

The Lao agreed in 1983 to the first technical meeting since the end of the war and despite an almost one year interruption caused by a cross-border foray by Mr. Gritz who falsely claimed government support, the first excavation was conducted in Laos in February 1985. In 1985, the Lao agreed to more excavations and policy dialogue increased in intensity and expanded to the Under Secretary of State level.

#### 1985-1987

Encouraged by apparent Vietnamese agreement to finalize the two-year plan, the highest level delegation to go to Vietnam since the end of the war arrived in Hanoi, led by Assistant Secretary of Defense Richard Armitage and Assistant Secretary of State Paul Wolfowitz in 1986. Our hopes became dashed after our return, for despite Vietnamese pledges to treat the issue as humanitarian, they attempted to subvert the plan with political and other linkage. In October of 1986, Deputy Assistant Secretary Monjo led a delegation to New York to meet with senior Vietnamese officials to attempt to overcome the hurdles. I met afterwards with the same senior officials and the League Executive Director for an extended session to determine Vietnamese objections. Upon my return to Washington, it was obvious to all that the initiative was dead.

We then began discussions through the IAG in Washington on how to proceed. We agreed on the need to keep the issue humanitarian, but attempt to respond to Vietnamese expressed humanitarian concerns and raise the level of our representation to signal the administration's serious intent. The President agreed upon the conceptual recommendation to appoint a Presidential Emissary in October 1986. We felt it should be someone closely identified with the President, who understood the issue and would have credibility with the Vietnamese.

At the time, it was envisioned that the emissary would be a temporary assignment in order to reach high-level agreements necessary to reinstitutionalize the process. General Jack Vessey was asked in January 1987 if he would serve in this capacity and he accepted the job in early February. General Vessey had held a long, dedicated interest in the issue during his time as Chairman of the Joint Chiefs of Staff and is a man of known integrity. He was recommended by the League Executive Director and all concurred in his selection. General Vessey began his preparations and the government began to look at new initiatives that he could take with him to Hanoi. They were approved by the President, the Vice President and the Cabinet.

Since the Vietnamese had attempted to politicize the issue during the two-year plan negotiations, it was agreed that an advance interagency delegation would seek to travel to Hanoi

before General Vessey in order to firmly establish his charter as non-political, while indicating the United States was prepared to discuss Vietnamese humanitarian concerns. After some delay, the Vietnamese agreed to receive the advance delegation which I led to Hanoi in May 1987. Having met with the Vietnamese ten times for extended meetings and negotiations at high levels in both New York and Hanoi, I was shocked at their attitude. They exhibited hostility and obstinacy that I had never before encountered. Their initial response was that they saw nothing new in the proposal and they appeared to threaten rejection of the President's initiative. I indicated that this was a serious initiative and in their interest to accept, but if they did not accept it, I would inform the administration of their decision. They finally agreed to consider the request. Through message follow-up, the Vietnamese finally agreed to accept General Vessey and he led a delegation to Hanoi in August 1987 with unanimous resolutions of support from both Houses of Congress. Vietnam agreed during this meeting to resume POW/MIA cooperation and to focus their initial efforts on the representative discrepancy cases which we had selected for discussion. Throughout the remainder of the year, General Vessey met again with the Vietnamese, supplemented by an IAG delegation and expert teams on the POW/MIA issue and the issue of providing prosthetics support to Vietnamese citizens.

With Laos, policy-level meetings continued at a high level on discrepancy cases, another excavation was conducted with concrete results. Cooperation then slowed in 1986.

#### 1987-89

General Vessey's work began to show significant results in 1988 as unilateral remains repatriations resumed in larger numbers than previously seen, the Vietnamese agreed to greater access and joint investigations. Once again during 1988, Vietnam attempted linkage which caused a temporary delay in cooperation. But 1988 became the high point in case resolution to date. The Vietnamese have once again scaled back the repatriation of remains in 1989 and it is now at an all-time low since 1982.

Further policy-level meetings were held with the Lao in 1987 and cooperation was resumed. Laos unilaterally turned over two remains they recovered, joint surveys increased, crash site excavations resumed and greater focus was brought to bear on discrepancy cases in Laos. With Laos it is now at an all-time high.

#### Mr. Ross Perot

The Committee asked several questions concerning Mr. Ross Perot, and the foregoing was provided so the Committee could

better put Mr. Perot's involvement in the overall context of the issue and our negotiations.

I recall only three occasions when I had direct interaction with Mr. Perot. Two phone conversations and a meeting that lasted 1-2 hours. The first phone call was in late 1984 soon after a Wall Street Journal article was published concerning Mr. Robert Garwood's assertions that after many years of denial he now claimed firsthand knowledge of Americans in captivity in Vietnam. Mr. Perot was concerned about the report and indicated his readiness to go to Vietnam. His suggested approach was a direct cash offer for the return of anyone there as a prisoner and he and his delegation would sort out the deserters.

The second conversation was sometime in early 1985 when some in Congress and the private sector were pushing for another national POW/MIA commission to be headed by Mr. Perot. All that I recall from the conversation is that he wanted the White House to know that he did not wish to serve unless asked by both the Senate and the House and the President.

My third interaction took place, I believe, in the fall of 1986. It was in the Pentagon. During this period, Mr. Perot was getting briefings, etc., from DIA and other agencies and asked if I could come to the Pentagon and brief him on negotiations and policy.

I have no firsthand knowledge of precisely how long Mr. Perot had access to POW/MIA intelligence or what access. I believe the access lasted most of the year 1986 and I personally know of no limitations. I understand Mr. Perot was invited to participate as a member of the Tighe Review Group, but declined and nominated Brigadier General Reisner to take his place. The policy community was generally proud of the progress we had made up to this point in comparison to 1981, when we believed Mr. Perot had left the issue. There was a general feeling that given his public posture, providing Mr. Perot access to see how far we had progressed, would be positive in building greater public support for the priority.

I have no firsthand knowledge of any direct taskings to Mr. Perot by the President or the Vice President. It is my clear impression, however, that Mr. Perot was discouraged from going to Vietnam in the Spring of 1987 and that if he insisted on going it was to be as a private citizen, since the President had already selected General Vessey as the President's Emissary to Hanoi. General Vessey had accepted the mission and was in the research phase prior to his projected travel to Hanoi.

Upon Mr. Perot's return from Vietnam, as I recall, he was debriefed in early April concerning his trip. He also asked to meet with the President, which was scheduled, I believe, in May. I was tasked to prepare the meeting documents for the President from the National Security Advisor which included suggested talking points. As I understood the purpose of the meeting, it was to allow Mr. Perot to directly brief the President on his trip to Hanoi. I did not attend the meeting. I did see his written report after the meeting. I was told that in addition to receiving Mr. Perot's briefing, it was emphasized again that General Vessey was our emissary to Hanoi.

It is my opinion, which you requested, that Mr. Perot's trip was counterproductive to U.S. efforts. The Vietnamese at the time had not been informed that an emissary had been appointed by the President, as that was to be the task of the advance delegation after assurance that Hanoi was prepared to receive General Vessey on a humanitarian basis. The Vietnamese were undoubtedly aware of Mr. Perot's public posture in the press and his access, thus his trip could have been interpreted as official. More importantly, he reportedly told the Vietnamese of General Vessey's appointment and held broad-ranging discussions on Vietnamese economic and political goals which implied direct linkage. In addition, when he returned, derisive press reports about the Department of State and previous U.S. negotiating team members were published. Confusion reigned for awhile. We answered questions in White House and State press conferences to clarify Mr. Perot's private status. We also had to answer concerns of the Vietnamese who appeared confused as well.

I previously described the reception accorded the advance delegation for General Vessey's visit which was unprecedented in its stiffness.

#### Attention and Resources to the Issue

As is evident in the previous narrative, little attention and resources were being brought to bear on the issue when Reagan/Bush assumed office in 1981. We went from ground zero to a national priority program in less than three years. It was gratifying to me during this period that I had complete and total support from both President Reagan and Vice President Bush. They were personally interested, committed and supportive. In addition, each of the National Security Advisors provided encouragement, resources and commitment to the issue.

Due to the functional nature of the POW/MIA issue, it cut across departmental and agency lines. The Secretaries of State and Defense were all behind the effort and supported the upgrades in personnel, intelligence priorities, public awareness, outreach to the families and diplomatic initiatives.

Importantly, on the IAG, where policy initiatives were hammered out, we had staunch advocates in Richard Armitage, Paul Wolfowitz, Gaston Sigur, Dave Lambertson and many others. It was a coherent team that could disagree, coordinate and reagree without rancor because we had the same objective. In the middle of us all was Ann Mills Griffiths -- prodding, suggesting, criticizing and pitching in to help.

In terms of resources, we more than tripled manpower during the period, budget money, not budgeted, was found by the departments for all of the initiatives. We were able to pursue the issue without compromising other national objectives. Additional resources were planned and contemplated depending on Vietnamese agreements. I understand that manpower has again increased dramatically due to Vietnamese pledges of cooperation and as perceived operational needs increased.

#### The Environment

The brief rundown on the 1981-89 period should not portray to anyone that it was in isolation or without tremendous pressures from all sides.

Due to the lack of previous priority, Rambo operations had begun in the late 1970s and scriptwriters in Hollywood were at work on the theme in the early 1980s. The movie industry, the tabloids, the talk shows, and national network news programs, such as "20/20" and "60 Minutes," had a field day in the mid-1980s reporting alleged conspiracies or cover-ups.

Domestically, we were initially supported from the political left for opening talks -- when they found out we were serious, they began to report that the issue was false, while extremists from the "fever swamps" continued the conspiracy themes.

Personal attacks on those working the issue escalated, threats by phone and mail were received, harassment calls at home increased, packages showed up at homes, bomb squads were called out. The Lao Embassy was subjected to tremendous harassment, the National League of Families' office was forcibly taken over and outlandish rumors floated that prisoners were available, but would only come out just before the 1984 election, and that 5,000 more MIAs should be on the official list. Stories circulated that some POWs had returned, but given new identities by the government. Threats to kidnap Vietnamese diplomats at the UN were made, dark tales that drug conspiracies were somehow preventing POWs from returning were given wide circulation. Direct-mail fund-raising on the issue increased with outlandish contents to get contributions for supposed operations that were on the verge of bringing home a prisoner. New MIA organizations that purported to represent the families or veterans began popping up like tulips, only to wilt and come back under a new name.

Throughout the period, conscientious government officials in the departments and agencies continued their work, at times temporarily demoralized and alarmed, but dedicated. The government attempted to counter the nonsense through Congressional hearings, press releases, critiques of news shows and press briefings, but the beat rolled on. In the public mind, in the media's mind and in some of the Congress, zeitgeist was substituted for facts.

In addition to the domestic challenges, the issue was subject to hostile intelligence, false reporting for resistance political objectives, false evidence, pictures and fingerprints. Think tanks became interested in the issue, and simplistic solutions were proclaimed without understanding of the facts of the issue. Business pressures began to increase to drop the trade embargo as if Vietnam were a gold mine waiting to be tapped. Both trends, I believe, led some in Vietnam to believe that waiting was an option between spurts of cooperation that revealed they knew much more on those still missing.

The foregoing is a small taste of what I remember of the environment in which we worked, but despite this, the real measure we looked towards was final answers. For approximately 175 families from 1981 until I left the end of February 1989, they received them. We also negotiated the only release of an American citizen during the period, despite conventional wisdom that this adventurer looking for his previous love was at the bottom of the sea.

#### Negotiating with Vietnam

We recognized from the outset that reopening negotiations with Vietnam was a potential minefield. They remained in Cambodia with approximately 250,000 troops, Laos was essentially tied to them for security reasons as a landlocked country and our ASEAN friends, Cambodians and those supporting a comprehensive settlement needed reassurance. They hoped that opening dialogue with Vietnam on humanitarian issues did not mean the U.S. was going to weaken them by reinforcing the chauvinist side of the Vietnamese Politburo and we would be able to maintain both necessary commitments.

We went to great pains to reassure our friends and allies that this issue was one of highest priority, that it did not have to be in conflict with a settlement in Cambodia, we would keep them informed and in the long run it was in everyone's interest for such dialogue. Vietnam obviously welcomed our initiative after the lack of contact for so many years, and the earliest informal U.S.-Vietnamese discussions on Cambodia also ensued, albeit without headlines. Our basic message to the Vietnamese was that it was in their interest to seriously

cooperate on the POW/MIA issue, especially discrepancy cases and attempt to resolve them prior to a settlement in Cambodia, as it would surely be a political obstacle without their full cooperation.

The split Politburo, as it remains now, exacerbated by the collapse of their economy and the Soviet Union, could not bring the political will to bear to resolve the issue in a sustained and credible way while I was at the NSC. The starts and stops, for a myriad of reasons, reflected the internal debate as to whether President Reagan could normalize with political immunity in the Nixon-China model or as some felt, should they hold out for concessions. The U.S. domestic scene, as described earlier in its rainbow colors, reinforced the conservatives. They continued to allow some exposing of Vietnamese knowledgeability to indicate their potential, but not to come completely forward. Those in Hanoi who argued that POW/MIA was a wasting asset and it should be dealt with rapidly were relegated to fits and starts of cooperation. The streams of excuses to us were met head on, responded to when real and rejected when political or obligatory.

During the 1981-89 period, I am confident that the Vietnamese knew of our seriousness and knew that all incentives were on the table to come forward and negotiate. They also knew that the Reagan/Bush administration did not lie to them and was straightforward concerning potential benefits that could accrue if they participated in a real healing between our countries.

One of the last excuses raised was the U.S. was in fact raising hurdles, moving goal posts and this was unpredictability from the U.S. side. It wasn't long until these same words were being repeated domestically. Thus the roadmap emerged from the more general messages previously given and well understood by Hanoi.

If Vietnam believes in our unity of purpose on this issue, and that a bipartisan majority will ensure the required U.S. steps for Vietnam in the roadmap will be fulfilled, there is hope that Vietnam will respond in a sustained manner. To the extent that they are confused as to who is in charge or that the body politic of the U.S. is once again splitting over responses to Vietnam, whether from guilt, commitment or nonsense, they will continue to either split or believe our perceived divisions are opportunities.

Given my experience, we should never take Vietnamese pledges, promises or excuses at face value. There are messages there, but they need to be read for what they mean during the timeframe they are given, from what level or agency as well.

Unlike us, they do not have to live with their words forever, for they represent tools to national goals, not pledges in the Western sense. They view it as patriotic deeds to national survival. It is not evil, it is reality.

#### The Bureaucracy

In making the POW/MIA issue a national priority, we faced the same problems any new priority faces -- especially for a new administration.

People were used to operating a certain way and with a certain pace. No one is initially sure if the priority will last. This type of inertia, especially given the inherited conventional wisdom from the 1970s is natural. I've heard that the internal Pentagon investigations and those they invited from outside to look into their operations were raised as negatives. Such characterizations are flat wrong. While we can differ on some of the recommendations, the fact that they took place in such frequency in the first five years is a sign of seriousness and priority.

In DIA's case, they were being unfairly branded with cover-up charges and a variety of supposed wrongs. I have not found greater talent than as I have in some of the DIA analysts anywhere else in government. We were lucky they stayed through the '70s to be present for the priority work they are engaged in now. I used to go to them or call them to my office to run through cases and made them convince me of the soundness of their analysis. I never found debunking. I suggested more follow-up at times or offered to work with them to get key answers in negotiations, but I never found purposeful neglect. Debunking labels in the cases I looked at were usually because someone didn't like the answer or the analyst knew more information than those challenging the answer and did not have the time or inclination to provide a laborious explanation.

