

charlatans. It might sit well with the families, or sit better with the families and the public, if it came from the committee, after you have looked at all of this and said here are places where we think the Government has done right, and here are places where we have not gotten it right and you can improve on your performance, and this group over here are individuals who in the past have been disreputable in the conduct with respect to this operation. That might be very helpful.

Senator ROBB. Thank you, Mr. Secretary. Mr. Chairman, I will respect the time constraints.

The CHAIRMAN. I appreciate that. Senator Daschle.

Senator DASCHLE. Mr. Chairman, out of deference to the Secretary's schedule, I will defer questions.

The CHAIRMAN. Thank you, Senator Daschle. Mr. Secretary, if we could leave the record open so that those Senators with additional questions could submit them in writing, we promise not to overly burden you, but we would like to give them an opportunity to do that with respect to the fraud issue.

Before you do leave, Senator Smith and I and a number of others have discussed, and we are currently looking at language to create a special category of offense with respect to the knowing and wilful misleading of the Pentagon, Congress, or families with respect to this issue, and we are trying to come up with the appropriate language, and we think it is something that would quickly pass and probably we should consider.

I will also say that we are going to look very hard, and we look for your cooperation—Secretary Ford has already talked with us about this—at the fraud issue. There will be a specific inquiry of this committee into the issue of fraud and we will probably have a hearing in an effort, both to expose it as well as to deter it.

Finally, Mr. Secretary, let me just say, you have said today, and I think every member of the committee appreciates it, and I want to thank you for it publicly, that openness and a frank discussion of this is the key not only to establishing, or reestablishing the credibility of the Department, but also to resolving the issue.

I think your statement today has been a very important statement, and we appreciate enormously, again, your coming here, leading off this process. I think it has set the proper tone, and the proper priority for these proceedings, and I assure you the committee is very grateful to you for the time you have spent here.

Thank you.

Secretary CHENEY. Thank you, Mr. Chairman, members of the committee.

The CHAIRMAN. We will now move to the second panel, General Vessey, and while you take your seat, if I could turn to my colleagues for their opening statements, in the case of the openings we will proceed in the order of seniority in which people are seated, and I will turn to Senator McCain.

STATEMENT OF HON. JOHN McCAIN, A U.S. SENATOR FROM THE STATE OF ARIZONA

Senator McCAIN. Thank you, Mr. Chairman. I will try to be brief, because we are very interested in hearing from General Vessey.

We are 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 questions. None of these investigations have resolved these questions to the satisfaction of the American people. I welcome this new opportunity to pursue answers the families of our POW's and 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.

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. I strongly recommend that the committee pay particularly close attention to the testimony of General 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 investigation, we are obligated to examine several general questions, and I would ask that my complete statement be part of the record, Mr. Chairman, in order for the benefit of hearing from General Vessey, and time.

I will finally just say that we are obligated to review the evidence of live Americans. So are we obligated to investigate the abundant evidence of hoaxes that have been perpetrated against POW/MIA families. I was pleased to hear you just say that, Mr. Chairman.

You know, when you get a picture such as this, which was published in the newspaper all over America, and then you get a picture such as this, which identifies the individual as a 77-year-old Laotian of partial French blood, and this gets on the front page of the newspapers and this gets very little, there is something out of balance, and it seems to me that whoever did this knew full well that this individual was not a live American, and what we have done, Mr. Chairman, is not—it does not concern me as it does the family members.

We should not allow people to do this to the family members, and I think it is outrageous, and I hope that as you mention that part of our deliberations and our efforts will be to track down, if it is possible, the perpetrators of these kinds of hoaxes so that the

American families of those men who served their Nation with dedication and sacrifice are not subjected to this kind of thing.

Mr. Chairman, I want to make it clear I am not saying that every photograph or every bit of evidence is false. I have no way of knowing that, and there may be evidence which is true, but when we do have evidence that there is clearly a hoax perpetrated such as those pictures that I just showed you, it cries out for action to stop this kind of thing in the future, because as I say, those families members deserve far better from American citizens, or foreign citizens, or whoever is perpetrating this, and I know that General Vessey shares my view.

Again, I ask that my full statement be made a part of the record.

The CHAIRMAN. Your full statement will be made a part a part of the record, and I think we could not agree with you more, Senator Senator Daschle.

**STATEMENT OF HON. THOMAS A. DASCHLE, A U.S. SENATOR
FROM THE STATE SOUTH DAKOTA**

Senator DASCHLE. Mr. Chairman, I associate myself with the remarks made by Senator McCain. I could not have said it better. I had about a 30-minute opening statement. I am going to forego that in the interest of time, and the determination to hear our witnesses.

I would like unanimous consent to insert the statement in the record.

The CHAIRMAN. Without objection, the full statement will be made a part of the record. All statements will be made a part of the record. Senator Reid.

**STATEMENT OF HON. HARRY REID, A U.S. SENATOR FROM THE
STATE OF NEVADA**

Senator REID. Thank you, Mr. Chairman. I first would like to extend to you and Senator Smith my appreciation for the staff that you have assembled and are assembling. I think that we have the ability here to render a great service to the people of our country to put a final resolution to this controversy.

In addition to the staff that has been assembled, I think we have rare assets with this committee, having you and Senator Robb, combat veterans in Vietnam, and Senator McCain, who not only saw combat service there but as we all know spent years as a prisoner of war in Southeast Asia.

So I think that the staff, plus the members of this committee who have had on-the-ground experience there, I think it is going to give us the ability to see a lot of things that have not been seen to this point.

As I indicated, I am hopeful and I am confident that we need to resolve this issue, and we will. The Nation deserves an answer, the millions who served in Southeast Asia deserve it, and especially the families of those people who are not accounted for deserve it. If there are live prisoners of war, certainly we need to get to the bottom of this after all these years.

As Senator McCain indicated, I enter these hearings with an open mind. I do not know, and that is why I asked the question to

Secretary Cheney. I do not know if there are prisoners of war there. If there are not, we need to resolve that. If there are, we need to resolve that. I can better understand why the Governments of Southeast Asia would play games with those missing in action, but that still does not make it any more palatable.

The question of linkage between the POW/MIA issue and normalized relations with Vietnam has been discussed in recent weeks. I believe the linkage issue is important, and I listened intently at Secretary Cheney's statement where in Laos that Government there has supplied certain information to our country and as a result of that we have done certain things in Laos. I think there should be linkage.

Not only, as I indicated, do the families of those who served in Vietnam deserve this committee hearing and this attention that is being focused on these issues, but those who now serve today in our armed services deserve this issue to be resolved.

The issue of POW's and MIA's I believe is a moral factor in today's armed services. In effect, what will my country do to get me back if I am captured in some foreign conflict? One of the purposes of these hearings is to determine exactly what steps our country has taken to investigate the evidence that has developed. Secretary Cheney has outlined something that gives us hope and expectation.

Once again, Mr. Chairman, I think that we have a lot of work to do in a short period of time, and I think a lot is expected of us, and I think that we should perform.

The CHAIRMAN. Thank you very much, Senator Reid. Senator Grassley.

**STATEMENT OF HON. CHARLES E. GRASSLEY, A U.S. SENATOR
FROM THE STATE OF IOWA**

Senator GRASSLEY. Mr. Chairman, in regard to what Vietnam might be doing or not doing in regard to a new attitude that they have, I think we have to wait and see whether their opening is real or whether it is rhetoric, and I do not want to accept their good will at face value. I want to watch what they do, and if they do something very positive, acknowledge it, but I do not want to make any judgment on what they say they will do.

Mr. Chairman, there has been a great deal of discontentment over the years out in the countryside over the way our Government has handled this issue. I have personally experienced the frustration felt by many of my own constituents over the years.

The principal problem is that they simply cannot get their questions answered. Eleven times the Government has looked into the situation, and eleven times people are still not satisfied. So why is it, and what is the purpose of this committee? Why in the world are we starting a twelfth investigation? What can possibly be learned that was not learned by the other eleven efforts?

The eleventh of these was concluded this past May. This was the inquiry of the Senate Foreign Relations Committee minority staff. That inquiry, in which I had an opportunity to participate even though I was not a member of the Senate Foreign Relations Com-

mittee, concluded that the Government has mishandled the POW/MIA issue.

There is a fundamental reason why the eleventh inquiry is at odds with the first ten. It is a simple matter of oversight and information. Of those ten previously conducted, seven were done by the executive branch and three by congressional committees. The seven executive branch inquiries were not all thoroughly reviewed by Congress, and the three congressional inquiries were not based upon all pertinent data available to the U.S. Government on this issue. So for its part, Congress, which represents the people of this country, has not had the ability prior to this select committee to resolve this issue.

I feel strongly about this, because I spent four days at the Pentagon a year ago this past September with professional committee staff pouring over hundreds of live sighting reports, inclusive of raw intelligence data. We were told by DOD officials during that time period that I was over there that I apparently was the first Member of Congress to have gone through this information. Prior to that, Members of Congress and their staff had only reviewed summaries.

Now, the summaries represent the conclusions of each case, so how can a proper evaluation take place if all you evaluate are conclusions? What about the data and reports from which the conclusions were drawn?

At the end of my fourth day of sifting through these files I came away with two very definite impressions. First, there are major discrepancies and follow-up deficiencies in these reports. When you read the summaries, plus the live sighting reports and raw data, plus the casualty files, there are all kinds of inconsistencies, and illogical conclusions are drawn. So I would suggest to my colleagues on this committee that we get access to and review all of this data.

The second impression I had was we needed a lot more resources and manpower to review and evaluate these files than either I or the other three staffers had time for. It was at that point that I knew an entire committee was needed, and that is why I joined with Senator Smith to create this committee.

Now that the committee has been established, the question is, what will it take to resolve this issue? First, we have to have a new attitude. That goes for Congress, the executive, the media, everyone. John Locke, the philosopher, used the term "tabula rasa," when he called for a fresh approach to determining what the human mind is capable of knowing or not knowing. That translates roughly into blank slate. He said, in a sense, let us wipe the slate clean.

That is what we need here, Mr. Chairman. And now, as we go into this 1-year investigation, those who have preconceived notions, those who have biases, those who have agendas on this issue, should set them aside. This should include the public at large, which would do well to send a clear message to Vietnam and Laos that we do not seek retribution, that returning our men would beget goodwill from us.

Second, this committee needs access to information. This access should be full and complete. Let it be known that this committee

will not hesitate to pursue access to all pertinent data, and once this information is provided it must receive an unbiased and professional evaluation.

Finally, we must be prepared to say that we left boys behind, if that is what the evidence shows. We have said as a Government countless times in the past that there is no credible evidence to show that we left men behind. What if the evidence points to the contrary? Are we prepared to back it up?

Sometimes, as is human nature, people can get too close to a situation and not know it. Their judgment becomes clouded. They are unable to see the forest for the trees. Perhaps that is what has happened in this case. Perhaps this issue needs fresh blood and a new attitude. There is no reason to point fingers and demand accountability. Let us find out the truth and fix the system if it needs fixing.

As Leo Tolstoy once wrote about how we sometimes let truth elude us, he said, we often put too much faith in the system and we lose sight of the truth. Truth, he says, is like a lizard. The system is like the tail of that lizard. We grab at the tail, but the lizard sheds its tail in our hand and goes off to grow another tail, so we are left grasping the system, not the truth.

Perhaps that analogy is appropriate in this case. Perhaps we have defended a system that has assumed from the beginning that we left no one behind. That system pursues the discovery of bones and crash sites, but that same system cannot handle evidence to the contrary. When confronted with the possibility of live Americans still held captive, the system defends itself with knee-jerk denial.

I certainly do not know if this is the case, Mr. Chairman, but I expect that in the course of the next year we will find this out. Ultimately, we have to get answers for our constituents and for the public at large. If we fail to answer their questions, we will have a 13th and a 14th investigation, as many as it takes to get an answer. I, for one, want this committee to provide those answers, and we have about 1 year to do it, and I am glad that we are finally getting started.

Thank you.

The CHAIRMAN. Thank you very much, Senator Grassley.

Senator Robb.

Senator ROBB. Mr. Chairman, I will not have an opening statement at this time. I am delighted to join you, and I approach this undertaking hoping that it will be objective. I approach it with a certain degree of skepticism, but I look forward to hearing from General Vessey. The Chairman: Thank you very much. Senator Kassebaum.

STATEMENT OF HON. NANCY L. KASSEBAUM, A U.S. SENATOR FROM THE STATE OF KANSAS

Senator KASSEBAUM. Mr. Chairman, I would like my full statement to be made a part of the record.

I would just like to say, though, that I think the hearing has gotten off to a good start with Secretary Cheney's very forthright and thoughtful statement, one of the most comprehensive and dedi-

cated that I have heard on any subject, and I would also like to say, too, General Vessey has done a lot in this past year to help move this issue along in a very real way. I look forward to hearing his testimony.

The CHAIRMAN. Thank you. Your full statement will be made a part of the record. Senator Kohl.

STATEMENT OF HON. HERBERT KOHL, A U.S. SENATOR FROM
THE STATE OF WISCONSIN

Senator KOHL. Thank you very much, Mr. Chairman. I will be very brief.

Two weeks ago, Mr. Chairman, I was in Wisconsin to dedicate a Vietnam Veterans Memorial. 18 years after the war ended, several thousand people gathered for the ceremony. All the money for the project was raised by veterans organizations and private individuals, and it was Vietnam veterans who had the final say about how their memorial would be designed.

I think we can learn something about the importance of the work of our committee here today from the design that they chose. There were three columns built of Wisconsin red granite. One column represented those killed in action, one column represented those who fought and made it home, and the third column was for the POW's and MIA's, fellow comrades whose fate remains a nagging question.

That third column was of the greatest importance to the audience that day. Ann Fischer, whose brother went to fight in Vietnam but whose fate is still unknown, shared with the crowd the enormous pain her family has experienced. She made a huge impression and evoked the strongest response in a day full of speeches.

With this committee, we will have an opportunity to do something for Ann Fischer, for her family, for all POW/MIA families, and for the American people. With these hearings we will begin a process aimed at three things. First, we need to investigate our Government's actions. Serious doubts exist about whether our Government has done everything possible to resolve the fate of the missing. These doubts need to be heard and explored.

Second, we need to help the American people and especially the families to understand the way POW/MIA cases are handled, and third, we need to do everything in our power to find out if there are still any live Americans left behind.

This is clearly a highly emotional subject. It is possible that startling revelations will occur, but this committee is united in wanting to find the truth, and that clearly will take some time. The subject is clearly too important to leap to any premature conclusions, and the report we will issue is too important to make on any grounds other than a rational, reasoned analysis of the facts, so I, like the other committee members, look forward to hearing from all of our witnesses, and I want to thank them for coming with us here today to share their information.

Thank you, Mr. Chairman.

[The prepared statement of Ann Fischer follows:]

PREPARED STATEMENT OF ANN FISCHER

Dear Chairman and members of the Committee: I regret that I cannot be at the hearings in person. Please accept the following as my testimony.

On January 8, 1968, my family was notified that my brother, Richard William Fischer, was missing in action. That notification was the start of the process by which my mother and I feel we have become victims at the hands of our government and its representatives.

The National League of Families was first formed with the hopes that a united voice would get our government's attention and get us, the families, the answers we felt we deserved. Those were as follows:

1. Information about our loved one's "incident." Many families were not informed of the nature of their loss because of "National Security."
2. What was being done to secure the release of our men.
3. What was being done to ensure their humane treatment as prisoners.

Until the Freedom of Information Act, little information could be obtained about our loved ones. Any information the least bit touchy was considered within the realm of "National Security" and not released.

At first we were told to tell no one of the status of our loved ones for fear of retaliation by the North Vietnamese, thus setting the stage for secrets and the shame and guilt felt if we strayed from this mandate. In fact, the League found the opposite to be true; the louder our voices, the better their treatment of the prisoners.

We continued to feel patronized by the military and our government. The League had a voice, but only if in agreement to stick to the "party line." Anyone criticizing the policies was cast out as a troublemaker and said to be giving misinformation. Also, anyone not in agreement with Ann Mills-Griffiths was said to be giving out misinformation and could not be trusted; Red McDaniels, Scott Barnes, and Bobby Garwood, to name a few. I also distinctly remember my gut response to Richard Childress the first time I heard him speak. I felt he could not be trusted and he was not telling us the truth. I continue to feel that way to this day.

Prior to homecoming, my mother and I were requested to look at an album filled with men's pictures that were known prisoners. Both Mom and I picked out the same picture. It was taken from the back and the man held himself in the same manner as my brother would. He was also wearing a two-piece rainsuit exactly like the one Mom had sent him. The Casualty Officer, I believe named Billy Branch, checked the number of the picture with a list and, though he did not verbalize into words what he discovered, his sharp intake of breath lead my mother to believe that this might be Richard, approximately 4 years after his disappearance. No confirmation or denial or explanation of this reaction was ever given us.

At a later viewing of his file by my mother and I, no record was made of us having seen these pictures. Subsequent questions regarding these pictures have brought out that they are "somewhere in the Pentagon" and no one knows the exact location of the pictures without having the identification number.

A letter accompanying the file sent to us contained the following:

- Information Report 6029125770 dated 30 November 1970;
- Information Report 6918562873 dated 11 December 1973;
- Information Report 6918767074 dated 26 December 1974 provided with information deleted because it is classified for reasons of national security and therefore exempted from access or released by 5 U.S.C. 552(b)(1) and 5 U.S.C. 552a(k)(1).

Initial Denial Authority is Captain Raymond A. Vohden, USN, Principal Military Advisor to the Assistant Secretary of Defense (International Security Affairs) for POW/MIA matters.

I believe that this may refer to what is known as the "Christmas Lists" and my brother could have been alive and his whereabouts known as late as December 12, 1974. But whatever it might reveal, this information was withheld from us due to "National Security." I wonder if we will ever find out.

While at the regional meeting at Scott Air Force Base in April 1989, my mother made another inquiry about these pictures. The Marine representative stated in no uncertain terms that rainsuits were standard issue, that everyone had one and that she did not send one to my brother. Ponchos were issued, but that is not what my mother sent to Richard. I remember the anger I felt toward that Marine when he called my mother a liar. On our return home, Mom checked with my cousin, whose place Richard took in "Mike Co." about the rainsuit. He clearly confirmed that at that time two piece rainsuits were *not* standard issue.

