

reductions involving the PW/MIA section be reconsidered along the lines suggested in paragraphs 10 and 11.

Enclosure
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The CHAIRMAN. If there are no other opening statements, we will proceed to the testimony. I would like each of you who are not yet sworn, if you would rise so I can swear you.

General Vessey, for this purpose I think this is new testimony, so I would ask you to rise as well.

General VESSEY. I plan to continue to tell the truth.

The CHAIRMAN. I know you do. Do you each of you individually swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

General VESSEY. I do.

General CHRISTMAS. I do.

Mr. SHEETZ. I do.

Mr. SUNGENIS. I do.

The CHAIRMAN. General Vessey, as I mentioned, you are on first. We appreciate your being here.

Senator McCAIN. May I say, General Vessey, I am a little embarrassed too, that you should have to be put under oath. Go ahead.

The CHAIRMAN. I want to say it is not because we doubt you will tell the truth. It is because I want to be able to look at everybody as we go down the road here, and say that the committee is swearing everybody's testimony so no one, at the end of this, can say to us why did you not get sworn testimony. It has nothing to do beyond that.

Senator McCAIN. I understand that and appreciate it.

STATEMENT OF GENERAL JOHN VESSEY, U.S. ARMY RETIRED, FORMER CHAIRMAN, JOINT CHIEFS OF STAFF, 1982-86, PRESIDENT'S SPECIAL EMISSARY TO HANOI ON POW/MIA AFFAIRS, 1987-92, GARRISON, MINNESOTA

General VESSEY. Well, Mr. Chairman, thank you for the opportunity to come back and appear before the committee again and help with the important work that this committee has.

In your letter of June 5 you ask me five specific questions. Many of those were questions, the answers to which I covered in my testimony last November. In the interests of time, since you've had my statement, I'd like to have it included in the record. I would like to pay attention to three of those questions which I think are very important.

The CHAIRMAN. Without objection, all testimonies will be placed in the record in full as if read.

General VESSEY. The first question you asked of me was what were my instructions from the President. My first instructions came from President Reagan in 1987. And as you know from earlier testimony, President Reagan started an effort in 1982 to bring more focus to this issue. Negotiations had been underway for about 4 years and they stalled in 1986, in late 1986, and I was asked to take on the job in early 1987.

I was instructed by the President to conduct negotiations with the Vietnamese Government to attempt to get cooperation on a number of humanitarian issues, and the specific goals were as follows:

The first goal, and the number one priority, was to get the cooperation required to achieve the fullest possible accounting for all

Americans missing from the war in Vietnam. And I'd like to emphasize that goal as an overriding goal and the premiere goal that I had: the fullest possible accounting for all Americans missing from the war in Vietnam.

It has been the center of all POW/MIA activities before I was involved, it's been the goal throughout my involvement, and it remains the goal today. And as I said in my prepared statement, I can't imagine any modification to that goal.

Both President Reagan and President Bush repeatedly emphasized that goal to me. I emphasize it here today because of their emphasis, but also because when people look at the steps we are taking, sometimes they lose sight of that goal. They'll look at a given set of lists that were used in a specific set of negotiations and think that we have lost sight of fullest possible accounting, or we're going to let someone else lose sight. And I want to reassure you that that's not the case.

Within that goal of fullest possible accounting, the first priority was to go after the business of whether or not live American prisoners were continuing to be held by the Vietnamese Government. And if there were live Americans either in captivity or living freely, to seek their immediate return.

Then the third point was to get Vietnamese cooperation and an expanded effort in the return of remains that had already been recovered, and in searching for and recovering and returning those remains which had not yet been recovered.

Then there were some other humanitarian goals beyond the POW/MIA goals, which were important goals. The first of those was to seek the release of all remaining reeducation camp inmates. And as I told the committee last fall, in 1987 we estimated that number to be about 8,000 at that time.

To get the orderly departure program going so that separated Vietnamese families could be reunited. And get agreement on—

The CHAIRMAN. Orderly departure, for those who are not familiar with it, is the process by which Vietnamese gain exit permission from Vietnam to the United States, correct?

General VESSEY. Yes, without having to escape by boat and run the gauntlet of the pirates in the South China Seas or the other hazards.

And the third part of those was to get agreement to establish a mechanism for getting the Amerasian children and their immediate family members out of Vietnam.

I was also told to listen to Vietnam's humanitarian concerns and seek some ways to help within existing legal, political, and policy constraints. And as I told the committee last November, whatever we were to do was to be solely for humanitarian concerns and was to be done for humanitarian reasons, and not as a trade for Vietnam's POW/MIA efforts. I was also told to listen to Vietnam's political concerns and bring those concerns back to the President.

President Bush reappointed me in the spring of 1989 and confirmed the same general set of instructions, modified slightly to take into consideration progress that had already been made. It is worth remembering that original instructions were given in light of conditions which existed in 1987.

Vietnam's military forces were in Cambodia. We had no relations with the Government of Vietnam other than those preliminary talks I mentioned earlier. We had consistently said that the POW/MIA issue should be settled as a humanitarian issue. We had regularly told the Vietnamese that resolution of the POW/MIA issue was not a requirement for discussing normalization, but we'd also said consistently that the pace and scope of cooperation on POW/MIA matters would affect the pace and scope of our talks on normalization.

Now your second question was what have you accomplished over the past 5 years. And I'll just say that I'm not sure that I've accomplished anything, but I've put in a lot of hours. And what I'd like to do is tell you what has happened in the last 5 years in this matter, and recognize that the credit goes to many many people who have worked very hard.

But I also want to say that I believe everyone involved understands that, despite whatever we've accomplished, a lot remains to be done. And that the work—there's at least as much work to be done as has been done, in some cases statistically more work.

Just to point out the support we've had from the people of the United States and the Congress. When I first went there I had resolutions of support from both the House and the Senate, thanks to some of the people in this room. And those resolutions were important in getting the Vietnamese Government to recognize the importance of the subject matter, but here we are 5 years later, we're still wrestling with it.

I've had 13 major sets of meetings with senior Vietnamese officials and made 5 trips to Hanoi. I've exchanged countless letters and messages with senior Vietnamese officials. I've spent many hours in meetings and communications with U.S. Government officials, and several sessions with the House and Senate committees; hours and hours responding to questions from the news media and answering letters and telephone calls from concerned citizens. But most importantly, I've spent many hours studying and conferring with the very competent Americans who have been doing the field work and the analytical work.

Now what has happened on the larger political scene in Southeast Asia. The Vietnamese have reported that they've withdrawn their forces from Cambodia. The peace agreement was signed last October. The U.N. is supervising the implementation of that agreement. The United States has laid out a road map which would be used to pursue normalization of relations between the two countries. The first talks on the issue have been held, and we've taken a couple of tentative steps down the road.

In the area of humanitarian concerns other than POW/MIA, I am very pleased to report that the Vietnamese have reported that all of the former reeducation camp inmates—that is, the officials and military officers of the South Vietnamese Government—have been released. We have some information that there may be someone who was not necessarily a government official still in one of the reeducation camps; but only one, so that's great progress.

The Orderly Departure Program is working and about 200,000 Vietnamese families have been reunited in this country. And as I told you last November, about 60,000 people involved in Amerasian

children and their immediate family members have been resettled into this country. The system for bringing the reeducation camp inmates who have been released into this country is working—seems to be working reasonably well.

A considerable amount of American nongovernmental humanitarian assistance has been given to the people of Vietnam. There's a very good prosthetics programs going and a number of nongovernmental humanitarian organizations are working. And the administrative mechanism for enabling that nongovernmental support has been improved and simplified, and we have, in fact, now given some governmental humanitarian assistance.

In the area of POW/MIA, a lot of work has been done but the resolution of individual cases has been slow and plodding. In many cases you look at, the results have been somewhat disappointing. Nevertheless, we have completed 22 sets of technical talks between our experts and Vietnamese experts. We've had two special meetings of information and archival experts searching for ways to get information from the Vietnamese archives.

We've had some preliminary talks trying to get investigations underway for cases of individuals lost in the border areas of Cambodia and Laos that were then under the control of Vietnamese forces. In 1988 we agreed to joint field investigations in Vietnam with American and Vietnamese investigators participating. We are entering now into our 18th set of joint field investigations, attempting to learn what happened to individuals involved in a specific set of discrepancy cases.

In the past 5 years we've received 332 sets of remains. I had 308 in my testimony and I found out more had been returned since I wrote the number. Of those, 125 have been identified and returned to their families. Another 107 might be those of Americans, but have not yet been identified, and the remaining 100 sets are not remains of missing Americans.

In the 119 discrepancy cases which have been the focus of our joint field investigations, 22 have been resolved through recovery, return and identification of remains. In 39 other cases we and the Vietnamese have agreed that the individuals involved are dead which confirms an earlier presumptive finding of death. In four of those cases we agree that we will not be able to recover the remains.

For the other 35 of those cases we believe that there still may be an opportunity to recover the remains or that the remains may already have been recovered and are somewhere in Vietnam. Consequently, those cases remain open.

The other 58 cases continue to be investigated. They have all been investigated at least once and most several times. My understanding is, as I told you in November that, of the new evidence gathered, although there has been considerable new evidence, that none of it points toward any of the individuals being alive.

Perhaps the most important accomplishments in the past 5 years have been in improved communications with the Vietnamese Government and an improved organization for dealing with the issues. With the Vietnamese Government we have moved from a condition of almost nonexistent communication and cooperation to a condition where we usually understand each other now and can speak

quite frankly about difficult and contentious matters and many times we can even move toward solving those problems cooperatively.

We continue to have a lot of differences and difficulties, cooperation on the POW/MIA matters is colored by the different political views in the two nations, but we have made a lot of progress. The United States has a full-time permanent office operating in Hanoi. We have made progress, much progress in on the ground investigations on the unresolved live sighting cases.

The size and scope of the joint field investigations has been steadily increased and our access to archival information has improved but it needs far more improvement. On the United States side, as you pointed out, as increased opportunities for increased cooperation have arisen, Secretary Cheney has provided the people and the support. The joint task force has been organized. Its commander, Brigadier General Tom Needham, soon to be Major General Tom Needham has relatively good access to the area and is working out relations with the officials in the three Indochina Governments.

There is a lot of work to do and we will need even further improvement in cooperation from the governments in the region. Nevertheless, I believe that the organizational and procedural framework is now in place to achieve our goal of fullest possible accounting.

Your third question for me was what could you tell us about those last known alive and those reported to have died in captivity and I answered that in my prepared statement by saying I am not the person to answer that question. It is an area that I have no expertise in, but the Government witness should answer that.

Your fourth question for me was what reports have you made which are available to the American public? And I gave you an answer there telling you what I have done which as a matter of fact has not been much in terms of talking to the public. I am not in great demand for the news media or anything like that, but I have made my reports to the President and the Secretary of State and Secretary of Defense.

They were classified at the time. I hope that soon those reports, at least the substance can be unclassified. We have had joint press conferences with the Vietnamese at the end of each of the meetings. There have been a number of articles based on interviews with me. The best of those have been in the armed forces publications such as Soldier and Airmen, and the VFW magazine published a good interview a few years ago.

I testified at the House Foreign Affairs Subcommittee on Asian and Pacific Affairs twice and that is in the public record. The most comprehensive and up to date report I think I have given to the public was my testimony to this committee last November. I know that C-SPAN was broadcasting it but they cut off my testimony in the middle for something that apparently had more priority. I don't know whether their later broadcasts included the whole testimony or not.

There is one other document that is in the public record and that is the Reagan administration final report of 1988. I think it was

probably published in January 1989 and certainly covers the activities in which I was involved.

Your fifth question for me—back to this other question of what has been made public. Certainly more needs to be made public and I commend the committee. I saw the broadcast reports of your Southeast Asian trip; those were superb, the clips from that trip. The American public desperately needs to see the whole picture rather than sensational tidbits that seem to come out. So I certainly commend the committee for its work and I think the committee's report eventually will turn out to be one of the most important documents we have in the public record on this issue.

Your fifth question for me was what lists of individuals have you presented directly or indirectly to the Southeast Asian Governments? Which agency prepared those lists and what was the criteria for placing names on them and what is the difference between what has been at times termed your Vessey-1 and Vessey-2 lists?

I want to tell you, those were not my terms.

The CHAIRMAN. Pull the mike down—

General VESSEY. Yes. Let me say first that all of my dealings have been only with the Vietnam Government, so any list that I have given have been given to the Vietnam Government. I will try to trace the development of those lists.

As the committee well knows and as you have delved into in recent days, through the years there has been much speculation on the issue of whether or not the Vietnamese Government continues to hold live Americans who were not returned at the time of Operation Homecoming in 1973.

The Vietnamese Government continually denied holding live prisoners. The U.S. Government position at the time of my appointment was, although it had no specific evidence of any particular prisoner being held, the possibility of live Americans being held could not be ruled out. That position was based on much of the information that you have heard in the last few days—the cases of the people that the United States believes should have been captured and were not returned in 1973 and on a series of live sightings reports of Americans in Vietnam that came out after the war.

In preparation for my first meeting in 1987, I knew of the Vietnamese Government's position and I wanted to be able to confront that assertion that they had held no live prisoners with the sort of glaring examples that led Americans to believe that there may well have live American prisoners held. So at that time, the Defense Intelligence Agency officials gave me a list of about 70 cases and they were then referred to as I recall, "compelling discrepancy cases."

They were the cases for those individuals for whom the Vietnamese should have been able to account readily, some of them were those cases of people we thought had a chance of being alive. Some were people we knew had been reported to have died in captivity but the remains had not been returned and we believed that the Vietnamese Government should be able to account for them.

But most of them were in fact people who the United States believed we had the evidence to show that they were alive when we last saw them, they were captured or about to become captured.

They did not come home at Operation Homecoming in 1973, their bodies were not returned later and no explanation was given.

And I was told at that particular time that the list included those cases for whom, at least the people who prepared the list thought there was the best chance of producing a live American if we were to find any in Vietnam.

I elected to use the cases from that list to confront the Vietnamese assertion that they had no live prisoners. On the way to that meeting in Hanoi I conferred with the then commander of the Joint Casualty Resolution Center and discovered that he had a longer list of cases that he believed the Vietnamese should be able to resolve readily. Many of those cases were not cases of people they believed to be alive, but were cases where the information involved made it clear that the Vietnamese Government should have been able to resolve the case.

But many of the cases were coincident with the list that I had gotten from the Defense Intelligence Agency. The JCRC commander at my suggestion reviewed the list I had from DIA and he suggested that a few of those names be deleted because he thought those cases had been resolved, and then he suggested I add some other cases from his list. So I did, and I had around 70 cases with 80 names. That is because, in some cases, there were more than one person in the incident. For example, if there were a two-man air crew, even though we believed that one of those persons didn't survive, if we believed that one did survive we had both on the list.

I used that list on my first trip to Hanoi, and that is the list that I believe is referred to by some as Vessey-1. At that time, I also told the Vietnamese officials that the longer list of cases that we believed they should be capable of resolving readily and told them we would provide that list to their embassy in Bangkok. That was done. The best of my recollection is that list was about 200 names overall.

The examples worked. The then foreign minister, Nauyen Co Thach listened to my recitation of those particular cases. I gave him a recitation of the evidence and he agreed that those in fact were "discrepancy cases" and said that the Vietnamese Government would help us find the facts in those cases and resolve them.

These particular cases were discussed again in more detail at my meeting with Minister Thach in New York in June of 1988. I gave him the list again at that time. I had asked our people to prepare that list in an order of priority. They had examined the list, put them into cases they thought the Vietnamese could answer very quickly; those that would take more work and so forth. I gave that to Minister Thach at that time and from that meeting grew the agreement with the Vietnamese Government that we would conduct joint field investigations of those particular cases.

Now as the field investigations got underway the analysts at JCRC and DIA and the people interested in policy began to look at the list more and realized that perhaps that list of 70 should be expanded. There were similar losses that we knew had occurred in the areas of Laos that were under the control of the Vietnamese forces during the time of the war. So in early 1989 I asked DIA and JCRC to work together to refine the list and include all cases where the evidence showed that the person involved was alive

when we last knew of him and we had evidence that he likely came under Vietnamese control or was captured and for whom we had not yet had an accounting.

And I also asked that the border areas be searched for the same sort of cases. As a result of that effort we added 39 people lost in Vietnam and came up with 49 so-called discrepancy cases in the border area.

As in the earlier list, my understanding is that it included some people we believe to have died but they were included because they were associated with an incident where there was one of the members we believed had a good chance of surviving.

I presented those additional cases to the Vietnamese government in November 1989 and that is the list that I believe is referred to by some as Vessey-2.

Now as analysts continued to examine available information additional concerns were again raised about whether or not we had produced the best possible list. In early 1990 I again asked the DIA and JCRC review all the information and to refine the list and that examination was to cover all Southeast Asian losses. The work produced 77 more cases for Vietnam, 15 additional for Laos and 5 cases for Cambodia. Like the earlier lists, I believe that it may have included people that did not survive. I did not give those particular lists to the Vietnamese but I authorized that they be given through Admiral McDevitt.

So that is the story of the lists as I understand it, and I want to emphasize that these lists are not the only people that could have been alive. It is important to understand that what we did is we looked the information that we had to come up with the people that we thought had the best chance of being alive in order to shed light on the issue of whether or not the Vietnamese had live Americans. We knew that even if we resolved all those cases we still weren't going to answer that question with certainty, but we thought that we would certainly shed a lot of light on it if the people that we thought had the best probability of being alive weren't alive, then the likelihood of others being there was certainly lower.

But it was not to mean that we weren't going to investigate the other cases. We were going to investigate all the cases, but these were the priority cases because they appeared to be the cases of those people who had the best chance of being alive.

Now the last question you asked of me specifically, who has been accounted for since you provided these lists to the Indochina Governments and define precisely how they have been accounted for, who has not yet been formally accounted for but you believe that a final accounting can be imminent. I want to say, this is a very important question and a question which I have a great deal of interest, but I am not the one to answer that question. I have specifically kept myself out of deciding on either which names would be presented or what the results of investigations were, because I have an emotional tie to some of the names of the missing, and I don't want to be involved in deciding priorities.