I hope the Committee will in your critique also find room to compliment those in the government who have been dedicated to this issue and bring a much needed intellect and talent to it. We will need them in DIA, and in the field -- those who can interact sensitively with language skills, cultural sensitivity and historical knowledge.

#### Live Prisoner Issue

The highest priority question is that of live prisoners who may still be held captive. It is also the most misunderstood. Lists, categories and groupings of potential POWs or non-POWs have been based upon presumptive findings, initial categorizations, negotiation strategies and last known alive status. Probably more.

Despite definitions in official fact books, testimony, family newsletters, etc., confusion remains evident in the public mind. This became a problem in the 1980s as well and was clarified -- obviously without success as it was an early focus of the Select Committee.

The Reagan/Bush administration gave 32 major addresses or statements on the POW/MIA issue from 1982 until I left in 1989. These were at the most senior levels of the government and were supplemented by countless Congressional testimonies, letters and press releases.

The media hardly noticed. If they had, many of the headlines today would not be headlines, because the nature of the end of the war, the discrepancy cases, the 1982 change in the official position of the administration concerning live prisoners, the policy evaluations, messages to the Indochina governments and others are all there to see.

It has been no secret how the war ended. Millions of Americans were demonstrating in the streets and there was no national stomach to continue. Although I was not involved in the negotiations at the end of the war, my research indicates that everyone knew that the Vietnamese reneged on the accords and were not forthcoming on those whom we had reason to believe were alive in captivity at one time. I have not seen a document from that period that indicates we had proof of captivity at Homecoming. The documents I have seen from that period indicate a proclivity for action if a specific site and specific individuals were found. I also believe that if such knowledge existed to prompt action and it was not taken, it would have been exposed long ago.

Subsequent intelligence reporting confirmed some died in captivity; others we still don't know. But, the U.S. data base is not complete and the number could conceivably be larger. The answers primarily lie in Hanoi, and until they share such answers openly, we are left with two courses of action which we pursued. They are sensitive and quiet negotiations to gain an admission and work out quiet arrangements or find solid evidence through our own intelligence.

After my seven plus years, and seeing the intelligence I've seen, and meeting for endless hours, formally and informally with Vietnamese and Lao officials, when asked if I believe Americans are being held against their will in Southeast Asia, I must say, I don't know.

But the reason there are opinions on all sides of the question is because the question cannot be answered from the U.S. data base, which is the domestic focus.

The CHAIRMAN. Thank you very much, Mr. Childress. Mr. Ambassador?

#### TESTIMONY OF AMBASSADOR RICHARD ARMITAGE

Ambassador ARMITAGE. I'll take a signal from you, Mr. Chairman. I appreciate the opportunity to be here. I mentioned to you, in February, in Moscow, when I met you and Senator Smith, that I would appreciate the opportunity to testify. You have afforded it. I think the questions and answers are probably where you want to go and so do I. So I'll rest with that.

Thank you.

The CHAIRMAN. Well, we appreciate that. Thank you very much.

As I was listening to your testimony, General Perroots, about the mysterious bug, I was reminded that this is the room of the famous potted plant and I hope that we are not going to get diverted into a sort of bug session here. I want to try to keep it on focus.

But I do appreciate your strong rebuttal of that prior testimony which has not really sidetracked the committee, I think, too much.

I would like to begin my questioning today maybe a little differently from the last couple of days, not narrowly focused, but broadly focused, if I may for a minute.

First of all, though, I would like to pick up something with you, Mr. Childress. You said the Perot trip was counterproductive, correct? It was deemed counterproductive by the Reagan administration, was it not?

Mr. CHILDRESS. I can't speak for the entire administration. From my perspective—

The CHAIRMAN. Well, in effect, the President called him in and said, thank you very much. We do not need you any more.

Mr. CHILDRESS. I wasn't at that meeting. The President—

The CHAIRMAN. That is the meeting you know took place.

Mr. CHILDRESS. The meeting took place to receive his report and it was emphasized—

The CHAIRMAN. The bottom line was they felt it was thank you very much, we do not need you. Is that correct?

Mr. CHILDRESS. I think that's a fair interpretation, yes.

The CHAIRMAN. So it was deemed nonproductive, counterproductive, even.

Mr. CHILDRESS. Counterproductive.

The CHAIRMAN. But in point of fact, the memo that we have from Mr. Cannon to Baker says very specifically that, for whatever reason, the NSC staffers cannot get into Hanoi to talk to Nguyen Thach in order to get Vessey approved. It was Perot who went there who got Vessey approved.

Mr. CHILDRESS. That—

The CHAIRMAN. That is not exactly counterproductive.

Mr. CHILDRESS. That is not— If I could explain. Mr. Perot became involved at a time after the Vietnamese had halted cooperation on the 2-year plan. I had returned from New York meeting with Vice Minister Giang and determined that we could no longer go forward in the mode we were in. We had to have another initiative.

We coordinated with the IAG and in October 1986, determined that we needed—and the President approved the concept of a Presidential emissary. General Vessey, in January, was selected and accepted the mission.

When we finished that portion of it, we were putting in a request for the Vietnamese to accept an advance delegation to set the agenda. It wasn't a matter of the Vietnamese refusing to accept Vessey or anything else. It was a matter of us going to the Vietnamese, saying we want to put an advance delegation in and talk to you about a new initiative.

We were awaiting a Vietnamese reply. I had gone to New York and talked to them as well. Now, there was a lot of confusion and it's obviously reflected in these memos. In the NSC structure, we were waiting for a Vietnamese response, not thinking we were being stiffed so much as that they were getting ready to have elections and the rest and further delays.

The CHAIRMAN. Fair enough. But let me just ask you. The bottom line is, I mean, this is pretty simply stuff. And we do not need to belabor it. Ross Perot did get the Vietnamese to be enthusiastic about the idea and to accept it. Correct?

Mr. CHILDRESS. No, sir.

The CHAIRMAN. Why not?

Mr. CHILDRESS. When I took the advance delegation in, they were hostile to the concept. They said they saw nothing new in it. It was a laborious 2 days with the Vietnamese. They finally said they would consider it.

And I went after Mr. Perot.

The CHAIRMAN. So you are suggesting that his version is incorrect, that he did not, in fact, grease the skids, so to speak.

Mr. CHILDRESS. I did not see evidence of it when I arrived in Hanoi.

The CHAIRMAN. Now let me ask you, each of you. You have been in high positions of responsibility, all of you. You have had a role in this POW/MIA issue. We are here 20 years after the fact, in some cases of some missing people, longer than that.

Some Americans say, what is this all about? Is this a fool's mission that this committee is on and that people are one. Are we here for a reason that is understandable and explainable to the American people? Mr. Perroots?

General PERROOTS. I think so.

The CHAIRMAN. Mr. Childress?

Mr. CHILDRESS. Yes, sir.

The CHAIRMAN. Mr. Armitage?

Ambassador ARMITAGE. Absolutely.

The CHAIRMAN. It is true, is it not, that 20 years later, we do not have a full accounting of our missing. Is that not true, General Perroots?

General PERROOTS. That's a true statement.

The CHAIRMAN. Mr. Childress?

Mr. CHILDRESS. True.

Ambassador ARMITAGE. True.

The CHAIRMAN. So, if it is true that we did not have a full accounting as we sit here today in 1992, it has to be equally as true

that we did not have a full accounting in 1973 when we left Vietnam.

Is that true, General Perroots?

General PERROOTS. True statement.

Mr. CHILDRESS. True.

Ambassador ARMITAGE. True.

The CHAIRMAN. So, it is also possible, if we did not have a full accounting—let me approach that differently.

Each of you has said we did not have a full accounting in 1973. That is the same testimony we have had from other people which is why we are here.

General Vessey has presented our Government and the Vietnamese with 135 cases which are major question marks? Accurate?

Ambassador ARMITAGE. Correct.

The CHAIRMAN. We have uncovered a similar amount going at it through our own lists. We are all in the same vicinity. And DIA had 269 cases, correct.

General PERROOTS. That is correct.

The CHAIRMAN. So, in point of fact, this issue that has haunted America for 20 years has not haunted it falsely.

Mr. CHILDRESS. Correct.

The CHAIRMAN. It is because we did not have the answers in 1973. Now, we also have evidence that people were last known to be alive or to be in captivity in 1973. You know that to be a fact, General Perroots, from your role at DIA. Do you know?

General PERROOTS. I'm amazed at how much more information has come to the front as a result of your efforts, yes.

The CHAIRMAN. Mr. Childress.

Mr. CHILDRESS. We knew, certainly, the last known alive cases or in proximity to Vietnamese forces could have been captured. Precisely the date 1973 I—but certainly at that period.

The CHAIRMAN. Mr. Armitage?

Ambassador ARMITAGE. That is a personal matter. This is my assumption from 1973 to 1981, when I assumed office.

The CHAIRMAN. And you, Mr. Childress, even believed, when you were in the NSC in 1985, that people might still be alive and held in captivity, did you not?

Mr. CHILDRESS. I believed firmly in the policy. We ought to presume they're there. Personal beliefs can go either way on it. I went up and down on this issue. I'd get a report that would excite me, we would follow it up, and then I would drop again.

But in a generic sense, I absolutely believed that somebody had to have survived.

The CHAIRMAN. Now that is very important. Because a lot of people in this country have been willing to shove people off into a corner and suggest that they are patriotism and their devotion to this issue was somehow kooky or right-wingish or reflective of a kind of zealotry that was without foundation. And each of you is here to say you do not accept that.

Ambassador ARMITAGE. I think each of us is here to say more than that, Senator. I think, speaking for the three here, each of us in pursuing this issue has suffered attacks on our family, certainly personal attacks, which are nothing new to government; attacks on our property; harassments at our office, et cetera. And I don't

think we'd put up with it unless we believed that there was the possibility of getting an American alive out.

The CHAIRMAN. Well, then, tell me why it is? I mean, the committee is trying to sort all of this out. Why is it there is such a strong feeling of a conspiracy, such a sense people have that information has not been forthcoming?

Now, there are plenty of reasons I can give you, because I do not think it has been forthcoming, because I do not think the response has been terrific, notwithstanding the changes that were made, and I think it is good to have on the record, the Tighe report came from you, came voluntarily, you wanted to do better. That was 1985 already.

This issue was on the burner in 1973. What happened, gentlemen? What happened?

General PERROOTS. Ironic that the period when there should have been even more of a full court press, there was less of an effort.

The CHAIRMAN. Can you say that again a little more clearly.

General PERROOTS. At a period when the trail was hotter, when there should have more of a very extensive, aggressive, what I call full court press on it, there was less effort.

The CHAIRMAN. Why?

General PERROOTS. You deliberated that in this committee and there are a variety of reasons.

Ambassador ARMITAGE. Let me try, if I may, Mr. Chairman. I don't have the answer. I've got—it's like a belly-button—an opinion. Everyone's got one.

The part of the reason there was so much distrust was because during the 1973 to 1981 period, you'd had commissions that had written off the issue. You'd had attempts to normalize with Vietnam, at least an embryonic, one without resolving the issue.

Speaking for the first Reagan administration, we very deliberately went on a very high profile mission of publicizing this issue, fact books, speeches, et cetera, with a deliberate—there's your plot. And the plot was because we didn't know who was going to win the election in 1984.

We wanted to be sure that the issue outlasted whatever administration existed at the time and that it would have to be resolved. And I think in that very public awareness raising, we also engendered the seeds of great frustration. Because we got everybody up and then we were not able to bring out a live American, other than Rob Schwab, whom you all know about.

The CHAIRMAN. Well, is it possible that—the committee has the evidence, obviously, of this critical moment in time in 1973, when with the return of the prisoners, President Nixon makes the statement, all the prisoners are coming home. There's some discussion within the Defense Department about whether they are, in fact, all home. But this dramatic statement is made that there's no indication that anyone's alive. And as you said, it's kind of written off. I mean, is that accurate?

Ambassador ARMITAGE. But I think it's also accurate to say it was written off in a number of ways, a statement by the administration, a statement by subsequent commissions who looked at the issue.

The CHAIRMAN. Agreed. Everybody—therefore this notion of conspiracy, while there is no overt conspiracy conceivably, there is legitimacy, is there not, in the perception that there is at least a conspiracy of silence for a period of time?

Mr. CHILDRESS. Senator, the way the war ended, the discrepancy cases, the kinds of things you're looking into, we made in public speeches in the 1980's. I spoke to the League of Families and talked about it. That part of it is now new.

What I'm seeing for the first time is that the administration at the end in 1973 felt strongly enough of the possibility that they were going to contemplate a massive diplomatic or military threat to try to achieve something.

But I think we've got to remember, too, that in 1973 millions of Americans were on the streets demonstrating to get out. If there's guilt, if there are sins of our fathers somewhere, I certainly think that that paintbrush is very wide and it's in the American psyche more than just—

The CHAIRMAN. I do not disagree with that. On every occasion, this has come up. I have tried to be absolutely non-accusatory. And I want to emphasize that. The committee is not here—the committee is here trying to find out what happened so that we can explain this issue, understand it. And there is no question but that the national psyche at the time, which I, believe me, understand full well, because I was in the middle of it. I know where everybody was then. There were a lot of currents.

But we need to understand reality here. There are books coming out that suggest this is myth. Well, clearly, if you have got 133 people, some of whom you believe were alive, and they do not come back, you are not dealing with myth. And that is what has kept us alive for 20 years is the fact that it is not myth.

On the other hand, I don't think it's unfair to say that some did raise this to a crescendo in politics without applying resources, negotiations, posture and commitment, to resolve it. So in 1992, we are trying to do that. Now, my time is up. I just would like to hear each of you tell us how Americans can put this issue to rest in 1992. What has to happen between Vietnam and Laos and ourselves to not go around in a terrible catch-22, a circular pointing the finger and blaming each other. Can it be put to rest? My last question.

Ambassador ARMITAGE. Well, I think there is a prefatory remark that should be made. The next time we should win a war. When you win you don't have these questions. And I think that is not a frivolous statement on my part. In order to put this behind us—I don't want to take exception with what you are describing as discrepancy cases, 133 or 135 people, but I know from my own look at this issue when I was active in it that it is a mistake to automatically write off the possibility of people who are not discrepancies being alive. And we had a case when I was at DASD in the Pentagon of a KIA-BNR coming back. So, I think you have got to be very careful, just concentrating on discrepancy cases. Clearly the Vietnamese have to—

The CHAIRMAN. Let me say for those who don't understand, a KIA-BNR is a killed in action, body not recovered status. And in one case at the end of the war, someone who had been listed as

killed in action body not recovered, came back in the course of Operation Homecoming. Not listed as a prisoner, but, rather, killed in action.

Ambassador ARMITAGE. Just to sum up clearly, the governments of Vietnam, Laos, and what passes for a government in Cambodia, have to open up and give full and complete access to Americans upon request, with no waiting periods, et cetera, before we can begin to put it at rest.

The CHAIRMAN. Well, you heard what I said—excuse me, I am sorry to go longer—but yesterday Ross Perot said that is a waste of time. I mean, you can go into a prison if you get in an hour's notice and, if anybody were there, they are going to move somebody. I mean, basically, he said what the Vietnamese have been saying which is, this is silly.

Ambassador ARMITAGE. We got, when I was active, over 1,500 live sighting reports. It seems to me, if Americans are running around at quite a high level that you are going to get reports. You are going to get information, and Mr. Perot may be correct that they can hide you once or fool you twice, but they can't fool you over the long time. When they move people, they expose themselves. You are going to catch them.

The CHAIRMAN. Senator Smith.

