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**STATEMENT ON THE POW/MIA ISSUE
BEFORE THE HOUSE NATIONAL SECURITY
SUBCOMMITTEE ON MILITARY PERSONNEL**

DECEMBER 14, 1995

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*Before the House National Security Subcommittee
on Military Personnel*

December 14, 1995

MR. CHAIRMAN, LET ME BEGIN BY THANKING YOU FOR YOUR STEADFAST EFFORTS ON BEHALF OF AMERICA'S MISSING SERVICEMEN OVER THE LAST 25 YEARS. AS I STATED IN MY PREPARED REMARKS FOR YOUR JUNE, 1995 HEARING, NO ONE IN THE CONGRESS HAS WORKED HARDER AND FOR MORE YEARS THAN YOU HAVE ON BEHALF OF POWS AND MIAS. AMERICANS OWE YOU A GREAT DEAL OF GRATITUDE FOR THE LASER FOCUS YOU CONTINUE TO BRING TO THE POW/MIA ISSUE.

I AM PLEASED TO APPEAR BEFORE YOU THIS MORNING TO DISCUSS MY VIEWS ON THE PRESIDENT'S POLICY TOWARD VIETNAM AND WHETHER IT IS REALLY PRODUCING RESULTS FOR THE FAMILIES WHO STILL WAIT FOR ANSWERS AFTER SO MANY YEARS. AS YOU KNOW, DURING YOUR RECENT NOVEMBER HEARING, I SUBMITTED FOR THE RECORD A RATHER LENGTHY STATEMENT I MADE ON THIS ISSUE IN THE SENATE ON OCTOBER 31, 1995. I DO NOT INTEND TO GO BACK THROUGH THAT STATEMENT IN GREAT DETAIL, BUT THERE ARE SOME KEY POINTS THAT I WANT YOUR COMMITTEE, AND THE AMERICAN PEOPLE TO UNDERSTAND.

I WANT TO REMIND EVERYONE HERE OF WHAT HAPPENED IN KOREA AND VIETNAM WITH THE AGREEMENTS WE SIGNED THERE. IN LATE JULY, 1952, DESPITE THE INCOMPLETENESS OF THE PRISONER LISTS, AND THE EVIDENCE WE HAD OF PRISONERS NOT ACCOUNTED FOR BY CHINA AND NORTH KOREA, WE WENT AHEAD WITH THE AGREEMENT. ON AUGUST 6, 1952, GENERAL MARK CLARK, THE COMMANDER OF U.S. FORCES IN THE FAR EAST, TOLD THE NEW YORK TIMES THE FOLLOWING -- "HE SAID THAT HE HAD BEEN ADVISED BY HIS SUPERIORS IN THE PENTAGON NOT TO DELAY THE ARMISTICE NEGOTIATIONS OVER THE WIDE DISCREPANCY ON PRISONER LISTS, BUT TO RESERVE THE PRIVILEGE OF LATER PROTEST." FOR 40 YEARS, MR. CHAIRMAN, LATER PROTEST CONSISTED OF THE U.N. SIDE PASSING A LETTER ACROSS THE TABLE TO THE NORTH KOREANS EACH YEAR ASKING FOR INFORMATION. THE NORTH KOREAN REPLY, IN ESSENCE, WAS WE HAVE NO INFORMATION TO PROVIDE THE U.N. SIDE, BUT IF THE UNITED STATES WANTS TO APPROACH US BILATERALLY TO TALK ABOUT IT, THAT'S OKAY, AND MAYBE INFORMATION WILL BE PROVIDED. I SAW SOME

OF THIS INFORMATION, MR. CHAIRMAN, WHEN I WENT TO PYONGYANG IN 1992, AND 43 YEARS LATER, THE ADMINISTRATION STILL WON'T FORM A HIGH-LEVEL COMMISSION WITH NORTH KOREA AND CHINA TO DEAL WITH THIS ISSUE, DESPITE THE URGING OF CONGRESS.