I would close my prepared statement by saying that as we seek these questions, it is important to remember that we are seeking two different but related goals. One is to get as full as possible

sible accounting for all missing. The other is to answer this glaring question that is before us, that keeps being raised, is do the Vietnamese have live Americans or are there live Americans living there? So that is the reason for the way the work is being done.

I believe that we now have the mechanism in place. We have a good organization there. If the cooperation continues to grow and we get into the archives, and the field investigations continue and we resolve those earlier live sightings cases and continue to support that mechanism to resolve any new live sighting cases that we can shed enough light on the issue to permit us to make intelligent decisions.

That is the end of my prepared statement, Mr. Chairman and I am ready for any additional questions you may have.

[The prepared statement of General Vessey follows:]

PREPARED STATEMENT OF GENERAL JOHN W. VESSEY

Mr. Chairman, members of the Committee, thank you for the opportunity to appear again and help the Committee with its important task of examining the issues in resolving the fates of our missing comrades.

The enclosure to your letter of June 5 asked me to address five specific questions. I will do my best to answer those questions. A great part of the answers were provided in my testimony to the Committee on November 5, 1991, but in the interest of completeness for what I understand to be the objective of this set of hearings, I will repeat the complete answer. Some of the questions you asked me are about work which was done by others. I will provide the best answers I can to those questions, but, for more complete information, you may want to question the people who did the work.

Your first questions was, "What were your instructions from the President?" My first instructions came from President Reagan in early 1987. As the Committee knows from earlier testimony, under President Reagan's guidance, in 1982, the United States had increased efforts to get Vietnamese cooperation in resolving the fates of our missing. The then Deputy Assistant Secretary of Defense, Richard Armitage led a delegation to Hanoi in February 1982. In the following 4 years, a number of meetings were held, and some progress was achieved. By the autumn of 1986, the progress appeared to be stalled. President Reagan asked me to take on the job in February 1987. I was instructed to conduct negotiations with the Vietnamese Government to attempt to get cooperation in a number of humanitarian issues. The goals were as follows:

- (1) Get the cooperation required to achieve the fullest possible accounting for all Americans missing from the war in Vietnam. I want to emphasize that goal as the overriding and continuing goal for the US POW/MIA activities. It was the goal before I was involved. It has been the goal throughout my involvement. It remains the goal today, and I cannot imagine any modification to that goal. I emphasize the point because both President Reagan and President Bush have repeatedly emphasized it to me. I do it also because, from time to time, people looking at various steps taken, or various lists compiled, sometimes forget that fullest possible accounting is the primary goal.
- (2) Within the goal of fullest possible accounting, as a first priority, shed as much light as possible on the question of whether or not live American POWs were being held by the Vietnamese Government. If there were live Americans either in captivity or living freely, seek their immediate return.
- (3) Get Vietnamese cooperation and expanded effort in the return of recovered remains and in searching for, recovering, and returning those remains which had not yet been recovered.
- (4) There were other important humanitarian goals which were to be pursued as opportunities were presented.
 - (a) Seek the release of all remaining reeducation camp inmates. In 1987, we estimated that about 8000 former South Vietnamese government and military officers remained in the camps.
 - (b) Get the "orderly departure program" (ODP) restarted. ODP is a program which permits separated Vietnamese families to be reunited.

- (c) Get agreement to establish a mechanism for getting the Amerasian children and immediate family members out of Vietnam.
- (5) I was to listen to Vietnam's humanitarian concerns and seek some ways to help within existing legal, political, and policy restraints. I repeat what I said to the Committee last November, whatever was to be done on Vietnam's humanitarian concerns was to be done solely for humanitarian reasons and not as a trade for Vietnam's POW/MIA efforts.

President Bush confirmed the same general set of instructions in 1989 when he asked me to continue with the duties. The specifics of the instructions have been modified to keep abreast with progress made. For example, I was instructed to establish an office in Hanoi, and then later instructed to seek additional support for that office.

I stated it last November, but it is worth mentioning again that those original instructions were given in the light of conditions which existed in 1987. The United States had consistently said that the POW/MIA issue should be settled as a humanitarian issue. We had regularly told the Vietnamese that resolution of the issue was not a requirement for discussing normalization, but we also had consistently said that the pace and scope of cooperation on the POW/MIA issue would affect the pace and scope of normalization discussions. Vietnam's military forces were in Cambodia in 1987. The United States had maintained that normalization discussions could only begin after complete withdrawal of those forces and within context of an acceptable settlement of Cambodian conflict.

Your second question was, "What have you accomplished over the past five years?"

I would prefer to answer that question by summarizing what has happened during the past five years rather than try to attribute accomplishments to me. Much has been accomplished; many people have been involved, and many deserve a lot of credit for the accomplishments. At the same time, I believe everyone involved understands that, despite the accomplishments, much remains to be done, and that the work to be done is at least as important as what has been done. For example, my first trip to Hanoi was supported by resolutions of support from the House and Senate. The support of the Congress was important in conveying the importance of the mission to the Vietnamese Government, yet here we are in the Senate looking into the matter 5 years later.

My own involvement has consisted of 13 major sets of meetings with senior Vietnamese officials, including five trips to Hanoi, the exchange of a number of letters and messages with senior Vietnamese officials, countless hours in meetings and communications with US Government officials, several sessions with House and Senate Committees, many hours in responding to questions from the news media, many more hours answering letters and telephone calls from concerned citizens, and, most importantly, many hours studying and conferring with the very competent Americans who do the field work and the analytical work. The connection between those efforts and what has actually happened, I will leave to others. What is important is what has happened.

On the larger political scene in Southeast Asia, the Vietnamese have reportedly withdrawn their forces from Cambodia, a peace agreement was signed last October, and the UN is supervising the implementation of the agreement. The United States has laid out a "road map" to normal relations between our two countries. The talks have been held, and we have taken the first steps along the road.

In the area of our humanitarian concerns other than POW/MIA, I am pleased to report that we believe that all but one of the reeducation camp inmates have been released. Many of those former inmates and immediate family members are now in this country, and the system for processing applications for those who want to come to this country seems to be working fairly well. The orderly departure program is working, and about 200,000 Vietnamese families have been reunited in this country. As I told you in November, about 60,000 Amerasian children and family members have been resettled in this country. A considerable amount of American non-governmental humanitarian assistance and some Governmental humanitarian assistance has been provided to the Vietnamese people. The administrative mechanism for enabling the non-governmental support has been improved and simplified.

In the area of POW/MIA, a great deal of work has been done, but the resolution of individual cases has been slow and plodding work. We have completed 22 sets of technical talks between our experts and Vietnamese counterparts. We have had meetings of information and archival experts searching for ways to get information from Vietnamese archives. We have had some preliminary talks trying to get investigations underway for cases of individuals lost in the areas of Cambodia and

then under the control of Vietnamese forces. In 1988, we agreed to joint field investigations in Vietnam with American and Vietnamese investigations participating. We are entering into the 18 joint field investigation attempting to learn what happened to individuals involved in a specific set of "discrepancy cases". In the past 5 years, we have received 308 sets of remains from the Vietnamese. Of those, 125 have been identified and returned to their families. Another 109 might be those of Americans, but have not yet been identified. The remaining 74 sets are not remains of missing Americans. In the 119 discrepancy cases which have been the focus of our joint field investigations, 22 have been resolved through recovery, return and identification of remains. In 39 other cases, we and the Vietnamese agree that the individuals involved are dead. In four of those cases we agree that we will not be able to recover the remains. For the other 35 of those cases, we believe there still may be an opportunity to recover the remains or that the remains may already have been recovered and are somewhere in Vietnam, consequently, those cases remain open. The other 58 cases continue to be investigated. They have all been investigated at least once and most several times. My understanding is that none of the new evidence gathered points toward any of the individuals being alive.

Perhaps the more important accomplishments of the past 5 years have been in improved communications with the Vietnamese and in improved organization for dealing with the issues. With the Vietnamese, we have moved from a condition of almost non-existent communication and cooperation to a condition where we usually understand each other and can speak quite frankly about difficult and contentious matters, and can sometimes even move toward solving the problems cooperatively. We continue to have a lot of differences and difficulties. Cooperation on the POW/MIA matters is colored by the different political views in the two nations, but we have made a lot of progress. The US has a full-time permanent office operating in Hanoi. We have made progress in "on the ground" investigations of the unresolved "live sighting" cases. The size and scope of the joint field investigations has been steadily increased. Access to archival information has improved, but it needs far more improvement. On the US side, as opportunities for increased cooperation have arisen, Secretary Cheney has provided more people and support. A Joint Task Force has been organized to command and direct all POW/MIA efforts in Southeast Asia. Its commander, Brigadier General, recently selected for promotion to major general, Tom Needham has had relatively good access to the area and is developing working relations with officials in Vietnam, Laos and Cambodia. There is a lot of work to do, and we will need even further improvement in cooperation from the governments in the region; nevertheless, I believe that the organizational and procedural framework is now in place to achieve our goal of fullest possible accounting.

Your third question for me was, "What can you tell us about those 'last known alive' and those reported to have died in captivity whose remains have not been recovered to date?"

You should get the answer to that question from the Government experts who have studied the issue. I am not a good source for an answer to the question.

Your fourth question for me was, "What reports have you made which are available to the American public?"

Needless to say, reports of all my meetings and communications with the Vietnamese officials have been made to the President, the Secretary of State, and the Secretary of Defense. As I recollect, at least at the time they were made, most of those reports were classified. After most of the meetings, joint press conferences were held disclosing the general substance of the agreements reached. When I returned from the first trip, I held a press conference in the White House. At various times during the 5 years, some reasonably good reporting has taken place covering progress to that time, but it was not widely disseminated. The best and most complete articles were in the Armed Forces publications such as the Air Force's "Airman". The VFW magazine published a good interview a few years ago. I testified at open hearings of the House Foreign Affairs Subcommittee on Asian and Pacific Affairs twice. The most comprehensive and up-to-date report ever made which should be available to the American public was my testimony to this committee last November. I don't know if the record of those hearings has yet been published. I do know that live C-Span broadcast of my testimony was interrupted for coverage of another hearing. I do not know if later rebroadcasts included the complete testimony.

Your fifth question for me was, "What lists of individuals have you presented directly or indirectly to the Southeast Asian governments? Which agency prepared these lists, and what was the criteria for placing names on them? What is the difference between what has been at times termed your Vessey I and Vessey II lists?"

First, let me say again that my dealings have been only with the Government of Vietnam, and the lists with which I have worked have been lists for that government. I will try to trace the development of the various lists.

Through the years, there has been much speculation on the issue of whether or not the Vietnamese government continued to hold live American Prisoners who were not returned at the time of Operation Homecoming in 1973. The Vietnamese Government had continually denied holding live prisoners. The US government position at the time of my appointment was that, although it had no specific evidence of any particular prisoner being held, the possibility of live Americans being held could not be ruled out. That position was based on the cases of people the US believed have or should have been captured and who were not returned in 1973 and on a series of reports of "live-sightings" of Americans in Vietnam. In preparation for my first meeting in 1987, I wanted to be able to confront the Vietnamese assertion that they had no live prisoners with glaring examples of why many Americans believed the contrary. At that time, Defense Intelligence Agency officials gave me a list of about 70 cases that were then referred to as "compelling discrepancy cases." The cases were those of individuals for whom the Vietnamese should have been able to account readily. A few of them were people we believed to have died in captivity and whose remains had not been returned. Most of them were people who the US believed the evidence showed had survived their loss incident and were likely to have been captured and who did not return at Homecoming and whose remains had not been returned nor had any other explanation been given. I was told at the time that the list included those cases for whom we thought there was the best chance of producing a live American, if there were any. I elected to use cases from that list to confront the Vietnamese assertion that they had no live prisoners. On the way to the meeting in Hanoi, I conferred with the then commander of the Joint Casualty Resolution Center and discovered that he had a longer list of cases that he believed the Vietnamese should be able to resolve readily. Many of those cases were not the people we believed were alive, but his list also contained most of the names on the DIAL list. The JCRC commander suggested a few changes to the DIA list because cases that appeared to have been resolved. As I recall, I agreed to his suggestion and about ten names were deleted from the DIA list and ten cases with twenty individuals were added from his list. The list included some people we believed did not survive the loss incident, but were included because they were involved in the same incident with a person we believed did survive, for example both members of two-man air crews were included. That list of 70 cases involving 80 individuals was used on that first trip to Hanoi and was given to the Vietnamese. That is the list I believe is referred to by some as "Vessey I." I also told the Vietnamese officials of the longer list of cases which should be capable of ready resolution and told them we would provide that list to their embassy in Bangkok. That was also done. It is worth noting that the names on both these lists had been given to the Vietnamese during earlier meetings.

The examples worked. The then Foreign Minister, Nguyen Co Thach, listened to my recitation of a number of those cases and agreed that they were indeed "discrepancy cases" and that the Vietnamese Government would help find the facts in those cases and resolve them. These particular cases were discussed again in some detail at my meeting with Minister Thach in New York in June of 1988. I gave him the list again with more complete information on each case and a suggested priority for investigating them. At that meeting we agreed to conduct joint field investigations in Vietnam to search for the facts in those cases.

As the field investigations got underway, some concern was raised that perhaps our list of 70 cases was not as complete as it should be to shed light on the live prisoner situation. Additionally, there were similar losses which had occurred in the areas of Laos which were under the control of Vietnamese Forces at the time of the loss. In early 1989, I asked that DIA and JCRC work together to refine the list and include all cases where the evidence showed that the person involved was alive when we last knew of him and we had evidence that he likely came under Vietnamese control and for whom we have not yet had an accounting. I also asked that the border area losses meeting the same criteria be included. As a result of that effort, 39 people lost in Vietnam were added to the list, and 49 "discrepancy cases" from the Lao border area were identified. As in the earlier list, my understanding is that it included the names of some we did not believe survived. I presented those additional cases to the Vietnamese Government in November 1989. I understand that list is referred to by some as "Vessey II."

As analysts continued to examine available information, additional concerns were raised about whether or not we had produced the best possible lists. In early 1990, I asked that DIA and JCRC review again all available information to refine

the lists. The examination was to cover all Southeast Asian losses. The work produced 77 more cases for Vietnam, 15 additional for Laos, and 9 cases for Cambodia. Like the earlier lists, they include names of people we believe did not survive the incident but who were included because of being part of an incident which included someone we believe did survive. The cases have all been given to the governments in Southeast Asia. I believe that Rear Admiral McDevitt actually presented these last lists to the governments.

The last question you asked of me was, "Specifically who has been accounted for since you provided these lists to the Indochina governments and define precisely how they have been accounted for. Who has not as yet been formally accounted for but you believe that a final accounting may be imminent?"

This is a very important question and one in whose answer I have great interest. It is not, however, in my area of expertise or responsibility. I believe that only the responsible Department of Defense authorities should give the definitive answer to this question. Obviously, there has been an accounting for the 125 people whose remains have been identified and returned to the families. My understanding is that no additional formal accounting has been made, even though the discrepancy cases investigations have led us to agree with the Vietnamese that the death of 39 of those individuals has been confirmed. You will recall that remains have not yet been repatriated in those cases.

As we address this question and the results of our work with the Vietnamese government, it is important to remember that we are seeking the answers to two different, although related, general questions. The first is our goal of fullest possible accounting for all missing Americans. The second is shedding light on the issue of whether or not the Vietnamese Government continues to hold live American prisoners from the war. Achieving the goals requires a lot of cooperation from Vietnam. Vietnam has its own goals, and they include getting the US to lift the trade embargo and normalize diplomatic and economic relations. Unless the US is satisfied that Vietnam is fully forthcoming on the issue, it will be difficult for the US to move ahead with normalization. There is no way for Vietnam to prove the negative—that they are not holding live Americans, but, through an honest search for the information on the discrepancy cases and through a workable system for investigating the "live-sighting" cases, I believe we can shed enough light on the issue to permit us to make intelligent decisions.

Mr. Chairman, that completes my answers to the questions you forwarded to me. I am ready for additional questions from the Committee.

The CHAIRMAN. General, thank you very much. I am going to try to ask if we can to keep the answers fairly tight so that all Senators can have a chance and we can meet your schedule, we want to try to do that.

As I mentioned earlier and I just say it again, you are an American of extraordinary reputation and you come to this with impeccable credentials. You are a combat veteran, field general and now you have undertaken this 5 year mission, and in a sense you come to this without a portfolio on the POW/MIA issue except for the emotional linkage that you have cited.

This has not been your field, correct?

General VESSEY. No.

The CHAIRMAN. Nor did you have responsibilities within the military service for this issue?

General VESSEY. No.

The CHAIRMAN. So you come to it as somebody who has assumed responsibility with one goal and that is to get the truth and get an accounting, is that accurate?

General VESSEY. That is correct.

The CHAIRMAN. In the course of the last 5 years you have had occasion to travel to Vietnam how many times?

General VESSEY. Five times.

The CHAIRMAN. And you have had successive days of meetings with the Vietnamese, correct?

General VESSEY. Correct.

The CHAIRMAN. Have you ever had occasion privately to take former Foreign Minister Thach aside and say to him, hey, look, why don't you come clean on this? Why don't you—if you need money, if you need something for it, just give us the guys who are alive, did that ever happen?

General VESSEY. I have raised that issue at every meeting.

The CHAIRMAN. Have you ever had any nibble or any indications whatsoever that there was a deal to be made if the right terms were struck?

General VESSEY. None.

The CHAIRMAN. Has anyone ever offered you at any level of the government entrée, to live Americans by virtue of your position?

General VESSEY. No, sir.

The CHAIRMAN. Do you have any evidence today whatsoever from those five trips and from your journeys around Vietnam that someone is alive today in Vietnam?

General VESSEY. None of the new information we have gathered leads one to believe or adds to any of the information we had before that led one to believe there might be live Americans.

The CHAIRMAN. Let me ask you a difficult question in some regards but one I know you are up to and willing to tackle, based on your knowledge of the country and your ability to travel around it that you have had, and your involvement with Vietnamese, etc., is there a plausibility in your mind to the notion that the Vietnamese Government would be holding 20 prisoners, 30 prisoners somewhere secreted away?