At the same meeting, a man from the State Department spoke to us. He told us of rescue plans waiting in a safe, they knew location of the prisoners and they were

awaiting word to go ahead. My feelings are this was told to us as a means of placating us. This was said as a means to reassure us that "everything was being done that could be done." Was this the canceled Delta Force mission?

The summer of 1990 my mother toured the lab in Hawaii. When there, she asked if they had the "fact sheet" on my brother. The League continued to tell us specific cases were taken with General Vessey on each visit to Vietnam. My mother's next question was would my brother's "fact sheet" ever get shown at any of these meetings. She was informed that it would not, unless his file contained pictures of him as a prisoner. And yet the closest thing we have seen to a picture has been "lost" in the Pentagon.

My reaction to this is one of anger. I feel that they have killed my brother again and they have written him off. I refuse to let this happen. I want answers. I want to know *why* they refuse to examine each case. I want to know *why* each and every live sighting has been declared fraudulent. Who is the DIA protecting? Who is the CIA, State Department, and National Security Council protecting? What benefits, other than notoriety, did Ann Mills-Griffiths get for being in her position? Why did she, as the League representative, act so obstructively in meetings with the Laotians and the Vietnamese? Why does the DIA continue to declare photos released as fraudulent when they were obtained for their own records? What is being done to secure the release of Donald Carr?

I have waited 23 years for word of my brother and his fellow prisoners. I believe that our government knows that our men are still alive. I believe that they want to forget our men, just as they have in the past. Let the record show that the Vietnam veterans will not allow this to happen. Let the record show that I will not let this happen. I will not let our government forget because I cannot forget.

Senator KERRY. Thank you very much, Senator Kohl. Senator Helms.

STATEMENT OF HON. JESSE HELMS, A U.S. SENATOR FROM THE STATE OF NORTH CAROLINA

Senator HELMS. Thank you, Mr. Chairman.

Since this is the first time that we have met after all of our members have been appointed, I think it would be useful for us to at least take brief note regarding the direction which the POW/MIA committee should take.

Now, unless, Mr. Chairman, we have a clear agreement on the job to be done, it will never be done. The American people will once more feel that they have been cheated. Now, cheated may seem a rather harsh word, but that is the way the American people feel about it, general. Based upon the preliminary work done by Senator Grassley and me and by the work of his staff and the Foreign Relations Committee minority staff, I remain convinced that the American people and above all the families and friends of the POW/MIA's have not been given the full truth by their Government, and in a very real way Dick Cheney confirmed that this morning.

Therefore, I propose eight brief points to become the focus of our work on this committee.

Point 1, I think the committee should reanalyze all of the intelligence on POW/MIA's available for all wars, including World War II, the Korean War, and the Vietnam War. The Senate Foreign Relations Committee Minority Report presented, in my view, compelling evidence that U.S. POW/MIA's were left behind after every major war. Now, this contrasts with some assertions that have emanated from the Department of Defense in the past that not one—not one was left behind. I do not believe that, and I do not believe the American people believe it.

Now, if we do not reach a general consensus on the number of men abandoned, then the committee will be lost in the endless loop of the DOD approach that tries to knock down the evidence on every specific case, and that is why I said I was so encouraged by Dick Cheney's statement this morning. I think he is going to turn the situation around. As a matter of fact, he has already begun to do that.

The break-up of the Soviet Union and new evidence now available suggests that it may be possible to find out what happened to the POW/MIA's sent to the Soviet Union or kept behind by the Soviets in earlier wars.

As for POW/MIA's from the Vietnam War, the committee investigators should systematically perform a double team search of the files, looking for discrepancies between the raw evidence and the final resolution, and by this I mean that each file should be evaluated separately by two—not one, two teams.

Not everything that was done was faulty. I do not contend that. In the limited time that we had access to samples of files, we discovered that a large number appeared to have been resolved correctly. Nevertheless, the number with discrepancies was not only too high, but showed a bureaucratic insensitivity toward the dignity of the missing.

Point 2, the committee should focus its efforts on the possibility that some or even one of the POW/MIA's might still be living. The U.S. Government, in its discussions with Vietnam and other possible holders of POW/MIA's, has seemed too often to limit the topic to return of remains and visiting the crash sites. Of course, we want the remains returned to the family, and of course we want to get the history of crash sites, but the first priority should go to the living.

Point 3, the committee should review the identification of remains made by the Central Identification Laboratory in Hawaii. Even though CILHI, as we initial it in the bureaucracy now appears to be using scientific methods, the staff has evidence that many identifications may have been falsified in the past and were performed unscientifically by unqualified technicians. We want to be careful about that from this point on.

Point 4, the committee should review all laws pertaining to the procedures for making a so-called "presumptive finding of death." The U.S. Government should be required to prove that an individual is dead, instead of requiring the next of kin to prove that he is alive. At present, the U.S. Government can declare a person dead after 1 year following the last information received on him, even if that information indicated that he was alive at that time.

Point 5, the committee should review the claims by family members who believe that unfair declarations of death were issued for their loved ones. The first four points would put these claims in proper perspective, I submit.

Point 6, the committee should review U.S. Government policy for relations with the next of kin. In particular, the committee should review all Department of Defense and Department of State directives concerning relations with the families and recommend changes where and if appropriate.

Point 7, the committee should review allegations that family members and persons interested in POW/MIA affairs have been deliberately harassed by the U.S. Government because they criticized or refused to accept U.S. Government policy.

Let me illustrate what I am talking about. A number of my own constituents in North Carolina have reported unusual scrutiny by the Internal Revenue Service immediately after they became vocal on the POW/MIA issue. Now, that must not be allowed to happen.

The eighth and final point, Mr. Chairman, I think the committee should insist that effective cooperation on POW/MIA matters must be the No. 1 priority. Not No. 2, not No. 3, but No. 1 in dealing with Vietnam and the Soviet Union. For starters, neither country should get one dime from the United States taxpayers until we know the truth about POW/MIA's who never came back from those countries.

Now, I realize, Mr. Chairman, that this is a big order, but unless we have a specific plan, a clear road map, we will accomplish nothing in the few short months that we have.

I thank you, Mr. Chairman. I yield the floor.

The CHAIRMAN. Thank you very much, Senator Helms.

Let me just address very quickly, this is the first public hearing of the committee, and the committee has been busy pulling together staff and seeking recommendations from all the members for the outline of this inquiry, and I want to assure the Senator that almost without exception every one of the points that he has suggested are within the framework of the outline put forward by a number of different members of the committee.

The one caveat I would say to the Senator is that a raw data intelligence review of all wars by this committee is really beyond our capacity especially if we try to include World War II and Korea in the time frame that we have with the resources we have, and I do not want to pull any wool over the Senator's eyes or pretend that somehow that can be done.

I do not want anybody to be misled here. It will be a gargantuan task to review the data of the Vietnam period alone with the current resource allocation, and I think what the committee has felt, at least in the judgments I have had in talking privately with members, is that we set out to do that task and prove the capacity to do it thoroughly with respect to Vietnam, and that hopefully would lay the groundwork or justification for the continuation in the other two.

But we have eight investigators that have been allocated to us, and it just—as Senator Grassley knows and others who have been over there—is an enormous undertaking, as it is. But I want to assure the Senator that every one of those priorities that he set out are indeed critical to our ability to do this job, and that there will be a review of the intelligence with respect to the POW/MIA's in Vietnam.

Senator HELMS. Well, I thank the Senator, if the Senator would yield, but I do not think we ought to dismiss the point that the Senator described as gargantuan. We can at least make a beginning and see where we stand and then make a determination of whether we want to continue on that.

The CHAIRMAN. Well, I think that is fair. I think we can do that.

Senator HELMS. I thank the Chair.

The CHAIRMAN. General Vessey, thank you for being here. Thank you also for your repeated briefings, and availabilities to the members of the committee.

There is not a member of this committee who does not stand in awe of your service and commitment to this effort. You have really succeeded in breaking important ground, and I think everybody is anxious to hear your views and your testimony today. I think, as you and I have talked privately, I think it is important for you to speak with the candor that you have talked with us privately, and as we have all talked about it is critical to let the chips fall where they may.

I know you have some strongly-held views about this. There are few people who have dealt as much with the Vietnamese on this as you have, or who are as aware of the current state and the texture of this issue, and so we very much look forward to your testimony.

The rules of the committee state that all testimony, with a few exceptions, the Secretary of Defense being one of them, will be sworn, and so, general, I ask that you stand to be sworn, without, obviously, any doubts that you would do other than state the truth here, but that will be a matter of record for all witnesses, and so if I may ask your indulgence, if you would stand to be sworn.

General VESSEY. Well, I would say also, Senator, I was going to tell you the same thing no matter what.

The CHAIRMAN. We absolutely understand that, general. There is no question of that. But I do not want anybody subsequently who is sworn to say well, you did not swear him, and you did not swear her, and so we are going to do it for all concerned, and I know you understand that.

General VESSEY. Well, since I travel with my Bible in my briefcase, I will just take it out and use it.

[Witness sworn.]

The CHAIRMAN. Sir, we look forward to your testimony. Thank you.

STATEMENT OF GEN. JOHN W. VESSEY, JR., USA (RET.), SPECIAL PRESIDENTIAL EMISSARY FOR POW/MIA MATTERS

General VESSEY. I would just say, in the beginning, Senator, I have submitted a written statement and I want to tell you that in my word processor in my computer I have a lot of help, one to help me with my spelling and so forth, but it will not help me with fundamental goofs, and I want to apologize for putting the wrong name of the committee on the top of my statement, and I did it a long time ago, and I looked at the rest of the statement a lot, but I never looked back at that one, so the fault is purely mine and I sent it here by fax and it just got reproduced here, and I apologize.

The CHAIRMAN. General, if you would do me a favor, first of all if you could pull the microphone a little closer and down, and secondly, before you begin your opening testimony I would like you just to share with Americans who are listening to these proceedings a little bit about your service and record, if you would.

General VESSEY. Well, as the Secretary said, I am the former Chairman of the Joint Chiefs of Staff, and I was Chairman from

1982 through 1985, and I spent 46 years in the uniform of our country and in fact we're coming up on the anniversary of my outfit going to war the first time, 49 years ago, in a couple of days here, and so I've been around for a while.

Senator REID. Mr. Chairman, this is a very modest man. I think that I would like to hear how you got your battlefield commission, and I think the American public should hear that. You are our lead witness, and I think they are entitled to hear that.

The CHAIRMAN. I agree with that. That is what I am trying to get at, and we are going to break through the shield of modesty if we can, general.

General VESSEY. Well, as you said, Senator, I did get a battlefield commission, and I always thought it was because they were probably scraping the bottom of the barrel about May of 1944 and looked around for some noncommissioned officers who might take the place—

Senator REID. Where was this, that you received this commission?

General VESSEY. In Italy, Senator Reid, at the Anzio beachhead.

Senator MCCAIN. And your age at that time, general?

General VESSEY. 22.

The CHAIRMAN. Can you just share—you say you served in Vietnam?

General VESSEY. Yes, sir, I did.

The CHAIRMAN. What were your duty posts in Vietnam?

General VESSEY. Well, I served with the 25th Division in 1966 and 1967, and then I went back.

The CHAIRMAN. Your rank at the time?

General VESSEY. I was a lieutenant colonel, and then I went back in 1971 and 1972 at Laos, and took the job at Laos that was called Deputy Chief JUSMAGTHAI, which had expanded responsibilities at that time for coordinating U.S. support for military operations in Laos, and I was there until the cease fire was signed in 1973.

The CHAIRMAN. So how many years total service in Vietnam, general?

General VESSEY. Well, in Southeast Asia, 3, and 1 in Vietnam.

The CHAIRMAN. 1 in Vietnam and three tours?

General VESSEY. 3 years in Southeast Asia.

The CHAIRMAN. So it was fair to say that not only for your 49 years of service, and not only for the fact that you have worn a uniform—

General VESSEY. Only 46.

The CHAIRMAN. And not only for the fact that you have worn the uniform with distinction and obvious commitment, but also for your service in Vietnam, it is fair to say that you accepted this special envoy role appointment by the President on the POW/MIA with a special sense of personal commitment, I would say. Is that fair?

General VESSEY. Yes, sir. The people who are missing are my comrades, as they were comrades of many of the people on this committee.

The CHAIRMAN. I am sorry to interrupt you with that, but I do think it is important for people to understand what you bring to

this beyond just being former Chairman of the Joint Chiefs of Staff.

General VESSEY. Yes, sir, and in regard to telling the truth, I would tell you that I will tell you the truth insofar as I know it to be the truth, and since there's a lot of hazy information about this subject, I will tell you what my basis is for believing certain things are true insofar as I can possibly do that.

There are many things in my prepared statement that are very similar to what the Secretary said. On the other hand, there are some important points of emphasis, and I'd like to go through that prepared statement in general and I'll try to skip over the things in the interests of time that the Secretary covered.

Like the Secretary, I am pleased to be here, and I thank you for the opportunity to help the committee examine the important issues of the fates of our missing from the Vietnam War. Your letter asked me to appear at today's hearing and address the procedures for resolving live sightings, and I will tell you what I know of that matter. However, to put that issue in context, I believe it important for me to tell you about the salient points in the negotiations with the Vietnamese for the 4 years in which I have been involved.

In 1987, President Reagan asked me to take on the task of getting the negotiations with the Vietnamese Government on certain humanitarian matters moving, and I would say some very important progress had been made by initiatives of the Reagan administration in the early 1980's, but by late 1986 the progress had slowed seriously.

The President instructed me to seek agreements with the Vietnamese to resolve the fates of the remaining POW/MIA cases, and he recognized that we would not be able to resolve all of them, but he made it very clear that the U.S. Government goal was the fullest possible accounting for all those missing and unaccounted for, and as first priority within that goal I was to seek ways to shed as much light as possible on the issue of whether or not live Americans were continuing to be held by the Vietnamese Government, and if there were any that then we would take action to get them out.

And then as the next priority—but I would like to emphasize again the first priority. That is, it was live Americans was the first priority, and Senator Helms brought that up, and I will repeat that several times here, that our focus has been on finding out whether or not there were live Americans there, and as a lower priority recovering the recoverable remains of those servicemen who had been killed or died.

The President also instructed me to raise certain other humanitarian issues. I was to seek to release of the remaining reeducation camp detainees—that is, the South Vietnamese Government officials and military officers who were still in the so-called reeducation camps in Vietnam. At that time, we estimated that about 8,000 people were being held.

I was to attempt to get the Orderly Departure Program moving, and the Orderly Departure Program was the program that permits separated Vietnamese families to be reunited without having to

run the gauntlet of the pirates in the South China Sea, and I was also to propose getting the Amerasian children out of Vietnam.

I was also authorized to listen to Vietnam's humanitarian concerns to see if there were some which might be addressed within our legal, political, and policy constraints, but whatever was to be done on that matter was to be done solely for humanitarian reasons and was not in any way to be some sort of a trade for Vietnam's POW/MIA efforts.

When President Bush took office in 1989, he asked me to stay on in the job and he gave me the same general instructions, except he modified them based on the process that had been achieved by that time.

The instructions of the two Presidents led me to attend meetings with senior Vietnamese Government officials, including four trips to Hanoi leading U.S. delegations, and the agreements reached in those sessions led in turn to 18 sets of technical talks between the leaders of our casualty resolution activities and the officials of the Vietnamese Office for Seeking Missing Persons, and as Secretary Cheney said, the 18th round of those talks just took place in the last few days.

It also led to 14 sets of joint field investigations involving thousands of man-days of American and Vietnamese investigators on the ground, trying to find out what happened to our people. It led to two information-seeking talks trying to determine how to find the information Vietnamese archives might hold about the fates of missing Americans, and as the Secretary said, they led to the establishment of a U.S. office in Hanoi to further the search for our people and information about their fates.

As a result of my talks in Hanoi on issues other than POW/MIA, the Orderly Departure Program is working. About 200,000 Vietnamese families have been reunited thus far. About 60,000 Amerasian children and family members have been resettled in this country. All but about 100 of the reeducation camp detainees have been released, and we have a working program permitting those who want to leave Vietnam to come to this country.

During my trip to Hanoi last month, the Vietnamese Government agreed to a review of the remaining cases and looking forward to an early release of the remainder of those detainees. I would also add that considerable nongovernmental U.S. humanitarian assistance has reached Vietnamese people who needed the help.

Before I get into more detail on the POW/MIA issues, there are several background points and events which are important for an understanding of the total context of our interaction with the Vietnamese Government. First, the United States has quite consistently urged that the POW/MIA matter be approached as a humanitarian issue. We have regularly told the Vietnamese that resolution of the issue is not a requirement for discussing normalization of diplomatic relations.

We have, however, consistently said that the pace and scope of any normalization discussions will be affected by the level of Vietnam's cooperation in resolving the POW/MIA issues. Vietnam has accepted the POW/MIA matter as a humanitarian issue, and in fact I would add that the Vietnamese Government has not connect-

ed the level of U.S. humanitarian aid to their level of effort on POW/MIA.

The U.S. has consistently said that normalization of relations with Vietnam can only begin in the context of an acceptable settlement of the Cambodian conflict, and the acceptable settlement had a number of specific terms, but for the purposes of the hearing today we can summarize them as follows:

Complete withdrawal of Vietnamese forces from Cambodia.

Outside verification of that withdrawal.

Free elections in Cambodia.

Nonreturn to power of the Khmer Rouge.

Accepting and implementing the Cambodian solution sponsored by the Permanent five members of the U.N. Security Council. As you know, Vietnam announced its withdrawal of its forces in September 1989, and the Cambodian peace agreement was signed in Paris on October 23 of this year.

On April 9 of this year, Assistant Secretary of State Solomon presented the Vietnamese with a road map for normalization of relations. The document laid out a general list of events and activities and the resolution of the Cambodian conflict and U.S. expectations for levels of POW/MIA cooperation, and then it laid out corresponding U.S. moves that would be made on the road to normalization.

