

just want to be absolutely accurate so I share this with you and with those listening.

(Tape.)

Question: Do you think there still are POWs alive and well somewhere in either Laos or Cambodia? Answer: We have no indications at this time that there are any Americans alive in Indochina.

The CHAIRMAN. That was your statement at a press conference on the April 12, 1973. We have no indications at this time that there are any Americans alive.

Now it is a fact, is it not that as of February 1973, you personally had information about an EC or an EQ-47 shot down in Laos and you believed that four members of that crew had survived, did you not?

Dr. SHIELDS. Senator, in that case, the Air Force had investigated the incident and had declared those men dead.

The CHAIRMAN. I asked what you believed.

Dr. SHIELDS. My concern was that someone may very well have survived. I hold that concern today.

The CHAIRMAN. Didn't you believe personally, you had made a determination, you thought that four people had survived based on intelligence?

Dr. SHIELDS. I thought that it was possible that four individuals had survived. We did not have a complete investigation. The Air Force went into that crash site and found remains within that aircraft. They were not able to establish how many remains they saw. There were very serious questions about that and I had learned that it was unwise to make early opinions about serious questions like this without investigating the facts.

Now I am still concerned about that, although I am told by DIA that a very thorough analysis of the intelligence relating to that aircraft does not support the contention that people were alive. I still have very serious questions about that, yes, I do.

The CHAIRMAN. But in point of fact, you in your deposition said to us that you disagreed with the quick determination of the Air Force and you said: My own feeling was, I disagreed with the services in their determination. That is your quote.

Dr. SHIELDS. That is correct. There is an alternative to carrying men as prisoner, and that is a missing category, and that is exactly what I believe that category is for.

The CHAIRMAN. But that is an indication that men were alive.

Dr. SHIELDS. A missing in action category indicates that you do not know whether the man—

The CHAIRMAN. I am asking you, Mr. Shields, that is an indication that men were alive?

Dr. SHIELDS. That being an MIA is an indication—

The CHAIRMAN. No, sir. You made a determination based on intelligence that four people might have survived.

Dr. SHIELDS. Senator, yes, they might have, and they might not have—

The CHAIRMAN. Stop there, yes, they might have. That is an indication that people might have been alive?

Dr. SHIELDS. Certainly people might have been alive.

The CHAIRMAN. And on April 12, 1973 you made an announcement, we have no indication at this time there are any Americans alive in Indochina.

Dr. SHIELDS. I don't believe the circumstances of that case indicated those men were alive. Saying that men might be alive—

The CHAIRMAN. Let's come to another circumstance, if you want to contradict your own determination—

Dr. SHIELDS. Am I allowed to answer your question, Senator?

The CHAIRMAN. Absolutely.

Dr. SHIELDS. Then I would like to be able to do that if I could. My concern would be about whether men were prisoner or missing. The MIA category is specifically appropriate to cases where you do not know whether men are alive or dead. That is the case of those men in the EC-47, in my own mind. I did not know.

The CHAIRMAN. In your deposition: Question: Then just to review the bidding again on February 4th and 5th, we had the downing of the EC-47Q and within several weeks after that we have intelligence, you said, I think we had the intelligence sooner than that. Question: That the four may be prisoners of war. Answer: Yes.

Dr. SHIELDS. May, Senator, and every man who became missing might have been a prisoner of war. Don't write off the missing.

The CHAIRMAN. I am not writing off the missing, but you made a judgment in February based on intelligence that four people might have been a prisoner of war. You stood up in April and said, we have no indication that anyone would be alive. That was not true.

Dr. SHIELDS. Senator, if you—

The CHAIRMAN. That was not true, was it, Mr. Shields?

Dr. SHIELDS. Yes, it was true.

The CHAIRMAN. Let me ask you, you wrote a memo to Ambassador Hill on May 24, 1973 in which you said, in a DOD sponsored press conference held April 12, 1973, I made the statement that DOD had no specific knowledge indicating and any U.S. personnel were still alive and held prisoner in Southeast Asia. This statement has been the basis for all subsequent answers from DOD to questions concerning the possibility that Americans may still be held prisoner in Southeast Asia.

Quote, it was a totally accurate and factual statement at the time it was made, which I take issue with: In light of more recent events, I believe that answer is no longer fully satisfactory. You then cite a downing of an aircraft in Laos but you specifically site the EC-47 crew and the four people.

You made your own judgment later that you were not accurate. Dr. SHIELDS. I believe I said, if you would quote that, that may no longer be correct.

The CHAIRMAN. Well, it was not correct as of February when you had the knowledge and as of April when you made the statement.

Dr. SHIELDS. Senator, those men were in the same condition that many other men were who might have survived their incident. Many of those were carried, and appropriately so, as missing in action. I said that those individuals may have survived, and you carry them in a missing in action status until you can ascertain whether in fact they are prisoners.

The CHAIRMAN. Mr. Shields, we have uncovered some 244 people should have been carried and were carried—excuse me, were car-

ried—were carried by DOD as POW, prisoner of war. You did not know until after the debriefs that 111 of them died in captivity. When you made this statement, those debriefs had not been completed, had they? Yes or no?

Dr. SHIELDS. Senator, the debriefs went on—

The CHAIRMAN. Had they?

Dr. SHIELDS. No, they had not—I assume that they had not been completed, although many of them had.

The CHAIRMAN. So you did not have the information from the returning prisoners when you made this statement to inform you that 111 had died in captivity, did you? Yes or no? You did not have the information.

Dr. SHIELDS. I did not have negative information, I did not have positive statements from them that they were alive.

The CHAIRMAN. I agree. But they were carried as prisoners of war, based on the latest information we had that they were still prisoners, is that not accurate?

Dr. SHIELDS. Yes, it is, Senator. And that was well known to everyone involved in the issue. I have testified in many other occasions to that fact, that men certainly were carried as prisoners of war at one time and had not come home.

The CHAIRMAN. Mr. Shields, do you not think it is a little disingenuous to stand up before the Nation and have a policy announced that says we have no indication that there are any Americans alive when you know people are carried as POW and have nothing to suggest they are dead?

Dr. SHIELDS. Senator, if you have the rest of that transcript, you might hear the circumstances which surrounded that. You will find out that we were debating the issue about whether we had current, hard information relating to men who were alive or who were dead, and we had no hard, specific, current information at that time. And I think we had done enough of our debriefings at that time, because we had asked men immediately if they knew about living Americans, and the men who had come home, although they had not completed their debriefs with regard to the conditions of their activity, they certainly would have completed their debriefs with regard to men that they knew were still alive and in captivity.

The CHAIRMAN. Well, the Department of Defense never corrected your statement, did they?

Dr. SHIELDS. I think they believed it to be accurate.

The CHAIRMAN. They never corrected it, did they?

Dr. SHIELDS. I don't believe they did.

The CHAIRMAN. You stated yourself in May that it was not accurate. It is in your own memo.

Dr. SHIELDS. I said it may not have been, Senator. We were very concerned about these issues. We did not want to rush to judgment.

The CHAIRMAN. No, you did not say that. You said I believe the answer is no longer satisfactory.

Dr. SHIELDS. Would you read the complete statement for me?

The CHAIRMAN. In light of recent events, I believe that answer is no longer fully satisfactory.

Dr. SHIELDS. We may have subsequently investigated those incidents, and if you will find out later, Senator, if you want to talk

about Department of Defense corrections, I have a hearing here from the House committee which investigated this, and if you'll allow me to read just very briefly, I will tell you what I said and what other individuals in the Defense Department said about this.

The CHAIRMAN. Before you do, can I read you your own statement?

Dr. SHIELDS. Yes, please.

The CHAIRMAN. From your deposition: Now, did you ask that a retraction be made for this? Answer: No, no. Question: Did you consider that a substantial misstatement of what had taken place at those news conferences? Answer: I considered it to be erroneous, just as I consider many things that the newspapers said over the years to be erroneous, but I did not ask for retractions.

Dr. SHIELDS. I did not ask the newspapers for retractions? Is that what we're—

The CHAIRMAN. You did not ask—no, you did not ask the Defense Department.

Dr. SHIELDS. I think we were talking about the newspapers.

The CHAIRMAN. No, sir. No. The question was about the misstatement at your news conference, the inaccuracy that you had stated.

Dr. SHIELDS. And who would I have asked—the Department of Defense could not correct what a newspaper said. If you are asking whether I asked the newspapers for a retraction, I did not.

Senator, if you will allow me to read—

The CHAIRMAN. Well, can I finish? You keep changing reality here. Here is the next question: Did you ever ask the Department of Defense through the Secretary of Defense for a retraction or correction, because that is what you would have needed. Answer: No, we didn't.

Dr. SHIELDS. That's correct. We did not. I did not have to ask for corrections.

If you'll allow me to read here.

The CHAIRMAN. Absolutely.

Dr. SHIELDS. A statement I made, and that I made shortly after that period of time. This is to the House committee known as the Montgomery Committee.

"With regard to the other reports we have received, we have never been able to correlate them positively with Americans, with military, who would still be held captive in Southeast Asia. We have endeavored even through the use of such things as polygraph tests for informers who would come over and tell us these things to find out if we could pinpoint these reports which we had received so that we could refine them and say yes, that's valid, we are sure some Americans are there. We have never been able to do that."

It continued here in an exchange with Congressman Gonzalez.

Mr. Gonzalez says, "so in terms of numbers, what or how many would you feel there is reason to believe are alive?"

Answer: "That's the most difficult question of all to answer. My own feeling, and anyone working in this area simply forms his or her own judgment, frankly is one of question. There were men alive at one time. Whether these men are still alive or not is an open question. There are men who should have been captured who were alive, having successfully ejected from an aircraft, who were seen alive on the ground, who talked to the men in the air and said

here comes the enemy and I'll see you when the war is over, and of whom we have heard nothing more.

As for how many men are still alive, it's certainly possible that some men are, but throughout this whole thing we have not been able to put our hands on a missing man who was alive and say he is alive."

So that was a statement officially on the record, Senator Kerry, and probably better than a press conference and a newspaper report.

The CHAIRMAN. But Mr. Shields, the point is that the policy—you have to understand, 1973 is the critical point. You are talking about the Montgomery Commission, that was 3 years later.

Dr. SHIELDS. Senator, people were asking if we knew whether we had left anyone behind, and the answer was we do not have indications at this time.

The CHAIRMAN. That has been the official line, and that has been the line that was articulated in 1976 and 1980. But the question is what did we know in 1973 and what did we do?

Dr. SHIELDS. We knew that men had been alive in captivity at one time.

The CHAIRMAN. Correct.

Dr. SHIELDS. And those who returned did not know of men who had been left.

The CHAIRMAN. To say that all prisoners had returned as the President announced on March 29, a week before your press conference, was wrong. He knew it was wrong. Let me tell you why. You recall going to see Secretary of Defense William Clements in his office in early April, a week before you April conference, correct?

Dr. SHIELDS. That's correct.

The CHAIRMAN. And you heard him tell you, quote, all the American POW's are dead. And you said to him, you cannot say that.

Dr. SHIELDS. That's correct.

The CHAIRMAN. And he repeated to you, you did not hear me. They are all dead.

Dr. SHIELDS. That's essentially correct.

The CHAIRMAN. And you reported to the ambassador that your statement about POW's saying there is no indication anybody is alive became DOD policy, correct? In 1973.

Dr. SHIELDS. That was a response regarding the question of do we know that men are alive.

Senator, Defense Department policy—

The CHAIRMAN. But why did you not say—here is the disingenuousness—why did you not say you know, we have got 244 questions. We have got people we list as POW and we do not know, instead of saying there are no indications that anybody is alive. Because the last thing you knew was that they were alive.

Senator McCAIN. Mr. Chairman, could I interrupt for one second here? I believe that according to this document you just quoted, Dr. Shields did say that. He said I am scheduled to testify on the MIA issue before the Subcommittee on National Security Policy and Scientific Developments of the House Committee on Foreign Affairs. With your concurrence, I will maintain the position that we do not know whether those now unaccounted for are alive or dead. The same one you just quoted from.

Dr. SHIELDS. I do not know whether they are alive or dead, Senator Kerry, and that is Defense Department policy as I understood it, and this was Defense Department policy.

The CHAIRMAN. Let us come back. You had indications that some were alive. Now, in your own testimony—let me go back to it—the question was asked of you during the deposition, do you agree with the statement that the absence of information about a known POW's fate does not allow you to logically make the statement there are no Americans alive in Indochina as of April 12, 1973.

Dr. SHIELDS. Yes, I agree with that.

The CHAIRMAN. Then to say there are no indications that anybody is alive when the last information you had about a prisoner was through intelligence that they were captured, that somebody was returning earlier as a prisoner saw them alive, that you had either signal intelligence or tracking intelligence that they were alive. To stand up, as you have said, within a framework of 6 months or 12 months later and say there are no indications anybody is not alive is simply not correct.

Dr. SHIELDS. Senator, there is a difference in saying people are alive and in captivity and saying we don't have indications now that they are.

The CHAIRMAN. That is the disingenuous piece of this.

Dr. SHIELDS. It is not disingenuous, Senator. This was and still is a very serious issue. I read in the newspaper yesterday that your committee has information that an American was alive in Indochina in captivity in 1989.

The CHAIRMAN. No, no, no. That is wrong.

Dr. SHIELDS. It was reported in the paper, Senator.

The CHAIRMAN. Let me just make it very clear. Senator Smith has an opinion personally as to that. I will tell you I personally do not share a judgment on that or that opinion, nor do I think has the rest of the committee come to any conclusion whatsoever as to anyone in 1989, and I will tell you that this committee has no evidence today of any specific individual in any specific place being alive now.

Dr. SHIELDS. And that's exactly what I said, Senator.

The CHAIRMAN. But it's not.

Dr. SHIELDS. The information you have on an individual in 1989 is more recent than a lot of the information that I was dealing with, and that's exactly why I did not say they were all alive, nor did I say they were all dead. And I did not know that.

What I said here, and this was Defense Department policy if you are looking for policy, because it is not a newspaper, it's not a press clipping, it's an official document of the U.S. Congress in which I say people were alive at one time, they should have been accounted for. They weren't. The question now is an open one. I don't know if they are alive or dead.

The CHAIRMAN. Why did Bill Clements, your boss, want to say they were all dead?

Dr. SHIELDS. I suspect it was his view, just as it's Senator Smith's view that someone was alive in 1989, and you don't have evidence enough to believe it. People disagreed on this issue, and they still do.

General Vernon Walters, a deputy CIA director, in this document also testifies that there is no firm evidence about Americans being alive, and I can read that and quote that to you if you would like to read that.

The conclusion also states that the intelligence community—and this is what I based my information on, the intelligence community—also states that the intelligence community did not have firm evidence. And so what we were talking about, Senator, to family members, wives, children, fathers, husbands, of men who had been in captivity for years was that we did not know specifically whether a man was alive or dead.

Warrant Officer Frederick, who was held with Senator McCain, died just a few months before the repatriation of our men in 1973. Had we said that Warrant Officer Frederick was alive, it would have been a misstatement of fact.

The CHAIRMAN. I did not ask you to say that.

Dr. SHIELDS. And I didn't say that.

The CHAIRMAN. No one on the committee is suggesting that the 1973 policy should have suggested that you say yes, they are all alive.

Dr. SHIELDS. What is the difference between saying they are alive and we have indications now that they are alive?

The CHAIRMAN. We did have indications that some people were alive. We had absolute intelligence. You in your own deposition—I am going to end my questioning here and give Senator Smith an opportunity and the others. But let me just say that in your deposition you agreed that recent information could go back 6 months, 12 months. And we had recent information 6 months and 12 months that so and so was seen alive or so and so was alive.

Dr. SHIELDS. I'm not aware of that, Senator. Within 6 months? Recent information specifically relating to a man? I'm not aware of that information.

The CHAIRMAN. Well, we can go into that in a second.

