

POW/MIA POLICY AND PROCESS

HEARINGS
BEFORE THE
SELECT COMMITTEE ON POW/MIA
AFFAIRS

UNITED STATES SENATE
ONE HUNDRED SECOND CONGRESS

FIRST SESSION

ON

THE U.S. GOVERNMENT'S EFFORTS TO LEARN THE FATE OF AMERICA'S
MISSING SERVICEMEN

PART I OF II

NOVEMBER 5, 6, 7, AND 15, 1991

Printed for the use of the Select Committee on POW/MIA Affairs



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U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1992

55-497 =

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402

ISBN 0-16-038504-0

POW/MIA POLICY AND PROCESS

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POW/MIA POLICY AND PROCESS

TUESDAY, NOVEMBER 5, 1991

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

The committee met, pursuant to notice, at 9 a.m., in room SH-216, Hart Senate Office Building, Hon. John F. Kerry (chairman of the committee) presiding.

Present: Senators Kerry, Smith, McCain, Brown, Grassley, Kohl, Helms, Kassebaum, Reid, Robb, and Daschle.

STATEMENT OF HON. JOHN F. KERRY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

The CHAIRMAN. Welcome to the first set of hearings of the Select Committee. Our first witness is Secretary of Defense Dick Cheney. He is under some time constraints and we are very appreciative of his taking the time to be here as a signal of his concern and of the administration's attachment of importance to this issue.

Senator Smith and I will make opening comments, since this is the first round of the Senate Select Committee, and then we will turn immediately to the Secretary's testimony and, subsequently, other colleagues, by prior agreement, will make their opening statements and we will place them in the record at the appropriate place without interruption.

I would like to take a moment to say something about the task that brings us here. Perhaps the best way to explain why we are here is to cite the case of a family from my own State of Massachusetts, a family that lost a son off the coast of Vietnam in 1968. No body was found, no one saw the sailor killed, he simply disappeared. I have met with that family on several occasions, right up until recent days. They are not an unusual POW/MIA family. They are basically very trusting people, patriotic people. They have always respected our Government and its institutions, but they have doubts.

They have told me of cryptic and frustrating conversations with officials of our Government, of missing medical records, of items disappearing from their son's file, and of reports from independent sources that their son has been sighted and that he is alive.

This family is not interested in national attention. They are interested in one item, the truth—if he is alive. They tell me we need your help, Senator. If he is not alive, we want to know what happened. That family and the other POW/MIA families obviously deserve the truth. They deserve to know, not just some, but everything that we know as a Government about what happened to their

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loved ones, and they deserve our continued best efforts to obtain new information, through human and electronic intelligence, and through hard-nosed discussions with the governments of Southeast Asia, and through expanded contacts between Americans and the people who live in that part of the world.

Above all, they deserve a Government that not only says that the POW/MIA issue is the highest national priority, they deserve to be able to believe that we act every single day of our lives as if that is in fact the case. Now, the members of this committee are very well aware of the expectations that have been stirred up by the prospect of this investigation. There are those who may be looking for this committee to do the impossible, to bring back to life those who were truly lost, or to uncover some hidden file where all of the answers to all of the unanswered questions are secretly stored.

Others may expect this committee to run into a brick wall of obstructionism from the executive branch, or somehow become a tool for conspiracy mongers, witch hunters, and crackpots. We have other intentions. And I think that most Americans, including most POW/MIA families, have a more realistic expectation; they understand the difficulty of the task that we face and the uncertainty of the results. They do not expect us to perform miracles. They do not expect us to assume the role or to carry out the functions that can only be performed by the executive branch of Government.

They do expect us, however, to approach this job seriously, professionally, objectively, comprehensively, and immediately. They expect us to lay out in a way that all Americans can understand, without a lot of mumbo-jumbo about classified information, exactly where we stand on the POW/MIA issue today, in plain English. They want to know how many Americans are still unaccounted for, not just technically, but really unaccounted for, and who they are and what do we know about their cases.

They want to know whether we have a system in place that will respond quickly and effectively to any credible evidence that Americans are being held captive, and they want to know who determines that evidence, and how it is determined to be credible, and what the criteria are that are used. They want to know whether the level of resources we are devoting to the issue corresponds to its importance, and whether we are really treating it as a high national priority or as a slogan.

They want to know whether Vietnam is still withholding information about Americans from us and, if so, how do we know that and what can we do about it, and when will full cooperation be forthcoming. They want to see anyone who is out there who is toying with the hopes of MIA families by manufacturing evidence, doctoring photos, or intentionally spreading false rumors, thrown into jail. And they want to know whether they can trust what all of us tell them—all of us, as part of our Government.

We are here because almost 19 years after the formal termination of the war in Vietnam, a part of that war is still very much with us. Nineteen years after the official departure, the POW/MIA issue still haunts America, raising doubts about our Government, about our commitment, and about past actions taken or not taken. We are here because we are compelled to be here by the need to keep faith with our own values as individuals and our commitment

as a country, and because we have a duty to seek the answers and to make clear that we have done everything within our power to find those answers.

The POW/MIA issue is not a made-up issue. It is not something Congress sought out or gave life to. It is before us today precisely because it has a life of its own, and it has a life of its own for many reasons, because some believe in certain evidence that has yet to be put to the test, because not all communications have been handled as well as they might have been, because absent information to the contrary, it is impossible not to hold onto hope, because of complicated feelings about the war itself, because questions have not been answered. For a host of reasons, it is an issue with a life of its own. It is the subject now of the U.S. Senate Select Committee because families, friends, and fellow soldiers have refused to let their concerns die, and because they feel so strongly that there are legitimate unanswered questions.

The task of this committee, therefore, over the next year is clear. It is to prove to all concerned that we will leave no stone unturned, no question unasked, and no effort unexplored in order to try to resolve this issue. Some might ask what will make this different from prior efforts if, indeed, it can be. I am convinced that it already is different, and that everything about our effort will be different as we proceed from here.

First of all, it is the first formal U.S. Senate authorized investigation with appropriate investigative power and resources. Second, we begin with the advantage of building on the hard work of prior House and Senate inquiries. Third, we have already succeeded in working out ground rules with the Department of Defense that are different and which will produce significant cooperation, which many believe has been hard to come by or absent in the past.

I am assured by the Secretary of Defense and those working with him that documents and personnel will be made available and that we will work jointly and cooperatively to declassify significant amounts of information. That is also different than before. In addition, there is agreement today which has not existed previously that the entire POW/MIA process itself must open up significantly in order to diminish the potential for conspiracy theory or reality.

I appreciate Secretary Cheney's and Assistant Secretary Carl Ford's and Gen. John Vessey's commitment to letting America in on this process, and to advancing America's understanding of the issue. Nothing is more important than answering questions and putting this issue to rest than openness. But not only is the process different here at home, it is also different in Southeast Asia itself—different from any time in the past.

For the first time in the history of this inquiry we have American POW/MIA personnel permanently based in Vietnam itself. We have a new level of apparent cooperation from the Vietnamese, including document access, facilitated travel, and assignment of their own personnel to the effort. A new working relationship is taking shape that should permit our Government and this committee to verify Vietnamese actions and to measure the real meaning of their spoken promises. Nor are we limited to Vietnam alone.

In Cambodia and Laos, particularly in Laos, where so many of our questions reside and so much of our hope is placed, there are

signs of new openings, greater possibilities for cooperation and progress. And changes in the Soviet Union may answer other disturbing questions about interrogation or transfer. All of this is new, and all of it affords the committee a different scope of inquiry and opportunity than at any time before. During my last two trips to Vietnam to pursue the answers to this issue, the Vietnamese officials indicated their desire to resolve it as soon as possible. And for the first time, they have accepted the concept of helicopter support being made available for teams to follow up immediately on live sighting reports.

They have reiterated promises made to General Vessey regarding files and personnel availability to weave through their bureaucratic maze. They have agreed to allow travel and have again invited families and veterans, and other interested parties to travel in any part of the nation. None of us can say with certainty what these invitations or promises will bring, but they certainly bring an opportunity to put to test Vietnam's good will in this effort, and to guarantee to ourselves that we leave no stone unturned. But there is more that is different here. For the first time we will have a full examination of every aspect of the POW/MIA program. We will hear not just from policymakers in Washington, but we will hear for the first time in public from the people in the field, some of whom have been pursuing this issue for more than a decade of their own lives.

Unlike any other prior inquiry, we will review the chain of custody of the POW/MIA issue from the negotiations in Paris until the present. And we will try to understand this issue in ways that it has not been the subject of understanding previously, and with an approach which has not been applied previously. I want to emphasize that over the next few days we do not expect revelations. We are setting out on this inquiry and only setting out on it. We expect to build a foundation for all that follows over the course of the next year. We will establish the framework of this investigation in setting out the outlines, the positions, perceptions, and arguments of all interested parties.

I also want to emphasize that we will not operate this committee on a partisan basis. We are not seated along party lines. Our staff is not divided along party lines, and we do not approach this issue with party concerns in mind. It is needless to say a cliché, but I assure you that we believe that if there ever was an issue that was not Democrat or Republican, but American and purely American, it is this issue.

It is our hope that these hearings will serve to educate both the committee and the public about the current status of this process while allowing both the supporters and critics of that process to have their say. Much of the work of this committee will be done behind closed doors of research, of depositions, of interrogatories, and when there is a story to tell, when we have our facts together and our understanding together, we will proceed in public because clearly it must be said in public. I also hope that the hearings will serve as an invitation to anyone out there who may have legitimate information about this issue to come forward and to share it with us.

Finally, I just want to very quickly address the question of why, on a purely human level, this investigation is important and why it needs to be done. The journalist Cokie Roberts wrote an article recently which struck me, which I thought summarized it. She lost her father, a Congressman, in a plane crash 20 years ago and neither the body nor the plane were ever found.

In the article she wrote, she compared her feelings to those of families with relatives missing in Southeast Asia, and this is what she wrote. She said:

I know my father is not alive. I know that the most massive search ever conducted would have found that plane had it not sunk to the bottom of the sea. But still, I catch myself hesitating before changing the kitchen wallpaper, fearing that he will come home and think strangers are in the house. As silly as it seems, I every so often wonder if Daddy is alive in some remote Alaskan village, unaware of who he is. So the uncertainty will always lag at the back of my brain, but at least I have the satisfaction of knowing my country did everything it could.

It can do at least as much to find its soldiers. They, after all, went into danger at the Nation's demand and though it is important to know if some soldiers survived, it is just as important to identify those who died. Their families are entitled to the peace of certainty. They deserve to mourn without fear that their mourning somehow implies that they have abandoned hope. They are due the dignity of burying their dead.

The debt that America owes its POW/MIA families cannot be repaid with sympathy, medals, benefits or monuments. It must be repaid with answers and an effort to provide answers. The best and most complete answers it is in our mortal power to provide. That is the purpose of this week's hearings and that will be the purpose of this committee's work. Senator Smith.

STATEMENT OF HON. BOB SMITH, A U.S. SENATOR FROM THE STATE OF NEW HAMPSHIRE

The VICE CHAIRMAN. Thank you, Mr. Chairman. Mr. Chairman, as the sponsor of Senate Resolution 82, which established this committee, I would sincerely like to thank my colleagues and the American people who supported this effort to try to resolve the POW/MIA issue. I would, of course, like to thank Secretary Cheney for leading the witnesses today as we commence 3 days of hearings on the fate of our missing service personnel. I also appreciate the forthcoming testimony of administration officials past and present, veterans' groups, families, and other concerned Americans who will provide the committee valuable insight as we begin. This is the beginning, to begin our investigation.

Also, I would like to thank Senator Kerry, the distinguished committee chairman, for extending his hand in nonpartisan cooperation and friendship as the committee begins its work. We are in this together and we will do whatever it takes to find the truth. As a member of Congress, I have taken two trips to Vietnam and one to Korea to try to account for missing service personnel. Since beginning my involvement in the issue some 7 years ago as a member of Congress, I have spoken to countless refugees, witnesses, Government officials, family members and veterans. I know firsthand that the issue of unaccounted-for U.S. personnel from past military conflicts continues to be a complex and very painful problem for many Americans.

With over 88,000 U.S. personnel still missing from World War II, Korea, Vietnam, and other conflicts, this problem simply cannot go away, and it will never go away until the American public is satisfied that this Government has done everything that it can reasonably do to find these warriors, and that our Government has been forthcoming with all of the information that it has. And I would just point out that this morning's headline in the Washington Post, which basically reports friendly fire a pattern of delay, denial, military concealed facts from families of Gulf casualties—this is why we have this credibility gap on this issue.

I would have hoped that we would have learned something from the Vietnam conflict and not have to revisit this again. Why is this issue still with us? Obviously, the Communist governments in Hanoi, Vientiane, Phnom Penh, Pyongyang, Moscow, Beijing, could provide the answers on the fate of many of these men if they made the political decision to do so. However, the resolve to make them do so must come from Washington, D.C. The best way to alleviate the doubt and uncertainty of the American public is to get the truth.

In a recent Wall Street Journal poll, 69 percent of Americans surveyed said they believe that Americans are still being held against their will in Southeast Asia and three-quarters of those say our Government is not doing enough to get them out. That is the polls. I am also told that some 80 percent of active-duty military personnel believe that there are live Americans yet in Southeast Asia. President Bush, like Presidents before him, has called this issue one of the highest national priority and I believe that President Bush believes that it should be and is the highest national priority. But in spite of these statements, there are strong differences of opinion on this issue and there is much infighting, too much.

Congress fights with the executive branch on access to intelligence, and outside groups fight with each other on strategy, the League of Families criticizes members of Congress, Congress criticizes the League of Families, veterans' groups spar over their interests. We ought to be ashamed of ourselves. It can never be the highest national priority to find our missing men until we make it a priority to work together to find them.

Perhaps it is nobody's fault. Perhaps it is everybody's fault, but the fact remains we need to be together as a Nation on the matter of accounting for our missing men and women, if we are going to put it behind us once and for all.

This committee must be a catalyst to bring all of the information together in one database. The American people through their elected representatives need to know the same information as the executive branch. We need to march in locked step to the Communist governments and say, we are coming to you together to demand answers and this time we are a people united. We must stop the divisiveness if we are ever to determine the fate of our men. Senator Kerry and I hope that this committee can earn—earn the public's confidence once and for all.

Many of them ask why are we conducting this investigation; there have been 10 or 11 past investigations, some executive, some congressional. In my opinion, this is not the 12th investigation, it is the first and the last. It is also the most comprehensive. We need

to leave no lead uninvestigated. No stone unturned, as Senator Kerry said. Let me issue this challenge to all in the Government and any U.S. citizen or foreign national. If you believe you have information which may relate to missing American service personnel, bring it to this committee. As President Bush said this past August, if you have evidence, bring it forward.

While the other committees, commissions, and individuals that looked into this issue were well-intentioned, they were not all-encompassing. For example, the Montgomery Commission and the Woodcock Commission were conducted in the mid-1970's, long before the majority of boat people departed from Southeast Asia. Of course, those are refugees who provided a great deal of data. This committee intends to review that intelligence information, talk to some of those refugees, and examine the firsthand live sighting reports on American POW's from the war's end in 1973 until the present.

Over the next 13 months, this committee will focus first on the possibility of any live Americans still in Southeast Asia. Where are they, who are they, what happened to them, this is our priority. Make no mistake about it, live Americans. The issues of remains, crash sites, are all important, but it should be secondary to the matter of whether or not there are live Americans. During this week's hearings we will focus on where we are now and what can be done from here on, regarding the POW/MIA's. I believe we must look very closely at five areas. No. 1, information and intelligence, including more than 1,500 live sighting reports from our own Government, all available information from U.S. citizens, the reports on all other committee investigations and commissions, and the testimony and deposition of witnesses like Bobby Garwood, foreign nationals, refugees, former Government officials and family members.

To the intelligence community, I say this committee wants to know what you know, that is all. We want to know what you know and the American people are entitled to know that, and so is the Congress. During these hearings, I will extend an olive branch in one hand and ask for your cooperation. But in the other hand, I will have a club, and that is the subpoena power of this committee, and we will reluctantly use it if we have to.

No. 2, Vietnam. We need to challenge Vietnam to do more than just dribble out information and put the families on a rollercoaster ride. We need and hopefully we will get testimony from Vietnamese defectors, past and present Communist officials, and we need to test their credibility by taking them up on their offers to come look firsthand at their prisons and other locations where refugees say the POW's are or were being held.

No. 3, the Soviet Union. Recent news reports indicate there may be a Soviet connection with our American POW's and MIA's from the war in Vietnam. I would like to enter into the record an article from the L.A. Times Magazine of October 27, 1991 on the Soviet connection. In it, the author, Edward Tivnan, interviewed Soviet KGB and others, and reports that the Soviets were interrogating American POW's in Southeast Asia, both during and after the war, possibly as late as 1978. With the new spirit of openness in the Soviet Union, this is certainly an area that I and the committee

intend to pursue. We will also be looking at China and how they have cooperated on the issue.

