

Name	Rank	Country	Date of Casualty	Week reported
Army				
Young, Robert M. (Date of death)	Capt	Cambodia	May 2, 1970 September 17, 1972	April 14, 1973
Ray, James M. (Date and place of death)	SSgt	South Vietnam Cambodia	June 11, 1969 November 30, 1969	April 14, 1973
Salley, James Jr. (Date of death)	MSgt	South Vietnam	March 31, 1971 July 15, 1971	April 28, 1973
Delong, Joe L. (Date of death)	SSgt	South Vietnam	May 18, 1967 November 8, 1967	April 28, 1973
Terrill, Philip B. (Date of death)	Sp5	South Vietnam	March 31, 1971 April 30, 1971	April 28, 1973
Van Bendegom, James L. (Date of death)	SSgt	South Vietnam	July 12, 1967 July 31, 1967	May 19, 1973
Ferguson, Walter Jr. (Date of death)	SSgt	South Vietnam	August 23, 1968 July 30, 1970	May 19, 1973
Rehe, Richard R. (Date of death)	SSgt	South Vietnam	January 9, 1968 January 10, 1968	May 26, 1973
Sykes, Derri	SSgt	South Vietnam	January 9, 1968	May 26, 1973
Reilly, Edward D., Jr. (Date presumed dead)	SFC	South Vietnam	April 26, 1966 December 6, 1973	December 8, 1973
Arroyo-Baez Gerasimo (Date presumed dead)	SFC	South Vietnam	March 24, 1969 October 15, 1976	October 18, 1976
Pridemore, Dallas R. (Date presumed dead)	SFC	South Vietnam	September 8, 1968 April 7, 1977	April 4, 1977
Navy				
Walters, Jack Jr. (Date of death)	LCdr	North Vietnam	May 19, 1967 May 20, 1967	April 14, 1973
Greiling, David S. (Date presumed dead)	Cdr	North Vietnam	July 24, 1968 September 14, 1973	September 22, 1973
Tromp, William L. (Date presumed dead)	LCdr	North Vietnam	April 17, 1966 October 24, 1973	October 27, 1973
Clark, Richard C. (Date presumed dead)	Lt	North Vietnam	October 24, 1967 November 2, 1973	November 10, 1973
Powers, Trent R. (Date presumed dead)	Capt	North Vietnam	October 31, 1965 November 27, 1973	December 1, 1973
Griffin, James L. (Date presumed dead) (Actual date of death—May 21, 1967—Died in captivity—body later returned).	Cdr	North Vietnam	May 19, 1967 January 16, 1974	January 19, 1974
Hanson, Robert T., Jr. (Date presumed dead)	LCdr	North Vietnam	February 3, 1966 January 21, 1974	January 26, 1974
Cameron, Kenneth R. (Date of death)	Capt	North Vietnam	May 18, 1967 October 4, 1970	April 20, 1974
Patterson, James K. (Date presumed dead)	LCdr	North Vietnam	May 19, 1967 April 16, 1974	April 20, 1974
Hartman, Richard D. (Date of death)	Cdr	North Vietnam	July 18, 1967 July 22, 1967	May 18, 1974
Abbott, John (Date of death)	Capt	North Vietnam	April 20, 1966 April 27, 1966	May 25, 1974
Smith, Homer L. (Date of death)	Capt	North Vietnam	May 20, 1967 May 21, 1967	June 1, 1974
Connell, James J. (Date of death)	LCdr	North Vietnam	July 15, 1966 January 14, 1971	June 1, 1974
Dennison, Terry A. (Date of death)	Cdr	North Vietnam	July 19, 1966 July 21, 1966	June 1, 1974
Sullivan, James E.	Capt	North Vietnam	October 29, 1972	July 6, 1974

Name	Rank	Country	Date of Casualty	Week reported
(Date presumed dead)			June 28, 1974	
Tucker, Edwin B.	Capt.	North Vietnam	April 24, 1967	July 13, 1974
(Date presumed dead)			July 11, 1974	
Stamm, Ernest A.	Cdr.	North Vietnam	November 25, 1968	August 17, 1974
(Date of death)				
Bowling, Roy H.	Capt.	North Vietnam	November 17, 1965	April 25, 1977
(Date of death)			April 12, 1977	
Borah, Daniel V., Jr.	Lt.	South Vietnam	October 16, 1972	July 25, 1977
(Date presumed dead)			July 26, 1977	
Marine Corps				
Hammond, Dennis W.	SSgt.	South Vietnam	March 7, 1970	April 14, 1973
Zawtrocki, Joseph S., Jr.	SSgt.	South Vietnam	December 24, 1969	April 14, 1973
Godwin, Solomon H.	CW3	South Vietnam	July 25, 1968	May 19, 1973
Schmidt, Walter R., Jr.	Capt.	South Vietnam	June 9, 1968	November 17, 1973
Frederick, John W., Jr.	CW4	North Vietnam	December 7, 1965	May 25, 1974
(Date of death)			July 19, 1972	
Air Force				
Clarke, George W., Jr.	Maj.	North Vietnam	October 16, 1967	November 10, 1973
(Date presumed dead)			November 8, 1973	
Gregory, Robert R.	LtC.	North Vietnam	December 2, 1966	November 24, 1973
(Date presumed dead)			November 19, 1973	
Storz, Ronald E.	LtC.	North Vietnam	April 28, 1965	December 1, 1973
(Date of death)			April 23, 1970	
Grubb, Wilmer N.	LtC.	North Vietnam	January 26, 1966	April 6, 1974
(Date of death)			February 4, 1966	
Burdett, Edward B.	BGen.	North Vietnam	November 18, 1967	April 6, 1974
(Date of death)			November 18, 1967	
Cobeil, Earl G.	LtC.	North Vietnam	November 5, 1967	April 6, 1974
(Date of death)			November 5, 1970	
Atterberry, Edwin L.	LtC.	North Vietnam	August 12, 1967	April 27, 1974
(Date of death)			May 18, 1969	
Moore, Thomas	CMS.	South Vietnam	October 31, 1965	May 18, 1974
(Date of death)			December 31, 1965	
Ducat, Bruce C.	Capt.	North Vietnam	December 2, 1966	June 1, 1974
(Date presumed dead)			May 28, 1974	
Adams, Samuel	CMS.	South Vietnam	October 31, 1965	June 29, 1974
(Date of death)			December 31, 1965	
Dusing, Charles G.	CMS.	South Vietnam	October 31, 1965	July 13, 1974
(Date presumed dead)			July 9, 1974	
Metz, James H.	Col.	North Vietnam	April 15, 1968	May 23, 1975
(Date presumed dead)			May 19, 1975	
Dexter, Bennie L.	MSgt.	South Vietnam	May 10, 1966	May 17, 1976
(Date presumed dead)			May 10, 1976	
Butt, Richard L.	Maj.	North Vietnam	November 11, 1966	June 7, 1976
(Date presumed dead)			June 2, 1976	
From Missing in Action to Died While Captured				
Army				
Varnado, Michael B.	CW2	Cambodia	May 2, 1970	April 14, 1973
(Date of death)			September 21, 1970	
Calloway, Porter E.	SSgt.	South Vietnam	March 11, 1968	April 21, 1973
(Date of death)			March 12, 1968	
Finch, Melvin W.	Capt.	South Vietnam	March 30, 1972	April 28, 1973
(Date of death)			September 6, 1972	
Lyon, James M.	Capt.	South Vietnam	February 5, 1970	May 5, 1973
(Date of death)			February 6, 1970	
Dexter, Ronald J.	SMG	Laos	June 3, 1967	May 5, 1973

Name	Rank	Country	Date of Casualty	Week reported
(Date of death)				
Simpson, Joseph L.	SSgt	South Vietnam	July 29, 1967	May 5, 1973
(Date of death)			May 12, 1968	
Air Force			May 13, 1968	
Pemberton, Gene T.	Col	North Vietnam	July 23, 1966	April 27, 1974
(Date of death)			July 24, 1966	
Newsom, Benjamin B.	Col	North Vietnam	July 23, 1966	April 27, 1974
(Date of death)			July 26, 1966	
Dodge, Ward K.	Col	North Vietnam	July 5, 1967	April 27, 1974
(Date of death)			July 12, 1967	
Diehl, William C., Jr.	LtC	North Vietnam	November 7, 1967	April 27, 1974
(Date of death)			November 8, 1967	
Sijan, Lance P.	Capt	Laos	November 9, 1967	April 27, 1974
(Date of death)			November 22, 1968	
Heggen, Keith R.	Col	North Vietnam	January 21, 1972	June 8, 1974
(Date of death)			December 26, 1972	
Schmidt, Norman.	Col	North Vietnam	September 1, 1966	February 15, 1974
(Date of death)			August 31, 1967	
From Non-Hostile Missing to Died While Captured				
George, James E. Jr.	SSgt	South Vietnam	February 8, 1968	May 5, 1973
(Date of death)			February 9, 1968	
Smith, William Mark	Sgt	South Vietnam	March 3, 1969	May 19, 1973
(Date of death)			June 30, 1970	

b. Following is a list of 17 servicemen that are in the data base as Died While Captured who were added to the file after October 1977 whose remains have not been returned.

Name	Service	Country	DOC	Process date
Estocin, Michael John	Navy	North Vietnam	November 10, 1977	7711
Mayer, Roderick Lewis	Navy	North Vietnam	October 31, 1977	7711
Small, Burt Chauncy Jr	Army	South Vietnam	October 31, 1977	7711
Bisz, Ralph Campion	Navy	North Vietnam	December 2, 1977	7712
Hrdlicka, David Louis	Air Force	Laos	November 21, 1977	7712
Demmon, David Stanley	Army	South Vietnam	February 8, 1978	7803
Graf, John George	Navy	South Vietnam	February 1, 1978	7803
Wiles, Marvin Benjamin Chr	Navy	North Vietnam	August 2, 1978	7808
Bowers, Richard Lee	Army	South Vietnam	September 29, 1978	7810
McLean, James Henry	Army	South Vietnam	September 18, 1978	7810
Price, Bunyan Durant Jr	Army	Cambodia	November 20, 1978	7812
Phillips, Robert Paul	Army	South Vietnam	February 13, 1979	7902
Rozo, James Milan	Army	South Vietnam	May 18, 1979	7905
Sparks, Donald Lee	Army	South Vietnam	November 5, 1979	7912
Cook, Donald Gilbert	Marines	South Vietnam	February 26, 1980	8003
Hall, Harley Hubert	Navy	South Vietnam	February 29, 1980	8003
Burns, Frederick John	Marines	South Vietnam	January 2, 1969	9206

c. There are 19 additional servicemen who are reported in the data base as Died While Captured with a date of casualty after January 27, 1973. The remains of these individuals have been recovered.

Question 14. What are the most recent numbers of unaccounted for Americans by country of loss and how are they categorized by casualty category?

Answer. The most recent numbers for casualties where the body has not been recovered by country of loss and casualty category are as follows:

U.S. ACTIVE DUTY MILITARY PERSONNEL IN SOUTHEAST ASIA

Whose Remains Have Not Been Recovered

Country of loss	Casualty Type	Total by type	Total
North Vietnam			561
	Hostile—killed	64	
	Hostile—died while missing	400	
	Hostile—died while captured	8	
	Hostile—current captured	0	
	Nonhostile—died while missing	31	
	Nonhostile—died of other causes	58	
South Vietnam			1,075
	Hostile—killed	220	
	Hostile—died while missing	460	
	Hostile—died while captured	41	
	Hostile—current captured	0	

U.S. ACTIVE DUTY MILITARY PERSONNEL IN SOUTHEAST ASIA—Continued

Whose Remains Have Not Been Recovered

Country of loss	Total by type	Total
Nonhostile—died while missing	226	
Nonhostile—died of other causes.....	128	
Laos		510
Hostile—killed.....	48	
Hostile—died while missing.....	444	
Hostile—died while captured.....	4	
Hostile—current captured.....	1	
Nonhostile—died while missing.....	11	
Nonhostile—died of other causes.....	2	
Cambodia.....		76
Hostile—killed.....	15	
Hostile—died while missing.....	57	
Hostile—died while captured.....	3	
Hostile—current captured.....	0	
Nonhostile—died while missing.....	1	
Nonhostile—died of other causes.....	0	
China.....		4
Hostile—killed.....	4	
Hostile—died while missing.....	0	
Hostile—died while captured.....	0	
Hostile—current captured.....	0	
Nonhostile—died while missing.....	0	
Nonhostile—died of other causes.....	0	
Total.....		2,226
Hostile—killed.....	347	
Hostile—died while missing.....	1,365	
Hostile—died while captured.....	56	
Hostile—current captured.....	1	
Nonhostile—died while missing.....	269	
Nonhostile—died of other causes.....	188	

Question 15. What role did your staff play in advising DIA and others about corrected country of loss locations associated with Laos and Cambodia?

Answer. As to what role the staff played in advising DIA and others about this, I have no information on this subject other than hearsay.

Question 16. What was the impact of these country of loss locations on the credibility of reports of casualty and the confusion on the part of the next of kin regarding the credibility of casualty statistics issued by the Department?

Answer. I have no information on this subject.

Question 17. How many instances in your data base are there changes in country of loss location?

Answer. There are 12 individuals in the DOD Southeast Asia Casualty file where the country of loss had been changed. These are as follows:

Name	SSN	Service	Casualty Place Code Change		Process date
			From	To	
Albasio, John Anthony.....	562643502	Air Force.....	North Vietnam.....	South Vietnam.....	8804
Caffarelli, Charles Joseph.....	177327626	Air Force.....	Laos.....	South Vietnam.....	7301
Clarke, George William, Jr.....	226500591	Air Force.....	North Vietnam.....	Laos.....	7311
Conklin, Bernard.....	116245400	Air Force.....	Laos.....	North Vietnam.....	6607
Flanagan, Sherman Edward, Jr.....	2226997	Air Force.....	South Vietnam.....	Laos.....	7209
	213249423	Air Force.....	Laos.....	South Vietnam.....	9206
Hall, James Shreve.....	241504899	Air Force.....	Laos.....	North Vietnam.....	6607
Kennedy, James Edward.....	155423333	Air Force.....	Laos.....	Cambodia.....	8804
Lapham, Robert Grantham.....	375248665	Air Force.....	Laos.....	South Vietnam.....	9206
McCormick, John Vern.....	381401444	Navy.....	South Vietnam.....	North Vietnam.....	8810
Piskula, Richard.....	185307227	Air Force.....	North Vietnam.....	South Vietnam.....	8805
Stafford, Ronald Dean.....	507503284	Air Force.....	Laos.....	South Vietnam.....	7301
Woodward, Samuel Alexander.....	442340476	Air Force.....	Laos.....	North Vietnam.....	9206

Question 18. How does this agree with the actual number of corrected country of loss reports you provided over the years to DIA?

Answer. There are 40 cases where the DOD Southeast Asia Casualty file and the Defense Intelligence Agency file list different countries of loss. DIOR is in the process of resolving these with DIA and the Joint Task Force-Full Accounting. Thirty-two of the servicemen are Navy. The DD Form 1300 for these casualties does not list a specific country. A list of the casualty place differences including name, DIOR country of loss and DIA country of loss is as follows:

CASUALTY PLACE DIFFERENCES

Name	SSN/Service number	Service	DIOR country	DIA country
1. Baxter, Bruce Raymond.....	21289734	Army.....	South Vietnam.....	Laos
2. Borja, Domingo, R.S.....	50008052	Army.....	South Vietnam.....	Laos
3. Kusick, Joseph George.....	202348813	Army.....	South Vietnam.....	Laos
4. Shriver, Jerry Michael.....	315461629	Army.....	Laos.....	Cambodia
5. Smith, Ronald Eugene.....	315404807	Army.....	Laos.....	Cambodia
6. Morrissey, Robert David.....	366286305	Air Force.....	North Vietnam.....	Laos
7. Holt, Robert Alan.....	093186	Marines.....	South Vietnam.....	North Vietnam
8. La Voo, John Allen.....	084231	Marines.....	South Vietnam.....	North Vietnam
9. Belknap, Harry John.....	265564874	Navy.....	South Vietnam.....	North Vietnam
10. Callahan, David Francis, Jr.....	550157	Navy.....	South Vietnam.....	North Vietnam
11. Carlson, Paul Victor.....	694417	Navy.....	North Vietnam.....	South Vietnam
12. Carter, Gerald Lynn.....	528487807	Navy.....	South Vietnam.....	North Vietnam
13. Fegan, Ronald James.....	675103	Navy.....	North Vietnam.....	China
14. Frosio, Robert Clarence.....	532815	Navy.....	North Vietnam.....	South Vietnam
15. Gosen, Lawrence Dean.....	630561	Navy.....	North Vietnam.....	South Vietnam
16. Green, Gerald.....	646904	Navy.....	South Vietnam.....	North Vietnam
17. Hill, Charles Dale.....	8515834	Navy.....	South Vietnam.....	North Vietnam
18. Jones, James Grady.....	680941	Navy.....	North Vietnam.....	South Vietnam
19. Kustigian, Michael John.....	010405939	Navy.....	South Vietnam.....	North Vietnam
20. McDonough, John Richard.....	154308223	Navy.....	South Vietnam.....	North Vietnam

CASUALTY PLACE DIFFERENCES—Continued

Name	SSN/Service number	Service	DIOR country	DIA country
21. McKinley, Gerald Wayne	655021	Navy	South Vietnam	North Vietnam
21. Miller, Carleton Pierce, Jr	018341135	Navy	South Vietnam	North Vietnam
23. Mitchell, Harry E	303525682	Navy	South Vietnam	North Vietnam
24. Murphy, Terence Meredith	647826	Navy	North Vietnam	China
25. Neislar, David Phillip	703942	Navy	South Vietnam	North Vietnam
26. Nyman, Lawrence Frederick	535368550	Navy	South Vietnam	North Vietnam
27. Patterson, Bruce Merle	708088	Navy	South Vietnam	North Vietnam
28. Payne, Kyllis Therod	231667788	Navy	South Vietnam	North Vietnam
29. Reedy, William Henry, Jr	1197842	Navy	South Vietnam	North Vietnam
30. Rogers, Billy Lee	317523673	Navy	South Vietnam	North Vietnam
31. Schoderer, Eric John	9175626	Navy	North Vietnam	South Vietnam
32. Stephenson, Richard C	292403773	Navy	South Vietnam	North Vietnam
33. Sullivan, Martin Joseph	58976	Navy	North Vietnam	South Vietnam
34. Talken, George Francis	545544055	Navy	South Vietnam	North Vietnam
35. Thompson, William Joseph	605294	Navy	South Vietnam	North Vietnam
36. Trowbridge, Dustin Cowles	335360810	Navy	North Vietnam	South Vietnam
37. Tunnell, John Wallace	564442566	Navy	South Vietnam	North Vietnam
38. Westwood, Norman Philip, Jr	046343306	Navy	South Vietnam	North Vietnam
39. Whittemore, Frederick H	510465	Navy	South Vietnam	North Vietnam
40. Wood, Rex Stewart	562050	Navy	South Vietnam	North Vietnam

Question 19. How can we be sure that all information in the Department's Southeast Asia casualty data base is totally accurate, even today?

