

APRIL 12, 1976 **NAVY TIMES** 63

Status of 2 Marine MIAs Changed to 'Presumed Dead'

WASHINGTON — Marine Capt. John R. Peacock and SSgt. David W. Erickson now are presumed dead after being listed as missing in action for years.

Peacock was piloting an A-6 jet that failed to return from a mission over North Vietnam on Oct. 12, 1972.

Erickson was boating with two other Marines 15 miles south of Da Nang on March 16, 1968. Nearby Marines heard muffled explosions from the river and the body of one of Erickson's companions later was found but there was no trace of Erickson or the third Marine.

Peacock's family resides in Hawaii and Erickson's father lives in Corona, Calif.

Early Bird 13 May 1976, page 5

WASHINGTON POST 13 MAY 1976, Pg 5

General Sees No Answer to MIA Dilemma

United Press International

An Air Force general said yesterday it is doubtful that the facts of many missing-in-action cases will ever be resolved even if Communist governments in Indochina cooperate.

Maj. Gen. Walter G.

Druen Jr. appeared before the House Select Committee on Missing Persons to testify on the pay and other benefits going to families of 816 servicemen listed as missing for as long as 12 years.

The benefits now total as much as \$20 million a year, some \$12 million of it from the Air Force.

"Even if our search teams were given unlimited access to all Communist-held territory in Southeast Asia and

if the other side provided us all the information they possessed, conclusive evidence of the fate of many of our missing would not be available," Druen said.

The general said this was because incidents involving plane crashes in water or remote jungle areas, for example, would be difficult to resolve. He added that "this is not restricted to the Southeast Asian conflict but is a fact of almost all wars."

WASHINGTON POST 25 JULY 1976 Pg. 7B

A Father Charges MIA 'Cover-Up'

By Kathy Sawyer

Washington Post Staff Writer

George L. Brooks, 57, a World War II veteran in a neat business suit, used to "hate people who demonstrated in front of the White House." But now, he adds with a shake of his head, "I'm doing it myself."

Brooks' son, U.S. Navy Lt. Nicholas Brooks, has been listed as missing in action in Laos since 1970 in his quest for information about his son. Brooks says he has encountered a "cover-up" by people in the U.S. Government, and he says some of these people have branded him a liar and a "wild-eyed radical" because of his persistence.

Brooks and his wife, Gladys, are among the parents, wives, brothers and other relatives of missing men attending the seventh annual convention of the National League of Families of MIAs which ends today at the Statler-Hilton.

While not all the MIA relatives are as outspoken as Brooks in their criticism of the government, many share his frustrations over what they see as a gradual abandonment of the missing men by U.S. policy makers.

The league is demanding that the Defense Department not change the status of the missing men from MIA to dead until the governments of Vietnam, Laos and Cambodia provide an accounting of how the men died and return any remains in their possession.

Some, like Brooks, still believe their men may be alive. And they feel that the Defense Department has MIA... 3

failed to supply the men's families with all pertinent information it has, concealing some evidence about the men's fate, behind a "classified" stamp.

Brooks, an engineer for the Board of Education in Newburgh, N.Y., says the Navy kept from them a report indicating that a man who may have been their son captured by the enemy twice, and escaped twice. "Then in 1974, we ran into our son's squadron commander, who told us about the information," Brooks said.

At first, Brooks said, at least one Navy officer said he was lying about the report's existence. But he persisted and now he has a letter from the secretary of the Navy, dated March, 1975, confirming that the report existed but had been lost.

A number of MIA families, as well as some returned POWs, told similar stories about discrepancies in their files. The Defense Department says it has tried to see that the families have access to all pertinent information on their men. It also says that, even when a man was reported alive at some point before the American pull-out in 1973, there is little, if any, likelihood he is still alive.

But a number of the MIA relatives, like Brooks, refuse to give up without proof. In addition to picketing the White House, writing letters, and initiating court actions, some have become diplomats without portfolio traveling to Paris, Geneva, Vientiane and Saigon, pressing foreign officials and international agencies for information.

"I've spent my life savings on this," Brooks said.

An active leader in the league since its founding in 1970, Brooks yesterday resigned from the board of directors (but not from the league) to dramatize his feeling that "the league is not doing enough. We should be more aggressive."

Earlier in the convention, representatives of the State and Defense Departments had talked to the families about the difficulties of getting information from Communist-controlled areas "without military means or diplomatic access."

Presidential candidate Ronald Regan scored some points with the league with a telegram promising, if he is elected, to appoint a secretary of state who will take "every reasonable and proper step" to get the families what they want.

The league now has pinned its hopes on getting the tenure of the House Select Committee on MIAs extended beyond its September deadline, to keep the issue alive in Congress. Committee chairman Rep. G. V. (Sonny) Montgomery (D-Miss.) has said he opposes such an extension, but will abide by the will of the committee majority.

As he pondered his disillusionment with some aspects of the government he says he loves, Brooks reflected, "I guess it's an embarrassment to the government to have it known that they've abandoned the men."

Nobody ever made any provision for losing a war."

Carly Bird
July 25, 76
P. 1 + 3

BALTIMORE SUN, JULY 19, 1976

MIA hopes held dim

Washington (AP)—Representative G. V. Montgomery (D., Miss.) said yesterday a House investigation has produced no confirmable evidence that any missing United States servicemen still are alive in Southeast Asia.

Mr. Montgomery, in a speech prepared for an organization of relatives of the Vietnam war's missing in action, said it serves no useful purpose to continue to hold out false hopes that a large number of the missing are still alive.

Mr. Montgomery is chairman of the House Select Committee on Missing Persons in Southeast Asia which was created by the House to probe the MIA issue.

"Like so many others I

wanted to believe they were still alive, so I did. We must face the cruel, but hard, facts that our MIA's lost their lives in the service of their nation," he said.

Still, the chairman said the administration and the U.S. intelligence agencies should continue to seek and check any clues which would determine the fate of the missing.

And Mr. Montgomery said the State Department should continue to press for a final accounting of the missing in negotiations with Southeast Asian nations.

Mr. Montgomery spoke to the annual meeting of the National League of Families of Prisoners of War and the Missing in Action.

Charly Bird
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HISTORICAL DIVISION ROUTING SHEET

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NEWS BUREAU OF PUBLIC AFFAIRS RELEASE

Department of State
Office of Media Services

June 1973

STATEMENT BY FRANK A. SIEVERTS, SPECIAL ASSISTANT TO THE DEPUTY SECRETARY OF STATE FOR PRISONER OF WAR/MISSING IN ACTION MATTERS, BEFORE THE NATIONAL SECURITY POLICY AND SCIENTIFIC DEVELOPMENTS SUBCOMMITTEE OF THE HOUSE COMMITTEE ON FOREIGN AFFAIRS, MAY 31, 1973.

I appreciate the opportunity to report to this Subcommittee on the return of our prisoners of war and on our efforts to obtain the fullest possible accounting for our missing in action personnel in Indochina. These subjects are not new to this Subcommittee: your hearings on them in the past five years have contributed greatly to public understanding of the POW/MIA problem; they constitute a significant public record that will be of permanent value.

Prisoners of War

The return of prisoners on both sides, with accounting for the missing and dead, is covered in Article 8 of the Viet-Nam Agreement signed January 27 in Paris. This article, also designated as Chapter III of the Agreement, reads as follows:

"(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.

(c) The question of the return of Vietnamese civilian personnel captured and detained in South Viet-Nam will be resolved by the two South Vietnamese parties on the basis of the principles of Article 21(b) of the Agreement on the Cessation of Hostilities in Viet-Nam of July 20, 1954. The two South Vietnamese parties will do so in a spirit of national reconciliation and concord, with a view to ending hatred and enmity, in order to ease suffering and to reunite families. The two South Vietnamese parties will do their utmost to resolve this question within ninety days after the cease-fire comes into effect."

Additional provisions are contained in a separate Protocol on captured persons. These documents were signed by representatives of the four parties to the Viet-Nam conflict: The Democratic Republic of Viet-Nam (North Viet-Nam), the Provisional Revolutionary Government of the Republic of South Viet-Nam (the Viet Cong), the Republic of Viet-Nam, and the United States. Secretary Rogers signed on behalf of the United States.

With your permission, Mr. Chairman, I submit the Viet-Nam Agreement and the Protocol on captured persons for the record of this hearing.

It is clear from the provisions quoted above, and from the captured persons Protocol, the return of prisoners on both sides, with accounting for the dead and missing, formed a key part of the Viet-Nam settlement. Our government had emphasized to the communist side the importance we attached to securing the expeditious release of prisoners of war, with the fullest possible accounting for the dead and missing. The quoted sentences embody the essential provisions on these subjects.

As specified in Article 8(a), lists of "captured military personnel and foreign civilians" were exchanged on January 27, the date of the signing. North Viet-Nam listed 457 U.S. personnel and the PRG listed 121, for a total of 578, of whom 556 were U.S. military personnel and 22 were U.S. civilians. These lists did not cover those captured in Laos, and on February 1, in response to our urgent request, a further list of nine Americans, described as prisoners of the "Lao Patriotic Front," was handed to U.S. officials by North Vietnamese officials in Paris. Those nine included seven U.S. military personnel and two civilians. The PRG subsequently informed us they held one additional U.S. prisoner, bringing the overall total of U.S. personnel released from Indochina to 588. The communist side also listed nine non-U.S. personnel on these lists: two West Germans, two Canadians, two Philippine nationals, two Thai, and one South Vietnamese.

To round out the figures, it should be noted that two U.S. military personnel and one American civilian who had been detained in the People's Republic of China were released during the same period and flown home under Operation Homecoming. Thus the total number of Americans returning home was 591.

Under Article 8(a), the release of captured military personnel (POW's) was to be carried out "simultaneously" with the withdrawal of U.S. troops, at approximately fifteen day intervals. The first release took place close to that schedule and was followed by a "good will" release a few days later. When further releases failed to keep to schedule, the President ordered a halt in U.S. force withdrawals, to make clear the importance we attached to prompt and full compliance with the Agreement. A final impasse over the release of prisoners captured in Laos was resolved when North Viet-Nam arranged their release March 28, in Hanoi. The final prisoners captured in North Viet-Nam were released March 29.

It should be noted that the majority of prisoners captured in South Viet-Nam, as well as all those captured in Laos, were in fact moved to and held in North Viet-Nam, in most cases soon after their capture. Communist authorities went to considerable lengths to conceal this from the rest of the world, presumably in furtherance of their refusal to acknowledge North Viet-Nam's responsibility for communist forces in South Viet-Nam. The U.S. prisoners from the South were held separately from those captured in the North until shortly before their release. Throughout the conflict, communist officials maintained the position that they could not provide information or mail for prisoners captured in South Viet-Nam because they were held in the "war zone," i.e., South Viet-Nam. We have confirmation now that the great majority were in fact held in North Viet-Nam, in many cases no farther from the Hanoi post office than those captured in the North.

During the same sixty-day period, the Republic of Viet-Nam with our support released more than 26,000 communist prisoners of war. Another 10,000 Viet Cong POW's who had entered the "New Life" program and made clear their desire to remain in the Republic of Viet-Nam had been released prior to the Agreement. We were aware of the problems attached to the release of prisoners of war in the Korean conflict, when a settlement was delayed more than a year largely over the question of non-forcible repatriation, and were determined that the release of enemy prisoners of war in this conflict should not become an obstacle to a settlement. Altogether, a total of 26,508 North

Vietnamese and Viet Cong POW's were released in compliance with the Viet-Nam Agreement and Protocols. The communist side during the same period released approximately 5,000 South Vietnamese POW's.

From its past hearings this Subcommittee has first-hand testimony on the consequences for our men of North Viet-Nam's refusal to treat them in accordance with the Geneva Convention. The communist side never permitted impartial inspection of POW camps; mail and packages were sporadic and limited -- virtually non-existent for our men captured in South Viet-Nam and Laos (even though they were held in the North).

The following information for the Republic of Viet-Nam thus provides an interesting contrast. From 1966 through the end of 1972, there were a total of 475 separate inspections of POW facilities in South Viet-Nam by the International Committee of the Red Cross (ICRC), carried out by 60 different ICRC delegates. Reports on these visits were provided to the Government of Viet-Nam, who shared them with us because of our responsibility for U.S.-captured POW's under Article 12 of the Geneva Convention.

During the three years 1970-72, communist POW's received over 510,000 letters and over 115,000 parcels, while sending over 280,000 pieces of mail. With rare exceptions North Vietnamese POW's did not avail themselves of the opportunity to send mail to their families in the North. The small number of letters sent by those men were forwarded through the ICRC, but it is not known what happened to them after they reached North Viet-Nam.

It is a matter of continuing regret to us that the communist side persisted to the end in its refusal to accept the ICRC in its humanitarian role on behalf of prisoners of war. Our negotiators sought to have the ICRC designated to observe and assist in the release and return home of POW's on both sides under the Viet-Nam Agreement. When this was rejected, agreement was reached to designate two or more "national" Red Cross societies for this purpose (Article 9 of the captured persons Protocol). The Red Cross societies of Canada and Poland were nominated for this purpose, and the National Commissioner of the Canadian Red Cross went personally to Viet-Nam to head his society's team. The communist side refused, however, to cooperate in arrangements for even this final effort at Red Cross inspection, and the POW's were released without benefit of Red Cross observation.

Accounting for the Missing

Article 8(b) of the Viet-Nam Agreement quoted above contains far-reaching provisions for exchange of information on the missing and on the dead. Although this subject has been covered in past war-ending agreements, to my knowledge this is the most specific such provision ever agreed to by the two sides in an armed conflict. This section is important in light of our experience following the Korean War, when North Korea failed to provide information or accounting for a large number of American and other UN Command personnel known or believed to have been in their hands.

It was also important in view of the communist side's poor record during this conflict in identifying prisoners of war, as required by the Geneva Convention. Although we had been able to accumulate information on many of our men -- especially on those captured in North Viet-Nam -- there was always uncertainty as to the accuracy and completeness of this knowledge. Until the day of the cease-fire, we had received no lists or other direct word on the majority of our prisoners captured in South Viet-Nam and Laos. There had been no communication from these men to their families, in some cases during periods of captivity extending up to nine years.

Thus we have long been aware of the importance of obtaining the fullest possible accounting for all our personnel. Through the years, our diplomatic efforts were part of a wide-ranging effort to gather information about our missing men. Family members and others traveled throughout the world in private efforts to seek word of loved ones. In Indochina, our embassies and U.S. forces in the field carried out continuing efforts in this area. The Joint Personnel Recovery Center (JPRC) was the main repository for information on the missing as well as on those listed as dead, body not recovered.

At the time of the cease-fire, more than 1400 U.S. personnel, including civilians, were listed as missing in Indochina. They come from all the military services and are of high rank as well as low. They include over 20 American civilians, among them contract workers, merchant seamen, and a State Department officer missing since the Tet offensive in 1968. Three missionaries of the Christian and Missionary Alliance have been gone since May 30, 1962 -- the longest time for any Americans missing or captured in Indochina.

Our efforts to obtain information on these people are going forward on three fronts:

(1) As each POW returned, he was carefully debriefed for any information he might have on any others known to him -- U.S. military personnel, civilians, foreign nationals. It might be no more than a nickname -- or a glimpse of someone across a prison compound. No matter how small the bit of information, it was logged into our system and carefully analyzed. Thus a stockpile of information was acquired which has already helped resolve the cases of some of our missing men.

It should be noted that there is no indication from these debriefings that any American personnel continue to be held in Indochina. All American prisoners known to any of our returned POW's have either been released or been listed by the communist authorities as having died in captivity. Returnees with whom I have talked, including those who appeared before this Subcommittee May 23, are clear in their belief that no U.S. prisoners continue to be held.

The present situation thus differs from that following the return of our POW's in Korea. You, Mr. Chairman, conducted hearings on that subject and heard testimony about the large number of Americans reported by returned POW's who were neither returned nor accounted for. Despite persistent efforts by the U.N. Command and the U.S. Government, the other side in that conflict failed to provide additional information, and our missing men were eventually presumed dead. As stated, there are no reports from our returned men in this conflict that other Americans are held in captivity.

(2) We are in direct contact with officials of the communist side. In Saigon, we are proceeding through the Four-Party Joint Military Team, established under the Viet-Nam Agreement. The Team has already made two trips to North Viet-Nam to visit cemeteries where Americans who died in captivity are buried. Communist officials have also acknowledged the existence of additional graves of Americans who died in aircraft crashes or of other causes. Our aim is to arrange the early repatriation of the remains of as many of these persons as possible.

At the same time, we have made clear our urgent interest in receiving information on the missing. Complete lists of our missing personnel have been provided to the Four-Party Team for this purpose.

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 cease-fire agreement. Our efforts to convince the communist side to proceed with this accounting without waiting for a new government to be formed have thus far been in vain.

There is little to say at this point regarding missing or captured personnel in Cambodia. In his press briefing January 24 Dr. Kissinger said "We have been told that no American prisoners are held in Cambodia." We are aware of reports gathered by journalists and others that there continue to be prisoners detained in Cambodia, possibly including some of the 20 international journalists missing in that area. Although there has been no confirmation of these reports from the communist side, they suggest the possibility that some western personnel continue to be held in the country. Journalists in a number of countries have formed "International Committees to Free Journalists Held in Southeast Asia," the U.S. Committee of which is chaired by Walter Cronkite of CBS News. We have maintained close touch with this group and share their hope for favorable word on the missing newsmen.

(3) We are carrying out our own efforts to search for information on our missing and dead. Specific responsibility for this has been assigned to the Joint Casualty Resolution Center (JCRC), located in Thailand at Nakhon Phanom near the Laos and Viet-Nam borders. The JCRC is manned by American military personnel and functions with the close assistance of our embassies and consulates in the area. We have told the communist side about the JCRC, making clear its peaceful, open, and humanitarian purpose. The JCRC already has carried out a number of searches, so far in South Viet-Nam. We plan to work in harmony with local people wherever Americans may be missing or dead, and we hope to have the cooperation of the

communist authorities. Our aim is to find the fullest possible information on each missing man. We recognize this is an enormous undertaking, and that we cannot succeed in every case, or even in a majority of cases. But we intend to try.

We want to do the job thoroughly, but we also recognize an obligation to move quickly. Many of our men have been missing for up to eight years, some even longer. During that time wives and families have lived with the anguish -- and the legal complications -- of not knowing the fate of their men. Speed is also essential because information about the missing becomes more elusive with passage of time.

* * * *

In conclusion, Mr. Chairman, may I express my own sense of joy at the return of our men. Seeing them last week when they were here for the President's May 24 dinner, I was reminded of the first group I saw arriving at Gia Lam airport in Hanoi last February 12. The guards ordered the men off the bus. Suddenly, the senior American officer of the group took command away from the guards and gave the orders for the men to march in formation to the release point. The guards tried to intervene but fell back. It was clear then that, despite the grim experience of their captivity, our men had endured and prevailed. They deserve our thanks and commendation, as do their families.

And they would be the first, I know, to join in expressing our sense of obligation to the missing, and to their families. I can assure you this subject will continue to have our most serious attention.

23 July 77

From: Director of Marine Corps
History and Museums

To:

Research Section.

1. Vietnam POW file.

I think we already have this;
and to POW, Vietnam, if not
JLB

June 13, 1973

CONGRESSIONAL RECORD—Extensions of Remarks

E 4041

was when I went to the hospital to see my newborn daughters."

The Johnstons have two daughters of their own, aged 4½ and 2, but they had wanted a boy as well and had long talked of adopting one. "I don't believe that you have to conceive and bear a child to love him," says Barbara Johnston, "especially when there are so many children in the world without homes."

ANY ONE WILL DO

Early in 1972 the Johnstons started the adoption proceedings by appearing before the county welfare board. The social worker there asked whether they would consider adopting a Mexican, American Indian or Korean child. "I said, 'Fine, I'll take any of them,'" Mrs. Johnston recalls.

After that the family was put in touch with the Holt Adoption Program, Inc., which is located in Eugene, Ore. The Johnstons were under the assumption that they were being considered to adopt a Korean child. They filled out an application, and a long period of investigation began. County social workers made several visits to survey their home and family situation. There were endless questions—some of them pointed. Mrs. Johnston remembers on quite clearly: "How would you react if one of your girls came home from school and told you that their little brother had been called a 'Chink'?"

Apparently, the response was satisfactory, because sometime later the Johnstons' application was approved. Then came a surprise: Would they be willing to accept an infant from Bangladesh, rather than Korea?

"We did have some qualms," admits Johnston, "not about nationality, but about color." Rural Indiana is still virtually all-white, and Johnston was worried about what reaction people would have to a dark-skinned adopted child. But the Johnstons put their worries aside and said they'd be delighted to accept their new Bangladeshi son.

"Actually, people have stared and whispered a few times," says Johnston. "We see people looking at Chad and then at his sisters when we walk by. I can understand their shock. But we accept such things in stride."

Despite those first stares, the neighbors have quickly accepted Chad as one of the "Johnston kids," along with his sisters Kelly Jo and Erin Michele. And last Easter Sunday, Chad Daniel Johnston was baptized at the local United Methodist Church.

While many other American parents or childless couples would like to experience the happiness that adoption can bring, the availability of Asian war orphans is severely limited.

NO MORE ORPHANS

In Bangladesh, for example, there are simply no more orphans available. The Holt program has withdrawn its team from Dacca, the capital city, after it found 10,000 orphans in American homes. Some authorities theorize that early reports of thousands of abandoned babies—resulting from the rapes of Bengali women by Pakistani soldiers—were somewhat in error. Other experts believe that many such women had abortions, or killed their babies after birth. And in many cases the mothers refused to give their children up for adoption or preferred that they be placed with local families.

The situation in Vietnam is drastically different. There, countless children are homeless and undernourished. Nearly 25,000 crowd the country's understaffed orphanages, where care is often minimal. Thousands of others shift for themselves in the city streets. It is not known how many children were fathered by American GI's, but some estimates run as high as 200,000.

Yet adoptions of these children are also severely limited. The Saigon Government has placed strict rules and complicated procedures on adoptions. Chris Ryan recalls that she was virtually ready to give up in despair before she was allowed to adopt Lisa. "Every-

where we turned," she says, "we took one step forward and 10 steps back."

The Travelers Aid-International Social Service of America, a group that has kept close watch on the situation, says that part of the trouble comes from the fact that more than half of the children living in orphanages aren't technically orphans, since at least one parent is living. Also, the group says, the Vietnamese "extended family tradition" keeps many children from being put up for adoption. Grandparents and other relatives will frequently take the child.

HOW TO HELP

Maureen O'Brien, public relations director of the group, says that parents who are anxious to adopt Asian waifs may have much better luck adopting a Korean child. Nearly 20 years after the cease-fire, that country still has a high rate of child abandonment, and last year some 1800 Korean children were adopted by American parents.

Miss O'Brien and other authorities agree that any real improvement in the plight of Vietnam's children will have to take place within that war-torn country. Currently less than one percent of the government's budget goes to child welfare, making outside help essential to relieve starvation and other distress. And many experts believe that the U.S. Government itself has a special responsibility to the countless Vietnamese children for whom the war has not yet ended.

POW HONORED

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. ST GERMAIN. Mr. Speaker, at a Memorial Day dinner the people of Woonsocket, R.I., honored Marine Sgt. Dennis A. Tellier, former prisoner of war.

It was a happy occasion and an opportunity for the citizens of our community to pay tribute to a man that we are proud of and regard as an inspiration.

I would like to include here for the benefit of my colleagues the text of the keynote speech of the evening delivered by Brig. Gen. Edwin H. Simmons, USMC. It is a straight-forward talk about the Vietnam war—an unvarnished account that faces the grim costs in American lives and heartbreak. It does not justify the war or argue its merits, but it does defend and honor those Americans who fought in Vietnam.

There are no high-sounding flights of traditional Memorial Day rhetoric. It is a sober, honest, and plain talk that ends on a note of hope. It put into words my own thoughts and, I believe, the thoughts of most Americans.

I am also including an article from the Woonsocket Call by Leonard Edgerly which gives an account of the evening:

MEMORIAL DAY REMARKS

(By Brig. Gen. Edwin H. Simmons, USMC)

Distinguished guests; ladies and gentlemen, I am honored to have been asked to participate with you in this Memorial Day observance.

Memorial Day is, I think, perhaps our most solemn national holiday.

It is a time for remembrance and reflection. This year Memorial Day has a special significance.

Our troops have been withdrawn from South Vietnam.

Combat, for American ground forces, has ended.

Our prisoners-of-war have been returned. Still, the war in Indo China, despite the cease-fires and the peace negotiations, is obviously not over.

American air power continues to be used in Laos and Cambodia.

So we cannot yet say that we are completely out of the war.

It has been the longest, and in many ways the most difficult, war in our history.

The advisory phase began in 1954.

Combat involving American ground forces began in 1965.

That was over eight years ago.

It has been a controversial war.

The purposes have seemed vague.

The costs have been enormous.

And they are costs that cannot be measured simply in terms of men and treasure.

We must also include in the reckoning what the war has cost the United States in terms of what it has done to our people and to our institutions.

Yes, I think we would all agree that it has been a costly and controversial war.

Opinion—both world opinion and opinion here at home—has been widely divided, not only on the merits of the war, but also on the manner in which it was fought.

Through the years that the war went on these opinions hardened.

They entered like wedges into our society, splitting its apart.

I am not going to argue the merits of the war.

I am not going to try to justify the conduct of the war.

I will, however, defend and honor those who fought this war; just as I will defend and honor those who fought this nation's wars of the past.

We know of men who have found this war so hateful that they deserted their country's service and went to Canada or Sweden or elsewhere.

I suppose there were many individual reasons or rationalizations for these desertions and evasions.

For some, perhaps, it was an honest act of conscience.

For others, I suspect it was, if not an act of cowardice, at least an act of self-interest and self-protection.

But I don't know these men nor do I pretend to understand fully their motives.

The men I know are the millions of young Americans—soldiers, sailors, airmen, Marines—who served their country honorably and well.

As of a few days ago, American losses in the Vietnam War stood at:

38,454 dead from hostile causes

158,312 wounded and hospitalized

Another 150,041 wounded but not required.

1,121 missing in action

649 returned prisoners of war

Interns of casualties it has been for the

In terms of casualties it has been for the United States:

A war almost twice the size of the Korean War.

A war in fact, almost as long as the World War I.

But I don't think that I have a read of statistics to convince this audience that wars cost lives and cause heartbreak.

You know this

You have chosen to honor tonight one of the casualties of the Indo China war, a young Marine, Sergeant Dennis Tellier.

He was taken prisoner, who suffered greatly, but who now, happily, has returned.

It happens that Sergeant Tellier is a Marine.

He could just as well have been an airman, a soldier, or sailor.

I am sure that in honoring him you also

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are honoring, and have in your thoughts, all of those other young Americans who were killed in the war—the dead, the missing, the wounded, the maimed, and the

I am equally sure that in the back of your minds there is the question: Was it worth it?

With all this pain and suffering?

I don't know.

The answer I must give.

I don't know.

However, however, that I am not ready to make the charge that there is something fundamentally wrong with America, that our government and our society are intrinsically evil.

I am willing to accept that nations make mistakes, that people make mistakes.

And I agree that there are real and pressing problems facing us: political corruption, drug abuse, racial conflict, inflation, and many of our cities, pockets of poverty that go on.

But I think we will find solutions to these problems.

The United States has survived and prospered for over 200 years.

I think we will continue to survive and prosper.

But to do so requires a re-dedication to the fundamental principles and institutions that form the foundations of our great republic.

These principles and institutions have served us well.

I happen to believe, and I hope you agree, that this country of ours, this American way of life, is worth preserving, and is worth fighting for.

EX-POW TELLIER HONORED AS MEMORIAL DAY SYMBOL

(By Leonard S. Edgerly)

Marine Sgt. Dennis A. Tellier, Woonsocket's former Vietnam prisoner of war, was honored last night as an individual and as a Memorial Day symbol.

The occasion was a banquet in Brother Adelard Arena, where about 800 persons heard federal, state and local dignitaries take note of Sgt. Tellier's nearly four years of captivity in Vietnam.

Bishop Louis E. Gelineau, who soon left to administer confirmation in St. Joseph's Church, set the tone for the evening in his invocation.

"We thank Sgt. Tellier and all whom he represents," the bishop said.

The 23-year-old Marine sergeant acknowledged each plaudit with a shy grin as he sat at the head table with his parents, Mr. and Mrs. Aram J. Tellier of 301 Elm St., and his sister, Mrs. Dennis Ross.

Among the 70 dignitaries at the two-tier head table—the largest ever served in Rhode Island by the Central Falls caterers—were Congressman and Mrs. Fernand J. St Germain, Gov. and Mrs. Philip W. Noel, Mayor and Mrs. John A. Cummings and Brig. Gen. Edwin H. Simmons, director of historical programs for the Marine Corps.

Behind the head table was draped a huge American flag measuring 40 feet by 20 feet, obtained from the Quonset Naval Base by Congressman St Germain.

The banquet followed by three days Sgt. Tellier's trip to the White House for a POW reception by President Nixon.

"I thanked him very much for bringing me home," Tellier said last night of his brief talk with the president. "But he didn't want to take credit for it."

"You got yourself home," Nixon told the Woonsocket resident.

Tellier who did not make a speech at the banquet, appeared to greatly enjoy the testimonial: "It's wonderful, really," he said.

He was given a 35-second standing ovation upon his introduction by Dave Russell, general manager of Radio Station WWON, who acted as master of ceremonies.

Congressman St Germain in his remarks thanked John R. Dionne, general chairman, for organizing the banquet, saying that Dionne "heads up everything that's a success in the Woonsocket area."

St Germain continued by calling Tellier one of the greatest citizens Woonsocket has ever had.

"He went through a great deal, and yes he came home humble and shy," the congressman said. "In his humble and shy way, he inspires all of us."

"The United States of America, the state of Rhode Island and each and every citizen of the city of Woonsocket are not only proud but we are inspired by the example you have set for us, and we are grateful for what you have done for our country," St Germain told the former POW.

Governor Noel presented Tellier with an official citation.

"We are honoring a man who symbolizes the great American tradition of loyalty and service to our country that our men and women have established and maintained over the years," Noel declared.

"Through him we are able to honor all our servicemen and women living and dead for their great service and devotion," he added.

The governor also presented Tellier with a "Pride Pin," an innovation by Project Rhode Island and the Rhode Island Chamber of Commerce.

"We're proud of you, and we know you're proud of Rhode Island," Noel said as he gave the pin to Tellier.

Mayor Cummings in his speech said, "I think Dennis, not knowing it, has become a symbol of the aspirations of this country."

And he pointed out the other sacrifices that have been made by American servicemen.

"It's fitting to pause and remember the men of Vietnam and the men of other wars, the men that lay in Veterans Administration hospitals in this country . . . so we can have this salute," the mayor told the gathering.

General Simmons, the keynote speaker, noted that "Still the war in Indochina . . . is obviously not over. American air power continues to be used in Laos and Cambodia."

His voice echoed through the silent arena as he listed the grim statistics of the war: 38,454 killed in action, 300,653 wounded, 1,121 still missing in action and 649 returned POWs.

"Was it worth it? Was it worth all this pain and suffering?" he asked, only to add the following reply:

"I don't know—that's the answer I must give."

The general said he is willing to accept the concept that nations, like individuals, make mistakes, and he said there are many problems facing America, including political corruption, drugs, crime and poverty.

He called for a "re-dedication to the fundamental principles and institutions that form the foundation of our great republic."

But in spite of the doubts he betrayed concerning the Vietnam conflict, General Simmons concluded on a positive note.

"This country, this American way of life of ours, is worth preserving—yes—is worth fighting for," he declared.

Army M. Sgt. Donat J. Gounin of Central Falls, a former POW who met Tellier during imprisonment, attended the banquet and received a standing ovation.

During the sustained applause, the two men exchanged comradely waves across the room.

Several special awards were presented to Tellier after the speaking program, including a plaque from the United Veterans Council.

Louis A. Lamontagne, president of the council, gave Tellier the plaque on behalf of the city's 11 veterans' organizations represented by the council.

Lamontagne announced that Tellier is to

become a member of Harnois-Barnabe-Arel Post, Amvets.

Peter Lazotte of 53 Champlain St., Blackstone, gave Tellier a package of about 11 POW bracelets bearing Tellier's name. Lazotte had collected the bracelets from persons who had worn them during Tellier's imprisonment.

Mike Edwards of radio station WNRI presented the former POW with a copy of the record "The Yellow Ribbon 'Round the Old Oak Tree."

The record, which tells the story of a prisoner returning home, led Edwards to start a welcome-home tribute of yellow ribbons throughout the Woonsocket area for Tellier.

He said he had called Tony Orlando, who made the record, for an appearance at the banquet, but Orlando's group, Dawn, had a prior commitment.

State Sen. Paul A. Fontaine, D-Dist. 32, gave the former POW a copy of a Senate resolution congratulating Tellier for "his fine patriotic posture and meritorious behavior during his long and arduous confinement as a prisoner of war."

Arthur H. De presented Mrs. Tellier with flowers on behalf of the Military Order of the Purple Heart.

Dionne surprised Tellier with a framed color portrait photograph of the sergeant-taken several weeks ago in what had been described as a session for the program picture.

Measuring 30 by 36 inches, the portrait shows Tellier standing in a study in dress uniform.

After a benediction by the Rev. Henry J. Robitaille, pastor of St. Ann's Church, Sonny Dionne and his group struck up the "Yellow Ribbon" song, and dancing began. Wayne Ise from Warwick provided vocal arrangements.

As Tellier greeted fellow residents in a receiving line, Congressman St. Germain commented that "It's not the usual banquet crowd."

"These are really the people of Woonsocket, who are proud of him," St Germain declared.

And M. Sgt. Gounin provided an out-of-town's outlook on the festivities.

"It was really a beautiful night for Dennis," he said.

ENERGY CRISIS

HON. CLEM ROGERS McSPADDEN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. McSPADDEN. Mr. Speaker, with all due respect, I must strongly decry the administration's proposal to hike the tax on gasoline as a means of helping ease the fuel shortage.

This is a foolish and shortsighted suggestion. A 3-, 5-, or 10-cent tax per gallon of gas would not ease the shortage of fuel one jigger. Furthermore, it would hurt those least able to pay for it, the workingman who has got to get to work each and every day to keep the Nation's productivity going.

A raise in the gasoline tax would further add to the spiral of rising prices and soaring inflation. Americans are a mobile people; they are going to travel and they are going to travel mostly by automobile. They have got to travel in these days.

We simply must face the facts: We are in an energy crisis and it is going to be with us for 10 or 15 years before we can solve the problem. We have got to go forward with a crash program of developing our known oil reserves and ex-

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PW HISTORY

A general outline

- RVN POW's cannot really be compared with those of any other war.
 - different types of POW's: pilots would have a high propaganda value; front line infantry captives have more tactical value
 - different periods of captivity
- Korean War and Earlier Background
 - negative attitudes traceable to Kennedy's Army psychiatrist studies, etc
 - many Korea POWs held under worse conditions than RVN POWs
- Code of Conduct
- SERE Training '54-'63 and training for '65 POW's
- Geneva Conventions
- Chinese Exploitation Methods
- French PW Experience
 - Strategic Overview of US-USSR-PRC-DRV as it affects PWs
 - [68, writing on POW - school French?]
- At some point, practically every POW made a statement (unprompted at breaking point)
- The pre-capture genuinely religious did better
- The senior man in captivity on all VN sides is [civilian] FS 2

Early VN Prisoners, 1961-64

- Advisors in SVN

- NLF/VC policies and treatment

- Emerging of familiar patterns

- propaganda exploitation

- war criminal treatment

- ignoring Geneva Conventions

- [VN + VC never used term POW's]

- Tonkin Gulf attacks

- Early NVN PWs

- clear differences evident between NVN/SVN PWs

Most Ghibians were kept in the Plantations

Many ex POWs are better off, what they perceive as superior treatment to mid

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Dark Days 1965-late 1969

- Hoa Lo and Cu Loc (the Hilton and the Zoo)
- Early treatment of pilots NVN through 1965
- Mail and packages and ICRC
- Early resistance and communication established 1965
- NLF releases in SVN
- 1966 PW numbers increase with bombing
- Treatment grows savage
- War crimes threats, Russell Tribunal, Hanoi March
- Psywar battle rages
- Most major NVN camps open
- By 1967, all major PW figures have been captured
- Torture common
- "Fidel" program
- Intelligence efforts
- State-DoD agreements

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3

- VN prison system under study
- NVN early release program begins, 1968
- Dispersal of PWs in NVN
- Dispersal of PWs in SVN-Cambodia
- Tet, 1968, creates many civilian PWs, SVN
- Bright Light, JPRC, JCRC organized and operating
- Bombing halt and LBJ withdrawal
- Note TET timing* - Pueblo capture and release
- Anti-war groups
- Visitors to Hanoi
- First lists of PWs
- "Go-public" campaign
- League of Families, VIVA, Perot efforts
- Treatment improves, October 1969

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Hanging On: 1969-73

- Escape attempt repercussions
- PW population stabilized
- Son Tay raid and effects
- Camp leadership changes

Camp - "Unity" philosophy and accomplishments

- SERE changes
- Consolidation of PWs in Hanoi
- Movement of PWs from SVN → North
- Plantation showplace
- Camp characters (NVN) identified
- Peace Committee and cooperators
- Memory Banks
- New shootdowns, 1972
- Problems

human and divine philosophy

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5

Homecoming and Aftermath

- Summary of negotiations and homecoming
- Families, planning, lessons learned
- Service differences of opinion
- Studies, career renewal, punitive actions
- Awards, decorations, promotions
- Navy Center, San Diego
- MIA and accounting matters

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Appendices

- Charts of PWs, SVN, C, L, NVN, Ch
- Register VN Prison Camp Officials
- Glossary of Terms
- Bibliography of Studies
- Camp Locations - Maps, Photos
- Propaganda Exploitation Summary
- Outside Visitors
- Civilian & Foreign National Summary
- Survey of Legislation
- Sketch of PW/MIA Costs
- Careers of RPWs
- Roster of Camp Openings & Closings
- JPRC/JCRC Summaries

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ARMED FORCES JOURNAL MAY 1976 (21 JUNE)

Kissinger Shuns POW/MIA Resolution

by Bobbe Lindland

THE FATE OF 325 AMERICAN servicemen listed as missing in Southeast Asia is being disputed in testimony taken by the House Select Committee on Missing Persons. Conflicting sources reporting to the committee include LtGen Vernon A. Walters of CIA, Adm John McCain, Jr., USN retired, former Commander-in-Chief, Pacific, and Walter Cronkite, CBS newscaster and Chairman of the American Committee on the International Committee to Free Journalists Held in Southeast Asia. Testimony includes reported live sightings of Americans in Laos and complaints of lethargic assistance by Secretary of State Kissinger in resolving the POW/MIA issue.

Answering requests for CIA's assessment of whether all the POWs or MIAs who were alive had been returned by the Communists in 1973, General Walters told the committee: "All men known by the repatriates to have been in the prison system had been accounted for either in the repatriation, or as having died in prison." At one point, Walters said that the Defense Intelligence Agency had been "able to identify in advance 91% (539) of the 591 U.S. personnel released at Operation Homecoming." (Emphasis added.) His number of 591 returnees differed significantly from the number of 566 previously released by the Pentagon, and the *Journal* asked how the two figures could be reconciled. Was it possible that some men came home who had never been publicly acknowledged before? The 566 number turns out still to be correct: 512 men who had previously been identified as POWs, 53 who had been carried as Missing in Action and one man who had been reported as Killed in Action. Of the 539 who had been positively identified by DIA before Communist prisoner lists were provided late in January of 1973, 27 were Servicemen who died in captivity. Walters' figure of 591 simply represents the number of Servicemen, it turns out, who were believed to be held POW before Operation Homecoming.

Walters stated that "There is no confirmable information" now that Americans are still being held captive, but he acknowledged that the Communist governments could "provide considerable information if they were so inclined."

NVN Has Information

Walters quoted RAdm. Whitmire, DoD PW Intelligence Task Force: "There are cases where men were known to have survived their incident, but subsequent information on their fate is lacking." On the question of accuracy and amount of information held by Indochinese governments on POW/MIAs, Walters remarked: "DRV intelligence services maintained central listings and reported on the death and/or burial of an American prisoner. DRV Defense policy was to examine and store all personal effects, documents, clothing and dog tags. Sketches of burial sites were to be forwarded to Hanoi as soon as possible. Based on this data accumulation it is believed the DRV/PRG holds significant amounts of

accurate information on MIA/KIAs in Southeast Asia."

Former CINCPAC testifies

Admiral McCain was asked if he thought any of the MIAs could still be alive. He answered: "No question about it." "Possibly 20-30 could still be held working for the Communists," he said, implying they might be held against their will or were possibly being used as slave labor. He said he could offer proof if he was still CINCPAC and had access to the reports he had at the time he was CINCPAC, 1968-1972.

Pathet Lao Interview

The father of Missing in Action Captain Morgan Donahue, USAF, Col. Vincent "Bud" Donahue, outlined to the committee some of the promises made to the POW/MIA families by Dr. Kissinger regarding the accounting of the MIAs at the time the Peace Agreement was initiated and signed. He stated that Kissinger told the National League of Families of Prisoners of War and Missing in Southeast Asia Executive Board in February 1974 that he thought there was a possibility of Americans still being alive in Laos, Cambodia and South Vietnam. Donahue told the Select Committee of 3 meetings with Soth Pethrosi, the Pathet Lao official in Vientiane. In 1972 Soth told him the Pathet Lao had 100 Americans prisoner in Laos. These men, Soth said, would be released when the Pathet Lao "won their just war," but Soth would not provide the names of the Americans held. John Everingham, an Australian journalist who was prisoner of the Pathet Lao for a month in February 1972, told Donahue that the Pathet Lao told him they were holding about 100 American POWs in Laos. Donahue testified that James Glerum, the CIA Station Chief at Udorn, Royal Thai Air Force Base, told him of attempted raids and expeditions into POW camps in central Laos by Special Forces during the war. Glerum claimed his teams found camps that had been occupied by Americans, but evidence indicated they had been moved just hours before the raids. These camps, according to Glerum, were not permanent POW camps, but small groups of Pathet Lao holding prisoners.

RAdm William Lawrence, returned POW, said he felt some men did not enter the prison system because they did not survive the initial torture by camp officials and interrogators. Admiral Lawrence told the Committee he was aware of possibly 12 men who were in the prison system, but were separated from the others and never seen again. He also said he knew of possibly 6 men who were alive on the ground, but never came into the prison system.

Late in March, Walter Cronkite summarized reports which various US and international journalists have recovered

from Southeast Asia showing current information on physical sightings (some as recent as April 1975) of some of the 21 (5 American) missing journalists. Collectively, Richard Dudman, St. Louis *Post-Dispatch*, Arthur Lord, NBC employee, Galin B. Grant, former *Time-Life* employee, and Gavin Scott, *Time-Life* employee, recorded interviews — numbering in the thousands — with Viet Cong representatives, Cambodian civilians and undercover agents, South Vietnamese Army (ARVN) troops and paratroopers. Their investigations provided specific information of sightings of "Caucasian prisoners" being utilized in work camps and specifics of identification such as "foreign journalists" or "imperialist journalists" having been recently seen. Richard Dudman said he was captured in 1970 with two others, Elizabeth Pond and Michael Morrow, and was held captive for 40 days by the Cambodians. He felt the Cambodians actually wanted to keep them alive; they were fed and kept fairly well protected from B-52 strikes. He feels there is a possibility of other American POWs being able to survive. (He could not provide any information on any missing men being alive today.) Following numerous cables and calls by the Cambodians to Hanoi, their credentials were validated and they were finally released.

Where's Kissinger's testimony?

Secretary of State Kissinger participated in two "breakfast meetings" with the Select Committee, the last in early March. He has not given formal hearing testimony, however. Members of the National League of Families are eager to hear Kissinger's formal testimony on alleged unsigned agreements (Feb. AFJ) and other reported verbal agreements and promises arranged between the US and the participants of the Paris Peace Accords of 1973. Kissinger finally agreed to the second "breakfast" meeting after a lapse of 2½ months since the Select Committee went to Hanoi in December. The League is not happy about Kissinger's attitude. "A delay of two months is a clear and distinctive indication of the low priority given the POW/MIA issue by Kissinger and has caused the Committee to lose the impetus it had in December."

Cronkite is also sharply critical of Kissinger's lethargic attitude in assisting in further negotiations with North and South Vietnam. He cited one specific negative instance. Cronkite read a letter received by his Missing Journalists committee quoting a message sent to the North Vietnamese by Dr. Kissinger on November 17, 1974. It read in part: "They (the Journalists' Committee) asked me whether the DRV was in a position to assist in this matter. I told them that we (US) had no basis for believing that these American journalists were alive, or that the DRV was in a position to assist. Nevertheless, I told them I would make one further inquiry. I do this, as I say, in a wholly unofficial capacity. These journalists are civilians and private citizens, not employees of the United States Government. The US will make no public (See KISSINGER, Pg 12-F

Part II -- Main Edition -- 21 June 1976

NEW YORK TIMES 19 JUNE 1976, Pg 19 (21)

Aerospace and Defense

By PRANAY GUPTA

THE GRUMMAN STORY By Richard Thruelsen.
402 pages. Praeger Publishers \$14.95.

ewer is an airplane buff, and if you are one, too, this is a good reference manual. Richard Thruelsen's research is exhaustive and his book is not merely a biography of the Grumman Corporation, the country's fifth largest defense contractor, but a perusal of the American aerospace industry, its rise and prosperity, its contribution to the nation's military might—and how this industry eventually put man into space and on the moon. Mr. Thruelsen, a World War II aviator, has a gift of not bogging the reader down in complex technological jargon. He writes lucidly, often employing anecdotes to emphasize his points. This is readable aviation history.

I am, however, also a journalist who has carefully studied the activities of the Grumman Corporation over the last three or four years. Grumman is not just another defense contractor. It has produced planes for the armed services for the last 45 years; it is currently manufacturing the world's costliest supersonic fighter, the \$22 million F-14 Tomcat, which is being bought by the Navy, Iran and, possibly by Japan, Saudi Arabia and Australia.

More significantly, Grumman has had a curious record of financial shenanigans in the recent past; it came perilously close to bankruptcy two years ago, despite a massive transfusion of funds from the Pentagon, and insolvency was avoided only when a group of Iranian and United States banks lent it a hefty sum. More recently, there were disclosures that Grumman had agreed to pay Iran \$28 million in possibly illegal commissions in order to obtain the fiercely competitive contract for the Tomcat fighter. These commissions were contracted for during the very period that Grumman was publicly pleading near-insolvency and receiving financial assistance from the Defense Department.

Ultimately Unsatisfactory

Mr. Thruelsen's book contains virtually none of this material, which makes it incomplete and ultimately unsatisfactory to a serious student of the aerospace and military hardware business. His writing comes across as a paean to Grumman but, in the light of the chain of controversies in which the company has been involved in recent years, the author had, I think, an obligation to do more than gloss over problems. If he had tackled the technical and financial problems that Grumman experienced over the Tomcat fighter in a straightforward, perhaps reportorial style, Mr. Thruelsen might have produced, on balance, a narrative that could have helped the languishing image of Grumman—and of the aerospace business in general. At least, the book would not have been construed as a sort of public-relations tome for an American business giant.

There is, of course, nothing wrong in

producing public-relations books. But, in the wake of the Lockheed and Grumman bribery commissions scandals, the aerospace industry urgently needs a restoration of credibility. No one much believes these giants anymore. And the way to bring about such a restoration of credibility is not by swamping the public in the glories of corporate history. That is one of Mr. Thruelsen's failings.

Another failing is that he does not go beyond a superficial exploration of the back-scratching relationship that exists between defense contractors and the military brass. Mr. Thruelsen, for instance, hardly refers to the fact that contractors such as Lockheed and Grumman maintain elaborate lobbies in the capitals of the world and that they often serve as employment centers for retired military personnel, usually influential generals with friends still on active duty. This symbiotic relationship between the military and the defense industry led to a situation in which Grumman would announce that it needed more money for the troubled Tomcat project and the Pentagon would approve the request in an unquestioning manner. It was only two or three years ago that Congress stepped in and decided that payment requests by defense contractors had to be authorized by its members.

The Techniques of Lobbying

And that brings us to another major shortcoming of this book, which is that Mr. Thruelsen barely discusses the dynamics of how Congressmen support—or do not support—ambitious defense projects such as the Tomcat. It may well be argued that this is a book about Grumman and not about the aerospace industry's relations with Congress. But Grumman has prospered because it lobbied more effectively than its competitors for lucrative military contracts, and I think that Mr. Thruelsen owes it to readers to provide a meaningful look at the techniques of such lobbying. His book also would have been enhanced if he had told us something about how a company like Grumman lobbies for big contracts abroad—for example, what was really involved in obtaining the \$2 billion Iranian contract for the Tomcat.

In sum, then, this amply illustrated book with its detailed charts of the evolution of Grumman fighter and civilian planes, is for the airplane buff. It traces vividly how the gifted aeronautical engineer, Leroy Grumman, established his organization during the Depression, with no product, no plant, no customers and only 21 employees. It tells how, during World War II, Grumman built such planes as the famed Wildcat and Helicat, carrier-based fighters that helped to defeat such efficient Axis planes as the renowned Japanese Zero. But Mr. Thruelsen's book is a disappointment for the serious student of national and international affairs.

NEW YORK TIMES

20 JUNE 1976 Pg. E4 (21)

U.S. Is Pushing Arms and Peace

The Ford Administration has announced major weapons sales to nations in the Middle East and Africa, where American diplomacy is simultaneously trying to minimize the chances for war.

Last week, when it was disclosed that Saudi Arabia is seeking, with White House approval, to buy 1,900 Sidewinder interceptor missiles for use on the 110 F-5 fighters the Saudis have obtained or are to get from the United States, serious questions about the advisability of the deal were raised in Congress.

The proposed sale of \$50 million worth of missiles must be approved by Congress, which passes on all arms deals over a \$25 million limit when they are government-to-government transactions. An earlier sale of 16 batteries of Hawk ground-to-air missiles was outside such rules because it was between the Saudis and the Raytheon Company. President Ford recently vetoed legislation that would have brought the private transactions under Congressional scrutiny.

But the new Saudi deal is certain to be questioned in Congressional hearings. Added to present stocks, the purchase would give the Saudis 2,400 Sidewinders. That, some experts say, is too many for dealing with the two potential enemies, Iraq and Iran, cited by Pentagon officials to justify the sale. These analysts worry that the missiles could be diverted for use against Israel in the event of another Middle East war. Both Iran and Israel are principally supplied with American weaponry.

Mr. Kissinger's recent diplomatic initiatives in Africa are also being followed by arms sales. Kenya, which up to now has concentrated more on social and development expenditures, will buy a dozen F-5's costing \$70 million. If approved by Congress, the deal would be one of the larger American arms sales in Africa. Zaire is also seeking new military equipment.

Kenya says it needs the jets to counter threats from neighboring Somalia and Uganda, which claim large slices of Kenyan territory, and have both been recently armed by the Soviet Union. The Ford Administration contends that the Kenyan and Zaire deals are necessary to counter the Soviet supplies to other African countries to assure stability on the continent.

KISSINGER -- CONTINUED

representation on the matter and will not treat this matter in propagandistic fashion." The result of the negative inquiry by Kissinger was a negative reply from North Vietnam which said, "I would like to inform you that as far as we know, there is no American being detained in Cambodia and we have no information about the persons referred to in your message."

With this example of State Department "support", POW/MIA families and concerned citizens are dubious of US ability to obtain any information on the unaccounted men from the newly con-

solidated Vietnamese government. The families also wonder how long the Select Committee will sift the information and when the negotiations and accounting will begin. The House Select Committee has a year's tenure which ends in September 1976.

At the time of the 1973 peace accords, DoD carried 591 Servicemen as POWs, 1,200 Missing in Action under hostile causes, 180 MIA under non-hostile causes, and 1,929 men unaccounted for. Today, more than three years later, 36 Servicemen are still carried as POWs and 795 as still Missing in Action (64 of them in a non-hostile status).

NEW YORK TIMES (21)

19 JUNE 1976, Pg 2

New Type of Tank Armor Is Announced by Britain

LONDON, June 18 (Reuters) — Britain has announced a new type of tank armor that Defense Secretary Roy Mason said represented the most significant achievement in tank design since World War II.

He said at a news conference that the new Chobham armor, named after the town in southern England where it was developed, would help offset the numerical superiority of Soviet tanks over those of the North Atlantic Treaty Organization.

Former Marine POWs Decorated

HQMC has released a list of 46 personal decorations, ranging from the Navy Cross to the Navy Commendation Medal with "V", to be presented to 28 former Marine Prisoners of War.

The list includes seven awards to be posthumously presented to the next of kin of six Marines who died while in captivity, and four awards to two enlisted Marines who were serving as

crewmembers aboard the USS Pueblo, when it was captured by North Koreans during January 1968.

The presentations will take place during appropriate ceremonies at local commands. A breakdown of the decorations includes 2 Navy Crosses, 7 Silver Star Medals, 4 Legions of Merit, 24 Bronze Star Medals (all with "V"), and 9 Navy commendation Medals (all with "V").

Barracks And Sea Duty For Lts-WOs

HQMC has 14 billets available for lieutenants and warrant officers, 11 barracks slots and 3 as XO's on sea duty. Interested officers should contact their monitor at Autovon 224-1860/1909/1124. Unless otherwise indicated, all openings are in June 1975. Openings by MOS are:

MOS 9910 - Yokosuka, Japan; Charleston, S. C. (two billets); Ft. Meade, Md., (two billets); Keflavik, Iceland; Cecil Field, Fla.; Norfolk, Va.; Sigonella, Sicily (July 1975); USS Oklahoma City (Homeport Yokosuka - May 1975); USS Coral Sea (July 1975) and USS Kitty Hawk (August 1975).

MOS 0130 - Kenitra, Morocco; and Subic Bay.

Marine Aviators Set World Record In Bronco

Two Marine aviators, Majors John H. Pierson and co-pilot David Shore set a world record July 5 when they flew an OV-10A Bronco from NAS, Whidbey Island, Wash., to Homestead AFB, Fla. The National Aeronautics Association sanctioned the feat, which set the record for distance in a straight line in Class C-1, f, Group II (turbo-prop). The old record of 4,087.39 kilometers, held by Marine Col. R. W. Lewis,

was topped by more than 392 kilometers. The record flight was originally planned to verify theoretical improved performance through better fuel consumption at higher altitudes in a cruise-climb profile, and not to set any records.

In a tragic aftermath to this accomplishment, Maj. Shore was subsequently fatally injured in an aircraft accident.

December 1974

3

Rising PX Costs**Pricing Policy Still The Same**

For those who are concerned about the rising costs in the Corps' exchanges, and that's just about everybody, there's a good reason. HQMC officials state that both the cost of operating the exchange and the cost of goods is going up. Almost everything you buy at the exchange today costs the exchange more than it did several months ago. Also, the cost of paper bags, for example, is almost double what it was a year ago. This inflationary spiral hasn't, however, caused any change in pricing policies.

Regulations prescribe that "Essential items shall be priced to generate the lowest gross profit, and less essential items be priced to generate higher gross profit." Applying that policy results in a markup on basic health and comfort items of about 10 percent, which in most cases is insufficient to cover all operating costs in connection with those items, and a markup of about 25 percent on luxury items. Overall operating costs average approximately 17 percent.

All Aliens Must Register During January

Marines and their dependents who are not U.S. citizens are reminded that the Immigration and Naturalization Service requires all aliens in the U.S. and their possessions to report their address to the Attorney General during January. Cards to report addresses are

available from any U.S. Post Office. The U.S. Department of Justice, Immigration and Naturalization Service, Washington, D. C. 20536, will mail the cards upon request. Aliens temporarily out of the country have 10 days after their return to file the report.

MSG School LCpl-Sgt Slots Still Open

At press time vacancies still existed for lance corporals, corporals and sergeants to attend Marine Security Guard School classes in February and April. Exceptionally qualified PFCs can apply for a waiver, and if accepted, be promoted to lance corporal after completion of school.

All staff NCO billets for the remaining FY 75 classes have been filled. Staff NCOs considering applying should hold their applications until April 1975, for classes convening in FY 76.

Successful completion of MSG leads to duty as a security guard at one of almost 100 diplomatic missions throughout the world. Details on the program are in MCO 1306.2J.

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CURRENT NEWS

SPECIAL EDITION



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MARINE CORPS GAZETTE

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Crimes in hostilities

by Maj W. Hays Parks

Part I

More than eight years have passed since the tragic and aberrant events which occurred on 16 March 1968 in the village of My Lai, Republic of Vietnam. More than five years have passed since 1st Lt William L. Calley, Jr., United States Army, was sentenced by general court-martial to life imprisonment for his role in that incident. The outrage of the American public to the former was exceeded only by their indignation with the latter. That reaction—expressed in part by 15,000 letters to the President of the United States in the two months following Calley's conviction, almost all of which were critical of that conviction—resulted in unprecedented Presidential intervention in normal review procedures and in Calley's ultimately serving less than three months "house arrest" for every murder of which he was convicted.

Critical reaction to the conviction of Lt

Calley proceeded along several avenues to reach that position. Some evoked the adage of Gen Sherman that "War is hell," a *carte blanche* approach to violence in combat. Others adopted a precedential approach, maintaining they had known of, witnessed, or participated in acts of a similar nature in "their" war. Others maintained a "turn about's fair play" attitude, submitting that inasmuch as the Viet Cong and North Vietnamese had been guilty of misconduct throughout the war, the actions at My Lai were merely retributive justice visited upon a village sympathetic to their cause. In writing of another case, author Jack Shepherd prefaced his narrative with yet another approach, quoting remarks by the brother of the principal accused:

Our country has taught my brother that he must take life in order to preserve it. This has been constantly pounded into his thinking. Our country has formed him into a machine, to fight, to suffer, to kill, without question. Will our country now punish him because this machine did not stop when we thought it should?

The author, who teaches the Law of War at the Army's Judge Advocate General's School, has reviewed all cases alleging misconduct by members of the Army and Marine Corps against Vietnamese which resulted in conviction. His results are published in the two-part article which concludes in September. (See Page 7)

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While many shared this automatus approach, others pursued a "just war" argument which held that the killing of a few Communists—regardless of age, sex, or combatant status—saved us the task of having to do it later. Another group, revitalizing old misperceptions of the post-World War II *Yamashita* case, utilized a strict liability argument in suggesting that if former President Lyndon B. Johnson, Gen William C. Westmoreland, and members of President Johnson's former Cabinet were held to the same standards they believe existed in the trial of Japanese Gen Tomoyuki Yamashita, "(T)here would be a strong possibility they would come to the same end as he did" (Convicted of permitting the wholesale commission of war crimes by members of his command, Gen Yamashita was hanged on 23 February 1946). Still others, believe the entire Vietnam War illegal, could not see the justification for prosecuting Lt Calley when the guilt was the collective guilt of the people of the United States.

The Army, chagrined by its negligent handling of the My Lai incident, was equally perplexed by public outrage over the trial of the My Lai accused. The situation was the not entirely uncommon one in which the perpetrator of a heinous offense is martyred in his prosecution, while his accusers take on the image of persecutors rather than prosecutors. As an indication of this phenomenon, entire draft boards resigned in protest of Calley's trial and conviction, the Veterans of Foreign Wars sold "Free Calley" bumper stickers to defray his legal fees, and radio stations throughout the nation broadcast the martyrizing but fictional lyrics of *The Battle Hymn of Lieutenant Calley* (the reader is left to speculate on the nature of public reaction had Lt Calley not been prosecuted or convicted, or had he been awarded a medal for his actions).

