executive branch has the resources to attempt. Rather, the Committee's job was to investigate the events, policies and knowledge that have

guided U.S. Government POW/MIA related actions over the past 20 years and to do so in order to advance the following goals:

To determine whether there is evidence that American POWs survived Operation Homecoming and, if so, whether there is evidence that some may remain alive in captivity;

To ensure the adequacy of government procedures for following up on live-sighting reports and other POW/MIA related information;

To de-mystify the POW/MIA accounting process so that the families and the public can better understand the meaning behind the numbers and statistics used in discussions of the issue;

To establish an open, comprehensive record, and to provide for the broad declassification of POW/MIA materials in order to enable both the Committee and the public to make informed judgments about questions of policy, process and fact;

To lend added weight to Executive branch efforts to obtain cooperation from foreign governments in Southeast Asia and elsewhere in accounting for missing Americans;

To review the activities of private organizations who participate in fundraising and educational efforts related to the POW/MIA issue; and

To examine, to the extent time and resources permit, unresolved issues pertaining to missing Americans from World War II, Korea and the Cold War.

Demystifying the process

Nothing has done more to fuel suspicion about the government's handling of the POW/MIA issue than the fact that so many documents related to those efforts have remained classified for so long. Rightly or wrongly, the secrecy—especially about live-sighting reports and critical internal reviews of Defense Intelligence Agency procedures—have fed the perception that government officials have something to hide. This perception increased in the months prior to the Committee's creation because of evidence that some Congressional inquiries may have been responded to with inaccurate or incomplete information and because then Congressman Bob Smith and Senator Charles Grassley had enormous difficulty in prior years in gaining DOD permission to review classified POW/MIA related materials.

As a result, the Committee sought from the beginning to work with the Executive Branch to make public all information relevant to the POW/MIA issue, except that related directly to the sources and methods of gathering intelligence. The Committee agreed that "source and methods" must be kept confidential in order to maintain America's ability to gather new information and track leads in the future. The Committee's goal was to "de-mystify" the POW/MIA issue and to lay before the public a complete picture of what the U.S. Government knows. The Committee generally succeeded in this objective. A full description of the efforts made to obtain the declassification and public release of documents is included in chapter entitled "Declassification."

Accountability and response

A major investigative priority of the Committee was to examine the U.S. Government's ability and willingness to respond rapidly to possible evidence that live Americans may still be held against their will in Southeast Asia. The Committee also sought to gain greater cooperation from the governments of Southeast Asia in efforts to obtain answers to questions about specific missing Americans. These "process-oriented" issues go to the heart of U.S. priorities. For example, a bureaucracy that assumes that all American POWs are dead may not respond as energetically to an unconfirmed, but possibly credible, report that a POW has been sighted as a bureaucracy that assumes Americans may still be alive. Similarly, an Administration that attaches a genuinely high priority to POW/MIA issues is likely to devote greater resources of intelligence and response than an Administration that does not. The evolution of U.S. government policies and procedures from Operation Homecoming to the present are discussed in the "Accountability" chapter of this report.

Building a public record

Beyond the questions of process, there exist the fundamental questions of fact. The Committee understood from the outset that it could not expect to answer every question, but that it had a responsibility to pursue as comprehensive an investigation as possible. To this end, the Committee conducted more than 1000 interviews; took more than 200 sworn depositions; held more than 200 hours of public hearings; reviewed tens of thousands of pages of documents, files, and reports; studied large quantities of intelligence information, including raw intelligence; posted a full-time investigator to Moscow; and sent Member delegations to Russia, North Korea, and four times to Southeast Asia.

The Committee's goal was to identify and explore every promising avenue of investigation. To this end, the Chairman and Vice chairman sent personal letters to the primary next of kin of all Vietnam-era POW/MIAs, and to all returned POWs, seeking information and advice. During televised public hearings, Members of the Committee have repeatedly invited all those with information concerning a POW/MIA related matter to come forward and share that information with the Committee. The Committee has also solicited suggestions from veterans organizations, activist and family groups, current and former U.S. officials and from the public at large with respect to possible witnesses and areas of investigation.

The final judge and jury of U.S. Government actions on the POW/MIA issue is not this Committee; it is the American people. As previous POW/MIA related inquiries have shown, it does not matter much what the official view is if the public does not generally understand and share that view. As a result, the Committee made a conscious effort to combine its behind-the-scenes investigative work with public hearings so that the public would learn—almost contemporaneously with the Committee—about various aspects of the POW/MIA issue. For the same reason, the Committee made every effort to avoid holding hearings in executive session and to provide for the declassification of Committee-generated doc-

uments, such as depositions. The goal from the outset has been to create a comprehensive and unbiased public record that would be available for families, journalists, historians and citizens to review and make their own best judgments about the facts. This report is an important part of that record.

The investigation

The Committee investigation began by tracing the history of the issue back to its war-time beginnings. Clearly, the chance that American POWs are alive in Southeast Asia today depends on whether some were left behind after Operation Homecoming. The chapters in this report entitled "The Paris Peace Accords" and "Accountability" focus in detail on this possibility.

The largest share of Committee efforts was devoted to examining information concerning the possible survival of Americans during the post-war period and up to the present day. This required the review of vast quantities of first, second and third-hand "livesighting" reports; the analysis of a wide range of intelligence; examination of the methods that DIA uses to evaluate information; and the consideration of indications that POWs may have been transferred to the former Soviet Union or to China during or after the Korean or Vietnamese, conflicts. Chapters 4 and 9 describe this aspect of the Committee's investigation.

Cooperation of Southeast Asia governments

It will be extremely difficult for our government to obtain additional solid information concerning the fate of our POW/MIAs without the cooperation of Vietnam, Laos and Cambodia.

Accordingly, the Committee has sought to use its review of POW/MIA issues to encourage recent trends toward greater cooperation between and among these governments and the United States. Members of the Committee traveled to Southeast Asia in April, October, November and December, 1992 for talks with foreign officials and U.S. personnel deployed there. In addition, Committee Members have met from time to time in the United States with representatives of the foreign governments to exchange information and clarify outstanding questions.

Below is a very brief summary of the situation that existed in each of these three countries at the time the Committee's work began. A full description of the issue is contained in the "Vietnam, Laos and Cambodia" chapter of this report.

Vietnam

When the Committee was formed, 1656 Americans were listed as unaccounted for in Vietnam. Since the end of U.S. involvement in hostilities on January 27, 1973, the remains of 266 Americans have been returned and identified.

Most of the Americans lost or captured in North Vietnam during the war were Air Force or Navy airmen who crashed in populated areas accessible to Vietnamese authorities. The North Vietnamese made a systematic effort to investigate crash sites, capture and process American POWs, bury and preserve remains and maintain centralized records.

About two-thirds of the Americans lost in South Vietnam were enlisted Army and Marine Corps personnel. U.S. officials have found that records and information concerning American prisoners held in the south are less complete than for those held in the north.

Since the war, Vietnamese officials have steadfastly denied that any Americans are held captive or that the remains of American servicemen are being knowingly withheld.

Cooperation from Vietnam is essential to the resolution not only of cases involving Americans lost or captured in Vietnam, but in Cambodia and Laos, as well. This is because the vast majority of Americans missing in those countries were believed to have become missing in areas under the control of North Vietnamese military forces at the time. Thus, Vietnam's military archives and other records are an important potential source of information concerning the fates of these men.

Since 1973, the degree of cooperation received from Vietnam has varied widely depending on the international political situation. A good working relationship was impossible during the years immediately after Operation Homecoming because of disputes over violations of the Paris Peace Accords. After the fall of Saigon in 1975, some efforts were made on both sides to pave the way for more normal political and diplomatic relations. That progress, came to an abrupt halt in late 1978, however, following Vietnam's invasion of Cambodia, which the United States strongly opposed. Significant bilateral discussions did not resume until the early 1980's, but have since grown steadily in their frequency and depth.

One of the most positive outgrowths of recent talks was the appointment, in 1987 of Gen. John W. Vessey, Jr. (USA Ret.), as the President's special envoy to Vietnam. As a result of Gen. Vessey's discussions with then-Vietnamese Foreign Minister Nguyen Co Thach, the U.S. established a POW/MIA liaison office in Hanoi in July, 1991. The purposes of the office are to investigate live-sighting reports, to conduct joint searches for the remains of American servicemen and to seek access to the relevant Vietnamese records.

The Vessey team has placed a major emphasis on the investigation and resolution of the "discrepancy" cases. Discrepancy cases are those where U.S. officials believe there is the highest probability that additional information concerning a missing American can, with the proper degree of cooperation and investigation, be found. Currently, 135 discrepancy cases involving Americans lost in Vietnam are under investigation and a preliminary investigation in Vietnam of each case is to be completed by January 1993.

Laos

At the time of the Committee's creation, 528 Americans were listed as unaccounted for in Laos, of whom 335 were considered POW/MIA. Only 12 U.S. POWs captured in Laos returned during Operation Homecoming and one, Emmet Kay, who was captured after the ceasefire returned in September 1974. Since the end of the Vietnam conflict, the remains of 42 servicemen have been repatriated.

U.S. efforts to obtain information from Laos authorities have been complicated by the facts that Laos was not a party to the

Paris Peace Accords and the United States was not a party to the 1973 Laos cease-fire agreement that pledged all sides to return captive personnel. In addition, the Defense Department estimates that at least 75 percent of the Americans missing in Laos were lost in areas controlled at the time by North Vietnamese armed forces. These losses were generally in eastern Laos along the border with Vietnam and near the Ho Chi Minh Trail.

Although the POW/MIA records kept by the Lao have been judged to be less extensive than those kept by Vietnam, there is credible evidence that at least a few unaccounted for Americans were actually held by Pathet Lao forces during the war. Therefore, the Lao can be expected to have knowledge concerning the fate of these individuals. Additionally, there is strong reason to believe that North Vietnamese military were instructed to recover and record all they could about downed U.S. aircraft and killed or captured pilots. Thus, efforts to account for many Americans will ultimately require tri-lateral cooperation involving not only the U.S. and Laos, but Vietnam as well.

In recent years, Lao authorities have been more cooperative with the U.S. in planning and carrying out investigations at known U.S. aircraft crash sites, often in remote and virtually inaccessible locations. The government has also cooperated in efforts to evaluate photographs alleged to depict American POWs.

Cambodia

At the time of the Committee's creation, 83 Americans were listed as unaccounted for in Cambodia and no prisoners or identified remains had been repatriated during the post-war period until recently.[30] Cambodia was not a party to the Paris Peace Accords and no separate cease-fire agreement on repatriation was reached in the aftermath of the war. The recovery of American POWs or remains in Cambodia was made virtually impossible after 1975 when the Khmer Rouge seized power and embarked on a bloody reign of terror directed at Cambodians and foreigners alike. Throughout much of the past 20 years, the U.S. has had either difficult or non-existent diplomatic contacts with the Cambodian Government. The years of struggle and chaos leave little hope that documents or records have survived that would reveal additional information about U.S. personnel.

As in Laos, however, most of the Americans unaccounted for in Cambodia were lost near the border with Vietnam in areas where North Vietnamese forces were dominant. Thus, the best potential sources of documentary information concerning those lost in Cambodia may be in Hanoi, not in Phnom Penh.

Fortunately, the current government in Cambodia has demonstrated a willingness to cooperate with the U.S. in joint field investigations and other efforts to, obtain accurate information concerning American POW/MIAs. Cambodia's Prime Minister Hun Sen has been particularly helpful in this effort.

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[30] The remains of several people that have been returned from Cambodia were being examined at publication time.

Previous wars

The seeds of the Cold War were sown by the Red Army as it pursued the Wehrmacht across Eastern Europe. The Kremlin imposed Communist regimes on the war-ravaged nations of the region and war-time alliances were replaced by a deadly rivalry: NATO versus the Warsaw Pact. The Soviet Union and its client states, from Europe to the Bering Sea, from the Arctic to the tropics, became the theater of operations for the far-flung activities of U.S. intelligence agencies and units of each service.

To no one's surprise, the Soviet Union reacted. It kidnapped intelligence agents and "attaches." It shot down U.S. intelligence aircraft and the air crews disappeared. These were America's "Cold War losses."

Another tragic outcome of the rapid advance of the Red Army was the "liberation" of American and Allied POWs from German POW camps by the Red Army. Rather than moving these hapless soldiers westward toward their own advancing armies, the Soviets took thousands of them eastward to Odessa. Some boarded ships and eventually reached their homes safely. Others, and we may never know how many, became prisoners—not of war, but of the Soviet gulag.

During the Korean War, thousands of American fighting men were captured by North Korean and Chinese forces. Estimates vary, but clearly hundreds were not returned after the armistice and prisoner exchange. Intelligence information, collected during and after the war, indicated that many POWs were held in China, and some were sent to the Soviet Union. Therefore, accounting for the Korean War missing involves not only North Korea, but China and Russia as well.[31]

The problems the United States faces in recovering soldiers who have fallen into Communist hands predates even World War II. We note that the Bolsheviks captured American soldiers on the Archangel and Siberian fronts during the Intervention of 1918–19. Additionally, the U.S. is not alone in trying to account fully for missing and captured soldiers in the period immediately following past wars. Many of our allies from the Korean conflict still have unaccounted for servicemen.

Because the Committee's focus concerned the possibility that American POWs could still be alive, our resources were devoted primarily to investigating the relatively recent conflict in Vietnam. Nevertheless, the Committee did focus considerable attention on investigating previous wars, and conflicts. A discussion of this phase of the Committee's investigation is contained in Chapter 9 of this report.

PREVIOUS INVESTIGATIONS

The Select Committee began its work in October, 1991 fully aware that the POW/MIA issue had been examined and investigated by Congress and the Department of Defense many times in the past. One of the challenges facing the Committee was whether it

[31] A chronological summary of policy and intelligence matters pertaining to Korean War POWs is included as an appendix to this report.

could uncover significant information that previous investigations into the subject had not.

The Committee,s approach has been to learn from, and build on, those previous investigations, without necessarily accepting as valid either, the methods or the findings of those inquiries. The Committee's review of earlier studies has helped to focus resources and attention on areas that had not been thoroughly examined before or where still unanswered questions had been raised.

It should be noted that earlier investigations have varied widely in content, method, purpose and work product. Most previous efforts have consisted simply of Congressional hearings or single-purpose studies into the workings of the Defense Intelligence Agency. The only previous study that was comparable in its original mandate to that of the Senate Select Committee was that of the Montgomery Committee in 1975–1976. A summary of prior investigations and hearings is included as an appendix to this report.

The Montgomery committee

The most extensive and influential of prior Congressional investigations into the POW/MIA issue was conducted by the House Select Committee on Missing Persons in Southeast Asia, known as the "Montgomery Commission report" after Committee chairman, U.S. Rep. G.V. "Sonny" Montgomery. The investigation included public hearings, private meetings with U.S. officials, including President Ford and Secretary of State Henry Kissinger, and direct talks with key government officials in Vietnam and Laos. The Montgomery Committee reviewed many of the same issues that would be considered by the Senate Select Committee 16 years later. These included the implementation of the Paris Peace Accords, the possibility that U.S. POWs may have survived in Laos and DIA procedures for obtaining the fullest possible accounting of POW/MIAs.

The most, significant and widely-quoted finding in the Montgomery Committee's December 13, 1976 final report was its conclusion that "no Americans are being held alive as prisoners in Indochina, or elsewhere, as a result of the war in Indochina." The Committee did not, however, exclude the possibility that some American servicemen might have remained behind voluntarily, citing specifically one deserter and one defector (then listed officially as a POW) who "were alive in Indochina in the early 1970's and may still be alive."

During its investigation, the Committee reviewed the files of the 33 U.S. servicemen still listed as POW in 1976. The Committee concluded that six of the 33 had been classified improperly as POWs, and that there was no evidence that 16 others had ever been taken prisoner. The Committee identified only 11 POWs who had not been accounted for by the Vietnamese.

Although the Committee found no "dereliction or malfeasance of duty on the part of U.S. Government officials," it did cite the military security classification system for contributing to "unnecessary confusion, bitterness and rancor" among POW/MIA families. It also found that the DOD's decision to conceal actual loss sites during the secret wars in Laos and Cambodia "contributed to the mistrust expressed by some next of kin."

The Montgomery Committee's report strengthened the view of those who felt that no American POWs had been left behind, but failed to persuade others. Representatives Joe Moakley, Benjamin Gilman and Tennyson Guyer, all Members of the Committee, questioned the Committee's basis for concluding that no American prisoners were alive in Indochina and the National League of Families released a 25 page report criticizing the Committee's methodology and its overwhelming reliance on data provided by the U.S. Government.

During its own investigation, the Select Committee interviewed Angus MacDonald, who served as staff director for the Montgomery, Committee. Mr. MacDonald said that the Montgomery Committee's inquiry was focused almost solely on the question of whether American POWs remained alive at that time (1975–1976) and not on whether some may have been left behind after Operation Homecoming in 1973. Mr. MacDonald also confirmed that the Montgomery Committee did not receive access to many of the Executive branch documents made available to the Select Committee, particularly intelligence information and those dealing with the negotiation and aftermath of the Paris Peace Accords.

The Woodcock Commission

In February, 1977, shortly after taking office, President Carter appointed a Presidential Commission on Americans Missing and Unaccounted for in Southeast Asia. The five member Commission was chaired by Leonard Woodcock, President of the United Auto Workers, and was designed to help the President gain greater cooperation on the POW/MIA issue from the governments of Southeast Asia.

Although the Commission was not empowered to negotiate, it was instructed to seek all available information from the Governments of Vietnam and Laos and to listen carefully to the concerns of those governments on other matters of interest, including possible U.S. economic aid. The hope was that the Lao and Vietnamese would be more forthcoming on POW/MIA matters if they sensed a willingness on the part of the U.S. to consider such issues as normalization of relations and reconstruction aid.

The centerpiece of Woodcock Commission activities was a visit of several days in mid-March, 1977 to Vietnam and Laos. The delegation was told by leaders in both countries that they were willing to cooperate on POW/MIA matters, but that the United States should also take steps concerning economic aid and reconstruction. In Vietnam, the Commission received the remains of 12 U.S. airmen and was inforned that a specialized office would be established by the government to receive information on POW/MIA related matters. In Vientiane, government officials emphasized the difficulty of looking for the remains of MIAs in a nation as rugged, remote and impoverished as Laos, and said that all U.S. POWs captured in Laos had already been returned.

Like the Montgomery Committee, the Woodcock Commission concluded that "there is no evidence to indicate that any American POWs from the Indochina conflict remain alive." The Commission found that the Vietnamese "have not given us all the information they probably have," but cited "a clear, formal assurance" from

the Vietnamese that they would look for MIA information and remains. The Commission also concluded, pessimistically, that "for reasons of terrain, climate, circumstances of loss, and passage of time, it is probable that no accounting will ever be possible for most of the Americans lost in Indochina. Even where information may once have been available, it may no longer be recoverable due to the ravages of time and physical changes."

It is worth noting that the Woodcock Commission's task was more diplomatic than investigatory. It did not seek to replicate the work of the Montgomery Committee, to review files, hold hearings or develop new sources of information. Instead, it relied almost entirely on briefings from U.S. agencies, POW/MIA activists and others. The Commission clearly operated on the assumption that further POW/MIA information could not be gathered without cooperation especially from the Vietnamese, and that cooperation would most likely be forthcoming if overall U.S.-Vietnamese relations were improved.

Live-sighting reports

Neither the Montgomery Committee nor the Woodcock Commission had the benefit of the flood of reports from refugees fleeing Southeast Asia, especially Vietnam and Cambodia, following the Communist takeover of those two countries. First-hand and hearsay accounts about live Americans being sighted did much to revive hopes among families and others that some U.S. POWs might have survived, but few reports were received before 1979.

Live-sighting reports, and the U.S. response to them, dominate much of the POW/MIA discussion during the late 1970's and 1980's.

In the early 1980's, George Brooks of the National League of Families conducted a study in which he found considerable fault with the way live-sighting reports were analyzed by the DIA. In Congress, however, the House Task Force on American Prisoners and Missing in Southeast Asia reviewed 80 "live-sighting" case files and concluded that "all options available to DIA were exercised" in responding to them. The following year, the House Permanent Select Committee on Intelligence concluded that the "DIA performs unbiased, professional and thorough analyses of POW-MIA livesighting cases," and rejected suggestions that credible information about live Americans had been covered up. It should be noted that this was a limited inquiry into DIA procedures and that no public hearings were held.

During this same period, Commodore Thomas A. Brooks (USN) of the DIA wrote an extremely critical internal memorandum on DIA's performance in evaluating live-sighting cases. According to the memo, Admiral Brooks further sought to "damage limit" Members of Congress who wanted to review POW/MIA files which were acknowledged to be "sloppy" and "unprofessional".

During the first six months of 1986, the Senate Veterans Affairs Committee, chaired by Senator Frank Murkowski, conducted seven days of hearings on the POW/MIA issue, focusing primarily on "livesighting" reports and other information that U.S. POWs were being held. The Committee received a bewildering array of allegations, claims and counter-claims from agency officials, family mem-

bers, former POWs, retired military officers and Members of Congress. The Committee issued no report, but the range of testimony indicated that divisions over whether the U.S. Government was doing enough in behalf of POW/MIAs and their families were widening, rather than narrowing.

Also in 1986, two other critical, reviews were written at the Defense Department concerning DIA's POW/MIA efforts. One internal review concluded that it was a "mystery" that prior Congressional reports had generally praised these efforts. A summary of all three reviews is discussed below, and the entire reports are included as an appendix.

Internal DIA inquiries

Meanwhile, several internal Defense Intelligence Agency reviews were conducted during this period.

On September 25, 1985, Commodore Thomas A. Brooks (USN), DIA's Assistant Deputy Director for Collection Management, reported on his review of the operations and analysis of the DIA's POW/MIA Office. Commodore Brooks was critical of some DIA procedures and concluded that there was an element of truth to the allegation that the DIA had a "mindset to debunk" reports of live Americans in Southeast Asia.

On March 18, 1986, Col. Kimball Gaines (USAF), reported to the Director of the DIA on a review of the POW/MIA Office that he had conducted as head of a five member task force. The Gaines Task Force concluded that it had "no confidence that the current analytical process has adequately addressed all relevant factors and has drawn totally reliable conclusions."

On May 27, 1986, a survey of DIA's PW/MIA Analysis Center was discussed in a report by a Task Force headed by Lt. Gen. Eugene F. Tighe, Jr. (USAF-Ret.)

Although the body of the Tighe report was classified until mid-1992, some of the conclusions and recommendations were not. The report recommended a "complete overhaul" of the activities of the DIA PW/MIA Center in order to improve the quality and thoroughness of intelligence evaluation related to the POW/MIA issue. The principal conclusions were that:

> We have found no evidence of a cover-up by DIA.
>
> It is self-evident that a large number of MIA's may never be properly accounted for. Therefore, false hope should not be offered to those seeking a total accounting of PW/MIA's.
>
> DIA holds information that establishes the strong possibility of American prisoners of war being held in Laos and Vietnam.
>
> The Socialist Republic of Vietnam holds a large number of remains, some 400 at least, of U.S. military personnel solely for continued bargaining power.
>
> . . . Major improvements in procedures and resources are required for the DIA PW/MIA Center to evaluate information properly.

The report's finding that live U.S. POWs were possibly being held in Laos and Vietnam was based on live-sighting reports provided primarily by the refugee community which the Task Force found to be "possibly the finest human intelligence database in the U.S. post-World War II experience," and on judgments made about the likelihood, based on intelligence and history, that Vietnam would seek to retain prisoners as bargaining chips.

Reagan Inter-Agency Group

On January 19, 1989, the last day of President Reagan's second term, an "Inter-Agency Report of the Reagan Administration on the POW/MIA Issue in Southeast Asia" was released.

The report credited President Reagan for designating the issue a matter of "highest national priority," re-opening bilateral discussions with Vietnam and Laos, upgrading intelligence priorities, and discouraging "irresponsible" private activities.

The report concluded that "we have yet to find conclusive evidence of the existence of live prisoners, and returnees at Operation Homecoming in 1973 knew of no Americans who were left behind in captivity. Nevertheless, based upon circumstances of loss and other information, we know of a few instances where Americans were captured and the governments involved acknowledge that some Americans died in captivity, but there has been no accounting of them."

CHALLENGE FOR THE SELECT COMMITTEE

Aside from the Montgomery Committee, no full scale Congressional investigation of the issues to be dealt with by the Select Committee had ever been conducted. However, the Select Committee would have the advantage of, new information that had become available since the mid-1970's, including potential access to information and cooperation from nations of the former Soviet bloc.

The Committee was determined from the outset to do as thorough a job as possible. Unlike previous inquiries, the Committee would focus not on a single issue or a particular point in time, but on the entire chain of custody of the POW/MIA issue from the war to the Paris Peace Talks to the present day.

The Committee's investigative methods also differ from previous inquiries in several ways. First, the Committee required sworn testimony from government officials and private citizens alike and felt compelled to use its subpoena authority on some occasions. Second, the Committee made a vigorous effort to solicit testimony not only from policy-makers in Washington, but from professionals in the field, many of whom have worked on the issue for more than a decade. Third, the Committee requested, and received, cooperation from the Executive branch, but also attempted whenever possible, to analyze information and evidence independently from the Executive branch. On several occasions, the Committee asked officials from the Defense Intelligence Agency to respond to alternative theories or interpretations of available information. The purpose was to test the "conventional wisdom" and to allow a free-flowing exchange of views for the benefit of Committee Members and the public.

Finally, the Committee sought access to all POW/MIA related materials in the possession of the Executive branch, including Presidential papers, National Security Council documents and the records of the White House-based Washington Special Action Group. Much of this material had never before been made available to Congressional or other investigators of the issue.

Baseline hearings—November 1991

During the initial round of hearings on November 5, 6, 7 and 15, 1991, the Committee sought to establish a baseline of belief and knowledge about the POW/MIA issue, and to obtain guidance from family, veterans and activist groups about the areas on which it should concentrate its work.

The testimony of the first witness, Secretary of Defense Richard Cheney, marked the first time that a Secretary of Defense had testified before Congress exclusively on the subject of POW/MIA affairs. The Secretary told the Committee that "to date, we have no conclusive evidence proving that Americans are being held against their will in Indochina. Nonetheless, the importance of the issue makes investigating live-sighting reports our first priority."

The Secretary and subsequent Defense Department witnesses set forth in detail the process DOD uses to seek POW/MIA related information throughout Southeast Asia, including efforts to increase cooperation with governments of the region. In that connection, Secretary Cheney testified that:

> Vietnamese cooperation on these joint investigations has improved, but despite these improvements, we are still not satisfied with Vietnam's performance. Too often, our office finds that public pronouncements of increased cooperation by Hanoi do not produce satisfactory arrangements on the ground. Promises to cooperate on live-sightings, improved helicopter transportation and complete access to historical records remain only partially fulfilled. Vietnam's foot-dragging on unilateral repatriation of remains is especially frustrating, especially if we ever hope to achieve the fullest possible accounting in a reasonable period of time, Vietnamese unilateral efforts, as well as their participation in joint activities, will have to dramatically improve.

Secretary Cheney also described Defense Department efforts to evaluate the validity of recent photographs purporting to show U.S. POWs, and alluded to the "cruel actions by some fast operators who play on the hopes of families and friends of POWs and MIAs:

> We must naturally pursue every lead that comes our way. . . .
>
> But each time we rush to answer . . . false alarms, our resources are diverted from solid leads and productive lines of inquiry. Individuals who repeatedly provide false information, well intentioned or not, should be called to account for their actions.

General John W. Vessey, Jr. (USA Ret.), the Special Presidential Emissary for POW/MIA Matters, reviewed the status of his efforts to gain a fuller accounting of missing Americans. In describing the

U.S. and Vietnamese approaches to the issue, General Vessey told the Committee:

> The United States has quite consistently urged that the POW/MIA matter be approached as a humanitarian issue. We have regularly told the Vietnamese that resolution of the issue is not a requirement for discussing normalization of diplomatic relations. We have, however, consistently said that the pace and scope of any normalization discussions will be affected by the level of Vietnam's cooperation in resolving the POW/MIA issues.

With respect to the issue of live Americans, General Vessey said:

> We know through extensive debriefings and subsequent investigations that all Americans seen by U.S. prisoners of war who did return in the Vietnamese prison system have been accounted for either as returned POWs or through the return of remains or having been reported as died in captivity.
>
> In the years since 1973, other than the 100 or so unresolved first-hand live-sighting reports under investigation, we have gathered no other intelligence that has been reported to me . . . which indicates that the Vietnamese are holding live prisoners or that there was another POW system other than the one in which our returned prisoners were held.

Of particular interest to the Committee was the advice and guidance that POW/MIA families, veterans and activist groups had concerning various aspects of the issue and the most appropriate focus for the Committee s work.

For example, Robert Wallace, Commander-in-Chief of the Veterans of Foreign Wars, cited a series of resolutions approved by his organization calling for accelerated government to government contacts with the nations of Southeast Asia, the establishment of a non-diplomatic U.S. Government presence in Vietnam, the appropriate declassification of POW/MIA information and more active efforts to resolve questions about Korean War POW/MIAs.

John F. Sommer, Jr., Executive Director of the American Legion, recommended the review of 1) live-sighting reports and the methods used by DIA to evaluate them; 2) relevant satellite photographs; 3) the 1986 Tighe Commission report; 4) document classification procedures; 5) operation of the Central Identification Laboratory in Hawaii; and 6) the allegations of former DIA official, Col. Millard Peck.

J. Thomas Burch, chairman of the National Vietnam Veterans Coalition, expressed concern about statements that U.S. officials have made discounting the possibility that U.S. POWs are still being held. "It is difficult to understand," Mr. Burch told the Committee, "how the Government can effectively negotiate for the return of live prisoners when it lacks the confidence of its own negotiating position. Basically, they're telling the Vietnamese they want information about live Americans at the same time they're publicly saying that they're all dead."

Bill Duker, Chairman of the Vietnam Veterans of America,s standing committee on POW/MIA, also testified that the highest priority should be given to the repatriation of live Americans and expressed support for the declassification of POW/MIA information, "as long as that declassification protects the privacy of the families and safeguards U.S. intelligence methods and sources."

Joseph E. Andry, past National Commander of the Disabled American Veterans, urged the Select Committee to carry out a dual mission: "The first part of the mission should focus on an aggressive pursuit of live sightings in Southeast Asia. The second part . . . should be an encompassing investigation into why our government still has not accounted for 90,000 soldiers, sailors, airmen and Marines since the end of World War II."

The Committee also received testimony from the National League of POW/MIA Families and from individual family members.

Ann Mills Griffith, Executive Director of the National League of Families, credited the Reagan Administration with efforts to raise public consciousness of the POW/MIA issue, to upgrade functioning of the POW/MIA Inter-Agency Group, and for developing a strategy aimed at gaining increased cooperation from the governments in Southeast Asia. Griffiths said that, unlike the past, the current process has "integrity and priority."

Other family members who testified during the November hearings included Dr. Jeffrey C. Donahue, brother of Maj. Morgan Jefferson Donahue, lost in Laos in 1968; Mrs. Gladys Stevens Fleckenstein, mother of Lt. Cmdr. Larry Stevens, lost in Laos, 1969; Ms. Shelby Robertson Quast and Ms. Deborah Robertson Bardsley, daughters of Col. John Robertson, lost or captured in Vietnam in 1966; and Mr. Albro Lundy III, son of Major Albro Lundy, Jr., lost in Vietnam in 1970; Captain Robert Apodaca, son of Major Victor Apodaca, lost in North Vietnam, in 1967; and Dr. Patricia Ann O'Grady, daughter of Col. John O'Grady, lost in North Vietnam in 1967. Each raised serious questions about the U.S. Government's handling of the POW/MIA issue as it affected the investigation into the status of their missing family member.

Chapter 2: The Paris Peace Accords

Key questions and key issues

Most of the questions and controversies that still surround the POW/MIA issue can be traced back to the Paris Peace Accords and their immediate aftermath. If that agreement had been implemented in good faith by North Vietnam and with necessary cooperation from Cambodia and Laos, the fullest possible accounting of missing Americans would have been achieved long ago.

Obstacles to resolution

The great accomplishment of the peace agreement was that it resulted in the release of 591 Americans, of whom 566 were military and 25 civilian. It also established a framework for cooperation in resolving POW/MIA related questions that remains of value today. Unfortunately, implementation of the agreement failed, for a number of reasons, to resolve the POW/MIA issue.

During its investigation, the Committee identified several factors that handicapped U.S. officials during the negotiation of the peace agreement, and during the critical first months of implementation.

The first and most obvious obstacle to a fully effective agreement was the approach taken to the POW/MIA issue by North Vietnam (DRV) and its allies. During the war, the DRV violated its obligations under the Geneva Convention by refusing to provide complete lists of prisoners, and by prohibiting or severely restricting the right of prisoners to exchange mail or receive visits from international humanitarian agencies. During negotiations, the DRV insisted that the release of prisoners could not be completed prior to the withdrawal of all U.S. forces, and consistently linked cooperation on the POW/MIA issue to other issues, including a demand for reconstruction aid from the United States. Once the agreement was signed, the DRV was slow to provide a list of prisoners captured in Laos. Following Operation Homecoming, the North Vietnamese refused to cooperate in providing an accounting for missing Americans, including some who were known to have been held captive at one time within the DRV prison system. Perhaps most important of all, the DRV's continued pursuit of a military conquest of the south dissipated prospects for cooperation on POW/MIA issues.

A second factor inhibiting the achievement of U.S. objectives was the limited leverage enjoyed by U.S. negotiators. It was U.S. policy, fully known to the North Vietnamese, that the U.S. sought to disengage from what had become the longest war in American history. President Nixon, who had inherited the war from his predecessors, was elected on a platform calling for an end to U.S. involvement; support was building rapidly within the Congress for measures that would have mandated a withdrawal conditioned solely on the return of prisoners; the antiwar movement had become more active and visible; and the American public had become increasingly divided and war-weary as the conflict continued. These same factors, along with the debilitating effects of the Watergate scandal on the Nixon Presidency, weakened the U.S. hand in responding to DRV violations after the peace agreement was signed.

A third factor limiting the success of the agreement was the absence of Lao and Cambodian representatives from the peace table. Although the U.S. negotiators pressed the DRV for commitments concerning the release of prisoners and an accounting for the missing throughout Indochina, the peace accords technically applied only to Vietnam. Although the DRV assured Dr. Kissinger that it would ensure the release of U.S. prisoners in Laos, the prisoners captured in Laos who were actually released had long since been transferred to Hanoi. No Americans held captive in Laos for a significant period of time were returned at Operation Homecoming. Neither the peace agreement, nor the assurances provided by the North Vietnamese to Dr. Kissinger, established procedures to account for missing Americans in Cambodia or Laos.

Purpose

The overall purpose of the Committee's investigation of the Paris Peace Accords was to uncover information bearing on the likelihood that U.S. POWs were kept behind in Southeast Asia after Operation Homecoming. A secondary purpose was to determine

whether there were factors involved in the negotiation of the agreement, in the agreement itself, or in the subsequent public characterizations of the agreement by U.S. officials that affected our ability to obtain the fullest possible accounting of our POW/MIAs or that otherwise contributed to the ongoing controversy over the POW/MIA issue.

In order to make judgments about these larger issues, the Committee considered a number of more specific issues and questions.

First, the Committee reviewed the negotiating history to determine the priority attached by the U.S. side to the POW/MIA issue, the obstacles to a favorable agreement raised by the other side, and the compromises made before a final agreement could be reached.

Second, the Committee reviewed the POW/MIA provisions of the agreement itself to determine both their scope and enforceability. Of particular interest in this regard was the "side understanding" between the United States and the DRV which obligated the North Vietnamese to arrange for the release of U.S. POWs in Laos.

Third, the Committee examined the relationship between negotiations over the POW/MIA issue and discussions concerning possible U.S. reconstruction aid to North Vietnam.

Fourth, the Committee compared official American expectations with results in terms of the number and identities of prisoners released. Related to this was an examination of the basis for U.S. expectations. Clearly, if the U.S. had good reason to expect Americans to come home who did not come home, the possibility that some prisoners were intentionally withheld by the DRV or by communist forces in Laos would increase.

Finally, the Committee examined allegations concerning the apparent disparity in substance and tone between internal U.S. communications during the 60 days after the peace agreement was signed and official public statements made subsequent to the completion of Operation Homecoming.

Investigative approach

The Committee began its investigation of the Paris Peace Accords and related matters determined to go beyond the public record to the private record of negotiations, internal U.S. agency communications and the sworn testimony of those who participated in shaping and implementing the agreement.

The Committee requested, and obtained, access to nearly all Executive branch materials dealing with the POW/MIA related aspects of the peace negotiations, including Presidential papers, the papers of then-National Security Adviser, Dr. Henry Kissinger, and the minutes of meetings conducted by the Washington Special Action Group (WSAG). A large quantity of these materials were then declassified and made available to the public at the Committee's request.

Committee staff investigators took a "bottom-up" approach to interviewing participants in the Paris Peace negotiations beginning with staff members and those with peripheral roles and continuing through the deposition of Dr. Kissinger and other senior Nixon Administration officials.

Among those interviewed and deposed with respect to this issue were the following (affiliations indicated below refer to the 1970-1973 time period):

National Security Council Staff: Dr. Henry Kissinger, Gen. Alexander Haig, Mr. Winston Lord, Mr. John Negroponte, Mr. Peter Rodman, Mr. John Holdridge, Gen. Brent Scowcroft, and Mr. Richard Kennedy.

Department of Defense: Mr. Melvin Laird, Mr. Elliot Richardson, Mr. James Schlesinger, Mr. William Clements, Admiral Daniel Murphy, Dr. Roger Shields, Mr. Lawrence Eagleburger, Maj. Gen. Richard Secord, Lt. Gen. Vernon Walters, B. Gen. George Guay, Admiral Thomas Moorer, Mr. Jerry Friedheim, and M. Gen. John R. Deane, Jr.

Department of State: Mr. William Rogers, Ambassador William Sullivan, Mr. George Aldrich, Mr. Heyward Isham, Ambassador McMurtrie Godley, and Mr. Frank Sieverts.

Central Intelligence Agency : Mr. James Schlesinger, Mr. George Carver, and Lt. Gen. Vernon Walters.

U.S. Delegation to Four-Party Joint Military Commission: Gen. John Wickham, Col. Paul Miles, Col. Lawrence Robson, Col. Bernard Russell, Lt. Gen. Larry Budge, and M. Gen. O'Connor.

These interviews and depositions were supplemented by public hearings on September 21, 22 and 24, 1992.

BACKGROUND

Outline of the negotiations

The United States and the Democratic Republic of Vietnam (DRV) conducted peace negotiations through two channels. The public channel began in May, 1968 with bilateral discussions between the United States and the DRV in Paris, France. In January, 1969, the Paris Conference on Vietnam convened with representatives from those two countries and from the Government of South Vietnam (GVN) and the Viet Cong (Provisional Revolutionary Government (PRG)). The second channel consisted of secret talks, which began in August, 1969, between Dr. Henry Kissinger, Assistant to President Nixon for National Security Affairs, and Xuan Thuy, the chief of the North Vietnamese Delegations to the Paris Peace Conference. In February, 1970, Le Duc Tho, a senior member of the North Vietnamese Politburo, replaced Thuy as North Vietnam's top participant in the talks.

Public sessions

The Paris Conference on Vietnam held meetings on almost a weekly basis between January, 1969 and the end of the war. Throughout most of this period, the Conference served not as a forum for negotiations, but for propaganda campaigns on all sides. Minister Xuan Thuy, head of the North Vietnamese delegation, regularly lambasted the United States for its bombing campaigns, its "aggression" against Cambodia and Laos, its "neo-colonialist"

policy towards Vietnam and its support for the "dictatorial, bellicist and corrupt Thieu" regime.[32]

On January 21, 1971, at the 100th session of the conference, DRV Minister Xuan Thuy argued that:

> . . . the Nixon Administration has ceaselessly clamored about the so-called question of "prisoners of war" to stir up public opinion, particularly in the United States. Once again, we think it necessary to state that, although the American pilots were captured in the act of committing crimes when bombing the Democratic Republic of Vietnam, our government has treated them with leniency and humanity. If the Nixon Administration is really concerned about Americans captured in the war, it should announce the total withdrawal from South Vietnam of U.S. troops and those of the other foreign countries in the U.S. camp by June 30, 1971 . . . so that discussion may immediately begin on the question of releasing captured militarymen . . .[33]

The American delegation, headed by Ambassador David K.E. Bruce, concentrated much of its rhetorical fire on the failure of the DRV to live up to its obligations under the 1949 Geneva Convention regarding the treatment of prisoners of war. The POW issue was raised by the U.S. at more than half the sessions and often was the sole subject of American statements. Ambassador Bruce criticized, in particular, North Vietnam's refusal to identify all prisoners held, including those in South Vietnam and Laos; its refusal to allow regular correspondence to families; its failure to permit inspections by the Red Cross and its unwillingness to release the sick and badly injured. The U.S. delegation also challenged the DRV, without success, to accept an October 7, 1970 Nixon Administration proposal for the immediate and unconditional release of all prisoners of war.

Secret talks

Until October, 1972, the U.S. negotiating team for the secret talks consisted exclusively of National Security Adviser Henry Kissinger and several of his staff. Dr. Kissinger's primary assistants during various periods of the negotiations were NSC staff members Winston Lord, John Negroponte, Dick Smyser and Peter Rodman. General Alexander Haig, Dr. Kissinger's deputy, also attended several of the negotiating sessions and played a major role in convincing the South Vietnamese Government to accept the agreement. General Vernon Walters, the Army Attache at the U.S. Embassy in Paris and later Deputy Director of the CIA, arranged and acted as translator at the early meetings. The Defense Department had no representative on the team, while the State Department was not included until late October, 1972, when William Sullivan, Deputy

[32] Statement by Minister Xuan Thuy, Chief of the Delegation of the Government of the Democratic Republic of Vietnam, 100th Plenary Session of the Paris Peace Conference on Vietnam, January 21, 1971.
[33] Ibid.

Assistant Secretary of State for Pacific and East Asian Affairs, and George Aldrich, a Deputy Legal Adviser, were recruited.

By the time the secret talks began, the Nixon Administration had withdrawn 60,000 American troops from Vietnam and adopted the policy of "Vietnamization" of the war. The goal of this policy was to shore up the GVN through a massive infusion of military and economic assistance to enable it to survive despite the gradual withdrawal of American troops. The policy also called for greater use of American air power in order to induce the DRV to negotiate and to interdict supply lines running through Cambodia and Laos to the south. This policy, aimed explicitly at achieving "peace with honor," provided the context for U.S. negotiating objectives.

The U.S. entered the negotiations with three goals foremost in mind. The first was to obtain the fullest possible accounting of American POW/MIAs. The second was to ensure that the Government of South Vietnam's President Nguyen Van Thieu could stand alone after U.S. withdrawal. And the third was to establish a framework for the future political self-determination of the South Vietnamese people. In order to achieve these ends, U.S. negotiators sought: (1) the unconditional release of prisoners and a means to account for the missing throughout Indochina; (2) an internationally supervised ceasefire throughout Indochina; (3) the right to continue supplying military aid, including training and advisers, to South Vietnam; (4) the withdrawal of North Vietnamese forces from the south; and (5) a plan for free and fair elections in South Vietnam.

The overriding goal of the DRV, on the other hand, was to establish the conditions that would make a Communist military takeover in the south more likely. Thus, North Vietnamese negotiators insisted on the total withdrawal of U.S. troops (including advisers), the end of U.S. aid to South Vietnam, the release of Viet Cong prisoners by the GVN, and the replacement of President Thieu with a coalition government. North Vietnam also demanded reparations from the U.S. as compensation for war-related damage.

Neither the weekly public talks in Paris, nor the sporadically-held secret talks, resulted in progress until mid-1971. Until then, the U.S. insisted on an agreement that dealt only with the military issues of returning prisoners, a ceasefire and the withdrawal of forces. DRV officials, meanwhile, demanded both the removal of President Thieu and the unconditional withdrawal of American forces, while refusing to acknowledge the presence of their own troops in South Vietnam.

On May 31, 1971, with U.S. troop levels down from a peak of 540,000 to 270,000, Dr. Kissinger offered to negotiate a deadline for withdrawal of U.S. forces in exchange for a ceasefire and the release of American POWs. This triggered an exchange of comprehensive proposals that would ultimately lead to an agreement. Throughout 1971, however, Le Duc Tho held firm to his insistence that President Thieu be removed and no breakthrough occurred.

On January 25, 1972, President Nixon revealed publicly that secret talks with North Vietnam had been taking place. There followed a period of increased tensions marked by a major DRV offensive and a U.S. response which included the bombing of North Vietnam and the mining of Haiphong Harbor. Despite the fighting,

or perhaps because of it, the momentum on both sides for an agreement built rapidly. As a result, discussions between Dr. Kissinger and Le Duc Tho were held on July 19, August 1, August 15, September 15 and daily between October 8 and October 11. By the end of those sessions, the outline of an agreement had taken shape. The key concession from the American side was the willingness to accept a ceasefire that did not require DRV withdrawal from the south. The key DRV concession was a willingness not to demand the prior removal from office of President Thieu.

Prospects for an agreement by the end of October were dashed, however, when President Thieu objected bitterly to the proposed draft. Negotiations resumed between November 20 and December 14, 1972 but did not narrow remaining differences. This was followed by President Nixon's decision to order ten days of intensive bombing of the north. Negotiations started again in early January and concluded when Dr. Kissinger and Le Duc Tho initialed the "Agreement on Ending the war and Restoring Peace in Vietnam."

The Agreement was signed formally in Paris on January 27, 1973.

The issue of the prisoners

A major U.S. goal entering the negotiations was to guarantee the release of all Americans held captive throughout Indochina. This was repeatedly stated as an absolute condition for reaching agreement. When the agreement was announced, U.S. negotiators said, without reservation, that this vital American objective had been achieved. On January 23, 1973, the day the agreement was initialed, President Nixon announced that:

> Within 60 days from this Saturday (the day the agreement was to be signed), all Americans held prisoner of war throughout Indochina will be released. There will be the fullest possible accounting for all of those who are missing in action. . . .[34]

The following day, Dr. Kissinger told reporters that:

> We have been told that no American prisoners are held in Cambodia. American prisoners held in Laos and North Vietnam will be returned to us in Hanoi.[35]

Three years later, in 1976, the Montgomery Committee concluded that:

> the provisions of the Paris Peace Agreement relative to POW's and MIA's and the Protocol on Prisoners and Detainees appear, at first glance and after more thoughtful consideration, not only adequate, but excellent. . . . These provisions constitute an achievement of which the American negotiators and the American people could be proud. Their true success, however, depended on their implementation, and their implementation depended on the cooperation of all parties.[36]

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[34] Statement of President Richard M. Nixon, White House, January 23, 1973.
[35] Dr. Henry Kissinger, press conference, January 24, 1973.
[36] Final Report of House Select Committee on Missing Persons in Southeast Asia, December 13, 1976, p. 112.

Although the POW/MIA provisions may well have been the best achievable given the circumstances, it is clear from an examination of the negotiating record that there were significant differences between the original U.S. position and the final agreement on several key points. This is not surprising, given the nature of the negotiation process. The Montgomery Committee was surely correct, moreover, in stating that the success of the agreement depended on its implementation which, in turn, hinged on the cooperation of all parties. A review of the issues involved in the negotiation provides a useful introduction to the problems of implementation that would follow.

Timing of POW release

A key issue early in the negotiations involved the timing of the release of U.S. POWs. On October 7, 1970, President Nixon proposed that prisoners be returned as part of an overall agreement requiring a regionwide ceasefire and a timetable for the withdrawal of all foreign troops, including the withdrawal of North Vietnamese troops from Cambodia, Laos and South Vietnam. The U.S. maintained this position until May 31, 1971 when Dr. Kissinger told the DRV that the U.S. would agree to a deadline for the withdrawal of all U.S. forces in exchange for a ceasefire and the release of U.S. POWs. Both proposals envisioned the return of U.S. POWs prior to the withdrawal of American troops. North Vietnam, on the other hand, was insisting that POWs be returned after U.S. troops had been withdrawn.

In July, 1971, the DRV proposed that the prisoner release occur concurrently with the U.S. troop withdrawal. This concept was accepted by the U.S. side and was incorporated in subsequent proposals. Gradually, the period for the combined troop withdrawal/prisoner release was negotiated down from the six months proposed by the U.S. in October, 1971 to the 60 days of the final agreement.

Exchange of lists

The timing of the exchange of POW lists was an important issue because the United States had ample reason to question whether the North Vietnamese would provide a complete and accurate list.

One reason for concern about the likelihood of DRV trustworthiness on the issue of returning POWs stems from the experience of France after its defeat at Dien Bien Phu in 1954. Although the 1954 Geneva Accords called for the release of all prisoners of war and civilian detainees, more than 20,000 French Union Forces have never been accounted for. Because of disputes between the Viet Minh guerrilla forces and the French about the evacuation of prisoners captured at Dien Bien Phu, a large number of the French POWs were forced to march 600 kilometers to their point of release. General Vernon Walters told the Committee that a senior intelligence officer in the French Army with whom he had spoken characterized this as "a death march" during which many POWs died. General Walters said that the French officer had told him that "something like half the prisoners that were known to have been captured alive never came back to France after they reached a deal with the Vietnamese." The vast majority of the known French Union prisoners who were not returned, more than 9000,

were Vietnamese Army personnel who had been allied with the French.

A second reason for serious American concern about whether the DRV would meet obligations entered into with respect to the POW issue arose after the release of a supposedly comprehensive list of U.S. POWs in December 1970. The list, which was given to U.S. Senator Edward Kennedy, included 368 names, with 339 listed as live prisoners and 29 as having died in captivity. The U.S. quickly and repeatedly characterized the list as incomplete because it excluded prisoners captured outside of North Vietnam and because it did not include some Americans thought to have been captured alive by the DRV.

On April 6, 1971, G. Warren Nutter, Assistant Secretary of Defense for International Security Affairs, told the House Foreign Affairs Committee that:

> We cannot accept the list as definitive . . . we . . . know that the other side holds or has held many men not included on the list.[37]

He also said in response to a question about what the United States would seek in negotiations in return for troop withdrawal:

> . . . let me suggest to you some of the problems we have. We don't even know the names of all our prisoners yet. We would have to negotiate on that question. We would have to get a list that would be definitive.[38]

On January 20, 1972, Heyward Isham, acting head of the U.S. delegation to the Paris meetings criticized the DRV for characterizing the list as "'complete and final' despite clear evidence that you have further information which you could provide." Ambassador Isham then listed the cases of 14 downed airmen "who were known to have been alive on the ground in North Vietnam, or who were at one time actually identified by you as having been captured. None of these men appear on your so-called 'complete' list."[39]

Secretary of Defense Melvin Laird was also active during this period in denouncing the inadequacies of the December 1970 list and in highlighting the cases of Americans believed to be POWs who were not included in that list. Secretary Laird specifically urged Dr. Kissinger to question the DRV concerning the shortcomings of the December 1970 list and to insist on an exchange of lists prior to the signing of a peace agreement. Secretary Laird expressed confidence in his testimony before the Select Committee that his advice on these matters had been heeded:

> I'm sure they were asking for specific names and numbers. They had the various lists that the North Vietnamese had been putting out, which were incomplete. (135)[40]

In reality, the timing of the exchange of lists was one of the first POW-related issues settled during the negotiations. During the Kis-

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[37] House Foreign Affairs Committee hearing, April 6, 1971.
[38] Ibid.
[39] Isham testimony before House Foreign Affairs Committee, September 28, 1972, p. 188.
[40] Select Committee hearing, September 21, 1992.

singer-Le Duc Tho meeting on August 16, 1971, the DRV proposed that "the two sides will produce the complete lists of military personnel and civilians captured during the war on the day an agreement is signed." [41] This formulation was accepted by the U.S. side and thereafter appeared—in substantially identical form—in proposals by both sides and in the final agreement. Despite the concerns expressed at the time by Secretary Laird and others about whether the DRV could be trusted on this issue, the U.S. side made no effort to re-open the matter in later negotiations or proposals.

During his testimony before the Select Committee, Dr. Kissinger expressed the view that the U.S. lacked the leverage at the time of the negotiations that would have been necessary to gain DRV agreement to an earlier exchange of lists. He also cited the repeated and unsuccessful efforts by the U.S. during the public peace negotiations to obtain a complete list of U.S. prisoners.

Linkage to release of civilian prisoners

One of the most difficult issues facing the negotiators concerned the possible release of civilians detained by the Thieu Government in South Vietnam. To the DRV and Viet Cong, these were the equivalent of prisoners of war. The Government of South Vietnam, however, considered many of these prisoners to be either common criminals or political criminals who had violated the law through subversive activity. In neither case, argued the South Vietnamese, should these prisoners be treated the same as POWs.

Dr. Kissinger and other U.S. negotiators were determined to avoid linking the release of U.S. POWs to the complex questions involved in negotiating the release of the civilians in the south. They feared, quite logically, that such linkage would leave U.S. prisoners hostage to what would certainly be a highly contentious negotiating process between competing factions in South Vietnam. This issue of linkage was a frequent topic of discussion during the secret talks until October 1972, when the U.S. persuaded the North Vietnamese to leave the issue for the GVN and PRG to decide. In mid-December, however, the DRV reversed field by demanding that the release of the civilians in the south occur at the same time as the release of the U.S. POWs. This demand was a contributing factor to the President's decision to break off negotiations and begin the Christmas bombing. The DRV reverted to its October position when negotiations resumed in January, however, and the agreement to leave the issue to be worked out between the GVN and the PRG was incorporated in the accords as article 8(c).

Application to prisoners captured outside Vietnam

The most difficult task for U.S. negotiators was to attempt to gain an accounting for U.S. prisoners who were captured or held in Laos or Cambodia. Although North Vietnamese troops were active in both countries, the DRV would not admit this in negotiations. Time and again, North Vietnamese negotiators insisted that it was beyond their sovereign power to ensure the return of prisoners from Laos or Cambodia.

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[41] Memorandum of Conversation, with Xuan Thuy, Vo Van Sung, Phan Hien, and Henry Kissinger, Paris, August 16, 1971.

U.S. negotiators stressed their concern not only that the accord apply specifically to U.S. prisoners throughout Indochina, but that a mechanism to account for the missing throughout the region also be established. As Dr. Kissinger noted in a cable to President Nixon on August 19, 1972, following a meeting a day earlier with Le Duc Tho, the U.S. position was that the agreement "had to include all men, and *account for all missing*, throughout Indochina." [42]

Almost to the end, the draft negotiating proposals of the two sides reflected the different positions. For example, on September 15, 1972, the DRV proposed:

> The total release of people of the parties, military men and civilians, captured during the Vietnam war (including American pilots captured in North Vietnam) . . . The parties will exchange the lists of people of the parties captured during the Vietnam war. . . .

The U.S. counterproposal, on the other hand, called for:

> The release of all military men and innocent civilians captured during the Vietnam war *throughout Indochina* including American servicemen captured in North Vietnam . . . The parties will exchange complete lists of the military men and innocent civilians captured during the Vietnam war *throughout Indochina* on the day of the signing of the overall agreement. As part of the overall agreement, there will be provision for verification of those still considered missing in action *throughout Indochina* after POW lists have been exchanged.

At the session on September 26, 1972 Dr. Kissinger and Le Duc Tho had the following exchange:

> Dr. KISSINGER. There is one point about which I can leave no doubt in your mind. The President will under no circumstances sign an agreement that leaves any American prisoners anywhere in Indochina. There would be no support in America whatsoever for any arrangement that drew a distinction between American prisoners that are held in Vietnam and American prisoners that are held in Laos and Cambodia. Now the modalities by which this may be achieved or the language that is used to express it is of course subject to negotiation . . .
>
> LE DUC THO. So you mean by that there is a difference between reality and language?
>
> Kissinger: If we have assurances that all American prisoners held in Indochina will be returned as a result of the agreement, then we can negotiate about the language that expresses that reality. It is conceivable to me, for example—and I am speaking here without precise authority, but if we want to make rapid progress I have to say things sometimes and then check it in Washington—that your

[42] Dr. Kissinger, Memorandum to the President, August 19, 1972.

allies could turn over their prisoners to you and then you return all prisoners to us.

LE DUC THO. As I told you last time that the American prisoners in Cambodia, there are none. In Laos, there are very few. But if you satisfactorily solve the political question and the question of reparations then we can find an understanding. But it is a question under the competence of Laos and Cambodia, and we have to exchange views with them. And moreover, this cannot be written down in a signed document.[43]

The following day, Dr. Kissinger cabled General Haig that the DRV's refusal to include formal provisions concerning Laos and Cambodia in a draft agreement remained "a major issue" of disagreement between the two sides.[44]

When it became clear in early October, however, that the DRV would not insist on President Thieu's resignation before agreeing to peace, momentum for an agreement increased. Accordingly, the U.S. side adopted the more flexible approach hinted at by Dr. Kissinger during the September 26 meeting by ceasing to insist on a formal Laos/Cambodia POW/MIA provision and pressing instead for a less formal understanding between the two sides on the issue.

On October 20, 1972, President Nixon sent a secret cable to DRV Prime Minister Pham Van Dong urging him to agree to make the following "unilateral declaration":

With respect to U.S. military men and civilians held in Indochinese countries outside of Vietnam, the DRV undertakes to make arrangements for their indentification and return to the United States authority in accordance with the same schedule established for the release of U.S. military men and civilians detained in Vietnam. The DRV will also assure that the provision in the overall agreement for the verification of those U.S. military men and civilians considered missing in action will be applied also in Laos and Cambodia.[45]

Prime Minister Pham Van Dong did not agree to make such a farreaching declaration. Instead, he replied the next day as follows:

In order to show its good will, the Government of the Democratic Republic of Viet Nam wishes to make clear its viewpoint regarding the unilateral statements mentioned by the United States in its message of October 20, 1972 as follows:

(a) Concerning the understandings on the part of the Democratic Republic of Viet Nam as mentioned during the private meetings in September and October of the current year, the DRV side will carry out, without any change, what it has declared to the U.S. side. But it should be made clear that the questions of Laos and Cambodia must be settled in accordance with the sovereignty of these two

[43] White House Memorandum of Conversation, between Le Duc Tho and Kissinger, Paris, September 26, 1972.
[44] Cable from Dr. Kissinger to Gen. Haig, 9/27/72.
[45] Cable from President Nixon to DRV Prime Minister Pham Van Dong, October 20, 1972.

> countries. . . However, the Democratic Republic of Vietnam will do its utmost to come to an agreement with its allies, with a view of finding a satisfactory solution to the questions with which the United States is concerned. The DRV side is of the view that certainly the ending of the war in Vietnam will positively contribute to rapidly restoring peace in Laos and Cambodia. . . The Lao Patriotic Front has informed the DRV side that it is ready to agree with the other side on a ceasefire in Laos within one month of October 31, 1972 or within a shorter period of time, and that the Americans captured in Laos will be promptly released, before December 30, 1972.[46]

It is clear from this record that Pham Van Dong continued to insist, as the North Vietnamese had throughout the secret talks, that Laos/Cambodia issues were beyond DRV control, that the release of U.S. prisoners in Laos would be contingent upon a ceasefire in that country and that the timing would not necessarily be the same as that in Vietnam. The DRV leader also failed to address explicitly the issue of accounting for MIAs—as opposed to the release of prisoners—in either Laos or Cambodia.

Despite the differences, President Nixon cabled back on October 22 that:

> The President notes with appreciation the message from the Prime Minister of the DRV which satisfies all his points with respect to Laos and Cambodia as well as U.S. prisoners.[47]

In his memoirs, President Nixon summarized the exchange as follows:

> The North Vietnamese were now clearly determined to get an agreement. . . . Only the matter of the unilateral declarations, which included the arrangements for a ceasefire and the return of American POWs in Laos and Cambodia, still had to be clarified . . . On October 21, the North Vietnamese replied by accepting our position on unilateral declarations.[48]

Although the President had expressed satisfaction with the October 21, 1972 correspondence from Pham Van Dong, the U.S. did not leave the issue there when negotiations resumed in January, 1973, after the Christmas bombing. Instead, Dr. Kissinger pressed Le Duc Tho for a direct assurance that U.S. prisoners in Laos would be returned within the same 60 day time period as other prisoners covered by the Accords. On January 9, he succeeded. On that date, Le Duc Tho assured Dr. Kissinger for the first time that U.S. prisoners captured in Laos would be returned within the same time frame as those captured in Vietnam. Le Duc Tho repeated his statement that there were no live U.S. POWs in Cambodia. To sum up, the U.S. had finally succeeded, two weeks prior to the initialing of the agreement, in obtaining a verbal commitment from North

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[46] Cable from Pham Van Dong to Nixon, October 21, 1972.
[47] Cable from Nixon to Pham Van Dong, October 22, 1972.
[48] Nixon memoirs, p. 695.

Vietnam that U.S. prisoners detained in Laos would be returned within 60 days. In a cable on January 11, Dr. Kissinger characterized the understanding as providing "ironclad guarantees on our prisoners in Laos and Cambodia." [49]

A potential problem in enforcing these guarantees was raised just nine days later, on January 20, in a cable to Dr. Kissinger from U.S. Ambassador to Laos, McMurtrie Godley. The cable indicates that the timing of the release of U.S. POWs in Laos would depend, at least from the perspective of the Pathet Lao (LPF), on the negotiation and implementation of a ceasefire with the Royal Lao Government (RLG)—not on any timetable established under the Paris Peace Accords. The cable reads:

> During General Haig's visit to Vientiane on Thursday, January 18, I forgot to raise with him the link which both the RLG and LPF have established in their draft agreements between the release of prisoners and the withdrawal of foreign forces from Laos. Both draft agreements are identical and state: "The interested parties will proceed with the turnover of all military and civilians captured or imprisoned during the war, regardless of nationality, according to modalities adopted by common agreement. This exchange will begin and end at the same time as the withdrawal from Laos of all foreign troops and foreign military personnel." [50]

At the time the Paris accords were signed, the U.S. and DRV understood that the cease-fire in Laos would take place within 15 days following the signing of the Paris agreement. In fact, the ceasefire agreement was signed on February 21, 1973, but the protocols implementing the POW reporting provisions were not signed until September 14 and implementation of prisoner exchanges by the two Lao parties did not begin until the following April.

Despite the uncertainties about the timing of the Laos ceasefire, Nixon Administration officials were publicly upbeat about the enforceability of the agreement. At a White House meeting on January 26, Dr. Kissinger told representatives of the National League of Families that he did not "foresee any special problems . . . we have absolute assurance that all American prisoners of war held anywhere in Indochina will be released. The North Vietnamese know that one condition on which we have not compromised is the issue of our men. We will brutally enforce the return of these men." When asked about the anticipated prisoner lists, Dr. Kissinger replied that "We will not accept them as complete or as definite. However, we also do not believe they will hide any POWs." [51]

In his testimony before the Select Committee in 1992, NSC staffer Winston Lord discussed the difficulties of gaining truly reliable guarantees from North Vietnam with respect to missing U.S. servicemen in Laos and Cambodia:

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[49] Cable from Kissinger to Ambassador Bunker, January 11, 1973.
[50] Cable from Amb. Godley to Kissinger, January 20, 1973.
[51] Memorandum of Conversation, Kissinger to representatives of the National League of Families, January 29, 1973.

The general problem we had with Laos and Cambodia in negotiating this agreement. Hanoi wanted to maintain the fiction that it had no control over its friends in those other two countries, that they were sovereign governments. In retrospect, with respect to Cambodia, that turned out to be largely true. In fact, Vietnam invaded Cambodia a few years later, so they clearly didn't have control over the Khmer Rouge and some of the other elements.

But they certainly had large control in Laos, so our dilemma was to try to make this agreement as airtight as we could throughout Indochina, including on the POW/MIA question. And we came up with, frankly, compromises that were not fully satisfactory, of unilateral statements and so on . . .

We didn't get everything we wanted, including the Laos and Cambodia dimensions were clearly not as good as we would have liked . . . the final agreement was certainly not airtight.[52]

The issue of U.S. aid

The concept of U.S. contributions to postwar reconstruction in Southeast Asia was first raised by President Lyndon Johnson in a speech at Johns Hopkins University on April 7, 1965. Regular, albeit general, references to such aid were made later by officials both of the Johnson and Nixon Administrations.

The DRV made it clear during the secret talks that U.S. economic assistance was essential to any agreement reached between the two sides. During testimony before the Montgomery Committee in 1976, Under Secretary of State Philip Habib, who had attended some of the secret negotiating sessions during the war as a member of Dr. Kissinger's staff, noted:

> In one of the first lists of negotiating points put forward by the North Vietnamese, the Communist side bracketed the release of prisoners with what they described as "U.S. responsibility for war damage in Vietnam" in a single numbered point . . . I know of no instance in which an adversary so openly treated this humanitarian problem in this way. We recognized from an early date what we were up against.[53]

Also, the following exchange took place during the Select Committee's deposition of Ambassador Vernon Walters:

> Q: Was there ever any effort by the North Vietnamese that you were aware of to link the subject of our payments to them with the release of our prisoners?
>
> A: Reparations were sine qua non for peace, return the prisoners for everything.
>
> Q: From the North Vietnamese perspective, you mean?
>
> A: Yes.[54]

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[52] Lord testimony, September 21, 1992.
[53] Montomery Committee hearings, July 21, 1976.
[54] Deposition of Vernon Walters, September 1, 1992, pp. 33–34.

The clearest indication that the North Vietnamese continued to link POW/MIA provisions with a commitment for U.S. aid during the latter stages of negotiations occurred on September 26, 1972. During a negotiating session on that date, Dr. Kissinger asked for assurances that all American prisoners, including those in Laos and Cambodia, would be returned as a result of the agreement. Le Duc Tho responded by saying:

> If you satisfactorily solve the political question and the question of reparations, then we can find an understanding.[55]

As Dr. Kissinger and Ambassador Winston Lord both testified to the Committee, the U.S. understood that the DRV would not have signed an agreement in January 1973 in the absence of an American commitment to contribute to postwar reconstruction throughout Indochina. Nevertheless, there was a good deal of haggling over the possible amounts. The DRV continually upped its demands based on the ongoing damage being inflicted by U.S. bombing. In addition, the North Vietnamese referred to the possible aid as "reparations," while the U.S. side insisted that it be referred to as "reconstruction aid." Finally, Dr. Kissinger argued for a provision that was as vague as possible, while the DRV wanted a specific and binding commitment.

Article 21 of the PPA provides that:

> The United States anticipates that this Agreement will usher in an era of reconciliation with the Democratic Republic of Vietnam as with all the peoples of Indochina. In pursuance of its traditional role, the United States will contribute to healing the wounds of war and to postwar reconstruction of the Democratic Republic of Vietnam and throughout Indochina.

The inclusion of Article 21 caused considerable controversy in the United States. As described in pages 114–117 of the Montgomery Committee report, Dr. Kissinger and other Administration officials denied at the time and for years afterwards that any negotiations or agreements concerning specific amounts of aid had been conducted.

These denials occurred notwithstanding a secret letter from President Nixon to DRV Premier Pham Van Dong that was hand-delivered on February 1, 1973, four days after the agreement was signed. The letter, which reflected an understanding reached between Dr. Kissinger and Le Duc Tho during the January negotiations, included the following U.S. commitments:

> 1. The Government of the United States of America will contribute to postwar reconstruction in North Vietnam without any political conditions. 2. Preliminary U.S. studies indicate that the appropriate programs for the U.S. contribution to postwar reconstruction will fall in the range of $3.25 billion of grant aid over 5 years. Other forms of aid will be agreed upon between the two par-

[55] Transcript, Kissinger-Le Duc Tho negotiations, Paris, September 26, 1972.

ties. . . . 3. The U.S. will propose to the DRV the formation of a Joint Economic Commission. . . . 4 to develop programs for the U.S. contribution to reconstruction of North Vietnam. . . .

In regard to other forms of aid, U.S. studies indicate that the appropriate programs could fall in the range of 1 to 1.5 billion dollars. . .".[56]

A separate codicil to the letter contained the heading "Understanding Regarding Economic Reconstruction Program." It referred to the recommendations of the Joint Economic Commission "mentioned in the President's note" being implemented by each member "in accordance with its own constitutional provisions."

The record of negotiations supports Dr. Kissinger's contention that he repeatedly informed the DRV that any reconstruction assistance would have to be approved by the U.S. Congress and could not be guaranteed by the Executive Branch acting alone.

Another important issue relating to President Nixon's promise of aid is whether it was meant to be linked with any of the POW/MIA provisions of the agreement and associated understandings. During the course of the secret talks, Dr. Kissinger stated consistently the U.S. position that reconstruction aid was a humanitarian matter that stood alone. In the September 26, 1972 exchange cited above, however, Le Duc Tho explicitly linked the resolution of the issue concerning U.S. POWs in Laos to "the political question and the question of reparations."

It seems, given this record, that the U.S. and DRV took mirror image views of the relationship between the promise of American aid and the release of POWs in Laos. It was the U.S. position that the prisoners must be released whether or not aid was forthcoming. The DRV's preferred position was that aid be forthcoming whether or not prisoners were released. Although U.S. negotiators successfully avoided any linkage of the issues in the agreement, they obviously could not prevent DRV officials from subsequently raising the issue of aid in response to U.S. demands that they comply more fully with the POW/MIA provisions of the accords.

The agreement

The Paris Peace Accords consisted of the Agreement to End the War and Restoring Peace in Vietnam and four protocols including one on prisoners and detainees. On the military side, the Agreement provided for an immediate ceasefire, the simultaneous withdrawal of all U.S. forces and return of military and civilian POWs within 60 days of the signing, and a prohibition on the introduction of troops, military advisers or personnel into South Vietnam during the 60 day period. It also allowed the GVN and PRG to replace worn out military equipment and materiel after the ceasefire and established military commissions to oversee implementation of the military provisions.

With respect to political issues, the Agreement provided for the exercise of the right of self-determination by the South Vietnamese people, the formation by the PRG and the GVN of a National

[56] Nixon letter to Pham Van Dong, February 1, 1973.

Council to organize free and democratic elections, the reunification of Vietnam by peaceful means, and a U.S. commitment to contribute to the postwar reconstruction of Indochina, including Vietnam.

Provisions for the release of prisoners and accounting for MIAs were contained in Chapter III, Articles 8(a) and 8(b):

ARTICLE 8

(a) The return of captured military personnel and foreign civilians of the parties shall be carried out simultaneously with and completed not later than the same day as the troop withdrawal mentioned in Article 5. The parties shall exchange complete lists of the above-mentioned captured military personnel and foreign civilians on the day of the signing of this Agreement.

(b) The parties shall help each other to get information about those military personnel and foreign civilians of the parties missing in action, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriation of the remains, and to take any such other measures as may be required to get information about those still considered missing in action.

The responsibility for implementing article 8 during the 60 day simultaneous prisoner release/troop withdrawal period was delegated to a Four Party Joint Military Commission (FPJMC) and its subcommission on captured persons. Thereafter, a Four Party Joint Military Team (FPJMT) would assume responsibility for accounting for MIAs.

In addition to Article 8, the Agreement included a Protocol on Prisoners and Detainees. The Protocol specified the terms of prisoner release including—among other things—the immediate, complete exchange of lists of captured persons; the return of prisoners at a rate no slower than the rate of withdrawal of the remaining U.S. forces; a requirement that captured persons be treated humanely; permission for Red Cross visits to all places of detention within 15 days; and a requirement that the return of prisoners not be delayed or prevented for any reason, including a possible conviction for war crimes.

With respect to Laos, State Department Deputy Legal Adviser George Aldrich authored a memorandum following the signing of the agreement that noted:

The DRV has assured us that, although not covered by the agreement, 'all U.S. military and civilian prisoners detained in Laos shall be released no later than 60 days following the signature of the agreement.' The DRV has also assured us that it would be responsible for making the necessary arrangements with the Pathet Lao.

Article 8(b) of the agreement concerning the account for missing in action and the location of graves does not apply to Laos. Similarly, the functions of the Four Party Joint Military Commission with regard to dead and missing persons under article 10(a) of the protocol on the return of prisoners, do not extend to Laos. Therefore, it will be nec-

essary to conclude further arrangements for tracing the missing and finding graves in Laos.[57]

Article 20 of the Agreement was intended to pave the way for a regionwide cease fire and withdrawal of foreign forces:

> (a) The parties participating in the Paris Conference on Vietnam shall strictly respect the 1954 Geneva Agreements on Cambodia and the 1962 Geneva Agreements on Laos, which recognized the Cambodian and the Lao peoples' fundamental national rights, i.e., the independence, sovereignty, unity, and territorial integrity of these countries. The parties shall respect the neutrality of Cambodia and Laos.
>
> The parties participating in the Paris Conference on Vietnam undertake to refrain from using the territory of Cambodia and the territory of Laos to encroach on the sovereignty and security of one another and of other countries.
>
> (b) Foreign countries shall put an end to all military activities in Cambodia and Laos, totally withdraw from and refrain from reintroducing into these two countries troops, military advisers and military personnel, armaments, munitions and war materiel. . . .[58]

Also of interest is Article 21, cited above, which contains a general U.S. commitment to "contribute to healing the wounds of war and to postwar reconstruction of the Democratic Republic of Vietnam and throughout Indochina."

Finally, Article 22 of the Agreement stated:

> The strict implementation of this agreement will create conditions for establishing a new, equal, and mutually beneficial relationship between the United States and the Democratic Republic of Vietnam on the basis of respect for each other's independence and sovereignty, and non-interference in each other's internal affairs.

IMPLEMENTATION OF THE ACCORDS: THE FIRST SIXTY DAYS

General expectations

Given the uncertainties of war, the failure of North Vietnam previously to provide what the U.S. considered a complete list of captured Americans, and the prior unwillingness of communist forces in Laos, Cambodia or South Vietnam to provide any list at all, estimates of the likely number of Americans to be returned when the Agreement was finalized varied widely.

On the day the agreement was signed, the DIA listed 667 American military and civilian personnel as POW and 1,986 as Missing in Action. There was not enough certain knowledge behind these apparently precise numbers, however, to justify confident predictions as to the number of Americans who would be coming home.

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[57] Memorandum, George Aldrich, Deputy Legal Adviser, Department of State, January 27, 1973.

[58] Article 20, Paris Peace Accords.

Between 1970 and January, 1973, when the PPA was signed, the Nixon Administration had mounted a public campaign around the POW issue to rally U.S. public support and to put pressure on the DRV. During this period, both President Nixon and Secretary of Defense Laird referred to "1600" American POWs and Congress approved a Resolution, with Administration backing, calling for the release of the "1500 American servicemen . . . imprisoned by Communist forces in southeast Asia." [59]

The Committee conducted a deposition of Col. Lawrence Robson, whose responsibilities as a staff member to the Military Assistance Command in Vietnam included the maintenance of files on servicemen who had been lost. Col. Robson recalls a meeting of service representatives at CINCPAC headquarters in Hawaii in August, 1972 in which the estimated number of returnees varied from 400 to 1600.

General Eugene Tighe told the Committee that Admiral Gayler, CINCPAC, had received a tasking from the JCS in the summer of 1972 to work with the service intelligence agencies to compile as complete a list of potential POWs as possible. The goal, said General Tighe in testimony before the Select Committee, was:

> To compile a list, by military service, of the names . . . of each missing individual of which sufficient intelligence and other data was available to reasonably expect that he had survived and would be returned on successful conclusion of the Paris negotiations.
>
> The standards we used for determining whether to show a missing individual on the list or not as an anticipated returnee may have been more liberal or less than those used elsewhere. I have no way of knowing. They were intended to be as accurately anticipatory as humanly possible. . . . [60]

General Tighe remembers that the list compiled by CINCPAC contained from 900–1000 names and was sent to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. Unfortunately, the Select Committee has not been able to locate any record of the list.

Admiral Thomas Moorer, Chairman of the JCS from 1970–1974, told the Committee that the range of expected returnees, to the best of his recollection, was between 400 and 600, with the possibility of going as high as 1100, given the uncertainties. Admiral Moorer attributed the differences in expectations at this point to differences in criteria used to place names on the various lists.

Expectations with respect to Americans lost in Laos

The confident assurances provided by the President and Dr. Kissinger with respect to the return of prisoners throughout Indochina were particularly encouraging to the families of American airmen downed in Laos. In January, 1973, DIA listed 354 Americans as MIA in Laos, but only 12 as POW. The most tangible evidence of live U.S. POWs, such as letters to family members and the ac-

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[59] "Missing or Dead?—Some "POW" Relatives Say They Are Misled by American Officials"; *Wall Street Journal*, September 30, 1971.

[60] Select Committee hearing, June 24, 1992.

knowledgement of the enemy that particular individuals were being held, was lacking in Laos. But the large number of airmen downed but not confirmed dead, coupled with a variety of other indications, gave grounds for hope that a significant number of those captured in Laos might be coming home.

William Sullivan, U.S. Ambassador to Laos from 1964 until 1969, recalls receiving information during that time indicating the possible or probable capture of "around 10" U.S. airmen. He told the Committee "I got the sense that it (total U.S. prisoners in Laos) was not a large number. That is . . . less than twenty." According to the Ambassador, the U.S. believed that the prisoners were being held at two locations, Xianghoang and Sam Neua, both of which he said were under the control of the North Vietnamese.[61]

In May, 1970, Mr. Sullivan, now Deputy Assistant Secretary of State for East Asian and Pacific Affairs, told the House Foreign Affairs Committee that "most Americans captured by Communist forces in Laos remain in Laos."[62]

Mr. Sullivan's successor as Ambassador to Laos, McMurtrie Godley, was less certain in his testimony about the possible presence of U.S. POWs in Laos. He told the Committee that:

> The only reliable sources we had about MIAs or POWs were, of course, Air Force reports as to losses over Laos and Air America, which lost several men in Northern Laos. . . .
>
> We had, in Vientiane, a special team interrogating many Pathet Lao and North Vietnamese prisoners about American prisoners or MIAs. The information we gathered was not, however, hard proof, but you might say collateral information. . . .[63]

Ambassador Godley and Mr. Ross Perot gave the Committee conflicting accounts of Mr. Perot's visit to Vientiane in April, 1970. Mr. Perot and two associates remember receiving a briefing from the CIA indicating that U.S. prisoners were being held by the Pathet Lao. Although Mr. Perot did not remember the exact number, his associates recall the number as 26 or 27. Neither Ambassador Godley nor the CIA station chief who allegedly provided the briefing recall the meeting, nor do they confirm that the U.S. had solid intelligence of that many prisoners being held in Laos. However, a former U.S. Embassy officer in Vientiane, James Murphy, recalled during his deposition to the Committee that he had, in fact, escorted Mr. Perot to a meeting with the CIA station chief at the U.S. Embassy.

The extent of roughly contemporaneous U.S. intelligence information is reflected in an April 17, 1974 memorandum prepared by the DIA for the various armed service intelligence agencies. According to the memo, "it is clear that the Pathet Lao had captured some U.S. personnel." Among these were Mr. Eugene DeBruin, a civilian, and Lt. Col. David Hrdlicka, USAF. Photographs of both

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[61] Deposition of Ambassador William Sullivan to the Select Committee.

[62] Hearing, Subcommittee on National Security Policy and Scientific Developments, House Committee on Foreign Affairs; April 29, May 1 and 6, 1970, p.100.

[63] Select Committee hearing, September 24, 1992.

men in captivity had appeared in Pathet Lao publications. Pathet Lao spokesman Soth Petrasy had acknowledged in May, 1966 that the LPF were holding Mr. DeBruin and that he was in good health.[64]

Pathet Lao Statements. Although the statements were later to be recanted, other LPF statements made prior to Operation Homecoming heightened U.S. expectations concerning the release of prisoners, as well. For example, in September, 1968, Soth Petrasy told a U.S. official that "pilots are generally kept near the area in which their plane is downed and therefore may be found throughout Laos from the south to the north."[65]

In April 1971, Prince Souphanouvong, Chairman of the LPF Central Committee, made the following statement concerning prisoners:

> The LPF has made public a concrete policy toward enemy soldiers or agents captured or giving themselves up, including GIs. All the American pilots engaged in bombings or toxic chemical sprays on Lao territory are considered criminals and enemies of the Lao people. But once captured, they have been treated in accordance with the humane policy of the LPF. The question of enemy captives; including U.S. pilots, will be settled immediately after the U.S. stops its intervention and aggression in Laos first, and foremost, end the bombing of Laos territory.[66]

According to a September 30, 1971 report in the *Wall Street Journal:*

> The Pathet Lao, a Hanoi ally not represented at the Paris Peace Talks, indicate only that they will "discuss prisoners when the U.S. pulls out of Laos." (Mrs. Stephen Hanson, whose husband a Marine captain, was seen alive on the ground after his helicopter was shot down over Laos, says a high-ranking U.S. diplomat confided to her that there were "70 or 80" U.S. prisoners in Laos. State Department officials, however, say intelligence sources indicate the possibility of "around 30 men, and that's low-level stuff—things like reports of Caucasians spotted on the Ho Chi Minh trail."[67]

In February, 1972, Soth Petrasy told an interviewer that "some tens of prisoners are presently being held" by the Pathet Lao.[68]

In April, 1972, Soth told the press that U.S. airmen were being detained in various caves in northern Laos.[69]

These types of statements continued until as late as February 19, 1973, more than three weeks after the PPA was signed, when Soth said that the Pathet Lao had a detailed accounting of prisoners and where they were being held.[70]

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[64] DIA Memorandum, April 17, 1974.
[65] Ibid.
[66] Ibid.
[67] Wall Street Journal article cited above, September 30, 1971.
[68] DIA Memorandum, April 17, 1992.
[69] Ibid.
[70] UPI report, Soth Petrasy statement, February 19, 1973.

DIA Background Paper—1992. Toward the end of its investigation, the Committee was provided with a Defense Intelligence Agency Background Paper on Laos. According to that document:

> Prisoners who were captured in Laos by the NVA (North Vietnamese Army) were immediately transferred to North Vietnam and detained there until the end of the war. Second, intelligence indicates that after 1968/9, all prisoners captured in Laos were turned over to the North Vietnamese Army for transport to North Vietnam, regardless of where they were captured or by whom.[71]

January 27, 1973: The lists are exchanged

Under the peace agreement, release of POWs and withdrawal of U.S. troops were to be completed within 60 days of the signing of the PPA, or by March 26. The responsibility for implementing these provisions was vested in a Four Party Joint Military Commission (FPJMC) headed, for the U.S., by General Gilbert Woodward. Reports from the U.S. delegation to the JMC were rendered directly to General Weyand, Commander of the Military Assistance Command, Vietnam (MACV), and copied to Dr. Kissinger, Admiral Moorer of the Joint Chiefs (JCS), and others. A POW subcommission of the JMC was formed on January 30, 1973, headed for the U.S. by Col. B.H. Russell.

The primary objective of the U.S. delegation to the FPJMC was to obtain the return of American prisoners under both the terms of the agreement and the side understanding between the U.S. and DRV that U.S. POWs captured throughout Indochina would be returned. The unit's historian described the reason this way:

> First, they were to ensure the return of the American prisoners of war. Given the reduced level of U.S. troop involvement in Vietnam by January, 1973, the return of prisoners was the major emotional motivating force for the Americans. It was probably also the only issue over which the United States could justify a renewal of bombing raids or other measures involving military force, should the North Vietnamese clearly demonstrate their intent to violate the provisions and understandings reached in Paris concerning the prisoner return. The return of the American captives was also a goal on which almost all Americans in Vietnam or at home, could agree.[72]

The lists of U.S. prisoners were placed in American hands shortly after noon, eastern standard time, on January 27. The lists from the DRV and the PRG included a total of 586 Americans to be returned, and 64 as having died in captivity. This left 80 Americans listed as POW (reduced to 73 after the DRV/Laos list was released on February 1), and 1,276 listed by DIA as MIA.

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[71] Defense Intelligence Agency, background paper on "Laos and the 'Black Hole' Theory, p. 2 (undated).

[72] Dillard, Walter Scott, *Sixty Days to Peace. Implementing the Paris Peace Accords. Vietnam. 1973* National Defense University, Fort Lesley J. McNair, Washington, D.C., 1982, p. 59.

Reaction: Disappointment and dismay

The Select Committee was told by numerous witnesses that there was widespread disappointment, especially within the Department of Defense, about the number of names on the list. General Eugene Tighe, for example, remembers "shock and sadness at the paucity of the lists of names we received versus what we expected."[73] Similarly, Secretary of Defense Melvin Laird told the Committee that "I was disappointed with the list because I hoped that there would be more. . ."[74]

U.S. officials were particularly distressed by the fact that the lists did not include any Americans who were believed held prisoner in Laos, although two Americans listed as MIA in Laos were on the list provided by the Viet Cong. The U.S. was certain that the DRV had information concerning at least some prisoners captured in Laos, because the DIA believed that at least a small number of Americans had been captured in Laos by the North Vietnamese and transferred to prison in Hanoi.

Families of missing Americans that were not included on the lists were also dismayed, especially concerning the lack of a list of prisoners captured in Laos. Mrs. Phyllis Galanti, chairman of the Board of the National League of POW/MIA Families, told the Associated Press on January 28, 1973 that "Everything we have been told led us to believe there would be a list."[75]

At a meeting of the WSAG Group on Jan. 29, Dr. Kissinger asked for the Defense Department's reaction to the lists:

> Mr. KISSINGER. Were there any surprises in the list of POWs from North Vietnam?
>
> JCS STAFF REPRESENTATIVE (name redacted). It was pretty close to what we expected. We're hoping for forty more on the list of those in Laos.
>
> DEFENSE DEPT. REPRESENTATIVE (name redacted). Our list had 591 and the one they gave us consisted of 555 (refers to military POWs only), plus 55 who died in captivity. Some of the 555 were not on our lists, although not many. There remain 56 who were previously carried as POWs, but are not on either of the lists they gave us . . .
>
> The information they have given us about prisoners in North Vietnam is quite accurate. We don't know what we will get from Laos. We have only six known prisoners in Laos, although we hope there may be forty or forty-one. We have known very little about the caves where they keep the prisoners in Laos. We just got the first photos of those caves recently and our impression is that they are pretty big. We think they are holding a lot more than six prisoners there.
>
> STATE DEPT. REPRESENTATIVE (name redacted). We expect none from Cambodia?
>
> JCS: They said there were none in Cambodia and we have no record of any there.[76]

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[73] Select Committee hearing, June 24, 1992.
[74] Select Committee hearing, September 21, 1992.
[75] Associated Press, January 28, 1973.
[76] Transcript, WSAG meeting, January 29, 1973.

American protests

U.S. protests about the failure of the DRV to produce a list of POWs captured in Laos were raised immediately at meetings of the JMC and in direct communications between the American and North Vietnamese negotiating teams. On January 29, 1973 Deputy National Security Adviser Brent Scowcroft cabled the U.S. delegation to the peace talks in Paris that a letter from President Nixon to the DRV on the subject of reconstruction aid had been prepared, but that it should not be delivered until the DRV had produced a list of U.S. prisoners captured in Laos. After the DRV failed to produce the list at a meeting on January 30, a note was sent to Le Duc Tho the following day warning that the issue could jeopardize Dr. Kissinger's planned trip to Hanoi to discuss economic aid.

Finally, on February 1, the exchange of the letter from President Nixon and the list of prisoners captured in Laos took place. Col. George Guay, who made the exchange for the U.S. side, described it in a cable to Brent Scowcroft of the National Security Council staff:

> I exchanged the President's memorandum for the list of U.S. prisoners in Laos . . . at 1600 (Paris time) today. When I arrived, he made a grab for the envelope containing the message and without breaking his fingers, I told him that my instructions were to exchange the memorandum for his list. He then said I could read his list while he read the memorandum and if we didn't like what we read we could return each other's papers. At this with a huge smile while he again reached for the envelope. I smiled in return and while picking up the envelope with both hands (tight grip) asked him if he had the list. . . . He went to a cabinet and produced an envelope from which we extracted what was obviously a very short list of names . . . there is a total of 10 people on the list, eight military and two civilians. . . . When he finished reading the memorandum, I asked him if that was the total list available. He replied that was all "they" gave him and that they (the NV) were attempting to establish procedures to verify the existing situation with the Pathet Lao. . . . I did not tell him that I felt like returning the list and taking back the memorandum until they displayed a more serious attitude. In all honesty, though, he did seem to be somewhat embarrassed when he said that was all "they" had given him.[77]

Reactions to the DRV/Laos list

As of February 1, 1973, 352 Americans were listed as MIA in Laos. Of these, two were on the list provided by the DRV. Of the 12 Americans listed as POW in Laos, three were on the list.

American officials were concerned by the small number of individuals on the DRV/Laos list, compared to the total number of U.S. servicemen unaccounted for in Laos. They were concerned, as well, by DIA's belief that the list appeared to consist entirely of prisoners captured by the North Vietnamese, not the LPF—even

[77] Cable from Col. Guay to Gen. Scowcroft, February 1, 1973.

though DRV officials claimed to have received the list from the LPF. Individuals like Eugene DeBruin and David Hrdlicka, who were known to have been taken captive by the Pathet Lao, were not included. In addition, the Laos list, unlike the DRV and PRG lists released on January 27, did not include the names of any Americans who had died in captivity.

President Nixon's Cable to Pham Van Dong. The official U.S. reaction to the Laos list was conveyed in a cable from President Nixon to Prime Minister Pham Van Dong on February 2nd:

> The list of American prisoners held in Laos which was presented in Paris on February 1, 1973 is unsatisfactory. U.S. records show that there are 317 American military men unaccounted for in Laos and it is inconceivable that only ten of these men would be held prisoner in Laos.
>
> The United States side has on innumerable occasions made clear its extreme concern with the prisoner issue. There can be no doubt therefore that the implementation of any American undertaking is related to the satisfactory resolution of this problem. It should also be pointed out that failure to provide a complete list of prisoners in Laos or a satisfactory explanation of the low number thus far presented would seriously impair the mission of Dr. Kissinger to Hanoi.[78]

There is no record in National Security Council or White House files of a specific response from the DRV to this cable, nor is there any indication of further U.S. threats to cancel Dr. Kissinger's trip to Hanoi because the North Vietnamese had not responded favorably. However, Col. Guay, who had personally delivered the cable from President Nixon to the DRV representative, characterized the DRV official's reaction in this way:

> He said in effect that one should appreciate the difficulties involved in finding pilots who were downed in Laos. You must understand, he added, that we have the best of intentions as we have already proven during the negotiations, but there are real practical problems associated with the recovery of these people. There were instances where both sides searched in vain after an aircraft had been observed going down. The brush is a long way from civilization and Laos is scarcely populated. I replied that even under the worst conditions possible it was difficult to accept the fact that only ten people had been identified. That even on a percentage basis, he should understand it would be difficult for anyone to believe the figure presented. . . . He replied . . . we have not come this far . . . to hold on to a handful of Americans, after all what would that prove . . . .[79]

As preparations continued for Dr. Kissinger's trip to North Vietnam, the Administration remained publicly dissatisfied with the Laos list. In testimony before the House Foreign Relations Commit-

[78] Cable from President Nixon to Pham Van Dong, February 2, 1973.
[79] Cable from Col. Guay to Gen. Scowcroft, February 2, 1973.

tee on February 8, for example, Secretary of State Rogers said that "we do not regard the Lao list as complete." [80]

Dr. Kissinger's visit to Hanoi

Prior to the signing of the peace agreement, Dr. Kissinger and Le Duc Tho had discussed the possibility of a visit by Kissinger to Hanoi for the purpose of dramatizing the peace agreement and initiating a process of postwar planning that would include substantial amounts of U.S. aid.

Discrepancy cases

In preparation for Dr. Kissinger's trip to Hanoi, the DIA prepared a list of 80 individuals, many of whom the agency listed as POW but who were not on the January 27 DRV or Viet Cong lists. In some cases, these were individuals who had been photographed or interviewed while in North Vietnamese custody. Others involved airmen whom the U.S. had reason to believe survived their incident and may have been taken into captivity. According to Dr. Roger Shields, Deputy Assistant Secretary of Defense, there were also some cases about whom the U.S. knew very little, but whose names were added in the hope that the DRV would provide information and also to test the good faith of the North Vietnamese. Folders on approximately 20 of the strongest cases accompanied Dr. Kissinger to Hanoi.

The DIA talking points prepared for Dr. Kissinger stressed the fact that the prisoners on the DRV/Laos list had been captured not by the Pathet Lao, but by the North Vietnamese. The DIA also stated that approximately 215 men from the 350 U.S. personnel missing in Laos "were lost under circumstances that the enemy probably has information regarding their fate." [81]

Accompanied by Deputy Assistant Secretary of State William Sullivan, Dr. Kissinger arrived in Hanoi on February 10 for three days of meetings with DRV leaders, including Pham Van Dong and Le Duc Tho. During a 3 and ½ hour meeting on the first day, Dr. Kissinger raised the issue of the U.S. POWs and a number of file folders were given to the North Vietnamese for the purpose of investigation. As Ambassador Sullivan recalled for the Committee:

> I do recall that one of the cases involved, I believe a Navy Lieutenant Commander, Navy pilot, who had been shot down and had been photographed and used in a North Vietnamese propaganda photo.
>
> And Dr. Kissinger pulled that out and we discussed this and used it as a sort of serious discrepancy which existed, and therefore merited more study. And we went through, I would say, a half dozen of them, but I don't think all of them . . .[82]

Dr. Kissinger recalls in his memoirs:

> We knew of at least 80 instances in which an American serviceman had been captured alive and subsequently dis-

[80] House Foreign Affairs Committee hearing, February 8, 1973, p. 7.
[81] DIA Talking Points for Dr. Kissinger, Feb. 6, 1973.
[82] Select Committee hearing, September 21, 1992.

> appeared. The evidence consisted either of voice communications from the ground in advance of capture or photographs and names published by the Communists. Yet none of these men was on the list of POWs handed over after the Agreement. Why? Were they dead? How did they die? Were they missing? How was that possible after capture? I called special attention to the 19 cases where pictures of the captured had been published in the Communist press. Pham Van Dong replied noncommittally that the lists handed over to us were complete . . .
>
> We have never received an explanation of what could possibly have happened to prisoners whose pictures had appeared in communist newspapers, much less the airmen we knew from voice communications had safely reached the ground.[83]

Meanwhile, the two sides went ahead with discussions about reconstruction aid and announced the creation of a Joint Economic Commission which would receive and administer U.S. financial help. Dr. Kissinger told the Select Committee that it was his hope that:

> After all this anguish of war . . . there might be a period in which they would turn to the reconstruction of their country and improving relations with the outside world, and if you look at the concluding statements that Le Duc Tho and I made off the top of our heads after a 20-hour negotiating session (the previous October), you will see that that was a dominant theme.
>
> And in fact when I went to Hanoi in February, that was one of my hopes. I remember one of the newsmen accompanying me on the plane said, what you're really hoping for is that Pham Van Dong, who was then Prime Minister in Hanoi, would turn out to a Chou En-Lai, and I said that's right, that's what I would like to see happen.[84]

Enforcing the Indochina understanding

Although the release of American prisoners on the January 27 DRV and PRG lists was proceeding satisfactorily, the U.S. expectation that the DRV would guarantee the release of prisoners in Laos, based on the assurances provided to Dr. Kissinger by Le Duc Tho, was badly shaken. Despite U.S. protests, the DRV continued to promise only the release of a small number of prisoners who had not been held in Laos in the first place. No prisoners actually captured by the Pathet Lao were scheduled for release. The U.S. hoped, however, that the negotiation of a cease-fire between the contending factions in Laos might result in the release of U.S. prisoners even though the U.S. had reached no agreement on this subject with the Pathet Lao.

U.S. hopes were strengthened on February 17, 1973, when Pathet Lao spokesman Soth Petrasy told UPI that his group had "a detailed accounting of prisoners and where they are being held." He

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[83] Kissinger memoirs, volume II, the White House Years, p. 34.
[84] Select Committee hearing, September 22, 1992.

also said, however, that prisoners captured in Laos would be returned in Laos—a sign that the LPF did not feel bound by DRV assurances provided to the U.S. under the PPA.[85]

The Laos cease-fire agreement

On February 21, the long anticipated cease-fire agreement between Royal Lao and Pathet Lao forces was signed. The pact called for the formation of a coalition government and the subsequent release within 60 days of all POWs, regardless of nationality, held by any side. (Although it was hoped at the time that the agreement would be implemented almost immediately, the coalition government was not formed until 14 months later.)

Also on February 21, Soth Petrasy insisted again that the issue of prisoners in Laos had not been settled by the Paris Peace Agreement. "Whatever U.S. and North Vietnam agreed to regarding prisoners captured in Laos is not my concern. The question of prisoners taken in Laos is to be resolved by the Lao themselves and cannot be negotiated by outside parties over the heads of the Lao."[86]

The day the Laos ceasefire agreement was signed, John Gunther Dean, Charge' at the U.S. Embassy in Vientiane, was told by Soth Petrasy that the Pathet Lao "does hold foreign prisoners, including Americans."

Dr. Kissinger, returning from China, then cabled to the U.S. Embassy in Vientiane suggesting that "Dean follow up his recent conversation with Soth by seeking detailed information concerning those (U.S. prisoners) held and by proposing arrangements for their early release."[87]

On March 13, the subject of U.S. POWs in Laos was discussed at a meeting of the WSAG in the White House:

> STATE DEPT. REPRESENTATIVE (name redacted). You won't complete the withdrawal until the Lao prisoners are released?
>
> KISSINGER. Yes, that's right.
>
> DEFENSE DEPT. REPRESENTATIVE (name redacted). How many are there in Laos?
>
> NSC STAFF (name redacted). They've told us they hold more American prisoners than the eight on the list we received from North Vietnam.
>
> Kissinger. They have? They told us they hold more than eight?
>
> NSC STAFF. That's right.
>
> STATE. We've had contact with the Pathet Lao several times.
>
> KISSINGER. And they have admitted they hold more?
>
> STATE. Yes.
>
> KISSINGER. I didn't know that. How many more?
>
> STATE. They haven't said. They've been giving us the runaround on the details. This is something you may want to keep in mind. You may want to notify the DRV that the

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[85] UPI report, Soth Petrasy statement, February 17, 1973.
[86] Soth Petrasy statement, February 21, 1973.
[87] Cable from Dr. Kissinger to Ambassador Godley.

Pathet Lao have told us this and ask them to be more forthcoming on POWs in Laos.

DEFENSE (to Kissinger). Will you handle this through your channel?

KISSINGER. Yes.[88]

The following day, the U.S. sent a message to the DRV asking for an explanation of the statements made by Soth Petrasy, but no response was received.

Also on March 14, 1973, President Nixon approved a recommendation from Dr. Kissinger to plan for a 2-3 day series of intensive U.S. air strikes against the Ho Chi Minh Trail in southern Laos to be conducted immediately after the third increment of POWs was released on March 16. Dr. Kissinger's rationale for the proposed bombing is described in a memorandum to the President as a "response to continued North Vietnamese infiltration and logistics activity in the South." Dr. Kissinger further proposed that the President's final decision be delayed until after the POW release and in anticipation of further developments.[89]

The problem gets worse

At this point, communications with both the DRV and the Pathet Lao on the issue of U.S. prisoners in Laos became even more difficult. In Saigon on March 19, the American delegate to the Prisoner of War Subcommission of the FPJMC asked the DRV to explain when and where the Americans on the DRV/Laos list would be returned. The North Vietnamese replied that they had no authority to discuss the release of prisoners captured in Laos. During a coffee break, the Hanoi delegate approached the American representative and told him that the Pathet Lao were responsible for negotiating the release of any U.S. prisoners detained by them.[90]

The report of this meeting angered and alarmed Nixon Administration officials. On March 20, Dr. Kissinger dispatched the following cable to Pham Van Dong:

> The U.S. side has become increasingly disturbed about the question of American prisoners held or missing in Laos. As the DRV side well knows, there is a firm and unequivocal understanding that all American prisoners in Laos will be released within 60 days of the signing of the Vietnam Agreement . . . in the past week there has been further evidence that the DRV and its allies are not taking their obligations seriously. Further conversations between U.S. and LPF representatives in Vientiane have proven completely unsatisfactory. Furthermore, on March 19, the DRV representative to the POW subcommission informed the American representative that the Pathet Lao were responsible for the release of American prisoners and gave no assurance that this would take place by the agreed date of March 28, 1973. . . .

[88] Transcript, WSAG meeting, March 13, 1973.
[89] Memorandum to the President from Dr. Kissinger, March 14, 1973.
[90] Dillard, p. 92.

In addition, as the U.S. side has made clear on many occasions, the list of only nine American prisoners presented belatedly by the Pathet Lao is clearly incomplete. There continues to be no satisfactory explanation concerning the smallness of this list nor any assurances that further efforts will be forthcoming.

In view of the very short time left before the deadline for the release of American prisoners in Laos, the U.S. side expects an immediate response to this message and the firm assurance of the DRV side that it will live up to its solemn responsibilities. Failure to do so would have the most serious consequences. Certainly the U.S. side cannot be expected to complete its withdrawals from South Vietnam until this closely linked question is satisfactorily resolved.[91]

U.S. intelligence assessment

The new DRV position on prisoners in Laos was clearly contrary to the assurances provided to Dr. Kissinger by Le Duc Tho. As a result, it invited a tough American response. On March 21, while Administration officials were considering what to recommend, acting DIA Director John R. Deane, Jr. sent a secret memorandum to Admiral Moorer concerning the intelligence community's view of the POW situation in Laos. General Deane wrote that the DRV's purported "Laos list" of February 1, 1973 was limited exclusively to U.S. POWs captured in Laos by the North Vietnamese and did "not represent U.S. POWs captured by the Pathet Lao." General Deane said it was the intelligence community's view that: "There is evidence that the Pathet Lao have information on captured/missing U.S. personnel and should be able to provide a list of alive PWs in addition to information on the fate of many others" [92]

General Deane's memo and other intelligence reports and analyses persuaded Admiral Moorer that it was "highly likely" that the Pathet Lao was holding live U.S. POWs in addition to the nine on the DRV/Laos list. In discussions with other members of the NSC and WSAG, the Admiral learned that there was general agreement on this point among high-level national security officials.[93]

Admiral Moorer's March 22 cable

The next day, March 22, 1973, Admiral Moorer sent an urgent cable to the Commander-in-Chief, Pacific ordering that the U.S. troop withdrawal be halted unless and until the DRV provided a complete list of American POWs, including those held by the Pathet Lao. The cable reads:

1. . . . The United States position is as follows: "The U.S. will complete the withdrawal of its military forces from South Vietnam in accordance with the terms of the agreement and coincident with the release of all, repeat all, American prisoners held throughout Indochina."

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[91] Cable from Kissinger to Pham Van Dong, March 20, 1973.
[92] Deane memo, March 21, 1973.
[93] Deposition of Admiral Thomas Moorer to Select Committee, pps. 227-230.

> 2. Do not commence withdrawal of the fourth increment until the following two conditions are met: (1) U.S. has been provided with a complete list of all U.S. PW's including those held by the Pathet Lao, as well as the time and place of release. (2) The first group of PW's have been physically transferred to U.S. custody.[94]

Admiral Moorer and others testified that such a far-reaching order never would have been issued by the Chairman of the Joint Chiefs of Staff without the express approval of the President, the National Security Adviser and the Secretary of Defense.

In a letter to the Committee, however, former President Nixon wrote:

> I do not recall directing Admiral Moorer to send this cable. It appears to be a statement of our policy at the time, namely that we would not commence the final phase of our withdrawal until we received a complete list of the last group of POWs to be released, including those from Laos. We had interrupted our troop withdrawal on several previous occasions until we received lists of our POWs to be released. In this case, we apparently interrupted our withdrawal again because Hanoi suddenly disclaimed responsibility for releasing U.S. prisoners in Laos. As far as I can recall, I do not believe this cable was based on any knowledge that there were POWs held in Laos in addition to the nine we were aware of at that point.[95]

Ambassador Godley's cable

Also on March 22, 1973, the U.S. Ambassador to Laos, MacMurtrie Godley, sent a cable to the Secretary of State advocating a two step approach to obtaining the release of American prisoners captured in Laos:

> We believe the LPF holds, throughout Laos, more prisoners than found on the DRV list. But we believe that, for the time being, we should concentrate our efforts on getting these nine listed men repatriated as soon as possible. The release of the nine PW's already acknowledged seems possible within the time frame of the Vietnam agreement. However, we do not believe it is reasonable to expect the LPF to be able to produce an accurate total PW list by March 28. The LPF just has not focused on the PW repatriation and accounting problem until very recently and probably cannot collect, in the next few days, the information we require. Therefore, we believe we should continue to press for the release of the nine acknowledged U.S. PW's within the time limit of the Vietnam agreement, but deal with the questions of accounting for our MIA's, and determining whether there are additional PW's to be repa-

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[94] Cable from Adm. Moorer to Admiral Noel Gayler (CINCPAC), March 22, 1973. Some Members of the Select Committee believe that the U.S. threat to halt troop withdrawals referred only to the prisoners on the DRV/Laos list, and have cited testimony by some former Nixon Administration officials and some contemporary press accounts to support that view.

[95] The Hon. Richard M. Nixon, Letter to Select Committee, December 30, 1992, p. 9.

triated, within the framework and time limits of the Laos ceasefire and military protocol.[96]

In testimony before the Select Committee, Ambassador Godley could not remember whether his cable was in response to, or independent of, Admiral Moorer's cable of nine hours earlier.

The March 23 cable

On March 23, 1973, Admiral Moorer sent a second cable to the United States Command in Southeast Asia. The cable, again transmitting an order approved by the President, the National Security Adviser and the Secretary of Defense, modified the order set forth in Admiral Moorer's cable the day before. The March 23 cable directed that the U.S. troop withdrawal would be completed within the 60-day period as long as the nine American POWs on the DRV/Laos list were released. The cable reads:

> Seek private meeting with North Vietnamese representative. Our basic concern is the release of the prisoners and we do not object to the PLF playing the central role as long as the men are returned to us. We need precise information and understanding on the times and place of release of the prisoners on the list provided 1 February. The routes and place may be designated by the PLF. However, the United States must have the assurances, either privately from you or through other channels, such as the United States officials in Vientiane, that their release will take place by 28 March before we can give assurances that our withdrawal will be completed by 28 March. Of course, we intend to pursue the question of other U.S. personnel captured or missing in Laos following the release of the men on the 1 February list. For your information only, the purpose of the above is to try to get things back on track and moving again.[97]

The revised U.S. position did succeed in getting "things back on track and moving again." On March 26, the North Vietnamese agreed to the release of the ten POWs on the DRV/Laos list provided only that the actual release be made by representatives of the Pathet Lao. The U.S. accepted the condition, thereby clearing the way for the completion of American troop withdrawals and the end of Operation Homecoming.[98]

Summary

After the March 19 POW Subcommission meeting in Saigon, the U.S. faced the possibility that the prisoners on the DRV/Laos list would not be returned. As mentioned above, the DRV had switched

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[96] Cable from Amb. Godley to Secretary of State William Rogers, March 22, 1973.

[97] Cable from Adm. Moorer to Gen. Woodward, March 23, 1973.

[98] In a telephone conversation with Select Committee Vice Chairman Bob Smith on December 29, 1992, Dr. Kissinger said that he had informed President Nixon during the 60 day period after the peace agreement was signed that U.S. intelligence officials believed that the list of prisoners captured in Laos was incomplete. According to Dr. Kissinger, the President responded by directing that the exchange of prisoners on the lists go forward, but added that a failure to account for the additional prisoners after Operation Homecoming would lead to a resumption of bombing. Dr. Kissinger said that the President was later unwilling to carry through on this threat.

gears on that date and told U.S. negotiators that they would have to deal directly with the Pathet Lao for the return of Americans captured in Laos.

As the Administration prepared its response to the DRV, the intelligence community weighed in with information indicating that the LPF was possibly holding U.S. prisoners in addition to those on the DRV/Laos list. This provided impetus for an even tougher response than might otherwise have been given. The decision was made, and reflected in Admiral Moorer's March 22 cable, to demand the return of all U.S. prisoners, including those held by the Pathet Lao.

Almost immediately following the sending of the March 22 cable, however, the Administration apparently had second thoughts. Ambassador Godley indicated that the Pathet Lao would probably not be able to provide quickly a list of prisoners that it held. If true, this meant that adherence to the demand that all prisoners be released might jeopardize and would certainly delay the release of other prisoners, including those on the DRV/Laos list. Thus, the March 23 cable makes it clear that the U.S. would proceed with troop withdrawals if the DRV would guarantee the release of those on the February 1 list. Practically speaking, this had been the policy prior to March 19, and it was the policy that was ultimately carried out.

Homecoming complete, Laos unresolved

On March 27, one day prior to the release of the prisoners on the DRV/Laos list, U.S. Embassy officials John Gunther Dean and Richard Rand met in Vientiane with LPF spokesman Soth Petrasy and expressed the hope that additional prisoners would be released. The officials reminded Soth of his earlier statements that the LPF was holding prisoners and discussed, in particular, the cases of David Hrdlicka and Eugene DeBruin. Soth replied by saying that he would refer the matter to his superiors in Sam Neua.

That same day, Richard Kennedy and John Holdridge of the NSC staff summarized the situation in a memorandum to Dr. Kissinger:

> All U.S. POWs listed by the other side as having been captured in Vietnam or Laos are now to be released by March 29. There still remains, however, the problem of the MIAs. So far, little progress has been made in the Four Party Commission POW Subcommission on this issue. The Pathet Lao have indicated that there might be more POWs than the 9 on the list, and POWs have been identified who were on no list and who haven't been reported by the other side as dead.[99]

Although the release of the prisoners on the Laos list, coupled with the completion of Operation Homecoming on March 29, was sufficient to gain the full withdrawal of American troops, it did not resolve the problem of obtaining a satisfactory accounting of Americans lost in Laos. According to a memo sent by Assistant Secre-

[99] Memorandum from Richard Kennedy and John Holdridge to Kissinger, March 27, 1973.

tary of Defense Eagleburger to Secretary of Defense Richardson on March 28:

> DIA concludes that the LPF may hold a number of unidentified U.S. POWs although we cannot accurately judge how many. The American Embassy, Vientiane, agrees with this judgment . . .
>
> the U.S. is prepared to accept release of the ten men on the 1 February list along with the other U.S. personnel being held in NVN as the final condition for complete U.S. troop withdrawal. However, there has been no accounting of U.S. personnel in Laos other than the 1 February list of ten who were probably all captured in Laos by the NVA rather than the Pathet Lao. Hence, assuming all the prisoners currently being held in NVN are released by 28 March, we still have the Laos MIA question remaining unresolved.[100]

Secretary Richardson forwarded the memo from Eagleburger to Dr. Kissinger that same day, including a series of options for following up on the issue. Although Secretary Richardson deleted options suggested by Eagleburger for direct military strikes against Laos, he included proposals to:

> Tell the LPF that the U.S. knows they hold American prisoners, and demand their immediate release as well as an accounting and information on all those who may have died;
>
> conduct intensive and obvious tactical air reconnaissance of North and South Laos; and
>
> direct the movement of a new carrier task force into the waters off Vietnam.[101]

POST-HOMECOMING

Presidential statements

By March 29, 1973, the most critical period for implementing the PPA had passed. The last of American troops had been withdrawn; the last of the POWs on the lists provided by the DRV and the Viet Cong had been released. But the President had reason to be concerned that live U.S. POWs might well remain in captivity in Indochina.[102] Over a period of several weeks, beginning on February 6, 1973 with a set of talking points provided to Dr. Kissinger by the DIA, and ending on March 28, 1973 with a strongly worded memorandum to Dr. Kissinger from Secretary of Defense Elliot Richardson, the White House had received reports indicating the possibility that the POW release from Indochina had not been complete. As the intelligence community had made clear to the White House, the area of gravest concern was Laos, where it was feared that live U.S. POWs held by the Pathet Lao had been held back despite the DRV's informal promise to arrange their release.

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[100] Memorandum from Eagleburger to Richardson, March 28, 1973.

[101] Memorandum from Richardson to Kissinger, March 28, 1973.

[102] In a December, 1992 letter to the Select Committee, former President Nixon wrote that "Although everyone was aware of the possibility that the release was incomplete, I had no personal knowledge that any U.S. serviceman still alive had been kept behind."

Nevertheless, the President referred only indirectly to these concerns when he told the American people that night:

> For the first time in 12 years, no American military forces are in Vietnam. All of our American POWs are on their way home.

A few moments later, the President added that:

> There are still some problem areas. The provisions of the agreement requiring an accounting for all missing in action in Indochina, the provisions with regard to Laos and Cambodia, the provisions concerning infiltration from North Vietnam into South Vietnam have not been complied with. . . .
>
> We shall insist that North Vietnam comply with the agreement. And the leaders of North Vietnam should have no doubt as to the consequences if they fail to comply with the agreement.[103]

The President did not mention that 73 of the Americans he now referred to as "missing in action" were still officially listed by the DIA as prisoners of war based on information that they were or may have been captured alive. Nor did the President cite the concerns of top Administration officials about the possibility that live Americans remained in captivity in Laos.

It was suggested by some witnesses during the Select Committee's hearings that when the President referred to the return of "all . . . our American POWs," he may have meant to refer simply to the POWs on the DRV and Viet Cong lists and not to downplay the possibility that other U.S. POWs were still being held. That would not explain, however, why the President essentially repeated his March 29 statement several times thereafter. On May 24, 1973, in a speech to returned POWs, for example, he said that "1973 . . . saw . . . the return of all our prisoners of war." [104] And in a speech on June 15, he said that "for the first time in 8 years, all of our prisoners of war are home here in America." [105]

Twenty years later, during the Select Committee hearings, two high-level Nixon Administration officials (former Secretary of Defense Melvin Laird and former CIA Director and Defense Secretary James Schlesinger) questioned the wisdom and accuracy of the President's March 29, 1973 statement. It is important to note, however, that the Committee has found no documented evidence to indicate that any senior official in the Nixon Administration—including Mr. Laird or Mr. Schlesinger—publicly or privately questioned the President's statement at the time it was made. In fact, Mr. Laird had left the government in January, 1973 and Mr. Schlesinger told the Committee that he had spent the vast majority of his time during the early months of 1973 defending the CIA against allegations of involvement in the Watergate scandal.

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[103] Pres. Nixon address, March 29, 1973.

[104] President Nixon, Remarks at a Reception for Returned Prisoners of War, Washington, D.C. May 24, 1973.

[105] President Nixon, Remarks at the Unveiling of the Cornerstone of the Everett McKinley Dirksen Congressional Leadership Research Center, Pekin, Illinois, June 15, 1973.

In response to a Committee question about his March 29 statement, former President Nixon wrote:

> I firmly believe that the Committee's handling of my statement has been totally unprofessional, calculatedly attempting to create the impression that Dr. Kissinger and I and other members of the Administration knowingly presented false information with respect to the return of all our POWs. As Dr. Kissinger has testified, to leave the impression that any President and his associates would deliberately leave behind live POWs was a lie. For members of the Committee to create such an impression, even for partisan political reasons, is totally unjustifiable. But to convey the impression to the hundreds of families of MIAs that an American President deliberately left behind their loved ones and that some of them might still be alive can only be described as obscene.
>
> The Committee owes to the MIA families and to history an honest statement of the facts with regard to POWs and MIAs. Throughout America's military history, casualties are divided into three categories—those known to be killed in action; those known to be and acknowledged by the enemy to be prisoners of war; and all others who are classified as missing in action. My statement on March 29 was true to my knowledge then and, in view of what I have seen of the Committee's work to date, is true now. Further, the fact that I was not satisfied with the accounting we received for MIAs was true then and is true now.[106]

The Administration and the American public had entered into Operation Homecoming with expectations that were only partially satisfied by the time that operation was complete. The families of those still listed as POW or as missing had the greatest cause for anguish because the answers they hoped would be forthcoming from the peace agreement had not materialized.

The Clements/Shields meeting

In early April, 1973, Deputy Secretary of Defense William Clements summoned Dr. Roger Shields, head of the Defense Department's POW/MIA Task Force, to his office to discuss DOD's need for a new public formulation of its POW/MIA policy. According to Dr. Shields' deposition:

> Dr. SHIELDS. He (Mr. Clements) indicated to me that he believed that there were no Americans alive in Indochina. And I said: I don't believe that you could say that . . .
>
> I told him that he could not say that. And he said: you didn't hear what I said. And I said: you can't say that. And I thought he was probably going to fire me . . .
>
> QUESTION. What did you interpret that to mean, "you didn't hear me"?
>
> Dr. SHIELDS. That I was fighting the problem. You remember that there were a lot of people at the time who

[106] Nixon letter, pp. 12.

wanted to declare victory, okay. And I think that maybe at that point in time he believed that we had what we had and that was all we were going to get and that there was no one there.

He didn't have the benefit of the long negotiations that I had had, the contact with the communists that I had had, nor did he have the benefit of all the intelligence information with regard to all the specifics on a daily basis that I had.

So I explained to him my own feeling, not sure whether I was going to survive the incident or not, because he's a very strong man, as you know, a very strong individual with respect to his feelings. And he did not insist on holding his point of view. I think that he came around to my point of view.[107]

During his public testimony, Dr. Shields essentially repeated his version of the meeting with Mr. Clements:

Sen. KERRY. . . . You recall going to see (Deputy) Secretary of Defense William Clements in his office in early April, a week before your April news conference, correct?

Dr. SHIELDS. That's correct.

Sen. KERRY. And you heard him tell you, quote, all the American POWs are dead. And you said to him, you cannot say that.

Dr. SHIELDS. That's correct.

Sen. KERRY. And he repeated to you, you did not hear me. They are all dead.

Dr. SHIELDS. That's essentially correct.[108]

Mr. Clements provided the Select Committee with inconsistent testimony on this subject. In his deposition, Mr. Clements denied any recollection of a meeting with Dr. Shields and stated that he and Dr. Shields never would have had such a meeting, because Dr. Shields was too low in the Pentagon hierarchy. Further, Mr. Clements testified, he would not have told anyone in April 1973 that "they're all dead," because it was not until several years later that he reached that conclusion.[109]

At the public hearing in September 1992, however, Mr. Clements conceded that he did meet with Dr. Shields in early April 1973. Mr. Clements testified that he told Dr. Shields that "in all likelihood those people over there are probably all dead. [T]here's no way that I could have said they are all dead, because I didn't know that." [110]

The Nixon/Shields meeting

On April 11, 1973, one day prior to a scheduled DOD press conference at which he was to discuss the results of Operation Homecoming, Dr. Shields met with President Nixon and Gen. Brent Scowcroft, the Deputy National Security Adviser.

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[107] Shields deposition, pp. 509-511.
[108] Shields testimony, September 24, 1992.
[109] Clements deposition.
[110] Clements testimony, September 24, 1992.

A memo prepared for the meeting by Gen. Scowcroft indicated that its purpose was to thank Dr. Shields for his work on the POW/MIA issue and to discuss the results of Operation Homecoming. Among the proposed items for discussion were the following questions:

> 5. Now that our prisoners are back, how are we progressing in respect for our missing in action?
> 6. Are there any indications that some of our MIA's might still be alive?
> 7. Do you believe the other side will cooperate in helping us to account for the missing in action?[111]

The Select Committee has sought to learn as much as possible about this meeting.[112] A Memorandum of conversation concerning the meeting, provided to the Committee by the NSC, contains no reference to any discussion of either Dr. Shields' upcoming press briefing or the question whether any U.S. POW/MIAs might still be alive. Both Dr. Shields and Gen. Scowcroft told the Committee that they did not recall any effort by the President during the meeting to instruct Dr. Shields on what he should say during his press conference the following day. Both also state that they recall the meeting as being primarily congratulatory in nature, for a job well done in organizing and coordinating Operation Homecoming.

In a letter to the Committee, former President Nixon wrote:

> My recollection is that I told Mr. Shields we had an equal obligation to find the facts concerning the MIAs as we did to secure the release of the POWs. I also conveyed to him my belief, which I still firmly hold, that it would have been unfair and a disservice to MIA families to raise false hopes without justification.[113]

Shields' press conference

On April 12, 1973, Dr. Shields met with the press to discuss the Defense Department's reaction to Operation Homecoming. Although his opening remarks did not deal with the subject, one of the first questions directed at Dr. Shields concerned the possible survival of American POWs in Laos and Cambodia. Dr. Shields responded by saying that:

> We have no indications at this time that there are any Americans alive in Indochina. As I said, we do not consider the list of men that we received from Laos, the recovery of 10 individuals, 9 of whom were American and 7 military, to be a complete accounting for all Americans who are lost in Laos. Nor do we consider it to be a complete statement of our information known to the LPF (Pathet Lao) in Laos. With regard to Cambodia, we have a number

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[111] Memorandum from Deputy National Security Adviser Brent Scowcroft to President Richard Nixon, April 10, 1973.

[112] The Committee sought access to the White House tape-recording of this meeting. Lawyers for President Nixon informed the Committee that access to the recording would be given only if the Committee agreed not to seek any other White House recordings from this time period. The Committee did not agree to this condition and has not, as a result, had access to the recording of the April 11, 1973 meeting.

[113] Nixon letter, p. 13.

> of men who are missing in action there, some that we carried as captive. We intend to pursue that, too. With regard to these men and these uncertainties which we have, even though we have no indication that there are any Americans still alive, we are going to pursue our efforts through the process of accounting for the missing. This is exactly what this procedure is for. And we anticipate that if any Americans are yet alive for one reason or another, that we would be able to ascertain that through this process of accounting for the missing.[114]

Although Dr. Shields insists that he had no intention of "declaring all U.S. POWs dead," newspaper headlines the following day stressed the pessimistic nature of his response. "POW Unit Boss: No Living GIs Left in Indochina," read one headline. Dr. Shields, himself, told the Committee that:

> I was distressed about the way it was reported, because a lot of family members called me on that, my very good friends. And I wanted to tell them and assure them that I was not saying that people were dead. If it had been reported that all Americans were dead, I did not say that.[115]

Despite these concerns, the Department of Defense made no effort to correct or clarify the record by emphasizing in public the evidence that some Americans might still be alive. As Dr. Shields himself wrote in an internal Defense Department memorandum dated May 24, 1973, the one oft-quoted line from his April 12, 1973 press briefing—that DOD had "no indications . . . that there are any Americans alive in Indochina"— had become "the basis for all subsequent answers from DOD to questions concerning the possibility that Americans may still be held prisoner in Southeast Asia."[116]

Again, several Nixon Administration officials who appeared before the Select Committee expressed concern about the accuracy of Dr. Shields' "no indications" statement. Admiral Moorer, for example, described the statement as "premature."[117] Lawrence Eagleburger, author of a March 28, 1973 internal Pentagon memorandum discussing the possibility that live Americans remained in Laos, described as "troubling" the juxtaposition of Dr. Shields' statement with the intelligence information on POWs in Laos.[118] Ambassador Winston Lord said he had "no explanation" for Dr. Shields' statement and described it as "puzzling."[119]

It should be stressed, however, that these reactions are made from the perspective of 1992. Despite the contrast between Dr. Shields' statement and information about prisoners possibly being left behind, the Committee has seen no evidence of objections from within the government to Dr. Shields' characterization of the issue at the time it was made.

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[114] Shields statement, April 12, 1973.
[115] Shields deposition, p. 524.
[116] Memorandum from Shields to Amb. Hill, May 24, 1973.
[117] Moorer testimony, September 24, 1992.
[118] Eagleburger deposition.
[119] Lord testimony, September 21, 1992.

Memo from Dr. Shields to Ambassador Hill

Dr. Shields expressed concern that his April 12 statement might have been overtaken by events in an internal memorandum written on May 24, 1973 to Ambassador Robert Hill, the new Assistant Secretary of Defense for International Security Affairs:

> . . . only 10 persons, nine of whom were U.S., were released by the other side as Laos prisoners. Over 300 personnel remain unaccounted for in Laos . . . we have over 1300 Americans who are unaccounted for, and this means that we have no information to show conclusively that a man is either alive or dead.
>
> In a DoD sponsored press conference held April 12, 1973, I made the statement that DoD had no specific knowledge indicating that any U.S. personnel were still alive and held prisoner in Southeast Asia. This statement has been the basis for all subsequent answers from DoD to questions concerning the possibility that Americans may still be held prisoner in Southeast Asia. It was a totally accurate and factual statement at the time it was made.
>
> In light of more recent events, I believe that answer is no longer fully satisfactory. Specifically, there is reason to believe that the American pilot of an Air America aircraft downed in Laos on May 7 may have been captured along with six Meo passengers, by North Vietnamese forces. The last communication received from the pilot indicated he was landing on a hostile airstrip. A short time after, (intelligence method redacted) indicated that the U.S. pilot and the Meo passengers had been captured. Embassy Vientiane now reports (method redacted) the capture of the American and his passengers. . . .
>
> On 4-5 February 1973, a USAF EC-47 carrying a crew of 8 U.S. personnel was downed in Laos. The search and rescue team succeeded in locating and inspecting the wreckage of the aircraft. Because the area was a hostile one, the inspection was not completed. Nevertheless, parts of four bodies were recovered, only one of which was identified. A short time after the shootdown of the EC-47, (method redacted) indicated that four Americans had been captured in an area some forty miles from the EC-47 crash site . . .
>
> Given these circumstances, I believe that the DoD position regarding the possibility of men still being held prisoner in SEA should be altered slightly. . . .
>
> I am scheduled to testify on the MIA issue . . . With your concurrence, I will maintain the position that we do not know whether those now unaccounted for are alive or dead.[120]

The Select Committee's investigation has yielded no evidence that Dr. Shields ever received a response to his May 24, 1973 memo to the Assistant Secretary of Defense.

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[120] Memorandum from Shields to Amb. Hill, May 24, 1973.

Effect of administration's statements

In his deposition, Dr. Shields said that the Administration told the Pathet Lao during Operation Homecoming that it had certain knowledge that the LPF was holding American prisoners even though the Administration was, in fact, not certain. The purpose, according to Dr. Shields, was to put as much pressure as possible on the LPF in the event that prisoners were being held.

This was not the approach taken by the Administration in its post-Homecoming statements. The evidence is that the primary purpose of the public statements during this period was not to put pressure on the DRV or LPF, but rather to avoid raising the hopes of POW/MIA families.

During a WSAG meeting, before the Peace accords were signed, one Defense Department official warned against a repetition of the Korean War experience, when all missing Americans not known to be dead were officially presumed to be alive. The DOD official argued that such a policy raised expectations that were unrealistic and painful and impossible to resolve.

Unfortunately, the approach that was adopted may have served neither the purpose of pressuring our former adversaries nor the goal of easing family concerns.

As Ambassador Lord testified:

> [O]nce you announce that [all of the POWs are home, and that you have no indications any remain alive in Indochina,] you lose any leverage you have on the Lao and the North Vietnamese. If you're publicly saying we have no indication, how can you press them privately or any other way to release? So it undercuts any leverage you have with them. That's one aspect, leaving aside whether it's a strange reversal of our actual calculations and whether there's any dissembling here, but just in terms of pressing North Vietnam and Laos, you're losing your leverage. They'll say: Well, you announced that you didn't have any. . . . Leaving aside the human and other political dimensions, it's terrible [negotiating strategy]. You lose all your leverage with the other side.[121]

Meanwhile, the Defense Department's effort to keep POW/MIA family expectations in line with its perception of the reality ran into a wall of human emotion. The Administration's optimistic statements about what the peace agreement would produce caused families to expect more answers than actually were forthcoming. Although the Administration's statements seemed designed to help families accept the likelihood that their loved ones would not be returning alive, many families could not—and would not—accept this conclusion without proof.

Neither Dr. Shields nor any other Administration spokesman ever said publicly that "all our POWs are dead." They never ruled out, in public testimony, the possibility that some POWs might have been left behind. They expressed dissatisfaction with the lists

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[121] Lord deposition, pp. 239-240.

received from the DRV, and especially the DRV/Laos list, and stressed the importance of efforts to account for the missing.

But the fact remains that the period for public confrontation with the DRV and Pathet Lao over POW/MIAs ended with Operation Homecoming. The hard questions that the Defense Department had about prisoners were no longer raised at press conferences, but—if at all—in private sessions with the DRV or LPF. The emphasis on Americans known to have been captured was replaced by a far broader and less confrontational search for the "missing." And the ongoing accusations of violations of the agreement and threats of military action directed against the DRV were prompted not by the DRV's failure to comply with the POW/MIA provisions of the agreement, but by issues of infiltration and military resupply of the South.

Meetings between Dr. Kissinger and Le Duc Tho, May/June 1973

Due to continued allegations of ceasefire violations by all sides, Dr. Kissinger and Le Duc Tho met in Paris in May and June of 1973 for the purpose of getting the implementation of the peace agreement back on track.

In anticipation of these meetings, Secretary of Defense Richardson sent a memorandum to the White House in April 1973 urging Dr. Kissinger to lean hard on the North Vietnamese on the subject of POWs in Laos. Secretary Richardson remained very concerned about the possibility that live American POWs were still being held captive by the Pathet Lao, and he wanted Dr. Kissinger to do everything he could to obtain additional information concerning that possibility.

In testimony before the Select Committee, Dr. Kissinger said that the POW/MIA issue played an important role in these meetings:

> We never accepted the proposition that they (U.S. POWs) are all dead, continued to express our dissatisfaction with respect to the accounting for MIAs, and pressed as hard as we could for an execution of their commitments.
>
> Between May and June, 1973, I conducted 12 days of talks with the North Vietnamese. I reviewed in detail the North's violations, including the failure to account for all of the MIAs, but Hanoi sensed our leverage was rapidly eroding. A host of Congressional resolutions made it clear that we would have no support for military action. On May 31st, the Senate rejected a Republican sponsored amendment which would have made the cutoff of American military activity in Laos and Cambodia contingent upon the North Vietnamese making a good faith effort to account for the MIAs.
>
> In response to my presentations, Le Duc Tho disdainfully read me editorials from the American press and speeches from the Congressional Record. . . .
>
> Despite all these obstacles, strenuous negotiations resulted in a joint communique on June 13th, reaffirming and strengthening all the POW provisions, including those

with respect to missing in action of the original agreement. It was again violated and ignored. We made no secret of our outrage with Hanoi's violation. During 1973, we delivered at least 30 separate public statements or private messages to that effect.[122]

The record does, indeed, reflect that the United States protested frequently the DRV's unwillingness to fulfill its obligations under the PPA concerning Americans missing in Vietnam. These protests were ordinarily delivered through the Four Party Joint Military Team and are discussed below.

During his discussions with Le Duc Tho, Dr. Kissinger pressed his view that Article 8(b) of the Paris Peace Accords, dealing with accounting for the missing in action, was applicable not only in Vietnam, but throughout Indochina. Specifically, Dr. Kissinger asked Le Duc Tho for a private pledge that the DRV would assist in obtaining an accounting of Americans missing in Laos. Le Duc Tho replied only that "we have to cooperate with our Lao friends because it is their sovereignty." Le Duc Tho also said that if Dr. Kissinger wished to assert, "for the purpose of public opinion," that article 8(b) is applicable to all of Indochina, the DRV "will say nothing about it."[123]

In addition, the record indicates that during a May 23, 1973, meeting with Le Duc Tho, Dr. Kissinger asked the North Vietnamese to state publicly that there were no more live American POWs in Laos. As part of a "Draft Understanding on Laos," Dr. Kissinger proposed that the following language be made a part of the joint communique: "The DRV side has been informed that there are no U.S. prisoners being held in Laos."

> Dr. KISSINGER . . . we would still like a sentence from you which I don't understand why you can't give us—which says that "the DRV has been informed there are no U.S. prisoners being held in Laos—that all the prisoners held in Laos have been released." It would be very important for us.
>
> LE DUC THO. I have acknowledged to you that all of them have been released.
>
> Dr. KISSINGER. Then why can't you write it down?[124]

Despite Dr. Kissinger's request, Le Duc Tho refused to say publicly that no live U.S. POWs remained in Laos. As during the pre-Accords negotiations, Le Duc Tho would not agree to make any public statements which indicated either explicitly or implicitly North Vietnam's control of the Pathet Lao.

Dr. Kissinger was asked about this exchange during a hearing before the Select Committee:

> Sen. KERRY . . . So here you are in May with Le Duc Tho saying not . . . we need an accounting, but saying, give us a sentence that says there's nobody alive in Laos, it will be helpful to us.

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[122] Kissinger testimony, September 22, 1992.
[123] Memorandum of Conversation, Le Duc Tho and Kissinger, May 23, 1973.
[124] Memorandum of Conversation, Le Duc Tho and Kissinger, May 23, 1973.

Dr. KISSINGER. You know, Mr. Chairman, it is a really bizarre situation when the people who were parading and keeping us from doing the things we needed to do are now telling us what sentences we should have used after all our leverage was taken away from us.

Sen. KERRY. Sir, this is a filibuster. I mean, I am not doing that. I am asking you why it is that you did not present the case but said just give us a sentence that there is no one alive.

Dr. KISSINGER. I presented the case, Mr. Chairman, in February. We——

Sen. KERRY. Why would you have been satisfied with a sentence?

Dr. KISSINGER. I wasn't satisfied, Mr. Chairman. I was dealing here with a man who knew reality. I had no means of pressure left. I had no economic aid left. The Congress was in the process of passing a series of resolutions that banned military action, and all I could do was bluff my way through this due to the actions that were taken by the Congress of the United States, and as I said in my statement, it does not behoove the Senate to blame me for what sentences I may or may not have used in circumstances which would have been totally——

Sen. KERRY. But this goes to the gravamen of the issue, Mr. Secretary. It really does. If you were to be satisfied with a sentence that says no one is alive, it'll help us, rather than to suggest to him that if you don't tell us what happened we can resume the bombing, there's a difference about what was being done about POWs, and the fact is that subsequent to this, despite the fact that you sit here and now say to me, our leverage is being taken away, you recommended bombing after this meeting to enforce other elements of the cease fire, but not POWs.

Dr. KISSINGER. Mr. Chairman, you're just playing with documents.

Sen. KERRY. I'm playing with the facts.

Dr. KISSINGER. Of course, you take the position that people who were meeting with families all during the war, who had every incentive to get these—to want these—and every obligation to get these prisoners returned were bombing for one reason rather than another reason.

I tell you, Mr. Chairman, if we had had the authority, we would have had another major negotiation. In the context where every newspaper, where every Congressional Committee was preventing us from exercising the leverage, I—it is very easy to second-guess 20 years (later) . . . things taken out of the whole stream in which you don't even know what I said to Le Duc Tho in private conversations because the record will—well, the record won't show it, because generally when I threatened Le Duc Tho I did not do it on the record.[125]

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[125] Kissinger testimony, September 22, 1992.

The legal adviser to Dr. Kissinger during the May/June talks with Le Duc Tho was George Aldrich. His recollections indicate that, although the question of missing Americans was discussed, the possibility that some POWs might still be alive was not.

> Mr. ALDRICH. My memories and my notes on those meetings indicate that the principal discussions of nonreturn of prisoners related to the nonreturn of prisoners between the Vietnamese parties, not ours. Our concern as expressed was about the accounting in Laos. It was not a concern about nonreturn.
>
> Sen. KERRY. But at that time there was an issue of nonreturn.
>
> Mr. ALDRICH. Not in my view. I was not told there was any issue, sir.
>
> Sen. KERRY. You had no recollection of any issue at that time, then, and no one had put in front of you at that time in May a question about people not accounted for in Laos.
>
> Mr. ALDRICH. It was not, as far as I can recall, ever suggested to me that prisoners in Laos had not been returned.[126]

On June 13, 1973, the United States and the DRV signed a joint communique pledging mutual support for full implementation of the Paris Accords. Point 8 of the communique states that:

> —In conformity with article 8 of the Agreement, (a) any captured personnel covered by Article 8(a) of the Agreement who have not been returned shall be returned without delay, and in any event within no more than 30 days from the date of signature of this Joint Communique . . .
>
> in conformity with Article 8(b) of the agreement, the parties shall help each other to get information about those military personnel and foreign civilians of the parties missing in action to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriation of remains, and to take any such other measures as may be required to get information about those still considered missing in action.[127]

In his statement to the press, Dr. Kissinger interpreted the communique as requiring both sides to make "major efforts to help each other to account for the missing in action throughout Indochina." As promised, Le Duc Tho said nothing to contradict Dr. Kissinger's statement. Unfortunately, the Committee found no evidence that the DRV undertook the "major efforts" hoped for by Dr. Kissinger.

Status change policy

Federal law provides the secretaries of the military services with exclusive authority to determine initially and later change the casualty classifications of personnel captured (POW), killed (KIA) or missing in action (MIA). Although the status classification process

[126] Aldrich testimony, September 21, 1992.
[127] Joint Communique, United States and North Vietnam, June 13, 1973.

is subject to guidelines set forth in the statute and to certain constitutional due process guarantees, it nevertheless remains within the exclusive jurisdiction of the service secretaries.

Throughout the course of the Vietnam War, status changes were made in accordance with the conventional practice. On May 22, 1973, however, acting Secretary of Defense William Clements received a routine memorandum from the DIA concerning Americans unaccounted for after Operation Homecoming. The memo stated that:

> The Military Services are not considering any status changes at this time from missing to captured. However, one case involving an American civilian—Mr. Emmet Kay who was lost over Laos on 7 May 1973—is under review by the Department of State and this Agency for possible change of status from missing to captured.[128]

For reasons that remain unclear to the Select Committee, Secretary Clements wrote on the bottom of the memo:

> I want a memo sent to all departments (Services-ASD-DIA-JCS) etc. that any reclassification from MIA to POW must first be cleared by me/MIA to KIA ok within each service and no review by me.

The requested memorandum was prepared by Assistant Secretary of Defense Robert Hill and was issued over Secretary Clements' signature on June 8, 1973. As ordered, the memo directed that the service secretaries present to him for his personal review and approval all proposed status changes from MIA to POW. No such requirement was imposed for proposed status changes from POW to MIA or KIA, or from MIA to KIA. The memo, in its entirety, reads:

> I request that all actions which recommend reclassification of military personnel from missing in action to captured status be submitted to me for approval. Proposed reclassification actions should be first routed through the Assistant Secretary of defense for International Security Affairs for preliminary review before referral to me.[129]

In his deposition, Mr. Clements said that the service secretaries presented between 50 and 75 cases to him over the next several months pursuant to this directive. In each case, according to Mr. Clements, it was recommended that a serviceman's status be changed from MIA to POW. Mr. Clements recalled that, in his judgment, the intelligence information in every one of these cases fell short of his standards for POW status. Mr. Clements accordingly denied the status change request in each instance.

Mr. Clements' memorandum and testimony during his deposition concerning it were peculiar for a number of reasons.

First, the memo reflected a departure from legally required procedures under which status changes were the exclusive prerogative of the service secretaries.

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[128] Memorandum from DIA to Clements, received May 22, 1973.
[129] Memorandum from Clements, June 8, 1973.

Second, the policy reflected in the June 8 memo is contrary to another memo, sent by Secretary Clements to President Nixon on July 17, 1973, in which he said that decisions about status changes should continue to be made by the service secretaries "as established by law and experience." [130] The Secretary did not inform the President that he had, himself, ordered the Department to follow a different policy.

Third, Mr. Clements opened his public testimony before the Select Committee on September 24, 1992 by stating that status changes were handled exclusively by the services throughout his tenure at DoD:

> Within DoD, the services control classification, in the sense that when you have your POWs or MIAs or KIAs, those classifications are service-classified. The Department of Defense, as you would think of my position in the office of the Secretary of Defense, we do not do that. We did not then do that. Now, exactly what they would do at this time, I don't know. But at that time, those classifications were held within the services. In other words, the Navy classified their people, Army did theirs, and the Air Force did theirs.
>
> I want to make that very clear because it's important that your committee and the public at large understand that the office of the Secretary of Defense and/or the State Department and/or the National Security Council, nor the President . . . had any control whatsoever over classification. That was strictly within the services.[131]

Fourth, during the public hearing, Mr. Clements did not recall or at any rate seem to grasp the significance of the June 8, 1973 memorandum:

> Sen. SMITH. Why did you, Governor Clements, make a decision to not allow your service secretaries . . . to upgrade an individual from an MIA category to a POW category? Why did you make that decision?
>
> Governor CLEMENTS. I don't think that I made such a decision.
>
> Sen. SMITH. You did not make that decision. Is that your statement?
>
> Governor CLEMENTS. I have no recollection of making a decision of that kind. Let me tell you something, Senator, it is very, very clear that only classification can be changed within the service. And let's don't get that confused.
>
> Sen. SMITH. (reads text of June 8 memo aloud) That was June 8th, 1973.
>
> Governor CLEMENTS. That's right.
>
> Sen. SMITH. With your signature.
>
> Governor CLEMENTS. And there's nothing wrong with that . . .

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[130] Memorandum from Clements to Nixon, July 17, 1973.
[131] Clements testimony, September 24, 1992.

Sen. SMITH. Governor, you directed the Secretaries to route it all through you on June 8th. And on July 17th, you wrote to the President of the United States and you said: In my view, the status determination process, as established by law and experience, should be allowed to function as prescribed . . . .

Governor CLEMENTS. I agree with that.

Sen. SMITH. That is what you said to the President, but that is not what you said on June 8th to the service secretaries.

Governor CLEMENTS. I disagree completely.

Sen. SMITH. Well . . . I am not going to argue with you, Governor. It is a part of the record.

Governor CLEMENTS. Well, you don't have to argue with me, just read it again. . . .

Sen. SMITH. Governor, I have got it in your own handwriting. . . "I want a memo sent to all departments, services, ASD, DIA, JCS, that any reclassification from MIA to POW must first be cleared by me." That is what you said.

Governor CLEMENTS. I want to review——

Sen. SMITH: In your own handwriting.

Governor CLEMENTS. I want to review every one of them. That's exactly right. This was a very, very delicate issue.[132]

The most peculiar aspect of all this is that the Select Committee has discovered no documentary or testimonial evidence to indicate that Mr. Clements ever actually reviewed any particular status classification cases, let alone the 50 to 75 cases he cited in his deposition. Indeed, Dr. Shields, who would certainly have known if such a review ever occurred, told the Committee:

Mr. Chairman, I don't want to interject here, but . . . I can't recall of a single case where they (the services) wanted to reclassify a missing person to prisoner status.[133]

Finally, the Committee located a July 17, 1973, memorandum from Mr. Clements to the President and an August 17, 1973, memorandum to the Service Secretaries concerning further status changes. The July 17 memorandum stated:

Presently, there are 1,278 military personnel unaccounted for . . . Of this number, 67 are officially listed as prisoner of war based on information that they reached the ground safely and were captured. . . The rest have remained in a missing status. . .In a significant number of cases only faint hope was ever held for the individual's survival. Although our returned prisoners could confirm the death of less than 100 men, they are of the firm opinion that none of the other missing men entered the captivity system . . .

In addition, high level officials from the other side have repeatedly emphasized that none of the missing are still being held captive. Absence of new information indicating a man is alive constitutes implicit confirmation of prior evidence in those cases where

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[132] Clements testimony, September 24, 1992.
[133] Shields testimony, September 24, 1992.

chances for survival were deemed small. A determination of death should now be made in those cases.[134]

The August 17 memorandum directed:

> The Secretaries of the Military Departments to proceed as prescribed by law with changes in status to deceased, where warranted, of servicemen who did not return from Southeast Asia.[135]

Phase-out of the POW/MIA Task Force

In an internal Pentagon memorandum dated February 13, 1971, Secretary of Defense Melvin Laird established a POW/MIA Task Force to serve as the coordinating body within DOD for all POW/MIA-related issues:

> The primary function of the Task Group will be to provide close and continuing coordination of all activities in DOD in the PW/MIA area. In accord with policy guidance, it will ensure that responsible offices and agencies work together in planning, programming, assessing, and carrying out all required actions.[136]

Secretary Laird placed the Task Force under the direction of the Assistant Secretary of Defense for International Security Affairs and appointed Roger Shields as chairman of the Task Force.

In a follow-up memorandum dated December 3, 1971, Secretary Laird reemphasized the importance of coordination within DOD and directed that all POW/MIA issues be forwarded to Dr. Shields:

> The best interests of the Defense Department, the men, and their families require the closest and most thorough coordination of every aspect of the conduct of prisoner of war/missing in action affairs. To this end, Dr. Roger Shields, of the office of the Assistant Secretary (ISA), has been tasked with overall Department of Defense coordination responsibility for all PW/MIA matters. I ask that you direct all elements of your organization to coordinate with Dr. Shields, or his staff (PW Task Force), all actions related to prisoners of war or missing in action. I consider this to be the only way in which we can satisfactorily handle this difficult problem, and I earnestly solicit your cooperation to this purpose.[137]

Consistent with Secretary Laird's directives, Dr. Shields acted as DOD's leading policymaker for POW/MIA issues right up through the aftermath of Operation Homecoming. Dr. Shields served as DOD's primary POW/MIA spokesperson with the Congress, the families and the public; as the coordinator of the Department's intelligence assets assigned to the POW/MIA issue; and as coordinator of Operation Homecoming.

Nevertheless, DOD moved to abolish the POW/MIA Task Force almost immediately after the completion of Operation Homecom-

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[134] Memorandum from Mr. Clements to President Nixon, July 17, 1973.
[135] Memorandum from Mr. Clements to Service Secretaries, August 17, 1973.
[136] Memorandum from Laird, February 13, 1971.
[137] Memorandum from Laird, December 3, 1971.

ing. In a memorandum dated April 25, 1973, acting Assistant Secretary of Defense (ISA) Lawrence Eagleburger recommended that the Task Force be phased out over a four-month period:

> With the recent ceasefire agreement in both Vietnam and Laos and the return of our servicemen held captive by the Communist side, the PW/MIA situation no longer warrants the retention of the PW/MIA Task Force in its present size or configuration. Accordingly, this Task Force should be phased out over the next four months and those functional areas currently being performed by the Task Force should be reassigned to the Military Departments, Joint Chiefs of Staff, and OSD Component Staff Agencies, as appropriate.[138]

Secretary of Defense Elliot Richardson approved Mr. Eagleburger's recommendation on May 1, 1973 and issued a memorandum ordering the phase-out of the POW/MIA Task Force by August 31, 1973. Secretary Richardson wrote:

> The recent peace agreements in Vietnam and Laos, along with the withdrawal of our military forces from Vietnam and the return of our prisoners of war provide a basis for the phase-out of the Prisoner of War/Missing in Action Task Force and the functional reorganization of the DoD PW/MIA program. In this regard, I hasten to add that the phase-out of the Task Force in no way infers that those on-going programs and long-range actions on behalf of our returned servicemen, their families, and the missing in action will be terminated. Instead, a need exists for a redistribution of functional responsibilities currently being accomplished by the PW/MIA Task Force.[139]

The Select Committee looked closely at the rapid phase-out of the Task Force to try to determine whether it was indicative of a larger U.S. Government effort to downplay lingering doubts about the completeness of the release of American POWs from North Vietnam and Laos. Both of the memoranda cited above appear premised on the view that no live American POWs remained behind in Indochina—a premise possibly at odds with information known to the Administration. Yet, Secretary Richardson, Secretary Schlesinger and Dr. Shields all testified that the phase-out order was a mere bureaucratic shuffling of resources within DOD that did not result in any real decrease in the Department's deployment of POW/MIA assets. In fact, Dr. Shields was soon promoted to Deputy Assistant Secretary of Defense, and he remained at DOD in charge of POW/MIA matters through 1976.

Joint Economic Commission

As discussed earlier, the formation of the Joint Economic Commission (JEC) was announced on February 14, 1973 following Dr. Kissinger's visit to Hanoi. Formal meetings began the next month

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[138] Memorandum, acting Assistant Secretary of Defense Lawrence Eagleburger, April 25, 1973.

[139] Memorandum, Secretary of Defense Richardson, May 1, 1973.

in Paris with Maurice J. Williams heading the American delegation. The public position taken by the Administration was still that no specific dollar figures had been discussed with the North Vietnamese; that the provision of aid would depend on DRV compliance with the ceasefire and other terms of the PPA; and that no assistance would be provided without authorization from the Congress.

By the end of March, although it was not revealed publicly at the time, the two sides had reached tentative agreement on a detailed five year plan for reconstruction. All that was lacking was an agreed mechanism for DRV reporting on how the aid would be used.

On April 5, 1973, the U.S. Senate voted 88–3 to bar the use of any previously-appropriated funds for the purpose of providing assistance to the DRV. Although the amendment did not prohibit the President from proposing a reconstruction program for North Vietnam, the tone of the debate indicated that such a proposal would not have much support.

On April 19, the JEC talks were suspended by the U.S. as a result of alleged violations by the DRV of the ceasefire. Talks did not resume until after the joint U.S.-North Vietnamese communique of June 13, 1973 pledging adherence to the terms of the PPA. Talks were then held from June 19 until July 23, after which they were suspended indefinitely due to the DRV's failure to stop military actions directed against South Vietnam.

Four party joint military team

The Four Party Joint Military Team (FPJMT), based in Saigon, came into existence immediately after the end of Operation Homecoming and was charged with responsibility for implementing article 8(b) of the PPA. Article 8(b) provides for mutual assistance in obtaining information about those considered missing in action, determining the location of graves and providing for the repatriation of remains.

On April 14, 1973, Ellsworth Bunker, the U.S. Ambassador to South Vietnam, outlined proposed priorities for the FPJMT in a cable to the Secretary of State. Ambassador Bunker said that the first priority would be recovery of the remains of those listed by the DRV and PRG as having died while in captivity. The second priority would be to seek information on the so-called discrepancy cases—Americans thought by the U.S. to have been captured alive. The third priority would be to negotiate a process for the air and ground search of crash sites.

Although meetings of the FPJMT were held regularly beginning in early April, very little was accomplished. Colonel Laurence Robson, who served as Deputy Chief of the FPJMT, testified that folders describing 104 cases of American POW/MIAs about whom the DRV should have information were turned over to the North Vietnamese. Many of these had previously been brought to the DRV's attention during Dr. Kissinger's visit to Hanoi in February. In April, as in February, however, the U.S. received no response. Despite two visits to purported U.S. POW grave sites in North Vietnam, no remains were repatriated.

According to Col. Robson, part of the DRV's refusal to cooperate may have resulted from the opposition demonstrated in Congress to the provision of reconstruction aid. And in testimony before the House Committee on Foreign Affairs in December, 1973, Assistant Secretary of Defense Roger Shields characterized the actual meetings as consisting of "propaganda speeches, boycotts, walkouts, and general stalling tactics by the Communist delegations." [140]

Efforts to gain an accounting in Laos

At the time Operation Homecoming was completed, there remained hope within the U.S. that Pathet Lao officials would admit holding at least a small number of U.S. POWs and provide information on any who might have died in captivity. There was particular attention given to individuals, such as David Hrdlicka, Eugene DeBruin and Charles Shelton, who were known to have been taken captive by the LPF. American hopes were based, to a significant extent, on previous admissions that the LPF did hold U.S. prisoners.

Beginning in early April, however, the LPF position changed.

On April 5, U.S. Embassy officials were told by Soth Petrasy in Vientiane that the LPF held no U.S. prisoners. The same message was conveyed by Soth the following day in a meeting with Senator Edward Brooke.

As a result of these meetings, the U.S. Ambassador to Laos, McMurtrie Godley, cabled the State Department that:

> Although . . . U.S. PW's may be held in remote areas of PL (Pathet Lao) zone of control, we . . . received negative response. Embassy activity is currently being directed toward program of accounting for MIAs . . . .
>
> Although U.S. Mission through the years has utilized every possible means to obtain valid information concerning MIA's in Laos, we have been unable to identify conclusively any U.S. personnel being held captive or identify conclusively a specific detention facility for U.S. Prisoners . . . .[141]

On April 23, at a press conference, Soth Petrasy was asked whether it was possible that American prisoners were still being held. He replied:

> It is not possible. First of all, we do not recognize your list. All who were captured have been released. They came to massacre us and we had to defend ourselves. If they reached the ground alive, they could still die without ever being found. But if they were captured, they were released. If they wanted to stay alive, they should have stayed in the United States.

On May 31, 1973, Mr. Frank Sieverts, special assistant to the Deputy Secretary of State for Prisoners of War and Men Missing in Action, testified before the House Committee on Foreign Affairs regarding efforts to account for Americans missing in Laos:

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[140] Shields testimony before House Foreign Affairs Committee, December, 1973.
[141] American Embassy, Vientiane, Message 13647, 05149Z, April, 1973.

> In Laos, U.S. officials have been in direct contact with representatives of the Lao Patriotic Front (the Pathet Lao) to press for additional information on Americans missing or captured in Laos. We have told the communist side of our concern at the small number of Americans listed as captured in Laos, in view of past hints that a larger number were held by Pathet Lao forces, and in view of evidence that at least two others had been captured in Laos. The communist side has repeatedly told us and has recently stated publicly that there are no more Americans captured or held in Laos. They have also said that further accounting for the missing must await the formation of a coalition government, as specified in the February 21 Laos ceasefire agreement. Our efforts to convince the Communist side to proceed with this accounting without waiting for a new government to be formed has been in vain.[142]

On September 14, 1973, the Protocols to the February 21 Laos Ceasefire Agreement were signed between the Pathet Lao and the Royal Lao Government. Article 18 of the Protocols called for the "return of all persons regardless of nationality who were captured and imprisoned for cooperating with the other side during the war (to be) accomplished in three stages and completed at the same time as the withdrawal of foreign troops and military personnel." The protocol also required an exchange of lists of prisoners and those who died in captivity within 30 days of the signing of the agreement on September 14, a provision that was subsequently disregarded by the LPF.

At the end of the 30 day period for the lists of prisoners to be exchanged, a group of POW/MIA family members traveled to Vientiane, Laos in anticipation of receiving information on persons unaccounted for in Laos. The family members met with Soth Petrasy, but no information concerning their loved ones was provided.

On December 5, 1973, Mr. Sieverts again testified before the House Foreign Affairs Committee:

> The Lao Patriotic Front has repeatedly stated, publicly and directly to senior U.S. officials, that there are no more American prisoners captured or held in Laos—with the exception of a civilian, Emmet Kay, a pilot for Continental Air Services, Inc., whose plane went down in Northwest Laos May 7, 1973 . . . .
>
> Our representatives have . . . provided the Communist side with a detailed listing of our POW/MIA's in Laos, including those listed as dead whose bodies were not recovered, with the request for information on those men.
>
> We have also called particular attention to the cases of men who were previously acknowledged as captured in Laos, or for whom there are indications that they survived shootdowns. . . . As is clear form the foregoing, our representatives in Vientiane have maintained continuing pressure on the communist side on this subject. . . .

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[142] Sieverts testimony before House Foreign Affairs Committee, May 31, 1973.

> The Pathet Lao representative, however . . . . said no information would be forthcoming until . . . the coalition government was formed.
>
> On the question of JCRC access to Laos, the Pathet Lao representative flatly stated that no outside element could concern itself with POW/MIA's in what he described as the "liberated zone." . . .
>
> The vast majority of crash and potential grave sites in Laos are located in areas under the control of North Vietnamese forces. Thus, North Vietnam effectively controls the basic information on this subject.
>
> We have attempted to raise it with them in the FPJMT in Saigon, but they have insisted that POW/MIA's in Laos must be discussed with the LPF.[143]

Although the Lao Provisional Government was finally formed in April 1974, no information concerning U.S. POWs or MIAs was forthcoming from the new government.

In a report dated August 16, 1974, the DIA reported that 294 Americans remained unaccounted for in Laos, of whom 5 were known to have been captured. According to the report, Special Intelligence (SI) indicated that:

> Navy pilot Barton S. Creed may have been captured but was probably dead;
>
> Air Force pilot David Hrdlicka, a known captive, was believed to have died in mid-1966;
>
> Eugene Debruin, acknowledged as captive by the Pathet Lao, had probably not survived;
>
> Air Force pilot Charles Shelton, a known captive, had probably died in mid-1966; and
>
> The civilian pilot Emmet Kay, downed in May, 1973, remained in captivity. (Kay was released in September, 1974)[144]

During his de-brief, Emmet Kay stated that he had no knowledge of any other Americans being held in Laos. He also said that he had been told by the Pathet Lao that he was the only American being held there and that all U.S. POWs were released in 1973 during Operation Homecoming.[145]

The coalition government in Laos was replaced in December, 1975 by a government controlled entirely by the Pathet Lao.

DISCUSSION

Orchestrated confusion—the DRV and Pathet Lao

Throughout the period between January 27 and the completion of Operation Homecoming, there was both official and public confusion about who controlled U.S. prisoners captured in Laos. As has been stated, it does not appear that the prisoners on the DRV/Laos list were ever under the control of the LPF. Rather, they were captured in Laos by the North Vietnamese and, with one exception, transferred expeditiously out of Laos to North Vietnam. The U.S.

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[143] Sieverts testimony before House Foreign Affairs Committee, December 5, 1973.

[144] Paper, "Background Information on PW/MIA Situation in Laos", DIA, PW/MIA branch, 16 Aug 74.

[145] Memorandum for Record, "Thai/Lao Debriefs", DIA, PW/MIA branch, Oct. 8, 1974.

POWs thought to be held in caves in northern Laos were not released, nor was any accounting given for MIAs in Laos.

Confusion about this issue of control was apparent not only to the public, but to some officials, as well. For example, the U.S. delegation to the FPJMC, which was responsible for implementing the accords, believed at least until mid-March that the prisoners on the February 1 list were actually being held in Laos by the LPF. The official military history of the U.S. delegation to the FPJMC, written in 1974, refers to the American success in obtaining the release of "the prisoners held by the Pathet Lao." [146]

From the very beginning of negotiations, the DRV sought to maintain the fiction that its troops were not in Laos and that it could not take any action that affected Laos without consulting the Pathet Lao. And yet, according to U.S. officials, the LPF was almost wholly dependent on, and controlled by, the DRV. Ambassador Sullivan, for example, estimated that the total number of armed LPF forces did not exceed 500. Ambassador Godley testified that "anything that Le Duc Tho said about Laos would be law in the Pathet Lao areas.," [147]

Dr. Kissinger told the Committee that:

> Our perception of the Pathet Lao was that they were stooges of Hanoi, that they had no independence whatsoever, that they were totally controlled by the communists in Hanoi. . . we had every confidence that Hanoi could make the Pathet Lao do what they wanted.[148]

Ambassador Sullivan also ridiculed the controversial LPF spokesman, Soth Petrasy, as a "figurehead and a nonentity who had no communications himself with anything going on in the military zone." [149] Despite this, the U.S. found itself negotiating with Soth Petrasy for the release of prisoners he had insisted that the LPF had, only to be put off first with pleas for delay and ultimately confounded by statements that the prisoners did not exist.

During the period immediately prior to the signing of the peace agreement, and throughout the 60 plus days leading up to the end of Operation Homecoming, the DRV and LPF played an elaborate game at American expense. The North Vietnamese made a show of "consulting" with the LPF about U.S. prisoners who were jailed in the DRV's own capital of Hanoi. The DRV promised Dr. Kissinger that it could guarantee the release of U.S. prisoners held captive by the LPF, but failed to do so. The LPF insisted it was not bound by North Vietnamese commitments, although it was clearly dependent on the DRV in almost every way. And time and again, LPF spokesmen teased U.S. public and official opinion by discussing the prisoners they claimed to be holding.

U.S. officials tried to break through the charade, but were left, ultimately, trying to work around it. The U.S. was handicapped by its reluctance to set a precedent by accepting as reality the fact that North Vietnam could exercise what amounted to sovereignty

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[146] Dillard, p. 35.
[147] Godley testimony, September 24, 1992.
[148] Kissinger testimony, September 22, 1992.
[149] Deposition of William Sullivan to Select Committee.

in parts of Laos and Cambodia. The charade reached its apparent climax on March 28, 1973 when American officials accepted the prisoners on the DRV/Laos list not from their North Vietnamese jailers, but from the Pathet Lao.

The problem of who controlled Laos continued during the post homecoming period when the Administration's focus shifted from the possible repatriation of live prisoners to obtaining an accounting for the missing. The dominance of North Vietnamese troops in Laos meant that the DRV would logically know more than the LPF about MIAs lost in that country. But since the DRV wouldn't admit to knowledge about what happened in Laos, that avenue of inquiry was foreclosed. Meanwhile, as described above, efforts to obtain information directly from the Pathet Lao bore no fruit.

Within a year, the combination of DRV duplicity, LPF intransigence and American frustration caused DIA to sum up the situation in a memorandum which concluded that: "One can only speculate about the current fate of the Americans who were known to have been held captive by the Pathet Lao in previous years." [150]

What could the administration have done?

Diplomatic efforts

The obvious and most difficult question facing U.S. decision-makers during the 60 day period following the signing of the PPA was what to do about apparent North Vietnamese violations. With respect to the military issues of ceasefire, withdrawal of advisers, withdrawal from Cambodia and Laos and arms supply, all sides violated the agreement to some extent. But with respect to U.S. POWs, the issue boiled down to whether the American side could force or persuade the North Vietnamese to do more than it was apparently willing to do to meets its obligations.

As documented above, top-level Nixon Administration officials were advised by DIA and others throughout the 60-day period of the possibility that there were live American POWs in Indochina who were not on either the January 27 lists or the February 1 DRV/Laos list. The area of greatest concern was Laos, but there were a substantial number of discrepancy cases in North and South Vietnam, as well.

At the time the agreement was signed, Administration officials were unrestrained in expressions of American resolve to obtain full compliance on POW/MIAs. Dr. Kissinger said the U.S. would "brutally enforce" the return of prisoners.[151] Our delegation to the FPJMC in Saigon considered the release of U.S. POWs "the major emotional motivating force for . . . Americans. It was probably also the only issue over which the United States could justify a renewal of bombing raids or other measures involving military force, should the North Vietnamese clearly demonstrate their intent to violate the provisions . . . ."[152]

Despite this, and despite the fact that air strikes were considered and ordered on ceasefire and infiltration-related issues, nothing in

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[150] DIA memorandum, April 17, 1974.

[151] Memorandum of Conversation, Kissinger with National League of Families, January 29, 1973.

[152] Dillard, p. 59.

the records reviewed by the Select Committee indicates that the President or Dr. Kissinger seriously considered overt military action on the POW/MIA issue at any time after the signing of the PPA.

A number of diplomatic actions were taken during the 60 day period, but with marginal success. For example:

The U.S. delayed delivery of President Nixon's letter on reconstruction aid until the DRV came up with a list of prisoners from Laos; the list was delivered but it was disappointingly short and incomplete;

The U.S. threatened to cancel Dr. Kissinger's trip to Hanoi because of the incomplete nature of the lists, but did not do so;

During the Hanoi trip, Dr. Kissinger demanded an accounting of discrepancy cases, but the demand was ignored;

On March 20, the U.S. again protested to the DRV about the failure to obtain an adequate list of prisoners from Laos, and threatened "grave consequences" if the failure persisted; once again, the protest was in vain; and

U.S. diplomatic approaches to the Pathet Lao throughout February, March and thereafter led nowhere.

Military options

In mid-March, U.S. concern about continued DRV use of the Ho Chi Minh trail caused the Administration to consider a two to three day period of bombing in southern Laos. This course of action was recommended to the President by the WSAG group and by Dr. Kissinger. In his testimony, Dr. Kissinger says that the President ultimately decided against this course of action and sought, instead, another round of talks with Le Duc Tho.

The issue arose again in mid-April when DRV forces continued to operate in northern Laos in violation of the PPA and the Laos cease fire agreement. This time, the U.S. went ahead with two days of B-52 bombing raids inside Laos. This step led to an agreement between the U.S. and the DRV to negotiate PPA compliance issues in May and June, 1973. In Cambodia, meanwhile, heavy U.S. bombing raids continued until Congress prohibited further funding for them, effective August 15, 1973.

Although the U.S. did not threaten or carry out air strikes over the POW/MIA issue, it did on two occasions briefly suspend troop withdrawals. The first instance was on February 26th when the DRV failed to produce the list of POWs due to be released the following day. Dr. Kissinger described the Administration's response this way:

> We responded very sharply by suspending American troop withdrawals and mine-clearing operations in North Vietnamese harbors. Secretary of State Rogers declined to attend any sessions at the International Conference in Paris. A terse message was sent to Hanoi simply informing it of our actions. In addition, White House press secretary Ronald Ziegler was instructed to read at his noon briefing a tough statement making clear that the release of American prisoners was an unconditional obligation of North Vietnam not linked to any other provision of the Agree-

ment. A day later, I told Ziegler that I was certain the pressures would work (in a conversation that also clearly indicates my plan to leave government soon): "A year from now when I'm out of here, they're really going to put it to us. Not for that reason but a year from now, they're going to be tigers but now they're not ready." The POWs were released on schedule.[153]

On March 22, 1973, after the North Vietnamese threatened not to go forward with the release of prisoners on the DRV/Laos list, and after DIA reported that the LPF might well be holding other POWs, the U.S. again decided to halt the withdrawal of American troops. Initially, the U.S. demand was that the DRV guarantee the return of the U.S. prisoners on the DRV/Laos list and all others held by the Pathet Lao. This decision was modified the following day to make full U.S. withdrawal contingent only upon the release of prisoners from the January 27 and February 1 lists. Again, the DRV essentially acceded to the U.S. demand.

Just prior to the completion of Operation Homecoming, Defense Department staff produced for Secretary Elliot Richardson a series of recommended options, including military options, intended to increase pressure for the return of possible U.S. POWs in Laos. The strongest options, including air strikes against Hanoi and Laos, were not passed on by the Secretary to Dr. Kissinger. Secretary Richardson did recommend consideration, however, of the movement of a new carrier task force into the waters off Vietnam's coast and the commencement of military air reconnaissance missions over Laos. Neither step was carried out.

Restraints on the Use of Force. Despite the Administration's strong concerns about the completeness of the POW release, there were a number of factors arguing against a decision to suspend troop withdrawals or move beyond that to the resumed use of military force.

First, and foremost, the signing of the Accords and the commencement of the ceasefire on January 27, 1973 had been welcomed with enthusiasm by the American people and were viewed as marking an end to U.S. involvement in a tragic and unpopular war. Any action by the Administration to disrupt implementation of the peace agreement would carry risks and might, unless clearly and convincingly explained, prove unsustainable in the face of the American public's desire for an end to the war. Nevertheless, the U.S. did temporarily suspend troop withdrawals for short periods of time without engendering public opposition.

Second, the Administration was concerned that any military action taken during the 60-day period following the signing of the Accords would imperil the release of the POWs whose names had been included on North Vietnam's lists but who had not yet been released. This appears to be the primary reason that President Nixon did not agree to the WSAG's recommendation to bomb Laos in mid-March.

Third, the Administration could not be sure that resuming military hostilities would lead to the release of additional U.S. POWs.

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[153] Dr. Kissinger's memoirs, volume II, p. 317.

The available intelligence information was not sufficient to say with certainty that any particular individual was alive and being held in a particular location. This argued against rescue missions or other military actions aimed at the release of specific POWs. More general military actions, such as bombing Hanoi or the Ho Chi Minh Trail, might have been more likely to create new POWs than to gain the release of existing ones.

Balancing. Ambassador Lord told the Select Committee of his belief that the Administration's decision not to use force or to attach stronger conditions to troop withdrawals because of the POW issue reflected a balancing of concerns about the possibility that live POWs were being left behind against concerns resulting from the deterrents to military action discussed above. As Ambassador Lord testified:

> The President in the end decided not to scuttle the agreement and resume the war over the MIA question. It was a very difficult decision. I believed then it was a correct one. I believe that still . . . .
>
> Although we had strongly suggestive intelligence that the lists [were] incomplete, the American society would have blown apart if the President overturned the agreement and resumed the fighting. It is doubtful that Congress would have supported such a policy. Indeed, it would probably have prevented it. Our remaining prisoners who were on the lists would not have returned. More Americans and Vietnamese allies would have been killed and captured.[154]

Admiral Moorer echoed Ambassador Lord's testimony. Asked why the United States completed the withdrawal of its troops without insisting that the Pathet Lao first release the U.S. POWs they were believed to be holding, Admiral Moorer stated:

> When this started and the POWs [on North Vietnam's lists] came back and so on, and there was a very euphoric reception, and the President gave a party on the White House grounds, and all the wives of POWs came and so on, and press release after press release were that we were withdrawing the troops, at that point, no President could have said, "Oops, we're not going to withdraw the troops because these people won't agree with us. They're not carrying out their part." At that point in history, we didn't have the stomach for doing what you're asking me why we didn't do it . . . .
>
> Don't forget, [the President] was getting tremendous pressure from the Congress, the public, and the New York Times, and the Washington Post, everyone you could think of. They had had a belly-full of this whole war. I think we almost would have had a rebellion if we had turned around and started fighting like hell in Laos again. That's my explanation of it.[155]

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[154] Lord testimony, September 21, 1992.
[155] Moorer testimony, September 24, 1992.

During his testimony before the Select Committee, Dr. Kissinger blamed Congressional opposition to further U.S. involvement in the war for the Administration's inability to obtain DRV compliance with the POW/MIA and other provisions of the peace agreement:

> In theory, we had three sources of leverage available; bombing the north, offering economic aid to Hanoi and giving military and economic aid to Saigon to deprive Hanoi of the hope of military victory. The Congress took all three levers away, denying us both the carrot and the stick. When the Congress eliminated our leverage, we were trapped in the classic nightmare of every statesman. We had nothing to back up our tough words, but more tough words. Under such conditions, we had no bargaining position left . . . .
>
> The Paris Peace Accords contained clear and binding commitments that all prisoners throughout Indochina would be accounted for and returned. If the Vietnamese violated these provisions, it was not because of any omission by responsible U.S. officials, even less any cooperation with them, but because we were stripped of the weapons we might have used to impose that commitment.[156]

Former President Nixon views are similar:

> As it became clear to the North Vietnamese that the Congress would not permit a resumption of the bombing to enforce the Paris Accords, their incentive for complying with the agreement regarding MIAs and POWs as well as other provisions was completely destroyed. The return of all our POWs and an accounting of all our MIAs was difficult to achieve because of the intransigence of the North Vietnamese and the substantial sentiment in the country and in Congress for an unconditional withdrawal from Vietnam in advance of any North Vietnamese commitment to return our prisoners and account for our missing . . . .[157]

Former Defense Secretary Elliot Richardson, on the other hand, expressed puzzlement and skepticism about the Administration's failure to act on the limited military options his Department had recommended immediately Prior to the conclusion of Operation Homecoming:

> I don't believe that a degree of uncertainty as to the numbers or the firmness of the information, given the totality of the information, should have affected what we did up to at least the resumption of bombing or the use of force, and the recommendations in this memorandum represent in substance the most effective combination of measures that Larry Eagleburger and Colonel Secord and Admiral Bigley and those of us who reviewed this memorandum could come up with . . . .

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[156] Kissinger testimony, September 22, 1992.
[157] Nixon letter, p. 4.

> I think if I had been involved at that time, I would have argued for some use of force. After all, you don't have to restart the whole war to authorize some air strikes as a way of conveying that we meant business. But those are tough calls. . . .
>
> I can't even give you conjectural explanation as to the failure to follow up the recommendations in my memorandum to Kissinger . . . I can only say that had I known the steps called for in the memorandum to Kissinger were not being pursued, if they weren't, I think I would have raised hell about it. . . .[158]

The Congress

During the Committee's hearings, it was contended by Dr. Kissinger and some Members of the Committee that Congressional attitudes would have precluded any Administration effort to respond forcefully to the DRV's failure to provide an accounting for missing American servicemen. These Members of the Committee believe that their contention is supported by the Senate's rejection on May 31, 1973 of an amendment offered by U.S. Sen. Robert Dole. The Dole amendment would have permitted the continued U.S. bombing of Laos and Cambodia if "the President finds and forthwith so reports to the Congress that the Government of North Vietnam is not making an accounting, to the best of its ability, of all missing in action personnel of the United States in Southeast Asia or is otherwise not complying with the provisions of article 8" of the Paris Peace Agreement.[159]

Other Members of the Committee believe that the amendment offered by Senator Dole, which was an amendment to another amendment offered by Senator Mark Hatfield, was aimed far more at authorizing President Nixon to continue prosecuting the war in Southeast Asia than at gaining an accounting for missing Americans.

Former President's Nixon view is that:

> The responsibility for denying to our Administration the means to force the North Vietnamese to comply with the agreements concerning the accounting for MIAs lies squarely on those who opposed the use of military force to bring the war to a conclusion and who later sabotaged our efforts to enforce the peace agreement by drastically reducing American aid to South Vietnam and prohibiting the resumption of the bombing in order to enforce the Accords.[160]

During the Committee's hearings on the Paris Peace Accords, Senator Dole testified that:

> When you line up the culprits who got us where we are today, the Senate itself should enjoy a prominent place at the front of the line . . . It was the Senate who sent Henry

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[158] Richardson testimony, September 24, 1992.
[159] Congressional Record, May 31, 1973, pps. 17668 et seq.
[160] Nixon letter, p. 4.

Kissinger to a gunfight at the OK corral, but gave him only blanks.[161]

Watergate

A final, highly important factor inhibiting President Nixon's ability to respond forcefully to DRV violations of the PPA was the emerging Watergate scandal. Several witnesses told the Select Committee that, by early spring 1973, much of the President's time and attention was devoted to this subject. In Admiral Moorer's words, for example, "Watergate was bubbling like mad." And Dr. Kissinger's memoirs include numerous references to the President's lack of focus during this period:

> It was a different Nixon in March 1973. He approached the problem of the violations in a curiously desultory fashion. He drifted . . . . Nixon clearly did not want to add turmoil over Indochina to his mounting domestic perplexities.
>
> The normal Nixon would have been enraged beyond containment at being strung along like this, but Watergate Nixon continued to dither . . . .
>
> Nixon was simply unable to concentrate his energies and mind on Vietnam. The records show that he was engaged in incessant meetings and telephone calls on Watergate. The ill omens did not cease, the most extraordinary being an intelligence report I received while en route to Paris (in May, 1973). It was a North Vietnamese account that described how the Viet Cong leaders were briefing their subordinates in the field. The report confirmed our knowledge of Hanoi's buildup, referring to a "general offensive" that was in preparation. But it was being postponed, the briefing stated, to give Watergate an opportunity to complete the paralysis of our Presidency and the demoralization of our South Vietnamese ally. It accurately predicted that the wounded President now lacked the authority to retaliate against North Vietnamese transgressions.
>
> Nixon could have taken his case to the American people, arguing that we could not abandon what 50,000 Americans had died to preserve. A Nixon re-elected by one of the largest majorities in history might well have prevailed, as he had so many times before. In the swamp of Watergate, the President's political strength drained away and this option did not exist at all.[162]

The executive paralysis stemming from Watergate had several effects. It meant that the President had less time to focus on complicated political/military issues such as responding to the possibility that prisoners might be left behind in Laos. (Indeed, a transcript of the Oval Office tapes for the critical date of March 23, 1973 indicates that the President spent a significant part of that day discussing Watergate with his closest aides.)

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[161] Select Committee hearing, September 24, 1992.
[162] Dr. Kissinger's Memoirs, volume II, pps. 318–328.

Watergate almost certainly diminished the President's willingness to undertake difficult and controversial initiatives, while also reducing the likelihood that his actions would be accepted at face value and supported either by Congress or the public.

Finally, the Watergate scandal disrupted the focus and attention not only of the President, but of key federal agencies, as well. During the first six months of 1973, for example, four different men served as Secretary of Defense or Acting Secretary of Defense and three as Director of Central Intelligence. This left the POW/MIA issue at Defense primarily in the hands of Deputy Secretary Clements who was among those most skeptical of the possibility that any live U.S. POWs remained after Operation Homecoming. As for the CIA, James Schlesinger, who was the DCI from January through May, 1973, told the Committee that he was not involved in the POW/MIA issue during that time. Rather, he spent literally "90 percent" of his brief tenure as DCI trying to determine the extent of his agency's possible involvement in Watergate.[163]

Pro and con/were POWs left behind?

The range of information available to the Committee about the possibility that American POWs were left behind after Operation Homecoming goes beyond that gathered during the Committee's investigation of negotiations surrounding the Paris Peace Accords. Thus, no judgment on this critical point is made in this section of the Select Committee's report. It seems useful, however, to summarize briefly the information obtained and the testimony received on this subject, including the opinions of expert witnesses.

Indications that Americans may have been left behind

As discussed elsewhere in this report, the United States had hard evidence that some Americans who were held captive by the North Vietnamese or the Pathet Lao did not appear on the DRV's December, 1970 list of prisoners. This evidence was publicized widely by Nixon Administration officials, especially Secretary Laird, and was raised directly with the DRV both during the public peace negotiations and by Dr. Kissinger during his February, 1973 visit to Hanoi.

The possibility of live U.S. prisoners being held back, especially in Laos, was taken seriously enough by high-level Administration officials to justify a short-lived decision to halt troop withdrawals required by the peace agreement, and led to recommendations from the Department of Defense for military action.

Notwithstanding the evidence that some individuals who had certainly or probably been held captive were not being returned, the United States did not have hard, current information that particular Americans were being held in particular locations.

Witness assessments

The witnesses who appeared before the Select Committee during its investigation of issues related to the Paris Peace Accords included those best informed and best positioned to make judgments

[163] Deposition of Mr. James Schlesinger to Select Committee.

about the degree of likelihood that live American POWs may have been left behind after Operation Homecoming.

In some cases, these individuals based their judgments entirely on their recollection of contemporaneous knowledge, while others relied on a combination of memory and exposure to information and documents only recently released.

Dr. Henry Kissinger, for example, told the Committee that "I think it's improbable that any (U.S. POWs) are alive today. I honestly did not think there were any alive in Vietnam when the war ended. I have always kept open the possibility in my mind that there were some . . . in Laos." [164]

Dr. Roger Shields' reply to the question of whether any Americans were left behind was: "I do not know and I did not know in April, 1973." [165]

Former CIA Director and Defense Secretary James Schlesinger's judgment was that: "I have a high-probability assessment that people were left behind in Laos, and a medium-probability assessment with regard to Vietnam." [166]

Former Secretary of Defense Melvin Laird told the Committee that "it was my gut feeling that there were more" U.S. POWs than those admitted to by North Vietnam.[167]

Major General Richard Secord expressed the view that Americans had been kept behind in Laos:

> Gen. SECORD. . . . I had a lot of years of experience with Laotian matters . . . I served in the Central Intelligence Agency in the field in Laos for 1966, '67 and '68 and was back there again briefly in '69 and then I was the Laos desk officer in the Office of the Secretary of Defense International Security Affairs for awhile in '72, and then by the time you're talking about here, I guess I was the head of the Southeast Asian branch . . .
>
> . . . what was going on with respect to the POWs is we were tracking as carefully as we could all the intelligence information on POWs, especially after it became clear that there was going to be a Paris accord. . . .
>
> Sen. SMITH. So, based on your tracking, then, there were confirmed POWs in Laos during the war?
>
> Gen. SECORD. Indeed. You've mentioned some of their names this morning . . .
>
> Sen. SMITH. When you say POWs in Laos, a number, you are obviously referring to a larger number than the nine.
>
> Gen. SECORD. In addition to those nine. . . .
>
> Sen. SMITH. And did all of those people come home that you were tracking?
>
> Gen. SECORD. None of them that I know of have been located or even heard from since the Paris accords, but we did know to, I think, a reasonable level of certitude, that there were more . . .

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[164] Kissinger testimony, September 22, 1992.
[165] Shields testimony, September 24, 1992.
[166] Schlesinger testimony, September 21, 1992.
[167] Laird testimony, September 21, 1992.

Sen. SMITH. Do you believe that there were people there after Operation Homecoming, based on what you knew?

Gen. SECORD. Well, yes, of course I believed there were people after Operation Homecoming.[168]

Former Assistant Secretary of Defense Clements, however, testified to his belief around the time of Operation Homecoming that unreturned U.S. POWS were "in all probability dead." This belief grew stronger during the remainder of his service with the Department of Defense due to DIA's failure in Mr. Clements' opinion to uncover even "one iota's evidence that there was a single POW in Vietnam or anywhere in the Southeast Asian theater of operation." [169]

Finally, Ambassador Winston Lord wrote in a letter to the Select Committee on October 27, 1992 that:

President Nixon did not knowingly leave American prisoners behind when he implemented the Paris Agreement . . . The discrepancies with our intelligence were very disturbing, but we had no conclusive proof that any prisoners were being left behind.[170]

Laos: Complicating factors

Three hundred and fifty Americans remained unaccounted for in Laos after Operation Homecoming. Of these, the DIA had informed policymakers in February and March, 1973 that approximately 215 disappeared under circumstances where some accounting for their death or survival should be possible. Of these 215, there is evidence that a small number of specific individuals did survive their incidents, and that some number of other individuals, not clearly identified, also survived.

One of the great tragedies and frustrations of the POW/MIA story is that so few of those lost in Laos ever returned. The Committee's analysis of why this occurred would not be complete without consideration of the special challenges faced by any U.S. airman downed in that country. In that connection, William Sullivan, who served as Ambassador in Laos from 1964 to 1969, made these observations to the Committee:

A lot of the casualties taken in Laos were taken in that Ho Chi Minh trail area by these young fellows who went in on what I always regarded as suicide missions.

I would say that the chances of anyone surviving as a POW, in my judgment, pretty nil, although some were sent back up the Ho Chi Minh Trail . . .

In that brutal environment, anybody captured there was pretty soon disposed of with a bullet in the head. So that would account for in my judgment the high ratio of nonreturnees from people who might have been captured in the area. The second area we had were air missions in Laos and air missions going toward North Vietnam . . . the pilots . . . were usually shot down in very terrible jungle. They were usually captured, depending to some degree on

[168] Secord testimony, September 24, 1992.
[169] Clements testimony, September 24, 1992.
[170] Letter from Lord to Select Committee, October 27, 1992.

the season, because if it was the dry season, the North Vietnamese regulars might have been in there. If it was the rainy season, they would be captured by their irregular forces, highly undisciplined forces and my guess that a lot of them even after capture were either tortured to death, starved to death, treated in such a way that they developed dysentery and died . . .

And I think that accounts in some measure for the high ratio of people who didn't return after either we got a beeper from them and knew they were on the ground or we even had a sighting and knew they were on the ground . . .

I was in Paris when the Vietnamese finally disclosed that the number from Laos was ten . . . and there was enormous disappointment. Admiral Moorer, had a figure and I can't remember where he got it, but it was somewhere around 40 that he was anticipating, so we thought there was a shortfall even given . . . the filter of all these considerations I've just made, we felt there was a shortfall of possibly somewhere around 30. But the measure of hope and the quality of hope we had for anybody who got knocked down in Laos was not terribly high.[171]

Dr. Roger Shields explained his uncertainty about the possibility that any Americans might have remained behind after Operation Homecoming by emphasizing the limited extent of U.S. knowledge about Americans taken captive in Laos. According to Dr. Shields:

The Dept. of Defense carried only four individuals as prisoner in Laos who were not released during Homecoming . . .

One of these individuals I think we entered into a prisoner status mistakenly. That's George Clark . . .

Another one, a civilian, Eugene DeBruin, was last heard from directly as he escaped. He never returned to U.S. control. And I think that the intelligence groups feel they have very good information that he died.

So that would leave two individuals carried as prisoner in Laos, and the evidence of their capture and imprisonment is undeniable . . . David Hrdlicka and Charles Shelton.

After their capture, though, information was very, very sparse and was very negative about their continued survival . . .

The DIA believed, as I recall, that three other individuals may have been captured, although the services carried these men as missing. And of these men, the remains of one were found associated with the wreckage of his aircraft . . .

No one who was actually held in Laos ever wrote a letter . . .

Photos of David Hrdlicka and EuGene DeBruin in captivity came into our possession and a short broadcast made

[171] Sullivan testimony, September 21, 1992.

by David Hrdlicka was also heard. And all of this occurred very substantially a long time before Operation Homecoming.

Now, Secretary Schlesinger testified this week that our intelligence information regarding Laos was good . . . if that is true, then it is clear that very few men, and perhaps even none as some people believe, and I don't include myself in it, were taken prisoner in Laos.

Now this supposition is supported, to some extent, by the far greater number of combat rescues which occurred in Laos than in North Vietnam . . . we actually recovered more men from Laos through rescues or returnees than we had out of North Vietnam. And I think that says something about the status of the missing in action, because they were the more difficult cases, where our rescue aircraft were not able to get in . . .

Most of the intelligence about suspected prison camps or U.S. prisoners in Laos, received while I was in the Pentagon, was very vague and impossible to verify. And the fact remains that we knew, and I believe know today, very little specifically about our men missing in Laos.[172]

Questions of continued links between U.S. aid and POW/MIAs

The Committee looked into questions which have been raised over the years concerning the extent of any linkage between United States economic assistance to Vietnam and U.S. efforts to obtain the fullest possible accounting of missing servicemen.

As noted earlier, there were indications that the North Vietnamese were linking these issues during the peace negotiations. After the signing of the Paris Peace Accords, Vietnam continued to attempt to use their obligations under the accords to provide information on POW/MIAs as leverage to extort U.S. economic assistance. The U.S. steadfastly rejected the Vietnamese position.

Documents to support the contention that the Vietnamese have consistently linked the issues of U.S. aid and accounting for POW/MIAs were compiled by the Committee's Vice Chairman and were included in the official record of the Committee's hearing on September 21, 1992.

CONCLUSIONS

As stated at the beginning of this chapter, the primary purposes of the Committee's investigation of the Paris Peace Accords were to (1) uncover information bearing on the possibility that U.S. POWs were left behind in Southeast Asia after Operation Homecoming; and (2) determine whether there were factors involved in the negotiation of the agreement, in the agreement itself, or in subsequent public characterizations of the agreement that affected our ability to obtain the fullest possible accounting of our POW/MIAs or that otherwise contributed to the ongoing controversy over the POW/MIA issue.

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[172] Shields testimony, September 24, 1992.

Nothing in this chapter, or in this report, should be interpreted in any way as diminishing the historical responsibility that the Government of North Vietnam bears for its failure to live up to the POW/MIA provisions of the peace agreement. If American prisoners were, in fact, held back after the war, the responsibility for that and for failing to provide an accounting for the missing rests with those in power in Hanoi and in Laos, not with American negotiators or the opponents or proponents of U.S. involvement in the war.

The Committee believes that its investigation has contributed significantly to the public record of the negotiating history of the POW/MIA provisions of the Paris Peace Accords, and of the complications that arose during efforts to implement those provisions both before and after the completion of Operation Homecoming. That record indicates that there existed a higher degree of concern within the Administration about the possibility that prisoners were being left behind in Laos than had been known previously, and that various options for responding to that concern were discussed at the highest levels of government.

The Committee notes that Administration statements at the time the agreement was signed may have understated the foreseeable problems that would arise during implementation and that this may have raised public and family expectations too high; and that statements made after the agreement was signed may have understated U.S. concerns about the possibility that live prisoners remained, thereby contributing in subsequent years to public suspicion and distrust. However, the Committee believes that the phrasing of these statements was intended to avoid raising what were believed to be false hopes among POW/MIA families, rather than to mislead the American people.

CHAPTER 3: ACCOUNTING FOR MISSING SERVICEMEN

OVERVIEW

The responsibility for accounting for American military personnel and civilians missing or held captive as a result of the war in Southeast Asia resides with the Departments of Defense and State, respectively. Over the years their efforts have been supplemented by Congressional inquiries and Presidentially appointed emissaries. Nevertheless, the fullest possible accounting has yet to be obtained. The inability of the U.S. Government to achieve this goal over the last 20 years has spawned criticisms of the process and suspicions about the integrity of the effort.

The magnitude of work required to achieve the fullest possible accounting further underscores the need for cooperation from Southeast Asia governments. For instance, as of 1992, there were nearly 500 crash sites associated with unaccounted for U.S. personnel, according to the Department of Defense. Less than 100 of these sites have been visited by U.S. investigators. In Laos, there are approximately 250 crash sites associated with unaccounted for U.S. personnel, of which less than 40 have been visited by U.S. investigators. As of the publication date of this report, U.S. investigators have not had the opportunity to visit any detention sites or prison

camps in Laos for the purpose of fully evaluating various live-sighting reports.

In view of this situation, the Committee deemed it essential to undertake a comprehensive review of the policies and procedures used by the U.S. government to account for American prisoners and missing from the beginning of the war until the present. The purposes of this investigation were:

To determine accurately the number of Americans who served in Southeast Asia during the war who did not return, either alive or dead;

To evaluate the accuracy of the U.S. Government's own past and current process for determining the likely status and fate of missing Americans;

To learn what the casualty data and intelligence information have to tell us about the number of Americans whose fates are truly "unaccounted for" from the war in Vietnam; and

To consider whether efforts to obtain the fullest possible accounting of our POW/MIAs was treated, as claimed, as a matter of "highest national priority" by the Executive branch;

To assess the extent to which Defense Department and DIA accounting policies and practices contributed to the confusion, suspicion and distrust that has characterized the POW/MIA issue for the past 20 years; and

To determine what changes need to be made to policies and procedures, in order to instill public confidence in the government's POW/MIA accounting process with respect to the war in Southeast Asia and in the event of future conflicts.

In analyzing the accounting process, the Committee did not simply accept "the official view." Instead, Committee members asked Executive branch officials to break the process down, step by step, going back more than 25 years. The Committee asked them literally to reconstruct their database, and to reply to questions, under oath, about how and why individuals were categorized as prisoners of war (POW), as missing in action (MIA), and as killed in action, body not recovered (KIA/BNR). They were asked to explain who made these decisions, who kept the lists, and on what basis individuals were moved from one category to another.

The Committee's goal was to build a factual foundation upon which the remainder of its investigation could rely, so that it could proceed with an accurate understanding about what is possible and what is probable with respect to the three bottom-line questions: Were Americans left behind in captivity following Operation Homecoming? If so, how many? And, what is the likelihood that some of those prisoners might still be alive today?

The need for a solid grounding in fact is essential in any investigation, but it is particularly crucial in understanding the universe of what is possible with respect to the question of whether there are surviving POWs from the war in Indochina. Ever since the war ended, there has been a swirl of claims and counter-claims, suspicions and theories, about this question. By focusing on the details of the accounting process, the Committee sought to gain a realistic understanding of the spectrum of possibilities within which the truth must certainly fall.

Records search

The Committee began its investigation by seeking all data relevant to the accounting process including the lists of all prisoners and missing from each Defense Department (DoD) agency that maintained casualty and intelligence lists prior to, during, or after Operation Homecoming; casualty files from the individual services; analyses of individual cases; and policy documents. The Committee's search of the archival records held by the Defense Intelligence Agency (DIA)'s POW/MIA Office also yielded lists of American POW/MIAs that had been provided to private Americans by the North Vietnamese.

Early in its investigation, the Committee received the "Post Ceasefire Casualty Book", from the former office of the Comptroller, at the Defense Department. This book chronicles the Comptroller's number of unaccounted for servicemen from the signing of the Paris Peace Accords on January 27, 1973, through September 30, 1977. This document reflected the casualty status of servicemen who had not returned based on information which had been provided by the three main military services since the end of the war.

As such, the Comptroller's records provided an important baseline from which to examine the actual status of POW/MIAs. For instance, the records showed that there were 1,929 servicemen captured or missing before the start of Operation Homecoming and more than 1300 captured or missing by the end of Operation Homecoming. The records also showed that there were an additional 1100 servicemen who had been declared dead during the war, but whose remains had not been recovered. The Committee's task was to examine the accuracy of these numbers and to compare them with lists maintained by the services and the DIA.

Accordingly, the Committee requested and received from each service either microfiche or paper copies of all casualty files. The Committee was also provided access to both the casualty and intelligence files of the Joint Casualty Resolution Center (JCRC) and DIA's POW/MIA Office, respectively.

In January 1992, the Committee located the files of a U.S. Army unit responsible for maintaining files on American and foreign POWs from 1968 until 1971. The records of this unit describe the broad history of the DoD's POW/MIA accounting effort from the earliest days of the Vietnam conflict.[173] At the request of the Committee, all key documents in this collection were declassified by the National Archives.

DIA's records document an important part of the national intelligence picture before, during, and after Operation Homecoming. They indicate that DIA had not always recorded the, same casualty status for an individual as had the individual's military service, but the Committee found no evidence describing DIA's methodology. Analysis was also complicated by the near total unavailability of service intelligence staff documents.

The Defense Department, with layers of command and a certain overlap in responsibilities, produced volumes of material at each

[173] 87.5 cubic feet of archival files of the U.S. Army's 22nd Prisoner of War Information Center currently at the National Archives, Suitland Reference Branch.

level in the military hierarchy. For example, each separate military service had separate casualty and intelligence files and separate staffs who developed them. The Committee sought to bring this material together and to locate material from the key military commands in Washington, from the Pacific Command in Hawaii, and from unified and specified commands in the Pacific theater. Little, if any, of these records had been sought in prior investigations of the POW/MIA issue.

Today, after more than a year of diligent searching, certain key groups or documents cannot yet be located. The Committee also learned that many of the individual service files have either been lost or destroyed.

For example, the U.S. Army's Deputy Chief of Staff for Intelligence (DCSINT) has been unable to locate any of his agency's archival POW/MIA intelligence staff records from the Vietnam war era. This includes internal intelligence reports, memoranda, planning documents and similar records documenting what the Army knew or suspected about personnel captured or missing in Southeast Asia. It remains unknown whether the records were destroyed or simply misplaced.

In another example, the U.S. Marine Corps initially reported to the Committee that it had transferred all of its documents to the Defense Intelligence Agency 11 years ago. When this turned out to be incorrect, the Corps reported that it had shipped the documents to the National Archives in 1990 for secure storage. The documents were turned over to DIA's Central Documentation Office in October 1992 for declassification.

The U.S. Navy provided a small, collection of assorted documents in response to the Committee's request, but advised that nothing further could be located. After repeated prodding from the Committee, the Navy reported that all remaining POW/MIA records had been destroyed in about 1975. Committee investigators then uncovered extensive Navy records at the Naval Historical Center which had been transferred there in 1973, including most of the major files of the Chief of Naval Operations' Special Assistant for POW/MIA Affairs. There are indications that certain sensitive Naval intelligence files were shipped to DIA in 1981, while others appear to have been destroyed in 1975 or 1981.

The U.S. Air Force provided no response to the Committee's original request for records. Finally, in September 1992, the Committee was provided a printout of a small portion of the archives at the Joint Services SERE (Search, Evasion, Rescue, Escape) Agency (JSSA) in Ft. Belvoir, Virginia. A Committee staff survey of a small portion of the JSSA files uncovered wartime Air Force Intelligence staff files. It appears that the wartime air intelligence files were transferred to JSSA in 1974, put on microfiche (where they have become largely illegible when printed out) and the original documents destroyed. Documents recovered from partially readable JSSA archives have filled in important gaps in understanding joint service activities, particularly after Operation Homecoming.

The Joint Chiefs of Staff (JCS) located in permanent storage its collection of POW/MIA related memoranda. These documents have been made available to the Committee through the Central Documentation Office (CDO). The Committee also located a monumental

study on the history of covert operations in Southeast Asia, the MACVSOG Document Study, together with other appropriate special operations annual histories. At publication time, these documents had been declassified, or soon were to be.

Sources indicate that there were some intelligence reports on POW/MIAs collected through MACVSOG during the war, especially in Laos. Unfortunately, the Committee was not able to locate these reports.

The Joint Task Force Full Accounting (JTF-FA) has yet to provide the wartime permanent records of the principal organization responsible for monitoring the POW/MIA problem on the ground in Southeast Asia, the special operations related Joint Personnel Recovery Center (JPRC). JPRC was transformed into the Joint Casualty Resolution Center in January 1973; the Committee has requested, but at publication time had yet to receive, an index of its archival files. The Pacific Command has reported it has no documents, even though it was one of the most major command players throughout the Vietnam war.

Finally, the Committee was hindered in judging the accuracy of servicemen accounted for and not accounted for during the war by the fact that Search and Rescue (SAR) reports had been destroyed following the war. We note that Gen. Vessey confirmed to the Committee that these records had been destroyed by 1979.

In May, 1992, the Committee located and began an exhaustive review of DIA's 1966-1981 archival POW/MIA files. The review was later expanded to include files at JSSA in Ft. Belvoir, Virginia. The archival files of both agencies brought to light a broad range of wartime and post-wartime policy and accounting documents, automated data base printouts, and weekly data input sheets covering the war and post-war period.

The Committee's investigation disclosed the possible existence of other collections of POW/MIA related files which have been requested for review and declassification, but which at publication time had not been received. These include, but are not limited to, the POW/MIA staff and operational files of the Military Assistance Command, Vietnam (MACV), J-2 staff element responsible for management of POW intelligence in Vietnam, and the Pacific Command's (CINCPAC) POW/MIA staff.

The archival POW/MIA intelligence files from the Department of State are also undergoing declassification. However, the Committee has been advised informally by the Department that these files are poorly organized and never have been indexed.

The Committee located and examined many POW/MIA lists compiled by official agencies involved in the accounting process over the last 20 years. Together these lists document the evolution of the U.S. Government's knowledge about the fate of American prisoners and missing. On its own, each list is an imperfect snapshot of knowledge at one point in time during the past 31 years. Many of the lists were provided to the Committee by family members and concerned individuals who had obtained the lists from the U.S. Government over the years. Because of automation procedures, the Committee found that many of these lists had not been archived by the government at the time they were printed, but rather were continuously updated in an automated database. Nonetheless, the

Committee was able to make determinations on the comprehensiveness of the lists, especially those produced by the DIA.

Many of the lists enabled the Committee to understand better intelligence and casualty information pertaining to missing servicemen. For instance, one important list, generated by DIA in 1979, included analytical comments indicating the possible survival or death of many unaccounted for U.S. personnel. Taken together, the DIA and State Department lists also showed that unaccounted for USAF personnel covered by the CIA at LIMA SITE 85 in Laos during the war did not show up on official lists until at least 1982, nine years after the war ended.

In another instance, a JTF-FA list of priority cases in Laos provided in March, 1992 indicated that several missing individuals in Laos were believed to have ejected from their aircraft before it crashed and to have reached the ground alive.

Civilian accounting: State Department

Although DIA included civilians in its accounting process, the official responsibility for collecting information and determining the fate of American civilians missing in Southeast Asia was held by the Department of State. This was a natural outgrowth of the Department's general responsibility to aid American citizens abroad.

Information was maintained on missing civilians, including private citizens, journalists, missionaries, employees of U.S. government agencies including DoD and the services, and employees of firms under contract to the U.S. Government. Sources used to obtain information included U.S. intelligence agencies, private citizens, press reports, and foreign governments.

During the war, the Special Assistant for POW/MIA Affairs (attached to the office of the Deputy Secretary of State), the East Asia Bureau, and the Bureau of Security and Consular Affairs had responsibility for POW/MIA accounting within State. The Special Assistant's office and the Consular Affairs bureau maintained files on missing civilians. This organizational structure for POW/MIA accounting remained essentially the same in the years after the war. However, in 1976 the Special Assistant's responsibility for POW/MIA affairs was transferred to the newly created Bureau for Human Rights and Humanitarian Affairs and the position of Deputy Assistant Secretary for POW/MIA Affairs was created within that bureau. The Office of Workers Compensation in the Department of Labor, which was responsible for financial support to the families of persons covered by the workers' compensation program, also maintained records on many of the missing.

Unlike DoD, State did not categorize individuals as "prisoner", "missing" or "killed." While there was firm information in some cases as to the fate of the individual, the Department avoided categorization in the absence of official documentation. In testimony before the Committee in June, Frank Sieverts, who served as both the Special Assistant and Deputy Assistant Secretary of State for POW/MIA Affairs from 1966 to 1978, explained the rationale behind this policy:

> . . . in the absence of official documentation, we did not label these individuals in this way. We simply kept files that were as complete as we could make them.[174]

In view of this policy, State did not compile or disseminate the types of POW/MIA lists created by DIA or DoD. Rather, State officials communicated regularly with families in an effort to provide as much information as possible.

Civilian accounting: Central Intelligence Agency

During its investigation, the Committee also found that the Central Intelligence Agency maintained information on missing civilians who had been employed by the Agency in Laos. During the "secret war" in Laos, the CIA had operated three proprietary organizations known as Air America, Continental Air Services, and Byrd and Sons. The Committee received information from CIA that 40 personnel were lost by CIA during the war in Laos; as of publication time, the CIA has informed the Committee that the fate of these individuals is known, except for six who are carried on lists maintained by DIA.

Deserters

None of the lists obtained by the Committee includes deserters because, as a matter of policy, DoD did not consider deserters to be military casualties. Although the Committee's principal concern was POW/MIAs, there was interest in determining whether any deserters in Southeast Asia might have been the subject of reports of alleged POWs surviving after 1973. A preliminary inquiry by the Committee found that the issue of deserters and its relation to POW/MIA accountability had never been studied thoroughly by the Executive branch.

Committee investigators identified a master list of 1,284 possible deserters from nine separate lists provided by various services and agencies. On March 19, 1992, the Committee provided this information to the Administrator of the Social Security Administration (SSA) and the Director of the Federal Bureau of Investigation (FBI). The Committee asked each agency to review all appropriate files and identify all known deserters locatable outside Southeast Asia.

In June 1992, the two agencies responded. The SSA Administration was able to confirm more than 300 of the deserters located in the United States after the end of the Vietnam War. The FBI correlated the 1,284 names on the master list to 1,198 individuals. Of these, there were no FBI records on 391 of the reported deserters; 60 names were duplicates or represented an alias. There were investigative files on all remaining individuals and copies of sensitive files were provided to the Committee for further review.

In July 1992, the Committee forwarded the information to CDO with a request that the FBI's information be compared to that in the databases of each individual service. To date, it appears that approximately 50 deserters remain unlocated in subsequent records.

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[174] Hearing, Senate Select Committee on POW/MIA Affairs, 25 June 1992, p. 19.

The Committee notes that DIA and CILHI's assessment that fewer than 100 (15 in one list; 65 in another) are known to have deserted while assigned to units in Vietnam. Only two of these individuals, McKinley Nolan and Earl Clyde Weatherman, are believed to have been in Vietnam after the fall of Saigon.

The Committee also received information from officials in the former Soviet Union, and from a KGB defector in the United States, that a group of American servicemen had deserted a U.S. carrier in Japan with KGB assistance during the Vietnam War. These Americans had then traveled to Moscow and from there to other countries outside the United States.

WARTIME ACCOUNTING

The process

September 1963, the Defense Department began to compile weekly statistical reports of American casualties in Southeast Asia. These reports, retroactive to 1961, were based on information provided by each of the military services in accordance with a memorandum from the Director, Statistical Services, Office of the Assistant Secretary of Defense (Comptroller).[175] The Comptroller was responsible for compiling and publishing the reports during and after the war until 1982, when the duty was transferred to the Directorate for Information Reports of the Washington Headquarters Services (DIOR). Changes in the statistical information were made only upon notification from the services because the services had, and continue to have, the legal responsibility for making status determinations.

This casualty reporting system was driven primarily by the needs to re-staff missing personnel and to determine entitlements. Those who were incapacitated and unable to perform their assigned task had to be accounted for and identified before replacement troops could be requisitioned, whether the individuals were believed to be missing or captured. Since the system was driven largely by personnel needs, the casualty categories were very specific, designed to provide precise information as to whether someone was dead, wounded or missing as a result of hostile or non-hostile action; whether someone was captured; and if dead, whether the body had or had not been recovered. Both the services and DIOR maintained this information, although DIOR's reports consisted of the aggregate numbers of all service personnel in each of these categories. DIOR did not begin to keep information on service personnel by name until the end of Operation Homecoming in March 1973.

The information collected by DIOR from the services established a database which was used not only for personnel reasons but also to compile information on those who were "unaccounted for" during and after the war. DIOR's "unaccounted for" statistics were the "official" DoD statistics which were disseminated to Congress, other agencies, the public and the families.

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[175] This reporting requirement was formalized in DOD Instruction 7730.22, issued December 2, 1963.

Testimony presented to the Committee by Service representatives in June 1992 suggested that the reporting policies and procedures have varied little from the early days of the war to the present or from service to service. In general, the reporting procedure consisted of collecting as much information as possible immediately or as soon as possible, after the loss incident, including eyewitness accounts; and forwarding that information in the form of a casualty report from the unit commander through one or more levels of command to the service headquarters in Washington. In each service, the commanding officer of the unit held the initial responsibility for determining the casualty status of an individual lost under his command. By law this status could be changed only by the Service Secretary or his designee. None of the services provided casualty reports on individuals absent without leave (AWOL), unless information demonstrated that the absence was involuntary, or on deserters. Deserters were dropped from the military roles by all services unless they came back under military control.

Early losses

The United States sustained casualties in Laos in 1961, not all of which were accounted for through the 1962 Geneva Accords on Laos.

The accounting for Americans captured or missing in Vietnam during the early 1960's was complicated by the nature of the conflict. Much of the Defense Department's doctrine at the time was an outgrowth of lessons learned during World War II and the Korean War. These lessons provided little guidance for categorizing those who became unaccounted for while participating in an ill-defined, counter-insurgent war. This dilemma was illustrated by the Executive branch's policy of referring to prisoners during this period as "detainees," thereby avoiding a characterization associated with formal involvement in war.

Even by 1965, after the U.S. advisory effort in South Vietnam had given way to the deployment of units of division size, there was still no clearcut definition of the conflict. Without a declaration of war or large-scale military mobilization, it was questionable whether the 1949 Geneva Convention governing the treatment of prisoners of war was applicable. There was no effort, during these early years, to spur international efforts under the International Committee for the Red Cross (ICRC) or similar organizations either to define the war as being an "armed conflict" in the legal sense or to designate those captured as bona fide prisoners of war.

The increasing number of casualties, coupled with reports of prisoner executions and North Vietnamese threats to try U.S. prisoners as criminals, prompted a review of the issue during the first part of 1966. On July 21, 1966, the Office of the Assistant Secretary of Defense issued a directive providing that "U.S. military personnel captured in Vietnam will be categorized as captured or interned rather than detainees."[176] Thereafter, the United States argued (albeit in vain) that its prisoners should be accorded the protections of the Geneva Convention, including a public account-

[176] TAC Escape & Evasion Bulletin, May 1967, OT 67198.

ing, access by humanitarian groups and the right to send and receive mail.

DIA's involvement

U.S. units arriving in Vietnam before and during the major build-up in 1965 collected and reported POW intelligence in accordance with procedures established by the DIA. Selected units in Vietnam also initiated agent operations in an effort to locate and recover American prisoners. In addition, the Military Assistance Command Studies and Observation Group (MACSOG) directed covert in-country and cross-border agent operations against targets approved by the Joint Chiefs of Staff, particularly inside North Vietnam. These operations were carried out by the Joint Personnel Recovery Center (JPRC). JPRC's activation was intended to meet a growing need for POW intelligence and to respond, if possible, to the intelligence developed.

The loss of servicemen at an ever increasing rate by 1966 increased the urgency of the accounting process and demonstrated the need for more and better intelligence. The effort to establish a focal point for POW/MIA accountability led to the involvement of the DIA in the accounting process.

Beginning in late 1966, DIA was assigned specific responsibilities with regard to U.S. POWs by the Joint Chiefs of Staff.[177] The Services retained the responsibility for accounting for their own personnel and for producing their own intelligence about the fate of casualties. DIA's role was to ensure that a high priority was given to the collecting of POW intelligence. Beginning at that time, detailed weekly casualty data was provided by the military services to DIA. The result was the development of a second system of POW/MIA accounting maintained by DIA and based on casualty information produced by DIOR and intelligence information.

DIA's role in the accounting process grew after 1966, as DIA assumed the chairmanship of the Interagency POW Intelligence Ad Hoc Committee and participated in the POW/MIA Intelligence Task Force formed in 1971. The intelligence branches of each of the military services, the CIA, and the State Department were represented on each of these entities.

In October 1969, DIA approved the Pacific Command's request for a Human Resources Collection Directive (HRCD), which envisioned conducting agent operations in Laos and North Vietnam for the purpose of obtaining POW intelligence.[178] The Pacific Command pointed out the need for clandestine agent operations because the North Vietnamese had not divulged the identity and location of U.S. prisoners. Two primary targets were established in Laos, Khang Khai and Sam Neua; and four in North Vietnam: Hoa Lo Prison, Xom Ap Lo Prison, Cu Loc Prison and the Citadel Prison. This effort was the start of a high-level clandestine agent operation, aspects of which remain classified.

DIA's wartime accounting efforts were focused almost exclusively on determining who were prisoners and where they were held.

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[177] JCS Memo DJSM-499-66, 19 April 1966, Subject: Functions and Responsibilities Related to US Prisoners of War.

[178] Human Resource Collection Directive (HRCD) PH-1001, 1 October 1969.

Unlike the Services, DIA collected information on American civilians as well as military personnel. However, DIA did not collect information on any individual until the services or the State Department indicated that that person was missing. As information on prisoners and missing was received, DIA's POW/MIA Office attempted to correlate that information to an individual POW or MIA. DIA had no written criteria or procedures, either during the war or after, to determine who was a prisoner of war. DIA's categorization of an individual as a POW was an "analytical judgment."

From 1966 onward, DIA kept an automated database reflecting who was a prisoner and who was missing. It did not keep records on Americans believed to have been killed, but whose bodies were not recovered, so DIA did not maintain wartime files on approximately half of the 2,264 Americans currently listed as unaccounted for from the war in Southeast Asia. The only exceptions were those initially declared dead and later determined to have been captured.

DIA relied on numerous sources of information including enemy news releases, captured documents, enemy prisoner interrogations, and intercepted enemy radio communications. Other information concerning the fate of missing or captured individuals was received from escapees and early releases. During the war, 84 individuals either escaped or were returned alive from captivity. Based on their reports, DIA listed 21 individuals to have died without the recovery of remains.

In addition, the DIA relied on the "official" lists provided by North Vietnam to private individuals and to Senator Kennedy in order to update and judge the accuracy of its own lists. One of the most important lists the DIA received was from an early releasee in 1969, Captain Wesley Rumble. While in captivity, Captain Rumble memorized a list of more than 300 servicemen whose names he had heard in conversations with his fellow prisoners.

Another important source of information, especially later in the war, was the receipt of mail from American prisoners in North Vietnam. Unfortunately, no mail came from either Cambodia or Laos and little was received from POWs held by the Viet Cong in South Vietnam.[179]

DIA's correlation efforts resulted in the establishment of what DIA officials call "working lists" of Americans believed by DIA to be missing or held captive. Since DIA has no legal responsibility for making casualty status determinations, these lists were, not "official". At various times during and after the war, DIA's lists differed from those maintained by the individual services. The apparent reason for this is that DIA was in a better position to respond quickly to new intelligence information than were the boards set up by the services to review casualty status determinations.

The DIA and the military services were not the only agencies involved in the POW/MIA issue. The U.S. Air Force had overall responsibility for survival, escape and evasion. Within Vietnam, the JPRC was responsible for planning efforts to rescue U.S. POWs.

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[179] Testimony, May 6, 1970, by G. Warren Nutter, Assistant Secretary of Defense (International Security Affairs), before the Subcommittee on National Security, House Committee on Foreign Affairs.

Cross-border operations

Beginning in the mid 1960s the Joint Chiefs of Staff (JCS) decided to classify and/or falsify the loss locations of many military personnel killed, captured or missing in action from covert, cross-border operations in Laos and Cambodia and exempt them from normal casualty reporting requirements. As a result, the casualty and intelligence files for many individuals lost on these "black" operations contained incorrect countries and locations of loss. The purpose of this policy was to maintain the secrecy surrounding U.S. operations in Laos and Cambodia. The consequence of this policy was that service casualty officers unwittingly provided families with inaccurate casualty data. For example, in one instance, a woman was told that her husband was missing after a combat action in South Vietnam when, in fact, he had fallen from a helicopter while being extracted from an intelligence mission in Cambodia.

Corrections in loss locations for these individuals were made beginning in May 1970 for Laos and in May 1971 for Cambodia. Formal, public disclosure of these operations and the admission of the falsification of loss locations and coordinates did not occur until July 1973. Due to the loss and destruction of wartime special operations records, the process of correcting inaccurate loss locations continued at least through 1977.

The confusion caused by the falsification of the records was one of many sources of concern expressed by Brig. Gen. Robert Kingston, first commander of the JCRC, when he assumed the job of accounting for missing U.S. personnel in the post-war period. The JCRC began work with the wartime records it inherited from the Joint Personnel Recovery Center (JPRC). In a message to the Pacific Command at the time, Gen. Kingston wrote:

> Since its inception the JCRC has been confronted with the task of attempting to develop a complete and accurate database of information on missing and KIA personnel for whom search/investigation operations are required. At the time of its activation, the JCRC acquired the records of the Joint Personnel Recovery Center (JPRC). Since that time, continuous and extensive efforts have been made to correct deficiencies in the records. The premise that JPRC records were reasonably complete and accurate was erroneous . . . Recently, the JCRC initiated search/investigative operations and inadequacies in the records became apparent . . . Review of our records reveals numerous . . . cases where there is reference to previous search/rescue operations but reports of the operations are not available. Additionally, there are instances of omitted or conflicting coordinates on crash locations. Due to previous security restrictions, some personnel are carried in one country when in fact they were lost in another . . . We have had cases of KIA/BNR where research on the part of JCRC has revealed that remains were previously recovered. We expect there are more such cases. In few cases do JCRC records contain reports of eye-witnesses to the incident. In many

cases, information contained in the records was obtained by informal liaison and word of mouth . . .[180]

Documents related to the falsification of records concerning the cross border operations have been declassified at the Committee's request.

Databases and accounting terms

As indicated above there were two databases which were used within the DoD to determine the number of individuals unaccounted for in Southeast Asia. The first database, which DIOR maintained, was built upon basic casualty information provided by the services.

The second, created by DIA, consisted of casualty information from DIOR and intelligence information. During and after the war both DIOR and DIA used their respective databases to generate lists of those unaccounted for.

During the war the term "unaccounted for" was used by DIOR, and thus officially by the DoD, to refer to prisoners of war and missing. Until 1973, DIOR included both those "missing in action" (MIAs) and those "missing in nonhostile circumstances" (MNH) under the term "missing." The MNH are individuals who disappeared under non-combat situations. Beginning in 1973, DIOR began treating MIAs and MNHs as separate categories and reported them as such.

During the war and throughout most of the 1970s, DIA used two categories to refer to those who were unaccounted for: prisoner of war and missing in action. The latter included those lost under both hostile and non-hostile circumstances.

During the war, field units established casualty boards to review and make recommendations on the casualty status of each individual unaccounted for. Casualty boards were expected to meet while incidents were still fresh in people' s minds, witnesses were readily locatable, and pertinent documents could be made available. In many cases, particularly with respect to the loss of Air Force and Navy pilots over North Vietnam, the casualty review boards concluded that an individual had been killed but that the remains were not recoverable at the time. These casualties were categorized by DIOR, the services, and DIA as "killed in action/body not recovered" (KIA/BNR). Individuals in this category were not considered to be "unaccounted for" during the war years. The Committee notes, however, that in some cases information later surfaced that provided an accounting for those listed as KIA/BNR.

Casualty status determinations

The Missing Persons Act gives Service Secretaries the sole statutory authority to make casualty determinations. The law was enacted to alleviate financial hardships endured by the dependents of members of the military services who were officially carried as "missing." It requires the Service Secretaries to review the determination of casualty status within 12 months of the individual's

[180] COMUSSAG/JCRC NKP THAI Message 260440z May 73, Subject: Development of Complete and Adequate JCRC Data Base.

classification as "missing." A presumptive finding of death (PFOD) may be made if the service member can no longer reasonably be presumed to be living and if the passage of time, the absence of information, and the circumstances of disappearance warrant such a determination. The PFOD is a legal mechanism for permitting the settlement of estates. It cannot be made when there is evidence that an individual is alive; however, it can be made without certain evidence of death.

During the early years of the war, the Service Secretaries approved PFODs for 21 servicemen who were reported to have died in captivity without the recovery of remains. In some instances, the deaths were reported by POWs released in South Vietnam by the Viet Cong. In other cases, the Viet Cong announced that a prisoner had been executed.

In December 1970, North Vietnam released what its officials purported to be a comprehensive list of U.S. POWs detained inside North Vietnam. Included was a list of 20 servicemen reported by North Vietnam as having died in its custody. Dr. Roger E. Shields, Assistant to the Assistant Secretary of Defense (ISA), recommended to the Secretary of Defense that the list be accepted "as an official notification by the NVN government of the status of the men listed thereon," and that the list be forwarded to the Service Secretaries for their evaluation.[181]

In a subsequent memorandum, Dr. Shields recommended that the Secretary of Defense ensure that the Missing Persons Act was, interpreted uniformly, that the authenticity of North Vietnam's list be verified, and that there be a coordinated notification to the next-of-kin. Dr. Shields wrote further:

> I believe it is unlikely that we will receive the information required by the Geneva Convention . . . A finding of death in these cases will not foreclose a continuing demand for more details from NVN. We suspect most (next of kin) will accept a finding of death, but a few may protest very vocally . . . It is doubtful that legal action challenging a finding of death would be successful in overturning a Service Secretary's decision. Similar actions attempted in the past have failed.

Secretary of Defense Melvin Laird did not concur with Dr. Shields' recommendation on the ground that it might undercut U.S. efforts to press for implementation by North Vietnam of the Geneva Convention.

In December 1972, while preparing for the impending release of American POWs that would accompany the signing of the Peace Accords, Dr. Shields revisited the PFOD issue in a memorandum to Rear Admiral Donald B. Whitmire, Assistant Deputy Director for Intelligence, DIA.[182] Dr. Shields wrote:

> In the aftermath of the Vietnam conflict . . . one of the major problems which will face the Department of Defense

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[181] Memorandum I-20250/71, Subject: PW List Released by North Vietnamese on December 22, 1970.

[182] Memorandum I-16819/72, 21 Dec 72, OASD/ISA, Subject: Account for U.S. Servicemen Missing In Action in Southeast Asia.

> and several hundred family members will be the resolution of the status of our men missing and unaccounted for throughout Indochina. Continuing uncertainty . . . has resulted in an increasing distress . . . among the next of kin . . . pressure will be intense . . . to adequately resolve the MIA cases within a reasonable time frame.

War-time lists

During the war, DoD kept two broad categories of lists of POW/MIAs. The first was the basic casualty lists prepared by the services; the second was intelligence casualty lists prepared by DIA and the DoD for the purpose of tracking those who were "unaccounted for". Early computer models and automated data processing (ADP) began to be used in casualty accounting during the late 1960's. Accuracy depended on the reliability of information entered and the care taken by those entering it. At times, errors in one area or another caused the production of lists which were not totally accurate.

Although individual casualty reports were often unclassified, except in the case of covert cross-border losses, the overall lists of casualties were usually classified as "confidential." Intelligence lists were routinely classified as "secret." The reason for the different degree of classification was that the intelligence lists often contained more precise data about loss location and analysis of the likelihood of capture. The estimated location often reflected a range of intelligence estimates and may, or may not, have been based on firm information.

The refusal of the DRV to apply the 1949 Geneva Convention to the Vietnam War was an obstacle to U.S. efforts to confirm the casualty status and condition of American POWs. For example, very little mail was received from U.S. POWs prior to 1970, despite prisoners right to send and receive mail under the Convention. DoD did receive some wartime lists and other forms of information about American POWs from private individuals who were involved with the peace movement.

In 1967, Mr. Joseph Elder, a staff member of the American Friends Service Committee, traveled to North Vietnam carrying with him a small quantity of mail to be delivered to POWs. Through 1969, he and other Friends staff carried mail from next-of-kin in the United States to POWs in Vietnam and often brought mail from POWs to their next-of-kin when they returned. The quantity of mail on each, trip varied from a half dozen letters to hundreds. The Friends' effort was complemented by anti-war activists who also traveled to Vietnam.

In October 1969, Mr. Elder met with U.S. officials in Hong Kong and was given a list of U.S. POWs about whom the U.S. hoped North Vietnam could provide information. The U.S. officials soon changed their minds, however, and asked Mr. Elder not to share the list with the North Vietnamese. As a consequence, Mr. Elder simply asked North Vietnam to provide its own list of American POWs. This request was denied.

On November 26, 1969 DIA received what it described internally as its "first list." [183] While perhaps coincidental, the receipt, from Hanoi of such a list may have been related to Mr. Elder's visit to Hanoi the previous month. This "first list", consisting of 59 names, was provided to anti-war activist Mr. David Dellinger. Of the 59 names on the Dellinger list, 54 were carried by both DIA and the services as POWs. The other five were carried as POWs by DIA and as MIAs by their respective services.[184]

In January 1970, the Committee of Liaison with the Families (COLIAFAM), released a list of 156 U.S. POWs detained in North Vietnam. The Co-Directors of the Committee were Cora Weiss and David Dellinger. The Committee also released a list of five servicemen "confirmed as being dead by the North Vietnamese." Of these five, three were listed by the DRV at the time of the Paris Peace Accords as having died in captivity, while the other two were never confirmed as having been held captive. The remains of all five have been repatriated.

Throughout 1970 and 1971, the list of confirmed POWs grew, as efforts to facilitate the exchange of mail and to obtain partial lists from North Vietnam slowly progressed. Mail and other information arrived through a variety of channels, including the Friends, COLIAFAM, other activists, Mr. H. Ross Perot, and even the Swedish Prime Minister, Olav Palme. By September 1970, the number of confirmed American prisoners had risen to 335. On December 22, 1970, North Vietnam provided Senator Edward Kennedy with a list of 368. As before, the North Vietnamese claimed that this was a comprehensive list of U.S. POWs detained inside North Vietnam.

In mid-1972, the Japanese "Nipon Dempa" News Agency released a list of 390 U.S. POWs.[185] DIA analysis found that 339 of the names on this list had been acknowledged previously as POWs by the DRV, 9 were individuals already released, 20 were servicemen the DRV had reported earlier as dead, and 22 were new names, all airmen lost over North Vietnam between December 1970 and May 1972.

In June and August, 1972, Senator Kennedy announced the receipt of two new lists, of 24 and 10 respectively. All of the names on these lists were associated with recent combat activity. By the fall of 1972, the list of confirmed U.S. POWs held by North Vietnam had risen to more than 400.

The Sullivan report

In June 1972, a high-level interagency report on the POW/MIA issue was completed under the direction of Assistant Secretary of State William H. Sullivan, Chairman of the Ad Hoc Group on Vietnam.[186] The report examined lessons to be learned from the POW

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[183] List, Names of U.S. POWs Released Thru U.S. Mobilization Committee, "First List 26 Nov. 69".

[184] This difference is sympomatic of the lack of full coordination between DIA and the services in the accounting process. The reasons for the difference were that DIA analysts had determined, based on mail received and information from early releases, that the five should be considered POWs. The five individuals listed as MIA were later reclassified as POWs and returned alive from captivity during Operation Homecoming.

[185] Memorandum for Capt. Robert E. Adams, 21 June 1972, Subject: Reported "Master List" of U.S. PWs in North Vietnam.

[186] JCS 2478/611-4, 20 June 1972; OASD/ISA Memorandum I-26292/71.

exchange at the end of the Korean war, the French experience in Indochina in 1954, and the U.S. experience in Laos in 1962.

The Sullivan report concluded that North Vietnam's overriding military and political objective was the withdrawal of all U.S. military forces and the eventual takeover of South Vietnam and the neighboring countries of Laos and Cambodia. It presumed that North Vietnam was using U.S. POWs as leverage to achieve U.S. withdrawal and speculated on the possibility that U.S. POWs would be retained as bargaining chips. The report cited Laos as a particular area of concern because of the more than 300 Americans were listed as missing in that country. Despite indications that some U.S. POWs captured in Laos had been moved to North Vietnam, there was reason to believe that a number of Americans could still be held as prisoners in Laos. The Pathet Lao had stonewalled on any accounting for U.S. POWs until after a ceasefire and the cessation of all U.S. bombing in Laos.

As to how many U.S. POWs might actually be repatriated, the report concluded that an estimated 120 Americans were alive in captivity over and above the approximately 400, officially acknowledged at the time by North Vietnam. Returning POWs were expected to provide answers about the fate of many of the missing. With respect to a post-ceasefire accounting, the report stated that lessons learned from the Korean War suggested it might not be possible to account for Americans immediately, or to recover American war dead from areas of enemy control.

The report also noted that North Vietnam had raised the war reparations issue since 1967 and had linked it both to a ceasefire and to a prisoner exchange. In reviewing the Sullivan report, the Joint Chiefs of Staff expressed opposition to any payment for the return of U.S. POWs.

Preparations for repatriation

The military services had been charged with maintaining dossiers on each POW and MIA since August 1966.[187] The dossiers were to include the most recent photograph, a summary of personnel and medical records with complete identification data, the circumstances of the casualty, all information about the individual received since becoming a casualty, and appropriate military orders.

As part of the preparations for Operation Homecoming, DIA adopted an ADP system, originally developed for the Air Force by a private contractor, in order to ". . . expedite the determination of the status of U.S. personnel not returned to U.S. control."[188]

This ADP system was managed by DIA ". . . for the expeditious correlation and analysis of information derived from the initial debriefing of PWs" and to "provide intelligence support to the USG negotiations and other national bodies." On October 11, 1972, DIA agreed to give the Air Force executive agency authority over the ADP system under DIA management.[189] Information entered into

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[187] Working Paper, Personnel Directorate, Personnel Division, JCS, 6 January 1972, Subject: Dossiers Concerning Captured/Missing US Personnel and Identification of Remains.

[188] Memorandum U-11, 136/DI-6, Subject: DIA Regulation 60 Series: Intelligence Support to HOMECOMING Initial Debriefings of Repatriated Prisoners Of War.

[189] Memorandum FOUO-3, 069/DI-6C, 24 Jan 1973, Subject: Request for Assistance.

the database would be from both military and civilian sources. Civilian-associated information would be collected by the military, based on a 1972 agreement between DIA and the Department of State and would be reported to State.[190]

The ADP agreement specified that the Air Force would determine the distribution of the initial debriefing reports but, in fact, the DIA played a key role.[191] It excluded from the distribution list the JCRC, which was charged with seeking to resolve the status of MIAs and KIA/BNRs through the recovery of remains. DIAs argument, put forward by its POW/MIA Chief, Commander Charles Trowbridge, was that the Phase III debriefings were too voluminous, would require extensive photocopying, were not casualty-oriented and did not provide information of value to the mission of the JCRC. The CINCPAC was excluded from the list for similar reasons.[192]

Operation homecoming accounting

The Paris Peace Accords were signed and POW lists exchanged on January 27, 1973. The U.S. delegation received what were represented to be complete lists from the DRV and PRG. The United States did not at any time during the negotiations, or after, present the Vietnamese with its list of Americans expected to be returned. American negotiators feared that prisoners would be withheld or used as bargaining chips if a U.S. list were handed over.

As of January 27, 1973, the Defense Department listed 1,929 Americans unaccounted for. These included 1,220 missing in hostile action (MIA), 118 others missing from non-combat related causes (MNH), and 591 servicemen officially listed as prisoners of war (POW). These statistics were based on the status determination made by the service Secretaries. In addition, 1,118 servicemen had been declared dead by the service Secretaries without the recovery of remains.

The DIA list was not identical to the DoD list, in part because the DIA list included civilians. The DIA list of 1,986 unaccounted for included 54 civilians, of whom 41 were listed as POWs and 13 as missing. The remaining 1,932 unaccounted for were military personnel including 626 listed as POWs and 1,306 listed as missing. Unfortunately, the Committee was unable to locate any archival compilation of names to support DIA's statistics or any evidence to suggest that DIA attempted to coordinate its overall statistics with those of the services or the DoD.

On January 28, 1973, the DIA completed its first analysis of the DRV/PRG lists and reported its findings to the Office of the Assistant Secretary of Defense for International Security Affairs. The DRV/PRG lists totaled 717 persons, including both U.S. and foreign nationals. The DRV list had 495 names; the PRG had 222. A total of 577 Americans were to be repatriated alive, of whom 22

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[190] Memorandum U-3, 070/DI-6, 22 Jan 73, Subject: Processing of U.S. Civilian Returnees.
[191] Staff Summary Sheet, DI-6, undated in Dec 72, Subject: EGRESS RECAP Debriefing Reports.
[192] Memorandum, DI-6, Subject: Homecoming Debriefing Reports, undated; JCS 2095/83, 25 Jan 73.

were civilians. According to DIA, this left 1,325 Americans not accounted for, including 56 listed as POWs and 1,269 Missing.[193]

On January 29, the DIA reported the following breakdown to the Chairman of the Joint Chiefs of Staff and the Secretary of Defense: 566 Americans were to be returned alive; 64 were reported as having died in captivity; and 87 of those DIA had listed as POWs and 1,277 listed as MIAs were not accounted for.[194] The breakdown was corrected on January 31 to include one additional unaccounted for MIA.[195] In a later report, DIA indicated that of the 64 listed as having died in captivity, 18 had previously been so listed by the services and DIA, 9 had been listed as MIA, 3 were cases of misidentification, and 34 had been listed by DIA as POWs.

Also on January 29, DoD's POW/MIA Task Force provided its own analysis of DRV/PRG lists.[196] It determined that the DRV list of 495 names included 12 persons previously released, 23 reported to have died, and 460 to be released (456 military, 1 civilian and 3 foreign nationals.) The PRG list of 222 included 50 previously released, 47 said to have died in captivity, and 125 to be released (99 military, 21 civilians and 5 foreign nationals.)

On February 1, 1973, the DRV provided U.S. officials with an additional list (DRV/Laos list) of 10 persons who had been captured in Laos. The DIA reported that, with the new list, a total of 586 Americans were to be returned alive, 63 had died in captivity, and 80 POWs and 1,276 MIAs remained unaccounted for.

On February 6, 1973, DIA provided its analysis of the names on the DRV/Laos list, in addition to expressing concern about the incompleteness of the list. Of the nine Americans and one Canadian on the list: three had been listed as POWs associated with Laos; four were listed by DIA as POWs associated with North Vietnam and by the services as POWs associated with Laos; and two were listed as MIAs. DIA also noted, with concern, that 215 of the 350 missing Americans in Laos were lost under circumstances where the enemy probably had knowledge of their fate.

The DIA report mentioned that the agency had listed a total of 13 Americans as POWs associated with Laos prior to the first exchange of lists on January 27. Four of these were accounted for on the DRV/PRG lists and three on the DRV/Laos list. This left six individuals—five servicemen and one civilian—listed by DIA as POWs associated with Laos. It should be noted that, at this point, the military services listed only two servicemen as having been confirmed captured in Laos. The reasons for the difference were (1) the inclusion of one civilian and (2) because, three of those listed as POWs by DIA did not meet the services criteria for classification due to insufficient evidence of captivity.

In hindsight, the DIA reports between January 29 and, February 6, 1973, indirectly impinged on the services authority to determine casualty status by reporting as accounted for all those listed on the

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[193] Memorandum for the Director OASD (ISA), PW/MIA Task Force, 29 January 1973, Subject: PW/MIA Activities Report (270530 Jan 73-282200 Jan 72 (sic).

[194] Memorandum for the Chairman, JCS, S-3/DI-6C2, 29 Jan 73, Subject: Noth Vietnamese/Viet Cong Prisoner Lists.

[195] Memorandum, DIA/DI-6C2, 31 January 1973, Subject: Analysis of Enemy Lists of U.S. Personnel.

[196] Fact Sheet, PW/MIA Task Force, 29 January 1973.

DRV/PRG lists as having died in captivity (or returned alive). In fact, DOD took no action to adjust its official casualty records pending actual repatriation of live POWs and a formal casualty board review of the status of those not so repatriated. Since the evidence of death for those reported by the DRV and PRG to have died in captivity was not necessarily conclusive, these reports may have contributed to future misunderstandings about who had been accounted for and who had not.

At Operation Homecoming, ten Americans, including one civilian, were listed as unaccounted for over China. Of these, three had been reported alive in the Peking Municipal Prison as late as December 1971 and were released in March 1973. The others remain unaccounted-for.

POW numbers

As mentioned above, DIA listed 80 Americans as unaccounted for POWs after the exchange of the DRV/Laos list. This number was reduced by one with the return of Captain Robert White, who was not on the Paris lists, but was repatriated alive on April 1, 1973. This left 79 on the DIA list, 67 military and 12 civilians. At the same time, DoD listed only 53 servicemen as POWs; two of these were considered MIA by DIA. Both were later found, to have been captured and to have died in captivity. Of DIA's 67 military, one was a deserter not carried by DoD as a casualty; the remaining 16 were servicemen last known alive on the ground, but not confirmed in captivity. With one exception, DIA changed its listing to conform to services' listings within six months of the end of Operation Homecoming. The exception was U.S. Navy Commander Harley H. Hall, whose plane had been shot down only hours before the signing of the Paris Peace Accords. The Navy's listing of Commander Hall was subsequently changed to POW.

Information from returned POWs

American POWs from Southeast Asia returned in four major groups from February 12 through March 28, 1973. DoD reported that 566 servicemen returned, including 513 of the 591 listed by DoD as POWs, and 53 others DoD carried as missing. Twenty-five American civilians also returned.

The returned prisoners were initially interviewed at Clark Air Force Base in the Philippines. One of the primary objectives of the debriefing process was to obtain information about the fate of other Americans known to both military and civilian returnees. For more information about the debriefing process, see chapter five.

The debriefings produced information that some unaccounted for servicemen had been alive in captivity at one point, although many of the individuals were believed by the returnees to have subsequently died. By early April, the Homecoming Center at Clark Air Force Base reported that returned POWs had provided information on 156 servicemen who "may have died in captivity." [197]

The Committee located documentary evidence that DIA kept files of information it received from the debriefing of returning

[197] Homecoming Center message, April, 1973.

POWs.[198] The files indicate, for example, that information about an unaccounted-for POW or MIA would be transmitted to the service debriefers in order to obtain corroboration or denial from other former POWs. However, the Committee was unable to locate any compilation of records confirming that this was done in every case.

The Committee also failed to locate any plan for updating DIA's database in response to the debriefings.

As mentioned above, the DIA often had acted on evidence of captivity to categorize servicemen and civilians as prisoners well before the service casualty review boards acted. During Operation Homecoming, however, DIA policy appeared to change. Instead of, acting on evidence from the debriefings about a missing American's capture and death, DIA began waiting for the service's to officially change his status. The Committee was not able to locate any documents explaining the basis for this change in approach. For additional information concerning Operation Homecoming, please see Chapter 5.

POST-HOMECOMING ACCOUNTABILITY: APRIL 1973–APRIL 1975

At the end of Operation Homecoming, 591 American POWS had returned, 566 military and 25 civilians (Including the 10 who were on the DRV/Laos list). Testimony of DIA and DOD officials involved in the accounting process at the time, and archival DIA documents, convey disappointment and frustration over the unexpectedly low number of returnees and the outcome of returnee debriefings.

In June 1992, Gen. Eugene F. Tighe, Jr. (USAF, Ret.), who directed the CINCPAC effort to produce a list of expected returnees prior to Operation Homecoming, testified about his reaction at the time to the enemy lists:

> My personal view was shock because I had a great deal of faith in the approximate numbers of those lists that we had compiled . . . and my reaction was that there was something radically wrong with the lists versus our information, that they should have contained many more names. That was my personal judgment and that was a collective judgment of all those that had worked compiling the lists.[199]

Similarly, Dr. Roger Shields, DoD's Deputy Secretary for International Economic and POW/MIA Affairs from 1971 to 1977, told the Committee:

> We knew immediately upon receiving this list of those to be repatriated and those said to have died in captivity, that men whom we knew had, at one time, been alive and in captivity were omitted from the list altogether. After debriefing those who returned, we knew also that the names of some men who may have died in captivity were also not on the lists.[200]

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[198] HOMECOMING Intelligence Center (HOMIC) (DI-6) Incoming Message Log, February-April 1973.
[199] Hearing, Senate Select Committee on POW/MIA Affairs, 25 June 1992, p. 158.
[200] Ibid., p.7.

In his testimony, Admiral Thomas Moorer, Chairman of the Joint Chiefs of Staff from 1971–1975, stated:

> . . . I expected the interrogation of the POW's that, were released to reveal some information on the POW's that were still held in the immediate vicinity of Hanoi. I also hoped that factual information would be developed as to the existence of POW's in outside areas of North Vietnam . . . the returnees added very little to the information on hand.[201]

A DIA memo, prepared in early April 1973, summed up the agency's view in the immediate aftermath of Operation Homecoming:

> There has been no progress in obtaining the release of, or an accounting for, US personnel captured/lost in Laos or Cambodia. There has been no progress in obtaining information from the DRV or PRG on US personnel (last known alive in captivity and) not released (or accounted for). . . With Operation Homecoming essentially complete, it is anticipated that efforts will be directed toward achieving some results in these areas.[202]

Efforts to obtain a better accounting of missing Americans continued in Southeast Asia after Operation Homecoming was concluded.

The mission of the Joint Casualty Resolution Center (JCRC), activated in January 1973, was to search for, recover and identify, dead and missing U.S. personnel in Southeast Asia. JCRC's assignment did not include investigating the possibility that live Americans were held against their will in the area after Operation Homecoming, although they did receive reports suggesting that unidentified U.S. POWs were still alive. Additionally, JCRC remains recovery operations were limited to areas under friendly control in South Vietnam. Active JCRC investigations in these areas continued until December 15, 1973, when one of its teams was ambushed at a site and an American, serviceman was killed. With the virtual cessation of JCRC's field efforts after this incident, the JCRC was essentially going through the motions with little or no success, according to its Deputy Commander, Col. Eugene Hollis.[203]

In the months immediately following Operation Homecoming, DIA continued to adjust its accounting lists. On April 13, 1973, the DIA submitted its last weekly memorandum to the Secretary of Defense and the JCS concerning the prisoner debriefings. The report indicated that the returnees had provided information indicating the possible death of 46 of the Americans who had been listed as POW and 110 of those listed as MIA.

On April 16, 1973, the DIA adjusted its intelligence requirements for July-December 1973 to include information on the "approximately" 1,357 Americans "thus far unaccounted for, who may be Prisoners of War, the location and defense of their PW camps, and

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[201] Hearing, Senate Select Committee on POW/MIA Affairs, 24 June 1992, pp. 150–151.
[202] DIA Memo, undated circa 1 Apr 73, Subject: PW Debriefing Since Mid-March 1973.
[203] Select Committee deposition of Col. Eugene Hollis, March, 1992.

a resolution of the status of personnel officially listed as missing-in-action." [204]

In late April, 1973, Dr. Roger Shields, who served as head of the POW/MIA Task Force with the Department of Defense, met with representatives of the service Secretaries. The outcome of that meeting was a goal of resolving within six to eight months the status of all armed services personnel not returned to American control. In Cambodia or Laos, a resolution would await the negotiation of peace agreements in those countries.[205]

On May 18, 1973, the DIA listed "65 prisoners of war not accounted for on any enemy lists" and "1,238 personnel missing in action not accounted for on any enemy lists." [206]

In a report to Deputy Secretary of Defense Clements on May 22, 1973, DIA noted that 1,303 persons were still officially unaccounted for, not including 27 reported by the DRG/PRG as having died in captivity whose remains had not been recovered. Returnee debriefs indicated that approximately 100 of these 1,303 were "probably dead"; at the time the status of approximately 70 of those was being changed from POW or MIA to KIA/BNR.[207]

On May 24, 1973, Dr. Roger Shields wrote in a memorandum to his superiors that "we have over 1300 unaccounted for, and this means that we have no information to show conclusively that a man is either alive or dead." [208]

By June 30, 1973, the DOD Comptroller's Office was still listing by name 67 U.S. military personnel as "Hostile Captured." Only two POWs had Laos as the country of casualty, although there were more than 300 servicemen missing there.

As of early July 1973, 142 Americans previously listed as missing or POW had been declared dead based on a PFOD; 9 had been reported to have died in captivity.

Live Americans

At the end of Operation Homecoming, DIA continued to carry individuals in the POW category. However, statements by DoD officials at the time, and in testimony before the Committee suggest that DIA was agnostic about the chance that any unreturned POWs had survived. In an April 12, 1973 press conference, Dr. Shields stated that, "We have no indications at this time that there are any Americans alive in Indochina." In testimony before the Committee, Dr. Shields commented about that April 12, 1973 statement:

> My statement was about current information. There were questions . . . We had questions about the status of Americans. Did we leave anyone there? And did we know so we could go get them? The answer to that was we did not know at that time about any man that we could put our finger on and say he was there. We carried some indi-

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[204] DIA Memo, S-041/DI-lC, 16 April 1973, Subject: Critical Near-Term Defense Intelligence Objectives July-December 1973.
[205] Memorandum C-3, 579/DI-6C, 24 May 1973, Subject: Trip Report.
[206] DIA Casualty Data Summary, May, 18, 1973.
[207] Memorandum S-3,567/DI-6, 22 May 1973, Subject: U.S. Personnel Unaccounted for After Operation Homecoming.
[208] Memorandum from Dr. Shields to Ambassador Hill, May 24, 1973.

viduals as prisoners. My statement here was echoed many times. Official Defense Department policy was that there was an open question. We did now know whether they were alive or dead.[209]

Dr. Shields stated further:

> The issue at the time the men came home was one where we had Article 8(b), providing for a full accounting of the missing. Now, the missing at that time were the people who had not been repatriated, who were carried as MIA because we did not know, carried as prisoner of war because we hoped and had reason to believe that they were prisoners of war, but did not come home either.[210]

Commander Charles Trowbridge, Director of DIA's POW/MIA Office, since 1972, told the Committee that ". . . . we had no current information at the time where we could go and put our hands on some individual that was alive at that time." [211] Brig. Gen. Robert Kingston, first head of the JCRC, testified that he did not recall any "hard evidence" that Americans were being held, alive at that time.[212] Frank Sieverts, the State Department's Chief Official for POW/MIA Affairs before, and after Operation Homecoming expressed a similar view: "I don't think we had any indications of Americans in captivity." [213]

In the wake of Operation Homecoming, DoDs official position, as affirmed by Dr. Shields, was that it did not know whether those unaccounted for were alive or dead. State Department representatives, on the other hand, claim to have taken a somewhat different approach in diplomatic discussions, especially with the Pathet Lao. Mr. Sieverts discussed the Department's approach during an exchange with Senator McCain at the Committee's June 25, 1992 hearing:

> Mr. SIEVERTS. Our approach during that entire period was to present information in a positive spirit through the channels that were available pursuant to the Paris agreement and, to the extent that it was possible, and it was not at all easy, to do so in Laos, as well. At every opportunity, we would shade the interpretation of cases and lists in a favorable direction.
>
> Senator MCCAIN. What do you mean by favorable?
>
> Mr. SIEVERTS. In the direction of saying we know you have more information. This is a list of prisoners . . .
>
> Senator MCCAIN. You were assuming they were alive?
>
> Mr. SIEVERTS. For the very purpose the committee is concerned about, we were going on that assumption. The difficulty was that at the same time if you overstated that assumption for a domestic audience you would create what was clearly an exaggerated and possibly an entirely false hope among families, among many thousands of Ameri-

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[209] Hearing, Senate Select Committee on POW/MIA affairs, June 25, 1992.
[210] Ibid.
[211] Ibid.
[212] Ibid.
[213] Ibid.

cans who were needing to deal, suddenly with the reality and the grief that their men weren't coming back.[214]

Status reviews

Instructions in June 1973 permitted the JCRC to recommend that an MIA be recorded as "dead-remains not recoverable" when no remains were locatable at the loss location. At that point, the Services convened casualty review boards in accordance with the Missing Persons Act to review the status of all those who remained in the MIA or "captured" category and began making PFODs about those listed as MIAs and POWs.

Reviews were halted in August 1973 because of litigation by MIA families over provisions of the Missing Persons Act. A New York federal court injunction prohibited casualty status changes without the approval of next-of-kin until 1977. At that time, the review process resumed with next-of-kin present at the deliberations. Meanwhile, in response to the lawsuit in 1973, the Deputy Secretary of Defense instructed the Service Secretaries to take an active and personal role in the status determination process.

The subject of status review is covered in more detail in chapter two, dealing with the Paris Peace Accords.

Shifts in intelligence priorities

As Operation Homecoming was drawing to a finish, DIA's intelligence collection priorities began to shift. The Committee's investigation uncovered evidence that DIA's efforts to gather intelligence for the purpose of accounting for missing Americans diminished substantially after the Paris Peace Accords were signed.

On March 13, 1973, the DIA's POW/MIA Branch ordered the end of requirements to collect intelligence on U.S. prisoners held by the People's Republic of China; the rationale was that all prisoners held by China had been, or were being, released.[215] By deleting this area of informational need, the DIA eliminated the authority for human intelligence operations relating to China and U.S. POW/MIAs. This decision was questionable given the evidence that there were large numbers of Chinese troops inside the northern provinces of North Vietnam during the war, and that this was an area in which a number of U.S. aircraft, with unaccounted for pilots, were shot down. There is also evidence that Chinese military advisers served at the division level with Viet Cong forces in South Vietnam.

On March 27, 1973, the DIA reviewed its need for continued weekly overhead imagery of known or suspected POW camps in North Vietnam. All but three prisons in the immediate Hanoi area, Hoa Lo, Cu Loc, and the Citadel, were dropped to an inactive readout exploitation priority. The remaining three prisons were downgraded to semi-annual coverage. The POW/MIA Branch felt that if a readout was desirable, it could initiate imagery coverage on a one-time basis.[216]

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[214] Ibid., pp. 49-50.
[215] DIA/DI-6C Memorandum to DI-6X, 13 March 1973, Subject: Revision of IPC List 362-675-778-401.
[216] DI Action Control Form, 27 Mar 73.

On April 17, 1973, the DIA reassigned most of its POW/MIA personnel to strategic arms limitation and Soviet missile intelligence related areas. The POW/MIA branch was informed that:

> . . . As the POW-MIA project is brought to a conclusion, a new manpower survey of DI-6 [will] be conducted near the end of 1973 to determine residual requirements in this area.[217]

In June 1973, the Chief of Naval Operations dismantled the office of the Special Assistant to the Chief of Naval Operations for POW/MIA Matters.[218] In addition, the JCS 10-year operations plan was revised in 1973, in consultation with the DIA, to cover the 1973–1982 period. In the plan, POW intelligence, and evasion and escape were priorities 49 and 56, respectively. These "priorities" followed sociological data (priority 16), exploitation of physical environment (priority 46) and civil defense (priority 48).

In August 1974, overhead imagery coverage of POW camps in North Vietnam was moved to the lowest annual coverage priority.[219] Three months later, the decision was made to terminate the Prisoner of War Intelligence Task Force.[220]

Throughout this period, efforts to collect human and signals intelligence began to diminish, although some reports were received. After Operation Homecoming, the Army's 500th Military Intelligence Group and an Air Force Air Intelligence Group were the primary intelligence-collection resources left in Southeast Asia. Both supplemented the Defense Attache Office in Saigon with professional agent handlers and intelligence staffs collecting information from South Vietnamese counterparts. Both groups were based in Bangkok, Thailand, and also conducted operations in Cambodia, Laos, and China.

However, in 1974, at the direction of the U.S. Ambassador in Bangkok, all military agent operations from the Thailand base were put on hold; no new operations, could be developed. Following the dismantling of the U.S. Army's Pacific Command that year, all HUMINT operations in Southeast Asia relied on support and approval from Washington.

The available record indicates that military HUMINT operations in the region declined dramatically after 1975 and were terminated by 1977.[221]

Disposition of records

On January 31, 1974, the Army's 22nd Detachment began to be dismantled. Its casualty files were transferred to the individual services and its non-casualty records transferred to the National Archives.[222] The Army had hoped to be able to write a history of its Operation Homecoming activities but this was disapproved by

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[217] Memo From DI-6, C-369/DI-1B, 17 April 1973, Subject: CC Manpower Survey.
[218] Letters, Chief of Naval Operations, 26 & 28 June 1973.
[219] Memorandum For Record, 19 August 1974, Subject: ((Deleted)) Coverage of PW Camps in North Vietnam.
[220] Memorandum—1613/DI-6, 26 Nov 1974, Subject: Interagency Committees.
[221] Command Histories 500th Military Intelligence Group, 1967–1977.
[222] Adjutant General Letter of Instruction to the Provost Marshall General's Office, 31 Jan 74.

the Army's Secretary of the General Staff, General Stilwell.[223] In the fall of 1974, the Air Force Intelligence staff records associated with the POW/MIA issue were apparently transferred to the 7602nd Air Intelligence Group and, are today in the archival files of JSSA. In 1975, the U.S. Navy's compartmented POW/MIA files were partially destroyed.

POST-WAR ACCOUNTABILITY: APRIL 1975–PRESENT

Accounting efforts

In 1975, communist forces seized full control of governments in Vietnam, Cambodia, and Laos. The fall of the U.S-allied governments in Indochina precluded any further on-site excavations by the Joint Casualty Resolution Center.

It also led to an enormous outflow of refugees from these three countries, particularly in 1977 and 1978. Refugees were regularly debriefed by U.S. officials, and refugee reports became an important source of information in the POW/MIA accounting process. In 1978, at the request of POW/MIA family organizations, the United States began putting up posters in refugee camps notifying refugees of the U.S. desire to obtain information about missing Americans. These outreach efforts have led to a steady flow of reports over the years.

The fall of Saigon in April, 1975 led to the severance of diplomatic relations with Vietnam and an extension of the U.S. trade embargo to the entire country. During the next three years, U.S. efforts to gain information about missing Americans were focused on refugee debriefs and high-level diplomatic discussions with the Vietnamese. Although no breakthroughs occurred, these discussions did lead to the resolution of a substantial number of cases through the return of remains.

Shortly after taking office in 1977, President Jimmy Carter appointed a Commission, headed by United Auto Workers President Leonard Woodcock, to visit Southeast Asia in an effort to obtain POW/MIA-related information. A Defense Department briefing provided to the Woodcock Commission in March 1977, provides a useful snapshot of the accounting process at that point in time.

According to Dr. Roger Shields, who briefed the Commission, DoD listed 2,546 Americans including 41 civilians, as prisoners, missing, or as dead/body not recovered. Dr. Shields told Commission members that 758 military personnel were being carried on the books as POWs or "missing" but that the distinction between the terms was "probably academic." Shields went on to say that:

> We have no evidence to indicate that any American servicemen are being held as prisoners in Southeast Asia, but whether a man is alive or dead does not relieve us of the responsibility to seek an accounting for him. We want the fullest possible accounting for the entire 2,546 and, where possible, we want the remains of our dead returned. We cannot attain this goal without complete cooperation by the Vietnamese . . . We do not expect them to have

[223] Office of the Provost Marshall General, June 1970, Input to Army Chief of Staff Memo 70-198, 8 Jun 70, with coordination notes.

knowledge of every one of our missing, but we do want to know what they do have.[224]

Dr. Shields walked the Commission through the five categories that DIA had established to determine which men the Vietnamese and Lao should know about. The categories consisted of: (1) confirmed knowledge, (2) suspected knowledge, (3) doubtful knowledge, (4) unknown knowledge, and (5) a category for those who were known to be dead but whose remains were not recoverable.

DIA listed 179 in category 1, 1160 in category 2, 344 in category 3, 428 in category 4, and 436 in category 5.[225] Dr. Shields told the Commission that it would be reasonable to expect an accounting for all those in the first two categories, that is 1,339 men out of the total of 2,546.[226] He also indicated that American teams needed to be on the ground to do the accounting job "properly".[227]

Carter administration policies

During the late 1970's, the efforts by the U.S. Government actively to seek and evaluate POW/MIA information was hardly evident to the public. This led to severe criticism, especially by the National League of Families of American Prisoners and Missing in Southeast Asia.

Although the remains of more than 40 Americans were repatriated in 1977 and 1978, the Carter Administration's efforts to gain POW/MIA information through improved relations with Vietnam collapsed following the Vietnamese invasion of Cambodia in late 1978 and early 1979. Moreover, efforts to gain POW/MIA information from Laos during this period were virtually non-existent and no information was obtained.

The National League of Families commented:

> In 1979 and 1980, no remains were returned government to government and no negotiations of substance occurred. During the 1970's, the POW/MIA branch at the Defense Intelligence Agency was slowly being put out of business, as was Central Intelligence Agency capability and focus on Southeast Asia. The government had written off the possibility of anyone being alive, and our missing family members were being presumptively declared dead.

NSC memoranda during this period, shed additional light on the extent of the U.S. Government's accounting efforts. For instance, following the return of Marine Corps PFC Robert Garwood in 1979, an NSC staffer wrote:

> It would be politically wise for the President to indicate his continued concerns with the MIAs . . . since the Administration had implied earlier that it believed Vietnamese assurances that there were no Americans left behind in Hanoi.[228]

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[224] Transcript, Briefing of Woodcock Commission by Dr. Roger Shields, p. 2.
[225] Ibid., p. 7.
[226] Ibid., p. 13.
[227] Ibid.
[228] Memorandum from Dr. Michael Oksenberg, March 12, 1979.

In April, 1979, National Security Adviser Zbigniew Brzezinski advised President Carter that:

> The National League of Families remain convinced that live American POWs remain in Vietnam. They also believe you are not being adequately informed and that the bureaucracy is not pursuing the matter aggressively . . . This case has little merit.[229]

By the last year of the Carter Administration, an NSC staffer reported that the National League of Families had "nothing new to say". However, the official advised Dr. Brzezinski that it was:

> important to indicate you take recent refugee sightings of Americans seriously. This is simply good politics; DIA and State are playing this game, and you should not be the whistleblower. The idea is to say the President is determined to pursue any lead concerning possible live MIAs. Do not offer an opinion as to whether these leads are realistic.[230]

Reagan administration efforts

Efforts to re-open dialogue on POW/MIA matters with Laos and Cambodia began following President Reagan's election in 1981. Simultaneous efforts were made to develop intelligence information on possible live American POWs.

In early 1981, the U.S. Government attempted to confirm evidence that Americans were held in Laos, although the results were inconclusive. Also in 1981, two Congressmen, Bill Hendon and John Leboutillier, traveled to Laos with the support of the Administration to try to find a way to establish a dialogue on POW/MIA issues.

According to the National League of Families:

> Mr. Hendon was primarily involved in efforts with the Lao to move forward the level of cooperation on accountability for nearly 600 Americans still unaccounted for in that country. Toward that objective, he and former Representative John LeBoutillier were instrumental in gaining executive branch agreement to provide, in 1981, medical disaster relief to a hospital in Vientiane, Laos. This step, paved the way for cooperative acceptance of the League's delegation in 1982, a visit which was termed a "significant breakthrough" by the State Department, soon followed up by high level discussions to gain further cooperation. The resultant crash site visit was the first of its kind and led to the official survey and subsequent joint excavation at Pakse, conducted in February, 1985 . . .[231]

During President Reagan's first term, significant efforts were also made to improve POW/MIA cooperation in Vietnam, through several high-level trips to Hanoi. For the first time, the National League of Families was also included in these diplomatic efforts. A

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[229] Memorandum for the President, NSC, April 18, 1979.
[230] Memorandum from Dr. Oksenberg, January 21, 1980.
[231] League of Families Report, 1985.

key step occurred in January 1987, when the President appointed Gen. John Vessey (USA, Ret.) as his Special Emissary to Vietnam on POW/MIA Affairs. This appointment followed a private trip to Hanoi earlier that year by Mr. Ross Perot, during which the Vietnamese indicated a willingness to accept a President Emissary on POW/MIA matters.

Gen. Vessey's overall goal has been to obtain the "fullest possible accounting" for all Americans missing from the war in Vietnam. Delegations led by Gen. Vessey, along with visits to Southeast Asia by members of the Select Committee, have resulted in significant improvements in cooperation on the part of the Vietnamese. This is discussed in detail in Chapter 8.

Gen. Vessey's efforts have been supplemented and enhanced by the Joint Task Force-Full Accounting (JTF-FA), which was established on January 23, 1992 under the direction of CINCPAC. The successor to the JCRC, JTF-FA is involved in the full range of POW/MIA operations and its first priority is to investigate live-sighting reports and discrepancy cases. The JTF-FA has Vietnam-based, Bangkok-based and Hawaii-based search teams which conduct intensive 30-day investigations and began conducting remains recovery operations in Vietnam in April 1992. JTF-FA personnel interview Vietnamese officials and citizens, survey and excavate crash sites and graves, and examine archival records provided by the Vietnamese. Similar operations occur in Laos and Cambodia.

By the end of October 1992, JTF-FA had completed 217 live-sighting investigations (186 in Vietnam, 18 in Laos, and 13 in Cambodia); 114 inspections of crash or grave sites (88 in Vietnam, 23 in Laos, and 3 in Cambodia); and 30 excavations of crash or grave sites. It recovered remains (15 sets in Vietnam, 8 in Laos, and 7 in Cambodia). Twenty-two sets of remains had been recovered (14 from Vietnam, 3 from Laos, and 5 from Cambodia) and ten sets of remains (7 from Vietnam, 1 from Laos, and 2 from Cambodia) had been returned voluntarily. Eight sets of remains (4 from Vietnam, 4 from Cambodia) had been identified with another 151 pending identification.

JTF-FA reported receiving, between January 1 and October 30, 1992, 65 first-hand live-sighting reports, 51 in Vietnam, five in Laos, and nine in Cambodia. JTF-FA conducted 38 investigations of live sighting reports, some advance-notice and others upon immediate request of the host officials, during this period. In all, 113 live sighting reports have been investigated and resolved; 85 more remain unresolved. JTF-FA has found no evidence to date to suggest that any Americans who was last known alive is alive today.

The Committee notes that JTF-FA efforts are in cooperation with DIA's Stony Beach team and augmented by forensic experts and anthropologists from the U.S. Army's Central Identification Laboratory in Hawaii.

Statistics alone do not convey the magnitude of the JTF-FA effort or the commitment of those involved in it. In testimony before the Committee, William Gadoury, an investigator for the Task Force's team in Laos, described its operations in detail. The Task Force has 44 priority cases in Laos—three of these are individuals who were once POWs and the rest were last known alive there. Because of the terrain in Laos, excavations are particularly

difficult. Mr. Gadoury described one of the team's recent excavations in an exchange with Senator Kerry at the Committee's December 4, 1992 hearing:

> Mr. GADOURY. . . . this particular excavation was one of the more challenging ones we've had. It was on a remote mountain-top location. We had to set up a base camp approximatley 30 kilometers away because we had no access by road to an area near the crash site. We ended up lying by the helicopter every morning [so we could] at first light get the teams up there, conducting the excavation during the day with villagers who would walk up from the nearby village and work with us, and then we would fly back in the evening.
>
> While this was going on, we had a smaller investigation which would go off in separate directions during the day with our Lao counterparts to investigate a number of discrepancy cases that we had. And with the time we had available, we were pretty successful.
>
> Senator KERRY. You literally had to cut a little landing place in the mountain, correct?
>
> Mr. GADOURY. That's correct.
>
> Senator KERRY. And you spent how many days up there in what kind of heat?
>
> Mr. GADOURY. I believe it was 28 days. It gets pretty warm in Laos, especially in the jungle. It's hot, humid weather; difficult working conditions.
>
> Senator KERRY. What did you find?
>
> Mr. GADOURY. In terms of——
>
> Senator KERRY. What did you pull out of this crash site?
>
> Mr. GADOURY. The aircraft involved was an AV/OV-2, which crashed into the side of a mountain. It's scattered over a large area . . . I don't recall the exact dimensions, but it was over 100 meters wide, and probably about the same distance going from the bottom of the slope up a 60 degree slope to the top. And there was a wide distribution of wreckage. As we started going, meticulously following the Identification Laboratory's excavation procedures from the bottom to the top——
>
> Senator KERRY. So, you literally began to sift through soil, right?
>
> Mr. GADOURY. Right.
>
> Senator KERRY. You would sift through soil, and you would clean it out, and you would find fragments of bone; you find fragments of teeth.
>
> Mr. GADOURY. On this last situation, we were not able to finish the site, but we found over 300 bone fragments, and a number of teeth and quite a few personal effects and personal equipment.
>
> Senator KERRY. How does this affect you, to do that?
>
> Mr. GADOURY. Well, obviously it's work that's important to be done. The people on the team are all dedicated. It's satisfying to get the results after we've worked so hard to get the team in place and get the work done.

Senator KERRY. Well, I mean, on a personal level, though as a soldier, it can't be very pleasant sifting through remains.

Mr. GADOURY. No. One example is, we found a lady's high school class ring. Obviously, there were no women on board, but it was probably being carried by someone on the aircraft. You find something like that, and obviously it brings back the personal nature of the work that we're doing.

Senator KERRY. The reason, obviously, I ask this is that, you know, we've been sitting here, for a year, and people come to the table here and say, we're not doing enough, and we're not doing this or that, and here we've got guys like you, Bill Bell (Negotiations Assistance Officer, JTF-FA) . . . Bill, how many years have you been at this?

Mr. BELL. Off and on, about 27 years I think.[232]

Redefining "unaccounted for"

In the two years following Operation Homecoming, the services, DI-11, and DIA continued to maintain statistics on Americans missing in Southeast Asia. In March 1973, DIOR also began to keep files on each individual serviceman in its database. In early 1975, DIOR started to record statistics of those servicemen who had died with bodies not recovered (Died/BNR).

At the end of 1975, DIA also began to seek information and keep statistics on those who had died but whose bodies were not recovered. Notwithstanding the drop in national priority for POW-related intelligence, DIA expanded its area of responsibility by adding to the appropriate national intelligence priority a need to obtain ". . . information concerning . . . killed in action whose bodies have not been recovered . . ."[233] This action coincided with DIA's decision to include Americans considered KIA/BNR in its public discussions of those who were "unaccounted for."

By 1980, due to litigation initiated by the POW/MIA families and Congressional pressure, the DOD included all those initially categorized as POW or MIA (but presumed dead administratively) and all those originally categorized as KIA/BNR in their total of Americans missing or otherwise unaccounted for in Southeast Asia. This decision to include KIA/BNR in the definition of "unaccounted for" resulted in a dramatic increase in the number of those unaccounted for and led to confusion about the number of individuals whose fate really is in doubt. However, the Committee notes that accountability, including the return of remains, has occurred on some cases that were originally categorized as KIA/BNR. This reinforces the fact that U.S. categories were not always complete, and did not necessarily contain information that could be obtained from Vietnam.

By December 2, 1980, DIA carried 2,500 that it called unaccounted for, more than at any time during or after the war. In 1977, the services resumed their process of reviewing the status of those listed as MIAs or POWS. By 1982, a PFOD had been issued for all

[232] Hearing, Senate Select Committee on POW/MIA Affairs, December 4, 1992.
[233] Memorandum, S-9253/DIR-4H, Subject: Update of DCID 1/2, 4 Dec 1975.

who remained unaccounted for, except Colonel Charles Shelton, a pilot shot down in Laos. Today, DIOR carries Colonel Shelton as the only POW and 2263 others as Died/BNR or "missing" for a total of 2,264 Americans unaccounted-for in Southeast Asia.

Laos: The DIA view

The fate of Americans lost in Laos has been a source on continued controversy. According to DIA, of the 1,200 airmen shot down in Laos during the war, 61 percent were rescued. Another 62 men were accounted for by the release of U.S. POWs and the post-war repatriation of remains. To date, 519 of the 1200 lost in Laos remain unaccounted for. Of these, 189 were declared killed in action by their service commanders at the time of their loss but since the bodies of these 189 have not been recovered, they continue to be listed as "unaccounted for". The remaining 330 servicemen were declared MIA because there was not enough information during the war to determine their fate. Subsequent investigations by DIA suggest that some of these men were also killed in action.

DIA believes it unlikely that POWs were left behind in Laos for several reasons. First, the rescue rate for men lost over Laos, 61 percent, was substantially higher than the rate for those shot down over North Vietnam, 45 percent. Second, intelligence indicates that after 1968 or 1969, all prisoners captured in Laos were turned over to the North Vietnamese, regardless of where they were captured. DIA can confirm only 16 POWs were captured by the Pathet Lao during the war; this is less than 2 percent of the number missing in Laos. Of the 16, one was immediately turned over to the North Vietnamese; six were subsequently released; two escaped; and seven remain unaccounted for.

The fact that all the confirmed Pathet Lao prisoners were captured before, 1966, or after the war ended, is further indication, in DIA s view, that it is unlikely that men were left behind in Laos. Few losses occurred in Pathet Lao-held territory after 1966 because U.S. operations concentrated on the Ho Chi Minh trail. In addition, by the late 1960s it became apparent that the Pathet Lao did not have the capability to care for captured U.S. prisoners and thus the Pathet Lao were called upon by communist regimes in the region to turn all U.S. prisoners over to the Vietnamese, regardless of where they were captured or by whom. DIA also argues that only 160 of the live sighting reports received to date relate to Laos and that fewer than 10 of these remain unresolved. Finally, DIA maintains that interviews of sources who saw American POWs in caves and ad-hoc detention facilities in Laos affirm that there were no Americans in these areas after the war.