Answer. We can never be certain that every item for each of the 58,165 personnel listed in the file is totally accurate. However, when any entry for any individual is questioned, we research their official record; if an error is identified, a change to the file is made. At the same time, we are not certain that all of the individuals who were casualties are included in the casualty file. As recent as June 8, 1992, Sergeant Donald Eugene Kramer was added to the file. He was wounded in 1966 while serving in the Republic of Vietnam and died on October 28, 1966, at Wright Patterson Air Force Base in Ohio. When he was brought to our attention through official notification from the Department of the Army, SGT Kramer was added to the file.

The CHAIRMAN. Thank you very much, Mr. Sungenis.

What I would like to do, at least for the first round, is 5 minutes each. We will see how it goes after that. We have a lot of Senators and we have a lot of questions.

There are a lot of detailed questions we need to ask you to get them on the record about the accounting procedures and how things happened, but I'd like to ask you a couple of big picture questions if I can to start with.

Both of you, Mr. Sungenis and Mr. Trowbridge, have been there for 20 years, a long time. You were there when the first reporting really began in a substantive way. You were there during the transition and Operation Homecoming. Did either of you work with Dr. Shields?

Mr. TROWBRIDGE. Yes, sir.

The CHAIRMAN. What was your relationship with Dr. Shields?

Mr. TROWBRIDGE. We had a very close relationship. Our agency supported Dr. Shields with intelligence information.

The CHAIRMAN. And Mr. Sungenis?

Mr. SUNGENIS. Senator, I was involved in casualty reporting beginning in September of 1974 through the fall of 1976, so I was not personally familiar with anything that transpired before that date. As far as Dr. Shields is concerned, he was in the organization when I was there. I have never met the gentleman.

The CHAIRMAN. Now, when Dr. Shields, Mr. Trowbridge, says we have no indication at this time that there are any Americans alive in Indochina, do you agree with that?

Senator REID. Will you repeat that question, John, please?

The CHAIRMAN. When Dr. Shields says we have no indication at this time—this being in 1973 or 1974, correct?

Mr. TROWBRIDGE. Yes, sir.

The CHAIRMAN. That we have any Americans alive in Indochina, a public policy statement of the Department, did you agree with that statement?

Mr. TROWBRIDGE. Sir, the agency's position at that time was that we held no current information that individuals at that time were being held against their will.

The CHAIRMAN. Now, what about the list of 80 people that had been presented and that you were following up on as Government policy with the Vietnamese? What was that?

Mr. TROWBRIDGE. I'm not sure what you're talking about when you mention the 80 individuals. I will make an assumption here that maybe we're talking about those that were listed as prisoners that did not return. Is that a correct assumption?

The CHAIRMAN. Well, it is. I'm asking about the 80 people who were carried as prisoners of war, but who did not return. You thought they were alive. You expected them to come back. They did not come back.

Mr. TROWBRIDGE. Sir, we carried 97 individuals. As far as I know, at that point in time the U.S. Government carried 97 individuals listed as prisoners of war that did not return. This is at the completion of Operation Homecoming.

The CHAIRMAN. That is a different number from any that I think you've given us yet. I have your DIA casualty data summary from February 5, 1973 right here, which we will enter into the record. [The information referred to follows:]

DIA CASUALTY DATA SUMMARY

AS OF FEBRUARY 5, 1973

The figures and data depicted below are based on intelligence information and estimates and may not correlate with official Defense Department or service casualty figures. This summary is provided on a limited basis only to selected personnel and offices. This classified summary is not for public release.

PRISONERS OF WAR

	USA	USN	USAF	USMC	Civilian	Total
Acknowledged As Alive on Enemy Lists And To Be Returned						
Total to be returned	76	136	324	26	24	586
Total returned						
Still to be returned						
Reported Dead on Enemy Lists						
Reported dead*	7	8	9	5	5	34
Held by the People's Republic of China						
China	0	1	1	0	1	3
Not Accounted For on Any Enemy Lists						
North Vietnam	0	22	14	0	0	36
South Vietnam	20	2	1	3	7	33
Laos	0	2	3	0	1	6
Cambodia	1	0	0	0	4	5
Total	21	26	18	3	12	80

*The reported dead figures do not include 21 individuals already carried by the Services and DIA as dead.

PERSONNEL MISSING IN ACTION

	USA	USN	USAF	USMC	Civilian	Total
Reported Dead on Enemy Lists						
Reported dead*	2	1	6	0	0	9
Not Accounted For on any Enemy Lists						
North Vietnam	3	117	326	26	0	472
South Vietnam	267	4	82	65	7	425
Laos	56	11	272	14	5	358
Cambodia	18	0	3	0	1	22
China	0	7	0	0	0	7
Total	344	139	683	105	13	1,284
Grand total	450	311	1,041	139	55	1,996

*The reported dead figures do not include 21 individuals already carried by the Services and DIA as dead.

The CHAIRMAN. The number, the total for North Vietnam, South Vietnam, Laos and Cambodia is 80—36 in North Vietnam, 33 in South Vietnam, 6 in Laos, 5 in Cambodia, for a total of 80.

Mr. TROWBRIDGE. I believe what you are holding there is a statistical document that certainly was subject to change on a weekly basis at the completion of Operation Homecoming, statistics—

The CHAIRMAN. That particular week, during Operation Homecoming, you expected 80 people who didn't come back in Operation

Homecoming, because you have total to be returned, 586, at the top.

Mr. TROWBRIDGE. Sir, of those individuals who were listed as prisoner there was information or judgments that were made by our agency at the time. When I said 97, or to use your term, 80, actually at the completion of Operation Homecoming our agency held 115 individuals in a prisoner status that did not return home. What did we do? Well, they did not come home.

The CHAIRMAN. Let me just interrupt you there for a minute. You interviewed prisoners, did you not?

Mr. TROWBRIDGE. Yes.

The CHAIRMAN. The prisoner said, so-and-so was alive, he did not come back, correct? Yes or no. Did prisoners say—

Mr. TROWBRIDGE. I know of no prisoners who came home who said, I saw an individual who was alive who we left behind, without other information that may have supported the fact that he died.

The CHAIRMAN. But that is not accurate, according to your own records. You have a list of people who, according to the returnees, suggested that they were left alive, that they were alive. It didn't say that—there are some. There are 111.

Mr. TROWBRIDGE. Sir, are you saying that there is a list that the PW's gave us that said were left behind alive? I know of no such list.

The CHAIRMAN. Well, according to the lists we've gotten, there were 111 people accounted for through the returnee debriefings, 111 names—we can give you the names—of people who prisoners said so-and-so died in captivity, but outside of those 111 there are a grouping, and we have the list, of those that people suggested they last saw them alive. They don't know if they died. They might have, but they were last seen alive and reported to you as such.

Mr. TROWBRIDGE. Sir, without seeing your actual list—in fact, I saw a list yesterday that was provided to us by the committee that I could just comment on that had 115 names on it. Allegedly, those individuals came from prisoners, prisoners who had mentioned these individuals by name.

We took a quick scrub of that list. Excuse me. Actually, it was 51 names, not 115. We took a quick look at that last night. As I say, that was provided to us yesterday. When we debriefed the prisoners, we asked them information that they may have known relative to anybody that was unaccounted for, did they have knowledge, and we had various lists that indicate a returnee had said yes, I have information about individuals, and they list them by name.

Of this list that was provided to us yesterday by the committee, it had 51 names on it that it claimed came from debriefs. Well, as I said, we asked these prisoners, did they have any information relative to unaccounted for Americans, not just information on known prisoners of war.

So if you just take a list of names that came from the returned prisoners that said yes, I had knowledge on this individual or I received knowledge in prison on this individual, when you do the analysis of these names—in fact, we quickly looked at those 51 last night, for instance, only 6 percent of those names, were of individuals who the returned prisoners had indicated he actually saw the person.

Many of the names of those 51 names that were reported, they were heard in the prison communication system. When they were investigated after the debriefs of Operation Homecoming, they broke out into various categories.

Many of the reports were from prisoners who made queries within the prison system. Someone had asked about a particular individual. If you asked that returnee, did he have that name, yes, he gave you a name. We looked into it. It was a query that was in the prison system—Does anybody know about this individual?—not that he was a prisoner. None of the prisoners may have seen him.

There were returned prisoners who came up with that information and said yes, I heard about a particular individual. It may have been hearsay information. But when you get that information or you go to the original source—where did he get it?—I heard it from another prisoner, and that may lead to another prisoner.

At the time of Operation Homecoming, these lists and these names were reviewed very thoroughly. If we had information such as a name, the returned prisoner who provided that name may be hospitalized in the Philippines. His debrief may have led to the original source of the name of a returnee who was in a hospital in New Orleans.

We would contact that returnee's debriefer, set up a conference call, and we would clear up any discrepancy right on the spot. Some of the reports were of possible PW's, based on the individual name they brought out. Some names were written on the walls, yet no one ever saw some of these individuals in a prison environment.

The CHAIRMAN. If we did not have evidence in 1973 that someone was alive potentially, then you have to ask what the Vessey discrepancy list is.

Moreover, there is a specific Air Force list listing people as prisoners post-homecoming. Now I find it hard to see how you could say there was not evidence when you are carrying people as POW's, they have been carried as POW's, and suddenly post-homecoming you decide that that is not evidence that they might be still alive.

Until homecoming, you expected them home alive. When they did not come home alive, you ceased to think they should be home alive.

Mr. TROWBRIDGE. No sir. We did not cease—

The CHAIRMAN. Then there was evidence that people were still POW's.

Mr. TROWBRIDGE. In some cases of those 97 that were listed as prisoner, some individuals were made a prisoner by virtue of the fact, they were a crew member of a dual-seated aircraft. We had firm evidence that—and I'm not saying that DIA put them in that category, but the service classified both individuals as prisoners based on the fact that it was known that one individual had been captured.

Sometimes it was based on information received that said the enemy had captured an individual. That information may have been used that put the man in a prisoner status may have been dated back to 1967. There was never any other information developed on that individual from the time of that initial 1967 loss inci-

dent. The man was never seen in the prison system based on the debrief of the returned POW's.

So there was that one bit of information in 1967 that the services made the man a prisoner, based only on that information, nothing was ever subsequently developed on it. He was never seen in the prison system. He did not come home in 1973. Are we still pressing for additional information and that man?

Today, those are the core cases for General Vessey's initiatives and our search efforts in the field. Those are the discrepancy cases.

The CHAIRMAN. I have some follow-ups to that. But I have gone well over my 5 minutes. Senator Smith, and then we will come back.

Senator SMITH. Mr. Chairman, there are many Members who I know cannot spend the entire time here today. So I would like to yield my time to whoever the next, I think it is Senator McCain and then come back at the end, because I will be here.

But I just wanted to put one question out and hopefully respond and then yield to Senator McCain. I have not seen any records at all in any of the casualty files that I have looked at to verify anything you are talking about; any of these phone calls to people in the Philippines. Do you have records of all that stuff? You made calls to POW's in the Philippines and verified these—

Mr. TROWBRIDGE. Individuals in my office talked with individual debriefers. Yes, sir.

Senator SMITH. Do you have records of that?

Mr. TROWBRIDGE. I have people who will testify to that. We looked in the casualty files of these individuals and we did follow-up on this information.

Senator SMITH. Not in any of them that I have seen.

Mr. TROWBRIDGE. Well, sir, I'm telling you we did.

Senator SMITH. I would like to see the documentation of that.

Senator SMITH. DIA asked to provide documentation of the efforts DIA took to resolve names of unaccounted for personnel provided by returnees during their debriefings, as such information is not in individual case files.

Answer. The documentation of the effort to resolve the report of names of unaccounted-for servicemen by returning POWs at Homecoming is in fact compiled in the Air Force contract study, informally entitled "(U.S. Service) Personnel Not Returned from SEA, May 5, 1978." Each of the names cited therein represents a separate, single report of a name. In each of these instances the DIA checked back with the source of the report to learn the basis for his report, and once identified, checked back through all sub-sources and all collateral sources to track down the ultimate validity of the information. This process was followed in each and every instance until the truth of the matter was learned.

The CHAIRMAN. Obviously, it would be helpful to the committee. Senator McCain?

STATEMENT OF HON. JOHN McCAIN, U.S. SENATOR FROM ARIZONA

Senator McCAIN. Thank you, Mr. Chairman. I would like to perhaps try and put this in a framework for the record that maybe would make it more understandable in years to come as to exactly what we are talking about here.

What the committee has compiled, the committee staff, and I think in a very professional excellent fashion, is 244, in their view, unique names of individuals, all of whom should have been listed

in captivity by DIA at the end of Operation Homecoming after our returnees had been debriefed. Basically, what is on that chart over there.

I just want to make sure we are talking about the same framework here, Mr. Trowbridge. Of those 244, as this chart says, 111 died in captivity and I do not believe there is any question about that. There is, of 50 of those, 57 remains covered. Two military deserters died in captivity, 16 civilians died in captivity, 15 military confirmed by DIA as POW's as of February 1973. DIA changed the status of 14 within 6 months. The last one was changed in 1976.

So, we get down to about 90 people, which we get down on this chart, I think this committee and others have significant question about. Are you with me so far, Mr. Trowbridge?

Mr. TROWBRIDGE. Yes, sir.

Senator McCAIN. Why did the DIA change the status of 20 of these individuals between February and May 1973 to died in captivity? And if you want, you can supply some of these answers for the record.

Mr. TROWBRIDGE. Yes, sir, on those particular cases, that's probably what I'd have to do, because you know, I don't have that information.

Senator McCAIN. Was it based on evidence? Was it based on hearsay or was it based on a whole body of different sources?

Mr. TROWBRIDGE. I'd say it probably had to go with a cross-section of information. Our best source of information happened to be the POW's that came home.

Senator McCAIN. OK. What is the difference between that category of 20 and the 21 following that who quote, may have died in captivity, precise fate unclear?

Mr. TROWBRIDGE. Sir, I can't address that. I don't—without knowing those 21 names.

Senator McCAIN. OK. We obviously have two categories here that—

The CHAIRMAN. I thought we gave you the names, Mr. Trowbridge, prior to this. We provided you with these categories, so that you could explain them.

Senator McCAIN. I would like you to do that for the record, Mr. Trowbridge. Go ahead and answer right now.

Mr. TROWBRIDGE. All right, sir. Could you just give me your definition of the 21 again? Maybe I can explain it.

Senator McCAIN. According to this chart and I admit you are at some disadvantage because this is provided by the committee, not by you, there is a category of 20 military missing. DIA changed that in February 1973 to died in captivity. And then there are 21 personnel who may have died in captivity, precise fate unclear. In other words, I am very curious what the difference in those two categories would be.

Mr. TROWBRIDGE. Let's start with the 20. If we changed their status, I'd have to say that was probably based on information where we had, perhaps we had or the service had declared a man POW. After the debriefs at homecoming, we may have acquired additional information directly from say, the crew member involved or the fact that the services had made him a prisoner based on in-

formation where we had a good parachute. But we later had additional information that the man was killed in action.

The other category of the 21 military personnel may have died in captivity—I think the judgment is just what it says. Maybe we had information that was not quite precise, but the indication that he died was there.

Senator McCAIN. OK. Then we get to the category of the 51 military personnel reported in captivity by returnees during Operation Homecoming. Now, in response to Senator Kerry's question, you are saying that POW's say, look I heard about this person or I may have. And your follow-up information indicated what about these 51? You may have already responded to Senator Kerry on that.

Mr. TROWBRIDGE. We received that list from the committee and we took a quick look at it. Again, at the time of Operation Homecoming, all of this was reviewed.

But if you take the list of these individuals, these 51—we found based on the debriefs of the prisoners that indicated knowledge of these 51 by name. There were some of those individuals on that list were the—the returnee said, I saw the individual dead.

Now that's either in prison or en route to the prison or shortly after the loss incident.

Senator McCAIN. For the record, would you provide responses on each one of those 51 for us?

Mr. TROWBRIDGE. We'll do it name by name, yes, sir.

[The information referred to follows:]

Senator McCAIN. DIA asked to provide a by-name analysis of the fate of the 51 names listed on the Air Force returnee debrief study.

The by-name analysis of the fate of the "51 name list," provided by the Senate Select Committee, from the Air Force informal study titled "(U.S. Service) Personnel Not Returned from SEA, May 5, 1978," was provided to the Senate Select Committee as part of DIA's "Assessment of Captive Status at Homecoming of Individuals on the Senate Select Committee Lists," by the Central Documentation Office, on or about July 10, 1992. It is provided once again in the attached enclosure.

TAB A

ALLEGED POW NAMES REPORTED BY RETURNEES DURING HOMECOMING (DOES NOT INCLUDE U.S. GOVERNMENT PRIORITY CASES)

Robert D. Avery

Returnee report: Norris Charles, based on a list that had been passed along to him while captive, recalled that a USAF major named Avery was a POW.

Comments: Initially, this information was deduced to potentially relate to USMC 1st Lieutenant Robert D. Avery; however, this was based on Charles' memory of the last name only; the rank and service he associated with the name are incorrect for Robert Avery. No corroborating information was forthcoming from any other returnee. Charles, an early releasee, was charged with keeping a "memory list" of fellow prisoners. Most of the names on his memory list were validated; a few, including this one, were not.

Conclusion: The correlation of this name to 1st Lt. Robert O. Avery is insupportable.

Richard Lee Ayers

Returnee reports: Leo G. Hyatt reported hearing that "Ayers" was a POW at Cu Loc in 1972. Hyatt also suggested that Ken Johnson may have more information regarding Ayers. (NOTE: Kenneth Johnson, returnee, did not report seeing or hearing of Ayers.) Hyatt has no firsthand knowledge.

Comments: Ayers (refno 1596-1) was believed downed near the DMZ while on a daylight RF4C reconnaissance mission over Laos on April 16, 1970. Wreckage was sighted which was believed to be that of Ayers' aircraft; Hanoi radio broadcast the shoot down of an RF4C at that location on April 16, 1970 without mentioning the

fate of the crew. This report correlates to Ayers' loss incident. No other returnees reported any knowledge of Ayers.

Conclusion: There is no analytical basis on which to conclude that Richard L. Ayers survived his loss incident. It is possible that Hyatt heard of, and was reporting on Timothy R. Ayres, returnee, who was held at both Hoa Lo and Cu Loc.

James A. Beene

Returnee report: James A. Beene reported as POW name at Homecoming. James A. Mulligan reported secondhand hearsay information that he heard Beene's name in the prison communication system. No firsthand knowledge.

Comments: Beene was flying over water off the coast of North Vietnam at night when he ran into foul weather. No further contact was made. SAR efforts observed an oil slick in the general area of Beene's last known location resembling an oil slick consistent with what would be produced from aviation fuel leaking from a submerged aircraft. No evidence was discovered to indicate Beene could have survived his crash. No other returnees reported Beene's name in the communications system.

Conclusion: The initial correlation to James A. Beene was in error. Most probably the "Beene" Mulligan was reporting correlates to either James E. Bean or William R. Bean, both returnees.