The My Lai incident is not representative of the conduct of the American military man during the conflict in Vietnam, but is representative (except in magnitude) of the type of isolated incident which occurred in Vietnam and its predecessor conflicts. The low number of Japanese taken prisoner of war during the island-hopping campaign of World War II, for example, resulted not only because of the tenacity of the Japanese defenders but because of the mistrust instilled in the Marines after the loss of LtCol Frank B. Goettge and his surrender patrol as the result of Japanese perfidy on Guadalcanal on 12-13 August 1942. As Isely and Crowl report in *The U.S. Marines and Amphibious War*,

This episode . . . followed by devious trickery, such as playing it dead before tossing a grenade, made it difficult to indoctrinate Marines on Guadalcanal and later with the necessity of taking prisoners of war. . . .

Similarly, Frank and Shaw concluded in the official *History of U.S. Marine Corps Opera-*

tions in World War II (Volume V) that "... repercussions stemming from the knowledge of [the Goettge incident] continued as long as the Pacific War lasted." In an entirely different combat environment, fighting a different if perhaps equally tenacious foe, the U.S. Army in Europe during the period from June 1944 to the conclusion of hostilities in May 1945 court-martialed and executed ninety-five American soldiers for acts of misconduct against noncombatant civilians or prisoners of war.

Avoiding incidents of this nature can be likened to aviation safety. Just as the number of crashes is insignificant from a statistical standpoint to the number of sorties flown, the number of incidents of misconduct is small in comparison to the number of personnel who served—and served well—in the Republic of Vietnam. Like the aviation crash, coverage of the incident frequently is disproportionate, untold resources must be diverted to investigate and resolve the questions and issues it raises, and the commander is distracted from his primary mission of engaging the enemy. As with the aviation accident, the weak link often rests in human frailty. As with aviation safety, our goal is zero defects.

The nature of combat dictates a certain unfortunate inevitability of some acts of misconduct. Yet it is not in the nature of the U.S. fighting man to take on such an inhumane character, lowering his conduct in combat to the level of barbarity of some of his foes. It is a violation of international law—a part of the supreme law of our nation which each serviceman swears to uphold and defend at the time of entry into the military. It is contrary to the very concepts for which he is fighting. In the words of General of the Army Douglas MacArthur,

The soldier, be he friend or foe, is charged with the protection of the weak and unarmed. It is the very essence and reason for his being. When he violates this sacred trust, he not only profanes his entire cult, but threatens the very fabric of international society.

Additionally, in detracting from the overall superior performance and conduct of our forces in the field, incidents of misconduct—whether falsely alleged or regrettably true—have significant impact on public opinion, both internationally and domestically, and on the American citizen's support for the soldier, sailor, airman, or Marine sent to fight the war. The incident at My Lai, for example, provided the Vietnam Veterans Against the War with a vehicle for holding their Winter Soldier Investigation at Detroit from 31 January to 2 February 1971. Although subsequent investigations revealed their allegations of widespread "war crimes" by U.S. forces in Vietnam to be without foundation, the fraud was capable of perpetration because of the occurrence of My Lai and lesser incidents. The appearance of

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evil, even if subsequently disproved, accomplished the intended result of discrediting the war effort of the United States in Vietnam. Similarly, the aberrant events of My Lai continue to vastly overshadow both the tactical successes and humanitarian programs of U.S. forces in the Republic of Vietnam.

It is the nature of the military that we examine our previous shortcomings in combat to avoid repetition of past mistakes. The problem extant most directly involves members of the Army and Marines, for they have the greatest face-to-face confrontation with enemy forces and civilians on the battlefield. Additionally, certain triggering factors generally are found only in the area of ground operations. The accompanying chart, however, indicates that the problem is one of concern for all services. Certainly, all of the offenses were not the result of combat or the combat environment. Incidents between United States military personnel and civilians occur both domestically and in peacetime deployment overseas. All reflect adversely upon the military. All are deplored by the military. It is the incident in combat—frequently given the misnomer "war crime," a term which remains undefined in international law—with which we are concerned.

On the reporting of the first incident involving a Marine in late 1966 the Marine Corps announced a position similar to that of the other services which it maintained throughout its involvement in the conflict in Vietnam: While viewing misconduct against noncombatants as the unfortunate by-product of any war, the Marine Corps would not tolerate such misconduct. In each instance reported prompt and appropriate action was taken by all levels of command to correct the matter. At the same time, the Marine Corps sought to insure that all parties to any incident

were given a full and fair hearing to further insure that justice was done. What was sought was rectification rather than magnification and disproportionate sensationalism. Yet prosecutorial functions, while serving as a deterrent, are also an admission that problems may exist elsewhere in the operational structure of the service, unit, or command involved. Consequently our thinking must not be only retrospective and prospective but introspective as well if we are to attain the previously ascribed goal of "zero defects."

There can be no excuse for the type of offense committed by First Lieutenant William L. Calley, Jr., at My Lai on the 18th of March, 1968; but there are reasons. Examination of the majority of cases from the Vietnam conflict reveals a number of common factors. No single factor is, by itself, the cause of an incident. Collectively, the factors discussed are interdependent and somewhat related. Each influenced the action in a particular case in a particular way. Each factor, while not present in every case, is present in a sufficient number of cases to merit discussion and consideration in striving for its avoidance and minimization of incidents in future conflicts. Some are subject to immediate, positive corrective action. Some, such as manpower ceilings or the quality of manpower provided or denied the armed forces, relate to the nature of our Constitutional system of government whereby wars often are directed by the vagarious thinking of politicians while only incidentally being fought by the military. Where these factors are present and beyond the control of the commander he must recognize their effect on other factors as well as the increased potential for an incident to occur with the addition of each factor.

Discussion of the individual causative factors which follow may or may not suggest a

COURT-MARTIAL CONVICTIONS INVOLVING VIETNAMESE VICTIMS, 1965-1973

Offense	Army	Navy	USMC	USAF
Murder	41	3	27	0
Attempted Murder	0	0	1	0
Rape	25	1	16	0
Assault with intent to commit murder, rape, or indecent assault	21	3	18	3
Mutilation of a corpse	2	0	1	0
Manslaughter	26	2	15	1
Assault	50	0	0	3

Note #1: Disparity in certain offense categories between services occurred due to differences in categorization, charging, and/or compilation of offenses by each service

Note #2: Few of these offenses constitute violations of international law. For example, *United States v. Stamatz*, NCM 70-3765, 45 CMR 765 (1971), involved the robbery-murder of a South Vietnamese Army soldier who was a drug pusher. While extending protection to enemy combatants, international law does not provide for protection of one ally from another.

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solution to the problem. It should be noted that while references to the My Lai incident are prevalent, they are illustrative rather than exclusive. Each factor occurred with sufficient repetition to warrant its inclusion in the discussion that follows.

Lack of Training. General Douglas MacArthur, in his 1933 *Annual Report of the Chief of Staff of the Army*, stated:

In no other profession are the penalties for employing untrained personnel so appalling or so irrevocable as in the military.

The training of men for combat is twofold: individual and unit. The military takes pride in the individual training its officers and men receive while recognizing that the well-trained, disciplined unit comes not only through individual training but from a unit's training as a team. A combat unit is like a machine. It runs best when carefully assembled with precision fitted parts that have been tested individually and as a unit. All services recognize the value of unit training by requiring that each unit satisfactorily complete carefully articulated minimum training requirements prior to deployment into combat. The desire is to take the parts and mold and polish them into an effective whole in order to provide the unit with optimum chance of success in the accomplishment of its mission with a minimum of casualties. It also gives to the unit a degree of cohesiveness and internal discipline not found in a less-trained unit, and it is this degree of discipline which is essential to the prevention of misconduct in combat. The principle is well-established. Yet during the Vietnam War, in their exuberance to exude confidence to their superiors, both military and civilian, the services rushed individuals and units through curtailed training cycles to "ready" them for combat. Such a "can do" attitude is not only dishonest but counterproductive in the long run. It is somewhat of a paradox that in peacetime Marine recruits spend twelve weeks in the all-important process of becoming a Marine, while in wartime they spend eight. Army recruits suffer similar training reductions. Arguably some time is saved by cutting "nice to know" subjects and extending the training day. Perhaps what is lost is not peacetime trivia but four additional weeks of acquiring the necessary self-discipline to adhere to the equally necessary restrictions of the Law of War.

The same is true of unit training. Prior to their deployment to the Republic of Vietnam in December, 1967, the eventual My Lai units had their eight-week training cycle cut to four weeks. Two weeks prior to deployment, the unit exchanged its M14 rifles for the M16, which required a week's orientation and range time. Other predeployment activities—physicals, administrative matters, shots, pre-

ventive maintenance, inspections, and packing—limited attendance of this essential, mandatory training to "non-essential" personnel not required elsewhere. In every case of misconduct investigated, lack of training—whether unit, individual, enlisted, noncommissioned officer, or officer—was considered to have been a key factor in the incident which was under investigation. Units which entered the war trained generally suffered no incidents. Disciplinary problems occurred in untrained, piecemeal units, or with new personnel who arrived and were sent into combat without adequate in-country training and orientation.

Training serves other purposes. It allows time for the promulgation and implementation of and unit familiarization with necessary and required directives and procedures regarding operational activities. United States forces in Vietnam promulgated a most extensive system of directives regarding the conduct of combat operations, rules of engagement, and the handling of noncombatants. Yet despite directives stressing individual responsibility and awareness at the lowest levels, dissemination of these directives was concluded by several investigatory bodies to have been poor. The post-My Lai investigation, for example, found there to have been a great deal of confusion in the principal My Lai unit, C/1/20, as to the purpose and limitations of the search and destroy mission, even though the purpose of such an operation was spelled out clearly by MACV, USARV, and III MAF directives in effect at the time of the My Lai incident.

The question to be asked in retrospect as well as prospectively begs recognition: Where a conflict does not imperil our national survival, where a man or unit is not needed to fill the breach and stave off immediate defeat, can we afford to ignore the minimum training times, schedules, and objectives imposed by cooler heads during peacetime? Military and civilian leaders must resolve whether the battle being waged justifies the deployment of partially-trained individuals and units, realizing that the positive results may be of limited duration while the negative—increased friendly casualties and undesirable incidents—in the long run far outweigh the positive.

Lack of Training in the Law of War. Training in the Law of War in the past has been given lip service by the armed forces. This has occurred due to a lack of understanding of the subject and a failure to relate it to other military subjects. In 1968, in responding to a letter from then-Army Chief of Staff Gen Harold K. Johnson concerning reports of mistreatment of prisoners of war by United States forces, LtGen Bruce Palmer, deputy commander of United States forces in Vietnam, opined that such lapses in U.S. forces conduct occurred

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inasmuch as "instruction in the Geneva Conventions has tended to be abstract and academic, rather than concrete and practical."

Training in the Law of War presents many anomalies. It is required by the four Geneva Conventions of 1949, which as treaties are part of the supreme law of our nation. Despite its authoritative basis it is one of the most ignored subjects. In the crush of the peacetime training cycle it is set aside for more essential peacetime subjects. When war commences, there is little time for it as training cycles become compressed. When taught, it is given cursory treatment, either through the showing of an out-of-date training film or by an untrained instructor reading an equally out-of-date lesson plan. In a recent survey one instructor stated that he always scheduled his Law of War classes for 1115 so that his soldier audience, anxious to beat the line at the mess hall, would not ask any questions on conclusion of the thirty-minute film he showed. Such training, in the words of Gen Palmer, becomes abstract and academic rather than concrete and practical. Training which cannot be related to impending combat is quickly discarded. A lack of knowledge and understanding of the Law of War may give flexibility to an absolute legal concept. Worse, the training may be ignored completely. The annual Inspector General inspection of the American Division on 31 July 1968 noted a deficiency within the Division in Geneva Conventions training during the preceding year—a year which included predeployment training, an in-country indoctrination and training program and the incident at My Lai. Lt Calley's company arrived at Duc Pho in early December 1967, where it attended the 11th Brigade's in-country indoctrination and training program. Contrary to MACV and USARV directives, instruction in the handling of noncombatants was not received during this period.

If the tragedy which occurred at My Lai can be said to have had any positive effects, one would be an increase in training in the Law of War. For example, the Army has produced six excellent training films concerning the Law of War. Army and Marine officer schools at all levels now include blocks of instruction in the Law of War. A new directive, Department of Defense Directive 5100.77 of 5 November 1974, delineates for the first time the responsibilities of each service for dissemination and implementation of the Hague and Geneva Conventions. It also assigns specific lines of responsibility for establishing procedures for the reporting, investigation, and prosecution of acts of misconduct by United States military personnel, the reporting of acts of misconduct by enemy forces, the reporting of acts of misconduct by or against allies of the United States, and for the

promulgation and implementation of rules of engagement.

These steps, while positive in nature, do not entirely rectify the problems of the past. The principal problem lies with instruction, and that problem is four-fold: the subject, the instructor, the areas of instruction, and the methods of instruction.

The first part of the problem relates to Gen Palmer's comment: the Law of War is often viewed as an isolated subject contrary to the conduct of warfare, an unnecessary, unrealistic restraining device inhibiting the combat commander in the accomplishment of his mission. Politically-imposed restrictions in the rules of engagement are erroneously blamed on the Law of War. Because of these misperceptions, the Law of War has fallen into disrespect on occasion—and disrespect may encourage disregard for the law.

To be sure, the Law of War is not without its shortcomings. Like tactics, when codified it has been written to fight the war just concluded. The 1949 Geneva Conventions, for example, were designed for the most part for interstate confrontations between uniformed armies. Little consideration was given the problem of the guerrilla or of intrastate warfare. These matters have been under consideration since 1971 in annual meetings of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts at Geneva, Switzerland. Yet the incidents which have occurred indicate that the shortcomings are not with the law but with the individual's knowledge of the law. Under no circumstances is it proper to murder a noncombatant. This is the misconduct under consideration rather than the myriad grey areas susceptible to question or misinterpretation.

Close examination of the Law of War shows it to be consistent with the Principles of War, tactical concepts, and basic leadership principles. This has not occurred by coincidence. For the Law of War has been developed by military leaders with extensive combat experience. This interrelationship needs to be exploited to facilitate greater understanding and respect for the Law of War. The Marine Corps Development and Education Center has produced a self-instructional text utilizing an interdisciplinary approach to the Law of War for its officer courses. Students are asked to analyze tactical situations from all standpoints. In one scenario a unit is assigned the mission of seizing, occupying, and defending a village. Upon taking the objective several men begin looting homes, others commit sex offenses, while others execute several prisoners of war taken in the attack. Obviously the offenses violate the Law of War. They also violate tactical consid-

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erations. From a tactical standpoint, the unit has neither secured nor consolidated its position and is susceptible to sustaining heavy casualties should the enemy subject the position to artillery attack. The acts of misconduct jeopardize the unit and its position in the event of counterattack. Neither is the commander in a position to continue the attack if so directed. In considering the Principles of War, the commander has accomplished his immediate mission through utilization of the principles of Mass and Economy of Force. He forfeits both because of the illegal acts of his subordinates and violates another: the principle of Security. From a leadership standpoint, he has lost control of his men.

There are other tactical considerations of a long-term nature. If prisoners of war are routinely executed, there will be no prisoners of war in the future, for the enemy will choose to fight to the death rather than surrender to face an inevitable death. If civilians and their property are abused, they will aid the enemy in his cause while resisting ours. In both cases we have lost the intelligence value of each class of people. We will pay for those losses through more casualties of our own. As Sir Philip Sidney declared in 1580, "Cruelty in war buyest conquest at the dearest price."

The interrelationship between the Law of War, the Principles of War, tactical considerations, and principles of leadership accounts for the complexity of the subject. As with tactical questions or leadership questions, answers do not come easily. The subject does not lend itself to cursory preparation or presentation by unskilled or inexperienced personnel. It deals with a complex area of the law. Yet it requires leadership and tactical training and experience to avoid presentation in a legal vacuum. The recent accession of outstanding former small unit leaders to the ranks of judge advocates through the Excess Leave and Fully Funded Law programs offers one solution. The Army has hit upon another: team teaching. Its regulation regarding Law of War training requires that all instruction be given by a judge advocate with a combat arms officer with leadership experience, preferable in combat.

Most instruction in the Law of War in the past has been general rather than specific, with little attention paid to audience analysis. As with any subject, there are many areas of information which may be essential to one unit while irrelevant to another. For example, infantry units are concerned with the handling of prisoners of war during the initial capture phase. Military police units are interested in prisoner of war collection and detention. Disbursing units will need to know prisoner of war rates of pay. When training time is of the

essence, the audience should be provided with that information which most directly relates to the accomplishment of its mission.

The two preceding points suggest that Law of War training cannot be left to casual assignment. Instruction should be provided by a permanently-assigned judge advocate-combat arms officer team from the division staff, trained in the Law of War, who tailor each presentation to the unit receiving it.

Finally, consideration must be given to the vehicle of instruction. Educators are in general agreement that the worst mode of instruction is the lecture. The military in large measure has dispensed with the lecture method and replaced it to the greatest extent possible with the practical exercise. Initial instruction by necessity may come by lecture. Follow-on instruction and perfection of a skill is best accomplished by doing it.

Training in the Law of War is no exception. Returning to the training of an infantry unit, for example, the areas of primary concern are those of the handling and treatment of prisoners of war and civilian noncombatants. Military field manuals prescribe specific procedures for each. These procedures have been reviewed to insure their consistency with the Law of War. Initial instruction should be by lecture and demonstration, followed by practical application at every possible opportunity. For the last three years the Marine Corps and certain Army units have utilized military personnel, both male and female, as civilian personnel and prisoners of war on tactical exercises. In Operation SOLID SHIELD '74, for example, participating units found the tactical area of operations liberally "salted" with noncombatants. The "war" was not fought in a vacuum and noncombatant procedures were put to practice. More realistically, Marines guarding a pontoon bridge across the inter-coastal waterway were forced to detain several yachts that entered the exercise area contrary to Coast Guard warnings. Confronting personnel with these situations in peacetime diminishes the likelihood of noncombatant abuse in combat.

USMC

In the concluding portion of his article which appeared in the September issue of the MARINE CORPS GAZETTE, and begins on page 7, Major Parks continues his analysis of the cause of misconduct by combatants in the war zone. His discussion considers personnel turbulence, personnel shortages, personnel quality, leadership and other factors.

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Crimes in hostilities

By Maj W. Hayes Parks

Conclusion

In the latter part of September 1966, a ten-Marine squad left its base for a day-time reconnaissance patrol. Approaching a clearing, the patrol leader left six of his men to cover him as he and the remaining members of the patrol approached several huts. Only an elderly Vietnamese woman occupied the clearing. The patrol leader began speaking with her in Vietnamese. Moments later, without provocation, he drew his .45 pistol and shot her in the head three times. Tried and convicted for murder, the case was one of the first of more than sixty involving the murder of Vietnamese noncombatants by soldiers and Marines during the Vietnam War. Major Parks, Chief Trial Counsel of the First Marine Division in Vietnam during 1968-1969, reviewed these cases and determined a commonality of certain causal factors. The first portion of his two-part article appeared in the August GAZETTE, and discussed the factors of training and education in the Law of War.

Ideally a unit enters combat after months of intense training together, a well-honed fighting team. While initial deployments to the Republic of Vietnam in 1965 may have conformed with the ideal, a number of factors created an environment of personnel turbulence which precluded recurrence of anything vaguely resembling the ideal. In one case involving the summary execution of five suspected Viet Cong, it was disclosed that the battalion involved in the incident experiences a sixty per cent turnover of personnel during the 48-hour period prior to their deployment to Vietnam. The company at My Lai suffered a turnover of more than fifty per cent of its strength during its abbreviated predeployment training period. Once deployed, eleven enlisted men from other units were assigned to the company in order for the company to meet the Army's minimum standards of a field operating strength of 120 men.

In the 11th Brigade of the Americal Division, parent unit of C/1/20, predeployment in-

spections revealed that over 1,300 men were nondeployable. The problem of their replacement was magnified by acceleration in October of the Brigade's deployment from the end of January 1968 to the first of December 1967. Many filler personnel were added to the Brigade to meet these personnel shortfalls. Replacements continued to arrive up until the date of deployment, requiring numerous adjustments in the training program. Authorities investigating the My Lai massacre concluded that these factors resulted in considerable confusion within the unit. The significant turmoil in the Brigade's personnel status was detrimental not only to predeployment preparation but ultimately to its combat capabilities and performance.

At the division level, the Americal Division faced major personnel problems much like those experienced by other deploying units in meeting the requirements of the twelve-month rotational policy. To avoid a rotational "hump" it would otherwise face twelve months hence, the Americal Division com-

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"...it was the mobs, not the teams, which tended to suffer from serious incidents of misconduct."

menced an infusion program which transferred personnel between brigades. This reduced the impact of rotation and permitted each brigade to remain within the restrictions limiting the percentage of unit strength allowed to rotate in any one month. The combination of predeployment transfers, the infusion program, and the joining of a large number of replacements from the United States created a personnel problem of nightmarish proportions. New arrivals had to be integrated into units and become familiar with their commanders and noncommissioned officers, who in many cases were in the process of getting to know their personnel as well as the operating procedures of their superiors and the unit. The small unit leader cannot be blamed for his failure to heed the leadership principle "know your men" when these men are received—often minus their records—brief moments before deployment or entry into combat.

The Peers Investigation into the My Lai incident revealed another problem with the hastily-assembled unit. Units so assembled are built from drafts from adjacent units. A unit when so drafted views the quota imposed as an avenue for removal of its deadwood. Seldom are the best sent. In the G-3 office of the Americal Division, for example, among the field grade officers there was only one major who was a graduate of Command and General Staff College. Of the majors, all but two had been passed over for promotion to lieutenant colonel. In summing up the Americal Division's personnel story, the Peers Committee concluded that the Division was "a hastily thrown together conglomerate of independent infantry units . . . far from an elite unit."

The personnel problems of C/1/20, the 11th Brigade, and the Americal Division were unique neither to those units nor to the conflict in Vietnam. Critical examination of these units is not intended to detract from their overall excellent performance despite these adversities. What is questioned is the wisdom of military personnel policies relating to unit strength and rotation insofar as they conflict with the concept of deploying combat-ready teams rather than a mob of strangers. It was the teams, not the mobs, which best accomplished their mission. And it was the mobs, not the teams, which tended to suffer from serious incidents of misconduct.

Shortage of Personnel. As a corollary to personnel turbulence there exists the inevitable problem of personnel shortages. If a starting point can be found it may be in the myth of maintaining combat units at ninety

per cent strength, with the intention of fleshing these units out in the event of an emergency. Deducting nondeployable personnel, units generally find that eighty per cent is closer to reality. Second Marine Division veterans can recall how units scurried about prior to the Lebanon, Cuban, Dominican Republic, and October 1973 deployments augmenting their strength with personnel from other commands. More often than not, operating as close to the ninety per cent level as possible, units find they are irretrievably short-handed when mobilized on short notice. The result is a unit which is understrength and overextended, resulting in the frustrations which beget the incidents of misconduct.

On March 1, 1969, a Marine ambush patrol came upon four Vietnamese youths, one male, three females, ranging from ten to twenty years in age. Suspecting the youths had



alerted area Viet Cong of their ambush position, the Marines killed the four, placed their bodies in an abandoned bunker, and collapsed the bunker with explosives. Tried by general court-martial, both the Marines and their commanding officers testified of the relentless patrol requirements forced upon them by personnel shortages. This argument was heard in every case of misconduct tried in Vietnam.

Personnel shortages did not occur only at the lower level of the rank structure. Marine deployment to Vietnam brought about an acute shortage of company grade officers. To plug the gap a temporary commissioning program was instituted which provided temporary commissions to more than 5,500 experienced noncommissioned officers. This offered diffusion rather than solution of the problem as a shortage now existed in both the officer and noncommissioned officer ranks. Rapid promotion of younger enlisted men to fill the new gaps led to an adulteration of small unit

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"The . . . press of time diminished the personal supervision necessary to avoidance of acts of misconduct."

leadership as well as an overreliance on inexperienced supervisory personnel. While subsequent personnel shortages may be blamed in part on the rapid expansion of the Marine Corps, the failure to mobilize the 4th Marine Division and other reserve forces, inequities of Selective Service policies which failed to encourage a sufficient number of qualified men to seek a commission, and the unpopularity of the conflict in Vietnam, these shortages and their attendant problems were found to exist as early as 1966. At that early date the shortage of qualified leadership personnel was found to be a significant factor in the occurrence of serious acts of misconduct. The blame for these shortages and the incidents which occurred lies not only with the Congress, the President, and the Selective Service, but with the Marine Corps. In learning from the errors of the past, a distinction must be made between fact and fancy. For example, if the Marine Corps must accede to peacetime man-power limitations, whether for mission accomplishment or incident avoidance perhaps it is better to fully man seven infantry regiments than partially man nine and attempt to describe them as combat ready.

Quality of Personnel. Quality of personnel is significant in two respects. First, personnel involved in crimes in combat often were personnel untrained for the job they were performing. In the haste to fill the gaps in the infantry ranks, personnel were assigned regardless of their previous training or assignment. One incident—involved unit was a hodgepodge of cooks, clerks, heavy equipment operators, and other non-infantry personnel. While the Marine Corps continues to believe that every Marine is a potential rifleman, it is fallacious to assume that every Marine is as qualified to serve as a rifleman as the Marine who bears an infantry Military Occupational Specialty. This fallacy loomed large in the small-unit war in Vietnam, where great responsibility was placed on the individual Marine.

The second consideration is of the war time policy of lowering qualification standards for military personnel, both officer and enlisted. This may be understandable in a World War II environment, but was totally unnecessary in Vietnam. Again, a paradox exists: quality standards are maintained in peacetime, then decreased with the commencement of hostilities. During the Vietnam conflict, the military was forced to suffer from a two-pronged limitation on personnel quality. First, the services were required to serve simultaneously in combat and as one of the principal social service

agencies of the federal government. In the midst of the war the military—through Project 100,000—became a uniformed Job Corps. In striving to develop a professional military force to fight a complex war, the idea worked much like that of tossing water on a drowning man.

Second, peacetime draft deferments essentially remained unchanged, enabling the more lightly qualified individuals in Mental Groups I and II to remain out of the service. The minimum percentage rate of Category IV individuals which the armed forces were required to accept was increased. Many recruiters, faced with the ever-increasing burden of fishing in a poorly-stocked pond, succumbed to the pressure and began to accept the "forced volunteer." Recruiters found their salvation through the well-intentioned but service-damaging practices of some civilian judiciary and law enforcement officials who urged offenders to enlist in the military in lieu of trial or punishment by the civilian authorities. A 1974 decision by the Court of Military Appeals nullifying "force volunteer" enlistment contracts and the extensive number of discharges prompted by that case indicates that the practice was not a trifling matter. The results of these programs, however altruistic their progenitors may have been, are reflected in the quality of the average Marine or soldier tried for serious misconduct: less than ten years of formal education, mentally below average, the product of a broken home, with a record of prior misconduct. Many were Project 100,000 accessions.

Recent actions by the Commandant of the Marine Corps and the Congress have been a step in the right direction. True quality and men willing to accept individual responsibility are the rule rather than the exception. The minimum number of high school graduates has been increased, the *maximum* number of Category IVs decreased below the Vietnam era *minimum*. Marginal performers are quickly discharged. Other measures have been taken. For example, Marine recruiters have been placed under the supervision of the commanding generals of the recruit depots to insure responsibility beyond a simple "one warm body equals one quota" formula. These corrective actions must be maintained. Recruitment and enlistment of marginal performers bring few bargains.

Leadership. In reviewing the serious incident, which occurred during the Vietnam conflict, a breakdown in leadership is a recurring theme. It occurred at various levels and in myriad ways. The Calley case, for ex-

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ample, is a classic example of a breakdown in leadership at the officer level. In another incident, a private first class assumed command of his squad—despite the presence of several noncommissioned officers—and with others in his squad committed several murders while his seniors unresistingly watched.

Breakdowns in leadership occurred in other ways. Most incidents were preceded by a permissiveness within the command. Less serious incidents went unpunished, creating a snowball effect which culminated in the principal offense. Younger commanders in particular were found to have had difficulty in balancing the various facets of their role of mission accomplishment, personnel welfare, and discipline with the competitiveness of command. This occurred in part because of the great responsibility placed upon small unit leaders. It occurred also as a result of middle management failure to insure that subordinate leaders understood what was expected of them and their men, particularly with regard to the handling of noncombatants. While the Vietnam war saw the promulgation of directives regarding the handling of noncombatants, in those units which suffered from a serious incident these directives had not been re-promulgated or implemented. Directives are intended to complement rather than be a substitute for leadership. A command which implemented these directives, in which the commander knew what his subordinate units were doing, and in which an intolerance of misconduct was manifest, seldom suffered either in the accomplishment of its mission or from serious incidents. Fortunately this was the rule rather than the exception.

There were other factors of significance. Command assignments of six months duration resulted in a lack of continuity within the command. The competitive nature of command assignments created a demand for measurable results, which unfortunately was translated into the tragic scale of the body count. The press of time led to austere staffing rather than a careful review of operation orders. The same press of time diminished the personal supervision necessary to avoidance of acts of misconduct.

There is, of course, a danger in reflective generalization. While any incident involving noncombatants is serious, the commander should never place himself in the position of second guessing every decision of his subordinates. For example, the accidental shooting of a noncombatant by a point man is the unfortunate result of war, particularly the type of war fought in Vietnam. This type of incident is a judgment call under the most difficult of circumstances. Where an accident occurred, claims were paid and the sincere condolences of the government of the United States ex-

pressed. Although the commander should thoroughly investigate each incident, the commander who constantly looks over the shoulder of his point man may find his point man turned around looking for his commander at the wrong time.

One can be overzealous in the protection of his men, however. On one occasion a Marine lieutenant, described by his battalion commander as "the finest ever," was monitoring the reports from a patrol he had dispatched. A firefight ensued. Upon its conclusion, the patrol was directed to return to the battalion's base. En route, the battalion operations officer, concerned about previous incidents of indiscriminate fire, admonished the patrol that they had "better be returning with some enemy weapons to show" for their actions. Concerned for his men, the lieutenant met the patrol on their return, found them weaponless, and gave them two previously-captured weapons to meet the demands of the operations officer. Two days later the lieutenant discovered his error when it was learned that the patrol had shot and killed twenty-two noncombatant women and children rather than having been engaged in a firefight with enemy forces.

Contact—or the lack of it. Many have associated intense contact with the occurrence of serious incidents. This was true in some cases. In contrast, it was not true in the case of Lt Calley. Particularly in the insurgent environment serious incidents may occur either as the result of heavy contact or due to the frustrations of being unable to come to grips with the enemy. Significantly most Marine incidents occurred in the First Marine Division, where contact was sporadic, casualties were primarily the result of mines and booby traps, and forces were dealing largely with an insurgency environment, rather than in the Third Marine Division, where the conflict more resembled a conventional war. These factors and a look at the demography of the



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two zones of operation suggest that it is not the insurgent environment which is controlling but rather the infusion of the civilian population into the combat zone. The battles of the Third Marine Division were fought on a battleground generally devoid of civilians, much like the battles in the Pacific during World War II. In contrast the area of operations of the First Marine Division resembled the World War II European Theater, where incidents against noncombatants—whether civilians or prisoners of war—were much higher. While frustration may come as a result of combat or the failure to make contact, it would appear that it may occur as a result of the demands placed upon units and individuals to exercise discrimination in the use of force and firepower. The answer to this factor lies in its recognition and increased vigilance on the part of commanders at all levels to signs of frustration. These signs are often detectable, such as the increase in friction within the unit. Serious incidents involving noncombatants are often preceded by like incidents within the unit. There were more incidents pitting Marine against Marine, or soldier against soldier, than there were incidents in which Vietnamese noncombatants were the victim. The frustration and its sources must be recognized and dealt with before it gets out of hand.

Youth and Immaturity. Vietnam has been described as a small unit war. Actions predominantly were fought at the squad, platoon, or company level rather than by larger units. With the resultant increase in independence given the small unit leader came greater responsibility—the awesome, seldom-surpassed responsibility of combat. Many of the decisions made by the twenty-year-old squad leader were dissimilar to those of the battalion commander only in the number of personnel affected. This shift in responsibility required young soldiers and Marines to mature overnight. Some did. Others did not. The average

Marine involved in a serious incident in Vietnam was twenty years of age. He was a replacement or new to an incoming unit. He had been in Vietnam less than four months. He had been in the Marine Corps less than fourteen months. The incident occurred while on a mission involving a squad or less. In essence he was a recent product of recruit training—impressionable, malleable, seeking guidance from his immediate superiors. He became the product of his environment.

The nature of the conflict dictates the nature of a state's strategy and tactics. There is little field commanders can do to alter this. But where the conflict dictates small unit operations, all commanders must recognize the abnormal stress placed upon younger leaders and their subordinates. Necessary support must be given them to make up for their youth and immaturity.

The "Mere —" Rule. From the Vietnam conflict emerged the so-called "mere gook" rule, an alleged mentality among the military that suggested a permissive attitude regarding the killing of Vietnamese—regardless of age, sex, or combatant status—because "after all, they're only 'gooks'," a derogatory nickname for Orientals which was carried over from the Korean War. The concept became popular with the press and received far greater publicity than any of the military or Agency for International Development civic action, combined action, or other humanitarian programs. It was an unfair, distorted description of military attitudes and conduct during the Vietnam conflict which occurred as the result of the misdeeds of a few and the unpopularity of the war.

Yet it was not altogether false, and was a key factor in most of the serious incidents reported. It was not unique to the Vietnam conflict, however. Almost 100 years ago author Ambrose Bierce wrote:

The soldier never becomes wholly familiar with the conception of his foes as men like himself; he cannot divest himself of the feeling that they are another order of beings, differently conditioned, in an environment not altogether of the earth.

Combatants always have used nicknames to describe their enemies. The degree of derogatoriness was proportionate to the perceived difference between the combatants. During the Revolutionary War we did not fight our British brothers but the "redcoats." The frontier wars brought the declaration that "The only good injun is a dead injun." Combatants during the Civil War were "Reb" and "Yank." During the Philippine insurrection of 1899-1902 the insurrectionists were referred to in the American press as "niggers," while in World War I we fought not the Germans, but the "Huns." In World War II our enemies were "Krauts," "Nips," and

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"Japs;" in Korea, "gooks;" and in Vietnam, "gooks," "dinks," "slopes," and "slants." The military holds no copyright to the use of such terms. Many are neighborhood colloquialisms. Men in high office on occasion have slipped in addressing their constituency, or utilized these terms in girding the nation for war. Nor have we escaped vitriolic reference by our foes.

Our use of such terms has multiple origins, most acquired prior to military service or even a time of war. We are a product of our environment, an environment that is the greatest smelting pot of nationalities ever conceived. We are simultaneously exposed to racial tolerance and discrimination. Throughout our experience, we are educated to be proud of what we are, and that whatever we are is better than what "they" are. This is most evident in major metropolitan areas where ethnic neighborhoods and rivalries abound, but it exists to some degree in virtually every home and community.

Combat mirrors another part of our society: competition. From our earliest exposure to competition we describe our opponents in derogatory terms in order to convince ourselves that, being better than our opponent, we must prevail. This concept of rivalry, acquired in Little League, interscholastic, intercollegiate, or professional sports—whether as a participant or spectator—is easily transferred to the most deadly competition of all: combat. It is not unhealthy. It is necessary and essential. One Naval officer, the recipient of a Navy Cross for his conduct as a prisoner of war in the Democratic Republic of Vietnam; observed to the author: "None of us would have survived except for the fact that we knew we were better than our captors, and we weren't about to let them get the best of us."

Other factors enter the picture. Throughout life individuals are taught to value and protect human life. The taking of life is contrary to Judeo-Christian principles. The military must modify that traditional thinking to accept the discriminate taking of life in time of war. It must accomplish the same result in training the citizen-soldier. It must motivate the young recruit to prepare himself for a hostile world he had previously neither faced nor contemplated. The drill instructor teaching bayonet drill does not speak gently about the recruit's future opponent nor recite poetry. His motivation of the recruit must be forceful and direct.

We all recognize the distinction between motivation to engage the enemy in combat and compassion for the civilian caught in the midst of hostilities; the distinction between combatant and noncombatant; the need for si-

multaneous aggressive tactics and positive civic action projects. Military efforts in balancing these roles have been successful in past conflicts. The key lies in the *discriminate* use of force. The answer is simple. Its application, however, often is not, especially where combatant and noncombatant present blurred images as they did in Vietnam.

The need to motivate men to enter combat will continue. The burden to adjust to the complexities of war lies with the individual unit commander. In preparing his subordinates for combat, the commander must not paint too vivid a picture. He must choose his words carefully. He must define the mission and its objectives specifically. The noncombatant must be distinguished from the combatant. The commander must be alert to the distinction between motivation to attack and descriptive dehumanization which may lead to indiscriminate killing. In particular he must be intolerant of efforts to conjure up the enemy purely along racial lines, as this may lead to derogatory thinking of and actions against all people of that race or nationality, whether combatant or noncombatant. The answer lies in exercise of strong leadership through the principles of moral courage, discipline, and clarity of orders.

Conclusion. 1stLt William L. Calley, Jr., was tried and convicted of the offenses which occurred at My Lai on 16 March 1968. Other soldiers, sailors, airmen, and Marines who committed similar offenses likewise were punished for their crimes. Arguably the United States has done its job by demanding an accounting of these men for their wrongdoing. The Geneva Conventions require more. They require that each signatory state not only bring to trial all offenders but that each state do everything in its power to prevent breaches of those Conventions. In sending the individual soldier, sailor, airman, or Marine into combat, he should be able to expect the complete support of his nation and its people in accomplishing his mission. The military in particular should never lose sight of the fact that every person, regardless of service, regardless of assignment, serves to support the individual rifleman in his combat mission. The preceding paragraphs suggest that this was not accomplished in Vietnam. Credit is due the hundreds of thousands of men who did their job and did it well despite these adversities. We must pick up the pieces and remedy the errors of the past. We have begun, and we must not stop; for while we have punished 1st Lt Calley, in the final analysis the responsibility for his misdeeds is collective. The greater responsibility is that of insuring that the events of My Lai do not recur. USMC

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WASHINGTON POST - 28 FEBRUARY 1977 Pg 2

Warnke Surrogates Ruled Out

By Lee Lescaze

Washington Post Staff Writer

The White House has decided not to accept the Senate Armed Services Committee's invitation to send supporters of Paul C. Warnke to argue with his critics before the generally hostile committee today.

Committee Chairman John C. Stennis (D-Miss.) was notified of the decision by Sen. Gary Hart (D-Colo.) who consulted with the White House.

Hart said yesterday that the White House thinks Warnke effectively made the case for his nomination to head the Arms Control and Disarmament Agency and be the chief U.S. strategic arms negotiator during two days of testimony last week. Therefore, the White House decided there was no reason to find surrogates to carry Warnke's colors in today's hearing.

The hearing—unusual in that the Armed Services Committee does not have jurisdiction over Warnke's nomination—was scheduled because Warnke's opponents requested time for advocates of their views to testify. Hart asked that equal time be reserved for Warnke supporters.

Stennis announced last Wednesday that two witnesses on each side would appear at a one-day hearing. He said that Hart and Sen. Dale Bumpers (D-Ark.) had been asked to consult with the administration about the selection of the two pro-Warnke witnesses.

Although the committee has not given public notice of any witnesses, it appeared yesterday that Adm. Thomas Moorer, former chairman Joint Chiefs of the Staff, and Paul H. Nitze, former under secretary of defense, would testify against Warnke.

Nitze testified in opposition to the nomination at the Foreign Relations Committee confirmation hearings. The Foreign Relations Committee overwhelmingly approved Warnke, and the nomination is expected to come up for consideration by the full Senate late this week.

Several opponents have said they will seek a lengthy debate on the Senate floor and Sen. Jesse Helms (R-N.C.) has declined to rule out the possibility of a filibuster.

No one in the Senate doubts that Warnke would win a majority. Warnke supporters who have counted votes believe there will be slightly fewer than 30 votes against him.

President Carter has given Warnke his full support, calling his confirmation "crucial" to his administration. Carter has telephoned at least a dozen senators urging their support.

At least one of those called, Sen. Harrison H. Schmitt (R-N.M.), was not swayed. Schmitt announced last week that he would vote against Warnke because of a widespread perception that Warnke would not take a strong enough bargaining position with the Soviets.

This was a major theme of the Armed Services Committee questioning of Warnke last week. In those two days, the committee members received from Warnke repeated statements of his awareness of the need to be a tough negotiator and for the United States not to allow the Soviet Union superiority in strategic weapons.

Many of the committee members, however, remain convinced that the general perception of Warnke as too dovish makes him unfit for the job. Some accused him of having hardened his positions only to ease his Senate confirmation.

WASHINGTON POST - 26 FEBRUARY 1977(28) Pg 1

U.S. Will Seek Full Accounting Of Americans Lost in Vietnam

Associated Press

President Carter will send a high-level commission to Vietnam in mid-March to discuss the possibility of obtaining a full accounting of the more than 1,900 Americans still unaccounted for in that country, a State Department spokesman announced yesterday.

Frederick Z. Brown said the United States also hopes to send a similar mission to Laos, where the fate of some 560 Americans is still unknown.

Brown said the five-member presidential commission will be headed by United Auto Workers President Leonard Woodcock. Other members will be announced later.

He said a parallel objective of the Hanoi mission will be to discuss matters affecting mutual relations, as part of a long-range U.S. goal of establishing normal relations.

Of the 2,550 Americans missing in Southeast Asia, all but about 800 have been declared dead for legal purposes. A House special committee reported that there is little hope that the 800 persons listed as missing in action are still alive.

About 80 Americans are unaccounted for in Cambodia, but Brown said there has been no attempt to contact Cambodian authorities because the prospect for cooperation with them is "not encouraging."

"In seeking an accounting we will make clear that we are concerned about all Americans lost in Southeast Asia, our servicemen and civilians, those still listed as missing as well as the larger number who have been presumed dead with no accounting being provided," Brown said.

"The fact that a man has been declared dead for legal purposes does not affect our determination to seek information about him and to arrange for the return of his remains if they can be recovered."

Agreement was reached following an exchange of letters between Secretary of State Cyrus R. Vance and Vietnamese Minister of Foreign Affairs Nguyen Duy Trinh.

During the election campaign, Jimmy Carter said that one of the most "embarrassing failures" of the Ford administration was its inability to obtain a full accounting of Americans missing in Southeast Asia. He promised, if elected, to send a delegation to Hanoi to see if progress could be made.

Officials said Vietnam set no preconditions in agreeing to receive the commission. The Vietnamese have insisted on U.S. war reconstruction aid as a precondition for their cooperation in providing an accounting.

NEW YORK TIMES

27 FEB 1977(28) Pg 7

U.S. AND SOVIET DOCTORS TO CONSULT ON EMBASSY

MOSCOW, Feb. 26 (UPI)—A visiting team of doctors from the State Department will consult with Soviet physicians on abnormal blood counts found in United States Embassy personnel, the embassy said yesterday.

Dr. William Watson, chief of the department's Medical Department; Dr. Herbert Pollock, an adviser and Thomas Stosel of the Massachusetts General Hospital in Boston will arrive here this weekend, the embassy said.

Last month the embassy said that extensive tests had shown that about one-third of the embassy's 145 diplomats and their dependents had abnormally high quantities of lymphocytes, a type of white blood cell.

Lymphocytes are always present in the blood, but they increase temporarily when the body is fighting viral infections. An embassy notice on Jan. 4, said the high counts had continued in some workers "over recent months."

The notice said a high lymphocyte count "is by itself no cause for alarm" and theorized "there may be a factor in the Moscow environment which produces a temporary increase."

The embassy said the American team would consult with doctors at the Soviet Ministry of Health to determine if high lymphocyte counts are as prevalent among Moscow's population as they are among embassy workers.

Discovery of the blood abnormality followed the finding in 1975 of high levels of microwave radiation at the embassy.

The United States promised such aid in the 1973 Paris peace accords, but the Ford administration did not feel bound by this commitment because of North Vietnam's armed conquest of South Vietnam in April, 1975.

The Paris accords also required Hanoi to account for missing Americans, but the United States has not cited this as a justification for Vietnamese cooperation on this issue. Instead, it has cited humanitarian considerations and said the status of the Paris accords is ambiguous.

Brown cited several areas in which he suggested a more flexible U.S. attitude.

He said the United States will allow shipments of private humanitarian goods to Vietnam and recently approved a license for the shipment of \$400,000 worth of rice to that country.

He also said the United States raised no objection to providing Vietnam \$44 million from the United Nations Development Program, or to Vietnam's application for membership in the International Atomic Energy Agency.

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NEW YORK TIMES - 26 FEBRUARY 1977(28) Pg 3

Warnke Rift Reflects Wider Issues

By HEDRICK SMITH
Special to The New York Times

WASHINGTON, Feb. 25—The controversy over President Carter's nomination of Paul C. Warnke as arms negotiator is symptomatic of a broader division in Washington on how to strike an acceptable bargain with Moscow. Both sides have predicted what one Senator calls "a hullabaloo" when Mr. Warnke's name goes to the Senate floor next week. Although most expect him to be confirmed, some predict a test of strength on the broader issue of arms control.

In sharp exchanges in the Senate Armed Services Committee, foreign policy conservatives focused their attack on Mr. Warnke's record as Assistant Secretary of Defense in the Johnson Administration and his subsequent advocacy of arms reduction.

But indirectly the conservative group, which includes Democrats like Henry M. Jackson of Washington, Sam Nunn of Georgia, Howard W. Cannon of Nevada and Robert Morgan of North Carolina, and Republicans like John G. Tower of Texas, Robert P. Griffin of Michigan, Dewey F. Bartlett of Oklahoma and Jake Garn of Utah, was challenging Mr. Carter's own basic approach to arms negotiations.

Mr. Jackson was a natural adversary of Mr. Warnke in the two days of hearings. For more than a decade they have taken differing positions on weapons development and on how to deal with the Soviet Union.

Jackson Seeks Numerical Equality

After the first agreement in 1972 had given more strategic missiles and bombers to the Soviet Union than to the United States, it was Senator Jackson who insisted that future arms accords be based on numerical equality. He struck up a common front with James R. Schlesinger and Donald H. Rumsfeld, the Defense Secretaries, who helped place a sympathetic official in the directorship of the Arms Control and Disarmament Agency.

On the opposite side, Mr. Warnke in the late 1960's was one of the leading critics of the Vietnam war within the Pentagon and often publicly questioned the wisdom of such weapons systems as the B-1 bomber, the Trident submarine or multiple warheads for land-based missiles.

A favorite of foreign policy liberals, he has spoken of the need for restraint in weapons development as a method of inducing the Russians to slow their own buildup. He has questioned the concept of nuclear superiority or the significance of the number of weapons once each side has accumulated enough to assure the destruction of the other side after suffering a nuclear attack.

The backdrop of the debate over Mr. Warnke was alarm over Soviet deployment of large multiwarhead missiles like the SS-17, SS-18 and SS-19 and the new intermediate-range SS-20, which can be launched from mobile platforms.

Striving Toward Superiority Seen

In the final days of the Ford Administration, an intelligence estimate made available to reporters saw the Kremlin bent on achieving superiority. By this reckoning, the Soviet Union now has 2,540 strategic missiles and bombers compared with 2,130 for the United States.

Although liberals contend that the Soviet numerical advantage is more than outweighed by American advantages in accuracy and numbers of warheads, the conservatives say that the size and payload of Soviet missiles offset such a calculation.

President Carter and his advisers have sidestepped this debate in public. At a news conference two weeks ago, Mr. Carter said the United States had superiority and, in any event, had an adequate deterrent arsenal to survive a nuclear attack and retaliate with sufficient force for the Kremlin to regard a surprise attack as unthinkable.

But there is uneasiness among the Joint Chiefs of Staff and in the intelligence community. Even Mr. Warnke made his concessions to the conservatives by ac-

knowledging that "the strategic situation today has changed very significantly, since 1972."

Rough Equivalence at Present

While the United States now enjoys rough equivalence with the Soviet Union, he said, "if current trends continue, our position could be in jeopardy in the future." He made a point of agreeing with the publicly voiced concerns of the Joint Chiefs of Staff.

This shift in tone has not appeased Mr. Warnke's critics. They have used it to attack his consistency and to try to undermine his credibility.

Their underlying concern, as one Senate conservative acknowledges, is that Mr. Warnke's position has not changed and his appointment is a sign that the Administration may make concessions to the Russians that the conservatives find unacceptable.

They feel especially vulnerable because they regard the new Secretary of Defense, Harold R. Brown, as sympathetic to arms reduction. The trend of the Carter appointments has worried them and Mr. Warnke has become the lightning rod for their discomfort.

In some ways, too, he has become a proxy for the President. One point on which Mr. Warnke has been criticized, for example, is his advocacy of an approach to arms reduction in which the United States might delay development or production of certain weapons for six months to try to encourage the Kremlin to match this restraint.

The Carter Administration has already begun to try out this approach. The cutbacks in the defense budget and the stretching out of the development of the B-1 bomber and the new MX mobile missile were largely designed to signal a willingness to hold back and to see whether the Soviet Union would reciprocate.

This approach makes Senator Jackson and his colleagues uneasy. "That's not the way to deal with the Soviets," said one. "If that is what the President is trying to do, he doesn't really understand them yet."

TAIWAN - CONTINUED

Another analyst said that although Taiwan has the expertise to develop a nuclear device, the Nationalists have not yet perfected an effective delivery system. "At this point," he said, "if Taiwan stockpiled plutonium or even detonated a nuclear test device, it would be like playing with gunpowder without a gun. And you can't throw gunpowder all the way to Peking."

This last point may not remain a consideration for long. Taiwan's Institute of Nuclear Energy Research is conveniently adjoined by the top-secret Chung Shan Military Research Institute, believed to be supported by Taiwan's Ministry of National Defense.

An informed source said that the Chung Shan Institute specializes in programs involving projectile guidance systems, missile design and tracking, rocket fuels, and nuclear warhead research.

Prof. Victor Cheng, secretary general of Taiwan's Atomic Energy Council, said, however, that the Chung Shan Institute's highly classified research is for "defense purposes only" and that the institute is not dealing

with nuclear warheads.

Nonetheless, the Institute of Nuclear Energy Research and the Chung Shan Institute cooperate on some projects and share some common facilities, including a library and an advanced-design computer. In 1975 a news magazine report quoted a U.S. expert on Taiwan's nuclear developments as saying that Taiwan's nuclear warhead delivery research program was being conducted by "programming experiments on computers—the way the Israelis do."

As they progress toward that final nuclear step, however, the Nationalist Chinese are restrained by the fact that their budding but commercial nuclear power generation program is dependent on U.S. hardware.

The state-owned Taiwan Power Co. has embarked on a multibillion-dollar program to reduce dependence on imported oil by constructing three nuclear-power plants. They would double Taiwan's present installed power capacity by 1985. The company's first commercial reactor is to begin operation this year. Each of the three plants will house two reactor-generator units and their combined power capacity will be 5,142 megawatts. All major

equipment and most fuel for the units has or will come from the United States.

Taiwan also relies on the United States for crucial fuel enrichment services that are insured by a 30-year contract between the Taiwan Power Co. and the U.S. Energy Research and Development Administration.

The United States also supplies massive loans to Taiwan Power Co. Construction cost alone for the three nuclear plants is estimated at more than \$2.7 billion. Of this sum, \$1 billion reportedly has been lent by U.S. banking institutions. The largest source of funds is the U.S. Export-Import Bank, which has lent the power company more than \$900 million for nuclear and other projects. The Taiwan Power Co. is the bank's biggest single loan customer.

These factors have no doubt encouraged Taiwan from nuclear war on work. Although the Nationalist Chinese intended originally to reprocess spent nuclear fuel and even constructed a reprocessing laboratory, Premier Chiang's recent "no-reprocessing" vow implies that the facility will never be used. The modest reprocessing lab was completed in late 1975.

Newsweek May 1976
MIA p. 26

Part II -- Main Edition -- 15 February 1977

BALTIMORE NEWS AMERICAN - 14 FEBRUARY 1977 Pg. 1 (15)

Pentagon Says POW Violations Not Probed

WASHINGTON — (AP) — Defense Dept. officials failed to conduct a thorough investigation of whether any U.S. servicemen violated military law while they were prisoners of war in North Vietnam, a special Pentagon committee charges.

"The investigations were minimal and the rationale supporting dismissal" of charges that some former POWs brought against others in 1973 "was very weak," the Defense Review Committee said.

It strongly suggested that this was the result of policy guidance from high officials in the Defense Dept. at that time.

Melvin R. Laird was defense secretary while preparations were made and policies drafted for the expected freeing of the Americans held as war prisoners. Elliot Richardson succeeded Laird and was in office when Hanoi released 566 POWs four years ago.

The report gave the first official voice to bitter criticism expressed at the time by senior POWs, some of whom tried unsuccessfully to get the armed services to prosecute nine former prisoners for allegedly cooperating with the North Vietnamese.

The 11-member civilian-military committee, which included four former POWs, addressed this question in a report recommending changes in the 22-year-old Military Code of Conduct.

The changes would make it clear that U.S. servicemen could give captors more information than name, rank, service number and birth date, but only after reaching the limits of their ability to resist torture or other severe duress.

A copy of the report, completed in November and left for the Carter administration to consider, became available over the weekend.

The code is a standard of conduct expected of all U.S. servicemen. It is not a law. Uniform Code of Military Justice (UCMJ), however, is a parallel law and it provides penalties for aiding an enemy or other violations.

There were strong differences of opinion about the code among the Americans who were captured during the Vietnam fighting.

Some POWs believed in a rigid interpretation of the uniform code and felt it barred them from telling captors anything more than their name, rank, service number and birth date. Others believed the code recognized that men had breaking points and could not be expected to resist giving information at all costs.

The complaint made by a number of former POWs against a handful of their fellows was that these men gave information or otherwise collaborated with the North Vietnamese without duress or after only relatively slight pressure.

NEW YORK TIMES - 15 FEBRUARY 1977 Pg. 3

China Shifts a Regional Party Chief

By FOX BUTTERFIELD
Special to The New York Times

HONG KONG, Feb. 14—China has appointed a new Communist Party chief in Yunnan Province and shuffled the administration there, the provincial radio reported. The step was evidently taken to tighten Peking's control over an area that has long been racked by factional conflict.

The radio said the new first party secretary of Yunnan, on China's southwest border, was An Ping-sheng, formerly the head of neighboring Kwangsi Province.

His appointment followed a special meeting in Peking on "the problems of Yunnan," which was attended by Hua Kuo-feng, the Communist Party Chairman, and provincial leaders who had been summoned to the capital, the broadcast said.

"Although Yunnan now faces rather a lot of difficulties due to the interference and sabotage" by Chiang Ching and three other supposed leftists who were arrested last fall, the party's Central Committee believes that with the new appointments the province "can surely overcome all problems," the radio said.

There was no indication of what had happened to the previous first party secretary of Yunnan, Chia Chi-yun. Mr. Chia was a close associate of Teng Hsiao-ping, the former Deputy Prime Minister who was ousted last April as an alleged rightist. Mr. Teng had helped to rehabilitate Mr. Chia after he had earlier been purged in the Cultural Revolution and had appointed him to the job as party chief in Yunnan.

Despite the connection between the two men, analysts here did not believe that this relationship was involved in Mr. Chia's removal. Instead, it appeared that

Mr. Chia, who had frequently come under attack as a rightist himself, was being held responsible for failing to control Yunnan and check factional differences that had led to work stoppages and some physical fighting.

Mr. An, the new party chief, spent more than 10 years as deputy to one of China's toughest administrators, Wei Kuo-chung, currently the first party secretary of Kwangtung Province and a member of the party's Politburo. During the Cultural Revolution, while both men were in Kwangsi Province, Red Guards and other radicals in their area were ruthlessly suppressed.

Second Regional Reshuffle

The reshuffle in Yunnan is the second in the 29 provinces, special municipalities and autonomous regions into which China is divided since the so-called leftists were arrested. The top six leaders of Shanghai, once the stronghold of Miss Chiang's group, have also been replaced.

Mr. Hua, the party Chairman, has said that a nationwide "rectification," or purge of party and local government ranks, is the "central task" for 1977.

Yunnan is a remote mountainous area bordering Vietnam, Laos and Burma, with a population of 28 million. During the Vietnam war it was strategically important, since the railroad to Hanoi ran through it. There have long been reports of unrest in the province, including serious problems on the railroad.

NEW YORK TIMES
15 FEBRUARY 1977
Pg. 10

Diplomat Expelled From Soviet Union

MOSCOW, Feb. 14 (AP)—The Soviet Union expelled a Norwegian diplomat today an old another he may not return. The action came two weeks after Norway had expelled six Russians.

Tass, the Soviet press agency, said that "certain staff members of the Norwegian embassy are engaged in activities incompatible with their status."

A spokesman for the Norwegian embassy confirmed the Tass report that Knut Mugaas, a commercial secretary, had been expelled and that the former first secretary, Kaare Hauge, had been told he would not be allowed to return to the Soviet Union.

Mr. Hauge had finished his assignment in Moscow last summer and was now first secretary at the Norwegian embassy in Tokyo, the spokesman said. He said Mr. Hauge had been replaced here.

On Jan. 28, Norway expelled three Soviet trade officials, a secretary and a driver from the Soviet embassy and a Tass correspondent and accused them of committing illegal intelligence activities.

Norwegian authorities said they had apprehended one of the Russians in the act of receiving classified information from a Norwegian.

Part II -- Main Edition -- 15 February 1977

St. LOUIS POST-DISPATCH - 10 FEBRUARY 1977(15) Pg 2

Ex-Head Of Joint Chiefs Opposes Warnke Nomination

By RICHARD DUDMAN
Chief Washington Correspondent
of the Post-Dispatch

WASHINGTON, Feb. 10 — Retired Adm. Thomas H. Moorer, former chairman of the Joint Chiefs of Staff, met privately yesterday with 15 Senators to oppose the nomination of Paul C. Warnke as the Carter Administration's chief arms control negotiator.

Senator Clifford P. Hansen (Rep.), Wyoming, invited the Senators to the meeting and told his staff that it was not to be publicized.

Moorer gave the Post-Dispatch an account of the session, however, saying he disputed some of Warnke's views on how to achieve arms reductions. He said that he opposed Warnke's nomination as chief United States negotiator at the Strategic Arms Limitation Talks in Geneva but that he did not object to his being appointed director of the Arms Control and Disarmament Agency.

"I said I thought Mr. Warnke had in the past — although he says he doesn't believe it now — advocated what I call unilateral disarmament," Moorer said.

He said he had disputed Warnke's thesis, in a 1975 article entitled "Apes on a Treadmill," that the United States might elicit reciprocal restraint from Moscow by announcing a six-month delay in some U.S. weapons systems.

"I've seen no indication that you can count on reciprocal restraint from the Russians," he said. "Their basic position is 'what's mine is mine, and what's yours is negotiable?'"

Moorer said he told the Senators that it was "just nonsense" that the admirals and generals did not want arms control. He said the Joint Chiefs of Staff favored mutual arms reductions but did not want unilateral cuts in U.S. military strength.

"I think Warnke would be all right for the head of ACDA," he said. "That person should be an advocate, and he

always is. Americans are goal-oriented. If they made Gen. (Curtis) Lemay the head of ACDA, he would be advocating reductions within two months.