TURNING TO VIETNAM, YOU HAVE PROBABLY ALL SEEN THE MEMOS FROM OUR SELECT COMMITTEE INVESTIGATION IN 1992 WHERE HIGH-LEVEL POLICY LEVEL AND INTELLIGENCE OFFICIALS HAD EXPRESSED CONCERN ABOUT THE INCOMPLETENESS OF THE POW LISTS WHICH WERE EXCHANGED AFTER THE PARIS ACCORDS WERE SIGNED, PARTICULARLY WITH REGARD TO LAOS. WE HAD SIMILAR TESTIMONY BEFORE OUR COMMITTEE FROM THESE FORMER OFFICIALS. SADLY, WHAT HAPPENED WITH VIETNAM IS ALMOST EXACTLY WHAT HAPPENED WITH KOREA. I WANT TO QUOTE FROM THE STATEMENT AMBASSADOR WINSTON LORD PROVIDED TO OUR SELECT COMMITTEE ON SEPTEMBER 21, 1992. HE WAS THERE IN 1972 AND 73. HE KNEW WHAT HAPPENED. THIS WAS HIS QUOTE -- "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 AM SURE IT WAS, MR. CHAIRMAN. BUT THE POINT IS HISTORY REPEATED ITSELF.

LET ME NOW TURN TO OUR CURRENT POLICY TOWARD VIETNAM AND MAKE A FEW OBSERVATIONS --

FIRST AND FOREMOST, IT IS MY FIRM BELIEF THAT THE PRESIDENT AND KEY ADMINISTRATION OFFICIALS DELIBERATELY MISLED THE AMERICAN PEOPLE THIS PAST SUMMER WHEN THEY PRAISED VIETNAM'S COOPERATION ON THE POW/MIA ISSUE. THEY MADE THESE STATEMENTS IN AN EFFORT TO JUSTIFY THE PRESIDENT'S DECISION TO PROCEED WITH FULL NORMALIZATION OF DIPLOMATIC RELATIONS WITH VIETNAM. MR. CHAIRMAN, THANKS TO YOUR COMMITTEE, THIS RHETORIC BY THE ADMINISTRATION HAS FINALLY BEEN SERIOUSLY CHALLENGED.

SECOND, THE ADMINISTRATION DELIBERATELY DELAYED THE FURNISHING OF UPDATED POW/MIA CASE INFORMATION TO THE CONGRESS FOR OVER A YEAR IN VIOLATION OF THE DEFENSE AUTHORIZATION ACT. IT ALSO WITHHELD THE INFORMATION FROM CONGRESSMAN GILMAN AND OTHER HOUSE MEMBERS WHO REQUESTED SIMILAR INFORMATION IN WRITING AS EARLY AS FEBRUARY, 1994 RIGHT BEFORE PRESIDENT CLINTON LIFTED THE TRADE EMBARGO. IT IS CLEAR TO ME THAT THIS WAS DONE TO PREVENT US FROM HAVING FIRM EVIDENCE TO SHOW THAT VIETNAM WAS NOT BEING FULLY FORTHCOMING AND COOPERATIVE ON THE POW/MIA ISSUE. ONCE AGAIN, MR. CHAIRMAN, YOUR PERSISTENT EFFORTS, INCLUDING THE THREAT OF A SUBPOENA, HAVE FINALLY PRODUCED THE LONG-AWAITED ASSESSMENTS WHICH PROVE THAT THE ADMINISTRATION MISLED THE AMERICAN PEOPLE IN TERMS OF POW/MIA COOPERATION BY VIETNAM. I WOULD POINT OUT, HOWEVER, THAT THERE ARE STILL OTHER PENDING REQUESTS, SUCH AS THE VINH PHU LIVE-SIGHTING REPORTS, THAT HAVE

NOT BEEN ADEQUATELY RESPONDED TO BY THE ADMINISTRATION.