DIA's views were supported by the testimony of William Gadoury, a former JCRC official and now a member of the JTF-FA team in Laos:

> . . . I have talked to hundreds and probably thousands of refugees, Lao refugees predominantly, in the camps and they include low land refugees, Hmong, hill tribes people from all over Laos, from North to South. I have not received any credible reports of live Americans after 1973

with the exception of Emett Kay [who was returned in 1974].

On the other hand, it's been brought up, many times. It's hard to prove a negative. But there's nothing that I have seen from my interviews with refugees, from my field activities, that has indicated that anyone remains alive.[234]

Discrepancy cases

Since before the war ended, U.S. officials have focused special attention on a relatively small number of Americans who were either known to have been taken captive, or who were lost in circumstances under which survival was deemed likely or at least reasonably possible. The first major attempt to press the case of these Americans resulted from the release in December 1970 of a supposedly comprehensive list of U.S. POWs held by the North Vietnamese.

On January 20, 1972, a document containing the summaries of 14 cases of U.S. military personnel who were not on the December 1970 list was presented to North Vietnamese officials in Paris. When no response to the document was received, Secretary of Defense Melvin Laird decided to dramatize the issue by holding a press conference. During the March 1972 press conference, Secretary Laird said, "All 14 men were known to be alive, on the ground in North Vietnam, or were at one time actually identified by the North Vietnamese as having been captured." [235]

Although the United States did not have firm information in each case that the individual had been taken prisoner, Administration officials believed strongly that the North Vietnamese should at least have information about whether or not the missing American was alive or dead. At his press conference, Secretary Laird was surrounded by large poster boards containing photographs of the missing Americans and, beneath each, the logo: "Hanoi refuses to disclose the fate of this man."

The "last known alive" cases arose again at the time of Operation Homecoming. The U.S. Government identified 87 individual cases to be raised specifically with the North Vietnamese; most were thought to have survived their incidents, some were known to have been taken into captivity, and none was included on the POW or "died in captivity" lists released when the Peace Agreement was signed. During his visit to North Vietnam in February 1973, Dr. Henry Kissinger presented 19 of these case files to the North Vietnamese, and the remaining cases were presented soon thereafter.

During the period after the war, the list of cases of special concern was modified by several factors. In some instances, cases were resolved through the repatriation of remains. This was true, for example, with respect to nine of the 14 on the original "Laird list." Meanwhile, additional analysis of intelligence prompted other cases to be added to the list of those "last known alive."

As discussed above, in his February 1977 briefing of members of the Woodcock Commission, Dr. Shields explained that DoD had established five categories for missing Americans, ranging from those

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[234] Hearing, Senate Select Committee on POW/MIA Affairs, December 4, 1992.
[235] Sec. of Defense Melvin Laird, Pentagon Press Conference, March 30, 1972.

about whom DoD was sure Vietnam could provide information to those about whom DoD had no reason to believe Vietnam could provide information. A separate category contained the names of individuals known to have died whose remains were not recoverable.

At the time of the Woodcock Commission briefing, 179 Americans were listed in category 1 by DoD. Among those in the first category (confirmed knowledge) was Navy Lieutenant Ronald Dodge. Lt. Dodge was shot down on May 17, 1967 in North Vietnam. Evidence that Lt. Dodge was captured included a photograph of him in captivity that appeared in a 1967 edition of *Paris Match* magazine. (The remains of Lt. Dodge were repatriated, without explanation, in 1981.)

Priority attention to cases of Americans "last known alive" or thought possibly to have survived was the goal of the Reagan Administration throughout its negotiations with Vietnam and some of these cases were, in fact, resolved through the repatriation of remains between 1982 and 1986.

One of General Vessey's top goals as the President's Emissary to Vietnam, was to obtain agreement from Vietnamese officials to permit in-country investigations by the U.S. Government of high-priority "discrepancy cases." According to DIA:

> There are three categories of discrepancy cases:
> 1. individuals who were carried as POWs by their respective services during the war, but did not return during Operation Homecoming;
> 2. individuals who were known or suspected to have survived their loss incidents and might have been taken prisoner; and
> 3. other cases in which intelligence indicates the Indochinese Government may have known the fate of a missing man.[236]

According to testimony to the Select Committee in December 1992, the DIA and DoDs JTF-FA have identified 305 discrepancy cases; 196 in Vietnam, 90 in Laos, and 19 in Cambodia. In 61 of the Vietnam cases, the fate of the individual has been determined through investigation, leaving 135 cases unresolved. The first round of investigation of all 135 is expected to be completed in January 1993. A second round which will proceed geographically by district, will commence in February.

Because of the number of Americans lost in areas of Laos and Cambodia controlled at the time by North Vietnamese forces, resolution of the majority of cases in those countries will depend on a process of tripartite cooperation that has barely begun. The Committee notes its strong recommendation in its Executive Summary that the U.S. pursue tripartite meetings with Laos and Vietnam.

The vice chairman's list

On December 1, 1992, the Committee's Vice-Chairman, Senator Robert Smith, released a "working" list of 324 still listed as official-

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[236] Memorandum, Defense Intelligence Agency Background Paper on Laos and the "Black Hole" Theory, undated, provided to the Select Committee in December, 1992, p. 4.

ly unaccounted-for. The Vice-Chairman described the list as follows during the Committees hearing on that date:

> Approximately 300 of these personnel were last known alive in captivity in Vietnam and Laos, last known alive, out of their aircraft before it crashed, or their names were passed to POWs who later returned. A handful of the cases involve incidents where the aircraft was later found on the ground with no sign of the crew. This listing is based on all-source U.S. intelligence and casualty reports, lists of POWs and/or last known alive personnel prepared by the Defense Intelligence Agency, and other information made available to the Vice-Chairman . . .[237]

Senator Smith further stated that the listing was based on information and lists he had reviewed from the DIA, NSA, JTF-FA, and from a dated Air Force summary of POW debriefs conducted in 1973, and on other information.

The Vice-Chairman added his view that, given the large number of MIAs at the end of the war, it was probable that MIAs not on his listing could have survived their incident without the U.S. Government being aware of that fact. Therefore, Senator Smith stated that his list was "at best, conservative."

On December 4, 1992, the DIA provided a response to the list prepared by Senator Smith in testimony by Robert Sheetz. According to the DIA:

> The office of Senator Bob Smith based its list on several factors, some of which are indeed valid indicators of possible survival of the incident, capture and captivity. Others, however, are based on incomplete, out of date, or inaccurate information, or on data taken out of context . . .
>
> The 324-name list consists of a mix of cases that include individuals whose remains have been repatriated and identified, persons known to have died during wartime or in captivity, persons for whom there is no analytic basis to indicate survival, and still others who can be considered potential candidates for having survived the loss incident, capture and/or captivity. The individuals among the last group—those who can be considered potential candidates for live prisoners—make up less than 50 percent of those on the 324 name list. All of these persons have previously been identified by the Department of Defense as priority discrepancy cases.[238]

The DIA analysis of the 324 names indicates that in more than half of the cases, the individuals either died in their incidents or no analytic basis exists to indicate survival. In five cases, the remains of the individuals have been returned to the families. This analysis is consistent with the views of DIA presented above concerning the possibility that American POWS were left behind in Laos.

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[237] "U.S. POW/MIAs Who May Have Survived in Captivity", Prepared by the Office of Senator Bob Smith, Vice-Chairman, Senate Select Committee on POW/MIA Affairs, 12/1/92.

[238] DIA Analysis of the 324 Name List Prepared by the Office of Senator Bob Smith, undated, provided to the Select Committee on December 4, 1992.

As of the date of publication of this report, Senator Smith notes that because of his trip to Southeast Asia and North Korea in December, 1992, he has not further reviewed the cases which he selected in his working document of December 1st. The Senator also notes that he cannot accept DIA's analysis on 50 percent of the cases on his list without further reviewing the actual casualty and intelligence information noted next to the names on his list. As a result, Senator Smith continues to have questions pertaining to these cases.

CRITICISMS OF U.S. GOVERNMENT ACCOUNTING

Over the years, the U.S. Government has been severely criticized by some members of the public and POW/MIA families for failing to obtain a more complete accounting for those Americans lost as a result of the war in Southeast Asia. U.S. Government officials, from President Nixon on down, have been accused of misleading the American public and of failing to make the POW/MIA issue a matter of "highest national priority," despite pledging to do so. The Defense Department has been criticized for its unwillingness, until recently, to dedicate adequate manpower and resources to POW/MIA efforts. Its accounting process has been described as sloppy, inaccurate and uncoordinated. DIA has become the focal point for those who find the U.S. Government's process wanting. DIA officials have been accused of having a "mindset to debunk" and of being part of a Government-wide conspiracy to keep the American people in the dark about the fate of Americans unaccounted-for in Southeast Asia.

In investigating the U.S. Government's process of accounting, the Committee sought to determine to what degree these charges are valid. At the same time, however, the Committee understood that the United States cannot achieve the desired goal of a fullest possible accounting on its own. This objective ultimately depends on the cooperation of the Governments of Vietnam, Laos and Cambodia. Without it, a faultless process from the U.S. side—and to be sure, the U.S. process certainly was not faultless—could not and will not guarantee success.

Committee findings

The findings of this phase of the Committee's investigation include:

By far the greatest obstacle to a successful accounting effort over the past twenty years has been the refusal of the foreign governments involved, until recently, to allow the U.S. access to key files or to carry out in-country, on-site investigations.

The U.S. Government's process for accounting for Americans missing in Southeast Asia has been flawed by a lack of resources, organizational clarity, coordination and consistency. These problems had their roots during the war and worsened after the war as frustration about the ability to gain access and answers from, Southeast Asian Governments increased. Through the mid-1980's, accounting for our POW/MIAs was viewed officially more as a bureaucratic exercise than as a matter of "highest national priority."

The accounting process has improved dramatically in recent years as a result of the high priority attached to it by Presidents Reagan and Bush; because of the success of Gen. Vessey and the JTF–FA in gaining permission for the U.S. to conduct investigations on the ground in Southeast Asia; because of an increase in resources; and because of the Committees own efforts, in association with the Executive branch, to gain greater cooperation from the Governments of Vietnam, Laos and Cambodia.

After an exhaustive review of official and unofficial lists of captive and missing Americans from wartime years to the present, the Committee uncovered numerous errors in data entry and numerous discrepancies between DIA records and those of other military offices. The errors that have been identified, however, have since been corrected. As a result, the Committee finds no grounds to question the accuracy of the current, official list of those unaccounted for from the war in Southeast Asia. This list includes 2,222 missing servicemen except deserters and 42 missing civilians who were lost while performing services for the United States Government. The Committee has found no evidence to support the existence of rumored "secret lists" of additional missing Americans.

The decision by the U.S. Govornment to falsify "location of loss" data for American casualties in Cambodia and Laos during much of the war contributed significantly both to public distrust and to the difficulties experienced by the DIA and others in trying to establish what happened to the individuals involved.

The failure of the Executive branch to establish and maintain a consistent, sustainable set of categories and criteria governing the status of missing Americans during and after the war in Southeast Asia contributed substantially to public confusion and mistrust. During the war, a number of individuals listed as "prisoner" by DIA were listed as "missing in action" by the military services. After the war, the legal process for settling status determinations was plagued by interference from the Secretary of Defense, undermined by financial and other considerations affecting some POW/MIA families and challenged in court. Later, the question of how many Americans remain truly, "unaccounted for" was muddied, by the Defense Department s decision to include "KIA/BNR s"—those known to have been killed, but with bodies not recovered—in their listings. This created the anomalous situation of having more Americans considered unaccounted for today than we had immediately after the war.

The Committee's recommendations for this phase of its investigation include:

Accounting for missing Americans from the war in Southeast Asia should continue to be treated as a "matter of highest national priority" by our diplomats, by those participating in the accounting process, by all elements of our intelligence community and by the nation, as a whole.

Continued, best efforts should be made to investigate the remaining, unresolved discrepancy cases in Vietnam, Laos and Cambodia.

The United States should make a continuing effort, at a high level, to arrange regular tri-partite meetings with the Governments of Laos and Vietnam to seek information on the possible control and movement of unaccounted for U.S. personnel by Pathet Lao and North Vietnamese forces in Laos during the Southeast Asia war.

The President and Secretary of Defense should order regular, independent reviews of the efficiency and professionalism of the DOD's POW/MIA accounting process for Americans still listed as missing from the war in Southeast Asia.

A clear hierarchy of responsibility for handling POW/MIA related issues that may regretably arise as a result of future conflicts must be established. This requires full and rapid coordination between and among the intelligence agencies involved and the military services. It requires the integration of missing civilians and suspected deserters into the overall accounting process. It requires a clear liaison between those responsible for the accounting (and related intelligence) and those responsible for negotiating with our adversaries about the terms for peace. It requires procedures for the full, honest and prompt disclosure of information to next of kin, at the time of incident and as other information becomes available. And it requires, above all, the designation within the Executive branch of an individual who is clearly responsible and fully accountable for making certain that the process works as it should.

In the future, clear categories should be established and consistently maintained in accounting for Americans missing during time of war. At one end of the listings should be Americans known with certainty to have been taken prisoner; at the other should be Americans known dead with bodies not recovered. The categories should be carefully separated in official summaries and discussions of the accounting process and should be applied consistently and uniformly.

Present law needs to be reviewed to minimize distortions in the status determination process that may result from the financial considerations of the families involved.

Wartime search and rescue (SAR) missions have an urgent operational value, but they are also crucial for the purposes of accounting for POW/MIAs. The records concerning many Vietnam era SAR missions have been lost or destroyed. In the future, all information obtained during any unsuccessful or partially successful military search and rescue mission should be shared with the agency responsible for accounting for POW/MIAs from that conflict and should be retained by that agency.

OVERVIEW

The intelligence community is set up to minimize needless duplication without endangering the longstanding policy that the intelligence agencies should be competitive in their assessments. A key document approved by the National Foreign Intelligence Board (NFIB) is a directive, approved and published annually by the Director of Central Intelligence (DCI) that establishes the budgetary and collection priorities for all the agencies.

This document is the product of a formal mechanism and is the official statement of priority for all members of the intelligence community. For example, for most of the post-war world, topics dealing with the capabilities of the former Soviet Union to attack the U.S. and NATO have had a number-one priority assigned the Board. Thus, Soviet affairs have enjoyed primacy in all claims for budgets, resources, collection and publication.

Regarding the POW/MIA issue, Lt. Gen. Perroots testified that he succeeded in having the NFIB assign a number-one priority to the POW issue for the first time only in 1985, as an exception to national policy.[239] In the same hearing former National Security Council staff member Richard Childress testified that in 1983, during the first Reagan Administration, he was the first to have the intelligence community raise the national intelligence priority of the POW issue from seven, where it had been since the end of the Vietnam War in 1975.[240]

The information-handling process in the intelligence industry, simplistically, consists of collection of information, processing, analysis, and dissemination of finished or semi-finished intelligence. The information flow is controlled at every stage by normal organizational functions, including management, budgeting, quality control, training, assignment of priorities and allocation of resources. Although agencies have much latitude in their internal management, the end results are governed by the Board-approved national intelligence priorities.

There are two ways in which individual agencies can pursue important national intelligence objectives with others acting only in a supporting role. On occasion and for subjects requiring special expertise or reflecting narrow interest, the NFIB may designate an agency to take the lead. In his deposition, Rear Admiral Thomas Brooks (USN-Ret.) indicated that the Navy has the lead on a number of nationally important intelligence issues.

Without a formal statement of national priority, collection, analysis and publication on a topic might still occur by exception. Thus, an agency might retain a small analytical effort on a subject of its own interest, by justifying it against some other national priority. A senior official of the National Security Agency (NSA testified in his deposition that NSA maintained a residual collection effort against Southeast Asia between 1975 and 1978, based on the Soviet interest in the region as manifest by its occupation of naval facili-

[239] Perroots testimony, Dec. 1, 1992.
[240] Childress testimony, Dec. 1, 1992.

ties at Cam Ranh Bay and the priority attached to Soviet matters. The expenditures for this effort were justified, according to the senior official, neither by the military capabilities of Vietnam, which had a million-man army at the time, nor by the POW/MIA issue.

The Defense Department's primacy on POW issues came about by directive from William Casey, belatedly, in 1985.

Intelligence and intelligence analysis

Intelligence is often defined by the source from which the information is obtained. Human intelligence (HUMINT) refers to information observed and reported by human beings. All live-sighting reports, whether first- or second-hand, are human source reports. Technical collection of electronic signals (SIGINT) includes information obtained by eavesdropping on radio conversations. Imagery intelligence (IMINT) includes photography, including pictures or images obtained by various means, including by a person taking pictures with a hand-held camera.

There are many techniques for performing intelligence analysis, which is the term used to describe the process of endeavoring to understand the larger meaning of information obtained secretly. All intelligence information consists of two parts: the source and the content. Both must be analyzed in evaluating the larger meaning of secret information by means of separate techniques. For this reason, intelligence agencies normally separate the evaluation of sources from the analysis of the content to avoid the dangers of bias and conflict of interest.

One common intelligence analytical practice is to compare information obtained in each of these separate channels to determine whether the channels corroborate each other. This matching is the simplest and easiest form of analysis, and matches are seldom precise. More sophisticated analytical techniques include pattern analysis, cause-and-effect analysis, cost-benefit analysis, the use of probabilities and utilities, and a variety of advanced computer modeling techniques.

Intelligence information, by its very nature, is a glimpse of reality. It is never conclusive because the methods of acquisition are surreptitious. On the other hand, the probabilities of reality that can be established by intelligence information are necessary and sufficient to enable national decision-makers to make reasonable judgments about courses of action. While intellience information is never complete, good intelligence often has made the difference between life and death, victory and defeat.

Regarding the quality of information obtained on the POWs, successive retired senior CIA officiers involved in collection activities in Southeast Asia have testified that the sources of information of POWs were not materially different from those used for obtaining information on other topics.[241] Often they were the same people. Thus, a single human source might report on military developments as well as on POW matters in the same report. Many files

[241] Depositions of retired CIA officers taken May 29, June 9, Aug. 21, Sept. 18, and Dec. 30, 1992.

provided by the intelligence agencies included reports of this nature.

Investigating the intelligence agencies' performance

The intelligence investigators determined that any evaluation of DoD's work had to be best understood in the context of the intelligence community's support of the DoD. The accuracy of this judgment was reflected in the testimony of former DIA Directors Lt. Gen. James Williams and Perroots and present DIA Director, Lt. Gen. James Clapper.[242] This investigation was conducted primarily through the deposition of key intelligence officials in light of intelligence administrative documents found in the files of the agencies.

Intelligence community support of the POW effort

The Committee's investigation discovered that the normal processes of the U.S. intelligence community have not been followed in the intelligence aspects of the POW/MIA issue. In depositions, former Deputy Director of Central Intelligence Admiral Inman and a former senior CIA official testified that the POW issue was considered exclusively the province of DoD; all other agencies played a supporting role only. The CIA officer stated that it was his understanding that it was usual to defer to DoD in POW/MIA issues.[243] No official could recall just how this grant of exclusivity was made, but none could recall a formal determination.

Priority

After Operation Homecoming in 1973, virtually every intelligence official from whom the Committee received testimony confirmed that the collection of intelligence on POWs was not a high-priority issue. Despite repeated Presidential statements about the issue's importance, Lt. Gen. Perroots confirmed that the POW/MIA issue was first listed as priority "one" as a national intelligence objective only beginning in 1986—as an exception to policy.[244] The low priority resulted in no demands on the intelligence community to provide resources to this issue for most of the period after the Vietnam War.

Analytical priorities

The Committee was provided with only one national intelligence estimate concerning Vietnam and its policy towards the POWs. The Community produced no inter-agency assessments nor any joint studies of the issue. In his deposition,[245] Rear Admiral Brooks, a former director of the DIA POW/MIA analytical effort and former Director of Naval Intelligence, stated that during his time as an intelligence official, there was no written inter-agency or Intelligence Community studies of any kind. Dr. Schlesinger said that in his time as Director of Central Intelligence in 1973, he ordered the Intelligence Community to write the first National Intelligence Estimate on Vietnam of any kind in over a decade.[246]

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[242] Dec. 1, 1992 testimony.
[243] Ibid., and Aug. 21, 1992 deposition.
[244] Perroots testimony, Dec. 1, 1992.
[245] Deposition of Rear Admiral Brooks, October 7, 1992.
[246] Deposition of Dr. James Schlesinger, September 4, 1992.

The September 1987 Special National Intelligence Estimate is the only discussion of the intentions of Vietnam regarding POWs. Admiral Inman states that during his tenure as Deputy Director of Central Intelligence, no national intelligence assessments of this issue were requested or written.

CENTRAL INTELLIGENCE AGENCY ACTIONS

Management actions

The Central Intelligence Agency management retained no formal responsibility for POW/MIA collection and analysis and has deferred completely to the Department of Defense. CIA maintained no analytical effort on this topic after the Vietnam war. The organizations that had performed this work were disbanded. This may be the only supposedly national-level issue in which CIA has taken this position.

The Directorate of Operations maintained a residual effort for a short time after the war, but this has long since been disbanded. Responsibility for follow-up collection actions fell to specific area desk officers and was a function of personal interest. One such officer in the mid-1980s was highly diligent in following up reports of prisoner sightings.[247]

Collection and special operations after homecoming

The testimony provided by retired officials indicated CIA field officers knew to report information on POW/MIAs. The investigations found that in the 19 years since Homecoming, CIA executed one collection operation, conducted one special follow-up operation, and considered, but rejected, a third special follow-up operation.

The investigation found no evidence that any live-sighting leads in the 1970s resulted in a single follow-up operation by the Central Intelligence Agency. Former senior officials based overseas stated that they found no intelligence reporting on this topic to be credible. However, one official admitted that a large amount of data was destroyed in 1975 to prevent it from being lost to the enemy. Copies of this information allegedly are still held in Thailand.[248]

CIA primacy in Laos and information sharing

All intelligence officers who testified to the Committee, including Ernie Brace who was a contract pilot held longer than any other POW, stated that CIA had the dominant intelligence interest in Laos. All information is provided to the Department of Defense. On the other hand, CIA retained no analysts assigned to analyze POW/MIA information. A former senior CIA officer admitted that this arrangement produced an anomaly whereby CIA collectors and desk officers were ostensibly accountable to DIA intelligence analysts regarding the quality of the reporting.[249]

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[247] Interview with CIA officer, October 30, 1992.
[248] Deposition of senior intelligence official, December 30, 1992.
[249] Deposition, August 21, 1992, op. cit.

Analysis or lack of it

The investigation found only one study of the POW/MIA issue written by CIA, and that was in the mid-1980s and concerned Vietnamese policy towards the U.S. That study was written by a political affairs analyst. The Directorate of Intelligence at CIA has no POW/MIA analysts. The first recent background studies written by the CIA relevant to the POW issue were two on prisons in Laos and Vietnam. These were done at the behest of the Select Committee.[250]

Current role

CIA's supporting role, management attitudes and of formal tasking reflect lukewarm support for the POW/MIA effort. The intelligence files do not suggest an aggressive posture in collecting information nor great diligence in following up. Since 1981, the POW/MIA intelligence topic has made virtually no demands for resources of any kind on "the President's intelligence agency."

THE ROLE OF THE DEFENSE INTELLIGENCE AGENCY

Background

The Defense Intelligence Agency's intelligence role in POW–MIA affairs is extensive. According to testimony provided by the Secretary of Defense, DIA is at the center of the two-tier approach used by his Department to determine the fate of U.S. service members missing in Southeast Asia. As part of the first tier, the Defense Intelligence Agency investigates and analyzes current reports of Americans being held against their will. These are called live-sighting reports.

The Secretary noted that as part of the second tier, the Defense Department relies "heavily" on DIA's analysis to reach a final conclusion on the fate of each service member for whom there has not been a final accounting. In this category, they emphasize service members who were last known alive after being reported lost or for whom the U.S. Government believes that the governments of Laos, Cambodia or Vietnam should be able to provide additional information as to the service member's status. These are called discrepancy cases.

DIA's management issues

As of Nov. 23, 1992, DoD had received 1,629 first-hand livesighting reports, most of which described real events; 85 remained unresolved but were being investigated.[251] It must be noted that each report does not necessarily correlate to a different missing service member. Numerous reports are traceable to the same individual. Nonetheless, the Secretary stated that 109 reports remained under active investigation by the Defense Intelligence Agency. In his testimony, the Acting Director of DIA identified the Agency's role in these live-sighting cases: DIA determines "the facts pertinent to

[250] These studies are contained in the annexes to the Transcript of the Hearings of the Select Committee, August 4 and 5, 1992.

[251] Letter of Nov. 23, 1992 from Duane P. Andrews, DOD Assistant Secretary for Command, Control, Communications and Intelligence.

the report and follows them to their logical conclusion." According to him, during the process DIA "is to keep policy and decision-makers and the families informed." DIA's Executive Director noted to Committee Members that DIA supports POW-MIA families directly, and also assists POW-MIA organizations. He emphasized that DIA's role is intelligence support and not policy making.

In a prepared statement to the Committee, the Principal Deputy Assistant Secretary of Defense for International Security Affairs indicated that DIA's role in assisting service casualty officers in their responsibility to keep families informed has been "problematic." According to him, Casualty Affairs Officers from each of the Military Services are responsible for discussing individual cases of POW's or MIA's with family members. He added that DIA personnel "are not trained for family outreach." The Committee agrees with his comment that DIA is an intelligence collection and analysis organization and family outreach programs are not an appropriate function for its personnel to perform.

The Committee believes that the Department of Defense must make every effort to ensure that properly trained personnel provide the necessary and fundamentally important interaction with family members. It is no secret to members of the military services, or to families, that casualty affairs has traditionally been a backwater and has not received the kind of priority it deserves. At a minimum, personnel must undergo sensitivity training before undertaking these sensitive positions.

DIA supports the Pacific Command's Joint Task Force—Full Accounting efforts to resolve POW/MIA cases, according to the Secretary of Defense. He testified to the Committee that DIA prepares a case file that provides "detailed explanations of the incident of loss, biographic data, search and rescue efforts, and other information that will assist Vietnamese and U.S. investigators in focusing on a particular case." DIA then becomes the focal point for analyzing all data that is received and for making a recommendation to the Department on whether further investigation of a particular case is required.

The Chief of DIA's Special Office for POW/MIA Affairs supported this in his statements to the Committee. He said that DIA maintains a single database which includes refugee camp reporting, first hand live-sighting reports, Department of State cables, National Security Agency reports, and Central Intelligence Agency reports. But during its review, Committee investigators found instances where relevant information may not have been provided to DIA on a timely basis. The Committee has not been able to identify a specific procedural cause for the problem, but believes that it is important enough to warrant continued review by the Executive Branch.

In addition, Committee investigators were unable to find a single, comprehensive database for all relevant intelligence information on POW's and MIA's. While DIA may feel that it possesses this single database, investigators continued to find information from different sources that DIA apparently did not have on hand. Moreover, there is no single location for the consolidation of all Intelligence Community files pertaining to POW's and MIA's. The Committee believes that since the original reason for maintaining separate files in separate agencies—that is, to support different

policy-makers who required different information for different reasons—no longer exists, it is important to bring together all previous intelligence information into one location and to continue to add to these same files as new intelligence information is developed.

In his testimony, DIA's Executive Director noted several additional DIA roles. According to him, the Agency provides intelligence support for operations conducted to recover human remains. Additionally, DIA supports POW-MIA activities handled by others in the executive and legislative branches. For example, the Assistant Secretary of State for East Asian and Pacific Affairs testified that at least from his perspective, the POW/MIA Inter-Agency Group relies "very extensively" on DIA.

DIA also attempts to keep track of the location where useful information might be found in Vietnamese files. In testimony before the Committee, former Chairman of the Joint Chiefs of Staff, General John W. Vessey, Jr. (U.S. Army—retired), testified that DIA has studied the problem of determining which Vietnamese units might possess information on missing Americans and knows which records the Vietnamese needed to produce in order to satisfy the search of the Vietnamese historical record. It is clear from the information available to the Committee that DIA's focus on this part of the historical record has been extremely important and quite useful. There is anecdotal information which indicates that even the Vietnamese have benefitted from the information DIA has told them that exists in their own files.

In his testimony, the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (ASD-C31) stated that he had staff responsibility within the Department of Defense for overseeing the operations of DIA. He indicated that POW-MIA matters are now "treated as one of the highest priorities in the collection of intelligence." This attitude was echoed by testimony of the Principal Deputy Assistant Secretary of Defense for International Security Affairs; unfortunately, these lofty words never were translated into real action.

Several witnesses provided a different perspective on the priority that DIA has placed upon the POW-MIA issue. From their testimony, it is clear that priorities have changed throughout the period following the Vietnam War. While the history of these changes is addressed in more detail in the section of the Committee's report titled, "Change in Intelligence Priorities," the question of prioritization often arose in the more general context of DIA's ability to discharge its responsibilities. In that regard, DIA has conducted several internal reviews to assess its handling of its responsibilities.

DIA internal criticisms

Witnesses described to the Committee several DIA internal reviews of the Agency's support for POW-MIA affairs. The reviews identified shortcomings and provided recommendations for improvement. Significantly, several recurring themes are found in each of the reviews.

In February 1983, the DIA's Inspector General conducted a routine inspection of the POW-MIA Office as part of its overall

annual inspection schedule for the entire Agency.[252] According to the Inspection Team Chief at the time, the IG's Office found that the POW-MIA office was "overexposed to outside pressures" and that it was not organized for efficient operations. The Team Chief remembered that DIA's senior management focussed on taking corrective actions to the problems that his inspection team identified.

The Inspector General's Office conducted another investigation of the POW-MIA Office in late-1984 and early-1985. The investigators were trying to determine if inappropriate procedures were being used to deal with people who reported information concerning POW's and missing in action. It had been alleged that valuable information was being lost because people who had come forward were being discouraged from offering further assistance.

The inspectors found that:

> There was no indication that DIA interviewers used any procedures that intentionally downgraded, humiliated, embarrassed or abused the witness.
>
> There was no evidence to suggest that any truly knowledgeable witness could be discouraged by DIA methods for making information known.
>
> . . . these allegations of mistreatment were judged to be responses from individuals who had attempted to use the PW/MIA issue for their own purposes.
>
> . . . there can be no improvement to the worsening situation [regarding relations with members of Congress or with the public] until the policy and public relations interface is inserted between the DIA and the rest of the world.
>
> There was evidence that DIA had been and continued to be manipulated on the PW/MIA issue by entities outside the U.S. Government."

In early 1985, DIA conducted an additional internal review by having other Agency analysts critique the work of the POW-MIA Office. These analysts concluded that the Office's analytic effort was of high quality. They also commented that the Office's perceived need to respond to numerous outside requests diminished its analytic activities. Moreover, they believed that an "inordinate" amount of time was being spent on a "legalistic approach to evidence and analysis" but that outside interest in the issue probably made this expenditure of time necessary. They also believed that HUMINT in the field could be improved by adding additional collectors.

In September 1985, DIA's Assistant Deputy Director for Collection Management, Rear Admiral Thomas A. Brooks, (USN-Ret.) prepared an internal DIA memo critical of the POW/MIA effort.

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[252] The independence and objectivity of the Inspector General's office is a long-held and respected tradition within the military that dates to the American Revolution. During the period of the investigations in which the Committee was interested, the DIA Inspector General was responsible for keeping the Director:

"fully and currently informed as to the status of the Agency in regard to its compliance with the various Executive Orders, statutes, DoD Directives, and internal regulations, as well as such problems and deficiencies as may be found."

Inspectors General report directly to the DIA Director, which ensure his or her independence of any influences, either from within or from outside of DIA. He or she was specially trained at the U.S. Army Inspector General Course and had unique credentials which added credence to the authority and importance of his inspections.

This memo was prompted by approximately four months of experience during which he had responsibility for DIA's support of POW-MIA issues. In his testimony, Admiral Brooks related that during the period when he had POW-MIA responsibility at DIA, he had been surprised by the small number of people who were dedicated to analyzing POW-MIA questions since it was supposed to be the Nation's number one priority. He was also disappointed by the analytic process, the way that files were kept, and the lack of disciplined analytic techniques.

In March 1986, Col. Kimball M. Gaines (USAF-Ret.) led an internal task force at DIA which also was highly critical of the POW/MIA effort. Col. Gaines and his task force made the following findings:

> Unhealthy attitudes;
>
> Almost total lack of management—working hard but not working smart;
>
> Haphazard approach to problems and functions;
>
> Too much direct exposure of the working-level analysts;
>
> Inadequate planning, internal communication, and written guidance;
>
> Database is a wasteland;
>
> Working files unprofessional, sloppy, incomplete, no standard procedures;
>
> No disciplined, coherent, collection management effort;
>
> Too much detective work, not enough analysis;
>
> Not nearly enough admin[istrative] and intelligence technician support; and
>
> Significant ADP [automated data processing] deficiencies.

Other senior DIA witnesses commented on the Agency's performance. In his testimony to the Committee, Lieutenant General Leonard Perroots (USAF-Ret.), the Director of DIA from 1985–1989, summarized his findings concerning DIA's handling of the POW-MIA effort. Concerned about how well DIA was fulfilling its responsibilities during his tenure, he had directed two separate reviews of DIA's POW-MIA procedures.

> A major valid criticism was that insufficient resources were being expended to adequately do the collecting, analysis, and follow-up mission . . . this was especially true from '73 to '85.
>
> Another valid criticism . . . is the over-classification of information on this subject.
>
> Another valid criticism that we ultimately fixed was the criticism that there was insufficient coordination among the intelligence agencies to ensure an effective database and integrated collection and analysis effort.
>
> Another valid criticism was the lack of an adequate follow-up effort within the intelligence community. The National collection priority for POW/MIA prior to 1985 ranged from priority 7 to priority 3. We raised it to priority 1.
>
> Another valid criticism: DIA was too involved in activities which detracted from its primary mission . . . some of this was the result of our efforts to respond to every query

> from every source, whether it be the Congress, the press, the League of Families, or just interested public."
>
> Another valid criticism . . . is that we not always adequately conducted timely follow-up of reports.

General Perroots emphasized that there was never a conspiracy to cover-up information concerning prisoners or missing in action. He also emphasized that during his tenure, he worked hard to ensure that there was not a mindset to debunk intelligence reports of live Americans being held in Southeast Asia.

In his testimony to the Committee, General James A. Williams, Director of DIA from 1981 to 1985, also emphasized that there was "no mindset to debunk consciously and there was certainly no effort to cover up." Similarly, the 1983 DIA IG inspection team concluded that "analytical work in the POW/MIA office was being conducted on the assumption that some Americans were still held captive in Southeast Asia."

The testimony of Col. Joe Schlatter, the head of DIA's POW-MIA Office from 1987 to 1990 was especially noteworthy. He had been part of an official review of DIA's effort prior to becoming head of the office. During his earlier review, he reached two important conclusions that he later found to be false:

> Earlier, he believed that DIA's analytical process was flawed and that there was a mindset to debunk on the part of the Agency's analysts.
>
> After becoming head of the office, he determined that the analytic process was not flawed because the answers to the important questions could only come from files or officials of the Socialist Republic of Vietnam. Furthermore, he found that a mindset to debunk did not exist. During his testimony, he also noted that the recommendations of the most critical reports of DIA's efforts were implemented.

Col. Peck requested relief from his position as chief of the POW/MIA office on Feb. 12, 1991 because of frustrations over the management and activities of the office. Peck's letter restates most of the criticisms contained in earlier reviews, including extensive outside interference in the operations of the office. In his valedictory letter, Peck drew seven conclusions, including that people were abandoned, that the office is manipulated, that the League's director is an impediment to DIA's POW/MIA work, and that DIA is used as "the fall guy" to cover the tracks of others.

Ronald Knecht, Special Assistant for Command, Control, Communications and Intelligence, headed a management review of Peck's allegations in April 1991. A small, senior management team examined files, conducted interviews, and reviewed past reports on the organization. The team found that Peck was not qualified as an intelligence manager and was "too close to the Vietnam POW/MIA issue to be objective."

However, "the management inquiry team could not find any facts that support Col. Peck's various allegations of impropriety in the POW/MIA resolution process," the report added. Peck had been warned several times by the DIA's Director, Lt. Gen. Harry E. Soyster, about his managerial shortcomings.

Discussion

The DIA has essentially assumed Lead Agency responsibility within the Intelligence Community for POW/MIA affairs. Since the Military Services are primarily responsible for maintaining liaison with family members of POWs or MIAs and since DIA is the primary coordinating agency for defense intelligence matters, DIA's central role in providing intelligence support for POW-MIA affairs is understandable. But this role has created some problems.

On the one hand, the Director of the Defense Intelligence Agency is not routinely responsible for coordinating the efforts of the Intelligence Community. This responsibility belongs to the Director of Central Intelligence. While the Director of DIA has access to the collection, processing, analysis, and dissemination systems of the Intelligence Community, his focus traditionally has been—and should remain—on supporting the Department of Defense. Numerous examples arose as a result of the Committee's investigation where intelligence activities outside of the Department of Defense produced relevant information on POW's and MIA's. It appears most of this information eventually found its way to the appropriate personnel within DIA. Timeliness and the requirements of all-source analysis, however, demand that relevant intelligence information is available for immediate analysis and action if necessary. It is imperative that the Intelligence Community's activities on behalf of POW-MIA affairs be streamlined and centralized.

On the other hand, the closeness of DIA to the Military Services has drawn the Agency into a relationship with family members for which its personnel are untrained and unprepared. As a result, some family members have focused their frustrations on the Agency. Objective intelligence support and a sensitive understanding of family member attitudes are very difficult roles for a single agency to perform. Intelligence analysis demands a rigorous examination of ambiguous information. Family member liaison demands a sympathetic viewpoint tempered by a sense of realism. DIA has experienced great difficulty in bringing the two perspectives together.

Part of the reason for the sense of frustration felt by some family members over DIA's performance can be found in DIA's own internal investigations. Their self-generated internal reviews have created a lot of the criticisms which others have since echoed. These critiques reveal recurring themes: a diffusion of the POW-MIA effort among several agencies; diffusion of DIA's own effort; excessive influence by activities outside of the U.S. Government; disagreements over analytical judgments; defensiveness when confronted by external criticisms. Frustration also has arisen because external expectations have exceeded DIA's ability to provide many of the conclusive answers that some believe are possible. As the current DIA Director noted in his testimony, intelligence, given its inherent limitations, simply on its own cannot resolve these issues [e.g., the ultimate fate of POW/MIA's]." With the new openness in Southeast Asia, intelligence analysis is no longer the driving force behind U.S. efforts to account for missing servicemen.

The Committee believes that the Secretary of Defense must continue to improve procedures so that relevant intelligence informa-

tion is acted upon quickly by the Department, that it is provided to family members on a timely basis, and that family members are part of a competent outreach program. The Committee further believes that effective Intelligence Community support of POW-MIA affairs could be improved significantly by the creation of an interagency "Center for POW-MIA Affairs" under the Director of Central Intelligence. The Committee envisions that this center would be created from existing Intelligence Community resources and would be staffed periodically by many of the same intelligence personnel who are currently spread throughout the Community. Effective and efficient intelligence support will continue to be fundamentally important to the POW-MIA effort for the foreseeable future.

There should be consideration given about the direct intelligence support of the POW function being moved from DIA to a more appropriate spot—perhaps to CINCPAC to support the Joint Task Force—Full Accounting in a more timely fashion.

LIVE-SIGHTING REPORTS

For the past 20 years, there has been nothing more tantalizing for POW/MIA families than reports that Americans have been seen alive in Southeast Asia, and nothing more frustrating than the failure of these reports to become manifest in the form of a returning American—with the single exception of Robert Garwood in 1979.

The sheer number of first-hand live-sighting reports, almost 1,600 since the end of the war, has convinced many Americans that U.S. POWs must have been left behind and may still be alive. Other Americans have concluded sadly that our failure, after repeated efforts, to locate any of these alleged POWs means that the reports are probably not true.

Because of its importance as possible evidence that U.S. POWs are alive, and also because of its contribution to the ongoing controversy over the POW/MIA issue, live-sighting reports were a central focus of the Committee's investigation. Committee Members and staff investigators spent thousands of hours going over DIA files; hundreds of requests were made to DIA for additional documents and information; several staff and Member briefings were conducted on the subject; and two full days of public hearings were held.

Background

A live-sighting report is just that—a report that an American may have been seen alive in Southeast Asia in circumstances which are not readily explained. The report could come from anyone—a refugee, a boat person, a former political prisoner, a diplomat, a traveler—who is or has been in a position to make such an observation. The information could be firsthand or hearsay; it could involve one American or many; it could be detailed or vague; it could be recent or as far back as the end of the war.

The point is that every live-sighting report is important because it is potential evidence that a U.S. POW may have survived; until

recently, these reports were not treated as important, and accorded a high priority by DIA, however.

Conversely, there is a significant difference between a livesighting report about a Caucasian and one that positively identifies an American, which admittedly is difficult at any difference. Other identifying information increases the credibility of any live-sighting report; however, all of these reports must be pursued.

A majority of the live-sighting reports received by U.S. authorities have come from Southeast Asian refugees, many of whom were interviewed at refugee camps in Thailand or Hong Kong. In addition to reports of actual sightings of Americans, other evidence of live or missing Americans is investigated, as well. This includes reports of the location of airplane crash sites or the discovery of dog tags used as military identification by American soldiers. The total number of first-hand and hearsay livesighting reports and other related reports is more than 15,000 since 1975.

Of the 15,000 total, approximately 1,650 are first-hand livesighting reports. According to DIA, more than 70 percent of these reports have been judged accurate and relate to individuals who returned at Operation Homecoming, to American civilians stranded in Vietnam in 1975, to Robert Garwood, or to individuals whose remains have subsequently been returned. Fewer than 100 first-hand livesighting reports remain under active investigation. Of these, approximately 60 involve Americans reported to be in a captive environment. With the exception of two deserters and Garwood, none of the reports have been correlated to an American military POW or MIA alive in Vietnam after Operation Homecoming.

At least since the early 1980's, the handling of live-sighting reports has been one of the most controversial aspects of the POW/MIA issue. During 1985 and 1986, three separate internal DIA reviews criticized the agency's procedures, including its methodology for analyzing reports, evaluating sources and following up.

In 1986, for example, a Task Force headed by Gen. Eugene Tighe found that:

> . . . Over the years, the perceived mission of the PW/MIA center at DIA has changed, officially and unofficially, from analysis of the intelligence flowing into DIA on this issue to 'resolving the issue' whereby doubt is cast on the veracity of the intelligence.
>
> The modus operandi of the PW/MIA center evolved toward undue emphasis in establishing source bona fides, at the expense of analyzing, from every angle, information provided by these sources . . . an example of the effort is one case where four years were spent trying to prove that a re-education camp which was a key part of one livesighting report did not exist (this to disprove the report), only to find that the camp did indeed exist. During the intervening years, the report was not analyzed for its contribution to the overall issue . . .
>
> There is a total absence of rigorous, standard, disciplined, professional, administrative procedures . . .

> A . . . basic problem is the bias in expectations that refugees are not reliable reporters unless proven to be so . . . yet refugee accounts are the major database . . .
>
> The refugee community that has provided the bulk of the eyewitness reports strikes us as possibly the finest human intelligence database in the U.S. post World War II experience . . .

Current operations

Since the Tighe report and other critical reviews were written, the DIA POW/MIA office has expanded substantially, working conditions have improved and the ability to conduct meaningful intelligence collection activities overseas has increased. The United States now has live-sighting investigators stationed permanently in Bangkok and Hanoi and expects to have similar positions filled soon in Laos and Cambodia.

Throughout the past year, the U.S. has been negotiating with the Vietnamese concerning the extent to which the American investigators would be able to carry out short-notice inspections of prisons and other facilities in order to follow up on live-sighting reports. Efforts to develop a formal agreement with the Government of Laos are ongoing. The Cambodian Government has no objections to U.S. investigators traveling within that country, but there is no guarantee of protection in areas controlled by the Khmer Rouge.

It is important to note that live-sighting investigations are conducted jointly with Vietnamese and Cambodian officials. They are an effort to learn more and an opportunity to reach people who may provide additional information; they are not "Rambo" missions conducted covertly. Indeed, the presence of Americans in remote areas—especially when they must fly or drive in—often creates such a stir that surprise is all but impossible. The argument always can be made that a prisoner was hidden at the last moment, but these are sovereign nations and the U.S. must work with the agreements reached with them about access to their people and sites. In sum, the Committee agrees with DoD that it is better to take the opportunity to conduct live-sighting investigations than to ignore it—in the hope that U.S. investigators will be able to piece together information, and reach out to citizens.

During its first year in operation, the Joint Task Force—Full Accounting received 81 live-sighting reports, 34 of Americans said to be in captivity and 47 said to be living freely. Of the total, 64 were in Vietnam (23 captive, 41 free), five were in Laos (four captive, one free), and 12 in Cambodia (seven captive, five free). The JTF-FA conducted 40 advance-notice investigations, and 16 short-notice investigations; all but one of each were in Vietnam (Laos has not yet granted permission to conduct joint live-sighting investigations). In all, 99 live-sighting reports remain unresolved; 59 are reported to be living in captivity and 40 freely. Of these, 82 are in Vietnam (46 captive, 36 free); six are in Laos (all reported in captivity), and 11 are in Cambodia (seven captive, four freely).

In its first year, JTF-FA had provided families with 1,906 new or requested pieces of information, and 143 live-sighting reports have

been resolved, passing muster with the Inter-Agency Group charged with reviewing them.[253]

In testimony before the Select Committee, Mr. Robert Sheetz, Chief of the DIA's POW/MIA office explained his agency's methodology for evaluating live-sighting reports:

> The cycle begins with collection of the (live-sighting) information and preparation of an initial report . . .
>
> When we receive the report, it is promptly entered into our database, and an analyst is assigned responsibility for conducting immediate initial analysis. This first analytical look includes a complete search of all our databases to determine if we have any prior reporting that might shed light on this report. We look at all reports from the same geographic area. We look for similarities in stories. We check not only human source reporting, but also information from other sources available to us. When relevant, we consult special sources, such as our prison database. Once the analyst has completed first stage analysis, he or she determines whether additional follow-up is necessary and, if so, what that follow-up should be.
>
> . . . it may be necessary to reinterview the source to ask additional questions or to clarify certain issues. It may also be necessary to interview additional people, for example, persons identified by the source himself or other persons who have come from the same village or been interned in the same prison . . .
>
> Within the last year . . . DIA has finally been able to employ an additional collection method, sending personnel into Indochina to investigate reports on the ground.
>
> . . . as additional information is completed, findings are collected, and the report is reanalyzed. During this phase, we may decide to collect additional information, sending the report back to the collection phase. At some point, however, analysts in this second, more detailed stage of analysis, determine that sufficient information has been collected to evaluate the report.
>
> In the evaluation and validation stage, our analysts prepare a formal evaluation that summarizes the report, outlines other information collected, provides our analysis of the total, and indicates how the report was evaluated. These summary findings are first reviewed inhouse by other analysts and management.
>
> If approved, the summary findings are presented to a formal review panel made up of members of the intelligence community, including representatives from the Department of State, the Central Intelligence Agency, the Military Intelligence Services, the Joint Chiefs of Staff and the Assistant Secretary of Defense for International Security Affairs. . .

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[253] Dec. 1, 1992 Information Paper, submitted with Dec. 3, 1992 testimony of Admiral Charles Larson and Maj. Gen. Thomas Needham.

> The outcome of our approved evaluations are disseminated. all go into our information base . . . All reports correlated to unaccounted for persons are forwarded to the appropriate service casualty offices for release to the next of kin. Cases of high interest are briefed to the interagency group during DIA's weekly briefings to that body. Unusually significant cases are briefed to the Congressional oversight committees and to Members of Congress on a regular basis.

During the Select Committee's hearings, DIA officials cautioned about reliance on a single source of information and stressed its own reliance on "all-source" intelligence for evaluating the validity of live-sighting reports. These sources include human intelligence, signals intelligence, imagery or photographic intelligence and information provided by other agencies of the U.S. Government.

Committee investigation

During its investigation, the Committee sought to evaluate carefully some of the past criticisms that have been made of DIA methodology. These include allegations about a so-called "mindset to debunk" live-sighting reports, an over-emphasis on evaluating the source as opposed to the content of a report, a failure to correlate reports involving the same geographic area and a failure to follow up more rigorously on hearsay reports.

The examination of intelligence concentrated on the live-sighting intelligence reports. In the course of the investigation, over 2,000 sources were actually examined page by page by the investigators. Over 1,300 of these reports have been declassified and all will be in the ensuing weeks.

The Committee engaged in a spirited and lengthy debate on live-sighting analysis—its methodology and meaning. In fact, the review and analysis of live-sighting reports consumed more time and staff resources than any other single issue.

The Committee concentrated on two differing approaches for analysis of the live-sighting reports: one, put forward by a group of Committee investigators, called a "Cluster Analysis," and the other articulated by the Defense Intelligence Agency. Both approaches are described and commented on below so that readers can judge for themselves on this contentious question. The Committee divided over the validity of these approaches—ten senators finding the Committee approach sufficient only to raise additional questions but meaningless in its capacity to make a judgment that a POW remained alive. Two senators believe that the cluster analysis provides evidence Americans remained alive until 1989.

Cluster analysis methodology

Some investigators adopted a suggestion that put forward a Memorandum written by Rear Admiral Thomas A. Brooks, when he directed the DIA POW office that recommended plotting the live-sighting reports on a map to see how they cluster.[254] It was

[254] Brooks Memorandum, published in the appendix to the transcript of the Hearings of the Select Committee, 1 December 1992.

believed that the key advantage of this analytical technique was as an alternative method for reaching analytical judgements based on this information contained in a selection of the best sighting accounts.

The live-sighting intelligence investigation began in earnest in February 1992, when the Department of Defense Central Document Office began sending live-sighting files in redacted form—to protect intelligence sources and methods and to honor source requests for confidentiality—to the Office of Senate Security. In March, Room B-78 in the Russell Senate Office Building was cleared for storing materials up to the secret classification because the Office of Senate Security ran out of space to store the files referred by DIA. Most of the analysis of live-sighting files was performed in this room until it was closed in June because of a security breach.

A printout of a DIA database containing summary information on 15,559 live-sighting reports received since 1973 was a vital tool in accomplishing the analysis. The summary is sufficiently detailed to enable significant correlations in the information even without having the actual file. Thus, work on assembling information, refining the universe of data, and working towards building the cluster map could proceed without the actual files.

The investigators applied 16 filters to reduce the 15,559 to a manageable universe relevant to the charter of the Senate Select Committee—to investigate intelligence reports on men alive and in captivity after Operation Homecoming. Therefore, the investigators' working data base was purged of all information obtained after 1973 but which described sightings prior to Operation Homecoming. This reduced the universe to about 6,600 sighting files, both hearsay and eyewitness accounts.

Application of other filters further reduced the working data pool to about 1,500 reports. Filters used in this phase of reduction included the following, all of which were rejected:

Information that DIA correlated to returned POWs or men known to have died in captivity during the war, unless an examination of the file proved that correlation to be not sustainable;

All reports of single individuals living freely or in conditions that did not indicate captivity;

Reports of well-known individuals who returned alive after 1973, including Emmet Kay; the civilians captured during the fall of South Vietnam; Robert Garwood; and civilians who were captured by the Vietnamese after the war, such as those lost in the wreck of the Glomar Java Sea;

Sightings of individuals who proved to be drug and gun runners, smugglers and other scofflaws;

Sightings of men with wives and families;

Reports of men living singly without indications of captivity;

Reports from sources who retracted their story without indications of coercion;

Reports of grave sites, dog-tags, and remains;

Reports equated plausibly to other Europeans, dead or alive;

Reports from sources who were clearly lying, based on a careful review of the file.

As the final filter, the investigators rejected from the pool of 1,500 reports those that lacked specific locational information. This reduced the pool to 928 reports that were posted to a large map of Southeast Asia, based on the coordinates that were included as an entry in the printout of the DIA data base.

Using the same data base, and applying the same filters, with the same controls, the investigators worked so that any team of investigators could at least replicate the result of this team and understand how it conducted its analysis, even if it disagreed with the result.

Review of the live-sighting fles and DIA source evaluations

The review of the actual files continued while the information for the map was presented. The aim of the file review was twofold: to act as a check in the validity of the baseline used to build the data pool for the cluster analysis and to examine the quality of the intelligence analysis and follow-up performed by the original analysts. In order to preserve their own credibility, the investigators judged that they could not accept a priori any findings by Defense Department analysts as to the reliability of the sources. The documents and information in the files either supported or failed to support assessment of the source. In some instances, files that had been accepted by the investigators for inclusion in the cluster analysis were rejected for plotting based on the review of the actual file. Others that had been rejected were added, based on the contents of the files.

The investigators early on found that most of the so-called hearsay source files contained few pieces of paper in them and little follow-up. The most profitable files to examine were those labeled first-hand live-sightings or eyewitness accounts. About 225 were used in the cluster analysis. These files contained lots of paper and lots of follow-up. Every one of the first-hand accounts posted to the cluster map by the investigators had been determined to be a fabrication or a mistaken identification. A key part of the investigation was to determine whether these judgments had been fairly reached.

The guidelines for file review involved a simple test: whether the documents in the file contained sufficient information for the investigators to reach the same conclusion that was reached by the original analyst. In other words, was the DIA analysis legitimately replicable. Thus, when a source passed one or more polygraph tests but was labeled a fabricator, such as source 995 in Laos, a close examination of the documents in the file was undertaken to determine whether the file contained evidence that supported a finding of fabrication or mistaken identification of the same quality as that provided by the source. Thus, an attempt by the original analyst to refute the direct testimony of an eyewitness by using generalized information, i.e. "We knew there were Soviets in the area, he probably saw Soviets" was considered insufficient reason to reject a report (Source 724).[255]

[255] Testimony, Hearings, August 5, 1992, op.cit.

Refutations based on general statements by inmates and others that they did not hear of or see any U.S. POWs were accepted at face value. The fact the many inmates did not see POWs, while few did under special conditions, was not considered a sufficient basis to reject a report of direct, eyewitness testimony by one of the few. The investigators examined alleged discrepancies in various accounts to determine whether they were fatal to the sighting report as was often alleged. The litmus test was always replicability based on the contents of the files provided by the Defense Department.

By clustering information based on military grid coordinates and then organizing the information in each cluster chronologically, the investigators were able to perform cross-referencing of information. In one closed session briefing on 2 July 1992, the investigators briefed the Members that intelligence reports showed that POWs were taken into Laos from Vietnam at two periods, most prominently during the buildup of tensions that led to the Chinese invasion of northern Vietnam and in its aftermath. Defense Department analysts present testified that "there was no evidence that any POWs had ever been taken to Laos." The investigators read a list of 12 Defense Department sources that contradicted that statement. This disclosed a pattern of reporting from separate sources that was otherwise apparent. None of the 12 files contained any evidence that they had ever been cross referenced to each other.

Similarly, the investigators found 13 source files in which the source claimed to have seen POWs in the Hanoi Ministry of National Defense Complex, known as the Citadel, or to have worked on underground facilities used to house POWs. None of the files showed indications that they had been matched or related to each other.

Key events in the investigation

Closed session briefings on the analytical approach used by the investigators and on what the approach showed about the intelligence were held on 9 April,[256] on 12 May, and on 2 July 1992. Defense Department analysts were present at each session. In preparation for the hearings on live-sightings, a final closed session meeting was held on 29 July to enable the Defense Department an opportunity to preview the hearing.

Other analyses

The investigators pursued other lines of analysis as a compliment to the cluster map and to check it. One of these analyses, contained in a Memorandum to the Chairman and the Vice Chairman, was a cluster analysis of the source files that the Defense Department termed "unresolved live-sightings." At the time of the analysis, about 110 eyewitness accounts remained unresolved. The plot of these files failed to show cluster patterns. Statistical analysis indicated that over half of these files were sightings of persons who stayed behind by their own choice and were not in captivity. A substantial portion of those files were sighting prior to Operation Homecoming.

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[256] The text of the briefing presented on April 9, 1992 is contained in an annex to this report.

Other lines of analysis included a statistical comparison of wartime and post-war fabrication in the data. During the war, the Defense Department determined that only about 14 percent of the reporting was fabricated. Beginning in 1973, the rate jumped to about 85 percent of the reporting, within a month. This analysis was performed on Louts 123 and graphed.

Source analysis versus content analysis

Vice Chairman Bob Smith outlined the philosophy behind this aspect of the Committee's investigation in his opening statement at the August 4, 1992 hearing:

> Eight years ago, when I first came to Congress, I got involved in the POW/MIA issue. That involvement mostly consisted of meetings with DIA personnel and listening to briefings on sources. The meetings always dealt with the sources of information.
>
> Source analysis as it was presented usually meant taking interviews, talking with other refugees about a source, conducting various background checks, and sometimes giving polygraph tests.
>
> But the focus was clearly on the source more than what he said. The analysts always concluded that a source fabricated his story based on source analysis.
>
> My colleagues and I felt that something was missing. We never saw raw data, had no personal contact and saw no messages.
>
> What I now realize is that there is a second way of analyzing information called content analysis. The two other approaches complement each other in establishing the accuracy of information.

Minority view

Everyone agrees that bad intelligence sources produce bad results. Therefore, if all the sightings of U.S. POWs in captivity since Operation Homecoming are erroneous, then these reports are irrelevant. But this is not the case. Even the DIA accepts that a number of the intelligence sources are credible, such as the source known as the "mortician."

The minority could not accept at face value many of DIA's final evaluations of sources. For example, the minority would not accept DIA's resolution that a live sighting was not credible when the source passed multiple polygraphs and every item of his account had been verified. Some investigators contend that it is reasonable to draw a conclusion that a source of this quality provided credible information.

More than any other document, the Brooks Memorandum of September 1985 led the minority to accept a broader, more thorough, and more all-encompassing approach to the analysis of the intelligence. Use of a cluster-map analysis enabled Committee investigators to:

> Assess together both the hearsay and the first-hand live-sighting reports;

Mesh technical intelligence information with human source reporting;

Discover patterns and relationships in the intelligence not evident in DIA files; and

Establish a baseline to check the validity of the source evaluations done by DIA.

One of the clearest differences between the two approaches is seen in the results. In every instance that DIA found the source of a live-sighting report after 1973 to be credible, the DIA analysts left the resolution of the sighting open-ended, or decided that the source had to have been mistaken as to the identity of the persons seen, regardless of what the source said. In the former case, no additional analysis was evident. In the latter, none was needed.

The minority assessed that credible sources produced believable reports and credible information. Additional analysis could lead to additional results. By using cluster and other forms of pattern analysis, the minority learned, for example:

The existence of logistic and administrative relationships among camps in northwestern Laos and among camps in northwestern Vietnam that are not reflected in DIA documents;

Evidence of a possible second set of camps in Vietnam from which no prisoners returned; and

Differences in the policies, the patterns, and the characteristics of POW incarceration in Vietnam and in Laos.

Most importantly, the cluster-map analysis created a context for interpreting and understanding the limited amounts of signals intelligence of POW movements is Laos and Vietnam, and for the photography of alleged distress signals. In every instance, the signal intercepts and the alleged distress signals coincided with a cluster of live-sighting report posted to the map. This integration had never been done before.

In conclusion, the minority believes that, based on this analysis, the intelligence indicates a strong possibility that Americans remained alive until 1989; however, we cannot prove it.

Majority view of the committee

Ten senators concluded that while cluster analysis can possibly assist in raising legitimate questions, without adequate sources and fundamental report verification, the analysis is meaningless. Plotting ten or twenty flags representing individual reports in the close proximity on a map means very little if the reports themselves are not valid. While it may raise questions depending on the validity of the reports, it cannot in and of itself be taken as evidence of someone being alive.

In the view of the majority of senators, the plot presented by some staff investigators is fundamentally flawed because the items posted have not passed a validity test. Any meaning a cluster might purport to present is clouded when such plots include reports that are known fabrications, possible fabrications, and in some cases are characterized by a generalized reporting which in many cases lacks precise geographic location or other factual specificity.

As DIA pointed out to the Committee, the map-plot presented by some investigators included only 215 first-hand live-sighting reports, 70 percent of which the Department of Defense has judged and an inter-agency review board has approved as being complete fabrications. In addition, DIA emphasized that the other plotted reports, many of which have only limited analytic value because they lack specifics on the time and/or place of sighting.

DIA view

DIA asserts that notwithstanding the limited value of plotting nonvalid or unverified reports, they have used cluster analysis as a "tool." During the hearings on August 4th, referred to above, Major Jeannie Schiff (USAF) testified as follows:

> DIA has analyzed clusters since the mid-1980s. In fact, when a new source report is received at DIA it is standard procedure to look at all previous first-hand and hearsay reports in the same geographic area and to look at any report that contains similar information regardless of source or location.
>
> DIA briefed the results of cluster analysis to Members of Congress in 1987 . . .
>
> After careful analysis, we did not find a single report or group of reports within any of the . . . areas identified by the Senate (Committee staff) which could confirm that a U.S. POW was held against his will after the war.

DIA asserts that the Brooks Memorandum is in error. DIA maintains that, contrary to Brooks' finding ("basic analytical techniques, such as plotting all sightings on a map to look for patterns and concentrations, have never been utilized"), their analysis invoke a computer-generated plot which is more thorough than any hand plotting by analysts. DIA adds that Brooks was never responsible for the day-to-day management of the POW office and even that limited command lasted only a few weeks.

ANALYSIS OF CLUSTERS

During public hearings on Aug. 4 and 5, 1992, the Committee reviewed the DIA's overall handling of live-sighting reports and discussed, in depth, "clusters" of reports, totalling 155, in four particular areas: 1) the Hanoi Ministry of Defense area; 2) the Son La region of northwestern Vietnam; 3) northeast Laos (Viengxay area) and 4) the part of northwestern Laos known as the Oudomsai region.

Hanoi ministry of defense (Vietnam)

One cluster of 22 firsthand and 48 hearsay reports centers around a secure area in downtown Hanoi that houses the top military and intelligence offices of the Vietnamese Government. During questioning, Senator Smith cited six unresolved reports, and one previously resolved report, that mention, to one degree or another, an underground detention facility in the area, including several that refer to a prison beneath the Ho Chi Minh Mausoleum. The reports allege that American POWs had been held during certain periods in such a facility after the war.

In response, Mr. Robert DeStatte, a senior DIA analyst, pointed out discrepancies among the reports with respect to the location of the alleged detention facility and cited conversations with area residents who denied seeing any U.S. prisoners after the time of Operation Homecoming. He also expressed skepticism about the existence of an underground prison because the high water table in Hanoi would, in his judgment, make the construction of extensive underground facilities impossible.

Under questioning, DIA officials said that they had not asked the Vietnamese for permission to inspect all of the buildings cited by sources as containing a prison, nor had they examined aerial photography for evidence of construction of a prison beneath the Ho Chi Minh Memorial.

A delegation of Committee Members visited the area of the Defense Ministry on November 16, 1992 and found two underground bomb shelters, but no evidence that there is or has been an underground detention facility at the location. Nonetheless, the statements by DeStatte at the Committee's August hearing proved to be inaccurate.

During the Select Committee's final week of hearings in early December, 1992, Vice-Chairman Bob Smith noted that:

> Our intelligence agencies have confirmed the existence of, and I quote, "a below-grade infrastructure far more elaborate than one would find at a mausoleum." We have also heard from the Russian Ambassador that there is a restricted underground area beneath the Ho Chi Minh mausoleum . . . there is a very large underground area beneath Ho Chi Minh's mausoleum and the Citadel that certainly would have been large enough and secure enough to detain any number of American POWs in the 1980's.

During the hearing on December 4, 1992, DeStatte responded:

> . . . whether one can build an underground facility there or not, you'd have to check with qualified engineers. It would be my guess that if you're willing to devote the resources and the money, that you can build an underground facility anywhere.
>
> . . . (but) if the stories of an underground prison were true, then we should be able to replicate those stories, to corroborate them by interviewing other persons who are familiar with the same area, the same events, the same time periods.
>
> . . . our investigators have spoken with many persons who could have corroborated the stories if those stories were true. In the end, we're left with a large number of credible witnesses whose testimony has refuted the unsubstantiated stories of the few . . .

Mr. DeStatte also cited the statement Russian Ambassador to Vietnam Rashid Camadolin to the press on Aug. 15, 1992 in which he stated that there is a restricted underground area beneath the mausoleum in which there is a cooling device and a triple generator for protection against power outages. According to Mr. DeS-

tatte, the Russian Ambassador dismissed the possibility that US POWs were ever held in the area.

During the same hearing, Select Committee Chairman John Kerry mentioned that:

> When we were on our trip (to Vietnam) last week, we were given access to classified information. Through both technical and classified sources, we have learned at least to the satisfaction of those on the trip, that in fact there is no underground "prison" or facility in that particular location.

Viengxay (Laos)

Viengxay is located in a remote area of northeastern Laos and served as wartime headquarters for the Laotion Communist forces, also known as the Pathet Loa or LPF. During the war, LPF leaders lived in caves in the area as a protection against American bombing raids. There is also evidence that some U.S. POWs were held prisoner in the caves during the war.

Committee investigators identified 35 post-war reports of Americans in captivity in the Viengxay area, of which 13 are first-hand. Many of the reports come from individuals who claim to have worked as guards or as prison trustees in the area in which the Americans were allegedly held captive. The reports were spaced throughout the 1970's and early 80's, with the most recent dating from 1986. The reports generally cite a small number of American prisoners (no more than a dozen), held separate from other prisoners, although three reports from the 1980's cited more than 200 prisoners.

According to the DIA, the LPF did capture some American prisoners and detain them at Viengxay during at least the early part of the war. None of these prisoners returned at Operation Homecoming. In May of 1973, the plane of civilian pilot Emmet Kay went down in Laos. Mr. Kay was captured and sent to Hanoi but then returned to Viengxay where he was held captive in a cave until his release in September, 1974. Beginning in 1975, large numbers of Soviet agricultural and medical advisers began operating in the area. Sightings of the Russians and of Emmet Kay may, according to DIA, account for some of the subsequent live-sighting reports. DIA has interviewed 157 refugees who formerly resided in the region who deny that any other U.S. POWs were held in the area after 1973. The DIA dismissed as completely unrealistic the three reports of more than 200 U.S. POWs being held captive in the mid-1980's.

Son La area (Vietnam)

The Son La area is a large and relatively remote area of northern Vietnam, bordered on the south by Laos and extending almost to China. It includes a series of prisons and is about 100 kilometers west of the Yen Bai prison, which is where Robert Garwood spent most of his time. A number of the resolved sightings from the Son La area have been correlated by DIA to Robert Garwood. Between 1976 and 1978, the North Vietnamese Army operated a series of de-

tention camps for former South Vietnamese military personnel (ARVN) in the area.

Committee investigators identified 19 reported sightings of Americans in captivity in and around the Son La area. Of these reports, 9 were first-hand and 10 hearsay. Thirteen of the sightings were in the mid to late 1970's. Most involve brief, apparently accidental, sightings of a group of alleged prisoners held separate from the rest of the prison population. For example, in separate reports in 1976, one U.S. person was reportedly seen cutting bamboo, a group of 60–70 U.S. POWs were allegedly seen on a soccer field, and six POWs were apparently seen working. In 1977, there was a hearsay report that American prisoners were about to be moved, a report that 24 foreigners were seen under guard and a reported sighting of 40–50 Americans in a camp. In 1978 and 1979, there were another four reports of sightings of relatively large (30–50) groups of POWs in the area. Towards the end of 1979, China invaded this part of Vietnam and the reported sightings of large numbers of Americans stopped. Subsequent reports, all hearsay, involve the alleged sighting only of individual or small numbers of Americans.

Mr. Sheetz of DIA testified that the U.S. Government had received a total of 30 reports about the possible presence of U.S. POWs from individuals who had been under detention in the Son La area during the late 1970's, aside from the many reports correlated to Robert Garwood. Of the 30 reports, 18 were thought to be fabrications and 12 had been correlated to other types of individuals—such as Swedish development workers or Soviet advisers.

Mr. Gary Sydow, Chief of the Analysis Branch of the DIA's POW/MIA Office, testified that DIA does not believe there is any evidence that American POWs were ever held in the ARVN detention camp system in the Son La area. According to Mr. Sydow, "We've learned a lot about this system. But to hunt for PW's, this is not a place I would look." DIA officials also testified that they had interviewed more than 3700 former inmates of the prison system and been told by only a very small number about the possible presence of Americans other than Robert Garwood. According to Mr. DeStatte:

> There was a tremendous flow of information there. None of these camps existed in isolation, and while . . . there was a small number of people who said that there was a number of PW's, of Americans other than Robert Garwood, I would point out that a tremendous number—a tremendously larger number of people were in that same system who were exposed to the same information flow. They say no.

The DIA officials did testify, however, that a 1979 reported sighting of 40–50 Caucasians, while under guard, bathing in a stream alongside a road in Son La province remains under active investigation.

Oudomsai (Laos)

The Oudomsai region is a very remote area of northern Laos in which few, if any, American operations occurred during the war. Committee staff investigators identified 30 reported sightings of

American POWs in the area following the end of Operation Homecoming. Of these, six are first-hand, the rest hearsay. The reports generally relate to the detention of small numbers of Americans in caves or camps, separate from those holding Lao prisoners, in or near the five prisons in the region.

Sources of the reports were usually Lao prisoners out on work detail or individuals providing services to the prisons. The reported sightings extend in time from 1973 until 1989. The reports during the 1970's generally referred to less than 10 American prisoners, three reports from 1986 to 1989 cited between 16 and 21 prisoners.

Mr. Warren Gray, Chief of the Current Operations Branch of the DIA's POW/MIA Office, testified that there is no evidence that Americans were held in the Oudomsai region or elsewhere in Laos after Operation Homecoming. According to interviews with more than 1000 Lao refugees conducted by the DIA and other U.S. agencies, there were no U.S. POWs in the Oudomsai region. The refugees did say, however, that there were large numbers of Soviet advisers, usually travelling with an armed escort because of the presence of Lao resistance forces in the area. Several of the alleged sightings of U.S. POWs were attributed by DIA to sightings of the Soviet advisers.

Asked to summarize the DIA's view of sightings in the Oudomsai region, Mr. Gray said:

> There are several points that should be made with regard to Oudomsai, Luang Prabang, and Phong Saly, the three areas for which this cluster (of reports) was brought together. First of all . . . the Lao resistance has complete access to all three provinces. They were well-attuned to the fact that there are reward offers of millions of dollars if they bring out live POWs.
>
> They have been looking for live POWs on a daily basis. Early on, the Lao resistance turned in some hearsay reporting. They made up some of the reporting on their own and we said through their channels, knock it off. If you have valid information, we want it, otherwise do not use the POW issue for monetary gain . . . because it's not going to be accepted.
>
> But the resistance has access to those areas. We have access to the resistance leaders. They have told us to a person that if they get POW information, we'll be the first to know. They've had no valid POW information from any of these three provinces.

Summary

The question of methodology with respect to evaluating livesighting reports was revisited on December 4, 1992, during the Committee's final hearing, in the following exchange between Mr. Robert Sheetz of DIA and Vice-Chairman Bob Smith:

> MR. SHEETZ. . . . it's not enough just to take individual reports and throw them up on the map. You've got to look at them in the context of all that you know. This is another way of talking about doing all-source analysis . . .

evaluating each report in terms of what you know about the area and how the report fits in.

SENATOR SMITH. But, Bob, nobody is representing anything differently than that on the map . . .

Obviously, a firsthand report is better than a hearsay report in terms of the source. But in terms of the plotting, if 10 different hearsay reports, all independent, plot in the same grid coordinates it ought to send a signal out (that) you ought to take another look at it . . .

What is being misrepresented here is that somehow every one of these reports are valid. Nobody has said that. We just simply took the grid coordinates that were in your information and put them up there just to see where they came. And that is the way they clustered. Many of them will be bogus, as you have said.

But the point is . . . if you missed something in the past because it was not done, then it is worth a second look. And I think we ought to be . . . working together to go through those ones.

Other live-sighting reports

In addition to the examples mentioned above, there were other reports which the Committee focused on in Vietnam. An ethnic Chinese refugee left Vietnam in 1979 and related a story which DIA deemed credible.

While employed as a mortician in Hanoi, responsible for treating the stored remains of American MIAs, the refugee stated that he saw two unidentified Caucasians as late as 1979, whom he believed were "progressive" Americans who remained after the Vietnam War under the custody of the Vietnamese Government. The "mortician" has passed a polygraph examination to this effect and was deposed by the Committee during its investigation.

Another example in Vietnam on which the Committee focused were the live-sighting reports by former Marine PFC Robert Garwood, who remained in Vietnam until 1979. During a week-long deposition, Garwood told the Committee that he had seen what he believed were live American POWs between 1973 and 1978. Most notably, Garwood stated that he had seen American POWs in a prison camp at Thach Ba Lake in 1977 and in a box car at a railway crossing in 1976. Although the DIA stated as recently as June 1992 that no such prison ever existed at Thach Ba Lake, the Committee notes that the presence of this prison was confirmed by the Vietnamese to the Chairman and Vice Chairman in December 1992. Whether Americans ever were held in this facility and were moved through a railway crossing, as Garwood claims, remains under investigation.[257]

[257] There is no consensus by Committee members on the validity of Garwood's sighting reports. The Vice Chairman wishes to note that he believes Garwood is telling the truth about these sightings; Sen. McCain does not find Garwood credible because he was convicted of collaborating with the North Vietnamese and of assaulting an American POW between 1967 and 1969. Garwood's deposition, and those of all other witnesses, are available through the National Archives.

Current Status of live-sighting investigations

In April, November and December 1992, Members of the Select Committee traveled to Vietnam and Laos for discussions with officials in those countries on several subjects, including cooperation in the investigation of live-sighting reports.

In Laos, the Committee has found recent improvements in cooperation, although investigations are hindered by the hazardous geography and inclement weather that characterizes the Laotian countryside.

During meetings in Vietnam, the Select Committee repeatedly pressed officials (1) to accelerate the pace of jointly run live sighting investigations, particularly those identified as priorities by American officials, with the hope that all unresolved priority reports could be investigated by the end of the Committee's tenure; and (2) to permit what have become known as "short notice live sighting investigations." A "short notice" investigation occurs when U.S. investigators present Vietnamese officials with the details of a live sighting report and receive permission to conduct an immediate on-site investigation. The primary advantage of a "short notice" investigation is that it reduces the risk that the investigation will be compromised through the "coaching" of local residents or by the removal or alteration of physical evidence.

The degree of Vietnamese cooperation on live-sighting investigations has improved considerably, in part as a result of the Committee delegation visits. At the time of the Committee's visit in November, eighteen "priority" first-hand live sighting reports concerning Vietnam remained uninvestigated. The schedule then in place called for completion of the 18 investigations sometime in the spring of 1993. During meetings in Hanoi between November 15–17, 1992, however, the Select Committee obtained a promise from Vietnamese officials to accelerate the pace so that investigation of the 18 remaining priority cases would be completed by early December.

In fact, the Committee delegation was able to participate personally in the investigation of six of the eighteen priority cases. Under the leadership of the DIA, and with the cooperation of the Vietnamese, Committee Members and staff conducted on-site inquiries into live-sighting reports involving:

The Citadel, a secure military compound in Hanoi analogous to the U.S. Pentagon (two reports emanating from the Citadel were investigated);

The X-4 Prison in Ho Chi Minh City, analogous to the U.S. FBI;

The Rach Gia Prison in Ha Tien Province;

A mountaintop in Chau Doc Province; and

The An Diem Prison in Da Nang.

In each location, the team of Members, staff and DIA investigators searched for corroboration of details of the relevant live sighting report by surveying the physical layout and appearance of the area and by interviewing local residents. All six live sighting reports proved to be inconsistent with the information obtained during the on-site investigations, and none turned up evidence that live Americans remain in captivity in Vietnam.

Since the conclusion of the Committee's visit, the pace of investigations has continued and all of the priority investigations in Vietnam have now been completed. Unfortunately, none of these priority live sighting reports has been found to be valid.

The "short notice" live sighting investigations provide a useful gauge of the level of the Government of Vietnam's cooperation on the POW/MIA issue. These investigations often require a substantial intrusion into government operations or into the privacy of Vietnamese citizens. Despite this, the Vietnamese have been extremely cooperative recently in responding to US requests for short notice investigations. As of early December 1992, US investigators had conducted 16 short notice live sighting investigations in Vietnam.

Despite the heightened cooperation of the Vietnamese, and despite the increased focus of US officials upon the investigation of live sighting reports, the caseload for future investigatory action remains. This was illustrated by a discussion involving Senator Tom Daschle, Admiral Charles Larson, Commander CINCPAC, and Major General George Christmas, Commander of CINCPAC Operations during the Select Committee's hearing on December 4, 1992:

> Sen. DASCHLE. We talked about trying to complete the [priority] live sighting investigations by . . . the end of next week, December 10th. Are we going to be able to maintain that schedule? To what degree are you satisfied, if we can meet that schedule, that we [will] have exhausted our live sighting investigations?
>
> Admiral LARSON. Senator, I don't think we'll ever exhaust the live sighting investigations. They keep coming in. We still have 99 unresolved cases, so they come in as we resolve them. We've picked out the priority ones. DIA has assessed those as priority, have given them to us, and we pursue those as fast as we can in the field. And I think the last one is up by the Chinese border now, the folks are up there today working on that one
>
> Sen. DASCHLE. We had about eight or nine, I think, when we left [Vietnam in November 1992], and you say now those priority cases are all——
>
> Admiral LARSON. This is the last one.
>
> General NEEDHAM. Yes, sir. . . . [T]he last report I have is we were down to one, and that one was up on the Chinese border . . . and they're up there right now, in fact, may have actually finished it. But it's one that takes a couple of days to get up there and a couple of days to get back.
>
> General CHRISTMAS. But as an example, we have 24 more cases that have just arrived in Bangkok.
>
> Sen. DASCHLE. 24 more live sighting cases?
>
> General CHRISTMAS. That's correct. And we will begin—eight of those are reinvestigations, but we will begin a program then to move on with those 24. So it's very dynamic.
>
> Sen. DASCHLE. Now are those live sightings that have just recently occurred, or are they old live sightings that are being turned over to you for the first time?

Admiral LARSON. Most of these are old live sightings that have been screened and presented to us for either investigation or re-investigation. Most of the ones I screened were probably four or five—some of them were probably four or five years old, but they're not all current that are happening right now.

In early January 1993, the caseload of live-sighting investigations to be done totalled 40; JTF–FA teams returned to Southeast Asia to undertake these and other investigations on Jan. 2, 1993.

Example: Pleiku, November 1992

Another live-sighting investigation was conducted by a committee staff investigator and a member of Joint Task Force-Full Accounting (JTF–FA) November 21–25, 1992, following the departure of the committee delegation. The investigation began in Ho Chi Minh City and ended in Pleiku, Gia Lai-Kontum Province.

Acting on information provided by a Chinese-Vietnamese resident, Mr. Luu, of Tacoma, Washington, the investigation team was composed of Gary Flanagan of JTF–FA, Ho Xuan Dich, Director of the Vietnam Office for Seeking Missing Persons, and Col. William E. LeGro, Committee investigator.

Mr. Luu had provided Col. LeGro with the name and address of a Vietnamese resident of Ho Chi Minh City who had information about "William George Morgan," allegedly an American POW living freely, or being held, in the central highlands of Vietnam. The team found the source, Mr. Toan, at home in his coffee-house. As it developed, Mr. Toan had no personal knowledge about "Morgan", but agreed to lead us to someone who did. He also produced three bundles of human remains (bones and skulls), which appeared to be Mongoloid, rather than Caucasian. They were later collected by the Vietnamese for joint forensic examination.

Mr. Toan accompanied the team to Xuan Loc, a 90-minute drive east of Ho Chi Minh City. Here they interviewed Mr. Bao who also had no personal information about "Morgan," but offered to guide us to a man who did. Mr. Bao also offered three bundles of bones which also appeared upon casual inspection to be Mongoloid.

The following morning, the team picked up Mr. Bao in Xuan Loc and continued east and north on National Route 1, reaching Tuy Hoa by dark. The journey resumed the next dawn and by midmorning the team was passing through the village of Ha Tam, between An Khe and Mang Yang on National Route 19. Here Mr. Bao directed a halt in front of a small, thatched shelter and introduced the team to Mr. Anh, who told them that the source of information was Mr. Long in Pleiku and that he would guide them to Mr. Long.

The meeting with Mr. Long is described in the live-sighting report follows:

> At 1200 hours on 24 November, the team arrived in Pleiku town. At 1210 the team arrived at 83 Nguyen Viet Xuan Street, which is located on the south side, and uphill from, Route 19 on the way into the main section of Pleiku town. The team stayed close to Mr. Bao and Mr. Anh when they exited the vehicle and walked to the residence of Mr.

Long. Mr. Bao knocked on the door, and a Vietnamese male answered the door. Another man then came to the door, and Mr. Anh said that it was Mr. Long. Mr. Long invited us in and we entered the building.

The living area of the residence smelled strongly of alcohol and the man who identified himself as Mr. Ho Xuan Long appeared to have been drinking heavily. Mr. Long identified himself as a 40-year-old ethnic Vietnamese. After introducing the team, we informed Mr. Long that we had been following information leads about an American living in the Central Highlands in a remote region. During the introduction, team members noticed that Mr. Long's left arm was heavily bandaged. Subsequently, during the interview, Mr. Long occasionally appeared to be in severe pain. The team explained that Mr. Toan in Ho Chi Minh City had led us to Mr. Bao in Xuan Loc, and that Mr. Bao had led us to Mr. Anh in Ha Tam, and that Mr. Anh, in turn, had led us to Mr. Long's residence in Pleiku. The team then asked Mr. Long if he had any information on live Americans.

Mr. Long expressed some initial surprise that a joint U.S./SRV team would be visiting him and then said that he had gone with "some others" to a very remote area where an American was living. Mr. Long said that 12 or 13 other men had gone to a border defense post with him. At this point, the team asked Mr. Long who the other men were and who did the men meet with at the border defense post. Mr. Long responded in vague terms and said that the group of men had gone to the border defense post "to the west" of Pleiku at a location about ten kilometers from the Cambodian border. Mr. Long said that it took the group two days to travel to the border defense post. Mr. Long then said that he himself had never seen an American alive in that region, but he knew that the American was alive. The team asked Mr. Long how he knew the American was alive, and Mr. Long responded that he just knew the American was alive because he had heard others talking about the American. The team asked Mr. Long to identify anyone who knew of the live American, and Mr. Long refused to answer. After Mr. Long refused to answer several questions from the team members, Mr. Long responded that he would not answer any more questions. The team asked Mr. Long to reconsider, and Mr. Long changed his story. Mr. Long said that he knew that the American was alive because he had gone to a Montagnard village where all of the villagers talk about the American. The team asked Mr. Long for details about the village and the villagers. Mr. Long refused to answer.

At this point, Mr. Dich and Mr. Manh of the VNOSMP tried to impress upon Mr. Long the importance of his responding to questions from the joint team. Mr. Dich and Mr. Manh reintroduced the American members of the team, then reintroduced the Vietnamese members of the team. After reexplaining the purpose of the team's visit,

Mr. Manh asked Mr. Long if he had ever seen the American living in the highlands. Mr. Manh also asked for details about the border defense post, its numerical designator, and who was in charge of the border defense post. Mr. Long refused to answer.

Mr. Bao and Mr. Anh, who were present, but had remained silent up to this point, then asked for Mr. Long's assistance. Both Mr. Bao and Mr. Anh appealed to Mr. Long to find a way to lead the team to the location where the American was living. Mr. Bao and Mr. Anh also appealed to Mr. Long to do so as a humanitarian act and not for monetary gain. Mr. Long refused to respond to their requests. Instead, Mr. Long said that he was afraid to answer. The team informed Mr. Long that if he would describe precisely where the remote location was, the team would proceed there immediately, regardless of what type of transportation was required. Mr. Bao and Mr. Anh both asked Mr. Long to find a way to tell the team what he knew. Mr. Long said he was sorry but he would need time to think about it. Mr. Dich then asked Mr. Long if the border defense post in question was Border Defense Post 93. Mr. Dich also asked Mr. Long if the man in charge of the border defense post was Mr. Bien. Mr. Long said that he would not answer those questions. Mr. Dich then told Mr. Long that the team would leave him alone to think about the situation and would return in the evening to talk some more. Both Mr. Dich and Mr. Manh assured Mr. Long that he had nothing to fear so long as he told the truth. The team left Mr. Long's residence after notifying him that we would return at 1800 hours the same day.[258]

The interview continued, with Mr. Long becoming increasingly evasive and nervous. Finally, Mr. Long departed from his assertion that he had seen the American:

> Mr. Long, noticeably shaking, said the[n] he knew a man at a border defense post near the location where the American was kept hidden. Mr. Long repeated that he could only go to the location alone. Mr. Dich and Mr. Manh both encouraged Mr. Long to cooperate and tell the team what he knew. At this point, Mr. Long said that the only reason he only knew the story of the American living in the central highlands was because he had met a man named Huy Luu in Ho Chi Minh City at a coffee house operated by a young man named Toan. Mr. Long quickly changed the subject and said that he knew of approximately 20 sets of remains of U.S. servicemen. To substantiate this, Mr. Long went to a room at the rear of his residence and then returned with the photocopy of an identification card.
>
> The team consulted field listings of unaccounted for U.S. personnel and informed Mr. Long that the identification data on the card did not correspond to any known Americans missing in Vietnam.

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[258] JTF-FA Detachment 2 live-sighting report, Dec. 3, 1992, pp. 11-13.

> The team then questioned Mr. Long about his knowledge of remains alleged to [be] the remains of U.S. servicemen. Mr. Long said that he knew of approximately 20 such remains. When asked where the remains were and who had custody of them, Mr. Long said that he only knew of the remains because the local people who had them in their custody had approached him and asked him to help them. Mr. Long said that each of the remains was available for a price of $5,000 (USD) in gold or that all 20 of the remains could be purchased for $100,000.[259]

The team agreed that Mr. Long was evasive and probably had no information on any living American in the highlands. Mr. Dich informed Mr. Long that the People's Committee would meet with him later that evening to decide on what to do about Mr. Long's dealings in false information about Americans. This meeting took place, but the American members of the team were not invited to attend.

The following morning Mr. Flanagan and Col. LeGro attended a meeting with the People's Committee and heard from Major Hien, the commander of the border post in question. Information presented at this meeting appeared to show that the story of the American in the highlands was a venerable rumor, probably founded in the Caucasian resemblance of an old, blind tribesman who lived in a village southwest of Pleiku. It was quite apparent that Mr. Long was attempting to make his living trafficking in POW information and remains, but it was unclear whether he was a leading figure in this enterprise or part-agent/part-victim. Mr. Luu's role was also in question, as were the involvements of Toan, Bao, and Anh.

Discussion

As long as live-sighting reports remain under investigation, they constitute a measure of potential evidence that US POWs may have been left behind and survived in captivity, at least for a time. It is also possible that one or more of DIA's past report evaluations is incorrect. As rigorous as the current analytical process appears to be, it remains dependent at times on deductions that, although highly logical, are still less than 100% certain. Examples of this are cases where DIA has correlated sightings to Soviet advisers because advisers were present in an area or discounted reports because multiple other refugees from a particular area have reported seeing no U.S. POWs. The existence of a small degree of uncertainty is inevitable in making such judgments and a small degree of uncertainty is all that is—or should be—required to ensure that the live-sighting followup process continues to be taken very seriously and that evaluations be done with enormous care.

Arriving at a firm judgment about the overall significance of live-sighting reports is complicated by several factors. Many such reports are obvious fabrications. Others are so vague as to make meaningful follow-up impossible. Nailing down specific information about incidents that may have occurred ten or fifteen or more years ago is, at best, extremely difficult. And as mentioned above,

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[259] Ibid., pp. 13–14.

analytical judgments, even when professionally arrived at, often retain an element of subjectivity.

Another complicating factor in assessing live-sighting reports is the frequent need for foreign country cooperation. In that sense, the U.S. Government's official investigators are caught in what is perhaps the ultimate "Catch-22". If an apparently credible report should be received concerning the possible presence of Americans in Vietnam or Laos, cooperation from the governments of those countries may well be required to check the report out. But the very process of asking permission jeopardizes the credibility of the investigation. As a result, the DIA supplements its official requests with other means of gathering information, but these other methods may be relatively slow and uncertain. One routine but increasingly available method of gaining information consists simply of talking to average Vietnamese in their own cities and villages. The presence of full time American investigators in Hanoi and hopefully, in Laos and Cambodia, as well, should augment the amount of information collected by this method.

The Committee notes that political changes particularly in Cambodia, but also in Vietnam and Laos, have greatly expanded the number of Caucasians living or traveling freely in southeast Asia. This creates a likelihood that there will be a rising number of well-intentioned, but inaccurate, reports concerning possible American POWs. It is important that procedures be established so that the limited resources of DIA investigators are not squandered on reports that obviously do not pertain to possible U.S. POW/MIAs.

It is DIA's judgment that the live-sighting reports they have received and evaluated do not constitute "evidence" that any U.S. POWs remained in captivity in southeast Asia after the war, although the possibility that this did occur cannot be ruled out. There was considerable discussion by Committee Members during the course of its investigation about DIA's use of the term "evidence" in that statement. Some Members felt that the number and detail of live-sighting reports clearly constituted "evidence" that Americans were left behind, even if serious questions about the validity of individual reports had been raised. Other Members agreed with DIA that a large number of reports does not necessarily signify anything if there are strong reasons to discount each of the reports. No Committee Member would argue that existing reports constitute hard proof that American POWs remained behind or are still being held captive in southeast Asia.

The Committee investigation also found that:

> There is no evidence that officials or investigators from DIA have concealed or covered up information concerning the possible presence of live Americans in Southeast Asia.[260]
>
> The current DIA staff, especially those based in southeast Asia, deserve credit for an enormous and steadily increasing amount of work performed under very difficult and uncomfortable conditions.

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[260] Sen. Smith wishes to state his belief that there is evidence that officials or investigators from DIA have withheld information from Members of Congress about the possible presence of live Americans in Southeast Asia.

In order to ensure objectivity, there must be a continued and conscious effort on the part of DIA leadership to maintain an attitude among analysts that presumes the possible survival of U.S. POWs in southeast Asia to the present day.

The DIA should routinely review its analytical methods for the purpose of ensuring the most rigorous possible, all-source, evaluation of live-sighting reports, including hearsay reports where feasible.

Continued emphasis should be placed on establishing a strong, on the ground, live-sighting investigatory capability in Laos and Cambodia and on expanding that capability within Vietnam.

The highest priority should continue to be given to credible reports that live Americans are currently being held.

PILOT DISTRESS SYMBOLS

The purpose of this part of the investigation was to determine the possibility that a number of symbols and markings, identified through the use of overhead reconnaissance photography, might have been attempts by American POWs to communicate their location to U.S. intelligence collectors. These possible distress symbols, several of which match pilot distress symbols used during the war, span a period from 1973 to 1988, and as late as June 1992.

The Committee also undertook an examination into actions taken by the Government to investigate those symbols. U.S. investigators did not act on one provocative symbol, even after four U.S. Senators travelled to a remote area of Laos to investigate it themselves. It was not until the Committee scheduled a public hearing on it six months later that U.S. investigators began their work. In contrast, while it took the U.S. six months to request permission to visit the site, the Government of Laos granted permission in just two days.

Background

As part of their overall training, U.S. Air Force pilots received survival training. The Air Force's Joint Services Survival, Evasion, Resistance, and Escape Agency (JSSA) developed and conducted much of the training program. Some of the survival training during the Vietnam War-era was conducted at Fairchild Air Force Base. Another part, focused specifically on jungle survival, was conducted at Clark Air Force Base in the Philippines. The length of the courses varied. Depending on the year in which the training was conducted, the Fairchild phase could have been 12-20 days in length and the Clark phase might have been 3-5 days long. Although the program was conducted by the Air Force, some Army, Navy and Marine Corps personnel also participated. Many subjects were taught during these programs, but training that focused on ground to air signaling was of particular interest to the Committee.

Ground to air signals could consist of pyrotechnic signals, sea dye marker, mirrors, or signals based on sticks, rocks or soil which would be arranged in patterns clearly recognizable from the air. Pilots were taught to use shadows to enhance and add a three dimensional effect to the letters.

Specific letters used for the ground symbols were determined by the U.S. Pacific Command (PACOM), the military regional command responsible for the conduct of the war in Southeast Asia. The signals were changed periodically so that the secrecy of their meaning could be maintained. It appears that the practice of using letters for ground-to-air signalling started in 1966 and the style of the letters evolved throughout the war with the directive to add appendages to the letters taking effect in October 1971.

The preferred means of signalling, of course, was by a survival radio. Voice communications over these radios relied upon special authentication procedures. Normally, this would be a four digit number or "authenticator number." Once a downed pilot established communications on a survival radio, he would use the authenticator number to verify his identity with the search or rescue aircraft. This method of authentication would make it more difficult for enemy forces to mimic a downed pilot and lure unsuspecting allied aircraft into a trap. Ground-to-air signalling was an essential part of pilot survival training.

Military escape and evasion program

During the war years, the Services gave many pilots who flew in Southeast Asia individual authenticator numbers to identify themselves by radio or other means in the event of their shootdown or capture. Combat squadrons also gave their flyers primary and back-up Escape and Evasion (E&E) signals to use to identify their location, as either an evader or a POW. Some Army Special Forces troops were also given E&E distress signals for their use. These distress signals were classified and changed periodically. Pilot authenticator numbers were also classified. During the years of the Southeast Asian conflict, both national level and Service intelligence organizations were required to be alert for any Escape and Evasion (E&E) symbols marked on the ground, as part of the overall effort to recover downed pilots or identify possible detention sites for POWs. A number of Search and Rescue operations were mounted during the war, based on the detection of E&E symbols.

Investigation procedures

The Committee held hearings on this issue on October 15, followed on the 16th by a closed hearing on a 1981 covert operation, which was triggered largely by a possible distress signal. A number of depositions and interviews of DIA, CIA and JSSA personnel, related to the Symbols investigation were also completed. The investigation focused on identifying all possible symbols detected by overhead photography, all contemporaneous written documentation and analysis pertaining to such symbols, and on what efforts were taken by DIA to investigate the origin of the symbols. Most documentation has been declassified and line drawings of the possible symbols were prepared by CIA and DIA.

Possible POW signals

Because a photograph of a possible pilot E&E symbol equates to a form of physical evidence, this investigation examined possibilities, to which a tangible comparison could be made to known facts. As a hypothetical example, would a four digit number seen on a

photographic print from the mid-1980's, and which matches a classified authenticator number of a pilot listed as MIA, constitute evidence of a living POW? This was a critical question to be addressed by this investigation.

If a POW still were being held captive in Southeast Asia after Operation Homecoming, he would, inter alia, rely upon his survival training to attempt to communicate with potential rescuers. This assumption led investigators to an examination of "overhead imagery"—photographic copies of images obtained by various collection methods as viewed from an aerial perspective— to determine if symbols were being written on the ground in Southeast Asia after Operation Homecoming. Not only was the existence of the symbols important to the Committee, the Committee was also interested in follow-up actions taken by the Government to any symbols that had been detected.

It rapidly became quite clear that part of the answer to the existence of symbols lay in "imagery interpretation" or "imagery analysis." Because of the technical characteristics of the form of collection, the resolution—or precision of detail—of the objects shown on an image can lead different viewers to different interpretations of what is depicted. The interpretations are based partly on scientific analysis—the measurement of the size of an object, for example—and partly on subjective reasoning. All-source analysis helps to put an object's origins into context.

In several aerial photographs of Southeast Asia, Committee investigators detected the appearance of suspicious markings on the ground that could have been made by people wishing to signal their presence to an airborne viewer. The significance of this to the POW issue was immediately obvious. The Committee asked JSSA to determine if the markings corresponded to symbols provided to pilots during the war. During the course of this evaluation, JSSA identified what appeared to be additional symbols and numbers, some of which corresponded to authenticator numbers, escape and evasion symbols, western-style surnames, or numbers relevant to years of the Vietnam War.

The Committee was faced with two principal arguments put forward by DIA. First, while DIA concludes that two symbols clearly existed on the ground, DIA's analysis concluded that the remaining markings were unintentional phenomena of man, nature or the photo process. For example, DIA resolved that some of the possible symbols were the results of a combination of thickened rice paddy dike walls, shadows, burn marks in field, tree, logs, and rice residue from stacking of harvested rice. JSSA testified that the use of thickened rice paddy walls, burn marks, logs, trees, man-made objects such as stone walls and leaving rice residue in the ground as a means to leave a signal, are consistent with SERE training. On the two symbols which DIA concluded were intentional symbols, the 1973 "TH" photo and the 1988 "USA—possible K," DIA cannot explain their origin.

It was thus necessary for the Committee to determine if such symbols would be consistent with standard methods and training taught to pilots during the war. In this regard, the Committee has received written assessments from the proponent agency for training the creation of pilot distress signals, the Joint Services SERE

Agency (JSSA), as well as testimony in depositions and hearings, whether these symbols appear to be consistent with SERE training.

JSSA was not asked to perform photo interpretation, only to assess whether the possible symbols seen on photos match known distress symbols used during the war and judge if they appeared to conform to methods of manufacture taught to pilots during survival training.

As the Committee learned during the course of its investigation, these judgements became very problematic. The fundamental problem was to determine if the symbols actually existed as markings on the ground. Nevertheless, JSSA personnel identified what appeared to be other symbols on the print, including a number of 4-digit authenticator numbers at sites of possible symbols detected by DIA.

They correlated 19 of those authenticator numbers with numbers belonging to Americans still missing in Southeast Asia. They also identified what appeared to be a name scratched in a field near a prison compound, in a 1992 photo. The significance of this possible symbol is reflected in testimony received during the Committee's hearing on symbols:

> Senator GRASSLEY. Mr. Dussault, did you also think that you saw faintly scratched in the field?
>
> Mr. DUSSAULT. Yes, sir.
>
> Senator GRASSLEY. Without telling us the name, did you try to match it with the names on the missing list?
>
> Mr. DUSSAULT. About three days later, yes, sir. At first I didn't realize it was a name.
>
> Senator GRASSLEY. Did it match any names?
>
> Mr. DUSSAULT. To my recollection, it did.
>
> Senator GRASSLEY. Did you see, 72 TA 88?
>
> Mr. DUSSAULT. Yes, sir. To my recollection that's what I saw.
>
> Senator GRASSLEY. How did you interpret that?
>
> Mr. DUSSAULT. At first, my first interpretation of that is—72 was the year the guy went down. TA was his E&E code letters. And 88 could have been the year he arrived there or the year he left. And that was my interpretation. I don't know if that's even close. That's just speculation.
>
> Senator GRASSLEY. When you saw 72 TA 88, did it match a person that was missing?
>
> Mr. DUSSAULT. Sir, again, we are talking a year, two letters, TA—and those are E&E code letters that applied during 1972.
>
> Senator GRASSLEY. When you found the name, though, did it match when that person went down?
>
> Mr. DUSSAULT. Yes, sir.[261]

Intelligence community assessment

In testimony on October 15, 1992, the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (ASD C3I) provided the results of DIA's assessment. During his tes-

[261] Dussault testimony, Oct. 15, 1992.

timony, he emphasized several points which helped to clarify the importance of experience in understanding overhead imagery.

He noted that the photograph used for the original analysis was a poor medium from which to draw conclusions. Imagery analysts do not use photographs. Instead they analyze the medium used by the imagery collector. These media are either film or digital representations. When other media—such as photographs—are derived from the original form and used for analysis, new information is entered into the image because a photograph represents an "averaging" of the information contained in the original medium. This could provide a potentially false view of what was originally collected by the aerial platform.

The ASD C3I also noted that imagery analysts use several important tools to assist their analysis: high technology high resolution work stations, laser light, or powerful optics. Since some of this technology is classified, he mentioned that during the Committee's open hearing, line drawings would be used to approximate the images that DIA analyzed. In a classified session, however, Committee Members had the opportunity to view the original imagery. With this background, the ASD C3I testified to DIA's assessment of the suspicious markings found on the photographs.

According to the ASD C3I, two sets of symbols are clearly man-made. The first is the symbol, 1973 TH, taken on July 10, 1973, on the Plain of Jars in Laos. Some interpreters believe that the "TH" could be a "TA" and the 1973 could be "1573." DIA attempted to correlate the four different interpretations (1973 TH, 1973 TA, 1573 TH, 1573 TA) to classic distress symbols, escape and evasion symbols, or personal authenticator numbers. Although there was no exact correlation, the ASD C3I offered several alternatives as possible explanations for the ground symbols. These included: markings made by the crew of a CIA-operated aircraft downed eight kilometers from the site on May 7, 1973; symbols made by Thai personnel captured in the area by Pathet Lao forces; markings made by members of the crew of a U.S. AC-130 gunship downed 300 miles away in southern Laos in December 1972. DIA believes that none of the alternatives are definitive and has concluded that "the origin and meaning of this symbol is unexplained and probably will remain so."

According to DIA, the second obviously man-made symbol is a USA and potential K image taken on January 22, 1988 in a rice paddy in northern Laos near Sam Neua. The ASD C3I testified that CIA discovered the symbols on the image in December 1988 and immediately brought them to DIA's attention. By then, the symbols were no longer visible on the ground, but, according to the ASD C3I, "investigative steps were promptly taken." In the period since the testimony, DIA has furnished information to the Committee which indicates that in November 1992, a joint DoD investigation team has discovered a reasonable explanation for the symbols that existed in January 1988.

The investigation team traveled to the rice paddy in November 1992 where the symbols had been seen four years previously. Permission was granted two days after requesting it from the Government of Laos; it was the DIA that "sat on" the investigation for four years. They interviewed the owner of the field who revealed

that his son had "made the USA symbol by copying it from an envelope because he liked the shape of the letters." The envelope had contained correspondence to the owner sent by a family relative living in Colorado in the United States. The owner explained that the 1988 envelope no longer existed, but he produced two recent letters from his relatives in Colorado. The investigators also talked to the son who confirmed his father's explanation and noted that in addition to the USA symbol, he also had made a stick figure of an airplane and "a symbol he called a dragon head." The son said that he made the symbols by forming arm loads of rice straw into shapes of the letters or symbols and setting them on fire.

The investigation team accepted the explanation and noted that local Lao officials seemed surprised by the revelations of the two men.

According to the ASD C3I, DIA discounted all of the other symbols. Explanations of the various suspicious markings varied considerably. Some were discounted because all-source analysts believed that there was no evidence that American prisoners were being held in the area at the time the symbol was made. Other markings were attributed to: shadows; trees; combinations of shadows, bushes and trees; natural scarring of the ground; limestone outcroppings and logs. In his testimony, the ASD C3I emphasized that JSSA personnel are trainers and are not responsible for and have little experience in accounting for MIA' s. Moreover, they are not imagery interpreters, do not have imagery interpretation equipment, and do not have access to intelligence information that would enable them to conduct all-source analysis. While well-intentioned, their original identifications lacked the experience and training essential to making such judgments.

JSSA findings

JSSA, formerly the Air Force Intelligence Support Agency, has been the DoD executive agent for POW code of conduct, survival, evasion, resistance and escape training. In 1991, Secretary Cheney designated JSSA the "executive agent for DoD U.S. POW/MIA matters and is responsible for developing, in coordination with the services and DoD agencies" a new DoD directive on managing the services escape, resistance functions and related code-of-conduct issues. It is JSSA that devises pilot distress symbols and trains how to employ them.[262]

JSSA, as documented in written evaluations, deposition and testimony before the Committee, indicated that the 1973 "TH," the 1975 roof-top markings, the 1981 possible 52K," the 1987 possible "arrow P", the 1988 "GSA possible K," the possible 1988 markings at Mouang Tan, and the possible name and associated numbers at Dong Mang in 1992 are consistent with standard SERE training, and expected actions that could be taken by a POW in captivity, or having escaped detention. They did not address whether the symbols are shadows, photographic anomalies or unintentional markings, only that they appear consistent with known symbols and methods.

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[262] ASD Memorandum to Service Secretaries and Director DIA, Dec. 23, 1991.

In regard to those markings which DIA assessed to be thickened rice paddy walls, burn marks or residue from rice stacks, JSSA had indicated that any of these would be reasonable methods of clandestinely manufactured symbols and are consistent with SERE practices. Even the clever use of shadows can be used to cast symbols, during certain times of the day. The potential use of natural geographic features to produce symbols, or even portions of symbols, is in fact a method JSSA uses to train pilots under the most restricted types of conditions.

Although downed pilots ideally would be able to construct signals large enough to be seen from any passing aircraft or satellite, it is the individual's security situation on the ground that dictates how blatant or discreet he must be in the signal's construction. Whether a detainee, under close or continuous observation, or an evader hiding in an area of high enemy activity, either would probably have to muster all his ingenuity to construct a symbol. Accepting the premise that intentional symbols may be scarcely visible or a clever mixture of natural and manmade objects has contributed to the extremely difficult task of confirming the presence of several alleged symbols.

Conversely, one reasonable criticism of the "USA" symbol, is the question of how a POW could have made such a blatant symbol while under detention. The "USA" is clear and unmistakable, while the possible "K" nearby is faint. Of course, assuming the symbols to be legitimate and not a hoax, the "USA K" would not necessarily have to be made by a POW, who was at that time under detention. In theory, it could have been made by an escapee or the boy who allegedly made the USA because he liked the shape of the letters. However, in its June 29, 1992 written analysis of the "USA" symbol, JSSA outlined a possible scenario in which the symbol could have been made by a POW under detention: [263]

> If an American crew member were living in this area and part of a labor force working these (redacted) and was part of the (redacted) where he definitely could have made a "K" in the marshalling area by repeatedly walking the same path and ensuring he stacked (redacted) where he needed them to create a "K." If the crew member happened to become frustrated after receiving no response to his "K" signal, it is reasonable to expect him to make progressively more blatant signals, including a "USA."

JSSA goes on to state that:

> While some may consider it unwise to use blatant signals, history has shown that sometimes such signals are the only ones that get the appropriate attention.

DIA determined that with the exception of the "USA" and the 1973 "TH" that all other possible symbols were the result of unintentional acts of man, nature, or photographic anomalies. This gap between what appears on photographic prints as consistent with

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[263] Nick Rowe, a POW in South Vietnam, was allowed freedom within an area of fields and rice paddies to tend crops and snare animals for food. Such a loose detention environment could provide ample opportunity for a prisoner to manufacture a symbol over a period of time. JSSA testimony during Oct. 2, 1992 briefing and Erickson deposition.

known SERE training and what disappears on the light table, or appears as shadows or vegetation, is why an independent evaluation was required by the Committee.

Intelligence community search for evader symbols since 1973

This is the first Congressional investigation to inquire into this aspect of the POW issue. No other Congressional investigative committee or body has conducted a general investigation into the possibility that markings observed on the ground may be evidence of live POWs in Southeast Asia.

The Committee was rather surprised to find that neither DIA or CIA imagery analysts were familiar with Vietnam pilot distress symbols, or had a requirement to look for possible symbols, prior to the Committee's inquiry. This was confirmed under oath by imagery analysts from both agencies. Both agencies have since been briefed on the symbols program by JSSA, and now possess this, but there was no evidence to indicate the intelligence community was attuned to watch for possible signals in Southeast Asia after Operation Homecoming.

In the deposition of Warren Gray, an all-source analyst at DIA, was the statement that DIA imagery analysts have always looked for evader signals. This statement is inconsistent, however, with interviews and depositions of DIA and CIA imagery analysts.

Chuck Knapper, DIA imagery analyst, stated he was unfamiliar with distress symbols before committee investigators asked him about symbols in an interview, in April of 1992.[264] Mr. Knapper is DIA's principal imagery analyst (one of two) dedicated to the DIA's POW imagery task.

He also stated under oath, that although Committee investigators suggested he contact JSSA to become educated in the distress symbol program, he did not arrange for such a briefing until June.[265] During his deposition he was asked:

"So for the first six to seven months that you were working POW imagery analysis you were not familiar with evader symbols?"

Knapper answered, "That's correct."

In response to the question whether he had been looking for evader symbols in the photography before he met with JSSA he replied, "I was not."[266]

When asked if his predecessor had ever given him the indication that evader symbols were something DIA was looking for in prior years, Knapper indicated that he had not.[267]

The Committee found a similar lack of knowledge on pilot distress symbols at CIA, both in interviews and depositions. In a meeting with members of CIA's Office of Imagery Analysis (OIA), analysts admitted they were unfamiliar with distress symbols and had no records or tables of symbols used during the war. Unlike DIA, the analysts at CIA admitted they should have been aware of the program, and expressed sincere interest in receiving as much information as possible. Acting on the suggestion by the Committee,

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[264] Chuck Knapper deposition, page 21.
[265] Knapper deposition, page 21.
[266] Knapper deposition, page 22.
[267] Knapper deposition, page 28.

CIA immediately arranged a briefing by JSSA and distributed tables of Vietnam ear evader symbols to their analysts.

In a subsequent deposition, Roger Eggert, a CIA imagery analyst, confirmed what had been learned in interviews regarding his agency's lack of knowledge about this program. He was asked:

"Were pilot distress symbols something that you had ever studied before spring of this year?"

His answer: "No."

"Was it anything—were pilot distress symbols anything that you ever looked for in any of your imagery analysis before spring of this year?"

His answer: "No." [268]

This lack of knowledge about pilot distress symbols is but another example of bureaucratic jealousies or incompetent coordination in critically important analyses.

Contrary to the suggestion of some Committee investigators that "there had not been a purposeful effort to search for distress symbols," some Senators agreed that there has indeed been such an effort. In fact, the two alleged E&E signals given most prominence by the Committee were discovered by U.S. Government imagery analysts. The Committee believes that a recommendation to review old photography, starting from 1973, would divert substantial effort from current operations, would duplicate efforts that have been in place for years, and would cause the expenditure of large amounts of manpower and money with no expectation of success.

Some Members also agreed that JSSA has no imagery analysts available, has no intelligence collection or analysis capability, and has no background in current intelligence operations or analysis relative to the POW/MIA issue. JSSA was not consulted because it was not in a position to offer assistance or information.

The Report states that JSSA concluded that the four symbols in question were consistent with the SERE methods and actions expected of downed pilots; some Members agreed that this statement is misleading to the point it reflects adversely on JSSA. The symbols in question are consistent with expected actions only because they are symbols, they assert. These "symbols" do not relate to any evader signal in use during the Vietnam War.

Another indicator that DIA has done little to address the possibility of distress symbols appearing on photography is its inability to account for the Army's, Navy's or Marine Corps' pilot authenticator numbers. JSSA still preserves those for the Air Force. As recorded in the hearing of October 15, DIA does not know what happened to the numbers.[269]

This is a significant failure for several reasons. First, it supports the theory that DIA has never taken the possibility of symbols seriously. Mr. Andrews' contention, in the hearing of October 15, that authenticator numbers were not meant to be laid out on the ground is misleading. Authenticator numbers were intended to be used as a means for pilots to identify themselves, primarily over their survival radio, immediately after shoot-down. This was a safe-

[268] Eggert deposition, page 21.
[269] Select Committee hearing, 15/15/92.

guard against deceptive enemy radio broadcasts, attempting to lure rescue helicopters into an ambush.

In reality, authenticator numbers were used through a number of different media during the war, including ground signals. The "1973, 1573 or 1933 TH" symbol is a probable example of an authenticator being used as a signal, in conjunction with that individual's primary and backup evader symbols.

In theory, therefore, if a POW still living in captivity, were to attempt to communicate by ground signal, smuggling out a note, or by whatever means possible, and he used his personal authenticator number to confirm his identity, the U.S. Government would be unable to provide such confirmation, if his number happened to be among those numbers DIA cannot locate.

DIA investigation of possible symbols

DIA attempted to investigate the 1973 "TH" and 1988 "USA" and, in fact, still consider both as open investigations. DIA became aware of the 1973 photograph in 1976 and the "USA" symbol nearly one year after it was taken. The delay in receiving these photos for evaluation must be attributed to DIA inaction and a passive approach to indications of the possibility of live Americans.

The area of the USA site had not been visited before the Committee delegation landed in that valley in April 1992, nearly four years later. According to the testimony of DIA's POW Operations Chief, no other investigation or site visit was undertaken for the other symbols prior to 1992.[270] The possible "arrow and P" symbols detected on 1987 imagery near Ban Nampo, Laos were not discovered until a 1992 review of old imagery, responding to a Committee request. This site is currently under DIA investigation.

DIA Investigation of the "1973 TH" Symbol. A series of low-level photographs clearly showing a set of four digit numbers, followed by the probable letters "TH" or "TA" was first imaged on May 20, 1973, in north central Laos. The site was apparently imaged again, with the numbers and letters still visible, as late as 10 July 1973. DIA did not receive the film, taken by a low-level reconnaissance platform, until 1976. JSSA first received the photograph for review in the mid-1980s.

Some have referred to the photograph as the "Thomas Hart" symbol, because of the "TH" letters stomped in the tall elephant grass. Both DIA and JSSA rule out the possibility that Captain Hart could have traveled some 300 miles from the crash site of his AC-130 aircraft to the location of the "TH" symbol. DIA believes that the symbol was possibly made by one of Emmet Ray's Hmong crew members who went down with Kay's civilian aircraft on 7 May 1973, some 8 kilometers away. Because Emmet Kay has confirmed he did not make the symbol, DIA has made several attempts to locate Kay's former crew members, but has been unable to substantiate that any one of them made the symbol.

JSSA contends that it is unlikely the symbol, a possible authenticator number followed by a possible primary and back-up distress symbol, was manufactured by Emmet Kay or any of his crew. First,

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[270] Gray deposition.

he and his crew members were captured in a relatively short period of time, and it would have been difficult to travel 8 Kilometers to the site of the symbol. Second, non-U.S. employees were not permitted access to classified authenticator numbers and distress symbols. And most importantly, JSSA notes that all were captured within three hours, yet someone had to maintain the "TH" symbol by continuously keeping the elephant grass stomped down, until at least 10 July when it was still clearly visible, nearly two months later.

JSSA also notes that the 20 May 1973 photograph, which had the best resolution among the photos, seems to reveal the number to more probably be a "1933." JSSA stated in their 15 October testimony that they would compare this number with these authenticator numbers still available, to determine if a specific name could be matched. DIA's investigation of this symbol remains open, although determining the fate of its maker after so many years is remote.

DIA Investigation of the "USA" and Possible "K" Symbols. In December of 1988, CIA discovered what clearly appeared to be a large "USA" etched into a rice paddy near the northern Lao village of Sam Neua. It was discovered in a routine search not related to the POW issue, nearly a year after the photograph was taken. It was referred immediately to DIA for evaluation.

DIA imagery analysts determined that the "USA" was man-made and made intentionally to be seen from the air. It measured 37.5 feet by 13.5 feet. Beneath the "USA" some scarring was noted that "may be interpreted as the letter "K" or the numbers "31" or "34, according to a 23 December 1988 DIA imagery analysis. Lack of recent coverage prior to the January 1988 photograph prevented DIA from determining how long the symbol may have been present.

The Committee investigation found no evidence that DIA originally considered the possibility that the possible "K," beneath the USA, might be a pilot distress symbol. Though the "USA" does not conform to any recognized evader symbols used during the war, "K" was in fact a legitimate symbol.

The appearance of a possible appendage on the "K" seen near Sam Neua, which conforms to a classified symbol used during the war, should have triggered a far more aggressive and timely response to investigate the symbol's origins. In fact, however, not one document in DIA's files dating from 1988 and 1989, mentioned the possibility that the "K" could have been a pilot distress symbol.

When shown the photograph, for the first time in 1992 by Committee investigators, members of JSSA were previously unaware of the photo's existence and moved to the conclusion that the "K" could possibly be a valid distress signal. Mr. Erickson and Mr. Dussault of JSSA restated this opinion in testimony during the hearing of October 15:

> Chairman KERRY. Now, with respect to the K up there, it has been referred to occasionally as a walking K. Without getting into great details about walking, does that appear to be a walking K?
>
> Mr. ERICKSON, JSSA. To me, it does.

Chairman KERRY. It does?

Mr. ERICKSON. Yes, it does.

Chairman KERRY. And it has the walking appearance, whatever that extra—I don't want to get into any classified area. Do you believe it's distinctly a K?

Mr. DUSSAULT, JSSA. It to me looks like a K, and that's how I think we ought to consider it. . . .

Mr. Dussault went on explain why the "USA," though not conforming to known distress signals, should not be dismissed:

Mr. DUSSAULT. Sir, in our training we try to bring out the bottom line, and that is communicate any way you can who you are and that you're there. And if the individual has tried a particular method and it hasn't worked, try something else. And in this case, in my mind, it's a possibility that the individual may have tried over the last 15 years various signals. None of those got any attention, so he's going to go with a blatant USA.

Chairman KERRY. Fair enough. Mr. Secretary (Andrews), do you have any comment on any of this?

Mr. ANDREWS. No, I don't have a disagreement with Mr. Erickson.

Chairman KERRY. So, you people would accept what they have said as the possibilities and, in fact, you are treating it that way. Is that correct?

Mr. ANDREWS. Absolutely. We don't rule out that it was made by someone deliberately trying to make a K.[271]

The Committee was unable to resolve its concern over DIA's failure to bring JSSA in to evaluate the "USA" photo, at the earliest stage of DIA's investigation. When DIA was asked in writing to explain why JSSA had not been shown the "USA and possible K" in 1988, DIA responded in a 23 July 1992 memorandum, signed by Mr. Robert Sheetz, DIA, that:

It is the judgement of DIA that the possible "K" evader symbol is most likely not an evader symbol, but is merely the spoil created when the USA letters were constructed by scraping away harvested rice stubble to expose the bare earth. . . . Having judged that the supposed letter K was most likely not an evader symbol and lacking other confirmation that U.S. POWs could be held in the area, DIA did not involve JSSA.[272]

This explanation failed to allay Committee concern, when DIA imagery analyst, Mr. Chuck Knapper, testified in a deposition that the conclusion that the "K" was created by dumping rice spoil, was new analysis from his own evaluation completed in 1992. His analysis thus differed from original DIA analysis in 1988, which referred to the possible "K" as ground scarring, not spoil. This raises the obvious question of how DIA could dismiss the possible "K" as an evader symbol in 1988 because it was merely spoil, as Mr.

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[271] Hearing, Oct. 15, 1992.

[272] Memorandum signed by Robert R. Sheetz, Chief POW/MIA, DIA, subject: Senate Questions Regarding "USA Symbol", dated July 23, 1992.

Sheetz described it, when DIA did not conclude it was spoil until 1992. Therefore, the question as to why JSSA was not shown the photo in 1988, has not been answered satisfactorily.

Through much of the Committee's investigation of the USA symbol, DIA implied that the "USA" symbol was possibly made at the direction of a POW activist operating from Bangkok. DIA admits this has not been substantiated by any evidence, but offers one plausible explanation. As previously mentioned, in late November 1992, however, a U.S. defense team again visited the site of the USA symbol. On that visit they talked to a farmer and his son who stated he made the USA symbol in the rice paddy, based on postal marking on an envelope mailed from relatives in the U.S. It should be noted that the son said he made the symbols by burning piles of rice stalks, versus either dumping spoil or digging.

The Committee has asked DIA what follow-up actions would be taken to confirm the validity of the farmer's, and his son's story, and if they considered the USA case closed. In a letter dated December 17, 1992, forwarded by CDO, DIA responded that:

> None of the previous actions underway to investigate the area of the symbol have been halted; as a matter of fact, classified, sensitive collection actions remain active and will be expanded as a means by which to check into the background and credibility of the rice farmer and his sons, and may well be expanded to cover all Lao officials introduced to the DoD team that investigated the symbol. . . . No one ever said the symbol was fraudulent or that the case is closed.[273]

Changing DIA analysis of the Possible Symbols. The Committee found it interesting that current DIA analysis often contradicts earlier DIA or CIA analyses, particularly in cases when previous analysis lends credence to the validity of a symbol's authenticity. DIA attributes this to "reevaluations." There are no cases where DIA changed its analysis in the opposite direction. There are two principal examples of this.

On the 1975 Dong Mang roof-markings, where a possible "K" was spelled out in morse-code, DIA dismissed the possibility that this facility would hold Americans by calling it a reeducation facility, that held primarily ARVN prisoners in the late seventies. Their determination was based on refugee reporting. DIA supported their contention that the facility would not hold sensitive American prisoners by showing the Committee a photograph of the facility with its front gate open.

CIA, however, noted in 1976 that the facility was "unique" in the way it was constructed:

> Walls within the compound physically and visually segregated the prisoners. . . . It is secluded in a relatively remote area and has an access control point on the road leading to the camp. . . . The visual segregation of the prisoners indicates this was not a forced labor camp.

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[273] Letter forwarded by CDO to the Select Committee, U-1684, December 17, 1992.

CIA went on to note that the "only other known prison that used internally walled compounds to segregate prisoners was the former POW compound at Dan Hoi." [274]

In the case of the "52" seen inside a prison garden at a camp in Laos in 1980, DIA states in 1992 that the "52" probably did not exist because of "variations in the size and structure of the possible numbers from observation to observation." [275] This, however, directly contradicts DIA's own analysis from 1980/81, which states in a February 23, 1981, compilation of imagery readouts over a number of days, that "the number "52" is still visible with no change . . . this lack of change indicates that the numerals may have been dug into the earth." [276]

CIA analysis at the time is summarized in an extract from a Jan. 6, 1981 "Spot report":

> Analysis of further imagery of 30 December 1980 located what appears to be the number "52," possibly followed agricultural plot inside the outer perimeter of the above facility. DIA is unable to ascribe any particular significance to the number, but "K" was given to U.S. pilots as a ground distress signal. It is thus conceivable that this represents an attempt by a prisoner to signal to any aircraft that might pass overhead.

In referring to the "52" symbol in testimony before the Committee, Assistant Secretary Andrews stated that when you look at the "total all-source picture, then I believe that it is not an unexplained symbol." It is noteworthy that multiple reports of possible POWs under detention in this vicinity, including other intelligence sources, met the priority requirement to look for this camp on imagery. (See Covert Operations Section.)

In conjunction with multiple HUMINT reports pointing to POWS being interned here, it was the discovery of the symbols in the camp's garden that energized the intelligence community and triggered a serious reaction by our government, the details of which can not be discussed in an unclassified format.[277] The actions taken do not correspond to intelligence information deemed to be low in confidence. Andrews' conclusion in 1992 clearly was not shared by the Intelligence Community in 1981.

Committee independent imagery analysis

The Committee hired two consultants, with years of experience in the field of imagery intelligence, to provide an independent evaluation of those possible symbols presenting the most controversy. Each conducted his own analysis independent of the other and arrived at his own individual conclusion. DIA provided each consultant work space and the necessary equipment in which to perform his analysis, primarily through the use of the IDEX-2 and Zoom-500 work stations.

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[274] CIA Imagery Analysis Memorandum, Dong Mang Prison Camp, dated July 6, 1992.
[275] Assistant Secretary Duane Andrews testimony, hearing of October 15, 1992.
[276] Imagery Analysis Memorandum, DIA/DB-5C, February 23, 1981.
[277] In their depositions, the former Deputy Director of CIA for Operations, and his deputy, both confirmed that it was the appearance of the symbol in the prison garden which convinced officials at the time, that further action was warranted. Their names may not be released.

In addition to being asked to evaluate the "USA possible K" at Sam Neua, the "Arrow P" at Ban Nampo, and the "A5" "LO" markings at Muang Tan, all of which had been previously identified by DIA, the consultants were asked to evaluate the alleged numbers and markings seen by JSSA on prints. This included numerous numbers in the Muang Tan area, JSSA believed to be possible authenticator numbers, and the name and numbers seen in a field outside Dong Mang (Dong Vai) prison, in which JSSA matched to the name of a MIA.

After his initial evaluation, each consultant presented his findings in a written report to the Committee. A second evaluation was performed by each consultant on possible symbols where differences arose. Those symbols on which reconciliation could be achieved, and those where it could not, were then presented to the Committee in a joint report, outlining each consultant's rationale for his final position. Although a consensus was reached on the majority of symbols, key differences remained.

Committee's Independent Consultants. Because DIA asserts these authenticator numbers and names identified by JSSA disappear when enlarged or put on the light table, the Committee employed two independent photography consultants to determine why these "symbols" appear on the prints and if they, in fact, exist.

The two consultants' analyses reaffirmed the conclusion that imagery analysis is an art as well as a science. It often fell to professional judgement calls on whether faint traces or textures seen on the image were intentionally made, or the normal photographic anomalies common to film processing and mixtures of natural shading and ground vegetation. The principal problem centered on determining whether extremely faint appearances, could have been aged symbols made weeks or months before the image, or possibly discreet attempts to place a symbol, simply because the maker would have been risking his life to construct a more blatant signal. To accept the premise that a POW under detention would only construct large block letters is limiting and would seriously undercut any attempt to conduct an open-minded evaluation.

Both consultants discounted most of the symbols identified by JSSA personnel at Mouang Tan. Most of these were attributed to tonal textures of the imagery media, naturally occurring configurations of terrain, vegetation, soil texture, farming products, and manmade objects (such as buildings). One consultant put a 30 percent probability of the "K" near the "USA" being intentionally man-made as a symbol, while the other assessed a less than 20 percent probability that it was a legitimate symbol.

One consultant initially identified two other suspicious looking markings. He later discounted these as intentional distress symbols for the same reasons as he discounted those identified previously. He noted that even dedicated analysts might initially be led astray by the imagery.

> The "fuzziness" of the paper prints and the eye-catching nature of the shadows provided the environment for a dedicated analyst to visualize what he hoped to see through the integration of the random objects—similar to

> a "connect-the-dots" puzzle or interpreting a Rorschach test ink blot.[278]

He also added comments concerning the use of shadows to create a symbol on the ground:

> The reason that shadow identification is necessary is that they change relative to the terrain, based on the time of day, season, and the taking parameters of the image collection system; therefore, they cannot be used to produce symbols.[279]

The second consultant gave a 60 percent call of confidence on a portion of a possible name seen by JSSA at Mouang Tan. In his final report, he identified seven markings that in his opinion represented either purposefully made symbols or merited further analysis and "special processing." Several of these were possible markings not previously detected by JSSA.

At Dong Mang (Dong Vai) prison, on June 1992 photography, he observed what he believed to be a "GX 2527" etched in a field near the prison. He rated this at 100 percent level of confidence in his initial report, and did not change his position during the joint review. JSSA has confirmed that "2527" matches the authenticator number of a serviceman still unaccounted for in Southeast Asia. In the same vicinity, he also found a possible name, in which he originally gave a 70 percent confidence call. His position remained unchanged after the joint review.

He also identified what he believed to be the number "1285", possibly followed by a "K" or "2", and "2852" followed by an "X" in 1988 photography of the Sam Neua site. He originally attributed a 50 percent confidence level to those possible symbols, however he determined they were not purposeful symbols in the joint review.

Review of these symbols by the other consultant did not result in agreement. His opinion attributed the symbols to shadows, vegetation or man-made features, such as walls. Nonetheless, the joint review did result in the negation of several other symbols including the "NT 2222", which had been originally identified by JSSA and initially given a 50 percent level of confidence by one consultant.

Since his conclusions left open to question the interpretations of several markings, the Committee requested DIA to conduct a final review of the relevant imagery. For this review, the Committee asked DIA to include analysts from the National Photographic Interpretation Center and CIA.

The special task force reported its findings and conclusions to the Committee in late December 1992. Six analysts, ranging in experience from six to 25 years (for an average of over 19 years of imagery analytical experience) and representing the CIA's Office of Imagery Analysis, DIA's Office of Imagery Analysis, and the National Photographic Interpretation Center, sought to reconcile the final differences between the two outside consultants. The six task force members agreed that, "none of the suspect symbols could be identified as intentionally prepared man-made markings."

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[278] Autometrics Imagery Report.
[279] Ibid.

Their conclusions on each of the six unreconciled symbols were:

Reported Symbol GX 2527: The consensus of the team was that although portions of what could be interpreted as letters/numbers were observed in the field, they appeared to be too haphazard and ill-defined to be a man-made distress signals.

Reported Symbol PAI/RA1: The consensus of the team was that some of the letters could be discerned; however, the team concluded that they were probably a combination of trails and vegetation and not intentionally prepared man-made markings.

Reported Symbol 232?: The team had great difficulty in confirming the presence of these numbers, leading to the conclusion that whatever was present was a natural configuration and not intentionally prepared man-made markings.

Reported Symbols 1104 and WRYE: The team was able to discern portions of what could be interpreted as letters and numbers; however, the team concluded that these "symbols" were probably a result of a combination of shadows and vegetation along the side of the road/trail and not intentionally prepared man-made markings.

Reported Symbol VASYA: The team concluded that it was extremely difficult to discern this "symbol" and judged that it was a combination of shadows and vegetation on the edge of a field and not intentionally prepared man made markings.

Reported Symbol 14192: After a detailed review of the area in question all of the team members concluded that the recorded symbol could not be identified on the imagery.

Once again the Committee was confronted with an Intelligence Community consensus countered by a few dissenting opinions.

Discussion

A number of questions remain open regarding the issue of possible POW distress symbols. The 1988 "USA" and 1973 "TN" symbols remain unresolved, according to DIA, and they do not dispute they were man-made. Regarding the "K" next to the "USA", Assistant Secretary Duane Andrews, stated in testimony on 15 October 1992, that "We don't rule out that it (K) was made by someone deliberately trying to make a K." The Committee, further notes the inconsistency between past and present DIA analysis on the "52 possible K" symbol at a detention camp in Laos.

The Committee cannot conclude, based on its investigation and the guidance of imagery experts, that U.S. POWs in Southeast Asia have attempted to signal their status to aerial observers. This has been a particularly important part of the Committee' s review because the logic of the investigation was clear. Prisoners held against their will might conclude that the best hope for obtaining outside help would begin by them being detected from the air. During their survival training, Air Force—and some Army, Navy and Marine Corps—pilots were taught how to construct signals using readily available material. These symbols might be visible on

imagery obtained by the U.S. Intelligence Community. Therefore, this imagery needed to be examined in detail.

For example, CIA had noted the USA symbol found on imagery taken in Laos and provided it to DIA for further review. DIA's evaluation confirmed the symbol but could not determine its origin. It is important to note, however, the relatively long period between the collection of the imagery and its provision to DIA: January-December 1988. This severely hindered any immediate follow-up action that DIA could take.

The symbol probably disappeared with the end of the seasonal rice harvest. Its maker, if a prisoner, might have been moved in the period between its construction and its discovery. But it took too long to resolve the symbol's origin. While the Committee recognizes that the changing political climate on the POW/MIA issue that is occurring between the Lao and United States Governments largely assisted in allowing DIA to investigate the symbol on the ground in Laos, four years is excessive. The Intelligence Community must respond more rapidly to potential ground-to-air signals identified on overhead imagery.

Comments concerning JSSA's survival training on ground-to-air signalling is beyond the purview of this Committee. Nonetheless, it must comment on the techniques that are being trained. The use of naturally occurring objects to construct signals is fundamentally sound. But the severe difficulty of definitively identifying these signals on overhead imagery is equally obvious. On those images in which the Committee was interested, experienced imagery analysts disagreed with each other's analyses. In addition, the Committee has been shown overhead imagery of areas around the world on which these symbols appear to exist. The relationship of these other symbols to U.S. POWs is extremely tenuous at best. It appears incontrovertible that large-scale alphanumeric combinations exist naturally. These natural occurrences can be quite misleading to any rescue attempts. They certainly caused the Committee to become concerned over POWs signalling their presence in Southeast Asia. JSSA must deal with this in the development and conduct of its training programs on ground-to-air signalling.

Recommendations

The intelligence community must respond more rapidly to potential ground-to-air signals identified on overhead imagery. If a possible symbol is the work of a POW, it is vital we visit that site immediately.

It is strongly recommended that an interagency task group of experienced imagery analysts be formed to review all available imagery of prisons or suspect detention areas in Vietnam and Laos, after 1973, for indications of possible distress symbols.

DIA and CIA should establish a closer and more formalized working relationship with JSSA. JSSA should be consulted immediately, whenever suspect symbols or questionable markings appear on imagery.

It is recommended that JSSA be permitted to attend IAG meetings, in an advisory capacity as an additional representative of the Joint Staff.

Pilot distress symbols should, immediately, be designated a priority collection requirement for Southeast Asia.

All imagery analysts with responsibilities pertaining to POW/MIA analysis, should be thoroughly briefed and preferably trained in SERE techniques and methods.

In the case of the "GR 2527" because the number corresponds to a specific individual, the Committee agrees that the benefit of doubt should go to that possible individual, certainly enough to warrant a "by-name" request by an appropriately high ranking U.S. official to the Vietnamese government, for information on that missing serviceman. In making that request, it should be emphasized to the Vietnamese that there is a basis for questioning whether he could be alive.

These symbols have been energetically pursued and explained to the satisfaction of all reasonable critics, some Members believe. It is also germane to point out that some inexperienced analysts also have been able to find "symbols" in Africa, in the state of Utah; they also can be seen in vestiges of the photo-development process. These "symbols" are in fact indicators which are not man-made, not on the ground and have no realistic basis in fact. Professional examinations have found all of these so-called "symbols" to be invalid.

In addition, some Members agree that the treatment of the "USA/possible K" symbol, the "1953/1973 TH" symbol, and the alleged "52" at a site in Laos are misleading in the extreme. The Report does not describe the extensive investigations conducted by the U.S. intelligence community into these symbols and the findings which relate to the probable origins of these symbols.

Specifically, the December 1992 on-site investigation of the "USA" symbol determined that the symbol was not a distress signal and had nothing to do with missing Americans. Some Members believe that the results of the investigation determined that the symbol was made by Hmong tribe members from Ban Houei Hin Dam village, Huoa Phan Province, Laos.

COVERT OPERATIONS

The purpose of this investigation was to determine what, if any, official U.S. covert operations may have been launched after 1973, or specifically after Operation Homecoming, to confirm the presence of live American POWs in Southeast Asia, and what intelligence information may have been available that necessitated the need for such operations.

There have been numerous allegations made of possible clandestine intelligence or military operations conducted by the U.S. government into Southeast Asia. Many of these allegations contend that such official operations succeeded in returning with confirmation of live POWs in captivity, but that information was kept secret from the American public. In May 1981, the Washington Post and other newspapers printed a story of an official incursion into Laos by American sponsored mercenaries, to confirm the presence of POWs at a specific camp monitored by U.S. Intelligence. In addition, there have been several unofficial operations mounted by private groups, attempting to penetrate Laos in search of POWs and

allegations that some of these attempts were secretly sanctioned by the U.S. Government.

Investigative procedures

This Committee held a closed hearing on October 16 into the circumstances of the alleged 1981 covert operation reported by the Washington Post. The Committee has spent many months, and conducted numerous depositions of present and former officials to determine exactly what occurred in this case. Because of the level of classification of some of this material, and in order to protect current operations and capabilities, the details of this case remain classified. Much of the intelligence information, however, leading up to this event may be ultimately declassified.

The investigation into unofficial or "private" operations focused primarily on whether there was official U.S. government sanction or support for any of these operations. Other aspects of these private forays were examined under a separate Committee investigation pertaining to oversight of private POW/MIA organizations and their activities. The private operation commonly known as "Grand Eagle" has been investigated, in regard to government support of that private initiative. We have obtained, enough documentation from Army intelligence files to allow the Committee to draw rather conclusive findings regarding official U.S support for that operation.

Discussion

The Committee has identified only one official operation mounted after 1973, to confirm the presence of American POWs in Southeast Asia; this makes the distinction between major cross-border intelligence, military or paramilitary type operations and normal intelligence operations involving collection agents or clandestine sources. There have been numerous intelligence operations involving individual sources or collection agents, with requirements relating to the POW problem.

The Intelligence relating to the 1981 operation was perhaps the most compelling and multiple source intelligence ever made available to intelligence officials and policy-makers of "possible" live American POWs still in captivity up until that time. The actions of U.S. officials in response to this intelligence attest to the quality and quantity of that intelligence.

The U.S. intelligence community had several human intelligence sources reporting the presence of American POWs held in a particular area in Laos from 1979 through early 1981. One of these was a sensitive source with unusually good access. That particular source provided a series of reports, indicating possibly up to 30 Americans working at a detention camp in Laos. The source indicated the prisoners were periodically moved from, then back to the camp on work details. Based on the HUMINT reporting, the intelligence community was able to locate a detention facility through overhead photography near a Lao village in late 1980.

A second-hand DIA source, in November 1979, reported the camp held an American POW named "Ltc. Paul W. Mercland." DIA stated in a briefing to the HFAC on 25 June 1981, that although they could not correlate a "Mercland" to any missing Americans,

there was a Paul W. Bannon lost in Laos in 1969. Lt. Gen. Tighe, then Director of DIA was at that briefing and told its members that "Mercland" could have been a mispronunciation of "American" and speculated that "Bannon" may have been inadvertently dropped as the information was passed out by the source. The secondary source passed a polygraph test given by DIA.

Admiral Tuttle, who was Deputy Director of DIA at the time, testified in his deposition that he also recalled SIGINT reports referring to American POWs at a detention camp in Laos. NSA has not been able to confirm Admiral Tuttle's memory of SIGINT reporting of Americans in Laos. Among the declassified reports found at NSA, however, was a copy of an intercept that originated from a allied government, that did report the movement of American POWs from Attepeu in late December 1980. This report, which was deemed to be unreliable by CIA at the time, was remarkably similar to an independent HUMINT report within days of intercept, that the American POWs, who had been working at Attepeu, were being moved back to a detention camp in Laos.

In late December 1980, what appeared to be the number "52" scratched in the row crop area within the compound was detected on photography. CIA, in a Jan. 6, 1981 "Spot Report" stated:

> Analysis of further imagery of 30 December 1980 located what appears to be the number "52," possibly followed by the letter "K," traced on the ground in an agricultural plot inside the outer perimeter of the above facility. DIA is unable to ascribe any particular significance to the number, but "K" was given to U.S. pilots as a ground distress signal. It is thus conceivable that this represents an attempt by a prisoner to signal to any aircraft that might pass overhead.[280]

The "52" was observed over a period of time. DIA imagery analysts in 1981, stated in an Imagery Analysis Memorandum dated February 23, 1981 that "the number '52' is still visible with no change. The lack of change indicates that the numerals may have been dug into the earth." This contradicts current DIA analysis, provided during the Committee's Oct. 15, 1992 hearing that because the "52" changed shape in different photographs, it therefore is questionable as an intentional symbol.

The "sensitive" HUMINT source reported that the American POWs had been moved to Vietnam for security reasons by the end of January 1981. Imagery analysts reported the "52" had begun to fade away by February. Other aspects of the intelligence and actions taken to confirm the presence of Americans at the camp remain classified.

A report of a sighting of one possible Caucasian at the suspect camp was received by CIA, but not reported outside the agency. CIA has been unable to answer exactly why this was not reported to DoD, State and the White House, but contend they must have had a valid reason why it was not. They have speculated that they may have determined the possible Caucasian was a Chinese prisoner, or that the reporters were fabricating.

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[280] Declassified excerpt from CIA Spot Report.

The CIA and others conducted an investigation in 1981. A key Lao member of the investigation testified to the Committee in closed session that some members of the Lao resistance tried to persuade him that he saw an American at the suspected camp. He told them he could not say that.

Later in 1981, the intelligence community interviewed a refugee who was at a camp similar to a detention camp in Laos and saw no Americans or Europeans. They admit, however, they are not certain it was the same camp, and it was during a different period than when the American POWs were allegedly detained there.

Efforts taken by the intelligence community and the U.S. military to investigate and prepare for the possibility of a rescue of live American prisoners were extensive. President Reagan and his National Security Advisor, Richard Allen were aware of this intelligence and the actions taken. It had the highest national interest.[281]

The intelligence community's actions to confirm the presence of American POWs at this camp were inconclusive. Steps were underway to resume efforts to obtain a conclusive answer, when a press leak killed any further efforts.

Private operations with official support

On the question of official U.S. support being provided to the private operation known as "Grand Eagle," U.S. Army intelligence documentation confirms that a component of Army intelligence did in fact provide a long range camera, polygraph and other equipment and financial support to Mr. Gritz in support of his group. This equipment and financial support, however, was provided in advance of that intelligence component receiving full approval to provide such support, and in fact the request (or CIOP proposal) was ultimately denied. The equipment and money had, however, already been released. (Army contact reports.)

The Committee also became aware of allegations of off-line U.S. Government (NSC) support to private organizations in regard to fundraising and movement of funds to indigenous rebel groups. Allegedly, this activity was related indirectly to the POW issue or used as a cover for providing financial support to resistance groups using non-appropriated funds. Due to time constraints, the Committee was unable to pursue these reports. This is discussed in some detail in the chapter on private fund-raising.

In 1982, the U.S. Government monitored the communications of a private organization operating from Thailand, attempting to undertake a private foray into Laos in search of POWs. DoD requested a determination from the Justice Department as to the legality of monitoring the communications of American citizens abroad. This was in fact carried out. (NSA file documents forwarded to Committee.)

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[281] Allen and Tuttle depositions and notes.

Background

Signals intelligence (SIGINT) is one of the principal sources of information used by intelligence analysts. Successful interception of communications (COMINT)—a component of SIGINT—provides an analyst with an important insight into the knowledge of the sender and receiver of an intercepted message. As is the case with the other sources of intelligence information (the so-called "INT's"), an intercepted message does not necessarily indicate that the actual contents of the message are true. On the one hand, the sender may purposely be sending an incorrect message to mislead any foreign intelligence agency that might be attempting to intercept messages. And on the other hand, the sender may not be transmitting accurate information simply because he or she does not have either a complete picture or understand the true circumstances surrounding the contents of the message. For this reason, COMINT is an important intelligence source, but it is only one source. Experienced analysts use it with other intelligence sources in order to derive a more complete intelligence picture of a set of circumstances. COMINT is one part of a complete all-source intelligence analysis.

Successful and unsuccessful SIGINT operations are closely guarded secrets. Obviously, when the capabilities of a foreign power to intercept communications becomes known, it is very easy to cut off this source of intelligence. Alternative methods of communications can be used, radio frequencies can easily be changed, encryption devices can be used or altered. Even though the Vietnam War lies twenty years behind us, there remains a strong tendency by the Intelligence Community to want to keep information developed from signals intelligence carefully controlled. The Committee continually ran into difficulties in trying to discuss this type of information during its open sessions. Nevertheless, Committee Members and Committee investigators were able to obtain relevant information during classified briefings and hearings as well as during its open sessions. Significantly, much important information has been declassified as a result of the Committee's efforts.

National Security Agency's responsibilities

SIGINT was a source of information on U.S. POW's and MIA's both during the War and during the years afterward. In a prepared statement to the Committee, senior NSA officials indicated that no mission had a "higher priority" than information pertaining to downed fliers or captured Americans. Committee investigators found that special reporting categories were established within both intelligence and operational channels to ensure that there was a rapid and clearly identifiable flow of information concerning downed fliers and prisoners.

The same NSA officials believed that there were approximately 2,000 SIGINT reports throughout the period of the focus of the Committee's interest concerning the loss, capture, or status of U.S. personnel in Southeast Asia. They stated that these reports allowed intelligence analysts during the war to develop some information that some crew members of downed aircraft did not survive the shootdown. Other reports provided information on the initial

capture and subsequent movements of prisoners by a capturing unit. The officials emphasized that all of the SIGINT information was manually processed during the war years which indicated to the Committee that retrieval and correlation of information was then quite different and more difficult than it is today using automated databases. The data from the Vietnam War era still is manually processed.

After the fall of Saigon, the National Security Agency and the military service components that support it largely dismantled their collection efforts in Southeast Asia. The elaborate collection capabilities that supported the war essentially ceased or were relocated to other trouble spots around the world. The analytical organizations that monitored signals intelligence in the region were also disbanded or sharply reduced as personnel were transferred to other assignments.

U.S. collection capabilities were further diminished during this period as Vietnam and Laos developed secure landline communications to replace the radio networks used during time of war. If officials in either country were communicating about live U.S. POWs, the likelihood that these communications would be detected by the U.S. had become remote. However, during this period, the NSA did receive third party intercepts concerning the reported presence of American POWs in Laos.

As a result of the Committee's efforts and a new retrieval strategy initiated at NSA, more than 4,500 reports were later identified that pertained to POW/MIAs. An NSA study showed that 878 of these reports could be correlated to possible POW/MIAs; 448 of these could be considered "resolved cases." That is, either an individual returned to U.S. control during Operation Homecoming or human remains were returned. By using all-source analysis, DIA further refined the conclusions that could be reached on individual cases based upon NSA's information. From this analysis, it is clear that many of the original, on-the-spot NSA analyses were understandably in error.

But in fact, the Committee found that NSA end-product reports were not used regularly to evaluate the POW/MIA situation until 1977. It was not until 1984 that the collection of information on POW/MIAs was formally established as a matter of highest priority for SIGINT. There was insufficient all-source information available to NSA at the time to make either a correct or final judgment. Nonetheless, four reports correlated to individuals as being last known alive and in captivity and seven reports indicated individuals whose status was unknown.

In conducting its review of NSA files, the Committee examined more than 3,000 post-war reports and 90 boxes of wartime files. The Committee discovered that previous surveys of NSA files for POW/MIA related information had been limited to the agency's automated data base. Hundreds of thousands of hard copy documents, memoranda, raw reports, operational messages and possibly tapes from both the wartime and post-war periods remain unreviewed in various archives and storage facilities. Most troubling, NSA failed to locate for investigators any wartime analyst files related specifically to tracking POWs, despite the fact that tracking POWs was a known priority at the time. This failure made it im-

possible for the Committee to confirm some information on downed pilots that was provided by NSA employee Jerry Mooney.

The Committee believes that DIA's review of NSA's correlations highlights the weakness of single source intelligence analysis. Many of the NSA reports indicating possible capture of an unaccounted-for American were, based on returnee debriefs and other intelligence sources, actually related to a fellow crew member who was captured and eventually repatriated to the U.S. Furthermore, according to DIA's analysis, many of NSA's original correlations were incorrect. Often several aircraft were lost at the same time within a short distance of each other, and because the NSA reports rarely identified specific locations, crew members who survived the shootdown and later were rescued frequently were mistaken for unaccounted-for personnel.

Moreover, Vietnamese units often exaggerated the number of aircraft shot down and the number of U.S. pilots subsequently captured. Similarly, it is difficult, if not impossible, to determine the overlap of multiple reporting of the same reported shootdown by adjacent Vietnamese units or nearby observers. In any event, doubt concerning the final outcome of an individual incident will always exist in some cases because signals intelligence can never provide sufficient evidence in all cases to provide conclusive proof of the specific date, time, and place of capture—or death. SIGINT can add to the quality of the analysis, but it can rarely provide unqualified conclusions.

SIGINT and DIA individual case files

The recent NSA identification of numerous relevant reports that are in addition to the 2,000 reported to the Committee in January 1992 appears to be important new information. The Committee cannot make a determination that this information will alter the status of any unaccounted-for U.S. personnel. NSF and DIA analysts now have completed a review of the additional reports and have found no new information to change the status of any missing person.

The Committee does believe, however, that pertinent reports should be placed in each individual's case file and redacted only if absolutely necessary. Having continued to emphasize to this Committee the importance of all-source intelligence analysis, DIA must ensure that all sources are made available to the analysts and investigators who have the responsibility for resolving cases both in the field and at headquarters. It is not clear to the Committee why this has not already happened in all cases.

Post-1973 reports of intercepts on possible POWs

As mentioned in the Committee's Executive Summary, by the late 1970's, the level of U.S. Government intelligence collection in Southeast Asia was far less than it was during the war. However, between 1979 and the mid-1880's, various unconfirmed reports relating to possible American POWs in Laos were collected.

As examples, in December, 1979, a third-party intercept was received indicating that three U.S. prisoners were being moved from Muoung Vieng Sai to Muong Attopeu to work in the mines. In December 1980, a third-party intercept indicated that 20 American

POWs were about to be moved from Oudom Sai province to Vientiane. In 1984, an intercept referred to the movement of 23 unidentified prisoners from Muong Sepone prison to the Tha Vang Center in Laos. In the 1984 report, NSA noted that this number corresponded with collateral information concerning the presence of 23 American POWs at a camp in Southen Laos.

Finally, in 1986, an intercept referring to the movement of unidentified "prisoners of war" to Nong Tha, Laos raised questions at NSA, because "the Lao do not normally refer to captured Thai soldiers or Lao expatriates as "prisoners of war." The Committee notes that these and other reports have raised questions concerning the possibility that American POWs might have been present in Laos after 1973. The Committee cautions, however, that none of the reports have been judged to be accurate by either the National Security Agency or the Defense Intelligence Agency.

An NSA analyst's view

The Committee was fortunate to have Senior Master Sergeant Jerry L. Mooney (USAF-Ret.) come forward and provide important insights into the problems associated with analyzing SIGINT information concerning POW's and MIA's. He has had a long association with the issue, both while assigned to the National Security Agency and also following his retirement from the Air Force. In closed and open Committee sessions, he gave an analyst's viewpoint which helped to bring into focus many of the problems associated with SIGINT's relationship to the POW-MIA issue.

Mooney stated that while assigned to the Vietnam branch of NSA, he maintained detailed files concerning losses of U.S. aircraft and the names of downed crew members. He did this through personal interest and because he was assigned the task by his superiors. His efforts were well known to his colleagues and supervisors. In the words of one supervisor, "If you wanted to know about POW-MIA's or AAA [anti-aircraft artillery], you wanted Jerry Mooney. He was the guy because he was the gatherer of information."

Unfortunately, Mooney's personal files are no longer available. According to Mooney and some of his colleagues, he developed his "working aids" in order to correlate SIGINT information with loss reports given by U.S. units. Witnesses disagreed over whether he maintained lists of information or kept the information in a file box of index cards. The difference between the two methods appears inconsequential. In either case, he maintained information that he felt undoubtedly would be useful when a final accounting was made of crew members from lost aircraft. But since these files were working aids for an individual analyst, they did not become part of the archival material maintained by NSA.

NSA archivists reported to the Committee that Mooney's files were no different than the personal working aids developed by the thousands of analysts who have worked at NSA over the years. According to the archivists, his personal working files would have been destroyed upon his departure because they were not part of the official NSA reporting process, and because NSA was not responsible for maintaining historical information that correlated SIGINT with U.S. loss reports. Furthermore, because of the sensi-

tive nature of their primary source—SIGINT—Mooney's files could not be maintained separate from the normal archival process.

According to Mooney and his NSA supervisor, the Vietnam branch of NSA was never asked to provide an overall list of their assessment of POW-MIA personnel prior to Operation Homecoming. The Committee finds this surprising. Even though NSA was not the Lead Agency for maintaining information on POW's and MIA's, it appears that it would have been routine for a senior Government official to have directed an Intelligence Community-wide search for information relevant to POW's and MIA's. NSA's information could have been useful both for the U.S. negotiators at the peace talks and for those responsible for supervising the final repatriation of U.S. personnel.

Because the inter-agency process of the Intelligence Community is subject to the same flaws in information flow as any large organization, the Committee tasked NSA to examine whether Mooney's files could have been important. Analysis indicates that with few exceptions—involving personnel declared as KIA/BNR—all relevant SIGINT was part of the casualty folders of missing personnel.

While SIGINT was used during the war to place personnel in the POW category, only a handful who were ever confirmed by SIGINT as actually being POWs did not return at Operation Homecoming. The review requested by the Committee failed to identify any instance where the appropriate SIGINT indicating capture had not been associated with the missing individual prior to Homecoming, although there was one instance resulting from the Committee's review in which an additional piece of information was located and added to an individual's file.

In fact, it was standard procedure during war-time for analysts at field intercept stations to put "analyst notes or comments" at the bottom of SIGINT reports to list potential loss candidates who might or might not correlate to the incident described in an intercept. While one can surmise that greater involvement by NSA could have somehow helped during the Homecoming accounting process, the fact remains that three separate reviews of SIGINT materials by NSA and DIA have failed to uncover any significant SIGINT materials missed or omitted relating to possible POWs.

Mooney remained concerned about the POW-MIA issue after his retirement from the U.S. Air Force. He permitted Committee investigators and NSA officials to review the extensive information that he has collected since his retirement. He reconstructed some of the information from memory, and because his NSA working aids apparently no longer exist, it was impossible to check his recollections against his Vietnam War-era information.

However, it was possible to check his "reconstructed information" against war-time SIGINT reports. Each one of Mooney's allegations was investigated by NSA, and a corresponding all-source investigation was conducted by DIA. Neither agency was able to confirm any of Mooney's allegations, particularly those involving the suspected movement of American POWs to the Soviet Union.

Interestingly, as part of his research he has identified several names of members of the foreign news media who had access to U.S. prisoners. If contacted, these individuals might be able to provide additional information on U.S. POW's. The Committee be-

lieves that this would be an appropriate task as part of an intelligence community open-source collection effort. In any event, Mooney's material has allowed Committee investigators to bring together a great deal of material as an additional check on the information that NSA has on hand. His efforts on behalf of the POW-MIA issue are greatly appreciated.

NSA and Baron 52

During the Committee's August, 1992 hearing, the Vice Chairman raised the subject of NSA reports disseminated on February 5, 1973, the same day that an EC-47Q aircraft with 8 U.S. servicemen was shot down by North Vietnamese units in Laos. The aircraft has been referred to as "Baron 52." The Vice Chairman expressed concern over the substance of the intelligence reports and the incident, in general, in view of the fact that it occurred after the signing of the Paris Peace Accords with North Vietnam.

During the same hearing, DIA analyst Robert Destatte disputed the contention that the intercepted information pertained to the EC-47. Mr. Destatte also attacked the May, 1973 NSA report possibly correlating the traffic to the EC-47 stating the report was the "musings" of NSA analyst Mr. Jerry Mooney. Finally, Mr. Destatte contended he had spoken with one of the SAR team members, Mr. Ron Schofield, who he said discarded the possibility that anyone could have survived from Baron 52. According to his testimony, Mooney believed at the time of the incident that four of the eight crew members survived the shootdown.

In January 1992, Mooney noted in his testimony that at the time the incident was reported, an unnamed DIA analyst agreed with him on the telephone that the four crew members were "gone forever." The inference in Mooney's testimony was that because of the sensitive nature of the aircraft's mission, captured crew members had been taken to the USSR.

Under questioning by one Committee member during the January hearing, Mooney admitted that he never had "direct information" that American POW's were taken to the Soviet Union. In response to another Committee member's question, he said that he "saw no evidence that they [prisoners] went to the Soviet Union." On several occasions during his testimony he said that he believed that American prisoners had been taken there, but he was unable to provide any conclusive proof to the Committee to support his judgment.

Responding to a Committee inquiry, in October 1992 DIA provided a detailed examination of many issues surrounding the Baron 52 incident. Enclosed with the examination were declassified translations of the enemy report that has led several people to different interpretations of the fate of the crew of Baron 52. Some believe that four crew members survived; DIA disagrees.[282]

According to the information provided to the Committee, the initial declassified translation of the enemy's February 5, 1973 report states: "Group is holding four pilots captive and the group is re-

[282] JTF-FA conducted a survey of the Baron 52 site in December 1992 and plans a full-scale excavation in January 1993, weather permitting. The survey team believes the full excavation may provide many answers.

questing orders concerning what to do with them." According to DIA, soon after the enemy report was received, a second, more careful translation was made, and it stated, "Group has four pirates. They are going from 44 to 93. They are having difficulties moving along the road." According to information provided to the Committee, this report with its two translations were the only sources of enemy information that led Mooney to issue an informal message on May 2, 1973. His message states:

> 1. Have reviewed all available information concerning the four fliers mentioned in the 5 Feb. message and no additional reflections or amplifying information concerning the disposition of the fliers were revealed. For your information and consideration the following is a recap of the intercept and some other observations concerning this subject.
>
> 2. Four fliers, whose nationality was not disclosed, were located on 5 Feb. in the general area north of Moung Nong. The fliers were to be transferred from "44," a probable reference to kilometer marker 44 on route 914 (XD 495254 16-30N 106-25E) to "93," a probable reference to kilometer marker 93 on route 1032 (XD 549505, 16-43N 106-27E), and were apparently en route to west of the DMZ in Laos. Two persons were to be contacted concerning movement of the POWs and if problems were encountered, high HQS was to be notified to supply "ways and means" (references to trucks) to move the fliers. Sufficient water was to be given to the fliers.
>
> There had been some difficulties in transporting the fliers and asked to see if these problems had been resolved so movement could continue. The person also asked that he be notified of their time of departure as he was waiting for them.
>
> Although the initial location given, is some 65 km from the crash site it is possible that at least part of the crew were able to bail out prior to the crash and therefore could have been closer to this point than the crash site when they were captured. Further, since vehicle transportation was indicated, rapid movement is reasonable. It is possible that these four fliers were part of the crew of the EC-47.

Since Mooney's May 1973 message refers to a single enemy February 5, 1973 report and the translations of the report available to the Committee appear complete, the Committee finds it difficult to arrive at the same conclusions reached by Mooney in his May 1973 message. For example, it appears that the enemy report contains no information concerning the pilots being located near Moung Nong. It does not mention water being given to the fliers. It does not refer to the supply of "ways and means," making Mooney's conclusion concerning trucks pure conjecture.

Nor does the Committee agree with the DIA belief that it was unlikely that the enemy unit would have used kilometer markers as reference points in this type of report because using them violated basic operational security (OPSEC) practices. Other, similar types of reports have been furnished to the Committee, and enemy

units used kilometer markers as reference points in those reports. But the Committee concurs with DIA's view that even if the enemy report referred to kilometer markers 44 and 93—which is speculative—more detailed all-source intelligence information than that available to Mooney would have been necessary in order to place the theorized kilometer markers on routes 914 and 1032 in Laos.

For example, DIA conducted a terrain analysis and found that a chain of mountains exists between the two routes identified by Mooney in May 1973, and that the routes are headed in different directions. Substantial distance exists between the Baron 52 crash site and the spots determined by Mooney to be the locations of the possible kilometer markers. Furthermore, the aircraft's speed and reported flight path would not have brought it close to these markers.

In addition, in order to ascertain that the numbers 44 and 93 contained in the enemy report referred to specific kilometer markers, Mooney would have had to confirm that the kilometer markers existed as landmarks in that war-torn country in February 1973 and were available to enemy units either as land navigation aids or as reference points. Having evaluated the information provided by Mooney and the intelligence information and analysis provided by DIA, the Committee believes that Mooney's analytical judgments regarding the Baron 52 incident are largely speculative and unsubstantiated. There is no firm evidence that links the Baron 52 crew to the single enemy report upon which Mooney apparently based his analysis.

The Committee notes that it cannot prove or disprove whether or not the intercepted information pertains to the capture of crewmembers of the Baron 52. Evidence from the crashsite indicates that no crewmembers survived, although there was a chance, however slim, that crewmembers bailed out before the crash. Moreover, the Committee notes that written documents dated in May, 1973 indicate that Dr. Shields, NSA, and DIA representatives all believed that there was a possibility Americans had been captured from this incident. Finally, we note that during an October, 1992 deposition, Mr. Ron Schofield disputed Mr. Destatte's characterization of his comments pertaining to this incident.

At publication time, an excavation of the Baron 52 crash site was planned for January 1993. JTF-FA teams returned to Southeast Asia on Jan. 2, 1993 to begin another 30 days' work.

Intelligence support in Laos

During the Vietnam War, intelligence support for the U.S. effort in Laos was different than for the other countries in the war-time theater of operations. According to testimony by former Secretary of Defense Melvin Laird, the Secretary had to rely upon intelligence information from CIA and the Department of State. DIA did not have much of a collection capability in Laos. He mentioned that human intelligence reporting was weak. Secretary Laird testified that he recommended a program to the U.S. Ambassador to Laos which was designed to improve intelligence support there. Additionally, in a memorandum dated September 9, 1971, Secretary Laird articulated a concern to the Chairman of the Joint Chiefs of Staff, Admiral Thomas Moorer, that poor intelligence support was

affecting the POW effort. He feared that the lack of reliable intelligence was "hindering United States Government efforts to recover prisoners of war and MIAs." There was an inference in the memo that the U.S. embassy in Laos was reluctant to accept military intelligence assets.

Ambassador MacMurtrie Godley, U.S. Ambassador to Laos, 1969–73, denied in his testimony that any such reluctance existed. He noted that a Military Intelligence team operating from Thailand had been a problem because it was responsible for intelligence reporting that often was inaccurate and required correction by the Embassy in Vientiane. Under questioning by one Committee Member, he indicated that the collection of information on POW's and MIA's in Laos had "top" priority. He said that any intelligence assistance that could be obtained at the time was most welcome. Under additional questioning by the same Committee Member, however, the Ambassador agreed that he turned down an offer by the Joint Chiefs of Staff for additional intelligence assets. He was unable to provide little explanation for his decision other than, "What would you do with them?"

Committee staff reviewed declassified and unredacted material relating to the U.S. Army's HUMINT Exploitation Team in Laos, Project 5310-03-E. The staff did not review extensively either all Attache archival reports or documents of Project 404, the organization providing augmentation to the Attache system in Laos, but did review hundreds of war-time HUMINT raw intelligence reports received from Laos, many from this one team.

The dossier of the Exploitation Team, supplemented by intelligence reports declassified by DIA in December 1978, provide evidence that Ambassador Godley fully supported the U.S. military's presence in Laos. There is direct evidence the Team's organization, mission, and structure was appropriate to war-time conditions there. However, there is also evidence that DIA was less than enthusiastic about both the team and its operations.

The Team's concept of operations began in 1970, when the Army Attache, Lt. Col. Ed Duskin, invited an Army survey team to Laos to explore what more could be done, particularly in the area of POW/MIA intelligence. The Team concluded that experienced HUMINT personnel were needed. Declassified messages demonstrate that a recommendation to this effect was wholeheartedly supported by the attache staff, the CIA station, and the Ambassador. The first U.S. Army interrogation officer and a member of the initial survey team [283] arrived in Vientiane in March 1971. A field-grade team officer arrived that summer. Two additional case officers arrived in 1972 to augment the Team.

Operating within U.S. Embassy guidelines designed to downplay the U.S. presence, the Team employed a small staff of locally hired and Team-trained interrogators, including former North Vietnamese Army Capt. Mai Dai Hap. Hap was the major contributor to the Rand Corp. 's war-time study on Laos.

The Team operated as a joint U.S. effort with the Royal Lao Army intelligence staff, which from the outset included daily con-

[283] Presently a Committee investigator.

tacts with the Lao Army Headquarters and Military Region 5. By 1972, this was expanded to include all other military regions in Laos, and was done with close coordination and cooperation with CIA station staff.

Beginning in 1971, the Team ensured all North Vietnamese Army and Pathet Lao prisoners and defectors were interrogated in detail on a wide variety of in-country, theater, and national intelligence requirements. Declassified documents confirm that information on U.S. POWs and MIAs was the first subject covered with all these sources. This small Exploitation Team produced all military HUMINT originated reports from Laos during 1971–75 and averaged one report per day.

Every North Vietnamese Army and significant Pathet Lao soldier arriving at Vientiane was interrogated in detail; however, with the majority of U.S. POWs who survived into captivity being taken to North Vietnam within a matter of days or weeks, there were no known prison camps for U.S. POWs available for exploitation by the Joint Personnel Recovery Center or U.S. led paramilitary forces.

The team's archival records confirm that the problem with wartime HUMINT reporting in Laos was the lack of prisoners and defectors (called ralliers by the North Vietnamese). For example, during 1964–74, there were slightly more than 150 North Vietnamese Army POWs who reached Vientiane. The precise number of defectors may have been a similar amount. This was a drop in the bucket from the tens of thousands of North Vietnamese Army forces from Military Region IV and the 559th Group operating the Ho Chi Minh Trail.

However, these prisoners and defectors were primarily from frontline tactical units, had recently been rotated into Laos, and were not from the rear-area logistical groups where most U.S. airmen were lost. Thus, the prisoners and defectors often had more information about aircraft losses over North Vietnam than over Laos.

The Pathet Lao saw little sustained combat after the mid-1960s, being almost entirely a North Vietnamese by-controlled effort, and their force structure in Laos was negligible. It shrank to almost nothing in southern Laos in 1972, when nearly the entire South Laos Regional Command Headquarters, and all major subordinate units, defected to the Royal Lao Government. A key ingredient in Laos was its severe underpopulation—less than four million people. Laos was half the geographical size of Vietnam, with onetenth its population.

The Team did not operate in isolation to the remainder of the U. S. intelligence organization in the region. The team regularly coordinated with the Order of Battle Center in Udorn, Thailand; intelligence exploitation centers in South Vietnam; and with both Lao and Thai military intelligence officials. The Team was withdrawn from Laos in the Spring of 1975, after local staff came under increasing pressure from the Pathet Lao in Vientiane. The project was terminated at the end of 1975.

Archival records of this Tea confirm that the Team conducted its first behind-the-lines agent operation in 1972. Other operations followed later, and declassified documents confirm that DIA was op-

posed to them, notwithstanding its objective to gather POW/MIA intelligence.

All such agent operations had to be conducted from Thailand and were suspended in 1975 upon the direction of the U.S. Ambassador. The focus of these operations was POW/MIA intelligence from Pathet Lao areas of Laos and from Hanoi in North Vietnam. They did not take place for the obvious reason, demonstrated elsewhere in this Report, that DIA and others at the national level no longer viewed the subject as the nation's intelligence priority.

Other NSA sources

The Committee found no evidence to corroborate claims by Terrell Minarcin; sources Minarcin suggested investigators interview and others said his claims were unfounded. Although Barry Toll did occupy the position of Intelligence NCO on the CINCLANT Airborne Command Post and did have access to sensitive message traffic, Committee investigators were unable to locate any former crew members of his team who could corroborate the messages he claims to have seen. His former Army JAG lawyer did corroborate partly his allegations that DIA continued to monitor his whereabouts after his military discharge.[284]

Chapter 5: Goverment Policies and Actions

Presidents Nixon, Ford, Carter and Reagan

As part of its effort to conduct the most thorough investigation possible, the Select Committee asked former Presidents Richard Nixon, Gerald Ford, Jimmy Carter and Ronald Reagan to grant the Committee access to POW/MIA-related materials in their Presidential libraries and to submit to formal depositions regarding the handling of POW/MIA-related issues during their administrations. The Committee recognized that the doctrine of Executive Privilege applied to former administrations, but hoped that the former Presidents, realizing the volatility of the issue, would agree to waive the privilege. Because of unique concerns about Executive Privilege and the Constitutional separation of powers, the Committee did not make the same requests of President Bush.

All four former Presidents granted the Select Committee access to relevant materials in their Presidential libraries, but none provided a sworn deposition. The Committee chose not to attempt to challenge any claims of Executive Privilege and not to attempt to compel the former Presidents' testimony. The Committee attempted to negotiate less formal arrangements for obtaining the former Presidents' views on points important to the investigation.

These negotiations resulted in several different arrangements. President Ford agreed to meet informally with Chairman Kerry and Vice Chairman Smith. Presidents Nixon and Carter declined to meet in person with members or staff of the Committee, but agreed to provide signed, written answers to written questions. Only President Reagan declined to answer the Select Committee's questions in any form or setting.

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[284] J. Lawrence Wright, Attorney Affidavit, Aug. 19, 1992.

The questions posed to Presidents Nixon and Carter, along with the answers provided, are reproduced in full in the appendix. The informal meeting between Senators Kerry and Smith and President Ford will be scheduled as soon as all parties can meet.

DECLASSIFICATION

Overview

From its inception, the Committee recognized that a successful investigation of the POW/MIA issue could not stop at searching for or even obtaining—answers: to ensure that the American people could have faith that the investigation was comprehensive, it would be necessary to give the American people the documents and other information they need to reach their own conclusions.

At the same time, the Committee had to identify and obtain all relevant POW/MIA information, to burrow through the mountain of paper toward answers, to put those with information on record and pursue the leads they suggested before stories were squared among witnesses or information disappeared. The Committee's first priority was to examine any evidence of live Americans; its second was to lay out for all Americans the evidence to let them judge its merits for themselves.

In the past, the classification of most POW/MIA documents had incurred public distrust and hampered the ability of Congress to exercise its oversight responsibilities and the public's ability to understand the actions behind the words "highest national priority." This stalemate has lasted nearly 30 years in the case of Vietnam War POW/MIA information, and longer for Korean War and World War II documents which remain a secret even from the POW/MIA families.

To ensure that it could meet its two-pronged goals, the Committee first sought to reduce the amount of information withheld on national security grounds and then to find ways to expeditiously declassify and release to the public as much of that information as possible.

To get all essential materials declassified, the Committee agreed that some secrets must be kept: the names of intelligence sources who may be needed for information in the future; the methods the U.S. employs to gather intelligence; and materials generated as policy makers debate options. No other country in the world discloses these secrets—or as much as the U.S. is disclosing by declassifying the vast majority of its POW/MIA documents.

The Committee's commitment to full public disclosure was referred to frequently in many of the Committee's hearings, including in June 1992:

> There is no disagreement between Senator Smith and me whatsoever as to the direction of this committee or what we will do with respect to information. Senator Smith and I have announced since the inception of this committee that we will seek full declassification of all material relevant to this issue and that it will take a major showing of national security concern in order to prevent us from seeking that declassification of material now 20 or more years old. We have been in touch with various par-

> ties and we have gotten much of that. And we appreciate the cooperation. I might add that the Defense Department, the State Department, and the National Security Council have provided to this committee documents that have never before been viewed with respect to this issue.
>
> Both Senator Smith and I believe that we could still do better. Both of us believe that there are procedures in place that could be simplified, and both of us believe that the agencies of our Government could frankly be more forthcoming by dumping it on our doorstep rather than waiting for us to have to request it and go through a tug of war.[285]

In all, the Committee sent nearly 500 individual requests for information and obtained and reviewed millions of pages of documents from scores of U.S. agencies, offices, and other sources. These unprecedented steps were taken to assure that all that can be done to get the American public answers is being done, and that as much information as possible about the POW/MIA issue is available to POW/MIA families and others.

The Committee believes that its legacy will be that it removed the shroud of secrecy which for too long has hidden information about POW/MIAs from public scrutiny. The Committee's Members believe that this legacy should become an enduring one, and that secrecy never again becomes the watchword of U.S. accounting for POW/MIAs.

Existing law: Executive Order 12536

When the Committee started its work, there was little evidence that DoD, the armed services, or any Government agency or department was systematically reviewing classified POW/MIA related information with a view towards determining whether that information should be given to families. This apparent government-wide failure to even consider declassifying POW/MIA information was inconsistent with the requirements of Executive Order 12536, in effect since April 1982:

> This Order prescribes a uniform system for classifying, declassifying and safeguarding national security information. It recognizes that it is essential that the public be informed concerning the activities of its government, but that the interests of the United States and its citizens require that certain information concerning the national defense and foreign relations be protected against unauthorized disclosure. Information may not be classified under this Order unless its disclosure reasonably could be expected to cause damage to the national security.

The Executive Order specifically limits how classifications are applied:

> In no case shall information be classified in order to conceal violations of law, inefficiency, or administrative error; to prevent embarrassment to a person, organization, or

[285] Kerrey, June 24, 1992.

agency; to restrain competition; or to prevent or delay the release of information that does not require protection in the interest of national security.

Information shall be declassified or downgraded as soon as national security considerations permit.[286]

The fact that the relevant POW/MIA related documents were classified did not prevent the Committee from obtaining them, however, either in redacted form (with portions blacked out) or in their entirety. In virtually all instances, the portions redacted protected intelligence "sources" or "methods" from being identified, a longstanding practice the Committee recognizes as valid. In a few instances, the redacted information concerned deliberative processes which the agencies sought to protect in order to assure that its personnel would not be inhibited in discussing the pros and cons of various policies.

Prior disclosure efforts

In 1988, then-Congressman Bob Smith introduced legislation requiring the declassification of POW/MIA records. That effort was incorporated in an amendment to the Intelligence Authorization Act for FY 1989 which codified into law the DOD's responsibility to provide to POW/MIA families any information "which potentially correlated to their missing loved ones."

In 1990, Congressman Smith introduced legislation ("the Truth bill"), co-sponsored by more than 200 Members of the House of Representatives, to require the release of all POW/MIA information, including live-sighting reports, unless a determination was made that the release of a particular report would jeopardize the safe return of any American still held, or would invade the privacy of a primary next of kin. Due to time constraints, no action on this legislation was taken by the 101st Congress.

A day before the Committee was created, the Defense Authorization Act of 1991 was signed into law. This measure included an amendment sponsored by Sen. John McCain that requires the Secretary of Defense to declassify live-sighting reports or other information in DOD' s custody about the location, treatment, or condition of any Vietnam-era POW/MIA. It also requires that the declassified information be made available in a suitable library-like location within the Washington, D.C. area for public review and photocopying. A second library for families' use also will be established. McCain's amendment protects families' privacy rights, which reserve information correlated to a serviceman for his family's use.

Senate Joint Resolution 125

The Committee's widely shared concern about the declassification issue next was reflected in Senate Joint Resolution 125, which memorialized Congress' intent to enact legislation directing federal departments and agencies to make public, information relating to POWs or MIAS from World War II, the Korean Conflict, and the Vietnam Conflict. It also directed DoD to make a list of all people so

[286] Executive Order 12356, April 2, 1982.

classified. The joint resolution was agreed to by the Senate on February 11, 1992 and by the House of Representatives on February 26, 1992.

Committee task force on declassification

As the Committee's investigative efforts intensified, it recognized the need to press harder for declassification. In May 1992, the Committee established a Task Force on Declassification, headed by Senators Robb and Grassley to identify the POW/MIA documents needing declassification, prioritize them, and propose a schedule for their public release at the earliest possible date.

The Task Force interviewed CDO representatives and learned that CDO's initial intention was to declassify live-sighting reports first, and then, if approval by POW/MIA families was granted, declassify some DIA and JCRC casualty files; that was the limit of CDO's declassification authority. On May 13, 1992, DoD transferred 641 declassified live sighting reports to the Library of Congress in Washington, D.C. which began indexing the reports for use by the public. Following initial review of its files of live-sighting reports, DoD indicated to the Committee that approximately 1,600 first-hand live-sighting reports, and approximately 2,700 hearsay reports would be declassified by early fall 1992.

The Task Force believed that declassification should go further and be done by other agencies as well—to the Defense Intelligence Agency, the National Security Agency, the Service Intelligence Agencies, the Joint Chiefs of Staff, the Central Intelligence Agency, the National Security Council, and the State Department among them. The Committee planned to include all of its own documents in the National Archives, but the use of classified materials in depositions and interrogatories required an additional effort to declassify those depositions and interrogatories.

On July 1, 1992, Senators Robb and Grassley recommended, and the Committee unanimously agreed to:

Transmit a letter to the President requesting expeditious declassification of POW/MIA records from the Vietnam War;

Direct the Chairman to introduce a resolution to the full Senate on declassifying POW/MIAs;

Reconvene a Committee meeting within a month to evaluate progress and consider initiating alternative formal declassification means.

Senate Resolution 400

The Committee's alternative was contained in Senate Resolution 400, adopted May 19, 1976. This never-before-tried avenue established the authority for the Senate to declassify, on its own initiative, information in its possession:

> SEC. 8. (a) The select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any

member of the committee requests such a vote. No member of the select committee shall disclose any information, the disclosure of which requires a committee vote, prior to a vote by the committee on the question of the disclosure of such information or after such vote except in accordance with this section.

(b) (1) In any case in which the select committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the executive branch, and which the executive branch requests be kept secret, such committee shall notify the President of such vote.

(2) The select committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the President, unless, prior to the expiration of such five-day period, the President notifies the committee that he objects to the disclosure of such information, provides his reasons therefor, and certifies that the threat to the national interest of the United States posed by such disclosure is vital and outweighs any public interest in the disclosure.

(3) If the President notifies the select committee of his objections to the disclosure of such information as provided in paragraph (2), such committee may, by majority vote, refer the question of the disclosure of such information to the Senate for consideration. such information shall not thereafter be publicly disclosed without leave of the Senate.

(4) Whenever the select committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the chairman shall, not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

The primary drawbacks with S.R. 400 were:

That it had not been tested;

It required the material to be identified in advance—requiring the Committee to know exactly what it sought, rather than getting a wholesale declassification that may have produced documents whose existence was unknown;

Only the materials in the Senate's possession could be declassified; and

Putting the law into effect would require a vote of the full Senate.

Thus, the Committee tried to obtain a wholesale declassification by asking the President for an executive order.

Members' letter to President Bush

To appeal for the best help in getting full declassification—by enlisting the aid of the Commander-in-Chief—the Committee sent a letter to President Bush on July 1, 1992. It stated, in relevant part:

> We are writing to request that you issue an executive order to declassify and publicly release all documents, files, and other materials in the government's possession that relate to American POWs or MIAs lost in Southeast Asia.
>
> Mistrust and suspicion of the government's role and actions on POW/MIA matters through the years have hindered efforts to resolve questions related to our lost American servicemen, and we believe declassifying documents will begin to provide POW/MIA families the answers they need and deserve.
>
> Pursuant to Section 1082 of the FY 1992-1993 National Defense Authorization Act, the Defense Department has begun to declassify certain documents, but the effort targets only a fraction of POW/MIA materials in the government's possession. We believe it is in the interests of all those concerned to achieve much broader declassification, and have attached a list of documents that encompasses the full range of information that we believe should be released as expeditiously as possible. We reserve the right to add to our request should we desire additional documents needed to complete our investigation.
>
> We understand that for reasons of national security, some materials to be released to the public require redaction. However, our investigation has convinced us that the vast majority of materials related to the POW/MIA issue now protected by the National Security Classification System could be released to the public in full with absolutely no harm or risk to national security or to the families' right to privacy. . . . [287]

Among the documents the Committee sought were the papers of Henry Kissinger, former Presidents Nixon Ford, Carter, Reagan and President Bush, WSAG minutes and other materials, live-sighting and other reports, casualty files (except as protected by families' right to privacy), DIA's historical, current, and intelligence files, the files of top Administration officials, including former Secretaries of Defense Caspar Weinberger and Frank Carlucci, wartime and post-war NSA product reports, service intelligence files, imagery files, and documents from the Joint Chiefs of Staff, CIA, NSC, and State Department.[288] The list was a starting point, Sen. Grassley explained in a statement to the full Senate:

> This list is by no means meant to be finite. During the course of further investigation, we may discover additional batches of documents that are as yet unknown to us. If so, we intend to identify those documents and communicate our desire to add them to the list. Our objective in creating the list was to be as specific as possible in defining the universe of documents to be declassified, yet general enough to avoid precluding newly discovered documents from declassification.[289]

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[287] July 1, 1992 letter to President Bush.
[288] Attachment to Bush letter.
[289] Grassley floor statement, July 2, 1992.

Senate Resolution 324

While the National League of Families condemned the move, response from POW/MIA families was overwhelmingly to demonstrate the support for declassification that the Committee believed was widespread, it also sought the backing of the full Senate for its efforts. On July 2, 1992, Senators Robb and Grassley introduced Senate Resolution 324 which provided, in pertinent part:

> It is the sense of the Senate that the President of the United States expeditiously issue an Executive Order requiring all Executive Branch departments and agencies to declassify and publicly release without compromising U.S. national security all documents, files, and other materials pertaining to POWs and MIAs.[290]

In introducing the resolution, Sen. Grassley stated:

> . . . The reasons this committee, indeed the public and, I believe the Senate support this request for declassification are self-evident. Mystery and suspicion have shrouded this issue from Day One. National security secrecy merely feeds the suspicion.
>
> Let there be no doubt—in adopting this resolution, the Senate is firmly committing itself, in the public interest, to full, public disclosure of all documents, safeguarding only legitimate risks to national security and families' right to privacy.[291]

By a unanimous vote of 96–0, the Senate agreed to the resolution. The Committee kept up the pressure to have relevant documents declassified, sending one of many letters to the Executive Branch.[292] The letter set forth a timetable and a priority schedule, to be fully implemented—and all requested documents declassified—by Oct. 31, 1992.

Executive Order 12812

President Bush lent his support to efforts to have declassify POW/MIA documents on July 22, 1992, as set forth in relevant part below:

> . . . by the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby order as follows:
>
> SECTION 1. All executive departments and agencies shall expeditiously review all documents, files, and other materials pertaining to American POWs and MIAs lost in Southeast Asia for the purposes of declassification in accordance with the standards and procedures of Executive Order No. 12356.
>
> SEC. 2. All executive departments and agencies shall make publicly available documents, files, and other materials declassified pursuant to section 1, except for those the

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[290] SR 324.
[291] Ibid.
[292] July 9, 1992 letter to the President's Deputy Legal Adviser and Special Assistant for National Security Affairs.

disclosure of which would constitute a clearly unwarranted invasion of personal privacy or returnees, family members or POWs and MIAs, or other persons, or would impair the deliberative processes of the executive branch.[293]

Central Document Office

In December 1991, recognizing the scope of the Committee's intended inquiry and in order to comply with the provisions of the McCain Amendment, Defense Secretary Cheney created the POW/MIA Central Document Office (CDO) under the Assistance Secretary of Defense Command Control, Communications and Intelligence.

In compliance with Executive Order 12812, departments and agencies have begun the task of reviewing and declassifying, to the fullest extent possible, all documents, files, and other materials pertaining to American POWs and MIAs lost in Southeast Asia. CDO, which has coordinated most, but not all, of the declassification efforts; a November 1992 progress report detailed its accomplishments:

1. Responded to over 400 written Committee requests for records, documents, files, lists, memoranda, briefings, notes, summaries, and other material. Served as liaison between the Committee and various DoD agencies in scheduling depositions and arranging for witnesses at hearings.
2. Organized, trained, and equipped a staff of over 70 military and civilian personnel to redact and declassify Vietnam-era records and other material requested by the Committee.
3. Expended over $2,000,000 in purchased services, supplies, maintenance, and utilities and rents (not including the salaries of over 70 DoD military and civilian personnel). Specifically,
   a. Over 3,000,000 pages of copy paper and seven copying machines
   b. Over 28,800 rolls of correction tape used to redact sensitive intelligence sources and methods. (If laid end to end, this tape would extend over 318 miles, or almost five times around Washington's beltway.)
4. Driven over 7,000 miles in the Washington metropolitan area retrieving documents from over 20 archival storage sites and delivering specifically requested documents to the Committee.
5. Declassified over 60 depositions taken by Committee investigators to support open hearings and related activities including coordinating with external agencies to declassify non-DoD material.
6. Made available for committee review an estimated 1.5 million pages of Vietnam-era records. Established an "on call" delivery and courier service for the Committee staff, delivering to the Committee offices 100–200 files daily, pro-

[293] Executive Order, "Declassification and Release of Materials Pertaining to Prisoners of War and Missing in Action."

vided trained personnel to redact "on the spot" sensitive intelligence to facilitate the Committee's investigation.

7. Served as the focal point to coordinate declassification of documents which contained multiple agency equities, including those of the Department of State, Central Intelligence Agency, National Security Agency, National Security Council, Federal Bureau of Investigation, and the Defense Intelligence Agency. . . .[294]

On Dec. 1, 1992, the DoD issued its mid-course review of CDO project. Portions of its report are set forth below:

The task set by Congress required that the CDO:

(1) Task Defense components for documents and supporting analysis;

(2) Locate, retrieve and consolidate records pertaining to Vietnam-era POW/MIAs;

(3) Redact classified records, when required to protect sensitive sources and methods, prior to transfer to Congress;

(4) Prepare documents for public repository, and

(5) Serve as the focal point to respond to [Committee] requests for specific Vietnam-era POW/MIA related documents.

In practice, the CDO devoted extraordinary amount of time, effort, and resources to support the [Committee]. On a typical day, the CDO simultaneously

Supported Committee investigators' review of classified files in CDO spaces;

Transported classified files to the Office of Senate Security in the Capitol;

Redacted files for Committee investigators on-the-spot in the Office of Senate Security;

Delivered as many as 40,000 pages of declassified material to the Committee offices for investigators to review;

Located, retrieved, and transported from local area archival storage facilities specific files requested by the Committee; and

Answered literally dozens of Committee and investigator questions by telephone or fax. The committee submitted daily to the CDO as many as ten letters requesting information. Each letter contained up to 50 separate requests for documents, lists, printouts, notes, minutes, and other forms of record material. The CDO has answered over 400 Committee letters requesting information by retrieving information from DoD sources at all levels and making it available to the Committee.

The Committee held eight sets of multiple-day hearings on POW/MIA related subjects during 1992. It frequently tasked the CDO, most often on short notice, to declassify hundreds of pages of specific reports to support these hearings.

The CDO reviewed for declassification over 60 Committee depositions of up to 250 pages each. Materials submitted by the Committee for declassification often required multiple government agency

[294] Attachment to Andrews letter, November —, 1992.

review of each document, including the Central Intelligence Agency, and Department of State. The Committee encountered difficulty in obtaining timely, multiple reviews and requested that the CDO serve as the government-wide focal point for coordinating this multi-agency review process. The CDO coordinated and completed all requested reviews, including the weekend delivery of declassified depositions to former Cabinet officials.

The CDO also reviewed for declassification numerous documents the Committee requested which were originated by non-DoD agencies but reflected DoD equities. These included such organizations as the Central Intelligence Agency, National Security Council, State Department, Federal Bureau of Investigation and Drug Enforcement Agency. This material is conservatively estimated at 10,000 pages.[295]

According to the CDO review, DoD's obligations under the McCain Amendment suffered; at publication time, roughly one-sixth of the work due by November 1994 is complete. The review detailed progress on its McCain-Amendment duties:

> Simultaneously, and in response to the disclosure requirement in Section 1082 of the National Defense Authorization Act, the CDO provided over 100,000 pages of declassified material to the Federal Research Division of the Library of Congress to be indexed and microfilmed for access by the public. The pace and volume of work accelerated in July when the President directed, by Executive Order 12812, that all records pertaining to Vietnam-era POW/MIAs be reviewed for declassification. This order enlarged the volume of material to be reviewed for declassification and public release to any estimated 1.5 million pages.

As a result of the heavy workload imposed by the [Committee] during late 1991 and 1992, the majority of the original task levied by Congress in Section 1082 remains to be completed.

DIA records include over 17,500 source files from Vietnam, Laos, and Cambodia. To date, the CDO has declassified 1,613 source files (9 percent). The frequent interruptions of source file declassification to support Committee requests have hampered an accurate production estimate on source file declassification.

The second major collection of records covered by Section 1082 are the DIA, service, and Joint Task Force-Full Accounting casualty files. In compliance with Section 1082 family consent requirements, the CDO drafted and coordinated the submission, through the service casualty officers, of letters to the designated next-of-kin of the 2,266 unaccounted for servicemen requesting consent to release to the Library of Congress records pertaining to the servicemen's location, treatment, or condition. To date:

871 (38 percent) have granted consent;

187 (8 percent) have denied consent;

62 (3 percent) have withheld consent; next-of-kin have asked to be provided a completed, declassified file prior to providing a decision granting or denying consent; these files have been

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[295] Report on CDO, Dec. 1, 1992.

declassified and submitted, through the service casualty officers, to the appropriate next of kin.

No reply has been received from the remaining 1,146 (51 percent); a second follow-up letter has been sent by the service casualty officers as a good-faith effort to elicit a response.

In summary, the CDO has supported the Committee's investigation with a totally unconstrained document location, retrieval, declassification, and delivery (courier) service.

Discussion

The results of the Committee's efforts to declassify POW/MIA information are unparalleled in U.S. history. When the declassification process is complete, well over one million pages of previously classified information will have been made available to the public.

The investigation met significant resistance from certain agencies of the U.S. Government in the release and declassification of the requested materials:

The DIA refused to declassify the "sources" and "methods" which they had used to build up their files. The Committee understood the grounds for not declassifying these materials to the general public since the sources lives could be endangered, information resources compromised or hard-won crypto-analysis work lost. It was less understandable why the DIA refused to disclose the names of sources to appropriately cleared staff of the Committee so the source's story could be checked with the original source.

The CIA initially refused to allow even appropriately cleared members of the Committee staff to review past and current operational files (with the notable exception of a detention camp in Laos). This matter was partially resolved in December when a single selected staff member was allowed to review the files.

CIA officials did not allow the Committee to have access to their Presidential Daily Briefs. Instead, they reviewed the documents themselves for POW content and wrote short summaries of POW related material. These summaries were made available to the Chairman and Vice-Chairman of the Committee. Also, the CIA did not allow Committee investigators to have access to the Executive Registry which are the DCI's personal office files.

The NSC refused to allow anyone but Senators to review the current administration files and limited the review of past administration files to the Staff Director, Chief Counsel and three senior staff members.

The DoD refused to allow anyone but the Chairman and Vice Chairman to review the POW returnee debriefings from 1973. This was in spite of a release that the Committee had obtained from several hundred of the POW returnees involved.

The DoD OSD/ISA initially refused to provide certain current files to the staff of the Committee, but later allowed access. The Committee was disturbed to learn, through internal CDO E-Mail notes, that ISA had intentionally delayed providing files in order to pre-screen them.

The Nixon Archives refused to allow access by the Committee to any of the Watergate tapes that had been requested. Former President Nixon's refusal to allow even the most limited access in the face of repeated requests, letters and entreaties at the highest levels caused the Committee to draw sound unfavorable inferences about the actions of the former President on this issue.

It is unfortunate that the former President had the power to limit the access and frustrate the wishes of a constitutionally created Committee of Congress to what was clearly the best evidence available.

The Committee believes that it has had access to the main materials on POW/MIA issues within the control of the U.S. Government. However, it should be noted that the Committee relied on the good faith compliance of the agencies and departments to its subpoenas and requests. The Committee had neither the ability nor desire to storm into a department or agency and "seize" its files for its review.

In a Government of laws, the Committee relied upon the lawful compliance of the agencies and departments and found its reliance well-founded. The areas listed above illustrate this: where the agency or department would not comply on a good-faith basis, the issue was joined and the department or agency and the Committee resolved it in a manner acceptable to the Committee.

The only significant area of non-compliance occurred with respect to the Watergate tapes, where former President Nixon's attorneys were able to frustrate the desire of the Committee to review the tapes for POW/MIA discussions.

Summary

The declassification effort has opened a substantial body of evidence to public scrutiny, but declassification cannot provide all of the answers. For the U.S. Government and its citizens, the facts contained in these documents require a judgment. The answers are not in the blacked-out portions of some U.S. document; if there are answers, they are in Vietnam, Laos and Cambodia.

PUBLIC AWARENESS CAMPAIGN

The problem of Americans in enemy hands was a visible and painful reminder of the Vietnam War's cost. Uncertainties about the prisoners and missing combined with the numbers who came home in body bags to erode public support for the war.

Vietnam had signed the Geneva Convention governing treatment of prisoners of war. In an apparent attempt to circumvent the Geneva Convention, Americans captured by the Vietnamese were regarded as "international bandits" or "air pirates;" within the prison system, they were referred to as "criminals," the American public learned after Operation Homecoming.

Given Vietnamese rejection of any limit on their treatment of American prisoners, families were prepared to believe stories about abusive treatment of their kin. When the Vietnamese broadcast antiwar statements made by, or attributed to, American prisoners, their cynical manipulation intensified the anger of Americans at

home. Even when Hanoi released Americans in 1968, it sought to manipulate public opinion by releasing the POWs to war protesters instead of to U.S. authorities.

The Nixon administration

When the Nixon Administration took office in 1969, the Vietnam War dominated American politics. Having promised a plan whereby the U.S. could bring the war to a close, the Nixon Administration had to balance international needs against domestic support and questions about the fate of Americans missing in Southeast Asia posed a severe complication—and an opportunity.

The Nixon Administration found one solution for the two related problems—how to gain better treatment for American prisoners, and how to maintain public support for the war until it could be favorably ended—a publicity campaign.

Laird initiative

Two months after Nixon took office in 1969, Defense Secretary Melvin Laird demonstrated the United States' new policy on American prisoners and the U.S. thrust the plight of the prisoners into the public spotlight.

Laird's decision was controversial at the outset. Some critics thought the prisoners would be better served by quiet efforts rather than a public campaign. In this view, shared by Kissinger and Averill Harriman, public criticism would only harden the Vietnamese and Lao positions, and make it harder to negotiate on this and related issues. This position was especially attractive to those who assumed the Vietnam War would be a short one.

Other observers, among them Laird, noted that a quiet approach had not brought positive results yet, and argued that the Vietnamese were using prisoners to manipulate American public opinion. POW/MIA families long had pressed the case for more public support. In late 1966, Sybil Stockdale, wife of Admiral James Stockdale, began organizing meetings among wives of downed pilots. Eventually, they obtained some official attention from DoD. In October 1968, the American media picked up the story of how few letters from prisoners had been allowed out by the Vietnamese—only 623 since the beginning of the war from 108 prisoners.

Laird introduced new attention to POWs publicly on May 19, 1969, by highlighting North Vietnam's refusal to provide a list of prisoners and strongly criticizing their position at a press conference:

> I am deeply shocked and disappointed by this cruel response of Hanoi's representative to such a basic request for humanitarian action. Hundreds of American wives, children, and parents continue to live in a tragic state of uncertainty caused by the lack of information concerning the fate of their loved ones. This needless anxiety is caused by the persistent refusal by North Vietnam to release the names of U.S. prisoners of war.
>
> I want to reaffirm the continuing hope that Hanoi will provide a list of American prisoners and permit a free flow of mail between U.S. prisoners of war and their families.

> We continue to urge the immediate release of sick and wounded prisoners, the neutral inspection of prisoner of war facilities, and the prompt release of all American prisoners.[296]

The same month, the Viet Cong put forward a 10-point peace plan stating that prisoner releases would have to be negotiated by the parties to the conflict as a part of the total settlement of the war. Similarly, North Vietnam argued that repatriation of prisoners must wait until the end of hostilities. The U.S. position was consistent with the provisions of the Geneva Accords, although not heavily supported by precedent.

Search for allies

That year, the U.S. Government sought to bring the issue to international attention, including by pressing for United Nations resolutions and action by the Soviet and Chinese Government, allies of—and potential conduits to—the Hanoi Government.

Similarly, the State Department stressed the Geneva Convention on Prisoners of War, generating a debate over North Vietnam's reservations about that Convention. In general, North Vietnam argued that the conflict was not a war, and the Geneva Convention did not apply—an argument not widely accepted by the international community. Hanoi also argued that the prisoners were war criminals, and thus not entitled to the protection of the Geneva Convention.

The Nixon Administration also worked with a variety of private organizations, including the fledgling National League of Families. By the end of the first year, it added an informal partnership with VIVA, which originally supported a policy of victory in Vietnam that had evolved into a POW/MIA awareness promotion. In 1970, DoD also dealt with the Committee of Liaison with Families of Prisoners and Missing (COLIAFAM), which opposed the war but was able to provide for exchange of mail with POWs. By 1972, several regional organization also became devoted to supporting POW/MIAs as anticipations of their seemingly imminent return grew.

H. Ross Perot

In the Fall of 1969, Secretary of the Navy John Warner approached H. Ross Perot to discuss the POW/MIA issue. Perot told Committee investigators that at that time Warner, Perot's friend, and Warner's aide (Col. William Leftwich) visited at length about the POW issue. Warner arranged for Perot to talk with Col. Chappie James of the DoD, which in turn led to a meeting with Assistant Secretary of Defense Capen. Eventually, Perot said he talked with Kissinger, who asked him to mount a private effort to assist American prisoners. The objective was to embarrass the North Vietnamese into improving treatment of American prisoners to improve their chance of surviving. Col. Alexander Haig was Perot's liaison with the NSC, he said.

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[296] Pentagon press conference, May 19, 1969.

Perot said he responded vigorously to the White House request, launching a spectacular mission that Christmas. A chartered plane was loaded with carefully designed packages for each prisoner even for the missing so as to avoid the appearance of having decided their fate, no matter how strong the evidence of death. At the same time, Perot financed a trip to Paris for POW wives and children, where they appealed directly to the Vietnamese mission there.

At home, Perot founded "United We Stand," [297] a POW/MIA awareness group with chapters in most states, which coordinated a letter campaign to the Vietnamese mission in Paris. Later, Perot learned from returned prisoners that their treatment did improve in direct correlation with his efforts.[298]

A further discussion of the impact of Mr. Perot's work during these years can be found in chapter 7 of this report.

POW bracelets

The most memorable private effort was distribution of bracelets engraved with the name of American POW/MIAs. Begun by Voices in Vital America (VIVA) and headed at the time by Carol Bates, this approach raised millions of dollars for travel by families to Paris and Moscow to repeat Perot's 1969-70 efforts. VIVA also staged POW/MIA rallies, with guarded help from the DoD.

Nearly a million bracelets have been distributed during the campaign and since, according to the League.

Son Tay raid

The Nixon Administration's effective use of the Son Tay raid supported its efforts to promote public awareness. Launched under the most stringent secrecy in late November 1970, the raid penetrated North Vietnam to the prison site at Son Tay, some 75 miles west of Hanoi. The raiders made their way in, found an empty prison, and flew out.

Subsequently, with genuine heroes to fed, the country celebrated the effort and honored the participants. The message that the U.S. was capable of such an action, and the connection between their efforts and the plight U.S. POWs endured was obvious and overcame the mission's failure to rescue POWs. The Nixon Administration also used nationwide commemorations to undergird the public awareness efforts.

OPERATION HOMECOMING

To date, the United States' best opportunity to learn about the fates of unaccounted-for servicemen came in February and March 1972, when 591 Americans were returned during Operation Homecoming.

Of the 591 POWs returned between February 12 and April 1, 1973, 457 returned from North Vietnam, 122 from South Vietnam, nine from Laos, and, following additional diplomatic negotiations, three returned from China.

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[297] Perot testimony, Aug. 12, 1992. In 1992, the group became the vehicle for Perot's bid for the U.S. presidency.

[298] Ibid.

In all, 566 were servicemen—325 were from the Air Force, 138 belonged to the Navy, 77 were Army and 26 were Marines. The 25 civilians were members of various U.S. Government agencies.

The Vietnamese listed 55 as having died in captivity; returning POWs put the number at 111. On April 13, 1973 the Pentagon announced that there was no evidence that any more U.S. POWs were still alive in Indochina.[299] During this same period, however, the DOD's Homecoming Center at Clark Air Force Base (the Center) reported that returning POWs had provided information indicating that 156 servicemen "may have died in captivity".

POWs' view

In captivity, American servicemen made learning the names of fellow prisoners the highest priority and pledged to each other that they would all go home together.

Admiral James Stockdale, who won a presidential citation for his service to the U.S. while the senior officer held captive,[300] said the pledge was central to POWs' survival, because it kept them going through unspeakable torture and other adversity:

> In the matter of accountability for Americans in the prisons of North Vietnam, what appears to be chaotic to the outside after-the-fact investigators seemed by contrast comparatively orderly to the self-governing, self-accounting body of Yanks who spent considerable time there. Self-governing, self-accounting. That's important. It had to be a team operation.
>
> We who struggled for years to maintain unity over self, keeping, memorizing, cross-checking names of all Americans physically sighted or whispered to or tapped with, we had stringent requirements to get into the system. It couldn't be hearsay, it couldn't be anything. The guy had to have been seen or whispered to or had some physical contact with somebody.
>
> Found in those dungeons—all of this activity found in those dungeons, a meaning of life centered on being your brother's keeper emerged, keeping a memorialized chronology of contacts and acquaintances that could some day,

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[299] See discussion of President Nixon's statement to the nation and Dr. Roger Shields's statement in the Paris Peace Accord chapter and numbers chapter.

[300] The award, bestowed by President Gerald Ford, is:

"For conspicuous gallantry and intrepidity at the risk of his life, above and beyond the call of duty, 4 September 1969, while senior Naval officer in the prisoner of war camps of North Vietnam, recognized by his captors as the leader in the prisoners of war resistance to interrogation and in the refusal to participate in propaganda exploitation, Rear Admiral, then Captain, Stockdale, was singled out for interrogation and attendant torture after he was detected in a covert communications attempt.

"Sensing the start of another purge and aware that his earlier efforts at self-disfiguration to dissuade his captors from exploiting him for propaganda purposes, had resulted in cruel and agonizing punishment, Rear Admiral Stockdale resolved to make himself a symbol of resistance regardless of personal sacrifice.

"He deliberately inflicted a near mortal wound to his person in order to convince his captors of his willingness to give up his life rather than capitulate. He was subsequently discovered and revived by the North Vietnamese, who convinced of his indomitable spirit, abated in their employment of excessive harassment and torture toward all of the prisoners of war.

"By his heroic action at great peril to himself, he earned the everlasting gratitude of his fellow prisoners and of his country. Rear Admiral Stockdale's valiant leadership and extraordinary courage in a hostile environment sustained and enhanced the finest traditions of the United States Naval Service."

God willing, when papers and pencils were available, allow you to present to the world a history, in the worst case, of who was last known to be where.

There were four very tough years from late '65 through late '69 when many of us were in solitary most of the time, under the gun of a carrot-and-stick extortion and torture program, when the deepest fear in many of our hearts was to be stashed in isolation in some part of this prison or one of the satellites, where you could scream to the top of your lungs and nobody would understand English, to be stashed in isolation, there to expire by one means or another leaving no audit trail with your surviving comrades that might some day reach your family as a creditable account of your last days.

Morbid stuff, but real, and in the last instance, the trigger that in the strange high-mindedness of solitary existence drove many of us to be compulsive communicators, risking all, sometimes when you couldn't be sure the hall was cleared of guards, to get a position report out of who you were and what your predicament was, and we'd do that with that old shave and haircut and our code that was initiated, that message initiated by that second nature tap code we had so luckily inherited from the reconstructed faint memories of a fellow prisoner named Smitty Harris.

It was not part of a—the Government never came up with that. This was prisoner-generated from a memory, from an enlisted prisoner in Korea that an Air Force captain named Smitty Harris remembered talking to him about. That was our lifeline.

What started in August 1964 with the imprisonment of Ev Alvarez in cell 24 off the Heartbreak Courtyard in Hoa Lo Prison in downtown Hanoi, he the first American air crewman captured in North Vietnam, grew over the years to hundreds of Air Force, Navy, and Marine pilots and backseaters attuned to one another's presence only by that tap code, but kept not only in the hub of the North Vietnam prison system, this Hoa Lo Prison, but spilled over into a family of satellite prisons, some few within the city, but several in the countryside within a radius of some 60 miles from that old French prison, Ministry of Justice and its companion piece, Hoa Lo Prison. . . .

Americans were picked out, blindfolded and handcuffed, and shuttled around in Jeeps during the night, totally uprooted and taken away from what had become their dearest friends, clinging to that memory list of 100 or 200 or eventually 300 or more alphabetically arranged names of those they knew to have been seen, tapped with, or whispered with in that private American Hoa Lo universe of ours, while in the meantime our underground resistance organizations coalesced, became disciplined, resolute and effective, and then inevitably fell to purges and were dispersed when these organizations were compromised or

became so effective that they threatened the commissar's fulfilling the propaganda quotas of the general staff.

Build an organization and have it torn down. Build an organization and have it torn down: That was the rhythm of our lives. The American prison population grew, the cycles continued, and familiar names kept popping up at Hoa Lo Prison. It was our loop, and the same names kept going round and round.

But it was the Son Tay Raid of November 1970 that prompted the North Vietnamese to bring them all—all of these chickens out in the satellite camps back, all back to Hoa Lo Prison, where in January 1971 every American prisoner—with two exceptions which I'll cover in a minute—where every American prisoner who had ever been sighted, whispered to, tapped to by any other American over the last 6½ years were all locked up in a ring of contiguous large cell blocks around the largest west courtyard of Hoa Lo prison, and it's half the prison.

The prison occupies about a square block, and this is almost a half a block, and there we were, a place we immediately named Camp Unity, 342 of us. That was—the time was January 1971. . . .

There were some exceptions, Stockdale added,[301] and some groups were kept separate:

Little did we 342, in our splendid isolation of that January 1971, know that a new mixture of American prisoners was being brought up to Hanoi, not just flight crews that had been the case all those first 6½ years, but Army and Marine troops. Prisoners from South Vietnam and a few from Laos were being moved in unbeknownst to us and only known to Ted Guy.

We and these last were never mixed until Operation Homecoming was effectively underway, but by 1971 the war was in a new phase. Of course, more shot-down flight crewmen would join us late '71 and '72, and particularly a few they took over in 1973, what I call the second air war in Vietnam. Three Marines, for instance, joined us, 24 Navy, and something just short of 100 Air Force, counting what were the B-52's. . . .

We memorized the shot-down pilots as their names came in, but my memory of them and their numbers is nowhere

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[301] Stockdale's testimony continued:

"Now the exceptions. At the time the 342 shared tap tales of reunion between these big cell blocks the master name list was actually 351 people sighted in the last 6½ years, or tapped to. Where were the other nine?

Eight were a group we called the Lonely Hearts, eight who had been part of us and shared comradeship with us but were now known by us to be dead or dying, and there was one other, a healthy Air Force lieutenant colonel named Ted Guy, who had been taken away from Hoa Lo, blindfolded and handcuffed in the jeep in the night the previous spring. We knew that. We had that kind of accountability. We knew Guy was gone. Hundreds of people in there, but Guy was gone. We remembered that.

. . . Now, let me clear up these nine. We would never see the Lonely Hearts again, but all eight of their bodies would get home about the time that we would, two years later, and as for Ted Guy, we would see him on Operation Homecoming. He was a Lao shootdown. We had five of them in our 351. In June 1970, he had been taken to a camp named Farnsworth where he—we learned this later—where he joined American captives marched up from South Vietnam.

as vivid as those of my 6½ year sample which I'm concentrating on, because that is the—that's the centerpiece. That went all the way. Men who went through storms of isolation and torture and lost track of nobody. 351 of them.

We all came home together, as we promised each other we would, but it was 9 and not 8 that came home in body bags because Marine Warrant Officer John Frederick, alive and well at our muster in January of '71, died of an illness a year later. Ted Guy, Of course, joined in and filled in wherever the number of living—and kept the number of living at 342.

Nothing untoward happened to the additional 125 or so live pilots that joined us that last year—no abductions—and that group brought up the rear at Homecoming, which was designed to be first-in, first-out.[302]

In addition to increasing the U.S. Government's information about life in prison, the returning prisoners brought painful news about the difficulties they faced even before they got to the prison system. As Stockdale testified:

Now, I've said nothing about Americans who died after they pulled the ejection handle or before they were captured, or after they were captured and before they got to the gate of Hoa Lo, and I expect there were many.

For most of my imprisonment, I carried the name of a Navy Lieutenant, Randy Ford, who one of my fellow prisoners at Hoa Lo told me he whispered to in the darkness at a holding point near Vinh on the way to prison. He said Ford was badly injured and [he] never caught sight of him, but the way he was moaning and barely talking, and probably would not make it to prison alive.

There were lots of people out there like that, I think. Ford did not [make it to the prison system], but I noticed—I kept track. His remains were returned to the States.

Another witness, Donnie Collins, described the ordeals her husband, Thomas E. Collins III, suffered before getting to the prison system:

Tom doesn't talk about the war and what went on there. . . . But he did tell me that he went down just short of the target, which was a bridge. The airplane was rolling at 1,000 feet when he went out of it. He got his backseater out. But he was almost—the plane was almost upside down when he went out, which basically ejected him into the ground. It broke his back.

He crawled off under a bush and waited. The townspeople came out, not too happy to see him, but maybe thrilled too because they beat him severely. After they beat him severely, he was taken into the village and questioned. . . . When he ejected was the number-one time he could possibly have not made it to Hanoi. Number two

[302] Ibid.

time was when the villagers decided to beat him unmercifully.

The third time was when he was taken in and questioned, and refused to give any information. He was then taken out. He was beaten. That's the next time. Taken out and put in front of the firing squad the next time. He was then taken back in. At this time he was deaf. They had beaten him until they burst his eardrums. He was one total raw piece of meat from heat to toe, unable to walk, unable to move, unable to hear. They again questioned him. When he refused to answer anything except what he was supposed to answer, he was taken out again and lined up in front of the firing squad.

Now, this isn't enough. He survived all that. Two weeks later, they put him in a truck to take him to Hanoi, and on the way there the truck was bombed twice by our troops. Both times, he said, had they had a direct hit there was gasoline in the back of the truck where they were hauling barrels. He could have not made it both times.

Then—that wasn't enough—the truck fell through the bridge, dumping him into the river with his hands and feet tied. And just before he took his last breath they found him in the deep river, in the dark of night, and pulled him out after fishing for him. He finally made it to Hanoi. . . .

During all this period of time, Tom could have been on the ground alive and never made it to Hanoi, and never made it to the prison system, and never made it into the name list. . . .

Once he was in Hanoi and caused trouble, he was moved from camp to camp. He was not really in the big system there. He was in every camp they ever had. They took him out and put him there because he was a good communicator and set up communications [among American POWs]. So, they never wanted him to be anywhere, so they just kept moving him from place to place and he was, at one time or another, in all 12 camps, and also in a cave.

He was kept many times in a cave of "one-steppers." And those of you who have been in Vietnam know what one-steppers are, which meant that he was just one step from death when fastened in the cave. At the time the peace agreement was signed he was not in Hanoi. He was up on the border and had to be brought back. . . .

At one point, when an American Congressman suggested to General Giap that the best thing to do was to put an American in every city in Vietnam so that they would not bomb North Vietnam, they took that to heart and fastened Tom and a few of the other POWs to the power plant to make sure that the Americans didn't bomb that. He hung there until he nearly died with the French handcuffs cutting into his wrists. When he was at the point of death from starvation, they took him down and moved him in. He came very close at that moment, as he did every day of his life, to not surviving.

Tom only survived because he is the toughest human being inside that I have ever known. If I had to go to hell today and only had one person I could choose to take with me, I would take Tom and go gladly.[303]

Debriefings

Phase I of Operation Homecoming was the POWs' repatriation. The exit point for all but nine returned POWs was Hanoi.

Phase II of Operation Homecoming was debriefing at Clark Air Force Base by the Joint Debriefing and Casualty Reporting Center (JDCRC), under the direction of CINCPAC. JDCRC had representatives from each military service. Civilian and foreign returnees were debriefed by the Service with which they were associated or by members of the U.S. Embassy, Manila. Each Service handled its own debriefings, differing in approach, but following common debriefing instructions. The Army and Marine Corps used professional intelligence debriefers whose sole job was debriefing. The Navy and Air Force used a combination of escort and debriefer. The Navy used only Air Intelligence Officers. Air Force escort/debriefers were not chosen from specific specialties.

The Committee attempted to examine the process of debriefing returning POWs at Clark Air Force Base in the Philippines, and again when they returned to the U.S. to determine:

The objectives of the debrief program;

Its planning—what assets were devoted to the task and how were they organized, deployed and funded?

Its implementation—how adequately DoD debriefed the POW returnees and how well they processed the POW/MIA debrief reports. What all-source information was requested and collected by DIA as a result of the debriefs? How were leads (such as names, photos, etc.) followed? How fully were the debriefing results reported to the Executive Branch and Congress?

DIA made no final report aggregating the results of the individual debriefings after Operation Homecoming.[304] While DoD has provided a substantial amount of material to the Committee, the collection suffered with the passage of time. Without a final report, and without complete files and access to information, it is difficult to fully assess the adequacy of Operation Homecoming debriefings nearly 20 years after the fact.

The returnees were processed in five cycles. Each group consisted of 20–150 returnees, arriving at 8–10 day intervals. The debriefs were transcribed, edited by the senior officer of each service, and transmitted. When a returnee's debriefing was completed, the intelligence packet, including the debriefing tape, transcribed debrief and/or assessment report, would be assembled and sent by the escort officer for relay to the appropriate CONUS hospital.

A summary of the debriefings included:

Returnees debriefed:

USAF	324
USN	138

[303] Collins testimony, Dec. 3, 1992.
[304] Letter, DoD POW/CDO U-1482, dated November 4, 1992.

USA	71
USMC	22
US civilians	23
Thai civilians	2
German civilians	2
Canadian civilians	1
Total	583
Returnees not debriefed:	
USAF medical	1
USMC higher HQ directed	4
USA higher HQ directed	6
Total	[305] 11

The committee learned a great deal about the debriefing process from the testimony of Admiral and Mrs. Stockdale—among them that POW wives were never debriefed by DIA, and that Admiral Stockdale's debriefing was limited to his 52-hour initial debriefing.

> Senator DASCHLE. . . . Do I understand, Mrs. Stockdale, that you have never been debriefed officially by the Federal Government?
>
> Mrs. STOCKDALE. I think you understand correctly, yes never.
>
> Senator DASCHLE. And Admiral Stockdale, to what extent have you been debriefed, even in subsequent years, by DIA, by anybody, as we try to put together our best information?
>
> Admiral STOCKDALE. Nothing but my initial debrief, which was rather extensive.[306]

Phase III debriefings were conducted in the United States.

A symposium was held June 20-23, 1973 to discuss lessons learned. The panelists thought the debriefings were accomplished without major problems, although some debriefers complained that emphasis was placed on familiarization with the POWs background and insufficient stress was given to basic debriefing techniques. Rapport between the POW and his debriefer facilitated the flow of information. Each service attempted to first establish an effective working relationship. The Navy allowed the debriefer to escort the POW from Clark Air Force Base to the U.S., hoping that this would cement a working relationship. The Army and Marine Corps sought to achieve good rapport by matching the debriefer and POW by rank, background and interest. Debriefers were primary collectors of all available data.

While in captivity POWs had designated certain POWs to serve as "memory banks," this created initial pressure because many early returnees were hesitant to discuss information which they had not been directed to gather and commit to memory. This stumbling block was removed when senior POWs directed them to relate their entire experience to debriefers.[307]

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[305] Intelligence Activity, Homecoming After Action Report, Joint Debriefing and Casualty Reporting Center, undated. The committee requested the reasons for these returnees not being debriefed at Clark AFB and what debriefings were completed.

[306] Testimony of Admiral and Mrs. Stockdale, Hearing on POW/MIA Issues, December 3, 1992.

[307] Report, Center for Prisoner of War Studies, Lessons Learned Symposium, San Diego, California, June 20-22, 1973.

Suspicions have surrounded the debriefing of returned POWs for nearly 20 years, primarily because access has been restricted based on debriefing agreements with the returnees.[308] Did the government leave men behind? Did key officials know it? Were the returnees told to not report certain information? Was the prison system a closed circle of knowledge; could there have been separate prison systems not known to the returning POWs? Was the American public told the truth?

Debriefing results

Life in captivity

Post-Homecoming debriefings and a DIA Intelligence Appraisal of them, now unclassified, provide a summary of the prisoners of war's experience in Southeast Asia.[309]

Captivity ranged from several hours in South Vietnam to more than eight years in the North. Most servicemen were captured during the height of the bombing of the North between 1966 and 1968. POWs captured prior to December 1971 were known as the "Old Guys." The majority of POWs were Air Force and Navy pilots shot down over North Vietnam and virtually all were captured within minutes because they descended directly into populated areas. Many suffered ejection injuries and shock which made evasion impossible; while others evaded successfully for up to 12 days. Evasion in Laos was somewhat easier and many more downed airmen were recovered in the sparsely populated and otherwise more permissive environment. POWs captured in Laos and taken to North Vietnam had spent less than three weeks in Laos itself.

The PRG returned 122 U.S. POWs; 28 were released in South Vietnam. All but one had been captured by the Viet Cong and detained near the Cambodian border and the last POW was held in the Delta region. The remaining 94 POWs were captured north of Da Lat City after 1968 and moved to North Vietnam for detention.

Living conditions in the South were primitive and life was hard. POWs often were chained or bound for long periods, primarily as a security precaution. Movement was frequent and involved walking several weeks between camp sites, and the daily survival routine varied little through the years. There was no overall policy or systematic torture of POWs in South Vietnam, but treatment varied by individual camp commanders and guards. It was more difficult to survive captivity in the South, but escape was easier, and 26 POWs (about 12 percent) captured in the South escaped.

Treatment in North Vietnam varied over three eras. Until late 1965, there was little use of torture. From late 1965 until late 1969, torture and mistreatment was common. Beginning in late 1969, torture and mistreatment declined. "Camp rules" were the basis for punishment, and they specified that all American POWs were criminals. This was consistent with North Vietnamese protests

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[308] Letter, Assistant Secretary of Defense, Command, Control, Communications and Intelligence, dated January 15, 1992.

[309] DIA Intelligence Appraisal, DIAIAPPR 35-73, dated 8 May 1973, subject: A Summary of Prisoner of War Experience in Southeast Asia, A Briefings and a 1973 7602 Air Intelligence Group Brief on Captivity in South East Asia.

that the Geneva Convention on prisoners did not apply to American POWs because the war was an undeclared one.

The prison system

In North Vietnam, 13 camps were used for permanent detention, eight outside of Hanoi and five within the city. Three camps outside of Hanoi were used exclusively to hold POWs captured in South Vietnam and Laos. Four camps were used only for POWs captured in the North. POWs from all areas were confined in the remaining camps. The primary camps were Hoa Lo Prison and Cu Loc, dubbed by American POWs the "Hanoi Hilton" and the "Zoo," respectively.

POWs arriving in Hanoi normally were moved directly to the Hanoi Hilton, a maximum security prison built in the heart of the city by the French in the early 1900's. It was divided into three parts: (1) "New Guy Village," called "Heartbreak" from 1965 to late 1971, served as the interrogation facility throughout the war; (2) "Little Vegas;" and (3) "Camp Unity," the largest section first used to detain Americans in 1970.

After interrogation at the Hanoi Hilton, POWs would remain in Little Vegas or be transferred to either the Plantation or the Zoo. The Plantation was initially a showplace camp for visits and later held 108 POWS from Laos and South Vietnam. The Zoo housed nearly 200 POWs at one time and replaced the Plantation as the North Vietnamese showplace during the last years of the war and was the camp visited by Ramsey Clark, Jane Fonda, and Joan Baez.

Prior to 1970, POWs were held in small to medium-sized camps or in small isolated groups within the camps. After the Son Tay raid, the smaller camps were closed, the POWs consolidated, and treatment of POWs improved. In late 1972, the North Vietnamese readjusted the camp system in anticipation of the POW release. The American POWS were released from North Vietnam in four increments: the first two from the Hanoi Hilton, the third from the Plantation, and the fourth from the Zoo. All POWs captured in South Vietnam and Laos who were held in North Vietnam were released from the Hanoi Hilton.

Information about unaccounted-for servicemen

A preliminary Committee staff analysis of a computer listing [310] of non-returnees named in the debriefing report [311] showed that 51

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[310] The USAF had developed an ADP system under private contract to satisfy Air Force requirements to retrieve information from returned POWS. On 11 October 1972 the Assistant Secretary of Defense, International Security Affairs, directed that this system with modifications be the Homecoming ADP system with the Air Force as Executive Agent under management of DIA. Memorandum, 1-18650/72, dated 11 October 1972, Subject: Automated Data Processing (ADP) for Initial Debriefings of Repatriated Prisoners of War. DIA Decision Paper, U-11,186 DI-6 with a proposed DIA Regulation 60- subject Intelligence Support of Homecoming Initial Debriefing of Repatriated Prisoners of War.

[311] Headquarters, United States Air Force computer listings: HOMECOMING (EGRESS RECAP) Summary of all Non-Returnees Reported and Candidate DIA Identifier in four sorts of information reported by returnee: Army Personnel not returned for SEA, 5 May 78; Navy Personnel not returned from SEA, 5 May 78; Marine Personnel not returned from SEA 2 May 78; USAF Personnel not returned from SEA, 5 May 78. Documents prepared by Air Force Data Services Center, Air force Data Automation Agency. The document originally SECRET NOFORN was declassified 31 December 1979 by HQ USAF ACSI.

servicemen named by returnees had not returned from Southeast Asia.[312] Upon the Committee's request, DIA prepared a case-by-case review of these 51 cases and [313] determined that 51 names in the USAF listing were inaccurately correlated.[314] A summary accompanying the DIA review explained:

> These debriefs were reviewed for intelligence value immediately after Operation Homecoming in 1973. It must be emphasized that the returnees were asked for information they may possess on unaccounted for Americans, not just for information on known prisoners of war.
>
> Of the 51 listed, the following observations remain true:
>
> Many POWs reported on individuals they personally saw dead.
>
> Many names reported to debriefers were heard in the prison communication system; when investigated after Operation Homecoming, most of these reports were cleared:
>
> Many reports came from queries by one individual, about what happened to a particular individual; they were questions, not answers. (58 percent)
>
> Where the source was identified, it was determined that he had never seen the listed man. (16 percent)
>
> Some individuals were reported as seen in the company of a group, but no other member of the group reported having seen the individual. (14 percent)
>
> Several reports of possible POWs in a particular camp were based upon phonetic spellings seen on camp walls or elsewhere, or on radio broadcasts. (6 percent)
>
> One report correlates to an individual (Howard Lull) who was captured but killed before entering the camp system (Howard Lull, XX)
>
> Five of the individuals on the list of 51 names are Vessey cases. (Hestle, Lane, Eidsmow, Entrican, and Finley) [315]

Some of the returning POWs also provided debriefers with "memory lists" of fellow POWs believed to have been in the prison system at some point in time. These included the "LuLu Group" (POWs captured in Laos who entered the prison system in North Vietnam), the "Lost Sheep List" (POWs who "disappeared" in the prison system) and the "Lonely Hearts List" (POWs seen dead or dying in the prison system). The committee requested copies of all such lists. The DoD response is included here for the record [316] and discussed elsewhere in this report chapter dealings with government knowledgeability and actions.

No information about live Americans was reported from the debriefings of returned POWs to any member of the U.S. delegation to the Four Party Joint Military Commission.[317]

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[312] Committee Letter, dated June 25 1992 to Margaret R. Munson, Director, DoD POW/MIA CDO, Office of the Secretary of Defense, Washington DC 20301-3040.

[313] Committee testimony of Mr. Robert Sheetz, Director of the DIA Office for POW/MIA Affairs, June 24, 1992.

[314] DoD, CDO Letter, dated: 29 June 1992, TAB A: Alleged POW Names Reported by Returnees During Homecomings (Does Not Include U. S. Government Priority Cases).

[315] DIA Paper, Homecoming Debrief Analysis, undated.

[316] DoD POW/MIA CDO Letter, U0948, dated 13 July 1992.

[317] Depositions of Wickham, O'Connor, Budge, Russell and Robson.

The DIA provided the Secretary of Defense weekly summaries of the Homecoming debriefings. These reports showed that, after collating all the debriefings, only three men named by some POWs (whose fate was not learned from other POWs) were not accounted for.[318] The remains of these three men later were returned.[319]

On April 17, 1974, DIA provided the Military Service Intelligence Chiefs a review of all reports received since Operation Homecoming of prisoners still held in Southeast Asia:[320]

Cambodia: None of the 27 Americans released by the PRG at Loc Ninh, South Vietnam in February 1973 were held with, or had knowledge of, the fate of any other American or foreign POWs in Cambodia. DIA listed 27 Americans and approximately 20 foreign journalists missing at the time of this report. No information on the fate of either group was obtained during Operation Homecoming.

Laos: Ten prisoners, nine Americans and one Canadian, were released at Gia Lam Airport on March 28, 1973. Since Operation Homecoming, the Pathet Lao claimed to hold no Americans prisoner except Mr. Emmet J. Kay. Live-sighting reports at the time of this report in 1974 remained unconfirmed, but DIA noted ". . . it is clear that the Pathet Lao had captured some personnel who were not released," and noted Eugene Debruin and Lt. Col. David Hrdlicka as examples of those known to have been captured by the Pathet Lao and not released.[321] The Pathet Lao made various statements over the years indicating their knowledge of American POWs in Laos. DIA concluded in 1974 that the Pathet Lao had yet to provide even a partially satisfactory accounting of the approximate 300 American POWs unaccounted for in Laos.

North Vietnam: In addition to the POWs released during Operation Homecoming, the list of 457 U.S. POWs contained the names of 23 servicemen reported by the North Vietnamese to have died in captivity. The remains were released in mid March 1974. DIA noted in April 1974 that there were no intelligence reports of U.S. POWs alive in North Vietnam. Intelligence reporting was generally limited to sightings of U.S. personnel who were subsequently released or died in captivity.

South Vietnam: 122 captured Americans were released during Operation Homecoming. The PRG provided a list of 40 more Americans who were reported died in captivity. DIA noted in 1974 that approximately 400 Americans remained unaccounted for in South Vietnam. Reports of American POWs in Tay Ninh, Chau Doc and Par Lac provinces were unconfirmed, but two U.S. collaborators/deserters were identified, DIA reported.

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[318] Some Committee Members believe that messages from the Homecoming Center raise questions about a significantly larger number of once-known POWs whose fate was truly in question.

[319] DIA provided weekly Homecoming debriefing analysis reports starting with Report Number 1 182127Z February 73 through report number 12. Reports 1–10 were provided to the Secretary of Defense until he requested they be terminated. These reports were cumulative with the final report showing that three men remained in captivity after homecoming. The remains of these three men were later returned.

[320] DIA Memorandum, 1024/DI–6, dated 17 April 1974, Subject: Reports of Personnel Still Held Captive in Southeast Asia.

[321] Ibid, p. 4.

Other indications

After Operation Homecoming, U.S. officials and others looked to new information about POWs' experience for additional leads. For many years, POWs were not permitted to send or receive letters. When mail finally was allowed by the North Vietnamese, the U.S. gained new information about its POWs.

Defense Secretary Melvin Laird recalled that about 5000 letters had been received and, through them, about 470 POWs in Vietnam and five in Laos had been identified.[322]

Five individuals verified in captivity by war-time letters but did not return at Operation Homecoming:

Dennis W. Hammond (USMC) was captured on February 1968. He wrote a letter that was never mailed by his captors that positively identified him as captured. A 1968 Vietnamese radio broadcast indicated that Hammond made a statement. Hammond subsequently died in captivity; his death and burial were verified by a POW who returned. Hammond's remains have not been repatriated.

PFC Donald L. Sparks (USA) was captured on June 17,1969. A letter written nearly a year after his capture was found on the body of a dead North Vietnamese soldier. PFC Sparks remains unaccounted for and is one of the 135 Vessey discrepancy cases.

Capt. Robert Young, (USA) was captured on May 2, 1970. A statement dated in 1970 purported to have been made by Young was found among captured enemy documents. A 1971 FBIS report reported a statement from Young and other U.S. captives. Capt. Young's name appeared on the PRG's died-in-captivity list, but his remains have not been repatriated.

Daniel Niehouse, a U.S. civilian captured on November 25, 1966 sent a letter to his family in Scotland by prisoners released in 1967. Niehouse appeared on the PRG died-in-captivity list, but his remains have not been repatriated.

W4 John W. Frederick (USMC) was captured in December of 1965. He wrote letters to, and received letters from, his family while in captivity. Frederick died in captivity and his remains were repatriated to the U.S. in March, 1984.[323]

Were specialists kept behind?

Suspicions continued about whether some POWs with particular military specialties may have been segregated into a separate prison system and kept behind. The committee requested DoD to advise it about whether any abnormal statistical patterns were apparent based on military specialties; DoD's response included a student research report, "Analysis of Academic and Military Background of Released U.S. Prisoners of War and Those Unaccounted For," which was completed in March 1981. In the study, "the backgrounds of 478 USAF officer POWs/MIAs were statistically analyzed to determine if there were any significant differences between the backgrounds of those that returned and those that did

[322] Laird Testimony, September 21, 1992, Hearings on the Paris Peace Accords, pages 70–71.
[323] Letter, ASD/ISA I-92/43943, dated September 25, 1992.

not return." The analysis revealed that men with the following specialties returned in significantly lower numbers:

Officers with intelligence-gathering or technically oriented specialties (AFSCs);

Officers with prior assignments at or above Major Command level;

Officers lost in 1968;

Officers lost over water near or in the Southern regions of North Vietnam;

Officers on Special Operations or Armed Reconnaissance missions; and

Officers flying F111s or multi-engine, propeller-type aircraft without ejection capabilities.

In conclusion, the findings did indicate that there were some military background and mission characteristics frequently associated with non-returning POWs/MIAs, but the question of whether any POWs /MIAs were held back because of these or other characteristics remains an open one.[324]

The accompanying memorandum noted that the study was requested by the DIA and noted:

> . . . Various studies of the themes suggested in your letter have been examined by individual analysts in that office, but in general the informal assessments were maintained by the analyst only. Their consistent conclusion was, however, as the above analysis concludes, that there is no factual basis for the inferences you suggest, and it is in fact contradicted anecdotally by several of the "specialized" returnees. This is summarized in an overall briefing prepared by the Special Officer and provided below.

A recurring theme in the mythology of the PW-MIA issues is that U.S. personnel were exploited for their technical knowledge and skills. This theme is carried to the point of allegations that American personnel with certain specialized skills or knowledge were taken to third countries for exploitation, or were exploited by third country interrogators in Vietnam. Although the argument is seductive, it simply is not correct. No evidence exists to suggest that any American personnel were singled out for exploitation because of their technical skills, educational background, previous assignments, or any other element of their background. The following facts must be considered definitive:

As indicated above, a review of the backgrounds of returnees versus missing men as regards previous assignments, technical skills, education level, mission assignment and many other aspects reveals no correlation to returned or non-returned status. Simply stated, U.S. personnel with technical backgrounds, previous assignments in technical areas, or any other specialized skill or background are not missing in any greater proportion than are individuals without those backgrounds. In the case of air crews, survival of a shootdown, capture, and eventual return can only be described as a crap shoot.

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[324] The study was limited to USAF airmen lost over North Vietnam and was based on the premise that Vietnam continued to hold them prisoner after Operation Homecoming.

A review of debriefings of returnees reveals that prisoners were not interrogated to any extent on their technical knowledge. While some interrogations asked limited technical questions, the overwhelming thrust of interrogations and torture was to elicit political statements from the prisoners. Technical information was a very low or non-existent priority for questioning.

3 U.S. personnel were not subjected to interrogation by anyone other than Vietnamese, except:

In one incident involving several prisoners and a few cases where Americans were initially captured by Chinese military units operating in North Vietnam (these units did or did not conduct simple interrogations before turning the Americans over to the Vietnamese).

The KGB interrogated at least one American of Russian descent, who was on assignment to the Navy from the CIA. KGB officer Oleg Nechiporenko also prepared a questionnaire which may have been used in the interrogation of American POWs.

Some returned POWs report being interrogated by Cubans.

The idea that U.S. technical specialists, such as an "electronic warfare officer" or a radar navigator, could provide valuable engineering, design, and operational data to the Vietnamese or to some third country is questionable, In the first place, much technical information about even sensitive systems is available readily through exploitations of open sources. A magazine such as "Aviation Week and Space Technology" is a better source than an injured, frightened, hungry B-52 radar navigator. The Soviets provided to the Vietnamese technical data about U.S, systems which they had obtained through their normal intelligence operations. Second, the information which the Soviets sought on U.S. systems simply could not be provided by the tactical operators captured by the Vietnamese. The Soviets sought design, research and engineering data—information available more reliably and readily through penetrations of the U.S. defense electronic industry. [325]

Possibility of POWs outside returnees' knowledge

Returning POWs could not fathom a parallel prison system in Vietnam, the possibility that there was another captive world outside their own. According to Stockdale, they first considered the possibility when asked by then Defense Secretary Elliott Richardson:

> In February or March 1973, I and several senior prisoners visited Secretary of Defense Elliott Richardson in his office at the Pentagon. He said, did you leave anybody over there? I answered as spokesman for the group and said no,

[325] DoD Letter, U-1683 DoD POW/MIA CDO, dated December 17, 1992, with DIA Memorandum U-1690/PW, dated 16 December 1992 and Air Command and Staff College Student Research Report: Analysis of Academic and Military Background of Released U.S. Prisoners of War and those Unaccounted for, authored by Major Hugh S. McCleod, USA and Major Noel N. Mears Jr. USAF, dated March 1981.

and told him the story I just told you . . . the farthest thing from my mind was anybody being left. I thought it was impossible. . . . I told him how we counted noses.

He said, what about a second prison, a secret enclave—the first time I'd ever heard that. . . . I told the Secretary I had spent the best part of seven years trying to judge just what the North Vietnamese are thinking about, what they were capable of, and what they could get away with to our detriment . . . and the thought never crossed my mind that they could have sort of a stash for special prisoners that could be kept secret from the rest of us for years.

Senator MCCAIN: Admiral, from your very strong statement it indicates to me that you do not believe that we knowingly left any Americans alive in Southeast Asia . . . Is that your view?

Admiral STOCKDALE. . . . I know there are some things I don't know about Laos, but I'm positive there's nothing . . . I have no evidence of anybody that was left intentionally alive in Laos or anywhere.[326]

Even the threats of their captors did not raise a serious possibility that there was anywhere else to be sent to:

Senator GRASSLEY. . . . Returnees independently described . . . instances in which Vietnamese interrogators threatened to send POW's to something referred to by the Vietnamese as survival camps if they did not cooperate. . . . Do you have any knowledge of such camps?

Admiral STOCKDALE. . . . I never heard that expression before, but it wasn't uncommon for them to make dire threats of death. . . .

Senator GRASSLEY. Admiral, as a prisoner and after your release, did you ever consider the possibility that the Vietnamese might have segregated prisoners soon after capture into two separate prison camps? . . .

Admiral STOCKDALE. . . . I've always had the feeling that he [Secretary Richardson] thought I was right.

Nor has any returned POW has ever suggested to Stockdale that he believed men were left behind, Stockdale testified.

Vice Chairman SMITH. To your knowledge, and with all of your contacts and communications with other POW's who have returned, did any POW ever report to you seeing or having seen, or knowing of a POW that they made direct contact with, who did not return?

Admiral STOCKDALE. Never did that happen, in eight years, . . . Never did anybody say, "We've got a guy over there." And if you find somebody that says, "I was in the Hanoi prison and I saw a guy, and then he didn't come home and I don't know what happened to him," he's not telling the truth.

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[326] Stockdale testimony, Dec. 8, 1992.

Vice Chairman SMITH. Did any POW that you came back with, ever indicate to you that there was any type of segregation in the camp system, that you were a part of, concerning military specialty, where people or specialty in the military?

Admiral STOCKDALE. No, I don't know of any. . . .

At the Committee's request, Admiral Stockdale examined a list of men last known alive.

Mulligan

Stockdale's first concern was about a POW named Mulligan:

Senator REID. Admiral, it is my understanding that yesterday you reviewed a list that Senator Smith gave you of 324 names. . . . Did you review that list yesterday?

Admiral STOCKDALE. . . . I was alarmed about the fact that eight of the entries were from the debrief of one James Mulligan. There were names I'd never heard of . . . So, I called Mulligan [a former POW in North Vietnam] . . . We went through all eight . . . He said not one of those was in my name [memory] bank.

Vice Chairman SMITH. I just want to say, Admiral, that I respect your answer. . . . But, I want to have the opportunity to enter into the record . . . the document which does mention those names in regard to Mulligan.

The Mulligan extracts [327] were provided to DoD for rechecking the names against the debriefs. JSSA's response of December 11, 1992 noted that:

Col. Brown and his deputy, Mr. Dussault, personally went over each page of the lengthy transcript and list of POWs memorized by Capt. Mulligan. They found no reference to the MIA Collamore. However they did locate Homecoming debriefing reports that corrected "Collarmore" to "Col. Lamar." Due to the misinterpretation of the taped pronunciation the name Cullamore was in fact determined to have been Col. Lamar, who has been returned to U.S. control.[328]

A second response stated:

1. We have reviewed Capt. Mulligan's debriefing file and the following names of MIA personnel were apparently reported by Capt. Mulligan: Beene, James A.; Collins, Richard F.; Davies, Joseph E.; Lawrence, Bruce E.; Raymond, Paul D.; and Pierson, W. C. III.

2. Capt. Mulligan also related knowledge of James Q. Collins (Capt. USAF) and William P. Lawrence (Cdr, USN) who were repatriated during Operation Homecoming.[329]

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[327] Extract, Homecoming (Egress Recap) Report, Summary of All Non-Returnees Reported and Candidate DIA Identifier, dated 5 May 78 from returnee Mulligan, James A. M131.

[328] Letter, Joint Services Survival, Evasion, Resistance and Escape (SERE) Agency, dated December 11, 1992.

[329] Letter, Department of the Air Force, Joint Services SERE Agency, dated December 16, 1992.

Committee staff telephoned Capt. James A. Mulligan on December 15, 1992. He stated that copies of the returnee debriefing report had been faxed to him by Admiral Stockdale and that the information listing him as the source is in error.

Sponeyberger and Wilson

Admiral Stockdale also discussed the fate of Captain Robert D. Sponeyberger and Lieutenant William Wilson.

> Admiral STOCKDALE. . . . We had two people in—well now, Sponeyberger was never in our camp system so—I mean he . . . he came home but he didn't come home via my prison. . . . Sponeyberger . . . returned—in March 73 and he's shown as a pilot of an and F111 I don't know where he was held. . . . And Wilson . . . He was not in our prison system but he was returned. . . . I never had anybody in my prison that had flown an F111, so I don't know.

DoD provided a response to the committee's request to determine where Captain Sponeyberger and Lt Wilson were held captive, if this was outside the normal prison system, and where the remaining F111 POWs were imprisoned. This stated:

> . . . Captain Sponeyberger was captured on 22 December 1972 and held in Hoa Lo prison from 25 December 1972 through 3 January 1973. He was then held at Cu Loc prison from 3 January 1973 through 29 March 1973. Lieutenant Wilson was captured with Captain Sponeyberger and held in Hoa Lo from 29 December 1972 through 3 January 1973 and at Cu Loc from 3 January 1973 through 29 March 1973.
>
> VADM Stockdale was in Hoa Lo prison from 25 January 1969 until his release on 12 February 1973. The three were inmates at Hoa Lo prison at the same time from 29 December 1972 through 3 January 1973. Thus, in fact, Captain Sponeyberger and Lieutenant Wilson were held in facilities in the normal prison system.
>
> Wilson and Sponeyberger were imprisoned quite late in the war, and their incarceration in Hoa Lo overlapped that of VADM Stockdale for only a few days. Because they were in the prison system for such a short time, it is possible that VADM Stockdale may not have remembered them or may never have known about them.
>
> DIA has found no credible intelligence to suggest that any prison system existed other than the "normal" North Vietnamese prison system. None of the other F-111 aviators lost are known to have survived their loss incidents.[330]

[330] DoD Letter U-1714/DoD POW/MIA CDO, dated 28 December 1992 with DIA Memorandum, Subject: Senate Select Committee Request for Information Regarding VADM Stockdale's Testimony, dated 23 December 1992.

Col. Donald "Digger" Odell

More recently, Col. Donald "Digger" Odell, a former POW, was also reported in the press as stating that two American POWs were taken away prior to Homecoming and not released. The Committee requested a DIA analysis of the news article, and DIA's response stated that Col. Odell mentioned the names of two individuals he speculated might have remained behind alive: Capt. Earl Cobell (USAF) and Lt. J. J. Connell (USN). DIA further noted:

> The record seems to indicate that both men died prior to Operation Homecoming. Their names appeared on the DRV died-in-captivity list, passed to the U.S. Government on 27 January 1973. . . . Both individuals' remains were repatriated in March 1974. . . . Other returnees reported that Captain Cobell, a particularly recalcitrant prisoner, had been beaten almost to the point of insanity, possibly by a Cuban, in August or September 1969 and had to be force-fed by his roommate. Lt. Connell reportedly tried to deceive the Vietnamese into believing that torture had crippled his hands and had caused him to be mentally deranged.[331]

The DIA's analysis was read to Col. Odell by phone. He acknowledged the press report accurately depicted his statement, said he had no knowledge of the reported deaths, and offered no challenge to the DIA statement of death.[332]

Defense Intelligence Agency assessment

Testimony by the DIA's Bob Sheetz included an undated paper entitled "Defense Intelligence Agency Commentary on Names Appearing in Returnee Debriefs," which makes the following points:

> The DoD position is that all Americans known to have been in prison system in North Vietnam are accounted for.
>
> In the prison communications system such as tap codes, using various signalling systems, clarity and completeness of communications sometimes suffered. Partial names, nicknames and names were arrived at phonetically.
>
> The fact that a name was mentioned by a returnee does not mean the individual was in the prison system, it could merely mean that someone was asking about him, introducing his name into the system.
>
> The objective of the debriefings was to get a listing of every name the returnee knew. DoD believed they could construct a "fairly tidy" list of names of men who did not return. The result, however, was not usable.
>
> The lists had full names, partial names, nicknames, garbled names, names of men seen alive and names with no explanation. It was clear detailed analysis was needed. This initial listing is the "pink pages." This is the list

[331] DoD POW/MIA CDO Letter, dated 4 November 1992 with an undated unsigned letter to the Committee from DIA and the unclassified files of Cobell and Connell.

[332] Memorandum for Record, dated December 9, 1992, subject: Telephone Interview with Colonel Donald "Digger" Odell.

which the committee has now. That list, is a list of raw, unevaluated names from the debriefs at Clark AFB.

Detailed briefings sorted out the names initially provided. Analysis sorted the names. Cross-checking took four years, the last published list was September 1977.

The resulting list called "white pages" was published in 1977. In the final list of names these are no concrete indications that any of the men in the prison system and remains of some men on the 1977 list have been returned.[333]

On Dec. 23, 1992, DoD provided an additional response from the Defense Intelligence Agency. The substance is quoted in full:

1. In response to the Committee letter of 10 December 1992 on information found in the returnees' debriefs, the Defense Intelligence Agency wishes to clarify the facts at issue. In June 1992, at the request of the Committee, we re-analyzed a list of 51 names in debriefs which were presented as potential priority discrepancy cases, and found that they were, in fact, all references to accounted-for servicemen. We stated at that time informally, and again in our September letter, that we would be happy to provide specific analytic support on specific name questions, but would not provide analysis on the total set (that is, a reworking of the whole), requested once then, and now again in your 10 December letter. We are unaware of outstanding questions on the May 1978 computer listing. This complete listing was thoroughly analyzed in the 1973-77 time frame. We offer the following generic description of that process.

2. The Committee should be aware of the details of analysis devoted to names provided by returnees during Operation Homecoming and subsequent debriefings. When returning American prisoners arrived at Clark Air Base in Spring 1973, they were debriefed immediately and asked to provide the names of other Americans they had seen or heard of in the prison system. At this point, maximum effort was placed on collecting names; little attention was paid to accuracy, spelling, or circumstances under which the name was heard. An additional problem, here and later, was that many of the names were mistakenly identified from the actual tapes of the interviews and had not actually been stated by the debriefees. The names provided at this time were submitted by message to the military service casualty offices and to the Defense Intelligence Agency. On 24 April, 1973, this list of initially-reported names was printed on pink paper and became known as the "pink pages." Analysis of these names at the time showed a large number of duplications, names of returnees, names of men still missing, partial names, and phonetic names for which the correct spelling was not available.

[333] Defense Intelligence Agency Commentary on Names Appearing in Returnee Debriefs, undated.

3. The military services and DIA began analyzing these names. Their objective was to remove from the list names of men who had returned or names which were determined to be invalid. Throughout this process, each agency cross-checked its work with the other agencies and interagency agreement was reached on names which should be removed from the listing. As a result, on 9 May and 5 June 1973, a second list of names was published. Names in the "pink pages" which pertained to returnees or in other ways did not pertain to missing men were not on this May-June 1973 list.

4. The list which the Committee notes is dated May 1978 is, in fact, a reproduction of the April 1973 "pink pages." That is, the list of the initial, unevaluated listing of names provided by the returnees during their debriefings at Clark. This list contains names of men in the prison system as well as names of men who never appeared in the system but whose fates were the subject of discussion through the prison communication system. The appearance of a name on this list is no way offers definitive evidence that the man named was in the prison system.

5. By this time, the returnees had been dispersed from Clark to bases and homes in the United States and detailed debriefings were begun. During these debrief ings, every effort was made to obtain from the returnees details of names they had provided during the initial debriefs at Clark. Especially important was the necessity to differentiate between the name of an individual who was actually in the prison system as opposed to the name of an individual who had been lost and whose name was being passed through the system in an attempt to locate him, though he was never in the prison system.

6. After this, the names provided by the returnees were subjected to exhaustive analysis over a four-year period from April 1973 until September 1977. They were then checked, cross-checked, and analyzed by the services and by DIA. The objective still was to develop a list of men who did not return. When this process was completed, the resulting document, known as the "white pages." was published on 2 September 1977. This document is the definitive compilation of information on missing men provided by the returnees. In virtually every case, the information which the returnees furnished dealt with the missing man's loss incident of his death in captivity. Four years of analysis of information provided by the returnees led DoD to the following determination: all of the men who were known to be in the prison system either came home during Operation Homecoming or were accounted for at that time. DoD stands by that conclusion.

7. To reiterate, the Department stands ready to assist the committee with specific, bounded requests for analytic assistance. We cannot honor the request to do all of this

work over again especially since the initial work has been shown to be valid.[334]

Committee review of debriefing reports

To examine inconsistencies in the record and the hearings, the Committee requested Operation Homecoming records and information from DoD.[335] The responses indicated that no final analysis had been completed of the debriefings other than the Air Force computer listing. The Committee advised DoD that records provided by DoD showed that the Army had been tasked to provide an historical record and the committee requested a copy, but none was received by publication of this report.[336]

The Secretary of Defense declined to allow Committee staff access to the actual debriefings, citing confidentiality commitments made to the POWs at the time of their debriefings. "The former POWs were assured that under no circumstances would these recorded debriefings be released to anyone. The Department of Defense has and will continue to honor that pledge.[337] The DOD agreed to make transcripts of the debriefings available to the Chairman and Vice Chairman, however, although it retained control of the transcripts.[338] Both the Chairman and the Vice Chairman reviewed several summaries and debriefing transcripts, but did not have time to conduct more than a limited review.[339]

The Committee also sought permission to review returnees' debriefings. DoD was unable to provide the addresses of the former POWs, but Nam-POW, Inc. gave the Committee an updated list and permission to use its mailing list.[340] A survey was sent to the 483 former POWs with known addresses in October 1992.

The Chairman and Vice Chairman directed that the mailing assure each former POW that the Select Committee's sole interest was information on non-returnees to provide casualty resolution. It was not a general screen of debriefing reports, but a specific search for names of those in captivity who did not return. Senator McCain, a former POW, approved the questionnaire before it was sent.

At publication time, the committee had received 368 responses: 19 letters were returned, 285 returnees agreed to the review and 19 declined. Another 27 acknowledged the Committee's request, but had no information. In all, 18 had additional information or requested a committee interview; however, this information could not be followed up without access to the debriefing reports.

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[334] DoD Letter, U-1712/DoD POW/MIA CDO, dated 23 December 1992 with enclosure DIA Memorandum U-1716/PW, subject: Senate Select Committee Inquiry, dated 22 December 1992.

[335] Letters to DoD, dated September 14, 1992 and October 22, 1992.

[336] DoD Letters to the Committee dated 22 September 1992, 15 October 1992. Assistant Secretary of Defense, International Security Affairs Memorandum for the Secretaries of the Military Departments, Chairman, Joint Chiefs of Staff, I-150944/72, dated 1 December 1972, Subject: Historical/Photographic Documentation of PW Repatriation Activities.

[337] Letter, Assistant Secretary of Defense, Command, Control, Communications and Intelligence, dated January 15, 1992.

[338] Response to Committee by Mr. Duane P. Andrews, Assistant Secretary of Defense, Command, Control, Communications and Intelligence, January 15, 1992.

[339] The Vice Chairman notes his concern that some POW/MIA information in the de-briefs may not be fully reflected in subsequent DIA analyses.

[340] Letters, October 1, 1992 from Colonel Ben M Pollard, USAF (Ret) President Nam-POWs, Inc.

Based on these returns, which included a formal release granting the Committee permission to review that portion of their debriefing that related to (1) the returnee's knowledge of any individual in the prison system or (2) to his knowledge of any individual who may have survived capture, the Committee on November 13, 1992 requested that the Secretary of Defense make available the debriefings of those returnees who had granted permission for review. Cheney declined the committee request.[341]

At the December 1, 1992 Hearing on DoD Oversight, Carl Ford, Assistant Secretary of Defense for International Security Affairs in an exchange with Senator Kerry and Senator Smith agreed to work with the committee to seek a compromise on staff access to the returnee debriefings.[342] In response to committee letters, Andrews noted on Dec. 28, 1992:

> We continue to allow the Chairman and Vice Chairman of the Select Committee access to the POW debriefings. We are aware that a number of returnees have consented to a review by staff of the Committee on POW/MIA Affairs of that portion of their debriefings which relates to their knowledge of the presence of other POWs in the prison system or of their knowledge of any individuals who may have survived their incident of capture.
>
> These former prisoners were asked to grant access to Department of Defense records that they do not control. If we were to permit staff access to those records where the Select Committee has obtained a release it would be unfair to the others who might feel pressured concerning their decisions to maintain the confidentiality of their experiences and would set an unacceptable precedent for returnees in future conflicts.
>
> If the Select Committee determines that the very significant cost is warranted, the Department could once again review all these debriefs and extract the text containing the names of the unaccounted for Americans. This effort would take several months to complete.
>
> We have a high degree of confidence that the effort to glean names of unaccounted for Americans from our returnees during Operation Homecoming was thorough and that those names are accurately reflected in the 1978 list referenced by Senator Smith on December 3, 1992, during the open hearings of the Committee. In the context of Senator Smith's concern that the 1978 list might be based on flawed analysis, the Joint Services SERE Agency (JSSA) conducted an extensive analysis of the Mulligan-Collamore example cited by Senator Smith. The original analysis was reconfirmed by the JSSA review which is summarized in enclosure 1. We believe that the accuracy of the remainder of the 1978 list would be substantiated under similar scrutiny.

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[341] Letter to Cheney, Nov. 13, 1992 and Cheney response, Dec. 28, 1992.
[342] See testimony and discussion PP 362-372, Transcript of Hearings, December 1, 1992.

JSSA has examined the four debriefs reviewed by Senator Smith for any name anomalies and none were found. The JSSA is willing to conduct a similar review of a limited number of Committee-selected debriefs of special concern, in order to satisfy any specific questions the Committee may have regarding the 1978 list. However, the transcript analysis process is lengthy and the analytical resources available to the JSSA necessarily limit the cases that can be reviewed prior to issuance of the Select Committee's final report.

Your letter also asks whether returnees may review their own debriefs. We have a long standing policy that returnees may have visual access to the transcript of their debriefing but may not retain copies of the debriefing records. The debrief remains classified secret.

Finally, Mr. Codinha's letter requests the source of information for the homecoming computer listings and an unclassified copy of the final list of the names of missing men about whom the returnees offered information. The original sources for this database were principally the Phase I, II and III Egress Recap debriefer report messages. These reports were prepared by the officials who conducted the debriefings and were transmitted to Headquarters United States Air Force for entry into a database. As additional information was gained concerning the fate of missing Americans this database was updated. For example, names of individuals the returnees mentioned but who had returned to U.S. control, or whose remains were recovered, were not retained in this database. The Joint Services SERE Agency has researched its files for documentation relating to other possible sources for entry into this database, but has so far found none. The unclassified copy of the final list is at Enclosure 2.[343]

The committee request was in furtherance of a complete record, the suspicions surrounding the debriefing process, the DIA commentary on names appearing in returnee debriefs,[344] and because the committee was denied access for a detailed review of the debriefings, the Committee again requested [345] that DoD combine the work previously done on 51 of the approximated 350 names on the United States Air Force computer listing of the HOMECOMING debriefings, the work done on Senator Smith's list of 324 with those not completed to provide a comprehensive analysis of all the lists of names from the Homecoming debriefs.[346]

Discussion

The Committee repeatedly requested that DoD again conduct a full review of returnee debriefings. DoD declined to do so. The Committee Chairman and Vice Chairman were allowed access to the debriefings, but the volume precluded more than a sampling.

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[343] Assistant Secretary of Defense Letter, dated December 28, 1992 with enclosure 1 JSSA Memo, dated 11 December 1992, subject: Response to Sen. Smith's Comments in Open Hearing, Re Former POW Mulligan citing of "Collamore" as a Live POW. and enclosure 2 HOMECOMING (Egress Recap) Casualty Resolution Report dated 2 Sep, 1977.

[344] DIA Commentary on Names Appearing in Returnee Debriefs December hearings.

[345] Committee request to DoD, dated December 10, 1992.

[346] USAF listing and DoD analysis please cite properly and add relevant portions to Annex.

The Committee then requested access by staff to conduct this review. DoD declined. Therefore, the Committee has placed into the Archives the computer listings of the debriefing results and encourages the public to review these comments and draw their own conclusions.

The Committee urges DoD to conduct a full, independent review to clarify this issue for the public. The review should be undertaken by DOD staff and not assigned to the DIA, and the results should be provided to the appropriate oversight committees of Congress and made public.

INTER-AGENCY GROUP

As part of its review of Executive branch policy-making on POW MIA issues, the Committee examined the origins and operations of a group that is little known to many Americans, but a group that has been the focus of POW/MIA policy-making for more than a decade: the Inter-Agency Group on POW/MIA Affairs (IAG).

The IAG's members include representatives from the Department of State (State), the Defense Department's International Security Agency (DoD), the Joint Chiefs of Staff (Joint Chiefs), the National Security Council (NSC), and the National League of Families (League). The Select Committee sought to determine:

The IAG's precise role in formulating and implementing POW/MIA policies;

The IAG's operating procedures;

The effects on the IAG of the participation of a nongovernmental organization; and

The extent to which IAG deliberations are accountable to Congressional and public review—or should be.

History of inter-agency groups

Inter-agency groups are common in the Executive branch of the U. S. Government. Since many problems involve overlapping jurisdictions or responsibilities, inter-agency groups have emerged as a means to coordinate policy and improve communication among agencies.[347] They often pass recommendations up the line to "Senior Agency Groups" or "SIGs," to Deputy level meetings, and, if appropriate, to the Cabinet/Presidential level.

Several witnesses at the Committee's Dec. 1, 1992 hearing on the Inter-Agency Group testified that such bodies are useful in dealing with issues. Richard T. Childress, former Director of Asian Affairs in the Reagan Administration NSC, commented that:

> Every important issue of priority in any administration has an inter-agency body that meets . . . to receive briefings, develop or implement policy, review progress, or complain to each other about how one participant or another is wonderful or defective in the overall task.[348]

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[347] For a discussion of this in the intelligence community, especially, see John And's The Agency: The Rise and Decline of the CIA (New York: Simon and Schuster/Touchstone, 1987), 687, 746.

[348] Statement of Richard T. Childress before the Select Committee hearing on the Interagency Group, December 1, 1992.

Deputy Assistant Secretary Carl Ford agreed:

> . . . if there hadn't been an IAG, I would have been forcefully advocating that one be formed.[349]

Creation of the IAG on POW/MIA affairs

The Inter-Agency Group on POW/MIA policy is unusual, however, because of its longevity. Most such groups have a much shorter lifespan and "go from issue to issue," Ford said, citing IAGs which coordinated policy during the Persian Gulf and Korean Wars.[350]

The IAG was established in January 1980 "to review and assess current events and policies [and] to consider future direction/policy to resolve the POW/MIA problem."[351] It offered a means of dealing with most key players: DoD, State, the League, and Congress. One early product was a revised statement of U.S. policy toward the live-sighting reports pouring out of Vietnam and Laos with the increased flow of refugees.

A year later, under the Reagan Administration, the DoD referred to the IAG as an "ad hoc PW/MIA inter-agency group, in which the DoD was actively participating."[352] Sometime thereafter the membership of the IAG changed to omit the Congressional component.[353] It was unclear why that change was made, and the practice was not followed; the U.S.-Russia Joint Commission on POW/MIA's has "exactly that arrangement," with "staffers from the committee and staffers from the executive branch working together . . . doing the investigations together . . ." and that "the . . . Commission [in] which the Congress and Executive branch have worked together, has worked very well."[354]

Public accountability

The IAG has been the focal point of U.S. policy formulation on the POW/MIA issue for 12 years. The IAG as it now operates "oversees the overall U.S. Government effort." Further, it "cuts across all the departments in the executive branch that have a role [in the POW/MIA issue]."[355] Its participants argue that the various agencies, departments, constituencies, issues, and policy matters involved make it necessary and all confirmed the centrality of the IAG to the effective pursuit of U.S. policy on this issue.

Despite its central role, penetrating the IAG's working has been difficult, and even such a basic question as how often it meets is not readily or fully answered by its present members. Still classified documents suggest there were at least as many meetings in 1992 as in 1991, but Deputy Assistant Secretary of State Kenneth Quinn, the IAG's current chairman, only could estimate that number (to be about 17).

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[349] Statement of DASD Carl Ford before Select Committee, December 1, 1992.
[350] Ford Statement, December 1, 1992, p. 264.
[351] This is a quotation from a speech by General Richard L. Lawson, USAF, to the National League of Families on June 28, 1980.
[352] National League of Families, POW/MIA Factbook. 1982.
[353] The DIA/IG Report, 24 March, 1983, p. 5, reported that the Congressional intelligence committees were represented on the IAG. However, consultation with the staff of both the House and Senate Intelligence Committees indicates that there was no such representation on the Interagency Group.
[354] Committee hearings, December 1, 1992, 289–290.
[355] Sheetz testimony, Dec. 1, 1992.

Other documentation of the IAG's working was elusive, a situation that generates natural concern:

> When you are dealing with an issue that is as volatile as this, and you have got as many people crying conspiracy as you have, and then you have . . . this sort of entity . . . making decisions which has a special interest group, a non-governmental entity represented on it which has been the subject of criticism . . . do you not feel that you are just contributing to the problems of this issue by not having a record of openness? [356]

The IAG members' response cited the importance of the coordinating body, without addressing the central point about its secrecy.

During the first years of the IAG's existence, the chairmanship rotated among the executive agencies represented, as intended at its inception. In the early 1980's, however, because the issue is primarily a foreign policy matter, the Reagan Administration decided to maintain State Department representative as chair.[357] From 1981 to 1989 chairmen were successively Ambassadors Daniel O'Donahue, John Monjo, and David Lambertson.

In October, the Committee wrote to IAG Chairman Quinn, requesting all records of IAG meetings—agendas, background papers, minutes, etc.—from 1981 to the present. He responded that records before 1991 were difficult to locate and later testified that "there was no record from [before] 1991." [358] The requested documents were delivered in classified form in late November and State later notified the Committee that it would not declassify five memoranda.[359] Rules about the treatment of classified materials precludes the Committee from characterizing these memoranda, but investigators with the appropriate clearance have reviewed them.

During the Committee's hearing, Senators questioned the IAG's failure to keep regular minutes of its meetings. In the IAG's early days, there were informal notes of its meetings, Childress testified, but when the IAG "got rolling," its members considered keeping minutes a waste of time. Common understanding of tasks and frequent telephonic communication made formal minutes unnecessary, he said.[360]

In this connection Ford noted that because actions flowing from IAG deliberations are taken by departments, the "records of the IAG are really found" in departmental records. In his words,

> . . . if we came back from an IAG and tried to write up what had happened, it would have already changed before it could have made any impact . . . where you find the paper is when the IAG would get to a point where it was important that our superiors knew . . . what was going on, had to make a decision, and at that point a decision memoran-

[356] Committee hearings, December 1, 1992, 284.
[357] Statement of Ann Mills Griffiths, December 1, 1992.
[358] Transcript of hearing, December 1, 1992, 281.
[359] Phone message from Mr. "Ike Eisenberg" (as heard) to Jon Holstine, Tuesday, December 1, 1992. The other memos referred to include memoranda dated March 8, 1991, March 12, 1991, March 29, 1991, and April 27, 1992, and an undated memorandum from Kantor to (Assistant Secretary) Solomon.
[360] Transcript December 1, 1992, 281.

> dum from Defense, and, I'm sure, State and the NSC would go forward to the Secretary of Defense, Secretary of State [and] the President on these issues.

In fact, Ford said it was not his organization's practice to take notes at IAG meetings.[361] In other words, a paper trail was left by the agency taking action—not the group recommending that it do so.

Current IAG Practices

In its hearing, The Select Committee learned that the IAG on POW/MIA matters still meets at least twice a month. The agenda for the meetings is set by consultation among participants, and each agency prepares in advance for meetings. Regular attendees are representatives from the Joint Chiefs, DoD's OSD/ISA, NSC, State, and the League. In addition, the head of the Special Office on POW/MIA Affairs within DIA is normally present in an advisory capacity.[362]

According to testimony before the Select Committee, the IAG works by consensus. Participants provide in advance some idea of their concerns for the meeting, and the meeting deals with those concerns in a fairly informal manner. None of the witnesses specifically answered whether the IAG normally conducts formal votes on issues; it appears that general agreement is reached by informal discussion.

Ford explained that repeated telephone calls among the participants made the IAG's deliberation an on-going process. The Committee questions the practice of at once conducting closed-door meetings while—at the same time—discussing the meetings' substance by phone. The purpose of secret meetings should be either (1) to discuss classified information inappropriate for discussion by phone, or (2) to discuss policies which require the coordination of several participants.

Policies affected by the IAG on POW/MIA affairs

The IAG affects a broad range of issues, characterized by League representative Ann Mills Griffiths as: a wide variety of POW/MIA related actions, such as intelligence collection and analysis, diplomatic initiatives, communication with family members, Congressional endeavors, and public awareness activities.[363]

A frequent subject appears to be the "Road Map," the still classified declaration of U.S. policy of April 1991 that the U.S. relies upon to measure Vietnam's cooperation on POW/MIA and other matters as it moves toward normalization of relations.[364] Other POW/MIA-related topics have included the Orderly Departure Program, by which the Vietnamese permit their citizens to emigrate through normal channels rather than by fleeing in boats or overland, and potential private assistance to the Vietnamese in humanitarian areas such as prosthetics for the war-disabled. Because of the significant Vietnamese influence in Southeast Asia, and its im-

[361] Hearing transcript, December, 1, 1992, 283.
[362] Sheetz testimony, December 1, 1992.
[363] Statement of Ann Mills Griffiths, December 1, 1992, 3.
[364] Statements of Carl Ford and Kenneth Quinn, December 1, 1992, 3 and 1, respectively.

plications for other nations of the region, the progress of relations between the United States and Vietnam involves broad diplomatic issues. Not least of these is a final, internationally acceptable peace in Cambodia, which is reportedly an element in the "Road Map."

A survey of conversations between the U.S. and Vietnam from 1982 to 1992 suggests that IAG membership was a fair indicator of involvement in the conduct of bilateral relations. Griffiths participated in at least 20 of the 25 official and semi-official meetings with the Vietnamese examined. In view of Griffiths' membership on the Inter-Agency Group, it can be argued that she can not conduct an unofficial conversation on the POW/MIA subject.

Griffiths identified intelligence management as an issue in which the IAG has been active. Because of the close connection between the policy and intelligence functions in the POW/MIA issue, two related questions arise:

> How often has the Inter-Agency Group gotten involved in examining live-sighting reports during or prior to the analysis of intelligence information? The IAG apparently reviewed live-sighting reports for a year in 1986-1987, as appears in the "SI report."[365] Childress told the Committee that the IAG injected itself in the live-sighting review process for two reasons. First, during the period in question, DIA was being criticized for the way it handled live-sighting reports and the IAG wanted to better measure DIA's performance. Part of that effort involved conducting final reviews of DIA's decisions. The IAG also sought to provide protection, where appropriate, to the DIA's efforts.[366]
>
> A related question is whether the IAG was involved in work with casualty files. For example, the Committee found that Ford was involved in a late November 1992 meeting that reached a final determination about several casualty cases. One explanation of this kind of interaction of policy-making and intelligence analysis, put forth by Childress, is that the whole (addressed by policy-makers) is the sum of its parts (resolving individual cases or changing their category, such as from MIA to KIA/BNR). Another is the link the IAG can provide between DIA and service casualty officers, ensuring family members learn quickly about new developments.[367]

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[365] The Interagency Group passed on live sighting reports for almost a year, from April 28 1986, to March 2, 1987. Thereafter (as of March 27, 1987), the Interagency Committee or IAG took over this function. Chaired by the Director of the Special Office for POW/MIA, the IAC is composed of representatives from the CIA, each service intelligence agency, the Joint (chiefs) Staff, ISA (office of the DASD for POW/MIA), and the State Department's Bureau of Intelligence and Research. The IAC requires unanimous agreement to approve DIA recommendations, and meets in secure areas. The "SI Report" is one of DIA's computer data bases for POW/MIA information.