"But the chief negotiator should be an adversary to the other side. And I don't think the chief of ACDA should be overseas so much. He is needed at home. He'd be spending half his time in Geneva."

Hansen later disclosed the names of Senators who attended the meeting with Moorer. They were Alan Cranston (Dem.), California; Harry F. Byrd Jr., (Ind.), Virginia; Richard S. Schweiker (Rep.), Pennsylvania; Lee Metcalf (Dem.), Montana; Paul D. Laxalt (Rep.), Nevada; Harrison H. Schmitt, (Rep.), New Mexico; Barry M. Goldwater (Rep.), Arizona; S. I. Hayakawa (Rep.), California; Orrin G. Hatch, (Rep.), Utah; Dennis De Concini (Dem.), Arizona; Dale Bumpers (Dem.), Arkansas; Ten Stevens (Rep.), Alaska; Russell B. Long (Dem.), Louisiana; and Jesse A. Helms (Rep.), North Carolina.

Paul H. Nitze, former deputy secretary of defense, who recommended Warnke for two positions in the Pentagon in the Johnson Administration and was his superior there for a while, was the principal witness yesterday against Warnke's nomination.

Nitze told the Senate Foreign Relations Committee that he opposed Warnke for both arms control positions. He called some of Warnke's ideas "absolutely asinine" and said the advice the President gets from the arms control agency should be "reasonable, not arbitrary and screwball."

Nitze, who appeared at the urging of Senator John C. Danforth (Rep.), Missouri, took issue with Warnke's 1975 proposal of a six-month delay on certain weapons systems in the hope of evoking similar restraint by the Soviet Union. Nitze said a six-month slowdown of the Trident submarine or B-1 bomber pro-

gram would mean a loss of two years because of the time it would take to resume operations.

All the United States would get in return, if it worked, he said, would be a slowdown in Soviet deployment, which could be resumed quickly.

Nitze expressed concern about what he understood to be Warnke's concept of a new SALT treaty — a further limit on intercontinental ballistic missiles while avoiding the issues of the cruise missile and the Soviet Backfire bomber.

"I fail to see how he could avoid giving the Russians a war-winning capability unless we adopted a launch-on-warning doctrine for our ICBMs," he said.

After Nitze had repeatedly expressed concern about Warnke's beliefs, Senator Charles H. Percy (Rep.), Illinois, asked whether he also was concerned about the policies of President Jimmy Carter.

"Yes, I do have that fear," Nitze said.

Senator John C. Culver (Dem.), Iowa, a member of the Armed Services Committee, chided Nitze for having helped negotiate the 1972 SALT I agreement, which included unilateral U.S. understandings on points on which agreement could not be reached.

Nitze said the negotiators had been pressing against a deadline set by then-President Richard M. Nixon. The 1972 election was approaching and the agreement that was obtained was better than no agreement at all, he said.

Culver said that Nitze had negotiated an agreement "that was hastily crafted for expedient political purposes" and that he had later complained about violations because the Russians had not abided by "a footnote in our copy."

"Warnke said if he takes the job he's not going to go over there and sign on with this kind of negotiating process."

The hearing ended last night, but the committee's record is to be kept open until next Tuesday for additional comments.

BOSTON GLOBE

13 FEBRUARY 1977(15) Pg 49

Carter weighs granting relief to deserters

By Thomas Oliphant
Globe Washington Bureau

WASHINGTON—President Carter will shortly give serious consideration to improving the status of some Vietnam-era servicemen who received less than honorable discharges.

Administration officials said last week that a report on so-called military offenders which the White House requested three weeks ago has been completed and should be sent to the White House in about a week. A presidential decision is expected shortly thereafter.

According to officials at the White House, Justice Department and Pentagon, Carter will consider granting relief to most of the 100,000 men who bear the stigma of being

labeled deserters.

The report, which one Pentagon official described Friday as a compilation of information about deserters and men with what is called "bad paper" in the military, is now in the office of Defense Secretary Harold Brown.

The official said Brown will make his own recommendations to the President when he sends the document to him, but White House aides added that advice will be solicited from several quarters in the Administration.

The relief Carter is to consider granting by Executive order will not be complete. In most cases, according to informed sources, it will involve upgrading ex-servicemen's status to a level of a general discharge, not an honorable one. In addition, many of those affected would remain ineligible for veterans' benefits.

Carter's impending decision follows his pardon last month of all draft evaders of the Vietnam period who did not commit violent acts.

That action, according to Justice Department records, affected only about 13,000 persons, including those convicted of draft offenses.

Press secretary Judy Powell has already made it clear that some groups of ex-servicemen will not be eligible for relief.

These include, he said, ex-servicemen with the two lowest forms of discharge, bad conduct and dishonorable. Using Pentagon figures, Powell said they number about 30,000 of the 200,000 Vietnam-period veterans with bad papers.

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Gross would have no medal going to the command for the men who are still in prison. It would be a single transfer of the medal to a former prisoner.

It is possible that Gross was applying his design for a POW-MIA medal in violation of a USAF policy in Washington, D.C. included that no American prisoners of war are being held in Indochina. And only a partial accounting of the 1505 American servicemen missing in action will ever be made.

Of the servicemen listed as MIAs, 1113 were killed in action, the command believes. But their bodies have not been recovered. There are 731 others who are presumed dead, 723 still not accounted for and 23 others who were thought to be POWs, but not accounted for by their captors.

Gross feels a kinship to the former prisoners because twice in Vietnam he came close to being taken. Gross joined the Army nine years ago, served out his hitch and then signed on with the Marines.

In Vietnam, he was an infantryman with Charlie Company, 1st Battalion, First Marine Division. On Dec. 24, 1966, that company was overrun by the enemy. Gross saw 22 of his mates killed, another 43 wounded.

Later, Gross served with the 48th assault helicopter company. As soldier and Marine, he has earned nine decorations. Gross hails from Hasbun, Mich.

It is not unreasonable for this young Marine to expect the services to award a POW-MIA medal. Medals and decorations have been given for far less than enduring torture and hardship in a prison camp.

There is the Antarctic expedition medal, the Berlin Airlift medal, the national defense service medal and that famous good conduct medal—which is what you earn when you haven't been caught doing what you shouldn't be doing.

Remember that one?

Gross wants to hear from you, wants your support. Send your mail to Gross at Landing Force Training Command, ACB Training Area Section, Naval Amphibious Base, Norfolk, Va.

For years, the POW-MIA bracelet was the symbol by which Americans joined with the men who did not come back from the war in Vietnam. Today, Gross has given us a new badge of courage.

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THURSDAY, DECEMBER 16, 1976 *6B 1602c 76*

NEW YORK TIMES
16 DECEMBER 1976 Pg 17
**Koreans Linked
To Bid to 'Use'
U.S. Educators**

By RICHARD HALLORAN
Special to The New York Times

WASHINGTON, Dec. 15—In the spring of 1973, as the 20th anniversary of the end of the Korean War drew close, a South Korean dropped in on a faculty member of a leading Eastern university to chat. In the course of a seemingly casual conversation, the Korean offered the professor \$50,000 if he could arrange to have Time magazine or Newsweek run a picture of President Park Chung Hee on the cover with a commemorative story in the magazine.

The faculty member said later he was so dumbfounded he forgot to be indignant. He patiently explained to the Korean that he did not have that kind of influence and, more to the point, things were not done that way here.

The matter was dropped. But a series of interviews with American scholars and Korean sources shows that it was not the first time nor would it be the last that the South Koreans tried to use the American academic community to influence American thinking and policy toward Korea.

Since then, those sources have disclosed, the South Koreans have tried to work through Harvard and other universities, Herman Kahn's Hudson Institute and other "think tanks," and the Rev. Sun Myung Moon.

Two Objectives Cited

The Koreans appear to have had two objectives—to persuade Americans to maintain their military and economic assistance to South Korea and to underscore, for consumption in Korea, American approval of President Park's Government.

Much of the Korean effort has been parallel to the drive in Congress to develop a climate that favors Korean interests. Some of the Koreans' methods have been legitimate. Ambassador Hahn Pyong Choon, who arrived here in early 1974, is a recognized scholar in his own right and has tried to reach the American academic community during his tour.

But some of the effort to cultivate American scholars has been—as in the case with Congress—considered questionable by academics here. Moreover, the Korean Central Intelligence Agency, which is more of a political instrument than an information collector, appears to have been deeply involved.

The faculty member who was offered \$50,000 said he considered it an outright bribe. He asked that he not be identified

(See KOREANS, Pg 2)

LOS ANGELES TIMES
15 DEC 1976(16) Pg 1
**MIAs Should Be
Declared Dead,
House Unit Says**

BY PAUL HOUSTON
Times Staff Writer

WASHINGTON—No American prisoners of war are being held alive in Indochina, and only a partial accounting of the 2,546 Americans missing in action will ever be made, a House committee has concluded in a report to be released today.

With two dissenting members, the Select Committee on Missing Persons in Southeast Asia recommends that the U.S. government declare as officially dead the Americans who did not return from the war in Southeast Asia. The report says that current law adequately protects the rights of the missing persons and their next of kin.

A moratorium on changing a person's status from "missing" to "dead" has been in effect at the departments of Defense and State while the committee conducted its investigation.

The committee also recommends that U.S. diplomats, in negotiating with the Vietnamese government for more information on missing Americans, "should consider the possibility of (offering) humanitarian aid, but not war reparations."

A copy of the report, which contains both praise and criticism of Administration efforts on the sensitive MIA-POW issue, was obtained by The Times Tuesday.

Advance word of the committee's findings already was elicited a strong protest from the National League of Families of American Prisoners and Missing in Southeast Asia.

Carol Bates, the league's executive director, charged in letter to the committee last week that the panel's 15-month investigation was inadequate and that its rumored recommendations, which she said the committee had no authority to make, would kill the impetus for a broader probe.

She also noted in an interview Tuesday that there was concern that the changing of a person's official sta-

(See MIAs, Pg 3)

NEW YORK TIMES
16 DECEMBER 1976 Pg 31
**SECRETARY OF ARMY
WILL ACT ON CADETS**

But Hoffmann Does Not Confirm He
Intends to Order Reinstatement
of West Point Students

By JAMES FERON
Special to The New York Times

WASHINGTON, Dec. 15—Secretary of the Army Martin R. Hoffmann indicated today that he would act within a few weeks on recommendations by a special commission that cadets involved in the United States Military Academy's cheating scandal be reinstated as soon as possible.

A 91-page report released by the commission confirmed most of the allegations made by accused cadets and their military defense lawyers over the last several months—that cheating was widespread and that administration of the honor code was often unfair. It said the Academy, at West Point, N.Y., was so much to blame as the cadets for code violations.

Frank Borman, the astronaut and a former West Point graduate who headed the commission, said that "the system has become corrupted over the years." According to the report, "a substantial number of cadets have been involved in recent years in dishonesty, toleration [of dishonesty] and, on occasion, misconduct as honor representatives."

Mr. Hoffmann, appearing with the six-member panel at a Pentagon news conference, would not confirm that he intended to order immediate reinstatement, but he said he agreed with the commission's conclusions making that recommendation.

He also said that he intended to act swiftly, noting that he had "invested time" in the extended dispute, which erupted during his administration, and that he "should take action" before the inauguration of President-elect Jimmy Carter.

Reaction at West Point

At West Point, where the news conference was broadcast and taped for later rebroadcast, officials responded soberly to the prospect of the immediate return of 151 cadets implicated in the scandal. The majority of the implicated cadets have resigned with the hope of return next year under an earlier arrangement made by Mr. Hoffmann.

"More than 140 of the cadets are scattered throughout the nation," a spokesman commented. "Even if they could be rounded up, it would be extremely dif-

(See CADETS, Pg 2)

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DAVID A. ANDELMAN

Special to The New York Times
HANOI, Thailand, Dec. 15—Senior leaders expanded today on plans to create a new and reintegrated northern Vietnam at the second day of the Vietnam Fourth Party Congress in Hanoi.

The leaders, taking part in the first Vietnamese Communist Party congress since 1960, envisioned a series of vast resettlements of the population of the larger cities in the south. The proposal would involve one million people during the early days of a new five-year plan that is expected to be approved this week, and conversion of wide areas of the south, including the suburbs of Saigon, into a vast rice bowl.

"In the near future a target of more than one million people from Ho Chi Minh City will be completely resettled in new economic zones," Nguyen Van Linh, secretary of the Ho Chi Minh City party organization, told the delegates. He was using the Communists' name for the former capital of South Vietnam, which fell to them in April 1975.

"The outskirts of Ho Chi Minh City will be developed as a vast farm around the city to supply sufficient foodstuffs and vegetables to the city," Mr. Linh added.

"Setting a New Direction"

The congress of the Vietnam Workers-Communist-Party convened yesterday at the sprawling Ba Dinh convention center in Hanoi, from which the entire congress program is being broadcast live in Vietnamese. This is monitored in Bangkok. The first such comprehensive gathering of Indochinese Communists and their guests in 16 years is billed as "setting a new direction" for the postwar development of the country.

Mr. Linh's was one of a series of comparatively brief statements made at the second session this morning, after a political report of six hours at yesterday's opening session by the party's first secretary, Le Duan. Today, representatives of the Vietnamese Army and the Hanoi City party committee delivered brief statements, along with Mr. Linh.

For weeks before the conference, and in a 40-page draft political report made public last month, Vietnam had been hinting at the need for developing the rural areas of the south, particularly the new economic zones—wide areas of undeveloped forest and field to which the Communists have sent tens of thousands of people, with little preparation, to begin cultivation and development. Today's comments by Mr. Linh seemed to indicate that the program would be expanded and accelerated.

Also being expanded, according to Mr. Linh, will be the membership of the party in the south, still considered thin as a result of its largely underground operations during the war. "The present 20,000 members of the Lao Dong Party in Ho Chi Minh City will work harder to fulfill the five-year development plan," Mr. Linh said.

"Besides," he added, "we will expand our scope of work to recruit more members to our workers' party."

While the rural sector of the south is expanding, it seems likely that Vietnam also intends to develop heavy industry in the north.

Pledge of Ongoing Soviet Aid

It was long a cliché of the war years that the hard-working North Vietnamese viewed the abilities of the South with a degree of contempt, in the northern view the most valuable commodity of the South being the rich rice regions of the Mekong delta.

MIA - POW

tus from missing to dead would have significant financial ramifications for the family. Such families would be given death benefits in place of the active-duty military pay they now receive.

"We're sitting here waiting for a bomb to drop on us," Mrs. Bates said in reference to the coming report.

She added, however, that the league had been told by a White House official that no action on status changes would be taken during the remaining weeks of the Ford Administration.

The House Committee, headed by Rep. G.Y. (Sonny) Montgomery (D-Miss.), gives several reasons for concluding that there are no American prisoners of war left in Indochina:

— "A substantial number of still-active MIA and POW cases contain an evidentiary basis for determining death."

— "Factors such as the way the person was lost, enemy practices and the long passage of time 'constitute strong circumstantial evidence that many missing Americans failed to survive.'"

— "In no case after World War II or the Korean war did a serviceman return alive who had been MIA and later presumed dead in accordance with the Missing Persons Act."

— "Repeated statements since 1973 by Indochinese officials that no Americans were held as POWs 'militate against any returning alive from captivity.'"

— "The average time these Americans have been missing is nine years."

The government's various intelligence agencies also have concluded that there are no living POWs, the report says.

Unreliable foreign sources, primarily in Indochina, fabricated numerous false sighting reports and rumors of captive Americans, confusing the families of victims and nourishing false hopes and suspicions, the committee says.

Of the 2,546 Americans involved, 41 were civilians—25 missing or unaccounted for and 16 recovered dead or presumed dead.

The other 2,505 were servicemen—1,113 killed in action whose bodies have not been recovered, 631 who have been presumed dead, 728 still listed as missing and 33 still listed as prisoners of war.

Of the 33 still listed as prisoners, the committee says, at least 11 were considered actual POWs who have not been accounted for by their captors, six were improperly classified as POWs at the time of their loss and there is no evidence that the other 16 were actually taken prisoner.

At least one deserter and one defector were alive in Indochina in the early 1970s and may still be alive, the report says. Also, a small number of other deserters and civilians may still reside in South Vietnam.

"A total accounting for all 2,546

Americans who did not return from Southeast Asia is not how, and whether will be, possible," the committee says.

For one thing, more than 400 losses occurred under nonhostile conditions in areas where no enemy forces were known to be operating. So those cases probably cannot be resolved by foreign governments, the report says.

Also, the remains of more than 400 servicemen are nonrecoverable because their aircraft disintegrated or they were lost at sea. However, a partial accounting is possible, the committee states.

"The North Vietnamese have information on a large but undetermined number of aviators shot down over North Vietnam and along the Ho Chi Minh Trail in Laos, as well as information on some Americans killed, or once held, in other areas of Indochina," the report says.

The Pathet Lao and the Cambodians also may have information on some unaccounted-for Americans.

Crash site investigations would turn up only negligible information and few identifiable remains, the report says, because of the passage of time, the ravages of weather and the uncertainty of site locations.

Besides, the report says, "It is highly unlikely that the Indochinese governments will permit nonindigenous teams of any kind to conduct field investigations."

Realistically, then, those governments may be capable of returning the remains of only about 150 Americans, the committee concludes.

In praise of American rescue efforts during the war, the committee says that in Indochina the missing Americans totaled only 4% of the number killed in action, compared to 22% in World War II and Korea.

The report also says that the Pentagon "generally devoted generous attention to the needs and desire of POW-MIA next-of-kin."

However, the committee chides the Defense Department for stimulating distrust among many MIA families by concealing actual loss sites during the "secret war in Laos," by giving out incomplete information, by showing family members differing case files and by giving next of kin overly optimistic reports.

The committee recommends that, during any future hostilities, the automatic promotions of POW-MIA's to ranks held by their contemporaries be "withheld and awarded only to those returned servicemen who merit promotion."

Two of the three Republicans on the 10-member committee—Reps. Benjamin A. Gilman of New York and Tennyson Guyer of Ohio—have filed a separate statement objecting to most of the committee's report.

"We believe the committee should not consider that all POW-MIA's are dead until the United States has received as full and exhaustive an accounting as is possible," they say.

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Part II -- Main Edition -- 15 December 1976

WASHINGTON POST - 15 DECEMBER 1976 Pg. 7

Hill Committee Sees No Hope For Full MIA-POW Accounting

Los Angeles Times

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Carol Bates, the league's executive director, charged in a letter to the committee last week that the panel's 15-month investigation was inadequate and that its rumored recommendations, which she said the committee had no authority to make, would kill the impetus for a far broader probe.

She also noted in an interview yesterday that there was concern that changing a person's official status from missing to dead would have significant financial ramifications for the family. Such families would be given death benefits in place of the active duty military pay they now receive.

The House committee, headed by Rep. G. V. (Sonny) Montgomery (D-Miss.), gives several reasons for concluding that there are no American POWs or MIAs still alive in Indochina. Among them:

- "A substantial number of still-active MIA and POW cases contain an evidentiary basis for determining death."

- Factors such as the way the person was lost, enemy practices and the long passage of time "constitute strong circumstantial evidence that many missing Americans failed to survive."

- "In no case after World War II or the Korean War did a serviceman return alive who had been MIA and later presumed dead in accordance with the Missing Persons Act."

The government's various intelligence agencies also have concluded that there are no living POWs, the report says.

While a total accounting of the Americans who did not return is viewed as impossible, the committee says that a partial one is possible.

The North Vietnamese have information on a large but undetermined number of aviators shot down over North Vietnam and along the Ho Chi Minh Trail in Laos, as well as information on some Americans killed, or once held, in other areas of Indochina, the report says. The Pathet Lao and Cambodians also may have information on some unaccounted for Americans.

HANOI ... CONTINUED

One Western diplomat in Bangkok close ties to Hanoi noted that there been "lots of problems in Vietnam since the end of the war," adding: "They are quite willing to acknowledge them, they did today and have been doing it the weeks leading up to today. But they acknowledge the problems only to point up the means by which they feel they must be solved."

Last month, a 40-page draft political report with detailed information on the first five-year plan, for 1976-80, was made public by the official press agency. It was basically the same document Mr. Le Duan read today.

Last week, an even more revealing look, clearly for Western consumption, was provided by a Hanoi intellectual and historian, Dr. Nguyen Khac Vien, in a detailed three-part examination of Vietnam "20 months after liberation."

Besides presenting glowing production statistics and pledges of new efforts by bridge builders and rice farmers, Dr. Vien listed a number of pre-pressing problems that remained to be solved.

"At least 150,000 tons of unexploded bombs and shells which are still causing loss of life, severe damage to ricefields, gardens and forests destroyed by bombs and chemical contamination threat of epidemics (malaria, cholera, typhoid)."

"The registration and control of some one million persons including 40,000 officers," in the south, and the job placement of some two million persons "comprising the huge numbers of administrative, economic, cultural and cultural machine" left over from South Vietnam.

"The creation of the so-called new economic zones to be populated by emptying large populations from the cities—500,000 from Saigon, according to Dr. Vien's report—as well as some 60 percent of the population of Da Nang and 100,000 from Hue, Nha Trang and Con Thien."

Both leaders emphasized that progress had been made in expanding irrigation capacity in the rice lands to allow two and even three crops a year, and in reconstruction of more than 7,000 small and medium-sized industrial enterprises and more than 11,000 handicraft groups in Saigon alone.

Nevertheless, Mr. Le Duan made it clear today that such small-scale production would not do for the Vietnam envisioned by the party's Central Committee.

"There are two tasks that are both fundamental and urgent," Mr. Le Duan declared, "to insure the minimum needs of the people's life while carrying out accumulation of the necessary tempo to build the material and technical basis of socialism."

The draft political report, repeated virtually intact by Mr. Le Duan, said that in addition to the most basic necessities of food and housing, the people of Vietnam must be provided with such luxuries as electrical appliances and household furnishings denied them for decades.

Such requirements, it appears, will require extensive foreign assistance to develop and Mr. Le Duan seemed to be

CADETS ... CONTINUED

punishments, such as extra marching.

It recommended that the role of tactical officers be clarified so that they do not try to snare cadets in honor violations but, instead, act as company commanders.

Saying that the superintendent of the Academy should be a distinguished academician, the commission urged that his normal tour of duty be extended from three years to make possible a more consistent policy.

It also criticized the Academy's tenure system, which protects 11.6 percent of

the faculty members from having to leave their jobs until the age of 64 or until they have completed 30 years' service.

Mr. Hoffmann appointed the commission in September, naming as its members Gen. Harold K. Johnson, former Army Chief of Staff and now president of Financial General Bankshares Inc., a city and dean of its Law School, Willis M. Tate, president emeritus and former chancellor of Southern Methodist University, and Howard S. Wilcox, chairman of the Academy's board of visitors.

PEACE ... CONTINUED

no friends in the Arab world.

Yet, according to the reports reaching here tonight, Arafat

Both Arab leaders have made it plain in interviews and in conversations with diplomats that they want

6.6 → THURSDAY MORNING, 16 DECEMBER 1976

NEW YORK TIMES
16 DECEMBER 1976, Pg 1**HOUSE PANEL DOUBTS
M. I. A.'S ARE ALIVE**

WASHINGTON, Dec. 15—A special committee of the House of Representatives concluded today that no Americans were still being held prisoner as a result of the Indochina war. The Pentagon lists 728 men as missing in action and 33 as prisoners.

Representative G. V. Montgomery, a Mississippi Democrat who headed the inquiry, said there was evidence that "Indo-Chinese nations can account for many of these men, not all of them, but many of them." Mr. Montgomery was chairman of the House Select Committee on Missing Persons in Southeast Asia, appointed 15 months ago to investigate the issue.

He said the main problem now was to achieve the fullest accounting possible. That this has not been done, he said, is the fault of the Vietnamese, Laotian and Cambodian authorities.

The committee recommended that the Pentagon resume its case reviews, suspended in deference to the panel's investigation. In a case review, officers evaluate the evidence on the circumstances of the serviceman's disappearance. The judgment in all cases so far has been to reclassify the man as killed in action.

When a serviceman is considered missing, his wife draws her husband's pay and allowances. If he is declared dead, she gets a lump-sum payment from the military and begins drawing Social Security payments. The average lump sum payment is about \$60,000, but figures vary widely.

In World War II and the Korean War, missing servicemen accounted for 22 percent of those killed in action, the committee report said. In Vietnam they totaled 4 percent. The panel said the difference was a result of the effective search and rescue effort during Indochina combat.

Representative Benjamin A. Gilman, an upstate New York Republican who was a panel member, opposed the recommendation to lift the Pentagon moratorium on case reviews. He said the reviews would tend to reduce the significance of the missing-in-action issue. He also said conclusive reviews required a full accounting by the Indochinese governments.

The committee is going out of business with the issuance of its report, Mr. Gilman noted, and thus an important instrument will be lost for focusing attention on the issue.

At a news conference, Mr. Montgomery said identification procedures were so comprehensive that all of the remains recovered have been identified. So far there is no unknown soldier in the Indochina war, he said.

The panel said 2,546 Americans, including 41 civilians, had not returned from the war. Of the 33 still listed as prisoners, the panel said 11 were believed to have been prisoners who were never accounted for by their captors. The others were improperly classified as prisoners or there is no evidence to suggest that they were taken prisoner, the report said.

The panel recommended that the Pentagon ease security restrictions on some of the evidence used in the case reviews, that a memorial for the missing be erected in Arlington National Cemetery and that trained rescue forces be available in future combat zones.

An organization representing families of the missing in action denounced the committee's recommendation.

"The conclusion that all P.O.W.'s and

THE NEW YORK TIMES, THURSDAY, DECEMBER 16, 1976

Lebanese Editor Visits Washington

By BERNARD GWERTZMAN

Special to The New York Times

WASHINGTON, Dec. 15—Lebanon has sent a special envoy to Washington to discuss future American and international economic assistance to help the country recover from a year and a half of civil war.

The envoy, Ghassan Tuani, is chief editor of the Beirut paper *An Nahar* and is a close associate of President Elias Sarkis.

He met this afternoon with Philip C. Habib, Under Secretary of State for Political Affairs, and with Alfred L. Atherton Jr., Assistant Secretary for Near Eastern and South Asian Affairs.

As a result of Mr. Tuani's discussions here, the United States will begin work to determine the forms and amount of aid to Lebanon.

The Ford Administration has already pledged to do its utmost to help in the reconstruction of the country but any final decisions will probably be left to the Carter administration, officials said.

Vance Met With Saudi on Oil

The Middle East was a principal subject in another meeting today between Secretary of State Henry A. Kissinger and his designated successor, Cyrus R. Vance, Mr. Vance, who said he was catching up in the background of Middle East developments, also met today with Sol M. Linowitz on Latin American affairs, and with Senators Hubert H. Humphrey and Edward M. Kennedy.

Mr. Vance, who has not wound up his legal affairs in New York, said he hoped to be in Washington more or less full time by the end of next week. He acknowledged having met with the Saudi Arabian Ambassador last week to discuss the present meeting in Qatar of oil-producing nations and he said he hoped prices could be kept down.

Meanwhile, it is understood that Mr. Atherton has been informally sounded out about staying in his present position to help in maintaining continuity between two administrations, and he said he would be willing.

But Mr. Vance has not yet met with Mr. Atherton and no formal decision has been made on Mr. Atherton's job. In any event, Mr. Atherton is telling friends he would like to be assigned abroad as an ambassador in the summer and turn the job over to a man with fresh ideas.

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**Vance Receives
Pointers From
Kissinger, Rusk**

United Press International

Cyrus R. Vance picked up pointers yesterday from Henry A. Kissinger and Dean Rusk on how to handle the job of Secretary of State when Jimmy Carter becomes President.

Vance, Carter's Secretary of State-designate, concentrated on Latin American and Middle Eastern policy in talks with past and present government leaders and influential senators.

He met with Rusk, the Secretary of State under Presidents Kennedy and Johnson, before lunching with Secretary of State Kissinger, on Dec. 6, he discussed Middle East affairs.

Vance also talked with Sol Linowitz who was U.S. Ambassador to the Organization of American States in the Johnson administration. Linowitz headed a commission that recommended negotiating a new Panama Canal treaty, and they discussed the recommendation.

Vance said he had held a general review of the international situation with Sen. Hubert H. Humphrey (D-Minn.) and scheduled a session with Sen. Edward M. Kennedy (D-Mass.).

Vance described the Senate meetings as "renewing acquaintances with old friends."

Mr. Atherton has been involved in the Middle East for years and was one of Mr. Kissinger's closest advisers in the shuttle diplomacy that led to troop disengagement agreements between Israel and Egypt and Israel and Syria.

NEW YORK TIMES 16 DECEMBER 1976

NATO: Fading Arguments

To the Editor:

In C. L. Sulzberger's column of Dec. 6, devoted to the latest round of NATO meetings, he complained that Americans have become less willing to take military action if the Soviet Union attacks U.S. allies in Europe. He seems to be alarmed by the results of a public opinion poll which show that the number of Americans favoring cuts in military spending is growing.

Unfortunately, Mr. Sulzberger does not even try to analyze the reasons for such attitudes but instead writes out a formula for suppressing these

tendencies. In his opinion, a combination of propaganda and psychological and political measures should be taken to invigorate NATO activities.

I believe, however, that one of the major reasons for American skepticism regarding the need to arm themselves and make war is the fact that fewer people in the West, the United States in particular, believe the stories about the aggressiveness of the Soviet Union. Soviet moves for peace deprive those who advocate beefing up military blocs of their old arguments.

VLADIMIR BRODETSKY
Novosti Press Agency
Moscow, Dec. 9, 1976

M.I.A.'s should be declared dead is ludicrous, particularly in light of the recently initiated negotiations between the United States and Vietnam," said Ann Griffiths, a member of the board of directors of the National League of Families of American Prisoners and Missing in Southeast Asia.

"For the first time," she said, "we have an opportunity to obtain actual information on what happened to these missing

Americans. The presumptuous members of the Select Committee are denying the incoming Carter administration an opportunity to conduct successful talks by stating, without proof, that all P.O.W.'s—M.I.A.'s are dead."

The question was raised by the United States last month in Paris when United States and Vietnamese diplomats opened talks on the establishment of normal relations between the two countries.

THURSDAY MORNING, 23 DECEMBER 1976

WASHINGTON POST - 22 DECEMBER 1976

A Textbook on MIAs

THE FINAL REPORT of the House Select Committee on MIAs is exceptionally well done. It is so comprehensive, incisive and compassionate a study that it ought to be treated as a textbook of sorts for future consideration of this excruciating issue left over from the Indochina war. Appearing just as a new administration prepares to take office, it offers grounds for cautious optimism that mutual satisfaction—Vietnam must be satisfied, too—is within reach.

As an account of the prolonged American effort to learn of the 2,505 servicemen who did not return from Indochina, the report must be considered authoritative. It shows that, in seeking what was a historically unprecedented accounting of MIAs from an undefeated former foe, the State Department and Pentagon performed conscientiously, though with some painful lapses. To keep secret the "secret war" in Laos, for instance, the Pentagon lied to some kin about airmen downed over that country. The report concludes, compellingly, that there is no evidence that any MIA remains alive, and that there are grounds for expecting information about only a limited number of MIAs and for expecting the return of the remains of fewer still.

The significance of these findings goes beyond their contribution to ending the agony of uncertainty that has gripped many MIA families. By reducing the dimensions of what the United States should seek in a negotiation with Vietnam, these findings reduce the scope of what Hanoi can ask in return.

Being only an arm of the House, this committee was not able during its 15-month existence to keep the Ford administration from letting narrow political considerations undercut its Vietnam diplomacy. But the panel has some excellent suggestions for Jimmy Carter. It believes that the Ford policy of "gestures"—swapping information on 12 pilots for access to the International Monetary Fund, for instance—is too slow and too uncertain and too suggestive of blackmail. Instead, it suggests, Washington should open direct talks with the countries of Indochina to seek a "humanitarian" accounting in the context of full normalization of relations.

The committee rejected Vietnam's demand—one made, it seems, on the basis of a still-secret Nixon letter—for \$3.25 billion in "reparations." But committee

members who visited Hanoi found the Vietnamese more concerned with the principle of reconstruction aid than the amount or, perhaps, the form. The committee members reminded the Vietnamese that the United States had left behind more than \$3.25 billion in equipment. The committee would now have the United States consider "humanitarian aid." Through membership in three U.N. agencies (though not the United Nations itself) plus the IMF and the World and Asian Banks, Vietnam stands to get some \$34 million in indirect American aid in 1977 through American payments into the common pots of these agencies. The Vietnamese should be made to understand, the committee suggests, that these funds are "indirect contributions to Vietnamese humanitarian projects."

Chairman G.V. Montgomery (D-Miss.), who has been in touch with the North Vietnamese government, observed in an interview the other day that the Vietnamese seem ready to deal promptly with the incoming administration. Mr. Carter, who exploited the MIA issue scarcely less than his opponent in the campaign, had evidently not been fully briefed on the new report when he was asked about it on Friday. But his response left open the possibility that he will give good advice a hearing. He does not have the personal history that made Mr. Ford, not to speak of Mr. Nixon, so defensive on anything touching Vietnam.

The committee's recommendation that the Pentagon declare dead 728 men still classified as MIA drew immediate protest from some of the families. One can understand their apprehension that the change will mean diminished official attention to the men's fate, as well as diminished financial benefits to survivors as the men's status is changed to dead. But the change in status reflects the weight of the evidence and the requirements of law. It does not affect national policy: We do not think the country is about to break faith with the MIAs. The Montgomery committee has demonstrated persuasively that the best way to seek further information, or remains, is to pursue direct and across-the-board negotiations with the governments of Indochina, especially Vietnam. The new administration ought to follow that path, however painful it must understandably be for some of the MIA next-of-kin. It is the course of action that promises the greatest benefit for the largest number of MIA families.

U.S. Uncovers Iraqi Gun Purchase

Special to The New York Times

WASHINGTON, Dec. 22—Administration officials said today that Iraq, which does not have diplomatic relations with the United States, had arranged for the purchase of 100 submachine guns from an American concern and had managed to smuggle 30 of them out of the country through its mission at the United Nations.

The 70 others have been recovered, the officials said, after diplomatic intervention last week by Albert W. Sherer, deputy United States representative to the United Nations, with the Iraqi chief delegate, Abdul Karim al-Shaikhly.

According to American officials at the United Nations, the purchase had apparently been arranged by Iraqi secret agents without Mr. Shaikhly's knowledge.

The discovery of the purchase was made last month by agents of the Bureau

of Alcohol, Tobacco and Firearms of the Department of the Treasury.

As a result, the agents were able to hold up a further shipment of 100 more of the submachine guns, designated M-10, which had been manufactured by a now defunct small-arms company.

The first shipment of 100 submachine gun was purchased from G.T. Distributors in Rossville, Ga., by Antonio G. Polytarides, a Greek citizen who lives in Reston, Va.

Officials said that Mr. Polytarides, who is under arrest in Baltimore on charges of having diverted an arms shipment overseas and of being an illegal alien, had made the purchase on behalf of Trafaloon International Corporation.

One company, which Mr. Polytarides said he headed, was registered in Dela-

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ware and early this year was licensed to do business in New York. According to the officials, Mr. Polytarides, who is 31 years old, entered the United States on a tourist visa.

The initial shipment was originally destined for Fargo International, a Kensington, Md., company. But on Nov. 10, according to Treasury Department records, Mr. Polytarides ordered the shipment diverted to the Iraqi mission at the United Nations.

The Treasury Department was alerted when the guns did not arrive at the Maryland destination.

The shipment instead arrived Nov. 12 at the Iraqi mission, at 14 East 79th Street, and the receipt was signed by Shams Uddin, a driver for the mission. Some time after that, 30 of the submachine guns were sent out of the United States, American officials said.

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THURSDAY MORNING, 23 DECEMBER 1976

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PM-GERMS SKED 12-23

WASHINGTON (UPI) -- THE ARMY SAYS FULL REPORTS ARE NOT AVAILABLE RIGHT NOW, BUT IT ACKNOWLEDGES CONDUCTING GERM WARFARE TESTS WITH LIVE BACTERIA IN AMERICAN CITIES BETWEEN 1950 AND 1966.

AN ARMY SPOKESMAN DISCOUNTED PUBLISHED REPORTS THAT ITS TESTS MAY HAVE CAUSED MINOR EPIDEMICS OF PNEUMONIA AND A RARE HEART VALVE INFECTION, HE SAID IT USED "NON-DISEASE CAUSING BIOLOGICAL SUBSTANCES."

BUT HE CONCEDED THAT THE TESTS HAD BEEN CONDUCTED IN THE NEW YORK CITY SUBWAYS, AT THE PENTAGON, AND AT SAN FRANCISCO AND FIVE OTHER AMERICAN CITIES AND REGIONS.

THE FULL REPORTS OF THE EXPERIMENTS, THE SPOKESMAN SAID, ARE BURIED IN VAULTS IN UTAH AND NO COMPLETE STATEMENT COULD BE MADE UNTIL THEY WERE STUDIED.

"THIS HAPPENED UP TO 25 YEARS AGO," HE SAID, SUPPLYING SOME DOCUMENTATION THAT WAS AVAILABLE.

HE DISCOUNTED A REPORT IN THE LONG ISLAND, N.Y., NEWSPAPER NEWSDAY OF EVIDENCE LINKING SOME OUTBREAKS OF DISEASE TO THE ARMY GERM WARFARE TESTS. HE SAID THERE WAS ABSOLUTELY NO PROOF OF THIS. ALL TESTS WERE ENDED IN 1969 FOLLOWING AN EXECUTIVE BAN ON OFFENSIVE BIOLOGICAL WARFARE AND STOCKPILING.

"THE BIOLOGICAL SUBSTANCES INVOLVED IN THE TESTS WERE USED AS SIMULANTS FOR TRAINING AND FIELD EVALUATION TO DETERMINE VULNERABILITY TO ENEMY BIOLOGICAL ATTACK AND ADEQUACY OF DEFENSE MEASURES," AN ARMY STATEMENT ON THE SUBJECT SAID.

THE SUBSTANCES IN THE TESTS INCLUDED BACILLUS GLOBIGII, SERRATIA MARCESCENS AND ASPERGILLUS FUMIGATUS, HE SAID.

BOTH BACILLUS GLOBIGII AND SERRATIA MARCESCENS WERE DESCRIBED AS "PRESENT THROUGHOUT THE ENVIRONMENT AND ... CONSIDERED NOT TO CAUSE DISEASE."

BUT THE STATEMENT ADDED: "HOWEVER, FOR SOME INDIVIDUALS WHO LACK A CAPABILITY TO DEVELOP IMMUNITY TO MOST DISEASES SERRATIA MARCESCENS COULD CONCEIVABLY ACT AS AN OPPORTUNIST AND PRODUCE AN INFECTION."

THE SPOKESMAN DISMISSED AS WITHOUT PROOF A SUGGESTED CONNECTION BETWEEN A DOUBLING IN THE NUMBER OF PNEUMONIA CASES IN THE FT. MCCLELLAN, ALA., AREA AND THE KEY WEST FLA., AREA IN THE YEAR FOLLOWING 1952 GERM WARFARE TESTS THERE.

THE SIMULATED GERM WARFARE TEST IN THE NEW YORK SUBWAY IN 1966 WAS PREVIOUSLY REFERRED TO IN TESTIMONY BEFORE THE OLD SENATE INTELLIGENCE COMMITTEE, WHICH COMPLETED ITS WORK EARLIER THIS YEAR.

A SIMULATED CONTAMINATION OF THE DRINKING WATER SUPPLY IN THE PENTAGON AND AIR CONDITIONERS OF SEVERAL FEDERAL BUILDINGS IN WASHINGTON WAS ALSO CARRIED OUT IN 1950 TO TEST THEIR VULNERABILITY TO A CLANDESTINE BACTERIOLOGICAL WARFARE ATTACK.

OTHER TESTS THE ARMY SAID WERE MADE AT A U.S. NAVY INSTALLATION AT MECHANICSBURG, PA., IN 1951; AT PANAMA CITY, FLA., IN 1953; AND AT POINT MUGU AND FORT HUENEME, CALIF. IN 1954.

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BY BRUCE W. MUNN

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UNITED NATIONS (UPI) -- THE GENERAL ASSEMBLY HAS QUIT DELIBERATIONS FOR THE YEAR WITH A WARNING FROM ITS THIRD WORLD PRESIDENT THAT THE WORLD'S ECONOMIC INEQUALITIES ARE WORSENING AND ARE MENACING GLOBAL ORDER.

HAMILTON SHIRLEY AMERASINGHE, THE SRI LANKA DIPLOMAT WHO PRESIDES OVER THE ASSEMBLY, TOLD DELEGATES WEDNESDAY BEFORE THE RECESS THAT THE INTERNATIONAL ECONOMIC SITUATION "IS RAPIDLY WORSENING WITH CONSEQUENCES THAT COULD PROVE CALAMITOUS FOR MANY OF THE POORER COUNTRIES."

"THIS IS A GLOOMY NOTE TO STRIKE BUT IT MUST BE STRESSED, AS THE SOLUTION OF POLITICAL PROBLEMS CANNOT BY ITSELF BRING PEACE AND JUSTICE," AMERASINGHE SAID. "ECONOMIC INEQUALITIES AND INJUSTICES ARE NO LESS A MENACE TO WORLD ORDER THAN POLITICAL CONFLICTS."

RATHER THAN FORMALLY ADJOURNING, THE ASSEMBLY DECLARED ITSELF IN RECESS TO BE READY FOR A QUICK RECONVENING TO ASSESS RESULTS OF THE PARIS NORTH-SOUTH ECONOMIC CONFERENCE SCHEDULED FOR LATE SPRING.

THOSE TALKS BETWEEN 27 INDUSTRIALIZED AND DEVELOPING NATIONS ARE CENTERING ON THE DEMANDS OF THIRD WORLD NATIONS FOR RELIEF FROM THEIR HUGE DEBTS AND FOR MORE STABILITY ON RAW MATERIAL PRICES.

THE GENERAL ASSEMBLY ALSO HEARD A PLEDGE FROM RETIRING AMBASSADOR WILLIAM W. SCRANTON THAT THE UNITED STATES WILL ASSUME LEADERSHIP ON WORLD PROBLEMS.

SCRANTON, WHO WILL RELINQUISH HIS POST ON JAN. 20 TO REP. ANDREW YOUNG, D-GA., SAID THERE HAD BEEN AN IMPROVEMENT IN THE APPROACH TO SOLVING WORLD PROBLEMS.

"A SMALL BUT PRECEPTIBLE CHANGE OF MOOD TOOK PLACE," HE SAID. "THE U.N. CUP, LAST YEAR HALF EMPTY, THIS YEAR BECAME HALF FULL."

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Part II -- Main Edition -- 22 December 1976

NEW ORLEANS TIMES-PICAYUNE - 9 DECEMBER 1976 Pg 6

Brezhnev: Tears, Toasts, Threats

By VICTOR RIESEL

WASHINGTON — Soviet strong man Leonid Brezhnev is always breaking into tears or toasts, depending on his estimate of the mood of his American guests. Literally, he cries of havoc a U.S.-USSR confrontation would unleash, yet quietly lets slip his dogs of war.

Recently former Ambassador Averell Harriman told me of his latest visit with the Soviet Communist Party's general secretary. They had talked of the devastation of economic and actual warfare. Suddenly the stocky Brezhnev broke into tears, sobbed, spoke animatedly of his grandchildren and their generation, and told Harriman to tell America of Moscow's peaceful intentions.

And last Tuesday night, Nov. 30, at a fraternal dinner with scores of American businessmen in an old Czarist Kremlin hall, Brezhnev jumped up, began singing "Happy Birthday" and toasted U.S. Treasury Secretary William Simon on his having just turned 49. It was a gay Brezhnev, outgoing, anecdotal and vodka-laden.

Earlier, during a 45-minute eye-to-eye confidential conversation with Simon, Comrade Brezhnev had urged him to warn President-elect Carter not to pay heed to any "malicious fabrications" or "ill-intentioned concoctions" which the Communist leader said were aimed at maligning the Soviets. Certainly, Russia would not test America's new administration, Brezhnev advised. Nor Mr. Carter. So would Simon tell that to the new American leader. Simon did and thus made history.

But what would be more reassuring would be the Soviets' calling off their global anti-American, anti-democratic military, espionage and sabotage apparatus.

What apparatus? Many government officials here, assigned to daily surveillance and interpretation of Soviet activity, know that the Kremlin recently reactivated its internal American section inside the U.S. This isn't Gus Hall's weary political sliver known as the Communist Party. I refer to the reactivating of the cultural, labor and internal government Stalinist type cells of the '30s and '40s.

Their assignment today is as simple as it was during the Cold War — beat down and discredit legitimate philosophical and intellectual critics of and opposition to the Soviets while Moscow attempts to sabotage the world's remaining democracies. Russian strategy is to immobilize American aggressive aid to those under Soviet siege.

Such as Portugal, for example. I'll narrow down this canvass to the huge Lisnave shipyard on the Tagus River in Lisbon. This is one of the world's few maritime repair facilities which can

handle vessels of more than 500,000 tons. It provides the still faltering Portuguese democracy with 5 per cent of its national income. If the yard is hurt by strikes, the new freedom will be crippled. There would be bloody civil war.

Not long ago I spent hours with the Lisnave Works Council. Never in all the days I've fought trained underground Stalinist-type cadres in open meeting or gutter have I run into such tough and well-trained Soviet operatives. Few doubt they take direction from the Cunhall Communist Party which is a Moscow satellite.

The Communist-controlled Works Council could tie up the yard, stall it, put it out of business. And they said so. I believe they're awaiting the signal. As are the Communists in the beautiful southern Portuguese provinces of Alentejo and Ribatejo where I covered the Communist peasant union's land seizures this summer.

Reports from Italy disclose that the Communist-controlled General Confederation of Italian Labor (CGIL), the biggest and strongest union alliance, is also awaiting the signal for an industrial takeover. This would give the party the parliament and the nation. And the Soviet labor underground in Spain, heavily Moscow financed, is set for the go signal. In France where the General Workers Confederation (CGT) is the most powerful trade union operation, the story runs through a similar script.

And almost everywhere from Syria to Mozambique, Secretary Brezhnev's "proletarian internationalism" client army, the Cuban Marxist mercenaries, are ready to take territory and governments for their patron.

Apparently, this was overlooked when Brezhnev leaned over to Simon and said, "You tell him (Mr. Carter) that neither Brezhnev nor anyone else in the USSR intends to make a test of nerves when he takes office . . . We stand for world peace."

At the very moment Brezhnev was raising high his vodka glass, his military cranes were lifting high over Mozambique docks some of the Russians' latest mammoth tanks and automatic weapons. Also planes. For war on Rhodesia, first, and the Republic of South Africa, second.

All this in defiance of black and white agreements on the peaceful passing of power in Rhodesia at international conferences. Note that Rhodesian chrome is vital in many American industries.

Obviously, but for the fact that Brezhnev was born in the Ukraine instead of the United Kingdom, he would have been playing the London stage instead of the Kremlin hall. For him all the world's a stage — tears, vodka, royal banquets, friendly messages to heads of state, always amid confirmed reports of the successful surgings of his Marxist-Leninist-Stalinist-Brezhnevian legions.

(C. 1976, Field Newspaper Synd.)

BALTIMORE SUN
22 DECEMBER 1976

Garry Wills Pg 11

Carter Could Give Pardons and Amnesty

One of Jimmy Carter's first official acts—his planned pardon of Vietnam resisters—continues to be controversial. Some say he has not pledged to go far enough. Some say he is going too far. The principal arguments revolve around two distinctions—that between pardon and amnesty and that between draft evaders and military deserters.

A journalistic colleague who is also a lawyer thinks he can prove that Mr. Carter's distinction between pardon and amnesty is meaningless. He just looked up the words in the dictionary. But pardon is a legal term, with a long court history. That history was spelled out for Richard M. Nixon by Benton Becker, under instructions from President Ford.

A pardon presumes guilt. It has actually been refused by people in the past, for that reason. A pardon will be rejected by some draft evaders when Mr. Carter offers it—and that is one reason certain people think Mr. Carter is not going far enough.

Amnesty prescinds from questions of guilt. It is a deliberate "forgetting" in a case where the rights and wrongs are so tangled that society agrees to wipe the slate clean and begin over.

Mr. Carter has distinguished the case of draft evaders from that of deserters. The former, it is argued, were more likely to be acting on conscience than were those who first took the military oath and then broke it. But to Gen. William C. Westmoreland the evaders are especially dangerous since they presume to judge their country.

For deserters, mitigating circumstances may lessen guilt—illness, home troubles, panic, whatever. General Westmoreland seems to be saying that he prefers impulsive cowardice to the cold pride of men who judged that their country was guilty.

Jimmy Carter's plan, as presently shaped, satisfies practically no one. Super-patriots are offended by any leniency shown toward war resisters. War resisters are upset at the limitations placed on the gesture. Those who resisted on principle do not want to admit guilt by accepting a pardon. So Mr. Carter may offend the hawks while not accomplishing very much for the doves.

Mr. Carter may just settle for what he is committed to, feeling he can neither back off that position nor go further. As often happens with him, the emphasis will then fall on his promise, his word, his character. That may be all we can expect. (See CARTER, Pg 10-F)

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WORD OF MIA'S WOULD COME LATER

Vietnam Issue Isolates the United States

BY GEORGE MCGOVERN

For the second year running, the United States recently used its veto power in the Security Council to thwart the application of Vietnam for United Nations membership. Our posture on this issue, sadly, is a relic of a now obsolete and irrelevant policy which deserves a quiet burial by the Carter Administration.

That should be done not only as a step toward proper U.S. relations with the government of Vietnam, but also because it would strengthen our international posture.

Ever since the war ended in April of 1975, I have supported normalized bilateral relations between the United States and Vietnam. That would entail such measures as unfreezing Vietnamese assets and granting formal diplomatic recognition. Establishment of diplomatic ties should be followed by negotiations to carry out President Nixon's pledge of postwar reconstruction aid. And obviously, normal relations should lead to additional information on our men still listed as missing in action.

But those matters are distinct from the question of U.N. membership. They are bilateral issues, of direct and immediate interest to only two governments. By definition, the issue of U.N. admission concerns the global community. Even those favoring a continued hard, hostile U.S. line toward Vietnam ought to be able to see the U.N. membership question in a different light.

First, the veto puts us at odds with the entire world community, including our closest allies.

Under instructions from the White House and the secretary of state, Ambassador William Scranton explained the U.S. veto this year by asserting that, while Vietnam may be able to carry out its obligations under the U.N. Charter, "The United States has serious doubts about the willingness of Vietnam to do so." His evidence was the failure of Vietnam thus far to account for some 800 Americans still classified as missing in action.

Given the gross violations of elementary human rights of some U.N. member states, how can we exclude Vietnam from the inter-

Sen. McGovern (D-S.D.) is a member of the Senate Foreign Relations Committee and was a member of the U.S. delegation to the recent U.N. General Assembly. His article is from the Washington Post.

national family on a disputed point about whether they have information we don't have as to the fate of American MIAs?

If there were any merit to our case, one would think that at least a few other countries would go along. None has. The vote this year was 124 to 1 (the United States), with only three nations—Britain, West Germany and Israel—casting solicitous abstentions.

It takes only a brief exposure to the General Assembly to realize that much of the blazing public rhetoric is largely role-playing and posturing. The United States has far more respect among member countries, and many more productive discussions are held, than the debates suggest. But on this one issue, our motives are genuinely in doubt. When we are isolated on a question of real principle, we are understood and even respected. But on this

issue, our isolation weakens our credibility and our influence.

Second, our stance is an offense against the concept of the United Nations itself.

The United Nations has lost much of its luster in recent years, through such sins as the General Assembly's adoption of the notorious 1975 resolution equating Zionism with racism and through the constant flow of anti-American and anti-Western invective. Yet I believe the vast majority of Americans still support the institution and long not to dismantle the system but to reform it, to restore a measure of relevance and seriousness to its debates.

That makes sense. We are just becoming sensitive to the notion of economic interdependence. The challenges of shortages in energy and raw materials, of overpopulation, pollution and global recession underscore the compelling need for a universal forum to devise and help implement global answers.

Our veto also violates long-held American policy. In 1948, the Senate by a vote of 64 to 4 adopted the Vandenberg Resolution calling upon the five permanent Security Council members voluntarily to forego the use of the veto on membership applications. The resolution guided U.S. actions for years. It has never been reconsidered or repealed; it has simply been repudiated by the current administration.

Finally, the veto posture will not achieve its stated purpose—an accounting for MIAs.

In the United Nations this fall, Ambassador Scranton spoke of our requirement for information on some 800 MIAs. At one time there were more than 2,500 missing service personnel. Why are we not demanding information on all of those? Because the armed services had sufficient information to reclassify them as "killed in action—body never recovered" without any help from Hanoi.

I have been told by people I regard as trustworthy that we also have equivalent information on most of the remaining MIAs. That belief is at least partially confirmed by the recently released report of a House select committee on MIAs to the effect that no Americans are still being held prisoner as a result of the war in Indochina. More than four-fifths of the MIAs were lost in aircraft-associated incidents, which usually means they were shot down or crashed. And while it may be possible to argue that there was a chance of survival, the chance is not great. Neither is there a great chance that the North Vietnamese would have any more information than we do.

But under current policy, the remaining MIAs cannot be reclassified by the Department of Defense unless responsible family members make a request to that effect. The policy places upon the family the great psychological and financial burden of deciding finally to give up all hope. And if they make that decision, they lose the military salary and combat pay continuing for a missing soldier and receive the much more meager survivor's benefits which accrue if a relative is killed in war.

The prisoners came back when we got out of the Vietnam war. Any accounting of the missing will come when we begin dealing with the government of Vietnam in a mature and responsible way.

CARTER - CONTINUED

But it would not get the Carter administration off on a very inspiring or creative note.

If Jimmy Carter wants to take a further risk, however, by bringing the logic of his own distinction to bear on this problem, he could grant amnesty to evaders and pardon to deserters. This would not please everybody, but I think it would make sense to many more Americans than his present scheme does.

Amnesty for evaders would not say, formally, that they were right in resisting the war. But neither would it say they were wrong. It would reflect the country's misgivings about that whole episode and would lead to wiping the slate clean.

Even the most diehard resisters could accept this arrangement with conscience. Those who still hold out are obviously beyond any healing effort on the part of authority.

Pardon for the deserters would declare that they had done wrong. Even those who acted in conscience did not stay to resist unlawful orders in an open way, but escaped by breaking their oath.

Pardon for these types would go no further in principle than President Ford did in his amnesty program. It would actually specify the guilt more exactly. And the Ford program showed that many deserters were willing to admit guilt for the kind of pardon that has been granted in the past.

As I say, this plan would take the Carter distinction between pardon and amnesty and make sense of it. I am afraid his own current proposal begins with a sound distinction yet does nothing practical to use that distinction constructively.

NEW YORK TIMES 22 DECEMBER 1976 Pg 7 Lesotho Says South Africa Is Limiting Transit

Special to The New York Times

UNITED NATIONS, N.Y., Dec. 21—The poor, landlocked country of Lesotho charged in the Security Council today that it was being squeezed economically and coerced politically by the Government of South Africa.

The Council was called into session on Lesotho's complaint that the closure of its southeast border by South Africa was tantamount to an "act of aggression." The frontier posts border on the Transkei, formerly a South African black tribal homeland but given independence last October. The Transkei is regarded here as a creation of South Africa's system of racial separation and has not been recognized by the United Nations.

South Africa is not participating in the Council, but has told the United Nations that the Transkei has assumed responsibility for handling border crossings and that people and goods are moving across the frontier normally.

Foreign Minister Charles Dube Molapo of Lesotho told the Council that South Africa was attempting to compel his country to recognize the Transkei. He pointed out that his country was dependent on South Africa for transit to the sea, for all trade moving by road or rail and for jobs for 250,000 people who work South Africa's mines and farms.

Code of Conduct vs. Code of Honor

Div Info
Daily Press Clips
26 Nov 1976

by Major W. Hays Parks, USMC

As a result of the anomalies and conflicts cited by returning POWs from Vietnam, the Defense Department in early 1976 began a review of the Code of Conduct. AFJ asked Defense at the end of October for the status of the review. Here is the response: "The Defense Review Committee for the Code of Conduct has essentially completed its effort. The draft report is being staffed. It is anticipated that the Committee's report will be submitted to the Secretary of Defense for review before the end of the year. No release date has been established."

THE REPATRIATION OF U.S. POWS from North Vietnam in 1973 brought about a number of revelations concerning their conduct as prisoners, and raised questions concerning the viability of the Code of Conduct. The frankness urged in the subsequent debriefing of each prisoner resolved most questions concerning the conduct of the prisoners—generally exceptionally outstanding—while placing emphasis on the contradictions within the Code.

It has been said that "were we to be given the task of placing a select number of people in a POW environment for an extended period of time, we would have difficulty improving on the quality of the individuals that were imprisoned in North Vietnam." Indeed, their contrast to the average POW in Korea was marked, whereas the former was of the lower enlisted ranks, a draftee, uneducated, unmotivated, and impressionable—most were members of the Occupation Force of Japan which, shipped to Korea in the early stages of that conflict, surrendered *en masse*—the average POW in North Vietnam was an officer, highly educated, intelligent, motivated, dedicated to the military and its principles of command and discipline and, because of the nature of his work (aviator or similar high risk personnel) highly individualistic. Finally, virtually all were involuntary POWs, taken prisoner within seconds after being shot from the sky without a chance for evasion.

Recitation of these characteristics is important to the reading of Air Force Lieutenant Colonel John Dramesi's book, *Code of Honor* (W.W. Norton, 271 pages, \$7 95). These individualistic characteristics, while enabling these men to survive, created schisms within the group when it came time to interpret the

very general and often conflicting provisions of the Code of Conduct. Except for the debriefings which quite properly remain classified, these disagreements over interpretation have been revealed in only the very vaguest of terms in the number of POW books to date. Colonel Robinson Risner, one of the senior ranking officers, probably has done the best job of writing in his excellent book, *The Passing of the Night* (Random House, 1973). These differences of opinion, while in some cases volatile, have remained purposely vague because of a tacit agreement among the POWs not to denigrate one another out of a mutual respect for their shared ordeal as well as in appreciation of the fact that as individuals, differences were bound to occur. All of this has changed with John Dramesi's book.

As the jacket of his book tells you, John Dramesi is a legitimate hero: he led the only organized escape attempt from a Hanoi prison. The comments which follow are intended as criticism not of his courage in his escape but of the courage of his writing. It is this escape which forms the basis for one of the main controversies among the POWs and within the Code. Article III of the Code of Conduct urges a prisoner to "make every effort to escape and aid others to escape." It becomes apparent in reading his book that this was John Dramesi's code of conduct—all of it. He castigates his fellow prisoners by name for their failure to assist him in his one escape attempt and in subsequent efforts to try again. This is the essence of his book. Several perspectives must be placed on John Dramesi and his theme. He mentions one: for his escape attempt he received the Air Force Cross, the nation's second highest medal for valor in combat. Captain Edwin L. Atterberry, who escaped with him and died in an interrogation session following their recapture, received the same award posthumously. Lieutenant Commander George Coker, USN, and Lieutenant Colonel George McKnight, USAF, who escaped together, received a Navy Cross and Air Force Cross, respectively, for their efforts. In fact, there existed a policy within the Air Force and Navy to award the respective service Cross to North Vietnam escapees to emphasize the importance of Article III.