No. 4, historical analysis centered mainly on the Paris Peace Accords of 1973. There are many unanswered questions around the signing of those accords. Laos was not a party to the signing, yet prisoners were taken and held there. Additionally, we must investigate why we accepted the Vietnamese list of American POW's, which was shorter than the list the U.S. provided. We must investigate the discrepancy cases, personnel known to have been alive at the time of capture. There has never been a thorough investigation of the Paris Peace Accords, and it is time.

And last and perhaps most importantly, we must start focusing attention on Laos. We lost more than 500 Americans in Laos. Only nine were returned, and those were through Vietnam and Operation Homecoming. Laos never signed the accords and it raises very crucial questions like, what happened to the men captured by the Pathet Lao? There is a misguided perception that Vietnam is the only country that owes us an accounting. General Vessey has done a fine job as the President's special emissary to Hanoi, has focused very well on Vietnam but, unfortunately, Laos has virtually been ignored, except for a few crash site investigations.

Vietnam is not the only nation that owes the United States an explanation. The Defense Intelligence Agency in 1977 said there was evidence that the Pathet Lao held American prisoners during the war. In the case of Laos, I believe there was important evidence in the intelligence community confirming the existence of POW's in Laos during the war. There were also Lao statements that they held POW's even after the accords, and I have a whole list of press clippings and declassified cables which support that position. This committee must determine what happened in Laos. Some answers to the fate of POW's are in Laos, but many clues to what happened are in the intelligence community here, I believe.

In summary, Mr. Chairman, I believe we have to focus on these five points. Information, intelligence, the country of Vietnam, the country of the Soviet Union, the Paris Peace Accords, and Laos, if we are ever to see this issue resolved.

Let me close on this personal note. This has been a rollercoaster ride for those of us that have worked this issue, both in the Pentagon and in the Congress, and it has certainly been a rollercoaster ride for the family members. We have all taken our hits for it, and believe me, I am sensitive to that. Some have said quit, give it up, it is a no-win issue. I am a veteran of the Vietnam War, as several members of this committee are, and these are our comrades-in-arms too.

Capt. Red McDaniel, himself a former POW in Vietnam, said it best. I went to Vietnam prepared to fight, prepared to be wounded, prepared to be captured, even prepared to die, but I was not prepared to be abandoned. People have said there is no evidence about Americans left behind. Let me close by telling you what a Vietnam veteran once said to me, with tears in his eyes:

I am an American who does not want to go to his deathbed without doing everything possible to convince people who can do something about it that there live Americans held in captivity in Vietnam, long after 1973. My life has been turned upside down because of my providing this information, but I am doing this to make

sure my conscience is clear on this issue. What I am suffering now is nothing compared to what those Americans must still be going through in Vietnam. I am not the last American to leave Vietnam.

Mr. Chairman, those words were spoken on August 2, 1991 by Robert Garwood, who came out of Vietnam in 1979. I am here today because I believe Robert Garwood. Thank you, Mr. Chairman.

[The prepared statement of Senator Smith follows:]

PREPARED STATEMENT OF SENATOR SMITH

As the sponsor of Senate Resolution 82 which established this committee, I would like to sincerely thank my colleagues and the American people who supported this effort to resolve the POW/MIA issue. I would, of course, like to thank Secretary Cheney for leading the witnesses today as we commence 3 days of hearings on the fate of our missing American service personnel. I also appreciate the forthcoming testimony of administration officials—past and present, veterans groups, families and other concerned Americans who will provide the committee valuable insight as we begin our investigation.

Also, I would like to thank Senator John Kerry, the distinguished committee chairman, for extending his hand in nonpartisanship, cooperation, and friendship as the committee begins its work. We are in this together and will do whatever it takes to find the truth.

As a Member of Congress, I have taken two trips to Vietnam and one to Korea to try to account for missing service personnel. Since beginning my involvement in the issue 7 years ago, I have spoken to countless refugees, witnesses, government officials, family members, and veterans. I know first-hand that the issue of unaccounted for U.S. personnel from past military conflicts continues to be complex and painful for many Americans. With over 85,000 U.S. personnel still missing from World War II, Korea, Vietnam, and other conflicts, this problem simply cannot go away. And it will never go away until the American public is satisfied that this government has done everything it reasonably can to find these lost warriors.

Why is this issue still with us? Obviously, the communist governments in Hanoi, Vientiane, Phnom Penh, Pyongyang, Moscow, and Beijing could provide the answers on the fate of many of these men, if they made the political decision to do so. However, the resolve to aggressively seek out these answers must come from Washington, DC.

The best way to alleviate the doubt and uncertainty of the American public is to get the truth. In a recent Wall Street Journal poll, 69% of those surveyed said they believe Americans are still being held in Southeast Asia, and three quarters of those say our government isn't doing enough to get them out. President Bush, like Presidents before him, has called this issue one of highest national priority, and I believe President Bush feels it should be the highest priority.

In spite of these statements, however, there are strong differences of opinion on this issue and there is much infighting. Congress fights with the executive branch on access to intelligence, outside groups fight with each other on strategy, the league of families criticizes some Members of Congress, veterans groups spar over their interests. *We ought to be ashamed of ourselves.* It cannot be the highest national priority to find our missing men until we make it a priority to work together to do it!

Perhaps it is nobody's fault, or perhaps it is everybody's fault. But the fact remains that we need to be together as a nation on the matter of accounting for our missing American personnel. If we are going to put it behind us once and for all, this committee needs to be a catalyst to bring all of the information together in one database. The American people, through their elected Representatives, need to know the same information as the executive branch. We need to march in lockstep to the communist governments and say: "We are coming to you together to demand answers, and this time we are a people united."

We must stop the divisiveness if we are ever to determine the fate of our POW's and MIA's. Senator Kerry and I hope that this committee can earn the public's confidence, once and for all.

Many have asked why we are conducting this investigation . . . that there have been 10 or 11 past investigations. In my opinion, this is not the twelfth investigation, it is the first and last. It is also the most comprehensive. We intend to leave no lead uninvestigated, no stone unturned. Let me issue this challenge to all in the government and any U.S. citizen or foreign national: If you believe you have infor-

mation which may relate to missing American service personnel, bring it to this committee. As President Bush said this past August, "if you have evidence, bring it forward."

While the other committees, commissions and individuals that looked into the POW/MIA matter were well-intentioned, their scope was not all encompassing. For example, the Montgomery Commission and the Woodcock Commission were conducted in the mid-1970's, long before the majority of boat people departed from Southeast Asia. Of course, those refugees have provided a great deal of data. This committee intends to review that intelligence information, talk to many of those refugees, and examine the first-hand live sighting reports on American POW's from the war's end in 1973 to the present.

Over the next 13 months, this committee will focus *first* on the possibility of any live Americans still in Southeast Asia—where are they? Who are they? What happened to them? This is our priority: live Americans. The issues of remains, crash sites, etc. are important, but should be secondary to the matter of live Americans.

During this week's hearings, we will focus on where we are now and what can be done from here regarding POW's and MIA's. We need to look closely at five areas:

1. *Information and intelligence:* Including more than 1,500 first-hand live sighting reports, from our own government; all available information from U.S. citizens; the reports on all other committee investigations and commissions; and the testimony and depositions of witnesses, like Bobby Garwood, foreign nationals, refugees, former government officials and family members.

To the intelligence community I say: this committee wants to know what you know, and the American people are entitled to know. During these hearings I will extend an olive branch in one hand, asking for cooperation. But, in the other hand I will have a club. That is the subpoena power of this committee, and we will reluctantly use it if we have to.

2. *Vietnam:* We need to challenge Vietnam to do more than just dribble out information and put the families on a roller coaster ride. We need, and hopefully will get, testimony from Vietnamese defectors, past and present communist officials, and we need to test their credibility by taking them up on their offers to come look first hand at their prisons and other locations where refugees say POW's are being held.

3. *The Soviet Union:* Recent news reports indicate that there may be a Soviet connection with our American POW's and MIA's from the war in Vietnam. I would like to enter into the record an article from the Los Angeles Times magazine of October 27, 1991 on the Soviet connection. In it, the author, Edward Tivnan, interviewed Soviet KGB and others and reports that the Soviets were interrogating American POW's in Southeast Asia both during and after the war, possibly as late as 1978. With a new spirit of openness in the Soviet union, this is certainly an area I and the committee intend to pursue. We will also be looking at China and how they have cooperated on the issue.

4. *Historical analysis, centered mainly on Paris Peace Accords of 1973:* There are many unanswered questions surrounding the signing of the Paris Peace Accords. Laos was not a party to the signing, yet prisoners were taken and held there. Additionally, we must investigate why we accepted the Vietnamese list of American POW's, which was shorter than the list the U.S. provided; and we must investigate the discrepancy cases—personnel known to have been alive at the time of capture. There has never been a thorough investigation of the Paris Peace Accords, and it is time.

5. And, perhaps *most importantly, we must start focusing attention on Laos:* we lost more than 500 Americans in Laos and only nine were returned, and they were held by the North Vietnamese. Laos never signed the peace accords and it raises more crucial questions: What happened to the men captured by the Pathet Lao?

There is a misguided perception that Vietnam is the only country that owes us an accounting. General Vessey, the President's Special Emissary to Hanoi, has focused on Vietnam. Unfortunately, Laos has virtually been ignored except for a few crash site investigations. Vietnam is *not the only nation that owes us an explanation.*

The Defense Intelligence Agency, in 1977, said there was evidence that the Pathet Lao held American prisoners during the war. In the case of Laos, I believe there is important evidence in the intelligence community confirming the existence of POW's in Laos during the war.

There is important information which needs to be put on the record right now at the start of these hearings, and so I ask my colleagues and the Secretary to listen closely to just some of the facts I have collected in recent weeks.

Chronology: Reports of POW's in Laos

In 1968, Col. Soth Petrosy, then the permanent representative of the Pathet Lao in Vientiane, Laos, told a U.S. official that "pilots are generally kept near the area in which their plane is downed and therefore may be found throughout Laos from the south to the north."

In 1969, in a conversation with an MIA relative, Arthur Hesford, Soth Petrosy admitted that the Lao peoples liberation army had a list of prisoners missing in Laos, but that the list would not be made available while the bombing was going on. At that time, our U.S. Embassy in Laos confirmed that they had received the same information. Later that same year, another American, Ross Perot, was told by Soth Petrosy that they had "large numbers of prisoners." During this period, through our intelligence efforts, we obtained actual pictures of some of these POW's.

In May 1971, Petrosy again stated that the Pathet Lao were holding prisoners in various regions of Laos and that they were well treated. We then got hold of a November 1971 Pathet Lao document entitled "weekly bulletin containing photographs and details of American prisoners captured by the Pathet Lao."

In a 1972 interview, the Pathet Lao made a statement that "some tens of prisoners are presently being held." And in a subsequent interview, Petrosy stated "there are many American POW's held in liberated areas of Laos."

In April of that year, Petrosy stated that there were many U.S. POW's being held by the Pathet Lao, and that discussions concerning their return could begin when the U.S. ordered a total bombing halt. His exact quote was "we are willing to discuss the question of U.S. POW release if the American imperialists would order a total bombing halt and let alone the Laotians to solve their own internal problems. Soth said the POW's were detained in secure places inside various caves in northern Laos. He said, "although we regard them as criminals and air pirates, they are being treated humanely."

In an April 1972 interview with a Swedish correspondent, Prince Souphanouvong, who later became President of Laos when the Pathet Lao government was installed, stated:

"We have made public a concrete policy toward enemy soldiers or agents captured or giving themselves up, including GI's. All the American pilots engaged in bombings or toxic chemical sprays of Lao territory are considered criminals and enemies of the Lao people. But once captured, they have been treated in accordance with our humane policy. The question of enemy captives, including U.S. pilots, will be settled immediately after the U.S. stops its intervention and aggression in Laos first, and foremost, ends the bombing of Laos territory."

Some of the wives of the pilots came over and met with Petrosy, and he again told them that POW's downed in Laos were held in his country.

Then comes the Paris Peace Accords in early 1973. The lists turned over by the North Vietnamese included no information on the American POW's in Laos. Henry Kissinger had told a White House news conference that "American prisoners held in Laos and North Vietnam will be returned to us in Hanoi." The Pentagon reports that there are over 311 men missing in Laos as well as 6 prisoners. The New York Times reported that U.S. officials believe the number of prisoners in Laos is substantially higher.

Also in 1973:

The Defense Department reports that the North Vietnamese lists were incomplete because they did not include American servicemen known to have been captured in Laos.

The League of Families reports that everything they had been told led them to believe there would be a list of POW's in Laos.

Congressman Sonny Montgomery (D-Miss.), expresses concern that many of the 311 MIA's in Laos should have turned up as prisoners.

On January 31, the State Department says, "we firmly expect to have a list of POW's to cover Laos."

Still no list.

Then, on February 17, 1973, the communist Pathet Lao states that they will not free American prisoners of war until there is a cease-fire in Laos. Soth Petrosy told United Press International (UPI), "if they were captured in Laos, they will be returned in Laos."

On February 22, the ceasefire agreement began. In the cease fire agreement, the Laotian Government and the Pathet Lao state "we take note of the declaration of the U.S. Government that it will contribute to healing the wounds of the war and to post-war reconstruction." As we now know, President Nixon had promised \$4.75 billion in a letter to the North Vietnamese.

And on March 2, President Nixon states that he accepts and supports the Laotian agreement.

On March 25, U.S. officials state they have been unable to learn anything on the fate of an undetermined number of American prisoners of war in Laos. According to UPI, concern is mounting that the communists plan to hold them back as pawns. U.S. sources state that a substantial number of the missing, perhaps as many as 100, may still be alive according to intelligence reports.

On March 26, the North Vietnamese tell us that our demand for the release of POW's captured in Laos is "beyond the jurisdiction of the agreement."

On March 27, Bui Tin, chief spokesman for the North Vietnamese delegation, stated "the Pathet Lao have assured us that the American POW's they hold will be released" and that the Pathet Lao said they "are making preparations for the release. It is for this reason that we are insisting that the withdrawal of U.S. troops and the release of prisoners take place with no relation to the POW's held by the Pathet Lao," said Tin, who, incidentally will be testifying here on Thursday.

Nine POW's were released in Hanoi during this time, who were shot down in Laos, but none of them were held by the Pathet Lao. The Defense Intelligence Agency later confirms this, stating "all of these (9) individuals were captured in Laos, but all were captured by North Vietnamese soldiers, not Pathet Lao. One of these nine, Ernie Brace, stated to the press on April 2, 1973, "the Pathet Lao never held me."

Then a week later, the Pentagon's spokesman on POW's states that there are no more live American soldiers in Indochina, and that "rumors that there were U.S. servicemen still held in Laotian prison camps do the families of the missing a disservice."

In May 1973, the head of our joint casualty resolution center states that there is "no indication" that any Americans listed as missing in action in Southeast Asia are alive.

Where these statements came from, when the Pathet Lao had repeatedly stated they were holding prisoners, and our intelligence had confirmed this, is beyond comprehension. In fact, the possibility of the Pathet Lao returning U.S. POW's under their signed agreement with the Lao Government ended up being wide open under the agreement through June 1974. And yet prior to this date, we were already trying to declare the POW's as dead.

It is now 1991, and we still have made little to no progress in Laos regarding an accounting of these men. The boat people poured out of Laos by the hundreds in the late 1970's telling us the men were still there, but we discounted the information. To this day, we are receiving information on alleged POW's still in Laos. And yet our side and the Lao have only reached agreements resulting in a few crash site excavations. We never even proposed regular meetings with the Lao on this issue until 10 years after the war.

In summary, Mr. Chairman, I believe we must focus on these five points: Information and intelligence, the country of Vietnam, the Soviet Union, Paris Peace Accords, and the country of Laos, if we are ever to see this issue resolved.

Let me close on a personal note. This has been a roller coaster ride for those of us that have worked the issue in Congress and certainly for the family members. Some have said quit, give it up, it's a no-win issue. I am a veteran of the Vietnam war, as are several members of this committee. These are our comrades in arms. Capt. Red McDaniel, himself a former POW of the Vietnam war, said it best: "I went to Vietnam prepared to fight, prepared to be wounded, prepared to be captured, and even prepared to die . . . but I was not prepared to be abandoned."

