with hopes, and so I wanted to make sure it was a fair report
that it was as brief and to the point as possible.

For that reason, it is my memory that the majority of the me-
bers of my group favored the word "probable" and that it was
decision on my own to reduce in the final version of the report th
we submitted to General Peroots, to substitute the word "probab
for "possible."

Now, in addition to the report itself there is a rather lengthy a
pendix. There was a lengthy appendix prepared to explain the la
of probability as regards intelligence reporting, and I presume y
have that available to you. General Peroots requested that w
leave that out of the report. So it was submitted, but not as part
the report.

Senator SMITH. So, correct me if I'm wrong. In characterizi
your statement, it's fair to say that the majority of the members
your commission felt that it was probable that men were le
behind rather than possible, but because of some internal disc
sions from General Peroots it was changed to "possible."

Now, what about the coverup thing? That's gotten a lot of in
Was it unanimous on the part of your committee members th
there was not a coverup? You don't have to mention who dissent
but if there was any dissent, if there were any dissenters?

General TIGHE. As the best my memory serves, that was a unan
mous judgment. We had cooperation from everyone we asked
come before us and we got the files we requested, and we steer
that part of the canoe in examining the evidentiary base ourselve

Senator SMITH. One final question. I see that Senator Grassl
has come in. I know it's his turn.

I was around in the Congress at the time, in the House, at th
time this Tighe commission was formed to investigate this whol
matter, and I have been told by sources that I consider to be re
able—I sound like a reporter now—that you had less than plus
conditions to work in over there and that you did not get the kin
of response in terms of resource cooperation that you might hav
liked in terms of room and space.

This is a tough one, General, and I hate to throw it out at you
public, but I'm going to ask you, and if you don't wish to respond
understand. Did you ever have any indication that your work spa
was bugged during your work?

General TIGHE. It was the conclusion, I believe unanimous co
clusion, of each of our members that our room was bugged throug
the telephone system.

Senator SMITH. Unanimous conclusion of the Tighe commissi
that your room was bugged as you worked——

General TIGHE. Yes.

Senator SMITH. [Continuing.] To investigate?

General TIGHE. Yes. We took means almost immediately to che
that out and were satisfied to that effect, and took the means
keep our deliberations——

The CHAIRMAN. You were satisfied that it was bugged or satisf
that it wasn't?

General TIGHE. That it was.

The CHAIRMAN. In other words, you took a sweep, electronic?

General TIGHE. No, we took other means of feeding information into the system and then testing the reaction.

The CHAIRMAN. To determine that it was bugged.

Senator SMITH. Did that extend beyond the room to your personal telephones? Do you know that?

General TIGHE. I have no way of knowing. An intelligence officer is usually suspicious anyway, so I didn't want to add any of that.

Senator SMITH. Kind of extraordinary efforts to go to if you don't have anything that you're worried about, isn't it, General?

General TIGHE. I thought the entire treatment of my group was extraordinary from the first part. First of all, Senator McCain asked that I head it up in October and it was somewhere in the first of February or thereabouts before General Peroots would agree on the members that I suggested be appointed to it and the arrangements for it happening.

I subsequently found out that he in the interim had come up with his own report, had Colonel Gaines do an investigation before he allowed me to start mine.

Senator SMITH. Do you have direct information as to who the bugger was?

General TIGHE. No, I do not, nor did I ever inquire.

Senator SMITH. Thank you.

The CHAIRMAN. You're going to leave me hanging on that one? Senator Grassley.

Senator GRASSLEY. Mr. Chairman, I don't have a lot of questions, but I guess the last exchange that's gone on here between Senator Smith and the General would be a basis for an understanding why there are people out in the grassroots of America that feel there is a conspiracy. I don't happen to believe that there is, or at least I have no evidence of it.

But the point is that when your work is being bugged, obviously that sort of information would lead people to believe that somebody doesn't want information out or the truth to get out.

In the process of your work, to what extent was the sophistication and competence of the people doing the investigation and follow-up, the general work of our Government to check out live sighting reports and all the other information available, the competence of the people involved an issue where maybe things weren't being done as thoroughly as they ought to be done?

General TIGHE. Well, first of all let me say that in the tenures of each of my successors—and there have been many by this time now; I've been retired 11 years—I see a greater effort done than I did during my tenure at DIA to put support behind this investigation. So I want to make sure you understand that I think that they have been doing a more thorough job and added more personal resources as time went on. It's certainly true in the last year since this committee was formed.

Having said that, at the level that you hire investigators in the Defense Intelligence Agency in a shop at the echelon that this is held, you aren't necessarily going to be able to hire the professionals that you might get if you, for example, were able to have seconded to you experienced FBI agents or other investigators that you would find in the ordinary high-level Government agency.

So they were in varying degrees of competence, but they w
certainly all devoted to the task.

Senator GRASSLEY. And there was never any question in y
mind about their devotion to following through on every lead?

General TIGHE. During my tenure, no. As time went on an
began to read the refinements, for example, in the statements
the Department of Defense on this issue, I began to believe th
there was less and less attention to proving the correctness of t
reporting they were getting and more and more trying to dispel t
evidence that came in.

Senator GRASSLEY. That situation worsened with time?

General TIGHE. I think it has become so refined at this point th
I think there is a great deal of analysis over a single word cha
in the annual report of the Secretary of Defense on this issue.

Senator GRASSLEY. Mr. Chairman, I have no further questions.

The CHAIRMAN. Let me come back to a couple of things if I ma
First of all, what you just said in answer to Senator Grassley, y
said it very politely. It has been labeled in press accounts as
"mindset to debug," correct?

General TIGHE. Correct.

The CHAIRMAN. Would you articulate that?

General TIGHE. The effort that went to proving that a source, f
example a live sighting report, was telling the truth, had reason t
be where he made his observation, and so forth, became an ove
whelming devotion to each source that we got. And whether th
just grew with time to make sure that we didn't have any phon
in the act or that we could—and there were a lot of phonies in th
act that we had to get rid of.

But over time that became the effort, and that is disposal o
every live sighting report to the effect that this was not—this wa
out of thousands that they had and we were down to 101, and o
one valid one this year, and five last year, and four—you kn
year after year refining down to the point where there was nothin
left to believe on the issue really bothered me, because, first o
all——

The CHAIRMAN. Over what period of time did you observe th
firsthand?

General TIGHE. I observed it right from the start on my arriv
at DIA. That began to be a growing thing.

The CHAIRMAN. From 1977?

General TIGHE. From 1974.

The CHAIRMAN. From 1974?

General TIGHE. Yes.

The CHAIRMAN. Until when?

General TIGHE. 1981.

The CHAIRMAN. So you did your report when?

General TIGHE. 1985–1986.

The CHAIRMAN. So in 1985 you did an evaluation in which y
felt even more so what you had observed, is that accurate?

General TIGHE. Yes, sir, that is accurate.

The CHAIRMAN. Now, is it possible—I mean, let's try to under
stand this in the context. You also found there was no conspira
to do this, is that true?

General TIGHE. Correct.

The CHAIRMAN. So does the committee then understand that perhaps, after 15 years for some people of reading reports and reading reports and not having them pan out, not watching the Government take it very seriously and not having the resources, not having access, you get another report—I mean, I'm trying to visualize myself sitting there for 10 years reading these things and not having anything pan out.

I think I'd probably have a hard time going to work in the morning.

General TIGHE. I think you're right, and that's why my recommendation on my report was that they start with a clean slate and get rid of the political overhead that they had to accept down in Chuck Trowbridge's shop.

There is no doubt about it that there was a total leak of intimate activity going on there on a day by day basis to an organization outside the Government, which made it very difficult to handle all of the crises and criticisms coming from that group on a daily basis as they talked to the press. And here I'm talking about the League of Families, who had representation inside that group on a regular basis.

So Trowbridge's people were besieged with the political consequences of that: the pressure to examine, the challenges to reports, and so forth. It became an almost impossible task and, as you stated, I think I probably would have given up a long time before this.

The CHAIRMAN. Mr. Trowbridge, do you want to respond to this?

Mr. TROWBRIDGE. Let me respond by starting with the issue of debunking. I'll take the firsthand live sighting reports, for instance. Seventy percent of the reports—and the committee has this information; you have these files—70 percent of those reports, analysis that was done in our office said that those individuals told us the truth.

We didn't debunk those cases. We equated that information to people that were accounted for.

Twenty-five percent of the reported——

The CHAIRMAN. Now, how many reports are we talking about? This is the 15,000 or the 1,500?

Mr. TROWBRIDGE. 1,500.

The CHAIRMAN. 1,500. So of 1,500 live sighting reports, 70 percent you equated to somebody who came home, accurate?

Mr. TROWBRIDGE. Not just came home. They may have been equated to a shootdown or someone whose remains we have recovered or a returnee who came home. Missionaries who were in Vietnam, a sighting report may have equated to them. Folks who stayed behind in 1975 and finally came out, reports of this nature.

The CHAIRMAN. How many did you verify and equate to somebody who was al[leg]edly held in captivity? Zero?

Mr. TROWBRID[GE]. [Z]ero.

The CHAIRMAN. [S]o 70 percent are OK for people that you can attribute them to, but zero to somebody in captivity?

Mr. TROWBRIDGE. We have some reports. When I say "zero," I think there's 26 out of the whole grouping of them where we have made a tentative correlation to someone who was still unaccounted for. In other words, the sighting, say——

The CHAIRMAN. How do you do that? I mean, it seems to me there is an incongruity there, sort of, that just hits me. I mea you've got 1,500 reports and 70 percent of them pan out to so body who you can identify but they're conveniently home, but or barely any are true as to, out of hundreds, are true as to so one who might still be there, it just kind of strikes me.

I mean, how do you discount? How do you say they're not tell the truth?

Mr. TROWBRIDGE. All I can say is that those files are th They've been made available to your committee.

The CHAIRMAN. Well, we've got them now, but we're going need your help to understand how you decided. I went through files, some of them, not all of them obviously, and we've be briefed on some of them.

On the face of what I read in the briefing, I sort of sit there scratch my head and I say to myself: Gee whiz, you know, here's person whose whole family is out of Vietnam, the person ha good job in the United States, they don't need a visa, they're no refugee, they haven't got economic troubles. They've sworn un oath in an American lawyer's office in a city in the United Sta that here's what they saw.

What they saw strikes me as being fairly documented against self-interest. I'm not sure they have a great self-interest coming forward and putting themselves in jeopardy. So I sort say to myself: Hmm. You know, how does DIA say this isn't re I still have that question. That's what we're going to meet next week. But how do you do that?

Mr. TROWBRIDGE. Well, again I'd have to know the report you're talking about. The General has talked about how we att the source. Well, in a lot of cases of the refugees reporting, they come in to us and they do tell us a story about 25 percent of the reports we have judged to be fabrications.

They came in to us, they'll come in to us, for instance, they'll say: I saw prisoners in a re-education camp. Well, we ha 50 other refugees out of that same camp that tell us that's not tru there never were any American prisoners there.

The CHAIRMAN. That's a good way to do it, and I understand that's been done in a lot of cases. And I accept—incidentally, I un derstand some people failed polygraphs—I understand that so people have alleged things that we know factually, by virtue of locations or other things, can't be true.

But even when you take the clutter away, you're left with grouping that at least personally I find troubling. I think what need to do is obviously meet on that. We'll talk it through. We not going to resolve it here.

But you do understand the huge question mark that lingers people when you look at those odds. I mean, let me give you example. I understand that 300 of the reports refer specifically Bob Garwood.

Mr. TROWBRIDGE. Very close to that, yes, sir.

The CHAIRMAN. Very close to that. So in 300 cases, some one person might come back and have reported to you: Gee, I Mee, as he was referred, or whatever, or somebody and so and it turns out that Bob Garwood was there. But in the 20

stances where that same one person might report about someone else it gets discounted.

Mr. TROWBRIDGE. Well, I don't think we have 20 other reports where that same individual reported somebody else.

The CHAIRMAN. Not the same individual, but I'm talking about someone else who happens to come in with the same kind of credentials, same kind of background, same kind of situation.

We need to work through those. I'm not going to prolong it here now.

Senator SMITH. Excuse me. Chuck, did you misspeak when you said, if I understood you correctly, you said there are zero live sighting reports pertaining to Americans in captivity? You didn't?

Mr. TROWBRIDGE. No, sir, I did not say that. All of these first-hand live sightings deal with Americans in captivity. That's what we've been dealing with.

Senator SMITH. I think you misspoke.

Mr. TROWBRIDGE. I'm sorry if I did.

The CHAIRMAN. I asked you how many of those reports have you affirmed do in fact refer to somebody——

Senator SMITH. In captivity.

The CHAIRMAN. ——in captivity.

Senator SMITH. You said zero.

The CHAIRMAN. And you said zero, that none you affirmed refer to somebody in captivity.

Mr. TROWBRIDGE. We have not affirmed any, but there are about 26 of those reports, for instance, that say prior to Operation Homecoming, where we had a shootdown, where somebody said, I saw an American, and we have equated that information to someone.

Senator SMITH. OK, but the reports—you have reports, lots, hundreds of reports—that said they saw Americans in captivity?

Mr. TROWBRIDGE. Oh, yes, sir, 1,500 of them.

The CHAIRMAN. But none affirmed. That's all I'm trying to get at.

Please, if you would further respond to General Tighe's comments on the mindset to debunk, et cetera.

Mr. TROWBRIDGE. Well, as I started to say there, of all those reports we have made a judgment where we have said the individual told us the truth, and we have made an evaluation of those reports and they're individuals that are accounted for. And I just gave you a list of the type individual some of those reports equate to.

So we didn't debunk those people.

The CHAIRMAN. Fair enough, but that's not what people are suggesting. You see, here we're getting into the split. And you're accurate. What you're saying is accurate, and in fairness I want to make sure that the same issue that I raised still stands.

I guess people feel the mindset to debunk is as to those reports that refer to somebody who might be in captivity, not as to the people that you can account for that are back in the United States. They would allege that there is a kind of convenience in the ability to affirm them as to people who came home or are dead, but never to affirm them as to somebody who is in captivity.

Mr. TROWBRIDGE. I can understand that to a certain extent, because when you don't have capabilities, as we were talking about here today, where you can actually go in on the ground and put

your finger in the wound or you can't check it out yourself, have to use other means.

For instance, we did use other means, and of course we did after the source, if you want to put it that way: Was he telling the truth? And how did we do that? I used that example of, he said they were in this re-education camp, that American pri ers were there. Well, what's another way to do it? We canvas the refugees who were there and we find refugees that were the In a way, we have discredited the source.

The CHAIRMAN. We had sufficient information at one point time to actually mount a rescue expedition in the 1980's, did not?

Mr. TROWBRIDGE. I wouldn't say we had enough information mount it, not in my view, no, sir.

The CHAIRMAN. We did try to mount it, did we not?

Mr. TROWBRIDGE. That was done, yes.

The CHAIRMAN. And you're now saying to us there was not cient information for the President of the United States to mak decision to mount that effort?

Mr. TROWBRIDGE. Sir, I don't want to get into that in this are All that information is available to your committee.

The CHAIRMAN. Well, I'm not talking specifics. I'm talking nerically here. I recognize this is one of the things we're going declassify and get out. But I'm just asking you whether you agreed with that decision. I mean, it's public knowledge.

It's been written about in the newspapers before that there such an effort.

Mr. TROWBRIDGE. Sir, maybe it's been written about, but as as I'm concerned and the guidelines that I have it's still classifi

The CHAIRMAN. We'll pursue it in another context.

Do you have other comments that you want to make in order respond to General Tighe's comments and to help the commi understand the "mindset to debunk"?

Mr. TROWBRIDGE. No, sir.

The CHAIRMAN. You think you've covered that. Let me ask then—Senator Smith is back. I believe you were going to check information on Spinelli that was raised this morning, and you to respond to that.

Incidentally, this morning we talked about why the comm really needs to evaluate these kinds of things, and we want that with you so that we can avoid having misinformation there, and I think this may be one of those kinds of examples.

Do you want to share that with us?

Mr. TROWBRIDGE. Based on Senator Smith's request and the that he had a document which indicated a positive identificati an individual that's still unaccounted for by the name of Spi and it referred to the debrief of a Lieutenant Tangeman, well went back to the file, and I have a letter that I will provide committee.

DEPARTMENT OF THE NAVY
NAVAL MILITARY PERSONNEL COMMAND
WASHINGTON, D.C. 20370-5000

IN REPLY REFER TO
1771
Ser 64DD/0636
15 August 90

SPINELLI
File

Mrs. Mona Wright
414 Washington St.
Mt. Vernon, WA 98273

Dear Mrs. Wright:

I have located the debrief of LT Tangeman conducted after his return. The paragraph concerning your father has been extracted from the complete message relaying the debriefing results. Each paragraph in the message covered a different missing man. Let me explain some of the data as it is presented.

A compilation of photographs of all missing or captured servicemen were made into a book for DIAs use for identification purposes. The pictures were generally obtained from the service records of the individuals concerned and the pictures would have been taken prior to their missing status. As the returnees were debriefed they were shown the pictures of those still missing. The returnee may recognize the picture because he knew the missing man before he became missing or perhaps saw him in the prison system.

When shown your father's picture located in this volume of identification pictures, LT Tangeman made a positive identification that he knew your father. This is amplified in the comments where he explains that he knew your father before he became missing. He knew him at NAS Sanford. LT Tangeman had never seen LT Spinelli in the prison system or heard his name as being in the prison system.

I hope this explains the line "ident very positive", and puts it in the context it must be to be understood. I explained the debriefing report to your mother over the phone and she stated she did not need a copy, but to forward a copy to you. If you have any further questions, please feel free to write or call toll-free at 1-800-443-9298.

Sincerely,

Laureen M. Mahoney

LAUREEN M. MAHONEY
Lieutenant, U.S. Navy
Special Assistant, POW/MIA Affairs

Encl:
(1) Paragraph "C" from NAS JAX FLA 222114Z MAR 73

EXTRACTED FROM FICEUR NAS JAX FLA 222114Z MAR 73
DEBRIEFING CLARIFICATION REPORT (RETURNEE: TANGEMAN)

C. NAME: SPINELLI, DOMENICK
RANK: 03 BR NA
DIA ID NO.: S053
IDENT VER POSITIVE
VOLUME I, PAGE NO.: A-360
COMMENTS: TANGEMAN KNEW HIM AT NAS SANFORD AND HAS NEVER SEEN HIM OR HEARD HIS NAME AS BEING IN THE PRISON SYSTEM.
GDS-81
BT
#0574

EXTRACTED FROM FICEUR NAS JAX FLA 222114Z MAR 73
DEBRIEFING CLARIFICATION REPORT (RETURNEE: TANGEMAN)

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GDS-81
BT
#0574

SPINELLI REPORT

-- According to Mona Wright, daughter of missing aviator Lt. Domenick Spinelli, USN, Billy Hendon has told her that her missing father is a captive in Cambodia.