The Vietnamese neither accepted nor rejected the road map, but their actions have generally been consistent with the road map, as have ours.

Now I would like to move on to a summary of the POW/MIA issues from my perspective, and this is certainly very general and short. The issue of potential live American prisoners was the highest priority for President Reagan, and it is the highest priority for President Bush, and it certainly has been the highest priority for the American effort that I have been associated with.

For that reason, in the 1987 negotiations we focused on a group of 70 compelling discrepancy cases, cases which we believe the Vietnamese should have had—about which they should have had information. For the most part, they were cases of people whom we believe were alive after the incident in which they were involved, and were captured or were about to be captured when we last knew of them.

The Vietnamese Government has maintained since the end of the war that it held no live prisoners. In the 1987 negotiations, I used examples of these compelling discrepancy cases to illustrate why many Americans believed that Vietnam still held live Americans despite their Government's contrary assertion.

The then Foreign Minister, Nguyen Co Thach, the Vietnamese negotiator, acknowledged the discrepancies in the examples that I had given, and he said that Vietnam would help resolve those cases. In June of 1988, the Vietnamese Government agreed to joint U.S.-Vietnamese investigations of the discrepancy cases.

In early fall of that year, we conducted our first joint investigations. In 1989, we added additional discrepancy cases to bring the total to 119, and we also raised 35—about 35, or maybe 36—discrepancy cases of people lost in Laos, in border areas which were under the control of Vietnamese military forces during the war.

It was my intention at that time to raise the cases of all those people we believed we had evidence to show were alive after their incident, whether it was a plane crash, or a ground battle, or whatever it was, but additional research has shown that we did not include them all. But nevertheless, our analysts thought we had most of the cases representing people who had the best chance of being alive, and it seemed to me that by giving our priority effort to the joint investigation of those cases, we would shed the most light on the question of live American prisoners.

The 119 cases have all been investigated at least once. Most of them have been investigated twice, some of them three times, some of them four times. As the Secretary pointed out, 22 of the cases have been resolved through having their remains returned and identified, and we agreed with the Vietnamese that there are four other cases where the servicemen are clearly dead and the remains will probably never be recovered.

In 31 additional cases, we and the Vietnamese agreed that the investigations have established that the servicemen are dead. The U.S. believes that the remains are probably recoverable, or may already have been recovered in most of these cases. 62 other cases are pending further investigation. However, it's my understanding that the fates in five of those cases were probably resolved during the last joint investigations.

In most of the remaining 57 cases, we have gathered evidence, but not enough to be conclusive. The evidence we have gathered points toward death in those cases where we have gathered evidence. In no case have we found new additional evidence which points toward servicemen being alive.

One other sort of evidence which is pointed toward the possibility of live Americans is the live sighting report. As the Secretary said, since 1975 about 1,500 first-hand live sighting reports have been received. Most of these came from Southeast Asian refugees.

And the Secretary went through the numbers, 1,361 having been determined to be resolved by our people, 1,009 correlated to people for whom we had other accounting. And he went through the Garwood business. 372 were judged to be fabrications. And there are about 100 live sighting reports still under investigation.

Resolving these cases and any future sightings is important. And for the past several years we have sought agreement on investigating live sightings. In the October 1990 negotiating session, Foreign Minister Thach agreed to cooperate to develop procedures for live sighting investigations. Indeed, since then the Vietnamese have cooperated with us in investigating a few different cases of alleged Americans which came up very quickly. In April of this year when we and the Vietnamese agreed to open an office in Hanoi we agreed that one of its missions would be investigating live sighting reports. As the Secretary said, we have not yet fully agreed on exact procedures to be followed. High officials of the Vietnamese government have told me as well as told Congressional delegations, including members of this committee, that if we have evidence of any live Americans anywhere in Vietnam, we will be permitted to go wherever needed to investigate the matter. We need mutually agreeable procedures to make that offer a reality.

During my October meeting Hanoi, Nguyen Manh Cam, the new Foreign Minister, agreed that their people would work with ours to refine the procedures. It was a subject to be raised in the technical talks of the last few days. It is my understanding that progress was made and what we need to do is march ahead and see if more progress needs to be made.

There are some additional salient points on the live prisoner issue. And this is sort of a summary of what we know.

We know through extensive debriefings and subsequent investigations that all Americans seen by U.S. prisoners of war who did return in the Vietnamese prison system have been accounted for as either returned POW's or through the return of remains or having been reported as died in captivity.

In the years since 1973 other than the 100 or so unresolved first-hand live sighting reports under investigation, we have gathered no other intelligence that has been reported to me, and I have searched for it, by technical means or by other means which indicates the Vietnamese are holding live prisoners or that there was another POW system other than the one in which our returned prisoners were held.

Now we also know that high Vietnamese government officials have maintained through the years that their government holds no live American prisoners. And that assertion was repeated to me last month by Vo Van Kiet, the new Prime Minister and by the new Foreign Minister, Nguyen Manh Cam.

I would just interject here that as the Secretary said that does not mean that there are not any. And what we have done and will continue to do is investigate through these particular things that we have accepted as ways to go, the live sighting reports and the discrepancy cases and any other information that comes up to find out whether or not that is the truth.

Now with the continuing investigations of the compelling discrepancy cases and with good procedures, and as I said earlier, I am not satisfied that we necessarily have good procedures yet, but we will continue to pursue that with the Vietnamese, for investigating live sighting reports. We will have in place the mechanism for shedding about as much light as can be shed on this live prisoner issue.

We cannot yet say for certain that the Vietnamese assertion that they are not holding live prisoners is correct. We can say that we unearthed no evidence to the contrary. We will have to continue to gather the facts and simply let the facts speak for themselves.

The United States also wants to recover and identify and return to the families for burial the recoverable remains of the servicemen killed during the war or those who died in captivity. And we have urged the Vietnamese government to recover and return remains. We have offered to work with them and provide technical assistance in the effort.

From 1973 to 1987 164 sets of remains were returned to the U.S. Of those 153 were identified and returned to their families. Since my first meeting in 1987 308 sets have been returned, of those 125 have been identified and returned to their families, 109 others could be the remains of Americans, but have not yet been identified as to whose remains. And many of those may never be identi-

fied. 72 have been determined to be the remains of Southeast Asian natives and 2 sets were not human remains.

We know we will not recover all the remains, but we intend to continue the effort to make an honest search for every one that might be found.

One of the knotty issues between the two governments is the issue that Senator McCain raised, that is the possibility that the Vietnamese government might be withholding the return of some remains already recovered. We know from intelligence gathered during the war and after the war that the Vietnamese government has a system for recovering the remains of Americans. We also have the testimony of a mortician who reported that he worked on 260 to 280 sets of American remains and saw about 400 boxes containing what he believed to be American remains.

Many of the remains which have been returned have shown signs of having been stored out of the ground for long periods. And when you talk to the defense intelligence people they can shed more light on this issue because that does not necessarily say that these were in a warehouse. But it does say, U.S. analysts have combined these facts to build a case which suggests that the Vietnamese government could be holding as many as several hundred sets of remains.

For those reasons, the U.S. lexicon has come to include the term, the warehouse. With those people involved in this issue you constantly hear the warehouses.

Now high officials of the Vietnamese government, including Prime Minister Vo Van Kiet and the new Foreign Minister, Nguyen Manh Cam, have said they are not withholding remains. When the issue is raised, I must say, the Vietnamese officials also not only deny holding remains, but they ask me why would we—what we believe the reason would be for their holding remains.

Vietnamese officials also tell us that private Vietnamese citizens attempt to recover and hold American remains in the expectation of some sort of benefit. Recently, we recovered an identifiable set of remains from a refugee in a camp in the Philippines. And those remains, incidentally, also showed signs of storage out of the ground for some period.

Separating fact from speculation in this issue is difficult. The Vietnamese government could shed more light on the issue by telling us the results of their efforts to recover American remains. And I have so suggested that to the new Foreign Minister. He has agreed, as did his predecessor, to continue to try to recover and return remains as they become available.

Again, we will just have to continue to search for the facts and let the facts speak.

From the earliest joint investigation it became clear that access to Vietnamese historical records was very important to resolving many of the cases. When we raised this matter at first, the Vietnamese officials continually decried the poor state of their archives and belittled their potential value for resolving POW/MIA issues. In fact, Nguyen Co Thach said they had been eaten by termites. And I must say in his defense that when we've gotten into the records, we find that many of the records have, in fact, been eaten by termites.

But in 1990 then Foreign Minister, Nguyen Co Thach, agreed to information seeking meetings to find ways to get needed information out of Vietnamese records. Since those meetings access to information has continued to improve. And you probably saw the press announcement from Hanoi a few days ago that Deputy Foreign Minister Le Mai announced release of some classified war records pertaining to fates of Americans.

One of the principle tasks of our Hanoi office is guiding research into Vietnamese records. For the first few months the operations of the office have confirmed our expectations that it will be particularly useful in the search for historical information.

As the committee also knows the Party Congress was held in June and it produced a number of personnel changes in the Vietnamese government including a new Prime Minister and a new Foreign Minister. I traveled to Hanoi in early October to meet with those two officials. The goals of the trip were to confirm that previous agreements for cooperation on humanitarian matters remained in effect and to reach agreements on accelerated cooperation in resolving the POW/MIA issues along the lines of the roadmap which had been given to the Vietnamese.

As you know, Mr. Chairman, I briefed you and the Vice Chairman and Senator McCain when I returned as well as Mr. Solarz and members of the House that have an abiding interest in this issue.

I believe a summary of the results of the meeting should be in the record and in the public domain.

Prime Minister Vo Van Kiet and Foreign Minister Nguyen Manh Cam pledged Vietnam's unconditional cooperation in resolving the POW/MIA issues. Both said Vietnam wanted to continue to treat the matter as a humanitarian issue not connected to political matters. Both repeated earlier denials of holding Americans, live American prisoners and withholding remains.

And then we reached specific agreements on the following points. We agreed to accelerate cooperation on resolving the discrepancy cases and to put in place the mechanisms, procedures, and physical facilities to pursue full as possible accounting for all missing Americans as long as that would go on.

And I would say that the Prime Minister repeated a number of times that they will continue to cooperate on this issue no matter what the state of our other relations is.

We agreed that Vietnam would conduct a prompt and diligent search for all historical records which may pertain to missing Americans. And we agreed that the U.S. would provide technical assistance for that search and would bear a share of the cost of that search.

Vietnam confirmed its agreement to continue to attempt to recover and return promptly remains of Americans missing from the war. The United States, we agreed, would continue to provide technical support in the recovery of remains and help facilitate their identification.

We agreed that Vietnam and the U.S. would seek cooperation with Laos and Cambodia to resolve the fates of Americans lost in the border areas of those countries. Vietnam agreed to review the cases of all remaining re-education camp detainees with a view to

early release of those detainees. The U.S. agreed in principle to accept those detainees and their immediate families consistent with the program we had established for earlier detainees.

Vietnam and the U.S. agreed to explore some sort of joint venture to provide improved helicopter support for our joint field investigations. And, Mr. Chairman, you are very familiar with this and I will certainly keep you informed as that moves along as I hope the Defense Department will.

Vietnam also agreed to improve support of the Hanoi office and to work with the office to refine live sighting investigation proceedings and procedures and to provide liaison with the office.

The U.S. agreed to continue to facilitate humanitarian assistance for the Vietnamese people. And I also agreed that I would recommend to the President that the temporary office be made permanent. I, indeed, did make that recommendation to the President and I reported in detail the other results of the meetings.

Needless to say, I also reported to the Secretary of State and Secretary of Defense. Secretary Baker announced at the Paris signing of the Cambodian agreement that we would take the first steps outlined in the roadmap. He also made it clear that progress on normalization would be gauged by Vietnam's cooperation in resolving the POW/MIA issues.

Mr. Chairman, I believe that with the Vietnamese, my work with the Vietnamese, we reached the necessary agreements to achieve the fullest possible accounting of our missing, to shed as much light as can be shed on the live American prisoner issue, and to recover all the recoverable remains.

But I want to say that agreements are not action. And there is much work to be done, both by Vietnam and the United States. Cooperation, good will, honesty, understanding, and diligence are required from both sides. We received a pledge of unconditional cooperation from the highest levels of the Vietnamese government. They need to work with us and we need to work with them to make that pledge come true.

I think as you heard from the Secretary of Defense, you have a Secretary of Defense and I can tell you you have a Secretary of State and a President who are determined to get to the bottom of this issue. The roadmap is in place. We are seeing new levels of cooperation from Vietnam and it is my earnest hope that those levels of cooperation will continue to grow.

You are going to hear from a wide variety of people. Unfortunately, you will not hear from all of the people in the Joint Casualty Resolution Center or the Central Identification Laboratory or all the defense intelligence agency analysts. And I want to tell you that I have worked very closely with these people. They are all mortal human beings like you and me. And I disagree with many of them many times. And we argue and battle. But I want to tell you that they are all dedicated people.

And if you could see the field work that has been done with these people traveling by old Soviet helicopters, by dug out canoe, on foot, and into areas in Vietnam where no one has been since the battles were fought, trying to find evidence of what happened to our people, you too would have the same appreciation for their dedication that I have.

I am very pleased that this committee is shedding light on this issue. And I have great hope that by the time you have finished your work that the American people will have a good understanding of how difficult the issue is and what the facts really are.

Thank you, Mr. Chairman.

[The prepared statement of General Vessey follows:]

PREPARED STATEMENT OF GENERAL VESSEY

Mr. Chairman, thanks for the opportunity to help the committee examine the important issue of the fates of our missing from the Vietnam War.

Your letter asked me to appear at today's hearing and address the procedures for resolving "live-sightings". I will tell you what I know of that matter; however, to put that issue in context, I believe it important for me to tell you about the salient points in the negotiations with the Vietnamese for the 4 years in which I have been involved.

In 1987, President Reagan asked me to take on the task of getting the negotiations with the Vietnamese Government on certain humanitarian matters moving. Some very important progress had been made, but in late 1986, progress had slowed seriously.

The President instructed me to seek agreements with the Vietnamese to resolve the fates of the remaining POW/MIA cases. He recognized that we would not be able to resolve all of them, but he made it very clear that our goal was the *fullest possible accounting*. As first priority within that goal, I was to seek ways to shed as much light as possible on the issue of whether or not live Americans were continuing to be held by the Vietnamese Government. We were also to seek the return of the recovered and recoverable remains of those servicemen who had been killed or died.

The President also instructed me to raise certain other humanitarian issues. I was to seek the release of the remaining reeducation camp detainees. At that time we estimated that about 8,000 people were being held. I was to attempt to get the orderly departure program moving and to propose getting the Amerasian children out of Vietnam. I was also authorized to listen to Vietnam's humanitarian concerns and to see if there were some which might be addressed within our legal, political and policy constraints, but whatever was to be done was to be done solely for humanitarian reasons and was not in any way to be some sort of trade for Vietnamese POW/MIA efforts.

When President Bush took office in 1989, he asked me to stay on in the job, and he gave me the same general instructions, modified to fit the progress which had been achieved by that time.

The instructions of the two Presidents led me to ten meetings with senior Vietnamese Government officials, including four trips to Hanoi for U.S. delegations. The agreements reached in those sessions led to:

(a) 18 sets of "technical talks" between leaders of U.S. casualty resolution activities and officials of the Vietnamese Office for Seeking Missing Persons. The 18th round of talks took place in the last few days.

(b) 14 sets of joint field investigations, involving thousands of man-days of American and Vietnamese investigators trying to find what happened to our people.

(c) 2 "information seeking" talks trying to determine how to find the information Vietnamese archives might hold about the fates of missing Americans.

(d) The establishment of a U.S. office in Hanoi to further the search for our people and information pertaining to their fates.

As a result of my talks in Hanoi on issues other than POW/MIA:

(a) The Orderly Departure Program (ODP) is working. About 200,000 Vietnamese families have been reunited thus far.

(b) About 60,000 Amerasian children and family members have been resettled in this country.

(c) All but about 100 of the reeducation camp detainees have been released, and we have a working program permitting those who want to leave Vietnam to come to this country. During my trip to Hanoi last month, the Vietnamese Government agreed to a review of the cases of all remaining detainees looking toward an early release.

(d) Considerable nongovernmental U.S. humanitarian assistance has reached Vietnamese people.

Before I get into more detail on the POW/MIA issues, there are several background points and events which are important for an understanding of the total context of our interaction with the Vietnamese Government.

(a) First, the United States has quite consistently urged that the POW/MIA matter be approached as a humanitarian issue. We have regularly told the Vietnamese that resolution of the issue is not a requirement for discussing normalization of diplomatic relations. We have, however, consistently said that the "pace and scope" of any normalization discussions will be affected by the level of Vietnam's cooperation in resolving the POW/MIA issues. Vietnam has accepted the POW/MIA matter as a humanitarian issue. The Vietnamese Government has not connected the level of U.S. (primarily nongovernmental) humanitarian aid to their level of effort on POW/MIA.

(b) The U.S. has consistently said that normalization of relations with Vietnam can only begin in the context of an acceptable settlement of the Cambodian conflict. The "acceptable settlement" had a number of specific terms, but, for the purposes of the hearing today, we can summarize them as: complete withdrawal of Vietnamese forces; outside verification of that withdrawal; free elections; non return to power of the Khmer Rouge; accepting and implementing the Cambodian solution sponsored by the Permanent Five members of the United Nations Security Council. Vietnam announced withdrawal of its forces in September 1989, and the Cambodian peace agreement was signed in Paris on October 23.

(c) On April 9, 1991, Assistant Secretary of State Solomon presented Vietnam with a "roadmap" for normalization of relations. The document laid out a general list of events and activities in the resolution of the Cambodian conflict and U.S. expectations for levels of POW/MIA cooperation and corresponding U.S. moves on the road to normalization. The Vietnamese Government neither accepted nor rejected the "roadmap," but their actions have been generally consistent with the "roadmap," as have ours.

I would now like to move on to a summary of the POW/MIA issues from the perspective of the President's Emissary.