General VESSEY. One looks at the build up of information from—through the 1960's and 1970's and one can come up with a case and say, yes. If you look at what we see today, it is hard to come up with it. You say what is plausible and you say is it plausible you have to ask why. I frankly can't find a reason why other than it might have occurred and there was no way to explain it so the Vietnamese Government continued to do it. But otherwise, I don't find it plausible.

The CHAIRMAN. But there is a distinction, is there not, between the state of the evidence as it stood in 1973-74 and those probabilities today, is that not accurate?

General VESSEY. That's correct. The goal for us has been to examine these cases where we thought there was a probability that an individual serviceman might be alive and investigate those cases and find the facts in those cases and see whether or not they are alive and if they are get them back.

The CHAIRMAN. The whole premise of our policy today, General, is based on the notion, the whole concept of a discrepancy case is based on the notion that there is evidence that somebody might have been alive, is that accurate?

General VESSEY. That's exactly correct.

The CHAIRMAN. So a statement in 1973 that there is no indication that anyone was alive would simply be inaccurate, would it not?

General VESSEY. I would say yes. You could say we have no firm evidence or something like that, but certainly, the discrepancy

cases we have were clearly discrepancies that were unanswered at the time.

I want to say I don't know what statements were made back in 1973 and 1974.

The CHAIRMAN. I understand. I am simply asking you based on the reality of your cases.

Now, we have exhaustively gone through every list we can get our hands on, every potential and possibility, and we came up with 244 names that we thought were legitimately people one should have thought were POW's in 1973. With the return of the POW's, after the debriefings, we were left with a pool of about 133. What is your reaction to that number, in terms of all the numbers you have worked with?

General VESSEY. Well, that number comes very close to the number that we're working with now as discrepancy cases. Yours is slightly smaller than ours, but I would suggest that the workers here, that General Christmas and his people get with your staff and make certain that we have scrubbed those lists. And if you have any that we ought to have on our list, we ought to add to them to that list.

The CHAIRMAN. We intend to do that. And incidentally, I am going to ask General Christmas later for his help in doing that. I am also going to ask Bob Sheetz for their help on two aspects of this. And my hope is that we are really going to narrow this down and then air the joint information that comes out of that to the public and people can make some judgments. I think it will add a lot to this.

My time is up. Senator Smith.

Senator SMITH. Thank you, Mr. Chairman.

Let me repeat what the chairman said, General Vessey, in thanking you for the service that you have provided long after your, quote, unquote, retirement from the service of your country as you try to help us try to resolve this very difficult issue. Certainly, the American people owe you thanks for the service that you are doing.

Within the last 5 or 6 months we have gotten different signals from both State and DOD regarding how cooperative the Vietnamese have been. I am not trying to embroil you in that debate, but just your own sense—State basically says they are being very cooperative or more cooperative and DOD says they are not being as cooperative as they should be, we need more information. Where do you see it?

General VESSEY. Cooperation has grown steadily through the time that I've worked on this issue, and particularly starting with 1968. The cooperation is far greater today.

One of the problems with evaluating Vietnamese cooperation is we don't know how capable they are of cooperating. For example, the major issue that concerns the field work to be done by General Needham and his task force needs support from Vietnamese archival records, from their wartime records. In fact, we don't know how good those records are. We make assumptions based on the intelligence that we gathered during the war that we knew they said record certain things. Now, whether or not those records have been maintained, we don't know. But we need Vietnamese cooperation

in searching for those records, and I think there's room for more cooperation. But I also want to say that cooperation has increased greatly.

Senator SMITH. On a relative scale, I guess.

General VESSEY. Yes.

Senator SMITH. General Christmas—I am sorry, you have not testified yet. I apologize.

Mr. Chairman, at this time, then, I would be happy to yield. Because I did have a question I will move when General Christmas testifies, I will come back. Thank you.

The CHAIRMAN. Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman, and thank you, General Vessey, for all of your outstanding service, not only on this issue but to our country, I believe since sometime in 1943.

General VESSEY. 1939, Senator. I was only a child.

Senator MCCAIN. Well, we are very grateful for it and we are grateful to have American citizens like you who have contributed so much.

You stated in your comments, you said so far as a result of your investigation or mission you have no evidence that any individual is alive today in Southeast Asia. Is that accurate?

General VESSEY. What I said is none of the new evidence that we have gathered as a result of the work that I've set in motion, none of the additional evidence supports that contention.

Senator MCCAIN. Have you seen any evidence at all?

General VESSEY. Well, the evidence we have is the evidence in these cases, these discrepancy cases.

Senator MCCAIN. Which clearly indicates the possibility.

General VESSEY. Yes, sir.

Now, the other point is the live sighting reports, and there are unresolved live sighting reports through the years. And what we need to do is resolve those reports.

Senator MCCAIN. And you have never heard of any offer on the part of anyone in authority in Vietnam to return Americans in return for money or assistance?

General VESSEY. Absolutely not. In fact, the contrary. The Vietnamese officials with whom I've dealt have said we cannot do it, whatever you were to offer. We cannot do it because we do not have any.

Senator MCCAIN. Have you ever seen any evidence of any conspiracy or coverup?

General VESSEY. No, sir, I have not.

Senator MCCAIN. Did you when you were in your position as chairman of the Joint Chiefs of Staff?

General VESSEY. No, sir.

Senator MCCAIN. Or at any other time in your military career?

General VESSEY. No, sir.

Now, I guess the one thing I do want to say, I know that operations that were conducted in Laos, that the names of Americans who were lost in Laos were not reported as having been lost in Laos because under the agreement at the time we were not supposed to have people in Laos, and we had people in Laos, including me.

Senator MCCAIN. What if in 1973 the Government had said we do not know if any Americans are alive or dead. Would you have agreed with that policy?

General VESSEY. Yes, sir.

Senator MCCAIN. What is your—now over these many year relationship with the issue—best explanation, even if it is instinctive or intuitive, as to why there were so many not returned from Laos as opposed to Vietnam?

General VESSEY. Well, Laos is a sparsely populated and rugged country, as the committee well knows from looking at it on the ground and in the air. We lost physical things in Laos that we wanted to recover and couldn't find after they had been dropped from airplanes or something like that. So just finding anything in remote regions of Laos is difficult.

Additionally, Laos is a different sort of a country. It is a tribal country with different ethnic groups. The central government under any regime in Laos has had very little control over many parts of Laos. Even though it is adjacent to Vietnam, in terms of culture, geography, economy, and so forth, languages, it's completely different from Vietnam.

So there are a lot of reasons for the number in Laos not accounted for. We didn't have as much surveillance on what our own people did in Laos during the war. That is to say, airplanes were outside the radar coverage in Laos, where they were not necessarily in Vietnam. They were doing different sorts of things.

Senator MCCAIN. I just have two more questions, Mr. Chairman. One is you said that the Vietnamese are being more cooperative, and Senator Smith said relatively speaking. How cooperative are they being, in your view? Are they sincere or just giving you lip service or somewhere in between, and what more specifically do they need to do?

General VESSEY. Well, I think the committee has received the same manifestations of cooperation from the highest levels of the Vietnamese Government that I have received, and that is to say that they are going to provide full cooperation in resolving these issues.

Getting down to the workers in Vietnam, the cooperation has been a little spottier. Getting things done in Vietnam specifically isn't particularly easy. The economy is in bad shape; they have a lot of other things on their mind. But certainly, the one area where cooperation is needed, as I said to Senator Smith and Senator Kerry, is the business of archival research. Both the prime minister and the foreign minister promised a complete and diligent search of their archives for all information about missing Americans. That's difficult to do. We need to work with them to guide them to do it. But at the same time, it can only be done with their cooperation and work. They have to do it. It's just tough work.

The CHAIRMAN. Are they doing it?

General VESSEY. I think General Christmas can give you more up to date information on that. I read the task force reports and it seems to me that yes, cooperation is improving. But it's not inhibited by lack of room for more improvement.

Senator MCCAIN. Finally, in the many years since 1939 that you have been either in or associated with the military—let me re-

phrase that. In order for there to be a conspiracy or a coverup of this issue, do you agree with me that it would have required the active participation of hundreds of members of the military?

General VESSEY. Yes, sir. And I think that's an improbable sort of thing. American soldiers, sailors, airmen, and Marines are not conspirators. It's hard to keep military secrets long enough to get the operation going without the enemy knowing what's going on. Even at the time when we were at low ebb, we still had 100-and-some-odd people involved, and those rotated. Many of them rotated every 2 or 3 years. So I'd say the prospect or probability of a conspiracy being kept without it being blown wide open is almost zero.

Senator McCAIN. And that would certainly not be in keeping with the behavior of members of the military that you have known since 1939.

General VESSEY. It certainly wouldn't, except a few that I've helped chuck out. [Laughter.]

Senator McCAIN. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Kassebaum.

Senator KASSEBAUM. Thank you, Mr. Chairman.

General Vessey, I would like to ask if from your experience was there much interrogation done by the Soviets or the Chinese of Americans in Hanoi? Or do you have any indication from anything that you have discerned, both in being there and later, that they were taken to China or to the Soviet Union?

General VESSEY. The information we've gathered, and some of this has been from reports made by other governments. We are sort of at the mercy of spokesmen of other governments now. We have President Yeltsin saying that he knows of Americans coming from Vietnam to Hanoi. The Vietnamese Government has given a statement that says it didn't happen. I have sent a message to the foreign minister asking him to have the Vietnamese Government institute a complete investigation of this issue and give us the results of the investigation.

As you'll recall earlier, General Kalugin was in this country some time ago and said that he knew of reports of Americans having been interrogated in Vietnam after 1975. The Vietnamese Government said they conducted an investigation of that and that it did not happen, and they said that one American—perhaps it was two, but I don't have it right at my fingertips, but one or two Americans had been permitted to be interrogated. I think it was one American was interrogated. The Vietnamese said he was a CIA officer who had been captured, and they specifically permitted the Russians to investigate this.

Kalugin's source—

Senator McCAIN. He was not active duty military?

General VESSEY. He was not active duty military.

Senator McCAIN. He was CIA?

General VESSEY. He was CIA.

Senator KASSEBAUM. And this is a known case.

General VESSEY. This is a known case, and we knew that, and And Colonel Nadje Perenko, who was Kalugin's source, said that isn't what I told Kalugin. I told him I interviewed one person in 1973.

Now, I said he wasn't active duty military. He may have been active duty military seconded to the CIA at the time, if I'm not mistaken. But at any rate, he was interrogated. Nadje Perenko, Colonel Nadje Perenko from the KGB, said yes, I interrogated one and I did it in 1973. The Vietnamese say yes, that's what happened. And that squares with our information. So that's the only case we know of.

Now, surely the Soviets gave questions to the Vietnamese. There are all sorts of information that the Soviets desperately wanted from our people, and surely they had worked out some sort of an arrangement to try to get that information from our people. As far as we know, from debriefing the prisoners who returned, none of them reported having been interrogated by Soviets. There were some Cubans involved, but none were interrogated by Soviets.

Senator KASSEBAUM. Any Chinese?

General VESSEY. And so far as I know, none by Chinese.

Senator KASSEBAUM. Now, of course, again, we do not have much in the way of information from either Laos or Cambodia.

General VESSEY. That's right.

Senator KASSEBAUM. Is there anything that you have found that would indicate that any prisoners were sent into—how forthcoming are the Chinese? Have we put any pressure on the Chinese?

General VESSEY. I am sure we have. I know we have. But I'm not the one to answer exactly how we've done that. But I know this question has been raised with the Chinese.

Senator KASSEBAUM. So in your work in Vietnam and with the archives that you have seen and had access to, there has been nothing there that has had a trail that led—

General VESSEY. No, we found nothing.

Now, you know of the NSA analyst, and I think he's testified to the committee, has he not, who says that he believes he saw information showing prisoners were transferred. Other analysts have looked at the same information and said, no, we don't come up with the same conclusion. So it is another one of the negatives. There are all sorts of people who we knew to be prisoners who did not come back. We don't know who interrogated them.

Senator KASSEBAUM. Perhaps this is something you could not even really answer, but would you think that we should be pressing the Chinese to be more forthcoming now that President Yeltsin has ostensibly said that and given Senator McCain his personal assurance that he was going to be forthcoming and make sure that the records were available?

General VESSEY. Well, certainly. If there are any questions that we believe the Chinese can answer, we should press them for it.

Senator KASSEBAUM. Thank you.

The CHAIRMAN. Thank you, Senator Kassebaum. General, I think we have just a few more questions and then I think we are going to be able to boast that a U.S. Senate Committee did something not only on time but ahead of time. We are going to get you out of here.

Very quickly, I would just like to ascertain. You personally have been through those files when you started putting these lists together?

General VESSEY. The lists were put together by others. I want to make that clear. I didn't put the list together. I went through the files, that is, I had the people who put the lists together explain the cases to me.

The CHAIRMAN. What I am getting at is, you are familiar with the cases that make up the files.

General VESSEY. Yes. To say I am familiar with them—don't ask me any questions about any specific case, but I went through each of the cases that was to be presented and I was satisfied that they were in fact discrepancy cases.

The CHAIRMAN. That is what I mean. And you are satisfied that there is a body of evidence within these cases that legitimates our having a concern that those people might be alive or might have been alive?

General VESSEY. Makes it legitimate for us to investigate those cases? Certainly.

The CHAIRMAN. So this is not a fool's mission. This is not something for hype?

General VESSEY. No. We are seeking the answers to questions that ought to be answered.

The CHAIRMAN. And they are real?

General VESSEY. They are real questions.

The CHAIRMAN. And they are legitimately questions that would have been even more real in 1973, is that not true?

General VESSEY. They certainly wouldn't have been less.

The CHAIRMAN. Another quick question, and this is again sort of the murky area that the committee is trying to wade through but it is, I think, at the center of this. Senator Kassebaum has hit on it, Senator Kerrey has hit on it, Bob Kerrey. I have hit on it a few times. I think some others. That is the whole mood of the period and what we were able to leverage and what we were not; what America was willing to deal with back in 1973.

It is easy for us to sit up here, and sort of say why did you not do this, and why did you not do that? Families probably feel particular anguish about this because—not probably, they do feel particular anguish about this. Because many of them were saying, hey, wait a minute. And there just were not a lot of ears around.

Do you share a feeling that that climate of 1973 may have contributed to, not a conspiracy in the terms that Senator McCain talks about it, but to an attitudinal approach that accepted. A sort of unwillingness to, perhaps, ask some tough questions and deal with some realities. Would that be your judgment?

General VESSEY. Well, I think that certainly the analysts, some of whom are still working on the program now, and as you point out from that memorandum from DIA, there were many people interested in this issue at the time. There were unanswered questions at the time.

At the same time, the country seemed to be desperate to get out of Vietnam and be separated from that issue. And I think that people made the decisions that they thought were the best decisions at the time, based on the information that they had.

The CHAIRMAN. Senator Grassley has come back. Senator Grassley, I had promised the general that we were going to do something

unprecedented and get him out of here on time. He needs to catch a flight.

General VESSEY. I've still got time.

The CHAIRMAN. We have got about 10 minutes or so.

Senator GRASSLEY. Thank you, because it was General Christmas that I did have some questions for.

The CHAIRMAN. We are going to come back for General Christmas. It is only a question of General Vessey, who has to leave.

Senator GRASSLEY. I do not have any questions of General Vessey.

The CHAIRMAN. General, we are very appreciative to you for your time. I look forward to continuing to work with you on this. I hope we can get together soon to follow up on some of the information the committee has acquired.

Senator GRASSLEY. I do need to offer congratulations to General Vessey for the hard work he puts into this. I know that he is working very hard toward the same goals as this committee and I want to pledge him my cooperation and appreciate his cooperation with us.

General VESSEY. Thank you very much, Mr. Chairman. My best wishes to the committee in this very important task that you have.

The CHAIRMAN. General, thank you very much. Senator Grassley has particular respect for you because he knows you know how to manage chopsticks. When we went out to the Far East, he said, please do not tell the citizens of Iowa that I learned how to do this.

Senator GRASSLEY. You just did. [Laughter.]

The CHAIRMAN. I thought I could sneak that one by. Just trying to sneak it by. Let me tell the citizens of Iowa, he did learn, and he did not do a very good job. [Witness excused.]

The CHAIRMAN. General Christmas, if we could ask you please to share your prepared testimony. If you could summarize, we will put the full text in. And then, Mr. Sheetz, if you could proceed, we will come back for a round of questioning. Thank you.

STATEMENT OF MAJOR GENERAL GEORGE R. CHRISTMAS, U.S. MARINE CORPS, DIRECTOR OF OPERATIONS (J-3), U.S. PACIFIC COMMAND

General CHRISTMAS. That's what I will do, Mr. Chairman. I certainly appreciate your agreement to accept my presence here today in place of Brigadier General Needham, the Commander of our Joint Task Force for Full Accounting. He was unable to attend these hearings because he is in Vientiane discussing upcoming operations with the Lao officials.

I am pleased to respond to your questions regarding the work of the Joint Task Force, and I have submitted a very detailed statement for the record which responds to the three issues as well as the many other questions which you raised in your letters to me and also to General Needham.

I would like to make an opening statement, however. As you and your committee observed during your recent trip to Southeast Asia, we have a number of highly skilled and dedicated men and women committed to resolving the POW/MIA issue.

These people, together with those from our supporting commands and agencies, are doing everything they can do to find the answers which your committee—which certainly the families and surely, indeed, all Americans are asking.

The mission of the Joint Task Force for Full Accounting is to execute a full range of POW/MIA operations. Our number one priority is to resolve live sighting reports and the last known alive discrepancy cases. In Vietnam our field operations are focused on investigating discrepancy cases associated with 135 unaccounted for Americans, who were last known to be alive.

And in the course of these investigations, our teams are attempting to account for roughly 700 other individuals who were lost in the geographic proximity to those discrepancy cases. Once we finish these operations, we intend to mount a province-by-province search of all remaining unaccounted for Americans in that country. And that's our operation and that's our plan.

We are employing a two-tracked approach toward resolving cases in Vietnam. First our detachment in Hanoi, consisting of experts skilled in interview techniques, Vietnamese wartime records, and graves registration specialists are engaged in a day in and day out effort.