Burriss Nelson Begley

Returnee reports: Leroy W. Stutz reported that while at Hoa Lo in the spring or summer of 1967, he heard via tap code that an unidentified POW saw the name "Begley" scratched on the floor of one of the interrogation rooms. He had no firsthand knowledge of Begley, and no one else reported on Begley.

Comments: Begley (refno 0542-1) was downed by a MIG northwest of Hanoi on December 5, 1966. Wingmen observed pieces falling from Begley's F105D aircraft, and heard him broadcast that he was going to eject. No parachute was observed, however, and no beeper signal was heard. Aircraft was observed to crash on a wooded hill.

Conclusion: There is no indication that Burriss N. Begley survived his loss incident. It is possible that Stutz' report correlates to returnee Bobby R. Bagley, who was shot down in September 1967 and held first at Hoa Lo.

William George Bennett

Returnee reports: Norris M. Overly reported hearing over radio Hanoi that "Bennett" was a prisoner. He has no firsthand knowledge regarding Bennett, and no one else reported anything about Bennett.

Comments: On September 2, 1967, wingmen watched as Bennett failed to complete his pull up maneuver after a strafing pass, and observed his F105D crash into a small hill and explode on impact. No chute was seen, and no beeper was heard.

Conclusion: It is extremely unlikely that William G. Bennett survived his loss incident. The correlation of the Radio Hanoi report is probably erroneous.

Michael L. Bouchard

Returnee report: Michael L. Bouchard reported as POW name at Homecoming. Roger A. Miller reported Bouchard's name via reading prison notes. No firsthand knowledge.

Comments: Miller learned of "Bouchar" (phonetic, first name unknown) through reading of notes passed through the prison system. The POW was described as being in average health. Miller was unable to identify a photo of Michael Bouchard. No other returnee had any firsthand or hearsay knowledge of Bouchard.

Conclusion: The initial correlation to Bouchard was in error. The individual referred to by Miller was Jack L. Butcher, returnee.

Michael Paul Burns

Returnee reports: A.C. Brady said he heard through prison communications that Mike Burns was a prisoner. William Tschudy also was aware that Mike Burns was a POW, in "good condition."

Comments: There is no analytical basis to consider Michael Paul Burns a prisoner of war.

Conclusion: This hearsay information relates to Michael Thomas Burns, a returnee.

James A. Butler

Returnee report: VC soldier told a U.S. POW that a Cobra aircraft had been shot down and that both the pilot and gunner had been injured.

Comments: W1 James E. Butler (refno 1575) was lost when the L-19 aircraft he was flying in crashed in South Vietnam. First-hand live and hearsay live sighting

reports correlated to that loss incident indicate one crewmember was killed when the aircraft crashed and the other crewmember was killed when he was shot resisting capture.

Conclusion: There is no analytical evidence to conclude that Butler survived his loss incident.

Billie E. Cartwright

Returnee report: Billie E. Cartwright reported as POW name at Homecoming. John Heilig reported hearsay information that Billie Cartwright was dead. No firsthand knowledge.

Comments: Cartwright was on a pre-dawn bombing mission over Haiphong when all contact with his plane was lost. Due to heavy enemy presence, no SAR operations were conducted. However, the next day, friendly aircraft overflew the area and saw no evidence of a crash and heard no electronic signals indicating that Cartwright and his crewmember might have survived the incident. No other returnees reported Cartwright's name in the prison communications system.

Conclusion: It is plausible that Heilig overheard someone inquiring if any information was available to confirm the death of Cartwright.

Jimmy L. Coleman

Returnee report: Robert Woods said that in February 1967 someone (he thought it was Charles Tanner) tapped out the name Coleman, who was thought to be in room 5 or room 6 of the "Barn," a compartment at the "Zoo." Woods indicated he did not hear the name again and questioned the accuracy of the identification.

Comment: Robert Woods was captured just 4 months before this "tap-code" communication occurred and his memory that it occurred in February 1967 is probably fairly accurate. Jimmy Coleman, the only missing serviceman with that last name, was not lost until 2 years later, March 1969. Coleman was lost in the Delta region, under the control of COSVN, who maintained a permanent camp system for U.S. POWs; none were ever transferred to North Vietnam. Neither Charles Tanner or any other returnee had any knowledge of Coleman.

Conclusion: There is no analytical basis to believe Jimmy Coleman was ever a prisoner of war.

Donald M. Cramer

Returnee report: Norris Charles had memorized the name Cramer based on a note passed to him by another POW in February 1972. He was sure that the spelling he had received began with "C," not "K." Robert Jeffery had also heard that the "memory bank" included Cramer.

Comments: Charles, an early releasee, had been charged with keeping a "memory bank" of U.S. POW names. Other than Robert Jeffery, whose information is attributed to the "memory bank," there is no other information from returnees to corroborate Donald Cramer's presence in the prison system. Charles had no firsthand knowledge of the individual. Donald Cramer's fellow crewman was found washed ashore in South Vietnam, indicating their helicopter had gone down at sea. While Charles was certain that the spelling he had received began with a "C," there is no assurance that the note had been accurately rendered. Galand Kramer, a returnee, was held in the northern Vietnam prison system.

Conclusion: The circumstances of Cramer's loss, while not absolute, mitigates against capture. Given the sparsity of detail from Charles and the lack of corroboration from any other returnee, there is no sound analytical basis to believe that Donald Cramer was captured.

Clifton Emmett Cushman

Returnee reports: Leo G. Hyatt reported hearing that Cushman was a POW at Cu Loc in 1972. Hyatt also suggested that Ken Johnson may have more information regarding Cushman. (NOTE: Kenneth Johnson, returnee, did not report seeing or hearing of Cushman, nor did anyone else.) Hyatt has no firsthand knowledge.

Comments: Cushman's F105D was hit by AAA on September 25, 1966, burst into flames, and broke into several pieces. A wingman observed what appeared to be an ejection seat arch out of the aircraft debris, but he saw no parachute deploy before the object fell behind a ridge line. A French news report mentioned Cushman, along with D.G. Waltman and N.L. Wells. A Vietnam Courier article was published which showed photos of Waltman and Wells (both returnees) and described their capture, but there was no mention of Cushman.

Conclusion: There is no analytical basis for concluding that Cushman survived his loss incident. Further, had Cushman been at Cu Loc as reported, others would have seen him or reported on him via the well-developed prison communications system.

James E. Dooley

Returnee report: James E. Dooley reported as POW name at Homecoming. Lenard E. Daugherty reported that he thought Richard Perricone mentioned seeing Dooley's name scratched into a prison wall. No firsthand knowledge.

Comments: Perricone makes no mention of having seen Dooley's or a similar name scratched into a prison wall. No other returnees reported Dooley's name in the prison communications system.

Conclusion: Dooley crashed in coastal waters off North Vietnam. No signs of survival were indicated during SAR aerial searches. It is highly probable that Dooley died in his crash.

Harry S. Edwards

Returnee report: Harry S. Edwards reported as POW name at Homecoming. Fredric Flom reported hearsay gossip that Harry S. Edwards was dead. No firsthand knowledge.

Comments: Wingman reported observing Edwards' aircraft crash into a large fireball. No parachute was seen nor were emergency beepers heard. After the smoke from the crash cleared, friendly aircraft overflew the site and believed no one could have survived the incident. In September 1988, the Vietnamese turned over a set of remains with the name of Harry S. Edwards. Subsequent analysis by CILHI determined the remains to be those of another unaccounted for American. The Vietnamese could provide no further information. No other returnee reported Edwards' name in the prison communications system.

Conclusion: All evidence indicates that Edwards died in his incident.

Norman Eidsmoe

Returnee report: Norman Eidsmoe reported as POW name at Homecoming. Robert Naughton heard from Dick Dutton and Gene Smith that while they were at Son Tay, a name that could possibly have been "Eidsmoe" was tapped on the wall only once. Naughton reported the name could have been "Moe." No firsthand knowledge.

Comment: A review of Dutton's and Smith's debriefs reveals no mention of either "Eidsmoe" or "Moe." No other returnee mentioned Eidsmoe.

Conclusion: The initial correlation to Eidsmoe was in error. The individual referred to by Naughton was probably Thomas Moe, returnee.

John C. Ellison

Returnee report: John C. Ellison reported as POW name at Homecoming. Robert Flynn reported that, during his incarceration in a Peking prison, he was given a stack of "bookmark sized" photos. On one "bookmark" he claimed to recognize a photo of Ellison. The photo reportedly showed Ellison in a group of other POWs. No firsthand knowledge.

Comment: A Nhan Dan report was received describing the shootdown of an American aircraft with the pilots being "blown apart." The details in the report correlate to Ellison's incident. The Ellison family reported that sometime after Homecoming, two unidentified returnees contacted them and claimed to have seen Ellison's name carved into a tree at the Dogpatch prison camp, near the Chinese border. DIA asked the family to provide the names of the returnees for followup. No other returnees ever reported name "Ellison" as being either dead or alive. On March 27, 1992, the Vietnamese turned over a box of personal effects allegedly corresponding to Ellison's incident. (NFI)

Conclusion: The photo that Flynn probably saw was one taken during the "Hanoi Parade." He was shown numerous photos from this unique event but was unable to identify the exact photo he purportedly viewed in Peking. The Chinese Government was asked to locate the photo shown to Flynn during his incarceration but it was unable to do so. DIA believes that Flynn saw a photo of the "Hanoi Parade," all POWs seen are returnees.

Ralph Foulks

Returnee report: Ralph Foulks reported as POW name at Homecoming. Arthur Ballard reported hearsay information of the name "Fox." No firsthand knowledge.

Comments: Foulks was on a night bombing mission over North Vietnam when his plane disappeared. No crash was sighted; no parachute was observed; no electronic beepers were monitored. No evidence is available to indicate that Foulks survived his crash. In December 1988, the Vietnamese repatriated a set of remains associated with Foulks. CILHI analysis indicates the remains suffered a high impact crash; they are consistent with a Caucasian. However, the remains are insufficient in quantity and quality to warrant positive identification at this time. Further analysis

is ongoing. No other returnees reported Foulks' name in the prison communications system.

Conclusion: All evidence indicates that Foulks died in his crash.

John G. Gardner

Returnee report: Frank Cius reported that John Gardner was inside their downed helicopter with a tourniquet on his leg while the helicopter was "saturated" with small arms fire over a 45 minute period. He believed Gardner may have been killed.

Comments: Neither Frank Cius nor any other returnee has indicated that John Gardner was a prisoner of war.

Conclusion: There is no analytical basis, either returnee debriefs or intelligence information, to believe John Gardner was ever captured.

William Glasson

Returnee report: William Glasson reported as POW at Homecoming. Phillip Smith claimed to have heard on Peking Radio, and read in a Peking bulletin, that an A-3B had been shot down between Hainan and China. The crew was reportedly captured. Upon his capture, Smith questioned his captors about the report, they denied any knowledge about the incident. No firsthand knowledge.

Comments: Glasson was shot down in 1966 over Chinese waters. He was flying an A-3B. SAR aircraft overflew the area but saw no indication of survivors. Over 70 junks were in the area; this precluded further searches. Peking International Radio Service, in English, reported the shootdown of an A-3B in 1966. There was no mention of the crew's fate. No other returnees reported knowledge of Glasson.

Conclusion: Glasson was killed in plane crash over water. Remains unresolved.

Bobby G. Harris

Returnee reports: James Hestand, fellow crewmember of Bobby G. Harris, examined Harris' body after the crash of his helicopter and noted severe lacerations at his throat; lifeless. Wendell Rivers reported hearsay knowledge of an individual named Harris but could reveal no detail.

Comments: Information from Hestand indicates Bobby Harris died in his loss incident. Rivers' hearsay information cannot relate to Bobby Harris.

Conclusion: Bobby Harris was killed at the time of loss. Hearsay of an individual named Harris in the prison system relates to either Jesse Harris or Carlyle Harris, both returnees.

Tilden Stewart Holley

Returnee reports: Leonard C. Eastman reported hearing, while at Hoa Lo, on Radio Hanoi that Holley was a prisoner. Leon R. Ellis and Kenneth Fisher heard on March 13, 1973 that Holley was a prisoner at Cu Loc. Donald L. Heiliger heard that Holley was a prisoner. None had any firsthand knowledge regarding Holley.

Comments: Holley was on a nighttime F4C armed recon mission on January 20, 1968. Weather was marginal with ceilings of 1,000 to 1,500 feet. Holley's wingman reported seeing a rapid streak of orange glow through the clouds after Holley elected to go down to have a look at the target beneath the cloud layer. A momentary weak beeper signal may have been detected, but this is not at all certain. A further electronic search was conducted, but without success.

Conclusion: It is quite likely that Holley perished at the time of his loss incident. Returnee reports of "Holley," all hearsay, may have been referring to returnee Edwin A. Hawley, who was captured in February 1972 and resided at both Hoa Lo and Cu Loc facilities, among others.

Fred Holmes

Returnee report: Fred Holmes reported as POW name at Homecoming. Richard Keirn reported secondhand hearsay that Holmes' name was in the prison communications system. No firsthand knowledge.

Comments: Holmes and his co-pilot were hit by enemy fire. Both men were seen by SAR helicopter in their parachutes. The co-pilot was rescued. Holmes' life raft was spotted still attached to the ejection seat but the parachute was missing. No evidence of Holmes was seen. No other returnees reported Holmes' name in the prison communications system.

Conclusion: The evidence suggesting that Holmes survived his ejection is inconclusive. The fact that the co-pilot was rescued and SAR aircraft were successfully operating in the area, and the fact that no contact with Holmes was made after his plane was hit tends to indicate that Holmes did not survive his incident.

Eugene Millard Jewell

Returnee reports: Edward A. Brudno had heard that Jewell was killed. Robinson Risner, Weldell B. Rivers, and Howard E. Rutledge all had heard the phonetic spelling, "Jual", on the Voice of Vietnam or camp radio. The man's rank was "sergeant" and his service was unknown.

Comments: Jewell was aboard an F4C on a strike mission over North Vietnam on September 4, 1965. Wingmen saw the aircraft taking ground fire during a strafing run, and the aircraft exploded on impact with the ground. No parachutes were sighted.

Conclusion: It is extremely unlikely that Jewell survived his loss incident. The correlation of "Jual" to Jewell is probably erroneous, and in any event provides no information to support a supposition of survival.

Bobby Marvin Jones

Returnee reports: James A. Mulligan and Richard D. Vogel heard Bob Jones mentioned in prison communications. William J. Metzger reported seeing Bob Jones at a movie at Dogpatch in November 1972. Orson G. Swindle reported firsthand observation of B. Jones. No others reported seeing or hearing of Bobby Jones.

Comments: Bobby M. Jones was a flight surgeon passenger aboard an F4D ferry flight from Udorn, Thailand, to Danang, South Vietnam, on November 28, 1972. The aircraft disappeared from radar view approximately 20 miles NW of Danang. An unsuccessful SAR effort was conducted for 5 days; two beeper signals were believed to be heard in the area on November 30.

Conclusion: This is an obvious case of misidentification. Both returnee Robert C. Jones and returnee Murphy N. Jones were held at Dogpatch prison camp in November 1972. No doubt it is one or both of these individuals who prompted the reports cited above.

John R. Jones

Returnee report: Jon Cavaiani said that prior to his capture he shared a bunker with John Jones, who was wounded in the legs by a grenade, then shot several times in the chest when he tried to surrender. The bunker then burned for 6 to 8 hours.

Comments: None.

Conclusion: John Jones is not a prisoner of war.

James E. Kennedy

Returnee report: Mark Smith, a returnee, "had no knowledge of" Kennedy. He "did not recognize the name and could not identify (his) photo as being anyone he had had contact with."

Comments: None.

Conclusion: There is no information, from returnees or otherwise, to suggest James Kennedy was ever a prisoner of war.

Larry Gene Kier

Returnee report: A man described as possibly a pilot shot down in December 1972 was seen in January 1973 in Hoa Loa prison. Two other individuals communicated with this individual but no name is known.

Comments: PFC Larry G. Kier (refno 1613) was lost in a ground incident when his position located near an ammo dump was hit with a rocket propelled grenade. The resulting explosion damaged the ammo dump which caused a leak in a napalm container which then exploded, causing a fire. A 2 day search of the area after the incident did not produce any trace of Kier.

Conclusion: Kier loss incident does not match the loss description of the unknown man seen in Hoa Lo in 1973. There is no analytical evidence to conclude that Kier survived his loss incident.

John Henry Sothoron Long

Returnee reports: Harvey G. Brande reported firsthand observation of Long, saying that Long was held with the "Lao Group" at the Citadel. No one else reported on Long.

Comments: John H.S. Long was the co-pilot of an HU-16B Albatross which disappeared in bad weather over the South China Sea on October 18, 1966. An extensive search effort revealed no trace of the aircraft or 7-member crew.

Conclusion: This appears to be another case of mistaken identification. There is no reason to believe that John H.S. Long survived his loss incident. Returnee Stephen G. Long was one of the "Laos Group", and was held at the Citadel, among other locations.

Howard B. Lull

Returnee report: Albert Carlson and Mark Smith at time of last observation knew Lull to be evading contact with the enemy during the timeframe of their loss incidents. Carlson last saw Lull with Smith. Smith said Lull had then separated from him, seeking help. Smith claims he later heard from his captors that Lull had been captured, and that Carlson had told him that Lull was a POW. Carlson had no such firsthand or hearsay knowledge, however. In fact, James Walsh, while in a Cambodian POW camp with Smith, learned from Smith that after Lull had left him, Smith had no further information about him.

Comments: Information from debriefs of returnees shed little light on the fate of Lull, except to demonstrate that Lull was not known by them to be captured and that he did not show up in the COSVN prison system. Other intelligence information, however, indicates that Lull was captured and subsequently killed in an unsuccessful escape attempt.

Conclusion: There is sufficient reason to believe Lull was initially captured but did not survive to be interned in the prison system.

Joseph W. McDonald

Returnee report: King Rayford had direct contact with another POW at the "Hanoi Hilton" on March 12, 1973, apparently an individual whom he personally had not previously encountered in the prison system. He identified the photo of Joseph McDonald as the individual he saw, stating that he was an Air Force captain, that he was from Oregon, that he had red hair, and that he was in good condition.

Comment: The photo album reviewed by Rayford contained only black-and-white photos. Joseph W. McDonald was not an Air Force officer, not a captain, not red-headed according to his records, and neither his place of birth nor home-of-record was Oregon.

Conclusion: The individual met by Rayford was not Joseph W. McDonald.

Fred H. McMurray

Returnee reports: Burton Campbell saw a note on a cigarette wrapper that Fred McMurray, captain, USAF, was a POW. Ernest Moore heard at the "Zoo" that Fred McMurray was a POW.

Comments: Fred H. McMurray Jr. was an Army first lieutenant, not an Air Force captain.

Conclusion: This information correlates to USAF captain Frederick C. McMurray, a returnee.

William Thomas McPhail

Returnee reports: Roger A. Miller reported firsthand contact at Hoa Lo on March 4, 1973 with "Mcphail, Don Alan", an Army E3 from a long-range recon patrol. David W. Sooter reported his firsthand observation of Army E4 "McFale" at Hoa Lo on March 3, 1973.