[366] Telephonic conversation between Jon D. Holstine, Select Committee investigator, and Richard T. Childress, December 9, 1992. Mr. Childress agreed to speak for the record.

[367] Telephone conversation between Holstine and Childress, December 9, 1992. Childress also pointed out that due to normal rotation of casualty officers, patterns of cooperation had to be constantly renewed. Thus the IAG sought to "re-educate" the new casualty officers.

The league's influence over government policy

An early example of League influence in POW/MIA matters is its efforts to work with members of Lao resistance forces in the early 1980s. The timing of this episode was important to League involvement on the IAG.

Throughout the 1979, the POW/MIA issue received a low priority despite public statements of concern; in 1979, the national intelligence priority assigned the POW/MIA issue was at the lowest U.S. national priority—Priority 7.[368]

In 1979, with the increase in refugees from Vietnam following Vietnam's invasion of Cambodia and the onset of open border fighting between Vietnam and China, there came a not unexpected increase in both refugees and reports. Many of these reports were "first hand live sightings" and they energized the National League of Families into pushing for greater emphasis on the POW/MIA issue.[369]

DIA faced the increased workload and political pressure with a staff of only eight;[370] a team of field interviewers was organized as a short term measure to handle to increased reporting.[371]

The reports came not only from Vietnam, they also came from Laos, one asserting that U.S. POWs had been moved from North Vietnam to northern Laos and then southward to the area in Khammouane Province.[372] This was one basis for a still classified covert foray from Thailand into Laos in the spring of 1981. The operation failed to locate any POWs. The source of that original report stated to other American POW/MIA operatives later that summer that he had no information on any live POWs, challenging the credibility of the report and suggesting that it was fabricated in order to win U.S. support for the Lao resistance.

Other reports about live POWs in Laos arrived but were often not what they first appeared to be. One National League of Families associate, Robert Schwab, was operating in Thailand at this time, searching for POW/MIA information. Information Schwab forwarded to the League (which in turn provided it to DIA) included new assertions of live POWs in Khammouane Province who had been the target of a rescue attempt by the Lao Resistance in 1979.[373] His source was the Lao Resistance.

Numerous documents detailed the League's position that these firsthand live sighting reports demonstrated the likelihood that there were still live POWs in Indochina and demanded immediate attention.[374]

When Robert Garwood returned from Vietnam in early 1979, the POW/MIA issue regained national attention and a top-level interagency group was formed.[375] 'The National Security Council staff

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[368] Memorandum 1381/DP-1, 25 September 1979, Charles F. Trowbridge, Jr., Annual Review of Intelligence Priorities for Strategic Planning (IPSP).

[369] George L. Brooks, Board Meeting Refugee Committee Report, November 20, 1981.

[370] 1,079/DI-7C, DIA Organizational Chart, Prisoner of War and Missing in Action Branch, and related documents.

[371] DIA (DI-7C) Staff Summary Sheet, DIA Form 1, and related documents 26 December 1979.

[372] Message From DIA (DI-7C), 272009Z Dec 79, Subj: Alleged Reports of U.S. PWS Being Detained in Cave Areas of Laos.

[373] Message From DIA (DI-7C), 271740Z Dec 79, Subj: Alleged US PW Recovery Operation.

[374] George L. Brooks, Board Meeting Refugee Committee Report, November 20, 1981.

[375] Memorandum For PW/MIA Interagency Group and related handwritten notes.

member responsible for the area coordinated issuance of a White House statement on the increased volume of reports from refugees.[376]

By 1981, the number of reports of live POWs was increasing. The principal office receiving such reports was the Joint Casualty Resolution Center field element in Thailand, under the direction of Lieutenant Colonel Paul Mather. The office had several field interviewers but was soon swamped by the quantity of information it received. Few reports could be given the detail they deserved.

While DIA and the JCRC were focusing on live-sighting and dog-tag reports, reports of human POW remains received little attention. A spate of activity began in the early summer of 1981 with the arrival in Thailand of four skulls. Schwab advised DIA he would get information from Ann Mills Griffiths on July 13, 1981, about the possible recovery of four skulls by the Lao resistance in southern Laos.[377] DIA was already aware of the report, having been advised by Griffiths on July 10th that a resistance group with four skulls had been taken into custody by the Thai.[378]

The U.S. Embassy in Bangkok, Thailand viewed this sudden flurry of reports about remains and the heavy involvement of Schwab and ABC News as an orchestrated ". . . major media event. . ." [379] The Embassy added ". . . both Schwab and the ABC rep clearly implied initially that they would make it known that we were being less than cooperative on this issue if we didn't agree to their condition." The remains came into U.S. custody within three hours of the time the Embassy first learned of the skulls' existence.

On July 28, 1981, a meeting of State, DoD and NSC staff, chaired by then-Assistant Secretary of State for East Asian and Pacific Affairs, John Holdridge, discussed the issues of working with the Lao resistance forces in order to get the remains of American servicemen, and the U.S. policy not to pay for remains.[380]

On-going negotiations were also discussed, with John Negroponte and Richard Armitage mentioned as potential emissaries to the Vietnamese Ambassador at the United Nations in New York. A high level mission to Vietnam was also considered.

On July 30, 1981, Admiral Paulson requested the appropriate DIA element research the Lao resistance forces to help answer the question . . . as to whether it may be more profitable (strictly in terms of accounting for U.S. MIAs) for the U.S. to deal with the Lao resistance forces or attempt to continue to secure a full accounting from the LPDR." [381] The assessment was also to consider the possibility of penetration by Lao or Vietnamese hostile intelligence services or even allied resistance groups such as those under former South Vietnamese Army Colonel Vo Dai Ton.

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[376] National Security Counsel Memorandum from Robert M. Kimmitt to Michael Gellner, April 30, 1981.

[377] DIA (DI-7C) Message, 15 July, 1981, Subj: Recovery of Human Remains From Laos.

[378] Ibid.

[379] Message From American Embassy, Bangkok, 191041Z Jul 81, Subj: Prisoner of War - Missing In Action Matters.

[380] Memorandum For Record, Charles F. Trowbridge, 28 July 1981, Subject: PW/MIA Meeting.

[381] Memorandum to DI-7, Subj: Assessment of Lao Resistance Forces, 30 July 1981.

League employees and JCRC were not the only persons searching for POW/MIA information from Laos and Thailand. Early in August 1981, staff members of Soldier of Fortune magazine contacted JCRC coincidental with SOF's own effort to establish Camp Liberty, a base for Chinese trained Hmong resistance forces in northern Laos.[382] During this period, SOF had contacts from time to time with the various private Americans operating in Thailand and collecting POW/MIA information.[383] SOF also learned quickly that a major POW/MIA information peddler, Phoumi Nosovan, operated from the area of Nakhon Phanom, Thailand, and that he was notoriously unreliable and someone to avoid.

DIA found itself under more pressure due to the escalating issue of first hand live sightings and the DIA Director's new stance on the issue. Congressman Charles E. Bennett had written to Lieutenant General Tighe on July 24th to obtain General Tighe's clarification of his statement that "American servicemen are alive and being held against their will in Indochina.[384] Rear Admiral Burkhalter, DIA's Chief of Staff, reiterated General Tighe's official DIA position that "of all of the live sighting reports of American prisoners in Southeast Asia, which have been investigated by DIA, none could be verified."[385] Admiral Burkhalter clarified the General's remark as his personal opinion but not DIA's official position.[386]

In fact, DIA had received information about three purported Americans seen in Hanoi (one of whom was Garwood by a North Vietnamese defector, the same source as the highly credible information about Vietnam's warehousing of approximately 400 human remains in Hanoi.[387]

Also, just two months earlier, in May, 1981, Rear Admiral Jerry O. Tuttle, DIA's Assistant Vice Director for Collection Management, faced with a request from the U.S. Marine Corp's trial counsel at the court martial of PFC Robert Garwood, decided to stonewall.[388] The trial counsel had requested that DIA declassify information from the North Vietnamese mortician concerning three Americans he had seen in Hanoi. Implicitly, such information might have been helpful in Garwood's court martial,[389] but Admiral Tuttle followed General Tighe's standing decision to classify all live sighting reports of Americans received after August 1, 1979, and denied the request.[390]

As the skeletal remains were being processed by JCRC for shipment to the CIL, DIA completed its assessment of the Lao resistance forces. Their conclusion was that the resistance effort was fragmented and with little coordination between groups. It was not

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[382] Message to DIA, 080730Z Aug 81, and related documents.
[383] Ibid.
[384] Letter 0513/DI-7, 14 August 1981, from DIA to Hon. Charles E. Bennett, U.S. House of Representatives.
[385] Ibid.
[386] Ibid.
[387] 1118/DI-7, Memorandum for the National Security Council, Mr. Michael Oksenberg, Staff Member, 21 November 1979, Subj: U.S. Government Policy Consideration.
[388] Memorandum 10212/PI-7, 5 May 1981, Subj: PW/MIA Daily Report.
[389] Ibid.
[390] Ibid.

seen as a threat to the Lao government and was ". . . a poor single focus for the U.S. MIA efforts." [391]

Nevertheless, the DIA analysts concluded the Lao resistance could travel through Lao government control areas to search for grave sites using small covert reconnaissance teams. Such an effort would be feasible ". . . if the resistance element was strongly motivated and the U.S. interests represented by trusted indigenous personnel." Lao tribesmen could also assist in searching for crash and grave sites.[392]

As to hostile intelligence, there was . . . a possibility that the LPDR or SRV intelligence services have infiltrated the resistance movement. The group least likely to be penetrated was non-Lao. DIA concluded with a recommendation . . . to pursue both overt pressure on the LPDR and their Soviet and Vietnamese supporters and covert efforts through Lao resistance forces . . . the potential for success appears greater utilizing a covert action program. However, the "risks" inherent with such a program are also greater.[393]

In its more formal assessment, DIA analysts clearly favored two major resistance groups; the Hmong in northern Laos and the Lao People's United National Liberation Front headed by Phoumi Nosovan.[394]

The DIA assessment was completed just as a message arrived at DIA from the U.S. Embassy in Bangkok.[395] It provided the most recent information on the Lao resistance and the operations by the Thai Government's Special Group 917 which had coordinated a meeting of Lao resistance groups on June 1, 1981, in Udorn, Thailand. Splintered and with close links to the Khmer Rouge, Chinese and Thai, one acknowledged resistance contact was former Lao General Phoumi Nosovan.

On August 31, 1981, Paulson forwarded DIA's formal assessment to the State ". . . for consideration and possible use in the development of new approaches/initiates in support of U.S. Government PW/MIA efforts.[396] With the assessment, Paulson forwarded what he described "a summary of recovered American remains reportedly obtained by resistance elements . . ." Two Americans, Vincent Donahue and Robert Schwab, were private citizens who, in addition to JCRC, had recovered remains since December 1979 which, on the surface, would support DIA's carefully worded endorsement for the resistance option.[397]

On September 16, 1981, Paulson submitted CIL-HI's analysis of human remains obtained by U.S. citizens from the Lao resistance.[398] All turned out to be Mongoloid remains and not remains of the Americans lost in the incidents to which they purportedly related.

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[391] 0588/DI-7, Message to Department of State, 27 Aug 81, Subj: Assessment of Lao Resistance Force, and related memoranda.
[392] Ibid.
[393] Ibid.
[394] Ibid.
[395] Message to Secretary of State, 171308Z Aug. 81, Subj: Lao Resistance Continues to Find Unity Elusive.
[396] Summary, Remains Received From Laos.
[397] Ibid.
[398] 10647/DI-7 Memorandum, 16 September 1981, Subj: PW/MIA Daily Report.

Robert Schwab had turned over approximately two pounds of bone fragments to JCRC on July 13th. He described receiving them from Lao resistance associates who stated they came from a C-130 downed in southern Laos on December 21, 1972. Brooks turned over three skulls plus fragmented remains from four individuals to JCRC on August 13. They, too, had reportedly come from a member of the Lao resistance. Both turn overs and their linkage to the Lao resistance were described as receiving considerable network coverage, creating a favorable climate for the July 28 meeting about whether to support the Lao resistance.

The CIL analysis was sufficiently noteworthy for DIA analyst S. Ferro to submit a current intelligence item drawing attention to the CIL's conclusion the remains were Southeast Asian Mongoloid rather than American.[399] Ferro attributed the incident to another "example of the manner in which the communist government and other groups in Southeast Asia have attempted to manipulate the PW/MIA issue to their advantage." Nevertheless, there was no hint that any members of the fragmented Lao resistance, or any private Americans working with them, were part of the manipulation.

Discussion of league's role

The IAG appears to be singular in its longevity and the close connection between private interests and U.S. Government actions that the League's membership on the IAG effectuates. This unorthodox situation has only a tenuous parallel in the occasional use of private consultants, whose involvement is almost always peripheral. The League's central role—often as the driver of Government policies—raises serious questions about whether it has unduly influenced U.S. policy, and whether official Government bodies have unduly interfered in the operations of a private group.[400]

Certainly the presence of an unelected, unappointed citizen—with access to both classified material, including intelligence, and a special exemption to privacy rights guaranteed to individual next-of-kin and not to any group purporting to represent them—to the processes by which the intelligence is analyzed and evaluated, during the time it is being analyzed, is unique.

This involvement is widely criticized by some activists, including some families. It is a criticism publicly leveled by Col. Millard Peck when he resigned as head of the Special Office for POW/MIA affairs in March, 1991. And it was critically mentioned in a DIA Inspector General's report of March, 1983.

> . . . Ms. Griffiths was to have visual access to . . . selected case files and reports, [but] her access to (and retention) of PW/MIA data became so pervasive . . . that the PW/MIA staff gave her and her assistant director weekly briefings on various topics of their choosing . . . [Later]

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[399] S. Ferro, DI-7C, Current Intelligence Article, 18 September 1981, and related documents.

[400] Some former members of the National League of Families Board of Directors have reported that Childress during his tenure as NSC's Director for Asian Affairs threatened to withhold U.S. government cooperation from the League if Griffiths was not retained as executive director. See copies of excerpts of minutes of the League's Board of Directors, which suggest Childress's interest in the League's operations.

> Ms. Griffiths would exercise her contacts in J-5 [Joint Chiefs] who would order up DIA information for her. More recently, her entree to PW/MIA intelligence has been principally through a staffer on the NSC who . . . apparently supplies her with whatever she desires. She presently sits on the IAG on PW/MIAs, which deals with policy matters at the national level . . . While her direct access to DIA intelligence had been largely suppressed . . . she still had access through the IAG and her contact at NSC.[401]

Griffiths' complete access to the DIA's PW/MIA office, including an ability to assign tasks to intelligence analysts, the report added, had a "chilling effect" on them.[402]

There are acknowledged benefits to Griffiths' involvement as well. Witnesses noted that her involvement had "been useful to the U.S. Government in that much of the acrimony of the post-war years had subsided." Rear Admiral Allan G. Paulson, then Director of the PW/MIA office, found Griffiths' security clearance and involvement to have been a "net advantage to DIA and the Government for the reason addressed in the commentary [improved relations between the Government and the families]."[403]

At a public hearing on the IAG, Griffiths' IAG colleagues generally defended the League's participation—as represented specifically by Griffiths—as productive and helpful. Ford responded to Committee questions concerning her involvement with high praise:

> . . . the National League of Families, represented by its Executive Director, Ann Mills Griffiths, has been the heart and soul of the IAG since its inception . . . much of what the IAG has accomplished would not have been possible without Ann's tireless efforts over many years.[404]

Similarly, Childress said:

> An inter-agency group without the League represented would lead to a higher level of destructive "group think." Being an NSC staff member I was able to interface with all relevant departments and agencies at all levels, both here and in Asia. To institutionalize the effort, it was necessary. The League representative on the IAG, Ann Mills Griffiths, due to her 20-plus years of experience and continuity on the issue, now through five administrations, was the only other participant in the IAG who could reach out easily to all levels . . . without the National League of Families, POW/MIA would not be a national priority today, there would be no IAG, no DIA POW/MIA division, no Presidential Emissary . . .[405]

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[401] The DIA/IG Report, 24 March, 1983, 12.
[402] Ibid.
[403] The DIA/IG Report, 24 March, 1983, 5-6, 10.
[404] Ford statement, December 1, 1992, 2.
[405] Childress statement, December 1, 1992, 3.

Discussion

It is difficult to say whether statements from interested parties constitute a definitive answer to the questions raised by the central involvement of an unelected, unappointed private citizen with sensitive and significant negotiations, and in forming the policies that undergird those negotiations. Throughout the Committee's investigation, it has heard private comments of officials at all levels of Government that refute the praise accorded Griffiths in public comments. It has heard tales of political terror from those who have crossed her, as well as stories of productive works.

Griffiths' long involvement in the POW/MIA issue makes her an unusually influential figure without formal membership in the IAG; whether different policies would have been developed had she not participated will never be known.

The Committee finds wisdom in the principle of Government's maintaining an arm's-length relationship with private organizations, no matter how noble the issue and efforts of the organization. To be accountable to the American public, a proper relationship should delineate Government from private-sector efforts. Therefore, the committee recommends that the role of the IAG, and its present composition, be re-evaluated by all involved agencies and Congressional oversight committees, with a bias against its continued joint operation with a private organization.

INVESTIGATION OF OFFERS

> I would not have been surprised at all if they had, three months later, [after the Paris Peace Accords], told us that they had just discovered 50 prisoners and wanted $2 billion for them. But that did not happen.[406]

This opinion, voiced by Henry Kissinger during his deposition to the Select Committee in 1992, reflects a suspicion maintained over 20 years by some POW/MIA families and others that POWs both remained in captivity after the signing of the Paris Peace Accords and would be the subject of Government to Government contact leading to a "buy back" of American POWs. The Committee has found no convincing evidence of any such offer being made. There were, however, two incidents which require further explanation and prove illustrative of the problems relating to this issue.

The 1981 alleged offer

The Committee received information that President Reagan had received an "offer" in early 1981 transmitted through a third country (Canada and/or China) of an offer by the government of Vietnam to sell live POWs to the U.S. for $4.5 billion dollars. The source of this information was a Secret Service agent who allegedly was present and overheard part of a meeting in the White House where this matter was discussed.

The agent reportedly overheard President Reagan discussing this offer with Vice-President George Bush, Richard Allen (National Security Adviser) and William Casey (CIA Director). The conversation reportedly took place in the Roosevelt Room, as the four were

[406] Kissinger deposition, pp. 158-159.

walking from the Oval Office to a meeting in an adjoining conference room. The agent reported that James Baker (Chief of Staff), Michael Deaver (Deputy Chief of Staff) and Edwin Meese (Attorney General) were waiting in the area of the conference room for the meeting to begin, but he was unsure whether these individuals would have heard any of the conversation.

The Committee treated this report seriously and first attempted to depose the Secret Service agent. Objections were raised by the Department of the Treasury and the Secret Service claiming that such a deposition would forever impair the ability of the Secret Service to guard the President.

The attorney for the agent, J. Thomas Burch (Chairman of National Vietnam Veterans Coalition), explained that the agent would not testify without permission of his agency or a subpoena from the Committee. As an interim alternative to taking the deposition of the Secret Service agent, the Committee told the Administration that it would attempt to substantiate the source' s story through the deposition of other potential witnesses.

The Committee deposed several of the individnals reported to be in the general area where the conversation allegedly took place, but none of these individuals said they could recall such a conversation. Of those reported to have actually participated in the conversation, only Mr. Richard Allen was deposed.

Mr. Allen testified as follows:

> Q: Changing to another subject, soon after taking office, did the Reagan Administration become involved in an offer made by the Vietnamese government for the return of live Prisoners of War, if you can recall?
>
> A: Very shortly after they came over?
>
> Q: Well, at any time while you were National Security Adviser. I don't want to limit it.
>
> A: The figure of $4 billion seems to stick in my mind, and I can't remember whether that was during my time in all of this or not.
>
> I do recall having once written in my life, either in notes or in a memorandum that it was certainly worth talking about, $4 billion for the return of POWs and MIAs, and that under any . . . I might be able to find those papers . . .
>
> Q: Okay, do you recall whether the $4 billion was for live American prisoners?
>
> A: Yes, I do. If it was for $4 billion, it was indeed live prisoners . . .
>
> . . . First of all, my reaction (was that) $4 billion for live hostages sounded somewhat preposterous to me at first. I was obviously for getting into a discussion, at least getting into a discussion about it.[407]

Mr. Allen sent a letter to the Committee on July 21, 1992, clarifying his testimony. He said he had located a copy of his notes (which he attached) of a meeting on September 24, 1986 at which Capt. Red McDaniel, John M.G. Brown, John Malloy, Mike Milne,

[407] Allen deposition on June 23, 1992, pp. 83-84.

J. Thomas Burch, and Bruce Rehmer told Allen of the alleged meeting in 1981. Rep. Billy Hendon also appeared in Allen's notes as someone he had discussed the alleged meeting with. In summary, Allen wrote:

> It appears that my uncertainty during the deposition was justified, and that there never was a 1981 meeting about the return of POWs/MIAs for $4 billion.
>
> It becomes clear that my recollection of having written these notes referred to events of 1986, not 1981. During the meeting with Capt. "Red" McDaniel and others, I recall having been surprised by their view that some sort of "cover-up" or "conspiracy" had taken place, and I now recall advising them there were no such meetings in the Roosevelt Room. President Reagan rarely came to the Roosevelt Room, and for very sensitive matters such as a discussion of this quality, it would have taken place only in the Oval Office.

Contact was also made with the Government of Canada as well as several lower level employees of the Department of State and the CIA who should have known about this incident if it occurred. None of the deposed individuals (with the exception of Allen previously noted) confirmed that such an offer was ever made.[408] An extensive review of all pertinent documents from the State Department, CIA and NSC failed to disclose any evidence of this offer.

The Committee regrets that the Secret Service agent was unwilling, out of concern for his job, to testify concerning his report. Faced with this unwillingness, the Committee was divided about whether to compel the agent's testimony by issuing a subpoena. Some Members agreed with the Administration that compelling the testimony of a Secret Service agent concerning a conversation involving the President would set a harmful precedent, and felt that the agent's report was, at best, uncorroborated by the testimony of any other witness. Other Members felt that the agent had waived his claim to special consideration by talking to others about what he had reportedly heard, and that his testimony might contribute significantly to the Committee's investigation. After a lengthy debate, the Committee voted 7-4, with one Senator absent, not to subpoena the testimony of the Secret Service agent.

The Committee notes that, during its investigation, information was uncovered indicating that Mr. Allen had a discussion with Vice-President Bush in January, 1986 concerning his recollection of the alleged offer. This conversation was allegedly the result of an early January, 1986 meeting involving President Reagan, the Vice-President, then Congressman Bob Smith and former Congressman Bill Hendon. During the meeting, the Congressmen inquired about

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[408] However, in December, 1992, the Committee also deposed Mr. Max Hugel, CIA's Deputy Director for Operations in 1981, and a personal friend of then CIA Director William Casey. Mr. Hugel testified under subpoena. Several months earlier, Sen. Smith states he was told by Mr. Hugel that he was, indeed, aware of the offer—that it was common knowledge at the higher levels in the intelligence community. He further told Sen. Smith that the date January 26, 1981 was a date he associated with the offer, and that the POWs were to come out of Laos. The Senator states that he was told by Mr. Hugel that he did not wish to come in to testify, but would do so under subpoena. During his deposition, he testified that he had no knowledge of an offer, nor remembered telling anyone he had.

a possible offer involving live POWs in 1981. Both President Reagan and Vice-President Bush told Congressman Smith that no such offer concerning live POWs had been made. Notes from then Vice-President Bush and from former Congressman Hendon's office confirm that a conversation was reported to have taken place between Mr. Bush and Mr. Allen concerning the alleged offer.

The third country (ASEAN) offer

I. Irving Davidson (a civilian with NSC contacts) reported in 1984 that, according to his contacts with highly placed officials of an ASEAN nation, it appeared that individuals in the government of North Vietnam had indicated that the Vietnamese would welcome an approach by the U.S. to discuss the POW issue. The early reports relating to this subject indicated that the discussions were to cover the sale of both warehoused remains and live POWs ("breathers").

In late 1984, a high-ranking retired general, who was a member of the National Security Council of the ASEAN nation, discussed this matter with Richard Childress of the NSC who, with the concurrence of Robert McFarlane (National Security Adviser to President Reagan), traveled to Vietnam to investigate this report. Declassified documents indicate that Assistant Secretary of State Paul Wolfowitz informed Secretary of State George Shultz of a plan to pay for remains and "possible live POWs" in a January, 1985 memorandum marked "super-sensitive." The memo stated that Mr. Childress intended to fund the initiative with either CIA or private funds. Mr. Childress later reported that he had followed up the possible offer, but that it led to a discussion only of remains. The Committee did not consider the matter satisfactorily resolved by the reports filed and viewed that open questions remained as to what had actually occurred.

In 1992, the Chief Counsel to the Select Committee and a Committee Investigator travelled to the ASEAN nation to investigate the alleged 1984 live American offer. Committee investigators met with Government officials and with the General and his brother, the individuals allegedly knowledgeable of the earlier offer. Their stories proved inconsistent. The general's brother remembered offers for live POWs having been made, while the general stated the offers were for remains only. More specifically, the general said that the Vietnamese wanted several hundred million dollars in return for the remains of 50 Americans. The general also said that, at some point, Mr. Davidson had called him to say that the "deal was off because of leaks." Both men indicated that if the Committee desired, the North Vietnamese channel could be reopened for the continued discussion of purchasing remains. The Committee indicated that the U.S. Government was always interested in recovering remains of missing servicemen but that the U.S. Government position remained that no payment would be made for the remains.

Subsequently, the U.S. Embassy in the ASEAN country contacted the individual who had initially travelled to North Vietnam to discuss the remains/live POW subject. According to the Embassy's report, the individual says that although the Vietnamese official with whom he dealt did not say specifically that there were live POWs, he did say that his government did not control all lower

level Vietnamese officials, and that Vietnam needed financial assistance if it were to find missing Americans or their remains.

In summary, the Committee could not conclusively determine whether individuals in the government of North Vietnam discussed the possibility of there being live POWs in 1984; the Select Committee does find that the sale of remains was discussed.

REMAINS RECOVERY EFFORTS

For many families, a serviceman's remains may be the only answers there are to questions about his fate. Crash and grave-site excavation remain a high priority, just behind investigating live-sighting reports because, in the words of Maj. Gen. George Christmas:

> [Families] want them to walk out of the jungle and come home, but they will tell you very quickly that "if that can't be the case, please end the uncertainty for me. Give me something so that I can put this to rest, I've been with it so long." [409]

Recoverable remains

Of the 2,546 unaccounted for servicemen as of 1977, no more than 1,339 were expected to be accounted for, according to a March 1977 DoD briefing of the Woodcock Commission. Of these, the remains of 436 men were determined by their battlefield comrades to not be recoverable; many were lost over water, or disappeared in a fireball when their planes were hit by enemy fire or crashed.

Another 772 were men whose fates DoD did not think the Vietnamese and Lao knew (344 in Category 3 "Doubtful Knowledge," plus 428 in Category 4 "Unknown Knowledge.")

To get the fullest possible accounting, however, American teams need to be on the ground to do the accounting job properly. That was the message Dr. Shields delivered to the Commission in 1977; U.S. teams had not gotten access.[410]

Vessey "Sensibility Check"

Another approach to attempt to gauge what remains are recoverable was suggested by Gen. Vessey:

> General VESSEY. Well, I think that we need to look at what we know about remains. And there are certain things we know. One is that the Vietnamese did have—did issue instructions to their subordinate military and political authorities for what to do with American casualties, whether they were alive or dead. And if they were dead, what to do with them.
>
> And the DIA has constructed a good briefing on the steps that were in this Vietnamese process, and the first was that they were to—for example, if there were an air crash they were to find—the local people were to find the crash, find the pilot if he were alive, capture him; if he wasn't alive, find the remains then bury them on the spot

[409] Christmas testimony, Nov. 5, 1991.
[410] Transcript, Briefing of Woodcock Commission by Dr. Roger Shields, p. 7.

and then report the location of those—of the grave to the central authorities. And then the central authorities clearly had a system for recovering those remains at a later date, some 2—some 1, 2, to 5 years later, and then sending those remains to central storage.

Now there are a wide variety of theories, now, on what that produced in central storage. We have the case of the mortician whose evidence at least is credible in the terms of he said he saw this and that's one set of eyes. It's not clear how many he counted and so forth, but clearly he says he worked on 230 sets of remains himself. So that's quite good evidence.

Now, the question of whether or not there are still hundreds in storage is the basic question. I've taken the four-step DIA model, which some people say produces X hundred still there despite the fact that 500 sets—or actually about 400 of might-be-Americans have been returned—that it still produces maybe 500 sets in storage.

So what I did is I took the four-step model and assigned subjective probabilities to each of the four steps, because it's a compound probability problem. I went to the Air Force and I said what percentage of peacetime crashes produce remains, and the answer is 70 percent. So you start out with the .7, and certainly the war-time probably can't be any better than .7.

Then you say well, what's the probability, then, of the people finding the airplane and the remains and recovering them and burying them. Well, if it crashed in a local area I'm sure it's close to .1—or it's 1, but if it crashes in a remote area, I don't know what it is. So I said well let's just say .7. Maybe that's good, maybe it's not, but it's not bad for starters.

Then what's the probability of the grave being reported accurately from people who buried the remains without a map reporting its location, and then its surviving the three things that would effect it. That is the Southeast Asian weather and scavenging, which was taking place, we know, and general shifts in the terrain due to other matters.

I don't know what that probability is, but say it's .7. Then what's the probability of going back 2 to 5 years later and finding that grave that was reported—whose location was reported by people who didn't have a map. Say it's .7. If that—if all those are .7, then the product of the compound probabilities is about .24, which means about a quarter of the air crashes in North Vietnam would have produced remains in central storage.

If you don't like those probabilities, raise all the other probabilities except the .7, and you still only come up—if you make them all .9 it doesn't get any better than .5. Now maybe the Vietnamese were better than that. I doubt it. So what I say is the number of remains that some people expect to be in storage is too high. It doesn't stand the sensibility check.

Warehousing remains

In 1979, a mortician from Vietnam defected. He testified before Congress during the early 1980s that he had processed 452 sets of remains, which he believed were those of U.S. servicemen, during 1975-76 and that the Vietnamese had "warehoused" them. The moritician expressed the belief that the remains were to be used to gain diplomatic and other concessions from the U.S.

The mortician met with Committee investigators in late 1991 for two days of depositions. He testified at length about his previous testimony, including a statement that he had seen Robert Garwood and two other Caucasians whom he believed were Americans in Vietnam during the late 1970's. The mortician stated that he had advised DIA as early as 1982 that he could identify certain remains upon which he had worked by the way they were put into their caskets. He also stated that he could identify other remains by unique factors that related to the bones he had worked on while in Vietnam.

In May, 1992, the DoD provided a briefing for Vietnamese officials in Washington, D.C. concerning the evidence of warehousing remains that had been provided by the mortician.

The text of the briefing included the following:

> . . . comparison of the number and type of those remains returned to the U.S. in subsequent years with those the mortician saw reveals a significant shortfall . . . we are not able to conclude that all the remains processed or observed by the mortician have been returned to the U.S.
>
> . . . Our forensics experts tell us that approximately 70 percent of U.S. remains returned by your government show evidence of long-term storage. By this, we mean they exhibited minimal bonemass loss, commingling with other remains of individuals lost in widely disparate areas, and coating with preservatives and/or disinfectants. Thus, while your government has returned many sets of remains that exhibit evidence of storage, the information available to us leads to the conclusion that there are still American remains that are readily available or easily retrievable and that could be repatriated to the United States in a very short period of time. By storage, we mean remains kept above or below ground, collected into one or more centralized facilities, or located in documented graves.[411]

It was not until September 1992 that the DIA, after constant urging by the Committee, took the mortician to CIL-HI for him to review the remains there. The Committee has not yet been able to determine from the DIA if the mortician was able to identify any of the CIL-HI remains; the passage of more than a decade could not have made this identification any easier.

Witnesses familiar with current Vietnamese approaches testified that any warehouse now is empty, and that remains probably are in private hands. Ted Schweitzer, the researcher who gained access

[411] DIA briefing, May, 1992.

to Vietnamese archives after their denials of the archives' existence for 20 years, believes:

> There is no such warehouse, sir. If at one point in the '70s or early '80s, if there were some remains somewhere in Hanoi, those remains have by now—as the officials retired who were in the program, as they went back to their provinces, various memorabilia, maybe even remains, [went] back with them.[412]

According to Garnett Bell, a U.S. investigator who has worked throughout Southeast Asia on POW/MIA issues for 27 years:

> My view, sir, is that there certainly was a warehouse in the Hanoi area at one time. The mortician, I think, after he defected in 1979, testified here in Congress that he processed some 452 [sets of] remains.
>
> The Vietnamese were confronted with that information. They denied it. They indicated that they thought the mortician was fabricating. . . . The Vietnamese, I believe, came to the conclusion that we were confident that the man was telling the truth.
>
> Since the mortician gave his testimony, they have returned to us approximately 450 [sets of] remains. Approximately 260 to 269 [sets of] remains have now been identified . . . and they have also informed us, as well as Mr. [Robert] Wallace from the VFW, that we did have a warehouse but we don't have one now, and what that indicates to me is that they have admitted that the mortician was telling the truth. They're telling us that we have given you those remains back, and the warehouse here in Hanoi is now empty.[413]

Vietnamese Amnesty Program

In early December 1992, Vietnam announced an amnesty program for citizens holding Americans' remains. Vietnamese laws forbid citizens to have possession of American remains, an effort to curtain the rampant dealing in American remains by bones dealers. To encourage those who are holding remains to return them, Vietnam offered to pay a small amount for remains (to cover expenses); after Senators Kerry and Smith visited Hanoi December 17–18, the Government extended the amnesty program the reward signalled.

Early response was encouraging; ——— sets of remains were repatriated by publication time and are awaiting identification by CIL–HI.

Excavations

The slow process of excavating crash and grave sites is the tedious work of archaeology, as U.S. investigators sift through 20 years of soil and debris to find bones, teeth and wreckage. An example of a recent excavation illustrates the work:

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[412] Schweitzer testimony, Dec. 4, 1992.
[413] Bell testimony, Dec. 4, 1992.

Admiral LARSON. . . . I've had the opportunity to visit our teams out there in the field. And after watching the excavation in a very difficult mountainside out in the steamy, hot jungles of Laos in a very difficult helicopter landing zone, as many of you have experienced out there in the field, you appreciate the real enormity of the problem, but also the dedication of the fine young Americans that are out there working in the field to try and solve the fullest possible accounting of this difficult issue.

I visited our group out in Laos in the field, where they're living in a very primitive base camp there in the jungle, where they even have to fly in fuel to refuel the helicopters there because there are no facilities whatsoever in this little village, Tchepone, out there on the old Ho Chi Minh trail.

And then, they're doing an excavation with about more than 30 people, working up on the countryside, on the hillside, up in the mountains area just off the trail. Very hot, very steamy. You get leeches. You get dirt. You get a lot of humidity. They're working with local villagers up there. It's a 2½ hour hike from the bottom of the hill up to the site where the villagers are working. We fly our people in by helicopter.

They worked—I think that last thing was over 20 days. I think it was almost 30 days they were in the field there, working from the base camp, going up there every single day, working from dawn 'til dark, and then returning to the base camp.

Chairman KERRY. And how many people are on the ground in Vietnam and Laos?

Admiral LARSON. Our teams have varied in size from a low of about 28 to a high of about 63. It depends on how many teams we actually have. We shoot for about 70. We like to get five or six teams in the field at a time, particularly in Vietnam.

Chairman KERRY. General Needham, if you could relate to the committee—I was struck. I mean, most people sit in this country and they say, well, why can you not go to the crash site, or why you cannot—by God, let us just go look.

And I think it is important for people to have an understanding of the logistical difficulties and of the realities out there. I mean, when we are talking about helicopters, we are not even talking about our own right now. And the living conditions are really difficult, to say the least.

I would like you just to share with us your personal sense of that. I know you have spent a lot of time out in the field, and we talked about it when we were over there, and you were suffering from it when we were over there. I wish you would sort of share that.

General NEEDHAM. Well, first of all, Senator, let me go back to the numbers. We presently have 40 United States servicemen in Cambodia today. Less than half of those belong to the JTF because the helicopter support is coming from the U.S. Army's 25th Infantry Division. And therein

lies the support that we get from the CINCPAC components. It's virtually unlimited.

In Laos today we have 30 people, less than half, again, that belong to the Joint Task Force. The majority of the other half belong to the Central Identification Lab.

In areas that we operate on in the three countries, there are a number of considerations that have to go into the operation. First, the weather. The weather is very dependent on what we can do over there

Secondly, the mountainous terrain that you observed is very difficult to get into. Some of the cases of extremely high altitudes—for example, a case that you're very much interested in, case 1983, which we will be going into in January, is located at approximately 7,000 feet. There's only about three months of the year that we can get in there.

A helicopter coming in to a landing zone at that location is reduced in what it can carry, and if anything happens, it has very few options. Many of these LZ's are very small; can only take small helicopters that require a large number of runs to get the force in there.

Lastly, I have forgotten over 20 years how hot it is in that country, how difficult the terrain is, how many bugs there are, and how difficult it is to support logistically when we have to carry in everything from water to food. It is extremely tough. Some of the toughest I have seen in terrain that is very hard to explain unless you've actually seen it yourself, yet our people are out there day in and day out, under very trying circumstances, trying to solve these cases.

And, lastly, as the Admiral said, when it comes to excavating a site, it's like looking for a needle in a haystack, and it's very slow, meticulous, tedious work.

Admiral LARSON. I might just add, Mr. Chairman, to that. The helicopter landing zone that I landed at this little excavation site, which is about 2,200 feet upon the mountains, at a slope of about 60 degrees, where they were doing the excavation, the villagers and our people had to walk up there and clear the helicopter site out of dense jungle and trees. And the helicopter site was smaller than this space between our two tables here, where we brought the little Squirrel helicopter in and landed, with about four people in it. So, it's very difficult to get there.

Current operations

The JTF-FA has conducted 35 excavations since it was created in early 1992 (18 in Vietnam, nine in Laos, and eight in Cambodia), plus inspecting crash or grave sites at 149 locations (114 in Vietnam, 27 in Laos, and eight in Cambodia).[414] In all, JTF-FA has recovered the remains believed to be those of 30 American service-

[414] Dec. 1, 1992 information paper submitted with testimony of Admiral Charles Larson and Maj. Gen. Thomas Needham Dec. 4, 1992.

men. Most are awaiting identification by the Central Identification Laboratory in Hawaii.

Future plans

In April 1992, JTF-FA had a full schedule of crash-site excavations for the next five years. CINCPAC Admiral Charles Larson ordered that pace increased to take advantage of recent Vietnamese promises to Gen. Vessey and the Senate delegation of better access. In Gen. Vessey's words:

> . . . we don't know whether they hold remains or not. What I believe though, now, is that we have in our hands the keys to get to the answer to that question. I just talked to General Needham and said, you know, if you just have a quick-reaction remains team out there with Vietnamese and Americans, when something comes out of the archives that shows that so-and-so was killed and his remains were in the hands of the Vietnamese at a given time, that's the set of remains we ought to start looking for right now.
>
> . . . I think going back over there and saying you're holding remains and having them say we're not holding remains is a wasted exercise. Whether they are not we don't know, but let's start with what we do know . . . [this man] is dead, you had his body at one time, what happened to the remains, and start from there. And I think that will get us to the answer.[415]

REMAINS REPATRIATION EFFORTS

The Central Identification Laboratory in Hawaii (CIL-HI) is responsible for searching for, recovering, and identifying the remains of military personnel killed or missing in action.

CIL-HI'S primary duties are:

To conduct search and recovery operations in the Pacific for World War II, Korean, and Vietnam War dead;

To process remains and establish identification through the use of anthropological (physical structure), odontological (dental), and other scientific identification techniques;

To accumulate and catalog information on American and allied personnel who have been listed MIA or KIA-BNR; and

To provide emergency support world-wide in searching for, recovering, and identifying the remains of service members killed or missing in current operations.

Since 1973, CIL-HI has identified the remains of 537 U.S. servicemen—381 from the Vietnam War, 115 from World War II and Korea, and 41 from other operations. CIL-HI's current staff numbers 87 military personnel, whose focus is primarily field operations and locating records, and 16 civilians, whose focus is on identifying remains.

GAO investigation of CIL-HI

CIL-HI laboratory was the subject of scathing criticism in the mid-1980s, when critics charged:

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[415] Vessey testimony, Dec. 4, 1992.

That CIL-HI's techniques did not meet scientific standards,

That it lacked capable staff and adequate facilities and equipment, and

That it used questionable review procedures.

In December, 1991, the Committee asked General Accounting Office (GAO) to determine whether there had been improvements in CIL-HI operations since Congressional hearings during the 1980s sufficient to minimize the possibility of making erroneous identifications; and whether controls in day-to-day management allow CIL-HI to oversee effectively the remains identification process. In response, the GAO determined that, with some exceptions, CIL- HI has taken the steps needed to improve its accuracy and thoroughness.[416]

The GAO was charged with examining operations designed to minimize the chance of making erroneous identifications; and with determining whether controls in day-to-day management are sufficient. As part of GAO's investigation, it sought the technical assistance of outside experts.

Summary of GAO's Findings

The General Accounting Office concluded that, on the whole, CIL-HI effectively instituted the necessary reforms. Specifically, the GAO found that CIL-HI:

Used scientifically accepted techniques;

Appointed a world-renowned, board-certified forensic anthropologist as the laboratory's first scientific director and hired other qualified staff;

Upgraded its facilities and equipment; and

Incorporated extensive review procedures to minimize the possibility of errors in making identifications.

Finally, GAO determined that critics' charges to the contrary, the long tenure of CIL-HI's commander did not affect the scientific judgments of his staff.

GAO noted several problem areas in CIL-HI's operations; DoD pledged to make the recommended corrections by March 1993.

Most troubling to the Committee was the destruction of bone fragments—mostly splinters—in 25 cases in the mid-1980s. The incident appeared to be a one-time occurrence, and verbal instructions are to keep all remains, however small or impossible to identify. At the time, technology was incapable of identifying the remains—and still is—but GAO, its panel of outside experts, and CIL-HI itself agree that options should be preserved in the hope of future scientific advances. In addition, GAO recommended that CIL-HI develop written guidelines to buttress the standing verbal directions.

Also of concern was the resignation of two top staff members, although a preliminary review suggested that their problems were not with CIL-HI's scientific operation.

Other systemic problems identified by GAO were:

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[416] GAO Report, October 1992, GAO-NSIAD-93-7.

CIL-HI's inadequate and ineffective file locating system that resulted in difficulty finding files and, at times, finding skeletal remains;

CIL-HI's inadequate tracking system of pre-death information requests that can hinder the identification effort; and

DOD's lack of guidance on the control of remains sent to family-appointed experts—a problem that has resulted in the loss of some of those remains

Outside experts' findings

In addition to its own review, GAO convened an external panel of experts to examine the technical integrity of CIL-HI' s work. Panel members were selected based upon experience, knowledge, and their lack of connection to recent affiliated work on identifying remains The panel interviewed CIL-HI staff and others, inspected its facilities, equipment, and file review procedures.

In general, the outside experts lauded CIL-HI's current operation, citing its commitment to "maintaining high standards of professional performance, as manifested by its use of modern facilities, equipment, and analytical methods" and noted that "CIL-HI performs more in-depth analysis to establish identifications than most other forensic laboratories in the world."[417] They offered the following specific suggestions:

Consolidate records and store original documents in a central file;

Maintain radiographs;

Modernize and standardize operating procedures;

Improve the chain of custody of remains, including taking steps to prevent the disappearance of remains by examination by outside experts hired by families to evaluate CIL-HI's work;

Hold unidentified remains, even where identification may be exceedingly improbable, in the hope that advances in technology will improve the chances of identifying them;

Restrict staff comments to those areas where they are experts;

Segregate scientific personnel from the military chain of command in order to resist the possibility of undue influence over the scientific decisions;

Require CIL-HI's forensic pathologist to play a larger role in the identification process; and

Grant CIL-HI's laboratory director additional authority over the scientific operation.

On-going work at CIL-HI

Much of the frustration that POW/MIA families have with CIL-HI is precisely because of its plodding approach—that it is at once slow to make identifications and lightning-quick to render them as soon as one tooth, or any other bit of evidence, supports a scientific finding. In fact, the completeness of skeletal remains is rarely as important as locating key portions. As Thomas D. Holland, CIL-HI's physical anthropologist explained:

[417] Ibid., Consultants' Report Appendix.

> . . . The majority (70 percent) of remains at CIL-HI fall into the CIL-Portion category, i.e., small fragments of bone unassociated with REFNO [POW/MIA case reference number] or valid name. Most CIL Portions are undiagnostic fragments less than two centimeters in diameter. Other sets of remains are more complete.
>
> It should be remembered, however, that the degree of skeletal completeness is correlated only weakly with identification potential. CIL-HI has in curation at least one skeleton that is approximately 99 percent complete, and yet no identification currently is possible. On the other hand, CIL-HI has effected identification based on single teeth.[418]

Of the larger bone fragments, just 1.3 percent of the sets of remains at CIL-HI in mid-December 1992 were more than three-quarters of a full skeleton; 23.9 percent were less than one-quarter of a full skeleton; the remaining 4.5 percent were between one and three-quarters complete.[419]

In all, CIL-HI presently has 938 sets of remains—882 from Southeast Asia and the rest from Korea—that have not yet been identified. These are not necessarily 938 different individuals, however:

> The remains repatriated from North Korea are a good example of why the completeness of a skeleton is not necessarily a good indicator of identification potential. All three of the Korean War skeletons listed as at least 75 percent complete are commingled In other words, even though the skeleton may have a skull, two arms, two legs, and the axial elements, the arms and legs may not go together, and neither necessarily is associated with the skull returned in the same box. In fact, there is an average of over 1.6 individuals represented in each of the boxes officially repatriated by the North Korean government.[420]

Discussion

The GAO concluded that CIL-HI uses techniques that exceed those used in other modern forensic laboratories In its view, the operation has minimized the possibility of erroneous identifications and provides sufficient day-to-day management to effectively oversee the remains identification process.

The Committee notes, however, that even a fully professional forensics laboratory is going to have difficult overcoming the obstacles that exist to the rapid and confident identification of war-time remains. The ravages of time, the incompleteness of medical records, and the limits of science dictate that progress, if it is to be as sure as we demand, will also be far slower than we would like.

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[418] Holland letter, Dec. 21, 1992
[419] Ibid
[420] Ibid.

Chairman KERRY. The reason I measure it against you years of service is that the minute somebody draws that kind of conclusion or says there is not evidence, I cannot find the evidence, some people in this country immediately take that person and, rather than look at the evidence objectively or rather than analyze how you may have come to that conclusion, they jump and suggest that you are there for part of a conspiracy because you have not come to the conclusion they want you to come to.

Now how do you feel with that? What is your advice to us as a former battlefield commander and general? How do you speak to that? You are obviously not a traitor to your country , and you are obviously, at least in my judgment, not somebody joining in a conspiracy. But you have sat here, after dedicating years of your life in retirement, to finding answers And you cannot find credible evidence, correct?

General VESSEY. Thus far, we have not. That's right.

Chairman KERRY. So what do you say to those people who throw you in a conspiracy?

General VESSEY. I guess what I would say, what I've said to those who have confronted me personally, is this is not a religious issue. It's not a religious issue of faith. It is something—it's a human issue, a material human issue on this earth. And there are facts that will disclose the answer to the questions we are seeking. Let's find the facts and let the facts speak for themselves.

In the meantime, you can have all the hopes that you want. But don't turn it into a religious faith that somebody's alive when we don't know whether or not they're alive. [421]

Cries of "cover-up" or "conspiracy" are used often by people dissatisfied with the U.S. Government's progress on accounting for missing servicemen. The conspiracy charge is an easy one to make, but difficult to prove. [422]

A prominent investigation of whether a conspiracy exists or existed on POW/MIA issues was conducted by Lt. Gen. Eugene Tighe, whose efforts are praised by the very activists who subscribe to the conspiracy theory. The Tighe Commission found:

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[421] Vessey testimony, Dec. 4, 1992.

[422] Black's Law Dictionary, 5th Edition, defines conspiracy as:

"A combination or confederacy between two or more persons.

"A conspiracy may be a continuing one; actors may drop out, and others drop in; the details of operation may change from time to time; the members need not know each other or part played by others; a member need not know all the details of the plan or the operations; he must, however, know the purpose of the conspiracy and agree to become a party to a plan to effectuate that purpose. A civil conspiracy is: The essence of a "civil", conspiracy is a concert or combination to defraud or cause other injury to persons or property which result in damage to the person or property or plaintiff.

> No evidence that anyone in DIA (or anywhere else in the U.S. government) has intentionally covered up anything about the POW/MIA issue.[423]

Its first conclusion was, "We have found no evidence of cover-up by DIA."[424]

For a conspiracy theory to be valid, it would entail hundreds or even thousands of people from the military services,[425] from the very lowest-rated enlisted person (E-1) through four-star admirals and generals; and in the civilian sector it would encompass civil servants from a GS-1 through the Cabinet level. This would have been accumulated since 1973 and by this time would have encompassed in the millions of people that had access to sensitive information on the POW/MIA issue.

Gen Vessey, a widely praised 46-year veteran, former Chairman of the Joint Chiefs of Staff, the President's Special Emissary to Vietnam since 1987, and recipient of the Presidential Medal of Freedom, shares this view:

> Senator McCAIN. In order for there to be a conspiracy or a cover-up of this issue, do you agree with me that it would have required the active participation of hundreds of members of the military?
>
> VESSEY. Yes, sir. And I think that's an improbable sort of thing. American soldiers, sailors, airmen and Marines are not conspirators. It's hard to keep military secrets long enough to get the operation going along without the enemy knowing what's going on. Even at the time when we were at low ebb, we still had 100-and-some-odd people involved, and those rotated. Many of them rotated every two or three years. So I'd say the prospect or probability of a conspiracy being kept without it being blown wide open is almost zero.
>
> Senator McCAIN. Have you ever seen any evidence of any conspiracy or cover-up?
>
> VESSEY. No, sir, I have not.
>
> Senator McCAIN. Did you when you were in your position as Chairman of the Joint Chiefs of Staff?
>
> VESSEY. No, sir.
>
> Senator McCAIN. Or at any other time in your military career?
>
> VESSEY. No, sir.[426]

Another witness, the ranking officer in the Hanoi Hilton, was equally incredulous:

> Senator McCAIN: We have had witnesses, Admiral, that there was after that a conspiracy, and that is why I was interested in the part of your statement that you remained involved in this issue for some years afterwards, that there was a conspiracy or a cover-up orchestrated by various ad-

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[423] Tighe Report.
[424] Ibid.
[425] Perroots testimony, Aug. 12, 1992.
[426] Vessey testimony, Dec. 4, 1992.

ministrations in the intervening years. Have you ever seen any evidence of that?

Admiral STOCKDALE. No.

Senator MCCAIN. Do you believe that it would be possible?

Admiral STOCKDALE. No, I think . . . to go into it as a venture, you'd be a fool because there are so many possibilities of leaks and so forth.

Nor did Henry Kissinger place any credence in the idea:

> There is no excuse, two decades after the fact, for anyone to imply that the last five Presidents from both parties, their White House staffs, Secretaries of State and Defense, and career diplomatic and military services either knowingly or negligently failed to do everything they could to recover and identify all of our prisoners and MIA's.[427]

Howard Baker, formerly President Reagan's White House Chief of Staff and Senate Majority Leader, testified similarly:

> I cannot think of a single thing that suggests to me that there was a conspiracy of silence or any active conspiracy or any other kind of conspiracy . . .[428]

Others with long experience found charges of a conspiracy to be baseless as well. Maj. Gen. George Christmas:

> Mr. Chairman, my experience is that most people who become well-informed on this issue have no trouble agreeing that the accounting of our missing men means obtaining information from Vietnam, Laos, and Cambodia. Those who maintain that there is some secret set of files being kept by misguided U.S. Government personnel intent on maintaining some bizarre cover-up are deluding themselves and the American people. The answers are in Southeast Asia and that is where the U.S. Government is, correctly in my view, putting its emphasis[429]

General Leonard Perroots:

Senator MCCAIN. In order for a cover-up to be successful as has been alleged, it would have taken the active participation of hundreds if not thousands of military personnel?

General PERROOTS. Yes, sir.[430]

Maj. Gen Richard Secord:

Senator MCCAIN. Do you believe that there was any conspiracy to cover up existence of any live Americans either in Laos or anywhere in Southeast Asia?

General SECORD. No, sir, I don't. I've never seen any evidence of that.

Senator MCCAIN. Do you believe that it would have been possible, without the knowledge of a number of military of-

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[427] Kissinger testimony, Sept. 22, 1992.
[428] Baker testimony, Aug. 12, 1992.
[429] Christmas testimony, June 25, 1992
[430] Perroots testimony, Aug. 12, 1992.

ficers and enlisted people such as yourself who were in some way in the loop?

General SECORD. No. There are so many people in that loop that it would not have been possible, in my opinion.[431]

And witnesses who recently have spent time in the field testified about the possibility of a conspiracy:

Chairman KERRY. I want to ask you a question. You are under oath. You are either ex-service people or people committed to this effort. But there remains at large in this country a body of suspicion about people involved in it, and it comes largely from the way it's been handled and resourced in past years I ask you this question under oath so that people can have some sense of where you're coming from.

And I want to know whether anyone here has ever seen any evidence or believes that there was a conspiracy to actually tube this or cover it up. Mr. Sydow?

Mr. SYDOW. No, sir.

Chairman KERRY. Mr. Sheetz?

Mr. SHEETZ. You've always seen me in civilian clothes. I've been in the Navy. I'm still in the Navy Reserves since 1965, so I consider myself sort of also a uniformed person. I've seen nothing to indicate conspiracy or cover-up.

Chairman KERRY. Colonel Cole?

Colonel COLE. Certainly not, sir.

Chairman KERRY. Mr. Gadoury?

Mr. GADOURY. Never.

Chairman KERRY. Mr. DeStatte?

Mr. DESTATTE. Never, sir.

Chairman KERRY. Sergeant Deeter?

Sergeant DEETER. No, sir.

Chairman KERRY. Mr. Bell?

Mr. BELL. No, sir, I don't have any indication of a cover-up, but I think we should always stress objectivity in our work.

The Select Committee examined allegations of conspiracy and heard testimony about the allegation. No witness gave credible evidence that a conspiracy ever existed on the POW/MIA issue; nearly all called the notion an impossibility and found it highly unlikely that military personnel would ever be involved.

Myths

Another difficulty in separating fact from fiction in POW/MIA efforts has been the prevalence of myths. The amount of information on the issue overall is monumental and fictitious claims often contain just enough shards of truth to make them believable. Oft-repeated myths have become popular lore in the vast collection of stories about the Vietnam War and the POW/MIA issue in particular.

[431] Secord testimony, Sept 24, 1992.

Island of syphilitic souls theory

One of the stories perennially told in Vietnam and remembered today by many veterans, is about a secret island to which were sent, there to spend the rest of their lives, persons who had contracted a dangerous and incurable sexually-transmitted disease

The premise was that the consequences of the disease were such that society could not risk the possibility of an epidemic in the United States. The existence and location of the island needed to be kept secret, so the story goes, so people sent to the island were listed as MIA or KIA/BNR

Logic exposes the story's flaws. Veterans were not routinely given physical examinations immediately before leaving Vietnam or upon arrival to the U.S.—foiling the island's purpose, because persons contracting a disease would carry it back to the USA undetected As immediate "social" contact was common for many vets returning from Vietnam, the spread of any disease would have been inevitable—and yet no such disease has surfaced in the U.S. population (AIDS' origins having been traced elsewhere). Logic notwithstanding, the myth prevails to this day as an explanation for the fate of some unaccounted-for Americans.

Systematic lie theory

Other stories are more difficult to disprove, but even their defiance of common sense does not stop their spread, which in turn mainstream media, fuels these rumors. For example, one persistent story is that the U.S. Government has been bringing POW/MIAs back secretly and providing them with new identities such, as is done in the federal witness protection program or, in the alternative, incarcerating them in mental hospitals. The ostensible reason for this secrecy is presumably to avoid contradicting official policy since 1973 that all live POWs were returned home. Another theory argues that since no amputees or mentally deranged people returned at Operation Homecoming, these men have been smuggled back and are kept hidden.

Committee investigators interviewed a newspaper reporter who printed this story as fact, his sources, and others with variations of this story; they found no factual support for it. One supposed source summoned to testify, and subpoenaed, was the victim of his ex-wife's fantasies.

"Black ops" theory

Another publication printed a suggestion that 2,454 men should be added to the list of 2,265 POW/MIAs—because the additional 2,454 was the number involved in highly classified operations whose inclusion on the list of missing would have compromised the operations' secrecy.

"Crazies" and amputees theory

This belief and the belief about secretly smuggling individuals into the country and providing new identities assumes that no family members or friends who would miss these men or else that they willingly participated in a conspiracy of magnitude—ideas that flout common sense. It is also belied by the testimony of Admi-

ral James Stockdale, who testified about the return of at least one amputee.

Perhaps the most persistent kind of rumor grows out of events with simple, straightforward explanation:

> The opening of a bigger, permanent office with the standing in the military hierarchy needed to get things done fueled suspicions that the move was designed to silence an investigator. Garnett Bell, a key player before Hanoi agreed to U.S. terms' full-time presence in-country, remained a key player after the office was changed to take advantage of the new opportunities.
>
> In another case, the illness of a senior Vietnamese diplomat was twisted into accusations that he had been killed trying to defect over the POW/MIA issue and blaming Congressional offices for botching the defection. The diplomat's efforts to correct the story, through a letter to the editor, were then manufactured into a story that the diplomat only wrote the letter because there was a "gun to his head."

The Committee investigated both charges and found them baseless.

Chapter 6: Private Efforts

Overview

One of the most active grassroots efforts during the past decade has been that of Vietnam War activists. They have pressed successfully on several fronts, and it is these activists, and the families of unaccounted-for servicemen that have kept the POW/MIA issue at the forefront of public attention. At times, private groups have prodded the Government to act, at times (such as at the Committee's formation) they have demanded investigations into the Government's actions. Most of these activities have been both altruistic and effective; some have been well-intentioned, but have not served POW/MIA families; and a few have been outright scams of the most reprehensible kind.

To examine private-sector POW/MIA activities, the Committee documented a wide range of public-awareness campaigns and other activities, investigated recent reconnaissance and rescue operations conducted overseas, reviewed the role of various groups in distributing photographs purporting to depict POWs in Southeast Asia after Operation Homecoming, and reviewed professional fundraising conducted in the name of various POW/MIA organizations.

Public awareness campaigns

Many private organizations engage in a range of successful public-awareness campaigns designed to educate the public about the POW/MIA issue. These efforts include rallies, marches, educational forums, newsletters and newspapers, television and radio programs, holiday ceremonies, the sale of memorabilia (such as POW bracelets and t-shirts), the creation of memorials and parks to honor POW/MIAs, foot races, and vigils. Some have funded scholarships for the families of POW/MIAs; others have sponsored

legislative initiatives across the country. The accomplishments of these organizations are too extensive to be fully explored in this report, but a summary of the achievements of several organizations is included in this chapter.

Reconnaissance/rescue missions

During the Committee's year-long investigation, a reconnaissance and rescue operation known as "Team Falcon," was undertaken by the private sector, ostensibly to locate and rescue American POWs believed to be held in Laos. Lauded at first by activists, it was disavowed by them when it was determined that contributors were misled, money lost, participants duped, and no POW was identified, located or repatriated.

The Committee also examined a reconnaissance and rescue operation known as Skyhook II, led by former Congressman John LeBoutillier. It learned that U.S. Government officials illegally attempted to provide handguns for members of the Lao Resistance associated with Skyhook II. It also found that other U.S. Government officials helped to solicit funds for Skyhook II; and that money raised was funnelled through a Bangkok bank account.

The Committee reviewed certain activists conducted by Lt. Col. James "Bo" Gritz (USA, Ret.) and found that, despite Government attempts to repudiate and minimize its involvement with Gritz, the Government sanctioned, encouraged, funded, approved, and provided logistical support to some of his overseas reconnaissance and rescue operations. Those operations serve as additional evidence of how Government attempts to use the private sector in clandestine overseas operations can go awry.

Photographs

Another activity of great concern to the Committee was the distribution of fraudulent reports of live POWs. These reports, usually attributable to notoriously unreliable agents in Southeast Asia with proven track records of failure, were cited by private groups as evidence of live POWs and incorporated into fundraising appeals. In some cases, fundraisers themselves concocted fantasies loosely based on these agents' reports and peddled them as verified facts. In no instance did any overseas agent locate a live POW or produce reliable evidence that U.S. servicemen are in captivity in Southeast Asia.

The most readily believed stories were accompanied by photographs. The Committee's investigation of several of these photographs revealed evidence of fraud in several instances, including those circulated in 1991 that allegedly depicted Donald Carr, Daniel V. Borah, John L. Robertson, Larry J. Stevens, and Albro Lundy.

Fundraising

The Committee's investigation revealed that millions of dollars have been raised for the POW/MIA cause, but the bulk of the funds are frequently retained by the professional fundraisers hired by certain POW/MIA organizations. Heart-wrenching statements purport to confirm thats POWs are alive in Southeast Asia and that their rescue by a private group is imminent are the basis for

the appeals—but donors are virtually precluded from learning how their contributions are spent:

The Internal Revenue Service (IRS) has almost no incentive to audit financial reports of non-profit organizations: non-profit status is granted on the condition that the organization give donors basic information about its operations—but, once obtained, non-profit status also means the IRS won't collect revenue by looking closely enough at the organization to see that it is keeping its promise.

The Supreme Court has held that certain aspects of charitable fundraising are protected by the first Amendment guarantees.[432] Accordingly, state and federal regulators face substantial barriers to regulating the claims of non-profit organizations that operate both within states and across state lines.

The emotions surrounding the POW/MIA issue, until recently, have effectively dissuaded congressional oversight and news coverage of shady operations: it is far easier to tell the story of a POW/MIA family's anguish than to examine the groups who prey on that anguish.

PUBLIC-PRIVATE ALLIANCES

Lao resistance

In its efforts to learn more about rumors of live Americans held in captivity in Southeast Asia, the U.S. Government considered working with Lao resistance forces. In August 1981, DIA's assessment of the Lao resistance included the following:

> Although the [Lao resistance] is weak, it does offer the potential for supporting U.S. MIA efforts. A recommendation would be to pursue both overt pressure on the LPDR and their Soviet and Vietnamese supporters and covert efforts through [Lao resistance] forces. On balance, unless Hanoi and Vientiane change their established MIA accounting policies dramatically, the potential for success appears greater utilizing a covert action program. However, the "risks" inherent with such a program are also greater.
>
> There is no "one" Lao resistance group/element. The movement is fragmented with the most stable elements being among the northern tribesmen and the Lao People's National United Liberation Front (LPNULF), a loose coalition of various resistance elements. Other fragmented resistance elements operating in Laos include the Lao Liberation Movement (LLM) and the "21-18 Group," a formation of political elements. Although total strength of the resistance in Laos is estimated at 6,000–8,000, it does not pose a near-term threat to the stability of the current regime. The resistance lacks a dependable support base and there is little coordination between resistance groups. Without a significant increase in external aid accompanied by improved discipline and organization, the Lao resistance will remain nothing more than a minor irritant to

[432] See, e.g., *Riley* v. *National Federation of the Blind*, 487 U.S. 781 (1988); see also, *Village of Chaumburg* v. *Citizens for a Better Environment*, 444 U.S. 620 (1980).

the Lao People's Democratic Republic and a poor single focus for U.S. MIA efforts.

The resistance movements have gained a limited amount of sympathy and support by propagandizing and recruiting at the village level. They have not yet, however, been able to establish secure bases of operation within Laos. They primarily operate from base camps a long the Thai-Lao border and, less commonly, the Lao-China border area. In the northernmost provinces, aid is provided to the Hmong, Yao, and Kmou tribesmen by China. In the panhandle region, Democratic Kampuchean (DK) resistance elements, supported by the Thai, provide nominal aid to Lao resistance forces. The Thai also provide assistance and direction to select resistance elements in the central area.

Regarding actual MIA-related activity, Lao resistance elements could travel through government controlled areas in search of U.S. crash/grave sites and could provide information concerning the locations of such sites. These operations could be covertly accomplished employing small reconnaissance teams to avoid detection by LPDR or Vietnamese military forces. The small covert team concept appears feasible if the resistance element was strongly motivated and the U.S. interests represented by trusted indigenous personnel.

There is a possibility that the LPDR or SRV intelligence services have infiltrated the resistance movement. The likelihood of a penetration is greater among the ethnic Lao resistance elements than with the tribesmen whose ethnic association is closer and whose long-standing animosity toward Lao and Vietnamese is traditional. The non-tribal Lao resistance elements are more susceptible to infiltration due to the fragmented nature of their movements and their varying ethnic, social, and political composition and objectives. These same weaknesses are the primary reason we see no near-term chance of success for unification of the Lao resistance movements.

Although the Committee found no clear evidence that the U.S. Government actually worked directly with Lao resistance forces, the Committee did obtain evidence of indirect efforts by the U.S. Government to fund Lao resistance elements in the hopes that those elements would provide information concerning the possible existence of POWs in Laos. This is ironic because, as set forth later in this chapter, the Committee found evidence that Lao resistance forces have been responsible for the dissemination of false and misleading information concerning the existence of POWs in Southeast Asia.

Questions about U.S. Government involvement with private efforts to fund Lao resistance

The Committee received evidence in the form of deposition, documents and affidavits [433] indicating that in 1982, officials of the National Security Council apparently had approved a proposed project intended to raise private funds for POW/MIA-related activities in Laos that ultimately resulted in funds being received by the Lao resistance. It was alleged that Richard T. Childress, a former member of the NSC responsible for Southeast Asia, Ann Mills Griffiths, Executive Director of the National League of Families, and former Congressman John LeBoutillier participated in raising these funds. The project ultimately would become known as Skyhook II.

Both Griffiths and Childress were fully cooperative with the Committee's investigation and both strongly deny any allegation or implication that they helped raise funds for Lao resistance groups.

Griffiths has asserted that:

> The truth is that money which went to Thailand was solicited and spent by John LeBoutillier, not by the White House, in his attempt to gain proof of live prisoners . . . LeBoutillier asked for a valid non-profit group which could accept contributions and disperse them in support of his efforts to seek information and evidence of living U.S. POWs. Since it was not a League project and knowing that Support Our POW/MIAs still retained that status, I contacted Betty Bartels about the possibility . . .
>
> Betty agreed to receive and disperse the funds, based on LeBoutillier's assurance as a sitting Member of Congress that nothing illegal would be undertaken and that the efforts were not counter to U.S. Government policy or law; however, neither the League nor Betty knew how the funds were spent.[434]

In his Jan. 8, 1993 letter to Sens. Kerry and Smith, Childress wrote:

> Apparently the press has a staff draft of the SSC report that alleges I, as a member of the NSC staff, supported the Lao resistance and facilitated gun-running. I labeled it as a smear and warned against publication.
>
> As noted in my deposition, which appears to have been ignored in the draft report, to the contrary, I personally intervened with Congressmen Hendon and LeBoutillier in 1982 and indicated the White House could not deal with them if such activities were contemplated. We learned of this through a State Department cable that alleged Congressman LeBoutillier's representatives intended on raising a private army. I asked for and received a letter from

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[433] See particularly: 1) Ivan Kalister deposition and associated exhibits; 2) Bert Hurlbut deposition and affidavit; 3) Errol Bond deposition and associated exhibits; 4) Francis Mullen deposition and associated exhibits; 5) John Fisher deposition and affidavit; and 6) John LeBoutillier memorandum to Ted Sampley dated October 10, 1992.

[434] Memorandum to the Board of Directors of the National League of Families, from Ann Mills Griffiths, June 8, 1987.

Mr. LeBoutillier which was distributed in the government that he and his representatives would desist from such activities. I have never even met Congressman LeBoutillier's "agents," and they attempted to interfere directly in our negotiations with Laos, a matter of record.

Further, I ensured that official U.S. government intelligence activities would not use Lao resistance personnel, discouraged support for the Lao resistance by other groups (again it is a matter of record), deleted known resistance personnel from White House public events, and negotiated a joint communique with the Lao government that the U.S. would respect their independence, neutrality and territorial integrity due to their concerns over the Lao resistance and potential U.S. support. This was done to build the requisite trust between our governments to make POW/MIA cooperation possible.

I covered in my deposition the events surrounding Congressman LeBoutillier's requests of DEA and their subsequent disconnect with him due to some involvement with arms. I did not learn of the arms angle until later when called by Mr. LeBoutillier's attorney, ATF and subsequently DEA. I was informed earlier by DEA that the initiative could not be approved due to DEA budget restrictions. Mr. LeBoutillier asked me about arms on one occasion and I turned him down flat. That too is in my deposition.

I request that this letter be made a part of the record or appropriate corrections be made to reflect what actually transpired. Such blatant inaccuracies and omissions smack of an apparent attempt by someone on the Committee Staff with agendas other than the issue. If true, it will certainly detract from what all hoped would be an objective report on a serious national issue that does not fuel more domestic attacks and allow concentration where it belongs, on Hanoi.[435]

In August 1982, a 501(c)(3) (tax-exempt) POW/MIA organization known as Support Our POW/MIAs, Inc. (SOP), headed by Betty Bartels, began receiving tax-deductible donations, which were then transferred to bank accounts in Southeast Asia and elsewhere for the Skyhook II project. Thereafter, as set forth below, approximately $200,000 was raised from various donors for the Skyhook II effort.

Approximately $156,000 of the donations were wire-transferred by SOP to a Bangkok bank account in the name of Mushtaq Ahmed Diwan upon instructions communicated to SOP by Griffiths. Information provided to the Committee indicates that Diwan is a friend or associate of Col. Al Shinkle (USAF, Ret.) and that the $156,000 transferred to the Diwan account was subsequently pro-

[435] Sen. Smith's letter to Childress, Jan. 16, 1993, explains omission of Childress' complete letter was an omission; clarifies that Sen. Grassley referred a case to the Justice Department after the Committee's authority expired; and outlines factual inaccuracies corrected before the Report was filed with the Senate and printed by the Government Printing Office. A complete text of Sen. Smith's letter is contained in the Annex to the Report.

vided to Lao resistance forces, presumably to fund efforts on their part to locate, identify and repatriate American POWs.

The chronology of SOP's involvement in the "Diwan Project" is well-documented in contemporaneous notes kept by Betty Bartels. According to those notes, Griffiths telephoned Bartels and requested SOP's federal tax number and the names of the members of SOP's board of directors.

> June 22, 1982— . . . Ann wanted to use the [SOP] bank account to deposit some funds, from undisclosed sources, and later cable the funds to a bank account out of the country. Ann requested that I check with our bank how funds could be telegraphed overseas, i.e., by telephone call, in person, by mail, etc.
>
> 10 July 1982—I met with Ann Griffiths and Carol Bates in their room in the Stouffers hotel. There was no one else present. I was assured by both Ann and Carol that this project was completely 'legal' and involved nothing that was against the State Dept. policies, DoD policies, etc. . . . I was given permission to discuss this plan with my husband, George Bartels and ask not to discuss it with anyone else. I was again reminded that it was most important this entire matter be kept in strictest confidence; that the National League of Families Boards were not aware of this. Only a U.S. Senator, to remain unnamed, and the White House, Ann, Carol and myself were aware.

Errol Bond, SOP's Vice President and accountant, testified that he:

> assumed that Dick Childress was involved because Ann had indicated that it [the Diwan funding] had the blessing of the White House.[436]

Bond further testified that it was his understanding that the approval for the project:

> . . . probably came from the President or somebody telling Dick Childress to go ahead.[437]

Thereafter, commencing on August 2, 1982 and continuing through 1985, SOP received checks totaling approximately $200,000 and deposited them into its account at Security Pacific National Bank in Palm Desert, California. During this period, Bartels would telephone Griffiths and advise her of the receipt of the various checks and Griffiths would, by telephone, instruct Betty Bartels to wire-transfer the funds to certain accounts. Pursuant to instructions received from Griffiths, SOP wire-transferred these funds to certain accounts. Most of the money, approximately $156,000, was transferred to an account at Bank of America, Bangkok, in the name of Mushtaq Ahmed Diwan. A smaller portion was transferred to an account at Chemical Bank in New York in the name of Narinder S. Saluja.

Narinder Saluja resides in Bankok and was interviewed by the Committee via telephone in November 1992. He informed the staff

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[436] Bond deposition, p. 28.
[437] Ibid., p. 26.

that when monies were deposited in his New York account at Chemical Bank as described above, he would then transfer a like amount in cash to Shinkle in Bangkok. Saluja claims that Shinkle asked him to use his bank account as a conduit for money because Saluja had businesses in New York and Bangkok, enabling him to transfer money overseas quickly.

The Committee received evidence that most of these contributions discussed above were solicited by Bert Hurlbut, a Texas oilman who is convinced that live POWs remained in Southeast Asia. Hurlbut testified that Griffiths asked him in 1982 to raise private funds to try to bring POWs back from Southeast Asia.[438] According to Hurlbut, he agreed to assist and was told that a tax-deductible had been founded in California to handle the money; information about the account came via Griffiths.[439] Hurlbut was led to believe that the project had the blessing of Judge Clark and Richard Childress at the NSC.[440]

The money Hurlbut raised was transferred to the Bangkok account of Mushtaq Ahmed Diwan and then given to Shinkle and Patrick Khamvongsa.[441] According to DIA, Patrick Khamvongsa is a former member of the Royal Lao Air Force with ties to Phoumi Nosavan and other members of the Lao resistance. In 1984, Patrick began to work for Brig. Gen. Heine Aderhold (Ret.).

Evidence and depositions received by the Committee indicate that the funds transferred to the Diwan account went to a Lao resistance group for operations.[442] Bond testified that he learned in 1987 that some of the funds had been used to buy arms and ammunition for the Lao resistance.[443] U.S. intelligence agents contacted Hurlbut about his activities,[444] but he was not asked to cease fundraising for the Lao operations.[445] During that time, Hurlbut was an active member of the World Anti-Communist League and an associate of Gen. John Singlaub (Ret.) during the time Singlaub was actively raising funds and providing equipment to the Lao resistance.[446]

Staff notes from a June 21, 1990 telephone interview with Shinkle in connection with the work of a prior Committee state:

> . . . Shinkle was asked if he had ever received any money through a bank account bearing the name Mushtaq Ahmed Diwan. Shinkle stated that he had. He continued by stating that he received approximately $154,000.00 from this account. He believed the exact amount was $153,212.00. The money was obtained through donations by former Congressman John LeBoutillier. The arrangement for the monies to be received in the Diwan account was done by Ann Mills Griffiths and Richard Childress. The account was established by a friend of his who is of Indian

[438] Hurlbut deposition, p. 7.
[439] Ibid., p. 10.
[440] Ibid., p. 11.
[441] Ibid., p. 14.
[442] Hurlbut affidavit.
[443] Bond deposition, p. 72.
[444] Hurlbut deposition, p. 27.
[445] Hurlbut affidavit.
[446] "Hazardous Duty," J.K. Singlaub, Summit Books, New York, 1991, p. 456.

> origin that he has known for some years. When asked what he spent the money on, Shinkle replied "Field Operations." The money [was] used to buy boots, field packs and other items for resistance groups in Laos . . .

Records of the Diwan bank account show that, during a portion of the relevant period, a total of $578,689.42 was wire-transferred into the account from a variety of sources from various banks throughout the world. Other than as set forth above, the Committee was unable to locate Diwan, or determine either the sources or ultimate recipients of these funds.

In a deposition, Griffiths provided her account of the origins of the Skyhook II project. She stated that in June 1982, LeBoutillier sought to raise funds for a POW intelligence/rescue project which ultimately would become known as Skyhook II. LeBoutillier would discuss his proposed activity with both Griffiths and Childress. Griffiths said she understood that LeBoutillier was interested in obtaining intelligence information on live POWs and that it was his intention to then provide that information to the Government. Griffiths did not dispute the accuracy of Betty Bartels' SOP notes which reflect that officials at the NSC approved of the proposed project and that it was important that the existence of the project be kept secret.[447]

Griffiths agreed to help LeBoutillier by finding an existing charitable organization which would receive tax-deductible donations on behalf of LeBoutillier and then transfer those funds to Southeast Asia for the proposed Skyhook II project. Accordingly, she contacted an acquaintance who was an official of a dormant California 501(c)(3) (tax-exempt) organization known as Save Our POW/MIAs, Inc. Griffiths explained the situation to the official, Betty Bartels, and it was agreed that SOP would receive donations on behalf of LeBoutillier's project and then transfer those monies to bank accounts as directed by Griffiths and/or LeBoutillier. Approximately $200,000 was raised from a handful of private donors who understood that their donations would be used to fund a clandestine POW project in Southeast Asia which had "the blessing of the White House."

Other efforts related to Lao resistance forces

The Committee learned of an attempt by LeBoutilier and others to obtain Government identification, radios and 10 handguns for Skyhook II's contacts within the Lao resistance movement.[448] Following discussions with officials of the Drug Enforcement Administration and the NSC, LeBoutillier purchased the handguns in Virginia in 1984 through an acquaintance. The handguns were intended to be shipped to Thailand for Skyhook II. Prior to purchasing the handguns, LeBoutillier had attempted to secure the assistance of DEA in providing Government identification and radios for Skyhook II's operations in Thailand. Although DEA apparently took preliminary steps towards providing government identification to

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[447] Griffiths deposition.

[448] As part of its investigation of this matter, the Committee reviewed Bureau of Alcohol, Tobacco and Firearms case files and other documents, and took testimony from government officials. The depositions and files are archived as part of the Committee record.

Skyhook II's agents in Thailand, those efforts and any efforts to provide radios apparently were short lived. In addition, LeBoutillier sought DEA's assistance in transporting the handguns to Thailand.

After learning of the purchases of the handguns, the Bureau of Alcohol Tobacco and Firearms conducted an investigation of possible firearms violations. As a result of its investigation, ATF recommended that LeBoutillier be prosecuted for firearms violations related to his straw purchases of the handguns.

In 1986 the U.S. Attorney for the Northern District of Virginia declined to prosecute, based in part upon the fact that there was evidence that LeBoutillier's activities had been sanctioned by the U.S. Government. The investigation failed to determine what ultimately happened to the handguns.

RECENT RECONNAISSANCE AND RESCUE MISSIONS

From at least the early 1980s, there have been several well-publicized attempts by American citizens to locate and rescue POWs believed to be held captive in Southeast Asia. Set forth below is a description and analysis of two recent such missions. The first was conducted in 1992. The second, conducted by three POW/MIA activists from Florida, took place in 1988.

Team Falcon

Team Falcon, a 1992 reconnaissance and rescue operation, raised more than $60,000 from concerned citizens, including a POW/MIA family member. It was a futile exercise, doomed to fail from its inception because it lacked reliable information about the existence and location of any POWS; second, the participants lacked the technical and logistical resources needed to ensure a mission's success; and because they relied almost exclusively upon an individual, Phoumano Nosavan, who is notorious for providing false information to POW hunters.

In late 1991, Ted Hendrickson and Charley Taylor, members of the Arkansas POW/MIA Verification Task Force, planned a mission to Southeast Asia to locate and rescue three American POWs. Hendrickson and Taylor are retired Vietnam veterans who are receiving 100 percent disability payments from the Veterans Administration for health problems relating to Post-traumatic Stress Disorder. They claimed that the mission was planned because they received "intelligence information" from Howard Funkhouser of Arkansas that purported to identify the location of live American POW/MIA's in Southeast Asia.[449] This information allegedly was supplied to Funkhouser by two Lao Americans, Bo Novilay and Phet Phayboun, yet this remains unclear. Funkhouser has written that even at that time, he maintained his belief that there were no MIAs left alive.[450]

Following a series of meetings in the Fall of 1991, Team Falcon was formed and began soliciting money. Approximately $60,000 is known to have been raised from a variety of private sources.[451] In-

[449] Taylor deposition exhibit 8, p. 3.
[450] Ron Martin deposition exhibit 7, p. 2.
[451] Buckner deposition exhibit 4, page 9. Taylor deposition, pp. 34–44.

dividual participants in the mission also spent considerable sums of their own money in connection with the effort.

The individuals primarily responsible for raising the money for the operation were Hendrickson, Taylor and Ted McGarry. By alluding to the possibility that they knew where POWs were being held, and withholding details about the mission in the name of "security," these men appealed to the hopes and fears of potential donors. Their urgent, emotional pleas extracted large sums of money with a minimum of explanation or evidence to support their claims. This demonstrates vividly the appeal of purported first hand live sightings.

The U.S. component of Team Falcon consisted of McGarry and Pam Heidinger, who had rented a "safe house" in Jacksonville, Arkansas. Their function was to maintain lines of communications between Thailand and the U.S. operations and to arrange the logistics of the POWs' entry into the United States following their "rescue." Thousands of dollars were spent on phone bills, rent for the safe house, food, travel, etc. Additionally, the Canadian Vietnam Veterans of Toronto was asked to provide "security" at the airport upon the POWs return from Southeast Asia; 20 Canadian Veterans were said to be available on 24 hours notice. Mike Gillhoolley, Chairman of the Toronto group's POW/MIA committee made several trips made between Canada and Arkansas and spent more than $9,000 on the Team Falcon project.

At the end of January, 1992, Hendrickson, Taylor, Ken Carr (MIA Capt. Donald Carr's half-brother) and Baron Harris traveled to Bangkok to begin the mission.[452] They were preceded by Howard Funkhouser and his two Lao-American friends, Bo Novilay and Phet Phayboun.[453] There are conflicting accounts regarding the role these men played, but they returned to the U.S. in mid-February having done little more than paper work in connection with POW/MIA search effort.[454] Their departure left Team Falcon in need of a translator/interpreter. McGarry contacted Khambang Sibounheuang and asked him to go to Bangkok to meet the members of Team Falcon. Khambang traveled to Bangkok in April 1992.[455]

According to Khambang, he travelled to a village near the Thailand/Laos border to assist Hendrickson and Carr in crossing the border. Khambang did not accompany Hendrickson and Carr into Laos. Poor planning, expired visas, and a lack of appropriate funding and equipment caused several delays. According to Khambang, members of Team Falcon spent approximately three days in Laos, no time in Vietnam or Cambodia, and two-and-one-half months in Thailand. Taylor claims that Team Falcon members Hendrickson and Carr spent up to 6 days away from the safe house in Thailand, but it is unclear where they were during those days. Team Falcon returned to Arkansas on April 13, 1992.[456]

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[452] Khambang deposition exhibit 11, p. 3.
[453] Martin deposition exhibit 7, p. 4.
[454] Ibid., p. 5.
[455] Khambang deposition, p. 81.
[456] Ibid., exhibit 11, p. 4.

An "After Action Report" summarizing Team Falcon's activities in Southeast Asia was prepared by Team members in May 1992 [457] this account states, in part:

> . . . there are American POW/MIA's from the Vietnam conflict who are still alive in Southeast Asia.
>
> While not imprisoned in the traditional sense—Team Falcon found no evidence whatsoever of the existence of any current POW camps, cages, caves or other restricted enclosures—neither are these individuals free to return home . . .
>
> Team Falcon personally investigated over 50 of these reports by actually visiting the alleged sites. We found no evidence, either physical or by interviewing area residents, that any of these sites currently serve as the location of a POW camp or confinement area of any type . . . In fact, we found no evidence whatsoever that there is any POW camp, cage, cave or similar restricted enclosure housing American POW/MIA's anywhere in Southeast Asia at this time.

Based on the accounts of those who either contributed money or participated directly or indirectly in Team Falcon, it would have been impossible for the Team Falcon members to have investigated the alleged POW camp sites, or the location known as "Site 85" as claimed in the Report.[458]

1988 Mission to Southeast Asia

Three POW/MIA activists from Florida, Ron Martin, Tim Williams and Leonard Hood travelled to Thailand in 1988 fcr the purpose of rescuing certain POW/MIAs from Laos. Martin testified that:

> . . . [W]e got some intelligence through activists—people who had been going back and forth for years and building relationships with Free Lao, mostly, such as Phoumono Nosavan, the son of General Phoumi, people like that. And we had information that Tommy Hart, the son Vera Hart, and Morgan Donahue and one other person—we didn't know his name—were near the border in Savannakhet. So we went over initially expecting to spend 2 weeks. And 2 months later we were still there . . . And we were unsuccessful.[459]

Like others who contacted Phoumono for assistance, Martin and his colleagues paid him for information and assistance in their search for missing American servicemen. Phoumono coordinates teams of armed escorts for cross-border forays. Martin describes these teams as follows:

> These guys don't stay in camp. They're not regular troops. When Phoumono puts together a group, he goes to homes. And we picked up a number of them in a van-like

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[457] Ibid.

[458] Martin deposition Exhibit 6, an analysis of the errors contained in the Team Falcon After Action Report.

[459] Martin deposition, pp. 8-9.

vehicle. You go to individual homes. They kiss their wives goodbye. I mean, some of them live in huts and real horrible conditions. And I think they probably paid them maybe 500 bhat [approximately $25] to go. Any that's the way a lot of these people—that's the only income they have. . . We crossed the Mekong with about 29 indigenous people. Then we went towards Savannakhet, up and down hills, not on roads. We had no firefights. We ran into no concentration of troops. We stayed hidden mostly during the day. We only went about 70 klicks [approximately 44 miles] into the country. . .[460]

Martin further described the role of the 29 indigenous "troops" hired by Phoumono:

[They were t]o be on call when Phoumono needed them. In other words, when he would say, we're going to go check out a POW camp in the Phong Sali area or something like that, sometimes they would go, sometimes they wouldn't. If they needed money, they would go. If they wanted to feed their family, they would go. Perhaps if they found a job, maybe they'll not go.[461]

During their foray into Laos, Martin's team, along with Phoumono and his 29 "troops," reached the point where the POWs were supposed to have been. When they approached the supposed camp, Phoumono insisted the group leave at once as there were too many enemy troops in the area. Martin testified that he did not see any of the troops but, not anxious for a confrontation, left the area. Martin testified that his share of the expenses for the trip (including travel, food, lodging, and payments to Phoumono) came to approximately $14,000.

Martin's experience is evidence that a cottage industry in POW/MIA hunting has emerged in Southeast Asia as a result of the willingness of U.S. citizens to pay for "intelligence" and "mission support." For a few thousand dollars, people like Phoumono can secure weapons and hire a small force of armed escorts. Martin and others who have dealt with Phoumono have learned that his industry is riddled with deception:

If you want me to tell you after hindsight, I wouldn't believe Phoumono, I wouldn't trust Phoumono with anything, to tell you the truth.[462]

When asked why Phoumono provided false or misleading information, Martin posited:

It's got to be for money. It's the only reason I can guess. Also, I guess it gives him a little power. Money gives him a little power in his own community. That's the only reason I could guess, because with his operation he will certainly never regain Laos or become—or gain the status of his father, General Phoumi.[463]

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[460] Ibid., pp. 13–14.
[461] Ibid., p. 22.
[462] Ibid., p. 34.
[463] Ibid., p. 41.

James "Bo" Gritz

James "Bo" Gritz' forays into Southeast Asia have been well publicized in the media and in books,[464] and he is regarded by POW/MIA activists to be the inspiration for the "Rambo" movies.

An excerpt from a report prepared in February of 1988 and distributed by the NSC in response to a congressional inquiry follows:

> James "Bo" Gritz is a retired Army Lieutenant Colonel who became active in the POW/MIA issue during the late 1970s. At that time, the issue did not have the policy priority it does today. Relying on a variety of supporters, he has attempted to put together several "rescue attempts" in Laos based on unsubstantiated hearsay reports.
>
> In the Spring of 1981, Mr. Gritz received considerable publicity when he disclosed "Operation Velvet Hammer," a POW-rescue venture sponsored by private citizens, and some family members of Americans missing in Southeast Asia. Operation Velvet hammer was not connected in any way with the U.S. Government. This effort, which was not carried through, involved a "training camp" at a "cheerleading academy" in Florida, among other things. Later, Mr. Gritz was publicly disavowed by his associates and supporters, the media and the National League of Families. The legality of his fundraising was questioned by vulnerable family members, one of whom lost $30,000. After receiving adverse publicity, Mr. Gritz surfaced a letter, which he alleged was from the late Lieutenant General Harold Aaron, USA, former Deputy Director of the Defense Intelligence Agency, implying a connection between his activities and the Defense Intelligence Agency. An FBI analysis of the letter revealed a number of differences between the signatures on that letter and that of General Aaron, inconsistencies in the language of the letter, and other facts that led to the conclusion that the letter is not authentic. General Aaron was not alive when the letter surfaced.
>
> In October 1981, a low-level Department of Defense organization submitted a proposal for an operation that included Mr. Gritz's participation in a collection capacity. This proposal, submitted by an acquaintance of Mr. Gritz in the organization, never rose above the first level in the approval process. However, in unwarranted anticipation of the concept being approved, the organization prematurely provided Mr. Gritz with initial travel funds and some equipment. Following disapproval of the proposal, this organization informed Mr Gritz that he did not enjoy any official support.
>
> With this exception, there has been no U.S. Government sanction, encouragement, funding or approval of Mr. Gritz's activities by the White House or by any Executive department or agency of the government. In fact, the U.S.

[464] See, e.g., "The Heroes Who Fell From Grace," C.J. Patterson & G.L. Tippin, Dell Publishing Co., New York, 1985.

Government has attempted in every way to oppose his activities and has advised him that he was operating counter to Government policy. He has attempted to fund his alleged POW rescue operations through use of a now defunct tax-exempt veterans organization, thousands of dollars reportedly donated by a religious organization, and donations from MIA family members and other private American citizens.

In 1983, Mr. Gritz commenced new activities with new supporters, including Hollywood personalities. He made his way to Thailand with a group of veterans and POW/MIA daughters whom he placed in a "command headquarters." From Thailand, he crossed a short way into Laos with a faction of the Lao resistance and some veterans. After confrontation with a rival Lao resistance group, Mr. Gritz's group immediately left Laos. Mr. Gritz and his party were arrested by the Thai Government, declared persona non grata and expelled. Mr. Gritz's allegations that he had evidence that POWs were being held and that the U.S. Government supported his activities were exposed as untrue in hearings conducted by the House Subcommittee on Asian and Pacific Affairs in March 1983.

Following these events, Mr. Gritz produced "evidence" implying to Congress and the public that he had proof that a specific individual was held prisoner. It subsequently was demonstrated that the "evidence" consisted of altered documents. Mr. Gritz was subsequently expelled from the Special Forces Association and was the subject of media scrutiny. . .

Throughout his years of involvement, Mr. Gritz contributed nothing of value to the POW/MIA issue. In fact, his activities have been counterproductive. Supposed MIA remains he turned in were determined to be animal bones. His rescue "missions," based on faulty or fabricated intelligence, have been assessed as being so undermanned and poorly planned that they had virtually no chance for success. His alleged foray into Laos was used as a basis by that country to suspend government-to-government cooperation on this issue for a year. He has distributed leaflets in Southeast Asia that falsely claim Presidential support for his activities and that falsely describe himself as an active duty full Colonel. . . .

In his testimony, Gritz said he was covertly funded by the U.S. Government for certain of his operations. With the consent of the head of a POW/MIA organization known as United Vietnam Veterans Organization (UVVO), Gritz opened a chapter of UVVO and established a UVVO bank account at Tokai Bank in Playa Del Ray, California in or about 1986. Gritz testified:

> If I got the word to go on the operation, I said fine. If the money shows up in this UVVO account, then we will go. If it doesn't show up, we don't. And so the money, if it showed up we went.

> Where the money came from, I didn't know and didn't care. As a matter of fact, when we trained Afghans we got our checks from Stanford Technology. I didn't know what Stanford Technology was, didn't give a hoot. It was just standard procedure until, when Ollie North's thing started coming around here's Stanford Technology is part of Albert Hakkim's organization. So what does that mean? Well, so we used UVVO as a depository where covert funds could be placed for these operations.[465]

Gritz further testified the covert payments from the Government were received via a Florida bank account and that on one occasion his wife picked up a cash payment of $25,000 at a Washington area supermarket.[466] Gritz' code name for these activities was "Bear" and he testified he was in frequent contact with ISA and CIA about his covert operations. In November 1992, the Committee received declassified documents evidencing that the U.S. Army began using Gritz in mid-1981; however, it appears this was done to track his private activities to ensure they did not interfere with other U.S. initiatives.

Much of Gritz' activities appear to bid for public attention. While first avoiding Committee investigators' requests for a deposition, and then pleading for an extension so he could finish his presidential campaign, Gritz launched a mini call-in campaign by supporters demanding that he be deposed.

DISSEMINATION OF UNRELIABLE INFORMATION

A cottage industry specializing the creation and dissemination of false POW/MIA information and "POW/MIA hunting" has emerged in Southeast Asia, particularly in Thailand. Certain individuals provide, for a fee, illegal cross-border transportation into Laos, armed escort, mission coordination and related services. It appears that these same individuals and others provide the "intelligence" that prompts the mission in the first instance—a textbook perfect industry because it creates the demand and fills it, too. The market for this "intelligence" exists in part because of Government failure to inspire credibility that it is working honestly and effectively to provide a full accounting for POW/MIAs; and in part because the information vacuum created when the Government suspended the release of new POW/MIA information in 1980.

In the course of its investigation, the Committee was unable to determine the identities of persons who create bogus POW/MIA information. All involved say they got information that they believed to be accurate, and that they were diligent in deciding who to trust. However, the Committee did learn that over the years certain individuals in the U.S. and abroad have, wittingly or unwittingly, been involved in the dissemination of purported POW/MIA information which subsequently was determined to be unreliable, if not fabricated.

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[465] Gritz deposition, p. 123.
[466] Ibid., p. 128.

Col. Jack Bailey

Col. Jack Bailey (USAF-Ret.), a veteran of World War II, Korea and Vietnam, and a highly decorated pilot, is the founder and chairman of Operation Rescue, a nonprofit organization involved in the POW/MIA issue.

Founded in 1981 to rescue Vietnamese refugees, according to its filing for an exemption from taxes as a non-profit organization, Operation Rescue turned its attention to the POW/MIA issue in the mid-1980s. Its fundraising solicitations and press releases told stories of how the Vietnamese "boat people" were often sources of POW/MIA live sighting reports. Operation Rescue sought to rescue these individuals from the high seas as they attempted to escape Vietnam and debrief them about any information they might have on missing American servicemen. To accomplish these high-seas rescues, Operation Rescue used a rusting, World War II-era ship called the *Akuna*; after a time, the *Akuna* was at anchor in Songkhla Harbor for years at a time, never leaving to undertake rescue missions.

Solicitations and other information put out by Operation Rescue often contained statements to the effect that Bailey knew the identities and locations of missing American servicemen being held against their will in Southeast Asia. Bailey's information supposedly obtained during intelligence-gathering missions. None of the information has ever been corroborated or otherwise deemed accurate.

Bailey has been associated with the release of the photographs that purport to depict U.S. Army Capt. Donald Carr, but were in fact photographs of a German exotic bird smuggler, Guenther Dittrich. An account of the dissemination of the bogus Carr photo appears later in this chapter.

In 1987, Bailey claimed to have repatriated the remains of a missing American serviceman, remains later determined to be those of an Asian woman. Bailey used the remains, wrapped in an American flag, as a prop when asking for donations to continue his search for POW/MIAs.

Col. Albert Shinkle

Col. Albert Shinkle (USAF, Ret.) has resided in Bangkok, Thailand since 1976 and is a major player in the POW/MIA issue. He has received numerous awards and decorations including the Distinguished Flying Cross, two Bronze Stars, 15 Air Medals, an Airman's Medal, two USAF Commendation Medals, two Joint Service Commendation Medals, and more than a dozen battle campaign stars. Acting as an agent for POW/MIA groups, Shinkle provides field reports that contain purported evidence of live POWs in Southeast Asia. During the last nine years of his military career, Shinkle was involved in military espionage and was stationed in Southeast Asia where he developed a number of contacts with Lao people. One of Shinkle's sources of information is Patrick Khamvongsa, a former member of the Royal Lao Air Force with ties to Phoumi Nosavan and other members of the LAO resistance.

Shinkle testified before the Committee and later failed to appear for both a scheduled public hearing and a deposition. Copies of

some of the field reports that Shinkle used as the basis for statements by Skyhook II and Veterans of the Vietnam War, Inc. in fundraising appeals are misleading, as set forth below.

Khambang Sibounheuang

Khambang Sibounheuang is a Lao national who has become a naturalized U.S. citizen. He is the source of a considerable amount of information from Lao freedom fighters. According to Khambang, he receives this information from people in Laos who he has never met and who do not ask him for remuneration of any kind. To date, no information provided by Khambang has resulted in a serious lead about the identification, location or repatriation of a live American POW/MIA, and most of it has been determined to be fraudulent. According to DoD:

> Khambang Sibounheuang is a former Royal Lao Army serviceman, now a naturalized U.S. citizen residing in Memphis, Tennessee. He states he was a Captain in the Royal Lao Army. Our best information is that he was an enlisted man in the Royal Lao Army. He is now bailiff for Judge Hamilton Gayden, a self-described POW/MIA activist. Khambang has been active in the POW/MIA issue for a number of years. This paper will outline Khambang's activities as known and documented by the Department of Defense.
>
> Khambang is a former member of the Neutralist faction of the Lao resistance. He led the organization in the United States for several years and at one point may have been its elected leader. Khambang was removed from his position with the Neutralist faction after the leader of the Neutralists, former Lao General Kong Le learned that Khambang had fabricated POW-related information and had attempted to use the POW issue for personal gain.
>
> In the past, Khambang was associated with Bo Gritz and he was for a period Gritz' primary source of information for POW's. Khambank later became associated with retired Major Mark Smith, another POW/MIA activist. His current relationship with Smith is unknown.
>
> DoD's first involvement with Khambang occurred in 1985 when he approached DIA and offered to work the POW issue in exchange for $4,000, which was to be used to support the Neutralist faction of the Lao resistance. Khambang's offer was rejected by DIA.
>
> In November 1987, *Life* Magazine published an article about POW/MIAs. A prominent portion of that article was devoted to a photograph purported to depict an Air Force Lieutenant Colonel Charles S. Rowley. The photograph was provided by Khambang to Captain Eugene "Red" McDaniel, USN (Ret.). Captain McDaniel provided the photo to DIA in August 1987, and investigation was underway when the photo was published by Life Magazine. Photo analysis established that the individual pictured was not Lieutenant Colonel Rowley. The Rowley family confirmed the photo analysis.

In 1990, Khambang passed bogus dog-tag information to his superiors in the Arlington (Virginia) Police Department where he worked as a clerk. The information was determined to be fabricated and DIA traced the information back through the Arlington Police Department to Khambang. The Department was informed that Khambang was an established POW/MIA source of questionable reliability.

In the fall of 1990, Khambang passed a roll of film and other information related to the purported Borah photograph to Judge Hamilton Gayden, then his employer in Tennessee. Khambang received the information from a blood relative now residing in Thailand. Judge Gayden provided the information to the family, who then contacted Senate Bob Smith for assistance. The photos had not been made available to DoD until July 1991, when Senator Smith appeared on Today Show with Daniel Borah, Sr. and the photographs. After receipt of the information, a joint Lao-U.S. team interviewed, photographed and fingerprinted the individual identified as Borah and photographed in Laos. The photo depicted not Lt Daniel V. Borah, but rather a 77-year-old Lao highland tribesman, Mr. Ahroe. Khambang told Bill Gadoury, a U.S. POW/MIA investigator in Bangkok, that the individuals who passed him the roll of film did so for the purpose of obtaining a reward.

Sometime during the summer of 1991, Khambang obtained another photograph, this purported to depict Navy Lieutenant Commander Larry Stevens, USN. (Stevens was also said to be depicted in the photograph of three individuals, positively identified by their families as Colonel John L. Robertson, LCDR Stevens and Major Albro Lundy. The Stevens photo was said to have been taken in Vietnam and the individual identified as Stevens is pictured with is arm around an Asian woman. At the request of members of Congress, the staff of the Senate Foreign Relations Committee was provided a DoD aircraft to transport Khambang to Southeast Asia to locate his sources of the "Stevens" photo. Khambang produced his source and the individual was polygraphed. He failed the polygraph and indicated deception in nearly all of his responses. DoD is continuing to investigate the "Stevens" photograph.

To date, Khambang has provided information on a number of occasions to POW/MIA activists and others interested in the POW/MIA issue. The descriptions above are illustrative, not exhaustive. Every dog-tag report, every report of remains, every photograph and every other report about POW/MIAs, with the exception of the as yet unsolved "Stevens" photo, provided by Khambang has proven to be false.

In his sworn deposition, Khambang was asked about his motives and observations:

Q. What I'm struggling with and what a lot of people are struggling with is if the freedom fighters have the capability to apparently go out and find and locate these POW's why don't they have the ability to physically rescue them? Why hasn't that happened?

A. I'm not in Laos with the freedom fighters. I think that's a good question. It's not easy to rescue Americans in the captive by freedom fighters. To me that I know that freedom fighters also explain to me, they say day-by-day in Laos they try to avoid conflicts with the Laotian Government, with the Vietnamese soldier. They are not trying to fight with those people, but they try to stay in Laos and keep on struggle for their country.

Q. [W]hy haven't American POW's been rescued by freedom fighters?

A. I don't know. I don't know why the freedom fighters—you asked me why—if the prisoners of war still alive over there, why the freedom fighter cannot rescue them.

Q. Yes.

A. I cannot answer. I don't know why. Because I just can tell you like I told you before, the freedom fighters, it's the less amount of the military struggle with the Vietnamese. The Vietnamese now are 125,000 soldiers in control of Laos. The freedom fighter is a small amount of the living in the individual section in Laos. So I think they don't have any capability to launching the operation to rescue American from 10,000 of Vietnamese control. I don't think they can do that. That's all I can answer you.

PHOTOGRAPHS

Some of the most compelling "evidence" of Americans alive in Southeast Asia are photographs of persons alleged to be POWs. In July 1991, three photographs purported to be American POWs, were made public. The photos became known as the Borah photo, the Carr photo, and the Robertson-Lundy-Stevens photo. Analysts of the DIA POW/MIA section, the Stony Beach Team in Bangkok and the JTF-FA conducted extensive investigations into each photo and determined they were not photos of American POWs. The Committee reviewed DIA's reports of its investigation of these photographs and Committee staff interviewed and deposed some of the people involved in the transmission and investigation of the photographs, including Khambang, Carr family members, Bailey, and McDaniel.

The Committee also learned there are numerous copies of the "blue book," a book of precapture photos compiled by DoD for use in debriefing returned POWs. Hundreds of copies of the book of photographs were printed and circulated within the Armed Services, many of which were believed to have been lost at the fall of Saigon in 1975. The book, with corresponding names redacted, has been declassified.

The Rowley photo

In 1987, a Lao freedom fighter and member of Kabounkanh Kousat, a Lao resistance group stationed near the border of Thailand and Laos, mailed photographs of a Caucasian identified as "Roly" to Kambang in Tennessee. The letter accompanying the photographs indicated that the Lao man had obtained the photos by bribing a Pathet Lao guard of American POWs. Khambang had never met this man prior to receiving the photos. He delivered the photographs to a friend, Dr. Frank Lockhart, who is an electronics salesman with a Ph.D. in psychology. After reviewing of a list of MIAs, Lockhart concluded that the name "Roly" could be correlated to Lt. Col. Charles S. Rowley, an MIA since April 1970 when his aircraft was shot down over Laos.

Photo analysts at the FBI, CIA and DIA compared the photo with a photo of Rowley and concluded that it was not him.

The Borah photos

In the summer of 1991, Khambang received additional photographs from unknown members of the Lao resistance who claimed that they depicted MIA Daniel V. Borah. Khambang provided these photographs to Judge Gayden, who publicized them. Members of the Borah family remain convinced that the pictures depicted Borah.

Judge Gayden and Khambang are in the process of writing a book about their involvement with these and other photos. Khambang provided the Committee with synopsis of the book, titled "Sit Down and Shut Up," which contains the following passage about the Borah photo:

> The "Borah" photographs actually consist of 23 photographs of a man Judge Gayden identifies as "Dan Borah." The photographs were developed here in America. The individual who took the photographs in Laos in July 1990 immediately threw the camera into a river near the site where the photos were snapped. He is presently living in another country and is partially supported by Khambang and Judge Gayden. The man who took the photographs knew the subject only as "Ahmee," Laotian for "American." After months of research Gayden recognized a 1987 Life Magazine photo of Borah, and we believe it is the correct identify.

Following publication of the Borah photo in July 1991, the Government requested the Lao Government's assistance in searching a region in southern Laos from which Khambang had previously obtained photos. Shortly thereafter, the Lao Government found the individual shown in the alleged Borah photos and determined that he is a Lao hill tribesman from southern Laos named Ahroe. Representatives of the Government interviewed, finger-printed and photographed the Lao man; concluded that the individual shown in the photo had been found and that he was not Daniel V. Borah; and made a public statement to that effect.

The DIA's investigation determined that the photo was taken by a Lao national in cooperation with Lao refugees in the Na Pho

Camp, northeastern Thailand. One of the refugees, Khambang's cousin, asked a Lao national to take the pictures after the Lao claimed that he had observed Americans in Laos. When the Gayden and Borah family members challenged the DIA's work, alleging it was fabricated, arrangements were made to introduce two family members to Ahroe in Laos. It was the first time the Government of Laos had permitted POW/MIA families to travel outside of Vientiane, the capital.

The Carr photo

In July 1991, Bailey (USAF Ret.) publicized a photo of a Caucasian male Bailey claimed was Captain Donald G. Carr (USA). Bailey had obtained the photograph through an intermediary and had no first-hand interaction with the man depicted in the photograph who, Bailey said, was being held prisoner in Laos by Vietnamese forces. He was wearing a short-sleeved blue polo shirt and watch that Bailey claimed he had provided the photographer, with instructions that the subject be instructed to wear them in order to help authenticate the picture. The intermediary told Bailey that the man in the photo was named "Garr."

In 1992, following an intensive investigation by DIA and the media, it was determined that the individual in the photo was Guenther Dittrich, a German national then in jail on charges of smuggling exotic Birds. Dittrich admitted that he was the individual in the alleged Carr photo and said that the photo had been taken by a tourist in Bangkok. After Lt. Col. Norman Turner (USAF, Ret.), an associate of Bailey's, suggested Dittrich was a "Pentagon twin" created to end publicity about the Carr case, Carr's ex-wife travelled to Germany to meet with Dittrich and testified that she was satisfied that he was not Carr.

The "Carr" photograph incident clearly illustrates the ability of these persons intent on disseminating bogus POW/MIA information to create convincing evidence that POW/MIAs remain alive in Southeast Asia. Some is so convincing that it has fooled the experts into concluding that these photos depicted MIAs. For example, Dr. Michael Charney, a forensic anthropologist and Director of the Forensic Science Laboratory at Colorado State University reported that the man in the subject photo was in fact Donald Gene Carr, and stated scientific bases for his conclusion. In fact, the subject was much shorter, and of a much slighter build, according to Carr's ex-wife.[467]

The Robertson-Stevens-Lundy photo

In August, 1990, DIA obtained a blurry black-and-white photograph of three mustachioed men holding a white sign containing the numbers "25-5-1990." In November, 1990, POW/MIA families obtained copies of the photograph. In July, 1991, the photograph was widely publicized, including on the cover of *Newsweek* and on billboards in several cities. The three men shown in the photo were reported to be Col. John Leighton Robertson (USAF), missing in

[467] July 25, 1991 letter to Tracy Usry, Chief Investigator, U.S. Senate Foreign Relations Committee, minority staff.

North Vietnam; Maj. Albro Lundy (USAF), missing in central Laos, and Lt. Cdr. Larry J. Stevens (USN), missing in southern Laos.

Capt. Eugene "Red" McDaniel (USN Retired) was also involved in the dissemination of this photograph. McDaniel, founder of the American Defense Institute, has been a major player in the POW/MIA issue for more than a decade. He is a retired Navy Captain who was held as a POW in North Vietnam from 1967 to 1973 and was brutally tortured. He was twice awarded the Legion of Merit Award, the Navy Cross, two Silver Stars, a Distinguished Flying Cross, three Bronze Stars with combat "V," and two Purple Hearts for wounds resulting from the torture he endured as a POW.

As part of his efforts, McDaniel has disseminated information he and others (including many family members) believe to be evidence of live POWs in Southeast Asia. This evidence includes photographs for purported POWs and statements from purported eyewitnesses. None of this information has been corroborated, but it has been used in ADI solicitations and public statements for many years.

Set forth below is a portion of DIA's report on its investigation of the Robertson-Stevens-Lundy photo:

> Although the photo was made public in July 1991, it actually came to DIA's attention in August 1990, however, there were no names associated with it. In early November 1991, the photo was forwarded by a Cambodian national in the United Stated by fax machine to State Department and to DIA/POW-MIA. The names Robertson and Sievens (a variation of Stevens) were reported as being two of the three individuals shown. According to the Cambodian, the individuals were alive in Cambodia and could be released for a reward.
>
> In December, 1990, the photo surfaced in Site 2, a Cambodian refugee camp in Thailand. A Cambodian refugee reported that two of the individuals shown were Robertson and Stevens. In early 1991 the name Lundy was also associated with the photo.
>
> The investigation into the photo took State Department and DIA personnel to Hanoi, Vietnam; Vientiane, Laos and Phnom Penh, Cambodia, as well as throughout Thailand. The DIA Stony Beach team determined that a Cambodian fisherman/refugee in Thailand received the photo, along with four others, from a Cambodian national in Kampong Som, Cambodia around May or June, 1991, and that the fisherman took the photos to the American Embassy in Bangkok. Other than the several names scribbled on some of the photos, there were no names associated with the individuals shown in the photos, especially the photo of the three.
>
> In July 1992, a DIA team travelled to Phnom Penh and with the cooperation of the SOC Government interviewed several sources relative to the origin of the photographs. In the Soviet Cultural Center in Phnom Penh the team found a Soviet magazine which included three of the original five photos which surfaced in Thailand; the photo of

the three was not found. In August 1992, the fourth photo was found by DIA in Washington, DC in a Soviet journal.

The DIA Stony Beach team in Bangkok continued its investigation into the photo of the three and in early 1992, with the cooperation of researchers from the SOC Government, found the fifth and final photo, the photo alleged to be Robertson, Lundy and Stevens, in a [1923 edition of] Soviet Life magazine in the National Library in Phnom Penh.

Thousands of man hours were expended by DIA personnel in pursuit of the origin of the photo of the three. Without the cooperation of the SOC Government this case might well still be unresolved. In the meantime, the families of Robertson, Lundy and Stevens have been informed that the photo of the three was nothing more than a cruel hoax perpetrated by Cambodian nationals.

DOG-TAG REPORTS

The Committee reviewed DIA's analyses of several thousand "dog tag" reports and hundreds of live sighting reports which purported to be associated with POW/MIAs. In addition, the Committee has reviewed DIA analyses of several prominent photographs which were represented by their sponsors to depict POWs in a captive environment after Operation Homecoming. Following analysis, DIA determined that none of these photographs and none of the "dog tag" reports provided any credible evidence of the existence of POWs following Operation Homecoming. Similarly, with the exception of live sighting reports correlated to Robert Garwood, none of the live sighting reports are currently believed, by DIA, to relate to any POW after Operation Homecoming.

Set forth below is a July 1, 1991 statement from DIA's Special Office of POW/MIAs concerning "dog tag" reports.

> Over the past decade one type of report has been received most often by the Defense Intelligence Agency's Special Office for POW/MIAs. These accounts are referred to as "dog tag" reports. Since mid-1982, over 6,300 of these reports have been received and more arrive daily.
>
> In most dog tag reports a person or persons—many of them residents of Vietnam—claim to possess the remains of one or more Americans. As proof they offer data copied from military identification tags (dog tags), tracings or photographs of dog tags, authentic dog tags or other identification documents. More than 5,100 U.S. military men have been named in these reports. Of these, 91 percent served in the United States armed forces, but were not casualties of the Vietnam War. Another 6 percent were killed, but their bodies were recovered, identified and returned to the U.S. for burial. Thus, it is impossible that their remains are held by the people claiming to have them. Only three percent of the dog-tag reports name a man who is missing, suggesting that his remains or personal effects have been recovered from battlefields or

crash sites. However, the evidence indicates it is unlikely that these items were recovered by private citizens.

In many cases several different people claim to have the remains and/or personal effects of each of the named men. Frequently, sources profess to have recovered the same items on a different date or at a different location. This indicates that the people did not obtain their data by recovering items from battlefields or crash sites. For instance, two of the men whose remains and dog tags several persons claim to have found, are in fact former POWs who returned alive—their dog tags have been kept by their captors.

Further, throughout the war the communists enforced a policy to find and bury Americans killed in action and to send to central authorities a report of the burial site along with the personal effects and identification taken from the body. They continually stressed that this was important to the "political struggle." Thus, the governments of Vietnam and Laos should have knowledge of the missing men whose names have appeared in dog tag reports.

Often there are tragic aspects to the dog tag reports. Many of the sources have been led to believe that possession of American remains will assist in their resettlement to the U.S. This has prompted some people to pay for the dog tag data. In fact, the U.S. provides no rewards or assistance for POW/MIA information.

Considering the policy and practices of the Indochinese governments to collect material on U.S. war dead, coupled with the patterns in the dog tag reporting, the evidence indicates that the majority of reports reflect information and personal effects recovered by Vietnamese forces, not private citizens. Years of investigation and analysis have shown that the dog tag reports have been instigated by elements of Vietnam's government in an effort to influence and exploit the POW/MIA issue. Nevertheless, each report is carefully analyzed to determine its validity.

Discussion

It is a relatively easy task to assemble identifying information about MIAs and then use that information to support a bogus POW/MIA report. In addition to the hundreds of copies of the classified "blue book," which contained the names and precapture photographs of unaccounted-for personnel, both the Government and private groups published numerous lists of POW/MIAs with the kind of information typically included in bogus POW/MIA reports. In one case, flyers advertising a reward for the return of a missing serviceman contained his parents' zip-code; a response that included that information was considered credible because of it. It is not surprising therefore, that bogus dog-tag reports and photographs usually contain some evidence which can be correlated to MIAs.

As part of its investigation, the Committee sought to determine why bogus reports of POWs continue to surface in view of the Government's longstanding and publicly stated policy of not paying for POW/MIA information. One possibility is that some are being dis-

seminated as part of a conspiracy to discredit or otherwise destabilize the Lao Government. it has been suggested that various factions of the Lao resistance movement have been selectively "planting" information through Khambang and others, to obtain support for their cause and to continue the enmity between the Government and the communist Lao government.

Gritz advanced another theory. The case of the "Carr" photo incident was "too sophisticated an operation for the Thais or the Lao living in Thailand, the Phoumi's [of the world], to pull off." [468] Gritz further speculated that Bailey:

> would have been a perfect set-up for [the "Carr" photo]. Jack would have jumped on that photograph, and he did, just like a robin on a June bug. . . . But it's too sophisticated. I still don't believe that the Thais did that. I believe that our own folks [Government] did that and set old Jack up. It was just too slick to have whoever it was, ABC or somebody, right there. So I think Jack was stung and I think it hurt him. You know, hurt him personally. He got real mad about it, I understand, and it may have curbed his operation.[469]

Other theories are:

> that these bogus reports are the work of organizations hostile to the Government which are seeking to "tie up" its resources by forcing it to track down the bogus reports; that these reports are a predictable response to leaflets, flyers and other announcements, circulated in Southeast Asia, which promise rewards by private groups for POW/MIA information; that dissemination and publication of any POW/MIA information, bogus or not, keeps the POW/MIA issue, and million-dollar fundraising operations, alive.

It has become apparent that in both Southeast Asia and the United States, information that purports to demonstrate that POWs are alive POWs is eagerly consumed by those who are eager to believe. Despite the fact that none of the information has ever resulted in the return of a live American, the demand for and hope resulting from such information appears to be as strong as ever. Unscrupulous individuals throughout Southeast Asia are aware of this, and the volume of false POW/MIA information continues to rise.[470] To one committed, but frustrated, activist, it seemed that "every cab-driver, vagrant and baggage handler in Thailand runs a POW scam." [471]

REWARD OFFERS

Commencing as early as the 1960's the U.S. Government provided its servicemen in Vietnam with "blood chits" which were documents promising a reward for the safe return of the serviceman to U.S. authorities. The "blood chits", which were written in local lan-

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[468] Gritz deposition, p. 108.
[469] Ibid., p. 109.
[470] "Every cab-driver, vagrant and baggage-handler in Thailand runs a POW scam." Martin deposition Exhibit 6, p. 4.
[471] Martin deposition Exhibit 6, p. 4.

guages, were to be used by American servicemen to secure their release in the event they were captured. In addition, in the 1970's the National League of Families endorsed the use of rewards to encourage the release of POWs.

Since the mid-1980's several highly-publicized reward initiatives have been undertaken. Some believed that the most effective way to return a live POW would be to offer a financial incentive to those who might be able to help an American escape. To date, nobody has collected publicized rewards by producing a live POW. DIA and others have suggested that these reward offers have fostered the dissemination of false POW information by those who believe they will eventually be rewarded.

In 1987, out of frustration, 21 members of Congress, including Sen. Bob Smith, the Committee's Vice Chairman, and Committee member Sen. Hank Brown jointed with McDaniel's American Defense Institute (ADI) in pledging a reward totalling $2.4 million for the release of an American POW from Southeast Asia. The reward was to be for the release of a POW to U.S. authorities, and not for information about POWs, or for rescue/reconnaissance missions. Under its terms, the reward could only be paid to persons indigenous to Southeast Asia.

On January 23, 1988, the ADI launched "HOME FREE!/The Committee of 40 Million," a campaign to raise $1 billion, that would be enough rewards for more than 400 POWs, through pledges of $25 each from 40 million Americans to serve as a reward for the release of American POWs from Southeast Asia.

Also in 1987, Hendon, who worked for ADI, signed a solicitation letter which sought to raise $500,000 in order to publicize a $1 million reward (in gold) in Southeast Asia. The fundraising letter stated in part:

> I can clearly picture some impoverished prison guard in tattered fatigues, enticed by the offer of a huge reward, escaping with his family and one of our men. Can't you just picture that too?
>
> We're ready to buy time on Vietnamese language radio stations in the Philippines and elsewhere in Southeast Asia to broadcast news of the reward. We'll be placing full-page ads in every Vietnamese language paper and magazine we can get our hands on.
>
> We plan to purchase 10,000 copies—in the Vietnamese language—of hit movies like "Rocky", "Indiana Jones", and "Kung Fu", and intersperse our reward offer into the videotapes. . . .

In August 1988, Hendon announced that the ADI would open an office in Thailand to spread the news of the reward, due to the difficulty they had encountered in securing advertising time. "You just can't buy any news ads in the Hanoi daily . . .," Hendon explained.[472]

In 1989, Hendon, through the POW Publicity Fund, sought to publicize the $2.4 million reward by launching helium balloons from a boat in the South China Sea. Each balloon was to carry a

[472] Asheville, North Carolina *Citizen-Times*, August 5, 1988.

message in Lao and Vietnamese, sealed in a Zip-Loc bag. The POW Publicity Fund ran a series of advertisements to raise money for this endeavor.

Hendon also planned to launch balloons into Laos and Thailand, across the Mekong River. When Thai officials refused to permit this on the grounds that it might damage Thai-Lao relations, Hendon and his group obtained permission to float the rewards offers down the Mekong River instead. Several POW/MIA family members travelled to Southeast Asia to assist in the distribution of the reward offer. DIA, however, opposed the reward offer, claiming that it fostered bad information.[473]

Others also have criticized the ineffectiveness and negative impact of reward offers. Gritz testified that:

> Very frankly, the Lao people would not know what to do with a million dollars. They're living in a land of communism. They can't have it. They wouldn't even conceive what a million dollars would be. That's 26 million baht. They're happy to have 20 baht [approximately one dollar]. So those kind of figures don't translate over there. . . .
>
> . . . high rewards are not the name of the game. It doesn't work. It doesn't compute to real terms. And so that one, and then Hendon's $2 million where the Congressmen all got together—it could be $2 billion. It wouldn't—well, as a matter of fact, maybe $2 billion, the Vietnamese Government might decide or the Lao may decide hey, now we're talking turkey here, and they would be willing to exchange prisoners for that amount of money. But those kind of things, as far as I'm concerned, never helped over there. They only hurt the operation there.[474]

The Committee notes, however, that Gritz' is not the only opinion on the issue. Family members who travelled to Southeast Asia with Hendon to assist in the distribution of the reward offer hold different views.

FUNDRAISING

In stark contrast to the vast majority of volunteer POW/MIA organizations, stand a few private organizations who solicit money from millions of American households. In response, the American public has contributed tens of millions of dollars to the POW/MIA cause since Operation Homecoming. In many instances, however, well over half of the money raised was spent on fundraising. This exorbitant rate, while not illegal, would certainly come as a surprise to those who contribute and is inconsistent with standards set by nationally recognized organizations which monitor the fundraising activities of public charities.[475]

Congress, Government officials, POW/MIA families and members of the public and others have raised questions about the pro-

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[473] Gray deposition, November 16, 1992, pp. 35–36.

[474] Gritz deposition, pp. 149–150.

[475] See, e.g., Standard #6 established by the National Charities Information Bureau, Inc. in "Standards in Philanthropy," which provides that the organization should (a) spend at least 60% of annual expenses for program activities; (b) insure that fundraising expenses, in relation to fundraising results, are reasonable over time.

priety of fundraising activities conducted by the handful of POW/MIA organizations which raise millions of dollars with the help of professional fundraisers who have a financial stake in the campaign's success.

The Committee found that professional fundraisers created solicitation materials designed to maximize the emotional impact of the POW/MIA issue by stating that POWs remain alive in Southeast Asia and by stating that for a few dollars more, a private organization can rescue them. In virtually every case, materials relating to the existence, identity and location of POW/MIAs and attempts to rescue them were held out as factual but were based on circumstantial and hearsay evidence far weaker than claimed. Solicitations to millions of potential donors consistently omitted critical facts about the failure to actually locate and/or repatriate any POW after Operation Homecoming such as, in one case, the fact that the boat used in the operation had not left port for three years.

These materials were misleading—not because they asserted that POWs remain alive in Southeast Asia, but because they failed to disclose critical information including that the reported information was usually second and third-hand rumors.

The Committee's investigation was hampered by the refusal of the most active fundraising organizations to cooperate, in particular when it tried to verify statements made in the fundraising appeals of Account for POW/MIA, Inc. (Skyhook II), Operation Rescue, Inc., American Defense Institute, Inc., Homecoming II, Inc., and Veterans of the Vietnam War, Inc.[476] The Committee did not seek court orders requiring these witnesses' testimony because most fundraising information was available from their professional fundraisers and tax forms that non-profit groups are required to file.

Amounts raised

Operation Rescue, Inc. reported on federal tax forms that during the period 1985 through 1990 it received $2,283,472 in contributions; spent $2,028,440 on fundraising expenses and $312,125 on program expenses. According to Operation Rescue's own figures, its fundraising expenses constituted 88.8 percent of contributions.

Veterans of the Vietnam War, Inc, reported on federal tax forms that from 1983 through 1990, it raised $11,366,557 in contributions. For years in which it filed relevant information regarding its fundraising expenses, they ranged from 28.1 percent to 42.8 percent of its contributions.

Skyhook II (Account for POW/MIAs, Inc.) reported to the IRS that from 1988 through 1991 it raised $1,528,223 in contributions and had fundraising expenses of $395.327. However, information contained in these tax forms can be misleading. For example, infor-

[476] The leaders of these organizations—John LeBoutillier (Skyhook II), Billy Hendon (Account for POW/MIA, Inc.), Capt. Eugene "Red" McDaniel (American Defense Institute), and Ted Sampley (Homecoming II), also refused to testify. Lt. Col. Jack Bailey (Operation Rescue, Inc.) testified before the Committee in November, 1991 but took no questions and was deposed over a two-day period. However, he refused to provide additional testimony about his fundraising activities, informing investigators that he would invoke his Fifth Amendment right against self-incrimination if called to testify.

mation obtained from Skyhook II's fundraiser revealed that from 1987 through late 1992 the fundraiser collected $1,897,730 in contributions on behalf of Skyhook II and retained $1,678,890 of that amount. Thus, Skyhook II actually received only $218,839 of the $1.9 million raised. The fundraiser's figures show that the organization actually received only 25.8 percent of the money raised.

Homecoming II reported to the IRS that it paid Ted Sampley, its founder and the publisher of U.S. Veteran News and Report, more than $300,000, ostensibly for t-shirts sold at Homecoming II's stand at the Vietnam Veterans Memorial in Washington, D.C.[477] Sampley has fought all efforts by the National Park Service to stop merchandising the t-shirts and other merchandising on national park property, and at publication time was involved in a lawsuit over his right to use the picture of the memorial statue without paying the artist. Another lawsuit, against the National League of Families, also is pending. Despite promises of cooperation, Sampley refused to provide financial records to the Committee for his tax-exempt organization.

The Committee notes with concern that its survey of amounts raised by various POW/MIA organizations was hampered by the unwillingness of some POW/MIA organizations to disclose their financial information to the Committee.

Professional fundraising techniques

In their depositions before the Committee staff, professional fundraisers consistently stated that for a fundraising appeal to be successful, it must be based on a current event and it must have a strong emotional appeal.

The POW/MIA issues clearly meets both of these criteria. Indeed, the POW/MIA issue was exploited by fundraisers who, recognizing its income potential, actively sought out, and sometimes even created POW/MIA groups. For these fundraisers, this activity offered an opportunity to expand their client base.

The business of raising money typically involves the creation and use of mailing lists (for direct mail campaigns), and phone lists (for telemarketing campaigns) which identify potential donors who statistically can be determined to be susceptible to the particular charitable appeal. For example, in the case of raising funds for POW/MIA organizations, professional fundraisers have determined that females over the age of 50 are the most likely demographic group to donate.

Contracts between professional fundraisers and their clients typically give the fundraiser sole responsibility for designing solicitation materials or scripts; the client's role is to review and approve these materials or scripts.

Solicitation materials used by professional fundraisers on behalf of POW/MIA organizations frequently include petitions which the prospective donor is asked to sign and return; a representation is generally made that the petition will be presented to the Congress, the President or some other government official. These petitions are called "engagement devices" because they seek to actively

[477] The payments were made to Sampley's for-profit company, Red Hawk Construction Co.

engage the prospective donor in the cause associated with the solicitation. Frequently, these engagement devises were not delivered as promised but rather were used to expand the client's potential donor list. In at least one case, these engagement devices were routinely discarded or warehoused.

Operation Rescue, Skyhook II and Vietnam Veterans of the War all used such engagement devices, but paid little attention to the petitions, concerning themselves only with the money which often accompanied the petitions.

Once solicitations are prepared and approved by the client, they are routinely mailed to hundreds of thousands of persons, at bulk rates available to charitable organizations. In the case of telemarketing campaigns, thousands of telephone calls are placed. Contributions from as few as 2 percent of those solicited by mail can be deemed successful. For telephone solicitations the figure is somewhat higher.

In some instances, fundraisers and charities will engage in "prospecting" appeals, at a financial loss to the charity (but not to the fundraiser), in order to generate a list of known contributors. Donations are expected to exceed expenses as the known contributors are subjected to repeated, urgent solicitations for money. Because the professional fundraiser's profits are considered expenses of the prospecting appeals, it is possible for the professional fundraiser to earn a profit even when donations from a particular campaign do not exceed expenses.

The fundraising materials and scripts used by various POW/MIA organizations typically contain themes designed to have maximum emotional appeal. One common theme is that the group is on the verge of rescuing a POW and if the recipient does not send money promptly, boys who have survived against all odds for 20-plus years will die.[478] For example, the following are sample statements contained in direct mail solicitations of the American Defense Institute:

> It is important to get American People to support action to rescue our POW hostages.
>
> Too many years have passed now for us to let our men languish in torture cages any longer. Our national honor hangs in the balance.
>
> I promise to tell all of our hostages, when they are finally freed, of the vital role you played in their release. I wish you would write a brief note on the enclosed donation card, which I will personally hand to the first man to regain his freedom.

Samples of statements contained in direct mail solicitations sent out on behalf of Operation Rescue, Inc.:

> If I can't raise $13,671.77 by October 31, vital intelligence gathering cannot continue.
>
> You may wake up tomorrow morning and hear that the first American POW has been rescued. We are that close.

[478] Letter U-1520/VO-PW, November 23, 1987, from DIA to Hon. Stephen J. Solarz, Chairman, Sub-Committee on Asian and Pacific Affairs, U.S. House of Representatives.

> Those of us here have only until December [1987] to get them out. After that, no telling what the savage communists might do.
>
> We are very, very close to freeing one of our valiant Americans. [December, 1988]

Samples of statements contained in direct mail solicitations sent out on behalf of Skyhook II: [479]

> We're close to making contact with an American POW who has been alone since his fellow prisoner died of natural causes less than a year ago. That effort could fail for lack of funds. [This quotation is part of a letter that Skyhook II mailed one time to its donors in March, 1987.]
>
> They relocated the 17 we were trying to contact. [This quotation is part of a letter that Skyhook II mailed to its donors one time in March, 1987.]
>
> If enough concerned citizens respond . . . we should gain the $64,300 we need to launch a carefully planned mission . . . built around a small elite force. . . . [This quotation is part of a letter that Skyhook II mailed to non-donors in March and September, 1988.]
>
> We must move quickly before they get word of us and force-march the POWs . . . Timing is critical to make sure Papa has the financial backing to rescue the first POW. [This quotation is part of a letter that Skyhook II mailed one time to its donors in April, 1988.]

Operation Rescue, Inc.

Operation Rescue employed Eberle and Associates as its professional fundraisers from 1983 through 1986. Bruce Eberle is the chairman of the board and a majority owner of Eberle & Associates, a Vienna, Virginia based direct marketing company which provides fundraising services to nonprofit and for profit organizations. Linda Canada, an employee of Eberle & Associates, and handled Jack Bailey's Operation Rescue, Inc. account.

In approximately three years Eberle prepared more than 40 solicitations on behalf of Operation Rescue and mailed them to hundreds of thousands of potential donors at bulk rates. They brought in contributions of approximately $2 million.

According to Eberle, the basis for the representations in the solicitation letters came from Jack Bailey. Eberle believed Bailey,[480] although he had no more than Bailey's word that POWs were alive and suffering from malnutrition.

Canada designed most of Operation Rescue's solicitations from 1984 to 1986, sending solicitation letters along standard emotional appeals to Bailey for his approval before disseminating them to the public. She never questioned the reliability of Bailey's statements [481] and told investigators that she could not provide the

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[479] During the Committee's public hearing on December 2, 1992, Committee members incorrectly stated that certain Skyhook II solicitations had been mailed continuously over a six year period, when in fact they were mailed as set forth herein.

[480] Eberle deposition, p. 82.

[481] Canada deposition, p. 43.

Committee with any facts to back up her statement in a 1985 solicitation that "men are in terrible shape. Their time is running out."[482]

In a 1986 letter, Operation Rescue told potential donors that unless it received $13,671.77, vital intelligence-gathering missions might have to be stopped. If those missions did not continue, there was no hope for the return of POW/MIA's held captive in Vietnam, the letter stated.[483]

In April, 1985 solicitations stated that Bailey had just returned from an intelligence-gathering mission and confirmed the location of live American POW's. The solicitation stated that the men were in terrible shape and their time was running out. The solicitation was designed as a "Post Gram" stating that Operation Rescue had more evidence of live Americans. This Post Gram and another solicitation purporting to be a copy of a letter written by Bailey while aboard his rescue ship, the *Akuna II* in the South China Sea, were not what they appeared to be.

These scenarios were concocted by Bailey's fundraisers. A memorandum dated April 2, 1985 from Eberle to Canada laid it out:

> In addition to the two fundraising appeals which I drafted today, I have an idea for three more packages on behalf of Operation Rescue. Here they are:
>
> 1. Some sort of an international cable gram sent from Thailand to the donor describing the "evidence" that Americans are still being held captive and the urgent need for tax-deductible contributions in support of the rescue efforts.
>
> 2. A handwritten or hand printed letter on lined note paper written by firelight during an intelligence gathering mission either inside of Cambodia or Vietnam, or at least on the banks of the river which divides Thailand and Cambodia. Same messages.
>
> 3. A letter originated in Thailand, either on hotel stationery or on Akuna II stationery stating that the Akuna is in port and can't leave again unless a certain amount of money is received. Letter could even be drafted on the deck of the *Akuna*. Once again, this letter should either be handwritten, hand printed or typed on a portable typewriter. Same message.
>
> Linda, obviously these are take-offs on your current package. They could be used as "challenger" packages to test against your current control package. They should be tested head to head with the control package and any other challenger packages which you mail.

During the relevant period, the *Akuna* never left Songkhla Harbor according to a telegram from the Department of State dated September, 1986, which quotes a letter from the Harbor Master:

> . . . [the *Akuna*] has been anchored in Songkhla for roughly two years (Actually three), never leaving its mooring . . . The *Akuna* has not performed any useful service, and that it has not received maintenance for a long time.

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[482] Ibid., p. 54.
[483] Ibid.

> In this regard, it notes that the skeleton crew of two watching over the ship has absolutely no knowledge of how to maintain it.

The Post Gram and the handwritten letter are clear examples of misleading solicitations.

Skyhook II

Skyhook II's modus operandi is similar to Operation Rescue's. One 1985 letter claimed that POW's are starved and clad in filthy rags and airmen are kept chained in tiny bamboo cages and made to work like animals.[484] Another 1986 letter stated that brave fighting men are treated worse than animals cooped in jungle cages.[485] Skyhook II's materials state that these recent reports all come from refugees whose claims have been verified by lie-detector tests. In 1986, Skyhook II represented that "we are close to making contact with an American POW who has been alone since his fellow prisoner died."[486]

Fundraising techniques used by Skyhook II included a script used by Akron, Ohio telemarketer, Infocision Management, Inc. on October 13, 1992 which claimed that:

> . . . our effort to have the government admit to live POW/MIA's in Southeast Asia has been so relentless that last week the Senate Subcommittee subpoenaed our records. . . . We are now closer than ever to bringing these war heroes home . . .

Additional scripts were drafted to prepare telemarketers to overcome objections by people who were on fixed income, unemployed or ill, or the widows or widowers of prior donors.

From July, 1985 through August, 1992, Skyhood II used the services of Response Development Corporation, a professional fundraising organization which has been in the direct mail business since 1945.

RDC prepared and sent solicitation letters using POW/MIA information provided by former LeBoutillier, and Skyhook II's agent in Thailand, Al Shinkle. RDC's writers never independently checked the veracity of this information, which included purported live sighting reports and photographs determined to be unreliable by DIA.[487] However, RDC routinely collected information and media reports concerning the POW/MIA issue in order to corroborate, to the extent possible, the information provided to them by LeBoutilier and Shinkle. RDC's highly emotional, urgent appeals for money, often promised that the money raised would be used to rescue live POW/MIAs; in some cases, however, 100 percent of the money raised was used to pay debts LeBoutillier owed to RDC.

In August, 1992, RDC terminated its efforts for LeBoutillier and Skyhook II, citing a dearth of "good conservative donor files" and

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[484] Letter U-1520/VO-PW, November 23, 1987, from DIA to Hon. Stephen J. Solarz, Chairman, Sub-Committee on Asian and Pacific Affairs, U.S. House of Representatives.
[485] Ibid.
[486] Ibid.
[487] RDC was unaware that DIA had investigated these matters and informed the staff that it would have ceased mailing the questioned materials had it known of DIA's conclusions.

media attention which discounted the evidence used in the fundraising appeals before the donors had a chance to respond to them.

Of the nearly $1.9 million raised by RDC for Skyhook II, RDC kept nearly $1.7 million. Despite the fact that RDC kept 88.5 percent of the money it raised, accounting regulations allow charities to include portions of the fundraising packages into program expenses (as opposed to fundraising expense) if the package contains certain information/educational content. This is accomplished by counting the lines of text in the letter that actually asks for money, and then calculating a percentage of the letter that is "education" as opposed to "solicitation." In this way, Skyhood II's fundraising expenses are reported as closer to 50 percent of revenue than 88.5 percent. In some solicitation packages, however, as much as 75 percent of the content was considered "program" rather than" solicitation." This technique is a standard industry practice, but unknown to the donating public.

Veterans of the Vietnam War, Inc.

Veterans of the Vietnam War, Inc. (VVnW) engaged The Creative Advantage, Inc., a professional fundraiser to prepare its mail solicitations. Marilyn Price of Fairfax, Virginia is the President and majority stockholder of the Creative Advantage, Inc., a company which provides fundraising services to national and international nonprofit organizations. She is also owner and president of Creative Management Services, VVnW's management consultant.

Price's testimony explained how a professional fundraiser can virtually create a client. According to her testimony, Price first learned of VVnW in the summer of 1982 by reading an article in Life magazine about veterans and their children injured by Agent Orange exposure. The article contained a photograph of Michael Milne, executive director of VVnW. Price found the Life magazine article compelling and sought to contact Milne because another client also was interested in Agent Orange.

At that time, Price was working for another fundraiser, Response Dynamics. Shortly thereafter, she left Response Dynamics and formed her own company, The Creative Advantage, Inc. Milne's organization, VVnW, was Price's client, first at Response Dynamics and then at The Creative Advantage, from 1982 until September, 1991. From 1985 through 1991, more than 2.5 million highly emotional, urgent solicitations were mailed on behalf of VVnW claiming that live U.S. servicemen were being held captive and that rescue could be achieved through VVnW. One, sent in 1991, stated:

> Thanks to your support, Veterans of the Vietnam War, Inc. has sent a delegation to Vietnam to negotiate for the release of our POW's. During these meetings in Vietnam, the *Vietnamese leaders told our representatives that American POW's are still alive in Southeast Asia! They admitted it—finally!* This confirms live sighting reports collected by the other "core" groups. We're making some important progress as negotiations continue.

Marilyn Price drafted and signed a solicitation letter in January, 1991 on behalf of VVnW which stated in part:

> Our representatives have been to Southeast Asia to meet with government leaders to break the deadlock. *The Vietnamese have admitted that some of our men are still alive!*

Another solicitation from VVnW claimed that Norwegian workers in Vietnam had seen POW's who had called out to them. In all, solicitation materials prepared by Price were sent to hundreds of thousands of Americans netting more than $11,000,000 since 1984.

In one fundraising campaign, Price of The Creative Advantage, Inc., arranged for the production and broadcast of a television commercial asking viewers to call a toll-free telephone number to get a petition to the President of the United States. They would sign and return it to VVnW for delivery to the U.S. Government to show the wide-spread desire to bring missing servicemen home. The petitions urged the Administration to "do everything humanly possible to secure the immediate release of our brave American Vietnam War heroes, held hostage in Southeast Asia, under sub-human condition."

The commercial contained footage of prisoners (taken during the war, prior to Operation Homecoming), government officials, a family member and an appeal by actor Cliff Robertson. Broadcast over the Christian Broadcasting Network and Numerous cable television channels, the advertisement was extremely successful, resulting in more than 125,000 requests for petitions. Those who signed the petitions were requested to provide their addresses and phone numbers. When these petitions were signed and mailed to a post office box controlled by the fundraiser, the petitioners' identifying information was transferred to mailing lists and telephone directories for future fundraising use.

Rather than delivering these petitions to the President of the United States, as promised, VVnW simply collected and stored the petitions, adding the names on those petitions to its mailing and phone lists to be used in additional fundraising solicitations. This petition drive was little more than a way to build a list of potential donors to be subject to repeated solicitations, both to fund additional television commercials and to contribute to VVnW's "rescue" efforts.

According to an affidavit provided by Michael Milne, National Executive Director of VVnW:

> 1. Between 1987 and 1992 we collected 126,812 signatures on petitions.
>
> 2. These petitions were delivered to Veterans of the Vietnam War, Inc.
>
> 3. We continued to receive the petitions. We changed the name on the new petitions from "President Reagan" to "Mr. President."
>
> 4. All of the petitions we collected are stored in a Wilkes-Barre, Pennsylvania warehouse. Veterans of the Vietnam War, Inc. provided photographs of these petitions to the Senate Select Committee on POW/MIA Affairs.

In response to the Committee's request to substantiate the information in its solicitation materials, VVnW provided field reports from overseas agents, including Al Shinkle who apparently worked

for VVnW after he ceased working for Skyhook II. The field reports document the thrust of some, but not all, of the statements contained in VVnW's solicitation materials.

One report, in the form of a letter dated December 10, 1989 from Shinkle to Milne, warned Milne about an agent whom Shinkle had learned was being sponsored by VVnW:

> I found [the agent] to be of average or slightly below average intelligence but with a vast amount of energy and a deep-set conviction that he could collect intelligence information from inside Laos and recover living POWs better than anyone else.
>
> During that short time frame he distinguished himself by being bilked out of a respectable sum of money by con artists (not his money, but that of another), being arrested for violating Thai Internal Security Operations command and placed on a watch-list for actions not in keeping with then current Thai foreign policy, wenching and drinking so frequently that he still has a reputation for so doing in Nakhon Phanom, Thailand.
>
> . . . In my opinion, he is a rank amateur with some kind of personal mental problem which makes him unreliable and controllable. In short, and in words that are easily understood, he is an accident looking for a place to happen.

In July, 1989, the agent wrote a letter to Milne discussing what he had learned:

> During my stay I learned more in a short time than the Government has learned in 15 yrs. I learned where many of our people are, and actually negotiated for the release of several of them. I worked with many of the agents who have been scamming Americans for yrs. but in my case we were working under a different set of rules. I worked with former Pathet Lao military personnel, and some still in the service. I worked with refugees from Laos, and Thai nationals also.
>
> I learned that there are 253 Americans still being held in Laos, with a total of approx. 500 in all of S.E. Asia. A great number of the men being held in Laos are constantly being observed by friendly agents working for other Americans in the area, to maintain a knowledge of their presence at all times.
>
> Another thing I learned is this, no one in S.E. Asia thinks the Government is interested in live Americans. [E]veryone, Everyone that I talked to especially from Laos is under the impression that remains are the only thing of value. This is because live Americans are not, nor ever have been mentioned in any talks or negotiations with the government of Laos.
>
> An example of this particular case in point is this—In 1988 a Pathet Lao soldier brought a fresh set of remains and Dog-tags to an American in Bangkok, to sell. The soldier, believing that the only value to this American POW was his remains, Killed him and cooked the flesh from the

bones, bleached them, and then tried to sell them. If he had been successful and gotten a good price for them, he actually intended to kill the remaining 2 POWs in his care.

This soldier was shocked, and disappointed to learn that we wanted LIVE Americans. Negotiations are presently under way to try to gain the release of the 2 survivors. Our government's policy of remains only "caused this man's death." There is no telling how many more have lost their lives in a similar fashion.

Price also arranged for VVnW to utilize the telemarketing services of Infocision Management Corp. During its campaigns approximately 300,000 telephone calls were placed [488] to prospective donors, using urgent, emotional appeals seeking money to rescue POWs. As part of this arrangement, Price elicited from Infocision a three-percent kickback.[489]

In addition, Price entered into a management consultant agreement with VVnW that was to net her $5,000 a month plus 10 percent of the net income of VVnW. At her insistence, the agreement stated in part:

> Expenses related to the performance of this agreement will be categorized as program expenditures [not fundraising expenses] on the client's financial statements and tax returns. Neither the existence nor the details of this agreement will be discussed by either party with any member(s) of the press.

VVnW has balked at paying some of Price's fees and was in litigation with her at publication time.

DIA's analysis of fundraising solicitations

In 1987, DIA analyzed representations such as those set forth above and found that unwary potential donors might easily conclude that the organizations making those representations possessed substantial intelligence from reliable sources who were in direct contact with American prisoners of war. The little noticed report concluded in part that:

> . . . nothing could be further from the truth. Some of the claims are undoubtedly the invention of the authors. . . . [F]or all their proof and untold millions of dollars raised, none of these groups or individuals have yet to furnish even the slightest shred of evidence of POW's, much less secure the return of a living American captive.
>
> In reviewing the materials, we find they include little or no substantive data but instead are rambling discourses filled with inflammatory rhetoric.[490]

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[488] Getzinger deposition, p. 29.
[489] Price deposition, pp. 74 and 81.
[490] Letter U-1520/VO-PW, November 23, 1987, from DIA to Hon. Stephen J. Solarz, Chairman, Sub/Committee on Asian and Pacific Affairs, U.S. House of Representatives.

Use of proceeds: Fundraising vs. program expenses

In many cases fundraising expenses top 50 percent of the total amount donated by the public. The issue of how much money a charity should spend to raise money and whether and how the public should be informed of the high cost of fundraising has been the subject of much debate.

In 1989, the Subcommittee on Antitrust, Monoplies and Business Rights of the Senate Judiciary Committee held hearings on abuses in charitable gift giving that showed how professional fundraisers sometimes dupe well-meaning charities into contracts that result in huge consulting fees with little or nothing left over for the charitable purpose.[491] Of concern to the Select Committee is that while professional fundraisers often raise enormous sums, very little goes to the cause. The Committee's investigation revealed that many POW/MIA organizations receive as little as 13 percent of the money generated by their professional fundraisers. Creative accounting often boosts that figure closer to 50 percent, as in the case of Skyhook II.

In at least one instance, state regulators have attempted to challenge excessive fundraising expenses. A pending civil suit in Illinois seeks injunctive and other relief against the fundraiser for VietNow, a Rockford, Illinois based POW/MIA organization. The State alleges that:

> Since July 1, 1987 to the present, Defendants . . . have acted as professional fundraisers and solicited charitable donations from the public for VietNow's charitable purposes through their own acts and in concert with others in an amount of at least $1.524 million, with VietNow receiving only $224,000 (14.6 percent) in that period. . . . By taking possession and control of said charitable funds upon the Defendants' representation to the public that the funds would be used for charitable purposes, the Defendants had a fiduciary duty to fairly and reasonably deliver said funds for VietNow's purposes, but in charging the fee amounts they charged they breached their duty and defrauded the donating public.[492]

Disclosure of fundraising expenses

Another concern of the Committee and others, including the National Association of Attorneys General, is what donors are told about where money donated to the cause actually goes. According to a recent law review article:

> Legislatures and courts have engaged in a tug-of-war over the regulation of charitable fundraising. Legislatures have tried to control overall fundraising costs by limiting the amount a charity can spend on fundraising if it wants to continue to solicit funds. Fundraising cost limits, however, sacrifice the rights of individual charities that have

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[491] Hearing Before the Subcommittee on Antitrust, Monopolies and Business Rights of the Committee on the Judiciary, U.S. Senate, December 15, 1989, Serial No. J-101-55.

[492] *People of the State of Illinois* vs. *Telemarketing Associates, Inc. et al.*, No. 91-C4926, Circuit Court of Cook County, Illinois County Department, Chancery Division.

> high costs for good reasons. They also restrict the donating public's choice of which charities to support. The judiciary, beginning with the United States Supreme Court's 1980 decision in *Village of Schaumburg* v. *Citizens for a Better Environment,* [444 U.S. 620 (1980)] moved to protect both the rights of charities with inherently high fundraising costs to solicity funds and the public's right to choose to give to these charities. Unfortunately, following *Schaumburg,* the Court moved too far in protecting the rights of charities and ignored the contributors' interest in ensuring that charitable contributions be used for charitable purposes. In 1987, in *Riley* v. *National Federation of the Blind,* [487 U.S. 781 (1988)] the Court extended the striking of fundraising cost limits to include a statute that required charities to disclose fundraising costs at the time of solicitation . . .[493]

Given the current state of the law, the public's ability to inform itself of a charity's fundraising expenses depends largely on the accuracy and clarity of information filed with the IRS. The Committee has reviewed several Forms 990 filed by various POW/MIA organizations and found that in some instances these forms are incomplete and inaccurate on their face, even when prepared by major accounting firms.

Since these charitable organizations are exempt from taxation, there is little incentive for state and federal regulators to audit them closely. This, combined with the complexities of accounting standards governing the allocation of expenses forces the public to rely on private watchdogs such as the National Charities Information Bureau.

Canada, the account executive for Operation Rescue, testified that it would undercut the success of a fundraising campaign to disclose the involvement of a professional fundraiser.[494] A typical donor wants to believe that one person is writing to them as a donor: if the fundraiser disclosed his or her role it would "completely destroy the success of the mailing.[495] The issue of public disclosure is an issue that states have tried to address but recent Supreme Court decision have restricted states' ability to regulate raising costs.

Price, the fundraiser and management consultant to VVnW, drafted a contract with VVnW specifying that the charity record her management fee as a program cost not a fundraising cost in their financial statements and tax returns.[496] Such accounting measures have been a concern to not only this Committee but to the states which attempted to regulate accounting practices of the charities. In 1989, Connecticut's Attorney General testified that new accounting rules permit a charity to shift a generous portion of the cost of raising money into program services in its expense

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[493] Leslie G. Espinoza, "Informed Charitable Giving," Southern California Law Review, Vol. 64, March, 1991, p. 607.
[494] Canada deposition, p. 44.
[495] Ibid.
[496] Pride deposition, pp. 61-62.

statements. This exaggerates the amount of money spent on the cause.[497]

OTHER POW/MIA GROUPS

The staff invited more than 50 of the hundreds of grassroots POW/MIA organizations to provide information on a voluntary basis concerning their educational, fundraising and other activities. More than 30 organizations responded and investigators took testimony from officials and members of numerous POW/MIA organizations and families.[498]

Most POW/MIA groups are all-volunteer efforts ranging to memberships of several thousand. Most operate on budgets of less than $20,000 per year and raise funds through local activities, membership dues and personal mailings. Most have done an exemplary job in keeping the POW/MIA issue alive, and it is their voices that have sounded a continual demand for the return of any remaining POWs and the fullest possible accounting of all MIAs.

The Committee believes the following sampling is representative of the tireless efforts of hundreds of bona fide organizations throughout the country. The listing is alphabetical and it is by no means intended to be exhaustive:

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[497] Hearing Before the Subcommittee on Antitrust, Monopolies and Business Rights of the Committee on the Judiciary, U.S. Senate, December 15, 1989, Serial No. J-101-55, p. 103.

[498] The Committee contacted over 50 randomly chosen organizations that are concerned with the POW/MIA issue. While most responded favorably to the committee's request, some either chose not to respond, or indicated that they would not provide information. The following list reflects those organizations that responded to the committee's request for information by November 1, 1992, whether or not they provided information:

Americans Abandoned In Southeast Asia (Milford, DE)
American Ex-Prisoners of War (Arlington, TX)
The Baron 52 Project, Inc. (St. Petersburg, FL)
Bravo (Casabas, CA)
Bring Them Home! (Walnut Creek, CA)
Brotherhood of Vietnam Veterans, Inc. (Houston, TX)
Freedom Now of Virginia, Inc. (Newport News, VA)
Georgia Committee for POW/MIA (Norcross, GA)
Heart of Illinois (Pekin, IL)
Lima Area MIA/POW (Columbus Grove, OH)
Live POW Committee of Colorado (Fort Collins, CO)
Maine Vietnam Veterans Vigil (Bath, ME)
Minnesota League of Families of POW/MIA (Eagan, MN)
NAM-POWs, Inc. (Poway, CA)
National Alliance of Families-Maryland Chapter (Rockville, MD)
National Forget-Me-Not Assn. (New Port Richey, FL)
National League of Families (Washington, DC)
National League of Families-Ohio Chapter. (Columbus, Ohio)
National Vietnam POW Strike Force (Houston, TX)
National Vietnam Veterans Coalition (Washington, DC)
Operation Rescue (Garden Grove, CA)
POW/MIA Coalition of Long Island (Freeport, NY)
P.O.W. Network (Skidmore, MO)
Prisoner of War Committee of Michigan (Union Lake, MI)
Red River Valley Fighter Pilots Association (Derby, KS)
Rolling Thunder-PA (Phoenixville, PA)
Seaside Support League POW/MIA (Tabor City, NC)
Task Force Omega, Inc. (Glendale, AZ)
Veterans of the Vietnam War, Inc. (Wilkes-Barre, PA)
Veterans Support Group of Dickinson County (Abilene, KS)
Vietnam Veterans of America, Inc. (Washington, DC)
Vietnam Veterans of America-Chapter #82 (Hicksville, NY)
Vietnam Veterans of America-Chapter #233 (New Brunswick, NJ)
VietNow, Inc. (Rockford, IL)

BRAVO

BRAVO, The Brotherhood Rally of All Veterans Organization, was organized in 1971 as an annual picnic for veterans, their fam9ilies and friends and has developed into a multi-media communications vehicle for military and veterans related activities, opportunities and events.

From 1982 through 1985 BRAVA published "The Veterans Observer," and since 1985, publishes "The Veteran's Outlook," a bimonthly, military/veterans publication distributed internationally. BRAVO also produces the only weekly television program exclusively dedicated to veterans affairs. Over 600 half-hour segments of "Sound Off!" have been produced and distributed over the Public Broadcasting System. BRAVO has been instrumental in disseminating information about Agent Orange, post traumatic stress disorder, POW/MIA and a host of other military and veterans issues. BRAVO has participated in rallies, vigils and other events throughout the nation, collecting and distributing information, and reporting to the veteran community.

BRAVO's efforts are worldwide in scope. In 1990, BRAVO members were part of the delegation of the National Vietnam Veterans Coalition which travelled to the former Soviet Union to assist in establishing their own POW committee. In addition, Tony Diamond, BRAVO's Executive Director, travelled several times to the region, working with high level officers and Afghan leaders to develop a dialogue of mutual assistance, working toward the release of all POWs from all nations and all wars. In addition, on March 6, 1992, BRAVO participated in the first International Veterans Telemarathon in Moscow, Russia—a television broadcast aired around the world which asked that anyone who knows of POWs to inform the organization, or the powers that be far from exhaustive.

Georgia Committee for POW/MIA, Inc.

The Georgia Committee was formed by JoAnn Shaw, the sister of Major James William Reed (MIA in Laos since July, 1970) and its main objective is the return of, or accounting for, missing servicemen. It furthers its goal through public awareness activities and relies completely on volunteers to produce a newsletter, public addresses, slide presentations, ceremonies, and to meet with elected officials about the POW/MIA issue. Georgia Committee officers have made numerous appearances on television and radio, and have traveled extensively, at their own expense, to appear on behalf of the POW/MIA issue. In addition, the Georgia Committee maintains close ties with the National League of Families, and disseminates League information to its membership.

Funding for the Georgia Committee comes from membership dues, from the sale of POW/MIA memorabilia (POW bracelets, T-shirts, flages, etc.) and donation. Its average annual budget is approximately $8,000.

The Lima (Ohio) Area MIA-POW

The two principals of the Lima Area MIA-POW, Jack and Wilma Laeufer, are cousins of USAF Col. Owen G. Skinner, an American pilot missing in Laos since 1970. The Laeufer's sell

POW/MIA items by mail in order to raise public awareness of the POW/MIA issue and do not solicit public donations. From 1984 to 1991, the Laeufers also have donated $107,300 to 24 other non-profit organizations who devote their efforts full-time to the return of missing American servicemen.

The Laeufers also have been involved with planting "freedom trees," building and displaying simulated POW cages, conducting candlelight vigils, participating in Christmas tree festivals and many other POW/MIA related activities. In October, 1992, the Laeufers attended the dedication of the Australian Vietnam Forces National Memorial in Canberra, Australia at their own expense.

Minnesota League of Families/Minnesota Won't Forget POW/MIA

Minnesota Won't Forget POW/MIA and the Minnesota League of Families are "sister" organizations which function independently but coordinate with each other for special events and functions. Minnesota Won't Forget POW/MIA is comprised of veterans and concerned citizens; the Minnesota League of POW/MIA Families is comprised of family members of missing servicemen from Minnesota. Both are volunteer organizations whose efforts have effectively raised the level of awareness of the POW/MIA issue in Minnesota.

MWF/MLF's accomplishments include lobbying for State legislation requiring the POW/MIA flag be flown over the State Capitol; pressing to have an 18'×28' POW/MIA flag flown in the Metro Dome; initiating State legislature hearings on the POW/MIA issue; organizing petition drives resulting in the delivery of thousands of petitions to the President, the Vietnamese Mission in New York, the Lao Embassy, the Russian Embassy and the Pope; and the Minnesota Won't Forget POW/MIA 46-member flag unit has marched in more than 100 parades.

Their current work includes placing billboards and flags throughout the state, provide speakers and donate videos to a variety of organizations, maintain a POW/MIA merchandise booth at the Minnesota State Fair, produce a free newsletter with a circulation topping 2,000; and co-producing programs for POW/MIA Recognition Day and Prayer Day.

POW Network

The POW Network was founded in 1989 by Chuck Shantag of Davanport, Iowa, It offers a bulletin board service that lets users ask questions, obtain information and post new information as it becomes available. The service is available 24 hours per day and is free of charge, but its operators ask for a five-dollar monthly donation. The POW Network is an all-volunteer organization.

Prisoner of War Committee of Michigan

The Prisoner of War Committee of Michigan ("POWCOM") was organized in 1970 for the purpose of protecting and furthering the interests, rights and welfare of American prisoners of war, missing in action and their families. Of the 2,264 servicemen still unaccounted for from the Vietnam war, 73 are from Michigan. POWCOM's primary function is to raise public awareness about POW/MIAs and the many discrepancy cases that have yet to be resolved and its efforts to educate the public include publication of a news-

letter and reading list, speeches, an annual foot race, advocacy of POW flag legislation, memorial construction, and vigils any many other events. POWCOM also coordinates activities with other POW/MIA and veterans organizations. It funds its operations through private donations and has not used professional fundraisers to send out mass mailings.

Red River Valley Fighter Pilots Association

The "River Rats" was formed during the Vietnam War by pilots who flew missions over Route Pack VI of North Vietnam. Originally intended as a series of tactical conferences, the participants continued meeting after the war to maintain the fellowship among air crewmen who fought together.

The River Rats' mission nationally is to provide scholarship assistance to the children of U.S. servicemen killed or missing in action in Southeast Asia, Iran, Libya, Grenada, Panama, and Desert Storm. To date, the River Rats have awarded more than 600 scholarships totalling more than $760,000, based on scholastic ability and need. In addition, several local chapters have organized personal assistance for POW/MIA families, including picnics, house repairs and chores, ball games, camping trips, family outings and other social events. As of 1992, there were more than 70 local chapters, who meet at a "practice reunion" (practicing for the reunion with pilots lost during the Vietnam War until all are accounted for).

DISCUSSION

Clearly the intentions of the vast majority of those involved with POW/MIA issue at the private level have been honorable and the commitment to keep the issue alive has been genuine. Only a small number of organizations have employed professional staffs and slick fundraisers. Among those who did, however, fundraising goals often outweighed the concern for making sure that representations were in fact accurate and that what was promised, such as petitions or action, was in fact carried out.

While all of the fundraisers who were deposed laid responsibility on their clients for the representations made in solicitation materials, it is equally clear that they all played a major role in crafting and disseminating the misleading representations. The Committee's examination of the professional fundraisers reveal skilled professionals who engaged in practices that the Committee finds troubling.[499]

Professional fundraisers specifically targeted and exploited women over 50 years old based on emotional appeals of anxiety and hope.[500] Canada admitted (as did all the other fundraisers who testified before the Committee) that the POW/MIA issue was successful due to the strong emotional response it evokes from the American people.[501] All of the fundraisers deposed by the Committee conceded that solicitations stating there was "evidence of live POW's" would be more successful than solicitations without such

[499] Canada deposition, p. 64.
[500] Ibid., p. 64.
[501] Ibid., p. 51.

evidence.[502] Therefore, claims of live POWs can in part, be traced to fundraisers' carefully crafted emotional solicitations and not to reliable intelligence or genuine information.

Many of the issues raised in the Committee's evaluation of the professional fundraising methods used by POW/MIA organizations should be addressed in the next Congress with appropriate legislation. Clearly, legislative initiatives designed to make corporations and individuals more accountable for the representations appearing in solicitation materials are warranted. In addition, legislation is needed to address the creative accounting methods which currently permit charities to distort their fundraising expenses in reports filed with the IRS. The Committee recommends that these issues be addressed by the Subcommittee on Consumer of the Senate Committee on Commerce, Science and Transportation as well as the Subcommittee on Taxation and Debt Management of the Senate Finance Committee.

Significantly, the continuation of misleading solicitation materials over a period of years was fostered, in part, by a DIA directive classifying POW/MIA reports received after August, 1979. This well-intentioned policy, imposed to protect the whereabouts of any Americans who may be alive, had the effect of denying the public access to professional intelligence assessments of evidence, and fostered a cottage industry of bogus claims.

This policy was inconsistent with a long-held view within the armed services and the organizations of POW/MIA next of kin that there be full disclosure of all information about the fate of POW/MIAs. It also may have indirectly led to a belief in the existence of thousands of credible POW/MIA live sighting reports which to date are open to interpretation.

The failure of the U.S. Government to account for its POW/MIAs created a situation in which a broad spectrum of citizens including decorated war veterans, former POWs and others, sought to force an accounting through the dissemination of photographs of purported POWs and the use of solicitation materials predicated on the assumption that POWs remained captive in Southeast Asia after Operation Homecoming.

It also led to an environment ripe for adventures and would-be rescuers who sought to find answers by conducting their own reconnaissance and rescue missions overseas—sometimes with the covert assistance of the Government. Those missions serve as further examples of how Government attempts to use private organizations in clandestine overseas operations can go awry. Contributors were misled, money lost, time wasted, participants duped, and international relations between the U.S. and foreign governments tarnished.

The reconnaissance and rescue missions also raise questions about the role that the Lao resistance forces have played in producing questionable evidence about the existence of American POWs in Southeast Asia.

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[502] Ibid., p. 53. Eberle deposition, p. 79. Price deposition, p. 53.

MISSING A LOVED ONE

Nothing can produce emotion, passion and controversy like war. How could anyone ever forget the scene of a returning POW from Vietnam kissing the ground as he first set foot on U.S. soil after years of captivity, and the thrill of watching his wife and children run across the tarmac and into his open arms? When a soldier comes home, it is a joyous reunion.

War also claims victims and produces often untold suffering. Men and women are killed, and their loved ones mourn. Taps, flags, military funerals, tears of sadness and shattered dreams are all products of war. One of the worst tragedies of all is that some simply become "missing." Their loved ones both mourn and hope. The years drag on, and the long wait for answers can become unbearable. In this regard, the Committee notes with sadness the tragic death last year of Mrs. Marion Shelton, the devoted wife of Capt. Charles Shelton, USAF, the only serviceman still officially listed by the Department of Defense as a "POW" captured in Laos during the war.

What could be worse than the emotional turmoil of "not knowing?" Two family members explained their feelings:

> When a beloved son becomes missing in any war, parents like us become the living dead.[503]
>
> He loved the Air Force and because of that love, I chose to serve in the same branch. I feel I owe an awful lot to my big brother, Buddy. Not a day goes by that I don't wonder what happened to him and if he could still be alive.[504]

For many Korean War POW/MIA families, this anguish has lasted for four decades; for Vietnam War POW/MIA families, many have hoped and prayed for 20 years.

> National security is no longer a valid excuse for events that happened 40 year ago. . . .
>
> I feel the American people need to understand some of the anguish that families experience when a father is taken away and there's no explanation given to the child as to why. . . .
>
> [My daughter] writes, "I recently returned from Russia where I spent two weeks with my mother searching for clues regarding my father's disappearance. I found no answers, just more questions. I don't know what to say, except that as I write this memories of my childhood haunt me, and I am crying. They are tears of sadness, for I never met my father.
>
> "I grew up wondering what he was like. I was told he was dead. Then a year ago I found out he was probably taken prisoner of war at the time of the incident and might still even be alive. These days I cry, wondering

[503] Father of serviceman missing in action.
[504] Sister of serviceman shot down in December, 1972.

about all the pain and suffering he must have endured, and I wonder if he's still alive somewhere in Russia, or maybe someone else is still alive.

"Please keep working on the exchange of information between our two countries. There are many good people on both sides willing to help.[505]

Another Korean War veteran and POW/MIA family membe also has wondered—and persisted in his efforts to find the truth—for more than 40 years:

I was a Korean War veteran; two tours of duty in Korea. I had four brothers on the front line at one time. My youngest brother was captured on November 4, 1950 at Anju, northeast of Anju, right up here on the map.

In 1953, when the last group of prisoners of war were released on September 3rd or 4th, and I looked at the television set after I had gotten home—I came out all right—and I didn't see my brother's name on that list, I told my mother and father there are three things wrong here. You have to be a prisoner of war, killed in action, or missing in action. That's three categories. And I'm sure he was one of those three, and I was hoping he would have been alive, and is still alive today.

So, I made a promise to my mother and father in 1950 that I would never stop looking for him until I brought him home, dead or alive.[506]

Families' views and experiences

The Committee understands and it is impossible to make genera statements about specific family members who have all suffered i their own way from the tragedy of having a "missing" loved on Whether we speak of Vietnam or prior wars, the pain is the sam

Families are diverse in their views, in the particular circum stances surrounding the loss of their loved one, in the experience they have had in dealing with their government, and in the feelin toward the Communist governments who hold answers.

Some believe the U.S. Government had done all it can over th years; others believe it has bungled inexcusably. Some of thes families have decided to accept death and move on with their live others wait, convinced that living Americans remain in captivity

No one among the Senators on this Committee is qualified t criticize the beliefs of the families. None of us has a missing love one from a prior war. On these questions, every POW/MIA famil member has fair claim to be considered an expert in the saddes truest sense of the word.

The families have suffered the indignities of Communist goverr ments who have refused to provide even basic humanitarian infor mation and answers over the past half-century. They have endure the emotional roller-coaster ride of hope and failure year after yea after year. They have watched governments in Southeast Asia drif

[505] Jane Reynolds Howard testimony, Nov. 10, 1992.
[506] Robert Dumas testimony, Nov. 10, 1992.

ble out remains and heard flat denials that records exist—and then seen that these documents existed all along.

With the full cooperation of these governments in past years, results would have been obtained for many POW/MIA families long ago. Former President Nixon himself said in January 1992:

> It has been obscene, the way they have just dribbled out information to these poor families who simply want to know what happened.[507]

The families have been the victims of fraud and they have seen their own ranks divided by intense differences over the best way to obtain results. Through it all, they have persevered.

Through years of not knowing, both during and after the war, of bearing the brunt of bureaucracies incapable of answering questions or responding to requests, of grapplying with wrenching and sometimes conflicting information, and of dealing with the inhumane actions of former enemies, POW/MIA families have unfailingly kept their hopes alive and realistic.

The feelings and commitment of POW/MIA families may best have been summed up by the son of a serviceman shot down over Laos:

> I was 16 years old when my dad was shot down. Dad was 42. He was a big man with a good sense of humor and a big appetite for life. He liked sports cars, bagpipe music, Irish whiskey; he fished, he rode broncos in the Rodeo; he loved New Mexico and the Air Force.
>
> I remember him vividly, and miss him terribly. Nonetheless, I have long been resigned to the fact that he's almost certainly dead, and resigned to the fact that I will probably never know what happened to him. But that does not relieve me or you of the obligation to try to find out what did happen to him.
>
> I don't expect the impossible, only the confidence that the Government that ordered my father into combat is doing all that it can to determine his fate and that my family knows all that this Government knows.[508]

Families' central role in Committee's work

The Committee owes its creation to the activism of family members, and from the beginning we sought to work closely with POW/MIA families. Family members were represented at the Committee's opening and closing hearings. In addition, the Chairman and Vice Chairman addressed the 1992 conventions of the National League of Families and the National Alliance of Families.

To ensure that families' concerns were addressed, the Committee's Chairman and Vice Chairman wrote to the primary next-of-kin of all 2,266 then unaccounted for servicemen in January 1992, seeking their advice and participation. Over the course of the Committee's year in existence, more than 100 responded, and both the

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[507] Richard M. Nixon comments, "Larry King Live," Jan. 8, 1992.
[508] Testimony of Steve Morrissey, Dec. 3, 1992.

League and the Alliance have actively monitored the Committee's work.

In addition, C-SPAN coverage of 18 of the Committee's 22 open hearings has kept an audience of 59 million viewers informed. "Please talk to as many families as you can—they are the only ones holding the truth," one family member wrote. "I was glued to TV [coverage of the hearings] and watched until 5:30 a.m."

The questions before the American public are the ones that still gnaw at the families. If there are leads that can be traced to a living American serviceman, then there must be facts, places, dates, and descriptions or names. Some of the rhetorical questions of activists have been provocative, but at the same time the Government has jealously guarded its documents.

Through all of this, the families simply want answers and results. The Committee has focused on compelling leads and questions based on facts. The families deserved no less than an honest search to understand the truth. We sought information from all sources, public and private, including activists and current and former government officials.

The families of the missing deserve not merely words, but actions, answers, and—above all—the truth. The Committee has labored tirelessly in their behalf to provide them the truth. It is a labor of love, devotion, and gratitude.

The search for answers

In families' search for answers, two ingredients are essential. First, they must know the U.S. is pressing Vietnam, Laos and Cambodia for all information they have. As the wife of a serviceman missing in Laos, explained:

> If these men are not alive today, it's because they were either starved, executed, mistreated, or simply died of broken hearts in the last 20 years it has taken to go looking for them. They [the Lao or Vietnamese] know where my husband is. I know this. My family will not rest until we find the fate of David.[509]

Second, families must know that the U.S. is doing all it can on behalf of missing servicemen. As Ann Mills Griffiths, the League's Executive Director told the Committee:

> The vast majority of the POW/MIA families are realistic. We don't expect miracles. We expect seriousness by our own government, Executive and Legislative branches, rather than spontaneous reaction to the squeaky wheel or the latest editorial.[510]

Beyond that, however, what constitutes an answer about the fate of a missing loved one varies from individual to individual. To satisfy U.S. Government "accounting," policy requires "the man alive, the man's remains, or convincing evidence of why it's not possible."[511] For families, the standard is generally different: photo-

[509] Hrdlicka testimony, Dec. 3, 1992.
[510] Griffiths testimony, Nov. 6, 1991.
[511] Griffiths testimony, Dec. 4, 1992.

graphs are compelling for some; for others, positively identified remains are the only acceptable proof; for still others, even remains are not convincing.

Many families know that the answers available most often are merely clues and not full answers; but few can accept inexplicably conflicting information as satisfactory, even in a partial answer:

> [At the time of my brother's disappearance], the Army told us that every effort was being made to locate him, including dropping leaflets with his picture. Three months later, the story changed. They said he had been engaged in a skirmish, that he was ahead of the majority group and then shot. No other information was provided at the time and we never got his body or any of his personal effects. As far as my family is concerned, there are still many unanswered questions: What really happened? Who were the men with him? Where are his things?[512]
>
> I am not expecting a miracle, but I do want to know and have an explanation/accounting of what took place. Were there, for example, eyewitnesses? Is this a crash site that has previously been excavated? What is the terrain? * * * My personal goal is to do for [him] what I couldn't do then and resolve my grief issues. . . This is the least I can do; Len and others like him made the ultimate sacrifice.[513]
>
> It was during a monsoon, and due to the terrain, a ground crew could not get to the plane and a helicopter could not land. After about seven days, they presumed them dead * * * we have wondered for 23 or 24 years. Just to know for sure—something—would help. My mother has never remarried, thinking that someday a miracle might happen and he could come home. We all need to know . . .[514]
>
> He saved seven men and carried them to a safe place and then returned to his post. All of the men he saved have since died. This is just a father who is still hoping for that "someday" when we will hear more.[515]
>
> If my father is dead, I want him brought back and buried at Arlington with the rest of the dead heroes. Because no matter what anyone thinks of the futile and tragic war in Vietnam, the men who fought there were heroes. If my father is alive after all these years, he must think we've forgotten him. I want him to know that we haven't. There is still time to bring him home. If others are alive, we must bring them all home. My wish is simple. If my father is alive, I want to know him, not things about him. If he is dead, I want to be able to put a flower on his grave.[516]

This search for the truth by the families was frustrated over the years by limited information from the governments of Southeast

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[512] Sister of serviceman missing since August, 1968.
[513] Sister of serviceman missing in South Vietnam since September, 1968.
[514] Son of serviceman missing since 1968.
[515] Father of son missing in action.
[516] Letter, son of pilot shot down over North Vietnam.

Asia, and by our own government's failure to provide satisfactory answers. In fact, according to many families, the policies and actions of the U.S. Government during and after the war not only failed to resolve the problems, but the lack of attention and focus in past years actually made things worse.

For families whose experience with the Government has shattered their faith in it, only fully disclosure of everything the Government knows will reassure them.[517]

U.S. GOVERNMENT ACTIONS DURING THE WAR

If there is one facet of the POW/MIA issue that is without ambiguity, without disagreement, it is that the treatment accorded families of missing Americans has deepened their anguish, not lessened it.

War-time secrecy

The difficulties confronting most families were rooted not only in their kin's loss, but also in the secrecy surrounding the loss. At first, families were not told—sometimes for years—that their husbands, sons or brothers had been captured. The impact of war-time secrecy on the lives of families can best be described in their own words. As Donnie Collins, wife of then-Captain Tom Collins (captured in October, 1965), testified:

> Mrs. COLLINS. Tom was missing four years, two months, and two weeks, and I received a letter from him in Christmas of '69. Now, I knew before then, but not through anything the Government did. I found on my own that Tom as seen alive in Hanoi in 1966. . . . I was more fortunate than most family members. I had friends in high places.
>
> Sen. SMITH. Do you have any reason to believe that anybody in the United States Government knew he was alive and did not tell you?
>
> Mrs. COLLINS. Oh, yes, I'm certain that they did.

When families were informed of their loved one's fate, they rarely were given important details. As Mrs. Collins explained:

> I, as an MIA wife, was frustrated by knowing little, being left out of the loop, and it seemed at times being treated as the enemy, more feared by the administration and military intelligence than the North Vietnamese whom we should have been unified against. This was typical of the attitude of the Government in those years.

Another MIA wife, whose husband was lost in December, 1967,

> . . . was notified about my husband's MIA status by telephone. When I asked if my husband's navigator, who he had trained with, was with him, Air Force would not give me an answer. . . . since [his] navigator's wife was

[517] At publication time, almost half of all POW/MIA families had responded to a DoD questionnaire asking their permission to include their kin's casualty files in the materials to be declassified (in accordance with the McCain Amendment). Of the total, 88 percent assented; eight percent declined, and three percent asked to review their casualty files before making a decision.

> pregnant, I did not want to call and upset her if her husband had not been on that plane. It took a sideways call to the Pentagon from one of the colonels on base to get the needed information. He told me never to tell who got me the information.

And all were cautioned to say nothing about their husbands, sons and brothers, so as not to give their captors leverage over the men.

> . . . [T]hey said, "you don't need to know this. . . . if you were to let this out, this could cause his death—now, you wouldn't want to do that, would you?" I love that old hang-that-guilt-trip-on-them.[518]

The effect was devastating for many. As one MIA wife explained:

> I needed the support of other families who knew what I was going through. I asked my Personnel Affairs officer and sergeant to deliver my hand written notes to other wives who lived within 100 miles. There were only a few, but I did not know the names and right-to-privacy laws demanded that I go through the casualty office. In my notes I offered my home as a rest or coffee stop when other women came to shop. When I received no word of reply from my notes, I accepted the fact that the other women wanted their privacy and I'd have to go it alone.
>
> Everyday some well-meaning civilian would call or come by and say, "My dear, I don't know how you do it." I'd just be devastated! When they'd leave or hang up I'd think, "Yes—how do I do it?" I really needed the support of the other women; the other wives of POW and MIA.
>
> I did not learn for four years that my notes had not been delivered to the single hearings or picture viewings at the base. Why were we never allowed to get together? Why were my notes withheld?[519]

To her, the Government lost all credibility when its directives not to publicize the POW's fate[520] didn't change as soon as the U.S. knew its men were being tortured:

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[518] Collins testimony, Dec. 3, 1992.

[519] Letter, Dec. 8, 1992.

[520] Mrs. Stockdale described the directives this way:

"In the spring of 1965, months before Jim was shot down, a Commander Hill from Naval Air Pacific Headquarters had given a briefing to us wives in Air Group 16 about how we should behave if our husbands were shot down and captured. . . .

"The first paragraph [of notes I took to share with wives who could not be there] was about method of notification, with every effort being made to do this in person. And if this was not possible, then by telegram or phone, to prevent the primary next-of-kin hearing the news from the media.

"The next paragraph was about immediate recommended action by primary next-of-kin. Parents of the prisoners and parents-in-law of the prisoners should be notified by telephone, we were told. They should be warned not to release any information about the prisoner and not to be interviewed by the press concerning his background.

"We were told that next-of-kin should engage someone to act as her telephone operator. This person should be instructed to accept no calls from foreign cities outside the limits of the United States. No information of any kind should be released about the prisoner or his family. All such inquiries should be referred to the Public Information Officer at Air Pacific Headquarters.

"We were told that the standard answer to all news agencies should be, Mrs. Blank has no comment for the press at this time. The reasons for maintaining press silence are in the best interests of the prisoner. Any information other than name, rank, serial number and age can be

Continued

Giving the Johnson Administration and its Ambassador at Large in charge of prisoner of war affairs, Averill Harriman, the benefit of the doubt, some might assume that these guidelines really were engendered in the best interest of the wives.

That rationale became totally invalid for me, however, when the Johnson Administration learned for a fact certain that American prisoners of war were being brutally tortured, but continued to insist that we wives remain silent in order to continue our husband's so-called good treatment by the North Vietnamese.

I know the Government knew of the brutal torture for a fact certain, because I was the conduit who delivered the message to the Johnson Administration. Averill Harriman never came off his insistence that we wives must keep quiet in order to ensure the so-called good treatment of our loved ones.

It was not until more than two years after Averill Harriman knew our men were being tortured that Melvin Laird, Secretary of Defense in the newly elected Nixon Administration, publicly acknowledged the gross mistreatment of our men and the violations of the Geneva Convention relative to the treatment of prisoners of war.

On the 19th of May, 1969, when Secretary Laird first made this public announcement, Jim Stockdale had been in prison for almost four years. . . .

No one in the Johnson Administration, not McNamara, nor Rusk, nor the Bundy brothers, nor Clifford, ever seemed to realize that we wives were not so stupid as to not be able to figure out that they wanted to suppress the

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skillfully used in psychological warfare to coerce the prisoner to aid the Communist propaganda program.

"Pictures of the family of the prisoner can also be used as coercion and thus be detrimental to the welfare of the prisoner.

"Treatment of the prisoner. We were told prisoners at present are being well treated by the—excuse me. Prisoners at present are being treated and authorities have every reason to believe that this condition will continue. If present conditions do continue, the prisoner will probably not have to undergo brutal torture. The family of the prisoner can expect that eventually the Communists will announce that the prisoner has signed some paper which he would not sign under normal circumstances. The family should not comment on this announcement as the information is probably correct.

"All prisoners to date have signed some paper which they would not be expected to do unless victims of psychological warfare.

"Any medals awarded the prisoner in his absence should be accepted by the family of the prisoner when they are offered. The family may expect to see pictures of the prisoner in various compromising roles released by the Communists for propaganda purposes. Comments about such pictures only help serve the purposes of the enemy.

"Communication with the prisoner. We were told the family will be given an address through which they can write to the prisoner. All letters should be of a very general nature. Children or friends should not be mentioned or referred to other than in general terms. Families are warned to delete terms of endearment from their mail, as these can be used to the prisoner's detriment.

"No letters should be written that one would not be able to tolerate if printed on the front page of any newspaper.

"Mail may eventually be received from the prisoner and will probably be forwarded through the International Red Cross. These letters will also be of a very general nature and will not contain any of the usual terms of endearment used by the prisoner.

"Packages may be mailed to the prisoner but there will be no assurance of delivery.

"My final entries say, families are strongly urged not to intercede on behalf of the prisoner without State Department approval. Independent intercessions on the part of the individual could seriously damage negotiations being conducted on behalf of the prisoner by the State Department.

truth about our men's circumstances in order to keep the American public from being emotionally involved in the Vietnam War.

Just as they never called up the reserves or imposed rent controls, they didn't want the truth about our men's torture to emotionally involve the American people in their stick and carrot war.

I knew only too well they had started their war under false pretenses, because my husband had led all of the air strikes in the Tonkin Gulf incidents. President Johnson had even doubly endangered all of the lives of the men in the first air strike against the North Vietnamese mainland by announcing their arrival to the enemy on the radio an hour and a half before they arrived.

The gag order was too much for some:

Mrs. COLLINS. Let me just go back and point out a couple of things. That Tom was heard on the radio. He was seen coming out of the plane. He had a wing man, there were another two in the formation. He was seen on the ground. So they did know he got on the ground. They did talk to him. Yet even later on, they never allowed anyone who was with him on his wing or behind him, the two behind him, to tell me anything at all, even that bare little element to hang onto.

As I say, I can deal with dead. . . . But missing, they didn't know how to deal with missing. So they decided that the best thing to do was don't tell the families anything.

I want to remind you that Tom was security ops officer. Because of that, he had such a security clearance you would never achieve to, Senator. John will tell you that. And because of that, I was brought into the loop and I was also part of the security clearance. So Tom didn't marry a dodo who fell off the turnip truck when it went through town on Saturday. Most pilots did not.

Vice Chairman SMITH. That is very obvious, by the way.

Mr. COLLINS. Thank you. And because of that, why they could not sort out and tell the families the basic elements. When I later found out in early '68 that they had had this information in his jacket, I was angry but I told no one, including his parents, what was in the jacket, no one.

Now, if you read my testimony you realize that I was jumped on by big-time people. I mean State Department threatened me with you're going to shut up or else, and I never could figure out what or else was. I guess the firing squad, send Tom to Hanoi, something equally obnoxious.

As I responded to them finally, no military has control over a wife. Only the military member himself may discipline her. So if you can find Tom and get him home and he wants to kick me in the rear end, let him go at it, but don't threaten me. And finally I had to call friends in high places to get the State Department off me because I decided, in '66, to ask some questions in the public. So I was probably the first one to get swatted.

Secrecy's effects

The secrecy had two distinct ill effects. First, it back-fired:

> . . . the old military cliche that wives and families should be told nothing and should know nothing was, and I presume to some degree is still, the rule. This is an overreaction to legitimate military security needs, and has probably resulted in more inadvertent leaks through ignorance than if the spouses and families had been brought into the network in matters that concerned them. . . . Had they brought us into the loop, telling us the things that we had a right to know from the onset, we would never find ourselves in this position today.

Second, and far more damaging to both families and subsequent Government efforts, the secrecy made families an easy mark for any con artist with information to peddle. In Collins' words:

> The closed-door attitude of the Government, which started and became ingrained in the early war years, has contributed greatly to making the families vulnerable and prey for the antiwar activists on the left and the con artists and mystics on the right. If the Government was silent to their questions, then where were they to go for information and help? Some elements of both groups meant well, but their impact has been cruel to the families.[521]

Another witness, Carol Hrdlicka, laid the blame for fraudulent schemes more forcefully at the Government's door:

> I can appreciate these other scams, but I have to tell you that if our Government had done their job in the first place, I wouldn't be in the situation where I could be a victim or Carol Collins could be a victim.[522]

In sum, another MIA wife said:

> I tell you as I told the [PFOD] hearing: if a situation like this happens again I hope you all are smart enough to know you can trust the families with inside knowledge to protect them from con artists. I did not bite when asked for a donation to bring home the men. I felt I had paid enough.[523]

Mis-reporting

When evidence suggested death

Tragically for many families, strong incentives existed for combat veterans to soften the blow that reporting a buddy killed in action would deliver to families. Admiral Stockdale felt the pressures after he witnessed a plane go down:

> He was in an AD—last called a Mayday, hit about 1,000 feet going in a steep dive, and of course, as you know, John, [there was] no ejection seat in that plane. They went

[521] Collins testimony, Dec. 3, 1992.
[522] Hrdlicka testimony, Dec. 3, 1992.
[523] Letter, Dec. 8, 1992.

our there the next morning and they found that the Vietnamese had removed the debris.

And the squadron commander said the guy is—he's dead. And I went up to see Captain Bart Connally and I said I'm just getting started in this thing. And I sent the message, whether I should have called him KIA or MIA. . . . He said, "I did this in World War II, of course, and, he said, there's a great temptation to do the wife a favor. But in the long run I think you do her an injustice, because you're giving her the wrong message. If you think he's dead, say he's dead.

Now, I did that [reported the man killed in action]. . . . I've been told that people who were seen to spin in the traffic pattern and crash in their plane were listed as MIA for that same darned reason. We ought to think of a better way to compensate families besides lying to them.

Gen. Vessey had experienced the same situation:

Sen. McCAIN. You and I have discussed, and I mentioned to Admiral Stockdale yesterday, this very tragic situation that exists when a person is listed as missing or captured, especially in the case of the air war.

There were cases that we know of—Admiral Stockdale cited one yesterday, where the plane hit the ground and exploded and no chute was cited; but with the knowledge that if that person is declared dead, all benefits cease after his death (gratuities, insurance, etc.), [his buddies listed] that person as missing. Then the pay and benefits continue for an indeterminate length of time.

Do you have any idea how we can get around this dilemma, General?

Gen. VESSEY. . . . It's something that drives our making inaccurate reports. The very fact that you deprive your comrade's family of their livelihood by declaring him dead . . . so the inclination generally has been, if there's any doubt at all, move [the status report] toward the missing rather than face the facts. . . . I think the present system will drive us to the same problems that we had from the war in Vietnam.

In 1973, Lt. Cdr. George Coker cited two examples of what he had seen as a Navy pilot in an address to the National League of Families:

A guy is flying, he does see his wingman shot down. Two guys go in, and they're deader than a doornail. He's thinking to himself, "If I report that they're dead, the wife's going to be brokenhearted, she'll get death gratuities, and that's it. If I report him MIA, his pay keeps going, and it will cushion the blow for a little while."

"I just saw your son fly into the ground." Do you think I'm going to tell you that? Hell, no, because the way I think, if I tell you your son got target fixation and flew into the ground, to my way of thinking, what I would be

saying to you is, "You know, what you had for a son is a real idiot."

That's not true, so what am I going to say? "Well, he flew down, and he probably lost control, he was probably hit by a 57 or something and lost control of the aircraft and went in." But I'm not going to say, "I think he had target fixation." . . .

But now I've given you a shred of hope. It's not an out-and-out false report. I told you he flew into the ground, but I just twisted 'why.' So now he has the option of ejecting.[524]

When evidence pointed to life

However, the Committee also uncovered cases where servicemen were reported as dead, in view of information suggesting survival. Moreover, the families were never provided with this information.

For example, the Committee notes the following comments from the family members of two cases in particular:

Lance Corp. Kenneth L. Plumadore was officially listed as KIA/BNR, although a 1992 case narrative from the JTF-FA indicates that PAVN forces may have captured him. In 1992, Plumadore's sister wrote to the Pentagon:

> If what I am told is correct and the government continues to withhold intelligence data on my brother's capture that has been concealed from his family for 25 years, I submit to you the following questions: What reason is there for secrecy now? Why am I not entitled to know everything about my brother that you know?[525]

Maj. Robert F. Coady, USAF, was listed as missing in Laos since 1969. His family was only provided the initial loss report, but recently discovered that there was additional information which suggested that Coady may have survived his incident. In 1969, the U.S. Embassy in Laos reported a possible correlation between Coady and a similar name reported by a POW who returned in 1969. Coady's sister wrote to the Committee in August 1992:

> When my family asked if there was any information on my brother, we were told there was nothing but the initial report of his loss. I could not believe that after 17 years of believing the Air Force I found out that there was information regarding my brother not given to the family. I find this totally unacceptable.[526]

A final example concerns a serviceman believed dead during the war, but subsequently determined to have been captured. This example was brought to the Committee's attention in November 1991 by Dr. Patricia O'Grady, the daughter of Col. John O'Grady, who was captured in 1967 in Vietnam:

> O'GRADY. I testify before you today on behalf of my father, Col. John O'Grady, who is finally known to have

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[524] Coker, Oct. 27, 1973.
[525] Patricia Plumadore letter July 14, 1992.
[526] Judith Coady Rainey letter Aug. 29, 1992.

been captured alive. This information could have been obtained many years ago, but after 24 years, I can finally tell you how many cigarettes were in his pack, and I can also tell you where his actual captors live today. Yet this information was not released to me directly or readily. This information was only released to me accidentally. . . . up until 1991, August of this year, they have disputed that my father was in fact captured alive.

Sen. SMITH. . . . but now they say otherwise?

O'GRADY. Now they say it, based upon the fact that they have finally found his actual captors and they interviewed them in detail.[527]

Public relations campaign

Late into the war and after enormous pressure from POW/MIA families, the U.S. Government began to publicize the plight of the POWs in order to keep pressure on the North Vietnamese and gain support for the war at home.

The courageous attempts by H. Ross Perot are particularly noteworthy. His efforts to bring food, medicine, and Christmas packages to POWs in 1969 and 1970 and to publicize their condition improved the way they were treated, as returned POWs later described when they returned. President Nixon's description details Perot's activities and their impact:

> Ross Perot supported what we were trying to do in Vietnam, unlike many other people in the business community who took a walk, and I appreciate that. He did everything he could to help the POWs while many others were doing nothing at all. At a time when many people in the American establishment were not supporting the POWs, Ross Perot was doing so.[528]

Sen. Smith noted Perot's accomplishments when he welcomed him to testify in August:

> My words of thanks for your efforts, Mr. Perot, pale in comparison to the recognition you have already received from former POWs themselves, the families, and our nation's veterans groups. As many know, Mr. Perot has a painting proudly hanging in his office which is signed by all the POWs who came home in 1973, thanking him for drawing public attention to their plight. I also note that the Department of Defense awarded Mr. Perot its highest civilian honor for his efforts—the Defense Medal of Distinguished Public Service.[529]

But the P-R campaign had a stark down-side as well, as families learned when the war ended and many forgot the POWs. In 1972, Defense Secretary Melvin Laird held a press conference to pressure Vietnam by focusing on 14 men not on Hanoi's list of POWs. "All 14 men were known to be alive, on the ground in North Vietnam,

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[527] O'Grady testimony, Nov. 6, 1991.
[528] Nixon interview, July 1992.
[529] Sen. Smith, Aug. 12, 1992.

or were at one time actually identified by the North Vietnamese as having been captured," he told his audience.[530]

In 1973, when not one of those 14 came home—including Ronald Dodge, who was shown in captivity in 1972 in a Paris Match photo—there was no follow-up press conference. No similar U.S. effort was mounted again publicly to raise families' unanswered questions about their loved ones' fates to public attention. The families' feeling of being abandoned, with their men, still persists: As Dodge's widow explained:

> Sen. REID. What more do you think we as a committee could do that we have not done? . . .
>
> Ms. OTIS. . . . what I've been wanting is for the public to really care. And I know it's been really too long, but the Government and the media didn't press this in the beginning. They just assumed everybody was dead. And we felt so abandoned because not only did our Government or the media care, but the public didn't seem to care.[531]

POST-WAR GOVERNMENT POLICIES

Presumed findings of death

For years after the war ended, few Americans wanted to re-examine its effects; families' questions were greeted with silence.

Then, beginning in 1978 and continuing through 1981, came proceedings to declare missing servicemen dead. The "presumptive findings of death" pitted families against the Government, with many trying to prove life against a presumption so strong that event post-capture photographs and other "hard evidence" failed to persuade the judges. Only one, Charles Shelton, remained listed as the symbolic POW.

For those who accepted the death of their kin, the proceedings were welcomed. They provided finality for a situation that left families dangling, letting families go on with their lives. But for those who had not gotten satisfactory answers, the rulings were traumatic. Their own words best express the experience:

> These men—many—were declared dead not on information, but on the lack of information, that we had. . . . Your comment that 'this thing has taken on a life of its own' is so very true. It has taken over my life, and many others' unable to go through the steps of grief and dying and acceptance because of this limbo.[532]

Commander Dodge's status change hearing was in February 1979. The next-of-kin had to prove the missing serv-

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[530] In fact, the list was a mish-mash that included one reported by a returned POW to have died in captivity, five considered to be POWs by neither the DIA nor their own services, and four more considered to be POWs by the DIA, but not their own service. To date, the remains of 10 of the 14 men have been repatriated; the family of the 11th has seen photographs documenting his death, but his remains have not been repatriated.

[531] Testimony Dec. 3, 1992 of Janis Otis Dodge, wife of POW lost in May, 1967. Ronald Dodge's remains were returned in the early 1980s; in December 1992, Senators Kerry and Smith obtained from the Vietnamese a document, believed authentic by the DIA, indicating that he survived five days in captivity.

[532] Letter from the wife of a serviceman missing in South Vietnam since March, 1968.

iceman alive. The Government, with all of their resources, did not have to prove him dead.[533]

In 1977, the Air Force Casualty Office contacted me and advised me that they were going to review David's case, and unless I had any new evidence that he was alive, they were going to declare him dead. I then stated that I had no evidence since I was not allowed access to intelligence. Why is it that the burden of proof is always on the families?[534]

The process, and not only its conclusion, worsened the matter for many families. As the wife of a serviceman missing in Laos in December 1967, explained:

He said the hearing would be held and told me the day. I told him I'd get in touch with my children and we'd be down. He said, "Oh, you don't need to come. It is just a hearing. We will let you know about it." I said, "You are talking about killing off my husband legally. The way you've talked to me so far, I don't trust you."

. . . . He said, "Isn't there anything I can do?" I said, "You can make reservations for me at the visiting quarters. There will be my son, two daughters, my mother and myself." He said, "Oh, I can't do that. You can't stay there. You'll have to get a motel."

They closed my husband's case and declared him killed in action as of August 17, 1979. He was such an honorable, straightforward man; he would not be pleased with the situation I'd been placed in all of these years.[535]

The League of Families chronicled the process from families' perspective:

Immediately after the signing of the Paris Accords, January 27, 1973, the Department of Defense planned to initiate presumptive finding of death rulings based on U.S. knowledge of incident circumstances and lapse of time without information to indicate the individual was still living. What was obviously not yet available was knowledge from the Vietnamese, Lao or Cambodian governments . . . the families, under the umbrella of the League, initiated a class-action suit to stop the status reviews . . . .

The court decided . . . that PNOK [primary next-of-kin] receiving compensation must be provided hearing rights. The Defense Department extended these rights to all PNOK, whether or not currently receiving government benefits. . . ,

Some in the League publicly offered to return their government pay if active-duty status could be retained. This was to prevent the Indochinese governments from throwing back the claim that our own government had legally

[533] Otis testimony, Dec. 3, 1992.
[534] Hrdlicka testimony, Dec. 3, 1992.
[535] Letter, Dec. 8, 1972.

determined our relatives were dead. This, too, was unsuccessful.

With the presumptive findings of death came another problem; the more presumed dead, the fewer it appeared were still prisoner, missing or unaccounted for from the Vietnam War. We, the families, knew that legal administrative rulings had nothing to do with accountability and that the numbers were actually more [than mere numbers]—they were Americans. . . . [536]

Changing definitions

At the same time, the U.S. Government added to the POW/MIA list. At the end of 1978, 224 were listed as POWs; by the end of 1980, that had grown to 2,500—simply by changing the definition to include war-time killed-in-action.

Taken together, the action seemed to signal that the Government had made a decision was being made to move on—that one serviceman, whose fate was uncertain, now would get the same level of attention as the next, whose death was witnessed by his comrades.

The solution was satisfactory to no one, and the stroke-of-a-pen changes, based not on facts but on some other consideration, raised even more questions about the sense and sincerity of Government efforts.

Live-sighting reports

For scores of families—including some whose kin's remains had been returned—the next information to be confronted came with the flood of Vietnamese refugees: reports that Americans were alive in Southeast Asia. The reports were tantalizing, and the heavily blacked-out sections of classified information made them more so. The slowness of live-sighting investigations, and the fruitless efforts of families to gain access to the intelligence contained in hundreds of these reports, marked a new battlefront for many families.

Questions during the mid-1980s about the sincerity of U.S. efforts heightened families' concerns. While some of the allegations of conspiracy or incompetence came with fund-raising appeals, others were leaked by insiders with no readily apparent motive besides altruism. A spate of internal DIA reviews spelled out the agency's shortcomings and, for many, confirmed fears that the "highest national priority" label assigned to POW/MIA efforts by the Reagan Administration was nothing more than words.

Repatriation of remains

For some 379 families, the next development was the return of remains from Southeast Asia. In many cases, the remains were only fragments of bone, sometimes commingled in the casket with another serviceman who had died in the same crash. Sometimes, they were determined to be the remains of Asian people; in a few cases, they were found to be animal bones. Serious questions about the capability of the U.S. lab that identifies remains to make accu-

[536] Griffiths letter, Aug. 6, 1992.

rate determinations further shook families' faith in the U.S. Government (see Chapter 5).

In the half-century since World War II, technology has bettered the chance of identifying remains, but the science is far from an exact one.

> There have been so many conflicting reports concerning Bill. We have always felt he was alive, and being held in Russia, even though remains (a few single teeth said to compare favorably with Bill's) was sent home in November of 1957. When we had the casket opened by court order, we found a sack with a few single teeth and a few bone fragments so that identification was impossible as far as we were concerned. We buried the body as Bill, even though we still believed that he was in Russia.
>
> We have felt so helpless all these years, trying and trying to get positive proof of whether he is in Russia or not. My parents both died believing that the U.S. Government had not been honest with them. . . .[537]

The combination of:

past experience with the Government on POW/MIA matters; only partly conclusive results; and

the new number of bones available to make the determination

makes it impossible for many families to accept the remains as proof of their kin's death.

> Each day I wait, and look, and hope for some revelation as to how did my son die—if he did! Oh yes, I know my Government considers [his case] a closed book because Hanoi sent back a box of bones with his name on it. But there was no identification tag, nor picture, nor anything in the way of personal effects found on his person returned to us. No fingerprints! No dental records!
>
> I do know Hanoi had David either dead or alive—the Pravda (1965) article told me that. He did not go down in his plane as previously thought. I want any and all information my Government has on David—my family can handle it! . . .[538]

Casualty officers

> I was shocked, surprised and stunned . . . . It took some getting used to, and I can't describe the overwhelming relief I felt, knowing how, where and when he died, and that it was quick. . . . My baby, Sue, was six weeks old when the telegram was delivered to me. . . . In an instant, I [had] lost my husband, home, status as a wife, social life, my planned future—and I was just getting over childbirth. I heard nothing from the three surviving crew members. All official business was handled by mail. I had no advisor or advocate from the military to help me sort out my life

[537] Letter from the sister of a serviceman captured near Burma during World War II.
[538] Letter, December 1992.

> and figure out what I should do. I felt abandoned. . . . a way must be found to see that dependents of men who died serving their country are given the personal support they need.[539]

The Defense Department has come a great distance since the days of telegrams announcing the loss of a serviceman. Today, officers serve the point of contact for families and the efforts of most are well-regarded by the families they serve.

However, few have the experience and clout needed to pry information out of the DIA, and their stints in the job are short: except in the Air Force, assignments last no more than three years. This forces families to drive the information-gathering process—and their lack of security clearance and knowledge ill-equips them to get the answers they seek.

> Simply put, the agencies of our Government responsible for the MIA issue do not provide us of their own volition and in a timely manner all information that they had about my father's fate, despite their often-repeated promise to do just that.[540]

The inability of casualty officers to satisfy families' legitimate needs for information often worsens communication. In their eagerness to learn all they can, many families have turned to other channel—pressing intelligence analysts or private activist for more. The different interpretations, and sometimes different facts, obtained through these channels have exposed a bureaucracy that is lumbering and often senseless in its operations. It has left many families unsure about who to believe.

> Our family has never been officially told that Steven was taken prisoner, but we had received a declassified document from another POW/MIA family, that stated Steven was positively identified by photograph in November of 1968 (three months after his disappearance) as being taken prisoner. I do not know which list he now falls under, the 111 confirmed to have died in captivity or the 133 of whom no other information is available. I'm sure we will be notified in time.
>
> I just wanted to say we are proud of Steven for his unselfishness in fighting for his country, and how proud we are of you and the committee for having the courage to look into this matter to the extent you have in order to resolve the issue.[541]

Secretary Cheney's plan to use the POW/MIA office to troubleshoot is commendable, but further efforts to unify POW/MIA operations are needed. Too much is lost in "translation" between the men women in the field and POW/MIA families, because information goes first through DIA and then casualty office channels. Oftentimes, information also is passed through the Inter-Agency

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[539] Wife of serviceman missing since October, 1952; advised by telephone in November, 1992 that Soviets had recovered his remains.

[540] Steven Morrissey, son of Maj. Robert Morrissey, lost in Laos in November, 1972.

[541] Brother of serviceman captured in [place] in 196—.

Group (see Chapter 5), further delaying notification of the individual's family.

While the Committee recognizes the need for some "channels," it also urges DoD to let the public, and especially family members, hear directly from those who have first-hand information about searching for unaccounted-for servicemen.[542]

FAMILIES TURN ELSEWHERE FOR HELP

The National League of Families

The League's origins can be traced to the West Coast during the late 1960s. Sybil Stockdale, wife of Admiral James Stockdale, the ranking POW in the "Hanoi Hilton," initiated the movement which evolved from a loosely organized, small group of families into the formal organization now known as the National League of Families of American Prisoners and Missing in Southeast Asia.

The impetus for this action was the strong belief by these POW families that the U.S. Government's policy of keeping a low profile on POW/MIAs was unjustified and causing the families undue pain—and perhaps even risking the lives, health and the very return of their missing loved ones (as described above in "War-Time Secrecy.")

In October 1968, the first media account of a POW story was published. As a result of that story, many families began to communicate directly with each other. What once was a small group grew to hundreds and ultimately several thousand family members.

The League's first major activity was to directly confront the North Vietnamese delegation in Paris with inquiries about the fate of their loved ones. On other occasions, family members travelled to Laos and Vietnam on their own to seek answers.

Over the past 25 years, both during and after the war, the League has pressed hard through its public awareness programs and its intense pressure on the U.S. Government to get answers. The League's goals are:

to obtain the release of all prisoners;
repatriation of all recoverable remains;
to provide the fullest possible accounting for all of the missing.

Through the U.S. Government's POW/MIA Inter-Agency Group, the League has participated over the last decade in the development of official policy in the areas of intelligence and diplomatic efforts on the POW/MIA issue. The participation of the League's Executive Director, Ann Mills Griffiths, as a member of the IAG has led to great controversy and division among family members (see Chapter 5), but even critics recognized that Griffiths' participation on the IAG has given the League a key role in influencing government policy on the POW/MIA issue, however. In addition, the Committee recognizes that the League has provided a continuity to changing U.S. officials' responsible for policy on this issue spanning 25 years and five Presidencies of both political parties.

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[542] Until the Committee's November 1991 hearings, field investigators had not spoken publicly about their work.

The National Alliance of Families

The Alliance was founded in Seattle in June 1990 under the leadership of Dolores Alfond, sister of Maj. Victor Apodaca who is missing from the Vietnam War. The Alliance has been a leader in the effort to unite family members, former POWs and other citizens who seek information on missing personnel from World War II, the Korean Conflict, Cold War incidents, and the Vietnam War.

The Alliance also has been a strong advocate for the declassification of all Government documents pertaining to the missing from these wars. Another primary purpose of the National Alliance has been to educate communities (including public and civic organizations, schools, and the general public) about POW/MIA issues. Like the League, the Alliance also has held major forums with family members and Government official in Washington, D.C.

Fellow combat veterans

Another, natural alternative for families hungry for information was the men who served with their kin. Contracts were ad hoc and often secretive: officially, the Government observed servicemen's privacy rights; unofficially, individual servicemen often passed on information as personal favors, and witnesses regularly reached out to their buddies' families voluntarily. For untold numbers of families, the stories that these witnesses told made the difference.

> I know my brother went down into the South China Sea. The radar technician was a very good friend of the family and he watched the plane go down into the sea. So I feel I know where by brother is. I feel he was not captured, so as far as I'm concerned, he's gone. Let him lie in peace.[543]

For some veterans, though, the requests continued—from family members unable to accept their necessarily incomplete stories, or from children who wanted to hear it first-hand. Often, the requests were not only for the facts of a 20-year-old incident, but for an explanation of the war itself, an answer to rumors, and more. In one letter to the son of an MIA, his co-pilot struggled to answer cosmic questions with a careful recounting of facts:

> What happened to your dad and I was the real definition of rotten coincidence . . .. [We were on a mission to make] strikes into Laos and Cambodia to stop supplies from getting into South Vietnam from the North. We didn't talk much about them only as a matter of policy. There were not "secret missions" or CIA-driven . . . .
>
> As we rolled in and released the bombs, two anti-aircraft rounds struck the airplane on the starboard (right) side forward of the engine intake. The explosion caused the engine to explode also and the right wing blew off at the fold. At this point, we looked at each other and ejected from the aircraft. I went out a second or so before Mike and wound up on the west side of a small river. He was on the east . . . the material and people we were after were there.

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[543] sister of KIA-BNR.

> I gathered my stuff, hid it, called our wingman and tried to talk to Mike on the radio kind of all at once. I also found that my hands and face were burned pretty well and there was some shrapnel in my arm and head. At this point, these were the least of our problems. I then tried to find Mike by wandering around in the jungle in the dark (12:30 a.m.). Not a good idea as I fell down a small cliff (8-10 feet) and had to climb out. At this time I could see down to the river and saw 4-6 troopers come across the river and head my way. I hid in a bamboo thicket and waited. . . .
>
> There was enough evidence that Mike might be held in the general area where we were hit that a "bright light" team was interested to attempt to find and rescue him. They are mercenaries that "lived in the area." They found nothing indicating his having been there. You've been told the rest and most likely more than I. It was hard to accept, but I feel he was killed that first night. I would hope that I was wrong.
>
> Your dad was a great guy and a good friend. He did his job better than most, but unfortunately was killed. The best part is he was doing what he loved the most.[544]

Private groups

> . . . you become obsessed. You cannot sleep, eat, work, because you would waltz with the devil to bring one man home.[545]

The Government's shortcomings in live-sighting investigations and elsewhere prompted some families to turn to latter-day Rambos, as well as to responsible veterans and family organizations, for additional help.

> Most of us have been tempted at some point to participate in some form of POW rescue based on nothing more than questionable and circumstantial information at best, such as unverified photos, live sightings, and anonymous reports. If it sounds hokey and mystic, it probably is, and it almost always plays a very cruel hoaz on the families by raising false hopes. . . I am very pleased to know this committee will take up these issues and problems in the near future, and hope this will eliminate once and for all the con artists, and clear the way for those who are credible and knowledgeable to resolve the long standing tragedy of our MIAs.[546]

Another POW/MIA wife was not able to ignore the information profferred by a private group:

> After the [positive] analysis had come out from Los Alamos and Dr. Charney I began to doubt my own view of the picture, which was there was a slight possibility that it

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[544] Co-pilot of serviceman missing in Laos since December, 1968.
[545] Carr Collins testimony, Dec. 3, 1992; former wife of serviceman missing in Laos since 19—.
[546] Collins testimony, Dec. 3, 1992.

could be Don. I mean I just—I did not know. But something that my son said to me sort of turned me around. He said, "Mother, that picture is obviously an American. I mean he looks like an American to me. . . . he's somebody's father, he's somebody's brother, husband, cousin. If there's a chance in a billion that it's my dad, you've got to do something."

So with that, that's when I started.[547]

The result of many encounters are devastating, emotionally and financially.

One former Congressman was shown on a nation-wide television show telling a national audience that he knows who the prisoners are and where they are. He should be made to go on nationwide television and retract his lies.

One former Lieutenant Colonel has been exposed on television for claiming a photo he obtained was of an American prisoner still in captivity. This was nothing more than a diabolical plot to raise money; [it] caused the family involved untold grief and compelled our Government to expend untold assets to track down this 'prisoner.'

One extremely convincing former Lieutenant Colonel Bo Gritz hoodwinked me into believing his story that he knew where prisoners were being held in Laos and could get them out. In 1981, the prisoner and missing issue was getting little or no attention and I saw this as an opportunity—not necessarily to recover my son, but to get at least one prisoner out to prove what we had been working for. Since my wife and I had been notified by the Navy Department that our son "had survived to evade" and were informed by his squadron commander that Nick had been captured and escaped, I am sure you can appreciate the vulnerable situation we were in. The "secret rescue mission" failed very quickly; it never got out of the state of Florida and cost us $30,000, with nary an apology.

. . . I am not bemoaning the loss of money since that operation is one-tenth of the amount our family has spent in our 23 years of involvement. But I do believe that this Committee has a responsibility to investigate and, where necessary, prosecute these incredible liars. . . .[548]

The fraudulent sideshows also sidetracks U.S. investigators away from serious leads and force them to chase phantoms:

Sen. McCain. "How much of the effort that your organization is engaged in has been—how much of your assets have had to be diverted to tracking down the bogus pictures and the hoaxers?

Mr. Sheetz. At times, Senator, I would tell you that process has literally precluded us from doing anything else. Because the political pressure has been so intense

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[547] Carr Collins testimony, Dec. 3, 1992.

[548] George L. Brooks letter Dec. 1, 1992; father of Lt. Nicholas G. Brooks (USN), shot down over Laos Jan. 2, 1970, and Chairman Emeritus of the National League of Families.

> and the high interest among the people in the Government, this committee, the American public, to know what is the truth on those cases. . . . It's an opportunity-cost argument. Essentially, what you're doing is dropping the work that would probably have more payoff to chase after things that ultimately turn out to be useless exercises.[549]

DISCUSSION

The committee wishes to commend the families and advocacy groups for their strong leadership and perseverance over the years. They have moved the issue in a positive manner in spite of incredible obstacles. The most difficult obstacles were the intransigence of the Communist governments and the lack of focus and attention by the U.S. Government at many points during the last 40 years.

At the Committee's first round of hearings, in November 1991, all witnesses—families, activists, and government officials—agreed that, ". . . one of the most important things that could come out of the early days of these hearings is a new structure, and a new relationship process with the families." [550] Assistant Secretary Carl Ford explained:

> . . . we didn't lose our credibility with you, with the families, with the American people overnight and we're not going to gain that credibility back overnight. . . . The only thing that is going to persuade people is our actions and our results, and to prove over time that we are serious, that we do mean what we say, and that despite occasional setbacks, despite occasional human errors, we're going to demonstrate over the next months and weeks, years, that we can do it better than we have done it in the past. That's our only commitment, to try. And if there are problems that this committee uncovers, we'll try to fix them.

In addition to other steps noted above, two actions taken on behalf of POW/MIA families during the last year have been significant:

To answer families need for an ombudsman that both DIA and casualty officers would respond to, Defense Secretary Richard Cheney created a top-level liaison office at the Pentagon in January 1992. The job of the Deputy Assistant Secretary for POW/MIA Affairs is to spearhead POW/MIA policy-making and to try to get answers when casualty officers cannot.

POW/MIA documents were ordered declassified in July 1992 by President Bush, at the unanimous request of the Senate. This step was taken in conjunction with the establishment of a central "library" that families can turn to for consolidated information about their case and others, in accordance with an amendment sponsored by Sen. McCain and enacted in November, 1991. (See Chapter 5, Declassification).

The most substantive response to families' concerns, however, has been field operations that have put American troops on the

[549] Robert Sheetz testimony, Dec. 1, 1992.
[550] Kerry, Nov. 5, 1991.

ground in Vietnam, Laos and Cambodia to search for answers. For most of the past 20 years, U.S. investigators shuttled back and forth from Bangkok to Hanoi whenever they could get permission from Vietnam. Then, a month before the Committee was formed, a temporary U.S. POW/MIA office in Hanoi was permitted to open; that became permanent in November, 1992.

Increased Vietnamese cooperation, won by Presidential Emissary Gen. John Vessel (USA, Ret.). Assistant Secretary of State Richard Solomon, and three Senate delegations to Southeast Asia, widened U.S. investigators' access, letting them go to places where Americans were reported seen alive after the war, talk to prison guards and others who may know what happened to missing Americans, and examine archives and top-secret files that hold promises of more answers.

For many POW/MIA families, however, 20 years' experience dealing with the Government makes it difficult to accept these new promises. Answers about their kin's fate are still necessary—but they are not sufficient to explain the intervening 20 years of U.S. Government run-around and worse—and the lack of concern by Communist governments for basic human dignity.

The Committee's review of past family experiences reflects an array of problems in dealing with our government that never should have happened. With proper organization, planning sensitivity and openness, the Committee believes these problems can be avoided in the future.

Recommendations

The Government has wavered repeatedly in its efforts to account for missing servicemen. Their families never have.

POW/MIA families want action, not more promises. The best that the U.S. Government can do for them is to do its best for their missing kin. The Committee believes the following steps must be taken to assure families that the Government is doing its best, and not simply assigning a priority that is merely words.

Accordingly, the Committee recommends:

Those actually working on POW/MIA accounting in the field in Southeast Asia should be made available, when schedules permit, to meet with families in the United States.

Military service casualty offices should be headed by civilians who are not subject to the kind of routine duty rotations experienced by military personnel. Individuals in these sensitive positions must have experience and a base of institutional memory if they are to deal effectively and knowledgeably with family members.

The resumed publication of a regular newsletter containing POW/MIA related information would be a useful means of sharing new developments with the families.

Guidelines should be established immediately for the creation of a central computerized data base within the Executive branch with information on all unaccounted for U.S. personnel from past military conflicts, to include World War II, Korea, the Cold War and Vietnam. All relevant casualty and intelligence data, in addition to any recently obtained information potentially correlating to a specific case should be made read-

ily available to family members and researchers through the central data base. On-line access to the central data base should be made available through an easily accessible modem system.

Procedures also should be developed to ensure that requests for information contained in the data base can be processed easily so that family members receive prompt, printed responses when necessary. Additionally, procedures should be established by the Department of Defense and the Department of State to ensure that the data base is updated regularly. The Committee further recommends that the Secretary of Defense authorize the DOD family liaison officer to work with the service casualty officers to develop a data base program which meets the needs of families and researchers who need to use the system.

Family members of Vietnam era POW/MIAs who would like to travel to Southeast Asia for direct discussions with appropriate U.S. and foreign government officials should be encouraged and helped to do so.

CHAPTER 8: GAUGING COOPERATION OF SOUTHEAST ASIAN GOVERNMENTS

It is not possible to account for the Americans who are missing from the war in Southeast Asia without cooperation from the governments of the region, especially Vietnam. Over the years, our government has requested this cooperation in four forms.

First, we have requested all information about live American prisoners, former prisoners or deserters.

Second, we have asked for the return of any recovered or recoverable remains of missing American servicemen.

Third, we have sought access to files, records, documents and other materials that are relevant to the fates of missing Americans.

Finally, we have asked for permission to visit certain locations within these countries to investigate live-sighting reports and search for actual or suspected airplane crash sites.

VIETNAM

The U.S. has long believed that Vietnam knows a great deal more about the fate of missing Americans than they have acknowledged. This view was based on our belief that the North Vietnamese maintained detailed records of U.S. servicemen who came within their prison system during the war, including many lost in North Vietnamese-controlled areas of South Vietnam, Cambodia and Laos. U.S. intelligence agencies are convinced, moreover, that the Government of Vietnam at one time recovered and stored an unknown quantity of remains of American servicemen, apparently for release at politically strategic points in time.

The level of U.S.-Vietnamese cooperation in accounting for missing Americans has varied over the years depending on bilateral and global political conditions and on the degree of emphasis placed on the issue by U.S. officials. At the time the Select Committee was created, there was considerable progress being made in

the investigation of discrepancy cases, and an agreement had been reached with Vietnam to allow an official DoD investigating presence to be established in Hanoi.

Over the past year, Committee members have visited Vietnam on four occasions to press for further cooperation. Those visits, coupled with ongoing efforts from the Executive branch, have yielded substantial results. Below is a discussion of the evolution of U.S.-Vietnamese cooperation on the issue, from the end of the war to the present.

From Operation Homecoming until 1982

Article 8 of the Paris Peace Accords required the exchange of prisoners of war, the exchange of information about the missing in action and the return of all the recoverable remains of those missing men or prisoners who have died. Although the agreement did not extend technically to Cambodia or Laos, the U.S. negotiators were assured that North Vietnam would cooperate in efforts to repatriate American prisoners captured in Laos.

As described elsewhere in this report, the atmosphere of reconciliation produced by the peace agreement did not last long. The North Vietnamese continued to funnel arms to their allies in the south; the U.S. continued to bomb Cambodia and, at times, Laos; the South Vietnamese did not cooperate in releasing civilian prisoners; and the Viet Cong continued doing all it could to increase its military and political strength. Amidst this atmosphere of contention and accusation, efforts to account for Americans missing in North Vietnam, Laos or Cambodia did not get off the ground.

A total of 591 American prisoners were repatriated in Operation Homecoming, a lower-than-anticipated number that disappointed the nation. U.S. officials had hoped for the return of more than 80 others who were listed by the DIA as prisoners of war, and at least some of the many hundreds who were listed as missing in action.

From the end of the Operation Homecoming to the fall of South Vietnam in 1975, the United States Government pressed the North Vietnamese to cooperate in accounting for our missing, but succeeded only in obtaining the remains of 23 servicemen. The United States focused its appeals to North Vietnam on what later came to be called "discrepancy cases." These were men for whom we had information that they had survived their incidents of loss and were known or appeared to have been captured by the enemy, and for whom we had received from Hanoi neither their remains nor information about their fates. Even before Operation Homecoming was complete, Dr. Kissinger raised a number of these cases directly with the North Vietnamese in Hanoi.[551] The North Vietnamese were unresponsive to U.S. requests.

The responsibility for carrying out the technical work involved in accounting for missing Americans was assigned to the Joint Casualty Resolution Center (JCRC), established in January 1973. Working under difficult and sometimes hostile conditions, JCRC teams were able to recover some American remains from old battlefields in South Vietnam. Among the last American servicemen to be

[551] See Chapter 2 for more detail on Kissinger's February 1973 visit to Hanoi.

killed by hostile fire in Vietnam was a member of a JCRC field team who was shot and killed by the Viet Cong on Dec. 15, 1973.[552]

All JCRC field activity ended with his death; diplomatic efforts to obtain an accounting through the Four-Party Joint Military Team ran into a brick wall as a result of the overall problems of implementing the agreement; and virtually all official U.S. contact with Vietnam was terminated after the fall of Saigon and the unification of Vietnam under the North's control.

In November 1975, the House Select Committee on Missing Persons in Southeast Asia, chaired by Representative G.V. "Sonny" Montgomery, sought to meet with Vietnamese officials for discussions about unaccounted-for Americans. To accommodate Hanoi's insistence that such POW/MIA questions be part of broader discussions on a range of U.S./Vietnamese bilateral issues, the Montgomery Committee agreed to include members of other committees in its delegation.

In a Nov. 14, 1975 meeting with Montgomery Committee members, Secretary of State Henry Kissinger had recommended that the members discuss the "MIA issue in the context of normalization rather than in a framework of the Paris accords, which the North Vietnamese had violated." [553]

Vietnam agreed to meet with the Montgomery Committee, and on Dec. 6, 1975, members of the Committee accompanied by four members of other committees met with North Vietnamese Ambassador Vo Van Sung in Paris.

During their meeting, which included discussions of trade and aid, Ambassador Sung claimed that Vietnam had released all prisoners of war, and had organized efforts to collect information about missing Americans who had been killed in action. Sung committed his government to the repatriation of the remains of three American pilots as a first step towards better understanding between Vietnam and the U.S. Sung made clear, however, that the construction of a warmer relationship between the United States and Vietnam would require reciprocal actions on the part of the U.S. A meeting in Hanoi was scheduled for four days later.

On Dec. 18, 1975, four members of the Montgomery Committee traveled to Hanoi with a letter from President Ford which described the President's views on reciprocity and offered the assurance that the U.S. would be forward-looking in its relations with the new governments of Indochina.

Three sets of remains were turned over to the delegation in Hanoi. Meetings were held with Vietnamese Prime Minister Pham Van Dong and Vice Foreign Minister Pham Hein. The Vietnamese reiterated their contention that all American POWs has been released.[554] The Congressman appealed for documented evidence on the missing, and for the recovery of the remains to two Marines who had been killed at the end of the war. The Vietnamese promised to supply information about the two Marines.

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[552] Two U.S. Marines died in a rocket attack on Tan Son Nhat Airport in the final days of the evacuation.

[553] Final Report of the House Select Committee on Missing Persons in Southeast Asia, Chapter II, Section Four.

[554] At this time, a number of American civilians were imprisoned or detained in Vietnam after the fall of Saigon. Most were released in 1976.

The North Vietnamese officials then raised the question of promised reconstruction aid from the U.S. and their understanding of such as referred to in President Nixon's February 1, 1973 letter to Pham Van Dong. The Congressmen stated their view that grant assistance from the U.S. to Vietnam was highly unlikely.

In March 1976, the Select Committee met with Secretary of State Henry Kissinger and unanimously recommended to him that the Department of State begin direct negotiations with the Vietnamese in an effort to resolve POW/MIA questions. That same month, the U.S. sent a communication to Hanoi requesting preliminary talks. This and other appeals by the Montgomery Committee for additional meetings with Vietnamese officials were rebuffed by Hanoi.

In 1977, the Carter Administration, acting on the recommendations of the Montgomery Committee, explored the possibility of obtaining additional POW/MIA information through improved overall relations between the United States and Vietnam.

In February 1977, President Carter appointed a commission headed by United Autoworkers President Leonard Woodcock and assigned it the task of seeking additional information from Vietnam and Laos. The Commission was to listen and report back on matters of interest to the governments of those countries.

The Woodcock Commission visited Laos and Cambodia in March 1977. In both countries, the delegation received assurances of cooperation on POW/MIA matters, coupled with expressions of interest in the possibility of economic aid. In Vietnam, the Commission received the remains of 12 U.S.C. airmen and was informed that a specialized office would be established by the government to receive information on missing Americans.

The Woodcock Commission recommended the resumption of regular talks between the U.S. and North Vietnam, and encouraged the normalization of diplomatic relations as a means for obtaining a fuller accounting of missing Americans.

In May 1977, U.S. and Vietnamese representatives held two days of talks in Paris, during which the U.S. offered to normalize relations without any conditions. The Vietnamese refused, arguing that normalization of relations should be contingent on the payment of U.S. reconstruction aid.

In July 1977, Vietnam joined the United Nations with U.S. support.

In 1978, Vietnamese officials met with JCRC officials in Hawaii as part of a general move toward better relations. Apparently because the Carter Administration appeared intent on improving relations with Vietnam, Vietnam repatriated more than 40 sets of remains during the Administration's first two years.

The Carter Administration scrapped further consideration of improved relations with Vietnam following its invasion of Cambodia in late 1978. This brought progress in obtaining an accounting for missing Americans to an abrupt halt. Meanwhile, continued violence in the region accelerated the exodus of refugees, and with them, reports that American prisoners had been seen alive in Southeast Asia after the war.

Reagan administration initiatives (1982–1987)

In 1982, the Reagan Administration began to revive efforts to account for missing. In February 1982, Deputy Assistant Secretary of Defense Richard Armitage led a delegation to Hanoi for POW/MIA discussions with a Vietnamese delegation headed by Deputy Foreign Minister Dinh Ngo Liem.

In the course of these discussions, Vietnam agreed to further technical meetings among officials of the JCRC and Central Identification Laboratory in Hawaii (CIL–HI) and personnel from Vietnam's Office for Seeking Missing Persons (VNOSMP). Vietnam further agreed to consider four such meetings a year, and to dispatch a working-level team to JCRC/CIL–HI. Lastly, Vietnam agreed to consider a U.S. proposal to begin joint U.S./Vietnam crash-site searches for information about missing Americans.

In September 1982, a delegation from the National League of Families visited Hanoi. The delegation, led by the League's Chairman, George Brooks, gained an agreement from Vietnam to hold four government-to-government technical meetings a year on POW/MIA questions.

Four sets of remains were repatriated by Vietnam and identified as those of Americans in 1982.

In July 1983, Vietnam suspended technical meetings in reaction to what Hanoi termed "hostile statements" by senior U.S. officials. This was a reference to Secretary of State George Shultz' comments at an ASEAN meeting in Bangkok that Vietnam was holding more than 400 sets of U.S. remains.

In October 1983, Dr. Richard Childress, the National Security Council's Director for Asian Affairs, and the League's Executive Director, Ann Mills Griffiths met in New York with Vietnam's Foreign Minister, Nguyen Co Thach. In the course of the ensuing informal discussions, Thach agreed that Vietnam's cooperation on POW/MIA questions would be undertaken on a humanitarian basis and would not be linked to diplomatic or economic considerations. He further agreed to receive a senior U.S. delegation in Hanoi to discussion expanding U.S./Vietnamese cooperation to resolve the POW/MIA issue.

Eight sets of remains were repatriated by Vietnam and identified as American in 1983.

In January 1984, the following joint communique was issued by the Socialist Republic of Vietnam, the Lao People's Democratic Republic and the People's Republic of Kampuchea:

> With the spirit of friendship between the American people and the three Indochinese peoples which was strengthened in the struggle against the war of aggression waged by the U.S. leaders in Indochina, on the basis of humanitarianism, and understanding the American people, each country of Indochina will try to inform one another about the Americans missing during the war in Laos, Vietnam and Kampuchea.

A delegation led by Armitage traveled to Hanoi in February 1984. Prior to the delegation's departure, Vietnam and the United States released the following statement:

> By mutual agreement, the governments of the United States and the Socialist Republic of Vietnam believe that the issue of Americans missing in Vietnam is a humanitarian one to be dealt with through mutual cooperation and good will.

Vietnam's commitment to treat the resolution of POW/MIA questions as a humanitarian issue appeared to allow the United States to pursue cooperation with Vietnam without having to deal constantly with the entanglements of economic aid and diplomatic recognition. This expressed lack of linkage has done a great deal since 1984 to facilitate our dialogue with Vietnam, even through Vietnam's call for "mutual cooperation and good will" carries with it an implication of anticipated progress in these and perhaps other areas.

The February 1984 delegation led by Richard Armitage obtained a formal agreement from Vietnam to accelerate accounting efforts; to focus initial efforts on easily accessible discrepancy cases in the Hanoi/Haiphong area and on easily recoverable remains; to provide new information on several missing Americans; and to resume technical meetings in the near future.

Later in the year, Vietnam's cooperation as outlined in the February agreement stopped. Hanoi cited U.S. "hostile rhetoric" over Vietnam's continued occupation of Cambodia, and the sale of U.S. radar equipment to China as reasons for the setback.

In October, Childress again traveled to New York for meetings with Thach, who repeated Vietnam's promise to accelerate resolution of discrepancy cases in the Hanoi/Haiphong area. He further agreed to focus on resolving cases of Americans listed by the former Viet Cong as died in captivity; to send teams into the countryside to investigate first-hand live-sighting reports; and to continue Vietnam's overall commitment to resolve the POW/MIA issue as a humanitarian endeavor.

Six sets of remains were repatriated by Vietnam and identified as those of Americans in 1984.

Childress, Griffiths and Thach next met in New York in March 1985 to discuss a U.S. initiative to expand joint efforts in a comprehensive two-year plan. Thach promised his Government would consider the two-year plan. He also agreed to expand the number of technical meetings from four to six, or more if necessary; to expedite the return of remains promised in February to the U.S. technical team; and to reaffirm Vietnam's focus on Hanoi/Haiphong discrepancy cases.

Later that month the remains of six Americans were repatriated, including two Americans who were on the PRG list addressed in Thach's October 1984 commitment.

In July 1985, following discussions with Childress, Griffiths and Thach agreed to renew negotiations with senior U.S. officials with the intention of resolving the POW/MIA issue within two years.

Childress led a U.S. delegation to Hanoi in August 1985 for meetings with Acting Foreign Minister Vo Dong Giang. The U.S. proposed a comprehensive two-year work plan to resolve the issue, which included the establishment of a U.S. technical presence in Hanoi. The technical office was rejected by Hanoi because the U.S.

rejected Vietnam's proposal to open a reciprocal office in Washington. Vietnam offered a counter-proposal to the U.S. which included language unrelated to POW/MIA questions.

Both sides agreed to meet again in New York in September to resolve differences in the two-year plans. In those follow-up discussions, the U.S. accepted in principle Vietnam's unilateral, two-year plan with modifications. Vietnam agreed to conduct a joint crash site investigation, and pledged the repatriation of additional American remains. The U.S. noted that Vietnam's cooperation on POW/MIA questions would facilitate an improvement in relations following the achievement of a peace settlement in Cambodia.

In 1985, 38 sets of remains were repatriated by Vietnam and identified as those of Americans. This was the largest single turnover of remains since the end of the war.

In January 1986, Childress and Armitage led a delegation to Hanoi which included Assistant Secretary of State Paul Wolfowitz and Griffiths. Their meetings with Thach produced an agreement for cooperative, multiple field activities, and Vietnam's reaffirmation of its commitment to investigate live-sighting reports and to all earlier agreements.

Vietnam's failure to implement its previous agreements with the U.S. prompted another Childress-led delegation to New York in May 1986 to meet with Vietnam's Deputy Foreign Minister Hoang Bich Son, and a subsequent meeting in Hanoi with Thach in July 1986.

In New York, Childress received assurances that Vietnam would resume a schedule of technical level activities in keeping with prior commitments, and a promise that Vietnam would increase the personnel and other resources committed VNOSMP, Vietnam's MIA Office.

The July discussions in Hanoi produced the usual reaffirmations of accelerated cooperation and humanitarian purpose. Additionally, Vietnam undertook to:

Hold "very productive" technical level meetings in August and October;

Allow consultations between American and Vietnamese forensic specialists in Vietnam;

Provide in writing the results of its unilateral investigations of live sighting reports (few details of which had theretofore been provided to the U.S.);

Allow U.S. experts to accompany Vietnamese officials on investigations in accessible areas; discuss with the U.S. specific crash sites for joint excavation; and

Send another delegation to JCRC and CIL-HI.

By the fall of 1986, it had become abundantly clear to the U.S. that Vietnam's agreements and reaffirmations did not translate into measurable action. U.S. appeals to Vietnam to match deeds with words were met with repeated assurances of Vietnam's good faith, but did little to produce the level of cooperation necessary to resolve the POW/MIA issue in the agreed-upon, two-year time frame.

In 1986, 13 sets of remains were repatriated by Vietnam and identified as those of Americans.

Gen. Vessey's contributions, 1987-1991

In April 1987, after months of internal discussion, the Reagan Administration attempted to overcome the prevailing absence of meaningful Vietnamese cooperation on POW/MIA questions by appointing General John W. Vessey to be the President's Special Emissary to Vietnam for POW/MIA Affairs.

Vessey retired after serving 46 years; his last post was as the Chairman of the Joint Chiefs of Staff. He returned from retirement at President Reagan's request and was awarded the Presidential Medal of Freedom in 1992 for his efforts on behalf of unaccounted-for servicemen.

Childress led a U.S. delegation to Hanoi in May 1987 to elicit Vietnam's agreement to receive the President's emissary. After difficult negotiations, and a recitation of Hanoi's grievances with the United States, Vietnam agreed to accept General Vessey.

As described by Vessey, President Reagan's instructions were to negotiate with the Vietnamese to establish a mechanism with which to pursue the fullest possible accounting of missing Americans. The first priority was to ascertain whether any Americans remained in captivity in Southeast Asia.

The President added to Vessey's portfolio three humanitarian objectives: the release of former South Vietnamese political and military officials from so-called "re-education camps"; the implementation of the Orderly Departure Program to reunite Vietnamese with their families in the United States and to gaining permissions for the emigration of Amerasian children to the United States. Vessey also was authorized by the President to consider Vietnam's humanitarian concerns and to recommend limited U.S. initiatives to address some of those concerns.

Due to the dedication and skill of Vessey, enormous progress has been made toward these objectives. Today, the re-education camps are empty, the Orderly Departure Program is approaching its successful completion, and there is a mechanism in place in Vietnam which should ultimately provide the United States with the necessary information to achieve the fullest possible accounting for our missing men.

Vessey's first mission to Vietnam occurred in August 1987. The first priority of his discussions with Thach was to extract a recognition from the Vietnamese of discrepancy cases was required thorough investigation of discrepancy cases was required if the U.S. was to accept Vietnam's assurances that it held no American prisoners.

Vessey succeeded in gaining Vietnam's acceptance of the view that resolving discrepancy cases was essential to the accounting process. His initial negotiations with Thach produced Vietnam's agreement to renew cooperation on POW/MIA questions by focusing on discrepancy cases and on those cases of Americans who were listed as having died in captivity in the South.

It was further agreed that the focus of discrepancy case investigations would be on 70 cases which Vessey termed "most compelling." Vietnam agreed to specific measures to accelerate progress toward accounting for our missing, and to subsequent meetings of U.S. and Vietnamese experts to facilitate this progress.

Additionally, both the U.S. and Vietnam affirmed that cooperation on POW/MIA and on other humanitarian issues would be pursued separately from other bilateral matters. The U.S. agreed to address certain humanitarian concerns of Vietnam, and to send a team of experts to Vietnam to collect information such as prosthetics requirements and capabilities on the problems of Vietnam's disabled.

In September 1987, Vessey led a delegation to New York for followup discussions with Vietnam's Deputy Foreign Minister Nguyen Dy Nien. Vietnam's cooperation still lagged behind its formal assurances, and in December Childress traveled to New York to meet with members of Vietnam's delegation to the United Nations to urge more rapid cooperation. Vietnam agreed to hold technical talks in January 1988.

In 1987, 8 sets of remains were repatriated by Vietnam and identified as those of Americans.

Vessey met again with Minister Thach in New York in June 1988. Along with promises to accelerate cooperation and reaffirmations of earlier agreements, Thach agreed in principle to permit joint field surveys and excavations.

In the following months, Vietnam's cooperation with U.S. efforts improved substantially. Joint field operations were increased, and a large number of remains were repatriated.

In 1988, 62 sets of remains were repatriated by Vietnam and identified as those of Americans.

After reappointment by President Bush as Special Emissary, Vessey led a delegation to Hanoi in October 1989. In addition to seeking expanded joint field operations, Vessey's negotiations prioritized the United States' need for information from Vietnam's war archives.

Thach agreed in the October discussions to search for additional data regarding discrepancy cases, and to accept for investigation new discrepancy cases, including those involving Americans who were lost in areas of Laos controlled by North Vietnam during the war. Additionally, Thach agreed to expand cooperation in the field, recognizing the U.S. need for specific data and access to eyewitnesses.

Vietnam's familiar reluctance to implement its public and private assurances with the agreed-upon actions prompted a December 1989 meeting between Deputy Assistant Secretary of State David Lambertson and Vietnam's U.N. Ambassador Trinh Xuan Lang, during which Lang reaffirmed Vietnam's promise to increase cooperation.

In 1989, 33 sets of remains were repatriated by Vietnam and identified as those of Americans.

In September 1990, Vessey and Assistant Secretary of State Richard Solomon met with Vietnam's Vice Foreign Minister Le Mai for discussions on Cambodia and the need to resolve the POW/MIA issue.

Later that month, Secretary of State James A. Baker, III, met in New York with Foreign Minister Nguyen Co Thach. Baker stressed to Thach the importance the U.S. attached to resolving the POW/MIA issue and appealed to Thach for Vietnam's full implementation of the commitments it had undertaken on POW/MIA coopera-

tion, recognizing that once a Cambodian settlement was achieved, Hanoi's cooperation on POW/MIA questions would govern the speed with which the U.S. and Vietnam improved their relations.

The following month, Thach and his delegation came to Washington for discussions with Vessey. This was the first visit by a senior Vietnamese official since the war and was intended to symbolize the promise of improved relations portended by cooperation on the POW/MIA issue.

U.S. officials had long suspected that Vietnam's war-time records included substantial information about the fate of missing Americans. Accordingly, Vessey's efforts were increasingly focused on securing U.S. access to Vietnamese military archives which contained this information.

Vessey's discussions with Thach in Washington yielded Vietnam's agreement to form a joint research "information seeking" team with the U.S. to locate and make available Vietnamese historical documents which contained information relevant to POW/MIA cases.

Also during the Washington meeting, Vessey resurrected the U.S. proposal to establish a POW/MIA office in Hanoi. He stressed that the U.S. would have to be assured that a resident U.S. team in Hanoi would have sufficient work to justify its presence; this would include access to archival information.

Thach's interest in establishing a U.S. POW/MIA office in Hanoi was immediately apparent. Not only in discussions with Vessey, but in subsequent discussions with members of Congress and other interested American's Thach frequently stressed his desire that the office be opened quickly.

The question of an official U.S. presence in Hanoi had become more than a mechanism to hasten resolution of the POW/MIA issue. Thach, who was Vietnam's leading proponent of rapprochement with the U.S., perceived the opening of a U.S. POW/MIA office in Hanoi as evidence of progress toward normalization of relations.

Despite its Foreign Minister's interest, Vietnam did not move quickly to ensure U.S. confidence that its POW/MIA team would have the access to documentary evidence required. Progress stalled over Vietnam's insistence that U.S. access to military documents would compromise Vietnam's national security. Accordingly, only Vietnamese personnel would search the archives, after which they would share with the U.S. their summary notes of any information related to U.S. POW/MIA cases they discovered. This arrangement was not satisfactory to the U.S.

In 1990, 17 sets of remains were repatriated by Vietnam and identified as those of Americans.

1991: The pace of activity quickens

In April 1991, Senator John McCain traveled to Vietnam for meetings with President Do Muoi and Foreign Minister Thach in an effort to advance the establishment of a U.S. POW/MIA office there. McCain sought Vietnam's agreement to allow U.S. investigators the kind of access to archival information which would meet both Vietnamese and U.S. concerns. McCain was also authorized by the Bush Administration to discuss in general terms a forthcoming

U.S. proposal for bilateral cooperation leading to the full normalization of relations, which came to be referred to informally as the "Road Map."

Thach was initially reluctant to modify Vietnamese strictures on access to their archives, but near the end of their discussions Thach asked McCain to offer his assurances to Vessey that American investigators would be granted the level of access that the U.S. had requested.

In April 1991, Assistant Secretary of State Solomon outlined to U.N. Ambassador Lang the United States' road-map proposal for improved relations. In general terms, the Road Map provides in four phases for the normalization of economic and diplomatic relations between the United States and Vietnam conditioned on Vietnam's cooperation in the achievement and implementation of a settlement to the Cambodian civil war and the fullest possible accounting of American POW/MIAs.[555]

Vietnam never formally accepted nor rejected this outline of reciprocal steps toward full normalization of relations, although Vietnamese officials have often expressed resentment at its terms. Nevertheless, Vietnam appears to recognize that U.S. terms for normalization are unlikely to be improved (from their perspective).

Since the Road Map proposal was put forward, Vietnam has fully met the standard of cooperation requested with respect to the peace plan in Cambodia. Although serious problems exist with respect to the implementation of that plan, the responsibility for these problems does not rest with Vietnam.

Vietnam's cooperation on the POW/MIA issue over the last 20 months is not as satisfactory as its constructive cooperation in the Cambodia settlement. However, when judged as a whole, the steps Hanoi has taken since April 1991 depict dramatic albeit irregular, progress in joint efforts to account for missing Americans.

Unfortunately, the number of Americans accounted for has fallen dramatically during the same period. The impetus for Vietnam's cooperation has come from several sources. Vessey has provided the Vietnamese with a respected and influential contact with the U.S. government.

The Bush Administration's Road Map establishes a clear linkage between increasing levels of Vietnamese cooperation and American responses.

The disintegration of the Soviet empire has deprived Vietnam of many external sources of economic assistance and political comfort. Vietnam's relations with China, which have been tense traditionally, have worsened over territorial disputes. With its Soviet allies gone, Vietnam now lacks a counterweight to Chinese influence.

The rapid economic growth of other Southeast Asian nations has given younger Vietnamese leaders a strong incentive to establish their own contacts with the West.

The formation of the Select Committee has demonstrated anew the high priority attached to POW/MIA issue by the American people and Government.

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[555] The road map remains classified. Vietnam has released it.

Obviously, the Committee does not know precisely how all of these matters have been factored into the calculations of the Vietnamese Government, but the overall trends offer hope for better cooperation on POW/MIA issues.

Shortly after Solomon discussed the Road Map with Lang, Vessey led another U.S. delegation to Hanoi. In the course of their discussions, Thach reiterated Vietnam's humanitarian purpose: an implicit, though not formal, rejection of the Road Map's linkage of normalization to POW/MIA accounting.

The most important accomplishment of the April 1991 Vessey trip was an agreement to establish a U.S. POW/MIA office in Hanoi. Although the office was originally intended to be temporary, it remains in full operation today, staffed by the Joint Task Force-Full Accounting (JTF-FA). The office, informally referred to as the "Ranch," coordinates archival research, helps to plan field investigations, and serves as a base of operations for live-sighting investigations.

Although establishment of the Ranch was a step forward in U.S.-Vietnamese cooperation, U.S. investigators did not gain promised access to archival information on a timely or regular basis for many months. In July 1991, prospects for further cooperation appeared to suffer a setback when Thach was relieved of his ministerial portfolio and his seat in the Politburo. As previously observed, Thach was considered to be Vietnam's leading senior advocate of better relations with the U.S. His removal was seen by some observers to be at least partly attributable to dissatisfaction inside the Politburo with the pace of progress toward lifting the U.S. trade embargo against Vietnam.

In August 1991, Vietnam's Vice Foreign Minister Le Mai met with Solomon in Bangkok. Mai argued that Vietnam and the U.S. had resolved already the discrepancy cases, presumably clearing the way for rapid progress towards normal relations. Solomon responded by suggesting that greater progress on these cases was still expected by the U.S.

In September 1991, the United States announced a grant of $1.3 million to assist the war-disabled in Vietnam.

In October 1991, Vessey returned to Hanoi for a meeting with the newly-appointed Prime Minister, Vo Van Kiet, and newly-appointed Foreign Minister, Nguyen Manh Cam. During the meeting, the Prime Minister pledged "unconditional cooperation" to resolve the POW/MIA issue, which gave U.S. officials encouragement that Vietnam had not forsaken such cooperation in the new internal political environment in Hanoi.

Also in October, Secretary Baker announced that the U.S. was prepared to take some steps toward normalization with Vietnam in light of Vietnam's support for the Cambodia peace plan. In December, the U.S. Government lifted its ban on organized travel to Vietnam by Americans and began implementing other steps within Phase I of the Road Map.

About this time, U.S. investigators in Vietnam received part of an 84-page military record documenting U.S. air losses in Military Region Four. The U.S. made frequent appeals for the rest of this valuable document. Vietnamese officials assured the U.S. that they would turn over the complete document, but did not do so.

In 1991, three sets of remains were repatriated by Vietnam and identified as those of Americans.

1992: Administration and committee efforts to encourage cooperation

The Select Committee has worked closely with the Executive Branch, and especially with Vessey, to encourage greater cooperation from Vietnam and the other countries of Southeast Asia. During 1992, a series of high-level U.S. delegations traveled to the region for the purpose of demonstrating American interest and conveying specific U.S. requests. The continuing series of visits helped greatly to maintain diplomatic pressure on the governments of the area and to see that assurances given one month were followed up the next.

In January 1992, General Vessey lead a military delegation to Hanoi for meetings with Foreign Minister Cam, and for the first time with Defense Minister Doan Khue. Additional meetings were held with vice ministers of the Interior and Defense ministries.

The mission's primary objectives were to achieve access to archival information consistent with past Vietnamese assurances by securing Vietnamese permission to field multiple U.S. teams of archival researchers, and to establish a credible way to conduct live-sighting investigations on short notice.

The results of the January mission were disappointing, with one exception: the long-delayed release by Vietnam to the U.S. of the remainder of the 84-page anti-aircraft battery record of Military Region Four. However, the Vietnamese were unwilling to accede to U.S. requests for a live-sighting investigation agreement and a formalized structure for archival research.

According to senior members of the delegation, Vietnamese negotiators all seemed to speak from the same list of talking points. They agreed only to establish a point of contact to coordinate with the U.S. on live-sighting investigations; to strengthen existing measures for acquiring documentary information about POW/MIAs; and to reconsider U.S. requests at a later meeting.

Shortly after the Vessey delegation returned, the U.S. began considering a higher profile delegation to Hanoi as a means of encouraging Vietnam to accept Vessey's proposals for live sighting investigations and archival research. In March, a delegation headed by Solomon traveled to Hanoi.

The Solomon delegation found a much different attitude prevailing in Hanoi than that which Vessey had encountered in January. The causes for Hanoi's change of heart are open to speculation; all that can be said with certainty is that, with surprising ease, the Solomon delegation was able to conclude agreements on the aforementioned proposals. The U.S. now had a very specific commitment on short-notices, live-sighting investigations, and a detailed plan to provide the U.S. with access to Vietnam's war archives.

One month later in April 1992, the Select Committee would test the sincerity of Vietnam's commitments to Solomon, and, in some areas, expand those commitments.

April 1992: Select committee delegation

On April 16, five members of the Select Committee—Senators Kerry, Smith, Robb, Brown and Grassley—embarked on a ten-day mission to Southeast Asia. Members of the delegation spent three days in Vietnam. Their purpose was twofold: first, to obtain the necessary assurances of cooperation from senior Vietnamese leaders; and, second, to ensure that those guarantees of access would be carried out.

The Senate delegation's stay in Vietnam demonstrated both the significant progress that had been made on the POW/MIA issue as well as the formidable obstacles which still remained to obtaining the fullest possible accounting for the 1,655 servicemen lost in or over Vietnam. The senators arrived in Hanoi on April 21, shortly after 58 JTF-FA and CIL-HI crash-site and live-sighting investigators had arrived for the nineteenth "joint iteration" and had divided into five teams to conduct 30 days of excavations and investigations in seven northern and central provinces in Vietnam.

Meetings in Hanoi

During meetings with numerous senior Vietnamese officials in Hanoi, the Senate delegated received assurances of continued cooperation on the POW/MIA issue. Initial meetings on April 21 with Foreign Minister Cam and Defense Minister Khue, while promising in tone, did not yield specific plans to advance Vietnamese cooperation. Both ministers adamantly reasserted that there were no American prisoners of war in captivity or living freely in Vietnam.

The senators repeatedly emphasized the importance of immediate access to areas of live-sighting reports, access to war-time archives and officials, better logistical support for joint investigative teams, and a resolution of the issue of warehousing remains.

Senators also met with Interior Minister Bui Thien Ngo whose Ministry controls the Vietnamese prison system. Ngo promised cooperation in providing U.S. investigators access to prisons where Americans were alleged to be held after the Operation Homecoming.

Other meetings with VNOSMP officials focused on the procedural and administrative difficulties U.S. investigators encountered in attempting to conduct thorough live-sighting and crash-site investigations. The delegation also visited the Army war museum in Hanoi where flight gear of downed American pilots is displayed.

General Secretary Do Muoi's "breakthrough" guarantees

Of great significance was the delegation's meeting with Vietnamese Communist Party General Secretary Do Muoi and Interior Vice Minister Le Minh Huong, held on the morning of April 22. The senators received from the General Secretary direct guarantees that the delegation and JTF-FA personnel would have whatever access to places, persons and records they determined essential to resolving the POW/MIA issue in 1992. In fact, Do Muoi asked the delegation on three separate occasions to tell him exactly what the Select Committee expected from Vietnam to resolve the issue.

Do Muoi also agreed to grant U.S. investigative teams access to border sites in Laos through Vietnam if Lao officials agreed. And he steadfastly maintained that no American prisoners were kept after Operation Homecoming, and denied that Vietnam had ever warehoused American remains.

The use of U.S. helicopters in POW/MIA investigations was one concession which Do Muoi and other Vietnamese leaders were unwilling to make, citing the probable negative reaction of the Vietnamese people to the sight and sound of U.S. choppers as a reason for their refusal.

Inspection of Thanh Liet Prison

On April 21, the Senate delegation informed Vietnamese representatives that the senators wished to go to Thanh Liet prison located about 20 kilometers south of Hanoi in the Thanh Liet district. Thanh Liet had been the detention site for about 10 American POWs between 1968 and 1972, and had served as the location of three first-hand live-sighting reports of alleged American POWs since 1984. U.S. investigators had been denied permission to inspect Thanh Liet several weeks earlier.

On April 22, when the senators arrived at Thanh Liet Prison, their access initially was restricted by the camp commander to those areas where Americans were held during the war. Calls to the Foreign and Interior ministries by Vietnamese personnel accompanying the delegation won the delegation unrestricted access to all prison quarters.

Although the delegation found no evidence of Americans being held at Thanh Liet in recent years, their inspection of the prison established a precedent for the conduct of similar short-notice inspections by JTF-FA personnel.

Ho Chi Minh City, Da Nang, and Mekong Delta visits

On the morning of April 23, Senators Kerry and Smith flew to the Mekong Delta; Senator Brown flew to Da Nang; and Senator Grassley met with Vietnamese officials in Ho Chi Minh City.

Senator Grassley and Select Committee staff talked extensively to Bui Dac Cam, a Vietnamese official involved since 1975 in the search for American MIA remains. Cam acknowledged that it is a crime in Vietnam to file a false live-sighting report and attributed many of those reports to the rumors of a two-million dollars reward for a live American. The need for communication on live-sighting reports between Vietnamese and American live-sighting investigators was emphasized.

Grassley later met with former Vietnamese "re-education camp" inmates, most of whom had been interned in North Vietnam for many years after the fall of Saigon. Several of the men said they had seen Marine Private Robert Garwood working in a re-education camp in North Vietnam. None reported seeing or hearing of any other Americans in detention camps after the war.

During his visit to Da Nang, Brown met with the KGB station chief at the Russian Consulate in Da Nang. He had been in Vietnam since 1972, and despite hearsay reports he had received, he

was convinced that there were no Americans presently held prisoner in Vietnam.[556]

Senators Kerry and Smith flew by helicopter to three sensitive military areas in southern Vietnam to further test Vietnamese commitment to short-notice live-sighting investigations. The Senators touched down on Phu Quoc Island, an active naval base; Dong Tam, former headquarters of the U.S. 9th Infantry Division, and Can Tho, a former U.S. Cobra helicopter base.

At each site there was initial local resistance to the visit which in most cases was eventually overcome. The stops highlighted several of the procedural and administrative obstacles to be dealt with if U.S. investigations of live-sighting reports are to be effective and credible.

The Senate delegation's activities in Vietnam were successful in a number of respects. First, while Vietnamese leaders steadfastly denied holding any Americans after the war, they gave specific assurances that Lt. Col. John Donovan, Chief of JTF-FA for Vietnam, and his investigators would be given access to all the places, persons and records necessary to achieve the fullest possible accounting. The delegation identified particular individuals which the Vietnamese should make available, records they should produce and places they must provide access to for the Select Committee to report favorably on Vietnamese cooperation.

Second, Senators had put Vietnam's assurances to a vigorous test, particularly the short-notice, live-sighting investigations—more than previous delegations had attempted.

Third, the delegation identified some of the logistical problems which Vietnam must resolve to enable U.S. investigators to investigate live-sighting reports, examine crash sites and otherwise freely pursue evidence about the fate of our POW/MIAs.

Recent developments

In April, following the Senate delegation's return the Bush Administration took the next reciprocal steps on the Road Map by allowing the commercial sale of certain products required to meet basic human needs, by easing restrictions on American non-governmental and non-profit groups working in Vietnam, and by agreeing to the establishment of telecommunications links between the U.S. and Vietnam. These steps were followed shortly by permission for Vietnamese-Americans to make direct money transfers to relatives in Vietnam.

In July, the Select Committee's staff director, Frances Zwenig, traveled to Southeast Asia to meet with Vietnamese and Lao officials. The purposes of Zwenig's trip to Vietnam were to impress upon Vietnamese officials the urgency of completing all current live-sighting investigations and to explore the possibility of holding an informal U.S./Vietnam hearing to discuss the status of unre-

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[556] A few days earlier, the former number-two Soviet diplomat in Hanoi had described to the delegation a 1985 directive by the Soviet leader to the 9,500 Soviet advisers then in Vietnam. Seeking improved relations with the U.S., Mikhail Gorbachev had ordered all Soviet advisers to search for signs of living Americans—in captivity or living freely—in Vietnam. They found none, the diplomat said. It was the first time the extent of the Soviet presence was acknowledged.

solved discrepancy cases. Her visit to Vietnam coincided with JTF-FA Commander Maj. Gen. Thomas Needham's trip to the area.

Zwenig's discussions with Vice Foreign Minister Le Mai yielded Vietnam's agreement to an expedited schedule for investigations of prisons and military facilities on a priority list at DIA's detachment in Bangkok (Stony Beach). Further, Vietnam agreed to add a second investigator to its live-sighting team.

During this period, the U.S. was beginning to receive significant amounts of information from Vietnamese archives through the work of an American, Mr. Ted Schweitzer, who had been granted access to these records by the Government of Vietnam. Accordingly, on October 8, Acting Secretary of State Lawrence Eagleburger and Secretary of Defense Richard Cheney met with Vietnam's Foreign Minister Nguyen Man Cam, and the Director of the Americas Department, Le Bang, to discuss the information which the U.S. had been receiving and to work out an agreement to formalize U.S. access to this type of information.

Vietnam responded by inviting Vessey to Hanoi. Vessey departed for Hanoi on October 15; included in his delegation, at the request of President Bush, was Select Committee member Senator McCain.

McCain carried with him to Vietnam a letter from Chairman Kerry, encouraging and authorizing McCain's participation in the Vessey delegation.

The delegation arrived in Hanoi on October 17. In the first formal meeting on the following day, Vice Foreign Minister Le Mai led Vietnam's negotiators. Shortly before the meeting began, Vessey and McCain had an informal discussion with Mai, during which Mai indicated that the U.S. would receive the agreements we sought.

Progress in achieving U.S. objectives in the meeting proceeded so rapidly that the negotiations adjourned in considerably less time than anticipated by the delegation. Mai explained that the Government of Vietnam was currently collecting widely dispersed documentary evidence showing the fates of American POW/MIAs into Vietnam's military archives, where it would all be made available to U.S. investigators, and that Vietnam would sign an agreement to that effect before the delegation departed for the U.S.

Vessey then suggested that the delegations divide into teams to draft the formal agreement for access to this information and a memorandum of understanding detailing the mechanisms for that access. Deputy Assistant Secretary of State Ken Quinn led the team drafting the formal agreement, and Needham led the team to draft the memorandum of understanding. All U.S. personnel involved in the initial negotiations, and in the subsequent drafting sessions remarked on the relative ease with which the agreements were concluded.

The delegation departed Vietnam on October 19. Upon their return to the United States, Vessey and McCain characterized the agreements as a "breakthrough" that had established finally the mechanism through which the United States could receive the fullest possible accounting for our POW/MIAs. In a Rose Garden ceremony a few days later, President Bush also hailed the agreements as a "breakthrough."

A Senate delegation returned to Vietnam in November 1992 to follow up on Vessey's accomplishments of the month before and to push for further cooperation. The delegation's primary objectives were:

To accelerate the pace of joint American-Vietnamese investigations of live sighting reports;

To press for specific answers to questions raised by the most troubling of the remaining discrepancy cases;

To expand research capabilities within the archives of Vietnam's military museums;

To obtain access to Vietnamese veterans of the war, for the purpose of taking oral histories; and

To push for the repatriation of remains held by private individuals throughout Vietnam.

Senators Kerry, Daschle and Brown held three days of meetings in Hanoi with President Le Duc Anh, Foreign Minister Nguyen Manh Cam and other officials of the Defense and Foreign Ministries, including working-level officials of the VNOSMP. Kerry delivered a letter from President Bush to President Anh encouraging Vietnam to continue to increase its level of cooperation on the POW/MIA issue.

The delegation made great progress in the area of live-sighting investigations. As discussed in greater detail in Chapter 4, the members of the delegation personally conducted investigations of six high-priority live-sighting reports and won assurances that American officials stationed in Vietnam would be permitted to conduct investigations of all of the remaining priority live-sighting reports by Dec. 10, 1992.

The members of the delegation also asked the Vietnamese hard questions about specific discrepancy cases in which it appeared most likely that the Vietnamese could provide information. In two meetings with officials of VNOSMP, the Senators discussed the factual details of several discrepancy cases and learned of archival, anecdotal and other information known by the Vietnamese about the fat of unaccounted-for Americans. Similar meetings at the working level are to continue.

The delegation stressed the great importance that the United States places upon access to Vietnam's war archives. Photographs, documents, artifacts and other materials already have provided answers to questions which have lingered for more than 20 years in a small number of discrepancy cases, and the Committee expects that more answers will be forthcoming as U.S. officials gain access to the wealth of information that exists within Vietnam's archives. In response to delegation requests, the Vietnamese promised to open new archival research offices in Da Nang and Ho Chi Minh City, in addition to the office already open in Hanoi.

The delegation also sought and obtained a promise from the Vietnamese Government to make Vietnamese veterans of the war available to American investigators for the taking of oral histories. Both sides recognized that Vietnamese soldiers have an enormous amount of information about individual battles and other incidents which will complement archival information as it is uncovered. The Committee expects that oral histories obtained from Vietnam-

ese veterans will answer many outstanding questions about what happened to unaccounted-for servicemen.

Finally, the delegation pressed the Vietnamese on the subject of remains. The Vietnamese assured the Senators that the Government was not holding any American remains and promised to take actions to encourage private citizens who might be holding remains to turn them in for repatriation to the U.S.

Committee hearings

During its final public hearing, on Dec. 4, 1992, the Select Committee reviewed the status of progress in securing cooperation from Vietnam. Vessey testified that:

> That long-sought agreement to get at the Vietnamese war-time archival material puts in place what I believe to be the last piece of procedural machinery that we needed to get to the fullest possible accounting . . .
>
> I believe we now have in place the necessary agreements with the Vietnamese Government. We have correctly organized within our own Government. We have competent people working on the matter. But again I say there is a lot of work ahead. And a lot of cooperation will be required on both sides if we're to get the answers we seek.[557]

Needham, head of the JTF–FA, told the Committee that:

> In the last year, the cooperation in Vietnam has been steadily improving . . .
>
> Recently, with the visits of General Vessey and Senator McCain, and your Committee, there's been some dramatic improvements.
>
> I think the Vietnamese could still do more, but right now we see cooperation getting better and better every day at the central level. In the field level, cooperation is mixed. In some provinces, its better than others. In some areas, it depends on the central government team leader or the local officials as to whether it's up or down. We are still, across the board, seeing better improvement . . .[558]

A long-standing issue in U.S.-Vietnamese relations concerns the possibility that the Government of Vietnam has stockpiled the remains of American servicemen to be doled out at politically convenient times and, if so, whether that stockpile has by now been depleted. On this point, Vessey testified:

> . . . the number of remains that some people expect to be in storage is too high. It doesn't stand the sensibility check . . . we don't know whether they hold remains or not.[559]

Needham testified:

> I just don't know the answer on remains. I do know that there are many remains being held by private citizens and

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[557] Vessey testimony, Dec. 4, 1992
[558] Needham testimony, Dec. 4, 1992.
[559] Ibid.

I've addressed that with the Vietnamese, because it's against their law. They tell me that they are trying to find a way to solve that problem . . .

I also believe that there are some remains being held by the local district and village officials, all of this in hopes that there will be some monetary reward at some point.[560]

Mr. Garnett Bell, JTF-FA's negotiations assistance officer, testified:

There certainly was a warehouse in the Hanoi area at one time. The "mortician," I think, after he defected in 1979, he testified here in Congress that he processed some 452 remains. The Vietnamese were confronted with that information. They denied it. They indicated that they though the mortician was fabricating.

He (the mortician) actually provided about seven different items of information. I think six of those have been verified . . .

The Vietnamese, I believe, came to the conclusion that we were confident that the man was telling the truth. Since the mortician gave his testimony, they have returned to us approximately 450 remains.

Approximately 260-269 remains have now been identified, and that indicates to me (that) . . . they're telling us that we have given you those remains back and the warehouse here in Hanoi is empty.[561]

An important perspective on the issue of cooperation and accountability was presented to the Committee by Schweitzer, an individual who is now employed by the DoD and who played a major role in gaining U.S. access to Vietnam's military archives, where he had been working for more than a year first as a private researcher, compiling information for a book and then as a DoD consultant. Schweitzer said that a great deal of evidence and information concerning lost Americans is in the hands of private Vietnamese citizens, but that those citizens have lacked a strong incentive to come forward. In Schweitzer's opinion, Vietnamese citizens will be more likely to respond to appeals for information from the central government in Hanoi and from the U.S. if they see the U.S. beginning to act more favorably towards Vietnam.

Schweitzer also questioned the degree to which the central Government of Vietnam knows more than it has told the U.S. about the fate of missing Americans:

There were orders from Hanoi throughout the war that any American who was captured or any American who was killed, there was to be a complete report made and sent to Hanoi. But in the heat of battle in the war . . . a lot of times these reports just didn't get made. Sometimes they did get made and they didn't arrive in Hanoi . . . one specific case I was told about a report was made and then before the group taking the report back to Hanoi could get

[560] Ibid.
[561] Bell testimony, Dec. 4, 1992.

there, they were all killed in a bombing attack. So that report never made it.

Another case, a Navy flyer who was shot down, his airplane crashed in the sea. The Vietnamese went out with a boat and they actually pulled up the airplane, got it, got the pilot and buried him on the beach. The very next day, a bomb struck right on top of that pilot's grave where they buried him and absolutely nothing is left. Even though they had remains and pictures the remains are now completely unrecoverable. . . .

Schweitzer also had some provocative observations about the slowness in getting answers from Vietnam about some of our missing servicemen:

The methods employed by the U.S. side in searching for MIAs were basically unsound. The U.S. would provide the Vietnamese leadership with a list of names of missing Americans and expect the Vietnamese to come up with information on them. The Vietnamese leadership had no idea how to approach this problem. . . .

The Vietnamese archive system, such as it is, is not arranged by name, but rather by date and location of incident. Thus, if the U.S. side had requested a search of the Vietnamese archives by date and location of shootdown, many pilots would have been found, whereas a search by name would yield nothing . . .

Another factor delaying the process is the U.S. side's failure to show any interest whatsoever in Vietnam's own 300,000 MIAs . . .

Further, there is almost a religious resistance among the official and unofficial POW/MIA community and the U.S. against any serious scholarly research on dead MIAs . . . I personally spent tens of thousands of dollars, and nearly three years of my life, trying to get someone, anyone, to believe me that there was a mountain of information on dead Americans in Hanoi . . .

December 1992: Kerry-Smith trip

Senators Kerry and Smith returned to Hanoi on Dec. 17-18, 1992 for a final series of meetings with Vietnamese officials. The visit followed closely an announcement by President Bush that authorized American companies to open offices in Vietnam and to sign conditional contracts there; contracts would become effective upon the lifting of the economic embargo.

The delegation met in Hanoi with President Le Duc Anh, General Secretary Do Muoi, Foreign Minister Cam and several high-ranking officials of the general Political directorate of the Ministry of Defense. The purpose of the delegation's visit was to press the Vietnamese officials one final time to cooperate fully with U.S. efforts to resolve the POW/MIA issue by providing access to every source of POW/MIA-related information in Vietnam. The Vietnamese officials responded with promises of full cooperation and openness.

In a written memorandum presented to Senators Kerry and Smith at the conclusion of the visit, the Vietnamese officials described six new or expanded areas of cooperation, promising to:

Make available to U.S. investigators all POW/MIA-related documents, files and other information, including documents in the custody of the General Political Directorate of the Ministry of Defense, the successor to the Enemy Proselytizing Division and reputed to be Vietnam's most hard-line Communist bastion: its war-time archives include debriefing records of U.S. POWs and other documents which the Select Committee expects will shed light on the fates of many unaccounted-for servicemen. The Vietnamese also promised to U.S. investigators all POW/MIA-related information received from the possession of private citizens.

Search their files for information relating to the capture or loss of U.S. personnel along the Ho Chi Minh Trail and elsewhere in Laos and to coordinate this research with their Lao counterparts.

Strengthen the operations of the VNOSMP by adding senior personnel from other ministries of the government.