FOR SIX MONTHS, I HAVE BEEN ASKING GENERAL JIM WOLD TO LOCATE AND BRING TO THIS CONGRESS A NORTH VIETNAMESE FORMER PUBLIC PROSECUTOR WHO ESCAPED FROM VIETNAM IN 1980 TO CHINA AFTER BEING FIRED FROM HIS JOB FOR MARRYING AN ETHNIC CHINESE WOMAN -- JUST LIKE THE MORTICIAN WHO WAS FIRED FOR HIS ETHNIC CHINESE ROOTS. HE FINALLY MADE IT TO A REFUGEE CAMP IN SOUTH KOREA IN 1988 AND WAS SUBSEQUENTLY SETTLED IN AUSTRALIA IN 1991. DURING HIS DEBRIEFING IN 1990 IN THE REFUGEE CAMP, HE TOLD U.S. PERSONNEL THAT HE HAD SEEN AMERICAN POWS IN AN UNDERGROUND FACILITY IN MAY, 1972, DURING THE WAR, 30 KILOMETERS WEST OF SON TAY IN VINH PHU PROVINCE, NORTH VIETNAM. THIS SOURCE WAS DESCRIBED AT THE TIME AS BEING INTELLIGENT AND COOPERATIVE DURING THE INTERVIEW. I CAN'T SIT HERE AND TELL YOU THE REPORT WAS ACCURATE, BUT I KNOW WE SHOULD BE ALLOWED TO MEET THE SOURCE AND HEAR HIS STORY FIRST-HAND. I WOULD ALSO POINT OUT THAT SUBSEQUENT REPORTING IN 1984 STATED THAT A PAVN CAPTAIN HAD INDICATED THAT THE LOCATION OF THIS UNDERGROUND PRISON WAS PART OF A RESTRICTED MILITARY SECURITY ZONE IN THE MOUNTAINS IN VINH PHU PROVINCE, AND THAT IT STILL HELD AMERICAN POWS LONG AFTER THE WAR.

AS YOU KNOW, MR. CHAIRMAN, DESPITE THE SWORN TESTIMONY YOU HEARD EARLIER THIS YEAR FROM STATE AND DOD OFFICIALS, U.S. INVESTIGATORS HAVE STILL NOT BEEN ALLOWED INTO THIS SECURITY ZONE BY VIETNAMESE OFFICIALS AND OUR INTELLIGENCE COMMUNITY KNOWS THIS IS A FACT. I WOULD ASK WHETHER THIS CONSTITUTES FULL COOPERATION.

MR. CHAIRMAN, I HOPE YOU WILL JOIN ME IN SEEKING GENERAL WOLD'S COMMITMENT TO USE THE FULL POWER OF THE UNITED STATES GOVERNMENT TO LOCATE THIS SOURCE AND BRING HIM HERE SO WE CAN TALK TO HIM. IF THIS REQUEST CONTINUES TO DRAG ON, IT WILL ONLY MAKE ME WONDER WHY THE ADMINISTRATION DOES NOT WANT TO HELP US MEET WITH THIS SOURCE. IT ALSO MAKES YOU WONDER WHETHER HIS STORY AND VIETNAM'S LACK OF FULL COOPERATION ON THIS LIVE-SIGHTING MAY PREVENT THE PRESIDENT FROM EXPANDING THE EMBASSY IN VIETNAM UNDER THE TERMS OF THE CURRENT STATE DEPARTMENT APPROPRIATIONS BILL.

CONCERNING THE PENTAGON'S CASE ASSESSMENTS, EVEN THOUGH OUR STAFFS HAVE ONLY JUST BEGUN THEIR REVIEW, IT IS ALREADY CLEAR THAT THE EVIDENCE IN MANY OF THESE FILES IS CONTRARY TO THE POLICY-LEVEL RHETORIC. YOU WILL HEAR FROM SOME OF THE FAMILY MEMBERS INVOLVED LATER, BUT THE ASSESSMENTS BY THE PENTAGON'S OWN INTELLIGENCE ANALYSTS MAKE IT CLEAR THAT VIETNAM IS NOT BEING FULLY FORTHCOMING ON THE POW/MIA ISSUE WITH RESPECT TO SEVERAL HUNDRED POW/MIA CASE.