Second, our Hawaii-based search teams are conducting intensive 30-day periods of investigations and remains recovery operations. Between these periods of intensive field activities, our detachment staff and Vietnamese officials accomplish a number of tasks essential for the success of these field operations.

They work with Vietnamese provincial and district officials to locate witnesses and documents pertaining to the cases which our search teams will investigate. And they complete the necessary logistical arrangements for the next field activity.

Once these advance preparations are completed, our search team is deployed to Vietnam. Their objective is to find unaccounted for Americans or their remains. In the absence of either the individual or his remains, the teams attempt to obtain information sufficient to make a reasonable determination of the person's fate, and to assess whether further search efforts will lead to the recovery of that individual's remains.

To this end, the teams interview Vietnamese cadre and villagers who have knowledge of our war losses. They survey and excavate crash and grave sites and they review any archival records provided by their Vietnamese counterparts.

We use a similar approach to case resolution in Laos and Cambodia. With this overview of our field operations in mind, I will now turn to the matter of progress made to date and the degree of host government cooperation.

Since the establishment of the Joint Task Force on 23 January 1992, our search teams have completed 2 periods of field activities in Vietnam. These periods have involved upwards of 60 people assigned to task-organized teams. These teams have investigated cases associated with 32 of the 135 last known alive discrepancy cases, and have acquired information on 85 other individuals who were lost in geographic proximity to these priority cases.

A third round of field investigations is currently ongoing and began on the June 19. During the last completed period of field ac-

tivities, our teams recovered or obtained from villagers fragmentary remains believed to be from 7 loss incidents and involving 10 individuals. We believe that 2 remains are associated with those from our priority listing of 135.

From the other last known alive individuals whose cases we investigated, we found no evidence which suggests they are alive. In some instances, we interviewed witnesses to the death and burial of Americans. Further efforts now are required to locate and to recover those remains.

These mixed results reflect a number of variables. Certainly the very nature of many combat losses precludes the recovery of all remains. Adding to the difficulty is the harsh terrain in some areas, and the time which has elapsed. A second factor affecting the success of our operations is the completeness and accuracy of records compiled by our units during the war.

Some records contain first-hand accounts, which provide a fairly accurate location of a crash site, as an example. Other records are simply not complete. Those of us who served in combat can understand why some records are incomplete. They reflect the realities of war. For example a rifleman may be within sight of his buddy for one moment. The next moment, they and the rest of their unit are fighting for their lives in an intense firefight. After the battle, they regroup and the buddy is missing.

But what do we—what do our files contain for cases like these? Regrettably for many, they contain a report prepared by the unit following the engagement which provides an account of the battle, an approximate location where the individual was last observed, but little else.

Other loss records may contain additional information which a refugee provided to our interviewers years after the incident. But the key element of information is missing: the current location of the person or his remains.

This is why we need Vietnam, Laos, and Cambodia to share whatever records they possess on American prisoners and the missing, and make available for interview former members of their military units.

A third variable which has certainly had an affect on results is the degree of host nation cooperation. Vietnamese cooperation in some areas has been good. However, in other areas their officials do need to do better. We find the best way to assess Vietnam's cooperation is to measure the implementation of the five agreements reached during Assistant Secretary Solomon's visit to Hanoi last March.

The first concerned access to former cadre and archival records. While some improvement has been noted, this is an area in which we feel the Vietnamese can do better. Per the committee's request, I will provide for the record a list of archival documents which the Vietnamese have turned over to the Joint Task Force, or our DIA personnel assigned to our search teams, and our Hanoi detachment staff, and ensure that the committee receives translated copies of those materials.

The second agreement concerned the implementation of a credible live sighting investigation mechanism. In this area, we have seen progress.

The third agreement was to implement an expanded plan for joint field operations to resolve the last known alive discrepancy cases and others in close proximity. Here, too, the Vietnamese are compliant. Their vice foreign minister recently agreed to step up the tempo of these investigations so that the teams can investigate cases involving all 135 last known alive by mid-January 1993.

Conversely, we have seen little progress on the fourth agreement, to facilitate the resolution of cases which occurred in areas of Laos and Cambodia which the People's Army of Vietnam forces controlled during the war.

To resolve these cases, the Vietnamese must, at a minimum, turn over archival documents and provide other leads to American and Lao or American and Cambodian search teams. They have not yet done so. They have, however, indicated a willingness to permit search teams to cross into Laos from Vietnam. Unfortunately, the Government of Laos has not agreed to this arrangement, nor to trilateral talks.

The fifth agreement concerns unilateral turnover of remains. Since March, the Vietnamese have repatriated, unilaterally, five remains.

In describing the effort in Vietnam, I sometimes use the metaphor of overlapping circles. The efforts to recover remains, the efforts to investigate in the field the known cases of missing servicemen, and the efforts to establish a working procedure for the short-notice investigation of live sighting reports. These three major overlapping processes are mutually supporting and should never be seen as either separate or competitive. These efforts must be done together.

We all agree that answering the question of whether there are Americans being held prisoner is our first priority. Investigating known loss cases, particularly the last known alive discrepancy cases, recovering remains and investigating live sighting reports must proceed as a comprehensive campaign. Now the Solomon five agreements have great potential in supporting that campaign.

Turning to Laos, we have investigated, since January 1992, the circumstances of loss involving 30 unaccounted for. These activities have resulted in the recovery of three remains, one of which we are confident will be identified. We had hoped to have investigated by this point in the year, cases involving over 100 other individuals, but the Lao Government has not kept pace with our proposed operations.

One of the reasons for General Needham's visit this week to Laos is to impress upon them, his counterparts, our desire to pick up the tempo of operations.

With regard to Cambodia, our teams have investigated cases involving 22 individuals since January. During the period, they have travelled to Tang Island to investigate the loss of 18 Americans during the 1975 S.S.±. Mayaguez incident. These activities resulted in the recovery of four sets of remains believed to be those of missing journalists. Partial remains from Tang Island have also been recovered and are undergoing analysis.

The Phnom Penh authorities have been most cooperative. They have even agreed to allow our teams to travel to sites by U.S. military helicopters, a proposal which the Governments of Vietnam

and Laos have flatly rejected. Our efforts in Cambodia are not without problems. The remains of millions who were killed by the Pol Pot regime lay on or below the ground in Cambodia. Among those millions are the remains of our war dead.

Altogether, 81 American service members and civilians are unaccounted for in Cambodia.

The committee also has a number of questions concerning categories of cases and figures on unaccounted for which various Department of Defense organizations have published and maintained over nearly 20 years since the end of the war. The Joint Task Force has reviewed its records, and those of the former Joint Casualty Resolutions Center, or JCRC. I will submit for the record four listings compiled in response to the committee's letter of June 5.

The first is a list of discrepancy cases which field teams assigned to the former JCRC began to investigate in September 1988. The second list contains additional discrepancy cases which General Vessey proposed for field investigation during a meeting with Vietnam's Foreign Minister in October 1989. These two lists go to 119 individuals and served as our search team's priority focus from September 1988, until October 1991.

The results of the search effort over this period were mixed. Of the 119, the remains of 22 were repatriated and later identified. For four others, the results of these investigations confirmed that they had died and that further efforts to recover their remains would be to no avail. For 35 others on the lists of 119, the results of the investigations led the JCRC, DIA, and the POW/MIA inter-agency group to conclude that these men died during, or a short time after, the incident of loss. Through further joint or unilateral efforts their remains may still be recovered.

For the remaining 58 who comprise the 119, the investigations were inconclusive. A reasonable determination of their fate could not be made. The third list constitutes the Joint Task Force's current operational focus. It includes a total of 135 individuals as you know. Fifty-eight of those are from the first list on whom the initial investigations were inclusive.

There are 64 other individuals on which there is information that they survived the lost incident and fell into Vietnamese hands. These cases have not been the subject of previous field investigations. Rounding out the list of 135 are 13 other individuals who, during the war, were classified by their commanders and service secretaries as prisoners of war, but did not return during Operation Homecoming in 1973.

The Vietnamese have agreed to investigate these specific cases and others in close proximity. Our Joint Task Force search teams have already looked at 32 of the 135 cases, and with the agreement of the Vietnamese Government will investigate 135 by mid-January 1993. I must give a word of caution. While we will in fact have investigated all 135 by mid-January, the Vietnamese cooperation willing, we will, of course, in some cases only develop superficial information and will have to go back again and again, until we clear that 135.

Mr. Chairman, I will also submit a fourth list which provides a complete breakout by country, of all Southeast Asia unaccounted for which the Joint Task Force for Full Accounting maintains in

their data base. Of note, we have completed a thorough review and reconciliation with the Defense Intelligence Agency to assure that our data bases agree.

Finally, Mr. Chairman, I know the committee's concern for how many remains of our war dead may yet be recoverable and those which are nonrecoverable. I believe it is premature to attempt to identify a specific figure or even a range of figures which once reached, will represent the fullest possible accounting. Despite the nearly 20 years which have elapsed since the war, it has only been recently that American teams have been permitted to carry out anything approaching sustained search operations.

As we obtain increased access to loss locations and records from these Southeast Asian nations, I believe we will obtain a clearer picture of what we can expect to achieve. Mr. Chairman, when I appeared before the committee last November, I indicated that the establishment of the POW/MIA Joint Task Force would provide the necessary command structure and resources to launch a sustained effort, and that is exactly what General Needham has done over the past 6 months.

We now have a full-time presence in each of the Southeast Asian capitals, and are deploying our search teams to conduct field operations with increasing frequency. To be sure, much remains to be done. But I think it would be a mistake, Mr. Chairman, not to acknowledge once more the hard work in which our people are engaged.

Many of these losses occurred in remote areas where the temperature routinely exceeds 100 degrees. Our teams are exposed to risks of tropical diseases and unexploded ordnance. They are carrying out their mission diligently and with the highest morale. The Pacific Command has begun an aggressive campaign to publicize the work which our teams are doing and to ensure total openness about the Joint Task Force ongoing operations and what we find.

Additionally, through the Service Casualty Affairs Office, we are keeping individual families informed of developments. The only information which we do not make available to them are the names of assigned personnel or their Southeast Asian sources. This is in accordance with departmental directions.

Again, I thank you for the opportunity to appear before the committee. I hope that I have answered satisfactorily in my detailed statement for the record, many of your questions. I also hope that my comments today, together with the insights which you obtained during your recent visit to our field sites show you the extraordinary and exceptional efforts of the men and women who make up the Joint Task Force Full Accounting, and our supporting activities, the U.S. Army Central Identification Laboratory and the Defense Intelligence Agency.

We are there for one reason, one reason only and that is to bring about the fullest possible accounting for our missing Americans. Thank you, sir.

[The prepared statement of General Christmas follows:]

PREPARED STATEMENT OF GENERAL GEORGE R. CHRISTMAS

Mr. Chairman, I am pleased to respond to your questions regarding the work of Joint Task Force-Full Accounting, JTF-FA.

As you and your committee observed during your recent trip to Southeast Asia, we have a number of highly skilled and dedicated men and women committed to the search effort. These people, together with those from our supporting commands and agencies are doing everything they can to find the answers for which your committee, the families and, indeed, all Americans are asking.

General Needham is unable to attend these hearings; he is in Vientiane discussing upcoming operations with Lao officials.

I appreciate your agreement to accept my presence here today. I will respond to three issues and other questions which you raised in your letter to General Needham and me of June 5 and 17, respectively. Concerning the three issues, first, I will describe the JTF's mission and ongoing field efforts. Second, I will assess progress to date and the degree of cooperation which the Southeast Asian governments are affording. Third, I will address the issue of numbers—that is categories of cases and lists of unaccounted for.

The mission of Joint Task Force-Full Accounting, is to execute a full range of POW/MIA operations. Our number one priority is to resolve live sighting reports and discrepancy cases.

Live sighting reports typically come from refugees who claim that on a certain date and at a certain location, he or she saw an unidentified person who may be an unaccounted for American. Discrepancy cases are those about which we believe that the Southeast Asian governments have knowledge. These include loss incidents in which our records indicate specific service members survived and were likely captured, yet neither the individuals nor their remains have been repatriated. If we can resolve these compelling cases, we will have done much to illuminate the live prisoner question.

In Vietnam, our field operations are focused on—investigating discrepancy cases associated with 135 unaccounted for Americans who were last known to be alive. And in the course of these investigations, our teams are attempting to seek information on and recover the remains of roughly 700 other individuals who were lost in geographical proximity to the discrepancy cases. Once we finish these operations, we intend to mount a province-by-province search for all I remaining unaccounted for Americans in that country.

We are employing a two-tracked approach toward resolving cases in Vietnam. First, our detachment in Hanoi is engaged in a day-in, day-out effort. Our six-person staff—which we are requesting the Vietnamese allow us to increase to 10—consists of experts skilled in interview techniques, Vietnamese wartime records, and graves registration specialties. Because of the ever expanding scope of field activities throughout the country, we have placed in command a very capable Army officer who has extensive experience in planning and conducting large scale field operations.

Second, our Hawaii-based search teams are conducting intensive 30-day periods of investigations and remains recovery operations. Between these periods of intensified activities, our detachment staff and Vietnamese officials accomplish a number of tasks essential for the success of these investigations. They work with Vietnamese provincial and district officials to locate witnesses and documents pertaining to cases which our search teams will investigate. They arrange for the prepositioning of helicopters and vehicles and complete other logistical arrangements.

Once these advance preparations are completed, our search teams deploy to Vietnam. Their objective is to find unaccounted for Americans or their remains. In the absence of either the individual or his remains, the teams attempt to obtain information sufficient to make a reasonable determination of the person's fate and assess whether further search efforts will lead to the recovery of the remains.

To this end, the teams interview Vietnamese cadre and villagers who have knowledge of our war losses. They survey and excavate crash and grave sites. They review any archival records provided by their Vietnamese counterparts. We use a similar approach to case resolution in Laos and Cambodia.

With this overview of our field operations in mind, I will now turn to the matter of progress made to date and the degree of host government cooperation. I will limit my remarks to discrepancy case investigations and remains recovery operations. The DIA will discuss live sighting investigations.

Since the establishment of the JTF on January 23, 1992, our search teams have completed two periods of field activities in Vietnam. These periods have involved upwards of 60 people assigned to task organized teams.

These teams have investigated cases associated with 32 of the 135 last known alive and have acquired information on 85 individuals who were lost in geographical proximity to these priority losses. A third round of field investigations began on June 19.

During the last completed period of field activities, our teams recovered, or obtained from villagers, fragmentary remains believed to be from 7 loss incidents which involve 10 individuals. We believe that 2 remains are associated with those from our priority listing of 135.

For the other last known alive whose cases we investigated, we found no evidence which suggests they are alive. In some instances we interviewed witnesses to the death and burial of Americans. Further efforts, however, will be required to locate and recover their remains.

These mixed results reflect a number of variables. Certainly the very nature of many combat losses precludes the recovery of all remains. Adding to the difficulty is the harsh terrain in some areas and the time which has elapsed. Moreover, Vietnam may have recovered remains unilaterally which they have not yet repatriated.

A second factor affecting the success of our operations is the completeness and accuracy of records compiled by our units during the war. We have provided copies of each of our casualty records to the Central Documentation Office in Washington. These as well as the original files which we maintained in Hawaii are open to the Committee members and staff. As you will see, some records contain firsthand accounts which provide a fairly accurate location of a crash site. Other records are not as complete.

Those of us who served in combat can understand why some records are incomplete. They reflect the realities of war. For example, a rifleman may be within sight of his buddy at one moment. The next moment, they and the rest of their unit are fighting for their lives. After the battle, they regroup and the buddy is missing.

What do our files contain for cases like these? Regrettably for many, they contain a report prepared by the unit following the engagement which provides an account of the battle, an approximate location where the individual was last observed, but little else. Other loss records may contain additional information which a refugee provided to our interviewers years after the incident. But the key element of information is missing—the current location of the person or his remains.

This is why we need Vietnam, Laos, and Cambodia to share whatever records they possess on American prisoners and the missing and make available for interview former members of their military units.

While JTF-FA files contain only limited wartime intelligence on units which operated in the areas of our losses, the DIA provides our search teams with information of this type. Our people use it to plan and carry out the investigations.

A third variable which has certainly had an effect on results is the degree of host nation cooperation. Vietnamese cooperation in some areas has been good; however, in other areas, their officials need to do better.

I would like to take a few moments to assess Vietnam's cooperation in implementing five agreements reached during Assistant Secretary Solomon's visit to Hanoi last March.

The first concerned access to former cadre and archival records. I will defer to the DIA to describe in detail the basis for intelligence judgements that Vietnam possess such records. From an operational perspective, however, I can say that our search teams have observed wartime documents and artifacts during their field operations. But thus far, their Vietnamese escorts have provided only limited access to these materials.

I will provide for the record a list of archival documents which the Vietnamese have turned over to JTF-FA and DIA personnel assigned to the search teams and Hanoi detachment staff. These materials range from one-page summaries to an 84-page document which chronicles the activities of a Vietnamese Air Defense Regiment. The JTF has 35 individuals who are capable of translating documents provided by the Vietnamese government. We will ensure that the committee receives translated copies of these materials.

The second agreement concerned the implementation of a credible live sighting investigation mechanism. In this area, we have seen progress. The DIA will provide you further information concerning short-notice live sighting investigations.

The third agreement was to implement an expanded plan for joint field operations to resolve the last known alive discrepancy cases. Here too, the Vietnamese are complying. Their Vice Foreign Minister recently agreed to step up the tempo of these investigations so that the teams can investigate cases involving all the 135 last known alive by mid-January 1993.

Conversely, we have seen little progress on the fourth agreement: to facilitate the resolution of cases which occurred in areas of Laos and Cambodia which Peoples Army of Vietnam forces controlled during the war. To resolve these cases, the Vietnamese must, at a minimum, turn over archival documents and provide other leads to American and Lao, or American and Cambodian search teams. They have not yet

done so. They have, however, indicated a willingness to permit search teams to cross into Laos from Vietnam. Unfortunately, the Government of Laos has not agreed to this arrangement.

The fifth agreement concerns the unilateral turnover of remains. Since March, the Vietnamese have repatriated unilaterally five remains.