People have said there's no evidence about Americans left behind. Let me close by telling you what a Vietnam veteran once said to me, with tears in his eyes: "I am an American who does not want to go to his deathbed without doing everything possible to convince people who can do something about it that there are live Americans held in captivity in Vietnam long after 1973. My life has been turned upside down because of my providing this information, but I am doing this to make sure my conscience is clear on this issue. What I am suffering now is nothing compared to what those Americans must still be going through in Vietnam . . . I am not the last American to leave Vietnam."

Mr. Chairman, those words were stated to me on August 2, 1991, by Robert Garwood, who came out of Vietnam in 1979. I am here today because I believe Robert Garwood.

The CHAIRMAN. Thank you very much, Senator Smith, and I also want to express my appreciation to you for your help in putting

the committee together over the last weeks, and in hiring what I think both of us consider to be a very professional and competent staff. Mr. Secretary, as per the agreement, we will come back from the openings to the rest of the committee. We are delighted that you are here. Thank you for taking the time and we welcome your prepared statement, and subsequently some questions. Thank you.

Before we begin I have prepared statements from Senators McCain, Daschle, and Kassebaum.

[The prepared statements of Senators McCain, Daschle, and Kassebaum follow:]

PREPARED STATEMENT OF SENATOR MCCAIN

Mr. Chairman, this Committee is tasked with examining the question of what has become of Americans who were lost in service to their country's defense, and if our Government has expended every effort to determine their fate and return them to the United States. There have been four previous congressional investigations of the POW/MIA issue, as well as several other hearings by congressional committees on one or more aspects of the question. None of these investigations have resolved these questions to the satisfaction of the American people.

I welcome this new opportunity to pursue answers that the families of our POW/MIA's have every right to expect, and that the American people demand. With fairness, patience and determination we may arrive at those answers. I am pleased to participate in this worthy effort as a member of this Committee. And, like the other members, I am eager to begin.

I do not know if there are Americans in captivity in Southeast Asia. Until I have conclusive evidence one way or another, I will proceed on the assumption that there are. I repeat: I assume that there are live POW/MIA's in Southeast Asia until we have the fullest possible accounting for them.

I look forward to the testimony of our witnesses in the hope that the information they provide us will greatly help the Committee make informed judgments about the questions we are investigating. I strongly recommend that the Committee pay particularly close attention to the testimony of Gen. John Vessey. He has labored mightily to produce the fullest possible accounting of our POW/MIA's. He is as decent and capable a public servant as has ever served this country. No one is in a better position to measure our progress toward a full accounting.

In the course of our investigations we are obligated to examine several general questions. First, to secure the answers we seek we will have to look further than our own Government. Most of the answers we seek are not in Washington. They are in Southeast Asia. The Committee must examine closely the level of cooperation we have received from those countries.

For most of the years since the end of the war that cooperation was either non-existent or minimal. Every so often a visiting American might receive a few sets of remains from Hanoi, which only tended to support credible evidence that Vietnam was warehousing American remains. In Laos, the progress of accounting for our missing servicemen has been so slow, the number of remains returned so few, that it has raised legitimate questions about the veracity of Lao officials on all the questions related to this issue.

What are the reasons for grudging or withheld cooperation? Why prevent timely investigations of live sighting reports? Why the past refusal to share archival and other information that has direct bearing on many unresolved cases? Why warehouse remains? Do they have motives for keeping live prisoners? What evidence is there of continued bad faith? These are but some of the many questions before this Committee.

But this Committee must also recognize evidence of increasing cooperation from the governments of IndoChina, and determine how best to encourage its continuation. Thanks to the diligence of General Vessey, we now have a permanent U.S. POW/MIA office in Hanoi. Thanks to his diplomacy, the personnel of that office have received unprecedented cooperation from the Vietnamese. They have conducted investigations of live sighting reports. They have had considerable access to Vietnam's war archives. During the 14th joint activity in Vietnam, concluded last August, one of our teams matched more documents to more POW/MIA cases than was achieved in all 13 of the previous iterations.

A Vietnamese official recently promised to provide our Hanoi office with information the U.S. has long sought on Vietnam's anti-aircraft operations during the war.

These records could prove enormously helpful in determining the fate of crew members of downed U.S. aircraft. On our part, the U.S. should continue supplying Hanoi with information we possess about our aircraft losses which may expedite the resolution of POW/MIA cases.

Certainly, much more cooperation from Hanoi, Phnom Penh, and Vientiane is necessary before we are satisfied that they are now acting in good faith. But the expanded cooperation that was achieved in Vietnam through the industry and commitment of many talented U.S. officials is encouraging. And it serves to illustrate where the answers are, and how best we can learn them.

Second, this Committee must examine the practices of U.S. personnel charged with analyzing and acting on evidence of live Americans to ascertain whether they have thoroughly investigated such evidence.

A dedicated officer of unassailable heroism, Colonel Mike Peck, has alleged that there is in the U.S. Government a "mindset to debunk" live sighting reports. That charge must be addressed seriously. Many Americans are concerned that the Government has not acted on information concerning our POW/MIAs as expeditiously and as thoroughly as a national priority requires.

During the course of the Committee's review of those efforts, the Committee and the public may find some fault with the Government's follow-up of live sighting reports. If so, identification of those failings will be the first step toward correcting them and restoring public confidence.

If mistakes in Government policies and their implementation have impeded a fair resolution of this matter and contributed to the decline of public confidence, the Committee should recommend appropriate steps to remedy these mistakes, including operational and personnel changes if necessary.

As we examine possible mistakes made by U.S. officials, I hope we will also take note of their successes, and, more importantly, support those efforts which have proven successful.

Finally, as this Committee is obligated to review evidence of live Americans, so are we obligated to investigate the abundant evidence of hoaxes that have been perpetrated against POW/MIA families, the U.S. Government and the American people.

Literally thousands of scams have been conducted, most for profit, but some simply to prime the pump of public interest in the POW/MIA issue by fabricating or distorting evidence of live Americans. From foreign nationals who offer spurious information in exchange for residency in the U.S. to practiced con artists who bilk money from grieving families with the false promise of the subsequent release of their loved ones, all these criminals have plied their reprehensible trade from before the U.S. left Vietnam until the present.

Most, though not all, of the photographs that were released to the media last summer have been proven to be hoaxes. Some of those pictures were reported to be of Navy Lt. Daniel Borah. As it turns out, they are photographs of a 66 year old Eurasian living in Laos. He was approached in June 1990 by a stranger who claimed to be a rice trader and asked to pose for pictures. Those pictures, which I have copies of here, subsequently turned up in the U.S. media. Following their public dissemination, copies of the photos were made available to DIA.

Once DIA obtained the copies, U.S. officials traveled to Laos in search of the subject of the pictures. With the cooperation of Lao officials, the U.S. team managed to locate the individual, who they then interviewed, fingerprinted and photographed. I have copies of those photographs as well. As my colleagues can plainly see they are indeed pictures of the man who was reported to be Lt. Borah. They are also clearly pictures of an elderly Asian gentleman.

The individuals responsible for this hoax and others have brought great anguish to the families of our POW/MIA's. Anyone who trades false hopes and misery for money or publicity deserves to be punished to the fullest extent of the law. This Committee will provide a valuable service to the families and the country if we can hasten the day of reckoning for these criminals.

In closing, let me say that we have a great distance to travel before we resolve the uncertainties over the fate of our missing servicemen. The issue has painfully lingered in the hearts of us all. But this should not be a question that divides us. It should be the one question in our national affairs that firmly unites every single American. I think this Committee can help unite us, and I look forward to working with my colleagues toward that end.

PREPARED STATEMENT OF SENATOR DASCHLE

This week, the Committee convenes hearings that represent, I believe, a bitter-sweet victory for the family members, friends, and fellow veterans of the 2,273 Americans who remain unaccounted for following the Vietnam War. This year-long investigation is a positive response to the unanswered questions remaining today, almost 20 years after the war's end. I am looking forward to an investigation that is both comprehensive and responsive. I plan to see that the Committee is a constructive force that can bring some measure of peace to the thousands of family members who have anguished over the troubling questions and allegations about the government's handling of the issue and its efforts to bring our soldiers home.

The hearings we embark upon this week are remarkable in their scope, sincerity, and intentions. Never before has this type of in-depth investigation been conducted. I am certain there is no member of this Committee today that does not want this inquiry into the POW-MIA issue to be the last. We want to do this right. And I know that the Chairman of the Committee shares my view that the process should be as open and as comprehensive as possible.

I do not have a long, detailed statement at this point because I am entering this investigation with an open mind and genuine desire for the truth. I have not been involved in previous investigations and do not carry any preconceived notions of what we will find and where we will end up. I only know that we have agreed to investigate every aspect of this matter that is practicable. I look forward to hearing the detailed testimony of the Defense Intelligence Agency and the Joint Casualty Resolution Center. I am pleased that the veterans' groups will be testifying, as well as groups and individuals who have continued to press for a full accounting of the men who remain unaccounted for.

However, I am especially pleased that we have the family members here to give the Committee a firsthand account of how they feel they have been treated, what they believe about their husbands, fathers and brothers, and how this issue, in their minds, can be best addressed. Because if there is one group involved in this process that should command our attention, it is those families.

I thank everyone for their time and cooperation today, and I look forward to the upcoming year.

PREPARED STATEMENT OF SENATOR KASSEBAUM

Mr. Chairman, we have a very difficult task before us. We have been established as a committee to help resolve the unanswered questions of the over 2,000 American servicemen who still remain unaccounted for from the Vietnam war. This is not the first time a congressional committee has tried to resolve this issue. But hopefully, Mr. Chairman, this committee will be successful in playing an important role in helping to answer the many outstanding questions and in helping to restore credibility and confidence among the American people in our government's efforts.

I know all of us believe very strongly that this committee must work on the assumption that there are live Americans in Southeast Asia. Any assumption less than that would not truly reflect the concerns of the POW/MIA families and the American people. Any assumption less than that would add no more confidence to a process already seriously doubted for its commitment.

I believe, Mr. Chairman, there are several questions that we must address in our efforts. First and foremost, we must look to the region, evaluate what efforts have been taken in the past and what efforts need to be pursued in order to have our American servicemen accounted for. We must also look at our process here at home and understand fully why it lost the confidence of the American people and what needs to be done in the future to restore that confidence. And, last Mr. Chairman, we must also look closely at those private groups that have been involved in profiteering from this issue at the expense of the emotional well being of the families involved.

In order to pursue our task properly, it is essential that we on this committee work together in a bipartisan and open manner. I believe we are prepared to do that. I also believe that the administration recognizes the importance of cooperation with us on this issue. Furthermore, it is critical that the private groups that have been involved with this issue approach our investigation openly and with a sense of confidence that we are here to work with them on this very tragic issue, not against them.

While there have been other congressional investigations over the years on POW-MIA's, I do believe that the time may be ripe for real progress. The end of the Cold War and the collapse of Vietnam's strongest ally, the Soviet Union, may help us in our task to resolve this issue with the Vietnamese. General Vessey's efforts particu-

larly over the past year have resulted in real movement on POW's-MIA's. It is just a start, but certainly a positive one that we hope will continue and that this committee will be able to build on.

STATEMENT OF RICHARD CHENEY, SECRETARY OF DEFENSE

Secretary CHENEY. Thank you very much, Mr. Chairman, members of the committee. I am pleased to have the opportunity today to appear before the Select Committee to reaffirm the commitment of the U.S. Government, and especially the Department of Defense, to account as fully as possible for American prisoners of war and Americans missing in action, or otherwise unaccounted for.

Mr. Chairman, the committee meets at a time of increased public attention to the fate of our POW's and MIA's in Southeast Asia. I welcome and encourage the spotlight on this matter of the utmost national importance. I can think of no subject that stirs more emotion or generates more frustration and controversy than the subject of POW's and MIA's, especially those lost during the war in Southeast Asia.

The fact that there were thousands unaccounted for in previous wars does not make it any easier to accept the fact that nearly 19 years after active U.S. participation in the Vietnam War ended, we still do not have a full accounting of all of those lost in combat. Eight months ago, when we defeated Iraqi forces in the Gulf, we were able to account for all of our people, even those lost behind enemy lines. That achievement is one of the legacies of our concern for our missing in Indochina.

In turn, our success in the Gulf generated a renewed national attention and commitment to achieve the fullest possible accounting for those lost in Southeast Asia. Might I, on a side note to Mr. Chairman and Senator Smith, say in regard to the newspaper story this morning, Senator, that the reason there has been discussion of friendly fire is because the Department of Defense has been totally forthcoming on the subject. We have done a thorough job of investigating every single incident in which we took casualties in the Gulf, and we have identified those circumstances in which our people were tragically killed as a result of friendly fire. We have notified the families of the circumstances surrounding the death of those servicemen and women, and we made the information public. To my knowledge, that is the first time in history this Department of Defense or any other Government military department has gone to that extent to level with the American people.

We clearly would welcome any contributions that the committee may make in shedding additional light on this important issue. And I want to assure you, Mr. Chairman and members of the committee, that I support fully your efforts and that the Department of Defense will make any of its experts in the field available to the committee to address specific questions you may have. It is our intense desire to cooperate to the fullest extent possible. Accounting for our missing in Indochina remains a deeply personal commitment for the President and for me. I am the first Defense Secretary to come before Congress to testify exclusively on the subject of POW/MIA affairs.

This is an indication of the importance that I and the administration attach to this crucial issue. Under the President's leader-

ship, we have pressed harder than ever before to find answers to the difficult questions this search entails. Today, I can tell you that although many questions remain unanswered, the administration has made some significant breakthroughs in a number of important areas, some of them referred to by Senator Kerry. First, as a result of General Vessey's outstanding efforts as the Special Presidential Emissary to Hanoi for POW/MIA Affairs, we have opened an office in Hanoi, and are conducting in-country joint field operations. This has enabled us to carry out investigations on the scene, enhancing our ability to get the answers to the questions that we need.

Second, as shifts within the Communist world will open new avenues for our search, we have carried out the first joint investigations ever held within Cambodia, and worked for increased cooperation with officials in Laos. Third, to take advantage of the new information available to us, I have ordered that 88 additional personnel be assigned full-time to augment our field staff. I have also authorized the creation of a new position in the senior Pentagon ranks of Deputy Assistant Secretary of Defense for POW/MIA Affairs. With the new staff of this office, our efforts will have been augmented by an addition of 102 personnel in the last few months.

The effort to account as fully as possible for POW's and MIA's is not an easy one. Our most urgent requirement is to determine whether any Americans remain captive in Southeast Asia, and if so, to return them to the United States. The issue of live prisoners has been at the forefront of our intelligence effort and our negotiations with the governments of Indochina. The governments of Indochina have consistently denied holding any Americans. We do not accept their denials as the last word. We intend to keep the pressure on. President Bush has pledged decisive action to return any American should such evidence be obtained. I make that pledge to you again today.

In recent months, questions have been raised regarding the Department's efforts to resolve the POW/MIA issue. As this committee can well appreciate, no American official would spare any effort that might lead to the discovery of a single American prisoner of war. It is unthinkable that any American serviceman or woman would fail to come to the aid of a lost comrade. Anyone who knowingly withholds or conceals information that could lead to the recovery of a captured American serviceman would deserve the most severe punishment possible, but I must say, I have difficulty imagining why anyone would do such a thing. Everyone I know would be thrilled to learn that one of their comrades is still alive and that we have a chance to get them back.

In fact, countless men and women in uniform and in civilian life have devoted long hours, great skill, and high hopes to the search to account for Americans who did not return from Southeast Asia. As professionals, as members of the armed forces, many of who served during the Vietnam conflict, and as Americans, they have not needed to be told how important their mission is. They have had clear marching orders from the members of the administration, and the POW/MIA effort has our fullest support. I regret the burden that families have borne through these long years of uncertainty and loss, and I condemn the cruelty of the fast-buck opera-

tors who have played on their hopes and have contributed to their suffering. All Americans can be assured that the issue of prisoners of war and missing in action has the attention of the members of my Department, as well as our hearts. As you can well imagine, it is a subject that continues to haunt the men and women in uniform who served in Vietnam, Laos, and Cambodia.

We have a special obligation to those who gave of themselves in the service to the Nation, to their families, and to those who will be asked to serve in future conflicts to do everything in our power to obtain the fullest possible accounting.

Mr. Chairman, later today and in the weeks ahead, you will hear from a number of officials who are far more knowledgeable than I about the details of our procedures and about individual cases. I want to take this opportunity this morning to give you my perspective as Secretary of Defense on the overall progress of the issue of POW's and MIA's, and what we are doing to achieve the fullest possible accounting.

I would like to spend a few minutes, first of all, to explain how we approach the important issue of whether Americans remain captive in Indochina. To date, we have no conclusive evidence proving that Americans are being held against their will in Indochina. Nonetheless, the importance of this issue makes investigating live sighting reports our first priority.