THIRD, I FIND IT EXTREMELY DISAPPOINTING THAT THE ASSISTANT SECRETARY OF STATE FOR EAST ASIAN AND PACIFIC AFFAIRS, AMBASSADOR WINSTON LORD, AND THE DEPUTY SECRETARY FOR VETERANS AFFAIRS, HERSHEL GOBER, WERE THE ADMINISTRATION LEADERS IN THE GREAT PUSH FOR NORMALIZATION. THEY CAN SPEAK FOR THEMSELVES ON THE NEXT PANEL, BUT ALLOW ME TO MAKE A FEW OBSERVATIONS --

WITH RESPECT TO AMBASSADOR LORD, HE KNOWS, MORE THAN ANY OTHER POLICY-LEVEL OFFICIAL IN THIS ADMINISTRATION, THE EXTENT OF VIETNAM'S DUPLICITY ON THE POW/MIA ISSUE. HE ALSO KNOWS THAT SERIOUS AND HIGH-LEVEL NEGOTIATIONS WITH HANOI ARE THE ONLY WAY TO FORCE THE VIETNAMESE TO TAKE UNILATERAL ACTION ON THE POW/MIA ISSUE. AFTERALL, AMBASSADOR LORD WAS ON DR. KISSINGER'S NATIONAL SECURITY COUNCIL STAFF DURING THE PARIS PEACE TALKS IN 1972. HE TRAVELED TO HANOI WITH DR. KISSINGER IN FEBRUARY, 1973. HE KNEW WHAT VIETNAM WAS CAPABLE OF DOING ON THE POW/MIA ISSUE, PARTICULARLY WITH RESPECT TO LAOS.

WE HAVE THE MEMOS TO DR. KISSINGER FOR THAT TRIP WHERE BOTH HE AND AMBASSADOR LORD WERE TOLD BY THE DIRECTOR OF THE DEFENSE INTELLIGENCE AGENCY THAT HANOI WAS BELIEVED TO HAVE INFORMATION ON AT LEAST 215 MIAS IN LAOS. DURING YOUR LAST HEARING, MR. CHAIRMAN, YOU WERE TOLD BY PENTAGON ANALYSTS WHAT AMBASSADOR LORD ALREADY KNOWS. YOU WERE TOLD THAT PENTAGON ANALYSTS CONTINUE TO THIS DAY TO BELIEVE THAT HANOI HAS MORE INFORMATION ON AT LEAST 250 MIAS CASES FROM LAOS. THE SEPTEMBER, 1993 "559 DOCUMENT" DISCLOSURE FROM VIETNAM ONLY REINFORCED WHAT AMBASSADOR LORD WAS TOLD IN 1973. IN FACT, THE PENTAGON'S OWN ANALYSTS CONCLUDED IN 1993 THAT THIS DOCUMENT CONCLUSIVELY DEMONSTRATED THAT MORE RECORDS EXISTED ON AMERICAN LOSSES IN LAOS.

YET, FACED WITH THIS INFORMATION, AND AFTER HAVING WORKED FOR PRESIDENT CLINTON FOR ONLY 9 MONTHS, AMBASSADOR LORD STATED, IN DECEMBER, 1993, THAT VIETNAM'S COOPERATION ON THE POW/MIA ISSUE HAD BEEN "ABSOLUTELY SUBERB." LAST MAY, WHILE IN HANOI, HE STATED, "WE HAVE NO REASON TO BELIEVE THE VIETNAMESE ARE NOT MAKING A GOOD FAITH EFFORT." AND ONLY TWO WEEKS AGO, IN A SPEECH AT THE STATE DEPARTMENT, AMBASSADOR LORD STATED VIETNAM'S COOPERATION ON THE POW/MIA ISSUE WAS "GREAT," EVEN THOUGH WE STILL HAVE NOT RECEIVED ADDITIONAL WARTIME DISCLOSURES FROM VIETNAM ON OVER 250 AMERICAN SERVICEMEN THEY EITHER SHOT DOWN OR CAPTURED IN LAOS. AND LAOS IS ONLY ONE EXAMPLE WHERE VIETNAM IS HOLDING BACK INFORMATION.