Senator SMITH. Thank you, Mr. Chairman. Three witnesses up at the same time and so many questions. It is very hard to focus. I did have one question and it's just basically a yes or no, if you wish. While you were actively engaged in the issue in your relative positions, were any of you aware of the Eagleburger memorandum?

General PERROOTS. I was not.

Mr. CHILDRESS. I was not.

Ambassador ARMITAGE. I was not.

Senator SMITH. It is just interesting the compartmentalization of these documents. I think one thing has been very positive. Oh, that was not meant to be a slam at you.

Mr. CHILDRESS. Senator, if I could add, I did do research into the past. I didn't come across this document, but you know WSAG minutes and things like that. Before I went to Hanoi, I wanted to know if I could find out what kind of terminologies we had used with the Vietnamese before so that I would either not make the same mistakes if they were made or to have a strategy. Now, in those documents, what I essentially saw was what the Eagleburger memo says, that there was a big question—

Senator SMITH. That there were POW's in Laos?

Mr. CHILDRESS. In Laos. And discrepancies still existed in Vietnam. I did not see in any of that research that we knew the place, the time, and who, and something that could be actionable.

Senator SMITH. That is right. I mean, those minutes do indicate references to POW's in Laos, which has been—the whole issue has been the subject of the hearings ever since we started, really, but certainly in the last couple of days, as to what happened in that window of time that would change an official policy statement when the intelligence seems to indicate otherwise, even though those in the intelligence community do not seem to recall anything that we ask them. Let me just kind of shotgun a little bit.

There were some statements made, and I just want to go back to a few of them. General Perroots referenced the meeting, and I do not recall whose office. Some Congressman's office on the Hill. But regarding Mark Smith and yourself, and I do not know if some of your staff were there. I believe Hendon was there, I was there, and I think—I do not recall who else was there, but in that meeting, there was a reference made to a list, and I checked my notes on that as well and my notes indicate that the list we were talking about had nothing to do with the tape.

It might be just an unfair, might be just a memory lapse but that it referred—we were talking also about Garwood in that meeting and that there was a list of names associated with Garwood. That is what my memory says. It has nothing to do with the tape, but that may be an honest difference, but I just want to point that out. All of the information that I had relative to that was provided to you at that meeting. Can you help me in regard to that tape incident?

As you know, you recall very vividly as I am sure I do, Mark Smith with tears in his eyes expressing in great detail what he claimed to have seen on that tape. It was a pretty emotional meeting. This guy was pretty well decorated and a POW, and he said he saw the tape. He described it in graphic detail about which we do not need to go into.

But do you—I mean, I found myself—I suppose we all wanted to believe him. But we also found ourselves—he was very persuasive, let me put it that way. Would you characterize that the same way?

General PERROOTS. I did not attend the meeting. Mr. Shufel did.

Senator SMITH. I remember you at one meeting. It may have been another meeting.

General PERROOTS. There were two meetings.

Senator SMITH. You were at the meeting with Mark Smith.

General PERROOTS. Yes, I came away with the view that there was a tape and that we needed to get that tape. And we pressed hard to get that tape.

Senator SMITH. And is it your testimony that the Vice President also, at the time Vice President Bush, was also very anxious to secure that tape?

General PERROOTS. Yes, sir.

Senator SMITH. Do you have any indication from your own information as to why we did not get it?

General PERROOTS. Senator, you know we still haven't closed the book on that. There is a misconception that in pursuing that tape that me or DIA was the focal point. I would have loved to have been, as you recall. We ran that thing all over the world in attempting to acquire it.

But we were on the periphery. Most of the efforts for acquisition, as you know, was done by Mark and Billy Hendon, supported by Ross Perot. I volunteered all the help I could. I recall I said I will give you an airplane. I will go on the airplane. So we—I was trailing, seeing how I could help.

So when we got beyond Cyprus and into Singapore, the final chapter of that is still vague. Was it destroyed on the West Coast? There was a report that Gregson ultimately said it was a mistake. They want to—what they really want is support for the rebels.

There was a report that as a result of Obassy or Gregson coming, I think to North Carolina or somebody, that Murkowski blew the whistle and jeopardized the thing and so he destroyed the tape. We heard from Ross, saying that he got a call saying that they tried to arrest him. I don't have any knowledge of that.

The CHAIRMAN. Let me just ask—you prompt a question there. I am having a hard time understanding why, if somebody has in their possession a tape of American prisoners which has been promised to be paid \$4.2 million for it, they would destroy it. It either has value and, if people have it away from whoever the holders of the people are, as they did, there is no purpose in destroying it. There is no reason to just let this tape vanish.

General PERROOTS. You are absolutely correct.

Senator SMITH. Well, I think, you know, there is great debate and we will probably never know whether the tape existed or not, but the reason why I think the real issue here is that we did have an individual who claimed to have seen it, other than Gregson.

General PERROOTS. Mark Smith.

Senator SMITH. Mark Smith said he saw it. He described what he saw in it. I think that is what motivated the action by you, properly so, and the Vice President, Mr. Perot, and everybody else and some of us in the Congress who offered our services in any way we could to get it. But it did not happen. To the best of your knowledge, the U.S. Government never got the tape, correct?

General PERROOTS. I know that we haven't. Let me just qualify—

Senator SMITH. I would like to move on to another subject, but go ahead.

General PERROOTS. No, just my view on that. You are absolutely correct in describing our reaction to the first description of that tape and Mark Smith's reaction. We all thought—my confidence level went down rapidly after that for some of the reasons that Senator Kerry mentioned.

When we traced the allegation that in the Middle East that he had one of the three copies of the tape that had been seen there, and we had specific information from Mark Smith on the office and they denied it and said—and then from then on it went downhill.

And it looked more and more like a scam when Obassy was in jail for fraud. I mean—

Senator SMITH. Let me just shotgun over to another subject. I do not want to dwell on it. As Senator Kerry said, I do not think we should, there are other things here. But I do want to comment and to just challenge you on one point, because you brought my name into it.

I did not prompt General Tighe on the issue of bugging. It was brought to my attention by a Member of the committee who alleged that the meeting was bugged. I asked General Tighe the question, had no idea what he was going to say. Frankly, I was surprised at what he said. He said it was a bug. Now he also said that that was a unanimous conclusion, or words to that effect, of the group.

Now, I would just say to you that what I have been told by more than one Member of that committee was that the Air Force securi-

ty personnel came into the room and removed a device, an electronic device, from a telephone.

Now, nobody ever said you ordered a bug or your office ordered a bug. I just said I would like to know, and we are conducting an investigation—DIA is now conducting an investigation which we are trying to follow on that. That is all. I just wanted to make that point.

General PERROOTS. Perhaps a poor choice of words. I didn't mean to imply that you prompted—your question prompted it. And by the way, I saw the preliminary results of that investigation, and there is a good answer for that piece of equipment in there. And you will find that really there is no basis in fact to presume that there was a bug.

Senator SMITH. Well, that is interesting. You saw the preliminary results, and we have not. But—

General PERROOTS. It just happened.

Senator SMITH. I would like to see the preliminary results myself.

General PERROOTS. It is ongoing.

Senator SMITH. Maybe you could share it with us after the hearing. Mr. Childress, you were, I guess, to put it mildly, not happy with the Tighe Report, is that a correct characterization?

Mr. CHILDRESS. I saw the first draft which was full of a lot of policy things and, yes, that is fair. The first draft I was not happy with.

Senator SMITH. What was the main reason you were not happy with it?

Mr. CHILDRESS. Well, first of all it was supposed to be an intelligence document. It was a—and General Perroots saw that it was full of policy speculations, and so forth, which were musings. And they had done this without even talking to people that were, in fact, conducting negotiations and dealing with the Vietnamese.

I also felt that a lot of the conclusions or statements appeared to be assertions that you could not base on only looking at 43 reports, the ones he picked. Now, we went back through those reports, the IAG. We sat down there for hours after the thing was finished and I still did not see it. I wanted him to concentrate on discrepancy cases. I think the best case can be made on discrepancy cases, last known alive, and see if intelligence can build from there.

But it looked like a shotgun and then assertions, and it just didn't appear professional to me.

Senator SMITH. Mr. Chairman, my time is up. Let me just make one final point. You say—I will not read the whole memo. There is some strong language in there about individuals. I do not mean to bring that out and will not. On June 18, 1986, in your memo to General Perroots, you said that the report would destroy the strategy.

That is what you said. General Perroots ordered the Tighe Report based on some internal criticism that was followed by the Gaines, and then the Brooks. There were all kinds of internal reviews about how the agency was conducting itself. We know that. That is all a matter of public record. But what strategy were you referring to, if you recall?

Mr. CHILDRESS. I would have to see it in context. I assume I was talking about, since they were doing so much in negotiations and so much in speculation on Vietnamese motives, and how to get them to respond, that, and I am speculating, until I see it in perspective, but I think that is what I was referring to.

That we had a strategy to gain admissions from Vietnam, if we could. And some of the things in there, if adopted or came out, would in fact affect strategy in the wrong way. It wasn't intelligence. It was—

Senator SMITH. You made public—I do not have—yes, I do have it. You wrote an article signed—penned an article in the American Legion Magazine around that time saying that the Vietnamese pledge to resolve this issue within 2 years is the first written agreement since the end of the war.

Mr. CHILDRESS. Right.

Senator SMITH. And Griffiths, I think, has stated publicly during that time that it was not. There was not a written agreement, or certainly not a signed one.

Mr. CHILDRESS. Well, the confusion may be this. We entered into discussions with the Vietnamese on a 2-year plan. They agreed conceptually they would in fact try to do this. I went to Hanoi after several trips and right on camera Vice Minister Giang sat there and signed a 2-year plan, their plan, handed it to me. There were toasts around, and he hugged me and told the press, Mr. Childress speaks for the Vietnamese.

Now that was the Vietnamese written plan. We wanted a joint plan. We took it back. They had some political elements in there that we could not use. They were not putting in discrepancy cases, other things. So, what we tried to do is take their written signed plan, merge it with ours and have a comprehensive joint plan.

So the references to a signed agreement is talking about what the Vietnamese signed and gave to us. As it turned out, the Vietnamese politicized the effort and we never got a joint signed plan. And that is probably what Mrs. Griffiths is referring to.

Senator SMITH. It was written but not signed, is that what you are saying?

Mr. CHILDRESS. No, they wrote it and signed it.

Senator SMITH. Did we sign it?

Mr. CHILDRESS. We had our input to do the joint plan. And the agreement broke down on a joint plan. But we had a signed plan from the Vietnamese. I am sure it is in the files. But it did not cover discrepancies and other things we wanted.

The CHAIRMAN. Senator Bob Kerrey—I meant to do this earlier, but I just wanted call attention to the fact that Senator McCain's mother, Mrs. McCain, is here sitting in the front row. We are delighted to welcome you here and have you present with us. Senator Bob Kerrey.

#### STATEMENT OF HON. J. ROBERT KERREY, U.S. SENATOR FROM NEBRASKA

Thank you, Mr. Chairman. First, let me say that I think the chairman has done a superior job keeping the committee as well as the witnesses focused on the objective of trying, on the one hand, to

discover what went wrong and get full access to information, as well as trying to proceed to the conclusion of what we need to do to get this final and full accounting.

I would say again for emphasis, one of the problems we are up against is that we are dealing with a Communist government that lies to its own people and us. I think you have to assume that as a baseline. It makes it difficult to get a full accounting. Mr. Perot, yesterday, identified one of the paradoxes in this whole matter. If you are trying to negotiate, if you need to negotiate in order to get a full accounting, it is difficult to proceed without some sort of change in our policy, and yet, if we change our policy, we find ourselves conceding and so on and so forth.

I would also say that I think it is important to accept Mr. Perot's standard of saying let us not scapegoat. Let us not look back and try to find out who was wrong, who made the mistake. Let us not try to yield to temptation. Let us try to avoid yielding to the temptation of falling into conspiracy theories.

I have got to say in that regard, with full respect for Mr. Perot's efforts to get to the bottom of this and his long-standing commitment to trying to bring our men home, that he himself yesterday on many occasions fell victim to that tendency of taking, in many cases hearsay statements, and saying, well, I heard somebody say that the refugees have orders not to say anything about POW's. That simply is not true. And in response to a question by Senator McCain, there was some DEA agent, perhaps I can get the name for you.

I think it is very important for the American people to understand that there is an easy tendency, and you must avoid it, to yield to following these so-called conspiracy theories. And I think it is very important for us to resist it because we do need to get to the bottom of this.

If the possibility is there, and we assume it is, if there could be one single American over there being held as a prisoner, there is an urgency for us to try to keep focused on the objective.

I would like to ask the three of you, as a first question, as to whether or not you think it was a mistake to classify so extensively the information that we had at hand about what was going on. It seems to me that an awful lot of clearing has occurred in the last couple of weeks since the information has been released, since we have declassified, and I would like to know, again, no conspiracy, no finger pointing, in retrospect, with full information now being available to us, do you think it was a mistake to classify so aggressively?

Ambassador ARMITAGE. Yes, sir. It seems to me that the Vietnam War, which rent the Nation, and this issue is right hand-in-glove with it. This is also rending the Nation, and we would have been better served declassifying. We made a mistake. And the mistake was, I believe, that we made the documents, et cetera, available in closed session to Members of Congress, but it just wasn't being bought by the American public. So that is my view. We were too cautious.

Mr. CHILDRESS. I am assuming we are talking about during the Reagan administration. In 1981, what we found were that some documents were classified, some were not. They were randomly dis-

tributed. We felt that to do a serious effort, if we were serious about it, especially the live prisoner issue, that, if you got a first-hand live sighting report, it should be classified secret until follow-up.

So we, in fact, put in classifications and disciplined it, not to hide things, but to treat the issue seriously. We also, in 1982, determined and made it policy that the families need to have access. So any report that pertains or may pertain to their particular case, we would in fact release it to the family and redact sources and methods. But when we started, stuff was just floating everywhere. And so, the classification was a signal of seriousness to us at the time.

As events have gone on, you know, publicly, people are saying, well, you are hiding something. Well, we thought we were doing what was correct at the time.

General PERROOTS. My own view, after 35 years in the business, we have a great tendency to overclassify. In this area, we have done it excessively. We, in the signals intelligence arena. I agree with Mr. Perot in that regard, it is archaic. We are still bound by the old directives that had a different meaning for a different purpose.

A good percentage of the reports that are in our files in DIA can be and should be declassified. And even the very sensitive ones can be sanitized. That is not in any way a word that suggests leaving out anything that is significant. But where it is that one or two very rare occasions where sources and methods might be involved, where there is a sensitivity, sanitize that in terms of cutting out that and get the report out.

Senator KERREY. Given that there is a limited amount of time here in my first round of questioning, what I would like to next focus on is, where do we go from here? One of the things that Mr. Perot suggested yesterday that I think does have some validity to it is the notion that perhaps our chief negotiator, Mr. Vessey's, status should be upgraded. That he is essentially out there operating in some ways independent of other policymakers.

The question occurs as to whether or not our principal negotiator should be someone with undersecretary status or with higher policymaking status than we currently have. And whether or not, in fact, you can do that, given the current nature of our diplomatic relations with Vietnam.

Mr. CHILDRESS. I think General Vessey clearly has the access and status as a special emissary for the President. I would defer, obviously, to his views of whether something else would be more effective. It is my impression that he has been effective and that it is working. Because Vietnam is intransigent at times, or we can't get admissions, or so forth, it is less a reflection on the negotiator than the people you are trying to negotiate with.