The Defense Intelligence Agency has the primary responsibility for investigating and analyzing live sighting reports received by our teams in Southeast Asia. Reports come from many sources, but our investigators solicit potential sources of information from among the thousands of refugees leaving Vietnam, legal travelers who have recently been in the region, and others who may have been in a position to observe.

In many cases, individuals with information seek out our representatives in Bangkok. Regardless of how the information is received, the procedure for investigating them remains the same. Upon receipt, live sighting reports are examined to determine if the geographic location of the sighting, the time and circumstance of the sighting, and the details provided correlate to a known missing American. Related data is retrieved from DIA's extensive casualty source and camp files, and the information is compared to what is available in the report.

All files of losses or known incidents of capture or imprisonment in proximity to the location reported are reviewed for possible correlation, as are all files of all missing individuals whose time and location of loss generally relate to the given report. Based on these findings, a preliminary determination is made regarding whether descriptive details provided by the source correlate to any missing Americans. If the information is judged to possibly relate to a POW or MIA, it is actively pursued by all available means.

The full range of United States intelligence assets are used to collect information relating to reports of live sightings of Americans in Indochina. Continued collection efforts are taken until we are able to reach a conclusion about the report. A live sighting report continues to be pursued on the assumption that it is accurate until it has been determined that the evidence is clear and convincing that the individual described is not a POW, or unless an

analysis indicates that the report is clearly a fabrication. If either of these judgments is reached, DIA's analysis is then subject to the scrutiny of an interagency review panel before the report is considered resolved.

The panel consists of representatives from the Central Intelligence Agency, the State Department, the Office of the Secretary of Defense, the Joint Chiefs of Staff, and the Defense Intelligence Agency. Upon concurrence by the review panel, the remains in the DIA database where it is available for review by analysts working independently on other live sighting reports. Should the review panel not concur, the report is considered unresolved, and additional collection efforts and analysis are undertaken in order to resolve the questions remaining.

To date, the Department of Defense has received 1,519 firsthand live sighting reports. 1,037 of these reports have been correlated to Americans that have been accounted for, such as prisoners of war returned at Operation Homecoming, missionaries, or civilians jailed at various times for violations of Vietnamese codes. In fact, almost 300 of these resolved reports have been correlated to Private Robert Garwood, who returned from Vietnam in 1979. Of the remaining reports, 373 have been determined to be fabrications, leaving 109 reports under active investigation—that is, 109 reports out of 1,519 original live sighting reports have not been resolved or accounted for. These reports are the focus of our analytical and collection efforts. We have a live sighting investigator now on the staff of our Hanoi office, and we will insist that he be granted free access by the Vietnamese to carry out his duties.

To date, we have not yet reached complete agreement with the Vietnamese on the modalities of investigating live sightings in Vietnam. We again raised this issue in a meeting in Hanoi last week, and it appears that there is still more work to be done before the Vietnamese grant permission for our investigator to travel freely. It is our intent to press this issue to the fullest until we are granted full and free access. I am sure General Vessey can provide you additional information.

As I noted earlier, investigating live sighting reports will continue to be our first priority. We will dedicate all resources necessary to support this vital requirement just as we have with the photographs that have appeared prominently in the media this past summer.

We will not be satisfied until we are absolutely certain that every last case that can be resolved is resolved. The organization of our POW/MIA effort is one of the most important ways we sharpen our focus on the issue. Later, during these hearings, Major General Christmas, the Pacific Command Director for Operations, will outline what we have done to focus and expand our field of investigation through a new joint task force in our Pacific command, but today, let me briefly describe the concept for the plan. We will apply the military assets and the personnel available in the U.S. Pacific Command to address the POW/MIA issue in much the same way that we organized ourselves to deal with, under Central Command, with the situation in the Persian Gulf last year.

Proceeding from a two-tiered approach, we will investigate discrepancy cases and last known alive cases on a full-time basis with

an expanded Hanoi office staff. We will continue to bring in teams of investigators from Hawaii to support the activities of the Hanoi office and to investigate systematically the cases within particular geographic regions. The joint task force approach, we believe, promises to bring a new intensity to our on-scene operations. We have the staff and the expertise available to move forward as quickly as the Indochinese governments will allow.

The end of the Cold War, the collapse of the Communist Party in the Soviet Union, and economic difficulties in China have been significant factors in changing attitudes and in opening new avenues for progress in POW/MIA affairs in Southeast Asia. These developments remove support from Southeast Asian Communist regimes, forcing them to seek cooperation from other sources, of economic assistance. They are turning to the West and especially to the United States. This has opened new opportunities for us in recent months in three countries; Vietnam, Laos, and Cambodia.

Let me say just a word about General Vessey's activities. Over the past year, the Vietnamese have demonstrated increasing levels of cooperation in resolving the fate of Americans missing in Indochina. General Vessey, the former chairman of the Joint Chiefs of Staff and now, the special presidential emissary to Hanoi for POW/MIA affairs, has been especially persistent in pushing for greater access. In April, he led an interagency delegation to meet with the Vietnamese Foreign Minister. At that meeting, General Vessey and the Foreign Minister agreed to establish a POW/MIA office in Hanoi that would conduct in-country investigations of reported firsthand live sightings, research historical records, conduct forensic review of jointly or unilaterally recovered remains, and conduct advance planning and execute joint field operations.

On July 8 of this year, the U.S. POW/MIA office opened in Hanoi with an initial staff of five. Initially, we indicated that the office was temporary in order to provide time to assess its value. It is our judgment that so far, the office is a success, providing a ready point of contact with the Vietnamese and increasing communication between their officials and American POW/MIA specialists. We have indicated to the Vietnamese that we want to change its status to permanent. This will permit us to increase the staff and expand its operational role.

Since 1987, our efforts in Vietnam have focused on the investigation of 119 illustrative discrepancy cases which General Vessey presented the Vietnamese in 1987 and 1989. These are cases in which we believe the individuals survived his incident of loss and for whom the Vietnamese should be able to provide some information. In some cases, these individuals were listed as prisoners of war, but did not return at Operation Homecoming in 1973 when U.S. prisoners were repatriated by the Vietnamese. In other cases, these individuals were last known alive on the ground, or were in communication with friendly forces and in imminent danger of capture. We believe the Vietnamese should be able to provide additional information on the fate of these individuals, or to otherwise account for them.

These discrepancy cases represent individuals that, in our judgment, based upon the incident of loss, are among the most likely to still be alive. That is not to say that other individuals in other

cases could not also be alive, but rather in prioritizing our efforts, we selected the cases of individuals we believed the most likely were alive when they fell into the hands of the Vietnamese. Therefore, if we can resolve the discrepancy cases, and cases of individuals last known to have been alive, we will be able to shed important light on the question of whether or not Americans remain in captivity in Indochina. Sadly, to date, we have not been able to locate any live Americans. However, we have been able to reach the judgment that 56 of the individuals who comprise the 119 discrepancy cases provided to the Vietnamese are, in fact, dead.

In September, we completed the 14th joint United States/Vietnam field investigation of last known alive discrepancy cases. This joint investigation was our most ambitious effort to date, and Vietnam's preparations and cooperation were improvements over past field investigations. Of significance, the Vietnamese allowed our resident researcher access to contemporaneous wartime documents that address the specific incidents of several previously unaccounted-for Americans. As a result of these efforts, we believe that we may be able to confirm the death of several additional individuals. We are hopeful that the Vietnamese will provide access to similar records for other wartime military regions.

If I may, I would like to explain briefly how these investigations work. In all cases, our investigations begin with the assumption that a missing serviceman or civilian is alive. First, we identify the cases we would like to investigate jointly with the Vietnamese, as I have indicated previously. The DIA and Joint Casualty Resolution Center then prepare case files of information for presentation to Vietnam specialists. The records are detailed explanations of the incident of loss, biographic data, search and rescue efforts, and other information that will assist the Vietnamese and U.S. investigators in focusing on a particular case.

We then ask the Vietnamese to independently check their records to locate any information they may have in their records and archives, to locate eyewitnesses, if any, and military personnel or veterans who may have participated in the action, so that our teams may interview them. After the Vietnamese carry out these preliminary investigative activities, we send in our teams, consisting of records researchers, interviewers, and linguists to question witnesses and to examine documents. If we can locate the crash site, we may survey it. All of this information is compiled and a report is prepared and submitted to the Joint Casualty Resolution Center and Defense Intelligence Agency for analysis of the data received.

The information is then correlated to the information within our files, and analytic judgments reached. In some cases, we make a determination that further investigation is required that may involve further records research and witness interview, or may involve crash site survey and excavation. So far there have been 14 of these investigations since 1988, and another is scheduled to begin later this month. We go wherever the evidence leads and conduct as exhaustive an investigation as possible to determine the fate of the individual involved.

Vietnamese cooperation on these joint investigations has improved, but despite these improvements, we are still not satisfied

with Vietnam's performance. Vietnamese officials could do much more to assist our efforts. Too often, our office finds that public pronouncements of increased cooperation by Hanoi do not produce satisfactory arrangements on the ground. Promises to cooperate on live sightings, improved helicopter transportation, and complete access to historical records remain only partially fulfilled. Vietnam's foot-dragging on unilateral repatriation of remains is especially frustrating, especially if we ever hope to achieve the fullest possible accounting in a reasonable period of time, Vietnamese unilateral efforts, as well as their participation in joint activities will have to dramatically improve.

As I will discuss later in more detail, we intend to have the capability in hand to move as rapidly as possible, as cooperation by the Governments of Vietnam, Laos, and Cambodia will permit. To date, we have accounted for only 22 sets of remains of the 119 discrepancy cases presented to the Vietnamese and jointly investigated. While we believe that we can confirm the death of an additional 35 unaccounted-for Americans since we started this process, we have not been able to account for them by the return of their remains. Obviously, results are slow in coming.

I want to support the statement by my colleague, Jim Baker, that the pace and scope of normalizing relations with Vietnam will depend upon the extent of cooperation by the Vietnamese on POW/MIA matters. The Department of Defense firmly supports the road map that describes the steps Vietnam must take and measures we will take in response before we will be ready to perform normalization of relations. I can assure you that we will be rigorous in our judgment about whether Vietnam is adequately complying. We will not be deterred from our goal of achieving the fullest possible accounting for our servicemen and civilians missing in action in Vietnam.

Some of the most vexing questions remaining from the Vietnam War relate to the unaccounted-for in Laos. Of the 528 Americans who remain unaccounted-for in Laos, 335 are in the category of POW or MIA, most of those in the MIA category. At Operation Homecoming, only nine Americans captured in Laos returned as POW's. It is important to realize that approximately three-quarters of the Americans unaccounted-for in Laos were lost in areas controlled by the People's Army of Vietnam. Despite that fact, we continue to press the Lao for answers regarding the fates of Americans who were captured by the Pathet Lao. Only one American held by the Pathet Lao, Emmet Kay, was released by them and returned from captivity. A second Pathet Lao prisoner, Dieter Dengler, did escape successfully.

Earlier this year, we conducted the first joint investigations of discrepancy cases involving Americans last known to be in Pathet Lao hands. Shortly thereafter, in May of this year, the U.S. and Laos agreed to an expanded plan for increased joint cooperation on POW/MIA and other humanitarian issues for the rest of 1991. Activities agreed upon include a further joint investigation of discrepancy cases, small scale joint surveys and recoveries, and joint crash site excavations.

So far, we have conducted the first three activities under the expanded program in response to Lao humanitarian concerns. The

Department of Defense and U.S. Pacific Command have provided Title X humanitarian assistance to the Lao. The Department of Defense has furnished nearly 100 tons of excess medical supplies in three separate shipments over the past year.

Additionally, the U.S. Army Corps of Engineers has completed construction of a small five-room school house early this year in Savannakhet Province. Finally, during September, we conducted a medical civic action program exercise with the Lao, sending U.S. doctors, nurses, and medical technicians to assist the Lao in training their medical specialists in a remote northern village in which we would like to conduct POW/MIA investigations later this year or early next year. These humanitarian assistance projects will, hopefully, assist our investigators in obtaining Lao cooperation at the province and the village level.

While we have undertaken a year-round plan with the Lao, actual cooperation on the ground has not yet fully succeeded in implementing the promised schedules. For example, we have had to delay a field activity scheduled to start late this week until the Lao repair the helicopter that they had planned to dedicate to the mission.

The lack of helicopters continues to be the most pressing operational problem in Laos. The Soviet helicopters and the Lao inventory are dangerous and operationally degraded. Nonetheless, we continue to use them in joint operations in that country.

In the past, the Lao have rejected our proposals to let us fly U.S. military helicopters for casualty resolution efforts in that country. We have made alternative proposals, to include the lease-back of U.S.-made helicopters operated by commercial concerns in Laos. To date, the Lao have made no commitments on these overtures, but we are continuing to work with them to try to solve this problem.

We believe that Lao shortcomings are more a function of limited resources and capabilities than a lack of commitment. In fact, they have been very cooperative on urgent investigations such as the purported Borah photograph. We have two major field operations planned before the end of this year, and I am hopeful that implementation will continue to improve rapidly and enable both countries to get back on track.

As I said approximately three-quarters of the losses in Laos occurred in areas under the control of Vietnamese forces during the war. Accounting for Americans lost in such areas must be a trilateral effort between the Lao, the Vietnamese, and the United States. While field operations inside Laos will necessarily be bilateral U.S.-Lao activities, the success of such efforts will largely depend upon U.S.-Vietnam cooperation.

The historic records and documents required must come from the Vietnamese. Field cooperation on the border cases requires the assistance of both the Lao and the Vietnamese. We have proposed trilateral talks in December with the Lao and Vietnamese to develop a methodology for addressing these cases.

With respect to Cambodia, Phnom Penh has recently begun to cooperate with us in accounting for Americans missing in Cambodia. Since July, three investigative teams have traveled to Cambodia to follow up on the photographs alleged to be of live American

POW's. Their cooperation assisted our specialists in tracking down a number of what proved to be fraudulent photographs.

Since July, we have also conducted two technical meetings with the Cambodians, the first such activity since Phnom Penh fell in 1975. Phnom Penh officials have also unilaterally returned remains that we hope to be an American unaccounted for from the 1975 Mayaguez incident. We are hopeful that their cooperation will continue to improve.

As the committee is aware, there have been a number of photographs that have surfaced in the media and which have been identified by family members as MIA's from the Vietnam War. We take each identification seriously, and we will use our full resources to answer the questions raised by these photos.

I would like to briefly give you a status report. First of all, of course, is the case of Colonel Robertson of the U.S. Air Force and Lieutenant Commander Stevens of the Navy and Major Lundy of the U.S. Air Force. Our photographic experts have concluded that the picture said to depict Colonel Robertson, Commander Stevens, and Major Lundy, has been altered.

The handwriting on the altered photograph and the method of alteration are both similar to changes made to five other photographs said to be prisoners of war. The other five photographs are all fraudulent. We found the originals in Eastern Bloc magazines in Phnom Penh, Cambodia.

These other photographs do not show American prisoners of war. They depict a Soviet baker, military advisors, and workers. One of the sources of this photograph has also passed to our investigators fake POW photos in the past. To complicate the investigation, no one has claimed to have seen any of the individuals pictured.

Further, a second picture allegedly depicting Lieutenant Commander Stevens was provided by the same source that originally obtained the faked Borah photograph. Subsequent reporting from Sandia National Laboratories is inconclusive in that it fails to verify that this is Lieutenant Commander Stevens.

The associated reporting accompanying the three-person photo, except for limited biographic data which was widely circulated by POW/MIA activists in Southeast Asia, has also proven false. The identifications by the families are the only positive information we currently possess. We are continuing our investigation, however.

The information available to us strongly suggests that two of the individuals allegedly pictured perished at the time of their loss incidents. In the absence of additional reporting we may not be able to resolve this case.

A photograph taken in Laos surfaced earlier this year that was identified by family members as Lieut. Daniel Borah of the U.S. Navy. In addition, a nongovernment forensic anthropologist positively identified the person in the photo as Lieutenant Borah.

With the help of Laotian officials our investigators were able to locate the individual in the photograph, who turned out to be a 77-year-old Lao highland tribesman. The man was interviewed, photographed, and fingerprinted. He identified himself in the photo, as did a second individual who also appeared in the picture.

Family members who want to see the tribesman for themselves will leave in a few days for Southeast Asia. They will be accompa-

nied by our investigator who first interviewed and photographed the man in Laos so they can satisfy themselves with respect to this case.

The case of Capt. Donald G. Carr, U.S. Army, is quite compelling because of the remarkable likeness between the 1989-90 photograph we obtained from retired Air Force Lieut. Col. Jack Bailey and Captain Carr's wedding picture taken several years before. In order to pursue this case, we need more current and precise information, particularly concerning the location of the individual in the photograph.