The issue of potential live American prisoners was the highest priority for President Reagan and is the highest priority for President Bush; and certainly has been the highest priority for the American effort. For that reason, in the 1987 negotiations we focused on a group of 70 compelling discrepancy cases, cases about which we believed the Vietnamese should have had information. For the most part, they were cases of people whom we believed were alive after the incident in which they were involved and here captured or about to be captured when we last knew of them. The Vietnamese Government had maintained since the end of the war that it held no live American prisoners. In the 1987 negotiations, I used examples of the compelling discrepancy cases to illustrate why many Americans believed that Vietnam held live Americans despite the Vietnamese Government's contrary assertion. Foreign Minister Nguyen Co Thach, the Vietnamese negotiator, acknowledged the discrepancies in the examples I had given. He said that Vietnam would help resolve those cases. In June 1988, the Vietnamese Government agreed to joint U.S./Vietnamese investigations of the discrepancy cases. In the early fall of the year, we conducted our first joint investigations. In 1989, we added additional discrepancy cases to bring the total to 119. We also raised about 35 discrepancy cases of people lost in Laos, in border areas under the control of Vietnamese military forces during the war. It was my intention at the time to raise the cases of all those people we believed we had evidence to show were alive after their incident—plane crash, or ground battle. Additional research has shown that we didn't include them all, but nevertheless our analysts thought we had most of the cases representing people who had the best chance of being alive. It seemed to me that by giving our priority effort to the joint investigation of these cases, we could shed the most light on the question of live American prisoners.

The 119 cases have all been investigated at least once, most of them have been investigated twice, and some of them three and four times. 22 of the cases have been resolved through having the remains returned and identified. We agree with the Vietnamese that for 4 other cases, the servicemen are dead, but the remains are unlikely to be recovered. In 31 additional cases, we and the Vietnamese agree that the investigations have established that the servicemen are dead. The U.S. believes that the remains are probably recoverable or have already been recovered in most of those cases. 62 cases are pending further investigation; however, I understand that the fates in 5 cases were probably resolved during the last joint investigation. In most of the remaining 57 cases, we have gathered evidence, but not enough to be conclusive. The evidence we've gathered points toward death in those cases. In no

case have we found new additional evidence which points toward the serviceman being alive.

One other sort of evidence which has pointed toward the possibility of live Americans is live-sighting reporting. Since 1975 about 1,500 first-hand live-sighting reports have been received. Most came from refugees. 1,361 of the reports have been resolved. 1,009 reports were correlated to individuals for whom we have an accounting, such as returned POW's, civilians jailed in Vietnam after the war, and some missionaries. 372 reports were judged to be fabrications. About 100 live-sighting reports are under investigation. Resolving these cases and any future sightings is important. For the past several years we have sought agreement on investigating live-sightings. In the October 1990 negotiating session, Foreign Minister Thach agreed to cooperate to develop procedures for live-sighting investigations. Indeed, since then the Vietnamese have cooperated with us in investigating two different cases of alleged Americans. In April of this year, when we and the Vietnamese agreed to open a U.S. office in Hanoi, we agreed that one of its missions would be investigating live-sighting reports. We have not yet fully agreed on the exact procedures to be followed. High officials of the government have told me as well as told congressional delegations that if we have evidence of any live Americans anywhere in Vietnam we will be permitted to go wherever needed to investigate the matter. We need mutually agreeable procedures to make that offer a reality. During my October meeting in Hanoi, Nguyen Manh Cam, the new Foreign Minister, agreed their people would work with ours to refine the procedures. It was a subject to be raised in the technical talks in the last few days.

There are some additional salient points on the live prisoner issue:

(a) We know through extensive debriefings and subsequent investigation that all Americans seen by U.S. POW's in the Vietnamese prison system have been accounted for as returned POW's, or through return of remains, or having been reported as died in captivity."

(b) In the years since 1973, other than the 100 or so unresolved first-hand live-sighting reports under investigations, we have gathered no other intelligence, by technical means or other means which indicates the Vietnamese are holding live prisoners or that there was another POW system other than the one in which our returned prisoners were held.

(c) High Vietnamese Government officials have maintained through the years that their government holds no live American POW's. That assertion was repeated to me last month by Vo Van Kiet, the new Prime Minister and by the new Foreign Minister.

With the continuing investigations of the compelling discrepancy cases and with good procedures for investigation live-sighting reports, we will have in place the mechanism for shedding about as much light as can be shed on the live prisoner issue. We cannot yet say for certain that the Vietnamese assertion that they are not holding live prisoners is correct. We can say that we have unearthed no evidence to the contrary. We will have to continue to gather facts and let the facts speak for themselves.

The United States wants to recover, identify, and return to the families for burial the recoverable remains of the servicemen killed during the war or died in captivity. We have urged the Vietnamese Government to recover and return remains, and we have offered to work with them and provide technical assistance in the effort. From 1973 to 1987, 164 sets of remains were returned to the U.S.; of those, 153 were identified and returned to their families. Since my first meeting in 1987, 308 sets of remains have been returned. Of those, 125 have been identified and returned to their families. 109 others could be remains of Americans, but have not been identified, and many may never be identified. 72 have been determined to be the remains of Southeast Asian natives, and 2 sets were not human remains. We know we will not recover all the remains, but we intend to continue the effort to make an honest search for every one that might be found.

One of the knotty issues between the two governments is the possibility that the Vietnamese Government might be withholding the return of some remains already recovered. We know from intelligence gathered during the war and after the war that the Vietnamese Government had a system for recovering the remains of Americans. We also have the testimony of a mortician who reported that he worked on 260 to 280 sets of American remains and saw about 400 boxes containing what he believed to be American remains. Many of the remains which have been returned have shown signs of having been stored out of the ground for long periods. U.S. analysts have combined these facts to build a case which suggests the Vietnamese Government could be holding as many as several hundred sets of remains. For those reasons, the U.S. lexicon has come to include the term "the warehouse." High offi-

cials of the Vietnamese Government, including Prime Minister Vo Van Kiet have said they are not withholding remains. When the issue is raised, Vietnamese officials not only deny holding remains, but ask what we believe their reason would be for holding the remains. Vietnamese officials also tell us that private Vietnamese citizens attempt to recover and hold American remains in the expectation of some sort of benefit. Recently we recovered an identifiable set of remains from a refugee in a camp in the Philippines. Those remains incidentally also showed signs of storage out of the ground. Separating fact from speculation in this issue is difficult. The Vietnamese Government could shed more light on the issue by telling us the results of their efforts to recover American remains. I have so suggested to the new foreign minister. He has agreed to continue to try to recover and return remains. Again, we will have to search for the facts and let the facts speak.

From the earliest joint investigation, it became clear that access to Vietnamese historical records was very important to resolving many of the cases. When we raised the matter, Vietnamese officials continually decried the poor state of their archives and belittled their potential value for resolving POW/MIA issues. In 1989, I suggested that the United States hire Vietnamese archivists to do the research to answer questions we would raise. In 1990, then Foreign Minister, Nguyen Co Thach agreed to "information seeking" meetings to find ways to get needed information out of Vietnamese records. Since those meetings, access to information has continued to improve. A few days ago, Deputy Foreign Minister Le Mai announced the release of some classified war records pertaining fates of Americans. One of the principal tasks for our Hanoi office is guiding research in Vietnamese records. The first few months of office operations have confirmed our expectation that the office will be particularly useful in the research for historical information.

As the committee knows, the Party Congress in June produced a number of personnel changes in the Vietnamese Government, including a new prime minister and a new foreign minister. I traveled to Hanoi in early October to meet with those two officials. The goals for the trip were to confirm that previous agreements for cooperation on humanitarian matters remained in effect and to reach agreements on accelerated cooperation in resolving POW/MIA issues along the lines of the roadmap. I briefed the Chairman, the Vice Chairman and Senator McCain when I returned, but I believe a summary of the results of the meetings should be in the Congressional Record and in the public domain.

Prime Minister Vo Van Kiet and Foreign Ministers Nguyen Manh Cam pledged Vietnam's "unconditional cooperation" in resolving the POW/MIA issues. Both said Vietnam wanted to continue to treat the matter as a humanitarian issue not connected to political matters. Both repeated earlier denials of holding live American prisoners and withholding remains. We reached specific agreements on the following points:

(a) We agreed to accelerate cooperation on resolving the discrepancy cases and to put in place the mechanisms, procedures and physical facilities to pursue fullest possible accounting for all missing Americans.

(b) We agreed to conduct a prompt and diligent search for all historical records which may pertain to missing Americans. We agreed that the U.S. would provide technical assistance for the search and would bear a share of the cost of the search.

(c) Vietnam confirmed its agreement to continue to recover and return promptly remains of Americans missing from the war. The U.S. is to continue to provide technical support in the recovery of remains and help facilitate identification of the remains.

(d) We agreed that Vietnam and the U.S. would seek cooperation with Laos and Cambodia to resolve the fates of Americans lost in the border areas of those countries.

(e) Vietnam agreed to review the cases of all remaining reeducation camp detainees with a view to early release of those detainees. The U.S. agreed in principle to accept those detainees and their immediate families consistent with the program established for earlier detainees.

(f) Vietnam and the U.S. agreed to explore a joint venture to provide improved civilian helicopter support for the joint field investigations.

Vietnam also agreed to improve support of the Hanoi Office, to work with the office to refine live-sighting investigation proceedings, and to provide liaison with the office.

The U.S. agreed to continue to facilitate humanitarian assistance for the Vietnamese people. I also agreed that I would recommend to the President that the "temporary" Hanoi office be made permanent.

I did indeed make that recommendation to the President, and I reported in detail the results of the meetings. Needless to say, I also reported to the Secretary of State

and the Secretary of Defense. Secretary Baker announced at the Paris signing of the Cambodian agreement that we would take the first steps outlined in the roadmap. He also made it clear that progress on normalization would be gauged by Vietnam's cooperation in resolving the POW/MIA issues.

Mr. Chairman, I believe we have reached the necessary agreements to achieve fullest possible accounting of our missing, to shed as much light as can be shed on the live American prisoner issue, and to recover all the recoverable remains. Agreements alone aren't action. There is much work to be done by both Vietnam and the United States. Cooperation, goodwill, honesty, understanding and diligence are required from both sides. We have received a pledge of "unconditional cooperation" from the highest levels of the Vietnamese Government. They need to work with us and we with them to make that pledge come true.

The CHAIRMAN. Thank you very much, General.

I think your last comment about you should see and Americans should see these sort of great lengths and dangers even that some people have gone to is precisely what the committee hopes to be able to show.

That is why we have asked some of them to come back here. And we look forward to their descriptions of precisely what they have gone through and do go through in that effort.

General, in the course of your years and we will do a 5-minute round here to try to move through this as rapidly as we can and then come back for a second if need be, have you ever run across any holding back from you, any restraint from you of anything that you have sought in an effort to try to resolve this issue within the Defense Department?

General VESSEY. No, sir.

The CHAIRMAN. Have you ever come across any evidence yourself personally that has led you to believe with a certainty that someone was held alive in Vietnam?

General VESSEY. No, I have not. But I must tell you that I see all of this other evidence which says there may be somebody held.

The CHAIRMAN. Now with respect to the evidence that suggests someone may be held, could you share with the committee your description of perhaps some of the strongest of that kind of evidence?

General VESSEY. Well, I am sure that you may get into some of these with the people who are more familiar on the case by case basis.

But when I went through each of these 119 discrepancy cases and went through some others, some of the first ones that I laid out, for example, one was a picture of a naval officer, an aviator, and his picture had been on the front page of the Hanoi newspaper back in the 1960's at some time. And he was clearly identified and correctly identified by name. In the picture he was clearly standing between two Vietnamese military people.

He did not come back when the prisoners came back. His body had not been returned up until that time and no accounting had been given for him. And so it was a classic discrepancy case in contradistinction to the Vietnamese saying we hold no live prisoners. And it was the first one I introduced to Minister Thach at that time. And he, as I said in my statement, he acknowledged that in these and in the other examples I gave him, that those were clear discrepancy cases and we needed to find out what happened in the case of that particular officer.

His remains have since been returned and identified and given to his family.

Senator REID. I am sorry, I did not hear that.

General VESSEY. I said his remains have since been returned and identified and sent to his family.

The CHAIRMAN. And in that case there was somebody who was held, who was alive, who was known to be alive, who was not returned when others came back, but who subsequently we have found out to be dead. Is that accurate?

General VESSEY. That is correct.

The CHAIRMAN. Now what were the circumstances of that person being held, but not being returned? Did the person die before people were returned?

General VESSEY. The explanation that we got is he died before the people were returned.

The CHAIRMAN. Now with respect to the 119 or so discrepancy cases, I think there are a lot of questions that the committee needs to have a very precise sense of. And perhaps you are not going to be able to do all of that. And obviously we do not need to do that all in the hearing.

But I think it is important for the record to show how you have arrived at 119 discrepancy cases and whether you are satisfied that that really represents the only true discrepancies or whether there might be others that could fit into that category or perhaps have inadvertently been left out.

General VESSEY. Let me answer the back part of that question first.

Yes, there may well be others that could be left out and these were meant to be compelling discrepancy cases to show the Vietnamese why the Americans believe that they might be holding live prisoners in contrast to the statement that they were not and as samples of cases to shed light on this issue of whether or not they were holding live Americans.

That is, it was my belief that if we took the cases of those we thought had the best chance of being alive, that we would most quickly shed light on the issue of whether or not there were live American prisoners. But certainly anybody in that whole list of 2,273 might possibly be there.

But I think that as we go through this exercise and investigate these, we will know more.

The CHAIRMAN. When you say anybody in the 2,000 might, is that not actually perhaps possible, based upon evidence?

General VESSEY. Well, based on determinations, about half of those have been determined to be killed in action, body not recovered. And that is based on wartime sightings of what happened at the time. That his comrades thought that the person was killed.

And as we are finding out, even many of those, the ones that we thought had a chance of being alive were also killed even though we did not believe them to be killed at the time.

And so what I say to you is that all the wartime reporting is just in fact that. It is wartime reporting. And it was the best reports that could be gathered from the battlefield at the time. And we just have to look into the additional evidence.

The CHAIRMAN. In all of your dealings over the years you have had occasion to negotiate significantly, to get to know personally, to see the government opening up and so forth, have you come to

have a personal belief in your gut about whether or not the government, whether you perceive that the government of Vietnam might be holding somebody?

General VESSEY. I decided I should not have personal beliefs and gut feelings about this business, Senator. That the job was to set in place as best as I could the mechanism for finding the facts and let the facts speak for themselves.

And so there are some clear strong cases to be made at either end of the pole here on the issue of live prisoners and the issue of warehousing of remains, whatever it happens to be. And I have just drawn down sort of an opaque curtain and said, do not guess, find the facts.

The CHAIRMAN. Is it your conviction that a sufficient process is now in place to permit those answers?

General VESSEY. I think we have the agreements to find the answers if we get the action to follow the agreements.

I think the process is in place.

The CHAIRMAN. Senator Smith.

Senator SMITH. General Vessey, thank you for your testimony and thank you for coming here today from the Midwest. The weather is a little better here, I guess.

General VESSEY. I moved more snow this past weekend than I have moved in the past 3 years combined. [Laughter.]

Senator SMITH. General, in 1987, not too long after you took your position from President Reagan, you made this statement before a House Subcommittee on Foreign Affairs. Quote, "We have evidence that says we had people alive. They were in the hands of the Vietnamese authorities when the prisoners came back and they didn't come back. Their bodies didn't come back. Their remains have not been returned. And their whereabouts have not been explained by those same authorities."

You also mentioned that in your first meetings with the Vietnamese you went through glaring cases that begged for the return of a prisoner. How do you feel today? Do you stand by that statement still?

General VESSEY. Yes. The one thing I would correct is where I said we had, I have forgotten exactly how I said it in your statement, we had evidence to lead us to believe they might be in the hands of the Vietnamese when the prisoners came back.

That is what I would say today because of those 57 cases where we think we have resolved the fates, in fact the resolution has shown that they were not alive and in the hands of the Vietnamese at the time of the return of the prisoners. We believed we had evidence to show that they were alive at that time or might be alive at that time. That's the one correction I would make.

Other than that, yes, that statement is correct except to say that we have gone through these 119 discrepancy cases since that time with the Vietnamese cooperation and I would say that that cooperation has increased steadily through the years. It was pretty scanty to begin with.

And now in many of those cases have we found any additional evidence that the person might be alive.

Senator SMITH. Of the original 70, original 70 discrepancy cases that were provided to you, how many of those 70, original 70, have actually been resolved?

General VESSEY. I just have to take that for the record, Senator. I cannot tell you. I stopped discriminating inside the 119, so I cannot tell you.

[The material referred to follows:]

A total of 18 individuals from the original list of 70 have been resolved. They are:

Full name	Loss— RK	Serv- ice	Date	City— Orig
WILLIAMSON, DON IRA.....	03	F	65-07-07	VN
POWERS, TRENT RICHARD.....	04	N	65-10-31	VN
HANSON, ROBERT TAET JR.....	02	N	66-02-03	VN
REILLY, EDWARD DANIEL JR.....	E4	A	66-04-26	VS
BAILEY, JOHN EDWARD.....	03	F	66-05-10	VN
GREGORY, ROBERT RAYMOND.....	03	F	66-12-02	VN
PUTNAM, CHARLES LANCASTER.....	05	N	67-03-09	VN
KARINS, JOSEPH J JR.....	03	F	67-03-11	VN
TUCKER, EDWIN BYRON.....	04	N	67-04-24	VN
POLLIN, GEORGE J.....	02	F	67-04-29	VN
BLACKWOOD, GORDON BYRON.....	03	F	67-05-27	VN
BUSCH, JON THOMAS.....	02	F	67-06-08	VN
FULLAM, WAYNE E.....	04	F	67-10-07	VN
DARDEAU, OSCAR MOISE JR.....	04	F	67-11-18	VN
LEHNHOFF, EDWARD W.....	03	F	67-11-18	VN
JOHNS, VERNON Z.....	E3	A	68-02-03	VS
YONAN, KENNETH JOSEPH.....	03	A	72-04-24	VS
COLBERT, CLARENCE ORFIELD.....	06	N	72-11-06	VN

Senator SMITH. Are you willing to provide the background on all of those cases to the committee for review, not just the summaries, but all of the discrepancy information?