In describing the effort in Vietnam, I sometimes use the metaphor of overlapping circles. The efforts to recover remains, the efforts to investigate in the field the known cases of missing servicemen, and the efforts to establish a working procedure for the short-notice investigation of live sighting reports—these three major overlapping processes are mutually supporting and should never be seen as separate competitive efforts. We all agree that answering the question of whether there are Americans being held prisoner is first priority. Investigating known loss cases, particularly the last known alive discrepancy cases, recovering remains, and investigating live sighting reports must proceed as a comprehensive campaign. The five agreements have great potential to support our campaign.

Turning to Laos, we have investigated since January 1992 the circumstances of loss involving 30 unaccounted for. These activities have resulted in the recovery of three remains, one of which we are confident will be identified. We had hoped to have investigated by this point in the year cases involving over 100 other individuals but the Lao government has not kept pace with our proposed operations.

Adverse weather and an extremely poor infrastructure in that country have contributed to the slow progress to date. Nevertheless, we believe the Lao government can and should do more. One of the reasons for General Needham's visit this week to Laos is to impress upon his counterparts our desire to pick up the tempo of operations. Given the importance of these talks, we certainly appreciated the Committee's approval to excuse General Needham from the proceedings here in Washington.

Of note, during our previous talks with the Lao, we have I asked them to work with us and the Vietnamese to resolve cases I which occurred in Vietnamese controlled areas of Laos. The Lao, however, rejected our recent proposal to hold a trilateral, U.S., Laos, and Vietnam meeting to discuss these cases.

With regard to Cambodia, our teams have investigated cases involving 22 individuals since January. During this period they also travelled to Tang Island to investigate the loss of 18 Americans during the 1975 SS MAYAGUEZ incident. These activities resulted in the recovery of four sets of remains believed to be those of missing journalists. Partial remains from Tang Island have also been recovered and are undergoing analysis. The Phnom Penh authorities have been most cooperative. They have even agreed to allow our teams to travel to sites by U.S. military helicopters—a proposal which the governments of Vietnam and Laos have flatly rejected.

Our efforts in Cambodia are not without problems. The remains of millions who were killed by the Pol Pot Regime lay on and below the ground in Cambodia. Among those millions are those of our war dead. Altogether, 81 American service members and civilians are unaccounted for in Cambodia.

This leads me to the third and final topic—the issue of numbers. You have asked a number of questions concerning categories of cases and figures on unaccounted for which various Department of Defense organizations have published and maintained over the nearly 20 years since the end of the war.

The JTF has reviewed its records and those of the former Joint Casualty Resolution Center, JCRC. I will submit for the record, four listings compiled in response to the committee's letter of June 5.

The first is a list of discrepancy cases which field teams assigned to the former JCRC began to investigate in September, 1988. These investigations came about as the result of an agreement reached between General Vessey and Vietnam's Foreign Minister. These cases were illustrative of those which suggested that Americans might still be alive in captivity. It became known as the 70-name list, although in its final form the list contained 62 cases associated with 80 unaccounted for individuals.

The second list which I will submit contains additional discrepancy cases which General Vessey proposed for field investigation during a meeting with Vietnam's Foreign Minister in October 1989. It totals 32 cases associated with 39 individuals. These two lists total 119 individuals and served as our search teams' priority focus from September 1988 to October 1991.

The results of the search effort over this period were mixed. Of the 119, the remains of 22 were repatriated and later identified. For four others, the results of the investigations revealed that they died and that further efforts to recover their remains would be to no avail. For 35 others on that list of 119, the results of the investigations led the JCRC, DIA, and the POW/MIA Interagency Group to conclude that

these men died during or a short time after their loss. Through further joint or lateral efforts, their remains may yet be recovered. For the remaining 58 who comprised the 119, the investigations were inconclusive. A reasonable determination of their fate could not be made.

The third list which I will submit constitutes the JTF's current operational force. It includes a total of 135 individuals. Fifty-eight are those from the first two lists whose initial investigations were inconclusive. There are 64 other individuals on which there is information that they survived the loss incident and fell into Vietnamese hands. These cases have not been the subject of previous investigations. Rounding out this list of 135 are 13 other individuals who, during the war, were classified by their Commanders and Service Secretaries as Prisoners Of War but did not return during Operation Homecoming in 1973. The Vietnamese agreed to investigate these cases during Assistant Secretary Solomon's discussions in Hanoi last March. As I indicated earlier, JTF-FA search teams have investigated 32 of these 135; and, with the agreement of the Vietnamese government, will have investigated all 135 by mid-January 1993.

Mr. Chairman, I will submit a fourth list which provides a complete breakout by country of all Southeast Asia unaccounted which JTF-FA maintains in their data base.

Last month, the JTF-FA and the DIA staff met to reconcile this listing with that maintained by the DIA. While both organizations for years have carried identical figures on the total number of Southeast Asia losses, the breakout of these losses by country differed. JTF-FA listed 422 unaccounted for who were lost over water in a separate, distinct category. The DIA included these over water losses with those which occurred on or over the Vietnam land mass.

Other differences in their data bases related to losses for which there is no precise location. For example, if a plane was last noted over Vietnam en route to a target in Laos, JTF-FA listed the crew as a Vietnam loss based on the last known location. DIA carried it as a Laos loss based on its intended target. Other differences related to analytical judgements on which side of the Laos and Vietnam border a loss occurred.

We have completed our data base review and reconciliation. You also asked for information on individuals who were carried as POW and MIA during the war and on the findings of various boards convened during the 1970s which have declared service members Killed in Action, Body Not Recovered and identified others who have been the subject of a presumptive finding of death. Neither the Pacific Command nor Joint Task Force files address this aspect of casualty resolution in a complete and comprehensive manner.

Regarding your question concerning the identity of remains held at the Central Identification Laboratory, they currently maintain about 100 unidentified remains which were repatriated from Southeast Asia. Half of these are so sparse that few, if any, biological determinations will be made. Bone samples from 21 other remains have been taken for possible DNA extraction. The other are either still under analysis, awaiting board or Next of Kin approval, or scheduled for DNA sampling.

Finally, you asked about figures for how many remains of our war dead may yet be recoverable and those which are non-recoverable. I believe it is premature to attempt to identify a specific figure or even a range of figures which, once reached, will represent the fullest possible accounting. Despite the nearly 20 years which have elapsed since the war, it has only been recently that American teams have been permitted to carry out anything approaching a sustained search effort. As we obtain increased access to loss locations and records from the Southeast Asian nations, I believe we will obtain a clearer picture of what we can expect to achieve.

Mr. Chairman, when I appeared before the committee last November, I indicated that the establishment of a POW/MIA joint task force would provide the necessary command structure and resources to launch a sustained effort. And that is exactly what General Needham has done over the past 6 months. We now have a full-time presence in each of the Southeast Asian capitals and are deploying our search teams to conduct field operations with increasing frequency.

To be sure, much remains to be done. But I think it would be a mistake Mr. Chairman, not to acknowledge once more the hard work in which our people are engaged. Many of these losses occurred in remote areas where the temperature routinely exceeds 100 degrees. Our teams are exposed to risks of tropical diseases and unexploded ordnance. They are carrying out their mission diligently and with high morale.

The Pacific Command has begun an aggressive campaign to publicize the work which our teams are doing, and to ensure "total openness" about JTF-FA's ongoing operations and findings. Additionally, through the Service casualty affairs office,

we are keeping individual families informed of developments. The only information which we do not make available to them are the names of our assigned personnel and their Southeast Asian sources. This is in accordance with existing departmental guidance.

Again, Mr. Chairman, I thank you for the opportunity to appear before you. I hope that I have answered satisfactorily in this statement many of your questions. I also hope that my comments today, together with the insights which you obtained during your recent visit to our field sites, show you the extraordinary and exceptional efforts of the men and women who make up JTF-FA and our supporting commands—CILHI and DIA—to bring about the fullest possible accounting for our missing Americans.

The CHAIRMAN. Thank you very much, general. Mr. Sheetz?

STATEMENT OF ROBERT R. SHEETZ, DIRECTOR, SPECIAL OFFICE FOR POW-MIA AFFAIRS, DEFENSE INTELLIGENCE AGENCY

Mr. SHEETZ. Thank you, Mr. Chairman.

The CHAIRMAN. I could ask you in the interest of time to summarize. I will not cut you off at all.

Mr. SHEETZ. I have got a very short statement.

The CHAIRMAN. OK.

Mr. SHEETZ. I appreciate the opportunity to participate in these important committee hearings. We, at DIA, are proud to be part of the overall U.S. Government effort to account for Americans still missing from the Vietnam War. Our working relationships with the Joint Task Force Full Accounting and the Army Central Identification Laboratory are strong and productive.

We stress communicating effectively with the Service Casualty Offices to assist them in keeping the families fully informed of new developments, and we at DIA take very seriously our responsibility to support senior Government policy and decisionmakers, including the President's Special POW-MIA Emissary to Vietnam, General Vessey.

DIA senior leadership and each and every person in the Special Office for Prisoners of War and Missing in Action clearly understand that this is the crucial time in the long quest for answers about our unaccounted for men from the Vietnam War. The time when the governments of Vietnam and Laos, and Cambodian officials, are beginning to take steps to facilitate our quest for answers.

However, we know that this quest leads immediately to the question of legitimate access, and I mean access in broad terms to include freedom of movement for live sighting investigators and JTF field teams; to include short notice inspection of prisons and other possible detention facilities; access to records repositories in Hanoi and in the field; access to witnesses in areas of live sighting reports and at last known alive locations; access to government officials and military personnel who have knowledge of both overall procedures and individual incidents; and last, access to artifacts and documentation from crash sites in lost locations. With this access beginning to open up in Vietnam and Laos, I might add here parenthetically that Cambodian officials have been incredibly supportive in the last 6 months or so, and there has literally not been anything that we have asked for that they have not been willing to support us on, DIA realizes that our supporting role is becoming even more important in the search for answers in Southeast Asia.

The Director of DIA, Lieutenant General Clapper, and the Commander-in-Chief, Pacific Command, Admiral Larson have signed a memorandum of agreement that formally designates DIA as a supporting command to CINCPAC's Joint Task Force Full Accounting. Under this agreement, DIA functions as Admiral Larson's executive agent in vigorously pursuing the JTF's number one priority mission—that is determining if there are any Americans still alive in captivity, and should any be located, doing all we can to facilitate their release.

DIA pursues this responsibility through every means available, to include actually stationing in Vietnam DIA personnel from our Stony Beach debriefing element in Bangkok to conduct live sighting investigations. In order to properly fulfill our responsibility as a supporting command to CINCPAC's JTF Full Accounting, DIA has increased the manpower of its Stony Beach element in Bangkok, so we can not only continue our refugee debriefing program, but also conduct on the scene live sighting investigations, and support JTF investigation teams in Vietnam, Laos, and Cambodia.

My office here in Washington, also recently increased in size, produces field-support packages which analyze the areas involved in upcoming JTF field operations, with a principal focus on identifying archival research targets and key information gathering objectives. We also assist the JTF in analyzing results obtained from field activities to determine if information collected has a direct bearing on the fate of individuals.

This entire process is involved, difficult, and unfortunately, time-consuming. But, I am confident that the teamwork and full cooperation that has developed between the JTF and DIA elements, both here in Washington and in Southeast Asia, will provide the kind of results this committee, the American people and, most importantly, the families of unaccounted for personnel deserve.

Mr. Chairman, my experience is that most people who become well-informed on this issue have no trouble agreeing that accounting for our missing men means obtaining information from Vietnam, Laos, and Cambodia. Those who maintain that there is some secret set of files being kept by misguided U.S. Government personnel intent on maintaining some type of bizarre coverup are deluding themselves and the American people.

The answers are in Southeast Asia and that is where the U.S. Government is, correctly in my view, putting its emphasis. Yet, Mr. Chairman, when I read or hear of the criticism heaped by some on DIA's efforts, I wonder if these people are talking about the same office in which I work. Are they talking about the truly outstanding military personnel in our office like Army Lieutenant Colonel Alan Young, Navy Lieutenant Paul Maguire, Army Captain Sandy Caughlin, Air Force Technical Sergeant Mike Deckert, and all the others who work 10 and 12-hour days, day in and day out, weekday and weekends, to help develop investigative leads for field research in Vietnam?

Are they talking about the civilians in our office who served military tours in Vietnam during the war. People like Chuck Trowbridge, Bob Destatte, Gary Sytow, Warren Gray, Lloyd Nash, and all the others, men who have personal friends among the unaccounted for. Just where are these heartless, faceless bureaucrats

that would take active measures to cover up information and continue to keep agonized families of missing comrades-in-arms in the dark?

Mr. Chairman, the answer is that there are no such people at DOD, or at DIA, nor are there any at the Joint Task Force Full Accounting, at the Central Identification Laboratory, or at the Service Casualty Offices. We are conscientious, hardworking people, both military and civilian. We go to church, serve our communities, and try to raise our children to have proper values. While at the office, we tirelessly work together, each doing his or her small part in the overall effort to determine if there are any unaccounted for personnel still alive in Southeast Asia, and to reach the fullest possible accounting for those who perished there in defense of their country.

In this final panel, the committee will explore the remainder of the story, that being the efforts being aggressively taken by these conscientious dedicated personnel to account for our missing men. To be sure, mistakes were made over the years and erroneous decisions were sometimes reached when fragmentary information was all the analysts and decisionmakers had with which to work.

It is far too easy to criticize the past when looking back through the lens of today, when so much more is known, both about individual cases and about the wartime procedures employed by our former adversaries. But, much more still remains to be learned. What I can promise this committee, the American people and, most importantly, the friends, comrades and families of our missing men, is that at DIA we will continue to keep the faith by tirelessly carrying out our responsibility until our intelligence mission in helping to reach the fullest possible accounting is complete.

I look forward to participating on the panel. I and all the others in DIA dedicated to the POW-MIA issue are proud to play a part in the extraordinary efforts being undertaken today in Vietnam, Laos, and Cambodia. I look forward to telling DIA's portion of the story and to answering the committee's questions. Thank you.

[The prepared statement of Mr. Sheetz follows:]

PREPARED STATEMENT OF ROBERT R. SHEETZ

I appreciate the opportunity to participate in these important committee hearings. We at DIA are proud to be a part of the overall U.S. Government effort to account for our missing men from the Vietnam War. Our working relationships with the joint task force full accounting and the Army Central Identification Laboratory are strong and productive. We stress communicating effectively with the service casualty offices to assist them in keeping the families fully informed of new developments. And we at DIA take very seriously our responsibility to support senior U.S. Government policy and decision makers, including the President's special emissary to Vietnam, General Vessey.

DIA's senior leadership and each and every person in the special office for prisoners of war and missing in action clearly understand that this is a special time in the long quest for answers about our unaccounted for men from the Vietnam War—a time when the Governments of Vietnam, Laos and Cambodia are beginning to take steps to facilitate our quest for answers. However, we know that this quest leads immediately to the question of legitimate access. And I mean access in broad terms to include:

- Freedom of movement for live sighting investigators and JTF field teams, to include short notice inspection of prisons and other possible detention facilities
- Access to records repositories in Hanoi and in the field
- Access to witnesses in areas of live sighting reports and at loss site locations

- Access to Government officials and military personnel who have knowledge of both overall procedures and individual incidents
- Access to artifacts and documentation from crash sites and other loss locations

With access beginning to open up in Vietnam and LAOS, DIA realizes that our supporting role is becoming even more significant in this search for answers in Southeast Asia. The director of DIA, LTGEN Clapper, and the Commander in Chief, Pacific Command, ADM Larsen, have signed a memorandum of agreement that formally designates DIA as a supporting command to CINCPAC's joint task force full accounting. Under this agreement, DIA functions as ADM Larsen's executive agent in vigorously pursuing the JTF's number one priority mission, that is determining if there are any Americans still alive in captivity and, should any be located, doing all we can to support their release. DIA pursues this responsibility through every means available, to include actually stationing, in Vietnam, DIA personnel from our stony beach debriefing element in Bangkok to conduct live sighting investigations.

In order to properly fulfill our responsibility as a supporting command to CINCPAC's JTF full accounting, DIA has increased the manpower of its stony beach element so we can not only continue our refugee debriefing program, but also conduct on-the-scene live sighting investigations and support JTF field investigative teams. My office here in Washington, also recently increased in size, produces summary packages which analyze the areas involved in upcoming JTF field operations, with a principal focus on identifying archival research targets and key information gathering objectives. We also assist the JTF in analyzing results obtained from field activities to determine if information collected has a direct bearing on fate accountability. This entire process is involved, difficult, and unfortunately, time consuming. But I am confident that the sense of teamwork and cooperation that has developed between the JTF and DIA elements, both here in Washington and in SE Asia, will provide the kind of results this committee, the American people, and most importantly the families of unaccounted for personnel, deserve.

Mr. Chairman, my experience is that most people who become well informed on this issue have no trouble agreeing that accounting for our missing men means searching for answers in Vietnam, Laos and Cambodia. Those who maintain that there is some super secret set of files being kept by misguided U.S. Government personnel intent on maintaining some bizarre type of "cover up" are deluding themselves and the American people. The answers are in Southeast Asia, and that is where the U.S. Government is, correctly in my view, putting its emphasis.

Yet, Mr. Chairman, when I read or hear of the vituperative criticism heaped, by some, upon DIA's efforts, I wonder if these people are talking about the same office in which I work. Are they talking about the truly outstanding military personnel in our office, like army LTC Alan Young, Navy LT Paul Maguire, Army Capt Sandy Caughlin and Air Force Tech Sergeant Mike Deckert, who work 10 and 12 hour days, day in and day out, week day and week ends, to help develop investigative leads for field research in Vietnam? Are they talking about the civilians in our office who served, during the war, military tours in Vietnam—people like Chuck Trowbridge, Bob Destatte, Gary Sydow Warren Gray, Loyde Nash and all the others, men who can count personal friends among the unaccounted for? Just where are these heartless, faceless bureaucrats who would take active measures to cover up information and continue to keep agonized families of missing comrades in arms in the dark?