I personally met with Colonel Bailey on October 8 at the request of several Members of Congress, and during the meeting Colonel Bailey promised he would give our investigators access to his sources and introduce us to the individual who took the photograph. Accordingly, I despatched a Department of Defense team to accompany Colonel Bailey to Southeast Asia.

Unfortunately, after a week in Bangkok Colonel Bailey was unable to provide the access or the information that he had promised. After the team arrived in Bangkok, he also disclosed that the photograph, instead of having been taken in Laos as he previously indicated, may actually have been taken in Burma or Thailand. Despite this set-back we continue to apply all of our available resources to locating the individual pictured in the photograph.

I have already alluded to some of the recent experiences we have had with outright fraudulent claims. Let me elaborate to make it clear what we are up against and what the committee is up against. I know I join all of you in condemning the cruel action by some fast operators who play on the hopes of families and friends of POW's and MIA's. They doctor old pictures or forge documents only to make a quick buck.

The worst of these individuals traffic in reports obtained from unnamed sources in Southeast Asia, invite publicity to their claims of live Americans, promise great results, and often seek to raise money to keep their efforts going. It is also common practice for them to claim that their information is proof positive of Government ineptitude and cover-up. In the process they raise the expectations of the families desperate for any sign that a loved one is still alive. Unfortunately, when we investigate their claims we find no Americans, only unsubstantiated hearsay accounts and too often signs of deceit and fabrication.

In August, at the request of a Member of Congress, I agreed to provide an aircraft to take a Senate staff member and an individual purporting to have "hot" information on live Americans to Southeast Asia to follow up on his information. I was told in a meeting in my office that a particular source in Bangkok could tell us where live Americans are being held in Laos. I also provided several experts to go along on the trip, including a polygraph team.

This individual subsequently provided the Senate staffer with his source. The source was polygraphed and flunked. The only thing he apparently did not lie about was his name. The same person was also involved to some extent in the fake Borah photographs.

We must naturally pursue every lead that comes our way, but each time we rush to answer these false alarms our resources are diverted from solid leads and productive lines of inquiry. Individ-

uals who repeatedly provide false information, well-intentioned or not, should be called to account for their actions.

In addition to our efforts in Indochina, we recognize there are 8,177 Americans unaccounted for from the Korean War and others missing as a result of Cold War incidents. Accounting for these men is also of concern. We will continue to press the appropriate Governments for the fullest possible accounting.

The North Koreans hold the answers to these 8,177 Americans, including 389 initially classified by their services as prisoners of war. Negotiations with the North Koreans on this subject have been conducted by the United Nations Command Military Armistice Commission. The UNCMAC acts on behalf of all 16 nations, as well as the Republic of Korea, whose men fought and died in defense of freedom in Korea.

The North Koreans have proved unwilling to cooperate fully with the UNCMAC, preferring instead to have occasional discussions with our embassy officials in Beijing and to use congressional delegations to return a small number of American remains to U.S. control. With the help of Senator Smith, who has met with officials of the North Korean Government, both at the United Nations and Panmunjom, we are pursuing an alternative approach that holds promise for future cooperation.

In the past year we have made several approaches to the Soviets to investigate whether they possess information on Americans lost in Cold War aircraft incidents. In some of these cases our information suggests that crew members may have survived their incident of loss. The Soviets, however, have repeatedly denied any knowledge of the fates of these individuals.

In April, the Department of State sent a demarche to the Soviets regarding this issue. More recently, Secretary of State Baker raised the issue with his Soviet counterpart during the Moscow summit. The Soviets pledged at that time to make relevant KGB records available to our specialist. We have sent a second demarche requesting access to the promised records.

We have also raised the issue of Cold War losses with a delegation of Soviet and Russian veterans groups when they visited the Pentagon last month. With their help, we hope to raise the consciousness of other veterans and convince them that this is an issue of signal importance to the American people.

As this committee knows, the work is not easy. Hundreds of people in the Defense Department who want nothing more than to resolve this issue have devoted their careers to searching for answers to these questions. Congress has made its own contribution with investigations, special committees, and hundreds of hearings by the committees with responsibility for oversight of the POW/MIA issue. Some of the most knowledgeable Americans on the subject are right here in Congress on this committee, and their assistance continues to be invaluable.

However, there is probably always room to improve the job we do in pursuing leads. I am told that there were many gaps in the efforts in the late 1970's and early 1980's which led to the decision in 1985 and 1986 to increase the resources devoted to pursuing live sightings. The personnel increases that I have ordered this summer

were to make sure that new gaps do not appear as the level of overall effort increases.

Over the summer, to take full advantage of the new information available to us and increasing access being provided by the Governments in Indochina, I ordered that 88 additional personnel be assigned to augment our efforts in the field together and process information. They will add manpower in four places: the Joint Casualty Resolution Center, the Army Central Identification Laboratory, the DIA Special Office for POW's and MIA's, and the DIA's Stony Beach operation.

I authorized those increases this past July. Since then, contact with Vietnam has further improved, as has the cooperation by the authorities in Phnom Penh. Cooperation with the Government of Laos has consistently expanded in recent years to take advantage of the heightened activity.

We have authorized the creation of a new position in the Pentagon that I mentioned previously. This position will be set up under the Assistant Secretary of Defense for International Security Affairs and assigned a staff of 14, including three positions already in the office. The new deputy will serve as the principal assistant in all POW/MIA matters reporting directly to Paul Wolfowitz, the Under Secretary of Defense for Policy.

These two steps represent the assignment of 102 new positions in the Department to the important and difficult work of gathering new information, sorting out the facts, and working with the families. This brings total staff devoted exclusively to this issue in the Department of Defense to almost 240 people. If more people and resources are required, we will not hesitate to add them.

Mr. Chairman, members of the committee, I look forward to working with you as we continue our progress in this important area. As you and the members of your committee travel to Southeast Asia, I would urge you to impress upon the governments of Vietnam and Laos and officials in Phnom Penh the need to do all they can to resolve this issue. The answers to the questions about Americans unaccounted for do not lie in the files of the Defense Department. The answers must come from the Governments of Indochina.

The families of POW's and MIA's have been and will continue to be our most important constituents. This Nation is committed to keeping the faith with every soldier, sailor, airman, Marine and civilian until the fullest possible accounting can be achieved. We owe them and their families nothing less. We will not rest until the job is done.

Thank you.

[The prepared statement of Secretary Cheney follows:]

PREPARED STATEMENT OF SECRETARY OF DEFENSE DICK CHENEY

I am pleased to have the opportunity to appear before this committee today to reaffirm the commitment of the U.S. Government—and especially the Department of Defense—to account as fully as possible for American prisoners of war and for Americans missing in action and otherwise unaccounted for.

Mr. Chairman, this committee meets at a time of increased public attention to the fate of our POW's and MIA's in Southeast Asia. I welcome and encourage this spotlight on a matter of the utmost national importance.

I can think of no subject that stirs more emotion, or generates more frustration and controversy than the subject of POW's and MIA's, especially those lost during our operations in Southeast Asia. The fact that there were thousands unaccounted for in previous wars does not make it any easier to accept the fact that 18 years after active U.S. participation in the Vietnam War ended, we still do not have a full accounting of all those lost in combat.

Eight months ago, when we defeated Iraqi forces in the Gulf, we were able to account for all of our people, even those lost behind enemy lines. That achievement is one of the legacies of our concern for our missing in Indochina. In turn, our success in the Gulf generated a renewed national attention and commitment to achieve the fullest possible accounting for those lost in Southeast Asia.

We welcome any contributions that this committee may make in shedding additional light on this important issue. I assure you of my full support for this Committee's efforts. The Department of Defense will make any of its experts in this field available to the Committee to address specific questions you may have.

Accounting for our missing in Indochina remains a deeply personal commitment for me and for President Bush. I am the first Defense Secretary to come before Congress to testify exclusively on the subject of POW-MIA affairs. This is an indication of the importance that I and the Administration attach to this critical issue.

Under the President's leadership, we have pressed harder than ever before to find answers to the difficult questions this search entails. Today, I can tell you that although many questions remain unanswered, the Administration has made significant breakthroughs in a number of important areas.

First, as a result of Gen. Jack Vessey's outstanding efforts as Special Presidential Emissary to Hanoi for POW-MIA Affairs, we have opened an office in Hanoi and are conducting in-country joint field operations. This has enabled us to carry out investigations on the scene, enhancing our ability to get the answers to our questions that we need.

Second, as shifts within the communist world have opened new avenues for our search, we have carried out the first joint investigations ever held within Cambodia and worked for increased cooperation with officials in Laos.

Third, to take advantage of the new information now available to us, I have ordered that 88 additional personnel be assigned to augment our field staff. I have also authorized the creation of a new position within the senior Pentagon ranks, Deputy Assistant Secretary of Defense for POW-MIA Affairs. With the new staff for this office, our POW-MIA efforts will be augmented by an additional 102 persons.

The effort to account as fully as possible for our POW's and MIA's is not an easy one. Our most urgent requirement is to determine whether any Americans remain captive in Southeast Asia and if so, to return them to the United States. The issue of live prisoners has been at the forefront of our intelligence effort and in our negotiations with the governments of Indochina.

The governments of Indochina have consistently denied holding any Americans. We do not, and never will, accept their denials as the last word. We intend to keep the pressure on. President Bush has pledged decisive action to return any American, should such evidence be obtained. I make you that pledge again today.

In recent months, questions have been raised regarding the Department's efforts to resolve the POW-MIA issue. As this Committee can well appreciate, no American official would spare any effort that might lead to the discovery of a single American prisoner of war. It is unthinkable that any American servicemen or women would fail to come to the aid of a lost comrade. Anyone who knowingly withholds or conceals information that could lead to the recovery of a captured American serviceman would deserve the most severe punishment possible. But I must say I have difficulty imagining why anyone would do such a thing. Everyone I know would be thrilled to learn that one of our comrades is still alive and we have a chance to get him back.

In fact, countless men and women in uniform and in civilian life have devoted long hours, great skill, and high hopes in the search to account for Americans who did not return from Southeast Asia. As professionals, as members of the armed forces, many of whom served during the Vietnam conflict, and as Americans, they have not needed to be told how important their mission is. They've had clear marching orders from the members of this Administration: The POW-MIA effort has our fullest support.

I regret the burden that families have borne through these long years of uncertainty and loss. And I condemn the cruelty of fast operators who have preyed on their hopes and made them suffer.

All Americans can be assured that the issue of prisoners of war and missing in action has the efforts of the members of my Department as well as our hearts. As

you can well imagine, it is a subject that continues to haunt the men and women in uniform who served in Vietnam, Laos, and Cambodia. We have a special obligation to those who gave of themselves in the service of the Nation; to their families, and to those who will be asked to serve in future conflicts, to do everything in our power to obtain the fullest possible accounting.

Mr. Chairman, later today and in the weeks ahead, you will hear from a number of officials who are far more knowledgeable than I am about the details of our procedures and about individual cases. I want to take this opportunity this morning to give you my perspective as Secretary of Defense on the overall progress of the issue of POW-MIA's, and what we are doing to achieve the fullest possible accounting.

THE INVESTIGATIVE PROCESS

I would like to spend a few minutes, first, to explain how we approach the important issue of whether Americans remain captive in Indochina. To date, we have no conclusive evidence proving that Americans are being held against their will in Indochina. Nonetheless, the importance of this issue makes investigating live-sighting reports our first priority.

The Defense Intelligence Agency has the primary responsibility for investigating and analyzing live sighting reports received by our teams in Southeast Asia. Reports come from many sources, but our investigators solicit potential sources of information from among the thousands of refugees leaving Vietnam, legal travelers who have recently visited the region and others who may have been in a position to observe. In many cases individuals with information seek out our representatives in Bangkok. Regardless of how the information is received, the procedure for investigating remains the same.

Upon receipt, live sighting reports are examined to determine if the geographic location of the sighting, the time and circumstance of the sighting, and the details provided correlate to a known missing American. Related data is retrieved from DIA's extensive casualty, source and camp files, and the information is compared to what is available in the report. All files of losses or known incidents of capture or imprisonment in proximity to the location reported are reviewed for possible correlation, as are all files of all missing individuals whose time or location of loss generally relate to the given report.

Based on these findings, a preliminary determination is made regarding whether descriptive details provided by the source correlate to any missing Americans. If the information is judged to possibly relate to a POW or MIA, it is actively pursued by all available means. The full range of United States intelligence assets are used to collect information relating to reports of live sightings of Americans in Indochina. Continued collection efforts are undertaken until we are able to reach a conclusion about the report.

A live-sighting report continues to be pursued, on the assumption that it is accurate, until it has been determined that the evidence is clear and convincing that the individual described is not a POW or unless analysis indicates that the report is clearly a fabrication. If either of these judgments are reached, DIA's analysis is then subjected to the scrutiny of an interagency review panel before the report is considered resolved. This panel consists of representatives from Central Intelligence Agency, State Department, Office of the Secretary of Defense, Joint Chiefs of Staff and the Defense Intelligence Agency. Upon concurrence by the review panel, the report remains in the DIA data base where it is available for review by analysts working independently on other live sighting reports. Should the review panel not concur, the report is considered unresolved and additional collection efforts and analysis are undertaken in order to resolve the questions remaining.

To date, the Department of Defense has received 1,519 firsthand live-sighting reports. 1,037 of these reports have been correlated to Americans who have been accounted for, such as Prisoner of War who returned at Operation Homecoming, missionaries, or civilians jailed at various times for violations of Vietnamese codes. In fact, almost 300 of these resolved reports have been correlated to Private Robert Garwood who returned from Vietnam in 1979. Of the remaining reports, 373 have been determined to be fabrications, leaving 109 reports under active investigation. These reports are the focus of our analytical and collection efforts.

We have a live-sighting investigator on the staff of our Hanoi Office and we will insist that he will be granted free access by the Vietnamese to carry out his duties. To date, we have not reached complete agreement with the Vietnamese on the modalities of investigating live-sightings in Vietnam. We again raised this issue in a meeting in Hanoi last week and it appears that there is still more work to be done before the Vietnamese grant permission for our investigator to travel freely. It is our intent to press the issue continually until granted full and free access.

As I noted earlier, investigating live-sightings reports will continue to be our first priority. We will dedicate all resources necessary to support this vital requirement just as we have with the photographs that have appeared prominently in the media this past summer. We will not be satisfied until we are absolutely certain that every last case that can be resolved is resolved.

Command and Control

The organization of our POW-MIA effort is one of the most important ways we sharpen our focus on the issue. Later during these hearings, Major General Christinas, the Pacific Command Director for Operations, will outline what we have done to focus and expand our field investigations through a new Joint Task Force in our Pacific Command. But today, let me briefly describe the concept for this plan.

We will apply the military assets and personnel available within the U.S. Pacific Command to address the POW/MIA issue in much the same way as we applied the assets of Central Command in Desert Storm to defeat the Iraqis. Proceeding from a two tiered approach, we will investigate discrepancy cases and last known alive cases on a full-time basis with an expanded Hanoi Office staff. We will continue to bring in teams of investigators from Hawaii to support the activities of the Hanoi Office and to investigate systematically the cases within particular geographic regions. The Joint Task Force approach promises to bring a new intensity to our on scene operations. We now have the staff and expertise available to move forward as quickly as the Indochinese governments will allow.

SOUTHEAST ASIA

The end of the Cold War, the collapse of the Communist Party in the Soviet Union, and economic difficulties in China have been significant factors in changing attitudes and opening new avenues for progress in POW-MIA affairs in Southeast Asia. These developments removed support from Southeast Asian Communist regimes, forcing them to seek cooperation from other sources of economic assistance. They are turning to the West and especially the United States. This has opened new opportunities in three countries, Vietnam, Laos and Cambodia.

VIETNAM

General Vessey's Activities

Over the past year, the Vietnamese have demonstrated increasing levels of cooperation in resolving the fates of Americans missing in Indochina. Gen. Jack Vessey, the former Chairman of the Joint Chiefs of Staff and now Special Presidential Emissary to Hanoi for POW-MIA Affairs, has been especially persistent in pushing for greater access.

In April, he led an interagency delegation to meet with the Vietnamese Foreign Minister. At that meeting, General Vessey and the Foreign Minister agreed to establish a POW/MIA Office in Hanoi that would: conduct in-country investigations of reported first hand live-sightings; research historical records; conduct forensic review of jointly or unilaterally recovered remains; and conduct advance planning and execute joint field operations. On July 8, the U.S. POW/MIA Office opened in Hanoi with an initial staff of five. Initially, we indicated that the Office was temporary in order to provide time to assess its value. It is our judgement that so far, the Office is a success, providing a ready point of contact with the Vietnamese, and increasing communication between their officials and American POW/MIA specialists. We have indicated to the Vietnamese that we want to change its status to permanent. This will permit us to increase the staff and expand its operational role.