General VESSEY. Well, I am not the holder of any information. But you heard the Secretary of Defense say that it is available to you. I do not have it. But to the people that you will talk to, do have it.

Senator SMITH. To the best of your knowledge, and I would be happy to take this also for the record if you are not sure, do you have any, are any live sighting reports that have been reported today, to date, do any of these live sighting reports refer specifically to any of those 70 discrepancy cases or any of those unresolved?

General VESSEY. I would have to take that for the record. I do not know that to be the case.

Senator REID. What was your question again?

[The material referred to follows:]

Many of these sightings are unresolved because the reports are still being investigated. Thus, it cannot be determined with certainty that any of the current unresolved sighting reports correlate to an MIA or to General Vessey's original list of 70. Nonetheless, as far as can be determined at this time, none correlate to any of the original 70 cases.

Senator SMITH. Do any of the current live sighting reports that we have from other sources, from refugees or from any other source, correlate specifically to any of the 70 discrepancy cases less those that were resolved?

General VESSEY. I think the answer is no, but I would just need, it needs more research than me just taking an off the cuff answer here right now.

Senator SMITH. Have you ever made any statements, or in your meetings with the Vietnamese have you ever implied to them or stated directly to them that we ought to go look and see if we can find some of these people who are listed in those discrepancy reports and that the American people would accept us finding prisoners? I think Senator Grassley referred to this, that there would not be any retribution. That if you have people, show them to us. We are not interested in retribution, we are interested in the men.

General VESSEY. Exactly. And I want to add something to what the Secretary said.

Someone asked the Secretary about persons not held in captivity. And I would add what Prime Minister Vo Van Kiet said to me in October of this year because I have quite consistently raised this issue of if there are people who are not in captivity but still have live Americans here that are here of their own free will and volition, we would like to have their families relieved to know that they are here. And certainly, if they want to come back there would be no retribution.

The Prime Minister said to me, as best I can recall his exact words, that we do not know of any live Americans. Not only do we not hold live American prisoners, but we do not know of any live Americans. He said, I believe our security apparatus would know if there were live Americans. And none have been reported.

Senator SMITH. I know my time has expired. Just one final quick question.

The Secretary of Defense in his testimony mentioned the need for tri-lateral talks that would involve Laos. Since they were not a party to the peace accord in Paris in 1973 and therefore some unanswered questions remain.

Do you in your situation where you are dealing with the Vietnamese almost exclusively, would you support that, being involved in that kind of a situation of tri-lateral talks?

General VESSEY. Yes, sir. In fact, that was one of the things I urged in the last session in Hanoi. And it was not a new issue.

Senator SMITH. What is the current strategy as you understand it to get those talks going?

General VESSEY. Well, it was an issue raised in the technical talks a few days ago. And the final report of those talks, I have not seen it yet and I am not sure that it is here completely.

And so we will have to look at that. But I also talked to Secretary Solomon who has suggested that perhaps I should go to Laos. I told the Vietnamese I would come back in about a month's time. But it will be a month and a half or something from the time I was there. And perhaps I should go to Laos and work on this particular issue, if it was not worked out in the technical talks.

Senator SMITH. Thank you.

The CHAIRMAN. Senator Grassley.

Senator GRASSLEY. Thank you, Mr. Chairman, General Vessey.

First of all, let me thank you for your 5 years of work in this effort. And I commend you for your efforts to resolve these issues. I think my questioning would be a little bit along the lines of the

Chairman's questioning, what Senator Kerry wanted to focus on. But maybe mine would be just a little more focused than his.

My first question is to ask you to define what a discrepancy case is and what, if any, are the criteria for discrepancy cases? I would like an oral answer, but if that will not be complete, I would like to have you supplement it with any written response that you want to give.

General VESSEY. Let me use the definition I have used with the Vietnamese which is the one they believe and they have heard from me. And that is it is the case of an American, a missing American, for whom we believe we have evidence to show that he was alive at the time of the incident. That he survived the incident in which he was involved. That is, an airplane crash or a ground battle.

And further, that we have evidence that he was captured or about to be captured and did not come back when the prisoners came back. And whose remains have not been returned and for whom no other explanation has been offered for his fate.

Senator GRASSLEY. Who determines that a case is or is not a discrepancy case? And specifically, the second part of that is, who is in charge of the policy on discrepancy cases?

General VESSEY. Well, I do not believe there has been any really great formal mechanism for putting things into discrepancy cases. They were used initially, recognizing that there might be more discrepancy cases than we had.

If you really go back in the history of this thing and you will get it more accurately by the witnesses, when you go back into the post-1973 negotiations, there were a number of cases then, around 70 cases, that to my recollection that we believed should have come out who did not come out when the prisoners came out. And from that grew this sort of discrepancy case.

Now you will talk to some of the other Government witnesses who will give you a little more expanded definition of a discrepancy case. And it includes what I said, but also adds, or are cases about which the Vietnamese government should have information.

My recollection is that when that definition was built here, it included the cases of those who died in captivity from the south, the Vietnamese had reported that certain people had died in captivity or we had received reports from our own people that some people had died in captivity. And we believe that the Vietnamese should resolve those cases because the information ought to be readily available.

Senator GRASSLEY. Who today is in charge of whatever you want to call it, policy or not policy, but in charge of making determinations on these discrepancy cases?

General VESSEY. Well—

Senator GRASSLEY. Is there one person you can point to that is in charge?

General VESSEY. It comes under the head of Mr. Carl Ford who was sitting back here and is about to be one of your witnesses. And he can shed more light on that issue than I. But it belongs to the Secretary of Defense, obviously.

Senator GRASSLEY. Now a policy that you had nothing to do with, but in which you are part of an effort to get there—others here

might disagree with me—that in my opinion we have a steam roller moving through our administration that wants to establish ties with Vietnam, normalization you might call it.

And of course, one of the steps toward normalization of these relations is the remaining discrepancy cases to be resolved. So my question to you is, as chief negotiator with Vietnam on this issue, have you felt any undue pressure to resolve these cases and close the files on them?

General VESSEY. No. No, sir.

Senator GRASSLEY. So there is no pressure?

General VESSEY. Certainly not from our Government. Now the Vietnamese government has quite consistently said, hey, you guys are not being realistic. We have gathered about all the evidence there is to gather here. But there is no one in our Government who has pressured any resolution of those cases.

Senator GRASSLEY. So once again, but put another way, there is no pressure on you that might influence your judgment about one case or another?

General VESSEY. What I have tried to do, Senator Grassley, is not be a judge in the cases. I do not want to be judge, jury, prosecutor, and what have you in this exercise. It seems to me it is very important to separate the duties here.

My job has been to build the relationships with Vietnam that would let the investigation go ahead. We have all sorts of other people who have examined these cases through the years and who know them backward and forward. And they can pick the cases of those who might have the best chance of being alive and ought to be included in the category of discrepancy cases.

So I have not selected any cases at all. I have reviewed the cases to make sure that I understand that they make sense and that I understand the arguments to be raised with the Vietnamese. But I have not selected cases. And I do not believe that I should pass on when cases have been resolved. I have not taken part in that exercise.

I think that the people who deal with that regularly need to be the judges there.

Senator GRASSLEY. One more question. And it will not require a long answer. I will not be done then, but I think I should stop at this point out of respect for my colleagues.

Let me just ask you, if this committee were to show, for instance, that a discrepancy case that has been resolved, a determination made that it is no longer on the list, and if we can show that it should not have been resolved on the merits, then on the merits it should remain open. Could we expect that the case would go back on the list of discrepancy cases?

General VESSEY. I am sure you could, Senator. But I would say to you that the only ones that our people have said have been completely resolved are those where the remains have been returned or those four cases where we have said, these people are dead and we are not going to recover the remains.

The rest, another 30-some, 31 or whatever it is, cases, we have said the fate is resolved. We believe the person to be dead. But we want the remains back and we are going to continue to search for

the remains or expect Vietnam to cooperate with us in returning those remains.

So the resolution insofar as I understand it for the U.S. Government is if the person is dead, we want the remains back if they are, in fact, recoverable. And we are going to make an honest effort to try and recover the remains.

Senator GRASSLEY. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Grassley.

Senator McCain.

Senator McCAIN. Thank you, Mr. Chairman.

Just a follow up on what Senator Grassley was saying, very quickly. There are times that in these so-called discrepancy cases that the Vietnamese archives and information, then, is critical since sometimes we do not recover the remains. Is that right, General Vessey?

General VESSEY. Exactly. You are exactly correct, Senator.

Senator McCAIN. Which brings me to, in your dealings with the Vietnamese which you have now had the pleasure of being involved in for over 5 years, I would ask your personal view as to whether you are optimistic or pessimistic or somewhere in between that the cooperation that the Vietnamese have committed to will be come reality. And I am just asking for a personal view on that.

General VESSEY. I think it is becoming a reality and will continue to become a reality. I would also say that for us, I think we have learned that the answers are harder to find than we thought they were initially.

I personally thought, when President Reagan asked me to take on this job, I thought about 6 months of this and I would be back doing something else. But the answers are clearly harder to find than we thought they were. The Vietnamese archives, at least those that we have gotten into thusfar are not as good as thought they were. The information is harder to find. It takes a more diligent search than we expected.

Senator McCAIN. I am encouraged to hear about your commitment to the Laotian solution because, clearly, I think, General, it might be worth restating on the record that the proportion of those who were shot down versus those who were returned is directly out of balance as to those who were shot down and captured in North Vietnam. And clearly that part of the problem is very, very critical. I think you would agree.

Let me just make sure I am clear as to your position on this issue, if I could perhaps restate it, which I think by the way is exactly mine, that there might be or may be Americans alive in Southeast Asia, there are unresolved discrepancy cases, but so far there is no evidence that you have seen that there are Americans alive. Is that a correct statement or would you care to rephrase it?

General VESSEY. I would just say that other than the evidence we had to begin with which are the evidence in these compelling discrepancy cases plus the live sightings, we have unearthed no new evidence to indicate that there are.

Senator McCAIN. So we must continue to operate under the assumption that there are Americans alive.

General VESSEY. That there may be, I would say. And I think as we go through these, we have to be sensible and realistic ourselves

as we go through and gather more and more evidence. I would say I have come to the conclusion that the probability of there being live Americans is, that the probability is considerably lower than I thought it was when I took on the job in 1987.

Senator McCAIN. There will be witnesses that follow you, General, that will allege that there is a massive cover-up in the Pentagon of this whole issue. And I wonder if you would express again your views, given your 49 years of experience and your 5 years of involvement in this issue. Is that, one, possible or, two, likely?

General VESSEY. Well, I'm not the smartest guy in the world, and I admit that I could be hoodwinked on this issue, but I think it is very unlikely that you would have 150 or so people who are involved in it and have been involved in it continually conspire to cover it up without somebody blowing the whistle.

I just think it is very unlikely. I can't see any evidence of it, and I think that in America you can't get five people to cover something up together for very long, to say nothing of 150, and so I just don't think there's any cover-up.

Senator McCAIN. General, are you satisfied with the so-called road map as far as the United States policy toward Vietnam and the route toward normalization is concerned?

General VESSEY. Well, I might have nit-picked it and made it a little bit different had I written it exactly myself, but it's fine. It's out there, and it will work.

Senator McCAIN. Have you seen any evidence that American prisoners of war may have been taken to the Soviet Union?

General VESSEY. I have seen none.

Senator McCAIN. Do you think there is a possible scenario?

General VESSEY. Well, it is a possible scenario, but I think that you would know probably better about this than I in talking to other former prisoners. Those that I've talked to didn't see evidence of where that might have happened. There are some anomalies in the interrogation of some of the prisoners, but I don't see any evidence of it.

Senator McCAIN. Finally, general, and maybe you don't feel qualified to respond to this question, Colonel Peck, who I met and spent some time with, has made some very serious allegations about the way that the office carried out their responsibilities, with the mind set to debunk and other areas of concern. Have you had a chance to review his allegations and made any decision or have any opinion on them?

General VESSEY. Well, that belonged to the Secretary of Defense, and I've got enough work on my own to take care of without taking on the Secretary's job, and I know he investigated that and you are going to look into that.

I must say that I met with Colonel Peck a number of times and had a great respect for Colonel Peck's previous service, but the allegation that his own office under his direction was not doing the correct thing I found a little strange, because the people that worked for him seemed to be very competent and helpful to me.

Senator McCAIN. I would like to finally say—Mr. Chairman, I know I express the views of all of us—our deep appreciation for your very hard work and the enormous success that we have achieved so far. If in the view of many of us that is true, although

admittedly we have a long way to do, it is directly due to your efforts, and we are very grateful to you.

Thank you, Mr. Chairman.

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

Senator KASSEBAUM. I would like to ask about a statement that was in the Washington Post last week that talked about—Vietnam Underlines Cooperation on MIA's—and in that piece the Deputy Foreign Minister indicated that they were going to release further secret documents regarding how many planes had been hit, and their records and so forth. I do not know if that was done. It was supposedly this week it was going to be done, or maybe last week.

But he also complained in that piece that the MIA effort had been complicated by the U.S. refusal to reciprocate Vietnam's release of old war secrets and "it would be better if the U.S. gave its classified information about how many planes were shot at, how many were shot down, and how many were missing." Is this a problem at all?

General VESSEY. Well, first, Senator Kassebaum, I'll tell you that that article didn't reach me in North Central Minnesota, so I didn't read it, but it seems to me that we have given Vietnam as much open information as we can on these cases.

I don't think he has an issue there, and I would say to you that I believe that the information he has talked about releasing is the same information I think I showed the committee members, at least the chairman and Senator Smith and Senator McCain in information found in Quang Binh Province during the 14th investigation, and it's my understanding that the useful part of that information was given to our people during the tech talks this past week.

Senator KASSEBAUM. What type of influence do you think Vietnam has at this point over Cambodia and Laos? Does it have enough that it can prompt them to move in a more constructive manner?

General VESSEY. I don't know the answer to that question, Senator. The Vietnamese officials with whom I've dealt say we can speak to the Laotians and the Cambodians but resolving problems in Laos and Cambodia is very much their problem, and they will have to do it there, but the Vietnamese officials did agree that both we and they would seek the cooperation of Laos and Cambodia in resolving the cases of those that were lost to areas then under the control of Vietnamese forces.

Senator KASSEBAUM. Do you think that the reason Vietnam appears to be so much more forthcoming and wanting to resolve the POW/MIA issue is that they really would like to be able to normalize relations and establish some trade?

General VESSEY. They certainly want to normalize relations. I think the Vietnamese leaders, and certainly one senses it from the Vietnamese people not involved in politics in Vietnam when you're there, that they recognize the world is changing very dramatically and they want to be a part of that changing world.

Senator KASSEBAUM. Thank you very much, General Vessey.

The CHAIRMAN. Senator Reid.

Senator McCAIN. Could I mention one thing, Senator Reid, very quickly? I would also like to express my appreciation, General Vessey, for stressing the continued reeducation camp detainees. He brings it up every time. There's 100 to 200 who are still in prison after all these years, and as a humanitarian aspect I think it is very important, and I appreciate your efforts in that area, too, and there are hundreds of thousands of Vietnamese Americans who appreciate your efforts on their behalf, too, General Vessey.

General VESSEY. I want to say, Senator, I have great hopes that the Vietnamese delegation in New York is watching the televised proceedings of these hearings and will hear those words and move out smartly with the review they promised and the early release of those remaining detainees.

The CHAIRMAN. Let me just say, if I can, that the committee will be traveling to the region in February and plans are already being laid for that trip and for meetings with the Governments of Laos, Cambodia, and Vietnam.

I hope that these visits will encourage cooperation from governments in the region while also allowing Senators to make judgments about the level of cooperation. Senator Reid.

Senator REID. Thank you, Mr. Chairman.

When I served on the Foreign Affairs Committee in the House we held hearings on this issue, and that was many years ago, and I think kind of the shame—and maybe that is too hard a word, but the difficulty with all of this is we have waited so long to try to do something like this, and it was, I think, as a result of those photographs that came out and a number of other things that focused attention on this that we are doing it, and I am glad we are doing it, even though it is late in the game, because I think we are doing it with some finality.

General, Secretary Cheney testified today that there are 88 additional staff that he has working on this, and you have indicated there are about 150 I think you said, working on it. How many Vietnamese are working on it? You have indicated there are some people in the wooden canoes and flying these old beat-up helicopters, but the point of the matter is, how many of those are there?

General VESSEY. I can't give you an exact number. Of course, it varies from time to time. What the Vietnamese Office for Seeking Missing Persons does is go out into the provinces to generate support at the time, and the Foreign Minister, when I was last there, gave me a number of—I guess it was in the next-to-last trip that Minister Thach gave me a number of the man-days that Vietnam had dedicated to this issue since we started the joint investigations in 1988, and if it is even within 20 percent of being correct, it's a staggering amount of man-days that were devoted.

Senator REID. Do you remember what the figure was?

General VESSEY. I can't remember. I'm sorry to say I can't remember, but I was thinking that we had perhaps spent about 3,500 or 4,000 American man-days on the ground in that time, and my recollection is that the Vietnamese figure was around ten times. That is what he gave to me. Now, what is counted in that, I can't tell you.

Senator REID. On page 15 of Secretary Cheney's testimony he indicates that 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/MIA. At Operation Homecoming, only 9 Americans captured in Laos returned as POW's. Now, that percentage of difference is significant, is it not, as compared to, say, Vietnam?

General VESSEY. Yes, it is, but I would say to you that the 335 that are in the category of POW/MIA, and it's my understanding that that's kind of where they are now, that number included only a fairly small number of people who were believed to be prisoners, and as you talk to the later witnesses you have people out here, sitting here today who know more about that than I. Now, these other people were missing, but not necessarily believed to be prisoners.

Senator REID. That is something we should pin down.

General VESSEY. What you need to do is get at the facts in that issue. It is an important point, and as Senator McCain said, the percentage of those who are missing is much higher—unaccounted for is much higher from Laos than it is from Vietnam.

