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## **POW/MIA'S**

### **Report of the Select Committee on POW/MIA Affairs United States Senate**

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POWs

# No Proof That Prisoners Remain in Southeast Asia, Panel Finds

**A**fter 15 months of investigation, a special Senate committee said it found "no compelling evidence" to suggest that any American prisoners are alive today in Southeast Asia.

But the Senate Select Committee on POW-MIA Affairs held open the possibility that some U.S. soldiers had languished in enemy hands after the Vietnam War ended almost 20 years ago.

In a final 1,000-page report released Jan. 13, the committee criticized top U.S. government officials for dismissing that possibility but rejected charges that they possessed any "certain knowledge" that prisoners were abandoned.

The report conveyed a delicately crafted balance of judgments, reflecting the debate that occurred within the committee on the emotional question of the warriors who never came home. (Box, p. 139)

The report, which was signed by all 12 members of the committee — six Democrats and six Republicans — said, "There is, at this time, no compelling evidence that proves that any American remains alive in captivity in Southeast Asia."

But it also said, "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," the official repatriation of prisoners from North Vietnam in April 1973.

Committee Chairman John Kerry, a Massachusetts Democrat, said at a news conference Jan. 13 that the continued cooperation of Vietnam, Laos and Cambodia is essential to obtain the fullest possible accounting for missing Americans.

"This report does not close the issue," he said. "It is not meant to. This report provides the reality base from which we can now make real judgments about probabilities and possibilities."

By Richard Sammon



Sen. John Kerry



Sen. Robert C. Smith

The committee's authorization expired Jan. 3. Kerry and other members said they would continue to press for more answers to the POW issue in permanent committees of the Senate.

Vice Chairman Robert C. Smith, R-N.H., said, "There's evidence that some POWs may have survived to the present, and some information still remains to be investigated. However, at this time, there's no compelling evidence that proves that. And that's a fact, and we all agree to that."

Smith had been one of the more aggressive proponents of the possibility that POWs remain alive. Last year, he said that while he could not speak for others on the panel, he believed there was strong evidence to suggest U.S. prisoners had been held in Southeast Asia well into the 1980s.

In a footnote in the committee's report, Smith and Charles E. Grassley, R-Iowa, dissented from a majority view that neither "live sighting" reports nor other sources of intelligence provided any grounds for encouragement that POWs may still be alive. They wrote that they believe there is "evidence that POWs may have survived to the present."

## Extraordinary Efforts

Committee members detailed the extraordinary efforts that went into their investigation. Smith said members and staff "spent hours and days and weeks — man-hours, five or six investigators, full time — investigating every single available lead that we could find."

Kerry and other members cited the

declassification of an immense volume of POW records as an accomplishment that will distinguish the committee's effort.

"The result of the committee's efforts has been the most rapid and comprehensive declassification of materials on a single subject in American history," the report said.

The committee held 22 days of public hearings, with testimony from 144 witnesses, including former secretaries of Defense and State, former North Vietnamese military officials and members of POW families and activist groups.

Committee members also made numerous trips of varying length and success to Vietnam, Laos and Cambodia, the Soviet Union and Korea in attempts to track down prisoners or any artifacts that could help determine their fate. (*Background, 1992 Weekly Report*, pp. 3638, 3717, 2965)

Some passages of the voluminous report reflected the frustrations the senators felt in attempting to determine the fate of men who vanished long ago.

"The POW issue is alive today because of a fundamental conflict between the laws of probability and the dictates of human nature," the report said. "On the 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 ....

"We knew at the outset that we could never answer all the questions that exist."

Representatives of Vietnam veterans groups said they were disappointed with the final report, calling it inadequate and written to meet an arbitrary deadline.

J. Thomas Burch, the chairman of the National Vietnam Veterans Coalition, said the report "was basically filled with syrupy congratulatory notes" and failed to give veterans "one straight shot at the truth."

Burch criticized the committee for letting the administration and former administration officials review drafts

of the report.

Former Secretary of State Henry A. Kissinger was allowed to read an advance copy of the report. According to news accounts, he won a rewriting of draft language that was critical of his handling of the Paris Peace Accords.

Panel member John McCain, R-Ariz., denied that the committee watered down any of its conclusions to protect the image of administration officials, current or former.

Regarding Kissinger's role in negotiating the accords, the final report said, "The record does indicate that efforts to gain accountability were made. Dr. Henry Kissinger personally raised the issue and lodged protests with [North Vietnamese negotiator] Le Duc Tho and leaders of the Pathet Lao.... 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 the Viet Cong."

Smith said 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."

### Committee's Background

The committee was created by the Senate on Aug. 2, 1991, following news reports about photographs purporting to show live American prisoners from the Vietnam War. The committee also investigated military personnel unaccounted for from the Korean War, World War II and the Cold War.

But Vietnam became the focus of the most attention and debate. The Defense Department lists 2,264 Americans as unaccounted for from the war, but the committee said the number of Americans whose fate is "truly unknown is far smaller."

Kerry said that through investigation with the cooperation of the Defense Department, the committee determined that 135 "discrepancy cases" remain in which there is reason to believe that governments in Southeast Asia may have known the fate of the individual.

For the remainder of the 2,264, the committee said the government determined that, in most cases, death was considered almost certain but that it could not be proved because bodies were unrecoverable from crash sites, especially ones at sea or in areas of

## Vietnam Saga

*In its report issued Jan. 13, the Senate Select Committee on POW-MIA Affairs dismissed reports that U.S. soldiers from the Vietnam War are still being held in Southeast Asia and rejected theories of a government conspiracy to cover up their fate:*

"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....

"The isolated bits of information out of which some have constructed whole labyrinths of intrigue and deception have not withstood the test 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."

*But the panel criticized government officials for discounting evidence that some U.S. citizens were left behind after the war:*

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



"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."

heavy combat where ground had been lost to the enemy.

Constantly changing Defense Department policies over lists of unaccounted-for personnel confused families and others about the actual status of the missing, the report said, and obscured the number of men who might have remained alive.

The first round of a new Defense Department investigation into the remaining 135 discrepancy cases is expected to be completed the week of Jan. 18.

The second round of the investigation will proceed on a site-by-site basis in February.

Most of those cases involve military personnel who disappeared in Laos, which panel members say has not kept orderly files from the war

and has not been cooperative with the committee's requests in the past.

The committee remained uncertain about the validity of one piece of evidence, a possible pilot distress signal etched in a field near Dong Mang prison in Vietnam.

The possible signal, which a consultant to the committee construed as the letters and numerals G-X 2-5-2-7, is visible in an overhead image taken last June over Vietnam and matches the authenticator, or special code, number of a serviceman still unaccounted for.

"Accordingly, the committee urges the appropriate officials in the executive branch to request information about the serviceman involved from the government of Vietnam," the report said. ■



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