The mention of these other escapees is important, for John Dramesi goes out of

his way to avoid mentioning them in any manner which would detract from his performance. It is true that his escape was the only organized escape from a Hanoi prison. The escape of George Coker and George McKnight was unplanned, an escape of opportunity which came much closer to success. Army Colonel Ben Purcell's two escapes were as well-planned, but from camps north of Hanoi. From the measuring point of time they were the most successful as he eluded his captors the longest. (Colonel Purcell received a Silver Star for his efforts.) All were repatriated through the well-prepared Operation HOMECOMING, much of which came about through the indefatigable efforts of Army Major Nick Rowe, who escaped from his captors in South Vietnam on 31 December 1968. USAF Colonel George "Bud" Day's solo escape from the North into South Vietnam is a classic case of courage and survival. So John Dramesi does not own the patent on escapes in Vietnam as he would lead the reader to believe.

More critical is the fact that John Dramesi, while suggesting that only he followed the Code of Conduct, fails to make any mention of the provisions of Article IV of the Code, which provides: "If I become a prisoner of war, I will keep faith with my fellow prisoners. I will give no information or take any action which might be harmful to my comrades. If I am senior, I will take command. If not, I will obey the lawful orders of those appointed over me and will back them up in every way."

This is the heart of the controversy. John Dramesi touches upon it only briefly in Chapter VII. The senior ranking officer, Colonel Risner, had directed that there would be no escapes without outside assistance and a reasonable assurance of success. George Coker, in the October 1974 issue of *Naval Institute Proceedings*, deals with the question more objectively than John Dramesi in saying: "If the senior officer says escape is not feasible and should not be attempted, there is a contradiction (between Articles III and IV)...What takes precedence? The obvious answer is that a military man should always follow orders. Thus, the orders of a senior officer should take precedence over general guidelines...."

"...a realistic appraisal of the odds against escape should be given....To demand a reasonable chance of success is in itself unreasonable. At the same time, if



If I am captured I will continue to resist by all means available. I will make every effort to escape and aid others to escape. I will accept neither parole nor special favors from the enemy.

If I become a prisoner of war, I will keep faith with my fellow prisoners. I will give no information nor take part in any action which might be harmful to my comrades. If I am senior, I will take command. If not, I will obey the lawful orders of those appointed over me and will back them up in every way.

reprisals are going to be high, this should perhaps dampen the enthusiasm for taking such a long shot....

Escape attempts are not made in a vacuum. They require planning and security on the part of all. Food, clothing, and other supplies must be cached. Once effected, whether successful or not, reprisals against the POWs who remain behind will be severe. The increased security by the captor tends to suppress communication within the camp, essential for the survival of those remaining as prisoners. A sacrifice of food, whether during the caching phase or due to the limitation of rations in reprisal by the captor, could be fatal to some prisoners. Physical abuse could have the same effect. In contrast one successful escape could prove of inestimable value. The senior ranking officer or POW bears the lonely responsibility of balancing these factors and reaching a decision. Because of the severe reprisals visited upon the prisoners after the escape attempts of John Dramesi, Ed Atterberry, George McKnight, and George Coker, the decision was made to discourage further attempts. John Dramesi attacks this deci-

sion without giving the other side of the story.

It is doubtful that any prisoner was against escape. What was opposed was futile attempts. The question was not whether escape should be attempted but rather the purpose for the attempt. John Dramesi raises the question without answering it directly (page 98) when he quotes a fellow prisoner's description of him as "a medal-hungry glory-hound in combat who cared for nothing except how to become a hero".

Whether John Dramesi is in fact a premeditated hero is answered indirectly by the remainder of the book. He is inexplicably condescending in his treatment of George Coker, though perhaps it is because George Coker's escape attempt came closer to success. He fails to discuss the conflicts between Article III and Article IV. The intense reprisals taken against all of the prisoners for his escape are not mentioned. The reasons for the discouragement of escapes are never aired. Instead John Dramesi settles into a detailed discussion of the weakness of his fellow prisoners for not supporting his efforts. In doing so, he goes beyond the

precepts of the previously described tacit agreement as well as the bounds of propriety. Calling a spade a spade is commendable if done honestly, constructively, objectively, responsibly, and with dignity. John Dramesi has not done this. One repatriate named has since died and thus is unable to defend himself against the author's accusations. In another case a pseudonym is used which coincidentally but regrettably is much like the name of another deceased prisoner, an oversight in the poorest of taste. His efforts may be interpreted in two ways: he has attempted to promote himself by casting aspersions on others, or he has written in a manner which brings the reader to the conclusion that everyone was out of step except John Dramesi. That is fair neither to the other prisoners nor to John Dramesi.

Major W. Hays Parks is a Marine Corps Judge Advocate with command experience in infantry and reconnaissance. He taught international law, including the Code of Conduct, at the Judge Advocate General's School in Charlottesville prior to his present assignment with the Navy Office of Legislative Affairs.

- Early Bird

MONDAY MORNING, 22 NOVEMBER 1976

NEW YORK TIMES (22)
21 NOVEMBER 1976 Pg. 9

U.S. ADAMANT ON ISSUE OF MISSING IN ACTION

Will Keep Insisting, Official Says,
on Full Accounting by Vietnam
Before Ties Are Discussed

By DAVID BINDER
Special to The New York Times

WASHINGTON, Nov. 20—A State Department official said this week that the United States would continue to insist on obtaining "a full accounting" of the Americans still officially listed as missing in action in the Vietnam war before discussing establishment of diplomatic relations with Vietnam.

Frank A. Sieverts, deputy coordinator for prisoner-of-war and missing-in-action matters in the office of the Deputy Secretary of State, said he believed this position had the approval of the entire Ford Administration, of Congress and of President-elect Jimmy Carter.

Speaking in an interview several days after the United States used its veto in the United Nations Security Council to block Vietnam's application for membership, Mr. Sieverts took issue with a Vietnamese statement that it was impossible to meet the American demands.

A 'First Step' Is Requested

"We are not expecting a detailed account on each case," Mr. Sieverts said. "But as a first step, they could give us all the information they have and as a second step as an assurance that a serious search effort has been conducted for the others. We have provided a list of names."

Asked whether the question of the missing in action was a genuine issue or had political overtones, he said:

"It is a realistic issue. It is valid. There is something there that the Vietnamese could provide which could be settled quickly."

He said accounting for the missing in action was a matter of such emotional magnitude that it transcended all other issues involving Vietnam. At the same time, he rejected any notion that the Administration had been influenced by pressure from the families of the missing to veto the Vietnamese application last Monday on the ground that the "full accounting" had not been given.

Most Missing Are Assumed Dead

There are believed to be between 880 and 1,000 Americans missing in various parts of Indochina, according to Administration officials. The Defense Department listed 774 missing in action in the Vietnam area as of last Sept. 30. Most are assumed to be dead, since they have not been heard from for years.

But, lacking means of final registration, as became the case with missing servicemen after World War II, many families of the Vietnam missing persist in hoping that their relative is still alive—perhaps a hidden prisoner, perhaps an amnesiac, perhaps a convert to Communism with an altered name.

The concerns of such families are fed on the one hand by recent unsubstantiated press reports that there were still "275 Americans in captivity" in Vietnam and on the other hand by Vietnam's disclosure

BALTIMORE SUN - 21 NOVEMBER 1976 1 (22)

Air defense updating plan stands ready for Carter

By CHARLES W. COLEBURY
Washington Bureau The Sun

Washington—The Air Force has ready for the Carter administration a proposed \$2 billion, six-year modernization of United States continental air defenses, which are said to be falling into a state of atrophy.

His unannounced enterprise already is producing intense industry competition for possible jet interceptor sales, and ahead lies a potential congressional debate over how much defense against border attack is needed in an age of intercontinental missiles.

The Air Force, authorities say, has no thought of trying to mount again the enormous array of interceptors and radar that characterized air defenses against a prospective Soviet bomber threat in the 1950's.

But it does want to modernize a system now based on ancient F-104 jets—about 216 in number—and to plan on use of airborne warning and control planes to offset the widespread closing of less effective ground radar stations.

"As a major power, we put a disproportionate effort into air defenses," a general said. "We are disturbed that we are letting the system atrophy."

Under the six-year plan, Congress would be asked for a \$30 million start in the fiscal 1978 budget to be submitted in

January. The peak would come in fiscal 1982, with an \$845 million investment. By the end of fiscal 1983, there would be 170 planes delivered and on order, and \$2.5 billion would have been invested in them.

Continental air defenses have been gradually reduced over many years. A sharp switch toward smaller, less costly forces came when James R. Schlesinger was defense secretary. The Soviet Union and the United States had agreed by treaty to limit defenses against intercontinental ballistic missiles and, without major missile defenses, it was reasoned that there was little point in major aircraft defenses.

The Air Force worry, however, is that the aging current forces will be unable to do even those minimum jobs assigned to them.

As expressed in this year's defense posture report to Congress, those jobs are to maintain U.S. air space sovereignty in peacetime and to hedge against threats that could develop in the future.

The forces are to provide day-to-day control of the air space in peacetime and, in a time of crisis, to be ready to defend against limited attacks, raise uncertainties in the planning of attackers and "deny any intruder a free ride in continental United States air space."

on Sep. 6 of the names of 12 American war dead who had previously been on the list of missing. "It means they really do have more information," Mr. Sieverts commented.

Issue Dates to '73 Paris Pact

He went on to note that the missing-in-action issue had come up originally in the Paris peace talks that culminated in the cease-fire accord of 1973. It was agreed at that time that all participants to the pact would, to the best of their ability, provide information on prisoners of war and missing servicemen.

The United States, Mr. Sieverts asserted, complied with this stipulation. But he said that North Vietnam, after releasing nearly 600 prisoners of war, held onto its lists of Americans missing in action on United States rolls, yet already identified by the Communist authorities.

"They have viewed the lists as a bargaining chip to obtain economic aid for reconstruction," a State Department official remarked.

On Nov. 12 United States and Vietnamese Embassy officials met in Paris for exploratory talks on the possibility of negotiating a normalization of diplomatic relations. The Vietnamese Embassy said afterward that it was ready to discuss the American demands for information about the missing in action, but insisted that the United States help pay for Vietnam's reconstruction.

A Families' League in Major Role

There were reports at the same time in Paris that the United States Defense Department had considered announcing formally that the missing were all presumed dead, thereby removing the major obstacle on the American side to proceeding with substantive negotiations. But

these reports were dismissed here by an Administration official as "idle talk" and "impossible."

According to Mr. Sieverts and other Administration officials concerned with the issue, the principal group asking for an accounting has been the National League of Families of the Missing in Southeast Asia.

When it held its first national meeting seven years ago, the league was also committed to representing prisoners of war, and it had easy access to high officials in the Pentagon, the White House and the State Department.

Issue Affects Most Congressmen

After the United States role in the war ended and the prisoners were released that access became less easy. Administration officials observed, though the league was still able to generate interest in Congress and with President Ford himself. "Nearly every Congressman had a missing-in-action case in his district," an official recalled.

As a result, there were more than 400 supporters for a resolution in the House 14 months ago to form a Select Committee on Missing Persons in Southeast Asia. The White House, the Pentagon and the State Department have officials who are specially designated to deal with missing-in-action queries.

"It is not fair to ascribe this to pressure," Mr. Sieverts said. He and other officials noted that the National League of Families of the Missing in Southeast Asia was small and was financed by voluntary contributions.

Veterans' organizations such as the American Legion and the Veterans of Foreign Wars have also supported the cause of servicemen who are still officially listed as missing in action.

MONDAY MORNING, 22 NOVEMBER 1976
 PHILADELPHIA INQUIRER - 21 NOVEMBER 1976 Pg. 4C (22)

Unions make solid progress in organizing NATO soldiers

WASHINGTON POST
 22 NOVEMBER 1976 Pg. 1

Laird: Remove Ground Forces From Korea

By George C. Wilson
 Washington Post Staff Writer

The United States should pull its ground troops out of South Korea but leave its air power there, Melvin R. Laird, a former Secretary of Defense, said yesterday.

Laird, Defense Secretary under President Nixon from 1969 through 1972, said he had started a withdrawal program that would have had all American troops out of South Korea by now had it not been for the opposition from Henry A. Kissinger and the White House National Security Council.

Kissinger ran the Council staff at the time as President Nixon's national security affairs adviser. Laird said that Kissinger and the council opposed further American troop withdrawals from South Korea on the grounds "it would be destabilizing."

But Laird, speaking in an interview, said it is still a good idea to withdraw American troops from South Korea because the military rationale of the U.S. defense treaty with South Korea "is for each side to do what it can do best."

"South Korea doesn't need our ground troops," Laird continued. "American manpower is not the important thing; South Korea has a 2-to-1 edge on the ground."

He said the U.S.-Korean Defense Treaty "is a mutual commitment. Our commitment should be in air power," not ground forces.

He said American troop withdrawal should be done in an orderly manner and the need for additional air power in South Korea should be re-examined.

As for Japanese objections to an American troop withdrawal from South Korea where the U.S. now has about 40,000 troops, Laird said, "The Japanese position is not a fair position. Let them do more militarily if they are worried" about an American drawdown of troops.

President-elect Jimmy Carter said during the campaign that he favored withdrawing American troops from Korea, but has not spelled out his plan. Also, Kissinger, despite the opposition Laird cited, has let it be known in private recently that he would see nothing wrong with reducing the American troop commitment in South Korea to half its present size as long as the withdrawals were done with care and consultation with allies.

By Don Cook
 Los Angeles Times Service

PARIS — Although many military men abhor the idea, trade unions have become increasingly active in the European armies that provide troops for NATO.

In West Germany, almost half of the Bundeswehr's men pay dues to a union.

In The Netherlands, two-thirds of the enlisted men, noncommissioned officers included, belong to unions.

In Denmark, all army conscripts and regulars are represented by a soldiers' association.

In Norway, the Defense Ministry will conduct a referendum among servicemen next year to determine whether they want to replace a system of consultation with a full-fledged union.

Col. Gottfried Jekat, director of personnel management at the West German Defense Ministry, described the attitude toward military unions in his country:

"The German armed forces in the past were too isolated from society. The existence of a strong trade union in our military forces today goes a long way toward establishing a connection between the Army and the people."

Britain and France have successfully fought efforts to organize, their military services.

American officers are not anxious to see trade unions introduced into the U.S. Army, yet some concede that the system has not impaired the German army's efficiency.

Here is what was found in a survey of military unions in three NATO countries:

West Germany — The right to join a military trade union was taken for granted when the Bundeswehr was revived in 1955. Today there are two unions, both fully recognized by the Defense Ministry. Officers, enlisted regulars and conscripts can join either.

One union is the servicemen's branch of the Public Services, Transport and Traffic Union. It is affiliated with the West German Trade Union Federation and is politically oriented but has fewer than 4,000 members.

On other subjects, Laird, who after leaving the Defense Department remained a confidant and an adviser to President Ford, said in the interview that Kissinger had nothing to do with Ford's firing of Joes R. Schlesinger as Defense Secretary.

Instead, Laird said, Schlesinger had told the President that he could not support his defense budget unless it was \$6 billion higher and that Ford decided he simply could not keep him on under those circumstances.

"I can't have a Secretary of Defense who won't support my budget," Laird quoted Ford as telling him when they discussed the Schlesinger firing by long-distance telephone. Laird said he

The other, larger union is the Deutsche Bundeswehrverband (DBV). It has about 200,000 members and they pay dues of \$1.75 a month. About 40,000 of its members are officers, as is its leader, Army Col. Heinz Vollandt.

Like any other union, the DBV represents its membership in negotiations on wages and conditions of employment. It is nonpolitical, does not interfere in military matters and has no right to strike, which by German law is forbidden to public employees.

Each barracks or other military unit elects a union representative and each unit has an ombudsman, who is consulted in disciplinary cases before punishment is imposed. The ombudsman also provides a direct channel to the commanding officer for complaints concerning requests for special leave, food and other matters involving unit welfare.

"We feel strongly that the efficiency of our forces has been enhanced rather than inhibited by the system," Col. Jekat said. "It means that problems are being dealt with at local levels before they build up... Situations which might take months to untangle get worked out readily and easily."

The Netherlands — There were unions in the military back at the turn of the century, when associations of officers and noncoms were formed.

Today there are 11 unions in the services, 10 of them representing officers and noncoms in the three branches of the service. The 11th is the Vereniging Van Dienstplichtig Militairen (VVDM), the conscripts' union. About 60 percent of the 60,000 conscripts pay dues of \$1 a month to the VVDM.

Twice a month the VVDM chief, currently Sgt. Theo de Roos, a 23-year-old conscript, and the heads of the 10 other unions go to the Hague to meet with senior officers and state secretaries at the Ministry of Defense. Discussions deal not only with specific problems but also with broad budgetary matters.

The Dutch unions also have no right to strike.

was in Paris at the time for his present employer, Reader's Digest, where he is senior counselor.

Asked what he thought might have changed the outcome of the Nov. 2 presidential election, Laird said that keeping Nelson A. Rockefeller on the ticket as Ford's Vice President might have made the crucial difference because Rockefeller would have cut into the black and labor votes that Carter won.

Ford's advisers "were wrong" in telling the President that GOP challenger Ronald Reagan would not run for the Republican presidential nomination if Rockefeller were dropped from the ticket, Laird said.

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Weekend Edition -- 19 September 1976

AIR FORCE TIMES

20 SEPTEMBER 1976, Pg 13 (19)

House Urges Burial Of Viet 'Unknown'

By a Times Staff Writer

WASHINGTON — Forty-one members of the House are putting pressure on Army Secretary Martin R. Hoffman to move ahead with the interment of an unknown serviceman from the Vietnam War in the Tomb of the Unknown Soldier at Arlington National Cemetery. The Army, however, claims it has no unknowns to bury.

Rep. Paul Findley (R-Ill.), the prime mover of the effort, says Vietnam veterans are being slighted by the Army's failure to designate an unknown for interment in the expanded tomb. Vietnam vets have been calling Findley's office also to complain that the tomb has no display of Vietnam decorations as it does for World War I and II and Korea.

"There are currently several

unidentified remains from the Vietnam War at the Army Central Identification Laboratory (in Hawaii)," Findley said. "Yet burial has not occurred despite the fact that the facility has been ready to receive the remains for over one year."

The Army told *Air Force Times* that of 10 Vietnam remains at the laboratory, one recently was identified and notification of the next-of-kin is being arranged. Seven are still being processed with good hope for successful identification, while the other two have been determined to be Caucasian but not necessarily U.S. servicemen.

"These last two remains do not meet the criteria used to establish unknowns for World Wars I and II and Korea," an Army spokesman told *Air Force Times*.

before the House Ethics Committee on Wednesday)

I appear before this committee, under protest, in response to a subpoena whose issuance I deeply deplore.

I had hoped that the committee, which has already learned a great deal about congressional procedures for handling intelligence information, could have completed its hearings without crossing that constitutional Great Divide which separates the roles of the Congress and the press.

Whatever happens at this hearing, it is my belief that your subpoena, commanding the appearance of a reporter to discuss his journalistic activities, can only be damaging to a free press.

This subpoena requires me to produce all records, papers, documents, correspondence, etc., "which relate in any way" to the subject of your inquiry. Seeking to interpret that very broad statement, would divide material in my possession into four general categories.

Firstly, many of the records in my possession are in the public domain—such as speeches that I have made, newspaper articles and copies of the Village Voice containing the report of the House Intelligence Committee. To the extent that these public materials are not already available to the committee, and are desired by the committee, I am willing to provide them.

Secondly, since publication of the report, I have received several thousand letters and telegrams. If the committee feels a need for such correspondence, I should first like to seek the permission of the persons involved, out of respect for their privacy.

Thirdly, I have notes taken during the coverage of the House Intelligence investigation and I have draft scripts written in preparation for broadcasts. Now because of the internal news decision-making and editing process, some of those scripts vary from what I actually did broadcast and others were not broadcast at all.

All of this work product I must respectfully decline to submit. I believe that it falls under the category of "reporter's notes" protected by the First Amendment. I take the same position that Dr. Frank Stanton, then President of ABC, took in 1954.

Carter's China Advice New Policy on

By PETER GROS

The death of Mao Tse-tung has given sudden urgency to a debate in the ranks of this country's China experts about how the United States should proceed in attempting to normalize relations with Peking.

Among Government policy planners and wider circles of scholars and "think tank" specialists who often consult with official policymakers, two specific issues are under close scrutiny: the search for a workable formula to reconcile this country's commitment to Taiwan after some future recognition of China, and the possibility of easing into some form of military cooperation with Peking, through sales of strategic technology or even military materiel.

The latest formal entry into the debate is a paper prepared by a Harvard law professor, Jerome A. Cohen, contained in the October issue of Foreign Affairs quarterly, published today, entitled "A China Policy for the Next Administration."

Mr. Cohen has been a consultant on China policy to the Democratic Presidential candidate, Jimmy Carter, though the author stressed in an interview that there was no claim that Mr. Carter concurred in the policy proposals put forward in the article. The paper was written before Mao's death last week, but its basic arguments hold.

Mr. Cohen believes that the United States can devise a "new type of guaranty" for Taiwan to replace the formal security pact that would have to be invalidated by giving diplomatic recognition to Peking. Chinese authorities insist that they have the "right" to use force in

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Fourth, the subpoena specifically demands "all drafts and copies of the report of the Select Committee on Intelligence which were in existence prior to Jan. 29, 1976 . . ."

I cannot comply with that demand. Examination of the document could conceivably help lead to discovery of the source. And, as must be manifest, I consider it a matter of professional conscience as well as constitutional right not to assist you in discovering the source.

This also means, obviously, that I shall not respond to direct questioning about confidential sources. In

Date 11/18/76**FROM: DEPUTY DIRECTOR FOR
MARINE CORPS HISTORY****TO:** ~~HDH-2~~
HDS

1. General WILSON has directed that a board be convened to reevaluate the awards given former POWs. To do this, Mr CASSIDY, Dec&MedBr, has alerted us that the recorder of the board soon will be trying to locate the records of the POWs, including Intel de-briefs (which Intel says were turned over "to Historical.").

2. Please gather what we have or have to recall from Suitland and be prepared to respond immediately when the call comes. Please let me know the status of our ability to respond.


H. M. HART

cc: Director

19 Nov

- HDH-2 RESPONSE: 1. Dec & Med has already been in RefSec surveying our files.
2. I referred whoever it was to DocUnit because our subject files are thin on this topic compared to the classified files.





CURRENT NEWS

PART II - MAIN EDITION - 1130

THIS SUPPLEMENTS PART I-EARLY BIRD EDITION



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TUESDAY, NOVEMBER 16, 1976

NEW YORK TIMES - 16 NOVEMBER 1976 Pg. 1

Syrian Peace Force Takes Control Of Beirut, Halting the Civil War

By JAMES F. CLARITY
Special to The New York Times

BEIRUT, Lebanon, Nov. 15—The Syrian Army took total control of Beirut today, forcing peace on the battle-ravaged downtown area of the capital and in effect halting a civil war in which at least 35,000 people have been killed in 19 months.

Officially the Syrians were only part of an Arab League peacekeeping force but actually they constitute its overwhelmingly dominant part. They were the only ones who participated significantly in today's occupation operation.

The Syrians met almost no armed resistance as they began advancing toward the center of the city shortly after dawn. Their American-made bulldozers broke through thick earth and cement barricades, and their Soviet-made tanks and truckloads of heavily armed infantrymen followed.

Only a Few Shots Are Fired

The Lebanese leftists and Moslems, who with their Palestinian allies had been exchanging shellfire with Lebanese right-wing Christians through the night, either disappeared or peacefully gave up control of key points on the urban front lines to the advancing Syrians.

A few fusillades of machine-gun fire and several mortar shells were aimed at the advancing troops, who returned the fire. But no casualties were reported among either the Syrians or the retreating militia forces as a result of the exchanges of fire.

One Syrian soldier was killed when one of his grenades exploded accidentally. Three Lebanese civilians stepped on mines in the streets and one of them reportedly died.

Advancing Troops Welcomed

The advancing troops were welcomed cautiously by most of the people they encountered, whether Moslem or Christian. Children gave some tank crews pointsettias and bougainvillea to decorate their cannons and a few Moslem women expressed their satisfaction through ululation—giving the wavering cries of joy that Arabic women issue at weddings and other joyous events.

"I know it is all over," said one Moslem resident of the capital who has been shot at and whose car was damaged in shelling during the war. "But I still can't believe

See BEIRUT, Pg. 2

PHILADELPHIA INQUIRER
16 NOVEMBER 1976 Pg. 9

VFW officers: Missing GIs seen in Saigon

Associated Press

FRASER, Mich. — Officials of the Veterans of Foreign Wars (VFW) post here say they have information from a confidential source that about 275 missing American servicemen were seen in Saigon earlier this year.

Past VFW Cmdr. Nelson Amsdill refused to name the source of the information, but he said he was an American engineer "who has held high posts in the Veterans of Foreign Wars, and is a man with contacts in Singapore and Vietnam."

The Macomb Daily newspaper said it had learned that the same source had been in contact with the House Select Committee on Missing Persons in Southeast Asia.

Amsdill said a letter from the engineer last July read: "This information on MIAs in Saigon is common knowledge out here, but it's kept hush for obvious reasons. They do not want to come home because they have families in Vietnam."

"What I'm trying to say is that most of the MIAs aren't missing. They are working in Hanoi and other cities close to the Chinese border," the letter added.

In a letter last month to Angus McDonald, staff director of the House committee on missing persons, the same engineer wrote, "We've talked to reliable men who were the last to leave Saigon after the U.S. evacuation in 1975. Immediately, the Communists moved some American POWs and MIAs into Saigon to work at the abandoned American air bases."

Amsdill said that Fraser VFW officials have had the information since July, "But we've kept it under wraps for security reasons."

NEW YORK TIMES
16 NOVEMBER 1976 Pg. 1

U.S. VETOES HANOI BID FOR U.N. MEMBERSHIP

By KATHLEEN TELTSCH
Special to The New York Times

UNITED NATIONS, N.Y., Nov. 15—The United States today vetoed the admission of Vietnam to the United Nations on the ground that Hanoi had failed so far to give an accounting of the 800 American servicemen who are still officially listed as missing in action in the Vietnam war.

It was the 18th American veto. All the 14 other Security Council members voted for admission. William W. Scranton, the chief United States delegate, denounced the Vietnamese for failing to hand over information he said they possessed, saying:

"We cannot help but conclude from the Vietnamese refusal to provide a fuller accounting that the Socialist Republic of Vietnam persists in its attempts to play upon the deep anguish and the uncertainty of the families of these men in order to obtain economic and political advantage."

Reconsideration Is Held Out

The United States delegate said that the American position regarding Vietnam's entry would be reconsidered if Hanoi was to provide information.

The decision to press for a vote was made by the 11 countries, including France and Sweden, that had jointly sponsored the membership application. They were said to have decided to act speedily after Vietnamese representatives told their third-world supporters earlier in the day that they wanted a decision.

Earlier, diplomats here had thought that the Council discussions would move along slowly, waiting for developments from talks in Paris.

When the diplomats adjourned without setting a date for the next meeting, the Vietnamese and their supporters apparently felt it was to their advantage to wait no longer.

Backers of Vietnam have made it no secret that they regard the vote as a means of underscoring the isolation of

See HANOI, Pg. 2

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Part II -- Main Edition -- 16 November 1976

BALTIMORE SUN
16 NOVEMBER 1976, Pg 1

Brezhnev renews vow to Tito

Belgrade, Yugoslavia (AP)—Leonid I. Brezhnev renewed a pledge to President Tito yesterday that the Soviet Union will not interfere in Yugoslavia's internal affairs, and accused the West of spreading "fairy tales" to spoil Yugoslav-Soviet relations.

The promise, made in a toast at a formal dinner, was one of the concessions the 84-year-old Yugoslav leader had hoped to win in the three-day talks with the Soviet Communist party leader.

Referring to the discussion during the American presidential campaign of a possible Soviet invasion of Yugoslavia after Marshal Tito dies, and the American reaction to such an invasion, Mr. Brezhnev said:

"It became recently fashionable in the West to cast shadows on our mutually good relations and to spread about it most absurd fabrications.

"Authors of such fairy tales try to present Yugoslavia as a helpless Little Red Riding Hood which the terrible and blood-thirsty wolf—the aggressive Soviet Union—is preparing to dismember and devour," Mr. Brezhnev said.

"The Soviet Union firmly abides by endeavors to strengthen and develop with [Yugoslavia] friendly relations based on complete equality, mutual respect and trust and absolute non-interference in interior affairs," he said.

Earlier, President Tito greeted Mr. Brezhnev with bear hugs and kisses, then presented him with a high Yugoslav decoration for "services in the struggle against our common enemy, fascism" in World War II.

The pledge of noninterference by Mr. Brezhnev reaffirms a promise made in 1955 to reassure Yugoslavs. Many of them fear the Russians will try to dominate the country after Marshal Tito dies. The popular World War II hero has managed to keep his country independent of the Soviet Union for 30 years, but those who follow him may not be as strong.

There has been a surge of pro-Soviet activity recently among Yugoslavs and about 100 persons have been arrested.

President-elect Carter's statement during his campaign that he would not send troops to Yugoslavia in case of a Soviet invasion raised an issue the Yugoslavs have been trying to play down for years.

Belgrade officials never say publicly they believe the Russians might send tanks into Yugoslavia, as they did in Czechoslovakia in 1968 and Hungary in 1956.

Most analysts agree that is not likely here. They point to the accomplishments of the Belgrade government, which has raised the standard of living and kept shops full of consumer items, and the highly trained Yugoslav armed forces, equipped with some American weapons.

But the Yugoslavs are nervous about the vast Soviet military installations and troop concentrations just across the Hungarian border to the east. And travelers who cross the border tell of "the large roads that seem to have no use and lead

BEIRUT -- CONTINUED

it. Nobody believes it is really over. It is like a dream."

Several hundred Sudanese and Libyan troops of a token peacekeeping force that has been here since June, but has been largely inactive, helped patrol the area around the airport. The Syrians advanced along the confrontation line that until today divided the capital into heavily armed opposing camps. The risk of sniper gunfire and mortar attacks had apparently been precluded by negotiations with the leaders of the various Lebanese factions during the five days that the Syrians encircled the edge of the capital with about 400 tanks and 6,000 troops.

Syrians Advance From Several Directions

Perhaps half of this Syrian force participated in this morning's advance. By noon the Syrians had penetrated the center of Beirut from several points on the city's edge, some of which had been controlled by Lebanese rightists, others by Lebanese leftists and Palestinians.

Syrian tanks and troops took positions controlling access to the radio and television stations, the central bank, the electricity generating plant and the points on the confrontation line where the heaviest fighting of the war had persisted for more than a year—the national museum, the square near the Parliament and the central market place.

Politically, Syria seemed also to have achieved the principal objective of its military intervention in Lebanon, which started last spring and was accelerated in early June when the Damascus Government switched sides in the war, turning against the coalition of leftists and Moslems and helping the Lebanese right-wing Christians. The Syrians' goal was seen as keeping the leftists, who had seemed on the verge of victory in the spring, from establishing a regime that might draw Syria into an unwanted war with Israel.

Syrians Expected to Stay a Year

The Syrian-imposed peace in Lebanon, with the sponsorship of the Arab League countries that approved the purported multinational Arab peacekeeping force, is likely to last at least a year, possibly longer, in the view of many Arab and Western analysts.

The Syrians have also weakened the Palestine Liberation Organization in Lebanon and are now able to control its activities more carefully. This was another aim of the intervention.

The next planned phase of the Syrian occupation of Lebanon, also approved by the Arab League nations in meetings last month in Saudi Arabia and Egypt, is the establishment of control of the national highways from Beirut north to Tripoli and the Syrian border and south to Saida and Tyre. The Syrian occupation force is expected to stop well short of Lebanon's border with Israel, where penetration of troops from Damascus could stir conflict that neither Syria nor Israel seems to want.

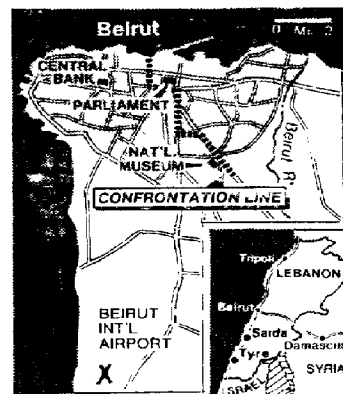
toward Yugoslavia, ending abruptly near the border."

President Tito has followed a strategy of nonalignment, treading a path between East and West, but Yugoslavs are careful about criticizing Moscow while they feel free to attack the United States.

Marshal Tito and Mr. Brezhnev are expected to exchange views on the Middle East and the Mediterranean, as well as discussing the problems posed by the post-Mao leadership in China.

Yugoslavia would like to get Soviet backing in its dispute with Austria over the Slovenian minority in southern Austria and the conflict with Bulgaria over the Macedonians in Bulgaria.

Mr. Brezhnev in turn would like Yugo-



The New York Times/Nov. 16, 1976

Syrians marched along confrontation line, reuniting Beirut.

HANOI -- CONTINUED

the United States on the issue of Vietnamese membership in the United Nations. The United States stood alone in 1975 when it used its veto to block the admission of North Vietnam and South Vietnam. The two Vietnams were not unified until April of this year.

In preventing the admission of the two Vietnams, the United States argued that the applications should not be acted upon with the Council members at the same time declining to consider the long-standing application of South Korea.

This year, the South Korean campaign was not pursued by the United States. Instead, this country based its position on the issue of the missing American servicemen.

When the Vietnamese request for admission came up again in September, the Ford Administration announced that the United States would continue to use its veto until there was an accounting given on the missing Americans.

At the time the Vietnamese accused the United States of twisting the membership question into an election-campaign issue and of using the issue of the missing Americans for domestic political purposes.

However, shortly before the Council was to act—with the American veto a certainty—an agreement was reached to postpone the decision until after the November election.

The Vietnamese apparently acquiesced in the hope that their application would be approved once the election was out of the way. The Ford Administration continued to insist that no commitment had been made in his campaign speeches. Jimmy Carter also said that Hanoi should be blocked from their United Nations until it provided satisfactory data on the Americans unaccounted for.

slav help in reconciling Moscow and Egypt. President Tito long has maintained cordial relations with Cairo.

Mr. Brezhnev is Marshal Tito's first foreign guest since he recovered from a liver ailment that forced him to cancel public appearances for two months.

Borba, the Yugoslav government newspaper, called in an editorial yesterday for "an equal and positive dialogue" between the two.

Komunist, the Yugoslav party organ, said relations between Belgrade and Moscow are based on "mutual respect and non-interference in internal affairs for any reason of economic, political or ideological nature."

MANIPULATING THE MIAs

ROBERT K. MUSIL

To appreciate the deep cynicism of the Ford administration's recent threat to veto admission of Vietnam to the U.N. over the question of Americans missing in action, two things must be kept in mind. First, that the importance of the MIA issue was first contrived as a propaganda weapon early in the tenure of Richard Nixon and has always been a deeply political question, not a simple humanitarian one as the United States would portray it. Second, that despite all the hoopla about "accounting," the exact fate of most of the American air crews and other servicemen missing after the war will never be known, whatever the Vietnamese do or fail to do.

Taking the second point first, if and when progress is finally made on accounting for the 795 American MIAs and in locating the remains of another 1,000 or so Americans who died in Vietnam, little more will be discovered than is currently known. On January 28, 1974, at Senate Foreign Relations Committee hearings on U.S. Prisoners of War and MIAs in Southeast Asia, Dr. Roger Shields, Deputy Assistant Secretary of Defense for International Economic Affairs, the chief Pentagon official directly concerned with MIA affairs, explained that there can never be a full accounting. "We have never promised families a complete accounting in the sense that we would know what happened to any single individual. This is impossible—we believe in a number of cases no information concerning our men will ever be forthcoming despite access to these areas." These views were echoed recently by Frank Sieverts, chief State Department official on MIA matters. Or, as Rep. Paul McCloskey (R., Calif.), a member of the House Select Committee on MIAs put it starkly, "No one has the guts to tell these people there's no rational basis to believe that any of these men is still alive."

Indeed, past American history backs up these statements. After World War II, 35,000 American servicemen were listed as missing in action and to this day the fate of nearly 2,000 of them has not been determined. Similarly, after the Korean War around 5,000 Americans were listed as missing and some 1,000 of these have never been "accounted" for. The unfortunate reality after Vietnam is that the exact fate of most Americans listed as missing (though far less than in previous wars) will never be known. No amount of administration-manipulation of MIA sentiment or demands for "full accounting" will provide information on fliers shot down years ago over the rugged terrain of Indochina.

No war is quite like any other war, of course, and it is hard to measure the casualties of one against any other, given the different numbers of combatants, the duration of the fighting, the composition of the forces engaged, and the nature of the combat itself. But it is generally agreed by those who have studied the history of the war in Indochina that the proportion of American MIAs that resulted from our intervention there was extraordinarily small by any standard of measurement. The political exploitation of those truly "lost" in combat is therefore all the harder to understand or to tolerate.

The mere fact that 82 per cent of the American MIAs in Vietnam were members of air combat crews tells a great deal—it was, of course, impossible to know whether a pilot or crew member was killed by the weapon which downed a plane over territory our forces did not control. Some Air Force squadron commanders used to boast that they never reported one of their men as killed in action, even if the plane was seen to be blown to bits

in the air and no parachute opened. The theory was that the families of these casualties would be better off if they continued to receive his pay, though death benefits have been raised to a point where this is at least a doubtful proposition.

A staff member of the House Select Committee on Missing Persons in Southeast Asia, which has collected great volumes of data on the MIAs, says that of the first fifty-three cases the committee looked into, forty still carried by the Pentagon as MIAs should clearly have been listed as killed in action. He describes the official MIA figures as "amazingly . . . ridiculously" small, in the light of the nature of the fighting in Vietnam and adds that the figures are, in any case, "highly inflated."

Thus the reality of the situation confirms the cynicism of using the MIAs for domestic political purposes. Just as pro-war demonstrations by hard-hats were stimulated by the Nixon White House in an attempt to counter massive anti-war protests, so the POW/MIA issue was deliberately agitated by Republican administrations. Over the years, the prime lobby for POW/MIAs has been the League of Families of American Prisoners of War and Missing in Action in Southeast Asia. The league was launched in 1969, with a constitution written by Charles Havens III, a former Department of Defense lawyer, and it operated from the start in close cooperation with the Nixon administration and the Pentagon. Each of the armed services helped recruit members of the league through newsletters they put out about the missing. League members were flown by the military to "nonpartisan" events around the country and added an effective human touch to pro-war propaganda.

Any belief that the league was nonpartisan and purely humanitarian was dispelled on January 21, 1972 when Rep. Les Aspin (D., Wis.) put documents in the *Congressional Record* that revealed a working relationship between the league and the Republican National Committee. In a letter of April 14, 1971, Joan M. Vinson, then RNC national coordinator, had informed the league's board members that Robert P. Odell, finance chairman of the National Committee, had secretly made available to the league lists of donors to the Republican Party and had arranged for a mail-order firm to conduct a fund-raising appeal for the group. "Most importantly," Vinson added, "no one will know that we are using the lists owned by the Republican National Committee."

In addition to abetting the league, the administration, with the help of sympathetic backers like H. Ross Perot, the Texas electronics executive and founder of United We Stand, organized "Tell it to Hanoi" campaigns, mounted displays about POWs for tourists to see in Congress, and sent astronaut Frank Borman on a worldwide tour as the President's special envoy on POW/MIA matters. Against this rather transparent background, Nixon, like his chosen successor President Ford, attempted to play nonpartisan and "Presidential" while using the POW/MIAs to gain support for his election and for his war policies. Thus, on October 16, 1972, just before the election, and before the terror bombing of Hanoi and the Paris agreement that followed, Nixon made a "Presidential" appearance before the League of Families. Disavowing any intention to make the POW/MIAs a mere election issue, Nixon then proceeded incredibly to thank the league for its support of his bombing of Hanoi and mining of Haiphong in May, denounced amnesty as the "most immoral thing I could think of," and vowed never to "abandon our POWs and our MIAs."

Accordingly, the American concern about MIAs, which in itself was a natural humanitarian sentiment, was written into Article 8b of that consummately political document, the Paris agreement, to end hostilities in Vietnam. (See MANIPULATING THE MIAs, Pg 10-F)

Robert Musil teaches at Temple University and St. Joseph's College, Philadelphia, and is Treasurer of CCCO! An Agency for Military and Draft Counseling.

MANIPULATING THE MIAs -- CONTINUED

nam. From that moment on, the MIA question has been inextricably linked legally and morally to other post-war issues. Article 8b provides that the two sides will "help each other 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. . . ." The Nixon-Ford administrations have, since the signing of the agreement, tried to use 8b as a propaganda flail, while ignoring other parts of the agreement. On Armed Forces Day in May 1973, Nixon again pledged support for the MIAs in a speech at Norfolk Navy Base: "Just as America never broke faith with our prisoners of war, I can assure you today we will never break faith with our missing in action." Two weeks later Sen. Robert Dole (R., Kan.) and other Nixon war supporters were using Nixon's remarks to argue for the continued bombing of Cambodia. Meanwhile, the United States continued to pay for General Thieu's military violations of the Paris agreement and studiously ignored the implementation of Article 8c (the release of political prisoners) and Article 21 (reconstruction aid). [See "Politics and the MIAs: What the White House Hides," by Stephen S. Rosenfeld, *The Nation*, February 23, 1974.]

The war in Vietnam was finally settled on the battlefield to North Vietnamese advantage and without the full implementation of the Paris agreement, including the MIAs and reconstruction aid. Since then, the policies pursued by President Ford and Secretary Kissinger seem guided more by pique than by diplomacy. The administration has refused to discuss aid or normalization of relations between the two countries and has twice vetoed the application of North and South Vietnam for admission to the United Nations without mentioning the MIAs. Then, a few weeks ago, continuing in the Nixon tradition, President Ford dragged out the MIA issue as an excuse to threaten a Security Council veto of the newly united Socialist Republic of Vietnam's application.

Just how closely Ford's name was related to election year politics can be seen from the circumstances surrounding his rejection of the latest Vietnamese gesture of good will. On September 6, Hanoi released the names of twelve American pilots who had been killed in the war but were until then listed as missing. Standing in the White House Rose Garden on September 7 and acting "Presidential," candidate Ford denounced the release of the names, saying "it is callous and cruel to exploit human suffering in the hope of diplomatic advantage." At the same time, a White House spokesman admitted that Ford had been aware that Governor Carter was about to meet with MIA families. Then, on September 13, President Ford directed U.N. Ambassador William Scranton to veto Vietnam's forthcoming application. Ambassador Scranton assured the media that the veto would be based solely on the "brutal and inhumane treatment of the families of Americans not accounted for" and that "politics played no part in the decision."

This assertion was quickly discredited when the French Government moved to postpone the discussion of Vietnam's admission to the U.N. until after the U.S. elections and revealed that the move was being made in accordance with a request that had come from Secretary Kissinger a full week before the Ford announcement. Thus, the entire MIA-U.N. admission flap could have been avoided by the administration, except that it obviously felt a political gain could be had by announcing a veto that would, at least for the present, be needed.

United States callousness on the MIA issue was further underscored when the Foreign Minister of Vietnam released confidential diplomatic notes on the question dating back to March 26. The exchange showed that Vietnam had taken the initiative in seeking to resolve outstanding issues, that the United States had not replied

to an August 27th note agreeing to a meeting place, and that the release of twelve names had been a goodwill gesture in the context of negotiations.

The U.S. response, then, of denouncing the release of names and threatening a U.N. veto followed an old pattern of what Cora Weiss, former head of the U.S. Committee of Liaison to Vietnam, and now director of Friendship, a coalition of peace groups seeking normalization of relations with Vietnam, calls "a setup for rejection." As far back as 1971, Weiss contends, the U.S. raid on a POW camp at Sontay that was known to be empty was in response to the Vietnamese release of the names of twenty-one downed fliers. "My husband Peter was in Vietnam at the time of the raid and the diversionary bombing surrounding it," she explains with a touch of bitterness, "and Laird [Melvin Laird, then Secretary of Defense] knew it and actually chuckled about it." What the U.S. fails to mention on the MIA issue, says Weiss, is that "Vietnam has made it clear by establishing a task force that it is working to clear up the status of the missing and has demonstrated that with periodic releases of names and bodies."

D. Gareth Porter of the Indochina Resource Center in Washington, who visited Vietnam last January as a special staffer for the House Select Committee on Missing Persons in Southeast Asia, agrees. Despite tremendous difficulties on their side after the war, the Vietnamese "have made great efforts and shown gestures of good will on the question of American MIAs," as they claimed in their September 13th communiqué. Porter cites the Vietnamese establishment of an Agency for Search for MIAs and the release of the bodies of three American pilots to the House Select Committee in December 1975 as just two instances of Vietnamese overtures. Porter also feels that the Vietnamese domestic situation is misunderstood in this country. "The Vietnamese Government also has the public opinion of its own people to contend with," he says. "The Vietnamese people expected reconstruction aid after the signing of the Paris agreement and would be angry if the government gave top priority to MIA searches when no aid had been provided."

Such attempts to portray the Vietnamese as other than devils on the MIA question and to recognize the extent of American disapproval of the U.S. position on the missing have gotten little attention in the established U.S. press. *The New York Times* editorialized on September 15 that it was "of course unconscionable for Hanoi to continue to withhold whatever information it has on the missing Americans. . . . All Americans agree on that, whatever their differences about the Vietnamese War or about the importance of trying to establish normal relations." Despite what the *Times* says, not "all Americans" agree with the government's separation of the MIA issue from other postwar issues. John McAuliff of the American Friends Service Committee coordinates a nationwide "Appeal for Reconciliation" that will attempt to persuade President Ford, or President Carter if he is elected, that a significant body of Americans is concerned with all postwar issues. The "Appeal," now being circulated, is part of the attempt of coalitions involving more than sixty peace, church and civil liberties groups to gain reconstruction aid for Vietnam, normalization of relations, a complete amnesty for all American war resisters, and adequate rehabilitation for wounded veterans. McAuliff believes that many Americans understand the Vietnamese view that the MIA question is only one of a number of crucial, outstanding issues left over from the war. When asked about President Ford's position on the MIAs (a position that candidate Carter hastened to point out he agreed with), McAuliff replied that "it is obvious that they are both motivated by what they see as short-term political gain, and that they believe there is more pressure from an anti-Vietnam coalition than the other way around. One of the purposes of the Appeal for Reconciliation is to show, on the contrary, that there

(See MANIPULATING THE MIAs, Pg 11-F)

ties" has led to "ethical errors" that have had "serious political consequences throughout the country."

Exactly what errors Mr. Trinh is referring to is not clear, but the article specifically singles out party promotions that have come by virtue of personal relationships rather than personal ability and what the author terms as increasing "individualism" on the part of some cadres.

The comments of Mr. Trinh, who is also the Foreign Minister of Vietnam, are seen by observers in Bangkok as part of a continuing campaign designed to revitalize the now-soft-

parently have been impressed enough with the material abundance of the formerly capitalist Saigon that they have been lulled away from their revolutionary commitments. Another recent Hoc Tap article rebukes these members and cadres for "failing to preserve their own revolutionary qualities." This may allude to the increasing corruption of cadres reported by Vietnamese refugees, some of whom profess to have bought their way out of Indo-China.

The party leaders clearly seem concerned about the waning of revolutionary commitment and the consequences this may have for the

The face of the Central Committee may be significantly changed as the party responds to recent criticisms by southern Vietnamese to the effect that the northerners have a disproportionate hand in the running of things. The VWP's chief of organization, Le Duc Tho, is thought to have spent the past five months in southern Vietnam, possibly recruiting more southerners for party membership. A move to bring more southerners into the ranks would be a major step toward integration of the southern region into the national governmental and political structures.

THE ECONOMIST
23 OCTOBER 1976 (2 NOV)

Go easy on the Vietnamese

FROM OUR BANGKOK CORRESPONDENT

The new military government in Thailand continues its roundup of left-wingers and other suspected opponents; some 4,000 people are being detained under the newly tightened-up Anti-Communist Act. But most of Thailand's 50,000-strong Vietnamese community, at least, are breathing a sigh of relief.

Despite allegations of Vietnamese involvement in the "communist plot" which the military leaders say they thwarted by their coup on October 6th, orders have now gone out to provincial governors of the north-eastern provinces, where the majority of the Vietnamese live, to play it cool. Mr Thanat Khoman, the former foreign minister who is foreign policy adviser to the ruling 24-man National Administration Reform Council, says that the

charges against the local Vietnamese are "for domestic consumption". The evidence indicates that the Vietnamese government's claim that 7,000 Vietnamese have been herded into concentration camps in one Thai province alone is equally spurious.

Of several dozen Vietnamese known to have been arrested so far, most are charged with nothing more serious than leaving their restricted areas, and have simply been handed over to the immigration authorities. Most of these people were supposed to leave Thailand in a few months anyway. Others are accused of having illegal weapons and proscribed communist literature. But the charges they face—acts "detrimental to national security"—have also been levelled against hundreds of Thai students, teachers, leftist politicians, trade unionists, intellectuals and newspapermen. All face detention for up to 180 days and trial by military court.

Vietnam is expected to do no more than step up its hitherto low-level supply of weapons to the Thai communist insurgents. But this aid will

probably remain clandestine. Vietnam's communist leaders are certainly aware that the one thing guaranteed to weaken the communist rebels in Thailand would be overt Vietnamese involvement with them.

When the communists marched into Saigon 18 months ago, the rank and file were heard to say, "Next stop Bangkok". But there was a considerable American military force in Thailand then, and the North Vietnamese army was at the end of a long war. Thai intelligence experts now say that if the Vietnamese chose to send their tanks across Thailand's eastern border from Laos they could be in Bangkok four hours later. The snag is that they would be greeted as an army of occupation rather than liberation. Any widespread persecution of Vietnamese in Thailand might bring the severing of the diplomatic links between the two countries opened three months ago. But Vietnam seems more likely to sit back and rub its hands as Thailand's right-wing ideologues harass their opponents into the arms of the local communists.

MANIPULATING THE MIAs -- CONTINUED

is wide support in favor of a position of U.S. moral responsibility toward Vietnam."

Of course, the families of those missing deserve to know as much as possible about the fate of their relatives and to have their suffering relieved. But from the recent exchanges on the MIA question, it appears once

again that the American Government, not the Vietnamese, is preventing that result. And, tragically, when an MIA accounting is finally made in the context of full implementation of the Paris agreement, such information as will be forthcoming is certain—given the nature of the war in Vietnam and the record of previous wars—to be both grim and extremely slim. □

9 NOV 1976

Weekend Edition -- 7 November 1976

NEW YORK NEWS 7 NOVEMBER 1976

Vietnam and UN -Are the MIAs A Real Hangup?

By RUSS BRALEY

AMERICAN ELECTION campaigns tend to bring the world to a grinding halt, and one of the issues put on ice in the last couple of months was United States relations with Vietnam. Remember Vietnam?

Now that Jimmy Carter has been elected President, and Secretary of State Kissinger is scheduled to depart with President Ford on Jan. 20, wheels might begin to turn again on U.S.-Vietnamese relations, or at least on the suspended application of united Vietnam to join the United Nations.

But do not expect the wheels to spin. The U.S. will move cautiously on admission of Vietnam to the UN and with glacial slowness on formal U.S. recognition of Vietnam.

Last August Vietnam applied for UN membership. The U.S. threatened to veto the application in the Security Council before it ever reached the General Assembly, which must give final approval, because the Vietnamese have ignored repeated American requests for an accounting of 2,205 Americans missing in action (MIAs).

France suggested that Vietnam withdraw the application until the American elections, and the Vietnamese, with an eye on Carter's pledge to amnesty for war evaders, postponed the application until this month.

But Carter, too, has said, in the presidential debates, "I also would never formalize relations with Vietnam, nor permit them to join the United Nations" until they have released information they hold on MIAs. Carter did say he would appoint a presidential commission to go to Vietnam, Laos and Cambodia and try to trade for the release of information about those who are missing in action in those wars."

**MIA ONLY
Missing or Captured HANOI KNOWS**

All this is regarded with cynicism by most members of the UN. Almost nobody contends that there are any MIAs alive, so many UN members assumed that the two presidential candidates were only mollifying voters by insisting on an accounting of men killed in a war as a condition for UN membership.

Such careful students of Vietnam as Allan Cameron, associate dean at the Fletcher School of Tufts University see the MIA issue as a peculiar way of conducting a foreign policy. Cameron said on Channel 13's Robert McNeil-Jim Lehrer Report that he sees no case for rushing into relations with Vietnam, although he thought the U.S. should abstain on the vote for Vietnam's UN membership. He said that making the MIAs a central issue was "a grotesque, ghouliah game."

But President Ford and Secretary Kissinger take the MIA question seriously, and they have asked the Vietnamese for talks on the question in Paris. Kissinger told reporters, "If they give us the lists we believe they have (of dead MIAs), we will not veto the UN admission."

The MIA issue, regarded as "unreal" by most of the world, is tied to a "real" issue: Vietnam's demand for \$3.25 billion in aid to rebuild the country. Altogether, Vietnam, Laos and Cambodia demand from the U.S. \$7.5 billion in reparations.

The Vietnamese base their claim to \$3.25 billion on a letter from former President Nixon to Premier Pham Van Dong which augmented Article 21 of the Paris Agreement of January 1973, in which the U.S. pledged reconstruction aid as part of a truce. The

NEW YORK TIMES
7 NOVEMBER 1976

Cuba Still Hides 'Double Agent'

Cuba has postponed until at least next month naming the double agent it has promised to present to prove Prime Minister Fidel Castro's charge that the United States is still plotting the overthrow of his Government and his assassination. Cuba has said the agent works for the American Central Intelligence Agency as well as for Havana.

The stated reason for the delay was that the disclosure would be lost in the United States election coverage. Another reason may also have been consideration of the election's outcome; presumably the Cubans thought exposing the spy's identity now would mean foreclosing using him later, and perhaps to better effect, especially if President Ford were elected.

Mr. Castro has also charged American intelligence with complicity in sabotaging a Cuban airliner that crashed Oct. 6 near Barbados, killing 73 persons. Orlando Bosch, a militant anti-Castroite jailed in Miami in 1968 for terrorist activities, had been indicted in Caracas on murder charges connected with the crash. The United States had sought deportation of Mr. Bosch for parole violation; the indictment makes deportation unlikely.

same agreement, in Article 8-B, included Vietnam's pledge to account for missing Americans.

The State Department considers the Paris Agreement void after the invasion and conquering of South Vietnam. An official said, "We have no obligation to economic assistance, and Congress rightly has barred aid to Vietnam."

The official added, "Possibly we might give Vietnam some humanitarian aid, as other nations have done, but not as an obligation."

Money, then, is the real issue, as expert Cameron said on the McNeil-Lehrer Report.

Behind the "unreal" MIA issue and the "real" money issue there is a third consideration, which might be the most important of all. It is that a nation of more than 40 million has been forged in Southeast Asia, which will play an important role in that area's future.

Vietnam is militarily dominant in the region, having defeated a superpower. Its leaders feel both the elan of victory and the bitter exhaustion of 30 years of war. Already the neighboring Thailand domino is showing the drearily familiar pattern of leftist riots, followed by a military coup, followed by charges of repression.

Vietnam's admission to the UN would be triumphal, and an occasion for former colonial countries to rub America's nose in it. It would offer valuable advantages to Vietnam.

Many nations of the UN regard the U.S. blockage of Vietnam's membership as simply the dog-in-the-manger attitude of a nation that, through luck and the Atlantic and Pacific Ocean barriers, has been spared until now the experience of defeat. Carter, a Southerner, might know more about losing a war than a Northerner would.

In August 1975, all of America's traditional allies on the Security Council except little Costa Rica, which abstained, voted to admit both North and South Vietnam to the UN. That was a statement that the U.S. lost the war, and to the victor belongs the spoils. The U.S. vetoed it.

All of these complex issues point to an almost imperative go-slow approach to establishing formal relations with Vietnam. But they don't necessarily point to an imperative veto of UN membership.

Russ Braley is UN correspondent of The News.

Weekend Edition -- 7 November 1976

U.S. NEWS & WORLD REPORT -- 15 NOVEMBER 1976(7)

When a Left-Wing Revolution Runs Into Harsh Reality

LIMA

Eight years after seizing power, the leftist military junta that runs Peru is in serious trouble.

The problem: How to ride out a storm of economic setbacks—soaring inflation, a huge foreign debt, shrinking exports—while remaining loyal to a commitment to revolutionary reform.

The current strategy is two-pronged:

First, keep a strong socialist grip on the economy and the society.

Next, swallow a bitter dose of austere, conservative medicine to avert economic catastrophe.

The junta's harsh prescription does not sit well with all of the country's 16 million citizens. Last July, after thousands protested and rioted, a state of emergency was declared, calling for a curfew and censorship. It still is in effect.

Members of the junta itself objected to the stiff measures, and several generals were fired from key posts.

"Revolution dead." What's more, the new approach triggered a charge that the "revolution was dead"—an accusation rejected by President Francisco Morales Bermúdez and his fellow military rulers. Still, at first glance, the shift away from radical aims announced in 1968 and toward a more middle-of-the-road economic policy is obvious:

- The regime has reluctantly reversed course and twice devalued the sol to make Peruvian goods cheaper on world markets and to attract investment.

- A ban on strikes has been imposed to keep workers on the job. The new austerity program has produced higher taxes, and increased prices of gasoline, cigarettes and transportation. State-run firms were ordered to become more efficient, adopt a "profit" incentive.

- Some Government-owned businesses are being sold back to private hands. The fishing fleet is one example, although the catch still will have to be delivered to the state monopoly that runs processing and marketing.

For some Peruvians, it was all these actions, together with omission by President Morales of the word "socialist" in his July 28 Independence Day speech, that meant the death of the revolution. To others, the evidence of pervasive Government ownership and control confirms the view that socialism has hardly been abandoned.

Except for retail trade, the state still runs practically all industries and services. It owns the railroads, the ports, iron-ore mining and marketing, the country's only international passenger airline, the media and all communications. Beyond that, most of the banks, including those taken over from Chase Manhattan, Chemical Bank and W. R. Grace are in Government hands.

A list of the blue-chip U.S. holdings nationalized in recent years includes the subsidiaries of General Mills, Anaconda, Cerro, International Telephone & Telegraph, Exxon, Gulf, Utah International and Cyprus Mines.

Those take-overs, starting in 1968, were part of the broad revolutionary economic battle plan laid down by the junta when it ousted President Fernando Belaúnde Terry. Land reform, public-works schemes, labor participation in industry were all part of the scenario.

But the goals foundered in organizational red tape and widespread mismanagement. Hoped-for economic successes failed to materialize.

"We've hit bottom." Today, Peru's economy looks like this:

The population is growing by 3 per cent a year, while total output of goods and services is increasing by only 2 per cent. The foreign debt, 4 billion dollars, is one of the highest of any developing

nation. Inflation is running between 40 and 50 per cent a year. The trade deficit in 1976 will run to 610 million dollars.

In the words of Finance Minister Luis Barua Castaneda: "We've hit bottom. Peru has never been in a situation as delicate as now."

Main hope for a turnaround is pinned to the retrenchment policy—"stabilization and reactivation" is what Barua calls it—together with a renewed search for oil and the development of new copper mines.

That's going to take outside capital, and the Government is going all out to attract it. There's no evidence, however, that the junta proposes to hand back the nationalized oil companies or copper mines to their original owners. But signs of improvement are there.

A foreign loan? It's reported that foreign banks, encouraged by the austerity measures, are working out a 240-million-dollar loan to help pay the foreign debt. U.S. industrialists have not closed the door to investment despite earlier cases of nationalization.