Senator REID. We do not like to think about this, much less talk about it, but a large number of the people that we are trying to account for could have been killed, is that not right, after they were on the ground, for example?

General VESSEY. Yes. Yes. In fact, that is what we are finding in the discrepancy case investigations in Vietnam. We're finding that some of the people tried to escape and were killed, or they died later from wounds that they received at the incident, or whatever it was.

Senator REID. Are we going to be able, do you think, General Vessey, to get information in that regard?

General VESSEY. Vietnam since 1988 has been more cooperative in telling us what happened to the people. When the first sets of remains came back in 1987 and 1988 they gave us a little narrative of what happened to the person, and by and large, at least they were not inconsistent with what—with the information that we had.

Senator REID. How many of the missing-in-action POW's were airmen as compared to on the ground?

General VESSEY. If I can search in my bag here, I'm sure I have that on a card. I say that, and I probably won't be able to find it.

Senator REID. General, you can supply that for the record, but do you have an idea?

General VESSEY. The total—well, let's just put it in the record. We will give you the exact numbers in the record, and that saves me fiddling around in my briefcase here.

Senator REID. I just need a general idea. You can put the exact figure in the record, but is it 80 percent, 50 percent?

General VESSEY. The largest number of the 2,273 unaccounted for in Vietnam today, the largest number are Army, and the second largest number is Air Force, and then it goes down, Marine Corps, the Navy, is my recollection, but one of you guys has surely got that number some place.

All right, of that total, of the 2,271, now, 674 are Army, 448 are Navy—I'm sorry, 823 are airmen, so the largest number is Air

Force. Most of the Navy people are aviators, 283 Marines, 1 Coast Guard and 42 civilians.

Senator REID. Thank you.

The CHAIRMAN. Senator Robb.

Senator ROBB. Thank you, Mr. Chairman.

General Vessey, you have always been very forthcoming with all of the information that you have been able to share with any of us in any fora that we have had an opportunity to hear you. I would like to focus for just a minute on the kinds of information that you do not have but think might be available.

I wonder if you could address the question of any types of information that is otherwise ascertainable, as far as we know, but not currently available to you, that might be within the Vietnamese sphere of influence or other Southeast Asian countries' influence, or the kinds of procedures that have been denied to us and the kinds of access, that have been denied to us as well.

What is it you would most like to have in fulfilling your mission that is not currently available and, from the point of view of this particular committee, what kinds of information might we be able to gather from whatever sources are available to us that you have not been able to gather and would be helpful in the totality of resolving the individual cases and the overall concerns about those who may or may not still be missing?

General VESSEY. From Vietnam, is it clear that historical records, there are certain sets of historical records that are very important, and the list of prisoners that they had for example would certainly be very a very illuminating document.

The results of their efforts to recover remains, now whether or not they have this in any sort of records, I am not sure because this was sort of a decentralized operation, they gave instructions to subordinates unit to collect remains and information about Americans that had been killed.

If there is some sort of a record of that, it would be particularly useful, even if it is not a centralized record, if we are able to get that record from provinces or military regions or whatever it happens to be.

Senator ROBB. General, could I interrupt? Have you specifically requested that precise information?

General VESSEY. Yes.

Senator ROBB. And what has been the basis of the denial of that information?

General VESSEY. In fact, it has not been denied, Senator. What we agreed in October in Vietnam was that Vietnam would conduct a prompt and diligent search for all historical records that might pertain to the fate of missing Americans.

Now if in fact that is carried out, we will get the information we are looking for and we have said that we will help provide technical assistance and that is, tell the Vietnamese to the best that we understand, where they might search for those records, that is, what particular units and so forth might provide that search.

And in our Defense Intelligence Agency we have people who have studied this problem for years and they know which records to get at. Now it is my expectation that working through our office in Hanoi, that we will relay to the Vietnamese where we believe

this search should take us and then the Vietnamese will be forthcoming with us and tell us what records they have and where we might find them, and we have what I said I hope we would have in honesty and diligence on both sides, we will get the answers.

Senator ROBB. Have you yet encountered a situation where you knew or had every reason to know that a particular document or set of documents existed and that they specifically denied you access for any particular reason?

General VESSEY. Well, for example, the document that was found in Quang Binh Province during the 14th investigation, we were given only the extracts from that document that pertained to the particular cases that were being investigated in the 14th investigation.

When I raised it with the Vietnamese officials in Hanoi, they said, well, you will eventually get all of that information, but we are doing first things first. We had agreed that we would investigate these cases, so we are investigating those cases and we are giving you that information. When we get to the other cases, we will give you the other information.

So I urged them, please, do not do that, give us all the information that you have, whatever cases they are on, so that we can move on with all alacrity to resolve this whole issue, that is in your interest, it is in our interest.

Now since then we have, it is my understanding that in the last technical talks we have gotten most of that information, but again, you see some of the same thing that occurs here within our own government, it seems to me, I have heard that our people were told that the Vietnamese defense department said they cannot give the whole document because it also contains classified information and they will give us the extracts which pertain to ours.

So there is a certain amount of bureaucratic problems that the Vietnamese have to go through to solve this information release problem too.

Senator ROBB. Do you think they understand that their credibility is judged at least in part on their willingness to provide information that is available to them?

General VESSEY. Certainly, the officials with whom I deal understand that, but it is kind of like dealing with the American Government too, in that maybe the guy who has the file does not quite understand it the same way that this boss understands it.

So it is something that we have to work through in our country, and they have to work through in their country. I do not know how this agreement for the fullest, for this prompt and diligent search will come out, but if it is done correctly, we should get the answers and it is my hope that our people will work with the Vietnamese and I intend to go back to Vietnam in some week's time, before the end of the year and see how we are doing with that.

Senator ROBB. Mr. Chairman, I see that time has officially expired. Could I ask just one additional question, just while General Vessey is here? General, you have had an opportunity to work with both the immediate past prime minister and foreign minister and have met with, at least once, the new prime minister and foreign minister.

Do you ascertain any changes in terms of official government policy with respect to this particular issue that is discernable at this point?

General VESSEY. I came away, certainly pleased with what the new prime minister and the new foreign minister said. They made it very clear that they wanted to resolve this problem. They also said they are going to continue to cooperate on this problem as a humanitarian issue, whatever the United States does, whether—the prime minister used for example, the President's recent renewal of the trade embargo.

He said, Prime Minister Vo Vat Kiet said, we did not like to have the trade embargo renewed, but he said, I want you to know and I want you to tell the President that we will continue to cooperate on POW/MIA because we think it is a humanitarian issue and we owe it to the American families as a humanitarian gesture and we are going to continue to cooperate on this issue if the President renews the trade embargo five more times.

Senator ROBB. Thank you, General Vessey. Mr. Chairman.

The CHAIRMAN. General, before we break, I think we have a few more questions we would like to ask you. I would like to just do a little bit of housekeeping if I may.

First thing, I just would like you to know that Senator Smith and I invited Ambassador Lang of Vietnam's Mission to the U.N. to be here so that they do not have to watch it on TV, and in fact, the ambassador is here and listening to these hearings.

General VESSEY. Good.

The CHAIRMAN. And I hope that that will help communication in this process.

Second, I want to emphasize what is obvious to a lot of people, when you have 12 Senators asking questions of one witness, inevitably time is chewed up and we all recognize that, and I want to underscore that the committee does not view these public inquiries as all inclusive by any sense of the word.

There will be questions submitted in writing. There will be depositions taken outside of this process, all of which will be made part of the public record. But we do want as much of it to be, at least in the outlines, conducted in public so people can see where we are going and understand the methodology. We particularly wanted to establish the baseline for where we are beginning from for the rest of what follows.

This afternoon we will be hearing from other members of the administration who have detailed knowledge of some of the things that you have alluded to today, and tomorrow, we will receive a very important testimony from those who are on the ground in-country, both in intelligence as well as in the field who have been pursuing this for a long period of time.

Then we will hear from families and their perspective, and we will hear from veterans' groups in this country and their perspective, and then finally on the third day we will hear from some of the critics of the process, those who have a different point of view.

And the committee will then begin its analysis of much of what has been laid out here, and as I said earlier, we will have a public airing of that analysis when the committee deems it has some story

to tell or some conclusions to draw or a capacity to put something out publicly.

I would just like to come back to a few things if I can quickly. You discussed a moment ago how we classify some of these people and the judgments that we have to make, and obviously these are very tough judgments in some cases.

The question arises whether or not there has been some effort within the process because of the nature of the toughness of the decisions, for instance, if there is a determination that someone was tortured and died subsequently, or if there were a determination that the circumstances surrounding someone's disappearance might be embarrassing, is it fair to say that you have knowledge of or have come across some situations where those determinations might exist and there has been an effort to spare a family or to not exactly tell a whole story and that that might have left some of those question marks hanging out there?

General VESSEY. I am not a good one to answer that question, Senator. It is my understanding, and it has also been my great hope that the families would be told whatever it is that can be told the families.

The CHAIRMAN. Do you know whether or not families have been told in all cases the full measure of what the government knows regarding one of their loved ones?

General VESSEY. It is my understanding that the policy is that if the family wants all the information, they can get all the information, but where—if it is simply that the serviceman was killed in action, and the family does not desire anymore information in that particular case, that the additional information has not been provided.

But again, I am not the expert on that particular field, and I think you ought to—

The CHAIRMAN. Fair enough. Well, as I said, General, the committee is determined to ask some tough questions through the course of this and some of them may not have answers that are altogether happy or pleasing and I think if we do not do that we are not going to get at this correctly.

General VESSEY. But I believe I should tell you a couple of other things that pertain to your question on another facet of that point, and that is that in terms of classifying these particular cases into discrepancy cases or last known alive and so forth, it is my own personal view that our people are bending over backward to give the benefit of the doubt to having the person be alive.

For example, I recall in the original set of discrepancy cases an argument that was going on about whether or not a fellow who dropped from a helicopter that was 100 some odd feet in the air should be included or should not be included, and I think they finally included him.

So that is the sort of extremes that our people go to keep the possibility of somebody in there who might have a chance.

Now on the Vietnamese side, my approach with the Vietnamese is that we are not trying to reconstruct the past or come up with war crimes trials or any such thing as that. We want to know what happened to our people. First we want to know, are there any live Americans there? And we are not going to ask the question about

what you said in the past, that you said you were not any, and now there are, I mean, fine, if there are some, let us have them, and we are just going to ignore the past statements.

And if people have been killed under circumstances that are embarrassing, we are not going to make an issue out of that. What we want to know is where are our people, how do we—what happened to them? We are not going to make, we are not going to come back and say, you should try the person who killed this person or something like.

We agreed when I first met with them that we cannot go back and reconstruct the past. We cannot change the past. We have to start from, then it was 1987, we have to start in 1987 and go forward.

So that has been our general approach with the Vietnamese. We have not looked for opportunities for recrimination or some such thing as that, and what happened to these people.

The CHAIRMAN. I think that is an important statement, and an important policy. I would hope my colleagues also think it is an important message in terms of breaking the logjam. There is, after all, another side which we all know which is that we also took prisoners and I am not sure that we can account for all of the prisoners that we took.

And I can certainly say from this Senator's experience that there are some instances where I know some prisoners disappeared and that was the nature of the war. And so I think if we all get back into that, we are really not going to resolve this and it would be an enormous loss. So I share that view, and I think it is important.

Let me ask you also, General, among those 2,273, were any known to us to be or classified as deserters?

General VESSEY. It is my understanding that none were classified as deserters. Now there is some evidence in some very few cases that some might have been there under their own free will. Later on there was some evidence that came up, but the evidence is pretty scanty and certainly not something where you would want to—I would not want to accuse any of these guys of being deserters or anything like that. There is just not evidence to do that.

In the cases I have personally reviewed, I do not see any deserters or collaborators or any such thing as that. They were honest soldiers, sailors, airmen, marines and one Coast Guard.

The CHAIRMAN. There is a body of about what, 40 some civilians, is that accurate, who are listed as—

General VESSEY. Yes, sir, 42 in Vietnam. Now there are more in Laos and I do not have that number, but I am sure you will get it from the others.

The CHAIRMAN. I think what is going to be important is as the committee reviews this, obviously, to try to make some judgments about that. I think that as we get into the Bobby Garwood piece of this, there will be questions raised about that sort of treatment, and whether or not that might have served somehow to send a message that had a negative impact on the possibility of finding some other people, and I think that is something the committee needs to look at.

General it is my understanding that the search and rescue reports, the SAR mission documents have been destroyed, I gather

not through some ill-conceived intent, but rather as a matter of preforma destruction of documents.

Now this strikes me as being absolutely contrary to the concept of this being one of our highest priorities and can you confirm that? Is that accurate?

General VESSEY. You will have to get the experts to do that from the Defense Department. That is my understanding too, I found—

The CHAIRMAN. It is your understanding that those documents are gone?

General VESSEY. That the search and rescue squadron documents have been destroyed, as the normal destruction of documents. But let me say that it was not, it was probably the belief that all the information pertaining to the POW/MIA people had been gleaned from those documents certainly before they were destroyed.

But I guess it points up an anomaly here. We get rid of unclassified material that might be good material and classified material that might be worthless hangs around for a long time because it is classified.

The CHAIRMAN. Is it your belief based on your 5 years in negotiations that Vietnam genuinely wants to resolve this issue?

General VESSEY. I believe they do.

The CHAIRMAN. And is it your belief that the agreements that have been reached and I distinguish agreement from cooperation, but the agreements that you have reached are sufficient at this point in time to permit us to resolve this issue?

General VESSEY. I believe we have the broad outline agreement to resolve the issue. Now we may need agreements on details inside of those other agreements, but I believe, as I said in my statement that we have the agreements to move toward fullest possible accounting. If we get the right cooperation and level of effort from the government of Vietnam and that we in fact do our work ourselves. We have a lot of work to do too.

The CHAIRMAN. And assuming that that cooperation is forthcoming to give flesh to those agreements, how much time do you believe it would take to resolve this issue?

General VESSEY. Well, the fullest possible accounting will go on for a long time. My oldest son is the deputy chief of mission in our embassy in Papua, New Guinea and every once in awhile he writes to me about Americans having a crew down there in Papua, New Guinea recovering remains from people who were lost in World War II.

So that is almost 50 years, so that part of it may go on for a long time, but the issue of being generally satisfied on the live American thing, we are going to prove a negative there in the live American thing, so you really do not prove it conclusively because every one has some probability, some possibility of being alive, so finally you do not prove that until you get through all of it.

But certainly we will shed an awful lot of light on it with good cooperation from the Vietnamese government and good diligent work by ourselves in investigating these discrepancy cases. We will have a much better view of whether or not Vietnam is telling the truth when they say, we do not hold live prisoners.

The CHAIRMAN. Is it fair to say then, that the process of getting remains and the process of carrying out these agreements could go on for a long period of time?

General VESSEY. I think the remains issue is a difficult one, because the losses in the south are battlefield losses. Those will be far more difficult cases to investigate. There will be less historical records there and the precise locations will be more difficult to find.

The air losses in the north, I think, the additional remains will also be difficult to recover now because by and large these crash sites have all been scavenged by people looking for metal and so forth, and so, there are very—I do not know that we have found any new virgin sites that have not been scavenged in some way or another in recent times, I think every one we have gone to.

And those people that were lost in the north in crashes, some there were identifiable sets of remains and got a lot of those earlier on, but as I pointed out in listing the remains that have back since 1987, there are 100 sets out there that might be American remains which the anthropologists will tell you, these exhibit evidence of remains that have been, that have come from airplane crashes. They are sorts of fragmentary remains that come from airplane crashes, and lacking the contextual background for that particular set of remains, unless you get something that is good from the skeletal remains itself, you cannot identify it.

Whereas, if you know that an airplane crashes over here and Bill Jones and John Smith were two guys in that airplane, Bill Jones was a big guy and John Smith was a little guy and you go to that airplane site and you find some remains of a fellow that was a big fellow and some of a little fellow, you know which was which by process of elimination, even though you did not have all the forensic, anthropological means of identifying each of those sets of remains.

Now once these remains have been picked up and moved around, and we do not know which crash site it came from and so forth, they are very difficult to identify and that will take an awful lot of work.

The CHAIRMAN. The real test here, General, will be in the next months to make a reasonable judgment that the agreements are being given the flesh of cooperation, that it is the fullest cooperation possible, and finally, and most importantly, that we are satisfied to the best of our capacity and judgment that no one is being held alive, is that correct?

General VESSEY. I think that is a good statement.

The CHAIRMAN. And do you see that as something that can be resolved over a period of months?

General VESSEY. Every time I have said it could be resolved over months, it has taken years, and it always turns out to be harder than we thought it would be. It seems to me, it is my intention to go back to Vietnam between now and the end of the year and look and see how we are doing with the specific agreements that we reached in October which is the broad framework for moving ahead on the fullest possible accounting.

And it will probably be another 6 months or so before we really know that all of that is in place and working well. We will have

some refinements to work out which we will work out in the technical talks.

These discrepancy cases, the original 119, have turned out to be far more difficult than I thought they would be. When I gave Nguyen Co Thach the first 70 in June 1988 I believe it was, I gave him a list, and I divided it up into a book by reading the cases myself and saying, you ought to be able to resolve this number in 30 days, this in 60 days, these in 90 days.

Well, we are still, we are years down the road and we are still working on some of those cases.

The CHAIRMAN. Final question before I turn to my colleague, some of us have argued and I emphasize the individuality of this argument within the context of this committee, that some of us have argued that the POW/MIA process and the putting to test of Vietnamese intentions would be greatly enhanced by getting more and more Americans in-country.

The more people there are, the more flow of information there is potentially and if there were somebody alive, the better chances of finding him. How do you react to that concept?

General VESSEY. I think that is right. Vietnam is far more open today than it was just a few years when I started in this process. There are two sides to that. One is you will have more eyes looking around there and seeing things.

The other thing is you probably are going to have more live sightings too. A live sighting today of a caucasian being seen some place in Vietnam probably does not mean anything at all because there are all sorts of caucasians running around there now.

The CHAIRMAN. Senator Smith.