Grant amnesty for private citizens who turn in remains of U.S. servicemen. It is illegal in Vietnam for private citizens to hold remains, and Vietnamese officials believe that many private citizens who are holding remains have been reluctant to turn them in for fear of prosecution. The amnesty program is expected to result in the repatriation of many sets of remains.

Permit American "MIA families" and veterans to visit Vietnam to participate in the process of obtaining the fullest possible accounting.[562]

The Vietnamese also reaffirmed their on-going efforts to assist U.S. investigators in following up on all remaining unresolved live-sighting reports. By the end of December 1992, Vietnamese officials will have assisted in 65 live-sighting investigations in Vietnam.

Kerry and Smith both expressed satisfaction with the progress made on this final trip. All of these promises will require the cooperation of numerous officials at all levels of the Vietnamese Government, and many initiatives will take time to complete. If Vietnam's Government follows through on its assurances and provides access to all of the information and materials it has promised, there will be little more Vietnam could be asked to do to assist in accounting for missing Americans.

LAOS

U.S. efforts to obtain information from Lao authorities have been complicated by the facts that Laos was not a party to the Paris Peace Accords and the United States was not a party to the 1973 Laos cease-fire agreement that pledged all sides to return captive personnel. In addition, the DoD estimates that at least 75 percent of the Americans missing in Laos were lost in areas controlled at the time by North Vietnamese armed forces, generally in eastern Laos along the border with Vietnam and near the Ho Chi Minh

[562] Memorandum, Dec. 18, 1992

Trail. Although the quality of information and record-keeping in Laos is low, there is reason to believe that North Vietnamese military were instructed to recover and record all they could about downed U.S. aircraft. Thus, efforts to account for these Americans require a tri-lateral effort, involving not only the U.S. and Laos, but Vietnam, as well.

The current leaders of Laos, who are successors to the Pathet Lao guerrillas who contended for power during the war, may have some information concerning missing Americans that they have not yet shared. In general, Lao leaders have been far more reluctant than the Vietnamese to grant U.S. access to their territory to conduct live-sighting investigations and inspect crash sights. The atmosphere has improved in recent months, however, and negotiations are on-going for the establishment of a permanent POW/MIA investigation office in Vientiane, the capital.

During the Senate delegation's trip to Southeast Asia in November 1992, Senators Kerry and Daschle flew to Vientiane for meetings with Foreign Minister Phoun Sipaseuth and Vice Foreign Minister Soubanh Srithirath. The Senators reported to the Lao officials on the agreements that had been made in Vietnam and pressed the Lao officials to show a similar level of cooperation. Specifically, they asked Laos:

To permit the U.S. to have a full-time, live-sighting investigator stationed in Laos,

To permit U.S. crash and grave-site investigation teams to use Lao-Americans as translators during their investigations,

To open the Laos Government's archives to U.S. investigators,

To loosen restrictions imposed on U.S. investigative teams operating in Laos.

During the Committee's public hearing Dec. 4, 1992, Vessey testified:

> Personally, I think more answers are deserved from the present Laotian Government than we are getting. I think that they need to be continually pressured for more answers.
>
> Secondly, there's another good reason that the accounting will not be as good from Laos as it was or as it is likely to be from Vietnam. You've flown over the area. It's very rugged terrain, but the other thing is it is very sparsely populated. Compared to Vietnam, which is quite heavily populated, Laos is very sparsely populated. The second thing is that Laos is not as homogeneous a nation as is Vietnam. It's tribal ethnic groups that are split up in various places, the communication during war-time was miserable, and I doubt that it's much better today.
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> All that contributes to it, but I think more answers are deserved.[563]

Later, Bill Gadoury, a casualty officer working at Stony Beach, testified:

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[563] Vessey testimony, Dec. 4, 1992.

> . . . starting in 1985, I personally have seen a dramatic change in the level of cooperation that we get in the field . . . certainly it's not anywhere near where we'd like to have it in terms of being able to field multiple teams and things of that nature, but just recalling back to my first field operations in Laos, just to show the contrast of where we were then and where we are now . . .
>
> In February of 1986, we went on our first excavation in Savannakhet Province. And our team went into Savannakhet . . . and we had to spend the night because the landing site wasn't prepared. We were put up in a hotel. They put armed guards outside the door and they advised us not to go walking around.
>
> More recently, on the operation I came back from a few weeks ago, we were given pretty much unlimited access in the area . . . to address the cases that we had agreed upon before going out to the field. The Lao were very cooperative . . . [564]

The Committee believes that, in general, cooperation from Laos has been disappointing over the years. Moreover, the Committee notes that the Laos Government has permitted only a handful of live-sighting investigations in the field and to date, U.S. investigators have not visited any detention camps in Laos. The Committee concurs with Gen. Vessey that more answers are deserved.

CAMBODIA

Cambodia was not a party to the Paris Peace Accords and no separate agreement on repatriation was reached in the aftermath of the war. The recovery of American POWs or remains in Cambodia was made virtually impossible after 1975, when the Khmer Rouge seized power and embarked on a bloody reign of terror directed at Cambodians and foreigners alike that left a million people—out of a total population of seven million—dead. Throughout much of the past 20 years, the U.S. has had either difficult or non-existent diplomatic contacts with the Cambodian Government. The years of struggle and chaos leave little hope that documents or records have survived that would reveal additional information about U.S. personnel.

As in Laos, however, most of the Americans unaccounted for in Cambodia were lost near the border with Vietnam in areas where North Vietnamese forces dominated. Thus, the best potential sources of documentary information concerning those lost in Cambodia may be in Hanoi, not in Phnom Penh.

The present government of war-ravaged Cambodia cannot be expected to possess documentary information relevant to the fate of missing American servicemen. Although the government has expressed its willingness to cooperate fully with the U.S. in efforts to resolve discrepancy cases, and has taken nearly every step requested by U.S. investigators—including granting permission to fly U.S. helicopters around the country—the Government is unable to guarantee security in areas controlled by Khmer Rouge guerrillas.

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[564] Gadoury testimony, Dec. 4, 1992

CHAPTER 9: INFORMATION FROM RUSSIA, NORTH KOREA AND CHINA

BACKGROUND

The Committee's mandate from the Senate encompassed a review of the fate of Americans still listed as missing from World War II, the Korean War and the Cold War.[565] Accordingly, the Committee has conducted and investigation of reports that unacknowledged U.S. prisoners had been held by Soviet, Chinese and North Korean officials during and after one or more of these conflicts, and that U.S. prisoners might have been transferred to the Soviet Union during the war in Vietnam.

U.S.-Russia Joint Commission on POW/MIA Affairs

The disintegration of the former Soviet Union and the establishment of a democratic government in Russia have created new possibilities for investigating reports concerning U.S. POWs. In mid-February, 1992, Sen. John Kerry and Sen. Bob Smith met with Russian officials in Moscow to discuss the prospects for cooperation on this issue. This visit laid the groundwork for the creation on March 26, 1992 of the U.S.-Russian Joint Commission for POW/MIA Affairs (Commission) under the leadership of Col. Dmitri Volkogonov and former U.S. Ambassador of the Soviet Union, Malcolm Toon. Sen. Kerry and Sen. Smith were designated as representatives of the U.S. Senate and the Commission.

The objectives of the Commission are (1) to obtain access to people and documents in Russia that could shed light on the fate of U.S. servicemen missing from World War II, and Cold War, the Korean War and the war in Vietnam; (2) to pursue all reports alleging the presence of U.S. POW/MIAs in the former Soviet Union and assist in facilitating their repatriation if they desire; and (3) to establish a mechanism by which remains identified as American can be returned to the United States.

A full description of the activities of the Commission may be found in Section 3 of this Chapter.

Task Force Russia

An organization had to be created to convert the Commission's policy objectives into action. The Secretary of Defense directed the Secretary of the Army to form such an organization. The Army recalled from retirement Maj. Gen. Bernard Loeffke to be the director, Task Force Russia (TFR); the deputy director is Col. Stuart Herrington, USA, a career intelligence officer.

The responsibilities of the Task Force are to acquire and analyze data provided by the Commission. In Moscow, archivists, historians, and an interpreter were assigned to pursue leads concerning U.S. POWs through interviews and access to archival records. Staff in Washington, DC were assigned to translate, analyze and compare the new information with information in existing U.S. databases, and to assess its value and reliability before releasing it to family

[565] In this chapter, the term "POW" is sometimes used to include American airmen downed in the former Soviet Union during the Cold War.

members through DOD casualty affairs offices. In all, Task Force Russia has a staff of 35 persons, including seven in Moscow.

The close coordination between the committee and the U.S. Delegation to the Commission was enhanced through the direct liaison established between the Committee staff and TFR resulting from the assignment of a Committee investigator, Al Graham, to the Task Force element in Moscow.

A more detailed description of the organization and activities of Task Force Russia may be found in Section 3 of this Chapter.

Investigation in progress

While substantial progress has been made, the investigation remains incomplete. The reasons for this include the relatively brief duration of the life of the Committee; the voluminous nature of the materials stored in Russia; logistical impediments to reviewing materials held abroad; and limited cooperation on the part of individual officers in Russia assigned to work with the Commission and the Committee.

The difficulty in reaching a firm judgment based on current information is illustrated by the present status of data regarding the 8,177 Americans still listed as missing from the Korean War. Of that number, the U.S. Government has information that 2,177 people died in POW camps; 293 were missing in action at sea; 412 died in aircraft incidents over North Korea; approximately 300 were buried in abandoned graves in United Nations cemeteries in North Korea; and another 576 were buried in isolated, unidentified graves. This leaves more than 4,600 soldiers who did not return who could be, as RAND researcher Paul Cole put it, "anywhere [in North Korea] . . . literally, anywhere." [566] Further complicating the arithmetic is the uncorroborated testimony of Lieutenant Colonel Phillip Corso, who was posted at the National Security Council during the Eisenhower Administration, that at least 900 U.S. POWs were taken to the Soviet Union from North Korea.[567]

Although firm conclusions remain elusive, some progress on the issue of U.S. POWs in the former Soviet Union has been made.

Russian President Boris Yeltsin has stated that some Americans were imprisoned in the former Soviet Union after World War II, that a small number of U.S. prisoners were interrogated by the Soviets during the Korean War, and that approximately a dozen U.S. airmen were captured and imprisoned during the Cold War period. The Russian Government has stated, however, that there are no Americans now being held in the former Soviet Union against their will.

Based on the research to date, the Committee cannot make definitive judgments that go beyond what the Russian Government has stated is the case. Reports alleging the transfer of prisoners to Soviet soil during the Korean and Vietnam conflicts remain under investigation, as do the specific circumstances of Cold War shootdowns. Large quantities of archival material remain to be examined; and many potential sources of first-hand information have not yet been interviewed.

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[566] Senate Select Committee hearings, November 10, 1992.
[567] Committee hearings, 11/11/92.

The Committee recommends that the U.S. continue to attach a high priority to cooperation with the Russian Government in efforts to resolve the fate of missing Americans. Efforts to obtain cooperation from the Governments of China and North Korea should also continue.

COMMITTEE HEARINGS

The Committee held public hearings on this subject on November 10 and 11, 1992. The first day featured testimony from eight witnesses:

Alan C. Ptak, Deputy Assistant Secretary of Defense for POW/MIA Affairs;

Dr. Paul Cole, researcher for RAND corporation;

Capt. John P. Gay, USN, director of the Asia/Pacific Division, Joint Chiefs of Staff;

Lt. Col. Phillip Corso (USA, Ret.), of the National Security Council staff under President Eisenhower;

Serban Oprica, a former Rumanian engineer, now an American citizen, who served in North Korea;

Col. Delk Simpson, former U.S. military attache in Hong Kong; and

Steve Kiba, a POW from Korea held in China.

The second day of hearings, November 11, featured testimony from an additional twelve witnesses:

Richard Boylan, archivist at the National Archives;

James Sanders, co-author of Soldiers of Misfortune;

John M. G. Brown, author of Moscow Bound (unpublished manuscript);

Thomas Ashworth, researcher, author, and speaker on POW/MIA issues;

Col. Gen. Dmitri Volkogonov (ret.), military adviser to President Boris Yeltsin and Co-Chairman of the U.S.- Russian Joint Commission;

Richard D. Kauzlarich, Assistant Secretary of State for European and Canadian Affairs and member of the Joint Commission;

Gen. Bernard Loeffke, USA, director, Task Force Russia;

Albert Graham, the Committee investigator posted to Moscow;

Dolores Alfond, the chairperson for the National Alliance of Families;

Robert Duams, the brother of a soldier lost in Korea;

Bruce W. Sanderson, whose father was lost in a Cold War shootdown;

Jane Reynolds Howard, whose husband suffered a similar fate; and

Gregg Skavinski, the nephew of Master Sergeant William R. Homer, a member of the crew of a USAF RB 29 shot down by a Soviet Air Force MIG-15 over the Sea of Japan in 1952.

These witnesses provided the Committee with a wide spectrum of sometimes irreconcilable viewpoints concerning Americans missing from World War II, the Cold War, Korea and Indochina, and on Soviet involvement with American POWs in these conflicts.

Testimony of General Dmitri Volkogonov

On November 11, 1992, the Committee received testimony from Gen. Dmitri Volkogonov, retired, military adviser to Russian President Boris Yeltsin and co-chairman of the Commission.

Gen. Volkogonov made a preliminary statement which noted that while all Soviet leaders from Khrushchev to Gorbachev said that this problem did not exist, the new democratic government of Russia has said that the problem of U.S. POWs in Russia did exist and continues to exist today. Gen. Volkogonow stated that he had spoken with President Yeltsin on the eve of his departure for Washington, and that President Yeltsin wished to present the Committee with a statement. That statement follows:

> The intergovernmental commission established by decision of the U.S. and Russian presidents for the purpose of determining the fate of American citizens missing in action in World War II and later is evidence of the new nature of Russian-U.S. relations. The commission is headed by Colonel General Volkogonov and Ambassador Toon.
>
> Over a short period of time the commission has done a great deal of work in studying Russia's enormous state and agency archives, including those that had been closed to the public until recently, from the ministry of security, the ministry of defense, the foreign intelligence service, the ministry of internal affairs, the foreign ministry, and military intelligence.
>
> It has questioned dozens of participants and witnesses of the events involving American citizens on the territory of the former USSR. During the plenary meetings held in March, May, and September of this year, the U.S. side was given documents on American citizens who found themselves on the territory of the former USSR in World War II and the Cold War period, and some documents that contained information on several U.S. citizens who had been taken prisoner during the Korean and Vietnam Wars.
>
> The commission has found evidence of American citizens staying in camps and prisons of the former USSR, and discovered shocking facts of some of them being summarily executed by the Stalin regime and in a number of cases being forced to renounce their U.S. citizenship. Some of them still reside on the territory of the former Soviet Union. Their names and addresses have been identified and communicated to the U.S. side.
>
> A number of former U.S. citizens have stayed in Russia voluntarily after World War II and still reside here. Of course, in a democratic Russia they have the right to decide about their lives themselves, all their rights are fully guaranteed.
>
> As a result of the work done, one may conclude that today there are no American citizens held against their will on the territory of Russia. However, all the questions have not been fully answered. There are cases that still require additional examination. For my part, as Russia's

president, I express the hope that the Joint Russian-American Commission will continue its work and that it will be able to find answers to the outstanding questions.

Gen. Volkogonov stated his desire to make three essential points. First, the Russians fully understand the moral significance of the possibility that Americans might still be living on the territory of the former Soviet Union. Second, the issue is of significance in Russia because for many decades, human lives and individuals were considered nothing more than statistical data in the Soviet Union. Accordingly, the search to determine the fact of Americans missing in action in the former Soviet Union is an example to the Russians of how the government needs to be concerned with the fate of individuals, and thus the issue has enormous humanitarian, moral and legal significance for Russia. Third, conditions in Russia are difficult, and the issue of whether or not reform will continue in Russia remains under very great doubt. Therefore, the U.S. should recognize the significance of the fact that the Russian government and President Yeltsin are paying such close attention to the issue.

In his written statement, Gen. Volkogonov described the conclusions of the investigations conducted by the Joint Commission to date:

1. No U.S. citizens are currently being detained within the territory of the former USSR. The conclusion is based on a thorough analysis of all archival documents, interviews with witnesses, and on-site inspections of possible American housing sites.

2. A group of Americans is living in Russia as either political refugees from the USSR period or individuals voluntarily remaining in Russia. A list of these individuals as well as their addresses, and an agreement to meet with representatives of the American contingent of the Commission have been obtained and the Russian side is prepared to provide this list. In addition, one American, Marcus Lee, a Florida businessman, was arrested in Moscow in the spring of 1992 and is currently being detained at Lefortovo prison, charged with attempted export of contraband icons.

3. Thousands of American citizens traveled overland across the former USSR beginning with the Second World War. The majority of these were Americans liberated by the Red Army from Nazi camps and subsequently repatriated (22,454). The second major group consisted of American pilots forced to land within the USSR and interned here (730). There were also several dozen individuals who were detained in Germany, in Austria, in the USSR and other socialist nations for "espionage" as well as a few pilots from American aircraft shot down over the USSR. The Commission has succeeded in accounting for virtually all of these individuals. The Russians are convinced that they are not presently located (with the exception of those who have died) within the territory of the USSR.

4. The Russians were successful in identifying the burial sites of virtually all U.S. citizens who died in the USSR

during the Second World War, with the exception of a few who died en route to or in prison-of-war camps or those buried in mass graves. The Russians intend to continue their efforts to identify the remaining burial sites of U.S. citizens in these areas.

5. The Russians were less successful in obtaining information on U.S. citizens missing during the Vietnam or Korean Wars, events taking place outside the Soviet Union. Some documents were located concerning the Korean War, including information on the numbers of prisoner-of-war camps for Americans in Korea; their location; and, the number of prisoners housed in these camps. Some interrogation materials and fragmentary evidence on 71 American serviceman captured in Korea were found. Unfortunately, virtually nothing has been found to date on the Vietnam War located. The only documents concerning the Vietnam War to date relate to the fate of nine American deserters sent by the KGB to the USSR and on to neutral countries. The Russians have not been successful in recovering anything new or significant from conversations or eyewitnesses or participants in these events.

6. The Russians have appreciated the assistance of the U.S. side of the Commission for its willingness to provide assistance in searching for Russian prisoners and MIAs in Afghanistan. The Russians believe approximately 100 of them are still alive and that many of these are being held under inhumane conditions in prisons belonging to warring Afghani groups. The Russians, while appreciating the assistance offered to date, believe the U.S. could do more to assist in the liberation of Russian prisoners-of-war in Afghanistan.[568]

Gen. Volkogonov testified that the six Americans recorded as having been in captivity in the Soviet Union in 1954 were held in separate camps and classified as special prisoners. Each was arrested in Europe for espionage or intelligence activities on behalf of the United States. At the time, any foreign citizen who was detained was automatically charged with espionage, according to Gen. Volkogonov, whether or not there was any substance to the charge. With respect to the fates of the six prisoners, Gen. Volkogonov testified:

> . . . two people, Hopkins and Clifford . . . were held for eight years and subsequently shot. This is Mr. Ogins, who served eight years under an espionage sentence and then after his sentence expired he should have been released, but Abakumov, who was then Interior Minister, reported to Stalin that this was a person who had seen too much and proposed that he be liquidated, and Stalin gave the order allowing him to be executed . . .
>
> Three of them were given back, were released to American representatives in Berlin. Subsequently, two died, one

[568] Submitted for the record of the Select committee's hearing, 11/11/92.

took Soviet citizenship, and the fate of another is still unknown.[569]

Gen. Volkogonov provided to the Committee the names of Americans now living in Russia who are political refugees or voluntarily remaining in Russia. He also cited American citizens living in the former Soviet Union who were American citizens from childhood, but who ended up in the Soviet Union in the 1930's and were then forced to renounce their U.S. citizenship and become Soviet citizens. Many of these individuals passed through the prison camps and some died there. Some made their way back to the United States eventually. The Russians have identified five of these people now living in Russia, each of whom is elderly, and each of whom wishes to receive help in locating and contacting relatives in the United States.

Gen. Volkogonov also testified concerning the possibility that a secret camp exists or existed for American prisoners in Russia:

> If you had asked me that question before 1985, I would have allowed for the possibility that such a secret camp could have existed. However, since 1985, such large and dramatic changes have taken place in our country that I can no longer imagine that it would be possible for such incidents or events to be concealed . . .
>
> If there were a secret camp, or a jail, or even a single American held against his will secretly, we would know about it sooner or later. The moral climate in our country makes it, I believe, psychologically impossible for this information not to come to light.
>
> I believe we still find more information about the fate of Americans who were in the Soviet Union. We may find their graves or more information about their tragic fate. Not all the documents have yet been examined, but I can nearly exclude the possibility that we will find any live American being held in Russia against his or her will.[570]

In closing, Gen. Volkogonov stated that he believes joint efforts will be necessary for another three to six months to complete the process of determining the fates of all American citizens located within the former Soviet Union, including those who have emigrated and those who died. Gen Volkogonov also said that:

> It is possible that some may be disillusioned with the results of our efforts. However, we are convinced that we have done everything possible on this side to answer all questions submitted to us. You should also keep in mind that conducting this work is difficult while attempting to maintain the course of reform. The Government of Russia and President Yeltsin, personally, in spite of his severe work load and difficult problems, continue to devote enormous attention to this effort. President Yeltsin views the work of the Commission as a "test" of trust and willing-

[569] Select Committee hearing, 11/11/92.
[570] Select Committee hearing, 11/11/92.

ness to work together and to forget forever the times when we were enemies.[571]

Gen. Volkogonov's letter of December 17

The Committee received a letter from Gen. Volkogonov dated December 17, 1992. The letter includes the following:

> While working in the Presidential Archive, I made it a point to go through all documents which may have contained information on American POWs, including correspondence between Stalin and Mao Tse-tung, Kim Il-song and Chou En-lai, as well as correspondence with Soviet Ambassadors to Korea, China and Vietnam. These documents do not contain any evidence of American POWs being sent to the USSR.[572]

U.S. POWS AND KOREA

Official assessments

Defense Department efforts to analyze materials received by the Commission remain in progress. Gen. Loeffke told the Committee during his testimony that the effort to reach conclusions has been complicated by the official deceptions that characterize Soviet history:

> They have lied to us, and they have said openly that they have lied to us. So we know if you develop that historically, they did keep some in World War II, they did keep them in the shootdowns, because they've already said that, that they had them. So if you develop that line, you could go in and say that we believe that they did that in Korea also . . . [the Defense Department is] holding a very conservative view until we can come to some very hard facts . . . [But] it's all possible . . .[573]

The Russians have admitted that they interrogated U.S. POWs during the Korean War period. Testimony has differed, however, about whether the interrogations occurred in North Korea, near the Chinese border, or whether some occurred within the borders of the Soviet Union, as well. As Gen. Loeffke testified:

> Al Graham and I were questioning this Colonel, and at the end of an hour and a half I asked if I could record this on tape, and we did, and he on tape said yes, I interrogated American POWs in Russian uniform. And he did it more than once. And he said his colleagues did it, too . . . His latest version, it is in Korea. And in all fairness to the Russians, he was in the Far East, and he says the Khabarovsk area. (Khabarovsk being a Russian base in Russian territory) So the Khabarovsk area is larger than the city of Khabarovsk. So it could have been in defense of him saying another area just besides the city, but he did mention a specific base which is in Russian territory.[574]

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[571] Submitted for the record of the Select Committee's hearing, 11/11/92.
[572] Letter to Select Committee from Gen. Dmitri Vokogonov, Dec. 17, 1992.
[573] Select Committee hearing, 11/11/92.
[574] Select Committee hearing, 11/11/92.

Deputy Assistant Secretary of Defense Alan Ptak testified that, as of November, 1992, the Defense Department was still evaluating the information it had received concerning the possibility that some U.S. POWs may have been transferred to the Soviet Union or to China during the Korean War.

Assessment of Committee investigator

Beginning in May, 1992, Al Graham, a Committee investigator, was posted to Moscow to undertake interviews, archival research, and related investigatory work under the aegis of the Commission. During that time, he arranged for and conducted interviews with Russian officials, citizens, and retired officers who served in Southeast Asia and Korea. During the Select Committee's hearing on November 10, 1992, Mr. Graham testified that Soviet military officers interrogated some U.S. POWs during the Korean War and that some of these interrogations may have taken place on Soviet territory.

According to Mr. Graham, one problem experienced by U.S. investigators in Russia was that several high-ranking Russian officials whom they interviewed subsequently changed their testimony:

> . . . perhaps the most flagrant case of turnaround during a reinterview concerns a well-known Russian colonel, scholar, and renowned Far East expert, who was stationed at Khabarovsk from 1950 to 1954. This individual was asked by the chief of the general staff to review all documents on Korea * * * currently supposedly in their hands.

During the first interview with him conducted on August 19, 1992, he told five Joint Commission respresentatives—four U.S., one Russian—that Soviet military specialists had been given approval to interrogate American servicemen in Korea, and that some American servicemen with experience, seniority, and specific specialties were selected for transfer to the U.S.S.R. for further interrogation.

> He mentioned that in the confluence here between Russia, Manchuria, China and North Korea, there was . . . a naval base called Posyet, which served as a transit point for the movement of Americans north by rail or plane to Khabarovsk, the Far East military district headquarters. He maintained that the number of Americans processed through Khabarovsk was in the hundreds and they were under KGB control, both during and after the interrogations. He did not know their fate after the interrogations.
>
> He personally claimed to have interrogated two American POWs. One he recalls was a Lieutenant Colonel Black. Efforts were made according to the Colonel to recruit and gain cooperation of Americans. (During) a follow-up interview of this individual, on September 29, 1992, at which General Loeffke was present, he admitted he received a phone call from a Foreign Intelligence Service representative the night before. He then considerably modified his

previous testimony, denying any knowledge of an American POW named Black and the fact that American POW's from the Korean War were interrogated by Soviets at Khabarovsk.

However, he did admit interrogating two American POW's in North Korea and asserted that there were anywhere from 10 to 25 Soviet interrogators involved in this process, indicating a large number of American POW's were interrogated during the Korean War.

He now maintained that the interrogation point, which was in existence for at least 18 months, was located at a juncture between North Korea, China, and the U.S.S.R. borders. He did not completely rule out that it may have been on Soviet territory.[575]

According to Mr. Graham, immediately following the first interview with Col. Korotkov, the Russian side produced an additional witness who confirmed the use of questionnaires for obtaining information from American POWs in Korea, but who insisted that the interviews had been carried out primarily by Koreans in Korea. This witness said that no American POWs from the Korean conflict were taken to the U.S.S.R. Mr. Graham's conclusions, based on the conflicting statements received, were that:

Although we have no direct evidence to prove it, there appears to be a strong possibility that at least a handful of U.S. POWs, possibly more, were transferred to Soviet territory during the Korean War.

The Russian side will likely stick to its current line until the body of evidence gathered through a vigorous interview program forces the government and security services to re-evaluate their position.

Although doubtful that such individuals could have survived the rigors of the Soviet camp system this long, it is theoretically possible that one or more could still be alive. It is more likely that some former POWs . . . who chose to cooperate with the Soviets for whatever reason could be alive in Russia and do not desire their presence to be known.[576]

Research and analysis of Paul M. Cole, RAND Corp.

On November 10, 1992, the Committee received testimony from Dr. Paul M. Cole, an analyst with the International Policy Department of the RAND Corporation. RAND has undertaken a project through the National Defense Research Institute, a federally funded research and development center. Originally, the project was to review information concerning the fate of American POW/MIAs in Korea. In April 1992, the project was expanded to include a study of evidence that American servicemen and civilians may have been transported to the Soviet Union or its allies during World War II, the early Cold War, or the Korean war.

[575] Select Committee hearing, 11/11/92.
[576] Select Committee hearing, 11/11/92.

Although the project is not yet complete, Dr. Cole was able to provide the Committee with an overview of the work done to date, as well as some conclusions. With regard to the Korean War, Dr. Cole concluded the following:

Concerning Korea, the record on individual MIA/POW cases is extremely detailed, and was originally organized chronologically and geographically before being reorganized alphabetically. The original chronological and geographic databases are now being recreated, and few questions would remain unanswered once the effort is completed.

Two groups of Korean War prisoners remain unaccounted for: prisoners who made it alive to a camp, and those who did not. Those who made it alive to a camp, but were not repatriated, are known as POW, body not recovered, or POW/BNR. The location and number of more than 2,000 POW/BNR remains can be estimated with great certainty, although the state of the remains is unknown. Prisoners who did not survive the time between capture and arrival at a camp, characterized by Dr. Cole as "post-capture killed, body not recovered" or PCK/BNR, should not in his view be characterized as POWs. Approximately 900 or more PCK/BNR's occurred during the Korean War, with the remains of those who died last located in scattered locations throughout North Korea.

The location of approximately 3,500 MIAs may never be determined because the U.S. has not been able to determine where they died. By contrast, the location of remains left in burial sites, UN cemeteries, and aircraft crashes on North Korean territory can be stated with precision.

Since 1953, the U.S. has received nearly 900 sets of unidentified remains from North Korea, collected by the North Koreans in a manner that has precluded association with any individual MIA, with the result that all of these names are still on the full list of 8,177, with the individuals buried in Hawaii without identification.

American POWs were transferred to the territory of Communist China during the Korean War to be interrogated by Russians and Chinese. The majority of these POWs were returned to camps in North Korea; those known to be held as political prisoners were repatriated in the mid-1950's.

There is no documentary evidence suggesting Americans were left behind in China; however, interrogations and interviews offer some testimonial support for such allegations.

American POWs were interrogated by people identified by the POWs as Russians, but only a small percentage of U.S. POWs reported this type of contact. Evidence shows that perhaps two dozen repatriated American POWs were successfully recruited by foreign intelligence services. U.S. authorities were aware of this soon after the Korean War. Seven American missionaries who spent three years in a North Korean prison camp were repatriated in May 1953,

> through China, Moscow and Berlin, after having been held as internees. Circumstantial evidence suggests that Americans were transferred from Korea or China to the territory of the Soviet Union, however, to date this evidence is hearsay which is not supported by corroborative documentary evidence.[577]

In response to questions, Dr. Cole stated that there is evidence, consisting of TFR interviews with prison guards and others, that some U.S. POWs may have been transferred to the Soviet Union during the Korean War. However, Dr. Cole expressed caution about making any firm judgments based on the information provided:

> In this last trip to Moscow the Commission was presented various documents, some of which didn't even relate to POWs. But as a gesture, they were handed over to Ambassador Toon and to the commissioners. Well, right in those documents that were given to us in Russian and translated, it talks about how the information can be either changed, distorted and so forth, in order to keep the truth from anybody who might fall upon the documents. Now these documents go back to World War II, specifically I believe it was 1949. But nevertheless, there is a pattern here of deception on the part of the Russians, with a lot of their documentation. So in my judgment, we have to be very very careful before we make a judgment about an occurrence, or something like that, until we have documentary evidence, archival evidence, and sources.[578]

In response to further questions, Dr. Cole testified that the total number of U.S. POWs who might have been transferred to Soviet or Chinese territory was certainly less than 100. He also noted that one of the documents provided to the U.S. by the Russians on this subject related to an Australian; and that other documents were interrogation transcripts that had been made by the Chinese and then summarized by the Russians. In addition, most of the individuals who had been interrogated by non-Korean officials were ultimately repatriated.

Dr. Cole testified that the RAND review of POW/MIA issues related to the Korean War was also subject to ambiguities because of inaccuracies in the original casualty data and because casualty reporting methods changed over time.

In addition to the losses in captivity and the difficulty of documenting the fates of American POWs who lost their lives as a result of criminal mistreatment by the Korean Communists, postwar records in the U.S. are, to quote Dr. Cole, "contradictory, ambiguous, inconsistent, or a mixture of any of these." According to Dr. Cole:

> In 1991, the Department of Defense stated in testimony before Congress that 389 U.S. servicemen who had been POWs in North Korea had not been repatriated or other-

[577] Select Committee hearing, 11/10/92.
[578] Select Committee hearing, 11/10/92.

wise accounted for by the Korean People's Army and the Chinese.[579]

Yet according to Dr. Cole, casualty status data maintained by the U.S. government contradicts these figures. In fact, he says, the list of 389 contains the names of 197 MIAs, 180 Americans who may or may not have ever been prisoners, and one case which has in fact been resolved. According to Dr. Cole, "prisoner status means that the individual was lost under circumstances that were consistent with a probability of live capture. There is no evidence in many cases that those listed as POWs were ever seen alive in a POW camp." Dr. Cole notes, for example, that the majority of the 188 Army names on the list belonged to individuals who were lost during the first eight months of the Korean War. Given the brutality of the Koreans in this period, and the conditions of imprisonment for U.S. POWs at this time, according to Dr. Cole, "the likelihood of survival for this group was very low."

RAND also reviewed information concerning the alleged transportation of U.S. POWs to the USSR from Korea. It is well documented that there was a significant Soviet presence on the ground in North Korea during the war. In addition, some returning U.S. POWs and Army personnel reported having been questioned by Russian officers in North Korea or China. A 1974 Air Force assessment of the Korean War POW experience, quoted by Dr. Cole, described Soviet interrogations of U.S. POWs in Korea as follows:

> Interrogators of three nationalities, Chinese, North Korean, and Caucasian (presumably Russian) questioned USAF personnel during the Korean conflict. The preponderance of interrogators were Chinese who, after their entry into the conflict in late October of 1950, took over the responsibility for POWs from the Koreans. Evidence indicates that the Koreans reluctantly gave up this responsibility, and that often tense feelings rose concerning who was to have custody of a new POW. Not infrequently, POWs reported that they were captured by North Koreans and turned over to the Chinese only after much heated discussion and sometimes near violence between the two groups. In some cases, a POW remained in North Korean custody for prolonged periods of time.[580]

The most detailed discussion of the interrogations now available is contained in the recent interview by Dr. Cole or Victor Alexandrovich Bushuyev, Deputy Chief of Intelligence for the 64th Soviet Air Corps. On September 16, 1992, Mr. Bushuyev made the following statement:

> We had contacts with the American POWs, mainly the pilots. We weren't interested in anybody else. I was responsible for organizing the interrogations and for processing all of the information received during the interrogations.

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[579] Submitted for the record of the Select Committee hearing, 11/10/92.

[580] Analysis of the Korean War Prisoner of War Experience HQ USAF SEAsia PW Analysis Program Report A10-2, March 1974, Appendix One, 25.

How were the interrogations organized? All arrangements, the structure of the interrogation, its content etc., were completely in the hands of the Chinese. We prepared questions in advance. Then we gave the questions to the Chinese. They asked the questions while interrogating the American POWs. When I was there, I believe all American POWs were completely in Chinese hands on the territory of North Korea.

All American pilots, with no exception, would be interrogated in the town of Sinidju. It was the very northern most point in Korea, near the Yalu river across from An'Dung where we were stationed. There was a special building there—the interrogation point. Americans would be brought there. We could see it from An'Dung. We would go there about twice a week to accommodate the prisoners. Sometimes there were just a few of them so we didn't need to go.

I was responsible for the interrogations of the POWs, but neither I nor the translators ever saw any of the POWs with our own eyes. Contact on our level was completely prohibited. We only had to get questions ready and then receive the answers.

We would enter the building from a different side before the POWs were brought there. We would go to our room and would sit there very quietly. Only then would they bring in the POWs. We had no visual contact. We would sit behind the wall, a thin wooden wall, and the translators would sit with us. We hear everything. The interrogations were in English, of course.

We were prohibited from seeing the Americans . . . The Main Intelligence Directorate in Moscow would give us questionnaires: ask this, ask that, whatever we thought was interesting. I don't want to offend the American pilots, mainly we would deal with the pilots, but they were of no value. They didn't know anything. They were average pilots, and good athletes.

I was there for more than one year, the most tense period. Practically all the POWs went through may hands, not in person but their files and interrogation materials. Several hundred of them. But, again I want to say that none of them was any serious value to us. We knew twice as much as they could tell us . . . Practically all of the American POWs belonged to the Chinese. The war was conducted not by the Koreans but by the Chinese and Soviets. The Koreans were under pressure and had no rights. They would just load and unload stuff, build roads, that sort of thing.

There was no need to bring Americans to Russia. Military personnel, location of bases and all that were already known. We had no questions of this sort. We had the planes as well, all their parts, so it didn't make any sense [to take pilots to Russia]. If someone had asked for political asylum we would have, but I haven't heard of any such cases. As far as I know, our counterintelligence people

didn't express any particular interest in the pilots. We would have known this.[581]

Regarding the issue of post-capture deaths of American MIA-POWs in the Soviet Union, Dr. Cole has stated the following:

> I have interviewed two Soviet military advisers in Korea who had contact with two American POWs who were not repatriated. The first, tentatively identified as First Lieutenant Niemann, was definitely seen and perhaps interrogated by Soviet military advisors. Niemann, who is on the RAND and TFR lists, is listed in several records as deceased.
>
> Another Soviet military adviser recalled having contact with "Lt. Colonel V. Black" in order to arrange an interview with *Pravda*. Colonel Vance E. Black of California, who has not been accounted for since he was shot down in May 1951, was seen alive by an American POW in Pyongyang in March 1952. Lt. Colonel Vance E. Black may be the "V. Black," who was identified in the *Pravda* article and seen by a Soviet military adviser.
>
> According to a retired KGB Major General, Soviet intelligence wanted to recruit agents. George Blake's decision to work for the KGB, whether it was the result of recruitment or simply a walk-in, gave the KGB additional incentive to find other potential agents among the UN prisoner-of-war population. Army G-2 analyses of repatriated American POWs turned up an alarming number of cases that fit this pattern. In June 1954, the U.S. advised the Air Force that "evidence had been uncovered which concerned the assignment of Sabotage and Espionage missions to repatriated American prisoners of war during "Big and Little Switch," and that quite recently new cases of this type have been discovered." No evidence has yet been obtained that points toward a similar North Korean or Chinese interest in recruiting agents. There have been reports over the years that American POWs were used as guinea pigs in Sino-Soviet biological experiments. None of this has been documented thus far.
>
> Intelligence reports located in the U.S. archives are nearly silent on the issue of whether American MIA-POWS were transferred to the territory of the USSR. If this activity took place, it was not discussed in Eighth Army G-2 daily reports or annual summaries. If this activity took place it was not widely known to repatriated POWs. Thus far only one repatriated POW affidavit has been located that mentions this activity.[582]

In this affidavit, repatriated POW John T. Cain said that he had been told by a Nationalist Chinese officer that a U.S. helicopter pilot with the rank of Second Lieutenant had been taken to Russia in March, 1952. The Captain did not know the branch of service,

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[581] Paul M. Cole's interview with Viktor Alexandrovich Bushuyev, Deputy Chief of Intelligence, 64th Air Corps. Moscow, September 16, 1992.

[582] Submitted for the record of Select Committee hearing, 11/10/92.

and had communicated this information to POW Cain through "sign language, in broken English, and by pictures drawn on the ground then erased."

In the early and mid-1950's, according to Dr. Cole, the U.S. Government took the position that Americans may well have been transported from Korea or China to the territory of the USSR. For example, according to press reports, in May 1954, the U.S. Department of State delivered a note to the Soviet Foreign Ministry accusing the Soviets of having transferred American prisoners to the territory of the Soviet Union from Korea. The Soviet Government's rejection of the U.S. note was the first public notice that the U.S. had made such a protest. As Dr. Cole stated, "reports were apparently collected through U.S. intelligence and diplomatic channels that U.S. POWs during the Korean War were seen in Soviet camps."

Yet, the following year, the coordinated inter-agency position of the United States took precisely the opposite position, concluding:

> With regard to the question of United States personnel captured in Korea, the Department of Defense has informed us that all American servicemen, missing or unaccounted for in that conflict, have been presumed dead. In close cooperation with the Department of Defense, however, we intend to continue to seek information from the Communists about their fate. Further, we have no evidence that any United States personnel captured in Korea were ever taken to the Soviet Union.[583]

As Dr. Cole stated:

> There has been no official explanation that squares these two contradictory positions. The possibility that American POWs were moved from Korea or China to the territory of the USSR cannot be ruled out. Thus far, no documentary evidence has been found to support such a position. Circumstantial evidence (viz., missing POWs, Sino-Soviet intelligence cooperation, Russian presence in Korean POW camps) and eyewitness testimony (former prisoners, Soviet military sources) point to the possibility that some American POWs may have been taken to the USSR. The motives for this activity have been established.[584]

Testimony of Gen. Volkogonov on Korea

In response to questions from the Committee, Gen. Volkogonov said that he had found no evidence to indicate that large numbers of U.S. POWs had been held in the Soviet Union during the Korean War. As he testified:

> I have examined an enormous number of documents, including the documents of Stalin, Beria, and all the special services, and these are documents which would have con-

[583] Letter from Assistant Secretary Thurston B. Morton to Congressman Vorys, February 10, 1955.

[584] Select Committee hearing, 11/10/92.

tained evidence of American prisoners being taken through Soviet territory.

I want to bring your attention to one document emphasizing that the leaders of these secret agencies, the KGB, the NKVD, did not lie to one another. They told the truth to one another in the totalitarian system because it was extremely dangerous for them not to do so. They may have deceived America or the Soviet public, but among themselves they were forced to tell the truth.

And here is a document giving evidence to the following. This is a document of February 4, 1954 of Interior Minister Sergei Kruglov, written to him, indicating that in special prisons on the territory of the Soviet Union there are six American citizens being held in special prisons and camps of the ministry of internal affairs. This document was never intended to be made public. It was top secret, and it contains the names of these persons, but again, was purely for the internal use of the Interior Ministry.

And this was immediately after the war in Korea. Despite all of our work—and we have many archivists working, dozens of experts searching, on their own time on a volunteer basis, a great many archives. Despite this, we have found no confirmation of the presence of other American citizens located on the territory of the Soviet Union.[585]

Gen. Volkogonov testified that apart from the February 4, 1954 document, the Russians have found only one other document concern Korean-era U.S. POWs. This document concerned two U.S. airmen from a helicopter forced to land in North Korea, in behalf of whom the U.S. Embassy in Moscow requested Soviet assistance. According to Gen. Volkogonov, the Soviet government decided not to respond to the note. The Russians have no information on the fate of these two men.

With respect to the location of interrogations of U.S. prisoners during the Korean war, Gen. Volkogonov has told the Committee:

> Based on testimony by G.I. Korotkov, who participated in interrogations of American POWs from the Korean War period, interrogations were conducted in an especially equipped site at a junction of the Korean, Chinese and Soviet borders. So far we have been unable to determine the exact location of this site. The Soviet side was not engaged in transporting American POWs to this site. Probably they were brought by Korean servicemen, who then took them away after interrogations.[586]

Testimony of Lieutenant Colonel Phillip Corso, USA, Ret.

On November 10, 1992, the Committee heard the testimony of Lt. Col. Phillip Corso, USA, Ret., a member of the National Security Council staff during the Eisenhower Administration. Lt. Col. Corso was head of the special projects division of the Far East Command

[585] Select Committee hearing, 11/11/92
[586] Letter to Select Committee from Gen. Volkogonov, Dec. 17, 1992.

during the Korean War, in the G–2 section, with responsibility for keeping track of North Korean POW camps. During the closing days of the war, Lt. Col. Corso participated in discussions on the exchange of sick and wounded prisoners of war (the "Little Switch" operation), and the full exchange of prisoners ("Big Switch").

Lt. Col. Corso testified that at the end of the exchange of sick and wounded in the Little Switch Operation, he prepared a document showing that all U.S. sick and wounded were not returned, and that about 500 prisoners who were not returned would be in danger of dying if they did not receive treatment. Lt. Col. Corso testified that U.S. officials brought this to the attention of the presiding Chinese general who responded simply by snapping a pencil in two and doing nothing. According to Lt. Col. Corso, the U.S. concluded that approximately 8,000 prisoners who should have come home during Operation Big Switch did not. Lt. Col. Corso drafted statements to be given to the United Nations by Dr. Charles Mayo and Henry Cabot Lodge. As Col. Corso testified:

> Dr. Charles Mayo gave the statement on bacteriological warfare, and Ambassador Lodge on the United Nations prisoners of war. And we found out that at the time the Chinese, under Russian tutelage, had a detailed, scientific process of Pavlovian type experiments which they were conducting on our prisoners.
>
> We knew about this information, but were hindered from sending agents to the North to find out more about this because this was handled mostly by OPC, which was a unit of the CIA.
>
> Now, during my tour in Korea, I compiled the evidence, I was receiving this daily, that prisoners had not been returned from North Korea and had been sent, in fact, to the Soviet Union. The war was still going on at the time.
>
> The information that I had was compiled, and I was amazed to hear that there was no evidence in the archives on this. There were actually hundreds of reports. The reports came from prisoner of war interrogation reports of North Koreans, prisoners of war, Chinese prisoners of war, and defectors, and some photographs that we took, our reconnaissance planes took.
>
> These reports were compiled and kept in files, and I'd say offhand there must have been 300 or 400 of these reports easily in my file of knowledge from prisoners of war and so forth that our prisoners had been sent up through Manchuria to Man-chou-li (by train). There they were transported or changed. There they were changed because of the gauge and sent to the Soviet Union. I had very definite information on two train loads . . . from Chinese prisoners of war, North Korean prisoners of war, civilian defectors, and photographs. We had some photographs of the camps.[587]

Lt. Col. Corso estimated that each of the two train loads of U.S. POWs contained about 450 prisoners, for a total of 900 POWs

[587] Select Committee hearing, 11/10/92.

transported to the Soviet Union. He stated that he had some inconclusive information as to the possibility of a third, similar trainload. In all, Lt. Col. Corso said he had 200 to 300 reports about these 900 POWs or related information. Eventually, he was asked to brief President Eisenhower personally on the situation, in a five-minute meeting which took place in mid-1953, or possibly as late as 1954. This meeting took place while Lt. Col. Corso was serving on the staff of the National Security Council. As Lt. Col. Corso testified:

> I had a call from my principal, C. D. Jackson, one day, who was special assistant to the President. He said, get over, we have to go see the President. Bring your prisoner of war report. My prisoner of war report that I handed him was one page. I walked in the office. The President was in the Oval Office, the three of us, and I saw him, and he said, I understand you have a report on prisoners of war going to the Soviet Union? I told him, yes, that's what I'm here for.
>
> I compiled this report not only here but from information in Korea, which I said before, that up to 1,200 we suspect, but about 900 certainly did go there. Our information is solid, as solid as intelligence information can be, because that's the nature of intelligence.
>
> I handed [President Eisenhower] the report, and he read it. And he had a very serious look on this face. . . . This was not a pleasant meeting. It did not last long. . . . He said, Colonel, he said, do you have any recommendations, because in the military, generally the writer of the report has to make a recommendation to his superior who then decides on what to do with it.
>
> I said, yes. The nature of this report—these men will never come back alive because they will get in the hands of the KGB who will use them for their purposes. Espionage, play-backs, or whatever. This is not uncommon in the intelligence business. Once they fall in their hands, there's little hope of them coming back.
>
> And I told him, Mr. President, you are aware of the system of the KGB, how they use prisoners of war and defectors? And he said, yes, I am. He said, is your recommendation not to make it public? I said, my recommendation is not to make public the part—the KGB operation. It's difficult to understand at its best. It hasn't been revealed. The part on prisoners, that I don't know.
>
> So, the President said, well, I accept your recommendation . . . he said, well, I agree, we cannot give it to the families. Then I said, Mr. President, though, may I send a copy of this report to the Department of Defense? He said, yes.[588]

According to Lt. Col. Corso, the effort to locate and retrieve U.S. POWs held by the Communists during the Korean War were impeded by the U.S. policy of not making strident and confrontational

[588] Select Committee hearing, 11/10/92.

statements directed at the Soviet Union, North Korea and China. Lt. Col. Corso testified that "The big policy was the policy of fear. Fear of general war. That was the policy that was stopping us." Lt. Col. Corso added that the families were not told because:

> [Y]ou'd have to tell the families that these boys were going to be tried, used, exploited for NKVD operations which were espionage, sabotage, and take their identities. And that we felt would have been damaging to the families, but it's hard to explain, sir . . . . They were going to be exploited in a very sinister way. As far as telling them they were alive, sir, I put in a speech at the United Nations that 1,800 prisoners of war had gone to the Soviet Union, had been transferred to the Soviet Union. Now, there was no mention that they were dead or not dead, but that was put in the statement and released, and he gave me permission to put that in.[589]

According to Lt. Col. Corso, he is the only person alive who participated in the decision not to tell the families the information concerning U.S. POWs in the Soviet Union. The Committee has not been able to find any documentary corroboration of his information.

Testimony of Col. Delk Simpson

The testimony of Col. Delk Simpson (USAF-Ret.), a former U.S. military attache in Hong Kong, also supported the possibility that large numbers of U.S. prisoners were transferred to Soviet territory during the Korean war period. Col. Simpson testified that he had received and passed on to U.S. Air Force Intelligence headquarters in 1954 an eyewitness account concerning the transportation of approximately 700 American prisoners from Man-chou-li, China into Siberia. According to Col. Simpson's source, a number of the prisoners were black soldiers.

Col. Simpson testified that he has worked since his retirement in 1961 to bring this issue to the attention of the government, including visits to offices in both the executive and legislative branch. Col. Simpson said that he had learned that DIA considered him to be "senile" and that the prisoners he had reported were French from the French-Indochinese War, being taken to Siberia for return to France.

As Col. Simpson testified:

> It was not until six months ago that I came to understand the possibility of why I received such official inaction. At that time, I met Colonel Corso, and Colonel Corso told me that in 1953, he was the author of a policy while on the White House staff to abandon all prisoners being held by the Russians. He said the policy was approved by President Eisenhower. Senator, it is incomprehensible to me that anybody would make such a decision to send our boys to a sure death.[590]

[589] Select Committee hearing, 11/10/92.
[590] Select Committee hearing, 11/10/92.

Col. Simpson testified that his original source was a Polish man trying to get to Australia, who was afraid the U.S. was going to try to stop him. Col. Simpson promised to keep his name and destination secret. He sent the information as a classified report to the Pentagon, and never received a response.

Testimony of Sgt. Steve E. Kiba

The case of Sgt. Steve E. Kiba demonstrates conclusively that, whether or not prisoners were transferred from North Korea to the former Soviet Union, at least some were transferred to the People's Republic of China (PRC). Sgt. Kiba was interned in China for 32 months as a POW during the Korean War. An Air Force pilot, Sgt. Kiba was transported to Red China about three days after his capture on January 12, 1953, and remained there until his release on August 4, 1955. Throughout his time as a POW in China, he experienced degrading and harsh conditions. As Sgt. Kiba testified:

> They were sadistic and barbaric . . . . threatened me with all kinds of horrendous tortures, and they even did some of them . . . They told me I would never go home unless I cooperated. And they threatened to keep me for life. And they kept some of my friends for life. They're still there.[591]

Sgt. Kiba testified that American POWs were abandoned after the 1953 cease-fire, and that he was one of them, but that others, unlike him, never returned. He stated that either he or others in his crew saw ten to fifteen caucasians whose fates remain undetermined. As he testified:

> It is a known fact that we abandoned American servicemen after [World War II, Korea, and Vietnam] and let their families down. I know we abandoned some because I saw some of them.
>
> President Harry Truman was the first President to leave Americans behind. Then President Eisenhower abandoned American POWs after the Korean War in North Korea, Red China and the Soviet Union. In a press Conference on April 29, 1959, President Eisenhower acknowledged that not all American POW's were repatriated after the Korean War ceasefire.[592]

According to Sgt. Kiba, The Communists he met while he was in captivity demonstrated to him that they were sadistic and needed no reason to keep Americans, because "a Communist is different." As he testified, "for almost 40 years, I've been trying to inform the American people and the news media of the heinous crime of enslaving the bodies and minds of our courageous fighting men by the godless communists." Mr. Kiba said that in the final analysis, he could understand why he was so badly treated by the Communists, but he could not understand why his own government had asked him to remain silent after his return about the others he had seen in China while he was a POW.

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[591] Testimony, Nov. 10, 1992.
[592] Testimony, Nov. 10, 1992.

State Department testimony on North Korea

Until recently, the Government of North Korea has provided little cooperation to the United States in accounting for missing U.S. servicemen despite its obligation to do so under the armistice agreement that ended the Korean War. As a result, no archival research in North Korea has been possible. A series of diplomatic initiatives over the past five years, however, give grounds for hope that progress may be possible in the future. As Charles Kartman, director of the Office of Korean Affairs, U.S. Department of State, told the Committee:

> In 1988 . . . we announced a modest policy initiative aimed at enhancing the prospects for resolving the problems of the Korean War, by drawing North Korea out of its isolation. As part of that process, we opened a diplomatic channel with the North Koreans throughout respective embassy political counselors in Beijing. At our first meeting in 1988, and subsequently on many occasions in that channel, we told the North Koreans that in order to improve relations with us they should take steps in several areas, including Korean War POW/MIAs.
>
> In 1990, on Memorial Day . . . North Korea returned five sets of remains to a Congressional delegation headed by Representative Sonny Montgomery. In June 1991, they handed over 11 more sets to Senator Smith, who had participated in arrangements for this action. Senator Smith used this occasion to reinforce our position on the importance of regularizing the process.
>
> On both occasions, the North Koreans made it plain that they hoped to derive some political benefit from their actions . . .
>
> In January of this year, undersecretary of State Kanton discussed with a high-level North Korean delegation in New York the full range of issues, focused of course on our concerns regarding the North Korean nuclear program, but including the MIA issue. Then in April [1992], North Korean President Kim Il Sung, in an interview with the *Washington Times*, said that North Korea was prepared to resolve the MIA issue in a humanitarian manner.
>
> In May [1992], the North Koreans returned 30 sets of remains in Panmunjon directly to the United Nations Command. The North Koreans said explicitly at the time that they were willing to discuss formal arrangements to return further remains to the United Nations command . . .
>
> We have asked the DPRK to give us any available information on POW's and MIA's. In reply, we have only been told that there is not a single POW in the DPRK. We have raised this issue with both Russia and China repeatedly this year, and will continue to do so with them and with North Korea . . . the best answers will come from a longer-term process, which will bring about not only the return of remains, but also the resolution by other

means—archival research for example—of questions surrounding the fate of Korean War MIAs.[593]

Testimony of Mr. Robert Dumas

On November 11, 1992, the Committee received testimony from Mr. Robert Dumas, whose brother, PFC Roger A. Dumas of Company C, 19th Infantry Regiment, 24th Infantry Division, was captured northeast of Anju, North Korea on or about November 4, 1950. Mr. Dumas testified to his belief that a large number of POWs were retained by the Koreans and are still there, working on collective farms.

Furthermore, Mr. Dumas, who has had personal contact with senior North Korean officials at the United Nations for several years, including the Ambassadors, said that only a comprehensive approach, involving all outstanding issues, could bring results on the POW issue with the North Koreans.

Mr. Dumas testified that he met with the North Korean Ambassador in New York in July 1992 and the Ambassador said,

> Bob, all you want is your brother home. That's all. And he said talk to the man in the White House, get somebody to sit down with us, and let's go over the whole thing, the whole category. Let's go over everything, the whole category.[594]

Mr. Dumas then related for the Committee a meeting he attended in New York on December 9, 1987, with the Reverend Jesse Jackson and Ambassador Pak Del Yan of the DPRK. He said that Reverend Jackson opened the discussion with:

> Mr. Ambassador, if you have live prisoners in North Korea right now, I will come to North Korea on Christmas Eve and bring some home alive. And in the springtime, if you have any remains, we will go back in the spring and exhume those with an organization of human rights people from our side and your side.[595]

Mr. Dumas continued, "And the first thing the Ambassador said, 'yes, Reverend, that would be good for both our countries."

Mr. Dumas interpreted this discussion to be an admission by the North Korean Ambassador that his country continues to hold U.S. POWs. The Committee staff has requested an opportunity to discuss this meeting with Rev. Jackson, but such a discussion has not taken place.

Testimony of Serban Oprica, former Rumanian engineer

Mr. Dumas' belief that American POWs are laboring in North Korean collective farms was consistent with the testimony of Serban Oprica, a former Rumanian engineer now living in Hartford, Connecticut. Mr. Oprica worked for the Romanian government in North Korea during 1979 and 1980, assisting in the construction of a television production factory in Pyongyang. Mr.

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[593] Select Committee hearing, 11/11/92.
[594] Select Committee hearing, 11/11/92.
[595] Select Committee hearing, 11/11/92.

Oprica testified that, in late October or early November, 1979, he saw a group of Caucasians whom he believed to be American POWs. The sighting occurred during a bus ride in the countryside. Mr. Oprica testified:

> We see a land like a camp where vegetables, and my attention was to—because I saw a person with a European face, with blue eyes very close the bus. And I was very shocked. And everybody on the bus was shocked. And I was looking behind him (and) I saw 7 or 10 peoples with Caucasian face. And behind them, I saw more people working the camp . . . They were dressed with North Korean dress, like Chinese, but they worked in the camp and was dark color.[596]

According to Mr. Oprica, the men were not guarded. In his deposition, he specified that he saw no less than five and as many as fifteen other Caucasians in the immediate vicinity of the bus and as many as 50 others in the distance. All wore the same gray drab clothes and were working in a farm field, without restraints.

Mr. Oprica testified that at another place in North Korea, at a museum, he and his wife saw parts of American soldiers in alcohol, which were used as a means of frightening people. These body parts included limbs, hands, and heads, and were displayed in the vicinity of American armament items, including uniforms and flags.

Mr. Oprica also remembered witnessing an altercation between a Rumanian and a North Korean while he was on an outing to the west coast port city of Nampo. Mr. Oprica remembers hearing the Rumanian angrily accuse the Koreans of holding American POWs from the Korean War. Mr. Oprica said that the Rumanians had spent a longer time in Korea than he had were certain that American POWs were still being held by the North Koreans.

Mr. Oprica was debriefed by U.S. Army intelligence in 1988 in behalf of the DIA, and by the FBI, but he believes that little or nothing was done with the information he provided.

U.S. POWS FROM WORLD WAR II

RAND Project/Cole

The RAND research on World War II, conducted by Dr. Paul Cole, focused on the European theater of operations, looking into the question of how many Americans, "liberated" from German POW camps by the Soviets, were not repatriated.

RAND found that 76,854 Americans were estimated to be in German POW camps as of March 15, 1945, but that the total number of American POWs recovered from German POW camps was 91,252, nearly 14,000 more than expected. Moreover, Soviet forces liberated a substantial number of these POWs—28,662 according to U.S. records; but only 22,554 according to Soviet records, a difference which Dr. Cole attributed to poor Soviet recordkeeping.

In the years that followed, several dozen, and possibly as many as several hundred, inquiries were made by the United States gov-

[596] Select Committee hearing, 11/10/92.

ernment on behalf of U.S. MIAs, usually based on requests from family members. The Soviets responded by creating an American Missing Persons File at its National Archives, which included some of this correspondence, as well as files derived from Missing Air Crew reports and Enemy Evasion Aid reports, some of which covered crewmen who had been repatriated to the United States. As Dr. Cole found:

> There is no question that many bomber crews survived after parachuting or crash landing on territory controlled by Soviet forces. Many of these crewmen were repatriated. U.S. and Soviet records suggest, however, that an undetermined number were not. The U.S. Embassy at Moscow's efforts to obtain information about American citizens held on the territory of the USSR were severely limited by the Soviet position that some American citizens were considered by Soviet authorities to be Rumanians, Hungarians, other eastern Europeans, or even citizens of the USSR. In these cases, the Soviet government always refused to give the U.S. Embassy even the slightest bit of information in response to inquiries concerning people the Soviet authorities considered to be non-U.S. citizens.[597]

Dr. Cole found no evidence to support charges that thousands of American POWs liberated from Nazi German POW camps were never repatriated. Moreover, his research raises questions even about the relatively few individuals identified by the Russians as U.S. POWs who were never repatriated by the USSR. As Dr. Cole testified:

> Some explanations of what happened to unrepatriated American POWs do not hold up well under scrutiny. In December 1991, the Senate Select committee on MIA-POW Affairs visited Moscow. During this visit, Gen. Dimitri Volkogonov gave the U.S. delegation a list, containing the names of fourteen Americans who died [who] were alleged to have died in Soviet custody during World War II. There is no information concerning the sources used to compile this list. The list does not correspond to unaccounted-for POW records of the Adjutant General. There is no correlation between this list and the mandate of the Joint U.S.-Russian Commission on MIA-POWs either.[598]

Dr. Cole then reviewed the efforts in the late 1940's and early 1950s, which by 1956 had resulted in the release from Soviet block captivity of nineteen American citizens. There was little subsequent activity in this area until December 5, 1991, when the U.S. submitted data to the Russian government "concerning certain individuals who could have been detained in the Soviet Union in the 1950's." Russian President Yeltsin later advised that "two of the people the U.S. side inquired about . . . were returned to U.S. authorities nearly 36 years ago." Another individual about whom the U.S. requested information had his remains recovered, identified,

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[597] Select Committee hearing, 11/10/92.
[598] Select Committee hearing 11/10/92.

and buried at his family's request in the United States in 1957. There was no record with respect to the other individuals identified by the U.S.

On July 30, 1992, Gen. Dimitri Volkogonov, chairman of the Russian Delegation to the U.S.-Russian Commission on MIA-POWs, published an article in *Izvestia* listing the names of 39 American citizens who had been illegally detained by the Soviet government. According to Dr. Cole, however, none of the 39 was an American POW.

In summary, the initial phase of the Rand review, while incomplete and inconclusive, tends to discredit the idea that a substantial number of U.S. POWs were held by the Soviet Union following World War II and not repatriated.

In this regard, Dr. Cole took issue with the authors of Soldiers of Misfortune and Moscow Bound concerning the number of POWs the Red Army "liberated" from German POW camps and failed to repatriate. His conclusions:

> The number of American POW's who were not repatriated from German POW camps in World War II appears to be less than 200. Assertions that tens of thousands of American POW's were abandoned are "inconsistent with the historical record."
>
> U.S. and Soviet Archives suggest that fewer than 100 American POW's, perhaps 50 or fewer, were held on the territory of the U.S.S.R. after World War II.
>
> An undetermined number of American air crews—not POWs—were detained by the U.S.S.R. after making forced landings on territory it controlled. Most, if not all, of these crews were repatriated from the U.S.S.R. Some others may not have been repatriated from Soviet-occupied territory, but answering this question requires further research.
>
> The U.S. government located the graves of hundreds of American servicemen on Soviet-controlled territory. These were not POWs; most were on the territory of Soviet-occupied Germany. Records show few of these remains were recovered from the territory of the U.S.S.R.[599]

Sanders, Sauter, and Brown

John M.G. Brown and James D. Sanders, assisted by Mark A. Sauter, have conducted years of research in U.S. archives, searching for information relating to U.S. and allied POWs who fell into the hands of the Soviet Army as it pursued the rapidly retreating Wehrmacht across Eastern Europe in 1945. Thousands of soldiers were moved by rail, truck and foot eastward, not westward, and most ended their cross-country journey at the port of Odessa, on the Black sea, there to await transport by sea to their homelands. This much is not in dispute. What is in question is how many of these soldiers were not allowed to board ship, but were destined for the vast Gulag of the Russian-Siberian interior. Mr. Sanders and Mr. Brown estimate that between 20,000 and 23,500 were POWs of the Germans and became prisoners of the Soviets.

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[599] Select Committee hearing, 11/10/92.

It is Mr. Brown's theory that Communist mistreatment of POWs—that is, retaining them as hostages for political purposes—can be traced to the behavior of the Bolsheviks. According to Mr. Brown, the Bolsheviks kept at least 60 American soldiers they captured during the Allied intervention of 1918–1919 at Archangel, and a few from the Siberian front. In his view, this was a prelude to the retention by the Soviets of thousands of soldiers taken from the German POW camps after World War II.

Mr. Sanders furnished the Committee with a critique of Dr. Cole's research in a letter on November 15.[600] Pertinent excerpts follow:

> Let me start by stating that the World War II portion of Dr. Cole's report is hopelessly incompetent. Any investigator/analyst/historian researching a possible Government cover-up of historic proportions, would begin by testing the official Government history against the available data. Dr. Cole, however, failed to do this.
>
> Instead, he relied exclusively on the RAMPs Report (Recovered Allied Military Personnel) to formulate his working hypothesis. Since the RAMPs report, completed in 1946, is the official Government version of the recovery of POWs, a competent historian would first demonstrate that the official history is correct. It is incorrect in virtually all critical areas.
>
> Cole quotes the RAMPs disinformation line that only "76,854 were estimated to be in German POW camps." Here are the correct confirmed American POWs held by the Germans:

European Theater	76,474
Mediterranean Theater	20,171
North African Theater	1,667
Total	98,312

Mr. Sanders went on to say that his archival research turned up "Battle Casualties of the Army," which support his figures. He also asserts that his research shows that the U.S. actually expected 106–107,000 POWs to be returned, which included between 8,000 and 9,000 men carried as MIA but not definitely known to be in captivity. On May 19, 1945, a document found by Mr. Sanders—signed by Gen. Eisenhower—shows that 105,000 returnees were expected.

How many returned? Dr. Cole, using the RAMPs report, says 91,252. Mr. Sanders says that his research shows that the number did not exceed 85,000.

Mr. Sanders letter continued with its summary of his findings:

> Between February and April 1945, 5,159 Americans should have been evacuated through Odessa. . . . Only 2,858 were recovered, however. At least 2,301 Americans disappeared. A June 1945, State Department study in the MIS–X files confirms this, stating that 5,200 Americans should have come out through Odessa.

[600] Letter to Select Committee from James D. Sanders, 11/15/92.

On May 19, 1945, Eisenhower informed General George C. Marshall, stating that an estimated 25,000 Americans were still held by the Red Army. It should be noted that this message was sent during the height of the hostage negotiations that were in progress in Halle, Germany. Only 4,165 Americans returned from Soviet control after that date. . . . We lost 2,500 out of Poland and the Ukraine between February and March 1945, and 21,000 along the western front during May 1945, for a total of 23,500.[601]

COLD WAR INCIDENTS

Joint Staff report on cold war POWs

Early in 1992, President Yeltsin said publicly that some American airmen lost during the Cold War period were captured and held prisoner in the Soviet Union. In response, the Joint Staff for POW/MIA matters was tasked to collect all the available information on Cold War losses. Working with the Office of the Secretary of Defense, the CIA, the DIA, the NSA, and the State Department, the Joint Staff reviewed U.S. Government files for communications between the U.S. and the Soviet Union, China, and North Korea concerning the issue. In addition, the Joint Staff worked with service casualty officers at the various services to review what families were told and what information they knew. In all, the Joint Staff found 133 men who were missing or captured by the Soviet bloc during the Cold War. As Captain John P. Gay, director of the Asia/Pacific Division of the J-5, Joint Staff testified:

> We defined the parameters of what we wanted to look at, and we opted for 1946 all the way through 1991 . . . We collected all the data, generating a computer-based data report. We submitted it to the Secretary of Defense on the 25th of June. We made one minor update to that report since that time. To the best of my knowledge, prior to us collating all this data, there was no Government-wide effort to include all the Cold War data into a single report, from 1946 through 1991. I'm convinced that we made as comprehensive and as complete a look as we possibly could have . . .
>
> In my examination of all the material associated with Cold War losses, I see, saw nothing that would support that any of the 133 missing or captured were held in the Soviet Union, China, or Korea. However, as many of you know, because of the circumstances surrounding some of these incidents, this possibility—and I stress that, possibility—can certainly not be ruled out, because of the circumstances surrounding the crashes.[602]

In summary, the Joint Staff found no evidence that any previously unacknowledged Americans had been captured and imprisoned during the Cold War period by the Soviet Union, China or Korea,

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[601] Sanders letter.
[602] Select Committee hearing, 11/10/92.

but that this possibility could not be ruled out because of the nature and circumstances of some of the incidents involved.

Defense Department view

Deputy Assistant Secretary of Defense Al Ptak testified that U.S. investigative efforts have focused on 10 incidents between 1950 and 1965 in which shootdowns took place, involving 90 crew members who remain unaccounted for:

> Despite the lack of conclusive evidence, we do not rule out the possibility that members of these crews may have survived the loss incident long enough to be rescued by Soviet units. U.S. debriefs from the 1950's provide second-hand evidence that individuals matching the descriptions of members of a few of these crews were sighted in Soviet prisons; however, we lack conclusive evidence of such prisoners.

The U.S. has provided the Russians with highly specific data, including the names of the service members involved, the dates of their flights, their last known locations, and their aircraft types, for each of the ten incidents. To date, little information has been received from the Russians in response, despite continuing commitments of cooperation. Beginning in September, 1992, representatives of the Russian Border Guards were included in discussions with the U.S. members of the Commission, and the Commission is continuing to seek information from the archives maintained by them.

Joint Commission visit to Ukraine

In December, 1992, the Joint Commission visited Kiev, Ukraine. During a meeting with Ukrainian officials, the U.S. side turned over lists of all known citizens of the former Soviet Union captured in Afghanistan and of all known former Soviet citizens who had been resettled in the United States. Ambassador Toon also held a press conference asking Ukrainians to come forward with information concerning U.S. POWs and MIAs. Ukrainian officials stated their willingness to investigate their records and archives and to share any information they find with the United States.

During the visit, an official of the DIA pressed the Ukrainians concerning ten incidents in the Cold War in which Americans were lost and did not return. One of the incidents occurred in 1965, at a location that would be within the Ukrainian national territory. Ukrainian officials uniformly stated that all records had been taken to Moscow on the orders of Soviet officials of the central government. Nevertheless, they promised to research whatever files and archives remained in the Ukraine and to pass on the results.

RAND project/Cole testimony

Dr. Cole had this to say about Cold War losses:

> During the early period of the Cold War, the U.S. Government in the 1950's systematically collected live sighting reports of American citizens, military and civilian, in Soviet bloc control. This information provided the basis for

dozens of U.S. requests for information and protests to the Soviet Government. Between 1945 and 1959, U.S. government protests resulted in the repatriation of at least nine American citizens held in the Soviet Union.

Between 1945 and 1969, at least 23 U.S. military aircraft were shot down by Soviet forces. On at least three occasions, live crew members were repatriated. During the 1950s, the U.S. government believed that some crew members were imprisoned by the Soviet Union and made many protests to the Soviets on their behalf.

Other protests were made on the behalf of American civilians not permitted to leave the Soviet bloc.

The U.S. also kept detailed records on the whereabouts of American defectors in the Soviet bloc, the majority of whom lived in East Germany or Czechoslovakia. Few lived in the Soviet Union, and some U.S. defectors were imprisoned by the Soviets as suspected spies.[603]

Family members and Task Force Russia

TFR and some members of families who have lost servicemen in Cold War situations take a more positive view on the possibility of survivors. One of the most intriguing and convincing cases that can be made showing Soviet duplicity in retaining members of U.S. aircrews shot down by Soviet fighters during the Cold War involves the USAF RB-50, tail number 47-145A, which was attacked by two MIG-15s on July 29, 1953, over the Sea of Japan. The sons of one of the crew, 1st Lt. Warren Sanderson, have made an intensive search for the truth regarding possible survivors. One of the sons, Bruce W. Sanderson, of Fargo, North Dakota, testified before the Committee.

Bruce Sanderson has enjoyed the full support of and considerable assistance from TFR, including personal attention from Gen. Loeffke and Col. Herrington in his research and visit to Russia, where he participated in interviews with Russian sources and was given access to Russian archives. He has been partially successful in obtaining U.S. Government records involving the case, but the search for relevant documents is incomplete.

Facts that make this case particularly important are:

The Soviets admitted that they shot the aircraft down.

Survivors, beyond the sole individual who was rescued by a USN ship, were seen in the water by search and rescue aircraft.

North Korean patrol boats were seen in the area, moving to and away from the crash-site.

The co-pilot was rescued 22 hours after the crash, 17 miles from the coast.

Mr. Bruce Sanderson provided the Committee with a possible insight into what might have happened to his father and to other American servicemen who flew missions to collect intelligence along the Soviet frontiers during the Cold War. He told the Committee that he located a Russian citizen who was personally in-

[603] Select Committee hearing, 11/10/92.

volved in the interrogation of American servicemen in the U.S.S.R. from 1950 to 1954. According to Mr. Sanderson, this is what he was told:

> He also reaffirmed the information from the first meeting that all U.S. personnel under Soviet control were photographed, finger-printed, and given Russian names, that these men were then moved frequently from camp to camp. It was common practice to create a false death certificate or record when a prisoner was moved. . .[604]

Jane Reynolds Howard presented testimony concerning her search for the facts concerning her husband's loss over the Baltic Sea. Robert D. Reynolds (USN Class of '45; graduated in June 1944 because of the war) was in a Navy PB4Y2 "Privateer" shot down by four Soviet MIGs on April 8, 1950. U.S. searches found no survivors and all 10 of the crew were presumed dead.

Mrs. Howard testified that she had originally accepted the Navy's account of her husband's death. But 16 months ago, she finally learned, through an article in the Los Angeles Times, that her husband's true mission was not "training," as the Navy had told her at the time. This led her to consider the possibility that Robert Reynolds had been captured and to begin a search for answers.

She traveled to Russia where she was assisted by the TFR during a 10-week visit. There, she conducted an intensive search, including the use of media and photos of her husband as he would appear at age 70. She does not know if her husband survives, but she is absolutely convinced that he was captured by the Soviets.

A third family member, Mr. Gregg Skavinski of Virginia, testified about the case of his uncle, MSgt William R. Homer, who was aboard a USAF RB-29 when it disappeared over the Sea of Japan on June 13, 1952. The Air Force recorded the loss as an "accident, a non-battle casualty." But Mr. Skavinski testified to information that two radar blips were seen approaching the plane just before it disappeared; that a Russian radio transmission discussed the rescue of a member of the crew; that an empty six-man life raft, that might have been from the RB-29, was sighted; and that Soviets reportedly interrogated an American aviator in Manchuria about Major Sam Bush, the commander of the RB-29. What was the Soviet interest in Major Bush, Mr. Skavinski speculated, if he was at the bottom of the Sea of Japan?

In summary, the book is not closed on the missing from the Cold War. There can be little doubt that much more information lies in the archives and in the recollections of the ex-Soviets who participated in these events. TFR faces a formidable challenge in ferreting out the truth.

THE VIETNAM WAR

The Committee examined reports and allegations that U.S. prisoners were interrogated by Soviet military and intelligence officials

[604] Select Committee hearing, 11/10/92.

during the war in Vietnam and also that some U.S. POWs may have been transferred to the Soviet Union during that conflict.

Defense Department testimony

Assistant Deputy Assistant Secretary of Defense Al Ptak testified concerning efforts by the Commission to determine whether there is evidence that U.S. prisoners were transferred to the Soviet Union during the Vietnam war:

> Despite having vigorously examined every lead, to date we have no conclusive evidence supporting claims that U.S. POWs were transferred to the Soviet Union. It is also important to note that some of these key individuals, including the former Soviet Ambassador to Laos, have refused to be interviewed by the Commission.[605]

To date, the Commission has found no documents indicating that any U.S. POWs from the Vietnam War were interned in the Soviet Union, or that Soviet personnel participated in interrogations of U.S. POWS during the Vietnam War.

Assessment of committee investigator

Committee investigator Al Graham testified that:

> As with the Korean War, the Russians are very sensitive to their possible role in the Vietnamese War. Although they claim that they did not take [part] in any interrogations in Vietnam and that no U.S. POWs were transferred from Vietnam to the Soviet Union, there is at least some circumstantial evidence that such interrogations did take place and that at least a few U.S. POWs may have been transferred from Vietnam to the Soviet Union.
>
> If so, there is a good chance that some of them could still be alive. Again, there are possibly several former U.S. POWs who might have cooperated with the Soviets and who might not wish to be found. In such cases, it would probably be worthwhile for representations to be made to the Russian government at the highest level that such individuals would not be persecuted by the U.S. and that on humanitarian grounds, it would be quite useful to be able to resolve these cases.[606]

Testimony of Bui Tin

During its first set of hearings, in November, 1991, the Committee received testimony from Bui Tin, former Senior Colonel in the Vietnamese People's Army. During the latter part of the Vietnam War, Col. Bui Tin had been the official spokesman for the North Vietnamese Army. According to the Colonel:

> At that time, I had the right to read all the documents and the secret telegrams from the politburo on this (POW) issue. In addition, I had special authorization from the General Vo Nguyen Giap, then defense minister to go to

[605] Select Committee hearing, 11/10/92.
[606] Select Committee hearing, 11/11/92.

any camps, to meet with any officers, and to interview any POWs and read their files.[607]

Col. Bui Tin testified that he believed some U.S. prisoners were interrogated in Vietnam by Soviet and Cuban military intelligence officers and that the purpose of this questioning was to obtain information about their knowledge of advanced aircraft technology. He said he never heard that any U.S. POWs were transferred to the Soviet Union.

Other reports

A number of those who have written books about POW/MIA-related issues, including John M.G. Brown, Thomas Ashworth, Mark Sauter, James Sanders, and Monika Jensen-Stevenson have asserted or speculated that some Americans captured during the Vietnam War were transferred to the Soviet Union. For many, the principal source for this allegation has been Mr. Jerry Mooney, a retired USAF Msgt who served a long career in communications intelligence.

In addition to the testimony of Mr. Mooney, the Committee received several reports that Americans were transferred to the Soviet Union during this period:

Trung Hieu, a North Vietnamese who has sought political asylum in the United States, was interviewed by Committee staff in June 1992. In an interview, Hieu said that the entire crew of a downed B-52 was turned over to the Soviet Union in 1972; but he backed away from his assertions during his sworn deposition. (Mr. Hieu, by virtue of his occupation as a photographer for the Ministry of Culture, may have had access to reports of this kind, but it is doubtful that he would have had personal knowledge.)

Terrell "Terry" A. Minarcin was also in communications intelligence in the Air Force. Mr. Minarcin told the Committee that he tracked "special flights" of Soviet aircraft in 1977 that carried American POWs to the Soviet Union.

Jan Senja, a retired Maj. Gen. in the Czechoslovakian Army, has testified in a deposition and stated in interviews that American POWs were transported to the Soviet Union, transiting Prague. He said he had personal knowledge of the transfer of up to 90 such POWs through Prague. Gen. Senja defected from a high-level position in the Ministry of Defense—where he would have had access to such information—in 1968, and is now an employee of the Defense Intelligence Agency.

The Committee found no information to corroborate the reports of Trung Hieu or Mr. Minarcin.

In December, 1992, during a visit by the Joint Commission to Prague, Ambassador Toon asked Czech officials whether they had heard of the allegations made by Jan Sejna. None of the officials denounced or discredited Sejna. All promised to research their archives, but referred the U.S. delegation to the Ministry of Interior for answers. The Federal Minister of the Interior, Mr. Petr Cermak

[607] Select Committee hearings, 11/7/91, pp. 466.

said that the allegations must be taken seriously, that the communists were capable of anything, and that his Ministry would turn over to the U.S. Government everything it found concerning Czechoslovakia's involvement in the Korean and Vietnam Wars.[608]

Mooney testimony

Considering the fact that Jerry Mooney was the principal source cited by those who assert that American POWs were "Moscow Bound," his testimony was remarkably equivocal on the subject. He testified and presented the Committee with a volume of affidavits on January 22, 1992. The most definitive part of his testimony, as it relates specifically to American POWs going to the USSR, was elicited through questioning by Sen. McCain:

> Senator MCCAIN. . . . Mr. Mooney, I believe you said on a television program that there were several movements of American POWs to the Soviet Union, is that correct?
>
> Mr. MOONEY. I have never said that sir. What I have said is that there was a tentacle Moscow-bound. The men were collected. There was a connection by the "friends." We knew where they were transported within North Vietnam. I have no knowledge of Laos, and we knew where they went. We knew where the "friends'" primary prison camp was and we knew how they were transported from North Vietnam over to Sam Neua, Laos, which we designated as Tentacle MB. I never saw an American prisoner being transported out of Southeast Asia and I have never said that. . .
>
> Senator MCCAIN. My question is, do you have information or do you believe that American POWs were taken to the Soviet Union?
>
> Mr. MOONEY. I have no direct information, but considering the Tentacle Moscow-bound nature of Sam Neua, I would consider it a probability and, as I have said many times, they would go only if they were broken.
>
> Senator MCCAIN. So you believe that some Americans were taken to the Soviet Union?
>
> Mr. MOONEY. Under those conditions, sir.
>
> Senator MCCAIN. I am not sure I understand your answer.
>
> Mr. MOONEY. Well, sir, let me——
>
> Senator MCCAIN. You either believe that some were taken to the Soviet Union or you do not believe some were taken to the Soviet Union, Mr. Mooney. I think it's a pretty straightforward question.[609]

Mr. Mooney then explained why he believed that flights of IL-14s carried American POWs from a prison camp northwest of Vinh to Sam Neua. He said the Soviets had no need for POW labor, but "were after minds." The flights to Sam Neua were unusual in the

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[608] Joint Commission officials were assured, during the December, 1992 visit, that the breakup of the Federal Czechoslovak Republic into two countries would not affect cooperation with the U.S. on POW/MIA matters, Czech Interior Minister Cermak said that all research assignments on the subject would be taken over by his Ministry.

[609] Select Committee hearing, 1/22/92.

secrecy with which they were conducted; there was no air-to-ground communications. "But," Mr. Mooney said, "we did not know if they went on beyond Sam Neua. We did not know. I have no knowledge of that."

Further discussion of Mr. Mooney's testimony and the Committee's investigation concerning it may be found in the "Intelligence" chapter of this report.

ACTIVITIES IN MOSCOW

Joint U.S.-Russia Commission

U.S. delegation to the Commission

Malcolm Toon, the Ambassador to the Soviet Union from 1976 to 1979, is chairman of the U.S. delegations. The other members of the American delegation are: Kerry, John (Senator, D-Mass); Smith, Robert (Senator, D-N.H.); Miller, John (Congressman, R-Wash); Peterson, Pete (Congressman, D-Fl.); Kauzlarich, Richard (Department of State); Quinn, Kenneth (Department of State); Ptak, Al (Department of Defense); Clift, Dennis (Department of Defense); Peterson, Trudy (National Archives; Ad Hoc mbr.); Ross, Edward (Department of Defense, Exec. Sec.).

Russian delegation to the Commission

Col. General Dmitri Volkogonov, is chairman of the Russian delegation. Dr. Vladimir Kozlov, Deputy Chairman of the Russian Archives, has served as the Deputy Chairman. Other members of the Russian delegation are: Ambartsumov, Yevgeniy (Act. Chm. Int'l Affairs Comm, SS); Arzhannikov, Nikolay Mikhaylovich (DC, Human Rights, SS); Venkov, Igor Nikolayevich (Col. Dir. Hist. & Mem. Ctr. GS); Kalinin, Yuriy Ivanovich (Col. Min. of Internal Affairs); Kovalev, Sergey Adamovich (Chm. Human Rights Comm, SS); Krayushkin, Anatoliy Afanasyevich (BG, Min. of Security); Lezhikov, Gennadiy Lukyanovich (Col. Dir. MVD Info. Ctr.); Mazurov, Vyacheslav Petrovich (Col. Foreign Intel Serv); Mironov, Vladimir Fedorovich (Consultant, Min. of Jus.); Podrazhanets, Iosif Nikolayevich (Acting Chief, No. Amer DirMFA).

Plenary meetings

The Joint Commission's inaugural meeting was held in Moscow from March 26-28.

This was followed by a "Working Group" delegation led by Mr. Ed Ross which met in Moscow from May 27th to 29th. At this session, Gen. Volkogonov gave the American side free rein to contact and interview as they saw fit. This resulted in about a dozen interviews with former colonels and generals who had served in Vietnam. At this time, Gen. Volkogonov provided the American side with 21 documents which primarily dealt with World War II and the Cold War periods.

A full Joint Committee meeting was held between September 21-24 with Ambassador Toon and Gen. Volkogonov in attendance. At that time, Gen. Volkogonov explained President Yeltsin's statement before the U.S. Congress on the possibility of live Americans in Russia as being based on the revelation of Mr. Hamilton in a

Soviet psychiatric hospital. Gen. Volkogonov later admitted that the David Markin story also played a role. During this Joint meeting, ten archival directors gave their reports. They all claimed not to have found any information indicating U.S. soldiers were sent to the USSR from Korea or Vietnam or that Soviets took part in interrogating American POWs from these wars. When it was pointed out that oral interviews were not consistent with President Yeltsin's statements, Gen. Volkogonov pledged to continue the interviews of former Soviet military personnel with Vietnam and Korean experience. Gen. Volkogonov also admitted at this time that he had not been through the GRU or KGB archives.

December 1992 meeting

During the Joint Commission's Plenary session in December, Gen. Volkogonov stated three Russian positions:

No Americans are detained against their will in Russia and that is believed to be the case throughout the former Soviet Union;

The Russian side has established the fate of over 23,000 U.S. personnel held after World War II and considers this issue now closed;

The Russian side considers the remaining work of the Commission to be the resolution of questions concerning the Cold War era.

The Russian side of the Commission provided a number of documents to the U.S. side, including a list of cases of persons who had been in Russia but were later returned; a document listing four POW camps in Korea during the war and the number of persons held in each; a list of 109 Americans who did not return from the Korean War but who Russian research indicated were not in Russia; and a document containing data on the Cold War incidents.

Gen. Volkogonov stated categorically that there has never been a KGB General named Gregoriyev. Thus, any report attributed to this man is false. Volkogonov reviewed the many files that had been researched in response to U.S. requests, including more than 40,000 files of the Ministry of Public Health. None of these investigations has produced information that U.S. persons were held in Russia.

Ambassador Toon agreed that the World War II issue could be considered finished, although not all U.S. members of the Commission agreed. For example, the Commissioner from the National Archives raised several outstanding issues from World War II, which the Russians have not satisfactorily addressed.

After a U.S. Commissioner referred to "strong evidence" that American POWs had been taken to the Soviet Union during the Korean War, the Russian side said they found no evidence in their archival research that this had taken place.

In working group interviews, two retired Russian Colonels, veterans of the Korean War, indicated that it was plausible that a limited number of American specialists had been taken from Korea to Russia in connection with efforts to defeat radars used by U.S. F-86 Sabre Jets during the war. They did not, however, state categorically that U.S. personnel had been taken to Russia. One retired

Colonel indicated that Russia archives still hold all the answers to U.S. questions.

Gen. Volkogonov told the U.S. Commissioners that answers to POW issues connected with the Korean War would be found in the War Museum in Korea, which he had visited six years earlier, and in China. He also stated that political turbulence in Russia was overtaking the work of the Commission and that there continued to be opposition within the Russian Government to its work. He restated President Yeltsin's support for the Committee, however, and proposed another meeting in the spring of 1993. The two agenda items he raised are the Cold War incidents and investigation of remains recently found on Sakhalin Island. He proposed that the Joint Commission publish a booklet on its work and its findings, with supporting documentation.

Task Force Russia

Task Force Russia (TFR) was formed on June 29, 1992. Its basic mission has been to field a Task Force capable of collecting, analyzing and using information provided from Russian archives and citizens to achieve the fullest possible accounting of American POW/MIA personnel. The Task Force has a complement of 40 people based in Moscow and Washington, D.C.

Personnel

Col. Ed Pusey was named the first chief of TFR's Moscow office on September 1, 1992. He presently supervises a staff of 8–10 people including a Deputy, an historian, an archivist, three field interviewers, an interpreter, and administrative NCO, an administrative clerk and a secretary. The Senate Select Committee representative also works out of the TFR Moscow Office which is presently located on the 5th floor of the Old Embassy Building.

Mission

The principal mission of the TFR Moscow Office staff is to achieve the fullest possible accounting of American POW/MIA personnel in Russia through the collection and analysis of information provided by and obtained from Russian archives and citizens.

Objectives

Organize an effective research, interview and analytical team in Moscow;

Develop a prioritized research-interview plan supporting TFR's requirements and priorities;

Continue archival research and personal interviews in full cooperation with the Russian side of the Joint U.S.-Russian Commission on POW/MIA;

Satisfy Russian concerns, particularly those of the military and security services pertaining to the mission and personnel makeup of TFR;

Assist Russian counterparts, whenever possible, in overcoming shortages in personnel, funding, equipment, and information (when lacking) related to mission accomplishments;

Reduce perceived barriers between General Volkogonov's commission and the MOD, General Staff, GRU, KGB, and other governmental entities pursuant to TFR's requirements;

Obtain Russian agency acquiescence in TFR's mission;

Maintain and improve upon the positive development of the U.S.-Russian relationship in POW/MIA affairs as well as for the long term with emphasis on the Russian military;

Satisfy the priorities up and down both U.S. and Russian "chain of command;"

Develop and maintain cooperative work relationship with AmEmb and DAO Moscow;

Provide respectable work environment and personal care for TFR's Moscow Office personnel.

Russian joint office

The United States requested that a physical joint office be established for the purpose of conducting interviews. The proposal was formally raised at the Joint Commission meeting on May 28th. On June 8th, Gen. Volkogonov announced that the POW/MIA Team consisting of Al Graham, Col. William Saxe, and Mr. James Connell, would be permitted to conduct interviews at the Joint Office which was to be located at Ilyinka, 12, near Staraya Ploshchad [Old Square] the former headquarters of the Central Committee of the CPSU.

Joint interview program in Russia

Background

Committee investigator Al Graham was posted to Moscow in May, 1992 to represent the Senate Select Committee and work under the aegis of the Joint Commission on POW/MIA affairs. One of his principal tasks while in Russia was, in conjunction with TFR-Moscow team members, to arrange for and conduct interviews with Russian officials, Russian citizens and retired officers who may have served in Southeast Asia during the Korean and Vietnamese Wars and therefore might be knowledgeable about possible U.S. POW/MIAs. Often, as a consequence of these interviews, other leads were developed.

The majority of interviews have been conducted at Ilyinka 12, the former headquarters of the Central Committee of the Communist Party. The Committee investigator found that some interviewees were intimidated by this location and somewhat reluctant to reveal all they knew, and many believed the room and telephone to be under surveillance by Russian authorities. Since mid-to-late October 1992, some interviews were held elsewhere to respond to these problems.

Initial interviews were scheduled in early June. Interviewees, at that time, were drawn from the Soviet Vietnamese Veterans Association and a few parliamentarians. Others later learned of and responded to the inquiry as a result of media appeals on Kiev and Moscow TV, and Ambassador Toon and Gen. Volkogonov's TV broadcast on June 28, 1992. Advertisements were also placed in a number of newspapers. Other interviewees were developed from

citizens writing, calling or walking in either the American Embassy or the Joint Office at Ilyinka 12.

The interview program has been the major source of forward progress. Russian authorities have provided the Committee with a substantial number of archival documents, mostly concerning World War II. However, this archival effort has yielded very little to date that is verifiable on American POWs during World War II and virtually nothing new about Korea, Vietnam and the Cold War.

By contrast, the interview results moved the Russians to admit that they were involved in interrogating American POWs in Korea and Vietnam. Moreover, although the Committee has no direct evidence to prove it, there appears to be a strong possibility that at least a handful of U.S. POWs, possibly more, were transferred to Soviet territory during the Korean War.

Based on the Committee's experiences with the Russians to date, the investigators believe the Russian side will likely stick to its current line until the body of evidence gathered through a vigorous interview program forces the government and security services to reevaluate their position.

Interviews with Russian officials

These included interviews with Russian active-duty servicemen, GULAG officials, Security service personnel, doctors, archivists, historians, linguists, and parliamentarians.

Interviews with Russian citizens

These consist primarily of interviews with retired military officers, foreign service officers and correspondents who served in Southeast Asia, as well as with former prisoners who served in the GULAG and ordinary citizens who had knowledge of possible Americans on Russian territory.

Retired Military Officers: The first interviews were conducted by Committee staff investigator Bob Taylor during his trip to Moscow on February 17th, 1992 with Senators Kerry and Smith and his subsequent visit on March 26-27, 1992 during the Joint Commission meetings. On those occasions, he succeeded in interviewing mostly retired senior Soviet officers who had served in Vietnam. The story that emerges from these interviews was that Soviet soldiers were forbidden to have any contact with American POWs, were not armed and did not take part in interrogations of American prisoners. However, this testimony was contradicted by one former colonel who said that the non-contact rule was not strictly practiced and others who admitted that they knew of a Soviet officer sitting behind a screen during an interrogation of an American. These sources added that questions to ask POWs were passed to the Vietnamese from higher Soviet commands. The Committee was also told that there was a Soviet Analytical Team in Hanoi which exploited the information learned from the interrogations.

Col. Gen. Vladimir Abramov, former Commander of the Soviet force in Vietnam, told the Committee in March that the Vietnamese provided him with a report on every American pilot captured. He said however, that his office kept no files or records on the indi-

vidual POWs. This information, however, may have been forwarded to Moscow, he thought.

During a second interview with Gen. Abramov on June 1, 1992, the General denied having told investigators during the earlier meeting that he had received a report on every American pilot captured in Vietnam. He also denied saying that a high-placed Vietnamese friend told him at a May 1975 reception in Vietnam that there were still American servicemen being held in Vietnam as that time.

Perhaps the clearest case in which Russian testimony changed during the course of the investigation came during a re-interview with Col. (ret) Gavriil Korotkov, who was stationed in Khabarovsk from 1950–54 and reported directly to the Commander of the Far East Military District. During the first interview with him, conducted on August 19th, 1992, he told five Joint Commission representatives that Soviet military specialists had been given approval to interrogate American servicemen in Korea and that some of the senior, more experienced Americans as well as those with specific specialties were selected for transfer to the USSR for further interrogation. He asserted that the Soviet Naval Base at Posyet served as the transit point for the movement of Americans North [by rail or plane] to Khabarovsk. Col. Korotkov further maintained that the number of Americans processed through Khabarovsk was in the hundreds and that they were kept under KGB control during and after the interrogations.

He claimed not to know their fate after the interrogations. Col. Korotkov said he personally interrogated two American POWs on Russian soil. One was a Lt. Col. Black. Efforts were made, according to Col. Korotkov, to recruit and gain cooperation of Americans. He stated that interrogation reports were sent to the Far East Military District Headquarters, the 7th Directorate of the Main Political Directorate and the GRU. He further maintained that Col. Gen. Shtykov, the Soviet Ambassador to North Korea at the time, prepared reports for Stalin's eyes only.

In a follow-up interview on September 29th, 1992, Col. Korotkov modified his previous statements. He now denied that American Korean War POWs were ever interrogated by Soviets in Khabarovsk. He categorically denied ever interrogating an American POW named Black but did admit to interrogating two American POWs in North Korea. He also asserted that there were between 10 and 25 Soviet interrogators involved in this process, indicating that a large number of American POWs may have been interrogated during the Korean War. Although not completely ruling out the fact that these interrogations may have taken place on Russian soil, he now maintained that the interrogation center existed for at least 18 months and was located at a non-demarcated juncture along the North Korean, Chinese and Soviet borders. He also declared that a 150 question questionnaire used to interrogate American Korean-war POWs was prepared in Khabarovsk. Col. Korotkov added that similar type questionnaires were used to interrogate American POWs during Vietnam. A possible explanation for the modifications in Col. Korotkov's statements is that he received a call the night before the interview from an official of the Foreign Intelligence Service (formerly the KGB).

On December 16, 1992, Col. Korotkov testified at a meeting of the Joint Commission that approximately 100 U.S. POWs were interrogated by Soviets during the Korean war era and that possibly "tens" of these were taken by the special forces to the Soviet Union. Col. Korotkov said that the Soviets tried "to get first-hand information from them and then to turn them."

According to Col. Korotkov, the Soviets employed fear, pressure and appeals to material interests in their effort to "turn" prisoners. He also said that it was common for the American prisoners to change their names and that it is likely some died in the Soviet Union under names different than their own.

Col. Korotkov characterized the Korean-era U.S. POWs with whom he came in contact as "great patriots" and said:

> They were assured, cocky, convinced that someone would come and get them. Among the (Soviet) specialists, we discussed how difficult it was to work with the Americans. The tone of our conversation was that Americans were self-assured, they never gave up hope.

Additional testimony on these subjects was received from a number of other retired Soviet officers:

Col. Aleksandr Semyonovich Orlov (Ret.), who was brought forward on the initiative of the Russian side of the Joint Commission. Col. Orlov said he had no knowledge of American POWs having been taken to the USSR. He did say, however, that he had received special MVD[KGB] permission to interview a certain LTC Black in Pyongyang in July, 1951 primarily for propaganda purposes. Col. Orlov acknowledged that questionnaires were routinely used in obtaining information from American POWs in Korea but that the interrogations were principally carried out by the North Koreans.

Col. (ret.) Viktor Aleksandrovich Bushuyev, former intelligence analyst in North Korea with the 64th Air Defense Corps, told investigators that the Soviets had access to the interrogations of hundreds of American pilots. He claimed not to know if the Soviet officials had taken part in the actual interrogations.

Col. (ret.) Georgiy Kuzmich Plotnikov, assistant Soviet military advisor to North Korea for 7 years, testified that a high-ranking North Korean officer told him in 1953 that some American POWs were sent to the Soviet Union. Moreover, he asserts that he personally interrogated a captured American captain from the 24th Infantry Regiment at a small POW camp on the Yalu River in 1952. Col. Plotnikov said that he conducted the interrogation while dressed in a North Korean major's uniform.

Col. (ret.) Valeriy Ivanovich Ukolov, said in an interview that he witnessed an American pilot being captured in the Russian town of Port Arthur in the summer of 1952.

Col. (ret.) Leonid Ivanovich Ambrosov, Chief of Staff of an anti-aircraft battalion in Vietnam from September 1965 to August 1966, stated that he had no knowledge of Russian participation in the questioning of American prisoners. He did say that the Russians may have provided some questions to the

North Vietnamese to be asked of captured Americans. He does not know what happened to the resulting interrogation reports.

Walk-ins: A number of individuals have come voluntarily to the U.S. Embassy in Moscow. Information provided by these individuals have included an account of an alleged American POW, David Markin, whose case is discussed later in this report. Other information has been provided by naturalized American citizens and by Russian citizens who had previously spent time in the GULAG. In addition, three Vietnamese nationals living in Moscow handed over dog tags, ID cards, photographs, bone fragments and body parts of alleged Americans. Two of the three did this out of humanitarian concern, while the third claimed to know where the remains of at least 20 Americans were located in Vietnam and asked $75,000 for each set of remains. All of this material was turned over to American experts for verification and analysis.

Write-ins: Since June, 1992, approximately two dozen letters or telegrams have been received from citizens of the former Soviet Union. Many of the writers claim to have knowledge about Americans in Soviet prison camps or psychiatric hospitals. Others claim to have information about grave sites where Americans are allegedly buried. The writers are being contacted by members of the Commission for the purpose of obtaining additional data. Several have asked for guarantees or assurances from the highest authorities against recriminations before they speak with the Committee.

Recently, the flow of letters to the Commission has slowed to a trickle. This may be because publicity on the POW/MIA issue has died down or that all letters sent to the Joint Commission on American POW/MIAs are now initially screened by the Office of the President for Letters and Appointments.

Call-ins: Most of the call-ins received so far resulted from television programs on which Ambassador Toon, Gen. Volkogonov, and Committee representatives appeared. After the Toon-Volkogonov appearance on June 28, 1992, six people called the Ilyinka-12 "Hot Line." Likewise, several people called this number after Ambassador Toon's press conference in Khabarovsk on September 25, 1992. Committee representative Graham, TFR Moscow officer director Pusey and other POW/MIA team members have frequently appeared on TV on Moscow and other cities throughout the former Soviet Union asking those with information to call Ilyinka 12 or the Embassy. Newspaper advertisements have also resulted in call-ins with information.

Summary of requests to the Russians

Correspondence files

Correspondence has been sent to the Russian side of the Joint Commission since early September 1992. These letters serve two general purposes. The first is to provide the Russian side with specific data from the U.S. side on individual servicemen or the circumstances surrounding Cold War incidents. The second is to request meetings, interviews with particular people or types of people, and access to archives. To date, requests for interviews with specific individuals have met with little or no success.

Archival research

Structure of Russian Archives

The Archives in the former Soviet Union and Russia are not under the same kind of unified control that we have at the Federal level in the United States. Archives of the Soviet government could be found in a large number of archival institutions, and many of the main ministries kept their archives indefinitely in their own facilities and under separate departmental control.

The Soviet Union did have an archival agency which was supposed to have administrative control over archival institutions throughout the USSR. This agency was called the Main Archival Directorate or "Glavarkhiv." Even this body, however, did not secure control over the archives of such major ministries as the KGB, Foreign Affairs and Defense. After the August 1991 coup, President Yeltsin was quick to see the importance of securing the archival records and removed the leadership of "Glavarkhiv." In its place, he established the Committee of Archival Affairs of the RSFSR Council of Ministers, called "Roskomarkhiv," with control over various archival institutions, including the older bodies of imperial and pre-revolutionary archives. Some ministries, however, have remained outside its ambit and others have been slow to transfer records.

Visits and Trips to Archives

The U.S. members of the Joint Commission have made a series of visits to Russian archives to enable staff to better understand the structure of the archival system and to appraise the prospects for finding material relevant to the POW/MIA search.

It has become apparent to the American team that the archival institutions now coming under the administrative umbrella of Roskomarkhiv are more forthcoming and willing to cooperate than the officials who were responsible for the ministerial archives in the security and defense establishments. These older archives contain substantial amounts of material that might be relevant to the movement of American POWs from German camps into Soviet hands and Soviet territory in the closing days and the aftermath of World War II.

Archival Research Agreements

To ensure progress on all fronts, the Commission staff decided to seek the Russian archivists' help in exploiting these earlier records by entering into research agreements whereby staff archivists would be paid for working extra hours on the POW/MIA project. By late November, four research agreements had been approved and two of them were operative. These agreements cover the Central State Military Archives, the Central Historical Documentary Collection, the Military-Medical Museum and the Ministry of Foreign Affairs. All of the research agreements are for initial trial periods of either 60 or 90 days, after which the American side will evaluate results to determine whether continuation of the effort is justified.

Documents requested

Among the kinds of documents that the U.S. has requested are:

World War II

Lists of Americans liberated from German POW camps and transported into Soviet territory, especially records that indicate medical treatment or death and burial, and records that indicate sentences for crimes, charges and conviction, and transportation to camps on Soviet territory.

Cold war

Reports of aircraft shootdown incidents, including rescue and retrieval operations, reports of sightings, interrogations, and treatment of air crews, recordings and films of shootdowns, log books plus any reports that may be discovered in files of political and diplomatic reaction to such incidents.

For the entire Cold War period, the U.S. has also sought, so far without success, access to records of psychiatric hospitals (or any hospitals under control of the KGB, MVD and predecessors) and those of prison and labor camps. In addition, there is a project underway to compare fingerprints from the FBI collection with those in the collection of the Ministry of Internal Affairs. With respect to the fingerprint files, high hopes have been reduced by the perception that in both collections such files are regularly purged of older records on actuarial terms. The U.S. seeks to have access to the records of the Border Guards for the entire Cold War period because such units may have played a significant role in shootdown incidents during the Cold War period.

Korean war

Any documents that indicate the role of Soviet civilian or military officials in the control, interrogation, or transportation of U.S. POWs wherever located, or in the shootdowns of U.S. aircraft during that conflict, or any documents in Russian files that contain information about control, interrogation, or transportation of U.S. POWs in North Korea or China.

Vietnam war

Any documents that indicate the role of Soviet military or civilian officials in the control, interrogation, or transportation of U.S. POWs wherever located, or in the shootdown of American aircraft during that conflict, or any documents in Russian files that contain information about control, interrogation, or transportation of U.S. POWs in Vietnam, Laos, Cambodia or China.

Documents received

Russian researchers have discovered relevant materials on the POW/MIA issue which they have released to the American side. Early in the process, Gen. Volkogonov and his aides released batches of materials during Joint Commission meetings. More recently, the flow of documents has increased and become more regular.

Documents received thus far from the Russians are too numerous and varied to be summarized effectively in this report. They are listed, analyzed and described in the series of reports printed bi-weekly by the U.S. Army's Task Force Russia, copies of which may be obtained by Members of Congress from the office of the Deputy Assistant Secretary of Defense for POW/MIA Affairs. In very general terms, the documents have concerned Americans of other than military origin who were caught up in the throes of World War II or who deserted or otherwise sought political refuge in the Soviet Union, as well as some lists of U.S. military men and some diplomatic exchanges concerning repatriation efforts or shootdowns. Little of this information has been new to the U.S. side.

Some documents, however, have provided new and useful information. For example, interrogation reports on American POWs which the Russians professed to have received from the Koreans revealed that at least ten men who were heretofore entirely unaccounted for lived long enough to be interrogated. Unfortunately, their fates have still not been determined.

Assessment of archival research

The following preliminary judgments can be made based on the Committee's review, thus far, of Russian archival documents:

Soviet archivists did an excellent job of record-keeping, and current research efforts have barely scratched the surface of what is potentially available throughout the vast archival system of the former Soviet Union. Even the strategic "fires" and other destructions that have taken place do not seriously detract from completeness;

The traditional archival community is ready and willing to respond to American inquiries, especially in return for fair compensation;

Officials of the Security and Defense Ministries are currently more resistant to U.S. inquiries, but this may change if the political situation becomes more stable;

The time schedule for gradual disclosure of information about American POW/MIAs may be determined as much by the internal political requirements of the Russian regime as by the needs of Americans for that information;

It could take many years to carry out a comprehensive program of research within the centralized and regional archieves of the former Soviet Union, even if the political atmosphere is hospitable to such an effort;

The Russian archival material passed to the American side of the Joint Commission appears thus far to constitute a carefully-controlled release of information by the Russian government to convince the U.S. side that the Soviet Union did not capture, detain, interrogate, move or eliminate U.S. POW/MIA.

POW/MIA family members efforts in Russia

Committee and TFR representatives in Moscow have met with the relatives of several American POW/MIAs who might possibly have been on Russian territory at one time. The Committees/TFR staff also made arrangements for the family members to meet with

Robert Strauss, U.S. Ambassador to Russia, and with Gen. Volkognonv and other Russian officials. The family members asked the Russian authorities to help find information on the fate of their loved one. TFR members also passed on correspondence from about two dozen individual family members requesting any additional documentation that the Russians may be able to find concerning their missing relatives.

Repatriation of U.S. citizens buried in Russia

The Committee notes that a report on the ABC television program "20/20" that four Americans are still buried in Odessa is not accurate. The remains of at least three, and possibly all four, of the individuals have been repatriated.

TFR is looking into the alleged existence of graves of American servicemen from World War II on Iturup Island in the Kuriles. Accordingly, correspondence has been sent to the Russian side requesting a check of the archives of the Far East Military District, the Pacific Fleet, the Central Army, the Foreign Intelligence Service and the Ministry of Interior [MVD] for any information on the location of U.S. graves.

Mutual cooperation

The effort to find POW/MIAs is a two-way street. The United States Government may be able to overcome some of the reluctance of the Russian Security Services by addressing similar Russian POW/MIA issues where possible. The U.S. should strive to provide the Russians with more information from our records on Soviet MIAs from World War II, Cold War incidents and Afghanistan. Genuine reciprocity may lead to greater progress.

Russian inquiries on Afghanistan Veterans

The Russian side has asked the American side for information concerning 19 former Soviet soldiers who served in Afghanistan and are currently living in the west, and for information on servicemen presently held captive in Afghanistan. In September, Ambassador Toon provided a document to the Russian side listing Soviet POWs from the Afghan War who resettled in the West.

Soviet submarine incident

The Russian side has also requested information on the fate of Soviet submarine 574 which sank in the Pacific Ocean in March of 1968. On September 21, 1992, Ambassador Toon handed over a document to the Russians listing three crew members from this submarine. Moreover, the CIA has provided the Russians with copies of a film made during the "Glomar Challenger's" raising of sections of this submarine in August of 1974.

The Case of "David Markin"

An individual named Vikto Pugantsev claimed to have spent 1982-1986 in labor camp PL-350/5 near Pechora (some 900 miles northeast of Moscow) with an alledged downed U.S. pilot from the Korean War called david Markin (Marken).

According to Mr. Pugantsev, Mr. Markin told him that he had been shot down about 40 years ago in North Korea, after which he

and 50 other U.S. POWs were flown to the Soviet Union. According to the story, Mr. Markin spent the next three decades in one prison or psychiatric ward after another, ending up in PL350/5 in 1982. He was apparently sent to Soviet psychiatric hospitals when he told people he was in American. While there, he claimed to have been put in a straitjacket, given drugs such as aminazin and an unknown drug which caused his hands to "twist inward."

Mr. Pugantsev described the American as a tall, frail, polite, soft-spoken, psychologically-broken and stooped 60 year old, who had a shaven head, scars on his left shoulder and left forearm and a name tag on his prison uniform identifying him as "Markin, D." Although, Mr. Markin kept a low profile in camp, Mr. Pugantsev said he was treated worse than other prisoners and was harassed by guards for minor infractions like wearing his cap askew. Three such reprimands earned him a stay in the "solitary-confinement box" where, according to Mr. Pugantsev he spent a good deal of time Mr. Pugantsev maintained that Mr. Markin was still alive at the same camp in 1989.

The Committee and TFR personnel launched an intensive investigation into this matter despite the fact that no David Markin (or any close approximation) appeared on U.S. Government lists of unaccounted for from Korea. Commission investigators flew to Pechora on June 18, 1992. No person or record found there confirmed Mr. Pugantsev's claims. After the disappointing trip to Pechora, Mr. Pugantsev identified another inmate, Vladimir Bageyev, who might be able to confirm his story. Committee investigator Graham flew with a Russian foreign service officer to the city of Elista to interview Mr. Bageyev. Mr Bageyev confirmed that there was an individual by the name of Markin in Pechora and that this individual matched the description given by Mr. Pugantsev.

In response to this news, Gen. Volkognov arranged to bring the Director of Operations for the Pechora camp to Moscow to meet face to face with Mr. Pugantsev to determine the truth. Although the meeting took place, the differences in the respective stories could not be resolved. During the course of the discussion, however, not be resolved. During the course of the discussion, however, additional names of other inmates and camp officials who might be able to provide more information on this matter were disclosed. Seventeen individuals were identified, including 8 officers, 7 inmates and 2 doctors. Five of the eight camp officials provided virtually identical written statements to the effect that there were no Americans at PL350/5 during their tour there. U.S. investigators asked to see the camp hospital records because Mr. Pugantsev, Mr. Bageyev and Mr. Markin were reportedly in the hospital at the same time. The official reply to this request was that the records were destroyed in a fire that took place between August 30 and September 1, 1989.

At the Committee hearings in November, Gen. Volkogonov discounted Mr. Pugantsev's story and suggested that he was motivated by a desire to emigrate to America. Mr. Pugantsev, on the other hand, has told investigators that he has been harassed and threatened as a result of his testimony. He claims that he was summoned to appear at the Security Service [former KGB] office in his native town of Chernovtsy in the Ukraine and queried about his contact

with the Moscow POW/MIA team members. According to Mr. Pugantsev, he was told "not to stick his nose where it did not belong." The Committee has continued concerns over reports pertaining to "David Markin."

FUTURE ACTIONS

Levels of cooperation

The interview program pursued by the American side of the Joint Commission has been extremely pro-active while the Russian side's response has been reactionary at best. The U.S. side has received little response to correspondence requesting that specific individuals be made available for interviews. Part of this problem may be due to the fact that Gen. Volkogonov has only two assistants. It might expedite things greatly if the number of staff people on the Russian side were increased.

The level of cooperation from the Russian side has not met the standard of official statements. For example, a long-standing request to interview 20 intelligence and security service [former KGB] officials who served during the Korean and Vietnamese War eras was made in early June. The request was kicked back and forth between Col. Kobaladze, the Bureau Chief for Public Affairs of the Russian Intelligence Service and Col. Mazurov, the Foreign Intelligence Service representative on the Joint Commission. Finally, after several months, Col. Kobaladze replied by expressing surprise that his superiors wished to answer a type of request that the CIA would not have. He then informed Committee investigators that of the 20 people we requested to interview four were dead, four were unlocate-able, six had no knowledge of American POWs, two worked for other agencies [MFA & MOD], another never worked for them, one was in England during the entire war effort, one could not be identified and one refused to be interviewed due to illness.

There are a number of other examples of a failure to provide basic information about individuals despite the fact that the information must be readily available to the Russian side. For months, the Russians said they were unable to provide information concerning one individual who, when finally located through U.S. efforts, was found to live scarcely a kilometer from the hotel where the TFR team is housed.

Media appeals for people with information on American POW/MIAs to come forward have also met with limited success. Due to doubts about long term political stability in the country, some citizens may feel reluctant to speak out. Several potential interview candidates have requested assurances and guarantees from the highest authorities before they would talk to investigators. Others may be afraid to become involved with foreigners, either because of the sensitive nature of their employment or because of a general apprehension based on what has happened in the past to Russians who had contacts with foreigners.

Trips and visits

The Russian side has agreed to a 48-hour notice policy for on-site inspections of any camp or archive. Future plans are to visit those camps where Americans were reportedly held.

Planned interviews

The interview program is critical to developing the body of evidence necessary to open the doors to the official records. Interviews, especially of retired officers, have provided the most lucrative source of new or significant information to date. One key to such an effort is publicity. Therefore, the United States needs to publicize widely the efforts of investigators and the desire to obtain additional information.

Follow-up action leads

These include finding and interviewing several former KGB generals, military officers and pilots who are alleged to have been involved in or to have known about the possible transfer of American POW/MIAs during the Korean War and the war in Vietnam. It also may be worthwhile exploring if any of the ex-Republic archives, especially those dealing with KGB documents, might have been capped.

Investigation of individual leads

With the break-up of the former USSR, many of the individuals who need to be interviewed and many of the archives of importance are now beyond Moscow's control. More time and effort should be placed on developing parallel programs in some of the other Republics. Moreover, since much of the information developed to date points to the KGB as the institution most likely to have been involved in arranging transfers and escorting Americans onto Soviet soil, the United States may want to look into which former Republic archives containing KGB records were capped after the coup and whether we can gain access to these records.

CONCLUSIONS

Gen. Volkogonov's assessment

Gen. Volkogonov contends that, to his knowledge, no Americans are currently being held against their will within the borders of the former Soviet Union.[610] Although the Committee has found evidence that some U.S. POWs were held in the former Soviet Union after WWII, the Korean War and Cold War incidents, we have found no proof that would contradict Gen. Volkogonov's contention with respect to the present. However, the Committee cannot, based on its investigation to date, rule out the possibility that one or more U.S. POWs from past wars or incidents are still being held somewhere within the borders of the former Soviet Union.

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[610] Gen. Volkogonov did not mean to include in this contention any Americans who might legitimately be under arrest for recent violations of civil or criminal law. For example, at the time of the Select Committee hearing, one American was under arrest for dealing in contraband religious icons.

World War II

The Committee found that the Russians have been particularly successful in producing World War II archival documents, and is pleased to report that the fate of some American military and civilian personnel from the World War II era has been determined through recent investigations in Russia. Moreover, archival documents provided by Russia indicate that several hundred U.S. POWs were held against their will on Soviet territory at the end of World War II. In almost all cases, these were individuals who had been born in, or who had previously lived in, the Soviet Union, who could, therefore, be considered Soviet citizens by the Soviet Government. Many of these individuals served in the Armed Forces of Germany, fought against the Soviet Army and were captured in combat. Some U.S. civilians from this era survived terms in concentration camps and are still alive today, living freely either in one of the former Soviet Republics or in the United States.

Cold war

There is evidence, some of which has been confirmed to the Committee by President Yeltsin, that some U.S. personnel still unaccounted for from the Cold War, were taken captive and held within the former Soviet Union. This information involves several incidents stretching across the former Soviet Union from the Baltic Sea to the Sea of Japan.

The Committee is pleased to report that Task Force Russia has been actively investigating these case and is keeping surviving family members fully apprised of its progress to date. The Committee notes, however, that progress is, in large part, dependent on cooperation from Russian authorities. In the Committee's November, 1992 hearings, our investigator in Moscow testified that the U.S. was "intentionally being stonewalled" by the Russians on the subject of Cold War incidents, despite pledges of cooperation from President Yeltsin and Gen. Volkogonov. The Committee, therefore, urges the Joint Commission to place special attention and focus on obtaining further information on the fate of those U.S. personnel who are believed to have been taken captive during the Cold War.

Korean conflict

There is strong evidence, both from archived U.S. intelligence reports and from recent interviews in Russia, that Soviet military and intelligence officials were involved in the interrogation of American POWs during the Korean Conflict, notwithstanding recent official statements from the Russian side that this did not happen. Additionally, the Committee has reviewed information and heard testimony which we believe constitutes strong evidence that some unaccounted for American POWs from the Korean Conflict were transferred to the former Soviet Union in the early 1950's. While the identfy of these POWs has not yet been determined, the Committee notes that Task Force Russia concurs in our assessment concerning the transfers. We are pleased that this subject was raised by the U.S. side in December, 1992 at the plenary session of the Joint Commission in Moscow.

The Committee further believes it is possible that one or more POWs from the Korean Conflict could still be alive on the territory of the former Soviet Union. The most notable case in this regard concerns a USAF pilot named David "Markham" or "Markin", who was reportedly shot down during the Korean Conflict. According to several sources, this pilot was reportedly alive in detention facilities in Russia as late as 1991. Although Task Force Russia has thus far been unable to confirm these reports, we note that the investigation is continuing.

Vietnam war

The Committee is aware of several reports that U.S. POWs may have been transferred to the Soviet Union during the Vietnam War. Information about this possibility that was provided by a former employee of the National Security Agency (NSA), Mr. Jerry Mooney, was thoroughly investigated and could not be substantiated. The Committee notes that Mr. Mooney testified that he personally believed prisoners were transferred to the Soviet Union but that he had "no direct information" that this took place.[611] Other reports concerning the possibility that U.S. POWs were transferred from Vietnam to the former Soviet Union deserve further investigation and followup.

With respect to interrogations, the Committee has confirmed that one KGB officer participated directly in the questioning of an American POW during the Vietnam Conflict. More generally, Soviet military officers have told the Committee that they received intelligence from North Vietnamese interrogations of American POWs and that the Soviets "participated" in interrogations through the preparation of questions and through their presence during some of the interrogations. It is possible that American POWs would not have been aware of the presence of Soviet officers during these interrogations. The Committee has also received information that Soviet personnel operated certain SAM sites in Vietnam which shot down American aircraft during the war.

The Committee notes that the cooperation received to date from Russian on POW/MIA matters has been due largely to the leadership of President Boris Yeltsin. During a visit to Washington last summer, President Yeltsin declared that "each and every document in each and every archive will be examined to investigate the fate of every American unaccounted for." Although there is still much work to be done, Russian officials deserve credit for providing access to archival material, for cooperating in efforts to solicit testimony from Russian veterans and other citizens and for their willingness to disclose certain previously undisclosed aspects of the historical record. The ultimate success of the Joint Commission will be judged, however, on whether the U.S. side is able to obtain full support for its interview program and archival research from all levels of power and authority throughout the former Soviet Union.

President Yeltsin has made a heroic effort to demonstrate his own commitment to full cooperation and Gen. Volkogonov has done a great deal, with limited resources, to meet this standard.

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[611] Committee hearing, Jan. 22, 1992.

Unfortunately, the level of cooperation from within the Russian military and intelligence bureaucracy has been less extensive and has, at times, seemed intentionally obstructive. This may well be due to the uncertainty of the current political situation in Russia. It is vital, therefore, that U.S. officials, both in Congress and the Executive branch, continue to demonstrate to Russian authorities that America attaches a high priority to cooperation on this issue and to ensure that any problems that might develop are raised with the Russians promptly and at a senior level.

The Committee also recommends strongly that the U.S.-Russia Joint Commission be continued and that efforts be made to gain the full cooperation, as needed and appropriate, of the other Republics of the former Soviet Union.

Information from North Korea and China

As part of the Committee's investigation into the fate of those Americans still missing from the Korean Conflict, the Committee Vice-Chairman traveled to Pyongyang, North Korea from December 19–21, 1992. This trip was especially significant in that it was the first time a United States Senator had traveled to the North Korean capital. Also, for the first time, a State Department official traveled with Senator Smith to Pyongyang, in addition to two staff members working with the Committee. The trip itself was a follow-on to an earlier trip made by Senator Smith to Korea in June, 1991.

The timing of the trip was important in that just a few weeks earlier, the Committee had held the first in-depth Congressional hearings on American POW/MIAs from the Korean Conflict in more than 35 years. In view of the fact that the North Korean Government has provided virtually no informaton on 8,177 unaccounted for Americans in the last 40 years,[612] the goal of the trip was to establish a dialogue which would encourage North Korea to move the accounting process forward on a humanitarian basis. A second goal of the fact-finding trip was to gain information from North Korea on reports which had surfaced during the Committee's November hearings on the fate of some American POWs.

The committee is pleased to report that Senator Smith was successful in achieving both of these goals during the trip.

Meetings were held with Supreme Assembly Speaker Yang Hyong Sop, Deputy Foreign Minister Kang Sok Ju, and a staff of ministry officials who appeared knowledgeable on POW/MIA issues. The atmosphere was cooperative and it was the sense of Senator Smith and his delegation that North Korea is prepared and willing to move forward on this humanitarian issue without any preconditions. As a sign of good faith, the North Koreans allowed Senator Smith and his delegation to visit their war museum in Pyongyang, although the request had been made only hours earlier. This was the first time any American official had visited the museum. At the museum, Senator Smith was able to view photographs of POWs, documents, letters, personal effects and captured weaponry from U.S. servicemen. Senator Smith's delegation was

[612] The Committee notes, however, that over the past two and one-half years, North Korea has repatriated the remains of 41 American servicemen.

also permitted to photograph and take notes concerning many of the items in the museum. Important new information was also learned from North Korean officials concerning China's involvement with American POWs.

The principal Committee findings and recommendations concerning this trip are:

Although the North Korean officials with whom Senator Smith met denied that any American POWs had survived to the present day in North Korea, the Committee cannot exclude the possibility in view of intelligence information which has been received by the United States in recent years. Specifically, the Committee shares Senator Smith's frustration during his trip at not being able to investigate unconfirmed reports that a small number of American POWs may be teaching English at a military language school on the outskirts of Pyongyang. The Committee, therefore, urges the Government of the Democratic People's Republic of Korea to cooperate fully in the investigation of these recent reports, in addition to other live-sighting reports which have been received by the United States during the last few decades.

It is likely that a large number of possible MIA remains can be repatriated and several records and documents on unaccounted for POWs and MIAs can be provided from North Korea once a joint working level commission is set up under the leadership of the United States. Accordingly, the Committee strongly urges the Departments of State and Defense to take immediate steps to form this commission through the United Nations Command at Panmunjom, Korea. The Committee also encourages President-elect Clinton, upon taking office, to appoint a high level representative to sit on the commission. The Committee further believes that the proposed joint commission should have a strictly humanitarian mission and should not be tied to political developments on the Korean pennisula.

Comments made by North Korean officials during the trip substantiated indications that many American POWs had been held in China during the Korean Conflict and that foreign POW camps in both China and North Korea were run by Chinese officials. In addition, North Korean officials confirmed that propaganda photos showing POW camps with large numbers of U.S. personnel had, in fact, been taken in China, not in North Korea as purported by the propaganda publications. The Committee notes that other information from both high level Russian intelligence sources and from several U.S. intelligence reports corroborate the comments made by the North Koreans.

Given the fact that only 26 Army and 15 Air Force personnel returned from China following the war, the Committee can now firmly conclude that the People's Republic of China surely has information on the fate of other unaccounted for American POWs. The Committee, therefore, strongly urges the Departments of State and Defense to form a POW/MIA task force on China similar to Task Force Russia. The Committee also strongly urges the Department of State to raise this matter at the highest levels in Beijing. In this regard, we are pleased that the first round of talks was held

in January, 1993. We believe that a proposed POW Task Force on China will need to have several additional rounds of talks with the Chinese in order to search for and receive POW information in China over the coming months.

For the surviving families of those Americans still missing from the Korea Conflict, the perception has been that determining the fate of their loved ones is a task that has not been vigorously pursued by their government. We note that this perception has been fueled by past intransigence and lack of information from North Korea and China. In addition, accounting for POWs and MIAs from the Vietnam Conflict has received far greater media attention in America. The Committee can therefore understand why the Korean Conflict has often been labeled the "Forgotten War" by veterans and POW/MIA family members.

Howver, in view of the Vice-Chairman's recent trip to North Korea, the Committee believes that a dramatic breakthrough has been achieved in terms of establishing a dialogue and gaining access to new information on POWs and MIAs. Consequently, there is now a window of opportunity which the Committee believes should be fully exploited by the United States on behalf of the families of those Americans still missing from the Korean Conflict.

CHAPTER 10: RETROSPECTIVE

CONCLUSIONS AND A LOOK AHEAD

The U.S. Senate Select Committee on POW/MIA Affairs has accomplished most of the goals and tasks that were assigned to it by the U.S. Senate at its creation. However, as with any assignment to review matters occurring over a 20-year period and involving thousands of individuals, there remain areas of inquiry that still must be completed. These areas fall into the following broad categories:

Russia

The Committee recommends that the U.S./Russia Commission continue to pursue those leads which involve the countries of the former Soviet Union, including, but not limited to:

Interview Vladimir Churkov, head of the KGB 6th Division (Southeast Asia) during the mid- to late-1970s. It was General Kalugin's testimony that Gen. Churkov would be the most knowledgeable individual as to whether U.S. POWs were held in Vietnam after 1973. The Senate Select Committee has not been able to obtain an interview with Gen. Churkov.

Re-evaluate the testimony of General Kalugin versus the testimony of Oleg Nechiporenko. Gen Kalugin testified at his deposition that U.S. POWs in Vietnam were interviewed by KGB agents (Nechiporenko) after 1973 and possibly as late as 1976. Oleg Nechiporenko told Senators Kerry and Smith in Moscow that he interviewed a POW in 1973. He also said he prepared a questionnaire for use by the Vietnamese. Both the CIA and the Vietnamese confirmed the KGB interrogation of the CIA agent.

Interview the Soviet Ambassador to Laos (1973). Gen. Kalugin testified that this Soviet Ambassador was very knowledgeable about this matter. He stated that if such POWs were kept,

the Soviet Ambassador would almost certainly have known. The Senate Select Committee has been unable to schedule an interview with the Ambassador.

Continued pursuit of the KGB, GRU and Soviet Military Archival records. The records of these organizations, if made available to the U.S., will assist in finally determining whether any Vietnam-era POWs were taken to the former USSR.

Vietnam, Laos and Cambodia

The Committee recognizes that many answers to the questions it posed this year lay in Southeast Asia and recommends that the Department of State, the Department of Defense and the Joint Task Force for Full Accounting (JTF-FA) continue to work with the governments of these countries to find answers. These matters should include:

The continued pursuit and evaluation of information from the Vietnamese archives;

The continued pursuit and evaluation of information from and about Lao official records.

Interviews of former Pathet Lao leader Prince Shouphanovang and former Pathet Lao spokesman Soth Petrasy concerning their war-time statements that they (Pathet Lao) were holding U.S. POWs in Laos. The Senate Select Committee was unable to obtain permission from Prince Souphanovang or from Mr. Petrasy for an interview. Neither individual felt able at this time to add to the statements they had already made.

Access to and evaluation of the information available on Lima Site 85. The Senate Select Committee was unable to obtain Lao permission for JTF-FA to examine the site of this incident. The Lao military commanders who are knowledgeable about the fate of the Americans who were present when the intelligence site was overrun should be interviewed.

China and North Korea

The Committee recognizes that the Governments of China and North Korea continue to hold information concerning the fates of U.S. servicemen. The Committee recommends the following:

Continued pursuit of information from museums, archives and government officials in North Korea that was begun by the Committee;

The formation of a commission similar to the U.S./Russia Commission to work with the Government of China;

The formation of a commission similar to the U.S./Russia Commission to work with the Government of North Korea.

The Department of Defense

The Committee recognizes the accomplishments of the Department of Defense but also recommends the following areas of continued pursuit:

Continuation of the JTF-FA approach to information gathering in Southeast Asia;

Declassification and release to the public (in cooperation with Garwood's attorneys) of all records that relate to PFC Robert Garwood;

Full analysis of the Operation Homecoming debriefs. The debriefs should be reexamined to answer finally and with absolute certainty that no POWs remain unaccounted for who were in the prison system. The Senate Select Committee was not allowed to do an independent examination of the debriefs because of promises made to returning POWs by DoD at Homecoming.

Interview of former South Vietnamese President Thieu. President Thieu should be interviewed to determine how much information the South Vietnamese military intelligence had concerning American POWs in both North Vietnam and Laos.

Continued analysis and evaluation of the 4500(+) photos received from the Government of Vietnam;

Continued analysis and evaluation of all material received from the Vietnamese archives;

Continued support of the Vessey initiatives.

Inter-Agency group

The Committee believes that an inter-agency coordinating body for POW/MIA policies is needed and that the IAG for POW/MIA Affairs ably fulfills this role. However, the Committee is disturbed by the lack of formality in IAG record-keeping and believes that, at a minimum, that the minutes of discussions at such meetings should be maintained.

In addition, although the IAG should consult regularly with the League and other POW/MIA family organizations, the Committee believes that the role of the IAG and issues of membership on it should be reviewed by the new Administration.

Department of Justice

The Department of Justice was very supportive of the Committee and was able to accommodate almost all of its requests. There are areas, however, which will require continued independent investigation, such as:

Evaluation of previous referrals from the Committee to the Department of Justice to assess the appropriateness for prosecutions of fraud cases;

Review of the materials to be provided to the Department of Justice from the December Oversight hearing;

Evaluation of any new referrals coming at the end of the Committee life.

Watergate tapes

The Committee was denied access to the Watergate tapes and strongly believes it is in the public interest that Congress pursue that information.

Progress on declassification

All records used by the Committee in the Office of Senate Security (U.S.-407) have been declassified, except for National Security

Agency records;[613] these are to be declassified soon, according to the NU.S.A.[614]

Approximately one-sixth of the 1.5 million pages of material ordered declassified by the 1991 McCain Amendment to the DoD Authorization had been declassified by publication date. That law gave DoD until November 1994 to establish libraries of POW/MIA information correlated to unaccounted-for servicemen for their families, and a library of uncorrelated information for all concerned citizens.

Information about the committee

Copies of the Committee Report and hearing transcripts will be available from the Government Printing Office beginning in February 1993. They also are available through the U.S. Government Depository Libraries located at most colleges and listed in the attached directory.[615]

Non-published Committee records will be available to the public through the National Archives beginning in early February 1993. These include staff materials, memoranda of conversation, notes and other documents that may include incorrect data, discredited theories, incomplete pieces of information, or staff opinion, however; the Committee's judgments, after consideration of *all* evidence available to United States Senators, is reflected in this Report.

Other information and judgments should not be accorded credibility simply because of its presence in the Committee's working files; the staff was structured to provide the Committee's Members with the strongest arguments on all sides of each issue, and their comments must be taken in toto. All Committee documents are available through the National Archives; please contact its Center for Legislative Archives, National Archives, Washington, D.C. 20408, telephone 202/501-5350.

ANNEX: MEMBERS' FLOOR STATEMENTS

Some of the statements Committee members made on the Senate floor are appended. For statements made after publication date, please check the CONGRESSIONAL RECORD.

STATEMENT OF JOHN KERRY, CHAIRMAN, JANUARY 25, 1993

On January 13, after more than a year's work and investigation, the Senate Select Committee on POW/MIA Affairs released its final report.

That report did not resolve fully the POW/MIA issue, nor was it intended to. But I believe that it, and the body of the Committee's work, have done much to heal the wounds of distrust and division that have characterized this controversy for 20 years.

The Members of the POW/MIA Committee are of differing backgrounds, temperaments and ideologies. Some Members had devoted years of effort to studying POW/MIA matters; others had only a general familiarity with the issue. Some came to the issue with

[613] CDO letter to Committee, Dec. —, 1992.
[614] NSA letter to Committee, Dec. —, 1992.
[615] Directory of U.S. Government Depository Libraries.

emotions forged in the personal experience of service in Vietnam; one was a former POW.

If anyone had predicted at the outset that these eleven men and one women would come together at the end of fourteen months to add their names to a single document on this most emotional and controversial of issues, that person would not have been believed. And, in fact, our investigation was characterized, at times, by sharp disagreement about fact, focus and process. Up until the very end, there was a possibility that we would not agree on the final report. And that report does cite a lack of unanimity on a few significant issues.

But I am convinced that the final product of this Committee's work reflects the combined strengths of its Members, and that we were able to transform our differences of perspective into a tool for digging out the truth.

There is not a single significant finding or recommendation in the report that was not subject, at some point, to challenge or questioning from within the Committee. Key sections were the subjects of lengthy debate. Any thesis that could not stand up in the face of evidence gathered by the Committee was excluded; and only those findings that could be supported, after consideration of all available information, were left in.

The result is a report that I believe is as close to the full truth as we could hope to come. Because we were so demanding, and because POW/MIA family members and activist groups were so demanding about declassification, this report reflects the sum total of what the US Government knows about the POW/MIA issue, particularly as it relates to the Vietnam era. No longer can anyone fairly claim that knowledge on this issue has been locked away; or that there exists a conspiracy of silence; or that the basic parameters of truth are in doubt.

We know, as a result of our investigation, that there were not 2,264 Americans whose fates were truly unknown following the Vietnam War. This is the number of Americans who went to Southeast Asia and who have not returned either alive or dead. But we know that the vast majority of those Americans died during the war—pilots who crashed over water, soldiers injured beyond recognition in combat, servicemen buried in graves that were subsequently destroyed by allied bombing, airmen killed in the remote jungles of Laos or Cambodia. For most of these 2,264, although there is not proof positive in the form of a body that they are dead, thee is also absolutely no evidence that they survived or were taken captive.

For a small number of these 2,264 American perhaps around 100, the story is somewhat different. In some cases, individuals were known to have been taken captive. Others were known to have survived crashes and to be alive on the ground. Others disappeared in circumstances where the possibility of survival and capture was very real. Even here, however, the number of Americans known for certain to have been taken captive is quite small and—in some of these cases—there are indications that the individual may have died or been killed at the time of their incidents.

Although the Committee, unlike previous investigations, uncovered evidence that a small number of Americans may have sur-

vived in captivity after Operation Homecoming, there is, in my view, no reason to believe that any Americans remain alive today. Yes, the possibility exists that a prisoner or prisoners could be held deep within a jungle or behind a locked door under conditions of greatest security. But there is no evidence of that, and it is hard to conceive of a reason for it. Moreover, the nations of Vietnam and Laos are becoming more and more open. Foreign businessmen, diplomats, tourists and aid workers have poured into both countries, especially Vietnam. But neither these foreigners, nor any of the thousands of individuals who have worked in the Lao or Vietnamese prison systems have come forward with a confirmed report than an American not yet accounted for is being held alive. Moreover, the Select Committee conducted an exhaustive review of files, records, photographs and other materials without developing a single, solid lead indicating that an American is currently being held in captivity. We are operating, and we should continue to operate, on the presumption that one or more Americans may still be held alive; but we cannot say that we have found evidence in the form of live-sighting reports, signals or imagery intelligence or other sources that make us optimistic about that possibility today.

Although we have reached some important conclusions based on our own analysis of the evidence, the Select Committee was not intended to serve as final judge and jury of the POW/MIA issue. Our principal task was to get the facts on the table so the American people could decide for themselves. That's why we put such an emphasis on declassification, it's why we insisted on open, public hearings; and it's why we have included such a wealth of information in our report. It is inevitable that different people will view the data differently. The important thing, however, is that the information is now available; and that a process for following up effectively on this and possible future revelations is in place.

It is ironic—and revealing—that more Americans are now officially working on the POW/MIA issue than at any time since the end of the war. According to figures received by the Committee, the Defense Department is now spending $100 million annually on the problem. Teams of investigators are based in Hanoi and Bangkok and are increasingly being granted access to Laos, as well.

The fact is that we can do more now because we are being allowed to do more now. Particularly over the past 12 months, there have been dramatic improvements in the level of cooperation from Vietnam. I personally find little mystery in Vietnam's motive for this cooperation, for it is clearly in their best interests to establish economic and political ties to the west now that their allies and trading partners within the old Soviet bloc have disappeared. Obviously, current cooperation does not erase the memory of 20 years of broken promises, noncooperation and outright lies. But we remove the incentive for the Vietnamese to change if we refuse to recognize change when it occurs. And the evidence that there has been real change in the area of POW/MIA cooperation is abundant. Within the past year, Vietnam has given:

Permission for U.S. investigators to carry out short-notice investigations of many live-sighting reports;

Permission for U.S. investigators to use U.S.-owned, maintained and operated helicopters in the course of investigations

within Vietnam;

Grants of access to certain highly-secure prison and defense ministry buildings for the purpose of investigating live-sighting reports;

Guarantees of full access for U.S. investigators to political and military archives containing POW/MIA related information;

Access to certain key archival documents and personnel that had been long-requested, and long-denied by Vietnam;

Access to thousands of photographs of American wartime casualties;

Access to Vietnam's military museum, including hundreds of material objects once owned by American servicemen that might contain clues about the fate of missing Americans;

Amnesty for any Vietnamese citizens illegally holding American remains who come forward with them;

A commitment to cooperate in the conduct of an "oral history" program that would seek to record information from Vietnamese military officials, soldiers and civilians who might have information about the fate of missing Americans;

Promises of full cooperation from Vietnam in working with Laos and Cambodia to investigate discrepancy cases involving servicemen lost in parts of those countries controlled by North Vietnamese forces during the war; and

Permission for POW/MIA families, if they so desire, to come to Vietnam and evaluate the investigation process.

Although some have dismissed the significance of these recent developments, the fact is that there is little left for us to ask of Vietnam that we have not already been granted or promised. Obviously, we cannot, given the history, simply take Vietnam at its word. We must insist that the promises that have been made will be kept. But I personally believe that—if those promises are kept, and if we maintain our own commitment to the issues—we are now on track with a process of accountability, investigation and cooperation that will resolve the POW/MIA issue to the best of our ability to do so.

In this connection, I think it is particularly helpful when representatives of veterans groups and the POW/MIA families are able to visit Southeast Asia and talk directly to the leaders of the governments involved. The Vietnamese have made it clear that they welcome such visits and that they believe it is useful for those directly affected to be in a position to understand and evaluate the investigatory efforts now being made.

Because of certain controversies that arose while our Committee was drafting its report, one additional point needs to be made. The POW/MIA issue should be above partisanship. The Americans who are missing did not risk their lives for a political party, but for a country. The process of investigating their fate becomes invalid if we allow it to be colored by concerns of party affiliation or historical reputation. Moreover, the two major political parties contributed amply and in roughly equal measure to the decisions, deceptions and divisions of the wartime period.

For years ago, in his Inaugural Address, former President Bush said that:

> Our great political parties have too often been far apart and untrusting of each other. It's been this way since Vietnam. That war cleaves us still. But, friends, that war began in earnest a quarter of a century ago; and, surely, the Statute of Limitations has been reached. This is a fact: the final lesson of Vietnam is that no great nation can afford to be sundered by a memory.

The recent campaign demonstrated how hard it is—even for the former President—to live up to those sentiments, but also how important it is that we do so. Our nation faces a multitude of challenges today at home and abroad. How well and how aggressively we respond to these challenges has nothing to do with the divisions of generation and outlook that characterized our nation a quarter century ago; and everything to do with our ability now to pull together in a single direction.

The Select Committee's unanimous report is an indication of what is possible when diverse Americans focus on what is agreed rather than what divides; and on future recommendations, rather than past rationalizations.

As Chairman of the Select Committee, I am proud of the Committee's work and proud of its staff and Members. The POW/MIA issue has not been resolved, but the ball has been advanced far down the field. The families of those missing, not only from Vietnam, but from previous conflicts, have reason to believe that their government is now doing what it should to find out what it can.

I am personally grateful to all those who served on the Committee, Vice-Chairman Bob Smith, and Senators Hank Brown, Tom Daschle, Chuck Grassley, Jesse Helms, Nancy Kassebaum, Bob Kerrey, Herb Kohl, John McCain, Harry Reid and Chuck Robb. I do not know of a Committee that has worked harder or with greater commitment than this one. The conclusion of the Committee does not mean that we will cease working together to see that remaining POW/MIA work is done—either by the Executive branch or through appropriate Congressional oversight. Our commitment continues even if the Committee does not.

Finally, I must close with a tribute to the POW/MIA families. They are, at bottom, what this investigation has been all about. Their persistence through years of partial neglect and inexcusable secrecy, has been validated by the work of the Select Committee. They said there was more to the story than had previously been told and they were right. Even more important, their dedication to finding the truth about their loved ones reflects something very deep and very good about the human character. Let no one ever be blamed for believing in his or her heart that the conventional wisdom is wrong. It is, after all, the questioners, not the complacent, who advance our state of knowledge; and those who remember, even when the memories are painful, who keep honor and loyalty before us all our lives.

Statement of Senator Bob Smith

Let me begin by thanking the staff, who—in the closing days of this investigation have really been tough people staying up all

night until the wee hours of the morning trying to get documents typed and accommodating the views of Senators.

There have been some difficult times throughout the course of this investigation, and I want to single out two members of the opposition party, who in extremely difficult times, did seek me out and talk to me. One is Harry Reid and the other is Tom Daschle who sat next to me through the hearings. I appreciate their advice during the more challenging and trying moments in our investigation.

And of course, to the chairman—John Kerry and I were thrown together by the discretion of our leaders. We did not know each other, and we took the time to try to get to know each other. And the interesting thing is when things got very difficult, and many times they did, we turned to each other, not against each other. Have we had differences, yes, we have. The American people have had differences.

But when it came down to getting a report written, nobody threatened to walk out. We extended our hands to each other and we shook hands and we were able to do it. And Senator Kerry deserves a tremendous amount of credit for the fact that we were able to come to this agreement that we have today.

Is every single thing in the report what I would have written myself? Of course not. But where there were differences, I had the opportunity to express those differences in the report. You cannot be any fairer than that. And I commend the chairman for his strong leadership in getting us to this point.

This investigation was bipartisan, indeed non-partisan, throughout the last year. Members did not sit at one side or another at the hearings depending on their party affiliation. There was absolutely not one word uttered of partisanship throughout all the hearings, public and private. The private conversations, informal procedures, I never heard a word of partisan debate on the central issues in our investigation.

Our work represents the most comprehensive investigation that was ever done in the history of this issue, and hopefully that will be our legacy. In fact, we started by reviewing other investigations that have been done in the past, and we built upon those.

Our goal was to know what our own government knew, and to get that out to the American people. We did not and could not expect to get all of the answers from the Vietnamese or the Lao or any other government. But we could expect to get information from our government, and I believe, we've done that to the greatest extent possible during the last year.

Hearing records, depositions, government documents, extensive declassification—that is our legacy. The President of the United States, George Bush, and especially Brent Scrowcroft, Dick Cheney, and Robert Gates were extremely cooperative. They went out of their way to make documents available to us that had never before been seen by Members of Congress.

Did we see everything? Was it complete? We certainly believe the review of materials was extensive, although there will always be doubt on whether we saw everything that was truly pertinent to resolving our questions.

Americans can take pride in the fact that this issue has now been opened to scrutiny, moreso than at any time in the last 40 years. We did not close the books. We opened the books.

This committee was formed because there as distrust. We tried to allay that distrust by getting the books opened. The issue has been an emotional and a contentious one for the past 20 years in Vietnam, and longer than that in Korea and the Cold War. It has been contentious and emotional for veterans and families, and it was contentious and emotional for the committee members as well.

I would like to briefly lay out some observations on key areas in our report:

1. Paris peace accords.—

We are here today because Vietnam and Laos did not fully comply with the Paris Accords and the Laos Cease-Fire Agreement in 1973. That is the primary reason we are here. If they had complied fully, I think the issue would have been resolved, and we would not be here 20 years later. We are also here today because in 1973, Americans had become weary with the war, there were anti-war protests, Congress voted to cut off funds and it did not support legislation such as the Dole Amendment. We are also here today because by March, 1973, Watergate was consuming the attention of the President. In this framework, I am convinced Dr. Kissinger tried his best to negotiate an agreement and implement accords with an intransigent enemy who exploited the American political situation. And they did it well.

So, in this environment, did we get a full accounting? The answer is no. But there is no doubt that everyone is united today in demanding the fullest possible accounting from Vietnam and Laos.

2. State of the evidence on POWs in Southeast Asia

This was the most contentious area of the investigation. We knew it would be contentious, so we tried to conduct the most thorough examination of the intelligence ever done to see if consensus could be reached on the question of evidence of live POWs after 1973. Staff investigators worked thousands of man hours investigating every single available lead that we could find. For the most part, we were successful in pursuing the majority of leads. The exceptions are noted in the report.

Based on our review of all available intelligence information, the Committee unanimously agreed that there is evidence that indicates the possibility of survival (of American POWs) after Operation Homecoming. As of today, we also agree that there is evidence that some POWs may have survived to the present . . . and some information still remains to be investigated. However, at this time, there is no compelling evidence that proves Americans are still alive.

In the Final Report, readers will note that there is a majority and minority view on the state of some of the evidence which the Committee explored—mainly the live-sighting reports analyzed by our investigators using basic techniques such as plotting relevant sightings on a map to look for patterns and clusters. These reports

and the analysis by Committee staff will be available for the public at the National Archives.

The essence of the minority view on this portion of the investigation is that the Committee staff analysis indicates to me and to Senator Grassley a strong possibility that some American POWs could still be alive. I would also stress that my conclusion on the intelligence is based on all-source information, to include signals intelligence, imagery, and the live-sighting/hearsay reports. I also agreed with Senator Grassley that in the case of one possible symbol which corresponds to a known MIA's authenticator number, the benefit of doubt should go in favor of the individual. This case is especially disturbing in view of the fact that the possible symbol is located only 400 feet from a secure detention facility in northern Vietnam.

Finally, concerning intelligence reports which have not yet been fully investigated in Vietnam or Laos, the question we were faced with as Members is "What do you believe?" It is my judgment that many of the live-sighting reports of Americans in captivity are compelling and appear credible. The sheer volume of this evidence cannot be summarily dismissed when one considers the fact that in Laos alone, we have not visited any detention facilities.

I also find the live-sightings from Robert Garwood who returned from Vietnam in 1979 to be very credible. Even the Vietnamese have confirmed many of the details concerning Garwood's movement and prison visits in northern Vietnam, to include his work in 1977 to repair a generator at a prison complex in Thach Ba Lake on the outskirts of Hanoi. In typical fashion, I believe DIA used pending convictions against Garwood upon his return to the U.S. as a basis for discrediting his reports about other American POWs. They have also consistently stated, as recently as June, 1992, that no such prison as Garwood described at Thach Ba Lake ever existed, even though the Vietnamese have confirmed Garwood's description of the facility. These actions by DIA have often been referred to as the "mindset to debunk" possible information on live American POWs.

3. Defense Intelligence Agency

As noted in the Executive Summary, *several* Members of the Committee, including the Chairman and myself, have formally expressed our concern that some individuals involved with DIA's POW/MIA activities have, on occasion, been evasive, unresponsive, and disturbingly cavalier. I hope that this situation will be reviewed by the new Administration to ensure that we have dedicated personnel who are objectively committed to finding the truth about our POWs and MIAs.

4. Past wars

The public should realize that the findings of the Committee concerning evidence of Korean War POWs who did not return contradicts statements by U.S. Government officials in recent years that there was no evidence to suggest POWs from these wars did not come home. The Committee found strong evidence that some American POWs were transferred to the Soviet Union during the Korean War. The Committee has also firmly concluded that China

surely has information on the fate of unaccounted for POWs from the Korean War.

Finally, based on its investigation and review of intelligence information, the Committee cannot rule out the possibility that one or more POWs could still be held against their will in North Korea and on the territory of the former Soviet Union. Concerning the Cold War, it is important to note that the evidence is convincing that some unaccounted for American servicemen lost during the Cold War were actually captured and held in the Soviet Union. Their fates are unknown. We are hopeful that a continuation of the U.S./Russia Joint Commission on POW/MIAs along with the very recent increased level of cooperation from North Korea and China will result in answers to these questions.

5. Vietnam and Laos

The Executive Summary describes in detail the overall judgment of the Committee concerning the level of cooperation on POW/MIA matters from Vietnam and Laos. We are pleased with recent cooperative efforts by Vietnam, although disappointed that it took 20 years to get to this point. In Laos, we are disappointed by what we believe is a general lack of access to allow investigation of live-sighting reports and discrepancy cases. We strongly encourage Lao leaders to match the new level of cooperation our investigators are now experiencing in Vietnam.

6. Families

Certainly the families of unaccounted for POWs and MIAs have had the most at stake following past military conflicts. They have literally been on a rollercoaster ride perpetrated by a historical lack of cooperation from Communist governments and difficulty in securing information from our own government. It these families that have consistently motive me during the last 8 years to help them in their search for answers. "Not Knowing" and uncertainty can be even more difficult than knowing that death of a loved one has occurred. We rightly pay tribute to these families in our Final Report. Moreover, we have urged our government to centralize and declassify POW/MIA records to ensure families and the public have access to what our Government knows.

The Committee has worked tirelessly during the past year to open this issue to the American public so together we can all try to seek the truth on our POWs and MIAs. We owe no less to those who make the ultimate sacrifices on behalf of their nation's freedom, as well as to their families and their comrades who fought with them.

STATEMENT OF SENATOR NANCY LANDON KASSEBAUM, JANUARY 21, 1993

Mr. President, the Senate Select Committee on POW/MIA Affairs has culminated its work with the release of its report, which provides a very extensive review of the issue.

I would like to join my colleagues in commending the chairman, Senator John Kerry (D-Mass) for his leadership on this committee. Senator Kerry, despite the committee's differences on various as-

pects of this issue, kept the committee non-partisan and kept our eye on the central fact that we were all working for the families. In this same regard, Senator Bob Smith (R-NH), our vice chairman also deserves our commendation.

The members of this committee started with a wide range of views on this issue, but every member shared the determination to find answers and provide recommendations on how our government could better serve the families whose sons and daughters had made the greatest sacrifice for our nation. It was this shared spirit that the chairman and the vice chairman tapped and were successfully able to mold into a productive force.

As someone who had not had an extensive knowledge of this issue when this process began, I have come to know firsthand the pain this tragedy has caused for countless families. This experience has only served to reinforce my own commitment to ensuring that our government is responsive to its citizenry, particularly in areas as important as this one.

In my view, the most important accomplishment for the committee has been the release of an unprecedented amount of information that will help ultimately resolve the questions about U.S. servicemen still unaccounted for in Southeast Asia. While the committee was not able to resolve all of the questions surrounding this issue, its main success was to put in place a process in which questions can be answered about missing Americans and that over time this process will provide additional answers.

This process includes the most rapid and extensive declassification of public files and documents on a single issue in American history. The release of these documents, combined with our hearing record and with this report will now provide an unprecedented amount of resources which can help resolve this issue.

The report is a unanimous report supported by all 12 members of the committee. It is a very honest and direct report. Where there are differences among the members, these differences are noted. While it provides a review of the background of this issue, including an analysis of the Paris peace accords, it would be beyond the scope of this report to give a complete history of the more than twenty years covered. What we tried to do was highlight those areas and factors over the years which had an important impact on this issue. I believe the result of this effort is the most comprehensive review of the POW/MIA issue that has even been provided.

The committee's main conclusion was that there is no compelling evidence that any American POWs are alive today in Southeast Asia. Nevertheless, the Committee also determined that despite official statements to the contrary, our government expected over 100 more Americans home at Operation Homecoming. While we do not believe that American officials had certain knowledge that any specific prisoner or prisoners were left behind after Operation Homecoming, the fact that these individuals were not accounted for began the twenty year agony on this issue.

Ultimately we are still dependent on the Southeast Asian countries, particularly Vietnam and Laos, for cooperation on this issue. But, a more effective and responsive policy on the part of our government can help heal the wounds and answer remaining questions.

It is in this regard, that I would strongly recommend the implementation of the committee's recommendations for the executive branch on how to improve its handling of the POW/MIA issue.

By far the greatest obstacle to a successful accounting effort over the years has been the refusal of the foreign governments involved, until recently, to allow the U.S. access to key files or to carry-out in-country, on-site investigations. But, I would like to underscore the committee's conclusion that the U.S. government's process for accounting for Americans missing in Southeast Asia has been flawed by a lack of resources, organizational clarity, coordination and consistency. These problems had their roots during the war and worsened after the war as frustration about the ability to gain access and answers from Southeast Asian government increased.

The committee's recommendations include encouraging the Executive branch to establish a process of livesighting response, investigation and evaluation that is more extensive and professional than eve before. They also include:

Accounting for missing Americans from the war in Southeast Asia should continue to be treated as a "matter of highest national priority" by our diplomats, by those participating in the accounting process, by all elements of our intelligence community and by the nation, as a whole.

Continued, best efforts should be made to investigate the remaining, unresolved discrepancy cases in Vietnam, Laos and Cambodia.

The United States should make a continuing effort, at a high level, to arrange regular tri-partite meetings with the Governments of Laos and Vietnam to seek information on the possible control and movement of unaccounted for U.S. personnel by Pathet Lao and North Vietnamese forces in Laos during the Southeast Asia war.

The President and Secretary of Defense should order regular, independent reviews of the efficiency and professionalism of the DOD's POW/MIA accounting process for Americans still listed as missing from the war in Southeast Asia.

A clear hierarchy of responsibility for handling POW/MIA related issues that may regrettably arise as a result of future conflicts must be established. This requires full and rapid coordination between and among the intelligence agencies involved and the military services. It requires the integration of missing civilians and suspected deserters into the overall accounting process. It requires a clear liaison between those responsible for the accounting (and related intelligence) and those responsible for negotiating with our adversaries about the terms for peace. It requires procedures for the full, honest and prompt disclosure of information to next of kin, at the time of incident and as other information becomes available. And it requires, above all, the designation within the Executive branch of an individual who is clearly responsible and fully accountable for making certain that the process works as it should.

In the future, clear categories should be established and consistently maintained in accounting for Americans missing during time of war. At one end of the listings should be Americans known with certainty to have been taken prisoner; at the other should be Americans known dead with bodies not recovered. The categories should be carefully separated in official summaries and discussions

of the accounting process and should be applied consistently and uniformly.

Present law needs to be reviewed to minimize distortions in the status determination process that may result from the financial considerations of the families involved.

Wartime search and rescue (SAR) missions have an urgent operational value, but they are also crucial for the purposes of accounting for POW/MIAs. The records concerning many Vietnam era SAR missions have been lost or destroyed. In the future, all information obtained during any unsuccessful or partially successful military search and rescue mission should be shared with the agency responsible for accounting for POW/MIAs from that conflict and should be retained by that agency.

If these reforms are implemented, we will be even further along in answering the outstanding questions. It is important to emphasize that the release of this report is not the end of our concern here in the Senate or in the government. One of the committee's most significant conclusions is that we must keep the door open on this issue until it is ultimately resolved.

STATEMENT OF SENATOR J. ROBERT KERREY, JANUARY 21, 1993

The work of the Senate Select Committee on America's prisoners and missing from the War in Vietnam is finished. In the beginning I was deeply skeptical of the value of this effort; in the end I was convinced—thanks in particular to the work of Senator John Kerry—the Committee had measurably advanced the cause of knowing more about the tragedy of this war's ending.

In the end we reached a conclusion which is supported by exhaustive investigation: There is no compelling evidence to reach a judgement of proof that American prisoners are being held against their will in Vietnam or any other foreign locations.

There is compelling evidence that our Federal Government did not do all it should have done to make certain we did not leave our men behind. We expect and are not disappointed when Vietnam's government lies to us, but we cannot excuse and should not be surprised when the lies of our government anger those who have the greatest right to know—the families of the missing. For there IS compelling evidence that our government withheld information from family members which had the perverse effect of increasing their pain and suffering.

Further, there is compelling evidence that much more needs to be done before we are through with this issue. This report makes it clear that the failure to obtain evidence sufficient to stand the tests and burdens of proof does not mean we have eliminated all doubt and ambiguity. This report makes clear our belief that much more work must be done by the American and the Vietnamese government before we have removed this stain from our consciences.

In the beginning, I was concerned about the work of this committee because I have grown weary with the self-indulgent moaning which often accompany Vietnam post-mortems. In spite of having wounds which provide a daily reminder of how the war changed me; in spite of the uncontrollable sadness and longing which builds inside when I stand at the Vietnam Memorial and consider what

might have been; in spite of the anger I feel towards policy makers who were too blind or too frightened to see and tell the truth; in spite of the heart-breaking passion I feel for those veterans whose spirits were shattered in the war; in spite of all of the negatives, I still feel I was lucky to have had the experience.

Money could not buy the lesson I learned in service to my country. In short, the debt is still on my side. That I consider it important to make this declaration reinforces the uniqueness of the Vietnam War in American history. Having served on this committee, and having faced the angry accusations of my fellow citizens, I am reminded again how terribly divisive and destructive this war was. Thus, I know it is unlikely this report will "heal the wounds of Vietnam."

However, the fate of missing Americans and the larger questions arising from America's participation in the war dictate that we risk the emotional fire arising from legitimate differences of opinion. As I have listened to testimony and reviewed documents over the past year, my feelings about the war and about our efforts to account for POW/MIA's have shifted between anger and sadness. Despite the disagreements that have sometimes arisen, I believe, in the end, the committee has always managed to retain its focus on the most important objective: obtaining the fullest possible accounting for missing Americans.

Over the past year, the committee has examined information from every available source, from refugee live-sighting reports to satellite imagery, in the hope that some Americans might still be found alive. In addition, the committee has been able to draw on substantial resources on the ground in Vietnam, Laos, and the republics of the former Soviet Union to investigate reports and gather information.

Our conclusion does not change our commitment to achieving the fullest possible accounting for missing Americans. The United States has expanded its presence on the ground in Vietnam and as a result of the recent cooperation by the Vietnamese government has considerable opportunity to pursue information relating to missing Americans. Coordination between the federal agencies that are responsible for accounting for POW/MIAs has improved and more resources have been devoted to intelligence analysis. Finally, with the ongoing declassification process, all the information that the committee has reviewed will be available to the American people to decide the quality of the evidence for themselves. After too many years, the U.S. government finally seems to be pursuing POW/MIA issues as a matter of the "highest national priority."

The movement towards resolving this issue will affect the present direction of United States policy towards Vietnam. Some in the United States seem to believe that we can achieve the goal of obtaining a full accounting in isolation of the goals of political and economic freedom for the people of Vietnam. I believe the issue of accounting for missing Americans is inseparable from the larger context of American objectives in the war and relations with Vietnam today.

At its best, the Vietnam War was a struggle against communism for the principles of self-determination and political freedom for the people of Vietnam. At worst, the war was a misguided exercise

in balance of power politics. For myself and many other Americans who went to Vietnam, and who believed that we were fighting for democracy and for freedom, the reality of the war and its outcome were profoundly disillusioning experiences.

I believe that sometime during the war we lost our resolve. Reading the too-heavily classified documents of the negotiations over the Paris Peace Accords and Operation Homecoming, this loss of resolve to fight for the principles that were at the heart of its most noble aspirations for the people of Vietnam is painfully clear. Vietnam had become a political liability to be shed like an old set of clothes. We, as a nation, wanted out of a continuing war that was threatening our society and our economy, and we were willing to accept what was expedient to accomplish that purpose. Rather than self-determination for the people of Vietnam, or even "peace with honor," we got a decent interval between our withdrawal and the fall of Saigon. Rather than pursue every means that we might have to resolve POW/MIA questions, we settled for less.

The record of the negotiation and implementation of the Paris Peace Accords makes it clear that the principles of self-determination for the South Vietnamese and obtaining a full accounting for missing Americans were subordinated to the dominant American concern: to end U.S. involvement in the war. The compromises in the Paris Peace Accords set the stage for the failure of the United States to secure either freedom for the South Vietnamese or a full accounting for missing Americans.

We are all familiar with the outcome. Two years after the Paris Peace Accords, the North Vietnamese made a mockery of the agreement by invading South Vietnam and imposing a totalitarian communist government. The North Vietnamese were not cooperative in returning US prisoners and after twenty years there has still not been a satisfactory accounting for missing Americans. Americans lost sight of the principles that were the basis for our involvement in Vietnam and we were willing to make compromises for what was expedient at the time. We must not make the same mistake again.

For twenty years the United States has maintained a trade embargo and refused to establish diplomatic relations with the Socialist Republic of Vietnam. This policy is consistent with the US Treatment of other hardline communist states, notably North Korea and Cuba. Current US policy towards Vietnam is based on two considerations: cooperation in accounting for missing Americans; and the removal of Vietnamese troops from Cambodia. The United States has established a "road map" that matches progress by the Vietnamese in these areas with improved trade and diplomatic relations with the United States.

The most noticeable aspect of the current road map is the conspicuous absence of mention of human rights or political freedom for the people of Vietnam. For North Korea, progress in human rights is one of the central conditions for improving relations. It must also be for Vietnam. The United States was willing to fight for political freedom and human rights for the people of Vietnam; 58,183 Americans died there, countless billions were spent, and since that time the US has refused to establish relations in part because of the repressive nature of the Vietnamese regime.

It is ironic that after twenty years we appear willing to sacrifice these principles for the people of Vietnam just as democracy is triumphing around the world, and perhaps once again subjugate, this time probably forever, the question of a full accounting for those missing in Vietnam. One of the key factors in the democratic revolution in the former Soviet Union and throughout.

Eastern Europe was the hard line that the United States took against the repressive communist regimes that dominated those societies. Today the leaders of those nations thank us for our tough stand, even though that stand meant economic hardship and isolation for their people.

What is missing in our discussions today is a vision of 70 million Vietnamese with the freedoms for which we fought and for which our nation stands—freedom of religion, speech, travel, due process under the law, and the right to protest the policies of their government. God help us if we come back to Vietnam just to make a little money.

A free Vietnam is the best way to honor the sacrifice of Americans and to help the Vietnamese people. We do not need to go to war to win this battle, nor do we need to stop moving towards normal relations. We need to believe it is desirable and we need to believe it is possible. We need at least to say the words.

The United States should be willing to take a stand for the people of Southeast Asia. Obtaining a full accounting for our missing soldiers will never happen as long as Vietnam remains a closed society. Before opening the door to Vietnam, the United States should demonstrate its support for democracy and human rights by raising these issues with the Vietnamese government.

STATEMENT OF SENATOR HERB KOHL

Mr. President, one of the central problems which faced the Senate Select Committee on POW/MIA Affairs, and one of the central problems which faces this country, is how to overcome the cynicism which surrounds almost any statement made by government.

When I was growing up, in an earlier and perhaps more innocent age, people took comfort from government: the fireside chats gave us hope; the Truman walks gave us confidence; the Eisenhower smile gave us a peaceful feeling.

But those feelings have faded. The credibility gap created in the Johnson administration became a chasm under Nixon; the malaise of Carter surrendered briefly to the charm of Reagan but reappeared as deficits mounted, arms and money were diverted, and divided government flourished; and while the Bush administration strengthened our standing in the world, last year's campaign enshrined "running against Washington" as a major part of our political liturgy.

It is in that more cynical environment which this Committee operated. And in that environment, conspiracy theories—even if they are based on minimal and marginal evidence—flourish. From the Space Aliens which the government is keeping in deep storage somewhere out west to the CIA's role in killing Elvis—if you have a conspiracy theory which involves the government, someone will believe it.

But this Committee, Mr. President, did not operate in a realm of speculation and fantasy. In this case, conspiracy theories—while dubious and incomplete—at least have some substance to them.

As I evaluated the testimony presented to us and looked at the records made available to us, I concluded that when our government said that all American POWs had returned, it had reason to believe that was not the case. That is not to say that our government "lied;" it is to say that it did not tell us the whole truth. I am making more than a semantic distinction here: "lying" implies some intention to deceive; "not telling the whole truth" suggests that a statement does not fully describe a complex reality.

Whatever the difference in actual meaning, it is clear that our government did not reveal everything that was known and was less than truthful when it talked publicly about POWs and MIAs at the end of the Vietnam war. As a result, when people charge that there was "a government conspiracy to hide the truth from the American people," there is at least some factual basis for their belief.

The problem that creates is obvious. This Committee, as a part of the government, is asking people to believe that we are telling the truth. But it is the very government which the Committee represents which did not give it's citizens all the facts in the beginning. Based on the overall credibility of government, why should people believe we are telling the truth now about how we mislead people in the past?

There are, in my judgement, several reasons. But, Mr. President, the most important is simply this: we are making virtually all the information upon which we relied available to the American people. They do not have to believe us: they can read the same records we did, evaluate the same testimony we heard, go through the same investigation and evaluation that we engaged in—and they can reach their own conclusions. We are not asking anyone to take anything on faith; we are giving everything we received to everyone and allowing them to draw their own conclusions.

But the issue here, Mr. President, is broader than the credibility of the Committee's work. In truth, I feel no need to defend the Committee and no sympathy for those who doubt the sincerity of our efforts. Personally, I believe that Chairman Kerry and Vice-Chairman Smith, along with the other members of the Committee and the superb staff they assembled, have done a magnificent job. They have been fair. They have been thorough. And they have been able to disagree about what conclusions the evidence supports without in any way demeaning each other's intelligence or patriotism or dedication to finding out everything that we can.

The issue is not the credibility of the Committee. But an issue of credibility is at the heart of the POW issue. Indeed, it is at the very heart of a government's moral right to ask men and woman to risk their lives for our country.

Our military might is based on our ability to persuade young men and women to risk their lives for this country. That willingness to face death is based on many factors: love of country, courage, comradeship. But perhaps most importantly, service is based on a belief in, and trust of, their government: that it will train

them well, equip them superbly, and do everything it reasonably can to protect them and care for them.

It is the credibility of those promises which the POW/MIA issue strains. For if, after all, the government does not keep its promises, then why should our soldiers honor their pledge to follow orders even at the risk of their own lives?

This report demonstrates that the government has not kept its promises to those who served in Vietnam. Even more disturbing is the evidence which suggests—strongly suggests—that the government failed to keep its promises to those who served in World War II, the Korean war, and the Cold War as well.

This trail of failure suggests that Vietnam may not have been a unique situation. It was not just the nature of that "dirty" war which led the government to act in less than full faith. The continuing controversy about the fate of POWs and MIAs could have raged after other conflicts—but in the less cynical environment of those times, even the suspicion that the government would do anything less than everything possible was so incredible that it was not entertained.

The saving grace in all of this is that the American people now know more of the facts. Knowing the facts can help us establish more of the truth. And that can prevent us from repeating the mistakes of the past.

The Committee report contains suggestions to help the families of our POWs and MIAs—structural reforms which should make more information and more help available to them. Even with those reforms, however, we have to recognize that the fog of war makes it impossible to provide exact answers to every question. We can not account for every MIA, we may never be able to know the exact fate of those who once were held as POWs. Even under the best of circumstances—and these are far from the best of circumstances—"truth," in any absolute sense, is difficult to come by. Some level of uncertainty is inherent to the human condition.

The report also makes suggestions for ways to minimize the forces which lead to uncertainty about the fate of POWs and MIAs in the future. Without impugning the integrity or efforts or motives of any one, the report makes it clear that if we had done some things differently during negotiations to end the Vietnam war, some of the problems and questions we now face would have been resolved then. The report does not simply point out those mistakes: it makes specific suggestions for changes in negotiating strategy and tactics which should be adopted in the future. In that sense, the report attempts to help prevent the past from being repeated in the future.

The report does not answer every question. In many ways, our investigation simply opened the door to further inquiry. And that inquiry will be made. The executive and legislative branches of our government can not burn back now. We have come so far and done so much in terms of declassifying information and becoming more open, that it will be impossible to return to the days when "top secret" was used as a way to extinguish legitimate criticism and questions.

I would like to add one final word of a more personal nature. Service on this Committee has been difficult. I have seen my col-

leagues struggle to resolve doubts and differences; I have been touched by the bravery, the love, the loneliness, and the frustration of the POW and MIA families I have met, many from my own state; I have been appalled by what I have learned about our own government's behavior. But at the same time, I have experienced a sense of liberation as the ghosts of the past have been exposed. The willingness of the Committee—and ultimately of the executive branch—to uncover the mistakes that were made and bring them to light has vindicated the validity of the democratic process. Though some may believe that our government tried to create a form of Orwell's "Newspeak," this report proves that in a free society such distortions can not be sustained. We have dug through the mud and muck; we have had our hands in the dirt of distortion; and we have emerged cleaner, and healthier and freer for the effort.

STATEMENT OF SENATOR JOHN MCCAIN

I am pleased to join all twelve members of the Senate Select Committee on POW/MIA Affairs in endorsing the final report of the Committee. I want to thank, first and foremost our Chairman and Vice Chairman for their leadership throughout the last fifteen months, and for their intense determination that has ultimately produced a balanced and thorough report.

Senator Kerry has exhibited throughout our proceedings fairness, determination and true non-partisanship that should earn him the respect of every American who is concerned with this issue. He has certainly earned mine.

Senator Smith, with his passionate commitment to and tireless concern for our missing men, is responsible, more than any other member of Congress, for the creation of this Committee. While Senator Smith and I may not have always agreed about every aspect of our investigation, I have always admired his dogged pursuit of answers to the most troubling questions about our POW/MIAs. This report is a testament to that commitment.

All members of this Committee have been engaged for over a year in the pursuit of the truth. We haven't always agreed with one another, and when we haven't our disagreements are noted in the report. It hasn't been an easy pursuit. It has been, in truth, one of the most arduous and, at times, unusual undertakings of my public life. But it has been an honest pursuit. That is all we were charged with by the Senate, and we have met in full our responsibility.

Committee staff also worked diligently to fulfill our obligations. I think it is appropriate to single out two members of the staff for special commendation. Our counsel, Bill Codhina left the responsibilities of his private law practice and the comfort of his family to help out in this difficult endeavor, and he quickly proved himself indispensable.

Our indefatigable and splendid staff director, Francis Zwenig, proved herself to be tireless in her devotion to the truth. Both Bill and Francis undertook an assignment that placed them in the center of some pretty contentious issues, and they acquitted them-

selves brilliantly. They have served the Committee, the Senate and the nation with distinction.

As the American people now view for themselves the fruits of our labors, I urge everyone to read the executive summary and our full report carefully and thoroughly. Despite some press accounts to the contrary, no facts, no truths have been left out or diminished. What conclusions we have drawn are fully supported by the evidence we have assembled in the most thorough investigation ever conducted on the subject of our POW/MIAs. We have not attempted to draw conclusions which are not and cannot be supported by facts.

Too often in the past year, leaks, which are, of course, tendentious by nature, and the inconsistent attention of the press to the issue have resulted in untruths, half truths and, sometimes, pure fiction being attributed to this committee by reporters who should know better. I want to identify three exceptions to this failing, although there are a number of reporters who deserve the Committee's commendation for their thoughtful and fair coverage of this issue.

Bruce Van Voorst of Time Magazine could have broken a story that might have undermined a very important mission. He chose not to do so, and his restraint earned my profound gratitude, and the gratitude, I am certain, of all members of the Committee.

James Bamford and James Walker of ABC News were, if not the first, then certainly the reporters who were most dedicated to revealing to the American public the extent to which fraud and hoaxes have deepened the anguish of families and complicated our efforts to secure the fullest possible accounting of our POW/MIAs. They, too, have earned our gratitude.

Now that our work as a Committee is finished, the American people should look to our report for the whole and unvarnished truth. We have not hidden anything from the public, neither our agreements nor our disagreements.

Allegations that we have watered down parts of the report to protect or enhance the reputations of anyone are false. We have sought the truth. It is clear in this summary and report when all members of the Committee are fully in accord on what constitutes the truth. It is just as clear when we have been unable to form a perfect consensus on some aspects of the issue. Those few instances where there are varying shades of opinion are fully documented in the report, and are greatly overshadowed by those areas where we are in full agreement.

Every member of this Committee wishes that we could have located and secured the repatriation of a living American. But, as is clear in our report, we found no compelling evidence to prove that Americans are alive in captivity today.

There is some evidence—though no proof to suggest only the possibility that a few Americans may have been kept behind after the end of America's military involvement in Vietnam.

The Committee found absolutely no credible evidence to support the contention that the United States Government, under five presidential administrations, conspired to prevent the American people from knowing that Americans remained captive in Southeast Asia.

All members are in accord on these conclusions although there are some remaining differences over the quality of evidence that supports the possibility of survival.

There have been a number of press stories—few of them, if any, accurate—about the so-called cluster or pattern analysis of reports of live Americans in captivity in Southeast Asia. There is a difference of opinion among Committee members about the utility of this form of analysis. That difference is noted and described fully in the report. For ten members of the Committee, a cluster of live sighting reports from a specific location raise questions and is cause for a close examination of these reports. But when the reports that form a cluster include fabrications and contain unspecific geographical and other data, or data which is contradicted by known facts, then the cluster analysis is of marginal utility.

For instance, a cluster of live sighting reports could simply be the product of one known fabricated report. One witness reports a false live sighting, tells a friend or relative who then goes on to tell other friends or relatives, who then provide additional hearsay reports to American investigators. Sometimes this reporting is done in the expectation of financial gain or permission to emigrate to the United States. Obviously, despite the frequency of reports, if they are based on an original lie, the clusters are meaningless. In one instance of our investigation, we discovered that a cluster had been based on a report that was ultimately recanted by the witness.

I want to emphasize here that the Committee's conclusions—in the wise words of one of my constituents, Steven Morrissey—do not relieve us or the United States Government of the responsibility to continue pursuing the fullest possible accounting of our missing men. As long as there are serious questions about the fate of some of our POW/MIAs, the governments of Indochina and the United States Government are morally obligated to pursue the answers.

It is also clear that due diligence in the pursuit of these answers has not always been executed consistently by all officials who were charged with that responsibility. This Committee has correctly recommended steps to ensure that our Government's efforts to achieve the fullest possible accounting be in keeping with the highest national priority and be of such quality to serve our missing, the families of our missing and the American people with the dedication they deserve.

It is just as important to note, however, that many officials involved in our accounting efforts have too often been maligned wrongly by critics who have not had or did not want to have fair grounds to make such allegations. Many honorable people, in and out of uniform, have dedicated themselves, some for many years, to the pursuit of the truth. This Committee respects and appreciates their commitment.

No one has been more committed to this noble undertaking than General John Vessey, the President's Special Emissary to Vietnam for POW/MIA Affairs. This Committee has contributed greatly to the progress we all recognize has occurred in our accounting efforts. But we also recognize that General Vessey has been successfully searching for answers much longer than we have. We salute

him and thank him for his tireless efforts on behalf of our missing men and their families. He is a true American patriot.

I want to also thank President Bush, members of his Cabinet and other officials of his Administration who have cooperated closely, and worked diligently to ensure this Committee would have the information and support necessary to fulfill our obligations. They have accorded this issue the attention that is required for the highest national priority. I believe all members of the Committee deeply respect and thank the President for his firm commitment to the fullest possible accounting of our POW/MIAs.

I wish also to briefly discuss a subject which received considerable attention from this Committee—the negotiations of the Paris Peace Accords which concluded our war in Vietnam. I am one of a number of Committee members who believes that the accords were the best achievable under the prevailing political and military circumstances of the time, and that the Nixon Administration deserves our recognition for this accomplishment.

I think our report does briefly describe those circumstances within which Nixon Administration officials operated at the time, though they bear further elaboration. The agreements concluded in Paris in 1972 were not perfect. But I know of no instance in history where negotiations of comparable importance or the agreements they achieve were perfect.

The Paris Peace Accords provided for an immediate ceasefire, a military withdrawal, the return of our POWs within sixty days, and, in a side agreement, Vietnam's cooperation in securing an accounting for our missing-in-action throughout Indochina. As was accurately noted in the Montgomery Commission report, the POW/MIA provisions of the Accords were the most extensive of any post-war settlement in history.

If some of these objectives were not ultimately achieved, the fault lies in the implementation of the Accords, and not in the Accords themselves.

The fault for failures in the implementation of the Accords should be attributed to several quarters. Primarily, as the report notes, the fault lies with the Government of Vietnam which violated virtually every provision of the Accords as rapidly as it could. Almost immediately, Hanoi moved an army south. Throughout the phase of U.S. military withdrawal and the repatriation of prisoners-of-war, Hanoi frequently ignored its specific commitment on the timings and other modalities of the prisoner exchange. And only recently, has Hanoi acted in keeping with its commitments to help account for our missing throughout Indochina.

I believe the Nixon Administration acted forcefully, on at least two occasions by suspending temporarily the withdrawal of our forces, to force Hanoi's compliance on the release of our prisoners. Whenever the Nixon Administration knew with certainty that a specific American was in danger of not being returned during Operation Homecoming, they acted.

Yes, there were, indeed, concerns among Administration officials that the Pathet Lao or, more accurately, their masters in Hanoi were not returning all Americans whom we had reason to believe had survived their incident of loss and may have been held, at least for a time, as prisoners of war. However, in these instances

there was no current indication that these men were alive or where they were being held. When they had such certain knowledge, as was the case with the nine Americans who had been captured in Laos, but held in Hanoi, the Administration acted forcefully to secure their return.

The accounting for our remaining missing, especially those Americans who are classified as "discrepancy cases," and who were the focus of most of our concern, quickly broke down after Operation Homecoming, leaving Administration officials and many Americans with nagging fears that some Americans had been kept behind by our adversaries. The fault for this failure, as I just noted, lies squarely with Hanoi.

Neither can the failure of the United States to force Hanoi's compliance be attributed solely to the Nixon Administration. A war weary nation, an increasingly forceful protest movement, a Congress that was acting unilaterally to forbid all U.S. involvement in Vietnam, Laos and Cambodia figured prominently in the failure of the U.S. to force compliance. In my opinion, they figured far more prominently in that failure than the Nixon Administration.

There was no popular support for a resumption of military activity. Congress had terminated all funding for combat operations in Indochina and economic aid to Vietnam. Particularly instructive is the report's description of Senator Dole's amendment to legislation that forced the termination of bombing in Cambodia. His amendment would have conditioned the cessation of military activity on cooperation in securing the release and accounting for our missing. It was defeated by an overwhelming margin.

The Administration was, at that time, succumbing to the tragedy of Watergate. This, of course, factored in the post Operation Homecoming implementation of the Accords. Also, while both President Nixon and Roger Shields mentioned in their statements concerning the return of our POWs, that the accounting of our MIAs was not proceeding to our satisfaction, the wording of those statements may have incorrectly given the public more cause to believe that all Americans had returned than the situation warranted. However, I must repeat that the Administration did make clear in public statements, and in the testimony of its officials before congressional committees that Vietnam was violating its pledge to help us account for our missing.

Neither Watergate nor imprecise wording of some public statements nor any other act of the Administration constituted the knowing abandonment of American POWs by their government. That allegation is as unfounded as it is malicious. President Nixon accurately described this false charge as obscene.

I think it is also fair to mention that the National League of Families, its director, Anne Mills Griffiths, and former National Security Council member, Richard Childress took strong exception to a portion of the report which dealt with Ms. Griffiths' and Mr. Childress' alleged participation in private efforts to fund the Lao resistance. They have cited inaccuracies in the report, and raised other important concerns which may have not be addressed fairly in the report. Since one member of our Committee announced his intention to refer the case to the Justice Department, I feel it is

important that officials of that Department know that, at a minimum, there are two conflicting sides to this story, and that Ms. Griffith's and Mr. Childress' refutation deserves serious consideration. Moreover, Mr. Childress sent a letter to the Committee addressing these charges which deserves inclusion in the appendices of the report.

Chapter Six of the report deals with private efforts involved in the POW/MIA issue. Let me strongly emphasize one caution that is based on our findings in that chapter: The remaining questions about our POW/MIAs do not entitle anyone to trade on the anguish of families by fabricating evidence, or intentionally disseminating information they know to be false for any purpose—whether to profit from it financially or to garner publicity for themselves. Sadly, this Committee found substantial evidence that this has occurred all too often in the past. Also, everyone involved in this issue has a moral obligation to be extremely careful in publicly disseminating any information which they cannot be certain is credible, for if such information proves to be fraudulent, as it usually does, its public promotion only adds to the anguish of families and complicates our efforts to secure the fullest possible accounting.

Many, indeed, most Americans who have dedicated themselves to the resolution of this issue have acted honorably and with the best of intentions. Those few whose motives and methods are dishonorable cannot diminish the good work that so many private citizens have done to pursue answers about our missing, to draw the nation's attention to the issue, and to keep our government focused on achieving the fullest possible accounting of our missing. The committee applauds their faithfulness.

STATEMENT OF SENATOR HANK BROWN

Mr. President, last week's issuance of the final report of the Select Committee on POW/MIAs marks the end-point of 15 months of the most extensive investigation of the POW/MIA issue yet completed by the Congress. Numbering more than 1,000 pages, the final report covers in detail the wide range of the Committee investigation.

As important as the final report, though, are the myriad of other initiatives resulting from the Committee's work. For instance, our investigation resulted in the most rapid and extensive declassification of public files and documents in American history. This effort is nearing completion. The Committee conducted the most rigorous examination yet completed of U.S. intelligence operations concerning the possibility that Americans survived after the war. We reviewed more than 3,000 National Security Agency intelligence reports and 90 boxes of wartime NSA files and conducted the first-ever review of pilot distress symbols and their relationship to photographic interpretation.

The Committee's efforts were significant in moving the Vietnamese government toward increased openness and assistance in accounting for Americans missing in action in Southeast Asia. During a Committee trip to Vietnam, the Vietnamese government announced its intention to provide increased access to American investigators. The result has been unprecedented American access to

Vietnamese prisons, military bases, government buildings, documents, photographs, archives and materials—all of which may assist our own government in answering the many questions still surrounding the fate of our missing servicemen.

The Committee has worked with the Executive Branch to establish a process of live-sighting response, investigation and evaluation that is the most extensive and professional ever conducted. Even as the Committee's efforts draw to a close, the live-sighting investigations are moving ahead rapidly.

Furthermore, Committee efforts in coordination with the Executive Branch led to the beginning of a significant joint process with Russia to uncover information the Russian government might have concerning American POW/MIAs. Never before has the Russian government opened some of its most secret files to U.S. historians and archivists. Although Russian Army intelligence, the GRU, has not opened its files to the Russian-American team, the Russian KGB's willingness to open its own files is a significant first step.

The Chairman, Senator John Kerry, deserves special recognition for his tireless efforts to ensure the Committee's investigation was brought to a successful conclusion. John Kerry provided an effective environment for tough discussions of heart-rending issues. He acted as both a peacemaker, an arbiter and an organizer of a pack of headstrong legislators.

The Ranking Member, Senator Bob Smith, should be recognized for his efforts to ensure that the Committee's staff used every imaginable investigative method in reviewing available data. It is in large part due to these efforts that the Committee was able to reach a unanimous conclusion on the state of the evidence concerning Americans unaccounted for in Vietnam.

Vietnam: the heroes

During the course of our investigation, the Select Committee was struck by the heroics of the Americans held in captivity in Vietnam.

The commitment and sacrifice of these men under the most extreme conditions was truly remarkable. In spite of discord at home, propaganda, and torture, the conduct of most of the POWs stands as an inspiration and example to all who wear our country's uniform.

Following are few examples of those who were captured and detained in North Vietnam, Laos and Cambodia.

Vice Admiral James B. Stockdale, (U.S. Navy). Vice Admiral (then Commander) Stockdale's A4E aircraft was shot down over North Vietnam on September 9, 1965. Injured during the ejection sequence and wounded by his captors, Stockdale was the senior American imprisoned in Vietnam. His organization of the prisoners into a cohesive military chain of command earned him numerous beatings and time in solitary confinement. He was recognized by his captors as the leader in the POWs' resistance to interrogation and in their refusal to participate in propaganda exploitation.

Admiral Stockdale was singled out for interrogation and torture after being caught in a covert communications attempt. Sensing the start of another purge, and aware that his earlier efforts at self-disfiguration (beating his head against a wall so that he could

not be photographed by the North Vietnamese) to dissuade his captors from exploiting him for propaganda purposes, had resulted in cruel and agonizing punishment, Stockdale nonetheless resolved to make himself a symbol of resistance regardless of personal sacrifice.

He deliberately inflicted a near-mortal wound to his person in order to convince his captors of his willingness to give up his life rather than capitulate. He was subsequently discovered and revived by the North Vietnamese who, convinced of his indomitable spirit, abated in their employment of excessive harassment and torture toward all of the American prisoners. His courageous resistance, his efforts to account for the prisoners that were his responsibility and his inspirational example for all American servicemen in North Vietnam's prison system led to his receipt of the Nation's highest award following his release—the Congressional Medal of Honor.

Master Sergeant Terrill J. Salley (U.S. Army). In March 1971, Viet Cong and Hanoi radio broadcasts recounted the capture of two Americans. Circumstances correlate one of these Americans to MSgt Salley. Former POWs confirmed that Salley died in captivity. In addition, his name was on the "Died in Captivity List" of the Provisional Revolutionary Government of Vietnam.

Colonel Fred Vann Cherry (U.S. Air Force). Then-Major Cherry's F-105D aircraft was shot down while striking military targets in northern Vietnam. He was observed on the ground by his wingman, and beeper contact was established and maintained throughout the remaining daylight hours, but could not be reestablished. Colonel Cherry's subsequent captivity was marked by senseless, violent beating by his North Vietnamese captors. Cherry refused to compromise his beliefs and training and stubbornly resisted his captors until his eventual release.

Master Sergeant Isaac Camacho (U.S. Army). Master Sergeant (then Sergeant First Class) Camacho, a special forces non-commissioned officer, was captured early in the conflict in South Vietnam. On November 24, 1963, the unit he was advising was overrun. He and three other U.S. servicemen were captured. MSgt Camacho's assistance to his fellow prisoners and his resistance to his captors remains a legend in the U.S. Army. Camacho eventually escaped and returned to U.S. control. For his gallantry, this brave sergeant was awarded the Congressional Medal of Honor.

Private First Class Donald J. Sparks (U.S. Army). PFC Sparks was captured on June 17, 1969, when his patrol was ambushed in South Vietnam. Sparks and another soldier were wounded, and as members of the patrol withdrew, they observed North Vietnamese personnel stripping Sparks of his clothing and weapon. The following day a U.S. patrol returned to the ambush site and recovered the body of the other American, but there was no sign of Sparks.

Almost a year later, two letters written by Sparks in April 1970 were found on a Viet Cong soldier. In one of the letters, which was determined to be authentic, the young soldier mentioned that he had received a foot wound, but that it has healed. He added that he had not seen another American during his ten months in captivity.

There Americans released during "Operation Homecoming" reported that in the spring of 1970, while they were enroute to a new

camp in the same province where Sparks was lost, a Vietnamese guard mentioned that a POW named "Don" was moving slowly because of a foot wound, but would soon join them. The POW the guard mentioned never arrived. Sparks is still carried as "Missing In Action."

Captain John S. McCain, III (U.S. Navy). Captain (then Lt. Commander) McCain's A4E aircraft was shot down over Hanoi in October, 1967. Captain McCain ejected from an inverted aircraft and broke both arms and a leg during the ejection. North Vietnamese soldiers quickly pulled him from a lake near Hanoi and beat him severely. Near death, McCain recovered slowly. Because his father, Admiral McCain, was then Commander of the Pacific Fleet, Lt. Commander McCain was singled out for repeated torture and brutal treatment. Numerous beatings, bones rebroken by his captors time and again and months of solitary confinement further slowed recovery. The Vietnamese offered him early repatriation several times in an attempt to dishearten the other prisoners, but McCain refused to be repatriated before other POWs. His spirit could not be beaten. He continued to resist his captors and to inspire other prisoners by his patriotic determination.

Furthermore, during the long internment, McCain served the other prisoners both as Chaplain and as an educator. As Chaplain, he conducted religious services, provided spiritual guidance and instilled constructive rehabilitative thinking for the benefit of his fellow prisoners. In addition, despite constant harassment and the routine harsh treatment, McCain devoted long hours to preparing educational lessons that would improve the morale and well-being of the other prisoners.

Colonel Charles Shelton (U.S. Air Force). Colonel Shelton was shot down over Laos in April, 1965, in a photo reconnaissance mission over northeast Laos. Nearby aircraft had been diverted to assist in search operations, and the pilot of an F-105 aircraft observed Colonel Shelton on the southern slope of a small ridge, about 30-40 yards from his empty parachute. Shelton waved his hands and indicated he was okay, but before rescue helicopters reached him, cloud cover completely obscured the ground, making rescue impossible. Weather conditions continued to prevent helicopter recovery for the next few days, and when friendly ground parties landed in the area and conversed with indigenous Laotians, they evaded questions concerning the fate of the downed pilot.

A friendly search team of Meo team tribesmen sent in one week after the crash confirmed Shelton was taken captive by enemy forces but could provide no further information on his fate. Intelligence received later cannot be correlated with complete certainty to Colonel Shelton, but it appears to indicate that he continued to resist his Pathet Lao captors, even making attempts to escape. However, no concrete information has been provided by the government of North Vietnam concerning Colonel Shelton. Consequently, he is still carried on the rolls of the missing in the symbolic status of "missing/captured"—the only U.S. serviceman in that status.

Lt. Colonel Daniel F. Maslowski (U.S. Army). Lt. Colonel (then Warrant Officer 1—WO 1) Daniel F. Maslowski's UH 1H helicopter was shot down in eastern Cambodia on May 2, 1970. Lt. Colonel Maslowski subsequently rallied his crew and attempted to resist

North Vietnamese forces until they were overrun. During his follow-on captivity in Cambodia, Lt. Colonel Maslowski continued to assist and care for injured crewmembers. His efforts to resist his captors continued until their release. For his actions, Maslowski was awarded the Bronze Star and the Distinguished Flying Cross.

Colonel William Thomas Mayhall (U.S. Air Force). Colonel (then 1st Lt.) Mayhall's B-52 was struck by multiple surface-to-air missiles during a daylight strike on military targets in the Red River Delta of North Vietnam on December 21, 1972. When his ejection seat mechanism failed, Lt. Mayhall "bailed out" through a hole in the aircraft and, upon landing, was captured by armed civilians and militia.

Throughout his captivity in Hanoi, Mayhall assisted more senior POWs in maintaining morale and cohesiveness among his fellow prisoners. His strict adherence to the rules of the Geneva Convention and his aircrew training were a constant example to the other POWs. Upon return, he received the Distinguished Flying Cross and the POW medal.

Captain Lance P. Sijan (U.S. Air Force). Captain Sijan's F-4C was shot down over Laos in November, 1967. During his ejection, he was seriously injured, breaking both legs. In this condition, he successfully evaded capture for several weeks by dragging himself through the jungle with his hands.

After his capture, Sijan, even though in weakened condition, overpowered his guard and crawled into the jungle, only to be recaptured a few hours later. During subsequent questioning, the Vietnamese interrogator pulled and twisted his broken limbs in attempts to break Captain Sijan's spirit and force him to divulge classified information.

Despite intense pain frequently causing unconsciousness, Sijan never gave information other than that required by the Geneva Convention. Thus weakened, Sijan died in captivity. He was posthumously awarded the Congressional Medal of Honor for his heroism.

Colonel Robert R. Craner (U.S. Air Force). Colonel (then Major) Craner's forward air control F-100F was shot down near Vinh on December 20, 1967. He was initially held with Captain Lance Sijan, whom he tried in vain to keep alive. Craner's refusal to be used in Hanoi's propaganda campaign, and his efforts to improve the morale of his fellow American prisoners and their covert communications efforts, inspired continued resistance by the POWs. His efforts earned him frequent interrogations, torture, and long periods in solitary confinement. Upon his return, Colonel Craner was awarded two Silver Stars for his actions while a POW.

Colonel Floyd James Thompson (U.S. Army). Colonel (then Captain) Thompson was an aerial observer abroad an O1F observation aircraft when it was shot down on March 26, 1964 near the Laotian border in South Vietnam. Captain Thompson was then held in several primitive detention facilities over the next nine years. Thompson was held longer than any U.S. prisoner; his steadfast courage under extreme conditions was model for all U.S. servicemen to emulate.

Commander Richard Allen Stratton (U.S. Navy). Then-Lt Commander Richard Stratton was shot down over North Vietnam on

January 5, 1967 when his A-4 aircraft came under intense anti-aircraft and surface to air missile attack. Commander Stratton's fierce resistance to his North Vietnamese captors earned him many ferocious beatings and hours of solitary confinement. He resisted all efforts by his captors to use him in causes detrimental to the United States. Stratton maintained good order and discipline among his fellow prisoners. Despite constant harassment and the routine harsh treatment, he devoted long hours toward improving the morale of other prisoners as a member of the entertainment group. His spirit and audacity inspired the rest of the prisoners to continue resistance to their North Vietnamese captors.

Colonel George Day (U.S. Air Force). Colonel George "Bud" Day was shot down over North Vietnam in August 1967. His right arm was broken in three places and his knee badly sprained. He was captured by hostile forces and immediately taken to a prison camp where he was interrogated and severely tortured. After causing the guards to relax their vigilance, Colonel Day escaped into the jungle and began the trek toward South Vietnam. He was the only POW to escape from prison in the North.

Despite injuries inflicted by fragments of a bomb or rocket, he continued southward surviving only on a few berries and uncooked frogs. He successfully evaded enemy patrols and reached the Ben Hai River, where he encountered U.S. artillery barrages. With the aid of a bamboo log float, Colonel Day swam across the river and entered the demilitarized zone. Due to delirium, he lost his sense of direction and wandered aimlessly for several days. After several unsuccessful attempts to signal U.S. aircraft, he was ambushed and recaptured by the Viet Cong, sustaining gunshot wounds to the left hand and thigh.

He was returned to the "zoo", the prison from which he had escaped and later was moved to Hanoi after giving his captors false information in response to their questions. Physically, Day was totally debilitated and unable to perform even the simplest task for himself. Despite his many injuries, he continued to resist. Furthermore, thirty-seven months of his five-and-a-half year imprisonment were spent in solitary confinement. Upon his release in 1973, Colonel Day was awarded the Congressional Medal of Honor for his heroic efforts.

Warrant Officer 1 Solomon Goodwin (U.S. Marine Corps). Warrant Officer Goodwin's residence in Hue City came under fire at the beginning of the Tet offensive. Realizing that an American agricultural advisor was occupying the building adjacent to his own, Goodwin exposed himself to the enemy fire to bring the man to the relative safety of his own position.

With a total of six defenders, Goodwin's position repeatedly rebuffed enemy attack, killing at least 20 enemy soldiers and capturing one Viet Cong. While retreating from a final, all-out assault on their position, the men were captured by the enemy on February 5, 1968.

WO 1 Goodwin was detained in the hills outside Hue until July 1968 when he and another American POW, who returned to the US during Operation Homecoming, began their journey to North Vietnam. WO 1 Goodwin's health deteriorated rapidly and he died

during the march northward. He was posthumously awarded the Silver Star medal.

Rear Admiral Jeremiah Denton (U.S. Navy). Real Admiral Denton's A6 aircraft was shot down near Thanh Hoa, North Vietnam in July, 1965. North Vietnamese soldiers quickly captured him as his parachute landed in the Ma River. He was soon transported to a prison in Hanoi. There, Denton was tortured, put into solitary confinement and repeatedly beaten. It was Denton who provided the United States the first evidence of torture by the Vietnamese of the American prisoners when he blinked the word "torture" in Morse code in a televised interview. This brave stunt led his captors to increase the frequency and harshness of Denton's interrogations and beatings during the next seven years of imprisonment.

At one point, Denton perceived a high-level shift in enemy tactics in dealing with the prisoners which imposed new limitations on the North Vietnamese captors. Denton then directed increased resistance by the American prisoners which resulted in a significant reduction in enemy demands to use prisoners for propaganda purposes. In May 1970, Denton personally led and directed a period of "fasting" by the prisoners to demand better treatment and protest solitary confinement.

In September 1972, Denton refused to appear at a public presentation of the POWs planned by their North Vietnamese captors. Annoyed by his refusal, the North Vietnamese ordered guards to torment him to complete physical exhaustion. After being overpowered by his guards, Denton was transported to the museum where he displayed such disinterest and disdain toward the North Vietnamese that he proved to be an embarrassment in his captors' attempts to use the appearance for propaganda purposes. Consequently, the North Vietnamese never again attempted a similar display of the prisoners. Rear Admiral Denton's stubborn resistance was an inspiration to his fellow prisoners.

Defense Intelligence Agency

During the course of our investigation, we received testimony from many POW/MIA family members that the Defense Intelligence Agency has been less-than-helpful in its responses to their requests for information and assistance.

After working closely with DIA in this investigation for more than a year, it is evident that the families' concerns are well-founded. Some of the DIA's responses to questions put to it by the Committee were evasive and non-responsive.

From the beginning, DIA's assessment that hundreds of sworn live-sighting reports did not constitute evidence was disconcerting. Certainly our investigation determined the reports may not constitute proof, but to dismiss them as evidence implied as unwillingness to conduct an objective inquiry.

Obtaining straight answers to straightforward questions was often difficult. In some cases, DIA's broad assertions that no evidence existed on one point or another were cavalier and misled the Committee. Here are two examples:

a. On August 4, 1992, when asked about the possibility of an underground prison beneath Ho Chi Minh's Mausoleum in Hanoi, the DIA testified to the Committee that they could not "find any evi-

dence that there is even a basement in any building in the country. . . ."

In fact, DIA's testimony was contradicted by a September 1992 Defense Intellegence Agency message that stated:

> * * * DNA and DIA analysts have identified items associated with the construction of Ho Chi Minh's tomb that indicated a below grade infrastructure that is far more elaborate than what one would expect from simply a mausoleum. [DIA/PW message, dated 101522Z September 1992, Subject: Collection Support Requirement, paragraphs A, B, and C.]

Although the September message did not prove the existence of any sort of underground facility, it certainly brought to the Committee's attention once again DIA's propensity for categorical denials not supported by the evidence, or even by thorough analysis.

b. DIA officials testified that a November 25, 1979 radio intercept concerning possible U.S. prisoners in Viengxay, Laos was followed up completely. They further stated the intercept contained no information regarding American prisoners. However, in direct contradiction, the Committee uncovered the fact that the actual National Security Agency memorandum discussing NSA's attempts to follow-up on the intercept stated that none of NSA's follow-up attempts had been successful—not that the intercept contained no information of American prisoners (NSA Central Security Service Memorandum, Nov. 18, 1992).

The Paris peace accords

Mr. President, no single element of the investigation generated more controversy than did the Committee's attempt to characterize what it learned concerning the Paris Peace Accords. In the view of this Committee member, some on the Committee attempted to artificially limit their focus on the Accords to such an extent that the picture the report communicates of events occurring in 1973 and 1974 is skewed. Consequently, I would like to take a moment to clarify the record on these important events.

At this point, I ask unanimous consent that a recent editorial from the Washington Post be included in the Record.

[There being no objection, the article was included as ordered.]

The accords.

Mr. President, as a casual reader reviews the body of our report, he would get the distinct impression that during the development of the Accords in late 1972 and early 1973, somehow, some way, U.S. negotiators developed a defective document that let the Vietnamese "off the hook" and did not require a complete and full accounting of U.S. prisoners and those missing in action. That impression left by the report is simply inaccurate.

What is not included in the report is the simple fact that EVERY witness heard by the Committee during the course of its investigation of the Accords stated that the "Accords were the best achievable under the circumstances." We took sworn testimony from the full range of negotiators, experts and other government officials involved in the negotiation of the Accords. Not one of the

many who appeared before our Committee contradicted that assertion. The Chairman, Senator Kerry, perhaps summed it up best during Dr. Kissinger's testimony when he stated:

> . . . I think you got the best agreement you could. And I said that at the very beginning. And I am proud to acknowledge there were, as people have written many times, extraordinary moments of your deftness, brilliance, capacity to negotiate with very difficult levels. And I want that on the record . . . you have made your mark in history on that [the Accords].

The Accords were signed after four grueling years of negotiations with the North Vietnamese. They provided for the withdrawal of all U.S. forces and the release of all U.S. POWs held throughout Indochina within sixty days.

Internationally and at home the Agreement was hailed as a success. U.S. negotiators had successfully achieved peace with honor for the United States. Critics became advocates. Kissinger was awarded a Nobel Peace Prize for his efforts. At the time, the New York Times, no fan of the Administration, hailed the Accords as "a diplomatic triumph" which had been achieved "under merciless cross fire" and "complex pressures." The Washington Post applauded the Administration for not trying to iron out every nuance:

> Ambiguities necessarily—providentially—remain. For Americans, they are not defects: they are assurances that the unresolved questions at issue will be left for resolution to parties other than the United States. The alternative would be for the United States to fight on.

The POW/MIA provisions of the Accords were the most extensive of any post-war settlement. In 1976, the House Select Committee on Missing Persons in Southeast Asia thoroughly reviewed these provisions and concluded that they were "not only adequate, but excellent * * * These provisions constitute an achievement of which the American negotiators and the American people can be proud."

Although some during our Committee's investigation have tried to argue the Administration should have achieved more definite assurances or more "iron clad" guarantees, according to testimony received by the Committee, there was no support in 1973 for more definite assurances. In fact, throughout 1972 the Administration was castigated in congressional hearings and in the media for continuing to negotiate rather than withdraw unilaterally.

Furthermore, it is not apparent that the North Vietnamese would have acted differently if the language of the Accords been more specific, if the Laotian provisions had been part of the text of the agreement itself rather than a side understanding, or if lists of POWs had been exchanged prior to the signing of the agreements. The plain fact is that Hanoi violated all of the agreements, whether formal or informal, written or oral.

Implementation of the Paris peace accords

Some have contended that once the Paris Peace Accords were signed, the Nixon Administration made few efforts to ensure a complete accounting for those missing in action. Further more, some claim that once it was evident the North Vietnamese were not abiding by the Accords, the Administration did not bring its concerns that Americans might still be held in Indochina to the attention of the American public.

One the Accords were signed, what actions could the Administration have taken to ensure the North Vietnamese complied with the requirement to provide a full accounting for American servicemen missing in action?

First, Congress and the Executive Branch could have spoken out. The record shows that the Executive Branch repeatedly and publicly expressed its concerns about Hanoi's refusal to help account for the MIAs, especially those known to have been alive and in captivity. Dr. Kissinger included the following as examples of Administration efforts in a letter he provided to the Committee:

> On February 8, 1973, Secretary of State Rogers told the House Foreign Affairs Committee "As you know, we do not regard the Lao list as complete." He expressed concern about some 1300 American MIAs not on lists and pledged efforts to obtain "the fullest possible accounting."
>
> On February 21, 1973, Secretary Rogers testified to the Senate Foreign Relations Committee stressing that the U.S. was pushing for a full accounting of MIAs and expressing concern those "missing or captured" in Laos.
>
> On February 25, 1973, Dr. Kissinger told Barbara Walters that much of the time in Hanoi was spent on MIAs.
>
> On March 2, 1973, during Peace Conference meetings in Paris, Secretary Rogers noted U.S. unhappiness with MIA accounting and warned against any delay of POW releases.
>
> On March 29, 1973, President Nixon addressed the Nation and stated as part of the same address in which he made the oft-quoted statement that " * * * all our POWs are home * * * " that the United States was not satisfied with the North Vietnamese accounting for those missing in action.
>
> On April 12, 1973, during his much cited press conference, Dr. Roger Shields stated that the US had "no indication" that Americans remained alive in Indochina. However, he also repeatedly stated "we have not yet received all information concerning our men in Laos and Cambodia."
>
> On April 20, 1973, the United States issued a public statement listing all violations including the DRV failure to provide information on MIAs or those who had died there.
>
> On May 3, 1973, the President's Foreign Policy report notes that the U.S. focus is on MIAs.
>
> On May 31, 1973, the Special Assistant to the Secretary of State for POW/MIAs, Mr. Frank Sieverts, testified to the Senate Foreign Relations Committee noting U.S. unhappiness with the North Vietnamese accounting, and

stating that the United States would continue pressing for a full accounting.

On June 13, 1973, in a press conference following the issuance of the joint U.S./DRV communique on the Paris Peace Accords, Dr. Kissinger stated that "We are concerned about inadequate accounting for MIAs."

On July 29, 1973, the U.S. issued a public protest to the government of North Vietnam concerning its failure to comply with the article in the Accords on accounting for those missing in action.

In September, 1973, during his confirmation hearing as Secretary of State, Dr. Kissinger testified to the Senate Foreign Relations Committee that he was "extremely dissatisfied" with Hanoi's refusal to provide additional information about the MIAs, especially those men known to have been alive in captivity.

On January 25, 1974, President Nixon proclaimed a "National MIA Awareness Day" and called upon all Americans to express their commitment to seek a full accounting for the missing.

However, even in light of these many actions some have complained that although the Administration at the time was raising the issue of the lack of Vietnamese cooperation in providing a full accounting, the Administration did not point out to the public that this group of "the missing" included men who we had reason to suspect might still be held as prisoners. That complaint is flatly controverted by the facts. Beginning in May, 1973, both the Senate Foreign Relations Committee and the House Foreign Affairs Committee held a series of hearings focusing on the problem of obtaining an accounting for American servicemen still missing in action in Indochina after Operation Homecoming. A review of these hearings and of the Congressional Record from 1973 and 1974 makes it clear that both Congress and the Executive Branch were well aware that the large grouping of men termed "missing" in action included a number who were last known to have been in captivity.

The report compiled by the Defense Department's Comptroller on March 31, 1973 listing 81 servicemen as "current captured" was printed in the Congressional Record on June 4, 1973.

A similar report, compiled by Dr. Roger Shields, was printed in the Congressional Record on May 31, 1973 at the request of Senator Dole.

In a memo sent to the Select Committee, Dr. Kissinger noted that "Representatives of the National League of Families also provided Congress on numerous occasions with specific information about individual servicemen, such as Lt. Commander Dodge and Donald Sparks, who were known to be alive in captivity and who continued to be listed as prisoners of war. National League representatives repeatedly stated that they believed some of these men were alive. For example, on May 25, 1973, Joseph McCain, brother of now-Senator John McCain, showed slides of men known to have been captured alive, including Lt Commander Dodge, to a congressional fact-finding

delegation in New York City. McCain concluded: "I think all of us here are saying unless there is something done, and hopefully by Congress, those men are going to remain as slides in that machine, and in those photographs, and they are just going to remain question marks." [House For Aff Cmte Hearings, 1973, p. 134].

On June 4, 1973, demonstrating congressional awareness that the term "missing in action" also included those last known to have been prisoners, Congressman Montgomery stated, ". . . in Laos alone, some 311 men were shot down, but we have received only 7 prisoners from the Communists in Laos. The law of averages tells us many more of these men should still be alive."

In yet another demonstration that Congress was fully aware that the list of MIAs contained those who were last known to be prisoners and might still be held as such, Congressman John Ashbrook stated on October 4, 1973 that "Eight-three Americans have been identified in either pictures or by those POWs who returned home as having been held prisoner by the North Vietnamese. The North Vietnamese have released no information on these men. While the likelihood of these 83 still being alive is slight, there is no military reason for the North Vietnamese being as cruel and inhuman as they are being in this matter."

On December 5, 1973, Dr. Shields testified to the House Foreign Affairs Committee that "The most we can say today is that these men were alive, some definitely captured, and the other side knows what happened to them. If the men are not alive today, we certainly should receive information about what happened. If they are dead, we should receive the remains."

During the same December 5, 1973 hearing, when asked how many were in the above status, Shields stated "Today, I believe we carry 57 men as prisoners of war. * * *"

In an April 10, 1974 report on "Missing In Action In Southeast Asia," issued after a year of hearings, the Senate Foreign Relations Committee stated that "some 56 servicemen who were previously acknowledged as captured are still officially listed on Defense Department rolls as POW." [Rpt 93-982, 1974].

Secondly, after speaking out—and the record is clear on that point, it seems that the Administration should have demanded a full accounting at the negotiating table. Did they? The record uncovered by the Select Committee is clear. In February, 1973, Dr. Kissinger raised specific cases with Le Duc Tho of U.S. prisoners not on Vietnamese lists. In bi-weekly meetings with the North Vietnamese negotiators that lasted until June 1974 when the DRV began to boycott the meetings, the U.S. team made specific requests for information on particular cases of Americans missing or last known to be in captivity.

Deputy Assistant Secretary of State Frank Sieverts testified in December 1973 that the U.S. side had "followed up as intensively as we can every one of those cases. We have raised them with the other side individually, in small groups, and in larger groups." He

stated that the U.S. team had provided the North Vietnamese voluminous dossiers on every missing individual with evidence indicating that some of these men were alive and in captivity, but that the North Vietnamese simply "put on a blank face" and refused to provide any information.

Dr. Kissinger testified that he also pressed Le Duc Tho for more information about the MIAs in meetings in May-June and December of 1973. On June 13th, Hanoi agreed to a Joint Communique that "any captured personnel covered by Article 8(a) of the Agreement who have not yet been returned shall be returned without delay" and to help "get information about these military personnel and foreign civilians of the parties missing in action."

The United States made private protests, public protests, diplomatic protests and military threats. The North Vietnamese were well aware of our concerns that they might still hold American prisoners. As the Montgomery Report stated, the primary reason the American people did not gain a full accounting for those missing in action was not due to State Department inaction, but rather, it was due to Hanoi's deliberate withholding of information on U.S. prisoners of war.

Thirdly, the question is raised as to whether the U.S. could have obtained the release of more POWs by paying ransom. However, it is clear that our policy from the beginning was not to link the release of POWs to any form of reparations. It is important to note too the Committee found that after the return of our POWs during Operation Homecoming, North Vietnam did not offer to exchange prisoners for ransom, and Congress acted to deny economic assistance payments talked about during the negotiations.

Leverage

Lastly, the United States could have threatened to bomb North Vietnam, or to take other military actions, if the DRV did not come forward with a full accounting. During testimony to the Committee, Dr. Kissinger noted that he recommended just such action. Public opinion clearly was against it. Editorials in the New York Times, the Philadelphia Inquirer, the L.A. Times, Newsweek, the Washington Post, the Minneapolis Star, the Baltimore Sun, the Des Moines Register, the St. Louis Post-Dispatch, the Atlanta Journal all spoke out in strong opposition to the threat the President held out that there could be potential bombing if North Vietnam did not comply.

In fact, the Congress prohibited such action. As noted in the report, during Senate consideration of the Eagleton-Brooke-McClellan amendment to the defense appropriations bill, Senators Dole and Helms offered an amendment that would authorize the President to use force:

> . . . if the President finds and forthwith so reports to the Congress that the Government of North Vietnam is not making an accounting, to the best of its ability of all missing in action personnel of the United States in southeast Asia, or is otherwise not complying with the provisions of article 8 of the agreement signed in Paris on January 27, 1973, and article 10 0f the protocol. . . .

By a 2-1 margin, the Dole-Helms amendment was defeated by the Senate and the Eagleton amendment sustained, cutting off all funds that might have provided the President leverage and sending a clear signal to the North Vietnamese that America would not retaliate for any reason whatsoever. We could not. In other words, we had a clear vote in Congress on the question of demanding an accounting from the Vietnamese, and if they did not comply with that, having the ability to bomb. Twenty-five members of the Senate voted to demand a full accounting with the threat of bombing. Fifty-six members of the Senate, including twelve that are still members, voted to deny funds for bombing, even if the North Vietnamese did not account for our POWs.

During the debate on the Dole amendment, the Senate Majority Leader, opposed to the Dole-Helms effort, stated:

> Mr. President, the only way to deal with this situation is to face up to our responsibility. The only way to do it effectively is to cut the purse strings. And that is what the Eagleton amendment does, because it locks of funds from any and all directions and any and all acts so that if the Congress speaks on this basis, it will mean that we will at long last—13 years too late—get out of Southeast Asia all the way. And as far as the MIAs are concerned, his Government is making every effort, and will continue to do so, to attempt to identify them. But if we want more MIA's, we should vote for the pending amendment and we will get them, just as we are getting them now in Cambodia.
>
> If we want quicker action as far as the MIA's are concerned, we should keep the Eagleton amendment intact.

Seeing imminent defeat of his attempt to give the Executive Branch much-needed leverage to ensure all those missing in action were accounted for, Senator Dole remarked prophetically:

> I would hope those who read the record and those who sit down next year or 20 years from now to read the record, in the event the North Vietnamese do not carry out the agreement, will know that there were those of us in the Senate who stood and let our views be known.

On September 18, 1973, Congressman Huber stated on the floor of the House of Representatives:

> Almost anything would be better than what the Congress is now doing about the issue [POW/MIAs], which is almost nothing at the moment.

On December 17, 1973, Congressman Sikes noted that:

> The Congress has stripped the President of any power he may have had to deal with problems in Indochina by taking from him authority to use the military forces to America's interests.

One member of Congress attributed congressional inaction on POW/MIAs to Congress' complete absorption with the unfolding political situation. On June 4, 1973, Congressman Montgomery pleaded with the House of Representatives:

Mr. Speaker, in my opinion, it is time to push the Watergate off the front pages of the American newspapers and start focusing our attention on the plight of these 1,300 American servicemen. I also believe it is time for Members of Congress to stop trying to make political points out of Watergate and turn their attention to the humane task of finding information on our fellow Americans missing in Southeast Asia. Our time will be much better spent working on behalf of these men rather than becoming self-appointed prosecutors in a case that properly belongs within the jurisdiction of the Department of Justice.

Mr. President, Congress removed any possibility of leverage the United Sates might have held over the North Vietnamese. They, like the President at the time, were absorbed by the unfolding Watergate scandal. Despite repeated attempts to bring the North Vietnamese failure to provide a full accounting for those missing in action and those last known to be held as prisoners to the attention of the Congress, the Congress blocked all efforts to increase the Administration's leverage.

These are the three main issues surrounding the signing and implementation of the Paris Peace Accords. I would ask that a memo prepared by Dr. Kissinger in response to his testimony before the Committee as well as the full text of President Nixon's answers to Committee questions be included at the end of my statement.

[From the Washington Post, Jan. 19, 1993]

PUTTING THE MIA ISSUE BEHIND

Were any of the American military men classified as missing in the Indochina war alive then and are any alive now? Neither part of this painful question can be answered with conclusive proof. The Senate MIA Committee, however, has done what duty demanded and circumstance permitted to wrap up an inquiry that has roiled the national conscience and national politics for 20 years. Its conclusion that some Americans may have been left behind but that there is "no compelling evidence" any are now alive deserves a sober hearing. Some anguished families may be unable to accept it. Some conspiracy theorists may refuse to. It is notable, however, that on the committee the unanimous support for this conclusion reached from Chairman John Kerry to Jesse Helms.

Much of the public discussion of MIAs has been an intensely partisan inquiry into whether the Nixon Administration or the Defense Department abandoned American fighting men and then covered up the abandonment. The committee found evidence of sloppiness, secrecy and fatigue on the bureaucratic level and of evasion on the political level, but not of a coverup or conspiracy. Even as they soft-pedaled the MIA issue in home debate, President Nixon and his secretary of state, Henry Kissinger, pressed the North Vietnamese hard. One reason a full MIA ac-

counting eluded them was that Congress, to end the war on its own terms, had removed from the executive's hand a plausible threat to resume military action. This is the point that Mr. Kissinger, altered by leak of a staff draft, sought, without full success, to have made in the final report.

The American debate should not impede understanding of where the principal onus for the failure to obtain a full accounting lies: on Vietnam. Hanoi saw in American concern for MIAs a level with which to bargain successively for: (1) reparations, which the United States flatly refused to pay: (2) economic aid, a tenuous possibility that disappeared when Hanoi broke the peace accords, and (3) more recently, normalization of relations. Its bargaining involved constant lies so that each new slice of disclosure inevitably became a confession of past deception.

No one can know what secrets Vietnam may still be hiding. Anyway, 20 years is a long time.The committee has made a useful contribution to American comity.

Inaccurate POW/MIA Committee assertions

Adequacy of the POW/MIA provisions

Allegation 1. Contrary to assertions by Nixon and Kissinger, the POW/MIA provisions were not "ironclad."

Response. The POW/MIA provisions of the Paris Peace Accords were the most extensive of any post-war settlement in history and were the best achievable by the U.S. side under the circumstances. The House Select Committee on Missing Persons in Southeast Asia (the "Montgomery Committee") concluded in 1976 that they were "not only adequate, but excellent. . . . These provisions constitute an achievement of which the American negotiators and the American people could be proud. "Hanoi has never questioned its obligations to release all U.S. POWs and to account for U.S. MIAs through Indochina. If, in hindsight, the provisions do not appear to be perfect, the reason is that in any negotiation, perfection is never achievable. Those who today assert that better provisions should have been achieved should be obliged to specify precisely which provisions they would have changed in what way and how they would have successfully negotiated such provisions given the political, diplomatic, and military environment in early 1973.

Accounting for MIAs in Laos

Allegation 2. The side understanding on Laos and Cambodia did not cover MIAs as well as POWs. Hanoi had no obligation to account for the missing in Laos.

Response. False. In the first place, Hanoi has never questioned its obligation to account for the missing throughout Indochina. Instead North Vietnamese officials cynically claimed that the task was difficult and that they were doing all they could. Additionally, a close examination of the exchange of messages in October 1972 disproves this allegation. In its message of October 21, 1972, the U.S. stated that it needed an assurance from the North Vietnamese that "the provision in the general agreement for verification of

those U.S. military men and civilians considered missing in action will be applied also in Laos and Cambodia." In its reply dated October 22, Hanoi stated that it would "do its utmost to come to an agreement with its allies with a view of finding a satisfactory solution to the questions with which the United States is concerned." Since the question of accounting for MIAs in Laos and Cambodia was obviously one with which the U.S. was concerned (as the U.S. had stated the previous day), the statement satisfied the U.S. request. Hanoi also stated that "the DRV side will carry out, without any change, what it has declared to the U.S. side."

The side understanding on Laos and Cambodia

Allegation 3. U.S. negotiators made a major concession in agreeing to cover U.S. POWs in Laos and Cambodia in an informal side understanding rather than in the formal agreement.

Response. False. The U.S. concern was not whether POW/MIA issues would be covered in any particular agreement, but whether it would be covered by *any* agreement between the parties at all. From beginning to end, the U.S. negotiators insisted categorically that the North Vietnamese agree to release and account for all U.S. POWs and MIAs throughout Indochina. To address North Vietnam's insistent position that it did not control its allies in Laos and Cambodia and because we did not want to legitimize North Vietnam's control over the governments of Laos and Cambodia, we ultimately agreed to have the issue covered by verbal assurances and a side understanding. In the end, the U.S. side got what it wanted—firm guarantees regarding U.S. POWs and MIAs throughout Indochina.

Linkage of reconstruction aid and release of POWs

Allegation 4. Hanoi linked the issues of reconstruction aid and return of the POWs/accounting for MIAs. The U.S. inadvertently strengthened this linkage in the North Vietnamese mind by conditioning the delivery of the Nixon letter upon delivery of the Laos list. When the U.S. ultimately did not deliver reconstruction aid, Hanoi felt justified in not complying with the POW/MIA provisions.

Response. The U.S. side was very careful throughout the course of the negotiation of the Paris Peace Accords to assure that there was never a linkage between actual release of our POWs and the actual delivery of reconstruction aid. We did not see a problem, however, in using the highly conditional Nixon letter about future aid as leverage to obtain the lists when or shortly after the agreements were signed. Surely, no one would suggest that, with hundreds of POW families clamoring for information about their missing men, we should have delivered the Nixon letter without the demanding the prisoner list, or that we should not have delivered such a letter.

Whether or not the North Vietnamese considered the two issues to be linked in their own minds, Hanoi did not cite the U.S. failure to provide reconstruction assistance as the reason for its refusal to provide an accounting until 1975. The Montgomery Committee examined this issue in detail and concluded:

the fact is the Vietnamese did not begin to link Articles 8(b) and 21 until well after North Vietnamese military forces overran the South in April 1975. Then, and only then when their drive to the south had been completed in gross violation of Paris Agreement, did they begin to link these two issues and begin to make overtures of bargaining and accounting for American reconstruction aid, claiming a binding obligation of the Paris Peace Agreement still existed.

In any event, Hanoi has finally begun to provide information about U.S. MIAs without any demands for U.S. economic aid.

Suspension of troop withdrawal in March 1973

Allegation 5. In late March 1973, Admiral Moorer ordered a suspension in troop withdrawals until Hanoi provided information about the final group of U.S. POWs to be released, including those in Laos, but then, on White House instructions, reversed his orders and completed the troop withdrawal despite the fact that Hanoi had not provided any information about the more than 300 U.S. MIAs in Laos. The U.S. "gave in." We "completed our troop withdrawal without insisting that the Pathet Lao give us our prisoners back."

Response. Although Dr. Kissinger was on vacation during this period and has no specific recollection of this incident, it appears that the dispute in March was not over the fate of the 300 missing Americans in Laos, about whom the U.S. Government had no current information, but rather was over whether Hanoi would release the nine known POWs listed on the February 1, 1973 list. After a ten day impasse during which time Hanoi initially denied that it was responsible for the release of the nine POWs on the list, the Pathet Lao announced that the nine would be released and President Nixon ordered the withdrawals to resume.* Thus, the impasse was resolved because the Pathet Lao agreed to release the nine known prisoners in Laos, not because the U.S. Government decided to declare the remaining MIAs in Laos to be dead.

The minutes of the March 16, 1973 WSAG Committee make clear that Admiral Moorer's March 22 cable simply reflected the execution of Administration policy. The Committee had agreed that "U.S. troops in the third tranche who are still in Vietnam will not be withdrawn until the third tranche of POWs have been released. The withdrawal of the remainder of the troops will not begin until we have received the list of the last group of POWs, and the withdrawal will not be completed until all of our POWs, including those in Laos, have been released."

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* See, e.g., *New York Times*, March 24, 1973 ("The dispute centered on the United States demand for the release . . . of nine Americans held by the Pathet Lao in Laos") (also noting that U.S. officials had told the North Vietnamese on March 22 that the U.S. troop withdrawal was contingent upon receipt of a list of all U.S. POWs, including those held in Laos); *New York Times*, March 26, 1973 ("the deadlock centers on the United States demand that nine American captives of the Pathet Lao in Laos be freed . . . "); *New York Times*, March 26, 1973 (reporting that President Nixon had ordered U.S. forces to stay in South Vietnam until the issue of the nine American captives was resolved); *New York Times*, March 27, 1973 (reporting that President Nixon had ordered resumption of the troop withdrawal after the Pathet Lao agreed to release the nine American POWs in Laos).

These were precisely the instructions articulated in Admiral Moorer's cable of March 22 and in the letter delivered by General Wickham to the North Vietnamese the same day.'' In addition, General Scowcroft's cable to Colonel Guay dated March 20, 1973 emphasized that the U.S. Government's principal concern was to ensure that Hanoi recognized, as a legal matter, its obligation under the Paris Peace Accords to release U.S. POWs in Laos. Scowcroft's cable mentions as an additional issue the adequacy of the February 1 list, but does not condition U.S. withdrawal upon a resolution of the question.

Adequacy of administration disclosures to Congress and the American people

Allegation 6. After March 29, the Administration failed to disclose to Congress and the American people evidence that U.S. POWs were still alive in Vietnam and Laos. Senator Kerry has said that "Information was withheld from the American people" and that "The Administration did not level with the American people." The Eagleburger Memorandum and Godley cables are alleged to be the "smoking guns" proving that U.S. officials knew that U.S. POWs were alive in Laos but did not tell the American people.

Response. False. Administration officials repeatedly stated publicly and testified before Congress that they did not consider Hanoi's accounting for U.S. servicemen to be complete. Moreover, all of the evidence cited in the Eagleburger Memorandum and Godley cables—statements by Lao officials, the fact that a number of men had been known to have been captured alive, and the statistical inadequacy of the February 1 list—was on the public record and well known to Congress as well as to the MIA families. Dr. Kissinger had presented essentially this same evidence to the North Vietnamese on his trip to Hanoi in February 1973. The Administration disclosed all credible information to Congress and the MIA families.

Did the administration reveal specific names?

Allegation 7. The Administration did not tell Congress and the American people that specific men whom it believed to be POWs—e.g., Dodge, Hrdlicka—did not return. Senator Kerry has said that "We have not found one document, one conversation, one debate, one Congressional Record statement, not one, pertaining to real individuals who did not come home. Not one."

Response. False. Roger Shields and Frank Sieverts testified before the House Foreign Affairs and Senate Foreign Relations Committees on several occasions in 1973 and 1974 about the approximately 80 cases of men who were known to have been captured alive but who did not return. The famous discrepancy cases of Commander Dodge, Colonel Hrdlicka, and Donald Sparks, among others, were referred to repeatedly by Administration officials and were well known to Congress and to the American people.

On May 31, 1973, Roger Shields told the House Foreign Affairs Committee that

> As for those who are thought to have been captured alive but who have not been returned, let me say that this is perhaps the most agonizing and frustrating issue of all. These are the cases of men who were seen on the ground of whose pictures were released subsequent to capture but who, for one reason or another, have not returned and for who the other side has yet to provide a satisfactory explanation.

On December 5, Frank Sieverts told the House Foreign Affairs Committee that

> We have called particular attention to cases of men who were previously acknowledged as captured in Laos, or for whom there are indications that they survived shootdowns. Two of the most obvious cases are Air Force Lieutenant Colonel David Hrdlicka, whose capture May 18, 1965 was openly confirmed by the Pathet Lao, and the American civilian, Eugene Drebruin, of Air America, also confirmed as a prisoner following his capture September 5, 1963, who is known to survive as recently as 1966. We continued to hope that lists and information we provided will help convince the LPF to provide additional information on our missing men.

On December 5, Roger Shields told the House Foreign Affairs Committee that

> We have information that shortly after these men became missing, were prisoners in the case of Lt. Col. Hrdlicka and Commander Dodge, that some of them survived the initial incident and were indeed captured. In most cases, this goes back a number of years, 1965–1966, and we have heard nothing since that time. The most we can say today is that these men were alive, some definitely captured, and the other side knows what happened to them. If the men are not alive today, we certainly should receive information about what happened. If they are dead, we should receive the remains.

The "current captured" lists

Allegation 8. The Administration did not disclose to Congress or to the American people that it continued to list between 81 and 67 men as "current captured" after Operation Homecoming.

Response. False. Frank Sieverts and Roger Shields testified on numerous occasions that the Defense Department continued to carry a number of men as prisoners of war. Indeed, the very same DOD Comptroller's report of March 31, 1973 listing 81 servicemen as "current captured," which has been alluded to as the "smoking gun," was printed in the Congressional Record on June 4, 1973. Roger Shields explained that the fact that men continued to be listed as prisoners of war did not mean that the government "knew" them to be alive: "The most we can say today is that those men were alive, some definitely captured, and the other side knows

what happened to them." According to Roger Shields, the fact that certain men continued to be listed as prisoners of war was specifically disclosed to the affected family members.

Adequacy of efforts to obtain an accounting after operation homecoming

Allegation 9. After Operation Homecoming, the Administration ceased its efforts to bring the POWs home. The "mood" changed. Senator Kerry has said that "Once the war was over, it didn't seem to matter to get them back anymore." Senator Kerry has suggested that the reason for the Administration's failure to take action on the POW issue in 1973 was that the Presidency was "crumbling" and that the Administration needed to put the Vietnam War behind it.

Response. False. The Watergate incident did not affect the commitment or the efforts of the U.S. Administration to achieve a full accounting for U.S. MIAs in Indochina. Both the 1973–1974 hearings and the Montgomery Committee hearings in 1975–1976 chronicle the U.S. government's persistent efforts to obtain a full accounting for U.S. MIAs after Operation Homecoming. The Montgomery Committee found that:

> After the war, when the provisions for gaining an accounting failed to be followed, the State Department tried other means to achieve that end. It tried government to government appeals, demands, and protests. It enlisted the assistance of international humanitarian organizations, sought the aid and support of third party nations and the pressure of world opinion. That the results proved less effective than hoped for and desired cannot be attributed to lack of effort. Critical factors were beyond American control, including the enemy's general perception of humanitarian obligations and specific application of humanitarian principles.

The Montgomery Committee specifically examined the charge that the State Department did not attach sufficient priority to obtaining an accounting for the missing, a charge the Committee noted drew "its credibility from the widespread distrust of government officials generated by the War itself and by the Watergate affair." The Montgomery Committee concluded:

> Plausible at first glance, the charge of State Department disinterest appears far less credible after closer examination. In fact, rather than a valid charge that provides insight into the failure to gain an accounting, it appears as a symptom of the deep dissatisfaction and frustration that the failure to gain an accounting, a frustration vented on the State Department because of the State's responsibility to gain that accounting. It is doubtful that State could have gained an accounting by being more insistent. The main problem was not that gaining an accounting was low on the State Department's list of priorities. The primary reason the American people have not gained an account-

ing . . . was the recalcitrance and the intransigence of the Indochinese communists leaders.

Why didn't we resume military operations?

Allegation 10. The Administration made the "hard decision" not to resume military operations in Vietnam in order to get the POWs back because it did not believe it has the support of the American people.

Response. Dr. Kissinger has written that in light of Hanoi's massive violation of the Peace Accords, including those covering POWs and MIAs, he favored resuming bombing in late March 1973. However, President Nixon decided not to do so then because he wanted to be sure he first got back all the POWs on Vietnam's lists. Then the President decided to try one more negotiating session with Hanoi over their violations. By the time this took place in mid-May, Congressional pressures against further military action had reached a crescendo. Congress itself specifically removed the option of using military operations when on May 31 it voted to bar them even if Hanoi was not cooperating on MIAs and POWs. It can scarcely be said that it was the Administration which "decided" not to resume military operations.

The statement that all the MIAs are "dead"

Allegation 11. The Administration explicitly or implicitly stated to the American people that all of the MIAs were "dead."

Response. False. Although this perception is widely held, we have been unable to find any public statement by an American official that all U.S. MIAs were dead. With respect to Mr. Clements' alleged private statement to Mr. Shields, Mr. Clements has denied making the statement. Administration officials repeatedly stated that they had "no indication" that any U.S. servicemen were still alive after Operation Homecoming, but they did not state that they were dead. The 1973-1974 hearings make clear that Administration officials repeatedly left open the possibility that American servicemen might still be alive in Indochina.

"No indication that anyone is alive"

Allegation 12. Rather than saying that "we have no indication that anyone is alive," Senator Kerry has said that the Administration should have told Congress and the American people that there were a number of servicemen who were last known to be alive, whom we continue to list as captured, and whom we are determined to get information about.

Response. This is exactly what Frank Sieverts and Roger Shields told Congress and the American people. Shields and Sieverts repeatedly stated that the U.S. government was dissatisfied with the accounting for its missing, particularly with respect to those men who were to known to have been alive in captivity.

For example, on December 5, 1973, Roger Shields told the House Foreign Affairs Committee that

> We have information that shortly after these men became missing, were prisoners in the case of Lt. Col. Hrdlicka and Commander Dodge, that some of them sur-

vived the initial incident and were indeed captured. In most cases, this goes back a number of years, 1965–1966, and we have heard nothing since that time. The most we can say today is that these men were alive, some definitely captured, and the other side knows what happened to them. If the men are not alive today, we certainly should receive information about what happened. If they are dead, we should receive the remains.

Would Congress have taken action?

Allegation 13. If Congress had been aware that the Administration believed that specific people had been left behind, it would have taken some action.

Response. The 1973–1974 hearings clearly demonstrate that Congress was well aware that Hanoi had not provided a full accounting for U.S. missing in action and that there were a number of specific individuals who were known to have been captured alive but who had not returned. Although both houses of Congress ultimately passed resolutions calling for a better accounting for the missing, on May 31, 1973 the Senate voted down Senator Dole's amendment that would have authorized the President to continue to use force in order to gain an accounting for U.S. MIAs. Senator Dole presented a name-by-name list of all U.S. servicemen unaccounted for in Indochina after Operation Homecoming and in "missing or captured status." Senator Dole also presented to the Senate the entire statement made that same day by Roger Shields to the House Foreign Affairs Committee, which specifically referred to the continuing problem of those thought to have been captured alive, but who had not returned. Accordingly, it cannot be said that Congress was unaware of the possibility that American POWs might still be alive in Indochina.

MILLER, CASSIDY, LARROCA & LEWIN,
Washington, DC December 30, 1992.

US Senate,
Select Committee on POW/MIA Affairs,
Washington, DC.
Attention: J. William Codinha, General Counsel

DEAR MR. CODINHA: Enclosed is the memorandum response of former President Richard Nixon to the questions asked by the Senate Select Committee on POW/MIA Affairs.

Sincerely yours,

HERBERT J. MILLER, Jr.

Enclosure.

WOODCLIFF LAKE, NJ,
December 30, 1992.

Mr. HERBERT J. MILLER, Jr., Esq.
Miller, Cassidy, Larroca & Lewin,
Washington, DC.

DEAR JACK: I am enclosing my memorandum in response to the Select Committee on POW/MIA Affairs' request for information dated December 18, 1992. Please deliver the attached memorandum to the Committee.

I again wish to emphasize that the questions cover in detail matters that occurred eighteen to twenty years ago and that some of them do reflect a predetermined viewpoint.

Since I only returned from a trip outside the country on December 23rd and, obviously, have not had an opportunity to review the myriad of documents involved in this matter, I cannot be more precise.

Sincerely,

RICHARD NIXON.

Memorandum of Richard M. Nixon in response to the committee's questions of December 18, 1992

As the members of the committee are aware, Dr. Kissinger had primary responsibility for conducting negotiations to end the war we inherited from the Kennedy/Johnson Administration and to obtain the release of our POWs and an accounting for those missing in action. On the basis of that direct involvement, Dr. Kissinger already has addressed in his testimony to the committee most of the issues raised in the questions you have submitted to me. I will not elaborate on his answers. I will, however, respond to questions that he did not cover or that involve my personal assessment of the POW/MIA issue.

Question 1

Dr. Kissinger addressed this question in detail in his testimony before the committee. I have nothing further to add except to observe that throughout the negotiations which led up to the Paris Peace Agreements and thereafter my position was that the return of our POWs and accounting for those missing in action was the highest priority. The testimony of Dr. Kissinger and General Haig clearly demonstrates that key members of my White House staff shared that conviction and did everything possible to attain that objective in the negotiations with the North Vietnamese.

Dr. Kissinger has testified at length on the issues raised in this question. I should note, however, that the distinction the committee draws between "formal agreements" and "informal side understandings" is meaningless in the context of the committee's question. International agreements frequently include non-public provisions that are just as binding as the public provisions, but that for domestic public opinion or other reasons one party or the other is unwilling to make public. In this case, it was North Vietnam's public position that Communist-dominated areas of Laos and Cambodia were not under North Vietnamese control. We acceded to Hanoi's request that the formal accords not address prisoners in Laos and Cambodia because we did not believe that it was in the U.S. interest to codify Hanoi's right to intervene in the affairs of Laos and Cambodia. It was also obviously better to have a separate agreement with North Vietnam that committed Hanoi to the return of POWs and MIAs in Laos and Cambodia than to have no agreement at all. The North Vietnamese never contested the fact that this separate agreement obligated them on POWs and MIAs throughout Indochina.

I would add that I had no confidence whatever that the "side agreement" by itself would result either in the accounting of our missing or in the repatriation of live U.S. POWs held in Laos and Cambodia within the 60-day period set forth in Article 8 of the Accords for the release of POWs held in Vietnam. I never relied on the words of the North Vietnamese then or now. Throughout the war, we found that the North Vietnamese responded only to force or threats of force. Our December 1972 bombing, which was so violently criticized by some of the members of this committee, was what broke the logjam in the negotiations. As one of the POWs told me when he returned, "When we heard the bombs falling we knew we were on the way home." Admiral James Stockdale, who was awarded the Medal of Honor when he returned, later described the scene when the prisoners heard the explosions as the bombs began hitting their targets. He wrote, "Cheers started to go up all over the cell blocks of that downtown prison. This was a new reality for Hanoi. One look at any Vietnamese officer's face told the whole story. It telegraphed accommodation, hopelessness, remorse, fear. The shock was there. Our enemy's will was broken." Our POWs knew then that they were coming home, even if our critics in the Congress and many of the nation's editorial writers did not.

As it became clear to the North Vietnamese that the Congress would not permit a resumption of the bombing to enforce the Paris Accords, their incentive for complying with the agreement regarding MIA's and POW's as well as other provisions was completely destroyed. The return of all our POWs and an accounting of all our MIAs was difficult to achieve because of the intransigence of the North Vietnamese and the substantial sentiment in the country and in Congress for an unconditional withdrawal from Vietnam in advance of any North Vietnamese commitment to return our prisoners and account for our missing. Indeed, in the midst of the final negotiations of the agreements in early January 1973, the House and Senate Democratic Caucuses both voted to cut off immediately U.S. combat activities in Indochina. I can only presume that those who urged such a course of action naively believed that following a unilateral U.S. withdrawal the Vietnamese would voluntarily return our POWs and account for our missing.

The responsibility for denying to our Administration the means to force the North Vietnamese to comply with the agreements concerning the accounting for MIAs lies squarely on those who opposed the use of military force to bring the war to a conclusion and who later sabotaged our efforts to enforce the peace agreement by drastically reducing American aid to South Vietnam and prohibiting the resumption of the bombing in order to enforce the Accords.

Question 3

Dr. Kissinger has responded to this question at length.

I note, however, that the committee's questions appear to ignore completely the realities of international negotiation, especially negotiation with the North Vietnamese. Adversaries in general, and the North Vietnamese in particular, are not in the habit of giving the other side everything it wants. We asked for an assurance, and while the response may not appear as "definite and specific" as this committee sitting twenty years later would like, we did receive

an assurance that we thought was the best obtainable under the circumstances. In the negotiation of the Accords, the North Vietnamese never questioned that the separate agreement obliged them to release our POWs and to account for the missing throughout Indochina. Therefore, whether a more precise form or wording of these terms could have been negotiated or would have led to greater North Vietnamese cooperation is beside the point.

Question 4

In response to this question, it must be borne in mind that the North Vietnamese demanded that the United States agree to pay reparations for war damages. We categorically rejected this demand. We agreed to provide reconstruction aid to North Vietnam provided they complied with the terms of the peace agreement, including but not limited to the return of POWs and the accounting for all missing in action.

The rationale for reconstruction aid was similar to the justification we gave for providing billions of dollars of aid to our former enemies in Japan and Germany at the end of World War II. President Johnson had previously promised that at the end of the war the United States would provide reconstruction aid. We believed that such aid would serve not only the interests of the people of North Vietnam and South Vietnam, but also our own interests in creating a more peaceful environment in Southeast Asia.

We consistently and deliberately refused to link the demand for reparations to the release of POWs and accounting for MIAs and other provisions of the peace agreement because to do so would mean that we implicitly were accepting the concept of reparations.

That was the reason why reconstruction aid was raised in a confidential letter rather than in the peace agreement. Since the North Vietnamese did not comply with the peace agreement, including the separate agreement with regard to MIAs, the question of reconstruction aid became moot.

At the present time, to normalize relations with the government of Vietnam and to provide trade or other aid would be a tragic mistake. It is astonishing to me that many, including some members of this committee, have so effusively praised Hanoi for taking steps today to facilitate resolution of the MIA cases that any humane government would have taken twenty years ago. The North Vietnamese continue to torture the families of MIAs by disclosing only as many bits and pieces of bodies, clothing, and other effects as their diplomatic campaign for normalization requires.

Even if they completely satisfy our demands on this issue, normalization should not go forward because of a profoundly important issue that has been completely ignored by most of the members of Congress and the media who advocate normalization: Hanoi's continuing massive abuse of those in South Vietnam who were our allies. Hundreds of thousands—including the children and grandchildren of many who served in South Vietnam's government and armed services—are treated like second-class citizens. Until Hanoi not only fully accounts for the MIAs but also ceases its brutal treatment of those who were aligned with the U.S. during the war, and until North Vietnam complies with the other

terms of the Paris Peace Accords, it would be a diplomatic travesty and a human tragedy to go forward with normalization.

Question 5

Dr. Kissinger has covered this question in his testimony, and I have nothing to add.

Question 6

Dr. Kissinger has covered this question in his testimony, and I have nothing to add.

Question 7

Dr. Kissinger has covered this question in his testimony. We had no way of actually knowing whether the Laos POW list was complete or not. Although everyone was aware of the possibility that the release was incomplete, I had no personal knowledge that any U.S. serviceman still alive had been kept behind. Without better evidence, more than suspicion, we had no options other than to continue to demand a better accounting from Hanoi in the strongest possible terms. Congress was unwilling to support a resumption of military operations which would involve the loss of additional American lives simply to resolve this issue. Indeed, Congress soon tied our hands by cutting off funding for military operations in Indochina and specifically rejected a Republican-supported amendment offered by Senator Dole that would have allowed the resumption of force if the President found that the North Vietnamese had violated their obligation to make a full accounting for the missing.

Question 8

Dr. Kissinger has covered this question in his testimony, and I have nothing to add.

Question 9

Dr. Kissinger has covered this question in his testimony, and I have nothing to add except to observe that in my speech of March 29, I strongly expressed my concern with regard to the accounting for "all missing in action in Indochina, the provisions with regard to Laos and Cambodia", and other provisions of the agreement. I stated that we shall insist that North Vietnam comply with the agreement, and "the leaders of North Vietnam should have no doubt as to the consequences if they fail to comply with the agreement." In view of my having ordered the December bombing in 1972 despite the enormous political risks, the North Vietnamese could not have misread this implied threat. Unfortunately, the actions of many members of Congress, including some on this committee, in limiting my power to enforce the agreement by a resumption of bombing made such threats, as the Chinese would put it, "an empty cannon."

Question 10

Dr. Kissinger has covered this question in his testimony. I do not recall directing Admiral Moorer to send this cable. It appears to be a statement of our policy at the time, namely that we would not commence the final phase of our withdrawal until we received a

complete list of the last group of POWs to be released, including those from Laos. We had interrupted our troop withdrawal on several previous occasions until we received lists of our POWs to be released. In this case, we apparently interrupted our withdrawal again because Hanoi had suddenly disclaimed responsibility for releasing U.S. POWs in Laos. As far as I can recall, I do not believe this cable was based on any knowledge that there were POWs held in Laos in addition to the nine we were aware of at that point.

Question 11

Dr. Kissinger has covered this question in his testimony. Like the earlier cable, the March 23 cable appears to be a restatement of our policy, but in the affirmative rather than the negative, namely that we would resume our withdrawal provided we received a list of POWs to be released, including the nine from Laos. I do not recall that we changed our position on this issue.

Question 12

As I have already indicated, the only option that I believed would affect the North Vietnamese was the use of military force. The Congress denied me that option. The suggestion by various members of this committee that the Congress would have approved a resumption of the bombing is ludicrous supposition. The overwhelming consensus among those who opposed the use of force was summed up by Senator Ted Kennedy when he observed, "If we really want peace in Cambodia and cease fire agreements for all of Indochina, then we should be sending our diplomats to helps negotiate these arrangements instead of sending our B-52s to bomb." We tried on every front to convince the North Vietnamese that they should comply with the peace agreement as well as the separate agreement on POWs and MIAs in Laos and Cambodia by diplomacy. In view of the outrage of our critics when we resumed the bombing in December 1972—the very action that lead the North Vietnamese to accept the peace agreement and to release our POWs—it is highly ironic and cynically irresponsible for anyone to insist twenty years later that we should have resumed the bombing in order to get the North Vietnamese to give a full accounting for MIAs and that the Congress would have approved it.

As I pointed out in my book No More Vietnams, "Antiwar senators and congressmen launched a frontal assault on our policy in May and June [1973]. Initially, their target was legislating a halt to our bombing in Cambodia. But soon they raised their sights to a prohibition of all direct and indirect American military actions in or around Indochina. They also sought to forbid the sending of reconstruction aid to North Vietnam. When they succeeded with both efforts, Congress had withdrawn both the carrots and the sticks built into the agreement. Hanoi as a result had no reason to comply with its terms."

Question 13

I am astonished that the committee's question to me takes my statement with regard to POWs on March 29 out of its full context. On the other hand, I am reminded that General Haig too found it necessary to call to the Chairman's attention that my statement,

"All of our American POWs are on their way home," was directly followed by this paragraph:

"There are still some problem areas. The provisions of the agreement requiring an accounting for all missing in action in Indochina, the provisions with regard to Laos and Cambodia, the provisions prohibiting infiltration from North Vietnam into South Vietnam have not been complied with. We have and will continue to comply with the agreement. We shall insist that North Vietnam comply with the agreement. And the leaders of North Vietnam should have no doubt as to the consequences if they fail to comply with the agreement."

I firmly believe that the committee's handling of my statement has been totally unprofessional, calculatedly attempting to create the impression that Dr. Kissinger and I and other members of the Administration knowingly presented false information with regard to the return of all of our POWs. As Dr. Kissinger has testified, to leave the impression that any President and his associates would deliberately leave behind live POWs was a lie. For members of the committee to create such an impression, even for partisan political reasons, is totally unjustifiable. But to convey the impression to the hundreds of families of MIAs that an American President deliberately left behind their loved ones and that some of them might still be alive can only be described as obscene.

The committee owes to the MIA families and to history an honest statement of the facts with regard to POWs and MIAs. Throughout America's military history, casualties are divided into three categories—those known to be killed in action; those known to be and acknowledged by the enemy to be prisoners of war; and all others who are classified as missing in action. My statement on March 29 that all of our POWs were on the way home was true to my knowledge then and, in view of what I have seen of the committee's work to date, is true now. Further, the fact that I was not satisfied with the accounting we received for MIAs was true then and is true now. The inclusion of my full answer in this regard in the committee's report is owed not only to those in my Administration who worked tirelessly on this issue at a time many of our critics were sabotaging our peace efforts by denying us the power to enforce the peace agreement, but also, and above all, to the MIA families.

Question 14

It is my understanding that General Scowcroft and Mr. Shields have testified concerning the April 11, 1973, meeting. The suggestion in your questions that I pressured Mr. Shields with General Scowcroft present to announce there were no indications that live U.S. POWs remained in captivity in Indochina is insulting and untrue. My recollection is that I told Mr. Shields we had an equal obligation to find the facts concerning the MIAs as we did to secure the release of POWs. I also conveyed to him my belief, which I still firmly hold, that it would have been unfair and a disservice to MIA families to raise false hopes without justification.

Question 15

Dr. Kissinger has addressed this question, and I have nothing to add except to emphasize that, as he has testified, we continued to hit the issue over and over again in the Kissinger negotiations with the North Vietnamese. The Dole Amendment that would have authorized use of force to bring about compliance with the Peace Accords was an indication of our continued interest in finding ways to maintain pressure on Hanoi to comply fully with the agreement.

U.S. Senate Select Committee on

POW/MIA Affairs

Appendices

Appendix 1 : Chronology

Appendix 2 : Individual POW, MIA, and KIA-BNR Cases
135 Discrepancy Cases
324 Smith List

Appendix 3 : Prior Investigations

Appendix 4 : Witnesses

Appendix 5 : Excerpts from Selected Documents

Appendix 6 : Selected Excerpts from Hearing Testimony

Appendix 1

Chronologies

Part One : Vietnam War

APPENDIX 1

Chronology

8/65	International Committee of Red Cross appeals to combatants to observe the Geneva Conventions with respect to the treatment of prisoners of war. United States, South Vietnam (GVN) accept; Vietcong (PRG), Democratic Republic of Vietnam(DRV) reject.
7/21/66	Defense Department issues directive saying that Americans captured in Vietnam should be considered prisoners rather than "detainees"; thereby providing grounds for the US to invoke the Geneva Convention.
5/14/69	President Richard Nixon proposes eight points for ending the war, including the release of all POWs.
8/69	Secret talks begin between President Nixon's National Security Advisor, Dr. Henry Kissinger, and representative of the DRV.
9/3/69	Ho Chi Minh, President of North Vietnam, dies.
5/70	Ambassador William Sullivan testifies before House Foreign Affairs Committee that "Most Americans captured by Communist forces in Laos remain in Laos."
10/7/70	Nixon proposes the immediate, simultaneous, unconditional release by both sides of all POWs in Indochina. Defense Department lists 458 Americans as POWs at the time.
12/70	DRV turns over a list of 339 American POWs to Senator Edward Kennedy.
5/31/71	In secret talks, US proposes POW return upon setting of a date for US withdrawal. Rejected by NVN 6/26/71.
7/1/71	DRV proposes publicly a 7 point plan in which it agrees to return POWs as part of an overall settlement.
8/16/71	In secret talks, DRV proposes that POW lists be exchanged on the day a peace agreement is signed. US agrees.
10/11/71	In secret talks, US proposes an 8 point plan,

	promising a total withdrawal from South Vietnam of US forces within six months of an agreement, contingent upon release of all military and civilian prisoners in Indochina that would begin and end simultaneously with the troop withdrawals.
1/72	DRV release 451 letters of POWs held in North Vietnam.
1/25/72	Nixon reveals secret Kissinger-DRV talks. Makes public US proposal of 10/71.
3/72	DRV release 251 POW letters to US journalist Seymour Hersh.
4/23/72	Pathet Lao (LPF) spokesman Soth Petrasy ties discussions on a POW release to a total US bombing halt and claims that US prisoners are detained in secure places inside various caves in northern Laos.
5/8/72	Nixon announces the mining of North Vietnamese ports.
10/8/72	Breakthrough in Kissinger-Le Duc Tho discussions. US agrees to settlement without North Vietnamese withdrawal from South Vietnam; DRV agrees to settlement without immediate resignation of South Vietnamese President Thieu. Agreement virtually complete.
10/20-22/72	Exchange of messages from Nixon to DRV Prime Minister Pham Van Dong regarding "understandings" concerning the release of US POWs in Cambodia and Laos.
10/20-24/72	Draft peace agreement falls apart due to opposition from President Thieu.
10/26/72	Kissinger press conference, "Peace is at hand".
11/20/72	Negotiations resume in Paris.
12/16/72	Kissinger announces deadlock in talks and blames DRV.
12/18-30/72	Christmas bombing of Hanoi and Haiphong.
1/8-13/73	Kissinger and Le Duc Tho resume talks and arrive at a draft agreement, including understandings and protocols.

1/21/73	Thieu agrees to settlement.
1/23/73	Paris Peace Accords announced. Nixon states, "Within 60 days from this Saturday, all Americans held prisoner of war throughout Indochina will be released. There will be the fullest possible accounting for all of those who were missing in action."
1/24/73	Kissinger states, "We have been told that no American prisoners are held in Cambodia. American prisoners held in Laos and North Vietnam will be returned to us in Hanoi."
1/26/73	Kissinger tells members of the National League of Families that the peace agreement's "understandings on Laos are absolutely clear concerning POW releases in a time frame similar to that in Vietnam."
1/27/73	Paris Peace Accords signed. Cease-fire goes into effect. A supplementary protocol provides for the release of POWs in roughly equal installments at 15 day intervals during a 60 day period. The DRV/PRG prisoner lists contain 717 names, of which 577 are American (555 military, 22 civilian). The lists do not include any American prisoners held in Laos.
1/29/73	A State Department spokesman states, "We firmly expect - to have a list of POWs to cover Laos." During a meeting of the Washington Special Actions Group (WSAG), representatives of the Joint Chiefs of Staff and DoD express hope for the return of "40 or 41" American POWs from Laos. DIA compiles a list of 87 personnel recorded as POW by DIA yet not on either the dead or alive lists presented to the US by the DRV or PRG.
2/1/73	North Vietnam provides a list (the DRV/Laos list) of 9 Americans (7 military, 2 civilian) and 1 Canadian which is represented as the list of POWs captured in Laos. The DRV receive a secret letter from Nixon dealing with Article 21 of the Paris Accords (reconstruction funding).
2/2/73	Nixon message to DRV labels the DRV/Laos list as "unsatisfactory," since it contains only 9 of 317 American personnel unaccounted for in Laos.
2/3/73	First meeting of the Prisoner of War Subcommission of the Four Party Joint Military Commission (FPJMC) in Saigon.

2/5/73	USAF EC47, with a crew of eight, shot down over Laos. Some intelligence analysts later suggest that four of the crew may have been captured.
2/10-12/73	Kissinger visits Hanoi for talks with DRV leaders. POW and economic aid issues discussed.
2/12/73	First release of American POWs: 116 by DRV, 27 by PRG.
2/14/73	US and DRV announce Joint Economic Commission (JEC) to oversee reconstruction in North Vietnam.
2/17/73	LPF spokesman Soth Petrasy says that the Pathet Lao is holding American POWs who will be released after a cease-fire goes into effect in Laos.
2/21/73	"Agreement on Restoring Peace and Achieving National Concord in Laos" signed between the Pathet Lao and Royal Laotian Government. US ceases bombing Laos. US embassy official John Gunther Dean informed by Soth Petrasy that the Pathet Lao "does hold foreign prisoners, including Americans."
3/13/73	WSAG meeting discusses POWs in Laos. Results in message from Kissinger to DRV asking for an explanation of statements by Soth Petrasy about the presence of additional U.S. POWs in Laos.
3/14-16/73	US sends message regarding POWs in Laos to DRV, but no response is received. China releases 2 US POWs.
3/19/73	DRV representative informs the US that the LPF is responsible for the release of US POWs in Laos and gives no assurances that those on the DRV/Laos list will be released by the deadline of 3/28/73.
3/20/73	Kissinger message to Pham Van Dong protests the inadequacy of the DRV/Laos list and failure of DRV to take its obligations seriously.
3/21/73	DIA memo indicates that the DRV/Laos list does not contain US personnel captured by the LPF, but rather only those captured in Laos by DRV forces. DIA further states LPF should have information on live US POWs beyond those on the DRV/Laos list.
3/22/73	Admiral Thomas Moorer, Commander of JCS, sends cable suspending U.S. troop withdrawal pending receipt of assurances of release for "all, repeat all American prisoners held throughout Indochina."

3/22/73	U.S. Ambassador to Laos, McMurtrie Godley, sends cable advocating two step approach: 1) conditioning U.S. withdrawal on release of prisoners on the DRV/Laos list and 2) follow up on additional POWs in Laos within the framework of the Laos peace agreement.
3/23/73	Admiral Moorer sends cable directing that U.S. withdrawal will be completed contingent on release of prisoners on the DRV/Laos list.
3/26/73	DRV tells US that the LPF will agree to release prisoners on the DRV/Laos list and that the prisoners would be released in Hanoi on March 28.
3/28/73	US POWs on DRV/Laos list released.
3/28/73	Defense Secretary Elliott Richardson sends memo to Kissinger recommending options for obtaining an accounting for U.S. POW/MIAs in Laos.
3/29/73	President Nixon announces "All of our American POWs are on their way home." Last American troops leave Vietnam.
4/1/73	The last POW released through Operation Homecoming, Army Captain Robert White, is released by PRG. A total of 591 Americans return alive during Homecoming.
4/4/73	Four Party Joint Military Team holds first meeting, discusses accounting of 1,328 MIAs and 1,100 as KIA/BNR.
4/5/73	Cable from Ambassador Godley indicates that the U.S. Embassy in Vientiane has become pessimistic about possibility that LPF holds additional U.S. POWs.
4/5/73	U.S. Senate votes 88-3 to bar the use of any previously-appropriated funds to provide economic aid to the DRV.
4/6/73	US Senator Ed Brooke is told by Pathet Lao spokesman Petrasy that no more American prisoners are held by the LPF.
4/12/73	At press conference, Dr. Roger Shields, head of the DOD's POW/MIA Task Force, says "we have no indications at this time that there are any Americans alive in Indochina."

4/16/73	U.S. begins two days of air strikes along the Ho Chi Minh Trail in Laos.
4/19/73	US breaks off talks with DRV concerning economic aid in response to alleged cease-fire violations.
4/25/73	LPF spokesman Soth Petrasy tells the Associated Press that there are no American POWs in Laos.
5/1/73	Secretary of Defense Richardson directs that the DOD's POW/MIA Task Force be phased out.
5/7/73	American civilian pilot Emmet Kay and Hmong intelligence team are shot down and captured by LPF in Laos. Kay is released 9/74.
5/21/73	Brig. General Robert Kingston, Commander of the JCRC, tells the Associated Press that "There is no indication that any Americans listed as missing in action in southeast Asia are still alive."
5/23/73	Le Duc Tho tells Kissinger, regarding American POWs in Laos, that "I have acknowledged to you that all of them have been released."
6/8/73	Acting Secretary of Defense William Clements directs that no changes in status from MIA to POW are to be made without his specific approval.
6/13/73	US and DRV issue joint communique pledging to renew efforts for full implementation of the Paris Accords.
7/29/73	US protests to Vietnam about failure to comply with MIA accounting provisions of the Paris Accords.
8/15/73	US ceases bombing Cambodia. All official US military operations in Indochina ended.
8/17/73	Clements issues memorandum directing service secretaries to proceed with change of status determinations as provided by the law.
9/7/73	Kissinger testifies at hearings on his confirmation as Secretary of State.
9/14/73	Agreement on joint provisional government in Laos is signed.
10/14/73	POW/MIA families meet with Soth Petrasy in Vientiane, but receive no information.

12/15/73	An American is shot and killed by Vietcong forces while investigating a crash site near Saigon.
1/22/74	Rep. Ben Gilman reports being told by Hmong General Pang Pao that "8 to 10 young American pilots were being held by the North Vietnamese..." Gilman also reports that Soth Petrasy has assured him that there are no US prisoners in Laos other than Emmet Kay.
1/28/74	Sieverts tells Senate Foreign Relations Committee that the General Pang Pao report is unsubstantiated.
3/6-13/74	North Vietnam returns the remains of 23 US POWs listed as died in captivity.
3/8/74	Exchange of Vietnamese POWs under Paris Accords completed.
4/5/74	Provisional Government of Laos is formed. Under the terms of the 2/21/73 Laos Cease-Fire Agreement, any US POWs must be released within a 60-day period following the establishment of this government.
4/17/74	DIA memo reviews reports of US POWs being sighted in Southeast Asia following Operation Homecoming.
4/17/74	Cambodian communist guerrilla force, the Khmer Rouge, captures Phnom Penh.
8/9/74	Nixon resigns; Gerald Ford becomes President.
9/74	Emmet Kay is released by the Pathet Lao
4/30/75	Saigon falls to DRV and PRG forces. US institutes trade embargo against all of Vietnam.
6/21/75	North Vietnamese Premier Pham Van Dong sends a letter to 27 US Representatives in which he links U.S. contributions to healing Vietnam's war wounds with information on American MIAs.
8/23/75	Laotian capital of Vientiane falls to the Pathet Lao.
8/29/75	North Vietnam releases 9 American civilians captured earlier in the year in South Vietnam.
12/2/75	Pathet Lao establish Lao People's Democratic Republic.

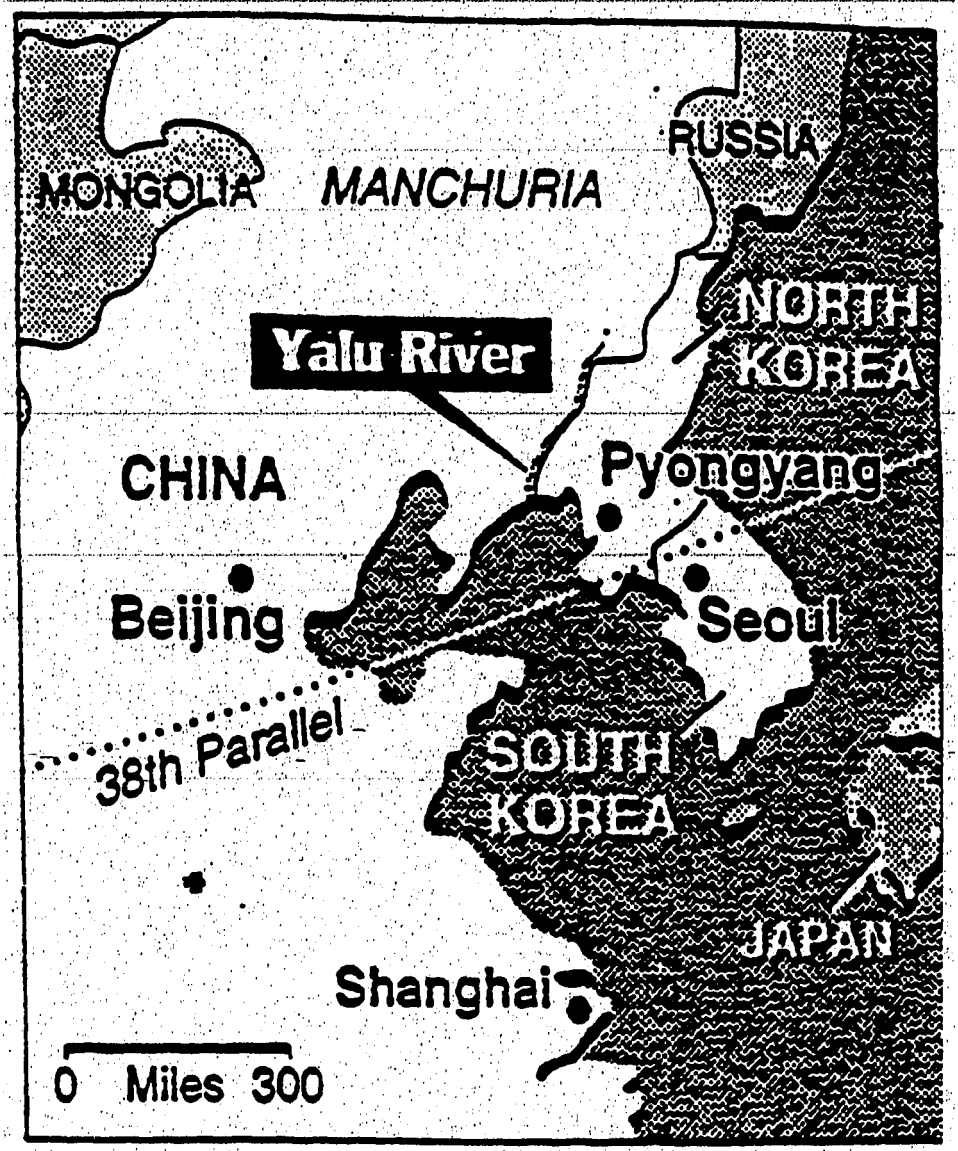
12/21/75	Remains of 3 US pilots returned in Hanoi following meeting with Members of the House Select Committee on Missing Persons in Southeast Asia (The Montgomery Committee).
7/21/76	Philip Habib, Under Secretary of State for Political Affairs, testifies that there has been no accounting of the 320 MIAs in Laos by the Pathet Lao or the DRV. Further, Habib notes that the DRV has continually linked the issue of cooperation in accounting for missing Americans to the issue of U.S. reconstruction aid.
7/31/76	Hanoi announces repatriation of 48 Americans stranded in Vietnam after fall of Saigon.
11/12/76	Vietnam and US representatives hold talks in Paris. Talks break down as Vietnam says it cannot implement Article 8 (MIAs) as long as the US refuses to honor Article 21 (reconstruction aid).
11/15/76	US vetoes Vietnamese application for entry into the United Nations.
12/13/76	House Select Committee on Missing Persons in Southeast Asia, the Montgomery Committee, files its report. Major conclusion is that "No Americans are still being held as alive as prisoners in Indochina."
1/20/77	Jimmy Carter is sworn in as President.
2/25/77	President Carter appoints Commission headed by Leonard Woodcock "to seek information on missing U.S. personnel," and to receive and report back on the views of Vietnam and Laos "on matters affecting mutual relations."
3/16/77	Woodcock Commission arrives in southeast Asia for talks with DRV and Lao leaders. Discussions deal primarily with MIAs and reconstruction aid.
3/19/77	Vietnam returns remains of 12 US pilots.
3/24/77	Woodcock Commission reports to the President that "There is no evidence to indicate that any American POWs from the Indochina conflict remain alive."
5/3/77	The U.S. and Vietnam begin two days of talks in Paris. The US proposes mutual and unconditional restoration of diplomatic relations. Vietnam turns the proposal down and insists that it will not

	normalize relations until US makes good on commitment to provide economic aid.
5/19/77	State Department declassifies 2/1/73 letter from President Nixon to DRV leaders promising reconstruction aid.
5/26/77	Secretary of Defense Harold Brown recommends to President that status reviews of missing US personnel be resumed. The memo expresses pessimism about the possibility that any of the MIAs will be found alive, and argues that continuing Americans in missing status adds to the pressure on the United States to make concessions to Vietnam.
6/2/77	US and DRV begin two days of talks in Paris. No agreements are reached, but the US is given information on the deaths of 20 US pilots during the war.
7/20/77	Vietnam joins the United Nations, US supports the application.
9/77	Vietnam returns 11 sets of remains of MIAs.
8/21/78	A delegation led by U.S. Rep. Sonny Montgomery arrives in Vietnam. Delegation later receives the remains of 11 US pilots.
3/79	Marine private Robert Garwood, a defector during the Vietnam war, returns to America from Vietnam.
4/80	Vietnam's Ministry of Foreign Affairs releases a "White Paper" on the "Question of Americans Missing in the Vietnam War." The MIA issue is linked to economic aid.
1/20/81	Ronald Reagan is sworn in as President.
5/13/81	The Washington Post reports on an inconclusive US reconnaissance operation aimed at confirming the presence of live Americans in Laos.
8/81	Vietnam issues a statement on the MIA question, which refers to the cases of Americans who were "reportedly captured but not registered" and who, because of "war circumstances," died or became "missing" on their way to detention centers.
2/82	President Reagan formally designates POW/MIA issue as a matter of "highest national priority."