Dr. SHIELDS. I hope that we do.

The CHAIRMAN. Senator Smith.

Senator SMITH. Thank you, Mr. Chairman. I did not realize we were going to get to a debate here on differences between members, but since that has come up let me just say what I had said on the record before and speaking only for myself, that based on the intelligence analysis that I have seen by our investigators I stand on what I said that that intelligence does indicate that Americans were alive through 1989. I stand on that and I do not ask anyone else to share that view. All I am saying is that the evidence, when it is presented, will be allowed to be judged by all of you, including you, Mr. Shields. I believe Dr. Shields had an opportunity to review it and see it long before I did.

Let me just pursue this a little bit on the line of questions that Senator Kerry was following, Dr. Shields. Let me just quickly cite some chronology. I know this is emotional for you. Just relax for a minute.

Dr. SHIELDS. Thank you, Senator.

Senator SMITH. Let me come back through this. On January 27, 1973, the Paris peace accords were signed and we exchanged lists with the North Vietnamese. On January 28, the POW/MIA Task

Force analysis shows 56 POW's on our Government list were not on the NVN list. February 1, 1973, a list of 10 POW's were received from Laos. On February 5, the so-called EC-47Q, which was basically a reconnaissance aircraft was shot down over Laos and men were lost. Four, we know died. Four, based on intelligence information, we had good reason to believe were alive.

We can dispute that, and I want to get into that specific intelligence a little later. But the point is the difference between what you said—let me finish the line. On March 23rd there were some memos written by your superiors. You should not sit here and take all of the heat. I might also point out that Mr. Clements who agreed to come here today refused to come. For whatever reason, he is not here. He did provide a deposition, but he refused to come, and we may have to deal with that later.

On March 28, another memo higher up, and I do not want to get into the specifics of this at this point because they are classified, but they do basically say that there are POW's in Laos. Hey, there are POW's in Laos, the President is about ready to bring the last prisoners home, what do we do? Essentially, that is the thrust of it.

And on April 6, you have the meeting with Mr. Clements which you have already discussed with Senator Kerry, and on April 12, your press conference which speaks for itself.

So my point is on January 27 and 28 there were lists exchanged and provided. But we still were flying missions over Laos after those lists were exchanged. We were losing Americans in Laos in a secret war, if you want to call it. Families did not even know, and we were losing people. So when you say on April the 12th that you do not have any information on live Americans, that is simply not true.

As an official of the Government at that time, how long did we fly reconnaissance or do anything in Laos, how long did we do that after the Paris peace accords were signed, roughly?

Dr. SHIELDS. I'm not certain, Senator. You'd have to look at the record on that. I don't recall when those flights ended.

Senator SMITH. Well, it was certainly months, and it certainly went beyond February because we lost people on February 5.

So the point is we negotiated an agreement; Laos was not a party to that agreement. We negotiated that agreement with the Vietnamese. We were losing people; we knew we were losing people. We know we lost eight. We know four of them died. Whatever happened to the other four, we know we lost them on February 5. You knew that when you gave that press conference, and you knew we had also lost other people over Laos, and we had no idea what happened to those people, no idea whatsoever.

So for the President of the United States to come out and say all of the POW's from Indochina are returned, maybe all the POW's and maybe not, as far as Vietnam, but we certainly had no information on Laos, is that not true?

Dr. SHIELDS. Senator, I agree. I can't speak for the President on that issue. To go back to this EC-47, and I think it is important, that was an aircraft that was downed. I would have put those individuals, had I been doing it, in a missing in action status, because I think that's exactly what it's for.

Senator SMITH. How were they classified?

Dr. SHIELDS. They were classified as killed in action.

Senator SMITH. It is a very important point, and I am not accusing you of making the classification.

Dr. SHIELDS. I did not, Senator, I can assure you.

Senator SMITH. I know that. I understand that.

So here are four people on the EC-47 who we received intelligence on, whether it is accurate or not, but we received it almost immediately that four of these people survived. Whether they did or not is a matter of conjecture. But we do know that we received intelligence that said they were alive. We immediately classified them KIA, correct?

Dr. SHIELDS. That is essentially what happened. The report said that four pirates had been captured.

Senator SMITH. The report said that four were captured, but we classified them KIA/BNR. Now, I would like to pursue that at some point in time to find out who did make that classification, specifically.

Let me get to another matter I would like your comment on. This is a communique from Ellsworth Bunker, the U.S. ambassador. The Four Party Joint Military Team's responsibility was to follow up and implement Article 8(b) regarding the return of American POW's. It was supposed to be a priority, correctly. Frank, you said that, and others said it was a priority. Let me list what the priorities were in order on this memo from Ellsworth Bunker.

The first priority, in accordance with informal Washington instructions, and I want to pursue just what they are, but here is the first priority. This is now the follow-up of Article 8(b), which is the implementation of the Paris peace accords regarding accounting for POW's and MIA's in accordance with informal Washington instructions: Recovery of remains of 70 U.S. and third-country nationals who appear on the DRV and PRV lists presented in Paris as having died in captivity. That is the second priority—remains.

The second priority, and I am reading exactly what it says right off the memo, the second priority should be to seek information from the other side on specific MIA persons who, according to U.S. records, were believed captured alive. This is April 1973—April 1973, right about the time you made your statement. What is going on here? Who knows what?

We have got a period of time here, and you happen to be the focus because you are sitting here, but truthfully, we had memorandums sent to the President of the United States from the Secretary of Defense, from the national security adviser, with input, I am assuming, from Admiral Moorer, who testified yesterday, and other very high-ranking military officials and policy officials, that Americans were alive in Laos, that we believed they were, and in spite of that—in spite of that—2 1/2 to 3 weeks later a pronouncement is made that there are not any more MIA's/POW's. The President said it, and basically, you said it. Now, why the change in Response?

Dr. SHIELDS. Senator, I understand your consternation. First of all, again, to go back to my statement. My statement was about current information. There were questions, and if we had the full tape of that press conference it might shed some light on that. We had questions about the status of Americans. Did we leave anyone

there? Did we know that they were there? And did we know so we could go get them? The answer to that was we did not know at that time about any man that we could put our finger on and say he was there. We carried some individuals as prisoners. My statement here was echoed many times. Official Defense Department policy was that that was an open question. We did not know whether they were alive or dead.

With regard to the EC-47, there were a number of crew members. Four, according to the intercepts, might have survived. We don't know who those four would have been. We would have put them in an MIA category again.

We went to Laos, Senator, with the message that said tell the Lao we know you have Americans and you're holding them prisoner. We said that. The reason we said that was because we were not going to acknowledge to the other side that we had accepted their confirmation that there were no more prisoners.

Senator SMITH. I read that in your deposition.

Dr. SHIELDS. That explains that.

Senator SMITH. My time has expired, but I just want to say that the point is that we continued operations in a third country that we were not supposed to be at war with, and we were losing people while we were bringing home American POW's from Vietnam. We were still losing people and still standing up saying that there are no prisoners when we had no idea what happened to them. And somebody has to be accountable for that.

Dr. SHIELDS. I believe those flights were known. They were certainly known to the families of the crew members who were flying, because in this one aircraft we're talking about, one man sent a letter home to his wife expressing his concern, or to his family, expressing his concern about that flight. I think they were acknowledged. To my knowledge, they were not secret flights that were considered unlawful in any way. I think that was a statement of fact.

The question, of course, is what happened to those men, and I still wonder. But I did not have information at that time that would have allowed me to say they certainly are prisoners.

The CHAIRMAN. Senator McCain.

Senator McCain. Thank you, Mr. Chairman.

I want to ask you again, Dr. Shields, you said with your concurrence, I will maintain the position that we do not know whether those now unaccounted for are alive or dead. Was that the official position of you, of your Department, or the administration, or who?

Dr. SHIELDS. Yes, Senator, I think that's a fair statement. We did not know at that time because we lacked the current specific information that would have allowed us to put our finger on an individual. It was not the kind of information we had later with regard to Emmet Kay, for example, or with regard to Dean or Sharman.

Senator McCain. Mr. Sieverts, was that the policy on your watch, that we did not know whether they were alive or dead? Or was it that we assumed they were all dead, or what?

Mr. SIEVERTS. Let me answer that with a little broader perspective. Our approach during that entire period was to present information in a positive spirit through the channels that were available pursuant to the Paris agreement and, to the extent that it was

possible, and it was not at all easy, to do so in Laos, as well as in every opportunity, we would shade the interpretation of cases and lists in a favorable direction.

Senator McCAIN. What do you mean by favorable?

Mr. SIEVERTS. In the direction of saying we know you have more information. This is a list of prisoners.

Over a period of time, we broadened those lists. We added to them, we gave specific case records, detailed case records. One of the innovations that I was responsible for was translating these into the local language in each case. For years, we presented cases with this positive assumption, exactly, I believe, the way the committee would have wanted us to pursue this issue.

Senator McCAIN. You were assuming they were alive?

Mr. SIEVERTS. For the very purpose the committee is concerned about, we were going on that assumption. The difficulty was that at the same time if you overstated that assumption for a domestic audience you would create what was clearly an exaggerated and possibly an entirely false hope among families, among many thousands of Americans who were needing to deal suddenly with the reality and the grief that their men weren't coming back.

Senator McCAIN. Thank you.

General Kingston, you were head of the DIA from 1973 to 1976. Is that correct?

General KINGSTON. No, Senator.

Senator McCAIN. I am sorry. JCRC.

General KINGSTON. JCRC from January 1973 to December 1976.

Senator McCAIN. And your involvement after that?

General KINGSTON. When General Vessey was appointed Presidential emissary to Hanoi, my having established the JCRC and having worked for him in Korea, he asked me to join him on the trips to and from Vietnam. I accompanied him on five trips.

Senator McCAIN. When you were head of the JCRC, did you ever see any hard evidence that Americans were alive?

General KINGSTON. Not to my recall.

Senator McCAIN. Were you assuming that there Americans were alive?

General KINGSTON. I don't recall that either, because I do know that the Pacific Command had an op plan for the JCRC to go after and recover victims of crash and grave sites. They also had an operational plan for the recovery of evadees, escapees, and POWs. I was not involved in that one.

Senator McCAIN. Mr. Oksenberg, what was the policy on your watch?

Mr. OKSENBERG. We never assumed that there were no living Americans left in Indochina. We always felt that we had a moral obligation to pursue this issue and pursue it through all channels available to us.

Senator McCAIN. Did you see any hard evidence or any evidence that Americans were alive?

Mr. OKSENBERG. I saw no hard evidence that Americans were alive. Obviously, with the upsurge of refugees came increasing reports of live sightings.

Senator McCAIN. Thank you.

Mr. Trowbridge, you have been sitting here with some patience for some time; do you have any comments on the proceedings or anything you would like to suggest for the record to clarify anything that has gone on?

Mr. TROWBRIDGE. No, sir. I think my position along these lines has been stated, and I agree with the comments that I heard from Dr. Shields this morning relative to the live sighting issue.

Senator McCAIN. Which is?

Mr. TROWBRIDGE. That we had no current information at the time where we could go and put our hands on some individual that was alive at that time.

Senator McCAIN. Dr. Shields and Mr. Sieverts, are we talking to some degree about semantical differences, here? Or are we talking about the fact that the American Government and people abandoned those who were still listed as missing in action? In other words, if Dr. Shields said—in his memorandum, he says DOD had no specific knowledge, that is different in my view than no indications. That is a very different use of language. I think, frankly, that in your memorandum no specific knowledge is a defensible position. No indications, I think, is not.

I think what I am trying to get at here is what was the thrust of the belief? Is it that the President of the United States said there are no more Americans alive in Southeast Asia and we closed the book until the agitation on the part of families and other Americans brought this back to the attention of the American people, or has there been a good-faith effort, or is it somewhere in between, in the view of many of us, that during the 1970's the issue was ignored to a certain degree because of the desire of the American people and the American Government to put this issue behind us, which could have led us to some failed opportunities to return some Americans who may have been held alive.

I know that is very difficult, but I think it is a philosophical question that is important to be cleared up, and maybe we could begin with you, Mr. Sieverts, and Dr. Shields, your response after that.

Mr. SIEVERTS. The root question is whether there were any opportunities to achieve the return of living Americans. That's the sole question. And no, I don't think there were any. I don't think we had any indications of Americans in captivity. Some of my testimony is intended to bear on that question, by describing our past experience of the lengths to which Americans would go—we're talking about POW's held against their will in captivity—the lengths they would go, one way or another, to let us know of this. It bears on the photographs, for example. The idea of Americans cheerfully being photographed and not using that opportunity to somehow convey who they are and what the circumstances are is beyond my imagination.

It's beyond my experience, more importantly, of being responsible for this subject during a long time when we really did have Americans in captivity and we did get indications which were quite solid, that included information that you could really hang on to, and then do something about as we did in the case of Garwood in a very obvious way. Once the name arrived, we, of course, immediately got him out of there.

So I think it's not merely a question of semantics. It is, rather, a question of phraseology, of dealing on the one hand with Vietnamese, Lao, and other Indochinese in a positive spirit to hold them accountable, to seek that accounting which in many cases, of course, was going to involve the return of remains, but at the same time not to present a false impression, a misleading, overly hopeful impression to the American people. I think the difficulty of phrasing it in a way that handles that situation properly is essentially what's being discussed right here today. It may well be that it is a question of semantics. I think it's a question of phrasing for different purposes.

Dr. SHIELDS. Let me describe again some of our efforts. Regardless of Ambassador Ellsworth Bunker's message, one of the first individuals that we asked about was Commander Graff of the Navy who was carried as prisoner of war in South Vietnam in approximately the same area that Captain Robert White had been repatriated from. So we had hoped that perhaps he had been held there, too. That was an inquiry made even while homecoming was underway, or shortly thereafter, while we were trying to find out what happened.

The issue at the time that the men came home was one where we had Article 8(b), providing for a full accounting of the missing. Now, the missing at that time were the people who had not been repatriated, who were carried as MIA because we did not know they were carried as prisoner of war because we hoped and had reason to believe that they were prisoners of war, but did not come home either. We pinned our hopes on Article 8(b). We negotiated. We staffed the FPJMT in the field. We had the JCRC in the field, to the extent that one of our soldiers was killed on a humanitarian mission, killed by the enemy. Now, that details some of the records of the efforts that have been made.

You are aware of the chronology. You have in your possession the chronology of the efforts of the Four Party Joint Military Team. We did not have access to Laos. We did not have access to North Vietnam. We did not have access to most of the areas in South Vietnam where we thought we could go. The man who was killed, Captain Reese, was killed in an area which we felt was under friendly control. As it turned out, of course, it was not. So we could not go into the field. We were limited to negotiations as part of a treaty which was never observed, and never implemented.

We faced extraordinary difficulties in those days. You are aware of the efforts that were expended on behalf of Chai Charn Haravee, Lieutenant Dat, and so forth. They were men that you and your comrades said had been left behind. And even though they were not Americans, we left no stone unturned to bring them home. And in fact, they did return home to their loved ones. In the case of Emmet Kay, we knew he was a prisoner, and we pursued his release and he was returned. In the case of Charles Dean and Neal Sharman, we knew that they had been captured. That was not a secret. We made that evidence available to anyone, and we acknowledged that. We did not bring them home. We were not able to do that.

So we did our very best to bring Americans home, because not knowing means you have questions, you want to know what has

happened to someone. But you do not write them off. You do not say they are dead. You say you expect an accounting. And ultimately, we should expect an accounting for far more than 244 men.

Senator McCAIN. How do you account for the President of the United States saying all POW's are home?

Dr. SHIELDS. Senator, I don't control the statements of the President of the United States. I did not at that time. I was as dismayed at that statement as anyone else was.

General KINGSTON. Senator McCain, with your permission I'd like to discuss the circumstances of Captain Richard Reese's death.