One example: Southern Peru Copper Company, a consortium of Asarco, Cerro, Phelps Dodge and Newmont Mining, has staked nearly 1 billion dollars in two mines—at Cuajone and Toquepala. Ultimately the company will account for 60 to 65 per cent of the country's total copper production.

Success is not just around the corner. So far, the new Amazon oil hunt is disappointing. Radicals' criticism of the policy of moderation simmers beneath the surface. And on the conservative side, the decision by the junta to obtain 36 supersonic fighter-bombers from Russia is hardly quieting fears about where the country is heading.

One observer summed up the mood this way: "For the junta, burning the candle at both ends isn't easy."



AVIATION WEEK

1 NOVEMBER 1976 (7) Iran Buys F-16

Iran has signed a letter of intent to acquire up to 160 of the new General Dynamics F-16 air combat fighters, with deliveries to begin in 1980 and run through four years.

Indications are that the letter of intent, delivered to U.S. government representatives in Tehran, covers an initial commitment, with Iran maintaining a requirement for 300 F-16s. The Iranian purchase is in addition to the original commitments by USAF and Belgium, Denmark, the Netherlands and Norway to purchase 998 airplanes.

Dollar volume of the Iranian purchase was not disclosed, but flyway unit cost of the European partner country F-16s is estimated at \$6.09 million in 1975 dollars.

land-sized nation. The military said it acted to depose "self-interested politicians" hungry for personal power and wealth.

Burundi, like its neighbor Rwanda, has had tribal warfare since gaining independence from Belgium in 1962, delaying progress in a land where the annual per capita income is \$80. President Micombero belongs to the tall, martial Tutsi tribe, which although comprising only 15 percent of the 3.6 million population has dominated the shorter-statured, agriculturally inclined

Hutu majority for centuries. General Micombero himself has said that fighting between the tribes cost 100,000 lives in 1972 alone.

It is too early to tell what difference the new regime headed by Lieut.-Col. Jean-Baptiste Bagaza will make in relations with Rwanda, where the Hutus are in power, or with the rest of Southern Africa. Because of its internal unrest, Burundi has largely kept aloof from the struggles of other African blacks seeking control of white colonial states.

NEW YORK TIMES
7 NOVEMBER 1976 Pg E6

A Coup In Burundi

President Michel Micombero, an army general, who has ruled the Central African nation of Burundi for a turbulent decade, has been overthrown by a military coup. Few details have so far filtered out of the impoverished, Mary-



When Hell Was in Session

Jeremiah A.
Denton, Jr.

Rear Admiral U.S. Navy
with Ed Brandt

Only a man who spent
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Hanoi POW camp
could tell you what it
was really like. The
brutal Hanoi March,
the torture, starvation,
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like? Your newspapers
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If you asked what it was like
to go to hell and back,
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regard of the Chinese woman war-rior who took her father's place in battle. "My mother . . . said I would grow up to be a wife and a slave, but she taught me the song of the woman warrior, Fa Mu Lan. I would have to grow up to be a warrior wo-man." In her fantasy, the female avenger conquers the enemies of her people, then quietly returns to her parents-in-law, her husband and son, pledging the rest of her life to "doing farmwork and house-work, and giving you more sons." The villagers "would make a legend out of my perfect finality."

"My American life," Mrs. King-ston immediately observes, "has been a disappointment."

"I got straight A's, Mama."

"Let me tell you a true story about a girl who saved her village."

"I could not figure out what was my village."

Figuring that out is the purpose of this intense, fierce and disturb- ing book, which is dedicated, one cannot help but note, to her mother and father. *The Woman Warrior* is a strange, sometimes savagely satir- izing and, in the literal sense, won- derful story of growing up caught between two highly sophisticated and utterly alien cultures, both riv- id, often menacing and equally mys- terious. Reality in its bewildering complexity is at the heart of it: what appears to our senses, "the mind transforms, into a whole set of myths and phantoms (language, number, emotion, relation, abstrac- tion) to become what we perceive as real. Ghosts from the Chinese past may thus be as real—and as unreal—as persons from the California present; and vice versa. Is a parent any the less real to us, less true, be- cause he is dead? It is not the same as not existing. Mrs. Kingston mulls over these mysteries, these para- doxes in this extraordinary book. □



CURRENT NEWS

PART I - EARLY BIRD EDITION - 0730

PART II - MAIN EDITION - PUBLISHED AT 1130



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TUESDAY, OCTOBER 5, 1976

GENERAL NEWS SUMMARY

FROM THE WALL STREET JOURNAL

OCTOBER 5, 1976 Pg. 1

World-Wide

EARL BUTZ RESIGNED and apologized for his slur against blacks.

Butz described his resignation as Agriculture Secretary as "the price I pay for a gross indiscretion" and said he hoped it would remove racism as an issue in the presidential campaign. He insisted that his real attitude wasn't reflected in a vulgar joke he made to the effect that blacks want only sex, indoor plumbing and "loose shoes." President Ford who reprimanded Butz last week but didn't ask him to quit, said he accepted the resignation with great sadness and praised Butz for being "wise enough" to see that it was necessary Ford is expected to put Under Secretary John Knebel in charge of the Agriculture Department temporarily.

GOP Sen. Edward Brooke of Massachusetts, one of the first to call for Butz to quit, described the resignation as "good for the country, the President and the Republican Party."

Jimmy Carter charged that Ford's handling of the Butz affair demonstrated the President's weak leadership. Carter said Ford, instead of quickly doing what was right for the country and firing Butz, "very carefully waited until he assessed public opinion." Butz had been considered a plus for the Ford campaign in the Farm Belt before his racist remarks.

THE DEATH PENALTY for murder got final clearance from the Supreme Court.

The Justices, beginning a new term, refused to reconsider their decision in July upholding the narrowly drawn capital-punishment laws of Florida, Georgia and Texas. They set aside a stay that had held up the executions of 177 convicts in those states. The court then agreed to decide a question left open in July, whether the death penalty is constitutional for crimes in which the victim didn't die. It accepted the appeal of a Georgia man sentenced to death two years ago for rape.

Yesterday's ruling won't lead to any immediate executions. The NAACP's Legal Defense Fund said it will bring new legal actions challenging the convictions on other grounds.

The authority of federal agents to search for evidence in drug cases will be considered by the high court. It agreed to review two cases in which evidence was excluded because agents had failed to get search warrants before opening packages of which they were suspicious.

Advertising bans for lawyers also will be reviewed by the Justices, who accepted an appeal from an Arizona Supreme Court decision. (See NEWS SUMMARY, Pg. 2)

BALTIMORE SUN 5 OCTOBER 1976 Pg. 4

Hanoi is said to have data on less than 10% of MIA's

By CHARLES W. CORDDRY
Washington Bureau of The Sun

Washington—Congressional authorities estimated yesterday that Hanoi would be unable to account for more than 5 to 10 per cent of the 2,505 Americans whose bodies have not been recovered or who are still listed as missing in action in the Vietnam war.

And they said the United States will have to pay a price to get even that accounting.

What that price will be is at the center of maneuvering on an issue that has been cast in the international and domestic political arenas, despite the widespread contention that accounting for missing men should be a fundamentally humanitarian matter.

How well the United States government has done in wringing an accounting from Hanoi in this emotion-charged issue is a predictable subject for the Ford-Carter foreign policy debate tomorrow night.

Neither Democrats nor Republicans appear willing to vote the multi-billion dollar economic aid Hanoi demands. Hanoi has been told to forget that by Representative G. V. (Sonny) Montgomery (D., Miss.), chairman of the House Select Committee on Missing Persons in Southeast Asia.

It is another question, however, whether Jimmy Carter will charge—and be able to make it stick with the public—that the Republican administration has made hardly any progress on the MIA issue in almost four years. It is a question, too, what Mr. Carter would do about it if elected. He has said he would make the matter a first order of business.

When Hanoi produced data on 12 servicemen last month, coincident with its hope of entering the United Nations, President Ford immediately responded that the Vietnamese have information on "hundreds more."

"Normalization of relations cannot take place until Vietnam accounts for all our men missing in action," Mr. Ford said. The U.N. put off the Vietnam issue until after the U.S. elections.

"Normalization" of relations and admission to the U.N. are prices that will have to be paid for the accounting demanded, the congressional authorities said. The harsh fact is, they said, that information on servicemen is Hanoi's main, or sole, bargaining counter and it collect-

(See MIAs, Pg. 2)

NEW YORK TIMES
5 OCTOBER 1976 Pg. 1

U.S. AIDES SEE SHIFT IN SOVIET ATOM BID

Gromyko Plan Seems to Open Way for Talks on On-Site Inspection

By BERNARD GWERTZMAN
Special to The New York Times

WASHINGTON, Oct. 4—Senior United States officials said today that they were giving serious attention to a new, unexpected Soviet proposal that could open the way to negotiations for a total ban on underground nuclear explosions.

The new proposal, made by Foreign Minister Andrei A. Gromyko in a memorandum filed at the United Nations last week, said the Soviet Union was ready to discuss on-site inspection to insure that a treaty prohibiting all underground nuclear weapons tests was being complied with.

This was the first time since the early 1960's that the Russians have agreed in principle to American insistence that there could be no total ban without adequate verification. On-site inspection is needed, the United States contends, to distinguish between earthquakes and suspected clandestine testing.

United States officials said they were intrigued by the apparent shift in position, for which they had no firm explanation.

One line of speculation is that Moscow is determined to show further progress in nuclear arms control. Having agreed earlier this year to the principle of on-site inspection in connection with peaceful engineering explosions, the Russians may have decided to extend it to weapons tests. Such a ban would slow further weapons development.

The new Soviet proposal is the latest move in a series of negotiations dealing with underground nuclear explosions. Ex-

(See ATOM PLAN, Pg. 2)

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TUESDAY MORNING, 5 OCTOBER 1976

NEW YORK TIMES
5 OCTOBER 1976 Pg. 3

South-West African Says His Organization Seeks More Modern Weapons

Special to The New York Times

UNITED NATIONS, N.Y., Oct. 4.—The principal black nationalist movement that is fighting for South-West African independence is "shopping" for weapons in Cuba, according to the organization's spokesman here.

But no attempt is being made to get the aid of Cuban troops now in Angola. Theo-Ben Guribab, the representative of the South-West African People's Organization, said.

He said that both antiaircraft artillery and planes were needed by his organization to combat what he described as an accelerated military involvement by South Africa in the territory, which it holds in defiance of United Nations resolutions that it give up this "illegal control."

Sam Nujoma, the organization's leader, who is reported to be in Havana, has said several times in recent weeks that his movement needs more sophisticated weapons to combat stepped-up South African intervention in the territory, which black African nationalists call Namibia. He has charged that South African authorities are using the territory as a springboard for attacks on Angola and Zambia.

NEWS SUMMARY (CONTINUED)

sion upholding such a prohibition. Opponents argue that ad bans, which are based on the American Bar Association's code of ethics, violate federal antitrust law and constitutional guarantees of free speech. The Justice Department also is opposing the ABA code.

The court let stand a California regulation granting union organizers the right to enter agricultural property to organize farm workers. In another matter, the Justices again refused to review the desegregation order affecting Boston schools.

* * *

Spanish terrorists murdered an adviser to King Juan Carlos in the Basque city of San Sebastian Juan Maria de Araluce, a member of the conservative Council of the Realm and president of a Basque province, was slain in his car by a gunman who also killed his driver and three bodyguards. The slaying was the most serious Basque attack since the murder three years ago of Premier Luis Carrero Blanco.

* * *

West Germany's election left Chancellor Helmut Schmidt's coalition of Social Democrats and Free Democrats with an eight-seat majority in the 496-member Bundestag, compared with 48 before. The conservative trend made Helmut Kohl's Christian Democrats the largest single party, but he isn't expected to get far with his demand that he be made chancellor.

* * *

A former labor leader in India and 21 other prisoners were arraigned in New Delhi on charges of conspiring to overthrow the government. George Fernandes, a leader of the underground opposition to Premier Indira Gandhi, is accused of planning to blow up rail lines to create chaos. Meanwhile, New Delhi police padlocked the pressroom of the Indian Express, a newspaper accused of tax delinquency. The paper says it is being harassed for its editorial policy.

* * *

ATOM PLAN -- CONTINUED

plosions in the air, under water and in space have been banned since 1963.

150-Kiloton Limit Set in 1974

In an attempt to restrict underground explosions, the United States and the Soviet Union agreed in 1974 on a treaty limiting underground weapons tests to a maximum of 150 kilotons, the equivalent of 150,000 tons of TNT. That treaty said each side would verify compliance with its own national means of detection, aided by an exchange of technical data and an agreement to restrict such tests to designated areas.

Last May 28, President Ford and Leonid I. Brezhnev, the Soviet leader, signed an accompanying treaty on underground explosions for peaceful engineering purposes. This treaty also stipulates a 150-kiloton limit for each individual blast but adds that the total in any excavation project may be as high as 1,500 kilotons.

To insure that peaceful explosions are not used for weapons purposes, any project involving more than 150 kilotons may be monitored on the site. American officials have described willingness to allow such inspection of excavation projects as a breakthrough, which the Russians may now be willing to extend to weapons testing.

National Means Stressed in Past

Mr. Gromyko's memorandum repeats a long-standing Soviet proposal for banning all underground weapons tests. But in contrast to past Soviet insistence that national means, such as satellites and other techniques, are sufficient for verification, the memorandum states:

"Some states suggest the possibility of on-site inspection of actual circumstances if there is doubt as to compliance with the obligations to stop underground nuclear tests.

"The Soviet Union is convinced that no particular difficulties should arise in elaborating a compromise basis for an agreement that would insure a voluntary framework for taking decisions relating to on-site ascertaining of relevant circumstances and, at the same time, impart confidence to all parties to the treaty that the obligations are complied with.

"The Soviet Union stands ready to participate in a search for a universally acceptable understanding on this basis."

American officials concerned with Soviet and arms control affairs said the new language, while obviously only in outline form, was intriguing and might provide a basis for negotiations after the Presidential elections.

One problem is that the Soviet Union continues to insist that there is a difference between nuclear explosions for peaceful purposes and weapons tests. If there were a total ban on weapons tests, any peaceful explosion might be suspected of having military potential for testing warheads.

Differences on Engineering Uses

The United States would therefore want to negotiate a ban on all underground explosions, military and civilian, one high official said. The United States no longer

Rhodesian blacks have their own majority-rule plan, different from that accepted by Premier Ian Smith, Joshua Nkomo, one of the former British colony's main black leaders, said. Nkomo and a more radical black leader, Bishop Abel Muzorewa, met with American and British diplomats who also conferred with Smith about setting up an interim government.

* * *

Ford signed the tax bill and renewed his request for \$10 billion more in tax cuts matched by an equivalent reduction in federal spending.

* * *

Political mailings by organized labor on behalf of a Democratic Senate candidate, Rep. Paul Sarbanes of Maryland, will be challenged in court Republican Sen. J.

MIAs -- CONTINUED

ed records throughout the war with that purpose in mind.

But they said that, on the basis of extensive inquiries by U.S. investigating teams, an accounting of 5 to 10 per cent is the most that can be expected.

The Defense Department says the total of 2,505 consists of 1,731 men whose remains have not been recovered and 774 listed as missing in action. The latter figure includes 34 who almost certainly were at one time prisoners.

All sources, in the executive branch and the investigating congressional bodies, agree that there is no solid evidence any of the Americans still are alive.

The Vietnam MIA issue is a unique postwar problem for the U.S. It is statistically small but emotionally enormous.

After World War II and the Korean war, when search teams had access to battle areas, missing men were located or accounted for, or a presumptive finding of death was made within about one year. There has been no capricious use of the law allowing a presumptive finding of death, congressional authorities said. They said there has been no case where such a finding proved in error.

There is resistance among relatives to such changes in status for men now listed as missing in Vietnam. One argument is that such a change would end the hope of getting an accounting from Hanoi, though Hanoi previously had provided information on a few men whose status had been changed from missing to presumed dead.

The Defense Department tacitly has agreed with the House Committee on Missing Persons that it will make no changes in status—unless relatives request it—pending issuance of the committee's report on its investigations. The report is due by January 3.

conducts explosions for excavation, but the Soviet Union is interested in continuing such engineering applications.

Another possible problem might be Soviet insistence that all nuclear nations agree to a ban on underground weapons tests before it goes into effect. France and China have been opposed to such agreements.

The two recent treaties setting the 150-kiloton limit have not yet been ratified by the Senate, which will take them up next year. There has been criticism that the threshold is too high.

In a questionnaire put to the Presidential candidates by the Arms Control Association, Mr. Ford said he supported a total ban on nuclear tests but only if backed by "adequate safeguards." Jimmy Carter said he supported a five-year ban on all underground explosions and said it was no longer necessary to rely on on-site inspection to distinguish between earthquakes and small weapons tests because "national means of verification are adequate."

Glenn Beall said he will sue to stop the Postal Service from letting the AFL-CIO send out Sarbanes brochures with its non-profit bulk-mail permit.

* * *

Sen. Hubert Humphrey will undergo surgery for bladder cancer in New York Thursday, his doctors said. Humphrey is running for Senate reelection from Minnesota and seeking the post of Majority Leader.

* * *

Two women from Northern Ireland who are leading a peace movement there flew to the U.S. to try to halt the flow of American money to Ulster terrorists. But the first television station at which Betty Williams and Mairead Corrigan hoped to tape an appeal canceled the taping session, citing death threats the women have received.

Part II -- Main Edition -- 19 July 1976

WASHINGTON POST 18 JULY 1976 Pg. 1 (19)

MIA Families Fight a Lonely Battle

Group Pressures Congress to Maintain 'Missing' Status and Benefits

First of two articles

By Kathy Sawyer

Washington Post Staff Writer

On Jan. 8, 1973, Maj. William L. Deane disappeared in a helicopter shot down in Vietnam and became one of the last American soldiers to be reported missing in action there.

Now, Major Deane's wife, Ingrid who lives with her three children in Fairfax County, has become one of the last MIA wives to continue fighting government efforts to declare dead the almost 800 other American servicemen, including Major Deane, still listed as missing in Southeast Asia.

So Mrs. Deane will join other hold out MIA relatives later this week at the seventh annual meeting here of the National League of Families of Prisoners and Missing in Southeast Asia. This group will again demand that the U.S. government not change the status of the missing men from MIA to dead until the nations of Southeast Asia provide an accounting of how each man died and return any remains in their possession.

Despite the MIA relatives' determined efforts to prevent the inevitable, this year's meeting may be the group's swan song.

The House select committee on missing persons in Southeast Asia, which has been investigating the matter, is scheduled to issue a report in September that many expect will recommend that the men be declared dead. After that, only the November presidential election is expected to delay final government action.

For the MIA relatives, official declaration that their men are dead will affect them not only emotionally but also financially. MIA dependents receive more money from the federal government than survivors of men killed in action.

"We had 56,000 killed in action in Vietnam, then dependents are drawing benefits prescribed by law for those in action," explained a spokesman for the House select committee. "But the MIA group is drawing back pay and benefits, tax free."

You can't blame them for opposing the change in the men's status from MIA to killed in action, the spokesman said. "They're victims. But it isn't fair to others to continue this."

He estimated that when a man's status is changed from MIA to dead the government benefits to his next of kin generally drop by between one-half to two-thirds. According to Defense Department figures, the pay and other financial benefits now being received by MIA families total up to \$20 million a year.

The financial factor for MIA relatives was recognized by a 1973 federal court decision requiring that next of kin whose government benefits would be ended by a status change be given notice of review hearings, an opportunity to have a lawyer attend with them, access to pertinent information and permission to present information of their own.

While many of these next-of-kin are "awful nice folks" motivated by an honest desire to learn what had happened to their men, the House select

Vietnam Lingers

For the first time in more than a decade, the war the United States fought in Southeast Asia will not be much of an issue in this year's presidential election campaign.

But for some Americans whose lives are still affected by the war every day — the relatives of both those men missing in action in Southeast Asia and those young men who fled the country to avoid fighting in the war — the election looms as an important event.

Once it is over, the MIA relatives may find their missing men declared dead by the U.S. government, while the relatives of draft dodgers and deserters hope that the government will find a new way to bring their sons and husbands home.

This two-part series examines these two groups of anxiously waiting Americans.

committee spokesman said, "there are some for whom the financial benefits are probably a major concern."

"Others hate the government for getting their husband or son or brother killed. Others have become professional MIAs, celebrities. . . . Whatever their motives, the time has come for an ending," said the spokesman, who represents the position of what he said is a majority of the committee on the sensitive issue.

He said that 22 per cent of the serviceman death statistics from World War II and the Korean War were based on this same kind of "presumptive finding" of death, that is, the remains were not accounted for. "These findings were made within a year after the war, and not one of those men ever turned up alive."

In the case of Vietnam, he said, the total number now unaccounted for is much lower—closer to 4 per cent. "And we've already waited three and a half years." The evidence is strong that none of the men is alive.

"We probably can't expect that more than about 10 per cent (or about 250) of all the remains that are unaccounted for (KIA as well as MIA) will ever be accounted for," the spokesman said, because of destruction of remains by explosion, fire, weather, animals and other factors.

The committee spokesman said the military has been unrealistic in its listing of some men as missing. He cited a helicopter carrying five men that crashed head-on into the side of a mountain and exploded. The bodies were almost totally destroyed, and the weapons of all five men were found. They should have been listed as killed, he said, except that an Army officer intervened, saying, "Maybe somebody fell out before the crash."

"Eight years later, those guys are still listed as missing," the spokesman said. "That's such a disservice to these people (the next-of-kin). They say to themselves, 'The man wouldn't be listed MIA unless there was a doubt.' Some, the parents more than the wives, want to believe in a resurrec-

tion."

Members of the House committee believe that the ability and willingness of the North Vietnamese government to provide information does not depend on whether the status remains MIA, he said. "They'll provide what they have, someday, when the price is right."

"The price they've mentioned is \$3.2 billion in aid for the reconstruction of North Vietnam alone. There's no way Congress or the American people will do that."

Meanwhile, even some of the MIA group's own members want to have the status of the men changed to dead, as some 600 out of 1,400 missing men have already been changed, many at the request of next-of-kin.

The national league's executive director, retired Army Col. Earl Hopper, acknowledges that prospects are bleak. "Our fate seems to be tied to the (House) committee, and so we're working to get it extended, to continue as a body in Congress to apply pressure."

"We won't try to argue with their findings," Hopper said, "though we expect we won't agree with them." Hopper's own son, an Air Force pilot, has been listed as missing since January, 1968.

"For the families who are hanging on," he said, "they feel it's a matter of principal, not so much whether the men are dead or alive. They feel that to stop now would be to sell out our men, and those who might come later."

Mrs. Deane and others feel that they are out on a limb from which the tree has fallen away. "Why should I have to bear this alone? My husband was a soldier for the country," she said.

She knows that she is "out of sync" with many other wives who have long since turned away from their early hopes, and from the political crossfire of scorn from Vietnam war opponents and manipulation by hawks. Many, after husbands did not turn up among the returned POWs, have had their husbands declared dead, remarried, and in other ways attempted to begin new lives.

One exception is Pat Scharf of Alexandria, whose husband, Air Force Lt. Col. Charles J. Scharf, has been listed as missing for eleven years.

"I still write letters to Hanoi," she said. "I still feel that my husband is alive. . . . He was very good to me. He was big and beautiful, and I'll always love him in my life. It will be difficult for me to start a new life. I'll always compare other men with the first man."

Mrs. Scharf, 42, has no children. She tries to keep busy with volunteer work at the Pentagon and by sewing for friends. She also is working on a book about her adjustment to being alone.

She is the only other MIA wife that Mrs. Deane knows who lives in this area. Mrs. Deane said that Mrs. Scharf had been a comforting friend—some one she could talk to.

"I really understand what she's going through, but I don't know what to tell her," Mrs. Scharf said of Mrs. Deane.

(See MIA, Pg. 6-F)

Part II -- Main Edition -- 19 July 1976

WASHINGTON POST

19 JULY 1976, Pg 1

Draft-Resisters' Families Share Strains

Second of two articles

By Peter Mikelbank

Washington Post Staff Writer

"It's getting late," said the Arlington mother who, like thousands of other parents of Vietnam era draft dodgers and deserters, has not seen her son in years. "We'll never be able to get families together. And it isn't just one boy. Each boy has mothers, fathers, sisters, brothers, wives, sons, daughters. Each boy has families. . . ."

While the mother, Myrtle Phillips, now stands fully behind her son's decision to go to Canada rather than be drafted, she is critical of her government, determined to see the after effects of the war ended and hopeful for amnesty.

Her amnesty hope, and that of many other families caught up in their sons' actions, is fragily pinned to this year's presidential election, which many see as the last chance for their families. The Democratic platform calls for amnesty for evaders and case-by-case review for deserters.

Some parents are actively working for the Democratic ticket, despite a feeling that the amnesty plank is less than satisfactory. They are more critical of President Ford's clemency program, which they feel offered nothing more than double punishment.

As of January, 1975, when the last statistics were released by the Selective Service System, 4,500 persons were still being sought for prosecution on charges of draft evasion and desertion. Cases remained against 69 men from Virginia, 59 from Maryland and 38 from Washington. New figures, expected by this summer's end, should reflect a dramatic drop due to Ford administration clemency board actions, Justice Department prosecutions and case dismissals, according to a Selective Service spokesman.

Pro-amnesty groups claim the number of evaders and deserters in legal jeopardy is far higher. For families torn apart by the struggle between conscience and law, numbers are less important.

Ron Phillips, left his parents' Arlington home in 1971 and drove across the border to Canada to avoid the draft.

He has worked as a counselor in a runaway center and a waiter. He has been unemployed several times, and he is now working for a Winnipeg-based mechanical magazine. He has retained his American Citizenship even though, after five years of Landed Immigrant Status, he is eligible for Canadian citizenship. He is now 28 and restless.

"Ronald is doing quite well living in Manitoba," his mother, Myrtle Phillips said, "but he'd like to come home. Many of the boys would like to come home. But their hope is fading. They've had to make their lives outside of their country. Most of them would fight for America tomorrow if necessary, but it wasn't. They put their conscience first."

"We had a daughter and then the second World War ended and we thought we'd have another child. He was planned. I didn't plan for him to get killed in Vietnam. I just kept telling him that by the time it would be his turn, it would be over. He didn't believe that. He just kept saying 'Watch.'"

"By the time it was his turn, we were behind him 100 percent . . . (now) he wants to grow a little more. He's almost 30 and hasn't put down roots. He's bought land recently and is thinking about building a house, but he'd like to be able to come back, if only to visit."

"It's getting late though. Each boy has families . . . Their children and wives can come back and do, but their children are beginning to ask 'Why don't you come back with us?' What can a man say? 'I can't come with you because I'm a criminal!'"

"They're not criminals. My son is not a criminal. I haven't slept many a night thinking of that word. My son is not a criminal."

"I've been to every hearing on the Hill, and I've been on television, but I've tried not to get involved. I get so upset." Mrs. Phillips' thin voice cracked and she paused. "I get so emotional when I talk about it. I get very emotional and it hurts." She paused again and drew her breath. "It hurts."

"We've been harassed," Ron's sister, Connie, added. "My parents believe that their mail has been tampered with. The FBI showed up at the house a few times in the first days at strange times, like 10 o'clock at night, want-

ing to know Ron's whereabouts. The first time Mom wouldn't say anything. The second time she yelled at them."

"Then there was the break-in at our house," she paused, whispering across the table, "but nothing was taken. Just some of my fathers papers and files were rifled. Strange? My mother now believes the house was broken into by the FBI."

Morgan. It is not his original name. He has changed it legally since fleeing the United States in spring of 1970. He deserted after 18 months in noncombat status in the Army, lived in Canada, and now lives and works in Germany, where he is in the theater.

"I know you worked hard in the Democratic primary," Morgan wrote his mother recently, "but I hope you'll work real hard in the election for Governor Carter. They say he'll let me come home for my birthday."

Morgan's mother, who lives in the District and asked that she not be identified, proudly showed pictures of Morgan at rehearsal and performing. She is the most outspoken of the parents, has been on committees, approved on television and testified before Congress in favor of amnesty. "I do believe," she said, "that the struggle will make a difference."

Morgan had served, she said, for 18 months as an assistant cook at to fulfill his conscientious objector commitment. A company returned from Vietnam and was put into his barracks. They didn't like it that he wouldn't fight. He was also dancing the lead in a town ballet and they didn't like that. He had gone through all of his basic training without handling a weapon.

"During the first week, they kidnapped him and carried him 30 miles from camp into the woods, where they stripped him naked and left him abandoned. He made his way back to the camp, but had contracted pneumonia. He went into the infirmary and when released returned to the barracks, where he found that his possessions had been packed up and placed outside the barracks."

"He went to the camp commander and received permission to move off-base into town. Then three or four of them beat him up. Then after 18

(See DRAFT-RESISTERS, Pg 7-F)

MIA -- CONTINUED

"When I was going through all the stages, we had more people caring about us than care about Mrs. Deane. There was much more interest. But she came on the last day . . ."

Mrs. Deane, who still carries mental images of the bombings that destroyed her childhood home in Germany during World War II, says she does not understand the attitudes of Americans today.

When she visited Arlington Cemetery on Memorial Day, "there were so few people there. But the shopping centers were full of cars. Nobody gives a . . . nothing. It's just a vacation day for everybody. They put up memorials and all kinds of things and then they forget about them. I felt sick for a week after that, with headaches."

Mrs. Deane quit her job as a secretary in order to be home more with the children. She has busied herself

with painting and wallpapering their ranch-style brick home at 9716 Cornmonwealth Blvd., and with gardening around the spacious green lawn. But she says she feels restless, uncomfortable, there.

"We bought this house in 1968, after his first tour of duty in Vietnam. I have all the things the two of us worked for together for 19 years, everything we saved and planned for. I can't enjoy them. I just don't find words for it."

She is grateful, she said, that money is not a problem for her, because of her husband's income and benefits.

The cars in the Deanes' driveway carry MIA stickers, and each member of the family wears one of those MIA bracelets that proliferated during the war, each bearing the name of a missing man. Around the house are photographs of Major Deane playing with the children, standing with his wife in his bathrobe, in his uniform.

Mrs. Deane her friend Pat Scharf, and others like them, say they are aware that many people consider them clinging to hope "unrealistic" at best. But then they recite their litany—of clues ("witnesses said my husband's plane did not burn"), one-in-a-million scenarios ("he could be alive in some remote village, cut off, or in one of the leper colonies, or they could be forcing him to work for them"). They say they don't feel the U.S. government has done its best to get results.

When pressed, they admit the likelihood that the men are dead. "I'm trying to get the idea across to the children and to myself that it's possible my husband won't come back," Mrs. Deane said. "Sometimes I find myself praying that he was killed, that he hasn't been, who knows where, suffering."

But, she added, "they can't just declare him dead. I want to know. I want to know."

88x Tours
Casualty

note that the
9 shown as missing
in May 75 are now
6/76 declared to be
died in captivity

who was 26th
returned in Homecoming?
my list has 25?

26 Repatriated during OH
12 - prior to 3rd Homecoming

10 - ~~disappeared~~
~~missing~~ MIA

16 figure 0
7/76
note change
from missing to
died

88x Hoffman for POW info
xOP/ 4/787

88x (war)

HDR:MKG
28 May 75

MEMORANDUM FOR THE DIRECTOR OF MARINE CORPS HISTORY AND MUSEUMS

Via: Deputy Director for Marine Corps History

Subj: POWS in Vietnam War

Ref: (a) Director's Memorandum of 28 May 1975

1. In accordance with reference (a), the following is furnished.

Q. What were the dates of the POW exchange?

A. Although some POWS were released earlier, the dates for Project Homecoming are 12 February - 29 March 1973

FOF, p. 122
FOF, p. 275, 281, 288 (1973)

Q. How many POWS did US think were in hands of Hanoi?

A. As of 29 January 1973, Defense Department Spokesman Jerry W. Friedheim USMC gave the following figures: 555 POWS in North and South Vietnam 26

55 Prisoners who died 3

56 Unaccounted for -

1,269 Missing

1,935 TOTAL FOF, p. 244 (1973)

27Jan73

95
124

(casualties incurred in SEA) - green binders

Q. How many of the above were Marines?

A. Probably 26 because that was the number repatriated during Project Homecoming. Twelve other Marines either escaped or were released earlier.

Q. How many US POWS were returned? How many of these were Marines?

A. 649/26

Q. How many still MIA or otherwise unaccounted for? How many of these are Marines?

A. not available as of 1547 this date/ USMC MIA 47
POW 2*
MISSING 9

*Casualties Section would prefer this information not be given out.

We hold it at the level of FOR OFFICIAL USE ONLY.

One is LtCol Cook probably deceased

Two is PFC Garewood(sp?) probably working for NVA.

Casualties incurred in SEA - green binders
17 May 75

① for com w/ By Lt Hoffman

① for com w/ By Lt Hoffman, casualties
② Personnel right comments on Dir info route sheet of 21 May 73 re Tellier

still as of for com w/ May 76 16 Jan 76

① 12 Feb 1973

FOF p. 259

To
[briefly suspended early March]

29 Mar 73

FOF p. 275

and p. 281

and p. 288

② Total of all American
military missing as of Jan 73
just before Open Homecoming

555 POW's - 6 for LAOS = 549
in captivity incl VC POW's?

55 POW's died in camps

56 unaccounted for

1,269 MIA - 311 for LAOS = 958

[no USMC MIA/POW in LAOS]

based on NVN list of POW's - FOF p. 244

as of 30 April
 USA F USMC USA
 469 70 95
 MIA

USA
 262
 missing

POW

Comptroller's report
 total 896 MIA
 of these 37 are ~~POW~~
 are listed as captured
 even if not near POW

③ 323

④
 a 563 Military POWS FOF
 b P.288

⑤ 1000 1000 1000
 1000 1000 1000

Mayaguez

(4)

649 returned

(46)

x 26 repatriated 73

x 12 previously released
38(5) ~~MA~~ 1A - ~~7~~POW-2 - ^{promoted} Sgt Cal Cookprobably deceased ^{known}

PFC Lawrence(?)

(misc
missing - 9)probably
affiliated
with NVA

Doctor Gordon:

76/01/27

Attache is the best
list I can provide of
Vietnam PW's. Of course,
you don't want to forget
our two active PW's.

W. S. T.
Hoffman

REPATRIATED MARINE POW'S (OPERATION HOMECOMING)

NAME	STATUS
X Colonel Edison W. MILLER 1965 Sherington Place K-305 Newport Beach, California 92660	Inactive
X Lieutenant Colonel H. P. CHAPMAN 3d Marine Aircraft Wing Fleet Marine Force, Pacific Marine Corps Air Station El Toro, California - 92709	Active duty
3. Lieutenant Colonel J. H. DUNN P. O. Box 4404 Jacksonville, Florida 32201 (Home address)	Active duty
X Lieutenant Colonel J. W. MARVEL 2d Marine Aircraft Wing Fleet Marine Force, Atlantic Marine Corps Air Station Cherry Point, North Carolina 28533	Active duty
5. Major P. J. MONTAGUE 3d Marine Aircraft Wing Fleet Marine Force, Pacific Marine Corps Air Station El Toro, California 92709	Active duty
X Major O. G. SWINDLE III 2d Marine Aircraft Wing Fleet Marine Force, Atlantic Marine Corps Air Station Cherry Point, North Carolina 28533 <i>1/5-719 S. 1</i> <i>Cannelle, Ga 31730</i>	Active duty
X Captain W. K. ANGUS 8218 E. Edgemont Street Scottsdale, Arizona 85257	Inactive
8. Captain B. R. ARCHER MATSG NATC NAS Pensacola, Florida 32511	Active duty
X Captain P. G. BROWN MATSG NATC NAS Pensacola, Florida 32511	Active duty

<u>NAME</u>	<u>STATUS</u>
10. Captain J. V. DIBERNARDO 3d Marine Aircraft Wing Fleet Marine Force, Pacific Marine Corps Air Station El Toro, California 92709	Active duty
11. Captain L. V. FRIESE 1352 Wisconsin Avenue, SW Huron, South Dakota 57350	Active duty
12. Captain Al KROBOTH 6216 Dobbin Court Burke, Virginia 22015	Inactive
13. Captain J. V. WALSH 3d Marine Aircraft Wing Fleet Marine Force, Pacific Marine Corps Air Station El Toro, California 92709	Active duty
14. Captain J. P. WARNER 2018 McKinley Ypsilanti, Michigan 48197	Inactive
15. CWO W. E. THOMAS, Jr. 1st Marine Brigade Fleet Marine Force, Pacific FPO San Francisco 96602	Active duty
16. Staff Sergeant Richard G. BURGESS 1405 South 34th Avenue Yakima, Washington 98902	Inactive
17. Staff Sergeant Frank E. CIUS Marine Barracks Naval Base Brooklyn, New York 11251	Inactive
18. Staff Sergeant John A. DEERING 121 Hazelwood Drive - Apt F-44 Hendersonville Sumner, Tennessee 37075	Inactive
19. Staff Sergeant A. R. RIATE 4416 Maury Avenue Long Beach, California 90807	Inactive

NAME	STATUS
21/6 Sergeant Jose J. ANZALDUA, Jr. Marine Corps Base Camp Pendleton, California 92055	Active duty
22/6 Sergeant Leonard R. BUDD 26 Elmwood Circle Peabody, Massachusetts 01960	Inactive
23/6 Sergeant Frederick L. ELBERT 471 Mayflower Avenue Brentwood, New York 11717	Inactive
23/6 Sergeant Robert R. HELLE Marine Barracks Naval Training Center Great Lakes, Illinois 60088	Inactive
24/6 Sergeant Ronald L. RIDGEWAY 6202 Weststar Road Alief, Texas 77411	Inactive
25/6 Sergeant Dennis A. TELLIER 301 Elm Street Woodsocket, Rhode Island 02895	Inactive

REPATRIATED MARINE POW'S (PRIOR TO OPERATION HOMECOMING)

26. Major Richard F. RISNER	Active duty
27. Sergeant Jon M. SWEENEY	Inactive
28. Corporal Jose AGOSTO-SANTOS	Inactive
29. PFC Joseph S. NORTH, Jr.	Inactive
30. Private Walter D. HAMILTON	Inactive
31. Sergeant James S. DODSON	Inactive
32. Corporal Walter W. ECKES	Inactive
33. Lance Corporal Steven D. NELSON	Inactive
34. Corporal Michael R. ROHA	Inactive
35. Corporal William P. TALIAFERRO	Inactive
36. Sergeant Albert J. POTTER	Inactive
37. Sergeant Frank C. IODICE	Inactive

M. K. Gordon

History and Museums Division
 Headquarters United States Marine Corps
 Washington, D.C. 20380
 Telephone: OX-41025, OX-45959

INTRA-OFFICE MEMORANDUM

File No.
 Date: 12 April 1976
 Due Date: NLT

From: Director of Marine Corps History and Museums

To: (X) Deputy Director for Marine Corps History
 () Deputy Director for Marine Corps Museums
 ()

Via/Attn: (1) Mr. Shaw
 () ~~Mr. [unclear]~~
 ()

Subj: Comments on Bucktag 5Mar76, re: Injuries & Illnesses of
 Repatriated MC POW in SEA

1. () For preparation of a draft recommended reply for
 my signature.

(X) For appropriate action. *Chep out after circulation*

(X) For review and recommendation.

() For information.

() Return.

() Retain.

2. Comment.

~~Prepare draft comment for my signature on attached bucktag.~~

~~EDITH SIMMONS~~
 * 1. Bring to attention of Vietnam writers. We should "plug in"
 to these POW studies, including establishing liaison with
 the Center.

* 2. I would be interested in knowing what other studies
 of Medical Service in Vietnam, particularly to us, are
 being pursued. V.R.
 S

* Action: Mr. Shulimson. make copy for our files also.
 All RVN writers review & rtn to me. HHS

HEADQUARTERS MARINE CORPS ROUTING SHEET (5211)
NAVMC HQ 335 (REV. 7-75)DATE
5 March 1976

2. OPERATION CODE

X - ORIGINATOR OR OFFICE
AFFIXING ROUTING SHEET

A - APPROPRIATE ACTION

B - GUIDANCE

C - SIGNATURE

D - COMMENT

E - RECOMMENDATION

F - CONCURRENCE

G - INFORMATION

H - RETURN TO

I - INITIAL

J - DISPOSITION

K - DECISION

L - RETENTION

O - (OTHER)

INTC
Rn 2131Injuries and Illnesses of Repatriated
Marine Corps Prisoners of War in
Southeast Asia

ROUTING (Use numbers to show order of routing)

4 RTG	5 OPR CODE	6 ADDRESSEES	7. DATE		8. INITIALS		9. NATURE OF ACTION REQUIRED	ORIGINATOR'S INITIALS	DUE DATE (If any)
			IN	OUT	CONCUR	NON- CONCUR			
		COMMANDANT CMC					ROUTINE		
		MILITARY SECY TO CMC					URGENT		
		ASSISTANT COMMANDANT ACMC					10. REFERENCES HELD BY (Name, Grade, Office Code, Telephone Extension)		
		EXEC ASSTN TO ACMC					W. H. POWELL MAJ INTC 42219		
		CHIEF OF STAFF CS					11. REMARKS AND SIGNATURE (If additional space is necessary, attach plain paper)		
		SECY OF GEN STAFF					INTC COMMENT:		
		DIRSP/PROJ SPD					1. The attached material is		
68	G	DC SEC PLAN & OPS P	3/16	3/30			provided for comments deemed		
		DC S FOR MANDOWER M					appropriate and recommendation		
		DC S FOR R & L L					as to further staffing.		
7	G	DC S FOR R & P RP							
8	G	DC S FOR AVIATION AA	4/12	4/15					
		DC S FOR RD & S RD							
		FISCAL DIR FD							
		DIR OF MC RESERVE RES							
		DIR OF INFO SYSP & MGMT ISM							
		INSPECTOR GENERAL IG							
		DIR JUDGE ADVOCATE DIV JA							
9	G	DIR OF INFORMATION PA	4/12	4/19					
10	GL	DIR OF HIST & MUSEUMS HO							
		DIP OF TELECOMM TEL							
		DIR OF INTELLIGENCE INT							
		DIR OF HQ SUPPORT HOS							
		LEGISLATIVE ASSTN OLA							
		COUNSEL FOR CMC CL							
1	DEH	MEDICAL OFF USMC MED	3/18	3/8					
		DENTAL OFF USMC DEN							
		CHAPLAIN USMC REL							
6A	DR	M-3	3/16	3/16					
		(NOTED BY MSPA)							
5	G	DIRECTOR	3/11						
4	G	DEPUTY DIRECTOR	3/11						
3	G	OPERATIONS OFFICER	3/11						
		XX CI BRANCH (INTC)	3/5						
		CURRENT INTELLIGENCE PLANS & ESTIMATES BR. (INTP)							
2	G	INTELLIGENCE MANAGEMENT BR. (INTM)	3/10						
		SIGINT & EW BR. INTS							
		OPER/ADMIN SEC. ION							

See instructions on reverse side

M-3 - INT 218

Injuries and Illnesses of Vietnam War POWs III: Marine Corps POWs

LCDR S. William Berg, MC, USNR and Milton Richlin, Ph.D.

Center for Prisoner of War Studies

Naval Health Research Center*

INTRODUCTION

Earlier reports in this series ¹⁻² presented the results of repatriation medical examinations of Navy and Army personnel who had been held as prisoners of war (POWs) in Vietnam. The present report documents the medical status of the 26 repatriated POWs (RPWs) who were members of the Marine Corps. //

The characteristics of the Marine Corps RPWs may be summarized as follows: there were 15 officers and 11 enlisted men; the average age at time of capture was 30.1 years for officers, and 20.5 years for enlisted men; duration of captivity (in months) averaged 51.1 for officers, and 53.6 for enlisted men.

Duty assignments at time of capture included: 13 aircrew members; one helicopter pilot and one helicopter gunner; six combat infantrymen; one advisor; one truck driver; and three men in miscellaneous assignments.

Eight of the Marine Corps RPWs (all aircrew officers) were captured in North Vietnam (NVN), and were held in the North throughout their captivity. Two other aircrew officers were captured in South Vietnam (SVN), but were moved to NVN prisons within a few days, and remained there for the duration of their captivity. The other 16 RPWs were captured in the South; 15 remained there for a few weeks to over two and one-half years before being moved to NVN, where they were held for the remainder

* This research was supported by the Department of the Navy, Bureau of Medicine and Surgery, under Work Order Request Number N00018-75-WR-00004 dated 1 July 1974 and by the Office of the Surgeon General, Department of the Army under Military Interdepartmental Purchase Request Number 75-01 dated 23 September 1974. The opinions presented in this paper are those of the authors. No endorsement by the Department of the Navy or the Department of the Army has been given or should be inferred.

76-0070

of their captivity. One Marine Corps RPW was captured in SVN late in the war and remained there until repatriation.

The present report describes the procedures and findings of the medical teams that examined and treated the Marine Corps RPWs at Clark Air Force Base (Republic of the Philippines), and at seven mainland Navy hospitals.

The details of the captivity conditions endured in both SVN and NVN have been described previously.¹⁻⁶ In summary, POWs in SVN were held in small groups accompanying guerilla bands; they were often chained or manacled inside bamboo cages, and endured whatever extremes of weather were present (including monsoon rains); the POWs shared the guerilla's fate of being at the end of the supply chain, which usually meant inadequate amounts of food and medicine; medical care was much more limited than in NVN.

In NVN POWs were held in conventional prisons, or buildings that had been converted to prisons, in or near metropolitan areas. Not only was food better quantitatively and qualitatively in NVN than in SVN, but after late 1969, the quantity of food increased, and conditions improved generally in NVN, but not in SVN.

In the present report, the emphasis is on documentation of the diagnoses made at "Operation Homecoming." Where appropriate, information is also presented concerning symptoms and conditions which occurred during captivity (as described in histories obtained by Operation Homecoming Physicians).

METHODS

The repatriation plan, originally drawn up under the code name "Egress Recap," was later given the name "Operation Homecoming" (O/H) and has been described previously.¹⁻² Briefly, all RPWs were admitted to the sicklist for a minimum of 90 days during O/H, with most of the men spending the first two to four weeks actually in the hospital. During this period the PRW was in the care of a primary physician, usually an internist, although general medical officers and surgeons were also utilized. All RPWs were evaluated by other consultants as needed.

O/H directives called for recording of all positive and negative findings. The basic tool to accomplish this documentation was the Initial Medical Evaluation Form (IMEF),¹ a 400-page 29-section instrument detailing all procedures to be done and providing space to record the results. The major sections of the IMEF provided for a programmed medical history and physical examination; a psychiatric questionnaire and examination; a neurological examination; an ophthalmological examination (including perimetry and retinal photographs); a dental history and examination (as well as dental radiographs and photographs); laboratory tests including serologic tests for Southeast Asia parasites and fecal examination for ova, parasites, and bacteria (culture); X-rays, including PA, lateral and apical-lordotic chest films and lumbar spinal films; intermediate PPD; resting electrocardiogram; audiogram; and somatotype photographs.

After each RPW was discharged from the sick list, his complete O/H medical record was forwarded to the Center for Prisoner of War Studies

(CPWS) in San Diego for study and microfilming. Included were medical records from Clark AFB, complete hospital in-patient charts, and the IMEF forms. All diagnoses, abnormal signs, symptoms, and laboratory results were extracted and recorded on individual coding sheets, along with pertinent ancillary information relating to etiology, history, treatment (if any), and status of each diagnosis at time of the RPW's release from the sick list. Diagnostic code numbers were assigned using the International Classification of Diseases, Adapted for United States, Eighth Edition (ICDA-8). Occasionally the ICDA-8 system was inadequate (e.g., positive PPD reaction), and in these instances a CPWS coding system was used. All data were key-punched for computer analysis, and analyzed using standard statistical programs.

RESULTS

The 26 RPWs accumulated 307 diagnoses (an average of 11.8 per RPW), which comprised 155 separate diagnostic entities.

Table 1 lists, in rank order, the most frequently occurring diagnoses. The frequency count gives the number of RPWs presenting with each particular diagnosis*.

Insert Table 1 about here

In addition to the diagnoses appearing in Table 1, several others are of clinical interest. Two RPWs had a mild degree of bundle branch block in their ECGs. One RPW had pneumonia. There were three cases of chronic bronchitis, diagnosed at O/H largely on the basis of a history of chronic cough.

*The frequency count indicates the number of RPWs presenting with the given diagnosis. Where a number of diagnoses have been combined (e.g., Helminthiases--120.0-129.9), an RPW is counted only once in the "category" even though he may have both Ascariasis--127.0 and Trichuriasis--127.2. In two cases an RPW presented with two or more problems, each carrying the same diagnostic label; in this report the RPW is counted only once for a given diagnosis.

There were four diagnoses of malnutrition as shown in Table 2. One RPW had scotomata during captivity, perhaps indicating nutritional amblyopia at the time.

Insert Table 2 about here

Transient, mild laboratory abnormalities were seen in many of the RPWs. Occasionally, the BUN was elevated, generally in the range of 25 to 35, for about one to four weeks. The serum creatine was normal in these individuals as were additional renal function studies, when done. Similarly, the SGOT and SGPT, and sometimes the LDH, were mildly elevated for two to three weeks. There were no diagnoses of acute refeeding pancreatitis, although vague low grade abdominal discomfort was common during the first few days of gorging themselves on American foods. These were treated symptomatically with antacids and mild limitation as to amount eaten. One RPW was reported as having "breast hypertrophy"; however, this was pectoral muscle hypertrophy rather than refeeding gynecomastia.

Table 3 presents the infective and parasitic diseases diagnosed at repatriation. In all cases, the RPWs were asymptomatic at O/H. All, however, were convinced that they had intestinal "worms" because of seeing worms in their stools in captivity, or sometimes having the experience of plucking an ascaris out of one's nose or mouth. Their convictions were well based as can be seen by the fact that ova or cysts were found on fecal smears in 96% of the returnees (Table 1).

Insert Table 3 about here

All the RPWs believed they had diarrhea in captivity, especially while held in SVN. However, the frequency and duration of these episodes varied widely. Many were convinced they had had "dysentery" in captivity, and several described watery diarrheal stools containing blood and mucous. Other POWs used

a "formula": 10 to 20 stools per day was "diarrhea," more than 20 was "dysentery." The decision in this paper was to accept as dysentery only those cases in which an etiologic agent was actually identified at O/H. Table 3 also lists the diagnoses of malaria, based on positive antibody titers, as determined by the Center for Disease Control in Atlanta. During captivity 10 additional RPWs were given "quinine" for febrile episodes diagnosed by Vietnamese paramedics, without benefit of blood smears, as "malaria." These individuals were sero-negative for malaria antibody titer at O/H.

DISCUSSION

It is not easy to characterize the captivity experience of the Marine Corps RPWs. First, the relatively small number (26) of repatriated Marines makes it difficult to tease out any pattern of injuries or illnesses. Second, the Marines fall into two groups: the 16 men captured in the South, who spent several weeks to several years there, and whose captivity experiences are similar to those of the Army RPWs; and the ten Marine aviators captured and held in the North, which is identical to the Navy RPW's captivity experience.**

The health of the RPWs at O/H was better than had been anticipated under "worst case" planning assumptions. Nevertheless, there are a number of individuals with permanent impairments, and many others who are "at risk" because of the extended period of time during which they were subjected to protein-calorie and vitamin malnutrition.⁷

** The final report in this series compares "North" vs "South" captivity, independent of service affiliation.

Eight (31 percent) of the RPWs reported episodes of "edema" and "swelling" during captivity. In at least some instances, these resemble textbook descriptions of wet beriberi (pedal and ankle edema, rapidly progressing to involve upper legs and scrotum). In some cases, the Vietnamese paramedic made a diagnosis of "beriberi" and treated it with "thiamine," with a rapid response.

The differential diagnosis of clinical thiamine deficiency in these men had to exclude traumatic peripheral nerve injury resulting from the extensive use of various restraining devices by their captors. The use of ropes, rachete handcuffs, leg irons, and stocks has been described in detail elsewhere.¹⁻⁶ These often constricted an extremity, producing ischemic injury, swelling, and paresthesias, as did the forced maintenance of one position for a prolonged period. It is also possible the swelling and paresthesias were due to an interaction between low thiamine levels and ischemic injury.

Tuberculosis was one of the three most common causes of death among RPWs in the period immediately after World War II.⁸⁻⁹ There were no cases of active tuberculosis in the present group of RPWs; however, two had positive PPD tests. In both cases, the most recent skin tests prior to capture had been negative.

The RPWs incurred 13 fractures (excluding compression fractures) and 14 major wounds. However, there was no particular grouping as to location or type of injury. Two still carried residual foreign bodies (shrapnel) at repatriation, and two had traumatic arthritis. Five RPWs (19 percent) suffered compression fractures; these occurred among aviators, probably during ejection or parachute landing at the time of shoot-down.

As in the other two services, partial loss of hearing was common, involving 12 Marine RPWs (46 percent). This was detectable generally as the high frequency hearing loss on the audiogram associated with prolonged exposure to jet

noise. Other reports have indicated that skin diseases were the greatest medical cause of time lost by soldiers fighting in Vietnam, and the RPWs shared this problem. Nine RPWs (35 percent) suffered skin infections, usually boils, carbuncles, pyodermas, or cellulitis.

"Premature aging" is a concept frequently invoked in discussing former POWs.⁹⁻¹¹ Evidence bearing on this matter in Vietnam RPWs is scant. The enlisted men were generally young when captured (average age 20.5), and late adolescence is still a vulnerable time to undergo the stress of malnutrition (three of the RPWs were 19 years old, and four were 20 years old at capture). Six RPWs (23 percent) showed degenerative changes ("spondylitis osteoarthritis") on spinal X-ray. There was no evidence of endocrinologic aging, such as decreased glucose tolerance. There were three diagnoses of presbyopia, out of an overall incidence of 15 refractive errors. Evidence of premature aging among the RPWs, as compared to a suitably matched comparison group will be sought in future examinations.

The World War II and Korean POW post-captivity experiences were characterized by prolonged and recurrent medical and psychiatric problems.⁸⁻¹³ The precise role of the captivity experience in the genesis of those problems of earlier POWs remains controversial and undetermined. Perhaps a more favorable outcome can be expected in the Vietnam group of RPWs because of the thoroughness of the medical and dental treatment during O/H, and the planned continuation of the program of examination and treatment in future years.

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Table 1

Most Common Diagnoses Among
Marine Corps Vietnam RPWs at Operation Homecoming

ICDA*	Diagnosis	Freq.	Percent
120.0-129.9	Helminthiasis	25	96
370.0-370.9	Refractive Errors	15	58
389.9	Hearing Impairment	12	46
952.0-957.9	Peripheral Nerve Injury	8	31
40000-40009**	Amoebiasis	7	27
713.1	Spondylitis Osteoarthritis	6	23
110.0-110.9	Dermatophytosis	5	19
728.0-728.9	Vertebrogenic Pain Syndrome	5	19
260.0-269.9	Avitaminoses & Other Nutritional Deficiencies	4	15
300.0-300.9	Neuroses	4	15
307.0	Transient Situational Disturbance	4	15
455.0	Hemorrhoids	4	15
456.1	Varicocoele	4	15
504.0	Deflected Nasal Septum	4	15
519.2	Old Granulomatous Disease	4	15
805.0-805.9	Fractured Vertebrae (Compression)	4	15
084.0-084.9	Malaria	3	12
507.0	Hay Fever	3	12
680.0-686.9	Skin Infections	3	12
729.7	Chondromalacia - Knee	3	12
782.7	Enlarged Lymph Nodes	3	12

Table 1 (Continued)

Most Common Diagnoses Among
Marine Corps Vietnam RPWs at Operation Homecoming

ICDA*	Diagnosis	Freq.	Percent
831.0-831.9 + 724.0-724.1	Dislocated & Deranged Shoulder	3	12
306.8 +791.0	Cephalgia-Headache	2	8
872.0-872.9	Open Wound - Ear	2	8

*ICDA; Code numbers taken from U.S. National Center for Health International Classification of Diseases for Use in the U.S. 8th Rev.

**Code numbers created by CPWS Medical Specialties Branch

Table 2

Malnutrition in Marine Corps Vietnam RPWs
at Operation Homecoming

ICDA*	Diagnosis	Freq.	Precent
261	Thiamine deficiency	1	4
266.9	Vitamin deficiency, not further specified	1	4
269.9	Malnutrition, not further specified	2	8

*ICDA; Code numbers taken from U.S. National Center for Health International
Classification of Diseases for Use in the U.S. 8th Rev.

Table 3

**Infective & Parasitic Diseases in
Marine Corps Vietnam RPWs at Operation Homecoming**

ICDA*	Diagnosis	Freq.	Percent
Intestinal Bacterial Infections			
004	Bacillary dysentery	1	4
Intestinal Protozoal Infections			
40001**	E. histolytica	1	4
40002**	E. coli	5	19
40003**	E. nana	3	12
Malaria			
084.1	Plasmodium vivax	1	4
084.9	Unspecified species	2	8
Helminthiases			
126	Ancylostomiasis	7	27
127.0	Ascariasis	15	58
127.2	Trichuriasis	14	54
127.3	Enterobiasis	7	27

* ICDA; Code numbers taken from U.S. National Center for Health International Classification of Diseases for Use in the U.S. 8th Rev.

** Code numbers created by CPWS Medical Specialties Branch

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 Raid on
 POW camp

THURSDAY MORNING, 14 MARCH 1974

NEW YORK TIMES - 14 MARCH 1974 P-3

1 Gives U.S. the Remains of Last 11 P.O.W.'s

1 AIR BASE, Thai- tion. "As I understand it, any
13 (UPI) — The consideration of that case was
the last of the not to be part of this ex-
serviceman known change."
1 in North Vietna- All but one of the men
1 camps were re- whose remains were returned
United States cus- today were Air Force or Navy
in Hanoi and flown pilots, United States authori-
for identification. etnamese officials said. The other was a
etnamese officials the remains of the Marine warrant officer.
or to United States. "The return went very
said they had no smoothly, even more smoothly
of American pris- than last week," General Ula-
died in captivity toski said. "I expressed the
ere returned last body of one B-52 hope that the transfer would
who died when his lead the way to the settlement
shot down is still of the cases of all our missing
North Vietnamese in action.
not learn anything. "They listened to me very
24th body," said politely and they acknowledged
Joseph R. Ulatoski, what I said."
the Center for the The somber ceremony held
of Missing in Ac- for the arrival of the first 12

bodies flown to this air base in southern Thailand a week ago was repeated today. An honor guard of four officers representing each of the services saluted as the 11 aluminum caskets draped with American flags were transferred from the C-130 transport plane to an ambulance.

The remains were taken to a nearby United States Army laboratory for positive identification before being flown to the United States. Spokesmen said that identification had not yet been completed on any of the 12 first bodies, although the North Vietnamese provided death certificates, personal effects and headstones bearing names in Vietnamese and initials in English.

The only unofficial spectators today were an elderly American couple seeking information about a son missing in action. The couple watched with bowed heads and asked not to be identified.

United States authorities list 2,043 Americans as either missing in action or killed in action throughout Indochina, whose bodies have not been recovered. By area, they are listed as about 450 in North Vietnam, 873 in South Vietnam, 550 in Laos and the rest in Cambodia.

Names Listed by U.S.