-- The Navy has spoken to Mrs. Wright, who told them that Billy also told her the name of the other POW held with Spinelli, however, she refuses to give the name to the Navy casualty officer.

-- The 24 June story in the **WASHINGTON TIMES** claiming that Spinelli was seen by a returned POW is totally erroneous. The returnee cited told DIA interviewers several years ago that he identified a photograph of Spinelli as someone who looked familiar, but after meeting with Spinelli's daughters, determined that he knew the missing man when they were stationed on the same base prior to their Vietnam tours. He did not see the missing flyer in captivity, nor did anyone else.

-- There is no intelligence to suggest Spinelli survived his loss incident. Radio Hanoi referenced the downing of an aircraft which was probably his, and his co-pilot's remains were returned and positively identified within the last 2 years, which leads one to conclude that the Vietnamese can account for him.

But it goes to show that, if you take a single piece of a document and you don't have the follow-up to it, how you can go down the wrong track. Let me read something to you regarding the debriefing of Lieutenant Tangeman:

"The compilation of photographs of all missing and captured servicemen were made into a book for DIA's use for identification purposes." This is used in the debriefing of returned PW's. "The pictures were generally obtained from the service records of individuals concerned and the pictures would have been taken prior to their missing status."

"As the returnees were debriefed, they were showed the pictures of those still missing. The returnee may recognize the picture because he knew the missing man before he became missing or perhaps saw him in the prison system.

"When shown the picture that was located in the volume of the unidentified pictures, Lieutenant Tangeman made a positive identification of the photo in that book of Spinelli."

It goes on and further amplifies the comments that were made by Lieutenant Tangeman:

"He explained that he knew Spinelli before he became missing. He knew him at the Naval Air Station in Sanford. Lieutenant Tangeman had never seen Lieutenant Spinelli in the prison system or heard his name being used in the prison system."

When they showed Lieutenant Tangeman the book, he said: Yes, I recognize that picture. Those comments were put into the debrief and they got recorded in that document as a positive identification. What he did was positively identify somebody that he knew at Naval Air Station Sanford.

The CHAIRMAN. But not as being within the system.

Mr. TROWBRIDGE. That's correct.

The CHAIRMAN. Understood.

Senator SMITH. Well, that's a pretty faulty way of doing debriefs, isn't it? I mean, was that commonplace? What good is a debrief if you put that kind of stuff in there?

Mr. TROWBRIDGE. Sir, that's what happens when you take single source analysis and, as was mentioned, when you put documents on the street. That document that you had in hand was a true reflection of the debrief. We asked individuals what they knew or who they had seen. At that time that information was put in the document. It was recorded, anything that they had to say about any individuals, and we have a record of that.

Of course, if you go into the man's record it's all clarified.

The CHAIRMAN. Let me come back, if I can, because we've got a number of areas we need to cover. On this issue of conspiracy, which is part of the analysis here, I guess, is there a distinction between the notion of a conspiracy, that people are ordered to do this or are consciously part of something and are actually undertaking to keep information, is there a distinction between that and just a habit, just a process that grew out of the mood that Senator Kerrey, Bob Kerrey, and I and others have referred to, that grew out of the repetition, that grew out of the lack of attention, that grew out of the statements of the President and others saying this is behind us, that grew out of the attitudinal turmoil in the after-

math of Vietnam, that grew out of the normal problems of
reaucracy, and all of which just grew into a sort of status
which nobody could quite break through, which General Tighe
into in a sense and elucidated in his report?

He couldn't find a conscious conspiracy, but sometimes the
sort of a conspiracy of silence, if you will, a conspiracy of inacti
of lack of leadership and lack of direction.

Now, my question is, General, first of all to you, is that a
thing the committee ought to kind of begin to perhaps think a
in this context? Is that a fair analysis of what may have devel
here?

General TIGHE. Yes.

The CHAIRMAN. For a period of time, at least.

General TIGHE. Let me add to that, too. I agree with that s
ment——

The CHAIRMAN. Let me just close off by saying, clearly Secre
Cheney's appearance here, the Bush administration's commit
of people in Vietnam and effort is different. I mean, that
square facing up to something.

There was a point where this shifted, and we have to analyz
actly when it was. But am I going down the right road in
mind or not?

General TIGHE. Yes, I think you are. Let me give two exampl
this. One, during our little task force examination we had per
nel from Chuck Trowbridge's shop come up and brief us on vari
aspects, and one of the analysts who had been there the longe
don't know whether he's still there or not—verbally attacked
and the other members for daring to come in and ask the questi
that we were asking.

He was clearly very much a victim of fatigue. A challenge to
integrity simply by asking questions had become very, very a
sive as far as he was concerned. And that's one point I wa
make.

The second point I want to make is that when a very, very h
Government official over your head makes a public pronounce
about things that you thought you knew and he says things di
ently than you know them or you thought you knew them, al
invariably, an intelligence officer "knows" that he had acce
special intelligence of some kind that you don't have or I d
have.

I don't know whether or not there are other intelligence off
that will vouch for that, but I can tell you it occurred at my l
because I thought: My God, with all the information this man h
somebody must have given him something I don't have access
need to know basis pervades everybody that's in the intelli
analysis on this issue, so that also is a factor.

The CHAIRMAN. I think that's a very candid answer and it m
a lot of sense to me.

Mr. Trowbridge?

Mr. TROWBRIDGE. Sir, I don't have any comment on th
assume we have access, always have, to information, that th
isn't anything that's withheld from us. It goes back to th

The CHAIRMAN. Well, I understand that. But you must admit, I would think—I mean, your office was slated for extinction in 1974. How did that make you feel?

Mr. TROWBRIDGE. Well, I always felt we had a job to do, and we pressed to do it as hard as we could.

The CHAIRMAN. But did you have a sense that the generals—and I say that generically—that the leaders were there for you? I know it's hard for you, because you work for these folks and it's hard to sit here. So I'm not going to pretend it isn't. But this is a moment of candor and this is the inquiry of inquiries on this subject, if you will, and we need your help.

Mr. TROWBRIDGE. Well, I think it was difficult at times to maintain what we had and maybe sometimes get what we needed. I think the individuals that worked this issue were treated right along with some of the others as far as cuts were concerned at the time.

The CHAIRMAN. Were there times in this when you were a little demoralized?

Mr. TROWBRIDGE. I'd have to say yes.

Senator KASSEBAUM. Mr. Chairman.

The CHAIRMAN. Yes, Senator Kassebaum.

Senator KASSEBAUM. I just had one more question I wanted to ask. But before that I wanted to express my appreciation to General Tighe and Admiral Moorer. I really think that both of you should be commended for your commitment and your dedication and your honesty through some very difficult times.

Admiral Moorer, you were Chairman of the Joint Chiefs of Staff at the time of the Paris Peace Accord.

Admiral MOORER. Yes.

Senator KASSEBAUM. And feeling as you did, I'm sure that you must have conveyed those thoughts that there were perhaps still live prisoners, that there were still prisoners of war there. Was the atmosphere at that time so pervasive just to get this behind us that no one wanted to recognize that? Were you suppressed by those over you as commander, as Chairman of the Joint Chiefs?

Admiral MOORER. Well, of course I think the whole Vietnam experience, which I was involved in from the time of the Tonkin Gulf incident until 1974, actually, I think that it was very frustrating, for instance, the rules of engagement throughout, from the very beginning, almost drove me crazy because they had no connection to common sense or military strategy.

But it is true that I think that the general mindset in the country was: For heaven's sake, get this over with. And I believe that so far as I am concerned there were many, many things about that so-called war that I didn't agree with.

Senator KASSEBAUM. At that point, when supposedly there had been an agreement worked out in Paris and these accords were signed, you must have felt discomfort knowing that there was really not a clear picture of the reality of what existed still in Vietnam from personnel in our armed services who were being held, that the accounting was not——

Admiral MOORER. Of course I felt discomfort. But I at that point I don't think anyone could have stopped it. I mean, the Chairman here mentioned Watergate, and the whole atmosphere and so on

was such that, hurray, hurray, we've signed an agreement, the POW's are coming home, and there was great attention to that.

Everybody of course viewed it with some satisfaction, and no one was going to—I think we'd have had really a revolution if we'd have turned around and gone back in there with full-fledged combat at that point in time.

Senator KASSEBAUM. And that's what you felt it would have taken in order to get our prisoners out?

Admiral MOORER. Yes, ma'am, because I still say, and I've said several times today, the only way you're going to prove all of these things is to go over there at the point that is under discussion, so you can query the local people even or examine the sight of a crash.

But I don't think you can—I think you'll dispute all day if someone 400 or 500 miles away says there's a POW at such and such a point, and I saw him 2 months ago.

Senator KASSEBAUM. I just heard you say that it wasn't that you were suppressed, but that you had been ignored in offering your comments at that time on what might be the actual situation as far as the figures and the situation, and I think that's an important part of the record. Not that it would make any difference now, but just that there were those such as yourself and General Tighe who really believed that the accurate picture was not being presented.

Whether it could have been, whether there was even the possibility to do anything about it at that point, can be debated at this juncture. It wasn't done. But certainly there were voices such as both of yours that were raised questioning it at the time.

Admiral MOORER. Senator Kassebaum, let me tell you. After we had had the, I guess you would call it, the disappointment of the falling out and falling in again in October, and then to come in with a final agreement that was put together in Paris, not in the United States and so on, I don't think that anyone could have stopped it.

The point was that the terms of the agreement were literally OK so far as the POW's were concerned, because it said that all POW's will be returned from all four nations.

Senator KASSEBAUM. That's true.

Admiral MOORER. The question is, did you have any confidence that the North Vietnamese would comply with the agreement? And my experience was they never had, and so you could just hope that they would comply or hope that you had some information. But there was no assurance that they were going to do that.

Then when the money was cut off, as I pointed out, in July 1973, I'm sure they just threw the agreement in the wastepaper basket.

Senator KASSEBAUM. Thank you very much.

The CHAIRMAN. Thank you, Senator Kassebaum.

We're coming near to the end of what we're going to do today. Senator Smith, I think you just have one more?

Senator SMITH. A couple.

The CHAIRMAN. A couple of points. Why don't you go and then I'll close it out.

Senator SMITH. In listening to you, Admiral, talk about the behind the scenes, if you will, or the feelings about negotiations,

reminds me that when we went to Vietnam just a few weeks ago we spoke to some of your counterparts who were there at Paris on behalf of the Vietnamese. Considering the record of perfidy of the Vietnamese, I don't necessarily say that I believe the remark, but it is interesting in terms of perception.

I asked the Vietnamese negotiators, on a scale of one to ten, one being the highest level of concern for POW's, American POW's, in the discussions, ten being the least amount of concern on the part of American negotiators, how would you rate the American negotiating team on that scale of one to ten? His answer was eleven.

I found that to be an incredible remark, and it seems to me that some of the things that I'm hearing tend to, even though it was at the policy level and not at your level, tend to confirm that, regrettably.

Let me just make a couple of quick clean-up points here. General Tighe, as the Director of Intelligence, DIA, when you were there, not on the Tighe Commission but as the actual Director when you were in office, did you always feel that you were able to review all information that you felt you needed to review in your capacity to make the proper recommendations to your superiors?

General TIGHE. I guess my judgment would be that I was able to evaluate all that I was able to evaluate, and question that which I——

Senator SMITH. Did you ever request something you didn't get?

General TIGHE. Beg your pardon?

Senator SMITH. Did you ever request something that you felt you needed to evaluate to make a proper recommendation and did not get?

General TIGHE. If my memory serves me right, on a couple of occasions, yes.

Senator SMITH. Would one of those things be the debriefings from the POW's who came home?

General TIGHE. Well, that's an issue I'd like to answer separately, and that is the sacrosanctness of some of the intelligence we had access to. It had to do with compartmented intelligence.

Senator SMITH. So the structure—the system was so structured and so compartmentalized that even you as the Director of DIA really did not see all of the intelligence?

General TIGHE. Since I participated in very small compartments on occasion, I'd say absolutely. I knew that I didn't have access to all the intelligence.

Senator SMITH. A final point. I must say, and I realize the criticism that comes to all of us in Government, including us sitting here in the panel, but I must say——

The CHAIRMAN. Speak for yourself.

Senator SMITH. I am. I always speak for myself, Mr. Chairman. I was frankly shocked when I had heard that your task force, very reputable people, including Robbie Reisner, former POW, and many other very prominent Americans who served on your Tighe Commission, and it's a matter of public—including yourself, one of the most outstanding public servants in many years—to hear that you were bugged to me is shocking.

I just want to repeat for the record that the task that General Tighe was given—he didn't ask for it; he was asked to do it—was to

simply review the process by which we looked at this intelligence analysis, in an effort to try to correct whatever that process was, to find the mistakes, correct those mistakes.

When you get the chance to read his document, you will find that his document, I think, was fair in the sense that he analyzed errors in procedure and he made recommendations, very specific, and he also came to the conclusion that there was no conspiracy.

Now, to know that you were bugged leads me to one other point which I'd like to raise, and I'd like to raise it to Mr. Trowbridge. We have been—I have received indications that members of Congress have been asked—have been denied information and that there was a policy or a process in place within the agency or within the Government at some place to deny access of information to Members of Congress, to deny access to information to Members of Congress.

Do you know of any such directive, proposal, discussion, anything of the kind?

Mr. TROWBRIDGE. No, sir. As far as I know, anything that the Congress has wanted it has had access to. There are various compartmented programs, but I think when certain Members of Congress desired information they've been provided that information.

Senator SMITH. No tasking within the agency to deny information to Members of Congress?

Mr. TROWBRIDGE. No, sir. I have never seen any such directive.

Senator SMITH. Anybody else wish to answer that?

General TIGHE. I'd like to make a comment on that, sir, because I've been caught on this a couple of times, and that is that you've got to realize that no military man approves the information that goes to the Congress when they get a question.

If you send a question to anybody in uniform, he's going to have to pass it up through the political system of the Defense Department. At least my experience was that I had to clear things, so that they would know, the Secretary of Defense and his people would know, that the Congress had asked the question and this was the reply, because they don't like to get ambushed or they don't like to pass on information that may be contrary—it may be factual, but it may be contrary to what they are trying to accomplish, or something of that kind.

So my plea is, don't ever blame a military man for answering the question and the answer you get.

Senator SMITH. I'm not blaming any military man and I'm not going to put anybody on the panel on the spot, but I do want to say for the record now, so that there's ample warning, I intend to present in writing to the Defense Intelligence Agency a request for the identification of the person who authorized the bugging of General Tighe's Commission. And I put that on the record from this Senator at this time.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Smith.

We have a number of important questions, but they are questions that could be answered in writing. I think it's been a long day and a day of a lot of revelations, so I'm not going to prolong it.

We are interested clearly in Laos statistics, and I'm not sure it would hurt just to take 3 or 4 minutes quickly to talk about the

difficulty of repatriating people out of Laos. Obviously, it was very different terrain. We had greater rescue capacity. Where there were shootdowns, where we knew somebody, I take it we were able to get them much more than ever in North Vietnam. Is that accurate?

Mr. TROWBRIDGE. I concur with your comments when we talk about the black hole in Laos relative to people and the numbers that have been repatriated, and we do have some information along those lines that might help answer your questions. We can provide them in writing.

The CHAIRMAN. We need to understand that.

Admiral, I take it you concur with that?

Admiral MOORER. Yes, sir.

The CHAIRMAN. You were in charge of those operations and aware of it.

We obviously need to understand Laos better, and the committee wants to develop a record. Also, I want to make certain that people who are tuning in to these processes and who are following this, that you don't end the day saying: Well, why didn't they ask them this and why didn't they ask them that?

All these gentlemen have submitted to depositions, which are in the possession of this committee. There's a lot of information we have asked them already that will be part of the record and will be reflected in our report. In addition to that, we will be submitting additional questions in writing.

I can assure you, General and Admiral and also Mr. Trowbridge, it will not be a huge burden and not pages and pages. But there are, Admiral, for instance, questions about the staff criteria and some of what the military intelligence staffs did, some questions about CINCPAC advisory board, and so forth, just things that help us to fill out the record in order to be able to understand the full picture here, but they are not necessary in terms of this public discourse.

I would like to say that, in answer to Senator Smith, I'm not just shocked about the tapping. And I take at face value—you're a General in the United States Army, you've had an extraordinary distinguished career. I gather you said that was the unanimous decision and understanding of everybody on the committee, is that correct?

General TIGHE. Correct.

The CHAIRMAN. And you purposefully put information out in a way as to determine whether or not that was happening?

General TIGHE. Correct.

The CHAIRMAN. And you know that it didn't happen by virtue of leak. It actually happened by virtue of the verbatim language being——

General TIGHE. We were getting unanimous judgments from all the members, so we had no reason to believe that they were leaking.

The CHAIRMAN. But more importantly, there's a sense I have from your experience that you feel that there was a resistance level to what you were doing. The General Peroots pre-report, the process itself, seemed to say: Whoops, we don't really want this inquiry, we don't really want this interference, in a sense.

It fits in many ways with the picture that I've drawn of the sort of process by which people do resist those inquiries. Now, I don't know. The committee doesn't know yet whether there's more to that, whether there's something else that people were trying to avoid. We haven't made that judgment yet.

There's a lot more inquiry to undergo and we're going to undergo it. And I think people can get a sense that we're doing it pretty meticulously, and we will continue to do so.

General TIGHE. Senator, I'd like to make one comment. I had just previously served as the Air Force member on the Beirut Commission to examine the bombing of our barracks in Beirut and had gone there with a team, and I had seen what a very, very well-organized and supported commission operated in the Pentagon.

So I had a very keen sense of comparison with that organization and my own, and it was with that as background that I was able to determine whether or not our commission was treated fairly.

The CHAIRMAN. Well, I accept that. And as I say, we will follow up with some written questions for you.