11/11/82	The Vietnam Veterans Memorial is dedicated in Washington D.C.
1/5/86	US and Vietnam begin two days of talks in Hanoi. Two sides agree that the MIA question is a "humanitarian one that cannot be used as a political condition for normalization of relations."
5/27/86	A DIA Task Force, chaired by Gen. Eugene Tighe, concludes that there is "a strong possibility" that American POWs are still alive and being held against their will in Vietnam.
2/87	General John Vessey (ret.) is appointed Presidential Emissary to Vietnam on POW/MIA matters.
8/1/87	General Vessey arrives in Hanoi for three days of talks. Resulting joint statement says that "specific measures were agreed upon to accelerate progress towards accounting for Americans missing in action, and to address certain humanitarian concerns of Vietnam."
8/19/87	US and Vietnam reach agreement concerning searches for American MIAs.
1/19/89	"Final Interagency Report of the Reagan Administration on the POW/MIA Issue in Southeast Asia" is released. Report finds that there exists "no conclusive evidence" of live US POWs being held.
1/20/89	George Bush is sworn in as President. General Vessey is reappointed as Presidential emissary on POW/MIA matters.
4/8/91	The US presents its "roadmap" to Vietnam, linking steps towards the normalization of relations to progress in POW/MIA matters and Cambodia.
8/2/91	The US Senate passes legislation (S.Res.82) to create a Select Committee on POW/MIA Affairs.
11/6/91	Select Committee hearings begin.
1/92	US Joint Task Force Full-Accounting is created under the Pacific Command. General Thomas Needham is named chief.

2/13/92	Senators Kerry and Smith arrive in Moscow to discuss the fate of American MIAs in WW II, Korea, and Vietnam. One Vietnam MIA case is resolved. Russian government acknowledges that some American deserters were brought to the Soviet Union after the Vietnam War, but there is no evidence that any still remain in Russia.
3/4/92	A US delegation headed by Asst. Secretary of State Richard Solomon arrives in Vietnam. US agrees to provide small scale humanitarian aid to Vietnam in return for increased efforts by Vietnam to resolve the POW/MIA issue.
4/20/92	Senate Select Committee delegation begins week long fact-finding mission to southeast Asia.
9/92	US gains access to more than 4,000 Vietnamese photos of American casualties taken during the war.
10/92	Existence of photos acknowledged publicly.
10/17-19/92	General Vessey leads a delegation of US officials, including Senator John McCain, to Vietnam to discuss ways to improve MIA accounting.
11/16-21/92	Senate Select Committee delegation visits Vietnam and Laos.
12/17-18	Senate Select Committee delegation visits Hanoi.
12/19-21	Senator Bob Smith visits Pyongyang and Beijing.

Part Two : Korean War



The New York Time

CHRONOLOGY OF POLICY AND INTELLIGENCE MATTERS CONCERNING UNACCOUNTED FOR U.S. MILITARY PERSONNEL AT THE END OF THE KOREAN CONFLICT AND DURING THE COLD WAR

Prepared by the Office of Senator Bob Smith
Vice-Chairman, Select Committee on POW/MIA Affairs

November 10, 1992

June 25, 1950 -- North Korea, at the direction of President Kim Il Sung crosses the 38th parallel invading South Korea, beginning the Korean Conflict.

June 27, 1950 -- The United Nations Security Council passes Resolution 83 recommending that Member States furnish assistance to the Republic of Korea (South Korea). U.S. Air Forces are immediately committed.

July 7, 1950 -- The United Nations Security Council passes Resolution 84 recommending that the military forces provided by Member States be made available to a Unified Command under the United States, and authorizing that Command to use the United Nations flag at its discretion in the course of its operation. U.S. and member nation ground forces are immediately committed under the command of U.S. General Douglas MacArthur.

October 2, 1950 -- In a telegram to Stalin in the Soviet Union, China's Communist Party Chairman Mao Zedong states "We have decided to send part of the armed forces into Korea, under the title of Volunteer Army, to do combat with the forces of America and to assist our Korean comrades. We recognize this course of action as necessary."

October 13, 1950 -- In a telegram to China's Prime Minister Zhou Enlai, then in Moscow seeking Stalin's support, Mao states, "...we unanimously believe that having our troops enter Korea is more advantageous...If we do not send troops, allowing the enemy to press to the Yalu border and the arrogance of reactionaries at home to grow, this will be disadvantageous to all sides. Above all, it will be most disadvantageous to Manchuria; all of the South Manchurian electricity will be threatened."

November 24, 1950 -- By this date, the North Koreans are driven northward by the UN Member State forces under General MacArthur and eventually back to the Yalu River (the boundary between China and North Korea).

November 26, 1950 -- A large Communist Chinese army, under Mao's directive, invades the north in support of the North Koreans and help them drive the UN forces south after much bitter fighting. Thousands of Americans are killed, wounded, and captured during this Communist offensive.

January 1, 1951 -- By this date, the North Korean-Chinese army has forced the UN forces back to the 38th parallel, and the South Korean capital of Seoul had fallen into enemy hands.

March 12, 1951 -- French intelligence sources inform the U.S. Far East Command that "according to report valued C-3 and dated December 9 1950, 3,000 American POWs have been moved to the Korean border with China by December, 1950. The report adds that another 1,200 "lightly wounded" American POWs had been placed at an Air Defense hospital in An Tung, Manchuria. (now known as the Three Eastern Provinces of China.) (Source: 12 March 1951 declassified State Department Cable)

March 14, 1951 -- A counteroffensive by the UN retakes Seoul.

April 9, 1951 -- The Central Intelligence Agency reports that source (still classified 11/10/92) has reported that "Officers captured in North Korea by the Chinese Communists are now interned in a former army prison in Mukden, Manchuria. Enlisted men are confined in concentration camps in T'unghua. The daily routine includes physical exercise, political training in Marxism and Leninism, and analysis of the Korean War by Communist political directors." The date of information is early April, 1951, according to CIA. CIA notes that another report, SO-54598, had also referred to U.S. POW camps in Mukden.
(Source: SO617354, Central Intelligence Agency, partially declassified.)

May 8, 1951 -- The Central Intelligence Agency reports that, according to a source, 25 American prisoners of war from Korea arrived in Canton by rail from Hankow at 6:00 p.m. on April 11, 1951 and were being held by 50 armed police and some plain-clothes men at facilities at Tung Hua Road.
(Source: Declassifed Report No. SO63715, CIA)

On May 8, 1951, according to a 6 September 1951 CIA report, 30 American prisoners of war depart Mukden, Manchuria for Hankow by rail. The prisoners are reported in good spirits and tidily dressed. (Source: CIA declassified report dated 6 September 1951)

May 29, 1951 -- The Central Intelligence Agency reports that, according to a source, 45 American prisoners of war arrived in Canton at 6:00 p.m. on April 23, 1951 on two special cars of the Canton-Hankow Railroad, and were being held at . .

facilities on Tung Hua Road. It is reported that on April 30, 1951, Chinese Communist authorities in Peiping ordered that American POWs held at Tung Hua be taken to Kwailan. It is further reported that at 3:00 a.m. on May 2, the POWs were moved in two trucks, accompanied by four armored cars, to the Tashat'on Rail Station. (Source: Declassified CIA Report No. SO 65066. 29 May 1951)

June 27, 1951 -- The Central Intelligence Agency reports that, according to a source, "By April 15, 1951, approximately 500 American prisoner of war from Korea had arrived in Hankow, and on April 18th, some of them were paraded through the streets of Hankow under heavy guard...In mid-April, 60 prisoners of war, most of whom were American, arrived in Canton via the Canton-Hankow railroad, and were being detained at facilities at Tung Hua road in Canton...In mid-June 1952, 52 American POWs from Korea were still incarcerated in the baptist church on Tung Hua Road, Canton."
(Source: Declassified CIA Report No. SO66740 dated June 27, 1951.)

July, 1951 -- Peace negotiations commence at Kaesong.

August 11, 1951 -- The Central Intelligence Agency reports information from a subsource that, according to a North Korean staff member of the State Security Bureau in Seoul on 12 February 1951, "all American prisoners of war were sent to camps in Mukden, Tunghua, and Antung Provinces of Manchuria, where they were put to hard labor in mines and factories." (Note: February 12 is before the U.N. forces retook Seoul on March 14, 1951)
(Source: CIA Report No. SO65823, declassified)

In another Central Intelligence Agency report, a source states that "On August 2, 52 American POWs from Korea, who had been held in the Baptist church on Tung Hua Road, Canton, left Canton by train for Peiping via Hankow under guard of a platoon of Chinese Communist soldiers."
(Source: CIA Declassified Report No. SO69870)

August 22, 1951 -- The Central Intelligence Agency reports that, according to a source, some 40 U.N. POWs in Canton, including British and American officers and enlisted men, have participated in "propaganda tours and street demontrations" in Canton in early May, 1951.
(Source: CIA declassified report No. SO70338)

August 24, 1951 -- The Central Intelligence Agency reports that, according to a source, "78 American prisoners of war are in a camp at No. 35, Lane 1136 Yuyen Road, Shanghai. They have no freedom of movement and are not free to talk. They must

attend meetings daily to study Communist doctrine. Camp officers are appointees of the East China Bureau and the East China Military Area, and four English speaking Soviets." Ten names of alleged U.S. servicemen, written in Chinese, are provided "from a scrap of paper picked up in the POW camp." The identities are not evaluated by CIA. (Source: 24 August 1951 declassified CIA report no. SO70512.)

September 6, 1951 -- 60 American prisoners of war are reported being held in Canton as of mid-July, according to a CIA source. (Note: According to another source (11 August 1951), 52 American POWs were moved from Canton on August 2, 1951 by rail to Peiping.)
(Source: declassified CIA report dated 6 September 1551)

September 27, 1951 -- According to a CIA source, as of late August, 1951, "Many American prisoners of war are being used in Peiping for propaganda purposes."

September 28, 1951 -- The Central Intelligence Agency reports information from a source that as of Mid-September 21 American prisoners of war are confined at Lo Chia Shan in Wuch'ang, Communist China, and that their political instruction is being carried out by a former Chinese student in America and a Soviet major. (Source: Declassified CIA report No. SO72900, dated 28 September 1951)

October 4, 1951 -- The Central Intelligence Agency reports, that according to a source, the Chinese Communists held a meeting on August 1, 1951 to celebrate Army Day. "During the meeting, 5 American prisoners of war, captured in Korea, were escorted by Communists soldiers to the rostrum. Two of them addressed the gathering." (Source: Declassified CIA Report No. SO73337, dated 4 October 1951.)

October 23, 1951 -- 170 U.N. prisoners of war are reported by a CIA source to have arrived in Canton by train from Hankow on October 3, 1951.
(Source: CIA declassified report no. SO74469)

October 25, 1951 -- A CIA source reports the existence of an American and British POW camp at Shamsen, Canton, and lists some of the names, in Chinese, of U.S. 8th Army personnel. The names are not further evaluated by CIA. (Source: Declassified CIA report no. SO74807 dated 25 October 1951)

October 27, 1951 -- A CIA source reports that 125 American prisoners of war were observed walking to Antung, China on the night of March 25, 1951. (declassified CIA report)

October, 1951 -- Peace negotiations between the Communists and

the United Nations Command continue at Panmunjom, Korea.

December, 1951 -- The Psychological Strategy Board under President Truman, in a Top Secret memorandum, makes the following observations concerning the question of forced repatriation of North Korean and Chinese prisoners of war, in the contert of an exchange of POWs following the Korean Conflict:

"Our treatment of Soviet and satellite expatriates has an unfortunate history, as you will recall. As a result of an agreement at Yalta, the United States in the years immediately after World War II assisted the Soviet Union in the repatriation of various categories of Soviet bloc persons -- chiefly prisoners of war, escapees, and displaced persons. The result of our cooperation was that more than four million Soviet citizens were returned to the Soviet Union and that thousands were executed or punished in other ways without regard to the conditions which caused their displacement from Soviet-controlled territory."

"In addition, persons escaping from the Soviet area after World War II were forcibly returned to Soviet control as a matter of U.S. policy up until well into 1948. This treatment of Soviet expatriates became well known to the populations within the Soviet area, and, as has been well documented, became the cause of widespread despair. It practically stopped the flow of defectors, and it would make it very difficult to wage effective psychological warfare against the Red Army in event of war."

"Our policy was subsequently changed so that persons entering the Allied areas of Germany and Austria are no longer forcibly returned. The treatment we have given defectors has, however, not been sufficiently good or well publicized to erase the former picture."

"This is the background within which the question of forcible repatriation of Chinese and North Korean prisoners of war must be examined. Repetition of our previous mistake would discourage defection by Chinese communist forces in any future conflict."

"It would therefore in the long run cost us more American lives than are involved in the exchange of prisoners problem."

The writer of the memorandum concludes stating:

"I have learned by way of hearsay that the President is informed on this question and is inclined to oppose forcible repatriation."

(Source: declassified memorandum December, 1951, Truman Presidential Library)

January, 1952 -- Army Captain Mel Gile of the Far East Command Liaison Group reports that one of his agents had found that 63 U.S. POWs were being shipped by truck and rail from Pyongyang, North Korea to Chita, in the Soviet Union. Gile states the U.S. command cancelled air strikes on the railway he reported would be carrying the POWs. (Source: 1990 Wash. Times and USA Today interviews with Gile)

January 2, 1952 -- U.S. Army Intelligence receives information that more than 500 U.N. prisoners were in a camp in Tung Kuan Ying, 10 miles east of Mukden, Manchuria "to be given short-term training pending transfer to the Soviet Union on order of central authorities." The same reports states that 494 U.N. POWs had been observed inside China since December, 1951.

January 4, 1952 -- A CIA source reports that in mid-November, 1951, "the U.N. prisoners of war who had arrived in Canton on October 3 were removed and sent elsewhere. Complete secrecy was maintained during the move from Shamsen, Canton to a destination unknown."
(Source: declassified CIA report No. 79124)

January 5, 1952 -- A CIA source reports that 13 American and 8 British prisoners of war were transferred by rail from Canton to Hankow. CIA also reports they have another report of U.S. POWs in the Canton area "performing hard labor on airfields."
(Source: 5 January 1952 CIA declassified report.)

February 6, 1952 -- A CIA source reports that around December 27, 1951, "the Chinese Communists moved 300 U.S. POWs...into a concentration camp near Tat'ung. The prisoners are under the instruction of Europeans" CIA reports that the report is possibly a fabrication as the information appears doubtful.
(Source: CIA declassified report dated 6 February 1952)

February 14, 1952 -- A CIA source reports that about the first week of January, the Chinese Communists were parading U.S. captives (prisoners of war) in Paoshan, Yunnan Province, for propaganda purposes. The source reports the Communists pointed the U.S. soldiers to the spectators, saying "these are the people we've been fighting -- and have conquered."
(Source: CIA declassified report dated 14 February 1951)

February 19, 1952 -- The declassified "post-agenda discussion" suggested notes for a meeting of the Psychological Strategy Board under President Truman state:

"Subject: The Strategic Significance of Involuntary POW Repatriation in Korea.

"At the present time, there is no widespread active concern in the U.S. on the question of possible failure on the part of the Chinese to return all American prisoners. But articles now beginning to appear in the press raise the specter that the issue might be presented to the American public as an "exchange of Chinese lives for American lives." Should this develop, it is likely that the public outcry would obscure the basic moral issue and jeopardize the effectiveness of the U.S. policy decision."

"At the present time, it appears that the Department of State and the Department of Defense are engaged in the collection and careful analysis of the facts pertaining to this problem. Preliminary indications are that perhaps 3,000 Chinese and up to 10 percent of the North Korean POWs will fall within the category of those whose return to their homelands would result in their death, or who for other reasons do not wish to be repatriated."

(Source: Declassifed notes from Truman Library 19 February 1954 -- U.S. Psychological Strategy Board

March, 1952 -- Admiral R.E. Libby, U.S. negotiator in Korea, advises his communist counterparts, "You denied that you hold in Korea more than 11,500 prisoners whose names you gave us...You denied that you ever held any of our captured personnel outside Korea...we have evidence which clearly convicts on both counts. Earlier, he states "We have convincing evidence you are holding prisoners in retention camps outside Korea without reporting them to our side."

Libby had further stated "a number of captured communist soldiers have told of escorting UN prisoners to camps in China." Libby states one of the captured Communist Chinese soldiers "described in detail a prisoner of war processing center in Harbin (deep in Central Manchuria) to which he had helped escort captured United Nations personnel. The soldier stated he had seen "more than 1,000 UN prisoners - Americans, South Koreans and others -- at the Harbin processing camp."
(Source: South China Morning Post March 9, 1952)

April 15, 1952 -- The Central Intelligence Agency reports, that according to a source, "In November, 1951 about 50 American prisoner of war were brought under guard from Shanghai to Hangchow, and were taken to Maochiafou and placed in the detention center there." The report further states that as of February 10, 1952, 15 of them were taken elsewhere, leaving only 35. Maochiafou is reported as "probably near Hangchow."

(Source: CIA report dated 15 April 1952, declassified)

May 2, 1952 -- The Central Intelligence Agency reports, that according to a source, "In April 1952, there were 35 American prisoner of war at the Maochiafou Camp. The following is a partial list of the Americans." No evaluation of the names is done by CIA. (Source: CIA declassified report dated 2 May 1952)

June 13, 1952 -- B-29 is downed by a Soviet MIG over the Sea of Japan. (Source: DoD, Russian Archives.)

July 17, 1952 -- The Central Intelligence Agency, in a report from a still classifed source, states:

"In May, 1952, the War Prisoner Administrative Office in P'yongyang...under the control of an intelligence officer attached to the general headquarters of the Soviet Far Eastern Military District, controlled prisoner of war camps in Manchuria and North Korea. The office, formerly in Mukden (Manchuria), employed 30 persons, several of whom were English-speaking Soviets."

"The office had developed three types of prisoner of war camps. Camps termed "peace camps" detained persons who exhibited pro-Communist leanings, and were characterized by considerate treatment of the prisoners and the staging within the camps of Communist rallies and meetings."

"Reform camps, all of which are in Manchuria, detained anti-Communist prisoners possessing certain technical skills. Emphasis at these camps was on redoctrination of the prisoners."

"Normal prisoner of war camps, all of which were in North Korea, detained prisoners whom the Communists will exchange. Prisoners in the peace and reform camps will not be exchanged. Officials of North Korean prisoner of war camps sent reports on individual prisoners to the War Prisoner Administrative Office. Cooperative prisoners were being transferred to peace camps."

"On 6 January 1952, four hundred United States prisoners, including three hundred Negroes, were being detained...in Mukden, Manchuria...All prisoners held there, with the exception of three second lieutenants, were enlisted personnel...The prisoners, dressed in Communist Chinese Army uniforms were not required to work...two hours of indoctrination were conducted daily by staff members of the Northeast Army Command. Prisoners were permitted to play basketball in the courtyard"
(Source: CIA Report No. SO 91634, dated July 17, 1952)

October, 1952 -- Truce negotiations between the Communists and the U.N. forces break down.

January 2, 1951 -- Despite the December, 1951 report by President Truman's Pychological Strategy Board, U.S. Senator Wiley is told by the Department of Defense that "no information is available which would enable the Department of Defense to prepare a statistical and descriptive account of the ultimate fate of these individuals after their repatriation to Soviet authorities persuant to the terms of the Yalta Agreement." The December, 1951, in discussing the question of forced repatriation for Korean War POWs, states that four million Russians at the end of World War II were forcibly sent back, and that thousands of them were subsequently executed and punished by the Russians.
(Source: Defense Department letter dated January 2, 1953)

January 18, 1953 -- A U.S. Navy patrol aircraft is shot down in the South China Sea. A U.S. Coast Guard Seaplane crashes during rescue operations in the vicinity. According to the United States, the planes are not engaged in operations for the United Nations Command. The U.S. later expresses the belief that personnel from these incidents fall into Communist custody (Source: 5 May 1954 Defense Department summary)

February 24, 1953 -- An Army Combined Command for Reconnaissance Activities Korea memorandum states:

"The following information was received from Ministry of Foreign Affairs, Republic of Korea Government. Report originally came from Nationalist Chinese Embassy --"

"According to reliable information, the Communist Chinese Forces have transferred UN POWs to Russia in violation of the Geneva Conference. These POWs will be specially trained at Moscow for espionage work. POWs transferred to Moscow are grouped as follows: British 5, Americans 10, Canadians 3, and 50 more from various countries."

"Russia has established a Higher Informant Training Team at Uran, Hodasong (phonetic) in Siberia in October, 1952. 500 persons are receiving training, one third of them women. Japanese constitute the largest group and the others are Korean, Filipinos, Burmese, and American."

The date of information is given as "October - 22 December 1952."

Comments in this report by the U.S. Army Combined Command for Reconnaissance Activities, Korea state:

"This office has received sporadic reports of POWs being moved to the USSR since the very inception of the hostilities in Korea. These reports came in great volume through the earlier months of the war, and then tapered off to a standstill in early 1951, being revived by a report from January of this year (1953). It is definitely possible that such action is being taken as evidenced by past experience with Soviet authorities. All previous reports state POWs who are moved to the USSR are technical specialists who are employed in mines, factories, etc. This is the first report that they are being used as espionage agents that is carried by this office."
(Source: U.S. Army Combined Command report dated 24 Feb.53)

April 20-26, 1953 -- Peace talks are resumed and Operation Little Switch, the first prisoner exchange, takes place. The Communists release 600 United Nations "sick and wounded" prisoners. The United Nations releases 6,000 "sick and wounded" Communist prisoners.

May, 1953 -- Esquire Magazine reports that the Foreign News Service had obtained information from a "reliable" source they encountered in 1952 that American POWs were being screened by Chinese and Soviet personnel who spoke fluent English. The source reports that an initial decision to keep these POWs back or place them in POW camps on the North Korean side of the Yalu River was made during this initial screening. The source reports that very important personnel were flown to the USSR, while others were shipped by rail to the Soviet Union for further processing. The Foreign News Service reports that they have no way of confirming the story, but that the extensive detail provided brought them to the conclusion that the information was accurate.

July 15, 1953 -- The Central Intelligence Agency reports information from a source that "In late May, 1953, approximately 1,500 United Nations prisoners of war were confined in a camp at Tungchutin, Tientain, in Communist China. The majority of these prisoners of war were American Marine officers and men who were sent to this camp after recovery from wounds." CIA comments that "a POW camp once tentatively accepted in Tientain, was dropped from available listings in January, 1953 because of a lack of recent reports concerning it."
(Source: CIA declassified report dated 15 July 1953)

July 22, 1953 -- During the peace negotiations, the Communists report they are holding 12,763 prisoners to be repatriated.

July 27, 1953 -- The Armistice Agreement is signed between the Communists and the U.N. Forces at Panmunjom, Korea. A Military Armistice Commission, a temporary Neutral Nations

Repatriation Commission, and a Neutral Nations Supervisory Commission are established to enforce the terms of the armistice. No formal peace treaty is ever concluded.

Paragraph 13f of the Armistice Agreement provides for the voluntary repatriation of POWs and for the repatriation of remains.

July 29, 1953 -- An RB-50, with a crew of 17 members, is shot down by Russian MIG-15 jets over the Sea of Japan. An American vessel rescues the co-pilot who had parachuted. The U.S. Government informs the Soviets that "it appears highly likely that the other crewmembers survived and that they were possibly rescued by the Soviet vessels."

August 5, 1953 -- Operation Big Switch commences with the exchange of POWs "desiring repatriation" by both sides. The United Nations Command begins the transfer of 75,823 POWs directly to the Communists in the demilitarized zone (DMZ). The Communists begin the transfer of 12,773 Allied POWs (3,597 U.S. POWs) in return.

August 6, 1953 -- The Commander in Chief of the United Nations Command General Mark Clark returns to Washington from Korea, after signing the Armistice on July 27th. He holds a news conference at the Pentagon, which is covered by the New York Times as follows:

"General Clark pledged to press the Communists for further information on the additional troops he believed they held and for a possible exchange. He said that he pointed out the wide discrepancy between his information and that supplied by the Communist on prisoners during the truce negotiations. He had been advised by his superiors in the Pentagon, he said, not to delay the armistice negotiations over the discrepancy but to reserve the privilege of later protest. This will be done, the general said, first at the Military Armistice Commission, and, if there is no satisfaction there, later at the political conference that will follow. General Clark, stating that the only thing that the Communists respected was force, declared in a detailed discussion of the prisoner question:"

"They respect force and I know of no way except through political and diplomatic means of getting any reaction from them on this prisoner of war question other than the application of force, which is not in the cards, in my opinion," said Clark.

"Conceding that Army authorities in the Far East could not prove that additional US soldiers and airmen are being held captive..., General Clark said there nevertheless remained

"other information that leads us to believe that they have more."

"We do have certain evidence that indicates that there are additional prisoners alive who should be returned, and I assure you, as Commander in Chief, while I am there, I will press that in the military and political conferences," Clark declared.

At the same press conference, General Clark announces his retirement effective October 31, 1953.

(Source: New York Times article dated August 7, 1953)

August 7, 1953 -- General James A. Van Fleet, Commander of the U.S. 8th Army in Korea, states:

"A large percentage of the 8,000 American soldiers listed as missing in action in Korea are still alive."

August 7, 1953 -- Communist controlled radio in Peiping, China reports that United Nations POWs had now been informed that they had a right to refuse to return and that "if any prisoners of war do not wish to be repatriated directly, the United Nations would be informed of the number "as soon as possible." (Source: New York Times, 7 August 1953, Tokyo byline, same day)

August 10, 1953 -- A Combined Command for Reconnaissance Activity Korea Army Memorandum states:

"A. A compilation of reports indicate that during the past two years, several POWs have been transferred from POW camps in North Korea to points in Manchuria, China, and Siberia. These points include Mukden, Harbin, Antung, Yench'eng, Chiamusso, Miensien, Peiping, Shanghai, Chungking, Timesin, Canton..."

"B. Figures show that the total number of MIAs plus known captured less those to be US repatriated leaves a balance of over 8,000 unaccounted for."
(Source: declassified 10 August 1953 Army Memorandum)

August 31, 1953 -- The Assistant Chief of Staff, G2 received a memorandum from the Army General Staff listing 23 U.S. personnel "believed not desiring repatriation." The information is submitted "from interrogation Big Switch repatriates inclusive to 23 August 1953."
(Source: 31 August 1953 Army memorandum)

September 1, 1953 -- The Joint Intelligence Processing Board, Headquarters, U.S. Army Forces, Far East (ADV) prepares a

memorandum listing 32 United States Prisoners of War who have "elected to refuse repatriation." The information is based on information provided by released American POWs. The report further states that "much of the information is based on rumor and hearsay and consequently quite difficult to evaluate."
(Source: 1 September 1953 Army Memorandum)

September 6, 1953 -- The United Nations Command and the Communists announce that repatriation (Operation Big Switch) has been completed for all individuals who had elected to be returned. (Source: 12/22/53 Memo to SecArmy from Ass.Sec. Army)

September 9, 1953 -- The United Nations Command presents a list to the Communists of 3,404 U.N. and South Korean personnel still unaccounted for. The list includes the names of 944 U.S. personnel, of which 610 were Army. It is later reported that General Mark W. Clark handed over the list to the Communists demanding that they be returned "or else." General Clark is reported to say that the list was compiled from statements of the communists themselves, radio broadcasts originating in Peiping, letters written from prisoners' camps, or from the observations of former U.N. prisoners of war in Red prisons. (Soure: 31 December 1953 CINCUNC message, News Article by Joseph F. McLaughlin, Boston)

September 12, 1953 -- Communist correspondent Burchett indicates that the Chinese Communists continue to retain in a non-prisoner of war status certain United States Air Force personnel, alleged to have overflown Chinese territory. Burchett indicates that their return must be sought through diplomatic negotiations. (Source: March 5, 1954 State Department memorandum)

September 16, 1953 -- Communist broadcasts over the Government-controlled Peiping radio state that the 3,400 roster from the United Nations Command is "fake" and is designed by the United Nations Command "to obscure the fact that the Allies are forcibly detaining prisoners on our side."
(Source: New York Times, Tokyo byline, Sept. 16, 1953)

September 21, 1953 -- The Communists, in response to the September 9th UN message, state that 518 of the 3,404 had already been repatriated, and another 380 had previously been reported to the UN as dead, escaped, or already returned. No identification of these individuals is made by name or nationality, though the U.S. subsequently learns on October 3rd that 112 of the <u>total</u> figure were Americans.
(Source: 12/22/53 Memo to SecArmy from Ass. SecArmy, 4/29/53 Army Assistant Chief of Staff memorandum)

On the same day, the Communists submit a roster of 98,742 POWs for whom they demand an accounting (15,584 Chinese and 83,158 Koreans)

September 23, 1953 -- The United Nations Command turns over 22,604 "non-repatriates" (ie: POWs who had refused repatriation) to the Neutral Nations Repatriation Commission.

September 24, 1953 -- The Communists deliver 359 United Nations Command "non-repatriates" (23 U.S.).

September 25, 1953 -- The U.N. Command makes a second demand for the accounting of the 3,404 UN/South Korean unaccounted for personnel stating that the first reply was completely unsatisfactory.

October 3, 1953 -- The Communists again counter the September 25, 1953 demand by referring to a list of 98,783 names of Communists who they claim are being held in United Nations custody.

They also provide a further breakdown of 899 United Nations Command personnel of the 3,404 UNC total referred to on September 21, 1992. The Communists state 112 of the total were U.S. personnel who had either died, escaped, or were released at the front. (The U.S. privately notes that 70 of the 112 names had been reported as dead by U.S. returnees at Operation Big Switch.)
(Source: 31 December 1953 message from CINCUNC)

October 20, 1953 -- The Communists by letter to the Commander in Chief of the United Nations Command claim that they have accounted for the 899 UNC personnel (on October 3rd), and demand that the UN Command account for their September 21st list of 98,000 POWs. (Source: 31 December 1953 CINCUNC Memo)

November 21-23, 1953 -- Three former members of the Republic of Korea Army, escaped through the demilitarized zone "and reported to the United Nations Command that Communists still held large numbers of prisoners of war."

The United Nations Command protests in the Military Armistice Commission and demands that the Communists "hand over to the custody of the Custodian Forces of India all those prisoners that your side still retains."

December 1, 1953 -- The Neutral Nations Supervisory Commission declines to conduct an investigation into the allegations of the three Koreans who escaped on November 23, 1953 concerning large numbers of POWs still being held.

December 7, 1953 -- The U.N. Representative to the Military Armistice Commission requests the Communist side to agree to an impartial investigation of the evidence given by the three defectors. The Communist side rejects the proposal.

The Communists again reiterate their demand that the United Nations Command account for the persons on the list of 98,000 Communist POW personnel provided on September 21, 1953.

December 10, 1953 -- The senior United States member of the Military Armistice Commission charges the Communists with violation of the Armistice by retaining custody of prisoners of war who desired repatriation. The Communists counter with a demand for the accounting of 27,000 prisoners of war "illegally released by President Rhee with assent of the United Nations Forces."

December 14, 1953 -- Two additional Koreans escape to South Korea and confirm the statements made by the three escapees in November that prisoners were still being held by the Communists.

December 16, 1953 -- Verification of the 2 Koreans who escaped on December 14th as bona-fide members of the Republic of Korea Army is made.

December 18, 1953 -- The British Government offers to make on behalf of the Unified Command an approach to the Chinese Communists at Peiping to seek the return of United Nations Command personnel who may still be in Communist custody. (Source: 5 March 1954 State Department memorandum)

U.S. News and World Report writes that 944 Missing Gi's have become slave laborers in Communist hands. The report states that "there is substantial evidence now, for example, that a number of American prisoners were marched through the streets of Mukden, deep inside Manchuria, in a victory parade. As far as is known here, none of those men has returned. No repatriated prisoner has said he participated in that parade...There are (also) reports from returning Japanese prisoners, repatriated this month from Russia, that some Americans have been seen in a prison not far from Moscow."

December 22, 1953 -- Secretary of State John Foster Dulles instructs the U.S. Commander in Chief of the United Nations Command to "continuously press Communist members of the Military Armistice Commission to account for missing personnel." (Source: Letter to Secretary of the Army from Assistant Secretary of the Army.)

The State Department also informs the Commander in Chief of the United Nations Command that the British through their Foreign Office in Peiping will seek to confirm unofficial reports that Communist China is holding in custody United Nations personnel in China. (Source: Ibid.)

December 23, 1953 -- Assistant Secretary of the Army, Hugh Milton, asks the Army Chief of Staff to provide information "concerning 610 Army personnel listed as prisoners of war and still unaccounted for by Communist Forces." Milton asks for information on educational background, technical specialties, and if they have a background which would make them susceptible to Communist indoctrination. (Source: 12/22/53 letter to Chief of Staff from Army Ass. Secretary)

December 31, 1953 -- In a memorandum to the Department of the Army, the Command in Chief of the United Nations Command makes the following points:

"Question of tactics to be employed in pressuring Communists for accounting of about 3,400 UNC POWs has been under continuous study here since the conclusion of Operation Big Switch."

"During the period September 9, 1953 to date, the United Nations Command has presented the Communists with lists of United Nations Command personnel who are believed to be, or may have been, in their custody. (Note: includes 965 U.S. personnel)"

"On September 21, 1953, the Communists submitted a roster of 98,742 POWs for whom they demand an accounting. After exhaustive research by AFFE PWIB, we have as of December 26, 1953 been able to establish reasonably accurate identification as follows, none of which has yet been given to the Communists:

(1) Duplications, 668
(2) Escaped: Chinese, 50 Korean, 26,803
(3) Repatriated during Little Switch:
Chinese, 15 Korean, 332
(4) Repatriated during Big Switch: Chinese 4, Korean 2,219
(5) Delivered to NNRC: Chinese, 14,495. Korean, 7,479
(6) Korean CI, 37,527
(7) Koreans not qualifying as POWs and later released, 142
(8) Deceased: Chinese 4. Korean 250
(9) Never in UNC custody: Chinese, 91. Korean, 2,008
(10) Status not yet determined, 6,655. (Total, 98,742)

"Whether we shall be able to complete identification of the 6,655 persons (10) is highly problematical. Difficulties inherent in present records stem from early days of Korean

conflict when POW registration was not fully established..."

"We can expect nothing from the Communists on accounting for the 3400 UNC personnel unless we are willing to provide them with the information they have demanded; while we may realize some public benefit by a reiteration of our demands, they can produce a logical argument that we must do likewise...If we account for the 98,000, they may submit additional lists with just enough accuracy to keep us on the defensive interminably. If we continue to demand accounting of UNC personnel, they can move further to demand return of additional alleged POWs, and from there to civilians (of whom there are hundreds of thousands in South Korea.)"

"At the conclusion of Operation Big Switch, the Communists reported they had returned all UNC POWs desiring repatriation. It is highly unlikely they would now return any additional persons whom they might be holding, since they would be hard put to develop a logical reason for their retention. We, on the other hand, have no way to force them to do so. Our only bargaining weapon - a weak one at that - is answering this demand for the 98,000."

"Regardless of our efforts, the Communists will, in the end, give us only that information which they wish to supply, when they want to."

"In view of the above, it is extremely doubtful that either an accounting or recovery of UNC personnel will result from further demands on the Communists or by the exchange of lists. However, we are prepared to adopt the following course of action: ...we shall inform the Communists in the Military Armistice Commission that we are prepared to submit an accounting (as soon as the list can be properly prepared). Before handing it over, we will demand that a satisfactory accounting be first supplied for the 3,427 UNC names. If the Communists are interested, they will undoubtedly refuse to produce the UNC list without a simultaneous receipt of their rosters. We will have to agree, realizing that we shall probably find their accounting wholly unsatisfactory. From this point, we feel sure we shall move into the usual phase of charges and counter charges without any real results obtainable. We request your comments and/or concurrence on course of action proposed..."

January 12, 1954 -- The Department of the Army conveys the views of the State and Defense Departments to the Commander in Chief of the United Nations Command concerning his December 31, 1953 message. The message states:

"1. State and Defense agencies report continuing interest

being expressed by congressional and private sources.
2. Nevertheless, both departments agree with your analysis and your viewpoints and in probable undesirable developments.
3. Therefore, suggest that the course of action you outlined be held in abeyance pending further study in Washington."

(Source: 12 January 1954 Army message to CINCUNC)

January 16, 1954 -- In a memorandum to the Secretary of the Army the Assistant Secretary of the Army writes under the heading. "The Unaccounted for Americans Believed To Be Still Held Illegally By The Communists:

1. There are approximately 954 United States personnel falling into this group. What the Department of the Army and other interested agencies is doing about their recovery falls into two parts. First, the direct efforts of the UNC Military Armistice Commission to obtain an accurate accounting,and second, efforts by the G2 of the Army, both overt and covert, to locate, identify, and recover these individuals. G2 is making an intensive effort through its information collection system world-wide, to obtain information on these people and has a plan for clandestine action to obtain the recovery of one or more to establish the case positively that prisoners are still being held by the Communists...The direct efforts of the UNC are being held in abeyance pending further study of the problem by the State Department."

2. A further complicating factor in the situation is that to continue to carry these personnel in a "missing" status is costing over one million dollars annually. It may become necessary at some future date to drop them from our records as "missing and presumed dead."

(Source: 16 January 1954 memorandum to Secretary of the Army)

January 18, 1954 -- The U.N. Representative to the Military Armistice Commission again requests the Neutral Nations Supervisory Commission to investigate charges that the Communists were withholding prisoners of war. (Source: 29 January 1954 Army memorandum)

January 22, 1954 -- The Army responds to the December 23rd request from the Assistant Secretary of the Army on the breakdown by certain categories "of 610 Army personnel listed as prisoners of war still unaccounted for by Communist Forces."

January 26, 1954 -- Again, the UNCMAC requests the NNSC to investigate charges that prisoners of war were being withheld by the Communists.

January 27, 1954 -- A Japanese repatriate from POW Camp #21 at Khabarovsk from 1950 - 1953 reports the following to the U.S. representatives in Tokyo. He states that during the period April -May, 1953, he "heard from Soviet guards, prisoners and laborers that the crew of a military plane shot down by Soviets was in Khabarovsk prison." (Source: Declassified Report No. 1835 from Air Force filed -- portions still redacted)

January 28, 1954 - The Chief of Staff of the Army instructs that a memo be prepared by the Secretary of the Army "recommending that the Secretary of Defense forthwith propose that the United States Government officially and publicly press for a Communist accounting of missing American military personnel." (Source: 28 Jan. '54 memorandum)

January 29, 1954 -- After coordinating with Army, Navy, Air Force, the Assistant Chief of Staff, G-3 proposes three courses of action to be undertaken, other than those already undertaken by the Military Armistice Commission, to gain a "Communist Accounting of Missing UNC Personnel.":

"1. Seek the release of personnel through the diplomatic efforts of the United Kingdom.
2. In the United Nations General Assembly, charge the Governments of Communist China and North Korea with a violation of the Armistice Agreement.
3. Release to the press a joint State-Defense public announcement."

Under item #1, it is noted that a disadvantage is that "to obtain the release of US personnel, the United States would almost certainly have to pay a "price". Such "price" could be acknowledgment of violations of the Manchurian borders, admission of "germ warfare", withdrawal of support for the Nationalists Government Republic of China on Formosa, admission of Red China and North Korea to the United Nations."

Under item #2, it is noted that a disadvantage is that it "would almost certainly assure that any individuals still alive would never live to return to the United States and that it would offer an opportunity to the Communists to demand in turn an accounting for 98,742 personnel on their side. Efforts to answer this demand would evoke violent protests from the ROK and the Nationlist China Governments."

Under item #3, it is noted that UNC evidence concerning the survival of 944 Americans "is based on letters written home by prisoners, prisoner of war interrogations, questioning of returnees, communist radio broadcasts, and the actual circumstances of their disappearance from UN Command control."

February 5, 1954 -- A reliable friendly foreign intelligence service reports to the U.S. information they had received from a Turkish source traveling in Central Asia. The source, who had been interrogated in Turkey, states that while at Mukden, Manchuria, he "saw several coaches full of Europeans who were also taken to the USSR. They were not Russians. Source passed the coaches several times and heard them talk in a language unknown to him." Source states that one of the coaches was full of wounded caucasians who were not speaking at all. (Source: Charity Interrogation Report No. 619 referenced in declassified cables dated 23 March 1954)

February 8, 1954 -- Secretary of the Army Robert T. Stevens sends a memorandum to the Secretary of Defense. Stevens recommends that meetings occur with the State Department to formulate plans "for the initiation of diplomatic negotiations through the offered assistance of the United Kingdom." Stevens also recommends releasing a joint State-Defense public announcement, "now held in abeyance by the Operations Coordinating Board, to reassure the families concerned and the American people that our Government is taking all feasible action in seeking an accounting for the missing servicemen listed as prisoners of war in the Korean conflict."

Following the sending of this memorandum, an informal conference is held with representatives of the three Services, Defense, and State. "It was agreed that by memorandum the State Department would describe in some detail what diplomatic actions would be initiated by the United Kingdom, and would seek Defense concurrence in such an approach."

February 23, 1954 -- Seventy wives and mothers of U.S. POW/MIAs from the Korean Conflict travel to the United Nations in New York. They are not received by either the UN General Secretary or the U.S. Ambassador to the U.N. They are told by the General Secretary's assistant, "The UN has no authority over the foreign affairs of member states."

March 5, 1954 -- In a letter to the Assistant Secretary of Defense, Frank Nash, the Assistant Secretary of State Walter Robertson states that they have no objection to the December 18, 1953 British offer to make an approach to the Chinese

Communists at Peiping to seek the return of UNC personnel who may still be in Communist custody. It is noted that there are 18 USAF personnel who have been retained whose return should be sought through diplomatic negotiations. Department of Defense concurrence in this proposal is requested. The letter further notes that the Defense Department had already signed off on an approach being undertaken by the British on behalf of 11 non-UNC Navy and Coast Guard personnel missing on January 18, 1953.

March 9, 1954 -- During a classified session of a Senate Subcommittee on Investigations of the Committee on Government Operations, the Senators are told the following by the Department of Defense concerning numbers of POWs and MIAs from the Korean War (transcript now declassified):

Colonel Trammell: (G-2 Department of Defense): "...on the 18th of January, 1954...G-2 (Army Intelligence) considered, for all services, that there were 1,012 persons where there was evidence that they were alive, that they had been alive at one time in Communist hands. Also, on that same day of those whom the Adjutant General had listed as known captured, 120 of those were not accounted for.

Senator Potter: "120 that the Adjustant General had classified -- "

Colonel Trammell: "Classified as known captured were not accounted for. In other words, both the Adjutant General and G-2 agreed that this certain number were known captured and yet in (Operation) Big Switch (August/Sept. 1953), 120 of the known captured were not accounted for...

...of those that G-2 has listed in Section 3 as having been in Communist hands alive at one time, as of the 18th of January, 892 were not accounted for. Among those we had some evidence as late as April 1953 which we consider a positive indication that the man was alive as late as that time."

Senator Potter: "As late as April 1953?"

Colonel Trammell: "As late as April 1953 we had convincing evidence that the man was alive and in Communist hands. But 892, as indicated, were not accounted for in that group. The two figures I have just given you, that is, the 120 and the 892 total the 1,012 which is the figure I started with as of January 18.

March 10, 1954 -- The Department of the Army, G-2, requests the Army CIC center at Ft. Holabird, Md. to detail six CIC type investigators for a period of two weeks to comply with a

Senate request "for the most recent information on Americans captured in Korea, and on whom the Communist forces in Korea have failed to render sufficient accounting...Senator Potter, as a subcommittee consisting of one member, is examining the basis on which the United States is demanding the return of, or accounting for, from the Communist Forces, Americans taken as prisoners of war and on whom sufficient accounting has not been rendered."
(Source: 10 March 1954 G2 Army Memorandum)

March 11, 1954 -- The G2, Department of the Army informs the Air Force that Senator Potter, Acting Chairman for a Special Study being conducted by the Senate Permanent Subcommittee on Investigations, has requested that he be furnished with "the number, by Services, of personnel still carried in a missing in action or captured status." The G-2 requests the Air Force to furnish them "with a copy of any findings and determinations of death made by your office subsequent to Operation Big Switch. These findings and determinations of death will be used to adjust the rosters prepared as a result of information previously furnished pursuant to Reference Disposition Form, file G2-CDOR dated 25 August 1953."

On the same day, the Assistant Chief of Staff, G2, is informed that "the Senate Permanent Subcommittee on Investigations is attempting to formulate a course of action to follow to effect the recovery of American personnel believed to be alive and still in Communist custody...I have requested the U.S. Air Force to furnish a roster of all persons carried as MIA or captured at the termination of "Operation Big Switch" for incorporation in a final consolidated roster from all sources of personnel who might possibly remain in Communist custody."

March 15, 1954 -- The Army CIC center complies with the March 10, 1954 request from the Army G-2 for six additional personnel to help respond to Senator Potter's request. (Source: 15 March 1954 Army CIC memorandum)

In a separate memorandum, the Acting Chief of the Returnee Section, G2, Department of the Army, mentions that "Senator Potter has requested that the figures (presented to his committee on March 9, 1954), both for officially listed as captured and personnel considered by G2 to have been under Communist control, be broken down as of 18 January 1954, by military services. Returnee section possess certain rosters enumerating American personnel in the category mentioned above. All personnel named in the "G2 Believed Captured Roster" are known to have been alive in Communist custody at some time after their having been reported missing in action. Copies of these rosters were furnished CGAFFE

immediately subsequent to the completion of Operation Big Switch. Currently, these rosters are in the process of being brought up to date, at which time, a final accounting will be made available to Senator Potter."

March 16, 1954 -- The Air Force Liaison Office in Hong Kong sends a report to the G2, USAF, in Washington. The report is filed by Colonel Delk Simpson, the Assistant Air Liaison officer who had arrived in Hong Kong for duty on November 3, 1953. The report reads, in pertinent part:

"This office has interviewed refugee source who states that he observed hundreds of prisoners of war in American uniforms being sent into Siberia in late 1951 and 1952. Observations were made at Manchouli on USSR-Manchurian border. Source observed POWs on railway station platform loading into trains for movement into Siberia. In railway restaurant source closely observed three POWs who were under guard and were conversing in English. POWs wore sleeve insignia which indicated POWs were Air Force noncommissioned officers. Source states that there were a great number of Negroes among POW shipments and also states that at no time later were any POWs observed returning from Siberia. Source does not wish to be identified for fear of reprisals against friends in Manchuria, however is willing to cooperate in answering further questions and will be available in Hong Kong for questions for the next few days."

March 17, 1954 -- The Department of the Air Force forwards to the Department of the Army a list of 18 USAF personnel "alleged to have been captured in Manchuria, and who are being retained as political prisoners. Three of these persons, identity unknown, were reported to have died." (Source: 17 March 1954 Memorandum)

The Department of the Army, G2, forwards to the Senate Permanent Sub-Committee on Investigations (Att: Senator Potter) a "breakdown by service of American Personnel Unaccounted for in Korea as of January 18, 1954:

A. Officially captured - 120 (98 Army, 18 Marines, 4 USAF)
B. Personnel Considered by G-2 to have been in Communist custody - 892 (827 Army, 1 Navy, 6 Marines, 58 USAF)

Recap for all services, Officers 85, Warrant Officers 2, Enlisted Men, 805."
(Source: 17 March 1954 Army G2 Memorandum to Senate)

March 19, 1954 -- The Deputy Secretary of Defense responds to the Secretary of the Army's February 8th memorandum on formulating plans for United Kingdom participation on securing an accounting of missing UNC personnel. In regards

to releasing a public statement on U.S. efforts to gain an accounting, "the Department of Defense and the Department of State have jointly agreed, however, that no formal press release on the subject is desirable at the present time...If the subject remains relatively quiescent in the public mind, it is not felt that a formal release will be necessary."

March 23, 1954 -- The American Consul General in Hong Kong, Julian F. Harrington, sends an updated cable to the Secretary of State, entitled, "American POWs reported en route to Siberia." The cable refers to the March 16, 1954 interview with the refugee and states, in pertinent part:

"A recently arrived Greek refugee from Manchuria has reported seeing several hundred American prisoners of war being transferred from Chinese trains to Russian trains at Manchouli near the border of Manchuria and Siberia. The POWs were seen late in 1951 and in the spring of 1952 by the informant and a Russian friend of his. The informant was interrogated on two occasions by the Assistant Air Liaison Officer and the Consulate General agrees with his evaluation of the information as probably true and the source as of unknown reliability."

Harrington concludes stating that the refugee was leaving by ship today. The reporting officer at the Embassy further states, "Source is very careful not to exaggerate information and is positive of identification of American POWs." The cables contain amplifying information on the substance of the report in great detail. (Source: 23 March 1954 cable.)

April 12, 1954 -- The Department of Defense by letter concurrs in the British proposal outlined in the State Department's March 5, 1954. They also forward to the Department of State a list of 18 USAF personnel retained by the Communists in a non-prisoner of war status. (Source: 12 April 1954 DoD letter to State with attached list.)

April 19, 1954 -- Secretary of State John Foster Dulles sends a cable to the American Embassy in Moscow instructing that the Soviets be given an Aide-Memoire from the United States on U.S. POWs having been transported into the Soviet Union. Dulles tells the U.S. Embassy that the Soviets should be told "we have reliable accounts of tranfers of POWs at Manchouli." Dulles also refers to a recent report from Hong Kong on POW transfers which "corroborates previous indications that UNC POWs might have been shipped to Siberia during Korean hostilities." Finally, Dulles notes that the Department of State had just accepted a British offer to make representations in Red China to gain the release of POWs. (Source: declassified cable dated April 19, 1954)

April 22, 1954 -- In a memorandum, the Commander in Chief of the United Nations Command states, "Senior Member UNCMAC is of opinion Communist Contingent Geneva will demand an account for 98,742 alleged Communist POWs. Recommend immediate account by category and number if questions raised, with reasons for objecting to account by name; that is, fear of reprisals against families, pressures against subject individual, and so forth. Believe such an accounting will have maximum propaganda and psychological value for UNC, will be disconcerting to Communists and might jeopardize additional Communist preparing statements for Geneva use. Also recommend U.S. follow up by demanding accounting for or release of 3,405 UNC POWs...This office concurrs in the UNCMAC recommendation.

April 29, 1954 -- In a memorandum to the Assistant Secretary of the Army from the Assistant Chief of Staff, G-1, Major General Robert Young states, "unconfirmed reports received by G-2 indicate the possibility that some American personnel may still be in the hands of the Communist Forces. However, no positive individual identification has been established and the reports are lacking confirmation."

The memorandum further states that the Department of the Army, under the provisions of Public Law 490, "has placed 618 soldiers, known to have been in enemy hands and unaccounted for by the Communist Forces in the following categories -- 313 - Finding of Death (Administratively determined), 275 - report of death, 21 - dishonorable discharge, 4 - under investigation (missing in action for less than one year), 3 = under investigation, prognosis undecided, missing in action for over one year."

General Young states, "Efforts by the U.S. to negotiate for the return or information relative to these personnel have been hampered by Communist forces' claims that we have not properly accounted for 98,742 POWs allegedly held by the United Nations Command."

General Young concludes his memorandum stating:

"The intelligence agencies are making an intensive effort through world-wide information systems to obtain reports on missing personnel that may still be in Communist hands. A plan has been formed by use of clandestine systems to obtain recovery of one or more such persons to establish the case beyond doubt before the world that such persons are being held."

"It is the established position of the Army to obtain the return of any UNC personnel which may remain in Communist control and all feasible efforts will be taken to accomplish

this result."

May 5, 1954 -- A diplomatic message is delivered to the USSR by the U.S. Embassy in Moscow per instructions by the Secretary of State. The message reads, in pertinent part,

"The United States Government has recently received reports which support earlier indications that American prisoners of war who had seen action in Korea have been transported to the Union of Soviet Socialist Republics and that they are now in Soviet custody. The United States desires to receive urgently all information available to the Soviet Government concerning these American personnel and to arrange for their repatriation at the earliest possible time." (Source: declassified cable.)

The Defense Department participates in preparing a summary showing 944 U.S. military personnel "presumed to be in Communist custody" and for whom "the United Nations Command has not received a satisfactory accounting." The summary also lists the names of 18 USAF personnel for whom "the United States has reason to believe are being held by Communist China." Finally, the memorandum lists 11 U.S. military personnel downed on January 18, 1953 in the South China Sea, and for whom "the United States has reason to believe that they may be in Communist custody." (Source: 5 May 1954 Summary prepared in Geneva with Defense Department participation.)

May 11, 1954 -- At the UN Geneva Conference, the U.S. delegation to the conference, headed by Ambassador Johnson, holds a meeting with representatives of the International Committee of the Red Cross. Ambassador Johnson explains to the Red Cross the Korean War casualties on the U.S. side -- 23,196 killed in action, 105,871 wounded in action (of this figure, 2,495 subsequently died of wounds), 13,108 missing in action. Of the 13,108 U.S. military personnel listed as missing in action, 5,131 had returned to military control, 7,956 were missing, and 21 "refused repatriation." The May 5, 1954 is attached to the memorandum of conversation of this meeting showing 944 United States "Prisoners of War."

During the meeting, the Red Cross officials ask "whether we knew why these 944 were being retained, although so many others had been repatriated through the Military Armistice Commission. We replied that this might be the result of slipshod personnel reports to the Communist Command (who perhaps were unaware of all those under their control) or a desire to retain those individuals whose technical knowledge might be valuable to the Communist war potential, or who might continue to have some propaganda value to the Communist cause."

(Source: Department of Defense Memorandum of Conversation dated May 11, 1954)

May 13, 1954 -- The Soviet Union responds to the May 5, 1954 US diplomatic message on POWs stating:

"The assertions in the note of the United States Government that American war prisoners, participants in military action in Korea, have been transferred to the Soviet Union and are at the present time maintained under Soviet guard are without any kind of basis and are clearly invented, as there are not and have not been any such persons in the Soviet Union."

(Source: New York Times article, May 13, 1954)

May 17, 1954 --The Department of the Army, G-2, in a memorandum for the record, states:

"This letter complies with the request by Senator Potter that he be provided with new statistics approximately six weeks subsequent to the hearing. The listing in paragraph 2.b., is composed of those US personnel, identified through the use of their names in broadcasts and propaganda or whose names appeared on the return address of POW mail, who are considered to have been admittedly held by the Communists. In addition the Communists have not declared these individuals as dead and no witnesses to their deaths have been uncovered. These revised statistics, when compared with the official casualty figures based on the original UNC request for accounting of 944 (618 Army) reveal only minor difference in total numbers."

"General Powell of G-1 has discussed the subject of the two lists, the Adjutant General Casualty Roster and the G-2 intelligence roster, with General Wieble and (Assistant Secretary of the Army Hugh Milton) Mr. Milton. In the event the G-2 statistics are publicized in an attempt to show that G-2 and the Adjutant General are not in agreement, it may place the Army in an unfavorable position temporarily from a public relations standpoint. G-2, G-1, and the Adjutant General have been working together on this matter, and it is believed that any misrepresentation of the G-2 statistics can be quickly refuted. It must be pointed out that the Returnee Section does not possess any information which indicates any Army individual believed to have been in Communist custody, is alive today."

"It should be noted, however, that this office has on file seven reports which indicate that there still may be Americans in Communist custody."
(Source: 17 May 1954 Army Memorandum)

May 25, 1954 -- In a memorandum to Senator Potter from the Department of the Army, "currently adjusted statistics of American personnel which G2 believes to have been in Communist custody at one time" are forwarded to the Senate subcommittee. The memorandum provides the following new breakdown of the 1,012 personnel provided to the Committee on March 17, 1954 --

"Personnel accounted for by US reports of known deaths, return to military control, and dishonorable discharge (21): -- 601.
Personnel accounted for by US administrative presumptive findings of death: -- 393
Alleged diplomatic prisoners: 18 (furnished by Air Force_)
Total: 1,012"

The memo further states, "Even though a presumptive finding of death, an administrative determination, was made under the authority of the Missing Persons Act, a basis exists for believing that 393 US personnel were at one time in the hands of the opposing forces and are, therefore, maintained by this office as active cases until a more conclusive accounting can be obtained."

July, 1954 -- The U.S. Air Force initiates "Project American", a secret project of the 6004 Air Intelligence Service Squadron and the 6002 Air Intelligence Service Group at Shiroi Air Base, Japan. The purpose of the project is "carrying out extensive research with regard to USAF personnel unaccounted for after the Korean conflict." The 1957 Historical Report of the Squadron (then classified) states:

"Through information collected from repatriated U.S. and U.N. prisoners of war, Japanese repatriates, foreign refugees, and numerous intelligence reports, a strong possibility emerged that a large number of the personnel listed as missing in action may still be alive and interned in Communist prison camps. The objective of this project is to investigate the identification of as many of these men as possible. This objective is to be accomplished by the exploitation of all possible documentary and human sources." (Source: declassified Semi-Annual Historical Report, 6004 Air Intelligence Service Squadron. #1)

July 29, 1954 -- The Senate Permanent Subcommittee on Investigations sends a letter to Department of Defense asking for a breakdown of U.S. personnel held in Iron-Curtain countries.

August 17, 1954 -- The United Nations Command and the Communists agree at Panmunjom to an "Understanding" on the delivery and return of remains.

(Source: UNCMAC Point Paper dated 4 January 1988)

August 18, 1954 -- An Army memorandum, in anticipated response to the Senate subcommittee's July 29, 1954 request, states that the Adjutant General of the Army has submitted a list of 526 names. The memo also lists 18 Army personnel who were held in Manchuria as prisoners of the Chinese and North Korean Communists, and later repatriated.

The memo states:

"While there is reason to believe that these persons were, at one time, alive and in the hands of the Communist Forces in Korea, there is no positive evidence that any of them are alive as of this date..."

"Of the reports received to date on material provided by repatriated Japanese prisoners of war, there have been nine (9) nebulous, inconclusive references to United States personnel; however, in no case was a name remembered nor any other information furnished which could be considered positive for identification purposes..."

"Some information concerning American servicemen who were taken into China after having been captured in the Korean conflict has been received from intelligence sources other than the military."

September, 1954 -- The United Nations Military Armistice Commission and the Communists conclude negotiations regarding the recovery of deceased servicemen who were interred in territory under the control of the opposing forces. The Communists turn over approximately 4,023 United Nations deceased personnel, including 1,869 alleged remains of U.S. servicemen. The exchange takes place at the Demilitarized Zone. The U.S. later states that not all of the remains of U.S. servicemen actually interred in the North were turned over.
(Source: 16 January 1956 Army Memorandum, 16 November 1954 Army letter, October 1987 Defense Department Memorandum)

October 30, 1954 -- The United Nations Command and the Communists agree to terminate the August 17, 1954 "Understanding" on the return of remains, but to keep in effect Paragraph 20 of the Understanding, which provides that any remains discovered subsequent to the termination of the agreement would be returned through the Military Armistice Commission (MAC) Secretaries. North Korea interprets this to mean that "the MAC is not competent or obligated to deal with searching for remains, but that any remains discovered by chance will be returned through the MAC secretaries in accordance with Paragraph 20 of the Understanding."

(Source: 4 January 1988 UNCMAC Point Paper)

November 16, 1954 -- The next of kin of a missing servicemen is informed by the Department of the Army that the remains turned over by the Communists in September "have been evacuated to our scientifically equipped laboratories at Camp Kokura, Kyushu, Japan, for examinations by professional anthropologists and identification specialists...this task may be quite time-consuming."

January 12, 1955 -- John Noble, an American, is released from a Soviet prison camp after getting word to the United States of his existence, via a postcard to Switzerland sent by an inmate. He reports that while he was in prison at Putma, Irkatak, and Taichet, he is told by various German prisoners about American officers and enlisted men, who were captured in Korea, who were then in the Soviet prison system. (Source: declassified State Dept. January 1955 cable)

Noble also reports being told by a German Yugoslav living in the Soviet Union that he had seen 8 American fliers who had been shot down over the Baltic Sea and "picked up by a Soviet Coast Guard vessel." Noble states he is told by the German Yugoslav that the plane was shot down in 1950, which correlates the information to the April 8, 1950 shootdown. (13 January 1955 declassified Berlin communication 421)

The State Department reports that, according to the source, "the fliers stated that they feared being lost or hidden in USSR because the Soviet authorities had reported that they had been killed by being shot down, by the crash...they were on their way to the north or had just arrived in Vorkuta as of June 30, 1954."
(Source: State Department Berlin Communication 12 January 1955 declassified.)

The State Department reports information from a German POW who had been imprisoned in the Soviet Union that 9 American fliers from Korea were at Kirov, in the Soviet Union.
(Source: declassifed State Dept. Berlin communication 420 12 January 1955, No.4-32)

May 31, 1955 -- Fifteen mothers of U.S. POW/MIAs return their son's medals to President Eisenhower, stating, "Our sons want your loyalty, not your medals."

June 8, 1955 -- The Chief of Special Operations, Office of the Secretary of Defense, prepared a memorandum concerning the "recovery of unrepatriated prisoners of war."

The memorandum concludes:

"We have been unable under existing national policy considerations, to bring about an accounting by the Commies on the original 944 list. With regard to the "political prisoners" (15 USAF personnel held in Manchuria), diplomatic and political pressure must be credited with effecting partial release, but only in the context of an emerging Chinese Communist strategy of making a play for world public opinion to gain political objectives vis-a-vis the U.S."

"Various alternate courses of action have been developed by the military. They have never been implemented because of a Presidential decision, publicly announced, that "all peaceful means" must be exhausted before any other course would be considered. Most often mentioned alternate courses have been in the general field of sea and air blockade of the China Coast or U.S. supported retaliatory measures by the Chinese nationalists against the mainland. Current Joint Chiefs of Staff recommendations (which could be characterized as "stand-by" alternatives) are on file in JCS and SecDef offices."
(Source: 17 June 1955 declassified Defense Dept. memorandum)

June 17, 1955 -- The Defense Advisory Committee on Prisoners of War meets to discuss the June 8, 1955 memorandum from the Office of Special Operations. (The results of this meeting are not known.)
(Source: 17 June 1955 declassified Defense Dept. memorandum)

June 28, 1955 -- A U.S. Special Agent for Army Intelligence 441st Counter Intelligence Corps files a report entitled "United States Nationals Held As Prisoners of War in China." The report lists six (6) accounts of observations of POWs in various locations in China, to include An Tung, Shen Yang, a Peiping penitentiary, Hsi Hua Farm, Ts'ao T'an Farm, and a Tai Yuan Machine Factory in Shanhsi Province.
(Source: declassifed Army Special Agent report.)

June, 1955 -- The list of 526 unaccounted for POWs from the Korean Conflict is reduced by this date to 450. (Source: 1960 JCS Cable)

July 25, 1955 -- An 82 page report on POWs is issued by a ten-member committee of the Secretary of Defense. The panel consists of four generals and one admiral. The report is entitled, "The Fight Continues After the Battle." The report applies a survival ratio of 62 percent to 4,735 American servicemen who have been declared "missing and presumed dead." The report concludes that the Communists should be held "strictly accountable" for (then) 470 Americans still missing."

July, 1955 -- Three of the 21 "voluntary non-repatriates" are

returned to U.S. control. (Cowart, Griggs, and Bell)

August 1, 1955 -- The Department of the Air Force 6004 Air Intelligence Service Squadron, responsible for Project American begun in July, 1954, prepares a report entitled "USAF Personnel Possibly Alive in Communist Hands." The report begins, "This report, prepared by the Escape and Evasion Section 6004th is a summary of information collected on USAF personnel 'missing in action' during the Korean hostilities." The report "lists 137 personnel who may be alive in communist prison camps." The report states that "it does not include 'possibly missing' personnel." (Source: Declassified August 1, 1955 report, including list of names and intelligence information.)

August 1-4, 1955 -- The remainder of the 15 USAF "political prisoners" are released. This includes, USAF serviceman Steve Kiba who reports to Air Force Intelligence, CIA, and the State Department, that he had seen other U.S. servicemen alive in captivity who had not been returned. (Kiba later reports that he "was ordered to forget what I had seen...and to never discuss this matter with anyone." (Source: Statement by Steve Kiba, November 4, 1978)

August 17, 1955 -- President Dwight Eisenhower signs an Executive Order committing all facilities of our Government to "establish contact with, support and obtain the release of all of our prisoners of war." (Source: 27 October 1956 declassified memorandum signed by Deputy Secretary of Defense.)

November 26, 1955 -- The United Nations Command representative to the Military Armistice Commission passes a list to the Communists of unaccounted for UNC POWs.

January 16, 1956 -- The Department of the Army in a notice to the next of kin of a U.S. POW states, "Available evidence indicates that many of the casualties which are carried on the records of the Department of Defense as missing in action in South Korea were actually captured and transported to North Korea where they subsequently died; however, specific information is lacking as to the number, identity or circumstances surrounding their disappearance." (Source: 16 January 1956 Army Board of Officers Memorandum on Sfc Lewis W. Sowles.)

February 25, 1956 -- The Communists, during a Military Armistice Commission meeting at Panmunjom, Korea, gives an accounting of some of the individuals on the UNC lists which had been passed on November 26, 1955. According to the United Nations Command, "final revisions result in a United Nations Command list of 2,233 unaccounted for POWs."

April 28, 1956 -- General Mark Clark, former Commander in Chief of the United Nations Command in Korea, states to the New York Times that three thousand United Nations soldiers captured in Korea, including 1,000 Americans, are being held as hostages by the Communists. These prisoners will be used to bargain with us at some future time -- perhaps to get a seat for Red China in the United Nations. (Source: New York Times, April 28, 1956)

May 29, 1956 -- The Assistant to the Secretary of Defense (Special Operations) sends a memorandum to the Service Secretaries stating, "...it has become apparent that only in those instances where solid evidence of the identity and location of U.S. personnel is displayed, can the Communists be made to negotiate on a practical basis...In order to strengthen the hand of the State Department representatives at Geneva as well as our military representatives at Panmunjom, it is requested that an attempt be made by your Department to consolidate any and all information now on hand and to prepare an intelligence estimate in each of the cases representing missing personnel from your services." The consolidated estimates are requested by July 1, 1956. (Source: 29 May 1956 Defense Department memorandum)

June 20, 1956 -- State Department reports that a crew member of the B-29 downed over the Sea of Japan on June 13, 1952 had been observed in October, 1953 in a Soviet hospital north of Magadan near the crossing of the Kolyia River between Elgen and Debin at a place called Narionburg." The crew member reportedly had stated that he had been convicted wrongfully under Item 6 of Article 58 of the Soviet Penal Code.

Secretary of State Dulles sends a cable to U.S. Embasssies in Moscow and Tokyo concerning whether it was "desirable at this time to question the Soviet Government specifically with reference to the detention of American fliers whose presence has been reported by repatriates from Soviet prison camps."

Dulles further states, "There have been reports mentioned in the communications under reference, from American, Japanese, and other sources indicating specifically the detention of American aviation personnel since 1949 and the possibility that among them are included air crew members of such lost or destroyed aircraft."

Dulles recommends an Aide-Memoire be presented to the Soviets stating:

"The United States Government has for some time received, from persons of various nationalities freed from Soviet Government imprisonment during the last several years,

reports that they have conversed with, seen or heard reports concerning United States military aviation personnel, belonging either to the United States Air Force or to the United States Navy Air arm, in actual detention in the Soviet Union...the reports concerning such personnel have now become so persistent and detailed, and so credible, that...it requests the Soviet Government to inform the United States Government in detail concerning each American military person who has been detained."

July 2, 1956 -- The Department of the Army responds to the May 29, 1956 memorandum and encloses "Data Sheets" on 188 U.S. Army personnel listed as "missing." It is stated that the data sheets are maintained by the Adjutant General and that "the information reflected therein is based on interviews of various personnel returned to military control, enemy and domestic news publications, enemy radio broadcasts, command reports, photographs, etc." (The names of 188 personnel are attached to the memorandum) (Source: 2 July 1956 Memorandum containing listing of 188 Army names.)

July 16, 1956 -- The U.S. formally presents to the Soviets the Aide-Memoire proposed by Secretary of State Dulles on June 20th concerning the presence of American POWs in the Soviet Union. The diplomatic note goes on to cite specific examples, stating "the United States Government is informed and is compelled to believe that the Soviet Government has had and continue to have under detention the following:

1. One or more members of the crew of a United States Navy Privateer-type aircraft which came down in the Baltic Sea area on April 8, 1950. The United States Government has since that time received reports that various members of the crew of this U.S. aircraft were, and are, detained in Soviet detention places in the Far Eastern area of the Soviet Union.

2. One of more members of the crew of a United States Air Force B-29 which came down on June 13, 1952. An officer, believed by the United States Government to have been a member of this crew was observed in October, 1953, in a Soviet hospital north of Magadan near the crossing of the Kolyma iver between Elgen and Debin at a place called Narionburg. This officer stated that he had been wrongfully convicted under Item 6 of Article 58 of the Soviet Penal Code."

August 13, 1956 -- The Soviet Government, in response to the July 16th U.S. message, categorically denies holding any United States military peronnel.

August 21, 1956 -- State Department dispatch from Vienna,

Austria, details information from a returned Austrian prisoner of war concerning an American POW named Lt. Racek, who "had been a lieutenant of armored troops in Korea, where he was captured." The Austrian source reports that Lt. Racek was held with him in Prison #2, Irkutsk, and subsequently in Lubyanka Prison in Moscow. The U.S. Embassy in Vienna reports, "Source did appear sincere in his desire to help Racek and he was altogether positive in his information."
(Source: State Department declassified cable 21 Aug.56)

October 13, 1956 -- W.C. Daniel, National Commander of The American Legion, sends a telegram to President Dwight Eisenhower, expressing concern about U.S. POWs.

October 19, 1956 -- President Eisenhower responds to The American Legion stating that "all American servicemen known to be held prisoner by the Communists in Korea were released by September 6, 1953 (the last day of Operation Big Switch.)"

"There remained 15 USAF personnel who had been illegally retained in Communist China, in violation of the Korean armistice agreement. Through invoking the good offices of the United Nations and the assistance of friendly countries, we secured the return of these men to their homes in 1955."

"Still of concern to the United States government is a group of several hundred missing military personnel feared dead of whose exact fate we have reason to believe the Communists should have knowledge. We havd never ceased to press the Communists, through both military and diplomatic channels, for an accounting of these men."

(Source: 19 October 1956 White House Communications Center copy of message from Eisenhower to Daniel)

October 27, 1956 -- Deputy Secretary of Defense Reuben Robertson sends a memorandum to the Service Secretaries requesting "that you initiate a program to screen exhaustively all files and records on each case in order to provide as completely as possible the identifying data about each person, a complete account of the circumstances surrounding his capture or disappearance, and any evidence which will demonstrate when and where the individual was in the hands of the Communists." Robertson requests that an initial report be prepared no later than 1 December 1956 and quarterly thereafter until further notice.
(Souce: 27 October 1956 declassified memorandum.)

November 27, 1956 -- On behalf of the Department of the Army, Assistant Secretary of the Army Hugh Milton responds to the October 27, 1956 memorandum from the Deputy Secretary of

Defense. Milton writes, "a program has been initiated to screen all files and records and to document all information available concerning each of the men believed to have been captured in Korea and for whom no satisfactory accounting has currently been obtained." Milton encloses three summaries concerning Corporal Richard G. Desautels, Private First Class Archie Walker, and Private Frank Worley, and states "further reports will be forwarded quarterly hereafter."
(Source: 27 November 1956 Army memorandum)

January 22, 1957 -- Rear Admiral Ira Nunn at Panmunjom states to wire services, "I am sure some of these prisoners are still alive. Today's meeting (with the Communists) was called in the hope we will obtain further information on these unaccounted for prisoners we believe are alive. Also, the meeting would give some comfort to the families."

May 27, 1957 -- The Far East and Pacific Subcommittee of the House Foreign Affairs Committee holds a hearing on American prisoners of war.

The Deputy Assistant Secretary of Defense (Manpower, Personnel, and Reserve), Stephen S. Jackson, states:

"Shortly after the official exchange of POWs had been completed in September of 1953 officials of the U.N. Command handed the Communist side a list of 3,404 names of missing U.N. Command personnel, including the names of 944 United States servicemen of whom we had reason to believe the Communists should have some knowledge...Our belief that the Communists should have knowledge of the individuals was based upon several sources of information:"

"First, interviews with repatriated personnel who stated that had seen certain named individuals who had not been repatriated, who had not otherwise been accounted for, and who had been alive and in Communist hands; secondly, Communist radio broadcasts giving the names of certain U.N. Command personnel and admitting that they were under Communist control; thirdly, propaganda pictures in our possession which had been taken by the Communists and circulated for propaganda purposes showing American military personnel on forced marches taking part in parades in Comomunist-held cities, undoubtedly against their will; fourthly, mail which had been written by POWs to their friends and relatives in the United States attesting to teh fact that they were in a POW status; fifthly, air crews who had seen our airmen parachute from disabled aircriaft and, after safe landings, surrounded enemy forces or civilians. In addition, other intelligence reporting supported our contentions."

"The point I am trying to make here is that there is considerable circumstantial evidence from which to draw the conclusion that these individuals were alive and under Communist control in relatively stable situations, removed from battle, and at periods ranging from several days to many months after they had become missing in action from their own U.N. Command units."

"The efforts of the United States Government to get the Communists to fulfill their commitments (under the Korean Armistice Agreement) have been continuous, persistent, frustrating, and largely unrewarding...In addition to efforts to secure an accounting (by the Communists) through the Military Armistice Commission, the graves registration units of the U.N. Command continued their investigations, the Military Services continued the sifting of thousands of reports, interviews with returned POWs, and the interrogation of friendly sources of Korean and other nationalities, attempting to piece together all available information which would throw light on the fate of the missing."

"Through the unilateral efforts of the United States Government, which I have just mentioned, the list of 944 had been reduced to 526 by August, 1954. This reduction came about because the efforts we had made produced conclusive evidence of death for 418 of the original list."

(Note: The Committee subsequently releases the names of 450 unaccounted for American prisoners of war, and by resolution of the House and Senate, calls on the Executive Branch to "make the return of the four hundred and fifty American prisoners of war still imprisoned by Communist forces the foremost objective of the foreign policy of the United States." H.Con.Res.140 introduced in March, 1957)

October 15, 1957 -- The American Consulate in Strasbourg, France receives information from a Polish National who had been held as a prisoner in the Russian concentration camp of Bulun, in the province of Yakutak. The source reports having been held with three American soldiers who had been captured during the Korean War. (Source: State Department declassified cable dated 21 October 1957)

February 28, 1958 -- The Director of Collection and Assistant Chief of Staff, Intelligence, Department of the Air Force, Colonel Harry J. Kieling, sends a memorandum to the Commander in Chief of Pacific Air Forces, Att: Director of Intelligence, entitled "Collection Requirements Pertaining to American Prisoners Held in Communist Countries."

Kieling forwards "dossiers of 187 missing USAF personnel for

your retention."

Kieling requests CINCPAF to prepare, on a one-time basis, a status report on Project American and to continue to maintain and update this program consistent with USAF objectives in recovering personnel.

July 1 - December 31, 1958 -- The U.S. Air Force, 6004 Air Intelligence Service Squadron in Japan formulates plan to "expand theatre collection efforts" on Project American. Discussions are held with Lt. Colonel Showalter, J-2, USFJ. The Squadron reports, "it is hoped that these plans may be implemented in the near future."

July 7, 1958 -- The United Nations Command passes the list of unaccounted for POWs to the Communist side at Panmunjom, asking for an accounting.

July 9, 1958 -- In a letter to Senator Knowland from the Office of the Secretary of Defense, it is stated:

"At the present time, there are approximately 450 American military personnel on whom the Department of Defense has information which indicates that they were at one time in the hands of the Communists and for whom we have not received a satisfactory accounting."

January 29, 1959 -- The United Nations Command to the Military Armistice Commission at Panmunjom inquires to the Communist side on the list of unaccounted for UNC POWs.

April 28, 1959 -- North Korean Major General Chu Chang Joon states, "We did our duty of counting your prisoners satisfactorily. The issue is all settled as far as our part is concerned."

April 29, 1959 -- President Dwight Eisenhower, at a press conference, states in response to a question on the number of POWs unaccounted for and efforts to recover them, "Now, I recall from memory that there were a great number of people that we couldn't account for, and we have had long, serious and even continuing discussions with the Chinese Communists, trying to make them disclose where our prisoners were held...We have gotten back a few and there are still some left there...but the details we would have to look up for you, and you could get them from Mr. Hagerty (White House Press Secretary James C. Hagerty.)

Hagerty later states, "I think I can add...the chances are they are not alive, but there may be some. We just don't

know. It is because of those who may survive that we cannot give up any hope."

(Source: Public Papers of the President, No.89 p.88)

October, 1959 -- In an interview with Pulitzer Prize Newhouse Newspaper reporter Ed Mowery, the former chief of intelligence (G-2) of the Far East Command under General Douglas MacAuthur, states, "I suggest that the assumption of presumption of death (on unaccounted for POW/MIAs) in this instance is a unilateral act by our own (Pentagon) statisticians. The Defense Department, administratively, has eliminated them from an accounting. Why not presume them alive?"

June 24, 1960 -- The United Nations Command representative to the Military Armistice Commission passes the list of unaccounted for POWs to the Communist side.

July 28, 1960 -- The Joint Chiefs of Staff reduces the list of 450 unaccounted for POWs from the Korean War (earlier reduced from 944) to 391 "largely through the efforts of U.S. Graves Registration Units and the US intelligence agencies, working with little or no cooperation or assistance form the North Koreans or Chinese Communists." The JCS states that "definite evidence of death has been established (in reducing the number) through the continuing efforts of the military services to establish the facts in each individual case."

In a public release by the Department of the Defense, it is stated:

"Although the possibility cannot be completely foreclosed that some few of them (the 391) might still be alive, there are no reliable facts to support such a conclusion."

(Source: Joint Chiefs of Staff cable dated 28 July 1960)

1961 -- A Chinese defector, Wu Shu-jen claims to have seen 70-80 Americans at a machine tools factory in Tsingtao, China (Shantung province). He claims that a factory official told him they were American POWs. (Source: testimony before the House Committee on Internal Security.)

January 16, 1961 -- The Department of the Air Force Manual No. 200-25, in an Official Use Only document, provides data information "on each of the 187 Air Force officers and airmen still missing in action as a result of the Korean conflict. It is provided for use by intelligence personnel of the United States and its allies in acquiring additional information regarding their fate."

October 11, 1961 -- President John F. Kennedy, in response to a question about the prospect of talks with the Chinese Communists, states, "We have been meeting periodically for the past three or four years, for a period at Geneva and most recently at Warsaw, in which we talked about the exchange of prisoners, or rather the release of prisoners..."

December 2, 1961 -- The Saturday Evening Post Magazine reports that the prisoners referred to by President Kennedy on October 11th are "presumably the American servicemen who were captured by the Chinese Communists during the Korean War and for whom the Communists have never made any adequate accounting. Although the State Department takes the attitude that the majority of these men are presumed dead, while "some few of them might still be alive", it is apparent that some of them at least are still considered a matter for negotiation, and that the Chinese Communists regard them as pawns in the game of power politics. If we surrender on (the question of recognizing) Formosa, it is implied, the Communists might talk about prisoners. Of course, these men may be dead but, unless many have been shot, it is hard to believe that all of them -- young men in the prime of life -- have succumbed."

January 16, 1962 -- The United Nations Command representative to the Military Armistice Commission passes the list of unaccounted for UNC POWs to the Communist side at Panmunjom, Korea.

February 5, 1962 -- A Miami News article refers to POW information from a Russian MVD intelligence officer who defected to the West in Tokyo in 1954. The agent is reported to have stated the officials in the Soviet Embassy in Tokyo had reported to him that U.S. POWs from Korea had been taken to Russia. (Note: The defector, Uri Rastvorov, was interviewed by Colonel Philip Corso in the mid-1950s)

June 4, 1962 -- U.S. Senator Thomas J. Dodd is informed by letter from the Department of State that they have a "classified list of United States citizens imprisoned in Communist countries." The State Department writes that "this is a matter of considerable sensitivity."

February 23, 1963 -- The United Nations Command representative to the Military Armistice Commission passes the list of unaccounted for UNC POWs to the Communist side at Panmunjom, Korea.

August 11, 1964 -- The list of unaccounted for UNC POWs is again passed to the Communist side at Panmunjom.

June 4, 1965 -- The list is again referred to during a MAC meeting with the Communist side.

October 11, 1966 -- The list is again referred to during a MAC meeting with the Communist side.

1967 -- Chinese defector, Wu Shu-jen, claims to have seen Americans again at a factory in Qingdao, China.

November 7, 1967 -- The list of unaccounted for UNC POWs is again referred to during a MAC meeting with the Communist side at Panmunjom, Korea.

January 23, 1968 -- The U.S. Navy reconnaissance ship Pueblo is captured by the North Koreans off the North Korean East Coast with a crew of 73 persons on board. Negotiations lead to the subsequent release of the crew.

August, 1968 -- A North Korean defector claims to have seen two American POWs on the outskirts of P'yongyang, and is reportedly told that there were 10 American pilots at this location that had been sent to North Korea during the Vietnam Conflict.

The defector is debriefed by U.S. and South Korean sources in 1980 in Seoul.

(In March, 1992, the Department of Defense refuses to honor a Select Committee request for access to the source, without compromising his identity. - Source: 9 March 1992 meeting between Chuck Wells of Defense, Staff Director Frances Zwenig, and Deputy Staff Director Dino Carluccio, subsequent March 1992 Defense Department letter to Senator Kerry/Smith)

May 26, 1969 -- The United Nations Command Senior Member sends a letter to his Communist counterpart requesting information on unaccounted for UNC POWs.

April 10, 1970 -- The United Nations Command Senior Member sends a letter to his Communist counterpart requesting information on unaccounted for UNC POWs.

April 16, 1971 -- Another letter is sent to the Communist side by the UNC requesting an accounting.

May 5, 1971 -- The Communist side at Panmunjom responds to the 16 April UNC request stating that they had "repatriated all prisoners to the UNC side" and that the United Nations Command "must return" North Korean POWs.

April 25, 1972 -- The United Nations Command sends a letter to the Communist side requesting information concerning

unaccounted for UNC POWs.

May 26, 1972 -- The Communist side responds stating that the UNC must return all North Korean POWs and that all UNC prisoners had been repatriated.

February 1, 1973 -- At a Senate hearing by the Judiciary Committee, investigating internal security laws, a former Soviet prisoner, Avraham Shifrin, testifies that he was in a concentration slave-labor camp near Kazakhstan from 1953 to 1963. He states, "First, I must ask you to excuse my English, because I cannot speak like you. I learned my English in concentration camps and my first teachers were kidnapped American officers."

May 31, 1973 -- The United Nations Command requests an accounting of POWs from the Communists at Panmunjom.

June 18, 1973 -- The Communist side at Panmunjom provides reply similar to previous years.

May 17, 1974 -- Accounting requested by UNC side.

May 28, 1974 -- The Communists provides reply similar to previous years.

1975 -- A Romanian POW since 1945, George Risiou, escapes from the Soviet Union with five others. He reports 900 American POWs still held in a secret KGB prison camp. He states that Soviet authorities had assigned Russian names to American, English, French, and other POWs there, for deniability. (Source: John Brown, 2 December 1990 Sunday Oregonian.)

While speaking with a staff member of a communist embassy based in Algiers, Reverend Paul Linstrom of Illinois reports being told that nine U.S. crewmen from a plane shot down in the Sea of Japan in 1953 were seen in August, 1973 in a Soviet slave-labor camp at Gandala. (Source: Los Angeles Times, July 8, 1990)

According to a 3/8/92 Associated Press account filed in Seoul, U.S. officials from Seoul and Washington meet in 1975 in Hawaii to plan a possible prisoner release through North Korea of Vietnam Conflict U.S. POWs. The Associated Press cites "a reliable source who attended the talks."

June 19, 1975 -- The UNC requests an accounting at Panmunjom.

June 28, 1975 -- The Communists reply similar to that of previous years.

November 2, 1975 -- In reference to the Baltic sea shootdown of a U.S. aircraft and subsequent reports that some of the crew were captured and held in Soviet prisons, the U.S. Government states they "have no reason to believe reports that 8 of the 10 crewmen were prisoners in Soviet camps." (Source: International Herald Tribune article.)

July 2, 1976 -- The UNC requests an accounting at Panmunjom.

July 12, 1976 -- The Communists reply similar to that of previous years.

August 17, 1977 -- The UNC requests an accounting at Panmunjom.

August 22, 1977 -- The Communists reply similar to that of previous years.

August 17, 1978 -- The UNC requests an accounting at Panmunjom.

August 24, 1978 -- The Communists reply similar to that of previous years.

June 20, 1979 -- A cable to the Secretary of State from the U.S. Embassy in Seoul discusses the annual submission to the Communists by the United Nations Command Military Armistice Commission of the list of unaccounted for American POWs. The cable states:

"We are aware that UNC attempted in 1971 to terminate annual submission of letters but was instructed by Defense to continue with the ritual. Although there may be lingering bureaucratic reasons for perpetuating the submission of these letters, we think it is time to stop."

August 20, 1979 -- The United Nations Command sends a letter to the Communist side at Panmunjom requesting information on unaccounted for UNC POWs.

August 29, 1979 -- The Communist side refer to their previous letters.

October, 1979 -- Romanian design engineer Serban Oprica claims to have seen in 1979 11 caucasians working on a collective farm north of Pyongyang while in North Korea on a bus tour. He is told that they were "American prisoners, prisoners of war in North Korea."

Rev. Paul Lindstrom meets with a Soviet dissident who served time in Gandala prison. Lindstrom states, "He told me that at Gandala he had spoken to two American men from the downed flight (over the Sea of Japan in 1953) as recently as 1975." (Source: Los Angeles Times, July 8, 1990)

August 8, 1980 -- The UNC sends letter to Communist side requesting information concerning unaccounted for UNC POWs.

August 13, 1980 -- Communist side refers to their previous letters.

September 3, 1981 -- The UNC sends letter to Communist side requesting information concerning unaccounted for UNC POWs.

September 17, 1981 -- The Communist side refer to their previous letters.

August 11, 1982 -- The UNC sends letter to Communist side requesting information concerning unaccounted for UNC POWs.

August 17, 1982 -- The Communist side refer to their previous letters.

November, 1982 -- In reference to the court case of Private Roger Dumas, captured during the Korean Conflict, a USG memorandum to the Office of the Secretary of the Army states, "We are in agreement that every effort to keep this matter out of the public eye should be made. It is clear from your memo that you wish no additional information be provided to the Justice Department. Your course of action seems appropriate."

December 21, 1982 -- The United Nations Command Senior Member requests the Communist side to conduct a search of the burial sites of UNC POWs at UNC POW Camp No. 5 for possible UNC remains and passes a map depicting the burial site. The Communist side ignores the request.

July 23-26, 1983 -- The status of Army private Roger Dumas, captured during the Korean Conflict, is the subject of a trial at the Federal District Court in Connecticut. After three days of hearings, the judge orders the Army to grant Dumas' brother a full hearing on the matter. As a result, in 1984, the status of Roger Dumas is changed from MIA to POW for the period 4 November 1950 until 26 February 1954. The presumptive finding of death dated 26 February 1954 is affirmed by the Adjutant General of the Department of the Army.

August 17, 1983 -- The UNC Senior Member requests the Communist side for information on unaccounted for UNC POWs. The UNC also asks the Communist side for the return of UNC remains.

August 22, 1983 -- The Communist side simply refer to their previous letters.

August 17, 1984 -- The UNC Senior Member requests the Communist side for information on unaccounted for UNC POWs. The UNC also asks the Communist side for the return of UNC remains.

August 24, 1984 -- The Communist side simply refer to their previous letters.

August 28, 1985 -- The UNC Senior Member requests the Communist side for information on unaccounted for UNC POWs. The UNC also asks the Communist side for the return of UNC remains.

August 31, 1985 -- The Washington Post does a report on the March, 1954 Hong Kong report filed by Colonel Simpson on the refugee who claimed to have seen several hundred US POWs being transferred to Russian trains in late 1951 and 1952. The Pentagon informs the Post that "they suspect, but are not certain, that they were French troops being repatriated after the French negotiated an end to the Indochina war in May, 1954."

The Pentagon fails to mention that the sightings actually took place in late 1951 before the end of the French Indochina war and the return of French POWs.

October 20, 1985 -- The North Korean Foreign Minister tells Mr. Frank Kerr of the U.S. Chosin Few veterans organization in New York that North Korea will cooperate in returning military remains if the United States formally requests a search for and recovery of U.S. war dead. (Source 4 January 1988 UNC Point Paper)

October, 1985 -- A North Korean staff officer comments informally at Panmunjom to the UNC side that North Korea "might start looking for remains if asked to do so."

November 23, 1985 -- The United Nations Command follows up asking the North Koreans to search for and repatriate UNC remains.

January/February, 1986 -- The following positions are outlined by the UNC and Communist side during discussions at Panmunjom on searching for and repatriating remains.

"UNC position: The subject of military remains is a humanitarian issue. Remains should be returned through the Military Armistice Commission

"North Korea position: The Armistice does not cover search and exhumation. It is recommended that the U.S. and North Korea have bilateral negotiations on this issue.

(Source: 4 January, 1988 UNC Point Paper.)

February 11, 1986 -- The United Nations Command sends letters to the 16 United Nations Command Member Nations requesting all available information on the status of MIA's.

February 14, 1986 -- The UNC sends letter to Communist side stating that the Military Armistice Commission should handle the remains issue, and that the remains issue involves all UN/ROK forces, not just the U.S.

March 4, 1986 -- North Korea responds at Panmunjom stating that military remains will be returned when recovered, but the Armistice Agreement does not require search and exhumation of remains.

June, 1986 -- The Pentagon states in writing that "there is a possibility that the soldiers (referred to in Colonel Simpson's 1954 report) were captured French troops being repatriated after the Indochina War." Again, the Pentagon fails to mention that the sightings took place before the repatriation of French prisoners.

June, 1986 -- Colonel Henry Land of the Office of the Secretary of Defense is quoted as saying, in reference to Korean Conflict POW/MIAs, "the bottom line is that until the North Koreans get to a position and they want to release prisoners and the remains that are up there. They will do it when they feel it is to their advantage.

The Department of Defense in its POW/MIA FactBook states, "At every opportunity, the U.S. Government continues to press for the fullest possible accounting of Americans still unaccounted for as a result of the Korean War."

August, 1986 -- The United Nations Command representative to the Military Armistice Commission passes to the North Koreans information pertaining to the location of UNC remains. The materials pinpoint burial sites associated with 13 former POW camps and a POW hospital, seven former UNC cemeteries in the North, and listed 291 crash sites from which UNC airmen had not been recovered.

September 11, 1986 -- North Korea responds stating the information had been passed to the "appropriate agencies."

December 11, 1986 -- The United Nations Command meets with representative of the Chosin Few veterans organization and briefs them on the United Nations Command position on remains negotiations.

December 18, 1986 -- The UNC sends following up letter to North Korean side asking if they have had any success in discovering remains.

December 29, 1986 -- North Korean side responds stating the information had been passed to "relevant organs."

1987 -- The U.S. Government receives information that a high ranking North Korean diplomat is reported to have told a visiting Westerner in North Korea that his country was holding up to 2,500 sets of remains of U.S. servicemen.

July 30, 1987 -- The United Nations Command representative to the Military Armistice Commission makes the following points to the North Korean side:

1. North Korea has an obligation to return UNC remains which North Korean officials have told US veterans that they have discovered.

2. The remarks made by North Korean staff officer (October, 1985) led the United Nations Command to believe North Korea may have already discovered UNC remains.

3. The question of remains is not only an Armistice issue but also a humanitarian issue. The MAC is the appropriate agency to deal with the remains issue.

4. The UNC is prepared to negotiate a subsequent agreement similar to the one of 1954 (17 August) to eliminate any technical problem involving the question of seaching for and discovery of remains.

5. The UNC is prepared to dispatch a multinational team, accompanied by the Neutral Nations Supervisory Commission representative, to assist North Korea in locating UNC remains.

6. North Korea must return the UNC remains through the MAC.

North Korea states in response that the search for and recovery of remains is not an Armistice issue.

Following the MAC meeting, the UNC Senior Member holds a press conference and states that North Korea is using the remains issue in an attempt to force bilateral negotiations with nations that currently do not recognize North Korea.

October, 1987 -- A factsheet on "Americans Unaccounted for in the Korean War" is released by the Office of the Assistant Secretary of Defense, International Security Affairs. The factsheet begins, "The U.S. Government has ongoing efforts to achieve the fullest possible accounting of Americans missing and unaccounted for while serving their country." The factsheet concludes, "...the lack of responsiveness thus

far by the KPA (North Korea) on this issue will not blunt the determination of the U.S. Government to achieve the fullest possible accounting of Americans missing and unaccounted for as a result of the Korean War."

November 14, 1987 -- The United Nations Command in a letter to the North Korean side, requests that they return UNC remains which North Korea already has in its possession, and that the MAC will be the appropriate agency to handle the issue.

November 21, 1987 -- The North Korean side responds again stating that the issue of Korean War remains is "outside the purview of the Military Armistice Commission."

January, 1988 -- North Korea advises the United Nations Command that they would be interested in meeting to discuss the return of UNC remains. Just before the meeting to discuss returning remains, South Korea accuses the North of complicity in the KAL November, 1987 bombing. Outraged by the adverse publicity generated by South Korea, North Korean withdraws from its proposed arrangements for the return of two sets of remains which they identify by name and serial number. (Source: March, 1989 letter to Senate from Assistant Secretary of Defense.)

August 7, 1989 -- The Defense Intelligence Agency states, in response to a Freedom of Information request, that it "holds no records on those missing or captured during the Korean Conflict."

October 23, 1989 -- The Deputy Assistant Secretary of Defense for Public Affairs informs a U.S. Senator that an 18 month inquiry and review of documents, employing researchers from the National Archives, the U.S. Army Center for Military History..., had concluded that allegations that the U.S. Government abandoned POWs in World War II and Korea were "unfounded." The letter further states, "This detailed investigation failed to discover any evidence that American military personnel are being detained inthe Soviet Union, China, North Korea, or any third country. This was not a preconceived conclusion, but we are not surprised. The United States has always placed a high priority on accounting for all its military personnel, living and dead."

November 9, 1989 -- The Chief of the POW/MIA Office at the Defense Intelligence Agency, Colonel Joseph A. Schlatter, responds to a letter from a next of kin of a missing servicemen from the Korean Conflict. He states:

"There is no evidence to suggest that any U.S. personnel were not released from captivity in Korea. The 389 "known to be held in North Korea" is a misleading statement that

unfortunately has gained public acceptance...There is no evidence that 389 (or any other number) Americans were held in captivity and not released at the end of hostilities." (Source: 9 November 1989 letter signed by Col. Schlatter)

December, 1989 -- The Department of Defense, in a written statement, says, "As far as we can tell, no American POWs from the Korean Conflict were taken out of North Korea and into the USSR or China, and not ever accounted for. We don't know if the Communists continued to hold any Americans after the armistice was signed, because we have never been fully satisfied with their accounting for our missing men...At present, we have no evidence that there are American POWs from that conflict being held against their will...The United States Government has never "written off" any American service members in Korea, or anywhere else."

May 28, 1990 -- North Korea returns five sets of U.S. servicemen remains to a Congressional delegation led by Congressman Sonny Montgomery.

June 28, 1990 -- In testimony before the House Foreign Affairs Committee, Subcommittee on Asian and Pacfic Affairs, Defense Intelligence Agency Deputy Director Rear Admiral Ronald Marryott states:

"Although stories have surfaced from time to time alleging that Americans are still being held by the North Koreans, Chinese, or the Soviets, there are no intelligence indicators that U.S. personnel from the Korean conflict were not returned to U.S. control at the end of the war."

"Likewise, the Soviet Union has been the central focus of U.S. and Allied intelligence activities for most of this century, and China has been watched for almost 50 years. I believe this scrutiny would have likewise revealed at least a hint of American prisoners held in either country had they been taken there. Again, no such evidence has ever surfaced."

July, 1990 -- In an interview with Major Garrett of the Washington Times, Retired General Eugene Tighe, a former Air Force intelligence agent during the Korean Conflict, states, "Let me say that intelligence reports I received left no doubt at all to me that American POWs left North Korea to go to the Soviet Union and China."

July 8, 1990 -- American Red Cross spokeswoman Donna Schneider in Seattle, Washington, states that her agency knows of 12 reported sightings of American POWs in Siberia, some as recently as the 1970's. (Source: Los Angeles Times)

In response, the Defense Department states, "...the reports may at one time have been believed...(but) there is no reason to think any Americans are currently being held as a result of the Korean War anywhere in the world."

In the same article, former director of the Foreign News Service, Zygmunt Nagorski, Jr. states that during the 1950's his foreign reporters had an extensive "source network" of truck drivers and other working-class Soviets employed at or near prisons in Molotov, Khabarovsk, Chita, Omsk, Chermoz, and elsewhere. Nagorski claims his sources informed him that there were still up to 1,000 American POWs in Siberia from the Korean War when he last had contact with them in the late 1950's. (Source: Los Angeles Times, July 8, 1990)

September 14, 1990 -- former DIA Director Lt. General Daniel Graham, states on CBN, "They (the Soviets) would come with a list of specialties and find out whether such specialities existed among the U.N. prisoners in the camps in North Korea and China...and then they would ship them off."

January 2, 1991 -- A report by the Congressional Research Service of the Library of Congress states:

"The end of the Korean War in 1953 was followed by a period of intensely bitter political relations between the US on the one hand, and the North Koreans and the Chinese on the other. The temper of the times thus could suggest that the two Communist enemies of the United States during the Korean War, as well as a Stalinist Soviet Union, might be inclined to hold live Americans -- perhaps even more so than Vietnam in the 1970's."

February, 1991 -- At the request of the Korean War Veterans Association, Senator Bob Smith begins a series of discussions with a North Korean diplomat in New York on the subject of unaccounted for POWs and MIAs from the Korean Conflict.

June, 1991 -- Senator Smith travels to Panmunjom, Korea where he meets with Vice Foreign Minister Kang Sok-Chu at Tong il Gak in North Korea. North Korea returns the remains of 11 U.S. servicemen following the meeting.

September, 1991 -- Senator Smith holds a follow-up meeting in New York with North Korean Vice Foreign Minister Kang Sok Chu, with the concurrence and participation of the State Department in an effort to establish a process to gain information on unaccounted for POWs and MIAs.

In preparation for the meeting, and in conjunction with urging from Senator Smith, the State Department proposes

in writing that "a Committee be established as a humanitarian organization separate from the Military Armistice Commission and separate from the auspices of the United Nations Command to regularize the return of MIA remains and the exchange of information about Korean War POWs and MIAs."

(Source: State Department talking point paper Sept. 1991)

The proposal is presented to the Vice-Foreign Minister, and he is informed that the U.S. would soon be presenting it formally through its Beijing channel with North Korea.

The Vice-Foreign Minister accepts the proposal "in principle."
(Source: Meeting notes Sept.91, U.N. visit)

December 5, 1991 -- 96 U.S. Senators send a letter to Russian President Boris Yeltsin urging him "to facilitate the release of GRU and MSB intelligence reports, files or information that may ease the pain for thousands of American families who have never learned the fate of their loved ones."

January 6, 1992 -- The Chairman and Vice-Chairman of the Select Committee on POW/MIA Affairs both receive correspondence from retired Colonel Philip Corso, former National Security Staff Assistant to President Dwight Eisenhower.

Corso states: "When I was a member of the National Security Council on the White House staff under President Eisenhower (1953-1957), I interrogated Yuri Alexandrovitch Rastvorov, a Russian KGB officer who defected to the U.S. from the USSR embassy in Japan in January, 1954...Rastvorov revealed that Russian diplomats coming to Japan had seen U.S. POWs in the USSR. Rastvorov personnally had seen a trainload of U.S. POWs heading into Siberia after changing trains at the Manchurian-Russian border...I submitted my report...In a few days, President Eisenhower decided not to make this information public because he was concerned about adverse effects on the families of missing POWs."

After a check with still classified documents on file with the Eisenhower Presidential Library, it is confirmed that Corso did interrogate Rastvorov after the Korean Conflict in January/February 1955. Rastvorov remains under Central Intelligence Agency protection in the United States. He is interviewed by Select Committee staff in February, 1992.

February, 1992 -- During the trip by the Select Committee on POW/MIA Affairs to Moscow, Chairman John Kerry and Vice-Chairman Bob Smith are provided with a list of 536 names

which is described by a high-ranking Russian intelligence official as U.S. POWs from the Korean Conflict who were interrogated by the Soviets, some of whom had then been sent to Communist China.

A subsequent check of the names with the National Records Center in St. Louis reveals that up to 125 of the 536 names are unaccounted for U.S. servicemen from the Korean Conflict.

Also, during the Select Committee's trip, General Dmitri Volkogonov informs the Chairman and Vice Chairman of a specific incident "after the Korean War when an American helicopter landed in North Korea." Volkogonov states that records showed the Communists denied any knowledge of the incident, but internally, North Korea had informed the USSR that "two of the fliers were captured alive."

Finally, during the trip, the Senators push for the formation of a Joint Commission on POWs.

May 13, 1992 -- North Korea releases 15 sets of U.S. servicemen remains at Panmunjom, Korea.

May 28, 1992 -- North Korea releases 15 more sets of U.S. servicemen remains at Panmunjom, Korea.

June, 1992 -- In response to a press question, Pentagon POW/MIA spokeswoman Captain Susan Strednansky states:

"We don't have any evidence that anyone was transported from Korea to the Soviet Union."

June 9, 1992 -- The Select Committee investigator in Moscow interviews a Russian ex-prisoner who claims he was imprisoned with a Korean War American POW in the 1980's at a prison camp in the Ural Mountains. The name of the POW is reported as David Marken. Marken, according to the ex-prisoner, had told him he left for Korea in 1952, was shot down in 1953, was wounded and captured, and spent six months in a North Korean hospital. Marken told the ex-prisoner, during the time they spent together in prison, that there were approximately 50 Americans in a group in North Korea awaiting transfer to the Soviet Union, but he was transferred by military aircraft as part of a group of 5 to 10 Americans. Marken reportedly told the source he did not know where the others were. The source arrived at the Pechora camp, 500 miles north of Moscow, in September, 1982 where he met Marken and knew him until he was released in 1986. Marken was reported to be about 62 years old in 1982. The source went back to bring Marken a package of cigarettes, tea, onions, and sausage in 1989, and was told

by one of the inmates that Marken was still alive.

June 18, 1992 -- Following a request by Senator Smith to the Russian Chairman of the Joint Commission on POWs, General Volkogonov, arrangements are made five days following the request for U.S. investigators to travel to the Pechora prison camp to search for Marken. The investigation is inconclusive at best. Following the trip, another former inmate of the prison confirms that Markin had been a prisoner assigned to his work detail. Finally, another source has since surfaced from the Ukraine who reports that Markin was last seen at Knyazhpogost, Russia in January, 1991. The investigation continues.

June 19, 1992 -- In response to a request from the Secretary of Defense, the Joint Staff prepares a summary of 39 Cold War personnel involving a total of 132 U.S. personnel who are still unaccounted for. The request follows statements by Russian President Yeltsin about the existence of U.S. servicemen on the soil of the former Soviet Union following World War II, the Korean Conflict, Vietnam, and during the Cold War, and his letter to the Select Committee of POW/MIA Affairs.

June 23, 1992 -- Senator Smith releases the list of up to 125 names (from February, 1991 Moscow trip and subsequent research) of U.S. servicemen who were reportedly interrogated by Soviets during the Korean Conflict and sent to China. Senator Smith requests the Secretary of State to pursue the matter with the People's Republic of China.

June 25, 1992 -- Malcolm Toon, head of the U.S. side of the U.S. Russia Joint Commission, states, "I think we're going to end up with absolutely zero...my gut feeling is that there's nobody alive under Russian control."

July, 1992 -- The People's Republic of China Embassy in Washington releases a statement saying, "The Chinese side settled the issue of American prisoners of the Korean War long ago...all the POWs were treated in a humanitarian manner. None of the POWs under Chinese control was transferred to a third country or to Chinese territory."

August 4, 1992 -- A U.S. representative to the Joint Commission on POW/MIAs interviews a former Russian prisoner at Khabarovsk, Siberia who reports having observed three Americans who arrived at his camp in October 1952, and left three months later. Joint Commission investigators are following up on leads provided during this interview.

August 12, 1992 -- The Department of Defense releases a POW/MIA Fact Sheet in which it is stated, in reference to Korean War

era POW/MIAs, and what is being done to search of them:

"Unfortunately, there are no detailed records available form the Korean War, making today's searches difficult. The U.S. Government is prepared to accept any remains that the North Koreans may have on a purely humanitarian basis and not tied to any political or diplomatic agenda."

"Records for the Korean War era are not nearly as extensive as those for the Vietnam War, making the search for those POW/MIAs much more difficult."

In regards to Cold War incidents, it is stated:

"There are 135 individuals still unaccounted for as a result of 14 air losses during the Cold War: 10 related to the former Soviet Union, three China-related, and one Korea-related incident. The Defense Department has done a thorough review of these incidents and each will be discussed with the appropriate governments. All information held by the Department of Defense has been shared with the affected families and with the Congress."

August 19, 1992 -- Select Committee investigator in Moscow interviews Russian Colonel (retired) Gavril Ivanovich Korotkov, a Far East expert with the Scientific Research Institute, formerly part of the Soviet Ministry of Defense. Colonel Korotkov reports he served from July 1950 to mid-1954 as part of a General Staff analytical group reporting to the Commander in Chief of the Soviet Far East Military District on developments from the ongoing war in Korea. Korotkov outlines in great detail the fact the Soviets interrogated American POWs in Korea. Korotkov states that on several occasions he had visited the Soviet Naval Base at Pos'Yet, located in the USSR/China/North Korea Tri-Border Region, which served as a transit point for the movement of American servicemen north to Khabarovsk, Siberia. Although there was an airfield nearby, he believes that the bulk of the Americans transported from Pos'Yet to Khabarovsk were transported by rail, but most likely at least some of the American POWs were moved from North Korea or China by air.

Although Korotkov did not know the exact number, he states that the number of American Korean War POWs processed through Khabarovsk was in the hundreds. Korotkov states that operational directives during the Korean Conflict siad that Americans should be captured alive, not killed. Korotkov further states that the North Koreans were quite willing to allow the Russians direct access and eventual control over American POWs. Finally, Korotkov states that he had personnally interrogated two American POWs. He could not remember the names of any of the American POWs who were

processed through Khabarovsk, except for a Lieutenant Colonel Black. (Note: Possibly Lieutenant Colonel Vance Eugene Black, recorded as captured on November 1, 1951.)

Korotkov is reported by Select Committee investigator to be "highly credible and forthcoming."

October 27, 1992 -- U.S. investigators on the U.S./Russia Joint Commission interview a Russian citizen who served four and a half years in prison in Zimka Camp near Knyazhpogost, Russia. He reports that in the fall of 1952 or the spring of 1953, he had an encounter with an American pilot who had been shot down in North Korea and forced to land in Soviet territory near Vladivostok. The pilot said he had a plane of three, and that his radioman had been in Zimka as well. The pilot did not know what happened to the third member. The pilot remained at Zimka for three to six months, and was then transferred to an unknown location.

November 9, 1992 -- Deputy Assistant Secretary of State for East Asian and Pacific Affairs Ken Quinn is scheduled to raise the POW/MIA issue during an on-going visit to the People's Republic of China.

November 10, 1992 -- Kim Il Sung continues his 44 year reign as the leader of North Korea. He undoubtedly knows the fate of several thousand unaccounted for American MIAs from the Korean Conflict.

Appendix 2

Case Summaries

APPENDIX 2

Individual POW, MIA, and KIA/BNR Cases

Committee investigators reviewed the case files of all priority cases and the majority of all other unaccounted-for cases on the list of 2,265 unaccounted-for servicemen.

Current Administration Lists

Since 1987, the Defense Department (DoD) has developed a list of priority cases totalling 269, less 73 resolved, for a total of 196 cases as of August 1992.

Included in the 196 cases are 135 cases designated "Last Known Alive" cases. These involve Americans whose loss incidents include facts suggesting that one of the Southeast Asian governments should have additional details about their fate. The results from U.S. investigations in Vietnam and Laos confirm this analysis. In September 1992, DoD added more cases to the priority list, all cases involving losses in Laos.

Priority List Development

In 1987, President Ronald Reagan appointed Gen. John W. Vessey, Jr. (USA-Ret.) to be the President's Special Emissary to Vietnam on the POW/MIA issue. This was the beginning of a renewed effort to resolve the fate of those unaccounted-for from the war in Southeast Asia.

In August 1987, Gen. Vessey's effort led to the preparation of a list of 380 individuals of priority interest. This compilation, often referred to as the Vessey I list, included 80 of DoD's current priority cases and became the focus of U.S. field investigations in Vietnam.

In November 1989, 39 more cases from the original Vessey I list were added to the priority category, producing a list of 119 priority cases, referred to as the Vessey II list. The priority cases that Gen. Vessey pursued were not developed by him personally, but represent the overall efforts of the DoD. Each list developed over the past five years has represented an expanding process of contacts and cooperation.

Today, 61 of those on the Vessey II list have been accounted for: 22 through the repatriation of remains; 39 through the discovery of compelling evidence that the man died, even though his remains have not yet been recovered.

The Last Known Alive List

At the time of the development of the Vessey II list, the Administration's accountability efforts were expanded -- from field investigations only in Vietnam to include a program of expanded cooperation and more regular field investigations in Laos. This resulted in the selection of 47 additional priority cases in Laos not previously included in either the Vessey I or Vessey II lists.

It also coincided with DoD's development of a list of 135 individuals last known by the U.S. to have been alive. The effort was part of a continually expanded process that never was intended to be an inflexible or all-encompassing list. It included 58 cases not yet resolved from the Vessey II list, plus 77 additional priority cases compiled after a focused, case-by-case review undertaken by DIA early in 1990 of the intelligence files of every unaccounted-for American; the review was similar in scope to those in the Vessey II list (some last known alive in captivity, others who could have been captured alive). Cases on DoD's priority case list are investigated in conjunction with Last Known Alive cases when they are in close proximity to a Last Known Alive case.

Case Summaries

The Senate Select Committee staff has prepared case summaries for the priority cases that the Administration is now investigating. These provide the facts about each case, describe the circumstances under which the individual was lost, and detail the information learned since the date of loss. Information in the case summaries is limited to information from casualty files, does not include any judgments by Committee staff, and attempts to relate essential facts. The Committee acknowledges that POW/MIAs' primary next-of-kin know their family members' cases in more comprehensive detail than summarized here and recognizes the limitations that the report format imposes on these summaries.

On Dec. 1, 1992, Vice Chairman Smith published a compendium of 324 compelling cases. A copy of the analyses of Committee staff and the Defense Intelligence Agency is attached.

These listings include abbreviated column headings with the following meanings:

REFNO : Case reference number

LNAME : Last Name

FMN : First and Middle Name initials

NSA : Information reportedly based on correlation by the National Security Agency

JSSA	:	Information from returning debriefings in JSSA documents
LNA	:	DoD Last Known Alive category
DIA79	:	Information in a 1979 DIA printout obtained by Committee staff from Senate Foreign Relations Committee investigator Tracy Usry
JTF	:	Joint Task Force casualty code now obsolete
NOK	:	Correlation from next-of-kin
POW	:	Listed POW by the Defense Department at Operation Homecoming
MISC	:	Other sources of information

Part One : Vessey 135 Discrepancy Cases

VESSEY 135 DISCREPANCY CASES

South Vietnam — Daniel A. Gerber, Eleanor A. Vietti, Archie E. Mitchell (0011)

Mr. Gerber, Dr. Vietti and Mr. Mitchell were taken prisoner on May 30, 1962 while at a leprosarium near the South Vietnamese mountain town of Banmethuot. In November 1962, documents which stated that the three individuals captured on May 30th were killed were taken from hostile forces 50 kilometers southwest of the leprosarium. Mr. Gerber's passport was recovered in February 1963; missing were pages containing his name and photograph.

The three civilians were reported captured. Returning U.S. POWs had no information on their presence in the Vietnamese prison system.

Since April 1989, the Joint Casualty Resolution Center has interviewed subjects in Vietnam concerning this incident. All information obtained to date confirms that the three were captured and killed because they were suspected of being American spies. Their remains were reportedly disinterred in 1980 by unidentified persons, and they can not now be located.

South Vietnam — Donald G. Cook (0050)

On December 31, 1964, Captain Cook was serving as an advisor with a South Vietnamese Marine battalion at Binh Gia, Phuoc Tuy Province. His unit was hit by a large Viet Cong force, and Captain Cook was captured. He was initially reported missing but was confirmed a prisoner in good health by Sergeant Comacho, who was released from captivity on July 9, 1965.

On December 2, 1965, Captain Cook joined two other U.S. POWs, Staff Sergeant Harold G. Bennett and Private Crafts, at a Viet Cong prison camp. They were held together at four different prison camps.

On December 22, 1970, the Provisional Revolutionary Government released a died in captivity list which included the name of Captain Cook whom it stated had died of malaria on December 8, 1967.

One American POW repatriated during Operation Homecoming reported being told by a prison guard that Captain Cook died of malaria in December 1967 while being moved between prison camps in northern

Tay Ninh Province.

Captain Cook's name was included on the Provisional Revolutionary Government's list of died in captivity released on January 27, 1973. In February 1980 Captain Cook was declared dead/body not recovered.

South Vietnam — Kurt C. McDonald, Edward R. Dodge (0051)

On December 31, 1964, Captain McDonald, a U.S. Air Force pilot, and Sergeant First Class Dodge, a member of the 5th Special Forces Group, took off from Da Nang, Quang Nam Province, in an O-1F to conduct a visual reconnaissance mission en route to a Special Forces camp in the A Shau Valley, Thua Thien Province. They did not arrive and were declared missing. They were last seen by another aircraft approximately 12 nautical miles northwest of Da Nang while flying over Quang Nam Province.

On the morning of December 31, 1964, one homer beacon was broadcast on an emergency radio frequency, but this could not be correlated to an NRS-8 radio set that Sergeant Dodge was carrying to A Shau to be used in covert operations. A woodcutter reported in April 1965 that during that month he observed two U.S. POWs in Thua Thien Province at a point on the Lao/Vietnamese border. He learned that one of the Americans was a pilot and one was an infantryman. They were said to have been captured in June 1964 and were being marched off to the northwest. In 1966, a report was received from a former North Vietnamese Army soldier identifying a photograph of Sergeant Dodge as an inmate he saw at Hoa Lo Prison. Other reports of sightings of Americans passing through the particular area in which these individuals were lost were placed in their files.

Neither serviceman was ever confirmed alive in the Vietnamese prison system. Captain McDonald was declared dead/body not recovered in August 1982. Sergeant Dodge was declared dead/body not recovered in October 1977.

South Vietnam — James H. McLean (0054)

On February 9, 1965, Sergeant McLean was assigned as a medic with an American advisory team working with the South Vietnamese Army's 876th Regional Force Company. He was reported captured when their position was overrun by Viet Cong forces and was identified in captivity by an prison escapee who stated Sergeant McLean was suffering from malaria when last seen alive.

Sergeant McLean was carried in a POW status at the time of Operation Homecoming. After the end of hostilities, he was declared dead/body not recovered. Returning U.S. POWs were unable to provide any information on his fate.

U.S. field team interviews in South Vietnam in March 1992 located a former nurse who worked at the Phuoc Long Province hospital. She described the arrival at her hospital of an individual corresponding to Sergeant McLean. He arrived at the hospital in April 1965 suffering from severe malaria. He died there approximately ten days after his arrival. The investigation of his loss incident is continuing.

South Vietnam — Charles A. Dale
David S. Demmon
(0094)

First Lieutenant Dale and Specialist 4th Class Demmon were flying reconnaissance in an OV-1C on June 9, 1965 and were last known located over Vinh Binh Province. They did not return from their mission. They were initially listed as missing in action, although U.S. intelligence began to receive reports indicating they had been captured.

In December 1970, a prisoner identified Demmon's photograph as the picture of an individual imprisoned in a POW camp in Kampong Cham Province, Cambodia. This led to his reclassification from missing in action to prisoner of war. Another report was received in March 1971 stating Demon was alive in a prison at Kratie, Cambodia in January 1970. The source was given a polygraph, and there was no indication of deception. Other reported sightings of unnamed caucasians were placed in Demmon's file as possibly correlating to him, including one in 1966 which placed him in Central Vietnam.

Demmon was carried as a POW at the end of Operation Homecoming. Both Demmon and Dale were later declared dead/body not recovered. Returning U.S. POWs were unable to provide any information on their fate.

In March 1992, a U.S. investigating team in Vietnam attempting to locate witnesses to the loss of the two-man crew interviewed residents of Cuu Long Province, the new name for Vinh Binh Province. They provided information concerning the downing of an aircraft correlating to the OV-1C involved in this incident. Local villagers stated that the aircraft crashed, and the bodies of the aircraft's two occupants washed up on the shore where they were buried by local residents. Efforts to locate their reported grave sites have not been successful to date.

South Vietnam

Walter L. Hall
Bruce G. Johnson
Fred M. Owen
Robert L. Curlee
Donald R. Saegaert
Joseph J. Compa, Jr.
Craig L. Hagen
(0096)

On June 19, 1965, those involved in this loss incident were on board a UH-1B helicopter on a combat operation into a landing zone six kilometers from the town of Dong Xoai, Phuoc Long Province. Their helicopter was hit by ground fire and crashed. Captain Johnson, an advisor to the South Vietnamese Army's 5th Infantry Division, reported to another helicopter in the area that the aircraft's crew and all others on board were dead and his position was receiving incoming enemy mortar fire. There was no further transmission from Captain Johnson after the end of the mortar fire. A later search of the area failed to produce any sign of the seven servicemen.

In late 1965, a Viet Cong produced film was captured which appeared to depict a portion of the battle at Dong Xoai. The film appeared to show the dead bodies of Sergeant First Class Owen and First Lieutenant Hall. Information was later received from another source that the seven U.S. were killed in this incident, four found in the helicopter and three others at the airstrip. Intelligence reports of unidentified U.S. POWs sightings several months before this incident occurred were received later and were placed in the file of these servicemen. One report associated with the capture of an American at the battle of Binh Gia was placed in Captain Johnson's file, but may have correlated to the capture of another Captain several months earlier.

Captain Johnson was initially reported missing. Returning U.S. POWs were unable to provide information about his precise fate or the fate of the others. Captain Johnson was declared dead/body not recovered in February 1978.

South Vietnam

Richard C. Bram
John F. Dingwall
(0108)

On July 8, 1966, Staff Sergeant Bram and Gunnery Sergeant Dingwall left their unit at Chu Lai Air Base for a hike in the surrounding countryside. They were last seen in a local hamlet.

Local South Vietnamese police reported on July 8th that the Viet Cong had captured and killed two Americans and then buried their

bodies. This report led to a muster of the unit and the discovery that Sergeants Bram and Dingwall were missing. A search of the area in which they were last seen produced hearsay information that the two had been captured, but there was conflicting information on their fate. They were never seen alive again, and their remains were never located.

Both individuals were initially declared missing. In September 1978 they were declared dead/body not recovered. Returning U.S. POWs were unable to provide any information on their survival in captivity, and U.S. investigation teams in Vietnam have been unable to learn anything further concerning their precise fate.

South Vietnam

Fred Taylor
Henry J. Gallant
(0109)

On July 13, 1965, Sergeants Taylor and Gallant were members of Detachment B-52, 5th Special Forces Group, with a Vietnamese reconnaissance patrol which encountered a hostile force 18 kilometers northwest of An Khe, Pleiku Province. Surviving patrol members reported last seeing Taylor assisting Gallant to cover as hostile forces pressed toward them. A search of the area after the engagement failed to locate any trace of them. They were both declared missing in action and, in July 1966, were declared dead/body not recovered. Returning U.S. POWs were unable to provide any information on their final fate.

North Vietnam

Charles J. Scharf
Martin J. Massucci
(0158)

On October 1, 1965, First Lieutenant Massucci and Captain Scharf were the crew of an F-4C, one in a flight of three aircraft on a strike mission over Son La Province, North Vietnam. Their aircraft was hit by hostile fire. After jettisoning their external tanks, one member of the flight reported seeing one fully deployed chute with the jettisoned material. There was no electronic contact with the crew. Both crewmen were declared missing.

Returning U.S. POWs were unable to provide any information on their precise fate. Lieutenant Massucci was declared dead/body not recovered in February 1978. Captain Scharf was declared dead/body not recovered in January 1978.

In January 1991, U.S. investigators in Vietnam interviewed several witnesses to the crash of a U.S. aircraft which closely corresponded to this loss incident. Several witnesses stated that they observed two bodies at the crash site and had no information

that one might have survived the crash. Information from witnesses conflicts with information from U.S. personnel at the time of their loss who reported observing one fully deployed parachute.

South Vietnam — Samuel Adams, Charles G. Dusing, Thomas Moore

(0180)

On October 31, 1961, four U.S. Air Force sergeants were traveling by bus from the coastal resort town of Vung Tau toward Saigon. They were stopped by local Viet Cong forces and taken prisoner. On November 2, 1965, the four sergeants attempted to escape from custody, and Staff Sergeant Jasper N. Page was successful. He last saw Sergeant Adams as the Viet Cong were chasing him and shooting at him.

The status of the three was changed from missing in action to prisoners of war. All appeared on the Provisional Revolution Government's died in captivity list provided to the U.S. in January 1973. Their date of death was given as December 1965. The remains of the other three sergeants have never been returned. All were declared dead/body not recovered after the end of hostilities. Returning U.S. POWs were unable to provide any information on their fate.

In March 1992, the Joint Task Force interviewed a witness in Vietnam who described sightings of the four servicemen shortly after their capture at way-station B50. Information was also received that one prisoner escaped and the remaining three prisoners were shot. After burial, their bodies were later exhumed and reburied at a new location which has since been deforested, and the grave site can not be located.

North Vietnam — George I. Mims, Jr.

(0213)

On December 20, 1965, First Lieutenant Mims and Captain Robert D. Jeffery were the crewmen of an F-4C in a flight of four F-4 on a combat mission over North Vietnam. While over Ha Bac Province, their aircraft was hit by antiaircraft fire, turned into a fireball and fell apart. Captain Jeffery bailed out, landed safely, was captured and was repatriated during Operation Homecoming. During his post-release interviews, Captain Jeffery stated he never saw or heard anything about Lieutenant Mims from the time he, Jeffery, was captured until he was released;however, based on their loss incident he believed Lieutenant Mims may have been killed after

ejecting at a low altitude.

Lieutenant Mims was initially declared missing in action. He was later declared dead/body not recovered.

The Joint Casualty Resolution Center has investigated this incident and determined that Lieutenant Mims's aircraft crashed in Huu Lung District, Lang Son Province, and not Ha Bac Province as initially believed. Witnesses interviewed to date have stated that one crewman was killed in the crash of an aircraft which correlates to this incident. The case is still undergoing field investigation in Vietnam.

South Vietnam — James T. Egan (0235)

On January 21, 1966, Lieutenant Egan was serving as Artillery Forward Observer with a patrol element of the 1st Force Reconnaissance Company. Their patrol was fired upon, and after the skirmish, Lieutenant Egan could not be located. The next day Lance Corporal Edwin R. Grissett, Jr. (Case 0236) was also declared missing when he became separated from the same patrol.

In April 1966, information was received that both Grissett and Egan were captured alive from a South Vietnamese Popular Force soldier who had just escaped from Viet Cong captivity. The soldier asserted that Corporal Grissett told him Lieutenant Egan was wounded and later shot by the Viet Cong. Another report was received from a different source that an American with an individual correlating to Corporal Grissett had been shot and killed.

Corporal Grissett was reclassified as POW during the war, but Lieutenant Egan was not. Neither were accounted-for at the end of Operation Homecoming, after which both were declared dead/body not recovered. Corporal Grissett's remains were repatriated and identified in June 1989.

In August 1990, U.S. field investigators in Vietnam interviewed eight witnesses concerning the capture of the two Marines. The information they provided did not lead to the recovery of any remains of Lieutenant Egan.

Vietnam — Cecil J. Hodgson, Frank N. Badolati, Ronald T. Terry (0242)

On January 28, 1966, Sergeant First Class Hodgson and other patrol members were on a combat patrol in the An Lao Valley, Binh Dinh Province. They encountered a hostile force and evaded. Following the action the three could not be located and were declared missing.

Returning U.S. POWs were unable to provide any information on the three servicemen, and they were not reported alive in the Vietnamese prison system. After Operation Homecoming they were declared dead/body not recovered.

South Vietnam — Donald S. Newton
(0258)

On February 26, 1966, Sergeant Newton and Private First Class Wills were members of a long range reconnaissance patrol. They departed their patrol base on a short mission and were never seen again. After their disappearance information was received that two U.S. servicemen had been captured during a firefight. One was killed, and the second, named "Newton," was found wounded and was then captured alive.

Both were declared missing in action. Neither was classified as captured. After Operation Homecoming both were declared dead/body not recovered. Neither of their remains have been repatriated.

In August 1990, U.S. field investigators in Vietnam interviewed witnesses in Vietnam who described the ambush of two Americans. One was shot and killed, his body left behind on a river sandbank. The second was taken prisoner. En route to a higher headquarters, the Viet Cong unit found itself having to move to avoid detection from a U.S. heliborne operation. The American prisoner, believed to possibly correlate with Sergeant Newton, was shot and killed to ensure the unit could move and avoid detection. A grave site of the dead American was identified, but no remains could be located. In March 1991, U.S. field investigators interviewed another witness who provided generally similar information concerning the killing and burial of an American which closely correlated to this incident.

South Vietnam — William M. Collins
Delbert R. Peterson
Robert E. Foster
(0267)

On March 9, 1967, Captain Collins, Lieutenant Peterson and Staff Sergeant Foster were part of a six-man crew providing close air support to a Special Forces camp. Their aircraft was hit by

hostile ground fire and crash landed to the north of the A Shau Valley in Thua Thien Province. According to survivors, enemy small-arms fire hit and killed Foster and Collins. A-1E aircraft struck the surrounding enemy positions. Lieutenant Peterson was last seen moving into undergrowth. The survivors called out to Lieutenant Peterson but received no response. Special Forces personnel arrived later that day and found the bodies of Sergeant Foster and Captain Collins but were unable to recover them due to enemy activity. They could not locate Lieutenant Peterson.

Lieutenant Peterson was declared missing. Returning U.S. POWs had no information on his fate. He was declared dead/body not recovered in February 1978.

North Vietnam — William R. Tromp (0304)

On April 17, 1966, Lieutenant JG Tromp was the pilot of an A-1E from the *U.S.S. Kitty Hawk* on a night armed reconnaissance mission over the coastal area of southern North Vietnam. A surface-to-air missile was launched at their flight of two aircraft while over Ha Tinh Province. Tromp's aircraft was last reported crossing the coastline heading out to sea and descending in altitude. His last transmission was, "I have some kind of energ...," ending in mid-sentence. An air and sea search proved negative. He was declared missing in action. Radio Hanoi later announced the shoot down of several aircraft on April 17th and stated that several pilots were captured in Quang Binh and Ha Tinh Provinces. Tromp's aircraft was the only one lost that day.

July through September 1973, Lieutenant Tromp's under water crash site was searched by U.S. forces testing the recoverability of remains of U.S. airmen lost on over water losses. No remains could be located at his crash site. In July 1974, he was declared dead, remains unrecoverable.

On December 8, 1988, U.S. investigators in Vietnam met with witnesses from the area Lieutenant Tromp had been last seen crossing the coast. They described the shoot down of one of two aircraft which corresponded to the circumstances of Tromp's loss. They stated that the aircraft crashed in the sea off the coast, there was no visible wreckage and no indication anyone had survived.

In July 1989, U.S. investigators received additional hearsay information about the same shoot down associated with Cam Xuyen District, Ha Tinh Province. A refugee source in Hong Kong reported that an aircraft had been hit by groundfire as it was descending in altitude and that it soon burst into flames. The underwater crash site was reportedly surveyed by Vietnamese salvage officials in

1987, but the wreck was not salvaged.

South Vietnam — Jimmy M. Malone (0326)

On May 4, 1966, Private Malone was serving as a radio operator with his unit in Tan Uyen District, Bien Hoa Province. His unit, participating in Operation Hastings, had just completed its combat assault and was establishing its position with Private Malone's platoon on the unit's perimeter.

Private Malone was detailed to pick up mail from his weapons platoon. He departed his position along a trail outside of the perimeter but never returned. A search of the area located jungle-boot prints believed to have been made by Private Malone. The impression of the search party was that Private Malone had taken the trail but had made a wrong turn away from his unit's perimeter. The boot prints were later joined by sandal prints, and they both led to a fortified Viet Cong position. His squad came under hostile sniper fire during their search. The next day another platoon swept the area and located still more foot prints approximately 1500 meters away, but there was no trace of Private Malone.

Private Malone was declared missing in action. Returning U.S. POWs had no information about him. After Operation Homecoming he was declared killed in action/body not recovered based on a presumptive finding of death.

In June 1984, the Joint Casualty Resolution Center received a report about the recovery of remains in Tan Uyen District, now a part of Song Be Province. The remains and a dog-tag were reportedly turned over to local authorities. This report was placed in Private Malone's file due to the coincidence in loss location.

On March 12, 1992, a joint U.S./Vietnamese investigation in Thu Dau Mot District, Song Be Province, led to an interview with a former Political Officer from the 4th Artillery Company, 3rd Battalion, Dong Nai Regiment. The officer stated that a reconnaissance element from his unit had killed an American in the area where Private Malone disappeared and that he had recovered one web belt and a .45 caliber sidearm. The soldier was part of an American force which had just come to operate in the area. The body was buried along a trail near a stream in the area. A helicopter later appeared and broadcast an appeal for information about a missing serviceman. U.S. investigator's tended to discredit the account they were offered.

South Vietnam — **Bennie Lee Dexter** (0333)

On May 9, 1966, Airman Second Class Dexter departed Pleiku City for Banmethuot City by jeep. He never arrived at his destination, and an ensuing search turned up his jeep on May 11, 1966. Local civilians reported he had been stopped and taken prisoner. There were wartime reports about an American POW in captivity whose circumstances of capture were similar to that of Airman Dexter. One report asserted that he died of starvation in February 1967.

Airman Dexter was carried in a POW status at the end of Operation Homecoming. He was later declared dead/body not recovered. Returning U.S. POWs were unable to confirm his fate.

Joint Casualty Resolution Center field investigations in Vietnam during April 1989 led to the interview of witnesses who described Dexter's capture and imprisonment near Banmethuot. The same witnesses stated that he was shot and killed during an escape attempt and that his remains were buried nearby. U.S. investigators were unable to locate any evidence of his grave or remains.

South Vietnam — **Louis Buckley, Jr.** (0344)

On May 21, 1966, Sergeant Buckley, a member of the Motor Platoon of the 12th Cavalry, was with his unit in Binh Duong Province. His unit came under enemy attack at Landing Zone Hereford and was forced to withdraw. Sergeant Buckley was last seen in the area with blood on his shirt and arm. Friendly reinforcements arrived, but Sergeant Buckley could not be located.

He was initially declared missing in action. Returning U.S. POWs were unable to provide any information on his fate. In January 1978, he was declared dead/body not recovered.

In October 1981, U.S. intelligence received information from a Vietnamese refugee concerning the death of an American soldier in the area Sergeant Buckley disappeared. It could not be specifically correlated to Buckley.

South Vietnam — **William Ellis, Jr.** (0372)

On June 24, 1966, Ellis was declared missing while on a combat operation in Kontum Province. After the end of hostilities he was declared dead/body not recovered.

In December 1990, a U.S. field team in Vietnam reported the results of their recent field trip into the Central Highlands of South Vietnam. During their visit, they interviewed a doctor who saw several American POWs during 1967 or 1968 in western Kontum Province. The doctor was aware that one African-American had died at his hospital and that a dead American's body was preserved for use as a medical training aid.

The doctor also stated that three Caucasian Americans died there, and he believed they were buried nearby. These reports were tentatively correlated to Schiele (Case 1112), Van Bendegom (0762) and a then unidentified third Caucasian American. The report about the African-American appeared to correlate to Ellis (0372). Other information, possibly concerning Schiele, traced his movements from the area of his capture to his turnover, then to the 62nd Regiment and later to B-3 Front Headquarters.

South Vietnam — **Robert H. Gage**
(0381)

On July 3, 1966, Lance Corporal Gage and another Marine from the 1st Division left their platoon's position to find someone to do their laundry and entered Thanh Thuy Village, which is 15 kilometers south-southeast of Da Nang City, Quang Nam Province. When last seen, Corporal Gage was engaged in conversation with a woman. He never returned to his platoon's position and was declared missing. Friendly forces detained local village women on July 3rd and 4th but were unable to obtain information on Corporal Gage's fate. On July 5, 1966, the Marines learned that the Corporal had actually entered a Viet Cong controlled hamlet.

Returning U.S. POWs had no information on Corporal Gage's fate. In August 1974, he was declared killed in action/body not recovered based on a presumptive finding of death.

North Vietnam — **Roosevelt Hestle, Jr.**
Charles E. Morgan
(0386)

On July 6, 1966, Major Hestle and Captain Morgan were crewmen in an F-105 in a flight of four aircraft over Bac Thai Province. Major Hestle's aircraft was hit by hostile ground fire and crashed approximately 15 kilometers southwest of Thai Nguyen. Other aircraft on the scene neither saw chutes nor heard beepers.

Wartime intelligence information from a People's Army prisoner describing the capture of an African-American from an aircraft shot down over Tam Dao Mountain was tentatively correlated to the

capture of one crewman from this crew.

Both individuals were initially reported missing in action and were later changed to dead/bodies not recovered. In November 1970, U.S. military intelligence received information that Major Hestle and two other U.S. POWs were alive at a POW camp near Vinh. DIA believed this report was not true but was the product of a highly publicized visit by three POW wives to Vietnam early in 1970. Returning U.S. POWs reported hearsay information that Major Hestle was seen alive on a stretcher in a prison in Hanoi. He was not reported alive as of 1973.

U.S. investigators in Vietnam in January 1989 located a possible crash site associated with this incident and received hearsay information one pilot was buried at that site. Captain Morgan's remains were repatriated in July 1989. Vietnam turned over the identity card of Major Hestle in October 1982, but his remains have not been recovered.

South Vietnam — Robert L. Babula
Dennis R. Carter
Robert C. Borton
John L. Bodenschatz
(0439)

On August 28, 1966, the four PFCs were members of the 1st Marine Division and were with a fire team at an ambush site ten kilometers southwest of Da Nang City, Quang Nam Province. They failed to return from their mission and were declared missing. On September 4, 1968, Bodenschatz' dog-tags and a partial wrist watch were located. Local residents did not provide any information about the fate of the four men.

Returning U.S. POWs were unable to provide any information about their fate. They were declared dead/body not recovered based on a presumptive finding of death in November 1974.

South Vietnam — Lawrence B. Tatum
(0453)

On September 10, 1966, Tatum was the pilot of an A-1E which was hit by hostile antiaircraft fire and crashed eight kilometers north of the Rao Thanh River currently in Trung Luong District, Quang Tri Province. A forward air controller did not observe Tatum bail out but did hear an emergency beeper for approximately one minute. He later observed a presumable parachute slack in the trees on a hillside. He never saw Tatum safely on the ground. He observed hostile forces approach the parachute and evidently pull

it out of the tree.

Tatum was initially declared missing. After Operation Homecoming he was declared dead/body not recovered.

In April 1990 a U.S. team in Vietnam located a crash site with material consistent with that of an A-1E, but no personal artifacts were found. Local witnesses were unable to provide any information. A U.S. team located information in the records of People's Army Military Region 4 indicating that a U.S. pilot died in a crash on the date. The place and time correlated to Tatum's loss incident, but the pilot's name was not available.

North Vietnam — John L. Robertson (0459)

On September 16, 1966, Major Robertson and First Lieutenant Hubert F. Buchanan were in one in a flight of four F-4C aircraft on a mission over North Vietnam. They were engaged by hostile MIG aircraft while en route to their target. Major Robertson's aircraft was last seen in an aerial engagement with a MIG by other aircraft in their flight.

First Lieutenant Buchanan was captured alive and released in March 1973. During his post-release debriefing he described how their aircraft was attacked by a MIG-17 and that he was forced to eject. He did not have contact with Major Robertson during, or after, his ejection. Other U.S. POWs reported being questioned about Major Robertson on September 17th and having been told Major Robertson was dead.

Major Robertson was in MIA status as of Operation Homecoming. In June 1978, he was declared dead/body not recovered based on a presumptive finding of death.

In January 1987, U.S. intelligence received a report about the wartime crash of an F-4 aircraft which appeared to correlate to this incident. One crewman was reportedly captured, and one died in the crash. From February through April 1990, U.S. field investigators in Vietnam visited Hai Hung Province and interviewed witnesses who described an aerial encounter between a U.S. jet and a MIG aircraft. One crewman ejected and was captured. The team visited the crash site and determined the aircraft's wreckage had been dug up and removed to a nearby warehouse. The team was provided a small packet of remains, allegedly from the crash site, which were determined to be non-human. Also during April 1990, Vietnam repatriated remains it identified as Major Robertson which were later determined to be the skeletal remains of a large animal (possibly a horse or cow) and a piece of non-bone material, possibly a rock.

During November and December 1991, the site was excavated and personal property of an individual, probably American, was recovered and sent for analysis. Parts of the aircraft were recovered, including a data plate, as well as possible bone material. This case continues to undergo investigation.

South Vietnam — Daniel L. Niehouse (0529)

On November 25, 1966, Mr. Niehouse, a salesman for Ford Motor Company, was driving between Saigon and Dalat when he was stopped and detained by Vietnamese communist forces 20 kilometers north of the town of Xuan Loc. Three foreign civilians released from captivity on January 1, 1967 (Thomas R. Scales, Robert W. Monahan, Mrs. Ofelia T. Gaza) last knew Mr. Niehouse to be alive in captivity with them. Prior to their release, Mrs. Gaza's husband and an Australian civilian died in captivity.

Mr. Niehouse was reported missing and then captured. He was identified by the Provisional Revolutionary Government at Operation Homecoming as having died in captivity on April 12, 1967. His remains have not yet been repatriated. Other returning POWs were unable to provide information on his eventual fate.

South Vietnam — Burt C. Small (0607)

On March 6, 1967, Specialist Small was assigned to Quang Ngai Province from the 5th Special Forces Group as a member of Advisory Detachment 108. A South Vietnamese irregular force unit (CIDG) was ambushed, and, after the skirmish, Small was missing. A CIDG soldier later escaped and reported that Specialist Small had been captured alive.

His status was changed from missing in action to POW. After Operation Homecoming he was declared dead/body not recovered. His remains have never been repatriated and other returning U.S. POWs were unable to confirm that he was alive in any of the Vietnamese prisons in South or North Vietnam.

The Joint Casualty Resolution Center conducted field investigations in the area of Specialist Small's capture. They received information that Specialist Small had been captured alive and was wounded at the time of his capture. All members of the capturing unit are reportedly deceased.

North Vietnam John S. Hamilton
(0644)

On April 19, 1967, Major Hamilton was the pilot of an A-1E, one in a flight of two aircraft searching for two pilots downed over North Vietnam. While over Hoa Binh Province, Hamilton was attacked by four hostile MIG-17 aircraft, and his wingman observed pieces of his aircraft's outer wing fly off after it was hit by cannon fire. His aircraft crashed 24 kilometers southeast of Hoa Binh City. Major Hamilton was not seen ejecting from his aircraft and there was no electronic beeper heard. He was declared missing in action.

On April 19th, that same day, Hanoi radio reported the shoot down of an American rescue aircraft over Hoa Binh Province. This report, while not mentioning the fate of the pilot, was believed to correlate to Major Hamilton's incident of loss.

In September 1970, a People's Army of Vietnam soldier reported two caucasian pilots captured in Lac Thuy District in April 1968 after being shot down in aerial combat with MIG jet aircraft. The soldier identified a photograph of Major Hamilton as similar to one of those captured, and the report was placed in Major Hamilton's file as possibly relating to his capture. After Operation Homecoming, a reevaluation of this report led to a reversal of the wartime evaluation. It was determined that this incident actually correlated to Major Thomas Madison and Major Thomas Sterling who had been lost as described and who returned alive during Operation Homecoming.

Returning U.S. POWs had no information on Hamilton's precise fate. In March 1979, he was declared killed in action/body not recovered based on a presumptive finding of death.

In January 1991, a report was received about a grave with the remains of a U.S. pilot in the area where Major Hamilton was lost. Then, in May 1991, a source provided the rubbing of a dog-tag associated with Major Hamilton and a bone fragment and claimed that remains were recovered from an area near Vinh City, Nghe Tinh Province. This is a considerable distance away from his known crash site. In October 1991, another source visited the Joint Task Force office in Hanoi and turned over a bone fragment and identifying information about Major Hamilton. The source claimed his friend found Major Hamilton's remains at another location, this time in Quang Binh Province.

South Vietnam — Thomas A. Mangino, Paul A. Hasenbeck, David M. Winters, Daniel R. Nidds (0646)

On April 21, 1967, Special Fourth Class Mangino and PFCs Hasenbeck, Winters, and Nidds, members of the 196th Light Infantry Brigade, were returning from a combat patrol. They had borrowed a sampan from local residents to make the return trip to a landing site near their unit in Binh Son District, Quang Ngai Province. A second sampan, the lead boat, reached the dock but was then out of sight of the other sampan following with only the four servicemen on board. Shortly thereafter came the sound of a burst of weapons firing. Twenty minutes later, the four patrol members had still not reached the dock, and a search party was sent to locate them.

Based on available information, the four men were last seen talking with several Vietnamese in another sampan. Later reports were received that four Americans had been captured by local Viet Cong forces on April 21st. Other reports were received that unidentified Americans were teaching English to Viet Cong female cadre and that Americans had been buried in the area. These reports were placed in the individuals' files as possibly pertaining to them.

In May 1991, a U.S. team was advised by a Vietnamese official that PFC Winters was dead. In August 1992, a joint U.S./Vietnamese team in the area of this incident interviewed witnesses with first hand or hearsay knowledge of it. The sources stated the four men were ambushed, and their bodies were thrown into the river to keep them from being observed by search and rescue helicopters. The bodies were later buried in three separate locations in an area which today is under the Song Tra River. In November 1992, Senate Select Committee on POW/MIA Affairs Chairman John Kerry received a wartime diary, describing the capture and subsequent death of the four U.S. servicemen, from People's Army of Vietnam Central Military Museum Director, Senior Colonel Dai. Senior Colonel Dai's diary appears to contain information correlating to this incident in which the four servicemen are recorded as having died. This case is still under active investigation by Joint Task Force-Full Accounting.

Returning U.S. POWs had no information on their fate. They were initially declared missing. Each was declared dead/body not recovered on separate dates between 1973 and 1978.

South Vietnam — Roger D. Hamilton (0647)

On April 21, 1967, Lance Corporal Hamilton, a member of the 1st Marine Division, was with his unit in Quang Tin Province when it

began receiving heavy enemy fire and was forced to withdraw. Corporal Hamilton was last known wounded and was left behind during the unit's quick retreat. A search operation in the area through April 22nd failed to locate him. He was declared missing.

In August 1967, U.S. intelligence received information from two Vietnam People's Army prisoners that a U.S. Marine had been captured in April 1967 in circumstances similar to that of the loss of Corporal Hamilton. They were unable to provide any specific information on his eventual fate.

Returning U.S. POWs were unable to provide any information on the fate of Corporal Hamilton. After Operation Homecoming he was declared dead/body not recovered.

In August 1989, U.S. field investigators in Vietnam interviewed witnesses concerning the fate of Corporal Hamilton, but the U.S. investigators only received vague statements. Additional investigation in January 1991 led U.S. investigators to his reported burial site. They recovered one partial set of remains at one location and small bone fragments at a second site nearby. The reports were vague about whom the remains were associated, and it was not possible to correlate the remains to this incident.

North Vietnam **Michael J. Estocin**
(0656)

On April 26, 1967, Lieutenant Commander Estocin was the pilot of an A-4E on a SAM suppression mission over North Vietnam. His aircraft was hit by a surface-to-air missile and went out of control, but he later regained control of it. Defense Department records state he was last seen entering overcast at 3,500 feet and crashed into coastal waters off Cat Ba Island. A search and rescue effort was suspended April 27, 1967. On that date, Radio Hanoi broadcast a reference to a shoot down and capture of a U.S. pilot possibly correlating to Commander Estocin's shoot down.

On April 29th, a People's Army newspaper article referred to the shoot down of an aircraft and a rescue helicopter coming to rescue the downed pilot. This report was placed in Commander Estocin's file as a possible correlation.

Commander Estocin was initially declared missing. His casualty status was later changed to POW based on sensitive source information. He was not reported alive during Operation Homecoming, and, in November 1977, he was declared dead/body not recovered.

A returning U.S. POW reported that another U.S. POW, whom he met in prison in North Vietnam, relayed a discussion he had had with Mrs.

Estocin prior to his own shoot down. Allegedly, the U.S. POW, Commander Stratton, had written that Commander Estocin was alive and a POW. In January 1974, the Defense Department confirmed that Commander Estocin had been misidentified as a POW in sensitive source material.

In July 1990, U.S. intelligence received information from a northern Vietnamese refugee about an aircraft shoot down which occurred in 1967 near Cat Ba Island. Remains were reportedly found in the water near the crash site. Also, skeletal remains were reportedly seized by Vietnamese officials from a refugee boat captured near Cat Ba Island in February 1989. In March 1991, U.S. investigators in Vietnam visited Cat Ba Island but were unable to develop any information regarding this loss incident. They were told by Vietnamese officials that Commander Estocin was believed to have drowned twenty nautical miles off Cat Ba Island. Other reports were received of a body washing up along the shore to the north of Cat Ba Island.

Commander John B. Nichols, retired, recently wrote of his own wartime combat experiences, published by the Naval Institute Press, entitled On Yankee Station. Commander Nichols was on the scene when Commander Estocin was hit and crashed. Commander Nichols described seeing Commander Estocin's aircraft invert, his tank blow off and his missiles fire. He followed him to the ocean and saw him impact, still inverted, but did not see a parachute come from the aircraft.

North Vietnam — Roger M. Netherland
(0667)

On May 10, 1967, Commander Netherland was launched in an A-4C from the *U.S.S. Hancock* as the leader of a flight of aircraft on a mission against Kien An Airfield near the port city of Hai Phong. Three surface-to-air missiles were launched at his flight, and the third missile exploded below his aircraft. His wingman reported observing him drop his external tanks and begin a left turn streaming fuel. His aircraft then did an inverted roll and crashed. There was no ejection seen. A search for sign of him was negative. He was initially declared missing in action. After the end of hostilities he was declared dead/body not recovered. Returning U.S. POWs were unable to provide any information that he was alive in the northern Vietnamese prison system.

In December 1982, a Vietnamese refugee reported the downing of a U.S. aircraft and described the recovery and burial of remains from the crash site. The incident appeared to correlate to that of Commander Netherland.

In September 1989, Vietnam returned the alleged remains of

Commander Netherland together with his identity card and wallet. Forensic examination of the remains concluded they belonged to an adult male but a board decided that they could neither rule out nor recommend identification of the remains.

A U.S. team in Vietnam during July 1990 conducted a survey of the crash site associated with Commander Netherland. The site location and information concerning the circumstances of the crash were consistent with the known facts surrounding Commander Netherland's loss. A return to the site in December 1991 resulted in witness interviews who provided their knowledge of the crash, including a description of human remains located in a position consistent with the results of a high angle high speed dive into the ground.

South Vietnam — Carlos Ashlock (0678)

On May 12, 1967, Corporal Ashlock and Lance Corporal Jose Agosto-Santos, members of the 5th Marine Regiment, were with their unit on an operation in Quang Nam Province. Their unit encountered two reinforced battalions of the Vietnam People's Army and withdrew. After the withdrawal, neither Ashlock nor Agosto-Santos could be located. Soon afterward, one unit member reported seeing People's Army troops carrying away Agosto-Santos. A report was also received from a local Vietnamese official that two wounded U.S. Marines had been seen in the custody of the Vietnam People's Army. This report was viewed as possibly correlating to Ashlock and Agosto-Santos. In June 1967, a former Viet Cong doctor at Hospital B-25 reported Ashlock was alive and had been treated at his hospital. He was last seen alive in July 1967. Both individuals were initially declared missing in action.

Corporal Agosto-Santos returned alive at Operation Homecoming. Neither he nor other returning POWs were able to provide any information on the fate of Corporal Ashlock. Corporal Ashlock was declared dead/body not recovered, in July 1976.

In March 1991, Vietnam repatriated remains identified as those of Carlos Ashlock. U.S. examination of those remains resulted in a determination that neither the remains identified by Vietnam as those of Corporal Ashlock nor any other remains turned over in March 1991 could be associated with Corporal Ashlock.

Recent field investigations in Vietnam have located witnesses who provided information concerning the capture of Corporal Ashlock. Witnesses reported burial sites, but they could not be positively confirmed, and no remains were recovered. The information these witnesses provided does not increase the knowledge already known that Corporal Ashlock was last known alive and in captivity.

Cambodia — Joe L. Delong (0689)

On May 18, 1967, Private First Class Delong was a machine gunner from the 1st Battalion, 8th Infantry, in Phu Pah District, Pleiku Province, South Vietnam. His unit's position, approximately 14 kilometers northwest of the village of Duc Co, was attacked and overrun by hostile forces. PFC Delong was missing after the unit reformed.

On May 20, 1967, a Viet Cong prisoner described an American in captivity who correlated to PFC Delong. Delong was listed as a POW at the time of Operation Homecoming.

In June 1967, a People's Army of Vietnam publication from the B-3 Theater of Operation, entitled Tay Nguyen, reported that the K4 Battalion had captured a U.S. POW, and this unit was transferred to regimental level. This was believed to refer to the capture of PFC Delong, and the regiment to which it referred was believed to be the 320th Regiment.

PFC Delong was listed by the Provisional Revolutionary Government as having died in captivity. His date of death was given as November 1967.

U.S. POWs repatriated during Operation Homecoming stated PFC Delong and two other U.S. POWs escaped from a B-3 Theater level POW camp on November 6, 1967, while they were being detained in Ratanakiri Province, Cambodia, approximately two kilometers from the border with Vietnam and an estimated 70 kilometers west of Kontum, South Vietnam. Several days later, the remaining POWs were shown PFC Delong's trousers by their prison camp commander and were told that Delong had been killed resisting capture. The two other U.S. POWs were recaptured.

South Vietnam — Walter F. Wrobleski (0703)

On May 21, 1967, Wrobleski was the pilot of a UH-1C helicopter, one in a flight of seven helicopters on an extraction mission into the A Shau Valley, Thua Thien Province. On board with him were Warrant Officer Corkran, Specialist Fourth Class Hall and Private First Class Szwed. While making a strafing run, their helicopter was hit by heavy machine gun fire which knocked out their engine. After being hit by another burst of fire, their helicopter went out of control and crashed, rolling down into a small ravine. Several minutes later a red ground panel was seen. Ten minutes later the helicopter exploded. A white ground panel was also seen three hours later.

PFC Szwed was rescued alive. WO Corkran and Specialist Hall were also located alive, and a line was dropped to them on the ground. While being lifted to the helicopter, it began to receive heavy enemy fire, and it lifted off, dragging Warrant Officer Corkran and Specialist Hall into trees which knocked them off the ladder to the jungle below. South Vietnamese Army forces recovered the body of Specialist Hall on May 22 and, on May 23rd, the body of Warrant Officer Corkran. All survivors stated Wrobleski was never seen alive after the crash.

During the war years, a former member of the People's Army of Vietnam stated he saw an American with a South Vietnamese Army POW being escorted north along the Ho Chi Minh Trail in May 1967. This report was placed in Wrobleski's file as a possible correlation to his case.

Wrobleski was initially declared missing. In February 1978, he was declared dead/body not recovered based on a presumptive finding of death. Returning U.S. POWs were unable to provide any information on his eventual fate.

In January 1991, U.S. investigators in Vietnam interviewed two witnesses to the crash of a helicopter correlating closely to this loss incident. They reported observing a body at the crash site, and other soldiers, possibly from nearby commo-liaison station T52, retrieved a watch from the dead serviceman. The team was taken to the crash site but was unable to locate any human remains or other artifacts.

North Vietnam

Kenneth F. Backus
Elton L. Perrine
(0706)

On May 22, 1967, Captain Perrine and First Lieutenant Backus were the crew of an F-4C, one of two aircraft in a flight against the Kep railroad yard. The second aircraft observed Captain Perrine's aircraft make a bomb run on the target and, five seconds later, observed a large explosion three miles east of the target in Lang Son Province. There were no chute and no beacon signals. There was 37mm and 57mm anti-aircraft fire in the area. However, the other aircrew could not confirm that Captain Perrine's aircraft was hit by hostile fire, and they could not pinpoint the crash site's precise location.

On May 24th, the New China News Agency reported the downing of a U.S. aircraft over Lang Son Province on May 22nd and stated that the pilots were captured. This aircraft was the only aircraft lost in the area on that date. Both crewmen were initially reported missing in action.

Returning U.S. POWs were unable to provide any information on the crew's fate. In February 1979, each was declared dead/body not recovered based on a presumptive finding of death.

South Vietnam — Brian K. McGar
Joseph E. Fitzgerald
John E. Jakovac
(0715)

On May 30, 1967, Sergeant Jakovac and PFCs McGar and Fitzgerald were members of a five man reconnaissance patrol in Quang Ngai Province. The team was deployed to counter hostile fire from a nearby hedgerow and to set up an observation point on a hill top. They failed to make a nightly radio check an hour and fifteen minutes after climbing the hill. A search and rescue effort located two other patrol members, both dead, in a shallow grave in the area. There was a trail of blood leading from the area, hand grenade fragmentations and U.S. and foreign shell casings which gave evidence to an engagement. The search effort continued for three days but failed to locate the other three missing patrol members.

Following their disappearance, U.S. intelligence received several reports about grave sites in the area. In July 1972, a former Viet Cong stated that he had seen two U.S. prisoners in Quang Tin Province in July 1967, and this report was placed in the files of these MIAs, although there was no specific correlation to them.

All three Marines were declared dead/body not recovered on different dates during 1975 and 1976. None of the three was reported alive in the Vietnamese prison system by returning U.S. POWs.

South Vietnam — Di Reyes Ibanez
(0723)

On June 5, 1967, Sergeant Ibanez was a member of a 3rd Marine Division reconnaissance patrol in Quang Tri Province. Shortly after midnight, a guard heard a moan and the sound of brush breaking from the area where Sergeant Ibanez was sleeping. A later search party recovered his rifle and pack. In the morning a patrol located a partial dental plate and blood trail. The blood trail led along a path from his last known location to a nearby village. A search of the area turned up freshly dug foxholes with evidence of recent occupancy and signs that something had been dragged along the trail. The partial plate was described by the unit's dental surgeon as identical to the teeth artificially replaced. Sergeant Ibanez was never found.

Sergeant Ibanez was initially declared missing. In March 1978, he was declared dead/body not recovered. He was not reported alive in the Vietnamese prison system by returning U.S. POWs.

South Vietnam — Robert L. Platt, Jr. (0728)

On June 10, 1967, Private First Class Platt was a member of a 101st Airborne Division patrol ambushed while on a search and destroy mission in South Vietnam. Platt, reportedly wounded several times, was left behind during his unit's withdrawal. He was declared missing.

In 1968, U.S. intelligence received a captured Viet Cong document apparently belonging to the 270th Transportation Regiment of Military Region 5, a unit operating in the area Private First Class Platt was last seen. It noted that an American Private First Class had been captured on June 10, 1967 and that he died of his wounds on June 11, 1967. This was viewed by U.S. intelligence as possible a correlation to PFC Platt. A Viet Cong prisoner interrogated shortly thereafter described seeing an American prisoner being brought to his medical unit which was destroyed in a U.S. bombing. The prisoner did not know if the American was killed or survived, and this report was also thought to possibly pertain to Platt.

In March 1978, Private First Class Platt was declared dead/body not recovered. Returning U.S. POWs were unable to provide any information on his fate.

In January 1991, U.S. investigators in Vietnam interviewed potential witnesses who were thought to be able to provide information about Platt. No new information on his precise fate was learned.

South Vietnam — James Lee Van Bendegom (0762)

On July 12, 1967, Private First Class Van Bendegom and other members of his 4th Infantry Division were on patrol when they engaged a hostile force in the Ia Drang Valley, Pleiku Province. PFC Van Bendegom was wounded and treated by a medic. He was left behind when his unit's position was overrun, and he was captured.

According to other U.S. POWs released during Operation Homecoming, it was rumored that PFC Van Bendegom was taken from Pleiku Province into Cambodia and was treated at a field hospital. His name did not appear on the PRG died in captivity list. He was declared dead/body not recovered in May 1973.

In April 1989, a U.S. field team in Vietnam interviewed former officers assigned to the B-3 Front, the People's Army of Vietnam theater headquarters in command of operations in Pleiku Province. They were unable to provide any information on PFC Van Bendegom. During 1992, U.S. investigators in Vietnam received information describing the death of three Americans in captivity. One death was correlated to PFC Van Bendegom.

North Vietnam

Ronald M. Sittner
(0804)
Charles Lane, Jr.
(0805)

On August 23, 1967, First Lieutenant Lane and his aircraft commander, Captain Larry E. Corrigan (Case 0805), were the crewmen of an F-4 aircraft on a strike mission against the Yen Vien railroad yard. Their aircraft was hit by an air-to-air missile fired by a MIG-21 making it one of two aircraft in their flight downed by MIG-21 missiles. Their aircraft was believed to have crashed in Thai Nguyen Province, North Vietnam. Captain Corrigan was captured alive and was repatriated during Operation Homecoming. Other members of their flight reported seeing three parachutes from the crewmen of the two downed aircraft. Three clear beepers were heard as well as one weak beeper which was believed to be associated with Lieutenant Lane. Captain Corrigan was the only individual shot down who was able to establish voice contact with those overhead.

Upon his release, Captain Corrigan reported seeing another individual moving around in his parachute, and he believed that individual to be Lieutenant Lane. Ha Noi press reported the aircraft downing but did not specify the number of crewmen captured. In August 1968, U.S. intelligence believed Lieutenant Lane had been captured alive and that he was in enemy custody, although his casualty status remained as missing in action.

The other aircraft's crew included Major Charles R. Tyler and Captain Ronald N. Sittner (0804). Major Tyler landed and was taken prisoner. He, too, was released alive during Operation Homecoming.

In October 1973, Lieutenant Lane's case was reviewed by the Department of Defense at the request of his next of kin, and his casualty status was changed to dead/body not recovered. Captain Sittner's case was reviewed at a later date, and he was also determined to be dead/body not recovered. Returning U.S. POWs were unable to confirm either individual alive in captivity in the northern Vietnamese prison system.

In November 1991, the Joint Task Force interviewed witnesses to the downing of the two F-4 aircraft and the reported sighting of either

3 or 4 parachutes. The location of their downing was determined to be in Tuyen Quang Province, not in Thai Nguyen Province. Witnesses reported the capture of two airmen and stated that they were unable to locate the other two crewmen until 1970 when the partial remains of one of the two was located. Local witnesses also stated that a nearby People's Republic of China military unit arrived at one of the crash sites and recovered the wreckage of one of the downed aircraft. They provided no other details about the incident. The Joint Task Force concluded that the reported partial remains may have correlated to the remains of Lieutenant Lane, who was not confirmed to have ejected from his aircraft but could have done so. In April 1992, a U.S. team interviewed additional witnesses and recovered personal artifacts from both grave sites that did not correlate to the two airmen.

South Vietnam — Kenneth L. Plumadore (0839)

On September 21, 1967, Lance Corporal Plumadore, a member of the 4th Marine Division, was wounded in action while engaging People's Army of Vietnam forces during Operation Kingfisher in the area of Dong Ha, Quang Tri Province. He and fourteen other members of his unit were left behind in the withdrawal from the battle area. When friendly forces retook the area they located fourteen dead Marines, two of bodies there were difficult to identity. Information later surfaced that one survivor was reported captured and was last seen being escorted North. Corporal Plumadore was declared dead/body not recovered in September 1967.

In April 1986, Vietnam returned remains of someone captured in the same engagement as the one during in which Corporal Plumadore became unaccounted-for. Information provided with the remains was that the remains belonged to an American serviceman captured at Con Thien who had died on September 27, 1967 at Vinh Linh, North Vietnam. Corporal Plumadore's records could not be used in remains identification because they were lost in an aircraft crash on October 2, 1967.

Subsequent to the return of the remains, U.S. intelligence located archival intelligence information, usually highly reliable, that indicated for the first time that someone, probably Plumadore, had been captured and taken North to Vinh Linh. He was last known alive on September 23rd in the area of Con Thien. He was the only individual who remained missing in the Con Thien area.

South Vietnam — Paul L. Fitzgerald, Jr.
Olin Hargrove
(0867)

On October 17, 1967, Specialist Fitzgerald and Private First Class Hargrove were with their unit on a search and destroy mission in Binh Long Province. Their unit engaged a hostile force and suffered heavy losses. The two soldiers were last seen alive midway between U.S. forces and advancing Viet Cong. PFC Hargrove was reported wounded at that time.

In February 1972, a former Viet Cong reported observing one American captive in 1967 in the area where the two soldiers were lost. This report was thought to possibly correlate to one of the two missing soldiers. In December 1984, U.S. intelligence received reports about the recovery of U.S. remains from the general area where the two had last been seen.

Both soldiers were initially declared missing. Each was eventually declared dead/body not recovered in March 1978. Neither individual was reported alive in the Vietnamese prison system.

North Vietnam — James S. Morgan (0903)
Kelly F. Cook
James A. Crew (0904)

On November 10, 1967, Major Morgan and First Lieutenant Charles J. Honeycutt were the lead aircraft in a flight of two F-4 striking a target in Quang Binh Province. A forward air controller lost radio and radar contact with them at the point of their bomb release. Contact was also lost with the other F-4 crew, Lieutenant Colonel Cook and First Lieutenant Crew. On November 10, 1967, Radio Hanoi reported two F-4s were shot down on that date in Quang Binh Province.

All four airmen were initially reported missing in action. Returning U.S. POWs were unable to provide any sightings of any of them alive. However, one returning POW reported hearing a Radio Hanoi broadcast naming Lieutenant Honeycutt as one of the U.S. POWs held alive in captivity by North Vietnam. After the end of hostilities, the four pilots were declared dead/body not recovered based on a presumptive finding of death.

In May 1987, U.S. intelligence received information concerning the recovery of identification media and remains associated with Lieutenant Honeycutt. In December 1988, JCRC staff interviewed witnesses in Vietnam concerning Case 0903. They were taken to the alleged crash site and shown two purported graves which were excavated in April 1990. No remains were found.

U.S. investigators in Vietnam during March 1991 visited Le Ninh District and received information regarding the shoot down of Major

Morgan's aircraft. Vietnam turned over the identity card of Lieutenant Honeycutt together with his remains.

Based on intensive investigation in Vietnam, information in Vietnamese archival records and witness statements, it appears that one crewman in each aircraft died in the shoot downs. Available information also indicates the likelihood that Major Morgan and Lieutenant Crew both perished in their aircraft, but both Lieutenant Honeycutt and Lieutenant Colonel Cook parachuted alive from their aircraft and reached the ground seriously wounded. Both were later reported to have died.

North Vietnam — Herbert O. Brennan, Douglas C. Condit (0928)

On November 26, 1967, Colonel Brennan and First Lieutenant Condit were the crew in one of two F-4C jet aircraft on a strike mission over North Vietnam. During their first pass over the target, their aircraft exploded causing the wreckage to land in the area of their target. There was no hostile fire noted at the time of their crash. There were no chutes or voice contact with the crewmen.

Search and rescue aircraft arrived and drew hostile fire from the crash site area. In addition, it appeared their signaling devices had been captured and were being used in an attempt to lure SAR aircraft into a trap.

Both crewmen were initially declared missing. During Operation Homecoming, neither was accounted-for as alive. Moreover, returning U.S. POWs were unable to confirm that Brennan and Condit were alive in captivity. Both were later declared dead/body not recovered.

U.S. investigators in Vietnam during November 1988 interviewed witnesses in Bo Trach District, Quang Binh Province. The team also located a crash site within 500 meters of Colonel Brennan's loss location and confirmed the wreckage as that of an F-4. The team was unable to locate any information regarding the crew. The team did learn that the aircraft was shot down while attacking a People's Army of Vietnam anti-aircraft unit that was providing security for an engineer road building unit. One witness stated Vietnamese officials had already recovered seven skeletal remains associated with U.S. aircraft lost in the area.

South Vietnam — Michael Millner (0930)

On November 29, 1967, Staff Sergeant Millner, a member of Detachment B-34, 5th Special Forces Group, was with a provincial reconnaissance unit when it was attacked by a Viet Cong company approximately 35 kilometers north of Loc Ninh, Phuoc Long Province. A member of his unit, Sergeant Paul Posse, later stated he saw Sergeant Millner being captured. When last seen he was not wounded. U.S. intelligence received a report in October 1974 concerning the sighting of a captured American circa October 1967 in the area Sergeant Millner was last seen, but it could not be correlated specifically to him.

Sergeant Millner was initially declared missing. In July 1974 he was declared dead/body not recovered. Returning U.S. POWs had no information about him.

Cambodia — Robert H. Grzyb (0937)

In the late morning of December 11, 1967, a U.S. Army private assigned at Pleiku City, South Vietnam, reported to his unit that he, Mr. Grzyb, and two Koreans had been ambushed by the Viet Cong on the afternoon of December 10, 1967. Mr. Grzyb was reportedly wounded in the arm, and one of the Koreans was killed, when they were ambushed north of Pleiku City where they had gone to buy pigs.

A subsequent investigation revealed a Vietnamese police officer, a neighbor, and Mr. Grzyb departed Pleiku at noon on December 10th in a Vietnamese police jeep. It was located by an aircraft spotter late that afternoon at the village of Plei Pok 25 kilometers north of Pleiku. The damaged jeep was recovered, and its FM radio and battery had been removed. The body of the dead policeman was found there with a bullet wound in the head which had apparently been fired at close range. Plei Pok villagers said Mr. Grzyb and the policeman were ambushed by Viet Cong just outside their village after buying five small pigs for 500 Vietnamese dong, equivalent to approximately $4.00. The policeman was killed, and Mr. Grzyb was apparently abducted.

Further police investigation determined Mr. Grzyb, a former U.S. Army serviceman and unemployed U.S. civilian in Vietnam without proper identification at the time, had been arrested in Pleiku on September 30th by the Vietnamese National Police following the discharge of a pistol which blinded a young Vietnamese boy. Mr. Grzyb was attempting to sell the pistol to another serviceman at the time of the incident. A search of his residence led to the recovery of a .45 caliber sub-machine gun. Also during that time, he was wanted for the illegal sale of 384 cases of stolen U.S. Government C-rations. Mr. Grzyb was jailed and fined and was released from jail on November 11, 1967, at which time he told U.S. authorities he wanted to apply for Vietnamese citizenship. The

American private who claimed he was with Mr. Grzyb was on an unauthorized absence from Pleiku at the time of the incident, having been confined to the city after his release from a U.S. military jail in November 1967. When captured, Mr. Grzyb never mentioned any Koreans with him. He said he was in the U.S. Army, wounded in the side when captured, and had been due to rotate from Vietnam the day after his capture.

Mr. Grzyb was first listed by Department of State and DIA in 1970 as unaccounted-for after receiving his file from JPRC. He was listed as a POW at the time of Operation Homecoming and, in January 1973, was listed by the PRG as having died in captivity.

Seven returning U.S. POWs described Mr. Grzyb's incarceration with them at a People's Army of Vietnam B-3 Theater of Operations prison along the Vietnam/Cambodia border where he died one evening late in 1968 while suffering from malaria and malnutrition. Wartime reports related his name as "Gzip" or "Gzeb." One wartime report from a Vietnam People's Army Captain described Mr. Grzyb's presence at the prison while suffering from malaria. Two other reported sightings of Americans in captivity were placed in Mr. Grzyb's file but, apparently, did not pertain to him.

North Vietnam — Roger B. Innes
Leonard M. Lee
(0952)

On December 27, 1967, Lieutenant Commander Lee and Lieutenant JG Innes were crewmen of an F-4B on a strike mission over Nghe An Province. Their aircraft was seen on radar as it started its bomb run on target, but other flight members were unable to actually observe the aircraft during its bomb run. The aircraft disappeared and could not be located during a subsequent search. There were no chutes and no beepers.

In May 1972, a People's Army of Vietnam soldier described the downing of two U.S. aircraft in Quynh Luu District, Nghe An Province. He heard that one airman was killed and one was captured. The captured pilot was last seen being escorted north on Highway 1. This report was believed to be a possible correlation to this aircrew because it was the only loss in the area at that time.

Both crewmen were initially declared missing and, in April 1977, were declared dead/body not recovered. Neither airman was reported alive in the Vietnamese prison system by returning U.S. POWs.

South Vietnam — Richard W. Fischer

(0977)

On January 8, 1968, Lance Corporal Fisher was with an ambush team in Dien Ban District, south of Da Nang City, Quang Nam Province. He left his ambush site with a one-legged girl and was never seen again. A search and rescue party attempting to locate him was fired upon. A later search failed to locate any trace of him but an older local resident did say that an American had been taken prisoner. The non-commissioned officer in charge of the ambush was recommended for court-martial for permitting a member of the team to leave the site. In 1970, a former Vietnam People's Army Lieutenant Colonel provided information, possibly hearsay, that Corporal Fisher had been killed and buried.

Corporal Fisher was initially declared missing. In December 1978, he was declared dead/body not recovered. Returning U.S. POWs were unable to provide any information about him being alive in the Vietnamese prison system.

South Vietnam — William D. Johnson
(0997)

On August 19, 1968, Private First Class Johnson was a rifleman from the 4th Infantry Division on a search and destroy mission with his unit in the mountainous central highlands area of Sa Thay District, Kontum Province. His unit encountered hostile forces and six men were declared missing; four were last seen at the initial point of contact, one of whom was PFC Johnson. PFC Johnson was reported alive after the hostile fire had stopped.

The partially decomposing bodies of five of the six missing soldiers were later located. Their remains showed major destructive injuries associated with fragmentation munitions. PFC Johnson was not located with the others.

Returning U.S. POWs had no information on his eventual fate. In March 1979, he was declared killed in action/body not recovered based on a presumptive finding of death.

In 1974, DIA received a report of a possible collaborator seen in coastal Quang Ngai Province. The American was reportedly captured from a truck convoy, and two others with him had escaped. While not correlated to PFC Johnson, a copy of the report was placed in his file for unknown reasons.

North Vietnam — Michael Dunn
Norman E. Eidsmoe
(1004)

On January 26, 1968, First Lieutenant Dunn and Lieutenant Commander Eidsmoe were on a solo mission against Vinh Airfield. Their aircraft disappeared from radar contact approximately ten kilometers north of Vinh City, and both airmen were declared missing.

In April 1972, a former People's Army of Vietnam soldier reported observing an American POW in Nghe An Province in January 1968. The report was placed in the case files of those involved in the incident as only a possible correlation to Commander Eidsmoe. Several returning U.S. POWs reported hearing a name similar to his while in Son Tay Prison in November 1968, but it was never confirmed that he was alive.

Lieutenant Dunn was declared dead/body not recovered in November 1973. Commander Eidsmoe was declared dead in January 1978.

South Vietnam — Henry F. Blood
(1017)

Blood was a missionary with the Christian Missionary Alliance (CMA) in the South Vietnamese mountain town of Banmethuot. On February 1, 1968, the CMA compound was overrun by Vietnamese communist forces during the opening phase of the 1968 Tet Offensive. Another American civilian who was also captured and returned during Operation Homecoming, Michael D. Benge, described being held with Blood until July 1968 when Blood became ill, died and was buried near their prison camp in the Central Highlands.

At Operation Homecoming Blood's name appeared on the Provisional Revolutionary Government died in captivity list. The date of death was recorded as October 17, 1972.

Blood's burial site location was investigated in December 1990 by a U.S. field team. During that investigation, the Joint Casualty Resolution Center learned that Blood's grave had been opened in 1987. The remains recovered by Dac Lac Province security officials, which were reportedly Blood's remains, were given to U.S. officials in February 1988. U.S. records confirm there was a repatriation in April 1988, but the remains have not yet been identified.

South Vietnam — Elizabeth "Betty" A. Olsen
(1018)

Ms. Olsen was captured on February 1, 1968 at the Christian Missionary Alliance compound in Banmethuot City, South Vietnam. A returning POW, Michael Benge, reported Olsen was brought to his

prison camp after capture. They were being taken on foot toward Cambodia when Olsen died. Benge buried her near the Cambodian border.

Olsen appeared at Operation Homecoming on the Provisional Revolution Government's died in captivity list; the date of death was September 26, 1968.

In December 1990, the Joint Casualty Resolution Center interviewed witnesses in Vietnam who described her burial near commo-liaison station T8 in Quang Duc Province, South Vietnam. Her remains have not yet been located.

South Vietnam

Joseph S. Zawtocki
Dennis W. Hammond
(1042)

On February 8, 1968, Corporals Zawtocki and Hammond were captured in South Vietnam during the 1968 Tet Offensive. They were initially held with other U.S. POWs who were present when Zawtocki and Hammond died in captivity. Hammond's name appeared on the Provisional Revolutionary Government's died in captivity list, and his date of death was recorded as March 7, 1970. Both were later declared dead/body not recovered.

In August 1985, the remains of American POWs who died in captivity in South Vietnam in Quang Nam Province, the same prison camp where Hammond and Zawtocki were held, were repatriated by Vietnam. Zawtocki's remains were identified. The remains attributed to Corporal Hammond were determined to be the remains of a Southeast Asian Mongoloid. Based on all available information, the remains of those who died in this jungle prison had been recovered by Vietnamese officials during the 1970s.

South Vietnam

Alan W. Gunn
Wade L. Groth
Harry W. Brown
Jerry L Roe
(1046)

On February 12, 1968, Gunn, Groth, Brown and Roe were members of a UH-1H on a night medical evacuation flight. Their aircraft disappeared in Darlac Province. A search and rescue effort failed to locate them. The four crewmen were initially declared missing.

In July 1971, a Vietnam People's Army defector identified a photograph of First Lieutenant Brown as an individual he had seen at a POW camp near Vinh City in August 1970. U.S. POW returnees

were never able to confirm that Lieutenant Brown and the other crewmen.

In July 1974, the wreckage of the UH-1H was located by a woodsman, but there was no trace of the crewmen. All four crewmen were declared dead/body not recovered on different dates between October 1973 and September 1978.

South Vietnam — Robert W. Hunt
(1065)

On February 28, 1968, Corporal Hunt was a member of an M-41 tank crew in combat with hostile forces in Hoc Mon, a suburb of Saigon. He was last seen standing on the tank when it took a direct hit from two rocket propelled grenades. The next day friendly forces recovered the bodies of two tank crewmen, but there was no sign of Corporal Hunt. He was declared missing.

In January 1973, the Provisional Revolution Government reported the death of PFC James J. Scuiter while in captivity. However, PFC Scuiter's remains were located and recovered from the scene of the combat where Corporal Hunt was declared missing. It was believed that the PRG had misidentified the remains.

Corporal Hunt was declared dead/body not recovered in September 1978. He was not identified alive in the Vietnamese prison system.

In 1975 U.S. interviewers located a former soldier from the People's Army 84th Regiment, 9th Infantry Division. He described himself as the individual who had fired the rocket propelled grenades which disabled the M-41 tank and stated that an African-American had been captured on that date.

Since 1985, U.S. intelligence has received several reports about an African-American killed in action and buried in the Hoc Mon area. While not identified as Corporal Hull, these reports are similar to the location and circumstances pertaining to his loss.

South Vietnam — James E. Hamm
(1086)

On March 14, 1968, First Lieutenant Hamm and Major Gary L. Tresmer were flying an F-4D, one in a flight of two aircraft on a close air support mission over Thua Thien Province. Their aircraft was hit by hostile fire on the fourth pass over the target. Both crewmen ejected and good chutes were seen. Search and rescue forces established radio contact with the crewmen, but rescue attempts were hampered by a large hostile force in the area. Lieutenant

Hamm radioed that he thought he had a broken leg, but radio contact was eventually lost with him. Major Tresmer was subsequently rescued alive.

In June 1971, a U.S. Army unit located the back seat from the F-4D. It was confirmed to be from Lieutenant Hamm's aircraft because it was a seat installed in his F-4 after the aircraft was obtained from Iran and issued to the 366th Tactical Fighter Wing.

Lieutenant Hamm was initially declared missing in action. On February 2, 1974 he was declared dead/body not recovered based on a presumptive finding of death. Returning U.S. POWs were unable to provide information on his eventual fate.

During April and May 1992, U.S. investigators in Vietnam interviewed witnesses concerning this incident. One witness, a woman from a unit on the scene, described having approached a wounded pilot who pointed his pistol at her. She shot and killed the pilot. She turned over the pilot's wrist watch, pistol and other material to members of a nearby unit of the Vietnam People's Army who then retrieved the pilot's body and buried it.

South Vietnam — James M. Ray
(1093)

Private First Class Ray was captured in South Vietnam on March 18, 1968. He is reliably reported to have died in captivity in 1969. In January 1973, the Provisional Revolutionary Government reported that he died in captivity on November 6, 1969. After Operation Homecoming, he was declared dead/body not recovered based on information from returning U.S. POWs.

South Vietnam — Walter A. Cichon
(1112)

Specialist Cichon was a member of the 4th Infantry Division which encountered People's Army of Vietnam forces in Kontum Province on March 30, 1968. He was hit in the head while moving up a hill. A member of his unit found him, and he had a gash above the ear and a hole in the back of his head. He was not moving and had turned white. Believing that he was dead, his unit pulled back, and he was left behind. He was declared missing in action.

In April 1968, the U.S. Army's 525th Military Intelligence Group forwarded information from two former North Vietnamese Army soldiers who reported that their 320th Regiment had captured an American soldier in Kontum Province in March 1968. The soldier had a head wound and was taken to facility T-3 in the tri-border area

of Laos, Vietnam and Cambodia. Facility T-3 was known by U.S. intelligence to be a commo-liaison way station. This report was believed to possibly correlate to Cichon.

U.S. intelligence later obtained a document which described the capture of an American on March 30, 1968 in the Chu Tang area by elements of unit K-7. The American was taken to a surgical station of Group 21, a designator of the 1st Division to which the 66th and 320th Regiments belonged. Unit K-7 has been associated with the 7th Battalion, 66th Regiment. This report was believed to possibly correlate to the capture of Cichon.

In January 1972, DIA changed its internal casualty status for Cichon and listed him as a POW, although the U.S. Army continued to list him as missing in action. During Operation Homecoming, returning U.S. POWs were unable to confirm his precise fate. In October 1974, he was declared dead/body not recovered based on a presumptive finding of death.

In December 1990, U.S. investigators visited Sa Thay District, Gia Lai-Kon Tum Province as part of a joint U.S./Vietnamese investigation team. They interviewed witnesses in the area where Cichon was last seen who had served with People's Army of Vietnam forces during the war years. Medical personnel who served in the area described an American brought to the 66th Regiment treatment station in 1968. The information appeared to correlate to Cichon. Medical personnel from Hospital V84 also described an American with a head wound whom arrived at the B3 Theater Headquarters treatment station and who seemed to resemble Cichon. These witnesses also described a half dozen American POWs brought into their hospital. They were, however, unable to describe the precise fate of each American and could not provide the names of the six or seven Americans taken to this hospital.

South Vietnam — John W. Held
(1131)

On April 17, 1968, Captain Held was the pilot of an A-37A scrambled from Bien Hoa Air Base for a mission in Phuoc Long Province. His aircraft was hit by hostile ground fire, and Captain Held ejected and landed approximately 300 meters north of the aircraft's crash site. Rescue forces landed and located his parachute in trees, but no one was in the parachute. There were foot prints beneath the parachute and four trails leading from the area. The search team fanned out and searched the area but could not locate any sign of Captain Held. Aircraft hovered over the area for five hours but were unsuccessful in locating him. Later, a voice that sounded Vietnamese broadcast from his radio, and these transmissions continued until April 19th, but it was never followed by the proper authentication signal. Captain Held was initially declared missing

in action.

In January 1975, U.S. intelligence received a report of a wartime sighting of three Americans and one Korean being moved north along the Ho Chi Minh Trail. This report was filed in Captain Held's file although the description of the three Americans did not appear to correlate to Captain Held.

After the end of hostilities, Captain Held was declared dead/body not recovered based on a presumptive finding of death. Returning U.S. POWs had no information on his precise fate.

In March 1992, U.S. investigators in Vietnam traveled to Bu Dang District, Song Be Province and interviewed three witnesses who described locating a dead pilot in the area where Captain Held landed. They also located an apparent crash site, however, the witnesses provided different accounts of the recovery of the body, and the investigators were unable to rule out the possibility that one of more of the tribesmen had been involved in the pilot's death. The team was unable to locate any human remains.

South Vietnam — Walter R. Schmidt, Jr.
(1205)

On January 9, 1968, Lieutenant Schmidt's A-4E aircraft was shot down by hostile ground fire over the A Shau Valley in Thua Thien Province, South Vietnam. He ejected and landed safely and established voice contact with search and rescue forces to whom he reported that he had a hurt hand and a possible broken leg. SAR forces observed him on the ground and established that enemy forces were within 20 meters of his location.

Lieutenant Schmidt was carried as a POW at the time of operation Homecoming and was declared dead/body not recovered after the end of hostilities. Returning U.S. POWs were unable to provide any information on his fate.

Joint Casualty Resolution Center investigations in the A Shau Valley during August 1989 failed to locate any witnesses who could provide information on the crash site or the reported capture of Lieutenant Schmidt. They were also unable to locate any evidence about his aircraft or his grave site.

South Vietnam — Donald R. Fowler, Steven M. Hastings, Peter J. Russell, William Fernan (1244)

On August 1, 1968, Warrant Officer Fernan, First Lieutenant Russell, Specialist Fourth Class Fowler and Specialist Fifth Class Hastings disappeared while on board a UH-1C helicopter during a flight through bad weather in Song Be Province. A search for them was unsuccessful.

On August 6, 1971 local woodcutters discovered the helicopter wreckage. Partial remains belonging to Warrant Officer Fernan were recovered, but none were recovered of the other three crewmen. The possibility that the other three crewmen might have survived arose due to the condition of the wreckage.

The four crewmen were initially declared missing and, after the end of hostilities, were declared dead/body not recovered. They were not reported alive in the Vietnamese prison system.

In June 1989, U.S. field investigators in Vietnam located six individuals who witnessed an American being captured after he was injured in an aircraft crash in 1968. The American was taken first to Bu Dang District Headquarters and then to the Phuoc Long Province POW camp. As a result of malaria, the prisoner was taken to Hospital 370 where he died one week later and was buried nearby. This report is viewed as possibly correlating to the fate of one of the aircraft's survivors. Additionally, a doctor recently interviewed in Vietnam identified the photograph of Lieutenant Russell as the patient brought to his hospital from a nearby POW camp. He stated that the American died at the hospital and was buried nearby. No reports correlated to other survivors.

South Vietnam — Humberto Acosta-Rosario (1258)

On August 22, 1968, Private First Class Acosta-Rosario's element of the 25th Infantry Division was attacked by hostile forces in the Ben Cui Rubber Plantation east of Tay Ninh City, Tay Ninh Province. After his unit withdrew, PFC Acosta-Rosario was determined to be missing, and he was declared so. When his unit reoccupied the abandoned position, they could not find any trace of him. Some freshly dug graves were located and bodies were exhumed, but it was determined that they were probably members of the People's Army unit which encountered PFC Acosta-Rosario's unit.

PFC Acosta-Rosario was last seen with his M-60 machine gun as his unit was receiving enemy 60mm mortar fire. His platoon sergeant

stated that he believed PFC Acosta-Rosario had been hit by enemy fire prior to the unit's withdrawal.

Subsequent to the engagement, friendly forces captured documents from the Vietnam People's Army 7th Infantry Division dated August 23, 1968. The documents reported the capture of two Americans on August 22nd. Although the names of the two were not provided, the specificity of the date and area of capture permitted a tentative correlation to the capture of PFC Acosta-Rosario and PFC Walter Ferguson (Case 1260).

After Operation Homecoming, there was an effort to locate any information about PFC Acosta-Rosario's fate. In 1974 there was information that an American had been captured alive in the Ben Cui Rubber Plantation, but it could not be correlated to him. Information was received in the late 1980s which mentioned the recovery of remains of a deceased American, but this also could not be correlated to Acosta-Rosario.

Returning U.S. POWs were unable to provide any information on Acosta-Rosario's eventual fate. In March 1978, Acosta-Rosario was declared dead/body not recovered based on a presumptive finding of death.

South Vietnam — **Walter Ferguson (1260)**

On August 23, 1968, Private First Class Ferguson, a member of the 25th Infantry Division, was captured east of the town of Loc Ninh, Binh Long Province. Returning U.S. POWs captured in South Vietnam were held with him in Tay Ninh Province. In June 1970, PFC Ferguson appeared to have been mentally affected by months in captivity. For example, he would frequently jump on guards, put voodoo hexes on them and would then be beaten by the guards.

In approximately June 1970, the U.S. POWs held in Tay Ninh Province were moved across the border into Cambodia. During this move, PFC Ferguson asked to go to the toilet, and he was taken away. Another U.S. POW heard a guard call Ferguson's Vietnamese name several times, and then there was a shot followed by a moan. One returnee was told by the prison commander than Ferguson had been shot and killed during an escape attempt.

In January 1973, the Provisional Revolutionary Government identified PFC Ferguson as having died in captivity in May 1970. His remains have not yet been recovered. In May 1973, he was declared dead/body not recovered based on a presumptive finding of death.

South Vietnam — Dallas R. Pridemore (1274)

On September 8, 1966, Staff Sergeant Pridemore was visiting a local Vietnamese family in the suburbs of Saigon in Thu Duc District, Gia Dinh Province. He was abducted during the visit. Wartime reports indicated he was last seen alive in Svay Rieng Province, Cambodia in January 1969, and he was believed already dead when a skull, said to be his, was found in April 1969. Another report was received of the sighting of an individual resembling Sergeant Pridemore in Memot, Cambodia in April 1974.

Sergeant Pridemore was listed as a POW at the end of Operation Homecoming. He was later declared dead/body not recovered.

U.S. investigators in Vietnam in June and October 1989 interviewed witnesses who stated that Sergeant Pridemore had been captured alive. They said he was initially imprisoned in Binh Duong Province and was later transferred to the custody of the Liberation Army Headquarters. Other witnesses stated Sergeant Pridemore was being detained at a rustic prison in Cambodia when he was allegedly killed in a U.S. bombing. Further investigation conducted in April 1992 resulted in interviews with the former commander of the 1st Special Action Group, Sub-Region 4, who stated that Sergeant Pridemore's Vietnamese girlfriend was a local agent who compromised him and arranged for his capture.

In February and March 1992, U.S. investigators received additional information that Pridemore was sent to Binh Duong Province after capture. From there, he was taken toward the B-3 Front Theater Headquarters. He may have been taken into Cambodia in 1969.

South Vietnam — Dickie F. Finley (1308)

On October 21, 1968, Private First Class Finley and four other unit members were conducting a reconnaissance patrol approximately 45 kilometers northwest of Banmethuot, Darlac Province. They encountered a hostile force and evaded to a helicopter pickup point. The helicopter which arrived to pick up the unit had to take off due to heavy enemy fire, and PFC Finley could not be extracted. A search effort on October 23rd proved negative.

PFC Finley was initially declared missing. In November 1976, he was declared dead/body not recovered. Returning U.S. POWs were unable to provide any information about his presence in the Vietnamese prison system nor his fate.

South Vietnam — Jack D. Erskine (1321)

On November 13, 1968, Mr. Erskine, a civilian engineer engaged in a road survey, was driving along the coastal highway south of Phan Rang in the Binh Thuan/Ninh Thuan border area when he was stopped at a Vietnamese communist ambush. Documents recovered in February 1970 were artist renderings of Mr. Erskine in captivity. In January 1975, a South Vietnamese Army Regional Force battalion found his identity card in an abandoned house.

Mr. Erskine was initially reported missing and was carried in captivity at Operation Homecoming. Returning U.S. POWs were unable to provide any details regarding his fate.

Recent Joint Task Force Full Accounting interviews of witnesses in Vietnam has produced statements from former Vietnamese communist officials attesting to the capture of Mr. Erskine. He was reportedly killed by a prisoner escort officer while being taken to the Military Region Headquarters. The escort officer was reportedly killed in action during the war. Neither Mr. Erskine's remains nor his burial site has been located.

North Vietnam — Bradley G. Cuthbert, Mark J. Ruhling (1327)

On November 23, 1968, Captains Cuthbert and Ruhling were in an RF-4C on a reconnaissance mission of a surface-to-air missile site in North Vietnam. While over Bo Trach District, Quang Binh Province, Captain Cuthbert's wingman observed their aircraft hit, break apart and burst into flames. No chutes were observed.

Two to three minutes later, Captain Ruhling was safely on the ground and in contact with his wingman. He was later captured alive by North Vietnamese ground forces. During his debriefing he reported seeing Captain Cuthbert alive in his chute with his hands up in the risers. Captain Cuthbert was not seen alive in the northern Vietnamese prison system. On November 23, 1968 North Vietnam reported the shoot down of an RF-4C and the death of one of the aircraft's crewmen.

In August 1989, Joint Casualty Resolution Center personnel interviewed witnesses in Quang Binh Province concerning this case. They recovered the dog-tag of Captain Cuthbert from local villagers. They also received hearsay information that after landing safely on the ground, Captain Cuthbert was beaten to death by local wood cutters. JCRC was taken to the purported grave site which appeared to relate to an entirely separate air loss incident.

Captain Cuthbert was initially declared missing in action. In May 1975, he was declared dead/body not recovered. His remains have not yet been repatriated.

North Vietnam

San D. Francisco
Joseph C. Morrison
(1329)

On November 25, 1968, Major Morrison and First Lieutenant Francisco were the crewmen in an F-4D on an reconnaissance escort mission over Quang Binh Province, North Vietnam. Their aircraft was hit by hostile fire while over the target. The crash site location was not observed, but there was a beeper. Search and rescue personnel zeroing in on the beeper were driven off by small arms fire. SAR personnel continued with a good beeper and voice communications with Major Morrison until contact was lost on the 26th. SAR forces reported two badly garbled communications which appeared to come from Lieutenant Francisco.

On November 26, 1968 the Vietnam People's Army published news which referenced the shoot down of U.S. aircraft and the capture of two U.S. pilots, although it did not specifically mention of either crewman by name.

Both crewmen were initially reported as missing in action. Lieutenant Francisco was declared dead/body not recovered in June 1978. Returning U.S. POWs did not report either one being alive in the northern Vietnamese prison system.

A Joint Casualty Resolution Center investigation in Quang Binh Province on August 9, 1989 located the crash site of their aircraft. They also received hearsay information that one or two crewmen were buried in the area.

In July and August 1991, JCRC was provided documents from Bo Trach District, Quang Binh Province which identified both crewmen as casualties. There was also an indication that U.S. wartime remains had already been recovered from the area. The JCRC also visited the museum of the 280th Air Defense Regiment which contained wartime memorabilia. This included Major Morrison's U.S. Air Force issued revolver and a data plate from their aircraft which credited the 105th Air Defense Battalion, 280th Regiment, with the shoot down.

South Vietnam

Tanos E. Kalil
(1375)

On February 8, 1969, Mr. Kalil and two other civilian technical

representatives, James A. Newington and John J. Fritz, all under contract to the U.S. Army's 34th General Support Group, were traveling in a convoy in the area of the town of Long Thanh in Dong Nai Province. Their convoy was ambushed by Vietnamese communist forces, and the three were captured.

Mr. Kalil was listed as a prisoner at the time of Operation Homecoming. The Provisional Revolutionary Government reported he had died in captivity on June 13, 1969. His remains have not yet been repatriated.

Mr. Newington and Mr. Fritz returned alive from captivity. They reported that Mr. Kalil was extremely ill and incoherent in June 1969 as a result of a kidney problem. On June 10, he was given four injections by camp staff; it appeared that he died after those injections. He was removed from the prison. Guards later returned and removed all Mr. Kalil's belongings. They said he was merely being taken to a hospital and was not dead.

North Vietnam — John M. Brucher
(1388)

Captain Brucher was the pilot of an F-105, one in a flight of two aircraft under the control of a forward air controller in Laos and in the area of the Ban Karai Pass. Captain Brucher's aircraft rolled in on the target and released his ordnance. On pull out from the attack, two fireballs came from the rear of his aircraft. His bombs hit the target area, exploded, and approximately two seconds later his own aircraft impacted in the ground and exploded.

Fifteen seconds later a forward air controller observed a good parachute, heard a good beeper, and established radio contact with Captain Brucher who had a dislocated shoulder and was suspended in a tree unable to free himself. His location was plotted to be in Bo Trach District, Quang Binh Province.

Hostile ground fire and darkness suspended the search and rescue effort until the next day, February 19th. His parachute was located, but it appeared slack, and no radio contact was made.

Captain Brucher was declared missing in action. On February 19th, a Vietnam People's Army unit reported this incident which occurred in the area of Commo-Liaison Station T-6, Route 20, and Binh Tram 14, Group 559 to Military Region 4. In 1972, Secretary of Defense Laird referenced Captain Brucher's case as one of 14 cases which the U.S. called on the Democratic Republic of Vietnam to account for because it was known he had been captured. In fact, there was no hard evidence confirming him alive in captivity.

Returning U.S. POWs were unable to account for Captain Brucher. In

January 1974, he was declared killed in action/body not recovered based on a presumptive finding of death.

In August 1989, a joint team of U.S. and Vietnamese investigators visited the area of Captain Brucher's loss but were neither able to locate his crash site nor witnesses to his incident of loss. During a January 1991 visit, a joint team was told that Vietnamese officials had recovered seven sets of U.S. remains from the Ban Karai Pass area during the 1970s.

South Vietnam — John T. McDonnell (1402)

On March 6, 1969, Captain McDonnell was the pilot of an AH-1G Cobra helicopter hit and downed by hostile fire in Thua Thien Province. His crew member, a First Lieutenant, was rescued alive on March 7 but was unable to provide any information on the fate of Captain McDonnell. A search mission was also unsuccessful.

Captain McDonnell was declared missing and, in February 1977, was declared dead/body not recovered. Returning U.S. POWs were unable to shed any light on his fate.

U.S. investigators in Vietnam during January 1991 interviewed witnesses who described the capture of an American pilot in the area where Captain McDonnell disappeared. They reported he had a broken and bleeding arm when taken prisoner and brought to a People's Army of Vietnam regimental headquarters which received instructions to transport him to the Tri Thien Hue Military Region Headquarters. He died en route, was buried, and the U.S. field team was shown his purported burial site. The site was excavated but no remains were located.

South Vietnam — Charles V. Newton, Charles F. Prevedel, Douglas E. Dahill (1428)

On April 14, 1969, Specialist Fourth Class Dahill, Staff Sergeant Newton and Sergeant Prevedel, Special Force personnel from Detachment B-52, 5th Special Forces Group, were on a reconnaissance mission in Quang Nam Province. They made contact with hostile forces on April 16th. On April 17th, Dahill radioed his location at noon and reported that they were under attack and requested air extraction. There was no further contact with the team. A search of the area between April 18 and 25 failed to turn up any sign of the three missing servicemen, and they were declared missing in action. Later, a Viet Cong POW reported sighting two American POWs in Quang Nam Province in May 1969. This report was placed on the

files of those in this loss incident as possibly correlating to the survival of two of the patrol members.

The three missing Green Berets were not accounted for during Operation Homecoming. In September 1978 they were declared killed in action/body not recovered, based on a presumptive finding of death.

In March 1991, Vietnam returned one tooth, uniform parts and a small quantity of human remains that were purportedly associated with the three missing servicemen. A review board determined that the limited quantity of material could not conclude any correlation to the missing servicemen.

South Vietnam — Donald L. Sparks (1456)

On June 17, 1969, Private First Class Sparks, a member of the Americal Division, was with his platoon when it was ambushed in Central Vietnam. He fell to the ground wounded. Reports were received that he had been captured, and, in May 1976, a letter of his was located which had been written after capture. He was reclassified as a POW. A wartime report from a South Vietnamese soldier described the death of an American named "Don" held with him at a POW camp in 1971.

PFC Sparks was not accounted-for during Operation Homecoming, and other U.S. POWs were unable to confirm his fate. In November 1979, he was declared dead/body not recovered.

In April 1989, U.S. investigators interviewed witnesses in Vietnam who described the evacuation by elements of the 31st Regiment of an American POW. This information was correlated to PFC Sparks. In August 1990, a U.S. team received additional information from witnesses about the capture of an American by the Vietnam People's Army 31st Regiment, 2nd Division which was again correlated to PFC Sparks. In January 1992, a U.S. field team in Vietnam interviewed an individual that described an American POW with a leg wound in Quang Tin Province. This case is still under active investigation.

South Vietnam — Gary B. Scull (1572)

On March 12, 1970, Second Lieutenant Scull was an advisor serving with a South Vietnamese battalion at a bridge outpost in Quang Tri Province. Their position came under heavy attack, and the bunker in which he was located appeared to have partially collapsed. When the bunker was recaptured and dug out, there was no sign of

Lieutenant Scull.

Lieutenant Scull was not reported alive in the Vietnamese prison system. He was initially declared missing and, after the end of hostilities, was declared dead/body not recovered.

In December 1974, a former soldier of the Vietnam People's Army reported seeing an American POW in June 1971. The American had been captured by elements of the 52nd Regiment, 320th Division, in Quang Tri Province. He was being taken to the B-5 Front Headquarters. This report possibly correlates to Lieutenant Scull. An account of Vietnam People's Army operations published in North Vietnam after 1975 included a wartime photograph which appeared to be taken from the vantage point of the bunker where Lieutenant Scull was last seen.

A U.S. field team recently visited the area where Lieutenant Scull was last seen in his bunker. They excavated a shallow grave and recovered a small amount of human remains. They were unable to locate any witnesses to the engagement.

South Vietnam — **Eugene L. Wheeler** (1598)

On April 21, 1970, Major Wheeler and Captain Charles E. Hatch were the crewmen in an OV-10A on a reconnaissance mission over South Vietnam. Their aircraft was hit by hostile ant-aircraft fire and crashed in Quang Nam Province. Both airmen were able to exit their aircraft and landed alive on the ground. Captain Hatch was in contact by radio with search and rescue forces. The next morning, Captain Hatch reported that Vietnam People's Army forces were closing in on Major Wheeler's position. He then heard automatic weapons firing, the sound of pistol shots and then had no further contact with Major Wheeler.

Captain Hatch was rescued alive, and Major Wheeler was declared missing in action. He was not accounted for during Operation Homecoming and was later declared dead/body not recovered based on a presumptive finding of death.

In April 1991, U.S. investigators in Vietnam located a member of the militia unit which claimed it shot down the aircraft associated with this loss incident. The witness stated he heard that Vietnam People's Army forces had shot and killed the pilot who, at the time, was resisting capture. The team received hearsay information the pilot was buried nearby, but the information did not appear to be credible. U.S. investigators also received information on the location of the crash site and confirmed its location after receiving a data plate from the aircraft.

South Vietnam — James M. Rozo, Robert P. Phillips, Joe P. Pederson (1639)

On June 23, 1970, Sergeant First Class Joe P. Pederson, Private Robert P. Phillips and Specialist Fourth Class Rozo, members of the 595th Signal Company, departed the town of Lai Khe to drive to Phuoc Vinh. They never arrived at their intended destination and were declared missing. Information culled from enemy POWs during the war claimed that two individuals were captured alive during the ambush of their vehicle. Additional information was received that the two were initially taken to the Sub-Region 5 Headquarters and were then taken in the direction of Cambodia. Other information alleged they were in a prison from which they attempted to escape, resulting in one of them being killed and the other successfully escaping.

Rozo, Phillips and Pederson were all listed as POW at the end of Operation Homecoming. They were later declared dead/body not recovered. Returning U.S. POWs were unable to provide any information on their fate.

The Joint Casualty Resolution Center field investigators in Vietnam have located witnesses to the imprisonment of the three Americans. Two were in captivity when they reportedly attempted to escape from a jungle prison and were killed by mines around the prison.

South Vietnam — Bernard H. Plassmeyer (1660)

On September 11, 1970, Plassmeyer was the pilot of an A-4E on a support mission near the A Shau Valley, Thua Thien Province. It appeared that his aircraft was downed by hostile groundfire and crashed in the target area. There was no evidence of a parachute, and no beeper signal was heard. A later search located the wreckage and from its condition determined that Plassmeyer's aircraft had disintegrated upon impact. That same day, a forward air controller saw a parachute and torso harness in some nearby trees. There appeared to be blood on the harness. Plassmeyer was initially declared missing in action.

Returning U.S. POWs had no information on his precise fate, and he was later declared dead/body not recovered based on a presumptive finding of death.

In March 1991, U.S. investigators in Vietnam located the crash site associated with this incident. They were unable to locate any witnesses to the shoot down and could not locate any remains. However, they did locate fragments of the aircraft's ejection seat

and a face piece which indicated the pilot did not eject from the aircraft prior to impact.

South Vietnam — Douglas F. Strait (1668)

On October 18, 1970, Specialist Fourth Class Strait and two others were in an OH-6A observation helicopter on a flight to Phuoc Vinh Province. Their helicopter was hit by hostile groundfire and crashed 28 kilometers northeast of Tan Uyen. The remains of two of the crewmen were later recovered as well as three crew helmets. One was badly burned, one was destroyed and one was undamaged. There were ground signs suggested the third crewman may have been captured.

Specialist Straight was initially declared missing. In November 1975, he was declared dead/body not recovered. He was not reported alive in the Vietnamese prison system.

In 1983, U.S. intelligence received information about the crash site of a U.S. aircraft and buried remains in the where area Specialist Strait was lost, but this report could not be correlated specifically to Specialist Strait.

South Vietnam — Clive G. Jeffs (1723)

On March 12, 1971, First Lieutenant Jeffs was the pilot of an F-100D, one of two aircraft on a combat mission over Darlac Province. His engine flamed out, and he was forced to eject. Other aircraft heard a good beeper but could not establish voice contact with Lieutenant Jeffs. A search and rescue effort for ten days did not locate any sign of him, and he was declared missing in action.

Returning U.S. POWs were unable to provide any information on Lieutenant Jeff's eventual fate. He was later declared killed in action/body not recovered based on a presumptive finding of death.

In August 1974, an F0199 crash site was located in Kron Bong District. From all available evidence, the pilot had ejected from the aircraft prior to its crash, and the site appeared to correlate to Lieutenant Jeff's crash site. There was no sign of any remains at the crash site.

In December 1990, U.S. investigators in Vietnam visited Kron Bong District. They interviewed witnesses who reported finding a parachute they believed had belonged to the pilot. The team was unable to obtain any information on the pilot's fate.

South Vietnam — David P. Soyland
(1747)

On May 17, 1971, Warrant Officer Soyland was the aircraft commander of an UH-1H extracting a reconnaissance team from Quang Tri Province. The helicopter took hostile fire and began to turn over in the air as a rocket propelled grenade round severed the tail boom. A recovery team deployed in the area on May 18th located two crew members alive and recovered remains associated with the aircraft's pilot, Warrant Officer Pearce. The search and rescue forces did hear a loud beeper and saw a man in a white T-shirt running along a ridge line. They lost contact with him. The search continued through May 27th but was unable to locate Warrant Officer Soyland.

Enemy documents captured later that were dated May 1971 indicated a Vietnam People's Army unit had captured one American. The date and the circumstances did not permit a specific correlation to Warrant Officer Soyland.

Warrant Officer Soyland was declared missing in action. He was not reported in the Vietnamese prison system by returning U.S. POWs and, after hostilities ended, was declared dead/body not recovered.

South Vietnam — Danny D. Entrican
(1748)

On May 8, 1971, First Lieutenant Entrican was the team leader of a long range reconnaissance team on a mission in Thua Thien Province. His team was attacked by hostile forces at which time team members became separated. Entrican was last seen attempting to evade and was apparently wounded. A search and rescue effort was unable to locate him.

Vietnam People's Army documents captured after Lieutenant Entrican was declared missing stated a unit based in Savannakhet Province, Laos had captured an American in May 1971. Due to several losses in this general area during the month of May, this report could not be specifically correlated to Lieutenant Entrican. In June 1973, a Vietnam People's Army soldier reported observing an American First Lieutenant captured in May 1971 at a radio station in South Vietnam. This report was placed in Lieutenant Entrican's file as a possible correlation to him.

Returning U.S. POWs were unable to provide information about Entrican being alive in the Vietnamese prison system. After the end of hostilities he was declared dead/body not recovered.

South Vietnam — Madison A. Strohlein (1756)

On June 22, 1971, Staff Sergeant Strohlein and three others were parachuted into Quang Nam Province. Sergeant Strohlein radioed after landing that he was injured and requested medical evacuation. Near noon on June 22nd, hostile forces attacked the team, and Sergeant Strohlein's radio went silent. A search and rescue effort in the area the following day found weapons and evidence of a firefight, but there was no sign of Sergeant Strohlein.

Sergeant Strohlein was initially declared missing and, in October 1974, was declared dead/body not recovered. Returning U.S. POWs were unable to provide any information about him.

In August 1990, a U.S. field team traveled to Hien District, the area Sergeant Strohlein was declared missing. They interviewed witnesses who described an engagement and provided the team with a bone fragment which was determined to be non-human. In July 1991, a further trip back to the area led to an interview with local residents who described a large engagement between a local guerilla unit and a joint U.S./Vietnamese unit. One American was said to have been shot and killed during the engagement. This particular engagement could not be correlated specifically to the loss incident of Sergeant Strohlein due to the absence of any large Vietnamese force with him.

South Vietnam — James F. Worth (1810)

On April 1, 1972, Corporal Worth was the naval member of a gunfire liaison team in Gio Linh District, Quang Tri Province. This incident coincided with the launching of the Spring 1972 offensive by the Vietnam People's Army.

Corporal Worth's team was hit by a heavy ground attack and was forced to withdraw. At that point, Corporal Worth was determined to be missing. On the afternoon of April 2nd, Corporal Worth came up on his radio with a message that he was on his way overland to Dong Ha. He never arrived.

Corporal Worth was initially declared missing and, in December 1976, was declared dead/body not recovered. He was never reported alive in the Vietnamese prison system.

North Vietnam — Thomas E. Dunlop (1816)

On April 6, 1972, Commander Dunlop was flying an A-7E, one in a flight of two aircraft. His wingman observed Dunlop's aircraft being hit by a surface-to-air missile and breaking apart, the wreckage landing in an area approximately 14 kilometers south of the coastal town of Dong Hoi, Quang Binh Province. There was no chute or beeper. His seat was found two days later.

In 1975, a member of the Vietnam People's Army reported that on April 6, 1972 he observed an American airman being captured after landing in Quang Binh Province. The location and the date closely correlated to Commander Dunlop's shoot down and was the only aircraft downed that day in Quang Binh Province.

Commander Dunlop was initially declared missing and, in April 1973, was declared dead/body not recovered. He was not reported alive in the northern Vietnamese prison system.

South Vietnam

Bruce C. Walker
Larry W. Potts
(1820)

On April 7, 1972, Lieutenant Walker took off in an OV-10 from Da Nang Air Base and flew north to Hue City and picked up Lieutenant Potts, a naval artillery observer, to coordinate naval gunfire on hostile ground targets in the area south of the Demilitarized Zone separating North and South Vietnam. A forward air controller in the target area received a radio report from Lieutenant Walker confirming that the OV-10 had been shot down. Search and rescue forces located two parachutes on the ground and established radio contact with both Lieutenants, but hostile ground fire drove off the SAR aircraft. Visual and radio contact was maintained with Lieutenant Walker, but all contact was lost with Lieutenant Potts.

Lieutenant Walker was able to use his signal mirror over the next several days to help SAR forces pinpoint his location as he directed air strikes against camouflaged enemy ground targets. Finally, on April 15th, a survival kit was dropped to him. The SAR forces worked with Lieutenant Walker to have him move toward the east, and, on April 18th, they determined his eastward movement was much quicker than anticipated. That morning Lieutenant Walker radioed that he had encountered hostile forces and, at 0718 hours, was receiving enemy fire. This was the last transmission from him.

An F-4 dropped ordnance around his position and this caused hostile ground forces to partially withdraw. When last seen, Lieutenant Walker was lying in a ditch within 50 yards of 20 enemy soldiers coming after him. Shortly after that, two U.S. officers reported that hostile forces came upon Lieutenant Walker's radio and that there was whistling, yelling, and laughing before the radio transmission was apparently turned off.

On April 7th, a Vietnamese unit reported from Quang Binh that two pilots had been captured the previous night. Other reports on April 7th mentioned one aircraft shot down, but there was no mentioned of the fate of the crew. Also on April 6th, Radio Hanoi broadcast a report about the downing of aircraft in Quang Binh and the Vinh Linh Special Zone, but there was no reference to the capture of any aircrews.

In April 1972, a People's Army of Vietnam soldier reported seeing an American POW approximately seven kilometers north of Lieutenant Walker's last known location. He was reportedly one of two crewmen from an OV-10 downed by a heat seeking surface-to-air missile on April 1, 1972. A second crewmen, an African-American, was killed trying to escape. Other reports of the sighting of an African-American who was wounded, captured alive, and died circa July 1972 in prison camp K-4 in Quang Binh Province were received.

A joint U.S./Vietnamese investigation was conducted in Gio Linh District, Quang Tri Province in July 1990. A reported grave site was excavated, but no remains were recovered. Witnesses stated the remains were exhumed several years after they were first buried. The team was unable to visit the area of the former K-4 prison camp in Quang Binh Province.

Lieutenants Walker and Potts were declared missing, and returning U.S. POWs were unable to provide information on their precise fate. By January 1980, both had been declared dead/body not recovered based on a presumptive finding of death.

South Vietnam — Larry K. Morrow
(1868)

On May 29, 1972, Specialist Fourth Class Morrow was the gunner/observer on an OH-6A helicopter conducting a visual reconnaissance in Kontum Province. Enemy ground fire hit his aircraft causing it to crash and burn. On June 29, 1972, South Vietnamese Army forces searched the crash site and recovered Specialist Morrow's flight helmet and the skeletal remains of other crewmen who perished in the incident. The crash site area was later struck by a B-52 airstrike.

Specialist Morrow was initially declared missing in action. Returning U.S. POWs had no information on his precise fate. In November 1973, he was declared killed in action/body not recovered based on a presumptive finding of death.

On December 21, 1973, a Vietnam People's Army defector reported having seen an American POW in June 1972 at a location approximately 55 kilometers from the crash site. This report was placed in Specialist Morrow's file. In August 1974, the crash site was searched again, but no further human remains were recovered.

In August 1983, U.S. intelligence received information concerning the downing of a U.S. aircraft in the general area of Specialist Morrow's loss incident. One airman was reportedly killed and one captured. This report was also placed in Specialist Morrow's file. In December 1990, U.S. investigators in Vietnam visited the area of this loss incident. They interviewed a former Vietnam People's Army officer with knowledge of the area and some responsibility for U.S. POWs held in the area. Although they had information on some U.S. POWs, they had no information about Specialist Morrow, including an indication as to whether or not he had been captured alive.

South Vietnam — Daniel Borah (1927)

On September 24, 1972, Lieutenant Borah was the pilot of an aircraft on a strike mission against People's Army of Vietnam troops west of Quang Tri City, Quang Tri Province. Barrage fire from 37mm anti-aircraft guns in the area of his position hit his aircraft, and it burst into flame. He was seen ejecting from the aircraft and was in voice contact while coming down in his parachute. Then, several short beeper bursts were heard, but there was no further voice contact with him. He landed in trees and his parachute was observed being pulled down through the foliage.

On September 24, 1972, a People's Army of Vietnam unit reported that it shot down an A-7 and captured the live pilot. This report was believed to be evidence of his capture, and Lieutenant Borah was subsequently reclassified from missing in action to POW.

On September 24, 1972, a People's Army unit also reported firing at and hitting an F-4B. In another report, one F-4 was reportedly downed with one pilot captured and one killed. On September 24th, Radio Hanoi reported its forces in the Vinh Linh Zone area of the Demilitarized Zone had shot down an F-4.

Lieutenant Borah was not accounted for during Operation Homecoming, and returning POWs had no information on his precise fate. In July 1977, he was declared dead/body not recovered based on a presumptive finding of death.

A January 1989 U.S./Vietnamese joint investigation in the area of Lieutenant Borah's crash site did locate aircraft wreckage, but the specialists were unable to conclude the specific type of aircraft to which the material pertained and were unable to correlate it to Lieutenant Borah's loss incident. Local witnesses with information about the fate of Lieutenant Borah could not be located.

South Vietnam — Mark A. Peterson
George W. Morris, Jr.
(1981)

On January 27, 1973, Lieutenant Peterson and Captain Morris were the crew in an OV-10A from Nakhon Phanom Air Base, Thailand on a forward air control mission against a target in Quang Tri Province, South Vietnam. Their aircraft was apparently hit by a shoulder fired SA-7 ground-to-air missile and went into a spin, and both crewmen ejected. A witness heard the transmission, "I'm going to be captured," and identified it as Lieutenant Peterson's voice. Another witness observed hostile forces on the ground gathering up the airmen's parachutes approximately 25 to 35 minutes after they were shot down. A search and rescue force was unable later to locate them.

At the time of their shoot down, a Vietnamese People's Army unit radioed that it had shot down one OV-10 and four F-4 at approximately nine o'clock on the morning of January 27, 1973. Another radio report confirmed the shoot down of an OV-10 on January 26th. These reports were correlated to the loss of this crew and the loss of Commander's Hall and Kientzler in an F-4D which occurred in the same area. Upon his release from captivity, Commander Kientzler stated that he saw the OV-10 get hit and the crewmen eject. He also saw an estimated group of 30 Vietnam People's Army soldiers on the ground firing their automatic weapons at Lieutenant Peterson and Captain Morris as they were coming down in their parachutes. Commander Hall was not accounted-for, and Commander Kientzler was told in Hanoi by his captors that he was the last (live) U.S. POW of the war.

Peterson and Morris were declared missing in action. Returning U.S. POWs had no direct knowledge of their precise fate. After Operation Homecoming they were declared dead/body not recovered based on a presumptive finding of death.

In March 1973, U.S. intelligence received information from a former People's Army soldier describing a crash site in the area where the aircraft of Peterson and Morris crashed. The wreckage was said to be of an aircraft shot down three days before the cease-fire. Two U.S. airmen were buried in graves at that location. In another report in 1974, one U.S. pilot was reported to have been captured alive and seen in the area on January 30th, and the second pilot was reportedly killed. Both reports were placed in the files of those associated with this loss incident.

The area of this loss location was visited by a joint U.S./Vietnamese team in May 1990. Witnesses interviewed stated that both pilots had landed safely and had engaged surrounding Vietnam People's Army forces. Both pilots were killed in the exchange of fire. One witnesses reported two bodies were seen on the ground where the two pilots had landed.

South Vietnam — Harley H. Hall (1982)

On January 27, 1973, Commander Hall and fellow crewman Lieutenant Commander Phillip A. Kientzler were crewmen in an F-4J in a flight of aircraft attacking People's Army of Vietnam supplies and moving vehicles in Quang Tri Province, South Vietnam. Their aircraft was hit by hostile anti-aircraft fire, and both ejected. Other aircraft heard beeper signals but were unable to establish voice contact with either crewmen.

Commander Kientzler was captured by People's Army of Vietnam forces and was repatriated during Operation Homecoming. During his post-release debriefing he stated that both he and Commander Hall were fired upon by ground forces while they were still coming down in their parachutes. He was wounded in the leg. He did not hear a beeper from Commander Hall after landing. After capture, he was told by a People's Army guard that Commander Hall was dead.

Both crewmen were initially reported as missing in action, and both were later reclassified as prisoner. Commander Hall was subsequently declared dead/body not recovered.

During 1989, the Joint Casualty Resolution Center visited the area of Commander Hall's shoot down and received information from witnesses that he was seen dead on the ground with a fresh wound in the right thigh. He was reportedly buried in the area, and his grave has reportedly been dug up on several occasions by persons searching for his remains. No evidence of his remains could be found at his purported grave site.

South Vietnam — Clemie McKinney, Joseph G. Greenleaf (2044)

On April 14, 1972, McKinney and Greenleaf were the crewmen of an F-4, one in a flight of three aircraft on a combat mission over Quang Tri Province, South Vietnam. Their aircraft was hit by hostile anti-aircraft fire and crashed approximately twenty-five kilometers northwest of Quang Tri City.

Both individuals were initially reported missing and, after the war, were declared dead/body not recovered. Neither individual was reported alive in the northern Vietnamese prison system.

McKinney's remains were repatriated on August 14, 1985. Vietnam reported that he died in November 1972.

In July and August 1991, a Defense Intelligence Agency officer with a field team in Vietnam inspected documents and artifacts at the museum belonging to the People's Army of Vietnam 280th Air Defense Regiment. Included in the war memorabilia was a shovel captured from an unidentified U.S. pilot by elements of the 103rd Battalion, 280th Regiment. The date and location correspond to this loss incident. This case still continues under active investigation.

Part Two : Smith 324 Compelling Cases

BOB SMITH
NEW HAMPSHIRE

United States Senate
WASHINGTON, DC 20510-2903

U.S. POW/MIAs WHO MAY HAVE SURVIVED IN CAPTIVITY

Prepared by the Office of Senator Bob Smith
Vice-Chairman, Senate Select Committee on POW/MIA Affairs

December 1, 1992

This listing contains the names of 324 still unaccounted for U.S. personnel from the Vietnam Conflict. Approximately 300 of these personnel were last known alive in captivity in Vietnam and Laos, last known alive, out of their aircraft before it crashed, or their names were passed to POWs who later returned. A handful of the cases involves incidents where the aircraft was later found on the ground with no sign of the crew. This listing is based on all-source U.S. intelligence and casualty reports, information provided by POWs who were returned, lists of POWs and/or last known alive personnel prepared by the Defense Intelligence Agency, and other information made available to the Vice-Chairman, Select Committee on POW/MIA Affairs. (The difference between 300 and 324 accounts for known incidents where one or more unidentified crew members were captured from a crew of more than one, or the aircraft was found with no trace of the crew.)

Based on the high number of MIAs at the end of the war who are still unaccounted for (currently 1,170 persons for whom the USG does not know their fate), it is probable that a significant percentage of the MIAs not on this 324 list actually survived their incident and could have been captured. Apparently, only the Vietnamese and Laotians would know their fate, as the U.S. Government does not. Given this reality, the list of 324 names which follows is at best conservative.

Moreover, it should be noted that this number is consistent with the overall numbers represented in the volume of detailed eyewitness and hearsay accounts of reported U.S. POWs in captivity following the war in Vietnam and Laos which have been the focus of investigation by Committee staff.

(Note: This is a working document expected to be revised and updated as selected MIA files, eyewitness and hearsay post-war POW reports, special intelligence, returnee debriefs, and other information continue to be analyzed by the Vice Chairman.)

Acosta-Rosario, Humberto USA - last known alive (DoD April 1991 list).

Adam, John G. USAF - Laos, name mentioned by Soviet correspondent. (NSA intercept correlation)

Adams, Lee Aaron USAF - Heasay second hand knowledge of Adams survival provided by POW returnee Michael L. Brazelton. (See Brazelton debrief B050)

Algard, Harold L. USA - possibly captured alive according to NSA intercept correlation (intercept - three out of five from JU21A incident alive and captured.)

Allard, Richard M. USA - POW identified by family members in Vietcong film clips. Mother claims to Associated Press (3/9/73) to have been allowed to see Allard in NVN prison camp in Cambodia. (see AP story 3/9/73)

Allinson, David J. USAF - good chute observed. (see Tomes and Smith debriefs, T032 and S104)).
good chute, DIA 1979 report.

Anderson, Gregory Lee USAF - beeper heard for short period. DIA analytical comment, 1979.

Anderson, Robert D. USAF - believed to have ejected from aircraft according to POW Returnee Latella debrief L079.

Andrews, William R. USAF - voice contact made on ground, wounded. DIA analytical comment, 1979.

- POW according to second hand hearsay information obtained through prison communication (see POW Returnee Brady and Talley debriefs, B096 and T001)

Ard, Randolph J. USA - Laos, out of aircraft before crash. (JTF-PA Survive Code 1)

Armstrong, John W. USAF - Laos, known captured. Interviewed by Soviet correspondent. (NSA intercept correlation.)

Ashlock, Carlos USMC - last known alive (DoD April 1991 list)

Avery, Robert D. USMC - POW according to passed down list.

POW Early Returnee Norris Charles memorized a list of reported prisoners which included Avery's full name.

Avers, Gerald F. USAF - POW held in cell 5 at Hao Lao prison according to hearsay information Gartley debrief (G006)

Avers, Richard L. USAF - Laos, possible correlation as POW in Cu Loc and Zoo prisons according to hearsay information provided by POW returnee Leo Hyatt H097)
- Shoot-down of aircraft confirmed by Hanoi radio with no mention of fate of crew.

Babula, Robert L. USMC - last known alive (DoD April 1991 list)

Backus, Kenneth P. USAF - believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

Baker, Arthur D. USAF - Laos, believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

Balcom, Ralph C. USAF - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)

Bancroft, William W. USAF - possibly captured according to NSA intercept correlation (one known captured from crew of two)

Bannon, Paul W. USAF - Laos, possible correlation to live-sighting information and intelligence pertaining to 1981 Nhom marrot activities (25 June 1981 Defense Department closed-door testimony)

Barden, Howard L. USAF - Laos. survival possible, DIA 1979 rpt.

Beene, James A. USN - name heard in prison communication according to hearsay knowledge by POW returnee James Mulligan M131.

Begley, Burriss N. USAF - Name scratched on floor at Ha Lo prison. (see Stutz debrief 123)
- last known direct voice contact with Begley was during incident when Begley stated he was ejecting from his aircraft.

Bennett, William G. USAF - POW according to second hand info. Reported as prisoner on Hanoi radio broadcast. (see Overly debrief.)

Bodenschatz, John E. USMC - last known alive (DoD April 1991 list)

Bogiages, Christos C. USAF - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)

Borah, Daniel V. USN - hostile captured, (DoD June, 1973 list)
- believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)
- known captured according to NSA intercept correlation.

Borton, Robert C. USMC - last known alive (DoD April 1991 list)

Bouchard, Michael USN - Laos, possible POW in good health according to notes obtained in prison by POW returnee Roger Miller. The name "Boucher" was passed.

Bram, Richard C. USMC - last known alive (DoD April 1991 list)
- reported as POW by SVN Pol. (DIA 1979 report)

Brandenberg, Dale USAF - Laos, EC47Q, Baron 52, believed to have been captured according to analysts in 1973 based on NSA intelligence reports.

Brashear, William J. USAF - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)

- believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

Brennan, Herbert O. USAF - believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

Brewer, Donald C. USMC - Laos, good parachute reported by enemy, enemy reports they are attempting capture according to NSA intercept correlation.

Brown, George R. USA - Laos, known to be alive on the ground during helicopter exfiltration. When the rope ladder broke and hostile forces

approached, the helicopter departed leaving Brown and Huston, alive and unwounded. Search team inserted four days later. No sign of Brown or Huston. (JCRC report)

Brown, Harry W. USA - last known alive (DoD April 1991 list)

Brown, Robert M. USAF - Laos/NVN, Captured alive according to same day intelligence report indicating capture of pilot(s) of a low flying aircraft in same location and giving orders to "conceal the accomplishment." (No other shootdowns correlate to this report.) Intelligence report one week later requested special Vietnamese team to transport the hulk of an F-111. NSA analyst recalls Brown on list of POWs moved to Sam Neua for movement to USSR. Brown's military ID card has surfaced in good condition at military museum in Vinh. NVN defector states intact portion of F-111 sent to China same month as Brown shootdown, NVN photographers not allowed to keep photos of the F-111.

Brownlee, Charles R. USAF - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)

Brownlee, Robert W. USA - Evaded on ground with RVN Lt. (POW Returnee William Reeder debrief)

Brucher, John M. USAF - voice contact made, injured in parachute in tree. DIA report, 1979. last known alive (DoD April 1991 list)

Buckley, Louis USA - last known alive (DoD April 1991 list)

Buell, Kenneth R. USN - possibly captured according to NSA intercept correlation (one pilot captured from incident)

Bunker, Park G. USAF - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)

Burnett, Sheldon J. USA - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)

Bynum, Neil S. USAF - Laos, one pilot parachuted and probably captured according to NSA intercept correlation. (F4D-two seater)

Carlock, Ralph L. USAF - Laos, POW, captured by PL forces according to FBIS intercepted PL radio

communication.
- believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

Carr, Donald Gene USA - Laos, reported as POW (DoD DOI Rpt. July, 1971)

Carroll, John L. USAF - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)

Carter, Dennis R. USMC - last known alive (DoD April 1991 list)

Champion, James A. USA - Survived helicopter and was observed walking away from site in good physical condition armed with an M-16 rifle. M154 debrief.

Chestnut, Joseph L. USAF - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)
- captured according to NVN records. (Source: Bob Destatte, Bill Bell JTF-FA
- sighted alive in captivity after the war. Source: Bill Bell, JTF-FA

Cichon, Walter A. USA - possibly captured according to DIA analytical comment, 1979.
- last known alive (DoD April 1991 list)
- listed as POW by DIA, 1973.
- NSA correlation as captured.
- wartime ralliers reported Cichon as captured (DIA 1992 analytical comment)
- U.S. field investigation has identified Vietnamese witness who states Cichon was captured and transferred to higher authorities.

Clark, Richard C. USN - good chute observed. (DIA analytical comment, 1979.)
- hostile captured (DoD June 1973 list)
- listed as POW by DIA, 1973.
- name on memorized list of POWs according to information from POW returnee C.P. Zuhoski.

Clarke, Fred L. USAF - Laos, one parachute observed from mid-air collision, possible correlation. (DIA report, 1979)

Clarke, George W. USAF - Laos/VN, hostile captured. (DoD June 1973 list)
- listed as POW by DIA, 1973.

- last known alive, Laos.
(DoD April 1991 list)

Coady, Robert F. USAF - Laos, hearsay POW - Rumble debrief. (DIA 3 Oct. 1969, State 25 Sept. 1969)

Cohron, James D. USA - Laos, last known alive (DoD April 1991 list.)

Collamore, Allan P. USN - first hand contact by tap code in prison system made by POW returnee James Mulligan.

Condit, Douglas C. USAF - believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

Cook, Dwight W. USAF - identified as POW by Thai returnees, 1973.
- possibly captured according to NSA intercept correlation.

Cook, Kelly F. USAF - believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

Cornwell, Leroy J. USAF - Laos, name reported by POW returnee Arthur Cormier. (JSSA).

Cramer, Donald R. USA - name passed on a note in Cu-Loc/Zoo prison according to POW Returnee Charles. Name in the POW memory bank according to POW Returnees Jeffrey and Charles.

Creed, Barton S. USN - Laos, voice contact on ground, DIA 1973. 'may have been captured' DIA rpt. 1979.
- JTF-FA Survive Code 1 (13 March 1992)
- listed as POW by DIA, 1973.
- last known alive (DoD April 1991 list)
- NSA intercept correlation.

Cressman, Peter R. USAF - Laos, EC47Q, Baron 52, believed to have been captured according to analysts in 1973 based on NSA intelligence reports.

Crew, James A. USAF - believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

Cristman, Frederick L. USA - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)

Crockett, William J. USAF - possibly captured according to NSA intercept correlation. (one pilot

captured from two-seater aircraft)

Cushman, Clifton E. USAF - POW according to hearsay information obtained by POW returnee Hyatt (H097 debrief) Name mentioned in French news report following incident.

Cuthbert, Bradley G. USAF - Seen alive in good chute (according to Ruhling debrief R053)
- believed to have successfully got out of his aircraft and was alive (DoD April 1991 list)

Dahill, Douglas E. USA - last known alive (DoD April 1991 list)

Dale, Charles A. USA - last known alive (DoD April 1991 list)

Danielson, Benjamin F. USAF - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)

Davies, Joseph E. USAF - believed to be alive according to prison communication information obtained by POW returnee Mulligan (M131 debrief)

Davidson, David A. USA - Laos, captured alive by enemy forces according to NSA/DIA intercept correlation.

Davis, Edgar F. USAF - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)

Debruin, Eugene H. - Laos, pilot of C-46. Shown alive in photo.

DeLong, Joe L. USA - listed as POW by DIA (Cat.3) (31 January 1992 deposition)

Demmon, David S. USA - hostile captured (DoD June 1973 list)
- listed as POW by DIA, 1973.
- last known alive (DoD April 1991 list)

Dexter, Bennie L. USAF - POW, capture witnessed, DIA 1979 rpt.
- hostile captured, (DoD June 1973 list)
- last known alive (DoD April 1991 list)
- hearsay information obtained by POW returnee Donald Rander (R047)

Dickson, Edward A. USN - ejected from aircraft DIA analytical comment, 1979.

Dinan, David T. USAF - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)

Dingwall, John F. USMC - possible POW according to SVN Pol., Search negative. DIA report, 1979.

- last known alive (DoD April 1991 list)

Dodge, Edward R. USA - last known alive (DoD April 1991 list)

Donahue, Morgan USAF - one parachute observed from mid-air collision, Donahue subject of subsequent live-sighting reports (CIA/DIA).

Dooley, James E. USN - identified as POW by Thai returnees, 1973. POW Returnee Daugherty heard that his name had been seen on wall. (Daugherty debrief)

Duckett, Thomas A. USAF - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)

Dunlop, Thomas E. USN - believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

Dunn, Michael E. USN - believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

Edwards, Harry S. USN - possibly a POW according to hearsay information in the prison system. (Flom, Mahoney debriefs)

Egan, James T. USMC - last known alive (DoD April 1991 list)

Eidsmoe, Norman E. USN - POW according to second hand info., possible Son Tay (Naughton debrief.)
- believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

Elliot, Robert M. USAF - captured, POW according to several "reliable" intelligence reports (NSA/DIA analytical comment)

Ellis, William USA - last known alive (DoD April 1991 list)

Ellison, John C. USN - positively identified as a POW in picture shown to POW returnee Robert Flynn by Chinese cadre while in captivity. Ellison appeared in good condition in picture, which showed a group of 10-12 guarded American POWs being marched through a crowd of people. Ellison was in the front row.

- Ellison's name carved in tree at Dogpatch

prison camp near Chinese border according to two unidentified returnees that contacted Ellison's family.

Entrican, Danny D. USA - last known alive (DoD April 1991 list)
- radio interception indicated Entrican had been captured and was to be moved north to Hanoi according to POW returnee (see returnee debrief Jon Cavaiani C139)

Estocin, Michael J. USN - possible POW according to second hand information from Rivers, Mayhew, and Smith debriefs.
- hostile captured (DoD June 1973 list)
- listed as POW by DIA, 1973.
- last known alive (DoD April 1991 list)

Fallon, Patrick M. USAF - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)

Finley, Dickie W. USA - last known alive (DoD April 1991 list)

Fischer, Richard W. USMC - last known alive (DoD April 1991 list)

Fitzgerald, Joseph E. USA - last known alive. (DoD April 1991 list)

Fitzgerald, Paul L. USA - last known alive. (DoD April 1991 list)

Fors, Gary H. USMC - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)

Foulks, Ralph E. USN - possible POW according to POW returnee Ballard debrief and DIA possible correlation in 1973.

Fowler, Donald R. USA - last known alive (DoD April 1991 list)

Francisco, San D. USAF - voice contact on ground, DIA rpt. 1979
- POW according to NSA report, 11/27/68
- listed as POW by DIA, 1973.
- last known alive (DoD April 1991 list)

Fryer, Bruce C. USN - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)

Gage, Robert H. USMC - last known alive (DoD April 1991 list)

Galbraith, Russell D. USAF - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)

Gallant, Henry J. USA - last known alive (DoD April 1991 list)

Garcia, Ricardo M. USA - Laos, out of aircraft before crash.

(JTF-FA Survive Code 1)

Gassman, Fred A. USA - Laos, captured alive by enemy forces according to NSA/DIA intercept correlation.

Gates, James W. USA - Laos, radio contact on ground. (DIA rpt.)
- out of aircraft before crash (JTF-FA Survive Code 1)
- believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

Gerstel, Donald A. USN - known captured according to NSA intercept correlation.

Glasson, William A. USN - Down and captured in China according to Peking Bulletin and Peking Radio. Information obtained by POW returnee Phillip Smith.

Gould, Frank A. USAF - Laos, alive and awaiting rescue according to Giroux, Peter J. returnee debrief G104.

- out of aircraft before crash. (JTF-FA Survive Code 1)

- SAR team reported seeing mirror flashes from area where rest of crew was picked up, but nightfall prevented further rescue attempts (JCRC).

- parachuted onto hill, awaiting rescue, voice contact and beeper heard. Ground search following day found helmet and parachute, but no sign of Gould.

- Gould is the subject of live-sighting reports from Laos in the 1990's. (DIA Stoney Beach reports)

Grace, James W. USAF - Laos, out of aircraft before crash. (JTF-FA Survive Code 1) attempted rescue unsuccessful. family member post-capture identification in Communist propaganda film. (PL guard)

Graf, John G. USN - Believed to be alive as POW in VietCong controlled area in 1973 according to POW returnee Robert White.
- hostile captured (DoD June 1973 list)
- listed as POW by DIA, 1973.

Green, Frank C. USN - known captured according to NSA intercept correlation.

Greenleaf, Joseph G. USN - believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)
- one parachute seen according to "generally reliable sources" (DIA analytical comment)

Greenwood, Robert R. USAF - Laos, POW at "Zoo" prison in Vietnam according to second hand info -- see Brunhaver B102 debrief.
- out of aircraft before crash. JTF-FA Survive Code 1

Greiling, David S. USN - POW according to second hand info. Name heard in system (Anderson debrief)
- Hostile captured (DoD June 1973 list)
- listed as POW by DIA, 1973.

Groth, Wade L. USA - last known alive (DoD April 1991 list)

Gunn, Alan W. USA - last known alive (DoD April 1991 list)

Hamilton, John S. USAF - believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

Hamilton, Roger D. USMC - last known alive (DoD April 1991 list)

Hamm, James E. USAF - believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

Hargrove, Olin USA - last known alive (DoD April 1991 list)

Harris, Jeffrey L. USAF - possibly captured according to NSA intercept correlation.

Harris, Reuben B. USN - Crew Down and captured in China according to Peking Bulletin and Peking Radio. Information obtained by POW returnee Phillip Smith.

Harrison, Donald L. USA - POW according to POW Returnee Wesley Rumble - based on second hand list.

Hasenback, Paul A. USA - last known alive (DoD April 1991 list)

Hastings, Steven M. USA - last known alive (DoD April 1991 list)

Held, John W. USAF - believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

Helwig, Roger D. USAF - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)

Hentz, Richard J. USA - possibly captured alive according to NSA intercept correlation (intercept - three out of five from JU21A incident alive and captured.)

Herold, Richard W. USAF - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)

Hesford, Peter D. USAF - Laos, believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

Hess, Frederick W. USAF - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)

Hestle, Roosevelt USAF - Seen alive at Heartbreak prison, possibly tortured and carried on stretcher. (Bolstad debrief, B091) believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

Hicks, Terrin D. USAF - Believed to have been captured alive and taken to Dong Hoi for medical treatment of a broken leg, according to information from POW returnee debriefs. (Uyeyama and Shanahan, U004 and S021)

Hodgson, Cecil J. USA - last known alive (DoD April 1991 list)

Holland, Melvin A. USAF - Laos, possibly captured, based on report the following day by Thai survivor of Lima Site 85 incident, and comments by former PL General Singkapo in 1991, whose subsequent recanting remains suspect. (Both sources stated three Americans were captured by NVN troops during the incident.)

Holley, Tilden S. USAF - POW according to hearsay information obtained by returning POWs Ellis, Fisher and Heiliger - see debriefs E028, F045, and H085.) Ellist reported full name. Possibly held in Cu Loc and the Zoo

prisons.

Holmes, David H. USAF - Laos, out of aircraft before crash. (JTF-FA Survive Code 2) Search and Rescue unable to locate pilot. (DIA 1979 report)

Holmes, Frederick L. USN - POW believed to have been held at CuLoc and Zoo prisons. (Kiern debrief, K046)

- known to have ejected from aircraft. (Source: DIA analytical comment)

Hrdlicka, David L. USAF - POW in Laos, voice recording and I'. /Pravda photograph including his name. - letter signed by Hrdlicka while in captivity appeared in NVN/PL magazine.

Huberth, Eric J. USAF - Cambodia, possibly captured according to NSA intercept correlation. (F4D two seater - one known captured)

Hunt, Robert W. USA - Possibly captured according to DIA 1979 analytical comments. - last known alive in proximity to enemy forces. (DoD April 1991 list)

Hunter, Russell P. USAF - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)

Huston, Charles G. USA - Laos, known to be alive on the ground during helicopter exfiltration. When the rope ladder broke and hostile forces approached, the helicopter departed leaving Brown and Huston, alive and unwounded. Search team inserted four days later. No sign of Brown or Huston. (JCRC report)

Ibanez, Di R. USMC - last known alive. (DoD April 1991 list)

Jackson, Paul V. USAF - Laos, known captured according to NSA intercept correlation. (L19, 01D)

Jakovac, John A. USA - last known alive. (DoD April 1991 list)

Jeffs, Clive G. USAF - believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

Jewell, Eugene M. USAF - hearsay information on possible survival of Jewell obtained by POW returnee

Edward Brudno. (Other possibly related hearsay information obtained by POW returnees Risner, Rivers, and Rutledge on name "Jual" heard on Voice of Vietnam or camp radio. Closest correlation is Jewell, Eugene M. USAF)

Johns, Vernon Z. USA - hostile captured (DoD June 1973 list)
- listed as POW by DIA, 1973.
- last seen alive (DIA 1979 report)

Johnson, Bruce G. USA - last known alive (DoD April 1991 list)

Johnson, William D. USA - last known alive (DoD April 1991 list)

Johnston, Steven B. USAF - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)

Jones, Bobby M. USAF - POW seen alive in camp in November, 1972. (Metzger debrief M133). Hearsay information of Bobby "M." Jones obtained by returnee Mulligan. A "B. Jones" was also seen alive in prison by returnee Orson G. Swindle. Finally, POW returnee Richard Vogel also had hearsay information of a POW named Bob Jones.

- two beeper signals believed to have been heard following Bobby Jones' incident. (DIA analytical comment)

Jordan, Larry M. USN - Crew Down and captured in China according to Peking Bulletin and Peking Radio. Information obtained by POW returnee Phillip Smith.

Kennedy, John W. USAF - known captured according to NSA intercept correlation.

Ketchie, Scott D. USMC - Laos, out of aircraft before crash. (JTF-FA Survive Code 2)

- known captured according to NSA intercept correlation.

Kiefel, Ernest P. USAF - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)

Kier, Larry G. USA - possible POW held in isolation (S098 debrief - USAF correlation.)

Knutson, Richard A. USA - POW shot down in January, 1973.
- Contact and discussion with POW returnee LeBlanc.

Koons, Dale F. USAF -- POW in good physical condition held in the Plantation prison according to first-hand and hearsay reports by returning POWs. (Doss D057, Smith S107, Schwertfeger S182)

Kosko, Walter USAF - military ID card seen in prison (Berg debrief B083)
known to have ejected from aircraft.

Kryszak, Theodore E. USAF - Laos, no trace of crew, wreckage sited.

Kubley, Roy R. USAF - Laos, survival possible according to DIA 1979 analytical comments.

LaFavette, John W. USA - Laos, radio contact on ground. (DIA 1979 report.)
- out of aircraft before crash. (JTF-FA Survive Code 1)
- believed to have successfully got out of his aircraft and was alive on the ground. last known alive (DoD April 1991 list)

Lane, Charles USAF - Two good chutes seen. One of the two crewmembers (unidentified) was known to have been alive on the ground according to Carrigan debrief C078.

Lawrence, Bruce E. USAF - Name heard in prison system communication according to POW returnee Mulligan M131.

Lee, Leonard M. USN - believed to have successfully got out of his aircraft and was alive on the ground. last known alive (DoD April 1991 list) Dead (DIA 1979 analytical comment)

Leeser, Leonard C. USAF - beeper heard for short period.

Lemon, Jeffrey C. USAF - Laos, possibly captured alive, according to NSA intercept correlation. (F4D Two-seater, one captured, one found dead.)

Lerner, Irwin S. USAF - survived incident, down okay according to crewmember debrief Klomann (K082)

Lester, Roderick B. USN - orders given by enemy to capture the two pilots from this aircraft according to NSA intercept correlation.

Lewandowski, Leonard J. USMC - name heard on radio and photo seen in magazine according to hearsay information from POW returnee Leo

Hyatt.

Lewis, James W. USAF - Laos, believed to have successfully got out of his aircraft and was alive on the ground. last known alive (DoD April 1991 list)

Long, John H. USAF - POW held in Hanoi in good physical condition according to first-hand observation by POW returnee Brande. Brande reported Long's full name. Seen in Citadel, Holiday Inn, Vegas prisons.

Lull, Howard B. USA - POW, seen alive and evading, and subsequently captured according to POW Returnee Mark Smith and Albert Carlson debriefs.

Luna, Carter P. USAF - Laos, voice contact on ground. (JTF-FA Survive Code 1)
- listed as POW by DIA, 1973.
- likelihood he was captured (DIA 1992 analytical comment)

Lundy, Albro L. USAF - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)
- alleged post-capture photo positively identified by family members.

Malone, Jimmy M. USA - last known alive (DoD April 1991 list)

Mamiya, John M. USAF - identified by Thai returnees, 1973.

Mangino, Thomas A. USA - last known alive (DoD April 1991 list)

Marik, Charles W. USN - good chute. (DIA report 1979)

Marker, Michael W. USA - possibly captured alive according to NSA intercept correlation (intercept - three out of five from JU21A incident alive and captured.)

Martin, Russell D. USAF - Laos, no trace of crew, wreckage found.

Massucci, Martin J. USAF - possible last known alive (one of the two crewmembers were known to have been last known alive - see Scharf, Charles J.) DoD April 1991 list.

Matejov, Joseph A. USAF - Laos, EC47Q, Baron 52, believed to have been captured according to analysts in 1973 based on NSA intelligence reports.

Mauterer, Oscar USAF - Laos, ejected and possibly captured.

(DIA analytical comments, 1979 rpt.)
- out of aircraft before crash. (JTF-FA Survive Code 1)
- believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

McCarty, James L. USAF - good chute observed by SAR. (See Jackson J044, Marshall M168, Hanton and McDowell debriefs) - F4D 6/24/72

McCleary, George C. USAF - POW later positively identified in 1969 in XMAS photo. (POW returnee Charles C141 and McNish M126 debriefs)

McCrary, Jack USAF - radio contact (DIA 1979 report)

McDonald, Joseph W. USMC - identified as POW held at Ha Lo prison in good physical condition according to first hand contact by POW returnee Rayford R049 debrief).
- "possibly captured" according to DIA comments, 1979.

McDonald, Kurt C. USAF - believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

McDonnell, John T. USA - last known alive (DoD April 1991 list)

McElvain, James R. USAF - Name possibly heard on radio broadcast. (Shumaker debrief S097)

McGar, Brian K. USA - last known alive (DoD April 1991 list)

McIntire, Scott W. USAF - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)
- possible POW according to NSA correlation. Possible conflicting SAR information.

McLean, James H. USA - POW, capture confirmed by Viet. POWs, according to 1979 DIA report.
- hostile captured, DoD June 1973 list.
- listed as POW by DIA, 1973.
- last known alive, DoD April 1991 list.

McPherson, Everett A. USMC - Name believed to have been passed on prisoner list in Cu Loc prison according to POW returnee Norris Charles debrief.

Mellor, Fredric M. USAF - voice contact, uninjured.

Melton, Todd M. USAF - Laos, EC47Q, Baron 52, believed to have been captured according to analysts in 1973 based on NSA intelligence reports.

Milius, Paul L. USN - Laos, out of aircraft before crash. (JTF-FA Survive Code 2)

Millner, Michael USA - last known alive (DoD April 1991 list)

Mims, George I USAF - believed to have successfully gotten out of his aircraft before crash and was alive on the ground (DoD April 1991 list)

Mitchell, Harry E. USN - possibly seen (1979 DIA report)

Miyazaki, Ronald K. USAF - survival possible from crash, but no sign (according to analytical comments by DIA, 1979).

Moreland, James L. USA - last seen alive and unwounded on the ground according to POW Returnee Thompson debrief.

Morgan, James S. USAF - believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

Morris, George W. USAF - Good chute, Possible voice contact. (Kientzler debrief, DIA 1979 report)
- believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

Morrissey, Robert D. USAF - Laos/NVN, Captured alive according to same day intelligence report indicating capture of pilot(s) of a low flying aircraft in same location and giving orders to "conceal the accomplishment." (No other shootdowns correlate to this report.) Intelligence report one week later requested special Vietnamese team to transport the hulk of an F-111. NSA analyst recalls Brown on list of POWs moved to Sam Neua for movement to USSR. NVN defector states intact portion (possibly the ejection capsule) of F-111 sent to China same month as Morrissey/Brown shootdown, NVN photographers not allowed to keep photos of the F-111.

Morrow, Larry K. USA - last known alive (DoD April 1991 list)

Mossman, Harry S. USN - orders given by enemy to capture both pilots from this incident according to NSA intercept correlation.

Mullen, William F. USMC - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)

Mullins, Harold E. USAF - Laos, no trace of crew, wreckage sited.

Mundt, Henry G. USAF - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)

- believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

Netherland, Roger M. USN - believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

Newton, Charles V. USA - last known alive (DoD April 1991 list)

Newton, Donald S. USA - last known alive (DoD April 1991 list)

Nichols, Hubert C. USAF - name "Nickoles" seen on prison wall at Heartbreak and Zoo prisons in November, 1972. (See POW returnee debriefs Young Y008, Zuberbuhler Z009 and Brunson B190) Possible correlation to either Hubert Nichols or POW returnee Aubrey Nichols.

Nidds, Daniel R. USA - last known alive (DoD April 1991 list)

O'Grady, John F. USAF - ejected (DIA 1979 report) captured (NVN sources, 1991)

Osborne, Rodney L. USA - possibly captured alive according to NSA intercept correlation (intercept - three out of five from JU21A incident alive and captured.)

Parker, Woodrow W. USAF - POW at Citadel and Country Club prisons. Indirect contact (wall tapping) reported by POW Returnee Overly (debrief 0025).

Parsley, Edward M. USAF - Reported as possible POW "name familiar" (Coffee debrief C088.)

Paschall, Ronald P. USA - pulled alive out of aircraft by crewmember prior to explosion. Crewmember susbsequently captured alone. No further details known. (Astorga debrief)

Patterson, James Kelly USN - Alive on ground (4 days) (Russell debrief R045)
- "probably captured with broken leg" according to DIA analytical comment, 1979.
- hostile captured, DoD June 1973 list
- listed as POW by DIA in 1973.
- enemy captors told crewmember POW returnee McDaniel that Patterson had been injured but was better now.

Pender, Orland J. USN - Possible POW, name heard by returnee Rudloff debrief (R085)

Perrine, Elton L. USAF - believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

Perry, Randolph A. USAF - Possibly heard on Voice of Vietnam or camp radio. (Risner, Rivers debriefs)
- Name also reported by POW returnees Rutledge and Shumaker.

Peterson, Delbert R. USAF - believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

Peterson, Mark A. USAF - Good chute, Possible voice contact. (Kientzler debrief, DIA 1979 report)
- believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)
- reported as captured according to NSA intercept correlation.

Phillips, Daniel R. USA - last seen alive and unwounded during ground fighting by returnee Dennis Thompson.

Phillips, Robert P. USA - hostile captured (DoD June 1973 list)
- listed as POW by DIA, 1973.
- last known alive (DoD April 1991 list)

Pierson, William C. USA - POW according to prison communications

and hearsay name on note passed in prison. (Charles and Mulligan POW Returnee debriefs.)

Pike, Dennis S. USN - Laos, out of aircraft before crash. (JTF-FA Survive Code 2)

Pittmann, Allan D. - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)

Plassmeyer, Bernard H. USMC - believed to have successfully got out of the aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

Platt, Robert L. USA - last known alive. (DoD April 1991 list)

Plumadore, Kenneth L. USA - last known alive (DoD April 1991 list)
- captured by PAVN forces (JTF-FA Narrative)

Pogreba, Dean A. USAF - Believed shot down and captured in China. (Thorsness debrief T03)
- Supporting data from Select Committee deposition points toward shoot-down and possible capture of Pogreba in China.
- Several additional returned POWs reported that Pogreba was believed to have been shot down over China.

Preston, James A. USAF - Laos, name heard by several returned POWs over Voice of Vietnam or Camp Radio. (Hyatt, Risner, Rivers, Rutledge, Shumaker.)

Prevedel, Charles F. USA - last known alive (DoD April 1991 list)

Price, Bunyan D. USA - Seen alive evading. JSSA list.
- Helicopter found, no trace of subject. (DIA analytical comment, 1979)
- hostile captured, DoD June 1973 list.
- listed as POW by DIA, 1973.
- last known alive, DoD April 1991 list.

Pridemore, Dallas R. USA - kidnapped from girlfriend's house. South Vietnam (DIA 1979 report)
- hostile captured, DoD June 1973 list.
- listed as POW by DIA, 1973.
- last known alive, DoD April 1991 list.

Pruett, William D. USAF - Beeper heard for short period.

Puentes, Manuel F. USA - Last seen moving, wounded in ambush.

Pugh, Dennis G. USAF - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)
- known captured according to NSA intercept correlation.

Ransbottom, Frederick J. USA - POW according to information provided by POW returnee Julius Long. Long had first-hand observation of Ransbottom.

Raymond, Paul D. USAF - name heard in prison communication according to POW returnee James Mulligan M131.

Reed, James W. USAF - Laos, known to have parachuted from aircraft, orders given by enemy to capture the individual according to NSA intercept correlation.

Rehe, Richard R. USA - observed wounded at NVA interrogation post in 1968 by POW Returnee Daly.
- listed as POW by DIA (31 Jan. 92 dep.)

Richardson, Dale W. USA - no trace of subject, helicopter found. (DIA report 1979)
- Richardson got out of aircraft alive after it was downed and evaded. (Maslowski, Young, Crowson debriefs)

Robertson, John L. USAF - believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

- positively identified by family members in alleged post-capture photograph.

Roe, Jerry L. USA - last known alive (DoD April 1991 list)

Rose, Luther L. USAF - Laos, no trace of crew, wreckage found.

Ross, Jospeh S. USAF - Last name seen on prison wall at Heartbreak prison according to Young, Zuberbuhler, and Brunson debriefs. (see Thompson)

Rowley, Charles S. USAF - Laos, positively identified as a POW by returnee Lawrence Stark from "either propaganda picture or group of Laos POWs viewing film shown at Hanoi Hilton with Stark in February, 1973. (Stark debrief)
- Additional information obtained from Select Committee deposition of US

Embassy official from Laos during war.

Rozo, James Milan USA - hostile captured (DoD June 1973 list)
- listed as POW by DIA, 1973.
- last known alive (DoD April 1991 list)

Russell, Peter J. USA - last known alive (DoD April 1991 list)

Scharf, Charles J. USAF - last known alive (one of the two crewmembers were known to have been last known alive -- see Massucci, Martin J.) DoD April 1991 list.

Schmidt, Walter R. USMC - Landed alive, NVA approaching. (DIA 1979 analytical comment)
- Captured alive, JSSA.
- Possibly shot, JSSA.
- listed as POW by DIA, 1973.
- hostile captured (DoD June 1973 list)
- last known alive (DoD April 1991 list)

Schultz, Sheldon D. USA - Laos, no sign of crew.

Schumann, John R. USA - POW last known alive working on a rice mill, heavy manual labor, chopping wood, 40 push-ups, developed congested lungs according to POW returnee Douglas Ramsey.

Scull, Gary B. USA - last known alive (DoD April 1991 list)
- NSA correlation 03/13/70.

Serex, Henry M. USAF - possibly survived as prisoner of war. (information under Committee evaluation)
- one person from crew known captured according to NSA intercept correlation.

Seymour, Leo E. USA - Laos, last known alive (DoD April 1991 list)

Shafer, Phillip R. USA - listed as POW by DIA, 1973.
- last known alive, (DoD April 1991 list)
- possible propaganda broadcast made by Shafer while in captivity.

Shark, Earl E. USA - listed as POW by DoD PW/MIA Task Group, 1975.

Shelton, Charles, USAF - captured by P.L. forces, voice contact.

Shinn, William C. USAF - beeper heard for short period.

Shriver, Jerry M. USA - POW according to POW returnee Norris Charles. "Charles seems positive this man is a PW" (USAF 1973 comment.)

Sigafoos, Walter H. USAF - Laos, possibly captured according to NSA intercept correlation (F4D two-seater, one captured, one found dead).

Singleton, Daniel L. USAF - Laos, possibly captured according to NSA intercept correlation (F4E - two seater - one captured)
- POW early returnee (1969) Wesley Rumble listed a "Larry Singleton" on a list of hearsay names that he was given to memorize. Daniel L. Singleton was shot down in January, 1969.

Sittner, Ronald N. USAF - Two good chutes seen. One of the two crewmembers (unidentified) was known to have been alive on the ground according to Carrigan debrief C078.

Skinner, Owen G. USAF - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)

Small, Burt C. USA - Captured with wounded leg. DIA 1979 rpt.
- listed as POW by DIA, 1973.
- hostile captured, DoD June 1973 list.
- last known alive, DoD April 1991 list.

Smith, Harding E. USAF - Laos, no trace of crew, wreckage found.

Smith, Warren P. USAF - Laos, out of aircraft before crash. (JTF-FA Survival Code 1)

Soyland, David P. USA - last known alive (DoD April 1991 list)

Sparks, Donald L. USA - Sent letter home as POW. Last seen with wounded foot. (JSSA list, DIA 1979.)
- listed as POW by DIA, 1973.
- hostile captured (DoD June 1973 list)
- last known alive (DoD April 1991 list)
- known to have been captured according to several returnees.
- first hand observation claimed by POW returnee Carroll Flora on March 5, 1973 at HaLo, Vegas, Hanoi Hilton prisons.

Sparks, Jon M. USA - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)

Spinelli, Domenick A. USN - possible POW. Name referenced by POW returnee Richard George Tangeman. Spinelli subject of subsequent post-war live-sighting information.

Steen, Martin W. USAF - good chute (DIA 1979).

possibly alive when found (Young debrief)

Stevens, Larry J. USN - Laos, alleged post-capture photograph positively identified by family members.

Stewart, Peter J. USAF - alleged post-capture photograph positively identified by family member.

Stewart, Virgil G. USAF - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)

Strait, Douglas F. USA - believed to have successfully got out of the aircraft (OH6A) and was alive on the ground. Last known alive. (DoD April 1991 list)

Strawn, John T. USA - possibly captured alive according to NSA intercept correlation (intercept - three out of five from JU21A incident alive and captured.)

Strohlein, Madison A. USA - last known alive (DoD April 1991 list)

Sutton, William C. USAF - beeper heard for short period.

Tatum, Lawrence B. USAF - believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

Taylor, Fred USA - last known alive (DoD April 1991 list)

Thompson, William J. USAF - POW according to second hand report of wall-tapping (Vohden debrief.)
- Second hand info from CIA captive Weaver. (see Ross)

Tigner, Lee M. USAF - possibly captured according to NSA intercept correlation (one pilot captured from two seater aircraft)

Townsend, Francis W. USAF - listed as POW by DIA, 1973.
- last known alive (DoD April 1991 list)
- known to have ejected from aircraft (POW Returnee Gauntt debrief)

Trent, Alan R. USAF - Cambodia, possibly captured according to NSA intercept correlation (F4D two seater - one pilot captured)

Tromp, William L. USN - hostile captured (DoD June 1973 list)

- listed as POW by DIA, 1973.
- last known alive (DoD April 1991 list)

Utley, Russel K. USAF - Laos, possibly captured according to NSA intercept correlation (F4E two seater, one captured).

Walker, Bruce C. USAF - believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

- known to have evaded for 11 days, maintaining radio contact. (DIA 1979 analytical comment) Spotter aircraft subsequently reported Walker was surrounded by 40 NVN troops.

- known captured according to NSA intercept correlation.

- Military ID card found in Hanoi military museum (January, 1992)

Walker, Lloyd F. USAF - Laos, survival possible but no sign. (DIA 1979 analytical comments)

Walker, Samuel F. USAF- Laos, one parachute observed, mid-air collision. (DIA analytical comment 1979)

Walton, Lewis C. USA - radio interception indicated Walton and Entrican had been captured and was to be moved north to Hanoi according to POW returnee (see returnee debrief Jon Cavaiani C139). Note: DIA suspects Entrican was captured by hostile forces. Entrican and Walton were together.

Warren, Ervin USAF - Laos, no trace of crew, wreckage found (DIA analytical comment, 1979)

Warren, Gray D. USAF - Laos, one pilot parachuted and probably captured according to NSA intercept correlation. (F4D-Two seater)

Wheeler, Eugene L. USMC - voice contact, last known alive (DoD April 1991 list)

White, Charles E. - last known alive (DoD April 1991 list)

Wilkins, George H. USN - identified alive by Thai returnees.

Williams, Robert J. USA - POW reportedly seen in Vietnamese magazine photograph, JSSA.

Williamson, James D. USA - Laos, POW according to hearsay information, JSSA.
no sign of crew, DIA.
- believed by POW returnees Friese and and Uyeyama to have signed propaganda statement.

Winters, David M. USA - last known alive (DoD April 1991 list)

Worth, James F. USMC - last known alive (DoD April 1991 list)

Wood, Don C. USAF - Laos, identified in Pathet Lao film, possibly captured. (DIA, 1979)

- believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

Wood, William C. USAF - Laos, out of aircraft before crash. (JTF-FA Survive Code 1)

Wright, David I. USAF - possibly captured according to NSA intercept correlation (one captured from crew of two)

Wright, Thomas T. USAF - Laos, believed to have successfully got out of his aircraft and was alive on the ground. Last known alive. (DoD April 1991 list)

Wrobleski, Walter F. USA - last known alive (DoD April 1991 list)

Zich, Larry A. USA - POW seen alive in early 1973 according to POW returnee Lawrence Stark. Zich was believed to be among a group of POWs viewing a propaganda film in late February/early March according to Stark, or had been seen in a propaganda photograph.

SMITH 324 COMPELLING CASES

Laos

Eugene H. Debruin
(0018)

On September 5, 1963, an Air America C-47 transport on which Mr. Debruin was a "kicker" was shot down by hostile ground fire over Savannakhet Province. It crashed approximately twenty two kilometers northeast of Muang Phine. Eugene Debruin and four non-U.S. crewmen parachuted out and were captured. According to the Pathet Lao, the remaining two American civilian crewmen who were not reported to have bailed out died in the crash. On May 31, 1966, the Pathet Lao spokesman in Vientiane, Soth Phetrasy, confirmed that Mr. Debruin was alive and in captivity.

Information from an American escapee and a Thai captured with Mr. Debruin recounted Mr. Debruin's capture and prison chronology through July 3, 1966, the last time they knew Mr. Debruin to be alive with them in Khammouane Province. Accounts of the prison escape include information that four of the seven prison guards were killed during the escape attempt. One Thai who escaped and was recaptured was not killed after recapture.

A photograph of Mr. Debruin was later obtained by Air America in May 1969 and showed Mr. Debruin in captivity circa 1965. A credit card and other information concerning the dead pilot was later obtained through private sources.

On September 25, 1982, Pathet Lao Colonel Khamla Keuphithoune told a visiting National League of Families delegation that Eugene Debruin was killed attempting to escape from captivity.

Information has surfaced from American POW hunters throughout the last half of the 1980s and into 1991, as well as from Lao and Thai residents of Thailand, which asserts that Mr. Debruin is still alive in Laos and living freely with a Lao wife and children in Khammouane Province. The Debruin case is well known in the private POW/MIA community due to extensive efforts and informational leaflets distributed by Mr. Debruin's brother who for many years has attempted to recover his brother. The Joint Task Force Full Accounting has received information regarding Mr. Debruin's grave site and is currently planning to excavate it.

South Vietnam — Kurt C. McDonald
Edward R. Dodge
(0051)

See Vessey 135 Discrepancy Cases for case summary.

North Vietnam — Edward A. Dickson
(0053)

On February 7, 1965, Lieutenant Dickson was the pilot of an A-4 on a combat mission over Bo Trach District, Quang Binh Province. His aircraft was hit by hostile ground fire and he headed out to sea. He was observed by other U.S. aircraft crew to eject from his aircraft but his parachute was not seen to deploy. He was declared dead/body not recovered, based on a presumptive finding of death.

On March 17, 1968, an issue of the Vietnam Courier carried a photograph of a beach grave site reportedly containing the remains of Lieutenant Dickson. A wartime Associated Press wirephoto depicted a body reportedly of Lieutenant Dickson and listed personal artifacts of his which had been recovered. A number of U.S. POWs returning from captivity in North Vietnam described a North Vietnamese movie they had been shown which contained a sequence reportedly showing the recovery of Lieutenant Dickson's remains from the water and the grave site where his remains were interred.

In August 1985, Vietnam turned over Lieutenant Dickson's Geneva Convention Card and Identity Card. In January 1991, a U.S. team in Vietnam examined a document listing the wartime combat operations in Bo Trach District which referred to the downing of a U.S. aircraft with one airman on February 7, 1965.

In January and July 1991, a U.S. team obtained substantially similar information from the People's Army of Vietnam Military Region IV museum.

South Vietnam — James H. McLean
(0054)

See Vessey 135 Discrepancy Cases for case summary.

Laos — Arthur D. Baker
James W. Lewis
(0070)

On April 7, 1965, Baker and James were crewmen on a B-57B, one in a flight of four aircraft on an interdiction mission launched from Bien Hoa Air Base, South Vietnam and with its target in Xieng Khouang Province, Laos. The crew was last seen descending through thin overcast toward the target area and it never reappeared. Extensive search and rescue efforts through April 12th failed to locate either the aircraft or its crew.

On April 14, 1965, the New China News Agency reported the shoot down of a B-57 approximately three miles north-northeast of the town of Khang Khay. This was described as the first B-57 shoot down of an aircraft launched from South Vietnam.

Both crewmen were initially reported missing in action in South Vietnam while on a classified mission. Their loss location was later changed to Laos. There was limited wartime reporting about U.S. aircraft losses in the general area the crewmen were last reported but they could not be correlated to this specific incident. U.S. intelligence continues to receive information which may correlate to this shoot down but provides no positive information on the fate of the crewmen.

In January 1974 Major Baker's next-of-kin requested his case review go forward and he was declared killed in action, body not recovered, in January 1974. Lewis was declared dead/body not recovered, in April 1982. Returning POWs were unable to provide any information on the fate of these two servicemen.