HANOI IS ALSO WITHHOLDING RELEVANT WARTIME INFORMATION FROM THEIR CENTRAL COMMITTEE-LEVEL ARCHIVES, TO INCLUDE INFORMATION REFERENCED IN VIETNAMESE POLITBURO REPORTS WE OBTAINED FROM THE

RUSSIANS. IN FACT, THE VIETNAMESE HAVE BLATANTLY LIED CONCERNING THESE DOCUMENTS, AND THE PRESIDENT HAS LET THEM OFF THE HOOK. TO USE AMBASSADOR LORD'S WORDS, THE RUSSIAN DOCUMENTS, QUOTE, "WERE NOT SIGNIFICANT FACTORS" ,ENDQUOTE, IN THE PRESIDENT'S DECISION TO NORMALIZE, EVEN THOUGH TWO FORMER NATIONAL SECURITY ADVISORS, DR. KISSINGER AND DR. BRZEZINSKI, WERE EXTREMELY DISTURBED ABOUT THE REVELATIONS IN THE DOCUMENTS. DR. BRZEZINSKI CALLED FOR WAR CRIMES TRIALS AGAINST THE VIETNAMESE WHEN THESE RUSSIAN DOCUMENTS WERE DISCLOSED. AND DR. KISSINGER STATED HE COULD NOT SEE HOW WE COULD PROCEED WITH NORMALIZATION UNTIL THESE DOCUMENTS WERE CLEARED UP. IN JANUARY, 1994, THE CIA ADMITTED, IN A PUBLISHED DOCUMENT, THAT THERE WAS PROBABLY MORE INFORMATION IN VIETNAMESE PARTY AND MILITARY ARCHIVES THAT COULD SHED ADDITIONAL LIGHT ON THE RUSSIAN DOCUMENTS. DO WE HAVE THAT INFORMATION, MR. CHAIRMAN? THE ANSWER IS NO. YET, THE PRESIDENT WANTS US TO FUND HIS EFFORT TO HAVE FULL RELATIONS WITH VIETNAM. THIS IS REPREHENSIBLE.

LAST WEEK, WE LOST A REAL HERO IN THE FIGHT FOR THE TRUTH -- RUSSIAN GENERAL DMITRY VOLKOGONOV, WHO CHAIRED A JOINT COMMISSION ON WHICH I SERVE SEARCHING FOR INFORMATION ON POWS AND MIAs. GENERAL VOLKOGONOV TOLD ME IN MY OFFICE THAT HE WAS CERTAIN THAT THESE VIETNAMESE POLITBURO PRESENTATIONS OCCURED, DESPITE VIETNAMESE DENIALS. HE WAS CERTAIN BECAUSE HE REVIEWED EXACTLY HOW THE GRU ACQUIRED THE DOCUMENT IN 1972. YET, THE VIETNAMESE HAVE BEEN LET OFF THE HOOK CONCERNING THESE DOCUMENTS.

I AM SURE AMBASSADOR LORD AND OTHERS WILL DEFEND THE ADVICE THEY GAVE TO THE PRESIDENT WHICH RESULTED IN HIS DECISION TO NORMALIZE. FIRST THEY SAY WE HAVE "SPLENDID AND SUPERB" COOPERATION. THEN THEY STATE THAT NORMALIZATION OF RELATIONS IS THE BEST WAY TO GET THE ANSWERS WE STILL DON'T HAVE. THEY TRY TO HAVE IT BOTH WAYS. I WOULD NOTE THAT AMBASSADOR LORD MADE THE SAME ARGUMENT IN 1994 WHEN PRESIDENT CLINTON LIFTED THE TRADE EMBARGO AGAINST HANOI. NEARLY TWO YEARS LATER, WE STILL HAVE NOT HAD FULL DISCLOSURE BY VIETNAMESE OFFICIALS ON THE HARDCORE CASES IN BOTH LAOS AND VIETNAM. HOW MUCH LONGER ARE WE SUPPOSED TO WAIT? IT IS CLEAR THAT THE PRESIDENT'S POLICY IS NOT WORKING AND CANNOT WORK IN THE ABSENCE OF SERIOUS NEGOTIATIONS WITH VIETNAM COUPLED WITH A FIRM APPROACH. HISTORY, AS I EXPLAINED EARLIER, SHOULD BE OUR TEACHER IN THIS REGARD.