Comments: Captain William T. McPhail was aboard a C-130A which disappeared while on a nighttime flare dropping mission over Laos on May 22, 1968. Photographic and electronic search of the area indicated no evidence of any survivors.

Conclusion: Don Allen MacPhail, an Army E3, was among those repatriated from Hanoi during Operation Homecoming in 1973. The correlation of the returnee report to William T. McPhail is an obvious error.

Everett A. McPherson

Returnee report: Norris Charles stated he thought the name McPherson was on one of the lists passed to him by other POWs at Cu Loc Prison.

Comments: There is no corroborating information from any of the other returnees from Cu Loc Prison, either as the source of a list containing the McPherson name or as someone who had seen him there. There is no other hearsay information validating McPherson's name in the POW "grapevine." Charles' uncertainty concerning this name further dilutes its potential value. Charles, an early releasee, was charged with keeping a "memory bank" of fellow prisoners. Most of the names on his memory list were validated; a few, included this one, were not.

Conclusion: There is no analytical basis to believe Everett McPherson was a prisoner of war.

Hubert C. Nichols, Jr.

Returnee reports: Myron A. Young reported that the name "Nickoles" was seen on a wall at Heartbreak and at the Zoo around November 1972. The name was also reported by returnees Rudolph U. Zuberbuhler and Cecil H. Brunson.

Comments: Hubert C. Nichols was shot down while piloting an A-1E on a SAR mission over North Vietnam on September 1, 1966. Another pilot saw the wreckage on the ground, but saw no signs of life. No parachute was seen, nor beeper signals heard.

Conclusion: It is unlikely that Hubert Nichols survived his loss incident. The name seen on the prison walls was most likely correlatable to Aubrey Allen Nichols, a Homecoming returnee. Prior to November 1972, he had resided at both Hoa Lo, and at the Zoo.

Woodrow Wilson Parker, II

Returnee reports: Norris M. Overly reported indirect contact (wall-tapping) at the Citadel, Country Club, on December 20, 1967 with "Parker". No other returnees reported knowledge of any Parker.

Comments: Woodrow W. Parker was aboard an F4D on a nighttime combat mission over North Vietnam on March 24, 1968. After reporting his intention to descend to a lower altitude for a closer look at the target, Parker's aircraft was seen by the wingman to impact the ground. No beepers were heard, nor parachutes seen. Subsequent intelligence reports indicate that neither occupant of the aircraft survived the loss incident.

Conclusion: It is extremely unlikely that Parker survived his loss incident. The wall-tapped name of "Parker" provides no analytical basis to alter this presumption.

Randolph Allen Perry, Jr.

Returnee reports: Thomas J. Klomann (fellow crewman) could not verify Perry's ejection from the aircraft at the time of the incident. Robinson Risner and Wendell B. Rivers both heard a phonetic reference to Perry's name on Voice of Vietnam at the camp radio.

Comments: Perry was one of six crewmen aboard a B-52D hit by a SAM on the evening of December 20, 1972 near Hanoi. The aircraft burst into a large fireball and crashed. No chutes were seen, and electronic monitoring by other aircraft failed to establish contact with any of the crewmen; however, it was later learned that two of the crew had survived and were in captivity.

Conclusion: The name references heard on the radio provide no analytical basis to conclude that Randolph A. Perry survived and was a captive. In any event, the radio broadcast also could have referred to either Richard Clark Perry or Ronald Perry, both of whose remains have been repatriated to U.S. custody.

William C. Pierson III

Returnee report: Norris Charles said that the name "Pierson" sounded familiar and may have been on a note he received in February 1972, but was unsure. James Mulligan heard the name at some time in prison communications but could not recall the context.

Comment: There are four individuals named "Pierson/Pearson." There is no information in these cases to suggest any were prisoners of war.

Conclusion: This tenuous information does not constitute an adequate basis to infer William Pierson was a prisoner of war.

Dean A. Pogreba

Returnee report: Hearsay that Pogreba was lost over China and may have been captured or killed.

Comments: Maj. Dean A. Pogreba (refno 0162) is an off-the-scope case and was last seen delivering his ordnance. Pogreba was noticed missing when the strike flight rendezvoused over water. Peking Radio claimed they shot down an aircraft on the day Pogreba's aircraft was lost. Pogreba's flight plan would have taken him closer than 30mm of Chinese border on egress.

Conclusion: No analytical evidence to conclude that Pogreba survived his loss incident.

Frederick J. Ransbottom

Returnee report: Julius W. Long reported firsthand contact with Army 2Lt Ransbottom on May 9, 1968, adding that Ransbottom was located at an outpost adjacent to Long's in the vicinity of Kham Duc. An entry indicates that Long also stated Ransbottom was a prisoner. (NOTE: Long makes no mention whatsoever of Ransbottom in his debrief following his return to U.S. custody.)

Comments: Ransbottom was manning an outpost near Kham Duc Special Forces camp when the area came under attack by a superior enemy force on May 12, 1968. According to survivors, Ransbottom was last known to be fighting from a bunker

location, shooting the enemy as they entered his bunker. Two search operations were later conducted in the area, and a number of remains were recovered. No further information was obtained regarding Ransbottom, however.

Conclusion: There is no indication that Ransbottom survived his loss incident. Returnee Long, who was manning a nearby outpost, was wounded and eventually captured on May 16 during the same battle. The absence of any mention of Ransbottom as a prisoner during his debrief calls into question the accuracy of the entry cited in the returnee reports, above.

Paul D. Raymond

Returnee report: Hearsay in prison communications of Raymond's name.

Comments: Paul D. Raymond (refno 0829) was shot down and his wing man saw the aircraft turn into a large fireball heading toward the ground. No parachute or beeper were noted.

Conclusion: No analytical evidence to conclude that Paul Raymond survived his incident of loss.

Joseph S. Ross

Returnee reports: Name "Ross" was seen on wall at "Heartbreak" prison by three individuals.

Comments: Joseph S. Ross (refno 1243) and his crewmember, William Thompson, were on a night armed reconnaissance mission in North Vietnam. Another crew in this flight saw a large fireball on the ground near the intended target and then could not raise Ross or Thompson on the radio. No parachutes or beepers were noted. There were no individuals whose last name was Ross who were known to have become prisoners.

Conclusion: No analytical evidence to conclude that Joseph Ross survived his loss incident.

Charles S. Rowley

Returnee report: Rowley was identified by a returnee as having been in a propaganda photo or in a group of Laos POWs viewing films at the Hanoi Hilton in February 1973.

Comments: Charles Rowley (refno 1600) was shot down with 10 other individuals in Laos, on April 22, 1970. According to U.S. operational data, only one crewmember is known to have gotten out of the aircraft before it crashed. This is supported by another generally reliable source. That individual was rescued at the time of loss and SAR efforts found no trace of any other survivors.

Conclusion: There is no analytical evidence to conclude that Charles Rowley survived his loss incident.

Jerry M. Shriver

Returnee reports: Returnee Norris A. Charles (a "memory bank") reported receiving a passed-down list of POWs on which was the name of "Shriver", an E7. (NOTE: Charles was reminded of the name and rank after viewing the PMSEA data list.) No other returnee reported any knowledge of Jerry Shriver.

Comments: On April 24, 1969, Shriver was a member of a 25-man platoon which came under intense enemy fire following their insertion into Cambodia. Shriver was last seen entering a treeline at which time he was still in radio contact with the remainder of the platoon. Shortly thereafter, however, radio contact was lost, and Shriver was never seen again. Later, an enemy soldier was seen picking up a weapon of the type which Shriver had been carrying.

Conclusion: There exists no evidence that Shriver survived his loss incident. The lack of any other reporting on Shriver strongly suggests that Charles' recollection of Shriver was in error.

William J. Thompson

Returnee report: The identity of a "Major Thompson" was passed by wall tap code.

Comments: William J. Thompson (refno 1243), and crewmember Joseph Ross, were on a night armed recon mission in North Vietnam. The other crew in this flight saw a large fireball on the ground near the intended target and then could not raise Ross or Thompson on the radio. No parachutes or beepers were noted.

Conclusion: The "Major Thompson" referenced in tap code was probably Major Fred Thompson, returnee, who was shot down 5 months prior to William J. Thompson's loss incident.

Francis W. Townsend

Returnee report: A returnee reported that Townsend's name had been "passed" in 1972. Additionally, a NVN captor indicated to the other crewmember from Townsend's aircraft, William Gauntt, returnee, that Townsend had perished in the aircraft.

Comments: Francis Townsend (refno 1908) crashed in South Vietnam on September 13, 1972. Based on operational reporting from Gauntt, Townsend was ejected out of the aircraft. However, Gauntt reported that Townsend should have landed behind him on the ground but he did not.

Conclusion: There is no analytical evidence to conclude that Francis Townsend survived his loss incident.

Lewis C. Walton

Returnee report: Jon Cavaiani purportedly indicated in an early post-release debrief that he had heard about an Army captain named "Waton" who was a POW. Specifically, he was told by someone (not identified) that an enemy message asked for instructions regarding captives Waton and Entrican, and that they were in turn told to take them north to Hanoi and to kill all future captives.

Comment: This debrief does not exist in full text, but only in an abridged database form and there is no mention of the matter in the record of his subsequent extensive debrief. There is reason to suspect Danny Entrican was captured by hostile forces; Entrican is included on the last known alive list.

Conclusion: There is no independent basis to believe Lewis C. Walton (a staff sergeant, not a captain) was captured by hostile forces.

Larry A. Zich

Returnee report: Lawrence Stark, although he could not make a positive identification, believed that the photo he was shown of Larry Zich matched someone he had seen in a propaganda picture or among the "Laos Group" (i.e., POWs who had been captured in Laos) while watching a propaganda film in February-March 1973.

Comments: Larry Zich, had he been present at any gathering of POWs, would certainly have been extensively corroborated as a POW by other returnees. He definitely was not among the so-called "Laos Group" at Hoa Lo.

Conclusion: It is not possible to determine who Stark saw, but his identification of Zich is tenuous and not supported by any other evidence.

Senator McCAIN. Again, for the benefit of the record, what is the so-called Vessey discrepancy list and where did that come from? Now it is my understanding the Vessey discrepancy list is a list that General Vessey took to use in his negotiations with the Vietnamese as men who are still unaccounted for and that we expect them to help us out. Is that—can you tell about that?

Mr. TROWBRIDGE. Yes, sir. I understand General Vessey is going to explain this in detail during his testimony. But I can give you a quick summary of it.

There are presently 269 priority cases of those cases that are—

Senator McCAIN. Two hundred and fifty-nine.

Mr. TROWBRIDGE. One hundred and sixty-nine in Vietnam.

Senator McCAIN. And these are cases that he got from you or from—

Mr. TROWBRIDGE. They were developed over a period of time. The first group was a combination of DIA, the Joint Casualty Resolution Center and some other individuals in making a selection of these cases.

And they ran the broad spectrum. There were cases within General Vessey's cases that we—the individual, we knew he had been captured, but he was now dead. We had information that he was dead, yet he was on that list that was provided to the Vietnamese.

The categories or the definitions of these individuals changed over time. There are individuals, for instance, who were last known alive. They're part of these discrepancy cases. They may have been talking with the man on the radio, after a good chute, he said, I'm

getting some small arms fire, I'll see you around the club. And the last we've ever heard of that individual. He might be a General Vessey case.

Those that were on the prisoner list, say the 97 that were listed as prisoner that have not subsequently been accounted for. They have made their way into the General Vessey list as priority cases. And those are the cases that are the core of the search efforts that are ongoing right now.

Senator McCAIN. My time has expired, Mr. Chairman. I will wait for the next round.

PREPARED STATEMENT OF SENATOR McCAIN

Today, we will try to trace the origins of the confusion and distrust that have attended this issue for the last 20 years. There are a great many questions we hope to answer today for ourselves and the American people.

I strongly agree with the view that until the American people are allowed to see for themselves the information which our government and this committee has had access to we will never resolve this confusion and distrust. That is why I authored legislation last year to declassify POW/MIA information, and I am pleased that the Government has begun that process. Nearly 700 formerly classified intelligence reports concerning alleged live sightings of American POWs are available for public inspection in the Library of Congress. That is a good first step, and I am eager for the declassification process to proceed and expand.

The Government has also cooperated closely with this committee to provide us the necessary information to meet our responsibility to provide the most thorough investigation of this issue ever undertaken. All the information which we are seeking to understand in these hearings was provided to us by this Administration. I am grateful for that cooperation, and I anticipate that it will continue.

The committee is only at the half way mark of our investigation. Our work, as will be evident today, has raised many questions about the fate of our unaccounted for veterans of the Vietnam War and our Government's efforts to resolve those questions. Thus far, we have not obtained the definitive answers to those questions. For myself, I feel it is our responsibility to completely examine the information we have now obtained, and thoroughly investigate the questions this information has raised before we conclude anything. To do anything less would be irresponsible and would constitute a breach in this committee's obligation to the families of our POW/MIAs and the American people. Our investigations are far from complete. I intend to await the completion of our examination before I announce my conclusions. These hearings should bring us closer to that moment. I thank today's witnesses for joining us in this critically important endeavor.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Kerrey?

Senator KERREY. Mr. Trowbridge, could you try to describe to me the environment in 1973? Do you see the political environment of 1973, the attitude of the American people in 1973 being substantially different than in 1992 in regards to MIA-POW?

Mr. TROWBRIDGE. Well, sir, I don't know if I can make a good political statement relative to that. At that time, I was really involved maybe 12 hours a day, trying to manage our office's work on the POW information. I think perhaps at that time everybody was thankful the war was over and we were going to move ahead.

I think your statement about today—a lot of times the POW-MIA issue is looked at through the lens of 1992, which are a lot different than what they were in 1973. We've learned an awful lot since then. We've acquired information out of Vietnam, Laos and Cambodia. Just for instance, those Gen. Vessey cases Senator McCain just asked about. Those were the cases that were presented to the Vietnamese, but as we've done our work, 61 of those cases have been confirmed dead. We know what happened to me.

Senator KERREY. When you say happy the war was over or glad the war was over, I do not remember exactly which word you used—

Mr. TROWBRIDGE. Well, I was.

Senator KERREY. Did that have an impact? Were you ever told by somebody, the war is over, let us not drag this out any further with energy expended in areas that are not apt to be terribly useful?

Mr. TROWBRIDGE. No, sir, never. And in fact, our mission during the war, as was mentioned in my statement, our focus was the prisoner and the missing and after the war, we also started looking for those individuals that were listed as killed. We wanted a determination of what happened to these individuals and where were they. It became an accountability process.

So actually we worked harder for the overall effort, trying to make an accounting of everybody.

Senator KERREY. Do you have any recollection of ever having anybody say to you during that period of time in 1973, after Operation Homecoming, that we should just let this matter rest?

Mr. TROWBRIDGE. No, sir.

Senator KERREY. I am not talking about politicians now or people in the Department of Defense or in the Joint Chiefs, I am just talking about friends, neighbors, people that might know what you were doing.

Mr. TROWBRIDGE. I've heard public comment to that effect, yes.

Senator KERREY. In 1973? Do you not think it is fair to say there was an attitude in 1973 that we were indeed glad the war was over and that we wanted it to be over. We wanted very little further discussion of anything in regards to the war, including the status of our own prisoners.

Mr. TROWBRIDGE. Oh, I think that there may have been some individuals who thought that way, but I think the moral fiber that runs through the American citizen is we don't leave our unaccounted for. We go get them.

I did have people make comments to me.

Senator KERREY. I must say that I agree that there is a moral fiber running through the American people in that regard, but my recollection is certainly not an overwhelming desire to continue the debate about the war by pursuing POW's and MIA's.

I think the concern for the POW/MIA has increased rather than decreased over the years, which implies that it was not terribly high in the early days after the war.

Mr. TROWBRIDGE. Well, I think the mission has changed as well. We have access to these countries now. The numbers of people involved are greatly increased. We have teams in all three countries now, so—we have the joint task force in the Pacific that has really boosted the numbers.

Senator KERREY. Let me also say that I believe an awful lot of the increased attention to the POW/MIA status has come of a consequence of disclosures from our own Government, not from disclosures by the Vietnamese Government. Does that track with your own view of what is going on?

Mr. TROWBRIDGE. At varying periods of time since 1973, the emphasis has gone up and down through various administrations.

Senator KERREY. Did you have a written procedure for determining the status of individuals in Southeast Asia, written criteria for judgments about—

Mr. TROWBRIDGE. No, sir. There is no matrix or check list that says you have to have each one of these documents to make somebody a prisoner of war. It's an analytical judgment. You judge each case on its own, and the availability of information and reliability of information differs from case to case.

Senator KERREY. You, on the one hand say that there is no matrix and then you say it is an analytical judgment. How can it be an analytical judgment if there is no matrix? You mean it is a subjective judgment?

Mr. TROWBRIDGE. Well, if we had an American prisoner that came home and said, I saw a certain individual and he was alive and in prison, we'd certainly say that was valid.

Senator KERREY. So there were no written criteria?

Mr. TROWBRIDGE. No, sir.

Senator KERREY. No attempt to establish written criteria for—

Mr. TROWBRIDGE. No, sir.

Senator KERREY. Do you believe that that contributes to some of the discrepancies today that we are having? Do you have any regrets over not establishing written criteria? You appeared today to be confident that it would have been difficult to put one together.

Mr. TROWBRIDGE. No, sir, I don't. In fact, I think it probably enriches the analytical process and hypothesis. It doesn't put bounds on the analysts. They can consider all the information.

Again, I'd just like to go back when we talk about status replacing individuals in these analytical positions that were held by DIA relative to these individuals. The services that looked at the information are the ones that actually made that official status, not—

Senator KERREY. With respect, it seems to me that while the services were making that evaluation determination, that you did have authority and responsibility that would lead one to conclude that at least the question would arise as to whether or not written criteria would be developed by your office.

You seem to be saying that that question did arise and that your evaluation was that written criteria would restrict your capacity to carry out your mission.

Mr. TROWBRIDGE. Oh, I think if you had a firm check list and you had to meet these certain requirements before you could call an individual a POW, in my view, I don't think that's the way to do it.

Senator KERREY. But the problem of discrepancy never occurred to you at that time? The problem that later evaluations might cause people to have doubt simply because of the discrepancy, that problem was not one that you anticipated at that time?

Mr. TROWBRIDGE. No, sir.

Senator KERREY. My time is up, Mr. Chairman.

The CHAIRMAN. Senator Reid?

Senator REID. Thank you, Mr. Chairman. Mr. Sungenis, how do you say that?

Mr. SUNGENIS. Sungenis.

Senator REID. Where were you at Operation Homecoming?

Mr. SUNGENIS. I was in the Department of Defense in another part of the organization that was responsible for casualties. There was an umbrella organization.

Senator REID. At the time of Operation Homecoming, did you have a belief at that time or did you develop one at a subsequent time, that there were prisoners of war still left in Southeast Asia?

Mr. SUNGENIS. No, sir, I had no involvement with the summary management information division, which was the Southeast Asia casualty organization.

