

Thus, the House Task Force on American Prisoner and Missing in Southeast Asia, having investigated some of the earliest charges in 1984, "discovered that, in some instances, especially in the past, government agencies exhibited a less than perfect track record following through on the POW/MIA issue" and found significant manning shortages, especially in the lack of native Vietnamese and Laotian speakers, to conduct POW/MIA intelligence evaluation.<sup>3</sup>

When Gen. Leonard H. Perroots assumed command of the Defense Intelligence Agency, he commissioned Col. Kim Gaines to conduct an investigation of the Special Office. Yet, Gaines found that the office was afflicted with a "mindset to debunk POW/MIA reports."<sup>4</sup> It is also rumored that the findings led to a personnel shake-up.<sup>5</sup>

The most famous of all the reports, although classified, is the Tighe Report.<sup>6</sup> The POW/MIA establishment jettisoned its formulation that there was a "strong possibility" that there were POW's still alive (a formulation that was verbally equated in the presence of several of our officers by one of Gen. Tighe's panel members to a definitive statement of the continued existence of live POW's). Moreover, the recommendations for improvement of the DIA Special Office were quite lengthy.<sup>7</sup>

Finally, the Pentagon has issued a press release refuting Col. Millard Peck's recent charges upon his resignation from the Special Office,<sup>8</sup> wherein we learn, after five paragraphs of firm insistence that there is "no foundation" to any of his charges, that this "thoughtful officer," in fact, has "made some helpful suggestions," as a result of which "Members of the POW/MIA Interagency Group 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." And: "Where Col. Peck's allegations would strengthen the process, we have initiated appropriate changes."

Having failed to aggressively collect intelligence and having failed to properly analyze what it has collected, the government next concludes officially that "the information available to us precludes ruling out (the) possibility" that "Americans are still being detained against their will" and that the government proceeds on "the assumption that at least some Americans are still held captive."<sup>9</sup> In practice, the government has done everything possible to negate that assumption. It has been re-

<sup>3</sup> Hearing Before the Subcommittee on Asian and Pacific Affairs of the Committee on Foreign Relations, House of Representatives, "Prisoners of War/Missing in Action in Southeast Asia: Recent Developments and Future Prospects," August 8, 1984, 38-352 O, pp. 58-61 ("Task Force Reports Findings on Hendon's Allegations").

<sup>4</sup> Hearing and Markup Before the Subcommittee on Asian and Pacific Affairs of the Committee on Foreign Affairs, House of Representatives, The Tighe Report on American POW's and MIA's, October 15, 1986, 67-473, p. 20 (answer by Lt. Gen. Eugene F. Tighe, Jr.). Aware of the report, the Coalition advised the staff of then Rep. Robert Smith to seek this report at the same time he was seeking certain other internal reports from the Defense Intelligence Agency. We were informed that when the request was made, DIA denied there was any such report; when a separate public citation to the existence of the report was cited to DIA, it was allowed that, yes, there was a report, but that it wasn't in writing. We now understand that a copy of the written report is in an adjoining office in the Senate office complex. For other discussion of the shortcomings revealed by the Gaines report, see the discussion of the Tighe Report, *infra*.

<sup>5</sup> The Pentagon denied these rumors, stating, in part, that an Analysis Branch Chief who was relieved was thereby freed up "to focus more attention on firsthand live-sighting reports and the collection, analysis and evaluation of available and incoming data." Office of the Assistant Secretary of Defense, International Security Affairs, Next of Kin Newsletter, May 28, 1986, p. 7. The individual in question is now one of the first two officials to be posted to Hanoi.

<sup>6</sup> Cf. New York Times, September 30, 1986, "P.O.W.'s Alive in Vietnam, Report Concludes;" Hearing et al., "The Tighe Report on American POW's and MIA's," *supra* note 12.

<sup>7</sup> On September 30, 1986, Gen. Perroots held a press conference at the Pentagon for foreign correspondents concerning the Tighe Report. On the second page of the official transcript of that press conference, he described "recommendations for improvements" as including "additional analytical and administrative personnel that were needed; automation of all files; increased physical work space; better integration of agency intelligence efforts; reassignment of peripheral workload, expansion of the data base, tasking of generic research projects, reorientation of the analytical approach; and better follow through on priority requests in the program/budget review process."

He added that most of these recommendations paralleled the findings of his "internal review process," apparently referring to the Gaines Report.

<sup>8</sup> Office of the Assistant Secretary of Defense (Public Affairs), News Release, June 19, 1991, "DOD Finds No Evidence of Peck Allegations."