Mr. Chairman, the answer is that there are no such people in DOD, at DIA, nor are there any at the joint task force full accounting, at the Central Identification Laboratory or at the Service Casualty Offices. We are conscientious, hardworking people, both military and civilian, who go to church, serve our communities, and try to raise our children to have proper values. While at the office, we tirelessly work together, each doing his or her small part in the overall effort to determine if there are any unaccounted for personnel still alive in SE Asia, and to reach the fullest possible accounting for those who perished there in defense of their country.

In this final panel, the committee will explore the remainder of the story—that being the efforts being aggressively taken by these conscientious, dedicated personnel to account for our missing men. To be sure, mistakes were made over the years and erroneous decisions were sometimes reached when fragmentary information was all that analysts and decision makers had with which to work. It is far too easy to criticize the past when looking back through the lens of today, when so much more is known, both about individual cases and about the wartime procedures employed by our former adversaries. But much more still remains to be learned. And what I can promise this committee, the American people, and most importantly the friends, comrades and families of our missing men, is that at DIA we will continue

to keep the faith by tirelessly carrying out our sacred responsibility until our mission in helping to reach the fullest possible accounting is complete.

I look forward to participating on this panel. I and all the others in DIA dedicated to the POW-MIA issue are proud to play a part in the extraordinary efforts being undertaken today in Vietnam, LAOS and Cambodia. I look forward to telling DIA's portion of the story and to answering the committee's questions, as best I can, on where the future will, with hope, take us.

The CHAIRMAN. Thank you very much, Mr. Sheetz. General Christmas, let me begin with you if I may, and then come back and comment on Mr. Sheetz's testimony and ask a few questions. The committee, I think, is particularly concerned obviously on the issue of whether or not somebody might be alive and that is one of our primary missions, is to try to help ascertain what that likelihood or probability is.

Much of the energy that we observed and that you have even talked about here is energy directed at remains recovery, and I want to make certain and I think the committee wants to make certain that the highest priority is the follow-up on live sighting reports. Now, my first question to you is how many live sighting reports do you now have that you are actively following up on?

General CHRISTMAS. First of all, Senator, let me indicate to you that, as I said in my statement and you will see in detail in the detailed statement, that obviously the first priority is the search for live Americans. The key to that, however, I believe is the campaign plans that we have established which are those three intertwining circles of search and recovery of remains, investigation, of the last known alive discrepancy cases, and the live sighting investigations, because they are mutually supporting.

What I mean by that is very simply, if in fact you see an excavation going on as you visited, we have constant contact during that excavation.

The CHAIRMAN. I understand that.

General CHRISTMAS. The same with the search in that shared information leads to developing those cases, not only for the last known alive discrepancy cases, but in fact also potential live sighting cases.

The CHAIRMAN. I understand that and you well articulated that to us when we met with you in Hawaii and General Needham followed up on that. But the question still is, even within that context, how many live sighting reports are in front of the group that they are going to actively work on in that context, or they have as a priority.

General CHRISTMAS. I'm going to ask Bob Sheetz to help me out in just a moment, but right now we have completed about 25 live sighting investigations. We have completed, up until last week, nine short-notice investigations, the very last one being in Dien Bien Phu. Now, part of that was getting our live sighting investigator established within the Hanoi detachment. He is now firmly established within that detachment, has established his particular Vietnamese counterpart contacts and he is now moving very rapidly.

The CHAIRMAN. Did any of the live sighting reports produce any sighting of a Caucasian?

General CHRISTMAS. At this point sir, all of them have been negative.

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LName	FName	244
ANDREWS	WILLIAM R	X
AVERY	ROBERT DOUGLAS	X
AYERS	RICHARD LEE	X
BEENE	JAMES ALVIN	X
BEGLEY	BURRIS NELSON	X
BENNETT	HAROLD G	X
BENNETT	WILLIAM GEORGE	X
BLACKBURN	HARRY LEE JR	X
BLOOD	HENRY F	X
BOLLINGER	ARTHUR R	X
BOUCHARD	MICHAEL LORA	X
BRANDENBURG	DALE	X
BURNS	FREDERICK J	X
BURNS	MICHAEL PAUL	X
BUTLER	JAMES E	X
CAPLING	ELWYN REX	X
CARROLL	ROGER WILLIAM JR	X
CARTWRIGHT	BILLIE JACK	X
CICHON	WALTER ALAN	X
COCHEO	RICHARD NEWELL	X
COLEMAN	JIMMY LEE	X
COOK	DWIGHT WILLIAM	X
CRAMER	DONALD MARTIN	X
CREED	BARTON SHELDON	X
CUSHMAN	CLIFTON EMMET	X
DEBRUIN	EUGENE H	X
DOOLEY	JAMES EDWARD	X
DUNLOP	THOMAS E	X
EDWARDS	HARRY SANFORD JR	X
EIDSMOW	NORMAN EDWARD	X
EISENBRUN	WILLIAM F	X
ELLIOT	ROBERT MALCOLM	X
ELLISON	JOHN COOLEY	X
ENTRICAN	DANNY DAY	X
ERSKINE	JACK D	X
EVANS	JAMES JOSEPH	X
FINCH	MELVIN W	X
FINLEY	DICKIE WAINE	X
FLYNN	GEORGE E	X
FLYNN	SEAN LESLIE	X
FORD	RANDOLPH W	X
FOULKS	RALPH EUGENE JR	X
FRANCISCO	SAN DEWAYNE	X
FREDERICK	WILLIAM V	X
GARDNER	JOHN GARDNER	X

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LName	FName	244
BARWOOD	ROBERT RUSSELL	X
BERBER	DANIEL A	X
GLASSER	WILLIAM ALBERT JR	X
GREENLEAF	JOSEPH GALES	X
GRIFFIN	JAMES LLOYD	X
GRISSETT	EDWIN R JR	X
GRIYB	ROBERT H	X
HALL	HARLEY H	X
HANGEN	WELLS	X
HARRIS	BOBBY GLENN	X
HARRIS	JEFFREY LYNDOL	X
HARRNESS	STEVEN	X
HOLLAND	ROOSEVELT JR	X
HOLLEY	LAWRENCE T	X
HOLMES	TILDEN STEWART	X
HORNE	FREDERICK LEE	X
HUBERTH	STANLEY HENRY	X
JEWELL	ERIC JAMES	X
JONES	EUGENE MILLARD	X
JONES	BOBBY MARVIN	X
JONES	JOHN	X
KALLI	TANOS E	X
KENNEDY	JAMES EDWARD	X
KIER	LARRY GENE	X
KROSTK	HAROLD WILLIAM JR	X
LANE	CHARLES JR	X
LONG	JOHN HENRY SOTHORON	X
LULL	HOWARD BURDETTE JR	X
LUNA	CARTER PURVIS	X
MATEJOV	JOSEPH A	X
MC PHAIL	WILLIAM THOMAS	X
MCDONALD	JOSEPH WILLIAM	X
MCINTIRE	SCOTT WINSTON	X
MCKINNEY	CLEMIE	X
MCMURRAY	FRED HOWELL JR	X
MCPHERSON	EVERETT ALVIN	X
MCRAE	DAVID E	X
MELTON	TODD M	X
MIMS	GEORGE I	X
MITCHELL	ARCHIE EMERSON	X
MOON	WALTER H	X
MORRISON	JOSEPH C	X
NICHOLS	HUBERT CAMPBEL JR	X
NIERHOUSE	DANIEL LEE	X
NOLAN	MCKINLEY	X
OLMSTEAD	STANLEY E	X

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LName	FName	244
OLSEN	BETTY ANN	X
PARISH	CHARLES C	X
PARKER	WOODROW WILSON II	X
PARKS	JOE	X
PERRY	RANDOLPH ALLEN JR	X
PIERSON	WILLIAM C III	X
POGREBA	DEAN ANDREW	X
PORT	WILLIAM D	X
PRIMM	SEVERO J	X
RAGSDALE	THOMAS W	X
RANSBOTOM	FREDERICK JOEL	X
RAYMOND	PAUL DARWIN	X
REYNOLDS	TERRY L	X
RORABACK	KENNETH M	X
ROSS	JOSEPH SHAW	X
ROWLEY	CHARLES STODDARD	X
RUFFIN	JAMES THOMAS	X
SALZARULO	RAYMOND P	X
SCHOTT	RICHARD S	X
SCHUMANN	JOHN R	X
SHAFER	PHILIP RAYMOND	X
SHELTON	CHARLES ERVIN	X
SHRIVER	JERRY MITCHELL	X
SIMPSON	JAMES EDWARD	X
SMITH	WILLIAM	X
SPITZ	GEORGE R	X
STONE	DANA	X
TADIOS	LEONARD	X
THOMAS	KENNETH D JR	X
THOMPSON	WILLIAM JAMES	X
TOWNSEND	FRANCIS WAYNE	X
TOWNSEND	WILLIAM JAMES	X
TRENT	ALLEN ROBERT	X
TRIMBLE	LARRY A	X
VERSACE	HUMBERT R	X
VIETTI	ELEANOR A	X
WALKER	ORLEN J	X
WALTON	LEWIS CLARK	X
WEATHERMAN	EARL C	X
WILES	MARVIN BENJAMIN	X
WILKINSON	DENNIS EDWARDS	X
WILLIAMS	RICHARD F	X
ZICH	LARRY ALFRED	X
ZOOK	HAROLD JACOB	X

The CHAIRMAN. Could we also request assistance from you, which I think would be extremely helpful to us, and that is to try to take the 133 names that we have been left with, take the names that General Christmas has come up with, and your names—frankly one of the problems is, there are too many lists around. That has been a problem for 20 years. And some folks cannot make sense of why one is here and one is here. This committee needs to—we have got to make sense of that. So we need your help to scrub those. Can we anticipate that in the next couple of months we can do that together?

Mr. SHEETZ. Absolutely.

General CHRISTMAS. Certainly, sir. If you will provide that list of your 133, we'll make that comparison. We will do that analysis between the Joint Task Force and the DIA and we will provide you an answer.

The CHAIRMAN. Now, Mr. Sheetz, I really respect your statement and it was a good statement. And I particularly respect your defense of hard working and good people. I do not think that I have ever questioned that. I do not think this committee is here to question anybody's commitment to their job at this moment. But I think that policy is somehow different from that kind of commitment within an Agency of our Government. If often is. That is the nature of the beast.

And 20 years ago there was a policy and there were people trying to carry out what they could of it, but we had testimony earlier today that 8(b) of the peace accords was simply not implemented. There was not a capacity for full accounting. It was not your fault. Certainly, you were not there at the time. And it was not Mr. Trowbridge's fault at that time. That was the reality of the world that he was trying to work in. And they were even trying to cut the office, as we have evidenced.

But there have been criticisms, over the years, and you have admitted it. Mistakes were made. I am not here, now, to rehash all of them. But there have been mistakes made. I mean this database is simply inadequate. I think you would agree with me, would you not?

Mr. SHEETZ. The database contains many, many records from lots of sources.

The CHAIRMAN. It is inadequate in its current form. It is inadequate, do you not believe? Should we not have one list which is inclusive of everybody?

Mr. SHEETZ. I think one of the major accomplishments that we have reached here in the last couple of months with the formation of the JTF is combining our files with their files.

The CHAIRMAN. I agree. And I applaud the effort you are making now. It is going to help us. We are doing the same thing. But 20 years later we are putting this database together, correct?

Mr. SHEETZ. Data has been kept in different places. We have all tried to exchange it from time to time in the past. But the point is, at this time, we have a good team that is working together and we have a game plan.

The CHAIRMAN. I agree with that. I think there is a good team. I think it is working together, and that is obviously very important to people. But we have to sift out the history of this effort. And

that is what we are trying to do, obviously. I do have some more questions, but my time is up. Senator Smith.

Senator SMITH. Mr. Chairman, in the shuffling in and out, Senator Grassley missed his first round, so I am going to yield to Senator Grassley at this time.

The CHAIRMAN. Senator Grassley.

Senator GRASSLEY. Thank you very much. General Christmas, I want to ask you some questions. My point is, hopefully, you will have the answers. If you do not have the answers—and maybe even General Needham would be the one who should be asked—but what I want to establish here when we are done is a process so I can get answers to these questions.

First of all, let me observe that you are the first person from Hawaii to come here and not be darkly tanned. You are doing your job, obviously. So I want you to know that I observed that. I think that you must be dedicated to getting the job done.

General CHRISTMAS. I hope you'll tell my boss that, sir.

Senator GRASSLEY. The first thing I would like to raise with you is an issue that we raised in Hawaii, perhaps with the admiral as much as with you, but that involved Bill Bell. Has he left Hanoi for Bangkok yet? Does he have an office and telephone yet? And just kind of in general has he been treated in a manner expected by this committee? As I think we made very clear at our meeting and which was attested to by the Defense Department.

General CHRISTMAS. Sir, the answer to the first two questions is yes, yes. The third question: Mr. Bell currently has assumed his duties as our Special Assistant for Negotiations. He has just recently come back to Hawaii to be fully briefed on his position and how that position as Chief of Negotiations works. Obviously, there were some areas that he had not previously worked in. He has since returned to Bangkok.

As you know, we feel very strongly that Mr. Bell has an awful lot to offer this entire process and this entire effort. He brought with him very fine recommendations as he always does. And to the betterment of the program. General Needham is evaluating those. Some have been taken. Some won't be able to, but it is my judgment that Mr. Bell continues to serve very well and continues to be a very important part of our entire POW/MIA effort.

Senator GRASSLEY. So, I think you are saying, in regard to the third question that, at least as you would define it, he has been treated in the manner that we have expected and was stated to you in those meetings we previously had and attested to by the Defense Department.

General CHRISTMAS. I believe so, sir.

Senator GRASSLEY. I would just like to follow up on some private matters and questions, as I said privately, with respect to Mr. Bell and I would like to know if you would agree to designate someone in your organization with whom I can communicate these matters within just a few days.

General CHRISTMAS. Sir, I would be more than willing to do that for them myself.

Senator GRASSLEY. OK. Those must be done outside of this room.

General CHRISTMAS. OK.

Senator GRASSLEY. Now, third, in addition to being a member of this committee, I am also a member of the Budget Committee and I am sure as the military leader you are, you probably would remember my involvement in the 1980's in questioning and exposing excess prices paid by our Defense Department for goods and services.

Now, I noted recently and, again, if you can not answer this, we will wait for the answer. But I noted recently that our Government has just leased two MI-8 helicopters from the Vietnamese at a cost of about \$8 million. Now, these are to be used, and I remember our discussing this while we were in Hanoi, for search missions. So I understand that they are fulfilling a need. And even a need that this committee has been involved in.

I have made some preliminary inquiries, and found that we could buy the same helicopter, brand new, for much, much less. I stress that these are preliminary judgments that I am making, and I would like your response as to whether you think that is a fair price. If you cannot respond to that, then I would wait for an answer when you can give it to me. I just want you to know that I intend to look into this.

As a follow up of that question, whether or not you think that that is a fair price, I would also like to know why we do not use our own helicopters as we are doing in Cambodia?

General CHRISTMAS. Sir, first of all, as far the details of the contract, I would like to take that question and provide you that.

[The information referred to follows:]

The contract covers the period June 1, 1992 through September 30, 1994. The total cost for the entire period is \$8,090,460. This figure includes maintenance, parts, fuel, crew salaries, security fees and landing fees for leasing helicopter support, employing helicopters similar to the UH-60 Black Hawk as detailed in contract N68047-92-D0100 negotiated by the Navy Regional Contracting Center in Singapore. The per hour cost breaks out to be approximately \$2,796 (the figure is based on the contract proviso of helicopter usage of 1240 flying hours per full fiscal year). The fiscal year 1992 Revised Cost per Flying Hour Reimbursement Rates for Army Aircraft indicates the U.S. Government would charge a non-U.S. government organization \$3,501 per flying hour employing UH-60 Black Hawk helicopters. The charge would include maintenance, parts, fuel and pilots. The cost for the same period as the contract with Vietnam would be \$10,128,393. We consider the negotiated contract we have with Vietnam a "fair price".

Nevertheless, our preference continues to be employment of U.S. helicopters to support our POW/MIA resolution operations in Vietnam, Laos, and Cambodia. U.S. helicopters would be more responsive, more reliable and we would be more confident of their safety.

General CHRISTMAS. I would inform you, sir, that that contract was done with complete U.S. Government grade A—this is how a contract is supposed to be written.

As you know, Senator, the Vietnamese have flatly refused to allow us to use U.S. helicopters in Vietnam. And, in fact, as part of the negotiations we were very limited as to who we could deal with as far as obtaining that helicopter service. What we did was get the best deal that we possibly could to carry out this expanded period of operations.

And as you know we are now completely throughout Vietnam, both south and north. Right now our teams are in three widely dispersed areas of the country; the country as a whole, south and north. And obviously we need that helicopter support to be able to do the things that we have to do.

I wish we could do it with our own helicopters. As you know, in Cambodia right now, we have a Marine helicopter detachment supporting our operations there. They will do it for two field activities. Then the U.S. Army will come in and do two more. We are very comfortable with that. But in both Vietnam and in Laos, they have flatly rejected our requests.

Senator GRASSLEY. I cannot draw a conclusion until I hear, finally, from you, but I would almost think, based upon just some preliminary investigation I have done, that we could have bought those helicopters and given them to the Vietnamese and done it much more cheaply.

The next is kind of along the same line but, in addition to the helicopter contract, I understand that we are entering into other contracts with the Vietnamese for such things as hotel space, permanent housing, and other things. A couple of follow ups. Are all such contracts being handled by the Navy contracting office in Singapore?

General CHRISTMAS. It's a combination, sir, of both our office in Hawaii, in Honolulu, and some have been worked with the office in Singapore. But it is under the Navy's PACDIV as they call it.

Senator GRASSLEY. What benchmarks do we use for establishing that these are fair market prices?

General CHRISTMAS. I would have to take that question, sir.

Senator GRASSLEY. OK.

[The information referred to follows:]

The Navy Regional Contracting Center in Singapore is administering the helicopter support contract in Vietnam and the vehicle maintenance contract in Vietnam, Laos and Cambodia. Pacific Division, Naval Facilities Engineering Command has negotiated and is administering the contract for rental and renovation of the office and quarters site for the Joint Task Force-Full Accounting (JTF-FA) Detachment 2 in Hanoi. For JTF-FA Detachments in Thailand, Laos, and Cambodia, contractual support is provided by the respective Embassy General Services Offices. Whenever local purchases in Thailand are necessary, the JTF-FA detachment in Hanoi uses the General Services Office of the American Embassy in Bangkok as its agent. These various contracting officers determine fair market prices based upon the urgency of need, the required service or commodity, and its availability.