WASHINGTON, March 13 (UPI)—The Defense Department listed the names of the 11 men whose remains were handed over to the United States by North Vietnam today. They are:

ABBOTT, Capt. John, Navy
ATTFBERRY, Lieut. Col. Edw. L., Air Force
DODGE, Col. Ward K., Air Force
FREDERICK, Warrant Officer John W., Marine
GRIFFIN, Comdr. James L., Navy
GRUBB, Lieut. Col. Wilmer M., Air Force
HEGGEN, Lieut. Col. Keith R., Air Force
SUANI, Capt. Lance P., Air Force
SMITH, Capt. Homer L., Navy
STAMM, Comdr. Ernest A., Navy
WALTERS, Lieut. Comdr. Jack Jr., Navy

WASHINGTON POST - 14 MARCH 1974 P-16

Kissinger Delays Moscow Trip, Probably Won't Visit Mideast

Kissinger is now planned every year.

y of State Henry A. plans to go to Moscow 24, a week later ally projected for our days of preparas about President cond summit confer-

way back from Mos- inger probably will fly in London, U.S. said yesterday. The possibility that Kiss- ht proceed from Mos- other round of Mid- talks is now improb- cials said.

ger told reporters yes- after testimony be- sed doors of the Sen- ed Services Commit- it is not certain if t Nixon's second trip w will be in June.

an judge that better have been in Moscow ad of the month," Kis- aid, "and of course the l Security Council and vant committees of s will have a chance

In separate speeches, two senators yesterday raised new questions about the Nixon administration's pursuit of détente with the Soviet Union. Sens. James L. Buckley (Cons.-R-N.Y.) and Harry F. Byrd (Ind.-Va.) both said that U.S. policy is too one-sidedly tilted in favor of Soviet interests.

Buckley introduced Senate amendments yesterday that would deny most-favored-nation status and extension of commercial credits to any country that jams international broadcasts that are supported by U.S. tax dollars.

These would be amendments to the Trade Reform Act, and to legislation to extend the life of the Export-Import Bank. The administration is struggling to remove from pending trade legislation amendments that would require the Soviet Union to permit free emigration for Jews and others as a condition for trade and credit benefits.

In asking for what he called "a significant political price

NEW YORK TIMES
14 MARCH 1974 P-66

North Korea Accuses U.S.

TOKYO, March 13 (Reuters)—The North Korean press agency charged today that the United States sent a high-altitude reconnaissance plane north of the military demarcation line in Korea twice yesterday for purposes of espionage against North Korea.

NEW YORK TIMES
14 MARCH 1974 P-40

Ribicoff Stirred by Warning On Building of Atomic Bomb

WASHINGTON, March 13 (AP)—Senator Abraham A. Ribicoff, Democrat of Connecticut, says the Atomic Energy Commission perhaps should assign someone to build a crude atomic bomb to find out how easily this could be done with stolen fissionable material.

Mr. Ribicoff, chairman of a Senate subcommittee assessing nuclear safeguards, voiced the suggestion yesterday after a nuclear physicist said that such

NEW YORK TIMES 14 MARCH 1974 P-30 Army's Recruitment Goal Missed Again in February

WASHINGTON, March 13 (UPI) — The Army missed its recruiting goals in February, and officials said restrictions imposed by Congress were entirely to blame.

Lieut. Gen. Bernard W. Rogers, the deputy chief of the Army staff for personnel, told a House Armed Services subcommittee yesterday that the Army reached 89 per cent of its recruiting goal in February. In the 13 months since the draft ended, the Army has met its goals only twice, last November and December.

Paul D. Phillips, the acting Assistant Army Secretary for Manpower, predicted that the Army would fall 5,000 to 12,000 men short of its mandated size of 782,000 men by June 30. That would be half the previously predicted shortfall.

"Nearly all of that would be attributable to the Con-

POW Materials

CMC Reference notebooks

see III - H-7 for ^{format} 1970's
as an example

Operations, Training, Intelligence
Volumes for each year

STATEMENT
OF
DR. ROGER E. SHIELDS
DEPUTY ASSISTANT SECRETARY OF DEFENSE
(INTERNATIONAL ECONOMIC AFFAIRS)
BEFORE THE
ARMED SERVICES COMMITTEE
SUBCOMMITTEE NUMBER TWO
HOUSE OF REPRESENTATIVES

19 NOVEMBER 1974

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE:

IT IS A PRIVILEGE FOR ME TO REPRESENT THE DEPARTMENT OF DEFENSE HERE TODAY. I PARTICULARLY WELCOME THIS SESSION WITH YOU BECAUSE IT REPRESENTS OUR FIRST OPPORTUNITY TO REPORT TO THIS COMMITTEE ON OUR EFFORTS TO ACHIEVE AN ACCOUNTING FOR OUR PRISONERS OF WAR AND MISSING AND THE RETURN OF THE REMAINS OF OUR DEAD SINCE THE SIGNING OF THE AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM.

BEFORE COMMENTING DIRECTLY ON THE PROPOSED LEGISLATION BEFORE THIS COMMITTEE, I WOULD LIKE TO REVIEW SOME OF THE BACKGROUND RELATING TO THE ISSUE OF THE MISSING AND STATUS CHANGES. THROUGHOUT THE CONFLICT, MEN WERE PLACED IN A MISSING STATUS BASED ON THE CIRCUMSTANCES OF LOSS, WITNESS REPORTS, SEARCH AND RESCUE RESULTS AND THE FIELD COMMANDER'S RECOMMENDATION. WE LEARNED THROUGH VARIOUS MEANS THAT SOME MEN HAD SURVIVED VERY SEVERE INCIDENTS TO BECOME PRISONERS, WHILE OTHERS HAD SIMPLY DISAPPEARED.

SOME SERVICEMEN WERE CONTINUED IN A MISSING STATUS EVEN THOUGH THE PROBABILITY OF SURVIVAL WAS REMOTE. SOME WERE PLACED IN A PRISONER STATUS BASED ON INFORMATION AVAILABLE AT THE TIME ONLY TO LEARN LATER THAT THE INFORMATION WAS PROBABLY INVALID OR THAT SUBSEQUENT EVENTS HAD ALTERED THE INITIAL SITUATION. THERE WERE INSTANCES, FOR EXAMPLE, WHERE MEN ESCAPED FROM DAMAGED AIRCRAFT AND LANDED UNINJURED. THEY WERE SEEN ON THE GROUND OR WERE IN COMMUNICATION WITH AIRBORNE AIRCRAFT. IN OTHER CASES, THE

AVAILABLE INFORMATION INDICATED THAT THE PROBABILITY WAS SLIGHT THAT A MAN SURVIVED THE INCIDENT OF LOSS.

THE MANY UNKNOWNNS REGARDING THE LOSS OF OUR MEN, COUPLED WITH THE REFUSAL OF THE OTHER SIDE TO ACKNOWLEDGE THE CAPTURE OR DEATH OF OUR MEN AS REQUIRED BY THE GENEVA CONVENTION RELATING TO THE TREATMENT OF PRISONERS OF WAR, TEMPERED THE JUDGMENT OF THOSE CHARGED WITH ASCERTAINING THE FATE OF THE MISSING MEMBER. THE OVERWHELMING CONSIDERATION WAS THAT OUR RETURNEES WOULD BE ABLE TO PROVIDE US WITH ADDITIONAL INFORMATION AT THE TIME OF THEIR RELEASE, OR THAT THIS INFORMATION WOULD BE PROVIDED AS THE RESULT OF A NEGOTIATED AGREEMENT WITH NORTH VIETNAM AND ITS ALLIES.

THERE WERE MANY UNCERTAINTIES AS TO THE FATE OF OUR MEN, AND AS YOU WILL RECALL, THE PRISONER AND MISSING ISSUE WAS ONE OF THE PRIME CONSIDERATIONS FROM THE BEGINNING OF OUR NEGOTIATIONS IN PARIS. WE CONTINUED TO HOPE THE OTHER SIDE WOULD DISPLAY SOME DEGREE OF HUMANITARIANISM AND RESPOND TO THE MANY INQUIRIES, OFFICIAL AND UNOFFICIAL, INTO THE STATUS OF THE MISSING.

THROUGHOUT THE CONFLICT VERY LIMITED GAINS IN THIS AREA WERE MADE AS THE RESULT OF EFFORTS BY CONCERNED CITIZENS AND THE GOVERNMENT. THE NORTH VIETNAMESE RELEASED LIMITED INFORMATION ON THE NUMBER OF PRISONERS THEY HELD THROUGH UNOFFICIAL CHANNELS. THOUGH FRAGMENTED AND INCOMPLETE LISTS WERE PROVIDED FROM TIME TO TIME, IN MOST INSTANCES THEY CONTAINED THE NAMES

OF MEN WHOM WE ALREADY HAD CLASSIFIED AS PRISONERS. ALTHOUGH THE NAMES OF A FEW MEN CAPTURED IN SOUTH VIETNAM WERE RELEASED LATE IN THE CONFLICT, NO SUCH INFORMATION WITH REGARD TO MEN LOST IN LAOS WAS FORTHCOMING UNTIL AFTER THE SIGNING OF THE AGREEMENT.

PRIOR TO THE REPATRIATION, WE HOPED THE OTHER SIDE WOULD BE FORTHCOMING WITH INFORMATION ON THE MISSING AND, AS STATED, THAT OUR RETURNEES WOULD BE ABLE TO PROVIDE US WITH INFORMATION ON THE FATE OF OTHERS. WITH RESPECT TO THE OTHER SIDE, THEIR FINAL ROSTERS LISTED 566 MILITARY, 25 US CIVILIANS AND 9 THIRD COUNTRY NATIONALS, INCLUDING TWO MILITARY AND ONE CIVILIAN IN CHINA, TO BE REPATRIATED. THE DEMOCRATIC REPUBLIC OF VIETNAM (DRV) AND THE PROVISIONAL REVOLUTIONARY GOVERNMENT (PRG) LISTED 55 SERVICE-MEN AS HAVING DIED IN CAPTIVITY. THESE ROSTERS PROVIDED THE FIRST SPECIFIC INFORMATION WITH REGARD TO 52 SERVICEMEN TO BE REPATRIATED WHOM THE SERVICES HAD PREVIOUSLY LISTED AS MISSING IN ACTION. IT WAS INTERESTING TO NOTE THAT 36 OF THESE MEN WERE LOST IN LATE 1972 AND EARLY 1973.

TO LOOK AT THESE STATISTICS IN ANOTHER WAY, AT THE TIME OF THE PRISONER REPATRIATIONS, THE SERVICES CARRIED 593 SERVICEMEN AS PRISONERS OF WAR. THE OTHER SIDE LISTED 513 OF THESE AS PRISONERS AND 27 AS HAVING DIED IN CAPTIVITY, FOR A TOTAL OF 540. THIS LEFT 53 FOR WHOM THERE WAS NO ACCOUNTING BY THE OTHER SIDE.

WITH THE RETURN OF THE ACKNOWLEDGED PRISONERS OF WAR, THERE REMAINED 1363 AMERICAN SERVICEMEN MISSING IN SOUTHEAST ASIA, INCLUDING CHINA. IN ADDITION, THERE WERE OVER 1100 AMERICANS WHO WERE LISTED AS KILLED IN ACTION BUT WHOSE REMAINS HAD NOT BEEN RECOVERED.

THIS REPRESENTS APPROXIMATELY 4.3 PERCENT OF THE TOTAL DEATHS RESULTING FROM THE CONFLICT. IF WE COMPARE THIS TO WORLD WAR II, WE FIND 22 PERCENT OF THE TOTAL CASUALTIES IN THAT CONFLICT WERE NOT RECOVERED. COINCIDENTALLY, THIS SAME PERCENTAGE APPLIED TO THOSE NOT RECOVERED FROM THE KOREAN CONFLICT. THE IMPROVEMENT IN VIETNAM IS DUE IN PART TO IMPROVED METHODS OF SEARCH AND RESCUE AND IN PART TO THE NATURE OF THE CONFLICT. IN FACT, ONE OF THE MOST REMARKABLE ASPECTS OF THE CONFLICT WAS THE RECOVERY OR RESCUE OF OUR PERSONNEL FOLLOWING THEIR LOSS. A NAVY STUDY SHOWS THAT 38 PERCENT OF NAVY AIRCREWS WERE RECOVERED, WITH AN ADDITIONAL 28 PERCENT CLASSIFIED AS PRISONERS, 17 PERCENT WERE MISSING AND 16 PERCENT KILLED IN ACTION. AIR FORCE RECORDS REFLECT A TOTAL OF 2541 COMBAT RESCUES. THIS INCLUDES 174 IN NORTH VIETNAM, 776 IN LAOS AND 1591 IN SOUTH VIETNAM. SOME OF THE MOST HEROIC DEEDS OF THE CONFLICT WERE ASSOCIATED WITH SEARCH AND RESCUE EFFORTS. THE MASSIVE RESOURCES AND EFFORTS DEVOTED TO SEARCH AND RECOVERY OF OUR MEN IN SOUTHEAST ASIA RESULTED IN THE RESCUE OF MANY WHO WOULD HAVE OTHERWISE BEEN LOST. SOME SEARCH EFFORTS WERE UNSUCCESSFUL DUE TO THE HOSTILE ENVIRONMENT, TERRAIN OR LACK OF DEFINITIVE INFORMATION ON THE LOCATION OF THE LOSS. GENERALLY, THESE ARE THE TYPES OF CASES WHICH WE FACE TODAY. IT SHOULD BE NOTED THAT OVER 84 PERCENT OF THE MEN STILL CLASSIFIED AS MISSING ARE ASSOCIATED WITH AIR LOSSES.

IN THE FACE OF THESE SITUATIONS, OUR EFFORTS TO NEGOTIATE WITH THE OTHER SIDE BECAME EVEN MORE IMPORTANT. FROM THE BEGINNING OF OUR NEGOTIATIONS IN SAIGON, WE BEGAN QUESTIONING THE DEMOCRATIC REPUBLIC OF VIETNAM AND THE PROVISIONAL REVOLUTIONARY GOVERNMENT ABOUT THE FATE OF THE MISSING AMERICANS

AND ENDEAVORED TO SET UP PROCEDURES TO FACILITATE AN ACCOUNTING. THE DEMOCRATIC REPUBLIC OF VIETNAM AND THE PROVISIONAL REVOLUTIONARY GOVERNMENT ACKNOWLEDGED THEIR RESPONSIBILITIES IN THIS AREA BUT CHOSE TO DELAY ANY ACTION UNTIL THE ACKNOWLEDGED PRISONERS WERE REPATRIATED. WITH THE COMPLETION OF THE REPATRIATION ON 1 APRIL 1973, THE TASK OF ACCOUNTING FOR THE MISSING AND RECOVERING THE DEAD WAS LEFT TO THE FOUR-PARTY JOINT MILITARY TEAM (FPJMT) AS STIPULATED IN THE AGREEMENT.

THE UNITED STATES DELEGATION TO THE FOUR-PARTY JOINT MILITARY TEAM HAS CONTINUED THESE EFFORTS IN THE INTERVENING 20 MONTHS, BUT I MUST FRANKLY ADMIT, WITH ONLY LIMITED RESULTS. THE ONLY SIGNIFICANT PROGRESS TO DATE HAS BEEN THE RETURN OF THE REMAINS OF 23 AMERICANS LISTED BY THE DEMOCRATIC REPUBLIC OF VIETNAM AS HAVING DIED IN CAPTIVITY. I REMIND YOU THAT OF THOSE 23, 15 HAD BEEN CLASSIFIED BY THE SERVICES AS PRISONER OF WAR, SEVEN AS MISSING IN ACTION AND ONE AS DECEASED-REMAINS NOT RECOVERED.

THE HISTORY OF THE FOUR-PARTY JOINT MILITARY TEAM, ITS INITIATIVES AND FRUSTRATIONS HAVE BEEN WELL DOCUMENTED AND REPORTED TO THE CONGRESS. THE LAST SUCH REPORT WAS CONTAINED IN A MEMORANDUM OF OCTOBER 7, 1974, WHICH WAS DISTRIBUTED TO ALL MEMBERS OF CONGRESS. I HAVE PROVIDED AN ADDITIONAL COPY FOR YOUR USE TODAY.

WE HAVE REPORTED TO THE CONGRESS ON A NUMBER OF OCCASIONS ON OUR EFFORTS TO LOCATE AND RECOVER OUR MISSING AND DEAD IN SOUTHEAST ASIA.

THESE EFFORTS CONTINUE TODAY. THE JOINT CASUALTY RESOLUTION CENTER (JCRC) HAS CONDUCTED A NUMBER OF SEARCHES IN SOUTH VIETNAM. UNFORTUNATELY, THEIR ACTIVITIES HAVE BEEN RESTRICTED TO AREAS OF SOUTH VIETNAM UNDER THE CONTROL OF OUR SOUTH VIETNAMESE ALLIES. THESE SEARCHES HAVE ENJOYED LIMITED SUCCESS. WE HAVE ATTEMPTED TO GAIN ACCESS TO COMMUNIST CONTROLLED OR CONTESTED AREAS OF SOUTH VIETNAM AND NORTH VIETNAM, BUT THUS FAR THE OTHER SIDE HAS REFUSED TO ADDRESS THE ISSUE.

WE HAVE ALSO CONDUCTED AT-SEA SEARCHES IN THE DANANG AREA. THESE EFFORTS INVOLVED THE USE OF MODERN SIDE SCANNING SONAR, TELEVISION EQUIPMENT AND DIVERS. THE SEARCHES COVERED SEVERAL SQUARE MILES AND RESULTED IN THE LOCATING OF THE WRECKAGE OF NINE AIRCRAFT. SOME OF THESE MIGHT HAVE BEEN RELATED TO UNRESOLVED CASES, BUT THE CONDITION OF THE WRECKAGE MADE POSITIVE IDENTIFICATION IMPOSSIBLE. ONE, HOWEVER, PROVIDED SUFFICIENT INFORMATION ON WHICH TO BASE STATUS CHANGES.

WITH REGARD TO ALL OF OUR SEARCH EFFORTS, WE HAVE ENJOYED EXCELLENT COOPERATION AND ASSISTANCE FROM OUR SOUTH VIETNAMESE ALLIES. THEY HAVE ASSISTED US IN LAUNCHING A NATIONWIDE PUBLICITY CAMPAIGN TO SOLICIT INFORMATION FROM THE POPULACE ON MISSING AND DEAD AMERICANS. THIS PROGRAM HAS RESULTED IN NUMEROUS REPORTS AND INFORMATION, SOME OF WHICH DEFINITELY RELATE TO MISSING AMERICANS. THIS PROGRAM HAS ALSO BEEN INSTRUMENTAL IN LOCATING SOME CRASH AND GRAVE SITES. THE SOUTH VIETNAMESE THEMSELVES HAVE CONDUCTED SOME SEARCHES AND RECOVERIES RESULTING IN THE RESOLUTION OF SEVERAL MISSING CASES.

WITH REGARD TO MEN LOST IN LAOS, AN AGREEMENT WAS SIGNED IN THAT COUNTRY TO END THE HOSTILITIES THERE AROUND THE TIME OF THE REPATRIATION OF OUR PRISONERS FROM VIETNAM. YOU WILL RECALL THAT THE UNITED STATES IS NOT A SIGNATORY TO THIS AGREEMENT. THE ONLY AMERICANS LOST IN LAOS FOR WHOM THERE WAS AN IMMEDIATE ACCOUNTING WERE SEVEN MILITARY AND TWO CIVILIANS RELEASED IN HANOI ON MARCH 28, 1973, THROUGH THE NORTH VIETNAMESE. THESE NINE WERE INCLUDED IN THE NUMBER OF TOTAL RETURNEES REFLECTED ABOVE. NO LISTS OF MISSING OR OF THOSE WHO DIED IN CAPTIVITY WERE PROVIDED. THE LAOS AGREEMENT SPECIFIED CONDITIONS AND PROVISIONS FOR THE EXCHANGE OF PRISONERS OF WAR AND INFORMATION ON THE MISSING SIMILAR TO THE VIETNAM AGREEMENT. IMPLEMENTATION OF THE SECTION OF THE AGREEMENT CONCERNING THE RELEASE OF PRISONERS BEGAN A SHORT TIME AGO. THIS RESULTED IN THE RELEASE OF EMMET KAY, AN AMERICAN, ON SEPTEMBER 18 OF THIS YEAR. WE HAVE RECEIVED INDICATIONS THAT THE LAO PARTIES WILL ADDRESS THE MISSING AND DEAD ISSUE IN THE NEAR FUTURE.

WITH THE RETURN OF THE AMERICAN PRISONERS OF WAR, EACH MAN WAS QUESTIONED AS TO HIS KNOWLEDGE OF OTHERS STILL MISSING. AS I STATED AT THE BEGINNING, WE ANTICIPATED THAT THEY WOULD BE ABLE TO PROVIDE US WITH SIGNIFICANT INFORMATION CONCERNING THOSE WHO DID NOT RETURN. UNFORTUNATELY, THEY COULD ADD LITTLE TO WHAT WE ALREADY KNEW. THEY WERE ABLE TO PROVIDE DATA THAT WAS USEFUL IN THE RESOLUTION OF LESS THAN 100 CASES. SOME OF THE RETURNEES PROVIDED INFORMATION THAT CONFIRMED DEATHS REPORTED BY THE OTHER SIDE. OTHERS PROVIDED WHAT MIGHT BE CONSIDERED AS NEGATIVE, ALTHOUGH NOT COMPLETE, INFORMATION. THIS INFORMATION INDICATED THAT THE CIRCUMSTANCES UNDER WHICH

THE RETURNEE HAD ESCAPED FROM A DAMAGED AIRCRAFT OR THE LAST KNOWN CONDITION OF THE MISSING SERVICEMAN INDICATED THE PROBABILITY THAT MANY HAD PERISHED IN THE CRASH.

THE THRUST OF MUCH OF THE INFORMATION WE RECEIVED FROM OUR RETURNEES AND AN ANALYSIS OF THE CIRCUMSTANCES OF LOSS STRONGLY INDICATE WE WERE, IN FACT, WELCOMING HOME THE SURVIVORS OF CATASTROPHIC SITUATIONS. THIS IS MOST PREVALENT IN THE LOSS OF HIGH PERFORMANCE AIRCRAFT.

STUDIES CONDUCTED BY THE AIR FORCE AND NAVY COVERING THE CIRCUMSTANCES OF ESCAPE FROM DISABLED AIRCRAFT BY OUR RETURNEES AND THOSE WHO WERE RESCUED ON THE SCENE STRONGLY SUPPORT THESE CONCLUSIONS. THE EXTENT OF INJURIES RELATED TO COMBAT ESCAPES WAS MARKEDLY GREATER THAN IN ESCAPES FROM AIRCRAFT IN PEACETIME LOSSES.

NEVERTHELESS, WE HAD LITTLE OR NO INFORMATION CONCERNING MANY MEN AND INDICATIONS THAT SOME MEN HAD, IN FACT, BEEN CAPTURED WHILE IN OTHER CASES, WE BELIEVE MEN SHOULD HAVE BEEN CAPTURED. THUS, WE WERE HOPEFUL THAT THE OTHER SIDE WOULD PROVIDE US WITH ALL AVAILABLE INFORMATION ON OUR MISSING MEN AS THEY WERE REQUIRED AND HAD PROMISED TO DO. THERE WERE, HOWEVER, A NUMBER OF CASES IN WHICH STATUS REVIEWS WERE WARRANTED BY THE INFORMATION ALREADY POSSESSED BY THE MILITARY SERVICES. THIS BRINGS US TO THE SUBJECT OF REVIEWS AND STATUS CHANGES.

THE RECORDING AND CHANGING OF STATUS OF THE MISSING ARE GOVERNED BY SECTIONS 551-558, TITLE 37, UNITED STATES CODE. UNDER PUBLIC LAW, THE SERVICE SECRETARIES ARE GIVEN RESPONSIBILITY FOR STATUS CHANGES. TO ASSIST HIM, EACH SECRETARY CALLS UPON PROFESSIONALS WITHIN HIS ORGANIZATION WHO

CONDUCT AN EXHAUSTIVE STUDY, BASED ON ALL AVAILABLE INFORMATION OF EACH INDIVIDUAL CASE. THEIR TASK IS A PAINFUL ONE REQUIRING COUNTLESS HOURS OF DELIBERATION AND CALLING ULTIMATELY FOR DIFFICULT DECISIONS. THE SUBJECT OF STATUS DETERMINATIONS IS NOT A NEW ONE FOR THE SERVICES. THOSE INVOLVED IN THIS OFTEN UNHAPPY PART OF THE PRISONER OF WAR/MISSING IN ACTION ISSUE ARE EXPERIENCED AND SKILLED AND EXPERT IN UPHOLDING THE PUBLIC LAW AND AT THE SAME TIME PROTECTING, TO THE BEST OF THEIR ABILITY, THE ULTIMATE INTERESTS OF THE MISSING MEN AND THEIR FAMILIES.

IN MAKING STATUS DETERMINATIONS, TWO OPTIONS EXIST IN ADDITION TO THAT OF RETAINING THE INDIVIDUAL IN A MISSING STATUS. IN THOSE CASES WHERE INFORMATION IS RECEIVED WHICH CONCLUSIVELY ESTABLISHES THAT THE MEMBER IS DEAD, THEN A REPORT OF DEATH WILL BE ISSUED. A FINDING OF DEATH, COMMONLY KNOWN AS A "PRESUMPTIVE FINDING" IS MADE WHEN CIRCUMSTANCES ARE SUCH THAT THE MISSING INDIVIDUAL CANNOT REASONABLY BE PRESUMED TO BE LIVING. AN INDIVIDUAL WHO WAS LOST OVER WATER AND WHO WAS NOT AMONG THOSE RELEASED OR ACKNOWLEDGED BY THE OTHER SIDE IN ANY WAY IS ONE GOOD EXAMPLE OF A POTENTIAL "PRESUMPTIVE FINDING."

I WANT TO EMPHASIZE THAT STATUS CHANGES ARE NOT UNALTERABLY TIED TO THE INSPECTION OF COMBAT SITES OR TO THE RECOVERY OF REMAINS. WE MADE CHANGES IN STATUS FROM MISSING IN ACTION OR PRISONER OF WAR TO KILLED IN ACTION THROUGHOUT THE RECENT CONFLICT, BASED ON INDIVIDUAL REVIEWS OF ALL AVAILABLE EVIDENCE. A NUMBER OF THESE CHANGES HAVE BEEN MADE SINCE THE SIGNING OF THE AGREEMENT IN PARIS. FROM JANUARY 27, 1973 THROUGH NOVEMBER 9, 1974, 428

STATUS CHANGES HAVE BEEN MADE BY THE MILITARY SERVICES. THIS INCLUDES 139 REPORTS OF DEATH BASED ON CIRCUMSTANCES OF LOSS, RECOVERY OF REMAINS, RETURNEE DEBRIEFS AND RELATED INFORMATION. THERE HAVE BEEN 289 FINDINGS OF DEATH, BASED ON SIMILAR BUT LESS PRECISE INFORMATION. OF THIS, 32 CHANGES WERE RELATED TO OVER WATER LOSSES. THESE INCIDENTS HAD BEEN PREVIOUSLY INVESTIGATED, SEARCHES CONDUCTED AND THERE WAS, IN THE JUDGMENT OF THE REVIEWING OFFICIAL, LITTLE LIKELIHOOD ANY ADDITIONAL INFORMATION WOULD EVER BE FORTHCOMING REGARDING THE LOSS. ALTHOUGH THESE LOSSES WERE RELATED TO THE COMBAT ENVIRONMENT, THEY WERE MORE CLOSELY RELATED TO OPERATIONAL AT-SEA LOSSES.

WITH REGARD TO THOSE SERVICEMEN LISTED AS PRISONER OF WAR BY THEIR SERVICES, THERE HAVE BEEN 43 STATUS CHANGES. FIFTEEN WERE BASED ON THE RECOVERY OF REMAINS; FIFTEEN WERE REPORTS OF DEATH, AGAIN BASED ON RETURNEE DEBRIEFS AND OTHER INFORMATION. THE REMAINING THIRTEEN WERE FINDINGS OF DEATH.

ALL OF THE REVIEWS HAVE BEEN CONDUCTED IN ACCORDANCE WITH THE LAW AND WITH FULL CONSIDERATION OF ALL THE FACTS. I BELIEVE THE SERVICES HAVE ADMINISTERED THE LAW FAIRLY AND JUSTLY WITH FULL REGARD FOR THE MISSING MEMBER AND HIS FAMILY. PROCEDURES HAVE BEEN REVISED TO COMPLY WITH THE DECREE WHICH WAS ENTERED ON 11 MARCH 1974 IN MCDONALD V. MCLUCAS. THIS SUIT WAS FILED AGAINST THE SECRETARIES OF THE MILITARY DEPARTMENTS REGARDING CASE REVIEWS AND STATUS CHANGES UNDER TITLE 37, UNITED STATES CODE. THE

DECREE REQUIRED THAT FUTURE CASE REVIEWS WHICH COULD RESULT IN FINDINGS OF DEATH NOT BE MADE BY THE DEFENDANTS UNLESS CERTAIN RIGHTS WERE AFFORDED THOSE NEXT OF KIN CURRENTLY RECEIVING GOVERNMENTAL FINANCIAL BENEFITS. THIS ACTION IS DESCRIBED IN GREATER DETAIL IN DEFENSE DEPARTMENT MEMORANDA OF MAY 20 AND OCTOBER 7, 1974 FOR SENATORS AND REPRESENTATIVES. COPIES OF THE LATTER HAVE BEEN MADE AVAILABLE FOR YOUR CONVENIENCE DURING THIS SESSION.

THE SERVICES PROMULGATED REGULATIONS TO IMPLEMENT THE REQUIREMENTS OF THE COURT'S DECREE AND ALL REVIEWS SINCE MARCH 11, 1974 HAVE BEEN CONDUCTED IN FULL COMPLIANCE WITH THOSE REQUIREMENTS. THE SERVICE REGULATIONS REQUIRE THAT REVIEWS BE PRECEDED BY THE OFFER OF THE RIGHTS TO THE AFFECTED PARTIES WHICH ARE REQUIRED BY THE DECREE. WHEN THE CASE OF A MISSING SERVICEMAN IS TO BE CONSIDERED FOR REVIEW, THE SPECIFIED NEXT OF KIN ARE TO BE INFORMED BY A LETTER FROM THE APPROPRIATE SERVICE. THE LETTER ALSO CONTAINS AN EXPLANATION OF THEIR RIGHTS TO A PRIOR HEARING, OF COUNSEL, OF ACCESS TO INFORMATION AND TO PRESENT INFORMATION. IF A HEARING IS DESIRED BY THE SPECIFIED NEXT OF KIN, ADDITIONAL LIAISON BY THE SERVICE CASUALTY OFFICE IS TO BE CONDUCTED TO ENSURE A TIME CONVENIENT TO THE FAMILY. IN A NUMBER OF INSTANCES, HEARINGS HAVE BEEN RESCHEDULED SEVERAL TIMES PURSUANT TO FAMILY REQUESTS. A SUMMARY OF THE SERVICE CASE MATERIAL TO BE UTILIZED IN THE HEARING IS MADE AVAILABLE TO THE SPECIFIED NEXT OF KIN PRIOR TO ITS SCHEDULED DATE. NO INFORMATION WHICH HAS NOT BEEN MADE AVAILABLE TO THE SPECIFIED NEXT OF KIN AS A RESULT OF THE HEARING WILL BE CONSIDERED BY THE REVIEW BOARD IN THE COURSE OF THEIR DELIBERATIONS.

THE WORK OF THE SERVICE SECRETARY IN IMPLEMENTING THIS LAW IS COMPLEX AND DIFFICULT. THE LAW, FOR EXAMPLE, COVERS PEACETIME AS WELL AS COMBAT LOSSES. ALTHOUGH IN SOME CASES THE FACTS SURROUNDING THE LOSS ARE CLEAR AND UNAMBIGUOUS, OTHER CASES PROVIDE FEW INDICATIONS THAT REVEAL THE COMPLETE STORY. THIS IS TRUE EVEN IN PEACETIME LOSSES WHERE INITIAL CIRCUMSTANCES INDICATE STRONG PROBABILITY OF SURVIVAL AND GOOD CHANCES FOR LOCATION AND RECOVERY.

TO CITE AN EXAMPLE, WE LOST AN AIRCRAFT IN NOVEMBER 1963 NEAR SPOKANE, WASHINGTON. ONE CREW MEMBER WAS RESCUED THE FOLLOWING DAY. THE AIRCRAFT WRECKAGE AND BOTH EJECTION SEATS WERE FOUND THAT SAME DAY, INDICATING THE OTHER CREW MEMBER HAD SUCCESSFULLY ESCAPED FROM THE DISABLED AIRCRAFT. HOWEVER, THE OTHER MAN COULD NOT BE FOUND.

DETERIORATING WEATHER HAMPERED THE SEARCH FOR THE NEXT FEW DAYS. NONETHELESS, THE SEARCH CONTINUED THROUGH THE WINTER AND WAS REINTENSIFIED IN THE SPRING. STILL, NO TRACE WAS FOUND OF THE MISSING MAN. EFFORTS CONTINUED THROUGH THE YEARS AND THERE WERE NUMEROUS REPORTS CONCERNING THE MISSING PILOT BY WELL MEANING INDIVIDUALS. ONE SUCH REPORT ALLEGED THAT THE MAN WAS SEEN AT A LOCAL SERVICE STATION SOME TWO YEARS AFTER THE ACCIDENT.

IN 1973, ANOTHER PART OF THE AIRCRAFT WAS FOUND, AND THIS CAUSED A RENEWAL OF SEARCH EFFORTS. ON OCTOBER 7, OF THIS YEAR, ALMOST 11 YEARS LATER, THE REMAINS OF THE MAN WERE FOUND, TOGETHER WITH EVIDENCE OF HIS DEATH ON THE DATE OF THE INCIDENT.

MR. CHAIRMAN, I CITE THIS EXAMPLE BECAUSE IT ILLUSTRATES THE EFFORTS WE EXPEND TO LOCATE AND RECOVER ANYONE WHO IS LOST -- REGARDLESS OF CIRCUMSTANCES OR LOCATION. THIS MAN WAS IN A MISSING STATUS FOR SOME NINE MONTHS BEFORE HE WAS PRESUMED DEAD, AND WHILE HE WAS LISTED AS DECEASED, EFFORTS CONTINUED TO DETERMINE HIS ULTIMATE FATE.

ANOTHER EXAMPLE MAY STRIKE MORE CLOSELY TO HOME FOR YOU. YOU WILL RECALL THE LOSS OF YOUR LATE COLLEAGUES, CONGRESSMEN HALE BOGGS AND NICK BEGICH IN ALASKA. AS IN THE PREVIOUS CASE, WE HAD VIRTUALLY UNLIMITED RESOURCES TO SEARCH FOR THESE MEN IN A PEACEFUL ENVIRONMENT, BUT AS YOU KNOW, OUR SEARCH EFFORTS MET WITH NO SUCCESS.

LET ME CITE TWO OTHER CLASSIC EXAMPLES OF THIS FROM THE PAST. ONE WAS AN OPERATIONAL LOSS OF AN AIRCRAFT IN 1943 IN ARIZONA. THE OTHER WAS A COMBAT RELATED LOSS OF AN AIRCRAFT IN 1944, IN NEW GUINEA. I SUBMIT REPORTS OF THESE INCIDENTS FOR THE RECORD.

WHILE WE ARE DISCUSSING THIS SUBJECT OF STATUS CHANGES, LET ME COMMENT ON A QUESTION ASKED FREQUENTLY BY THE FAMILIES AND OTHER RELATIVES OF OUR MISSING. THIS QUESTION ASKS IF EFFORTS TO ACCOUNT FOR A MAN CONTINUE IF HIS STATUS IS CHANGED. MR. CHAIRMAN, THE FACT THAT A MAN'S STATUS HAS BEEN CHANGED BY THE MILITARY SERVICES, REGARDLESS OF CIRCUMSTANCES OR WHEN SUCH A CHANGE WAS MADE, DOES NOT MEAN THAT THE GOVERNMENT CEASES ITS EFFORTS TO ACCOUNT FOR HIM. SOME TIME AGO ONE OF OUR MILITARY SEARCH TEAMS WAS

AMBUSHED AND AN OFFICER KILLED WHILE ENGAGED IN A FIELD SEARCH OPERATION. THE INDIVIDUAL WHO WAS THE OBJECT OF THAT OPERATION HAD PREVIOUSLY BEEN CLASSIFIED AS KILLED IN ACTION, REMAINS NOT RECOVERED. OUR EFFORTS IN SOUTHEAST ASIA CONTINUE TO ADDRESS INDIVIDUALS IN THIS CATEGORY JUST AS THEY DO THOSE WHO ARE MISSING.

IN DISCUSSING THE STATUTES UNDER WHICH STATUS CHANGES ARE MADE, LET US REMEMBER THAT THEY HAVE EVOLVED IN THE LIGHT OF EXPERIENCE GAINED FROM PREVIOUS CONFLICTS AND OPERATIONAL LOSSES. WE FEEL THAT THE LAW, AS WRITTEN, PROVIDES IN ITS WISDOM THE KIND OF FLEXIBILITY NEEDED TO ADDRESS THE MANY AND VARIED CIRCUMSTANCES OF LOSS, WHEREVER OR WHENEVER THEY MAY OCCUR.

WE IN THE DEFENSE DEPARTMENT BELIEVE THAT THE LAW HAS BEEN ADMINISTERED FAITHFULLY AND JUSTLY. WITH REGARD TO ITS ADMINISTRATION IN CONJUNCTION WITH THOSE MISSING IN THE VIETNAM CONFLICT, SOME FAMILY MEMBERS HAVE BEEN PLEASED. OTHERS HAVE NOT. IT IS THE DUTY, THOUGH, OF THE DEFENSE DEPARTMENT AND THE MILITARY SERVICES TO RESOLVE THE CASES OF THEIR MISSING MEMBERS, AND TO CONSIDER THE VIEWS OF ALL FAMILIES INsofar AS IT IS POSSIBLE UNDER THE LAW, AND NOT JUST THE VIEWS OF SOME.

WITH REGARD TO THE PROPOSED BILL BEFORE THIS COMMITTEE, I MUST REMIND YOU THAT SHOULD THERE BE COMPLETE COOPERATION BY THE DEMOCRATIC REPUBLIC OF VIETNAM AND THE PROVISIONAL REVOLUTIONARY GOVERNMENT ON THE IMPLEMENTATION OF ARTICLE 8(b) OF THE VIETNAM AGREEMENT, THERE WOULD REMAIN A NUMBER OF UNRESOLVED CASES. FIRST OF ALL, THE AGREEMENT APPLIES TO NORTH AND SOUTH

VIETNAM ONLY. THERE ARE NO PROVISIONS THEREIN FOR ACCOUNTING FOR THOSE AMERICANS LOST IN CAMBODIA, CHINA OR LAOS. THIS ALONE WOULD LEAVE OVER 300 MISSING CASES UNRESOLVED. SECONDLY, THERE ARE, NO DOUBT, A NUMBER OF CASES WHERE THE OTHER SIDE HAS LITTLE OR NO INFORMATION ABOUT THE FATE OF THE MEN, AND WHERE THOROUGH SEARCHES MAY TURN UP LITTLE NEW INFORMATION. THIS COULD BE THE RESULT OF AIRCRAFT LOSSES IN REMOTE MOUNTAINOUS TERRAIN OR OVER WATER, INCLUDING RIVERS AND HARBORS. THIS MIGHT ALSO BE THE CASE WHERE THE AIRCRAFT TOTALLY DISINTEGRATED IN FLIGHT OR ON IMPACT WITH THE GROUND. I REALIZE THIS IS AN UNPLEASANT THOUGHT, BUT EXPERIENCE WITH SIMILAR LOSSES HERE IN THE UNITED STATES HAS SHOWN THERE ARE OFTEN ONLY MINIMAL REMAINS OF THE OCCUPANTS OF THE AIRCRAFT, AND THESE MAY BE DISPERSED OVER A WIDE AREA. EVEN WITH ALL THE EXPERTISE AND RESOURCES AVAILABLE IN THIS COUNTRY, IT IS SOMETIMES DIFFICULT TO MAKE ANY SUBSTANTIAL RECOVERY OF REMAINS. IF WE CONSIDER THE SEVERITY OF CERTAIN INCIDENTS, THE RAVAGES OF WAR AND PASSAGE OF TIME, WE CAN SEE THAT THERE MAY WELL BE SOME MEN FOR WHOM THE OTHER SIDE SIMPLY CANNOT ACCOUNT, AND WHERE SEARCHES WILL PROVE FRUITLESS.

WITH REGARD TO THE SECOND PROVISION OF THE BILL REQUIRING THE PRESIDENT TO DETERMINE THAT ALL REASONABLE ACTIONS HAVE BEEN TAKEN AND HAS REPORTED SUCH DETERMINATION TO THE CONGRESS IN WRITING, I DO NOT FEEL I SHOULD COMMENT AS THIS PERTAINS TO POLICY MATTERS BEYOND MY PURVIEW.

ANOTHER ASPECT OF THE PROPOSED BILL SHOULD BE NOTED. THE BILL AS WRITTEN MAKES NO CLEAR PROVISION FOR STATUS CHANGE IN THOSE CASES WHERE REMAINS ARE RECOVERED AND IDENTIFIED. AS WRITTEN, THE DEMOCRATIC REPUBLIC OF VIETNAM AND THE PROVISIONAL REVOLUTIONARY GOVERNMENT OF SOUTH VIETNAM WOULD HAVE TO COMPLY FULLY WITH ARTICLE 8(b) OF THE PARIS PEACE ACCORD, OR THE PRESIDENT WOULD HAVE TO NOTIFY CONGRESS IN WRITING THAT ALL REASONABLE ACTIONS HAD BEEN TAKEN TO ACCOUNT FOR THE MISSING BEFORE SUCH A STATUS CHANGE COULD BE MADE. WE HAVE RECOVERED AND IDENTIFIED A NUMBER OF REMAINS SINCE THE PARIS ACCORD, AND OTHERS ARE CURRENTLY BEING EXAMINED IN ORDER TO ESTABLISH IDENTITY.

CONCERNING THAT SECTION PERTAINING TO THE VARIOUS COMMITTEE OF CONGRESS CONDUCTING A STUDY OF THE LAW AS WRITTEN, THE DEPARTMENT OF DEFENSE INTERPOSES NO OBJECTION. WE FEEL, HOWEVER, THAT THE PRESENT LAW, AS WRITTEN, PROVIDES THE FLEXIBILITY THE SERVICE SECRETARIES NEED TO ADDRESS THE MANY AND VARIED CIRCUMSTANCES OF LOSS, IN CONFLICT AS WELL AS PEACETIME.

MR. CHAIRMAN, THE DEPARTMENT OF DEFENSE HAS MADE EVERY EFFORT TO ACCOUNT FOR THE MISSING AND DEAD IN SOUTHEAST ASIA: WE SHALL CONTINUE THESE EFFORTS AS LONG AS NECESSARY, AND WE WOULD HOPE THE OTHER SIDE WILL SEPARATE THE MILITARY AND POLITICAL ISSUES FROM THIS HUMANITARIAN CAUSE. OUR OBJECTIVE IS THE FULLEST POSSIBLE ACCOUNTING FOR ALL AMERICANS LOST IN THE CONFLICT REGARDLESS OF THEIR STATUS.

THE PROBLEMS SURROUNDING THE QUESTION OF THOSE NOT YET ACCOUNTED FOR ARE DIFFICULT IN EVERY RESPECT. WE ARE PREPARED TO DO THE JOB THROUGH THE MACHINERY THAT WE NOW HAVE IN BEING, BUT WE ARE CONVINCED THAT THE ISSUE WILL NOT BE RESOLVED QUICKLY OR EASILY. I WANT TO ASSURE YOU AGAIN THAT WE WILL UPHOLD OUR RESPONSIBILITIES AND OUR OBLIGATIONS IN THIS MATTER. WE WILL PROVIDE THE FAMILIES OF OUR MISSING MEN EVERY POSSIBLE ASSISTANCE, AND FOR THOSE WHO MUST FACE A FINAL NEGATIVE DETERMINATION, WE ARE PREPARED TO OFFER COMPLETE COUNSELING AND GUIDANCE TO HELP EASE THE RESULTING BURDENS, AS WELL AS HEARTFELT SYMPATHY.

MR. CHAIRMAN, MEMBERS OF THIS SUBCOMMITTEE, MAY I AGAIN EXPRESS THE APPRECIATION OF THE DEPARTMENT OF DEFENSE FOR YOUR KIND INVITATION TO APPEAR HERE TODAY AND FOR YOUR STEADFAST WORK IN BEHALF OF OUR MEN AND THEIR FAMILIES. THE OPPORTUNITY TO DISCUSS THE CURRENT STATUS OF THE ISSUE OF OUR MISSING AND DEAD IS TRULY WELCOMED.

SUMMARY OF EVENTS

World War II - United States

UC-78 Aircraft and Crew

On December 28, 1943, the crew of UC-78 aircraft, Serial Number 43-7873 was scheduled for a training mission from Douglas Army Airfield, Arizona. The crew members were Second Lieutenant Douglas Dow and Aviation Cadet Clarence A. Thompson. The flight departed at 8:00 p.m. When it failed to return as scheduled, an air search was initiated. No trace of the aircraft or crew was ever found.

On April 28, 1974, the wreckage was discovered by two hikers near Safford, Arizona in the Coronado National Forest. The hikers notified the authorities of their findings the following day. The site was next visited by forest service officials who provided the military with aircraft identification plates from the wreckage.

A U. S. Army graves registration team assisted by forest service officials arrived at the scene on May 4 to begin their investigation and recovery of remains. There was approximately three feet of snow covering the ground at this time.

The aircraft itself was upside down, partially covered with snow and partially buried in the ground. Partial remains were recovered the first day along with one set of identification tags, two parachutes, one boot, one flight jacket, and equipment associated with the aircraft.

The following day, additional remains were recovered. Additionally, a wallet containing identification different from that of the identification tags found the previous day. It was learned that the identification found matched the flight manifest for the aircraft.

An additional search of the area was conducted June 25-26 with the recovery of some additional remains. With this recovery and subsequent identification of the remains, the case was considered closed.

SOURCE: U. S. Army Memorial Affairs Agency, Washington, D. C.

SUMMARY OF EVENTS

World War II - New Guinea

B-24 Aircraft and Crew

On 7 May 1944, the crew of B-24D aircraft, Serial Number 42-40525 was assigned a combat mission over Sawar, Northern Netherlands New Guinea. Records submitted by the 64th Bombardment Squadron, 43rd Bombardment Group, 5th Army Air Force, show the crew manifested aboard was:

First Lieutenant John E. Terping	0 685 310	Pilot
Second Lieutenant William R. Parkinson	0 669 907	Co-Pilot
Second Lieutenant George S. Silverman	0 688 116	Navigator
Second Lieutenant Kermit H. Kinne	0 752 337	Bombardier
Technical Sergeant Sidney H. Branch	13 064 865	Engineer
Staff Sergeant James M. McKain	33 329 925	Radio Operator
Staff Sergeant Ray E. Thompson	19 005 820	Assistant Engineer
Sergeant Richard F. Dixon	20 135 813	Assistant Radio Operator
Sergeant Michael E. Drucker	12 126 135	Gunner
Staff Sergeant Earl R. Pearson	33 409 784	Gunner

Records further show that the original ship assigned to the crew had engine trouble and they took a stand-by ship (42-40525). The plane was approximately 25 minutes late taking off from home base at Nadzab, Southeastern Australian New Guinea and was not reported as flying with any other formation. The plane and its crew was not seen or heard from after take-off.

Assuming that the aircraft was down in the area between Nadzab and Sawar, air searches were made over land and water along the northern coast of New Guinea. All searches met with negative results. The ten crew members aboard the aircraft were officially reported missing in action on 7 May 1944 and later presumed dead as of 15 February 1946 under the provisions of the Missing Persons Act. When the final search and recovery operations conducted by American Graves Registration personnel in all of New Guinea failed to locate aircraft 42-40525 and its occupants, the remains of the crew were determined non-recoverable. Because there were no graves to pay homage, our Government authorized the American Battle Monuments Commission to perpetuate their memory by inscribing their names on the "Walls of the Missing" at the Manila Cemetery and Memorial, Manila, Republic of the Philippines.

In recent months, the wreckage of a World War II aircraft identified as a B-24D, Serial Number 42-40525 was discovered approximately 36 nautical miles northwest of Lae, Papua, New Guinea at an altitude of 2400 feet. From the position of the wreckage and unconfirmed reports by elderly natives in the area, the aircraft appears to have entered a blind valley and crashed while turning to get out. The wreckage, equipment and remains had not been disturbed by local native through the years as they were afraid to go into the area.

The recovered skeletal portions, as well as an aircraft identification plate and one (1) each identification tag for William R. Parkinson, James McKain, and Ray E. Thompson, were delivered to the United States Army Identification Laboratory, Tachikawa Air Base, Japan for anthropological examination and further processing for identification. Upon examination, it was confirmed that the portions recovered were definitely from the crew of the B-24D aircraft, Number 42-40525, however, individual identification and segregation could not be effected due to the severely eroded condition and extreme paucity of the skeletal parts. It was established that there was conclusive physical evidence of ten (10) individuals represented based on anthropological findings and conclusions. Laboratory officials recommended to Headquarters, Department of the Army that the remains be considered the only recoverable remains of the crew of the B-24D and that they be designated for a group burial.

A Board of Review, U. S. Army Memorial Affairs Agency, Washington, D. C., considered all facts pertaining to the recovery and identification and agreed with the recommendation that burial as a group is necessary.

The Department of the Army has, therefore, approved the group burial designation. This is based on the fact that there is no way to determine what portion of remains belong to a specific deceased crew member, therefore, to be equitable to each family, it is considered appropriate to inter the remains in a national cemetery in accordance with provisions of Public Law 85-716, 85th Congress, approved 21 August 1958.

The recoverable remains were placed in two caskets for burial in Arlington National Cemetery, Arlington, Virginia, where religious services were conducted and military honors rendered at the interment rites. The funeral was conducted on 18 October 1974.

To further honor their memory, a monument especially designed with the name of each crew member inscribed thereon will be erected at the grave.

SOURCE: U. S. Army Memorial Affairs, Washington, D. C.



ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D. C. 20301

LEGISLATIVE
AFFAIRS

October 7, 1974

MEMORANDUM FOR SENATORS AND MEMBERS OF THE HOUSE
OF REPRESENTATIVES

In our memoranda of October 9, 1973 and May 20, 1974, the Department apprised you of the situation at that time relating to our efforts to effect an accounting of the missing in Southeast Asia and the Department's position on status determination of missing servicemen. This memorandum has been prepared to further acquaint and update you regarding these efforts. The attached information sheet traces the various activities to account for the missing throughout Southeast Asia. The accompanying fact sheets on the Joint Casualty Resolution Center (JCRC) and the Four-Party Joint Military Team (FPJMT) describe these units and their contributions to the effort. Included also is an information sheet on status determinations and general Service procedures to administer the applicable statutes. The press briefings by the Chief, US Delegation describe the initiatives put forth by our negotiators and the frustrating results they have endured from the other side.

The attached Presidential and Secretarial statements reflect the keen interest in this matter at the highest government level. I hope you will find this information helpful. If you wish to forward copies to your constituents, we will be happy to make them available to your office.

Sincerely,

A handwritten signature in cursive script, reading "John M. Maury", is written over the typed name.

John M. Maury

Attachments

a/s

INFORMATION CONCERNING THOSE
UNACCOUNTED FOR IN SOUTHEAST ASIA

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INFORMATION CONCERNING THOSE
UNACCOUNTED FOR IN SOUTHEAST ASIA

Following the return of the prisoners last year, there remained 1363 American servicemen and some 30 U.S. civilians for whom there was no accounting. Subsequently, four additional U.S. Air Force personnel were lost in Cambodia. (Of this grand total, 80 were classified by the Services as prisoners of war, based on circumstances of loss or other information. In addition there were some 1100 personnel listed as killed in action but whose remains had not been recovered.)

Included in the foregoing statistics, are some 300 Americans missing in Laos. The "list" of persons to be repatriated in 1973 by the Pathet Lao contained the names of 9 Americans and one Canadian. These nine Americans (7 servicemen and 2 civilians) were returned to U.S. control in Hanoi.

As of today, there remain over 2400 Americans unaccounted for in Southeast Asia. Of this number nearly 1000 are still classified as missing in action or prisoner of war, with the remainder classified as killed in action, remains not recovered.

It was and is our belief that there are many additional Americans about whom the Communists should be able to provide information, including several lost in Laos who were clearly indicated to have been captured following their incidents of loss. Two of these individuals were identified in post-capture photography.

We have received, and continue to receive, sporadic reports of sightings of alleged caucasians and/or blacks in apparent captivity in Southeast Asia. In many cases these reports turn out to be old reports which refer to men who have been returned or who are known to have died in captivity. Each report is carefully analyzed for its credibility. We have not been able to confirm the validity of any reports of our missing servicemen still in captivity. The intense interest of the United States Government in PW/MIA information is widely known in Southeast Asia, with the result that reports of questionable reliability are often received. However, all reports are carefully analyzed, and continuing follow-up efforts are made to establish their validity.

Meetings with the other side have been in progress in Saigon for over one and a half years to resolve the fate of those unaccounted for. Our negotiators to the FPJMT, in cooperation with our South Vietnamese allies have made every effort to implement that part of the agreement for which they are responsible. The Communists, instead of cooperating in this humanitarian mission, have chosen to delay the proceedings with non-germane issues, propaganda tirades, walkouts, and boycotts. The only progress made to which the Communists were a party has been the return of the remains of 23 American servicemen who died in captivity in North Vietnam. The Communists have rebuffed all other efforts to resolve the fate of the missing and the return of the dead. Despite their intransigence, we have made it known that we are prepared to meet at any time to discuss this issue.

The State Department and our Embassies in South Vietnam and Laos have continued to play an active role in our efforts to account for our men. In Vietnam, the Embassy and our consulates and province representatives are working closely with the Joint Casualty Resolution Center (JCRC) on casualty resolution activities. Many of our consular officers and province representatives speak Vietnamese, and they maintain close rapport with the local population, putting them in a good position to obtain information on crash sites, graves, etc. South Vietnamese soldiers and civilian personnel have cooperated in searches and in recent weeks have participated in ceremonies turning over remains, in whose recovery they have participated, to U.S. officers. (Some of these ceremonies have been shown on television and in news pictures.)

Our interest in information on our PW/MIAs has been publicized by advertisements and billboard posters in much of South Vietnam. These efforts are being supplemented by a comprehensive public communications program, developed by the JCRC in cooperation with the United States Information Service (USIS) and our Embassy in Saigon. The Embassy also works closely with the U.S. and South Vietnamese delegations to the Four-Party Joint Military Team (FPJMT) as part of the continuing effort to obtain cooperation from the communist side in efforts to account for our men.

In Laos, the American Embassy took the lead in efforts to press the Pathet Lao side for PW/MIA information, and for the release of Emmet Kay, the American civilian captured May 7, 1973. Mr. Kay was released September 18, 1974 as part of a POW exchange announced by the Joint Central Commission to Implement the Agreement (JCCIA). The JCCIA on July 15, 1974 also issued detailed "Regulations" on prisoners release and accounting for MIAs, supplementing earlier provisions on this

subject contained in the Laos Agreement of February 21, 1973 and its Protocol of September 14, 1973. The text of the new JCCIA regulations are attached. Even while agreeing to these new regulations, the Pathet Lao side indicated there might be further delays before the JCCIA took up the problem of accounting for the MIAs. The illness of the non-communist Prime Minister of Laos, Souvanna Phouma, who suffered a heart attack in mid-July, has also delayed progress.

The American Embassy continues to press the other side for information but thus far these efforts have met no success. The issue has been one of abject frustration for the American people. In the words of Ambassador Whitehouse, "It is like trying to drive nails with a banana."

LAOSREGULATIONS ON THE EXCHANGE OF
MILITARY AND CIVILIAN PERSONNEL
CAPTURED OR DETAINED DURING
THE WAR AND ON THE GATHERING
OF INFORMATION ABOUT THE MISSING
IN ACTION (MIA).

Acting in accordance with Article 18, Section 7 of the Protocol to the Peace Accord, the two sides of the Joint Central Commission have reached agreement as follows:

1. Each side must inform the opposite side of the exact number of persons captured and detained during the war by providing details on their nationality, and their military or civilian status. In addition, the list of persons who died in captivity must also be provided to the opposite side.
2. For each exchange of prisoners, it is required that each side notify the opposite side of the number of detainees, their organizations, (as well as) the place and time of the exchange. This information must be given to the other side 48 hours in advance and the list must contain the following details:
 - First name and family name
 - Nationality
 - Date of birth
 - Place of birth (village, district, province, country)
 - Names of father and mother
 - Name of husband or wife
 - Rank, position and duty before date of capture
 - Date of capture
 - Place of detention
3. Following the completion of the release of persons captured or detained during the war, both sides must provide as soon as possible to each other any information gathered about the MIAs regardless of their nationality.
4. When one side wishes to know about the MIAs of its side, regardless of nationality, that side must prepare a list of MIAs with the same information mentioned above (i.e. para 2) and hand it to the other side so that the latter will make every effort to seek information about the MIAs as requested.

5. Concerning the handing over and acceptance of detainees, and grave digging to obtain the remains of the dead, both sides agree to send mobile teams to hand over and receive detainees or remains. If necessary, both sides may request the cooperation of the International Control Commission.

In case some provisions are not mentioned in these regulations, both sides will continue their consultations in order to amend these provisions to make them more complete.

These regulations will come into effect from the date of signature by both sides.

These regulations are made in eight copies.

Vientiane, July 11, 1974

JCCIA Chairman of the
Lao Patriotic Front

JCCIA Chairman of the Vientiane
side

Signed and sealed

Signed and sealed

(Soth Phetrasy)

(Phagna Souraphon Rajphakdy
Soukan Vilaysarn)

CERTIFIED AS CORRECT

Vientiane, July 15, 1974

Acting Chairman of the JCCIA of
the Vientiane Government.

Secretary: Signed and sealed

Lt. Col Heuang Insixiengmay.

UNITED STATES JOINT CASUALTY RESOLUTION CENTER

The Joint Casualty Resolution Center (JCRC) is a joint military task force organization located at Nakhon Phanom Royal Thai Air Force Base, Thailand. It is an outgrowth of United States Government efforts to identify, document and maintain records of known or suspected missing in action and prisoners of war. The Center is responsible for assisting the Services with the task of resolving the status of US personnel missing in action through analysis of all available information, and/or conduct of operations to locate and investigate crash and grave sites or other last known locations of those unaccounted for and to recover and identify remains of those who died throughout Southeast Asia.

The JCRC is organized to conduct field search operations using small unarmed teams of specialized personnel. Provisions are made for using indigenous personnel as guides or labor force if required.

Authorities to conduct field operations are provided by the American Embassy in coordination with local government agencies in the country concerned, or by negotiating bodies established by international agreements. In Vietnam, the authorities are obtained by the Four-Party Joint Military Team. Requests for US search operations are presented to the Delegation concerned, with information copies to all other delegations. The Party controlling the area concerned then approves or disapproves the proposed operation and informs all delegations.

The JCRC has been conducting operations in South Vietnam since May 1973 with limited success. All searches have been confined to territory under the control of the Republic of Vietnam (RVN). Despite repeated requests, the communist delegations have yet to approve JCRC team operations in their territory.