"Last Known Alive" Discrepancy Case Investigations

Since 1987, our efforts in Vietnam have focused on the investigation of 119 illustrative "discrepancy cases" which General Vessey presented to the Vietnamese in 1987 and 1988. These are cases in which we believe the individual survived his incident of loss and for whom the Vietnamese should be able to provide information. In some cases, these individuals were listed as Prisoners of War but did not return at Operation Homecoming in 1973, when U.S. Prisoners of War were repatriated by the Vietnamese. In other cases, these individuals were "last known alive" on the ground, or were in communication with friendly forces and imminent danger of capture. We believe the Vietnamese should be able to provide additional information on the fate of these individuals or otherwise account for them.

These "discrepancy cases" represent individuals that, in our judgement, based upon the incident of loss, are among the most likely to still be alive. That is not to say that other individuals in other cases could not be alive, but rather in prioritizing our efforts we selected the cases of individuals we believed most likely were

alive when they fell into the hands of the Vietnamese. Therefore, if we can resolve the discrepancy cases and cases of individuals "last known alive" we will be able to shed important light on the question of whether or not Americans remain in captivity in Indochina. Sadly, to date, we have not been able to locate any live Americans, however, we have been able to reach the judgement that 57 of the individuals who comprise the "discrepancy cases" provided to the Vietnamese are dead.

In September we completed the 14th Joint U.S.-Vietnam Field Investigation of last known alive "discrepancy cases." This joint investigation was our most ambitious effort to date, and Vietnam's preparations and cooperation were improvements over past field investigations. Of significance, the Vietnamese allowed our resident researcher access to contemporaneous wartime documents that addressed the specific incidents of several previously unaccounted for Americans. As a result of these efforts, we believe that we may be able to confirm the death of several additional individuals. We are hopeful that the Vietnamese will provide access to similar records for other wartime military regions.

Field Operations

If I may, I would like to explain briefly how these investigations work. In all cases, our investigations begin with the assumption that a missing serviceman or civilian is alive. First, we identify the cases we would like to investigate jointly with the Vietnamese. The DIA and Joint Casualty Resolution Center then prepare case files of information for presentation to Vietnam's specialists. The records are detailed explanations of the incident of loss, biographic data, search and rescue efforts, and other information that will assist the Vietnamese and U.S. investigators in focusing on a particular case.

We then ask the Vietnamese to independently check their records to locate any information they may have in their records and archives, locate eyewitnesses if any, and military personnel or veterans who may have participated in the action so that our teams may interview them. After the Vietnamese carry out these preliminary investigative activities, we send in our teams, consisting of records researchers, interviewers and linguists to question witnesses and examine documents. If we can locate the crash site, we may survey it.

All of this information is compiled and a report is prepared and submitted to the Joint Casualty Resolution Center and Defense Intelligence Agency for analysis of the data received. The information is then correlated to the information within our files and analytic judgements reached. In some cases, we make a determination that further investigation is required. That may involve further records research and witness interview, or it may involve crash site survey and excavation. So far, there have been 14 such investigations since 1988. Another is scheduled to begin later this month. We go wherever the evidence leads and conduct as an exhaustive investigation as possible to attempt to determine the fate of the individual involved.

Vietnamese cooperation on these joint investigations has improved. But despite these improvements, we are still not satisfied with Vietnam's performance. Vietnamese officials could do much more to assist our efforts. Too often our office finds that public pronouncements of increased cooperation by Hanoi do not produce satisfactory arrangements on the ground. Promises to cooperate on live-sightings, improved helicopter transportation, and complete access to historical records remain only partially fulfilled. Vietnam's foot dragging on the unilateral repatriation of remains is especially frustrating. Certainly, if we ever hope to achieve the fullest possible accounting in a reasonable period of time, Vietnamese unilateral efforts as well as their participation in joint activities will have to dramatically improve. As I will discuss later in more detail, we intend to have the capability in hand to move as rapidly as cooperation by the governments of Vietnam, Laos and Cambodia will permit.

To date we have accounted for only 22 of the 119 discrepancy cases presented to the Vietnamese and jointly investigated. While we believe that we can confirm the death of an additional 35 unaccounted for Americans since we started this process, we have not been able to account for them by return of their remains. Obviously, results are slow in coming.

I support the statement by my colleague, Jim Baker, that the pace and scope of normalizing relations with Vietnam will depend upon the extent of cooperation by the Vietnamese on POW-MIA matters. The Department of Defense firmly supports the road map that describes the steps Vietnam must take and measures we will take in response before we will be ready to have full normalization of relations. I can assure you that we will be rigorous in our judgement about whether Vietnam is adequately complying. We will not be deterred from our goal of achieving the fullest possible accounting for our servicemen and civilians missing in action in Vietnam.

LAOS

Some of the most vexing questions remaining from the Vietnam war relate to the unaccounted for in Laos. Of the 528 Americans who remain unaccounted for in Laos, 335 are in the category POW or MIA. At Operation Homecoming, only approximately three quarters of the Americans unaccounted for in Laos were lost in areas controlled by the People's Army of Vietnam (PAVN). Despite that fact, we continue to press the Lao for answers regarding the fates of Americans who were captured by the Pathet Lao. Only one American held by the Pathet Lao, Emmet Kay, was released by them and returned from captivity. A second Pathet Lao prisoner, Dieter Dengler, escaped successfully.

Earlier this year, we conducted the first joint investigations of discrepancy cases involving Americans last known to be in Pathet Lao hands. Shortly thereafter, in May of this year, the U.S. and Lao agreed to an expanded plan for increased joint cooperation on POW/MIA and other humanitarian issues for the rest of 1991. Activities agreed upon include further joint investigations of discrepancy cases, small scale joint surveys and recoveries and joint crash site excavations.

So far, we have conducted the first three activities under the expanded program. In response to Lao humanitarian concerns, the Department of Defense and the U.S. Pacific Command have provided Title 10 Humanitarian Assistance to the Lao. The Department of Defense has furnished to the Lao nearly 100 tons of excess medical supplies in three separate shipments over the past year. Additionally, the U.S. Army Corps of Engineers completed construction of a small 5 room schoolhouse earlier this year in Savannakhet Province.

Finally, during September we conducted a Medical Civic Action Program Exercise with the Lao, sending U.S. doctors, nurses, and medical technicians to assist the Lao in training their medical specialists in a remote northern village in which we would like to conduct POW/MIA investigations later this year or early next year. These humanitarian assistance projects will, hopefully, assist our investigators in obtaining Lao cooperation at the province and village level.

While we have undertaken a year-round plan with the Lao, actual cooperation on the ground has not yet fully succeeded in implementing the promised schedule. For example, we have had to delay a field activity scheduled to start late this week until the Lao repair the helicopter that they had planned to dedicate to the mission. The lack of helicopters continues to be the most pressing operational problem in Laos. The Soviet helicopters in the Lao inventory are dangerous and operationally degraded. Nonetheless, we have continued to use them on joint operations in that country. In the past, the Lao have rejected our proposals to fly U.S. military helicopters for casualty resolution efforts in their country. We have made alternative proposals, to include the lease back of U.S.-made helicopters operated by commercial concerns in Laos. To date the Lao have made no commitments on these overtures, but we are continuing to work with the Lao to solve this problem.

We believe that the Lao shortcomings are more a function of limited resources and capabilities than a lack of commitment. In fact, they have been very cooperative on urgent investigations such as the—purported Borah photograph. We have two major field operations planned before the end of this year, and I am hopeful that implementation will continue to improve rapidly and enable both countries to get back on track.

Lao-Vietnam Border Cases

As I said, approximately three quarters of the losses in Laos occurred in areas under the control of Vietnamese forces during the war. Accounting for Americans lost in such areas must be a trilateral effort between the Lao, Vietnamese, and U.S. While field operations inside Laos will necessarily be bilateral U.S.-Lao activities, the success of such efforts will largely depend upon U.S.-Vietnam cooperation. The historic records and documents required must come from the Vietnamese. Field cooperation on the border cases requires the assistance of both the Lao and the Vietnamese. We have proposed trilateral talks in December with the Lao and Vietnamese to develop a methodology for addressing these cases.

CAMBODIA

Phnom Penh has recently begun to cooperate with us in accounting for Americans missing in Cambodia. Since July, three investigative teams have traveled to Cambodia to follow-up on the photographs alleged to be of live American POW's. Their cooperation assisted our specialists in tracking down a number of what proved to be fraudulent photographs. Since July, we have also conducted two technical

meetings with the Cambodians, the first such activity since Phnom Penh fell in 1975. Phnom Penh officials have also unilaterally returned remains that we hope will prove to be an American unaccounted for from the 1975 Mayaguez incident. We are hopeful that their cooperation will continue to improve.

RECENT PHOTOGRAPHS

As the Committee is aware, there have been a number of photographs that have surfaced in the media, and which have been identified by family members as MIA's from the Vietnam war. We take each identification seriously, and will use our full resources to answer the questions raised by these photos. I would like to briefly give you a status report.

Col. John L. Robertson, USAF, Lieutenant Commander Stevens, USN and Maj. Albro Lundy, USAF

Our photographic experts have concluded that the picture said to depict Col. John Robertson, U.S. Air Force, Lt. Comdr. Larry Stevens, U.S. Navy, and Maj. Albro Lundy, Jr., U.S. Air Force, has been altered. The handwriting on the altered photograph and the method of alteration are both similar to changes made to five other photos said to be prisoners of war. We found the originals in Eastern-bloc magazines in Phnom Penh, Cambodia. These other photographs do not show American prisoners of war, they depict a Soviet baker, military advisors, and workers. One of the sources of this photograph has also passed to our investigators faked POW photos in the past.

To complicate the investigation, no one has claimed to have seen any of the individuals pictured. Further, a second picture, allegedly depicting Lieutenant Commander Stevens was provided by the same source that originally obtained the faked "Borah" photograph. Subsequent reporting from Sandia National Laboratories fails to verify that this is Lieutenant Commander Stevens.

The associated reporting accompanying the three person photo, except for limited biographic data widely circulated by POW/MIA activists in Southeast Asia, has also proven false. The identifications by the families are the only positive information we possess. We are continuing our investigation, however, the information available to us strongly suggests that two of the individuals allegedly pictured perished at the time of their loss incidents. In the absence of additional reporting, we may not be able to resolve this case.

Lt. Daniel V. Borah, USN

A photograph taken in Laos surfaced earlier this year that was identified by family members as Lt. Daniel V. Borah, U.S. Navy. In addition, a nongovernment forensic anthropologist positively identified the person in the photo as Lieutenant Borah. With the help of Laotian officials our investigators were able to locate the individual who turned out to be a 77 year old Lao highland tribesman. The man was interviewed, photographed, and fingerprinted. He identified himself in the photo, as did a second individual who also appeared in the picture. Family members who want to see the tribesman for themselves will leave in a few days for Southeast Asia. They will be accompanied by our investigator who first interviewed and photographed the man in Laos.

Capt. Donald G. Carr, U.S. Army

The case of Capt. Donald G. Carr, U.S. Army is quite compelling because of the remarkable likeness between the 1989-90 photograph we obtained from retired Air Force Lt. Col. Jack Bailey and CPT Carr's wedding picture. In order to pursue this case, we need more current and more precise information, particularly concerning the location of the individual in the photograph. I met with Colonel Bailey on October 8 at the request of several Members of Congress. During the meeting Colonel Bailey promised that he would give our investigators access to his subsources and introduce us to the individual who took the photograph.

Accordingly, I dispatched a Department of Defense team to accompany Colonel Bailey to Southeast Asia. Unfortunately, after a week in Bangkok Colonel Bailey was unable to provide the access or information he had promised. After the team arrived in Bangkok, he also disclosed that the photograph—instead of having been taken in Laos as he previously indicated—may actually be taken in Burma or Thailand. Despite this setback, we continue to apply all our available resources to locating the individual pictured in the photograph.

I have already alluded to some of the recent experiences we have had with outright fraudulent claims. Let me elaborate to make it clear what we are up against. I know I join all of you in condemning the cruel actions by some fast operators who play on the hopes of families and friends of POW's and MIA's. They doctor old pictures or forge documents solely to make a quick buck. The worst of these individuals traffic in reports obtained from unnamed sources in Southeast Asia, invite publicity to their claims of live Americans, promise great results, and often seek to raise money to keep their efforts going. It is also common practice for them to claim that their information is proof positive of government ineptitude and cover-up. In the process, they raise the expectations of the families desperate for any sign that a loved one is still alive. Unfortunately, when we investigate their claims we find no Americans, only unsubstantiated hearsay accounts, and too often signs of deceit and fabrication.

Senate Staff Mission

In August, at the request of a Member of Congress, I agreed to provide an aircraft to take a Senate staff member and an individual purporting to have "hot" information on live Americans to Southeast Asia to follow-up his information. I also provided several experts to go along on the trip. This individual subsequently provided the Senate staffer with a source who failed a polygraph test. This same person was also involved to some extent in the fake photographs. We must naturally pursue every lead that comes our way. But, each time we rush to answer these false alarms, our resources are diverted from solid leads and productive lines of inquiry. Individuals who repeatedly provide false information, well intentioned or not, should be called to account for their actions.

KOREA AND THE COLD WAR

In addition to our efforts in Indochina, we recognize that there are 8,177 Americans unaccounted for from the Korean War, and others missing as a result of Cold War incidents. Accounting for these men is also of concern. We will continue to press the appropriate governments for the fullest possible accounting.

The North Koreans hold the answers to these 8,177 Americans, including 389 initially classified by their services as prisoners of war. Negotiations with the North Koreans on this subject have been conducted by the United Nations Command Military Armistice Commission (UNCMAC). The UNCMAC acts on behalf of all 16 nations, as well as the Republic of Korea, whose men fought and died in defense of freedom in Korea. The North Koreans have proved unwilling to cooperate fully with the UNCMAC, preferring instead to have occasional discussions with our embassy officials in Beijing, and to use congressional delegations to return a small number of American remains to U.S. control. With the help of Senator Smith, who has met with officials of the North Korean Government both at the United Nations and Panmunjon, we are pursuing an alternative approach that holds promise for future cooperation.

In the past year, we have made several approaches to the Soviets to investigate whether they possess information on Americans lost in Cold War aircraft incidents. In some of these cases, our information suggests that crewmembers survived their incidents of loss. The Soviets, however, have repeatedly denied any knowledge of the fates of these individuals. In April, the Department of State sent a demarche to the Soviets regarding this issue. More recently, Secretary of State Baker raised the issue with his Soviet counterpart during the Moscow Summit. The Soviets pledged at that time to make relevant KGB records available to our specialists. We have sent a second demarche requesting access to the promised records. We have also raised the issue of Cold War losses with a delegation of Soviet and Russian veterans' groups when it visited my office last month. With their help, we hope to raise the consciousness of other veterans, and convince them that this issue is one of signal importance to the American people.

DEPARTMENT OF DEFENSE COMMITMENT

As this committee knows, the work is not easy. Hundreds of people in the Defense Department—who want nothing more than to resolve this issue—have devoted their careers to searching for answers to these questions. Congress has made its own contribution, with investigations, special committees, and hundreds of hearings by the committees with responsibility for oversight of the POW/MIA issue. Some of the most knowledgeable Americans on the subject are right here in Congress, and their assistance continues to be invaluable.

However, there is probably always room to improve the job we do in pursuing leads. I am told that there were many gaps in the efforts in the late 1970's and early 1980's which led to the decision in 1985 and 1986 to increase the resources devoted to pursuing live sighting reports. The personnel increased that I ordered this summer were to make sure that new gaps do not appear as the level of overall effort increases.

Over the summer, to take full advantage of the new information available to us and increasing access being provided by the Governments in Indochina, I ordered that 88 additional personnel be assigned to augment our efforts in the field to gather and process information. They will add manpower in four places—the Joint Casualty Resolution Center, the Army's Central Identification Laboratory, the DIA's Special Office for POW's and MIA's, and DIA's Stony Beach operation.

I authorized those increases this past July. Since then, contact with Vietnam has further improved, as has the cooperation by the authorities in Phnom Penh. Cooperation with the Government of Laos has consistently expanded over the past years. To take advantage of the heightened activity, we have authorized the creation of a new position in the Pentagon Deputy Assistant 26 Secretary of Defense for POW-MIA Affairs.

This position will be set up under the Assistant Secretary of Defense for International Security Affairs and assigned a staff of 14, including three positions already in that office. The new deputy will serve as the principal assistant on all POW/MIA matters, reporting to Paul Wolfowitz, the Under Secretary of Defense for Policy.