<sup>9</sup> See, e.g., Department of Defense, *POW/MIA Fact Book*, July, 1985, p. 14; *ibid.*, July, 1991, p. 8.

peatedly stated, in veterans forums and elsewhere,<sup>10</sup> that the United States has no "credible evidence" that anyone is being held in captivity now, or even (in some accounts) at any time since the withdrawal of our forces in 1973.

The media has been repeatedly whispered off the track with anonymous comments that there are no live POW's.<sup>11</sup> Given this attitude and the timing of several of the quoted leaks to coincide with major negotiating sessions with the Vietnamese, it is difficult to understand how the government can effectively negotiate for the return of live prisoners—it lacks the confidence of its own negotiating position.

The government publicists' preoccupation with remains is wearisome to the vast majority of us Vietnam veterans. But even if one assumes that there are only dead Americans, the negotiating effort has historically been inept. One would think that the negotiators would start by presenting all "discrepancy cases" to the Vietnamese. Yet, the only apparent efforts to do so were Henry Kissinger's 1973 presentation of 76 cases to the Vietnamese<sup>12</sup> and General John Vessey's submission, with more limited authority as a negotiator, of 70 such cases in 1987.<sup>13</sup> (We have been told verbally by State Department officials that it is General Vessey who has placed the emphasis on discrepancy cases. If that is the case, one must truly wonder what his predecessors thought they were doing.) Among the implications of these statistics is that the United States has never presented a full list of discrepancy cases to the Vietnamese: in 1972, U.S. intelligence identified at least 180 unreturned men (as of 1973) whose fate was the subject of "confirmed enemy knowledge."<sup>14</sup>

The POW/MIA Interagency Group is said to be in charge of coordinating policy on "the highest national priority." What is remarkable about this Group is the list of absentees: neither the CIA nor the National Security Agency is represented (nor, for that matter, the Drug Enforcement Agency).

<sup>10</sup> See, e.g., the comments by Col. Joseph A. Schlatter, then chief of the Defense Intelligence Agency Special Office for POW/MIA Affairs, on the video "Seeking Answers," produced by the National League of Families, ca. December 1989 ("We do not have in the intelligence community any credible or convincing evidence that Americans are still alive today."); Schlatter wrote a letter to "Joyce Cook," a leading POW/MIA activist using a pseudonym, on March 30, 1988, in which he stated: "Further, there is no proof that living American prisoners remain in captivity."

<sup>11</sup> As a limited sample of such quotes, see: New York Times, September 4, 1985, p. A8, on the first Childress mission to Hanoi ("Despite movies that portray Americans being held in Vietnam, State Department officials said there is no evidence to indicate any are alive."); New York Times, January 8, 1986, p. A4, reporting from Hanoi on the Armitage mission ("While the United States has largely agreed that there is almost no likelihood that any missing Americans are still alive, . . ."); Newsweek, Jan. 20, 1986, reporting on the aftermath of the Armitage mission ("Few officials in Washington believe any MIA's are still alive."); New York Times, August 3, 1987, p. 1A3, on the occasion of the first Vessey mission to Hanoi ("Few United States officials—and no Hanoi-based European diplomats—believe that any Americans are being held captive in Vietnam."); Time, April 30, 1990, "Vietnam, 15 Years Later," p. 20 ("Although no U.S. official will say so publicly, the widespread conviction is that there are no more live Americans.")

<sup>12</sup> Stars and Stripes, October 12, 1987, p. 1 (two Congressmen publicly released the list); see also Hearing Before the Subcommittee on Asian and Pacific Affairs of the Committee on Foreign Relations of the House of Representatives, Access to Classified Live-Sighting Information Concerning POW/MIA's in Southeast Asia—Is New Legislation Needed?, April 20, 1988, 96-815 (hereinafter "Hearing re Access"), p. 254 et seq. Rather astonishingly, the Defense Intelligence Agency, requested by the committee to respond to the allegations contained therein, wrote: The notion of a so-called "Kissinger list" is incorrectly generated from Henry Kissinger's attempts to persuade the Vietnamese to be forthcoming in supplying information on the missing. At that time, he passed some negotiation narratives (the number is unknown but believed to be less than 100) to the communists. . . . (There was no record made of what cases were provided.) Hearing re Access, p. 277. This in the face of both quoted testimony from Kissinger's Secretary of State confirmation hearings ("some 80") and the release and publication of the list of 76 cases in question! If DIA is unable to access confirmation hearings for a Secretary of State or even a press conference by two Congressmen, reported in the media, small wonder that it cannot locate MIA's!