Could I ask you, Admiral and General, if it's possible, that you could submit those? We will get the questions right to you, and would it be possible to get those in the next, say a week or so, 2 weeks at the outside?

Admiral MOORER. Yes, sir.

[See appendix.]

The CHAIRMAN. And General, I apologize. I put you in the wrong service. We Navy men are prone to doing that.

General TIGHE. You know I served in the Army also.

The CHAIRMAN. The United States Air Force. Well, you served in the Army also, so I wasn't completely wrong, but General of the Air Force.

Mr. Trowbridge, we really need—I know you're overburdened I know this takes away from other things. But you can understand that there really is nothing more important than clarifying this issue, and it will go a long way to helping you in the long run to do the other work.

If you could assist us in our analysis of these live sighting reports and assist us in pulling together our ability to understand them, then the committee can make much wiser judgments with respect to this issue. So we do need your help in doing that in the next weeks and we look forward to it.

Admiral, I again repeat your service, both of you, General, is extraordinary. You don't need us here to say that, but we're very grateful to you for taking the time to come here and share your observations with us and your candor.

My own sense is that today has shared a lot with this committee and with the public, and I think that if you step back from this issue without looking for recrimination, which for some may be difficult, but we ask people to do it, that today has helped people to understand what may or may not have taken place in it.

There's a lot more to do, but I do personally see a picture beginning to develop and appear. And I think it's one we can deal with as a country, that we can understand in its historical context and in its present day light.

My prayer is that the Vietnamese will assist us to understand it and deal with it. There's a different set of people running the government there than there were 20 years ago. They are not different in philosophy, regrettably. Most of us wish they were. But they are different certainly in their approach to the world and to us. That gives us the opportunity to try to resolve this issue.

So Senator Smith and the rest of the committee express our gratitude to you, and this committee will reconvene tomorrow at 9:30 in the morning. We stand adjourned until that time.

[Whereupon, at 5:09 p.m., the committee was adjourned.]

HEARINGS ON AMERICANS MISSING OR PRISONER IN SOUTHEAST ASIA THE DEPARTMENT OF DEFENSE ACCOUNTING PROCESS

THURSDAY, JUNE 25, 1992

U.S. SENATE,
SELECT COMMITTEE ON POW/MIA AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 9:35 a.m., in room SH-705, Hart Senate Office Building, Hon. John F. Kerry (chairman) presiding.

OPENING STATEMENT OF SENATOR KERRY

The CHAIRMAN. The hearing will come to order.

The Senate Select Committee on POW/MIA Affairs meets for its second day of hearings in which we are trying to establish the baseline universe, so to speak, with respect to this issue. We appreciate all the witnesses' presence here today.

I will not have a lengthy opening statement as I did yesterday, but just a couple of quick comments, if I may.

I read in one of the news accounts an individual who said, well, they have not listed all of them, or the list should have been bigger. What I want to emphasize is this is reality time. I hope people are not going to run around saying well, the list ought to be bigger. If you have got a reason to put somebody on a list, now is the time to come forward. If you have got evidence to show that somebody ought to be on a list, now is the time to come forward. But it is not sufficient for anybody to simply say gee, it ought to be bigger.

We are dealing with reality. We have taken and put together lists from every possible list we have been able to find, subpoena, summon, locate, uncover in the archives, and there just are not any other lists. Moreover, there is a finite universe of people who went to Vietnam and either came back or did not. We know their names and we know the locations and the dates and times and we have records. And we are going to deal with records. We are not going to deal with hypothesis, theory, supposition, fantasy, and ultimately even hope, no matter how deep that hope may be. We have got to base this on reality. We all have hope, but we are trying to figure out what is real here.

Now, I want to emphasize again that the committee does not assert that every one of the names of the 133 were alive. We do not do that. We cannot do that. No one could do that. We have asserted that there is evidence that some were, and we have also asserted

there is evidence subsequent to that which we are evaluating that alleges that some were. That must be weighed.

What we did say unequivocally is that there were a body, a group of people listed as POW for whom there was a reason they were listed as POW, about whom we knew enough to call them POW. We did not get an accounting at that time. And we had reason to believe that many of them were alive. Now, that is a very straightforward statement.

The committee lists were developed from lists that we have gotten from the Pentagon and that they have declassified. Within a few days, those lists will be on their way to the National Archives for public examination by concerned citizens, and they will indeed be able to examine this record for themselves.

Three weeks ago, to answer another question of concern people have had, 3 weeks ago the Select Committee asked the Pentagon to alert the families of the men that we have been discussing in our findings, and those are the men that the Pentagon's own records listed as believed to be a prisoner of war. The families know who they are, and they deserve privacy if that is what they desire. The law guarantees them that. The committee is asking the Defense Department to release these lists in accordance with the families' rights, and the DOD's responsibilities are obviously to balance those rights against the public's right to know.

Senator Smith, do you have any additional comments?

Senator SMITH. No, Mr. Chairman.

The CHAIRMAN. Senator McCain?

Senator MCCAIN. No, Mr. Chairman.

The CHAIRMAN. Senator Reid?

OPENING STATEMENT OF SENATOR REID

Senator REID. Mr. Chairman, I would like to say that we have now spent a lot of time in this committee, and when I say we have spent a lot of time, my time pales in comparison to the time that you and Senator Smith have spent getting us to the point that we are now. I would like to confirm what you said.

You know, we have worked this until we have actual lists. We have people who are testifying who are talking about actual events. And I cannot confirm any more, underline, underscore, what you said. If anyone anyplace in this room or in this country that has any information that they feel this committee should have, this is the time to bring it forward. Because we have to get past the point of speculation and guessing and get to actual facts, because we are dealing and have dealt with people's lives.

I have said this privately and I will say it publicly. I appreciate very much the work that you and Senator Smith have expended on behalf of this committee. The time that I have spent, I repeat for the second time, pales in comparison to the days, hours, and weeks that you have spent. I personally am appreciative of the leadership that you have both shown.

The CHAIRMAN. I know I speak for Senator Smith when I thank you for that. We appreciate it.

I think we have work to do yet, as you all know. We are going to be proceeding through the Paris peace talks to try to understand

them. I think most of us feel that the story has been handled responsibly. We are not looking for somebody to be the fall person for this. We are looking for real answers, and I think we are on the road to finding them.

We have, joining us today, a number of people who were here yesterday, as well as some new people. Mr. Robert Sungenis is back and Mr. Charles Trowbridge; Colonel Michael Spinello, the director of casualty affairs and operations of the U.S. Army; and General McGinty. I think they are available, but we are going to proceed with Dr. Roger Shields, with Frank Sieverts, the former special assistant for POW/MIA matters to the Deputy Assistant Secretary of State; General Robert Kingston, U.S. Army, retired, former commander of the Joint Casualty Resolution Center from 1973 to 1974; and Michael Oksenberg, a former National Security Council staffer from 1976 to 1978.

We appreciate all of you coming here this morning. If I could ask you all if you would stand to be sworn.

Do you each individually swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Colonel SPINELLO. I do.

General MCGINTY. I do.

Dr. SHIELDS. I do.

Mr. SIEVERTS. I do.

General KINGSTON. I do.

Mr. OKSENBERG. I do.

The CHAIRMAN. I know you have some prepared statements which we would welcome. Dr. Shields, would you start off, please. We will just run down the list here.

STATEMENT OF DR. ROGER E. SHIELDS

Dr. SHIELDS. I'm going to read excerpts, in the interest of time, from my full statement which is available. I have a statement which has several sentences in addition to the statement which you have before you, and I will make that available to the committee.

Mr. Chairman and Members of the committee, I appreciate the opportunity of appearing before you to testify on a very important subject, and one with which I was officially associated for many years. Before I turn to the substance of my remarks, I should stress that my official role in this area as a member of the Department of Defense ended some 16 years ago. My last official association with the issue of Americans unaccounted for in Southeast Asia occurred in 1977 as a representative of the Secretary of Defense to the Presidential commission on missing Americans. That was the Woodcock Commission.

I have maintained an active interest in the matter of those Americans who yet remain unaccounted for from the conflict in Southeast Asia, but I have not been privy to all of the information on this subject which has been gathered since the termination of the Woodcock Commission, nor am I aware of all of the significant events which have transpired in this area since that time.

It is my belief from what I do know, though, that significant aspects of the problem of accounting for missing Americans remain virtually unchanged from the time my official role on the subject

ended. I should add that my association with many of the families of the missing has continued, and I extend my heartfelt sympathy to them for the trials they have faced and continue to endure.

Before I turn to your questions, there is something that I feel compelled to say today. We have had many obstacles in our efforts to provide an accounting for our missing. As distressed as I have been with these past impediments to an accounting, I am even further incensed by what the families of our missing have been subjected to by some of our own citizens. The issue of the missing demands the greatest care and precision possible as it is pursued in a responsible way. But it has become a subject in which even the well-meaning have done a great disservice to the families of the missing by dealing casually and carelessly in rumor and gossip.

I will turn now directly to the topics which you asked that I address in my testimony. In considering my views and answers, I reviewed the extensive testimony which I have presented in the past to the Congress. I find that much of what I have to say is already a matter of public record. Although much of that testimony is many years old now, I find that my views on the key issues relating to the missing remain essentially unchanged. And for that reason, I fear that I will be adding little, if anything, new to this important issue.

On the subject of POW/MIA lists which you asked that I address, the subject of prisoner and missing lists appears to be causing some confusion now, many years after these lists were compiled. I want to stress that the various lists were never a source of confusion or contention to those within the Government who created and used them during my time in the Department of Defense. I also want to stress that the Department of Defense lists were complete with regard to the listing of all of our men who became missing or were killed without the recovery of remains. They were also factual with regard to the circumstances of loss. Any errors were just that, inadvertent, and not committed as a matter of policy.

There were many lists relating to our men who became prisoner and missing, all created for specific purposes. Some were compiled by Government and service groups, and some originated from other sources. Within the Government, all of those lists were considered official for their intended purposes, and I will detail some of these lists.

Each service maintained a list of its own prisoners (POW) missing in action (MIA) and those killed in action whose bodies were never recovered (KIA/BNR). Some of these lists were for the purpose of maintaining pay accounts, keeping track of benefits, providing support to families, and other similar uses. Similar lists were formatted in various ways. These were lists based on the chronology of loss, alphabetized lists, lists by country loss, lists by accession number, and so forth.

There were also subsets of all-inclusive lists, with lists by category, by country of loss, and by other criteria, depending on need. And it should also be emphasized that these were not static lists, but lists that changed as more information became known about an individual. The dates associated with each list therefore were very important. As status changes were made, these changes were incorporated in the various lists. From the service list, the Comptroller

of the Department of Defense also compiled a list relating to the missing categories.

The Defense Intelligence Agency, DIA, also maintained a list of the missing. There has been some concern, I believe, over the fact that DIA carried some men in classifications, in particular the prisoner category, which differed from those of the services. The reason for this is simple, and I believe valid. There was discussion during my term in the Defense Department about whether DIA should be made to conform its internal classifications to those of the military services. I opposed that idea and the view that DIA should be forced to conform to service designations never became policy.

I believed at that time, and I do today, that DIA as an intelligence gathering and interpreting body should be free and unconstrained in its own internal efforts to develop information about missing and captured Americans. I believe that provided a more effective and complete intelligence effort than forcing DIA to conform to service decisions about what happened to a man. In effect, DIA's own internal classifications were worksheets designed to help their own analysis, and I considered them as such.

I want to emphasize that DIA's internal list did not result in confusion about a man's status. I met with intelligence experts virtually every week to go over information relating to individual men. The facts regarding individual cases were not in dispute. If a man listed by the Navy as missing was carried by DIA as captured and that led to better correlation of intelligence reports, then our own efforts were improved. I knew, and all those associated with the prisoner and missing effort knew, what the official status of an individual was. The families also knew. During my tenure in the Department of Defense, we did everything in our power to make sure that the families of our prisoners and missing knew the substance of everything known to us about their loved ones. That was Defense Department policy, and it was scrupulously observed.

DIA also compiled another POW/MIA list at my request. This list grouped the missing into five categories, based upon our estimate of the degree of knowledgeability of the hostile governments concerning our missing. Its purpose was to give us some way to gauge the response we were receiving to our inquiries about the missing.

There was only one official list regarding a man's status. The aggregate military status list was compiled from the list provided by the individual military services, and it was based on status determinations made by the service secretaries pursuant to their duties, as spelled out by sections 551 through 558, Title 37 of the United States Code. By law, only the service secretaries have the legal authority to determine an individual's status, and the law was observed in this regard during my tenure in the Department of Defense.

The Joint Casualty Resolution Center (JCRC), based overseas, also maintained a list of prisoners and missing. The JCRC was responsible for efforts in the field to obtain an accounting. And the JCRC list contained information designed to further that effort.

There were other lists, as well. Some lists were passed to U.S. citizens by representatives of the Democratic Republic of Vietnam, the DRV as it was then, to private U.S. citizens, and in one case to

representatives of Senator Kennedy, showing a number of U.S. military as having been captured or having died in captivity.

These lists were never considered to be official and complete lists. They were not transmitted by official representatives of the DRV to the U.S. Government.

The information the lists contained did not conform to the requirements of the Geneva Convention relative to the treatment of prisoners of war. And we believed the list, with good reason as it turned out to be incomplete. Statements by the enemy that they held an American prisoner were accepted by the United States as confirmation of POW status and were welcome. Statements relating to those who died in captivity were not accepted as a basis for a status change.

It is important to understand what the various lists meant from a practical standpoint. The lists, including our own list showing official status, were nothing more than an aggregation of the names of individuals. Every name on every list represented a person with a unique history and unique facts concerning the incident of loss. Those of us who worked intensively in this area became familiar with the individual cases. I know many men I have never met. Today, when discussing the fate of individuals for whom we have still received no accounting, it is simply not enough to refer to the status on the official list. The facts of the individual cases must be examined.

We knew that our own official list was not accurate and complete. It was based on our best efforts at finding out what happened to a man. But those efforts were stymied by noncompliance with the Geneva Convention by the other side, and by the difficulties surrounding the incident of loss. We knew that our designation of a man as prisoner did not guarantee him that status or that the designation of MIA did not mean a man was not a prisoner.

Another significant list is the one passed by the DRV to representatives of the U.S. Government in Paris in January 1973, as required by the Paris peace accords. That list was official in the sense that it represented for the first time an official statement by the other side about the Americans they were holding prisoner and those whom they reported as having died in captivity. This list was not accepted by us as a complete accounting for those held prisoner or for those who died in captivity. First, that list did not include the names of those prisoners missing in Laos. It also omitted the names of men we knew to have been in captivity at one time. The list of those reported as having been captured in Laos passed to us a short time later by the DRV was viewed in the same way.

The question of lists is one that I believe should give way to questions about individuals. As I have already noted, the practical impact of lists relating to status was always limited. As I also mentioned earlier, it had a mixed impact on family members, depending on what status a man had. It appears also to have had a limited impact on our prisoners and missing. Ronald Ridgeway was classified as killed in action, but that did not prevent his repatriation. Frank Cius was carried as missing in action in Laos, but he also returned home to his loved ones. David Demmon was carried as a prisoner in South Vietnam, but to this day, he remains unaccounted for.

Now, I will turn to the sources of intelligence. The basis for a man's status was the information concerning his incident of loss and the intelligence received relating to him afterward. That intelligence was gathered from a number of sources. The most important and accurate information came from prisoners released prior to Homecoming. Some information came from the lists mentioned earlier that were passed on to private citizens, as the list passed on to Cora Weiss. Some intelligence came from the constant monitoring of radio broadcasts, television tapes, and newspaper and magazine articles in North Vietnam, the U.S.S.R., and Eastern European countries. Friendly and not so friendly governments, including the then Soviet Union, were also asked for assistance and on occasion were helpful in providing us with information relating to our men who were missing.

Enemy soldiers who rallied to the allied side and captured enemy soldiers were the subject of a standard interrogation requirement aimed at extracting information about our missing. Dead enemy soldiers, too, were routinely searched for documents or other types of evidence relating to our men. Enemy communications intercepts were another source of information, sometimes accurate, but frequently not.

We also used aerial reconnaissance when it was feasible and appropriate. Agents were also used to the extent possible, and its important to note here that the Cooper-Church amendment precluded the use of U.S. intelligence agents in Laos, where our intelligence lack was greatest.

Indigenous civilians who may have had knowledge about prisoners and missing were also questioned, as were refugees. We understood long before we received the DRV–PRG list in Paris in January 1973 that Operation Homecoming would be only one phase of our work. It was evident that the process of accounting for those who did not return would be long, arduous, and complicated under even the best of circumstances.

For this reason, Article 8(b) of the accords was negotiated. Article 8(b) provided for an accounting for the missing, including any who way have been listed as prisoner and did not come home in repatriation during Operation Homecoming. And if it had been implemented, which it was not, we would have received the fullest possible accounting which we desired, and which the families of these men deserve.

As I have noted, the list which we received in Paris omitted men held prisoner in Laos, and that, in itself, constituted a violation of the Paris Agreement because, as negotiated, that agreement covered those lost throughout Southeast Asia. A short time later a list purporting to cover Laos was received.

While both lists contained some pleasant surprises, the most surprising thing about the lists was the lack of surprises. We knew immediately upon receiving this list of those to be repatriated and those said to have died in captivity, that men whom we knew had, at one time, been alive and in captivity were omitted from the list altogether. After debriefing those who returned, we knew also that the names of some men who may have died in captivity were also not on the lists.

On the other hand, we received the name of one individual, a civilian, that was totally unknown to us. In another surprise, Captain Robert White, carried by us as prisoner in South Vietnam but whose name was not on the list of prisoners, was repatriated shortly after the negotiated period of repatriation had expired. We were told that the enemy unit holding him in South Vietnam had been unable to report that they were holding him in time to include his name on the list of prisoners and release him during the official repatriation period.

It was obvious by the conclusion of Operation Homecoming that the accounting problem was going to be even more difficult than we had anticipated. We had hoped that our returnees would be able to provide us with substantial information about the missing, but relatively few cases were cleared up on the basis of returnee information.

Colonel Robert Standerwick's crew member came home, but had little information about Colonel Standerwick, for whom no accounting has been received. Commander Harley Hall's crew member was also repatriated, but no accounting has been received thus far for Commander Hall, who was lost only a few hours before the cease-fire agreement took effect. And so it went.