It was my requirement that JCRC personnel go down to the potential crash or gravesite to ensure that was secured by Vietnamese, either the local force or Vietnamese army. Obviously on every case I had to get the approval of the American embassy, Four Party Joint Military Commission. The U.S. chief discussed it. The South Vietnamese agreed, the Vietcong and the North Vietnamese would not discuss it and say only that we disapprove of these missions.

On the 13th of December we were going into a crash site southwest of the airfield out of Saigon. It was about a 15-minute flight. It was in a fairly open rice paddy, scrub brush area. The area had been flooded. On the 13th they located it and they started building a dike around the area they wanted to search.

I allowed the people to return to into Ton Son Nhut Airfield overnight so they didn't have to stay in the field. On the 14th they completed the dike and on the 15th they were coming in with pumps. As the first ship landed it received an RP-40 rocket grenade and RPG and automatic weapons fire. The pilot was killed. The team jumped out of the aircraft. The two succeeding aircraft circled around, pulled up and were circling around the area. My people wore international orange on their headgear and international orange on their pockets. The aircraft had international orange stripes, so it obviously could not be mistaken for what it was.

When we finally had access to the area, there was no indication of any spent rounds and we could find no indication of who sprung that ambush. Capt. Rees, drawing fire, stood up, waved his arms shooting stop firing we are unarmed, that is when they killed him.

Senator McCAIN. Thank you.

The CHAIRMAN. Senator Reid.

Senator REID. Thank you, Mr. Chairman. Mr. Oksenberg, a question was asked at least you answered that there came, because the posters and other things live sightings reports. Did you believe any of those?

Mr. OKSENBERG. As I recall, I would choose to say that I had neither a belief nor disbelief. I felt that the information merited pursuit, but I recall that I did not reach any judgment, definitive judgment about those reports.

Senator REID. Dr. Shields, tell me, you were at the time that we have made inquiry Deputy Assistant Secretary, is that right?

Dr. SHIELDS. That's correct.

Senator REID. Was this a political appointment?

Dr. SHIELDS. It was a schedule C, I believe it was called at that time, appointment, yes.

Senator REID. What did you do prior to coming into the Government?

Dr. SHIELDS. I had been at General Electric Tempo which is a General Electric think tank, and prior to that I had been at the University of Texas at Austin.

Senator REID. Mr. Trowbridge, it is my understanding that the Pathet Lao declared after Operation Homecoming that Laotian communist forces were holding American POWs and were prepared to give an accounting, is that a true statement?

Mr. TROWBRIDGE. Well, the Pathet Lao over the years they had a spokesman, Soth Petrasay who made many statements relative to American POWs.

Senator REID. I ask you the same question I asked Mr. Oksenberg, did you believe the statements that he made?

Mr. TROWBRIDGE. As far as the intelligence reporting that we had, it wasn't supporting his statements. We have talked with him subsequent to that time and he has indicated to us that his statements about holding prisoners were for the purpose of propaganda.

Senator REID. So the statements that he made, there has been a determination made based upon his statements that he was doing this strictly for propaganda purposes.

Mr. TROWBRIDGE. That is what he claims, but as far as the intelligence that we had coming out of that country, again, that has been stated here this morning, we had no information that these prisoners remained there. We did have information on prisoners such as has been discussed here this morning.

Senator REID. My question is, based upon your vast knowledge of this area was he telling the truth or not?

Mr. TROWBRIDGE. We have no indications that there prisoners beyond that. We had information on—I mentioned yesterday, two prisoners that were in captivity, however, we also had indications that they died prior to 1973. They did not come home in 1973. They are among those discrepancy cases that we are talking about here this morning.

Senator REID. So based upon what you have said, when the Department of Defense declared a week or 10 days later after he had made some these statements, right after Operation Homecoming that people were alive, you know of no information that would substantiate his claims that they were holding Americans alive?

Mr. TROWBRIDGE. At that particular time, no, sir, we did not.

Senator REID. At any time?

Mr. TROWBRIDGE. We don't today either.

Senator REID. Pardon me?

Mr. TROWBRIDGE. We do not today either.

Senator REID. Dr. Shields, do you recall a memo that you sent to the Secretary of Defense in 1976 indicating your concern that POWs were not all dead?

Dr. SHIELDS. I would have to look at the specific memo, Senator, frequently expressed my concern that there might be Americans alive in Southeast Asia.

Senator REID. You did that on at least one occasion in a memo to him, isn't that true?

Dr. SHIELDS. It may be, Senator, I would have to look at the memo.

Senator REID. Do you recall what your response was? What his response was to you?

Dr. SHIELDS. I believe that the Secretaries of Defense that I served under felt like I did, that the question of the missing Americans had never been resolved. It was a possibility that men had been held captive. We know that they certainly were at one time. We certainly should have an accounting for them and we ought to find out what happened to them. I think that was the way all of the Secretaries felt.

Senator REID. But in fact, one of the deputies issued an order to say that they were all dead, is that true?

Dr. SHIELDS. I never saw an order from a Deputy Secretary saying that they were all dead and I don't believe, Senator, you will ever find a statement made from a responsible official within the Department of Defense publicly that they were all dead.

Senator REID. And any statements that you heard in that regard were oral in nature then to you?

Dr. SHIELDS. The one series of statements that I heard referred to the Deputy Secretary at that time, William Clements. This would have been 1973, and we had a discussion about that. He was new to the Defense Department at that time and I pointed out the men who at one time had been held prisoner. It would be interesting to me and useful, I think, to have the entire transcript of that statement which Senator Kerry played in the beginning so we could discuss what the whole issue was, because—

The CHAIRMAN. I have the entire transcript here and it will be made part of the record and I would be happy to share it with my colleague if he wants to see it.

[The information referred to follows:]

RESPONSE FROM ROGER SHIELDS

PRESS CONFERENCE, APRIL 12, 1973

Response. Two months ago today, we received the first increment of men held captive in Indochina and since that time we have received back in our control a total of 600 individuals—599 men and 1 woman. Of this total, 591 were American and 566 of this number were U.S. military personnel. With regard to the military personnel, over half of these men have now completed their processing and are on convalescent leave. Others will be continuing their processing and we anticipate that many of them will be finishing soon. With regard to the medical condition of these men that you are so interested in, we were pleased generally with the physical and mental condition of these men as they came back. Nevertheless, we have uncovered a number of medical problems. For example, we have a number of orthopedic injuries, fractured limbs, dislocations of joints, and the like. Some of these will require no further medical treatment. Others will. That medical treatment will continue as long as necessary. There are a number of other problems, the usual problem that one would expect with regard to teeth and dental problems. These men had spent many of them a long period of time without adequate dental care and there were a number of problems with regard to dental problems, these also are being taken care of. There are problems with regard to internal parasites, not only with regard to the men who were released in the South, but also those who were released in the North, and treatment for these problems are also continuing. Many men are out of the hospital and are receiving these on a convalescent patient basis. We found that there were a number of problems associated with nutritional deficiencies. For example, eye problems. Eye problems due to various deficiencies vitamins and mineral deficiencies. The doctors anticipate that some of these eye problems will be reversible with the proper treatment. In other cases, they are not sure. Some permanent damage may result. We find other problems, other diseases, for example beri beri, things of this nature. Again, I think the prognosis is good for the

return to health, good health, of most of the men. There are problems of course that are going to continue that—in which case irreversible damage has been done, at limbs, things of this nature, and that of course, is inevitable. We find that with regard to the men who were captured in the South, that there were the problems that we expected with regard to malaria. Much of this had been treated before the men were released. In some cases we found active cases of malaria. With regard to the men who had been held in North Vietnam for the duration of their captivity, the incidence of malaria was surprisingly low. We have debriefed these individuals. Some of the debriefing is continuing. We are particularly interested, as you know, in the casualty-related information which these men might be able to provide because of the fact that we had had so little information concerning the numbers of men held prisoner or their identities or their conditions. The families had gone for many years in many cases without this information. We were particularly interested in casualty-related information. The debriefs have provided some casualty-related information and some status changes have been made. More are in the works and are anticipated. I won't try and quantify the information that we received with regard to those men who did not return. We did not receive as much as we had hoped. A number of cases are outstanding, as you know, in which our men are unaccounted for. The total number of men still unaccounted for as of today, is 1359. Now you've been working with a figure of 1328. And the difference in that number, and the difference of 31 relates to men who had been reported as having died in captivity, but whose status change has not yet been made. That should bring you up to date with regard to those numbers. We are continuing with our efforts—

Question. Could we ask about the 31 reported to have died in captivity—
Response. Reported to have died in captivity. That is correct.

Question. Status changes
Response. Beg your pardon?

Question. How has the status changed?

Response. The status change has not been made. I said that these men are still in an unaccounted for category. We do have that statement, of course, and as I say, we are proceeding with a number of status changes, some based on our own information which we obtained in the debriefs. With—yes.

Question. Was that that they died in captivity?

Response. These were on lists. When lists were passed to us by the other side, we received lists that contained the names of not only men who were currently held and who were going to be released and who in fact were released, but also the names of men who were reported as having died in captivity. You'll recall the first list that we ever received back in December of 1970 received through representatives of Senators Kennedy and Fulbright contained the names of 20 men who were reported as having died in captivity in North Vietnam. When we received the list from the North Vietnamese, the DRV, as a result of the Paris Agreements, we received the names of an additional 3 men from North Vietnam who they said had died in captivity and an additional list that we received from the PRG in which they also listed a number of men as having died in captivity. Now, with regard to these men who are still unaccounted for—

Question. Dr., will you stop for just a moment there please.
Response. Yes.

Question. We got a list around January 27, shortly afterward, of 55 names of those that we were officially notified had died in captivity—
Response. Had died in captivity.

Question. Was this all-inclusive?

Response. Well, we, as you know, with regard to lists, we received a list of names of men who were held prisoner in Laos. No names of men having died in Laos, and nothing with regard to men having been captured in Cambodia. As far as we are concerned here in the Defense Department, we have not yet received all the information concerning our men in Laos and in Cambodia, and we are continuing to press for information on men captured in those areas. Now with regard to other information, we have received from the North Vietnamese at various times the names of individuals whom the North Vietnamese said had died as a result of their initial shootdowns. They have given us names of men who had died, men who they said never survived to be taken captive but had died initially, were dead when they were recovered. We anticipate that we are going to receive more of this type

information, and as you know, the agreements in Article 8(b) call for an exchange of all information, a cooperative effort in this area, including exchange of all information on men known to have died, cooperation with regard to a return of remains, and an exchange of all other information on men who still may be unaccounted for.

Question. Dr. Shields, I'm still not clear on that.

Question. Thirty-one name difference. As opposed to what Fred pointed out. There were an initial—there was an initial list of 55 names.
Response. That's correct. That's correct.

Question. Are these 31 names in addition to that that you have since 3 been told by the North Vietnamese were also—

Response. These were names of men originally handed to us as being on the list. Now, some of these individuals that were passed on. We received only the list that was given to us officially. It was a list that was handed over to us in Paris. Now, that list contained the names of men who were alive, and we subsequently had a return of those men. In addition, of course, we had 3 men returned from the Peoples' Republic of China. We also had 2 men whose names were not originally on the list, 1 man who had been captured just prior to the cease fire, another man who was headed back to us whose name did not appear on the list because the PRG said they had had trouble with their communications. Now, we still have a certain number of men whom we consider to be still in a status that would indicate that we have not yet had a full accountability for them. We have made some status changes based on information which we have. A number of other status changes are in the works. I give you a figure as of this morning, because these figures are changing constantly as status changes are made. Now, with regard to those men whose status has not been changed, those men who are still unaccounted for, we are continuing our work in this regard through the Four Party Joint Military Team, which was a successor to the Four Party Joint Military Commission. The work of the Four Party Joint Military Team is to provide the implementation of Article 8(b) of the agreement which calls for the exchange of information and a cooperative effort with regard to the return of the remains of those who may be dead. We have received assurances from both the PRG and the DRV that they will cooperate in this effort. The meetings have been going on now for approximately one week, and the charter of the group, its mode of operation has been discussed, and we are hopeful that very shortly we will begin the actual operational work of accounting for the missing. We have, as you know, formed a Joint Casualty Resolution Center at Nakom Phenom Air Base in Thailand. The JCRC is headed by an Army Brigadier General, and he has under his command in the JCRC experts in Gray's registration activities. Also in crash site inspection. Men who are trained to identify aircraft when the obvious signs of identification, such as a serial number, are not easily readable or have been obliterated. They know what part of the aircraft to look at to identify this aircraft and match it with the men who flew it. They can look at the aircraft and say the ejection seats were activated, the men at least got out of the aircraft prior to impact. Gray's registration specialists are experts at the recovery of remains. We also have identification specialists, anthropologists, forensic pathologists who are expert in the identification of remains. We anticipate that with these teams, we'd be able to go out into the field in areas where Americans have been lost either on the ground or through air crashes throughout Indochina, and we'd be able to carry on the search for the missing.

Question. Dr. Shields—
Response. Yes.

Question. Back to this 31 reported died. I still don't understand where you got it, but do you bring it up because you're not changing their status yet because they might still be alive?

Response. We are in the process of making status changes. As you know, the Service Secretary has the responsibility and is the only one who can make a status change. The individual Service Secretary concerned. Now with regard to a man, we review all information available concerning his incident, what happened to him, what category he might be put in. When the Service Secretary receives what is to him conclusive proof that a man is either prisoner or missing or dead, a status will be determined. With regard to men whom we have carried as missing in action, or prisoner, and whom we find subsequently whom the Service Secretary subsequently finds to have been killed, a status change will be made to killed in action. We have made a number of these status changes. We will continue to make these status

men who suffered severely as I said, were in very poor condition and subsequently were reported as having died in captivity.

Question. How many of the men who returned were treated for example for orthopedic problems that were inflicted as a result of torture?

Response. I really don't have any figures on that. I think that far and away the large number of orthopedic problems were the results of ejection. For example, the flight surgeons at Clark Air Base when talking about the men as they came back indicated that they were going to use this information to help devise new techniques of ejection. They commented, for example, on how previously we had experienced a large number of lower extremity damage to legs and so forth, and as a result methods to strap in those legs were found, but we kind of had the arms flailing around a bit. And they found a lot of shoulder and arm injuries, and they're going to use this to try and devise a better system.

Question. When the North Vietnamese gave you the reports of the people who had died in captivity, did they indicate what was done with the bodies, and if so, will those bodies be returned?

Response. We have had indications that when a man died in captivity, or a man may have been found to have died that at least in many cases good records were kept, and that remains should be locatable and we should be able to have a return of those remains.

Question. But were they buried, and...?

Response. We do know. We already have evidence. We have, for example, carried on this question of accounting for the missing for a long period of time. We have recovered remains previous to this cease fire, prior to this cease fire. We have found remains that were buried, and we had prisoners, for example, who were able to locate the location of a grave, or in liberated areas, villagers were able to take us to grave sites, and we have recovered from graves the remains of our men. And these remains have been subsequently identified and status changes made based upon that recovery.

Question. What about in North Vietnam, that's what I was

Response. We have good reason to believe that remains were buried. We have, for example, in various photographs seen what was reported to be the gravesite of an American who had been killed.

Question. Is there an American graveyard in Hanoi?

Response. I don't know. If there is, we are going to find about it. I don't know, I can't answer that.

Question. Is there any likelihood or any plan that any of the former POWs that have come out will be going back over there on search teams to help out?

Response. Our search teams are fully manned now, or will be very shortly. The men who will fill out these teams have been identified. They do not include men who have been released.

Question. How many are involved in this search operation?

Response. We anticipate that the initial search operation will involve some American experts, and they will be supported by local nationals.

Question. But how many?