<sup>13</sup> The Coalition has obtained a copy of the Vessey list. Suffice it to say, there is considerable overlap between the two lists. According to Gen. Vessey's testimony in the House on July 17, another 49 such cases have since been presented.

<sup>14</sup> This was the so-called classification of "Category One" MIA's, in a range of five categories, from "confirmed knowledge" to "remains unrecoverable." DIA has since taken the position that these categories "are irrelevant to the ongoing accounting effort" and they were only a "rough estimate." Hearing re Access at 277. It is difficult to understand why an intelligence estimate in 1972 is no longer valid or relevant—there has been no change in the status of the enemy's knowledge of any Category One MIA since 1972. If still unreturned, he (or, in two cases, she) was either alive or dead at that time, within their knowledge, and must be detained alive or dead today.

Which brings us to a salient question: how much relevant information is in the possession of agencies other than the Defense Intelligence Agency or JCRC? For example:

1) We have previously charged before the Senate Rules Committee that in June and July 1991, massive destruction of POW-related materials took place at the State Department, we have met with the Vice Chairman and Staff Director concerning this matter, and we hope that the proper follow-up will ensue.

2) As we indicated in our 1986 testimony before the Senate Veterans Committee, the FBI has done photo resolutions of alleged POW's. What do its records show? And if the records were moved, where are they now?

3) Given the allegations of Jerry Mooney, and now Terry Minarcin, what do the NSA records show? Or the armed forces security agencies?

We of the National Vietnam Veterans Coalition are prepared to work cooperatively with the Committee. While we are pleased with the selection of the Senators serving on the Select Committee and the top Committee leadership staff, we have a concern that the investigative approach appears to be directed to making an analysis of Defense Intelligence records rather than being able to deal with the totality of the issue. A comprehensive investigation can be assured only by augmenting the current staff with a team of professionals, such as FBI and Secret Service trained investigators, to root out all the facts.

Senator SMITH [presiding]. Thank you, Mr. Burch.  
Mr. Duker.

**STATEMENT OF BILL DUKER, CHAIRMAN, VIETNAM VETERANS OF AMERICA STANDING COMMITTEE ON POW/MIA; ACCOMPANIED BY PAUL S. EGAN, EXECUTIVE DIRECTOR, VIETNAM VETERANS OF AMERICA**

Mr. DUKER. Mr. Chairman and Members of the Committee, my name is Bill Duker. I was a Navy hospital corpsman, assigned to the Marine Corps in Vietnam in 1970. The question we are asked today is, have the actions of the U.S. Government agencies involved in the POW/MIA issue demonstrated a level of effort commensurate with the now 10-year old Presidential declaration of highest national priority and the Government's stated assumption that there are live Americans still in Southeast Asia. Regrettably and tragically, the answer is no.

The American public has been provided with very little information on which to base its opinion as to whether any progress has been made since Operation Homecoming 18 years ago. This lack of information is due to the fact that all but the smallest amount of data remains classified and access to this data is limited to only a few lines.

Mr. Chairman, it would be unrealistic for us to accept a full accounting of all 2,273 still listed missing. However, we do expect, at a minimum, the fullest possible accounting. It seems that those designated governmental agencies assigned to investigate crash sites, interview witnesses, review archives, et cetera, have succeeded in increasing the number of remains returned.

We believe the same agencies have failed to expend the same amount of effort investigating the reports of live sightings. How do we come to this conclusion? We must listen, read and study as much information as humanly possible. Where does this information come from? As stated earlier, very little factual information is released by the Government. This leaves the public with only one other option and that is to pursue answers through nongovernmental sources. The sources include not only the electronic and print media, or congressional committees, resigned directors of one of

those agencies assigned to investigate the issue, an ex-POW, family members, past members of military intelligence, refugees, former Members of Congress, even a long-distance runner. And what do these sources tell us?

They tell us the Government has failed to live up to its declaration of highest national priority. Many will tell us the Government is obstructive, uncooperative, corrupt and guilty of an extensive cover-up. The Government and some of its organizational supporters would characterize these charges as representatives of the lunatic fringe. Either the Government and its supporters have the information the rest of us lack, or they refuse to believe our Government could possibly be guilty of such allegations. Here again, the absence of information makes a rational judgment impossible.

Tragically, there are those who seem susceptible to advancing their own agenda on this issue, rather than truly seeking a resolution. For those whose only motive is profit or influence, our reaction is one of disgust. Unfortunately, some of the Government's supporters would like to paint all those who are critical of the Government's effort with the same broad brush. This is just as wrong as stating that everyone working for the Government on this issue is guilty of deceit.