Laos — Charles E. Shelton
(0079)

On April 29, 1965, Captain Shelton was the leader in a flight of two reconnaissance aircraft over Laos. Due to bad weather in their primary target area, Captain Shelton turned to the next target near Sam Neua City, Sam Neua Province. His aircraft was hit by hostile fire while at 3000 feet and lining up on his target. He ejected with a good chute and the other aircraft overhead was in contact with him by radio. Inclement weather delayed any possible recovery attempt until May 1. Search and rescue efforts on 2-3 May were negative. A U.S. controlled team was inserted into the area on May 3 and learned from local villagers that Captain Shelton was last seen hanging in a tree. Similar teams continued to search for him through February 1966 but with negative results.

After his shoot down, Pathet Lao ralliers reported hearing about

the capture of an American correlating to the capture of Captain Shelton. He reportedly died in a cave in Vieng Xai, east of Sam Neua town, and near another POW, Captain Hrdlicka.

In September 1982 a Pathet Lao security official, Colonel Khamla, stated that Captain Shelton died in captivity in 1968 and was buried near his place of imprisonment. His grave was described as obliterated by a U.S. air strike.

The Joint Task Force investigated the purported grave site in April 1992 and was unable to locate any remains.

Colonel Shelton is still carried in a POW status.

Laos

David L. Hrdlicka
(0084)

On May 18, 1965, Captain Hrdlicka was piloting the lead aircraft in a flight of four F-105D on an interdiction/bombing mission in Houa Phan Province, Laos, previously known as Sam Neua Province. His aircraft was hit by hostile fire and he was seen to bail out, land safely and was later reported by villagers living near his landing point in the custody of Pathet Lao communist forces. A May 24 Pathet Lao radio broadcast announced his capture. A July 26 broadcast by Pathet Lao radio broadcast a post-capture tape recording made by Captain Hrdlicka.

Captain Hrdlicka was listed by the Department of Defense as a POW at the time of the Paris Peace Accords but was later declared to have died in captivity, body not recovered. Wartime reports from Pathet Lao defectors placed Captain Hrdlicka in a cave in the Vieng Xai area of Sam Neua Province through at least 1966.

On September 25, 1982, National League of POW/MIA Families visitors were told by a Lao security official, Colonel Khamla, that Captain Hrdlicka had died in 1968 of natural causes exacerbated by malnutrition and while imprisoned in a cave in Sam Neua. Colonel Khamla stated he was buried nearby but his grave was destroyed by U.S. bombing. Photocopied personal documents belonging to Captain Hrdlicka were passed to the U.S. by the Lao in February 1988. A private citizen visiting Laos in September 1989 was provided the photocopy of a document which apparently also belonged to Captain Hrdlicka. A photograph of Captain Hrdlicka after capture is in the Lao museum.

Captain Hrdlicka's purported grave site was investigated by the Joint Task Force Full Accounting in April 1992. Witnesses were interviewed who described Captain Hrdlicka's burial there in 1968. No remains were located. Efforts continue to locate Captain Hrdlicka's remains.

South Vietnam — Charles A. Dale
David S. Demmon
(0094)

See Vessey 135 Discrepancy Cases for case summary.

South Vietnam — Walter L. Hall
Bruce G. Johnson
Fred M. Owen
Robert L. Curlee
Donald R. Saagaert
Joseph J. Compa, Jr.
Craig L. Hagen
(0096)

See Vessey 135 Discrepancy Cases for case summary.

South Vietnam — John R. Schumann
(0099)

On June 16, 1965, Captain Schumann was serving as the advisor to the Cai Be District Chief, Dinh Tuong Province when he was seen captured by Viet Cong forces. In July 1965, elements of the South Vietnamese Army's 7th Infantry Division captured Viet Cong documents in Dinh Tuong Province which included a photograph of Captain Schumann in captivity. In December 1965, three American POWs released by the Viet Cong confirmed Captain Schumann was in captivity and was still alive. In October 1967, a photograph of Captain Schumann in captivity appeared in the Soviet "Red Army" newspaper in Moscow.

Based on information from American POWs released during Operation Homecoming at the town of Loc Ninh in South Vietnam, Captain Schumann was taken to Tay Ninh Province and held with other Americans. In 1966 he became very ill, suffering from pneumonia and with malfunctioning kidneys. He was with other American POWs when he died at 1330 hours early in July 1966. His body was removed and buried at an unknown location.

Captain Schumann was declared dead/body not recovered, in March 1967. He was listed by the Provisional Revolutionary Government as having died in captivity on July 6, 1966. His remains have not yet been recovered.

During October-November 1992, U.S. investigators with a joint U.S./Vietnamese team in Vietnam located and interviewed a former

guard and interpreter at the People's Army of Vietnam B-2 Theater of Operations B-20 prison camp which had confined U.S. POWs. Both sources described Captain Schumann's death at prison camp B-20. The investigators determined the prison camp was leveled and converted into farm land after April 1975 with the result that any facility locations and burial sites can no longer be located.

South Vietnam — Richard C. Bram, John F. Dingwall (0108)

See Vessey Discrepancy Cases for case summary.

South Vietnam — Fred Taylor, Henry J. Gallant (0109)

See Vessey Discrepancy Cases for case summary.

North Vietnam — Walter Kosko (0114)

On July 27, 1965, Captain Kosko was the pilot of an F-105D, one in a flight of four aircraft from Takhli Air Base, Thailand, on a bombing mission over Phu Tho Province, North Vietnam. There was intense anti-aircraft fire directed at the flight. Following an explosion near his aircraft, Captain Kosko reported he was hit and there was smoke in his cockpit. He later ejected and other flight members observed a fully deployed chute and survival gear. There was no beeper or voice contact with him after his ejection.

Captain Kosko was seen to land in the Black River. A search of the river disclosed an inflated life raft which was empty and no evidence of the pilot. On July 27th and 28th, Radio Hanoi reported eight U.S. aircraft shot down on July 27, 1965 and stated that pilots had been taken into custody from shoot downs in Ha Tay Province. Captain Kosko landed on the border of Ha Tay and Vinh Phu.

Captain Kosko was initially declared missing. Returning U.S. POWs were unable to provide any information concerning his fate. In November 1977 he was declared dead/body not recovered, based on a presumptive finding of death.

U.S. investigators in Vietnam in 1988 and 1990 visited the area of Captain Kosko's loss. Vietnamese officials stated that Captain

Kosko's life raft was recovered during the war. One witness stated it was used as a fishing boat in the local river until it deteriorated and was discarded. U.S. investigators were told Captain Kosko had indeed landed in the Black River, had never reappeared after going under water, and they believed he drowned in the river.

North Vietnam

Fredric M. Mellor
(0124)

On August 13, 1965, Captain Mellor was the pilot of an RF-101 and the flight leader in a flight of two aircraft over Son La Province. His aircraft was hit by hostile ground fire, his radio became inoperative and the second aircraft could see a fire in the nose of Captain Mellor's aircraft but he maintained control of it. With the second aircraft now in the lead, Captain Mellor suddenly disappeared from sight.

Another aircraft arrived on the scene, an RF-101, and the new aircraft was able to establish radio and beeper contact with Captain Mellor who had parachuted out and was alive on the ground. Rescue helicopters were called but when they arrived later they were unable to establish contact with and locate Captain Mellor.

Captain Mellor was reported missing and in December 1977 was declared dead/body not recovered. Returning U.S. POWs were unable to provide any information on his precise fate.

In February 1991, U.S. investigators in Vietnam interviewed witnesses to the downing of a U.S. aircraft corresponding to the loss incident of Captain Mellor. The witnesses stated that the pilot ejected safely and was able to evade for half a day. Late on the afternoon he was located by local militia. The pilot opened fire on them and they returned the fire, wounding the pilot. He was captured but later died, apparently of blood loss. No remains could be located by the U.S. investigators.

North Vietnam

James Branch
Eugene M. Jewell
(0135)

On September 4, 1965 Captain Branch and First Lieutenant Jewell were the crew in an F-4C aircraft on a strafing mission in Nghe An Province. They had just completed a strike on the target when another air crew observed a secondary explosion but later determined it was Captain Branch's aircraft which had crashed. No survivors were seen, no parachutes were seen and no beepers were heard. Returning U.S. POWs heard the pilot was killed when he flew

into a hill. His wingman believed no possibility of survival.

Both airmen were initially declared missing. After Operation Homecoming they were declared dead/body not recovered.

North Vietnam — Charles J. Scharf
Martin J. Massucci
(0158)

See Vessey Discrepancy Cases for case summary.

North Vietnam — Dean A. Pogreba
(0162)

On October 5, 1965, Major Pogreba was the pilot of an F-105D, the lead in a flight of four aircraft on a strike mission over North Vietnam. There was heavy anti-aircraft fire over the target area in Lang Son Province and rain showers in the target area intermittently obscured it.

After completing his bombing mission through dense cloud cover, Major Pogreba was last seen rolling off the target, still an area of heavy anti-aircraft fire and from which three surface to air missiles were launched. He radioed he was departing the area on the prebriefed exit route. The members of the flight also used the prebriefed exit route and maintained radio silence until reaching the coast. Major Pogreba never arrived and was declared missing. Visual and electronic search failed to disclose any evidence of either him or his aircraft.

Returning U.S. POWs were unable to provide any information on Major Pogreba's precise fate. However, one returnee offered his view that while in prison in North Vietnam, "it was thought that Major Pogreba was down in China" but no one knew the origin of this story. Major Pogreba was not identified alive in captivity by any returning U.S. POW and in November 1977 he was declared killed in action, body not recovered, based on a presumptive finding of death.

In February 1991, retired U.S. General Tom Lacy told Major Pogreba's next of kin that he had spoken with Major Pogreba and knew where he was. General Lacy said Major Pogreba was downed over China and he, General Lacy, had made two failed attempts to rescue him.

According to a next of kin, the People's Republic of China stated that an F-105 had strayed into Chinese air space. The available record documents that on October 6, 1965, Radios Hanoi and Beijing

reported U.S. aircraft were shot down in certain areas of North Vietnam and pilots captured on October 5th. No names of any captured pilots were given and the areas in which aircraft were reported shot down did not correlate to an area where Major Pogreba was operating when declared missing.

On October 5, 1965, the People's Republic of China announced that four U.S. aircraft had intruded into Chinese air space over Kwangsi Province on that date and one had been shot down. There was no mention of the type of aircraft involved. Although Pogreba was last known to be approximately 40 nautical miles from Kwangsi Province and was lost on that date, two other aircraft were also shot down on October 5th, crashed inside North Vietnam and approximately 30 miles from China, and in the general area where Pogreba was lost which was not known to be in Chinese air space.

In 1985, China acknowledged it had deployed over 300,000 of its forces in northern Vietnam during the war years, many of whom were in the northern tier of provinces which included the area where Pogreba was lost. Chinese units included various anti-aircraft forces.

North Vietnam — George C. McCleary (0183)

On November 5, 1965, Lieutenant Colonel McCleary was the pilot of an F-105, the flight leader of a flight of four aircraft on a SAM suppression mission over North Vietnam. A surface to air missile was launched and exploded approximately 20 feet from his aircraft. His aircraft burst into flames, pitched nose up, and began shedding pieces. The canopy was observed to separate before the aircraft disappeared into overcast tail first but his wingman couldn't determine if he was able to eject from the aircraft. No search and rescue mission was possible due to the extremely hostile ground environment and Colonel McCleary was declared missing in action.

In 1968 a People's Army of Vietnam soldier provided information on U.S. POWs at a Hanoi prison correlating to Hoa Lo Prison, also called the Hanoi Hilton. He identified a photograph of Colonel McCleary as similar to that of an American at Hoa Lo Prison. In 1977 the Defense Intelligence Agency reversed its previous correlation and concluded the soldier's report was erroneous.

In August 1972, DIA received a report about an F-105 shot down by a MIG-17 circa October 1966. One good parachute was seen. This report was placed in Colonel McCleary's file.

Two returnees identified LTC McCleary as one of the men in a photograph of U.S. POWs at the 1969 Christmas event staged for U.S. POWs. DIA later positively identified everyone at the event and

concluded the returnee's initial conclusions were a case of misidentification.

In November 1973, Colonel McCleary was declared dead/body not recovered, based on a presumptive finding of death. In July 1988, Vietnam turned over remains at Hanoi which it stated were those of Colonel McCleary. In May 1991 they were identified as his.

North Vietnam — George I. Mims, Jr. (0213)

See Vessey Discrepancy Cases for case summary.

Laos — Don C. Wood (0233)

On January 16, 1966, Captain Wood was one of a flight of five F-105 aircraft on a mission over Xieng Khouang Province, Laos. Captain wood was the pilot of an F-105D on a photo reconnaissance mission. While over the target and with flight members receiving 37mm antiaircraft fire on their passes over the target, Captain Wood's flight leader determined Captain Wood was not present with the remainder of the flight. The flight members searched a thirty mile radius from their target and were unable to locate either him or his crash site. Searches for him continued for the next three months and were unsuccessful. He was initially declared missing in action.

On January 18, 1966, Radio Beijing announced that a U.S. aircraft was shot down over Laos on January 16, 1966. A Pathet Lao radio broadcast also mentioned the shoot down of an aircraft and reported an airmen was seen parachuting down.

A Pathet Lao source interrogated in Laos in 1974 described the recovery of a U.S. airman who fell from an aircraft hit by antiaircraft fire from the area from the area of the Pathet Lao Regional Headquarters at Phou Kout. The airman reportedly died shortly after capture. This incident was placed in Captain Wood's file as possibly correlating to him due to the loss location. A Lao propaganda film obtained in January 1977 showed the identity card of Captain Wood together with blood chits, revolvers, helmets and other items which appeared undamaged.

In March 1980, Captain Wood was declared dead/body not recovered. His remains have not been repatriated. He was never reported by returning U.S. POWs to be alive in the Lao or Vietnamese prison system.

South Vietnam — James T. Egan (0235)

See Vessey Discrepancy Cases for case summary.

Vietnam — Cecil J. Hodgson, Frank N. Badolati, Ronald T. Terry (0242)

See Vessey Discrepancy Cases for case summary.

South Vietnam — James L. Carter, Wilbur R. Brown, Edward M. Parsley, Therman M. Waller (0248)

On February 3, 1966, a C-123 with a four man crew departed the Khe Sanh Special Forces camp on a twenty five minute supply shuttle flight to Dong Ha, Quang Tri Province. Four local nationals may also have been on the aircraft. The aircraft never reached its destination and there was no radio contact with either it or its crew. A search of the area failed to result in any evidence of either the crew or the aircraft. Local intelligence assets were used in an attempt to obtain information but nothing was learned. A total of 25 sorties lasting 74 hours over mountainous jungle, including the use of photo missions, failed to locate any evidence of the aircraft.

The four airmen were declared missing. Returning U.S. POWs had no information on their precise fate. The crewmen were declared dead/body not recovered, on different dates between June 1974 and January 1978, and based on a presumptive finding of death.

Laos — Russell P. Hunter, Jr., Ernest Kiefel, Jr. (0250)

On February 10, 1966, Captains Hunter and Kiefel were the crew of a B-57B escorting a C-130 flareship on a night strike mission over Laos. While in the target area eight miles east southeast of Tchepone, Captain Hunter radioed he was hit and would eject after his canopy went. No ejection was seen. Three minutes later the C-130 pilot reported a white glare on the ground and later a ten

second beeper in the area of the aircraft impact point. Another beeper was heard later but it could not be correlated to a member of this downed crew. Search and rescue aircraft located the aircraft wreckage but found no sign of the crew.

Both initially were reported missing and declared killed in action, body not recovered, in January 1979. Neither individual was ever seen in the northern Vietnamese prison system and their remains have not been repatriated.

Laos — Oscar Mauterer
(0253)

On February 15, 1966, Major Mauterer was the pilot of an A1E in a flight of aircraft providing cover for an O1E aircraft operating south of the Mu Gia Pass over Khammouane Province, Laos. During strikes on the target, Major Mauterer radioed he was on fire and bailing out. A good chute was seen and there was voice contact with him on the ground. Forward air controllers drew heavy ground fire while flying over his position. Search and rescue aircraft were unable to see him an hour later when they arrived to effect his rescue and there were signals other than his beeper on the emergency communications channel.

A U.S. controlled ground team inserted into the area reported on February 20th having heard from villagers that an American, correlated to Major Mauterer, was captured by elements of the People's Army of Vietnam. Another wartime report indicated Lao villagers had carried him from the area on orders of the Vietnam People's Army.

Major Mauterer was not seen alive in the northern Vietnamese prison system and his remains have not been repatriated. He was initially declared missing and was declared killed in action, body not recovered in December 1977.

South Vietnam — Donald S. Newton
(0258)

See Vessey Discrepancy Cases for case summary.

South Vietnam — William M. Collins, Delbert R. Peterson, Robert E. Foster (0267)

See Vessey Discrepancy Cases for case summary.

North Vietnam — Peter J. Stewart, Martin R. Scott (0274)

On March 15, 1966, Lieutenant Colonel Stewart and Captain Scott were the crew in an F-4C, one in a flight of two over Lai Chau Province. Approaching the target area, their flight leader spotted two trucks. Fifteen seconds later there was a large orange explosion on the ground and their was no response from Colonel Stewart's aircraft. An aerial search of the area failed to locate any survivors and there were no parachute or beepers. However, a red double star flare was seen approximately two minutes after the crash but the wingman was unable to investigate it thoroughly due to extremely hostile ground fire. No SAR mission was possible due to the extremely hostile conditions in the crash site area. Both airmen were declared missing in action.

Returning U.S. POWs had no information on the precise fate of the two airmen. Colonel Stewart and Captain Scott were declared killed in action, body not recovered, based on a presumptive finding of death in January 1980 and January 1979, respectively.

Laos — David H. Holmes (0275)

On March 15, 1966, Captain Holmes was the pilot of an O1E flying from Khe Sanh, South Vietnam on a forward air control mission over Highway 9 in Savannakhet Province, Laos. He radioed he was hit by hostile ground fire and made what appeared to be a controlled landing not far from Tchepone and within one mile of a hostile antiaircraft battery. Another forward air controller flying overhead reported seeing Captain Holmes' body motionless in the cockpit for 30 minutes after the crash and reported the aircraft completely intact. Search and rescue arriving on the scene after the departure of the FAC reported finding an aircraft which had been totally destroyed to the extent that it could not be identified as to aircraft type. U.S. air strikes later destroyed the antiaircraft battery near Captain Holmes crash site.

A ground search of the crash site on March 16 located his aircraft but no evidence of Captain Holmes. Emergency radio signals were

heard on March 20-21 coming from the type of radio used by Captain Holmes but the absence of proper radio procedures suggested his radio had been captured and was being used by his captors. One hearsay report received in 1974 and indicating a pilot was captured during the war might have referred to Captain Holmes.

Captain Holmes was not seen alive in the northern Vietnamese prison system and his remains have not been repatriated. He was initially declared missing and was declared killed in action, body not recovered in November 1978.

North Vietnam

Everett A. McPherson
Brent E. Davis
(0279)

On March 18, 1966, First Lieutenants McPherson and Davis were the crew on board an EF-10B, one in a flight of two aircraft on an electronic counter-measures mission in support of an air strike approximately 10 miles west of Thanh Hoa City, Thanh Hoa Province. Their flight received 85mm anti-aircraft fire during the mission. There was an explosion in their aircraft while at an altitude of 26,000 feet and over neighboring Nghe An Province. They were believed to have been hit and downed by enemy surface to air missile. A SAR mission over the area produced negative results.

Both airmen were initially declared missing in action. Returning U.S. POWs had no information on their fate. Both airmen were initially declared dead/body not recovered, based on a presumptive finding of death.

In December 1988, Vietnamese officials acknowledge having knowledge of their loss incident.

Laos

James W. Gates
John W. Lafayette
(0297)

On April 6, 1966, Captains Gates and Lafayette departed Phu Bai, South Vietnam in an OV1 in a flight of two aircraft for a reconnaissance mission over Laos. A "Mayday" was heard from both OV1 aircraft, and wreckage was found 30 kilometers inside Laos near Route 922 in Saravan Province. A forward air controller reported seeing all four alive on the ground and both aircrews reported they were all right. The FAC described the area of their shoot down as containing track vehicle marks, trucks and engineer equipment.

Radio contact was lost with Captains Gates and Lafayette after they reported Vietnamese communist forces closing in on them. The other

crew was rescued.

Captains Gates and Lafayette were not seen alive in the northern Vietnamese prison system and their remains have not been repatriated. They were initially declared missing and declared killed in action, body not recovered in October 1977.

China

William A. Glasson, Jr.
Larry M. Jordan
Reuben B. Harris
(0299)

On April 12, 1966, there were four crewmen on board a KA-38 on a 700 mile over water flight from Cubi Point, Republic of the Philippines to the U.S.S. Kitty Hawk in the Gulf of Tonkin. The flight duration was to be one hour and fifty minutes. The aircraft never reached its destination and the crew were declared missing. A search and rescue mission failed to locate any evidence of either the aircraft or its crew. Returning U.S. military detainees captured during the war and held by China had no information that any of the crew survived into captivity.

The 7th Air Force received an intelligence report that People's Republic of China forces had shot down an aircraft at 1345 hours on the day the four KA-38 crewmen were lost. U.S. Naval intelligence obtained a copy of a television film broadcast by Beijing Television which showed the wreckage of a U.S. aircraft and the helmet of the bombardier/navigator. Lieutenant JG Jordan was the bombardier/navigator. The aircraft reportedly crashed on the Leichow Peninsula in Guangdong Province.

On April 12, 1975, the People's Republic of China acknowledged it had the remains of one of the crewmen, PR2 Kenneth W. Pugh but no information about the other crewmen. China returned two sets of remains to American Red Cross representatives in Hong Kong on April 15, 1975. One set of remains was identified as Kenneth W. Pugh. In March 1976, the Joint Casualty Resolution Center took action leading to a change in loss location from over water to lost over China.

In a June 1980 letter to Congressman Ben Gillman, the People's Republic of China stated that Harris and Jordan had died but Harris' remains were lost at sea and Chinese officials were unable to locate Jordan's remains. The Chinese had no information on Glasson's fate.

North Vietnam — William R. Tromp (0304)

See Vessey Discrepancy Cases for case summary.

North Vietnam — Lee A. Adams (0307)

On April 19, 1966, First Lieutenant Adams was the pilot of an F-105D, one in a flight of four on a combat mission over Quang Binh Province. Lieutenant Adams was cleared to attack two trucks on a road and made a strafing pass in a 25 degree dive angle as he fired on the target. His aircraft was observed by other flight members to crash in the area and the aircraft was completely destroyed on impact. There was no chute or beeper and no search effort was launched.

In June 1966, Lieutenant Adams was declared killed in action, body not recovered. Returning U.S. POWs had no information on his precise fate.

U.S. investigators recently in Vietnam obtained access to records listing wartime air defense operations in Quang Binh Province. The records of Bo Trach District recorded the reported shoot down of an F-105 in the Nam Trach area on April 18, 1966. There were no aircraft losses in the area on this date but this report was believed related to another entry on April 19th where neighboring Cu Nam militia also claimed shooting down an F-105 aircraft. These reports were believed to correlate to this loss incident.

In November 1992, U.S. investigators obtained access to wartime photographs relating to U.S. air operations in Vietnam. Including in the photographs is one identified by Vietnam as a photograph of a body identified as that of Lieutenant Adams together with aircraft wreckage.

Laos — William F. Mullen (0323)

On April 29, 1966, an A-4E attack bomber piloted by Captain Mullen was one in a flight of three aircraft over Khammouane Province on a mission in the Steel Tiger mission area.

His aircraft was observed by his flight leader and another flight airman being hit by a burst of anti-aircraft fire while in an area of dense high cyclic rate of anti-aircraft fire which struck his aircraft in the aft of center line. A forward air controller last observed him 4-5 miles north of the target area flying into cloud

cover in the area of Route 9128 while continuing on a northern heading and emitting smoke.

During one of the 26 search and rescue sorties, a search aircraft received a strong beeper signal five nautical miles northeast of the target area. There was no reply from search aircraft attempts to have the source of the beeper signal respond. The signal was then lost but one hour later started again at five minute intervals. When the SAR force approached the ground area of the signals, they were hit by hostile ground fire on each pass over the area from which the signal was emanating. There were no signals in the area on April 29th. The loss location was initially reported as classified and in September 1973 was recorded as Laos.

Mullen was initially reported as missing in action. Returning U.S. POWs were unable to provide any information on his precise fate. In May 1976 he was declared dead/body not recovered, based on a presumptive finding of death.

South Vietnam — Jimmy M. Malone (0326)

See Vessey Discrepancy Cases for case summary.

South Vietnam — Bennie Lee Dexter (0333)

See Vessey Discrepancy Cases for case summary.

Laos — Lavern G. Reilly, George Jensen, Marshall L. Tapp, James A. Preston, George W. Thompson, James E. Williams, Kenneth D. McKenney, William L. Madison (0339)

On May 15, 1966, Major Lavern Reilly was an observer on an AC-47D aircraft, one of eight crewmen on an armed/visual reconnaissance mission in the Steel Tiger operational area of Savannakhet Province, Laos. It failed to return from its mission. A search and rescue on May 16, 1966, was negative.

On June 7, 1966, a Pathet Lao radio broadcast described U.S.

aircraft shot down over Central or South Laos and included in its list a reference to a C-47 which had been shot down on May 15 with eight Americans killed.

None of those on the aircraft were ever reported in the northern Vietnamese or Pathet Lao prison system. All were initially declared mission and after the end of the war were declared dead/body not recovered. None of their remains have been repatriated.

Laos — Ralph C. Balcom
(0340)

On May 15, 1966, Captain Balcom was the pilot of an F-105D, one in a flight of three aircraft on an armed reconnaissance mission over North Vietnam. The flight was unable to strike their primary target due to cloud cover and they dropped their ordnance on Route 1A. Captain Balcom radioed after dropping his ordnance that he was heading for home and was last seen climbing through cloud cover and heading west in the direction of Laos. He was never seen again. Captain Balcom was reported missing in action.

A search of the area failed to produce any evidence of either him or his aircraft. One flight member reported hearing a beeper for a short time but search and rescue aircraft did not hear it.

Pathet Lao radio reported downing an F-105 on May 15, 1966. Captain Balcom's aircraft was the only F-105 loss on that date and the Pathet Lao report was tentatively correlated to him.

Captain Balcom was initially reported lost over North Vietnam. Returning POWs had no information on his precise fate. After Operation Homecoming, a Joint Casualty Resolution Center review of Captain Balcom's flight led to a correction in his country of loss to be Laos. Part of the basis for this conclusion was due to the Pathet Lao broadcast. In December 1977 Captain Balcom was declared dead/body not recovered, based on a presumptive finding of death.

South Vietnam — Louis Buckley, Jr.
(0344)

See Vessey Discrepancy Cases for case summary.

North Vietnam | Martin W. Steen (0349)

On May 31, 1966, Captain Steen was the pilot of an F-105D, one in a flight of four aircraft on an armed reconnaissance mission over Van Chan District, Nghia Lo Province. He radioed he'd been hit by hostile fire while over the target, was unable to control his aircraft and was going to eject. Other flight members observed his canopy separate, saw him eject, there was a good chute, and he apparently landed in mountainous terrain along a 3000 foot ridge line.

Search and rescue forces were alerted and a pararescue specialist lowered to the area where Captain Steen's aircraft had touched down, found it snagged in the trees with the harness approximately 30 feet off the ground, with no trace of Captain Steen, and with the pararescue specialist unable to determine if the parachute reached the ground. Captain Steen was declared missing in action.

In December 1969, a People's Army of Vietnam soldier reported a U.S. pilot had been captured near Highway 6 in Son La Province and the soldier had escorted the pilot to Son La City. This report related to an incident which occurred in a neighboring province but was thought to possibly correlate to Steen for reasons which are unclear.

In February 1973, a returning U.S. POW described how, after his own capture, he'd been shown an ejection sheet and a sketch of a pilot with the name "Pheebee" followed by a five digit number. The Vietnamese captor indicated through sign language the pilot had been killed on impact. Since the eyes in the drawing were open, the returnee speculated the individual might be alive and the picture resembled Captain Steen.

No returning POWs had any information on Captain Steen's precise fate. In January 1974 he was declared dead/body not recovered, based on a presumptive finding of death.

In December 1983, Vietnamese officials returned the military identity card of Captain Steen. Later, a next of kin became aware that a pistol and watch was available for purchase through private channels and these were believed to have belonged to Captain Steen.

In December 1990, a joint U.S./Vietnamese team visited Yen Bai Town and gained access to a Nghia Lo Province document which criticized local militia for not capturing the pilot of a downed aircraft. The location and date of the incident correlated to the loss incident of Captain Steen. Investigators interviewed witnesses who stated that two aircraft were downed on May 31st over Van Chan District and described one incident which correlated to the loss of Captain Steen. The witnesses stated that the pilot had died on May

31, 1966, but it was not until four days later that they found a decomposing body which was covered up with a parachute. The body was buried in a remote forested area and the remains were later consumed by animals.

Laos

Theodore E. Kryszak
Russell D. Martin
Harding E. Smith
Harold E. Mullins
Ervin Warren
Luther L. Rose
(0354)

On June 19, 1968, an AC-47 aircraft departed Ubon Air Base, Thailand, on an armed reconnaissance mission over South Laos. At 2125 hours the crew reported their aircraft was on fire and a fire could be seen in the right wing root. Fire soon engulfed the entire right side of the aircraft and burning pieces began to fall away from it. The order was given to bail out and that was the last transmission from the aircraft's crew.

The aircraft, still on fire, continued in a straight level flight for approximately 5-10 seconds before turning nose over and crashing in a high angle dive, impacting 30 miles northeast of Tchepone. There was no hostile ground fire observed at the time. There were no parachutes observed and no emergency beepers. An airborne search and rescue force located the tail assembly of the aircraft but no evidence of the crew or that any survived. The crew was declared missing in action.

On September 13, 1968, the Pathet Lao news service reporting that Harding Eugene Smith was shot down on June 3, 1968 when his aircraft was bombing a Pathet Lao controller area of Laos.

The crew was not accounted for by the Pathet Lao during Operation Homecoming and returning U.S. POWs has no knowledge of their eventual fate. The crew members were declared dead/body not recovered, based on a presumptive finding of death on separate dates between June 1974 and January 1979.

Laos

Warren P. Smith
(0370)

On June 22, 1966, Captain Smith was the pilot of an O1F when his aircraft was hit by heavy automatic weapons fire. He radioed his wingman, another O1F, that his aircraft was on fire. His wingman observed him land in what appeared to be a controlled landing at a point 45 kilometers northwest of Tchepone and south of Route 911 in

Savannakhet Province, Laos. His wingman overflew the crash site and later recounted he saw Captain Smith slumped in the cockpit. Captain Smith did not respond to repeated calls on the radio. One hour later search and rescue forces arrived and determined that Captain Smith was no longer in the aircraft. The SAR mission was discontinued due to heavy enemy small arms fire from the area.

Captain Smith was initially declared missing. He was not reported alive in the northern Vietnamese prison system and his remains have not been repatriated. In January 1974 he was declared dead/body not recovered.

South Vietnam — William Ellis, Jr. (0372)

See Vessey Discrepancy Cases for case summary.

Over water — Charles W. Marik (0374)

On June 25, 1966, Lieutenant JG Marik and Lieutenant Commander Richard M. Weber, pilot, were the crew of an A-6A from the U.S.S. Constellation on a combat mission against the Hoi Thuong Barracks, a coastal target in northern Vietnam. Their aircraft was hit by anti-aircraft fire in the tail section during a bombing run on the target and the pilot found the aircraft was not responding to control. Both crewmen bailed out and the pilot was in contact with Lieutenant Marik while descending but did not observe him actually land in the water. The pilot landed in the water approximately 3-5 miles from the beach in the South China Sea. After landing he shouted for Lieutenant JG Marik and fired his weapon into the air but never received a response. An airborne SAR force rescued Commander Weber but was unable to locate any trace of Marik after a four hour search.

Lieutenant JG Marik was declared missing in action. Returning U.S. POWs had no information on his precise fate. In May 1973 he was declared killed in action, body not recovered, based on a presumptive finding of death.

South Vietnam — Robert H. Gage (0381)

See Vessey Discrepancy Cases for case summary.

North Vietnam — Roosevelt Hestle, Jr.
Charles E. Morgan
(0386)

See Vessey Discrepancy Cases for case summary.

North Vietnam — George H. Wilkins
(0391)

On July 11, 1966, Lieutenant Commander Wilkins was the pilot of an A-4 and flight leader in a flight of two aircraft from the U.S.S. Constellation on a mission over Nghe An Province. His wingman later reported Commander Wilkins had fired 20mm cannon fire during his target run beneath flares and in an area of heavy 37mm anti-aircraft fire. His aircraft crashed into an area 25 kilometers north of the port city of Vinh, exploding into a large fireball. There was no evidence of any survivor and no electronic beeper. He was declared killed in action, body not recovered, in July 1966. Returning U.S. POWs had no information on his precise fate.

In December 1988, Vietnamese officials acknowledged having some knowledge about Commander Wilkins. In December 1992, U.S. investigators in Vietnam reviewed a list of air defense operations in the People's Army of Vietnam Military Region 4. Entry 300 recorded the shoot down of an AD-4 on July 11, 1966 by elements of the 15th and 21st Battalions. One crewman died. The Joint Task Force concluded this entry may correlate to Commander Wilkins's loss incident.

North Vietnam — Bernard Conklin
Robert E. Hoskinson
Galileo P. Bossio
Vincent A. Chiarello
John M. Mamiya
Herbert A. Smith
James S. Hall
(0407)

On July 29, 1966, an RC-47D with seven men on board and associated with the 630th Combat Support Group at Udorn Air Base, Thailand, was on an operational mission under the code name Project Dogpatch. The aircrew radioed that it was under attack by hostile aircraft and was being forced down. It was believed last located 10-20 miles south of Sam Neua City, Sam Neua Province, Laos. An airborne search effort to locate the missing aircraft and crew proved negative and they were declared missing in action.

At the direction of the U.S. Ambassador in Vientiane, Laos, there

was no report made of the full details on this mission and the evidence it was shot down by hostile MIG aircraft. At the direction of the Assistant Secretary of Defense (International Security Affairs), basic mission information was declassified in April 1972. In January 1976 the loss location of the aircraft was changed from Laos to North Vietnam based on a reanalysis of the aircraft's flight path and all available intelligence information.

In February 1971, a former member of the Vietnam People's Army reported that MIG jet aircraft had shot down a U.S. aircraft over Mai Chau District, Hoa Binh Province, in June or July 1967. He described seeing two good parachutes and saw the pilots whom he later heard had committed suicide. U.S intelligence concluded this report might correlate to the missing RC-47D and its crew. In a later intelligence report, a source reported MIG-17 jet aircraft shot down an unidentified jet aircraft in Moc Chau District, Son La Province. One crew member, the pilot, reportedly bailed out and died the next day. Bodies of five others were located and buried. This report was placed in the file of those associated with this loss incident.

Returning U.S. POWs had no information on the eventual fate of the crew. After Operation Homecoming, they were declared dead body not recovered based on a presumptive finding of death.

On March 2, 1988, Vietnam turned over identity cards of five of the missing crewmen; Bossio, Hoskinson, Conklin, DiTomasso, and Chiarello. Remains were also turned over and Vietnam linked the remains to the those whose identity cards were turned over. U.S. pathologists examined the remains and confirmed the remains returned were those of James S. Hall, Bernard Conklin, Vincent A. Chiarello, John M. Mamiya, and Herbert A. Smith. In November 1988, a joint U.S./Vietnamese team visited the area of the crash site near Route 6 in Thanh Hoa Province. Witnesses testified about bodies found in the area after the incident. One survivor suffering second degree burns was reportedly located and taken to Mai Chau district hospital where he died the following day. No evidence could be located of the crash site itself. One witness also stated five bodies of crewmen from this incident had been recovered by the Ministry of Defense five years earlier.

North Vietnam — David J. Allinson
(0425)

On August 12, 1966, Captain Allinson was the pilot of the lead F-105D in a flight of four aircraft on an armed reconnaissance mission over Yen Bai Province. After striking a petroleum storage area the flight leader led the flight against ground targets of opportunity on a road in the area of the strike target. During this mission Captain Allinson's aircraft was hit by hostile ground

fire. He ejected from his damaged aircraft and his wingman saw him land in trees. However, there was no beeper and no voice contact with him and a 40 minute search of the area failed to locate him.

Captain Allinson was initially declared missing in action. Returning U.S. POWs had no information that he was seen alive in captivity and were unable to describe his precise fate. In November 1974 he was declared killed in action, body not recovered, based on a presumptive finding of death.

In November 1969, a People's Army of Vietnam defector selected a photograph of Captain Allinson as one of four individuals who resembled one of two American POWs brought to the Hanoi anti-aircraft headquarters. One of the individuals he identified was correlated by DIA to an American POW who returned alive. This led to identification of the second individual as an American POW who was also repatriated and neither individual was Captain Allinson.

In November 1985, Vietnam provided evidence about Captain Allinson. During an April 1991 Congressional delegation to Vietnam headed by Senator John Kerry, the delegation received information about a wartime shoot down which might correlate to Captain Allinson's loss incident.

South Vietnam

Robert L. Babula
Dennis R. Carter
Robert C. Borton
John L. Bodenschatz
(0439)

See Vessey Discrepancy Cases for case summary.

North Vietnam

Hubert C. Nichols,Jr.
(0443)

On September 1, 1966, Nichols was scrambled from Thailand on a search and rescue mission over Bo Trach District, Quang Binh, the flight leader in a flight of two aircraft. While over the target area he began to receive hostile antiaircraft fire. His wingman was hit and turned back. He never saw Nichols after that point.

A Navy pilot later reported observing a crashed and burning aircraft in the area Nichols was believed lost. A search and rescue mission was launched but was unable to locate any signs of life or any beeper. There was heavy antiaircraft in the area.

On September 6, 1966, Radio Hanoi announced the shoot down of a number of aircraft on September 1, 1966. Only two aircraft were

lost on that date, Major Nichols' aircraft and Major Norman Schmidt's aircraft. Major Schmidt was captured and died in captivity. His remains were repatriated in March 1974. Major Schmidt had been the object of Major Nichols search and rescue mission.

Major Nichols was initially declared missing in action. In March 1978 he was declared dead/body not recovered. He was not confirmed alive in the northern Vietnamese prison system.

A U.S. team in Vietnam recently reviewed documents which recorded the shoot down of an aircraft and the apparent death of the pilot. The date and location appear to correlate to this incident.

South Vietnam — Lawrence B. Tatum (0453)

See Vessey Discrepancy Cases for case summary.

North Vietnam — John L. Robertson (0459)

See Vessey Discrepancy Cases for case summary.

North Vietnam — Clifton E. Cushman (0471)

On September 25, 1966, Captain Cushman was the pilot of an F-105 in a flight of three aircraft on a mission over North Vietnam. His aircraft was hit by hostile fire and broke into pieces. His ejection seat appeared to come out of the debris and a beeper was heard but no chute was seen.

In April 1972 a U.S. Air Force interrogator debriefed a former member of the Vietnam People's Army who stated that he saw a pilot land in the area where Cushman was reported to have landed. The airman was bleeding heavily from a head wound. He later died and his body was buried by villagers. This report was initially correlated by the Defense Intelligence Agency to a different incident but in August 1981 was reevaluated and correlated to a sighting of Captain Cushman. Information was received by the U.S. Government that a French news agency had specifically referenced Cushman by name as having been killed but no news article with such information could ever be located.

Captain Cushman was initially reported missing in action and later

declared dead/body not recovered. He was not seen alive in the northern Vietnamese prison system by returning U.S. POWs.

In November 1989 Vietnamese officials stated that Cushman died in the crash of his aircraft. In April 1992 the Joint Casualty Resolution Center heard from witnesses in Lang Son Province that Cushman died of a bullet wound after landing. His remains were buried and the burial site was later washed away.

North Vietnam — William R. Andrews
(0482)

On October 5, 1966, Major Andrews and First Lieutenant Edward W. Garland were the crew of an F-4C, one in a flight of four F-4 providing escort to two RB-66. Their flight received warning of hostile MIG aircraft. Thirty seconds after a second such alert their aircraft was hit by hostile fire, there was a violent explosion in their tail, and their fire warning lights lit. Both crewmen ejected and two good chutes were seen prior to the aircraft's crash in Muong La District, Son La Province.

Search and rescue forces located Major Andrews standing beside his parachute on their first pass over the area. On a later pass by another aircraft he could not be located. Major Garland established radio contact with the search and rescue forces but his last transmission was "I'm hit, I'm losing consciousness."

The search and rescue forces located Lieutenant Garland and he was rescued. During his post-recovery debriefing he stated he was in contact on the ground with Major Andrews but didn't know his precise location. At one point he heard voices and the sound of small arms fire but didn't see anyone.

Following the shoot down, a People's Army of Vietnam unit reported two crewmen had bailed one and one more had been captured. In a later report, a unit stated that the captured pilot had not yet recovered and in a later report a unit stated "the pilot died." Another report on October 9th apparently referred to U.S. aircraft attacked but there was seeming confusion about how many had been captured and the condition of their health.

In July 1972, Secretary of Defense Laird referred to the case of Captain Andrews as of one 14 cases where the Defense Department knew he had been captured and North Vietnam had refused to provide any information about him.

U.S. POWs repatriated during Operation Homecoming were unable to provide any information about his precise fate. After Operation Homecoming he was declared dead/body not recovered, based on a presumptive finding of death.

In August 1985, Vietnamese officials turned over Major Andrews' identity card to U.S. officials in Vietnam. In March 1990, a joint U.S./Vietnamese team in Son La Province investigated Major Andrews loss incident. They received information that the pilot was killed during a rescue attempt and documents about the incident were at the Son La Museum. In December 1990, Vietnam repatriated remains said to be of Major Andrews. They were returned to the U.S. and identified as his remains.

Over water

James A. Beene
(0483)

On October 5, 1966, Lieutenant JG Beene was the flight leader and pilot of an A-1 section aircraft from the *U.S.S. Oriskany* on an armed reconnaissance mission over the coastal area of North Vietnam between Cape Mui Ron and Thanh Hoa. While in an area 15 miles south of Hon Mat Island, Lieutenant Beene entered the base of thick cumulus clouds and never emerged. An oil slick was later sighted on the ocean which might have come from submerged leaking fuel tanks but no aircraft debris was located.

A SAR effort was unable to locate any specific trace of Lieutenant Beene, and he was declared missing. His name was provided to Vietnamese officials in Paris in October 1971, but no information was received in return.

Returning U.S. POWs were unable to provide any information about his precise fate. In February 1976 he was declared killed in action, body not recovered.

Over water

Stephen H. Adams
Ralph E. Angstadt
Lawrence Clark
John H. S. Long
Robert L. Hill
Inzar W. Rackley, Jr.
John R. Shoneck
(0496)

On October 18, 1966, a HU-16B aircraft disappeared while on a search and rescue patrol north of the Demilitarized Zone. It was last known returning to its home base at Da Nang while located 35 miles off the coast of North Vietnam. It never arrived at Da Nang, and the crew was declared missing. In October 1975 this case was concluded to be a non-recoverable case and the crew was declared dead, body not recoverable.

South Vietnam — Michael L. Burke
Leonard J. Lewandowski, Jr.
Richard E. Mishuk
(0497)

On October 19, 1966, U.S. Marine Corps privates Burke, Lewandowski, and Mishuk were swimming in the ocean at the mouth of a river at the Cua Viet estuary. They were gone from their unit for three hours, never returned, and were declared missing. Returning U.S. POWs had no information on their precise fate and after Operation Homecoming they were declared dead/body not recovered, based on a presumptive finding of death

North Vietnam — Harry S. Edwards
(0500)

On October 29, 1966, Lieutenant JG Edwards was the pilot of an A-4C when he was hit by hostile antiaircraft fire and his aircraft crashed southwest of Nam Dinh City, Ha Nam Ninh Province. There was no chute sighted and no beeper heard. He was initially declared missing in action. He was declared dead/body not recovered, in April 1974.

Wartime information was received about a crash in this area from which remains were removed to Vu Ban District. A Vietnam People's Army defector reported hearing from a woman with an antiaircraft unit at the Chuoi Bridge. She described that in February 1967 a U.S. aircraft was shot down and crashed. They were only able to find the pilot's legs. This report was believed to be extremely similar to the loss of Lieutenant Edwards.

In November 1988, Vietnam repatriated remains that it asserted were those of Lieutenant Edwards. In February 1989, those remains were proven to be those of Commander Charles E. Barrett.

Laos — Allan D. Pittmann
(0524)

On November 16, 1966, Airman Second Class Allan Pittmann was a passenger on an AIG aircraft flight from Nha Trang, South Vietnam, to Udorn Air Base, Thailand. The aircraft was hit by hostile ground fire, its engine lost power and the aircraft crashed in Savannakhet Province, Laos. The pilot and co-pilot both bailed out and were rescued 90 minutes later. During their post-recovery debrief they reported that Airman Pittmann had also bailed out and they last observed him alive on the ground.

Royal Lao Army and U.S. led irregular forces mounted a sweep on the area on November 17 and again on November 18 in a directed effort to recover Airman Pittmann. They located an enemy dispensary in the general area of his disappearance. A villager just escaped from Lao communist captivity contacted friendly forces on November 22 and stated that he was told by a Pathet Lao battalion commander than an individual correlating to Pittmann was captured on the 17th and was shot to death by the "VC."

Airman Pittmann was not reported alive in the northern Vietnamese prison system and his remains have not yet been repatriated. He was initially reported missing in action. He was declared dead/body not recovered, in April 1978.

North Vietnam — Burris M. Begley (0542)

On December 5, 1966, Major Begley was the pilot of an F-105, one in a flight of four aircraft on a combat mission over North Vietnam. Their flight was attacked by hostile MIG-17 aircraft while en route to the targets and Major Begley's aircraft was hit by hostile fire. Another flight member observed his aircraft apparently hit in the tail: debris and his drag chute were seen falling away from his F-105.

Major Begley reported he was losing power and altitude and would be heading across the Red River. He later reported he would be ejecting, but aerial combat between the F-105 and MIG-17 aircraft prevented U.S pilots from tracking Major Begley. His aircraft crashed in Phu Tho Province, south of the Red River, and approximately 15 miles from the river town of Yen Bai. There was no chute observed and no radio or beeper signals.

Major Begley was declared missing in action. Returning U.S. POWs had no information on his precise fate. In April 1978 he was declared killed in action, body not recovered, based on a presumptive finding of death.

In November 1974, U.S. intelligence received a report from a People's Army of Vietnam defector describing the shoot down of a U.S. aircraft and the landing and capture of a pilot in Phu Ninh District circa January 1967. DIA concluded that this report might correlate to one of three U.S. airmen lost in this area, one of whom was Major Begley. Another report from a former People's Army soldier described the downing of a U.S. jet in Phu Tho Province circa November 1966 and the source reported human remains at the crash site. This report was also placed on Major Begley's file.

In November 1986, Vietnam repatriated remains it asserted were those of Major Begley. U.S. officials determined that there were

insufficient remains for biological identification and they could not be correlated to Major Begley.

Laos

Roy R. Kubley
Lloyd F. Walmer
Harvey Mulhauser
Ronald K. Miyazaki
Howard L. Barden
(0587)

On January 31, 1967, a UC-123B with a crew of five was engaged in a defoliation mission over Laos, the lead in a flight of three C-123 escorted by two A-1E aircraft. The C-123 was hit by hostile groundfire, flipped inverted and crashed approximately 13 kilometers south of the town of Tchepone, Savannakhet Province. There was no evidence of any survivors after the crash. In February 1967 the UC-123B crew was declared killed in action, body not recovered.

In August 26, 1992, a joint U.S./Lao team surveyed the aircraft's reported crash site. Witnesses and wreckage appeared to correlate the site to this loss incident but there were no remains or personal effects discovered. One witness reported having seen burned bone fragments on the scene but none were found during the joint team's visit.

North Vietnam

Allan P. Collamore
Donald E. Thompson
(0590)

On the night of February 4, 1967, Lieutenants Collamore and Thompson were the crew of an F-4B launched from the U.S.S. Kitty Hawk on a pitch black night assigned a mission against coastal targets of opportunity in Nam Ha Province, North Vietnam. While over the coastal strip, the other F-4B aircraft in their flight dropped flares over moving light on a road but the flares failed to ignite. The F-4B turned, made another flare drop, reported "flares away," and this was acknowledged by Lieutenant Collamore's crew. These flares also failed to ignite as the F-4B turned east and out over the coast. Approximately one minute later came an explosion on the ground in the area of the moving ground lights and efforts to raise Lieutenant's Collamore and Thompson were unsuccessful. No parachutes were seen due to the darkness, and no electronic beepers were detected during the search and rescue effort over the loss area.

Both airmen were initially reported missing in action. Returning U.S. POWs had no information on their precise fate. Several years

after Operation Homecoming they were declared dead/body not recovered.

In February 1973 a People's Army of Vietnam soldier reported that in February 1967 he saw an aircraft crash in his native village in Hai Hau District and close to the coast. Remains of two crewmen were reportedly buried at the crash site. In October 1977 the Defense Intelligence Agency reevaluated this report to be a possible correlation to this loss incident. After 1975 a refugee from Vietnam reported being told by a People's Army soldier in 1977 of two graves with U.S. remains in Ninh Province. This report was placed in the files of those involved in this loss incident. Another refugee from Vietnam reported being told of a remains burial side in Phat Diem District, Ham Ha Province, associated with a June 1967 loss incident and this report was also placed in those involved in loss incidents in this general area.

Laos

Ralph L. Carlock
(0606)

On March 4, 1967, Major Carlock departed Takhli Royal Thai Air Force Base in an F-105D on an armed reconnaissance mission over Laos. While attacking a truck, the flight leader saw Major Carlock's aircraft hit by enemy fire in the lower center of the fuselage and began to burn. The flight leader radioed Major Carlock to bail out but did not receive a response. The aircraft crashed in the area of Nong Het, Xieng Khouang Province, just inside Laos from Nghe An Province, North Vietnam, and with no evidence Major Carlock had parachuted from the aircraft prior to the crash. Forty minutes later there was a weak beeper from the vicinity of the crash site but it was believed to be a result of fire at the crash site and was not pilot activated. Major Carlock was declared missing in action.

On March 5, 1967, the pro-communist Patriotic Neutralist radio station news service reported its forces in Long Met District, Vientiane Province, had shot down a U.S. F-105 aircraft and captured the pilot. U.S. intelligence concluded at the time that this report may have been partially derived from the loss of Major Carlock's aircraft which crashed in Xieng Khouang Province and not in Vientiane Province and the report was not believed to represent a truthful statement that the pilot had been captured.

Returning U.S. POWs had no information on the precise fate of Major Carlock. After Operation Homecoming Major Carlock was declared dead/body not recovered, based on a presumptive finding of death.

In June 1986, the Joint Casualty Resolution Center received information from a source who described the crash of an aircraft similar to an F-105 in Xieng Khouang Province which had occurred in

either 1971 of 1972. Two airmen reportedly died in the crash. In September 1988, JCRC received another report from another source describing a wartime F-105 crash near Nong Het. The pilot reportedly bailed out at low altitude and died when he hit the ground. The body was buried by local villagers accompanied by Vietnamese advisory personnel. These reports were placed in Major Carlock's file due to the correlation to his loss location and the possibility they may have correlated to his loss incident.

In October 1990, JCRC received another report from another source describing the October 1967 shoot down of a U.S. aircraft near Nong Het. The pilot bailed out and the source was told the pilot was captured by North Vietnamese Army forces. Due to a number of U.S. aircraft losses in the area of this reported shoot down, some of which involved unaccounted for airmen, no specific correlation could be made to a particular missing airman and the report was placed in the files of airmen unaccounted for in the None Het area.

South Vietnam — Burt C. Small (0607)

See Vessey Discrepancy Cases for case summary.

North Vietnam — James E. Plowman, John C. Ellison (0629)

On March 24, 1967, Commander Ellison and Lieutenant JG plowman were the number three aircraft in a flight of four on a combat strike mission against the Bac Giang Thermal Power Plant.
Nothing further was heard from them after they reported "bombs away." Two hostile surface to air missile launches were reported in the area before radio and radar contact was lost while they were exiting the strike area and flying low between the mountains. Both crewmen were declared missing in action when they failed to rejoin their flight.

On March 26, 1967, Radio Beijing reported in its English language program with a March 26th Hanoi dateline that one American aircraft had been shot down on March 24th over Ha Bac Province. U.S. Naval intelligence received a report believed associated with this loss incident in which it placed "low confidence" that one or two were killed. In May 1968, another report was received which referenced two Americans seen outside Tran Phu Prison in Hai Phong City in mid-1967. The similarity in the physical description of the two captives and that of the two airmen lost in this incident led to this report being placed in both their file for reference purposes. One of Lieutenant Plowman's next of kin believed Plowman was one of

those seen near Tran Phu Prison. After Operation Homecoming DIA determined this report correlated to U.S. POWs who were repatriated alive.

Neither crewman was accounted for during Operation Homecoming. However, one returnee reported having been shown a picture of 10 or 12 U.S. POWs being paraded and was positive that Lieutenant Commander Ellison was in the front row of the U.S. POWs. DIA later determined the scene described by the U.S. POW returnee referred to a notorious July 6, 1966, public exhibition of U.S. POWs marched through Hanoi streets, an incident which occurred prior to the loss of Commander Ellison, and those forced to march in this spectacle were all identified. During the war, Commander Ellison's next-of-kin reviewed then as yet unidentified photographs of U.S. POWs and believed one was of her husband. It was later confirmed to be a photograph of Major Berg who returned alive. An early releasee also reported learning of the name Buzz Ellison while in the North Vietnamese prison system but returnees during Operation Homecoming had no knowledge he was alive in captivity. This was one of approximately 350 names the early releasee provided based on names written on toilet paper without any context for these names. In another report, a returnee stated he had seen Commander Ellison's name etched into a tree near a wartime prison referred to by U.S. POWs as Dogpatch.

In March 1992, Commander Ellison's personal effects and metal items were repatriated by Vietnam.

North Vietnam — John F. O'Grady (0641)

On April 10, 1967, Major O'Grady was the pilot of an F-105D, one in a flight of four F-105s on an armed reconnaissance mission over the Mu Gia Pass, North Vietnam. He was apparently hit by hostile ground fire and radioed he was preparing to exit the aircraft. His parachute was seen in the air and on the ground. There was no beeper and no radio contact after ejection. His aircraft impact point was not observed. Major O'Grady was initially declared missing in action.

On April 11, 1967, Radio Hanoi broadcast a reference to the shoot down of a U.S. aircraft in Quang Binh Province on April 10, 1967. Major O'Grady's aircraft was the only one lost on that day. Mrs. O'Grady later traveled to Paris and spoke with North Vietnamese representatives who informed her that her husband was not a prisoner of war.

In January 1991 a U.S. field team examined Vietnamese archives which indicated an American F-105 was shot down on April 10, 1967, by elements of the 280th Air Defense Regiment in the area where Major O'Grady was downed. The information provided stated the body

of the pilot was recovered and buried along Route 12. The U.S. field team interviewed five witnesses, three of whom provided hearsay information concerning the shoot down and the death of the pilot shortly after capture. Two other witnesses provided first hand accounts of his capture in Tuyen Hoa District, Quang Binh Province, his turnover to a Vietnam People's Army engineer unit and hearsay that he later died. His death was said to have occurred on April 11th which was at variance with the documents which said death occurred on April 10th. An examination of a possible burial site proved negative.

In February 1992, U.S. investigators located the identity card, Geneva Convention Card and Restricted Area Access Badge belonging to Major O'Grady. They were also able to interview a former senior officer from the 280th Air Defense Regiment. From available information Major O'Grady was wounded when captured by local village militia and died four hours later.

North Vietnam — John S. Hamilton (0644)

See Vessey Discrepancy Cases for case summary.

South Vietnam — Thomas A. Mangino, Paul A. Hasenbeck, David M. Winters, Daniel R. Hidds (0646)

See Vessey Discrepancy Cases for case summary.

South Vietnam — Roger D. Hamilton (0647)

See Vessey Discrepancy Cases for case summary.

North Vietnam — Michael J. Estocin (0656)

See Vessey Discrepancy Cases for case summary.

North Vietnam — Roger M. Netherland (0677)

See Vessey Discrepancy Cases for case summary.

South Vietnam — Carlos Ashlock (0678)

See Vessey Discrepancy Cases for case summary.

Cambodia — Joe L. Delong (0689)

See Vessey Discrepancy Cases for case summary.

North Vietnam — James K. Patterson (0691)

On May 19, 1967, Lieutenant Patterson and Lieutenant Commander Eugene B. McDaniel were the crew of an A-6A, one in a flight of six aircraft on a combat mission against the Van Dien repair facility five miles south of Hanoi. There was a warning of a missile launch and an explosion near their aircraft. Both crewmen ejected and two good chutes were seen. Voice contact was established with both on the ground and Lieutenant Patterson reported he had a badly broken leg. A rescue mission was not possible due to the high hostile threat in the area.

Contact with those on the ground continued until May 22nd when it was lost. Both were believed to have been captured. Commander McDaniel returned alive during Operation Homecoming.

Commander McDaniel believed that Lieutenant Patterson had been captured. He heard from an interrogator that Patterson had been injured but was all right. Patterson's name was heard in the prison communications system according to one returnee but he was not confirmed alive in the prison system. His identity card was reported in a newspaper in 1967.

Lieutenant Patterson was not accounted for during Operation Homecoming. In April 1974 he was declared dead/body not recovered.

In December 1985 Vietnam returned the identity and Geneva Convention cards of Lieutenant Patterson. In December 1990, a U.S.

field team in Vietnam located documents and interviewed witnesses associated with this loss. One pilot was described captured the morning after their aircraft was shot down. That accurately describes the time of capture of Commander McDaniel. The team was also told that the second airman was shot to death by militia on the fourth day after the shoot down and was buried nearby. His remains were said to have been dug up by animals.
The team did not excavate any purported grave site.

South Vietnam — Walter F. Wrobleski (0703)

See Vessey Discrepancy Cases for case summary.

North Vietnam — Kenneth F. Backus, Elton L. Perrine (0706)

See Vessey Discrepancy Cases for case summary.

South Vietnam — Brian K. McCar, Joseph E. Fitzgerald, John E. Jakovac (0715)

See Vessey 135 Discrepancy Cases for case summary.

South Vietnam — Di Reyes Ibanez (0723)

See Vessey 135 Discrepancy Cases for case summary.

South Vietnam — Robert L. Platt, Jr. (0728)

See Vessey 135 Discrepancy Cases for case summary.

Laos — Leo R. Seymour (0750)

On July 3, 1967, Staff Sergeant Seymour was team leader of Team Texas, a joint U.S./Vietnamese patrol on a covert cross border mission into Attopeu Province, Laos, opposite Kontum Province, South Vietnam. They were discovered and engaged by a People's Army of Vietnam force. The team split up but when it was reassembled, SSG Seymour could not be found. U.S. search and rescue aircraft supporting the recovery of the team's survivors reported seeing one man who was to the rear of the team, was wearing green fatigue clothing and raised his weapon at them. He was shot and killed by the rescue aircraft who concluded he was a North Vietnamese.

In April 1970 a North Vietnamese Army prisoner reported having seen a U.S. POW at way station 20 in Quang Binh Province. The American was a fluent Vietnamese linguist. U.S. intelligence files contain this report as conceivably correlating to SSG Seymour; however, this correlates with the time when former U.S. Marine Corps Private Robert Garwood, fluent in Vietnamese, could have transversed the area after being taken from South Vietnam to North Vietnam.

SSG Seymour was initially declared missing. He was not reported alive in the northern Vietnamese prison system and his remains have not been repatriated. In April 1976 he was declared dead/body not recovered.

North Vietnam — Ronald N. Sittner (0804)
Charles Lane, Jr. (0805)

See Vessey 135 Discrepancy Cases for case summary.

South Vietnam — Ronald L. Holtzman
Kenneth Goff
Richard Schell
Richard M. Allard
(0811)

On August 24, 1967, a helicopter from the 119th Assault Helicopter Company, 52nd Combat Aviation Battalion, 4th Infantry Division, with nine men on board was returning on low level flight to the Division's base. While flying down the Dak Bla River at an altitude of thirty feet, the helicopter began to turn around to check out a sighting of unidentified persons along the river bank but was apparently caught in a downdraft and crashed into the river. Four on board were rescued and the body of another solider

was recovered later.

Specialist Fourth Class Holtzman was in contact with the pilot after the crash but was swept away in the swift moving ten foot deep river and was later declared dead/body not recovered. The remaining three were declared missing. The area the men were declared missing was searched by Special Forces personnel from Forward Operating Base 2 but without success. A later search of the area on December 26, 1969, found the river ten feet higher than when the aircraft first crashed into the river.

In 1970 Sergeant Allard's next of kin advised the U.S. Army that a CBS film showing U.S. POWs included one individual she believed to be her son. Still photographs from the film were of poor quality and could neither prove nor disprove her statements.

Early in 1972 Sergeant Allard's next of kin advised the U.S. Army she had received a telephone call shortly after her son's disappearance and only one word was spoken but the next of kin believed it was Sergeant Allard calling from Phnom Penh, Cambodia. She visited Phnom Penh and Vientiane, Laos in late January-early February 1972 and upon her return to the U.S. stated she had seen her son at a Viet Cong prison in Phnom Penh, insisting her son's status be changed to POW.

The U.S. Army's investigation of the next of kin's allegations led to a determination that the underground prison at the pagoda which was the site of the alleged sighting was at the historical center of Phnom Penh, open to the public and tourists, and the site of various cultural and religious events. Based on this and other inconsistencies and implausibilities, the U.S. Army concluded the sighting had not taken case as alleged by the next of kin. The next of kin's allegations, sparked by assistance from Rev. Lindstrom of the Save The Pueblo Committee, received national news in the New Hampshire Sunday News, New York Times, the NBC Today Show, Reader's Digest, and other media. An individual that the next-of-kin asserted could verify her story was located in Costa Rica and that individual denied having seen any POWs.

In March 1974, Sergeant Allard was declared dead/body not recovered based on a presumptive finding of death.

North Vietnam — William G. Bennett (0825)

On September 2, 1967, Major Bennett was the pilot of an F-105D aircraft in a flight of four F-105 aircraft on a combat mission over Quang Binh Province. He crashed while pulling up from a strafing run and his aircraft exploded upon impact. The crash site is in a remote area approximately 40 kilometers west of Dong Hoi in Bo Trach District. His aircraft was seen to impact onto the

eastern slope of a steep karst in a pocket between two such formations. Other flight members observing the crash made several passes over the crash site without seeing any survivor. There was no chute seen and an extensive electronic search failed to detect any electronic beeper.

Major Bennett was initially declared missing in action. He was declared dead/body not recovered, in May 1973. Returning U.S. POWs did not report observing him alive in the Vietnamese prison system and had no information on his fate.

North Vietnam — Donald W. Downing
Paul D. Raymond
(0829)

On September 5, 1967, Captain Downing and First Lieutenant Raymond were the crew in an F-4C, one of a flight of two aircraft on a night armed reconnaissance mission. The other aircraft observed a fireball descending toward the ground into an area 45 kilometers south-southeast of Dong Hoi, Quang Binh Province. There was no response to radio calls. An orbit of the area failed to disclose any parachutes or beepers. The crew was declared missing in action.

U.S. intelligence received a report from an ethnic Khmer in December 1971 of the sighting of a U.S. POW in November 1970 at a prison on the northern edge of Ha Dong City, Ha Dong Province, also described as near Ba Vi Mountain. He identified one of the POWs as similar to Captain Downing.

Captain Downing was declared dead/body not recovered, in November 1973. Neither airman was reported alive by returning U.S. POWs.

Laos — John W. Armstrong
(0833)

On November 9, 1967, Lieutenant Colonel Armstrong and Lieutenant Lance P. Sijan were the crew on board a camouflaged F-4C, one in a flight of two aircraft on a combat operation over Khammouane Province. On their second pass over the target area, a ford in the area of Ban Laboy, their aircraft went through ar estimated 60 rounds of 37mm antiaircraft barrage fire. Their aircraft burst into flames, climbed to approximately 9000 feet and then began to descend on a 15-20 second controlled flight before it crashed approximately one kilometer from Route 912. There was burning throughout the night from the wreckage which landed in a sparsely populated karst area. There were no chute or beepers seen but something appeared to fall from the aircraft.

On November 11, 1967, SAR forces established contact with Lieutenant Sijan who was alive on the ground, had a broken leg, and had not had any contact with Colonel Armstrong. Lieutenant Sijan was never rescued but successfully evaded for 46 days before being captured by People's Army of Vietnam forces. He was taken to Hanoi where he died in captivity on January 22, 1968. While in captivity he related his belief that one of their bombs and exploded immediately upon release and this was the reason for their crash. Also, he believed Colonel Armstrong was killed prior to ejection from the explosion of his aircraft's bomb. Lieutenant Sijan was listed as having died in captivity and his remains were repatriated in March 1974.

Colonel Armstrong was not accounted for during Operation Homecoming and returning U.S. POWs had no information on his precise fate. In June 1974 he was declared dead/body not recovered, based on a presumptive finding of death.

In February 1978, the Joint Casualty Resolution Center in Thailand received a report from a refugee in Thailand about four U.S. POWs captured in Sam Neua, Laos, and last seen alive in 1977. The source supplied Colonel Armstrong's name and stated he was one of the POWs. The individual was removed from the refugee camp by Thai authorities and JCRC was unable to reestablish contact with the source.

In October 1983, a U.S. citizen reported he had obtained personal effects of Lieutenant Sijan from a former Lao Army colonel operating with a self-claimed Lao resistance force from the area of Nakhon Phanom, Thailand. In November 1984 another U.S. citizen and POW/MIA hunter provided the U.S. government with information about case 0833 and the recovery of a personal ring which was allegedly passed to the National Security Council officer responsible for the POW/MIA issue. In November 1991, U.S. investigators in Vietnam obtained access to an 84 page listing of U.S. aircraft losses in People's Army Military Region 4. Page 48 contained an aircraft shoot down correlating to this incident.

South Vietnam — Kenneth L. Plumadore
(0839)

See Vessey 135 Discrepancy Cases for case summary.

Laos — Richard D. Applehans
George W. Clarke, Jr.
(0862)

Clarke and Applehans were reported lost in an RF4C while on a reconnaissance mission which was planned for the area of the

Demilitarized Zone separating Vinh Linh Special Zone, North Vietnam and Quang Tri Province, South Vietnam. They checked in prior to receiving clearance to attack their assigned target. This was the last contact with the crew which never returned from its mission and was reported lost over Quang Binh Province, North Vietnam. The aircraft's wreckage was not located and there was no beeper. In May 1975 it was determined that the aircraft had crashed in Laos.

In 1968 Clarke's status was changed to POW based on information from a U.S. POW repatriated on February 16, 1968 which indicated Clarke was alive and in captivity. During Operation Homecoming it was determined that this report was erroneous and hearsay information which was a misidentification. Clarke was declared killed in action, body not recovered, in November 1973. Applehans was declared killed in action, body not recovered, in April 1978.

Other than the one misidentification, there is no evidence that either individual was seen alive in the northern Vietnamese prison system and their remains have not yet been repatriated.

South Vietnam — Paul L. Fitzgerald, Jr.
Olin Hargrove
(0867)

See Vessey 135 Discrepancy Cases for case summary.

North Vietnam — James E. Dooley
(0872)

On October 22, 1967, Dooley was the pilot of an A-4E on a combat mission over Hai Phong. He was hit by hostile fire while pulling off from an attack on the Hai Phong railroad yard. Witnesses observed the aircraft begin a gradual descent and crash into the water about a mile offshore. Search and rescue aircraft could not locate any sign of a survivor. He was initially reported missing in action. After Operation Homecoming he was declared dead, remains not recoverable.

Returning U.S. POWs reported either seeing Dooley's name on a wall or heard he was a prisoner. Returning U.S. POWs were unable to report having seen him alive in prison.

North Vietnam — Richard C. Clark
(0873)

On October 24, 1967, Lieutenant JG Clark, radar intercept operator,

and the pilot, Commander Charles R. Gillespie, were the crew in an F-4B from the U.S.S. Coral Sea on a MIGCAP mission over North Vietnam. Their aircraft was hit by an SA-2 surface to air missile while approximately 15 miles west of Hanoi, both aircraft engines were set on fire and there was a fire below the radar interceptor operator's cockpit. Commander Gillespie ejected and was captured. He was repatriated during Operation Homecoming and stated that he never saw Lieutenant Clark eject and had no knowledge that Clark survived their shoot down.

One beeper was heard and one individual was seen on the ground by SAR aircraft in the area. However, two Americans reached the ground alive, Commander Gillespie and Lieutenant Frishman, a crew member of another aircraft downed and whom Commander Gillespie believed he saw coming down in a parachute at the same time he was landing.

On October 24, 1967, the Vietnam News Agency reported that eight U.S. aircraft were shot down that day in the Hanoi, Hai Phong, Vinh Phuc area. The report did not say which specific aircraft were shot down and whether anyone had been captured.

Returning U.S. POWs were unable to provide any information about Lieutenant Clark's precise fate. In November 1973 he was declared killed in action, body not recovered based on a presumptive finding of death.

In September 1988, a U.S. team in Vietnam traveled to Tam Dao mountain and interviewed witnesses concerning this loss incident and the capture of an unidentified pilot. Information provided to the team, including the presence of People's Republic of China troops in the area, correlated to the capture of Major Gillespie. In December 1990 another team visited the area and located an F-4 crash site probably associated with this incident. In January 1991 Vietnam repatriated remains it identified as those of Lieutenant Clark, together with fragments of parachute rigging and aircraft parts. The bone fragment could not be correlated to him.

North Vietnam

James S, Morgan
(0903)
Kelly F. Cook
James A. Crew
(0904)

See Vessey 135 Discrepancy Cases for case summary.

North Vietnam — Herbert O. Brennan, Douglas C. Condit (0928)

See Vessey 135 Discrepancy Cases for case summary.

South Vietnam — Michael Millner (0930)

See Vessey 135 Discrepancy Cases for case summary.

Laos — Gary H. Fors (0947)

On December 22, 1967, Captain Fors and First Lieutenant Guy K. Lashlee were the crewmen on an F-4B in a flight of two aircraft over Laos. Just having released their bombs during a second pass over the target, their aircraft was hit by hostile 37mm antiaircraft fire and crashed east of Route 99, eight miles inside Saravan Province. The crew of the second aircraft reported Captain Fors and Lieutenant Lashlee had ejected safely but no one had any radio contact with him. Lieutenant Lashlee was rescued but Captain Fors could not be located by search and rescue aircraft driven off by extremely heavy ground fire. Lieutenant Lashlee reported he did not see Captain Fors chute deploy and had no contact with him. He landed fifty meters from his aircraft's point of impact. He believed Captain Fors had died in the aircraft's fireball.

During the war the next of kin of Captain Fors identified him in a North Vietnamese photograph. After Operation Homecoming it was determined this had been a misidentification.

Captain Fors was not seen alive in the northern Vietnamese prison system and his remains have not been repatriated. He was declared missing at the time of his loss and in August 1980 was declared killed in action, body not recovered.

North Vietnam — Roger B. Innes, Leonard M Lee (0952)

See Vessey 135 Discrepancy Cases for case summary.

North Vietnam

Edwin M. Osborne
Charles P. Claxton
Gerald G. VanBuren
Donald E. Fisher
Gordon J. Wennas
Frank C. Parker, III
Jack McCrary
Wayne A. Eckley
Edward J. Darcy
James R. Williams
Gean P. Clapper
(0954)

In the early morning hours of December 29, 1967, a camouflaged C-130E departed on a single aircraft flight for a classified operational mission over North Vietnam. The last contact with the aircraft was at 0430 hours when the aircraft was in extreme northwestern North Vietnam over a mountainous an densely forested area 13 miles northwest of the town of Lai Chau. The aircraft did not return from its mission and bad weather in the area hampered search efforts. A two week search over the aircraft's flight path failed to disclose any evidence of the crew of the aircraft and the crew was declared missing.

In November 1970, the co-chair of a private group, Cora Weiss, passed a letter to State Department officials from Vietnam which stated that Osborne, McCrary and Darcy had never been detained in the Democratic Republic of Vietnam.

Returning U.S. POWs had no information on the precise fate of any of the 11 crewmen missing from the C-130E. After Operation Homecoming they were declared killed in action, body not recovered, based on a presumptive finding of death.

Laos

Dennis C. Hamilton
Sheldon D. Schultz
Ernest F. Briggs, Jr.
John T. Gallagher
James D. Williamson
(0967)

On January 5, 1968, a UH-1D with a four man crew from the 176th Aviation Co., 14th Aviation Bn., Americal Division, and one member of the 5th Special Forces Command and Control Detachment was west of Khe Sanh, South Vietnam, providing support to the insertion of U.S. led cross-border forces into the Prairie Fire operational area of Laos. While approaching a landing zone in Savannakhet Province, the helicopter was hit by 37mm anti-aircraft fire. It began a nose low vertical dive from an altitude of 4000 feet and no one was seen

to eject before it impacted on the ground and burst into fire with flames reaching a height of 20 feet. There were no radio transmissions or beepers from the crew or passenger after impact and the five men on board the helicopter were declared missing in action. Intense groundfire precluded any entry into the crash site until four days when a ground team was successfully inserted. The team was unable to locate any evidence of the crew and no evidence anyone had survived.

In December 1971 the CIA forwarded a report to DIA about the sighting of American POWs in Laos. One report described four Americans said to have been captured in South Vietnam as passing through a way-station on the Ho Chi Minh Trail in mid-1970, Commo-Liaison Station 12, approximately 25 kilometers southwest of Tchepone, Savannakhet Province. The source pointed out a photograph of Williamson as resembling one of the four Americans. Another report described two captured pilots at Commo-Liaison Station 12 early in 1969 approximately 15 kilometers northwest of Muong Phine. These reports were placed in the file of those associated with this loss incident.

Williamson was considered by other returnees as a "no show" in the northern Vietnamese prison system and U.S. POWs returned during Operation Homecoming had no information that anyone had survived into captivity. However, one returnee reported having seen a statement with the name Williamson on it. After Operation Homecoming the five men in this incident were declared dead/body not recovered, based on a presumptive finding of death.

In 1974, a report was received about the sighting of aircraft wreckage in Laos. The report was placed in the files of this and one other incident in the same general area. In another report, a Vietnamese refugee stated that two bodies were burned up in the crash of a Cobra helicopter and that report was also placed in the files of those associated with the two loss incidents in this general area.

North Vietnam — Ralph E. Foulks, Jr. (0968)

On January 5, 1968, Lieutenant Foulks was in one of two aircraft in a flight on a night strike mission over Ninh Binh Province, North Vietnam. His aircraft disappeared while on this mission and there was no known crash site, no radio transmission, no beeper and no parachute. He was initially reported missing in action and in November 1973 was declared dead/body not recovered.

During the war there were various reports of U.S. aircraft downed in this area, often with reports of multiple crews or reports of sightings correlated to other known incidents.

Lieutenant Foulks remains were repatriated by Vietnam on December 15, 1988. According to Vietnam, Lieutenant Foulks died on January 5, 1968 when his aircraft was hit over Ninh Binh Province. The pilot disintegrated with his aircraft. His Geneva Convention card was recovered but it was later lost.

South Vietnam — Derri Sykes
Richard R. Rehe
(0976)

On January 9, 1968, Privates First Class Rehe and Sykes were members of the 3rd Battalion, 196th Light Infantry Brigade, Americal Division, searching for missing unit personnel in Quang Tin Province. Their unit was ambushed by People's Army of Vietnam forces and they became separated from their unit. Both soldiers were reportedly wounded at the time, each hit up to four times in the chest and shoulder by hostile fire. Both servicemen were declared missing in action.

The majority of missing Division servicemen captured on January 8th and 9th were evacuated to a People's Army Military Region 5 POW camp. However, PFC Rehe, completely debilitated, was left behind in a village on the night of January 9th and was never seen again by surviving POWs. PFC Sykes was left behind in a bunker on January 9th and was believed by returning POWs to have died there of severe blood loss.

Both servicemen were categorized as missing in action until released U.S. POWs captured at the time confirmed that although seriously wounded, they had in fact survived into captivity but never reached the Military Region 5 POW camp. One returnee stated he was told by one of his captors that PFC Rehe and Sykes had both died on January 9, 1968. After Operation Homecoming they were declared dead/body not recovered, based on a presumptive finding of death.

Joint U.S./Vietnamese investigations in Vietnam located and interviewed individuals with knowledge of the fate of members of the Americal Division captured on January 8-9, 1968. Interviews during September 1992 of former Military Region 5 prison camp officials provided information on the fate of those who survived to reach the prison. Witnesses testified that the precise location of all graves was recorded after January 1973 and that 21 sets of remains of those who died at the prison were recovered washed, and bagged at the end of 1978 or early 1979 and then sent to "higher headquarters." Included in these remains were those of a West German man and woman who died in captivity. Remains of those captured at the same time as PFC's Rehe and Sykes who reached the prison camp alive, were repatriated in August 1985.

South Vietnam — Richard W. Fischer (0977)

See Vessey 135 Discrepancy Cases for case summary.

Laos — James D. Cohron (0984)

On January 12, 1968, Staff Sergeant Cohron was a member of Team Indiana, a U.S. led covert cross border reconnaissance team on a mission inside Laos at a point along the border between Savannakhet and Saravan Provinces. The team was ambushed. After the engagement SSG Cohron and two Vietnamese team members could not be located and were declared missing. One of the two Vietnamese was later located and rescued alive but he could not shed any light on the fate of SSG Cohron. A ground search of the area by Team Santa Fe on January 15, 1968, located the area where SSG Cohron was last seen but there was no sign of him.

SSG Cohron was initially reported missing at a classified location, later acknowledged as Laos. He was not reported alive in the northern Vietnamese prison system and his remains have not yet been repatriated. SSG Cohron was declared dead/body not recovered, in July 1978.

The Defense Intelligence Agency has determined that the ambush of Team Indiana appears to correlate to a combat action of the People's Army of Viet Nam Dong Nai Regiment. The Regiment captured an American who was interrogated by an interpreter from the People's Army of Vietnam 304th Infantry Division. DIA has concluded that this information indicates SSG Cohron was probably captured alive. No further information has been obtained concerning SSG Cohron's fate.

South Vietnam — William D. Johnson (0997)

See Vessey 135 Discrepancy Cases for case summary.

North Vietnam — James A. Ketterer, Tilden S. Holley (0998)

On January 20, 1968, Captain Holley and First Lieutenant Ketterer were the crew in an F-4C, one of a flight of two aircraft over

Quang Khe, Quang Binh Province. Their aircraft was hit by hostile antiaircraft fire and crashed. The crew was not seen to eject but a weak electronic beacon was heard for several seconds after the crash. Both crewmen were initially declared missing in action.

One returning U.S. POW reported hearing the name "Holley" on Hanoi Radio while at the Hanoi Hilton. Another returning U.S. POW stated he saw the name "Holley" or "Holly" on a list of people confined at the prison in late 1972 or early 1973. There was no reference to the name Ketterer. No returning U.S. POW reported seeing either alive in the Vietnamese prison system.

Captain Holley was declared dead/body not recovered in June 1978.

North Vietnam — Michael Dunn
Norman E. Eidsmoe
(1004)

See Vessey 135 Discrepancy Cases for case summary.

Cambodia — Charles E. White
(1006)

On January 29, 1968, Sergeant First Class White was a member of a covert cross border operations reconnaissance team from Forward Base 2 (FOB 2) in South Vietnam. His team was inserted into Ratanakiri Province in extreme northeastern Cambodia and three kilometers inside Cambodia from Attopeu Province, Laos. His team engaged hostile forces. While being extracted by helicopter, Sergeant White fell from a rope harness approximately 200 feet into a tall bamboo thicket. A ground team searching the area on January 31, 1968, found what appeared to be evidence of where he landed and the area appeared to have been searched by hostile forces. There was no sign of Sergeant White and no grave. He was initially declared missing in action in the Republic of Vietnam. On February 23, 1968, his commanding officer wrote to his mother that Sergeant White became missing while under heavy hostile fire near Khe Sanh in South Vietnam although his circumstances of loss were falsified until they were declassified in 1973.

Returning U.S. POWs were not able to provide any information concerning his fate and he was not reported alive in the Vietnamese or Cambodian prison system. His case was among others passed to Khmer representatives at the United Nations in December 1975. The representative stated there were no American prisoners in Cambodia and the Cambodian government had no information about any missing Americans. On April 6, 1978, Sergeant White was declared dead/body not recovered.

South Vietnam — Vernon Z. Johns (1028)

On February 3, 1968, Private First Class Johns was an armored personnel carrier commander with the 25th Infantry Division's 4th Mechanized Battalion, 23rd Infantry, when his unit was engaged by hostile forces in Binh Duong Province. He was last seen manning a .50 calibre heavy machine gun while under attack from small arms and rocket propelled grenade fire. He was last seen jumping from his vehicle while wounded. His unit broke contact with the hostile force and PFC Johns was declared missing. There was an initial report that he was evacuated but this was later found to be erroneous.

In 1969, U.S. intelligence received a report of the sighting of a U.S. POW who appeared to resemble PFC Johns. Other reports received about two Americans killed and buried in the area where PFC Johns was last known when his unit was in combat.

Returning U.S. POWs had no information regarding PFC John's precise fate. In July 1978 he was declared killed in action, body not recovered, based on a presumptive finding of death.

In 1988, U.S. investigators in Vietnam interviewed witnesses who stated that PFC Johns was killed in battle and buried the next day. One witness stated his remains had been recovered in 1987 and the Vietnamese Office for Seeing Missing Americans had taken custody of his remains. On April 27, 1989, Vietnam repatriated remains identified as those of PFC Johns and they were subsequently identified as his.

South Vietnam — Harvey G. Brande, Kenneth Hanna, James W. Holt, Charles W. Lindewald, Jr., James L. Moreland, William G. McMurray, Jr., Daniel R. Phillips (1040)

On February 7, 1968, eight U.S. Army Special Forces NCOs from Detachment A-1, Company C, 5th Special Forces Group, were declared missing when their Lang Vei base in Thua Thien Province was overrun by Vietnam People's Army forces. Sergeant Moreland had a head wound and was in a state of shock when last seen.

One of eight missing men, Dennis R. Thompson, was captured and survived to be released from North Vietnam in March 1973. During

his debriefing he related that Thompson, Holt, and Phillips were last known alive at Lang Vei before he lost contact with them. Neither he nor any other returnee was able to provide information on the eventual fate of the seven missing servicemen and they were not known to have survived into captivity.

The seven missing Special Forces men were initially declared missing. After Operation Homecoming they were all declared dead/body not recovered, based on a presumptive finding of death.

South Vietnam

Alan W. Gunn
Wade L. Groth
Harry W. Brown
Jerry L Roe
(1046)

See Vessey 135 Discrepancy Cases for case summary.

North Vietnam

Robert M. Elliott
(1049)

On February 14, 1968, Captain Elliott's aircraft was hit by an enemy surface to surface missile while conducting a bombing mission against a railroad bridge in the area of Hanoi Municipality. There was no beeper and there was the sighting of a possible parachute. However, there was haze in the target area and visibility was poor.

During the war a People's Army of Vietnam soldier described the shoot down of an American aircraft over Ha Tay, a suburb of Hanoi. The shoot down location compared favorably to the loss incident of Captain Elliott. One airman was reportedly captured. Captain Elliott was initially reported as missing in action. In June 1979 he was declared dead/body not recovered.

Captain Elliott's identity card was turned over to U.S. officials on April 6, 1988 together with a small quantity of skeletal remains, also reportedly belonging to Captain Elliott. The remains were insufficient for positive identification and correlation to Captain Elliott.

Laos

John F. Hartzheim
Paul Lloyd Milius
(1062)

On February 27, 1968, Commander Milius was the pilot of an OP-2E aircraft on an armed reconnaissance flight over the Steel Tiger

operational area in the vicinity of the Ban Karai Pass leading from North Vietnam into Khammouane Province, Laos. The aircraft was hit by an exploding projectile. Five crewmen exited the rear of the aircraft. Surviving crew members reported Commander Milius, although wounded, was last seen flying the aircraft and with the nose section in flames, but they believe he was able to bail out. Another crew member, Petty Officer John F. Hartzheim, was reported by survivors as either dying or dead at the time the aircraft crashed in Khammouane Province. A search effort on February 29th, Operation Texas Crest, failed to locate Commander Milius.

In August 1968 a People's Army of Vietnam defector in South Vietnam reported that during infiltration his unit captured a U.S. colonel with a survival radio. The approximately time of the capture was March 1968 but the precise location was not pinpointed. This report exists in Commander Milius' file as possibly correlating to him.

Neither individual was ever reported alive in the northern Vietnamese prison system and neither of their remains has been repatriated. Both have been declared dead/body not recovered.

In January 1985 a Lao refugee turned over a human bone and other material from an aircraft crash site in Laos which may have related to the crash site of Commander Milius' aircraft. The remains were determined to be human but no further identification was possible. In December 1986 another lao refugee offered remains and a dog tag allegedly belonging to Petty Officer Hartzheim.

North Vietnam

Gilbert S. Palmer, Jr.
Thomas T. Wright
(1063)

On February 27, 1968, Major Palmer and Captain Wright were the crew in an RF-4C launched from Udorn Air Base, Thailand, on a single aircraft photo mission over Quang Binh Province, North Vietnam. There were routine communications in route and the last contact with them was when they were given target clearance. There was no further contact with the two crewmen and they were declared missing in action.

In 1970, DIA received a report about the sighting of an American in a jeep at the Hanoi Public Security Office. This report was placed in Captain Wright's file. In July 1971, a report was received from a People's Army of Vietnam defector describing the sighting of an American POW. The report pertained to four U.S. POWs in Nghe An Province in July 1970 reportedly shot down during 1965-1967. The individual was given a polygraph test, and the examiner offered his view that he believed the story. DIA felt at the time that the report might correlate to Captain Wright. DIA reevaluated the

report in 1978 and based on information then available concluded the report did not pertain to Captain Wright. One returnee reported seeing a black American in jungle fatigues at a temporary prison camp in Quang Binh Province in late May or early June 1968. His sighting of the individual was for approximately 30 seconds. The returnee selected a photograph of Captain Wright as one of several possible correlations.

Returning U.S. POWs were unable to describe the final fate of the two missing crewmen and after Operation Homecoming they were declared killed in action, body not recovered, based on a presumptive finding of death.

South Vietnam — Robert W. Hunt
(1065)

See Vessey 135 Discrepancy Cases for case summary.

South Vietnam — James E. Hamm
(1086)

See Vessey 135 Discrepancy Cases for case summary.

Laos — Peter D. Hesford
Aubrey E. Stowers, Jr.
(1100)

On March 21, 1968, First Lieutenant Hesford and First Lieutenant Stowers were the crewmen in an F-4D, one of a flight of two aircraft on a night strike mission over Laos. A forward air controller illuminated three trucks on a road and a second forward air controller made passes in the target area, drawing heavy automatic weapons fire.

The crew radioed they were "rolling in" and that was their last transmission. Other aircraft observed 37mm anti-aircraft fire and then a large explosion and fireball. A search of the area failed to locate any survivors. There were no chutes and no beepers. Both airmen were initially declared missing.

On September 17, 1968, the Pathet Lao spokesman in Vientiane, Laos, Soth Phetrasy, stated that Lieutenant Hesford had been captured.

Lieutenant Hesford was declared dead/body not recovered, in June 1978. Lieutenant Stowers was declared dead/body not recovered, in October 1979. Neither individual was identified alive in the Lao

or Vietnamese prison system.

In April 1989, U.S. intelligence received a report of the recovery of remains with dog tag information associated with Lieutenant Stowers. No remains were actually provided.

Laos — Charles G. Huston, George R. Brown, Alan L. Boyer (1108)

On March 28, 1968, Sergeants Huston, Brown and Boyer were leading Team Asp, a covert cross border reconnaissance patrol operating from Forward Base (FOB) 4, an element of the 5th Special Forces Group Command and Control Detachment based in South Vietnam. They were on a mission in an area twenty kilometers northeast of the town of Tchepone, Savannakhet Province, Laos, when they came under heavy enemy fire and called for an extraction. The helicopter withdrew under heavy fire and was unable to recover Sergeants Brown and Huston. Sergeant Boyer was the last recovered and while holding onto a rope ladder and it together with its mount broke away from the recovery helicopter and he fell to the ground.

A ground search of the area on April 1, 1968, failed to show any sign of the three missing patrol members. They were declared missing at a classified location which was later acknowledged to be Laos. None of these individuals was reported alive in the northern Vietnamese prison system and none of their remains has been repatriated. All three were initially reported missing and later declared dead/body not recovered.

In August 1984 a Lao refugee reported three Americans were killed in a People's Army of Vietnam ambush in the area of Team Asp's engagement. The bodies were reportedly buried in the area.

South Vietnam — Walter A. Cichon (1112)

See Vessey 135 Discrepancy Cases for case summary.

South Vietnam — John W. Held (1131)

See Vessey 135 Discrepancy Cases for case summary.

South Vietnam

Philip R. Shafer
Arthur J. Lord
Charles W. Willard
Michael R. Werdehoff
(1132)

On April 19, 1968, Specialist 4th Class Shafer was crew chief on a CH-54 helicopter carrying a bulldozer to Landing Zone Tiger located in the A Shau Valley, Thua Thien Province, South Vietnam. Other crew members included Captain Lord (aircraft commander), CW3 Willard (pilot), and Specialist 6th Class Werdehoff (flight engineer). Approximately 1.5 kilometers from the landing zone eyewitnesses reported an explosion in the cockpit of the helicopter which caught fire and crashed at the base of a cliff, exploding. There were no signs of survivors.

The crew was initially reported missing in action and after the war was declared dead/body not recovered. Returning U.S. POWs were unable to provide any information on their fate.

North Vietnam

Jeffrey L. Harris
Bobby G. Vinson
Woodrow W. Parker, II
(1141)

On April 24, 1968, Lieutenant Colonel Vinson and First Lieutenant Parker were the crewmen in an F-4D, one of two F-4 on a combat mission over Bo Trach District, Quang Binh Province. They were preparing to drop flares while the other aircraft remained above them. They were last known descending to a lower altitude when a large fireball was observed on the ground. There were no parachutes seen and neither beepers or other communications from the crew. Both crewmen were initially reported as missing in action.

In December 1972 a former member of the Vietnam People's Army reported an American F-4, one of two dropping flares over Quang Binh Province, was hit by anti-aircraft fire and crashed. Both crewmen were reportedly killed in their aircraft. Their bodies were recovered from the crash site and buried nearby.

A JCRC field investigation in Vietnam during April 1990 located witnesses who described the crash of a U.S. jet aircraft and the recovery of human remains from the crash site which appeared to correlate to this case. A document provided by Vietnamese officials to the Joint Casualty Resolution Center during a field investigation in Vietnam during January-February 1991 described the shoot down of an aircraft and death of the crewmen which appeared to correlate to this loss incident.

North Vietnam — Robert D. Avery, Thomas D. Clem (1156)

On May 3, 1968, Avery and Clem were the crew in an A-6A on an armed reconnaissance mission over North Vietnam providing support to U.S. Air Force operations along Route Package 1. Radar contact was lost with the aircraft when it was approximately 10 kilometers northwest of the coastal town of Dong Hoi and six kilometers southeast of the district seat of Bo Trach in Quang Binh Province. SAR forces were unable to locate any sign of the crew which was declared missing.

Returning U.S. POWs were unable to provide any information on the eventual fate of the crew. After Operation Homecoming they were declared killed in action, body not recovered, based on a presumptive finding of death.

In January 1991, a U.S. team in Vietnam visited Bo Trach District and reviewed archival documents. One document listed the downing of an A-6A on May 3, 1968 in which both crewmen died. In July 1991, U.S. researchers at the Military Region IV museum in Vinh City obtained access to an archival list of gravesites of Americans who died there during the war. One entry listed Robert D. Avery as buried in Quang Ninh District from an F-105 downed on April 15, 1968. In January 1992, a Region IV air defense record listed an A-6A downed on May 3, 1968 with both crewmen dead. In December 1992, a copy of the list of burial sites was turned over by Vietnam to Senator John Kerry, Chairman of the Senate Select Committee on POW/MIA Affairs.

South Vietnam — Frederick J. Ransbottom (1171)

On May 12, 1968, Lieutenant Ransbottom was a member of the Americal Division and was last seen at an observation post at the Kham Duc Special Forces camp and engaging hostile forces. He last reported shooting at hostile forces as they were entering his bunker. The Kham Duc post was eventually overrun and eight individuals at Observation Post 2 could not be located following the withdrawal. The remains of six others were located later. Ransbottom and others at Observation Post 2 were declared missing.

Ransbottom was not accounted for during Operation Homecoming and returning U.S. POWs were unable to provide any information about his fate. In May 1979, Ransbottom was declared dead/body not recovered.

North Vietnam — Joseph E. Davies, Glen D. McCubbin (1182)

On May 19, 1968, Captain Davies and First Lieutenant McCubbin were the crew in an F-4B from Ubon Air Base, Thailand and leader of a flight of two aircraft on a night armed reconnaissance mission over Bo Trach District, Quang Binh Province. The number two aircraft in the flight expended its ordnance and departed to return to Ubon. The number two aircraft's crew reported seeing three explosions on the ground and believed Captain Davies' aircraft had dropped its ordnance and would be joining them on the return flight to Ubon. Captain Davies' aircraft never returned from the mission and the crew was declared missing in action. A beeper and voice transmission from the general area of a search for them was later determine not to be either Captain Davies or Lieutenant McCubbin but someone else.

Returning U.S. POWs were unable to provide any information concerning the specific fate of Captain Davies and Lieutenant McCubbin. After Operation Homecoming both crewmen were declared dead/body not recovered, based on a presumptive finding of death.

In December 1988, a joint U.S./Vietnamese team visited Bo Trach District and interviewed witnesses concerning this incident. Witnesses described the crash of an aircraft correlating to this incident which included the wartime recovery of human remains from the crash site. One witness described the recovery of two dog tags of Davies.

In August 1991 the crash site was excavated and biologic evidence was recovered and returned to the U.S. for Analysis. In October 1991, U.S. investigators forwarded information from Bo Trach District combat records recording the downing of an F-4C on May 18, 1968, and the death of two crewmen. This record was believed associated with this loss incident.

Laos — John Q. Adam, Jerry L. Chambers, Calvin C. Glover, Thomas E. Knebel, William H. Mason, William T. McPhail, Thomas B. Mitchell, Gary Pate, Melvin D. Rash (1187)

On May 22, 1968, a camouflaged C-130 departed Ubon with a crew of eight and one passenger from Nakhon Phanom Air Base on a routine

night flare mission over Saravan Province. The last contact with the aircraft was a 2055. Fifteen minutes later another aircraft's crew observed a large fire on the ground in a mountainous area with heavy jungle foliage but were driven off by hostile anti-aircraft fire. Airborne search aircraft and night photography could not confirm the fire to be associated with an aircraft crash site but were of the view the circular fire resembled that of a crashed aircraft. The crew was declared missing. There was no evidence of any parachutes or beepers and no mayday calls.

Returning U.S. POWs were unable to provide any information about the eventual fate of the crew. After Operation Homecoming they were declared killed in action, body not recovered, based on a presumptive finding of death.

In June 1989, a source turned in the drawing of an identity card and restricted area access card with the name of Gary Pate. In August 1989, a Vietnamese source provided dog tag information from a member of an ethnic minority residing in South Laos together with a photograph reportedly showing human remains at an unknown location. In May 1991 a source in Thailand reported dog tag information associated with Pate. The source stated he had received the information from a central Vietnamese who located the dog tag while looking for incense wood near Hue City, South Vietnam, and had instructed the source to provide the information to the U.S. government upon his arrival in Bangkok. In October 1991, U.S. investigators in Vietnam were provided dog tag information and a bone fragment reportedly of Gary Pate. The Vietnam resident turning over the material to U.S. investigators stated he was an intermediary acting for others.

South Vietnam — Walter R. Schmidt, Jr.
(1205)

See Vessey 135 Discrepancy Cases for case summary.

North Vietnam — Edward R. Silver
Bruce R. Lawrence
(1222)

On July 5, 1968, Major Silver and First Lieutenant Lawrence were the crew of an F-4C on a night armed reconnaissance mission over North Vietnam. Their aircraft was hit by hostile anti-aircraft fire. Their wingman observed their aircraft turn into a large fireball with streaks of fire trailing out of the bottom, followed by a second smaller explosion. There were no parachutes observed and no beepers heard. Intense hostile fire prevented a daylight search of the area. Both airmen were declared missing in action.

During Operation Homecoming, a returning POW reported seeing a propaganda film which included the showing of a body in a flight suit. The returnee was "almost positive" the name strip on the suit was "Silver."

No returning U.S. POW was able to report either of the missing crewmen in captivity. Both were later declared killed in action, body not recovered, based on a presumptive finding of death.

North Vietnam — David S. Greiling (1234)

On July 24, 1968, Lieutenant Commander Greiling was the pilot of an A-7A on a night combat mission over North Vietnam. His wingman observed him fly into a mountain and saw his aircraft explode on impact. There was no parachute seen. Other aircraft in the mission bombed the site of the crash, thinking it was the target. Villagers reported finding disintegrated remains several days later.

During the war, a photograph of Commander Greiling's identity card was located in the Seaman's Club in Hai Phong in July 1969. This led to his eventual reclassification from missing to POW.

Returning U.S. POWs were unable to provide any information on Commander Greiling's eventual fate. In September 1973 he was declared killed in action, body not recovered, based on a presumptive finding of death.

A recent joint U.S/Vietnamese investigation of Major Greiling's crash site led to the recovery of evidence of an A-7A crash. The recovered material, including parts of the ejection seat, indicated the pilot did not eject prior to the crash.

North Vietnam — William J. Thompson, Joseph S. Ross (1243)

On August 1, 1968, Major Thompson and First Lieutenant Ross were the crew of an F-4D, one in a flight of two aircraft from Da Nang Air Base, South Vietnam. Their wingman observed the flight leader drop flares which illuminated a group of trucks on the ground and Major Thompson rolled in on the target. The wingman next observed an explosion on the ground within 100 feet of the target and it was evident that Major Thompson's aircraft had impacted and exploded in an area approximately 47 kilometers southwest of the coastal city of Dong Hoi and 1500 meters northeast of the village of Ban Katoi. There were no chutes or beepers noted in the ten minutes the

wingman orbited the burning wreckage. Both crewmen were declared missing in action.

On March 30, 1973, a returning U.S. POW reported he saw the name "Ross" written on a wall at the "Heartbreak" POW camp in Hanoi. In 1978, a U.S. Air Force compendium of names providing by returning U.S. POWs correlated the name "Ross" to First Lieutenant Joseph S. Ross. However, the source of the names and its meaning was never determined, no returning U.S: POWs had any knowledge of the fate of the two crewmen, and they were never reported alive in the northern Vietnamese prison system. After Operation Homecoming, both airmen were declared dead/body not recovered, based on a presumptive finding of death.

In January 1992, the Defense Department provided a preliminary analysis of Vietnamese list of combat air defense operations in Quang Binh Province. Included in the list was a reference to the shoot down on August 1, 1968, of an F-4 aircraft.

South Vietnam

Donald R. Fowler
Steven M. Hastings
Peter J. Russell
William Fernan
(1244)

See Vessey 135 Discrepancy Cases for case summary.

North Vietnam

Terrin D. Hicks
(1248)

On August 15, 1968, Captains Terrin D. Hicks and Joseph F. Shanahan departed Udorn Royal Thai Air Force Base in an RF-4C on a solo photo reconnaissance mission over North Vietnam. About 0805 hours, the last radar contact was made with Capt Hicks' aircraft. The plane was hit by enemy ground fire and lost in an area approximately 12 kilometers southwest of Quang Khe, Quang Binh Province. Captains Hicks and Shanahan ejected successfully and descended by parachute but were not recovered. Both airmen were declared missing in action.

Captain Shanahan was captured and incarcerated in North Vietnam. During his Homecoming debriefing, he related he saw Captain Hicks' parachute on the ground and heard Captain Hicks make a "Mayday" call on his survival radio. Captain Hicks was alive on the ground at this time. Captain Shanahan landed in the backyard of a village hut and was immediately captured. As Captain Shanahan was led away, he heard continuous small arms fire from the direction where Captain Hicks had landed. Approximately 10 minutes later, Captain Shanahan was given Captain Hicks' boots to wears as his boots had

been taken from him after his capture. Later, an interrogator told Captain Shanahan that Captain Hicks was alive and being treated in the Dong Hoi hospital for a broken leg. Captain Shanahan said he had personal reservations about the truthfulness of this statement.

During the November 1985 JCRC technical meeting in Hanoi, Vietnamese officials passed Captain Hicks military identification card and Geneva Convention card to U.S. officials. The Vietnamese stated that Captain Hicks' remains were no longer recoverable.

On December 4, 1985, Vietnam released seven sets of remains to US custody. Vietnamese officials associated one set of remains with Captain Hicks but none of the seven sets of remains could be identified as his.

On June 17 and 21, 1989, a joint U.S./Vietnamese investigation team conducted an investigation of the reported crash of an American aircraft in Cu Nam village, Bo Trach District, Binh Tri Thien (formerly Quang Binh) Province. According to the witness interviewed, an RF-4C aircraft was shot down over the village in the fifth Lunar month of 1968. Both pilots ejected; one was captured immediately, the other was shot to death when he resisted capture, and he was buried near where he fell. The team surveyed the burial location and used a metal detector to attempt to locate the specific burial site, but was not successful. On 5 May 1990 a second Joint team travelled to Cu Nam village to discuss excavation of Capt Hicks burial site. The village officials claimed not to know if the repatriated remains which could not be identified as those of Captain Hicks had been taken from the reported burial site and they were unable to locate the site. Three other possible burial locations were suggested from Quang Binh Province records.

South Vietnam — **Humberto Acosta-Rosario** (1258)

See Vessey 135 Discrepancy Cases for case summary.

South Vietnam — **Dallas R. Pridemore** (1274)

See Vessey 135 Discrepancy Cases for case summary.

South Vietnam — Earl E. Shark
(1277)

On 12 September 1968, Sergeant Shark was serving as the point man for the 1st Squad, 3rd Platoon, C Company, 1st Battalion, 28th Infantry, 1st Infantry Division. As the platoon advanced up a hill approximately 6 kilometers northeast of the town of Loc Ninh, Song Be (formerly Binh Long) Province, his unit came under intense enemy fire. The radio operator with Sergeant Shark radioed that they had both been hit. The platoon leader and his radio operator crawled to within 5-10 meters of Sergeant Shark. They could see no movement,heard no noise, and saw no visible sign of life. As the contact continued, the Platoon leader through a hand grenade at an enemy soldier in a bunker in front of Sergeant Shark. The grenade fell short and exploded closer to Sergeant Shark than the enemy. The fragmentation from the platoon leader's grenade was close enough to Sergeant Shark to set off the smoke grenades attached to Sergeant Shark's web gear but Sergeant Shark still made no voluntary movement. Due to heavy enemy fire, the platoon leader and his radio operator were forced to withdraw without retrieving Sergeant Shark.

On September 15, 1968, the unit was able to reach the area where Sgt Shark was last seen. However, he could not be located by ground or air search.

Although seriously wounded, Sergeant Shark apparently was alive and survived for several days. His name and date of death appeared on the Died in Captivity list provided by the Provisional Revolutionary government of South Vietnam on January 27, 1973. Sergeant Shark's date of death was given as September 1968.

Intelligence reports that have been correlated to Sergeant Shark indicate that Sergeant Shark died of his wounds and complications following the amputation of one of his legs about five days after his capture. He apparently died at K101 Dispensary in Cambodia and was reportedly buried west of the hospital. His remains have not yet been recovered and repatriated.

Laos — Leighton L. Paul
Edgar F. Davis
(1279)

On September 17, 1968, Paul and Davis were the crew in an RF-4C which took off from Udorn Air Base, Thailand on a single aircraft reconnaissance mission over Laos. Their aircraft was hit by hostile anti-aircraft fire in an area southeast of Tchepone, Savannakhet Province. Their aircraft began to break up and Paul, the pilot, ordered Davis to eject, then ejecting himself. The type of ejection system employed on the aircraft automatically ejected

the navigator after the pilot's ejection.

Paul, the aircraft's pilot, ejected safely. He made contact with SAR forces and was rescued. There was no contact with Captain Davis and he was declared missing in action. A second electronic beeper heard at the time could not be pinpointed due to the overriding beeper signal from the pilot

Returning U.S. POWs has no information on Captain Davis's fate. In March 1979 he was declared killed in action, body not recovered, based on a presumptive finding of death.

In December 1984, the Joint Casualty Resolution Center staff in Thailand interviewed a Lao source who had been incarcerated at the Tchepone reeducation camp after 1975. The source reported wreckage of a U.S. jet aircraft in the area which was said to have been shot down in 1967. There were two crewmen who bailed out from the aircraft and one was rescued. People's Army of Vietnam forces killed the other airman whose body was buried in the area by local civilians. JCRC concluded this report possibly correlated to this loss incident.

North Vietnam — Domenick A. Spinelli (1294)

On 30 September 1968, Lieutenant JG Larry J. VanRenselaar and Lieutenant Domenick A. Spinelli were the crew of an A-6A aircraft which departed the U.S.S Constellation in a flight of three aircraft. The flight was assigned to acquire and destroy moving targets just south of 19 degrees North Latitude over North Vietnam. Two hostile surface to air missiles, one high and one law, were observed by other flight members to explode near Spinelli's aircraft. About 20 seconds later a third explosion was observed and it lit up the horizon. At this point the flight was approximately nine kilometers southwest of Phu Dien Chau, Nghe Tinh (Formerly Nghe An) Province.

No parachutes were sighted and no distress beepers were heard. All subsequent search and rescue efforts were futile. A Radio Hanoi broadcast on October 1, 1968, stated than an A-6 aircraft had been shot down over Nghe An Province. Lieutenant Spinelli's A-6A aircraft was the only one shot down on September 10, 1968, over Nghe An Province. Both airmen were declared missing in action.

During Operation Homecoming, a returnee, Lieutenant Tangeman, stated that he knew the name Spinelli but he did not know him as a POW. In the late 1970s, Tangeman was visited by Spinelli's next of kin. During that visit, he finally recalled why he recognized the name;both he and Lieutenant Spinelli had been at the same naval air training facility before going to Vietnam. Lieutenant Spinelli's

family alleged the existence of a photo depicting Spinelli in captivity. The Defense Intelligence Agency has no knowledge of such a photo but did provide the family a photo of a POW, Major Gideon, shown riding in an ox cart. This photo is on sale at the military museum in Hanoi and may have been confused by family members with being a photograph of Lieutenant Spinelli.

Returning U.S. POWs were unable to provide any information on either crewman's eventual fate. After Operation Homecoming both were declared killed in action, body not recovered, based on a presumptive finding of death.

On July 31, 1989, Vietnam repatriated remains it identified as those of Lieutenant VanRenselaar. On June 22, 1990 the Armed Forces Identification Review Board approved the identification of these remains as Lieutenant VanRenselaar.

South Vietnam — Dickie F. Finley (1308)

See Vessey 135 Discrepancy Cases for case summary.

South Vietnam — Donald L. Harrison, Steven N. Bezold (1314)

On October 29, 1968, Lieutenants Donald L. Harrison and Steven N. Bezold were flying in an O-1G observation aircraft in a flight of two aircraft. The aircraft was hit by antiaircraft fire and crashed in an area approximately 34 kilometers northwest of Quang Tri City and six kilometers northwest of Con Thien, Quang Tri Province. No parachute was seen and no electronic beacon signals were heard.

The next morning, search and rescue personnel located the crash site but received intense anti-aircraft file from the surrounding area. At one point, weak electronic beacon signals were heard, but could not be pinpointed. Search and rescue forced noted that the plane hit flat. The left wind was twisted back and up at an 90 degree angle. The right wing was ripped off of the fuselage near the tail section. Horizonal and vertical stabilizers were intact and the fuselage was intact. No bodies were observed in or near the wreckage. Anti-aircraft fire, brush, and trees precluded a closer look. However, the searchers noted that the wreckage had been moved and saw vehicle tracks leading from the aircraft.

Both flyers were declared missing in action. Returning U.S. POWs were unable to provide any information on their precise fate.

After Operation Homecoming they were declared killed in action, body not recovered, based on a presumptive finding of death.

North Vietnam

Bradley G. Cuthbert
Mark J. Ruhling
(1327)

See Vessey 135 Discrepancy Cases for case summary.

North Vietnam

San D. Francisco
Joseph C. Morrison
(1329)

See Vessey 135 Discrepancy Cases for case summary.

Laos

Russell D. Galbraith
(1339)

On December 11, 1968, Captains Galbraith and Harlan J. Drewry were the crew of an RF-4C on a reconnaissance mission over Savannakhet Province. Captain Galbraith later described feeling a thump and losing control of the aircraft. Captain Drewry ejected safely and was rescued but reported he did not see Captain Galbraith exit the aircraft. The aircraft crashed into an area approximately 65 kilometers northwest of Tchepone.

Captain Drewry was declared missing in action. Returning U.S. POWs had no information on his precise fate. In August 1978 he was declared dead/body not recovered, based on a presumptive finding of death.

Laos

Francis J. McGouldrick
Thomas W. Dugan
(1341)

John S. Albright, II
Joseph P. Panning
Fred L. Clarke
Morgan J. Donahue
Samuel F. Walker, Jr.
(1340)

On December 13, 1968, a C-123K (Case 1340) collided in mid-air with a B-57E (Case 1341). The aircraft wreckage crashed into an area

approximately 47 kilometers northwest of the town of Tchepone, Savannakhet Province, three kilometers east of Route 411 and in the area of Ban Kok Nak. The C-123 pilot, First Lieutenant Thomas H. Turner, exited through the cockpit window after finding the co-pilot's seat empty and fire coming into the cockpit from the fuselage. He later reported that there had been an explosion in the aft section of the aircraft and the C-123K had gone out of control. After parachuting from the cockpit window, Lieutenant Turner noted that there was another parachute below his and he believed it might have belonged to a member of the two-man B-57E crew. Lieutenant Turner was rescued on December 13th and all other crewmen from the two aircrews were declared missing.

Returning U.S. POWs had no information on the fate of the two aircrews. After Operation Homecoming they were eventually declared killed, body not recovered, based on a presumptive finding of death.

From 1968 through 1971, the next of kin of Lieutenant Donahue tried unsuccessfully to obtain information about him from Lao communist officials. Reward notices were circulated in Thailand in the late 1970s which promised money and resettlement into the U.S. for information about Lieutenant Donahue. During 1980, information attributed to former Royal Lao Army Region II Commander, General Vang Pao, asserted that U.S. POWs had been moved from North Vietnam to Sam Neua, Laos, and then to the area of Kham Keut, Khammouane Province. These and other reports in a similar vein, eventually leading to assertions that Morgan Jefferson Donahue was still alive and simultaneously a prisoner in either Khammouane Province or Houa Phan Province, Laos and Binh Tri Thien Province, Vietnam, were determined by DIA to be fabrications.

In 1980 the DIA Director, Lieutenant General Eugene Tighe, initiated an effort which prevented the release of all POW/MIA intelligence reports received at that agency after August 1979. While due in part to a concern that the release of such reports might hazzard any U.S. POWs still alive in Southeast, this policy coincided with efforts by some next of kin to have POW/MIA reports released so they could be entered into military service casualty board case reviews underway, including that of Captain Donahue. The Defense Department agreed to permit DIA to act as both initial and appellate review authority over such reports, effectively denying their release. Lieutenant Donahue was declared killed in action, body not recovered, in February 1981.

However, these earliest accounts led by 1981 to either funding by the U.S. Army's Intelligence and Security Command and National League of Families senior officials for, or involvement by senior Defense Department officials in, covert cross border forays by elements of the so-called Lao resistance operating from Thailand into Laos and may also have involved the so-called Vietnamese resistance. Such reports of live Americans in Khammouane and

elsewhere were determined by DIA by 1987 to have been the result of an active measures disinformation program by the state security apparatus of Laos and Vietnam which achieved various objectives, including manipulation of the POW/MIA issue. Such hostile intelligence efforts had directly targeted the Lao neutralist faction as a conduit for the disinformation. DIA determined it was the neutralist groups and others in Thailand who had been, and still continue to be, conduits for hostile intelligence managed disinformation which eventually reaches private POW/MIA hunters and next of kin.

In 1982, a source reported information about a wartime crash of a C-130 in the area of this loss incident. Human remains were reportedly recovered and buried during the war. In 1986 the wreckage was located and the tail number determined to be that of the C-123K (Case 1340). In March 1990, Lao officials reported that civilians had recovered human remains from a B-57/C-123 crash site located on a karst in the area of this loss incident.

Laos — Michael Bouchard (1345)

On December 19, 1968, Lieutenant Commander Bouchard and Lieutenant Robert W. Colyar were the crew in an A-6A launched from the U.S.S. Constellation for a night visual bombing run in Laos and under the control of a forward air controller. Their aircraft received a direct hit from anti-aircraft fire while flying at an altitude of 7000 feet. An explosion and flash of fire swept the cockpit area and the aircraft crashed, several small explosions occurring on board prior to its impact in an area approximately 600 meters west of Route 92 and 55 kilometers southeast of Tchepone, Savannakhet Province.

Flares dropped in the area disclosed one good parachute and beepers were heard. However, Lieutenant Colyar's beeper signal overrode the second probable beeper signal. The last information from Commander Bouchard was that he was injured and had second degree burns. Contact was established with Lieutenant Colyar who was all right on the ground and was later rescued but did not know if Commander Bouchard had ejected.

The suspected crash site was surveyed in May 1990 and personal artifacts and aircraft parts were located. A witness described having seen skeletal remains at the sight some years ago. In September 1990 the aircraft parts were confirmed to have come from an A-6. A July 1991 crash site survey failed to locate any remains. However witnesses were located who described the crash, the aircraft braking in half with half of it falling into a river. One body was found at the time and reportedly buried. Although the survey led to a conclusion that they had located the wreckage of an

A-6, it was not possible to determine if the crash site pertained to this incident or that of another aircraft lost in this same area.

During Operation Homecoming, a returnee, CW2 Miller, reported having learned through POW notes that Michael Boucher was a Navy Lieutenant at Hoa Lo Prison as late as March 1, 1973. This was the only such report with this name and there was no U.S. POW or MIA by that name. However, a U.S. Air Force analysis in 1978 asserted this correlated to Michael Bouchard being alive in Hoa Lo Prison on that date. A DIA review of the Air Force report concluded the Air Force incorrectly correlated the name Michael Boucher to Michael Bouchard when it correctly correlated to Lieutenant Jack M. Butcher who was at Hoa Prison from December 1972 until released in March 1973.

Laos

Charles D. King
(1348)
Charles R. Brownlee
(1347)

On December 24, 1968, Major Brownlee was the pilot of an F-105D, one in a flight of four on a strike mission near the Mu Gia Pass between Khammouane Province and North Vietnam. His aircraft was hit by hostile fire during a strike on a truck and Major Brownlee reported "fire and smoke in cockpit...bad..." followed by a garbled transmission. The SAR force described seeing "junk in the air" when Major Brownlee's aircraft apparently suffered an explosion at about the time he ejected from his aircraft. His parachute landed in trees within 200 meters of his aircraft's crash site in double canopy dense jungle and aircraft on the scene began receiving hostile ground fire. There was no radio contact with or beeper from Major Brownlee after his ejection.

On the morning of December 25th, rotor wash from a SAR helicopter attempting to recover Major Brownlee from the trees caused his parachute to dislodge and fall 70 feet to the ground. Paramedic Airman First Class King was lowered from a SAR helicopter and he reported back he'd found the pilot inert in the parachute. Airman King cut the pilot loose from his parachute harness and hooked his body to a cable which was intended to drag him through brush and under a fallen tree for a distance of over 20 feet to reach an open area from which to lift Major Brownlee's body from the crash site. With the body of Major Brownlee ready to be hoisted from the ground, Airman King reported receiving enemy fire, then radioed he had been hit by hostile fire and directed the SAR helicopter to pull up with enemy forces within 30 feet of him. While being hoisted up, the penetrator cable and hoist broke loose and Airman King and Major Brownlee fell ten feet to the ground below as the SAR aircraft was receiving hostile automatic weapons fire from the

ground below. There was a two second emergency beeper ten minutes later but its precise location could not be fixed. Further efforts to locate both individuals were not successful.

On December 24th a Vietnam People's Army unit radioed it had shot down an aircraft and the pilot had bailed out. Ground forces later reported seeing the pilot bailing out of a reconnaissance aircraft. In another report, a People's Army unit described a rescue attempt on December 25th in which a helicopter with someone on a ladder was also shot down and there was a report that an attempt would be made to capture the pilot with no indication if he'd been captured. These reports, associated with Khammouane Province, were placed in the MIAs files.

Both individuals were declared missing. Returning U.S. POWs were not aware of their precise fate. Several years after Operation Homecoming both were declared dead/body not recovered, based on a presumptive finding of death.

Laos — Robert F. Coady (1363)

Mid-morning on January 18, 1967, Captain Coady was the pilot of an A-1H, the number two aircraft in a flight of four on a combat support mission approximately five miles south-southeast of Tchepone, Savannakhet Province. His aircraft made a shallow dive on a target, was hit by hostile fire during the dive, and crashed with wings level into a wooded hillside within ten meters of the source of the ground fire, exploding on impact. He was not observed to parachute from the aircraft and no beeper was heard. A SAR effort located no evidence of him.

In 1971, Captain Coady's sister viewed a film depicting U.S. POWs in North Vietnam during Christmas 1969. She also believed she'd seen his picture in a photo album the U.S. Navy had provided her. DIA has determined that all those in the 1969 film have been positively identified and Captain Coady is not in either the film or photos prepared of individuals depicted in the movie.

Upon his early release from prison in 1969, one U.S. POW reported having heard of a POW named either Bill Cody or Cote but never saw an individual with that name and could provide no other information about the individual. In 1978 the U.S. Air Force correlated this to Robert T. Coady but there is no basis for such a correlation and no other returnee from North Vietnam ever provided such a name. In July 1974 he was declared dead/body not recovered, based on a presumptive finding of death.

In July 1992 Captain Coady's crash site was investigated by a joint U.S./Vietnamese team and the team interviewed witnesses concerning

the circumstances of the crash. One source described having recovered Coady's dog tag and other personal artifacts in 1990 while scavenging for metal at the crash site. During July 1992 personal artifacts and surface wreckage recovered permitted a tentative correlation of the site to Captain Coady's aircraft crash site. The recovered material also suggested Captain Coady did not exit his aircraft before it crashed.

Laos

Russell K. Utley
Daniel E. Singleton
(1366)

On January 26, 1969, Major Utley and First Lieutenant Singleton were the crew in an F-4E, the lead aircraft in a flight of four on a strike mission over Savannakhet Province. At 0017 hours, there was an explosion on the ground during a strike on ground targets and it was evident that Major Utley's aircraft had crashed. There were no parachutes or beepers, and efforts to contact the crew by radio were unsuccessful. Both airmen were declared missing.

Shortly after the crash, a People's Army of Vietnam unit reported that an aircraft had been shot down on January 26th and a pilot captured. Later, a People's Army unit became more specific when it reported that it one of its elements had hit an F-4 on the night of the 25th. They found the pilot's collar (sic), the pilot was dead, and the aircraft had burned completely. Major Utley's loss incident was the only incident on January 26th and both People's Army of Vietnam reports appeared to describe the same incident. Returning U.S. POWs did not report the missing airmen in captivity. After Operation Homecoming, they were declared dead/body not recovered.

Laos

Larry J. Stevens
(1383)

On February 14, 1969, Lieutenant JG Stevens was the pilot of an A-4C on a night strike mission over Laos. His aircraft was hit by hostile anti-aircraft fire at an altitude of 10,000 feet. His wingman's aircraft was also damaged but he managed to fly his aircraft out over the coast, eject, and was rescued.

U.S. aircrews reported two explosions at the time Lieutenant Steven's aircraft was hit and a forwarded air controller observed his aircraft impact with no parachute observed and no beeper.

Returning U.S. POWs were unable to provide any information on the eventual fate of Lieutenant Stevens who was declared killed in action, body not recovered, based on a presumptive finding of

death.

In 1991, information was provided to next of kin through private POW/MIA activist channels asserting that Lieutenant Stevens was alive and in Cambodia. A photograph allegedly showing Lieutenant Stevens with two other American MIAs, Lundy and Robertson, was produced together with opinions of a pathologist and next of kin that the three in the photograph were indeed the missing American servicemen. The photograph was later determined by DIA to be a hoax.

North Vietnam — John M. Brucher (1388)

See Vessey Discrepancy Cases for case summary.

Laos — Cristos C. Bogiages, Jr. (1397)

On March 2, 1969, Major Bogiages was the pilot of an F-105D, one in a flight of two on a strike mission over Laos. Enroute to the target area he was diverted to work with a forward air controller on another target. After dropping his bombs on storage buildings and wooden crates outside them in Xieng Khouang Province, Major Bogiages made strafing passes on the same target. Major Bogiages made a normal recovery from his second strafing pass but then entered into a steep right hand turn and crashed on a small ridge approximately one kilometers south of the target. The burning wreckage was widely spread over a 500 meter area and the aircraft's drag chute was located 600 feet from the wreckage. Those on the scene did not believe the pilot had survived the crash. Major Bogiages was not seen to eject prior to the crash and there was no beeper. The forward air controller was hit by hostile ground fire while flying over the area.

On October 27, 1969, a ground search party entered the site and recovered a piece of material and left boot but no remains or survival gear. The material showed evidence of being subjected to high temperature based on fused portions of nylon which was also cut in several places. The boot was cut in the back, all laces were gone and the boot tongue was cut full length by a sharp object. It was believed the items were removed from a badly injured aviator. The material was initially believed to be a portion of the pilot's G-suit but was later found to be a portion of a deployment bag.

Major Bogiages name was passed to North Vietnamese officials late 1970 and U.S. officials were told through a private activist group,

COLIAFAM, that Major Bogiages had never been detained in Vietnam. He was initially listed as missing in action. After Operation Homecoming he was declared dead/body not recovered, based on a presumptive finding of death.

In November 1982 a hearsay report was received about a F-105 crash near Phone Savan in which the pilot was killed and buried nearby. In April 1986 another report was received about a June 1969 crash of an F-105. The Pathet Lao ordered local villagers to bury the badly burned body of an American who fell out of the aircraft before it crashed. In August 1988, a report was received about a May 1969 crash of an F-105, one of two bombing a target. The aircraft crashed while pulling off the target. One badly burned body was seen in the wreckage. In January 1989, additional hearsay information about a wartime crash in which two crewmen reportedly died. These reports might have pertained to one of several incidents and were placed in the files of each loss. In April 1991 a U.S. citizen faxed a list of MIA to JCRC which had been originated by a resident of Thailand. Major Bogiages name was on the list but the meaning of the list was unclear.

South Vietnam — John T. McDonnell (1402)

See Vessey 135 Discrepancy Cases for case summary.

Laos — Carter P. Luna (1405)

On March 10, 1969, Lieutenant Colonel Luna and Captain Aldis P. Rutyna were in one of a flight of two F-4D aircraft on a combat mission over Laos. Their aircraft was hit by hostile ground fire while over the Route 9112/9116 road junction. The JCRC currently carries them as lost over Savannakhet Province and the Defense Intelligence Agency carries them as lost over Khammouane Province.

Both crewmen ejected and landed safely. Both were in voice contact with search and rescue aircraft and reporting enemy ground fire close to their position. Communications was lost with Lieutenant Colonel Luna one hour later. The two crewmen landed on top of enemy forces and for the next two hours, Captain Rutyna served as a forward air controller calling in airstrikes on surrounding hostile forces. Captain Rutyna was rescued at that point, three hours after his shoot down.

Lieutenant Colonel Luna was not seen alive in the northern Vietnamese prison system. He was initially declared missing and in August 1975 was declared dead/body not recovered.

Laos

David Dinan
(1408)

On March 17, 1969, First Lieutenant Dinan was the pilot of an F-105, one of two aircraft in a flight on a strike mission over Xieng Khouang Province in northern Laos. On his second staffing run over the target, Lieutenant Dinan radioed he believed he was hit and his cockpit was filling with smoke. He was able to eject from his aircraft and the crewman of another aircraft on the scene reported Lieutenant Dinan had waved to him from his parachute. A forward air controller observed his parachute enter the jungle and heard a beeper but was unable to establish either voice contact or a visual sighting of him once he had landed.

Approximately one hour later his parachute was located in tall trees. A pararescue specialist was lowered and reported Lieutenant Dinan was killed;the parachute had shredded when it went into the tall trees on a hillside slope and the pilot's body had been dismembered. Lieutenant Dinan's body could not be recovered due to darkness and the hazardous location of his landing area. In March 1969 Lieutenant Dinan was declared dead/body not recovered.

In May 1983, the Joint Casualty Resolution Center received a report about the 1969 crash of a U.S. aircraft in the area where Lieutenant Dinan was lost. The pilot was reportedly captured after landing. This report was placed in Lieutenant Dinan's file due to the coincidence of time and location in the report.

Laos

Frederick W. Hess
(1418)

On March 29, 1969, First Lieutenant Hess and Captain William J. Popendorf were the crew in an F-4D on an herbicidal spray mission in the Ban Laboy area of Khammouane Province. At an altitude of 200 feet and at a possible air speed of 500 knots there was an explosion in the left rear of the aircraft. Their aircraft went into a shallow climb and at 500-600 feet it began to roll to the left and then crashed in the area of Route 915. There were no chute or beepers. However, Captain Popendorf then radioed that he was alive on the ground with a broken arm and right leg. He was subsequently rescued.

Captain Popendorf reported that he heard Lieutenant Hess eject prior to his own ejection from the aircraft. Captain Popendorf's parachute was not fully deployed when he landed but had been snagged in a tree. Lieutenant Hess was declared missing in action.

In 1972 the Defense Attache Office in Vientiane, Laos, forwarded

the results of the Exploitation Team (Project 5310-03-E) interrogation of a People's Army of Vietnam soldier describing the April or May 1970 shoot down of an F-4H aircraft over the Binh Tram 31 area of operation. There was a parachute and seat and in the aircraft's wreckage. This report was placed in Lieutenant Hess' file due to the similarity in loss location.

Returning U.S. POWs had no information on Lieutenant Hess' precise fate. In May 1979 he was declared killed in action, body not recovered, based on a presumptive finding of death.

In February 1984, the Joint Casualty Resolution Center in Thailand reported information from a private U.S. citizen in Thailand. The source asserted that the Lao "resistance" had recovered artifacts from Seno District, Savannakhet Province, including a skull and ring and associated this material with Lieutenant Hess.

South Vietnam — William C. Pierson, III
(1425)

On April 13, 1969, Warrant Officer Pierson and Captain Alvie J. Ledford were crewmen on an AH-1G aircraft making an attack run on an enemy gun position in Quang Nam Province. While at an approximate altitude of 500 feet and in a 45 degree dive, an accompanying aircraft pilot saw their aircraft hit by hostile ground fire. He also described seeing the pilot's compartment separate from the aircraft and disintegrate as it fell. Both crewmen were initially reported missing in action.

Captain Ledford's remains were recovered on April 20, 1969. Warrant Officer Pierson was declared dead/body not recovered, in October 1978. U.S. POWs returned alive during Operation Homecoming were unable to provide any information on the fate of Warrant Officer Pierson.

South Vietnam — Charles V. Newton
Charles F. Prevedel
Douglas E. Dahill
(1428)

See Vessey 135 Discrepancy Cases for case summary.

Cambodia — Jerry M. Shriver
(1431)

On April 24, 1969, Sergeant First Class Shriver was a member of the

5th Special Forces Group Command and Control South with a 25 man Vietnamese/U.S. reconnaissance control in a covert cross border operation into Cambodia. While 23 kilometers southeast of Memot, Kampong Cham Province, the platoon engaged hostile forces. He was last seen running into woods near his platoon's helicopter landing zone. Vietnamese voices were later heard stated that one American was in the process of being captured. He was initially declared missing in action. The area of his loss was later struck by a B-52 strike.

In June 1970 a recovery team landed at the site of the platoon ambush and recovered the remains of two Vietnamese and another American platoon member. Their remains were found lying on the ground and had not been buried.

Sergeant Shriver was initially declared missing in action and after the end of hostilities was declared dead/body not recovered. Returning U.S. POWs were unable to provide any information on his fate.

Laos — William J. Brashear
Henry G. Mundt II
(1437)

On May 8, 1969, Major Brashear and Lieutenant Mundt departed Cam Ranh Bay, South Vietnam, in one of a flight of four F4C aircraft on a mission over Laos. Their aircraft was hit by hostile fire while over the target area near Chavane Airfield, Saravane Province. One parachute was seen to have deployed and a second floated. A search and rescue helicopter reported voice contact with one survivor but could not identify him. The survivor reported he was badly burned and had an injured leg. One member of the SAR flight identified the voice as that of Major Brashear.

Neither individual was identified alive in the northern Vietnamese prison system and neither of their remains have been repatriated. Both individuals were initially declared missing. Lieutenant Mundt was declared dead/body not recovered, in February 1979. Major Brashear was also declared dead/body not recovered.

In 1972 a People's Army of Vietnam defector reported observing a U.S. POW at the site where Major Brashear's aircraft was lost. He also reported he heard the POW was an F-105 pilot and a major.

Laos — Virgil G. Stewart
(1444)

On May 17, 1969, First Lieutenant Stewart was the pilot of an F-4D

in the area of the Mu Gia Pass, Khammouane Province, Laos, when his aircraft sustained battle damage. He ejected from his aircraft and reported to rescuers that he was on the ground with a broken arm and leg. Rescue forces had a visual sighting of him and short beepers. A hostile gun position was located south of his position and it was attacked by SAR forces. A pararescue specialist later landed in the area and found him dead. Hostile groundfire prevented recovery of his body. He was declared killed in action, body not recovered, in May 1969.

In 1978, the Defense Intelligence Agency reevaluated a December 1972 report from the Defense Attache Office, Vientiane, prepared by the Air Force member (Project 5800-09-05) of the Attache's Exploitation Team. One of the items reported by the source of the report was that an F-4E had crashed circa May 1969 and it was assumed the pilot had been rescued. This report was reevaluated to be a possible correlation to one of several losses in the area of the crash, one of which was Lieutenant Steward's loss incident.

Laos — James W. Grace (1455)

On June 14, 1969, Captain Grace and First Lieutenant Wayne J. Karas were the crew in an F-4D on a bomb damage assessment mission over Savannakhet Province. Their aircraft was hit by hostile ground fire while assessing damage to a bridge and was able to fly 85 kilometers east-northeast before both crewmen were forced to eject. They parachuted safely from their aircraft and search personnel were in contact with them. The two crewmen landed approximately 100 meters apart and were soon recovered by SAR forces.

However, during their recovery, the rotor blade on the helicopter recovering Captain Grace hit a tree and this caused Captain Grace to fall from the jungle penetrator on which he was seated. He fell 300-500 feet to the ground and efforts to locate him there were unsuccessful. Friendly units searched the area during August 1969-June 1970 but found no evidence of him. Lieutenant Karas was recovered safely.

Returning U.S. POWs had no information on Captain Grace's precise fate. In June 1976, Captain Grace was declared killed in action, body not recovered.

South Vietnam — Donald L. Sparks (1456)

See Vessey 135 Discrepancy Cases for case summary.

Laos

Patrick M. Fallon
(1463)

On July 4, 1969, Colonel Fallon was the pilot of an A-1H, lead in a flight of two aircraft which departed Nakhon Phanom Air Base, Thailand, late in the morning for an armed reconnaissance mission over Xieng Khouang Province, Laos. His aircraft was hit in the wing during his second pass over the target and Colonel Fallon bailed out. Aircrew overhead saw Colonel Fallon's parachute being dragged in and initially "guessed" Colonel Fallon was on the ground and a prisoner approximately 20 miles southeast of Muong Suoi. However, Colonel Fallon was able to report he had landed safely and was in good condition but receiving fire from nearby hostile forces. Aircraft in the area laid down air strikes within one hundred feet of his position and received hostile ground fire. They reported friendly forces were two and a half miles southwest of his location and advised him to move in that direction but Colonel Fallon was observed surrounded by hostile forces.

After being in communications with aircraft overhead for approximately thirty minutes, Colonel Fallon radioed "Put it in around me. They have zapped me. I've had it." However, radio communications continued with Colonel Fallon for approximately 15 more minutes with no evidence he'd been wounded.

Colonel Fallon's wingman observed hostile infantry on the ridge top around his position. U.S. aircraft delivered ordnance on Colonel Fallon's position. Colonel Fallon was declared missing in action.

In August 1969 the area Colonel Fallon was last seen was searched by ground forces but with negative results. On September 16, 1969, an unconfirmed report was received that a U.S. pilot had been killed by grenades while defending himself with a pistol. An attempt was being made to locate villagers who might know of the grave site.

Returning U.S. POWs had no information on Colonel Fallon's precise fate. In August 1979 he was declared dead/body not recovered, based on a presumptive finding of death.

Laos

Peter X. Pike
Paul L. Bannon
(1465)

On July 12, 1969, Major Bannon and First Lieutenant Pike were the crew in an F-4D which departed Ubon Air Base, Thailand, on a visual reconnaissance mission over Laos. While over Khammouane Province, Lieutenant Pike radioed that he was trying to find a hole in the clouds because their target area was unworkable due to poor weather

conditions and he was going to move to another area. Their radio transmission suddenly stopped in mid-sentence at the same time their radar signal disappeared. The area in which the crew was flying at the time was mountainous terrain with mountain tops to 4500 feet and peaks in the area to 5830 feet. A limited aerial search of the area failed to locate any evidence of the missing crew.

In December 1970, the Swedish Government provided U.S. officials with a list of 207 names of American POWs and MIAs. Major Bannon's name was annotated that he was never captured in North Vietnam.

Returning U.S. POWs had no information on the eventual fate of the crew. Lieutenant Pike and Major Bannon were declared killed in action, body not recovered, based on a presumptive finding of death, in May 1974 and January 1979 respectively.

In late 1979, JCRC received information from an ethnic Lao resident in Thailand involved in self described Lao resistance activities. He reported that his element had captured a Pathet Lao guard from a cave prison in Khammouane Province to which 18 U.S. POWs had been transferred from Xieng Khouang Province in March 1979. The senior prisoner was described as Colonel Paul who was said to have been the pilot of a Porter aircraft shot down over the Plain of Jars in Xieng Khouang Province in 1971. In a separate letter to another individual, the source identified the senior POW as Paul W. Mercland. CIA was reportedly unable to corroborate the report, believed associated with the claimed presence of U.S. POWs in the area of Nhommarath in 1981. In June 1981, this incident was briefed by the DIA Director and his staff to the House Sub-Committee on Asian and Pacific Affairs which time the DIA said that the Nhommarath report had developed into "a complex and sensitive matter."

In April 1986, the Joint Casualty Resolution Center received information about aircraft wreckage on the ground in the area of this loss incident. Other crash reports were deceived during December 1988-August 1989 which might correlate to this loss incident.

Laos

Roger D. Helwig
(1488)

On September 11, 1969, Helwig and fellow F-4D crewman Roger H. Stearns departed Da Nang, South Vietnam, on a visual reconnaissance flight over Savannakhet Province, Laos. After pulling low off their target, fuel was observed to be streaming from the top and bottom of their aircraft's wings. A small flash occurred on the left wing, and their aircraft rolled to the right and was almost completely inverted when it crashed into the ground in a stream bed several hundred feet beyond the target, exploding into a fireball on impact. The time from pull out to crash was estimated to be approximately five seconds, the canopy was seen still in place on the aircraft when it crashed, and no parachutes deployed. The two crewmen were declared missing.

Reports from others on the scene described part of a parachute in a tree beside the wreckage, an apparently deflated life raft to the west of the stream bed, and other badly torn parachute parts 75 meters north of the wreckage. There was no sign of any survivors. There were intermittent beepers in the area for the next two hours, but in no apparent order to the signals, and there was no voice transmission.

Returning U.S. POWs had no information on the two missing airmen and after the start of Operation Homecoming they were declared killed in action, body not recovered, based on a presumptive finding of death.

In October 1984, the Joint Casualty Resolution Center received crash site information from a refugee in Thailand who provided the tail number of an F-4 aircraft which correlated to the F-4D's tail number involved in this incident. In March 1989 the site was surveyed by a joint team in May 1990 a data plate from the aircraft was recovered together with an identity card and human remains of Roger H. Stearns. Roger Helwig remains unaccounted for.

Laos

Gray D. Warren
Neil S. Bynum
(1505)

On October 25, 1969, First Lieutenant Bynum and Captain Warren were the crew in an F-4D on a forward air control mission over Khammouane Province. A bulldozer was sighted in the target area and they made two passes over the bulldozer. While on their third pass, a low angle pass on the dozer, they hit the bulldozer with a pod of high explosive rockets and then their aircraft was observed to impact on the ground and approximately 100 meters north of the bulldozer, exploding into a large fireball. The wreckage of their aircraft was spread over a 400 meter area. The area of impact was

in the area of Ban San and Route 912, approximately nine kilometers from the Laos/North Vietnam border. There were no known survivors and both airmen were declared missing in action. SAR forces encountered hostile weapons fire during a two hour visual reconnaissance of their crash site.

Returning U.S. POWs had no information on their precise fate. They were declared dead/body not recovered, on separate dates in 1973 and 1976.

South Vietnam

John G. Graf
(1523)

On November 15, 1969, Commander Graf, a U.S. Navy intelligence officer, was accompanying U.S. Army Captain Robert White on a flight south of Saigon. Their aircraft was hit by hostile small arms fire and crashed along the coast in Vinh Binh Province. Both crewmen parachuted to safety, were captured by local guerilla forces, and held in a provincial level prison. Both crewmen were initially reported as missing and then reclassified as POWs.

Commander Graf escaped from the prison circa February 1971 and was never seen again by Captain White. Captain White survived in the Vinh Binh prison. In 1972, a captured People's Army of Vietnam document from Military Region 3 in the southern Vietnam delta identified him as the only American POW in captivity in the delta who had not been evacuated to the Region 3 Headquarters controlled prison in the U-Minh mangrove swamp in Kien Giang Province.

Captain White's name did not appear on the Provisional Revolutionary Government's list of Americans to be repatriated during Operation Homecoming. Then, at the end of March 1973, People's Army of Vietnam General Tran Van Tra advised U.S. officers with the Joint Military Commission that Captain White had been omitted from the list and was to be repatriated. He was released to U.S. officials on April 1, 1973, the last American POW released during Operation Homecoming. Upon repatriation, he stated he was led to believe during the war that Commander Graf was still alive but had been told prior to his release that Commander Graf had died.

Wartime records recovered from the Vinh Binh area included the interrogation reports of Captain White and Commander Graf. After Operation Homecoming, Commander Graf was declared killed in action, body not recovered, based on a presumptive finding of death.

U.S. investigators in Vietnam recently interviewed former staff of the provincial prison who described Commander Graf's escape. His body was recovered later and it was evident he had drowned. His

body was buried in a river bank which later eroded in flooding, washing away the area where his body had been buried.

Laos

Benjamin F. Danielson
(1535)

On December 5, 1969, Captain Danielson was flying an F4C from Cam Ranh Bay, South Vietnam, on an interdiction mission over Laos. His aircraft was hit by hostile groundfire while in a high angle bomb delivery into an area of up through 75mm anti-aircraft fire in a heavily defended area near the North Vietnamese border. He and his co-pilot ejected and landed close together in Khammouane Province, Laos. Captain Danielson and his co-pilot were separated by a stream but were in contact with one another until December 6. On that date the co-pilot heard the sound of excited voices from a hostile search party scouring the area where Captain Danielson was located. The co-pilot then heard weapons firing, a scream from the area where Captain Danielson was hiding and then silence. There was no further radio transmission from Captain Danielson. The co-pilot was rescued the following day.

Captain Danielson was not reported alive in the northern Vietnamese prison system. He was initially declared missing and was declared dead/body not recovered in June 1976.

Laos

Bruce C. Fryar
(1542)

On January 2, 1970, Captains Fryar and Nicholas G. Brooks were the crew of an A-6A from the U.S.S. Ranger, one in a flight of two on a late afternoon strike mission over the Mu Gia Pas in Khammouane Province. A forward air controller saw an orange flash followed by a fire on the right side of their aircraft. The forward air controller and flight leader saw two deployed parachutes and ejection seats. Two beepers were heard on guard frequency and there was a weak voice transmission which was unintelligible.

A pararescue specialist was lowered to the site of one parachute and found a lifeless body he identified later through a photograph as that of Captain Fryar. While attempting to hook his body onto a cable to remove it, the pararescue specialist reported Captain Fryar's body was limp, his head had turned 360 degrees as if his neck was broken, and his legs were bent up behind his head. Hostile ground fire forced the SAR force to withdraw and the effort was temporarily suspended. The SAR force returned on June 3, 1970 and Captain Fryar and his parachute were gone. There was an electronic beeper that morning but no pattern to its transmission. The SAR effort was continued until suspended January 7th.

On January 19, 1970, a People's Army of Vietnam unit in Laos radioed it had captured one injured pilot but was unable to get the second. The pilot was "very sick" but had been killed by ethnic minorities. The second pilot was eventually captured but later escaped.

Both crewmen were initially declared missing in action. Returning U.S. POWs were unable to describe their precise fate and after Operation Homecoming both were declared killed in action, body not recovered, based on a presumptive finding of death.

In April 1982 Captain Brooks remains were repatriated and identified.

In February 1986 the Joint Casualty Resolution Center received information that remains had been recovered from this crash site and repatriated in May 1985 but no remains correlated to Captain Fryar were identified at the Central Identification Laboratory. In May 1991, a joint U.S./Lao investigation of the crash site led to the interview of witnesses who stated the bodies of two crewmen were recovered after the incident and buried in an adjacent bomb crater. The joint team did recover remnants of two survival tests, one flight suit and other artifacts but no remains. This site excavated was believed that of this loss incident.

North Vietnam

Holly G. Bell
Gregory L. Anderson
William D. Pruett
Leonard C. Leeser
William C. Shinn
William C. Sutton
(1552)

On January 28, 1970, an HH-53B with six crewmen on board was in a holding pattern while engaged in a search and rescue mission over Ha Tinh Province. There was a MIG alert on the radio after which a MIG-21 aircraft fired an air to air missile which hit the HH-53B. There was a fireball explosion which turned the aircraft into hundreds of pieces. There was one two second beeper after the explosion but there were no parachutes seen by other SAR aircrews covering the SAR effort. The crew of the helicopter was declared killed in action, body not recovered, in April 1970. Returning U.S. POWs had no information on their precise fate.

In December 1988, Vietnam returned William Sutton's identity card and remains from Huong Khe District, Nghe Tinh Province it identified as those of William Sutton. The remains were determined to be of Holly G. Bell.

South Vietnam — Gary B. Scull (1572)

See Vessey 135 Discrepancy Cases for case summary.

Laos — Dennis G. Pugh (1573)

On March 19, 1970, Captain Richard A. Rash and First Lieutenant Pugh were the crew in an F-4D on a combat mission over Khammouane Province. They were hit by hostile ground fire and ejected from their aircraft in an area approximately 15 kilometers south of the Mu Gia Pass. Airborne search and rescue forces established contact with both of them on the ground but were unable to recover them due to darkness. The next day SAR forces reestablished contact with Lieutenant Pugh who reported that hostile forces were within ten meters of his position. He requested the SAR forces place ordnance on his position and he then held down the transmit key on his radio. Then, excited Asian voices were heard followed by 15 to 20 shots being fired, followed by silence. Ordnance was placed on his position as he requested and there was no further contact with him.

Captain Rash was rescued on March 21st and reported hearing the sound of small arms fire from Lieutenant Rash's location after which he lost radio contact with him. Further efforts to locate Lieutenant Pugh were unsuccessful and he was declared missing in action.

Returning U.S. POWs had no information on the eventual fate of Lieutenant Pugh. He was later declared killed in action, body not recovered, based on a presumptive finding of death.

In 1984, U.S. intelligence received information from a source describing the shoot down of an aircraft in which one pilot was rescued and one was taken prisoner. This report was believed to possibly correlate to this loss incident although Captain Rash and the SAR pilots believed Lieutenant Pugh had died.

Laos — Richard L. Ayers, Robert E. Rausch (1596)

On April 16, 1970, an RF-4C with a two man crew of Major Ayers and Captain Rausch departed Tan Son Nhut Air Base, Saigon to conduct reconnaissance along the Demilitarized Zone separating North and South Vietnam as well as the adjacent area of Savannakhet Province, Laos. They refueled in flight and advised their controller that they were heading north to another target area. The new target

area was known to be a high threat area with 37mm and other anti-aircraft weapons. They were last reported over Savannakhet Province but did not return from their mission and were declared missing in action. There were no chutes or beepers located.

Subsequent to their disappearance, Radio Hanoi's domestic service reported its forces had shot down an RF-4C in the Vinh Linh Special Zone, the North Vietnamese side of the DMZ, on the afternoon of April 16, 1970. This report was correlated to the loss of Major Ayers' aircraft.

On April 17, 1970, a People's Army of Vietnam unit radioed a report concerning four recent U.S. aircraft shoot downs. Three of the aircraft were F-4 and the completely burned remains of one crewman were found in one F-4 crash site wreckage. The pilot of the fourth aircraft, an RF-4C, was also killed. The portion of this radio message dealing with the RF-4C was believed associated with Major Ayers' shoot down even though People's Army forces only reported (one) pilot killed.

South Vietnam — **Eugene L. Wheeler (1598)**

See Vessey 135 Discrepancy Cases for case summary.

Laos — **Charles S. Rowley (1600)**

On April 22, 1970, Lieutenant Colonel Rowley was the navigator on an AC-130 on an armed reconnaissance mission over Saravane Province, Laos. It was hit by 37mm antiaircraft fire and crashed. One crewman was rescued alive and ten others, including LTC Rowley, were reported missing in action. No chutes or beepers were reported for the ten mission. Lieutenant Colonel Rowley's photograph was identified by returnees.

During the mid-1980s private U.S. and Lao POW hunters produced a photograph of a Caucasian reported to be LTC Rowley alive in Laos. In May 1991 U.S. intelligence received information of the recovery of identification media containing the name and social security account number of LTC Charlie B. Davis, the aircraft's navigator.

Cambodia

Dale W. Richardson
Rodney D. Price, Jr.
Bunyan D. Price
Robert M. Young
(1610)

On May 2, 1970, eight U.S. Army personnel were flying in a UH-1H in northern Tay Ninh Province, South Vietnam. They crossed into Cambodia and were shot down by hostile ground fire, crashing southwest of Memot City. One Army Private evaded capture and was rescued. Four were captured. Two of those captured, Warrant Officer Maslowski and Specialist Crowson, were released in February 1973 during Operation Homecoming. Warrant Officer Varnado was wounded in the right side and left leg. He was taken to a hospital after captured and was never seen by U.S. POWs as alive after that time. A wartime report was received describing an American POW who died at Hospital K-21 on 26 August 1970, wounded in the left thigh during a helicopter crash in June 1970. The unit which shot down the helicopter was Z26 Company, 75th Artillery Group.

In January 1973, the Provisional Revolutionary Government acknowledged the death in captivity of Captain Young and Warrant Officer Michael B. Varnado. Varnado's returns were repatriated on April 27, 1989. The death of Captain Young was witnessed by nine U.S. POWs who were repatriated during Operation Homecoming. In February 1975, a Viet Cong defector who had served as a guard at prison camp TB.22 described Captain Young's death and located his burial site.

In April 1970, a Viet Cong defector reported having seen an American in Kampong Cham Province in April 1970. This report was believed associated with Specialist Price. In 1981 three South Vietnamese Army escapees from prison B-7 in Kratie Province reported an American POW there in 1971 who had reportedly been there for one year. During their only one hour interview they identified one of two photographs of Price as similar to the individual imprisoned at their camp. This identification led to a reclassification of Price from missing in action to POW.

Specialist Griffin and Captain Richardson were last seen alive after their crash and prior to the capture of Captain Young and the three others. Although those surviving into captivity were kept together and joined other U.S. POWs then in custody inside Cambodia, returning U.S. POWs never saw Richardson, Price or Griffin alive in captivity. A classified document last believed in the possession of Captain Richardson was shown to Captain Young. Captain Richardson was last seen alive and firing his pistol at enemy forces and was then hit by hostile fire while running.

After the end of hostilities, all unaccounted for crewmen were eventually declared dead/body not recovered.

South Vietnam — Larry G. Kier, Refugio T. Terran (1613)

On May 6, 1970, Private First Class Kier and Private First Class Terran were at a fire support base in Quang Tri Province. Their position came under an enemy attack and a nearby ammunition dump 20 meters from their bunker was hit by a rocket propelled grenade. Napalm from the ammunition dump leaked into their position which caught fire and burned. After the attack Terran could not be located, and Kier, at a separate location, could not be located either. Both individuals were declared killed in action, body not recovered in the late 1970s.

In August 1991, a Vietnam resident turned over the partially melted identity card belonging to Kier together with two bone fragments. The bones were reportedly recovered during 1987 and were turned over to a U.S. representative in Hanoi. The fragments are currently undergoing analysis.

South Vietnam — Alan R. Trent, Eric Huberth (1619)

On May 13, 1970, First Lieutenant Huberth and Captain Trent were the crew in an F-4D, one in a flight of two F-4 which took off from Phu Cat Air Base against a target approximately 105 miles northwest inside Cambodia. There was .30 and .50 calibre ground fire against their aircraft while in the target area. Their aircraft was observed to crash into a ridge line during a dive. A forward air controller saw no one eject, no parachutes and heard no beepers. Another F-4 on the scene and with a clear view of the crash reported the aircraft exploded on impact with a full load of munitions on board and the resultant wreckage was spread over a 500 meter area. There was a search and rescue effort on May 14th and 15th, to include a ground team on the 14th, but there was no evidence that anyone had survived the incident.

Both airmen were initially reported missing in action. Returning U.S. POWs had no information on their precise fate. In November 1973 both were declared dead/body not recovered, based on a presumptive finding of death.

South Vietnam

James M. Rozo
Robert P. Phillips
Joe P. Pederson
(1639)

See Vessey 135 Discrepancy Cases for case summary.

Laos

Donald B. Bloodworth
James W. Reed
(1650)

On the evening of July 24, 1970, Captain Reed and First Lieutenant Bloodworth departed Udorn Air Base, Thailand, in an F-4D, one in a flight of three aircraft on a night escort mission over Laos. They refueled in flight and preceded to the Plain of Jars area of Xieng Khouang Province to provide escort to an AC-119 gunship. The gunship located a truck on Route 7 and fired on in. After expending its ammunition, Captain Reed's aircraft also attacked the truck. They were unsuccessful on their first pass and were approved for a second pass over the target but there were no further communications with the crew. Shortly thereafter, there was a large explosion on the ground near the target. There were no chutes or beepers and a ground search was not possible to extremely heavy hostile activity in the crash site area.

On July 25, 1970, a hostile unit in Laos radioed that its forces had shot down one F-4 on July 25th with anti-aircraft fire and the pilots had been captured. This report was initially believed correlated to this loss incident but was later determined to probably correlate with another incident in South Laos, which occurred on July 25th, and not this incident, which occurred in North Laos on July 24th.

Both crewmen were declared missing in action. Returning U.S. POWs had no information on the precise fate of the two missing crewmen. After Operation Homecoming they were declared dead/body not recovered, based on a presumptive finding of death.

In July 1973, the Defense Attache Office Exploitation Team (Project 5310-03-E) forwarded information from a prisoner who described the crash of one of three jets bombing on the eastern rim of the Plain of Jars circa April 1968. One aircraft reportedly dove on a ground target but didn't recover from its dive and crashed. The next day the source heard from a Pathet Lao medical technician that two crewmen were killed in the crash.

DIA believed this report might be associated with this loss incident. In 1973 the Exploitation Team forwarded information from a former Pathet Lao describing an aircraft crash said to have occurred in 1969 near Nong Tang cave. While it was initially

suspected it might pertain to this loss incident, DIA reevaluated it after Operation Homecoming and concluded it might pertain to the loss incident of a returnee, Charles Reiss.

In 1986 the Joint Casualty Resolution Center received a report about a crash site in the vicinity of this loss incident. In January 1990, a joint JCRC/Lao team visited the area of this loss incident and was told a Lao national had remains to turn over. The source could not be located at that time. In July 1971 a joint team investigated the site and in December 1991 another joint team visited the site, locating F-4 wreckage and a portion of parachute harness.

South Vietnam — Bernard H. Plassmeyer (1660)

See Vessey 135 Discrepancy Cases for case summary.

Laos — Fred A. Gassman, David A. Davidson (1663)

On October 5, 1970, a joint U.S./Vietnamese reconnaissance team designated Team Fer-de-Lance from the 5th Special Forces Group Command and Control North group engaged hostile forces in the Phu Dung operational area in Saravan Province. The Assistant Team Leader, Sergeant Gassman, radioed to an aircraft overhead that the Team Leader had been hit by hostile fire and fallen off a cliff, the team was receiving hostile ground fire from three sides, and they were low on ammunition. The Assistant Team Leader then radioed "I've been hit - and in the worst way." Several groans were heard over the circuit and then the radio went silent.

Two other team members later described how Staff Sergeant Davidson was hit by a long burst of enemy fire after which Sergeant Gassman was talking on the radio when he too was shot. Sergeant Gassman groaned and fell to the ground with a large hole in his back. One Vietnamese team member with Sergeant Gassman when he was shot believed he had died.

After the incident the Sergeants Gassman and Davidson were declared missing in action. Returning U.S. POWs had no information on their precise fate. After Operation Homecoming they were declared dead/body not recovered, based on a presumptive finding of death.

Laos — Joseph L. Chestnut (1666)

On October 13, 1970, Major Chestnut was the pilot of a T-28 propeller aircraft on an orientation flight which originated from Luang Prabang, the royal capital of Laos. The flight leader saw smoking coming from Major Chestnut's T-28 wings but there were no flames. His T-28 began a shallow straight ahead climb and then went over the crest of a hill and exploded on the other side of the crest. Major Chestnut was not seen to parachute from the aircraft and there was no beeper. He was declared missing.

On October 14, 1970, a ground search team entered the area of Major Chestnut's crash. They located the aircraft's wreckage and Major Chestnut's seat but there was no evidence of Major Chestnut. They searched the area again on October 23rd and located more wreckage, but there was still no evidence of Major Chestnut.

Returning U.S. POWs were unable to provide any information concerning Major Chestnut. In July 1978 he was declared dead/body not recovered, based on a presumptive finding of death.

In July 1990, a source provided information on a T-28 crash near Luang Prabang in 1971. The aircraft was said to have been shot down and the pilot buried. Another initially claimed he had witnessed the incident, later acknowledged his information came from what he'd learned as a member of the ground search party, and later introduced a source with hearsay information about the crash.

South Vietnam — Douglas F. Strait (1668)

See Vessey 135 Discrepancy Cases for case summary.

North Vietnam — David I. Wright, William W. Bancroft, Jr. (1675)

On November 13, 1970, Lieutenant Bancroft and his pilot, Major David I. Wright, were on an aerial reconnaissance mission over Ha Tinh Province, North Vietnam. Their wingman reported antiaircraft fire in the area as Lieutenant Bancroft's aircraft made a low level pass. Their aircraft suddenly exploded while approximately 500 feet above the ground, crashing tail first into the ground, followed by an all consuming explosion. There were no chutes or beepers.

Lieutenant Bancroft and Major Wright were initially reported

missing and their status changed to killed in action, body not recovered, prior to Operation Homecoming. Returning U.S. POWs did not report them alive with other U.S. POWs in the northern Vietnamese prison system.

Laos

Owen G. Skinner
Thomas Allen Duckett
(1683)

On December 12, 1970, Skinner and Duckett departed Thailand in an O-2 to provide forward air control support to a B-57 aircraft engaged in an air strike on trucks in an area nine kilometers southeast of Tchepone in Savannakhet Province, Laos. The aircraft did not return from its mission and its wreckage was located in the target area and approximately 500 meters south of Route 9. Both airmen were declared missing.

The crew of the B-57G was also downed during this mission but the crewmen were rescued. The crew of the B-57G reported it had sustained a mid-air collision with an O-2. An Air Force inquiry found case 1683 to have been a hostile loss due to it being a high threat area and nothing substantive in the B-57G crew statements to confirm that a mid-air collision had occurred even though the B-57G crash side was near the O-2 crash site.

A search and rescue aircraft located the O-2 wreckage on December 13 and observed a parachute hanging from a tree near the crash site. An emergency beeper was also heard in the area on December 14. The area was characterized as full of hostile ground forces. The rescue aircraft made radio contact with someone but was unable to determine who or where.

Returning U.S. POWs were unable to confirm the crew survived into captivity. After Operation Homecoming, they were declared dead/body not recovered.

In September 1989 the area of the O-2 crash site was surveyed by the Joint Casualty Resolution Center and there was no evidence of the wreckage of the aircraft. The area was described as a well established farming community.

Laos

Albro L. Lundy, Jr.
(1685)

On December 24, 1970, Major Lundy was the lead A-1E aircraft in a flight of two escorting a flight of three medical evacuation helicopters. The medevac Air America helicopters had made a pick up from the Ban Ban Valley in eastern Xieng Khouang Province.

During the flight over Xieng Khouang Province, Major Lundy reported his engine was running rough, then reported his engine backfiring and he was ejecting. His seat rocket was seen to fire and there was an apparently normal parachute deployment. One Air America pilot reported someone was in the parachute when it first opened but that could not be confirmed by others. However, at an altitude of 1000 feet the parachute harness was found to be empty and the leg straps dangling with no one in the harness. A helicopter followed the parachute to the ground and confirmed it to be empty.

Major Lundy's aircraft exploded on impact and burned with its ordnance detonating. There was no radio, beeper, or beacon from him. Ground forces attempted to enter the crash site that day but were driven off by hostile fire in the area. Major Lundy was declared killed in action, body not recovered, in December 1970.

Over the past two years there have been over 20 reports asserting Major Lundy was alive and held at various locations in different countries to include Laos, Cambodia, Vietnam and with no location specified. No hard evidence has surfaced that Major Lundy survived his downing and was alive after that point. A photograph allegedly depicting Major Lundy with two other purported POWs alive in Cambodia in 1990 was determined by DIA to be a hoax.

Laos

Park G. Bunker
(1686)

On December 30, 1970, Captain Bunker was the pilot of an O-1 aircraft on a visual reconnaissance mission over Xieng Khouang Province. His aircraft was hit by hostile ground fire and crashed. Captain Bunker contacted his forward air controller and advised he was on the ground approximately five kilometers west of a lake and did not know the location of his observer. His last radio transmission was "I'm hit at least five times, for all practical purposes I am dead." Beeper signals continued for approximately three minutes after his last transmission before going silent.

Airborne search and rescue forces arrived and located a body face down approximately 10 meters from Captain Bunker's aircraft. It appeared to be the body of Captain Bunker and had suffered a head wound with the body riddled with wounds from the waist up. Heavy hostile ground fire drove off the SAR force. In December 1970 Captain Bunker was declared killed in action, body not recovered.

In 1972, the Army Attache Office's Exploitation Team (Project 5310-03-E) reported information from a source about a December 1971 crash site in Xieng Khouang Province. The source reported a charred body and arm were at the crash site. This report was placed in Captain Bunker's file due to the proximity of his crash site to the crash site reported by the source. In 1975, the

Exploitation Team forwarded information from a source describing wreckage and two skeletons in this same area. Another source described having been told by the Pathet Lao that one American and one Thai were killed. The remains were still lying on the ground in July 1974.

In 1982, the Joint Casualty Resolution Center forward information from sources about the crash of U.S. aircraft in Xieng Khouang Province during either 1968 or 1969. These reports were also placed in Captain Bunker's file due to the coincidence in crash site. The last report received in 1988 offered hearsay information about a shoot down in 1968 or 1969 in which an American and a Hmong had died and were buried nearby.

Over water — **Donald M. Cramer**
(1689)

On January 5, 1971, Chief Warrant Officer Cramer and Specialist Fourth Class Ronnie V. Rogers departed from the Hue/Phu Bai Air Field to conduct a test of CWO Cramer's AH-1G Cobra helicopter aircraft armament system. He had been cleared to test his weapons in a free fire zone south southeast of Fire Support Base Normandy. He was last reported in a coastal area of Thua Thien Province approximately 20 kilometers east of the air field. Flying weather at the time was judged to be poor and there was no radio communications with him after takeoff. He did not return from the weapon's system test and both crewmen were declared missing.

On January 8, 1971, the body of Specialist Rogers were located on the beach in the general area where the AH-1G was last known to be operating. An autopsy determined the cause of his death was due to drowning.

Returning U.S. POWs had no information about the fate of CW2 Cramer. In June 1973 he was declared dead/body not recovered, based on a presumptive finding of death.

South Vietnam — **John T. Strawn**
Rodney D. Osborne
Harold L. Algaard
Richard J. Hentz
Michael W. Marker
(1715)

On March 4, 1971, a JU-21A with a crew of five departed South Vietnam on an intelligence gathering mission in the area of the Demilitarized Zone separating North and South Vietnam. Contact was lost with the aircraft, it did not return from its mission, and the

crew was initially declared missing. A search effort to locate the missing aircraft and crew failed to locate them along its known flight path and the aircrew was declared missing.

On March 4, 1971, a People's Army of Vietnam unit in the area of the Demilitarized Zone radioed it had launched one of its surface to air missiles and had shot down an unidentified aircraft it had been tracking. It also reported that the aircraft had crashed and the five crewmen on board were dead. U.S. intelligence analysis of the North Vietnamese reports about the aircraft's flight path and crash location indicated the aircraft crashed approximately two miles inside the DMZ in Quang Tri Province. Further analysis indicated the aircraft was shot down after the JU-21A's last radio transmission. Based on the flight path and circumstances of the North Vietnamese report, it was correlated to the loss of this air crew and its aircraft.

Following the loss, the Vietnam News Agency reported that a U.S. aircraft had been downed in Quang Binh Province killing many of the men on board. This report was believed also associated with this air loss. In addition, U.S. intelligence obtained a wire photo disseminated by the Vietnam News Agency showing aircraft wreckage in Quang Tri Province on March 4, 1971. U.S. analysis in conjunction with the aircraft's manufacturer determined the wreckage was of a U-21 and probably related to the wreckage of the missing flight. Unidentified notes in the files indicate this photograph may not have been provided to the next of kin because it wasn't asked for and because of indecision about how to declassify a 21 year old wirephoto. After the Vietnamese reports of their shoot down of an aircraft and the death of its crew, the U.S. Army declared the crew had been killed in action, body not recovered.

In late June and early July 1992, a joint U.S./Vietnamese team visited the area of the reported JU-21A crash site in Gio Linh District. Witnesses were interviewed who claimed to have visited the crash site during the war and reported seeing 4-5 remains at the site. The remains were reportedly placed in a nearby bomb crater and covered. Aircraft wreckage was located at the crash site as well as items of personal equipment. There were differences in first hand and hearsay accounts of the locations of the bodies but the sum of the information was that the individuals had died and their remains buried in the area. Joint Task Force Full Accounting has recommended the site for excavation.

Laos

Randolph J. Ard
Sheldon J. Burnett
(1719)

On March 7, 1971, Warrant Officer Ard and Lieutenant Colonel Burnett were with two other U.S. soldiers on an H-58 ostensively on

a transport mission over South Vietnam. The aircraft was hit by hostile machine gun fire while at an altitude of 250-300 feet and crashed three kilometers from Ban Houay San Airfield, Savannakhet Province, Laos. After action reports indicate the aircraft was attempting to recover U.S. wounded in Laos when it was hit by groundfire.

The two Army crew members who escaped the crash site reported that prior to leaving the site, Warrant Officer Ard had both legs broken, several bullet wounds and possibly a crushed hip. Lieutenant Colonel Burnett was bleeding from the head, neck, arms and was speaking incoherently. The site was taking incoming 155mm artillery fire, shrapnel from exploding rounds was hitting the aircraft after it crash landed, there was incoming rocket fire onto their position and People's Army of Vietnam forces were approaching their crashed aircraft.

On March 18, 1971, South Vietnamese Army forces recaptured the area and were unable to locate any sign of the two U.S. officers. They reported the entire area showed clear evidence of the extremely heavy fighting which had taken place in the area which was within the Operation Lamson 719 area of tactical operations. North Vietnamese prisoners later interviewed in South Vietnam reported sightings of U.S. POWs being escorted north along the Ho Chi Minh Trail but none could be correlated to these two missing officers.

Neither officer was ever reported alive in the northern Vietnamese prison system. Both individuals were reported missing and in May 1979 were declared dead/body not recovered.

South Vietnam

Clive G. Jeffs
(1723)

See Vessey 135 Discrepancy Cases for case summary.

Laos

Barton S. Creed
(1724)

On March 13, 1971, Lieutenant Creed was leading a flight of A-7E aircraft on a strike mission in Tchepone District of southern Savannakhet Province, Laos, along road segment 99B. Pulling out of a strafing run on a truck his aircraft was hit in the mid-section by hostile ground fire and Lieutenant Creed ejected. A forward air controller saw a parachute deploy and soon established radio contact with Lieutenant Creed on the ground from whom he learned Creed had a broken arm, broken leg and was losing consciousness. Creed last reported that 'they are here' and his radio beeper went silent twenty seconds later. The FAC, receiving

small arms fire from the ground, heard no further transmission from Lieutenant Creed. Four SAR attempts were unsuccessful and SAR personnel observed someone had moved Lieutenant Creed's parachute to a new location. U.S. forces were aware this was a common practice by hostile forces attempting to lure search and rescue forces into a trap.

Lieutenant Creed was initially reported missing and later declared dead/body not recovered. He was not seen alive in the northern Vietnamese prison system. One returning POW reported being shown the identity card of someone with a one syllable name which had "EE" in the name and which may have been the ID card of Lieutenant Creed.

Laos

John M. Sparks
Richard M. Garcia
Frederick L. Cristman
(1730)

On March 19, 1971, Chief Warrant Officer Cristman and his crew were in an armed helicopter on a mission to provide fire support during the pick up of South Vietnamese airborne troops at Fire Support Base Alpha in Savannakhet Province, Laos. Their helicopter was hit by heavy automatic weapons fire and was forced to make an emergency landing. One of the crewmen, Specialist 4th Class Langenour, was pushed out of the aircraft by Sp5 Garcia and he was able to reach a group of nearby South Vietnamese troops. He was told by one of the troops that the other crewmen had exited the aircraft and headed away from the front of it into the path of advancing North Vietnamese forces. Specialist Langenour later walked out of Laos with the South Vietnamese soldiers. U.S. aircrews flying overhead after the crash landing did not see the three missing airmen escape from the aircraft.

In September 1973 a People's Army of Vietnam defector reported his battalion engaged South Vietnamese Army forces in Laos conducting Operation Lamson 719. They captured an injured helicopter pilot who was taken to nearby field hospital B-7 where he later died. Other crewmen from the downed helicopter were found dead and buried. The defector identified a photograph of CW2 Christmas as resembling the individual captured alive by his battalion.

In March 1987 a private American POW hunter reported a live American in Laos. The background of the purported American correlates to a crewman from this incident.

None of the three crewmen from this incident were reported alive in the northern Vietnamese prison system. All were initially reported missing in action and in October 1978 were declared dead/body not recovered.

South Vietnam — Manuel R. Puentes
R D McDonnell
Richard J. Rossano
(1736)

On March 25, 1971, Private First Class Puentes, Staff Sergeant McDonell, and Private First Class Rossano were members of a twelve man patrol from the 23rd Infantry Division operating in Quang Tri Province. They had gone to check an area of hostile bunkers when they were ambushed. PFC Rossano was reportedly the first hit by an exploding grenade and he fell to the ground covered with blood. PFC Puentes was also wounded and when last seen was attempting to seek cover. Sergeant McDonell was apparently killed instantly when a grenade exploded in his hand.

Following the ambush the three men were not located and they were initially declared missing in action. In June 1971, Sergeant McDonell and PFC Rossano were declared killed in action, body not recovered. In August 1978, PFC Puentes was declared killed in action, body not recovered, based on a presumptive finding of death. Returning U.S. POWs had no information on their precise fate.

South Vietnam — Isaako F. Malo
James A. Champion
(1742)

On April 23, 1971, a six man radio relay team was inserted into a landing zone in the area of the village of A Luoi in western Thua Thien Province. The team came under intense hostile ground fire and efforts were made to extract the team. Two helicopters were shot down by hostile ground fire during the extraction attempt. The helicopter crewmen and radio relay team members all came under extremely heavy hostile ground fire and became widely dispersed. On board one of the helicopters were members of L Company, 75th Ranger Battalion, 101st Airborne Division, including PFC Malo and PFC Champion.

PFC Malo was last seen by survivors on April 24th and was wounded that day after a close-in air strike by a U.S. Cobra helicopter which apparently wounded two of the survivors. PFC Champion was last seen on the morning of April 25th when he left to look for water. One of the survivors later heard small arms fire from the area where PFC Champion had first gone. A ground search of the area during April 25-30, 1971, failed to locate either of the missing soldiers. This included a psychological warfare operations aircraft which conducted broadcasts over the early during April 25-28, calling on PFC's Malo and Champion to go to the landing zone

for pick-up. Neither soldier came to the landing zone.

PFC Malo was captured by Vietnam People's Army forces and taken to North Vietnam. He was repatriated during Operation Homecoming in March 1973. During his debriefing he stated he never saw PFC Champion in captivity.

PFC Champion was declared missing in action at the time of his loss incident. In 1978 he was declared killed in action, body not recovered, based on a presumptive finding of death.

Laos

Walter H. Sigafoos, III
Jeffrey C. Lemon
(1743)

On April 25, 1971, Captain Lemon and First Lieutenant Sigafoos were the crew in an F-4D on an operational mission over Saravan Province, Laos. Their escort marked a truck target for them and their aircraft went in to attack the target. Crew in another aircraft on the scene observed a large explosion of their apparent crash but due to darkness were unable to observe any parachutes. They flew over the area of the crash which was a large fire and several smaller ones with flames shooting several hundred feet into the sky and smoking reaching 8500 feet. A search of a 15 mile radius of their crash site failed to disclose any evidence of either beepers or survivors. Both airmen were declared missing in action.

After this loss incident, a North Vietnamese unit reported two aircraft may have been shot down, an OV-10 and an F-4. These shoot downs were believed to pertain to the Ban Karai Pass area in Khammouane Province which is well to the north of this loss incident. A pilot was reportedly captured. A report from an North Vietnamese Army unit on May 8, 1972, reported that 37mm anti-aircraft guns had fired on an F-4, the pilot had been shot at while coming down on a white parachute, and the pilot was dead. The F-4 portion of these two reports were placed in the intelligence files of those associated with this loss incident.

Early in 1972, a North Vietnamese Army soldier assigned to a People's Army of Vietnam logistical element in Saravan Province reported to a U.S. Army Attache Exploitation Team in Vientiane, Laos that a U.S. jet had been shot down near the village of Ban Bac in 1971. Two pilots on board the aircraft had been reportedly killed and People's Army of Vietnam soldiers said they recovered the watches from the two bodies. This report was believed to possibly correlate to this loss incident. U.S. POWs who returned during Operation Homecoming were unable to provide any information on the precise fate of this air crew. After Operation Homecoming the two crewmen were declared dead/body not recovered, based on a

presumptive finding of death.

In December 1982, the Defense Intelligence Agency received information from an American citizen claiming to know about live U.S. POWs in Vietnam. The individual was interviewed by the U.S. Air Force Office of Special Investigations. The individual stated he knew of 19 American POWs alive in Vietnam. He provided the names of seven of the 19, one of whom was Captain Jeffrey C. Lemon, and described a recent visit to Vietnam. U.S. investigators noted that the seven names provided were the last seven U.S. servicemen declared dead in 1982 and believed the names he provided was taken from publicly available information for reasons which were unclear. The source provided no other POW/MIA information.

South Vietnam — Lewis C. Walton
Klaus Y. Bingham
James M. Luttrell
(1745)

On May 3, 1971, Team Asp, a long range reconnaissance patrol from the 5th Special Forces Group, was landed in Quang Nam Province, South Vietnam. The team included three American Staff Sergeants and five Vietnamese from the U.S. Army Vietnam Training Advisory Group. Fifteen minutes after landing the team keyed its transmitter once but, in keeping with established procedures, did not establish voice contact with friendly forces.

On May 5, 1971, two pilots saw mirror and panel signals and later observed two individuals in green fatique uniforms move the panels. Efforts to enter the area on May 7th were met by hostile fire and the search team found enemy bunkers just off the team's landing zone. Another rescue team landed in the area on May 14th but was unable to locate a members of the team.

One American POW returned alive during Operation Homecoming reported intercepting a radio broadcast that "Walton and Entrican" were captured. This comment was equated to a possible reference to Sergeant Walton. No returning POWs were able to provide any information about the presence of either individual in the northern Vietnamese prisons.

The three servicemen were initially declared missing and in the late 1970s were declared dead/body not recovered.

In August 1991 Joint Task Force Full Accounting team members interviewed witnesses in Vietnam in an attempt to learn the fate of this team. The Team was told about a firefight in the area of the team's last known location on approximately July 7, 1971 during which six "enemy" were reported killed. The Task Force included this information in the casualty files of those involved in this incident.

South Vietnam — David P. Soyland (1747)

See Vessey 135 Discrepancy Cases for case summary.

South Vietnam — Danny D. Entrican (1748)

See Vessey 135 Discrepancy Cases for case summary.

South Vietnam — Madison A. Strohlein (1756)

See Vessey 135 Discrepancy Cases for case summary.

Laos — Daniel W. Thomas, Donald G. Carr (1758)

On July 6, 1971, First Lieutenant Thomas was the pilot of an OV-10 on a forward air control mission over Attopeu Province. On board with him was Captain Carr, deputy commander of the Military Assistance Command Studies and Observation Group element at Nakhon Phanom, Thailand, a passenger on the OV-10 for an orientation flight. They did not make radio contact at 1700 hours, did not return from their mission, and were declared missing.

Their flight coincided with an area of ground operations of Team Hoang Loi, a Vietnamese led cross-border operations team from MACSOG's base at Kontum, South Vietnam, which had been inserted into the J-9 target area in Laos and in the vicinity of enemy Base Area 613. The team was extracted from its operating area and returned safely at approximately 1630 hours. Upon its return it reported hearing an explosion or impact northeast of their location at about 1600 hours. This coincided with the time and general area where the OV-10 was last believed to be located. A search of the area failed to disclose any evidence of the aircraft or its crew.

Returning U.S. POWs were unable to provide any information on either Captain Carr or Lieutenant Thomas. After Operation Homecoming they were declared dead/body not recovered, based on a presumptive finding of death.

During 1991, photographs of a German national were correlated by

various individuals to be Captain Donald Carr. Defense Department analysis of the information led to a conclusion that the photograph and report that Captain Carr was alive was a hoax.

South Vietnam — John W. Kennedy (1768)

On August 16, 1971, Second Lieutenant Kennedy was the pilot of an O-2 light observation aircraft which took off from Chu Lai Air Base for a visual reconnaissance over Tien Phuoc District, Quang Tin Province. He never returned from his mission and was declared missing. A search and rescue effort failed to locate either him or his aircraft. The area over which Lieutenant Kennedy was flying was an area of known heavy enemy presence.

U.S. POWs who returned during Operation Homecoming had no information on his precise fate.

In July 1974, a U.S. Army officer formerly assigned to Advisory Team 16 in the area of Lieutenant Kennedy's disappearance wrote after the fact to report having received an intelligence report about the existence of a U.S. POW in Tien Phuoc District at the time Lieutenant Kennedy disappeared. He also recalled that the People's Army of Vietnam 31st Regiment was operating in the area where, and at the time, Lieutenant Kennedy was lost. In July 1978, Lieutenant Kennedy was declared dead/body not recovered, based on a presumptive finding of death.

In December 1989, U.S. intelligence received a report about an American POW named "Jack Kennedy" and "Bunkquee." The name "Bunkquee" appeared to be a corruption for the name "Bunkqueer," the name of a non-existent individual associated with fraudulent dog tag reporting emanating from Vietnam. This report was placed in Lieutenant Kennedy's file due to the last name correlation to the name "Jack Kennedy."

In April 1992, a joint U.S./Vietnamese team traveled to the area of a reported crash site in Tien Phuoc District where a light observation aircraft had reportedly landed in 1970 or 1971. The pilot reportedly died in the incident and his remains were buried nearby but had been dug up by private persons in November 1991. The team surveyed the crash site and a purported original burial site. The team was later told the remains had disappeared from the individual who possessed the recovered remains.

In September 1992, another joint team revisited the area and received hearsay information about a crash site in the area of Lieutenant Kennedy's loss. The aircraft pilot had reportedly died in the crash and his body had been recovered and buried.

Laos

Leroy J. Cornwell
Andrew Ivan, Jr.
(1771)

On September 10, 1971, Captains Cornwell and Ivan were the crew of an F-4D which crashed in Xieng Khouang Province while on an operational mission in the Barrel Roll operating area. One parachute and probable F-4 aircraft wreckage was located in an area approximately 29 kilometers northeast of Phone Savan and four kilometers east of Route 7. Their wingman established communications with Captain Cornwell but neither crewman was recovered and both were declared missing in action.

Color photography of the crash site suggested the wreckage was burning over a widely spread area. A 37mm anti-aircraft gun position was within 300 meters of the crash site and weapons three positions fired on SAR forces.

Returning U.S. POWs had no information on the precise fate of the two crewmen. After Operation Homecoming both were declared killed in action, body not recovered, based on a presumptive finding of death.

Laos

Scott W. McIntire
(1782)

On December 10, 1971, Lieutenant Colonel McIntire and his aircraft commander, Major Robert E. Belli, were in one of two F-105G aircraft on a mission over the Mu Gia Pass in support of a B-52 strike. They expended two AGM-45 missiles against enemy Fan Song radar which had acquired their aircraft. Their aircraft was then hit by a surface to air missile, the explosion coming to the rear of LTC McIntire and of sufficient force that it rendered Major Belli, in front of LTC McIntire, initially unconscious. Major Belli ejected both himself and LTC McIntire. Major Belli was rescued by search and rescue aircraft but LTC McIntire could not be located. Major Belli's rescue, because of the extreme difficulty in rescuing someone from this high threat area, became a feature article in the Stars & Stripes military newspaper.

On December 11, 1971, a search and rescue helicopter located LTC McIntire handing limp in his parachute in a tall tree. A flight surgeon on the aircraft stated LTC McIntire appeared lifeless and stated his professional view that the conditions of weather and the position of the body after hanging suspended for 20 hours indicated LTC McIntire would have died of hypothermia within six hours and was probably dead on December 11th. Heavy groundfire drove off the SAR aircraft before LTC McIntire could be recovered.

LTC McIntire was not reported alive in the northern Vietnamese prison system and his remains have not been recovered. He was initially declared missing and in May 1972 was declared dead/body not recovered.

North Vietnam — Lawrence G. Stolz
Dale F. Koons
(1789)

On December 26, 1971, Captain Stolz and First Lieutenant Koons departed Ubon Air Base, Thailand, the number three F-4D in a flight of four on a strike mission against the Thanh Hoa storage complex in the area of Thanh Hoa City, Thanh Hoa Province. The flight became separated in the target area and Captain Stolz aircraft was last seen pulling up into the overcast approximately 1-2 miles from their target. They did not rejoin the flight. An aerial search for the aircraft and its crew failed to locate them and the crew was declared missing.

On December 27, 1971, the Vietnam News Agency reported that an F-4 had been shot down over Thanh Hoa on December 27th. The article implied that both crewmen had become casualties and both their names and pictures of their burned identity cards. In November 1972, photographs of their identity cards appeared in the North Vietnamese published English language "Vietnam" magazine.

During the Operation Homecoming debriefing of repatriated POWs, two returnees described having seen their burned identity cards in a North Vietnamese magazine and read that Captain Stolz was dead. Several returnees also reported hearing the name "Koons" and saw the name "Koons, Dale" scratched into the wall at their POW camp. DIA investigation determined the source of this was an American civilian, Bobby Joe Keese, for reasons which were unclear.

After Operation Homecoming they were declared killed in action, body not recovered, based on a presumptive finding of death.

In March 1973, a former member of the People's Army of Vietnam described two graves he'd seen in February 1972 in Thanh Hoa Province. The pilots were reportedly shot down and died in December 1971. The graves were in the general area of this loss incident.

The remains of Dale F. Koons were repatriated by Vietnam in April 1988.

Over water — Frederick L. Holmes (1793)

On December 30, 1971, Lieutenant Commander Holmes and his co-pilot, Lieutenant Burton, were the lead A-6 aircraft in a strike mission over North Vietnam. Their aircraft was observed to take a direct hit from a surface to air missile. Lieutenant Burton was wounded, blown clear of the aircraft and his parachute deployed successfully. Another aircraft on the scene reported seeing two good chutes deploy, but this report was later viewed as not confirmed. A search and rescue aircraft then reported both pilots in sight and in the water off Hon Nieu Island. Lieutenant Burton was rescued by U.S. forces. SAR forces located a pilot's ejection seat and life raft possibly belonging to Lieutenant Commander Holmes but were unable to locate either him or his chute in an area with a large number of North Vietnamese sampans.

A Radio Hanoi broadcast referenced this incident, one of several U.S. aircraft losses on the same date in the southern part of North Vietnam. While some pilots were reported captured alive, Lieutenant Commander Holmes' name was not identified among those captured. One returning POW recognized Lieutenant Commander Holmes' name but no returning POWs ever reported him alive in the northern Vietnamese prison system.

In April 1975 Lieutenant Commander Holmes case was submitted for a casualty review at the request of his next of kin. He was declared dead/body not recovered.

South Vietnam — James F. Worth (1810)

See Vessey 135 Discrepancy Cases for case summary.

South Vietnam — Wayne L. Bolte, Anthony R. Giannangeli, Charles A. Lewis, Henry M. Serex, Robin F. Gatwood (1811)

On April 2, 1972, an EB-66 from Korat Air Base, Thailand, was on an electronic countermeasure mission over North Vietnam. At approximately 0850 hours an F-105 pilot in the area observed a surface to air missile fired from the vicinity of the Demilitarized Zone separating North and South Vietnam which hit the EB-66, code name Bat 21. The EB-66 was then seen to be trailing flames from both wings and crash into Quang Tri Province, South Vietnam. No

one was seen to eject from the aircraft but a single beeper was heard.

Later, voice contact was established with Lieutenant Colonel Iceal E. Hambleton, the lone survivor, and he was rescued 12 days later. He had no information that any other crewmen had survived. He described how the surface to air missile struck below and behind the navigator in the area of the aircraft's forward compartment. He saw Major Bolte after the hit but did not know if he was able to eject. All other crewmen were declared missing in action.

After the loss of the RB-66, a Vietnam People's Army unit reported three missiles had been fired and "struck" a target. Orange parachutes were reported. On April 2, 1972, Vietnamese radio reported that the People's Army had fired missiles and hit a B-52 in the Vinh Linh Special Zone area and other aircraft had fled. Another report from Hanoi in English on April 5th reported the aircraft had burst into flames and exploded.

Returning U.S. POWs had no information on the precise fate of the missing crewmen. After Operation Homecoming they were declared killed in action, body not recovered, based on a presumptive finding of death.

South Vietnam

Ronald P. Paschall
Byron K. Kulland
John W. Frink
(1812)

On April 2, 1972, a UH-1H helicopter from the 1st Signal Brigade with four men on-board was on a direct combat support mission near Quang Tri City, Quang Tri Province. While searching for the crew of a downed U.S. Air Force aircraft, the helicopter was hit by hostile small arms fire and crashed. An airborne SAR mission failed to locate any survivors and the crew was declared missing in action.

In April 1972, a former People's Army of Vietnam sergeant reported the downing of a helicopter on April 1, 1972, which crashed near an anti-aircraft gun position in the vicinity of this loss incident. The crew was believed to have been killed in the crash. In another report, a former People's Army soldier reported sighting an American POW in April 1972 who was being escorted by nurses near the Ben Hai River in Quang Tri Province. The American was captured from an aircraft shot down by People's Army forces.

In March 1973, surviving crewman Jose M. Astorga was repatriated alive during Operation Homecoming. He reported that hostile fire hit their helicopter's fuel cell which exploded, engulfing their helicopter in flames. He believed all other crewmen died in the

ensuing fire and crash, and neither he nor any other returning POWs had any knowledge that any other crewmen survived into captivity. After Operation Homecoming, the other crewmen were declared killed in action, body not recovered based on a presumptive finding of death.

South Vietnam

Douglas L. Neil
Allen D. Christiansen
Edward W. Williams
Larry A. Zich
(1814)

On April 3, 1972, CW2 Zich and three other servicemen were on board a UH1H helicopter on an in-country flight in the area of Quang Tri City, Quang Tri Province, South Vietnam. The aircraft never returned from its mission and there were no initial reports of the aircraft's possible crash site. They were initially declared missing in action.

In July 1974 U.S. intelligence received hearsay information on a helicopter crash site and dead crew which might have correlated to this incident;however, this incident was approximately 20 kilometers from the suspect area of loss. In January 1980 another report was received about the explosion of a helicopter and the location of remains associated with its crew but it could not be specifically correlated to this loss incident.

There were no reports from returning U.S. POWs that CW2 Zich or other crewmen had been seen alive in captivity. After the end of hostilities all were declared dead/body not recovered.

North Vietnam

Thomas E. Dunlop
(1816)

See Vessey 135 Discrepancy Cases for case summary.

South Vietnam

Howard B. Lull
Richard S. Schott
(1819)

On April 7, 1972, Sergeant First Class Lull was one of seven Americans from Advisory Team 47 and one French national present at An Loc City, Binh Long Province, when forces of the South Vietnamese Army's 9th Regiment, 5th Infantry Division, were attacked and overrun by tank led forces of the Vietnam People's

Army. Both Sergeant Lull and Colonel Schott were initially reported missing in action. The French national with the Americans was released shortly after capture. He was able to confirm captivity of those Americans with him but was unable to establish the fate of Sergeant Lull and Lt. Colonel Schott.

Returning U.S. POWs repatriated in February 1973 reported that Lieutenant Colonel Schott was last seen on April 7th and in circumstances where he appeared to be dead. Sergeant First Class Lull was believed captured on April 8th.

In February 1973, a member of the South Vietnamese Army captured on April 9th and repatriated in February 1973 reported that Sergeant Lull evaded capture and reached a South Vietnamese Army post approximately 13 kilometers to the south of where his team was overrun. There he was reportedly killed in a Viet Cong ambush. The former commander of the South Vietnamese Army's 9th Infantry Regiment stated that both Colonel Schott and Sergeant Lull died in their bunker.

In December 1988, U.S. intelligence personnel interviewed two former South Vietnamese Army personnel who participated in the lifting of the siege of An Loc. They described having been present when An Loc was retaken and the bodies of those killed were collected and buried in a mass grave. They stated that the bodies included the partially decomposed bodies of two Americans, a Lieutenant Colonel and a non-commissioned officer, possibly a Sergeant First Class.

During the post hostilities review of the cases of those carried as missing in action, Sergeant Lull and Colonel Schott were declared dead/body not recovered. Neither individual was seen alive in captivity by other U.S. POWs captured at An Loc.

South Vietnam

Bruce C. Walker
Larry W. Potts
(1820)

See Vessey 135 Discrepancy Cases for case summary.

Laos

Scott D. Ketchie
(1824)

On the evening of April 9, 1972, First Lieutenant Ketchie was the Navigator in an A-6A which took off from the U.S.S. Coral Sea for a strike mission over lines and communications and supply points in the area of Tchepone, Savannakhet Province. After his second run against a target of five trucks, he departed the target area and

was at an altitude of 12,000 feet when his aircraft was hit in its aft section by hostile anti-aircraft fire. His aircraft caught on fire and began to spin. The pilot directed Lieutenant Ketchie to eject. The pilot ejected but neither saw nor had contact with Lieutenant Ketchie from the time of the eject order and up to the time the aircraft crashed. The crash site was in the Steel Tiger east operational area east-northeast of Tchepone and near Vietnam's Demilitarized Zone.

The pilot, Major Smith, landed approximately 40 yards from the crash site of their aircraft and remained in place for four days until rescued. He never was able to establish any contact with Lieutenant Ketchie. One U.S. search aircraft overhead in contact with the surviving pilot "thought" he saw two parachutes on the ground but this was not confirmed by any other source. Maj. Smith was able to hear the sound of people in the area and coordinated air strikes on them. On one occasion, a BLU-52 canister of gas was dropped on the area by search and rescue forces and Major Smith was himself gassed. Search and rescue forces searched the area for Lieutenant Ketchie but were unable to locate any evidence of him through the time the pilot was rescued.

On April 9, 1972, a Vietnam People's Army unit reported having hit an aircraft, the pilot had parachuted out, and search teams had been sent to capture the pilot. On April 10, 1972, a unit reported it had downed an aircraft and the pilot had been killed. A second aircraft was also reported shot down and the unit said it heard an aircraft was shot down on March 30th. Another report on April 10th stated a pilot had been captured. These reports were believed to possibly be associated with Lieutenant Ketchie's loss incident and were placed in his file.

Lieutenant Ketchie was initially reported missing in action. Returning U.S. POWs had no information on his precise fate. After Operation Homecoming he was declared dead/body not recovered, based on a presumptive finding of death.

South Vietnam — Robert W. Brownlee, Jr.
(1834)

On April 24, 1972, Lieutenant Colonel Brownlee was with Advisory Team 22 together with the South Vietnamese Army's 47th Regiment at a base designated Dak To II in Kontum Province. The position came under heavy hostile attack and Colonel Brownlee withdrew from Dak To II together with Captain Charles W. Creen and a South Vietnamese Army interpreter, Sergeant Cao Ky Chi. Fording the nearby Poko River, both Captain Creen and Sergeant Chi were swept downstream and temporarily separated from Colonel Brownlee who reached the south bank of the Poko River and began climbing a hill.

After successfully evading, Sergeant Chi related that he had reached the south bank of the Poko River and heard People's Army of Vietnam troops call out in Vietnamese to halt. He observed South Vietnamese Army soldier approximately 100 meters away raise their hands but had no personal knowledge of the fate of Colonel Brownlee.

South Vietnamese personnel repatriated during Operation Homecoming provided several hearsay accounts during 1973-1974 in an effort by the Defense Attache Office, Saigon, to learn Colonel Brownlee's fate. These accounts, all attributed to different South Vietnamese Army prisoner sources, stated that Colonel Brownlee had committed suicide prior to capture. None of these accounts could be verified.

One returning U.S. POW, Captain Reeder, knew Colonel Brownlee had been at Dak To II and knew him to be the senior district advisor but had no knowledge of his fate. Captain Reeder had also heard an account traced to a 42nd Regiment doctor that Colonel Brownlee was dead, but Captain Reeder did not find the source to be reliable.

No returning U.S. POW was able to provide any information on Colonel Brownlee's precise fate. In November 1978 he was declared dead/body not recovered, based on a presumptive finding of death.

In May 1985, the Joint Casualty Resolution Center received a report that a worker in the Dak To area had found human remains there. This report was replaced in Colonel Brownlee's file.

North Vietnam — Joseph W. McDonald
(1842)

On May 3, 1972, Lieutenant McDonald and Captain David Williams were the crewmen in the second A-6A aircraft in a flight of two on a mission over Dong Hoi, Quang Binh Province. Their last transmission was that they expected to be over water in two minutes. This was after they had already finished attacking their target. Their IFF beacon transponder was located well out to sea after an extensive search. The search was terminated on May 5, 1972. There was no sighting of either the aircraft or crew. Both individuals were initially declared missing. Both were declared dead/body not recovered, after Operation Homecoming.

In June 1989 Vietnam repatriated the remains which were approved as those of David Williams.

A U.S. team in Vietnam located archival documents reporting the shoot down of a U.S. aircraft on May 3, 1972 in which the "air pirates were torn apart." This incident is the only aircraft loss in the area on that date.

North Vietnam — Dennis E. Wilkinson
Jeffrey L. Harris
(1848)

On May 10, 1972, Harris and Wilkinson were the crewmen of an F-4E en route to Yen Bai Airfield. They were engaged by hostile MIG aircraft. Eye witnesses reported their aircraft wing and left fuel tank was hit by cannon fire, and they did not acknowledge radio transmissions to them. After being hit their aircraft made no evasive maneuver, went into a steep dive and twenty seconds later impacted in an area of rolling hills.

They were initially reported missing in action and both were declared dead/body not recovered, in May 1973. Neither was reported by U.S. returning POWs to have been alive in the northern Vietnamese prison system. Wilkinson's remains were repatriated in August 1978.

North Vietnam — William W. Bancroft, Jr.
(1675)

On November 13, 1970, Lieutenant Bancroft and his pilot, Major David I. Wright, were on an aerial reconnaissance mission over Ha Tinh Province, North Vietnam. Their wingman reported antiaircraft fire in the area as Lieutenant Bancroft's aircraft made a low level pass. His aircraft suddenly exploded while approximately 500 feet above the grown. His aircraft crashed tail first and then there was an all consuming explosion. There were no chutes or beepers.

Lieutenant Bancroft was initially reported missing and his status was changed to killed in action, body not recovered, on November 21, 1970. Returning U.S. POWs did not report him alive with other U.S. POWs in the northern Vietnamese prison system.

South Vietnam — Rodney L. Strowbridge
Robert J. Williams
(1855)

On May 11, 1972, Captains Strowbridge and Williams were the crew in an AH-1G helicopter, one in a flight of three providing air operations support to South Vietnamese Army forces heavily engaged by hostile units in the siege of An Loc town, Binh Long Province, now renamed Song Be Province. Their helicopter was hit in the tail boom and the boom was immediately severed, possibly by a surface to air missile. Their helicopter went into a flat spin and crashed but no one saw the actual crash. Heavy anti-aircraft fire

precluded a search of the crash site area.

Both airmen were declared missing in action. One returnee stated he heard the name Robert J. Williams in the POW communications system but Captain Williams was not seen or reported alive by any returning POW. After Operation Homecoming the two crewmen were declared killed in action, body not recovered, based on a presumptive finding of death.

In September 1974, the Joint Casualty Resolution Center reported a crash site associated with a 1972 aircraft downing. The remains of a pilot were reportedly buried nearby. In 1983 and 1984, JCRC received further reporting about aircraft wreckage associated with remains in the area of their crash. In July 1987, a source reported dog-tag information associated with Robert J. Williams and reported his remains were in Bo Trach District, Quang Binh Province. In May 1991, another source previously incarcerated at the Tong Le Chan reeducation camp provided dog tag information with the name Robert Williams and asserted his remains were in Song Be Province.

South Vietnam — Larry K. Morrow
(1868)

See Vessey 135 Discrepancy Cases for case summary.

South Vietnam — Larry J. Newman
Stanley L. Lohrke
Richard E. Nyhot
Leon A. Hunt
Jacob A. Mercer
Donald H. Klinke
Richard M. Cole
Mark A. Danielson
Gerald P. Ayers
Robert H. Harrison
Robert A. Wilson
Paul F. Gilbert
(1879)

On June 16, 1972, a C-130 escorted by three F-4 was over the A Shau Valley, Thua Thien Province. On its second orbit over the target it was hit by a shoulder fired SA-7 surface to air missile in the number three engine, a small explosion occurred and the right wing separated from the aircraft. There were another explosion and three crewmen were blown clear of the aircraft. The aircraft, in flames and with the right wing and probably the tail missing, crashed, exploded and burned on impact in the A Luoi area. The

three crewmen blown from the aircraft -- Captain Gordon Bocher, Staff Sergeant William Patterson and Second Lieutenant Robert Reid -- were rescued. A SAR effort over the area failed to locate any other survivors.

At the time of this loss, a Vietnam People's Army unit reported engaging a U.S. B-52 over Quang Binh Province, the air crew parachuted out, and all were captured. DIA believed this might correlate to the AC-130 lost on June 18, 1972 because there were no B-52 aircraft lost on that date.

Early in 1973, the Air Force member of the Army Attache Exploitation Team in Laos (Project 5800-09-5) obtained information from a People's Army soldier in Laos concerning the shoot down of an AC-130 in the A Luoi area. The aircraft had been shot down by the 36th Anti-Aircraft Battalion, Binh Tram 42. The burned remains of six crewmen were reportedly found at the crash site. In June 1973 the Defense Attache Office in Saigon reported information from a source about a C-130 crash at A Luoi in which all on board were killed in the crash. Both reports were believed by DIA as possibly associated with this loss incident and the reports were placed in the files of the crewmen.

Since 1984, information has been received about a C-130 crash believed correlated with this incident and has included assertions that three crewmen were reportedly captured. Other reports have referred to the recover of remains and there have been repeated references to dog tag information associated with crewman Jacob E. Mercer. In 1991 the Defense Intelligence Agency described such reports as associated with Vietnamese intelligence service operations.

North Vietnam — James L. McCarty
(1882)

On June 24, 1972, First Lieutenants McCarty and Charles A. Jackson were the crew of an F-4D which was engaged by six MIGs over Nghia Lo Province and shot down by an air to air missile. Lieutenant Jackson was captured on the ground. The second aircraft in their flight with another two man crew, Grant and Beekman, was also attacked by MIGs and shot down over Vinh Phu Province. The crews of both aircraft were declared missing in action.

There were conflicting reports of contact with the crew of this aircraft. It was later concluded that the reference to contact with those in incident 1882 was incorrect and in fact referred to contact on the ground with the aircrew of those in incident 1881. First Lieutenant Jackson was captured, taught English to Vietnamese prison system cadre in late 1972, and upon his release from captivity during Operation Homecoming stated he did not believe

that Lieutenant McCarty had been able to eject from their aircraft.

Following the shoot down, a People's Army of Vietnam unit radioed that its MIG-21 aircraft had downed two aircraft. U.S. intelligence analysts later concluded that this report correctly pertained to the shoot down of those involved in incident 1882 on June 24th and the two crewmen from case 1882 also shot down on June 24th and captured on June 25th. On June 29, 1972, the Vietnam News Agency reported First Lieutenant Jackson had been captured alive in Nghia Lo Province.

Lt. McCarty was not confirmed alive in captivity. After Operation Homecoming he was declared killed in action, body not recovered.

In December 1990, a joint U.S./Vietnamese team conducted a search of the crash site and recovered a data plate confirmed to be from one of the F-4D's jet engines associated with this loss incident. In the spring of 1991, a U.S. resident turned over a bone fragment and dog tag type information said to come from a resident of Vietnam and pertaining to three purported MIAs said to be associated with an incident on Dong Dang District, Cao Bang Province, an area bordering the People's Republic of China. One of the names was James L. McCarty. A July 5, 1991 DIA analysis concluded the report was not true and "...part of a Vietnamese government managed intelligence operation..."

In November 1991, a joint U.S./Vietnamese investigation gained access to an apparent archival document describing the shoot down of a U.S. aircraft by the People's Air Force on June 24, 1972 in Phu Yen District, Nghia Lo Province. Charles Allen Jackson was identified by name as captured and partial body parts were also found. Material evidence of the air loss was recovered and turned over to Nghia Lo Province military. Lieutenant Jackson escaped from custody that night but was recaptured in the morning.

North Vietnam — Frank C. Green, Jr. (1895)

On July 10, 1972, an A-4F piloted by Commander Green was the lead aircraft in a flight of two on an armed reconnaissance mission over Thanh Hoa Province. Commander Green "rolled in on his assigned target and his wingman saw his aircraft crash into the ground and erupt into a large fire. Diving under overhead flare illumination, the wingman located the crash site with a large sustained fire on the ground. There was no evidence that anyone had survived the crash. Commander Green was declared missing in action.

During Operation Homecoming, a returning U.S. POW stated he was told by a guard that the guard had Commander Green. However,

Commander Green was not observed in captivity by any U.S. POWs. In October 1978, Commander Green was declared killed in action, body not recovered, based on a presumptive finding of death.

In November 1985, Vietnam provided the U.S. side with information on Commander Green but did not provide any remains.

South Vietnam — Francis W. Townsend (1908)

On August 13, 1972, First Lieutenant Townsend and Captain William A. Gauntt were the crewmen on an RF-4C aircraft which crashed northwest of the city of Dong Ha, Quang Tri Province, South Vietnam. Captain Gauntt was captured by People's Army of Vietnam forces, taken to North Vietnam and repatriated during Operation Homecoming.

During his post-release debriefing, Captain Gauntt reported hearing an indication that Lieutenant Townsend ejected from the aircraft. SAR forces also reported an electronic beacon signal for fifteen minutes from an area where Lieutenant Townsend is believed to have probably landed. North Vietnam three times reported shoot downs in this area, on one occasion identifying the aircraft as an RF-4C and stating that one pilot was captured at a location which is within three miles of the known crash site.

In January 1975 a former People's Army of Vietnam soldier reported seeing a wounded American in captivity circa July 1972 and suffering from head and thigh wounds, eight kilometers east of the aircraft crash site. Because Captain Gauntt was not wounded, this was tentatively correlated to Lieutenant Townsend.

Lieutenant Townsend was not reported by repatriated Americans as alive in the North Vietnamese prison system. He was initially declared mission in action and was declared dead/body not recovered, in August 1979.

North Vietnam — John R. Pitzen, Orland J. Pender (1910)

On August 17, 1972, Commander Pitzen and Lieutenant Pender were the crew in an F-4J from the U.S.S. Kitty Hawk providing protection against MIG aircraft for a flight of A-6 aircraft over Kep Air Field. During their mission and while last known in the area of the town of Uong Bi, Quang Ninh Province, the A-6 reported that four surface to air missile had been fired. Commander Pitzen's aircraft disappeared from radar at 1910 hours at about the time of

an explosion at an altitude of 11,000 feet. There was no further trace of either crewman or their aircraft.

Returning U.S. POWs had no information on their precise fate. After Operation Homecoming they were declared killed in action, body not recovered, based on a presumptive finding of death.

During 1983 the Joint Casualty Resolution Center received reports about the wartime crash of an aircraft in the area where Captain Pitzen and Lieutenant Pender were lost. In December 1991, a joint U.S./Vietnamese team in Vietnam visited the crash site area. Witnesses stated that the site was associated with a 1972 shoot down of a U.S. aircraft by a surface to air missile. Human remains and one skeleton were found after the crash. The remains were turned over to a local team but were later stolen.

North Vietnam — Harry S. Mossman
Roderick B. Lester
(1912)

On August 20, 1972, Lieutenant Mossman and Lieutenant Lester were the crew on board an A-6A on a night low-level armed reconnaissance mission in the area of Route 183 and near the coastal town of Cam Pha, east-northeast of the major port of Hai Phong. Their last radio transmission was "Let's get the hell out of here." This message was believed to refer to the crew aborting its flight plan because of heavy hostile fire and did not indicate they were ejecting from their aircraft at that time. Another aircrew in the vicinity later reported observing a flash under the thunderstorms and overcast in the vicinity of the A-6A's flight path. The aircrew was soon determined to be missing, and a search mission discovered an oil slick approximately 12 miles from the last plot and below ceiling flash. The crew's last radar fix was over the Gulf of Tonkin after exiting over the North Vietnam coast and in an area east of Hai Phong. Electronic search failed to locate any evidence of the missing crew.

During Operation Homecoming, a returning POW reporting observing a heavily bandaged and seriously injured person brought into Hoa Lo prison after the loss incident of this aircrew. There was evidence of the individual at Hoa Lo from September 1972 onward and it was speculated that the wounded individual might be one of the missing airmen from this incident. Available records fail to disclose the identity of the wounded person.

In the late 1970s the two missing airmen were declared dead/body not recovered, based on a presumptive finding of death. Other U.S. POWs who returned from North Vietnam were unable to provide any information on the precise fate of the two airmen.

In late 1989, a photograph was provided the Defense Intelligence Agency by the parents of Lieutenant Lester who were told the wounded individual in the photograph was a possible candidate for Lieutenant Lester. DIA confirmed the individual in the photograph was Major Lawrence R. Bailey, lost in Laos in 1961 and repatriated alive in August 1962.

South Vietnam

William J. Crockett
Lee M. Tigner
(1913)

On August 22, 1972, Major Tigner and First Lieutenant Crockett were the crew in an F-4H, one in a flight of four on a combat mission over Quang Tri Province, South Vietnam. Their aircraft was hit by hostile ground fire in the right wing and the wing separated from the aircraft. It rolled and within two to five seconds after being hit had crashed into the ground at a speed of 450 knots, skipped, and came to rest in the river at Quang Tri City, Quang Tri Province. No one was seen to eject from the aircraft before it crashed and there were no electronic beepers heard. Both crewmen were declared killed in action, body not recovered.

Returning U.S. POWs had no information on their precise fate. After Operation Homecoming they were declared dead/body not recovered, based on a presumptive finding of death.

In July 1974 the U.S. Army's 500th Military Intelligence Group forwarded information from the South Vietnamese Army reporting information that a U.S. jet aircraft had crashed during the war approximately two kilometers west of Quang Tri City. Remains of an American, clothing and boots were observed in the wreckage. This report was believed to possibly correlate to this loss incident. The site was searched on July 26, 1974, and human remains were recovered. The area was revisited on November 6, 1974, and more artifacts, human teeth, and aircraft parts were recovered.

Laos

Richard W. Herold
(1917)
William C. Wood, Jr.
Robert R. Greenwood
(1918)

On September 2, 1972, Captain Herold and a Lao forward observer departed Vientiane, Laos, in an O-1F to conduct visual reconnaissance and provide forward air control in support of two F-4E aircraft striking hostile artillery positions in Xieng Khouang Province. In one of the F-4 aircraft was Captain Wood and Major Greenwood.

While in the target area, an F-4 crew lost sight of Captain Herold's aircraft but later observed a large fireball in the area where Captain Wood's aircraft was last seen and aircraft wreckage appeared to be falling to the ground in pieces. One fully deployed parachute was also seen and a second unidentified object was also observed falling at the same rate of speed. The parachute and second object were not observed all the way to the ground. Other debris was seen in the air and possibly two ejection seats associated with the F-4 crew. After the incident, there was no contact with Captain Herold. His aircraft's wreckage was located on the ground but there was no evidence of any survivors but two parachutes were located approximately one mile apart.

Those on the scene concluded that Captain Herold's aircraft had collided with the F-4. The F-4's wreckage was located approximately four kilometers from the O-1 wreckage and there were fresh trails leading to a nearby parachute. Both F-4 crewmen were declared missing. One initial report of one blond haired American alive on the ground was found to be incorrect when the "blond haired" individual turned out to be an Lao wearing a light colored hat.

On September 26, 1972, the Pathet Lao's news service reported than an F-4 had been shot down on September 1st over the Plain of Jars and it was believed by U.S. intelligence analysts that this referred to the loss of Captain Wood's aircraft.

Captain Herold was declared missing in action. Returning U.S. POWs had no information on the three airmen involved in these two related incidents. In January 1973 Captain Herold was declared killed in action, body not recovered, based on a presumptive finding of death. Captain Wood was also declared killed in action, body not recovered, in August 1979.

In 1987 U.S. investigators located wreckage of the crash sites and a propeller possibly associated with Captain Herold's aircraft. Other wreckage appeared correlated to an F-4.

Over water **Donald L. Gerstel**
(1920)

On September 8, 1972, Lieutenant Commander Gerstel was the pilot of an A-7B and flight leader of a flight of two aircraft from the U.S.S. Midway on a night surveillance mission against merchant shipping in the area of the island of Hon Nieu of the coast of central Vietnam. Commander Gerstel's IFF identification equipment was not functioning and his wingman's IFF marker was being used to monitor the flight as it was being vectored toward a North Vietnamese boat anchorage at Hon Nieu.

Commander Gerstel descended into the target area through severe turbulence and lighting in order to determine the cloud base. During this maneuver his aircraft was struck by lighting and he radioed that he was "Ok" and there was "just a lot of sparks." This was the last contact with him in an area between the islands of Hon Nieu and Hon Mat, approximately ten kilometers of the coast of Vietnam along the boundary of Nghe An and Ha Tinh Provinces.

Commander Gerstel was declared missing. An extensive search of the ocean and island failed to disclose any sign of either him or his aircraft. Returning U.S. POWs had no information on his precise fate. In November 1978 he was declared killed in action, body not recovered, based on a presumptive finding of death.

Over water

Verne G. Donelly
Kenneth R. Buell
(1924)

On September 17, 1972, Commander Donelly and Lieutenant Commander Buell were the crew in an A-6A on a planned air strike in northern North Vietnam. The last contact with them was at 0150 hours local time. Seven minutes later, other airmen in the area observed an explosion along Commander Donelly's aircraft's flight path in Hai Hung Province, south of the port city of Hai Phong, Hai Phong Province. The two crewmen were declared missing in action.

On September 17, 1972, Radio Hanoi reported that its forces in Hai Hung downed an A-6 aircraft. In a separate report, a North Vietnamese unit radioed to Hai Phong that it had captured one pilot on the morning of September 17, 1972. In a third report, North Vietnam reported its forces in Hai Phong and other areas had shot down hostile aircraft during the period 15-17 September. Due to the similarity in date of loss and loss location, these reports were believed to possibly correlate to those involved in this loss incident.

Returning U.S. POWs had no information on the precise fate of this aircrew. After Operation Homecoming they were declared dead/body not recovered, based on a presumptive finding of death.

Laos

Roger W. Carroll
Dwight D. Cook
(1926)

On September 21, 1972, Carroll and Cook were the crew on-board an F-4D on a combat operation over the Plain of Jars area of Xieng Khouang Province, Laos. A forward air controller operating with them observed them crash, apparently after being hit by hostile

antiaircraft fire. He saw no parachutes prior to or after their aircraft impacted and heard no beepers. Both airmen were declared missing in action.

First Lieutenant Cook's blood chit was reportedly recovered from the crash site and sent to the Joint Personnel Recovery Center on November 11, 1972 and there were human remains reportedly seen at the crash site at the time the blood chit was recovered.

American POWs returning during Operation Homecoming were unable to provide information on their precise fate. They were later declared killed in action, body not recovered, based on a presumptive finding of death.

In 1983, the Joint Casualty Resolution Center (JCRC) received hearsay information of a crash site in the area of this loss incident. In 1986 JCRC interviewed another source in Thailand who reported having been at a crash site in Laos at the location of this loss incident. The aircraft was scattered over a wide area. The source reported seeing bones at the site and these were left in place. JCRC received more reports in 1987 and 1988 describing a crash site with human remains and artifacts. All these reports were believed to correlate to this loss incident.

South Vietnam — Daniel Borah (1927)

See Vessey 135 Discrepancy Cases for case summary.

North Vietnam — Robert D. Anderson (1934)

On October 6, 1972, Lieutenant Colonel Anderson, pilot, and his weapons systems officer, First Lieutenant Latella, were the crew of an F-4E, one in a flight of four aircraft on a mission over North Vietnam. A surface-to-air missile explosion in their area led to a decision to depart the area. Contact with the aircraft was lost and later reestablished with both crew members who were descending in their parachutes. Lieutenant Latella was injured but Colonel Anderson was not and reported no hostile ground forces below him.

On October 6, 1972, a Hanoi news release claimed six aircraft were shot down on October 6th and a number of airmen were captured. There were no names given but one of the areas mentioned correlated to this aircraft downing, in fact, the only aircraft lost over North Vietnam on October 6th.

Lieutenant Latella was captured and repatriated during Operation

Homecoming. He reported being captured immediately after landing and had no contact with Colonel Anderson after the pilot began the ejection sequence to bail out of their crippled aircraft.

Colonel Anderson was initially declared missing in action and was not accounted for during Operation Homecoming. Returning POWs were unable to confirm him alive in the northern Vietnamese prison system. He was later declared dead/body not recovered.

A U.S. field team in Vietnam on December 10, 1990, investigated this loss incident in Van Luong Village, Tam Thanh District. Witnesses reported an aircraft shoot down in the area in late 1972, the capture of one of the crew, and the sighting of human remains in wreckage at the crash site. The U.S. team recovered artifacts reportedly recovered from the crash site which, if valid, would indicate that at least one person was in the aircraft when it crashed. The case remains under investigation.

Laos

John L. Carroll
(1944)

On November 7, 1972, Major Carroll was a member of Detachment 1, 56th Special Operations Wing, Udorn Air Base, Thailand, flying over Laos in an 0-1 using the call sign Raven 20. His aircraft was hit by hostile ground fire and crashed on a grass covered ridge in Xieng Khouang Province. He radioed he survived the landing, was receiving hostile small arms fire, and would stay by the aircraft. This was the last transmission from him.

An aircraft searching for him received intense hostile small arms fire from the area of his crash site. The pilot saw 6-7 enemy soldiers within 100 feet of Major Carroll. Later, a SAR aircrew came within twenty feet of the crash site and found a body under the aircraft's wing and with a massive head wound. From all appearances he was dead and the body appeared to be that of Major Carroll. Hostile forces within fifty feet of the downed 0-1 opened up on the SAR aircraft and it was forced to withdraw. Based on this evidence, in November 1972, Major Carroll was declared killed in action, body not recovered.

North Vietnam

Robert D. Morrissey
Robert M. Brown
(1945)

In the early morning hours of November 7, 1972, Majors Morrissey and Brown took off in a camouflaged F-111 from Takhli Air Base, Thailand, for a mission against the Luat Son highway ferry in North Vietnam. The last contact with the aircraft was at 0306 hours and

an attempt to establish contact with them at 0400 hours was unsuccessful. A search effort was launched and continued until November 20th without locating any evidence of the crew or the aircraft.

On November 8, 1972, the Vietnam News Agency reported that according to the Reuters News Service, an F-111 was downed in Nghe An Province and two airmen were missing. Another report on that date stated this was the third F-111 lost over North Vietnam and the F-111 was downed over Nghe An at 0400 hours.

On November 9, 1972, a People's Army of Vietnam unit reported the shoot down of an F-111 which was said to have been downed in Nghe An Province but actually had crashed in Quang Binh Province. Another report transmitting information about the reported downing of an F-4 on November 7th stated the pilot had been captured and they were to "conceal the accomplishment." This F-4 related report was placed in the files of these two missing airmen. A further report on November 14th stated a special team was being sent to recover the F-111A in Quang Binh and oversee movement of its hulk.

Both airmen were initially reported missing. Returning U.S. POWs had no information on their precise fate. After Operation Homecoming they were declared dead/body not recovered, based on a presumptive finding of death. Major Brown's name was recently the subject of a dog tag type report which reached DIA.

In January 1992 U.S. investigators in Vietnam reviewed a People's Army report of air defense operations in Military Region 4. One item dated November 7, 1972, listed the shoot down of a low flying F-111 downed by the 359th Company, Quang Binh forces, with two (crewmen) killed. In July 1992 U.S. investigators in Le Thuy District, Quang Binh located an F-111 strut used as a fence post, part of one ton of aircraft wreckage in the possession of a local resident near the crash site associated with this incident. The suspected crash site was near a mountain peak on a 45 degree slope. A photo of Major Brown's identity card was located in the Quang Binh Provincial museum together with an F-111A data plate. The material referred to a "Major Robert" as "dead" in an F-111A shoot down over Quang Binh Province.

In October 1992 Major Brown's son visited Moscow and was told by Russian officials of KGB officials who apparently had knowledge of an F-111 transfer to the USSR in November 1972.

Laos

Donald C. Brewer
(1947)

On November 20, 1972, Captain Brewer and Captain Anderson were the

crew on-board an F-4J, one in a flight of two aircraft on a combat operation over Savannakhet Province, Laos. Their aircraft was hit by anti-aircraft fire and crashed 35 kilometers southeast of Tchepone and 300 meters from Route 90. This is in an area southwest of the Demilitarized Zone separating North and South Vietnam. Captain Anderson parachuted safely from the aircraft, was located by search and rescue forces, and was recovered. He stated he didn't see Captain Breuer parachute from their damaged aircraft and did not hear a beeper from him. Captain Breuer was declared missing in action.

After the crash, a North Vietnamese Army unit reported on November 20th that a pilot had landed but there was no mention of the specific type of aircraft involved and the pilot's nationality was not given. The report was associated with an incident occurring in the general area of the Demilitarized Zone separating North and South Vietnam. An intelligence comment on this report indicated a tentative correlation of the report to this loss incident based on it being the only reported aircraft loss at this point in time.

On April 28, 1972, Pathet Lao radio news service reported three U.S. aircraft were hit in Saravane Province on November 18th and 19th. Pilots were killed in two F-4 and one T-28 air incident. This report was placed in the files of these individuals because of the country of loss and date of incident.

Returning U.S. POWs during Operation Homecoming early in 1973 had no information on Captain Breuer's fate. After Operation Homecoming Captain Breuer was declared killed in action, body not recovered, based on a presumptive finding of death.

In April 1973, a North Vietnamese soldier from Binh Tram 41, 473rd Transportation Division, Group 559, reported having seen an American F-4 hit by antiaircraft fire and crash near the village of Ban Dong, Savannakhet Province, east of the border with Thua Thien Province, South Vietnam and in the area in which his division was operating. This is in an area west of the DMZ and in the general area of Highway 9. He reported seeing two parachutes. One airman landed and was rescued. Later, he observed a body of an American airman which had been stripped nude and was told the other airman had died. The area of the sighting was correlated to this loss incident.

This loss incident crash site was visited by a joint U.S./Lao team in Muong Nong District, Savannakhet Province, during 28 October-1 November 1992. The team recovered artifacts said to have belonged to the pilot who was rescued. There was no specific information on the fate of the second crewman.

South Vietnam — Bobby M. Jones
Jack R. Harvey
(1949)

On November 28, 1972, Captain Jones and First Lieutenant Harvey departed Udorn Air Base, Thailand, to ferry an F-4D to Da Nang Air Base, South Vietnam. The last contact with the crew was when they were approximately 32 kilometers northwest of Da Nang and the aircraft then disappeared from the radar screen. They did not arrive at Da Nang and were declared missing. Search and rescue aircraft in the area heard three "Mayday" calls and beeper signals but could not associate them with this missing crew. Subsequent to their disappearance, aircraft wreckage was located on Bach Ma Mountain in Phu Loc District, Thua Thien Province and believed associated with their crash site.

Returning U.S. POWs were unable to provide any information on the eventual fate of the two missing airmen. In 1978 they were declared killed in action, body not recovered, based on a presumptive finding of death.

North Vietnam — James R. McElvain
(1952)

On December 18, 1972, Major McElvain and Colonel Ronald Ward departed Takhli Air Base, Thailand, in an F-111A for a single ship strike mission over North Vietnam. At 2100 hours they radioed the Joint Rescue Control Center that they'd attacked their assigned target. At this point they were plotted to be approximately 26 miles east-southeast of the town of Nam Dinh and at the mouth of a river along the Thai Binh/Nam Ha Province boundary and advised they had passed over the coastline. There was no further transmission from them and their intended course was to be out over the Gulf of Tonkin. At 2129 hours they did not make a communications check. An extensive search along their intended flight path failed to disclose any evidence of either the aircraft or its crew and the crew was declared missing in action.

On December 19, 1972, the People's Army reported it had shot down a B-52 the previous night and captured seven airmen. In another report, the seven captured were described as coming two B-52 and another aircraft not further identified, from which they'd captured a Lieutenant Colonel and a Major from a two man aircrew. On the same day another unit radioed that three of those captured were from a downed B-52 crew. No names of any Americans were in these reports. These reports were placed in the files of the these missing airmen.

One returnee stated he might have heard McElvain's name on a radio broadcast. No other returnees heard the name and no regular

monitoring service reported his name on any domestic of foreign broadcasts. A next of kin of one of the crewmen received a rumor their aircraft had been shot down by a U.S. Navy aircraft.

Returning U.S. POWs had no information on the fate of the two crewmen. After Operation homecoming they were declared killed in action, body not recovered.

North Vietnam

Arthur V. McLaughlin
John F. Stewart
Randolph A. Perry
Irwin S. Lerner
(1955)

On December 20, 1972, a B-52 with a six man crew departed Utapao Air Base, Thailand, one in a cell of three B-52s who were part of a larger bombing force on a nighttime ARC LIGHT bombing mission over North Vietnam. At 2030 hours and prior to reaching their target, the B-52 was hit by a surface to air missile. Attempts to contact the crew were unsuccessful and darkness prevented the sighting of any parachutes. Beepers were heard but could not be correlated to any specific crewman from this aircraft due to multiple aircraft losses and beepers from other downed crewmen.

After the shoot down, the Democratic Republic of Vietnam (DRV) announced the capture of one crewman, Captain Paul L. Granger and a second crewman, Captain Thomas J. Klomann, was listed as a POW to be repatriated on the DRV list provided the U.S. in Paris on January 27, 1973.

After his release from captivity, Captain Granger stated that his aircraft was attacked by a MIG aircraft when they were approximately 70 kilometers from Hanoi. Then, surface to air missiles were launched; one struck the right wing of their aircraft and a second SAM exploded in front of the B-52's cockpit. There was a noticeable thump which was either another exploding SAM or the navigator, Captain Klomann, ejecting. Captain Granger ejected at an altitude of 28,000 feet when ordered to do so by Major Stuart, the aircraft commander. Neither Captain Granger nor Captain Klomann had any information on the eventual fate of other crewmen. The remaining crewmen, all declared missing in action, at the time, were declared killed in action, body not recovered, by 1982.

Laos

Frank A. Gould
(1959)

On December 20, 1972, a B-52D on a mission over North Vietnam was hit by a surface to air missile while over Hanoi. The pilot

followed his exit route from the area and headed for Laos. The aircraft started losing power 25 minutes later and there were control problems with the aircraft. The crew initiated bailout procedures that night while at an altitude of 19,000 feet and over mountainous jungle terrain just over the border of North Vietnam and over Laos.

Major Gould suffered injuries to his right arm and leg from the surface to air missile explosion but had been able to apply bandages to the bleeding which had nearly stopped by the time other crewmen successfully ejected from the B-52. The aircraft's co-pilot heard Major Gould's ejection seat firing sequence but did not observe him eject from the aircraft. The aircraft crashed in Houa Phan Province approximately 40 kilometers northeast of the Ban Ban Valley in eastern Xieng Khouang Province. Search and rescue forces recovered five crewmen on December 21st but there was no parachute or beeper from Major Gould and he was declared missing in action.

On the late afternoon of December 21, SAR forces saw possible mirror flashes from an area where the five survivors were rescued but nightfall prevented identification of the source of the possible mirror flashes. The SAR effort continued the next day in the area but without locating any evidence of Major Gould.

One returning U.S. POW had knowledge of Major Gould, but what he learned about Major Gould was received prior to his own mission. He heard that Major Gould was alive on the ground and awaiting rescue but no information in such a context has ever surfaced. Major Gould's name did not appear in POW communications channels. After Operation Homecoming Major Gould was declared killed in action, body not recovered, based on a presumptive finding of death.

In February 1991, U.S. intelligence received a report with identity card information associated with Major Gould and traced to a resident of Xieng Khouang Province. In March 1991, a report came from a Lao resident in Thailand claiming that remains and artifacts had been recovered from northeast Laos near the border of North Vietnam. The report was believed possibly correlated to this incident. In December 1991, a source turned over information associated with a B-52 data plate and identity card information of Frank A. Gould. The source provided hearsay information that Major Gould was alive and living in Oudomsai Province, Laos, with a Lao wife and four children in an area approximately 6-7 kilometers east of the town of Ban Houay Sai near the border with Thailand.

Laos

Paul V. Jackson, III
(1967)

On December 24, 1972, Captain Jackson was the pilot of an O-1 serving as a forward air controller for a flight of four A-7D

aircraft on combat operations over the southern portion of the Plain of Jars, Xieng Khouang Province. Captain Jackson's aircraft collided with an A-7D in an area approximately four kilometers west of Route 5. The other aircraft's pilot, Captain Charles F. Reiss, parachuted from his aircraft, was captured by People's Army of Vietnam forces, and was transported to North Vietnam. The two aircraft crashed 1500 yards apart and Captain Jackson's aircraft exploded and burned on impact.

One good parachute was seen at the time and this was identified as Captain Reiss who established voice contact from the ground, reporting a leg injury. He was declared missing in action and reclassified as a POW after his name appeared on the Pathet Lao list released on February 1, 1973. He was released on March 28, 1973, during Operation Homecoming.

Returning U.S. POWs had no information on Captain Jackson. Captain Jackson was declared killed in action, body not recovered, in January 1973.

Laos

John R. Wallerstedt
Steven B. Johnson
(1977)

On January 4, 1973, Captains Wallerstedt and Johnson were the crew in an F-4D on an operational mission over Savannakhet Province. Their aircraft was apparently struck by hostile groundfire and went out of control while recovering from a bombing run. The aircraft crashed approximately 30 kilometers southwest of Tchepone and five kilometers north of Route 9. Both crewmen parachuted from the aircraft and landed approximately 30 meters apart. The crewmen had radio contact with one another while coming down in the parachute. Search and rescue forces were later able to establish radio contact with Captain Wallerstedt but did not establish contact with Captain Johnson.

Captain Wallerstedt located Captain Johnson on the ground, pinned under a tree limb too heavy for him to lift. It appeared that Captain Johnson's parachute landing into trees had broken off a limb which fell on him. Captain Johnson was unconscious, bleeding profusely from the mouth and nose, and was gasping for breath.

After 15 minutes in that state Captain Wallerstedt could detect no pulse. Due to approaching hostile ground forces, Captain Wallerstedt left Captain Johnson, showing no signs of life, and evaded. He was later rescued.

Captain Johnson was declared killed in action, body not recovered, in January 1973. Returning U.S. POWs had no information on his fate.

South Vietnam — Richard A. Knutson
Mickey A. Wilson
William A. Stinson
Manuel A. Lauterio
Elbert W. Bush
William L. Dean
(1978)

On January 8, 1973, a UH-1H helicopter from the 62nd Aviation Company with a crew of four and three passengers from the Military Assistance Command Army Advisory Group departed Landing Zone Sally in Quang Tri Province en route to Quang Tri City. It was later reported to have flown across the Thach Han River into hostile territory and circled twice with its guns firing at an unknown ground target. It was then fired on by the People's Army of Vietnam using SA-7 ground to air missiles. The first missile missed and the second hit the helicopter's boom. A third hit the helicopter proper prior to its crash in the area of the South Vietnamese Army's Ai Tu Combat Base. Multiple SA-7 launches drove off SAR forces in the area of the helicopter shoot down. The seven servicemen were declared missing in action.

Subsequent to their loss, CIA forwarded hearsay information from a Vietnamese source reporting a helicopter had been shot down on January 8, 1973, in the area of this loss incident. Four U.S. pilots were reportedly captured and the fate of two other crewmen was unknown. DIA later determined that CIA had terminated the source due to possible fabrication of information.

DIA In August 1973, DIA received a hearsay report of a helicopter crash site in the area of this loss incident. Two remains were reportedly in the crash site area in Trieu Phong District, Quang Tri Province.

Returning U.S. POWs had no information on the precise fate of the missing servicemen. After Operation Homecoming, all were declared dead/body not recovered, based on a presumptive finding of death.

South Vietnam — Mark A. Peterson
George W. Morris, Jr.
(1981)

See Vessey 135 Discrepancy Cases for case summary.

Laos — Arthur D. Bollinger
Dale Brandenburg

Peter R. Cressman
Joseph A. Matejov
Todd M. Malton
Severo J. Primm, III
George R. Spitz
(1983)

On February 5, 1973, an EC-47Q disappeared over Saravan Province while on an electronic intelligence mission. An airborne search effort later located the wreckage of the aircraft. A ground search team located three or four charred bodies and was able to recover one of them, the remains of Robert E. Bernhardt. In providing his own analytical comments concerning the meaning of a Vietnam People's Army radio message intercepted shortly after the loss of the EC-47Q, Baron 52, an U.S. Air Force communications analyst concluded the substance of the message indicated that several of the Baron 52 had been captured alive and were being moved to North Vietnam. However, based on the condition of the crash site and the evidence found there, the commander of the unit concluded that those on the aircraft had all perished. In February 1973 the crew was declared killed in action, body not recovered based on a presumptive finding of death.

In June 1989, a private U.S. POW/MIA hunter in Thailand reported information from a self declared Lao resistance leader that six of the Baron 52 crew were alive and he believed they were being held in Saravan Province. In June 1990, a DIA field element in Thailand, the Stony Beach Team, received information from a source asserting that five of the crew were alive and living with ethnic Lao Theung in Laos (Bollinger, Brandenburg, Spitz, Primm, Cressman.) A Lao resistance group asserted it would take action. DIA concluded this was a similar to the earlier and fabricated report.

In the fall of 1992, the Senate Select Committee received sworn testimony from DIA's senior POW/MIA analyst, Robert DeStatte. Mr. DeStatte provided detailed information on what was known about the disappearance of Baron 52 and the intercepted North Vietnamese communications, noting that the report that so excited the U.S. Air Force analyst actually related to the movement of four airmen to the area of the port city of Vinh in the panhandle of North Vietnam and hundreds of kilometers from the site of Baron 52's disappearance. With such a message received only minutes after the loss of Baron 52 in South Laos, DIA concluded the report correlated to airmen other than those in Baron 52.

In October 1992 the Chairman of the Senate Select Committee on POW/MIA Affairs forwarded his strong recommendation to the Lao Government that the planned crash site investigation of Baron 52 take place as scheduled. On November 2, 1992, a joint U.S./Lao team traveled to Sekong Province and to the crash site of Baron 52. The team found the wreckage still there. Two witnesses were

interviewed who described the crash of the aircraft and the resultant fire. One witness described visiting the site the next morning and finding a burned corpse which was recovered by SAR aircraft. Three North Vietnamese advisors arrived several days later to inspect the site.

The joint team recovered one of Joseph A. Matejov's dog tags from the site as well as personal and military artifacts, including pieces of two flight suits. The team's recovery of unopened parachute canopy releases indicated some of the missing crewmen were undoubtedly still on board the aircraft at the time of impact.

South Vietnam — Joseph G. Greenleaf
Clemie McKinney
(2044)

On April 14, 1972, Lieutenants Greenleaf and McKinney were the crew in an F-4J, one in a flight of three over an area approximately 25 kilometers northwest of Quang Tri City, Quang Tri Province. A forward air controller observed five rounds of antiaircraft fire hit the cockpit area of their aircraft midway through a bombing run and crash just south of the Demilitarized Zone separating North and South Vietnam. It was observed throughout the dive and impact by a forward air controller who reported the aircraft crashed with canopies in place and there were no ejections. Both crewmen were declared missing in action.

Returning U.S. POWs had no information on their precise fate. After Operation Homecoming they were declared killed in action, body not recovered, based on a presumptive finding of death.

On August 14, 1985, Vietnamese officials repatriated remains identified as Lieutenant McKinney. U.S. officials were told that Lieutenant Greenleaf had died at Cua Viet, Quang Tri Province, in November 1972. In August 1991, U.S. investigators in Vietnam uncovered records of the 280th Air Defense Regiment referencing the downing of an Aircraft on April 14, 1972 and possibly associated with this loss incident. One shovel on display at the unit museum was reportedly recovered by the 103th Battalion from the aircraft's crash site.

Laos

Melvin A. Holland
Herbert A. Kirk
Patrick L. Shannon
Henry G. Gish
Willis R. Hall
Clarence F. Blanton
James H. Calfee
James W. Davis
Dave S. Price
Donald K. Springsteadah
Don F. Worley
(2052)

On March 11, 1968, a group of U.S. Air Force military technicians with personal documentation as civilian members of Lockheed Aircraft Service were based on Phou Pha Thi Mountain at Site 85 in Houa Phan Province. This was a covert operation in Laos known by the code name Project HEAVY GREEN. In the early morning pre-dawn hours of March 11th, the site was assaulted and overrun by a force of People's Army of Vietnam Bartels sappers. Eight technicians escaped and were evacuated, one of whom died later while en route to Ubon, Thailand. Eleven others at the TACAN site were declared missing. All were later reinstated to their U.S. Air Force service status and rank.

In March 1970 the families were brought to Washington and briefed on the circumstances of loss of these servicemen. Returning U.S. POWs had no information on their precise fate. In 1982 the Secretary of the Air Force declassified the project for the first time and the 11 U.S. Air Force servicemen who became missing at Lima Site 85 on Phou Pha Thi Mountain were entered onto the Defense Department's official casualty roles as killed in action, body not recovered.

In 1972, an officer of the People's Army of Vietnam, described to the Army Attache's Exploitation Team (Project 5310-03-E) senior Interrogation Officer how his unit was preceded up the karst by a hand picked small sapper force which overcame U.S. personnel at the TACAN site. He heard some were thrown off the cliff. The People's Army forces seized sensitive equipment and documents before the TACAN site was bombed by U.S. aircraft. The officer was not aware of any American who was taken prisoner or survived the sapper assault and is the only People's Army source who assaulted Site 85 and came into U.S. hands during the war.

One report from the same Exploitation Team in 1972 from a former Pathet Lao described a male caucasian being escorted to the Pathet Lao Headquarters early in 1968 but this sighting could not be correlated to those at Lima Site 85. In late 1990 a former Pathet Lao stated that three U.S. had indeed survived and had been taken away from Site 85. This report followed a January 1989 report from a private U.S. citizen and POW/MIA hunter offering information on

275 U.S. POWs in Southeast Asia at 17 different locations, 3 of whom correlated to names of those missing at Site 85.

Over water

Harry E. Mitchell
Michael J. Kustigian
(2053)

On the morning of May 6, 1968, Seamen Mitchell and Kustigian did not report for an assigned worked detail on board the U.S.S. Long Beach. The Long Beach was at the time an estimated 40 miles off the coast of Central Vietnam in the South China Sea and heading into the Gulf of Tonkin. An on-board investigation failed to disclose any cogent reason for the disappearance of the two seamen and they were reported missing. Both had been confirmed on board the ship the previous evening when the ship was well at to sea. However, a later U.S. Navy review board classified the two men as deserters and they were not listed as Southeast Asia casualties due to the Defense Department's policy of excluding deserters from casualty reports.

In 1979 the U.S. Navy reviewed its previous findings in the case of Mitchell and Kustigian. Upon review, both seamen were declared missing non-hostile and then declared dead/body not recovered, based on a presumptive finding of death.

After their initial disappearance, a Stars and Stripes article erroneously reported them as having been located. Another report offered information that Harry Mitchell was seen later in the United States but this was never confirmed and neither seaman has ever been confirmed alive since the night of May 5th/6th, 1968 and the precise circumstances of their disappearance and fate have never been definitely established.

DIA ANALYSIS OF THE 324-NAME LIST
PREPARED BY THE OFFICE OF SENATOR BOB SMITH

On 1 December 1992, the office of Senator Bob Smith released a document entitled "U.S. POW/MIAs Who May Have Survived in Captivity." This document included a list of 324 names of individuals who are alleged to be candidates for survival but in fact include mainly persons who died during wartime.

The 324-name list consists of a mix of cases that include individuals whose remains have been repatriated and identified, persons known to have died during wartime or in captivity, persons for whom there is no analytic basis to indicate survival, and still others who can be considered potential candidates for having survived the loss incident, capture and/or captivity. The individuals among the last group--those who can be considered potential candidates for live prisoners--make up less than 50% of those on the 324-list. All of these persons have previously been identified by the Department of Defense as priority discrepancy cases.

As noted in the cover sheet included with the 324-name list, the office of Senator Bob Smith based its list on several factors, some of which are indeed valid indicators of possible survival of the incident, capture, and captivity. Others, however, are based on incomplete, out-of date, or inaccurate information or on data taken out of context. Over 50% of the individuals were placed on this list on the basis of this type of flawed data.

DIA has conducted a detailed and comprehensive all-source analysis of the totality of information available on all individuals on the 324-name list. This information comprises wartime and postwar reporting and data collected during joint in-country investigations and from archival research. DIA has also drawn from information acquired after all returned POWs had been thoroughly debriefed and their reporting had been cross checked and analyzed.

Based on this thorough review of the entire range of all-source intelligence available today, DIA has determined the following regarding the 324-name list:

> The remains of five of the individuals named on the list have been returned to their families.
>
> In over 50% of the listed cases, the individuals either died in their incidents or there exists no analytic basis to indicate survival.
>
> Less than 50% of the listed cases are among the priority discrepancy cases in which there exists an analytic basis to suggest the individuals might reasonably be considered potential candidates for survival of the loss incident, capture, and/or captivity. Many of the priority discrepancy cases are not identified on the 324-name list.

DIA has reviewed the cases of all individuals unaccounted for in Indochina to determine which persons could potentially have survived their incidents and become captives. These have been identified as priority discrepancy cases and are the focus of joint investigations carried out by the CINPAC Joint Task Force - Full Accounting.

DIA ANALYSIS OF THE 324-NAME LIST PREPARED BY THE OFFICE OF SENATOR BOB SMITH

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Based on this thorough review of the entire range of all-source intelligence available today, DIA has determined the following regarding the 324-name list:

- The remains of five of the individuals named on the list have been returned to their families. (See Tab B.)

- In over 50% of the listed cases, the individuals either died in their incidents or there exists no analytic basis to indicate survival. (See Tab C.)

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DIA has reviewed the cases of all individuals unaccounted for in Indochina to determine which persons could potentially have survived their incidents and become captives. These have been identified as priority discrepancy cases and are the focus of joint investigations carried out by the CINPAC Joint Task Force - Full Accounting.

TAB B

NAMES OF PERSONS WHOSE REMAINS HAVE BEEN REPATRIATED

BUT WHO APPEAR ON THE 324-NAME LIST

PRODUCED BY THE OFFICE OF SENATOR BOB SMITH

ANDREWS, WILLIAM R. REMAINS REPATRIATED SEPTEMBER 1990.

JOHNS, VERNON Z. REMAINS REPATRIATED APRIL 1989.

KOONS, DALE F. REMAINS REPATRIATED APRIL 1988.

MAMIYA, JOHN M. REMAINS REPATRIATED MARCH 1988.

MCLEARY, GEORGE C. REMAINS REPATRIATED JULY 1988.

TAB C

NAMES OF PERSONS WHO DID NOT SURVIVE BUT APPEAR ON THE 324-NAME LIST PRODUCED BY THE OFFICE OF SENATOR BOB SMITH

ADAM, JOHN (1187): AIRCRAFT DISAPPEARED SUDDENLY WHILE ON A NIGHTTIME FLARE DROP MISSION. ANOTHER AIRCRAFT SPOTTED A LARGE GROUND FIRE IN THE AREA BUT COULD NOT CONFIRM IT WAS THE MISSING AIRCRAFT. DAYLIGHT FOLLOW-UP WAS ALSO UNSUCCESSFUL. NO INDICATION OF SURVIVAL OF ANY OF THE NINE CREWMEN. CITED INTERCEPT REPORTS THAT A SOVIET CORRESPONDENT MENTIONED THE NAME OF JOHN ADAM AS BEING DOWNED IN LAOS; NO MENTION WAS MADE OF ANY OF OTHER EIGHT CREW MEMBERS, NOR WAS THERE ANY INDICATION OF SURVIVAL OF ANY OF THE CREW.

ADAMS, LEE (0307): AIRCRAFT CRASHED INTO GROUND WHILE DIVING TO STRAFE TRUCK TRAFFIC. NO CHUTE SEEN, NO BEEPER HEARD. SRV REGION IV SHOOTDOWN LOG CONTAINS CORRELATING ENTRY WHICH INDICATES SHOOTDOWN AND DEATH OF PILOT. POOR CANDIDATE FOR SURVIVAL. HEARSAY MENTION OF NAME BY FELLOW F105 PILOT WHO WAS DOWNED AFTER ADAMS; NOT SEEN IN CAPTIVITY BY ANY RETURNEES.

ALGAARD, HAROLD (1715): AIRCRAFT WITH FIVE CREWMEMBERS DISAPPEARED WHILE ON A RECONNAISSANCE MISSION OVER THE DMZ. INTERCEPTS OF COMMUNIST RADIO TRANSMISSIONS INDICATE ALL CREWMEMBERS IN THIS INCIDENT WERE KILLED. FIVE CREWMEMBERS ON NIGHTIME MISSION OVER NORTH VIETNAM. RELIABLE SOURCE REPORTED EXPLOSION IN MIDAIR. NO SIGN OF CRASHSITE OR CREW EVER DISCOVERED. TOW OF THREE MESSAGES INDICATE ALL CREWMEMBERS KILLED. THIRD MESSAGE DOES NOT CORRELATE TO THIS INCIDENT. MR4 SHOOTDOWN RECORD INDICATES ALL FIVE CREWMEMBERS KILLED.

ALLARD, RICHARD (0811): HELICOPTER CRASHED INTO DEEP FAST-RUNNING WATER. OF NINE PERSONS ABOARD, 4 WERE RESCUED SHORTLY AFTER INCIDENT. ONE SEEN BEING SWEPT AWAY. FOUR OTHERS, INCLUDING ALLARD, NOT SEEN BY SURVIVORS TO HAVE EXITED THE HELICOPTER. RIVER SEARCHED EXTENSIVELY, ONE BODY FOUND THE FOLLOWING MONTH. NO ANALYTICAL BASIS TO CONCLUDE ALLARD SURVIVED.

ALLINSON, DAVID (0425): WINGMAN OBSERVED EJECTION AND SAW PARACHUTE LAND, BUT SAR WAS UNSUCCESSFUL. ALLINSON'S NAME WAS KNOWN BY PILOTS SUBSEQUENTLY SHOT DOWN WHICH IS HOW IT PROBABLY WAS CIRCULATED IN RISON SYSTEM. ALLISON NEVER APPEARED IN PW SYSTEM. THERE IS NO FIRM INDICATION ALLISON SURVIVED THE LOSS INCIDENT.

ANDERSON, GREGORY (1552): THE RESCUE HELICOPTER WAS SHOT DOWN BY A MIG WHILE IN A HOLDING PATTERN AWAITING CLEARANCE TO INITIATE THE RESCUE. THE HELO EXPLODED IN THE AIR BEFORE PLUMMETING TO THE GROUND. NO CHUTES WERE SEEN, BUT A BEEPER SIGNAL WAS HEARD FOR ABOUT TWO SECONDS. ALL SIX PERSONS ABOARD ARE POOR CANDIDATES FOR SURVIVAL.

ARMSTRONG, JOHN (0833): CREWMATE SIJAN, WHO EVENTUALLY DIED IN CAPTIVITY IN VIETNAM, REPORTED TO RETURNEES PRIOR TO HIS DEATH THAT ONE OF THEIR BOMBS HAD DETONATED IMMEDIATELY UPON RELEASE, AND HE BELIEVED THAT PILOT ARMSTRONG HAD BEEN IMMEDIATELY KILLED AT THAT TIME. THE CITED INTERCEPT REPORTS THAT A SOVIET CORRESPONDENT LISTED ARMSTRONG AS HAVING BEEN SHOT DOWN; IT SAYS NOTHING WHICH INDICATES ARMSTRONG AS HAVING BEEN SHOT DOWN. IT SAYS NOTHING WHICH INDICATES ARMSTRONG SURVIVED, LET ALONE THAT HE HAD BEEN INTERVIEWED.

AVERY, ROBERT (1156): DISAPPEARED FROM RADAR VIEW WHILE ON BOMBING MISSION. A CORRELATING ENTRY IS FOUND ON SRV MILITARY REGION IV SHOOTDOWN LOG INDICATING SHOOTDOWN AND DEATH OF TWO CREWMEN. EARLY RETURNEE NORRIS CHARLES, BASED ON A LIST MEMORIZED WHILE CAPTIVE, IDENTIFIED AN AIR FORCE MAJOR AVERY AS BEING A POW. HE RECALLED LAST NAME ONLY, AND INITIALLY THIS WAS THOUGHT TO RELATE TO ROBERT D. AVERY. RANK AND SERVICE ARE WRONG, HOWEVER, AND NO CORROBORATING INFO WAS OBTAINED FROM ANY OTHER RETURNEE. CHARLES, WHILE A CAPTIVE, WAS CHARGED WITH KEEPING A "MEMORY LIST" OF FELLOW PRISONERS. MOST OF HIS NAMES WERE VALIDATED; A FEW, INCLUDING THIS ONE, WERE NOT.

AYERS, RICHARD (1596): AIRCRAFT DISAPPEARED WHILE ON RECONNAISSANCE MISSION NEAR DMZ ON LAO/VN BORDER AREA. RADIO HANOI ANNOUNCED CORRELATING SHOOTDOWN, BUT DID NOT INDICATE FATE OF CREW. RETURNEE HYATT RELATED HEARSAY THAT "AYERS" WAS A PRISONER AT CU LOC (THE ZOO) IN 1972; THIS WAS NOT CORROBORATED BY ANY OTHER RETURNEE.

AYRES, GERALD (1879): C-130 AIRCRAFT HIT BY MISSILE DURING A NIGHTTIME RECONNAISSANCE MISSION. PILOT ORDERED BAILOUT, AS SECOND EXPLOSION SEPARATED RIGHT WING FROM AIRCRAFT. A LARGER EXPLOSION THEN BLEW THREE CREWMEN FROM THE AIRCRAFT AS IT FELL TO THE GROUND, EXPLODED, AND BURNED. AYRES, THE ILLUMINATOR OPERATOR, IS NOT A STRONG CANDIDATE FOR SURVIVAL. THOUGH THOUGHT BY ONE RETURNEE TO HAVE BEEN HELD CAPTIVE IN HOA LO PRISON, THIS WAS NOT CORROBORATED BY ANY OTHER RETURNEE.

BALCOM, RALPH (0340): AIRCRAFT DISAPPEARED WHILE CLIMBING UP THROUGH CLOUD LAYER. SHORT BEEPER SIGNAL HEARD BY ONE WINGMAN, BUT SAR FORCES WERE UNABLE TO HEAR OR LOCATE. THREE WEEKS LATER PATHET LAO RADIO ANNOUNCED SHOOTDOWN OF AIRCRAFT WHICH CORRELATES TO BALCOM. LITTLE ELSE KNOWN OF THIS CASE; NO EVIDENCE OF SURVIVAL.

BANCROFT, WILLIAM (1675): AIRCRAFT WAS HIT WHILE ON A LOW-LEVEL RECONNAISSANCE MISSION. WINGMAN SAW INITIAL EXPLOSION IN THE AIR AND THEN AN "ALL-CONSUMING EXPLOSION ON THE GROUND." HE SAW NO CHUTES AND HEARD NO BEEPERS. BASED ON WINGMAN'S REPORT, BOTH CREWMEN DECLARED KIA/BNR. THE SIGINT REPORT REFERRED TO DOES NOT RELATE TO THIS CASE, BUT TO AN RLAF T-28 DOWN THE SAME DAY.

BANNON, PAUL (1465): AIRCRAFT WAS ON VISUAL RECONNAISSANCE MISSION OVER LAOS. WHILE CONVERSING WITH NAKHON PHANOM AIR BASE CONTROLLER, TRANSMISSION ABRUPTLY STOPPED AND AIRCRAFT DISAPPEARED FROM CONTROLLER'S RADAR. CONSISTENT WITH THE MISSING-IN-ACTION STATUS ASSIGNED TO THIS CREW, THERE IS NO FIRM INDICATION AS TO WHETHER OR NOT THEY SURVIVED THE CRASH OF THEIR AIRCRAFT. THE MENTION OF MAJOR PAUL W. BANNON'S NAME DURING CLOSED-DOOR TESTIMONY IN 1981 RESULTED FROM THE OBSERVATION OF SIMILARITY TO A REFUGEE'S MENTION OF A "LT COLONEL PAUL W. MERKLAND" ALLEGED TO BE IN DETENTION. THIS CORRELATION APPEARS TO BE HIGHLY SPECULATIVE, AND HAS NEVER BEEN CORROBORATED BY ANY OTHER EVIDENCE.

BARDEN, HOWARD (0587): OBSERVERS OF THIS HELICOPTER INCIDENT INDICATED THAT NO ONE COULD HAVE SURVIVED. NO EVIDENCE, THEN OR SINCE, HAS EVER BEEN ACQUIRED TO CONTRADICT THE FINDING THAT ALL CREWMEN WERE KIA/BNR.

BEENE, JAMES (0483): WHILE ON NIGHTTIME RECONNAISSANCE MISSION, BEENE EXPERIENCED PROBLEMS WITH VERTICAL GYRO INDICATOR, WHICH FORCED HIM TO RELINQUISH LEAD POSITION FOR AWHILE. LATER, AFTER RESUMING LEAD, HE TRANSITIONED TO INSTRUMENT FLIGHT, PENETRATED A LAYER OF CUMULUS CLOUDS, AND DISAPPEARED. AT SUNRISE, AN OIL SLICK WAS SIGHTED NEAR BEENE'S LAST KNOWN POSITION. CONSISTENT WITH HIS MISSING-IN-ACTION STATUS, THERE IS NO INDICATION BEENE SURVIVED. ONE RETURNEE REPORTED HEARSAY MENTION OF BEENE'S NAME IN DETENTION; THERE WAS NO MENTION BY ANY OTHER RETURNEES.

BEGLEY, BURRISS (0542): AIRCRAFT SHOT DOWN BY MIG. BEGLEY BROADCAST THAT HE WAS EJECTING, BUT NO WINGMAN OBSERVED ANY EJECTION. NO CHUTE WAS OBSERVED OR BEEPERS HEARD. NAME "BEGLEY" WAS SEEN SCRATCHED ON FLOOR OF A HOA LO PRISON QUIZ ROOM IN MID 1967. NO OTHER RETURNEE HAD KNOWLEDGE OF BEGLEY. CONSISTENT WITH MISSING-IN-ACTION STATUS ASSIGNED, THERE IS NO INDICATION WHETHER BEGLEY SURVIVED HIS INCIDENT.

BENNETT, WILLIAM (0825): AIRCRAFT STARTED PULL-UP AFTER STRAFING RUN ON TARGET, BUT CRASHED INTO THE GROUND AND EXPLODED ON IMPACT. WINGMEN MADE REPEATED PASSES OVER AREA BUT SAW NO CHUTE AND HEARD NO BEEPER. FOLLOW-ON SEARCH CONDUCTED WITHOUT SUCCESS. NOT A GOOD CANDIDATE FOR SURVIVAL. NAME HEARD BROADCAST ON HANOI RADIO BY A SINGLE RETURNEE; BENNETT NOT REPORTED ON BY ANY OTHER RETURNEE. RADIO BROADCAST PROBABLY RELATED TO HAROLD BENNET, DIED IN CAPTIVIT Y.

BOGIAGES, CHRISTOS (1397): AIRCRAFT ENTERED AN UNUSUAL STEEP TURN FOLLOWING A STRAFING PASS AND CRASHED INTO A HILL ONE KILOMETER BEYOND THE TARGET. NO CHUTE SEEN AND NO BEEPER HEARD. LATER, FRIENDLY LAO PERSONNEL SEARCHED THE SITE, FOUND NO REMAINS OR SURVIVAL GEAR. PORTION OF G-SUIT AND A BOOT FOUND, SHOWING INDICATIONS OF HAVING BEEN CUT FROM THE PILOT. CONSISTENT WITH HIS MIA STATUS, THERE IS NO INDICATION THE PILOT SURVIVED THE INCIDENT.

BOUCHARD, MICHAEL (1345): WHILE ON NIGHTTIME BOMBING RUN, AIRCRAFT HIT BY AAA AND EXPLODED. ONE CREWMAN ABLE TO EJECT AND LATER RESCUED, BUT HE DID NOT KNOW IF BOUCHARD ABLE TO EJECT. SINGLE RETURNEE REPORTED HEARING NAME OF "BOUCHER" ALLEGEDLY IN DETENTION AT HOA LO IN MARCH 73. NO OTHER REPORT BY RETURNEE. (NOTE: RETURNEE BUTCHER WAS AT HAO LO IN MARCH 73.)

BRANDENBERG, DALE (1983): THE PHYSICAL EVIDENCE ANALYZED BY THE SAR TEAM AT THE CRASHSITE INDICATES THAT THE AIRCRAFT SUFFERED A MASSIVE AND SUDDEN CATASTROPHIC FAILURE IN FLIGHT, CRASHED TO THE GROUND IMMEDIATELY, BOUNCE ONCE AND LANDED UPSIDE DOWN. THE SAR TEAM ALSO WITNESSED AT LEAST 3 BODIES AT THE SITE. A RECENT VISIT TO THE SITE INDICATES THAT THE FATE OF ADDITIONAL CREWMEN MAY SOON BE DETERMINED. GIVEN THE ABSENCE OF POSITIVE INDICATIONS OF CREW SURVIVAL, AND THE PHYSICAL DATA COLLECTED AT THE CRASH SITE, THERE IS LITTLE REASON TO BELIEVE THAT ANY OF THE CREW SURVIVED THE LOSS INCIDENT. RADIO INTERCEPTS, MISTAKENLY THOUGHT BY SOME TO REFER TO THE BARON 52 INCIDENT, DO NOT PERTAIN.

BREUER, DONALD (1947): AIRCRAFT HIT BY AAA FOLLOWING BOMB RUN. ONE CREWMAN EJECTED, WAS RESCUED BY SAR HELICOPTER. NO EVIDENCE BREUER SURVIVED. ACCORDING TO INTERCEPT OF PATHET LAO RADIO, PL FORCES WERE BEING DIRECTED TO ATTEMPT CAPTURE OF AIRCRAFT CREW. INTERCEPT DID NOT REPORT RESULTS OF EFFORT.

BROWN, ROBERT (1945): AIRCRAFT DISAPPEARED EN ROUTE TO A NIGHTTIME BOMBING TARGET. VISUAL AND ELECTRONIC SEARCH WERE UNSUCCESSFUL. SRV MILITARY REGION IV SHOOTDOWN LOG CONTAINS ENTRY WHICH CORRELATES TO THIS INCIDENT AND INDICATES CREWMEN KILLED. ON-SITE INVESTIGATION BY JOINT TEAM HAS DEDUCED THAT CREW CAPSULE DID NOT SEPARATE FROM AIRCRAFT PRIOR TO THE CRASH. SIGNAL INTERCEPTS ALLEGING CAPTURE DO NOT CORRELATE TO THIS INCIDENT. BROWN IS A POOR CANDIDATE FOR SURVIVAL.

BROWNLEE, ROBERT (1834): BROWNLEE AND TWO OTHERS WITHDREW FROM THEIR BUNKER UNDER HEAVY FIRE FROM ADVANCING ENEMY FORCES. AS THEY WERE ADVANCING UP A HILL, BROWNLEE BECAME SEPARATED. THE OTHERS CONTINUED THEIR EVASION AND NEVER SAW BROWNLEE AGAIN. ANOTHER ARVN WHO WAS CAPTURED REPORTED LATER THAT BROWNLEE HAD KILLED HIMSELF. CONSISTENT WITH HIS MISSING-IN-ACTION STATUS, THERE IS NO INDICATION BROWNLEE SURVIVED THIS INCIDENT.

BUELL, KENNETH (1924): A-6 AIRCRAFT DISAPPEARED WHILE ON A NIGHT RECONNAISSANCE MISSION. LAST RADIO CONTACT WAS APPROXIMATELY 60 KILOMETERS SOUTH OF HAIPHONG, THAI BINH PROVINCE. APPROXIMATELY SEVEN MINUTES LATER, CREW MEMBERS OF ANOTHER AIRCRAFT IN THE AREA SAW A LARGE AERIAL EXPLOSION ALONG THE A-6 FLIGHT PATH. NO CHUTES WERE SIGHTED NOR BEEPERS HEARD. RADIO HANOI REPORTED SHOOT DOWN. USUALLY RELIABLE SOURCE REPORTING MAY CORRELATE TO THIS CASE. NEITHER CREWMEMBER SHOWED UP IN PRISON SYSTEM. NO OTHER INTELLIGENCE HAS EVERY SURFACED ON CASE. THE OTHER CREWMEMBER'S REMAINS WERE RETURNED.

BUNKER, PARK (1686): AIRCRAFT CRASH LANDED AFTER BEING SHOT DOWN ON RECON MISSION. PILOT SURVIVED THE INCIDENT BUT RADIOED TO FAC THAT HE WAS UNDER SMALL ARMS FIRE AND SAID "FOR ALL PRACTICAL PURPOSES, I AM DEAD." SEARCH AIRCRAFT LATER REPORTED SEEING LIFELESS BODY LYING NEAR DOWNED AIRCRAFT. BUNKER DECLARED KIA PRIOR TO HOMECOMING.

BYNUM, NEIL (1505): AIRCRAFT MADE A STRAFING PASS AGAINST A GROUND TARGET, FAILED TO PULL UP, AND WAS OBSERVED BY A FAC TO IMPACT THE GROUND APPROXIMATELY 100 METERS BEYOND THE TARGET. NO CHUTES OBSERVED BY FAC, NO BEEPER HEARD. TWO-HOUR VISUAL AND ELECTRONIC SEARCH CONDUCTED WITHOUT SUCCESS. NOT A GOOD CANDIDATE FOR SURVIVAL. INTERCEPT DOES MENTION STATUS OF PILOT.

CARR, DONALD (1758): AIRCRAFT FAILED TO REPORT AT EXPECTED TIME WHILE FLYING RECONNAISSANCE MISSION IN MARGINAL WEATHER. FOUR-DAY VISUAL AND ELECTRONIC SEARCH WAS UNSUCCESSFUL. A 1975 INTEL REPORT OF A 1971 SIGHTING OF AN ALLEGED U.S. POW WAS DEEMED TO POSSIBLY CORRELATE TO ANOTHER POW. CONSISTENT WITH THE MISSING-IN-ACTION STATUS ASSIGNED, THERE IS NO INDICATION EITHER CREWMAN SURVIVED THIS INCIDENT. JOINT U.S./LAO ATTEMPTS TO INVESTIGATE THE CRASH AREA IN SEPTEMBER 1991 WERE FOILED BY BAD WEATHER AND FLOODING. LAO OFFICIALS HAVE AGREED TO CONDUCT UNILATERAL INVESTIGATIONS.

CARROLL, JOHN (1944): AIRCRAFT SHOT DOWN AND CRASH-LANDED ON A RIDGE. CARROLL SURVIVED THE CRASH, REPORTED HE WAS UNDER FIRE BY THE ENEMY, BUT INTENDED TO STAY WITH THE AIRCRAFT. HELICOPTERS ATTEMPTING RECOVERY REPORTED SIGHTING CARROLL'S BODY, WITH APPARENT HEAD WOUND, UNDER THE AIRCRAFT WING. BASED ON DETAILED DESCRIPTION OF BODY, JUDGEMENT WAS MADE THAT HE WAS FATALLY WOUNDED. DECLARED KIA PRIOR TO HOMECOMING.

CHAMPION, JAMES (1742): TEAM CAME UNDER FIRE AFTER BEING INSERTED INTO A HOT LANDING ZONE. UNDER SIEGE BY ENEMY FORCES, CHAMPION WAS LAST SEEN ON THE SECOND DAY WHEN HE MOVED FROM THE AREA TO SEEK WATER. ANOTHER AMERICAN CAPTURED DURING THIS INCIDENT REPORTED UPON HIS RELEASE THAT HE HAD NO KNOWLEDGE OF CHAMPION. CONSISTENT WITH THE MIA STATUS ASSIGNED, THERE IS NO FIRM INDICATION AS TO WHETHER CHAMPION SURVIVED THIS INCIDENT.

CHESTNUT, JOSEPH (1666): WHILE ON ORIENTATION MISSION, AIRCRAFT CRASHED FROM UNKNOWN CAUSES ON THE CREST OF A HILL. GROUND PARTY REACHED THE SITE THREE DAYS LATER, FOUND AIRCRAFT WRECKAGE, BUT NO SIGN OF PILOT. SEARCH PARTY NOTED THAT SEVERAL PIECES OF WRECKAGE WERE BOOBY-TRAPPED. WHILE SOME INTELLIGENCE REPORTS WOULD INDICATE THAT THE SRV SHOULD HAVE KNOWLEDGE OF THIS CASE, THERE IS NO CREDIBLE EVIDENCE OF CAPTURE, OR OF ANY SIGHTING OF CHESTNUT AFTER THE WAR.

CLARKE, FRED (1340): INCIDENT INVOLVED A MID-AIR COLLISION OF TWO AIRCRAFT. THE PILOT OF THE C123 WAS RESCUED SHORTLY AFTER THE INCIDENT. HE REPORTED THAT DURING HIS DESCENT, HE SAW ANOTHER PARACHUTE BELOW HIM BUT HE DID NOT KNOW FROM WHICH AIRCRAFT THE CHUTE MAY HAVE COME. AIR AND GROUND SAR EFFORTS FOUND NO EVIDENCE OF SURVIVORS.

COADY, ROBERT (1363): DOES NOT MEET CRITERIA FOR LAST KNOWN ALIVE. RETURNEE DEBRIEF MENTIONED A "BILL COTE" OR "BILL CODY" MERELY AS A NAME ON A LIST. NO FIRSTHAND KNOWLEDGE OF COADY IN THE PRISON SYSTEM. NO OTHER RETURNEE MENTIONED COADY. CRASH SITE ASSOCIATED WITH COADY INVESTIGATED BY JTF-FA, NO EVIDENCE THAT PILOT EXITED AIRCRAFT PRIOR TO CRASH.

COLLAMORE, ALLAN (0590): NO EVIDENCE TO INDICATE COLLAMORE SURVIVED INCIDENT. RETURNEE REPORTED RECEIVING COLLAMORE'S NAME VIA TAP CODE IN HOA LO PRISON. NO OTHER RETURNEE REPORTED COLLAMORE AS BEING IN THE PRISON SYSTEM. IT TAKES TWO TO TAP.

COOK, DWIGHT (1926): THERE IS NO SIGINT INTERCEPT THAT CORRELATES TO THIS INCIDENT THAT INDICATES CAPTURE. HIT BY AAA AND CRASHED; NO BEEPER; NO PARACHUTE.

CORNWELL, LEROY (1771): NO REPORT OF CORNWELL BY ANY RETURNEE. SAR TEAM LOCATED WRECKAGE AND STATED THE AIRCRAFT BROKE UP UPON IMPACT WITH THE GROUND. NO EVIDENCE THE CREW COULD HAVE SURVIVED.

CRAMER, DONALD (1689): RETURNEE MEMORIZED THE CRAMER NAME BASED ON NOTE PASSED TO HIM BY ANOTHER POW IN FEB 72. HE WAS SURE THE SPELLING HE RECEIVED BEGAN WITH "C" NOT WITH "K." ANOTHER POW REPORTED THE NAME "CRAMER" AS PART OF A MEMORY BANK. NO OTHER RETURNEES REPORT ON CRAMER. CRAMER'S CREWMEMBER'S BODY WASHED ASHORE IN SOUTH VIETNAM, INDICATING THE AIRCRAFT WAS DOWNED AT SEA. WHILE THE CIRCUMSTANCES OF CRAMER'S LOSS ARE NOT ABSOLUTE, THERE IS NO SOUND ANALYTICAL REASON TO BELIEVE HE SURVIVED. EVEN THOUGH THE RETURNEE WAS CERTAIN THE SPELLING OF "CRAMER" HE RECEIVED BEGAN WITH "C," THERE IS NO ASSURANCE THE NOTE WAS ACCURATELY RENDERED. GALAND KRAMER, A RETURNEE, WAS HELD IN THE NORTH VIETNAM PRISON SYSTEM.

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CORNWELL, LEROY (1771): NO REPORT OF CORNWELL BY ANY RETURNEE. SAR TEAM LOCATED WRECKAGE AND STATED THE AIRCRAFT BROKE UP UPON IMPACT WITH THE GROUND. NO EVIDENCE THE CREW COULD HAVE SURVIVED.

CRAMER, DONALD (1689): RETURNEE MEMORIZED THE CRAMER NAME BASED ON NOTE PASSED TO HIM BY ANOTHER POW IN FEB 72. HE WAS SURE THE SPELLING HE RECEIVED BEGAN WITH "C" NOT WITH "K." ANOTHER POW REPORTED THE NAME "CRAMER" AS PART OF A MEMORY BANK. NO OTHER RETURNEES REPORT ON CRAMER. CRAMER'S CREWMEMBER'S BODY WASHED ASHORE IN SOUTH VIETNAM, INDICATING THE AIRCRAFT WAS DOWNED AT SEA. WHILE THE CIRCUMSTANCES OF CRAMER'S LOSS ARE NOT ABSOLUTE, THERE IS NO SOUND ANALYTICAL REASON TO BELIEVE HE SURVIVED. EVEN THOUGH THE RETURNEE WAS CERTAIN THE SPELLING OF "CRAMER" HE RECEIVED BEGAN WITH "C," THERE IS NO ASSURANCE THE NOTE WAS ACCURATELY RENDERED. GALAND KRAMER, A RETURNEE, WAS HELD IN THE NORTH VIETNAM PRISON SYSTEM.