On 15 December 1973, a JCRC team and its RVN support elements, all unarmed and plainly marked, were attacked by hostile forces near Saigon. One American and one South Vietnamese were killed and seven persons were wounded (four Americans and three Vietnamese). The US Delegation had apprised all delegations to the FPJMT of the proposed operations in accordance with established procedures. The US Delegation protested the attack in the FPJMT plenary session of 18 December and walked out of the session. The RVN Delegation also protested the attack and walked out of the session. Since the ambush of the search team and in the absence of guarantees of safety by the communist powers, large scale field operations have been suspended.

Despite this interruption to this humanitarian task, operations continue when consistent with security for those involved. The operations are normally conducted by RVN specialists with technical expertise provided the JCRC.

The present Commander of the JCRC is BG Joseph P. Ulatoski, USA, who assumed command in January 1974 replacing BG Robert C. Kingston, USA.

In addition to field operations in South Vietnam, the JCRC participated in the return of 12 US remains from North Vietnam on 6 March. An additional 11 US remains were turned over to a JCRC team on 13 March 1974. These remains were evacuated to the Central Identification Laboratory, Sattahip, Thailand for identification and return to the United States.

FOUR-PARTY JOINT MILITARY TEAM (FPJMT)

The FPJMT is a follow-on organization to the Four-Party Joint Military Commission, with the singular responsibility to implement Article 8(b) of the Agreement. The Parties to the Agreement are the United States (US), the Republic of Vietnam (RVN), the Democratic Republic of Vietnam (DRV), and the Provisional Revolutionary Government of South Vietnam (PRG). Article 8(b) of the Agreement requires the Parties of the Agreement to help each other acquire information about those military personnel and foreign civilians of the parties who are 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 first formal meeting of the FPJMT was 4 April 1973, in Saigon. Meetings have continued on a twice weekly basis since that time. Formal meetings are supplemented by private meetings, wherever appropriate.

Although the US Delegation has continuously pressed the communists to comply with their obligations, little substantive progress has been made to date. The only significant accomplishment of the FPJMT has been the visits to the alleged graves of 24 US servicemen buried in North Vietnam, followed by the return of twenty-three of the remains. Twenty-three of these were listed as having died in captivity and the other as a result of an aircraft crash. The DRV returned 12 of these remains on 6 March 1974 to US representatives in Hanoi, North Vietnam. The remaining 11 remains were returned on 13 March 1974. The DRV refused to discuss the repatriation of the 24th American whose grave was along side those of two other Americans whose remains were returned. The DRV refuse to identify this man or provide any definitive information to facilitate identification by US experts. There have been no announcements by the DRV concerning other missing in action or dead.

Many impasses have developed in the negotiations as a result of communist demands and their linking all aspects of the Agreement to the implementation of Article 8(b). They have insisted on the right to build cemeteries, memorials and monuments for their dead in RVN territory, in lieu of repatriation. They have also insisted that the

next of kin be allowed to visit the graves of dead prior to, or in lieu of repatriation. The US-RVN position is that this is beyond the spirit and intent of Article 8(b) and the charter of the FPJMT. Further, this is a matter to be settled by the two South Vietnamese parties. The US-RVN Delegations see these demands as being politically motivated and unacceptable.

The Communists have used a myriad of other excuses to delay implementation of Article 8(b). These include alleged ceasefire violations and a lack of diplomatic freedoms for their delegations in Saigon. The DRV-PRG have to date walked out of four plenary sessions and have boycotted 27 consecutive sessions to protest these issues. The US and RVN have walked out of one meeting. This was to protest the DRV-PRG ambush of our search team on 15 December 1973.

The US Delegation has provided complete detailed listings to the other side of all known US and third country nationals missing in action and killed in action whose remains have not been recovered. The US Delegation has repeated requests for information on these individuals and/or the return of their remains. To date, no information has been provided.

Aside from the repatriation of the US remains from North Vietnam, little progress has been made in the formal plenary sessions. The negotiations for the return of the aforementioned remains have been conducted bilaterally with the DRV. The DRV insists these repatriations were outside the purview of the FPJMT and merely an act of "goodwill" on their part.

STATUS DETERMINATIONS

Reference the Department of Defense memorandum of May 20, 1974 concerning status determinations and McDonald vs McLucas. In response to the interest that many of you have expressed on this matter, we are enclosing a resume of the general service procedures utilized when a member of the Armed Forces becomes missing. These procedures are applicable in both peacetime and combat environments. You will note these procedures govern the activities of the Military Departments from the time a member is first determined to be missing until his final disposition is resolved, i.e. returned to military control, deceased, or presumed dead.

You may be assured that the Service Secretaries are conducting all aspects of casualty matters with full respect for the rights of the missing member and compassion for his family. All status reviews are in strict accordance with existing law. As stated in the memorandum of May 20, 1974, Chapter 10, Title 37, United States Code contains the provisions under which they are carrying out this important responsibility.

In accordance with the final decree of March 11, 1974 in McDonald vs McLucas, United States District Court, Southern District of New York 73 Civ. 3190 (1974), the Services proceeded to afford specific rights to certain family members of missing servicemen in connection with the reviews of their cases under Sections 555 and 556 of Title 37.

In the same timeframe, several pieces of proposed legislation were introduced into both Houses of Congress which, if enacted, would have prohibited further reviews and/or status changes until certain conditions were met.

The Department of Defense has gone on record in opposing the cessation of all status changes, or modifying or attaching contingencies to Sections 555 and 556 of Title 37, United States Code. These two sections of the Code as modified by the Federal Court decree, give the Secretaries of the Military Departments the responsibility of making decisions on all missing military personnel, including those who have become or will hereafter become missing through circumstances not associated with any conflict. Existing law is applicable to all missing cases wherever they originate. If this responsibility

and authority is reduced or nullified, service members could conceivably be retained in a missing status indefinitely. The resultant constraints would affect administration of the Missing Persons Act on a worldwide basis whether in peacetime or in combat.

Findings of death have been made in some MIA cases during and subsequent to our involvement in the conflict in Southeast Asia. These changes in status were effected by the appropriate Secretary only after exhaustive, individual case reviews by boards of service experts. One factor considered in these evaluations is the lapse of time without receipt of additional information or the likelihood of receipt of further information. A finding of death is made when a missing member can no longer be presumed to be living.

Many families of missing members have unofficially expressed their desire for a presumed finding of death in the case of their loved one. However, they cannot bring themselves formally to ask for it -- and they should not have to bear the burden of making that decision. Even a change in the law which would allow the next of kin to stop a status change would not alter the nature of this heavy burden for those families who feel that they personally cannot become involved in making a decision concerning the status determination of their loved one. At the same time, passive acquiescence by the primary next of kin on the matter of possible status change, in many cases, could cause friction with other family members who oppose the status change. There have already been cases in which one family member requested review of the missing member's case while other members of the family objected to any action that would result in a status change.

It should be a matter of record that in the many years the Department of Defense has been faced with the Prisoners of War/Missing in Action problem, each of the Military Departments has taken all actions with primary consideration for the individual serviceman and the welfare of his family. These considerations will continue to govern our actions until the fullest possible accounting is achieved.

FACT SHEET - McDONALD v. McLUCAS (73 Civ. 3190)
(42LW2445 3-5-74)

The suit was filed on 20 July 1973, in the US District Court for the Southern District of New York, as a class action against the Secretaries of the Military Departments. Plaintiffs are five next of kin of MIA servicemen and are represented by Dermot G. Foley, Esq., who is the brother of an Air Force MIA. The thrust of this action attacked the constitutionality of Title 37, USC, Sections 555, 556 which govern review of any changes to the status of missing servicemen.

As a result of the Temporary Restraining Order handed down by the court on 6 August 1973, Secretarial reviews could only be conducted in those cases where the primary next of kin requested the appropriate Secretary in writing that he not delay action based on information in his possession.

A three-judge panel heard the case in New York on 23 October 1973, and filed their opinion on 13 February 1974. In this opinion, the court concluded that status reviews of missing servicemen were being conducted in a constitutionally defective manner, and held that "minimum" standards of procedural due process must be accorded to the affected parties at all future reviews. Specifically, the court's final decree, which was entered on 11 March 1974, enjoined the defendants from conducting any such status reviews unless next of kin currently receiving governmental financial benefits that could be terminated by a status review are given notice of a status review; afforded a reasonable opportunity to attend a hearing, with a lawyer if they so choose; reasonable access to the information upon which the status review will be based; and permission to present any information which they consider relevant to the proceeding. Further, the decree states that these rights need only be afforded to those next of kin, currently receiving governmental financial benefits which could be terminated by a status review, who demand it after notice.

It is significant to note that with respect to status changes family members listed in the TRO were identified as "primary next of kin." This delineation of family relationship is one of lineage and derives from applicable Service directives which govern posthumous estate settlement to the designated beneficiaries of members. The final decree, on the other hand, identifies required family involvement as only those next of kin "currently receiving governmental financial benefits."

Although in most cases primary next of kin are also currently receiving governmental financial benefits, there are instances where no next of kin are currently in receipt of such benefits. These are predominantly cases wherein parents of a single serviceman are non-dependent and are the primary next of kin. Although not required by the decree, the Secretaries of the Military Departments are offering the rights listed therein to the primary next of kin in those instances where no next of kin are currently receiving governmental financial benefits.

POINT PAPER

SUBJECT: Resume of Service Procedures in the Case of Missing Members

- Local Commander initiates report of incident to service headquarters
- Personal notification made to member's next of kin
- Follow-on reports include progress of search and recovery efforts
- File is established at headquarters level; case monitoring begins
- Local Commander writes next of kin providing all pertinent circumstances of loss
- Amplifying reports continue until search and recovery efforts have been suspended
- Casualty assistance officer assigned to next of kin
- Full report of incident, including witness statements, is forwarded to headquarters with local commander's
 - Decision to declare member deceased, if conclusive evidence of death then exists, whether or not remains were recovered, or
 - Recommendation to retain member in a missing status (PW, MIA)
- In latter instance, headquarters level assessment of case is made and member is placed in missing status; case then falls under provisions of 37 U.S.C. (now modified by court decree of 11 March 1974 entered in McDonald vs McLucas.)
- Family assistance continues in either instance
- All pertinent information about missing member's case is passed to next of kin

- Case monitoring continues and full review is required under 37 U.S.C. prior to member's being 12 months in missing status
- The decree permanently enjoins the Secretaries of the Military Departments from making "official reports of death" and "findings of death" under Sections 555 and 556 of Title 37 of the United States Code unless the next of kin of a serviceman carried as missing and currently receiving governmental financial benefits which could be terminated by a status review are:
 - Given notice of a status review
 - Afforded a reasonable opportunity to attend a hearing, with a lawyer if they so choose
 - Given reasonable access to the information upon which the status review will be based
 - Permitted to present any information which they consider relevant to the proceeding
- Each Service has promulgated regulations to implement terms of the decree
- When review of missing member's case is contemplated, specified next of kin are so notified by registered/certified letter, return receipt requested
- Rights are afforded to primary next of kin in cases where no next of kin are currently receiving governmental financial benefits
- Letter
 - Constitutes notification to specified next of kin that a review of the member's case is pending
 - Affords rights as defined by decree of March 11, 1974
 - Encloses forms by which specified next of kin may
 - Waive all rights
 - Elect any or all rights
 - States that no response received in time specified constitutes waiver of all rights

- Specified next of kin who elect right(s) are contacted by headquarters level casualty official to complete necessary arrangements
- Specified next of kin may receive resume of pertinent information about case
 - Whether or not they have also requested hearing
- If hearing is conducted, a record of the proceedings is forwarded as a part of case to reviewing board
- No information which has not been utilized at hearing will be considered by review board in making recommendation to Secretary
- Review board considers all aspects of case: circumstances of loss, substance and credibility of any additional information, likelihood of the receipt of any additional information or evidence
- Review board recommends to Secretary concerned that he either
 - Make a finding of death, if member can no longer be presumed to be living, or
 - Continue member in missing status
- Secretary either makes finding of death or continues member in missing status
- Case of member still missing may come under subsequent review under 37 U.S.C. (as modified by decree) at any time circumstances warrant
 - Receipt of substantive information
 - Recovery and identification of remains
 - Lapse of time with no information
- Report of death is made when information leads to that conclusion
- Finding of death is made when member can no longer be presumed to be living
- Next of kin may continue to receive, on behalf of missing member

- Full pay and allowances
- Federal income tax exemption (if lost in combat zone)
- Entitlement to government transportation within CONUS
- Continued participation in Uniformed Services Savings Deposit Program (USSDP) at 10% interest

PRESS BRIEFING BY THE CHIEF, US DELEGATION
FOUR PARTY JOINT MILITARY TEAM
SAIGON, REPUBLIC OF VIETNAM
JUNE 4, 1974

Ladies and Gentlemen,

I would like to say just a few words to more or less put you into the picture, because I think some of the details regarding the US Delegation to the Four Party Joint Military Team are often forgotten. You will recall that the FPJMT actually is a follow-on to the Four Party Joint Military Commission, which terminated on 31 March 1973 after a 60 day operational period. The FPJMT became operational on 2 April 1973, and since that period of time has participated in 105 formal plenary sessions. I think the authority for the FPJMT has been pointed out in the background paper, and is Article 10(a) of the Protocol, Paris Agreement, which states, "the FPJMT shall ensure joint action by the parties in implementing Article 8(b) of the Agreement. When the FPJMC has ended its activity, a Four Party Joint Military Team will be maintained to carry on its tasks." Now, our mission in the FPJMT, reflects the clearly stipulated tasks set forth in Article 8(b). Since it is only a few lines, I would like to read it again, because it is sometimes complicated by the other side -- when it shouldn't be -- I quote:

"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."

It is a very simple straightforward task. This mission is restated almost verbatim in Article 8(e) of the Joint Communique signed on the 13th of January 1973. Since its inception, the Four Party Joint Military Team, US Delegation, has fully recognized the unequivocal legal obligations which are incumbent on us under Article 8(b). We have also recognized a strong moral obligation which devolves upon the FPJMT as a humanitarian body. This is a non-political body. The US has attempted to key all its action towards the assistance of all parties. And please underline that, all parties, who have unrecovered dead and missing in this war, and we try to do this, in the spirit of Article 2 of the Protocol, which reads, for your information:

"All captured civilians who are nationals of the United States or of any other foreign countries mentioned in Article 3(a) of the Agreement shall be returned to United States authority. All other captured foreign civilians shall be returned to the authorities of their country of nationality by any one of the parties willing and able to do so."

And we key on this last statement, because in this spirit, the US Delegation has been -- without qualification -- willing, and within our qualifications, able to do so. Since I have been Chief of the US Delegation -- and I am sure my predecessor felt the same way -- all our actions have been keyed to pursue these non-political and humanitarian objectives. To illustrate, I would like to itemize just a few of the things we have tried to do to meet these obligations.

In May of 1973, of course, we provided the DRV and PRG complete lists of all the US dead and missing, and all the third country personnel along with as much information as we had: date, time of mission, last known location, etc.. At the present time, these lists are being updated, in conjunction with BG Ulatoski's organization -- One point.

The second point - We have provided detailed data in both English and Vietnamese, with extra copies of this data, to include photos and all the rest, to the DRV and PRG on those individuals about whom we know they have information, either through photographs (some of the photographs appeared in Paris Match as you may well recall), newspaper articles, interviews, foreign broadcasts, observed captures; any other information that we have. To date, we have passed about eighty of these documents to the PRG and the DRV. We have others in preparation for about 25-30 more individuals about whom we have real firm information.

Another point that we have done in close coordination with the RVN Delegation, we have researched and provided -- without any condition -- information on PRG dead and missing. Currently, we are up to around 100 names of the PRG dead. I think it very important for us to remember that the RVN Delegation has without exception, without any qualification, been totally cooperative with the US Delegation effort. They have offered -- repeatedly -- visits to the DRV and the PRG to the graves of PRG dead who have been killed here in the South, buried, and their graves maintained by the RVN Government. On behalf of BG Ulatoski's Joint Casualty Resolution Center, we have requested that JCRC teams be permitted to visit crash sites in the areas of control of the PRG and within North Vietnam itself. We have indicated that -- and BG Ulatoski has said this many times -- we will go under any conditions they impose and follow their rules completely -- anything, just allow us to search for our dead and missing. To date, we have requested about 15 of these crash site investigations, both in PRG controlled areas here in South Vietnam and also in North Vietnam, and we

have more under preparation. Now, it is an important thing to note here again, ladies and gentlemen, the RVN have been petitioned to give similar support to the US Delegation and to the JCRC, and again, without any equivocation, without any conditions, they have provided this support without question. They have provided this support to the point where ARVN soldiers have been killed and men wounded trying to support the US effort to find out what has happened to our dead and missing. To date, we have conducted in excess of 20 of these crash site investigations in South Vietnam which have been fully supported by the RVN Delegation.

Now, another point, and something that I think is perhaps not so well known, the US has also responded to the requests of third countries, concerning their dead and missing in this war. To date, we have received requests for help to locate and to obtain information about the dead and missing of Great Britain, the Philippines, Australia, Korea, the Federal Republic of Germany, and Japan. We've tried to explain to the PRG and the DRV Delegations that, many names of third country nationals appeared on the PRG lists which were given to all Delegations in Paris. We have pointed out that the majority of these missing were engaged in humanitarian work. They were not actually parties allied in the conflict, and most of them were not signatories to the Paris Agreement. We have stressed that the FPJMT is the logical avenue of inquiry to find about these third country nationals. Since many of these third country nations do not have diplomatic relations with the PRG, the FPJMT is the logical channel by which they can find out about their own dead and missing. I won't go into any details, but we have been totally and abjectly rebuffed by the PRG.

Now, something that I think may be very interesting to you, gentlemen, because it may hit home: We have also made similar overtures to attempt to determine the fate of 17 newsmen from seven different countries. It is my understanding that this total of 17 now is up to around 20 newsmen, your colleagues. We have inquired not only about those who were lost in South Vietnam, but we have also requested the Communist delegations to use their good offices to try and determine the fate of newsmen in Laos and Cambodia. We have met with a complete and a total rebuff.

Along with these various initiatives, the US Delegation has tried to facilitate and to support the work of the FPJMT and the Communist Delegations. We have provided a Saigon/Hanoi liaison flight on a weekly basis as a gesture of good will, although the US specifically is not tasked to provide this flight. To date, we have made some 51 flights from Saigon to Hanoi and return, primarily to assist the DRV Government in coordinating with their Government concerning, hopefully, the provision of information about the dead and missing. In fact, we have even gone so far as to provide the use of automobiles for the Communist Delegations to travel to and from the conference site and to effect their coordination with the ICCS personnel.

Now, results: With the exception of the repatriation of 23 US DIC's from Hanoi in March, the US Delegation has been faced with a complete and a total DRV and a PRG refusal to meet any of their obligations with regard to Article 8(b). At the same time, they loudly proclaim their "scrupulous implementation of Article 8(b) responsibilities." There has been in the one year that I have been here, a continued introduction by the Communist Delegations of a panoply of issues and problems that are totally unrelated to these specific humanitarian tasks of Article 8(b). We have sat for a period of, in my own case, over one year, listening to the delivery of protracted propaganda statements by the PRG and the DRV on every item, with the exception of the implementation of Article 8(b). They have punctuated this with five walkouts, and with five boycotts. They have totally failed to respond to any of the inquiries of the US or the RVN concerning requests for information on the dead and missing, which is the key functional part of Article 8(b). I might point out again on the same line, they have totally and completely failed to respond to any other inquiries we have made on third country nationals that were not directly involved with the war. I also add, gentlemen, that we have had, as I mentioned before, a complete reluctance to say anything about your colleagues.

Now, a prognosis: I think I would be less than truthful if I did not tell you that the prospects for tangible 8(b) results are at this time not hopeful, perhaps even a little bleak. And the obstreperous attitude of the Communists over this past year has been certainly nothing short of frustrating. But I speak for the US Delegation, and my country that, with the mutual assistance of the RVN Delegation, we will continue to exploit every conceivable avenue in an effort to either encourage or to force the DRV and the PRG to meet these clearly stipulated, humanitarian tasks. We are not going to cease our efforts to achieve the goal of accounting for all US dead and missing, if there is ever any conceivable way we can do it. We are not, because of the suspension of these operations, going to abrogate our responsibilities for the implementation of Article 8(b).

DEPARTURE PRESS CONFERENCE
COLONEL WILLIAM W. TOMBAUGH, USA
CHIEF US DELEGATION, FOUR PARTY JOINT MILITARY TEAM
7 JULY 1974

"Ladies and Gentlemen:

As some of you may know, I have been the Chief of the US Delegation to the Four Party Joint Military Team for over thirteen months. I am thus due for reassignment and will be leaving within the next few days. Before I depart, I feel it is my duty to clarify the present status of negotiations within the FPJMT.

You are all aware of the successful Casualty Resolution operation that was completed in Danang on 28 June through the combined efforts of private citizens and the Armed Forces of the Republic of Vietnam. As the Chief of the US Delegation/Four Party Joint Team, I received, on behalf of the United States Government, remains recovered during this operation which we believe to be those of an American MIA. They have been entrusted to the JCRC for identification, verification and processing.

I sincerely believe that this event underscores the basic dichotomy of philosophy that exists between Hanoi's delegations and the delegations of the US and RVN to the Four Party Joint Military Team. I do not have to tell you that the DRV/PRG delegations have continued to boycott plenary sessions of the Four Party Joint Military Team, ostensibly in protest of violations of their "privileges and immunities."

As you know, the FPJMT was embroiled in controversy about privileges and immunities from mid-April throughout May of this year. On 30 May, the other side walked out of the conference and boycotted the sessions scheduled for 4 and 6 June, in protest over the alleged denial of their privileges and immunities. This was the situation that existed when last I spoke to you.

I would like to review with you the history of this issue: privileges and immunities were addressed by the Paris Agreement, specifically Articles 16 and 17 of the Protocol on the ceasefire in South Vietnam and the Joint military commissions.

Detailed procedural aspects of these privileges and immunities were discussed at the Sub-Commission level of the Four Party Joint Military Commission, and later agreed to by the chiefs of all delegations to the FPJMT. In turn, the FPJMT formally adopted these eleven points on privileges and immunities in a written Minute of Agreement on 3 May 1973.

For the next eleven months, all delegations operated with these privileges and immunities. In addition, the RVN unilaterally granted several privileges

never formally discussed or agreed upon. Chief among these were the weekly press conferences of the "PRG" and access to the common user telephone system of the Saigon/Gia Dinh area.

In mid April, RVN cancelled the "PRG" press conferences, because they were only a forum for propaganda, contributed nothing to the implementation of Article 8(b), and were never properly a part of the privileges and immunities. RVN also desired to substitute direct telephone service to the ICCS, FPJMT and TPJMC delegations for both the DRV and "PRG" delegations. RVN also suspended the Saigon/Loc Ninh liaison flight in an effort to obtain a written guarantee of safety, similar to those given by the DRV delegation for the US-sponsored Hanoi liaison flights. This guarantee of safety by the "PRG" was considered necessary after an RVN crew member was killed by ground fire while participating in flights in support of the RVN and "PRG."

This brings us to the 30 May walkout and subsequent boycotts by the DRV/"PRG" delegations. What has happened since?

On 7 June, the RVN notified the DRV/"PRG" delegations that the issue of privileges and immunities would revert to the situation as it existed prior to 16 April 1974, the date the difficulties allegedly began. RVN, to carry out its commitment, provided the aircraft for a liaison flight to Loc Ninh for the "PRG" delegation on 10 June. The "PRG" refused to use this flight, despite the fact it was one of its original demands. On 11 June, both the DRV and "PRG" delegations again refused to attend the FPJMT plenary sessions, also despite the RVN action of 7 June.

At the next session, on 13 June, the DRV/"PRG" demanded discussion of a written agreement which would vastly extend the previously agreed upon privileges and immunities. The US and RVN suggestion of discussions of this problem at the secretary or deputy level, following earlier FPJMC and FPJMT precedent, while the chiefs of delegations concentrated on immediate and concrete implementation of Article 8(b) was categorically rejected. At this juncture, the DRV/"PRG", at the 18 June plenary session, raised the ante and demanded US/RVN accession to their demands without discussion. When the US and RVN would not capitulate, the "PRG", as host, unilaterally declared the session adjourned and in company with the DRV immediately walked out of the conference room. On 22 and 23 June, DRV/"PRG" participation in future FPJMT plenary sessions was cancelled by the Hanoi authorities until their demands were met. Since their declaration, they have boycotted four plenary sessions, and the promise of similar conduct in the future remains a cloud over the work of the FPJMT. I point out that the US and RVN delegations continue to meet at the conference site in the hope the DRV and "PRG" will reconsider their position, recognize their responsibilities and attend the meetings.

As my tour of duty as the Chief of the US Delegation to the FPJMT comes to a close, I can truthfully say that this action by the DRV and "PRG" delegations -- with all its attendant denunciations, threats and demands -- does not surprise me. On the contrary, I think it is but another manifestation of the lengths

to which Hanoi is willing to go in order to avoid meeting its responsibilities regarding the resolution of the problem of the dead and missing in Vietnam. I hope you will take note of the fact that I refer to the dead and missing issue and not solely to the US dead and missing in South Vietnam. I make this distinction because the FPJMT was created to resolve the dead and missing problem for all parties associated with this war -- to include dead and missing nationals of countries not directly involved in the war.

During my last opportunity to speak to the press on 4 June 1974, I gave you a short resume of what the US Delegation had attempted to do over this past year in an effort to solicit positive responses from the DRV/"PRG" delegations. I am not going to go into a recitation of those facts again at this time. I will however, reiterate in the strongest possible terms, that -- in accordance with the President's pledge -- we have exerted every effort and explored every channel open to us in the attempt to influence the DRV and "PRG" to meet their clearly stipulated obligations with regard to the dead and missing. In the course, of this effort, we have at no time -- nor has the RVN delegation -- imposed any conditions on their execution of this responsibility. Despite these efforts and the continued reiterations by the other side of its "scrupulous implementation of Article 8(b)," its delegations have persisted in complicating and politicizing the achievement of these humanitarian tasks. Not only does Hanoi still not show a sincere desire to resolve problems of US and RVN dead and missing, but tragically, it demonstrates that the DRV and "PRG" have absolutely no interest in determining the fates of their young men who were lost during the course of this war. Based upon its performance over this past year, I was not surprised at this latest DRV/"PRG" delaying tactic. On the other hand, I believe that the DRV/"PRG" continue to be surprised and amazed that the US and the RVN Delegations persevere in their efforts to account for the dead and missing regardless of the artificial obstacles placed in their path. The "PRG" and DRV have clearly underestimated our determination to resolve our dead and missing cases. This fact was underscored very recently when the chief of the "PRG" delegation expressed the "PRG" belief to visiting Congressman Montgomery that the MIA problem is a "minor issue." This miscalculation is costing the communists dearly - as pointed out by Congressman Montgomery - in that Congress will consider no program of postwar reconstruction aid for Hanoi until cooperation on the MIA question begins. Meanwhile, our efforts in Saigon will continue.

This then, is but a brief summary of the present status of negotiations in the FPJMT. The US and RVN Delegations are firmly committed to concrete implementation of Article 8(b), not to achieve political or military or economic gains, but rather to carry out the humanitarian mission entrusted to the FPJMT. Thank you."

PRESIDENTIAL AND SECRETARIAL STATEMENTS
REGARDING THOSE UNACCOUNTED FOR IN SOUTHEAST ASIA

In his nation-wide address on August 12, 1974, President Ford promised continuity in meeting the problems and challenges that remain before us. As one of his guideposts "on the path of reason, of fairness," the President said: "In Indochina, we are determined to see the observance of the Paris Agreement on Vietnam . . ."

In his address to the 75th Convention of the Veterans of Foreign Wars on August 19, 1974, President Ford paid a special tribute to them and their loved ones still missing. Expressing the hope that our Government will never again find it necessary to send wartime telegrams of personal tragedy to American families, the President said:

"The list of mourners is already too long. So is the list of those who still wait and wonder--the families of those missing in action. I will never forget them."

In an address to the American Legion National Convention in Miami, Florida on August 20, Secretary Kissinger said:

"There is an item of unfinished business in Indochina that I know is of special concern to this audience - the accounting for our men who are missing in action, including the dead whose bodies were never recovered. I have met periodically with the families of our missing men continually over the past five years; I know how difficult it is for them to live without knowing the fate of their loved ones. More than 18 months have passed since the signing of the Paris Agreement, which specified that there should be cooperation on this humanitarian problem. Surely there should be no political or military advantage in a proper accounting for the missing and the return of the remains of the dead. Our efforts will continue until we have obtained the fullest possible accounting as required by solemn agreements."

Presidential Statement as released by the White House News Office 18 September:

"I welcome the news that Mr. Emmet Kay has been released as part of the prisoner exchange in Laos. This prisoner release arranged by the Coalition Government in Laos is a major positive step in carrying out the Vientiane Accords which marked the end of the war in that country last year. We are encouraged to see this development and hope it will be followed by other positive steps.

"I want to express my personal concern about the many Americans who remain unaccounted for in Southeast Asia. As Vice President, and during my time in Congress, I had the opportunity to meet with the families of a number of our men in this category. I have the highest regard for the strength and courage these families have shown in the long period since their loved ones were lost.

"It has now been more than 18 months since the Paris Agreement on Vietnam was signed on January 27, 1973. In addition to prisoner exchange, that Agreement contained specific provisions on accounting for the missing and the return of the remains of the dead. The record shows that there has been almost no compliance with these humanitarian provisions. Although the government of North Vietnam has returned the remains of 23 American servicemen identified as having died in captivity, there has been no progress on accounting for the missing and no further arrangements for the return of the remains of the dead.

"The communist side has refused to permit search in areas under their control for crash sites, graves and other information on the MIA's. We are prepared to carry out such searches by unarmed American teams, or we stand ready now as we have in the past to discuss arrangements for the conduct of such searches by teams from neutral countries, the International Red Cross, other humanitarian organizations, or by local authorities. The important thing is that we get on with this job now.

"The families of our men have waited too long already for this information, and I am sure that families of those of other nationalities who remain unaccounted for have a similar desire to know the fate of their loved one. Surely there should be no political or military controversy about this humanitarian problem, and I call for renewed efforts to resolve it."

STATEMENT BY DOCTOR ROGER E. SHIELDS
DEPUTY ASSISTANT SECRETARY OF DEFENSE
FOR INTERNATIONAL ECONOMIC AFFAIRS
BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE

JANUARY 28, 1974

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE:

IT IS A PRIVILEGE FOR ME TO REPRESENT THE DEPARTMENT OF DEFENSE HERE TODAY. I PARTICULARLY WELCOME THIS SESSION WITH YOU AS IT REPRESENTS OUR FIRST OPPORTUNITY TO REPORT TO THIS COMMITTEE OUR EFFORTS MADE AND THE LIMITED PROGRESS ACHIEVED ON BEHALF OF OUR PRISONERS OF WAR AND MISSING AND DEAD IN THE VIETNAM CONFLICT.

ONE YEAR HAS PASSED SINCE THE SIGNING OF THE AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM. MANY EVENTS HAVE TRANSPIRED SINCE THE SIGNING AND I WOULD LIKE TO REPORT ON SOME OF THESE AS THEY RELATE TO THE PRISONERS, THE MISSING AND THOSE LISTED AS DECEASED. I WOULD ALSO LIKE TO REVIEW SOME OF THE EFFORTS WHICH WE MADE DURING THE CONFLICT AND SINCE THE CEASEFIRE TO OBTAIN AN ACCOUNTING FOR OUR MEN.

THE MOST SIGNIFICANT EVENT CONCERNING OUR PRISONERS AND MISSING, OF COURSE, WAS THE RETURN OF 566 AMERICAN MILITARY PERSONNEL, 25 U.S. CIVILIANS AND 9 FOREIGN NATIONALS.

AS YOU KNOW, THESE INDIVIDUALS WERE TAKEN PRISONER WHILE SERVING IN SOUTHEAST ASIA. THEY WERE PRIMARILY MILITARY PERSONNEL OF THE PARTIES TO THE CONFLICT AND CIVILIANS SERVING IN AND OUT OF THE GOVERNMENT IN VARIOUS CAPACITIES.

THEIR PERIODS OF CAPTIVITY RANGED FROM ONLY A FEW MONTHS TO ALMOST NINE YEARS. DURING THIS TIME THEY FACED DEPRIVATIONS AND MADE SACRIFICES THAT FEW AMERICANS WILL EVER ENCOUNTER. HERE AT HOME, THE FAMILIES OF OUR CAPTURED AND MISSING ENDURED THE FRUSTRATION AND UNCERTAINTY OF WAITING FOR SOME WORD ABOUT THE CONDITION OR STATUS OF THEIR LOVED ONES. THESE FAMILIES AND THE GOVERNMENT WERE JOINED BY COUNTLESS AMERICANS IN A CONCERTED EFFORT TO OBTAIN A FULL AND ACCURATE ACCOUNTING OF ALL THE MEN, TOGETHER WITH HUMANE TREATMENT AND RELEASE OF THOSE HELD CAPTIVE.

THESE EFFORTS TOOK MANY FORMS. PRIVATE CITIZENS AND ORGANIZATIONS TRANSMITTED INNUMERABLE LETTERS AND PETITIONS TO COMMUNIST LEADERS, AND TRAVELED TO FOREIGN CAPITALS AROUND THE WORLD TO STIMULATE CONCERN AND INTEREST IN THIS HUMANITARIAN ISSUE. THE UNITED STATES GOVERNMENT URGED ALL NATIONS TO ASSIST IN THESE EFFORTS. THESE APPEALS WERE MADE THROUGH THE UNITED NATIONS, OTHER GOVERNMENTS, THE INTERNATIONAL COMMITTEE OF THE RED CROSS, AND MANY NATIONAL RED CROSS SOCIETIES. THE UNITED STATES APPEALED AGAIN AND AGAIN TO THE NORTH VIETNAMESE TO ABIDE BY THE GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR. THE CONGRESS HELD HEARINGS AND PASSED MANY RESOLUTIONS CONDEMNING THE ENEMY FOR THEIR FAILURE TO ABIDE BY THIS CONVENTION.

THIS GENUINE CONGRESSIONAL CONCERN HAS BEEN FURTHER MANIFESTED IN THE ENACTMENT OF SIGNIFICANT LEGISLATION AIMED SPECIFICALLY AT THE SOLUTION OF SOME OF THE PROBLEMS AND DIFFICULTIES FACED BY THE FAMILIES OF OUR MISSING AND CAPTURED MEN.

THESE EFFORTS CREATED WIDESPREAD PUBLIC INTEREST AND AROUSED WORLD OPINION OVER THE PLIGHT OF OUR MEN HELD CAPTIVE. THIS PUBLIC OUTCRY UNDOUBTEDLY REACHED THE ATTENTION OF NORTH VIETNAMESE LEADERS AND INFLUENCED THEIR ACTIONS ON THESE ISSUES. OUR RETURNING PRISONERS HAVE CONFIRMED OUR BELIEFS THAT THESE EFFORTS RESULTED IN IMPROVED TREATMENT FOR THEM.

THROUGHOUT THE CONFLICT IN SOUTHEAST ASIA THE UNITED STATES GOVERNMENT ATTEMPTED THROUGH A NUMBER OF AVENUES TO OBTAIN INFORMATION ABOUT ALL AMERICANS BELIEVED CAPTURED OR LISTED AS MISSING. FOR EXAMPLE, IN AUGUST 1965, THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) ADDRESSED AN APPEAL TO THE PRINCIPAL PARTIES TO THE VIETNAM CONFLICT, CALLING ON THEM TO ABIDE BY "THE HUMANITARIAN PROVISIONS OF THE GENEVA CONVENTION." IT REMINDED NORTH VIETNAM, THE GOVERNMENT OF SOUTH VIETNAM (GVN) AND THE UNITED STATES THAT ALL WERE PARTIES TO THE CONVENTIONS AND SENT A COPY OF THE APPEAL TO THE NATIONAL LIBERATION FRONT (NLF) ON THE GROUND THAT IT, TOO, WAS BOUND BY "THE UNDERTAKINGS SIGNED BY VIETNAM." THE ICRC APPEAL SPECIFIED FIVE POINTS: (1) THE ICRC SHOULD BE PERMITTED TO SERVE AS A NEUTRAL INTERMEDIARY; (2) PRISONERS OF WAR (PW) SHOULD BE TREATED HUMANELY; (3) PW LISTS SHOULD BE EXCHANGED; (4) ICRC DELEGATES SHOULD BE AUTHORIZED TO VISIT PW CAMPS; AND (5) CIVILIANS SHOULD BE SPARED THE ORDEAL OF CAPTIVITY.

IN SEPARATE LETTERS TO THE ICRC, NORTH VIETNAM AND THE NLF DECLARED THAT THE GENEVA CONVENTION DID NOT APPLY TO THE CONFLICT, AND IN PARTICULAR REFUSED TO ACCEPT THE ICRC AS A NEUTRAL INTERMEDIARY. ALTHOUGH ACKNOWLEDGING THAT IT HAD ACCEDED TO THE CONVENTION IN 1957, THE HANOI GOVERNMENT SAID IT

DID NOT APPLY TO THOSE CAPTURED BECAUSE THERE HAD BEEN NO DECLARATION OF WAR. THIS REASONING COMPLETELY IGNORED ARTICLE 2 OF THE CONVENTION WHICH STATES THAT THE CONVENTION APPLIES IN ALL CASES OF ARMED CONFLICT BETWEEN TWO OR MORE PARTIES TO THE CONVENTION.

IN MARKED CONTRAST, THE UNITED STATES AND THE GVN PLACED GREAT EMPHASIS ON COMPLIANCE WITH THE GENEVA CONVENTION WITH RESPECT TO THE TREATMENT OF PRISONERS OF WAR. THEY ARRANGED FOR REGULAR ICRC VISITS TO ALL PW CAMPS IN SOUTH VIETNAM FOR THE INSPECTION OF FACILITIES AND PRIVATE DISCUSSIONS WITH ENEMY PRISONERS OF WAR, PROVIDED LISTS OF NVN AND NLF PRISONERS OF WAR TO THE ICRC, AND PERMITTED A REGULAR FLOW OF MAIL TO AND FROM THE ENEMY PRISONERS OF WAR AS WELL AS VISITS WITH FAMILIES.

ON A FEW OCCASIONS DURING THE PERIOD OF ACTIVE U.S. MILITARY INVOLVEMENT IN THE CONFLICT, THE NORTH VIETNAMESE RELEASED A LIMITED AMOUNT OF INFORMATION ABOUT CAPTURED OR MISSING AMERICANS. YOU MAY RECALL THAT ONE SUCH RELEASE WAS MADE TO YOUR REPRESENTATIVE ON 23 DECEMBER 1970. THIS NORTH VIETNAMESE DOCUMENT CONTAINED THE NAMES OF 368 AMERICAN SERVICEMEN. NINE OF THESE WERE LISTED AS HAVING BEEN PREVIOUSLY RELEASED, 20 WERE LISTED AS HAVING DIED, AND THE REMAINING 339 WERE LISTED AS CAPTIVES. WHILE WE WELCOMED HANOI'S IMPLICIT ACCEPTANCE OF RESPONSIBILITY FOR THE HEALTH AND WELFARE OF THE 339 MEN, THE STATUS OF THESE MEN WAS PREVIOUSLY KNOWN. MOREOVER, THE INFORMATION IN THIS NORTH VIETNAMESE DOCUMENT WAS CONSIDERED INCOMPLETE BECAUSE THERE WAS NO MENTION OF THE PHYSICAL CONDITION OF THE MEN INDICATED AS CAPTIVES, AND

THERE WAS NO DESCRIPTION OF THE CAUSE OF DEATH OR DISPOSITION OF REMAINS OF THOSE LISTED AS DECEASED. FURTHER, THE LIST DID NOT INCLUDE THE NAMES OF ALL AMERICANS WE BELIEVED HAD BEEN CAPTURED AND ABOUT WHOM THEY CLEARLY SHOULD HAVE HAD KNOWLEDGE. AT NO TIME DURING THE CONFLICT WAS THIS KIND OF INFORMATION MADE AVAILABLE BY NORTH VIETNAM OR ITS ALLIES. ALTHOUGH THE NAMES OF A FEW MEN CAPTURED IN SOUTH VIETNAM WERE RELEASED LATE IN THE CONFLICT, NO SUCH INFORMATION WITH REGARD TO MEN CAPTURED IN LAOS WAS FORTHCOMING UNTIL THE SIGNING OF THE CEASEFIRE AGREEMENT.

AT THE TIME OF THE SIGNING OF THE AGREEMENT, THE UNITED STATES LISTED OVER 1900 AMERICANS AS CAPTURED OR MISSING. THE LISTS PROVIDED BY THE OTHER SIDE REFLECTED 594 U.S. AND THIRD COUNTRY NATIONALS AS PRISONERS. IN THE ENSUING 60 DAYS THREE MORE INDIVIDUALS WERE REPORTED AND RETURNED. IN ADDITION THREE U.S. PERSONNEL, TWO MILITARY AND ONE CIVILIAN, WERE RELEASED BY THE PEOPLES REPUBLIC OF CHINA, FOR A TOTAL OF 600 AMERICAN AND FOREIGN NATIONAL PRISONERS RELEASED. THE LISTS ALSO INCLUDED THE NAMES OF 70 PERSONS SAID TO HAVE DIED IN CAPTIVITY.

WHILE WE ARE PROFOUNDLY GRATEFUL FOR THE RETURN OF THESE MEN, OUR JOY AND SENSE OF ACCOMPLISHMENT ARE TEMPERED BY THE FACT THAT OVER 1300 OTHERS LISTED BY OUR GOVERNMENT AS MISSING AND CAPTURED, DID NOT RETURN. SOME FEARED THAT WITH THE RETURN OF THE PRISONERS, WE WOULD FORGET THOSE UNACCOUNTED FOR AND IGNORE THE PLIGHT OF THEIR FAMILIES. I CAN ASSURE YOU THIS HAS NOT HAPPENED, NOR WILL IT HAPPEN. THE DEPARTMENT OF DEFENSE WILL CONTINUE TO SEEK THE FULLEST POSSIBLE ACCOUNTING FOR THESE MEN AND PROVIDE

ALL POSSIBLE ASSISTANCE TO THEIR FAMILIES, JUST AS WE HAVE IN THE PAST. WE SHALL ALSO SEEK TO SEARCH FOR, AND RECOVER THE REMAINS OF, THOSE LISTED AS DECEASED BUT WHOSE REMAINS HAVE NOT BEEN RECOVERED.

MR. CHAIRMAN, HAVING PROVIDED THE BACKGROUND OF OUR EFFORTS TO ACHIEVE THESE GOALS, I WOULD NOW LIKE TO SAY SOMETHING ABOUT OUR EFFORTS DURING THIS PAST YEAR TO ACCOUNT FOR THE MISSING.

SINCE LAST JANUARY, WE HAVE UNDERTAKEN A NUMBER OF INITIATIVES AND MADE A NUMBER OF OVERTURES AIMED AT RESOLVING THE FATE OF THE MISSING AND AT RETURNING THE REMAINS OF THOSE MEN LISTED AS DECEASED. BEFORE PROCEEDING FURTHER, I WOULD LIKE TO ENTER INTO THE RECORD A CHRONOLOGICAL SUMMARY OF THESE FORMAL EFFORTS OF THE UNITED STATES SINCE THE SIGNING OF THE AGREEMENT.

OUR FIRST EFFORTS WERE MADE IN THE FOUR-PARTY JOINT MILITARY COMMISSION, WHICH WAS ESTABLISHED IN ACCORDANCE WITH ARTICLE 16 OF THE AGREEMENT. THIS COMMISSION WAS CHARGED WITH IMPLEMENTING CERTAIN SPECIFIC ARTICLES OF THE AGREEMENT, INCLUDING THOSE CONCERNED WITH THE RETURN OF MILITARY AND FOREIGN CIVILIAN PRISONERS OF WAR AND ACCOUNTING FOR THE MISSING IN ACTION. THE COMMISSION BEGAN ITS WORK ON JANUARY 31, 1973, AND WAS LIMITED TO 60 DAYS OF OPERATION.

THE U.S. DELEGATION MADE EVERY EFFORT TO IMPLEMENT AND ENFORCE THE PROVISIONS OF THE AGREEMENT. IT PLANNED AND EXECUTED THE WITHDRAWAL OF U.S. AND ALLIED FORCES AND NEGOTIATED THE RELEASE AND RETURN OF THE U.S. AND FOREIGN PRISONERS OF WAR. IT ALSO PLAYED A MAJOR ROLE IN NEGOTIATING THE

REPATRIATION OF THE MILITARY PRISONERS OF THE TWO SOUTH VIETNAMESE PARTIES. DURING THIS PERIOD 26,508 PROVISIONAL REVOLUTIONARY GOVERNMENT (PRG) AND 4,956 REPUBLIC OF VIETNAM (RVN) PRISONERS OF WAR WERE REPATRIATED, MOST OF WHOM WERE TRANSPORTED ON U.S. AIRCRAFT.

IN ADDITION TO THESE DUTIES, THE U.S. DELEGATION BEGAN EFFORTS ON 1 FEBRUARY 1973 TO OBTAIN AN ACCOUNTING OF THE MISSING AND THE REPATRIATION OF REMAINS OF THOSE LISTED AS DECEASED. THE COMMUNIST DELEGATIONS ACKNOWLEDGED THEIR RESPONSIBILITY FOR THIS ACTION BUT WERE NOT RECEPTIVE TO OUR OVERTURES FOR EARLY RESOLUTION OF THE PROBLEM.

OUR INITIATIVES IN THIS VEIN CONTINUED THROUGHOUT THE ENSUING 60 DAYS WITHOUT SUBSTANTIVE RESULTS.

WHEN THE JOINT MILITARY COMMISSION ENDED ITS ACTIVITIES THE FOUR-PARTY JOINT MILITARY TEAM (FPJMT) WAS FORMED. THIS TEAM, AS PRESCRIBED BY THE AGREEMENT, HAS THE SINGLE RESPONSIBILITY OF IMPLEMENTING ARTICLE 8(B) OF THE AGREEMENT. THIS ARTICLE DEALS STRICTLY WITH ACCOUNTING FOR THE MISSING AND THE RETURN OF THE REMAINS OF THOSE WHO HAVE DIED. THE TEXT OF ARTICLE 8(B) WAS INCLUDED IN TESTIMONY JUST GIVEN BY MR. SIEVERTS.

THE U.S. DELEGATION OF THE FPJMT CONSISTS OF 15 MILITARY AND 6 U.S. CIVILIAN PERSONNEL. IT BEGAN ITS WORK ON 2 APRIL 1973. OUR CHIEF OF DELEGATION, AN ARMY COLONEL, IS RESPONSIBLE THROUGH THE DEFENSE ATTACHE OFFICE IN SAIGON AND THE U.S. SUPPORT ACTIVITY GROUP IN THAILAND TO THE U.S. COMMANDER IN CHIEF, PACIFIC. OUR DELEGATION RECEIVES POLICY GUIDANCE AND INSTRUCTIONS FROM THE AMERICAN AMBASSADOR IN SAIGON.

THE FPJMT HAS BEEN MEETING APPROXIMATELY TWICE A WEEK SINCE 4 APRIL 1973. THE U.S. AND RVN DELEGATIONS HAVE MADE NUMEROUS INITIATIVES AND ATTEMPTS SINCE THAT TIME TO ACHIEVE COMPLIANCE BY THE OTHER SIDE WITH THE PROVISIONS OF ARTICLE 8(B). DESPITE THESE EFFORTS, THE DEMOCRATIC REPUBLIC OF VIETNAM (DRV) AND PRG HAVE NOT BEEN FORTHCOMING WITH ANY SIGNIFICANT INFORMATION ON THE MISSING AND DEAD.

BEGINNING WITH THE FIRST MEETING, WE PROPOSED IMMEDIATE DISCUSSION OF PLANS FOR THE RETURN OF THE REMAINS OF THOSE LISTED AS HAVING DIED IN CAPTIVITY AND FOR THE EXCHANGE OF INFORMATION ON THE MISSING. WE PURSUED FIRST THE ISSUE OF RETURN OF REMAINS OF THOSE LISTED AS DECEASED, BELIEVING THIS REPRESENTED AN ACTION THAT COULD BE COMPLETED WITHOUT DELAY AND ONE WHICH WOULD PROVIDE THE BASIS FOR FUTURE PROGRESS. INSTEAD OF RESPONDING TO OUR PURELY HUMANITARIAN REQUESTS, THE DRV AND PRG HAVE INSISTED ON DISCUSSING ISSUES THAT ARE NOT WITHIN THE PURVIEW OF THE FPJMT, AND HAVE EVEN ATTEMPTED TO RENEGOTIATE POINTS THAT HAD BEEN PREVIOUSLY AGREED UPON IN THE FOUR-PARTY JOINT MILITARY COMMISSION. ADDITIONALLY, FROM THE BEGINNING OF NEGOTIATIONS IN THAT FORUM, THEY HAVE INSISTED ON DISCUSSION AND LINKAGE OF OTHER UNRELATED PARTS OF THE BASIC AGREEMENT. FOR EXAMPLE, THEY HAVE REPEATEDLY ATTEMPTED TO LINK ARTICLE 8(A), WHICH GOVERNS THE RETURN OF MILITARY PRISONERS AND FOREIGN CIVILIAN PERSONNEL, AND ARTICLE 8(B) WHICH IS THE SOLE RESPONSIBILITY OF THE FPJMT TO ARTICLE 8(C) WHICH RELATES TO VIETNAMESE CIVILIAN DETAINEES. ARTICLE 8(C) ITSELF CLEARLY SPECIFIES THAT THE CIVILIAN DETAINEE ISSUE IS THE RESPONSIBILITY OF THE TWO SOUTH VIETNAMESE PARTIES.

DURING THIS SAME TIME FRAME, THE UNITED STATES PROVIDED THE OTHER DELEGATIONS WITH DETAILED LISTINGS OF ALL KNOWN U.S. AND THIRD COUNTRY NATIONALS MISSING IN INDOCHINA. THE DRV AND THE PRG ACCEPTED THESE LISTS AND ASSURED US THEY WOULD PROVIDE WHATEVER INFORMATION THEY POSSESSED.

TO FURTHER ASSIST WITH THE ACCOUNTING FOR THE MISSING, THE UNITED STATES, AT THE REQUEST OF THE DRV AND RVN, AGREED TO PROVIDE A WEEKLY LIAISON FLIGHT BETWEEN SAIGON AND HANOI. THIS MISSION, USING U.S. AIR FORCE C-130 AIRCRAFT, BEGAN OPERATING ON 7 APRIL 1973.

IN MID-APRIL AFTER DISCUSSING PLANS TO EXHUME AND REPATRIATE THE REMAINS OF THOSE LISTED AS HAVING DIED IN CAPTIVITY, THE DRV AND PRG ASSURED US OF THEIR COOPERATION ON THIS ISSUE, BUT EMPHASIZED THE NEED FOR AGREEMENT ON GENERAL MODALITIES BEFORE PROCEEDING TO SPECIFIC OPERATIONS. WHILE WE RECOGNIZED THE NEED FOR AGREEMENT ON BROAD PRINCIPLES GOVERNING ACTIVITIES TO ACCOUNT FOR THE MISSING, WE ALSO INSISTED THAT IMMEDIATE PROGRESS COULD BE MADE ON THE SIMPLE AND CLEAR-CUT ISSUE OF THE RETURN OF REMAINS OF THE DEAD.

THE DRV THEN PROPOSED THAT THE FPJMT VISIT THE CEMETERIES OF THE DEAD BEFORE REPATRIATION COULD BEGIN. THEY STATED THAT VISITS TO CEMETERIES IN NORTH VIETNAM COULD BE MADE IN MAY AND THAT DRV OFFICIALS WOULD BE PREPARED AT THAT TIME TO DISCUSS THE U.S. PLANS FOR THE REPATRIATION OF THE REMAINS.

THE FIRST VISIT WAS MADE ON 11 MAY TO THE VAN DIEN CEMETERY, APPROXIMATELY 15 MILES SOUTHWEST OF HANOI. THE TEAM WAS SHOWN THREE GRAVES ALLEGEDLY CONTAINING THE REMAINS OF U.S. SERVICEMEN. TWO WERE IDENTIFIED AS HAVING DIED

IN CAPTIVITY WHILE THE IDENTITY OF THE OTHER WAS UNKNOWN. (DESPITE PERSISTENT QUESTIONING, THE DRV REFUSED TO IDENTIFY THIS LAST INDIVIDUAL. THEY WOULD ONLY STATE THAT HE WAS A CREW MEMBER AND WAS NOT CARRYING ANY IDENTIFICATION WHEN HE WAS FOUND.) THE TEAM POSED A NUMBER OF QUESTIONS RELATING TO THE RECOVERY OF THE REMAINS. THE DRV OFFICIALS WOULD NOT RESPOND DIRECTLY TO THE QUESTIONS, BUT INSTEAD CITED THE NEED FOR DISCUSSIONS AND COMPLETE AGREEMENT ON PROCEDURES AND MODALITIES BY THE FPJMT IN SAIGON. THE TEAM THEN RETURNED TO SAIGON.

ONE WEEK LATER, ON 18 MAY, THE DRV AGAIN HOSTED A VISIT TO THE CEMETERIES IN NORTH VIETNAM. THIS VISIT WAS TO THE BA HUYEN CEMETERY, SOME 30 MILES NORTHEAST OF HANOI. THIS TIME THE TEAM WAS SHOWN 22 GRAVES. TWENTY-ONE (21) ALLEGEDLY CONTAINED THE REMAINS OF U.S. SERVICEMEN LISTED AS HAVING DIED IN CAPTIVITY, WHILE THE OTHER WAS REPORTED TO BE THAT OF A THAI NATIONAL. THE DRV DELEGATION HAD AGAIN INDICATED THAT LOCAL DRV OFFICIALS WOULD BE PREPARED TO DISCUSS THE RETURN OF THE REMAINS. AGAIN THIS PROVED NOT TO BE THE CASE. INSTEAD, THEY FOLLOWED THE SAME LINE AS EXPERIENCED ON 11 MAY. THEY DID NOT RESPOND TO DIRECT QUESTIONS AND THE U.S. PROPOSAL FOR THE RETURN OF REMAINS. INSTEAD, THEY REFERRED ALL DISCUSSION TO THE FPJMT IN SAIGON.

THIS VISIT REPRESENTS OUR LAST SUBSTANTIVE PROGRESS ON THE RECOVERY OF REMAINS FROM NORTH VIETNAM. SINCE THAT TIME THE U.S. DELEGATION HAS MADE REPEATED REQUESTS TO RECOVER THESE REMAINS AND HAS OFFERED AGAIN AND AGAIN TO DISCUSS ANY ASPECT OF THEIR REPATRIATION. THE DRV REPLY HAS ALWAYS

BEEN THE SAME: THERE MUST BE COMPLETE AGREEMENT ON ALL ASPECTS OF ARTICLE 8(B) BEFORE PROCEEDING WITH ANY SPECIFIC OPERATIONS.

AS I PREVIOUSLY STATED, WE HAVE PROVIDED LISTS OF ALL KNOWN U.S. AND THIRD COUNTRY NATIONALS UNACCOUNTED FOR IN INDOCHINA. CONCURRENTLY WITH THE PURSUIT OF THE ISSUE OF RETURN OF REMAINS, WE HAVE REPEATEDLY ASKED FOR INFORMATION ON THE MISSING. THESE EFFORTS HAVE BEEN FRUSTRATED BY THAT NOW FAMILIAR THEME: THE NECESSITY FOR PRIOR AGREEMENT ON ALL PLANS AND ACTIVITIES TO ACCOUNT FOR THE MISSING. TO CITE A SPECIFIC EXAMPLE, WE HAVE MADE SEVERAL SPECIFIC INQUIRIES CONCERNING CHAI CHARN HARNNAVEE AND NAPADOM WANG GHOM, TWO THAI NATIONALS WHOM OUR RETURNEES REPORTED WERE CAPTIVES IN HANOI AS LATE AS MARCH 28, 1973. THE DRV RESPONSE HAS BEEN THAT ALL U.S. PRISONERS CAPTURED IN THE DRV HAVE BEEN RELEASED.

IN EVADING THEIR LEGAL AND HUMANITARIAN OBLIGATIONS, THE DRV AND PRG HAVE USED A MULTITUDE OF SCHEMES AND TACTICS. THEY INTRODUCED TO THE FPJMT A PROPOSED AGREEMENT ON MODALITIES FOR THE IMPLEMENTATION OF ARTICLE 8(B). THE PROPOSED AGREEMENT CONTAINS MANY CONTENTIOUS AND EXTRANEIOUS POINTS WELL BEYOND THE SCOPE, SPIRIT AND INTENT OF ARTICLE 8(B). ONE OF THE MOST OBJECTIONABLE OF THESE IS THE CONSTRUCTION OF CEMETERIES, MONUMENTS AND WAR MEMORIALS FOR THE DEAD IN THE TERRITORY OF THE OTHER PARTIES. THE DRV AND PRG HAVE INSISTED IT IS NECESSARY TO BUILD THESE CEMETERIES, MONUMENTS AND MEMORIALS BECAUSE THEY MIGHT NOT REPATRIATE ALL OF THEIR DEAD FROM THE TERRITORY OF OTHER PARTIES. THESE MEASURES ARE FAR BEYOND THE SCOPE OF ARTICLE 8(B) AND REPRESENT CYNICAL ATTEMPTS BY THE DRV AND PRG TO EXPLOIT FURTHER THE GENUINE AND HUMANITARIAN CONCERN OF THE U. S. OF ACCOUNTING FOR

THE MISSING TO FURTHER THEIR OWN MILITARY AND POLITICAL GOALS. ON ITS PART, THE GOVERNMENT OF SOUTH VIETNAM HAS STATED THAT IT WILL ASSIST WITH THE REPATRIATION OF ALL DRV AND PRG DEAD TO THE TERRITORY CONTROLLED BY THE LATTER. IT HAS ALSO STATED IT WOULD MAINTAIN THE GRAVES OF THOSE NOT REPATRIATED AT THEIR PRESENT LOCATION OR IN A NATIONAL CEMETERY.

OUR SIDE IS FULLY AWARE OF THE DRV-PRG MOTIVES ON THIS ISSUE. THEY EMPLOYED SIMILAR TACTICS FOLLOWING THE 1954 GENEVA AGREEMENTS, USING THEM FOR POLITICAL AND MILITARY PURPOSES IN SOUTH VIETNAM.

STILL ANOTHER ISSUE IRRELEVANT TO THE WORK OF ACCOUNTING FOR THE MISSING IS THE DRV AND PRG INSISTENCE THAT THE VIETNAMESE NEXT OF KIN BE ALLOWED TO VISIT GRAVES PRIOR TO OR IN LIEU OF REPATRIATION. THIS IS ALSO BEYOND THE SPIRIT AND INTENT OF ARTICLE 8(B). THIS IS A MATTER TO BE SETTLED BY THE TWO SOUTH VIETNAMESE PARTIES IN THE DISCUSSIONS OF THE TWO PARTY JOINT MILITARY COMMISSION.

I REPEAT AGAIN THAT PROPOSALS SUCH AS THESE ARE BEYOND THE SPIRIT AND INTENT OF ARTICLE 8(B) AND ARE MOTIVATED BY POLITICAL PURPOSES. THEY SERVE NOT TO RELIEVE THE SUFFERING AND UNCERTAINTY OF THE FAMILIES OF THE MISSING, BUT ONLY TO FURTHER THE POLITICAL GOALS OF THE DRV AND PRG. DESPITE THEIR MUCH ACCLAIMED HUMANITARIAN POLICIES, IT IS CLEAR THAT THEY ARE CONTINUING TO USE THE SUFFERING OF THE FAMILIES OF THE MISSING TO ACHIEVE POLITICAL GAINS. FOR OUR PART, WE HAVE EXPRESSED THE VIEW THAT WE SHOULD EXCHANGE INFORMATION ON THE MISSING TO RELIEVE THE SUFFERING AND ANXIETY OF THESE FAMILIES.