Ambassador ARMITAGE. It's less important the level of the negotiator than the fact that he brings a unified message, that's my personal view. To raise the level is always a fair thing to do. It would please, I'm sure, the Vietnamese. Whether it would change any other behavior and get them to open up their files of information, I can't say. But the more important thing than the level of that envoy is the unified message that he would bring, because it's my

experience that if you give the Vietnamese a hole or a crevice, they going to widen it.

Senator KERREY. I understand that when we were discussing this with Mr. Perot yesterday, that the idea is you had Secretary Solomon at that time. Now he is in the Philippines, but at the time, he had broad authority for the region and under questioning from the chairman, Mr. Perot suggested, well, perhaps you needed to have somebody of that kind of stature rather than somebody who is just a special representative of the President.

The President has lots of special representatives and unless you have that kind of authority, it is difficult to sometimes negotiate and, yet, it could not be Secretary Solomon. Because if it is Secretary Solomon, then we are consenting to recognize prior to the completion of the negotiations.

Mr. CHILDRESS. Senator, through from 1981 to 1989, if you look at the chronology, Assistant Secretary Wolfowitz went, Assistant Secretary Armitage. The Under Secretary had met with the Lao. The flexibility of being able to use a Solomon at the right times or someone in State, I think, has been reflected in the way they do it, but you need someone, I think, full time with a status and I don't think an Assistant Secretary could devote obviously full time to it even without the recognition problem.

Senator KERREY. What do you think of Mr. Perot's statement that if you should send somebody over there and tell them not to come home until they get the prisoners?

Ambassador ARMITAGE. Send somebody else. I think he's going to be there for a while. I think you need time to back away and re-evaluate what you need and what you know from intelligence, et cetera. I'm not sure it's a good idea to set up a permanent bureaucracy there in the absence of normalized relations.

General PERROOTS. I think it's fine for effect and I think the spirit of his remark probably is on track. I for one believe that, especially in the wake of this committee, that there is an opportunity that you have a responsibility to address, not only take those actions which will send the proper messages to the Vietnamese and Laotians, but also to the people of this country. So any bold step that is different ought to be tried. If it's cosmetics, then it makes sense to try to include some sponsorship maybe, maybe by the Vice President as he goes over quarterly and waves the flag.

I think it's time for some bold efforts to send the proper message to the people out here who are still wondering whether we're doing enough as well as the people in Southeast Asia.

Senator KERREY. One last thing, Mr. Chairman, I for one would like to follow this statement, General Perroots, that you made about the possibility that on the third of March meeting that representation was made by anyone that they had personnel and names attached to that video, but were unwilling to supply those names. If that is a misunderstanding, terrific, then we can lay it to rest, but if it, in fact, did occur that someone said, I have got the names of the people on that are on that video tape, but we are unwilling to supply those names, I would like to know that, in fact.

General PERROOTS. We'll provide you the evidence for that. We have a memo and I think I can refresh the Senator so he'll recall that meeting.

The CHAIRMAN. A contemporaneous memo was made of that?  
General PERROOTS. I'm sorry, sir?

The CHAIRMAN. A contemporaneous memo was made of that meeting?

General PERROOTS. It was an internal memo which described the meeting, who said what.

The CHAIRMAN. Made at the same time, at the end of the meeting?

General PERROOTS. Yes, yes.

The CHAIRMAN. Is that memo available?

General PERROOTS. I'm sure it is.

[The information referred to follows:]

DIA

Memorandum for Record

5 March 1986

SUBJECT: The Mark Smith Caper

1. On Friday afternoon, 28 February 1986, Congressman Bob Smith called to speak to the Director who was out of town. The call was transferred to me and Congressman Smith began by saying "I hope you are sitting down because I have a bizarre story to relate." He said that Congressman Hendon had called from North Carolina to relay an offer provided to Mark Smith (Major, USA, Ret.) from an unknown source. Essentially, the offer was to provide a 248 minute video tape containing closeup views of American POWs in Southeast Asia in a slave-like environment for 4.2 million dollars to be transported to an unknown specified location by Senator DeConcini, Congressmen Hendon and Bob Smith, and Mark Smith. Acceptance or rejection of the offer had to be made not later than Monday, 3 March.

2. I responded that the proposal generated numerous questions on my part and I would have to get back to him after touching bases within the Administration.

3. I then called Jim Kelly in OSD/ISA who expressed incredulity at the offer and reminded me that the Administration's policy is not to pay for information, remains, or live POWs. I then discussed the matter with Dick Childress, White House staff, and the two of us concluded that more information was essential before any response could be provided to Bob Smith.

4. I then called Congressman Smith and told him that no response could be forthcoming until we had answers to a number of questions concerning the proposal. He indicated that he would contact Congressman Hendon and get back to me. I left a phone number where I could be reached and subsequently briefed the Director upon his return.

5. I heard nothing from Congressman Smith Friday evening and called the Director on Saturday morning, 1 March, to see if he had heard anything, which he had not. I indicated that I was going to Baltimore for the weekend but would stay in touch. Saturday afternoon I called my answering service who indicated that Congressman Smith called and that I should call him back at his home after 7:00 p.m. I called Congressman Smith about 7:30 p.m. Saturday evening and he went over the proposal again, clarifying some of his comments but not providing any additional details concerning the location of the prisoners, the captors, nor the means by which the film, if obtained, could be verified quickly. He suggested that we should hold a meeting on Monday about noon. I indicated that I would call him back either later in the evening or Sunday to confirm a time for a meeting on the assumption that General Perroots would agree to such a session. I talked to the Director about 8:00 p.m. Saturday evening and he concurred in a Monday meeting at a time convenient to all participants. I called Congressman Smith back on Sunday morning and indicated that we concurred in the need for a meeting and that 12:00 seemed to be feasible with final details to be worked out Monday morning. He concurred and we had no further conversation the rest of the weekend.

6. During the course of our conversations during this period, Congressman Smith expressed a sense of awe at the nature of the request. He recognized the seriousness of such an endeavor and that it was not without some danger, but reiterated several times that, while he had great confidence in Mark Smith, as does Congressman Hendon, it's time to get Mark Smith to "put up or shut up."

7. The meeting on Monday, 3 March, took place in Congressman Hendon's office about 5:15 p.m. Present were Congressmen Hendon and Bob Smith; Mark Smith; and Mark Waple, Mark Smith's attorney. DIA was represented by the Director; Bill Allard, the General Counsel; Steve Lucas, Legislative Liaison; and me. Congressman Hendon indicated that the purpose of the meeting was to allow Mark Smith to go over the proposal in detail and answer our questions. He indicated that he was serving as the conduit between Mark Smith and the Administration and that he had great confidence in Mark Smith and believed his story.

8. Mark Smith said that his contact, John Obassy, a "pseudonym," had been present at the filming of a video tape in Southeast Asia that portrayed in part 39 Caucasians that he believed were American POWs in a prisoner-like setting chained together. The owners of the video tape, best describe as Vietnamese provincial officials (my words), were offering three members of Congress the opportunity to view the film, verify its authenticity, and obtain a copy for the immediate exchange of 4.2 million dollars. Mark Smith provided copies of a letter to the President dated 28 February which Congressman Hendon had delivered to the White House on Monday, the 3rd, which outlines the proposal, to include a request for a commercial airliner with a pilot selected by Mark Smith along with other members of the crew who Mark Smith suggested could be security personnel. The plane was to fly to an undisclosed location, which in the course of the discussion surfaced as a friendly country in SEA. From the airport, the Congressmen and Mark Smith would be flown by helicopter by the host country to a border location where they would view the video tape and make the decision to purchase or reject it. If the transaction is completed, the party would then return to the airport. Mark Smith mentioned both orally and in the letter to the President that other evidence of POWs would be provided but refused to elaborate on this point. Mark Smith indicated the demands were nonnegotiable and when asked "that if the Administration's response was no, what would happen to the POWs?", responded "that the POWs were going to come out anyway but in such a way as to cause the U.S. embarrassment." Mark Smith provided no explanation of how the provision of the video tape at the desired price would of itself lead to a safe return of the POWs to America. In the course of the conversation, General Perroots stressed that the only person that indicated he had seen the full tape and viewed the POWs close up was Mark Smith. The Director emphasized the Administration was not refuting the offer but clearly needed some evidence for the decision process. The question was asked could Mark Smith identify any of the POWs from the tape or provide names of the POWs. Mark Smith's response was that he had names but would not provide them. Congressman Hendon made the same comment that he had names also but would not provide them. As the meeting began to break up, Congressman Hendon reiterated that his role was that of a conduit between the two sides. He recognized that General Perroots had to come back and debrief members of the Administration and if the answer was no to the offer, he wanted it in writing.

*Al S. Jones*  
AC JAMES W. SHERIDAN

The CHAIRMAN. What did it say?

General PERROOTS. It simply said what I told you in my text that there was a meeting that Mark Smith, retired Major Mark Smith, not Senator Smith, and Mr. Waple, I believe—no, Mr. Hendon, excuse me, Congressman Billy Hendon then—now, commented that they had the names of the U.S. POW's that were on that tape.

Senator McCAIN. There is no doubt in your mind?

General PERROOTS. No doubt.

The CHAIRMAN. And they would not provide the names?

General PERROOTS. It was a question of trust, I think.

Senator SMITH. Who had the names? Who had the names and did not provide them?

General PERROOTS. Hendon and Smith claimed that they had the names, Senator.

The CHAIRMAN. And that is recorded in the memo?

General PERROOTS. Yes.

Senator SMITH. I was involved with that every step of the way and that is certainly news to me. That is certainly news to me.

General PERROOTS. We'll provide the names of the people who were there.

The CHAIRMAN. Senator McCain.

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

Senator McCAIN. Thank you, Mr. Chairman. I want to just follow up a little bit on Senator Kerrey's remarks which I think were very much on the mark. The media reports today on Mr. Perot's hearing, basically, and I watched a lot of the visual media last night. U.S. officials covered up the truth, dissembled. Most of you, I think you have seen—all of you have probably seen those media reports. I did not get that from Mr. Perot's testimony to start with. But, General Perroots, how long were you involved in the intelligence business?

General PERROOTS. In the intelligence business, sir?

Senator McCAIN. Yes.

General PERROOTS. My entire career, 34 years.

Senator McCAIN. With your background in intelligence, if there was a coverup, a conspiracy, if there was one, how many—how many active-duty members of the military and civilians would have to have been involved in that coverup, roughly?

General PERROOTS. To calculate it is impossible.

Senator McCAIN. Would it be say, 10 people?

General PERROOTS. It would depend upon the magnitude of what coverup you're talking about. If you're talking about a coverup of a report, that's one thing. But if you're talking about a calculated sinister coverup of a dimension I think you're referring to, you're talking about—

Senator McCAIN. Thousands?

General PERROOTS. Hundreds, thousands maybe—oh yes, special forces, commanders.

Senator McCAIN. In order for a coverup to be successful as has been alleged, it would have taken the active participation of hundreds if not thousands of military personnel?

General PERROOTS. Yes, sir.

Senator McCAIN. Mr. Armitage—Ambassador Armitage, I want to bring something up with you which is not very pleasant, but I think important, because a record—an official record must be established on your involvement in this issue and maybe nobody will believe it now, Ambassador Armitage, but maybe some day historians will. What was your involvement in the Vietnam War for the record?

Ambassador ARMITAGE. I served as a volunteer on a destroyer off the gunline for one tour and then as a volunteer in three subsequent in-country tours as an advisor to the Riverine forces. I resigned from the Navy in 1973 and took a position with the Defense Attache Office in Saigon, where I was responsible for Navy and Marine Corps operations matters.

Senator McCAIN. Then you left Saigon in 1975?

Ambassador ARMITAGE. I left at the fall of Saigon, Senator.

Senator McCAIN. So your involvement in the Vietnam War was extensive and at significant risk to yourself personally?

Ambassador ARMITAGE. Yes, sir.

Senator McCAIN. And Colin Powell, I do not believe that General Powell would mind me paraphrasing, he said he would trust you with his life and his family, I believe, or trust you with his family too.

Ambassador ARMITAGE. It's the nicest thing I've ever heard. Yes, he said that.

Senator McCAIN. And yet, you were accused of being involved in running drugs. Is that correct?

Ambassador ARMITAGE. That is true, by the Christic Institute.

Senator McCAIN. You were accused of being part of a massive conspiracy to coverup the POW/MIA issue. Is that true?

Ambassador ARMITAGE. By many, yes sir.

Senator McCAIN. Your home has been damaged, is that correct?

Ambassador ARMITAGE. My mailbox. My children have been damaged by threats on the phone, specific, physical and sexual in nature.

Senator McCAIN. And this went on for a period of years while you were involved in a position of responsibility concerning the POW/MIA issue?

Ambassador ARMITAGE. That's correct.

Senator McCAIN. Have these allegations ceased?

Ambassador ARMITAGE. They have ceased as far as I know. They come, from time to time, back publicly, but I was able to win a public suit against a woman who wrote a book and reprinted these allegations and once I was able to win that, as a public figure, and you know the standards for defamation of a public figure are quite extraordinary, the allegations resided, but recently, they surfaced again with the candidacy of Mr. Perot, but again, they've gone away with his move from the race.

Senator McCAIN. I will not ask you to chronicle the other allegations that have been made against you, against you and your character. I do think that there is substantial, at least circumstantial evidence, that the reason you are not Secretary of the Army today is because of these charges that were leveled against you.

I can only say, as one Member of Congress, that I am deeply saddened by what has happened to you and your family. I hope you will accept at least the apology of this Member and many of the people that I represent for what has been done to you in your efforts to do your duty as you see as best this Nation. And if there is any additional information about your background that we could add to the record to indicate your service to this Nation, I would appreciate it if you would submit it to the record.

Ambassador ARMITAGE. Thank you very much and you have no apology to anyone, Senator McCain, for anything.

The CHAIRMAN. Will the Senator simply yield? If I could ask, what is it about this issue—share with me a sort of personal light about this. There is a vitriol that gets into this and a level of anger and frustration, some of which I know comes from just the frustration that the Government has not done the job. The Government has not delivered, but I do not want to testify to it. I want to hear your explanation of why you think this has happened and what it means in the context of this issue?

Ambassador ARMITAGE. I'll tell you why it happened to me, in my view, others can speak for themselves. First of all, the war divided us and this is a continuation of the war in a way. It's a continued division in our ranks. It's a sign of the frustration that exists when you lose a war, the inability to get answers, number one.

No. 2, in terms of my personal involvement, it is my view that I took a very public stance on this issue in 1981 and continued to take a public stance on the issue, as we changed the live sighting report to be more reflective of the possibility of Americans being alive, and also as we took on various people who were trying to make a living, in my view, out of this issue by taking advantages of the families, particularly the families of the missing in action. And I publicly, in the U.S. Senate and the U.S. House of Representatives, took these people on time after time.

I had the cojones to do it and I've paid a price for that, and you know that's the truth and that's what it's about. It's about frustration. It is about identifying someone who does stand up and has a view and that person becomes a lightning rod and that's what happened.

The CHAIRMAN. What was the view that you expressed?

Ambassador ARMITAGE. It depends upon the issue. I spoke one time about Mr. Gritz, who was alleging he had provided the committee—provided the U.S. Government with remains of American servicemen, that he could continue this. The fact of the matter is those remains were pig and chicken bones. I so testified in front of a huge room, much larger than it is today to the hoots and the derision of the gallery, if you can imagine, just testifying to the truth. Someone has to do it.

The same thing had to do with a ring which was being offered for money, the ring of a POW/MIA which was being offered by one or another of these folks who were, in my words, trying to make a living from the issue, trying to get money from the family of a missing serviceman. I spoke out publicly in hearings.