Response. For example, we would anticipate that perhaps the initial search—and you have to divide this effort into probably the search phase and then the recovery phase. The search phase will have a limited number of Americans, perhaps 4 or 5. A number of other people who would provide support to that group, they're going into jungled areas, they need help with regard to setting up camp and simply going out and looking for a crash site or a gravesite. Once that site has been discovered, we will then deploy our experts at crash site inspection or Gray's registration who will go in and will thoroughly examine that site for any evidence which it might yield concerning our men.

Question. Maybe I didn't make the question right. How many are involved in this whole search op—the Casualty Resolution Center and the whole bit?

Response. Well, there are a number of men assigned directly to the Joint Casualty Resolution Center, and then there are other elements currently over Southeast Asia and Thailand who would be supporting the operations of that group. Now I can't give you a precise figure on that, because it depends, for example, on the need for air support. We anticipate to the Joint Casualty Resolution Center would task some

of the 10 air elements in the area to provide a reconnaissance aircraft for aerial photography of an area, or to provide airlift or helicopter lift into that area. Now these men would not be assigned on a regular basis to the Joint Casualty Resolution Center, but would be available as needed.

Question. How many men will be regularly assigned to this center?

Response. 153 individuals.

Question. Dr. Shields, we've had reports of 1 MIA, Robert Garwood, interrogating prisoners for the VC and another guy, a deserter, McKinley Nolan, who was supposedly writing tracts for the VC and living with a Vietnamese wife in their camps. Can you shed any light on those reports?

Response. I can not shed any light on those reports. I do know that periodically, we have reports of deserters. Some have been reported as being in the underground system in Saigon. So I really can't shed any light on that.

Question. Have returned POWs not identified any Americans as working for the VC?

Response. Not that I have—that has come to my attention at all.

Question. What about the whole situation of charges, Dr. Shields, can you tell us now whether there are going to be charges filed against any of the prisoners?

Response. There are no charges pending against any man who has returned right now. What might happen, I really don't care to comment on. I think that's speculation. We have no charges right now. No men who are returning have preferred charges against any other man, and neither has the Department of Defense.

Question. Are there any investigations?

Response. We are prepared to as the briefings proceed we are prepared to look into any kinds of situations which bear investigations. We are going to proceed as we do in any normal case if we uncover any evidence of misconduct, or if any man prefers charges against another man, then of course certain procedures would be followed. But as of this time, no man has preferred any charges and neither has the Department of Defense.

Question. Has there been any evidence that has led to any investigations underway now?

Response. We have heard, as you have, reports of certain individuals who were alleged to have done something—I don't want to comment about this. I think it would be improper to comment on the conduct of any individual, really, be it valorous conduct or otherwise. I don't care to get into that. We will do as we have said. We are not going to prefer charges, for example, against any man on the basis of any statement that he may have made simply on that basis.

Question. We're not asking for any names, but are there any investigations underway against any number of individuals?

Response. We, with regard to investigations or charges, will proceed as the situation indicates at the present time as I say I will not speculate on the future course of events. I think that would be improper to talk about.

Question. Right now, are you investigating any?

Response. I really don't care to comment in this area. Right now, as I say, it does not serve any useful purpose to comment on these things. I think that you ought to wait and see how things develop. If there were investigations, or if anything else were going on, it would indicate something improper. I don't think that we ought to indicate anything at all. The men that we have seen coming back, as you have seen, have expressed their pleasure at coming back to this country and being here once again, so I don't want to comment on that.

Question. I don't want to belabor it, but let me just ask you one more question. Have any of the returning prisoners indicated to the Department that they intend to file charges?

Response. I have not heard any man nor am I aware of specific intentions in these areas to proceed along these lines. We are not interested in this right now. We are still concerned with our men who are not accounted for; our debriefs have specifically gotten into these areas first. We are prepared, as we say, to follow up on anything that the men might indicate needs attention. For example, the men have commented on their intention to pursue with us the experiences that they learned. They have some comments for example, that might be helpful with regard to our search

and rescue techniques. And they intend to provide information that would help us improve those techniques and other things which they learned in the course of their camp life. We have not yet gotten into those areas.

Question. What is your feeling toward the senior commanders writing effectiveness reports, efficiency reports on the prisoners who were captured?

Response. Well, that's a question of the efficiency reports as a service prerogative. I'm not qualified to speak...

Question. Dr. Shields, have you been able to shed any light on the case of Lt. Dodge?

Response. We have turned up nothing at all with regard to Lt. Dodge. One man coming out of Hanoi with the second group that I returned with—accompanied the first two groups out of Hanoi—commented to me on Lt. Dodge, and I thought, well here's a man who's going to give us some information. That's Commander Dodge, now. And when he talked about, it turned out that he had been an individual who had flown in a search and rescue effort aimed at rescuing Cmdr. Dodge and subsequently, he asked me if we had any information about it, and I was able to tell him that we felt that the North Vietnamese would be able to shed some light on his case, but that we had nothing. We are going to follow up his case and the case of all our other men as we attempt to account for the missing.

Question. Dr. Shields, how many men do we know through radio transmissions or what have you actually made the ground in Cambodia, Laos or North Vietnam, or South Vietnam and we know they reached the ground safely after their planes were downed, and yet we have no trace of them?

Response. I don't know what that precise number would be. As you know, our men ejected under a number of different conditions. We—I am hesitant to talk about this because we have many men, a number of men, who returned from incidents in which all reports would have led us to believe and probably an uninformed prudent man to believe that the individual could never have survived. I talked to a Navy Commander not long ago who was a former member of the Blue Angels and who had been flying a long time, and knows his aircraft and had flown many combat missions in North Vietnam, and he was describing an incident which he saw in which a SAM impacted almost directly on an F4 and there was a resultant fireball, and he said he watched the aircraft all the way, there was nothing, there were no chutes, nothing was ever heard, no beepers, no indication that anyone ever ejected safely and yet both of those men showed up very quickly as having been captured. Without any injuries, I might add. So I don't think that that really gives us any indication of—

Question. Sounds like he watched the wrong airplane.

Response. Well, you know, when you're flying an airplane that fast, you do have many things to do. And if you watch other things too closely, you might end up on the ground yourself. So we have had this kind of experience, and we have also had the experience of men on the ground. So I really don't think what I'm saying is that this really doesn't give us an indication of whether a man would have survived or not—

Question. I understand.

Response.—and we can't write off a man about whom we know nothing.

Question. But at least we know that he survived the original shootdown. How—can you give me a ballpark on that?

Response. I can not give you a ballpark on that now. As you know, we have put out examples of this kind of thing. We would prefer to talk about these number and this kind of information in the form of our Joint Military Team. We feel that there are certain methods that we should use as we go about accounting for the missing that might have some impact on the length of time that it might take to do this or might have an impact on the kind of information which we received so we want to talk about that kind of question in that form.

Question. Dr. Shields, you said you're not satisfied with the information you've gotten from Laos so far. Are you implying that you think there are additional prisoners being held there?

Response. Well, I'm implying that I would expect to receive more information about men in Laos. I said that it would be foolish to put any kind of number on this, whether it be zero or whether it be over 300—the number of men who are missing. I think that the small number of men which returned and the number of men which

are missing would indicate that we should receive more information concerning our men in Laos, and I think it's foolish to try and say any more than that.

Question. Dr. Shields, you said you have no indication that there is any man on this list who is alive.

Response. At the present time, we have no indications that there are men yet alive held prisoner in Indochina.

Question. Have you learned from your debriefings when Son Tay was cleared?

Response. Son Tay was cleared some time prior to our

Question. Days, weeks, (laughter)...

Response. I guess you gentlemen are aware of the fact that Son Tay was cleared before our people landed there.

Question. Two weeks, a month, six weeks?

Response. The reason why, I think, is an instructive question. Apparently they simply moved these men as they did often. We know after Son Tay that they moved the men back to Hanoi, into the environs of Hanoi. So this seems to have been another one of those times in which we just didn't have things going for us. No indication at all that any of our plans were compromised or that there was any information known to the enemy concerning our plans. I think the fact that our men went in and came out again testifies to that.

Question. How long had they been out of there?

Response. I don't know. It seems to me it was a matter of weeks, but how many, I would have to go back and check.

Question. Can you get a figure on that?

Response. I think that some of our—we can look.

Question. Dr., there was one point—

Response. I don't think it was embarrassing. We don't apologize for that raid. It was an effort which we owed those men and which we owed any man, and as former Secretary Laird said, who was here when that raid occurred, we would do that kind of thing any time we felt we had the reasonable chances for success. Now, we did not have good information concerning our men. The men were supposed to receive one letter a month from their families, they were supposed to write one letter a month. They didn't write that many letters, at least not that received their families, nor did they receive that many. Our information was very scarce. The Geneva Convention conditions were never adhered to. Our information was limited. Had we known that those men had the benefits of the Geneva Conventions, we may not have felt so constrained to do that kind of thing. It did have a definite effect on the morale of these men. They knew that we had been there, they knew what we were trying to do, and they appreciated that, they knew they were not forgotten.

Question. There was a difference in treatment, Doctor, from the early days and then in the latter years that changed. Was that due to Son Tay, or what was the reason?

Response. Well, it's very hard to say what the reason was. That change in treatment occurred in October 1969, about that time, and people ask, how could these men who endured so much come out looking so healthy? One reason, of course, is that after October 1969, or the fall of 1969, treatment did improve and it improved further in October 1972 when it became apparent that these men would be released soon. But we don't know exactly what to attribute the change in treatment to, as you know, in early, in the early part of 1969, the policy of this government changed. The Nixon Administration initiated the policy of going public. No longer did we confine this to under the table quiet diplomacy which got us nowhere, we made it a public issue, the public responded to that in the way we would expect this great country to do, and they made inquiries around the world, wrote letters in behalf of the men. We pursued the diplomatic channels throughout the world. We pressed for adherence to the Geneva Conventions, and I think these things had an effect, without any question. We find a little bit of a lag, which is exactly what we would expect. Another thing that might have contributed to it may have been the death of Ho Chi Minh, who died prior to that time.

Question. On the matter of executions, I think you referred specifically to Laos. Could we broaden that,—do you have any evidence of any executions anywhere in Indochina?

Response. We know, we know that the executions of 3 Americans were announced by the PRG. Those were Captain Versace, and Sergeants Ben and Roraback. And these are the only executions that we have good firm testimony on. There are other conditions which we, of course will investigate, but we of course are going to have to pursue that. As of now, those are the only three executions that we have good which I can say we know were executions. With regard to our other men mistreated and men who may have died in captivity, we're going to have to wait and find out.

Question. Thank you.

Dr. SHIELDS. So the Department of Defense position, as I have stated in this hearing, and I think in a number of other hearings as well, was that the question of what had happened to these men was an open question and one that needed to be resolved.

Senator REID. Do you have any information—why don't you tell me what information was available during Operation Homecoming about the details and numbers of Americans found to have died during the war years. Have you related generally everything you know about that here this morning?

Dr. SHIELDS. I think that information, Senator, would be available from DIA. We are talking about a very large number of individuals. We had lists at the time that categorized men, an official list that said so many prisoners of war, so many missing in action, etc., by service and by country.

And that is the information that I would have been dealing with, and you have talked to Commander Trowbridge extensively about that. My information was received from the intelligence community. I was not an intelligence analyst, although I think I became one in an amateur sense because I read these briefs myself and certainly had my own views of them.

Senator REID. So in short, because you have received a lot of attention here today, during your tour of duty, you are stating that you did not know whether or not Americans were still alive?

Dr. SHIELDS. We had no certain evidence, Senator, either way. We had known the—

Senator REID. Or I could have said just the opposite and your answer would have been the same, you had no information as to whether the live sighting information, all the other reports you got, you had no information generally speaking whether they were alive or dead?

Dr. SHIELDS. We could not correlate them specifically to those individuals about whom we had information of prior captivity, nor about individuals whom we could say were at that time specifically there. We had tons of information such as your committee, I am sure has seen, and such as all we have seen, as the recent photographs. We had that kind of information, and it did not allow us to say specifically we know that individuals are alive in captivity in Vietnam.

You list one POW returned alive, Robert Garwood. There is a book called Prisoner of War, POW, and on page 400 on that book—that is written by an author by the name of Hubble and put out in 1976, I believe, by the Readers Digest that explains his circumstances very well and includes an instance in which he was holding a rifle on fellow Americans in a prison camp. We did not consider him under those circumstances to have been in captivity. We always knew that he might have been there. We know about

McKinley Nolan who was in fact alive, farming as well as we could tell, in the Fish Hook area of Vietnam at the time that Saigon fell.

Senator REID. My time has expired. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Reid.

Senator Grassley.

Senator GRASSLEY. I want to deal with, try to get away from semantics and deal with what are some discrepancies here, some disagreements. Yesterday, Mr. Chairman, it would cause some confusion about the April 1973 statement, I would like to set straight, it was Mr. Trowbridge yesterday said he never heard the statement that all of our men were home. Today Mr. Shields says that he disagreed with that statement.

I would like to get clarification on that, so Mr. Trowbridge, if you would, in your response to the chairman, that you had never been aware of the statement that Mr. Nixon and others in that administration made that there were no prisoners remaining, that we get them all home, and that statement was made in April of 1973 and was made often subsequently.

I suppose I am without a doubt, we are all dumbfounded that a gentleman of your stature, as deputy director of the Defense Intelligence Special Office for these POW/MIA affairs would be totally oblivious to the one question around which the entire controversy over this issue swirls. Without this statement, that the President made and of course those attendant follow-on policy decisions, there is absolutely no electrifying conflict. People are incensed. I don't suppose people are incensed with bureaucratic incompetence, they have learned to handle that, but they are incensed because of the deception around this issue, deception by our own Government.

So I want to follow up—and ask if there is any clarification today that you have had, now 24 hours later, to your response yesterday to Senator Kerry's question, particularly in light of what Dr. Shields had to say about President Nixon's statement.

Mr. TROWBRIDGE. Senator, yesterday if I said I didn't recall that statement or hadn't recalled hearing that statement, my comment today is exactly the same. There certainly isn't any deception or anything behind that. If that is what my recollection is. The position of our Agency relative to the information that we may have had relative to somebody being in a prisoner status or the intelligence that we may have had of anybody being a prisoner status that we could put our hands on right at that time or the information that said someone was there, that is common knowledge, it is today and it was then.

The fact that I made no recollection of that statement has no bearing on the information that our Agency was putting out.

Senator GRASSLEY. Yes, but 20 years later, 19 years later, we all, at least people on this committee know that President Nixon said we brought them all home. That has been the policy position of this Government ever since and it seems to me that that is very telling and dividing comment, a point of departure for this whole issue that we are dealing with.

I want to go on to the others, except for Dr. Shields, he has already commented on this. I would like to ask each of the other panelists whether or not they are aware that that statement was made in April 1973 by the President? Go ahead.

Mr. OKSENBERG. I must confess that (some 20 years later), I do not remember that statement being made, but I would like to say that the Carter administration's policy on this issue was not governed by Mr Nixon's statement. Our policy, as I indicated in my statement, was based on the assumption that we did not know whether there were any live Americans in Indochina being held against their will and we pursued a policy that reflected that view.

That was one of the reasons that Leonard Woodcock was dispatched to Vietnam so early in the Carter administration. That was one of the reasons that we mounted a major effort to debrief the refugees. I can assure you, Senator, that at no point during my time on the watch did we come to the conclusion that there were certainly no live Americans in Indochina.

I would also however be less than truthful to you if I did not say that in my private thoughts, I harbored some skepticism as to whether there were live Americans. I never gave voice to that skepticism however because that skepticism did not govern my resolve and the resolve of all of my colleagues to pursue this matter with the vigor that it truly deserved.

Senator GRASSLEY. Before General Kingston answers, let me make clear for Mr. Trowbridge, I am not talking about deception on your part, I am talking about the question of deception of Nixon's possible deception and the public thinks that this is the case.

Mr. OKSENBERG. My President was President Carter.

Senator GRASSLEY. I am talking about President Nixon's statement. General Kingston.