WITH RESPECT TO THE DEPUTY SECRETARY OF VETERANS AFFAIRS, MR. GOBER, HE HAS NOT HEEDED THE VIEWS OF THE MAJORITY OF OUR NATIONAL VETERANS ORGANIZATIONS. THE AMERICAN LEGION, THE DISABLED AMERICAN VETERANS, AMVETS, AND VIETNAM VETERANS OF AMERICA, -- FOUR OF OUR NATION'S LARGEST VETERAN ORGANIZATIONS -- WERE OPPOSED TO NORMALIZING RELATIONS WITH VIETNAM BEFORE THE

PRESIDENT WAS ABLE TO STATE THAT VIETNAM WAS FULLY COOPERATING ON THE POW/MIA ISSUE. ONLY THE VFW NATIONAL LEADERSHIP WAS OPPOSED, AND I HAVE SINCE LEARNED THAT VFW'S SUPPORT FOR THE PRESIDENT'S DECISION IS SUSPECT AT BEST. I INTEND TO RAISE THAT MATTER SEPARATELY WITH MR. GOBER. IN SHORT, MR. CHAIRMAN, THE DEPUTY SECRETARY OF VETERANS AFFAIRS WAS THE LAST PERSON, IN MY VIEW, WHO SHOULD HAVE BEEN ADVOCATING FULL NORMALIZATION OF RELATIONS WITH HANOI IN THIS PREMATURE FASHION AGAINST THE WISHES OF THE MAJORITY OF OUR NATION'S VETERANS.

MR. CHAIRMAN, THE ADMINISTRATION WILL TELL YOU THAT POLLS INDICATE THE AMERICAN PEOPLE, BY A NARROW MARGIN, SUPPORT THE PRESIDENT'S DECISION. I WOULD ARGUE THAT IF YOU ASKED THE AMERICAN PEOPLE IF THEY WOULD SUPPORT FUNDING FOR NORMALIZATION OF RELATIONS WITH VIETNAM IF THERE WAS EVIDENCE VIETNAM STILL HAD ADDITIONAL INFORMATION ON MISSING AMERICAN SERVICEMEN THAT OUR INTELLIGENCE COMMUNITY BELIEVED THEY COULD UNILATERALLY PROVIDE, THEY WOULD OVERWELMINGLY SAY NO. WHAT'S BEEN MISSING FROM THE PUBLIC DEBATE, MR. CHAIRMAN, IS THE EVIDENCE. FORTUNATELY, THE CONGRESS NOW HAS THE EVIDENCE AND WE INTEND TO SHARE IT WITH THE AMERICAN PEOPLE, IN FORUMS SUCH AS THIS ONE, AND WE WILL SEE WHERE THE VOTES ARE IN THE 104TH CONGRESS.

BEFORE I CONCLUDE, MR. CHAIRMAN, I WANT TO BRIEFLY COMMENT ON THE WORK THAT WAS DONE BY THE SENATE SELECT COMMITTEE ON POW/MIA AFFAIRS. AS YOU KNOW, I WAS THE VICE-CHAIRMAN OF THAT COMMITTEE WHICH ISSUED ITS FINAL REPORT IN JANUARY, 1993 -- THE SAME MONTH PRESIDENT CLINTON TOOK OFFICE. SOME OF OUR FINDINGS HAVE BEEN MISREPRESENTED BY PENTAGON OFFICIALS IN THIS ROOM DURING YOUR PREVIOUS HEARINGS, SO I WANT THE RECORD TO BE CLEAR REGARDING MY VIEWS ON THIS MATTER. WHILE I BELIEVE WE COULD HAVE REACHED EVEN BOLDER CONCLUSIONS ON THAT COMMITTEE, WE DID FIND CONSENSUS AMONG ALL 12 SENATORS IN ISSUING THE FOLLOWING FINDINGS

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** 1. "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 IN 1973." WE LISTED FIVE CATEGORIES OF SUCH EVIDENCE.