Senator REID. OK. The rest of the question was did you, at any time later, develop an opinion that at the time of Operation Homecoming, there were prisoners of war, American prisoners of war in Southeast Asia?

Mr. SUNGENIS. Yes, sir. We had a list of people that were being carried in our official records as prisoner of war.

Mr. TROWBRIDGE. Well, at that point in time, that was a possibility. And, of course, we have tracked that over the years as well. Right now we have, I believe, 40 unresolved reports about Americans living freely in Vietnam. We do not know who they are.

So, we have tracked it over the years. At that point in time, we had information that two individuals—Bobby Garwood was one that we felt was in the country someplace, but we knew he was not a prisoner at least, and that was based on information we had gotten from returnees.

There was one other individual. We did not know where he was at the time, but he had gone to the other side, and he was married to a Vietnamese woman and had children, but we did not know where he was at the time. But again, he was not a prisoner.

Senator REID. What was his name?

Mr. TROWBRIDGE. McKinley Nolan.

Senator REID. What subsequently happened to him?

Mr. TROWBRIDGE. We still do not know, sir.

Senator REID. How were military casualties reported? Well, no, I think you have answered that. How were deserters in Southeast Asia categorized and accounted for by the Department of Defense?

Mr. TROWBRIDGE. Deserters were not our responsibility, sir. Perhaps the service reps could answer that.

Mr. SUNGENIS. Deserters are excluded from the official Department of Defense Southeast Asia casualty files, sir, by direction.

Senator REID. By direction of the Secretary?

Mr. SUNGENIS. Yes, sir. There is a directive.

Senator REID. Does the Department of Defense have an accurate number of deserters from each of the services?

Mr. SUNGENIS. I have no knowledge as to what the services have, sir.

Senator REID. How could we obtain that information?

Mr. SUNGENIS. You might query—

The CHAIRMAN. Mr. Trowbridge, you know what the deserter status is, do you not?

Mr. TROWBRIDGE. No, sir. Over the years we have tried to determine exactly what a good number is, and we have worked over the years with the services. Again, a lot of those individuals that in those various categories—they went on the rolls. They may never have made it into Vietnam some who are called a deserter.

We continue to try and review that list. As late as 1988, we had an analyst from our office go through the service files on people in that status. For the Army alone, we went through over 1,000 files.

Senator REID. Over 1,000, you say?

Mr. TROWBRIDGE. We went through over 1,000 files. That was the Army alone. We went through the Navy files but did not go through Air Force records, but they were down to just a very few.

Our office carries something like 15 individuals who we track. Not that we are tracking, but that are in our database, because we had information after reviewing these files on our own that they may have deserted in country. That does not mean they are still there. They may have left very shortly after that incident. As you may recall, a number of years ago somebody came out of Australia.

The CHAIRMAN. Would my colleague yield for a minute?

Senator REID. I would yield.

The CHAIRMAN. Mr. Trowbridge, are you saying that the Defense Intelligence Agency carries only 15 people as deserters in country?

Mr. TROWBRIDGE. Based on what we have been able to obtain from the services, that is correct, sir.

The CHAIRMAN. Can you tell me why, then, this committee got a list from the Defense Department, the National Archives, which we were about to submit to the FBI of 1,284 deserter names last known with their units in Vietnam?

Mr. TROWBRIDGE. Sir, I cannot answer that. As I said, we had an analyst that went through the records in 1988. Again, if you have a list—I do not know where these lists come from and what the criteria was to make these lists.

The CHAIRMAN. Does that not say something to you? You are supposed to be analyzing live sighting reports. You have got a potential base of some 1,200 people who supposedly deserted in country. I am not suggesting—this committee, incidentally, is not focusing on deserters. This committee is focused on POW's, military people who had been taken prisoner. But obviously there is a possibility that someone who is a deserter could be the source of a live sighting report.

Mr. TROWBRIDGE. That is absolutely correct.

The CHAIRMAN. Well, how can you then operate an intelligence operation that does not take into account the base?

Mr. TROWBRIDGE. Sir, we follow up that report and we do not care who the individual is. If we can determine that there is somebody held at that location, it does not make any difference if that is somebody on the unaccounted for rolls or the deserter rolls. We are trying to determine, is there somebody at that location.

The CHAIRMAN. I know, but if you are only carrying 15 people, then something is wrong with your database.

Mr. TROWBRIDGE. Well, I would like to see the list.

The CHAIRMAN. Well, I will just tell you. The committee got a list of 1,284 names. We gave them to the FBI, the IRS, and the Social Security Administration. We requested that they attempt to determine the last known location of these individuals whom the services last knew to be in Southeast Asia—last recordation of the services that they were in Southeast Asia.

Mr. TROWBRIDGE. What is the date of that list, sir?

The CHAIRMAN. The date of the deserter list—as of February 1973. Let us just fill you in. The FBI located records on 1,198 of the 1,284 names provided. They found evidence in Federal investigative files that 747 might correlate to deserters. Apparently, many of the records held by the FBI contained outstanding arrest warrants, unclear that any of them were wanted for desertion. They only appeared as wanted because the military services had failed to request the removal of warrants for those allegedly returned to military control.

The IRS indicated they cannot respond to us due to public law considerations. The Social Security Administration's preliminary report indicates that over 200 of the 1,284 departed Southeast Asia are alive, and the SSA's list will be compared with the FBI's to try to develop a finalized list of unique individuals.

But, you know, I do not think that we should be doing this 2 years later. It seems to me that this is sort of fundamental—trying to decide who might be in Southeast Asia and who might not be.

Mr. TROWBRIDGE. Well as I said, sir, if we take that list that was dated in 1973 and after all that information is correlated, we will find out that that list has come down considerably. I mean, very small. We had gone through the service files individually and that is what we did find, that these individuals had left Southeast Asia or never went to Southeast Asia.

Senator REID. Mr. Chairman, let me just close by saying the reason I am concerned about this, and I think it is part of what could be a significant problem, is that—I am reading here from the report given to us by our own committee staff.

The select committee is also thoroughly investigating the possibility that some servicemen who deserted their military units in Southeast Asia during the war remained behind and might be the subject of live sighting reports. Part of the impetus for this investigation is the inability of the Department of Defense to determine the number of deserters in Southeast Asia who have not been accounted for as having left the region.

For example, when asked for a list of possible deserters known in Southeast Asia, DIA provided the committee with a list of 21 names. By contrast, the same inquiry to the Central Identification Laboratory in Hawaii resulted in 56 possible names. Those individuals who deserted, or who were absent without leave (AWOL), from the units in Southeast Asia, were not carried on casualty lists as they were exempted, as we have been told here a few minutes ago, from normal casualty reporting unless they returned alive from captivity.

My point, and I stress it, is that we cannot just disregard the deserters because it is possible every one of the live sightings could have been a deserter wandering around there on their own free will. I mean, it is unlikely, but it is possible. So we cannot exclude the deserters, can we?

Mr. TROWBRIDGE. As I said, sir, we get a report. We try to determine, is there someone there. The fact that there may be an X number on a deserter list, or X number on a prisoner list, or X number missing in action—we track the report down itself, not who the individual may be.

Senator REID. But, of course, we need both. We need to track down the report and do our best to determine—

Mr. TROWBRIDGE. If we track it down and determine that there is somebody there, and then we find out he is a deserter, well, certainly.

Senator REID. Well, thank you, Mr. Chairman.

The CHAIRMAN. Senator Brown.

Senator BROWN. Thank you, Mr. Chairman. I wondered, Mr. Trowbridge, if you view developing the comprehensive list of those who have not come back, correlated the records, making sense out of these numbers as the committee has tried to do—if you view that as your responsibility or someone else's?

Mr. TROWBRIDGE. Sir, we cannot start looking for someone until the service tells us he is missing, or whatever his status may be, or the State Department says we have a civilian in Southeast Asia that is missing. Our numbers are compiled based on what is provided to us, and, again, working with Mr. Sungenis' office, or the services.

During the war, things were moving very rapidly. There was a small intelligence outfit with each of the services. The State Department was also involved. We met at least once a week—many times more if a man was missing, for instance, and we knew it by the message traffic. He was immediately put on our rolls.

But we did not keep track. We were not the accountants as to who was unaccounted for in the Department of Defense. That had to come from the services to us.

Senator BROWN. So, in terms of trying to make sense out of these numbers and correlate, for example, who might be missing?

Mr. TROWBRIDGE. That was our responsibility, correlating information to somebody who may be missing. But, until somebody told us he was missing, he was not on our rolls.

Senator BROWN. Well, what portion of the reconciliation job the committee is trying to do does not fall under your responsibility?

Mr. TROWBRIDGE. I guess if the committee found a discrepancy where they actually found more or less people unaccounted for in Southeast Asia than were on the Department of Defense rolls, that is not our responsibility.

Senator BROWN. So the effort to reconcile who was alive or who might have been alive at the end of the war and not returned was your responsibility?

Mr. TROWBRIDGE. Yes, sir.

Senator BROWN. And as you look at that, are you comfortable with what your agency has done in that regard? Or do you feel there is more that you folks should have done?

Mr. TROWBRIDGE. No, sir. I think we did a good job then, and we are continuing to do a good job. For instance, the services carried—I think I made this point before—the services carried 97 individuals in prisoner status at that time. Well, our efforts since then, gaining intelligence information over the years—now we are going into our archival records and doing searches—of that 97, there are only 55 that are still unaccounted for.

We have gotten remains and confirmed the fate of those individuals and other individuals. The number is even higher for the 115 that DIA carried in a prisoner status.

Senator BROWN. I do not mean to belabor the point. You may not have anything you want to add. My impression as I listen is that the correlation efforts that the committee has tried to do were necessary because somebody had not done them. My impression is that the intelligence files, particularly in this area, had simply not correlated information that existed that your agency had, had not made it file-specific with regard to the individuals.

Mr. TROWBRIDGE. That is not true.

Senator BROWN. My impression is that the reports that I have looked at your handling of this area have come back to be extremely negative, and it occurred to me that you might have some observations in that area that would perhaps cast all of this in a different light. And if you do, I think the committee would be interested in hearing it.

Mr. TROWBRIDGE. Sir, I think we did a fine job of correlation. In fact, those 97 that the services did carry as a prisoner—some correlated or agreed with the DIA status and some did not. But of those we have found that, at least of that 97, 55 of those individuals were not prisoners of war.

The CHAIRMAN. At least how many?

Mr. TROWBRIDGE. Excuse me. Fifty-five of that 97 are still unaccounted for. Forty-two of them we have accounted for.

Senator BROWN. Do you all, when you reach these determinations, follow up with the services?

Mr. TROWBRIDGE. When I say we reach these determinations, any of the information that is gathered, and the analysis that is done and the correlation to the individual, that information is provided to the services. DIA does not make a declaration of death or change anyone's status, as I mentioned earlier. We do that in-house, because it is part of the analytical hypothesis.

Senator BROWN. So theoretically there should not be a difference between the records the services maintain and the records that you maintain.

Mr. TROWBRIDGE. As far as the numbers are concerned, no.

Senator BROWN. Thank you.

The CHAIRMAN. But there are.

Mr. TROWBRIDGE. Well, that is what I am hearing.

The CHAIRMAN. Is this the first time that you have heard that Mr. TROWBRIDGE. Well, sir, I only know of two individuals that are different from what DOD holds, that we hold.

The CHAIRMAN. You have 2,236 on one list, and there are 2,266 on the other.

Mr. TROWBRIDGE. Department of Defense's list does not carry civilians and we do.

The CHAIRMAN. That is the only difference?

Mr. TROWBRIDGE. I know a few individuals that the Department of Defense has on their rolls that we do not have on our rolls. We are aware of these individuals.

The CHAIRMAN. Do you not think that adds to the confusion?

Mr. TROWBRIDGE. Absolutely.

The CHAIRMAN. Why do you do that?

Mr. TROWBRIDGE. We have direction not to add these individuals to our lists.

The CHAIRMAN. Direction from whom?

Mr. TROWBRIDGE. From the Deputy Assistant Secretary's office.

Senator BROWN. I have no other questions.

The CHAIRMAN. Senator Grassley.

Senator GRASSLEY. I think my question would be more along the lines of further clarification, and probably following up on dialogue you had with Senator McCain. It is just for clarification, as I indicated.

In regard to the numbers, 51—that is military personnel reported in captivity by returnees during Operation Homecoming. And then the 111 military died in captivity. Fifty-seven remains recovered.

The CHAIRMAN. Senator Grassley, I apologize for interrupting. We have a roll call vote on, and we want to try not to interrupt the process. So I think some of us will go vote now and try to ask them to hold the vote for you, and we will try to get back here.

Senator GRASSLEY. OK. I will not be very long here. So, my clarification, Mr. Trowbridge, would be along the line of the amount of information, or what is the universe of information that you possess that will clarify your disagreement with the figure 51?

Mr. TROWBRIDGE. Well, sir, I hear the statement that this list contained 51 individuals that the returned POW's said were alive. Well, we have checked those debriefs of those 51 individuals and, as I said to Senator McCain, we would provide that name by name for the record as to what was actually said by the returned prisoners. That is not what they said. They did not say all of these 51 were alive.

I went through a little rundown here very quickly that some of these individuals said that they saw them die—saw them die before they even got into the prison system. Some of them were nothing but queries by returned POW's that they had heard. Someone made an inquiry about an individual and they brought that name back with them, and said, yes, this is my knowledge. I have heard this name. And that is the extent of it.

Senator GRASSLEY. Then, along that line, describe to me the extent to which there may have been follow up to clarify or expand knowledge.

Mr. TROWBRIDGE. For instance, again, a returnee is being debriefed. He just came back from Hanoi. He is now going through his initial medical checks in the Philippines. One of our first concerns, of course, is medical attention. Second is, what do you know about Americans that are unaccounted for. What knowledge do you possess about unaccounted for Americans?

And they would tell us, yes, I heard this name or I saw this individual in captivity. Someone asked me about this individual. Well, every name that they gave us we would follow up on.

For instance, to use an example, if the POW said, well, I heard the name Trowbridge. Well, who did you hear it from? Well, it was from another returnee. We would go to that returnee if he had been out of Hanoi at that time. Maybe he had been processed through and was in a military hospital elsewhere. We would contact his debriefer and say, follow up with him.

He would then ask that returnee, where did he get the name. And he would say, I was in a cell with another POW who roomed with, say, on a carrier with this individual. He got shot down a

month before the other prisoner arrived, and all I did was ask about him. Does anybody know about him? No one ever saw him in the prison system. That is how his name got into the system.

Senator GRASSLEY. I feel good about your explanation. Now, as I follow up, what you just described to me, will that be reflected in the information that you give to the committee, and will that information be available so that we can know how you have arrived at each conclusion?

Mr. TROWBRIDGE. We will do it name by name, as far as these are concerned. That is no problem.

Senator GRASSLEY. So we will have access to that?

Mr. TROWBRIDGE. Yes, sir.

Senator GRASSLEY. You were given this list of names yesterday. Did you bring these files with you today to clear up any discrepancies, and if not, why not?

Mr. TROWBRIDGE. No, sir. I did not bring any cases here today.

Senator GRASSLEY. Can you tell me why you did not?

Mr. TROWBRIDGE. I was not asked. I did not think it was appropriate to go case by case here. But I can certainly, as I mentioned, provide the committee with that analysis. That is no problem.

Senator GRASSLEY. Thank you, Mr. Trowbridge.

Senator SMITH. We only have about 5 or 6 minutes left on the vote. We probably should suspend for a few minutes. Let us take a 5-minute recess. I am sure Senator Kerry will be back by then, and we will go ahead down and vote.

[Recess.]

The CHAIRMAN. The hearing will come to order. While I wait for my colleagues to return, I am going to proceed with some of the mundane but record-necessary questions, if we can, and then I want to get back into some other more substantive matters.

Mr. Sungenis, let me ask you if you would, please, so we can establish this formally on the record—would you explain the categories that your office used to classify casualties during and after the Vietnam War. In other words hostile, killed, died non-hostile, POW/MIA. I would like to have your explanation of the categories.

Mr. SUNGENIS. Yes, sir.

[Pause.]

Mr. SUNGENIS. My office published what was called a post-cessation fire book.

The CHAIRMAN. Could you put the mike down a little bit.

Mr. SUNGENIS. And it had the following categories: died, hostile action; died, non-hostile action.

The CHAIRMAN. Well what about during? I do not want post-cessation. And the point is that this all changed, correct?

Mr. SUNGENIS. Excuse me, sir.

The CHAIRMAN. Now what were the first categories?

Mr. SUNGENIS. If you will just bear with me one moment, sir.

[Pause.]

The CHAIRMAN. Let me just say to you—I am going to interrupt my own question since you have not answered it. These are some of the detailed questions we need to ask, but other colleagues are here who have not had a chance to ask questions yet so I am going to concede to them. Then we can always come back to this if we can.

So let me turn first to Senator Robb.

Senator ROBB. Mr. Chairman, because I have been out presiding on other matters, I do not have the continuity. I will yield the time at this point back to you.

The CHAIRMAN. Senator Daschle.

Senator DASCHLE. Thank you, Mr. Chairman. I too have had scheduling conflicts this morning, but I wanted to clarify some of the points that were addressed in earlier questioning.

You had indicated, Mr. Trowbridge, that it was under the authority of the Assistant Secretary of Defense that you were required to report certain numbers that appeared to be in conflict with numbers given to us by the services. What I am confused about is why it would be the assistant secretary who would authorize you, or as I understand it determine for you that these numbers be reported differently than what numbers were reported by the services?

Mr. TROWBRIDGE. Actually, as I mentioned earlier, we start tracking individuals when the services provide the names to us or, in the case of civilians, State Department. As far as I know, there is some differences in numbers. The DOD numbers plus the civilians. As far as I know we are totally in sync with the Department of Defense number-keepers, or Mr. Sungenis' office, with the exception of two individuals.

And I mentioned the Deputy Assistant Secretary's Office for Prisoner of War. We know who those individuals are. They happen to be two Navy losses that were lost overboard. The Navy can address those. We know who they are. They are not in the numbers, but we know who they are and, in effect, we have them in our database.

Senator DASCHLE. Well, Mr. Trowbridge, that is not the answer you gave to the chairman when he asked you to clarify the disparity that existed just in the number of deserters that we were presented versus the number that you indicated to exist. I mean how does one clarify just that one indication of the disparities that exist in numbers that go beyond the explanation you have just provided.

Mr. TROWBRIDGE. Sir, we have no responsibility for deserters. As to who is a deserter, who is not a deserter, I understand the questioning was you certainly should have them in your database to track. We went through those files of the individual services trying to get a handle on who was a deserter in country, and we came up with a different number.

Senator DASCHLE. So do I understand that all of the services are exactly in sync with DIA, except for the two that Mr. Trowbridge has indicated are not in sync. Is that a correct interpretation?

Mr. TROWBRIDGE. Those are individuals that are unaccounted for. It has nothing to do with deserters.

Senator DASCHLE. I understand it had nothing to do with deserters.

Mr. TROWBRIDGE. That's my understanding.