Mr. TROWBRIDGE. Senator, I certainly can't comment on President Nixon's statement.

General KINGSTON. In 1973, I was spending my time between South Vietnam and Thailand. If I ever heard that statement I certainly do not recollect at this time.

Senator GRASSLEY. Mr. Sieverts.

Mr. SIEVERTS. Senator Grassley, I never thought it would fall to me to defend President Nixon in this context but let me do so by offering a bit of 1972, 1973 perspective. I think it is clear from some of the materials the committee's staff has seen that in the run-up to the Paris agreement and in the preparations for the return of our POWs, probably the overriding concern we had on our part was that there would be a hang-up in the process of the POW releases. On our side we had to arrange for the release of over 60,000, what we called enemy, that is to say Vietnamese communist prisoners of war, and a larger number of civilian internees of the communist side who had to be released, actually before the Paris agreement.

That is a substantial number of people to return, in most cases across the North Vietnamese border. The way the agreement was written, each side could in effect interpret compliance with that agreement in such a way as to determine the pace of release of those POWs.

So as of the early spring of 1973, when Dr. Shields and I spent 2 weeks at Clark Air Base in the final preparations for the first release, one of our major concerns was that there would be a hang up in the release of the POWs. I would just urge you to think of the

statements you are referring to in that context, namely, here was a big group of men that we knew were there. They were in the POW camps in South and North Vietnam and also possibly in Laos.

They were expected home. Were we going to get them? You may recall that in the Korean war, that war went on for almost 2 years, General Kingston I think served in that war, almost 2 years of extension of that war resulted from the issue of Big Switch and Little Switch, whether we would get our POWs back, and how to release Koran POWs without forcing them to go to North Korea.

So to say that this was a trivial or a light issue is simply wrong. It was a great concern. It was resolved. Our men came back including ultimately one or two that were not even on the Vietnamese or other lists.

So it was, I think, in that sense of: "they are back," that I would understand the statement by President Nixon that you referred to, rather than in the sense the committee is now attempting to concentrate on which is the question of what does this say about those left unaccounted for, the missing in action, and that is the problem you are focusing on very properly.

But I think there is a line I would draw between those two subjects.

Senator GRASSLEY. Let me ask a question on something mechanical before my time runs out here.

This is in regard to a job for the chairman of the committee that Senator Robb and I are doing on declassification purposes. It has been mentioned that for declassification purposes, we need only protect the names of sources and methods. What about the names of analysts? What about the names of interrogators? What about bits of information from one document which, when made public, could be combined with bits from other documents and, perhaps, reveal certain capabilities. I would like to have your feelings on that. Maybe Mr. Trowbridge.

Mr. TROWBRIDGE. I think you have brought up some very valid points there that should be considered for declassification, and the individuals that are responsible for that as they go through this declassification process are taking all those into consideration.

Senator GRASSLEY. Well, do you have a view on analysts or on interrogators as an example?

Mr. TROWBRIDGE. I certainly feel there are times when certain analysts that are involved in the field, or otherwise, may jeopardize their position and they shouldn't be released.

Senator GRASSLEY. So you are saying sometimes we should protect the names of analysts and interrogators. Is that what your answer is?

Mr. TROWBRIDGE. Yes, sir. It doesn't necessarily mean it has to be classified. It could be for official use only.

Senator GRASSLEY. That is a much more complicated category of redaction. That was not explained yesterday as we went through some of this. We need to know how long this would take because, you know, this declassification process is going on; going fast through this town on a steam roller basis almost.

Mr. TROWBRIDGE. Sir, I am not directly involved in that, but there is an office that is that can address that to this committee.

The CHAIRMAN. Senator Brown?

Senator BROWN. Thank you. Mr. Trowbridge, I wanted to go back to a statement you made earlier because I think it bears on discussions we had earlier in the day with Dr. Shields, and in the past, with you, and perhaps with others involved in Defense Intelligence. If I recall what you said earlier today, it was something to the effect that we simply had no information that would lead us to think that Americans were being held captive.

My understanding is that there were literally hundreds of sworn statements of people who had passed polygraph tests who say that they saw Americans being held captive. Now, is that understanding incorrect, or do you consider sworn statements, where someone has passed a polygraph as not information.

Mr. TROWBRIDGE. I wouldn't go, sir, to the point that we have thousands.

Senator BROWN. I did not say thousands. I said hundreds.

Mr. TROWBRIDGE. Even hundreds.

Senator BROWN. So there is not more than 100 or 200?

Mr. TROWBRIDGE. Even at that, I could show you polygraphs that have been passed by individuals where what they have said is physically impossible for them to have made those statements. They haven't been correct.

Senator BROWN. I asked a pretty direct question. Do you want me to repeat it?

Mr. TROWBRIDGE. Yes, please.

Senator BROWN. My understanding is that we have hundreds of statements that are sworn statements, where people have passed a polygraph test, indicating there are Americans being held as POW's. You have said that there is no information, if I understand your statement correctly and, obviously, I hope you will correct me if I have misunderstood it, but I thought you just said earlier today that we have no information that indicates Americans are being held.

Now, how do we reconcile that? Do we not have hundreds of statements, or do you consider a sworn statement, where someone has passed a polygraph test as not information? Or is there another explanation?

Mr. TROWBRIDGE. I guess we had a similar discussion on this yesterday on the term of evidence and information. There is information that individuals have indicated that there are prisoners being held. Of that information, we don't have convincing information, or we have none that we have confirmed.

Senator BROWN. Your statement, though, unless I misheard it, was that we have no information.

Mr. TROWBRIDGE. I'm sorry if it came out that way. There was no intent.

Senator BROWN. I am trying to get our terms correct. I assume the purpose of these hearings is to get the facts out. What you meant to say, or what you feel is the clear implication of your remarks is that you are not convinced with that information. That there is information, but you do not find it convincing or rising to a level of proof?

Mr. TROWBRIDGE. That's correct.

Senator BROWN. I think that is important because what has been

had made on a consistent basis. There is no information and that simply is not accurate. Dr. Shields, I guess I would ask you, in looking back on it, do you find, about no information, to be something you would prefer to have raised a different way?

Dr. SHIELDS. Well, Senator, as I quoted from this hearing, I have phrased that in a different way a number of times in which I have said, we know that people were alive in prison at one time. We do not know, subsequently, what happened to them. That is my feeling today. If I may take the indulgence here of reading something. Senator McCain, with your indulgence, this is a statement by your father, the Commander in Chief at CINCPAC. Let me read this to you so you will understand—

Senator BROWN. My time is very limited. I know we would be happy to put that in the record. But I have some questions I would like to go ahead with, if I may.

Dr. SHIELDS. Certainly.

Senator BROWN. Mr. Sieverts, I thought you did a fine job defending President Nixon. I think better than he has done for himself, at least, speaking for me, personally. And I thought you touched on, earlier, a very important point, and I think General Kingston did as well, about the key question here. I think others of you have. The key question here is, did we act? Did we take the proper action?

I just want to take one specific example. Maybe there is others, but as I understand it, we had information that Bobby Garwood was held in North Vietnam. We had statements from returning POW's that indicated his activity, not only that they had seen him but seen things he had done. We had information come to us from intelligence reports of people who said they had seen him—that we have later identified as Bobby Garwood.

Did this Nation, during all those years, ever specifically ask the Government of North Vietnam if they held Bobby Garwood?

Mr. SIEVERTS. The answer to that is, yes. Except without the word "held" in there. The whole key is, as Dr. Shields mentioned a short while ago, and I think it is very well documented, particularly from the sworn statements that were given in the debriefings and, subsequently, in legal proceedings, by the Americans held with Garwood in South Vietnam, that Garwood was a defector.

I don't mean to use that in a legal sense, but that he had gone north with his captors at his own will. When he contacted a visiting international official at a hotel in Hanoi during the Tet holiday period in 1979, we instantly were able to arrange for him to depart. During the prior years, his name was on lists that we gave to the Vietnamese. We did so on a number of occasions.

Senator BROWN. And what was their response?

Mr. SIEVERTS. No response at all.

Senator BROWN. They did not say that he was not there, they simply did not respond?

Mr. SIEVERTS. That's correct. They made no response on Garwood until 1979 and, at that point in their own statement, they simply said that Garwood had stayed in North Vietnam "at his own will." They also used the word "voluntarily." That was the statement from the North Vietnamese government which, frankly, equated to the description that had been given at the time of Garwood's—

Senator BROWN. The implication was that they did not lie. They simply did not respond.

Mr. SIEVERTS. That's correct. They didn't respond. They also didn't respond, for example in 1977, to the Woodcock Commission. There have been other Vietnamese, subsequently through the years, who have made the point that he was what they regarded as a "rallier."

Senator BROWN. Are there other names like Garwood where we submitted and asked and they simply would not make a response?

Mr. SIEVERTS. A great many. Just about everybody. We were, needless to say, comprehensive, and we provided them with the entire MIA list. And then, shortly thereafter, the entire MIA and BNR lists. One of the things that we specified, I think I asked for this to be done, was that the MIA's and BNR's would simply be listed alphabetically without that faintly adverse indication that one is killed, BNR, the other is MIA.

They had all those lists, and we attempted to add depth to that by picking out the best kinds of cases, making case files with maps and records, translating them into Vietnamese, or into Lao in some cases.

So that was a continuing effort but I think Garwood was covered and I can only accept the fact that the decision on the Vietnamese side to hold back information reflected a situation in which this man was staying there, as they said, at his own will. Those are recorded statements.

In fact, if I could just add one anecdote about it, one bit of memory. When we got the word that Garwood wanted to come home and we had that with a little information written on a piece of paper with his name on it, we immediately set out to get him back. One or 2 days later, there was a statement made by a Marine Corps spokesman which referred to him as a POW. That's because the Marines had never changed his status from POW despite the indication that I have referred to.

The Vietnamese at that point balked and said, no, we can't agree to that. We can't sort of just let him go, because he is not a POW. He is someone who stayed at his own will. We straightened that out with a further communication. We involved the International Red Cross, and he was home on the next flight.

Senator BROWN. Thank you. Dr. Shields, would you be willing to share with us that information you had indicated earlier you wanted to put in the record?

Dr. SHIELDS. Yes, sir. It is a very short statement and it, I think, goes back to the comments and concern about the statement I made shortly after the end of Operation Homecoming. The first statement that I made.

Admiral McCain repeatedly asserted that he felt—he was being asked about whether there were prisoners still left and he repeatedly asserted that he felt a small number of American were still alive in Indochina. When asked how many, he opined that perhaps 20 to 30 were alive. When asked whether he had any evidence at all that there is anybody alive, he admitted he did not.

The CHAIRMAN. Who was that? I missed that.

Dr. SHIELDS. This was the Commander in Chief of the Pacific forces, Senator McCain's father. Senator McCain was in another

place at this time. This was Admiral McCain, who certainly knew about what was going on in the area, and certainly had a very deep interest in the subject. He said, Senator, just about what I would have said.

Senator McCAIN. Should we not correct the record though? When was that statement made?

Dr. SHIELDS. I think this would have been 1976.

Senator McCAIN. Remember that he retired in July of 1972.

Dr. SHIELDS. That's correct.

Senator McCAIN. So his knowledge of what happened during Operation Homecoming and all those things was clearly not very specific as is true of any retired person.

Dr. SHIELDS. The point, Senator, is that at that point in time, he did not have specific evidence. I think the time we are speaking of here would have covered the time in which we would have had information, had we had it. I don't know of any hard evidence we would have uncovered from the time of his retirement to the time of Operation Homecoming.

So when we are speaking in specific terms, we are talking about we don't know, rather than saying, yes, we do know there are people there—that was a statement I could never make.

Mr. OKSENBERG. Excuse me, Mr. Chairman. I have a plane to catch. I want to thank you for the privilege of appearing before your committee and I wish you the best.

The CHAIRMAN. Let me say, Mr. Oksenberg, we have some questions. The timeframe of a lot of Senators use up a lot of time quickly. And with a large panel, we do not get to all the questions that we want to ask you. But the record remains open. We would like you to respond to some questions in writing for the purposes of building the record, here, so we can draw later information, if you would consent to do that.

Mr. OKSENBERG. I'd be delighted.

Senator KASSEBAUM. Thank you, Mr. Chairman. At this point, you always wonder if you have anything you can add to the questioning, but I would just like to add to Mr. Sieverts that I feel you did a very good job in kind of setting up the atmosphere which existed in the winter and spring of 1973. I think, from the panel yesterday, there really was no major disagreement in the feeling that there were live Americans still in Southeast Asia after the end of the peace accord and after Operation Homecoming.

Admiral Moorer and General Tighe both indicated their belief that, at that time, there were. I guess one thing I would like to ask, if anybody would know here, did each of the individual services sign off on a statement indicating, as has been argued, Dr. Shields, about this statement that there were no prisoners—there was a belief that there were no prisoners remaining?

Dr. SHIELDS. Senator, I hope I'm not dealing in semantics with you. There was never a statement that we had no more prisoners or that all men were dead. The statement was that we really did not have proof positive, at that time, or current information that would allow us to go back. I'm sure that had we known at that time of the evidence of people, had Senator McCain, or some of his comrades said, we left a man in this camp, I'm sure we would have

done something about it. There were three foreign nationals and we did.

The services, I think, agreed with this statement. The indication from the Montgomery Committee is that the Intelligence Committee agreed with this statement. If there were people who had feelings, they were based on a belief that maybe, perhaps someone was there. Not with regard to evidence. And, when I made my comment, I was dealing with regard to specifics and I think it is important that we understand that.

Senator KASSEBAUM. I would agree with that. I think it was clearly not a statement based on evidence so much as, however, wanting to create an overall policy statement. Sort of a presumptive statement that there were no further live Americans.

It just would seem to me that it was done, perhaps, out of a desire, whether it was that specific or not, to create a belief. That they wanted to get this behind us and we were bringing people home. I guess what I would like to ask, and I do not want to belabor that point because everybody has talked about it, is, that there must have been specific names; DIA had specific names, the services had specific names. Was there any effort made to investigate at that point in April specific evidence? Were we going after specific evidence at that point?

Dr. SHIELDS. Senator, I have already commented that even while Operation Homecoming was in process we asked about the first individual, a specific Navy commander in a specific area of Vietnam, and we inquired about him. We followed that up with regard to specific requests about all of our men. Those who we believed to have been captured and those for whom the evidence was less compelling.

Senator KASSEBAUM. I heard you say that. I guess I should have been a little more specific. Were we following it up? Were we getting any kind of cooperation from the Lao at that point? They were not even a part of the Paris accord.

Dr. SHIELDS. They were part. And we received no cooperation at all.

Senator KASSEBAUM. And from the North Vietnamese, there was no cooperation there?

Dr. SHIELDS. We received limited cooperation with regard to the repatriation of the remains of those individuals that they said died in captivity. Even that took about a year to accomplish.

Senator KASSEBAUM. And that they said, too. So I guess, perhaps, I would ask how good our intelligence was, Mr. Trowbridge, at that time, so we that were really being able to get some feeling of whether, in the specific instances that we were checking out, we were able to do much. To do much in country, even. Were our sources such that you were confident that we were being able to really get some of the information we were hoping to track down?

Mr. TROWBRIDGE. Senator, intelligence analysis is not a perfect science. We can only work with what we have. What we were working with at the time was the best the intelligence community could do, and that was provided to our office for our analysis and as has been stated here this morning we had nothing—we didn't have any definitive proof that any were left there. We just didn't know in a lot of cases, and we don't know today.

Senator KASSEBAUM. I realize that. It's just, I think, that the confusion lies in that unfortunately, perhaps, it was not handled with as much forthrightness as it should have been at the time, and out of all that has come a great deal of uncertainty largely because it was a very traumatic time for all sorts of different reasons, but I think this lack of forthrightness and sort of differing agendas which frequently happens on the part of various agencies and departments has made it extremely difficult.