Senator GRASSLEY. Would you facilitate a review of these contracts with those of us on the committee who have an interest in this?

General CHRISTMAS. Of course, sir.

Senator GRASSLEY. Last, I would like to stress that I am, at this point, not making judgments of whether the price of helicopters are excessive, but I do intend to make some inquiry on the contracts and others, and for that you promised me, and I appreciate your assistance. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Grassley. Senator McCain?

Senator MCCAIN. I would be happy to have Senator Smith go ahead.

Senator GRASSLEY. It is Alfonse and Gaston and I am caught in between them.

Senator MCCAIN. Thank you, Mr. Chairman. General Christmas, I would like to ask you the same question I asked General Vessey. What is the extent of Vietnamese cooperation, in your view, and

what more needs to be done to help resolve this issue on their part? And you might add Laos while you are at it.

General CHRISTMAS. I believe cooperation is greatly improved in Vietnam. I think that the Solomon five agreements are a good measure of how that cooperation is going. In the case of the live sighting mechanism, we do have a live sighting mechanism in place, and we have seen, I think, very great progress in that area which did not have progress before. In the case of them expanding operations with us, and allowing us to do the things we need to do, there has been great improvement in that.

In the area of archival research and in the area of documents provided, there is an area where we need help, where they can, in fact, provide a great deal more. Our investigators as they go out—

Senator MCCAIN. What do you speculate is the reason they have not been more cooperative in that area?

General CHRISTMAS. Sir, as General Vessey, pointed out very well; you may, at the central government level say, this is what we are going to do. But when it comes down to action at the district or province level, it all slow down it might not take place.

The other thing that I would remark to you, sir, is the fact that I don't think we have given enough credence to the power of the district and province chiefs, both in South and North Vietnam.

Part of our entire process and part of these expanded operations is the greater and greater contact throughout the country. I think that is going to reap gains. The other one where we have difficulty is the trilateral agreements or trilateral talks and cross-border operations. That is at a standstill right now, Senator, and it's at a standstill for a number of reasons.

We would like to see the Vietnamese give us more information concerning their operations cross-border in Cambodia and Laos. We have to really crack the Ministries of Defense and Interior for that.

Second, both the Lao and the Cambodians have been very reluctant to enter trilateral talks. The Vietnamese based on the committee getting out there said, yes, you can go from Vietnam into Laos because, in some places, that is the only way you can get into where crash sites would have been. The Lao have disagreed with that and have said, no, we will not allow that. They have also disagreed with trilateral talks.

So I think the point is, we are making measured progress. Can we make more? Sure we can. I think in Vietnam that progress will continue if we continue to accelerate our operations, continue to keep our folks in country face to face with the Vietnamese.

We would like to see more expanded operations in Laos. I must say, though, in the first 6 months in Laos, they've done more than they've ever done. But in our estimate, we would like to be able to do more.

In Cambodia, they have been very receptive, sir.

Senator MCCAIN. I think it would be very important if you would, on a regular basis, send information to this committee through the regular chain of command as to what you feel needs to be done in addition to what is being done, in order to resolve this issue so that members of this committee who are interested can do

what we can in our way to increase pressure on both the Vietnamese and Laotians to show greater cooperation.

General CHRISTMAS. Sir, if I might suggest, every month, using the five agreements, we draft a message which measures that cooperation. That goes right to the central documentation office and it is unclassified. The same with our weekly sitreps. You know, our situation reports. At the bottom of each one, I have tried to evaluate where we have been that last week in the cooperation.

Perhaps, if the committee's staff can, in fact, just establish that with the Central Documentation Office, we would have it on record continually.

Senator McCAIN. Thank you. Mr. Sheetz, how long have you been with the DIA?

Mr. SHEETZ. I joined the DIA as a civilian in 1987, but I served a tour there as a military officer in the reserves for 4 years.

Senator McCAIN. How long have you been in your present position?

Mr. SHEETZ. 16 months.

Senator McCAIN. Why is it that it took 20 years to get one list, in your view?

Mr. SHEETZ. 20 years to get one list? We always had access to the files of the JCRC in paper files. What's been difficult is that every time a team goes out into the field in a joint iteration we learn something that we didn't know before, and that information causes us to reevaluate what we know about a particular case, and our databases are always sort of chasing after one other as new information comes in.

The critical point is that these numbers are not static numbers. They are always in fluidity. And the exercise that DIA and the JTF just went through was another attempt, one of many, to get our two databases in sync. And we'll have to do that again. 6 months from now, or a year from now.

Senator McCAIN. I hope every effort will be made to do so. I am sure you have seen the Americans recorded in captivity list that is up here.

Mr. SHEETZ. I have, sir.

Senator McCAIN. Have you got explanations for that list?

Mr. SHEETZ. We've seen the list itself the day before the hearing. It came over piecemeal in three letters to us. What I had asked Senator Kerry for, and he promised we would get it tomorrow, would be a breakdown by each name under each of the categories, so that we could see how you have been able to develop this list of names.

And what I promised Senator Kerry, and I promise all of you, is that we will sit down, our analysts with yours, and work through each and every one of those. And, at the same time, share with you what we have in our discrepancy cases and see what the common ground is and where the outlying points are.

Senator McCAIN. Well, it is unfortunate that could not have been done before the hearing, but obviously that is not under my authority. Mr. Sheetz, tell me, finally, what happens to your organization when you get a picture purported to be Lieutenant Commander Borah or Major Carr and it appears in all the newspapers of the country? What happens?

Mr. SHEETZ. Typically, they become very sensationalistic, as compelling photographic evidence sometimes is. And literally many of other efforts are stopped and people are pulled off onto special analytic teams to support a very detailed approach to gather information on every lead that we can develop or these photo cases. Essentially, we set up a series of task forces to run to ground any lead that we can develop from one of these photograph situations.

Sometimes they can be resolved quickly; other times, they take months and months, as was the case in the Carr photo.

Senator McCAIN. Have you seen the impact on the families of something like this?

Mr. SHEETZ. I have indeed. Probably the toughest part of my job is having to speak, either on the phone or in person with people who are agonizing over their particular circumstance.

Senator McCAIN. Have you seen what happens to the families once it is proven to be a hoax as in the case of Borah or Carr, the photos?

Mr. SHEETZ. I can only imagine, but it must be one of the most deflating and emotionally hurtful situations that you could encounter in your life.

Senator McCAIN. Thank you very much. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator McCain. Senator Kassebaum.

Senator KASSEBAUM. Mr. Chairman, I just have one brief question, I have to go to another hearing, that I would like to ask General Christmas as a follow-on on Cambodia. It has been reported that the Khmer Rouge is pulling out of the peace negotiations. You have commented that they have been much more forthcoming. Do you see this as something that is going to be a setback?

General CHRISTMAS. Senator, I don't believe it is going to be a setback as far as our joint field activities. However, one of the things that we are greatly concerned about is the security of our field teams. Right now, we avoid Khmer Rouge areas, and our activities have worked so that we do not, in fact, come in conflict with those areas where the Khmer Rouge have taken hold.

Second, we are working very closely with the United Nations command. We tell them exactly what we are doing, where we're going and when, and we share intelligence, if you will. And please don't take that out of context. We share information, hey, this is not a good place to go. We would back off from that. But we keep them informed of our activities. Obviously, we are concerned that if the peace process falls apart, and the Government of Cambodia falls apart, we will lose all of this cooperative action and spirit that we've had.

It's so good, Senator, that we actually have the deputy minister of Interior, who delayed our operation the last time by 1 day only because he wanted to go, because he's so involved in the activity. We would hate to see that go away.

Senator KASSEBAUM. But you say we cannot go into any area that is controlled by the Khmer Rouge.

General CHRISTMAS. That is correct. We do not go into those areas. Fortunately, at this time, we do not have active cases in those areas.

Senator KASSEBAUM. So there is no active case in that area?
General CHRISTMAS. That's correct.

Senator KASSEBAUM. Do you have anything that would indicate that the Chinese were involved? That any of these that are on any list, any of our people on the list might have gone into China?

General CHRISTMAS. I have no personal knowledge of that ma'am.

Senator KASSEBAUM. Thank you very much.

Senator MCCAIN. Thank you very much, Senator Kassebaum, Senator Reid.

I might add just before Senator Kassebaum goes, I think, General, am I accurate or not, that there are really very few questions of any live—I do not think there is in fact any live issue in Cambodia. The only issue at this point, I think is remains recovery. Is that accurate?

General CHRISTMAS. Not completely, sir. We continually follow through on cases that indicate that there possibly are Americans in Cambodia, and Bob's people with the—

Senator MCCAIN. How many live sightings in Cambodia?

Mr. SHEETZ. I don't think we have any live sighting reports right now, but we do have nine discrepancy cases in Cambodia that are at the forefront of both the DIA and JTF work in that country.

General CHRISTMAS. The possibility is they could have possibly been alive, so we have to follow through on that.

Senator KASSEBAUM. But none in the areas where you say we cannot get into?

General CHRISTMAS. That's correct, ma'am.

Senator KASSEBAUM. Is that true, Mr. Sheetz?

Mr. SHEETZ. I don't think any are in Khmer Rouge areas.

Senator KASSEBAUM. Are not in. Thank you.

The CHAIRMAN. Thank you, Senator Kassebaum. Senator Reid.

Senator REID. Gentlemen, what is the latest live sighting report that any of you know of?

Mr. SHEETZ. We receive them all the time. The inventory of—

Senator REID. When you say all of the time, it would not be unusual to receive a couple a week?

Mr. SHEETZ. Many weeks we could receive two or three or four or more. We have a working inventory that we are investigating aggressively. Between 80 to 125, and about every 3 months, we hold a review board where representatives of the entire intelligence community plus the State Department and the Joint Staff and OSD come in and listen to our analysts describe what we have been able to do to resolve or otherwise investigate the case.

And cases get closed out at that point, and the inventory drops down to maybe 75 or 80, and then over the next couple of months it will build back up. And we will hold another review board. So it's a very fluid figure.

Senator REID. General Christmas, the Cambodian situation you touched upon but it seems clear to me that recovery of bodies there would be, I do not know if I am using the right term, but next to impossible. There are millions of people that are in graves, or remains scattered on top of the ground. Is that not right?

General CHRISTMAS. That's correct, sir.

Senator REID. So, even though you are working on the discrepancy cases as far as finding the remains, in Cambodia that is really going to be difficult, is it not?

General CHRISTMAS. Yes, sir. It is going to be difficult. But we owe it to those families to go the full mile, to go the whole way. And, as an example, we just not too long ago, recovered full sets of remains for four newsmen. So there is hope out there. And that's what we have to proceed on.

Senator REID. These are remains that one of the government groups there told you existed?

General CHRISTMAS. That's correct, sir.

Senator REID. When are we going to have one list? Do we have an idea when that might be?

General CHRISTMAS. Yes, sir. We have one list now, of the 2,266. In May, both the Defense Intelligence Agency and ourselves sat down. We totally reconciled that list. That list was reconciled by location and country and the like and on June 22 and was totally agreed to.

Senator REID. So a couple of days ago?

General CHRISTMAS. Yes, sir. That list has now gone to the Department of Defense and the appropriate corrections and/or whatever is done is that level, will be made. But that has been completed.

Mr. SHEETZ. Could I add something to that please, Senator? Even this so-called one list is also a fluid list because some of the losses take place in border areas. The last piece of information known to the U.S. Government may have that case on the western side of the border in Laos and when our teams get out on the ground on that particular case, they find out, no, it's not true. The incident actually occurred on the eastern side of the Lao/Vietnamese border in Vietnam.

So, even though we've agreed on needed data adjustment and have recently made adjustments, I would submit to you that there will be more. As we learn from our future field activities, it will cause us to refine our judgments and our information. And the number for Laos, right now it's 522, 6 months from now it, may be 519 or 520, or—

General CHRISTMAS. The important point, Senator, though, is the mechanism in place. Since we've established the Joint Task Force and the supported and the supporting command relationship with the DIA, we have their representatives right in the Joint Task Force. They are in our detachments. And that—we are now tied together. I think that's the important aspect of this.

Senator REID. I have been told that there are Vietnam wartime histories and some of these speak of the death or capture of Americans. Are you familiar with any of those?

General CHRISTMAS. Sir, we know of histories that are written. We are in fact continually asking for any kind of histories that the Vietnamese may maintain. We have analysts ready to totally devour them. Because, as an example, sir, the 84-page document, which we did receive during the last visit, that has given us information on over 1,100 individuals who we could help correlate their particular case.

Senator REID. Some of that information, then, has been helpful?

General CHRISTMAS. Yes, sir.

Senator REID. And you are constantly on the look? On the watch for additional histories published in various areas of Vietnam, is that right?

General CHRISTMAS. That's correct, sir.

Senator REID. And to your knowledge you are familiar with only one of them now. Is that right?

General CHRISTMAS. I have given the committee a list of what we currently have.

Senator REID. I will check that out then.

General CHRISTMAS. But I will tell you, sir, they can do better and we want more.

Senator REID. Do you have at your disposal adequate resources? People to read those?

General CHRISTMAS. Yes, we do.

Senator REID. You have no problem with that?

General CHRISTMAS. That's correct, sir.

Senator REID. What is being done to develop, or perhaps it already has been done, a reliable list of deserters?

General CHRISTMAS. Sir, that is a difficult question. If you were to ask me, do I have a reliable list of deserters, my answer is no, I do not. Those we do know of, and those that we have been able to find, we have interrogated. But I could not say to you in all honesty that we have, that I have or the JTF has, an accurate list of deserters from the war.

Senator REID. Are we working on one?

General CHRISTMAS. I'd have to defer that to the Department of Defense, sir.

Senator REID. Can anybody answer that?

Mr. SHEETZ. We mounted a major effort, some years ago, to review files to try and see if it was possible to get a handle on deserters who could have deserted in Vietnam, and we found out that it's an incredibly complex topic. The numbers in the way they were kept by the military services during the war, make it almost impossible for you to distinguish between someone who actually deserted in country versus someone who deserted outside the theater. For example a soldier got a set of orders. He just got out of basic training, and he got a set of orders to report to a unit, a combat infantry division in Vietnam. And he never reported. And on the day that his orders called for him to report, he wasn't there, and they count him at that point as a deserter.

He may have never, ever set foot in Vietnam, and you have the circumstance of guys who went on R&R who decided that they weren't going back and never reported back from their R&R. It's an incredibly difficult exercise to sort out who deserted in country versus who deserted from a unit and was carried on the books but really, wasn't even in country when they deserted. Very difficult.

I understand the committee is trying to work that. I'd be pleased to see what the committee has come up with and see if we can do something to it.

Senator REID. The reason is obvious. You know it is easy to get them mixed up with people who are prisoners of war or missing in action.

Mr. SHEETZ. I had experience of my own that I can relate to you that's of interest. I was in Vientiane with a congressional delegation back in December and, as we were loading our bags into a van and leaving the hotel on our way to the airport, I was looking out the window of the van, and I saw a guy walking down the street. Very tall, darkly tanned, in a white monk's outfit, but I could tell that he was a Caucasian and not Oriental. And I remarked to the State Department liaison official who was in the van with us, that guy looks like an American. Do you know who he is? And they said, yes, we have seen him before. He's a deserter from the war.

I about died. I said, that guy is a deserter? What's his name? The State Department official advised that he had his name in a file, back at the embassy. I said, listen, we've got to get to the airport now. Our plane is waiting for us. But, when you get back to the embassy, I want you to research that file and get me a cable, immediately, describing what this is all about. If that's a deserter, we need to know who he is. Well, to make a long story short, about a week after I got back, I got a phone call followed by a detailed cable reporting that the individual was not a deserter.

Once we had the name, we call this individual's mother here in the States. It turns out her son mustered out, decided that he liked Southeast Asia, and went back, actually converted his religion and became a Buddhist monk.

But they all thought he was a deserter, and it turns out he absolutely wasn't. And we confirmed all that through records and through talking with this man's mother.

So I'm aware of the reasons to follow up on deserters and we'd be happy to work with you and the committee on this topic.

Senator REID. One last question, Mr. Chairman. Do any of you know of any American servicemen in Southeast Asia, like Garwood, who are still there?

Mr. SHEETZ. I do not. And when I met with Vietnamese officials last summer I asked that question, as has General Vessey and General Christmas, and I'll let him speak for himself.

General CHRISTMAS. I have no personal knowledge, sir, that we have any there.

Senator REID. You have no personal knowledge. Do you have any reports, any hearsay information that they are there?

General CHRISTMAS. Sir, we have live sighting reports that we continue to pursue. But we have, at this time, no sufficient information to say that we have a live American in Vietnam or any place.

However, and I would be the first to tell you this, we don't have sufficient information yet to say that there isn't, and that's why we will pursue and continue to pursue these live sighting investigations, the last known discrepancy cases, and through our efforts expand throughout those three countries.

Senator REID. Mr. Chairman, I know my time is gone but I have to ask this one last question. You have no personal knowledge. You are following up on all the leads. You can't give up. But let me ask you, gentleman, do you think that there are any people connected with the United States who served in the military in the Southeast in that conflict who are still alive? That is what it is all about.

General CHRISTMAS. I will go on record and say that I personally do not believe that we have any live Americans in the three countries at this time.

Mr. SHEETZ. And I would tell the Senator that if I had that kind of information, the Senator would have already known about it.

Senator REID. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Reid. Just a couple quick questions before we wrap up. First of all, Mr. Sungenis, you deserve the patience of the year award for your remaining available for questioning. It is a tribute to you that we have not come back to you more, but I want to ask you a couple of quick things.

You kept your own set of casualty statistics, is that accurate?

TESTIMONY OF ROBERT SUNGENIS, CHIEF, DIRECTORATE OF INFORMATION, OPERATIONS AND REPORTS (DIOR), OFFICE OF THE SECRETARY OF DEFENSE (OSD), 1973-92

Mr. SUNGENIS. Yes, sir. I have what is generally known as the official file, and it's based on the individual casualty reports provided to my office by each military service.