In our opinion, the public has lost confidence in our Government's efforts to achieve its stated goals. To restore this confidence, the Government must release more factual information and act on that information in a much more timely manner. Vietnam Veterans of America supports legislation to declassify POW/MIA information, as long as that declassification protects the privacy of the families and safeguards U.S. intelligence methods and sources. Vietnam Veterans of America also affirms that the repatriation of all live Americans merits priority over the return of remains.

This is not meant to diminish the importance of retrieving and identifying remains. This, of course, should continue, but not at the expense of pursuing the return of live Americans.

We feel this Committee has a great opportunity to determine why America has achieved its highest goal to bring live Americans home. And is this failure due to a conspiracy or a cover-up, as many feel? If so, this Committee should find out who is responsible, and let justice prevail.

The lack of information, information only the Government possesses is causing such deviciveness, so much distrust, so much pain, that the very legitimacy of the Government is called into question. This Committee can find the truth, and must find the truth. Anything less than the truth dishonors all those who sacrificed their freedom and their lives. It also dishonors their families, their fellow veterans, and ultimately this country and everything it stands for.

Mr. Chairman, that concludes my testimony.

[The prepared statement of Mr. Duker follows:]

**PREPARED STATEMENT OF BILL DUKER**

The unknown fate of 2,273 U.S. service personnel and others still unaccounted for continues to be one of the most painful and divisive legacies of the Vietnam War. All Americans, but especially family members and fellow Vietnam veterans, have been denied the certainty as to how (and in many cases, if) their loved ones and

comrades-in-arms died. Thus, the Vietnam War lacks an important sense of closure that must occur for individuals and a society to complete the necessary grieving process and to heal the persistent emotional wounds of war.

The past 2 years have witnessed a remarkable acceleration of the pace and scope of potentially significant developments on the POW/MIA issue. After analyzing these developments, we concluded that there is reasonable cause for hope that substantial progress toward resolution of the POW/MIA issue may be achieved in the next few months and years. By "substantial progress" we mean:

- 1) Answers regarding the fate of those not yet accounted for; and
- 2) Greater commitment to public accountability and public information that may help restore public confidence in our government's commitment to handling this issue as a matter "of the highest national priority."

The specific events which lead us to hope for substantial progress on this issue are the following:

- 1) Action by the U.S. Senate to establish this Special Committee to investigate the issue.
- 2) Progress on legislation in the U.S. Congress to declassify information regarding the POW/MIA issue.
- 3) The heightened public awareness and concern brought about by media coverage of the Peck resignation, the Helms Report, and purported photos of live American POW's.
- 4) The willingness of the Vietnamese Government to permit access to wartime archives and records to investigators assigned to the U.S. Government's POW/MIA office that opened in Hanoi in early July.
- 5) The addition of 88 (to the previous 134) Department of Defense personnel to the POW/MIA effort.
- 6) The Soviet Union's withdrawal of all aid and subsidies to Vietnam, further inducing the government of Vietnam to take more seriously U.S. concerns on the POW/MIA issue.
- 7) Recent changes in leadership in the government of Vietnam and reforms that have been implemented in the past 2 years toward a more open domestic economy.
- 8) Significant progress toward what hopefully will become a peaceful settlement of the conflict in Cambodia.
- 9) Success in the opening of informal discussions between the U.S. and North Korea, yielding the first return of remains of U.S. service personnel since the end of the Korean War.

We have been asked by this Committee to focus our testimony on one question: Have the actions of the U.S. Government agencies involved in the POW/MIA issue clearly demonstrated a level of effort commensurate with the now 10-year old presidential declaration of "highest national priority" and the government's stated assumption that there are live Americans still in Southeast Asia?

Regrettably, all but the smallest amount of information regarding this issue remains classified. Only a few U.S. Government agencies and the Congress have access to this classified information. Under these circumstances, the best we can offer in answer to this question is based on our general sense, after years of closely following the POW/MIA issue, that the government has failed to match its rhetoric with concrete deeds.

In particular, the American public has been given little, if any, clear indication as to what progress has been made in the last ten years, or for that matter in the eighteen years since Operation Homecoming.

When we ask the relevant government agencies for a "progress report", we are given only a recitation of numbers. And these numbers, like statistics, can be very misleading. Although it may seem to some like heresy to say so, it is unreasonable to set the goal for accountability at the total number of 2,273, if by accountability we mean the return of all live Americans and the repatriation of all remains. Veterans with combat experience know full well what modern munitions can do to the human body. Similarly, the density of the jungle where this war was waged can hide remains in remote areas for decades, or forever. The tactics of taking and then giving up terrain during the war made recovery of all those who died in battle impossible.