CRESSMAN, PETER (1983): THE PHYSICAL EVIDENCE ANALYZED BY THE SAR TEAM AT THE CRASHSITE INDICATES THAT THE AIRCRAFT SUFFERED A MASSIVE AND SUDDEN CATASTROPHIC FAILURE IN FLIGHT, CRASHED TO THE GROUND IMMEDIATELY, BOUNCED ONCE AND LANDED UPSIDE DOWN. THE SAR TEAM ALSO WITNESSED AT LEAST 3 BODIES AT THE SITE. A RECENT VISIT TO THE SITE INDICATES THAT THE FATE OF ADDITIONAL CREWMEN MAY SOON BE DETERMINED. GIVEN THE ABSENCE OF POSITIVE INDICATIONS OF CREW SURVIVAL, AND THE PHYSICAL DATA COLLECTED AT THE CRASH SITE, THERE IS LITTLE REASON TO BELIEVE THAT ANY OF THE CREW SURVIVED THE LOSS INCIDENT. RADIO INTERCEPTS, MISTAKENLY THOUGHT BY SOME TO REFER TO THE BARON 52 INCIDENT, DO NOT PERTAIN.

CROCKETT, WILLIAM (1913): INFORMATION IN THE INTERCEPTED MESSAGE INDICATES THE CREW DIED IN THIS INCIDENT. AIRCRAFT LOST WING, HIT GROUND, SKIPPED INTO RIVER, NO PARACHUTES, NO BEEPERS.

CUSHMAN, CLIFTON (0471): ONE RETURNEE REPORTS HEARSAY THAT CUSHMAN'S NAME SEEN ON LIST OF POWS EITHER SEEN, TALKED TO, OR LIVED WITH. ANOTHER RETURNEE IDENTIFIED AS HAVING INFORMATION ON CUSHMAN REPORTS NO KNOWLEDGE OF HIM. JOINT INVESTIGATION OF INCIDENT INDICATES CUSHMAN WAS KILLED IN CRASH OF AIRCRAFT.

DAVIES, JOSEPH (1182): MR4 SHOOTDOWN RECORD ENTRY LISTS DAVIES AND HIS CREWMEMBER AS DEAD. NIGHT ARMED RECONNAISSANCE MISSION, OTHER U.S. AIRCRAFT IN THE AREA OBSERVED GROUND EXPLOSION.

DAVIDSON, DAVID (1663): THIS SIGINT DOES NOT CORRELATE TO THIS INCIDENT. TWO AMERICANS WERE ON A JOINT VIETNAMESE-AMERICAN RECONNAISSANCE PATROL IN LAOS. ONE AMERICAN RADIOED TO U.S. AIRCRAFT IN THE AIR THAT THE OTHER AMERICAN HAD BEEN HIT AND HAD FALLEN OFF A CLIFF. HE THEN REPORTED "I'VE BEEN HIT AND IN THE WORST WAY." THERE WERE SEVERAL GROANS AND THEN THE RADIO WENT DEAD. TWO INDIGENOUS TEAM MEMBERS WHO EVADED CAPTURE CONFIRMED BOTH MEMBERS HAD BEEN SERIOUSLY, PERHAPS MORTALLY, WOUNDED.

DAVIS, EDGAR (1279): THE AIRCRAFT WAS STRUCK BY ENEMY GROUND FIRE AND BEGAN BREAKING UP MIDAIR. THE PILOT INITIATED EJECTION AND WAS RESCUED A SHORT TIME LATER. HE DID NOT KNOW IF DAVIS, THE NAVIGATOR, SURVIVED THE EJECTION. A BEEPER WAS BRIEFLY HEARD BY SAR FORCES, HOWEVER, NEITHER DAVIS NOR THE AIRCRAFT WRECKAGE WAS LOCATED. THERE IS NO INDICATION THAT DAVIS SURVIVED THE CRASH.

DICKSON, EDWARD (0053): WARTIME PHOTO RECEIVED SHOWING DICKSON'S DEAD BODY BEING PULLED FROM THE SEA.

DINAN, DAVID (1408): SAR TEAM LOCATED DINAN'S DEAD BODY HANGING IN THE TREES; UNABLE TO RECOVER DUE TO APPROACHING ENEMY.

DONAHUE, MORGAN (1340): NO EVIDENCE TO CONCLUDE DONAHUE SURVIVED MIDAIR COLLISION. ALL SIGHTING REPORTS PURPORTED TO BE DONAHUE HAVE BEEN IN RESPONSE TO FLYERS AND REWARD OFFERS POSTED BY THE FAMILY. NO REPORTS CONTAINED SUFFICIENT INFORMATION SUBJECT TO INDEPENDENT CONFIRMATION.

DOOLEY, JAMES (0872): RETURNEE MENTIONED AS HAVING FIRSTHAND KNOWLEDGE SAYS HE DOES NOT. DOOLEY CRASHED IN COASTAL WATERS OFF NORTH VIETNAM. IMPROBABLE HE SURVIVED INCIDENT.

EDWARDS, HARRY (0500): EDWARDS NO SHOW IN PRISON SYSTEM. ALL EVIDENCE INDICATES EDWARDS DIED IN INCIDENT.

ELLISON, JOHN (0629): DIA BELIEVES RETURNEE SAW PHOTO OF "HANOI PARADE" IN WHICH HE CLAIMS TO HAVE SEEN ELLISON. ALL INDIVIDUALS FROM HANOI PARADE ARE ACCOUNTED FOR. CHINESE GOVERNMENT QUESTIONED BUT PROVIDED NO ANSWER.

FOULKS, RALPH (0968): RETURNEE REPORTED HEARSAY NAME "FOX." VIETNAMESE REPATRIATED REMAINS ASSOCIATED WITH FOULKS. THE REMAINS INDICATE HIGH IMPACT CRASH. QUANTITY INSUFFICIENT TO CORRELATE TO FOULKS. ANALYSIS CONTINUING.

FRYAR, BRUCE (1542): PARARESCUEMAN REPORTED SEEING FRYAR'S DEAD BODY HANGING LIMPLY IN A PARACHUTE IN THE TREES. APPROACHING ENEMIES MADE RETRIEVAL OF REMAINS IMPOSSIBLE.

GASSMAN, FRED (1663): THIS SIGINT DOES NOT CORRELATE TO THIS INCIDENT. TWO AMERICANS WERE ON A JOINT VIETNAMESE-AMERICAN RECONNAISSANCE PATROL IN LAOS. ONE AMERICAN RADIOED TO U.S. AIRCRAFT IN THE AIR THAT THE OTHER AMERICAN HAD BEEN HIT AND HAD FALLEN OFF A CLIFF. HE THEN REPORTED "I'VE BEEN HIT AND IN THE WORST WAY." THERE WERE SEVERAL GROANS AND THEN THE RADIO WENT DEAD. TWO INDIGENOUS TEAM MEMBERS WHO EVADED CAPTURE CONFIRMED BOTH MEMBERS HAD BEEN SERIOUSLY, PERHAPS MORTALLY, WOUNDED.

GERSTEL, DONALD (1920): AIRCRAFT HIT BY LIGHTNING OVERWATER. NO VISUAL, RADIO, OR RADAR CONTACT EVER MADE WITH AIRCRAFT. SIGINT CORRELATED TO THIS INCIDENT IDENTIFIES THE UNIT THAT MAY HAVE SHOT DOWN GERSTEL. IT DOES NOT INDICATE THE STATUS OF THE CREW.

GLASSON, WILLIAM (0299): DOES NOT MEET CRITERIA FOR LAST KNOWN ALIVE. POW RETURNEE PHILLIP SMITH CLAIMED TO HAVE HEARD ON PEKING RADIO, AND READ IN A PEKING BULLETIN, THAT AN A-3B HAD BEEN SHOT DOWN BETWEEN HAINAN AND CHINA. THE CREW WAS REPORTEDLY CAPTURED. UPON SMITH'S RELEASE, HE QUESTIONED HIS CAPTORS ABOUT THE REPORT, THEY DENIED ANY KNOWLEDGE ABOUT THE INCIDENT. SMITH HAD NO FIRSTHAND KNOWLEDGE OF ANY CREWMEMBER. GENERALLY RELIABLE SOURCES INDICATE AIRCRAFT SHOT DOWN. HOWEVER, THE SOURCE DID NOT MENTION FATE OF CREW. THREE CREWMEMBERS ARE MISSING AND ONE CREWMEMBER'S REMAINS WERE RETURNED BY CHINA.

GOULD, FRANK (1959): GOULD'S NAME WAS NOT REPORTED ON ANY LIST BY A RETURNEE. THE RETURNEE WHO MENTIONED GOULD'S NAME WAS INFORMED OF GOULD'S STATUS PRIOR TO BEING SHOT DOWN HIMSELF. HE DID NOT HEAR ABOUT GOULD IN THE PRISON SYSTEM.

GRACE, JAMES (1455): DURING SAR EFFORTS, GRACE FELL OFF A JUNGLE PENETRATOR FROM A HEIGHT OF APPROXIMATELY 300 FEET INTO TRIPLE CANOPY JUNGLE. NO FURTHER CONTACT WAS MADE WITH HIM. THE PHOTO, #77, CLAIMED TO BE GRACE BY HIS WIFE, WAS POSITIVELY IDENTIFIED IN THE SUMMER 1990 AS BEING RETURNEE MARKHAM GARTLEY.

GREEN, FRANK (1895): DOES NOT MEET CRITERIA FOR LAST KNOWN ALIVE. INTERCEPT IS OF SHOOT DOWN; NO CHUTE OR CAPTURE CITED. DIA DIAGREES WITH CORRELATION TO THIS INCIDENT; INTERCEPT CORRELATES TO INCIDENT 1897. DURING THE MISSION, GREEN'S WINGMAN REPORTED OBSERVING THE LEAD AIRCRAFT CRASH AND AN ENSUING LARGE FIREBALL; NO BEEPER, NO PARACHUTE SEEN.

HARRIS, JEFFREY (1848): DOES NOT MEET CRITERIA FOR LAST KNOWN ALIVE. AIRCRAFT WAS SHOT DOWN BY A MIG-19 AND CREW DID NOT RESPOND TO RADIO CALLS. NO PARACHUTES SEEN OR BEEPERS HEARD. INTERCEPT CITED LIKELY CORRELATES TO DIFFERENT AIRCRAFT SHOT DOWN ON THE SAME DAY; CREWMEMBER FROM THIS INCIDENT RETURNED IN 1973.

HARRIS, REUBEN (0299): DOES NOT MEET CRITERIA FOR LAST KNOWN ALIVE. POW RETURNEE PHILLIP SMITH CLAIMED TO HAVE HEARD ON PEKING RADIO, AND READ IN A PEKING BULLETIN, THAT AN A-3B HAD BEEN SHOT DOWN BETWEEN HAINAN AND CHINA. THE CREW WAS REPORTEDLY CAPTURED. UPON SMITH'S RELEASE, HE QUESTIONED HIS CAPTORS ABOUT THE REPORT, THEY DENIED ANY KNOWLEDGE ABOUT THE INCIDENT. SMITH HAD NO FIRSTHAND KNOWLEDGE OF ANY CREWMEMBER. GENERALLY RELIABLE SOURCES INDICATE AIRCRAFT SHOT DOWN. HOWEVER, THE SOURCE DID NOT MENTION FATE OF CREW. THREE CREWMEMBERS ARE MISSING AND ONE CREWMEMBER'S REMAINS WERE RETURNED BY CHINA.

HARRISON, DONALD (1314): DOES NOT MEET CRITERIA FOR LAST KNOWN ALIVE. POW RETURNEE WESLEY RUMBLE BELIEVED HARRISON NFI WAS IDENTIFIED TO HIM IN LATE 1967. INCIDENT DATE FOR HARRISON, DONALD L. IS 681029.

HELWIG, ROGER (1488): WITNESSES SAW AIRCRAFT HIT THE GROUND WITH THE CANOPY IN PLACE; NO BEEPERS WERE HEARD OR PARACHUTES DEPLOYED. THIS IS CONSISTENT WITH THE KILLED-IN-ACTION/BODY NOT RECOVERED STATUS ASSIGNED TO THIS CREWMAN. DOES NOT MEET CRITERIA FOR LAST KNOWN ALIVE. NO ANALYTICAL BASIS TO SUPPORT CREW ALIVE ON GROUND.

HENTZ, RICHARD (1715): INTERCEPTS OF VIETNAMESE RADIO TRANSMISSIONS INDICATE ALL CREWMEMBERS IN THIS INCIDENT WERE KILLED. FIVE CREWMEMBERS ON NIGHTIME MISSION OVER NORTH VIETNAM. RELIABLE SOURCE REPORTED EXPLOSION IN MIDAIR. NO SIGN OF CRASHSITE OR CREW EVER DISCOVERED. TOW OF THREE MESSAGES INDICATE ALL CREWMEMBERS KILLED. THIRD MESSAGE DOES NOT CORRELATE TO THIS INCIDENT. MR4 SHOOTDOWN RECORD INDICATES ALL FIVE CREWMEMBERS KILLED.

HEROLD, RICHARD (1917): BEFORE THE O1F IN THIS INCIDENT CRASHED OVER LAOS, ONE PARACHUTE WAS SEEN DEPLOYED BUT NO ELECTRONIC BEACON SIGNALS WERE HEARD. THE CRASH SITE WAS FOUND BUT THERE WERE NO TRACES OF CAPT. HEROLD. NO ANALYTICAL BASIS TO CONFIRM SURVIVAL.

HESS, FREDERICK (1418): OTHER CREWMEMBER OF F4D SAW HESS EJECT BUT DID NOT SEE ANOTHER PARACHUTE DEPLOY. HE WAS UNABLE TO MAKE ANY CONTACT WITH HESS BEFORE HE WAS RECOVERED. SEARCH AND RESCUE EFFORTS HAD TO BE SUPENDED BECAUSE OF HOSTILE ACTIVITY IN AREA.

HICKS, TERRIN (1248): COPILOT SHANAHAN SAW HICKS' PARACHUTE COLLAPSE AFTER EJECTION BUT HE COULD NOT GET TO HIM OF HEAVY GROUND FIRE. MR4 HAS RECORD OF SHOOTDOWN AND BURIAL OF HICKS' REMAINS.

HOLLEY, TILDEN (0998): DURING A NIGHT MISSION, HOLLEY WAS FLYING LEAD DROPPING FLARES OVER TARGET. HIS WINGMAN SAW HIM DROP BACK TO CHECK THE FLARES, SAW A "STREAK OF ORANGE GLOW" AND HEARD A WEAK ELECTRONIC SIGNAL. WEATHER AND TIME OF DAY PROHIBITED AN EXTENSIVE SEARCH. TWO RETURNEES REPORTED HEARING HOLLEY'S NAME IN PW SYSTEM BUT THERE WAS NO FIRSTHAND CONTACT.

HOLMES, FREDERICK (1793): HOLMES AND HIS CO-PILOT WERE HIT BY ENEMY FIRE OVER COASTAL NVN WATERS. BOTH MEN WERE SEEN BY SAR HELICOPTER IN THEIR PARACHUTES. THE CO-PILOT WAS RESCUED. HOLMES' LIFE RAFT WAS LATER FOUND ATTACHED TO THE EJECTION SEAT BUT HIS PARACHUTE WAS MISSING. NO EVIDENCE OF HOLMES WAS SEEN. NO OTHER RETURNEES REPORTED HOLMES'NAME IN THE PRISON COMMUNICATIONS SYSTEM.

HUBERTH, ERIC (1619): WINGMAN SAW THE PLANE CRASH ON BOMBING MISSION AND WITNESSED SECONDARY EXPLOSION. SAR TEAMS ON GROUND SAW WRECKAGE SPREAD OUT OVER 700 METERS. BASED ON REPORTS OF WINGMAN, AND THE SAR TEAM, THERE IS NO INDICATION THAT PERSONNEL SURVIVED THIS INCIDENT.

JACKSON, PAUL (1967): GENERALLY RELIABLE SOURCES INDICATE THAT ONE PILOT WAS CAPTURED. INCIDENT 1967 WAS NOT SHOT DOWN. AN O-1A, REFNO 1967, WAS INVOLVED IN A MID-AIR COLLISION WITH AN A-7, REFNO 1968. THE PILOT OF THE A-7 SURVIVED AND WAS CAPTURED. DIA ESTIMATES THAT THE RELIABLE SOURCE IS REFERRING TO ASSOCIATED REFNO 1968, A RETURNEE.

JEWELL, EUGENE (0135): THERE IS NO ANALYTICAL BASIS TO SUPPORT CREW SURVIVAL OF THIS INCIDENT. JEWELL WAS ABOARD AN F4C ON A STRIKE MISSION OVER NORTH VIETNAM ON 4 SEPTEMBER 1965. WINGMEN SAW THE AIRCRAFT TAKING GROUND FIRE AND THEN EXPLODE ON IMPACT WITH THE GROUND. NO PARACHUTES WERE SIGHTED. THE JOINT FIELD INVESTIGATION OF THIS AIRCRAFT CRASH SITE HAS UNCOVERED REMAINS WHICH ARE PRESENTLY IN THE IDENTIFICAITON PROCESS. AS THE DEBRIEFS CONTAIN ONLY HEARSAY ABOUT INDIVIDUAL, THEY ARE NOT SUFFICENT EVIDENCE TO SUPPORT A SUPPOSITION OF SURVIVAL.

JOHNSTON, STEVEN (1977): AFTER EJECTING FROM THEIR F4D, PILOT SAID HE SAW JOHNSTON PINNED UNDER A TREE LIMB; HIS NECK WAS BROKEN, HE WAS BLEEDING PROFUSELY AND HE WAS UNCONSCIOUS. PILOT COULD NOT FEEL ANY PULSE AFTER 15 MINUTES. HE HAD TO LEAVE THE AREA SHORTLY THEREAFTER TO AVOID CAPTURE. LOCAL WITNESSES LATER SAID THEY BURIED A PILOT THEY FOUND IN THE AREA.

JONES, BOBBY (1949): PASSENGER IN F4D SHOT DOWN. NAME MENTIONED BY SOME RETURNEES INCLUDING SOME FIRSTHAND SIGHTINGS. PROBABLY CORRESPOND TO ANOTHER RETURNEE SHOT DOWN IN AN F4 NAMED ROBERT JONES.

JORDAN, LARRY (0299): DOES NOT MEET CRITERIA FOR LAST KNOWN ALIVE. POW RETURNEE PHILLIP SMITH CLAIMED TO HAVE HEARD ON PEKING RADIO, AND READ IN A PEKING BULLETIN, THAT AN A-3B HAD BEEN SHOT DOWN BETWEEN HAINAN AND CHINA. THE CREW WAS REPORTEDLY CAPTURED. UPON SMITH'S RELEASE, HE QUESTIONED HIS CAPTORS ABOUT THE REPORT, THEY DENIED ANY KNOWLEDGE ABOUT THE INCIDENT. SMITH HAD NO FIRSTHAND KNOWLEDGE OF ANY CREWMEMBER. GENERALLY RELIABLE SOURCES INDICATE AIRCRAFT SHOT DOWN. HOWEVER, THE SOURCE DID NOT MENTION FATE OF CREW. THREE CREWMEMBERS ARE MISSING AND ONE CREWMEMBER'S REMAINS WERE RETURNED BY CHINA.

KENNEDY, JOHN (1768): THE INTERCEPT MESSAGE CITED DOES NOT CORRELATE TO THIS INCIDENT. KENNEDY DISAPPEARED WHILE ON A RECONNAISSANCE MISSION OVER SOUTH VIETNAM. SAR EFFORTS WERE INITIATED BUT NO TRACE OF KENNEDY WAS LOCATED; NO BEEPERS, NO PARACHUTE.

KETCHIE, SCOTT (1824): THE SIGINT MESSAGE CONFIRMS SHOOTDOWN BUT PROVIDED NO INFORMATION ON THE STATUS OF THE CREW. A6A ON STRIKE MISSION OVER LAOS. AIRCRAFT HIT BY AAA. OTHER CREWMEMBER, WHO WAS RESCUED, SAID HE COULD NOT VERIFY KETCHIE HAD EJECTED AND NEVER SAW HIM OR CAME IN CONTACT WITH HIM AFTER HIS OWN EJECTION. NO INDICATION OF SURVIVAL.

KIER, LARRY (1613): THERE IS NO ANALYTICAL EVIDENCE TO CONCLUDE THAT KIER SURVIVED HIS LOSS INCIDENT. PFC KIER WAS LOST IN A GROUND INCIDENT WHEN HIS POSITION LOCATED NEAR AN AMMO DUMP WAS HIT WITH AN RPG; THE RESULTING EXPLOSION TRIGGERED A SECOND EXPLOSION AND A SUBSEQUENT FIRE. A TWO DAY SEARCH OF THE AREA DID NOT PRODUCE ANY TRACE OF KIER.

KNUTSON, RICHARD (1978): KNUTSON WAS PART OF THE CREW OF A UH1H THAT WAS HIT BY AAA AND 2 SA-7S. THE HELICOPTER BROKE INTO TWO PIECES. BECAUSE OF HOSTILE GROUND FIRE AN AERIAL SEARCH WAS CONDUCTED WITH NEGATIVE RESULTS. THERE WERE TWO OTHER INDIVIDUALS NAMED KNUTSEN/KNUTSON LISTED AS MISSING; ONE WAS DECLARED DEAD, BODY NOT RECOVERED AND ONE WAS A RETURNEE.

KRYSZAK, THEODORE (0354): THE CREW WAS GIVEN ORDERS TO BAIL OUT OF THE BURNING AIRCRAFT, BUT NO PARACHUTES WERE SEEN BY OBSERVERS. NO INTELLIGENCE HAS EVER BEEN ACQUIRED TO CLARIFY THE FATE OF THE MEN IN THIS CRASH OR TO SUGGEST ANY WERE EVER CAPTURED. THERE IS NO ANALYTICAL BASIS TO INDICATE SURVIVAL.

KUBLEY, ROY (0587): OBSERVERS OF THIS HELICOPTER INCIDENT INDICATED THAT NO ONE COULD HAVE SURVIVED. NO EVIDENCE, THEN OR SINCE, HAS EVER BEEN ACQUIRED TO CONTRADICT THE FINDING THAT ALL CREWMEN WERE KIA/BNR.

LAWRENCE, BRUCE (1222): LAWRENCE'S WINGMAN AND OTHER MEMBERS OF THE SQUADRON SAW HIS AIRCRAFT TAKE A DIRECT HIT WHICH WAS FOLLOWED BY AN EXPLOSION. THE WINGMAN THEN ALL HE SAW WAS A FIREBALL. NO BEEPERS WERE HEARD AND NO PARACHUTES WERE SEEN. ANOTHER F4 WAS SHOT DOWN THE SAME DAY IN THE SAME GENERAL AREA AND THE PILOTS WERE CAPTURED WHICH MAY ACCOUNT FOR THE APPARENT DISCREPANCY IN THE REPORTS.

LEESER, LEONARD (1552): THE RESCUE HELICOPTER WAS SHOT DOWN BY A MIG WHILE IN A HOLDING PATTERN AWAITING CLEARENCE TO INITIATE THE RESCUE. THE HELO EXPLODED IN THE AIR BEFORE PLUMMETING TO THE GROUND. NO CHUTES WERE SEEN, BUT A BEEPER SIGNAL WAS HEARD FOR ABOUT TWO SECONDS. ALL SIX PERSONS ABOARD ARE POOR CANDIDATES FOR SURVIVAL.

LEMON, JEFFREY (1743): PILOTS ON THE SAME MISSION SAW LEMON'S F4 CRASH AND BURN. THE INTERCEPT MESSAGE CITED DOES NOT CORRESPOND TO THIS INCIDENT. THEIR AIRCRAFT CRASHED AND A WINGMAN OBSERRVED THE BURNING WRECKAGE. NO BEEPERS WERE HEARD NOR WERE ANY PARACHUTES SEEN.

LERNER, IRWIN (1955): B-52 HIT BY SAM, BURST INTO FIREBALL AND CRASHED. SURVIVOR HEARD EXPLOSION DOWNSTAIRS PRIOR TO HIS EJECTION. TWO OF THE CREWMEMBERS WERE CAPTURED IMMEDIATELY, OTHER FOUR CREW WERE LISTED AS MIA. SURVIVING CREW ARE LIKELY SOURCES OF THE NAME WITHIN THE PW SYSTEM.

LESTER, RODERICK (1912): A6E WAS LOST OVER NORTH VIETNAM IN MIDST OF HEAVY AAA AND BAD WEATHER. THE TIME, DATE, AND LOCATION OF THE INCIDENT DO NOT CORRESPOND TO THE INFORMATION IN THE INTERCEPTED MESSAGE. NO ANALYTICAL BASIS TO CONFIRM SURVIVAL.

LEWANDOWSKI, LEONARD (0497): LEWANDOWSKI WENT SWIMMING WITH TWO OTHER MARINES NEAR THE MOUTH OF THE CUA VIET RIVER. NONE OF THE BODIES WERE RECOVERED.

LONG, JOHN (0496): LONG WAS LOST OVER THE SOUTH CHINA SEA. NO EVIDENCE THAT HE SURVIVED HIS INCIDENT. RETURNEE STEPHEN G. LONG WAS HELD WITH THE "LAO GROUP" AND WAS HELD IN THE CITADEL. ANOTHER CASE OF MISTAKEN IDENTITY.

LULL, HOWARD (1819): RETURNEES HAVE NO FIRSTHAND INFORMATION THAT DEMONSTRATES LULL WAS CAPTURED. INFORMATION PROVIDED BY THE RETURNEES SHEDS NO LIGHT ON THE FATE OF LULL EXCEPT TO DEMONSTRATE THAT LULL WAS NOT KNOWN BY THEM TO BE CAPTURED AND THAT HE DID NOT SHOW UP IN THE COSVN PRISON SYSTEM. OTHER INTELLIGENCE INFORMATION, HOWEVER, INDICATES THAT LULL WAS CAPTURED AND SUBSEQUENTLY KILLED IN AN UNSUCCESSFUL ESCAPE ATTEMPT.

LUNDY, ALBRO (1685): DOES NOT MEET CRITERIA FOR LAST KNOWN ALIVE. OUT OF AIRCRAFT WITHOUT PARACHUTE APPROXIMATELY 1500 FEET ABOVE GROUND. FAMILY IDENTIFICATION NOTWITHSTANDING, "PHOTO OF THREE" HAS BEEN CONCLUSIVELY PROVEN TO BE DOCTORED VERSION OF A 1923 SOVIET PHOTO THAT WAS REPRINTED IN KHMER LANGUAGE MAGAZINE.

MARIK, CHARLES (0374): PILOT LOST CONTROL OF AIRCRAFT AFTER IT RECEIVED A DIRECT HIT FROM COASTAL ARTILLERY. PILOT SAID NAVIGATOR (MARIK) EJECTED ONE NAUTICAL MILE OFF THE COAST. PILOT EJECTED FURTHER OUT AND WAS RESCUED. SAR EFFORTS DISCONTINUED AFTER SEARCH OF EJECTION AREA AND SHORELINE.

MARKER, MICHAEL (1715): FIVE CREWMEMBERS ON NIGHTIME MISSION OVER NORTH VIETNAM. RELIABLE SOURCE REPORTED EXPLOSION IN MIDAIR. NO SIGN OF CRASHSITE OR CREW EVER DISCOVERED. TOW OF THREE MESSAGES INDICATE ALL CREWMEMBERS KILLED. THIRD MESSAGE DOES NOT CORRELATE TO THIS INCIDENT. MR4 SHOOTDOWN RECORD INDICATES ALL FIVE CREWMEMBERS KILLED.

MARTIN, RUSSELL (0354): CONSISTENT WITH THE MISSING-IN-ACTION STATUS ASSIGNED TO THESE CREWMEN, THERE IS NO FIRM INDICATION AS TO WHETHER OR NOT THEY SURVIVED THE CRASH OF THEIR AIRCRAFT. THE ORDER TO BAIL OUT OF THE BURNING AIRCRAFT WAS GIVEN, BUT NO PARACHUTES WERE SEEN BY OBSERVERS. A PATHET LAO PROPAGANDA BROADCAST INDICATED THEY HAD LATER ACCESSED THE SITE AND HAD IDENTIFICATION MEDIA OF ONE INDIVIDUAL. NO INTELLIGENCE HAS EVER BEEN ACQUIRED TO CLARIFY THE FATE OF THE MEN IN THIS CRASH OR TO SUGGEST ANY WERE EVER CAPTURED.

MATEJOV, JOSEPH (1983): PHYSICAL EVIDENCE AT CRASH SITE INDICATES THAT NONE OF THE CREW SURVIVED THE INCIDENT. THE AIRCRAFT SUFFERED A MASSIVE AND SUDDEN CATASTROPHIC FAILURE IN FLIGHT, CRASHED TO THE GROUND IMMEDIATELY, BOUNCED ONCE AND LANDED UPSIDE DOWN. THE SAR TEAM ALSO WITNESSED AT LEAST 3 BODIES AT THE SITE. A RECENT VISIT TO THE SITE INDICATES THAT THE FATE OF ADDITIONAL CREWMEN MAY SOON BE DETERMINED. GIVEN THE ABSENCE OF POSITIVE INDICATIONS OF CREW SURVIVAL, AND THE PHYSICAL DATA COLLECTED AT THE CRASH SITE, THERE IS LITTLE REASON TO BELIEVE THAT ANY OF THE CREW SURVIVED THE LOSS INCIDENT. RADIO INTERCEPTS, MISTAKENLY THOUGHT BY SOME TO REFER TO THE BARON 52 INCIDENT, DO NOT PERTAIN.

MCCRARY, JACK (0954): AIRCRAFT CRASHED IN VERY ISOLATED AREA AND CRASH SITE BURST INTO FLAME. DURING 1992 JOINT INVESTIGATION, WITNESSES SAID THE CREW WERE KILLED BY FIRE. EIGHT SETS OF REMAINS AND ONE SET OF ID MEDIA (FOR 9 CREWMEMBERS) TURNED OVER TO JOINT TEAM.

MCDONALD, JOSEPH (1842): RETURNEE'S IDENTIFICATION OF "MCDONALD" DOES NOT CORRESPOND TO THIS INDIVIDUAL; THE PHYSICAL DECRIPTION AND BACKGROUND INFORMATION PROVIDED DO NOT MATCH JOSEPH MCDONALD AT ALL. NO ANALYTICAL BASIS TO CONFIRM SURVIVAL.

MCELVAIN, JAMES (1952): F111 LOST OVER WATER ACCORDING TO 7TH AIR FORCE RESCUE COORDINATION CENTER. SAR EFFORTS DISCONTINUED AFTER 4 DAYS.

MCPHERSON, EVERETT (0279): RETURNEE THOUGHT HE HEARD THIS NAME BUT IT WAS NOT MENTIONED BY ANYONE ELSE IN THE PRISON SYTEM. THERE IS NO ANALYTICAL BASIS TO BELIEVE INDIVIDUAL WAS A PW.

MELTON, TODD (1983): THE PHYSICAL EVIDENCE ANALYZED BY THE SAR TEAM AT THE CRASHSITE INDICATES THAT THE AIRCRAFT SUFFERED A MASSIVE AND SUDDEN CATASTROPHIC FAILURE IN FLIGHT, CRASHED TO THE GROUND IMMEDIATELY, BOUNCING ONCE AND LANDED UPSIDE DOWN. THE SAR TEAM ALSO WITNESSED AT LEAST 3 BODIES AT THE SITE. A RECENT VISIT TO THE SITE INDICATES THAT THE FATE OF ADDITIONAL CREWMEN MAY SOON BE DETERMINED. GIVEN THE ABSENCE OF POSITIVE INDICATIONS OF CREW SURVIVAL, AND THE PHYSICAL DATA COLLECTED AT THE CRASH SITE, THERE IS LITTLE REASON TO BELIEVE THAT ANY OF THE CREW SURVIVED THE LOSS INCIDENT. RADIO INTERCEPTS, MISTAKENLY THOUGHT BY SOME TO REFER TO THE BARON 52 INCIDENT, DO NOT PERTAIN.

MITCHELL, HARRY (2053): DID NOT REPORT FOR DUTY ON SHIP DOCKED IN GULF OF TONKIN, WHICH WAS NEVER CLOSER THAN 25 NM TO SHORE. CLASSIFIED AS NONBATTLE CASUALTY. NO ANALYTICAL BASIS TO CONFIRM SURVIVAL.

MIYAZAKI, RONALD (0587): OBSERVERS OF THIS HELICOPTER INCIDENT INDICATED THAT NO ONE COULD HAVE SURVIVED. NO EVIDENCE, THEN OR SINCE, HAS EVER BEEN ACQUIRED TO CONTRADICT THE FINDING THAT ALL CREWMEN WERE KIA/BNR.

MORELAND, JAMES (1040): FOLLOWING MORTAR ATTACK ON A BASE CAMP, THREE PERSONNEL WERE CAPTURED AND FIVE WERE LISTED AS MISSING. THE MISSING PERSONNEL WERE IN SEPARATE FIGHTING POSITIONS AROUND THE BASE CAMP. CAPTURED PERSONNEL WERE INTIALLY HELD SEPARATELY AND THEN BROUGHT TOGETHER FOR MOVEMENT TO NORTH VIETNAM. NO ANALYTICAL BASIS TO CONFIRM SURVIVAL OF MISSING PERSONNEL.

MORRISEY, ROBERT (1945): AIRCRAFT DISAPPEARED EN ROUTE TO A NIGHTTIME BOMBING TARGET. VISUAL AND ELECTRONIC SEARCH WERE UNSUCCESSFUL. SRV MILITARY REGION 4 SHOOTDOWN LOG CONTAINS ENTRY WHICH CORRELATES TO THIS INCIDENT AND INDICATES CREWMEN KILLED. ON-SITE INVESTIGATION BY JOINT TEAM HAS DEDUCED THAT CREW CAPSULE DID NOT SEPARATE FROM AIRCRAFT PRIOR TO THE CRASH. SIGNAL INTERCEPTS ALLEGING CAPTURE DO NOT CORRELATE TO THIS INCIDENT. MORRISSEY IS A POOR CANDIDATE FOR SURVIVAL.

MOSSMAN, HARRY (1912): A6E WAS LOST OVER NORTH VIETNAM IN MIDST OF HEAVY AAA AND BAD WEATHER. THE TIME, DATE, AND LOCATION OF THE INCIDENT DO NOT CORRESPOND TO THE INFORMATION IN THE INTERCEPTED MESSAGE. NO ANALYTICAL BASIS TO CONFIRM SURVIVAL.

MULLINS, HAROLD (0354): THE CREW WAS GIVEN ORDERS TO BAIL OUT OF THE BURNING AIRCRAFT, BUT NO PARACHUTES WERE SEEN BY OBSERVERS. NO INTELLIGENCE HAS EVER BEEN ACQUIRED TO CLARIFY THE FATE OF THE MEN IN THIS CRASH OR TO SUGGEST ANY WERE EVER CAPTURED. THERE IS NO ANALYTICAL BASIS TO INDICATE SURVIVAL.

NICHOLS, HUBERT (0443): A1E HIT BY AAA, CRASHED AND BURNED. NO PARACHUTE SEEN AND NO BEEPER HEARD. CORRELATION IN DEBRIEFS RELATES TO RETURNEE WITH SAME LAST NAME.

OSBORNE, RODNEY (1715): FIVE CREWMEMBERS ON NIGHTIME MISSION OVER NORTH VIETNAM. RELIABLE SOURCE REPORTED EXPLOSION IN MIDAIR. NO SIGN OF CRASHSITE OR CREW EVER DISCOVERED. TOW OF THREE MESSAGES INDICATE ALL CREWMEMBERS KILLED. THIRD MESSAGE DOES NOT CORRELATE TO THIS INCIDENT. MR4 SHOOTDOWN RECORD INDICATES ALL FIVE CREWMEMBERS KILLED.

PARKER, WOODROW (1141): WINGMAN SAW PARKER'S F4D IMPACT ON THE GROUND. NO PARACHUTE WAS SEEN AND NO BEEPER WAS HEARD. ONLY ONE RETURNEE THOUGHT HE MIGHT HAVE HAD INDIRECT CONTACT WITH PARKER; NO OTHER RETURNEES HAD ANY KNOWLEDGE OF HIM. THERE IS NO ANALYTICAL BASIS TO CONFIRM SURVIVAL. MR4 SHOOTDOWN RECORD STATES BOTH CREWMEMBERS KILLED. WITNESSES INTERVIEWED DURING JOINT INVESTIGATIONS ALSO INDICATED THE PILOTS DIED.

PARSLEY, EDWARD (0248): CREWMEMBER OF A C-123 ON A RESUPPLY/SHUTTLE MISSION. THERE WAS NO CONTACT WITH ANY OF THE CREW AFTER TAKEOFF. NOTHING WAS SEEN OR HEARD DURING SEARCH ALONG FLIGHT PATH. DURING DEBRIEFING, RETURNEE SAID HE HAD A VAGUE RECOLLECTION OF THE NAME. NO ANALYTICAL BASIS TO CONFIRM SURVIVAL.

PASCHALL, RONALD (1812): PASCHALL CRAWLED AWAY FROM HIS CRASHED HELICOPTER JUST AS THE VC FIRED INTO THE WRECKAGE, SETTING OFF AN EXPLOSION AND FIRE. THE OTHER THREE CREWMEMBERS WERE STILL ABOARD THE CRASHED HELICOPTER AT THE TIME AND ARE EXTREMELY POOR CANDIDATES FOR SURVIVAL.

PENDER, ORLAND (1910): INCIDENT INVESTIGATED DURING 15TH JOINT INVESTIGATION. OTHER AIRCRAFT IN FLIGHT, AND WITNESSES ON THE GROUND, HEARD EXPLOSION OF SAM AND SECOND EXPLOSION WHEN MISSILE HIT THE AIRCRAFT. PROVINCIAL SHOOTDOWN RECORD INDICATES NO TRACE OF CREW FOUND. WITNESSES SAID THEY SAW REMAINS AROUND CRASH SITE.

PERRY, RANDOLPH (1955): B-52 HIT BY SAM, BURST INTO FIREBALL AND CRASHED. SURVIVOR HEARD EXPLOSION DOWNSTAIRS (WHERE PERRY WAS LIKELY SITTING) PRIOR TO HIS EJECTION. TWO OF THE CREWMEMBERS WERE CAPTURED IMMEDIATELY, OTHER FOUR CREW WERE LISTED AS MIA. SURVIVING CREW ARE LIKELY SOURCES OF THE NAME WITHIN THE PW SYSTEM.

PHILLIPS, DANIEL (1040): FOLLOWING MORTAR ATTACK ON A BASE CAMP, THREE PERSONNEL WERE CAPTURED AND FIVE WERE LISTED AS MISSING. THE MISSING PERSONNEL WERE IN SEPARATE FIGHTING POSITIONS AROUND THE BASE CAMP. CAPTURED PERSONNEL WERE INTIALLY HELD SEPARATELY AND THEN BROUGHT TOGETHER FOR MOVEMENT TO NORTH VIETNAM. NO ANALYTICAL BASIS TO INDICATE SURVIVAL OF MISSING PERSONNEL.

PIERSON, WILLIAM (1425): PIERSON WAS THE COPILOT OF A AH-1G THAT BURST INTO FLAME IN MIDAIR DURING A RECONNAISSANCE MISSION. THE PILOT'S COMPARTMENT EXPLODED BEFORE FALLING TO THE GROUND. A RETURNEE SAID HE THOUGHT THE NAME SOUNDED FAMILIAR BUT THERE WERE FOUR MIAS WITH LAST NAME "PIERSON/PEARSON". THIS INFORMATION DOES NOT PROVIDE ANALYTICAL BASIS TO CONFIRM SURVIVAL.

PIKE, DENNIS (1803): DOES NOT MEET CRITERIA FOR LAST KNOWN ALIVE. LAST TRANSMISSION FROM HIM INDICATED HE WAS PLANNING TO EJECT. NOT OUT OF AIRCRAFT AS SMITH LIST SUGGESTS. INTERCEPTED ENEMY RECAP OF SHOOTDOWNS WITHIN FIVE DAYS OF PIKE'S SHOOTDOWN DATE MENTIONS THAT THE PILOT FROM ONE SHOOTDOWN INCIDENT PARACHUTED, BUT NO MENTION IS MADE OF HIS FATE. THE PILOT FROM ANOTHER SHOOTDOWN INCIDENT WAS REPORTED TO HAVE NOT BEEN RESCUED BY NIGHTFALL.

PITTMANN, ALLAN (0524): AIRCRAFT LOST SEVEN MILES OFFSHORE IN THE SOUTH CHINA SEA. SAR EFFORTS UNSUCCESSFUL IN LOCATING WRECKAGE; NO BEEPERS HEARD; NO PARACHUTES OBSERVED.

POGREBA, DEAN (0162): ALL RETURNEES REPORT HEARSAY INFORMATION THAT POGREBA WAS LOST OVER CHINA AND MAY HAVE BEEN CAPTURED OR KILLED; NO FIRSTHAND INFORMATION AVAILABLE. PEKING RADIO CLAIMED THEY SHOT DOWN AN AIRCRAFT ON THE DAY POGREBA'S AIRCRAFT WAS LOST; NO INDICATION OF THE STATUS OF THE CREW. POGREBA'S FLIGHT PLAN WOULD HAVE TAKEN HIM NO CLOSER THAN 30NM OF THE CHINESE BORDER ON EGRESS. NO ANALYTICAL EVIDENCE TO CONCLUDE THAT POGREBA SURVIVED HIS LOSS INCIDENT. DIA HAS NOT HAD ACCESS TO ANY SENATE SELECT COMMITTEE DISPOSITIONS; NO KNOWLEDGE OF REFERENCES TO POGREBA.

PRESTON, JAMES (0339): DOES NOT MEET CRITERIA FOR LAST KNOWN ALIVE. AIRCRAFT DISAPPEARED OVER LAOS. PATHET LAO RADIO BROADCAST NOTED SHOOTDOWN, IDENTIFYING BOTH DATE AND TYPE OF AIRCRAFT. BROADCAST REPORTED ALL CREWMEMBERS DEAD. NAME WAS MENTIONED BY SEVERAL RETURNEES IN THEIR INITIAL DEBRIEFS. HYATT, RISNER, RIVERS, RUTLEDGE, AND SHUMAKER SAID THEY HEARD THE NAME PHONETICALLY SPELLED ON THE VOICE OF VIETNAM OR THE CAMP RADIO

PRUETT, WILLIAM (1552): A CREWMEMBER ON A SAR HELICOPTER WHICH CRASHED TO EARTH AFTER BEING STRUCK BY A MISSILE FROM A MIG AIRCRAFT. AT THE TIME OF THE INCIDENT, ALL REPORTING INDICATED NO BEEPER OR PARACHUTES WERE OBSERVED OR INTERCEPTED. MULTIPLE EYEWITNESSES SAW THE INCIDENT IN BROAD DAYLIGHT AND SAW THE HELO FALL 7000 FEET. ONLY A 1976 PAPER INDICATES THAT A BEEPER WAS HEARD FOR A FEW SECONDS. THERE IS NO INDICATION WHERE THAT INFORMATION CAME FROM OR OF ITS ACCURACY. A BEEPER EVEN FROM ON THE GROUND, WOULD NOT BE CONCLUSIVE PROOF OF CAPTURE. ADDITIONALLY, THE VIETNAMESE TURNED OVER THE MR4 SHOOTDOWN DOCUMENT WHICH INDICATES ALL FIVE PERSONNEL WERE DEAD AT THE TIME OF INCIDENT. OVERALL THE INFORMATION STRONGLY SUGGESTS THAT ALL CREW MEMBERS PERISHED IN THE INCIDENT. SEE ALSO HOLLY, BILL/LEESER, LEONARD/PRUETT, WILLIAM/ANDERSON, GREGORY/SUTTON, WILLIAM.

PUENTES, MANUEL (1736): PUENTES WAS ONE OF FOUR LEFT BEHIND WHEN HIS PATROL WAS FORCED TO WITHDRAW FOLLOWING AN AMBUSH. HE WAS LAST SEEN WOUNDED BUT MOVING UNDER HIS OWN POWER SEEKING COVER. HE WAS NEVER SEEN AGAIN. CONSISTENT WITH THE MISSING-IN-ACTION STATUS ASSIGNED, THERE WAS NO FIRM INDICATION THAT PUENTES SURVIVED THIS INCIDENT.

RANSBOTTOM, FREDERICK (1171): THE RETURNEE, JULIUS LONG, WHO NAMED RANSBOTTOM SAID HE WAS ON AN OPERATION AT THE ADJACENT BASE. HE DID NOT INDICATE THAT RANSBOTTOM WAS CAPTURED OR HELD WITH LONG. ADDITIONALLY, IN HIS DEBRIEF, LONG GIVES NO INFORMATION INDICATING THAT RANSBOTTOM WAS ALIVE AFTER THE LOSS INCIDENT.

RAYMOND, PAUL (0829): RAYMOND WAS IN AN F4D FLYING TRAIL IN A NIGHT RECONNAISANCE MISSION. WHEN THE LEAD AIRCRAFT TURNED IN ON THE TARGET, THE PILOT SAW A LARGE FIREBALL DESCENDING; HE WAS UNABLE TO MAKE ANY CONTACT WITH RAYMOND'S PLANE. THE LEAD F4 CIRCLED THE AREA SEARCHING FOR THE DOWNED AIRCRAFT BUT NO PARACHUTES WERE SEEN AND NO BEEPERS WERE HEARD. RAYMOND'S NAME WAS MENTIONED IN THE PRISON SYSTEM BUT NO ONE EVER REPORTED ANY DIRECT CONTACT WITH HIM.

REED, JAMES (1650): WHILE ON AN ARMED, NIGHT RECONNAISSANCE MISSION, CAPT REED RADIOED THAT HE HAD LOST SIGHT OF THE TARGET MARKERS ON HIS FIRST PASS AND REQUESTED TO MAKE ANOTHER PASS. NO FURTHER RADIO TRANSMISSIONS FROM CAPT REED'S F4 AIRCRAFT WERE RECEIVED. OTHER FLIGHT AIRCRAFT REPORTED SEEING A LARGE EXPLOSION NEAR THE TARGET. ALL ATTEMPTED RADIO CONTACT WAS UNSUCCESSFUL.

ROSE, LUTHER (0354): CONSISTENT WITH THE MISSING-IN-ACTION STATUS ASSIGNED TO THESE CREWMEN, THERE IS NO FIRM INDICATION THEY SURVIVED THE CRASH OF THEIR AIRCRAFT. THE ORDER TO BAIL OUT OF THE BURNING AIRCRAFT WAS GIVEN, BUT NO PARACHUTES WERE SEEN BY OBSERVERS. A PATHET LAO PROPAGANDA BROADCAST INDICATED THEY HAD LATER ACCESSED THE SITE AND HAD IDENTIFICATION MEDIA OF ONE INDIVIDUAL. NO INTELLIGENCE HAS EVER BEEN ACQUIRED TO CONFIRM THE FATE OF THE MEN IN THIS CRASH OR TO SUGGEST ANY WERE EVER CAPTURED.

ROSS, JOSEPH (1243): ROSS AND ONE CREWMEMBER WERE ON A NIGHT ARMED RECONNAISSANCE MISSION OVER NORTH VIETNAM. ANOTHER CREW SAW A LARGE FIREBALL ON THE GROUND NEAR THE INTENDED TARGET, THEN COULD NOT RAISE THEM ON THE RADIO. NO PARACHUTES OR BEEPERS WERE NOTED. THERE IS NO ANALYTICAL BASIS TO CONCLUDE EITHER CREWMAN SURVIVED. THE NAME "ROSS," SEEN ON A WALL AT "HEARTBREAK" (HOA LO PRISON), LIKELY RELATES TO ROSS R. TERRY, WHO WAS CAPTURED IN 1966 AND HELD EXTENSIVELY AT HOA LO BEFORE HIS RELEASE IN 1973.

ROWLEY, CHARLES (1600): RETURNEE SHOWN PRE-CAPTURE PHOTO OF ROWLEY; STATED HE "THOUGHT" HE RECOGNIZED THE PHOTO AS BEING OF SOMEONE IN A GROUP PROPAGANDA PHOTO. NO OTHER RETURNEE (IN THAT PHOTO) REPORTED THE PRESENCE OF ROWLEY IN THE PRISON SYSTEM. NO EVIDENCE THAT ROWLEY SURVIVED INCIDENT.

SCHULTZ, SHELDON (0967): HELICOPTER WITH CREW OF FOUR AND ONE PASSENGER WAS HIT BY GROUND FIRE AT 3,000 FEET ELEVATION. THE AIRCRAFT ENTERED INTO A VERTICAL DIVE, CRASHED, AND BURST IMMEDIATELY INTO 10-20 FOOT FLAMES. THERE WAS NO RADIO CONTACT DURING OR AFTER DESCENT, AND NO BEEPERS WERE HEARD. THE WRECKAGE WAS DESCRIBED AS A MASS OF BURNED METAL. NO SIGN OF LIFE WAS SEEN IN THE AREA. THERE IS NO ANALYTICAL BASIS TO CONCLUDE ANY OF THE CREW SURVIVED THE CRASH.

SCHUMANN, JOHN (0099): KNOWN DIED IN CAPTIVITY BASED ON REPORTING BY OTHER U.S. POWS.

SEREX, HENRY (1811): INFORMATION CITED WHICH INDICATES CAPTURE CORRELATES TO A SEPARATE INCIDENT (REFNO 1812).

SHAFER, PHILLIP (1132): ONLY INDICATION OF CAPTURE IS A RADIO BROADCAST BY AN AMERICAN WHO WAS ORIGINALLY BELIEVED TO BE SHAFER. SUBSEQUENT ANALYSIS COUPLED WITH SUBSEQUENT BROADCASTS INDICATE THE BROADCASTS WERE MADE BY ANOTHER U.S. POW (KAVANAUGH-RR). AN INVESTIGATION IN JUN 1992 OF THE CRASH SITE TURNED UP PERSONNEL AFFECTS BELONGING TO SHAFER. WITH THE EXCEPTION OF THE ORIGINAL ANALYSIS EQUATING SHAFER WITH THE BROADCAST, THERE IS NO INFORMATION TO SUPPORT THAT SHAFER SURVIVED OR WAS CAPTURED.

SHARK, EARL (1277): LISTED ON THE OFFICIAL DRVDIED IN CAPTIVITY LIST. MULTIPLE SOURCES DURING THE WAR PROVIDED INFORMATION WHICH CORRELATED TO THIS CASE AND INDICATED THAT SHARK DIED FROM HIS WOUNDS SHORTLY AFTER BEING CAPTURED AND CARED FOR A FIELD HOSPITAL. ADDITIONALLY, EYEWITNESSES TO HIS LOSS INCIDENT INDICATED A HIGH PROBABILITY THAT HE WAS MORTALLY WOUNDED BECAUSE HE WAS SHOT AT LEAST TWICE AFTER HIS INITIAL INJURY AND THEN A FRAGMENTATION GRENADE TOSSED BY HIS PLATOON LEADER ACCIDENTALLY LANDED NEAR HIM. THE GRENADE WENT OFF CLOSE ENOUGH TO HIM TO SET OFF THE SMOKE GRENADES ON HIS WEB BUILT. THIS INDIVIDUAL DOES NOT MEET THE CRITERIA FOR LAST KNOWN ALIVE.

SHINN, WILLIAM (1552): A CREWMEMBER ON A SAR HELICOPTER WHICH CRASHED TO EARTH AFTER BEING STRUCK BY A MISSILE FROM A MIG AIRCRAFT. AT THE TIME OF THE INCIDENT, ALL REPORTING INDICATED NO BEEPER OR PARACHUTES WERE OBSERVED OR INTERCEPTED. MULTIPLE EYEWITNESSES SAW THE INCIDENT IN BROAD DAYLIGHT AND SAW THE HELO FALL 7000 FEET. THE REPORT THAT A BEEPER MAY HAVE BEEN HEARD FOR A FEW SECONDS CAME SEVERAL YEARS AFTER THE INCIDENT AND HAS NOT BEEN CORROBORATED BY ANY OTHER SOURCE. A BEEPER EVEN FROM ON THE GROUND, WOULD NOT BE CONCLUSIVE PROOF OF CAPTURE. ADDITIONALLY, THE VIETNAMESE TURNED OVER THE MR4 SHOOTDOWN DOCUMENT WHICH INDICATES ALL FIVE PERSONNEL WERE DEAD AT THE TIME OF INCIDENT. OVERALL THE INFORMATION STRONGLY SUGGESTS THAT ALL CREW MEMBERS PERISHED IN THE INCIDENT. SEE ALSO HOLLY, BILL/LEESER, LEONARD/PRUETT, WILLIAM/ANDERSON, GREGORY/SUTTON, WILLIAM.

SIGAFOOS, WALTER (1743): THE OTHER PILOTS ON THIS MISSION SAW SIGAFOOS' F4D CRASH AND BURN. NO BEEPERS WERE HEARD NOR WERE ANY PARACHUTES SEEN. THE INTERCEPT CITED DOES NOT CORRESPOND TO THIS INCIDENT.

SINGLETON, DANIEL (1366): F4 AIRCRAFT WITH CREW OF TWO ON MISSION OVER LAOS; CRASHED FOUR SECONDS AFTER LAST RADIO TRANSMISSION. UNABLE TO ESTABLISH RADIO CONTACT; NO PARACHUTES, NO BEEPERS. SAR FOUND NO TRACE OF CREW. THE CITED INTERCEPT, WHICH INDICATED A PILOT WAS CAPTURED, IS INDISTINCT AS TO DATE, TIME, LOCATION, AND TYPE OF AIRCRAFT INVOLVED IN THE INCIDENT AND CANNOT BE CORRELATED TO ANY SPECIFIC INCIDENT; THE ONLY CERTAIN JUDGEMENT WHICH CAN BE MADE IS THAT THE ITEM DOES NOT RELATE TO SINGLETON'S AIRCRAFT, IN THAT IT INVOLVED A NORTH VIETNAMESE PROVINCIAL UNIT FAR REMOVED FROM THE SINGLETON LOSS IN LAOS. ANOTHER INTERCEPT, WHICH DOES CLEARLY RELATE TO THIS AIRCRAFT, INDICATES ONE AVIATOR WAS FOUND DEAD AT THE CRASHSITE. ENEMY FORCES REVEALED NOTHING ABOUT THE SECOND AVIATOR AND EVIDENTLY WERE UNAWARE A SECOND MAN WAS INVOLVED. THE PLANE WAS DESCRIBED AS "BURNED COMPLETELY." THE MEMORIZED NAME "LARRY SINGLETON," BASED ON HEARSAY INFORMATION TO AN EARLY RELEASEE "MEMORY BANK," LIKELY RELATES TO JERRY SINGLETON, A POW HELD IN THE NORTHERN PRISON SYSTEM. THERE IS NO ONE MISSING NAMED LARRY SINGLETON. THERE IS NO BASIS TO RELATE THIS INFORMATION TO DANIEL SINGLETON.

SMITH, HARDING (0354):CONSISTENT WITH THE MISSING-IN-ACTION STATUS ASSIGNED TO THESE CREWMEN, THERE IS NO FIRM INDICATION THEY SURVIVED THE CRASH OF THEIR AIRCRAFT. THE ORDER TO BAIL OUT OF THE BURNING AIRCRAFT WAS GIVEN, BUT NO PARACHUTES WERE SEEN BY OBSERVERS. A PATHET LAO PROPAGANDA BROADCAST INDICATED THEY HAD LATER ACCESSED THE SITE AND HAD IDENTIFICATION MEDIA OF ONE INDIVIDUAL. NO INTELLIGENCE HAS EVER BEEN ACQUIRED TO CLARIFY THE FATE OF THE MEN IN THIS CRASH OR TO SUGGEST ANY WERE EVER CAPTURED.

SPINELLI, DOMENICK (1294): A-6 WITH CREW OF TWO HIT BY SAM AND DOWN OVER NORTH VIETNAM. NO EJECTION OR PARACHUTES SEEN. HANOI RADIO BROADCAST REPORTED SHOOTDOWN BUT CLAIMED NO CREDIT FOR CAPTURING ANY AVIATORS. MR4 SHOOTDOWN RECORD NOTES BOTH CREWMEMBERS DIED IN THE INCIDENT. THE REMAINS OF THE OTHER CREWMEMBER HAVE BEEN REPATRIATED. AS CITED, POW RELEASEE POSITIVELY IDENTIFIED PHOTO OF SPINELLI; HOWEVER, HE DID NOT CLAIM TO HAVE SEEN SPINELLI IN THE PRISON SYSTEM, BUT RATHER AS A FELLOW AVIATOR HE HAD KNOWN AT NAVAL AIR STATION SANFORD. NEITHER THIS RELEASEE OR ANYONE ELSE HAD ANY KNOWLEDGE OF SPINELLI OR HIS CREWMAN IN CAPTIVITY.

STEVENS, LARRY (1383): AIRCRAFT DISABLED AND CRASHED OF UNKNOWN CAUSES OVER LAOS, SOON AFTER CRASH OF WINGMAN; NO EVIDENCE OF SURVIVAL. FAMILY IDENTIFICATION NOTWITHSTANDING, "PHOTO OF THREE" CONCLUSIVELY DEMONSTRATED TO BE DOCTORED VERSION OF 1923 PHOTO OF SOVIETS THAT APPEARED IN KHMER LANGUAGE MAGAZINE.

STEWART, PETER (0274): PHOTO ALLEGED BY FAMILY MEMBER TO BE STEWART WAS IDENTIFIED AS CDR HUGH STAFFORD IN 1975. CDR STAFFORD HAS CONFIRMED THIS IDENTIFICATION.

STEWART, VIRGIL (1444): STEWART SURVIVED HIS EJECTION BUT WAS SERIOUSLY WOUNDED AND SURROUNDED BY THE ENEMY. A PARARESCUEMAN WAS ABLE TO LOCATE STEWART BUT REPORTED HE WAS DEAD. THE BODY COULD NOT BE RECOVERED AT THE TIME OF THE INCIDENT DUE TO APPROACHING ENEMY TROOPS.

STRAWN, JOHN (1715): FIVE CREWMEMBERS ON NIGHTIME MISSION OVER NORTH VIETNAM. RELIABLE SOURCE REPORTED EXPLOSION IN MIDAIR. NO SIGN OF CRASHSITE OR CREW EVER DISCOVERED. TOW OF THREE MESSAGES INDICATE ALL CREWMEMBERS KILLED. THIRD MESSAGE DOES NOT CORRELATE TO THIS INCIDENT. MR4 SHOOTDOWN RECORD INDICATES ALL FIVE CREWMEMBERS KILLED.

SUTTON, WILLIAM (1552): A CREWMEMBER ON A SAR HELICOPTER WHICH CRASHED TO EARTH AFTER BEING STRUCK BY A MISSILE FROM A MIG AIRCRAFT. AT THE TIME OF THE INCIDENT, ALL REPORTING INDICATED NO BEEPER OR PARACHUTES WERE OBSERVED OR INTERCEPTED. MULTIPLE EYEWITNESSES SAW THE INCIDENT IN BROAD DAYLIGHT AND SAW THE HELO FALL 7000 FEET. THE REPORT THAT A BEEPER MAY HAVE BEEN HEARD FOR A FEW SECONDS CAME SEVERAL YEARS AFTER THE INCIDENT AND HAS NOT BEEN CORROBORATED BY ANY OTHER SOURCE. A BEEPER EVEN FROM ON THE GROUND, WOULD NOT BE CONCLUSIVE PROOF OF CAPTURE. ADDITIONALLY, THE VIETNAMESE TURNED OVER THE MR4 SHOOTDOWN DOCUMENT WHICH INDICATES ALL FIVE PERSONNEL WERE DEAD AT THE TIME OF INCIDENT. OVERALL THE INFORMATION STRONGLY SUGGESTS THAT ALL CREW MEMBERS PERISHED IN THE INCIDENT. SEE ALSO HOLLY, BILL/LEESER, LEONARD/PRUETT, WILLIAM/ANDERSON, GREGORY/SUTTON, WILLIAM.

THOMPSON, WILLIAM (1243): THOMPSON AND ONE CREWMEMBER WERE ON A NIGHT ARMED RECONNAISSANCE MISSION OVER NORTH VIETNAM. ANOTHER CREW SAW A LARGE FIREBALL ON THE GROUND NEAR THE INTENDED TARGET, THEN COULD NOT RAISE THEM ON THE RADIO. NO PARACHUTES OR BEEPERS WERE NOTED. THERE IS NO ANALYLICAL BASIS TO CONCLUDE EITHER CREWMAN SURVIVED. THE "MAJOR THOMPSON" REFERRED TO IN PRISON TAP-CODE COMMUNICATION WAS LIKELY MAJOR FRED THOMPSON, WHO WAS SHOT DOWN FOUR MONTHS BEFORE THE REFNO 1243 INCIDENT.

TIGNER, LEE (1913): INFORMATION IN THE INTERCEPTED MESSAGE INDICATES THE CREW DIED IN THIS INCIDENT. AIRCRAFT LOST A WING, HIT THE GROUND, AND SKIDDED INTO RIVER. NO PARACHUTES WERE SEEN AND NO BEEPERS WERE HEARD.

TOWNSEND, FRANCIS (1908): BASED ON OPERATIONAL REPORTING FROM TOWNSEND'S CREWMEMBER (RETURNEE), TOWNSEND WAS EJECTED FROM THE AIRCRAFT. HOWEVER, THE RETURNEE REPORTED TOWNSEND SHOULD HAVE LANDED BEHIND HIM ON THE GROUND BUT HE DID NOT. ADDITIONALLY, THE RETURNEE WAS TOLD BY A NVN CAPTOR THAT TOWNSEND DIED IN THE AIRCRAFT. NO ANALYTICAL EVIDENCE TO SUGGEST TOWNSEND SURVIVED HIS INCIDENT.

TRENT, ALAN (1619): WINGMAN SAW THE PLANE CRASH ON BOMBING MISSION AND WITNESSED SECONDARY EXPLOSION. SAR TEAMS ON GROUND SAW WRECKAGE SPREAD OUT OVER 700 METERS. BASED ON REPORTS OF WINGMAN, AND THE SAR TEAM, THERE IS NO INDICATION THAT PERSONNEL SURVIVED THIS INCIDENT.

UTLEY, RUSSEL (1366): F4 AIRCRAFT WITH CREW OF TWO ON MISSION OVER LAOS; CRASHED FOUR SECONDS AFTER LAST RADIO TRANSMISSION. UNABLE TO ESTABLISH RADIO CONTACT; NO PARACHUTES, NO BEEPERS. SAR FOUND NO TRACE OF CREW. THE CITED INTERCEPT, WHICH INDICATED A PILOT WAS CAPTURED, IS INDISTINCT AS TO DATE, TIME, LOCATION, AND TYPE OF AIRCRAFT INVOLVED IN THE INCIDENT AND CANNOT BE CORRELATED TO ANY SPECIFIC INCIDENT; THE ONLY CERTAIN JUDGEMENT WHICH CAN BE MADE IS THAT THE ITEM DOES NOT RELATE TO UTLEY'S AIRCRAFT, IN THAT IT INVOLVED A NORTH VIETNAMESE PROVINCIAL UNIT FAR REMOVED FROM THE UTLEY LOSS IN LAOS. ANOTHER INTERCEPT, WHICH DOES CLEARLY RELATE TO THIS AIRCRAFT, INDICATES ONE AVIATOR WAS FOUND DEAD AT THE CRASHSITE. ENEMY FORCES REVEALED NOTHING ABOUT THE SECOND AVIATOR AND WERE APPARENTLY UNAWARE A SECOND MAN WAS INVOLVED. THE PLANE WAS DESCRIBED AS "BURNED COMPLETELY."

WALKER, LLOYD (0587): OBSERVERS OF THIS HELICOPTER INCIDENT INDICATED THAT NO ONE COULD HAVE SURVIVED. NO EVIDENCE, THEN OR SINCE, HAS BEEN ACQUIRED TO CONTRADICT THE FINDING THAT ALL CREWMEN WERE KIA/BNR.

WALKER, SAMUEL (1340): INCIDENT INVOLVED A MID-AIR COLLISION OF TWO AIRCRAFT. THE PILOT OF THE C123 WAS RESCUED SHORTLY AFTER THE INCIDENT. HE REPORTED THAT DURING HIS DESCENT, HE SAW ANOTHER PARACHUTE BELOW HIM BUT HE DID NOT KNOW FROM WHICH AIRCRAFT THE CHUTE MAY HAVE COME. AIR AND GROUND SAR EFFORTS FOUND NO EVIDENCE OF SURVIVORS.

WALTON, LEWIS (1745): WALTON AND TWO OTHERS WERE MEMBERS OF A LONG RANGE RECON PATROL WHICH WAS INSERTED BY HELICOPTER IN WESTERN SOUTH VIETNAM AND NEVER SEEN AGAIN. MARKER PANELS LATER SEEN BY RESCUE FORCES MAY HAVE BEEN PLACED BY ENEMY FORCES AS A LURE. A RETURNEE PURPORTEDLY INDICATED IN AN EARLY POST-RELEASE DEBRIEF THAT HE HAD HEARD ABOUT AN ARMY CAPTAIN NAMED "WATON" WHO WAS A POW. SPECIFICALLY, HE WAS TOLD BY SOMEONE, NOT IDENTIFIED, THAT AN ENEMY MESSAGE ASKED FOR INSTRUCTIONS REGARDING CAPTIVES WATON AND ENTRICAN, AND THAT THEY WERE IN TURN TOLD TO TAKE THEM NORTH TO HANOI AND TO KILL ALL FUTURE CAPTIVES. THERE IS NO MENTION OF THIS IN THE RELEASEE'S EXTENSIVE DEBRIEF AND IT EXISTS ONLY AS AN ABRIDGED DATA-BASE ENTRY OF A PRELIMINARY DEBRIEF. THERE IS REASON TO SUSPECT THAT ENTRICAN WAS CAPTURED BY HOSTILE FORCES; HE IS ON THE "LAST KNOWN ALIVE" PRIORITY CASE LIST. THERE IS NO INDEPENDENT BASIS TO BELIEVE WALTON (A STAFF SERGEANT, NOT A CAPTAIN) WAS CAPTURED BY HOSTILE FORCES.

WARREN, ERVIN (0354): CONSISTENT WITH THE MISSING-IN-ACTION STATUS ASSIGNED TO THESE CREWMEN, THERE IS NO FIRM INDICATION THEY SURVIVED THE CRASH OF THEIR AIRCRAFT. THE ORDER TO BAIL OUT OF THE BURNING AIRCRAFT WAS GIVEN, BUT NO PARACHUTES WERE SEEN BY OBSERVERS. A PATHET LAO PROPAGANDA BROADCAST INDICATED THEY HAD LATER ACCESSED THE SITE AND HAD IDENTIFICATION MEDIA OF ONE INDIVIDUAL. NO INTELLIGENCE HAS EVER BEEN ACQUIRED TO SUGGEST ANY WERE EVER CAPTURED.

WARREN,GRAY (1505): AIRCRAFT MADE A STRAFING PASS AGAINST A GROUND TARGET, FAILED TO PULL UP, AND WAS OBSERVED BY A FAC TO IMPACT THE GROUND APPROXIMATELY 100 METERS BEYOND THE TARGET. NO CHUTES OBSERVED BY FAC, NO BEEPER HEARD. TWO-HOUR VISUAL AND ELECTRONIC SEARCH CONDUCTED WITHOUT SUCCESS. NOT A GOOD CANDIDATE FOR SURVIVAL.

WILKINS, GEORGE (0391): MR4 SHOOTDOWN RECORD ENTRY CORRELATES TO WILKINS' INCIDENT. ENTRY REPORTS SHOOTDOWN AND DEATH OF PILOT. WITNESSES INTERVIEWED DURING RECENT JOINT FIELD INVESTIGATION DESCRIBE OBSERVING REMAINS OF PILOT NEXT TO CRASH ASSOCIATED WITH THIS INCIDENT. DIA HAS NO REPORTS FROM THAI RETURNEES CONCERNING WILKINS.

WILLIAMS, ROBERT (1855): WILLIAMS AND HIS CREWMEMBER WERE SHOT DOWN IN THEIR HELICOPTER. WINGMAN OPINED THERE WAS VERY LITTLE CHANCE OF SURVIVAL. NO PHOTO IN FILE. DIA HAS NO KNOWLEDGE OF ANY VIETNAMESE MAGAZINE WITH A PURPORTED PHOTO OF WILLIAMS.

WILLIAMSON, JAMES (0967): HELICOPTER WITH CREW OF FOUR AND ONE PASSENGER WAS HIT BY GROUND FIRE AT 3,000 FEET ELEVATION. THE AIRCRAFT ENTERED INTO A VERTICAL DIVE, CRASHED, AND BURST IMMEDIATELY INTO 10-20 FOOT FLAMES. THERE WAS NO RADIO CONTACT DURING OR AFTER DESCENT, AND NO BEEPERS WERE HEARD. THE WRECKAGE WAS DESCRIBED AS A MASS OF BURNED METAL. NO SIGN OF LIFE WAS SEEN IN THE AREA. THERE IS NO ANALYTICAL BASIS TO CONCLUDE ANY OF THE CREW SURVIVED THE CRASH. A RELEASEE SAW THE NAME "JAMES P. WILLIAMSON" SIGNED ON AN ANTI-WAR LETTER, BUT OPINED THAT THE NAME WAS A "PEN NAME, FOR (THE POWS) WERE ALWAYS BEING PIGEONED INTO USING PEN NAMES." OTHER RELEASEES REPORTED HAVING SEEN THE NAME "WILLIAMSON" ON A STATEMENT, EACH IN THE SAME CIRCUMSTANCES (SHOWN BY INTERROGATOR DURING INTERROGATION); NONE OF THEM EVER SAW OR HEARD OF WILLIAMSON, NOR DID ANYONE ELSE IN THE PRISON SYSTEM.

WRIGHT, DAVID (1675): AIRCRAFT WAS HIT WHILE ON A LOW-LEVEL RECONNAISSANCE MISSION. WINGMAN SAW INITIAL EXPLOSION IN THE AIR AND THEN AN "ALL-CONSUMING EXPLOSION ON THE GROUND." HE SAW NO CHUTES AND HEARD NO BEEPERS. BASED ON WINGMAN'S REPORT, BOTH CREWMEN DECLARED KIA/BNR. THE SIGINT REPORT REFERRED TO DOES NOT RELATE TO THIS CASE, BUT TO AN RLAF T-28 DOWN THE SAME DAY.

ZICH, LARRY (1814): RETURNEE LAWRENCE STARK, ALTHOUGH HE COULD NOT MAKE A POSITIVE IDENTIFICATION, BELIEVED THAT THE PHOTO HE WAS SHOWN OF LARRY ZICH MATCHED SOMEONE HE HAD SEEN, POSSIBLY IN A PROPAGANDA PICTURE OR AMONG THE "LAO GROUP" (I.E., POWS CAPTURED IN LAOS) WHILE WATCHING A PROPAGANDA FILM. HAD LARRY ZICH BEEN PRESENT AT ANY GATHERING OF POWS, HE WOULD HAVE CERTAINLY BEEN EXTENSIVELY CORROBORATED AS A POW BY OTHER RETURNEES; NONE KNEW OF HIM. HE DEFINITELY WAS NOT AMONG THE SO-CALLED "LAO GROUP" AT HOA LO. IT IS NOT POSSIBLE TO DETERMINE WHO STARK SAW, BUT HIS INDENTIFICATION OF ZICH IS TENUOUS AND NOT SUPPORTED BY ANY OTHER EVIDENCE.

TAB D

NAMES OF PERSONS INVOLVED IN USG PRIORITY CASES

WHO APPEAR ON THE 324-NAME LIST

PRODUCED BY THE OFFICE OF SENATOR BOB SMITH

ACOSTA-ROSARIO, HUMBERTO (1258)

ANDERSON, ROBERT (1934)

ARD, RANDOLPH (1719)

ASHLOCK, CARLOS (0678)

BABULA, ROBERT (0439)

BACKUS, KENNETH (0706)

BAKER, ARTHUR (0070)

BODENSCHATZ, JOHN (0439)

BORAH, DANIEL (1927)

BORTON, ROBERT (0439)

BRAM, RICHARD (0108)

BRASHEAR, WILLIAM (1437)

BRENNAN, HERBERT (0928)

BROWN, GEORGE (1108)

BROWN, HARRY (1046)

BROWNLEE, CHARLES (1347)

BRUCHER, JOHN (1388)

BUCKLEY, LOUIS (0344)

BURNETT, SHELDON (1719)

CARLOCK, RALPH (0606)

CARTER, DENNIS (0439)

CICHON, WALTER (1112)

CLARK, RICHARD (0873) BASED ON JOINT INVESTIGATION, DETERMINED TO HAVE DIED IN HIS INCIDENT.

CLARKE, GEORGE (0892)

COHRON, JAMES (0984)

CONDIT, DOUGLAS (0926)

COOK, KELLY (0904)

CREED, BARTON (1724)

CREW, JAMES (0904)

CRISTMAN, FREDERICK (1730)

CUTHBERT, BRADLEY (1327)

DAHILL, DOUGLAS (1428)

DALE, CHARLES (0094)

DANIELSON, BENJAMIN (1535)

DEBRUIN, EUGENE (0018)

DELONG, JOE (0689) DIED IN CAPTIVITY.

DEMMON, DAVID (0094)

DEXTER, BENNIE (0333)

DINGWALL, JOHN (0108)

DODGE, EDWARD (0052)

DUCKETT, THOMAS (1683)

DUNLOP, THOMAS (1816)

DUNN, MICHAEL (1004)

EGAN, JAMES (0235)

EIDSMOE, NORMAN (1004)

ELLIOT, ROBERT (1049)

ELLIS, WILLIAM (0372)

ENTRICAN, DANNY (1748) BASED ON JOINT INVESTIGATION, DETERMINED TO HAVE DIED IN HIS INCIDENT.

ESTOCIN, MICHAEL (0656)

FALLON, PATRICK (1463)

FINLEY, DICKIE (1308)

FISCHER, RICHARD (0977)

FITZGERALD, JOSEPH (0715)

FITZGERALD, PAUL (0867)

FORS, GARY (0947)

FOWLER, DONALD (1244)

FRANCISCO, SAN D. (1329)

GAGE, ROBERT (0381)

GALBRAITH, RUSSELL (1339)

GALLANT, HENRY (0109)

GARCIA, RICARDO (1730)

GATES, JAMES (0297)]

GRAF, JOHN (1523)

GREENLEAF, JOSEPH (2044)

GREENWOOD, ROBERT (1918)

GREILING, DAVID (1234)

GROTH, WADE (1046)

GUNN, ALAN (1046)

HAMILTON, JOHN (0644)

HAMILTON, ROGER (0647)

HAMM, JAMES (1086)

HARGROVE, OLIN (0867)

HASENBECK, PAUL (0646)

HASTINGS, STEVEN (1244)

HELD, JOHN (1131)

HESFORD, PETER (1100)

HESTLE, ROOSEVELT (0386)

HODGSON, CECIL (0242)

HOLLAND, MELVIN (0242)

HOLMES, DAVID (0275)

HRDLICKA, DAVID (0084)

HUNT, ROBERT (1065)

HUNTER, RUSSELL (0250)

HUSTON, CHARLES (1108)

IBANEZ, DI REYES (0723)

JAKOVAC, JOHN (0715)

JEFFS, CLIVE (1723)

JOHNSON, BRUCE (0096)

JOHNSON, WILLIAM (0997)

KIEFEL, ERNEST (0250)

KOSKO, WALTER (0114) BASED ON JOINT INVESTIGATION, DETERMINED TO HAVE DIED IN HIS INCIDENT.

LAFAYETTE, JOHN (0297)

LANE, CHARLES (0805)

LEE, LEONARD (0952)

LEWIS, JAMES (0070)

LUNA, CARTER (1405)

MALONE, JIMMY (0326)

MANGINO, THOMAS (0646)

MASSUCCI, MARTIN (0158)

MAUTERER, OSCAR (0253)

MCCARTY, JAMES (1882) BASED ON JOINT INVESTIGATION, DETERMINED TO HAVE DIED IN HIS INCIDENT.

MCDONALD, KURT (0052)

MCDONNELL, JOHN (1402)

MCGAR, BRIAN (0715)

MCINTIRE, SCOTT (1782)

MCLEAN, JAMES (0054)

MELLOR, FREDERIC (0124) BASED ON JOINT INVESTIGATION, DETERMINED TO HAVE DIED IN HIS INCIDENT.

MILIUS, PAUL (1062)

MILLNER, MICHAEL (0930)

MIMS, GEORGE (0213)

MORGAN, JAMES (0903)

MORRIS, GEORGE (1981)

MORROW, LARRY (1868)

MULLEN, WILLIAM (0323)

MUNDT, HENRY (1437)

NETHERLAND, ROGER (0677)

NEWTON, CHARLES (1428)

NEWTON, DONALD (0258)

NIDDS, DANIEL (0646)

O'GRADY, JOHN (0641) BASED ON JOINT INVESTIGATION, DETERMINED TO HAVE DIED IN HIS INCIDENT.

PATTERSON, JAMES (0691) BASED ON JOINT INVESTIGATION, DETERMINED TO HAVE DIED IN HIS INCIDENT.

PERRINE, ELTON (0706)

PETERSON, DELBERT (0267)

PETERSON, MARK (1981)

PHILLIPS, ROBERT (1639)

PLASSMEYER, BERNARD (1660) BASED ON JOINT INVESTIGATION, DETERMINED TO HAVE DIED IN HIS INCIDENT.

PLATT, ROBERT (0728)

PLUMADOR, KENNETH (0839)

PREVEDEL, CHARLES (1428)

PRICE, BUNYAN (1610)

PRIDEMORE, DALLAS (1274)

PUGH, DENNIS (1573)

REHE, RICHARD (0976) BASED ON JOINT INVESTIGATION, DETERMINED TO HAVE DIED IN

HIS INCIDENT.

RICHARDSON, DALE (0610)

ROBERTSON, JOHN (0459) BASED ON JOINT INVESTIGATION, DETERMINED TO HAVE DIED IN HIS INCIDENT.

ROE, JERRY (1046)

ROZO, JAMES (1639)

RUSSELL, PETER (1244)

SCHARF, CHARLES (0158)

SCHMIDT, WALTER (1205)

SCULL, GARY (1572)

SEYMOUR, LEO (0750)

SHELTON, CHARLES (0079)

SHRIVER, JERRY (1431)

SITTNER, RONALD (0805)

SKINNER, OWEN (1683)

SMALL, BURT (0607)

SMITH, WARREN (0370)

SOYLAND, DAVID (1747)

SPARKS, DONALD (1456)

SPARKS, JON (1730)

STEEN, MARTIN (0314) BASED ON JOINT INVESTIGATION, DETERMINED TO HAVE DIED IN HIS INCIDENT.

STRAIT, DOUGLAS (1668)

STROHLEIN, MADISON (1756)

TATUM, LAWRENCE (0453)

TAYLOR, FRED (0109)

TROMP, WILLIAM (0304)

WALKER, BRUCE (1598)

WHEELER, EUGENE (1598)

WHITE, CHARLES (1006)

WINTERS, DAVID (0646)

WORTH, JAMES (1810)

WOOD, DON (0233)

WOOD, WILLIAM (1918)

WRIGHT, THOMAS (1063)

WROBLESKI, WALTER (0703)

Appendix 3

Prior Investigations

APPENDIX 3

Prior Investigations

The Senate Select Committee on POW/MIA Affairs began its work in October 1991 fully recognizing that the POW/MIA issue had been examined and investigated by Congress and the Department of Defense (DoD) many times over the last twenty years. The Select Committee was determined to learn as much as possible from those previous investigations, particularly in the early stages of our work, but was equally determined to avoid the methodological mistakes and issue-area omissions of those previous investigations. Most importantly, we did not accept the findings or methodology of previous investigations as valid for the purposes of our investigation, nor did we limit the scope of our investigation as many prior Congressional and Executive Branch investigations had.

In reviewing previous Congressional investigations of the POW/MIA issue, we attempted to identify previous areas of inquiry and omission. As a result we were able to focus the Committee's efforts and resources on investigating topics which previous investigations had been unable to reach as well as identifying witnesses which the Committee wished to interview.

Our investigation has had several distinct advantages over previous Congressional investigations. First, we were provided substantial time (fifteen months) and resources ($2 million) to conduct our investigation. Second, we have had better access to documents, both classified and unclassified, than any previous investigation. Third, we have enjoyed the advantage of a changing international climate which has increased the level of cooperation from Southeast Asia and the former Soviet Union. Fourth, we have been able to interview and take oral depositions from individuals who have never been called to testify before Congress on this issue. Fifth, we have included every conceivable aspect of the POW/MIA issue in our investigation.

Below is a brief review of the scope, depth and general findings or areas of inquiry of major previous Congressional and Executive Branch investigations or oversight of POW/MIA matters. This brief synopses of those inquiries should help distinguish this committees work from past Congressional involvement with the POW/MIA issue. Accompanying each investigation summary is a critique of its strengths and weaknesses as seen with the benefit of years of hindsight and the additional information available to, or wider perspective obtained from, our own investigation.

HOUSE FOREIGN AFFAIRS COMMITTEE
Subcommittee on National Security Policy
and Scientific Developments

HEARINGS ON AMERICAN PRISONERS OF WAR IN SOUTHEAST ASIA, 1969-73

Background

During the later stages of the war in Vietnam, Congress began taking an interest in the issue of American POWs in Southeast Asia. This interest was due both to the high profile the Nixon Administration gave the issue at that time and the efforts of relatives and family members of many of the hundreds of servicemen being held.

The House Foreign Affairs Committee, specifically its Subcommittee on National Security Policy and Scientific Developments, which was chaired by Rep. Thomas E. Morgan (D-PA) held a total of 22 days of hearings during the 1969-1973 time period solely on the issue of American POWs from the Vietnam War. Over 75 witnesses testified in person while many more submitted statements for the record. The written record of these hearings is contained in seven volumes containing about 1,500 pages of oral and written testimony.

1969

Hearings held on November 13 & 14, 1969, focused on two House Concurrent Resolutions concerning the inhumane treatment American POWs were receiving at the hands of their North Vietnamese captors. American Red Cross officals testified to their unsuccessful efforts to secure decent treatment and accounting for U.S. prisoners of war held in Southeast Asia. Several Nixon Adminisration officials, including Charles E. Havens from DoD, and Frank A. Sieverts and William H. Sullivan, from the State Department, testified that North Vietnam was a signatory of the Geneva Conference on the humane treatment of prisoners of war.

The debate noted that there were 944 servicemen known to have been taken prisoner by the North Koreans or Chinese during the Korean war about which nothing was ever learned.[1] These

[1] American Prisoners of War In Vietnam, Hearings before the Subcommittee on National Security Policy and Scientific Developments of the House Foreign Affairs Committee, Ninety-First Congress, First Session, November 13, 14, 1969, p.61.

hearings resulted, in part, from the publicity generated after the May 1969 decision by the Department of Defense to "go public" with the brutal treatment of U.S. POWs by North Vietnam.[2]

At the time of the hearings there were 413 U.S. servicemen believed captured in Southeast Asia (South Vietnam 70, North Vietnam 341, Laos 2) and 926 missing in action in the three countries.[3] The House and Senate eventually passed unanimously House Concurrent Resolution 454, during the 91st Congress, Second Session.

1970

In 1970, the Subcommittee held hearings on April 29 and May 1 and 6. State and Defense Department officials testified as to the efforts the Nixon Administration to obtain humane treatment for and the eventual release of American POWs. May 1, 1970 was designated as a Prisoner of War Day and a bipartisan Congressional rally was held at Constitution Hall. The family members of several missing servicemen testified to the emotional impact of not having any information on their loved ones. H. Ross Perot testified as to the importance of world opinion on the Vietnamese and the pros and cons of issuing North Vietnam an ultimatum regarding accounting for and providing humane treatment for U.S. POWs.

The issue of whether Americans captured in Laos and Cambodia were being turned over to North Vietnam was raised and William H. Sullivan, Deputy Assistant Secretary of State, Bureau of East Asian and Pacific Affairs, said he was aware of at least one such case but stated that the evidence indicates that "most Americans captured by Communist forces in Laos remain in Laos."[4]

1971

Hearings held by the Subcommittee in 1971 were far more extensive than either of the previous two years. Between March and September, eleven days of hearings were held with 51 individuals testifying and dozens more submitting memorandums or

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[2]April 20, 1971, p.392.

[3]Ibid. p.29.

[4]April 29, May 1& 6, 1970 Hearings, p. 100.

statements for the record. Several former prisoners of the North Vietnamese testified as to the brutal nature of their confinement.

On March 23rd officials of the National League of Families of American Prisoners and Missing in Southeast Asia testified regarding their efforts to secure the release of Americans. Col Norris Overly a former POW in Vietnam testified about his brutal treatment at the hands of the North Vietnamese. He testified that the release of three POWs in February 1968, three more in August 1969, and three more in August 1969 was an attempt by Hanoi to improve its world image.[5] It was also noted that three U.S. POWs were released by the Vietcong on January 1, 1969 following battlefield meetings between U.S. and Viet Cong representatives near Tay Ninh in South Vietnam.[6]

On March 24th, officials of the American Red Cross testified to the standard of treatment prisoners should be accorded under the Geneva Convention. On March 25th, 30th and April 1st, several Congressmen expressed their outrage over the treatment of American POWs and testified to the positive impact which demands for humane treatment of POWs in the U.S. and elsewhere were having on the treatment of POWs still held by North Vietnam. There was general agreement that world public opinion was the greatest weapon the U.S. had in ensuring humane treatment for the POWs, as well as their ultimate release.

On March 31, several individuals who were against the war in Vietnam testified as to their successful efforts to obtain mail privilges for POWs. Some who had been able to visit with POWs in Hanoi testified that they were receiving decent and humane treatment by their captors. On April 20th, several veterans of the Vietnam War testified regarding torture and brutalities committed by U.S. and ARVN forces against North Vietnamese and Viet Cong soldiers.

The Administration witnesses, Frank A. Sieverts, William H. Sullivan and Warren G. Nutter, testified on April 6th as to developments in the area of mail privilges, an accurate list of POWs from Hanoi, and the linkage of the POW issue to the Paris Peace talks.

The number of missing and captured U.S. personnel as of February 28, 1971 was listed in the appendix to the hearings by service and year. Also listed was the number of U.S. personnel North Vietnam, the Vietcong and Laos have admitted holding either

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[5]March 23, 1971, p. 24.

[6]April 6, 1971, p.349.

by permitting mail or through propaganda broadcasts.[7]

Hearings held on June 29th, August 3rd and September 28th, 1971 resulted in another unanimous House Concurrent Resolution (379) being passed on October 4, 1971 which called for humane treatment and release of American POWs.[8] Several Veteran's Groups were invited to testify on June 29th. They testified as to options available to the U.S. to force Vietnam to treat humanely and repatriate U.S. POWs.

On August 3, 1971, several former POWs testified to the brutality of their Vietnamese captors. On September 28th, 1971, officials from the National League of Families testified regarding the procedure by which a complete withdrawal of U.S. forces should be linked to the repatriation of American POWs. As of September 3, 1971, 465 personnel were listed as captured and 1,134 were listed as missing.[9]

1972

Two days of hearings were held by the Subcommittee on February 3 and March 16, 1972. Witnesses included representatives from the Department of State (Hon. William Sullivan) and the Department of Defense (Hon. G. Warren Nutter and Dr. Roger E. Shields). Mr. Nutter inserted into the record the circumstances of 14 airmen whose fate should be known by the North Vietnamese.[10] A fact sheet listing separately as of March 11, 1972, the number of missing and captured by service, country of loss, and year of loss was also presented. Mr. Nutter also explained the functioning of the DoD POW/MIA Action Task Group established in 1971.[11]

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[7]Ibid. p. 528.

[8]Ibid., Part 2,p. iii.

[9]Ibid. p. 89.

[10]American Prisoners of War in Southeast Asia, 1972, February 3, 1972, pp. 27-28.

[11]Ibid., p.29.

1973

In late May 1973, the Subcommittee held additional hearings in light of the return of 591 American POWs in February and March, 1973. At that time the Committee was still concerned with the fate of 1,284 servicemen missing in action as of May 26, 1973.[12] There were also an additional 1,100 or so men who were declared dead by their respective services but whose bodies had not been recovered. A list of the names of 1,321 military personnel unaccounted for in Southeast Asia as of 5 May 1973 was submitted for the record.[13]

Several returned POWs testified on May 23rd regarding whether they thought any POWs had been held behind by the North Vietnamese. Most said probably not, although they thought it was unlikely that those who were amputees or who developed serious mental problems were ever going to be released alive.[14] A Colonel Kenneth W. North, testified on May 23, 1971 that he saw four Americans during his imprisonment that did not return at Operation Homecoming. These men had mental and physical problems as a result of their imprisonment and he was not surprised that they never returned. He is not sure if they died or were executed or what.[15]

On May 30, officials of the National League of Families presented several discrepancy cases where the Vietnamese should have definite knowledge of the fate of a missing American. Dr. Shields from DoD and Frank Sieverts from the State Department testified on May 31 regarding efforts by the U.S. to obtain Vietnames compliance with the terms of the Paris Peace Accords. A copy of the Agreement on Ending the War and Restoring Peace in Vietnam was submitted for the record.[16] Also submitted for the record was an alphabetical listing of 1,321 military personnel who were unaccounted for in Southeast Asia as of 5 May 1973.[17]

The Committee took additional testimony on December 5, 1973 regarding the 1,300 Americans still listed as missing in action

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[12]American Prisoners of War and Missing in Action, 1973 Part 4, May 23, 1973, p. 59.

[13]Ibid. pp. 151-183.

[14]Ibid., p.9.

[15]Ibid., part 4, p.9.

[16]Ibid., Part 4, p.141-150.

[17]Ibid., Part 4, pp.151-183.

and nineteen House Resolutions which were introduced as a result. Officals of the National League of Families, several members of Congress, and Siverts and Shields, from State and DoD, testified regarding the efforts to implement the POW/MIA accounting provision of the Paris Peace Accords.

A chronology of U.S. Efforts Through the Four Party Joint Miliary Team Toward Obtaining Information About Americans and Third Country Nationals Who Are Listed as Deceased and Completing Arrangements for Repatriation of Remains was submitted for the record along with a Chronology of U.S. Efforts Through the Four Party Joint Military Team Toward Obtaining Information About Americans and Third Country Nationals Unaccounted for in Southeast Asia.[18] It is interesting that the additional 1,100 KIA with body-not-recovered were not considered as MIA. They were addressed only in the hope that some of their bodies could be returned.

Scope of Investigation

The Subcommittee on National Security Policy and Scientific Developments of the House Foreign Affairs Committee was the primary Congressional body conducting oversight of the POW/MIA issue during the Vietnam War years of 1969-1973. The subcommittee held extensive hearings with dozens of witnesses from the Nixon administration, former POWs, veterans groups, family members, and anti-war groups, yet it was not an investigative body by any means. Only offical policymakers testified, and no closed sessions were held to receive classified information or material. No independent investigative authority existed to review POW/MIA classification policy or POW captivity intelligence information.

Furthermore, although the committee was effective in bringing attention to the POW/MIA isuue, much of the committee's efforts during the war years was designed to ensure humane treatment of U.S. POWs. Less attention was placed on accounting for missing Americans until after the Paris Peace Accords in early 1973 when the number of unaccounted for Americans became clear.

The Committee issued no interim or final report, and made no conclusions or recommendations. The extensive hearings merely served as a public forum for parties with a stake in the issue to express their experiences and concerns.

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[18]Hearings, December 5, 1973, pp. 16-18.

FINAL REPORT of the HOUSE SELECT COMMITTEE ON MISSING PERSONS IN SOUTHEAST ASIA "MONTGOMERY REPORT"

BACKGROUND

The House Select Committee on Missing Persons in Southeast Asia chaired by G.V. "Sonny" Montgomery was formed on September 11, 1975 pursuant to House Resolution 335 and tasked with conducting:

> "a full and complete investigation and study of (1) the problem United States serviceman still identified as missing in action, as well as those known dead whose bodies have not been recovered, as a result of military operations in North Vietnam, South Vietnam, Laos and Cambodia and the problem of United States civilians identified as missing or unaccounted for, as well as those known dead whose bodies have not been recovered in North Vietnam, South Vietnam, Laos and Cambodia; (2) the need for additional international inspection teams to determine whether there are servicemen still held as prisoners of war or civilians held captive or unwillingly detained in the aforementioned areas."[1]

The Committee's investigation lasted fifteen (15) months and resulted in a 266-page Final Report issued on December 13, 1976. Supporting the Final Report were five published volumes containing the open testimony of witnesses called before the Committee.

The Committee consisted of 10 members with a non-partisan staff of four (4) professionals and three (3) administrative personnel. The Committee's Staff Director was J. Angus MacDonald. The overall budget for the investigation was $350,000.00 of which nearly one-half was returned unspent, despite an unexpected extension of nearly four months in the lifespan of the Committee.

The Committee viewed its primary objectives as (1) identifying whether any missing Americans remain alive and determining if their constitutional rights are fully protected. (2) helping to create an international climate where meaningful talks can be conducted with those who can provide important information on MIAs, (3) evaluating U.S. government treatment of the POW/MIA issue during and after the Vietnam War, and (4) establishing POW/MIA guidelines for future conflicts.[2]

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[1]Final Report p.II.

[2]Final Report, p.2.

SCOPE AND METHODOLOGY

The Select Committee used three distinct methods to conduct its investigation. First, almost 50 witnesses testified in hearings before the Select Committee. An additional 20 executive sessions were held to receive sensitive information. Second, high-level direct talks were held with key government officials from Vietnam and Laos,[3] and other relevant international officials such as the International Committee of the Red Cross and the United Nations High Commissioner for Refugees. Third, the Committee staff conducted independent investigation including contacting over 150 individuals who might contribute information. The Committee staff also submitted over 100 requests for information to the Department of Defense (DoD). There was little doubt as to the principle focus of the investigation. According to the Committee's Final Report, "top priority was placed on seeking evidence to determine whether any live Americans were still being held captive."[4]

Over 200 individual POW/MIA case files were examined including all the cases listed as POW and a "cross section" of other MIA cases.[5] The Committee staff reviewed over 100 Foreign Broadcast Information Service (FBIS) reports mentioning the downing of American planes and/or the capture of American pilots in Southeast Asia.[6] Committee members and staff visited the Defense Intelligence Agency, the primary agency responsible for collecting intelligence on POW/MIAs. The committee also reviewed returned POW debriefs and visited the Joint Casualty Resolution Center (JCRC).

In their efforts to obtain information on the POW/MIA issue Committee members met with President Gerald Ford, and Secretary of State Dr. Henry Kissinger (twice). Four members of the Committee, including Chairman Montgomery, traveled to Hanoi in December 1975 for discussions with Communist Vietnamese officials where the Committee members received the remains of three American pilots from the Vietnamese. Chairman Montgomery also attended an international diplomatic conference on human rights in Europe in April 1976, where Vietnamese officials were present in order to press the Vietnamese for further information on

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[3]Over 80 direct communications were made with senior officials in Southeast Asia.

[4]Final Report p.5.

[5]Final Report, p.3, p.45.

[6]Final Report p.53.

possible American POW/MIAs.

Four Committee members, including Chairman Montgomery, also met with Pathet Lao officials in Vientiane in December 1975 and six Committee members met with Lao officials in New York in August 1976. The Committee also undertook a comprehensive examination of the experiences of French POWs from the First Indochina War and the experiences of American POWs in both World War II and the Korean War.

Additionally, the Committee investigated the likelihood and probability of injury or death resulting from ejection from aircraft and parachute landing, as well as the difficulties of infection, starvation, illness, climate and hostile forces if the individual survived the ejection and parachute landing. The Committee also investigated and analyzed the extensive network of fabricators and hoaxes being perpetrated on POW/MIA families.

LIMITS OF THE INVESTIGATION

Although the Committee did extensive research and contacted numerous valuable sources of information, as in any other investigation with time and resource limitations there were some important areas that were not addressed and some sources of information that were not accessed.

First, although the Committee was successful in arranging discussions with Lao and Vietnamese officials, it had absolutely no success whatsoever in contacting Cambodian officials despite numerous and varied attempts.[7] Additionally, although the Committee's extensive direct discussions and negotiations with the Lao and the Vietnamese were well intentioned and even effective in convincing the Indochinese governments of the sincerity of the U.S. commitment to achieving an accounting for our missing, it is clear from the record of those discussions that the Vietnamese were far more concerned at that time with obtaining from the U.S. the economic reconstruction aid package promised to them under Article 21 of the Paris Peace Accords and cited in President Nixon's February 1, 1973 letter to premier Pham Van Dong.[8] The disparity in negotiation objectives between Committeee members and the Vietnamese is evident in the Final Report:

"That searching for information on missing Americans

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[7]Final Report p.15.

[8]The letter cited a figure of $3.25 billion in economic reconstruction aid. Final Report p.11.

would not have top priority for the Vietnamese is understandable; they were rebuilding their country after a war and laying plans for the reunification of Vietnam."[9]

One subsequent source of valuable information which the Committee, as well as the Department of Defense, was unable to benefit from at the time the Committee conducted its investigation was current refugee information. The dramatic increase in the flow of Vietnamese refugees with potentially valuable information on American POW/MIAs in the months and years immediately after the Select Committee completed its work, has provide a vast amount of valuable information but regrettably has not resulted in the return of a single live American.[10]

The Report's Conclusions

The most significant conclusion of the Committee read as follows:

> "That the results of the investigations and information gathered during its 15-month tenure have led this committee to the belief that no Americans are still being held alive as prisoners in Indochina, or elsewhere, as a result of the war in Indochina."[11]

It must be noted that this statement applied to Americans held alive as prisoners, an important semantic distinction which is often overlooked in discussions about the Montgomery Report.

Although the Committee's conclusion that there were no living POWs left has been pilloried by many since the return of Marine PFC Robert Garwood from Vietnam in 1979, it must be noted that the Committee clearly acknowledged the likelihood of non-POW Americans still alive in Vietnam when it stated:

> "[t]hat at least one deserter and one defector, the latter currently listed as a POW, were alive, in Indochina in the early 1970's and may still be alive, and that a small number of other deserters and civilians may still reside in South

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[9]Final Report p.132.

[10]Get statistics on the number of Vietnamese leaving Vietnam since 1975.

[11]Final Report p. vii.

Vietnam."[12]

The possibility of a few live Americans remaining in Vietnam or elsewhere in Southeast Asia voluntarily was not ruled out by the Committee's conclusion that no live prisoner's were still being held.

After examining case files the Committee concluded that of the 33 American servicemen still listed as POW at the time of the Commission, 6 of those were improperly classified as POWs at the time of their loss and no evidence of ever being taken prisoner existed for an additional 16 individuals. As a result, there were actually at least 11 confirmed American POWs who have not been accounted for by the Vietnamese.[13]

The Committee also concluded:

(1) "That, because of the nature and circumstances in which many Americans were lost in combat in Indochina, a total accounting by the Indochinese Governments is not possible and should not be expected."[14]

(2) "That a partial accounting by the Indochinese Governments is possible, and that the Department of Defense has the capability to assess, within reasonable limits, the nature and extent of any accounting that may be forthcoming."[15]

3) "The Committee did not find any dereliction or malfeasance of duty on the part of Government officials as those duties relate to the POW/MIA issue. Instead, the officials queried were knowledgeable and cooperative."[16]

4) "That the military security classification system figured prominently in the difficulties experienced by some MIA families and contributed to unnecessary confusion, bitterness, and rancor."[17]

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[12]Final Report, pp.238-239.

[13]Final Report p.238.

[14]Final Report, p.vii.

[15]Final Report, p. vii.

[16]Final Report, p.104.

[17]Final Report p.241

5) "...the Department of Defense sometimes concealed actual loss sites during the "secret war in Laos" and that this information later contributed to the mistrust expressed by some next of kin. . . showing next of kin individual MIA case files . . . .was an important factor in stimulating distrust among MIA families. Differences were evident between service case files and those maintained by the JCRC owing to the different purposes of these files."[18]

Recommendations

Among the more significant recommendations proposed by the Committee were that:

1) "the military secretaries should immediately begin individual case reviews in the manner prescribed by public law."

2) "that the Department of State promptly engage the governments of Indochina in direct discussions aimed at gaining the fullest possible accounting for missing Americans."

3) "that the House of Representatives maintain a POW/MIA oversight capability in the International Relations Committee to monitor any direct talks that may take place with Indochinese governments."[19]

4) "that the Department of Defense develop and promulgate regulations and instructions for more rapid declassification of intelligence information as it pertains to casualty information, to insure that such information is available as soon as possible in original or extract form in the individuals case file maintained by the parent service."[20]

5) the military services ensure that a realistic assessment of the individual's case include a communication to the family of the slight probability of the individual's survival if that is the case, and that no encouragement of the belief that the missing man be made without a factual

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[18]Final Report pp.240-241.

[19]Final Report, p.vii.

[20]Final Report, p. 243.

basis for that encouragement.[21]

Dissenting Opinions and Critiques

Of the ten Committee Members, several filed dissenting or additional views. Congressmen Moakley filed an additional view which were subsequently joined by Congressman Ottinger. Congressman Moakley believed the Committee had no evidence to reach a conclusion that there were no Americans alive in Indochina. He also objected strenuously to the Committee's recommendation that DoD conduct a status review of all case files because such a recommendation clearly exceeded the Committee's jurisdiction. Finally he was concerned with the invocation of "executive privilege" regarding the February 1973 Nixon letter to the Vietnamese government which promised the Vietnamese a specific dollar amount in reparations.[22]

Congressmen Gilman and Guyer filed "separate views" in which they disagreed with the Committee's conclusion that "the governments of Indochina may be capable of returning the remains of more than 150 Americans" saying that such a statement with a numerical limit implied was premature and unwarranted. They also disagreed with the recommendation that the moratorium on individual case reviews by the military secretaries should be lifted. To facilitate the transfer of information on POW/MIAs from the Indochinese governments the U.S. should undertake some "constructive and positive gesture." Finally they believed the Committee should not assume that all POW/MIAs were dead until the U.S. has received as full and exhaustive an accounting as is possible.[23]

On February 18, 1977, The National League of Families of American Prisoners and Missing in Southeast Asia issued a 25-page critique of the House Select Committee's Final Report, criticizing, among other things, the limited resources and circumscribed methodology of the Committee. At pages five and six of their critique, the League claims that Congressmen Guyer and Gilman disagreed with the report's primary conclusion that "no Americans are being held alive as prisoners in Indochina." In fact, what the two Congressmen said was that the Committee

[21]Final Report, p.244.

[22]Final Report, p.255.

[23]Final Report, pp.257-258.

"should not consider that all POW/MIAs are dead until the United States has received as full and exhaustive an accounting as possible." The Committee's Final Report did not maintain that all POW/MIAs were dead, in fact as mentioned earlier the Committee concluded that a small number might be alive in Southeast Asia voluntarily. To conclude, as the League does, that five of the ten Congressmen opposed the primary conclusion of the investigation is a dubious one at best.

The National League of Families did, however, raise some legitimate questions as to the lack of extended debate and a formal vote on the adoption of the final report and the extensive reliance of the committee on government provided data and information. The League also believed that the Committee staff selected testimony and witnesses "to support their personal belief that no one was alive."[24] The League also urged further investigation of the Nixon offer of $3.25 billion in reconstruction aid for North Vietnam and to obtain sworn testimony of Secretary Kissinger on this issue.[25]

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[24]Analysis of the Final Report of the House Select Committee on missing Persons in Southeast Asia by the National League of Families of American Prisoners and Missing in Southeast Asia, February 18, 1977, p.12.

[25]League Report, p.16.

MEMORANDUM of INSPECTION
OFFICE of PRISONERS of WAR/MISSING in ACTION
Defense Intelligence Agency Inspector General's Office
24 March 1983

In February 1983, the Defense Intelligence Agency's Inspector General's (IG) Office conducted a review of the Special Office for POW/MIA. The ten-day investigation was carried out between 15-25 February 1983, by a 5-person team. The stated purpose of the investigation was, "for the identification of issues, situations, or circumstances which affect mission performance, for the determination of the state of the economy, efficiency, discipline, morale, and for compliance with" various DoD regulations and Executive Orders dealing with Intelligence Activities.

The eight-page IG report, which is classified at the Secret level by DIA, outlined the recent history of the office, highlighted several problem areas and made several recommendations. The report concluded that the Office was operating under the assumption that POW/MIAs might still be alive in Southeast Asia and found "no evidence of illegal or improper activities."

Several of the deficiencies and recommendations noted by the IG Team were classified in the report. Among those unclassified deficiencies noted were: a heavy backlog of unresolved POW/MIA reports (1,050) a high degree of analyst exposure to political pressures, and a dire need for additional manpower. Several additional recommendations focused on DIA's role in the Interagency Group (IAG).

The IG's memo requested a reply from the POW/MIA Office to several "action items" mentioned in the report. The response, including corrective actions taken or exceptions noted, was due by 22 April 1983. [we need to get a copy of this reply]

In summary, the March 23, 1983 DIA IG inspection was apparently the first formal inspection of the POW/MIA Office. Although they found no impropriety in the office they did observe several personnel and organizational problems which needed to be addressed.

AN EXAMINATION OF U.S. POLICY TOWARD POW/MIAs

U.S. SENATE FOREIGN RELATIONS COMMITTEE
MINORITY STAFF

Background

There was no evidence as to how long the investigation took to complete. The only known period of time ascertainable is from the hiring of the Chief Investigator by Senator Grassley sometime in 1989 (p.221 of 11/15 hearing) to investigate the POW issue to the publication of the Interim Report (October 29, 1990), and finally to the publication of the Final Report (May 23, 1991). The report itself consisted of 56 pages.

The investigative body was composed of three minority staffers of the U.S. Senate Committee on Foreign Relations and two designees of certain Republican senators, who helped the effort.

The purpose of the investigation was to determine whether the agencies of the U.S. government responsible for POW/MIA affairs were aggressively pursuing their mission of finding any live POW/MIAs.

Scope

The scope of the investigation did not include an intention to search for individual POW/MIAs. As originally proposed, the investigation was to focus on the problem of POW/MIAs from the Vietnam War and what, specifically, was being done by the U.S. government to account for these personnel.

As more information became available, however, it was felt that the evidence was clearly pointing to our government's being more interested in manipulating and managing the issue than in finding living POWs listed as missing. As stated in the report, "[A]s the investigation proceeded, the weight of the evidence of failure--a failure of the U.S. Government to meet its sacred trust--became overpowering."(p.i of Examination). Because the actions of our government bore too great a similarity to its actions in earlier wars of this century to be purely coincidental, it was considered necessary to broaden the scope of the investigation to study historical precedents in our dealings with the Communists in post-war situations. As a result, the report examined the fate of U.S. POW/MIAs in the hands of the Bolshevik regime after World War I, the Soviet regime after World War II, the North Korean regime after the Korean War, as well as

the primary examination of the Vietnamese regime after the Vietnam War.

Limits

The study is said to be based upon the examination of hundreds of once-classified cables, instructions, and memoranda now in the National Archives and the files of the various agencies. The report is surprisingly comprehensive in view of the limited personnel, finances, and time allotted to the task. If a substantive weakness exists, it could well be in the area of credibility. This is not to say that the conclusions reached in the report, painting an historical picture of Communist intransigence in all matters relating to U.S. POW/MIAs, are inaccurate. Rather, because of the instances of one-sided reporting and omissions revealed by Senator McCain during his questioning of the Chief Investigator of the report, a feeling that the evidence was skewed to compel the reader to reach certain conclusions persisted.

For example, at the November 15, 1991, hearing by the Senate Select Committee on POW/MIA Affairs, Senator McCain asked the Chief Investigator of the report questions relating to the case of LCDR J.E. Dooley, USN, shot down in 1967, and that of LT. J.M. Hickerson, USN, shot down in the same general area two months later. A North Vietnamese refugee had recently provided information indicating that he had witnessed the shoot down of one of these pilots. DoD's evaluation was that the refugee had witnessed the plight of Hickerson (p.6-3 of Examination). The Chief Investigator brought up various reasons in the report why the pilot more likely could have been Dooley and that DoD refused to see the truth (p.167-171; 187-196 of 11/15 hearing). Senator McCain addressed each detail of the report with the Chief Investigator and implied that the latter's thinking was colored by his attempt to find the government guilty of being less than forthright in its handling of these two cases.

Senator McCain also focused on that part of the report which stated that a repatriated POW said he "saw Dooley's name written on the wall of a prison cell in Hanoi." The Senator knew the facts surrounding this statement and submitted that the witness's official statement was to the effect he had seen Dooley's name on the prison wall <u>or had heard the name from someone else</u> (p.165 of 11/15 hearing). The Chief Investigator had omitted a most important and vital aspect of the evidence.

Last but not least, the report stated that two Thai special forces soldiers released from North Vietnamese custody in 1973 identified Dooley's photograph as a fellow inmate (p.6-3 of Examination). What was omitted was the fact that these two soldiers identified hundreds of other POW photographs, not only that of Dooley, and that in many cases they were correct and in numerous others they may have been mistaken because nothing

further was heard from those POWs so identified (p.161-164 of 11/15 hearing). Dooley fit into the latter category.

Conclusions

The conclusion of the report was succinctly stated:

"In each case [of the U.S. postwar dealings with the Communists on the issue of POW/MIAs in this century], the same dismaying scenario appears: On the Communist side, the regimes denied holding U.S. prisoners, contrary to many credible reports, while in fact they were holding the U.S. POW/MIAs as slave laborers and as reserve bargaining chips to get diplomatic recognition and financial assistance. On the U.S. side, our government downplayed or denied the reports of POW/MIAs, and failed to take adequate steps to prove or disprove the reports, while elements in our government pursued policies intended to make diplomatic recognition and financial support of the revolutionary regimes possible." (p.2 of Dear Colleague)

Recommendation

The report recommended that more time and more resources were needed to investigate U.S. Policy toward POW/MIA matters. In this regard, it asked for the establishment of a Senate Select Committee on POW/MIA Affairs, which in fact was done on August 2, 1991, by way of S.Res.82.

REPORT OF THE PRESIDENTIAL COMMISSION ON AMERICANS MISSING AND UNACCOUNTED FOR IN SOUTHEAST ASIA "WOODCOCK COMMISSION REPORT"

BACKGROUND

The Presidential Commission on Americans Missing and Unaccounted for in Southeast Asia chaired by Mr. Leonard Woodcock, President of the United Auto Workers, was announced by the Department of State on February 25, 1977. The other members of the five member Commission included: former Senator Mike Mansfield, former Ambassador Charles W. Yost, Congressman G.V. Montgomery and Mrs. Marian Wright Edelman, Director of the Childrens' Defense Fund.[1]

The Commission lasted about one month and included a trip to Vietnam and Laos March 16-20, 1977. The Commission prepared a twenty-two page Report on Trip to Vietnam and Laos March 16-20, 1977, and briefed President Carter to on March 23, 1977. Two members of the Commission, Mr. Woodcock and Congressman Montgomery, also testified on April 1, 1977 before the United States Senate Committee on Foreign Relations.

The Commission's goal was to help the President obtain an accounting of missing Americans in Southeast Asia. It was directed to go to Vietnam and Laos and meet with representatives of the Socialist Republic of Vietnam and the Lao Peoples' Democratic Republic to seek information on our missing personnel, including the return of recoverable remains. The Commission was also instructed to receive these governments' views on matters affecting our mutual relations.[2]

The Commission was not a diplomatic mission in the usual sense, as it was not empowered to negotiate on behalf of the U.S. Government on matters involving relations between the U.S. and Vietnam and Laos. It was, however, given authority to reach agreement with Vietnamese and Lao authorities on matters pertaining to the question of our missing personnel in order to obtain information and recover remains.

SCOPE AND METHODOLOGY

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[1]Report on Trip to Vietnam and Laos, p. 1.

[2]Report, p.1.

The Departments of State and Defense provided briefing material to the Commission on the background and history of the MIA issue, including details on missing individuals and on past efforts to obtain information on them, as well as a review of U.S. relations with the countries of Indochina. The first formal meeting and briefing session was at the Department of State on March 7, 1977. Dr. Henry Kenny, former staff member of the House Select Committee on Missing Persons in Southeast Asia described that Committee's 1975 trip to Hanoi and Vientiane. Mr. James D. Rosenthal, Chief of the Commission's staff, attended a meeting with Vietnamese representatives in Paris in preparation for its visit to Southeast Asia.

The Commission also met with non-governmental organizations and individuals who were concerned with the MIA problem and other matters pertinent to its mission.[3] On March 7, 1977, the Commission met with representatives of the National League of Families of Americans Missing in Southeast Asia. The League said that they recognized an accounting for all the missing was impossible but some men still missing were known to be alive at one time and the American people were entitled to know what happened to them.[4] A meeting was held on March 11th with representatives of the American Friends Service Committee, who briefed the Commission on their recent visit to Vietnam and urged consideration of humanitarian aid to that country. Mr. Richard Dudman of the St. Louis Post Dispatch, who had been captured and released during the war in Cambodia, urged the Commission to approach Cambodia on the MIA issue, particularly in regard to the 25 international journalists missing in that county, four of whom were Americans.

Commission members also met or talked individually with persons and groups with a specific interest in the Commission's mission, such as MIA family members.

All Commission members thoroughly read the final report of the House Select Committee on Missing Persons in Southeast Asia, published December 13, 1976. They were told later by SRV Deputy Foreign Minister Phan Hien that he had also read it. What degree of influence this Final Report had on the Commission and/or members of the Vietnamese government poses an interesting question.

On Saturday, March 12, the Commission met with President Carter and Secretary of State Cyrus Vance. The Commission was directed not to apologize for past relations, but to emphasize the President's desire for a new beginning with these governments on the basis of equality and mutual respect. It was instructed to seek all available MIA information and to obtain all recoverable remains from the Vietnamese and Lao and to listen

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[3]Report, p. 2.

[4]Report, p. 3.

carefully to the concerns of these governments on other matters of mutual interest.[5] Mr. Woodcock was asked by President Carter to deliver personal letters from him to Vietnamese Prime Minister Pham Van Dong and to Lao President Souphanouvong.

The following day, the Commission flew to Hawaii, where it received briefings by the Department of Defense, the Joint Casualty Resolution Center (JCRC) and the Central Identification Laboratory (CIL).

The Commission departed Hawaii on March 13th for the Philippines where they were briefed by U.S. Ambassador William H. Sullivan, who gave Commission members advice based on his many years of experience in negotiating with the Vietnamese.

The Commission spent approximately 2 1/2 days in Hanoi (March 16-19) where they met with top Vietnamese government officials including Prime Minister Pham Van Dong. The atmosphere was cordial and there was no harsh rhetoric on the part of Vietnamese officials.

The highlight of the Commission's talks in Hanoi was the SRV's formal undertaking to give the U.S. immediately all available information on our missing men and to return remains as they are recovered and exhumed. The remains of 12 U.S. airmen were turned over to the Commission. The Vietnamese stated that all living U.S. military POWs had been returned and all U.S. civilians remaining in South Vietnam after April 30, 1975, who registered with the Vietnamese authorities had left the country.

The Commission was informed that the SRV had established a specialized office to seek information on missing Americans and to recover remains. The Vietnamese said they would welcome information, documents and materials to assist in the search efforts.

In a brief meeting following the final dinner, the Commission was told that American citizen Tucker Gougleman, who had stayed in Saigon after 1975, had died in Saigon in June 1976, and that his remains would be returned as soon as they could be hygienically exhumed.[6]

The Vietnamese made it clear that the subject of MIAs, normalization and aid were interrelated, but that none of these three points should be considered as pre-conditions to the other two. Vietnamese officials also expressed a strong desire to move toward normal relations with the U.S. and stated that they were prepared to establish diplomatic relations with us.

In meetings with the Commission, the Vietnamese emphasized their strong interest in receiving aid from the United States. This aid was expressed as an American "responsibility" and "obligation" from the war. Aid was generally categorized as

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[5]Report, p. 3.

[6]Report, p. 8

something the United States "should" do.[7] The Vietnamese suggested they were performing a humanitarian act in working to alleviate the suffering of the MIA families, that in fairness, the U.S. should be willing to act humanely to repair some of the destruction caused during the war. The issues of refugees, family reunification and internal Vietnamese social problems were discussed.

The Commission then flew to Vientiane early on March 19. Formal talks were held with Lao high government officials including Lao Peoples Democratic Republic President Souphanouvong.

The Lao expressed their sympathy with the MIA families and their wish to relieve the latter's suffering. They noted, however, the great difficulty of finding MIA information and remains in the rugged terrain of Laos, given the nation's small population and lack of basic material means. The Lao did assure the Commission that there were no Americans who had been captured and were alive in Laos, and all Americans captured during the war had been returned to the U.S.[8]

The Lao made clear to the Commission that they connected the MIA problem with that of U.S. assistance to "heal the wounds of war" and rebuild their country. They expressed their view that the two problems should be resolved together, since both resulted from the war.

They expressed particular concern at what they claimed was Thai support for anti-Lao Peoples Democratic Republic elements both within Laos and in Thailand.

LIMITS OF THE INVESTIGATION

Although the Commission contacted numerous valuable sources of information, as in any other Commission or investigation, with time limitations there were some important areas that were not addressed and some sources of information that were not accessed for various reasons.

The fact that the Commission was not a diplomatic mission in the usual sense, in that it was not empowered to negotiate on behalf of the U.S. Government on matters involving relations between the U.S. and Vietnam or Laos, may have encumbered the Commission mission or sent an incorrect signal to Vietnan and Laos.

Congressman G.V. Montgomery's presence on the Commission may have influenced the Commission's objectivity because he chaired

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[7]Report, p. 10.

[8]Report, p. 14.

the House Select Committee on Missing Persons in Southeast Asia that completed its fifteen month investigation on December 13, 1976. It should be noted that all Commission members thoroughly read the final report of Montgomery's Committee Report.

Due to a lack of communication between the U.S. and the Camobodian Government, and the apparent unsettled situation in Phnom Penh, the Commission decided it was best not to try to go to Cambodia. The Commission decided to attempt to arrange a contact with an Ambassador of Cambodia at a location in Southeast Asia. A representative of the U.S. Liaison Office in Beijing delivered a formal request for such a meeting to the Cambodian Embassy. On March 19, Radio Phnom Penh carried the text of a press communique issued by the Cambodian Foreign Ministry refusing the request and hurling back invective at the U.S. The Commission was unable to meet with any representatives of the Cambodian government and therefore no further information was obtained about missing or killed Americans in that country.

THE REPORT'S CONCLUSION

The Commission concluded that it would be best to approach the Vietnamese in a humanitarian spirit of mutual cooperation, looking to the future and not the past which seemed to always focus on war. The treatment of the Commission by the Vietnamese leadership indicated the importance they placed on the visit and its genuine desire for a new and improved relationship with the United States. Furthermore, the Vietnamese made it clear that the issues of normalization of relations, aid and POW/MIA were all "interrelated" but none of these three points should be considered as a precondition to the other two. The Commission also concluded from its visit to Laos that the Lao probably had considerably less information on MIAs than the Vietnamese, and were less able to develop additional information or locate remains.[9]

The Commission's visit appeared to create a new and favorable climate for improved relations with both Vietnam and Laos.

The Commission specifically concluded:

1. There is no evidence to indicate that any American POWs from the Indochina conflict remain alive.

2. Americans who stayed in Vietnam after April 30, 1975, who registered with the Foreign Ministry and wished to leave have probably all been allowed to depart the country.

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[9]Report, p. 15.

3. Although there continue to be occasional rumors of deserters or defectors still living in Indochina, the Commission found no evidence to support this conjecture.

4. The Vietnamese have not given us all the information they probably have, in part because of their concentration on the return of remains. The Commission believes it succeeded in making clear to the Vietnamese the importance we attach to receiving all kinds of information, however slight or fragmentary it may be.

5. The Vietnamese gave a clear formal assurance that they would look for MIA information and remains and that they would provide such information and remains to the U.S. They did not make this specifically contingent on our provision of aid, but they do see action on MIAs as related to resolution of other issues of concern to them.

6. For reasons of terrain, climate, circumstances of loss, and passage of time, it is probable that no accounting will ever be possible for most of the Americans lost in Indochina. Even where information may once have been available, it may no longer be recoverable due to the ravages of time and physical changes.

7. A new procedure has been established for the continuing exchange of MIA information between the U.S. and the SRV. The U.S. will use this mechanism to furnish additional information and materials to assist MIA searches.

8. The Lao authorities called attention to the difficulty of MIA search efforts in view of the difficult terrain in their country, but undertook to provide information and remains as they were found.

9. The Commission was unable to meet with representatives of the Cambodian Government. That government has repeatedly denied that it holds any foreign prisoners, and the Commission considers it unlikely that additional MIA information will be forthcoming from that country.[10]

[10]Report, p. 19.

RECOMMENDATIONS

Among the more significant recommendations proposed by the Commission were that:

1. The Commission believes that resumption of talks in Paris between representatives of the U.S. and Vietnamese governments would be a most useful way of continuing the dialogue begun during its mission to Hanoi.

2. The Commission believes that normalization of relations affords the best prospect for obtaining a fuller accounting for our missing personnel and recommends that the normalization process be pursued vigorously for this as well as other reasons.

3. The Commission believes it most important to continue the technical exchanges with the Vietnamese Agency on Accounting for MIAs which were initiated in Hanoi.

4. In addition to talks in Paris, consideration should be given to proposing that a U.S. representative personally bring such information to Hanoi, and to inviting Vietnamese representatives to visit the U.S. Central Identification Laboratory in Honolulu.

5. In view of the Vietnamese statements that they could be glad to receive material assistance to aid their search for U.S. remains, the Commission recommends that this subject be considered promptly within the U.S. Government with a view to quickly providing whatever assistance is appropriate.

6. Consideration should also be given to offering technical advice and assistance on defusing unexploded ordnance, which the Commission understands continues to be a serious problem in some areas. An international agency such as UNHCR could be helpful in arrangements for providing such information.

7. Another possible action would be to encourage private American groups to increase humanitarian aid programs for Indochina, in such areas as food and medical supplies, including prosthetic equipment.[11]

[11]Report, pp. 21-22.

DISSENTING OPINIONS

The report does not contain any dissenting opinions.

HEARINGS

A hearing was held April 1, 1977, before the Senate Committee on Foreign Relations chaired by Senator John Sparkman. Mr. Leonard Woodcock and Congressman G.V. Montgomery read prepared statements and answered questions from various Senators. The hearing lasted one hour and eight minutes and produced a twenty-five page report. It was a general discussion of the Commission's trip, impressions, conclusions and recommendations. Mr. Woodcock stated in response to Senator Griffin, "They say no Americans are held alive against their will. I add to that just good common sense and the passage of time. Why would they be holding Americans against their will?"[12]

[12]Hearing, p. 16.

REPORT ON THE CONGRESSIONAL DELEGATION VISIT TO SOUTHEAST ASIA JANUARY 13-21, 1986 AND HEARINGS BEFORE THE COMMITTEE ON VETERANS' AFFAIRS OF THE UNITED STATES SENATE ON "LIVE-SIGHTING" REPORTS OF AMERICANS LISTED AS MISSING IN ACTION IN SOUTHEAST ASIA

BACKGROUND

In mid-January, 1986, a bipartisan delegation of the Senate and House of Representatives traveled to Thailand, Vietnam and Laos to improve Congress' knowledge of the status of America's missing in action servicemen still unaccounted for more than thirteen years after the Vietnam War. The members of the four person delegation were: Senator Frank H. Murkowski, Senator Dennis DeConcini, Representative Bob McEwen and Representative Michael Bilirakis. The trip lasted eight days, and a thirty-seven page report was published in July 1986 concerning the trip.

The delegation's report stated that an atmosphere conducive to MIA discussions with the Vietnamese and Lao had not existed until May 1981, when technical meetings between the United States and Vietnam began a productive dialogue. The U.S. delegation underlined the fact that the American people and the administration gave the highest priority to resolution of the MIA issue. Furthermore, the American people were concerned about allegations of Americans remaining in Southeast Asia via reports of live sightings and that the United States and Vietnam should consider jointly following up on these reports.

Deputy Foreign Minister Son commented that all American prisoners of war had been handed over and that Vietnam was not holding any live prisoners. Son said if any Americans were living in Vietnam, the Vietnamese Government had no knowledge of them nor were they under Vietnamese control.[1] Members of the delegation asked Son if the Vietnamese would have any objections to an independent, international organization, such as the Red Cross, aiding in the investigation of live sightings. The U.S. delegation stressed that such an organization, with free access to the Vietnamese countryside would have credibility with many countries. However, the Deputy Foreign Minister rejected this proposal, stating that such an organization or any outside group

[1]Report of the Congressional Delegation Visit to Southeast Asia, p. 15.

would violate Vietnam's sovereignty and would interfere with Vietnam's internal affairs.

The U.S. delegation met with Ambassadors from Great Britain, France, Italy, West Germany, the Netherlands and Belgium while in Hanoi. Each of the Ambassadors stated that they had access to most of the country and at no time had they or their staffs been aware of any Americans living either in captivity or of their own volition in Vietnam. They stressed their degree of access and were very candid in their assessment that the Vietnamese were not holding Americans against their will. However, they did indicate that it was highly probable that Americans were in Vietnam of their own volition.

A detailed chronology of U.S./SRV POW/MIA activities from May, 1981 to June, 1986 is included in the report.

The United States Senate Committee on Veterans' Affairs held hearings on January 28 and 30, 1986; February 27, 1986; May 1, 1986; June 25, 1986; July 16, 1986; and August 12, 1986 on live sightings of American servicemen in Southeast Asia. There were also two executive sessions held during the hearings. The hearings were chaired by Senator Frank H. Murkowski. The Committee was comprised of twelve Senators and Mr. Anthony J. Principi was Chief Counsel/Staff Director.

SCOPE AND METHODOLOGY

The Committee conducted seven open hearings from January-August 1986, over 35 witnesses provided testimony and numerous documents were received. In addition, two executive sessions were held to receive highly classified information.

These hearings are contained in two volumes covering 780 pages of testimony and documents. Both private citizens and members of various governmental agencies were called to testify.

Senator Murkowski stated that it was the position of the Administration and one he wholeheartedly endorsed that it must be assumed that there are American servicemen living in conditions unknown to us in Southeast Asia.[2]

Congressman Mike Bilirakis and Congressman Bob McEwen were part of a joint Congressional team to visit Southeast Asia in January, 1986 and were extended an invitation to sit with the Committee during these hearings. The Congressional delegation was informed by Vietnamese officials during their visit in mid-

[2]Hearing, Volume 1, p.1.

January, 1986, that there were no Americans under their government's control . It was also indicated that the Vietnamese wanted to resolve this matter within two years.

President Reagan had declared that a resolution of this issue is of the highest national priority.

"When this Nation assumes the responsibility of sending its very best men into battle, it must also assume the responsibility of making every effort to bring them home again. If they have fallen in battle and cannot be found, then the Government is no less obligated to provide to their families and fellow citizens the fullest possible accounting for those lives given on behalf of America."[3]

Ms. Ann Mills Griffiths, Executive Director, National League of Families of American Prisoners and Missing in Southeast Asia, said that there had been an apathetic noneffort for about eight years, but that now a serious conscientious effort was being made. She said she knew there was no conspiracy or coverup.

Members of the national veterans group testified and urged more de-classification of information for the public and the family members.

Major Mark Smith, U.S. Army (Ret.), SFC Melvin C. McIntire, U.S. Army (Ret.) and Mr. Scott T. Barnes testified about living Americans in Southeast Asia, the disinterest of U.S. governmental officials in this issue, as well as the Col. Bo Gritz mission to rescue prisoners.

Mr. Richard F. Hebert, President of the Center for POW/MIA Accountability, Inc. said that there were individuals of the "Rambo" persuasion that pursue this matter for their own self-serving interests. Most often it is for personal financial benefit at the expense of family members and a naive public, or to gain recognition that was somehow never earned.[4]

Col. Earl P. Hopper, U.S. Army (Ret.), stated that American prisoners of war were left behind in Southeast Asia knowingly by the U.S. Government, and that some are still being held against their will. He entered two CIA documents to support his point of view. One great weakness was the failure of the U.S. intelligence agencies to develop a covert, on the ground, human intelligence capability to locate our POWs.

Colonel Hopper testified that there was a history of

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[3]Hearing, Vol. 1, p.3.

[4]Hearing, Vol. 1, p. 81.

Communist governments keeping POWs behind. The Soviets did it to the Germans after World War II, the Vietnamese did it to the French and the North Koreans and Chinese did it to the U.S. after Korea.

Colonel Hopper thought there may have been an arrangement between Kissinger and Le Duc Tho and that for some reason, Le Duc Tho held prisoners back as bargaining pawns, not trusting Kissinger to uphold his pledge of $3.25 billion in reconstruction aid.[5] He was also critical of U.S. intelligence being so compartmented and that so many reports were left undecided after so many years.

Mrs. Patricia B. Skelly, Chairman of Task Force Omega, Inc., was concerned about so many DIA errors and the rhetoric of government officials with so few results.

Senator Denton said the most undeniable feature of the POW/MIA issue was and still is emotionalism. He stressed that the Vietnamese cooperation with our effort depends on what leverage we have to bring to bear against them.

Congressman Gerald B.H. Solomon stated that the idea of a coverup is absurd on its face. Congressman Benjamin A. Gilman also testified on this issue.

Lt. Col. Robert L. Howard, U.S. Army, volunteered his testimony in support of statements made by Major Mark Smith and Sergeant First Class McIntire.

Dr. Larry Ward, Founder/President Emeritus of the Food for the Hungry International, had been to Vietnam 26 or 27 times in the last six and a half years. He noted a change in the Vietnamese attitude and felt strongly that they should be given two years to resolve this issue. Dr. Ward felt there were live Americans being held against their will somewhere in Indochina and certainly there are live ones there, probably a large number of defectors.[6]

The Honorable Richard L. Armitage, Assistant Secretary of Defense for International Security Affairs, said that the live sighting issue has been the U.S.' highest priority within the whole issue of Americans missing in action. He claimed that this Administration had increased the resources and manning of all aspects of the issue at DIA, JCRC, CIL, OSD and the LNO office in Bangkok. The Administration has changed the priority devoted to this issue in terms of intelligence to one of highest national

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[5]Hearing, Vol. 1, p. 100.

[6]Hearing, Vol. 1, p. 143.

priority.[7]

Lt. Gen. Leonard H. Perroots, U.S. Air Force, Director, DIA, stated that the DIA office that handles POW affairs has increased fivefold in personnel since Lt. Gen. Tighe was Director of DIA. There have been many both internal and external investigations of DIA concerning coverups and abuse of witnesses. These investigations concluded that the allegations had no basis in fact. He also refuted the statements of Major Smith and SFC McIntire on DIA involvement with the Gritz operations to rescue prisoners and other statements they made about intelligence they gave DIA. He denied Mr. Scott Barnes' statement that his mission had U.S. government approval. There has not been any suppression of information by DIA, General Perroots testified.

According to Gen. Perroots, Vietnam's reluctance to allow international groups into their county could be based on several things. No one can underestimate the sovereign concerns of the Vietnamese. A history of Vietnam over the last 1300 years would indicate that nationalism is the thing foremost on their mind at all times. There could also be a reluctance to show the world what has not taken place in the sense of progress after the fall of Saigon.

Gen. Perroots testified that most of the reports turned over to DIA concerning live sightings are from refugees from Vietnam. He said it was important to treat refugees correctly or a most valuable source will not be willing to talk. General Perroots said the abuse of witnesses charges stem from a small number of people who as dissatisfied with the results.

Mr. Trowbridge of DIA testified that Pvt. Robert Garwood's appeal to the U.S. Supreme Court had been denied in December 1985 and that DIA had interviewed him one time, on February 26, 1986. The information provided was over ten years old.

Another witness, Major General Moore had staff responsibility for and cognizance of the Special Forces Detachment Korea that Major Mark Smith had commanded. It was a small detachment of nine personnel with a primary mission of supporting the ROK special forces by providing special operations, technical and trade craft training. They did not have a mission to do the kind of activities that Major Smith described in his affidavits and testimony. Major Smith had no mission given to him by Pacific Command with regard to POW/MIA activities in Thailand.[8]

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[7]Hearing, Vol. 1, p. 156.

[8]Hearing, Vol. 1, p. 231.

Major General Lauer stated that he did not recall Lt. Col. Howard's report "Possibility of POWs in Laos" ever being given to him or to ever having been briefed on this report.

DIA did receive and analyze information provided by Major Smith and SFC McIntire to the 501st MI Group Korea. The DIA analysis of these three reports determined that: (a) Smith's source was relaying unsubstantiated, hearsay information about Americans; (b) that DIA had previously received the artifacts from other sources; and (c) that the third report relayed information about an individual not missing in Southeast Asia, and an Army officer that had died in captivity in 1961. DIA interviewed SFC McIntire in 1985 and confirmed that the information in the three reports was the extent of POW-related information in his and Smith's possession.[9]

During the hearings conducted on May 1, 1986, Senator Murkowski said that the purpose of these hearings was to obtain the fullest possible accounting of Americans missing as a result of the Vietnam War.[10] The Vietnamese announced that they intended to suspend the continuation of technical talks with the U.S., because of the U.S. action against Libya. Senator Murkowski went to New York for discussions with the Vietnamese Ambassador to the United Nations on entering into a bilateral agreement to reflect the commitment and responsibilities of both nations to obtain the fullest possible accounting within the two-year time frame.

It should be noted that because Major Smith and SFC McIntire had not provided the Committee with requested information, answers to letters or returned telephone calls, it voted to exercise its power of subpoena to require Major Smith and SFC McIntire to appear. Furthermore, a subpoena was also voted to be issued to Mr. Richard Childress.

Mr. Everett Alvarez, Jr., a former POW, told the Committee about his experience as a POW for eight and a half years. His experience related only to flight crews, as with few exceptions, those were the only POWs inside his camp. The end of 1969 marked the beginning of improved conditions for POWs. By the latter part of 1972 they were living in model POW conditions because the North Vietnamese realized that a POW release would be part of any negotiatory settlement and efforts on behalf of the families of the POWs began to emerge and have an impact on public opinion both in the U.S. and abroad.[11] The Vietnamese have a very high

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[9]Hearing, Vol. 1, p. 458.

[10]Hearing, Vol. II, p. 1.

[11]Hearing, Vol. II, p. 18.

regard for world opinion. He could not think of any reason why the Vietnamese Government might be holding prisoners against their will.

Lt. Col. Paul Mather, USAF of the JCRC Liaison Office in Bangkok, stated that he did not compromise, in January 1984, a Thai intelligence source as claimed by Lt. Col. Howard in his affidavit, and subsequent closed session testimony.

The JCRC's most important and time-consuming task is to assist in collecting any and all information pertaining to the POW/MIA issue. Their biggest source of new information is the stream of Indochinese refugees fleeing from Vietnam, Laos and Cambodia. He stated that interviews of these people resulted in the submission of 900 reports containing an entire spectrum of POW/MIA information. These reports were forwarded to JCRC Headquarters in Hawaii and to DIA for review and analysis. JCRC also are involved with crash site survey and excavation activities in both Vietnam and Laos, and the repatriation of U.S. remains.

Lt. Col. Mather has worked on this issue for over ten years. He has seen lots of photographs over the years, but they are either unidentifiable or have been proven to be fraudulent. He stated that the refugees can be easily intimidated and if JCRC were to mistreat, harass or in any way turn them off, our flow of information would stop. He said JCRC would never do anything to prevent the information from flowing. Lt. Col. Mather stated he had nothing to do with Bo Gritz' rescue mission, had never given Mr. Barnes a package, or ever made the statement, "It would be in the best interest of the United States if no live POW came back," as Mr. Barnes had testified.[12]

Another hearing was held on June 25, 1986, and Senator Murkowski said that even though the committee had provided an opportunity for people to come forward to offer information relative to those missing in action, that the committee had not been provided indisputable evidence that Americans were being held against their will in Southeast Asia. The Chairman said the evidence must be more than wishful thinking or speculation as the committee needs hard facts that will satisfy the people who really need to know the truth, and those are the families of those missing in action.

Major Mark Smith was to appear before the Committee according to his attorney's letter of June 20, 1986, but did not show. Senator Murkowski asked the U.S. Marshals to locate and serve the outstanding subpoena on Major Smith and Sergeant McIntire.

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[12]Hearing, Vol. II, p. 33.

Dr. William R. Maples, Curator of Physical Anthropology, Florida State Museum, University of Florida, told the Committee that a three member team which included Dr. Ellis Kerley, Dr. Lowell Levine and himself was asked by the Army to go to the Central Identification Laboratory in Hawaii and evaluate its procedure and staff. He discussed the Pakse crash and the remains, stating that it was quite different in its overall nature from everything else that seems to go to the Laboratory. In this case the Laboratory did a poor job, but on the whole, they do a good job. One of the advantages is the total lack of training in Vietnam. They do not know what we do in terms of identification, so they can not play games with us.[13] In the Pakse case, they were wrong in reaching a conclusion when the remains were unidentifiable.

The committee met again on July 16, 1986, to hear testimony from Major Mark Smith and Sergeant First Class Melvin McIntire. The two had appeared before the committee on January 28, 1986, and indicated their willingness to share information and the evidence they had which would prove American servicemen had been held in captivity in Southeast Asia in 1984. They said they had photographs, maps, documents, etc. that would prove live prisoners of war in Southeast Asia. They also testified about the alleged existence of a videotape which depicts Caucasians in captivity in October 1985. Mr. Smith claimed to have viewed the 248 minutes of the tape while Mr. McIntire did not.[14]

Major Smith provided copies of photos which contain a total of three Americans. The photographs were provided to him by a source in Thailand who he considers reliable, showing Americans who were left in Southeast Asia at the conclusion of the Vietnam war.

As to the film in question, a letter was written to the White House and hand carried by Congressman Bill Hendon. Major Smith and Mr. Waple were to show up in Singapore with $4.2 million in cash for Mr. Obassy to obtain the film.[15]

Mr. James P. Coyne, a writer appeared before the committee and said that he had been investigating the possibility of live American prisoners of war captured during the war in Vietnam still being alive. He was in Thailand for over three years as a foreign correspondent for Soldier of Fortune magazine. He feels that there are those who would trade on the POW/MIA issue for nothing more than financial gain. Some have appeared before the

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[13]Hearing, Vol. II, p. 69.

[14]Hearing, Vol. II, p. 106.

[15]Hearing, Vol. II, p. 135.

committee, but the most flagrant, the most venal, have not. They remain in Thailand or elsewhere, ready to victimize those vulnerable with grief or misguided by zeal.[16] He would not consider Mr. Gregson a reliable source; furthermore, Mr. Gregson is a very persecuted individual. Coyne's problem with Major Smith and SFC McIntire was their methodology in arriving at their conclusion regarding live Americans. Coyle stated that he just does not believe it.

The last and final hearing was held August 12, 1986, before the Committee. Mr. Thomas Ashworth, a private citizen, who was a Marine officer and helicopter pilot during Vietnam and was released from active duty in 1971. He claimed to have information on live Americans but testified that DIA would not talk with him when he called DIA's Carol Bates with follow-up information. He claimed he had a friend named Pau Tung Her, who told him that a friend had seen over a hundred Americans in Sam Neun Province before he escaped.[17]

Mr. John M. Nevin accused Dr. Henry Kissinger and Mr. Vernon Walters of lying in testimony given to a Congressional committee and Mr. Armitage and Mr. Wolfowitz of withholding information from the committee. He claimed there was a coverup and said he had reams of evidence that was already in the hands of the U.S. government.

It was pointed out by Committee members that the problem with much of the testimony was that it relied on second and third hand stories, and not hard, concrete facts.

Major Mark Smith appeared again before the committee and stated that seven U.S. Congressmen have reached the same conclusion that American POWs remain captive in Southeast Asia. He provided the committee with what he considered to be strong circumstantial evidence that Americans may be alive and in captivity in Southeast Asia.[18] He tried to talk to one of the individuals in the picture in 1981, but the man refused to talk.

Major Smith requested Mr. Obassy to make a film in mid-1985 of mining and timber operations in Laos using slave labor, but Mr. Obassy would not turn over the film to him. He has seen the film and the weaponry displayed in it makes it post-1975. Mr. Waple has seen one-third of the film twice. Arrangements for $4.2 million in the Bank of America to obtain the film were provided by Lt. Gen. Perroots of DIA.

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[16]Hearing, Vol. II, p. 148.

[17]Hearing, Vol. II, p. 175.

[18]Hearing, Vol. II, p. 199.

Brig. General James W. Shufelt, U.S. Army, Deputy Director of DIA, told the committee that the POW/MIA shop had doubled to 28 personnel from a year ago. DIA had analyzed the materials provided to the committee by Major Smith on July 16, 1986, and concluded that the entire package contained absolutely no proof of live American prisoners being held in Southeast Asia.[19] Shufelt testified that the U.S. Government had stated repeatedly it would not pay for information and that the U.S. Government was not providing $4.2 million for the film. There is no intelligence from the three pictures as the location of where they were taken can not be determined. There was not a coverup at DIA. Intelligence is somewhat a subjective game and, whether you are dealing with POWs or the number of T-80 tanks the Soviets have and are producing, there are always going to be analytical differences based with the information available between analysts and between intelligence agencies that deal on the production of intelligence.[20] He testified DIA had only received four photos and no POW names from Major Smith-SFC McIntire. DIA had met with Mr. Ashworth and Mr. Nevin, both of whom had been witnesses before the Committee, and the problem was that DIA did not reach the conclusion that they would like DIA to reach and that caused conflict.

There was an interesting exchange of letters between Senator Murkowski and Congressman Hendon in the Appendix.[21]

LIMITS OF THE HEARINGS

It is interesting to note that at the first of the seven hearings held, Senator Murkowski stated that it was important to note at the start that the committee would not necessarily reach any conclusions. The committee did not publish a final report, so it appears that they, in fact, did not reach any conclusion or have any recommendations on this most important subject matter.

The Committee received many mixed signals from the various witnesses. Several witnesses claimed to have proof that American POWs were alive in Southeast Asia, but were unable throughout the hearing to establish hard facts to support this conclusion. Some of the witnesses contended that various government officials and agencies had lied, withheld information, or were involved in a coverup. The agencies denied that there was a coverup and disputed the testimony of those that leveled the allegations.

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[19]Hearing, Vol. II, p. 225.

[20]Hearing, Vol. II, p. 230.

[21]Hearing, Vol. II, p. 251.

The charges and denials are far apart - where or where is the truth?

The Administration said that the resolution of Americans missing in action was a matter of the highest national priorities. It has been over six years since these hearings were concluded, and while some progress has been made, this issue lingers on and on and is the core of great frustration for the families as well as the Administration.

Vietnam asked for two years to settle this issue. It has now been six - how much longer will it take.

The Committee heard very dedicated witnesses who testified concerning their particular beliefs with regard to the MIA/POW issue and the allegations of a coverup but in essence ended up facing a catch-22 situation. The Committee pleaded for individuals to come forward or to meet with them individually to establish the plain fact that there were Americans being held in Southeast Asia - but none, in the eyes of the Committee, did so.

Appendix 4

Witnesses

APPENDIX 4

Witnesses

Ken Albrecht: Mr. Albrecht is the President of the National Charities Information Bureau, Inc., a non-profit organization that sets standards and monitors other charitable organizations. George H. Aldrich: Mr. Aldrich was a legal advisor to the State Department (1965-81).

George Aldrich: Former legal advisor to the Department of State and was involved in the Paris Peace Accord negotiations. Author of The Interpretation of the Paris Peace Accords.

Dolores Alfond: Mrs. Alfond is the National Chairperson of the National Families Alliance. Her brother is listed as Missing in Action.

Joseph E. Andry: Mr. Andry is a former Commander of the Disabled American Veterans (1990-91).

Richard Armitage: Former Deputy Assistant Secretary of Defense in 1982.

Thomas Ashworth: Mr. Ashworth is a Marine Corps combat veteran of the war in Vietnam, an author and speaker, and an expert in the archival resources pertaining to POWs and the missing from World War II, Korea and Indochina.

Jack Bailey: Retired Lt. Col, US Air Force. Involved in POW/MIA matters as the head of Operation Rescue.

Howard Baker: Former senator and Majority Leader from Tennessee and Chief of Staff at the White House under Pres. Reagan.

Garnett Bell: Special assistant for negotiations on POW/MIAs for commander, JTF-FA. Testified before the Committee in 11/91. Employed by JTF-FA. Currently stationed in Bangkok, Thailand.

Errol Bond: Mr. Bond was Vice-President of Support Our POW/MIAs, Inc., a tax-exempt organization that laundered money that went to support the Laotian Resistance.

Tim Brockman: Former Army Security Agency Crypto operator in 1974. Related to Lippert deposition.

RADM Thomas Brooks: (USN, Ret.) Former supervisor of the POW/MIA office at DIA. Author of Brooks Memorandum critical of DIA published in September 1985.

John Brown: John M. G. Brown is an infantry combat veteran of the

war in Vietnam, an author and a researcher who has extensive knowledge of the sources of information pertaining to American and Allied POWs and MIAs from World War I, World War II, Korea and Vietnam. Col., USAF, DoD Central Documentation Office.

Ed Brown: Mr. Brown is the Public Charities Director for the Office of the Secretary of State of South Carolina. He is responsible for all public charities registration and compliance within the state.

Zbigniew Brzezinski: Mr. Brzezinski was a member of the State Department's Policy Planning Council (1966-68), Assistant to the President for National Security Affairs (1977-81), and a member of the President's Foreign Intelligence Advisory Board (1987-91).

Dennis Buckner: Mr. Buckner contributed approximately $3000 to the failed "Team Falcon" POW rescue mission.

Larry Budge: Army General (Ret.), who was a Major during the Four Party Joint Commission.

Linda Canada: Ms. Canada is an account representative for Eberle & Associates, a professional fundraising company. Ms. Canada was responsible for the Jack Bailey/Operation Rescue account.

James Cannon: Former Assistant to former White House Chief of Staff Howard Baker.

Frank Carlucci: Former Secretary of Defense during Reagan Administration.

CPT Cynthia A. Chambers: Captain Chambers is currently an Intelligence Officer, Special Office for Prisoners of War and Missing In Action, DIA.

COL Richard T. Childress (USA, Ret.): Mr. Childress served as General Staff Officer for Asian Affairs, Department of the Army (1978-81), and as NSC Director of Asian Affairs and Political Military Affairs (1981-1989).

MG George R. Christmas: Major General Christmas is the Director for Operations, Commander in Chief, U.S. Pacific Command (1991-Present).

LG James R. Clapper, Jr.: Lieutenant General Clapper has served as Director for Intelligence, Headquarters, U.S. Pacific Command, and Assistant Chief of Staff, Intelligence, Headquarters, U.S. Air Force. He is currently Director of the DIA.

William Clements: Mr. Clements served as Deputy Secretary of Defense (1973-76).

COL John M. Cole: Colonel Cole is the Chief of the STONY BEACH

Team (DIA), Bangkok, Thailand (1990-present) whose mission is to collect information on POWs and MIAs in Indochina.
Marvin Connor: NSA Specialist - SEA Analyst. Familiar with SIGINT collection on POW/MIAs.

Jim Coyne: Mr. Coyne is a reporter formerly associated with Soldier of Fortune magazine. He has spent many years in Southeast Asia reporting on POW/MIA developments and POW/MIA hunters.

Daul:

Steve Davis: Civilian employee of electric company that maintained US military communication systems in Saigon in 1975.

LTG John R. Deane (USA, Ret): General Deane (USA, Ret.) is a distinguished airborne infantry officer with extensive combat experience who was briefly the Director at the Defense Intelligence Agency in 1973.

Michael Deaver: Special Assistant to President, 1981.

Dieter Dengler: Mr. Dengler was a U.S. Navy aviator who was shot down in Laos and held prisoner there. He escaped after months of captivity and was rescued.

Robert DeStatte: Mr. DeStatte is a Senior Analyst with the Defense Intelligence Agency.

Lawrence Devlin: Former intelligence person in Laos, 1970-73.

Robert Dussault: Joint Staff SERA, Ft. Belvoir with information regarding documents transmitted to Committee.

Lawrence S. Eagleburger: Mr. Eagleburger served as Executive Assistant to the President for National Security Affairs (1969), Deputy Assistant to the President for National Security Operations (1973), and Executive Assistant to the Secretary of State (1975-77).

Bruce Eberle: Mr. Eberle is the President of Eberle & Associates, Inc., a professional fundraising company that prepared direct mail solicitations for Jack Bailey's Operation Rescue, and other charitable organizations.

Martha Eddy: Ms. Eddy is a live POW activist and the President of the Michigan POW/MIA Committee.

David Elder: Mr. Elder is Co-Director of American Friends Service Committee, and is responsible for programs in Laos, Kampuchea, and Vietnam.

Larry Feldman: Mr. Feldman was connected with the dissemination of

the Donald Carr photographs and was present when Red McDaniel's representatives attempted to raise money for the purchase of weapons for Vang Pao.

John Fisher: Mr. Fisher is the Chairman of the Board of the American Security Counsel Foundation, a conservative organization that donated money through Support Our POW/MIA's, Inc. believing it was for a government sanctioned operation.

Jerry Friedheim: Mr. Friedheim served as Deputy Assistant Secretary of Defense for Public Affairs (1969-73) and Assistant Secretary of Defense (1973-75).

Robert Garwood: Mr. Garwood was a U.S. Marine enlisted man who was captured by the Viet Cong near Danang in 1965. After years of privation in primitive camps in the south, he was moved north and employed by the North Vietnamese as a mechanic. He was repatriated in 1979 and convicted by a General Court Martial for collaboration with the enemy.

Hamilton Gayden: Judge Gayden is the author of To Circle the Cross, a fictional account of an American POW imprisoned in Southeast Asia fifteen years after the signing Paris Peace Treaty.

Tim Geraghty: Retired military officer with information related to POW/MIAs.

Alisa Getzinger: Ms. Getzinger is an Account Representative for a telemarketing firm known as Infocision Management Corp. Ms. Getzinger is responsible for the Veteran of the Vietnam War, Inc. account.

Judy Gin: Translator during Garwood Trial.

G. McMurtie Godley: Mr. Godley served as U.S. Ambassador to Laos (1969-1973), and was designated Assistant Secretary of State for East Asian Affairs.

Don Gordan: Retired Army Special Operations Officer with information on Nhom Morrat.

Daniel Warren Gray: Mr. Gray is currently Chief of the Current Operations Branch, Special Office for Prisoners of War and Missing in Action, DIA.

Ann Griffiths: Mrs. Griffiths is the Executive Director of the National League of POW/MIA families. Her brother is listed as Missing in Action. She is also the only civilian member of the Interagency Group ("IAG").

James "Bo" Gritz: LTC Gritz is a highly decorated former Special

Forces officer who ran failed POW rescue missions known as Operation Velvet Hammer, Operation Lazarus and Operation Grand Eagle. Mr. Gritz ran for President in 1992 on the Populist ticket.

GEN Alexander M. Haig, Jr. (USA, Ret.): General Haig served as Senior Military Advisor to Dr. Henry Kissinger (1969-73), Deputy Assistant to the President for National Security Affairs, White House Chief of Staff (1973-74), and Secretary of State (1981-82).

N. Hieu:

Trong Hieu: A Vietnamese refugee from North Vietnam.

Richard Holbrooke: Mr. Holbrooke served as Staff Assistant to the American Ambassador to Saigon (1965-66), on the White House Staff, Office of the Assistant to the President for Vietnam (1966-67), and as a member of the U.S. Delegation to the Paris Peace Talks (1968-69).

John Holdridge: Mr. Holdridge served in the State Department as Deputy Director and Director of the Office of Research and Analysis for East Asia and the Pacific (1966-68), and Assistant Secretary of State for East Asia and the Pacific.

Eugene Hollis: Deputy Chief of JCRC in 1974.

Thach Hon:

J. Hugh:

Burt Hurlbut: Mr. Hurlbut is a Texas oil executive that helped raise money for Support Our POW/MIAs, Inc., a tax-exempt organization that laundered money that went to support the Laotian Resistance.

Pat Hurt: Former DIA POW/MIA Analyst, has information on Nhom Morrat.

ADM Bobby R. Inman (USN, Ret.): Admiral Inman served as Director of Naval Intelligence, Department of the Navy ((1974-76), Vice Director of the Defense Intelligence Agency (1976-77), and Director of the National Security Agency (1977-81).

Bobby Inman: Retired Navy Admiral, Former Deputy Director CIA

H. Isham:

Monika Jensen-Stevenson: Mrs. Stevenson is co-author of Kiss the Boys Goodbye. The book, about American POW's in Vietnam, grew out of a story she produced in 1985 for a television news show.

Stephen T. Johnson: Mr. Johnson has served in the Department of

State as a Political Officer in Saigon, Nha Trang, and Viantiane, as Vietnam Desk Officer, and as an Analyst for Indochina, Bureau of Intelligence and Research.

Helen Johnson: Former Army Security Crypto operator in 1974. Related to Lippert deposition.

Ivan Kalister: Mr. Kalister is the Bureau of Alcohol, Tobacco and Firearms agent that investigated John LeBoutillier's purchase of ten handguns intended for export to Southeast Asia.

Oleg Kalugin: Retired General of the KGB who testified before the Committee that certain KGB agents had interrogated 3 American POWs after 1973 in Vietnam.

Emmet Kay: A civilian employee of Air America who was shot down over Laos in 1973 and was a POW for over a year.

Richard Thomas Kennedy: Mr. Kennedy served as Director, Staff Planning and Coordination, NSC (1971-72) and Deputy Assistant to the President for NSC Planning (1973-75).

Patrick Khamvongsa: A former member of the Royal Lao Air Force who has been active in the Lao resistance.

GEN Robert Kingston (USA, Ret.): General Kingston is a distinguished infantry and Special Forces officer who served as the Commander of the Joint Casualty Resolution Center (1973-74).

Dr. Henry A. Kissinger: Dr. Kissinger served as National Security Advisor to President Nixon (1969), negotiating the Paris Peace Accords settlement in January, 1973. He served as Secretary of State from 1973 to 1977.

Thomas Lacy: Retired Brigadier General with information on POW/MIA.

Melvin R. Laird: Mr. Laird was a member of the U.S. House of Representatives before becoming Secretary of Defense (1969-73), and Counsellor to the President for Domestic Affairs (1973-74).

Steve Lippert: Former Army Security Agency crypto operator with information on intercepts in 1974.

Winston Lord: Mr. Lord was a member of the NSC staff (1969-73), Special Assistant to the President for National Security Affairs (1970-73), and Director of the State Department's Policy Planning Staff (1973-77).

LT Paul K. Maguire: Lieutenant Maguire currently serves as a Multi-Sensor Fusion Analyst, Special Office for Prisoners of War and Missing in Action, DIA.

C. Murphy Martin: Mr. Martin was President of United We Stand and travelled to Vietnam to publicize the plight of American POW's.

Murphy Martin: An employee of Ross Perot.

Michael Martin:

Ronald Martin: Mr. Martin was helped to coordinate, but later disassociated himself from the failed "Team Falcon" POW rescue mission.

Bud Matthews: Lt. Col. in the U.S. Air Force attached to CDO with information regarding documents transmitted to Committee.

Bud Matthews: Already discussed. Continuation of deposition.

O. Matthews:

Robert McFarland: Former National Security Advisor in mid-80s.

Ted McGarry: Mr. McGarry coordinated the communications in the United States for the failed "Team Falcon" POW rescue mission, and was responsible for the "welcome home" when live POWs were to return.

Harry McKillop: An associate of Mr. Perot, Mr. McKillop has travelled to Vietnam on several occasions in an effort to obtain information regarding American POW/MIA's.

John McMahon: Former DDO/CIA in the early 80s with information on Nhom Morrat.

Edwin Meese: Former Attorney General of the United States under President Ronald Reagan.

Thomas Maurer: Mr. Maurer was President of United We Stand and has travelled to Vietnam seeking information on American POW/MIA's.

Paul Miles: Was a Major in Vietnam during the Four Party Joint Commission.

Karen Miller: Ms. Miller is the 1st cousin of MIA Donald Carr. She is knowledgable about the dissemination of the photographs of Gunther Deitrick which were held out to be Donald Carr.

Charles Mills: DoD Central Documentation Office civilian employee with information regarding documents transmitted to Committee.

Terry Minarcin: Former army cryptoanalyst testified before the Committee on message traffic that he allegedly saw in early 70s.

Jerry Mooney: Former Air Force cryptoanalyst currently living in Montana testified before the Committee that he decyphered several messages of movement of US POWs in early 70s.

ADM Thomas Moorer (USN, Ret.): Admiral Moorer served as Chief of Naval Operations (1967-70) and as Chairman of the Joint Chiefs of Staff (1970-74).

Mortician: The ethnic Chinese North Vietnamese who prepared several remains and testified before Congress that they were stored in Hanoi. Currently living in Atlanta, GA and recently spent 2-3 days at CIL-HI looking over and trying to identify remains.

ADM Daniel J. Murphy (USN, Ret.): Admiral Murphy served as Deputy Director of Central Intelligence for Intelligence Community, Central Intelligence (1976-77).

John D. Negroponte: Mr. Negroponte was a member of the U.S. Delegation to the Paris Peace Talks (1968-69) and served on the NSC Staff (1970-73).

Richard M. Nixon: President Nixon served two terms as Vice-President under Eisenhower, and won presidential elections in 1968 and 1972. He resigned the Presidency in August, 1974.

Nouvaprosite:

Edward O'Connor: Retired Major General, US Army, who was a Major during the Four Party Joint Commission.

John T. Odell: Retired NSA SEA Group Chief.

Russell Ogan: Retired USAF General, Former Director of POW/MIA Task Force 1972/1973.

Michael Oksenberg: Mr. Oskenberg served as a member of the National Security Council Staff (1976-78).

Patricia O'Grady: Dr. O'Grady has sat on the Board of Directors of the National League of Families and has written and researched extensively on the POW/MIA subject. Her father is listed as Prisoner of War.

H. Ross Perot: Mr. Perot worked for several years to improve the treatment of American POW's held in North Vietnam. He has remained very active in the POW/MIA issue, and has travelled to Southeast Asia on several occasions.

LG Leonard Perroots: Lieutenant General Perroots was Director of the Defense Intelligence Agency (1985-88).

Steven Pittendrigh: Mr. Pittendrigh is a Vice President of a

telemarketing firm known as Infocision Management Corp. His clients include Veterans of the Vietnam War, Inc. and John LeBoutillier/Skyhook II.

GEN Colin L. Powell: General Powell served as Assistant to the President for National Security Affairs (1987-89) and as Senior Military Assistant to the Secretary of Defense. He is currently serving his second term as Chairman of the Joint Chiefs of Staff.

Marilyn Price: Ms. Price is President of a professional fundraising company known as The Creative Advantage. Ms. Price's clients include Veterans of the Vietnam War, Inc.

Mark S. Pratt: Mr. Pratt served in the State Department as a Political/ Military Officer in Vientiane and Laos (1963-68), on the Interagency Ad Hoc Group on Indochina (1968-73), and as a member of the U.S. delegation to the International Conference on Vietnam.

Richard Rand: Consul of US Embassy, Laos, 1973.

Elliot Richardson: Mr. Richardson served as Secretary of Defense (January - May 1973) among other positions he held in the government, such as Attorney General of the U.S.

John Robinson: Mr. Robinson is the General Manager of the Washington Intelligence Bureau, a company which provides caging and mailing services to fundraising organizations including Operation Rescue and Veterans of the Vietnam War, Inc.

COL Lawrence Robson (USAF, Ret.): Colonel Robson served as Personnel Plans Officer for POW/MIA, Military Assistance Command Vietnam, and as Deputy Chief, POW Subcommission, Four Party Joint Military Commission.

Lawrence Robson: Retired Col., US Air Force, was a Lt. Col. and the Deputy US Delegate to the PW Subcommission of the Four Party Joint Commission. Was the individual who received the nine POWs from Laos in Hanoi on March 28, 1973.

Jeff Rock:

Peter W. Rodman: Mr. Rodman was a member of the NSC staff (1969-77) and special assistant to Dr. Henry Kissinger and then Brent Scowcroft.

William P. Rogers: Mr. Rogers served as Secretary of State (1969-1973)

Kenneth Rush: Mr. Rush served as Deputy Secretary of Defense (1972-73) and Deputy Secretary of State (1973-74).

B.H. Russell: Retired Col., US Army, head of Four Party Joint

Commission, PW subcommission.

MG Michael Ryan: Major General Ryan is Vice Director for Strategic Plans and Policy of the Joint Staff (1991-Present).

Joseph Salta: Mr. Salta is President of Response Development Corp., a professional fundraising company. Mr. Salta's clients include John LeBoutillier/Skyhook II.

Ted Sampley: Mr. Sampley is a combat veteran of the Vietnam War who was the Deputy Coordinator of the National Vietnam Veterans Coalition. He is currently Chairman of the Homecoming II Project.

Kong Sautey:

MAJ Jeannie H. Schiff: Major Schiff is Deputy Chief, Current Operations Branch, Special Office for Prisoners of War and Missing in Action, DIA.

James R. Schlesinger: Mr. Schlesinger has served as Director of the Central Intelligence Agency (1973) and Secretary of Defense (1973-74).

James Schlesinger: Former Director of CIA and Sec. of Defense, 1973-1975.

Schworz:

Brent Scowcroft: Mr. Scowcroft served as Military Assistant to the President (1973-75), and Assistant to the President for National Security Affairs (1978-81).

MG Richard V. Secord (USAF, Ret.): Major General Secord served in Vietnam (1962) and Laos (1966-69), spending much of the latter period detailed to the CIA. He later headed the Southeast Asia Branch, East Asia and Pacific Region, OSD (1972).

Robert R. Sheetz: Mr. Sheetz is currently Chief of the DIA's Special Office for Prisoners of War and Missing in Action.

Patricia Sheridan: Mrs. Sheridan is the Executive Director of the Red River Valley Fighter Pilots Association in Derby, Kansas, a non-profit organization that provides scholarships to children of POW/MIA/KIA servicemen.

Michael Sherwood:

Roger E. Shields: Mr. Shields served in the Defense Department as Deputy Assistant Director for International Economic and POW/MIA Affairs (1971-77).

Roger Shields: Deputy Assistnat Secretary of Defense for Sea

Affairs, Employee of the Department of Defense who was in charge of the POW/MIA task force-- office heavily involved with the POW/MIA issue.

Al Shinkle: A retired USAF intelligence officer who has been involved with POW/MIA Affairs and worked for John LaBoutier for Skyhook II. Mr. Shinkle currently lives in Thailand.

Khambang Sibounheuang: Mr. Sibounheuang, a Laotian American, is an assistant to Judge Hamilton Gayden in Nashville, TN. He has been responsible for disseminating a great deal of erroneous POW/MIA information in the U.S. He has also served as an interpreter on several failed POW/MIA rescue missions.

Frank Sieverts: Mr. Sieverts is the Special Assistant for POW/MIA Affairs, Department of State (1966-78).

Frank Sieverts: Worked for the Department of State with POW/MIA public affairs.

Mark Smith: Former green beret who was involved in the circulation of a tape purported to show live POWs.

John F. Sommer: Mr. Sommer is the Executive Director of the Washington Office of The American Legion.

Harold Sprague: DoD Central Documentation Office employee with information regarding documents transmitted to Committee.

John Stein: Retired former DDO/CIA in mid 80s.

Curtis Stern: Mr. Stern is an Account Representative for a telemarketing firm known as Infocision Management Corp. Mr. Stern is responsible for the John LeBoutillier/Skyhook II account.

William Stevenson: Correspondent and co-author of Kiss the Boys Goodbye, Mr. Stevenson won the release of a Canadian pilot from the Chinese (1957) and discovered French prisoners in Indochina several years after Dien Bien Phu.

William H. Sullivan: Mr. Sullivan served as U.S. Ambassador to Laos (1964-68), Chief of U.S. Mission to Laos (1968-69), and Deputy Assistant Secretary of State for East Asian and Pacific Affairs (1969-73).

Robert Sungenis: Mr. Sungenis is Chief of the Directorate of Information, Operations and Reports, Office of the Secretary of Defense (1973-92).

Robert Sungenis: A civil service employee of the Department of Defense who was in charge of casualty records. Appeared before the Committee, but barely testified.

Gary Sydow: Mr. Sydow is currently Chief of the Analysis Branch, Special Office for Prisoners of War and Missing in Action, DIA.

Charley Taylor: Mr. Taylor travelled to Thailand to coordinate the communications for the failed "Team Falcon" POW rescue mission.
LG Eugene Tighe: Lieutenant General Tighe was CINCPAC Chief of Intelligence (1972-73), Director of the Defense Intelligence Agency (1977-81), and director of the commission that produced the critique of DIA's handling of the POW/MIA issue called "The Tighe Report.".

Eugene Tighe: Retired Lt. General U.S. Air Force, and former director of the DIA from 1977-1981-- has testified before the Committee. Also headed up the Tighe Commission which issued the Tighe report.

Bui Tin: Colonel Tin took the surrender of the South Vietnamese government in the presidential palace (30 April, 1975). He later served as editor of the Communist party newspaper Nhan Dan, but has since been expelled from the party for his criticism of the government.

Barry Toll: Former US Army enlisted person who worked at the Air Borne command post who allegedly saw certain messages on POWs in Laos and also the transfer of US POWs to East Germany.

Hugh Tovar: Former Intelligence person in Laos.

Charles Trowbridge: Mr. Trowbridge is Deputy Director of the Special Office for POW/MIA Affairs, Defense Intelligence Agency (1971-92).

Charles Trowbridge: Retired Navy Commander, for many years was Deputy Director at the DIA in their POW/MIA branch. Has testified before the Committee.

Jerry Tuttle: Admiral who was Deputy Director of DIA under General Tighe, 1979-1981.

Richard Upavong:

GEN John W. Vessey, Jr.: General Vessey served two terms as Chairman of the Joint Chiefs of Staff (1982-85). He is currently the Presidential Emissary to Hanoi for POW/MIA Affairs (1987-Present).

Captain Raymond Vohden: A former Navy POW who was in charge of the DoD POW/MIA branch in 1973.

Robert E. Wallace: Mr. Wallace served as Commander-in-Chief of the Veterans of Foreign Wars of the United States (1991-92).
Director of the CIA (1972-76).

Vernon Walters: Retired General, US Army. Attache to Paris who arranged Dr. Kissinger's secret meetings with the North Vietnamese, Former US Ambassador to the Attorney General.

Chuck Wells: Legislative liaison for CDO with information regarding documents transmitted to Committee.

Charles Whitehouse: DCM to Ambassador Bunker in South Vietnam in 1972-73. In late 1973, became Ambassador to Laos.

GEN John A. Wickham, Jr. (USA Ret.): General Wickham was Deputy Chief Negotiator of the U.S. Delegation to the Four Party Joint Military Commission, Republic of Vietnam (1973), and Senior Military Assistant to the Secretary of Defense (1973-76) and Chief of Staff, United States Army.

General John A. Wickam: Retired Former Chief of Staff, US Army. The Deputy US Delegate to the Four Party Joint Commission.

Appendix 5

Excerpts from Selected Documents

APPENDIX 5

Selected Documents

The Committee examined hundreds of thousands of documents during its investigation. As the Committee requested of various Federal agencies that documents pertaining to the subject of POW/MIAs be provided, it received a massive volume of material. In addition, the Committee generated hundreds of documents, primarily transcribed deposition and hearing testimony.

Committee members and staff spent thousands of hours at the DIA, CIA, NSA, State Department, other agencies, and the National Records Center to review classified and unclassified military records stored there and reviewing materials and identifying documents needed for the Committee's work. To fill the Committee's blanket requests for materials, DoD established a Central Documentation Office for the single point collection of material requested by the Committee.

Much of the material was classified when investigators received it and some of it remains classified. In compliance with Senate procedures, all classified material was delivered to the Office of Senate Security where it was logged in, worked on and stored. All material still classified at the conclusion of the Committee's work was transferred to the National Archives for permanent storage. The material that was declassified, was redacted to protect the names of sources and the way the U.S. collects intelligence. Both classified and unclassified versions were sent to the Archives.

At the urging of the Committee and in response to a unanimous Resolution of the Senate, President Bush issued an Executive Order requiring Executive Branch agencies to declassify almost all material pertaining to the POW/MIA issue. The result was the declassification of more than one million documents. At publication time, these documents were being provided to the Library of Congress for microfilming and indexing, they will be available to the public for a nominal service fee.

To assist the public in understanding its work, the Committee was assisted by a specialist in archival indexing and storage. All Committee documents will have been cross-indexed for location of subject matter and physical location of actual documents. Excerpts from selected documents follow:

01/11/73 Kissinger to Bunker (ironclad guarantees)

Henry Kissinger sends a message to Ambassador Bunker in Saigon. "(Le Duc) Tho and I met for six hours...we completed the text of the Agreement. We also completed the associated understandings. Major ones include...iron clad guarantees on our prisoners in Laos

and Cambodia."

01/26/73 Kissinger Meeting with League at White House

Kissinger meets with National League of POW/MIA Families telling them "Understandings on Laos are absolutely clear concerning POW releases in a time frame similar to that in Vietnam...They cannot hold our men for ransom...There cannot be any blackmail by them...In North Vietnam it is almost inconceivable that they will hold any POWs..."

01/27/73 Paris Peace Agreements

"The Agreement on Ending the War and Restoring Peace in Vietnam" is formally signed...in Paris by U.S. Secretary of State William P. Rogers...The cease-fire goes into effect.

Article 21 - "...the United States will contribute to...postwar reconstruction of the Democratic Republic of Vietnam and throughout Indochina."

Article 8A - "The return of captured military personnel and foreign civilians of the parties shall be carried out simultaneously with and completed not later than the same day as the troop withdrawal mentioned in Article 5. The parties shall exchange complete lists...on the day of the signing of the Agreement."

Article 8B - "The parties shall help each... to get information about those military personnel...missing in action,...and to take any such measures as may be required to get information about those still considered missing in action."

Article 22 - ...In a supplementary protocol, it is provided that POWs will be released in approximately equal installments at 15 day-intervals during a 60 day period...

At 12:50 p.m. EST, the U.S. is handed lists from the Vietnamese...containing 717 names of POWs, including 64...reported as having died in captivity...

The lists from the Vietnamese contain no U.S. POWs captured or held in Laos.

01/27/73 Side Understandings

On the Phrase "of the particles" in Article 3 a) and b; of the Agreement - "It is understood...that the phrase "of the particles" in Article 8(a) and (b)...covers all personnel of the parties and from any other country."

The Return of Vietnamese Civilian Personnel Captured and Detained in South Vietnam - "The U.S. reaffirms the statement of Dr. Henry

A. Kissinger...that the United States will use its maximum influence to secure the return of Vietnamese civilian personnel captured and detained in South Vietnam..."

Regarding Laos and Cambodia - Message in the Name of the Prime Minister of the Government of the Democratic Republic of Vietnam, October 21, 1972...(b)...the Americans captured in Laos will be promptly released, before December 30, 1972...(c) ...The DRV side has been clearly informed that there is no American captive in Cambodia..."

"Message from the President of the United States to the Prime Minister of the Government of the Democratic Republic of Vietnam Dated October 22, 1972:

The President notes with appreciation the message from the Prime Minister of the Democratic Republic of Vietnam which satisfies all his points with respect to Laos and Cambodia as well as U.S. prisoners."

01/29/73 WASAG meeting (hoping for 40-41 POWs from Laos)

WASAG meeting takes place at White House. Dr. Kissinger and another NSC official are both advised by the Joint Chiefs of Staff and the Defense Department that they are "hoping" for "40-41" American prisoners of war in Laos...

02/01/73 Nixon's letter on war reparations

The North Vietnamese provide a list...which is represented as the list of American POWs captured in Laos. The list is exchanged simultaneously with a private communication to North Vietnamese Prime Minister Pham Van Dong from President Richard Nixon.

The letter from President Nixon reads:

"1. The Government of the United States of America will contribute to postwar reconstruction in North Vietnam without any political conditions. 2. Preliminary U.S. studies indicate that the appropriate programs for the U.S. contribution to postwar reconstruction will fall in the range of 3.25 billion of grant aid over 5 years... 3. The U.S. will propose to the DRV the formation of a Joint Economic Commission... (4.) to develop programs for the U.S. contribution to reconstruction of North Vietnam..."

02/02/73 Nixon to North Vietnam PM (Laos list is unsatisfactory)

..,the following message is delivered to the North Vietnamese Prime Minister from President Nixon...:

"The list of American prisoners held in Laos which was presented in Paris on February 1st is unsatisfactory. U.S. record show...317

American military men unaccounted for in Laos and it is inconceivable that only ten of these men would be held prisoner in Laos...implementation of any American undertaking is related to the satisfactory resolution of this problem..."

02/01/73 DIA Analysis of Enemy Lists and List of 82

Memorandum for the Secretary of Defense.
1.The enclosure provides a summary of the number of U.S. prisoners reportedly alive and/or deceased...in terms of the Defense Intelligence Agency status. The figures presented vary slightly with official Service casualty statistics.

2.Figures provided are the result of analysis of prisoner files provided...by the North Vietnamese and Viet Cong representatives on 27 January 1973.

Analysis of Enemy Lists on U.S. Personnel* - U.S. Personnel Listed as PW by DIA Who are not on Either the Alive or Dead Lists:

USA - 21; USN - 27: USAF - 22; USMC - 3; Civilian - 14; Total 87.

02/06/73 DIA Memo to Kissinger (talking points)

"There are approximately 350 U.S. military and civilians listed as missing or captured in Laos. Of this total, approximately 215 men were lost under such circumstances that the enemy probably has information regarding their fate."

"The PLF list of 10 personnel captured in Laos (provided by DRV on 1 February 1973)...the list consisted of personnel captured by the North Vietnamese in Laos rather than the Pathet Lao... The PLF list did not state whether these men were dead or alive, or whether that are to be released. The PLF list is incomplete..."

"There are approximately 300 crash sites in Laos...Because of the presence of North Vietnamese forces, it can be reasonably assumed that the North Vietnamese would have some knowledge on the fate of missing/captured personnel in these areas."

"There is evidence that the Pathet Lao have information on captured/missing U.S. personnel and should be able to provide a list of alive U.S. PW's and information on the fate of many others.

"The North Vietnamese, because of their presence in parts of Laos, should have more information than provided to date on captured/missing U.S. personnel..."

02/14/73 Joint Communique (creating joint economic commission)

The United States and North Vietnam issue a joint communique to create a joint economic commission to oversee rebuilding Vietnam

with U.S. dollars...The communique is a result of Dr. Kissinger's Hanoi visit.

02/21/73 Peace Agreement with Laos

The "Agreement on Restoring Peace and Achieving National Concord in Laos" is signed...Chapter II, Article 5...provides for the release of "all persons, regardless of nationality, who have been captured and detained"..."within 60 days after the setting up of the Provisional National Union Government...After all those who were captured have been returned, each side has the duty to gather information on those missing during the war and report the information to the other side."

03/13/73 WASAG Minutes (Laos POW concerns)

WASAG Meeting takes place at White House.

State: "You won't complete the withdrawal until the Lao prisoners are released?"
Kissinger: "Yes, that's right."
Defense: "How many are there in Laos?"
NSC Staff: "They've told us they hold more American prisoners than the eight on the list we received from North Vietnam."
State: "We've had contact with the Pathet Lao several times."
Kissinger: "And they have admitted they hold more?"
State: "Yes."
Kissinger: "I didn't know that. How many more?"
State: "They haven't said. They've been giving us the runaround on the details..."

03/14/73 Kissinger Memo to Nixon (recommending bombing Laos)

On March 14th, President Nixon approves a request from Henry Kissinger to plan "for a 2-3 day series of intensive U.S. air strikes against the trail area of Southern Laos to be conducted immediately after release of the third increment of POWs is completed on March 16th"...The purpose of the bombing is described... as a "response to continued North Vietnamese infiltration and logistics activity in the South."

03/21 and 03/22/73 DIA to Moorer on POWs and Moorer Cables

"...The U.S. will complete the withdrawal of its military forces ...in accordance with the terms of the agreement..with the released of all, repeat all American prisoners held throughout Indochina." "Do not commence withdrawal of the fourth increment until the following two conditions are met: (1) U.S. has been provided with a complete list of all U.S. PW's including those held by the Pathet Lao; as well as the time and place of release..." "If difficulties arise during the process of release, then cease all withdrawals until otherwise instructed."

"...Our basic concern is the release of the prisoners and we do not object to the PLF playing the central role as ling as the men are returned to us. We need precise information and understanding on the times and place of release of the prisoners on the list provided 1 February...For your information only, the purpose of the above is to try to get things back on track and moving again."

03/22/73 Godley to State (Embassy believes LPF hold POWs)

U.S. Ambassador to Laos, Mac Godley, sends cable to Secretary of State stating Embassy belief that the Lao Patriotic Front holds more U.S. POWs throughout Laos than those names which appeared on the DRV February 1st list. Embassy states, however, that they should concentrate first on getting the 9 POWs back who were on the North Vietnamese list.

03/22/73 Embassy Demarche to Pathet Lao

On the same day, U.S. Embassy in Laos sends demarche to Pathet Lao stating they expect back more U.S. POWs than those on the February 1st list.

03/22/73 Nixon Tapes

March 22, 1973, from 9:11 to 10:35 A.M.

"...Haldeman: The question, uh, with the Congress, if you go on, I mean, Tuesday may be too soon -- from, from the Vietnam viewpoint. If they pull the prisoners, the prisoners, where, and, and the troops out (unintelligible)

President: (Unintelligible).

Haldeman:Better wait and see (unintelligible)

President: The prisoners, oh, the prisoners (unintelligible)..."

03/23/73 Eagleburger Memo

"...the U.S. is prepared to accept release of the ten men on the 1 February list along with the other U.S. personnel being held in NVN as the final condition for complete U.S. troop withdrawal. However, there has been no accounting of U.S. personnel MIA in Laos other than the 1 February list of ten who were probably all captured in Laos by the NVA rather than the Pathet Lao. Hence, assuming all the prisoners currently being held in NVN are released by 28 March, we still have the Laos MIA question remaining unresolved..."

"...there appears to be need for a well-orchestrated plan for solving the problem of our Laos POWs and MIAs. Therefore, I am recommending below a series of diplomatic moves aimed at gaining a

proper accounting of our men lost in Laos..."

A."After the recovery of the last prisoners from NVN, Hanoi should be advised unequivocally that we still hold them responsible for the return of all POWs being held in Indochina..."

B."...a strong demarche should be made to the ranking LPF representative in Vientaine...This initiative should plainly and forcefully assert that the U.S. will no longer play games with the POW issue in Laos...we demand their immediate release as well as an accounting and information on all those who may have died. Finally, the LPF should be advised that failure to provide a satisfactory answer could result in appropriate United States actions..."

D."Shortly after 28 March, assuming the LPF have not responded favorably, intensive and obvious tactical air reconnaissance of North and South Laos should commence. Additionally, the movement of a new carrier task force into the waters off Vietnam should be publicly announced..."

"...the evidence indicates that the NVN/Pathet Lao forces have capture U.S. personnel since 1964, and the LPF have provided no prisoner or casualty data at all other that the ten names listed on 1 February..."

03/27/73 Nixon Tapes

Transcript of a recording of a meeting among the President, H.R. Haldeman, John Ehrlichman, and Ronald Ziegler on March 27, 1973 from 11:10 A.M. to 1:30 P.M.

"Ehrlichman: This story and, uh, this one, uh, this, this Watergate thing is potentially very debilitating around, but we have to devote a large part of our time to keeping people busy in, uh...

President: I know..."

President: ...I don't believe that I should go out on national television like tonight or tomorrow and go out on the Watergate Commission and then come on the next day on national television on Vietnam...My view would be to, get the Vietnam out of the way, and maybe get this right if you could. I think that gives you time..."

04/03/73 Richardson note to Rogers (questions, but on to MIAs)

Secretary of Defense Richardson sends a note to Secretary of State Rogers stating, "While there is still some question on whether any of our men are still held, particularly in Laos, our attention must now be focused primarily on the difficult task of accounting for the missing in action."

04/05/73 Godley Cable to Rogers

U.S. Ambassador...Godley, sends cable to Secretary of State Rogers stating they were reluctantly approaching the conclusion that the Pathet Lao did not hold additional prisoners, and that it was time to change the focus to accounting for MIAs as opposed to searching for POWs.

04/06/73 Memo of Senator Brooke meeting with Soth Petrosy

"Senator Brooke's meeting with LPF representative Soth Phetrasy on April 6,: Latter formally stated that LPF holds no more American prisoners in Laos. Soth said only prisoners LPF held were the nine who were returned to USG in Hanoi on March 28..."

04/12/73 Shields Press Conference

The Defense Department sponsors a press conference...in which Roger Shields states, "We have no indication at this moment that there are any Americans alive in Indochina."...Dr. Shields further states that with interviews of returning POWs almost complete, none of the MIAs have been changed to POW status.

Rumors that U.S. servicemen were still held in Laos "do the families a disservice," says Shields.

Prior to the DoD news conference, Deputy Secretary of Defense Clements states to Dr. Shields, in reference to remaining POW/MIAs, "You didn't hear me, they're all dead."

04/14/73 Bunker to State outlining priorities

U.S. Ambassador in Saigon, Ellsworth Bunker, sends message to Secretary of State...Bunker references "informal Washington instructions" that first priority will be recovery of remains of those personnel listed as died in captivity on the 27 January 1973 list. Second priority is described as "seeking information from the other side on specific MIA persons who, according to U.S. records, were believed captured alive... DIA has provided folders on 80 persons in this category. Bunker lists the third priority as negotiating a process for air and ground search of crash sites.

05/01/73 Richardson Memo (phasing out POW/MIA Task Force)

Secretary of Defense Richardson signs the memorandum proposed by ASD Eagleburger on April 25th to phase out the POW/MIA Task Force.

05/23/73 Kissinger meeting with Le Duc Tho

Kissinger asks Le Duc Tho to have an understanding with the U.S. to "not contradict" any U.S. public statements that article 8(b) of the Paris accords applies to all of Indochina.

He then states..."Now we should still like a sentence from you which I don't understand why you can't give us -- which says that the DRV has been informed that there are no U.S. prisoners being held in Laos -- that all the prisoners held in Laos have been released. It would be very important for us." Le Duc Tho responds, "I have acknowledged to you that all of them have been released." Kissinger asks, "Then why can't you write it down?"

05/24/73 Shields to Hill

"In a DoD sponsored press conference held April 12, 1973, I made the statement that DoD had no specific knowledge indicating that any U.S. personnel were still alive and held prisoner in Southeast Asia...It was a totally accurate and factual statement at the time it was made..."

"In light of more recent events, I believe that answer is no longer fully satisfactory..."

"...it should be noted that only 10 persons, nine of whom were U.S. were released by the other side as Laos prisoners. Over 300 U.S. personnel remain unaccounted for in Laos."

"...I believe that the DoD position regarding the possibility of men still being held prisoner in SEA should be altered slightly..."

06/13/73 Kissinger Press Conference

"...We are specifically concerned about the following points:

- One, the inadequate implementation of the cease-fire.
- Secondly, the continued infiltration into South Viet-Nam and the continued utilization of Laos and Cambodia as corridors for that infiltration.
- Three, we were concerned about the inadequate accounting for the missing in action.
- Fourth, we were concerned about the violations of the demilitarized zone.
- Fifth, we were concerned about the inadequate cooperation with the International Control Commission and the slow staffing of the Two-Party Military Commission.
- Sixth, we were concerned about the violations of article 20 requiring the withdrawal of foreign troops from Laos and Cambodia..."

"...Under the provisions for missing in action, all sides have pledged that they would make major efforts to help each other to account for the missing in action throughout Indochina, and this is a matter which is of great concern to the United States..."

06/05/73 Hill to Clements (status changes)

Assistant Secretary of Defense Robert Hill advises Deputy Secretary

of Defense William Clements that "As you requested, I have prepared for your signature a memorandum directing that all status changes from missing in action to prisoner of war be cleared by you."

07/17/73 Clements on Status Determinations

"I am concerned that the process for equitably determining status of the missing in Southeast Asia may be unduly influenced by emotional factors rather that the law governing such determinations and the facts bearing on each individual case...."

"The Department of Defense is currently following guidance that finding in which an individual is presumed to be dead will not be made at this time unless the incident occurred over water...It is not our intent to write off our missing men prematurely, but at the same time we cannot condone building undue hope for the family members without justification."

..."the decision to change status should not be unalterably tied to the inspection of combat sites, the recovery of remains, or the personal desires of family members. The decision should be based solely on a thorough study of the available information and a qualitative judgement by the Service Secretaries...Therefore, in the continued absence of progress in accounting for the missing, the Military Services intend to proceed now with a status change in those cases where it is warranted by available information."

09/07/73 Kissinger testimony to Senate on MIAs

Dr. Henry Kissinger, at confirmation hearings...for Secretary of State, is asked by Senator Church the question of how many of the 1,300 MIAs have been accounted for to date.

Kissinger responds -- "I do not believe any of them have been accounted for adequately. It has been one of the unsatisfactory aspects of the implementation of the agreement...In Laos, actually we have more reason for concern, because the ration of prisoners to those that we have reason to believe parachuted is smaller than it is in any other part of this area...we are extremely dissatisfied with the results of the implementation of that part of the agreement, and that is one of the reasons why we cannot proceed in certain other areas such as economic aid negotiations."

09/14/73 Laos Protocols signed

Protocols to the Laos February 21st Cease-Fire Agreement are signed...Article 18 of the Protocols states: "Within 15 to 30 days after the date of the signing of this protocol, each side will inform the Central Joint Commission for the Implementation of the Agreement of the number of the persons captured and detained, and state clearly the nationality of each person,...as well as the list of the captured persons who died during the period of detention."

05/08/76 State to Vietnam (begin new negotiations)

The Department of State sends diplomatic note to Vietnam..."the selective application of past agreements would not be fruitful...the United States believes it would be more useful to discuss issues affecting future relations between our two countries. The humanitarian concern of a full accounting of our missing men will be one of the primary issues of the United States in such discussions. Until this issue is substantially resolved, there can be no real progress toward normalization of relations."

06/19/76 Vietnam to U.S. protest (linking aid to MIA resolution)

Vietnam responds with diplomatic note stating that the "unilateral U.S. denunciation of the Paris agreement is aimed at evading the pledges it has solemnly undertaken...On the other hand, the U.S. demands that Vietnam implement Article 8(b) of the agreement...Obviously it wants to renege on its obligations under the Paris agreement on Vietnam while demanding that the other side implement another article of the same agreement..."

08/02/76 Habib Letter to Montgomery (Kissinger denial of offer)

Under Secretary of State for political Affairs, Philip habib, sends a letter to the Montgomery Commission...In reference to the February 1st Nixon letter to the North Vietnamese on reconstruction aid...Habib states: "The President's message did not contain any pledges of promises of aid...the letter did not specifically pledge to seek any particular sum of money."

11/13/76 Habib to Kissinger (Vietnam is linking aid to MIAs)

Under Secretary of State Philip Habib reports to Secretary of State Henry Kissinger, on the November 12th meeting with the Vietnamese....he states that the core of the Vietnamese argument is that Vietnam is "prepared to fulfill fully, and I repeat, fully, our obligations" under the Paris Agreement to account for the MIAs, but that the U.S. should fulfill its "obligation to contribute to binding up the wounds of war and the reconstruction of Vietnam and to accomplish that which was agreed on in 1973 in the Joint Economic Commission."

12/13/76 Montgomery Commission Report (Vietnam is linking issues)

The Report of the House Select Committee on Missing Persons is filed. The major conclusion reads, "No Americans are still being held alive as prisoners in Indochina, or elsewhere, as a result of the was in Indochina."..."lack of direct discussions"... has "prevented the closing of this chapter...The U.S. wishes and serves an accounting for the missing...The U.S. insists on an accounting as a precondition to normal relations. The Indochinese, particularly the Vietnamese, state that reconstruction aid must

precede their accounting for our missing."

09/25/85 Brooks Report

In a memorandum to General Shufelt, Commodore Thomas Brooks wrote,

1. "I was not at all pleased with the situation I found when I took over responsibility for the POW/MIA issue. The deeper I looked, the less professional the operation appeared...I found the following to be particular problems:

a. Case files were incomplete, sloppy... and generally unprofessional.

b. There were no action logs in the cases or where there were logs, entries had not been made in a long time.

c. Follow-up actions had not been pursued...obvious follow-up actions were called for but were never taken and years had passed.

d. There was no tickler system to ensure that we followed up on our own tasking...

4. I am not persuaded that enough assets are being dedicated to this problem if it is the top priority problem we claim it is. In particular, I wonder is JCRC is adequately manned...

6. I see the most important thing we must do right now is to be cementing relationships on the Hill...It is clear that Congressman Hendon will be using our files to discredit us...We need to ensure that we have formed the necessary alliances...

7. I am afraid we are in for some troubled times...we will not withstand scrutiny very well...We must make all preparations to minimize the criticism this scrutiny will bring."

03/18/86 Gaines Report

Memo to Director from Kimball Gaines, Chief, Director's PW/MIA Task Force. The memo states,...the "Task Force Charter was to conduct a hardnosed objective examination of PW/MIA substantive issues and procedures and to report findings and recommendations to the Director within thirty days...The Task Force review revealed serious shortcomings in every important area...Findings are as follows:

1.Unhealthy attitudes.
2.Almost total lack of management - working hard but not working smart.
3.Haphazard approach to problems and functions.
4.Too much direct exposure of the working level analysts.
5.Inadequate planning, internal communication, and written

guidance.
6.Data base is a wasteland.
7.Working files unprofessional, sloppy, incomplete, no standard procedures.
8.No disciplined, coherent, collection management effort.
9.Too much detective work, not enough analysis.
10.Not nearly enough administrative and intelligence technician support.
11.Significant ADP deficiencies...

05/27/86 Tighe Report

Report from General Eugene Tighe to General Leonard Perroots, Director of the Defense Intelligence Agency. In the report summary, General Tighe states, "We judge there is no cover-up by the U.S. Government, the intelligence community, nor the Defense Intelligence Agency...There is information, even in our limited sample, which establishes the strong possibility of American prisoners of war being held in Laos and Vietnam. This judgement is based a category of eyewitness reports...allegations by defectors and escapees... and "signals" in the refugee community probably originating with the Vietnamese intelligence services..."

"A longstanding lapse in diligent intelligence work has produced serious gaps in our knowledge about Vietnam's and others' behavior relative to prisoners of war."

He continues in his conclusions that,

1."We have found no evidence of "cover-up" by DIA.
2.It is self-evident that a large number of MIAs may never be properly accounted for. Therefore, false hope should not be offered to those seeking a total accounting of PW/MIA's.
3.DIA holds information that established the strong possibility of American prisoners of war being held in Laos and Vietnam...
5....major improvements in procedures and resources are required for the DIA PW/MIA center to evaluate information properly...
12.The DIA PW/MIA center is organizationally misplaced and probably will perform better directly under the Director, Defense Intelligence Agency.
13.The JCRC forward field organization is woefully undermanned.
14.The government handling of the PW/MIA issue is constantly harassed by phonies and profiteers..."

03/23/87 Bush to Perot Letter

Letter from then Vice President George Bush to Ross Perot in reference to Perot's decision to get out of the POW/MIA issue and turn over all materials and information he has to the administration. Excerpts include: "The President determined that Howard Baker would call you the other day,...I am sorry you feel you have had less than full cooperation; but I do understand your

decision,...to "get out of it" and convey whatever information you have to the new negotiator..."

"...The administration...will continue to keep this issue on the front burner. We can do no less. We owe it to those who served."

04/08/87 Perot to Reagan Letter

Letter from Ross Perot to then President, Ronald Reagan regarding the POW/MIA issue. He discusses his findings.

"1.We left POWs behind at the end of the war in Vietnam.
2.We knew we were leaving men behind.
3.The men left behind were held in Laos.
4.The evidence that men were held in Laos is substantial...
7.In April, 1973, the Defense Department publicly declared -- that there were no more living Americans being held in Southeast Asia...this was done at a time when we knew we had left men in Laos (and probably in Cambodia and Vietnam)...
9.It is unrealistic to attempt a military rescue of these -- men...
11.There is only one realistic way to gain the release of the -- men -- through negotiation.
12.Several months ago, I recommended appointing a Presidential -- negotiator...General Vessey is an excellent choice...

25. The principal obstacle in obtaining the release of these men -- since the end of the war has been a lack of diligence and follow-through by our government. Choosing a man of General Vessey's stature, giving him a broad mission, supporting him with whatever resources he needs, and having him report directly to you is the strongest possible approach to gaining the release of these men.

Message 91922, 13 Mar 67, from Lieutenant General Wade, Air Force Chief of Staff/

AF personnel will be reported as killed if conclusive evidence of death exists, even though the remains are not recovered, and consist "... of evidence so strong and so convincing as to overbear any possibility of survival... If no such overwhelming proof exists, the member is reported as missing in action and is carried in this status unless and until conclusive evidence of death becomes available... If any possibility exists... that a member could have survived an accident, he must be reported as missing in action."

Appendix 6

Selected Excerpts from Hearing Testimony

U.S. SENATE SELECT COMMITTEE ON POW/MIA AFFAIRS

Hearing: Administration's Overview

Tuesday, November 5, 1991 at 9:30 a.m.
Room 216, Hart Senate Building

PANEL 1: **Paul Wolfowitz**
Under Secretary of Defense for Policy

PANEL 2: **Gen. John W. Vessey**, U.S. Army (Retired)
Special Presidential Emissary to Vietnam for POW/MIA Matters

PANEL 3: **Duane P. Andrews**
Assistant Defense Secretary for
Command, Communications, Control, and Intelligence

PANEL 4: **Ken Quinn**
Chairman of the POW/MIA Interagency Group and
Deputy Assistant Secretary of State for
East Asian and Pacific Affairs

PANEL 5: **Carl W. Ford, Jr.**, Acting Assistant Secretary of Defense for
International Security Affairs

Major General Michael E. Ryan, U.S. Air Force,
Vice Director, Strategic Plans and Policy (J-5), The Joint Staff

Major General George R. Christmas, U.S. Marine Corps,
Director of Operations (J-3), Pacific Command

PANEL 6: **Dennis Nagy**, Deputy Director, Defense Intelligence Agency

Robert Sheetz, Chief of the Special Office
for Prisoners of War and Missing in Action,
Defense Intelligence Agency

Charles F. Trowbridge, Jr., Deputy, Special Office
for Prisoners of War and Missing in Action,
Defense Intelligence Agency

U.S. SENATE SELECT COMMITTEE ON POW/MIA AFFAIRS

Hearing: U.S. Efforts to Find Missing Soldiers

Wednesday, November 6, 1991 at 10 a.m.
Room 216, Hart Senate Building

PANEL 1: Operations on the Ground

Garnett E. Bell, Chief, U.S. Office for POW/MIA, Hanoi

William R. Gadoury, Jr., U.S. Joint Casualty Resolution - Laos, Joint Casualty Resolution Center

Col. John Cole, Director, Stoney Beach, Thailand
Defense Intelligence Agency

PANEL 2: Families' Perspectives

Ann Mills Griffiths, Executive Director,
National League of Families

Dolores Apodaca Alfond, National Chairperson,
National Alliance of Families

Dr. Patricia O'Grady and Robert Apodaca,
Vessey Discrepancy Cases

PANEL 3: Veterans' Perspectives

Robert E. Wallace, National Commander,
Veterans of Foreign Wars

John F. Sommer, Jr., Executive Director,
American Legion

Joseph E. Andry, former National Commander,
Disabled American Veterans

Bill Duker, Chairman, POW/MIA Committee,
Vietnam Veterans of America

J. Thomas Burch, Chairman,
National Vietnam Veterans Coalition

U.S. SENATE SELECT COMMITTEE ON POW/MIA AFFAIRS

Hearing: Critics' Perspectives

Thursday, November 7, 1991 at 9:30 a.m.
Room 216, Hart Senate Building

PANEL 1: **Bui Tin**, Vietnamese Defector and former Communist Party member and editor

PANEL 2: Senate Foreign Relations Committee Republican Staff Report on U.S. Policy toward POWs and MIAs

PANEL 2: **Gen. Eugene Tighe**, U.S. Army (Retired) [tentative]
Former Director of the Defense Intelligence Agency

Col. Millard Peck, U.S. Army (Retired) [tentative]
Former Chief of the Special Office for POW/MIA at the Defense Intelligence Agency

PANEL 3: **Monica Jensen-Stevenson**, author, Kiss the Boys Goodbye

Nigel Cawthorne, author, The Bamboo Cage

PANEL 4: **Jeff Donahue**, author, POW/MIA Timeline and MIA relative

Ted Sampley, Homecoming II Project
U.S. Veterans News

PANEL 5: Recently Publicized Photos

Jack Bailey (Carr case)

Hamilton Gayden (Borah case)

Albro L. Lundy III, Barbara Robertson, Gladys Fleckenstein (Lundy/Robertson/Stevens case)

PANEL 6: Administration response

[After the conclusion of testimony from the final panel, the Administration will have an opportunity to respond to Senators' questions. The Department of Defense team will be led by Carl Ford].

John F. Kerry, Massachusetts, Chairman
Bob Smith, New Hampshire, Vice Chairman

Select Committee on

POW / MIA Affairs

Tom Daschle, South Dakota
Harry Reid, Nevada
Charles Robb, Virginia
Bob Kerrey, Nebraska
Herb Kohl, Wisconsin

John McCain, Arizona
Hank Brown, Colorado
Charles Grassley, Iowa
Nancy Landon Kassebaum, Kansas
Jesse Helms, North Carolina

Frances A. Zwarg, Staff Director
Alan C. Pino, Deputy Staff Director
J. William Codevilla, General Counsel

United States Senate | Washington, DC 20510-6500 | (202) 224-2306

FOR IMMEDIATE RELEASE
January 15, 1992

CONTACT: Deborah DeYoung
202/ 224-2075

FORMER U.S. INTELLIGENCE ANALYSTS TO TESTIFY JAN. 22 ABOUT POWs ALLEGEDLY HELD AFTER THE VIETNAM WAR

WASHINGTON – The Select Committee on POW/MIA Affairs will hear charges that American POWs were held after the Vietnam War ended, Chairman John F. Kerry, D-Mass., and Vice Chairman Bob Smith, R-NH, announced today.

The hearing on Wednesday, Jan. 22 begins at 11:30 a.m. in Room 106, Dirksen Senate Office Building.

Two former National Security Agency analysts will testify about tracing American POWs in Southeast Asia – and possibly to the USSR – after the Vietnam War. The witnesses are Jerry Mooney, of Wolf Point, Montana, and Terrell Minarcin, of Tacoma, Washington.

The former KGB head of foreign counterespionage, Maj. Gen. Oleg Kalugin, has said that Soviets interrogated American POWs in Vietnam as late as 1978 – five years after the war ended. Kalugin will testify **Tuesday, Jan. 21 at 2:30 p.m. in Room 216, Hart Senate Office Building.**

At the Committee's first round of hearings in November, Bui Tin, a former top North Vietnamese official testified that Soviets interrogated U.S. servicemen in Vietnam during the war. The Pentagon contends that no American POWs who returned at Operation Homecoming reported being interrogated by Soviets.

SENATE SELECT COMMITTEE ON POW/MIA AFFAIRS

June 24, 1992

Panel 1: An Overview of Wartime Casualty Accounting 1961-73

Robert Sungenis, Chief
Directorate of Information, Operations and Reports,
Office of Secretary of Defense, 1973-1992

Charles Trowbridge, Deputy Director
Defense Intelligence Agency, Special Office
for POW/MIA Affairs, 1971-1992

Senior Service Casualty Officers
- Col. Michael Spinello, U.S. Army
- Brig. Gen. Michael McGinty, U.S. Air Force
- Capt. Peggy Debien, U.S. Navy
- Col. A.A. Quebodeaux, U.S. Marine Corps

Representative, Joint Chiefs of Staff

Panel 2: Accounting Efforts During Operation Homecoming, January - June, 1973

Robert Sungenis, Chief
Directorate of Information, Operations and Reports,
Office of Secretary of Defense, 1973-1992

Charles Trowbridge, Deputy Director
Defense Intelligence Agency, Special Office
for POW/MIA Affairs, 1971-1992

Admiral Thomas Moorer (USN, Ret.), Chairman
Joint Chiefs of Staff 1971-1975

Lt. General Eugene Tighe, Director
Defense Intelligence Agency 1977-1981, and
Chief of Intelligence at CINCPAC, 1972-1973

SENATE SELECT COMMITTEE ON POW/MIA AFFAIRS

June 25, 1992

Panel 1: POW/MIA Accounting 1973-1992

Dr. Roger E. Shields, Deputy Assistant Secretary
for International Economic and POW/MIA Affairs,
Defense Department 1971-1977

Robert Sungenis, Chief
Directorate of Information, Operations and Reports,
Office of Secretary of Defense, 1973-1992

Charles Trowbridge, Deputy Director
Defense Intelligence Agency, Special Office
for POW/MIA Affairs, 1971-1992

Frank Sieverts, Special Assistant for POW/MIA Matters,
Department of State, 1966-1978

Gen. Robert Kingston (USA Ret.), Commander,
Joint Casualty Resolution Center, 1973-1974

Michael Oksenberg, Staff
National Security Council, 1976-1978

Panel 2: Status of Current Efforts to Account for POW/MIAs

Gen. John Vessey, (USA, Ret.)
President's Special Emissary to Hanoi on POW/MIA Affairs;
and Chairman of the Joint Chiefs of Staff 1982-1986

Maj. Gen. George R. Christmas (USMC), Director
of Operations, U.S. Pacific Command

Bob Sheetz, Chief
Defense Intelligence Agency,
Special Office for POW/MIA Affairs

Robert Sungenis, Chief
Directorate of Information, Operations and Reports,
Office of Secretary of Defense, 1973-1992

Senior Service Casualty Officers

AUGUST 11, 1992

PANEL 1:	H. Ross Perot
PANEL 2:	Harry McKillop, Perot Associate (1969-present)
	Murphy Martin, Perot Associate (1969-1973)
	Thomas Meurer, Perot Associate (1969-1973)
PANEL 3:	McMurtrie Godley, US Ambassador to Laos, 1969-1973
	James Murphy, Aide to Ambassador Godley
PANEL 4:	Closed Session CIA Station Chief in Laos

AUGUST 12, 1992

PANEL 1:	LTG Leonard Perroots, DIA Director, 1985-1988
	Richard Childress, Nat'l Security Council (Reagan Administration)
	Richard Armitage, Defense Department (Reagan Administration)
PANEL 2:	Sen. Howard Baker, White House Chief of Staff 1987-1989
	James Cannon, Deputy to Baker 1987

SENATE SELECT COMMITTEE ON POW/MIA AFFAIRS

September 21, 1992 - 8:30 a.m.
Paris Peace Accords: Negotiations for POW/MIAs

Panel 1: Central Intelligence Agency's Input

James R. Schlesinger
Director, Central Intelligence Agency, 1973
Secretary of Defense, 1973-1974

Panel 2: State and Defense Departments' Input

Melvin R. Laird
Secretary of Defense, 1969-1973

William P. Rogers
Secretary of State, 1969-1973

Panel 3: U.S. Negotiating Team

Winston Lord
National Security Council, 1969-1973
Special Assistant to National Security Adviser, 1970-1973
Director of Policy Planning at State Department, 1973-1977

George H. Aldrich
Legal Adviser to State Department, 1965-1981

Peter W. Rodman
Staff, National Security Council, 1969-1977

Vernon A. Walters
Deputy Director, Central Intelligence Agency, 1972-1976

William H. Sullivan
Ambassador to Laos, 1964-1968
Chief of U.S. Mission to Laos, 1968-1969
Deputy Assistant Secretary of State for East Asian and Pacific Affairs, 1969-73

Panel 4: National Security Council/DoD Efforts through 1973

Gen. Alexander M. Haig, Jr. (USA, Ret.)
Assistant to National Security Adviser, 1969-1973
White House Chief of Staff, 1973-1974

Paris Peace Accords: Negotiations for POW/MIAs
September 22, 1992 - 9:00 a.m.

Dr. Henry A. Kissinger
National Security Adviser, 1969-1975
Secretary of State, 1973-1977

Expectations about POWs in Laos
and Questions after Operation Homecoming
September 24, 1992 - 9:30 a.m.

Panel 1: Expectations about POWs in Laos

Admiral Thomas Moorer (USN, Ret.)
Chairman, Joint Chiefs of Staff 1970-1974

G. McMurtrie Godley
Ambassador to Laos, 1969-1973

John H. Holdridge
Assistant Secretary of State, East Asia and the Pacific 19__-1983
China Specialist, State Department 1948-1985

Admiral Daniel J. Murphy (Ret., USN) (Thursday, Panel 1)
Dep. Director for Intelligence Community, CIA, 1977-1980

Panel 2: Laos Questions

Maj. Gen. Richard Secord
Laos Chief of Air, Central Intelligence Agency. 1966-1968
Laos Desk Officer, Defense Department, 1972-1975

Elliot L. Richardson
Secretary of Defense, 1973

Panel 3: Four-Party Joint Military Commission;
Questions Remaining after Operation Homecoming

Gov. William Clements
Deputy Secretary of Defense, 1973-1976

Dr. Roger E. Shields
Deputy Asst. Secretary for Internat'l Economic & POW/MIA Affairs,
Defense Department 1971-1977

Col. Lawrence Robson (USAF, Ret.)
POW Subcommission of Four-Party Joint Military Commission

November 10, 1992

Panel One

Alan Ptak
Deputy Assistant Secretary of Defense
for POW/MIA Affairs

Charles Kartman
Director, Office of Korean Affairs,
State Department

Lt. Col. James Caswell
Joint Staff, Defense Department

Dr. Paul Cole
Researcher, Rand Corporation

Panel Two

Lt. Col. Philip Corso (USA, Ret.)
National Security Council Staff,
Eisenhower Administration

Serban Opricka
Former engineer in North Korea

Col. Delk Simpson (USAF, Ret.)
Former military attache in Hong Kong

Steve Kiba
Former Korean War POW held in China

Panel Three

James Sanders and Mark Sauter
Authors, Soldiers of Misfortune

John M.G. Brown
Author, Moscow Bound

Thomas Ashworth
Researcher

Richard Boylan
Archivist, National Archives

Panel One: Russan Delegation to the Joint Commission

Gen. Dimitri Volkogonov (Ret.)
Military Adviser to President Boris Yeltsin
and Co-Chairman of the U.S.-Russia Joint Commission

Panel Two: [Other members of the Russian delegation, if available]

Panel Three: U.S. Delegation to Joint Commission

Richard D. Kauzlarich
Assistant Secretary of State for
European and Canadian Affairs

Maj. Gen. Bernard Loeffke
Chief, Task Force Russia

Al Graham
Select Committee Investigator
posted to Moscow since May

Panel Four: Family Members

Dolores Alfond

Bruce W. Sanderson

Greg Skavinski

Jane Reynolds Howard

Senate Select Committee on POW/MIA Affairs

December 1, 1992

Panel One: Internal Reviews of DIA

John H. Wiand
Head of February 1983
Inspector General investigation

Ken deGraffenreid
NSC Staff, author of report on DIA to
National Security Adviser in 1983-84

Col. Glenn F. Hargis,
Head of February 1985
Inspector General investigation

Dennis M. Nagy,
Head of March 1985
Inspector General investigation

Cdr. Thomas Brooks,
Author of Sept 25, 1985 Memorandum

Col. Kimball Gaines,
Head of Gaines Task Force
(Report issued March 1986)

Gen. Eugene Tighe,
Head of Tighe Commission
(Report issued May 1986)

Col. Millard Peck,
Author of January 1992 Letter

Panel Two: DIA's Response to Critics

Lt. Gen. Leonard Perroots,
Director of DIA, 1985-88

Richard Childress,
National Security Council
(Reagan Administration)

Ronald J. Knecht
Defense Department

Gen. James Williams,
former Director, DIA

Col. Joseph Schlatter,
Member of Gaines Task Force;
Chief of Analysis Branch, 1986-87; and
Chief POW/MIA Office at DIA, 1987-90

Gen. James Clapper,
Director, DIA

Panel Three: Interagency Group

Ann Mills Griffiths,
National League of Families

Richard Childress,
National Security Council

Kenneth Quinn,
State Department

Robert Sheetz,
Defense Department

Carl Ford,
Assistant Secretary for Defense

Senate Select Committee on POW/MIA Affairs

December 2, 1992

Panel One: Public Awareness Activities

Patty Sheridan
River Rats (of Kansas)

Marty Eddy,
POW Committee of Michigan

John Sommer,
American Legion

Bill Duker,
Vietnam Veterans of America

JoAnn Shaw,
Georgia POW Committee

Panel Two: Fundraising Activities

Bruce Eberle and Linda Canada
Bruce Eberle & Associates

Marilyn Price,
Creative Advantage

Joseph Salta,
Response Development

John Curtis,
Infocision Management

Panel Three: Regulation of Fundraising Activities

Ken Albrecht,
National Charities Information Bureau

Charles Brown,
Charitable Trusts Division, NC

Richard Allen,
National Ass'n of Attorneys General

Panel One

Admiral James and Sybil Stockdale

Panel Two: POW/MIA Wives

Donnie Collins (VA)

Janis Dodge Otis (CA)

Carol Hrdlicka (CO)

Panel Three: Other Family Members

John Kustigian (MA)

Pat Plumadore (NY)

David and Steve Morrissey (AZ)

Robert Brown (CA)

Panel Four: Casualty Officers

George Atkinson,
USAF Casualty Affairs

B.J. Andrews,
DoD Family Liaison

David Geraldson
Former Casualty Officer

Lt. Col. Mack Brooks,
U.S. Total Army Personnel Command

Panel One

General John Vessey,
Special Presidential Emissary to Vietnam

Panel Two

Admiral Charles Larson,
Commander in Chief, Pacific Forces

Maj. Gen. Thomas Needham,
Chief, Joint Task Force-Full Accounting (JTF-FA)

Maj. Gen. George Christmas,
CINCPAC's Director of Operations

Panel Three

Alan Ptak,
Deputy Assistant Secretary for POW/MIA Affairs,
Defense Department

Kenneth Quinn,
Department of State

Panel Four

Carl Ford,
Assistant Secretary for Defense

Col. John Cole,
Defense Intelligence Agency

Robert Sheetz,
Defense Intelligence Agency

Robert DeStatte,
Defense Intelligence Agency

Ted Schweitzer,
Researcher

Garnett Bell,
Investigator, JTF-FA

William Gadoury,
Investigator, JTF-FA

MSGT Bill Deeter,
Investigator, JTF-FA

Accounting - Left Behind	Admiral Stockdale 12/03/92	Chairman Kerry: Based on that concept of morality that you have been driven by and the entire process that you felt drove all of you that you would come back together speaking to us today, to a matter of moral certainty in your heart and under oath, do you believe that you left anybody behind or that anybody was alive? Stockdale: No. No. I would not have come back...
Accounting - Left Behind	Admiral Stockdale 12/03/92	It was the Son Tay Raid of November 1970 that prompted the North Vietnamese to bring them all -- all of these chickens out in the satellite camps back, all back to Hoala Prison, where in January 1971 every American prisoner -- with two exceptions which I'll cover in a minute -- where every American prisoner who had ever been sighted, whispered to, tapped to by any other American over the last 6-1/2 years were all locked up in a ring of contiguous large cell blocks around the largest west courtyard of Hoala Prison, and it's half the prison.
Accounting - Left Behind	Admiral Stockdale 12/03/92	Found in those dungeons -- all of this activity found in those dungeons, a meaning of life centered on being your brother's keeper emerged, keeping a memorialized chronology of contacts and acquaintances that could some day, God willing, when papers and pencils were available, allow you to present to the world a history, in the worst case, of who was last known to be where.

Accounting	Admiral Stockdale 12/03/92	And then there's a kind of an unreal -- as we've come along in this 20th century, we've become litigious... where we believe that somebody owes us an explanation and an apology and a payback if something is not quite right. And when you start talking about warriors last seen alive, never being -- that the Government owes you a blow-by-blow description of what happened to them to bring about either their demise or their missingness, there's never been a war in history that any government could do that. To say that the Government owes us an explanation for what happened to a guy who was last seen alive out on the battlefield. Can anybody see that as a possible reality? At night or in storms, people get buried under avalanches. There's any number of things that have happened over history. That's just an unrealistic goal somebody has cooked up, and now it's a demand.
Accounting	Andry 11/06/91	Mr. Chairman, let me say we don't expect this committee to take on mission impossible by trying to account for every single POW or MIA. But we do believe that every effort should be made to determine why the Government has been unable to do a better job of accounting for these soldiers. Furthermore, every effort should be made to determine what plans our Government has made to prevent this intolerable situation from happening again.

Accounting	Bell 12/04/92	...we're not talking about one man being the only one privy to this information, we're talking about hundreds of thousands of analysts at the time of intercept having access to the same information that Mr. Mooney saw and that Mr. Minarsin saw. And they have all reached the same conclusion, that just never happened, that there is no indication that people were singled out based on their air crew status, based on their technical capability or their technical knowledge, as Moscow-bound, and our review -- and this is, as I said, the third time that it's been reviewed to look for that information -- supports that.
Accounting - Left Behind	Bell 11/06/91	We had information of Americans being held at that time [after Operation Homecoming], sir, but it was not correlated to any specific individual.
Accounting - KIA/BNR	Brooks 12/01/92	I, too, have wondered why some cases were left MIA when all good, in my estimation, evidence suggested that the person never survived the plane crash, bailing out of the aircraft, whatever the situation happened to be.
Accounting	Chambers 08/04/92	As I have explained, our analysis sets an upper limit on the number of MIAs who could possibly be POWs. It does not suggest that there are POWs, or that any POWs were in fact held past the time of Operation Homecoming. What we are talking about here are those MIAs who potentially could have survived. We do not know if they survived. I cannot overemphasize this distinction.

Accounting - KIA-BNR	Chambers 08/04/92	The Defense Intelligence Agency, as we were just discussing, reviewed all 2,266 cases to identify those people who had the best chance for survival...However, our investigation of the loss incidents revealed that not all of the 1,171 were likely candidates for survival... We also have cases where information on an individual's fate is mixed, or evidence of their fate is lacking... These are the most difficult cases, because it is almost impossible to know where to begin an investigation unless more information becomes available. In some of the 1,171 cases, we know the individual didn't survive, even though he wasn't declared killed in action by his commander, and I think Mr. Sheetz mentioned that there are cases where all identifiable traces of an individual were eliminated by the sheer force of an explosion... Finally, there are those who are known to have died in captivity...
Accounting - KIA/BNR	Chambers 08/04/92	This leaves us with 100 to 125... Sir, the 269 total are the individuals who were likely candidates for survival and possible captivity, but within that sub-category there are several groups..
Accounting - KIA/BNR	Chambers 08/04/92	The difficult task of identifying who might have survived, and remained a prisoner after the war, began even before prisoners were released during Operation Homecoming in 1973 and continues today...the total 2,266 unaccounted for Americans, 1,095 were killed in action, leaving 1,171 Americans missing in action.

Accounting - KIA/BNR	Chambers 08/04/92	As shown here, the 269 individuals for priority investigation are drawn from Vietnam, Laos, and Cambodia, and have been the focus of our field investigations that began in Vietnam in September of 1988... However, not all 269 individuals are likely candidates for survival and possible captivity...Based on our field activities in Vietnam, 61 of these people are known to have died. An additional 78 cannot be considered as possible POW candidates for one of the following reasons: They are known to have died but happen to have been lost in the same incident with a last-known-alive person.
		They are known to have died in captivity, but are incorporated as priority cases because at one time they were carried by their respective services as a POW or they do not meet the criteria for a last known alive designation but are included as discrepancy cases because we believe the Indochinese Governments are withholding information concerning their fate. And finally, there are remains still under analysis at the Central Identification Laboratory in Hawaii that we expect will lower this number further once they are identified. There are also several cases where we have information that points strongly but not conclusively to death at the time of loss. loss.
Accounting	Cheney 11/05/91	I feel we are closer than we have ever been to a full accounting on those who are still missing.

Accounting - KIA/BNR	Clapper 08/04/92	...I need to make clear as well that the determination of status as to whether someone is or is not KIA is not totally an intelligence call. There are others that play in this, and obviously not all the families or next-of-kin would necessarily accept that categorization of 1,095 were killed in action, body not recovered. Chairman Kerry: Well, I'm troubled, you know, folks, if there isn't sufficient evidence to put them on a KIA list, they don't belong on it. I mean, this is part of what lends so much controversy to this issue.

Accounting - Left Behind	Clements 09/24/92	Chairman Kerry: Let me ask this question, Governor, in that second paragraph that you were just reading, this is a July document, correct? Governor Clements: July the 17th. Chairman Kerry: And you said in that document of this number, 67 are officially listed as prisoner of war. Governor Clements: They are officially listed as prisoner of war based on information that they reached the ground safely and were captured.
		Chairman Kerry: Correct. That is exactly the point I want to make. . . . You have 67 people in July that you have recorded as on the ground and captured.
		Governor Clements: That's right. Chairman Kerry: Last known alive captured, correct? Governor Clements: That is correct. Chairman Kerry: Seems to me that is an indication you have people alive in Southeast Asia.

Accounting - Status Changes	Clements 09/24/92	Chairman Kerry: May I ask you what the rationale was, and there may well be a very good one, but what was the rationale for taking this long-time standing position of the Secretaries of the Service and changing it. Why did you suddenly have to make these reviews? Governor Clements: This was most, most delicate situation. There were some very legitimate reasons and cases for changing of status. . . . Chairman Kerry: So if there was a legitimate reason for somebody to be made POW, why did you have to step in and be the arbiter of that? Governor Clements: What I am trying to explain, and I think it is a very understandable situation, there were all kinds of nuances to this particular question.

Accounting - Status Changes	Clements 09/24/92	Chairman Kerry: ...Approximately how many cases, individual cases, do you remember being brought to your attention after Homecoming, that is for reclassification? Clements: Well, quite a few. And for me to put a number on it would be very difficult. Chairman Kerry: Was it more of the magnitude of five or 100? Can you give us some idea of how many cases would have brought to your attention? Not with any accuracy, was your answer. Question: I'll understand that it's just an approximation. Answer: Over a four-year period there could easily have been 50 or 75 cases that were investigated in-depth that would have been brought to my attention. So, the range was 5 to 100, you picked 50 to 75. Now that is a lot of cases that potentially the service secretary sent to you saying we want to reclassify this person as a POW. If it had been left to them, that person would have been. It was not left to them. You had taken over that authority. The result was-none were.
Accounting - Shields Statement	Clements 09/24/92	...There was never any discussion or argument between us that statement in all likelihood probably was true. Chairman Kerry: That they were all dead. Governor Clements: That they probably and in all likelihood were dead. Chairman Kerry: Was that the prevailing attitude at DoD? Governor Clements: Absolutely...

Accounting - Status Changes	Clements 09/24/92	Governor Clements: I want to correct one thing there. I did not take over that authority, and my actions in this regard were strictly on a review basis... Chairman Kerry: You used the word review, but when the Deputy Secretary of Defense, and Acting Secretary at some periods of time, says, I want a memo sent to all departments that any reclassification from MIA to POW must first be cleared by me, that is a clearance. MIA to KIA is OK within each service. So it was OK to take MIA and put them into KIA, kill them off. But do not make them prisoners. I have got to see it. And nothing happened. Nobody was made a prisoner.
Accounting - Shields Statement	Clements 09/24/92	"I don't think there's any question at all that I said -- not in those exact words, but I said that in all likelihood those people over there are probably dead..."
Accounting - Status Changes	Clements 09/24/92	Vice Chairman Smith: ...Why did you, Governor Clements, make a decision to not allow your service secretaries, which as far as I know has never happened before and has not happened since -- to not allow your service secretaries to upgrade an individual from an MIA category to a POW category? Why did you make that decision? Governor Clements: I don't think that I made such a decision.
Accounting - Status Changes	Clements 09/24/92	Vice Chairman Smith: Governor, I have got it in your own handwriting... 'I want a memo sent to all departments, services, ASD, DIA, JCS, that any reclassification from MIA to POW must first be cleared by me -- me.' That is what you said.

Accounting - Status Changes	Clements 09/24/92	Governor Clements: I have no recollection of making a decision of that kind. Let me tell you something, Senator, it is very, very clear that only classification can be changed within the services. And let's don't get that confused. Vice Chairman Smith: 'I request that all actions which recommend reclassification of military personnel from missing in action to captured status be submitted to me for approval. Proposed reclassification action should be first routed through the Assistant Secretary of Defense for a preliminary review before referral to me.' That was June 8th, 1973.

Accounting - Nixon Statement	Daschle 09/21/92	From my perspective, and listening to the data and reading the documents, there was a sea change attitude immediately following the President's assertion that everybody has now come home. Even somebody with your credibility and dedication and determination, for whatever reason, even though you were in the White House and obviously assigned to a different responsibility, chose not to raise the issue, in spite of the fact that you did feel strongly about it and took the actions that you have so capably described this morning. But you did not raise the issue. No one raised the issue, apparently, inside the Government after the President made his assertion in March of 1973. And I guess I would just like you, if you could, to describe what it was, with all of those who felt as strongly as you did, that this was no longer a time within which to raise the issue, and we are going to put it behind us. All I am asking -- and I do not mean it to be in any way an accusatory question. I just would like you to describe the atmosphere that apparently permeated the White House and the administration in June when you arrived, re-arrived, about this issue? Why was it such that no one chose to challenge the President's statement and recharacterize it in a way that would be less positive, as you described it? Laird: I cannot explain that, Senator. I believe that that's something you should pursue.

Accounting	Daschle 06/24/92	...you might as well have been in two different countries trying to look into this thing, for as little cooperation and coordination that there was.
Accounting - Left Behind	Dole 09/24/92	Though without suggesting that it is the intent of the committee, there is certainly a fact of life that the media is reporting your work as a kind of who shot John exercise. The headlines are all full of finger-pointing about, quote, who abandoned, unquote, our POW/MIAs; about who is to blame for the situation where too little was done for too long; and trying to find out the truth about the fate of our POWs and MIAs.
Accounting	Duker 12/02/92	...I don't know that I'll ever be totally satisfied that the resolution is there personally. I do believe a beginning would be, though, to -- at least for every American that was last known alive or last known alive in captivity, if we could resolve every one of those cases that would at least be a beginning towards coming to some kind of an accounting.
Accounting - Left Behind	Ford 11/15/91	I have not seen anything that would convince me that there are not some Americans still alive... how many, I'm not sure, but I think that the reports suggest that there was one for sure, that the Vietnamese didn't tell us about until much later. That was one, but there are also some reports suggesting that people might have been alive we didn't know about. We didn't know where they were -- and they probably died afterwards. ...As we accumulate evidence and as we go through that process, we are able to begin to piece together a little bit better what happened back in 1972, or 1973, or 1975, and the evidence, as we accumulate it, more and more suggests that there are probably some left alive in 1973.

Accounting	Godley 09/24/92	This is an important distinction. The MIAs were men in aircraft, principally, shot down. They were carried as MIAs until they were either reported as POWs or their graves were located, or a large number of their wing men or other aircraft in the air at that time reported shot or downed in flames.
Accounting - Nixon Statement	Grassley 06/25/92	Without this statement, that the President made and of course those attendant follow-on policy decisions, there is absolutely no electrifying conflict. People are incensed. I don't suppose people are incensed with bureaucratic incompetence, they have learned to handle that, but they are incensed because of the deception around this issue, deception by our own government.
Accounting	Grassley 10/15/92	...the Paris Peace Accords hearings gave the live-sighting reports a context, a plausibility quotient. In my view, we must revisit this issue before our work is complete, and we must certainly get a response on the discrepancies.

Accounting - Comptroller's Records	Grassley 09/24/92	Presently, there are 1,278 military personnel who are unaccounted for as a result of the hostilities in Southeast Asia. Of this number, 67 are officially listed as prisoner of war based on information that they reached the ground safely and were captured. Now, that is from Clements to President Nixon. And that is on, I believe, the 17th of July, 1973. Now, the point that I want to raise and that I would like to have you respond to is, as I see it, the bottom line is that we may not have known with 100 percent certitude that these men were prisoners. But it seems to me that we sure as heck believed that to be the case, to the point that we would list them as current captured. We believed it to the point that we had a list entitled ``Current captured.'' And, at the least, it seems to me, this information conflicted with both the Nixon statement on March the 29th and the Shields statement on April the 14th.
Accounting - Comptroller's Records	Grassley 09/24/92_	I have got in front of me documents that are entitled number of casualties incurred by U.S. military personnel in connection with the conflict in Vietnam. And the bottom line has a figure that is current captured. And I do not know whether they are daily or weekly reports, but probably weekly reports. On March the 31st, 1973, there are 81 listed; 7 April, 73, 80; 14 April, 73, and that is the date that Shields made his statement that there are not any alive. We had 75. April 28th, 72.

Accounting - Status Changes	Kerrey 09/22/92	My own belief is that a full accounting of our people will not occur until the Vietnamese Government itself is accountable to its own people. This is a Government that has lied to its people ever since they seized illegitimate power in 1975. They have continued to lie and misrepresent facts to their own people.
Accounting	Kerrey 09/24/92	It is very important for us to try to figure out what we are going to do today, not [just] what we should have done 20 years ago.
Accounting - Left Behind	Kerry 06/25/92	So there is certainly that measure of information that we have received. There are other acknowledgments that I think are not insignificant; acknowledgements that we are not really dealing with a universe of 2,266, [that] it is smaller. In fact the committee, through its exhaustive review, suggest that somewhere in the vicinity, in 1973, of 244 is a reasonable number, minus those immediately determined to have died in captivity, which leaves you somewhere in the vicinity of 133, which is close, as Vessey said, to the numbers he has come up with.
Accounting - Shields Statement	Kerry 09/22/92	Before Operation Homecoming, our officials in the military, and you in the executive, expressed the conviction that POWs were about to be left behind because the Laos list was incomplete. But after Operation Homecoming, the statements seemed to have shifted and been calibrated more towards putting people at ease, and urging an acceptance or encouraging the belief that the goal had been achieved.

Accounting	Kerry 09/21/92	Chairman Kerry: President Nixon won in 1968 on a peace platform and indeed, no sooner was he elected than he began withdrawing troops. Our withdrawal was forestalled in 1968. For four more years the war went on. More prisoners were created and finally, we negotiated with the recognition that the country was fed up and South Vietnam was to either stand alone or fall alone with enormous military support, I might add, from us... We are here 20 years later trying to understand in the dynamics of where we got to, whether or not we got our prisoners out or not...It was not us who stated that we do not have all our prisoners back, that was in memos that your colleagues in Government created. The families, however, knew this and for 20 years they have sought an honest accounting from us, so we are here today to do that and I am sure you are sympathetic to that.
Accounting - Shields Statement	Kerry 06/25/92	Dr. Shields, do you not think that it is a little disingenuous to stand up before the Nation and have a policy announced that says we have no indication that there are any Americans alive when you know people are carried as POW and have nothing to suggest they are dead? Why did you not say, "You know, we have got 244 questions. We have got people we list as POW, and we do not know," instead of saying, "There are no indications that anybody is alive." Because the last thing you knew was that they were alive.

Accounting - Left Behind	Kerry 09/24/92	Evidence was available to American policy makers in 1973 that some POWs might have been alive. Clearly, there were people listed as POW who did not return. That does not mean that they were alive. It also does not mean the converse; that they were dead.
Accounting	Kerry 06/25/92	What we did say unequivocally is that there were a body, a group of people listed as POW for whom there was a reason they were listed as POW, about whom we knew enough to call them POW. And we did not get an accounting at that time. And we had reason to believe that many of them were alive.
Accounting - Nixon Statement	Kerry 09/24/92	Well, I would say, Admiral [Moorer], I think your effort to explain it that way is understandable and noble, but the fact is I read this morning a series of statements made by the President which did not refer to we are getting back the people on the list, it said all our prisoners are home. ...Secondly, on May 24th, in a speech to the POWs once they were all back, he said 1973 saw the return of all our prisoners of war. He did not say to them, we are still concerned about some of your friends; we are going to pursue it. He said you are all back. And in a speech on June 15th, he said that for the first time in eight years all of our prisoners are back, all our prisoners are home here in America. So I must say to you that the evidence is overwhelming to the committee that there is a gap between the stated public policy and between reality at that point in time.

Accounting - Nixon Statement	Kerry 09/24/92	If there were a clearer way for the Commander in Chief to send a message to Hanoi, or to the Pathet Lao, or to the American public and to our defense and intelligence officials that the active search for a live American prisoner was at an end, I do not know what that might have been. Now, no question, there is reference after reference in these documents to our continued desire for a full accounting for those listed as missing. But nowhere is there a reference to a belief in the likelihood that live Americans might still be held.
Accounting - Shields Statement	Kerry 06/25/92	(Tape) Question: Do you think there still are POWs alive and well somewhere in either Laos or Cambodia? Answer: We have no indications at this time that there are any Americans alive in Indochina. (End tape) Chairman Kerry: That was your statement at a press conference on the 12th of April, 1973. We have no indications at this time that there are any Americans alive. Now it is a fact, is it not, that as of February of 1973 you personally had information about an EC or an EQ-47 shot down in Laos, and you believed that four member s of that crew survived, did you not?

Accounting - Nixon Statement	Kerry 09/24/92	So I frame that we have not got a full accounting in the context of having heard there is no evidence that anybody is still alive, and my immediate next thought is, OK, that must mean we have got to find out who is dead or how they died. There is a huge difference. I mean I am in politics. I understand what it means to give a message. I remember those days too. I was riveted to the television set the night the President said all the prisoners are coming home...I thought they were all coming home too. I must tell you, and I thought I was pretty aware back then, I never knew what I am learning today. I never knew you guys had a list of people that you thought were still prisoners. I never heard of it.
Accounting	Kerry 11/15/91	I am a little disappointed that you folks do not have at your fingertips those numbers and the ability to tell me, Senator, here is how many went down. Here is exactly how many were unaccounted for.

Accounting	Kerry 06/25/92	If you have evidence to show that somebody ought to be on a list, now is the time to come forward. But it is not sufficient for anybody to simply say gee, it ought to be bigger. We are dealing with reality. And we have taken and put together lists from every possible list we have been able to find, subpoena, summon, locate, uncover in the archives, and there just are not any other lists. Moreover, there is a finite universe of people who went to Vietnam and either came back or did not. We know their names and we know the locations and the dates and times and we have records. And we are going to deal with records. We are not going to deal with hypothesis, theory, supposition, fantasy, and ultimately even hope, no matter how deep that hope may be. We have to base this on reality. We all have hope, but we are trying to figure out what is real here. Now, I want to emphasize again that the committee does not assert that every one of the names of the 133 were alive. We do not do that. We cannot do that. No one could do that.
Accounting - Nixon Statement	Kerry 09/24/92	Chairman Kerry: Well, does that raise a question in your mind today as to whether they were, in fact, all home on the March -- Admiral Murphy: Well, yeah, if I'm looking at a piece of paper that says there are 67 of them left.

Accounting - Shields Statement	Kerry 09/24/92	...while there is truth to the statement that I could not say where so-and-so was specifically on this day, we did have evidence that individuals had been captured and that individuals were not returning. And I think that is the centerpiece of the quandary we find ourselves in 20 years later. That those families know that, and now the country knows that. Those families knew that for 20 years. We also have evidence that there were people within the military, and in the State Department and elsewhere, who believed that.
Accounting - Nixon Statement	Kerry 09/21/92	The President mentioned the MIA issue in conjunction with a number of issues that were not meeting with full compliance...he did not personalize and raise the issue of noncompliance on POWs with the notion that we believe there were people that could be accounted for who were not being accounted for. There was just sort of this general sense of, well, MIAs are not being accounted for, which is distinct from the notion that you believe you have prisoners that were held and they have not returned. I think the Americans would have reacted, obviously, very differently to the latter than the former. Secondly, his broader comment was not, we have gotten back all the prisoners that they have given us a list of. It was that all the prisoners have come home. So, there was a real distinction between what we knew or thought we knew about prisoners versus MIA generically. And that is, I think, something that lingered.

Accounting - Nixon Statement	Kerry 09/24/92	Chairman Kerry: You would agree with me, Mr. Secretary, there is a distinction between someone listed as POW and someone listed as MIA. Richardson: Definitely. Chairman Kerry: And you would agree with me, then, that the people listed as MIA, some of them did not come home, correct -- excuse me, people listed as POW, some did not come home, correct? Richardson: Yes. Chairman Kerry: Therefore, a statement that all POWs are home is also incorrect, is it not? Richardson: Yes. This is a colloquy... He could have rationalized it, I suppose, on the basis that all the ones we know of have been accounted for.
Accounting - Comptroller's Records	Kerry 09/24/92	Chairman Kerry: You, in July, are still left with 67, by your own account. Now, you have already taken into account the people who came back and who died. Those briefings are several months prior. You are reporting to the President, memorandum of the United States of America on 17 July, you folks yourselves are saying 67 are officially listed as prisoner of war, based on information that they reached the ground safely and were captured... I do not want this to be contentious, but do you not see the problem here? If you have 67 people that the Secretary of Defense is telling the President are prisoners because they reached the ground and they were captured? Do you not understand why people say hey, wait a minute, there is a prisoner of war over there that we have not gotten back?

Accounting - Nixon Statement	Kerry 09/24/92	And they are on the list that Senator Grassley has provided of the 67 still listed as captured, and you say by March we had decided there were none there, and yet people were still listed as prisoners. So what was it that allowed this decision to be made that just sort of -- wiped it away? What strikes me is that there was this group that we believed were POWs that somehow slid off into a category other than POW in people's minds, into a sort of MIA category without really having been accounted for, quote, as POWs.
Accounting - Nixon Statement	Kerry 09/22/92	...we have found statements where the President said we are still worried about the full accounting, but it was for MIAs. The problem is there was this distinction drawn between MIAs and those that we believed were POWs.

Accounting - Status Changes	Kerry 09/24/92	Chairman Kerry [to Clements]: Now, I want to come to the next critical point. Governor, this was your memorandum of 17 July, and you talk about Public Law 37 U.S.C. 551558, where the Service Secretaries are specifically charged with the responsibility for status changes. You say at that time this system has been used effectively to make status changes for missing in action, and you send over to the President, for some reason, a fact sheet discussing the provisions of the law, which raises in our minds the question of why the President might have been interested in the status changes, and if he was, why then, at a prior time, had you made a decision personally, in your own handwriting, to require the Service Secretaries for the first time to go through you in order to change somebody? Now, I understand there were 50 -- according to your own deposition -- there were some 50 to 75 requests by the secretaries to list somebody as POW, not as MIA, and you did not approve any one of those, correct?
Accounting - Left Behind	Kingston 06/25/92	On 19 November 1975, I testified before the House Select Committee Missing Persons in Southeast Asia [Montgomery Commission]. I was also asked, how many cases did you have of men that were seen alive in captivity but not heard from subsequent to that time? I replied, I do not know accurately. I was then asked, can you estimate how many there were? I replied, around 100.
Accounting - Left Behind	Kingston 06/25/92	Sen. McCain: When you were head of the JCRC, did you ever see any hard evidence that Americans were alive? Kingston: Not to my recall.
Accounting	Kingston 06/25/92	I interpreted that my mission was to search for, recover and identify dead and missing U.S. personnel.

Accounting - Nixon Statement	Kissinger 09/22/92	On March 29th, President Nixon announced that all of our American POWs are on their way home.
Accounting - Left Behind	Kissinger 09/22/92	If servicemen were kept by our enemies, there is one villain and one villain only; the cold-hearted rulers in Hanoi.
Accounting - Nixon Statement	Kissinger 09/22/92	Either people were known as prisoners, or they were missing in action, and therefore what President Nixon conveyed was that those we knew were prisoners were on their way home, and he also said those who were missing in action we were not satisfied with, and that was the state of our classification at the time.
Accounting - Left Behind	Kissinger 09/22/92	Nor did any Administration know that there were live Americans kept in Indochina.
Accounting - Left Behind	Kissinger 09/22/92	Fundamentally, I would have to say I can find no rational reason for them to hold prisoners.
Accounting - Left Behind	Kissinger 09/22/92	Personally, I have no proof whether Americans were kept behind by Hanoi. My present gut feeling is that probably no prisoners were left behind in Vietnam. Possibly some prisoners were left behind, were kept behind in Laos, which has been my feeling more or less since the middle Seventies, but I'm not dogmatic about this... But I want to make clear, they were left -- if so, they were kept in violation of the agreement, in total ignorance of the American Government.

Accounting - Left Behind	Kissinger 09/22/92	Secretary Schlesinger was not exactly shy in expressing his disagreements with the views of the Administration. I do not believe you can find one memorandum, one phone conversation, one meeting, or one anything in which he expressed at the time the views he expressed yesterday. And I can assure you, if we had known, if we had heard this, we would have acted on it, because nobody was more dissatisfied with the performance of the Vietnamese than I. Nobody was more eager to enforce the agreement.
Accounting - Left Behind	Kissinger 09/22/92	Some prisoners may - I repeat may - have been kept behind by our adversaries in violation of solemn commitments. No prisoners were left behind by the deliberate act or negligent omission of American officials.
Accounting - Left Behind	Kissinger 09/22/92	The committee also owes to the American people a statement of this simple truth. Some prisoners may -- I repeat, may -- have been kept behind by our adversaries in violation of solemn commitments. No prisoners were left behind by the deliberate act or negligent omission of American officials. Anyone suggesting otherwise is playing a heartless game with the families of the MIAs.
Accounting - Left Behind	Kissinger 09/22/92	I think it is possible that they were held, and it would have been in total violation of the agreement. We did not have any information at the time that I was in Government that was considered reliable.
Accounting	Kissinger 09/22/92	The return of POWs and accounting of the MIAs was an integral part of every American proposal and was always declared as non-negotiable by us.

Accounting	Kissinger 09/22/92	...until October 8, 1972, the Vietnamese had never agreed to give any accounting of anything. So the issue that you're addressing did not arise until we were down to 25,000 [troops].
Accounting - Left Behind	Kissinger 09/22/92	Healing those wounds preoccupied me then, it has preoccupied me since, and it is one reason I find this inquiry so painful. Mr. Chairman, you have stated that this inquiry was designed to heal the wounds of Vietnam. I agree, but it cannot be done by blaming American officials for Vietnamese transgressions, nor by innuendos, distortions and outright falsehoods being leaked out of this inquiry, nor did any So let us stop torturing ourselves. The United States kept faith with those who served their country. No administration knew that there were live Americans kept in Indochina. American prisoners may have been kept in Vietnam by a treacherous enemy in violation of agreements and human decency, but no one was left there by the deliberate act or negligent omission of any American official.
Accounting - Left Behind	Laird 09/21/92	Now, it was a 50-50 chance on that situation that prisoners of war would not be there, but I submit to you as members of this committee that every prisoner of war in North Vietnam and also in the South knew about that raid, and it gave them hope that we cared about them and it was a successful raid, and the idea from my standpoint that it did show that we in the United States cared about our POWs, and we did recognize them.

Accounting	Laird 09/21/92	When I first became Secretary of Defense, the total number of letters that we had received since January 1st of 1960 to February of 1969, the total number of letters we'd received were 620. After we went public in January of '72 the number of letters had gone up to almost 5,000. 1,000 of those particular letter did come through various peace activists.
Accounting - Left Behind	Lord 09/21/92	Chairman Kerry: There is no question in your mind, is there, that those represented legitimate questions of people who were held as a prisoner? Lord: Absolutely.
		Chairman Kerry: So, in effect, when we got out in January and the prisoners started coming home and the President said all the prisoners are on their way home, you knew that could not be accurate based on the information you had seen.
Accounting - Nixon Statement	Lord 09/21/92	Chairman Kerry: ...it is very hard for the committee to understand that if the United States Government is publicly saying we do not have any indication of anybody alive, it would kind of be meaningless to sit with [the North Vietnamese] and make real your notion that you are worried about discrepancies or that they have to worry about it...

Accounting	Maguire 12/04/92	What Mr. Mooney seems to have done is, in every case where it either mentions a shoot down, a parachute being seen, a search being conducted for an individual, he put that person in a POW status, and that just -- that's a jump in logic that's not supported by the other evidence. The problem is that Mr. Mooney was really restricted to a small body of intelligence with which to make his assessment, and that body of intelligence was the known U.S. losses at the time of the report. What we have information on is the search and rescue efforts that happened after the loss incident. We've had subsequent intelligence reports from other sources, and when you put that all together, you can't support 300 or more people ever even being captured through signals reports. So if he saw a report that said on the 22nd May the 283rd AAA Battalion shot down an F-4, he would go to a list of F-4 losses on that day, and any F-4 that happened to have a person unaccounted for, he would put that person into a POW status, totally disregarding any other losses where we may have rescued an individual, and in many cases he totally disregarded the losses of anything other than U.S. aircraft.
Accounting - Left Behind	McCain 09/22/92	...if both former Secretaries of Defense knew or believed at the time that there was Americans left in Southeast Asia, then I think they have a great deal of unswering to do as to why they did not do more, especially before the Woodcock and Montgomery Commissions, to bring these concerns or their beliefs to light.

Accounting - Left Behind	McCain 09/24/92	[to Moorer] Your message on March 22nd says, the JCS message says, "Do not commence withdrawal of the fourth increment until the following two conditions are met: the U.S. has been provided with a complete list of all U.S. POWs, including those held by the Pathet Lao, as well as the time and place of release; and the first group of POWs have been physically transferred to U.S. custody." That was the criteria on March 22nd. Then, on March 23rd, a message was sent, and I know, Mr. Chairman, this is part of the record, both of these messages, it said: "Seek private meeting with North Vietnamese representative. Our basic concern is the release of the prisoners, as we do not object to the PLF playing the central role as long as the men are returned to us. We need precise information and understanding on the times and place of release of the prisoners on the list provided by 1 February. Of course we intend to pursue the questioning of other U.S. personnel captured or missing in Laos following the release of the men on the 1 February list."

Accounting - Nixon Statement	McCain 09/22/92	I would like to, again, refer to the full statement made by President Nixon on March 29th, 1973. The chairman and others continue to refer to a statement where he says all of our American POWs are on their way home. I think it is important to add that he one sentence later said: "There are still some problem areas: the provisions of the agreement requiring an accounting for all missing in action in Indochina, the provisions with regard to Laos and Cambodia, the provisions prohibiting [et cetera] have not been complied with." So the President of the United States did not just say all Americans are on their way home. He caveated it, and very strongly. . . . So both Dr. Shields and the President of the United States in 1973 stated unequivocally that there were still serious problems with the full accounting of the MIA/POWs.
Accounting - Left Behind	McCain 09/24/92	One reading this would reach the conclusion that the Joint Chiefs of Staff dictated a certain policy: suspend everything on one day, and then the following day said go ahead and move forward with the proceedings.
Accounting - Nixon Statement	Mooney 01/22/92	Chairman Kerry: What did you do in 1973, when you saw Operation Homecoming? At that time you knew that there was a discrepancy between those coming home and those who most readily, in your memory, were on the list. Mr. Mooney: Yes sir. I was not really concerned, because we still had the highest requirements on the book, and we did not expect many of these people to come home.

Accounting - Nixon Statement	Mooney 01/22/92	When President Nixon made his statement that all the men are back, that wasn't even taken seriously. . . . [because] when Nixon made his statement. . . the highest tasking on every reporter's desk in the field was to continue to search for, identify, isolate, locate American POWs, particularly in Laos. And that requirement stayed on the books.
Accounting - Nixon Statement	Moorer 09/24/92	Yes, could I make a comment please, sir? I believe that you will find that when the President made that statement he was in Key Biscayne. He made it through Ziegler, the public affairs officer, and I'm confident he was referring to simply the package that we had ready to come out. And all of those, 150 or so that were ready to come out except one that was found a little later down in South Vietnam, but they were on the way back. And I think that is probably what he meant when he said all. He meant all of the ones that we had scheduled. There is another sentence in that public announcement, I think, that goes on to say but there are probably others we've got to search for. Sen. Grassley: It is unfortunate, but I believe the public then and now has not read that statement any other way, and I do not think there has been any effort on the part of Nixon to clarify it.
Accounting - Left Behind	Moorer 09/24/92	...I think that for all practical purposes we really lost the war, particularly from a political point of view, because we couldn't get in an airplane and go to each point of contact where we thought there might be a POW confined and held against his will.

Accounting - Left Behind	Moorer 09/24/92	...the question arises now whether you would be willing to detain those boys who thought they were coming home while we went through another long discussion and negotiation with North Vietnam. So my position was, let's get those we have home and continue to press to find out whether there are any more.
Accounting - Left Behind	Murphy 09/24/92	...in my personal view there were no confirmed reports of live U.S. military personnel left behind in Vietnam or Laos. I do not recall seeing any such reports, and I would have been very upset, as you would be, if you had to read such a report in that position.
Accounting - Comptroller's Records	Murphy 09/24/92	It would seem to me, somebody in the comptroller's office would have to testify to just how they were using these numbers. I will admit that it says current captured, is a real number going down to 67 by the end of this period.
Accounting - Left Behind	Nagy 12/01/92	There certainly was a change in attitude on the part of the Reagan administration that was evident during the 1980's. That certainly let, and I believe throughout the period of the seventies and eighties that it was basically a continuation inside of DIA, and that was that there remained the possibility that there were still live Americans present in Southeast Asia remaining after the departure of the United States from that area.
Accounting - Left Behind	Oksenberg 06/25/92	Sen. McCain: Did you see any hard evidence or any evidence that Americans were alive? Mr. Oksenberg: I saw no hard evidence that Americans were alive. Obviously, with the upsurge of refugees came increasing reports of live sightings.

Accounting - Left Behind	Oksenberg 06/25/92	I can assure you, Senator, that at no point during my time on the watch did we come to the conclusion that there were certainly no live Americans in Indochina.
Accounting - Left Behind	Otis 12/03/92	In spite of the high visibility of Commander Dodge's case, the North Vietnamese chose to deny any knowledge of him. Commander Dodge was not repatriated in 1973. I was extremely concerned about the media reports that proclaimed all POWs returned. I received letters from President Nixon, Vice Admiral David Bagley, Chief of Naval Personnel, and Roger Shields, Office of the Assistant Secretary of Defense, all assuring me of their commitment to securing the fullest possible accounting. The only letter that even mentioned live Americans was that of Dr. Shields, who stated, quote, there is no specific knowledge of any live Americans left, unquote. In other words, fullest possible accounting meant search for remains. There was no public challenge of the Vietnamese by the United States that captured servicemen were left behind. There seemed to be a naivete that all prisoners had been returned and that remains would be forthcoming. I was shocked and bewildered, but I could not believe that the missing were already abandoned by our own Government, press, and public.
Accounting - Shields Statement	Perot 08/11/92	...[the Vietnamese] said, your own Government declared these men dead in 1973. Why should we think your Government wants them back?

Accounting - Shields Statement	Perot 08/11/92	I said Roger, I'm surprised that you declared all the man dead in April 1973. He said, I was ordered to do it. And he said he was ordered to do it by the Deputy Secretary of Defense, William Clements. Then he said words to the effect that he protested, because just two weeks earlier these memos were going around.
Accounting - Left Behind	Richardson 09/24/92	Chairman Kerry: Looking through this, obviously retrospectively, but looking at it as we're trying to look at it and looking at it as the American people are looking at it 20 years later, unfortunately, would you say that the record suggests that the American people and certainly the families were not leveled with respect to this? Richardson: I would say that information on the face of it was withheld from them, and one would have to use some rationale for doing that -- that is, for withholding it.

Accounting - Nixon Statement	Richardson 09/24/92	Well, I tried to call attention to the distinction of the degree of certainty with which a given proposition can be stated. For purposes of our best estimates as to the number of current captured, the intelligence resources of the Government would put together all the bits and pieces they had and come up with a number which represented the weight of that evidence, and I suppose that is what this number reflects. The President's statement would presumably be tilted in a direction designed, as I suggested earlier, not to raise false hopes and so on, whatever may have been the considerations. Somebody could rationalize the distinction between the basis for this number and the basis for his statement. But how it actually came about, for all I know he deliberately chose to lie. But I don't -- I try to give him the benefit of the doubt, I would say that he -- what he meant was that every prisoner as to whom we have definitive information.
Accounting - KIA/BNR	S. Stockdale 12/03/92	I don't think we're as close to it as some might like to believe, but I think that there will come a point in time when you have to take the responsibility to make the judgment that some people are never -- no remains -- nothing is ever going to be returned. And that's your job.

Accounting	S. Stockdale 12/03/92	I can see why they are that convinced, because of the long history of the deception. And maybe a lack of recognition that there are always some people in war who are lost. There will never, in my opinion, be a satisfactory accounting. In our League's list of objectives we said that we wanted to get the fullest possible accounting. When you lose a war, you don't get to go in and account for your people. Even if you win the war, you don't find everybody.
Accounting - Left Behind	Schlesinger 09/21/92	Chairman Kerry: I think I want to start by asking a very simple question. In your view did we leave men behind? Schlesinger: I think that, as of now, that I can come to no other conclusion, Senator. That does not say that there are any alive today, mind you. But in 1973, some were left behind.
Accounting - Left Behind	Schlesinger 09/21/92	Despite the Paris agreement, there was no reason, in my judgement, to assume that the North Vietnamese would release everybody.
Accounting	Schweitzer 12/04/92	Why has it taken 19 years for us to get to this starting point, is probably the most important of these three questions... First, the U.S. emphasis has been on live-sighting reports, and much of the POW/MIA community simply wasn't interested in researching existing proof that these men were dead. This lack of vision has cost us years in the search for answers.

Accounting - Left Behind	Secord 09/24/92	Sen. Kassebaum: It seems to me one of the major debates after Operation Homecoming was how to rate the intelligence. You made the comment earlier that creditable evidence, I believe, led you to argue that there were Americans still Laos. Is that correct? Secord: Yes, Senator, that's right.
Accounting - Left Behind	Secord 09/24/92	Sen. Grassley: I would like to have you describe for the committee how confident you were in the data, and how specific it was. And just give us some examples. Secord: I think a lot of the data was flaky, but there is a law of large numbers that comes into play here. And we had a lot of case studies on each and every one of these downings, or nearly every one of them. Some of them were just gone, and we had nothing, but many, many hundreds of downings. We had all kinds of operational data, including some that I described earlier -- everything from good beeper, good chute, good beeper on the ground, transmitting on the survival radio.
Accounting - Left Behind	Secord 09/24/92	Sen. Grassley: In your view, were there prisoners left behind in Laos after Homecoming? Secord: Yes, sir. Sen. Grassley: Were the number of prisoners significant enough to warrant military action? Secord: We believed so.

Accounting	Sheetz 06/25/92	Sen. McCain: Why is it that it took 20 years to get one list, in your view? Sheetz: 20 years to get one list? We always had access to the files of the JCRC in paper files. What's been difficult is every time a team goes out into the field in one of these joint iterations we learn something that we didn't know before, and that information causes you to then reevaluate what you know about a particular case, and our databases are always sort of chasing after one other as new information comes in. This is not -- these numbers are not static numbers. They are always in fluidity.
Accounting - KIA/BNR	Sheetz 08/04/92	...some of the KIA cases, the descriptions that you read, are more compelling than others, but having reviewed each and every one of them, we do not find that there are fatal flaws in the documentation and the judgments that were reached by the field commanders who were responsible for reporting the status of their lost men.

Accounting	Sheetz 12/04/92	Chairman Kerry: Let me understand. You have 196 discrepancy cases?...
		Sheetz: Fate has been determined on 61 of those. So, when you subtract that out, that gets you down to the 135 figure. The 196 is the actual cases that existed, and we've been able to get answers on the fate on 61 of those. So, 135 are still to be determined; fate to be determined. Chairman Kerry: And 90 in Laos? How many fate determined in Laos? Sheetz: None, sir. But I might add, again, from prior sessions we have explained that 85 percent of the losses that took place in Laos that are still unaccounted for took place in the Eastern-most provinces, right along the Ho Chi Minh Trail area, and only 9 of those 90 discrepancy cases are cases in which they took place clearly in areas of Pathet Lao control. So, essentially, 80 to 81 of those cases are in the border, Vietnamese-controlled areas where we are going to be working in the tripartite arena with the Vietnamese and the Lao to try to get answers on those cases.

Accounting - KIA/BNR	Sheetz 08/04/92	Chairman Kerry: ...And the person is listed as KIA in that particular category based on first-hand reports from people within a unit or aircraft, or whatever, is that correct?... So what I am saying is that in the case of almost 100 percent of those 1,095, there are sufficient multiple reports of the incident to permit you to draw the conclusion you've drawn, are there not? Sheetz: Yes, sir... Chairman Kerry: So I ask you again the same question I asked you a moment ago. Is it not fair to say, and even more appropriate to say, that there ought to be, maybe, a new category that in the case of those 1,095, while their body has not been returned, in some cases based on the report it is clear, is it not, that a body will never be returned? Sheetz: That is true, sir... Chairman Kerry: So that person is in effect accounted for. The family has accepted the accounting, and in point of fact it does not belong on a POW/MIA list. It is not POW, it is not MIA, it is KIA, body not recoverable.

Accounting - KIA/BNR	Sheetz 08/04/92	Chairman Kerry: Now, if you are saying that 1,095 were KIA, well, they have not been returned. Are they not accounted for? Mr. Sheetz: The fullest possible accounting has three levels of evidence, if you will. [Level] 1, the most ideal outcome would be the return of a live American prisoner. Level 2 would be... recovering their remains and repatriating those remains to the United States. The third level of outcome is for those who perished, where remains cannot be recovered, to develop sufficient documentation as to confirm the fate of the individual...
		Chairman Kerry: These 1,095 fall into the third category, correct? Mr. Sheetz: At the present time, they do.
Accounting - Nixon Statement	Shields 09/24/92	Chairman Kerry: Why did not the President of the United States stand up and say, the prisoners are not back? Why did not the Secretary of Defense say, I stood up a few months ago and I had 14 people I said did not come back and, by God, they are still not back, and why will Americans not care about it?

Accounting - Shields Statement	Shields 09/24/92	Chairman Kerry: Now look at the cause and effect. Here are the papers coming off your press conference. [Headline] "POW unit boss: no living GIs left in Indochina." Here, [Headline]: "Rumors that there were hundreds of U.S. servicemen still left in Laotian prison camps do the families of the missing a disservice." Headline: "All U.S. POWs free Pentagon maintains." Headline: "Unreturned GIs are feared dead..." Shields: I never said that the men were all dead. I never said that. I've never said that to this day. Chairman Kerry: No indication that any of the missing are alive in Indochina. We went through this last time; there were indications. Shields: Senator, I don't believe that I could tell Mrs. Hrdlicka or Mrs. Van Dyke or the Van Dyke parents or anyone else that I had indications at that time that their loved ones were alive.

Accounting - Nixon Statement	Shields 09/24/92	Vice Chairman Smith: But from March 28th to April 12th a heck of a lot of things have happened here that reversed all information that we had in the pipeline on prisoners of war, in Laos especially. And in 2 weeks we went from a memorandum to the President of the United States via the National Security Advisor from the Secretary of Defense saying there are POWs in Laos. Not alleged, there are POWs in Laos, and we had better do something in terms of getting them out before we get out of here. Now that is essentially what the memorandum said. We went from that to a press conference by the President of the United States the next day which says all POWs are coming home. There are no more living Americans in Indochina, you then said on April 12th.

Accounting - Shields Statement	Shields 06/25/92	Shields: Senator, there is a difference in saying people are alive and in captivity and saying we don't have indications now that they are. Chairman Kerry: That is the disingenuous piece of this. Shields: It is not disingenuous, Senator. This was and still is a very serious issue. I read in the newspaper yesterday that your committee has information that an American was alive in Indochina in captivity in 1989. Chairman Kerry: No, no, no. That is wrong.
		Shields: It was reported in the paper, Senator. Chairman Kerry: Let me just make it very clear. Senator Smith has an opinion personally as to that. I will tell you I personally do not share a judgment on that or that opinion, nor do I think has the rest of the committee come to any conclusion whatsoever as to anyone in 1989, and I will tell you that this committee has no evidence today of any specific individual in any specific place being alive now. Shields: And that's exactly what I said, Senator. Chairman Kerry: But it's not. Shields: And the information you have on an individual in 1989 is more recent than a lot of the information that I was dealing with, and that's exactly why I did not say they were all alive nor did I say they were all dead. I did not know that.

Accounting - Shields Statement	Shields 06/25/92	...we really did not have proof positive, at that time, of current information that would allow us to go back. I'm sure that had we known at that time of the evidence of people, had Senator McCain or some of his comrades said, we left a man in this camp, I'm sure we would have done something about it. There were three foreign nationals and we did.
Accounting - Shields Statement	Shields 06/25/92	... we had no hard, specific current information at that time. And I think we had done enough of our debriefings at that time, because we had asked men immediately if they knew about living Americans.
Accounting - Shields Statement	Shields 09/24/92	Chairman Kerry: I am not challenging your honor. I am trying to determine whether or not you do not see what America saw out of your statement. Not your fault, maybe, but what America saw out of your statement were the headlines that I read. You may not have willed that, but that is what happened. Shields: ...I have given that statement to innumerable people since we met last time. And they have looked at this statement; no one has come up with the impression that the said all the men dead. Chairman Kerry: But do you not see that when you say that there is no indication that anyone is alive-- Vice Chairman Smith: What is the difference between that and they are all dead? Chairman Kerry: You are basically taking somebody in POW status, and you wrote that, and saying we no longer believe that person is a POW.

Accounting - Returned POWs	Shields 06/25/92	We hoped that our returnees would be able to provide us with substantial information about the missing, but relatively few cases were cleared up on the basis of returnees information.
Accounting - Nixon Statement	Shields 06/25/92	Sen. McCain: How do you account for the President of the United States saying all POWs are home? Dr. Shields: Senator, I don't control the statements of the President of the United States. I did not at that time. I was as dismayed at that statement as anyone else was.
Accounting - Left Behind	Shields 06/25/92	Shields: We did raise those issues, and we raised them with a great deal of vigor. Chairman Kerry: You recall that being a sort of publicly perceived grievance that was expressed, or you raised them in private channels? I do not recall this Nation being in turmoil over the notion that we thought Vietnam might be holding people. Shields: I think, Senator Kerry, that the Nation was probably ecstatic that the conflict was over, and that we were not adding to those POW/MIA lists.

Accounting - Left Behind	Shields 06/25/92	You are aware of the efforts that were expended on behalf of Chi Chan Harnaby, Lieutenant Dodd, and so forth. They were men that you and your comrades said had been left behind. And even though they were not Americans, we left no stone unturned to bring them home. And in fact, they did return home to their loved ones. In the case of Emmet Kay, we knew he was a prisoner, and we pursued that and he was returned. In the cases of Charles Dean and Neal Sharman, we knew that they had been captured. That was not a secret. We made that evidence available to anyone, and we acknowledged that. We did not bring them home. We were not able to do that.
Accounting - Shields Statement	Shields 06/25/92	Chairman Kerry: No one on the committee is suggesting that the 1973 policy should have suggested that you say yes, they are all alive. Shields: What is the difference between saying they are alive and we have no indications now that they are alive? Chairman Kerry: We did have indications that some people were alive. We had absolute intelligence. You in your own deposition,... you agreed that recent information could go back 6 months, 12 months. And we had recent information 6 months and 12 months that so and so was seen alive or so and so was alive. Shields: I'm not aware of that, Senator. Within 6 months? Recent information specifically relating to a man? I'm not aware of that information.

Accounting - Shields Statement	Shields 06/25/92	Shields: Senator, people were asking if we knew whether we had left anyone behind, and the answer was we do not have indications at this time. Chairman Kerry: That has been the official line... But the questions is what did we know in 1973 and what did we do? Shields: We know that men had been alive in captivity at one time... And those that returned did not know of men who had been left. Chairman Kerry: To say all prisoners had returned as the President announced on the 29th of March, a week before your press conference, was wrong. He knew it was wrong. Let me tell you why. You recall going to see Secretary of Defense William Clements in his office in early April, a week before your April conference, correct? Shields: That's correct. Chairman Kerry: And you heard him tell you, all the American POWs are dead. And you said to him, "You cannot say that." Shields: That's correct. Chairman Kerry: And he repeated to you, "You did not hear me. They are all dead." Shields: That's essentially correct.

Accounting - Shields Statement	Shields 06/25/92	At the termination of Homecoming we had no current hard evidence that Americans were still held prisoner in Southeast Asia... None of those who returned had any indication that anyone had been left behind. We knew that there was a possibility that defectors were alive in enemy-controlled areas, but had no firm evidence to confirm this either. Robert Garwood was an example of an American whom we felt might be alive and in an enemy-controlled area, But according to the returnees who saw him last, he was not being held as a prisoner.

Accounting - Shields Statement	Shields 09/24/92	[Describing 1975 testimony] Then the famous question, do you think that there are still POWs alive and well somewhere in either Laos of Cambodia. And this is the statement with which you have had such great trouble. We have no indications at this time that there are any Americans alive in Indochina. What the people at the hearing did not hear, and what was never reported in the press were these words, as I said, "we do not consider the list of men that we received from Laos, the recovery of 10 individuals, nine of whom were American and seven military, to be a complete accounting for all Americans who were lost in Laos. Nor do we consider it to be a complete statement of our information known to the Pathet Lao in Laos. With regard to Cambodia, we have a number of men who are missing in action there. Some that we carried as captive." Again, the statement of people who were carried as prisoner who did not return. "We intend to pursue that, too... even though we have no indication that there are any Americans still alive, we are going to pursue our efforts in the process of accounting for the missing... we anticipate that if any Americans are yet alive...that we would be able to ascertain that through this process..."
Accounting - Shields Statement	Shields 06/25/92	Admiral McCain... repeatedly asserted that he felt a small number of American were still alive in Indochina. When asked how many, he opined that perhaps 20 to 30 were alive. When asked whether he had any evidence at all that there is anybody alive, he admitted he did not.

Accounting	Shields 06/25/92	...the practical impact of lists relating to status was always limited... it had a mixed impact on family members, depending on what status a man had. It appears also to have had a limited impact on prisoners and missing. Ronald Ridgeway was classified as killed in action, but that did not prevent his repatriation. Frank Cius was carried as missing in action in Laos, but he also returned home to his loved ones. David Demmon was carried as a prisoner in South Vietnam, but to this day, he remains unaccounted for.
Accounting - Shields Statement	Shields 06/25/92	Chairman Kerry: ... we have uncovered some 244 people... were carried by DoD as POW, prisoner of war. You did not know until after the debriefs that 111 of them died in captivity. When you made this statement, those debriefs had not been completed, had they? Shields: No, they had not.
Accounting - Left Behind	Shields 06/25/92	The only individuals whom hard, and at that time current, information indicated were in captivity and for whom no accounting has yet been received were two civilians; an American, Charles Dean, and Neil Sharman, an Australian, who were captured in 1974. They were unquestionably in the hands of the Pathet Lao when the events that led to the fall of Saigon and Vientiane in mid-year 1975 occurred. Our intelligence capability and our ability to track them in captivity ended with the collapse of the friendly governments. It is unlikely, I believe, that an accounting is obtainable now which will resolve the doubts of many families about the status of their loved ones missing in Southeast Asia. The record has become too convoluted and distorted for that to happen.

Accounting - Shields Statement	Shields 06/25/92	Sen. Robb: Why was not some effort made, either institutionally or individually, to say hey, we have information that is simply at odds, at variance with the information that you have just announced or articulated through either policy papers or official pronouncements, whatever the case may be? Why was there not some critical questioning or skepticism that can be raised at that time, and why was there a passive acceptance? Shields: Senator, there are statements by General Walters at the CIA. I don't know him well, but my understanding is he doesn't accept much passively at all... I don't think that the United States Government possessed the kind of information that you are speaking of.
Accounting	Shields 06/25/92	There has been some concern, I believe, over the fact that DIA carried some men in classification, in particular the prisoner category, which differed from those of the services. The reason for this is simple, and I believe valid.
Accounting - Status Changes	Shields 06/25/92	By law, only the service secretaries have the legal authority to determine an individual's status, and the law was observed in this regard during my tenure in the Department of Defense.
Accounting	Shields 06/25/92	The facts regarding individual cases were not in dispute. If a man listed by the Navy as missing was carried by DIA as captured and that led to better correlation of intelligence reports, then our own efforts were improved.