Senator SMITH. Thank you, Mr. Chairman. I know it is almost time to wrap up here. I do want to make two or three points. I do want to, based on what General Vessey said and what the Secretary of Defense said, I would like to put on the record a request that the committee do look into those discrepancy cases and the background that led up to each of those discrepancy cases.

Two or three quick points, General, you mentioned regarding the cooperation with the—internal cooperation with the DIA and the fact that they have worked closely with you and in harmony.

But it has been said that there has been some criticism about this discrepancy process, that is not working and that the DIA basically indicated that to you. A, is that true, and if it is, what did you do about it?

General VESSEY. I do not recall anybody in DIA telling me anything about the discrepancy business is not working.

Senator SMITH. So there was never any request by you to anyone at DIA to review any findings regarding a discrepancy case process?

General VESSEY. That is not the answer to the first question, and I want to make that clear, that I argued—these guys will tell you, I argue with them all the time, that we are—and I sit down and go with them through the cases and so forth and the evidence and challenge them on how they came to it and so forth and we have some knock-down-drag-outs.

But, sooner or later you have to make a judgment but I have let them make their own judgments in these issues, but I have, as they

will tell you, continued to challenge them. So to say that all has always been sweetness and light between me and every member of the DIA and their analysts would be totally wrong because it is not the case.

And it has not been in my lifetime on issues other than POW/MIA, the intelligence officers that have worked for me through the years know that I am going to wrestle them to the ground on how they come to their conclusions because I think it is important for me to understand it in dealing with the intelligence, that it is important for me to understand how they came to the conclusions they came to, whether it is POW/MIA or the probability of enemy attack or where the enemy is or whatever it happens to be.

Senator SMITH. Again, focusing on the discrepancy cases, one of the concerns that I have regarding any movement to normalize, which is a policy matter which is not the scope of this committee and I do not want to get into it, other than to just simply mention it in passing, is that I have seen some of this intelligence myself and I know many in the agency that I have talked to feel that there are substantial number of remains that they still have, the Vietnamese still have knowledge of, whether they be in a warehouse or some other definition of a warehouse or whatever the heck you want to call it.

And that they are not forthcoming with that information, and that in effect, the DIA has briefed you on that and you are aware of that. So how can we then say that we are making progress in this discrepancy case approach, if we have accounted for a very small, nominal number of discrepancy cases and yet they are still, allegedly based on our intelligence, whether that is accurate or not remains to be seen, but some 400 at least, cases of remains that are still lying around.

Surely, if they are going to be somewhat reticent to provide information on remains, they sure as heck could be very reticent to provide anything on live Americans as I would interpret that.

General VESSEY. That is correct, if that is in fact the case, that they do have 400 sets of remains. I do not know whether they have 400 sets of remains.

Senator SMITH. Has the DIA ever indicated to you that they think there are 400—

General VESSEY. There are people in the DIA who believe that they might have several hundred sets of remains, and I tried to lay that out in my statement there, that yes, you can build a case, you can build a pretty good case that Vietnam likely has a number of sets of remains.

Now, there are also, it is fair to say, and you will get into all of this, you will see that there are some, I do not want to call them weak reads, but there are some single source bases for these conclusions and you have to evaluate that, what the Vietnam leaders at the highest levels of the government say, we are not holding remains.

Now they are saying, we are continuing to try to collect remains, and that Vietnamese people have remains. So I do not know what the answer to that is, and as I tried to say in my statement, we will just have to continue to work and let the facts come out for themselves.

What we want are the remains back if they have remains, I cannot for the life of me figure out why they would keep them. We are certainly not going to pay them any money for them, or the time for bargaining is gone. The bargaining days are over on this issue, and so if they do have remains, I hope they will return them quickly, and if they do not have, well, we do not have them.

And we cannot—we do not know the answer to that question and as you say, you can build a case that says they well may have a certain set of remains, and you build it on this sort of logic chain, but there are some things that might not be totally correct in that logic chain.

Senator SMITH. I am assuming that this information has been presented to the Vietnamese by you as have the discrepancy cases—

General VESSEY. Ad nauseam.

Senator SMITH. OK. One final point which I think is very important to the hearing and to the whole investigation, and it is the final point, Mr. Chairman, is that this whole definition of evidence fascinates me as to what evidence is.

The mortician, alleged mortician made a statement that he saw or was personally involved with a number of remains, and it is my understanding the agency believed him and he was, as a result of that, we were pursuing this information on remains.

And in the Clarence Thomas hearings, one statement, one witness alleged evidence, almost denied an individual the Supreme Court. I assume that would be considered evidence. Whether or not it is accurate, it is still evidence.

I am just fascinated by the definitions here. We have evidentiary information that has been provided by our sources and methods of intelligence which basically concluded in a number of discrepancy cases how people died; but whenever similar evidentiary standards are applied to why somebody lived, it does not relate.

I want to finish the point here and let you respond. My definition is a high bar. You can say we need one lie detector test and we can raise the high bar and say we need two and then we pass that and then we raise it again and say we need three and then raise it again and say we need four or five witnesses to review this.

Let me bring it right to the point, on page 5 of your statement on number A at the bottom, second paragraph from the bottom, there are some additional salient points on the live prisoner issue, quote: "We know through extensive debriefings and subsequent investigation, that all Americans seen by U.S. POW's in the Vietnamese prison system have been accounted for as returned POW's or through returned remains or having been reported as having died in captivity."

Now based on that statement, I would assume, and if I am wrong please correct me, that if POW John McCain or POW Red McDaniel or Robbie Reisner or any other POW who had come home had said to you, General Vessey, I saw five guys here are their names. They are not on the list. I was with them. I was there. They were with me side by side and I turned and I walked out to get on the plane to come home and I looked around and they were not here, and here are their names.

Am I to assume that that would be evidence in your definition, evidence, that those men were alive and are presumed, at least presumed to be prisoners of war at the time that those men left?

General VESSEY. Yes, unless there were other evidence that countered it—

Senator SMITH. But assume that there was no other evidence, you would take the word of John McCain or Robbie Reisner or any other POW, correct?

General VESSEY. Right.

Senator SMITH. Well, this is where I have a problem, in 1975 Robert Garwood was still carried as a prisoner of war, nobody knew anything—at least nobody was admitting anything that they knew about what he did or did not do in Vietnam, and he still says to this day he was a POW. He still says to this day that he saw live Americans that did not come home after everybody had come home.

Why is that not evidence?

General VESSEY. Let me say that my statement here is post-Garwood, and I am back to what I said we were doing with the Vietnamese. I have not gone back and tried to reconstruct the—

Senator SMITH. But Garwood still maintains, General, he still maintains—

General VESSEY. I would tell you that you will just have to listen to Garwood and make your own judgments.

Senator SMITH. Well, I probably will.

General VESSEY. Garwood has not been forthcoming to the Department of Defense and—

Senator SMITH. Well, that is incorrect, but I—that is not correct.

General VESSEY. That is a matter of judgment and let me say that I have not dealt with Garwood. I would not know Garwood if he walked across the floor here today, but there are a lot of people around who have dealt with him and you will just have to take the Garwood thing and wrestle it to the ground.

Senator SMITH. Well, I do not want to argue with you, but I just want to make a point that Robert Garwood was a POW.

General VESSEY. Robert Garwood says he was a POW.

Senator SMITH. He certainly was a POW, General.

General VESSEY. He was captured.

Senator SMITH. He was wounded in a capture. He killed at least one Vietnamese in the capture, that is certainly not desertion as I understand the definition of desertion. So at one time he was a POW, and all I am saying is that Robert Garwood said he saw live Americans and so I do not think it is accurate to say that no one POW has ever said he did not see other POW's because Robert Garwood did.

That is all I am trying to point out, I am not trying to argue.

General VESSEY. May I just say to you, look at all of the statements that Garwood has given. The statements that he gave when he first came back and the other statements that he has given and look at all of them and then make your own judgment.

There is no point in you and I arguing about Garwood. We could stay here all day long and I accept your point.

Senator SMITH. All I want to say is that in definition of evidence—

General VESSEY. And I would happily change my statement to other than former one time POW, alleged POW, Robbie Garwood, I would change my statement to make that correction.

Senator SMITH. Thank you, Mr. Chairman.

The CHAIRMAN. General, let me just say again that Mr. Garwood will be completely debriefed and deposed by the committee. All his prior statements will be sought by the committee, a full analysis and comparison will be made and as you said, General, we are going to have to wrestle that one to the ground and the committee will do its best to do that.

You made one comment and I would just like to come back to it and then we will close off. You said that you have come to believe that the probability of someone being alive is very low.

General VESSEY. No, I said it was far lower than what I thought it was when I started this thing.

The CHAIRMAN. Can you quantify it? I do not want to pin you down but I am interested, is there any way to quantify that?

General VESSEY. I do not want to start—I made that sort of pledge to myself that I was not going to start guessing about whether or not there were people or not, and I think I would kind of like to stick to that. I would just say to you that based upon what we have learned in examining these discrepancy cases, that there were cases that looked like they really had the best chance of being alive.

We have resolved many of those cases, and they are not alive.

The CHAIRMAN. So the ones where you made a judgment based upon your experience and neutrality and not even neutrality, but based upon your commitment to the presumption that somebody was alive, you approached this saying, we are going to believe somebody is alive, correct?

General VESSEY. Yes. Reading these statements, I said—I would read those statements, and I would say, here is a real discrepancy case. This is one that—

The CHAIRMAN. You were excited about the possibility that you might find somebody alive in that case or that there was a legitimate question—

General VESSEY. Certainly, a legitimate reason for investigating the case.

The CHAIRMAN. And those cases were the ones where you thought there was the best opportunity for you to find somebody alive?

General VESSEY. Yes—

The CHAIRMAN. Based on your judgment, looking at all the cases—

General VESSEY. Let me say that I did not make the judgment, this was the best and this was the least best. What I did is I read those cases and I said, these are real discrepancy cases and they ought to be investigated.

The CHAIRMAN. And each of those cases—

General VESSEY. I did not categorize them as 1, 2, 3, 4—

The CHAIRMAN. But in each of those cases where you thought you had the best shot—

General VESSEY. In many of those cases.

The CHAIRMAN. In many of those cases, you found, where you resolved them, they were resolved that the person had died?

General VESSEY. Right.

The CHAIRMAN. And the remains have since been recovered?

General VESSEY. Well, not in all cases. The remains have not all been recovered.

The CHAIRMAN. But you made the judgment that they had died?

General VESSEY. Our people have made the judgment that the person has died.

The CHAIRMAN. General, is there any degree that you sense that because of the sensitivities of this issue, because of the extraordinary gaps in information, et cetera, that there has been a walking on eggs sort of attitude in the Defense Department that has restrained people from communicating or fully communicating and that has created more questions?

General VESSEY. No, I do not think so. I would say to you, that we are now 18 years from the end of the war and the people, the Defense Department at that time had a great deal of sensitivity to the families and so forth.

Now the people who are casualty officers now are long since removed from the war in Vietnam. I suspect that many of them did not fight in the war, and so when you hear—I wrote a little note when somebody talked about alleging why information was not given to the families, there are two things.

One is that the department does not want to give wrong information to the families, and that came out very much in the secretary's talks about the friendly fire issues. But I would also say that it is a long time since the war now and there have been great many turn overs in casualty officers and so forth and what the department needs to do is certainly have sensitivity training or something for the people that deal with the families, recognizing that the issue has stayed with the family. That is their loved one and no changes have been made in that.

He has been gone since the war and has stayed gone ever since the war and that issue still burns with that family. So what we need to do is have the sensitivity in the bureaucratic and I would say, even with the committee in dealing with this thing, is recognizing that. It is hard to do.

The CHAIRMAN. I realize it is hard to do. I think perhaps there ought to be a new commitment in the effort to try and deal, particularly with those families that are most concerned, and I think the Secretary incidentally indicated that.

I think that in the wake of the Stevens photo, there has been a better effort to try to respond to that, but I think there are a lot of families still out there that have questions that do not feel like they have the full sense of their file or that people are there and available.

And it might be a good idea to kind of go back to square one here and identify any or all families that might have that kind of question, identify the degree they feel they are outside of the loop, and get a review process that satisfies their questions. The committee here, I can assure you, is hearing from those people and we are going to be coming to the department anyway and saying this person is alleging this or that and trying to track it down because I

think that is one of the things the committee can perhaps help bring to closure.

General VESSEY. I think that is right and I think we heard that commitment from the Secretary of Defense this morning, and I would also say that given the new openness of Vietnam or the apparent new openness, time will tell whether we actually have new openness, that the Secretary has devoted additional resources to this problem.

It is being reorganized within the department to take advantage of the new openness and so I think there is a great opportunity for the department to review this whole matter and I am confident that they will do that.

The CHAIRMAN. Well, General, again, we appreciate and respect enormously your efforts on this and we are very grateful to you for taking the time to be here this morning. We will leave the record open for the submission of additional questions in writing and also for the submission of those answers that you wanted to put on the record, reflecting the figures that Senator Reid and others asked about.

We have a lot of ground to cover. Let me just say the next round of witnesses, that we would request summaries of about a 10 minute period of the testimony. The full statements will be placed in the record. We want to maximize the time for questioning and we will reconvene here at 2:15 p.m.

We stand in recess.

[Whereupon, at 1:35 p.m., the committee recessed for luncheon, to reconvene this same day, November 5, 1991, at 2:15 p.m.]

AFTERNOON SESSION

The committee resumed at 2:15 p.m., in room SH-216, Hart Senate Office Building, Hon. John F. Kerry (chairman of the committee) presiding.

The CHAIRMAN. The hearing will come to order. I am determined that we try to run these hearings on normal people time and not U.S. Senate time, so we are going to start these things when we say we are going to, and we are going to try to move them along as expeditiously as possible.

This afternoon, we are continuing the first set of hearings of the MIA/POW Select Committee and we will move forward with testimony from the administration. For those who are just either tuning in or arriving or paying attention for the first time, through this afternoon we will hear from various administration officials who have been personally and deeply involved in this issue over a period of time.

Our witnesses are Mr. Duane Andrews, the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence; Ken Quinn, Deputy Assistant Secretary of State for East Asian and Pacific Affairs; and the Chairman of the POW/MIA Interagency group, Mr. Carl Ford, the acting Assistant Secretary of Defense for International Security Affairs together with Michael Ryan and George Christmas. And finally, Dennis Nagy, the acting Director of the Defense Intelligence Agency accompanied by personnel from the department.

Now that is a lot for one afternoon. We are going to do the best we can to move through this.

I repeat, because I keep feeling it is very important for all to understand, these are the baseline hearings. It is important for us to establish what we are doing today, what the current standards are that we apply today, how we are approaching this issue today, and also to try to draw on people's assessments and judgments about past efforts inasmuch as they help shed light on the overall affair.

But I think that nobody should mistake this as being the final word with respect to any of the inquiries that are being made in the course of today.

Now I would ask you, Mr. Andrews, if you would please, if you could summarize, in 10 minutes or so, to the best of your ability and then we can proceed into the question period, and to whatever degree your statement is not reflected in that 10 minutes, we will put your full statement in the record.

Thank you for being with us. May I ask you if you would stand so I could swear you in please.

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

Mr. ANDREWS. I do.

STATEMENT OF HON. DUANE P. ANDREWS, ASSISTANT SECRETARY OF DEFENSE, COMMAND, CONTROL, COMMUNICATIONS, AND INTELLIGENCE, DEPARTMENT OF DEFENSE

Mr. ANDREWS. Thank you, Mr. Chairman, Senator Smith and Senator Grassley.

As you requested in your letter of October 17, I am pleased to summarize the process and the key findings of our inquiry into the Colonel Miller, Mike Peck's allegations of an impropriety in the POW/MIA resolution process.

I am not formally part of that process, but I am responsible for the staff oversight of the Defense Intelligence Agency, and while I can address our management inquiry, specifics concerning the details of POW/MIA policies, practices and procedures would best be directed at members of the IAG and especially DIA and Carl Ford which you will heard from later this afternoon.

Regarding the Peck matter, as soon as Secretary Cheney learned of Colonel Peck's allegations, which was the day following his departure, he asked me to work with Mr. O'Donnell, the general counsel of the Department of Defense, to look into Colonel Peck's complaints.

Secretary Cheney wanted to know what was wrong and as you know, resolution of the issue of prisoners of war and missing in action is one of the highest priorities of the Secretary and if there were improprieties or management problems, the Secretary wanted them identified and he wanted fixes made.

Mr. O'Donnell immediately met with Colonel Peck and Colonel Peck was unable to provide him with any specifics that would flesh out or support his sweeping charges.

Nevertheless, I set up a three person team consisting of Mr. Ron Knecht, my Special Assistant who is with me today; Col. Dick Mitchell of the U.S. Army from the staff of the Deputy Assistant Secretary of Defense for Intelligence; and Mr. Craig Alderman, the Deputy Under Secretary of Defense for Security Policy, and charged them to conduct an in-depth management inquiry to determine the significant events that led to Colonel Peck's memorandum, the subsequent actions taken by DIA management, and the substance of the various allegations contained in Colonel Peck's memorandum.

The members of this management inquiry team have extensive managerial and intelligence experience, but are independent from the POW/MIA oversight and management structure.

The inquiry team examined Colonel Peck's allegations and developed a plan and a list of questions designed to ascertain whether the allegations were supported by facts. They interviewed participants in the POW/MIA resolution process, examined work reports, internal memoranda, mission, duty functions and case files, et cetera.

The management inquiry in the Colonel Peck's allegations found the following circumstances: Lt. General Soyster, the Director of DIA at the time, selected Colonel Peck to head the special office for POW/MIA on the basis of his prior outstanding service record and

his evident familiarity with the region, developed during three distinguished war-time tours of duty in Vietnam.

Colonel Peck assumed his position as Chief, Special Office of POW/MIA in mid-July 1990. By October 1990, the senior leadership of the DIA was aware that Colonel Peck was not effectively managing the POW/MIA office or providing quality intelligence support. As Colonel Peck had been on the job only a short time and had an outstanding military and combat record, his supervisors attempted unsuccessfully to help him adjust to the job.