** 2. "THE COMMITTEE'S RECORD INDICATES THAT THERE EXISTED A HIGHER DEGREE OF CONCERN WITHIN THE ADMINISTRATION IN 1973 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." MR. CHAIRMAN, AS I PREVIOUSLY MENTIONED, YOU MAY HAVE SEEN THE PENTAGON MEMOS FROM LARRY EAGLEBURGER TO DR.

KISSINGER. THEY WERE LIKELY SEEN BY AMBASSADOR LORD AS WELL WHEN THEY WERE WRITTEN IN 1973.

** 3. "NONE OF THE DISCREPANCY CASES IN LAOS HAVE BEEN RESOLVED AND MANY OF THE AMERICANS LOST THERE DISAPPEARED IN AREAS UNDER THE CONTROL OF NORTH VIETNAMESE FORCES AT THE TIME...ANSWERS ON THESE TROUBLESOME CASES WILL BEST BE OBTAINED THROUGH AN ACCOUNTING PROCESS THAT ENJOYS FULL COOPERATION FROM THE GOVERNMENTS OF VIETNAM AND LAOS." MR. CHAIRMAN, YOU'LL NOTICE WE USED THE TERM "FULL COOPERATION" -- THE SAME TERMINOLOGY WE ARE USING IN THE STATE DEPARTMENT APPROPRIATIONS BILL. I WONDER IF AMBASSADOR LORD IS PREPARED TO SAY WE ENJOY FULL COOPERATION WITH RESPECT TO AN ACCOUNTING FOR THESE MIAs. I DOUBT IT. INDEED, DURING THE HOUSE-SENATE CONFERENCE TWO WEEKS AGO, WE WERE INFORMED BY STATE DEPARTMENT OFFICIALS THAT THE PRESIDENT COULD NOT CERTIFY VIETNAM WAS FULLY COOPERATING ON THE POW/MIA ISSUE IN VIEW OF THE RECENTLY COMPLETED CASE ASSESSMENTS.

WHEN SENATOR KERRY AND I TRAVELED TO HANOI IN DECEMBER, 1992, WE WERE GIVEN A WRITTEN PROMISE OF FULL COOPERATION BY VIETNAM ON THE LAOS CASES. IT WAS SIGNED BY THE FOREIGN MINISTER OF VIETNAM. IT IS A PROMISE THAT HAS YET TO BE FULFILLED, AND PENTAGON ANALYSTS CONFIRMED THIS FACT WITH RESPECT TO SOME 250 CASES IN LAOS BEFORE YOUR COMMITTEE DURING THEIR LAST APPEARANCE.

** 4. "SEVERAL COMMITTEE MEMBERS EXPRESS CONCERN AND DISAPPOINTMENT THAT, ON OCCASION, INDIVIDUALS WITHIN DIA (WHO ARE NOW WORKING FOR THE DEFENSE POW/MIA OFFICE) HAVE BEEN EVASIVE, UNRESPONSIVE, AND DISTURBINGLY INCORRECT AND CAVALIER...OTHERS HAVE PERFORMED THEIR WORK WITH GREAT PROFESSIONALISM."

MR. CHAIRMAN, I WANT TO CONCLUDE BY TELLING YOU WHY THE LAST FINDING I JUST READ CONTINUES TO TROUBLE ME.