Accounting - Shields Statement	Shields 09/24/92	Chairman Kerry: [citing Shields' comments] "We do not consider the list to be a complete accounting", then you went into MIA and some who were listed as captive. That is not a phrase that grabs me in any way as if you believe somebody is still a prisoner...
Accounting - Shields Statement	Shields 09/24/92	Vice Chairman Smith: I want you to tell me about the Nixon meeting. That is where we are now, April 11th. I want you to lead me into that meeting. Did anybody say anything to you? I just want you to give me some very specific answers, and I want a long discourse. Did anybody say anything to you prior to that meeting, at any time, about what you should or should not say to the President of the United States, yes, or no? Shields: Absolutely nothing...
Accounting	Shields 06/25/92	We understood long before we received the DRV-PRG list in Paris in January 1973 that Operation Homecoming would only be one phase of our work. It was evident that the process of accounting for those who did not return would be long, arduous, and complicated under even the best of circumstances.

Accounting - Left Behind	Sieverts 06/25/92	Sen. McCain: ... if Mr. Shields said -- in his memorandum, he says DoD had no specific knowledge, that is different in my view than no indications. That is a very different use of language. I think, frankly, that in your memorandum no specific knowledge is a defensible position. No indications, I think, is not. I think what I am trying to get at here is what was the thrust of the belief? Is it that the President of the United States said there are no more Americans alive in Southeast Asia and we closed the book until the agitation on the part of families and other Americans brought this back to the attention of the American people? Or has there been a good-faith effort? Or is it somewhere in between, in the view of many of us, that during the 1970's the issue was ignored to a certain degree because of the desire of the American people and the American Government to put this issue behind us, which could have led us to some failed opportunities to return some Americans who may have been held alive. I know that is very difficult, but I think it is a philosophical question that is important to be cleared up, and maybe we could begin with you, Mr. Sieverts. Mr. Sieverts: The root question is whether there were any opportunities to achieve the return of living Americans. That's the sole question. And no, I don't think there were any. I don't think we had any indications of Americans in captivity. Some of my testimony is intended to bear on that question, because of our past experience, of the lengths to which Americans would go -- we're talking about POWs held

Accounting - Left Behind	Sieverts 06/25/92	The root question is whether there were any opportunities to achieve the return of living Americans. That's the sole question. And no, I don't think there were any. I don't think we had any indications of Americans in captivity... the lengths to which Americans would go-- we're talking about POWs held against their will in captivity-- the lengths they would go, one way or another, to let us know of this. It bears on the photographs, for example. The idea of Americans cheerfully being photographed and not using the opportunity to somehow convey who they are and what the circumstances are is beyond my imagination.
		But it's beyond my experience, more importantly, of being responsible for this subject during the long time when we really did have Americans in captivity and we did get indications which were quite solid.

Accounting	Sieverts 06/25/92	Sen. McCain: Mr. Sieverts, was that the policy on your watch, that we did not know whether they were alive or dead? Or was it that we assumed they were all dead, or what? Sieverts: ...Our approach during that entire period was to present information in a positive spirit through the channels that were available pursuant to the Paris agreement and, to the extent that it was possible, and it was not at all easy, to do so in Laos, as well. At every opportunity, we would shade the interpretation of cases and lists in a favorable direction... In the direction of saying we know you have more information... Over a period of time, we broadened those lists. We added to them, we gave specific case records, detailed case records. The difficulty was that at the same time if you overstated that assumption for a domestic audience you would create what was clearly exaggerated and possibly an entirely false hope among families.

Accounting - Shields Statement	Smith 09/24/92	Dr. Shields, all I am saying to you is based on the documents that I have read -- not on my opinion, the documents that I have read, the depositions we have taken, the witnesses we have talked to, the information that I have been able to glean from whatever I have been able to see, that is not what went into the pipeline prior to March 28th. It was not gut feeling, it was not visceral, it was simply -- it was so factual and at least so definitive that the Secretary of Defense made a recommendation to resume the war and risk bringing home the last group of American POWs. And that changed, that changed. So my question to you is what is the point of a press conference after the President speaks and says all the POWs are home?..You had a private meeting with the President of the United States and you come out of that meeting and you hold another press conference. And you say, in addition to what the President already said, there are not any more living Americans.
Accounting - Nixon Statement	Smith 06/25/92	...the point is that we continued operations in a third country that we were not supposed to be at war with, and we were losing people while we were bringing home American POWs from Vietnam. We were still losing people and still standing up saying that there are no prisoners when we had no idea what happened to them. And somebody has to be accountable for that.

Accounting - Nixon Statement	Smith 09/24/92	...the document says on June 30th that we are listing and distinguishing between missing and POWs. We now are listing 67 hostile captured people as prisoners of war on June 30th, when in fact the official position as announced by the President and others is that there are not any more POWs. Am I correct? Sen. Grassley: Yes. President Nixon made his statement on March the 29th, and Dr. Shields made his statement on April the 14th. Vice Chairman Smith: And this is June 30th, listing 67 people as prisoners? Sen. Grassley: Yes.
Accounting - Nixon Statement	Smith 06/25/92	... on January 27th and 28th there were lists exchanged and provided. But we still were flying missions over Laos after those lists were exchanged. We were losing Americans in Laos in a secret war... So when you say on April 12th that you do not have any information on live Americans, that is simply not true.
Accounting - Nixon Statement	Smith 09/21/92	...Actually, there were two policies, one right after the other, with the same data base...the first policy was full accountability. Then there was a statement when the President said all the POWs are home. The policy then changed to everybody is home, all the POWs were home. But the data base, the intelligence information that you had, did not support that claim, as you have all as you have all said.

Accounting - Nixon Statement	Smith 09/24/92	...as to why this data base was apparently looked at differently as we came down to this period of March 28th through April 15th, in that period of time when President Nixon made his statement, Mr. Shields made his statement? What happened differently? Was there something there that we are missing that caused this change in analysis of the intelligence? Or do you believe that there were people there after Operation Homecoming, based on what you knew? General Secord: Well, yes, of course I believe there were people after Operation Homecoming. This memorandum was written contemporaneously.
Accounting - Nixon Statement	Smith 09/24/92	...I am just trying to say to you that you had a tabulation; it was a running tab, it was coming into you by the week. Nothing changed in the way it was reported, nothing changed in the documents that went into the pipeline, the information that went into the pipeline. Nothing changed. On the contrary, it was reported to the Secretary of Defense that it was valid information. The only thing that changed is you guys made an announcement, or the President made an announcement on March 29th which was totally at odds with all of that data...

Accounting - Nixon Statement	Smith 09/24/92	...II A has provided U.S. delegation folders with background information on about 80 persons in the category of POW, and then even today, here is a list that we have just received from -- the committee received on the 20th of March, 1992, from Margaret R. Munson, director, DoD, POW-MIA Central Documentation Office. It lists 50 people who are in Category I survival code in Laos. I mean, there is just no way that any reasonable person can conclude based on the documents and the information that this committee has received, that you could make the kind of statement that the President made and know that it was correct. And I will tell you, to speak for myself, this one Senator just does not accept it.
Accounting	Sungenis 06/25/92	Sungenis: The first casualty reporting requirement from the services was in 1963, and that was a numerical report only. In March of 1973 the requirement was made that the services provide us with individual casualty reports. And what they did in '73 was provide us with a DD form 1300 for each individual and a punched card with that information. Since that day we have maintained the file. But as you know, this was after Homecoming when we got into the business.
Accounting	Sungenis 06/24/92	To the best of my knowledge, at no time did this office engage or participate in any policy determination or jurisdictional matter concerning the reporting criteria used by the respective military services.
Accounting	Sungenis 06/24/92	...at the time the official file was transferred to the Archives, the back-up materials, such as the hard copy DD Forms 1300 and other supporting documentation, we discarded.

Accounting - Left Behind	Trowbridge 06/25/92	That we had no current information at the time where we could go and put our hands on some individual that was alive at that time.
Accounting - Left Behind	Trowbridge 06/24/92	Some [names] were written on the walls. No one ever saw these individuals in a prison environment.
Accounting - Left Behind	Trowbridge 06/24/92	Sen. Kerrey: Do you have any recollection of ever having anybody say to you during that period of time in 1973, after Operation Homecoming, that we should just let this matter rest? Trowbridge: No sir. Sen. Kerrey: Were you ever told by somebody, the war is over, let us not drag this our any further with energy expanded in areas that are not apt to be terribly useful? Trowbridge: No sir, never.
Accounting - Left Behind	Trowbridge 06/24/92	... the U.S. Government carried 97 individuals listed as prisoners of war that did not return. This is at the completion of Operation Homecoming.
Accounting - Left Behind	Trowbridge 06/24/92	...When I said 97, or to use your term 80, actually at the completion of Operation Homecoming our agency held 115 individuals in a prisoner status who did not return home.

Accounting - Left Behind	Trowbridge 06/24/92	Sen. Kerrey: Do you not think it fair to say there was an attitude in 1973 that we were indeed glad the war was over and that we wanted very little further discussion of anything in regards to the war, including the status of our prisoners. Trowbridge: Oh, I think that there may have been some very well individuals that thought that way, but I think the moral fiber that runs through the American citizen is a, we don't leave our unaccounted for. We go get them.
Accounting - Left Behind	Trowbridge 06/24/92	We are left with slightly less than 100 men who are officially listed by the service as POWs... in no instance did we have current intelligence to indicate that these men were currently held in captivity.

Accounting - Shields Statement	Trowbridge/ Shields 06/25/92	Vice Chairman Smith: Is there evidence or is there not evidence that Americans remained alive as prisoners of war, taking out Garwood, from 1973 to 1989? That is a simple yes or no question. Is there or is there not, based on your opinion? Trowbridge: Based on my opinion and what I have seen, we have nothing that would indicate that an American prisoner -- confirmed information or evidence, firm evidence, or convincing evidence, that an American prisoner was being held against his will. Vice Chairman Smith: Do you agree with that Dr. Shields?
		Shields: Senator, the second definition -- indications. We certainly knew that people were alive at one time. I do not have anything that would allow me to make the judgment, which you suggested is the first definition, that would allow me to make the judgment that those Americans were still alive, and say that to a family member, for example. And say, I am confident that based on the information I have your husband is alive. I could not have said that.
Accounting	Trowbridge 06/24/92	That was our responsibility, correlating information to somebody who may be missing. But, until somebody told us he was missing, he was not on our roll.

Accounting	Trowbridge 06/24/92	In some cases, we had very good information that the individuals had been held but had died there. In many other cases, there was no information beyond the original loss data. There were also a few cases where the services listed men as prisoners of war based on data which they later learned was erroneous in that it correlated to a different man. Much of this we learned through debriefing all of the returnees, who also told us of men who had died before entering the prison system.
Accounting	Trowbridge 06/24/92	...the war years within DIA, our office was the focal point for POW/MIA information.
Accounting	Trowbridge 06/24/92	...the agency's position at the time was that we held no information that individuals at that time were being held against their will.
Accounting	Trowbridge 06/24/92	DIA thought it possible that a man was a POW, yet the services carried him as missing in action. The status the service assigned was always their legal status.
Accounting	Trowbridge 06/24/92	DIA did not and does not determine the legal status of a serviceman. That is the sole responsibility of each of the military service secretaries.
Accounting	Trowbridge 06/24/92	We had a very close relationship. Our agency supported Dr. Shields with intelligence information.
Accounting - Returned POWs	Vessey 11/05/91	We know through extensive debriefings and subsequent investigations that all Americans seen by U.S. prisoners of war who did return in the Vietnamese prison system have been accounted for as either returned POWs are through the return for remains, or having been reported as died in captivity.

Accounting - Left Behind	Walters 09/21/92	Sen. Grassley: What happened in your view to those who we expected back who did not come back? Walters: I think they killed them. They're that kind of people.
Accounting- Left Behind	Trowbridge 06/24/92	Until Homecoming, you expected them to come home alive. When they did not come home alive, you ceased to think they should be home alive.
Archives	Admiral Stockdale 12/03/92	Yes, they were just kind of -- the bureaucratic, the group we were dealing with, were the second-generation communists, the bureaucratic elite. They were inveterate note-takers, and they would have pockets full.
Archives	Childress 12/01/92	Childress: They will be very productive in Laos and continue to be. Archival records will give you fate. Unilateral Vietnamese action will give families answers. Chairman Kerry: Well, archival records are also going to give you answers and oral histories are going to give you answers. We collected four of them in person, myself, four answers. And they came through oral history and archival information.
Archives	Childress 12/01/92	Chairman Kerry: Well, we are now getting access to a lot of those shoot-down reports and to the archival documents, obviously. Childress: I've heard there's some summary documents coming in... from what I saw, that I think it's the tip of the iceberg and I think a lot of analysts feel that way as well.

Archives	DeStatte 12/04/92	Vice Chairman Smith: What is your sense of what we are getting? Is there more in the archives? DeStatte: It's too early to make any definitive judgments on that right now, but some things we can say. Some of the information that we need to resolve, questions concerning the fate of our missing people, and ultimately to recover the individuals or their remains can be found scattered in the files and archives of individual units, local and province commands, regional commands. But it's also certain that elements of the ministry of defense's general political directorate compiled records on U.S. POWs, and also on many of our MIAs. Those are records that were compiled at the central level... if the Vietnamese political leadership can persuade the general political directorate to share the information from those central records with our joint research teams, then we can get the quickest possible answers on the largest number of people. And I think that's what we should be pressing for.
Archives	Hrdlicka 12/03/92	Now, could we take a reality break here and apply simple logic? If we have these men, and in many cases we know they did, where are they? If they kept as meticulous records of shoot downs, subsequent capture and internment, as we know they have throughout history, as we have witnessed first-hand in Senator McCain's case, if they held our men past the end of the war, as they historically have in past conflicts with other powers, where are they?

Archives	Schweitzer 12/04/92	Chairman Kerry: Most people assert and there is evidence, in fact, that documents, that they kept pretty good records of the prison system, of the flow of information during the war. Is there not an easy way to unlock the key to what might have happened to that particular flyer or to some other person about whom we have a question and to recover the remains? Schweitzer: Well, the key word in your question is, it ought to be, yes. There were orders from Hanoi throughout the war that any American who was captured or any American who was killed, there was to be a complete report made and sent to Hanoi. But in the heat of battle in the war years where most, I think most of the soldiers -- a lot of times these reports just didn't get made. Sometimes they did get made and they didn't arrive in Hanoi. One specific case I was told about... a report was made and then before the group taking the report back to Hanoi could get there, they were all killed in a bombing attack. So that report never made it.
Archives	Schweitzer 12/04/92	When I told them that the documents and photos that they had in their archives were precious, back in 1989, they brought them to me by the thousands. They simply never knew what they had. And, to quote Benjamin Hoff, America took a thimble to the fountain in Hanoi, and then came home and complained that they hadn't been given enough.

Archives	Schweitzer 12/04/92	...some people may ask if all this information is available in Vietnam, and if Vietnam so badly wants relations with the U.S., why don't they just give it all to us right now? Unfortunately for us, as well as for the Vietnamese, it's just not going to be that simple. If all this information were already available, collected, and cataloged, and in some warehouse in Hanoi, the Vietnamese Government would like nothing better than to turn it all over to us, and then request a lifting of the embargo and the establishment of diplomatic ties. However, while information on many missing Americans is available in Vietnam, it is not in official Vietnamese Government hands. The majority of this information is in the hands of retired People's Army Vietnam soldiers or civilians who are scattered all over Vietnam. There is a mountain of information out there. But even with the fullest possible cooperation from the Vietnamese Government, it will take an enormous amount of goodwill, time, and work to locate these materials, collect them, and then catalog them. Even though 19 years have passed since Operation Homecoming in 1973, we are just now beginning this massive undertaking which lies before us. Nearly every day, common people from all over Vietnam come to my office in Hanoi with some items of American memorabilia from the war. The work of the dedicated American analysts over there is just beginning.

Archives	Schweitzer 12/04/92	Chairman Kerry: Well, generically, when people say the Vietnamese have the answers. They have all these documents. Is there a central depository of a whole lot of documents that they could suddenly take a key and unlock it and it will answer all these questions? Schweitzer: In the first place, really, the Vietnamese don't know exactly what they've got. It is not a system, a computerized system with an index to everything that's held in the central government's archive files. There may be more information there than we know of now. I think there's a lot of information there.
Archives	Smith 12/03/92	Vice Chairman Smith: So the answer is that nothing came back to give you a definitive time of death from the Vietnamese? Otis: No. Vice Chairman Smith: And certainly, you would agree, that they must know, if they are that meticulous, when he died and how he died. Otis: Of course they knew when he died. They had him in captivity. As you say, they kept great records... I never really felt one way or the other whether he was alive or dead. I just know I didn't know and it was extremely frustrating because I knew the Vietnamese knew and they didn't bring him back one way or the other. Vice Chairman Smith: So you knew nothing even at Homecoming. You had not heard a thing, correct? Nothing? Otis: No, I heard nothing.

Archives	Tin 11/07/91	Once a POW is put in jail, he then had his own file in which detailed information was kept, such as what he had to eat, if he was sick, what medicine he used. The cadre had to report his behavior and thought process. And I believe that the files are still in Vietnam.
China	Mooney 01/22/92	...in the Vietnam War, the Chinese had opportunity and motive to take American pilots. They were losing their Soviet connection for aircraft, so they were developing their own military-industrial complex... why go out and spend for research when you can quantum leap with an individual? There is very little intelligence that we saw on the Chinese. . . They had the opportunity to shoot them down. They were shooting down American aircraft. They had motive. They were losing their technological base for aircraft from the Soviet Union and they had to start their own industrial complex. Pilots with experience would represent a quantum leap. So the only intelligence that we had was opportunity and motive.
Classified	Andrews 10/15/92	We have willingly made all of our documents available and we will willingly answer all of your questions. If we can't answer them in open session we will answer them in closed. We just have to do so in a responsible manner when dealing with sensitive intelligence or escape and evasion matters. If we divulge their trade craft used in either area it may cost American lives in future conflicts.

Classified	Andrews 10/15/92	Much of what we have discussed in closed meetings is based on current intelligence sources and methods. This is not, as some have charged, an attempt to hide a perceived Government failure to liberate our POWs. Rather, it is the fulfillment of our obligation to protect those intelligence means and methods vital to our global responsibilities in the defense of the Nation.
Classified	Bell 11/06/91	To be honest with you, sir, except for the 105 live-sighting investigations that are now still active, I don't see any reason to classify any of the other information... I think the only thing that needs to be sanitized or declassified from those reports is the name of the individual who provided the information.
Classified	Clements 09/24/92	At that time, those classifications were held within the services. In other words, the Navy classified their people, Army did theirs, and the Air Force did theirs. I want to make that very clear because it's important that your committee and the public at large understand that the office of the Secretary of Defense and/or the State Department and/or the National Security Council, nor the President had any control whatsoever over classification. That was strictly within the services.

Classified	Donahue 11/07/91	You see, here the problem is but one thing. It is secrecy. The war in Laos was a secret war. The POWs in Laos were secret. The POW and MIA intelligence is a secret still classified. And the roadmap is a secret, highly classified. Everything is a secret and is so only because of one thing. And that is because some people are hiding the truth. For them, the truth is too powerful for this country, too destructive for the morale of armed forces, and too debilitating to our national honor for it to be told.
Classified	Ford 11/15/91	Our ability to continue to collect information for the families and for other intelligence projects requires us to try to keep our sources and methods protected. We've used that more times than I would like to admit as an excuse, rather than as the real answer. I'm just simply telling you that that's over. We're going to find a way to do this.
Classified	Griffiths 12/01/92	The families voted against declassification of information under ongoing investigation or information that would jeopardize returning our loved ones alive or dead. That position still holds, and that is the position I continue to reflect.

Classified	Kerry/ 06/25/92 Smith	Chairman Kerry: ...First of all, there has never been an issue about this committee seeking declassification... So there is a vote that is set and we have a process in place with Senator Robb and Senator Grassley, who are reporting to the committee; I think a letter is being drafted today. We are proceeding in a responsible way to try to figure out how to ask for the declassification to get the maximum declassification, but to protect those who deserve privacy in the process. All 12 Senators will vote on this issue, and the chair set out that would be an objective of this committee the day that you and I stood up together months ago and announced we should do this. So there is no new news in this call for declassification. We are going to do it, we have always been going to do it, and it is going to happen.
Classified	Kerry 11/15/91	...I emphasize on behalf of the entire committee, and we have just in our own meeting with Senators confirmed, our inclination to proceed efficiently and quietly to a certain degree in these first months with a significant number of depositions and a significant number of private meetings in order to gather facts, and separate fact from fiction, and do the best job that we can of trying to lay out reality here. I will confirm that every Member feels very strongly that no stone should be unturned, but every Member also feels very strongly that at the appropriate moment, obviously it all has to be laid out in public, or we become part of the problem and we do not intend to let that happen.

Classified	Kerry 06/25/92	Now the Committee is going to vote next week to declassify massively. I will state as a guiding principle, there is nothing the Committee does not want declassified, with the exception of something that can be legitimately shown to 12 Senators as being in current national security interest or something that protects sources and methods of the United States Government. Beyond that, we will have to have a strong showing of cause for why it should not be made public...
Classified	Perroots 12/01/92	Another valid criticism from my point of view is the over-classification of information on this subject.
Classified	Schlesinger 09/21/92	...from time to time the restriction on intelligence simply to protect sources is such that many who might benefit from having that intelligence are denied that because it would reveal certain sources.
Classified	Schlesinger 09/21/92	...from time to time intelligence is denied not simply to protect sources but to hold that intelligence in a narrow circle; to deny it to those who are outside of that circle either for reasons of internal bargaining or the like.
Classified	Sommer 11/06/91	We actually received more hard information from the Vietnamese than we have from the Defense Intelligence Agency, the Department of Defense, or any other American entity involved with this issue.

Classified	Wallace 11/06/91	Few pieces of information seem insignificant enough to avoid the secrecy stamp. If we are to believe our government, we must also believe that the POW information buried in their classified files is so sensitive that its declassification would have dire consequences and perhaps even pose a clear and present danger to the national security. Otherwise, why would the government continue to classify the overwhelming majority of the information gathered on this most important issue? I do not believe the government can regain credibility on this issue or adequately defend itself so long as the very information needed for honest evaluation is kept from public view...
Committee	Grassley 06/24/92	...expecting calm and order on this issue os like expecting cars and dogs to live in perfect harmony... the Chairman and Vice Chairman of this Committee have done next to the impossible in terms of keeping this Committee together, to keep it focused and conducting its oversight.
Committee	Grassley 11/15/91	The hearings have been, in my view, quite successful and surprisingly so to me because, Mr. President, I must admit that at first I had reservations about the utility of the committee's work starting with hearings... for fear that precious time would be diverted from the investigation aspects of the committee's work.

Committee	Kerrey 09/24/92	This Committee could very easily itself have moved in a direction where it accomplished nothing. I believe if we ended today, which some would argue we should -- if we ended today, this Committee will already have accomplished a great deal. Mr. Chairman, I have undying admiration and appreciation both for you and for Vice Chairman Smith for pursuing this, and I want to pay special tribute to, again, Senator Grassley, whose interest in declassification was early, was active, was strong, and I think has provided enormous benefit to the American people.
Committee	Kerry 11/06/91	...the time has come for these kinds of allegations to be laid on the table, and for the sources not to be hidden from the Committee, at least. There is no way the Committee can proceed without that kind of information being put in front of it. So I ask you and anyone else who has that kind of information -- and you can hold this Senator and Senator Smith accountable, and I am sure you will if something happens... we rely on your cooperation to make that happen.
Committee	Kerry 12/03/92	That process of finding answers is what this Committee is all about. I can speak for every member of this Committee when I say that determination will continue on an individual level and with the other standing committees of this Senate even after this Committee itself has opened the doors on this issue and has ceased to exist.
Committee	Kerry 01/22/92	I hope you also appreciate that when I push you or when I push the line of questioning, it is without regard to who is sitting in front of me. I am going to push both sides as much as possible to be able to help the Committee make its judgments.

Committee	Kerry 01/22/92	[Intelligence service employees] are not permitted to deny information to this committee on the basis of that [secrecy] oath... we intend to put them under oath and depose them, and we will subpoena them if necessary. So in terms of enticement, they are invited today to come forward with an understanding that if they do not come forward on their own, the greater likelihood is that the committee is going to find an opportunity for them to have to appear.
Committee	Kerry 01/21/92	I want people to understand, again, that the committee is not withholding information or deep-sixing anything. All of it will be made public. But the Committee feels that when it is given a name, as a matter of investigative integrity it is sometimes more important for the Committee to be able to get investigators to the people before they are publicly identified so that there is less time or less capacity for fabrication of a story, and so that the Committee has an opportunity to determine whether there are any outside pressures or other influences that might be affecting that person's capacity to give us a straight story.

Committee	Kerry 09/22/92	I know this is difficult, I wish there was a way to make it easy, and it is not, and we acknowledge that. But we are not here seeking to re-fight the Vietnam War. We are not trying to renegotiate the peace agreement or to reopen wounds of that era, as difficult as it is to avoid them... We also are not trying to question dedication or patriotism or commitment to the task that existed back in 1972. All Americans of a certain age, whether Senators or former Government officials, POW families, veterans, or just plain citizens, bring to any discussion of Vietnam a set of emotions and memories, some of which may be among the strongest and most vivid of a lifetime. We cannot ignore or deny those memories, or simply wish them out of existence, but neither should we let them control or influence the purpose or integrity of this committee's work... We remain in the process of gathering information and insights and trying to understand why certain things were done, why certain things were not done, what options were available to those who had the tough task of making decisions at one of the toughest times in American history.

Committee	Kerry 09/24/92	...folks, this issue was not created by the United States Congress 20 years later. This issue is an issue of grassroots momentum. There is not a place I have gone in the last years in this country where someone has not come up to me and said, why are you not doing anything on this? Where are the answers? And the families, particularly, have carried this with them for these 20 years. Now, at a time in our government when American citizens feel that the government has broken most bonds of trust with every citizen, it is hardly appropriate for us to just turn our backs and say, this is not relevant. I view these hearings not just as an effort to get to the truth of what happened. I view them also as an effort by elected officials to try to prove that we can do our job, and that we can reestablish that sense of credibility between citizens who expect us to ask tough question.
Committee	Kerry 12/03/92	I hope we not limit our focus this morning to the past. A big part of this Committee's job is to translate lessons learned and experiences that have been felt into recommendations for future action and into our understanding as a Committee so that we can share that understanding with the American people.

Committee	Kerry 11/15/91	I want to ensure all people who are interested in the public aspect of this inquiry that the fact that we are not having a public hearing does not mean we are hiding anything, nor does it mean that we are not doing anything. It means we are going to proceed to do our homework. There clearly will be public sessions as we proceed, and all data that we can conceivably make available to the public -- with the exception of compromising national security, as a judgment made by 12 United States Senators -- will be made public as we proceed.
Committee	Kerry 11/15/91	This Committee is not going to tolerate folks who want to use us as some kind of springboard or platform for wild-eyed, cock-eyed theories that have no basis in fact whatsoever. We are going to be tough with respect to that, and we have a process set up to try to do it -- but we do not want at the end of this process anybody who has legitimate information to feel that this committee was not receptive to it.
Committee	McCain 09/24/92	...the fact is that you and Senator Smith have conducted these hearings in a fair and unbiased manner...
Committee	Mooney 01/22/92	Most of the negotiations on this issue have been by policy makers. They go there with a specific opinion and they're not going to breach from that. For the first time, you're going to have Senators going there. You guys know how to wheel and deal. You know how to compromise. Maybe this is the proper approach... Maybe if you would go there with this attitude of specific knowledge and talk to these people and show them respect and gain respect from them, it might open doors.

Committee	Mooney 01/22/92	...when this committee was formed, and it was announced that this committee would investigate the MIA/POW issue, I had doubts, serious doubts. Because in six years, I had not one success. All I had was criticism and to be debunked. When I was asked to visit with your committee people last week, I was eager to come because I had to find out for myself what this committee was about. Was it going to be another dog and pony show, or were you for real? I was deposed for a day and a half. It was professional, it was thorough, it was incisive, it was tough, and in one particular case it was painful. But it was the best deposition or best questioning I've had to date. Based on that, I am sitting here to tell you, and to tell everybody who is watching or listening, that you are for real. You will get to the bottom of this issue. And I am willing to pass the torch on to you. I will keep the matches just in case I have to light up again, but the torch now belongs in your hands. That deposition proved to me that you will fulfill your promise to leave no stone unturned, to find not my truth or anybody else's truth, but the truth. I hope those listening who have knowledge will believe that and come forward.

Committee	Mooney 01/22/92	Over the years, I've had many people call me from the business; 99 percent of them will not identify themselves, and they say one thing consistently: "I will not come forward because I do not think you can win... "They feel they will not be believed. I think if this committee applies its mission with honor, with dignity, and with clear objectives, the people will step forward... I hope they do, because it is that important. This is our best chance and this is, in my opinion, our last chance.
Committee	Mooney 01/22/92	I'm just the tip of the iceberg... You need more than people like me, people who work in the field and who have the first blush with intelligence. You have to get beyond us, you have to get up to where the intelligence is interpreted and used for policy and politics.
Committee	Quinn 11/15/91	As a citizen, I sort of grieve over the fact that we have this problem so long after the war. It still is a sore that has not healed and has not been dealt with. I think that what you and the Committee are doing is going a long direction in letting our citizens know exactly what is involved.
Committee	Smith 09/21/92	Vice Chairman Smith: The American people, I believe, are a great people, and I think they will accept anything as long as they are told the truth... There could be 500 people in Vietnam and Laos. There could be none. But the point is: the reason why the Committee is in existence, the reason why you are here, and the reason why the debate is still raging is because the American people do not believe that their government has told them the truth...

Committee	Steadman 12/02/92	...Perhaps because the issue has been so contentious over the years, maybe Congress didn't exercise its oversight role as strongly as it could have. And this panel, this Committee, has reversed that, and in doing so you've brought the issue squarely in front of the American public and squarely on the doorstep of the Southeast Asian governments. You've also brought information forward which allows the American public now to make informed judgments about this issue, and I think your final report should state whether Congress should continue its investigation. You should make an informed judgment on that, whether investigation is required, further investigation is required, further oversight is required, or perhaps both are required.
Committee	Tighe 06/24/92	I believe that you are compiling the largest and most comprehensive body of evidence on the subject of missing in military action that has ever been assembled.
Committee	Vessey 06/25/92	...more needs to be made public and I commend the Committee. I think I saw the broadcast of your Southeast Asian trip, those were superb. The clips from those, that trip and the American public desperately needs to see the whole picture rather than sensational tidbits that come out. So I certainly commend the Committee for its work and I think the Committee's report eventually will turn out to be one of the most important documents we have in the public record.

Conspiracy	Andrews 12/03/92	...I believe that neither this Committee nor the American people can expect that the whispers of conspiracy will ever go away. I am convinced that no matter how many files are opened, no matter how many witnesses are interviewed, no matter how many crash sites are sifted through, there will always be those who will see it in their own selfish interest to inject distrust into this issue. The antidote to this is openness.
Conspiracy	Baker 08/12/92	I cannot think of a single thing that suggests to me that there was a conspiracy of silence or any active conspiracy or any other kind of conspiracy...
Conspiracy	Bell 11/06/91	I don't think there's been a cover-up, sir, but I think it's possible that information was not acted upon.
Conspiracy	Burch 11/06/91	The media have been whispered off the track with anonymous comments that there are no live POWs...
Conspiracy	Christmas 06/25/92	Mr. Chairman, my experience is that most people who become well-informed on this issue have no trouble agreeing that the accounting for our missing men means obtaining information from Vietnam, Laos, and Cambodia. Those who maintain that there is some secret set of files being kept by misguided U.S. Government personnel intent on maintaining some bizarre cover-up are deluding themselves and the American people. The answers are in Southeast Asia and that is where the U.S. Government is, correctly in my view, putting its emphasis.

Conspiracy	Clapper 12/01/92	To suggest that we are somehow part of a conspiracy is certainly absurd, if not insulting. I take it as a personal insult that anyone would suggest that I've had any part in a conspiracy.
Conspiracy	Ford 11/15/91	There is no conspiracy to purge records. The Department of Defense does not maintain fingerprint records. The FBI is the sole agency with that responsibility.
Conspiracy	Kassebaum 6/25/92	I am just not one who believes in conspiracy theories, but I think unfortunately because we have been such a long time coming to terms with this and doing it in a way and being as forthright as possible we have created and added a great deal of sorrow and confusion to the process.
Conspiracy	Kerry 11/15/91	I do not, in God's name, know how you can begin to do this process unless we will trust some people on the ground in Vietnam to build some relationships and make some judgments about those relations. Somewhere along the line here, somebody has got to begin to believe that not every American working for the United States Government is going to become part of some process to hide Americans in Vietnam.

Conspiracy	Kerry 12/01/92	Chairman Kerry: ...in any of your review or at any time that you have been in contact with this issue, did you find any evidence whatsoever to suggest to you that there was a conscious cover-up on this issue or conspiracy to withhold it from proper analysis and pursuit? Mr. Wiand? Wiand: No... Hargis: No... Nagy: No... Brooks: Absolutely not... Gaines: Absolutely not...
Conspiracy	Kissinger 09/22/92	What has happened to this country that a Congressional committee could be asked to inquire whether any American official of whatever administration would fail to move heaven and earth to fight for the release of American POWs and for an accounting of the missing? Can anyone seriously believe that any honorable public official would neglect America's servicemen, and especially those who suffered so much for their country or, even worse, arrange for a conspiracy to obscure the fate of the prisoners left behind? Personally, I have no proof whether Americans, live Americans, were kept behind by Hanoi. The Vietnamese are certainly capable of such a cynical act, and of lying about it. If any prisoners were held back, however, there can be only one guilty party.

Conspiracy	Kissinger 09/22/92	There is no excuse, two decades after the fact, for anyone to imply that the last five Presidents from both parties, their White House staffs, Secretaries of State and Defense, and career diplomatic and military services either knowingly or negligently failed to do everything they could to recover and identify all of our prisoners and MIAs.
Conspiracy	Lord 09/21/92	Chairman Kerry: ...But as major public policy makers of that period and also public servants helping the American public understand this and looking at this can you understand why still today there are people who believe that they were misled, that the government was in a conspiracy, that they were lied to and that they have been led down the path over the years after those comments, given the evidence, is it understandable? Lord: I think it's understandable. I think some of the terms you used are unfair, but I can understand why people might harbor these doubts.
Conspiracy	Lundy 11/06/91	...my father had top-secret security clearance, nuclear, intelligence... How could there not be fingerprints in my father's file?... there is a letter in his file that says, 'attached are forms and fingerprint cards on the above subject'... This is a smoking-gun letter that there is cover-up in our government.

Conspiracy	McCain 09/24/92	Sen. McCain: Do you believe that there was any conspiracy to cover up the existence of any live Americans either in Laos or anywhere in Southeast Asia? Secord: No, sir, I don't. I've never seen any evidence of that. Sen. McCain: Do you believe that it would have been possible, without the knowledge of a number of military officers and enlisted people such as yourself who were in some way in the loop? Secord: No. There are so many people in that loop that it would not have been possible, in my opinion.
Conspiracy	Perroots 08/12/92	Sen. McCain: In order for a cover-up to be successful as has been alleged, it would have taken the active participation of hundreds if not thousands of military personnel? Perroots: Yes, sir.
Conspiracy	Perroots 12/01/92	...most emphatically, Mr. Chairman, the allegation of a cover-up or a conspiracy, [is] the most serious invalid criticism.
Conspiracy	Sieverts 06/25/92	...a great many dedicated people... worked on this subject for many years, and we are well aware that the passage of time has not healed the wounds or brought comfort to the families whose hopes have been repeatedly raised and dashed.

Conspiracy	Vessey 06/25/92	Sen. McCain: Have you ever seen any evidence of any conspiracy or cover-up? Vessey: No, sir, I have not. Sen. McCain: Did you when you were in your position as chairman of the Joint Chiefs of Staff? Vessey: No, sir. Sen. McCain: Or at any other time in your military career? Vessey: No, sir.
Conspiracy	Vessey 06/25/92	Sen. McCain: In order for there to be a conspiracy or a cover-up of this issue, do you agree with me that it would have required the active participation of hundreds of members of the military? Vessey: Yes, sir. And I think that's an improbable sort of thing. American soldiers, sailors, airmen and Marines are not conspirators. It's hard to keep military secrets long enough to get the operation going along without the enemy knowing what's going on. Evan at the time when we were at low ebb, we still had 100-and-some-odd people involved, and those rotated. Many of them rotated every two or three years. So I'd say the prospect or probability of a conspiracy being kept without it being blown wide open is almost zero.
Cooperation	Armitage 08/12/92	Just to sum up clearly, the governments of Vietnam, Laos, and what passes for a government in Cambodia, have to open up and give full and complete access to Americans upon request, with no waiting periods, et cetera, before we can begin to put it at rest.

Cooperation	Bell 11/06/91	Bell: ...I think the Vietnamese right now today are just as far along in this issue as they choose to be. Chairman Kerry: Does that mean they could choose to be further along? Bell: Yes, sir.
Cooperation	Bell 11/06/91	To resolve these cases, as well as the live-sighting reports, we need to meet with cadre who were involved in the detention of American POWs and also to have access to Vietnam's wartime historical archives. We have had access to some records and witnesses' testimony which has matched that obtained from witnesses no longer under Vietnamese control. This is a good sign, but it is readily apparent to me, my fellow investigators, and our intelligence analysts that the Vietnamese can do more.
Cooperation	Cheney 11/05/91	Vietnamese cooperation on these joint investigations has improved, but despite these improvements, we are still not satisfied with Vietnam's performance... Too often, our office finds that public pronouncements of increased cooperation by Hanoi do not produce satisfactory arrangements on the ground. Promises to cooperate on live sightings, improved helicopter transportation, and complete access to historical records remain only partially fulfilled... If we ever hope to achieve the fullest possible accounting in a reasonable period of time, Vietnamese unilateral efforts, as well as their participation in joint activities, will have to dramatically improve.
Cooperation	Childress 08/12/92	...when I left, our estimate was that the Vietnamese could account for hundreds of cases easily.

Cooperation	Childress 12/01/92	Chairman Kerry: I think on the enemy proselytizing materials, we do not have evidence that that actually still exists. We know they had it, but we do not know it exists today. Is that not accurate? Mr. Childress: The original stories Hanoi said was that they had no records at all, they were eaten with termites, they were the rest. Now, as I said in my original testimony before this committee, Vietnamese dialogue with you is not evil, but it's certainly not in the western sense. Chairman Kerry: Oh, absolutely.
Cooperation	Childress 08/12/92	...Now, when I say resolve easily hundreds of cases, I mean either you either have a live prisoner, remains, or an explanation why neither is possible through archival research or the rest. And in those categories, there are many hundreds of cases they can resolve for us.
Cooperation	Childress 12/01/92	Chairman Kerry: Let me say to you that there is no naivete on the part of the committee about this process and its past, you know. Childress: Right. And we've had many denials. Chairman Kerry: Information has been withheld. We have not always been told the truth. We understand that and we go into that with open eyes...

Cooperation	Childress 12/01/92	Chairman Kerry: Imagine that when the ministry of foreign affairs in Vietnam says, oh, yes, we are going to get this stuff and we want to be helpful, but you have a lot of gnomes within the ministry of defense who only remember fighting us and are still fighting us and do not want to change, that those documents are not forthcoming. There are difficulties in that process also, I am sure you will agree. Childress: I absolutely acknowledge those and I think we're on the right track in this sense, that the Vietnamese agreed that they would pursue unilateral efforts. Most of the progress we've had in terms of resolving cases have not come from joint efforts, have come from unilateral Vietnamese decisions. And to the extent the Vietnamese mean this and we should encourage it; we should also be prepared to underwrite it if needed.

Cooperation	Christmas 06/25/92	Christmas: In the area of archival research and in the area of documents provided, there is an area where we need help, where they can, in fact, provide a great deal more. Our investigators as they go out -- Sen. McCain: What do you speculate is the reason they have not been more cooperative in that area? Christmas: Sir, I think it is a matter, as Gen. Vessey, I thought, pointed out very well; you may, at the central government level say, this is what we are going to do. But when it comes down to action at the district or province level, that may not -- it gets the slows -- whether or not that it is going to take place. The other one where we have difficulty is the trilateral agreements or trilateral talks and cross-border operations. That is at a standstill right now, Senator, and it's at a standstill for a number of reasons. both the Lao and the Cambodians have been very reluctant to trilateral talks. The Vietnamese based on the committee getting out there said, yes, you can go from Vietnam into Laos because, in some places, that is the only way you can get into where crash sites would have been. The Lao have disagreed with that and have said, no, we will not allow that. They have also disagreed with trilateral talks. So I think the point is, we are making measured progress. Can we make more? Sure we can. I think in Vietnam that progress will continue if we continue to accelerate our operations, continue to keep our folks in country face to face with the Vietnamese.

Cooperation	Christmas 06/25/92	The key element of information is missing: the current location of the person or his remains. This is why we need Vietnam, Laos, and Cambodia to share whatever records they possess on American prisoners and the missing, and make available for interview former members of their military units.
Cooperation	Christmas 12/04/92	Chairman Kerry: So I take it, it is your judgment that we are moving down the road... Christmas: It's certainly my judgment, sir. If you remember, we talked before about the agreements that were made between Le Mai and then Assistant Secretary Solomon -- five agreements: expanded operations, live sighting mechanism, archival research, and so forth. Of at least three of those, we have had substantial movement and substantial progress from the February of this year when those agreements were made. So there has been progress, and what we need to do, as the Admiral has said, is just keep pressing.
Cooperation	Christmas 11/05/91	The Pacific Command, in conjunction with the Joint Chiefs of Staff and the Department of Defense, has moved quickly to capitalize on the favorable climate of cooperation in Vietnam. We plan to execute a comprehensive casualty resolution campaign on a scale which the Department of Defense has wanted to carry out since the signing of the Paris Accords in 1973, but could not because of Vietnam's intransigence.
Cooperation	Clapper 12/01/92	If we are to have true resolution of these cases that so consume so many Americans, it is in the hands of the Vietnamese.

Cooperation	DeStatte 12/04/92	Chairman Kerry: Are we on the road to resolving this? DeStatte: Yes, sir. I'm quite confident. As I said earlier, I think we're getting the kind of cooperation -- I think that Vietnam's top leaders have made the decision to try to solve this issue. I think they issued the instruction to their bureaucracy to do so, and I believe that at the working level, where we are, at least the people that I've been working with, I believe we're getting the kind of cooperation, we're getting good cooperation. I do, however, believe that there's some distance to go, and I think that if there's an obstacle, that obstacle is at the mid-level. And I believe that Vietnam's leaders can solve that problem. I think that's the proper solution.
Cooperation	Ford 12/04/92	...the fact is that in many cases it's clear that the Vietnamese don't always know what they have there and that they've got a lot of valuable information. We know it's valuable, but it wasn't necessarily valuable to them or they weren't quite sure what it was. Allowing us access into that is extremely important... We are just now getting into these archives and all of us are wanting to move forward as rapidly as we can.
Cooperation	Ford 12/01/92	I frankly, in looking at that period, I think that I give the most credit to the Vietnamese. I think they sought us out.

Cooperation	Ford 12/01/92	...I would argue that the reason that we have been is because we have won most of the battles of being fair and firm with the Vietnamese. And when they produce results, we have delivered, State has delivered, Defense has delivered, NSC has delivered. We have no history that if we give something to the Vietnamese for nothing, that we get reciprocal benefit from it.
Cooperation	Gadoury 11/06/91	Progress has, up to this point, however, been rather disappointing in terms of results. Despite Vietnamese claims of total freedom of travel to pursue first-hand live sightings, both captive and living free, our investigator has not yet been permitted by the Vietnamese to travel outside Hanoi to complete his investigations.
Cooperation	Grassley 11/06/91	...I think they [the Vietnamese Government] ought to know that we would all welcome and would not hold past history against them at all if there was a dramatic change of practice on the part of the Vietnamese Government for total cooperation along the lines of our people could go any place that they want to go. If the Vietnamese Government came up with an American there who they previously said was not there, that we would not look at it as an opportunity for punitive action against the Vietnamese Government, but that we would look at it as an opportunity for a further opening of relations and normalization of relations.
Cooperation	Griffiths 12/01/92	It was quite difficult in earlier years, and it evolved and got more effective and the priority began to be understood in the far reaches of the government. But it was not really an easy process, especially when you were building from zero.

Cooperation	Kerry 12/01/92	And I would lay unfortunate odds that if we were to apply that standard to ourselves at this point in time about Vietnamese MIAs, we would be sorely wanting.

Cooperation	Kerry 12/04/92	We kind of did a great, double-team effort here between General Vessey, the Committee, your efforts. But the distinction is that at that point in time the Politburo and the decisions had not been made. I sat with the General Secretary of Vietnam. I was the first United States citizen to meet with the leading official of Vietnam -- and it only happened a year and a half ago -- at which point he turns to me, and I have got to tell you I was stunned and the people with me were stunned, because he could not understand in 1991, what this issue meant, why it was real, or if we were serious. And he turned to me and he said: Senator, I do not understand this; when I was negotiating with Jimmy Carter in 1978 for normalization, nobody raised this issue with us. It was not on the table. So he had no sense that this was anything but an American trick in the 1980s and '90s to sort of find a different way to prosecute the war against Vietnam. So I went through this long explanation to him of what happened with the problems of Jimmy Carter's presidency and what happened in the desert in Iran and the sense of lack of power in the country, and along came Ronald Reagan and he made this a big issue, to his credit, and raised the consciousness, and then movies appeared and books appeared and Sly Stallone made a cult, and off we went, and it entered the American consciousness and body politic... We [sent them] a whole lot of articles and sent them information and tried to give them a sense of the reality of it.... So finally they say: Hey, you know,

Cooperation continued	Kerry 12/04/92	with it. So if they have admitted, and you say, yes, they have admitted, and this high visibility Senate delegation arrives in Hanoi and I say to them, you know what really is going to make a difference to our going back to America and being able to say good things about you? Remains. And Ted Schweitzer spends 24 hours with them privately, using the respect and friendship he's built up, and he says: You know what you have got to give these guys? Remains. And as you heard him testify today under oath, he said: You know, their faces sank, and they sat in that room and they said: If the success of this mission or failure depends on remains, then it will fail.
Cooperation	Larson 12/04/92	Chairman Kerry: Now I ask you, Admiral, General, and General, is the process corrupt? Are these people not cooperating broadly, or do you feel there is this genuine commitment to getting this process to work? The Committee wants to know the truth, not some preordained answer. Larson: Mr. Chairman, I think their senior leadership in their central government has made a political decision to cooperate and to try to move forward. The level of that cooperation, I think we have a system in place that will test the level of that cooperation and put pressure on them to produce and evaluate how far they are willing to go. Right or wrong for what they've done for the last 20 years, I think they've made a political decision now, we've got to change and we've got to move forward, particularly in the archival research area.

Cooperation	Needham 12/04/92	Chairman Kerry: General, can you speak now to the issue of the level of cooperation that you receive? Where are we? What kind of judgment can the committee make, based on your experience now, over this year, in Vietnam? Needham: Sir, in my opinion, in the last year the cooperation in Vietnam has been steadily improving since I assumed my position in January. Recently... there have been some dramatic improvements. I think the Vietnamese could still do more, but right now we see cooperation getting better and better every day at the central level. In the field level, cooperation is mixed... in the provinces, it's mixed. Chairman Kerry: ...You have provinces in Vietnam that were very heavily bombed, and their support to the United States is less than others...
Cooperation	Needham 12/04/92	Sir, I think it is going to produce results. I think we're starting to see a little bit in Hanoi. I think it's too early to tell exactly how much we're going to get, but I believe we're off to a positive start and I'm hoping that we can -- by the information requests that Mr. DeStatte has given them, that we can lead this archival research program a little bit more to the way we want to go, which is looking at supporting the work plan and supporting cases that we want to get answers to rather than just getting information for the sake of getting information.
Cooperation	Perroots 08/12/92	Vietnam can easily account for hundreds of Americans that have not yet exercised their requisite will to do so.

Cooperation	Quinn 12/01/92	Mr. Chairman, the vastly improved level of cooperation is a clear indication that our policy of both sides taking a series of commensurate steps is working.
Cooperation	Schweitzer 12/04/92	Following years of distrust among many of the parties trying to resolve this MIA issue, there have however now been new approaches which have taken place in Hanoi over the past few weeks and cooperation has reached a new level. But there still appear to me to be three basic questions which have remained unanswered up to this point. The first question concerns just how much information we can hope to learn about the Americans still unaccounted for in Vietnam. The second remaining question involves the source of this information. The third question concerns, it has taken 19 years for the U.S. and Vietnam to come to this starting point in addressing these questions.

Cooperation	Schweitzer 12/04/92	Well, the central government has made it clear to me that the key element in getting that material brought to Hanoi is in U.S. hands, not in their hands. They had -- the leadership of Vietnam cannot simply order 70 million Vietnamese citizens to bring this mountain of material to Hanoi. It has to be something that the Vietnamese, the common Vietnamese citizen, feels in his heart he wants to do for America. If he has a souvenir, war memorabilia, something that he picked up from a crash or a war site in the highlands in '67 or from a crash up in the mountains someplace, say a piece of an airplane that he's been using as a side of his house or a little package of things he picked up somehow, maybe the man who picked it up is even dead and his children have it and have no idea what it is even. But they're not going to make -- the common person of Vietnam just isn't going to come forward with all that mountain of information unless they really have the feeling in the heart that they want to do this for America. It can't be dictated from on high that you will bring forward everything that you possess on America. It just won't happen that way.

Cooperation	Schweitzer 12/04/92	Schweitzer: ...with the steps that have been taken so far, especially the last one involving AT&T, people are coming forward with more materials than they've ever come forward with before. I brought two examples with me. Chairman Kerry: You see a significant shift now suddenly in the production of some of these documents? Schweitzer: I certainly do. And the more steps the United States takes to ease the hardships on Vietnam, the more warmth the common Vietnamese citizens will feel towards us and will come forward with materials.
Cooperation	Sheetz 06/25/92	Mr. Sheetz: I'd like to underscore. There's something that Senator Smith and Senator Kerry, you could both, I think, help us with. I recognize you'll probably be making another trip to Southeast Asia before your committee completes its work. If you do, or if another opportunity presents itself -- I wish you would underscore to both the Laos Government and the Vietnamese Government the need for unfettered access on conducting live sighting investigations. Basically, not frustrating our officers when they're out there in the field trying to facilitate the process. We're making progress, it's getting better, but it's got to get a lot better before I'm going to be happy. And if there's anything this committee could do to underscore with those two governments.
Cooperation	Sheridan 12/02/92	...To my way of thinking, the answers are in Hanoi and in Vientiane and in Cambodia, and it could be over with in a very short period of time if those governments would be forthcoming with the information that they have.

Cooperation	Vessey 12/04/92	However, when we look at the issue of Vietnamese cooperation, it would be a mistake to forget the progress in reuniting several hundred thousand separated Vietnamese family members, getting over 60,000 Amerasian children and family members out of Vietnam and getting the former South Vietnamese officers and Government officials out of the re-education camps and getting them and their families out of Vietnam if they wanted to go.

Cooperation	Vessey 06/25/92	My first instructions came from President Reagan in 1987... President Reagan started an effort in 1982 to bring more focus to this issue. Negotiations had been underway for about four years and they stalled in 1986, in late 1986, and I was asked to take on the job in early 1987. I was instructed by the President to conduct negotiations with the Vietnamese Government to attempt to get cooperation on a number of humanitarian issues, and the specifics goals were as follows: The first goal, and the number one priority, was to get the cooperation required to achieve the fullest possible accounting for all Americans missing from the war in Vietnam. Within that goal of fullest possible accounting, as the first priority, was to go after the business of whether or not live American prisoners were continuing to be held by the Vietnamese Government. And if there were live Americans either in captivity or living freely, to seek their immediate return. Then the third point was to get Vietnamese cooperation and an expanded effort in the return of remains that had already been recovered, and in searching for and recovering and return those remains which had not yet been recovered.

Cooperation	Vessey 06/25/92	It is worth remembering that those instructions were given in light of conditions which existed in 1987. Vietnam's military forces were in Cambodia. We had no relations with the Government of Vietnam other than those preliminary talks I mentioned earlier. We had consistently said that the POW/MIA issue should be settled as a humanitarian issue. We had regularly told the Vietnamese that resolution of the POW/MIA issue was not a requirement for discussing normalization, but we'd also said consistently that pace and scope of cooperation on POW/MIA matters would affect the pace and scope of our talks on normalization.
Cooperation	Vessey 06/25/92	... certainly, the one area of cooperation... is the business of archival research, is diligent. Both the prime minister and the foreign minister promised a complete and diligent search of their archives for all information about missing Americans. That's difficult to do. We need to work with them to guide them to do it. But at the same time, it can only be done with their cooperation and work. They have to do it. It's just tough work.
Cooperation	Vessey 06/25/92	Chairman Kerry: Within the last five or six months we have gotten different signals from both state and DoD regarding how cooperative the Vietnamese have been... State basically says they are being very cooperative or more cooperative and DoD says they are not being as cooperative as they should be, we need more information. Where do you see it? Vessey: The cooperation is far greater today. One of the problems with evaluating Vietnamese cooperation is we don't know how capable they are of cooperating.

Cooperation	Vessey 06/25/92	In the area of POW/MIA, a lot of work has been done but the resolution of individual cases has been slow and plodding... We've had some preliminary talks trying to get investigations underway for cases of individuals lost in the border areas of Cambodia and Laos, that were then under the control of Vietnamese forces. In 1988 we agreed to joint field investigations in Vietnam with American and Vietnamese investigators participating. We are entering now into our 18th set of joint field investigations.
Declassification	Grassley 06/24/92	Until these documents become declassified and tell the story themselves without the debunkers, without the conspirators, and the spin doctors, it is incumbent upon us, those of us on this committee and, of course, the media as well, to counter the misrepresentations that there is no evidence.
Declassification	Kerrey 09/21/92	...As said, it does not surprise me that the North Vietnamese would either lie to their people and to us, or withhold information from their people or from us. But it seems to me that it is reasonable for me to conclude that I should have a higher standard for our own government. And thus, the release of the information, redacted and carefully examined -- the decision by President Bush to release that information, pressured by this committee to do so, I think has performed a very valuable service even though we may never get, as I said, to the bottom of it...I must say that had that information been provided in 1973 -- had we just said to the American people, here are the facts, here is what we know and what we do not know, I think the outcome also would have been much different over the next 19 years.

Deserters	Trowbridge 06/24/92	Deserters are excluded from the official DoD Southeast Asia casualty files.
Deserters	Trowbridge 06/24/92	Chairman Kerry: Mr. Trowbridge, are you saying that the Defense Intelligence Agency carries only 15 people as deserters in country? Trowbridge: Based on what we have been able to obtain from the services, that is correct, sir. Chairman Kerry: Can you tell me why, then, this committee got a list from the Defense Department, the National Archives, which we were about to submit to the FBI of 1,284 deserter names last known with their units in Vietnam? Trowbridge: Sir, I cannot answer that. As I said, we had an analyst that went through the records ourselves in 1988. Again, if you have got a list -- you know, I do not know where these lists come and what the criteria was to make these lists. Chairman Kerry: Does that not say something to you? You are supposed to be analyzing live sighting reports. You have got a potential base of some 1,200 people who supposedly deserted in country. I am not suggesting -- this committee, incidentally, is not focusing on deserters. This committee is focused on POW's, military people who had been taken prisoner. But obviously there is a possibility that someone who is a deserter could be the source of a live sighting report. Trowbridge: That is absolutely correct.

Deserters	Vessey 11/05/91	It is my understanding that none were classified as deserters. Now, there is some evidence in some very few cases that some might have been there under their own free will. Later on there was some evidence that came up, but the evidence is pretty scanty... I would not want to accuse any of these guys of being deserters... there is just not evidence to do that.
DIA - Clusters	Brooks 12/01/92	Sen. McCain: ...General Perroots has previously testified that they did, and have used, this so-called cluster theory in part of their analysis on many occasions. Are you aware of that, Admiral? Brooks: No, I was not aware, Senator.
DIA - Critics	Brooks 12/01/92	I was disappointed with the lack of rigor in the analytic process, I was disappointed, for example, with the way in which files were kept, I was disappointed with the lack of disciplined analytic techniques which I would anticipate to be used in any analytic process...
DIA - Critics	Brooks 12/01/92	Senator, I would comment that when I first arrived there -- I was there for a period of almost four months, from June of 1985 until September of 1985, perhaps the beginning of October of 1985 -- I was surprised to see how few people were dedicated to analysis of the POW/MIA issue...
DIA - Critics	Brooks 12/01/92	There was not adequate management of the analytic process to assure that the mindset to debunk did not color potentially valid reports as well as those which were apparently invalid.

DIA - Critics	Brooks 12/01/92	...a certain degree of cynicism, I think, crept into our intelligence analysis. And it is human nature. We had been confronted with so many reports that were either deliberate fabrications or were grossly inaccurate that I think the analyst becomes cynical... there also is a category of people at work surrounding the POW/MIA issue which I will categorize as professional predators...
DIA - Critics	Brooks 12/01/92	Bureaucratic ineptitude certainly characterized the situation in 1985.
DIA - Critics	Brooks 12/01/92	...yes, indeed, there were cases that I thought should have been reopened and should have been looked into in much more depth.
DIA - Critics	Brooks 12/01/92	I think probably the desire to believe that we had accounted for the POWs perhaps accounted for some of the attitude. Also, of course, the fact that the returned POWs did in fact state that all of the POWs known to be in captivity to them, to them known to be in the official prison system, were accounted for perhaps led to the mindset that this was not as important a problem as it should have been... The case files had not been maintained properly, leads had not been followed up, the normal things that you would...do in trying to maintain continuity on a problem had not been done during that period 1973 to 1983.
DIA	Brooks 12/01/92	My own experience with the analysts is that they were a very dedicated and very frustrated lot. There were too few of them... your observation about paucity of assets is accurate.

DIA - Critics	Childress 12/01/92	...I know exactly what you're doing, you're really following it up -- by using such words you give the impression that you don't believe it's true at the outset, alleged or alleged with three other adjectives and this sort of thing. I got the impression in the period before the Reagan Administration that there was almost a fear to put in a report that wasn't hedged and guarded by enough adjectives. What we were trying to bring to them is don't fear it, say it objectively, drop the kind of adjectives, and so forth. Don't overdo it but be objective and we'll handle it, everybody will handle it when they get back.

DIA - Critics	Childress 12/01/92	By the time the Tighe Report had come out, the Vietnamese had released the largest number of remains in 1985 than at any time since the end of the war, and I think it was 26 at the time. They had also agreed that they wanted to work with us on a 2-year plan to try to resolve these major core issues of the POW/MIA issue within a 2-year plan. And we were -- had been negotiating and had several high-level trips. The Tighe Report popped in the middle of this, and they were obviously not up to date on negotiations, but that wasn't why they were there anyway, it was to look to DIA. So they were filling this document up with presumptions that I felt were years old that they had brought to the table. And I went over and briefed them on policy and, you know, our 10-point plan and the rest, on one occasion, but that was just to give them background. So I felt that they -- you know, they were good people and well committed and had their experience, but I wanted them to stay with the knitting that they were hired for.

DIA - Critics	Childress 12/01/92	Chairman Kerry: What you said in your letter, and let me quote you: "There are several flat untruths in it, many distortions and inaccuracies, an abundance of speculation with no basis in fact, an obvious lack of understanding of the overall issue and judgments or perceptions of the Vietnamese mystery combined with popular mythology." Did all of those criticisms get addressed? Childress: Well, I was not in a position to -- I wasn't on the report. I was giving my impressions to General Perroots. Chairman Kerry: I understand. But when the final report came out, did you hold those same conclusions about the report? Childress: Not as strongly, but I still saw some popular mythology in it.
DIA - Critics	Childress 12/01/92	Chairman Kerry: Mr. Childress, you made some criticisms of the Tighe Report which were really very strong... Childress: This was a first draft that they had done and it was full of policy things, not intelligence things. So General Perroots sent it over to me and said take a look at this, they're making policy recommendations. I was, needless to say, from reading that outraged that they were into policy things. And I also took the opportunity to make what I felt was the case that if you're going to talk about live prisoners, we're talking about last known alive, that's where I had put my focus. And a look of 16 or 18 reports, or 32 case files could not lead to those kinds of conclusions that I felt that they were heading towards.

DIA	Clapper 12/01/92	I have to say one other thing, Senator Kerry, in all due respect. We talked about who has been responsible for this over the years. The Congress, in all fairness, bears a certain amount of responsibility for this. Every year we, in intelligence, and the director of DIA as the manager of the General Defense Intelligence Program, gets very specific and very intrusive guidance from the Congress on what authorizations we will have and for what purpose.
DIA - Critics	Clapper 12/01/92	...the criticisms arise from the simple and abundant frustration at our inability to resolve the ultimate fate of the POW/MIAs. And the reason is, and again Colonel Schlatter alluded to it, is that because intelligence, given its inherent limitations, simply on its own cannot resolve these issues.
DIA	Clapper 08/04/92	...I have always been deeply concerned about accounting for the missing and will ensure that DIA's efforts to achieve the fullest possible accounting will not waiver during my tenure as director...POW/MIA intelligence investigations, collection, and analysis comprise one of DIA's highest priorities...
DIA - Critics	Gaines 12/01/92	The DIA analysts had no buffer between themselves and anybody else. In other words, they had no buffer between themselves and members of Congress. There is no buffer between themselves and outside interests... unofficial but powerful members, personnel such as Ann Mills Griffiths... had direct access, in fact, had direct access not only to files and intelligence information, but was allowed to task the analysts on her behest.

DIA - Critics	Gaines 12/01/92	They were beset by so many outside tasks and so many outside similar-dissimilar influences, that they were constantly running from one crisis to another, and they did not have time to do the kind of hard, pick and spade work such as something like this, studies on, say, the prison system...
DIA	Grassley 10/15/92	Let me conclude, Mr. Chairman, by stating that this issue is too important for us to rely on DIA's analysis exclusively for our judgment. This may be the only evidence that we find that possibly points to specific men. We need an independent assessment, not just a DIA assessment. Five different reports have raised the issue of DIA's mind set to debunk. The public is skeptical of DIA's continued debunking of evidence. No matter what DIA says, we need an independent evaluation of the evidence, as well. These photos may, in fact, show shadows. But I want an independent analysis to tell me that, not just DIA.
DIA - Critics	Hargis 12/01/92	The conclusion or finding. DIA did release names and addresses of witnesses under the Freedom of Information Act, but the information released was mostly a compilation of documents which originated outside DIA. Not one of the names or addresses released was of a person who had had direct contact with DIA or had requested confidentiality.

DIA - Critics	Hargis 12/01/92	The Office of the Inspector General, DIA, conducted an investigation in the Office of the Prisoners of War/Missing in Action, PW/MIA Division in the Directorate of Collection Management, between 20 November 1984 and 2 February 1985, at the direction of General Williams, who was the Director of DIA at that time... The next conclusion; these allegations of mistreatment were judged to be responses from individuals who had attempted to use the PW/MIA issue for their own purposes... There was no indication that DIA interviewers used any procedures that intentionally downgraded, humiliated, embarrassed or abused the witness. There was no evidence to suggest that any truly knowledgeable witness could be discouraged by DIA methods for making information known.
DIA - Critics	Hargis 12/01/92	Next conclusion; there can be no improvement to the worsening situation until the policy and public relations interface is inserted between the DIA and the rest of the world.
DIA - Critics	Hargis 12/01/92	We had one other finding and one other recommendation. There was evidence that DIA had been and continued to be manipulated on the PW/MIA issue by entities outside the U.S. Government.

DIA - Critics	Hrdlicka 12/03/92	...I would add that if you want to talk about fraud I would call the DIA one of the biggest perpetrators. I have spent 2 years trying to get answers out of those people on specifics. I had a meeting in July with Mr. Sheetz and Mr. Gray and they were going to get right back to me. Well I sit here today, and they have not gotten right back to me. I file a Freedom of Information; reports that I have don't even come through on the Freedom of Information. Now you want to call fraud, I call that fraud, and I feel like I've been the person that's had the fraud perpetrated on me. I can appreciate these other scams, but I have to tell you that if our Government had done their job in the first place, I wouldn't be in the situation where I could be a victim or Carol Collins be a victim.
DIA	Kerry 06/25/92	...on 4 January of 1974, in fact, significant personnel reductions were proposed to take place in the POW/MIA section of DIA. And literally, the personnel within that section had to go to bat to explain to superiors why they were important to the resolution of the accountability process.
DIA - Critics	Knecht 12/01/92	In defense of the senior management of DIA, I could not find any case where somebody had said we need to do this to fix this and they said don't do that.
DIA - Critics	Knecht 12/01/92	Mindset to debunk: everybody's discussed it. I absolutely could not find anything on it. I absolutely disagree with it.
DIA - Critics	Knecht 12/01/92	I agree with Colonel Peck where he criticized the fact that the special office was being used for tasks that were not appropriate for an intelligence activity.

DIA - Critics	Knecht 12/01/92	I am also saying that Colonel Peck basically recycled... the Gaines report to us, as if there had been no intervening change. And then when pressed for the details of those criticisms that he made, I could not find any specifics to support them. When I looked at those specific criticisms which I was then aware of in the intervening period, then I could not find those.
DIA - Clusters	Maguire 08/04/92	Senate investigators called Dak Chung a cluster because of six hearsay reports that recounted the same story...But in depth analysis showed that all the reports were similar because one of the six sources had told the same story to the other five. What we are left with is not a cluster of six, but a cluster of one. And that one source admitted lying about his original story, so now we have no cluster...So DIA has concluded that Dak Chung is not a cluster, but we could only reach that conclusion by carefully reading and investigating each report.
DIA - Clusters	Maguire 08/04/92	...there were some areas where the reporting tends to be heavier and gives a clustered appearance. Some members of the Senate Committee staff believe that the reports within some of these areas prove that a U.S. POW was held past Operation Homecoming. Our understanding is that Senate staffers used three criteria to reach that conclusion. These three criteria are shown here. However, to reach these conclusions about clusters, other types of intelligence were ignored and only a handful of the over 1,500 source reports were used.

DIA - Clusters	Nagy 12/01/92	It was not with the process or the procedure of mapping reporting. That process is underway in DIA, has been underway in DIA, and is being used today in support of General Vessey and his activities. So I certainly cannot let the comment lie that it is not being done. That is not true.
DIA - Critics	Nagy 12/01/92	I was asked to address circumstances of an early 1985 internal DIA examination of the analytic and collection tasking activities of DIA's POW/MIA office. The examination was somewhat unusual in that it was an analyst's critique of other analysts' activities.

DIA - Critics	Nagy 12/01/92	I have reviewed the study group's report. In summary, it concluded that: One, the analytic effort was of high quality; two, analyst retention was likely to be a future problem unless the division's grade structure was increased; three, access to the DIA online ADP system should be improved, and additional terminals provided; four, the POW/MIA analysts should travel to both Hawaii and Thailand to meet and interact with counterpart analysts and collectors; five, a senior executive should be appointed to speak for the organization; six, the POW/MIA analysts should receive greater recognition. The details of the report included other comments... the suspicion that the analytic activities of the division were diminished by the need to respond to numerous outside requests... the implicit view that inordinate time was spent on a somewhat legalistic approach to evidence and analysis that was probably necessary, given the importance of and outside interest in the issue... it was felt that if this were a normal intelligence activity, some of the cases that were being held open could be closed... the possibility that human intelligence in the field could be improved by adding additional collectors...
DIA	Nagy 12/01/92	In the wake of the end of the Vietnamese conflict, in 1973 the intelligence community underwent a very severe contraction, 35 to 40 percent of the personnel, and this can be easily documented, were let go, moved out of the business... The POW/MIA analytic effort was certainly caught up in that set of reductions beginning in 1973.

DIA - Critics	Nagy 12/01/92	Chairman Kerry: The themes are repetitive that there was a diffusion of the mission, there was a lack of management, lack of guidance, not a direction of effort, and so forth. The politics that entered into it from outside influences, the analysis, itself. Nagy: It is my view that from 1973 until the issue from an administration's standpoint was revived in the early 1980's, that for all practical purposes you had three organizations struggling in the dark, without a great deal of policy support, that were working this issue for the Untied States Government. Those were the two that were based in Hawaii, the Joint Casualty Resolution Center in CILHI, and the office in DIA... Beginning in 1983...DIA has added personnel to the effort, expanded the effort of the office, expanded the operations, as you are well aware, in Southeast Asia that were under DIA's direct control...
DIA	Perot 08/11/92	You need an organization who goes in every morning and says, here is a new shred of evidence. Let's really look at it objectively. Let's not try to debunk it. Let's not discredit the person who brought it in. Let's not spend all of our energy discrediting the person who brought it in.
DIA - Critics	Perroots 12/01/92	Another criticism that I believe invalid, at least during my tenure, was that the DIA only responded to sanitized or selected queries...I remember coming under criticism from circles that I was paying too much attention to the Rambo faction. I can tell you that I responded to any query that was deemed appropriate.

DIA - Critics	Perroots 08/12/92	No one ever approached me to take on General Tighe. It was solely and exclusively my idea for good and honorable reasons... now, as to what influence I had over [the Tighe Commission Report] conclusions and recommendations. Well, the answer is absolutely none.
DIA - Critics	Perroots 12/01/92	Another valid criticism was the lack of adequate and follow up effort within the intelligence community. The National Collection Priority for POW/MIA prior to 1985 ranged from priority 7 to priority 3. We raised it to priority 1...
DIA - Critics	Perroots 12/01/92	Chairman Kerry: ...there is just ample evidence of occasions where the Government just stumbles over itself in kind of defensiveness or inefficiency or something which has -- I think you would agree -- significantly contributed to people's anger and frustration. Is that correct? Perroots: Therein lies the problem.
DIA - Critics	Perroots 08/12/92	I repeatedly asked General Tighe and the review group if they were getting the support they needed and never received anything but a positive answer.
DIA - Critics	Perroots 08/12/92	Never, never did he or any task force member mention that they had even a suspicion of any bugging of their facility...Also the statement by General Tighe that it was unanimous conclusion of all the task force members that the room was bugged is false...All of the comments implicitly accept the allegation that there was a bugging. Gentlemen, I do not believe there was. There is no evidence there was.

DIA	Perroots 08/12/92	President Reagan assumed office with a personal commitment to resolving the issue... the Administration was determined to pursue the issue as a matter of highest national priority....Frankly, a mess was inherited.
DIA - Clusters	Perroots 12/01/92	In terms of that big evidence to support the existence of Americans being held against their will, it is nonsense. You have to take each report, factor the credibility of that report, determine what other reports you have... That is a rather simplistic approach to the analytical effort required to determine whether Americans are held against their will in Southeast Asia.
DIA - Clusters	Perroots 12/01/92	Sen. McCain: General Perroots, let us get back again to the famous cluster theory. Now, this has been portrayed by the staff -- or some members of the staff of this committee -- as some kind of earth-shaking brand new idea, something that no one ever thought of before... What is your view of this cluster theory? Have you ever used it? What do you view the validity of it? Perroots: Well, let me first say that trend analyses, the clustering of reports is not only not new, but it has been done. I directly was involved as part of the preliminary for the Stony Beach operation. I said listen, I not only want to have a capability but I want to be able to move even on the basis of a lack of sufficient evidence, but if I say well, if we are going to do something, if we are going to put a team in, where would be the best place to put them in on the basis simply of where the most reports are, even if you assume that all of them are true. So we clustered and we clustered and we clustered. It was a continuing process.

DIA - Critics	Perroots 12/01/92	Another valid criticism, in my judgment, is that we not always adequately conducted timely follow-up of reports.
DIA - Critics	Perroots 12/01/92	I believe we implemented virtually all of the 30 or more recommendations of the Gaines Report and virtually all of the recommendations of the Tighe Report, save for one, as I recall, or perhaps two.
DIA - Critics	Perroots 12/01/92	Another valid criticism that we ultimately fixed was the criticism that there was insufficient coordination among the intelligence agencies to ensure an effective database and integrated collection and analysis effort.
DIA - Critics	Perroots 12/01/92	Of course, a major criticism that for the most part was invalid, from my view, was the alleged mindset to debunk. It is very easy for me to say that there was very little to debunk. There was no debunking. There was no calculated effort to debunk. I took whatever steps possible to make sure that there could be no debunking, as much as you can humanly possibly do that... We did that by establishing review boards. In retrospect, Mr. Chairman, I don't believe there was any calculated effort to debunk.
DIA - Critics	Perroots 12/01/92	Another valid criticism: DIA was too involved in activities which detracted from its primary mission...
DIA - Critics	Perroots 12/01/92	A major valid criticism was that insufficient resources were being expended to adequately do the collecting, analysis, and follow up mission...Now, this was especially true from '73 to '85...

DIA - Critics	Schlatter 12/01/92	In the case of the Tighe Report, we implemented every one of those that we could implement... There were certain of the Tighe recommendations that simply really did not apply to DIA...
DIA - Critics	Schlatter 12/01/92	...I do not believe the mindset to debunk exists... in terms of the Gaines Report, we adopted virtually every one of the recommendations.
DIA - Critics	Schlatter 12/01/92	I was to find, and it took me a year to wake up and realize this, that the answers are simply not that simple and the answers were not that available...
DIA - Critics	Schlatter 12/01/92	Another problem I found was one of confusion of management and analytic resources.
DIA - Critics	Schlatter 12/01/92	There are two criticisms that I consider particularly invalid... I came into that office feeling that, number one, what we had was essentially an intelligence analytic problem.
DIA	Sheetz 12/04/92	...we at DIA recognize that the answers to the haunting questions surrounding our unaccounted for men are to be found in Southeast Asia. We clearly understand that our duty as intelligence officers is to provide timely support to those assigned the POW/MIA operational mission in Southeast Asia.
DIA	Sheetz 12/04/92	...DIA and the entire intelligence community recently collaborated in the development of a collection posture statement and overall collection strategy for the POW/MIA issue. This effort was a major undertaking which we believe goes a long way toward ensuring that all appropriate capabilities of the U.S. intelligence system continue to be brought to bear.

DIA	Shields 06/25/92	DIA as an intelligence gathering and interpreting body should be free and unconstrained in its own internal efforts to develop information about missing and captured Americans. I believe that [standard] provided a more effective and complete intelligence effort than forcing DIA to conform to service decisions about what happened to a man.
DIA	Shields 06/25/92	Sen. Robb: In reviewing your testimony, I do not recall seeing any reference to any coordination with the CIA during the course of your testimony or analysis. I'm just curious, was there any that related to this particular matter, the whole question of POWs and MIAs? Shields: Well, there was, Senator. Most of that coordination was accomplished through the DIA and the intelligence areas. We asked that the CIA be included and they were included.
DIA - Critics	Tighe 06/24/92	Trowbridge's people were besieged with the political... the pressure to examine, the challenges to reports, and so forth. And it became an almost impossible task and... I think I probably would have given up a long time before this.
DIA - Critics	Tighe 06/24/92	Vice Chairman Smith: Did you ever have any indication that your work space was bugged during your work? Tighe: It was the conclusion,I believe unanimous conclusion, of each of our members that our room was bugged through the telephone system.
DIA	Trowbridge 06/24/92	During the war, DIA's efforts were focused almost exclusively on trying to determine who was being held prisoner and where they were likely being held.

DIA	Trowbridge 06/24/92	CIA monitored and focused the worldwide POW/MIA intelligence efforts and expedited communication with the policy makers.
DIA	Trowbridge 06/24/92	Today, the POW/MIA issue is looked at through the lens of 1992, which is a lot different than what they were in 1973. We've learned an awful lot since then.
DIA	Trowbridge 06/24/92	...intelligence analysis is not an exact science... We have to make the best judgement we can based on the information we have, and that is what we did.
DIA - Critics	Trowbridge 06/24/92	...we might find that report would correlate to several incidents. Duplicates of the source's debrief report would then be put in each man's file in the hope that subsequent information would then become available.
DIA	Trowbridge 06/24/92	Hanoi's June 1966 announcement that our captured airman would be tried for war crimes drastically focused intelligence community attention on this issue.
DIA	Trowbridge 11/06/91	Sen. Grassley: ...if you or any one of your colleagues in the organization has ever made even one mistake in analyzing live-sighting reports, it could mean that we have left someone over there against his will... Trowbridge: I think about it every day, sir.

DIA - Critics	Wiand 12/01/92	It was the general finding of the IG (Inspector General) team that the PW/MIA office was performing a unique function in the United States Government which was likely to continue for many years to come. The function was assessed as being overexposed to outside pressures and organized in a fashion that did allow for efficient operation. Intelligence analysis and morale suffered as a result. There was no evidence of illegal or improper activities.
DIA - Critics	Wiand 12/01/92	However, as documented in a report at the time of inspection, analytical work in the PW/MIA office was being conducted on the assumption that some Americans were still held captive in Southeast Asia.
DIA - Critics	Wiand 12/01/92	It is my recollection that the February '83 POW/MIA inspection was routinely scheduled as part of the overall 1983 inspection schedule.
DIA - Critics	Williams 12/01/92	...I don't choose to think that people were inept, but there was certainly a lot of bureaucratic fumbling around trying to figure out what next to do.
DIA	Williams 12/01/92	...as a former military officer having served in Vietnam and 31 year service, 28 years of those in intelligence, there was no mindset to debunk consciously and there was certainly no effort to cover up... we are darn sure going to pursue every lead as though it were a viable active lead.
DIA	Hargis 12/01/92	My charter was to investigate these allegations to determine if inappropriate procedures were being used by personnel in the DIA PW/MIA office, when dealing with individuals coming forward with information concerning POWs and missing in action.

DIA	Schlatter 12/01/92	...the answers lie in Hanoi.
DIA	Schlatter 12/01/92	We found that while the office had fairly comprehensive collection requirements, they were not really being actively managed and upgraded... the special office [for POW/MIA] was too exposed to outside influences... there were not sufficient resources in the office to accomplish its mission.
DIA	Wiand 12/01/92	The inspection findings were treated seriously and the senior management of DIA focused on the problems documented and on taking corrective actions.
DoD	Usry 11/15/91	I am confident that the Administration... really wants to do the right thing. I do not necessarily believe they want to do the right thing because that is where their heart is. I believe they want to do the right thing now because it is a public issue and there is a committee here that is going to look at them and perform oversight to ensure that they are going to do the right thing... I do not believe that everything the Defense Department did was wrong. I believe in many instances they did good work, but in those instances when they were wrong, we are dealing with human life, or the possibility of a human life... the point of departure if I were looking at this would be the day these hearings started and everything before that should be reviewed.

Families	(Carr Collins) 12/03/92	Vice Chairman Smith: Did you ever see or hear of any live-sighting reports on your husband? Collins: Never, but I know that there are some now. Vice Chairman Smith: There are some, and I don't know anything about the validity of them, so I don't mean to, you know, mislead you in that regard, but there are live-sighting reports, and you have not seen those. These are during the war. Collins: During that time, no, I did not. I saw some in 1991. I was sent them from Hawaii. Vice Chairman Smith: There is a live-sighting report, one that I know of. This is during the war, not after, in which he was allegedly captured in Laos by North Vietnamese regulars. Again, I think this -- I bring this up because it's another example of the problem and the reason why the committee's here, and the reason why sometimes information that -- if this information were put out in the public domain, the opportunity for fraud would be less, I believe, because you could simply go to the documents, but when the documents are held secret and kept in secret files for reasons other than national security, in my opinion, that -- therein, you know, lies the problem. If your husband was the subject of a live-sighting report, you should have been told that, and you were not, and yet, even today, if you bring the witnesses up here tomorrow, they'll say -- the Government witnesses, they'll say, well the families are provided all information. Here's an example right here. You have not.

Families	Bardsley 11/06/91	...I feel like in my five days in Vietnam that I found out more about my father's case than I've learned from the Government in 25 years.
Families	Carr Collins 12/03/92	...you become obsessed. You cannot sleep, eat, work, because you would waltz with the devil to bring one man home. Sen. McCain: There is no possible way that I can express the sympathy that I and the people of this country feel for what you have been subjected to. I can only tell you that we will continue to honor Donald Carr's memory and appreciate his service and sacrifice to this Nation and to the cause of freedom.
Families	Carr Collins 12/03/92	After the analysis had come out from Los Alamos and Dr. Charney I began to doubt my own view of the picture, which was there was a slight possibility there could be Don. I mean I just -- I did not know. But something that my son said to me sort of turned me around. He said mother, that picture is obviously an American. I mean he looks like an American to me. He said he's somebody's father, he's somebody's brother, husband, cousin. He said if there's a chance in a billion that it's my dad, I've got to do something. So with that, that's when I started.
Families	Collins 12/03/92	I, as an MIA wife, was frustrated by knowing little, being left out of the loop, and it seemed at times being treated as the enemy, more feared by the administration and military intelligence than the North Vietnamese whom we should have been unified against. This was typical of the attitude of the government in those years.

Families	Collins 12/03/92	Most of us have been tempted at some point to participate in some form of POW rescue based on nothing more than questionable and circumstantial information at best, such as unverified photos, live sightings, and anonymous reports. If it sounds hooky and mystic, it probably is, and it almost always plays a very cruel hoax on the families by raising false hopes... I am very pleased to know this committee will take up these issues and problems in the near future, and hope this will eliminate once and for all the con artists, and clear the way for those who are credible and knowledgeable to resolve the long standing tragedy of our MIAs. The closed-door attitude of the government, which stared and became ingrained in the early war years, has contributed greatly to making the families vulnerable and prey for the antiwar activists on the left and the con artists and mystics on the right. If the government was silent to their questions, then where were they to go for information and help? Some elements of both groups meant well, but their impact has been cruel to the families.

Families	Collins 12/03/92	Had they brought us into the loop, telling us the things that we had a right to know from the onset, we would never find ourselves in this position today. Had they trusted us, brought us in the loop, talked to us, told us these things and said, hey, we need -- we are going to tell you this, but this is for family only. See, what they did was, they said you don't need to know this. Now, you know, if you were to let this out, this could cause his death. Now, you wouldn't want to do that, would you? I love that old hang that guilt trip on them.
Families	Collins 12/03/92	...the old military cliche that wives and families should be told nothing and should know nothing was, and I presume to some degree is still the rule. This is an overreaction to legitimate military security needs, and has probably resulted in more inadvertent leaks through ignorance than if the spouses and families had been brought into the network in matters that concerned them.
Families	Collins 12/03/92	I hope that never again will families of the missing will have to literally take to the street. This is an additional burden on them in this time of grief and hardship which should not be necessary. The MIA families have had to keep up this effort even until today.
Families	Flecken-stein 11/06/91	...that isn't all of it either, because when I was looking to get fingerprints, I went to the Hall of Records in downtown Los Angeles. They had no birth certificate on my son, but they have on the other two of my sons. I went to Sacramento, they have no birth certificate on my son. DMV, the hospital records, there are no fingerprints to be had anywhere.

Families	Ford 11/15/91	Senator, the current practice, or the practice certainly in the past, has been to provide the families with information that has been correlated specifically with their loved ones -- as opposed to all the information that happened in that year, or that area in which their loved one was lost. Part of that was privacy concerns -- of giving information out about other families' cases, and partly it was [protecting] sources and methods. I think that over the years, the families have grown dissatisfied with that. They understand that there is more information that certainly is not associated directly with their loved one, but they would like to be able to look at it and see if we miss something.... Quite frankly, we've got to find a way to satisfy that requirement. We have got to find a way to give the families more confidence that they're seeing everything that we've got. If there are some things that are so highly classified and sensitive that we can't show it to them directly, that they can have the committee or someone with a security clearance check it for them... We're going to find in the very short term some sort of an answer for information for the families.

Families	Ford 12/04/92	...we didn't lose our credibility with you, with the families, with the American people overnight and we're not going to gain that credibility back overnight. And I can sit here and I can tell you about what we're going to do and I can talk about it. The only thing that is going to persuade people is our actions and our results, and to prove over time that we are serious, that we do mean what we say, and that despite occasional setbacks, despite occasional human errors, we're going to demonstrate over the next months and weeks, years, that we can do it better than we have done it in the past. And that's our only commitment, to try. And if there are problems that this committee uncovers, we'll try to fix them. I hope that also when you find good things, particularly about the people in the field who, far from the limelight, far from the excitement of Washington, are on a daily basis out there slugging it out, oftentimes in very primitive conditions. And I hope that your visits to the region, your discussion with these people, you can also say some good things about them.
Families	Griffiths 11/06/91	The vast majority of the POW/MIA families are realistic. We don't expect miracles. We expect seriousness by our own government, Executive and Legislative branches, rather than spontaneous reaction to the squeaky wheel or the latest editorial. We expect adherence to established policy and implementation with integrity, not comments from unnamed senior officials which dismiss facts and principle in the perceived interest of political or economic advantage.

Families	Hrdlicka 12/03/92	In 1977, the Air Force Casualty Office contacted me and advised me that they were going to review David's case, and unless I had any new evidence that he was alive, they were going to declare him dead. I then stated that I had no evidence since I was not allowed access to intelligence. Why is it that the burden of proof is always on the families?
Families	Hrdlicka 12/03/92	If these men are not alive today, it's because they were either starved, executed, mistreated, or simply died of broken hearts in the last 20 years it has taken to go looking for them. They know where my husband is. I know this. My family will not rest until we find the fate of David.
Families	Kerry 11/15/91	I think one of the most important things that could come out of the early days of these hearings is a new structure, and a new relationship process with the families.
Families	O'Grady 11/06/91	Hundreds of families have stories just like mine. Yet there is not enough time for each of them to come forward and speak. Even when we appear before you, we must prove our loved ones are alive by a standard not required of the United States Government to prove them dead.
Families - POW	Oksenberg 06/25/92	The reclassification process had no impact upon our resolve to pursue this issue.

Families - PFOD	Oksenberg 06/25/92	Equally moving was a meeting with the wife of a missing American pilot whose plane had been shot down over North Vietnam. She told me she was desperate. She explained that she had lived in suspended animation for I think six or seven years. She wanted to know whether the United States Government thought her husband was alive or dead. She could ask the Pentagon what was known about her husband's fate which might lead to his being reclassified from being missing to being dead, but she told me that she was psychologically incapable of initiating such a review. She felt that in some sense her request for a review would be an abandonment of her loved one. She wanted to remain faithful to her husband as long as there was any hope and she would do nothing to destroy that hope. But if the Government informed her that her loved one were dead, she would then reluctantly seek to rebuild her life. That is what her husband would have wanted her to do especially for the sake of their son. She felt that the Government owed her its best judgment about her husband's fate without her having to do anything to ascertain what that judgment was. She requested that the Government change its policy and implement an automatic review of all cases including that of her husband.

Families - PFOD	Oksenberg 06/25/92	The Government owed it to the New Jersey soldier and others like him, as well as to their families and friends, to persist in a search for them as long as a straw of hope of their survival existed and to recover their remains if all hope had vanished. But we also had a responsibility not to arouse false hopes and unjustified expectations.
Families	Otis 12/03/92	Sen. Reid: What more do you think we as a committee could do that we have not done? Otis: If you could even just -- what I've been wanting is for the public to really care. And I know it's been really too long, but the Government and the media didn't press this in the beginning. They just assumed everybody was dead. And we felt so abandoned because not only did our Government or the media care, but the public didn't seem to care.
Families	Otis 12/03/92	Nor are we any longer in limbo, as are the families of the missing and of those known to have been alive in captivity. Ron Dodge finally came home, and credit goes in large part to the wives and parents and siblings who founded the National League of Families and to the families and concerned citizens who are still prodding and pleading and questioning.
Families	Otis 12/03/92	Commander Dodge's status change hearing was in February 1979. The next of kin had to prove the missing serviceman alive. The Government, with all of their resources, did not have to prove him dead.

Families	Quast 11/06/91	I have been promised at a very high policy level access to my father's file, but denied access by those people who have testified before this committee when I went to see the file. I'm asking, what is the policy and who actually runs the show for the POW policy?
Families	R. Smith 12/04/92	By the late seventies, remaining MIAs under President Carter's administration were simply declared dead. One memorandum dated May 26, 1977, from the Secretary of Defense, stated that in the long run continuing to carry these personnel as missing in action would force us to make concessions to Hanoi.
Families	Reid 12/03/92	...I do hope that there can be some guidelines set that, if, in fact, something like this happens again, we do not have this on-going personal calamity in the lives of everyone connected with somebody that is shot down or is missing in some way.
Families	S. Morrissey 12/03/92	I was invited to talk about the family liaison with the POW/MIA agencies. Simply put, the agencies of our Government responsible for the MIA issue do not provide us, of their own volition and in a timely manner, all information that they had about my father's fate, despite their often-repeated promise to do just that.

Families	S. Stockdale 12/03/92	When our National League incorporated in the District of Columbia, one of our stated goals was to achieve the fullest possible accounting of our men who were missing in action, and here you are, 27 years after that briefing for Carrier Air Group 16 wives, trying to untwist that braid of lies and deceptions that have indeed emotionally involved the American people and have brought shame and disgrace on our country. And I will be quick to point out we are not alone in our history of lies and deception about prisoners of war and the missing in action. It seems to me that the one consistent thing the North Vietnamese have done for all 27 years is lie about our American prisoners and missing.
Families	S. Stockdale 12/03/92	Even though some of us wives knew we were being fed a steady diet of lies by our Government, we also knew that to publicly denounce our Government while it was engaged in war would be to play into the hands of the enemy and dishonor the very men for whom we sought humane treatment.
Families	S. Stockdale 12/03/92	In order for you to put your findings into context, it's important that you understand the extent to which we wives and families were lied to and patronized by our own Government. The Johnson Administration gave us no help whatsoever when we wanted to organize ourselves. And it was in spite of them that we were able to have 2,000 telegrams on President Nixon's desk the day after his inauguration in January 1969.

Families	S. Morrissey 12/03/92	I was 16 years old when my dad was shot down. Dad was 42. He was a big man with a good sense of humor and a big appetite for life. He liked sports cars, bagpipe music, Irish whiskey; he fished, he rode broncos in the Rodeo; he loved New Mexico and the Air Force. I remember him vividly, and miss him terribly. Nonetheless, I have long been resigned to the fact that he's almost certainly dead, and resigned to the fact that I will probably never know what happened to him, but that does not relieve me or you of the obligation to try to find out what did happen to him. I don't expect the impossible, only the confidence that the Government that ordered my father into combat is doing all that it can to determine his fate and that my family knows all that this Government knows.
Families	Schlesinger 09/21/92	I have spent a large part of my life and put a lot of emotion into this, Shields said. It was such an enormous issue and we were dealing with human beings. I knew their wives, I knew their sisters, I knew their brothers. Though he is years away from direct involvement, Mr. Shields said he is still invited to weddings and the other family events by relatives of the missing.

Families	Smith 12/03/92	Vice Chairman Smith: When did you know, when were you told by the Vietnamese that your husband was alive? How long was he a prisoner before you knew? Collins: Tom was missing four years, two months, and two weeks, and I received a letter from him in Christmas of '69. Now, I knew before then, but not through anything the Government did. I found on my own that Tom was seen alive in Hanoi in 1966. Vice Chairman Smith: How did you find that out? Collins: I cannot tell you that, sir. Vice Chairman Smith: All right, that is fine. Collins: I cannot testify in an open hearing as to how I found this, sir. I was more fortunate than most family members. I had friends in high places. Vice Chairman Smith: Do you have any reason to believe that anybody in the United States Government knew he was alive and did not tell you? Collins: Oh, yes, I'm certain that they did. See, here we come back to the beginning. Vice Chairman Smith: So people in the United States Government knew your husband was alive and they did not tell you. Collins: Yes.
Fraud	Brooks 12/01/92	...there also is a category of people at work surrounding the POW/MIA issue which I will categorize as professional predators...

Fraud	Kerry 12/02/92	Some people have seen fit to literally fabricate photographs and to distribute those photographs alleging that they represent the loved ones of families in this country. The hopes of families have been unfairly torn and tattered as a consequence of those actions. That is a predatory action. It is a disgrace. People who do it, I think, rank as low on the scale of measurement of human behavior as you can get. There are just no words strong enough to condemn the activities of people who will knowingly distribute a photograph alleging that they are today held when they know that photograph is a fabrication.
Fraud	McCain 12/02/92	...I and other members of this committee have urged the Justice Department to investigate allegations of POW/MIA fraud. I certainly hope such an investigation is by now well under way. The information which the committee's investigation yields should be of valuable assistance to the Justice Department in its efforts to prosecute those people that have used this issue to intentionally deceive decent people.

Fraud	McCain 12/02/92	It will also come as no surprise to my colleagues that I am somewhat disappointed by the limits of time and scope placed on this hearing in our investigation. And this is not a criticism of you, Mr. Chairman... Nor is it a criticism of committee investigators, who in my view have done an exemplary job in a short amount of time and under difficult circumstances... I understand the committee had a great many subjects to address in the span of 1 year and not all subjects could receive the attention they deserved... My disappointment is mitigated, however, by the knowledge that standing committees of Congress will again have jurisdiction over all questions concerning our POW/MIAs after the Select Committee finishes its work. And thanks to this committee, Congress' awareness of this issue and its responsibilities to continue the work of this committee has been greatly heightened.

Fraud	Sheetz 12/01/92	Sen. McCain: How much of the effort that your organization is engaged in has been -- how much of your assets have had to be diverted to tracking down the bogus pictures and the hoaxers? Sheetz: At times, Senator, I would tell you that that process has literally precluded us from doing anything else. Because the political pressure has been so intense and the high interest among the people in the Government, this committee, the American public, to know what is the truth on those cases...It's an opportunity cost argument. Essentially, what you're doing is dropping the work that would probably have more payoff to chase after things that ultimately turn out to be useless exercises.
Fraud	Sheridan 12/02/92	...I too know of a family that was defrauded of many thousands of dollars. Somehow, those people have to be recognized and they have to be dealt with. And they cannot be allowed to get back out on the street and do this the next time an issue comes along. I feel very strongly about that.

Fundraising	Albrecht 12/02/92	Sen. Reid: That is important. You say that 90 percent of the solicitations -- Albrecht: Of this group that we have evaluated, better than 90 percent probably are spending -- Sen. Reid: Meet the 60 percent standard?... Albrecht: That is significant, and I think it is important that we bear in mind that there is a lot that is right and good that is going on in this field, although we still are just as concerned, as we should always be, about misleading solicitations, about creative accounting, and about ineffective governance.
Fundraising	Albrecht 12/02/92	...I first need to emphasize that these practices are far from universal, though they are spreading at a disturbing rate. In fact, 76 percent of all the national charities reviewed and evaluated by NCIB meet all nine of our standards, including those having to do with fundraising practices and fundraising reporting.
Fundraising	Albrecht 12/02/92	There is a problem with creative accounting in the field, exactly. And there is a certain amount of it that goes on.
Fundraising	Albrecht 12/02/92	Vice Chairman Smith: On 100-percent of expenses, what is the acceptable figure for fundraising expenses, out of that 100-percent? Did any of you say? You might have said it, and I may have missed it. Mr. Albrecht: We've taken a close look at 30 percent. By that we mean we get more information. Is the percentage going up? Is it coming down? Are they in an acquisition campaign? Are they a new organization?

Fundraising	Allen 12/02/92	It's kind of like a consumer-beware kind of notion. And people being asked for the funds need to be very careful and ask a lot of questions.
Fundraising	Allen 12/02/92	...I think everyone wants to make it a level playing field, and one where the public can have the trust that it has long held in this sector.
Fundraising	Allen 12/02/92	As a matter of federalism, I think it would be unrealistic to think of a Federal role that would take care of the problem. At the same time I think, personally, there is a role for the Federal Government, and probably a larger role it could play that could include prosecutions by the Department of Justice and the U.S. Attorneys more extensively than we now see based on larceny and based on fraud.
Fundraising	Canada 12/02/92	Each one of these ideas are techniques, Senator. Techniques to convey to the prospective donor what Colonel Bailey had already related to us. Techniques used in direct mail fund raising to raise money for our client so that they go ahead and continue their programs.
Fundraising	Eberle 12/02/92	Mr. Eberle: Senator, I still fail to see how that differs from when you have a speech inserted in the Congressional Record and then it is printed in the Congressional Record as if you gave the speech on the floor, how it's any different. Chairman Kerry: It is extremely different. Because all of our words we are responsible for here and everybody understands that. And the speech does not purport to be anything other than the speech. This purports to be something other than what it is.

Fundraising	Eberle 12/02/92	Chairman Kerry: You cannot say, please excuse the handwriting, but I am writing at a makeshift desk. He was not writing at a makeshift desk, was he? Mr. Eberle: No...
Fundraising	Eberle 12/02/92	Senator, I will have to be honest. I have no idea whatsoever and I have no idea why there are quotes around there. I'm sort of reminded of that comment by Elizabeth Barrett Browning when she was asked, why did she write a particular thing in a verse and she said, when I wrote that only God and I knew and now only God knows.
Fundraising	Kerry 12/02/92	...you sit here and say to us, gee, I only got $100,000, but that is really disingenuous, because the total fee produced by this which benefits you or your family or partners is significantly more than that. So you sit here and say you only got this amount of money when in fact the charity, quote, winds up with $200,000 against $1.9 million raised. I find that unconscionable and extraordinary.

Fundraising	Kerry 12/02/92	What I'm saying to you is, there is a body of evidence out there that has never been in the public domain. It should have been in the public domain, and now that it is in the public domain, I think if you read it, and those in the press take the time to read it, you will find that there is a basis of evidence, a basis of information that provides a rationale or a reason for documents like that being written, as was the league document being written... There is a body of information like this throughout this government and some of it has never been disproved. Much of it has not -- much of it is bunk. A lot of it is bunk. A lot of it is garbage and it has been proven so. But a lot of it has not been disproved... But there is a distinction between that and a letter that goes out for six years saying, P.S., some of our captive Americans are in failing health. Now I guess they knew that in 1986, 1987, 1988, 1989, 1990, 1991, 1992, same letter. P.S., they are in failing health.
Fundraising	Kerry 12/02/92	...I must tell you, I mean we have just found some bold-faced, non-accurate statements. Each of you suggest this is the information you are given and you had no reason to believe otherwise. I have no way of saying otherwise, obviously, so I accept that. But it leaves us in a terrible quandary. And you know what? It leaves a lot of families and a lot of American citizens sickened, sadden, victimized as a consequence. And we should not allow that to happen in this country.

Fundraising	Kerry 12/02/92	...As part of this arrangement she elicited from InfoCision an under-the-table rebate without her clients knowledge and characterized it as 3 percent rebate to her. She entered into a management consultant agreement with VVnW, and under this agreement she was to receive $5,000 a month plus 10 percent of the net income of VVNW. And I would just read from a portion of that agreement: "expenses related to the performance of this agreement will be categorized as program expenditures on the clients financial statements and tax returns. Neither the existence nor the details of this agreement will be discussed by either party with any member of the press..." "The essential points would be that one of the letters, a solicitation letter, read as follows: Thanks to your support, Veterans of the Vietnam War have sent a delegation to Vietnam to negotiate for the release of our POWs. During these meetings in Vietnam, the Vietnamese leaders told our representatives that American POWs are still alive in Southeast Asia, exclamation point. Capital letters: THEY ADMITTED IT - FINALLY, exclamation point..." "Our representatives have been to Southeast Asia to meet with Government leaders to break the deadlock. Underlined: The Vietnamese have admitted that some of our men are still alive..."
Fundraising	Reid 12/02/92	...a lot of the money that is raised is based upon people's fears, prejudice, sympathies, and sorrows, and there is no better illustration than some of the stuff that we have gone over today.

Fundraising	Reid 12/02/92	...the point that I was making is that we have your fees plus all these subsidiary companies, of which you said you don't receive remuneration from those, but your family does. I think it pretty well speaks for itself.
Fundraising	Salta 12/02/92	To advocate a cause, to seek to disseminate information to the public, are important in a democratic, pluralistic society such as ours. That is why Congress has steadfastly provided for a relatively low-cost universal mail delivery system. Nonetheless, someone has to pay the postage, the printing, the paper, the envelopes, the copywriters, the graphic artists, the data processors, list owners, and other vendors that it takes to produce and mail a direct mail package. Plus, there needs to be some money left over for the charitable cause. Not every cause can find a sufficient number of citizens out there to foot the total bill.
Fundraising	Salta 12/02/92	Mr. LeBoutillier being, again, a credible man, the advisory board that he had some of the more distinguished military people on it -- McDaniel, Graham, Colonel Hopper, Major General John K. Singlaub, many celebrities. We had to believe that information that Mr. LeBoutillier was giving us was correct and accurate.
Fundraising	Salta 12/02/92	I don't know that it's legal, but if we got one out, it would certainly be a wonderful thing, I can assure you.
Fundraising	Salta 12/02/92	As best we can determine at this late date, my company was paid approximately $100,000 during the 6 years that we worked for Operation Rescue. This amounted to 10 percent of the total amount of funds raised.

Fundraising	Salta 12/02/92	Sen. McCain: ...Now, if I could direct your attention to number 5 there it says this guy is held out and then marked out, he survived the downing of his airplane but with a badly broken femur. He is guarded by the, the blacked out, in contact. Getting ready for some serious fun and games in this case. Now, in 1987, if my information is correct, this was sent out. Someone in your organization might have thought in the intervening years, since we have not gotten any of these claims corroborated in any way, no Americans came out, no additional corroborated information, et cetera, that maybe you ought to stop to evaluate whether you are sending out what clearly is an invalid message. On the middle one, it says remember, some of our captive Americans are in failing health. Did you ever ask them how they knew that some of our Americans were in failing health? Mr. Salta: No, I did not. Sen. McCain: ...Mr. LeBoutillier claimed that they suffered 65 casualties in their efforts, and you printed that. Did you ever ask to see or talk to any of these? Did any -- any -- of the allegations raised here, were any of them ever questioned by you and decided not to be sent out? Mr. Salta: By me personally? No.

Fundraising	Stern 12/02/92	Mr. Stern: With due respect, Senator Kerry, the highlighted statement -- what is the gross fraudulent text of it? Chairman Kerry: I read it to you, that as many as 650 of our men are still currently being held. And the inference that the Select Committee provided that information is a very clear writer's trick. You do not have to be a genius to understand what is happening there.
Garwood	Knecht 12/01/92	The final area concerns the Garwood case. He had in his initial debriefings reported that he had not seen any Americans. But then in later interviews that were in the press and in interviews of DIA, he said that he had these sightings. DIA could not find the locations that would physically map where some of these things took place.
Garwood	Shields 06/25/92	While Congressman Montgomery was in Hanoi being assured that no Americans were being held captive in Vietnam, Arlo Gay was being held at Son Tay prison and Tucker Gougelmann was being held in Chi Hoa prison in Saigon. Gay was later released but Gouglemann died in prison and only his remains returned home.
Garwood	Sieverts 06/25/92	Sen. Brown: Are there other names like Garwood where we submitted and asked and they simply would not make a response? Sieverts: A great many. Just about everybody... we provided them with the entire MIA list. And then, shortly thereafter, the entire MIA and BNR lists... the MIAs and BNRs would simply be listed alphabetically without that faintly adverse indication that one is killed, BNR, the other is MIA.

Garwood	Sieverts 06/25/92	Sen. Brown: Did this Nation, during all those years, ever specifically ask the Government of North Vietnam if they held Bobby Garwood? Mr. Sieverts: The answer to that is, yes. Sen. Brown: And what was their response? Mr. Sieverts: No response at all. Sen. Brown: They did not say that he was not there, they simply did not respond? Mr. Sieverts: That's correct.
Garwood	Vessey 06/25/92	Chairman Kerry: So a statement in 1973 that there is no indication that anyone was alive would simply be inaccurate, would it not? Vessey: I would say yes. You could say we have no firm evidence or something like that, but certainly, the discrepancy cases we have were clearly discrepancies that were unanswered at the time.
Government Policies and Actions	Burch 11/06/91	The POW/MIA Interagency Group is said to be in charge of coordinating a policy on the highest national priority. What is remarkable about this group is the list of absentees. Neither the Central Intelligence Agency, the National Security Agency, nor the Drug Enforcement Agency has membership on that committee.
Government Policies and Actions	Cheney 11/05/91	I think the reaction of the Department will be set by me and by my presence here today. I think that I have indicated to everybody who works for me that we take this matter very seriously and that our mission is to cooperate with the committee, to benefit from whatever guidance and oversight you care to give us, that Congress has a very legitimate role to play in this area.

Government Policies and Actions	Cheney 11/05/91	Senator, I would be happy to see to it to the extent that I am able from the standpoint of the Department of Defense that there is no retribution against anyone who would provide information that is useful to the Committee and during the course of your inquiry.
Government Policies and Actions	Cheney 11/05/91	With respect to how the Department operated in previous administrations over the years that set a tone or a stage where families of POWs and MIAs in Southeast Asia believe the Department was less than truthful, I am simply not responsible for [that]; that was not on my watch.
Government Policies and Actions	Grassley 06/24/92	...the amount of stonewalling that went on, what a contrast to have a former communist open up documents of their government to members of our Government.
Government Policies and Actions	Kerry 11/15/91	It is no fun, as a foreign officer, having your bona fides questioned. The committee is not questioning them in a way that I think some are. The Committee is trying to sort out who knows what... you are public officials and the system has come to a grinding gridlock of lack of credibility and we have got a requirement here to sweat it out. You understand that, but I just want you to know that I think there are a lot of extraordinarily dedicated people who are committed to this issue who are working day and night to try to find out if somebody is alive and to bring them home. Regrettably, we are where we are because there is a then and a now to this issue... To the degree we can sort out what happened in the past and understand it, we are going to help to understand this issue today.

Government Policies and Actions	Sheridan 12/02/92	The war in Southeast Asia was a very long war. Thousands upon hundreds of thousands were involved either fighting the battle or waiting at home. You could take each one of those individuals and you're going to get a different perspective of that war meant to them, depending on the time frame or the military service or what the person was doing at home. I would like to think that our Government has done everything that they've needed to do, but we hear from time to time that may not be the case. We do believe that the Government should be very forthcoming.
Government Policies and Actions	Smith 06/24/92	Over the past 45 years, we have seen not only zealous but jealous guarding of information by the Executive Branch... it would be one heck of a lot easier if, in fact, the Executive Branch would cooperate with the legislative branch and get the truth out to the American people totally, unequivocally... That is what we have asked for. That is what the American people want... We would not have a investigation today on any of this if the information had been put out an given to the American people. So I expect cooperation. The cooperation thus far has been good... but it has not been total and it has not been easy getting all of the information.

JFT-FA	Larson 12/04/92	Sen. Daschle: Let me just stop you. Did you say live sightings are number one. Larson: Live sightings. Sen. Daschle: Discrepancy cases, number two. Larson: Discrepancy cases. Sen. Daschle: And then surrounding cases that may be related to discrepancy, number three? Larson: Yes, sir.
JFT-FA	Larson 12/04/92	Chairman Kerry: ...Are you confident that you are, in fact, making progress and that you think that if we continue down this road we can get answers, or do you feel there is a significant something missing that the committee ought to know about and articulate so that we can change it? Larson: Mr. Chairman, I'm absolutely convinced that we have the proper command structure, organization, people, priorities, and approach in place to do the fullest possible accounting. I think the key to it is what will the Vietnamese do and what will the three countries over there do, particularly, the two countries of Laos and Vietnam. I think our system that's in place will allow us to evaluate that. I think for the first time I've got the resources to continue to push and to continue to press and to make them produce in the things they promised to produce and to evaluate what they give us. So I think the system is there. But I think the key to success is on the other side and what they are willing to do for us as this system goes forward.

JFT-PA	Larson 12/04/92	Sen. Daschle: I remember General Needham saying in Vientiane that you assess the time it will take to do a case and double it, because you just never know. With that caveat and completely appreciative of the unknowns out there, do you have any kind of a time frame within which you believe this entire effort can be completed? Larson: ...My original estimate was about two years, that at the two-year point we should have a good idea as to whether we could continue or how close we were to the fullest possible accounting. At the 1-year point we will be through phase 1 and will start into the geographic investigations. I would say by next summer we'll have a pretty good idea of where we are as we look at the geographic surveys through the country.
JFT-PA	Smith 12/04/92	Some of the information that we are receiving on your work has been -- and some of the cable traffic and so forth -- has been somewhat critical about yourselves, as well as the Vietnamese. For example, in some of the things that I have looked at, there was a reference to your last field effort as one of the least successful in terms of a comparison with others. Another comment, the Vietnamese have shown no evidence of a serious effort to search records for information or to locate witnesses.

JTF-FA	Andrews 12/03/92	Chairman Kerry: What is it in the structure, that we can anticipate, that you believe is going to eliminate the problems that have existed? Didn't you say this was a new operation. Secretary Cheney came in. We are gratified for his early testimony. He said we are going to change this. A lot of changes have been implemented, to his credit. He has followed through, he has put new people in, he has committed resources. Just a night and day difference between what this administration has done in the last year and where we have been the last 20 years. But what do we look for structurally, as a consequence of those decisions, that will change this? Andrews: Well, I think you've certainly made the point of having all these documents in one place where, so even if there is a turnover, certainly someone can come and see everything in their file. I think this is something that certainly CDO is working towards achieving. I do think the more that we get into the business of JTF-FA and DIA and the other agencies not seeing families but continuing to do what their job is and ensuring that that information gets to the casualty officers, we're going to eliminate some of the problems that we've had.

JTF-FA	Christmas 06/25/92	We are employing a two-track approach toward resolving cases in Vietnam. First our detachment in Hanoi, consisting of experts skilled in interview techniques, Vietnamese wartime records, and graves registration specialists are engaged in a day in and day out effort. Second, our Hawaii-based search teams are conducting intensive 30-day periods of investigations and remains recovery operations. Between these periods of intensive field activities, our detachment staff and Vietnamese officials accomplish a number of tasks essential for the success of these field operations.
JTF-FA	Christmas 06/25/92	During the last completed period of field activities, our teams recovered or obtained from villagers fragmentary remains believed to be from seven loss incidents and involving 10 individuals... From the other last known alive individuals whose cases we investigated, we found no evidance which suggests they are alive. In some instances, we interviewed witnesses to the death and burial of Americans. Further efforts now are required to locate and to recover those remains.
JTF-FA	Gadoury 11/06/91	Sir, I think we have the mechanism to conduct the investigations on our side, and all we're waiting for is that access and the ability to get to those places where we need to go.
JTF-FA	Griffiths 11/06/91	What is being worked now, all that's missing, is greater responsiveness, not more effort.

JTF-FA	Kerry 11/15/91	...you are, in a sense, under siege here. You are going to have to come back with the Desert Storm mentality on this one in order to deal with that. I think you are beginning to see that and recognize that this is not, as I said at the outset of the hearing, something that anyone of us wished upon any one of us, or this committee, or the United States Senate. It exists because it has this tenacious life of its own, and the only way this committee can avoid becoming tarred by this process is to guarantee that we are opening it up...
JTF-FA	Kerry 11/06/91	Chairman Kerry: The public has no sense of what it's like to be out in the boonies sometimes, as you are, with a rucksack and living in pretty rough circumstances, day in and day out. I know what a pleasure it is to get back to Hanoi to be able to get a shower or something. And Hanoi is pretty rudimentary. So you are really, all of you, in Laos, in the jungle or wherever it is that you go, it is often at enormous risk and at continuous discomfort. I just want you to know that we are deeply appreciative of those efforts and very, very respectful of them. We wish you well as you continue this difficult quest. Thank you very, very much, gentlemen. Gadoury: Sir, I would submit that the risk we take is certainly not greater than the risk that the people that we're looking for took at one time. Chairman Kerry: We appreciate that, and we appreciate your recognition of that also.

JTF-FA	Kerry 11/06/91	...legitimate heroes of this effort, Kerry called Bell, Gadoury, Cole. Their story is an important part of understanding the genuine, good-faith effort that people have been making and the type of commitment that individuals have made to this issue over the years. And any inquiry into the POW/MIA effort that is lacking in their testimony is an incomplete inquiry.
JTF-FA	Kerry 11/05/91	...I happen to believe that [U.S. investigators] are heroes in the best sense of the world. I think that Americans need to know how many years people have been out there in the field in some mighty dangerous, sweaty circumstances, jumping on helicopters that most of us would hold our breath going near, and going out into the jungle...
JTF-FA	Larson 12/04/92	Our Joint Task Force has conducted five joint field activities in Vietnam in the last year, seven in Laos, and four in Cambodia, and we have ongoing operations right now out there in the field in Laos and Cambodia. We have done 294 joint field investigations. We have surveyed 149 crash sites or grave sites, and we have mounted 35 remains recovery operations.
JTF-FA	Larson 12/04/92	Chairman Kerry: And how many people are on the ground in Vietnam and Laos? Larson: Our teams have varied in size from a low of about 28 to a high of about 63. It depends on how many teams we actually have. We shoot for about 70. We like to get five or six teams in the field at a time, particularly in Vietnam.

JTF-FA	Needham 12/04/92	One of my policies is that we be truly open. We do not classify any documents, and we allow our people to give us a candid assessment. We knew that we were having trouble with one of the teams in Vietnam last time. We brought it to the Vietnamese attention about half-way through the joint field activity. This was one of the ones I referred, kind of mixed cooperation, and in fact we did not accomplish all the cases in that area that we had hoped to last time.
JTF-FA	Sheetz 11/06/91	...the Defense Department plans to investigate on the ground in Vietnam each and every lost -- every missing, unaccounted-for individual.
JTF-FA	Smith 06/25/92	Vice Chairman Smith: General Christmas, on the 6th of May there was an AP report quoting both you and General Needham. General Needham said-- this is what he is attributed as having said: "There still is no reason to believe any missing Americans is alive in Vietnam, Cambodia or Laos, but every live sighting has to be checked out."
JTF-FA	Vessey 06/25/92	I believe that the organizational and procedural framework is now in place to achieve our goal of fullest possible accounting.
JTF-FA	Vessey 12/04/92	To take advantage of the increases in Vietnamese cooperation, the United States made some significant organizational changes in the POW/MIA area in the past two weeks. The Secretary of Defense established that task force subordinate to the Commander in Chief Pacific... And the Secretary also established the office of the Deputy Assistant Secretary for POW/MIA Affairs. I think there's plenty for both of those outfits to do.

JTF-FA	Vessey 11/05/91	I want to tell you that I have worked very closely with these people. They are all mortal human beings like you and me. I disagree with many of them many times, and we argue and battle. But I want to tell you that they are all dedicated people. If you could see the field work that has been done with these people traveling by old Soviet helicopters, by dug-out canoe, on foot, and into areas in Vietnam where no one has been since the battles were fought, trying to find evidence of what happened to our people, you too would have the same appreciation for their dedication that I have.
Laos	Admiral Stockdale 12/03/92	Sen. McCain: Now, you have acknowledged, however, that as to Laos you cannot be so certain. Stockdale: No, I know literally nothing about Laos. Vice Chairman Smith: And I just want to be certain, when you say that you do not think that anybody was left behind, you mean Vietnam, correct? Not necessarily Laos? Stockdale: Yes.

Laos	Admiral Stockdale 12/03/92	Well, we know that, you know, it's strange that only nine military men who are now in freedom that were shot down in Laos -- and I asked Brace, what did they have in common? He said, well, there's only -- he laughed at my ignorance. He said, we were all captured by North Vietnamese soldiers and they brought us to Hanoi... I think of the Laotian people as kind of placid peasants and North Vietnamese soldiers as ferocious. But in this case, the only way you got to freedom was to get captured by the more organized army, which is North Vietnam...
Laos	Bell 12/04/92	Vice Chairman Smith: Let me ask you straight up. Anybody alive in Laos after Operation Homecoming in 1973, American POWs? Bell: We had some reports there. The reports that I think are most worthy of consideration in Laos are those in the 1972 time frame.
Laos	Brooks 12/01/92	My recollection is there were approximately a dozen, roughly a dozen names that either were put out on a Pathet Lao list at one time of people in captivity or names of people that we had reason to believe were alive when they fell into Laotian hands. I do not think it was more than a dozen, maybe 15...

Laos	Brown 12/03/92	We had very frank discussions with them and pushed them very hard on what happened to our aviators. And finally at one point with the deputy foreign minister we simply said flatly, look, we know there were a large number of American aviators shot down over your region of Laos. We know that a significant number of them were alive when they hit ground. We have reason to believe a significant number of them were alive when your forces took them into custody. We have no accounting for them; what happened to them? And after some pressure the government spokesman simply said look, we did not appreciate at the time how important this question would be and some of them were killed.

Laos - JTF-FA Operations	Gadoury 12/04/92	Chairman Kerry: What have you gleaned from those 6 years of living out in jungle, you know, and putting up with the heat, and the snakes, and the insects, and the leeches, and the difficulties and so forth? What would you share with this committee about the possibility of 200 people or 50 people being held in one place in Laos? Gadoury: Well, as I said earlier, I have talked to hundreds and probably thousands of refugees, Lao refugees predominately, in the camps and they include low land refugees, Hmong, hill tribes people from all over Laos, from North to South. I have not received any credible reports of live Americans after 1973 with the exception of Emmett Kay... the focus of our field activities with our teams is to go out and conduct excavations, but at the same time use that as the starting point, the jumping point, to get out and do investigations of these discrepancy cases. And the way they break down in Laos is, and what we're working on a priority basis, are three cases. There are three cases of people who were, at one time, POW. They're at the very top of our priority list. And then there's 44 cases -- below that 41 additional cases, priority cases, where the person was last -- or the people involved in that incident were last known alive. And then there's a number of other discrepancy cases where we feel that the Lao should or could have some information. So, we're addressing those on a priority basis.

Laos - JTF-FA Operations	Gadoury 10/15/92	Since 1985, when I started making regular trips to refugee camps and villages along the Thai border in which many Lao live, I've encountered certainly thousands of Lao. And of those people, have interviewed hundreds with information related to unaccounted for Americans, mostly in Laos.
Laos - JTF-FA Operations	Gadoury 12/04/92	Vice Chairman Smith: Mr. Gadoury, you have been involved in the issue quite a while in Laos. What is your feeling, what is your assessment of the cooperation with the Lao? Are they serious? Obviously, they are not all that serious. What do we have to do to improve the situation there? What do we need to do? Gadoury: Well, Senator, as you know I work on the field level with the teams that go out in the field. And what I see in the field I think is a reflection of some of the changes or the considerations that are given at the policy level in terms of bilateral U.S.-Lao relation...

Laos - JTF-FA Operations	Gadoury 12/04/92	But when you go out there with the team, we're living out there in the tents, we've got our military rations, we've got our cots, we've got our mosquito nets, and we have our team doctor to take care of us if we get sick. Even under those conditions, it's very difficult. Sometimes, laying in my cot there at night, I wonder, if I didn't have the cot, if I didn't have the mosquito net, and the military rations and all the things that we have out there, how long I could last. I look at the villagers who live out there. The average life span in those rural areas is not much over 40 years old. You don't see a lot of old people. Sometimes it makes you stop and think what you'd be able to do if you were out there in a situation where you didn't have a lot of control over where you were living and where you're going.

Laos - JTF-FA Operations	Gadoury 12/04/92	...in February of 1986 we went on our first excavation in Savannakhet Province. And our team went into Savannakhet, the town of Savannakhet, and we had to spend overnight because the landing sight wasn't prepared. We were put up in a hotel. They put armed guards outside the door and they advised us not to go walking around. More recently on the operation I just came back from a few weeks ago, we were given pretty much unlimited access in the area of Savannakhet Province to address the cases that we had agreed upon before going out to the field. The Lao were very cooperative. In fact, there was a dramatic departure on this last trip from anything that we had experienced in the past. They were very efficient in terms of coordinating with local officials, sending their representatives with our excavation team, preparing witnesses or locating witnesses and preparing access with local officials for our teams, and then sending officials out with us to do the actual investigations and surveys.
Laos - JTF-FA Operations	Gadoury 12/04/92	...over the years that I have been involved in Laos, and starting in 1985, I personally have seen a dramatic change in the level of cooperation that we get in the field, which I think is a reflection of this higher level of cooperation.

Laos	Godley 09/24/92	After January, I think, of '73, if I remember it, I was frequently getting instructions to tell Souvannah Phouma, who was the Prime Minister of Laos -- a gallant, honest man -- tell him to do this or do that; ask him to do this or that, and give him assurances that we will resume bombing. We will do this and that if the North Vietnamese or the Pathet Lao do not agree. We knew darn well we could not resume the bombing, but I had to tell him that. It wasn't pleasant.
Laos	Godley 09/24/92	We were concerned, but there were no Americans held by the Pathet Lao, and were convinced that all Americans who fell into enemy hands in Laos were under North Vietnamese control.
Laos	Godley 09/24/92	One of the great problems that thoughtful Americans had in Vientiane -- members of the staff -- was that we were sacrificing little Lao to protect our men in South Vietnam; that sure, we would tell them darn near anything just to keep them fighting. It may not have been totally honorable, but we felt that was the role of American diplomats or military leaders at that time.

Laos	Godley 09/24/92	Godley: Really, I think the point we were making here was the bird in the hand is worth two in the bush. Let's get the nine men back, and then look into it. Chairman Kerry: Let me assume that is true and not even second-guess it. The next question is you believed there were more, is that correct? Godley: Again, sir, later on, I think it was March 29 when we said we did not think there were any prisoners still in Laos. That, I think, reflects the further consideration and consultation with all elements of the American team in Laos. It's a blatant contradiction. I recognize that.
Laos	Godley 08/11/92	You recommend a specific diplomatic track to gain accounting of the men held/missing, and you point out that we should hold them accountable for all POWs being held in Indochina, and you assert the following: "This initiative should forcefully and plainly assert that the U.S. will no longer play games with the POW issue in Laos. The LPF should be told that we know they hold U.S. prisoners and we demand their immediate release, as well as an accounting and information on all those who may have died." Sir, we had proof, as much as you can, that Americans were taken prisoner. Where they were held, and by whom they were held, there was a good deal of question. I personally was convinced that there were no Americans held by the Pathet Lao, and the Americans that were prisoners were prisoners of the North Vietnamese units in Laos or had been taken back to North Vietnam.

Laos	Godley 09/24/92	Sen. Kerrey: Did you have a systematic method for debriefing the Hmong? Did you discuss some sort of development -- the development of a system that would have enabled you to debrief the Hmong about data that -- Godley: The case officers with the Hmong would do what they could. We had no system for doing that. Sen. Kerrey: Why, if it was a top priority again, if they were our best source of intelligence? Godley: Senator, if you were in my shoes, what system would you establish to question? Sen. Kerrey: I suggest to you, sir, that if it was my top priority I would at least consider the development of a system.
Laos	Godley 09/24/92	Anything that Le Duc Tho said about Laos would be law in Laos in the Pathet Lao areas. The North Vietnamese domination of everything Lao was complete.
Laos	Godley 09/24/92	The only reliable sources we had about MIAs or POWs were, of course, Air Force reports as to losses over Laos and Air America,...
Laos	Godley 09/24/92	I never accepted as iron-clad any Communist agreement... Communists in Indochina were well trained liars and their word was nothing.

Laos	Godley 09/24/92	Sen. Kerrey: What would your estimate have been of the possibility of actual victory and achieving a free Laos in 1971? Godley: They were our friends, but I never regarded the military operations in Northern Laos as victory. It was really a sideshow of the big war in Vietnam. We pursued it with all in our power because I felt -- I and my associates felt that we were holding down three first-rate North Vietnamese divisions, some artillery, even some armor. And those men were in Northern Laos, and they were not down in the Delta or South Vietnam. But I never saw a victory in that... My sense of it was I'd do my best to keep it from occurring.
Laos	Godley 09/24/92	...we did what we could vis-a-vis the Pathet Lao to obtain information concerning Americans captured or deceased in Laos. The discussions with the Pathet Lao representatives in Vientiane were fruitless and inconclusive.
Laos	Godley 09/24/92	Chairman Kerry: Ambassador Godley, what priority for intelligence collection did you attach to the collection of information on POWs and MIAs in Laos? Godley: Top.

Laos	Haig 09/21/92	Vice Chairman Smith: I can understand Watergate, political pressures, protests, Congress voting to cut off the money. So, the President might say, let us sign it, let us cut, and maybe, this other agreement will be signed. We will get the prisoners back from Laos. Privately there was reference to prisoners in Laos, but publicly there was not. And, I think, families were misled by that. Maybe not deliberately, but I think they were mislead by it. And that is my point. Haig: Well, you know, I can't act as an apologist for statements that were made after January, and I won't attempt to do that, but I will make some observations. The first is, I don't believe Dr. Kissinger, or President Nixon, or anyone involved in these negotiations ever took a position that in their intellectual anguish they did not believe was going to improve the prospects of getting our prisoners out rather than impede that process.
Laos	Kerrey 09/24/92	What I have seen that is available to the committee thus far does not seem to me to represent a very systematic effort [to gather information about Laos]. Nor does it reflect the declaration that it was a top, number one priority of the embassy at the time. It just does not seem to connect.
Laos	Kerrey 09/24/92	We had to accept an assurance that really was worthless. Accepting an offer by the North Vietnamese to do all they could was hardly an iron-clad guarantee, and made it difficult for us to truly get an accounting for our missing.

Laos	Kerrey 09/21/92	Sen. Kerrey: Mr. Secretary, let me first of all deal with your assertion that we, perhaps, are not being balanced enough in our regard to the North Vietnamese -- today, the Vietnamese Government. I have never suffered the delusion that they would tell the truth. I have never suffered under the illusion that, in fact, current negotiations with the Vietnamese Government would be terribly productive in getting a full accounting of remaining POWs and MIAs. I have never suffered under the illusion. In fact, I am rather surprised, in looking at the negotiations that occurred at the time, that a representation made by the North Vietnamese -- do not worry, we will take care of Laos -- was all that was required to get the Americans to say, OK, we will accept your representation that full accounting in Laos will occur as a side agreement.
Laos	Kerry 09/24/92	If you are saying, we have an agreement that gets all of our prisoners back and we have got iron-clad guarantees, but all of a sudden in the middle of this thing you are poised with the problem of explaining, gee, we do not have them all back, you have to explain that you do not have iron-clad guarantees and you also have to explain something different to the American people, do you not?

Laos	Kerry 09/24/92	...the question was were there any surprises in the list of POWs in North Vietnam? Your response was it was pretty close to what we expected. We are hoping for 40 more on the list of those in Laos. That is your comment. I am simply trying to establish -- I know it was 20 years ago -- I am simply trying to establish, Admiral [Moorer], what the basis of that hope was. We have only six known prisoners in Laos, although we hope there may be 40 or 41. ...General Deane, had told you in a memo on March 21st that there were live prisoners in Laos in addition to those nine.
Laos	Kerry 09/24/92	Now, one final important question. On March 22nd, 1973, you sent a cable to the Secretary of State stating -- and let me read this to you because it is important: "we believe that the LPF holds throughout Laos more prisoners than found on the DRV list. But we believe that for the time being we should concentrate our efforts on getting these nine men repatriated as soon as possible...we believe we should continue to press for the release of the nine acknowledged PW's within the time frame, but deal with the questions of accounting for MIAs and determining whether there are additional PW's to be repatriated within the time frame of this cease-fire and military protocol." There is a sort of ambivalence in that I am trying to understand, and it is important to us. You said we believe they hold throughout Laos more prisoners. And in fact, we carried people as prisoners. But at the end of the memo, "we need to determine whether there are additional POWs to be repatriated." What was your thinking, then? That they may have been killed, or that you did not know?

Laos	Kerry 09/24/92	I think it is very important that in the middle of the release period when you folks had high expectations... that you thought there were hundreds, but that you had six known prisoners in Laos and that you had a hope of some 40 or 41 more.
Laos	Kissinger 09/22/92	Chairman Kerry: ... we did have information that these prisoners were held in caves near Sam Neua... When we confronted the Prime Minister point blank on this subject of non-accountability, we got the same kind of 'this was history; this was part of the past; terrible things happened in war' -- the very kind of comments that Soubhan gave us. Only he had given them to us more directly, saying [downed pilots] were killed... Kissinger: I was surprised, and shocked even, by the small number of prisoners from Laos.If that is correct,... then we never received any prisoner that was captured by the Pathet Lao and they might easily have done what the Khmer Rouge did, kill every prisoner.
Laos	Kissinger 09/22/92	...statistically, the percentage of the missing unaccounted for in Laos was far smaller than in Vietnam.
Laos	Kissinger 09/22/92	The North Vietnamese told us that all prisoners held in Laos -- they told us this in writing -- would be returned.
Laos	Kissinger 09/22/92	Our perception of the Pathet Lao was that they were stooges of Hanoi, that they had no independence whatsoever, that they were totally controlled by the communists in Hanoi... But we were confident and we had never an example to the contrary, that the Pathet Lao would not disobey anything that Hanoi wanted them to do.

Laos	Kissinger 09/22/92	I used these figures in my preparatory talks in Hanoi, and I might point out here that all of the figures in the Eagleburger and Richardson memoranda were familiar to us and had been raised with Hanoi before we received the memorandum on my February visit in Hanoi.
Laos	Kissinger 09/22/92	Chairman Kerry: So here you are in May with Le Duc Tho saying not what happened to John Sparks, or what happened to so-and-so, we need an accounting, but saying, give us a sentence that says there's nobody alive in Laos, it will be helpful to us. Why would you have been satisfied with a sentence? Kissinger: I wasn't satisfied, Mr. Chairman. I was dealing here with a man who knew reality. I had no means of pressure left.
Laos	Laird 09/21/92	Smith: When you were told or you had information either from the CIA or the DIA on your watch that there were prisoners in Laos and/or Vietnam, did you feel reasonably certain that information was accurate? Laird: I felt fairly reasonably certain as far as the North was concerned. I felt very good about the South. I had a better feeling about Cambodia. I did not have a strong feeling that the intelligence coming out of Laos was outstanding. That was run by the State Department and the CIA, and we did not have our own assets there, but I did quiz the CIA on a weekly basis about that type of information.

Laos - JTF-FA Operations	Larson 12/04/92	Chairman Kerry: We haven't talked a lot about Laos. What is the level of cooperation in Laos? Larson: Mr. Chairman, I'd say the level of cooperation in Laos is mixed. It's sometimes a case of a step forward, two steps backward, two steps forward a step backwards, and in my honest assessment after being there and having some conversations and looking, I have great difficulty telling how much of it is bureaucratic ineptness and lack of cooperation in a very primitive government and how much of it is policy driven in that there's some resistance to cooperation.
Laos - JTF-FA Operations	Larson 12/04/92	Chairman Kerry: Some people have.., asserted to us that all you need to do is put the pressure on Vietnam and that will solve Laos, they control them. Do you agree with that? Larson: That's not my assessment, from what I've seen. I think it's much more complex than that.
Laos - Perot Trip	Martin 08/11/92	The Chairman: And was there any question in your mind that these were prisoners who were alive and being held at that time that you were there, or had they been tracked earlier? Martin: No question in my mind. Chairman Kerry: They were alive at the time you were there. Martin: They were alive at that time.
Laos - Perot Trip	Meurer 08/11/92	...a lot of Americans, towards the end -- especially towards the end of the war, if they were caught, they were summarily executed and put in shallow graves...It was not Laotian policy, I recall, Senator. It was the villagers, individual villagers...

Laos - Perot Trip	Meurer 08/11/92	Chairman Kerry: Mr. Meurer remembers 27, Mr. Martin remembers 25, but the memory of both of you is specific as to mid-20's of American prisoners of war being held in the Sam Neua area in caves, is that accurate? Martin: That is correct. Meurer: Yes.
Laos	Moorer 09/24/92	During the course of this period, the numbers were always shifting back and forth as we found out that a certain individual was dead or a certain individual had been released. There were -- the lists we had and the lists that were given by the North Vietnamese didn't exactly match. And I really can't answer your question as to why I had -- where I got irrefutable evidence that there were 40 people in Laos.
Laos	Moorer 09/24/92	There is no doubt that the Pathet Lao was under the grip of the North Vietnamese army.
Laos	Moorer 09/24/92	The decisions to send the message, the decision to cancel the message, were all generated by an overall management of the plan we had to coordinate the withdrawal of the few troops we had left with the withdrawal of the prisoners we had left.
Laos	Moorer 09/24/92	Chairman Kerry: Did we have any photographs or evidence that showed that there were Americans in those caves? Moorer: I don't recall ever having seen it.

Laos	Moorer 09/24/92	...a wounded Pathet Lao telephone lineman who was captured north of Vientiane. That prisoner located and described a cave complex in Sam Neua that reportedly had contained U.S. POWs at an earlier time. This was the first Pathet Lao prisoner or defector with up-to-date hard information on Sam Neua to arrive in Vientiane since 1971. He suggested that several U.S. POWs were still at Sam Neua in the late 1960's, more recently than the older reports that existed with respect to Hrdlicka and Shelton. And then the cease-fire in Laos in 1973 apparently effectively precluded any military-associated agent operations into Sam Neua due to the embassy's desire to avoid the possible compromise that such a covert operation would have on the impact of the cease-fire. So we never got in there afterwards to check.
Laos	Moorer 09/24/92	[citing Moorer deposition] Question: Why did we complete our troop withdrawal without insisting the Pathet Lao give us our prisoners back? Your answer: When this started and the POWs came back and so on, there was a very euphoric reception and the President gave a party on the White House grounds and all the wives of POWs came and so on. And press release after press release were that we were withdrawing the troops at that point. No President could have said whoops, we are not going to withdraw the troops because these people will not agree with us. They are not carrying out their part. At that point in history, we did not have the stomach for doing what you are asking me why we did not do it.

Laos	Moorer 09/24/92	And when an effort was made by General Woodard to get the General Hoa, who was a North Vietnamese rep, to do something about the Laos POWs, his reply was that Laos did not participate in the negotiations and did not sign the agreement.
Laos	Moorer 09/24/92	...when I was Chairman of the Joint Chiefs of Staff, not one message that involved movement of troops or aircraft attacks or anything of a military nature was originated by me. In every case, I had it initialed by the Secretary of Defense, or in many cases I had direct telephone calls from the President.
Laos	Moorer 09/24/92	Now, in answer to your specific question, of course, that was supposed to be taken up with further negotiations with North Vietnam. In my opinion, and I don't know whether the Ambassador agrees with this, the North Vietnamese had an iron grip on the Pathet Lao. And the Pathet Lao did exactly what the North Vietnamese told them to. So, the pressure had to be put on the North Vietnamese. But, as I repeat, the only way you could verify these photographs and these DIA lists and so on is to go to Laos with an armed force and find out. And then of course we just lost all of our leverage. And, consequently, what happened was that we very quickly, by 1975, we had lost not only South Vietnam, but also Cambodia.

Laos - Perot Trip	Murphy 08/11/92	Chairman Kerry: Do you recall the number of 25 or 27 prisoners being held in caves in Sam Neua as having been briefed to them by the station chief [during 1969-70 trip to laos with Perot]? Murphy: I do not recall that number. Chairman Kerry: Do you recall any number whatsoever? Murphy: ...I had in mind 18 in one report. Now, I don't know whether that was briefed to them or not...
Laos - Perot Trip	Perot 08/11/92	Vice Chairman Smith: When you were there in 1970 and you had this meeting with the station chief and others, what types of indications did they give to you specifically about the existence of POWs in Laos during the war in 1970? Perot: ...They basically indicated that they had radio intercepts. They were able to track the prisoners on the ground. They knew where the prisoners were being held. The reason they had not tried to rescue the prisoners is the risk-reward ratio was not good. I certainly agreed with that. They probably would have gotten more people killed in a rescue than they rescued. But they seemed to have a great deal of knowledge about who they were, where they were held. And they told of specific cases of Sam Neua Province, which ties in with General Walters' testimony several years later.

Laos - Perot Trip	Perot 08/11/92	...our people at the Paris Peace Conference were asked what about the people in Laos. And our people relied, oh, we'll get them back through Hanoi. Very quickly the Pathet Lao said oh, no, you will have to deal directly with us..,We ransomed the people out of Hanoi. We ransomed our prisoners out of Hanoi. Senator McCain is able to sit right here today because we ransomed him out of Hanoi, but we never wrote the check. And that's what caused the people to be left in Laos.
Laos	Rodman 09/21/92	Sen. Daschle: Well, what rationale did you have amongst the negotiators with regard to the justification for signing an agreement that does not include the MIAs in Laos and Cambodia? How could we rationalize that, knowing that they were there? Rodman: Well we thought we had a commitment from the North Vietnamese in two or three different respects with respect to Laos. One was that we did expect to get a list, through their good offices, of the prisoners in Laos. They promised to try to get a -- help us get a cease-fire in Laos within a short period of time. So we were dealing with the party which clearly did call the shots to a great extent, and they were making some commitments to us which were not as formal as other commitments they made... So we thought that given that this was a Vietnam agreement, we thought we had achieved something of some value with respect to Laos and Cambodia.
Laos	Schiff 08/04/92	...there are no compelling reason to believe that a substantial number of aviators were captured and retained by the Pathet Lao. The bottom line is that Laos is not the MIA/POW black hole it has been depicted to be.

Laos	Schiff 08/04/92	Others who say that Laos is a special case cite a second reason for their belief. They say that because the Lao Government did not sign the Paris Peace Agreements, it did not return prisoners at the time of Operation Homecoming. This belief is based on a fundamental misunderstanding of who controlled the territory where most of our losses in Laos occurred. [North Vietnam]
Laos	Schiff 08/04/92	...The Ho Chi Minh Trail network is shown by the black lines. Notice that most of the Trail is well within Laos. This area was totally controlled by the Vietnamese. Almost 85 percent of U.S. personnel lost in Laos were lost in this area. Our intelligence indicates that U.S. prisoners of war captured in areas of Laos remained under Hanoi's control... When looking at Laos on a case-by-case basis, we find that very few missing men would have become prisoners of the Pathet Lao. Almost everyone lost was lost in an area under North Vietnamese control....

Laos	Schiff 08/04/92	Chairman Kerry: ...is there not a group of aviators believed to have been unaccounted for the Laos at the time of Operation Homecoming? Schiff: Yes, sir, there is. They are among the priority cases... Sheetz: There are right now still 64 discrepancy cases for Laos... Chairman Kerry: So there are 64 question marks pertaining to Laos which would have been the body of that group about whom we had legitimate questions at the end of the war. Sheetz: Yes, sir. Chairman Kerry: So when you say it is not a black hole you are saying that notions that of the 500 plus airmen lost over Laos, the notion that many more than the 64 that we have questions about is improbable, is that accurate? Sheetz: Yes, sir...

Laos	Schiff 08/04/92	...I'd like to turn to Laos to clear up some commonly held misconceptions about the POW situation in that country. To begin with, I can tell you that Laos is not the black hole some believe it to be. People who think otherwise point to the difference between the small number of prisoners who returned from Laos, and the far greater number who returned from North Vietnam. But as I will show you, this is essentially comparing apples with oranges... A comparison of air losses is relevant because 90 percent of our losses in Laos in Laos were aviators... Laos and South Vietnam are very similar. A large portion of downed airmen were rescued in both countries. The small portion captured is relatively equal... North Vietnam is different because intense air defense made it very difficult to rescue downed air crews... Since fewer men could be rescued, more of our airmen were captured, and later more were returned from North Vietnam... because search and rescue operations in Laos and South Vietnam were more effective, more downed airmen were rescued and fewer became prisoners.

Laos	Schiff 12/04/92	Another thing that I had looked at is, how many Pathet Lao prisoners can we confirm? At this point, taking confirmation very strictly, and saying that I can confirm a prisoner if I have a photograph of that individual, or I have a report from a U.S. individual who was held with that person, then if those prisoners are confirmed, I have 16 confirmed prisoners captured by the Pathet Lao... There were 16 that were captured by the Pathet Lao. One of those was turned over to the NVA, and he was released during Operation Homecoming. The others were not released during Operation Homecoming, but some of them were released. There were six that were released.
Laos	Schiff 12/04/92	Schiff: But of the 15 who were captured and held by the Pathet Lao, six of those were released, two escaped, and the rest are still unaccounted for. Chairman Kerry: So of all the information so far on the black hole of Laos, there is only information as to 16 captured by the Pathet Lao. Schiff: Only confirmation.
Laos	Schlesinger 09/21/92	It is evident, I think, that the Laotians gave no true accounting of the Americans that had been in Laos.
Laos	Schlesinger 09/21/92	When overflights ceased, of course, our ability to gather information diminished, but up until the time of the ceasing of overflights we were able to stay in touch with a number of those who had been downed in Laos and that's what led to the disappointment with regard to the brevity of the list.

Laos	Schlesinger 09/21/92	...while the CIA was running the war in Laos, it was running the war, as it were, with military assets provided from the Department of Defense. The United States government was not directly involved in Laos. it was a CIA-directed operation, but the assets that were being directed were assets of the Department of Defense. The agency itself, aside from the operations in the West, had a very limited number of personnel in the country as compared to the Department of Defense. It was the responsibility, as it were, of the Director of Central Intelligence, yet the assets and most of the knowledge came from DOD. I hope that clarifies that.
Laos	Schlesinger 09/21/92	I have a high probability assessment that people were left behind in Laos and a medium probability assessment with regard to Vietnam. I think that of the various parties, the North Vietnamese had the strongest incentive on the other side to be forthcoming, but I doubt that applied to the provisional government of Vietnam, and even the North Vietnamese were not enormously forthcoming.
Laos	Schlesinger 09/21/92	We had been in communication after flights were knocked down over Laos with the people on the ground, and those people did not appear on the lists. So one must assume, either that the other side engaged in executions, or alternatively that the list was incomplete.

Laos	Secord 09/24/92	Vice Chairman Smith: Without casting any aspersions on anyone, let me just ask the question this way. In your professional assessment as an intelligence officer in 1973, were live American POWs remaining in Laos, for whatever reason, remaining in Laos after the Paris Peace Accords were signed, and after the American POWs, the last group of American POWs came home on March 28th. General Secord: I was an operational staff officer. But the answer to that question, obviously, is affirmative. I mean, that's why we drafted the memo we've been talking about here for some time.
Laos	Secord 09/24/92	When you say POWs in Laos, a number, you are obviously referring to a larger number than the nine. And did all of those people come home that you were tracking? Secord: None of them, that I know of, have been located or even heard of since the Paris Accords. But we did know to, I think, a reasonable level of certitude, that there were more, hence the memorandum.
Laos - EC-47	Shields 06/25/92	The MIA category is specifically appropriate to cases where you do not know whether men are alive or dead. That is case of those men in the EC-47 in my own mind. I did not know.
Laos	Shields 09/24/92	I think that the small number of men which returned, and the number of men which are missing would indicate that we should receive more information concerning our men in Laos. And I think it is foolish to try and say anything more than that.

Laos	Shields 09/24/92	Shields: In the memorandum which was written in May -- which you had in your possession, which discussed the EC-47, which DIA has discussed and Emmet Kaye's capture -- I said at the bottom of that page: With your concurrence, we will continue the position that we don't know whether men are prisoner or missing. Chairman Kerry: I know what you said at the bottom of the page. But let me just say what you said at the top of the page. At the top of the page you said: In a DoD-sponsored press conference held April 12th, 1973, I made the statement that DoD had no specific knowledge indicating that any U.S. personnel were still alive and held prisoner in Southeast Asia. This statement has been the basis for all subsequent answers from DoD to questions concerning the possibility that Americans may still be held prisoner in Southeast Asia. You are saying it became Government policy.
Laos	Smith 06/24/92	Laos is a black hole. We so not have any idea, with the exception of about 13 individuals, what happened to the people in Laos.
Laos	Smith 09/24/92	We had information to conclude, even if not totally conclusive, but at least to assume, that people were alive in Laos and that we had this information. And that is my point.

Laos	Smith 09/24/92	What happened to those people? Nobody has explained that. We are talking about huge references to prisoners here. And this is intelligence data that you folks had. And nothing changed, as far as the testimony that we have received before this committee. Not a damn thing has changed that would indicate what happened to those people. Nobody said they were executed. Nobody said they were released. And nobody said they came home. So what happened to them, and do you folks have any information on that? Godley: I do not.
Laos	Smith 09/24/92	CIA has said in this memorandum, "We studied other information to access activity in Houa Phan Province in general, and the Sam Neua area in particular, and we reached the following conclusions. An historical precedent exists for suggesting the presence of American POWs in the Sam Neua area. Photographs taken by a reconnaissance aircraft in October 1969 show what may be as many as 20 non-Asians, accompanied by Pathet Lao guards, near caves at Ban Nakai Tua, 20 kilometers east of the Sam Neua markings.
Laos	Stockdale 12/03/92	Sen. Reid: But the only people that you know of that survived being shot down over Laos were people that were shot down and then captured by North Vietnamese military? Admiral Stockdale: Yes...

Laos	Trowbridge 06/25/92	...the Pathet Lao, over the years, they had a spokesman, Soth Petrasy, who made many statements relative to American POWs... As far as the intelligence reporting that we had, it wasn't supporting his statements. We have talked with him subsequent to that time and he has indicated to us that his statements about holding prisoners were for the purpose of propaganda.
Laos	Vessey 12/04/92	The second thing is that Laos is not as homogenous a Nation as is Vietnam. It's tribal ethnic groups that are split up in various places, the communication during wartime was miserable, and I doubt that it's much better today.
Laos	Vessey 06/25/92	Sen. McCain: What is your... best explanation, even if it is instinctive or intuitive, as to why there were so many not returned from Laos as opposed to Vietnam? Vessey: Well, Laos is a sparsely populated and rugged country... we lost physical things in Laos that we wanted to recover and couldn't find after they had been dropped from airplanes... just finding anything in remote regions of Laos is difficult. Additionally, Laos is a different sort of country. It is a tribal country with different ethnic groups. The central government under any regime in Laos has had very little control over many parts of Laos... We didn't have as much surveillance on what our own people did in Laos during the war. That is to say, airplanes were outside the radar coverage in Laos, where they were not necessarily in Vietnam.

Laos	Vessey 12/04/92	But secondly, there's another reason, that the accounting will not be as good from Laos as it was or as it is likely to be from Vietnam. You've flown over the area. It's very rugged terrain.
Leaks	Kerry 09/24/92	...as Chairman, I feel very, very strongly that I do not want this Committee's efforts to be sullied by personal agenda, or by people who want to be reckless with partial facts.
Leaks	Kissinger 09/22/92	Mr. Chairman, this is the record. Yet leaks from this inquiry have been suggesting: That those who had refused to abandon America's Vietnamese allies, supposedly abandoned American prisoners; that those who struggled to husband the leverage necessary to bring about the release of American prisoners were insufficiently attentive to the fates of remaining MIAs; and that those who were prepared to use force to compel Hanoi's compliance were guilty of not doing enough to enforce the agreements.
Leaks	Smith 09/24/92	After reading the column and communicating with Senator Kerry, I wondered whether I was at the same meeting.
Left Behind - Shields Statement	Kerry 09/24/92	Lieutenant Commander Vincent D. Monroe, downed in Ne On Province, North Vietnam, May 18th, 1968. Emergency radio signals were received from Lieutenant Commander Monroe and his crew member, whose status as a prisoner has been acknowledged by North Vietnam. Radio Hanoi announced the capture of two pilots at the time and the place of Lieutenant Commander Monroe's loss. Now you called him a prisoner. They acknowledged his as a prisoner. You stood up and said he was a prisoner. He did not come home, and then you say there are no indications anybody is alive.

Left Behind	Sieverts continued 06/25/92	against their will in captivity -- the lengths they would go, one way or another, to let us know of this. It bears on the photographs, for example. The idea of Americans cheerfully being photographed and not using that opportunity to somehow convey who they are and what the circumstances are is beyond my imagination.
Lists	Kerry 09/21/92	Getting the list before the agreement...the idea would be compare the lists and make some detailed man-by-man attempt to determine whether or not their list tracked with our list. That was not done...it was agreed in 1971 that it would not be done. And all of the testimony that we heard earlier from Secretary Laird saying I was at Henry all the time trying to get him to make sure it did not happen, that deal was cut in 1971. There was no effort, apparently, from the meeting in 1972, no effort to say to the North Vietnamese, this is unacceptable. It was accepted as a condition because it had been prenegotiated in 1971.

Lists	Kissinger 09/22/92	Chairman Kerry: Your response to that was, we could exchange lists of the prisoners that we hold and then start exchanging prisoners and not haggle about who is or is not a prisoner. Kissinger: So this phrase of not haggling was -- had only to do with the technical problem. Do we present our list first and wait, or do we see what they give us and then complain about it. Chairman Kerry: ...in effect, you moved the haggling. Instead of haggling name for name before the signing, you left yourself haggling name for name until 20 years later and we are haggling name for name today. Kissinger: Senator, we would have been delighted to get their lists before the signing. That was something that they were never prepared to do, and we, therefore, had to make the best arrangement possible.
Lists	Laird 09/21/92	Chairman Kerry: It was your gut feeling that the lists were not complete, is that what you are saying? Laird: It was my gut feeling that there were more. When I left, I think that we felt at that time -- I think the last figures that we had were that the list of POWs probably would contain quite a few more names than that. We were disappointed with the list because I hoped that there would be more on the list.
Lists	Laird 09/21/92	We weren't -- by the way, I wasn't being critical of the Kennedy list or the Cora Weiss list. We were glad to get that information, but it was not complete information and we knew of the existence of other POWs when those lists were delivered to us...

Lists	Laird 09/21/92	We were not getting much information from the Vietnamese at that particular time. The Vietnamese, of course, made the Kennedy list, the North Vietnamese. The source of that list was the North Vietnamese and the Cora Weiss list was also from the North Vietnamese. And they were confirmations of POWs.
Lists	Laird 09/21/92	We had several lists given to us. There was the early list that was given by Cora Weiss, which I think you are familiar with, who was a peace activist. Then the Kennedy list came, and there was a discrepancy between the Cora Weiss list and the Kennedy list. It was about five difference in those two lists. I felt that those lists were inadequate. We had firm letter confirmations of at least 26 or 27 people that we knew of confirmed by letters that were alive at that particular time.
Lists	Lord 09/21/92	Chairman Kerry: ...It appears to me... that we had agreed on the 16th of August 1971 that there was only, in regard to POW, going to be an exchange of lists at the moment that we all signed the agreements. And the question that I have got is were you aware that the Secretary of Defense and others in the defense agencies were arguing that we should get a preliminary release, and if so, why was it not more forcefully presented at this meeting? Lord: ...we did whittle down our positions, no question about it. I didn't recall the precise date and meeting until I read this document. As I say, I do not recall others pressing us to get the lists ahead of time, but it would be a natural objective that you would to have certainly be better than getting it the day of the agreement.

Lists	Mooney 01/22/92	My testimony, sir, is that I had a list of Americans who were captured alive in enemy hands with our knowledge of the specific units of those enemies down to battalion, division or regiment, or up to division or higher than division, and that the last information was that they were alive and well in enemy hands... there were approximately 305 on the list. At Homecoming I, about five percent of those were returned. That brought the list down to about 293, 294. Now, what I have recovered of the names that were on that original list is approximately 140 or maybe 120 names...
Lists	Mooney 01/22/92	...looking back on it... we should have known better, and maybe if we would have pushed a little harder when we had the power and authority, we might have been able to do something. But in '73, we should have at least insisted on getting that original list of 15 or 16 names up in print, which we had flagged kiddingly as the Kissinger list.
Lists	Mooney 01/22/92	. . . the political requirements of the Vietnamese were higher than the tactical and strategic. They wanted warm bodies to jack up the numbers to appease Kissinger.
Lists	Mooney 01/22/92	My boss... told me to my face... that if you're going to put it on a list, we want to be able to sign it, and we want to be able for the policy-makers to be able to do something with it. So keep it tight... If I hadn't kept it tight, per his instruction, my list could probably have been another 60 to 70 names.
Lists	Shields 06/25/92	Another significant list is the one passed by the DRV to representatives of the U.S. Government in Paris in January, 1973 as required by the Paris Peace Accords.

Lists	Shields 06/25/92	This list was not accepted by us as a complete accounting for those held prisoner or for those who died in captivity. First, that list did not include the names of those prisoners missing in Laos. It also omitted the names of men we knew to have been in captivity at one time.
Lists	Shields 06/25/92	We knew immediately upon receiving this list of those said to have died in captivity, that men whom we knew had, at one time, been alive and in captivity were omitted from the list altogether. After briefing those who returned, we knew also that the names of some men who may have died in captivity were also not on the lists.
Lists	Smith 09/24/92	for several weeks before the signing of the accords in January of 1973, General Eugene Tighe...was asked by the Joint Chiefs to make a list of American POWs that we could reasonably expect to be repatriated both from Laos and Vietnam. The list contained some 900 to 1,000 names yet...
Lists	Tighe 06/24/92	I certainly remember the shock and sadness at the paucity of the lists of names we received versus what we expected.
Lists	Walters 09/21/92	Sen. Grassley: General Walters, do you ever recall it being discussed that we should exchange lists prior to the signing of any agreement? Walters: Yes, I believe there was a discussion to that... But it seems to me that was discussed and they, of course, knew this is one of the principal leverages they had with us. They knew that our desire to get those prisoners of war back was inordinate compared to theirs... but what I suspected is that they wouldn't have carried out the agreement and my suspicions were not totally ill-founded.

Live Americans	Andrews 10/15/92	I acknowledge that there have been isolated reports POWs being held in some areas in Laos, including Sam Neua. But after giving these reports, most of which come from refugee sources, a full and complete evaluation, the Department has been unable to develop convincing evidence that U.S. POWs are being held in Sam Neua today, nor do we have any evidence that they were being held there in 1988.
Live Americans	Armitage 08/12/92	I think what I'd say is I believe there are Americans in Indochina.
Live Sighting	Bell 12/04/92	Bell: Sir, could I make one point on the underground facility there? Chairman Kerry: Yes, sir. Bell: The Bai Nim Conference Hall sits across from the Mausoleum as you know from being there. And they have the meetings there of the Politburo and the Central Committee. Also the Party Congress is held there. And you have high level dignitaries there. They would have to have some type of underground facility in the area to contain all of those people in the event of an emergency...
Live Americans	Brooks 12/01/92	...I found no compelling evidence of alive POWs held in the official prison system of the North Vietnamese... I was persuaded that there was, indeed, compelling evidence that in 1973... to cause me to believe that there probably were people alive in 1973 in Laos.
Live Americans	Cawthorne 11/07/91	I think if one looks at the evidence, piece by piece, one doesn't get anywhere. You don't see the wood for the trees... it's a seamless, carpet of evidence that comes from during the war and beyond.

Live Americans	Chagnon 10/15/92	Chairman Kerry: At any rate, in your years, no one has ever come to you with a secret key and offered or whispered to you that up here there are some Americans. You have never hear that. Nobody has ever -- Chagnon: Only the incidents that Roger [Rumpf] mentioned in Vientiane, which were very much second-hand stories and which we turned over all information to the U.S. Embassy. And those did not prove to be valid.
Live Americans	Childress 08/12/92	...I believe there's a possibility of Americans in Southeast Asia in some category that is not defined.

Live Americans	Christmas 06/25/92	Sen. Reid: Do any of you know of any American servicemen in Southeast Asia, like Garwood, who are still there? Sheetz: I do not. And when I met with Vietnamese officials last summer I asked the same question, as does Vessey, as does Christmas, and I'll let him speak for himself. Christmas: I have no personal knowledge, sir, that we have any there. Sen. Reid: You have no personal knowledge. Do you have any reports, any hearsay information that they are there?
		Christmas: Sir, we have live-sighting reports that we continue to pursue. But we have, at this time, no sufficient information to say that we have a live American in Vietnam or anyplace. However, and I would be the first to tell you this, we don't have sufficient information yet to say that there isn't, and that's why we will pursue any continue to pursue these live-sighting investigations, the last known discrepancy cases, and through our efforts expand throughout those three countries.

Live Americans	Christmas 06/25/92	Vice Chairman Smith: ... with the job that you have to do and the importance of the job that you have to do, it seems to me to be somewhat like going to a baseball player and saying now, Smith, you are going out and you are going to play first base -- which I used to do -- and you will be batting third. Now Smith goes out and plays first base. He does not bring his glove because he is not going to get any ground balls and he does not take his bat up to the plate because he is not going to get a pitch... I think the fact that there are live-sighting reports out there, whether you believe them or not, but the fact that they are there indicates that they have to be pursued... Christmas: It does not mean that I don't believe that live-sighting report, and we pursue each and every one of those live-sighting reports. Unfortunately, all of them to this point in time have shown that -- at this time, we have not been able to determine that there have been live Americans.
Live Americans	Christmas 11/05/91	If we find out the location of - Captain Carr or anybody else, there is no doubt in my mind ...we'll go get him. If he can't get out, we'll go get him.
Live Americans	Christmas 12/04/92	I would echo that, sir. I would also state, however, that as you've indicated, Senator, we pursue every lead. We do not leave any stone unturned, and we have in position the operational plans to recover Americans if, in fact, we should find one.

Live Americans	DeStatte, Deeter, Bell 12/04/92	Chairman Kerry: Mr. Gadoury, as to Laos. Do you currently operate with any intelligence or evaluation that suggests to you that someone is alive? Is there any credible evidence that says so? Gadoury: Not that I have seen, sir. Chairman Kerry: As to Indochina? DeStatte: That's correct, sir. Chairman Kerry: And you say no. DeStatte: No. Chairman Kerry: Mr. Deeter, Sergeant Deeter? Deeter: No, sir. Chairman Kerry: Mr. Bell? Bell: No, sir.
Live Americans	DeStatte 08/05/92	We shouldn't forget that those 300-plus sources who accurately described Robert Garwood, encounters with Robert Garwood there, also said that they had no knowledge, personal or hearsay, of any other Americans living or being detained in that area, and if these folks were acknowledged reporting accurate on that, why should we question their accuracy on the other?
Live Americans	Gadoury 10/15/92	After eight years of searching neither I, nor... personnel from various other military units... have found proof that any of our missing survived after the prisoner release from Hanoi in 1973. Yet, as long as the possibility exists that there could have been or could still be, we must continue the search.

Live Americans	Grassley 06/24/92	Evidence exists, and the next time that someone in the Administration says that there in no evidence that we left people behind, it is clear that he or she is not reading the same documents that the members of this Committee and our respective staffs are reading.
Live Americans	Jensen-Stevenson 11/07/91	There is an amazing amount of credible evidence, [that Americans are alive in Southeast Asia].
Live Americans	Kerry 06/25/92	The evidence, to me, is still as likely that there might be fraud as that there is evidence of a prisoner.
Live Americans	Kingston 06/25/92	The JCRC work did not include investigating the possibility that live Americans remaining in captivity against their will in Southeast Asia after Operation Homecoming.
Live Americans	Kissinger 09/22/92	. . . why they would hold prisoners that they don't acknowledge, for that I have great difficulty understanding it.
Live Americans	Kissinger 09/22/92	I think it's improbable that any are alive today. I honestly did not think there were any alive in Vietnam when the war ended. I have always kept open the possibility in my mind that there were some -- that there were some in Laos.
Live Americans	Larson 12/04/92	Mr. Chairman, I have seen no piece of evidence at this point that would indicate anyone is alive from any of our researches, investigations, surveys, or any of the data that we have available.

Live Americans	Larson 12/04/92	Admiral Larson: ...in this last year, we have resolved 143 live-sighting cases. Chairman Kerry: Has any one of those live sighting cases given an indication of either a live American, or that there was a live American there? Larson: No, sir...
Live Americans	Maguire 08/04/92	We conclude with the following assessment. After years of post-war searching, thousands of reports evaluated, and every available means of intelligence collection employed, no single report or combination of reports has ever been able to confirm that American prisoners of war remained in captivity after Operation Homecoming in 1973.
Live Americans	Needham 12/04/92	Sir, I agree. I would add, it is our number 1 mission, looking for live sightings in support of the DIA effort. We react to every single one of them.
Live Americans	Rumpf/ Chagnon 10/15/92	Chairman Kerry: ...what do you believe is the possibility that somebody is being held? Mr. Rumpf: ...if they were living as local people were living, life would be very difficult...A 10-year period would be very difficult. Chairman Kerry: Do you agree with that, Ms. Chagnon? Ms. Chagnon: Yes...

Live Americans	Rumpf 10/15/92	Mr. Rumpf: I talked to a very few people about the issue of live POWs being held by the Government. And in each occasion people said there were no Americans being held in Laos. But it was not an issue that came up regularly. People did not raise the issue until late in our stay there in 1989 and '90 when people started coming to our house in Vientiane claiming they had tapes, fingerprints, bringing us sometimes those kinds of materials, expecting some money in return. And that's the only time people really came up to us. Chairman Kerry: Did they ask you for money, specifically?
		Mr. Rumpf: Yeah, it was implied in the discussion that they expected something from it. We only said we'd take it and give it to the U.S. Embassy.
Live Americans	Schiff 08/04/92	...the U.S. Government position is, while there is no information to confirm that Americans are still detained in Southeast Asia, the possibility cannot be ruled out. Because the U.S. Government cannot rule out the possibility, the Department of Defense continues to aggressively investigate this issue...
Live Americans	Schlatter 12/01/92	Sir, the evidence that I saw over, again, the period of time I worked in the office leads me to two conclusions. I think the evidence supports the contention that if you were an American prisoner of war and you were alive in the spring of 1973, the time of Operation Homecoming, you came home. The second conclusion I have to reach is that only the Vietnamese know for sure.

Live Americans	Schlesinger 09/21/92	I believe those prospects would be very slim, Mr. Chairman, as of now. But it's conceivable that one or two may have survived. One or two, or a handful.
Live Americans	Schweitzer 12/04/92	Chairman Kerry: But we do have people come to people. I mean, we have the reports. We have got them laid out. These guys spend hours analyzing them. They go through them. You are aware of that, correct? Schweitzer: Yes, and that has to be done. That is a valuable process, and for the American people that must be done. And it is the work of the analysts and the investigators, and it is a valuable process that must be gone through. And I do not in any way want to detract from the dedication and the hard work all of these men do. Chairman Kerry: Well, what makes you come to that judgment? What is sort of the basis of your judgment nobody is alive? Schweitzer: Well, I have never seen any evidence or heard any evidence that anyone is alive in Vietnam.

Live Americans	Schweitzer 12/04/92	Chairman Kerry: ...you are speaking from archival experience, and a reality base that a lot of people do not have. ... you have drawn a conclusion here that is pretty solid in your mind, and you have laid it out to the committee that you think this concept of focus on live people is a waste of time, in your estimation. What gives you this basis that you draw this notion that nobody is alive? Is that a fair statement of your notion? You think this concept of anybody being alive is wrong, is that correct? Schweitzer: Sir, I've seen no evidence that there are live Americans in Vietnam.
Live Americans	Sheetz 08/04/92	Chairman Kerry: Do you interpret any of the live-sighting reports that you have in front of you today as evidence that an American is alive inside Southeast Asia today? Mr. Sheetz: That kind of clear-cut statement I cannot make, and I don't think there's a Member on this committee who can make such a statement. We have 110 reports. It was 109 when I last briefed you and there's been a new one come in. We have 110 reports right now that are in active inventory, and as we go into the areas where those 110 reports are located, we take a look at other reporting that's in that same geographic area. Until we run those to ground, I can't tell you. That's not a cop-out. I cannot tell you...

Live Americans	Smith	I might say in some respectful disagreement with the Chairman, there is information and evidence before the Committee on specific individuals. The question is, is that information valid, and that is what we are trying to determine.
Live Americans	Smith 10/15/92	In view of the information put forward at our September hearings that we had expected more POWs/MIAs to come home in 1973, it is incumbent upon the Committee to treat the information before us today, I believe, with the assumption that American pilots from the war could still be alive and held against their will somewhere in communist hands in Laos and Vietnam.
Live Americans	Sydow 08/05/92	Chairman Kerry: ...Out of those several thousand, apart from Bob Garwood and apart from the Caucasians who were not American POWs, are there reports in which you place credibility of American POWs being held? Mr. Sydow: No sir. There is no evidence of POWs being held in this system.

Live Americans	Sydow, Sheetz, Cole 12/04/92	Chairman Kerry: Now, let me ask each of you the relevant question as to your countries or areas. Mr. Sydow, Laos. Sydow: No, sir, Vietnam. Chairman Kerry: Just Vietnam. Do you have any credible evidence today, which you are operating on or working with, that someone is alive in Vietnam, a prisoner? Sydow: No, sir. Chairman Kerry: Mr. Sheetz? Sheetz: No, sir. Chairman Kerry: Colonel Cole? Cole: No, sir.
Live Americans	Tin 11/07/91	About this issue, I can say that I know as well as any top leader in Vietnam and, in my opinion, I state categorically that there is not any American prisoner alive in Vietnam.
Live Americans	Vessey 12/04/92	It is almost beyond the realm of comprehension for me to figure out how the Vietnamese leadership can say after X number of years that they have no one and then say now we do and we'll do it for X million or billion or whatever it happens to be.
Live Americans	Vessey 12/04/92	Now, I will tell you that based on what we've learned over the five years I've been involved, I think the probability of anyone being alive is far lower than I would have given that probability five years ago. But I'm not going to say I don't believe there's not anyone alive. I think the probability is very, very low, but certainly it exists. The probability exists.

Live Americans -Offers	Vessey 06/25/92	Sen. McCain: You have never heard of any offer on the part of anyone in authority in Vietnam to return Americans in return for money or assistance? Vessey: Absolutely not. In fact, just the contrary. The Vietnamese officials with whom I've dealt have said we cannot so it, whatever you were to offer. We cannot do it because we do not have any [Americans].
Live-Sighting Reports	Bell 12/04/92	Vice Chairman Smith: Are you not talking about the area around the Mausoleum, Mr. Bell? Bell: I'm talking about the Bai Nim Conference Hall, right across the street from the Mausoleum, sir. Chairman Kerry: It is actually about 500 yards away, is it not? It is not right across the street. There is a huge expanse.

Live-Sighting Reports	Bell 12/04/92	The two morticians or technical specialists that the ambassador referred to, I believe in early last year was reduced down to one person. He resided in the house across from the Mausoleum on the corner of Chuma Ho Street next to the compound of the Soviet GRU. In May of 1991, this gentleman was soaked with gasoline on the streets of Hanoi and burned to death. And the only facility or information about that facility that I have heard was that it was built on the same order of Lenin's Tomb and there is an elevator that goes down one floor beneath the mausoleum. And the advisors that came there, they used the same plan to construct Ho Chi Minh's mausoleum. Concerning any tunnels in the citadel area or the military compound, previous reporting indicates that there was or probably still is a tunnel which went from Cua Dum Street under Ly Nam De and inside of the Ly Nam De compound. And this tunnel was constructed back during the French era.

Live-Sighting Reports	Chambers 12/04/92	Chairman Kerry: OK. How many of these are firsthand up here? How many of those flags are first-hand [reports]?... what you have is 920 -- 928 minus about 200 that you say are fabrications. That leaves you 728. You have 225 that are first-hand, leaving you with about 500 that are hearsay. 225 firsthand. Chambers: And the hearsay is probably where the heart of this issue is at. And the reason that there is what we find is a problem with this is that in addition to the use of -- Chairman Kerry: 700 hearsay total. OK, go ahead. Chambers: -- Some basic geographic flaws in the map where some of the reports were plotted in the wrong area, and I think we went through this in closed session and again in open session earlier. There's a misunderstanding about the nature and the use of hearsay reporting. Hearsay reporting goes from accurate renditions of what actually happened that someone told their brother or their sister and they repeated and it's very accurate to something that you heard, someone else said it to someone, and by the time it is repeated to one of the investigators you can't figure out what it is that they were really talking about. And it's marketplace trivia that people pass back and forth amongst themselves.

Live-Sighting Reports	DeStatte 12/04/92	There's one other point that I'd like to bring out. In the statement released here on the 1st December, there was a quote of the Russian ambassador, and I quote from that one December statement: "We have also heard from the Russian ambassador that there is a restricted underground area beneath the Ho Chi Minh Mausoleum." This quotation is taken out of its original context. The original context was a partial transcript of a briefing by Russian ambassador Rashid Camadolin to two journalists in Hanoi on 15 August, 1992. The following is an accurate text of the ambassador's statement in context: "There is an underground area beneath the mausoleum. It is restricted. There is a lot of equipment, a cooling device. When we built that, we put in a triple generator system in case of an electricity black-out." Now, the ambassador also stated that Russian experts helped build the Mausoleum, and that two Russian experts are at the Mausoleum at the request of the Vietnamese Government to preserve the body of Ho Chi Minh. He said these Russian experts would have known if any U.S. POWs were detained at the Mausoleum. The ambassador said he's never heard of any prisoners at the Mausoleum. In fact, he scoffed at the idea that anyone could imagine Vietnam could hold prisoners here. He said he has spoken with many Americans about this subject, and he noted, and I quote, "those who are serious, who are not playing politics, who are not playing on the emotions of the families, they know these stories are not true..."

Live-Sighting Reports	DeStatte 12/04/92	...a BBC radio interview with Ambassador Camadolin in which the ambassador stated he was, quote, sure there is no so-called underground prison here in the center of the city, and above all, beneath the Mausoleum, close quote.
Live-Sighting Reports	Gadoury 10/15/92	Chairman Kerry: And have any of them given you a lead that you have been able to follow that you have considered real or found to be real with respect to an American being alive? Mr. Gadoury: In my recollection, in all the people that I talked to, there were three people who provided information, first-hand live sighting information, of what they said were American prisoners or people being held against their will. In two of those cases, I participated in follow up interviews and even polygraph exams, and neither of the first two individuals were determined to be presenting truthful information. In fact, there was indications of -- ...Deception in each case. In the third case, the Stony Beach office followed up, and I understand that in that case it was determined that there was no substance to the individual's report.

Live-Sighting Reports	Haig 09/21/92	Vice Chairman Smith: ...we get into these definitions of hard evidence, and iron-clad evidence, and evidence... we have got hundreds of live-sighting reports that have not been all debunked. We have got some other types of intelligence which we will be getting into in a couple of weeks... ...where is the proof that the men we did know were alive are dead? Where is that proof? Why do you not put the same burden on that?... where are they? Haig: Well, the same suspicion I have put on another foot. And that is that the enemy that we fought cared nothing about the lives of human beings, including their own. And I saw it on the battlefield, as you did.
Live-Sighting Reports	Maguire 08/04/92	...So far, the largest body of post-war intelligence about missing Americans is refugee source reporting...Over 15,000 source reports have been received since 1975, and that number grows every day...To date, we have received almost 1,600 first-hand reports. DIA evaluates these reports and our results are reviewed by an independent channel made up of representatives from other U.S. intelligence agencies.
Live-Sighting Reports	Maguire 08/04/92	...As of today, over 100 reports are still under active investigation, as we've just discussed...In Vietnam, hearsay reports account for about half of all live-sighting reports, and they tend to echo the details and descriptions of actual firsthand reports. However, in Laos, hearsay reports account for almost 80 percent of the live-sighting reports, and in many instances they are vague in detail.

Live-Sighting Reports	Mooney 01/22/92	Sighting reports, stand-alone sighting reports are essentially worthless unless they are cumulative. They beggar more questions and you can argue about them all day long.
Live-Sighting Reports	Schiff 08/04/92	...In 1979, we received information from a source who said he saw 50 U.S. prisoners of war between 1973 and '78, while he was held in Quyet Tien re-education camp near the Chinese border. Reports like this one, where sources describe seeing POWs with their own eyes, are categorized as first-hand live sightings. They receive our highest priority for investigation. We used all-source analysis to investigate this report. We looked at photography to locate the camp in the area the source described, and we found it. However, the photography showed that during the time the source said he saw U.S. POWs in this camp, the gates were wide open... However, to be certain that no POWs had ever been held in this camp, we located some former inmates to ask if they knew of any Americans held there. These people all denied that any Americans had ever been held in this camp...

Live-Sighting Reports	Schiff 08/04/92	Each of the former inmates that we had located from the camp provided accurate sketches, one of which you see here. In fact, the only person whose sketch of the camp was not accurate was the original source who claimed that he saw 50 U.S. prisoners of war in the camp. The moral of the story is this. Relying only one source of information would have led us to believe that there were U.S. prisoners of war in the camp. Taking a multiple source approach convinced us that this was obviously not the case...
Live-Sighting Reports	Schiff 08/04/92	...the U.S. Government's intelligence collection capability on the POW/MIA issue is continually being improved.
Live-Sighting Reports	Schiff 08/04/92	...as the U.S. Government's expert on Indochinese prison systems, we routinely study the handling of all foreign prisoners in order to gain insight on how U.S. prisoners of war might be handled... The point here is that within a few weeks of the time a Westerner showed up in a maximum security prison in Indochina, we knew he was there.
Live-Sighting Reports	Schlatter 12/01/92	...judgments of a source are a fundamental part of intelligence analysis. And the fact that some sources are weighed and found wanting is not an indictment of the analytic process or of the analyst; it is a fact of life.
Live-Sighting Reports	Schlatter 12/01/92	It's a fact of life that you encounter people who either make up a story or who really are telling you the truth, but they don't have a clear view of what they're saying and they embellish a little bit, or you have people who simply come forward with a very straightforward story.

Live-Sighting Reports	Schlatter 12/01/92	The charge is made that we believe everybody is lying. We do not. Demonstrably, seven out of 10 or more of the people who talk to us are telling us the truth. I found a lot of frustration. I was frustrated every day I went into that office and every day I left, and I am still frustrated 2 1/2 years out of it. But to then take the leap from frustration to saying you knowingly and willingly turned your back on a valid report of a man that you could have rescued is absurd. And that is why I am so hard over on denying or declaring the invalidity of the mindset to debunk. Because that is where I found that argument to lead.
Live-Sighting Reports	Schweitzer 12/04/92	Chairman Kerry: Well, what do you say to the live-sighting report process? Here we are. We get live-sighting reports. People come in and say, I saw an American. What do we do? Schweitzer: I've never heard one, sir. Chairman Kerry: You have never had somebody come to you? Schweitzer: No, sir.

Live-Sighting Reports	Sheetz 08/04/92	...because the initial contact with that source -- our field collector was not privy to all the information have about a particular geographic area in Vietnam, may not be aware of all the subtleties surrounding that report, we've got to go back to the source in some circumstances to sharpen up the original reporting. We do that through what we call a source-directed requirement, or SDR. It takes a couple of months for that process to work. I guess we balance off the need for thoroughness and completeness and accuracy against the risk that we would take in going off half-cocked with half-developed or poorly developed information in a live-sighting report.

Live-Sighting Reports	Sheetz 12/04/92	Chairman Kerry: But as a ready pool of sort of information, here you have boat people. These are people who hated the government. They risked their lives, they got into boats, they went out into the South China Sea, they were escaping communism, escaping the country, they had a reason to hate it and foul it up. And yet thousands upon thousands of them said they had never seen anything, is that correct? Sheetz: Yes, sir. Chairman Kerry: Now, is that as relevant as a counterbalance in terms of proving a negative, if we are working with statistics, as people who say they did see something as a hearsay? Sheetz: In fact... one of the techniques we use when we deal with this bogus reporting coming out of reeducation camps. When we've got 200 and 300 inmates who were there who said that they never saw any Americans and then suddenly somebody appears who was there at the same time that says, you know, there were 50 Americans in this facility. So you have to -- it's not enough just to take individual reports and throw them up on the map. You've got to look at them in the context of all that you know. This is another way of talking about doing all-source analysis. You know, evaluating each report in terms of what you know about the area and how that report fits in.
Live-Sighting Reports	Sheetz 12/01/92	Things are on track, things are moving ahead with regard to those investigations. But the results are not all in yet.

Live-Sighting Reports	Sheetz 08/04/92	Chairman Kerry: ...given the nature of prioritization and the increased access in Vietnam, that a live-sighting report rendered in the year 1991 or 1992 would be the highest order of priority and the fastest resolved. Can you help me understand why the bulk of those remain unresolved? Sheetz: ...before we send those cases out there, we want to get a very quick, thorough analysis of the case, match it up with whatever data we hold in our files, present the live sighting investigator with a complete package to go our into the field with not only information on the particular sighting, but now we're also sending out, along with that sighting package, all other previously closed live-sighting reports and hearsay reports that are in that same immediate geographic area. We're continually refining the process, I, too, am desirous of having it sped up, but we can only work it as fast as we can get the reports in here, analyze them, and get them back out.
Live-Sighting Reports	Sheetz 11/15/91	DIA has held all along that the report of the mortician that he saw three Caucasians who were identified to him by another person as probably being Americans -- that report stands, there is validity to that report. . . . I am unaware of any firm, credible evidence that Americans were held against their will after Operation Homecoming.

Live-Sighting Reports	Sheetz 12/04/92	What I think we were really referring to is the notion that yes, there is a foundation for that rather large structure. And embedded in that foundation, it now turns out there's a couple of generators and some other equipment that's related to the facility. Is that a prison? I think not...
Live-Sighting Reports	Sheetz 06/25/92	Sen. Reid: Gentlemen, what is the latest live-sighting report that any of you know of? Mr. Sheetz: We receive them all the time. The inventory of -- Sen. Reid: When you say all of the time, it would not be unusual to receive a couple a week? Mr. Sheetz: Many weeks we could receive two or three or four or more. We have generally an aggressive inventory that we are investigating. Between 80 to 125, and about every 3 months, we hold a review board where representatives of the entire intelligence community plus the State Department and the Joint Staff and OSD come in and listen to our analysts describe what we have been able to do to resolve or otherwise investigate the case. And cases get closed out at that point, and the inventory drops down to maybe 75 or 80, and then over the next couple of months it will build back up. And we will hold another review board. So it's a very fluid figure.

Live-Sighting Reports	Sieverts 06/25/92	[Investigating live-sighting reports] remained an active, if not primary then secondary, mission of all the American intelligence agencies to my knowledge right into the mid-Seventies and even to this day. The problem is that the kinds of information that began arriving after '73 were qualitatively different from what was coming in before '73. It's not a question of attitude by analysts, but rather simply the information itself, and it's for that reason that I drew attention to what is, to me, a significant difference. The absence of that kind of verifying information in which the name or some other detail that... would let you know that this was real. I have sometimes said that the very large number of sightings themselves raised incredulity. There could not have been as many American prisoners as the live-sighting reports suggest were there.

Live-Sighting Reports	Sieverts 06/25/92	The very large number of these reports should have triggered caution, since it was clearly improbable that there were ever enough prisoners to correlate with all the alleged sightings. It is noteworthy that in most of these reports no information was provided on the name or names of the people reportedly seen. While the war was underway, we received reports on captured Americans which often had names associated with them. This was so even if the reports came from indigenous, illiterate people who would render an American name phonetically.... it was the way of validating that information. Among American prisoners we learned so clearly over the years that the exchange of names was the highest priority.
Live-Sighting Reports	Sieverts 06/25/92	My work with refugees has made me deeply aware of the desperation that these people face and feel.
Live-Sighting Reports	Tighe 06/24/92	...the only way you're going to prove all of these things is to go over there at the point that is under discussion, so you can query the local people even or examine the sight of a crash.
Live-Sighting Reports	Tighe 06/24/92	[In] 70 percent of those reports, analysis that was done in our office said that those individuals told us the truth.

Remains	Bell 12/04/92	Mr. Bell: Rather than concentrate on numbers of cases, prioritized a list where you have leads that can be followed now, regardless of where the case is in the country, and do the cases that have the greatest probability of success first, based on those leads. And, at the same time, have someone working on the development of leads for those cases for which you have no leads. Chairman Kerry: That seems to make sense. Mr. Bell: To move the thing forward. Chairman Kerry: Well, are we not doing that in the context of having put the toughest discrepancy cases in front of them? I mean, General Vessey sat there and put them there. Mr. Bell: Yes, sir, we have, but we're at a dead end on some of the cases, and unless we come up with some new information, it's pointless to go back and investigate them again. Chairman Kerry: Are there a number of cases on which we really know the fate of people, but we just do not have the remains? Mr. Bell: Yes, sir. Chairman Kerry: So, in effect, we have really resolved some cases, but we do not take them off the list simply because we do not have remains. Mr. Bell: But there are also some cases where we do not know the fate of the individual and also do not have remains or any possibility of further leads in the case.

Remains	Childress 08/12/92	...Vietnam could solve the live prisoner issue by returning their remains. So the key question is, if they're not alive, why is Vietnam not solving it?
Remains	Christmas 11/05/91	I think that it's unfair to our people in the field to suggest that their primary focus is on remains recovery. We go where the facts lead us as we identify each case and try to follow it through for the fullest possible accounting. If, in fact, the facts lead us to the notion that we can either recover the remains or that we think the Vietnamese or Laotians have those remains, we think it's important as our accounting to the families that we can give them information.... They want them to walk out of the jungle and come home, but they will tell you very quickly that if that can't be the case, please end the uncertainty for me. Give me something that I can put this to rest, I've been with it so long.

Remains	DeStatte 12/04/92	Mr. DeStatte: First, I doubt that more than a few remains, if any, are in the hands of private citizens in Vietnam. It would be culturally antithetical, as well as illegal. Chairman Kerry: Well, let me just ask you something. You know, there is intelligence that -- I mean, some people within your own house assert that there are remains being held. Mr. DeStatte: Yes, sir, I understand that. Chairman Kerry: You disagree with that completely? Mr. DeStatte: That's correct. I acknowledge that there may be some instances where private citizens may have remains, but I think that that's rare. I think that we should avoid setting up a mechanism that ultimately is simply a disguised means of paying incentive rewards to private citizens. I think what we should be doing is providing Vietnam's official organs, such as we are doing with the museums, means by which they can help us find the answers we're looking for and the return of the remains, and rely on -- and also articulate, for Vietnamese leaders, problems as we understand those problems, and rely on Vietnam and Vietnam's leaders to resolve the internal problems of recovering remains; to resolve the internal problems of recovering information and sharing that with us. And I think that's the appropriate approach, myself.

Remains	Schweitzer 12/04/92	Mr. Schweitzer: Well, after our meeting I had meetings with the Vietnamese all that day, and into the night... the importance of this historic trip of yours to Vietnam [was stressed], and what could be achieved during this trip. And I was told to me that they simply have no remains. That if the success or failure of this trip and of establishing relations with the U.S. is dependent upon their turning over the remains they have in their possession, or that is believed they have in their possession, then it's going to fail. They have no remains.
		Now, I don't mean to indicate to you that there are not remains out there. There are, and the investigators that are there, the analysts are going to get them as the people of Vietnam --
		Chairman Kerry: But you are suggesting those are the ones in private hands? Mr. Schweitzer: Private hands. Chairman Kerry: Or in provincial hands. Mr. Schweitzer: Or, possibly, that haven't been excavated yet. The location of the grave sites is known by -- you were given the example by Colonel Dai, a very vivid example. He knows the location of four graves.
Remains	Schweitzer 12/04/92	Sen. McCain: You do not disagree with that, Mr. Schweitzer, that there are remains in different parts of the country. Mr. Schweitzer: I wouldn't disagree with anything Bill Bell says. He's the real expert on this.

Remains	Larson 12/04/92	...There are remains somewhere, because we have photographs of bodies that they had at one time that we do not have remains for. So there are some that once were available that we do not have, and we don't know where they are.
Remains	Needham 12/04/92	Sir, the one area that I don't know what to tell you is the answer to the remains. I can give you a scenario that Morrissey was buried in an area and maybe they lost the records. However, we are working with them and we have presented those cases to them. We're going to talk to them more about it next week. I believe, as Admiral Larson said, they are trying to find a way to get themselves out of this situation, because they are concerned about the laws. They're also concerned about taking remains from individuals and convincing them that they have no chance of getting any money somewhere down the road.

Remains	Schweitzer 12/04/92	Sen. McCain: Mr. Schweitzer, I asked General Vessey this morning on the issue of the allegation of the warehousing of remains. One, have you seen any evidence of warehousing of remains? And, two, what is your opinion about that theory that there may be several hundred American remains kept somewhere in Hanoi, or somewhere in Vietnam? Mr. Schweitzer: There is no such warehouse, sir. If, at one point in the '70's or early '80's, if there were some remains somewhere in Hanoi, those remains have by now, as the officials retired who were in the program, as they went back to their provinces, various memorabilia, maybe even remains, have gone back with them. And while there may have been some remains at some point -- I don't know that, but if there were, they are now in private hands. Sen. McCain: You are absolutely convinced there is no warehouse for the large number of U.S. remains somewhere in Hanoi? Mr. Schweitzer: Yes, sir. There is no such warehouse.

Remains	Ford 12/04/92	...I am struck by the fact that the cases that bother me, that gnaw away at me on this issue, is the cases that they should know the most about: the ones where we have the photographs of people on the ground dead in Vietnamese control, the last known alive cases that we've investigated that they had custody of them, based on our joint investigations. Those are the ones that are not showing up. Now, I can understand, as some have said, that they've lost the coordinates, a bomb went off and when they went back to get them they didn't find them, somebody took them home when they retired as a gold bar, they were going to sell them back to somebody at some time in the future. I can understand that for, give me a number; 25 percent, 40 percent, but not all of the most likely cases where we know they had control over an American that was dead on the ground. They don't lose them all.
Remains	Ford 12/04/92	Mr. Ford: ...I remember being told two years ago in Hanoi: There are no archives; we have no archives; why would we not give them to you if we had them? They have been eaten up. Chairman Kerry: I remember that. Vessey spoke to that, though. Mr. Ford: But why is that different than the remains?

Remains	Ford 12/04/92	This is one that I have a nightmare about, and that's that something Carl Ford will say or do to his superiors will give the Vietnamese the impression that they don't have to give us those remains and they destroy them, they get rid of them. I shuddered when all of the people told the truth as they saw it today, because if the message ever gets to the Vietnamese that the U.S. Government believes they don't have remains we aren't going to get any. And I just can't for the life of me - - I will err on the side of trying to provide the answers for the families as long as I can. That's my bias.
Remains	Ford 12/01/92	The fact is that every piece of evidence that we have gotten in the breakthrough suggests that they do have far more information than they have provided thus far, that they, in fact, have to explain to us if they do not have the remains, why not.

Remains - Excavations	Gadoury 12/04/92	Chairman Kerry: What did you pull out of this crash site?
		Gadoury: The aircraft involved was an AV/OV-2, which crashed into the side of a mountain. It's scattered over a large area. The exact dimensions were -- I don't recall the exact dimensions, but it was over 100 meters wide, and probably about the same distance going from the bottom of the slope up a 60 degree slope to the top. And there was a wide distribution of wreckage. As we started going, meticulously following the Identification Laboratory's excavation procedures from the bottom to the top --
		Chairman Kerry: So, you literally began to sift through soil, right? Gadoury: Right.
		Chairman Kerry: You would sift through soil, and you would clean it out, and you would find fragments of bone; you would find fragments of teeth. Gadoury: On this last situation, we were not able to finish the site, but we found over 300 bone fragments, and a number of teeth, and quite a few personal effects and personal equipment.
Remains	Larson 12/04/92	General Needham said that -- and I do not want to misquote him, but the impression I had is that he believes that there are remains that are known to exist being held by individuals, as well as perhaps local government officials. There is some expectation, of course, that some bounty would be paid for remains. We have made it clear that that is not the policy of the United States.

Remains	Schweitzer 12/04/92	However, this does not mean that remains, or even partial remains may be found for most of these cases. The majority of the remaining MIA cases in Vietnam may eventually be resolved by means of other factors. These will include photos, documents, aircraft wreckage, memorabilia, and personal stories told by a farmer, a People's Army Vietnam soldiers, and civilians.
Remains	Vessey 11/05/91	. . . U.S. analysts have combined these facts to build a case which suggests that the Vietnamese government could be holding as many as several hundred sets of remains.
Remains	Vessey 12/04/92	...for example, if there were an air crash they were to find -- the local people were to find the crash, find the pilot if he were alive, capture him; if he wasn't alive, find the remains then bury them on the stop and then report the location of those -- of the grave to the central authorities. And then the central authorities clearly had a system for recovering those remains at a later date, one, two, or five years later, and then sending those remains to central storage.

Remains	Vessey 06/25/92	In the past five years we've received 332 sets of remains... Of those, 125 have been identified and returned to their families. Another 107 might be those of Americans, but have not yet been identified, and the remaining 100 sets are not remains of missing Americans. In the 119 discrepancy cases which have been the focus of our joint field investigations, 22 have been resolved through recovery, return and identification of remains. In 39 other sets we and the Vietnamese have agreed that the individuals involved are dead which confirms an earlier presumptive finding of death. in four of those cases we agree that we will not be bale to recover remains. For the other 35 of those cases we believe that there still may be an opportunity to recover the remains... The other 58 cases continue to be investigated. They all have been investigated at least once and most several times... none of the new evidence gathered... points toward any of the individuals being alive.
Remains	Vessey 11/05/91	...U.S. analysts have combined these facts to build a case which suggests that the Vietnamese government could be holding as many as several hundred sets of remains.
Reparations	Kissinger 09/22/92	...we did not want to create the impression of ransom and reparations.

Reparations	Kissinger 09/22/92	The North Vietnamese, in what turned into a constant pattern, immediately began to violate the agreement, especially with respect to a full accounting of MIAs. They did not hand over the POW list for Laos as required on January 27th. In response, we delayed deliveries to them of the confidential Presidential letter on recommending to Congress reconstruction assistance after peace had been established. The letter was kept confidential only to prevent a linkage between the agreement and what we presented as a unilateral American act. A Presidential report to the Congress in February 1972 had affirmed this undertaking, and have a figure of $2.5 billion. It was again repeated in the Presidential speech of May 8, 1972. Mr. Chairman, some suggestions have been made, including this morning, that the North Vietnamese may have withheld some American prisoners in an effort to get this economic aid. I find this reasoning difficult to understand.
Reparations	Kissinger 09/22/92	I don't believe that reparations were their primary objective. Their primary objective was to take over Indochina, and if all they had wanted from us was economic aid, all they would have had to do was observe the agreement...
Reparations	Kissinger 09/22/92	I certainly told them innumerable times that we were not paying ransom, we were not paying reparations, and they have never used it. They never said, you owe us economic aid, and therefore we are holding prisoners. If they had done it, I wouldn't have been astonished.

Reparations	Kissinger 09/22/92	To encourage compliance with these commitments we held out the inducement first offered by President Johnson in 1965, and frequently reiterated since, at least three times by President Nixon in 1972, of economic aid to North Vietnam.
Reparations	Kissinger 09/22/92	Finally, it is curious that Americans would make such an argument when the North Vietnamese did not. As the bipartisan House Select Committee reported in 1976, not once in all their discussions with the North Vietnamese, did they cite the American failure to provide economic aid as an excuse for their failure to provide a complete accounting. They have never denied their obligations. They have only denied that they have prisoners. Why should Americans now put forward an alibi for Hanoi which even Hanoi has never asserted?
Reparations	Robson 09/24/92	Vice Chairman Smith: ...Dr. Kissinger was very clear about that -- no linkage. Now, why would they bail out if they did not feel there was linkage? Colonel Robson: I know there was not supposed to be any linkage, Senator, but in fact there was. They were constantly trying to link things... Vice Chairman Smith: Is Dr. Kissinger wrong in that perception? Colonel Robson: I know that he had the agreement, the understanding that there would be no linkage. But what happens in Washington and what happens in that little dusty room in Saigon is two different things, Senator.

Reparations	Smith 09/22/92	[Habib] said in one of the first lists of negotiating points put forward by the North Vietnamese, "The communist side bracketed the release of prisoners with what they described as U.S. responsibility for war damage in Vietnam in a single numbered point. I know of no instance in which an adversary so openly treated this humanitarian problem in this way. We recognized from an early date what we were up against."
Reparations	Walters 09/21/92	...My understanding was this is what they really wanted from us, the postwar reconstruction aid and obviously they knew what we really wanted from them short of surrender was the prisoners.

Returned POWs	Ford 12/01/92	Vice Chairman Smith: I think one area that could be very helpful and, frankly, it has been a real problem, is the POW debriefs. Not regarding anything in there other than the names of individuals that they saw. I have only -- we are restricted to the Chairman and myself. There are 590 of them, and it is impossible to get through those with the two of us doing it... Ford: Is there any possibility that as a compromise, Senator Smith, that you might allow us to go through that and do this work ourselves? I mean part of this is a contract that we have. It's not a legal contract, but it's certainly a contract in principle, not only to the past POWs but any future POWs. That when we talk to them after they come back, we know that they've been through hell. We don't expect them to be anything other than human but we want to know, we need to know what happened to them. And we've always made it clear in that process that these would be guarded as sort of nuclear weapons secrets or something, and that's the reason that we've done that.
Returned POWs	Trowbridge 06/24/92	I know of no prisoners that came home that said, I saw an individual that was alive that we left behind, without other information that may have supported the fact that he died.
Soviet Union	Kalugin 01/21/92	... in 1990... I broke with the KGB and went public and denounced the organization as cruel, repressive and inhuman... What I am doing now is simply a continuation of my old story, for which I was sued... and deprived of my rank and pension and everything else. So I am not doing anything new...

Soviet Union	Kalugin 01/21/92	Chairman Kerry: ...can you help us to understand why Mr. Nechiporenko allegedly said one thing to you at one moment and straight-out denies that he talked to anybody subsequently? Do you have an explanation for that? General Kalugin: ...my explanation is that he had consulted his former superiors and they would tell him, just say one... I think that's a premeditated lie on the part of the former intelligence organization, and I know the reason... Vietnam remains to be probably one of the last listening posts in the Far East, and to lose a relationship with them... would probably be a major setback for the Soviet intelligence, so why not keep a story which was coordinated with the Vietnamese?
Soviet Union	Kalugin 01/21/92	... I do care about people at home. I'm not a defector. I'm a citizen of my country. I love my country. I want to stay in that country. I want to change that country and transform it into something far better than we have today or we had in the last 70 years. And the United States, as I know it, is a country which I always felt friendly for and I will do my best to get both countries closer together and get Russia out of this mess and standing on its feet as a proud nation, a prosperous nation. That's my only desire.
Soviet Union	Kalugin 01/21/92	...to take any American against his will to the USSR would require a major political decision by the Politburo and Brezhnev personally... They would never risk [the damage to Soviet/American relations... It makes no practical sense, no political or military sense. They could have been interviewed on the spot and that made sense indeed.

Soviet Union	Kalugin 01/21/92	I do have a lot of obligations [regarding confidentiality], according to the old rules, but I think it's time to set new rules.
Soviet Union	Kalugin 01/21/92	The GRU is an autonomous organization and the KGB's role in regard to the military intelligence is to protect this agency from foreign intelligence agencies' penetration, and second, to control their political health, so to speak. That was the major role of the KGB. Otherwise, they would act autonomously, do their things without the KGB's knowledge.
Soviet Union	Kalugin 01/21/92	At least for us, for [American POWs] to go would be the best thing, because we would have probably some potential sources. To keep them in Vietnam, it's a loss of everything, it's a complete failure as an intelligence operation.
Soviet Union	Kalugin 01/21/92	Two years ago, or about that time, I said publicly that the KGB was a state within a state which would do everything to disrupt the process of democratization in my country. I was denounced as a liar, as a mental jerk or something, and I was stripped of my honors and everything, but one-and-a-half years later, Mr. Gorbachev, after his return from the Crimea, said the same -- the KGB was a state within a state -- and he confirmed what I has said previously. . . . everything that I have said so far found at a later time confirmation.
Soviet Union	Kalugin 01/21/92	I am sure that [Soviet military interrogation of U.S. POWs] happened, because they did have a major interest in American know-how, in weaponry, details, instructions. This would be a natural thing to expect, but this is my assumption. I do not say that this really happened.

Soviet Union	Kalugin 01/21/92	I would reject the idea of American POWs taken to the Soviet Union. We don't have to take them to the Soviet Union. They could have been interrogated in Vietnam. The Vietnamese wanted us to interrogate them... to take any American against his will to the USSR would require a major political decision by the Politburo and Brezhnev personally... They would never risk, because of one or a handful of Americans, to be taken inside to damage the Soviet/American relations... It makes no practical sense, no political or military sense. They could have been interviewed on the spot and that made sense indeed.
Soviet Union	Kalugin 01/21/92	Sen. Reid: Why couldn't your story be a continuation of the intrigue, deceit and lies and destroying records that you were involved in for some 32 years? General Kalugin: Well, it makes no sense. I am 57 and I've lived a very interesting life. Today I want to live a different life, just an honest and simple [one]. You may believe it -- as I say, take it or leave it.

Soviet Union	Kerry 01/21/92	General Kalugin's startling account has been disputed by the Government of Vietnam, discounted by the CIA and denied outright by the KGB agent who allegedly carried out the interviews. This conflict between statement and denial is precisely the type of situation the Committee expects to run into time and time again. Our intent is to build as complete a record as we can, to take neither allegations nor denials at face value, to contact original sources whenever possible, and to locate contemporaneous documentation wherever it exists. We cannot, in this way, be sure of arriving at the truth, but we can be certain that we have left no avenue unexplored in our pursuit of the truth.
Soviet Union	Kohl 11/15/91	What happens in 41 years that we do not go back and re-inquire and ask whether or not there is some information that would be useful?.. We inquired about many, many people in the Soviet Union about whom we were concerned -- Soviet Jewry, rightfully so, Raoul Wallenberg and many others. Why were we not at the same time asking consistently about POWs and missing POWs in the Soviet Union that we did not have any information on, or inadequate information on?
Soviet Union	Mooney 01/22/92	The interest in Moscow Bound is totally surprising to me... It's an intelligence given... The Soviets do take our people... Unlike World War II and Korea, the Soviets did not need a bunch of people for labor. They were after the minds... They were not stealing them by the hundreds. They were few and rare.
Soviet Union	Shields 06/25/92	Some early releases came home from Vietnam via Moscow, but we never had any indication that prisoners were transferred to the Soviet Union and detained there.

Soviet Union	Smith 01/21/92	General Kalugin's comments have produced admissions from the CIA, the KGB, and even Vietnam, that at least one American POW was interrogated by the Soviets. For seven years, I was told just the opposite.
Soviet Union	Vessey 06/25/92	Vessey: And Colonel Nechiporenko who was Kalugin's source, said that isn't what I told Kalugin. I told him I interviewed one person in 1973... The Vietnamese say yes, that's what happened... Now, surely the Soviets gave questions to the Vietnamese. There are al sorts of information that the Soviets desperately wanted from our people, and surely they had worked out some sort of arrangement to try to get that information from our people. As far as we know, from debriefing the prisoners returned, none of them reported having been interrogated by the Soviets. There were some Cubans involved, but none were interrogated by Soviets. Senator Kassebaum: Any Chinese? Vessey: And so far as I know, none by the Chinese.

Symbols	Andrews 10/15/92	Sen. Grassley: Mr. Andrews, I want to ask about Morse code K. DIA determined that the Dong Manh facility was a re-education center, yet the CIA analysis shows it to be one of the most security facilities that they have seen, and we have had reference to that in the CIA memo. Can you back up your assessment and indicate to us why the CIA's analysis is wrong? Mr. Andrews: Senator, as I said in my statement and in subsequent questions already, that initial analysis was their best estimate at the time. This was mad prior to the extensive interviews we have had of inmates of the facility where we got a lot more information on the security and the nature of the facility. That's our best judgment.
Symbols	Andrews 10/15/92	The USA and possible K remain unexplained despite extensive tasking of information collection activities of the intelligence community. No correlation to a know, unaccounted for individual -- to a known, unaccounted for individual -- has been made. And unless an unexpected lead develops, there is little more that can be done other than continuing to monitor the situation.
Symbols	Andrews 10/15/92	Vice Chairman Smith: Now that, to say the least, is pretty outrageous, based on this Senator's opinion. You teach people to communicate, you teach them how to communicate, you teach them what to communicate with, and then you do not keep the number so that you can identify them when they communicate. You are going to have a hell of a job identifying them, are you not? Mr. Andrews: Absolutely.

Symbols	Andrews 10/15/92	Every image that I am aware of that we have taken, we've analyzed and the committee has been made aware of, and we've talked about today...
Symbols	Andrews 10/15/92	...of all the millions of square kilometers of territory in Southeast Asia that we've examined over the years, we really only have two unexplained sets of symbols which were clearly intended to communicate something to an observer from above. And that's the 19 or 1573 TH and the USA with the possible K.
Symbols	Andrews 10/15/92	Vice Chairman Smith: ...let us assume that a number appears on a photograph. Let us assume that you cannot make any determination any way, shape, or form, that thing was created by a natural object. Your analysts say there is nothing that we can find anywhere in any of the imagery in any way we analyze this, that in any way that this number that we see was made by natural objects. You then see that number. What is going to be your recommendation if you cannot determine for sure that it was a man-made object? What is going to be your recommendation? What are you going to do?... Mr. Andrews: Sir, I will offer you a personal opinion. We always, when we have reason to believe that something may be an indicator, we follow up, as Mr. Erickson says or as Mr. Dussault said. The first thing you do is go collect more information. So that's exactly what we would do. Until we could resolve it, we would follow up. And that's what we've done with these others.

Symbols	Andrews 10/15/92	I think that it's -- it's very hard when you're trying to go back a number of years to try to put yourself in the place of an imagery analyst or an analyst in that time frame tho know why he concluded what he concluded. We've done the best we could, at the committee's request, to reexamine all this imagery and bring in multiple people to look at it. And what we looked at, we saw a possible 52 that we believed we could explain.
Symbols	Andrews 10/15/92	Mr. Andrews: If there was a number on the ground that an escaped prisoner made and we detected it, we would not dismiss it until we had done everything we could to resolve what the case was. Vice Chairman Smith: Well, you may not be able to. Mr. Andrews: Well -- and that's our problem. So we keep it unexplained. It would immediately go on my unexplained list, Senator Smith. Vice Chairman Smith: Well, it sits on the unexplained list, what happens to the poor guy down there that is making the number? Mr. Andrews: Senator, we do everything we can with the resources available to us to follow up on these various numbers.

Symbols	Andrews 10/15/92	Viewing a poor-quality print with a magnifying glass is just not how imagery exploitation should be done...When the JSSA personnel viewed the original quality imagery of the printed photography on a light table using high resolution optics the nature of all the supposed evader symbols became clear. They were simply vegetation, shadows, or artifacts of the photography production process. Some possible symbols were even in the tops of 200 foot tall tress, an unlikely place for an evading POW to leave a signal. When shown photographs of other locations -- and I think this is very significant -- other locations in Africa and one in Utah, the JSSA personnel also saw the same kinds of symbols, symbols which again disappeared on the light table.
Symbols	Andrews 10/15/92	No one -- not DIA, not CIA, and not the JSSA -- can correlate the USA and possible K symbols to an unaccounted-for individual.
Symbols	Andrews 10/15/92	Vice Chairman Smith: ...in spite of all that information, in spite of the fact that they were taught to provide identifying information to imagery from above, we do not have the list of those identifier numbers to find them if they signal. Is that correct?... Mr. Dussault: Yes, sir. As far as I know right now, yes, sir.
Symbols	Andrews 10/15/92	Vice Chairman Smith: I think the laws of probability would indicate to you that if there are a series of numbers that identify with an individual or individuals who are missing in action in Southeast Asia and those numbers correlate with individuals, the laws of probability would tell you that it is a very high probability that those people are, in fact, identified with those numbers.

Symbols	Andrews 10/15/92	Vice Chairman Smith: Is it your position that these symbols are -- well, to use the term, is it your position that what you say on the imagery is valid until proven otherwise? Mr. Andrews: Yes, sir. Vice Chairman Smith: Is it your position, as well? Mr. Dussault: Yes, sir.
Symbols	Andrews 10/15/92	...the other point that Senator Smith made that I would like to respond to regarding circling the wagons and directed that everybody get in line... None of the players, and you have deposed them on this particular subject, none of the players were asked or directed or forced in anyway to change their minds... We simply brought them together so that we could better serve the committee. We're not circling the wagons. We want to get the information to you. We believe there's a good story to tell if we get the accurate information and not the incomplete information on the table.

Symbols	Andrews 10/15/92	Vice Chairman Smith: ...nobody said to this Committee when we showed you this [information on symbols], thank you... We will take a look at that. Maybe we missed something. That is not what we heard. What we heard was immediately circling the wagons, pulling everybody together, saying we will have one position on this. No one is to talk to the committee. We will have one position to the committee, and we are telling you now that position is that those are not symbols and those people are not missing. And I find it outrageous that is the way this issue is being treated... Andrews: Senator, if I could, first of all, we do take them very seriously. When the USA came to our attention, we had an analyst on an airplane within a couple of days to Southeast Asia to try to follow-up on actions that we could take to determine what was there. We collected additional intelligence information and continued that process.
Symbols	Chagnon 10/15/92	Ms. Chagnon: The gentleman here before us said that here was one possibility of these being written by POWs, one being that it was a ruse by resistance people. Those letters could be Lao letters. Vice Chairman Smith: What would it say in Lao? Does it say anything? Ms. Chagnon: ...it could be ba ra hoi, which means don't wait. It could be the abbreviation for those three words...I have a Lao friend staying with us...I said what would these letters stand for if you saw them anywhere, and she immediately picked out ba ra hoi...

Symbols	CHECK QUOTE	He also stated under oath, that although Committee investigators suggested he contact JSSA to become educated in the distress symbol program, he did not arrange for such a briefing until June; page 21.
Symbols	Clapper 12/01/92	The joint investigation team travelled to San Nuea Province on 29 November '92, located the rice field where the USA symbol was made, interviewed it's owner, and discovered that the owner's eldest son made the USA symbol by copying it from an envelope because he liked the shape of the letters.
Symbols	Dussault 10/15/92	Sen. Grassley: Mr. Dussault, did you also think that you saw a name faintly scratched in the field? Mr. Dussault: Yes, sir. Sen. Grassley: Without telling us the name, did you try to match it with the names on the missing list? Mr. Dussault: About three days later, yes, sir. At first I didn't realize it was a name. Sen. Grassley: Did it match any names? Mr. Dussault: To my recollection, it did.
Symbols	Dussault 10/15/92	And in this case, in my mind, it's a possibility that the individual may have tried over the last 15 years various signals. None of those got any attention, so he's going to go with a blatant USA.

Symbols	Dussault 10/15/92	Chairman Kerry: And it has the walking appearance, whatever that extra -- I don't want to get into any classified area. Do you believe it's distinctly a K? Mr. Dussault: It to me looks like a K, and that's how I think we ought to consider it. And I've said that in writing, I think, and I've really done that for a reason. My position is...Give the benefit of the doubt to the operator. That's always been my concern.
Symbols	Dussault 10/15/92	Sen. Grassley: Did you see, 72 TA 88? Mr. Dussault: Yes, sir. To my recollection that's what I saw. Sen. Grassley: How did you interpret that? Mr. Dussault: At first, my first interpretation of that is -- 72 was the year the guy went down. TZ was his E&E code letters. And 88 could have been the year he arrived there or the year he left. And that was my interpretation. I don't know if that's even close. That's just speculation.
Symbols	Dussault 10/15/92	Sen. Grassley: When you saw 72 TA 88, did it match a person that was missing? Mr. Dussault: Sir, again, we are talking a year, two letters, TA -- and those are E&E code letters that applied during 1972. Sen. Grassley: when you found the name, though, did it match when that person went down? Mr. Dussault: Yes, sir.

Symbols	Dussault 10/15/92	Vice Chairman Smith: ...we cannot assume that is made while the person is in captivity, can we? The person could have escaped, is that not correct? Mr. Dussault: Yes, sir, that is correct. Vice Chairman Smith: And made it while he was escaping? Mr. Dussault: Yes, that's one of the possibilities. He could be an escapee hiding out in that area, made a K, went back into hiding, for a couple of weeks, stayed close by, within a kilometer, which is his training, and then goes back and does the USA. Again, maybe even at night, under a moonlit night, or something like that, he gets out there and works for three hours.
Symbols	Dussault/ Erickson 10/15/92	Vice Chairman Smith: ...we have an agency that teaches pilots escape and evasion procedures and identifying or authenticating numbers in order to locate them. Those people who taught that were not sent any imagery until at least, at the minimal, 1985; most of it was seen after this committee showed it to them in 1992. Is that correct? Mr. Dussault: Yes, sir. Mr. Erickson: Yes.
Symbols	Elder 10/15/92	Vice Chairman Smith: ...If you could remove yourself from what you heard here this morning, did you ever hear any information from anybody regarding that, any indigenous person in Laos or anybody else who was in Laos regarding the USA? Mr. Elder: I did not.

Symbols	Erickson 10/15/92	Chairman Kerry: Now, we have discussed this previously, and this is not classified. But how long would it take a person to dig out a USA of that size? Mr. Erickson: At least and hour per letter for one individual. Chairman Kerry: So, three hours of work? Mr. Erickson: At least.
Symbols	Erickson 10/15/92	Chairman Kerry: Now, with respect to the K up there, it has been referred to occasionally as a walking K. Without getting into great details about walking, does that appear to be a walking K? Mr. Erickson: To me, it does.
Symbols	Godley 09/24/92	We had one very peculiar incident. Some random aerial photography happened to take a picture of a rice paddy or some cultivated area, and we thought we saw USAF spelled out in this field, even with an arrow. We got very excited about it, and we sent an intelligence team of local American irregulars -- these were Hmong. They went there and they said there was absolutely no evidence of any American or any other prisoners in that area.
Symbols	Grassley 10/15/92	On October 2 and 5, the Committee received a full court debunking from DoD on the pilot code numbers in two closed sessions. They said that numerous sets of numbers seen in a photo and which match code numbers of know MIAs were shadows and vegetation. They made the numbers disappear, presto, just like that, by some sort of high-technology equipment.

Symbols	Gray 12/04/92	Mr. Gray: Yes, sir, exactly. The owner was brought out. We talked to him about the symbol being seen in his field several years before. At first he didn't understand what we were talking about. As the conversation went on, he laughed when they showed him the line drawing of the USA. He said I know now what you're talking about. My sons did that 3 or 4 years ago and they did that based on letters that we got from our relatives in the United States. We said we'd like to see those letters. They brought them out and written under the sender's address on these envelopes in big letters was USA. The owner of the rice field said my sons saw this. They went down, one of them wrote it in a hut. The other said I can do better than that, and he went out into the middle of the field, stacked up rice straw, and burned it in the shape of a USA. We asked if we could speak to his sons and he said absolutely. They were brought out. They were 20 and 17-years-old. They admitted that they had made the symbol. The older son that he had done it by stacking up the rice straw. He was asked if he had written anything else and he said, yes, I made a stick airplane and he drew that for us. And he said he also did a dragon's head in the same area either days before or day after he burned the USA into the rice field. We have pictures of the letters that came from the United States. It turns out most of the villages in Ban Hui Hindon have letters from the United States and all of them have on them in big letters USA. So he says -- the long man said that's where he got the idea for the USA.

Symbols	Gray 12/04/92	Vice Chairman Smith: Mr. Gray, I have no reason to doubt what the individual told you. On the other hand, I do not have any reason to believe him either. So let me just ask you a tough question. Was he [given a polygraph test]? Gray: He was not [given a polygraph test].
Symbols	Gray 12/04/92	Vice Chairman Smith: Now do you have proof that he made this? Mr. Gray: Do we have proof that he went out and burned a symbol into the field? We have his word. Vice Chairman Smith: Well see the point I am making -- I am not doubting what you say, I am really not. I am just trying to make a point here that we make these quantum leaps when it relates that is not live Americans. We draw the conclusion the man is telling the truth. He may be, I do not know. But I guess what frustrates me in trying to get to the bottom of the issue...is that when we get live-sighting reports, which are [given polygraph tests] and pass some, we do not believe them. And we do not have any evidence to contradict it in some cases. In many cases we do, but in some cases we do not, and we do not believe those reports. So I mean I guess I get concerned about -- DIA and intelligence people are supposed to be strict and tough on methodology.
Symbols	Santora 10/15/92	...when you're not looking at the original imagery and you're trying to detect something on anything else, any other form or copy of that imagery, then all bets are off on what you might see or might not see.

Symbols	Sheetz 12/04/92	I share the Senator's concern about the need to be as careful as you can given the situation that you are in, to make sure you are collecting accurate information. And I would point out that I was a bit skeptical when I first heard about this and the first thing I asked Warren when he came back was there any indication at all that these kids had been coached or that someone had sort of prepared the war for Warren's entry and had pushed these people out. Because I will admit, we have had experiences in the past in Southeast Asia in investigating cases where witnesses appear to have their story coached. But in this case we did not even know who we were looking for and it was only through happenstance that they were able to track these kids down. And basically they dug the kids out on the their own. They weren't pushed out there by a local Lao official saying ha, we found the person who made these symbols.

Symbols	Shields 06/25/92	Sen. Robb: Let me just go back to the question that I think has troubled the panel... it has to do with the whole question of compartmentalization of information during a critical period and what appeared to be the lack of sharing of information and/or critical questions being directed to those who might have been able to help in that reconciliation process. General Tighe observed during his testimony yesterday that when policy makers in the early 1970's made statements about no Americans being left behind, that the intelligence analysts tended to believe them, despite contradictions with most current intelligence, simply because they felt that the policy makers had access to compartmentalized information not available to them.
		Shields: Senator, to my knowledge, all of the intelligence agencies, including the NSA, were part of our process. That information was fed in... into the DIA.
Symbols	Smith 10/15/92	...it would be my position... that if information like this was provided to me, I would want to take the position that these symbols should be treated as valid until proven as otherwise. But that is not the position that has been taken here. The position that has been taken here is that these symbols are not valid.
Symbols	Smith 10/15/92	...what do we need this agency for? If we have signals and we are training people to do is, and then when we get the signals but we do not have the capability to determine whether it is a signal, it does not make any sense to me.

Symbols	Smith 10/15/92	[to Andrews] ...But basically, what you are saying here is that the analysis on 52, by your early analysis, is incorrect, or may have been incorrect. Therefore your analysis today very well may also be incorrect. And yet you are taking the emphatic position that you are correct.
Symbols	Smith 09/24/92	if we are talking about negotiating an end to a war and accounting fully for all of our prisoners of war, and we have photographs like that -- if somebody has presented you an analysis of those photographs and they say they are not true, they are not accurate, they are not Caucasian, they are something else or somebody else, fine. But your testimony is not that you got that testimony. Your testimony is that you never saw the photographs, and that very well may be the case. But the point is, it shows there is a communication breakdown somewhere, in terms of information that we had on POWs.
Symbols	Smith 10/15/92	Second, if a pilot were to attempt to communicate by ground signal, letter or whatever means, by using his authenticator number, the U.S. government will be unable to identify the individual if his number happened to be among those numbers DIA can't account for. This could be potentially tragic.
Vessey Cases	Ford 11/15/91	The way we define a discrepancy case is, a case about which the United States Government has convincing evidence that the Governments of Vietnam, Laos, or Cambodia should have specific knowledge. The term 'discrepancy case' includes not only individuals who were last known alive, but also individuals who we are not certain of their fate, or who were known dead but for whom the Indochinese Government should be able to provide information or remains.

Vessey Cases	Trowbridge 06/24/92	...the 97 who were listed as prisoner that have not subsequently been accounted for. They have made their way into the General Vessey list as priority cases. And those are the cases that are the core of the search efforts that are ongoing right now.
Vessey Cases	Vessey 06/25/92	It was not to mean that we weren't going to investigate the other cases. We were going to investigate all the cases, but these were the priority cases because they appeared to be the cases of those people had the best chance of being alive.
Vessey Cases	Vessey 11/05/91	. . . my approach with the Vietnamese is that we are not trying to reconstruct the past or come up with war crimes trials or any such thing as that. We want to know what happened to our people. First, we want to know, are there any live Americans there? We are not going to ask the question about what you said in the past, that you said there were not any, and now there are. Fine, if there are some, let us have them and we are just going to ignore the past statements. If people have been killed under circumstances that are embarrassing, we are not going to make an issue out of that. What we want to know is where are our people, what happened to them?

Vessey Cases	Vessey 06/25/92	So in early 1989 I asked DIA and JCRC to work together to refine the list and include all cases where the evidence showed that the person involved was alive when he last knew of him and we had evidence that he likely came under Vietnamese control or was captured and for whom we had not yet had an accounting. I also asked that the border areas be searched for the same sort of cases. And as a result of that effort we added 39 people lost in Vietnam and came up with 49 so-called discrepancy cases in the border area.
Vessey Cases	Vessey 06/25/92	I wanted to be able to confront that assertion that they had held no live prisoners with the sort of glaring examples that led Americans to believe that there may well have live American prisoners held. So at that time, the Defense Intelligence Agency officials gave me a list of about 70 cases... they were the cases for those individuals for whom the Vietnamese should have been able to account readily, some of them were not cases of people we thought had been reported to have died in captivity, but the remains had not been returned and we believed that the Vietnamese government should be able to account for them. Most of them were in fact people who the U.S. believed we had the evidence to show that they were alive when we last saw them, they were captured or about to become captured.
Vessey Cases	Vessey 11/05/91	The people who are missing are my comrades, as they were comrades of many of the people on this committee.

Watergate	Kerrey 09/22/92	The question today for this committee is how could this have happened? Several witnesses who were appointed policymakers in 1973 have identified Watergate as the culprit. They believe the United States would have forced North Vietnam to abide by the terms of the peace treaty had President Nixon not been weakened and distracted by the scandal of Watergate. Perhaps this is true. It also seems likely to me their attitude towards informing the public, coupled with their obsessive desire and need for secrecy, led to information about our missing being withheld from the American people. While they were trying to keep information about Watergate secret, they were also trying to keep information about our missing in action secret. The faulty judgment which resulted in one tragedy also produced a second.
Watergate	Kerry 09/22/92	It is clear also that paramount among the pressures of that time, when the agreement was signed and implementation began, was the energy and attention- sapping saga of Watergate.
Watergate	Kissinger 09/22/92	Now on the impact of Watergate, I think it is only fair to point out that the opposition to using any kind of military force strongly antedated Watergate. If you read the media of February and March when the Administration was repeatedly saying that it preserved the right to enforce the agreement, we were constantly told that we had no right to enforce a cease-fire. And it was something we always objected to on the ground that under those conditions any time America ends a war and makes a cease-fire, it has, in effect, surrendered because it cannot enforce what it has fought for.

Watergate	Kissinger 09/22/92	...it is quite possible that President Nixon did not have the same strength to resist that pressure as he might have had without Watergate. He never said that to me. I think the position he took, which was that he wanted one more negotiation before considering military operations, was a perfectly reasonable position. I had a somewhat different view, but I had always a somewhat more professorial view and he had a somewhat more understanding of the political situation; that's why he was President.
Watergate	Rodman 09/21/92	I think knowing all the risks that we were heading into as 1973 began, none of us anticipated Watergate and how it would explode and totally wipe out Nixon's political leverage, and I think our analysis was that some of the crucial votes in the Congress that we used to defeat were lost this time and it was probably because of the demoralization of the President's supporters, so this was an unanticipated factor. But I agree with what Winston said earlier, and it's very important. We signed this agreement believing that if we did the right thing we had a good chance to maintain it, and that there was a chance that the South Vietnamese -- that the struggle within Vietnam would turn into some kind of political competition. There was a chance for this agreement to survive, and a lot depended on what we did. Chairman Kerry: Well, I accept that, and I said earlier, and I'm convinced from all the reading that I have been doing, that Watergate looms far larger in this than I had ever imagined...

Watergate	Secord 09/24/92	What I think happened was we evolved through the Watergate era on this issue, and it just dragged on and on, and it was just kind of pushed off to one side, and it became less important in people's minds. And to our discredit, I think, it kind of left the consciousness of nearly everyone. But I think those of us who knew the truth, or what we thought to be truth, were always bothered by this. I don't know what else I can say.

Live-Sighting Reports	Trowbridge 06/25/92	Sen. Brown: My understanding is that we have hundreds of statements that are sworn statements, where people have passed a polygraph test, indicating there are Americans being held as POWs... That indicates Americans are being held. Now, how do we reconcile that? Trowbridge: There is information that individuals have indicated that there are prisoners being held. Of that information, we don't have convincing information, or we have none that we have confirmed.
Live-Sighting Reports	Trowbridge 06/24/92	Right now we have, I believe, 40 unresolved reports that talk about Americans living freely in Vietnam. We do not know who they are.
Normalization	Ford 12/01/92	...I happen to believe that it's very much in U.S. interests to normalize our relationship with Vietnam. I spent two years in Vietnam. I have every reason to know that country and the horror of that war, but I think it's something we need to put behind us, both in a political sense and in an emotional sense, and I think economic and whatever. I think it makes a lot of sense to move forward.
Normalization	Griffiths 12/01/92	Once we do that, I think that the United States should move forward just as rapidly as Vietnam acts in the context of the roadmap.

Normalization	Kerry 12/04/92	...if you read what is in Phase Two, let us say you were to do the business piece that involved permitting U.S. firms to sign a contract, but they cannot execute on it, they cannot execute...you are whetting the Vietnamese appetite. But Phase Two specifically says continue the rapid repatriation. Vietnam in phase two is not alleviated of any responsibility. Vietnam specifically is required to continue the rapid repatriation of American remains readily available to Vietnam. Vice Chairman Smith: If they become available after Phase One, true.
		Chairman Kerry: So they must continue the process. We have an expectation of the continuation of remains in Phase Two. The roadmap clearly contemplated it, and it leverages it. Now, let us say a couple of companies move in. Let us say you chose to only let it be certain kinds of companies, whatever. They go in. The Vietnamese start to get excited: Hey, this is working. But you do not get more of those remains. They cannot execute on the contracts. Everybody is going to get angry: Hey, how come you are not able to move forward? Gee, we thought we would be able to make this a real business thing, but where are those remains? All of a sudden you have increased your capacity to get them. You lose no leverage. You increase the leverage. Phase Two contemplates it.

Normalization	Kerry 12/03/92	Now some of us may feel, just as policy people all over the agencies may feel, that one step or another may serve better to get some of those answers. But none of us feels that we should give up leverage. None of us feels that we should move to an actual commercial product-moving relationship. Every comment that we have suggested in terms of the roadmap suggests that those who have advocated some step are simply saying, we think we can get more information and still maintain leverage.
Normalization	Quinn 12/04/92	...I think it's important to emphasize that we do have a policy in place to deal with Vietnam, the roadmap policy. And it's premised on two underlying pillars. One, that we should speak clearly and authoritatively to the Vietnamese, and so we gave them our policy in writing and we told them that it was approved by the President, by all of the relevant secretaries. Secondly, the roadmap was premised on both parties taking steps, concomitant steps, to address the concerns of the others. That policy, plus the work of General Vessey, General Needham, all of the people from DOD who have been up here, has produced results and I outlined those in my testimony the other day in terms of offices and prisons access, live-sighting investigation, remains that have been returned.

Normalization	Quinn 11/15/91	There was also a charge, a criticism, of our overall policy, particularly the State Department's role in the POW/MIA effort, that we are acting at the behest of commercial interests, that we are rushing to normalize relations with Vietnam. I doubt that those who would charge this have heard from the American businessmen and businesswomen who see me almost every day, and who leave, for the most part, disappointed. I tell them that we will not have the domestic support system necessary for Government or a business to move ahead with Vietnam until we resolve the POW/MIA issue. I add that there is hope for the future, because our policy appears to be working; but the embargo will remain in place until the proof is in. American economic interests have high standing in our foreign policy, but in the case of Vietnam, these interests are weighed against even higher priorities. It is true we are in a rush, a rush to obtain the fullest possible accounting for the 2,271 American POW/MIAs from the Vietnam War. The uncertainty has gone on far too long. We are doing our best to energize the process and elicit the cooperation we need from the governments in the region. We have had some notable success in the past year, but more must be done. As we get results, we will take the commensurate steps that will help put the past behind us. The response from Vietnam is slow and begrudging. So, too, will be the pace and scope of normalization. At every opportunity, we remind Vietnam of this fundamental reality.

Normalization	Quinn 12/04/92	...the question now is how to keep it going. I believe the record demonstrates [Vietnamese cooperation] that the philosophy underlying our roadmap -- that when each side is taking steps that we're able to move ahead, but that whenever we stop taking those steps that we run the risk of bringing the whole process to a halt. I think it should be that philosophy which continues to guide us in the future.
Normalization	Quinn 12/04/92	...If I could just say, I think the explanation you gave of how these steps were supposed to work is exactly right and exactly what was in our minds when we laid them out. It was intended that as you took them to increase your leverage and too, as you draw nearer to what in our view is what the Vietnamese want from us, that that would impel them to do all the more that they could to respond to what we want from them.

Normalization	Smith 12/04/92	...I think we lose all of the leverage that we have by moving to Phase Two at this point, and let me explain very simply why. We got the information that we received from Mr. Schweitzer when we indicated to the Vietnamese that we knew that they had it. So they provided it to us. Understandable. Now, if we were to go at this point and accept the premise that they have no more remains and move on to Phase Two or accept the premise that all live-sighting reports are resolved and move to Phase Two, not only is there not an incentive for them to provide them to us; there is a disincentive, because if we move into Phase Two and there is a cache of remains somewhere or a group of Americans somewhere still alive, to bring that information forth would immediately stop the process of the roadmap.
Offers	McCain 09/24/92	Sen. McCain: Let me ask, at any time, did you receive or know whether the Vice President or the President of the United States received information of an offer of Americans for money? Murphy: I doubt very much that could have happened. It's something that he would probably have discussed with me if he had gotten it separate from me. He never did. I can only assume that it never happened.

Offers	Perroots 12/01/92	Perroots: ...let me tell you, they turned into being inquisitions. And when I found that out I took steps to alter it. But I was probably to blame. This was part of the whole atmosphere that we generated to make sure that we were responding to virtually every critic, to make sure that nobody could make the suggestion that we were hiding anything. We trailed that film. It was in Billy Hendon's office that he said he had the names of the people on that film that refused -- it is a two-way street. You have got to have cooperation with the agency responsible for the identification of those people. And there were other inconsistencies in the way the Congressman operated that resulted in our terminating that kind of activity. Sen. McCain: It is worthy of note, Mr. Chairman, and I was going to wait until the hearing tomorrow, that former Congressman Hendon has also refused to cooperate with a committee request concerning our investigation of fraud and fundraising, and I think that is interesting, particularly coming from people who are demanding full disclosure of all other information...

Offers	Schlatter 12/01/92	Schlatter: ...the episodes that we underwent was that we would be called to come to this member's office, and in support of his legislation he would have some of his colleagues there. And he would say all right, I want you to read this report. Well, we would take the report out and we would read the report. Well, stop right there. Read that again. So we would read this one sentence again. Now, Colonel or mister or whomever he was talking to, what do you make of that report? Well, we would lay out our investigation and our analytic findings. We would then be subjected to considerable degree of criticism for our investigations or our findings. The end result was that we chased ourselves round in circles. The same reports were reviewed time and time again, the same questions asked and the same answers given. At one point, the member ordered an analyst to go stand in the corner after... Sen. McCain: He told an analyst to go stand in the corner? Schlatter: Yes, sir...

Offers	Vessey 12/04/92	Chairman Kerry: You have had the opportunity to raise this issue in the most personal way on behalf of the President of the United States? Vessey: I have. Chairman Kerry: Have you, in the course of those meetings, confronted the Vietnamese repeatedly with the question of live Americans in their country? Vessey: I have. Chairman Kerry: And what have they responded to you each time? Vessey: We hold no live Americans. Chairman Kerry: Has money been offered to them, deals been offered to them? Vessey: No. I have not offered money, but I've made it clear that it is the fundamental basis on which we can move forward in any fashion.
Offers	Vessey 12/04/92	Sen. McCain: Do you believe that would be a good idea to say to the Vietnamese that we will give you a couple of billion dollars if you will give us any live Americans? Vessey: I think it's a bad idea. Sen. McCain: Why do you think that would be a bad idea? Vessey: Well, there are -- there are rules of international warfare. There's the Geneva Accords. And I believe that we should promote civilized behavior among nations and that we all ought to respect the dead, the captured in warfare according to those rules, and that we should expect nations to abide by those rules.

Oral Histories	Bell 12/04/92	Chairman Kerry: ...I want to ask you, in your judgment, on the oral histories, do you think that is sort of a gold mine, so to speak, and something we ought to pursue significantly? Mr. Bell: I think the oral-history program is not only important from the standpoint of the interviews with the individuals for verbal testimony, I think it's also important in that they can identify areas where records are stored or areas where records were stored at one time. And also, a lot of the personnel -- in fact, most of the personnel who participated in the war kept personal diaries, and they retained those as much as possible and they still have those around today.
Oral Histories	DeStatte 12/04/92	I agree that what we have referred to as the oral history program is very important. As a matter of fact, this is something I've been discussing with my counterpart and the people at the museum. Having a record that documents the fate of the missing person is really only one step in the accounting process. The final step should be, wherever possible, to return the prisoner's remains. And to do that, in many cases, it's going to require the help of witnesses, eyewitnesses.
Oral Histories	Schweitzer 12/04/92	220 million Americans and 70 million Vietnamese couldn't do this. And yet Colonel Dai and I got together and these things just started coming out. And it was just so natural and so easy for us. There was nothing to it. But, when you look at it is seems mysterious, and I don't think it is. I just think it was the time and it just happened, and it's going to continue happening. It's just the beginning, and I think all the rest is coming.

Peace Talks	Daschle 09/21/92	Mr. Aldrich, on the 24th of January of 1973 Dr. Kissinger stated at his press conference that there were no secret understandings in the sense of secret commitments. He said that there were statements by each side of its intentions or interpretations of the agreement on which the other side might or might not choose to rely...That is very important public pronouncement, probably equal in consequence, in many respects, to the pronouncement of the President a couple of months later....Dr. Kissinger announced on the 24th that there were no secret agreements, and that was left unchallenged. No one came forth on his staff, in the administration, by the President, to clarify a fundamental mistruth.
Peace Talks - Implementation	Godley 09/24/92	The Symington Amendment was the final blow. That amendment, as I recall it, limited the dollar value of our military expenses in Laos to $300 million a year. This was to cover ammunition, aircraft sorties, bombs, food, and to pay indigenous personnel. I don't believe that in the history of warfare there has ever been a military commander operating under such budgetary restrictions. We were beaten, not by the men in the field, but by public opinion at home, and were negotiating from a position of abject weakness...
Peace Talks - Implementation	Godley 09/24/92	Any efforts to obtain a full accounting of POW/MIAs were doomed to failure unless the North Vietnamese could see some advantage in acceding to our request.
Peace Talks - Implementation	Grassley 09/22/92	[quoting General Walter's Testimony] "Something like half the prisoners that were known to have been captured alive never came back to France after they reached a deal with the North Vietnamese."

Peace Talks	Haig 09/21/92	...the bombing halted and the negotiations began at a time when Hanoi could see clearly that the Congress, the American people and the American psyche no longer had the stomach to do what it had to do.
Peace Talks	Haig 09/21/92	What I'm saying is be sure you know the constraints that existed, because it's my personal judgment, maybe wrong, maybe naive, that Henry Kissinger and Richard Nixon never made a decision that they didn't think (with some probably minor exception) was not dedicated to the proposition that we want to get our prisoners out, all of them, as quickly as possible. And I believe that. So that's my contribution to your deliberation.
Peace Talks - Implementation	Kerry 09/24/92	I enlisted in 1965, was commissioned in 1966, went over in 1968 twice, came back in 1969, and volunteered, volunteered to go over, volunteered to go down to the southern part where we were fighting in the Navy, and went over to win. But I came back in 1969 convinced that what was going to happen in 1975 was going to happen. And the notion of trying to fight a war with these crazy restrictions that we were trying to fight it with just convinced me that you cannot fight a war that way.
Peace Talks - Implementation	Kerry 09/22/92	There is nothing in the record that suggests you asked the Congress of the United States for the right to bomb because they were holding prisoners that they would not give back. Nothing.
Peace Talks	Kerry 09/21/92	I do not want this to be confrontational. It is not meant to be; no member wants it to be. But 20 years later, folks, you know as well as I do that we are here because, for better or worse, the intentions we sought in 1973 have yet to be fulfilled. We do not have a full accounting.

Peace Talks - Implementation	Kerry 09/21/92	...The debate is about what happened in this country in our attempts to get our prisoners back and were families dealt with honestly, were the American people dealt with honestly...We are not here..to rehash the war, to renegotiate the agreement. We want to know what decisions were available to us and how we might have made choices to get them back. Now, you said we did not get a full accounting. All we are trying to do is understand why we were not able to get that full accounting. Was there anything disingenuous in that process of not getting it? Were we lied to? Were families not told the truth? Was it inadvertent, was it simply impossible as a consequence of the circumstances you have described? Now, I have taken up more than my time here, but I would ask you what it was that prevented us, once we knew that did not have a full accounting, from going to the American people and raising their consciousness around that reality? Would people not have coalesced around the notion that they were not getting back Americans who were supposed to come home?
Peace Talks	Kerry 09/22/92	A lot has been said and written about the man the committee will hear from today, but the one thing that has never been said about him is that he was out of the loop.

Peace Talks	Kerry 09/22/92	The pressures on our negotiators during those critical years were real and unavoidable. We had a President elected in 1968 who took office in 1969 on a pledge to end U.S. participation in the war. We had a public hungry for that moment, anxious for the goal to be achieved. And we had a complex set of political and military objectives throughout Indochina that were at risk. We had a very determined and skillful adversary, and we had tantalizing but imperfect information about the number and status of prisoners in Vietnam, Cambodia, and Laos.
Peace Talks - Implementation	Kerry 09/22/92	[citing Kissinger's memoirs] But what is very clear, we were willing to move heaven and earth to support President Thieu, we were willing to move heaven and earth to enforce the bombing on the violations for infiltration, but we never talked about moving heaven and earth to have that full accounting and never did the American people learn, never did this come to the Congress. And I think it would have been one of the great levers that you had, but it was not there.
Peace Talks - Implementation	Kissinger	It did not matter whether we could have added one or another clause to the agreement. The provisions with respect to the missing in action were perfectly plain. They just didn't carry them out.
Peace Talks - Implementation	Kissinger 09/22/92	Most commentators -- I would say all commentators, Congressional or media -- opposed any effort to stand up to Hanoi, arguing that the United States had no right to retaliate at all against the North's blatant violations. ...By the middle of April, Hanoi's violations were overwhelming.

Peace Talks - Implementation	Kissinger 09/22/92	Unfortunately, it was also no secret that these efforts to pin Hanoi down amounted to firing empty cannons. In theory we had three sources of leverage available: bombing the North, offering economic aid to Hanoi and giving military and economic aid to Saigon to deprive Hanoi of the hope of military victory. The Congress took all three levers away, denying us both the carrot and the stick. When the Congress eliminated our leverage, we were trapped in the classic nightmare of every statesman. We had nothing to back up our tough words, but more tough words.
Peace Talks	Kissinger 09/22/92	...Hanoi sensed our leverage was rapidly eroding. A host of congressional resolutions made it clear that we would have no support for military action.
Peace Talks - Implementation	Kissinger 09/22/92	It is totally inappropriate for those who prevented any sort of military action to blame those of us who wanted to enforce the agreement because they can find this or that document that gave one or other reason.

Peace Talks	Kissinger 09/22/92	Monday-morning quarterbacks can argue that the Paris Peace Accords were not perfect. I agree. To me, the ideal outcome would have been an American victory. But, Mr. Chairman, we had to deal with the war in the specific circumstances we faced. Even with the perspective of 20 years, I am convinced that in those circumstances, no better agreement was obtainable. For example, just as I was leaving for the final negotiations in January 1973, the House and Senate Democratic caucuses each passed, by very large margins, resolutions calling for legislation to cut off all funds for the war. ...since Congress removed both incentives and penalties for Hanoi's compliance, how exactly would any achievable amendment have changed Hanoi's behavior?
Peace Talks - Implementation	Kissinger 09/22/92	The problem with the Paris Accords was not with the words, but with their implementation by North Vietnam. ...the U.S. Congress even more vigorously, and successfully, undercut our ability to enforce those accords.
Peace Talks	Kissinger 09/22/92	We have had many disagreements on policy, and honorable people will differ about this. But on the fate of our prisoners, Mr. Chairman, there can be no division. We had all an equal concern.

Peace Talks	Kissinger 09/22/92	There were also numerous Congressional resolutions. Most were Congress resolutions which were not binding. But whether they passed or not, they were all known to the Vietnamese and weakened our negotiating position. 35 of these resolutions were introduced in 1972 alone. ...During this period many political leaders, including Senator McGovern and 30 other U.S. Senators, were calling for unconditional, unilateral withdrawal of American forces from Vietnam without any formal North Vietnamese commitment or the concurrent or even subsequent return of our MIAs and POWs, or accounting for the missing in action. . . . At the same time, members of the American peace movement were spreading the word that they had been told by the North Vietnamese that setting a deadline for our withdrawal would create favorable conditions for the subsequent release of American prisoners of war.
Peace Talks	Kissinger 09/22/92	Privately, you see, the problem was they were counting a great deal on our domestic opposition, so they were going extremely slowly in the negotiations.
Peace Talks - Implementation	Kissinger 09/22/92	Oh, it's a fair question, Mr. Chairman, and the answer to it is that this body prevented the enforcement of the agreement. When we spoke of iron-clad guarantees we never thought we were dealing with a bunch of Lord Fauntleroys whom we could hand a document to. We thought we had the right to enforce the agreement, which was then taken away from us.

Peace Talks	Kissinger 09/22/92	From the day we entered office, we had no more consistent goal than the release of the brave Americans held prisoner throughout Indochina and a full accounting of their missing colleagues. The negotiating record makes clear that this matter was insistently raised with the North Vietnamese. There was no issue on which American officials, from the President on down, were more adamant. Yet here we are 20 years later being pilloried in leaks without a shred of evidence, with the unforgivable libel that we knowingly abandoned the very group whose suffering was the biggest single incentive for our exertions.
Peace Talks - Implementation	Kissinger 09/22/92	The problem with the Paris accords was not with the words, but with their implementation by Vietnam. From the very start, Hanoi began violating the accords. The record shows clearly that while the executive branch tried strenuously to bring pressure on Hanoi, in particular those relating to POWs and MIAs, the U.S. Congress even more vigorously, and successfully, undercut our ability to enforce those accords.
Peace Talks - Implementation	Kissinger 09/22/92	If the Vietnamese violated these provisions it was not because of any omission by the responsible U.S. officials but because we had been stripped of the weapons we might have used to enforce that commitment.
Peace Talks	Kissinger 09/22/92	We had, in meetings with many groups, said forever that if we got the terms we asked for we would end the war. That we were not pursuing the war and that we were not making these proposals as gimmicks; we meant it.
Peace Talks - Implementation	Kissinger 09/22/92	Despite all these obstacles, strenuous negotiations resulted in a joint communique on June 13th, reaffirming and strengthening all the POW provisions, ...We made no secret of our outrage with Hanoi's violation.

Peace Talks - Implementation	Kissinger 09/22/92	I therefore cannot accept, Senator Kerry, that information was knowingly kept from the American public. Nobody had a monopoly of anguish in that period. Nobody had any conceivable interest in deceiving the American people.
Peace Talks	Kissinger 09/22/92	In response to my presentations, Le Duc Tho disdainfully read me editorials from the American press and speeches from the Congressional Record.
Peace Talks	Kissinger 09/22/92	[quoting from his 1973 statement] "...as for us at home it should be clear by now that no one in this war has had a monopoly of anguish and that no one in these debates has had a monopoly of moral insight. And now that at last we have achieved an agreement in which the United States did not prescribe the political future to its allies, an agreement which would preserve the dignity and self-respect of all parties, together with healing the wounds in Indochina we can begin to heal the wounds in America."
Peace Talks	Kissinger 09/22/92	If Saigon collapsed, the residual American force would become hostage. The number of our prisoners would increase exponentially. In the end, we achieved the terms we set out to obtain, and which our critics had repeatedly told us were unattainable. In the process, we dramatically improved the conditions for the return of American forces. We demanded and obtained release of all prisoners.
Peace Talks - Implementation	Kissinger 09/22/92	Only when our leverage was in the process of being dismantled, while the Saigon Government was disintegrating, in the absence of a cease-fire, would we be permitted to talk about our prisoners under conditions of unspeakable chaos.

Peace Talks - Implementation	Kissinger 09/22/92	Nobody ever questioned that the accounting for the missing was unsatisfactory. We raised it at least 60 times during 1973. The only difference is that we did not know of confirmed prisoners. And had we known it, we would have taken the most drastic steps. As I will say in my statement, but it is better clearly understood now, I advocated the resumption of military operations to enforce the agreement starting in the middle of March, 1973.
Peace Talks - Implementation	Kissinger 09/22/92	...we never accepted that They're all dead, and continued to express our dissatisfaction with Hanoi's failure to account for the MIAs.
Peace Talks	Laird 09/21/92	I knew about the secret negotiations probably as soon as Ambassador Harriman went over there. I was a member of the -- we had, at that time, a smaller committee in the House of Representatives that handled highly classified operations. As a member of the Defense Appropriations Committee, I was informed of those negotiations as they went forward in Paris. And I was kept informed regularly, of course, as Secretary of Defense.

Peace Talks	Lord 09/21/92	I believe the final agreement was the best possible one at the time, given the mood in America and the pressures on the U.S. side. It was a far better deal than almost anyone on the American scene thought possible, and that almost all of Congress and the media and certainly the demonstrators were calling for. It is unfair, retrospectively, to forget the atmosphere of the times in evaluating the agreement today. It is unfair to examine our maximum positions during the course of the negotiations and complain that they were not all realized in the end. By definition, any agreement had to be a compromise and reflect the realities of both the battlefield and American domestic support.
Peace Talks - Implementation	Moorer 09/24/92	The country was in a state of near anarchy,...
Peace Talks - Implementation	Moorer 09/24/92	...I don't think that any nation has ever fought a war with 500,00 troops and let the capital of the opposing nation have a sanctuary.
Peace Talks - Implementation	Richardson 09/24/92	The question is one of what the public will support, what Congress would support in the circumstances, what the international political costs are of a new use of force. And, indeed, I don't know exactly when the vote taken by Congress was, but it was not long after that Congress specifically prohibited the use of force for this or any other purpose having to do with Vietnam.

Peace Talks	Schlesinger 09/21/92	...but one must assume that we had concluded that the bargaining position of the United States in dealing with Vietnam, North Vietnam, was quite weak, we were anxious to get our troops out, and that we were not going to roil the waters if that could be avoided. That would be my judgement.
Peace Talks - Implementation	Secord 09/24/92	Sen. Brown: But faced with the cutoff of funds, what would you have recommended? What should we have done? What should the Administration have done faced with the cutoff of funds for military alternatives? Secord: If the Congress totally tied our hands with respect to ability to wage another offense, another bombing campaign, then what I alluded to earlier seems to be the only option. That would be to mount an intensive intelligence operation using all of our intelligence community and really putting some dollars behind it.

Peace Talks - Implementation	Richardson 09/24/92	those of us here in Washington and in the Government -- when you and your fellow prisoners of war returned, it was a tremendously, to me, moving and exciting moment. I had the opportunity then to talk with many of you, and it was an indelible experience. And I think that this feeling, very broadly shared, may have had something to do with the whole feeling that peace had been achieved, the prisoners were home, it was over. It had been truly a nightmare. All I can say is that it would have been a very tough call, when the North Vietnamese in effect abrogated the whole agreement by re-invading or invading South Vietnam. Then surely had the political -- had it been politically feasible, bombing and, I think, other military responses should have been initiated.

Peace Talks - Implementation	Robson 09/24/92	Chairman Kerry: After that initial 60-day period beginning with 29 January to the end of March, what happened in terms of your effort to gain accounting for those people? Can you describe that for us? Mr. Robson: Yes, sir. We had that series of folders, as I said, approximately 80. I don't remember the exact number. But we also developed some more information. I say we, the services, JCRC, and the intelligence agencies developed more information which was fed to JCRC in Thailand, which in turn was passed back to us, and we ended up with a total of 104 folders with information on people that the enemy should be able to tell us about with any great amount of difficulty. And I personally passed that list and stuff to them, I believe, on the 17th of April. Chairman Kerry: What kind of response did you get? Mr. Robson: Nothing.

Peace Talks - Implementation	Robson 09/24/92	Chairman Kerry: ...When we deposed Colonel Bernie Russell, who is -- Vice Chairman Smith: The U.S. head of the Four-Party Joint Military Team, he said otherwise. He stated that in early May the Vietnamese were linking U.S. aid commitments to cooperation with the MIAs. And when the vote came, or when the word was passed down to the Vietnamese, or passed to the Vietnamese that there was no aid forthcoming, or at least not in the immediate future, that they stopped cooperating. Colonel Robson: There is no contradiction there, sir. That's exactly what happened. Vice Chairman Smith: What? Colonel Robson: When they got the word that the aid was cut off, they just -- Vice Chairman Smith: Bailed out. Colonel Robson: Just started bailing out. I mean, they'd sit and talk to you.
Peace Talks - Implementation	Robson 09/24/92	Chairman Kerry: When you say nothing, they just -- Mr. Robson: They took it and they said we will study it. The same thing they told Dr. Kissinger in Hanoi. Chairman Kerry: So in effect, the process that was put in place to get the accounting was truly not working almost from the beginning.

Peace Talks - Implementation	Shields 09/24/92	Chairman Kerry: But you did choose 14 that you did know were prisoner. Dr. Shields: No, we did not -- Senator, we did not know they were prisoner. We knew that they could have been prisoners. We never had any intelligence that they actually entered the prison. Chairman Kerry: That's not what you said on that day. Dr. Shields: I don't know the press conference transcript. Chairman Kerry: I will show you. "These 14 individuals were at one time identified by the DRV as having been captured, but were not listed on the so-called complete list provided on 22 December." We carried them as POW. We believed they were POW. We held a press conference saying they are POW.
Peace Talks - Implementation	Shields 06/25/92	Shields: I believe we failed to get as complete an accounting as we could have gotten at that time, yes, I do. There is no question about it. In mind, had Article 8B been implemented, we would have had the accounting that we desired. Chairman Kerry: And your interpretation of why it was not implemented is? Shields: We never had access to the areas where we needed to go. We needed to go into the areas where our men were lost. We needed to begin with the incident of loss and track down what happened to them from that point... in the area of Laos, we did not have access. We were not allowed to go. The government was hostile. The same was true of North Vietnam.

Peace Talks - Implementation	Shields 06/25/92	The record of our efforts to implement Article 8(b) have been well documented. Without cooperation from the other side, the JCRC sent teams into the field to investigate crash and suspected grave sites. An extensive and sophisticated underwater search effort was made off the cost of South Vietnam at suspected crash site locations. The last U.S. military man to die from hostile fire in Vietnam in a U.S. initiated action was killed in December, 1973. He was a member of a JCRC field team, and with the ambush of that team and his death, our field efforts ceased.

Peace Talks - Implementation	Shields 06/25/92	Shields: Now, the families had all of the information which we had available. The family of Richard Van Dyke, now living I think in Salt Lake City, knew about his case. They knew about what the men in the prison camp had to say about him. They knew about Commander Ford. So this information was passed onto families. It was not information that anyone tried to hide. Chairman Kerry: But the point is, obviously, that here we are 20 years later with a list called, discrepancy cases. And General John Vessey who will testify later, who is an extraordinary public servant, who has devoted his time going over there, has a list of people that 20 years later we are saying to the Vietnamese, hey, wait a minute, we thought these folks were alive. Now, if 20 years later we are doing that, it just occurs to me that 20 years ago the presumption, the information, the probability, the expectation,... were a hell of a lot higher, and the moment was riper. Shields: Certainly, Senator. We had at the time of the Paris Peace Accords an Article 8B which, as Mr. Sieverts has pointed out, contained all of the authorities we needed for an accounting. Chairman Kerry: So there was a real failure to pull off the Accord itself and get the accounting? Shields: Absolutely.

Peace Talks - Implementation	Shields 06/25/92	Even though we were not having the cooperation that we needed, we made overtures to the Vietnamese time and time again. A Presidential commission went to Hanoi and to Vientiane, Laos, in 1977 appointed by the President, manned by distinguished Americans, specifically for this purpose of accounting for the missing. We had a complete set of hearings, and numerous hearings within the Congress on this issue, and the Department of Defense spoke out and maintained contact with families, and let the families know exactly where this issue was. So if there was not a hue and cry in the country, it was not for want of effort on our part.
Peace Talks - Implementation	Shields 06/25/92	We pinned our hopes on article 8(b). We negotiated. We staffed the FPJMT in the field. We had the JCRC in the field... We did not have access to Laos. We did not have access to North Vietnam. We did not have access to most of the areas in South Vietnam where we thought we could go. The man who was killed, Captain Reese, was killed in an area which we felt was under friendly control. As it turned out, of course, it was not. So we could not go into the field, we were limited to negotiations, a part of a treaty which was never observed, and never implemented. We faced extraordinary difficulties in those days.
Peace Talks - Implementation	Sieverts 06/25/92	...our overriding objective during this entire period was to assure that all our prisoners were returned, and to assure that we were pursuing all available means to secure the fullest possible accounting for our men.
Peace Talks	Sieverts 06/25/92	...the January, 1973 Paris Agreement was the first agreement ending an armed conflict that contained such extensive provisions for accounting for the missing and dead.

Peace Talks - Implementation	Smith 09/22/92	...we did have iron-clad agreements with the Vietnamese but what happened is they did not comply with those iron-clad agreements.
Peace Talks	Smith	I think it is important to understand the politics of the times, people in the streets protesting the war, 300 men dying every week. And those were the times that you entered onto the political scene with the President, and there was a great amount of political pressure to end the war, trying to end the war in an honorable way. And you proceeded into negotiations to try to do that, since there did not seem to be the political will to win it militarily. So these were difficult times, and you insisted on many matters concerning POWs and MIAs in those negotiations. The issue, as far as I am concerned, is did the Vietnamese and the Lao respond to what you insisted on?
Peace Talks - Implementation	Vessey 06/25/92	Chairman Kerry: Do you share a feeling that climate of 1973 may have contributed to... and attitudinal approach that accepted a sort of willingness to, perhaps, ask some tough questions and deal with some realities? Vessey: ... there were many people interested in this issue at the time. There were unanswered questions at the time. At the same time, the country seemed to be desperate to get out of Vietnam and be separated from that issue. And I think that people made the decisions that they thought were the best decisions at the time, based on the information that they had.

Peace Talks	Walters 09/21/92	I think it was Ambassador Lord who said, you know, we cannot second guess every aspect of it...I am here to talk about POW/MIA, and what we knew about that and how that issue figured into these negotiations, and perhaps some larger issues about the negotiations and how they may have impacted our ability to get the full accounting that we sought.
Perot	Childress 08/12/92	It is my opinion...that Mr. Perot's trip was counterproductive to U.S. efforts.
Perot	Kerry 08/11/92	We may leave some questions out there because we are not capable, as humans, of resolving all of this 20 years later. But the record will be more complete. And the evidence will be greater and I think the effort more significant -- thanks, in part, to your participation and contribution.
Perot	Perot 08/11/92	Mr. Perot: ...The POW project had to be a completely private project, otherwise it would have had no credibility with the Vietnamese, and these were the people we were trying to impact. Chairman Kerry: But that was your suggestion that it be kept private? Mr. Perot: ...No, I think that was actually Dr. Kissinger and/or Colonel Haig said this has to be done privately....
Perot	Perroots 08/12/92	Mr. Perot's activities during my tenure had no adverse affect on my mission. I considered his efforts to be a reflection of his patriotism and sincere concern over the issue and that still applies. He made no mention of any enumeration nor any offer by the Government for any payback.

Perot	Perroots 08/12/92	Soliciting Mr. Perot's support as a member of my advisory board and authorizing him access was my idea.
Perot	Perroots 08/12/92	The White House had acknowledged Mr. Perot's efforts in support of the POW/MIA issue and commended him for his efforts. In view of his past activities, I made a decision to provide him access and to keep him personally involved for our mutual benefit.

Photos	Gray 12/04/92	Mr. Gray: We talked to the sources who sent these photos out. The individual that sent them out said he was never told that these were American prisoners. He was told simply by the source of the photo to find out who these Americans are. But en route to the American embassy in Bangkok the story became that these are American prisoners. Sen. McCain: You do not know who put the names on them. Mr. Gray: Well, we asked the source who said -- the ceramic merchant in Khompong Chang, Cambodia, why did they -- the photos that came forward as those of American prisoners. He said, well, if the Vietnamese who gave him the photos were looking into these photos, then they had to be American prisoners, but he was never told they were prisoners. Now, the names were not associated when he sent those photos forward. None of the names were associated. The only names associated with the photos were actually the ones written on the photos, Chester Wimmer and others, names which were not of Americans who were missing. So not until later in the year of 1990 were names associated with the photo. We determined that the names Robertson and Stevens actually came from a handbill that had been out in Southeast Asia since 1987. And it said across the top $1 million dollar reward being offered for American prisoners and the two photos across the bottom were Robertson and Stevens.

Photos	Kerry 12/04/92	[to Chambers] I think an interesting example of that was your own explanation of what happened on the Lundy-Robertson-Stevens photo where it went from one person as a photo of Americans and by the time it got out of the car it was a photo of prisoners, and by the time it got somewhere else it had names of people, and by the time it got to America it was on the front page of Newsweek with three people, startling new evidence, and so forth.
Photos	Sheetz 12/04/92	The photographic experts who used the computer-enhanced techniques at the U.S. National Labs to determine if the alleged Robertson-Stevens-Lundy photograph was accurate, they noted that the handwritten sign that the Senator is referencing was not on the original photograph, that was a paste-on, and then the photograph was re-shot. There was no question about that.
Priority	Apodaca 11/06/91	Earlier this year, I was actively involved in a highest national priority, Operation Desert Storm... I don't know if this is a good comparison, but if the POW/MIA issue has the highest national priority, why are hundreds of remains still in Vietnam today? Why are agencies allowed to not follow through on reports? Why can't we find the fingerprint records for almost 25 percent of those still missing? I would not be so upset if the Government had called this a high national priority, but they didn't. For years it has been the highest national priority, and for years I've wondered.
Priority	Childress 12/01/92	...in January of '82 ...In the intelligence area, manpower and priorities were at an all-time low and I believe the POW branch had only nine personnel assigned.

Priority	Childress 12/01/92	Let me put it in a perspective. When we talked at the national level about a matter of highest national priority, we were referring to not just resources that the director of DIA or someone in the Pentagon could put to the problem based upon the priorities we were giving them in the national documents. There's a difference between implementation of the priority which allows them to move forward or tells them how are you doing, moving forward, and saying that, well, we didn't have enough people.
Priority	Gaines 12/01/92	Sen. Daschle: ...give me your sense of which of these criteria...had the most to do with our failures over the last 10 or 15 years? Colonel Gaines? Colonel Gaines: I would like to offer that lack of priority as the one.

Priority	Kerry 12/01/92	It is hard for me to believe. I mean, if you have got 70 people responding to this committee's requests. We have got a staff of 15 or 20 people working on it. We have got 58 people in Vietnam. This is 1992. Here you are with files that, by your own admission, were not organized. Are you saying to me you could not find people to organize the files? You could not put people to the task of collecting the lists? You could not bring all the documents into one house? I have to tell you, as I sit here, it just strikes me that this is one of those Government euphemisms that -- and I do not blame you guys. I do not think any of you made this policy...you were not the policymakers, you were carrying it out. But I think a lot of you folks were left dangling in the dark. Some people paid lip service to the notion this was the highest priority, but in fact, as you just said, it was not resourced, and that is the way you get things done, is resources. It does not do you any good to have a policy up here, and then you do not have the resources...
Priority	Kerry 12/01/92	Chairman Kerry: In all of your reviews, did you find that this was indeed treated as and resourced as a nation's highest priority? Mr. Wiand: No, Senator, I did not. Colonel Hargis: ...no, I do not... Mr. Nagy: No... Admiral Brooks: Most assuredly not... Colonel Gaines: No...

Priority	Kerry 06/25/92	I want to, obviously, point out that the committee feels very strongly that the effort of the last year, two years, has increasingly been augmented, that the Bush Administration and the Department of Defense and Secretary Cheney have put money and personnel where they have put their stated priorities. And today we can boast greater attention to this issue and greater effort to put it to rest than at any time, I think, in the history of this issue. So it is not something that, I think, we are achieving and we are doing it on a good schedule.
Priority	Nagy 11/06/91	...The kind of assets that we have now applied against the problem would have been best applied then [20 years ago]. I can't recover from that, and I can't apologize enough to the families personally.
Priority	Perot 08/11/92	Chairman Kerry: Mr. Perot, does all this not really stem from the fact that in reality, despite all the rhetoric about highest national priority, this issue has been bouncing around with no real general -- you know what I am saying, no person really having seized the cudgel and managing it. Is that not accurate? Perot: Yes sir, it's like a ship without a rudder. Every now and then a group will get interested and then let several years go by and then, another group will get interested, but there's no consistent logical program to resolve it.
Priority	Perroots 12/01/92	There was no question within the agency that the POW/MIA issue was the top priority. We gave it not only top budgetary priority, but top disclosure in terms of exposure.

Priority	Williams 12/01/92	Chairman Kerry: And the fact is I just have a sense that there was a kind of disregard, is a polite way to put it, for the real relevance of this, for what some of that evidence might really have meant. And it was kind of a convenient political highest priority but not really the highest priority. The highest priority was figuring out what the Russians were doing with missiles; the highest priority was responding to Grenada, Panama, a lot of other priorities. But this just was not there. That is my sense. Much more there today in 1992 than it ever has been at any proceeding time in history since 1973.
		General Williams: I think that is a fair statement. I wold also say, though, that it was not until probably 1982 that the Reagan administration had a chance to reverse the long decline in intelligence manpower. The agency, DIA, had gone from -- had about a 35 or a 40 percent reduction, and you do not just reverse that in the program and budget cycle immediately. But you are absolutely right.
		Chairman Kerry: And also, with the demise of our position in Southeast Asia we lost our on-the-ground assets. We were basically shut out for the 4 years after Saigon fell in 1975. There are clear things that ad into this that we need to take into account. And I acknowledge all of those.
		General Williams: And you are correct about your impression.

Private Groups	Duker 12/02/92	Well more times than not it can't be verified, so we have to pass it on as that. This is an article that came through to us and we could not verify it with Government agencies as to whether it was authentic or not. That's how we pass it on. We don't -- we won't say it's authentic if we cannot prove that it is authentic.
Private Groups	Duker 12/02/92	So it puts us in a position of what is the truth and what isn't. Where else do we have to go to get information but the Government. I mean that's where the answers are, it lies within your committee, it lies within the Department of Defense, the Defense Intelligence Agency. That is the sources that we have. That's where we have to go to try to verify the information that we get, the rumors, the speculation, and so forth.
Private Groups	Duker 12/02/92	...there are just absolutely thousands of pieces of information out there that cannot be verified, and so it does make our position difficult in terms of our membership because at times I think they may think we are not pursuing it as actively as we should, but we are. But again, we will not pass on information that we can't verify.

Private Groups	Eddy 12/02/92	...the Prisoner of War Committee of Michigan operates as a nonprofit, nonpartisan POW/MIA public awareness organization. The committee's primary source of income comes from the sale of public awareness merchandise. For example, bracelets, pins, t-shirts, and flags, mostly through mail order. The most expensive item we have available for sale are a lined Windbreaker jacket and a 3 by 5 POW/MIA flag, each priced at $30. The least expensive is a small bumper sticker priced at 25 cents apiece... In addition to the sale of public awareness merchandise, the committee occasionally receives donations from veterans' organizations, concerned citizens, and others who support the work and the objectives of the group.
Private Groups	Ford 11/15/91	...the people that really get hurt by this are the families who have these people coming around preying on their uncertainties and their concerns about their loved ones, and it ought to stop. That's one reason we think that this committee is one of the best ideas going, because hopefully we will get to the bottom of this.
Private Groups	Ford 11/15/91	If I have ever seen a cover-up, this is it. The fact is that what is being covered up, for whatever reason, is that Jack Bailey went to Southeast Asia with our assistance, with our hopes, with our prayers, and came up empty.
Private Groups	Gadoury 10/15/92	...in addition to our own governments efforts to search for information about potential American POWs and unaccounted for Americans, there were a number of private American individuals and organizations who were engaged in similar activities, some more extensively and in a more organized fashion than others.

Private Groups	Gadoury 10/15/92	While we work for a full accounting of our missing and unaccounted for, we should also demand a full accounting from those who have engaged in fabricating information to further their personal or organizational financial goals, and at the same time falsely raising hopes of the American people, especially the families of our missing and unaccounted for.
Private Groups	Quinn 12/01/92	...I think the need for some sort of better mechanism to reach out to other organizations, be they veteran's organizations, other POW/MIA, other family organizations, who have often expressed to me and raised the question about why they are so far on the outside when others are on the inside.
Private Groups	Sampley 11/07/91	The pattern has continued. Rather than focus all available resources on resolving the problem of our missing Vietnam veterans, much of the effort has been directed toward destroying the credibility and/or reputation of the critics.

Private Groups	Sheridan 12/02/92	The scholarship program that was established in 1970 has become one of the most important activities of the organization. It provides scholarship assistance to the dependents of those uniformed servicemen listed as missing in action or killed in action who were associated with the war in Southeast Asia, as well as those uniformed servicemen missing or killed in action associated with armed conflict through Operation Desert Storm. Since 1971, when the first three $1,000 grants were given, 613 scholarships totalling over $760,000 have been awarded. This year, 26 students alone were awarded scholarships totalling $100,000... The Red River Valley Fighter Pilots Association has tax exempt status under section 501(c)(3) of the Internal Revenue Code. We are eligible for contributions from the Combined Federal Campaign under the umbrella of the Independent Charities of America. Other funds are derived through annual membership dues, contributions from the private sector, local chapter fundraising activities, and the generosity of the American public. We have never used the services of a professional fundraiser.

Private Groups	Steadman 12/02/92	I provided this committee with a chronological summary of our public efforts at influencing the Government on this issue, but I'd like to just highlight a few of our major efforts. First, VFW has consistently urged accelerating government-to-government contact with Southeast Asian countries in pursuit of the fullest possible accounting. Second, we have consistently held that it was a legitimate function of our Government and its duty to the families to provide this accounting. Third, the VFW has consistently maintained that maximum economic and diplomatic pressure should be exerted on the Southeast Asian governments to obtain their full cooperation in resolving the fate of our missing men. Since 1987 the VFW consistently supported public release of more information about our POW/MIAs and since then we have consistently called on the Government to increase its efforts to recover our missing man from the Korean War as well. Finally, with the revelations of Senator Helms and Senator Grassley over a year ago and Colonel Peck's allegations, we have supported a public investigation of the Government's handling of this issue... Concerning finances, we do not solicit any funds for ourselves or any other organization on the basis of the POW/MIA issue, nor do we use professional consultants as fundraising organizations to do it for us. The VFW supply department sells POW/MIA flags and emblem devices, but the monies derived are quite small in comparison to our overall sales.

Private Groups	Turner 11/07/91	It was apparent to me that there existed the strong possibility that actions by an agent of the U.S. Government had deliberately killed a viable operation to rescue American prisoners of war, and I wanted to find out what I could about it.
Remains	Bell 12/04/92	Sen. McCain: Mr. Schweitzer said that there was no American left, there are no warehoused remains...What is your view? Mr. Bell: My view, sir, is that there certainly was a warehouse in the Hanoi area at one time. The mortician, I think, after he defected in 1979, he testified here in Congress that he processed some 452 remains. The Vietnamese were confronted with that information. They denied it. They indicated that they thought the mortician was fabricating. He actually provided about seven different items of information. I think six of those have been verified... The Vietnamese, I believe, came to the conclusion that we were confident that the man was telling the truth. Since the mortician gave his testimony, they have returned to us approximately 450 remains. Approximately 260 to 269 remains have now been identified, and what that indicates to me is...that we did have a warehouse but we don't have one now, and what that indicates to me is that they have admitted that the mortician was telling the truth. They're telling us that we have given you those remains back, and the warehouse here in Hanoi is now empty.

Remains	Bell 12/04/92	Sen. McCain: I think what you said is a very important point here, and if any of the other witnesses disagree with that, that there is no longer, in the view of the witnesses, a warehouse of remains, but there is in the view of the witnesses remains that still need to be recovered, and that's the job of the previous witnesses, CINCPAC and you, Mr. Bell. Is that accurate? Mr. Bell: Yes, sir.