I am just not one who believes in conspiracy theories, but I think unfortunately because we have been such a long time coming to terms with this and doing it in a way and being as forthright as possible we have created and added a great deal of sorrow and confusion to the process.

That is all I have, Mr. Chairman.

The CHAIRMAN. Senator Kassebaum, thank you very much. Those are wise comments as usual. I think it is very important for people to understand as we go through this process that when we finally get around to writing a report there will be a lot of the kind of thing that Senator Kassebaum has just articulated that I imagine will be reflected in our judgments that doesn't necessarily leap out in a witness' testimony but which does leap out in the context of the times and of the issue.

I want to assure the witnesses, all of them, particularly Dr. Shields, since you and I lock horns a little on this, that we are not insensitive—none of us are. I am not insensitive to the difficulties under which you were operating and the times. We cannot analyze this without recognizing the political undercurrents, the mood of the Nation, the difficulties of our leverage, and that is something I want to get out with you a little bit.

Clearly we were not exactly in the strongest negotiating position, and the ability to get some answers was not there, but there are some realities here and I think we have to come back here. I apologize. Senator Robb was gone, now he is back. I want to cede to you for questions, so I am going to hold off on any comments I had. I thought I was into the second round. I apologize.

Senator ROBB. I did not actually leave, but the deputy chairman is a sizeable man and I may have been in defiladed position temporarily.

The CHAIRMAN. Deftly handled. I appreciate it.

Senator ROBB. Thank you, Mr. Chairman. I'll just be very brief, because I think most of the relevant questions for this panel have been asked. I would start with an observation, and thank Dr. Shields for at least reading into the record the testimony from Admiral McCain.

His son and our friend, a member of this panel, cannot say anything beyond correcting the record with respect to retirement date, but for those of us who served in another branch of the Naval Service, and who had an opportunity to meet and work even briefly with Admiral McCain during that period, like Chesty Puller was the marine's marine, Admiral McCain was the sailor's sailor at the very least. We had an extraordinarily high regard for him and his son has some very big shoes to fill that he is working hard to fill at this point.

Just a couple of very quick questions, one with respect to your testimony, Dr. Shields. In reviewing your testimony, I do not recall seeing any reference to any coordination with the CIA during the course of your testimony or analysis. I'm just curious, was there any that related to this particular matter, the whole question of POW's and MIA's?

Dr. SHIELDS. Well, there was, Senator. Most of that coordination was accomplished through the DIA and the intelligence areas. We asked that the CIA be included and they were included. From time to time I had contacts with some of the individuals at the CIA, and yes, we did. Most of their information came to me through the DIA.

Senator ROBB. We can pursue that in a different vein.

General KINGSTON. Senator, if I may, the JCRC had reports from CIA also through DOD.

Senator ROBB. Let me just go back to the question that I think has troubled the panel or the committee yesterday and again today, and ask this in as neutral a way as I can.

Dr. Shields, it has to do with the whole question of compartmentalization of information during a critical period and what appeared to be the lack of sharing of information and/or critical questions being directed to those who might have been able to help in that reconciliation process.

General Tighe observed during his testimony yesterday that when policymakers in the early 1970's made statements about no Americans being left behind, that the intelligence analysts tended to believe them despite contradictions with most current intelligence simply because they felt that the policymakers had access to compartmentalized information not available to them.

I wonder if you could comment on whether or not you believe this is a reflection of your own assessment of the state of the art, if you will, at that point, or the way that the various agencies operated with respect to each other, and indeed, with respect to themselves? If you could just comment on that, and then Mr. Sieverts, I am going to ask you to comment on that as well, too, if I may.

Dr. SHIELDS. Senator, to my knowledge, all of the intelligence agencies, including the NSA, were part of our process. That information was fed in, the interrogator reports from the field were fed in, and through various State Department sources who talked to these people, made them available to interrogators, and that came into the DIA.

The DIA coordinated with the military intelligence services, and that was the basis for the information which we had. You need to understand again at the time, after Operation Homecoming, we had families who were very much concerned about individuals who did not come back, some of them carried as prisoners of war, and the comment was from a lot of these individuals and interested individuals, did we leave someone behind, and the answer really was we didn't know.

We had people for whom we had to account, and that's why we had Article 8(b). The services, the intelligence agencies, did not have any information which was funneled to us which indicated that we could put a specific finger on an individual and say he's a prisoner of war at that time.

Senator ROBB. But it seems to me there was a rather passive acceptance of the possibility that somebody else had information that the particular analyzing agent or Agency did not have that related directly to the most pressing, certainly, emotional concern before the services immediately after Operation Homecoming.

I guess the question I am trying to get at is, why was there not more of an effort within various Agencies that had information that appeared to contradict what the policy people were saying—why was not some effort made, either institutionally or individually, to say hey, we have got information that is simply at odds, at variance with the information that you have just announced or articulated through either policy papers or official pronouncements, whatever the case may be? Why was there not some critical questioning or skepticism that can be raised at that time, and why was there a passive acceptance?

Dr. SHIELDS. Senator, there are statements by General Walters at the CIA. I don't know him well, but my understanding is he doesn't accept much passively at all. He made his own statements with regard to this issue and they do not conflict with DOD policy statements.

We asked the DIA and the service intelligences units and of course General Tighe at that time served with the DIA, or at some point in that period, about this issue so I don't think that the U.S. Government possessed the kind of information that you are speaking of.

I certainly was not made aware of that. I know about the men who were held prisoner. I know when we last received information about them, and I know in many instances we received negative information.

Several years ago, about 12 or 13 years ago, I suggested before a congressional body in testimony, in a hearing, that we create a volume, and I didn't want to call it a memorial volume because that indicated that people were dead and that the issue was over. I advocated that we create a volume in which we listed all those who did not come home and where remains were not recovered if they were killed, or were MIA or prisoner and did not come home, with capsule information on what happened to each man, to the best of our knowledge. Now, that would have been available to everyone throughout this country.

When I was in the Office of the Secretary of Defense, we held a hearing, or I should say, a press conference, in Secretary of Defense Laird's dining room, and we put up a number of cases, more than 10 cases of individuals whom we believed the other side should have information. We asked the families about whether we could release that information and they agreed that we could. We did that.

I think that is where we will find the answers. Let us make available all of the information relating to any individual, and people who have information that is not contained in that can come forward and provide it, but I don't know of anyone who has that information.

Senator ROBB. Mr. Chairman, could I ask, do you have in your current possession—I'm not sure I understood Dr. Shields' re-

sponse. You said you proposed, or you did in fact prepare such a volume?

Dr. SHIELDS. No, I was out of the Government at that time, Senator. I proposed at a hearing that we do that, because I thought the issue should be washed and aired before the American people.

Senator ROBB. And the response to your proposal was what?

Dr. SHIELDS. Simply, we'll look at the issue, and I never heard a response from it after that, but I think that would have put out all the intelligence information that we had on every individual about whom we were concerned.

Senator ROBB. Do you have any reason to believe that that proposal was ever specifically declined or negated?

Dr. SHIELDS. No. I just heard nothing about it. I was never told about it. I have no information on it.

Senator ROBB. Mr. Sieverts, could you address the same general question from the State Department side?

Mr. SIEVERTS. The State Department had every reason to think that all the intelligence agencies and the military services and the others of our Government were fully seized of their responsibility to seek out by all available means information about Americans, and they did so with some success, often remarkable success, and we obtained very definite information with names and so forth right through 1973 with the return of our men.

To my knowledge, they kept up that effort. I think it's a question that you might want to review, but I have no reason to think that there was any diminution of effort.

There's a phrase in the intelligence business about having a primary tasking and a secondary tasking. I.e., the primary goal may be to discover exactly where airplanes are based, but the secondary would be then three other ones: where do the pilots live, are there any POW's, and so forth. This remained an active if not primary secondary mission of all the American intelligence agencies to my knowledge right into the mid-Seventies and even to this day.

The problem is that the kinds of information that began arriving after 1973 were qualitatively different from what was coming before 1973. It's not a question of attitude by analysts, but rather simply the information itself. It's for that reason that I drew attention to what is, to me, a significant difference. And that is the sudden absence, even when you have very detailed information, of many alleged live sightings, the absence of that kind of verifiable information in which the name or some other detail that in a court proceeding or something else would let you know that this was real, something that could only be real if it was really real, tend to be missing.

I have said that the very large number of sightings themselves raised incredulity. There could not have been as many American prisoners as the live sightings suggest were there, so you have an information problem. If there had been just a few live sightings, you would find that more convincing than to have a thousand live sightings or several hundred live sightings over the years.

There's a real problem of credibility of information after 1973. I don't think it's correct that there was any loss of effort by these agencies. I think there was a loss of product for the reason that just wasn't there.

Senator ROBB. I don't want to beat a dead horse, and I'll conclude with this: the question of why there wasn't, in terms of official policy-side pronouncements, internal or external, some degree of skepticism or at least acknowledgement of the fact that there were conflicting claims that might not rise to the level of verifiable information but nonetheless information that was at variance with what appeared to be the official position—

Mr. SIEVERTS. What I am saying is, I don't believe in my experience that skepticism or a mind-set, an adverse mind-set, was ever the problem. People like Commander Trowbridge can speak to that more directly than I can. This has been asserted. I'm aware of that.

What I'm suggesting is rather different. The mind-set remained perfectly open, and believe me, had we had something come in which was for real, the action by the U.S. Government would have been forceful and instantaneous to resolve that, to get the man back, if there really was somebody there. I just don't think the case should be assumed valid that there really were people there.

I think the committee is saying there are indications, but an indication remains some distance away from a living, breathing American with a name that we could then go for, and we did of course get Garwood back very quickly when he let us know that he was there.

So I am suggesting that the intelligence agencies were motivated, were committed, carried this out. I'm not aware of internal directives, but I certainly know of none that the State Department was involved in which would ever have said, OK, stand down, it's all over, stop looking.

I think there might have been a shift in some cases in the direction of what they called a secondary objective, so that you no longer are targeted quite exactly in the same way on this exclusively as was at some points the case, but that doesn't mean in our system that you don't have a highly sophisticated array of methods at work which would have produced such information if it was there.

Senator ROBB. Mr. Sieverts, Dr. Shields, Mr. Chairman, thank you. I know my time is up. I am going to have to depart.

The CHAIRMAN. If I may come back to where I was, Dr. Shields, there are a number of things I want to raise with you, but I want to emphasize at the outset that there's an obvious difficulty here in our trying to piece this together after 20 years, and I am sure you would agree with me that the best time to get the accounting was 20 years ago and not now, is that correct?

Dr. SHIELDS. I think that's unquestionably correct, Senator.

The CHAIRMAN. Does that, therefore, mean that we failed to get that accounting for reasons we can explain 20 years ago?

Dr. SHIELDS. I believe we failed to get as complete an accounting as we could have gotten at that time. Yes, I do. There is no question about it. In mind, had Article 8(b) been implemented, we would have had the accounting that we desired.

The CHAIRMAN. And your interpretation of why it was not implemented is?

Dr. SHIELDS. We never had access to the areas where we needed to go. We needed to go into the areas where our men were lost. We

needed to begin with the incident of loss and track down what happened to them from that point.

We searched some over-water areas where we had men lost. I think we received an accounting for men lost in those areas. We had a very limited accounting in other areas. But in the areas of Laos, we did not have access. We were not allowed to go. The government was hostile. The same was true of North Vietnam.

The CHAIRMAN. But what about Vietnam itself? Did we raise that? I do not remember us raising that to the kind of level of concern that expresses this breach, if you will, with the agreement.

Dr. SHIELDS. You mean with the Four-Party Joint Military team?

The CHAIRMAN. Correct.

Dr. SHIELDS. Yes, sir. We did raise those issues, and we raised them with a great deal of vigor.

The CHAIRMAN. You recall that being a sort of publicly perceived grievance that was expressed, or you raised them in private channels? I do not recall this Nation being in turmoil over the notion that we thought Vietnam might be holding people. In fact, it was the opposite, as everything has suggestion.

Dr. SHIELDS. I think, Senator Kerry, that the Nation was probably ecstatic that the conflict was over, and that we were adding to those POW/MIA lists.

The CHAIRMAN. So we kind of get to something here, do we not? I mean, does that not begin to say something about where the stated public priority was?

Dr. SHIELDS. Senator, I think what it says something about is the public mood. The public was very happy to have the people who came back. I think a lot of families at the time felt that the Nation as a whole had lost a lot of interest in this area and a lot of interest in this issue.

I can assure you that in the Department of Defense we did not as we cited the case of an individual who was killed in the field trying to pursue an accounting. Even though we were not having the cooperation that we needed, we made overtures to the Vietnamese time and time again. A Presidential commission went to Hanoi and to Vientiane, Laos, in 1977 appointed by the President and manned by distinguished Americans specifically for this purpose of accounting for the missing.

We had a complete set of hearings, and numerous other hearings within the Congress on this issue, and the Department of Defense spoke out and maintained contact with families, and let the families know exactly where this issue was. So if there was not a battle and cry in the country, it was not for want of effort on our part.

The CHAIRMAN. But the Commission came back with a letter that the Vietnamese gave them saying, Henry Kissinger promised that we were going to get \$3.5 billion. Where is it? Is that correct?

Dr. SHIELDS. That is correct, Senator. That was one of the issues and one of the obstacles to an accounting, I suppose.

The CHAIRMAN. Let me go back over one other area. I mean, I think what you are saying helps shed a lot of light on something, and I will try to draw it together in a few minutes, if I can.

I do not want to leave this other issue that Senator McCain raised, as if we are trying to score debating points here or something

thing, because that is not what this is about. And I am not trying to put one piece of a letter in or memorandum and leave another piece out.

The part that Senator McCain read to you I agree with completely. There is no argument here. In fact, the record that you are reading from is already part of the record of this committee. We are incorporating into this committee all of the past investigations, and that will be part of our public record at the end. Whatever analysis we make will analyze the statements that you have referred to. But as Senator McCain pointed out, Admiral McCain's own knowledge at that point was not an intricate involvement, but it still obscures the real issue here.

Let me point out, the end of the letter says, with your concurrence, I will maintain the position that we do not know whether those now accounted for are alive or dead. I agree with that. You did not know it. You did not know it in 1973. So, that is not an issue. And this committee said yesterday, we do not know if those 133 were all alive.

But there is a distinction between the first part of your letter and your statement—and I am not trying to corner you. You know, as two people talking about this, I would like you to maybe try to put yourself in the shoes of the families, which I know you have done before.

Dr. SHIELDS. Yes, sir, I have.

The CHAIRMAN. If you hear this statement, can you not agree with me, there is a distinction between this sort of phrase, specific knowledge, and any indication. Is there not a distinction?

Dr. SHIELDS. Senator, there is. I tried to make that distinction. I tried to make the distinction between specific information that related to a man that would have allowed us to pursue a point target.

The CHAIRMAN. Agreed. We do not have that today.

Dr. SHIELDS. And we did not have evidence at that time that those people were there; recent, confirmed evidence that would have allowed us to do that.

We did have questions, and we tried to inform people of the fact that people were alive at one time, that there was intelligence of one kind or another. There is no disagreement about that. I still wonder today like you, Senator. I agree with you on that. We do not know yet today what happened to these men.

The CHAIRMAN. Then we are in total agreement on the lack of knowledge, on the question of specificity, and on the fact there is a distinction between an indication, etc. Now, if you are looking at this issue as we are, and as we did back then, we have presumptions about what was going to come back. Correct?

Dr. SHIELDS. We assumed, Senator, for example, with regard to Laos—I assumed that we were going to have far more men repatriated than we did. I did not have a specific number associated with it. None at all.

The CHAIRMAN. But you have speculated a range. I believe you have suggested that the range was between 20 and 30 more POW's for North Vietnam, and 50 or 60 more for Laos, correct?