THIS CONCERNS THE BARON-52 CASE, AN EC-47 SHOT DOWN BY NORTH VIETNAMESE UNITS IN LAOS ON FEBRUARY 5, 1973 -- OVER A WEEK AFTER THE PARIS PEACE ACCORDS WERE SIGNED. IN 1992, DURING THE SELECT COMMITTEE INVESTIGATION, WE DISCUSSED THIS CASE IN DETAIL AT A PUBLIC HEARING. IN SHORT, THE COMMITTEE WAS NOT DEALT WITH IN A STRAIGHTFORWARD MANNER BY DOD OFFICIALS CONCERNING INTELLIGENCE INFORMATION THAT MIGHT CORRELATE TO THIS CASE. INDEED, MEMBERS WERE MISLED BY A DOD OFFICIAL AT THE TIME -- SOMEONE WHO, INCIDENTLY, STILL WORKS FOR GENERAL WOLD.

NOW, IN THE ABSENCE OF IDENTIFIABLE REMAINS BEYOND HALF OF A TOOTH, AND IN THE ABSENCE OF RECORDS FROM NORTH VIETNAMESE ARCHIVES, THE PENTAGON HAS ANNOUNCED THAT THE ENTIRE CREW WILL BE BURIED ON JANUARY 8, 1996. WHILE WE KNOW THAT HALF OF THE CREW

DID PERISH IN THE CRASH, THERE IS NOT CONCLUSIVE EVIDENCE TO EXPLAIN THE NATIONAL SECURITY AGENCY INTERCEPTS INDICATING THE CAPTURE OF AMERICANS IN THE SAME AREA ON THE SAME DAY -- FEBRUARY 5, 1973. THIS IS VERY PAINFUL FOR THE FAMILIES INVOLVED, AND IT WOULD SEEM TO ME THAT IT WOULD BE MORE PRUDENT FOR AMBASSADOR LORD TO QUERY THE VIETNAMESE GOVERNMENT AT THE HIGHEST LEVEL FOR A SEARCH OF RECORDS ON THIS CASE WHEN HE GOES TO HANOI IN JANUARY RATHER THAN CLOSING THE CASE THIS WAY. IT IS WRONG TO CLOSE CASES IN SUCH A PREMATURE FASHION, AND THIS IS NOT THE FIRST TIME THE ADMINISTRATION HAS TRIED TO DO THIS. I DON'T KNOW WHETHER THE PENTAGON IS RIGHT OR WRONG WITH THEIR CONCLUSIONS ON WHAT THEY FOUND AT THE CRASH SITE. I KNOW THERE WERE DOG TAGS AND PARACHUTE RINGS AS WELL WHICH SUGGEST EVERYONE PERISHED IN THE CRASH. AT THE SAME TIME, THE NSA INTERCEPTS REMAIN UNEXPLAINED. AT THE VERY LEAST, THE BENEFIT OF THE DOUBT SHOULD GO TO THE MIAS, AND, IN MY MIND, A NEW, HIGH-LEVEL DEMARCHE TO THE VIETNAMESE FOR THEIR RECORDS ON THIS CASE IS JUSTIFIED.

MR. CHAIRMAN, I HOPE MY TESTIMONY THIS MORNING HAS BEEN USEFUL IN HELPING YOUR COMMITTEE TO UNDERSTAND THAT OUR CURRENT U.S. POLICY TOWARD VIETNAM IS NOT WORKING, AND WE HAVE A RESPONSIBILITY IN CONGRESS TO SPEAK UP ON BEHALF OF THE FAMILIES OF THOSE WHO ARE STILL MISSING.

LIKE YOU, I AM COMMITTED TO DOING EVERYTHING I CAN TO ENSURE THAT THE VIETNAMESE ARE FULLY FORTHCOMING ON THE POW/MIA ISSUE -- INCLUDING CUTTING THE FUNDS FOR FULL DIPLOMATIC AND ECONOMIC RELATIONS IF THAT'S WHAT IT TAKES TO SEND A MESSAGE TO PRESIDENT CLINTON AND THE VIETNAMESE GOVERNMENT THAT WE ARE SERIOUS ABOUT OUR COMMITMENT TO THIS ISSUE.