The CHAIRMAN. Do you have a record of what each branch of the military gave to you?

Mr. SUNGENIS. I have the names, sir. It's an automated file. As I mentioned in my testimony, my detailed statement, I essentially went out of business in 1980 and the file was transferred to the National Archives, the hard copies of all of those individual 1300's because they contained privacy information regarding the next of kin, it was determined they would not be transferred and the official files were retained by the military services and my copies were destroyed.

The CHAIRMAN. Fair enough. And we have, actually, a copy of that.

Mr. SUNGENIS. Yes, sir.

The CHAIRMAN. Did you have close contact with DIA in the exchange of your information and the maintaining of your file?

Mr. SUNGENIS. Periodically, sir. Regularly, I'd provide my information to anyone who asks for it.

The CHAIRMAN. What I am asking is was there really a relationship? Did you have an exchange process where your casualty figures, as you have maintained them—the word that has been much here is scrubbed. Was there really a kind of here is what we have got, here is what you have got, are we in sync? Did that process go on?

Mr. SUNGENIS. I do not look at DIA's files. I provide my information to DIA.

The CHAIRMAN. So you just give it to them and that is the end of it.

Mr. SUNGENIS. Well, no, not quite, sir. Because invariably, as I say, periodically—and I mean regularly, I would provide the information to DIA and their staff members, always with the request that you find something wrong, let me know, as I do with all of the military services.

The CHAIRMAN. And your contact with the casualty figures from the services ended when?

Mr. SUNGENIS. It's going on today, sir.

The CHAIRMAN. It is going on now.

Mr. SUNGENIS. Yes, sir.

The CHAIRMAN. It is still going on. It started when?

Mr. SUNGENIS. The first casualty reporting requirement from the services was in 1963, and that was a numerical report only. In March 1973 the requirement was made that the services provide us with individual casualty reports. And what they did in 1973 was provide us with a DD form 1300 for each individual and a punched card with that information. Since that day we have maintained the file. But as you know, this was after Operation Homecoming when we got into the business.

The CHAIRMAN. Now, General Christmas, I applaud your willingness to take a position on what you believe. I think it is important for people to state what they believe, particularly—

General CHRISTMAS. I wish I was wrong, sir.

The CHAIRMAN. Beg your pardon?

General CHRISTMAS. I hope that I am wrong.

The CHAIRMAN. I totally understand that and I know it will not affect what you are doing at all, but I think that as we go along here, we have got to get reasonable people's opinions on where we stand in this. The committee is going to making its own judgments as we wrap it up toward the end of this process. As I have said at the outset of these hearings, and I say it again, anybody who has got real evidence, this is the time to come forward and we are all ready to sift it through.

But I want to ask you a couple of other questions that are very important to this. Yesterday we asked the question of Mr. Trowbridge and others about the 2,266 list. When people in America hear POW/MIA, 2,266, they go wow. Are there 2,266 POW/MIA today, General?

General CHRISTMAS. POW/MIA: Sir, there are 2,266 that are unaccounted for.

The CHAIRMAN. Now are they, in fact, truly unaccounted for?

General CHRISTMAS. We have cases on each and every one of them. Some of those cases are conclusive that we have in fact—as General Vessey testified, that in fact, in the case of the 35 that came off his list. We have good information that they are dead but there is a chance that we might recover their remains, so they remain.

The CHAIRMAN. I agree. But that raises the issue of whether there ought to be a new category conceivably. And one hesitates to create categories, but is it not a fact—and I think, Mr. Sheetz, you can help answer this—that there are some cases where somebody may have been, by virtue of all the information, deemed to be killed in action and rather than body not recovered, the body is not recoverable?

Mr. SHEETZ. That's definitely true, certainly among the KIA/BNR cases.

The CHAIRMAN. Now in the 2,266, we have a significant number, do we not, of people about whom it is your judgment and the service's judgment, by virtue of all the input, reviewed and passed by a

casualty board, that in the best judgment of all concerned there is a certitude in their judgment as to that person having been killed in action. Is that accurate?

Mr. SHEETZ. The list breaks down almost in half in terms of people who—

The CHAIRMAN. When are we going to kind of call that one? I mean when are we going to deal with the issue of finality with respect to that, rather than having this larger world that raises people's questions about this? I mean I have not talked to anyone in the Pentagon, DIA, CIA, anywhere, who has anything to do with this issue, who does not confirm to me that there is a significant body of the 2,266 who fall into that category. Is it that there is a timidity? Does nobody want to do that? Are we going to go on? Help me.

General CHRISTMAS. I think for one thing, sir, you are above our pay grade. That is certainly a policy decision. I can assure you, however, from the Joint Task Force perspective, and I know from the Joint Staff perspective, we have made recommendations. And I think that, at the policy level, considerations are starting to be made at this time of looking into what should be the appropriate procedure, based on your question.

The CHAIRMAN. Are you reviewing those cases in order to make certain as to the judgments that were made so we do not wind up with a situation where someone is so categorized and it is simply not appropriate?

General CHRISTMAS. Sir, those decisions are made at the interagency group level. We provide the information.

The CHAIRMAN. Who is in charge of that decision?

General CHRISTMAS. Well, as you know, the interagency group is composed of both the State Department, as well as the Department of Defense and other representatives.

The CHAIRMAN. Should there be this new category of killed in action, body not recoverable?

General CHRISTMAS. I think—and someone may have to correct me—I think the Department of Defense has now put—well I best not say. I'm not sure, sir.

The CHAIRMAN. Let us pursue that after this. I know we need to work with the families and with others, there is no question of that, but I think it is something that ought to be a part of this process.

Another question that is on the minds of a lot of Americans, is there a kind of catch-22 to this process, that we search and search but there is always some ravine in some location that somebody has not been to, so you can never say? I mean it is the nonproving of a negative. Are you fearful of that in any regard? Is that a problem here?

General CHRISTMAS. I believe that we've put into effect an operation that, if given the access to the countries involved, given greater cooperation or expanding or increasing cooperation by those countries involved, I believe we have put into effect the operation that can, in fact, bring about the information where correct decisions can be made on the fate of the 2,266.

The CHAIRMAN. And when will the province by province process be in place?

General CHRISTMAS. That is phase 2. And that takes place as soon as we have completed the last known alive discrepancy cases. Now as I indicated in my testimony, certainly in some of those last known alive discrepancy cases we will have to return to them, because the information we find will need further information to come to more resolution.

But every time we get our teams in the field, we're seeing increasing information that helps us make a determination, and that's the important thing.

The CHAIRMAN. General, that leads me to last sort of question. Every time we get our people in the field we get more and more information. When I was—I have made three visits now to Vietnam in the last year and a half. On each occasion the ambassadors of other countries who are our allies—whether it is France or England or Italy or Germany, Sweden—have all said to me, Senator, why do you not get your people in here? If you want to find the answers, get your people in here.

And you just said the more we get our people out there, the more information we get. It seems to me that our own policy of sort of not dealing, and dealing at arms distance, works counter to our ability to resolve this issue. That the more people we could get in and the more interaction we get, the more we are going to get answers. Am I wrong, or what is your experience thus far?

General CHRISTMAS. Our experience is this, sir. First of all, we've made a great breakthrough by getting those detachments in each one of the capitals, and that day-to-day activity that our Hanoi detachments make is extremely beneficial. We go in at 30 day iterations because, quite frankly, the terrain, the work load, and the stress put on our teams, at the end of that 30 day period they need to come out, they need to rest, they need to write their reports which are so important to get that information into the flow.

And the final thing is that obviously the Vietnamese, the Laotians, and the Cambodians have to agree to the number of people and the number of teams that we're allowed to put in country each time. Now we have gotten the Vietnamese to agree to expand the next field activity to four teams, four investigative teams or search teams and two recovery teams. They'll do that for the next two field activities, and then in the third of these four field activities it'll expand to five teams.

The CHAIRMAN. I understand. But that is working within the current framework of people you have assigned, correct?

General CHRISTMAS. That's correct. But I think we also must understand that that is within the framework of what the Vietnamese can support also.

The CHAIRMAN. I understand, all of which has to do with policy which is not your field. So I am not going to ask you to—you have to deal with what you have to deal with. You do not make the policy and I understand. But if, as a matter of national priority, we thought somebody was alive and we want to find out as fast as possible, I want to get as many people as possible doing this and push the limits.

General CHRISTMAS. But obviously, sir, the host countries have to—have to agree to it. And we're constantly pushing.

The CHAIRMAN. I hear you. And there are some reasons they might not. Mr. Sheetz.

Mr. SHEETZ. I'd like to underscore this. There's something that Senator Smith and Senator Kerry, both, I think, could help us with. I recognize you'll probably be making another trip to Southeast Asia before your committee completes it work. If you do, or if another opportunity presents itself—

The CHAIRMAN. We may be.

Mr. SHEETZ. I wish you would underscore to both the Lao Government and the Vietnamese Government the need for unfettered access in conducting live sighting investigations. Basically, not frustrating our officers when they're out there in the field trying to facilitate the process. We're making progress, it's getting better, but it's got to get a lot better before I'm going to be happy. And if there's anything this committee could do to underscore with those two governments.

The CHAIRMAN. You know what I would like to ask you to do. I really would like you to give me, in writing, a memo that sets out specifically examples of the kind of thing you are talking about.

Mr. SHEETZ. I'd be pleased to do that.

[The information referred to follows:]

(4) Senator Kerry: Mr. Sheetz provide, in writing, details of the obstructions which DIA/JTF-FA live sighting investigators have been subjected to by the Vietnamese.

(4) Mr. Robert R. Sheetz: Let me say at the onset that in general, and at a policy level, the Vietnamese have become open, with some reluctance, to live sighting investigations. The problems which the Vietnamese have raised to the live sighting investigators have been at a working level and of an operational nature. In the start-up period in the Fall 1991 they demanded a long notice investigation process, sometimes as long as weeks. Through negotiation they have accepted the idea of a short-notice investigation. However, in recent weeks, they amended that to note that it precluded any short-notice visit to any governmental facility, stating that a week's notice would be necessary. Recently, they have suggested that in the future, they would have to be provided a list of the sightings with the substance of the reports, the specific locations, and the sources made known to them beforehand. The Vietnamese indicated that they would like to interview the sources to assess their validity. Additionally, they would like the list to be prioritized and finite since they are unwilling to accede to this process in the long term. However, these objections were denied at the policy level by a Vietnamese spokesman, and in fact, a short notice live sighting investigation was conducted successfully after the objections were raised.

The CHAIRMAN. That would be very helpful to us. I will say that Senator Smith and I could not have impressed on people more—and I think that what General Vessey said, at the upper level there is a lot of agreement. We went out to a prisoner. The upper level was pushing extremely hard to get the permissions; the lower level just had not quite gotten the message completely.

As we all know, there are 20 years of habits. There are a lot of different feelings and ideologies and different levels of willingness. So you have to break through all of that, and I think we understand what you are talking about; we need some help.

Before I summarize, let me ask Senator Smith if he has any additional questions.

Senator SMITH. Three or four points to jump around with, Mr. Chairman.

General Christmas and Mr. Sheetz, would you agree that this committee and the American people would be entitled to see, subject, you know, to any national security problems, all of the data

that this Government has on this issue? Would either one of you disagree with that statement?

Mr. SHEETZ. As long as proper safeguards are worked out, I see absolutely no problem with it.

General CHRISTMAS. Again, the key is those sources that could be compromised and could be hurt by it. But we in the Joint Task Force have been moving very steadily to ensure that everything is unclassified.

Senator SMITH. General Christmas, on May 6 there was an AP report quoting both you and General Needham. General Needham said—this is what he is attributed as having said: There still is no reason to believe any missing American is alive in Vietnam, Cambodia or Laos, but every live sighting has to be checked out, unquote.

There seems to me to be an inconsistency in that statement. If you have a missing child and somebody calls your home and says I have seen your child, does that not give one some reason to believe that child might be there where they said they saw it? Is that a fair assessment of that statement?

General CHRISTMAS. I think if taken in that way, it is a fair assessment of that statement. I would just indicate to you, obviously, sir, we haven't seen the information that says that there is, but we continue to pursue.

Senator SMITH. No, I understand. But I guess—I am not trying to argue with that. I understand what you said and you have made your point, but to me—again, not in the sense of being confrontational but to be somewhat critical—with the job that you have to do and the importance of the job that you have to do, it seems to me to be somewhat like going to a baseball player and saying now, Smith, you are going out and you are going to play first base—which I used to do—and you will be batting third. Now Smith goes out and plays first base. He does not bring his glove because he is not going to get any ground balls and he does not take his bat up to the plate because he is not going to get a pitch.

I mean that to me is what it sounds like when you take the position you stated. You are entitled to your opinion and I understand that and I respect it, but you are in a position that you are on a very important mission here to find information. I know you stated a personal opinion. However, it is still—I think the fact that there are live sighting reports out there, whether you believe them or not, but the fact that they are there indicates that they have to be pursued.

General CHRISTMAS. Sir, I would like to, if I can—

Senator SMITH. Go ahead and respond.

General CHRISTMAS. It does not mean that I don't believe that live sighting report, and we pursue each and every one of those live sighting reports. Unfortunately, all of them to this point in time—at this time, we have not been able to determine that there have been live Americans.

I am the first one to want to see an American walk out of the jungle. I am the first one to want to make a great discovery and have one of our teams determine that there is an American there. I'm the first one that ensures that there are plans in place to bring Americans back if we should find them.

You know, but you asked for a personal opinion, and from what I have seen to this point, sir, I don't think there are. But I would tell you that that in no way hampers a tremendous effort that the Joint Task Force and the support of DIA, is going to upturn every possible lead.

Senator SMITH. Let me just ask one final question of you, Mr. Sheetz. In your remarks you talked about—you named by name, actually, a lot of the people who work in your office, many of whom I have known over the years as well. And I just—some of the criticism, as you know, there have been two or three internal reviews. And if we are going to comment on all the criticism it ought to be in a way that helps us to resolve the issue and find out what happened to these people. I mean I think that is the spirit of any criticism, as far as I am concerned.

And I think that, as I look at the categories in the so-called Si Report, which is not a classified document but it does go into the categories of the missing, and we have a list of certain people who are missing and their circumstances of missing. And you have some categories—and this is a very brief question, Mr. Chairman.

You have some categories and here is what the categories are. Now these are the categories of the people are missing. One category is unresolved cases—this is on your sheet, a DIA document. One is unresolved cases. That would cases that can be correlated to know—or second category is cases that can be correlated to known individuals such as returnees. The third category is cases that offer no information on POW's. And the fourth category is information on camps only; I assume POW camps. And then there is another category of cases judged by DIA to be fabrications or possible fabrications.

It is interesting, as I read down that cover page, that there is no category for POW's, none. There is no category for somebody who is telling the truth, none. It just seems to me that if you are going into this thing totally open-minded, and you have got a sheet that lists all the missing, you ought to have a category on there for POW's even if you do not have anybody in it. You ought to have a category on there for people telling the truth, even if everybody is lying, because somebody may come along and tell the truth.

Now that is the kind of thing that makes me want to rebut you when you talk about total commitment, and I am not trying to pass any aspersions on any individual. But I see this and these are the kinds of things that bother me very much, and there are other examples of this and this is just one.

Can you give me any explanation—and this is a final question—any explanation as to why such a document would exist that covers 2,200 and some missing people from the Vietnam War, with live sighting reports all over the place and other intelligence as well, that does not ever have a category for POW's or people who are telling the truth. I mean that is what it says, it speaks for itself.

Mr. SHEETZ. The way I would answer that question, Senator Smith, is of the 2,266 unaccounted for, DIA has worked hand in glove with the people at the JTF, the predecessor organization, JCRC, and policymakers, in identifying a total of 269 discrepancy cases in which the last information known to the U.S. Government, or other significant facts that have been developed about that case,

indicate that—there's some information that caused us to believe that that person was still alive the last time we knew about that person.

Senator SMITH. Well I saw the report on the mortician, the infamous mortician who gave us information about the cataloguing, if you will or whatever—processing remains, etc. And as you know, he also said he saw three, I believe, two or three, live Americans.

Mr. SHEETZ. That's true.

Senator SMITH. And he was considered a very credible witness. Nobody was able to debunk him; I read the entire report.

Mr. SHEETZ. That's right.

Senator SMITH. What category does his report fit in on that list that I read? He is not a fabricator. He is not a possible fabricator. He certainly gave you information on POW's. I mean where does it fit?

Mr. SHEETZ. This report, which the Committee has called the Si Report, was one of probably thousands of database runs that we have done at various times to support the analytic process. And in fact the reason it got its name, the Si Report, is that it was conceived of and run by one analyst whose name—whose first name happens to be Si.

Analysts come up with different hypotheses and different approaches to the data when they're working a case, and they'll go in and ask our data processing manager to try to isolate out a group of cases to test a certain hypothesis. And they'll come up with some criteria to make a run. Analysts do that all the time, and I would not want to stifle the freedom of analysts to do whatever they're going to do.

I think the critical thing is that we have focused in our office, and we continue to focus, on those critical cases where we have information that represents a serious discrepancy. Basically we want answers from the Vietnamese on this cause.

Senator SMITH. Is this your database? Is this Si Report your database? Is that your database or not?

Mr. SHEETZ. As to what you call the Si Report, my understanding is that it is one run that was extracted from our database. The run may have actually taken a look at every file in the database, but it is not—it does not represent a definitive view of our database.

It's one way to depict all the information that's in the database. And I could postulate for you hundreds of other ways that I could sort information in the database and categorize it in many different ways by combining different source categories and sort criteria.

Senator SMITH. Just as a suggestion, I would suggest you might put a category in there for somebody that might be telling the truth and that somebody might be a POW.

Mr. SHEETZ. I'll take a look at that, sir.

The CHAIRMAN. I think Senator Smith's point is well taken, that there is that possibility. I think you ought to look at it.

But let me just say that with respect to this kind of issue about the various reports and what they mean, we are going to be sitting with you folks—I think next week is the first round—and we are going to be doing a pretty detailed analysis of some of these things so that we can understand how you made judgments and you can explain to us how you made judgments.