The CHAIRMAN. Well, let the record show, Mr. Armitage, we are going to—we have four people now working on that kind of issue

and before this committee is finished, we will publicly air the question of exploitation and fraud. I think everybody in their right mind has got to admit at this point in time that it has happened.

A number of pictures surfaced in this past year with families, who with extraordinary certainty and tears and all of the frustration of years coming out, identifying loved ones, only to find weeks later after the certainty had been expressed, that indeed those photographs were fraudulent. And they were not just a photograph that showed up, they were specifically put together to purport to be specific people.

That is an amazing distance to travel to torture people over this issue. So the country must understand the full measure of that. Do you have anything you want to add to that aspect of this issue?

Ambassador ARMITAGE. To the coverup—or rather to the scam artists, et cetera? No, I'm, like many others, awaiting the outcome of your deliberations. I can't wait.

I remember in 1986, I think it was or 1984, after one of my trips to Hanoi, I gave a rather major press conference in Bangkok, and I had found already that these independent operators were very much not only distracting attention in the U.S. Government, but really giving the Vietnamese a great deal of glee, and I came out in Bangkok and I blasted those who would profit in any way off this issue, and I can mark myself from that moment, when my personal problems on this issue started.

Senator McCAIN. Mr. Chairman?

The CHAIRMAN. Thank you, Senator. Thank you. I apologize, I will give you extra.

Senator McCAIN. General Perroots, first of all, let me establish, there is no doubt in your mind then, and it is substantiated by a memo that Major Smith and Mr. Hendon, former Congressman Hendon, had?

General PERROOTS. Stated they had.

Senator McCAIN. Stated they had names from the tape?

General PERROOTS. Yes.

Senator McCAIN. There is no doubt in your mind whatsoever?

General PERROOTS. No.

Senator McCAIN. You remember it vividly?

General PERROOTS. Yes, sir.

Senator McCAIN. I would like to, if I could for a moment, move to the issue of the so-called cluster theory, as you see, that is a very impressive map with lots of flags in it. We have had some references to it at yesterday's hearing.

As part of your work when you were head of DIA, did you also crank into the decisionmaking process this cluster situation, No. 1? And No. 2, what is your professional opinion of this cluster theory that has been purveyed in the last few weeks as some kind of compelling evidence that there were, quote, Americans left alive or are still Americans alive in Southeast Asia?

General PERROOTS. The clustering analyses is not new. Any analyst would determine the extent of activity in an area to cue collection, et cetera. We've been doing that for years. I went one step beyond that, Senator McCain, somewhat in response to the, quote, debunking offensive, you know, and when you were talking about these photos, Mr. Kerrey—Senator Kerrey, the courage that these

analysts must have to say that we don't believe that is a valid photo puts them very often in the category of debunking. So it's a 2-way street.

But, I went beyond that and I brought in the analysts that weren't involved, even, with the regular investigation. I went to what we call a production part of DIA and I said, you are professional analysts that do operations analysis and intelligence across the board. I want you to assume every report is a valid report. I want you to cluster them and I want you to determine—at the same time, I had this concept and which was implemented, of developing a capability of doing more on the ground and that's all I'll say here.

And my idea was again to send a message to the American people that notwithstanding the fact that we don't have the precise geographic locations, and not withstanding the fact that we don't have the very hard pervasive evidence that perhaps we'll have at least a key to put in an indigenous team to go look and come back and say, we tried another thing. And so, they did that and they came up with essentially, I suppose, maybe the pattern would be similar, because it's basically where the activity was.

But I would caution—I would caution anybody about taking that quantum leap of saying that that constitutes any hard evidence that there is a single, a single living American there.

Senator McCAIN. Because of the methodology.

General PERROOTS. Of course. That's a statistical reporting analysis. That's what that was.

Senator McCAIN. Thank you. Mr. Chairman, there are a lot of questions I would like to ask this panel and I know we have another panel waiting, so I would conclude. Thank you for your patience and I thank the panel.

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

#### STATEMENT OF HON. HARRY REID, U.S. SENATOR FROM NEVADA

Senator REID. Mr. Chairman, let me ask this question. You have indicated, General, that you do not know of any hard evidence that there is anyone alive now. In your expert opinion based on all the information that you had at your disposal and now have at your disposal, after Operation Homecoming in 1973, do you feel that there were people left behind, Americans left behind other than Garwood?

General PERROOTS. Yes sir, I do.

The CHAIRMAN. Would you pull the mike up to you? I interrupted your answer and I want you to answer again, but pull the mike up, could you, please?

Senator REID. He said yes, I do. And upon what do you base that, General?

General PERROOTS. I base it on much of the evidence that this committee has seen, and the logic that says that with so many live sighting reports—with so many reports that indicate that they were alive at the time, we should have gotten more, especially out of Laos.

Senator REID. The question that we have gotten almost unanimous agreement on is that it is doubtful if any people are now alive. Would you agree with that?

General PERROOTS. You know, Senator, I hope you don't think I'm evading the question by saying I don't know.

Senator REID. OK.

General PERROOTS. I just don't know. If you ask me the question, I will honestly respond, But I don't think I—and let me tell you why, that there is an organized, institutionalized effort to hold a number of people for whatever reasons, barter, et cetera. It defies my logic.

It defies what I know to be an intense intelligence effort that we've applied that I think would give us a key somewhere on the penal system, the medical system and I found myself, as I listened to the hearings all night, Senator Kerrey, somewhat feeling pretty good about all the things—many of the things that we did that Ross was recommending, like full corps press and NSA.

We put a full 6-month effort to relook at the tapes, like don't pay attention to what happened yesterday, let's go on. We did that. And frankly, I just have to believe that we would have triggered some—some—to include third-world diplomats, et cetera, that we mobilized that had access in those days. I never got the key. So I don't think, in my view, that we're going to find a smoking gun that says that Laos or North Vietnam have in a formal way kept these people for leverage. I don't think so.

Now, if you're asking me is there even some Americans kept against their will, perhaps in a cave by a chieftain somewhere in Laos, or even perhaps with a family, I am more inclined to support that, and I do believe.

Senator REID. You are inclined to say that is possible?

General PERROOTS. Yes, and I do believe, frankly, that we have to go on that assumption.

Senator REID. Ambassador Armitage, would you agree with the General?

Ambassador ARMITAGE. I'm not sure where he ended up, Senator. I think what I'd say is I believe there are Americans in Indochina. I don't know the circumstances, but I do know that it was my acting assumption from my very personal involvement from the early 1970s with people who became POW's who were colleagues of mine, comrades-in-arms and who did not return in Operation Homecoming, that people were left behind.

Consequently, it is my view today that people are there. I cannot prove that to you. I cannot prove what conditions they're there under.

Senator KERREY. In other words, you mean they may be living freely?

Ambassador ARMITAGE. They may be living freely.

Senator REID. Ambassador, so I understand what you are saying, you agree with the General that after Operation Homecoming there were Americans left alive in Southeast Asia.

Ambassador ARMITAGE. I do.

Senator REID. Fair statement?

Ambassador ARMITAGE. I do.

Senator REID. And you have elaborated on what the General said and given your personal opinion that today you believe that it is possible that there are Americans still alive in Southeast Asia.

Ambassador ARMITAGE. Indeed so, Senator.

Senator REID. Mr. Childress, what is your comment regarding that of the Ambassador and the General?

Mr. CHILDRESS. I think there's a—I believe there's a possibility of Americans in Southeast Asia in some category that is not defined. I don't know if anyone's being held prisoner. I would add that if they've all perished, the discrepancy cases—and I think it's important to remember that Vietnam could solve the live prisoner issue by returning their remains. So the key question is, if they're not alive, why is Vietnam not solving it?

Senator REID. Ambassador Armitage, I frankly did not hear your answer, so I would like you to repeat it. You had how many tours of duty in the military in Southeast Asia?

Ambassador ARMITAGE. I had one on a destroyer off the gunline as a volunteer, and three voluntary tours with the Vietnamese Riverine. I was an advisor.

Senator REID. And what did you do on those—how many—once on a ship, and what else?

Ambassador ARMITAGE. Three inland, I was an ambush-team advisor.

Senator REID. You worked with the South Vietnamese?

Ambassador ARMITAGE. That's correct. For two tours I was an ambush-team advisor, and one tour I was senior advisor to a 20-boat RPD, riverboat patrol division.

Senator REID. OK, just briefly tell me, you were ambush advisor. Tell me what you did, I'm not military, I don't know.

Ambassador ARMITAGE. We set—it was no great secret, we set up ambushes. On my first tour, about say 130 times during the course of that first year, we were trying to interdict lines of communication, and this was in South Vietnam and these were lines of communication primarily of the Viet Cong and not the North Vietnamese.

Senator REID. And when you went on your third tour of duty, you were dealing on a boat?

Ambassador ARMITAGE. No, the second tour—well, the second in-country tour, I was on a patrol craft not unlike Senator Kerry's. I had 20 of them under my purview as senior advisor. That was on the Cambodian border. And then the third tour, I was in II Corps, again as a senior advisor, but also as an ambush-team advisor and this time we were dealing with NVA's, not the Viet Cong.

Senator REID. And these tours of duty were how long, each one of them?

Ambassador ARMITAGE. The first one was a year, the second one was 9 months, and the last one was about 7 months.

Senator REID. Now, the reason I have laid this foundation is to get your opinion on a statement made by one of our witnesses yesterday, a man by the name of Meurer, is that how you pronounce it?

The CHAIRMAN. Meurer.

Senator REID. Meurer. He said that he talked to a Chinese man that in effect said that if, in fact, there were prisoners being held

there would be no reason for the Southeast Asians to keep them alive once they were kind of in the way. I am paraphrasing what he said. And you, having lived literally with the Southeast Asians for 3 or 4 years of your life, what is your comment on that?

Ambassador ARMITAGE. I think that is a very dangerous assumption to make. I don't understand why they would keep people alive. I don't understand why they won't tell us what they know. I know that they lied to us about Bobby Garwood and he came out. They lied initially, at least a lie of silence, on the Schwab case when Dick Childress in the main and me secondarily were probably the only two people outside of Schwab's parents who thought he was alive. I don't know why they do this. But I would not underestimate their own revenge and their own hatred.

The CHAIRMAN. Can I say one thing? We asked that question with respect to Garwood. And their answer was he asked us not to tell until a certain point of time. I am just saying what they say. But the minute he said he wanted to go home, he went home, that is their answer.

Senator REID. So the point is, Mr. Ambassador, your having spent as much time as you did in that part of the world, you understand how little you know about the reasons that they do things, is that a fair statement?

Ambassador ARMITAGE. Well, I think I'd rather say that I am not going to apply our standards to them.

Senator REID. It is fair, though, that you do not understand their reasoning, why they do things, as much as you spent time—

Ambassador ARMITAGE. No, I understand why they do a lot of things, and I think all of you do, as well. I think why they try to divide the American Nation on this issue just as they did during the war, it's good strategy. I can't tell you why they might keep Americans alive nor can I tell you—prisoners—nor can I tell you that there are prisoners. I just can tell you my personal belief that there are Americans in Indochina under some conditions.

Senator REID. And this is based upon a general knowledge you have of all the facts, not any hard facts that you can point to saying I know that they are alive and I have a general idea of where they might be?

Ambassador ARMITAGE. There are no hard facts that I can point to, but I can point to you that I am a victim or a beneficiary of my background just as all of you are, and my background was very personal on this issue with a friend of mine who was captured and I spent 2 nights on a canal trying to be a blocking force to keep him from being extricated from the area, and we were unsuccessful and through the length of my tour kept getting reports about this man being moved from place to place. So I was in early and it affected me and how I feel about this issue. This man did not return in Operation Homecoming.

Later, at the fall of Saigon, at the very day it fell, I saw Americans of all sizes and shapes coming out of the woodwork, either get on the boats which I was with or to get on aircraft. They were on nobody's list. No one's list of anything.

In the late 1970s, as I worked for Senator Bob Dole, the National League of Families came up and worked hard with Senator Dole, and I was the AA, they worked hard with me making sure this

issue stayed alive. So I have been very much affected by my background in this. This thing's been kept alive in my mind. We didn't have any dead periods.

Senator REID. Ambassador, how do you think that your name has gotten and what reasons has your name gotten so involved in you being part of the drug traffic from the Golden Triangle and, you know, I have seen this in—I am sure you have more than I have.

Ambassador ARMITAGE. I believe it originated in the Christic Institute.

Senator REID. But why?

Ambassador ARMITAGE. Well, who knows. I think that whole episode, as far as I know, was out of whole cloth. And even the Christic Institute had the decency to remove it from a subsequent submission in an affidavit because they had no basis for any of their allegations.

For instance, I was a midshipman at the Naval Academy during some of the time I was allegedly working in the Golden Triangle. I have never been there. I was Bob Dole's AA during a subsequent time when I was allegedly the CIA station chief. So when people make this out of whole cloth, others for their own purposes want to perpetrate it.

Senator McCAIN. I want to go to another important factor here. All these allegations were investigated by the FBI, is that not true?

Ambassador ARMITAGE. Twice, to my understanding, Senator, and by the GAO and internally in the Pentagon and not a few Congressmen and Senators have looked at it.

Senator McCAIN. And the results were all totally that the allegations were false?

Ambassador ARMITAGE. Baseless and groundless and further, I believe if you check with the FBI you'll find that they reside in a cadre of activists on this issue. They have their origin, a common point.

Senator REID. Mr. Chairman, one last question. I know my time is up. What we hear when we go home, town hall meetings and other places, is that even though we have spent days of our time, staff has spent months of their time taking depositions and trying to find out what has gone on in Southeast Asia and you men have all spent a good part of your life dealing with this issue, that we are confronted with a general coverup, that there is, as Senator McCain has mentioned, that there is a coverup, that there is a conspiracy that because people were left behind, because there was a policy decision made in the high levels of our Government that you and I guess us, we are part of this coverup to keep information from the American public. How do you respond to this?

Ambassador ARMITAGE. If you try to get this down to a situation of consensus where everyone agrees with you, you will fail. It is not possible, I believe, to get a consensus on the issue. The only thing we can do is, I think, internally when I was active in the department we had seven different investigations. Each one showed that there was no conspiracy and coverup. We have to depend on whatever you find to help in this issue, but it is not going to resolve it and it is not going to eliminate in the minds of some the fact that now you are part of this conspiracy.

The CHAIRMAN. But you can understand—you can understand—and I am beginning to see something here, frankly. We have been at this for 7 months, and I am beginning to see some things emerge here. I mean, you have all agreed, as have many other people in front of us, that it looks as though some folks were left behind, correct?

Mr. CHILDRESS. Correct.

Ambassador ARMITAGE. Yes, sir.

Mr. CHILDRESS. And we said it publicly.

The CHAIRMAN. I understand. But you did and you did not. Because you also understand that the Defense Department in 1973 had a major statement come out saying, and the President said, they are all home. The Defense Department said they are all dead. They also said nobody is alive. So beginning in 1973 you had cross currents that were at work. You had one part of the Nation being told everybody is accounted for or they are dead. But you had this other group who understood that was not true, correct?

Well, there it is. I mean, that is the beginning of it. And for 20 years, the people who understood that it was not true have pounded away and pounded away. And as you said yourself, we overclassified. So they did not get a lot of answers.

I mean, you would not have had to raise this, Mr. Childress, to a new level of concern in 1985 if it had been raised to its level of concern necessary previously, correct?

Mr. CHILDRESS. Absolutely.

The CHAIRMAN. So it is perfectly normal that there was a frustration growing and building. You are shaking your head.