At the termination of Operation Homecoming we had no current hard evidence that Americans were still held prisoner in Southeast Asia—and I emphasize current, hard, evidence. None of those who returned had any indication that anyone had been left behind. We knew that there was a possibility that defectors were alive in enemy-controlled areas, but had no firm evidence to confirm this either.

Robert Garwood was an example of an American whom we felt might be alive and in an enemy-controlled area, but according to the returnees who saw him last, he was not being held as a prisoner. To repeat though, we did know that we had received no accounting for some men who at one time had been alive and in captivity.

I want to comment at this point on the so-called discrepancy cases; the cases of men we knew to have been captured, or for whom the information indicated a high degree of probability of capture. Those cases certainly exist. It is almost certain, though, that there are other men about whom we know nothing who were also just as surely captured. What we do not know, in many cases I am sure, is just as disturbing as what we know about the discrepancy cases.

This knowledge, common to those who have worked in this area, made the accounting for the missing even more urgent. Efforts to implement the accounting provision, Article 8(b), began even before homecoming was completed. An early request, for example, was for information relating to a Naval Officer carried as prisoner in South Vietnam. Other requests were made to repatriate the remains of Americans reported as having died in captivity.

The record of our efforts to implement Article 8(b) have been well documented. Without cooperation from the other side, the JCRC sent teams into the field to investigate crash and suspected grave sites. An extensive and sophisticated underwater search effort was made off the coast of South Vietnam at suspected crash site locations.

The last U.S. military man to die from hostile fire in Vietnam in a United States initiated action was killed in December, 1973. He was a member of a JCRC field team, and with the ambush of that team and his death, our field efforts ceased. Even then, an intensive public communications effort to obtain information from anyone in South Vietnam who might have knowledge of American prisoners or dead was begun, and ended only with the fall of South Vietnam in 1975.

At the end of Operation Homecoming the distinction between our own official categories blurred. It was ominous for those carried prisoner that they were not acknowledged as such by the other side and repatriated. The KIA/BNR's were in a much more definite status, although we knew that in a very small number of cases we had made mistakes in declaring a man dead.

A careful examination of individual files would reveal that if major status errors were made, they were made in declaring some who died MIA. In any case, after Operation Homecoming the problem was to determine what had happened to those who did not return, and to recover the remains of those who had died. As we know, and the primary reason we are here today, Article 8(b) was never implemented. No general accounting for the missing has been received.

After Operation Homecoming we developed specific and hard evidence concerning the whereabouts of McKinley Nolan, an Army deserter who was living with a wife and child on the border between South Vietnam and Cambodia in 1975. Emmet Kay, an Air America pilot, was captured in Laos after the cease-fire agreement and was repatriated after a period of captivity.

The only individuals whom hard, and at the time current information indicated were in captivity and for whom no accounting has yet been received were two civilians; an American, Charles Dean, and Neil Sharman, an Australian, who were captured in 1974. They were unquestionably in the hands of the Pathet Lao when the events that led to the fall of Saigon and Vientiane in mid-year 1975 occurred. Our intelligence capability and our ability to track them in captivity ended with the collapse of the friendly governments.

It is unlikely, I believe, that an accounting is obtainable now which will resolve the doubts of many families about the status of their loved ones missing in Southeast Asia. The record has become too convoluted and distorted for that to happen.

While Congressman Montgomery was in Hanoi being assured that no Americans were being held captive in Vietnam, Arlo Gay was being held at Son Tay prison, and Tucker Gouglemann was being held in Chi Hoa prison in Saigon. Gay was later released but Gouglemann died in prison, and only his remains returned home.

Now we are told American prisoners were transferred from Southeast Asia to Russia where, according to Boris Yeltsin, they may be alive today. If this hope, too, turns out to be illusory, hundreds and perhaps thousands of family members will agonize anew about the fate of their loved ones. Assurances that there was a misunderstanding will have little credibility. Some early releases came home from Vietnam via Moscow, but we never had any indication

that prisoners were transferred to the Soviet Union and detained there.

Mr. Chairman and members of the committee, this concludes my statement.

[The prepared statement of Dr. Shields follows:]

PREPARED STATEMENT OF ROGER E. SHIELDS

Mr. Chairman and members of the Committee, I appreciate the opportunity of appearing before you to testify on a vary important subject, and one with which I was officially associated for many years. Before I turn to the substance of my remarks, I should stress that my official role in this area as a member of the Department of Defense ended some 16 years ago. My last official association with the issue of Americans unaccounted for in Southeast Asia occurred in 1977 as the representative of the Secretary of Defense to the Presidential Commission on Missing Americans (Woodcock Commission). I have maintained an active interest in the matter of those Americans who yet remain unaccounted for from the conflict in Southeast Asia, but I have not been privy to all of the information on this subject which has been gathered since the termination of the Woodcock Commission, nor am I aware of all of the significant events which have transpired in this area since that time. It is my belief from what I do know, though, that significant aspects of the problem of accounting for missing Americans remain virtually unchanged from the time my official role in this subject ended. I should add that my association with many of the families of our missing have continued, and I extend my heartfelt sympathy to them for the trials they have faced and continue to endure.

I am grateful for this Committee's interest in the subject of the missing and for the commitment which it demonstrates of this great nation's determination to achieve the fullest accounting possible for these men. I am profoundly dismayed, nevertheless, that my appearance today comes more than 30 years after the first American became missing in Southeast Asia, and almost 20 years after the implementation of the Cease-fire Agreement which ended the active role of the U.S. military in the conflict.

There are many things which I would like to include in my testimony today. I would like to pay tribute once again to the great courage and bravery of the families of our missing, and to the enormous effort extended by those within the Government who have worked so diligently on their behalf and on behalf of their missing loved ones. I would like to detail once more the unprecedented lengths to which our nation has gone to support the families of our missing and to obtain an accounting for those whose fate still remains undetermined today. In the interest of time, however, I will leave those subjects for another day.

Before I turn to your questions, there is something which I feel compelled to say. I realize full well that, given the almost incomprehensible difficulties inherent in efforts to obtain a satisfactory accounting for men lost during the time of war, often in remote and physically hostile terrain, and for the most part in incidents involving the violent shootdown and crash of high performance military aircraft, it will be impossible to account for all of our missing. The problem for the families of the missing has been further compounded by the history of noncompliance with the Cease-fire Agreement and an extensive record of noncooperation by the other side.

As distressed as I have been with these past impediments to an accounting, I am even further incensed by what the families of out missing have been subjected to by some of our own citizens. The issue of the missing demands the greatest care and precision possible as it is pursued in a responsible way, but it has become a subject in which even the wall-meaning have done a great disservice to the families of the missing by dealing casually and carelessly in rumor and gossip.

Most reprehensible of all are those guilty of outright fraud and deceit. In recent months we have seen an effort to pass off a photo of a German crook as a U.S. serviceman who became missing in Laos, and the cropped photo of a Soviet general as another missing American.

We have also heard from former employees of the U.S. government, men who worked at the NSA, about intelligence intercepts relating to literally hundreds of missing servicemen who were allegedly captured but never repatriated during Operation Homecoming. I am perplexed at the silence of the U.S. Government about these reports. During the time I was in charge of prisoner and missing affairs, I never heard of any such reports. If the existence of these reports can be verified, their implications for the honesty of government efforts to account for the missing are overwhelming. It would indicate a conspiracy within the government of which I was, and am, unaware. I personally give these reports no credence at all. But I am at a loss to understand why there has been, so far as I know, no official statement from the Administration, or from your Committee, about the veracity of these reports. The NSA is not an agency of a foreign government, it is an agency of the United States government, and ascertaining the truth about the alleged reports should be a simple matter.

Finally, if our laws do not adequately cover fraud and the perpetration of deliberate hoaxes concerning our missing, laws should be passed by the Congress which do. The subject is too serious and the grief and agony of the families too real to subject them unceasingly to the barrage of deliberate misinformation which they have had to endure.

I will now turn directly to the topics which you asked that I address in my testimony. In considering my views and answers, I reviewed the extensive testimony which I have presented in the past to the Congress. I find that much of what I have to say is already a matter of public record. Although much of that testimony is many years old now, I find that my views on the key issues relating to the missing remain essentially unchanged. For that reason, I fear that I will be adding little, if anything, new to this important issue.

PW/MIA LISTS

The subject of prisoner and missing lists appears to be causing some confusion now, many years after these lists were compiled. I want to stress that the various lists were never a source of confusion or contention to those within the Government who created and used them during my time in the Department of Defense.

There were many lists relating to our men who became prisoner and missing, all created for specific purposes. Some were compiled by Government and Service groups, and some originated from other sources. Within the Government, all of those lists were considered official for their intended purposes. I will detail some of these lists. Each service maintained a list of its own prisoners (PW), missing in action (MIA) and those killed in action whose bodies were never recovered (KIA/BNR). Some of these lists, were for the purpose of maintaining pay accounts, keeping track of benefits, providing support to families and other similar uses. As status changes were made, these changes were incorporated in the various lists. From the service lists the Comptroller of the Department of Defense also compiled a list relating to the missing categories.

The Defense Intelligence Agency (DIA) also maintained a list of the missing. There has been some concern, I believe, over the fact that DIA carried some men in classifications, in particular the prisoner category, which differed from those of the services. The reason for this is simple, and I believe valid. There was discussion during my term in the Defense Department about whether DIA should be made to conform its internal classifications to those of the Military Services. I opposed that idea, and the view that DIA should be forced to conform to Service designations never became policy. I believed at that time, and I do today, that DIA, as an intelligence gathering and interpreting body, should be free and unconstrained in its own internal efforts to develop information about missing and captured Americans. I believe that provided a more effective and complete intelligence effort than forcing DIA to conform to Service decisions about what happened to a man. In effect, DIA's own internal classifications were worksheets designed to help their own analysis, and I considered them as such.

I want to emphasize that DIA's internal list did not result in confusion about a man's status. I met with intelligence experts virtually every week to go over information relating to individual men. The facts regarding individual cases were not in dispute. If a man listed by the Navy as missing was carried by DIA as captured, and that led to better correlation of intelligence reports, then our own efforts were improved. I knew, and all those officially associated with the prisoners and missing effort knew, what the official status of an individual was.

DIA also compiled another PW/MIA list at my request. This list grouped the missing into five categories based upon our estimate of the degree of knowledgeability of the hostile Governments concerning our missing. Its purpose was to give us some way to gauge the response we were receiving to our inquiries about the missing.

There was only one official list regarding a man's status. The aggregate military status list was compiled from the lists provided by the individual military services, and it was based on status determinations made by the Service Secretaries pursuant to their duties as spelled out by Sec. 551–558, Title 37 of the U.S. Code. By law, only the Service Secretaries have the legal authority to determine an individual's status,

and the law was observed in this regard during my tenure in the Department of Defense.

The Joint Casualty Resolution Center (JCRC) based overseas, also maintained a list of prisoners and missing. The JCRC was responsible for efforts in the field to obtain an accounting, and the JCRC list contained information designed to further that effort. I should note here that the chief problem involved with the maintenance of similar lists in several locations was that occasionally information generated in the U.S. or in the field failed to reach the other locations. For example, a letter which Sergeant John Sexton had written while in captivity was not forwarded to Army Casualty files in the U.S., although information relating to the substance of the letter was forwarded to the U.S. and given to his family. Sergeant Sexton was released before Operation Homecoming, and the fact that his family had not been shown an exact copy of his letter resulted in criticism in the press of our procedures for maintaining files on the prisoners and missing.

There were other lists as well. Some lists were passed to U.S. citizens by representatives of the Democratic Republic of Vietnam (DRV) as it was then, to private U.S. citizens and, in one case, to representatives of Senator Kennedy, showing a number of U.S. military as having been captured or having died in captivity. These lists were never considered to be official and complete lists. They were not transmitted by official representatives of the DRV to the U.S. government. The information the lists contained did not conform to the requirements of the Geneva Convention Relative to the Treatment of Prisoners of War, and we believed the lists, with good reason as it turned out, to be incomplete. Statements by the enemy that they held an American prisoner were accepted by the U.S. as confirmation of PW status, and were welcomed. Statements relating to those who died in captivity were not accepted as the basis for a status change.

It is important to understand what the various lists meant from a practical standpoint. The lists, including our own list showing official status, were nothing more than an aggregation of the names of individuals. Every name on every list represented a person with a unique history and unique facts concerning the incident of loss. Those of us who worked intensively in this area become familiar with the individual cases. I know many men I have never met. Today, when discussing the fate of individuals for whom we have still received no accounting, it is simply not enough to refer to the status on the official list. The facts of the individual cases must be examined.

We knew that our own official list was not accurate and complete. It was based on our best efforts at finding out what happened to a man, but those efforts were stymied by noncompliance with the Geneva Convention by the other side, and by the difficulties surrounding the incident of loss. We knew that our designation of a man as prisoner did not guarantee him that status, or that the designation of MIA did not mean a man was not a prisoner. For some family members, our official list was a source of comfort, but for others it was a source of despair. It was never considered to be a statement of fact accurate with regard to each individual case.

Another significant list is the one passed by the DRV to representative of the U.S. government in Paris in January 1973, as required by the Paris Peace Accords. That list was official in the sense that it represented, for the first time, an official statement by the other side about the Americans they were holding prisoner, and those whom they reported as to having died in captivity. This list was not accepted by us as a complete accounting for those held prisoner or for those who died in captivity. First, that list did not include the names of those prisoners and missing in Laos. It also omitted the names of men we knew to have been in captivity at one time. The list of those reported as having been captured in Laos, passed to us a short time later by the DRV, was viewed in the same way.

The question of lists is one that I believe should give way to questions about individuals. As I have already noted, the practical impact of lists relating to status was always limited. As I also mentioned earlier, it had a mixed impact on family members, depending on what status a man had. It appears also to have had a limited impact on our prisoners and missing. Ronald Ridgeway was classified as killed in action, but that did not prevent his repatriation. Frank Clus was carried as missing in action in Laos, but he also returned home to his loved ones. David Demmon was carried as a prisoner in South Vietnam, but to this day he remains unaccounted for.

SOURCES OF INTELLIGENCE

The basis for a man's status was the information concerning his incident of loss and the intelligence received relating to him afterward. An initial determination of status was made by the military services based on the information concerning his loss. That information ranged from certain proof, as in the case of some KIA/BNR,

to virtually nothing, as in the case of men whose last communication was heard as their aircraft climbed out over the airfield as they departed on a mission. Without compliance with the Geneva convention requirements concerning notification of status, intelligence pertaining to our men became critical to our own knowledgeability.

That intelligence was gathered from a number of sources. The most important and accurate information came from prisoners released prior to homecoming. Some information came from the lists, mentioned earlier, that were passed to private citizens, as the lists passed on to Cora Weiss. Some intelligence came from the constant monitoring of radio broadcasts, television tapes and newspaper and magazine articles in North Vietnam, the USSR and Eastern European countries. Friendly and not so friendly foreign governments, including the then Soviet Union, were also asked for assistance, on occasion were helpful in providing us with information relating to our men who were missing. Enemy soldiers who rallied to the allied side and captured enemy soldiers were the subject of a standard interrogation requirement aimed at extracting information about our missing. Dead enemy soldiers, too, were routinely searched for documents or other types of evidence relating to our men. Enemy communications intercepts were another source of information, sometimes accurate, but frequently not. We also used aerial reconnaissance when it was feasible and appropriate. Finally, agents were used to the extent possible. It is important to note here that the Cooper-Church Amendment precluded the use of U.S. intelligence agents in Laos, where our intelligence lack was greatest.

We understood long before we received the DRV–PRG list in Paris in January 1973, that Operation Homecoming would be only one phase of our work. It was evident that the process of accounting for those who did not return would be long, arduous and complicated under even the best of circumstances. For this reason, Article 8(b) of the Accords was negotiated. Article 8(b) provided for an accounting for the missing, and if it had been implemented, which it was not, we would have received the fullest possible accounting which we desired and which the families of these men deserve.

As I have noted, the initial list which we received in Paris omitted men held prisoner in Laos. That in itself constituted a violation of the Paris Agreement because as negotiated it covered those lost throughout Southeast Asia. A short time later a list purporting to cover Laos was received. While both lists contained some pleasant surprises, the most surprising thing about the lists was the lack of surprises. We knew immediately upon receiving this list of those to be repatriated and those said to have died in captivity that men whom we knew had at one time bean alive and in captivity were omitted from the list altogether. After debriefing those who returned, we knew also that the names of some men who may have died in captivity were also not on the lists. On the other hand, we received the name of one individual, a civilian, that was totally unknown to us. In another surprise, Captain Robert White, carried by us as prisoner in South Vietnam, but whose name was not on the list of prisoners, was repatriated shortly after the negotiated period of repatriation had expired. We were told that the enemy unit holding him in South Vietnam had been unable to report that they ware holding him in time to include his name on the list of prisoners and release him during the official repatriation period.

It was obvious by the conclusion of Homecoming that the accounting problem was going to be even more difficult then we had anticipated. We had hoped that our returnees would be able to provide us with substantial information about the missing, but relatively few cases were cleared up on the basis of returnee information. Colonel Robert Standerwick's crew member came home, but had little information about Colonel Standerwick, for whom no accounting has been received. Commander Harley Hall's crew member was also repatriated, but no accounting has been received thus far for Commander Hall, who was lost only a few hours before the Cease-fire Agreement took effect. And so it went.

At the termination of Homecoming we had no current, hard evidence that Americans were still held prisoner in Southeast Asia. None of those who returned had any indication that anyone had been left behind. We knew that there was a possibility that defectors were alive in enemy controlled areas, but had no firm evidence to confirm this either. Robert Garwood was an example of an American whom we felt might be alive and in an enemy controlled area, but according to the returnees who saw him last, he was not being held as a prisoner.

To repeat, though, we did know that we had received no accounting for some men who at one time had bean alive and in captivity. I want to comment at this point on the so-called discrepancy cases—the cases of men we knew to have been captured, or for whom the information indicated a high degree of probability of capture. Those cases certainly exist. It is almost certain, though, that there are other men about

whom we know nothing who were also just as surely captured. What we do not know, in many cases, I am sure, is just as disturbing as what we know about the discrepancy cases.

This knowledge, common to those who have worked in this area, made the accounting for the missing even more urgent. Efforts to implement the accounting provision, Article 8(b) began even before Homecoming was completed. An early request, for example, was for information relating to a Naval officer carried as prisoner in South Vietnam. Other requests were made to repatriate the remains of Americans reported as having died in captivity.