Senator DASCHLE. What I am asking is is there agreement, is there unanimity between DIA and the services with regard to all the numbers presented to the committee this morning?

Mr. SUNGENIS. May I answer that one, sir?

Senator DASCHLE. Yes.

Mr. SUNGENIS. I have—

The CHAIRMAN. Can I ask you, Mr. Sungenis, do you know there is?

Mr. SUNGENIS. Yes, sir. I just wanted to get the detailed numbers. In the official DOD file there are today 2,226 names listed whose bodies have not been recovered. I use that term because that is the term that my organization uses. I don't use another term other than, if you remember in my introductory statement, I said so many remains had been recovered, so many remains had not been recovered. So I don't understand, nor do I know what the intelligence community does with these other categories.

Senator DASCHLE. Let me stop you there, right there, because therein lies the problem. What you have just said is more revealing than you may realize. You just said you do not understand, nor do you fully appreciate the DIA interpretation of these numbers. We're all under the same roof, and for the life of me I don't understand why there hasn't been more cohesion, more effort made to try to correlate these numbers so you do understand after 20 years.

Mr. SUNGENIS. I have no explanation for that, Senator.

Senator DASCHLE. Therein lies the tragedy.

Mr. SUNGENIS. I have a directive which I follow meticulously, tells me what I will report, how I will report. I deal directly with the military services. I have no instructions anywhere to deal with the Defense Intelligence Agency. It's outside of my realm.

Mr. TROWBRIDGE. Sir, can I try to add something to that.

Senator DASCHLE. Well, if you think you can.

Mr. TROWBRIDGE. The number that he just gave you is the same number that our agencies carries, the 2,226 individuals.

The CHAIRMAN. They were not always in sync, were they?

Mr. TROWBRIDGE. Over the years, no, sir.

The CHAIRMAN. OK, so they got into sync by getting together and agreeing to get them in sync, right?

Mr. TROWBRIDGE. Right.

The CHAIRMAN. And a lot of names were kind of scrubbed, so speak, in that process.

Mr. TROWBRIDGE. At various periods of time, yes. DOD did not have some individuals that we had and vice versa.

The CHAIRMAN. And to follow up on Senator Daschle's comment therein lies another part of the problem. You agree. You are nodding your head.

Mr. TROWBRIDGE. Yes, sir.

Senator DASCHLE. Mr. Sungenis, let me just follow up on something. You said you were not directed to work with DIA in trying to find some accommodation for the differences that exist in your approaches and your calculations. I take it from that that because you were not directed to do so, you did not do so. Was there a prohibition?

Mr. SUNGENIS. No, sir. I may have misled you. Over the years we have maintained the official casualty file. Periodically, and I meet regularly, my information is provided to anybody and everybody who is interested and involved. Periodically, when I rerun my file I'll distribute it to all the military services with the request that they review what we have and if there are any discrepancies, let us know. DIA has always been a recipient of our information. It's just

that I have never participated in making decisions about the people; this is the point I wanted to make.

Senator DASCHLE. It just seems to me, as involved as you were, as you are, and as interested as everyone here proclaims to be in trying to acquire the best information, the most coordinated effort to acquire that information, then it would seem just common sense that you would pick up the phone and say Mr. Trowbridge, we have got a problem here I do not understand, and so let us sit down and try to work this thing out so we can better understand and work in a coordinated fashion.

But I hear you saying is that because you were not told to do so, you may have sent them a message once and a while, to anybody and everybody. I mean that could include the families, it could include the Congress, it could include the press. Mr. Trowbridge isn't just anybody. I mean you are sending us messages here that I do not know you fully appreciate the consequences of. But the message I am getting is that you might as well have been in two different countries trying to look into this thing, for as little cooperation and coordination that there was.

Let me just clarify one other matter, and I will not belabor this because I guess my time is up. You had said, Mr. Trowbridge, that there was no information—this was in answer to a question by Senator Reid—that there was no information that anyone was held against their will in 1973. Is that the same as saying that you had information that all known POW's were released?

Mr. TROWBRIDGE. No, sir, it's not.

Senator DASCHLE. Well I would not think it is either. So what solace was there in being able to say—I mean what satisfaction do you have in saying that you did not have any information that people were being held against their will, when the fact was that there was very little information period?

Mr. TROWBRIDGE. In some cases, as I indicated, an individual may have been put into prisoner status, say in 1968, based on the fact that he had a good chute and reached the ground and was alive. We never had anything more on the individual. He never appeared in the prison systems. We never had any other information on him. He was carried as a prisoner up to that time.

In 1973, after Operation Homecoming, you know we reviewed all the intelligence that they had. We had nothing at that point in time that would indicate that individual was in captivity.

Senator DASCHLE. And it was on that basis you made decisions about the way in which the investigation would continue.

Mr. TROWBRIDGE. These discrepancies still exist today. These are the core of our investigations. These are the cases that are the discrepancy cases. Since 1973 we have pressed for the information on these cases. The fact that the services may have placed them in a presumptive finding of death in a status review has had no bearing on us trying to continue to follow, or to find information on that individual. And as I indicated—of that original 97, in a prisoner status, we have determined the fate of all but 55.

Senator DASCHLE. Well I have used more than my time and I thank you. Thank you, Mr. Chairman.

The CHAIRMAN. I would like to just intercede here, if I can, for a minute, because I do not want to lose the train of thought here.

But I am very troubled, from my first round of questioning through now. I think there is a semantical game being played here, and it is a kind of semantical game that has driven families around the bend over the course of 20 years and, frankly, not really done yourself a lot of credit.

This committee has found various kinds of evidence. What we deem—as a lawyer, I certainly am not going to tell you what I would say the weight of it is or what standard of proof there might be yet, but it is evidence. Mr. Trowbridge, you know as well as I do, there is signal intelligence that tracked people. Is that not correct?

Mr. TROWBRIDGE. That's correct.

The CHAIRMAN. You know as well as I do there is human intelligence that reported on people. Is that not correct?

Mr. TROWBRIDGE. That's correct.

The CHAIRMAN. That is evidence, is it not?

Mr. TROWBRIDGE. It's evidence.

The CHAIRMAN. And people were carried in the title prisoner of war based on that evidence, were they not?

Mr. TROWBRIDGE. That's correct.

The CHAIRMAN. And they were expected to come home in 1973 in Operation Homecoming, correct?

Mr. TROWBRIDGE. That's correct.

The CHAIRMAN. And they did not come home, some of them, did they?

Mr. TROWBRIDGE. That's correct.

The CHAIRMAN. So when you sit there and say that on the March date you did not have evidence they were held against their will, that is not, in fact, true. Because the last evidence you had was that they were held against their will. Maybe a year earlier, maybe 9 months earlier, but the last—the United States of America knew about its service person—he was held against his will, correct?

Mr. TROWBRIDGE. In some cases they were made—I want to say yes to you, but I want to give you a little qualifier. There were some cases, he was last known alive and he was in the proximity where he should have been captured. And based on that information, he was made a prisoner.

The CHAIRMAN. I understand that.

Mr. TROWBRIDGE. We have information, for instance, two individuals in Laos. We knew they were in captivity; they did not come home. We had information that they probably died.

The CHAIRMAN. Therefore, it gets back—yes, but I am not talking about the ones we then gained information on that they had died. I am talking about the people that you carried as POW. They did not come home. And to go back to what Senator Bob Kerrey raised earlier, there was an attitude then. We wanted out.

The fact is, that when Roger Shields turned around and said there is no evidence anybody is alive, that was not true. The last evidence we held was that people were in captivity, correct? Some people, yes or no?

Mr. TROWBRIDGE. Some people, yes.

The CHAIRMAN. There you have it.

Senator McCAIN. Mr. Chairman, if you would like to engage in a dialog on this, I would be glad to. Is it not true that in many, many cases, there was a presumption that they were alive unless we had

proof they were dead, which in my view is the proper way to address any person who is missing in action. Is that correct, Mr. Trowbridge?

Mr. TROWBRIDGE. Yes, sir; that is the Government's position today. We work on the assumption that someone is still alive if we do not have that evidence.

Senator McCAIN. There were people who were shot down in flames. There was no evidence of them being alive but there clearly was no evidence of them being dead. Is that correct, Mr. Trowbridge?

Mr. TROWBRIDGE. That's correct.

Senator McCAIN. Thank you.

The CHAIRMAN. Now it is fair to say that we are making a greater effort today to find out about these people than we did in 1973, 1974, 1975, 1976, are we not?

Mr. TROWBRIDGE. Well, yes, sir, we have access to those countries. We have people there traveling all over those countries now.

The CHAIRMAN. But I think the critical component here, the one that raises ire—I want to emphasize I am not saying that we knew to a certainty they were alive. That is the difficulty here. But we also did not know they were dead.

Mr. TROWBRIDGE. That's true, we never said they were dead.

The CHAIRMAN. That is not accurate. The way the information came out was that they were dead. I mean there are plenty of stories that interpreted the Shields statement as saying we don't believe anybody's alive. In fact Richard Nixon was quoted as saying that. They were also quoted as saying, specifically, all the prisoners have returned. I can show you the quote.

Mr. TROWBRIDGE. I can't speak for them.

The CHAIRMAN. Well, why do you think this issue is alive today 20 years later?

Mr. TROWBRIDGE. I can't speak for them or why they said what they did.

The CHAIRMAN. But they were not correct, were they?

Mr. TROWBRIDGE. I don't know what they said, so I won't say one way or another.

The CHAIRMAN. You do not know that the President of the United States said that all the prisoners of war have returned. You do not know that?

Mr. TROWBRIDGE. No, sir.

The CHAIRMAN. You never read that.

Mr. TROWBRIDGE. I never read that.

The CHAIRMAN. You have never had anybody tell you that Richard Nixon said that.

Mr. TROWBRIDGE. I don't recall that, no, sir.

The CHAIRMAN. I cannot believe, Mr. Trowbridge, nobody ever said that to you in your position, that you never heard a comment that that was the official policy of the United States.

Mr. TROWBRIDGE. No, sir. If I had heard it at one time, I certainly don't remember it today.

The CHAIRMAN. Senator Kassebaum.

Mr. TROWBRIDGE. As far as our agency was concerned, a man was classified as a prisoner regardless of what the services may have

done in the status reviews. We have still tracked that man just like he was a prisoner today.

The CHAIRMAN. But the question is do you see, Mr. Trowbridge—as a human being—do you see the reason that there is such a gap in credibility here just based on what you have now said in answer to my questions and based on what is there for anybody to judge? Do you see the gap?

Mr. TROWBRIDGE. Oh, I can see where there's confusion, yes, sir.

The CHAIRMAN. Senator Robb, Senator Kassebaum was next, but I will come right back to you unless you want to intercede quickly.

Senator ROBB. It is on the same topic. Mr. Chairman, thank you. Just a quick question, and if it has been clarified earlier, I will get it from the record, but could you tell us what was done by DOD or DIA to clarify any discrepancies that were discovered when the list was received from North Vietnam of Americans that were being held? What actions did you take at that time to resolve any differences between your lists and the lists that we received from the North Vietnamese?

Mr. TROWBRIDGE. Well there were a number of lists, but the government lists that were provided, we compared those, of course.

Senator ROBB. The question, essentially, though, is what actions did either DOD or DIA take to try to resolve any of the discrepancies at that point?

Mr. TROWBRIDGE. Of those discrepancies, people did not return, this information was made known to the policymakers. As far as I know, there were various demarches that were made to the various governments of Vietnam relative to these discrepancies, these last known alive cases that were unaccounted for. And that continues on until today.

Senator ROBB. Mr. Chairman, do we have copies of any of the demarches or whatever, that might have been made to document that particular activity? I do not think I have the Chairman's attention.

The CHAIRMAN. Excuse me, I apologize, Senator.

Senator ROBB. I was asking if we have copies of any of the demarches or other communications that might reflect the kind of activity that took place when the list was received from the North Vietnamese about the list of people that they held. And we checked our own list, whatever list, at the time, and any activity we took to verify those discrepancies.

The CHAIRMAN. We have located a very extensive archive: an index of that kind of information within the Archives within the Kissinger papers. As I mentioned before you got here, Dr. Kissinger has agreed to let us look at those, but we are still tugging with the White House over the issue of Executive privilege. It is our hope we will get access to them, forthwith.

Senator ROBB. Thank you, Mr. Chairman.

[Statements of Service Casualty Officers Follows]

PREPARED STATEMENT OF COLONEL MICHAEL SPINELLO

RESUME OF SERVICE CAREER OF MICHAEL THOMAS SPINELLO, COLONEL

Date and place of birth: April 14, 1945, New London, Connecticut.

Years of active commissioned service: Over 24 years.

Present assignment: Director, Casualty and Memorial Affairs Operations Center, 2461 Eisenhower Avenue, Alexandria, Virginia 22331, since January 16, 1990.

Military schools: Airborne, Ranger, Air Defense Artillery—basic and advanced courses, Armed Forces Staff College.

Educational degrees: United States Military Academy—BS degree—no major. Indiana University—MS degree—physical education.

MAJOR DUTY ASSIGNMENTS

From	To	Assignment
January 1968	March 1968	Platoon Leader, B Battery, 2d Battalion, 61st Artillery, Okinawa
March 1968	September 1968	Executive Officer, B Battery, 2d Battalion, 61st Artillery, Okinawa
September 1968	February 1969	Executive Officer, A Battery, 2d Battalion, 61st Artillery, Okinawa
February 1969	June 1969	Battery Commander, B Battery, 2d Battalion, 61st Artillery, Okinawa
June 1969	September 1969	Watch Officer, G-3, XXIV Corps, Phu Bai, Vietnam
September 1969	March 1970	Liaison Officer, HQ XXIV Corps, Phu Bai, Vietnam
March 1970	June 1970	Aide-de-Camp, HQ XXIV Corps, Da Nang, Vietnam
June 1970	April 1972	Assistant G-1, HQ XVIII Airborne Corps, Fort Bragg, North Carolina
April 1972	June 1973	Company Commander, H&S Company, Support Battalion, 5th SFGA, Fort Bragg, North Carolina
August 1975	June 1978	Instructor, United States Military Academy, West Point, New York
June 1978	June 1980	Personnel Distribution Officer, MILPERCEN, Alexandria, Virginia
January 1981	July 1983	Senior Personnel Advisor, 78th Division (Training), Edison, New Jersey
July 1983	June 1984	Chief, Combat Service Support Branch, EPMD, 1st PERSCOM, Schwetzingen, Germany
June 1984	June 1986	Adjutant General, US Command Berlin, Berlin, Germany
June 1986	June 1988	ACofS, G-1/DPCA, US Command Berlin, Berlin, Germany
June 1988	December 1988	Operations/Executive Officer, ROBUST Task Force, OCSA, Washington, DC
December 1988	April 1989	Operations Officer, Management Initiatives Task Force, OCSA, Washington, DC
April 1989	January 1990	Team Chief, Total Quality Management Team, OCSA, Washington, DC
January 1990		Director, Casualty and Memorial Affairs Operations Center and Chairman, Central Joint Mortuary Affairs Office, US Total Army Personnel Command, Alexandria, Virginia

DATES OF APPOINTMENT

Promotions	Temporary	Permanent
2d Lieutenant	June 7, 1967	June 7, 1969
1st Lieutenant	June 7, 1968	June 7, 1970
Captain	June 7, 1969	June 7, 1974
Major	January 3, 1978	June 7, 1981
Lieutenant Colonel		December 1, 1983
Colonel		July 1, 1990

US DECORATIONS AND BADGES

- Legion of Merit (w/Oak Leaf Cluster)
- Bronze Star Medal
- Meritorious Service Medal (with 3 Oak Leaf Clusters)
- Air Medal
- Army Commendation Medal (with Oak Leaf Cluster)
- Army Achievement Medal
- Army Parachute Badge
- Ranger Tab
- Army General Staff Identification Badge

SOURCE OF COMMISSION

USMA

STATEMENT OF THE DIRECTOR, U.S. ARMY CASUALTY AND MEMORIAL AFFAIRS OPERATIONS CENTER

Good morning Mr. Chairman and members of the committee.

Thank you for the opportunity to discuss the Army's casualty reporting program and operation of this system during the Southeast Asia Conflict. The Army's casualty reporting policies and procedures varied little during the period 1961 to 1973, and remain essentially the same today.

The Secretary of the Army is authorized to make casualty determinations on the basis of Title 37, Chapter 10, Sections 555 and 556, U.S. Code (The Missing Persons Act). The Army Secretary exercises his authority through Chapter 10, Army Regulation 600-8-1, Army Casualty and Memorial Affairs and Line of Duty Investigations. Before I begin a discussion of how casualties were reported during the Southeast Asia Conflict, defining the casualty terms used is necessary. Authorization for use of Publication 1, Dictionary of Military and Associated Terms and Title 37, U.S. Code, Chapter 10 (The Missing Persons Act).

Prior to 1966, there were six categories of battle related casualties and three categories for casualties not related to battle. A battle casualty was defined as: Any person who is killed, wounded, missing, captured, or interned, provided the incident occurs in action, or death later results from wounds received in action. "In action" characterizes the casualty as sustained in combat or going to or returning from a combat mission, when the occurrence was directly related to actions of a hostile force, actions of our own or allied forces while engaging hostile forces, or actions of a neutral power in protecting its neutral status. Injuries or illnesses due to the elements, exhaustion, or self-inflicted wounds and injuries were not to be considered battle casualties.

The six battle casualty categories were:

- 1) Killed In Action: Those killed outright or those who died of wounds before reaching any medical treatment facility;
- 2) Died Of Wounds Received In Action: Died after reaching a medical treatment facility as a result of wounds;
- 3) Wounded In Action: Included were all kinds of wounds or injuries, whether there was a piercing or tearing of the body, as in a penetrating wound, or none, as in a contused wound, all fractures, burns, concussions, as well as the effects

of gases and like chemical warfare agents or effects of exposure to radioactive substances;

4) Missing In Action: Whereabouts and status unknown and absence appears to be involuntary;

5) Captured: Definitely known to have been taken into custody of a hostile force as a result of and for reasons arising out of any armed conflict in which the Armed Forces of The United States are engaged; and,

6) Interned: Definitely known to have been taken into custody of a nonbelligerent foreign power as the result of and for reasons arising out of any armed conflict in which the Armed Forces of the United States are engaged.

The three nonbattle casualty categories were:

1) Nonbattle dead: All deaths other than "killed in action" and "died of wounds received in action." Exceptions to this were to be personnel who died of nonbattle causes while in a captured status. These soldiers were to be classified as battle dead;

2) Nonbattle missing: Whereabouts and status unknown, and absence appeared to be involuntary and not in action; and,

3) Nonbattle sick and injured: Personnel whose illnesses or injuries were not sustained in action and who were admitted to a hospital or who were evacuated from their units for admission to a medical treatment facility outside the division, ship, or similar area.