Ambassador ARMITAGE. It is obvious on the face of it, and I think I have said the frustration has grown. I think we added to it by our very public stance. But I don't know—

The CHAIRMAN. But the point I make is—I am sorry to interrupt you—is that there really is no mystery about where all this cry about conspiracy comes from. I can understand how people would get frustrated after pounding away at the doors of Government for 10 years believing a loved one is over there and alive with cause to believe it, and then you arrive 10 and 12 years later and you are still not getting answers. I mean, this is not complicated.

Ambassador ARMITAGE. I jumped into the issue in an official way in 1981, and I know that when my colleagues and the National League got very active in this and raised the priority and did all these things, initially for the first 4 years or so I believe it is fair to say we were greeted with great enthusiasm across the board—across the board.

Now, there were some pockets, but as a general matter, we weren't suffering cries of coverup and conspiracy. There was a lot of bemoaning the inattention and what didn't go on from 1973 to 1981. The first couple of years, it was a honeymoon, if you will, and it was only later—and I trace it in my personal involvement to that rather dramatic press conference in Bangkok which I gave. That is just a personal anecdote.

The CHAIRMAN. Well, I think it is an astute one.  
Senator Grassley.

STATEMENT OF HON. CHARLES E. GRASSLEY, U.S. SENATOR  
FROM IOWA

Senator GRASSLEY. Yes, I have questions of two of you. I will start with you, Ambassador.

After the fall of Saigon and before you went to work for Senator Dole, could you tell us what you were doing?

Ambassador ARMITAGE. Yes. Until Mr. Ford lost the election, I was part of the defense representative staff in Iran, particularly with Navy and special operations programs on the staff of a Mr. Eric von Marbod. When the election was lost I came back to the United States for some period of time, and then went back to Thailand along with a retired brigadier general in the Air Force to try to start a business. And I would be 2 weeks in Thailand and 2 weeks back in California. It was very unsuccessful, and after a couple of months gave it up. And then I joined Senator Dole. I was here in the area.

Senator GRASSLEY. What was the business you were trying to get started?

Ambassador ARMITAGE. We had a tour business organization, a tour business originally, trying to encourage tourists to Southeast Asia. That was too hard to do. We got into rattan, which for me was also too hard to do, Senator.

Senator GRASSLEY. General Perroots, did you ever observe in the DIA POW office any indication of what we term here the mind set to debunk?

General PERROOTS. The charge of debunking was so pervasive when I assumed the position of director that I attacked it immediately, perhaps even with overkill, not only moving people around, putting new people in, establishing a group so that one person could not debunk, personally getting involved. But certainly there was evidence, based on the Gaines Report, an internal report, that there was very often an unconscious and sometimes perhaps even conscious mind set that comes with—Gene used to tell me, General Tighe, they burn out. They're tired. Here's another one. That kind of a thing. But I can honestly say, and I say this with no motive to stroke myself, that during my tour, once we launched these initiatives that I articulated, it was very difficult to have cases of debunking.

Senator GRASSLEY. On another point, it appears to us that—or at least to me—that human intelligence sources exploited for the POW information in Indochina, at least since 1975, have been nearly exclusively Vietnamese, Lao, and Cambodian refugees. So, General Perroots, within the boundaries of security, could you comment on the apparent absence of any aggressive, positive, human intelligence collection effort?

General PERROOTS. Well, one of the reasons, of course, there wasn't a more aggressive, positive, human intelligence action was resources, was the climate that was articulated here during the time, was the fact that after the operation in Laos Panhandle there was a sort of I told you so attitude. I, again, was concerned about that, and we launched an initiative to improve, to establish within DOD, this capability.

Now, there were some human capabilities other than the refugees. There were some military collection efforts, there were, of course, the entire attache arena, there were other humint sources that were being exploited during this period. But as far as a programmed, on-the-ground effort, it was very weak.

Senator GRASSLEY. Referring to your words that you just used, that you tried to establish within DOD some human intelligence efforts, the extent to which you tried to get them established, were you successful in getting them established?

General PERROOTS. Yes. Yes.

Senator GRASSLEY. To the degree you wanted to?

General PERROOTS. Well, never to the degree—no intelligence officer is satisfied with what he got. But yes.

Senator GRASSLEY. The extent to which you did not get what you wanted, what would you say the major reason was?

General PERROOTS. Resources. Resources.

Senator GRASSLEY. Budget?

General PERROOTS. Well, personnel resources, budget resources. For every individual that we put out there that's military has to come from the services and, of course, it has to be funded.

Now, again, I was satisfied with the support that I got. And it's been implemented and it's growing, and I think you have briefings on the program.

Senator GRASSLEY. General, again, on another point, did you ever see any intelligence information that strongly suggested to you that American POW's were transported from Vietnam to Laos to the Soviet Union or to China?

General PERROOTS. I cannot recall a single hard piece of evidence during my term as director.

Senator GRASSLEY. Mr. Chairman, that completes my questioning.

The CHAIRMAN. Thank you very much, Senator Grassley.

What we will do here is try to wrap this panel up if we can in the course of the next half-hour. We are going to go straight through here. Senator Baker and Mr. Cannon are the only two members of the next panel, and I think that will not be as long a panel. So I think it is good for us to just hang in and go through.

I would like to pursue a number of areas if I can, quickly, and I appreciate, incidentally, the sharpness and brevity of your answers. I think it is helpful to the committee to be able to move through this that way. Obviously, where you want to add anything, we welcome your doing so.

I want to try to think out a little bit the resolution of this and deal with hard realities in doing so. And you have all sat around the table and you have talked these things out in private, not always in public. But here we are in 1992. We have a body of evidence that grows older in many regards. The live sighting reports, certainly a live sighting report that somebody saw somebody in 1975 or 1976 might help now establish whether someone was really there. But I think we have basically established that potential. There are people to be accounted for, and this issue will be resolved only through that accounting.

Now, it has been measured, but it is happening. Of General Vessey's 135 people and our 130-some and DIA's probably additional

number, some 57, if I am correct, have been repatriated as remains. Is that not correct?

Ambassador ARMITAGE. That is my understanding, Senator.

The CHAIRMAN. I see, Ann, it is not that many. What is the number?

[Response made by Ann Mills Griffiths, Executive Director, National League of Families.]

Ms. GRIFFITHS. It is 57 in addition to the 135, and those are the confirmed dead with the remains not yet repatriated.

The CHAIRMAN. So there have been 57 remains repatriated outside of those. We still have question marks, very serious question marks. In many cases, it is our belief the Vietnamese can answer these.

Now, a number of you have said the Vietnamese can easily answer this. They can tell us. This can be handled. Now, I do not really—I am trying to be pragmatic here. I do not want to carry a brief on any side except an honest resolution of this. I am not sure it is fair to say that the Vietnamese can easily resolve every one of these cases. In some cases, you have got units that may have had a prisoner, they may have been on the Ho Chi Minh Trail, and we may have bombed the living whatever out of it and the whole unit was wiped out, including our prisoner, is that correct?

Ambassador ARMITAGE. Sure.

The CHAIRMAN. Correct?

General PERROOTS. Yes, sir.

The CHAIRMAN. Who is around to give an accounting to that?

Mr. CHILDRESS. Senator, if I could, based upon our database alone, when I left our estimate was that the Vietnamese could account for hundreds of cases easily. Clearly, not all of them. We told the Vietnamese that we have certain cases that we know will never be accounted for.

The CHAIRMAN. But let me say again for the record, Mr. Childress, that was 1985.

Mr. CHILDRESS. No.

The CHAIRMAN. That was when?

Mr. CHILDRESS. Through 1989, when I left.

The CHAIRMAN. 1989.

Mr. CHILDRESS. Right.

The CHAIRMAN. How many cases have been accounted for since that time?

Mr. CHILDRESS. I'd have to look. We did 175 from 1981 to 1989. I understand this year and the year before were the two worst since 1982 in terms of returns of remains. Now, when I say resolve easily hundreds of cases, I mean either you either have a live prisoner, remains, or an explanation why neither is possible through archival research or the rest. And in those categories, there are many hundreds of cases they can resolve for us.

Beyond that, you are talking long-term efforts, maybe crash site excavations, maybe never finding anything. Our problem of always defining what's the fullest possible accounting has been we only have our database. We don't know what the Vietnamese database is. But in a full, cooperative effort between our governments and their cooperating, we will know when we get there.

The CHAIRMAN. OK. Now, it is fair to say that the 135 or so that we are dealing with as a universe represents the best potential for the easiest resolution, is that correct? These are the cases we have the biggest question mark about, about which they should know the most, and we ought to be able to get an answer.

Mr. CHILDRESS. From our database, that's correct.

General PERROOTS. And the ones that are most likely alive, if there are any alive.

The CHAIRMAN. And the ones that were most likely alive at some point in time.

General PERROOTS. Some point in time.

The CHAIRMAN. Now, when I was over there most recently, I was again struck by the fact that when a Caucasian walks around in Vietnam it is not an incident of small notice. You all would agree with that?

Ambassador ARMITAGE. Particularly when you are 6'4" or whatever you are.

The CHAIRMAN. Particularly if you are 6'4". But when any Caucasian is around, it is still in Vietnam something of curiosity, fairly significant curiosity. I mean, hundreds of—I walk into a village and be surrounded by 150 people. It is very hard to understand how Americans could be moved or moving without a community noticing it in a way that would create ripples of information at some point. Do you not agree, or do you think that is wrong?

Ambassador ARMITAGE. No, I agree, if they are not afraid to chat or talk, that's true.

The CHAIRMAN. Well, if you have people out in the countryside, is it your experience that it's difficult getting people to chat?

Ambassador ARMITAGE. I'm not sure since the fall of Saigon, we've had so many people out. Generally, people will talk to us in these investigations.

The CHAIRMAN. What I am getting at is this. When I was there, we met with the British ambassador, the French ambassador, the New Zealand, Italian, and one other country. To a person they said to me, Senator, you folks are crazy. You are denying yourself access to Vietnam. We go all over the country, our people. Our field people from our embassy are all over the country. We are all over the country.

I met with the NGO's. The NGO's, all of them, the nongovernmental organizations said, we are all over the country. We go places. Our people, because of this constraint within which we are operating, do not move as freely as the people from these embassies or the NGO's.

Now, it just strikes me—and maybe I am dead wrong, and I am prepared to be told I am dead wrong, and shown why—but somehow it seems to me common sense that if we had people with that kind of access around the country, we are going to learn a whole lot faster whether somebody is alive, or what might have happened to somebody. Now, am I wrong?

Mr. CHILDRESS. Yes, sir. I think you are wrong.

Ambassador ARMITAGE. No.

The CHAIRMAN. You think I am wrong, and you do not?

Ambassador ARMITAGE. I don't think you're wrong.

The CHAIRMAN. Who wants to go first?

Mr. CHILDRESS. Let me say you're not totally wrong, Senator. I think the premise is that by walking around the countryside somehow we're going to find a prisoner. My premise would be—or information on them—that if at this late date the Vietnamese are holding Americans alive, they are not going to be anywhere accessible to people just walking around. It would be a state secret of such magnitude—

The CHAIRMAN. Good. I am glad you said that. I want that on the record, because it is part of what has to be put here. But I want your piece too, and then I will come back to you.

Ambassador ARMITAGE. I said, in answer to an earlier query from you, Senator, on what it would take to resolve the issue, that one of the things it would take would be a lot of free access, unannounced, et cetera. So, I'm in the main in agreement with you to the extent—if we've got free access, then we'll be a lot better off. I'm not sure, though, that having the villagers crowd around and chat with you is the same thing as getting information from them.

The CHAIRMAN. Well, I agree. But look, here is what I'm looking at. And I want to come back to you because this is the nub of it. This is where we are today. We have got 58 American military personnel going out into the countryside, going to prisons, asking questions. You have got Ross Perot saying, that is crazy. You have got other people thinking it is crazy.

A rational examination of it says, if they are truly holding somebody they are going to do it exactly as Mr. Childress said. So, what you are going to learn, however, is reality base. You could go into a village and somebody may learn, gee, you know, in 1975 there were three Americans living here, and this was their name, and by God they lived with us, and we just eat dinner, but then they left and they went to Thailand or something, whatever. You just cull information, and you build relationships. And from that you can gain a reality base.

But coming back to your point, and this is the key, where the country finds itself today, if the only way someone would be alive today in captivity is indeed as a matter of state secret, and I will accept that that would be the only way I think the government would hold them if they were, then the only way you get them is through negotiation, correct?

Mr. CHILDRESS. An admission through negotiations or if your intelligence was good enough to pick up the state secret.

The CHAIRMAN. Well, you have got to find a rationale for them holding them in a way that it is so necessary for them to keep it a secret forever that nobody finds out, so our intelligence does not discover it, so that they can then some day use them as a chit for something, if that is what they are holding them for. Otherwise, there is no reason for them to hold this great secret and go to such lengths, correct?

Mr. CHILDRESS. Well, that's always the dilemma.

The CHAIRMAN. Well, I want to deal with whether it is dilemma, or a fiction, or a reality. Now, let us assume they were holding them. We have gone 20 years now. There is not one American official who comes forward and says—with one exception possibly, and we do not know the truth of this one yet—that there is an offer of money, ransom, exchange.

Ken Quinn has been over there. You have been over there. General Vessey has been over there. John McCain has been over there. Senator Smith has been over there. Senator Grassley has been there. Bob Kerrey has been there. Senator Graham has been there. A lot of people have been there. Never once has there been an offer. If you do A, B, C, and D, we will give you these people.

Now, I would assume that President Reagan would have immediately taken them up on that, would he not?

Mr. CHILDRESS. We worked—the early years of this. The whole point of the negotiations on the live prisoner issue was to try to get an admission and make sure that the Vietnamese knew that we would handle it quietly, and sensitively, and work with them, and try to get them to tell us what they needed for it. I mean, I would have loved—

The CHAIRMAN. So, overtures were made?

Mr. CHILDRESS. Absolutely.

The CHAIRMAN. And you made one, did you not, Mr. Childress?

Mr. CHILDRESS. I have made several. And getting an admission doesn't necessarily mean paying for anything. But you can't negotiate until you get the admission, so we were working for that.

The CHAIRMAN. All right. Now, help me, because this is where you get into this crazy catch-22 for our Nation and for the Vietnamese. Frankly, for the whole region; for our policy. We have American businesses that today could be providing jobs to Americans. The Germans are in there. The Japanese are in there. The French are in there. The United States is holding back because our policy is we want a full accounting for POW. They tell us, we are not holding anybody.

We say, well, we need a full accounting. They say we are not holding anybody. You have all agreed that the likelihood—the only way they would be holding them is if it is in secret and they are holding them. So, there is no deal to be cut, but we keep denying ourselves any sort of change of policy, movement, or anything until they answer us. They answer us saying, we do not have anybody. We say, that is not sufficient, so we do not move forward.

You go around, and around, and around. If somebody were, indeed, there living freely or held somewhere else other than by the government, we do not advance our capacity to find that out except through this very prolonged process.

Now, how does this come to an end, gentlemen? How do the Vietnamese satisfy you that when they say, we have given you everything we have or we have answered those questions to the best of our ability, that you really have, and that you can say, gee, we believe they are not holding somebody.

Mr. CHILDRESS. Senator, they have refused to resolve the live prisoner issue. If there is no one there, they can resolve it. There is some element—

The CHAIRMAN. How?

Mr. CHILDRESS. By return of remains.

The CHAIRMAN. But supposing they cannot get at some remains, or do not have them, or do not know where they were. You say they could return all of them?

Mr. CHILDRESS. I am absolutely convinced in my mind that all of the discrepancy cases that are of high priority—

The CHAIRMAN. I agree on the discrepancies.

Mr. CHILDRESS. OK. Those are the focus of the live prisoner issue. And we told the Vietnamese that if they are alive, we want them back, and if they are dead, we want their remains. And I have told them point-blank.