The record of our efforts to implement Article 8(b) have been well documented. Without cooperation from the other side, the JCRC sent teams into the field to investigate crash and suspected grave sites. An extensive and sophisticated underwater search effort was made off the Coast of South Vietnam in suspected crash site locations. The last U.S. military man to die from hostile fire in Vietnam in a U.S. initiated action was killed in December 1973. He was a member of a JCRC field team, and with the ambush of that team and his death, our field efforts ceased. Even then, an intensive public communications effort to obtain information from anyone in South Vietnam who might have knowledge of American prisoners or dead was begun and ended only with the fall of South Vietnam in 1975.

We were accused by some in those days of being interested only in the KIA/BNRs, that we were not looking for living Americans. In fact, we were looking for information and evidence of any kind relating to Americans, whether they were dead with remains never recovered, carried as MIA or carried as PW. The search began at the last known location. Inspection of a crash site might reveal remains or the fact that a man survived. Inspection of a grave site might reveal that the story of an American's was untrue, or might result in the recovery of remains. Folders on all of those unaccounted for were passed to the Communists in the hope, vain as it turned out, of receiving an accounting.

At the end of Homecoming, the distinction between our own official categories blurred. It was ominous for those carried prisoner that they were not acknowledged as such by the other side and repatriated. The KIA/BNRs were in a much more definite status, although we knew a very small number of mistakes had been made in declaring a man dead. A careful examination of individual files would reveal that if major status errors were made, they were made in declaring some who died MIA. In any case, after Homecoming the problem was to determine what had happened to those who did not return and to recover the remains of those who had died.

As we know, and the primary reason we are hare today, Article 8(b) was never implemented. No general accounting for the missing has bean received. After Homecoming, we developed specific and hard evidence concerning the whereabouts of McKinley Nolan, an Army deserter who was living with a wife and child an the border between South Vietnam and Cambodia in 1975. Emmet Kay, an Air America pilot, was captured in Laos after the Cease-fire Agreement and was repatriated after a period of captivity. The only individuals whom hard and at the time current information indicated were in captivity, and for whom no accounting has yet been received, were two civilians, an American, Charles Dean, and Neil Sharman, an Australian, who were captured in 1974. They were unquestionably in the hands of the Pathet Lao when the events that led to the full of Saigon and Vientiane at mid-year 1975 occurred. Our intelligence capability and our ability to track them in captivity ended with the collapse of the friendly governments.

It is likely, I believe, that an accounting is obtainable now which will resolve the doubts of many families about the status of their loved ones missing in Southeast Asia. The record has become too convoluted and distorted for that to happen. While Congressman Montgomery was in Hanoi being assured that no Americans were being held captive in Vietnam, Arlo Gay was being held at Son Tay prison, and Tucker Gouglemann was being held in Chi Hoa prison in Saigon. Gay was later released, but Gouglemann died in prison. Only his remains returned home.

Now we are told American prisoners were transferred from Southeast Asia to Russia, where, according to Boris Yeltsin, they may be alive today. If this hope, too, turns out to be illusory, hundreds and perhaps thousands of family members will agonize anew about the fate of their loved ones. Assurances that there was a misunderstanding will have little credibility. Some early releases came home from Vietnam via Moscow, but we never had any indication that prisoners were transferred to the Soviet Union and detained there.

Even with the full cooperation of governments in the areas where our men were lost, a complete accounting will be impossible. In the midst of our efforts to obtain an accounting after Homecoming, two member of Congress became missing in the crash of their aircraft along the Alaska Coast. No tracė of the aircraft and its occupants was found despite an intensive search effort in an area which was inhabited only by friendly U.S. citizens, and controlled by the State of Alaska and the U.S. Government. in the same time frame the wreckage of an Army Air Force plane on a World War II training flight was found on the slope of Mount Graham, in Arizona. Mount Graham, too, is hardly a hostile location. One of my brothers and his family have a vacation cabin on Mount Graham. In 1974, in an air show at Dulles Airport, a member of the Air Force Thunderbirds reported a malfunction of his F-4 Jet, and ejected in full view of the air show crowd. They cheered when they saw a good parachute deploy. What they didn't see was his parachute melt as he came dawn, out of sight of the crowds, through the fireball which erupted as his aircraft impacted the ground. He fell to his death, with hundreds in the viewing stands, only a short distance away, unaware of the tragedy.

Efforts should be pressed at full speed in the field nevertheless to find as much of the story of our missing as remains now in that area of difficult terrain and unfriendly climate. These men and their families deserve no less.

This concludes my statement.

The CHAIRMAN. Thank you very much. Mr. Sieverts.

STATEMENT OF FRANK A. SIEVERTS, FORMER SPECIAL ASSISTANT FOR POW/MIA MATTERS TO THE DEPUTY ASSISTANT SECRETARY OF STATE, 1969-77

Mr. SIEVERTS. Thank you, Mr. Chairman. I'm glad to have this opportunity to appear before this select committee.

The CHAIRMAN. Let me just say that the full text will be placed in the record as if read in all cases.

Mr. SIEVERTS. Thank you—in this public session, and I share the committee's hope that its work will finally lead to a full resolution of the questions that have persisted about Americans lost in Southeast Asia.

Let me just say a word about why I'm here. During the years 1966-78 I was the State Department Special Assistant, and later Deputy Assistant Secretary, for POW/MIA's. My position was attached for a time to the office of Ambassador at Large Averell Harriman, who was also responsible for the so-called search for peace, then the responsibility shifted to the office of the Deputy Secretary of State.

It became part of the new Bureau for Human Rights and Humanitarian Affairs in 1976, and I was designated a Deputy Assistant Secretary for this subject in 1977. In 1979 I became Deputy Assistant Secretary for Refugees, and in 1980 I went to the U.S. Mission Geneva, Switzerland as Minister-Counselor for Humanitarian Affairs. At both those latter positions, I continued to have some oversight over the MIA subject.

Let me emphasize that my previous responsibilities in this area are unrelated to my current work for the Senate Committee on Foreign Relations.

I wish to say at the outset that the return of our prisoners of war from Indochina and the fullest possible accounting for the missing were the principal objectives of my office during this entire period. My appointment as an assistant to some of the highest level officials of the State Department was prompted by the Department's desire to raise the subject of our POW's to a high level and to give it prominence in the Department and within the Government as a whole. At any time during my years working on this that I felt I needed to have access to the Secretary of State or another high official, it was there and the action, the necessary action, was taken.

Other people in prominent positions took a similar attitude. When Roger Shields and I were in Saigon, we called on General Creighton Abrams, the head of the U.S. forces there, and one of the purposes was to review with him the structure of the searches for Americans lost in South Vietnam. We wanted to have what we call an action officer and General Abrams simply said I am your action officer, come to me if you have a problem. And if there was one, we did and it was solved. The same was true at CINCPAC, the Commander in Chief of the U.S. Forces in the Pacific, with whom we had a similar relationship.

It is important to note that the January 1973 Paris Agreement was the first agreement ending an armed conflict that contained such extensive provisions for accounting for the missing and dead. Not only paragraph 8(b) but an entire protocol to the document was related almost entirely to this subject.

A few years later, the 1977 Protocols to the 1949 Geneva Conventions, which set forth the rules and principles of humanitarian law in armed conflicts, for the first time stated a general obligation to account for the missing and dead. I served as a member of the American team at the diplomatic conference that negotiated those Protocols, and it was my privilege to serve as the chairman of the working group that drafted this, to me, very important provision of international law. I ask that the text of this section be printed in the record at this point.

[The information referred to follows:]

PROTOCOL ADDITIONAL TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949, AND RELATING TO THE PROTECTION OF VICTIMS OF INTERNATIONAL ARMED CONFLICTS (PROTOCOL I), OF 8 JUNE 1977

SECTION III

MISSING AND DEAD PERSONS

Article 32 — General principle

In the implementation of this Section, the activities of the High Contracting Parties, of the Parties to the conflict and of the international humanitarian organizations mentioned in the Conventions and in this Protocol shall be prompted mainly by the right of families to know the fate of their relatives.

Article 33 — Missing persons

1. As soon as circumstances permit, and at the latest from the end of active hostilities, each Party to the conflict shall search for the persons who have been reported missing by an adverse Party. Such adverse Party shall transmit all relevant information concerning such persons in order to facilitate such searches.

2. In order to facilitate the gathering of information pursuant to the preceding paragraph, each Party to the conflict shall, with respect to persons who would not receive more favourable consideration under the Conventions and this Protocol:

   a) record the information specified in Article 138 of the Fourth Convention in respect of such persons who have been detained, imprisoned or otherwise held in captivity for more than two weeks as a result of hostilities or occupation, or who have died during any period of detention;

   b) to the fullest extent possible, facilitate and, if need be, carry out the search for and the recording of information concerning such persons if they have died in other circumstances as a result of hostilities or occupation.

3. Information concerning persons reported missing pursuant to paragraph 1 and requests for such information shall be transmitted either directly or through the Protecting Power or the Central Tracing Agency of the International Committee of the Red Cross or national Red Cross (Red Crescent, Red Lion and Sun) Societies. Where the information is not transmitted through the International Committee of the Red Cross and its Central Tracing Agency, each Party to the conflict shall ensure that such information is also supplied to the Central Tracing Agency.

4. The Parties to the conflict shall endeavour to agree on arrangements for teams to search for, identify and recover the dead from battlefield areas, including arrangements, if appropriate, for such teams to be accompanied by personnel of the adverse Party while carrying out these missions in areas controlled by the adverse Party. Personnel of such teams shall be

Article 34 — Remains of deceased

1. The remains of persons who have died for reasons related to occupation or in detention resulting from occupation or hostilities and those of persons not nationals of the country in which they have died as a result of hostilities shall be respected, and the gravesites of all such persons shall be respected, maintained and marked as provided for in Article 130 of the Fourth Convention, where their remains or gravesites would not receive more favourable consideration under the Conventions and this Protocol.

2. As soon as circumstances and the relations between the adverse Parties permit, the High Contracting Parties in whose territories graves and, as the case may be, other locations of the remains of persons who have died as a result of hostilities or during occupation or in detention are situated, shall conclude agreements in order:

   a) to facilitate access to the gravesites by relatives of the deceased and by representatives of official graves registration services and to regulate the practical arrangements for such access;

   b) to protect and maintain such gravesites permanently;

   c) to facilitate the return of the remains of the deceased and of personal effects to the home country upon its request or, unless that country objects, upon the request of the next of kin.

3. In the absence of the agreements provided for in paragraph 2 *b*) or *c*) and if the home country of such deceased is not willing to arrange at its expense for the maintenance of such gravesites, the High Contracting Party in whose territory the gravesites are situated may offer to facilitate the return of the remains of the deceased to the home country. Where such an offer has not been accepted the High Contracting Party may, after the expiry of five years from the date of the offer and upon due notice to the home country, adopt the arrangements laid down in its own laws relating to cemeteries and graves.

4. A High Contracting Party in whose territory the gravesites referred [illegible] in this Article are situated shall be permitted to exhume the remains only

   a) in accordance with paragraphs 2 *c*) and 3, or

   b) where exhumation is a matter of overriding public necessity, including cases of medical and investigative necessity, in which case the High Contracting Party shall at all times respect the remains, and shall give notice to the home country of its intention to exhume the remains together with details of the intended place of reinterment.

So I hope there is no question about the commitment and dedication of those of us who had responsibility for this subject during what I believe must be recognized, and I assume the committee does recognize, are the crucial years; namely the time leading up the 1973 Paris Agreement; the 1973–75 period of implementation of that agreement which, of course, included the release and the return of the prisoners of war and civilian internees on both sides; and then the period of the communist takeovers and United States withdrawal from Indochina in 1975.

As stated above, our overriding objectives during this entire time were to assure that all our prisoners were returned, and to assure that we were pursuing all available means to secure the fullest possible accounting for our men.

The committee has asked me to address several issues in this testimony. Your first question asks which U.S. Government agency was responsible for collecting information about U.S. civilians. The Department of State carried this responsibility within the U.S. Government, as a result of its general responsibility for assistance to American citizens abroad.

My office worked closely with other bureaus in the State Department to make sure that the information on civilians, all American civilians, was collected and carefully collated; information from a great variety of sources. In this and in each of the answers I am going to present to your questions, I am going to make the same point. We cooperated fully with the Defense Department's efforts to account for our civilian and military personnel. There was complete consistency in the efforts to amass information and the efforts regarding release and accounting for civilians, as for military personnel.

The State Department's responsibility differed in one respect from that of the Defense Department and the military services, since with a few exceptions, the civilians were not direct employees of the State Department, and came under a different set of laws; the law that Dr. Shields referred to does not apply to civilians. Nonetheless, our efforts on behalf of civilians were just as intensive as the Defense Department's efforts were for the military personnel.

It should also be noted that our records differed, in retrospect, in an important way. For civilians we did not attempt to categorize each person as prisoner, missing, or killed. In some cases we had definite information that an individual was alive; in others there was no doubt that someone had died.

But in the absence of official documentation, we did not label these individuals in this way. We simply kept files that were as complete as we could make them. Those files had a number of civilian legal consequences, for example in relation to the Office of Workers' Compensation Programs at the Department of Labor, an office which provided financial support for the families of those who were eligible for these benefits.

We had information about our civilians that we received, at the time of the Paris Agreement. It was heartwarming, and gratifying to receive back a number of those civilians in whom our interest was just as intense as it was for the military personnel. It was a moment of great joy for me personally to be able to greet American

civilians released from South Vietnam on February 13, 1973 when they arrived at Clark Air Base in the Philippines and at the same time, on the same flights, as American military personnel returned from Hanoi.

Roger Shields and I were two of the small number of American officials who were in Hanoi for that first release of American POW's that took place the day before that, on February 12, 1973. It was an occasion and a day that neither of us will ever forget.

The process of treating civilians, in ways similar to the military continued during Homecoming. Medical care, transportation, and other assistance were provided. That, of course, included the same complete, thorough debriefing of all the civilians that also applied to the military personnel.

The information from civilians and military was correlated and commingled in such a way that anything, any piece of information that came from any source in the debriefing process or elsewhere would be retained and fitted into our analytic process. Similarly when we began to provide names in the four party joint military team and in other places to request further information and exploration, civilians were included with the names of the military personnel.

Your next question asks that I describe U.S. foreign policy after Operation Homecoming regarding the fate of American citizens and U.S. Government officials. Here, again, our efforts paralleled those that were undertake for the military. To some extent it was done through military liaison channels, as in the four party joint military team. Later it was done through the Woodcock Commission, on which I served as a supporting staff person, as did Roger Shields.

We did it in a variety of other relationships and negotiations with Vietnam. Two notable ones were the bilateral talks with Vietnam that took place in 1977–78, and in the very unusual, when they first began, visits by Vietnamese officials to our casualty resolution and identification facilities in Honolulu.

In some cases, exceptional efforts were made for civilians, such as initiatives on behalf of United States and international journalists missing in Cambodia, and for civilians missing in Laos, such as the Dean and Sharman incidents that Roger Shields mentions.

Missionaries were also the subject of special humanitarian concern. Friends and organization affiliates of people like these made extensive efforts, often through anti-war groups or through missionary alliances. They would attempt to have relationships with the Vietnamese and the Lao and the Cambodians that perhaps were not possible for U.S. Government officials. All that information, all this kind of effort, was brought into the picture as far as we were concerned.

With the fall of Saigon on April 30, 1975 and the collapse of the noncommunist governments in Cambodia and Laos, there was a renewed exodus of American and foreign civilians from the region. U.S. embassies, while they were there, had advised Americans to leave and most had done so, departed on the same flights on which American official personnel and many refugees, also departed.

But a number of Americans stayed on, chose to stay on. A few journalists, missionaries, and some voluntary agency personnel

hoped to continue to function under the communist authorities. For a time in South Vietnam this seemed to be possible, but by early 1976 all foreigners had been ordered to leave.

The remaining Americans in Phnom Penh were forced to depart shortly after the Khmer Rouge takeover was complete. If you've ever seen the movie The Killing Fields, its whole opening sequence is about the way the Americans and other foreigners were rounded up and forced to depart. Cambodians were kept behind and were subjected to the killing fields experience under the Khmer Rouge.

Foreigners were not expelled en masse from Laos, where American and other foreign embassies continued to function, although only a very small number of Americans continued to stay on, one of whom I recall managed an international airline office, so it was possible to continue to fly in and out of Vientiane.

I want to address one other subject before concluding my statement because it reflects experience that I gained both on the POW/MIA subject and on my work with refugees. It concerns the large number of refugee reports that were received during and after the exoduses from Vietnam, Laos, and Cambodia.

U.S. officials always debriefed refugees for a variety of intelligence information, including information about missing Americans. In 1978–1979, responding to requests from family organizations, U.S. officials put posters in refugee camps in several languages advising of our interest in information about American prisoners and MIA's. These were rather large posters, substantially larger than the ones you have there, on the dias, and in five or six languages frequently.

In response to this campaign, we began to receive a large flow of refugee reports concerning alleged Americans in Vietnam and elsewhere in Southeast Asia. The Defense Department and military services carried out a continuing and thorough analysis of all reports, and in many cases were able to correlate them with Americans imprisoned before 1973, foreign visitors, Americans staying behind in Southeast Asia until 1975 or early 1976, or other explanations. But the fact remained that a large number of these reports were not and could not be proven or disproven.

My work with refugees has made me deeply aware of the desperation that these people face and feel. Bereft of home and livelihood, their overriding concern is somehow to secure a better future for themselves and their families. Once it was announced to them that Americans had a strong interest in information on our missing men, it was only human nature for refugees to begin to offer the information which was so welcome to us and, in their eyes, might result in favorable treatment for them.

Refugees were also motivated by hatred—an understandable feeling—hatred of the regimes that had caused them to flee, and they assumed that reports of imprisoned Americans would reflect adversely on the communist authorities.

The very large number of these reports should have triggered caution, since it was clearly improbable that there were ever enough prisoners to correlate with all the alleged sightings.

It is noteworthy that in most of these reports no information was provided on the name or names of the people reportedly seen.

While the war was underway, we received reports on captured Americans which often had names associated with them. This was so even if the reports came from indigenous, illiterate people who would render an American name phonetically, in the same way that we might pronounce a Vietnamese or a Lao name.