The freeze on the movement of Army personnel during Operations Desert Shield and Desert Storm led General Soyster to keep Colonel Peck in place even though he was not satisfying his customers.

In early January 1991, General Soyster instructed his staff to find another suitable position for Colonel Peck. General Soyster did not view this as a prejudicial move, just a case where we had a good officer who had been put in the wrong job.

On February 8, General Soyster told Colonel Peck that it was just not working out and that he had found him a good job more in line with his skills. He proposed, as Colonel Peck speaks French and had trained with the French army that he transfer him to a liaison position with the French army in Germany. Colonel Peck said that he did not want to move from the area. As General Soyster was fully involved with support to Operation Desert Storm, he instructed his staff to continue to look for a job for Colonel Peck in the Washington, DC area.

On February 12, 4 days after General Soyster's discussion with him, Colonel Peck handed his superiors a letter that contained broad and unsubstantiated allegations of impropriety in the conduct of POW/MIA activities. Subsequently, General Soyster relieved him from his duties on March 27, 1991 and on March 28, Colonel Peck attached a letter of farewell to his staff on the door of his office along with a copy of his earlier letter with some personal references blacked out.

The management inquiry team could not find facts that would support Colonel Peck's various allegations of a cover up or of the manipulation of the POW/MIA office to frustrate the resolution process. They did find shortfalls in the internal management of the special office for POW/MIA and some variability in the quality of the analysis files and the analysis process.

The observations the inquiry team reported led me to conclude that the Director of DIA had erred in assigning an individual to manage the special office that did not adequately understand the processes used in intelligence collection and analysis and who held such strong personal views that he was unable to remain impartial, a key attribute of an intelligence professional.

I believe that it is clear that despite his record as a combat leader, he was unable to function effectively in this type of job and I very much agree with General Soyster's observation that Colonel Peck was just simply poorly suited for the position.

However, both Colonel Peck and the inquiry team identified improvements that could be made in the process used to establish priorities and to request intelligence support from the special office, and these are significant.

The new head of the DIA special office for POW/MIA, Bob Sheetz, who you will hear from later today, has corrective management actions well underway to strengthen the internal management of the analytic process and to clarify the processes used to interact with customers.

We will continue to follow up and will take additional corrective actions when it will improve the resolution process.

Mr. Chairman, I hope this has clarified the record of this inquiry for you. Resolution of the issue of prisoners of war and missing of action is a matter of the highest priority to the department and to our country.

It is also a high personal priority for me. I served in Vietnam and had friends who were killed, were taken prisoner and are missing. I want the issue resolve and I pledge my fullest cooperation with the committee.

[The prepared statement of Mr. Andrews follows:]

PREPARED STATEMENT OF DUANE P. ANDREWS

Good Morning Mr. Chairman, members of the Committee. As you requested in your letter of October 17, 1991, I am pleased to summarize the process and the key findings of our inquiry into Colonel Peck's allegations of impropriety in the POW/MIA resolution process.

As soon as Secretary Cheney learned of Colonel Peck's allegations, he asked me, as I am responsible for oversight of the Defense Intelligence Agency (DIA), to work with Mr. O'Donnell, the General Counsel of the Department of Defense, in looking into Colonel Peck's complaints. Mr. O'Donnell immediately met with Colonel Peck. Colonel Peck was unable to provide Mr. O'Donnell any specifics that would flesh out or support his sweeping charges. I then set up a three-person team consisting of Mr. Ron Knecht, my Special Assistant, Colonel Dick Mitchell, U.S. Army, from the staff of the Deputy Assistant Secretary of Defense for Intelligence, and Mr. Craig Alderman, the Deputy Under Secretary of Defense for Security Policy, and charged them to conduct an in-depth management inquiry to determine the significant events that led to Colonel Peck's memorandum, the subsequent actions by DIA management, and the substance of the various allegations contained in Colonel Peck's memorandum. The members of this management inquiry team have extensive managerial and intelligence experience and are independent from the POW/MIA oversight and management structure.

The inquiry team examined Colonel Peck's allegations and developed a plan and a list of questions designed to ascertain whether the allegations were supported by facts. They interviewed participants in the POW/MIA resolution process and examined work reports, internal memoranda, mission and duty functions, and case files.

The management inquiry into Colonel Peck's allegations was thorough and found the following circumstances. Lieutenant General Soyster, the Director of DIA, selected Colonel Peck to head the Special Office for POW/MIA on the basis of his prior outstanding service record and his evident familiarity with the region, developed during three distinguished wartime tours of duty in Vietnam. Colonel Peck assumed his position as Chief, Special Office for POW/MIA in mid-July, 1990. By October 1990, the senior leadership of the DIA was aware that Colonel Peck was not effectively managing the POW/MIA Office or providing quality intelligence support. As Colonel Peck had been on the job only a short time and had an outstanding military and combat record, his supervisors attempted unsuccessfully to help him adjust to the job. The freeze on the movement of Army personnel during Operations Desert Shield and Desert Storm led General Soyster to keep Colonel Peck in place even though he was not satisfying his customers.

In early January 1991, General Soyster instructed his staff to find another suitable position for Colonel Peck. General Soyster did not view this as a prejudicial move—just a case where a good officer had been put in the wrong job. On February 8, 1991, General Soyster told Colonel Peck that it was just not working out and that he had found him a good job more in line with his skills. He proposed, as Colonel Peck speaks French and had trained with the French Army, that he transfer him to a liaison position with the French Army in Germany. Colonel Peck said he did not want to move from the area. As General Soyster was fully involved with support to

Operation Desert Storm, he instructed his staff to continue to look for a job for Colonel Peck in the Washington D.C. area.

On February 12, 1991, Colonel Peck handed his superiors a letter that contained broad and unsubstantiated allegations of impropriety in the conduct of POW/MIA activities. Subsequently, General Soyster relieved him from his duties on March 27, 1991. On March 28, 1991, Colonel Peck attached a letter of farewell to his staff on the door of his office along with a copy of his earlier letter with some personal references blacked out.

The management inquiry team could not find facts that would support Colonel Peck's various allegations of a cover up or of the manipulation of the POW/MIA Office to frustrate the resolution process. They did find shortfalls in the internal management of the Special Office for POW/MIA and some variability in the quality of the analysts files and the analysis process. The observations the inquiry team reported led me to conclude that the Director of DIA had erred in assigning an individual to manage the Special Office for POW/MIA that did not adequately understand the processes used in intelligence collection and analysis and who held such strong personal views that he was unable to remain impartial—a key attribute of an intelligence professional. I believe that it is clear that despite his record as a combat leader, he was unable to function effectively in this type of job. I agree with General Soyster's observation "Colonel Peck was simply poorly suited for this position."

Both Colonel Peck and the inquiry team identified improvements that could be made in the process used to establish priorities and to request intelligence support from the Special Office. The new chief of the Special Office has corrective management actions well underway to strengthen the internal management of the analytic process and to clarify the processes used to interact with its customers.

I hope this has clarified the record of our inquiry for you.

The CHAIRMAN. Thank you very much, Mr. Secretary. We appreciate that statement. It certainly sets us out on the road to clarifying it, if it does not do it entirely.

I would like the record to show that Senator Smith and I have both left numerous telephone messages with Colonel Peck in an effort to contact him in anticipation of testimony before the committee.

Neither of us to date have succeeded in communicating with him or in having him return those calls. Now whether or not that indicates that he is just out of town or not around or something, I do not know and I do not want to have it result in a conclusion except to the effect that we are having difficulty in contacting him and getting him to appear.

The committee clearly wants to talk to Colonel Peck and clearly has to talk to him and if need be, the committee will ultimately issue a subpoena in order to do so, but I hope we can arrange that without it.

With respect to policy and documents that are classified which is a key issue to us, I have here a communication, an unclassified communication from JCRC, liaison in Bangkok to Commander, JCRC, Barber's Point, and what it says is, let me read from this document. The document date is 3/7/91:

After many discussions with members of the LNO staff, I find that there is little defined guidance with regards to classification of our reporting. There does not seem to be any consistent classification authority and everyone has their own opinions as to what should be classified and what should not. It appears to me that the only information which legitimately deserves to be classified is any information which would or could identify our sources. The actual information is often collected in crowded situations with many observers and relates to past events. Therefore, in the absence of any further guidance, I intend to issue our reports as unclassified, with the exceptions being the source data section and those sections which identify or could identify the source. Please advise if this is incorrect or if there is any clear-cut guidance.

Senator REID. Who was that to, Mr. Chairman?

The CHAIRMAN. That is from the Joint Recovery Command in Bangkok to Washington, to intelligence here, excuse me, to Barber's Point, HI; it is to the commander at Barber's Point, HI.

And the response to that was as follows:

Classification of POW/MIA crash site, grave site reporting, per reference A, all reports concerning live sightings of American personnel in Southeast Asia must be classified secret. To clarify reference A, live sightings of American personnel refers to reports concerned with sightings of Americans, caucasian, black, mongoloid, et cetera, living as prisoners, detainees or living relatively free at the time of the sighting.

Now a report noting that an American has been killed or died is considered a live sighting report. Now, first of all, I guess, why was the policy changed? What was the reason for classifying things that people in the field feel don't need to be classified, making them classified?

Mr. ANDREWS. Mr. Chairman, I just became aware of this when you started reading it. Classification policy is a very complex matter and I wouldn't want to jump in to try to second guess the author of this particular message, without having an opportunity to look into it.

I don't know the answer to your question. I would be happy to look into the matter and get back to you. We certainly have a policy in the department that we maintain our materials at the lowest classification level possible, and we should not over-classify anything, and I would have to look into that matter, talk to the author and find out what the basis was.

Now some of the witnesses this afternoon would probably be in a better position to answer those questions, but I will follow up.

[Mr. Andrews response follows:]

We have received recommendations for changing the current classification policy from the Defense Intelligence Agency and the OSD Staff. We are still awaiting recommendations from JCRC on changes to the current classification policy as they have been absorbed in supporting current field investigative actions. As mentioned during the hearing, classification policy is complex and we have to ensure adequate protection of sources, provide guidelines for evaluating the content of the reported data, and identify the means available for reporting data as a function of classification. Finally, before we promulgate a new set of classification policy guidelines, we need to make sure that they can be implemented in the field. We anticipate having a revised classification policy by the end of January 1992.

The CHAIRMAN. Obviously, we would appreciate it. I mean, can you see that this is the kind of thing that causes people to leap backward and say, what the hell is going on? Why? Isn't that a matter of common sense?

Mr. ANDREWS. Sometimes common sense eludes us, but I would agree, Mr. Chairman, that on its face it might seem like it was unnecessary, but I think until we can look into the details and look at exactly why they felt, the particular author here felt that it was needed to be classified, I think we should withhold judgment.

The CHAIRMAN. Well, obviously, I appreciate it. That is very important to us and it's going to be very important to this relationship, to try to break through that, what I referred to as sort of the mumbo-jumbo of classification. I mean, look, there isn't a Senator here who isn't going to be sensitive to the question of protecting a legitimate source or something.

But it can't be used to create a blanket policy that results in information not getting out or in reports somehow remaining in what Colonel Peck referred to as the dark hole or the black hole and I think that is key.

Mr. ANDREWS. Mr. Chairman, common sense needs to prevail in these kinds of things, and I hope we are able to work with the committee to either convince you that we have good reason to classify the material, we want to retain the classification or we will reduce that classification level or declassify it totally.

The CHAIRMAN. Do we now understand, based on Secretary Cheney's testimony this morning and on current policy, that the intelligence data that we originally wrote to you, requesting access to will now, at least to the committee, appropriately cleared staff and to Senators, be made available in unredacted and uncensored form?

Mr. ANDREWS. We worked hard with the committee staff to try to determine exactly how to handle the most sensitive of our holdings in the files. I believe we have a good understanding of what that will be. Exactly what the Secretary said this morning, we will open up our files to the committee.

We have to be particularly sensitive of those perishable sources and methods that we have talked about. We have procedures where we would redact certain copies that are brought over for general use, but show the material that was redacted to key members of the committee.

We are not going to withhold information that the committee needs or wants.

The CHAIRMAN. Do you personally, let me just take a moment of my own time, but do you personally review all the live sighting reports?

Mr. ANDREWS. No, sir. As I said at the beginning, I am not in the formal resolution process. I work intelligence policy and oversight of the intelligence agencies. We tried to streamline our activities in the department, based on the priorities set by the Secretary, to be able to not have too many people in the loop that caused confusion and contribute to the problems that you have alluded to or discussed here today.

Carl Ford today is the focal point for these activities in the department, and even though I am an Assistant Secretary for C3I, including intelligence, we would defer to him to handle the flow of information from the committees into the DIA's POW/MIA office.

We try to make that as streamlined as possible. So I do not get involved in the resolution of cases. We have looked at the files as part of a management inquiry. We looked at a select set of files, we tried to sample to determine the quality and determine what, try to get at the bottom of the questions that Colonel Peck was raising.

And we made judgments on that, but that is the extent of it.

The CHAIRMAN. How many years have you been involved in intelligence analysis and gathering?

Mr. ANDREWS. Well, intelligence, one way or the other, 23 years; intelligence analysis, probably only a few of those 23 years.

The CHAIRMAN. In the course of any of those years, have you ever seen a document or come across evidence personally that would lead you to believe somebody was alive and being held against their will in Southeast Asia?

Mr. ANDREWS. I saw many documents at the time that would lead me to believe that someone was alive.

The CHAIRMAN. What period of time was that?

Mr. ANDREWS. This was during the war and in the period immediately after the war and up to the release of the prisoners. I haven't seen anything recently that would, I would say, point to someone, other than the cases that you have talked about, that I believe would document that we have someone that we can point to, that we need to go in and extract. I just haven't seen that.

The CHAIRMAN. After Operation Homecoming, and with the conclusion in January 1973, of the formal involvement, did you have any reason to believe that somebody was still alive in Southeast Asia that was not accounted for?

Mr. ANDREWS. I wasn't in the POW business at the time and I had no reason to believe that anybody was unaccounted for at that time or was alive at that time.

The CHAIRMAN. Or subsequently. You have never seen any documents subsequent to 1973, in your role in intelligence that would indicate that to you?

Mr. ANDREWS. In my role, no, sir.

The CHAIRMAN. Senator Smith.

Senator SMITH. Thank you, Mr. Chairman. On July 5, I wrote a letter to you, Mr. Andrews, expressing some concerns that I had with the information on the Peck resignation, and you did respond to those inquiries that I made very promptly. And I do appreciate that.

Let me get that on the record that there was a prompt response, and it was within 2 weeks. I am not an expert on intelligence, to say the least, and just a question in terms of the process here, a little bit.

Do we have, in your estimation, what is called an all-source collection plan, right now, on POW/MIA matters? In other words, optimizing all collection assets at your disposal? DOD, national, from an intelligence aspect, in other words, from an intelligence aspect, is it treated as the highest priority?

Mr. ANDREWS. I think for intelligence, my impression based upon what I have been shown is that it is treated as one of the highest priorities in the collection of intelligence. I would have to defer, to get the specifics of the current collection plan to the head of the POW office or to the acting director of DIA testifying later today. They can shed more light.

But clearly, with my experience in resource management of intelligence resources, I see the tasking that we have out there, and this is clearly, with all of our various types of intelligence, this is clearly one of the highest priorities.

Senator SMITH. But there are categories, as I understand it. Category 5, Category 3, Category 1. It is my understanding that this is Category 3. Is that correct?

Mr. ANDREWS. I cannot confirm that, Senator.

Senator SMITH. Who can confirm that?

Mr. ANDREWS. The Director of the DIA and the head of the office should be able to.

[Classified material provided to the committee.]

Senator SMITH. In the communication that you had with me this summer regarding Peck's allegations, you did indicate to me that the allegations were severe but that you did not find any evidence that they were valid. Secretary Cheney, as I understand it, asked you, or directed you, to do a formal inquiry into this. And you did, as you indicated to me. Was the answer to this inquiry, was this a written response to the Secretary of Defense?

Mr. ANDREWS. No, sir. As I communicated to you, we completed the inquiry and presented the findings to the Secretary orally.

He felt that that was adequate for his purposes. We went about our job of trying to implement the fixes that were identified. So we turned our attention to try to fix those management actions and those tasking problems that we felt needed attention.

Senator SMITH. I will not question you on the veracity of your statement, but it just seems to me very difficult to believe that something of the magnitude of the charges that were in the resignation letter and some later public testimony and private testimony of Colonel Peck, that the response to an inquiry from the Secretary of Defense would not be put in writing, that it would simply be an oral briefing. So you stand on that statement, that it was an oral briefing to the Secretary of Defense and there was absolutely nothing put in writing?

Mr. ANDREWS. Absolutely. I frequently get tasked by the Secretary, as one of his senior advisors, to look into matters and provide him information, provide him reports. And this was one of those cases.

Senator SMITH. In your press release after the inquiry, I guess right around the time you provided the written communique to me, you were quoted as saying there was no evidence to support Colonel Peck's allegations. One of Peck's primary allegations, as I understand it, was that he felt that he could not prioritize the analysis reports, that his work was often sidetracked by ad-hoc taskings—I think to use his term, a plethora of busywork. Projects directed by individuals outside of DIA. None of these outside taskings were formal. They did not follow any formal intelligence communications, but essentially he had a lot of masters, a lot of people directing him to do things. That was, as I understand it, one of the main charges that Peck made. Now are you saying there is no validity to those charges at all?

Mr. ANDREWS. Not at all, sir. In fact, I believe those are true, what we said. The context of that statement was allegations of impropriety. In the next paragraph of that news release, we said. As in the case when any thoughtful officer examines an issue, Colonel Peck made some helpful suggestions on ways to strengthen the special office. And I am leaving a couple of words out.

Well, I will read the whole thing: strengthen the Special Office of Prisoners of War and Missing in Action. Members of the POW/MIA interagency groups should use a more formal process to request support from the office, and a procedure will be established to decide the priority of competing requests for POW/MIA intelligence information.

Clearly, that item was one of the primary concerns that Mike Peck had. We agreed with that concern and implemented actions to correct it.