Ambassador ARMITAGE. Or a better explanation.

Mr. CHILDRESS. Or a better explanation why they can't be recovered. But there are elements in the Politburo, obviously, in Hanoi, whether there's anybody alive or not, have made a decision not to resolve the live prisoner issue.

The CHAIRMAN. So, if in Vietnam today trying to understand this and reading this transcript, or listening to this, the clear message would be that if those 135 can be resolved, then the issue is resolved. Is that what you are saying?

Mr. CHILDRESS. No. What I'm saying is that in a context of them rapidly resolving the discrepancy cases in our database that we are of highest concern about, then we're seeing a sustainable process where we can start moving down the road map rapidly and get to the very things they want. If you lose your leverage in that context, they have no motivation after that to perform.

I mean, the way the Vietnamese operate, the way they negotiate, is precisely that way. If you give up your leverage, what do they do then?

The CHAIRMAN. You say, if you give up your leverage. I will come back to that in a minute. You wanted to say something, Ambassador?

Ambassador ARMITAGE. I just want to see if we have got one piece of common ground. I'm not sure we do. You made the very correct comment, Senator of, well, what if a unit had been obliterated and had an American POW. There would be no record. That's something I generally agree with.

But it is my experience, both in the south and the north, and I believe it's more generally the experience in Communist countries, that record-taking is an art form. We're kidding ourselves if we think they don't have fairly good records on who was where when. This is what they do to make up for all the work they're not doing in terms of economic development, et cetera.

This was exactly the theory that we operated under on the Schwab case—feeling that if this gentleman was dead, their public security bureau would know it, because no fisherman would dare come upon a Caucasian body without reporting it. So I think you've got to—at least, I would hope that you would agree with me that record keeping, the Vietnamese were probably pretty good at it, and that consequently they've got a lot more information than we've seen thus far. If you don't agree with that, then we're not on the same playing field.

The CHAIRMAN. We agree. The committee is in agreement with you that the record keeping is pretty good. We now have access to many of the archives we never have had access to.

Senator McCAIN. But I would suggest, Mr. Chairman, in relation to what Ambassador Armitage is saying, that remember that Colonel Bui Tien indicated clearly to this committee that there was a significant amount of information that he knew that was at the disposal of the Vietnamese Government which they have not made

available to the United States. And I think that is a very important point that is being made here.

The CHAIRMAN. So, if when the 135 or so that we think that would most lend themselves to resolution are resolved, but the Vietnamese still say, we do not hold anybody alive, do we accept their resolution at that point?

Mr. CHILDRESS. My own opinion is that the 135 or whatever the discrepancy number is now is our database solely. We don't know what the Vietnamese know in their database over and above that. But I would say that if the Vietnamese respond in a substantive way to the 135, then we have narrowed the possibility of live prisoners significantly. And in the context of them continuing to cooperate that way, which I would assume they would continue, then we're getting pretty close to answering the question.

The CHAIRMAN. And the roadmap then permits additional activities which reward that kind of response.

Mr. CHILDRESS. Exactly.

Senator McCAIN. Mr. Chairman, I have one additional question, if you do not mind, very quickly. It's hard to always respond to these blizzards of allegations that fly over the transom, but there was one that I think needs to be responded to. General Perroots or our other two witnesses might want to.

The statement about that refugees are not only discouraged but are punished if they bring forth live sighting reports. Would not only note whether it is true, but also state what the policy is, and what you would do if you heard of such activity of discouraging or punishing refugees who might have information about live Americans. General?

General PERROOTS. My information—I've been there, and on the basis of what reports that I have, it's quite the contrary. Our problem is, as we raise the flag immediately of presenting information on PW's, MIA's that they respond to that. They get to the head of the line. They get special treatment, and they know that. Word gets out. I've cautioned our people not to be influenced by that, but to continue to ask the question.

The policy is—I, frankly, have never had a case. I was somewhat surprised at Ross' allegation. While I do remember him mentioning a DEA fellow—I think he even paid his salary—that he put out there. But I don't recall any instances where there was any indication or evidence of them being punished or their being reluctant to come forward.

Mr. CHILDRESS. Senator, I've traveled the camps with out interviewers up and down the border many times during the 1980's. Quite to the contrary, the refugees are treated well. They voluntarily come forward. And if we had any evidence that an interviewer was doing something he should be summarily taken out of the issue.

Ambassador ARMITAGE. It would be the quickest way to get resettlement in the United States if a refugee could show that he had been mistreated or subjected to pressure not to give information. That particular person would be air mailed here immediately, as far as I am concerned.

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

The CHAIRMAN. Senator Smith?

Senator SMITH. Mr. Chairman, one of the flaws in the argument that the reason why the Vietnamese may not hold anybody is that they never made any overtures—well, we do not know that for a fact, but assuming they have not—is maybe, the reason may be that they do not want to make any overtures.

I do not mean to make light of this issue, but as an example, the farmer who had a little puppy. And his neighbor came over and asked him if he would take \$500 for that puppy. And he said, no, it is my son's; it is a pet, and I am not going to part with it, and that is that. The guy then said, would you take \$5,000 for the puppy? And with that the farmer said, would you like a receipt?

I think the issue here is that if in fact there is a willingness—trying to figure out the psyche of the Vietnamese or the Lao is something we have all been trying to do for years. We have not been very successful at it. We do know, and I think you are very correct, Mr. Childress, in what you said about the fact that they have withheld information. And if they did resolve it simply—I do not believe the universe is just the discrepancy cases. There is some disagreement on the committee on that. But I do not believe that is the case.

But just sticking to those cases for a moment, that universe, you are right. They certainly know what happened to those people. They were filmed alive in some cases, seen alive in some cases at the time of incident, and so we know they know, and they have not told us that. If they have not told us that, why would they tell us that they were holding somebody in a prison somewhere?

And the other thing is that in terms of prisoners, I do not know about you, but I—unless my brother was in there, God forbid he is not, or my next door neighbor, I could not tell you who was in the prisons around here. Does anybody know who is in Lorton or some other prison? I do not have the slightest idea, and I do not see them on a day-to-day basis. So all that is just nonsense, as far as I am concerned. It is absolute nonsense. The truth of the matter is that if the Vietnamese have people they are going to give them to us when they want to.

And let me come back to a couple of points specifically. In terms of the issue, and sometimes we are all—I very much sympathize with you, Mr. Armitage, in terms of some of the personal views. I have had a good share of it myself, as we all have who have been in this issue. It seems like that is the nature of the beast, that if you are involved in this issue, you have got to wear a bullet proof vest. But maybe in the end it will all be worth it.

But, you know, the thing that bothers me is the war that we have between the executive and the legislative branch on this, at least that has taken place while I have been involved. And I think it has been true before that. And there is no reason why. And it is not directed at you, because you were not in that high a position—you were in high positions, but not as high as I am getting at.

There is no reason why some President from Nixon to Bush could not have said, enough is enough. I want a full scale investigation on this whole matter. I want to know what happened. I want to see those documents. I want to put it all together. We are going to flush this thing out. That did not happen. That is not meant to be critical of anybody in particular, but it just did not happen.

We are doing it. And I will tell you something. It is damn hard for us to get this information from the executive branch. It is not easy. And sometimes it is simply a matter of witnesses perhaps like yourself who simply do not have the answers that we are asking for. Somebody else may have. But if we do not know who has them and we do not ask for those people, we do not get to see those people. And we are told, if you want a specific document, Senator, ask for it. Well, if I do not know what the document is, how can I ask for it?

And this has been the ongoing—I would just invite a brief response, because I have several questions I want to get to. I would appreciate some type of response as to what do you think. Is that a fair question, that somebody in the executive branch, whether it is the President or somebody he designates, could not have done this?

Mr. CHILDRESS. I think part of the problem is, in this case Senator, when we came in in 1981 and 1982, you had believers coming in who already knew about discrepancy cases and felt the ambiguity at the end of the war left the possibility of prisoners being held. I mean, we did not need an investigation, we knew it, we felt it. We did not have to go back for documents. So, we changed the policy based upon that knowledge to go forward. And I think we would have said, we are investigating things we already know.

Now, there are certainly specific things that you all have uncovered that I did not see in detail, and they are quite interesting, but I still have not seen anything that changed my basic feeling about the way the war ended and what we were pursuing yet.

Senator SMITH. Do any of the three of you know, either first hand or did you hear any hearsay information about an offer in 1981 by the Vietnamese to then President Reagan early in his administration?

Mr. CHILDRESS. It came out publicly in the mid-1980's. I called my predecessor, because I took over in January 1982, to check it out. He said he had never heard of it. He would have known. I think I put in a call to Dick Allen. I don't know if it was returned or not. I can't remember. But it was one of the rumors that hit in the mid-1980's; also tried to check calendars to see if meetings had taken place. I came to the conclusion, from everything that they told me, that the meeting and the offer did not take place. I see it's back on the agenda.

Senator SMITH. So, is that your response?

Ambassador ARMITAGE. I have no knowledge.

Senator SMITH. General Perroots, you were not at DIA at the time. Do you have any information? Did you get any information while you were in DIA that would substantiate the fact that there may have been an offer from the Vietnamese in 1981 to then President Reagan?

General PERROOTS. No, sir.

Senator SMITH. Any second hand information?

General PERROOTS. No.

Senator SMITH. We have, as you know, three sources who have indicated the opposite. I also spoke to a former high level official in the intelligence community who indicated, although he had no direct knowledge of it, that there were a lot of comments, a lot of

commentary, a lot of scuttlebutt throughout the agencies that in fact this meeting did take place and that there was an offer.

Now, that is all I am saying. I do not know the circumstances of the offer. I do not know if it was a bogus offer. I am not representing the offer. I am just saying, that is what we are being told, and all of you say that you do not have any knowledge.

Mr. CHILDRESS. I came after the event, but I can tell you that any hints at offers—

Senator SMITH. Who was your predecessor?

Mr. CHILDRESS. Bob Kimmitt for that year. But, any hints of offers that were serious that we ever heard of would be followed all the way to its logical conclusion.

Senator SMITH. Nothing from Kimmitt—no information?

Mr. CHILDRESS. No. I asked Bob if he had heard of it, and he was responsible for the issue, and he had been the staff guy on the NSC. He told me he did not know of such a meeting or any offer.

Senator SMITH. Mr. Childress, were you involved in any offers regarding remains for money to the Vietnamese?

Mr. CHILDRESS. Offers by the Vietnamese?

Senator SMITH. An offer of United States dollars to the Vietnamese.

Mr. CHILDRESS. No. I've never be authorized nor offered money for remains or live prisoners. We have had—and I don't want to go too far, because we may have to get in closed session, but we have had a third country notification to us that remains and perhaps live prisoners would be available to the United States for development aid or whatever. We followed that up all the way to the Vietnamese.

Senator SMITH. Maybe you misspoke. I may have to go back to the record on this. You just said we have had offers or overtures from third-party nations.

Mr. CHILDRESS. I'm talking about one specific overture in the mid-1980's.

Senator SMITH. For remains and live Americans.

Mr. CHILDRESS. Well, we're getting this not directly from the Vietnamese. This is what I'm talking about, following up.

Senator SMITH. I mean, you got it from a third country.

Mr. CHILDRESS. I got it from a third country. We followed it all the way up. It was not live prisoners at all, and we did not offer.

Senator SMITH. Could that have been the 1981 meeting?

Mr. CHILDRESS. No, no. This is new. This is 1985. I'd be glad in closed session to talk about the third country, how we ran it down, but I think if we go too far on that it could affect current Vietnamese responsiveness or negotiations.

Senator SMITH. I want to pursue that in closed session. We have some other information that the committee has come into contact with regarding that, and it is important for us to do a closed session on that, so I would like to pursue it with you.

Mr. CHILDRESS. OK.

Senator SMITH. I might wish to come back to this momentarily. It is my understanding, General, that your office is providing a copy of the memorandum or whatever it was that you—they are making copies. I have not seen it yet, so I do want to come back to that. I want to revisit that point, Mr. Chairman, when I get that,

and it should be in a moment. And if I could have that, I will be happy to yield at the moment.

(Pause.)

The CHAIRMAN. Well, we are about at the end of this panel. A point that I would like to underscore about having people also move around the country with access, et cetera, is not that you are going to—I mean, you have got two choices here. Either people are out there in some form in which you can see them on occasion, and therefore you are going to be helped, or they are not, they are totally secluded away, as you said. OK? But if that is true, then that denies every single flag up there on the wall.

I mean, every live sighting report that we have, every single one of them, is somebody who saw people. And even the people in captivity, many of those reports report about captivity, are out in the open.

What is bizarre, to say the least, is that in recent days we were told by the Soviet Ambassador to Cambodia, who was the number two person in Hanoi, that in 1986 Gorbachev personally contacted him to instruct him, per the administration's request, I assume, to ask all of their people in Vietnam whether there were any live Americans.

And they informed us there were 5,000 technicians, Soviet personnel in Vietnam, which we did not know at that point in time, all of whom were asked to report back whether they knew of any live Americans in Vietnam. And this ambassador, who was the number two person said to me, nobody reported anything positive back to us. There was no report of any American in Vietnam.

Second, not one of the embassies that have been operating there for years, a decade plus, has ever reported to us that any of their personnel have come across a live American, notwithstanding that they are moving all across the country. Not one of the NGO's operating in country has reported to us that they have come across a live American or seen a live American. So you really have to weigh the common sense reality here of all of these people who are moving around Vietnam.

Now, the counter to that is always—you know, when you are with someone who wants to counter it, they will say to you, well Senator, of course they are not going to see them. They are held in a secret place, right under your feet in the Ho Chi Minh Tomb, for instance. That is where they are.

Now, if that is true, then we will get them, as Senator Smith said, only when they decide they want to give them to you, which brings you back to the negotiation part of it. But if they are not held that way or—excuse me. If that is the only way that they are held, then you cannot simultaneously make an argument that depends on live sighting reports. You cannot have it both ways.

So we have got to get some reality back into this. If they are taken out of prison, and taken into a field, and working in the rice paddies, as has been alleged, then you have got to have people around the country because you could find them. And if they are not, then you have got to negotiate.

Those are the only two ways that I think you kind of come at this. And we have got to find a way to make sure we are doing both of those to a greater degree or, excuse me, to the greatest

degree possible. And I am not convinced that either are happening at this point in time if this is, indeed, the highest national priority.

Now, having said that, we are going to move on to the next panel momentarily. I think we have the copy of the memorandum here. I have just read through the memorandum, and I do not know if Senator Smith has questions on it. Indeed, the last paragraph says—there are eight paragraphs. We will release this to the press.

The last paragraph says: the question was asked, could Mark Smith identify any of the POW's. I might add, the date on this is March 5, 1986. Memorandum for the record.

The question was asked, could Mark Smith identify any of the POW's from the tape or provide names of the POW's. Mark Smith's response was that he had names but would not provide them. Congressman Hendon made the same comment that he had names also, but would not provide them. As the meeting began to break up, Congressman Hendon reiterated that his role was that of a conduit between the two sides.

So, I do not have any questions on it. I do not know if Senator Smith has.

Senator SMITH. Well, first of all, this is a memorandum not by you.

General PERROOTS. Dick Shufelt.

Senator SMITH. You indicated that it was your memorandum. Let us get that straight for the record that this was Dick Shufelt's memorandum, who was your assistant. That is number one. Number two, the memorandum is a 2-page memorandum which goes into great detail about a number of people who were trying very hard to determine—make some determination as to whether or not this was an accurate tape.