An example of that which remains in my memory is the case of Charles Dean and Neil Sharman in Laos in 1974. These were two civilians—Dean was an American, Sharman was an Australian—way off the beaten path. As the reports on them began to come in, lo and behold there were the names as well. I mean these were coming in from Pathet Lao and local peasants and observers. The Dean would be spelled D-i-n, the Sharman was like two words, Sharmun, but it was—they even had the Neil for Sharman, as a matter of fact, Roger reminds me. There was also a photograph.

All I'm getting at is that here was an example of two foreigners way off the beaten path. They could have totally disappeared, as in the end they did. We have reason to think that they were possibly killed in an escape attempt off the back of a truck; that was very unclear.

Nonetheless, the names were there and it was the way of validating that information. Among American prisoners we learned over the years that the exchange of names was the highest priority. Even prisoners held out of sight or contact with each other would find ingenious ways to communicate; the first information they would convey would be their names.

One can imagine the terrible isolation of a person in captivity and the desperate need to tell another human your name and thereby to assure that someone else knows you are alive. Prisoners would go to great lengths to get this information out.

I met many of the prisoners when they were first released, especially the ones that came out a few at a time in the earlier years in the sixties and early seventies, and I saw at firsthand their desire, their intense desire to convey information on others in captivity. Sometimes they would hand me papers on which they had scribbled names while they were flying on the aircraft.

There was one case of a released man who memorized over 300 names of his fellow prisoners during the weeks prior to his release. They called him the mail box because they knew he was going to be released, and he brought all this information out. It was a very important way of validating lists that we had obtained from other sources.

When Robert Garwood contacted an international visitor in Hanoi in 1979 to say he wanted to come home, the first thing he did was to give that visitor his name and his U.S. military service number, written on a cigarette paper. The instant we received that information at the State Department in Washington, we worked out arrangements for his departure from Vietnam with the assistance of the International Committee of the Red Cross.

I know the committee recognizes the crucial importance of names in evaluating refugee reports, because without names reports are simply descriptions: descriptions of people, of places, of dates. They may be detailed, they may correlate with other reports and this can give them a surface plausibility, but without names it was my experience that there is always the potential for wishful

thinking, exaggeration, a shift of dates which can make all the difference, whether something was happening in 1972 rather than 1974, for example, or whole cloth inventions by sources perhaps too eager to tell us what we wanted to hear.

It's well known that when names were provided in later years, they sometimes turned out to be fabricated from our own lists and other public sources. Our lists were widely available throughout the regions, even in refugee camps; the same lists that you have up there on the table.

There's also the experience of trafficking in fake dog tags which for a long time was quite a problem until it was discovered that those dog tags in many cases correlated with men safely home in the United States. They were being manufactured; we were never quite sure whether it was by individual profiteers or whether this was some kind of disinformation campaign with official sanction.

I know the committee is sensitive to the problem of false reports and only wanted to present this background information from my own observations at the time many of the reports were first received.

I want to repeat again that a great many dedicated people, several of whom are at the table today, worked on this subject for many years. We are well aware that the passage of time has not healed the wounds or brought comfort to the families whose hopes have been repeatedly raised and dashed. I deeply hope that this committee will be able to conclude its work in a way that resolves these questions once and for all. Thank you.

[The prepared statement of Mr. Sieverts follows:]

PREPARED STATEMENT OF FRANK A. SIEVERTS

I am glad to have this opportunity to appear before the Select Committee in this public session. I share the Committee's hope that its investigations and analysis will achieve a full resolution of questions that have persisted about Americans lost in Southeast Asia during the Indochina conflict.

During the years 1966–1978 I was State Department Special Assistant and later Deputy Assistant Secretary for POW/MIAs. From 1966–68 I served as Special Assistant to Ambassador at Large Averell Harriman who had been designated to lead U.S. efforts towards a peace settlement in addition to his responsibility for POW/MIA's. In 1969 this responsibility moved to the office of the Deputy Secretary. In 1976 my position became part of the new Bureau for Human Rights and Humanitarian Affairs, and I was designated a Deputy Assistant Secretary in 1977. In 1979 I became a Deputy Assistant Secretary for Refugees and maintained some oversight of the POW/MIA question during that period as well. In 1980 I was appointed Minister-Counselor for Humanitarian Affairs at the U.S. Mission in Geneva, Switzerland with responsibility for liaison with the International Red Cross and international refugee programs, an assignment that continued to involve me in the POW/MIA question during the massive refugee flow from Southeast Asia.

I should emphasize that my previous responsibility for this subject is unrelated to my current position as Spokesman for the Senate Foreign Relations Committee.

I want to state at the outset that the return of our prisoners of war from the Indochina conflict and the fullest possible accounting for the missing were the principal objectives of my office during these years. My appointment as an assistant to some of the highest ranking officials of the State Department was prompted by the Department's desire to raise the subject of our POW/MIAs to a high level and to give it prominence within the Department and our Government as a whole. At any time during the period under review I was able to gain immediate access to the highest officials of the Department, and often in other agencies, for the purpose of taking actions necessary to assist our POWs or to obtain information about the missing. People such as General Creighton Abrams in Saigon or the Commander in Chief of U.S. forces in the Pacific would say: "I am your action officer on this subject." It

was a way of stating the determination of these senior officials to do everything possible to aid our men, and this was the case in the State Department as well.

It should be noted that the January 1973 Paris Agreement on Vietnam was the first agreement ending an armed conflict with such extensive provisions for accounting for the missing and dead. A few years later, the 1977 Protocols to the 1949 Geneva Conventions for the first time stated a general obligation in international humanitarian law to account for the missing and dead. I was privileged to serve on the U.S. delegation for the negotiation of the Protocols and to chair the working group that drafted this new and to me very important section.

So there should be no question about the commitment and dedication of those of us who had responsibility for this subject during what I believe must be recognized as the crucial period, namely the years leading up to the 1973 Paris Agreement, the 1973-75 period of implementation of that Agreement, including the release and return of prisoners of war and civilian internees on both sides, and the period of the communist takeovers and the U.S. withdrawal from Indochina in 1975. As stated above, our overriding objective was to assure that all our prisoners were returned and that we were pursuing all available means to secure the fullest possible accounting for the missing.

The Committee has asked me to address several issues in this testimony. Your first question asks which U.S. Government agency was responsible for collecting information about U.S. private citizens and civilian Government officials missing in Southeast Asia.

The Department of State carried this responsibility within the U.S. Government flowing from its general responsibility for assistance to American citizens abroad. My office in the State Department worked closely with the Bureau of Consular Affairs and the Bureau of East Asian Affairs in assuring that all possible information was obtained that might relate to U.S. citizens lost in Southeast Asia, whether ordinary civilians, journalists, missionaries, State Department or USAID employees, employees of firms working on contract with the U.S. Government, or civilians employed by the military. We would draw information from a wide range of sources including the U.S. military and intelligence agencies, other governments, private citizens, press reports, and anything else that might bear on the fate of these people.

The Committee's next question asks who was responsible for accounting for the fate of these individuals. While the State Department's responsibility was different from that of the Defense Department and military services for our military personnel, in that with a few exceptions the missing civilians =were not our direct employees, our efforts to obtain the fullest possible information on all American civilians and an accounting of what happened to them were as intensive and thorough as for our military personnel.

Files on each missing civilian were maintained in my office and in the Consular Affairs Bureau, with the master file retained in that Bureau in view of its continuing responsibility for overseas citizens services. For many civilians records were also maintained in the Office of Workers Compensation in the Department of Labor which was responsible for financial support to the families of persons covered by this program.

Our files were as comprehensive as we could make them. They differed from the records kept by the military services in that we did not categorize each person as "prisoner," "missing," or "killed." In some cases we had solid information that individuals were alive, in others there was little doubt they were dead, but in the absence of official documentation we did not label them in this way. The actual information was what counted, and we did our best to make the files complete and to keep relatives informed of any information that might be received from any source.

Your next question asks what information the Department of State had about the identity and status of unaccounted for civilians as of the date of the Paris Agreement, and at the end of Operation Homecoming, that is April 1, 1973. We were of course pleased to receive the return of American civilians, among them Foreign Service Officer Douglas K. Ramsey, who had been captured in South Vietnam in early 1966, and Ernest Brace, who had been held for many years by the Pathet Lao under exceptionally arduous conditions. It was a moment of great joy for me personally to be able to greet American civilians released from South Vietnam on February 13, 1973, when they arrived at Clark Air Base in the Philippines.

The returned civilians generally were received and treated during Homecoming in the same way as our returning military POWs, including medical care, transportation, and other types of assistance. They were debriefed thoroughly, and their information was correlated with that obtained from the returning military prisoners. The names of missing civilians were included with those of our military personnel

provided to the Four-Party Joint Military Team that was established pursuant to the Paris Agreement at Tan San Nhut Air Base near Saigon. It was our continuing policy to give the families of the civilians all information bearing on each individual, including the fact of no information, which for many was the sad reality.

The Committee also asks that I describe U.S. foreign policy after Operation Homecoming regarding the accountability for the fate of missing U.S. citizens and Government officials. Here again, our efforts were consistent with and part of the overall effort to obtain an accounting for our military personnel. In the Four-Party Team, during the Woodcock Commission visit to Vietnam and Laos in 1977, in the bilateral talks with Vietnam in 1977-78, and in the visits by Vietnamese officials to our casualty resolution and identification facilities in Honolulu, the discussions covered civilians as well as military personnel.

In some cases exceptional efforts were made for civilians such as the initiatives that were taken on behalf of U.S. and international journalists missing in Cambodia, unaccounted for civilians in Laos, and missionaries and others of special humanitarian concern throughout the region. We continued to maintain detailed records on civilians, including information obtained from military and other intelligence services and from other governments and other sources.

With the fall of Saigon on April 30, 1975, and the collapse of non-communist governments in Cambodia and Laos, there came a renewed exodus of American and foreign civilians from the region. U.S. embassies had advised Americans to leave before the communist takeovers and most had done so, in many cases being evacuated on flights that also carried embassy personnel and refugees.

However, a number of Americans and other foreign nationals stayed on. Among them were a few, such as journalists, missionaries, and voluntary agency personnel who hoped to continue to function under the communist authorities. For a time in South Vietnam this seemed to be possible, but by early 1976, all foreigners had been ordered to leave. The remaining Americans in Phnom Penh were forced to depart shortly after the Khmer Rouge takeover was complete. Foreigners were not expelled en masse from Laos, and the American and other foreign embassies continued to function in Vientiane, although only a small number of Americans stayed on.

I thought it might be helpful to the Committee for me to briefly review the subject of refugee reports of MIA information in view of my past responsibility for these subjects.

The largest number of refugee reports were received during and after the exoduses from Vietnam, Laos and Cambodia, including the " big boat" refugee flow from Vietnam and the "killing fields" flight from Cambodia. U.S. officials regularly debriefed refugees for a variety of intelligence information, including information about missing Americans. In 1979, responding to requests from family organizations, U.S. officials arranged to put posters in refugee camps in several languages advising of our interest in information about American prisoners and MIA's. Stimulated in part at least by this publicity campaign, we received a large flow of refugee reports concerning alleged Americans in Vietnam and elsewhere in Southeast Asia. While the Defense Department and military services carried out a continuing and thorough analysis of all reports, and in many cases were able to correlate them with Americans captured before 1973, foreign visitors, or other explanations, the fact remains that a large number of these reports have never been proven or disproven. Thus the question of their validity remains.

My work with refugees made me deeply aware of the desperation that they face and feel. Bereft of home or livelihood, their overriding concern is somehow to secure a better future for themselves and their families. Once it was announced to them that Americans had a strong interest in information on our missing men, it would be only human nature for refugees to offer the information which was so welcome to American officials and might result in favorable treatment for them. Refugees may also have been motivated by hatred of the regimes that had caused them to flee, assuming that reports of imprisoned Americans would reflect adversely on the communist authorities. The large number of these reports should have triggered caution, since it was clearly improbable that there were ever enough prisoners to correlate with all the alleged sightings.

It is noteworthy that in most of these reports, no information is provided on the name or names of the people reportedly seen. While the war was underway we received reports on captured Americans which often had names associated with them. This was so even if the reports came from indigenous, illiterate people, who could render an American name phonetically, in the same way that we might pronounce a Vietnamese or Lao name. This was one of the best ways to validate a report.

Among the American prisoners themselves the exchange of names was the highest priority. Even prisoners held out of sight or contact with each other would find

ingenious ways to communicate, and the first information they would convey would be their names. One can imagine the terrible isolation of a person in captivity under these circumstances, and the desperate need to tell another human your name and thereby to as sure that someone else knows you're alive. Prisoners would go to great lengths to get this information out. I met many of our prisoners when they were released and saw at first hand their intense desire to convey information on others in captivity. In one case a released man memorized long lists of names of his fellow prisoners during the period prior to his release. When Robert Garwood contacted an international visitor in Hanoi in 1979 to say he wanted to come home, the first thing he did was to give the visitor his name and service number written on a cigarette paper. The instant we received that information in Washington we worked out arrangements for his immediate departure from Vietnam with the assistance of the International Committee of the Red Cross.

I am sure the Committee recognizes the crucial importance of names in evaluating refugee reports. Without names, the reports are simply descriptions of people, places and dates. The fact that the descriptions are detailed and correlate with other reports might seem to give them a surface plausibility. But without names there is always the potential for wishful thinking, exaggeration, or whole-cloth inventions by sources perhaps too eager to tell us what we wanted to hear.

When names were provided they sometimes turned out to be fabricated from our own lists or other public sources. These lists were also used to traffic in fake dogtags, in some cases with names of men safely home in the U.S. I know the Committee is sensitive to the problem of false reports and wanted to present this background information from my own observations at the time many of the reports were first received.

A great many dedicated people inside and outside the U.S. Government have worked on this subject now for more than 17 years since the communist takeovers in Indochina, nearly 20 years since the Paris Agreement, and even longer for those whose engagement goes back farther. The passage of time has not healed the wounds of memory or brought comfort to families whose hopes have been repeatedly raised and dashed. I deeply hope that this Committee will be able to conclude its work in a way that resolves these questions once and for all.

NEWS RELEASE, DEPARTMENT OF STATE, OFFICE OF MEDIA SERVICES, BUREAU OF PUBLIC AFFAIRS

POW'S: THE JOB ISN'T FINISHED YET

APRIL 4, 1973

With the return of the last POW's from Vietnam and Laos, U.S. authorities are gearing up for what may prove to be the toughest task of all: accounting for the men still missing in Southeast Asia.

At the State Department, the officer in charge of POW-MIA affairs, Frank Sieverts, says: "We're not ready to relax yet. We are continuing with the very serious work of searching for information about the missing-in-action."

Sieverts emphasizes that the search is going to be a grim, heart-breaking job. Of some 1900 men missing in action in Southeast Asia, only 588 have been accounted for so far, leaving more than 1300 whose fate is unknown. In Laos, for example, only nine Americans have turned up out of a total of more than 300.

"We intend to be as thorough and as quick as possible," says Sieverts. "No one wants to prolong the uncertainty."

Sieverts makes it clear that the State Department and U.S. military officials won't let up until they have exhausted all efforts to account for the MIA's.

"The peace agreement with North Vietnam contains detailed, specific provisions for gathering information on the missing and dead," he says. "The protocols to the Laos agreement also have specific language on this.

"Right now we are pressing the Pathet Lao for additional information. We have made clear our dissatisfaction with what we have gotten so far."

Sieverts notes that the U.S. has set up a Joint Casualty Resolution Center in Thailand, near the Laos and Vietnam borders, from which search parties will go out to try to find and inspect plane crash sites and places of burial. U.S. officials are also carefully debriefing all returning POW's.

The State Department is just as intent on learning the fate of civilians who have disappeared during the fighting in Southeast Asia.

"The bulk of our work concerns military POW's and MIA's," Sieverts says. "But civilians have always been a special responsibility of the State Department.

"We know of 52 American civilians reported missing. Of these, 24 were released during the prisoner exchanges. They returned home on the same flights as the military prisoners.

"The State Department also helped with the release of foreign nationals—Germans, Filipinos, Thais, and Canadians. And we are continuing to press our efforts to find out what has happened to newsmen missing in Cambodia.

"There are 20 missing newsmen in all, five of them Americans. We are working on this problem with a number of organizations, such as the International Committee to Free Journalists Held in Southeast Asia, headed by Walter Cronkite."

Sieverts is well qualified to assess the POW-MIA situation. He has been the State Department's man on POW-MIA affairs for more than 6 years. In that time, he has worked all aspects of the problem, from the negotiating tables at Paris, to liaison with POW families in towns and cities across the country. Last year he personally met with officials of the Pathet Lao, the Communist guerrilla movement in Laos.

In February, Sieverts flew to Gia Lam Airport in North Vietnam with the U.S. team to pick up the first American prisoners released by the North Vietnamese—one of the first American diplomats in Hanoi in nearly 20 years.

Sieverts stayed at Gia Lam until the last prisoner boarded a plane that day, and then joined the final flight to Clark Air Force Base in the Philippines. He was the slim, handsome civilian seen on television greeting the returnees there.

In every modern conflict involving the United States, the State Department has played a key role in trying to assure that prisoners of war are treated in compliance with the Geneva Conventions, and in the repatriation of prisoners and civilians displaced by hostilities.

But the Vietnam war brought special problems. Part of Sieverts' job, for example, has been to work with the Geneva-based International Committee of the Red Cross. In theory, the ICRC is supposed to make periodic inspections of prison camps on both sides.

In fact, while the ICRC made hundreds of visits to POW camps in South Vietnam, where some 35,000 Communist prisoners were held, they were never able to get into North Vietnam.

Had International Red Cross officials been permitted to make onsite inspections, some of the mistreatment charged by returning POW's might have been avoided.

Sieverts says the State Department made "repeated efforts" to open up North Vietnam to ICRC inspection teams. The Department made numerous contacts with neutral governments, as well as with Communist countries, seeking intercession for the POW's.

In 1969 Secretary of State William P. Rogers assigned overall responsibility for POW's to the Deputy Secretary of State—the number two man in the Department—then Elliot L. Richardson, who is now Secretary of Defense, with Sieverts as his Special Assistant for POW and MIA matters.

When Richardson left State, the responsibility stayed with his successors—first John N. Irwin II, now U.S. Ambassador to France, and, at present, Kenneth Rush, the current number two man—with Sieverts continuing as POW/MIA special assistant.