These two steps represent the assignment of 102 new positions in the Department to the important and difficult work of gathering new information, sorting out the facts, and working with the families. This brings total staff devoted exclusively to this issue to almost 240. If more people and resources are required, we will not hesitate to add them.

CONCLUSION

Mr. Chairman, I look forward to working with you as we continue our progress in this important area. As you and the members of your committee travel to Southeast Asia, I urge you to impress upon the governments of Vietnam and Laos, and officials in Phnom Penh, the need to do all they can to resolve this issue. The answers to the questions about Americans unaccounted for do not lie in the files of the Defense Department. The answers must come from the governments of Indochina.

The families of POW's and MIA's have been, and will continue to be, our most important constituents. This Nation is committed to keeping the faith with every soldier, sailor, Marine, and civilian until the fullest possible accounting is achieved. We owe them and their families, nothing less. We will not rest until the job is done.

The CHAIRMAN. Thank you very much, Mr. Secretary. We appreciate the scope of that statement and the fact that you have come here today as the lead-off witness in this year-long effort. I think you have made an important statement, particularly with respect to the augmented efforts that are being made and also with respect to the fraud issue.

We will have a round of 5 minute questions because of the number of Members and the time frame, and hopefully we can get through that and perhaps even have a little time for follow-up afterward.

Let me lead off, if I may, Mr. Secretary, by going back to the article that Senator Smith cited and that all of us read this morning. I would say at the outset that I could not agree with you more about your statement about the Department's tackling the issue of friendly fire up front.

I can recall in a briefing we had during the course of the war that that was discussed, and I think I or somebody remarked that there was a singular break with the past in that I remember the case of a movie called Friendly Fire where it took a long period of time for one individual to learn. In this case, you have voluntarily stepped up and acknowledged that in fact that is how you accounted for a number of deaths in the course of the war. I thought it was

a moment of frankness and a departure from the past that was extraordinary, and I congratulate you for it.

The question that arises in the context of this issue—POW/MIA—is really the question about the communication process, I suppose. What is it that has happened, in your mind, that so many of our own citizens, particularly so many of the POW/MIA families feel that they are not getting the story?

I read from today's article, because there is a direct parallel in it. The article today said—and this is the reporter speaking, but this is what it said:

The Davila case was part of a pattern of delay or denial affecting nearly every family that lost a serviceman to friendly fire. The army in particular broke its own rules by concealing basic facts for months from the next of kin, and its efforts to postpone disclosure often led it to stretch the truth.

Some families, like the Davilas, never suspected. Others found out through news reports or enlisted friends of the dead men. Some heard only rumors and begged for details. Still others, including all of the marine families, learned informally that a friendly fire investigation was underway. All had to wait months for the final word.

Now, I understand why they would wait months for the final word, but what it suggests—and I understand the difficulties. I think everybody here does. It suggests that perhaps in the process of communication something has been lacking, that there is an adversarial response, or an unwillingness to communicate, or perhaps even a lack of ability to communicate the difficulties that are inherent in the process so people can understand it.

But my question to you is, having had time to review this, having augmented the staff, having made judgments about it, what is it in the process with the POW/MIA issue in Vietnam that has led so many families to feel as though they are in an adversarial state with their own Government?

Secretary CHENEY. Senator, I am not sure I can answer that question, certainly, on behalf of the families. I would assume you will have the opportunity later in your hearings to look specifically at their perception of it.

The problem, if you take the friendly fire incidents that are reported in the newspapers this morning that you referenced, is a very serious matter for any military organization to conclude that some of the casualties that were incurred as a result of military action were, in fact, the result of friendly fire. It is not a conclusion you draw lightly. And what was done in this case was a very thorough investigation, as I mentioned earlier, of every single incident where we did take casualties in an effort to ascertain the facts of the situation.

In some cases we are able to tell that casualties were the result of friendly fire because in this particular conflict only American forces were firing depleted uranium rounds from our M-1 tanks. The Iraqis had no similar munitions. And when a depleted uranium round hits an armored vehicle it leaves a distinctive signature. But it required going back and investigating and actually looking at the equipment in order to be able to confirm that.

I think the worst thing we could have done would have been to make a mistake or to go too quick with the allegation that, in fact, a casualty had resulted from friendly fire. So the fact that it takes a few months to get a full and complete accounting, I think, is just a normal, natural part of the process.

Now, from the standpoint of the families, there is never a good way to be informed that a family member is, in fact, a casualty. And it is even more difficult when you go through the uncertainty that existed for some of these families in not knowing precisely the circumstances that surrounded the death of a loved one.

All I can say is that as a Government, as a department, we are dedicated to the proposition of a full and complete accounting. That is what we have tried to provide in the case of Iraq. We take some pride in having gotten a full accounting of all the MIA's that were associated with the conflict in the Gulf.

With respect to how the department operated in previous administrations over the years that set a tone or a stage where families of POW's and MIA's in Southeast Asia believe the department was less than truthful, I am simply not responsible for; that was not on my watch.

But I can assure you we are dedicated in this administration to giving and achieving the full accounting to the families. That is a very important part of our responsibility and we take it very seriously.

Senator KERRY. Senator Smith.

Senator SMITH. Thank you, Mr. Chairman.

Mr. Secretary, I appreciate your candor in your responses to many of the points that you made, especially on the attempts that you made to confirm the validity of some of those photographs. And I personally know that you did take that upon yourself to check those out.

What, in your estimation, is the effect, do you see any effect on the morale of military personnel, active duty military personnel today, as a result of this kind of thing the investigation, the possibility that somebody may have been left? Apparently, it did not have any effect on the morale of the guys that served in the Gulf and the gals that served in the Gulf, but do you, given all the other factors and tremendous cutbacks that are coming down, which is a morale issue in itself, do you sense any morale problems as a result of this kind of things being bandied about?

Secretary CHENEY. Do you mean as a result of this investigation?

Senator SMITH. Not specifically this, but just the issue itself in the sense that there are still questions unanswered that have not been resolved.

Secretary CHENEY. I am sure that it probably is a factor in the minds of many of those who served and still serve in the military and who served in the war in Southeast Asia.

I would not describe it as an overall morale problem. I think morale in the military today is very good. But clearly when we ask young men and women to put on the uniform of the United States military and go in harm's way, I think it is with the unstated assumption and the expectation that no one would be left behind. And clearly, I think that is something that all Americans would like to be able to say about their Government, that there is no decision made by anyone to leave behind prisoners or missing in action in the war in Southeast Asia.

Senator SMITH. Just one final quick point and then I would yield.

What is, if you could characterize it in a sentence or two, what is your reaction or the reaction of your department to this commit-

tee? Do you feel, do you welcome it? Do you resent it? Give me some reaction of how you feel about it.

Secretary CHENEY. Well, I think the reaction of the department will be set by me and by my presence here today. I think I have indicated to everybody who works for me that we take this matter very seriously and that our mission is to cooperate with the committee, to benefit from whatever guidance and oversight you care to give us, that Congress has a very legitimate role to play in this area.

And so I would expect that those who work for me in the Department of Defense will understand by virtue of my presence here and my statements to the committee that I expect them to cooperate and have a very positive attitude about what should be a cooperative effort between the executive and the legislative branch to get the fullest possible accounting.

Senator SMITH. We appreciate that. Thank you, Mr. Chairman. Senator KERRY. Thank you very much.

Let me just say to the members of the committee that the committee is going to operate on the basis of the first-come, first-served rule, so that everybody will have some predictability in their scheduling and know when they are going to come up for questions.

With that in mind, Senator Grassley.

Senator GRASSLEY. Thank you, Mr. Chairman. And thank you, Secretary Cheney, for coming here and cooperating with the committee and for your openness on this issue.

I would like to say at the outset that I have had an opportunity to pass on some information to you and I want you to know that I have been satisfied with your follow-up. Your response and follow-up has convinced me that this issue is at the top of your priority list.

If anyone would ask me if this issue is of the highest priority with Secretary Cheney, my answer would be an unequivocal yes.

And I appreciate not only the response several months ago from what I passed on to you, some leads that you followed-up on. But even very recently on a second instance, and I appreciate that very much.

Mr. Secretary, my question is whether or not it troubles you that people with information on possible live POW's are coming to Congress and the media with their information because they either do not trust or are not satisfied with the attention that it has gotten from the Defense Intelligence Agency. And that may be because the DIA has little credibility in their eyes.

Secretary CHENEY. Certainly, it would be a factor inhibiting our ability to carry out our assignment, our mission in getting the fullest possible accounting.

I am, of course, without knowing the specific case, or having had the opportunity to talk to the individual source, do not have any way of knowing whether their feeling of frustration is justified. But I can assure you, Senator, as I have in the cases you mentioned, that we want to take advantage of whatever information is out there. And that we will devote the resources of the department to follow-up on every single lead.

I would hope that one of the things that will emerge from this set of hearings would be a restoration of confidence, if you will, on

the part of those who may have information that we are very serious about this business in the Department of Defense and that if they do provide us with good information it will not get buried in the bureaucracy, but we will aggressively pursue it.

Senator GRASSLEY. Well, see, I think that statement you just made, if it could be made more often, that you are aware that there might be some lack of credibility between people out there and your department and that you are willing to restore it and you see this committee as part of that process, or even without this committee, that you are willing to consider that, I think that is a major step.

And again, I think that you are to be commended for that open attitude.

Now while I did compliment you, and that is a sincere compliment, I think I want to also tell you, Mr. Secretary, that what ever problems are associated with the Government's handling of this issue are the result of people in the lower levels of the bureaucracy, some of whom have been working on this issue since almost day one. And this is not finger-pointing toward an individual, this is more a general comment toward groups of people.

It is my impression that they cannot seem to see the forest for the trees. Some of these people in the bowels of the bureaucracy, perhaps unwittingly, have come to constantly defend the proposition that we have left no one behind. So when a family member comes along with a photograph or with a number of discrepancies in their loved one's case, they might get a knee-jerk response or no response at all.

So considering this as background that I think is a legitimate analysis of the situation, maybe unconsciously developing over a long period of time, but still a real situation, I ask you this question: Whether you can honestly say that those in DOD below your level who have been responsible for this issue have pursued cases of potentially live POW's with the kind of vigor that reflects our national highest priority and that has been spelled out by several presidents so it, in fact, is our Nation's highest priority?

Secretary CHENEY. Senator, I am not foolish enough to think I know everything that goes on in the Department of Defense on a regular basis on this or any other issue.

It is a big place. My tenure there runs a little over 2-1/2 years out of the some 19 years that we are interested in. And I am confident after I have left, I will not have fixed all of the problems. But I think it should be clear that we do indeed treat this as a matter of highest national priority. And if we have individuals in the organization who have not conducted themselves accordingly, then I would expect that I would hear about it from their supervisors and that appropriate action would be taken.

I think the important thing for us, also though, is to remember that there are a great many individuals in the organization who are engaged and have been engaged for years in a very, very difficult and complex task, whose careers in many cases have been devoted in substantial part to dealing with this specific issue and who do an outstanding job and often do not receive enough thanks for it as well.

So in terms of agreeing that there may well have been times in the past when people coming to us did not receive the kind of treatment that they merited or their information was treated lightly, I would not by any means want to cast some kind of blanket condemnation on these very dedicated folks in the military and civilian side who worked very hard to try to resolve these issues.

Senator GRASSLEY. Mr. Chairman, I do not have another question, but just let me close with a commentary on what he said.

I do not question what he said, but I guess I would leave out there the fact that maybe there was some dissatisfaction on the Secretary's part with the handling prior to the decision to put 102 additional employees in place. Or maybe those 102 additional employees would not have been put in place.

Secretary CHENEY. I think, if I may, Mr. Chairman, just respond that the basic impetus for that was the fact that we now have much more access and we have now opened the office in Hanoi and that we are getting cooperation from the Vietnamese and the Cambodians and the Laos for the first time. And that more resources are justified in terms of being able to work the cases and the information we now think we can generate.

Senator KERRY. Let me just say before I turn to Senator Kohl that, Mr. Secretary, I think we really look forward to hearing the testimony of some of those people that you have talked about. They have never spoken publicly before.

It struck me when I was in Vietnam, listening to some of them and also listening to General Vessey, that there is an extraordinary tale for Americans to hear about the depth of concern and commitment that many of these people have put in over the course of 13 years, 14 years, 15 years, and that their efforts shed a different light on the continuum of effort, if you will, than many people have become aware of. That is why the committee particularly wanted them to come back here, which I know is a great expense in terms of time as well as money. But we think it is very worthwhile. And I think their story is interesting.

Senator Kohl.

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

Mr. Secretary, with your experience with the families of casualties of Operation Desert Storm, you have certainly seen many of the problems that develop when family members are not given all the information the Defense Department has about how their loved ones died.

I have a constituent who recently requested a report as she has requested reports now for the past 20 years on a brother who was missing in action from the war. And she gets back letters which give her part of the report, but the letter says we cannot give you additional information that does refer to her brother because the information is classified. Now that drives her up a wall, as you might imagine.

My question is after 20 years what is it about a report concerning her brother or others that has to be classified so that we leave them with such an incomplete feeling. They feel like you have information that would give them the kind of peace of mind, if nothing else, that they desire, but you just will not release it.

Secretary CHENEY. Well, Senator, I am not familiar, obviously, with the specific case you are talking about.

The current policy is that the families are to have complete access to everything in the files with the exception of information about sensitive intelligence sources and methods.

For obvious reasons there are or there is a need to protect the way in which we have in the past generated some of the information with respect to particular cases. I would expect this is an issue the committee may want to pursue in a closed-door session where we could have a more frank and open discussion on exactly what is in the files and what ultimately is releasable to the family members.

But with that one single exception, as far as I know, that is the limitation on information that is provided.

Senator KOHL. So are you suggesting that except in the rarest of cases it should not be necessary to leave these people with that feeling that you have important information relevant to the particular case that you are not going to release? Except in the rarest of cases, you are saying that should not be necessary?

Secretary CHENEY. I am saying that in my understanding of the way the system has operated in the past and continues to operate is that what is protected through the classification process is information about sources and methods. Traditionally that is where classification is applied and it is true in this case as well.

And again, I think this is a subject that the committee will want to pursue in executive session.

But without knowing the individual case, there is no effort on the part of the Department of Defense to cover up from family members or to keep from them knowledge about the status of their POW or MIA. That is not the purpose for applying the classification in this case. It is only to protect sources and methods.

Senator KERRY. If I could interrupt without taking away from your time at all, Senator, we have discussed this, Senator Smith and I and staff and others. And there is going to be a major effort by the committee to review that process.

But I must say, Mr. Secretary, that the committee wants to avoid becoming perceived as part of the problem. So the committee is determined to be very tough on the issue of what legitimately remains a source or a method of concern that could not somehow be transferred to at least a family.

In some cases we have learned information from the Vietnamese that our department is keeping classified, that we go over or a family goes over and actually gets it from the Vietnamese. And that has only lent to this perception that there is a gap between what our Government is willing to trust us with versus what is available to people in the open marketplace.

Senator MCCAIN. Mr. Chairman, could I just comment?

I do not know how many members of this committee are aware, but we did put in the DOD authorization bill and I believe it is holding in conference, a requirement that the Department of Defense disclose all relevant information to the public and to family members and anyone who is interested, the so-called truth bill.

And I think, I would hope, sincerely hope, that would resolve a lot of these questions that are being raised right now.

Secretary CHENEY. But if I may, Senator, I believe, and while we support the amendment that the Senator from Arizona has offered, I think it provides for retaining some classification of sources and methods, the same kind of provisions that apply with respect to Freedom of Information Act. There are good and legitimate reasons why there are certain things that should not be released.

It is no effort, again, to deny information to the families. But I think once the committee gets into it, you will find there is some justification for that. Obviously, we will be guided by the new amendment adopted by the Senate.

Senator KERRY. We are very aware of that. The committee is not one to put at risk someone who may still be alive in Vietnam who was a source clearly identifiable even 15 years or 20 years ago. And that would be dangerous and irresponsible for us. And we also do not want to reveal methods or sources that might still be part of an available structure or that would reveal things we do elsewhere. We are sensitive to that.

The key here is to find the ground that permits the committee to maintain credibility with the families and doubters sufficient to be able to give the answers that Senator Kohl, I think, feels ought to be forthcoming without that compromise. That requires us to re-establish a credibility that unfortunately for better or worse is not there now. And I think you know that. And I think you are committed to doing that.

I just want that process to be open and clear so that nobody doubts what we are doing, either.

Senator Kohl, I apologize.

Senator KOHL. Mr. Secretary, you were at the White House as President Ford's Chief of Staff when there were policy decision made on how to pursue the POW/MIA issue after the fall of Saigon.

Can you tell us how and what it was like to deal with this issue at that moment in history, what some of the pressures were and what options were available, and how you would evaluate the Ford Administration's actions at that time with respect to POW/MIA decisions?