Dr. SHIELDS. That is an idea that was in the back of my mind but, as with Senator McCain, I had no basis for that other than hope—Admiral McCain, excuse me.

The CHAIRMAN. But in point of fact, was there not an official military list of POW's that did not come back which was used by you, which was 56?

Dr. SHIELDS. Senator, we did have that list of prisoners.

The CHAIRMAN. Let me just stop you. If you have a list of 56 prisoners that you expect back, and you have a presumption they are going to come back, and they do not; you have information that allowed you to say, these men were prisoners; you have intelligence of one kind or another that indicated, or the incident report; there is a presumption, a list, 56 people, but they do not come back, correct? Is there not a very obvious expectation by families and by the Nation that there is a terrible gap here that we have got to account for?

Dr. SHIELDS. That is correct, and we all shared that same feeling.

The CHAIRMAN. But is it not also fair to say—I mean, it is my judgment that notwithstanding the, quote, official position, that because of the mood of the Nation, because of the leverage of the talks, because of the nature of the talks, because the terms, because of all kinds of problems, those 56, let one the 133 or 244 or whatever you want to call it never really rose to a level of public demand. We have got to have these folks accounted for, or we do not go forward. There never was that kind of confrontation. Is that not true?

Dr. SHIELDS. Senator, there was that kind of confrontation in certain groups. That clearly is true.

The CHAIRMAN. But never really publicly, as a national policy.

Dr. SHIELDS. I do not believe the debate ever rose—even with the Montgomery Committee, we commented on the discrepancies. I did, with regard to the Presidential commission that went to Hanoi, express my concerns. We were at the Vientiane cemetery and we were told we were going to receive a certain number of remains, and I said, but that does not include one man that we knew was buried in this cemetery. And the reaction of the Vietnamese to that was, we are not sure about that. We will have to find out about that. Later on, during the course of that visit, they acknowledged that.

So, we were raising these issues, Senator. What we had was a Nation—and I might point out that we still have skeptics today who really do not believe that, one, our intelligence was ever accurate in the first place or, two, that whatever happened to those people, they were alive after Operation Homecoming, because they read accounts like accounts of Dieter Dengler. I had to escape or I would have died in captivity. They read the book of Nicholas Rowe. They know that certain men died in captivity. Aroyo Baez, Sergeant Aroyo Baez died.

The CHAIRMAN. Quite a few died in captivity.

Dr. SHIELDS. Exactly. And including one man who, if we had had repatriation 9 months earlier, would have come home, and he did not. So, those fact were known.

The CHAIRMAN. But we also know of some people that returned came back and said to us, I saw so and so in captivity, and I cannot tell you he died in captivity, but he did not come back with us. Richard Van Dyke.

Dr. SHIELDS. Richard Van Dyke. Commander Ford. There were a number of people like that. And that is why we said, and I said in my statement, that we knew that it did not include the names of people whom we assumed may have died in captivity. We did not know.

The CHAIRMAN. We did not know, but the last indication is that they were alive. Is that correct?

Dr. SHIELDS. Senator, yes, and I brought those cases up. But when someone asks you, do you know that Richard Van Dyke is alive today, I could not have said yes, and that is my point.

The CHAIRMAN. I absolutely agree with you, but regrettably, you see, and I know you can understand it, there is a gap between what was perceived by the families as the policy versus what you are articulating. And I am not suggesting you set out to do it. In fact, I am a little disturbed by the notion that your superior suggested to you that they were all dead. Was that a prevalent attitude?

Dr. SHIELDS. Senator, I do not believe it was. I think the attitude was—and you spoke to Admiral Moorer yesterday. He may have believed, may well have believed, that Americans were there. If you had asked him, do you have specific evidence, I do not know what his answer would have been. But that was the question that was frequently asked.

Now, the families had all of the information which we had available. The family of Richard Van Dyke, now living I think in Salt Lake City, knew about his case. They knew about what the men in the prison camp had to say about him. They knew about Commander Ford. So this information was passed onto families. It was not information that anyone tried to hide.

The CHAIRMAN. But the point is, obviously, that here we are 20 years later with a list called, discrepancy cases. And General John Vessey who will testify later, who is an extraordinary public servant who has devoted his time going over there, has a list of people that 20 years later we are saying to the Vietnamese, hey, wait a minute, we thought these folks were alive.

Now, if 20 years later we are doing that, it just occurs to me that 20 years ago the presumption, the information, the probability, the expectation, was a hell of a lot higher, and the moment was riper.

Dr. SHIELDS. Certainly, Senator. We had at the time of the Paris peace accords an Article 8(b) which, as Mr. Sieverts has pointed out, contained all of the authorities we needed for an accounting.

The CHAIRMAN. So there was a real failure to pull off the Accord itself and get the accounting?

Dr. SHIELDS. Absolutely. Absolutely.

The CHAIRMAN. Senator Smith?

General KINGSTON. Excuse me, Mr. Chairman. I would like to interject. The JCRC did conduct a sizable sea search. It lasted for 62 days. It was very disappointing.

The CHAIRMAN. Which case? I am sorry.

General KINGSTON. The sea search.

The CHAIRMAN. The sea search you referred to earlier. I saw you shaking your head there, and I appreciate that.

General KINGSTON. Very disappointing. We only got one piece of skull bone from a helicopter.

The CHAIRMAN. I also want to say, there are a lot of dedicated people who have worked a long time at this under very difficult circumstances. There were some real lost opportunities in 1970's all across the board. I think attitudinally the reaction to the invasion of Cambodia and the efforts with respect to the Khmer Rouge and Hun Sen come back to haunt us today, even in the United Nations effort to get peace there, which includes the Khmer Rouge.

So there have been a lot of lost opportunities. That is not the subject of this hearing now, but it may well weigh into some judgments that are made about what could have been done previously. Senator Smith?

Senator SMITH. Thank you, Mr. Chairman. Mr. Chairman, we have heard some discussion today centering or focusing around the issue of evidence. And, frankly, I am somewhat angry because I have been singled out as one member of the committee, both by those on the panel and, to some extent, comments made by the chairman and others on the panel regarding my position on evidence.

I want to get into that very specifically. Mr. Trowbridge, you said that there is no evidence that Americans were alive after 1973 or alive up until 1989. Is that correct?

Mr. TROWBRIDGE. Prisoners of war. And after 1973, to your comment, for instance, we did know of—

Senator SMITH. I am sorry, after the accords.

Mr. TROWBRIDGE. Talking about individuals related to the war that we could verify.

Senator SMITH. So there was no evidence of any American POW after the accords and after Operation Homecoming from 1973 until 1989?

Mr. TROWBRIDGE. I think we had Dean and Sharman. We had Emmet Kay. Individuals of that nature.

Senator SMITH. Take Garwood out. Take Emmet Kay out.

Mr. TROWBRIDGE. None that we were able to confirm that I am able to recall.

Senator SMITH. So, there is no evidence.

Mr. TROWBRIDGE. Again, we are getting into information and evidence. We had information.

Senator SMITH. No, I want to get into evidence. To hell with information, I want evidence. Let me read you the dictionary definition of evidence. Facts or signs on which a conclusion can be based is the first definition. The second definition is, an indication. Does anybody disagree with Webster on the definition of evidence?

Listen, it is not funny. My integrity has been challenged by members of this panel.

The CHAIRMAN. Can I interrupt, Bob, for one second.

Senator SMITH. Please let me finish my line of questioning. You have had your opportunity.

The CHAIRMAN. But I want to make sure you understand, no one is challenging your integrity. All someone has said is, there is a difference in judgment with respect to the evidence.

Senator SMITH. I am talking about evidence. Mr. Trowbridge has said that there is no evidence. We are not talking about judgment of evidence. I have not gotten to that point yet. Is there evidence that there is not evidence that Americans remained alive as prisoners

war, taking out Garwood, from 1973 to 1989? That is a simple yes or no question. Is there or is there not, based on your opinion?

Mr. TROWBRIDGE. Based on my opinion and what I have seen, we have nothing that would indicate that an American prisoner—confirmed information or evidence, firm evidence, or convincing evidence, that an American prisoner was being held against his will.

Senator SMITH. Do you agree with that Dr. Shields?

Dr. SHIELDS. Senator, the second definition—indications. We certainly knew that people were alive at one time. I do not have anything that would allow me to make the judgment, which you suggested is the first definition, that would allow me to make the judgment that those Americans were still alive, and say that to a family member, for example. And say, I am confident that based on the information I have your husband is alive. I could not have said that.

Senator SMITH. Let me give you some specific examples, and I am not going to pick on anybody specific, I would just like a yes or no down the panel, all right?

A deposition from a high-ranking government official to this committee that says that lists of POW's were discussed being in Laos after the war. Is that evidence in your definition?

Dr. SHIELDS. I know of no such list.

Senator SMITH. I did not ask you that question.

Dr. SHIELDS. It would depend on that list. If it were hearsay evidence, I don't think it would be evidence.

Senator SMITH. Supposing it wasn't hearsay. What do you mean by hearsay?

Dr. SHIELDS. If you told me, for example, that there was a discussion among Lao authorities of a list of American prisoners, then I would say this is something I would want to follow up on. I would not accept it uncritically.

Senator SMITH. So it is not evidence. Is that evidence to you, Mr. Trowbridge?

Mr. TROWBRIDGE. As I mentioned the other day, there's good evidence and there's bad evidence, in my view. If you have evidence—

Senator SMITH. I just want to separate this out for the American people so that when somebody goes out there like Senator Smith or Senator Kerry or Mr. Trowbridge or Dr. Shields or anybody else, I want people to understand what evidence is.

Dr. SHIELDS. If it could be confirmed, Senator, I would accept it as evidence.

Senator SMITH. I'm going by the dictionary definition of evidence, which I have just put in the record. Let me give you some more examples. Is this evidence, a satellite photo which is a message—could be a message. It is a message—it says it is a message from a POW. Just no other verification, a satellite photo that is a message.

Dr. SHIELDS. It could be a message, and if it could be, it could be evidence. If it isn't, it isn't evidence. Could means it might or might not.

Senator SMITH. So if you get the satellite photo and you don't have another set of criteria, then it is not evidence. Is that what you are saying?

Dr. SHIELDS. You said it might or might not be, and I said—

Senator SMITH. I am saying you get a satellite photo, you take a picture and there is a message.

Dr. SHIELDS. It is evidence that there is a message.

Senator SMITH. It is not evidence that it is a POW if it says Smith, POW. Suppose there is a guy named Smith and he is missing at such and such a location. You get a message in a satellite photo stamped in the grass that says Smith, POW.

Dr. SHIELDS. If it had his personal authenticator with it, I would say that it was probably evidence.

Senator SMITH. So if we have a personal authenticator, then it is evidence, correct?

Dr. SHIELDS. It would be strong evidence to me, yes.

Senator SMITH. Is that true, Mr. Trowbridge, if we have an authenticator?

Mr. TROWBRIDGE. I would say it would be evidence, strong evidence, yes.

Senator SMITH. I maintain we have that. Are you aware of that Mr. Trowbridge, that we have such a message?

Mr. TROWBRIDGE. No.

Senator SMITH. I am sorry to hear that. What about radio traffic as we had in EC-47? A radio intercept, is that evidence?

Mr. TROWBRIDGE. I'm sorry, I was writing a note.

Senator SMITH. A radio intercept, an intercept discussing POW, I am asking anyone who wants to respond.

Dr. SHIELDS. It is certainly evidence that they were communicating to each other about prisoners. We also know that they communicated many times—

Senator SMITH. So it is evidence or is it not evidence, Dr. Shields. Is it evidence?

Dr. SHIELDS. It's evidence they were talking to each other about prisoners. If you ask me if it's evidence that Americans were captured, I would say not yet. It has to be developed.

Senator SMITH. So what do you need now? Let me use the radio intercept as an example. You have got a radio intercept. It is from the intelligence people, our intelligence people. They have got an intercept and they say—taking the Vietnamese or the Lao in this case, you have intercepted it and you have picked it up and it said we have captured an American POW's and they named them, or maybe they do not name them, they say we have got them. What do you need now to make it evidence? What is next? That is not evidence, so what is next?

Dr. SHIELDS. It could be evidence, Senator.

Senator SMITH. I know that. What is next?

Dr. SHIELDS. You authenticate the message that relates to the intercepts in which we heard units bragging about having shot down American aircraft and having captured Americans on the ground and in places where no American aircraft were lost, and we know that it was simply one unit bragging to another.

Senator SMITH. So radio traffic from our intelligence intercepts is not evidence. That is all I want, is a yes or no.

Dr. SHIELDS. It's information until it's verified.

Senator SMITH. So it is not evidence, correct?

The CHAIRMAN. Evidence of what, I would ask?

Dr. SHIELDS. It's evidence of a communication, I certainly agree to that. It's evidence, or information and evidence that needs to be followed up.

Senator SMITH. I want to try to get through this real quickly. A double-polygraphed source who has all the bona fides challenged and you cannot break his bona fides. A double-polygraph says he saw Americans in a prison environment some time between 1973 and 1989. Is that evidence?

Mr. TROWBRIDGE. Yes, I'd consider it evidence. It doesn't confirm it.

Senator SMITH. Do we have that information? Have we had reports like that?

Mr. TROWBRIDGE. I would believe we have one.

Senator SMITH. Robert Garwood, claiming to have seen Americans in captivity, is that evidence? He is an American.

Dr. SHIELDS. I would hope that he would name Americans and give convincing proof of that, Senator. That's what I would ask him to do.

Senator SMITH. So that is not evidence either.

Dr. SHIELDS. It could become evidence. But what you need to do, Senator, is put these things together and hope that it will lead you to something that's correct. I talked to Robert Garwood, and at the time I spoke to him he told me that he did not know of other Americans, so in that context I would say that what you just said is probably not evidence.

Senator SMITH. A couple final points. Live sighting reports multisourced, dozens of them, hundreds of them, analyzed and clustered together showing one specific location, unrelated sources showing one specific location or a number of specific locations in clusters. Is that evidence?

Mr. TROWBRIDGE. What do you mean by multisourced?

Senator SMITH. Different sources who do not relate to each other, have no connection with each other, who say they saw Americans in a captive environment. And you put them all together, cluster them, and they show the same location.

Mr. TROWBRIDGE. It's still information until it's confirmed.

Senator SMITH. Still information, not evidence. Let me ask you in conclusion on this point, what is evidence? I want a specific example of what this panel would accept as evidence that there is an American POW in Southeast Asia today. What would you accept? If I said I saw one. If I said to you I just spoke to one in Vientiane, Laos yesterday, and he gave me his name and it is such and such, would that evidence?

Dr. SHIELDS. I would believe you, Senator.

Senator SMITH. Thank you. Would you believe me, Mr. Trowbridge?

Mr. TROWBRIDGE. Certainly.

Senator SMITH. So that is evidence. Now so who do we have to get to verify the information that I have given you to consider it evidence. What do we need? Does the President of the United States have to see some of these people, or what is evidence? You cannot play games with the families and the American people like that. You just cannot do that. You have to say what the definition of evidence is and be honest about it, and we are not doing that.

Mr. Chairman, I would like an answer to this question before we conclude. What would you consider evidence short of a Senator or Congressman saying that he saw the person individually? What evidence, what would you accept?

Dr. SHIELDS. Senator, if you will go back and look at the case of Emmet Kay, who was the last person who was downed on an aerial mission and was returned, you will see the evidence that was developed at that time. That might be a classic case. You can understand the kind of information that was developed and why we believed he was a prisoner.

You could do this also with Dean and Sharman, and you'll see the kind of reports, and you'll see the differing sorts of proof and why, in some cases, things start off as hearsay. Even with regard to clustering, Senator, I don't know where these clusters are, but I do know that we put out locations, physical locations on maps, of suspected prison camps. And that information has been made public.