Over the years, Sieverts has been involved in every phase of the POW-MIA program. He prepared negotiating papers for the Paris Peace Talks, wrote information material and newsletters, briefed Members of Congress, and made countless talks around the country. Through the years he was also part of the U.S. Government's extensive information gathering network on men missing or captured by the enemy.

"We used the vacuum cleaner approach," Sieverts recalls. "Every available scrap of information was collected and analyzed. By the time North Vietnam released its list we had a pretty good idea of who they held."

Given the opportunity, Sieverts hasn't hesitated to face the Communists themselves. In early 1972, :he met privately in Vientiane Laos, with Soth Petrasi, the chief representative there of the Pathet Lao guerrillas.

He pressed the Communist official for information on Americans held by the Pathet Lao.

"He was totally unresponsive," Sieverts remembers. "I pressed him repeatedly for word on our men, even for an indication of how many were held. But he refused to provide any information at all."

Sieverts confirmed that U.S. officials continue to press Pathet Lao officials for information, although with little success thus far. American officials have made clear their hope that additional information will be forthcoming in the wake of the February 21 Laos agreement.

Sieverts is probably best known publicly for heading the State Department's liaison efforts with POW and MIA families. Through the long years of captivity, he was

a principal source of information and reassurance for relatives of missing or captured men.

Dozens of letters have come into the Department praising that work. Sieverts has been described as one who "never lied, never misled . . . . always friendly, gracious and charming, but always with an air of professionalism."

For some of the returnees, Sieverts was the source of the first word they had of their families.

"I could associate faces of POW's I had never seen in person with their families with whom I had been in contact," he recalls. "The first night at Clark Air Force Base, we stayed up most of the night. I was able to tell the men about families they had been away from for so long."

Sieverts was born in Germany, coming to the U.S. as a child with his parents. He grew up in Wisconsin, the eldest of five children. He attended college at Swarthmore, and then spent four years as a Rhodes Scholar at Oxford, studying international relations.

The most vivid memory of the past 6 years for Sieverts is the scene at Gia Lam Airport in North Vietnam last February 12. The small team of American officials waited for the first prisoners, wondering if the years in captivity had broken the spirits of U.S. prisoners.

Then the busload of prisoners arrived around a corner of a hangar. As the men stepped off the bus, they set their own formation taking command away from the North Vietnamese guards—for the short march to the release point, where they saluted the American officers.

In that swift changeover, Sieverts recalls, "we knew that no matter what they had gone through, the men bad prevailed. They kept up their strength through all the years of captivity."

The CHAIRMAN. Thank you very much, Mr. Sieverts. General Kingston, I must note we are going to use a 10 minute time here, so if you can summarize. We want to get to questions, obviously, and we have a lot of questions. So General Kingston.

STATEMENT OF GENERAL ROBERT C. KINGSTON, USA RETIRED, FORMER COMMANDER, JOINT CASUALTY RESOLUTION CENTER (JCRC), 1973-1974, ALEXANDRIA, VA

General KINGSTON. Mr. Chairman and Members of this select committee.

The CHAIRMAN. Could you pull the mike close to you, General, please, and bend it down.

General KINGSTON. Mr. Chairman, Members of the select committee, I am very glad that you asked me to be here today. I am, like a lot of other people, very interested in your outcome, your findings and if I can contribute I would be just too pleased to do so.

You've asked me to answer six questions, which I have done. You and your staff members have those questions. With your permission, I would like to deviate for a few moments to tell you about the establishment of the Joint Casualty Resolution Center and some of the experiences we had setting it up and on a couple of type examples of operations that we conducted, to give you a feel of what the organization was—you have the mission in my statements—and how we went about conducting those missions.

In January 1973 I was a brigadier general and deputy senior adviser to Military Region II in the Second Corps. I was in Plaiku. General Weyand, COMUS MACV, a four-star general down in Saigon after the Paris accords, called me down and handed me a piece of paper that came from the chairman of the Joint Chiefs of Staff through the Commander in Chief, Pacific. It was instructions to establish the Joint Casualty Resolution Center and the Central Identification Laboratory.

It was general guidance. It gave a mission and it gave suggestions on what the staff and field teams should look like. At that time the Four-Party Joint Military Commission and the International Commission of Control and Supervision were formed. They were manned by personnel already in MACV Headquarters, the advisory headquarters, which meant that a lot of good people were not available for me to enlist or ask to volunteer for the headquarters of the JCRC.

I knew I would have to have field teams, so I went to talk to Brigadier General Stan McClellan, who headed a group of U.S. Special Forces, then in South Vietnam, who were training Cambodian battalions a battalion at a time, and sending them back trained to continue the operations in Cambodia.

I asked General McClellan who his field grade officers were. He told me and I invited Major Charlie Beckwith, who was on the Iranian operation, and a Major Sully Fontaine, and asked them if they wanted to be my two field team commanders.

Major Fontaine was a Belgique who in World War II, at 17 years of age, jumped into France with an OSS—OSE jetbird team. He enlisted in the U.S. Army in 1950 under the Lodge bill, and had vast information and knowledge of Southwest Asia and was by this time a major in the U.S. Army.

Both agreed. And I told them to select 11 recovery teams of 5 men each from the Special Forces personnel in Vietnam. My two requirements were that they had to all be volunteers, and they had to spend 1 year with the Joint Casualty Resolution Center.

I then began to solicit volunteers from within the MACV and the advisory groups, for the headquarters. I succeeded in getting about 50 to 60 percent of the personnel with the right occupational specialties that I needed, and the right rank and experience that I needed to staff that headquarters.

We moved the Joint Casualty Resolution Center to Nakhon Phanom, Thailand, where it was under the U.S. Support Activities Group which was headed by four-star Air Force General John Vojt. I reported through him to Admiral Galyer, who was the CINCPAC Commander in Chief at that time.

We established the Central Identification Laboratory in Saigon and moved that to Samieson; that was a port south of Bangkok where the ammunition was coming in by water and transported overland to Cambodia. It was a nice camp and it turned out to be the right place for the Central Identification Laboratory.

Lieutenant-Colonel Harold Tucker, U.S. Army, was the first commander of the Central Identification Laboratory. I want to thank Dr. Shields and the other members of the Department of Defense for getting really renowned forensic anthropologists to staff that initially.

The initial chief anthropologist was Dr. Warren, who came from a year's sabbatical from the University of Michigan. He had done this type of work during the Korean War for the U.S. Army. At that time he was a GS 13. DOD recruited him as GS 11 and he spent 1 year doing very fine work over there.

The two types of operations that we went on, I'd like to just explain the type of work we were doing. I had JCRC personnel in Saigon and in all the four provinces. One night in a hamlet, in the

vicinity of Cu Che where the 25th Infantry Division Headquarters had been, the Vietcong came into a hamlet and told one of the people in the Hamlet that they understood the Americans were looking for their missing and their dead.

He told the individual that a five man VC patrol went through that village one night, and he gave them the date and the month. He said while they were in the village a U.S. serviceman fired on them and hit one of their soldiers. They in turn wounded the American, bound his hands with wire, took him to the well, shot him three times in the head and dropped him down the well. I'm sure the water was very tasty after that.

This individual told the hamlet chief who told the district chief who told the province chief. My representative in the province went down there to ascertain himself what was going on and if it was actually—the reporting up the chain was true. He found it to be true. We got the information through Saigon, to us up at NKP, and I sent down a recovery team.

The first two people down the well were demolition people to make sure it was not booby trapped with demolitions. There was about 3 feet of water in the well and about 2 feet of silt. In several hours of work they found most of the bones of a complete skeleton. His hands were bound behind him, and the skull had three bullet holes.

In working our recovery operations we did a radius. If we had a suspected individual crash, or a gravesite, we drew a 1 mile, 3 mile, and 5 mile radius. In this case we drew a 1 mile radius and there were several people missing. So my Central Identification Laboratory people went and got those folks' records and they identified the individual. He was a soldier who had been on duty on the perimeter of the 25th Infantry Division; he disappeared at night and they never heard of him again.

Another type of operation, thanks to the information program that we were allowed to put out, and were allowed to put out in that part of South Vietnam held by the South Vietnamese, that's the only area that we were allowed to send in recovery teams. Into those areas that we thought were secured by South Vietnam only, not in accordance with Article 8(b) of the Paris accords.

Again information came to us from one of the friendly villages. This time, that an American aviator had crashed his helicopter on the beach. He had mechanical problems or maybe shot down, the village didn't know. He told us where he thought our man was buried. The VC, by the way, recovered him, killed him, and left him on the beach. The local inhabitants buried the man on the beach.

I sent a team down there and for 3 days we sifted and shoveled about 100 tons of sand. A local fisherman came up and asked what are you doing. We said we've got this information, and the fisherman took us about 200 yards down the beach and said dig here. In a very short period of time we found the remains of the aviator.

The CHAIRMAN. General, the time is a little fouled up. We actually have a yellow light on, so if I could as you to summarize.

General KINGSTON. In the first 10 months we did over a dozen search operations. We recovered 21 remains of which 11 were identified as Americans. You don't walk into a job, an assignment like

that JCRC and walk away without emotional baggage. Thank you very much.

[The prepared statement of General Kingston follows:]

PREPARED STATEMENT OF GENERAL ROBERT C. KINGSTON

ISSUES TO BE ADDRESSED IN TESTIMONY BEFORE THE SENATE SELECT COMMITTEE ON POW/MIA AFFAIRS

1. What was the mission of the Joint Casualty Resolution Center when you were its first Commander in 1973–74?

Did the JCRC's work include investigating the possibility that live Americans remained in captivity against their will in Southeast Asia after Operation Homecoming, or was the JCRC's work limited to searching for remains of dead U.S. personnel?

2. What POW-related intelligence information did you have access to as Commander of JCRC?

Did you have access to intelligence information held by the DIA and the military services?

Did you have access to intelligence information from other sources?

3. Based upon the intelligence information you reviewed as Commander of JCRC, did you conclude that approximately 100 U.S. prisoners of war were left behind in captivity after Operation Homecoming?

In each of these approximately 100 cases, was there strong, hard evidence of captivity and no evidence of death?

4. To what extent were you aware of the number of incorrect country of loss locations associated with cross border losses in Cambodia and Laos from the 1965–1970 time frame? At what point did you ever come to believe that our unaccounted for in Laos was higher than that being reported? What did you do to bring this problem to the attention of U.S. officials?

5. What specific lists and casualty statistics were you provided, or did you have access to at the time you took command of JCRC? How reliable was the information you received? How were cross border operations losses reflected?

6. What files existed about those reported dead and without the recovery of remains? If no detailed files existed, how were you able to deal effectively with your North Vietnamese and VC counterparts in resolving the fate of those declared dead and without the recovery of remains? Precisely how many such cases were there and were they in addition to or part of the unaccounted for totals?

INTRODUCTION

Mr. Chairman, members of the Select Committee, I am pleased to be here this morning as I appreciate as a retired professional soldier with two tours of duty in Korea during that conflict and three tours of duty in Vietnam, and as an American citizen who hopes that you will obtain what I have read to be the objectives of this Select Committee. I have been asked to answer six questions given to me by Senators Kerry and Smith. I have prepared answers to all of those questions and, of course, will answer any subsequent questions the Committee may desire. I learned very early as I was building the JCRC organization, that it was to be an investigative organization.

Question 1

The Joint Casualty Resolution Center was activated on January 23, 1973 in Saigon, by General Orders 17. Headquarters United States Military Assistance Command, Vietnam. The Joint Command was under the command of the Commander-in-Chief, Pacific Command and under the Operational Control of the Commander, United States Support Activities Group.

The mission of the JCRC was:

"To resolve the status of Missing in Action (MIA) personnel in Southeast Asia and to effect recovery of remains of personnel Killed in Action in Southeast Asia."

With the permission of the Commander-in-Chief, Pacific Command I revised the JCRC mission to read: The mission of the JCRC is to assist in resolving the status of those U.S. MIA, and those personnel declared dead whose bodies were not recovered (BNR), through the provision of information/coordination and/or conduct of operations to locate and investigate crash and grave sites and recover and identify remains throughout Indochina. The JCRC work did not include investigating the possibility that live Americans remaining in captivity against their will in Southeast Asia after Operation Homecoming.

I believe that the United States had assumed that all signers of the official document entitled "The Agreement on Ending the War and Restoring Peace in Vietnam," would honor and abide by the contents of the document. This document, referred to as the "Paris Accords" included in Article 8(b) specific provisions for dealing with the resolution of the fate of those Americans, and others, still unaccounted for at the conclusion of the hos-tilities. Article 8(b) reads as follows: "The parties shall help each other to get information about those military personnel and foreign civilians of the parties MIA, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriation of the remains, and to take any such other measures as may be required to get information about those still considered MIA." We soon learned that compliance with the Paris Accords would be honored only by South Vietnam and the United States.

I interpreted that my mission was to search for, recover and identify dead and missing U.S. personnel. On one occasion when a CH-53 Helicopter crashed into Tong le (a lake in Cambodia) we undertook the rescue from the water of two crew members who parachuted from the helicopter—JCRC personnel retrieved the dead body of one of the pilots, the other pilot's body was not recovered. (Prior to the rescue mission personnel going into the lake to retrieve the pilots, an analyst informed me that there were 12-15 foot land locked crocodiles in the lake.) After my departure JCRC personnel recovered the remains of 23 American Servicemen who died in captivity in North Vietnam.

Question 2

The Joint Casualty Resolution Center was an outgrowth of the United States Government efforts to identify, document, and maintain records of know or suspected Missing in Action and prisoners of war. Those records were initially maintained by the Joint Personnel Recovery Center (JPRC) which was activated under the Headquarters, United States Military Assistance Command, Vietnam in 1966 when the JCRC was activated in Saigon on January 23, 1973, the records of the JPRC were turned over to my organization. Additional information on POW-related intelligence information was provided to the JCRC from the Headquarters, Pacific Command, the Military Services, the Defense Intelligence Agency, the State Department and the Central Intelligence Agency and I assumed from other governmental agencies and from the private sectors, domestic and foreign, that those agencies dealt with.

The JCRC had access to debriefings of all POWs who were released during Operation Homecoming in February and March 1973.

Question 3

On November 19, 1975, I testified before the House Select Committee Missing Persons in Southeast Asia. The Committee met at 8:30 p.m. with Mr. Montgomery, Chairman of the Select Committee providing.

During my testimony in answering the Committees questions I stated in "We had information that the other side, particularly the North Vietnamese, had in their possession American Prisoners of War (POW). We had photographs from newspapers, Japanese, Eastern Europe. Lieutenant Dodge comes to mind-we had pictures of him being held by two helmeted Vietnamese. He never showed up, he died in captivity. He never showed up on the released POW lists." I was also asked, "How many cases did you have of men that were seen live in captivity but not heard from subsequent to that time?" I replied "I do not know accurately."

I was then asked "Can you estimate how many there were?" I replied "around 100."

As I recall my reply of the estimated figure of 100 was based upon similar evidence that we had on LT Dodge—no hard evidence of what happened to them when they were not returned during Operation Homecoming or were not among those remains that the JCRC recovered from cemeteries in North Vietnam in 1974.

During additional testimony at the above hearing (November 19, 1975), I was asked "Is it your feelings or opinion that there are Americans yet live in Vietnam." I replied "No, sir, I do not believe there are Americans still alive in Southeast Asia with the possible exception of Eastern Cambodia, and they are probably not military."

LT Dodge's remains were returned to United States custody on July 8, 1981. The remains were identified by the Central Identification Laboratory (which I also activated on March 23, 1973). According to Defense Intelligence Agency personnel LT Dodge is buried in Arlington Cemetery.

Question 4

To my recollection I never questioned locations or numbers of missing personnel as the JCRC did not develop neither the numbers of missing, under what circumstances nor locations. That information came from different sources, primarily from the Services through the Department of Defense. Perhaps Dr. Shields can provide some information.

Question 5

The JCRC was provided the files from the Joint Personnel Recovery Center, plus information from the Department of Defense, the Military Services and other governmental departments and agencies.

The JCRC had a casualty data division in the Headquarters that was responsible for maintaining necessary liaison with supporting information organizations and agencies: providing input to and monitoring the output of the ADP system (site development, data analysis, casualty records); correlating information obtained through the public communication program, requesting and receiving and analyzing specialized photographic and sensor information required in support of casualty resolution operations; maintaining records on crash/grave site locations; prepare site folders for field operations, conducted required liaison to obtain information concerning operational factors pertaining to missions such as order of battle, terrain and weather information; maintained records and personal information related data on all MIA/BNR and recovered personnel (casualty records); analyzing existing files and requesting amplifying data from Military Services and other sources. They maintained data on aircraft type/serial numbers and engine serial numbers. They also developed casualty resolution operations After Action Reports. Additional casualty statistics provided to the JCRC after receipt of the JPRC files came mostly from the Service Casualty Officers usually through DOD. I have no way of evaluating the reliability of information received. Actual evaluation was by conducting Casualty Resolution Operations in the field based upon information provided as to locations, type aircraft and number of persons supposed to be associated with the crash or grave site.

Question 6

I hope that I have partially answered some of this question in my previous answers, particularly pertaining to JCRC files and when, where and how we obtained information.

I had no direct contact with the North Vietnamese or the VC and certainly I did not consider them to be my counterparts.

After coordination and approval by the American Embassy in Saigon, the U.S. Delegation Team Chief to the Four Party Joint Military Team (FPJMT) briefed the team on planned JCRC activities at selected sites. All FPJMT members were invited to observed JCRC activities on Casualty Resolution Operations. Only South Vietnam and U.S. team members accepted.

During every U.S. briefing to the FPJMT the North Vietnamese and the VC delegates refused to discuss JCRC operations, noting only that the FPJMT had not approved the investigations.

A major criteria for site selection was site security. I was allowed to conduct operations only in that territory to be well within control of South Vietnam. I had a requirement for one of my liaison officers stationed with the State Departments Council General in every Province to inspect that friendly troops had secured the site location and were in place. However, on December 15, 1973 a JCRC Casualty Resolution Team was ambushed at a site they had been at working for the past two days. U.S. Army Captain Richard Rees was killed and four of his U.S. Army soldiers on his team were wounded. One Vietnamese was killed and three wounded, and one helicopter destroyed.