As you know, I had called in. That is referenced in there—out of town, because I had been informed of it. And I was trying to get a meeting together. I am trying to give a flavor for what this memorandum really is. It is not pointed out. I was trying to get a meeting together with the director of DIA to try to have him hear what Mark Smith was saying. Hendon was a conduit in terms of trying to get the meeting together and the DIA did agree to a meeting at my request. And we met at—it says here 5:15. I did not recall the time, but it was 5:15 in Hendon's office.

There are two lines mentioned in here that were read by Senator Kerry. Mark Smith's response was he had names and would not provide them. Congressman Hendon made the same comment. He had names but also would not provide them.

In the meantime since this was brought up, I have had two phone calls placed to former Congressman Hendon as well as Mark Waple, who was the attorney for Mark Smith throughout this process, both of whom deny any mention of names. I was present for the entire meeting. I do not recall any reference to names regarding that. I do recall a conversation which was a side conversation, which is not mentioned in this, regarding Robert Garwood and some names that he was providing or would provide the DIA. And subsequently he did when we debriefed him.

But the important thing here, Mr. Chairman, is we have the lawyer saying that there were no names provided. Mr. Hendon said there were no names provided. And I am going to insist that all of

the participants at that meeting be deposed on this subject, and also General Shufelt in the possibility that he made a mistake. And I would just say this for the record. There was a hearing on this subject by Senator Murkowski. It was contentious. It was cantankerous. It was long. It was emotional. There was never a mention in the hearing of names.

General PERROOTS. I don't recall.

Senator SMITH. Well, I do. And I also was involved on a day-to-day basis, had agreed, much to the consternation of my wife and family, to go to Beirut, Lebanon, which was not exactly a vacation spot in 1986, along with some other individuals in the Government and in the Congress, to go and try to view the tape in order to get it if it existed. And I can tell you right now, if I thought that there were names attached with it, it would have certainly been highlighted in my mind.

And I really am going to stand toe-to-toe with you on this because it is also a little bit of a shot at my credibility, because I, because of my involvement—this was not a one meeting involvement with me. I participated in—I listened to a 45 minute telephone conversation between the Vice President of the United States and Congressman Hendon about this issue, in which the Vice President encouraged, cajoled, every word that you can possibly imagine in the strongest terms to get the tape, and to do everything that we could to get that tape, and that all assets of the Government would be provided to do that. And never was there ever a mention of names associated with that tape.

Now, that may not mean that Mark Smith may not have had names or may have said to somebody else he had names. He never said it to me. He did not say it to Waple. He did not say it to Hendon. And he did not say it at this meeting, as I recall it, nor do any of the other participants recall it.

So, I just think it is important to point that out. And also, some of those who have made comments about this publicly denied the existence of this meeting, denied the existence of the participation of the Vice President of the United States in this matter. So, I think it is important to get all of the facts on the record and I, Mr. Chairman, am going to request that all of those people in that meeting be deposed because I think it is very important.

I do not know if there was a tape. I only know what I was told by Mr. Smith, as you do. If it was a fraud, it was another cruel, horrible hoax that many of us were willing to risk our lives for. I do not know that. All I know is that all of those people involved, from the Vice President on down, I think acted properly. They tried, based on what Mr. Smith said, to secure that tape.

But it adds another dimension to it when you say that there were names provided. And Smith described in great detail—Mark Smith—what he saw, what he said he saw in the tape. But, as I say, there was never any mention of names in any of the conversations that I had with anybody on this issue, or with any of the players. I stand on that.

General PERROOTS. Senator Smith, fair, your comments are noted. I would have been remiss had I not mentioned the existence of this memorandum and my recollection of the meeting.

Senator SMITH. Absolutely.

General PERROOTS. There are five people, including our chief counsel, our L&L, and three of the most capable analysts we have. There's no reason. Now, there could be a mistake. My memory could have gone. But the memo stands as recorded, and we will be certainly glad to—

Senator McCAIN. Did you quote from that memorandum.

General PERROOTS. Memorandum documenting the meeting in which—

Senator SMITH. Is that your recollection as well?

General PERROOTS. Yes, sir.

Senator SMITH. As well as Shufelt's that names were mentioned?

General PERROOTS. Yes, sir.

Senator SMITH. Do you recall us discussing names?

General PERROOTS. I recall because we discussed it. And I had, at that time, some ongoing meetings with Billy Hendon, who—I don't mean to impugn his character, but he was not above making a statement like that. And I think you will find that he made that statement.

Senator SMITH. Well, he did not make it in that meeting as far as I am concerned, and I sat there, so I guess it is my word against your's, General.

General PERROOTS. Yes, sir.

Senator SMITH. Thank you.

Senator McCAIN. Let me just say. How many others were there with you?

General PERROOTS. Five.

Senator McCAIN. Five, thank you.

Senator SMITH. Well, Mr. Waple was there, Mr. McCain. And you were not here in the room, and he has just indicated by phone that he does not recall it, and he was Mark Smith's attorney. So, three people are saying—

The CHAIRMAN. Let me intercede here. What will happen, of course, is an investigative effort of these particular incidents will be taken a look at. I think it is important for the committee not to get sidetracked here. The tape episode did not pan out. It is a matter of history. No money was paid. No tape has ever been produced. And the committee, from its judgment, is going to sort of take into account where we are with respect to that.

Senator SMITH. Well, I might just say, Mr. Chairman, I did not bring it up. It came up from General Perroots. And I might just say it is interesting, the memorandum for the record, March 5. The subject is Mark Smith caper. It is not the tape, it is the caper. Needless to say, some conclusions were drawn prior to the investigation being completed.

Senator McCAIN. Mr. Chairman, just for the record, Mr. Perot was out \$45,000. It probably does not matter much to him, but there was money exchanged in that issue.

Senator SMITH. He put the money out because the U.S. Government refused to do it, even though the U.S. Government wanted the tape and encouraged Mr. Perot to do it. And frankly, not only encouraged him but, not in an exact sense, but in one sense hired him to do it; directed him to do it. He was willing to provide those funds. And as it turned out, it did not turn out to produce a tape.

Senator McCAIN. The fact is, he was out \$45,000.

Senator SMITH. That is correct. It is.

The CHAIRMAN. Gentlemen, let us proceed along. I think the tape episode has had a significant airing. I think the committee has a pretty good understanding of what took place with it, and I think it is important for us to move on.

Gentlemen, there are a number of areas that we are not going to go into now, simply because of the time, that we may want some additional comments on. But we will leave the record open, and I know that each of you will obviously be available to help us complete that record.

Also, Mr. Childress, we would like to pick up with you in closed session on that important issue. The offer, non-offer, or whatever, but that does need to be examined by the committee. And I take it you could be available on short order to do that?

Mr. CHILDRESS. Yes. Do you mean today?

The CHAIRMAN. Probably not today, but fairly soon.

Mr. CHILDRESS. I will be in town.

The CHAIRMAN. Thank you very much. I appreciate each of you being present. Thank you for helping us to get an understanding of this issue, and we look forward to following up with you to help us complete the record.

If I could ask for the next panel of Senator Howard Baker and Mr. Cannon, please.

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God.

Mr. CANNON. Yes.

Senator BAKER. Yes.

Senator McCAIN. They want to know what you knew and when you knew it, Senator.

Senator BAKER. Not in this room.

[Laughter.]

The CHAIRMAN. Senator McCain has already underscored both the irony, but more importantly, really, our pleasure in welcoming you back here, Senator. I notice you are accompanied by counsel who has—not you, but Mr. Cannon has, I think, but he is here with you in your party. Fred Thompson, who has had no small introduction to this room.

But we are particularly grateful to you for coming back. I am very sensitive to the fact that this is the first time you have ever been asked to raise your right hand and take an oath to tell the truth. There is not any question in the committee's mind that you would not do that. But I want to express our appreciation to you for your willingness to share your thoughts with us on this, and to do it under oath.

The committee would like to make clear that the reason all the testimony is being taken under oath, even from those we know well and trust, is that we want this record to be one, at the end, that no one can say, well, you did not take so-and-so's testimony in a sworn fashion. And we want our record to be, hopefully, as incapable of impeachment as possible.

So, thank you for helping the Senate, as you have always helped the Senate, fulfill its responsibilities. We are very pleased to have you back here, although I regret it is as a witness in anything. But,

again, in keeping with your tradition of service you did not hesitate, and you are here, and we are grateful to you for that.

I can assure you, yourself, Senator Baker, and Mr. Cannon that this will not be long and it will not be difficult, but we do want to try to complete the record as to what happened in the course of the 1980's during the brief span when you had responsibilities in the White House. And to help us understand the White House's view of both Mr. Perot's efforts as well as this issue at that particular moment in time.

Senator Smith, do you have any opening remarks?

Senator SMITH. No, I do not, Mr. Chairman. I would just like to welcome Senator Baker. It has been a long time.

The CHAIRMAN. We welcome opening comments from both of you, and Senator Baker, if you would lead off.

**TESTIMONY OF HON. HOWARD BAKER, FORMER WHITE HOUSE CHIEF OF STAFF, ACCOMPANIED BY JAMES CANNON, FORMER DEPUTY TO SENATOR BAKER**

Senator BAKER. Mr. Chairman, I have no opening comments. I thank you for your remarks, and I would be pleased to answer questions.

Mr. CANNON. Nor do I have any opening comments, Senator. But I would be happy to answer your questions.

The CHAIRMAN. Thank you very much. If I could begin, let me just ask you to lead off, what you understood to be—well, first of all, Senator Baker, what period of time did you serve as Chief of Staff in the White House?

Senator BAKER. I was called by the President, by President Reagan, in late February, the last few days of February 1987, to come to Washington, without assigning a reason for it. I agreed to do that, and did. And as soon I got to the White House the President indicated to me that he needed a new Chief of Staff and wanted me to do it.

I had conjured up all sorts of reasons why I should not come back into the Government, in case he should ask me that, but all those reasons disappeared and dissipated as soon as he asked, and I immediately agreed to do it. And I am glad I did it.

I think my official service at the White House begins on March 2. Actually, I was there a few days before that. I had planned to come to work, I believe, on Monday, which I believe was March 2. But my predecessor, Don Regan, left over the weekend, and I received a call that nobody was in charge and I had to come down over the weekend, and somebody had to be in charge, so I did that. And if my memory serves me, that was on February 28 or thereabouts. Anyway, on that weekend.

And by taking charge, I really only appeared and gathered up what senior staff was present, and told them that I would be there on Monday and for them to continue with their responsibilities. So, I will leave it up to you to decide whether I came February 28 or March 2. But that is the approximate date.

I agreed with the President to serve a limited time as his Chief of Staff. I was determined to return to private life, which I did, but we had a tacit understanding that I would be there about a year.

As it turned out, I served about a year and a half. By mutual agreement of the President and I, I set the time immediately after the second summit with Mr. Gorbachev, which was the Moscow summit. That was the time for my departure. And I was then succeeded by Ken Duberstein, who had previously been my deputy, and served for about 6 months, for the remainder of the Reagan term.

But that's a thumbnail sketch of my service as Chief of Staff.

The CHAIRMAN. Thank you, Senator.

How did you first come in contact with the POW/MIA issue in your role as Chief of Staff?

Senator BAKER. Well, you know, I served here for 18 years and I was Republican leader for 8 of those 18 years, so it was not a new issue. I was exposed to it regularly from the Senate point of view, from the congressional point of view. I had no great depth of understanding of the issue nor any particular reason to, but it came up in conversation and debate on the floor and committee proceedings, so I had some general understanding of the difficulties we were having with the Vietnamese on trying to identify our MIA's or potential POW's still remaining in Vietnam.

When I arrived at the White House, however—maybe I ought to take just a minute to tell you how it operated. The Chief of Staff to the President of the United States is not a statutory position. It is by designation of the President as his most senior staff assistant. The President also has, as you and the committee know, a National Security Advisor who is head of the National Security Council. The organizational tree probably shows the National Security Advisor reporting through the Chief of Staff, but in actuality that's not the way it works. The way it works is the Chief of Staff and the National Security Advisor work as a team and each have their own particular areas of responsibility. By way of saying that, I had no direct responsibility for this issue, the POW/MIA issue.

My job was to try to get the White House operating on an even keel. March 1987 was not exactly the high point of the Reagan Presidency. And I did a lot of things. I asked Jim Cannon, who had been my chief of staff as Republican leader in the Senate, to come and help me figure out what staff was there and to recommend an organizational chart. Jim agreed to do that. He did not want to come in as an employee, so he came as a volunteer. And my job at that point then was to try to advise the President on organization, on the direction of his future policy as he prescribed it or in the organization of his staff, and to interface with the National Security Advisor, at that time Frank Carlucci, on other matters. But I was so consumed with the depth of my responsibility that I really was not exposed initially to the POW/MIA issue.

Every morning at 9 a.m. I had a meeting with the President. Every morning at 9:30 there was a meeting between the President and the National Security Advisor which I attended. And every morning at 9:30 we discussed matters of national security interest and I was essentially an observer in that context. But in those meetings I heard repeatedly the President's anguish, I guess is the best word for it, about our POW/MIA's, and I heard that often. I heard a conversation by Carlucci and Powell with the President on that issue from time to time, but once again, that was not my es-

sential responsibility. So I did not take notes and I was not deeply involved in that except as an observer.

The first time I became involved with the POW/MIA issue in a direct way was some time in March 1987. In March 1987, as my memory serves, Frank Carlucci and Colin Powell both came to my office and said that they would like to take up with the President the matter of my talking to Perot on the telephone, with respect perhaps to his involvement in Vietnam or maybe the trip. I don't remember the details. That was brought up at the 9:30 meeting that day. The President agreed, as I remember, with Carlucci and Powell that I would make that phone call.

The CHAIRMAN. Could I just interrupt you there for a moment? Had there been any prior contact between you and Mr. Perot on this subject?

Senator BAKER. No. Not that I remember. I don't recall ever having talked to Mr. Perot prior to that telephone conversation I'm about to relate.

The CHAIRMAN. When you first discussed the issue with Secretary Carlucci and—

Senator BAKER. General Powell.

The CHAIRMAN [continuing]. General Powell, at the time, was there an understanding of what Mr. Perot's role was to be or what his role was with respect to this issue and the White House?

Senator BAKER. I don't know quite how to answer that. My knowledge of it was very limited indeed. And the burden of my telephone call to Ross Perot at the President's request was based on advice given to me by Carlucci and Powell and consisted essentially of these elements: One, if you can go to Vietnam and see a live prisoner, as they apparently have suggested, then of course you should go. But if you go, you should understand that you are going as a private citizen, not as an official of this Government nor a Presidential representative. And if you go, support my choice, the President's choice, of General Vessey as my sole authority to negotiate, because Vessey is the chosen instrument, so to speak, of the administration to try to negotiate on the discover and release, if discovered, of POW's and MIA's. Those are really the essential points I made in that telephone conversation.

The CHAIRMAN. And this was the conversation between you and Ross Perot?

Senator BAKER. It was. I placed the call through the White House switch board.

The CHAIRMAN. Originally, Frank Carlucci and Colin Powell had telephoned you, though, with respect to Perot?

Senator BAKER. Well, I don't remember whether they called me or whether they came to my office. My recollection is dim, but I think they came to my office which is just a few feet away from their office, and that wasn't unusual for them to stop by my office on the way to a meeting in the Oval Office.

The CHAIRMAN. Was there a sense, Senator, then that this invitation that Ross Perot had to go to Vietnam and his potential journey, that it somehow represented a problem to be dealt with or was it an opportunity to be taken advantage of?

Senator BAKER. Well that, of course, is beyond the scope of my knowledge. I can give you my impression. This is not based on fact