Now these clusters may coincide with those points. That may be because someone read that, and said if I'm going to find a prisoner and I want to make the story convincing, I'll point to that location. So that information is in the public domain. You would have to check those out first.

Senator SMITH. So none of the things that I have read off, all the things that I have listed, they are not evidence.

Dr. SHIELDS. I don't know, Senator. I would have to examine them beyond what we've discussed here. It may very well turn out to be evidence.

Senator SMITH. I submit, Mr. Chairman, that it is evidence. And I submit that when I say, as one U.S. Senator, that I have seen evidence, that is what I mean. And I do not, frankly, appreciate having my reputation and my integrity challenged as a result of this and that is exactly why we need this stuff declassified: every single one of these documents, every single one of these depositions.

There is a gentleman sitting in the audience right now by the name of Barry Toll who is a former Government official who claims that he can verify what Boris Yeltsin said that aircraft only flew Americans from Vietnam, POW's—from Vietnam to Russia, the Soviet Union, but that we knew it and followed those aircraft. We tried, in some cases, to take them down or to divert them.

Now is that evidence?

Dr. SHIELDS. Senator, if it can be verified it would be.

Senator SMITH. How do you verify that?

Dr. SHIELDS. I know of no such thing. You'd have to ask the source of this information. It's certainly worth looking into. I know of no such evidence. I'm not impugning your integrity, Senator. I don't know the nature of your evidence. I can only say that with regard to this gentleman, I do not know of anything that I have heard that would corroborate that. I'm just unaware of that.

Senator SMITH. Well, in conclusion, the only thing that I can say that is acceptable evidence is that somebody walks out on the floor, as Garwood did. And contrary to what you said, Mr. Sievers, we did not do a hell of a lot to get Bobby Garwood out of Vietnam. He got himself out with the help of the Swiss.

And a lot of the information that you have provided regarding Mr. Garwood was simply inaccurate. He was not a defector. As a matter of fact he was shot and wounded; you do not defect—I have never seen a defector shot and wounded in the process of defecting, but maybe it has been. And he also killed some enemy in the process, so that is a bad rap on Bobby Garwood which I must correct for the record.

Mr. Chairman, given the challenges to some of the things that I have said in terms of definition, we must have a vote on declassification. We have to have this vote on declassification. I know you agree with me, and we are now in a question of time. And every Member of the committee except you and me is not here, and I would call for that vote right now. [Laughter and applause.]

Senator SMITH. I mean, Mr. Chairman this—

The CHAIRMAN. Senator, if I could just interject on a couple of things here. First of all, there has never been an issue about this committee seeking declassification. And, frankly, you know that.

Senator SMITH. I do know that.

The CHAIRMAN. Then there is not a big need for a call for the vote. We have set the vote for next week and you know that too, correct?

Senator SMITH. We did agree to have the vote next week, that is correct.

The CHAIRMAN. So there is a vote that is set and we have a process in place with Senator Robb and Senator Grassley, who are reporting to the committee; I think a letter is being drafted today. We are proceeding in a responsible way to try to figure out how to ask for the declassification to get the maximum declassification, but to protect those who deserve privacy in the process.

All 12 Senators will vote on this issue, and the chair set out that that would be an objective of this committee the day I accepted the chairmanship and the day that you and I stood up together months ago and announced we would do this. So there is no new news in this call for declassification. We are going to do it, we have always been going to do it, and it is going to happen.

Senator SMITH. The only new news, Mr. Chairman, and the only issue that I take with you—and I know that you agree with me on the declassification; I do not mean to quarrel with you publicly on that. It is just that the statement was made that Smith said that there was evidence available that Americans were alive until 1989 and that was Smith's opinion, and that the other Senators did not agree that there was evidence.

The CHAIRMAN. No, there is no—there has never been a statement that other Senators do not agree that there is not evidence. But other Senators—I will speak for myself—do not agree yet with the interpretation of the evidence. The evidence, to me, is still as likely that there might be fraud as that there is evidence of a prisoner.

Now we have seen plenty of people stand up in response to a photograph and say that is my husband. And we have seen too many families torn through agony of belief that a loved one represented in a photograph is their family, their loved one, only to have it proven to be fraud. Now if you stood up on day one and you

said this is evidence, evidence of what? I mean you have to analyze it.

Senator SMITH. I did not use photographs.

The CHAIRMAN. Well you have mentioned one photograph: one image, one photograph, whatever you want to call it. I personally do not interpret it yet the same way. I do not know how to interpret it. And I want, personally, more interpretation of it.

I can guarantee the public that 12 U.S. Senators will make a decision on how we treat evidence. And 12 U.S. Senators will report to their colleagues on our interpretation and evaluation of evidence.

Now I will agree with the Senator, there is evidence of people who have been held. The question is how do you qualify it; how do you interpret it. We have yet to go through a lot of that interpretive process. My personal opinion is it should be interpreted responsibly and cautiously by this committee during its period, and not tried in a piecemeal fashion in selective news journals, reputable and competent as they may be. But I just do not think that that is the way to do it.

Now the committee is going to vote next week to declassify massively. I will state as a guiding principle, there is nothing the committee does not want unclassified, with the exception of something that can be legitimately shown to 12 Senators as being in current national security interest or something that protects sources and methods of the U.S. Government.

Beyond that, we will have to have a strong showing of cause for why it should not be made public, and that will be the vote we will take next week. I am confident it will be a unanimous vote. I do not think it is an issue with this committee.

I absolutely want the Senator to understand that nobody is challenging his integrity on this. I know you believe there is evidence. And I concur with you, there is evidence. The question yet to be determined is what is the quality of this evidence. Is it evidence in which we are willing, as Senators, to make a judgment that we side with it, or we side against it, or we cannot determine what it is.

Now on that note, we have about a 1 hour break here before General Vessey testifies. And he has an airplane to catch, so we will start promptly at 2 p.m. and we stand recessed until that time.

[Whereupon, at 12:58 p.m., the hearing recessed, to reconvene at 2 p.m. this same day.]

AFTERNOON SESSION

(2:02 p.m.)

The CHAIRMAN. The hearing will come to order. This is the last panel in the sequence of these 2 days of hearings, which really begin to set the stage for further analysis of the 1972 and 1973 period. I would like to say that this panel is a very important panel in the context of what we are doing.

This afternoon we look at the question of what is happening today? What is our policy now? What progress are we making? What presumptions are we operating on in 1992? What is the relationship with Vietnam, with Laos, with Cambodia? What resolution of this, 20 years later, can we really look for?

I am delighted to have General Vessey, whom I have been getting to know well over the course of the last year and a half. His dedication to this is really extraordinary. For 5 years now he has been laboring in the vineyards in an effort to help bring this to a close, and I know his testimony is going to be very important.

He has an airplane scheduled, which will mean that the committee will hear his testimony and then have a dialog with the General, and then we will excuse him from the panel. We will proceed with General Christmas and Mr. Bob Sheetz of DIA and Mr. Sun-genis, should we have questions that we need to proceed with.

General Christmas, we are delighted also to welcome you. We thank you, as a committee, for your help when we traveled to the Far East in April. Your staff was very helpful to us; we got a good sense of how things are progressing. And I am very appreciative for your travel to Washington today to share with us an up-to-date sense of where this is going.

I want to, obviously, point out that the committee feels very strongly that the effort of the last 2 years, has increasingly been augmented. That the Bush administration and the Department of Defense and Secretary Cheney have put money and personnel where they have put their stated priorities. And today we can boast greater attention to this issue and greater effort to put it to rest than at any time, I think, in the history of the issue. So it is not something that we are still struggling to achieve. It is something that, I think, we are achieving and we are doing it on a good schedule.

We now have, as General Christmas will testify to, a lot of people on the ground in Vietnam. We have an unprecedented level of cooperation, though there are still things we all think could be better and we hope they will be. But we will, I am sure, touch on some of the reasons for some of those problems and go through that.

I would like, also, just to make part of the record at this time, if I can, a document which we received from the declassification process. And this is a memorandum from DIA to the various superiors in the chain of command regarding the 1974 process. It specifically addresses the proposed reduction of personnel, which goes a long way, I think, toward explaining the atmosphere within which we were working back in 1973 and 1974, and the attitude about this issue.

O January 4, 1974, in fact, significant personnel reductions were proposed to take place in the PW/MIA section of DIA. And literally, the personnel within that section had to go to bat to explain to superiors why they were important to the resolution of the accountability process.

There is one paragraph of note. I will read it, paragraph 13, page 10: The personnel in the PW/MIA section, and I myself, would be the first to cite possible phase-down and eventual dissolution of the section when its functions or usefulness ceased. This memorandum should not be construed as an attempt to maintain an office entity for its own sake. This memorandum was written because I feel the decision to reduce the PW/MIA section was premature.

Clearly, 20 years later, we can understand that such a decision was premature, but it goes a long way to explaining some of the problems of attitude that we explored earlier this morning in our panel, as well as yesterday. That will be made a part of the record, if there is no objection.

[The information referred to follows:]

DI-6A
DI-6

C-1, 243/DI-6A4

10 JAN 1974

DI-6A4

Proposed Personnel Reduction of the PW/MIA Section (U)

1. (U) On 4 January 1974 I was informed of the proposed personnel reductions involving the PW/MIA Section. This memorandum constitutes a request for a review or reconsideration of the proposed reductions and the reasons outlined below.

2. (FOUO) First, the proposed reductions apparently presuppose that the mission of the PW/MIA Section is completed or nearly completed. Nothing could be further from the truth. The situation in Cambodia and Laos remains active because there have been no peace agreements in those countries that have resulted in a PW/MIA accounting. There are over 1,100 personnel who remain totally unaccounted for at the present time. In addition, there are over 1,000 other personnel whose remains have not been recovered in Southeast Asia, some of which were at one time listed as missing or captured. The responsibilities assigned to DIA by the Joint Chiefs of Staff regarding these personnel remain in force.

3. (FOUO) Second, high interest continues to be placed on the PW/MIA question by Government officials and private individuals. Within the Government, the following organizations depend substantially on the expertise of the PW/MIA Section:

- a. The Office of the Secretary of Defense, specifically, The Office of the Assistant Secretary of Defense (International Security Affairs).
- b. Office of the Joint Chiefs of Staff, specifically J-1 and J-3.
- c. Chiefs of the Military Services, specifically the intelligence branches and casualty branches.

(iv) ^(FOUO) Three different sources report the downing of a light aircraft near the DMZ in December 1972. One American and one Vietnamese were in the aircraft, and both died in the crash and were buried nearby. Upon analysis, it is clear these sources are providing information about a Marine Corps pilot, and the Marine Corps and The Joint Casualty Resolution Center are so informed.

(v) ^(FOUO) A source returns to Rhom Phan and says he knows that a Frenchman was captured at Angkor Wat in 1971, and the source still believes he is being held prisoner. Upon evaluation, we tell the State Department that the source most probably has information on a known Frenchman who was released in 1972 but that a remote possibility exists that the information could equate to a French national still missing.

B. Incorporating Reports into Files

(1)

(12)

(11)

C. Taking the Necessary Actions

(1)

(11)

10-99

356

(iv)

(v)

(vi)

Reviewing Operation Homecoming Debriefs

- (i) ^(FOUO) Although Operation Homecoming is completed, the debriefs of the men are still being received. They continue to be reviewed and filed for easy retrieval and reference. They contain a wealth of information that is used in daily analytical activities.
- (ii) ^(FOUO) A report is received that a pilot was captured by Chinese personnel in August 1967. The Joint Casualty Resolution Center erroneously identifies the individual, but our knowledge of the experiences of the returnees from their debriefings resulted in our accurate analysis of the report.
- (iii) ^(FOUO) A source reports he saw about 30 U.S. PWs in Cambodia in 1973. Could he actually have sighted a group of 20 PW's who were being held in Cambodia prior to release in South Vietnam during Operation Homecoming? A review of the debriefs and telephone calls to some returnees were necessary to evaluate this report.
- (iv) ^(FOUO) A North Vietnamese guard told one returnee that a specific individual was alive in a Hanoi PW camp, but yet this individual did not return. The Service concerned requests an appraisal that can only be made from the debriefs of the returned men and an appraisal of the guard who provided this information.
- (v) ^(FOUO) The Office of the Assistant Secretary of Defense (International Security Affairs) needs information on the possibility that the North Vietnamese or the Viet Cong had established some type of casualty system for the disposition of the remains of dead U.S. Servicemen. This requirement was for support of the United States Delegation, Four Party Joint Military

(vi) ^(FOUO) Admiral Sumwalt saw a report of U.S. PWs in South Vietnam and requested an assessment of the report. Rear Admiral Rector is the recognized central point of contact for PW/MIA intelligence, and Admiral Rector's office called for our analysis (which was provided telephonically).

6. (FOUO) Fifth, various miscellaneous projects involving PW/MIA matters will continue to come to DIA for action. Future projects may include a review of the Code of Conduct, review of service survival/evasion/resistance/escape programs, review of various publications and other subjects of a routine, but nevertheless important nature.

7. (FOUO) Sixth, the important review of the role of intelligence in the Southeast Asian PW/MIA experiences will not be undertaken. If this review is not completed, there will be no unified product summing up the "lessons learned" from Southeast Asia.

8. (U) It is possible, that the approach outlined in the proposed personnel reduction may not have taken the above factors into consideration. As previously noted, I recalled that the PW/MIA Section has already lost one military and one civilian position (a factor that has caused readjustment of our work priorities) and there has been some delay (beyond the Section's control) in filling two civilian positions, one professional and one clerical (this too has affected the current workload).

9. (U) The proposed personnel reductions will, in effect, result in the closing of the PW/MIA Section and DIA's capabilities in this area. It is my opinion that PW/MIA matters cannot be handled on a part-time basis or by a few personnel at this time.

10. (U) I strongly recommend the following points for consideration:

- A. Keep the PW/MIA Section at its current manning level through FY 1975.
- B. Conduct a manning and responsibilities review at the end of CY 1974 to determine what future courses are advisable.

C. As the Section's missions/responsibilities diminish, phase down the PW/MIA Section on a piece-meal basis.

11. (U) However, should the decision be reached (such as that in the current proposed reductions) to seriously cut-back DIA's capabilities in PW/MIA matters, careful consideration should be given to officially disestablishing DIA's PW/MIA responsibilities. If this were done, the PW/MIA Section could be completely disbanded and the personnel assigned to other DI elements. The current PW/MIA responsibilities are such that they cannot be performed effectively with the personnel reductions presently envisioned. The JCS could levy DIA's current PW/MIA responsibilities on CINCPAC who would have to adjust its missions and responsibilities to include the functions previously performed by DIA.

12. ^(FOUO) DIA's responsibilities in the PW/MIA program are outlined in the enclosure, an extract of JCS GM 676-71, dated 18 October 1971, subject: Delineation of Responsibilities for Evasion and Escape (U). As will be noted, these responsibilities are general in nature, covering a wide spectrum of the PW/MIA's project. In the past, they have been included such diversified tasks as maintenance of intelligence on the USS Pueblo crew detained in North Korea, providing long term support to The Son Tay SAR effort, operation of the DOD Homecoming Intelligence Center, and providing security Reviews of PW release articles, speeches and books in support of the OASD(PA). At the present time, these broad responsibilities cover a variety of matters dealing with the PW/MIA subject, to include providing intelligence assistance to the Joint Casualty Resolution Center, The United States Delegation to the Four Power Joint Military Team, and the Department of State, in addition to supporting the various Defense Department organizations one normally associates with PW/MIA matters (e.g. OASD(ISA), OJCS, and the Service intelligence and casualty organizations).

13. (U) The personnel in the PW/MIA Section and I myself would be the first to cite possible phase down, and eventual dissolution, of the Section when its functions or usefulness ceased. This memorandum should not be construed as an attempt to maintain an office entity for its own sake. This memorandum was written because I feel the decision to reduce the PW/MIA Section was premature.

14. (U) I respectfully request that the proposed personnel