There were no more Casualty Resolution Operations conducted by the JCRC in the remaining short period that I commanded the JCRC.

While this has nothing to do with the six questions I was asked to address and I would like to inform this Committee that on May 20 I gave about a 7 hour deposition to Mr. Neal Kravitz an Investigative Counsel to this Committee and wish to thank him for providing me information on my testimony on November 19, 1975. I gave him some pertinent papers dealing with the activation of the JCRC and the CIL.

The CHAIRMAN. Thank you, General.

STATEMENT OF MICHAEL OKSENBERG, FORMER NATIONAL SECURITY COUNCIL STAFF [1976-78]

Mr. OKSENBERG.

Mr. OKSENBERG. Thank you, Senator. You are to be congratulated for these hearings and the work of your committee and its staff. Such a congressional inquiry has long been overdue. From January 1977 to January 1980, when I returned to the University of Michigan, I was the staff member of the National Security Council responsible for POW/MIA issues.

I worked closely with my colleagues at the Defense Department and the State Department. They were much more deeply immersed in and understood better than I the subtleties and complexities of the POW/MIA issues and the recovery of remains.

I did not have much background to prepare me for the MIA/POW issue. I am primarily a China specialist. Gradually I became aware of its complexities, its history and the politics surrounding it. The Carter administration inherited from the Nixon/Ford administrations a set of policies, institutional arrangements and a negotiating record with the Vietnamese that established the parameters within which we initially operated.

The policies we inherited then evolved through two overlapping stages. In order to seek a full accounting of POW/MIAs and to recover remains, an effort to establish diplomatic contact with Vietnam peaked in 1977–1978, and diminished but did not end following the Vietnamese occupation of Kampuchea. Then with the increased reporting of live sightings derived from the massive flow of refugees from Indochina from 1977 on, we intensified our efforts to interview refugees and verify their reports.

Certainly no issue in which I was involved during my 3 years in the Government was more tragic, emotional and heart rending than this one. Fifteen years have passed and my memory has dimmed considerably concerning many of the details, but I vividly remember two particularly moving meetings with family members of MIAs. One was the elderly mother of a missing American soldier from New Jersey. During her visit she showed me worn pictures of her son as a child and a honor student in high school.

It became clear to me that her life had been devoted to the nurturing of her son. She assured me that her son was still alive. She sought my commitment to help recover her boy. I felt that this woman would not survive if her faith and hope somehow were ever lost.

Equally moving was a meeting with the wife of a missing American pilot whose plane had been shot down over North Vietnam. She told me she was desperate. She explained that she had lived in suspended animation for I think 6 or 7 years. She wanted to know whether the U.S. Government thought her husband was alive or dead.

She could ask the Pentagon what was known about her husband's fate. This request might lead to his being reclassified from being missing to being dead, but she told me that she was psychologically incapable of initiating such a review. She felt that in some sense her request for a review would be an abandonment of her loved one. She wanted to remain faithful to her husband as long as there was any hope, and she would do nothing to destroy that hope. But if the Government informed her that her loved one were dead, she would then reluctantly seek to rebuild her life. That is

what her husband would have wanted her to do especially for the sake of their son.

She felt that the Government owed her its best judgment about her husband's fate without her having to do anything to ascertain what that judgment was. She requested that the Government change its policy and implement an automatic review of all cases including that of her husband.

Such meetings and other information available to us greatly affected me and my colleagues. They convinced us that we had to pursue several not easily reconcilable objectives. First, our Government had to make every reasonable effort to obtain a full accounting from the Vietnamese of the fate of MIAs. The Government owed it to the New Jersey soldier and others like him as well as to their families and friends, to persist in a search for them as long as a straw of hope of their survival existed and to recover their remains if all hope had vanished. But we also had a responsibility not to arouse false hopes and unjustified expectations.

Second, the American Government owed the pilot's wife and others like her the Pentagon's best judgment about the fate of their loved ones unless the next of kin preferred for the Government not to review the status of the missing relative. But a reclassification of someone from MIA to KIA status should not diminish our resolve to ascertain the precise fate of the soldier involved.

Third, this issue became a constant reminder of the high human cost of war. It prompted the Carter administration to redouble its efforts to help build a more peaceful and prosperous Asia Pacific region. We would best honor soldiers who sacrificed so much by our contributing to the long-term stability of a region where we had fought three costly wars in 30 years.

Fourth, the POW/MIA issue was full of continuing human tragedy, so we sought to avoid playing politics with it. The entire Government owed it to those involved, the soldiers, their families and friends to treat this issue with the resoluteness and decorum it deserved.

The Carter administration therefore eschewed using this issue for such purposes as to demonstrate its patriotism, to inflame public opinion or to advance other foreign policy objectives.

Before providing my summary of the Carter administration's actual record on MIA/POWs two other points should be mentioned. The Defense Department and State Department stressed to me that information about MIAs supplied by the government in Hanoi could not be taken at face value, and Pentagon officials informed me that there was sound evidence that the authorities in Hanoi were holding back the remains of deceased American servicemen.

In early 1977 there was no firm evidence, either to confirm or challenge Hanoi's assurances that no Americans were being held against their will in Vietnam. But the flood of Vietnamese refugees beginning in late 1977 and 1978 led to an upsurge of refugee reports of sightings of live Americans. Efforts were then redoubled to ascertain whether any live Americans remained.

This was done through extensive cross-checking of refugee interviews and use of other sources of intelligence. Despite this massive effort, as I recall at the time I left Government in early 1980 no firm evidence existed to substantiate claims that American service-

men either voluntarily or involuntarily remained in Vietnam, Laos or Cambodia.

Finally, it must be recognized that one reason the POW/MIA issue achieved such salience was the excellence of American recordkeeping compared to our previous wars. In no previous was it possible to identify remains with the precision of the Vietnam war. The precision of recordkeeping in Vietnam makes the unknown category even more vexing. Many Americans did not in 1977-80 and evidently do not now accept that a residual category of soldiers exists whose precise fate may never be known.

All of these considerations help explain the many measures that the Carter administration undertook. One of the first initiatives in Asia was the dispatch to Hanoi of the commission led by Leonard Woodcock. This grew out of a pledge that President Carter made during his campaign for the presidency. The Woodcock Commission sought to encourage the Vietnamese to provide a full accounting of the MIAs.

Partly because of humanitarian concerns such as those raised by the pilot's wife that I have just described, we reinstituted a review of the status of MIAs. I vaguely recall, and I may be incorrect, that due to the concerns such as those raised by the New Jersey's soldier's mother, these reviews could be halted if the family wished.

In all contacts with the Vietnamese in 1977, 197-78, we always stressed the importance of obtaining a full accounting of our soldiers' fates. Whether a soldier was listed as MIA or KIA with remains not recovered was irrelevant to our desire to obtain a full accounting.

The reclassification process had no impact upon our resolve to pursue this issue. Many in our Administration believed that improved diplomatic relations with Vietnam would encourage Hanoi to be more forthcoming and more cooperative on MIA issues.

That was one reasons some officials sought to cultivate diplomatic contact with Vietnam or to permit Vietnam to enter international organizations; however, we were not prepared to offer reparation payments or economic assistance to Hanoi in order to improve relations. Until early fall 1978 Hanoi considered such assistance to be related to normalization.

As the number of Indochinese refugees soared in 1977-78, the Administration established an extensive system for interviewing refugees about any knowledge they might have, either about live Americans or the location of remains. This information was systematically compiled and carefully evaluated.

As I recall, at the time I left Government this information was not so persuasive or compelling as to justify new policies or actions. Most officials privately remained skeptical that any American was being held against his or her will, but out of consideration for such as the New Jersey's soldier's mother we did not express this skepticism openly and more importantly we did not allow our skepticism to intrude on our resolve to press forward for a full accounting and recovery of all remains.

In sum, as I try to reconstruct Carter administration policy on Indochina, POW/MIAs and the recovery of remains, recognizing that after 15 years my ability to recall events is quite limited, I think my colleagues and I discharged our duties as responsibly, and

properly as possible given the complexity and understandable emotions involved.

I thank the committee for this opportunity to convey my recollections to a broader audience.

Prepared Statement of Michael Oksenberg

Senator Kerry, Senator Smith, and Associates: You and your associates are to be congratulated for these hearings and the work of your committee and its staff. I welcome this thorough examination of the POW/MIA issues and the effort to recover the remains of our MIAs arising from the American involvement in North Vietnam, South Vietnam, Laos, and Cambodia from the mid-1960s to the mid-1970s. Such a congressional inquiry has long been overdue.

From January 1977 to January 1980, when I returned to the University of Michigan, I was the staff member of the National Security Council responsible for POW/MIA issues as part of my overall assignment on China and Indochina affairs.

Whenever POW/MIA issues arose, I worked closely with my colleagues at the Defense Department and the State Department. They were much more deeply immersed in and understood better than I the subtleties and complexities of POW/MIA issues and the recovery of remains. In the Carter years, a special team at the Defense Department handled POW/MIA affairs, and at the State Department, the issue fell within the jurisdiction of the Bureau of East Asian Affairs. I tended to look for guidance to the relevant personnel in these agencies. My views to a considerable extent were based on information that I derived from State and Defense. But my views were also shaped by the extensive correspondence and conversations that I had with families whose loved ones were classified as missing or whose remains had not been recovered. And my views were also influenced by the League of Families, whose officials saw me regularly and who had a great impact upon me. Finally, and most important, I knew that President Carter, Vice President Mondale, and Dr. Brzezinski—my bosses—were deeply committed to obtaining a full accounting of the fates of those who had not returned home alive or whose remains had not been retrieved.

I did not have much background to prepare me for the MIA/POW issue. Gradually, I became aware of its complexities, its history, and the politics surrounding it. The Carter Administration inherited from the Nixon-Ford Administrations a set of policies, institutional arrangements, and a negotiating record with the Vietnamese that established the parameters within which we initially operated. The policies we inherited then evolved through two overlapping stages. An effort to establish diplomatic contact with Vietnam in order to seek a full accounting of POW/MIAs and to recover remains peaked in 1977-78 and diminished but did not end following the Vietnamese occupation of Kampuchea. Then, with the increased reporting of live sightings derived from the massive flow of refugees from Indochina from 1977 on, we intensified our efforts to interview refugees and verify their reports.

Certainly no issue in which I was involved during my 3 years in the Government was more tragic, emotional, and heart rending than this one. Fifteen years have passed, and my memory has dimmed considerably concerning many of the details. But I remember with considerable vividness two particularly moving meetings with family members of MIAs. One was with the elderly mother of an American soldier from New Jersey, whose fate was unknown. She had written me letters on several occasions, and she then visited me personally in the Old Executive Office Building. She showed me pictures of her son as a child and an honor student in high school. Clearly, her life had been devoted to the nurturing of her son, and his absence had totally and irretrievably shattered her. She was unable to accept his possible loss; indeed, she told me that through prayer, the Lord had assured her that her son was alive. She sought my commitment to help recover her boy. I felt that this wonderful woman would not survive if her faith and hope somehow were ever lost. I promised her that I for one would make every reasonable effort to persist in the search for her son. I pledged to myself to help sustain her faith.

Equally moving was another meeting, this one with the bereaved wife of an American pilot whose plane had been shot down over North Vietnam. Her loved one was classified as "missing in action," that is, MIA. She told me she was desperate. She wanted to know whether the United States government thought her husband was still alive. She explained that she had lived in suspended animation for, I think, 6 or 7 years. She knew that she could ask the Pentagon to review what was known about her husband's fate, which might lead to his being reclassified from being listed as MIA to his being listed as dead, i.e., killed-in-action. But she told me

that she was psychologically incapable of initiating such a review. She felt that in some sense her request for a review would be an abandonment of her loved one. She wanted to remain faithful to her husband as long as there was any hope, and she would do nothing to destroy that hope. Tears then started to pour down her cheeks. If the government informed her that her loved one were dead, she explained, she would then reluctantly seek to rebuild her life. This is what her husband would have wanted her to do, especially for the sake of their son. And she felt that the government owed her its best judgment about her husband's fate, without her having to do anything to ascertain what that judgment was. She told me that the wives of many other missing pilots felt very much as she did. At the time, the Pentagon had halted its review of the status of the MIAs, unless a family member specifically requested such a review. Although she was incapable of initiating a review, she requested that the government change its policy and implement an automatic review of all cases, including that of her husband.

Such meetings and the other information available to us greatly affected me and my colleagues. They convinced me that we had to pursue several not easily reconcilable objectives:

First, our government had to make every reasonable effort to obtain a full accounting from the Vietnamese of the fate of MIAs.

Second, the government owed it to the New Jersey soldier and others like him to maintain their family's faith as long as a straw of hope of their survival existed and to recover their remains if all hope had vanished. But we also had a responsibility not to arouse false hopes and unjustified expectations.

Third, the American government owed the pilot's wife and others like her the Pentagon's best judgment about the fate of their loved ones unless the next-of-kin preferred for the government not to review the status of the missing relative. But a reclassification of someone from MIA to KIA status should not diminish our resolve to ascertain the precise fate of the soldier involved.

Fourth, this issue became a daily reminder of the high human cost of war. It prompted the Carter Administration to redouble its efforts to help build a more peaceful and prosperous Asia-Pacific region; we would best honor soldiers who sacrificed so much by our contributing to the long-term stability of a region where we had fought three costly wars in 30 years.

Fifth, the POW/MIA issue was full of continuing human tragedy. Above all, we must avoid playing politics with it. The entire government owed it to those involved—the soldiers, their families and friends—to treat this issue with the resoluteness and decorum it deserved. The Carter Administration therefore eschewed using this issue for such purposes as to demonstrate its patriotism, to inflame public opinion, or to advance other foreign policy objectives.

Before summarizing the Carter Administration's actual record on MIA/POWs, two other points should be mentioned. The Defense Department and the State Department stressed to me that information about MIAs supplied by the government in Hanoi could not be taken at face value. Hanoi's calloused treatment of American POWs during our military involvement in Vietnam demonstrated Hanoi's attitude toward our servicemen. And Pentagon officials informed me that there was sound evidence that the authorities in Hanoi were holding back the remains of deceased American servicemen. As I recall, most officials at State, DOD, and CIA believed that the Vietnamese were cynically releasing the remains in their possession a few at a time, whenever it suited their purposes. In early 1977, there was no firm evidence either to confirm or challenge Hanoi's assurances that no Americans were being held against their will in Vietnam. But the flood of Vietnamese refugees beginning in late 1977 and 1978 led to an upsurge of refugee reports of sightings of live Americans. And in 1979, Robert Garwood surfaced in Hanoi; he was a Marine defector whose existence must have been known to authorities in Hanoi. His appearance was a reminder that Americans could have voluntarily remained in Vietnam. Given Hanoi's record, its assertion that no Americans were being held against their will was never fully trusted, and efforts were redoubled to ascertain whether any live Americans remained in Vietnam. This was done through extensive cross checking of refugee interviews and use of other sources of intelligence. Despite this massive effort, as I recall at the time I left government in 1980, no firm evidence existed to substantiate claims that American servicemen either voluntarily or involuntarily remained in Vietnam, Laos, or Cambodia.

Finally, it must be recognized that one reason the POW/MIA issue achieved such salience was the excellence of American record keeping compared to our previous wars. In no previous war was it possible to identify remains with the precision of the Vietnam War. In both World War II and the Korean War, in the carnage of the battle, many soldiers were literally lost. Their remains were never located, and the identity of many remains was impossible to establish. Sensing this reality, most Americans accepted that the missing in action, if not in enemy prison camps, were almost certainly dead. The precision of record keeping in Vietnam makes the unknown category more vexing. Many American did not in 1977–80 and evidently do not now accept that a residual category of soldiers exists whose precise fate many never be known.

All these considerations help explain the many measures that the Carter Administration undertook:

One of our first initiatives in Asia was the dispatch to Hanoi of the Commission led by Leonard Woodcock.

It sought to encourage the Vietnamese to provide a full accounting of the MIAs.

Partly because of humanitarian concerns such as those raised by the pilot's wife that I just described, we reinstituted a review of the status of MIAs. However, due to the concerns such as those raised by the New Jersey soldier's mother, these reviews could be halted if the family wished.

In all contacts with the Vietnamese in 1977–78, we always stressed the importance of obtaining a full accounting of our soldiers' fates. Whether a soldier was listed as MIA or KIA with remains not recovered, was irrelevant to our desire to obtain a full accounting. The reclassification process had no impact upon our resolve to pursue this issue.

Many in our administration believed that improved diplomatic relations with Vietnam would encourage Hanoi to be more forthcoming and more cooperative on MIA issues. That was one reason some officials sought to cultivate diplomatic contact with Vietnam or to permit Vietnam to enter international organizations. However, we were not prepared to offer reparation payments or economic assistance to Hanoi in order to improve relations. Until early fall, 1978, Hanoi considered such assistance to be related to normalization.

As the number of Indochinese refugees soared in 1977–78, the administration established an extensive system for interviewing refugees about any knowledge they might have either about live Americans or the location of remains. This information was systematically compiled and carefully evaluated. As I recall, at the time I left the government, this information was not so persuasive or compelling as to justify new policies or actions. Most officials privately remained somewhat skeptical that any Americans were being held against their will, but out of consideration for such as the New Jersey soldier's mother, we did not express this skepticism openly. And more importantly, we did not allow our skepticism to intrude on our resolve to press forward for a full accounting and recovery of all remains.

In sum, as I try to reconstruct Carter Administration policy on Indochina POW/MIAs and the recovery of remains—recognizing that after 15 years, my ability to recall events is limited—I think my colleagues and I discharged our duties as responsibly and properly as possible, given the complexities and understandable emotions involved. I thank the Committee for this opportunity to convey my recollections to a broader audience.

The CHAIRMAN. Thank you very much, Mr. Oksenberg. Let me say obviously for all Members of the committee that the emotion of this issue is obvious to everybody and we respect and understand for each of you that that doesn't go away, and General, I appreciate your comments. There is a burden, and that is why we are here.

And I hope that each of you will respect in our questions not an effort to dump that burden on somebody but an effort to get at this, to try to understand it ourselves and we can't avoid some of the tough questions that exist as a consequence of it, and so those questions will I know come from each member in that spirit.

There are a lot of questions obviously, not all of which we will be able to proceed forward with today, but I would like to go if I can to the heart certainly of some of the issues that we face and if I may I would like to just share - - this is a tape Mr. Shields, and I