Beginning in 1966, battle casualties began being referred to "as a result of hostile action," with only four categories, killed in action, died of wounds or injuries received in action, wounded or injured in action, and missing. Based on the Missing Persons Act, the category missing was further divided into seven sub-categories describing the physical status or condition of the missing personnel:

1) Missing;

2) Missing in Action;

3) Interned in a foreign country;

4) Captured by a hostile force (Captured): described all casualties as the result of hostile action definitely known to have been taken into custody by a hostile force as a result of and for reasons arising out of any armed conflict in which Armed Forces of the United States are engaged, provided a state of war exists;

5) Beleaguered by a hostile force: used to describe an organized element which has been surrounded by a hostile force to preclude escape of its members;

6) Besieged by a hostile force: used to describe an organized element which has been surrounded by a hostile force for the purpose of compelling it to surrender; and,

7) Detained in a foreign country against his will: used to describe all casualties as the result of hostile action who are definitely known to have been taken into custody by a hostile force while apparently alive and there is no conclusive evidence that they died after being taken into custody, provided the casualty occurs at a time when the United States is not in a state of war.

Soldiers who were being carried as absent without leave (AWOL) or in a deserter status were not reported as casualties. Deserters are dropped from the military rolls and have no status until returned to military control. If information became available that indicated that the soldier did not absent himself voluntarily and was reportable in one of the casualty categories, he was, at that time, reported as a casualty. This would have included soldiers for whom definite information became available that the soldier had been taken into custody by hostile forces. The reporting command would then report this soldier as captured.

The term "Prisoner of War" (POW) is primarily defined in Article 4 of the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949. The Army does not use this term as a casualty status; instead, a soldier known to be in this situation would be reported as "captured."

The best way to explain the casualty reporting process is to describe a casualty incident. The following describes the steps involved in each casualty case.

Army Doctrine dictated that DA Form 1155 (Witness Statement) and DA Form 1156 (Casualty Feeder Report) were to be completed by every witness to the incident and the appropriate unit, respectively. These forms were to be forwarded to the unit personnel section at battalion level within 24 hours of occurrence, or as soon as the battlefield situation permitted. The unit personnel section consolidated these reports. The consolidated report was forwarded to the Brigade for delivery to the Division. From the Division, the reports were submitted by telephone to United States Army Vietnam (USARV) headquarters where they were transmitted to the Casualty

Division, Office of The Adjutant General, Department of Army, by the most expeditious method, usually electronic message.

Minor wounds and injuries of soldiers who had stated in writing that they did not want such injuries reported to their Next of Kin were sent to Department of Army by U.S. Mail.

In the case of missing persons, the commander reports the soldier missing. This determination is made based on a formal investigation. Once reported as missing, only The Adjutant General, acting for the Army Secretary, may change that status. The Missing Persons Act prescribes that the Service Secretaries will ensure that missing person cases are reviewed before the end of a 12-month period in that status. After that review or a later review, when warranted by information received or other circumstances, the Secretary, or his designee, will make one of two determinations:

- 1) the service member can reasonably be presumed to be living and direct a continuance of missing status; or,
- 2) make a presumptive finding of death.

Any determination made by the Secretary, or his designee, is binding on all other departments and agencies of the United States. The Secretary, or his designee, may, when warranted by circumstances, reconsider a determination. To the best of my knowledge, the Secretarial authority to make these casualty determinations has never been overridden.

To my knowledge, all casualties were reported using these procedures. The only change was to report the location of casualties that occurred during special operations missions as within South Vietnam or Southeast Asia. The actual location was later revised when the mission became declassified.

During the Southeast Asia conflict the Army compiled and reported the statistics required by the Department of Defense Instruction 7730.22, Statistical Report of U.S. Casualties in Southeast Asia. These statistics included breakouts of casualties resulting from actions by hostile forces and those not the result of actions by hostile forces. Under the hostile force actions, casualties were separated by killed, wounded or injured, missing, and captured or interned. Those casualties not as a result of hostile actions were separated by died, seriously ill or injured, and missing. Casualties in each of the classifications were further identified as occurring in Vietnam, Laos, or Thailand. A 1967 change to the Department of Defense Instruction 7730.22 required that deaths also be categorized as to whether they occurred on the ground or from an aircraft accident or incident. These were the only statistics regularly maintained, produced, and disseminated by the Army Casualty Division, Office of The Adjutant General. Other reports would have been one time requests from various sources.

The Army works very closely with the Department of Defense POW/MIA section in compiling and maintaining statistics on unaccounted for Americans. The most recent figures, as reported in the June 1, 1992 DIA "Monthly POW/MIA Statistical Report", show a total 674 unaccounted for Army losses. This report also breaks down the losses as 317 Killed in Action/Body Not Recovered and 357 as Prisoners of War/Missing in Action.

Although the DIA "Monthly PW/MIA Statistical Report" excludes deserters, there were cases where the individual was originally carried as AWOL, but later changed to Missing which resulted in the Presumptive Finding of Death.

In 1972, the USARV/Military Assistance Command Vietnam prepared a consolidated roster of 924 Army deserters. A further screening of this roster with records at the Army's Deserter Information Point and the DIA has reduced this list to 16.

No Army personnel have been added to the "MIA list" since January 1973. Should further, unexpected, information become available, any of these 16 people may have their status changed, to include being added to missing or missing in action.

Mr. Chairman, this concludes my testimony. Are there any questions?

PREPARED STATEMENT OF A.A. QUEBODEAUX, COLONEL, UNITED STATES MARINES
CORPS

WITNESS LIST

Primary: Colonel A.A. Quebodeaux, Director, Human Resource Division, Manpower and Reserve Affairs Department, Headquarters, United States Marine Corps.

Back-up: Major K.H. Schultz, Head, Personal Affairs Branch, Human Resources Division, Manpower and Reserve Affairs, Department, Headquarters, United States Marine Corps.

Captain D.J. Greco, Head, Casualty Section, Human Resources Division, Manpower and Reserve Affairs Department, Headquarters, United States Marine Corps.

Mr. Chairman, I appreciate the opportunity to address the committee on Marine Corps casualty reporting during the conflict in Southeast Asia until the present day.

I will begin by briefly outlining the reporting procedures for Marine casualties during the conflict in Southeast Asia. During the conflict in Southeast Asia, casualty reporting procedures were governed by title 37, United States Code, Chapter 10, Sections 551 to 558, referred to as the Missing Persons Act; DOD Instruction 1300.9 which specified the categories of personnel losses; and by DOD Instruction 7730.22 of December 2, 1963, which outlined casualty reporting for the Services. Based on this higher direction, the Marine Corps Casualty Procedures Manual (MCO P3040.4), established specific reporting criteria for Marine casualties.

Casualties during this period were categorized in accordance with the above statutes and regulations. While there are a number of categories describing casualties in general, I will address only a few of these terms. The term "Battle Casualty" was used to describe any Marine lost because of death, wounds, missing, capture, or internment, providing such loss occurred in action. The term "Killed in Action" described battle or hostile casualties, or those killed outright in the presence of the enemy, or died of wounds or other injuries before reaching any medical treatment facility. "Missing in Action" described all battle and hostile casualties whose whereabouts or actual fate could not be determined, and who were neither known, nor reasonably determined to be, in an unauthorized absence status. "Captured" described all battle or hostile casualties definitely known to have been taken into custody by a hostile force as a result of, and for reasons arising from any armed conflict in which the Armed Forces of the United States are engaged. The term "Prisoner of War" is derived from the Geneva Convention of 1949 and has come to be associated with those captured. Regulations further describe all captured personnel officially reported through the International Committee of the Red Cross, or otherwise officially determined as having been taken into custody by a hostile force as "Prisoners of War".

During the conflict in Southeast Asia the reporting of casualties was the direct responsibility of the division and wing commanders. Within their commands, internal casualty reporting procedures were further established. Commanders in the field used the criteria established in Marine Corps Order P3040.4 for casualty reporting. Reporting of casualties was based on reports received from a variety of sources such as morning reports, intelligence data reports, and medical reports. Commanders reported casualties by message to Headquarters, Marine Corps. The following agencies also received the commanders casualty reports by means of message; Secretary of the Navy; Chief, Bureau of Medicine and Surgery; the Marine Corps Finance Center; Mortuary Facilities (Da Nang, Vietnam) and others as appropriate. Casualty losses were reported to the Office of the Assistant Secretary of Defense (Comptroller) who was responsible for maintaining the official DOD statistics and who served as the central repository for all U.S. casualties in Southeast Asia.

I will now briefly describe how "Presumptive Findings of Death" were made for Marines reported missing in action. A Marine missing in action was reported by the commander in accordance with the criteria established and was carried in that status until the Marine was officially determined otherwise. The Secretary of the Navy designated the Head, Personal Affairs Branch, Headquarters, U.S. Marine Corps as the office authorized to make presumptive findings of death. If the reporting commander discovered conclusive evidence of death after initial submission of a report of missing in action, the commander immediately reported his findings to Headquarters, Marine Corps by message with a recommendation that death be determined. Conclusive evidence of death was considered to exist, even though the Marine's remains were not recoverable, when the circumstances attending his disappearance, statements of witness, results of search operation, or local conditions such as terrain, depth of water, temperature and other climatic conditions indicate that the possibility of the Marine's survival was too remote to be logically considered. Upon receipt of findings to support a determination of death for a Marine missing in action, the Head of Personnel Affairs Branch, Headquarters Marine Corps reviewed all available information concerning the case. If a determination of death was made, Headquarters, Marine Corps reported such to the commander by message. In addition, as established in title 37, United States Code, Chapter 10, Section 555, the Head, Personal Affairs Branch, Headquarters, Marine Corps, conducts reviews of cases of missing Marines. In this review, intelligence reports, information

received from repatriated POWs, or other information or findings may be used to determine a presumptive finding of death. Additionally, a presumptive finding of death may be determined in the absence, thereof, of any information from all sources that the Marine survived in conjunction with the lapse of time without indication of survival.

The Marine Corps currently provides a monthly report of casualties to Washington Headquarters Service for inclusion in their master data base. During the conflict in Southeast Asia casualty reports were sent to the Directorate for Information Operations (Comptroller), which was designated as the central repository responsible for collecting, processing and dissemination of official statistical data on U.S. casualties.

Currently the Marine Corps records reveal that 283 Marines are unaccounted for from Southeast Asia. Of this number, 179 were classified as having been killed in action, bodies not recovered. The remaining 104 have been determined to be dead through a presumptive finding of death.

Those Marines that were classified as unauthorized absentees during the Southeast Asia conflict or deserters are not considered casualties. Should evidence be received to indicate otherwise the status would be changed accordingly.

Mr. Chairman, this concludes my statement.

PREPARED STATEMENT OF CAPTAIN MARGARET S. DEBIEN, USN

A native of Port Clinton, OH, Captain Debien is a graduate of Bowling Green State University, where she earned a B.S. in education with a major in English. Prior to entering the Navy in 1970, she taught English at the senior high school level.

After graduating from Officer Candidate School, Captain Debien was assigned to the Fleet Intelligence Center Atlantic, Norfolk, VA, as Top Secret Control and Special Security Officer. She followed that tour with an assignment to the Personnel Exchange Program with the Women's Royal Naval Service, United Kingdom, as Assistant Training Officer for recruit training. Captain Debien was subsequently assigned to the Bureau of Naval Personnel to the Officer Recall and Release Section. In 1980, she reported to Commander Training Command, U.S. Atlantic Fleet, as Flag Secretary.

From 1981 to 1983, Captain Debien served as Executive Officer, Personnel Support Activity, Hawaii, and subsequently she reported as Executive Assistant to the Deputy Chief of Naval Material, Washington, DC. From 1983 to 1985, she served as Commanding Officer, Personnel Support Activity, Northern Europe, London, United Kingdom. Following graduation from the Naval War College in 1988, she reported as Head, Congressional Policy Coordination Section (OP-806D), staff of the Chief of Naval Operations. Captain Debien returned to the Bureau of Naval Personnel in 1990 and currently serves as the Director, Personal, Family and Community Support Division (Pers-66).

Captain Debien holds a Master of Science degree in Administration (Personnel Management) from George Washington University and a Master of Arts degree in National Security and Strategic Studies from the Naval War College. Her personal awards include the Meritorious Service Medal (with Gold Star in lieu of second award) and the Navy Commendation Medal (with two Gold Stars in lieu of third award).

Mr. Chairman and distinguished members of the committee. I am pleased to have the opportunity to appear before you today to provide a Navy perspective on casualty reporting during the Vietnam conflict.

Throughout the conflict in Southeast Asia, Navy personnel casualty reporting was governed by federal statute and Department of Defense directive, which provided the parameters within which each category of casualty was reported. Title 37, United States Code, Sections 551 to 558, defines missing persons for pay and allowance determinations, while DOD Instruction 7730.22 defines the categories of personnel losses. Navy personnel casualties which fell within the scope of these two mandates were reported in compliance with their guidelines.

During the course of the conflict, Navy reported 2,551 service members as having died, of whom 448 remain unaccounted for today. Of these 448 personnel, 120 were initially reported as either missing in action or captured.

In reporting casualties during Vietnam, Navy casualties were assigned to categories in accordance with the following terms established by DOD: killed in action, missing in action, captured, and interned. Killed in action applied to any battle casualty in which a member was killed outright or who died as a result of wounds or

other injuries before reaching any medical treatment facility. Missing in action applied to all battle casualties whose whereabouts or factual fate could not be determined and who were not known to have deserted or to have been absent without leave. Captured applied to all battle casualties definitely known to have been taken into custody of a hostile force as a result of or for reasons arising out of any armed conflict which armed forces of the United States were engaged. Interned applied to all battle casualties known to have been taken into custody of a nonbelligerent foreign power as the result of and for reasons arising out of any armed conflict in which armed forces of the United States were engaged. No Navy personnel were placed in the beleaguered or the besieged category.

The commanding officer of the unit to which a service member was assigned bore responsibility for initially placing a service member in a particular casualty status. The determination made by the commanding officer, who was clearly in the best position to determine a member's status, was based upon all available information, including observation, radio contact, and intelligence reports. The determination was reported to the Chief of Naval Personnel by electronic message. Additionally, occurrence of a personnel casualty which was operationally related required submission of an operational report, commonly referred to as an OPREP, also by electronic message, to the Chief of Naval Operations.

The only Navy personnel losses not reported under personnel casualty reporting procedures were those members classified as unauthorized absentees or deserters, who fell under entirely separate reporting and tracking procedures. Of the 448 Navy members currently unaccounted for, two were initially listed as deserters. After 1973, the status of both was changed to missing and finally to deceased based on further investigation into their disappearance. Two other members who were listed as deserters continue to be carried as such. Neither is reflected in Navy or DOD unaccounted for statistics, and no other absentees or deserters have been added to the Southeast Asia casualty numbers since 1973. There is no information available to the Navy that indicates the number of MIA's is expected to grow.

Upon receipt of a personnel casualty report, the Bureau of Naval Personnel reported all information to the DOD Comptroller, who was responsible for maintaining the official DOD statistics and who served as the central repository for all United States conflict casualty information. The Bureau of Naval Personnel also submitted to the DOD Comptroller a weekly report of casualties, followed by a copy of the Certificate of Casualty (DD Form 1300), which is prepared at the Bureau, for each Navy casualty. Navy also maintained, for internal and cross-checking purposes, a running log that listed unaccounted for members. Navy currently uses lists generated by the Defense Intelligence Agency and the Joint Task Force-Full Accounting. To the best of our knowledge, Navy has not generated Vietnam casualty lists since the last status changes were completed in the early 1980's, by which time all unaccounted for personnel were officially considered deceased.

The final authority regarding casualty determination rests with the Service Secretaries, as established in Chapter 10, Title 37, United States Code (Missing Persons Act). This law requires the Secretary of the Navy or his designee (the Director, Personal Family and Community Support Division of the Bureau of Naval Personnel) to make the determination of a missing service member's status and to review that determination within 12 months of the member's classification as missing. A finding of death is made only if the service member can no longer reasonably be presumed to be living, where the circumstances of disappearance, the passage of time without information, and an extreme improbability of receiving any meaningful information at a subsequent date warrant such a determination. Upon receiving any new evidence, for example information obtained through interviews with repatriated prisoners of war, a further review is made in applicable cases. The status of all unaccounted for personnel has been reviewed and established as deceased, with no alterations to status since the early 1980's. We have no information that a Service Secretary casualty determination was ever overridden by higher authority.

Mr. Chairman, I want to assure you that we in the Navy have historically felt a deep commitment, indeed obligation, to maintain the most accurate records and provide full and complete information, as available, to the Department of Defense and to our affected families. It is one important way in which we can and do take care of our own.

PREPARED STATEMENT OF BRIGADIER GENERAL MICHAEL D. MCGINTY

Brigadier General Michael D. McGinty is Vice Commander, Air Force Military Personnel Center, Randolph Air Force Base, Texas.

General McGinty was born September 20, 1942, in Waukegan, IL, and graduated from Hopkins (Minn.) High School in 1960. He earned a Bachelor of Arts degree in mathematics from the University of Minnesota in 1964 and a Master of Science degree in Public Administration from Shippensburg University in 1983. The General completed Squadron Officer School in 1974, Air Command and Staff College in 1979, and Army War College in 1983.

He was commissioned as a Second Lieutenant through the Air Force Reserve Officer Training Corps program in 1964. General McGinty then entered pilot training at Vance Air Force Base, OK, in March 1965 and was awarded wings in March 1966. After completing fighter training at Davis-Monthan Air Force Base, AR, he became an F-4 pilot with the 497th Tactical Fighter Squadron, 8th Tactical Fighter Wing, Ubon Royal Thai Air Force Base, Thailand.

In September 1967 he was assigned as an F-4 pilot to the 9th Tactical Fighter Squadron, 49th Tactical Fighter Wing, Spangdahlem Air Base, West Germany. He transferred to Hahn Air Base, West Germany, in July 1968 and served with the 81st Tactical Fighter Squadron until July 1969, when he moved to the 10th Tactical Fighter Squadron, 50th Tactical Fighter Wing.

General McGinty became chief, Promotions and Performance Reports Division, Headquarters Air Force Logistics Command, Wright-Patterson Air Force Base, OH, in October 1971. In December 1972 he became assistant for senior officer management.

The General was an F-4 flight commander with the 90th Tactical Fighter Squadron, 3rd Tactical Fighter Wing, Clark Air Base, Philippines, from November 1975 to July 1976, when he became Chief of the Standardization and Evaluation Division, 3rd Tactical Fighter Wing.

In December 1976 he transferred to the 49th Tactical Fighter Wing, Holloman Air Force Base, NM. There he served as Chief of the Standardization and Evaluation Division, and later, as operations officer for the 9th Tactical Fighter Squadron from January until August 1978. The General was assigned as Chief of the Rated Officer Assignments Division, Headquarters Tactical Air Command, Langley Air Force Base, VA, in June 1979, and as Chief of the Officer Assignments Division in September 1980.

General McGinty was Assistant Deputy Commander for operations, 355th Tactical Training Wing, Davis-Monthan Air Force Base, AR, from June 1983 until May 1984, when he became Deputy Commander for Operations. In March 1985 he became Chief of the Colonels' Group, Air Force Military Personnel Center. He was assigned as Vice Commander of the 10th Tactical Fighter Wing, Royal Air Force Station Alconbury, England, in July 1987, and became Commander in March 1988. In June 1990 he transferred to Headquarters Air Training Command, Randolph Air Force Base, as Deputy Chief of Staff for Plans and Requirements. In October 1990 he became Vice Commander of the Air Force Military Personnel Center and Deputy Assistant, Deputy Chief of Staff, Personnel for Military Personnel, at Randolph. He assumed his present position in February 1991.