Secretary CHENEY. You are asking me to go back, Senator, some 15 years or 16 years in an area that I did not have direct responsibility over as White House Chief of Staff. This would have been handled by the Defense Department through the NSC process.

At the time, of course, one of the problems that we were faced with was the Mayaguez incident during the Ford Administration. President Ford came in in August of 1974 after the return of the POW's, I think the general mood at the time was as it was in the entire country, a sense of relief that our prisoners were finally home.

The Mayaguez incident, of course, resulted in some additional loss of life as the President used troops to rescue the crew of the Mayaguez and there were indeed some MIA's not recovered from that operation, one of which now supposedly the Cambodians have provided, although we have not been able to confirm it yet, we do have one set of remains from that incident.

But I was not directly involved in setting policy at the time with respect to the question of POW's and MIA's. I am not sure I could

shed any light for you on how that was done or what the considerations were at the time.

Senator KOHL. Thank you.

The CHAIRMAN. Thank you very much, Senator Kohl.

Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman. And thank you, Mr. Secretary, for being here. I think your statement is one which is very illuminating and balanced. I think that you placed proper emphasis on the fact that Vietnamese cooperation is key to a successful resolution of this issue.

I think it is also important that you point out in your statement that we are still not satisfied with Vietnam's performance. You mention that to date we have not reached agreement, complete agreement with the Vietnamese on the modalities of investigating live sightings in Vietnam, which obviously is crucial for us to be able to get that issue resolved and also the continuing problem with the Laotian MIA/POW issue which obviously large numbers of Americans are still missing in action.

I think also, secondarily, and we will have further witnesses on this issue, is the compelling evidence or at least substantial evidence that the Vietnamese continue to warehouse remains of Americans. And something which none of us have been able to understand, but clearly apparent, is the case or at least there is substantial evidence in that direction.

I also think it is important that you point out the diversion of assets that have been used in hunting down these hoaxes which are being perpetrated in the most cruel fashion, not only on the American people, but their families. It is disgraceful and it is disgusting. And I hope that we will investigate whether there is some violation in law of this kind of behavior which we have ample proof are hoaxes which are absolutely perpetrated with either pecuniary gain or publicity in mind. And that makes it more difficult, clearly, for us to investigate those live sightings or photographs which may be legitimate.

On page 8 of your statement, Mr. Secretary, you said in fact almost 300 of these resolved reports have been correlated to Private Robert Garwood who returned from Vietnam in 1979. I am not sure I understand what that statement means.

Secretary CHENEY. It is my understanding, Senator, that of the 1,519 live sighting reports that have been analyzed, the total number of first-hand live sighting reports that we have, approximately 1,000 have been correlated to POW's who have been accounted for. Slightly fewer than 300 can be attributed to Garwood, who stayed in Vietnam from 1973 through 1979 and did not come home until 1979. It was sightings of him in South Vietnam that led to those additional, almost 300, reports.

In addition to that there were 370-some that were generally believed to be fabrications. Out of the total we end up with about 109 are still unresolved, unaccounted for. But of that 1,500, slightly less than 300 were attributed to sightings of Garwood while he was, in fact, still in Southeast Asia throughout the 1970's.

Senator MCCAIN. And you are familiar with the case, the circumstances surrounding Mr. Garwood remaining in Vietnam?

Secretary CHENEY. Yes. After he returned, he was court martialled and given a dishonorable discharge.

Senator McCAIN. And the allegations concerning his behavior in Vietnam that he was involved in guarding American prisoners?

Secretary CHENEY. That was the allegation. I am not an expert in the case, Senator. You may want to talk to someone more knowledgeable than me about the specific circumstances of Mr. Garwood. I would be reluctant to go beyond what I have given my general knowledge of the matter.

Senator McCAIN. Is it true that when Private Garwood was first interviewed, he had said that he did not know of any live Americans?

Secretary CHENEY. I do not know that, Senator.

Senator McCAIN. Maybe you could provide that answer for the committee because there is a great deal of confusion about exactly what his statements were and were not stated.

Also if you could for the record, have your people give us an estimated cost of this trip that had to be made to Bangkok recently with a, quote, "Senate staffer" and others. I think at some point we have an obligation to the American taxpayer as well as others.

And also could you give us a little bit more about that hot information that you had received that motivated you to have your staff fly to Bangkok?

[Information not received by press time.]

Secretary CHENEY. Yes. I was the one, Senator, who made that decision, to send out the team in both instances. I have done it now twice in the last 3 months where information was provided to me primarily from Congressional sources, in one case involving Lieutenant Colonel Bailey and the Carr photograph and the other case involving a report that there were Laotians in Bangkok prepared to identify a location in Laos where Americans were being held.

Both cases were brought to me as a result of contact from members of Congress. I was happy to devote resources to checking both of those reports out. I felt it was important to do so in a quick and timely fashion.

I will be happy to provide what the cost estimates are to the committee, but I think it is the kind of thing that is necessary in part to establish our credibility as a department, that we are serious about checking these out even when sometimes they may come from questionable sources. The sort of normal thing might be to brush it off, we cannot afford to do that. We have to operate on the assumption that they are valid reports about live Americans. And our obligation is to check them out every time we receive them.

Senator McCAIN. Thank you, Mr. Secretary.

Thank you, Mr. Chairman.

I appreciate very much your emphasis on the absolute requirement for continued cooperation on the part of the Vietnamese government and I hope that one of the messages that is sent from this hearing is the commitment of Congress to demand that kind of cooperation which we feel is clearly humanitarian issue and one which is a requirement if we are to satisfy the American people. I thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator McCain. Let me just say for the record that the Garwood role in this entire issue will be thoroughly reviewed by the committee.

Bobby Garwood will be deposed and most likely be a witness. And that entire situation will be part of the record here.

Senator Helms.

Senator HELMS. Mr. Chairman, some of us came to Washington, in my case 19 years ago, with this as a top priority. Those were a little different times, the year I was elected. But this is the most encouraging morning I have had to hear the Secretary of Defense say the things that you have said.

And let me say, Mr. Chairman, that Dick Cheney has been un-faithfully cooperative and gracious in assisting the Foreign Relations Committee in this investigation in prior times. He did it in ways that it is not appropriate to talk about in open session, as a matter of fact. And I am not going to forget that, Dick, because you have been open-handed and forthright from the very beginning. And he had his critics.

But I do not believe his critics know the whole story about this man. He has demonstrated a deep concern for the POW's and MIA's and I know of nobody who was more anxious for this committee to succeed than Dick Cheney. And I thank you, sir.

I have three quick questions. A lot of people in the intelligence community have indicated to me, and I am sure to others, that they have significant information about sensitive matters such as rescue missions that were purportedly aborted for political and diplomatic reasons and information about men left behind obtained through intercepts of enemy communications, et cetera.

My question is, will you be willing to assure these people that they will not be pressured or penalized if they do come forward with this information under appropriate safeguards?

Secretary CHENEY. Senator, I would be happy to see to it to the extent that I am able from the standpoint of the Department of Defense that there is no retribution against anyone who would provide information that is useful to the committee and during the course of your inquiry.

If something like that should happen, I would ask the committee to bring it to my attention.

Senator HELMS. Now you have assured this committee in your address and otherwise, previously, that this committee will have complete access to all types of intelligence relating to the POW/MIA question. I guess that means you are telling us that if problems arise in this area, we can come to you with a problem. Is that what you said this morning?

Secretary CHENEY. That is correct, Senator. And if the committee encounters difficulties or there is an area where a dispute arises about access to information, I would expect to be informed about it, to hear it from the Chairman or Ranking Member. And we will do everything we can to sort it out.

Senator HELMS. Very good. Now I was interested in Chuck Grassley's comments this morning.

I think it ought to be said for the record that this Senator, Chuck Grassley, from Iowa has served with valor far beyond the call of duty. I know that he spent hours and hours and hours over there

at the Pentagon. And he brought up the question of classified documents. And you have already said that you are going to declassify as much as you can within the constraints of intelligence that must be restrained.

One final question. I have been told and I am sure others have been told repeatedly that many covert military operations took place during the Vietnam War and that a lot of our men were lost in these covert operations. Their names have never been released. I have been told that the number may be as high as 2,500.

Would you be willing to work with the committee to work out procedures for identifying any of the MIA's who might have been associated with these covert operations?

Secretary CHENEY. We would be happy to do that, Senator, again within the constraints of having to treat the information in appropriate fashion.

To the best of my knowledge, unless the committee can inform me otherwise, we have a complete comprehensive list of all of the POW's, MIA's from the war in Southeast Asia, that there is no separate list, for example, of men who were lost on covert operations. I would be surprised if that is the case. Obviously, I stand ready to be corrected if the committee can point us in the right direction.

But the man I mentioned, for example, Emmet Kay who was returned by the Pathet Lao was, in fact, an employee of Air America, a civilian, presumably involved in covert operations at the time that he was shot down. To the best of my knowledge, there is no separate list of individuals that have not been made public and who participated in covert operations and are missing.

Senator HELMS. We will share information on that. I hope you are correct and I am sure you probably are.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Helms.

Senator BROWN.

Senator BROWN. Thank you, Mr. Chairman.

Mr. Secretary, you have developed, I think, one of the most spectacularly successful records as Secretary of Defense of anyone in our country's history. And I think everyone on this committee deeply appreciates the kind of leadership you have added.

Frankly, the initiatives you have taken in this area, I think, will lead to a dramatic change in the confidence level the American people have especially important have been the followup with the Soviets, the in-country followup that you pushed, the openness in records at least the effort to move in that direction—and the added resources.

One does wonder what kind of retirement policy the Defense Department has when it plans a summer in Vietnam for the former Chief of Staff, but beyond giving him tough assignments I think that you are off to a great start in this area as well.

I had three things that I wanted to draw your attention to. One was a question. In your testimony you talked about the governments in Southeast Asia, particularly Vietnam, denying that they had POW's or still had POW's or MIA's. Yet my recollection is that they had said that before Bobby Garwood was brought out. In other descriptions of those denials there has been a hint that they phrase

the denials in terms that suggest that they are not holding any POW's against their will or Americans against their will.

Do you recall the exact nature of their denials? And is there a possibility that they classify some Americans who served in our armed forces as non-POW's because they want to claim that they are there voluntarily?

Secretary CHENEY. I suppose that is possible, Senator. If someone is there voluntarily, then we would like to know, obviously, if it would let us close out one of these cases. But there is clearly a distinction to be made between someone who resides in the area voluntarily and someone who is held against their will as a prisoner of the government.

The governments have all denied that they hold any prisoners, any Americans as prisoner from the Vietnam conflict. As I indicated in my statement, we do not accept that as the final word. We continue to operate on the assumption that there may be Americans held alive and we function accordingly during the course of our investigations.

Senator BROWN. Do you know if their denials have gone to the point of denying that there are any Americans who may have served that are in country?

Secretary CHENEY. I do not, Senator. It would be an interesting avenue for you to approach.

Senator BROWN. I am wondering if, indeed, Garwood in their minds fit into a different category, if that is not an area that we might want to explore.

Secretary CHENEY. That is possible. I do not have information on that point. But I am sure it would be an interesting question to ask.

Senator BROWN. A couple of things that I wanted to draw your attention to.

In your testimony this morning you went through with some specificity about the process you all follow when reports come in: checking records, checking background, looking for when they were missing, and so on. One of the frustrations I have had communicated to me is that the reaction far too often in the Pentagon to reports of this kind is to spend our time looking through records here rather than doing an immediate follow up on the report in country.

Are you comfortable that you have changed the priorities to the point where you are able to do a quick response to investigate and follow up on leads that might be in Southeast Asia?

Secretary CHENEY. I am not totally comfortable, yet, Senator. I am sure General Vessey can shed some light on this area as well as our people on the ground out there.

We are clearly in a better position today than we have been before. Until we had the office open in Hanoi, we did not have anybody on the ground in Southeast Asia except occasionally for the kinds of surveys that were done after the 1987, 1988 identification of the discrepancy cases. We now are in a position with people on the ground in Hanoi, in the Hanoi office to follow up on these live sighting reports almost instantaneously.

We have not yet worked out the modalities for doing that with the Vietnamese. They still are basically insisting that we must provide them with a written request before we can go visit a particu-

lar site, to check out a particular sighting. We think that is unacceptable. We are continuing to work with them to resolve that so we do, in fact, have complete and unfettered access anyplace we want to go to check out these reports.

I would say the situation is better than it has been. I would describe it, though, as not yet good enough.

Senator BROWN. Are you optimistic you are going to be able to work out arrangements in Laos and Cambodia as well?

Secretary CHENEY. My sense of it is, and again I am not an expert in that part of the world, but the circumstances that have led to the tremendous changes in Eastern Europe and the Soviet Union are rippling across Southeast Asia as well, that it is clear that the Vietnamese want to significantly improve relations with the United States.

There has been a resolution of the Cambodian conflict, at least for the time being, with the signing last month of the new accords in Paris. Every indication we have is one basically of goodwill and willingness to cooperate and to proceed.

Our problem has been in translating those general kinds of understandings into specific agreements that actually are carried out on the ground and give us the kind of access we would like, but again General Vessey has played a leading role in moving this whole process forward, and I am sure he will be able to shed some light on the exact status of relationship at present.

I basically am optimistic. I feel we are closer than we have ever been to a full accounting on those who are still missing.

Senator BROWN. One last area that I know you have talked about that I would like to emphasize. Our office got involved in trying to get film that was available on a POW in the Department of Defense's records.

Lillian Bickel was the case in mind. It literally took us 18 months and the involvement of a variety of offices, followup with letters with requests, with demands, with calls, to get some pretty basic information that was available throughout the period of time. For 18 months a family member was denied access to information that was clearly relevant and did not jeopardize the security of this Nation.

I guess what I mean to suggest is in the past the Department has not been overwhelmingly responsive to family members, and I hope as a level of focus that your people will have developed a new attitude in that area.

Secretary CHENEY. Senator, I do not know of the specific case you mention, but clearly 18 months would be unacceptable, and especially to answer inquiries from family members. If that kind of thing is happening, it should not happen, and I would hope that with the resources that have been assigned and the effort now that we can get a quick and appropriate turnaround time when we do receive legitimate requests from family members for information.

The CHAIRMAN. Mr. Secretary, I know we are running up against the wall here in time. I think there are just two more rounds, if that is possible, or are we pressing?

Secretary CHENEY. I have a major time problem in terms of a noon commitment in Philadelphia.

The CHAIRMAN. Senator Reid.

Senator REID. Mr. Secretary, give me, if you could, a reason why any of these Governments would want to keep from the United States the fact that they may have Americans over there?

Secretary CHENEY. Senator, I do not have a good reason why they might, other than that they might believe they would derive some kind of political benefit out of it, or that American prisoners would constitute some kind of trading stock to effect the relationship in the future.

Senator REID. They are waiting a long time to do the trading, are they not?

Secretary CHENEY. I would think so, but again my job is to see to it that we put the resources on the problem to get the fullest possible accounting, and at this point no one can prove that there are no live Americans there. From time to time we get reports that require us to go check them out, and so we operate on the assumption that, indeed, that could be the case.

Senator REID. One last thing, and this is from your testimony of the 528 Americans who remain unaccounted for in Laos, 335 are in the category of POW or MIA. I do not understand the distinction—528, and we only have 335 that are POW's and MIA's.

Secretary CHENEY. The others would have been carried, Senator, as killed in action, body not recovered. In other words, there was good reason to believe we could account for them. We know what happened to them, but their remains were never recovered.

Senator REID. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Robb, did you have one question, or a quick comment? I am sorry to short-change you.

Senator ROBB. I recognize the constraints on time, Mr. Secretary. Just one quick question. You mentioned in your statement individuals who repeatedly provide false information, well-intentioned or not, should be called to account for their actions.

Senator McCain made some specific reference to this practice. Have you given any thought to ways that we might be able to discourage or penalize those who traffic in that kind of information, and who do so intentionally and with profit or some other ulterior motive in mind, other than a legitimate desire to respond to the concerns and the understandable and legitimate concerns of family members and others? Is there a way that we could do something institutionally, whereby the Department or the Congress could provide some disincentive to those who traffic in this kind of information?

Secretary CHENEY. I would think—I do not have any instantly available proposals, Senator, other than to have a group that has credibility such as a committee of the U.S. Senate, as you go through the process of your inquiry over the next year, when you find that kind of activity, to make public a prominent part of your findings, if you will, to publicize those efforts that clearly have been inappropriate, or been designed to take advantage of the suffering of the families, who were motivated by financial desires of some kind, and I would think probably that is the best place to start.

For us to do it as a Department, given the credibility problem we have had in the past on this issue, it is very difficult for us to stand up and say that a particular individual or group of individuals are