INSTEAD OF FACILITATING AN ACCOUNTING FOR THE MISSING, THE PLENARY SESSIONS OF THE FPJMT HAVE BECOME A FORUM FOR PROPAGANDA SPEECHES, BOYCOTTS, WALKOUTS AND GENERAL STALLING TACTICS BY THE OTHER SIDE. THE DRV AND PRG HAVE DEVOTED MANY HOURS TO THE DETAILING OF ALLEGED VIOLATIONS OF THE AGREEMENT AND CEASEFIRE BY THE U.S. AND SOUTH VIETNAMESE. OUR EFFORTS TO REDIRECT THE DISCUSSIONS TO SUBSTANTIVE ISSUES HAVE MET WITH FRUSTRATION AND FAILURE. SINCE EARLY IN NOVEMBER, THERE HAS NOT EVEN BEEN AGREEMENT ON THE MEETING AGENDA. NEARLY ALL SESSIONS IN THE PAST SIX MONTHS HAVE BEEN CHARACTERIZED BY STALE POLEMICS AND THEATRICALS ON THE PART OF THE OTHER SIDE.

ON 2 OCTOBER, FOR EXAMPLE, IN THEIR RESPONSE TO THE PROPOSED AGENDA, THE PRG READ A PREPARED STATEMENT ALLEGING CEASEFIRE VIOLATIONS BY THE U.S. AND RVN AND WALKED OUT OF THE MEETING. THIS ACT WAS REPEATED ON 9 OCTOBER AND AGAIN ON 15 NOVEMBER. ON 8 AND 27 NOVEMBER THEY BOYCOTTED THE ENTIRE SESSION IN PROTEST OF ALLEGED CEASEFIRE VIOLATIONS.

ON 18 OCTOBER, TO CITE ANOTHER EXAMPLE, THE U.S. PROPOSED DISCUSSION OF THE EXCHANGE OF INFORMATION ON THE MISSING AND DECEASED AND THE FPJMT RESPONSIBILITIES FOR THIRD COUNTRY NATIONALS. THE PRG RESPONSE WAS THE READING OF A 25 MINUTE STATEMENT ON ALLEGED CEASEFIRE VIOLATIONS. THE U.S. DELEGATE IGNORED THESE CHARGES BY RESTATING THE PROPOSED AGENDA. THIS WAS FOLLOWED BY A 30 MINUTE HARANGUE BY THE PRG REITERATING THEIR EARLIER STATEMENT.

IN SUM, THE U.S. AND SOUTH VIETNAMESE DELEGATIONS HAVE MADE MANY SUBSTANTIVE PROPOSALS DURING THE FPJMT MEETINGS OF THE PAST TEN MONTHS THAT WOULD ADVANCE THE WORK OF RESOLVING THE STATUS OF THE MISSING. IN EVERY CASE, THESE EFFORTS HAVE BEEN REBUFFED BY THE DRV AND PRG. THEY PREFER INSTEAD TO TIE UP THE SESSIONS WITH DISCUSSIONS OF NON-GERMANE AND POLITICAL ISSUES.

THIS LACK OF PROGRESS HAS NOT GONE UNCHALLENGED. THE U.S. DELEGATION HAS MADE REPEATED PROTESTS TO THE DRV AND PRG, ALL TO NO AVAIL.

IN A DETAILED STATEMENT DURING THE FPJMT MEETING ON 27 SEPTEMBER, THE U.S. DELEGATION IN SAIGON SYSTEMATICALLY REVIEWED THE U.S. EFFORTS TO OBTAIN IMPLEMENTATION OF ARTICLE 8(B) BY THE DRV AND PRG, AND CITED THE LACK OF COOPERATION AND HUMANITARIAN SPIRIT DEMONSTRATED BY THE OTHER SIDE. THIS STATEMENT, AS WITH OUR PREVIOUS EFFORTS, WAS REJECTED.

DESPITE THIS COMPLETE LACK OF COOPERATION FROM THE DRV AND PRG, WE HAVE MADE SOME PROGRESS IN THE RESOLUTION OF MISSING CASES AS A RESULT OF SEARCH OPERATIONS BY TEAMS OF THE JOINT CASUALTY RESOLUTION CENTER (JCRC). THIS ORGANIZATION IS A JOINT TASK FORCE LOCATED AT NAKHON PHANOM ROYAL THAI AIR FORCE BASE IN NORTHEAST THAILAND. WITHIN THE LIMITS IMPOSED UPON IT, THE JCRC SUPERVISES AND CONDUCTS SEARCH OPERATIONS DESIGNED TO ASSIST IN RESOLVING THE FATE OF THE MISSING AND TO RECOVER AND IDENTIFY REMAINS WHERE POSSIBLE. THE ENTIRE OPERATION IS PEACEFUL, OPEN AND HUMANITARIAN IN NATURE.

OUR TEAMS HAVE BEEN OPERATING THUS FAR IN SOUTH VIETNAM WITH THE APPROVAL OF THAT GOVERNMENT. REQUESTS FOR OUR TEAMS TO CONDUCT SEARCHES ARE FORMALLY CIRCULATED THROUGH THE FPJMT TO OBTAIN THE APPROVAL OF THE PARTY CONTROLLING THE TERRITORY. ALL DELEGATIONS ARE FULLY INFORMED OF OUR INTENDED SEARCHES AND ARE PROVIDED DETAILED SCHEDULES OF THESE PROGRAMMED OPERATIONS. FURTHER, ALL DELEGATIONS ARE INVITED TO ACCOMPANY THE AMERICAN TEAMS TO OBSERVE EACH OPERATION. UP TO NOW ONLY THE RVN HAS ACCEPTED OUR INVITATION TO OBSERVE THESE OPERATIONS.

THE JCRC HAS CONDUCTED A TOTAL OF 15 OF THESE OPERATIONS SINCE MAY OF LAST YEAR. ALL HAVE BEEN CONDUCTED IN RVN-CONTROLLED TERRITORY. WE HAVE MADE REQUESTS TO ENTER COMMUNIST TERRITORY TO CONDUCT SEARCHES BUT SO FAR, PERMISSION TO DO SO HAS BEEN DENIED.

THE LAST OPERATION WAS CONDUCTED ON 15 DECEMBER. IN KEEPING WITH ESTABLISHED PROCEDURES, THE U.S. DELEGATION REQUESTED PERMISSION FROM THE RVN TO CONDUCT A SEARCH OF A KNOWN CRASH SITE NEAR SAIGON. ALL DELEGATIONS WERE INFORMED OF THIS REQUEST AND THE RVN GRANTED PERMISSION FOR THE TEAM TO ENTER THE AREA. ON 13 DECEMBER THE TEAMS, WEARING THE TRADITIONAL ORANGE FPJMT INSIGNIA, CONDUCTED AN INITIAL SURVEY OF THE SITE. ON 14 DECEMBER, IN KEEPING WITH NORMAL POLICY, MEMBERS OF THE NEWS MEDIA VISITED THE SITE AND OBSERVED OPERATIONS. ON 15 DECEMBER THE SEARCH TEAM RETURNED TO THE SITE TO CONTINUE THEIR WORK. IMMEDIATELY UPON LANDING, THEY WERE ATTACKED BY A HOSTILE FORCE OF UNDETERMINED NUMBERS. IN KEEPING WITH ESTABLISHED POLICY, THE AMERICAN TEAM LEADER RAISED HIS HANDS IN THE

INTERNATIONAL SIGN OF SURRENDER AND SHOUTED IN VIETNAMESE THAT THEY WERE UNARMED. HE WAS KILLED ALMOST IMMEDIATELY BY THE ATTACKING FORCE. ONE OF THE RVN ACCOMPANYING HIM WAS ALSO KILLED. IN ADDITION, FOUR AMERICANS AND THREE VIETNAMESE WERE WOUNDED AND ONE HELICOPTER WAS DESTROYED. MR. CHAIRMAN, THIS WAS NOTHING MORE THAN A COLDBLOODED, CALCULATED ATTACK ON AN UNARMED GROUP WHICH WAS ENGAGED IN A HUMANITARIAN MISSION. THE DRV AND PRG WERE AWARE OF THE PURPOSE OF THIS MISSION. THEY WERE INFORMED OF ALL OF THE DETAILS AND HAD BEEN EXTENDED THE TRADITIONAL INVITATION TO ACCOMPANY THE TEAM.

THE UNITED STATES HAS VIGOROUSLY PROTESTED THIS COLDBLOODED MURDER. BOTH THE U.S. CHIEF OF DELEGATION AND THE RVN CHIEF OF DELEGATION STRONGLY CONDEMNED THIS ATTACK IN THE PLENARY SESSION OF 18 DECEMBER. FOLLOWING THE DELIVERY OF THEIR PROTEST, BOTH DELEGATIONS WALKED OUT OF THE MEETING, FOR THE FIRST TIME IN THESE NEGOTIATIONS.

IT IS INTERESTING TO NOTE THE PRG REFUSED TO ATTEND THE NEXT SCHEDULED SESSION. THEY STATED THEY WERE DISPLEASED WITH THE ATTITUDE AND ACTIONS OF THE U.S. DELEGATION. THEY HAVE DENIED RESPONSIBILITY FOR THE INCIDENT AND HAVE ATTEMPTED TO DIVERT ATTENTION BY STATING THAT THE SEARCH WAS ILLEGAL AND WAS NOTHING MORE THAN A RECONNAISSANCE MISSION FOR MILITARY PURPOSES. MR. CHAIRMAN, NOTHING COULD BE FURTHER FROM THE TRUTH. AS I PREVIOUSLY STATED, THE MISSION OF SEARCHING FOR THE MISSING AND DEAD BY THE JCRC IS OPEN, PEACEFUL AND STRICTLY HUMANITARIAN.

PRIOR TO AND FOLLOWING THE ATTACK ON THE TEAM THERE WERE A NUMBER OF MEDIA REPORTS THAT THE JCRC WOULD SOON CEASE OPERATIONS AND GIVE UP THE SEARCH FOR THE MISSING. I WANT TO ASSURE YOU WE HAVE NO INTENTIONS OF REDUCING OUR EFFORTS IN THIS WORK. WE HAVE NO PLANS TO DILUTE THE MISSION OF THE JCRC, OR TO REDUCE ITS CAPABILITY TO PERFORM THIS TASK. WE ARE, THOUGH, CURRENTLY LIMITED IN THE NUMBER OF SITES WE CAN INSPECT. AS I STATED EARLIER, THE DRV AND PRG HAVE NOT ALLOWED OUR TEAMS TO ENTER AREAS THEY CONTROL. IT IS IN THESE AREAS THAT SOME 95 PERCENT OF OUR KNOWN CRASH OR GRAVE SITES ARE LOCATED, AND WE HOPE THE DRV AND PRG WILL SEE FIT TO ALLOW SEARCHES IN THESE AREAS IN THE FUTURE.

WHILE THE NUMBER OF KNOWN SITES IN SOUTH VIETNAMESE TERRITORY ARE LIMITED, WE ARE RECEIVING NEW INFORMATION ON POSSIBLE CRASH AND GRAVE SITES ON A REGULAR BASIS AS A RESULT OF A PUBLICITY CAMPAIGN AIMED AT ENLISTING THE AID OF THE LOCAL INHABITANTS OF AREAS IN WHICH OUR MEN BECAME MISSING. ALL OF THIS INFORMATION IS BEING CAREFULLY ANALYZED FOR ITS VALIDITY AND USEFULNESS IN PLANNING FUTURE SEARCHES.

I REALIZE THIS STATEMENT HAS NOT REPORTED THE SUCCESSES FOR WHICH WE ALL HAD HOPED, AND HAS NOT PRESENTED A PARTICULARLY BRIGHT PICTURE FOR THE FUTURE. WE HAVE EXPLORED MANY AVENUES AND INITIATIVES ON BEHALF OF OUR MEN WHO DID NOT RETURN FROM SOUTHEAST ASIA AND WE HAVE MET WITH FRUSTRATION AND INDIFFERENCE ON THE PART OF THE COMMUNIST DELEGATIONS. SINCE THE SIGNING OF THE AGREEMENT LAST YEAR THE OTHER SIDE HAS YET TO PROVIDE, THROUGH THE FPJMT, INFORMATION ABOUT A SINGLE MISSING AMERICAN. EVEN THOUGH THE NORTH VIETNAMESE HAVE REFUSED TO IMPLEMENT THEIR PREVIOUSLY AGREED UPON ARRANGEMENTS FOR THE RETURN OF THE REMAINS OF OUR MEN WHOM THEY HAVE LISTED AS DECEASED, WE ARE DETERMINED TO CONTINUE OUR EFFORTS ON BEHALF OF THESE MEN AND THEIR FAMILIES.

I MENTIONED IN THE BEGINNING OF MY TESTIMONY THE GREAT EFFORTS WHICH WERE MADE IN BEHALF OF OUR PRISONERS AND MISSING BY THE AMERICAN PUBLIC, PRIVATE ORGANIZATIONS, AND THE AMERICAN GOVERNMENT, INCLUDING THE CONGRESS. THESE UNIFIED EFFORTS WERE HELPFUL THEN AND WE WELCOME THE CONTINUING INTEREST IN THIS HUMANITARIAN CAUSE EVIDENCED BY THIS HEARING TODAY. THOSE WITH WHOM WE NEGOTIATE IN INDOCHINA HAVE SHOWN THAT THEY ARE PARTICULARLY SENSITIVE TO THE EFFORTS AND STATEMENTS OF THE MEMBERS OF CONGRESS, AND I AM SURE THAT THEY WILL BE ATTENTIVE TO THE INTEREST IN THE PLIGHT OF OUR MISSING AND THEIR FAMILIES SHOWN BY THIS COMMITTEE.

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, MAY I AGAIN EXPRESS THE APPRECIATION OF THE DEPARTMENT OF DEFENSE FOR THE OPPORTUNITY OF APPEARING HERE TODAY AND FOR YOUR EFFORTS IN BEHALF OF OUR MEN AND THEIR FAMILIES.

Chronology of US Efforts Through the Saigon Negotiations Toward
Obtaining Information About Americans and Third Country
Nationals Unaccounted for in Southeast Asia

1973

- 1 February The US Delegation (USDEL) requested information on those US personnel not listed on the Paris lists. DRV and PRG did not respond.
- 9 February USDEL again requested information on US missing in action (MIA).
- 28 February USDEL distributed to all delegations a proposal outlining general procedures to account for the missing and recover the dead.
- 5 March USDEL readdressed the 28 February proposal. DRV-PRG stated they were studying the proposal.
- 9 March USDEL requested all available information on all US personnel missing in action to include those lost immediately prior to the ceasefire and not included on the Paris lists. USDEL also requested all parties to comment on 28 February proposal.
- 18 March USDEL requested all parties designate representatives to form the FPJMT. DRV-PRG did not respond.
- 25 March USDEL proposed discussion of the formation and activities of the FPJMT. The PRG refused to discuss the issue.
- 26 March First discussions on formation of the FPJMT.
- 27 March All delegations generally agreed on FPJMT organization and operations.
- 28 March DRV requested US provide a weekly liaison flight between Saigon and Hanoi pending RVN-DRV agreement on reciprocal flight arrangements. The US agreed on 30 March.
- 4 April First formal meeting of the FPJMT. The USDEL proposed early discussion of procedures to exchange information about the missing. A general agreement was reached that the concerned parties could deal directly with one another in exchanging information about missing personnel.
- 17 April The USDEL furnished other delegations with a list of US and Third Country Nationals (TCN's) missing.

24 April The USDEL sent the DRV DEL a letter containing specific information concerning two Thai Nationals about whom the DRV should have knowledge.

16 May The USDEL furnished other delegations a list of 14 missing Korean Nationals.

21 May The USDEL noted that four months had elapsed since the ceasefire without any progress having been made toward resolution of missing cases.

22 May The USDEL requested DRV and PRG provide US with all information about US missing.

29 May The USDEL reiterated the request that all available information about US missing be provided.

31 May The USDEL furnished other delegations with a list of 8 Australian Nationals missing.

7 June The DRV DEL indicated the PRG had information about crash and burial sites along the DMZ and in Southern North Vietnam. The DRV supported the PRG position that the PRG representatives needed to travel to Hanoi to coordinate the release of this information. The USDEL sent letters to DRV and PRG citing delay in receiving information about missing US persons on lists already provided, and offered US support and additional data to expedite the search for this information.

10 July The USDEL distributed copies of the pamphlet "Missing" published by the American Committee to Free Journalists Held in Southeast Asia, and discussed the responsibility of the parties to provide information concerning the missing journalists.

24 July The USDEL proposed that "concrete action" of exchange of information about missing persons be a part of the FPJMT operating schedule.

26 July The USDEL proposed immediate exchange of information about missing persons.

21 August The Chief USDEL delivered a prepared statement during the meeting noting the refusal of the DRV and PRG to provide information on US and TCN missing personnel.

26 September The USDEL delivered three memoranda to the Chief, PRG delegation requesting information about missing Australian and Korean TCN's and the status of prior US request to conduct crash site inspections in PRG controlled territory.

27 September The Chief, USDEL delivered a statement during the meeting cataloging US efforts on behalf of other countries in seeking information about their missing and deceased personnel and repatriation of remains, and requesting DRV and PRG assistance.

5 October The USDEL delivered a memorandum to the Chief, PRG DEL requesting information about 3 missing Philippine Nationals.

10 October The USDEL delivered a memorandum to the Chief, PRG DEL requesting information about 4 missing Federal Republic of Germany Nationals, and a memorandum to the Chief, DRV requesting information about 2 missing Thai Nationals.

27 October The USDEL delivered a memorandum to the Chief, PRG DEL requesting information about 8 missing Japanese Nationals.

30 October USDEL reiterated earlier statements and position regarding exchange of information on TCN's. DRV-PRG insist the FPJMT is only responsible for those citizens of the countries allied with US-RVN in the conflict. US-RVN maintain FPJMT has moral responsibility for all TCN's.

15 November USDEL proposed discussions of FPJMT responsibilities for all military personnel and scope of mutual assistance to implement Article 8(b).

11 December USDEL reviewed US-RVN initiatives during recent months emphasizing RVN cooperation in accounting of PRG missing and dead.

15 January US and RVN DELs reviewed efforts to implement Article 8(b) and requested the cooperation of all delegations.

Chronology of US Efforts Through the Saigon Negotiations Toward
Obtaining Information About Americans and Third Country Nationals
Who Are Listed as Deceased and Completing Arrangements
For Repatriation of Remains

1973

- 1 February US Delegation (USDe1) requested information on all US personnel known by the DRV-PRG to have died in captivity or otherwise to include circumstances, death certificates, etc.
- 9 February USDe1 again requested information on US dead in DRV-PRG territory and the return of remains. DRV-PRG stated remains would be returned separately from PW.
- 9 March USDe1 requested the return of remains of those listed as dead on Paris lists.
- 10 March USDe1 restated 9 March request. DRV stated no remains would be returned until all PW's were released.
- 4 April During the first formal meeting of the FPJMT, the USDe1 proposed early discussion of repatriation of remains of deceased persons.
- 7 April The USDe1 stated its readiness to make arrangements for the return of persons who had died in the captivity of the other side.
- 10 April The USDe1 outlined the US concept of general procedures to repatriate the remains of Americans who were listed as having died in captivity. The DRV mentioned for the first time the need for procedures to visit cemeteries.
- 11 April The USDe1 sent two letters each to the DRV and PRG Delegations. The first letter enclosed the lists of persons the other side had listed as deceased and requested grave location and date for the repatriation of the remains. The second letter outlined the US concept of procedures for the repatriation of the remains and requested comments by 17 April 1973.
- 13 April The DRV and PRG both stated they were studying the US 11 April letters. Both the DRV and PRG emphasized the need for agreement on general modalities before proceeding to specific operations.

24 April The DRVDel suggested the FPJMT visit grave locations in NVN sometime after 1 May. US Delegation requested discussion of US 11 April letter proposing procedures for the repatriation of remains.

26 April The USDel presented US concept of the FPJMT visit to grave locations in NVN.

30 April The PRG and DRV again stated the need for general agreement on modalities before proceeding for repatriation of remains.

3 May The USDel outlined US concept for FPJMT visit to grave locations in NVN and listed composition of US team.

8 May Agreement reached and final arrangements made for FPJMT visit to grave locations in NVN, to be accomplished 11 May 1973. The US team composition for the visit totaled 8 delegates and specialists.

11 May First FPJMT visit to grave locations in NVN was conducted. US representatives attempted to obtain answers from Hanoi officials to pertinent questions. The DRV referred to the need for a formal FPJMT meeting in Saigon to reach agreement on details of procedures for the repatriation of remains from NVN. US representatives outlined US concept for these procedures. A total of 22 graves, located at Ba Huyen Cemetery, were shown to the FPJMT representatives.

29 May The USDel proposed that the FPJMT operating schedule for June include FPJMT visits to grave locations in SVN.

6 June The USDel sent a letter to the DRV Delegation proposing a specific operating schedule for the repatriation on 22 June from Ba Huyen Cemetery of the remains of the 22 persons that the DRV had indicated are interred at that location.

16 June The USDel sent a letter to the PRG Delegation citing the long delay in obtaining information from the PRG on deceased persons, offering US support to transport PRG Delegates to visit local officials to gather information, and requesting locations of graves in PRG controlled territory.

20 June The PRG announced their intention to invite the FPJMT, in the near future, to visit graves of persons who died in their captivity.

3 July The USDel asked the DRV to explain the delay in the repatriation of remains from NVN.

5 July The USDel requested the DRV to establish a date for the repatriation of remains from NVN.

12 July During meeting, the USDel proposed that the repatriation of remains from NVN be an agenda item. The proposal was rejected by the DRVDel.

16 July The USDel sent a memorandum to the DRVDel proposing an operating schedule for the repatriation of remains interred in Van Dien Cemetery (NVN).

19 July During meeting, the USDel proposed that the repatriation of remains be an agenda item. The DRV reemphasized the need for complete agreement on modalities.

24 July During meeting, the USDel proposed that the FPJMT schedule the repatriation of remains as a part of the FPJMT "concrete actions."

26 July During meeting, the USDel proposed development of an operating schedule including the repatriation of remains from DRV and PRG territory.

31 July During meeting, the USDel proposed operating schedule for August including repatriation of the remains of deceased US persons from NVN on 10 and 24 August, and from PRG territory on 27 August.

2 August During meeting, the USDel proposed immediate discussion of schedule of FPJMT activities including repatriation of US remains from NVN.

7 August During meeting, the USDel, noting the extended stay in Hanoi of the Deputy Chief, DRVDel, requested establishment of operating schedule for the repatriation of US remains from NVN.

14 August During meeting, the USDel questioned the PRG concerning the PRG 20 June statement that the PRG had information about US servicemen buried in PRG territory.

15 August The DRVDel sent non-substantive memorandum to the US Delegation, which was purported to be a response to the US letter of 6 June and the US memorandum of 16 July.

21 August During meeting, the Chief, USDel delivered a prepared statement which noted the refusal of the DRV and PRG to cooperate in the repatriation of the remains of US deceased personnel.

26 September The USDeI delivered two memoranda to the Chief, PRG Delegation. One requested information about missing Korean Nationals and repatriation of the remains of deceased Korean Nationals; the other a similar request concerning Australian Nationals.

27 September During meeting, the Chief, USDeI delivered a statement cataloging US efforts on behalf of other countries in seeking information about missing TCN's and repatriation of remains of deceased TCN's, and requesting DRV and PRG assistance.

5 October The USDeI delivered two memoranda to the Chief, PRG. One memorandum requested the location of the graves of deceased US persons and in general provided a follow-up of prior US requests for visits to grave sites and repatriation of remains. The other memorandum concerned Philippine Nationals; requesting information about two who are missing and requesting repatriation of the remains of another who was listed as deceased.

10 October The USDeI delivered a memorandum to the Chief, PRGDeI concerning four Federal Republic of Germany Nationals, requesting repatriation of the remains of three others who were listed as deceased.

10 December USDeI proposed DIC remains in DRV be returned 6-12 Jan 74.

11 December USDeI renewed requests for return of DIC remains and proposed discussion of a schedule for repatriation. DRV-PRG refused to discuss issue.

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UNCLAS BASEGRAM //NO5720//

POW/MIA BRACELETS

1. AS WORLDWIDE CONCERN AND COMPASSION MOUNTS FOR SERVICEMEN WHO ARE PRISONERS OF WAR AND MISSING IN ACTION IN INDO CHINA, A GROWING NUMBER OF SERVICEMEN AND WOMEN HAVE BEEN WEARING "POW BRACELETS." THE WEARING OF SUCH A BRACELET IS SOLELY AT THE OPTION OF EACH INDIVIDUAL.

2. WEARING OF POW/MIA BRACELETS IS AUTHORIZED FOR NAVY AND MARINE CORPS PERSONNEL -- AT ANY TIME THEY DESIRE, INCLUDING WHILE IN UNIFORM -- AS AN EXPRESSION OF CONCERN FOR THEIR FELLOW SERVICEMEN WHO ARE PRISONERS OF WAR OR MISSING IN ACTION. THIS BRACELET SHALL BE OF SIMPLE DESIGN, NOT MORE THAN ONE-HALF INCH WIDE AND CONTAINING THE RANK/RATE, NAME OF THE POW/MIA AND DATE OF CAPTURE OR DATE MISSING.

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STANDARD FORM 135-A JULY 1961 EDITION GENERAL SERVICES ADMIN '41 CFR 101-11.4		RECORDS TRANSMITTAL AND RECEIPT (CONTINUATION)	AGENCY HQ MARINE CORPS	DATE 19 Mar 1974
BOX NUMBERS		DESCRIPTION OF RECORDS WITH INCLUSIVE DATES		DISPOSAL AUTHORITY
PRC ONLY	AGENCY			
	1	<p>(1) DEBRIEFING REPORT OF: ANGUS, William K. CAPT, USMC</p> <p>DATE OF CAPTURE: 11 Jun 72 DATE OF RELEASE: 28 Mar 73 S&C CONTROL NO. S 360 176 COPY # 9</p> <p>(2) DEBRIEFING REPORT OF: ANZALDUA, Jose Jesus SERGEANT, USMC</p> <p>DATE OF CAPTURE: 21 Jan 70 DATE OF RELEASE: 27 Mar 73 S&C CONTROL NO. S 360 209 COPY # 2</p> <p>(3) DEBRIEFING REPORT OF: ARCHER, Bruce R. CAPT, USMC</p> <p>DATE OF CAPTURE: 28 Mar 68 DATE OF RELEASE: 16 Mar 73 S&C CONTROL NO. S 360 314 COPY # 2</p> <p>(4) DEBRIEFING REPORT OF: BROWN, Paul G. CAPT, USMC</p> <p>DATE OF CAPTURE: 26 Jul 68 DATE OF RELEASE: 14 Mar 73 S&C CONTROL NO. S 360 287 COPY # 2</p> <p>(5) DEBRIEFING REPORT OF: BUDD, Leonard R. Jr. SERGEANT, USMC</p> <p>DATE OF CAPTURE: 21 Aug 67 DATE OF RELEASE: 4 Mar 73 S&C CONTROL NO. S 460 001 COPY # 2</p> <p>(6) DEBRIEFING REPORT OF: BURGESS, Richard G. STAFF SERGEANT, USMC</p> <p>DATE OF CAPTURE: 25 Sep 66 DATE OF RELEASE: (Day and Month Unk) 73 S&C CONTROL NO. S 360 264 COPY # 2</p> <p>(7) DEBRIEFING REPORT OF: CHAPMAN, Harlan Page, LTCOL, USMC</p> <p>(Cont'd on Page 3)</p>		

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BOX NUMBERS		DESCRIPTION OF RECORDS WITH INCLUSIVE DATES		DISPOSAL AUTHORITY
RC ONLY	AGENCY			
	1	<p>(7) (Cont'd from Page 2)</p> <p>DATE OF CAPTURE: 5 Nov 65 DATE OF RELEASE: 5 Apr 73 S&C CONTROL NO. S 360 114 COPY # 10</p> <p>(8) DEBRIEFING REPORT OF: CIUS, Frank E. Jr. STAFF SERGEANT, USMC</p> <p>DATE OF CAPTURE: 3 Jun 67 DATE OF RELEASE: 5 Mar 73 S&C CONTROL NO. S 360 201 COPY # 8</p> <p>(9) DEBRIEFING REPORT OF: DEERING, John A. STAFF SERGEANT, USMC</p> <p>DATE OF CAPTURE: 5 Feb 68 DATE OF RELEASE: 5 Mar 73 S&C CONTROL NO. S 360 302 COPY # 2</p> <p>(10) DEBRIEFING REPORT OF: DIBERNARDO, J. V. CAPT, USMC</p> <p>DATE OF CAPTURE: 5 Feb 68 DATE OF RELEASE: 5 Mar 73 S&C CONTROL NO. S 360 211 COPY # 9</p>		
	2	<p>(11) DEBRIEFING REPORT OF: DUNN, John Howard LTCOL, USMC</p> <p>DATE OF CAPTURE: 13 Dec 65 DATE OF RELEASE: 12 Feb 73 S&C CONTROL NO. S 360 303 COPY # 3</p> <p>(12) DEBRIEFING REPORT OF: ELBERT, Frederick L. SERGEANT, USMC</p> <p>DATE OF CAPTURE: 16 Aug 68 DATE OF RELEASE: 16 Mar 73 S&C CONTROL NO. S 460 042 COPY # 2</p> <p>(13) DEBRIEFING REPORT OF: FRIESE, Laurence Victor, CAPT, USMC</p> <p>DATE OF CAPTURE: 28 Feb 68 DATE OF RELEASE: 14 Mar 73 (Cont'd on Page 4)</p>		

STANDARD FORM 135-A JULY 1961 EDITION GENERAL SERVICES ADMIN (41 CFR) 101-11.4		RECORDS TRANSMITTAL AND RECEIPT (CONTINUATION)	AGENCY HQ MARINE CORPS	DATE 19 Mar 1974
BOX NUMBERS	DESCRIPTION OF RECORDS WITH INCLUSIVE DATES			DISPOSAL AUTHORITY
FRC ONLY	AGENCY 2			
		<p>(13) Cont'd from Page 3) S&C CONTROL NO. S 360 202 COPY # 8</p> <p>(14) DEBRIEFING REPORT OF: GRAHAM, Paul G. BRIGADIER GENERAL, USMC</p> <p>SUBJ: Debriefing of Returning Ass't Div Cdr, 3d Marine Division w/ Encl (1) Taped Historical Interview Documentation Sheet (S) Encl (2) Tape of Interview (S) S&C CONTROL NO. S 304 804 COPY # 1</p> <p>(15) DEBRIEFING REPORT OF: HELLE, Robert Ray. SERGEANT, USMC</p> <p>DATE OF CAPTURE: 24 Apr 68 DATE OF RELEASE: 16 Mar 73 S&C CONTROL NO. S 360 192 COPY # 3</p> <p>(16) DEBRIEFING REPORT OF: KROBOTH, ALAN J. 1st Lt, USMC</p> <p>DATE OF CAPTURE: 7 Jul 72 DATE OF RELEASE: 27 Mar 73 S&C CONTROL NO. S 360 285 COPY # 8</p> <p>(16A) SUMMARY OF DEBRIEFING OF REPATRIATED PRISONER OF WAR w/ Encl (1) Summary Report of 1st Lt ALAN J. KROBOTH's experiences in North Vietnam (U) (CONFIDENTIAL Report attached to item (16) See above report: NOTE: Item No 16A NIS (Not in Control System)</p> <p>(17) DEBRIEFING REPORT OF: MARVEL, Jerry W. LTCOL, USMC</p> <p>DATE OF CAPTURE: 24 Feb 68 DATE OF RELEASE: 14 Mar 73 S&C CONTROL NO. S 360 311 COPY # 2</p> <p>(18) DEBRIEFING REPORT OF: MONTAGUE, P. J. MAJOR, USMC</p> <p>DATE OF CAPTURE: 29 Mar 68 DATE OF RELEASE: 16 Mar 73 (Cont'd on Page 5)</p>		

NOTE:
SEE ENCL (1)
ADDENDUM
ADDED AT
REAR OF
ACCESSION

STANDARD FORM 135-A JULY 1961 EDITION GENERAL SERVICES ADMIN. (41 CFR) 101-11.4		RECORDS TRANSMITTAL AND RECEIPT (CONTINUATION)	AGENCY HQ MARINE CORPS	PAGE 19 Mar 1974
BOX NUMBERS	DESCRIPTION OF RECORDS WITH INCLUSIVE DATES			DISPOSAL AUTHORITY
ARC ONLY	AGENCY			
	2	<p>(18) (Cont'd from Page 4) S&C CONTROL NO. S 360 193 COPY # 3</p> <p>(19) DEBRIEFING REPORT OF: RIDGEWAY, Ronald L. SERGEANT, USMC DATE OF CAPTURE: 26 Feb 68 DATE OF RELEASE: 16 Mar 73 S&C CONTROL NO. S 360 178 COPY # 4</p> <p>(20) DEBRIEFING REPORT OF: SWEENEY, Jon H. SERGEANT, USMC DATE OF CAPTURE: 22 Feb 69 DATE OF RELEASE: o/a 17 Aug 70 S&C CONTROL NO. S 019 906 COPY # 1</p> <p>(21) DEBRIEFING REPORT OF: SWINDLE, Orson G. MAJOR, USMC DATE OF CAPTURE: 11 Nov 66 DATE OF RELEASE: 4 Mar 73 S&C CONTROL NO. S 360 304 COPY # 2</p> <p>(22) DEBRIEFING REPORT OF: TELLER, Dennis A. SERGEANT, USMC DATE OF CAPTURE: 19 Jun 69 DATE OF RELEASE: 27 Mar 73 S&C CONTROL NO. S 360 218 COPY # 9</p> <p>(23) DEBRIEFING REPORT OF: THOMAS, W. E. CWO-3, USMC DATE OF CAPTURE: 19 May 72 DATE OF RELEASE: 27 Mar 73 S&C CONTROL NO. S 360 177 COPY # 1</p> <p>(24) DEBRIEFING REPORT OF: WALSH, James P. Jr. CAPT, USMC DATE OF CAPTURE: 26 Sep 72 DATE OF RELEASE: 12 Feb 73 S&C CONTROL NO. S 360 204 COPY # 9 (Cont'd on Page 6)</p>		

STANDARD FORM 135-A JULY 1961 EDITION GENERAL SERVICES ADMIN. (41 CFR) 101-11.4		RECORDS TRANSMITTAL AND RECEIPT (CONTINUATION)	AGENCY HQ MARINE CORPS	DATE 19 Mar 1974
BOX NUMBERS		DESCRIPTION OF RECORDS WITH INCLUSIVE DATES		DISPOSAL AUTHORITY
RC ONLY	AGENCY			
	2	<p>(Cont'd from Page 5)</p> <p>(24A) WALSH, JAMES P. Jr, CAPT, USMC SUMMARY OF EXPERIENCES (Encl 1 CONFIDENTIAL (HIS) Not in Control System</p> <p>(25) DEBRIEFING REPORT OF: WARNER, James Howie. CAPT, USMC</p> <p>DATE OF CAPTURE: 13 Oct 67 DATE OF RELEASE: 14 Mar 73 S&C CONTROL NO. S 360 191 COPY # 3</p> <p>(26) DIA DI-367-18-72 DEFENSE INTELLIGENCE AGENCY PRISONER OF WAR CAMPS IN NORTH VIETNAM (U) NOVEMBER 1972 S&C CONTROL NO. S 300 208 COPY # (No Copy No Listed)</p> <p>(This accession consists of two (2) boxes of SECRET material)</p>		<p>HQ P5212.38 App C, Para 3480.3</p> <p><u>RETENTION PERIOD:</u> PERMANENT</p> <p><u>NOTE:</u> Return to HQMC for review 1 Jan 1983</p>



HEADQUARTERS UNITED STATES MARINE CORPS
WASHINGTON, D.C. 20380

~~SECRET~~

UNCLASSIFIED
IN REPLY REFER TO

INTC-BFH-bfh

3461

18 Sep 1974

UNCLASSIFIED

~~SECRET~~ (Unclassified upon removal of enclosure)

From: Commandant of the Marine Corps
To: Distribution List

Subj: Debrief of Lieutenant Colonel Jerry W. MARVEL, USMC

Encl: (1) Addendum to Summary Debrief of Lieutenant
Colonel Jerry W. MARVEL, USMC

1. The Center for Prisoner of War Studies, Navy Medical Neuropsychiatric Research Unit, is conducting indepth analysis of Homecoming debriefing tapes. Enclosure (1) was prepared by the Center for Prisoner of War Studies from the debriefing tapes of Lieutenant Colonel Jerry W. MARVEL, USMC.

2. Enclosure (1) is forwarded for your information and retention.

D. L. Davis
D. L. DAVIS

By direction

Distribution:

DIA (DI-6A4)

CSA (DAMI-DOO-HP)

COMNAVINTCOM (NIC-35)

7602 AIRINTELGP (INFPB)

Cmdr, JCRC

CG, FMFPac

CG, FMFLant

TC, 4th CIT

→ CMC (Code HD)

CMC (Code INT)

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DEPARTMENT OF THE NAVY
NAVY MEDICAL NEUROPSYCHIATRIC RESEARCH UNIT
INLET 32152

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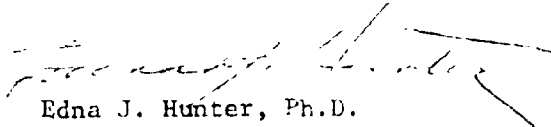
From: Commanding Officer NMPRU

To: Commandant, Headquarters U.S. Marine Corps,
Arlington Annex, Washington D.C. 20380
(Attn: Code A02A)

Subj: Debriefing Tapes of Marine Corps Returned Prisoner of War; return of

Encl: (1) Debriefing Tapes of LTCOL Jerry W. Marvel, USMC
(7 tapes)
(2) Addendum to Summary debrief of LTCOL Jerry W. Marvel, USMC

1. Enclosure (1) has been reviewed by the Center for Prisoner of War Studies (CPWS) and is returned herewith.
2. Enclosure (2) was prepared by an analyst at CPWS and is forwarded for your information and retention.
3. Your cooperation in this analytical task is deeply appreciated.


Edna J. Hunter, Ph.D.
by direction

~~SECRET~~ (Unclassified Upon Removal of Enclosures)

~~UNCLASSIFIED~~
~~SECRET~~

C O N T E N T S

BOX # 1 (Contains) TEN (10) unbound copies of "Intelligence Debriefing Reports"; Former USMC Prisoners of War, who were returned to the United States under "OPERATION HOMECOMING MARINE". The Debriefing Reports of Returnees are arranged in alphabetical order by name, SEC Control and Copy number. Periods covered (Prisoner Status of Confinement Time is generally 1965-1973). File reference: See Operations File for "OPERATION HOMECOMING MARINE" Intelligence Debrief Reports, Former Prisoners of War.
(See index listing of Debriefing reports for individual returnees listed below):

- (1) ANGUS, William K. CAPT, USMC

DATE OF CAPTURE: 11 Jun 72
DATE OF RELEASE: 22 Mar 73
SEC CONTROL NO. S 360 176
COPY # 9

- (2) ARANDELA, Jose Jesus SARGT, USMC

DATE OF CAPTURE: 21 Jan 70
DATE OF RELEASE: 7 Mar 73
SEC CONTROL NO. S 360 200
COPY # 2

- (3) ARCHER, Bruce R. CAPT, USMC

DATE OF CAPTURE: 28 Mar 68
DATE OF RELEASE: 16 Mar 73
SEC CONTROL NO. S 360 314
COPY # 2

- (4) BROWN, Paul G. CAPT, USMC

DATE OF CAPTURE: 26 Jul 68
DATE OF RELEASE: 14 Mar 73
SEC CONTROL NO. S 360 237
COPY # 2

- (5) BUDD, Leonard R. Jr. SARGT, USMC

DATE OF CAPTURE: 21 Aug 67
DATE OF RELEASE: 4 Mar 73
SEC CONTROL NO. S 460 001
COPY # 2

~~SECRET~~
~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

BOX # 1 (Cont'd)

(6) BURGESS, Richard G. STAFF SERGEANT, USMC

DATE OF CAPTURE: 25 Sep 66

DATE OF RELEASE: (Day and Month Unknown) 73

S&C CONTROL NO. S 360 264

COPY # 2

(7) CHAPMAN, Harlan Page, LTCOL, USMC

DATE OF CAPTURE: 5 Nov 65

DATE OF RELEASE: 5 Apr 73

S & C CONTROL NO. S 360 114

COPY # 10

(8) CUS, Frank E. Jr. STAFF SERGEANT, USMC

DATE OF CAPTURE: 3 Jun 67

DATE OF RELEASE: 5 Mar 73

S&C CONTROL NO. S 360 201

COPY # 2

(9) DEERING, John A. STAFF SERGEANT, USMC

DATE OF CAPTURE: 5 Feb 68

DATE OF RELEASE: 5 Mar 73

S&C CONTROL NO. S 360 202

COPY # 2

(10) DIBERNARDO, J. V. CAPT, USMC

DATE OF CAPTURE: 5 Feb 68

DATE OF RELEASE: 5 Mar 73

S&C CONTROL NO. S 360 211

COPY # 9

NOTE: Material listed above is of great historical value, therefore should be retained on a permanent basis and eventually sent to the ARCHIVES.

BOX # 1

PAGE 2 of 2 PAGES

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~~UNCLASSIFIED~~C O N T E N T S

BOX # 2 (Contains) EIGHTEEN (18) unbound copies of "Intelligence Debriefing Reports"; Former USMC Prisoners of War, who were returned to the United States under "OPERATION HOMECOMING MARINE". The Debriefing Reports of Returnees are arranged in alphabetical order by name, S&C control and copy number. Periods covered (prisoner status of confinement time is generally 1965-1973). File reference: See Operations File for "OPERATION HOMECOMING MARINE" Intelligence Debrief Reports, Former Prisoners of War.
(See index listing of Debriefing reports for individual returnees listed below):

(11) DUNN, John Howard LTCOL, USMC

DATE OF CAPTURE: 13 Dec 65
DATE OF RELEASE: 12 Feb 73
S&C CONTROL NO. S 360 303
COPY # 3

(12) ELLIOTT, Frederick L. SERGEANT, USMC

DATE OF CAPTURE: 10 Aug 68
DATE OF RELEASE: 16 Mar 73
S&C CONTROL NO. S 460 042
COPY # 2

(13) FRIESE, Laurence Victor, CAPT, USMC

DATE OF CAPTURE: 28 Feb 68
DATE OF RELEASE: 14 Mar 73
S&C CONTROL NO. S 360 202
COPY # 8

(14) GRAHAM, Paul G. BRIGADIER GENERAL, USMC

SUBJ: Debriefing of Returning Ass't Div Commander, 3d Marine Division
w/ Encl (1) Taped Historical Interview Documentation Sheet (S)
Encl (2) Tape of Interview (S)
S&C CONTROL NO. S 304 804
COPY # 1

(Cont'd on page 2)

BOX # 2

PAGE 1 of 3 PAGES

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BOX # 2 (Cont'd)

(15) HELLE, Robert Ray. SERGEANT, USMC

DATE OF CAPTURE: 24 Apr 68
 DATE OF RELEASE: 16 Mar 73
 S&C CONTROL NO. S 360 192
 COPY # 3

(16) KROBOTH, Alan J. 1st LT, USMC

DATE OF CAPTURE: 7 Jul 72
 DATE OF RELEASE: 27 Mar 73
 S&C CONTROL NO. S 360 285
 COPY # 2

(16A) (SUMMARY OF DEBRIEFING OF RE-TRIED) PRISONER OF WAR
 w/ Encl (1) Summary Report of 1st LT ALAN J. KROBOTH's experiences
 in North Vietnam (U) (CONFIDENTIAL) Report attached to
 item (16) See above report)
 NOTE: Item No 16A NIS (Not in Control System)

(17) MA VEE, Jerry W. LTCOL, USMC

DATE OF CAPTURE: 24 Feb 68
 DATE OF RELEASE: 14 Mar 73
 S&C CONTROL NO. S 360 311
 COPY # 2

(18) MONTAGUE, P. J. MAJOR, USMC

DATE OF CAPTURE: 29 Mar 68
 DATE OF RELEASE: 16 Mar 73
 S&C CONTROL NO. S 360 193
 COPY # 3

(19) RIDGEWAY, Ronald L. SERGEANT, USMC

DATE OF CAPTURE: 26 Feb 68
 DATE OF RELEASE: 16 Mar 73
 S&C CONTROL NO. S 360 178
 COPY # 4

(20) SWEENEY, Jon M. SERGEANT, USMC

DATE OF CAPTURE: 22 Feb 69
 DATE OF RELEASE: o/a 17 Aug 70
 S&C CONTROL NO. S 019 906
 COPY # 1

(Cont'd on Page 3)

BOX # 2

PAGE 2 of 3 PAGES

~~CONFIDENTIAL~~
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~~UNCLASSIFIED~~
~~SECRET~~

BOX # 2 (Cont'd)

- (21) SWINDLE, Orson G. MAJOR, USMC

DATE OF CAPTURE: 11 Nov 66
DATE OF RELEASE: 4 Mar 73
S&C CONTROL NO. S 360 304
COPY # 2

- (22) TELLIER, Dennis A. SERGEANT, USMC

DATE OF CAPTURE: 19 Jun 69
DATE OF RELEASE: 27 Mar 73
S&C CONTROL NO. S 360 218
COPY # 9

- (23) THOMAS, W. F. CWO-3, USMC

DATE OF CAPTURE: 19 May 72
DATE OF RELEASE: 27 Mar 73
S&C CONTROL NO. S 360 177
COPY # 1

- (24) WALSH, James P. Jr. CAPT, USMC

DATE OF CAPTURE: 26 Sep 72
DATE OF RELEASE: 12 Feb 73
S&C CONTROL NO. S 360 204
COPY # 9

- (24A) WALSH, James P. Jr. CAPT, USMC

SUMMARY OF EXPERIENCES
(Encl 1 CONFIDENTIAL (NIS) Not in Control System)

- (25) WARNER, James Howie. CAPT, USMC

DATE OF CAPTURE: 13 Oct 67
DATE OF RELEASE: 14 Mar 73
S&C CONTROL NO. S 360 191
COPY # 3

- (26) DIA DI-367-18-72

DEFENSE INTELLIGENCE AGENCY PRISONER OF WAR CAMPS
IN NORTH VIETNAM (U) NOVEMBER 1972
S&C CONTROL NO. S 300 208
COPY # (No Copy No Listed)

NOTE: Material listed above is of great historical value, therefore should be retained on a permanent basis and eventually sent to the ARCHIVES.

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HANOI STATEMENT--CONTINUED

ing to discuss outstanding issues useful.

The Department of State takes this opportunity to renew to the Ministry of Foreign Affairs of the Democratic Republic of Vietnam the assurances of its highest consideration.

Department of State
Washington, May 8, 1976

Vietnamese Note

The Foreign Ministry of the D.R.V.N. has received the U.S. State Department's note dated May 8, 1976.

Since the complete liberation of South Vietnam, the Foreign Ministry of the D.R.V.N. has on repeated occasions made clear its views on the Paris agreement on Vietnam. The unilateral U.S. denunciation of the agreement is aimed at evading the pledges it has solemnly undertaken in signing the agreement, especially under Article 21 thereof, which provides for a U.S. obligation to contribute to healing the wounds of war and to postwar reconstruction in Vietnam and Indochina without setting any political conditions.

On the other hand, the United States demands that the Democratic Republic of Vietnam implement Article 8 (b) of the agreement as a condition for a normalization of relations between the two countries. 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. This completely runs counter to international law and practices.

For its part, the Democratic Republic of Vietnam has expressed its willingness to discuss with the United States a settlement of postwar issues that concern Vietnam and the United States, such as the U.S. contribution to healing the wounds of war and postwar reconstruction in the two zones of Vietnam, the search for information about American missing in the war, the exhumation and repatriation of the remains of the dead Americans. The Govern-

ment of the Democratic Republic of Vietnam has made and will continue to make efforts to relieve the anxiety of those American families whose relatives have died or are still considered missing in Vietnam.

Once again the Government of the Democratic Republic of Vietnam affirms its attitude of seriousness and good will. It holds that the two sides should resolve the issues of interest of each of them, thus creating favorable conditions for a normalization of relations between the two countries.

As an initial step, the Democratic Republic of Vietnam representative is prepared to meet with the U.S. representative in Paris for an exchange of views. If it really wants early discussions with the D.R.V.N. Government with a view to normalization of relations between the two countries, the U.S. Government itself should adopt an attitude of seriousness and good will.

The Foreign Ministry of the Democratic Republic of Vietnam takes this opportunity to renew to the U.S. State Department the assurances of its high consideration.

Hanoi, June 19, 1976.

VIETNAMESE NOTE

The Ministry of Foreign Affairs of the Socialist Republic of Vietnam acknowledges receipt of the July 19, 1976, note of the State Department of the United States of America.

The Government of the Socialist Republic of Vietnam has on many occasions made clear its viewpoint on the Paris agreement and on the normalization of relations between Vietnam and the United States. This view has also been affirmed clearly in its June 19, 1976, note sent to the United States.

Concerning the meeting of representatives of the two sides in Paris, the Socialist Republic of Vietnam suggests as follows:

The representative of the Socialist Republic of Vietnam will be the counselor of the Vietnamese Embassy in Paris.

The meeting site will be outside the embassy of either side; the two sides will arrange for it in rotation.

If the U.S. side agrees to the above-mentioned suggestions, liaison officials of both sides will meet to exchange views on

the date and site for the first meeting.
Hanoi, Aug. 27, 1976.

American Note

The Department of State has received the note dated June 19 of the Ministry of Foreign Affairs of the Democratic Republic of Vietnam.

The United States agrees that discussions between representatives of our two Governments in Paris would be appropriate and useful. The United States would expect to be represented at any such meeting by the deputy chief of mission of its embassy in Paris, and suggests that it be held in the American Embassy or at another mutually agreed upon site.

The United States welcomes the assurances of the Vietnamese Government that it will undertake efforts to relieve the anxiety of those American families whose relatives have died or are still considered missing in Vietnam. A full accounting for those Americans missing in action and the return of the remains of those killed is a matter of primary concern to the United States. Resolution of this basic humanitarian issue will be a fundamental consideration of the United States in any discussions.

The United States does not consider that it has an obligation to provide reconstruction assistance to Vietnam, as the Ministry of Foreign Affairs alleges in its note. As the United States has made clear many times, it intends to look to the future rather than the past as far as its relations with Vietnam are concerned. The relations should develop on the basis of reciprocal interests.

If the above suggestions for a meeting are satisfactory, the United States would be prepared to discuss and work out a mutually convenient date for our representatives to meet, as well as procedures for such a meeting. Department of State Washington, July 19, 1976.

September 10, 1976 (14)

Defense / Space Daily

Page 54

BUILDUP BY ISRAEL/ARABS CITED BY INSTITUTE

The International Institute for Strategic Studies, in its annual report on the military balance, has cited the continuing military buildup by Israel and the Arab states, with emphasis on the former, as follows:

* Israel: During the past year, the Israeli Army has increased the number of its armored brigades from 10 to 15 and of its artillery brigades from 3 to 9. Israel now has 600 U.S.-built medium tanks and 650 U.S.-built M-60 tanks compared with 400 medium tanks and 450 M-60 tanks a year ago. Its artillery force now includes 500 105-mm heavy guns compared with 350 105-mm and 155-mm guns a year ago. The Israeli Navy has added three new British-built 206-class submarines over the past year, bringing its total to five, and has also added two large patrol boats and 13 patrol boats. The Israeli Air Force has boosted the number of its combat planes from 461 to 543 over the past year, with the new planes including 50 U.S.-built Skyhawks and 33 Israeli-built Kfir interceptors.

* Egypt: During the past year, Egypt has added 20 Soviet-built Ilyushin-28 medium bombers to its previous total of five, while cutting the number of its combat planes from an estimated 500 to 488.

* Syria: Over the past year, Syria has increased its armed forces from 177,500 to 227,000 men, with Army strength boosted from 150,000 to 200,000.

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Part II -- Main Edition -- 14 September 1976

NEW YORK TIMES 14 SEPTEMBER 1976, Pg 16

Texts of Hanoi Statement and Exchange of Notes on Quest for Talks With U.S.

TOKYO, Sept. 13 (AP)—Following are the texts of a statement by the Vietnamese Foreign Ministry on talks with the United States, and six diplomatic notes that Hanoi said had been exchanged with Washington. The texts were broadcast by the official Vietnam News Agency and monitored in Tokyo.

Vietnamese Statement

On Sept. 9, 1976, W. Scranton, U.S. Ambassador to the U.N., stated that the U.S. was making the M.I.A. problem an issue at the U.N. because "there had been no progress through bilateral contacts" between Vietnam and the United States.

This is a maneuver to blatantly distort the truth. The Ministry of Foreign Affairs of the Socialist Republic of Vietnam deems it necessary to make public the facts about this matter.

As is known to everyone, the Government of the Socialist Republic of Vietnam has, on many occasions, stated its viewpoints concerning the outstanding postwar problems between Vietnam and the United States and the normalization of relations between the two countries as stipulated by the Paris agreement.

By practical deeds, Vietnam has clearly shown its serious intent and good will. Since March 26, 1976, Vietnam and the United States have, on three occasions, exchanged notes regarding the talks to be held between the two sides.

The two sides have agreed to discuss matters of either side's interest: the M.I.A. issue raised by the U.S. side, and the U.S. contribution to the healing of war wounds and, on this basis, the normalization of relations between Vietnam and the United States, raised by the Vietnamese.

Level and Site Agreed Upon

The two sides have also agreed on the level and the site for the negotiations. In its Aug. 27, 1976, note addressed to the U.S. State Department, the Ministry of Foreign Affairs of the Socialist Republic of Vietnam proposed that liaison officials of the two sides would meet to discuss the date of the first meeting. But so far the U.S. side has not yet replied to that note of the Vietnam side.

On Sept. 6, 1976, in order to create favorable conditions for such talks, the Vietnam Embassy in Paris conveyed to the U.S. side the information gathered about 12 U.S. pilots who had been killed in their attacks on North Vietnam.

This gesture of good will by the Government of the Socialist Republic of Vietnam has been welcomed by the world and American public opinion. But the U.S. Administration refused to respond seriously. It stubbornly insisted on Vietnam's full and immediate implementation of Article 8 (b) of the Paris agreement regarding the missing personnel while obdurately refusing to fulfill its obligation of contributing to heal the wounds of war in Vietnam as stipulated by Article 21 of the agreement.

On the one hand, it has not replied to the Vietnamese note of Aug. 27, 1976, and delayed the first meeting between the two sides; on the other hand, it stated that the bilateral contacts were unfruitful.

'Arrogant, Contrary to Reason'

This is an arrogant attitude, contrary to reason and international law. The United States cannot demand that Viet-

nam implement one article of the Paris agreement on Vietnam while the United States refuses to carry out another article of the same agreement.

In this situation, the Government of the Socialist Republic of Vietnam decides to make public the correspondence between Vietnam and the United States in the recent past. It will be clearly seen that the United States Government has intentionally pursued an arrogant and hostile policy toward Vietnam, that it has made a volte-face and deceived public opinion.

The United States must bear full responsibility for its actions preventing the talks on the implementation of the Paris agreement provisions regarding the M.I.A. and the United States obligation in healing the wounds of war in Vietnam.

The Government of the Socialist Republic of Vietnam has consistently maintained its serious stand and its attitude of good will in the settlement of the outstanding questions between the two sides.

If the United States really desires an early meeting between the two sides to solve these questions, it must abandon its obdurate attitude and give a prompt reply to the Aug. 27, 1976, note of the Ministry of Foreign Affairs of the Socialist Republic of Vietnam.

Exchange of Notes

March 26, 1976.

His Excellency Nguyen Duy Trinh
Minister of Foreign Affairs
Democratic Republic of Vietnam

Dear Mr. Minister,

Congressman G.V. Montgomery, chairman, and other members of the Select Committee on Missing Persons in Southeast Asia of the United States House of Representatives have informed me about their recent visit to your country and have asked me to express their appreciation for the hospitality shown the committee by your Government. Representative Montgomery has also told me of expressions by members of your Government of interest in discussion looking toward eventual normalization of relations between Vietnam and the United States. The United States expressed its willingness to look to the future in its relationships with Vietnam.

I believe that the interests of peace and security will benefit from placing the past behind us and developing the basis for a new relationship between our two countries.

We are prepared to open discussion with your Government in pursuit of this objective. I would appreciate receiving your views on such discussion and on what you believe might be the procedures and issues involved.

Best regards
Henry A. Kissinger.

Hanoi, April 10, 1976

The Hon. Henry A. Kissinger, Secretary of State
U.S. Government
Washington, D.C.
Mr. Secretary,

I acknowledge receipt of your message dated March 26, 1976. The Government of the Democratic Republic of Vietnam has on many occasions stated that it was prepared to discuss with the Government of the United States an early settlement of the outstanding questions concerning Vietnam and the United States in the postwar period

as provided for in the Paris agreement on Vietnam, such as the U.S. contribution to healing the wounds of war and to postwar reconstruction in the two zones of Vietnam, the seeking of the Americans missing in action, the exhumation and repatriation of the remains of dead Americans.

On this basis, the Democratic Republic of Vietnam would normalize relations with the United States in the spirit of Article 22 of the Paris agreement on Vietnam.

Throughout practical deeds, the Government of the Democratic Republic of Vietnam has constantly shown its good will and serious intent in implementing this very reasonable and sensible policy. It is much to be regretted that the U.S. side has so far refused to fulfill its obligation to contribute to healing the wounds of war and to postwar reconstruction in Vietnam. It has gone so far as taking hostile actions against the Vietnamese people and using discourteous and slanderous terms towards the Government of the Democratic Republic of Vietnam. Should your Government really desire to hold talks to normalize relations with the Democratic Republic of Vietnam, the United States would have to show the same good will and serious intent as the Democratic Republic of Vietnam.

The Government of the Democratic Republic of Vietnam is prepared to consider any concrete proposal of your Government.

Sincerely yours,

NGUYEN DUY TRINH
Minister for Foreign Affairs
Democratic Republic of Vietnam

American Note

The Department of State presents its compliments to the Ministry of Foreign Affairs of the Democratic Republic of Vietnam and has the honor to confirm receipt of the letter of April 10 from Minister for Foreign Affairs, Nguyen Duy Trinh, to Secretary of State Henry A. Kissinger.

The department reaffirms the willingness of the United States Government to enter into discussions with the Government of the Democratic Republic of Vietnam at an early date. In doing so, it wishes to point out that talks on the basis of the selective application of past agreements, which it appears would not be fruitful, would only lead to sterile debate rather than constructive discussion.

The United States believes that it would be more useful for representatives of the two Governments to discuss issues affecting future relations between our two countries. The humanitarian concern of a full accounting for 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 towards normalization of relations between our two countries.

At the same time, the Democratic Republic of Vietnam will be free to raise any issue of concern to it. The United States invites the Government of the Democratic Republic of Vietnam to indicate whether it considers a meeting.

(See HANOI STATEMENT, Pg 6-F)