The General is a command pilot with more than 3,200 flying hours. He flew 115 combat missions in Southeast Asia, including 100 over North Vietnam. His military awards and decorations include the Legion of Merit with oak leaf cluster, Distinguished Flying Cross with oak leaf cluster, Meritorious Service Medal with three oak leaf clusters, Air Medal with nine oak leaf clusters and Air Force Commendation Medal.

He was promoted to Brigadier General August 1, 1990, with same date of rank. General McGinty is married to the former Karen Dibble of Hopkins. They have two children, Shannon and Timothy.

Mr. Chairman and members of the committee, I appreciate the opportunity to be here today to discuss Air Force procedures for determining and reporting the status of casualties of the conflict in Southeast Asia.

Chapter 10, Title 37, United States Code, establishes the authority of the Secretary of the Air Force, or his designee, to make casualty determinations. The law, which focuses on payments to missing persons, was enacted to alleviate financial hardship suffered by dependents of members of Uniformed Services who are officially carried or determined to be in a missing status. The term "missing status" as defined in Title 37 includes those personnel categorized as missing; missing in action; interned in a foreign country; beleaguered, besieged or captured by hostile force; or detained in a foreign country against their will.

During the Southeast Asian conflict, the specific casualty category of an individual was determined by his or her commander. Commanders would report individuals "missing" as a result of hostile action as either "missing in action" or "captured" based upon the information available to them at the time. The commander

could change the "missing" status upon receipt of conclusive evidence of death. Law required the Secretary of the Air Force to fully review the individual's casualty status prior to completion of 12 months in a "missing" status. During the review, the Service Secretary could direct a continuation of the missing status with reasonable presumption of life, or make a finding of death. The Secretary may review the status whenever additional information is received. Change in status could be based on receipt of conclusive evidence or reasonable presumption of death by the Secretary.

After the Paris Peace Accords were signed and our prisoners of war returned in 1973, the Secretary initiated a review of the status of all who remained in a "missing in action" or "captured" category. These reviews were temporarily halted in August 1973 due to litigation by several next of kin. The litigation charged that Title 37, Chapter 10, Sections 555 and 556, were unconstitutional in that the law did not allow next of kin due process rights. At the same time, the Deputy Secretary of Defense requested that the Service Secretaries make each proposed status change a matter for their personal attention; thereby requiring the Secretaries' active and personal role in the status determination process. With the exception of approximately 200 cases in which the next of kin specifically requested that status reviews continue, the process of reviewing the remaining cases did not resume until 1977. These reviews resumed in 1977 under the authority of a new Air Force Regulation. These reviews included hearing rights and provided all facts used to support the proposed status determination. The regulation also required membership on the boards considering the status of individuals to be at least three members who were rated Colonels with Southeastern Asian experience. Recommendations were personally reviewed by the Secretary. To my knowledge, no Air Force status determination has ever been overridden by a higher authority, nor has any information been received to render a secretarial status determination incorrect or invalid.

During the Southeast Asian conflict, Air Force military casualties were reported by message sent electronically from commanders in the theater of operations to the Air Force Casualty Operations Center. The initial casualty report triggered the process for casualty notifications to the next-of-kin, statistical reporting to the Department of Defense, and follow-on casualty assistance to the next-of-kin. Subsequent message traffic provided additional information of the casualty as appropriate. Military deserters and those absent without official leave were not reported as casualties, unless it was later confirmed that they became casualties. The Air Force has no unaccounted for deserters from the Southeast Asian conflict. One Air Force member absent without official leave was subsequently determined to be captured and later killed by the Viet Cong, and was entered into the casualty reporting system.

Department of Defense Instruction 7730.22, entitled "Statistical Report of U.S. Casualties In Southeast Asia," defined casualty categories and the reporting format (attached). As casualties were reported to the Air Force Casualty Operations Center, they were phoned in daily to the office of the Secretary of Defense (Comptroller), followed by a weekly written report.

At the time, there was no formal definition for "missing in action", however, a member who was lost as the result of hostile action was categorized as "missing in action" if there was no conclusive proof of death.

Also, there was no formal definition of the category "captured." However, the "captured" category was used only if there was sufficient evidence the individual was held captive. This evidence may have consisted of propaganda statements, letters from the prisoner of war to his family, media releases, or statements made by repatriated prisoners of war.

At the conclusion of Operation Homecoming, 712 Air Force airmen were unaccounted for and categorized as either "missing in action" or "captured." In 1984, at the direction of the DOD, the Services added personnel categorized as "killed in action/body not recovered" to the Southeast Asia "unaccounted for" list, bringing the Air Force total to 1,025. To date, 207 remains have been returned and forensically identified, leaving 818 unaccounted for; 565 were categorized POW/MIA and 253 as "killed in action/body not recovered. No absentees or deserters have been included in or added to the Air Force total of Southeast Asia casualties, and there is no reason to believe the Air Force "MIA" total will increase.

The casualty status of all 818 unaccounted for airmen has been changed to deceased, except for one captured pilot, Colonel Charles E. Shelton. By direction of the Secretary of the Air Force, Colonel Shelton remains in a captured category to symbolize, on behalf of all unaccounted for Americans, that their true fate has yet to be determined.

The Air Force maintains close contact with about 1,600 next of kin of these unaccounted for airmen. We serve as the liaison between the next of kin and other government agencies, and communicate any additional information received about their unaccounted for family member. We provide by telephone and follow-up personal letters any applicable information we receive including refugee reports, grave and aircraft crash site reports, aircraft loss investigations and excavations, remains recovery and repatriation, and purported live sighting reports.

I am confident that the Air Force carried out its responsibilities to report casualties accurately and completely during the Southeast Asian conflict. Our responsibilities to the families of these airmen continue. The Air Force will never forget.

TERMS

Missing: Not present at his or her duty location due to apparent involuntary reasons and whose location may or may not be known. Personnel who are absent without leave, dropped from the rolls, or deserters are not included.

Missing In Action: Those who are hostile casualties not present at a duty location due to apparent involuntary reasons and whose location is unknown. Not included are victims of terrorist activity.

Interned In A Foreign Country: Individuals known to have been taken into the custody of a non-belligerent foreign power as the result of and for reasons arising out of any armed conflict in which the Armed Forces of the United States are engaged.

Beleaguered: Individual who is a member of an organized element which has been surrounded by a hostile force to preclude escape of its members.

Besieged: Individual who is a member of an organized element surrounded by a hostile force intent on compelling the element to surrender.

Captured: Individual who has been seized as a result of action on an unfriendly military or paramilitary force in a foreign country.

Detained: Individual is prevented from proceeding or is restrained in custody for alleged violations of international law or other reason claimed by the Government or group under which the person is being held.

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ROUTINE			

j. Our commanders have been and must continue to be extremely cautious in reporting members killed in action. If any possibility exists, no matter how remote, that a member could have survived an accident, he must be reported as missing in action. Casualty reports are of interest at the highest levels within the Air Force and this point is extremely sensitive.

MEMORANDUM FOR RECORD:

Message prepared at direction of General Wade to reemphasize the Chief's concern with KIA/MIA reporting.

Shirley Duggan

Major Shelton
AFPMSC
(by phone)

Col Rodd
AFPMSC
(in draft)

Col Repitane
AFPMSC
(in draft)

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Format A

Department or Service _____

CASUALTIES INCURRED BY U.S. MILITARY PERSONNEL IN SOUTHEAST ASIA

Cumulative from January 1, 1961 through _____

	Vietnam	Laos	Thailand	Total
A. Number of casualties resulting from actions by hostile forces:				
1. Killed (died before reaching medical treatment facility)				
2. Wounded or injured				
a. Died of wounds or injuries				
b. Nonfatal wounds or injuries				
3. Missing				
a. Died while missing				
b. Returned to military control				
c. Current missing				
4. Captured or interned				
a. Died while captured or interned				
b. Returned to military control				
c. Current captured or interned				
5. Total deaths resulting from actions by hostile forces (Sum of lines 1, 2a, 3a & 4a)				
B. Number of casualties not the result of actions by hostile forces:				
1. Died (other than reported in lines 2a and 3a)				
2. Seriously ill or injured				
a. Died of serious illness or injury				
b. Nonfatal serious illness or injury				
3. Missing				
a. Died while missing				
b. Returned to military control				
c. Current missing				
4. Total deaths not the result of actions by hostile forces (Sum of lines 1, 2a and 3a)				

The CHAIRMAN. Senator Kassebaum.

Senator KASSEBAUM. Thank you, Mr. Chairman. I would like to ask a bit about procedure. Prior to 1966, did the Department of Defense keep all of the figures and keep track of the casualty lists? Did each of the military services keep track of their own lists?

Mr. SUNGENIS. Each of the military services was required to provide to my office, beginning in 1963 retroactive to 1961, the numbers of casualties that occurred in the various countries.

Senator KASSEBAUM. Was that standard military procedure in other conflicts, that each of our services kept track of their own casualty figures. Does anybody know, General McGinty?

General MCGINTY. I only know of the ones from Vietnam that had to submit.

Senator KASSEBAUM. During the Korean conflict, did each of the armed services keep track of their own casualty numbers, or did the Department of Defense? Does anybody know?

Mr. SUNGENIS. Senator, I find no records in my office of weekly reports of casualties during Korea and certainly no name listings. Because, as a special project about 10 years ago, we were asked to come up with name listings and we have initiated a special project with the various military services. We're attempting to get that information now.

Senator KASSEBAUM. I guess what I find troubling in the testimony so far is just the lack of coordination. I was interested, Mr. Trowbridge, in your saying that you gave the numbers to the various branches of the armed service, or to DOD, I guess, but the legal status was determined by the service.

Mr. TROWBRIDGE. Senator, it was just the opposite. DIA does not start to track someone until the service tells us that they're missing or that they were killed or whatever happened to them.

Senator KASSEBAUM. But I thought you said that the legal status was assigned by the services.

Mr. TROWBRIDGE. That's correct. It is the responsibility of the service to place an individual into whatever their status may be. We kept very close coordination during the war. When we had problems about coordination and lack of coordination, throughout the war there was a small intelligence outfit with each of the military services. And it was their sole responsibility to deal with the prisoner of war/missing in action issue. We talked with those individuals practically on a daily basis, and we had a formal meeting once a week.

Any information relative to losses that the services may have incurred during that week was made known to us. Any information that we may have had or wanted to exchange with the services was made with the services at that time. There was total interface with the service casualty officers by these small units, again on practically a daily basis.

Senator KASSEBAUM. Why was there not just one centralized office for that, that had been legally assigned prisoner of war?

Mr. TROWBRIDGE. There was an office that was responsible for that, which is now Bob Sungenis' office. And when the military service declared someone in a missing status, or whatever their status they put them in—killed, whether it be hostile, nonhostile

a DOD Form 1300, was filled out by the service and provided to Mr. Sungenis' office and then he formulated the official Government list, but that takes time.

So they're the official keepers of that list, but as the war went on, day to day, yes, DIA did keep a list. We would read message traffic where an aircraft went down on that particular afternoon and the crew were missing. We immediately picked them up on our rolls. We did not wait for paperwork to make its way through the system to Mr. Sungenis' office. It was the same way with the war in the Gulf, the same process applied.

Senator KASSEBAUM. So you picked it up on your roll. But then if they were say, downed pilots, Navy pilots for instance, whose responsibility, whose list did they go on at that point: DIA, the Navy?

Mr. TROWBRIDGE. I'll let the Navy address that. They were Navy individuals.

Captain DEBIEN. Yes, they would be on the Navy list.

Senator KASSEBAUM. You assigned the status at that point, determining whether they were missing in action or presumed to be prisoner of war.

Captain DEBIEN. The statuses originally assigned by the commanding officer of the unit to which the individual was assigned.

Senator KASSEBAUM. Then DIA, though, kept track of that person at that point.

Mr. TROWBRIDGE. That's correct.

Senator KASSEBAUM. What about those areas that were part of the black operations where there was a falsifying of locations? Has this made it difficult to really be accurate in accounting for an accurate determination of status, and is that standard procedure?

Mr. TROWBRIDGE. As far as individuals that were lost at the time of the U.S. Government, as least as far as the DIA was concerned, was in areas that we weren't admitting we were in, the individuals that were lost in those areas were known to the Defense Intelligence Agency. As well as to the services, of course, because the services are the ones that initially said they were missing.

We did put those individuals on our rolls. I can only speak for what I know about our agency following them at the time. We had their names. If they were lost in a cross-border operation in an area that the U.S. Government wasn't admitting to, initially we had their names. There was a sort of generic lost coordinate that was used.

It's my understanding in 1971, as far as the Defense Intelligence Agency is concerned, at that point in time we were provided the classified loss coordinates of these individuals as to where they were actually lost. That was entered into the database.

Again, it's my understanding, having talked with individuals that were involved at the time, that by 1972 all the actual loss coordinates for these individuals were in our database. And when the government declassified the information that we were operating in these areas, then it became declassified as far as we were concerned as well. Again, it was the services' responsibility to tell where these individuals were lost and who they were. And, yes, we did know who they were.

Senator KASSEBAUM. Was that the correct location that they gave?

Mr. TROWBRIDGE. It's my understanding that initially it was Senator KASSEBAUM. So nowhere at that point was their correct location kept with the data.

Mr. TROWBRIDGE. We got that information from the (operation) in the JCS, who had that information.

Senator KASSEBAUM. So you feel pretty confident that there was good working coordination between the Defense Intelligence Agency and the various branches of the armed services involved and then you coordinated your figures with the department run by Mr. Sungenis.

Mr. TROWBRIDGE. We kept very close contact with the service casualty officers, and we have since the war—during the war and after the war. Following the war, we did make some reviews of the list with Mr. Sungenis' office, and periodically from that time on we have run through the lists with Mr. Sungenis' office. However, we have not done that on a regular basis, like every few months or every 6 months or even every year.

Senator KASSEBAUM. Is my time up? Just one more question I would like to ask, just because I am trying to understand this. Now if legal status was determined by the Army regarding one of the personnel as prisoner of war, assumed to be prisoner of war, the report that to you. And do you investigate at that point? Does that immediately kick in some investigation?

Mr. TROWBRIDGE. Yes, ma'am. As soon as we received that information—it doesn't make any difference whether it's missing or a prisoner—we would start to track that information immediately.

Senator KASSEBAUM. Then if you had any reservations about the status that had been determined by the service, did you express that to the service?

Mr. TROWBRIDGE. As I mentioned, we had close coordination with the services. They had a small intelligence outfit that met with us and we talked on a daily basis and met once a week. Any information that we had relative to a case was passed through them to their service casualty office, so they were totally aware of what was had relative to those cases.

Senator KASSEBAUM. Was there ever a time that there was a change in the status made because of intelligence information?

Mr. TROWBRIDGE. I believe there was.

Senator KASSEBAUM. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator. I wanted to thank the JCS, Joint Chiefs of Staff, for making available to me that information. That is in the spirit of cooperation and openness and I think they are to be congratulated for making that available. And I am going to enter into the record now the report by the Joint Chiefs of Staff, which sets out the history and changes with respect to the cross-border recordation process, and that will be made part of the record now.

[The information referred to follows:]

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JCS 2478/716-1

23 October 1973

Pages 2 - 11, incl.

REPORT BY THE J-3

to the

JOINT CHIEFS OF STAFF

on

RELEASE OF INFORMATION CONCERNING
CROSS-BORDER OPERATIONS CASUALTIES

Reference: JCS 2478/716

In consonance with the provisions of JCS Memorandum of Policy No. 97, the recommendations in paragraph 11 of JCS 2478/716-1 will be recorded as approved by the Joint Chiefs of Staff on

30 October 1973

and implemented, provided that no appropriate request for further consideration thereof shall have been made prior to that date.

COORDINATION:

AGENCY

Concur or
Nonconcur

Name

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Navy
Air Force
Marine Corps

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JCS 2478/716-1

RELEASE OF INFORMATION CONCERNING
CROSS-BORDER OPERATIONS CASUALTIES

THE PROBLEM

1. To respond to CSAM 69-73,* dated 28 September 1973, subject: "Release of Information Concerning Cross-Border Operations Casualties ."

FACTS BEARING ON THE PROBLEM

2. US Service casualties in SEAsia include personnel who have been declared killed in action (KIA) or missing in action (MIA), while engaged in MACV Studies and Observations Group (MACVSOG) covert operations in Laos and Cambodia from 1965 through 1972. On 28 September 1973, the Chief of Staff, US Army, recommended in CSAM 69-73* that the next of kin of these personnel be provided with operational details of the mission on which the Service member was lost, if they request such information. This action would conflict with previous public affairs guidance regarding these operations.

3. Prior to 9 May 1973, public affairs guidance for MACVSOG operations in Laos** and Cambodia,*** as modified**** in March 1970, directed that in order to preserve the covert nature of these operations, next of kin of casualties would neither be given the loss location nor details of the mission. On 9 May 1973, the Secretary of Defense authorized# the Services to release the location of loss on a private basis to the next of kin; however, operational details of the mission were not to be provided.

* Attachment to JCS 2478/716

** Joint State/Defense msg to AMEMB Saigon and other addressees, 147744/030225Z Mar 67

*** Joint State/Defense msg to AMEMB Saigon and other addressees, 6569/292144Z May 67

**** (1) SECDEF msg to CINCPAC and other addressees, 3017/131456Z Mar 70

(2) SECDEF msg to CINCPAC and other addressees, 3101/132322Z Mar 70

(3) SECDEF msg to CINCPAC and other addressees, 3728/232331Z Mar 70

Appendix B to JCS 2478/676-1

4. MACVSOG operations in Laos and Cambodia have been publicized extensively by news media since 1967; however, because of the political and military sensitivity of these operations, they were not acknowledged by the US Government until recently. On 24 July 1973, the Assistant Secretary of Defense (Public Affairs), during the morning press briefing, acknowledged that such operations were conducted and provided casualty data regarding losses in Laos and Cambodia. On 10 September 1973, DOD provided an unclassified report* to Congress, "Report on Selected Air and Ground Operations in Cambodia and Laos," which provided, in considerable detail, information on MACVSOG cross-border operations.

5. The casualty data released to the press on 24 July 1973 listed the total number of personnel KIA as a result of cross-border operations in Laos and Cambodia. Because of certain discrepancies in the casualty data base, personnel in the Office of the Assistant Secretary of Defense (Comptroller) (OASD(C)), in conjunction with Service Casualty Officers, are continuing to refine the figures provided. A compilation of missing MACVSOG personnel has not been released.

DISCUSSION

6. In view of the recent public disclosure by DOD of operational details of MACVSOG cross-border missions, it would appear that public affairs guidance regarding these operations is no longer valid.

7. Release of information regarding circumstances of loss to next of kin is a humane act which might ease the burden of the loss which these people have experienced.

* Attachment to JCS 2478/716