Most Vietnam veterans genuinely want to believe that there are some among those unaccounted for who still survive. We know how indestructible the human spirit is, even under unthinkable harsh conditions. We need only recall the stories of those who returned in 1973 to be reminded that it is possible to survive. When we ask the government agencies what is the possible number of those who may still be alive, the government has been either unwilling or perhaps legitimately unable to

say. Once again, however, due to the lack of sufficient factual information released by the government, the American people have little basis on which to draw a reasonable conclusion. In our experience, this lack of information has fostered speculation and suspicion about the government's efforts.

Has the government devoted effort commensurate with "the highest national priority"? On the one hand, virtually all factually reliable information is classified and distribution is limited to a very small circle. On the other hand, the American public is exposed through broadcast and print media only to non-classified information, much of which is of doubtful origin and is all too often sensational rather than substantive. Such information is often little more than speculation, supposition or inference based on only a small portion of verifiable facts. At times, such information appears to be misinformation that is simply passed on by private groups and individuals whose motives are sincere, but whose capabilities to verify or correlate information are limited.

There are other instances when it appears that unverifiable information is promulgated by some whose interests lie not in resolution of the issue but in promoting some other political or financial or emotional agenda. It is common knowledge, for example, that there are in Southeast Asia unscrupulous profiteers who deal in dogtags, bones, and fabricated information. These profiteers have duped many refugees into thinking that emigration to the United States will be expedited by their possession of these items or information.

It is bad enough that Southeast Asian refugees are unwitting victims of this fraud. It is worse, however, when this fraud reaches far beyond Southeast Asia, gaining wide circulation among the American people, whose growing mistrust of government has been fed over the last twenty-five years by the Vietnam War itself, Watergate, and allegations of ethical misconduct by elected officials. In this environment, how can any of us have confidence in the diligence of our government's efforts to account for those still missing.

Moreover, those very U.S. Government agencies, having been so reticent about sharing verifiable information with the American people, are often distracted from potentially more productive tasks as they attempt to track down sources of fabricated information to determine authenticity. It appears to us that secrecy itself, when too broadly invoked without some outside review, has led to further charges of lack of diligent effort (or worse, "conspiracy", or "cover-up") against our government.

Thus, the government's unwillingness to share factual information has collided with the American public's right to answers regarding the fate of those who have been unaccounted for since the end of the war in Vietnam. It is this collision that continues to evoke suspicion and distrust, which only adds to the continuing pain and grieving of family members, fellow veterans and all Americans and to distract attention and commitment of vital intelligence resources from resolution of the issue.

In our opinion the only way to break the cycle of false hope, cynicism, suspicion, and despair on the part of the American people, and the distraction of government intelligence resources due to false information is to offer public access to the maximum extent possible consistent with authentic needs to protect legitimate intelligence sources and the rights of the families.

Let us add here that, based on our many contacts with these government agencies, we believe that there are many honest, conscientious men and women who are sincerely committed to finding answers to the fate of those still unaccounted for. They have committed their lives to this quest for answers. They clearly understand that their goal is the return any Americans who remain alive in Southeast Asia and the repatriation of as many remains as humanly possible. But their reputations have been repeatedly impugned by charges of "cover-up" and conspiracy. Whether or not such charges have any foundation in fact against some individuals will hopefully be determined by this Committee. We hope that such a determination will also clear the reputations of those conscientious men and women who have worked so hard on this issue.

At the beginning of this testimony, we defined "substantial progress" on the POW/MIA issue as: 1) answers to a significant number of cases and 2) greater commitment to public accountability and public information. Both of these points are essential to "substantial progress." It is our view that, even if hundreds of additional cases of those missing were to be resolved in the near future, the controversy and the divisions that the POW/MIA issue has evoked will not subside until public confidence is restored. And, in our view, public confidence will only be restored when the public is certain that its government is committed to being forthcoming with factual information and act on this information in a timely manner.

Vietnam Veterans of America has, since 1983, supported declassification of POW/MIA information. VVA supports current legislation to declassify—namely provisions for declassification have been included in the House Intelligence Authorization Bill and in the Senate Defense Authorization Bill—based on the assurances in the legislation to respect legitimate concerns for protecting U.S. intelligence methods, the privacy of the families, and the freedom and safety of the source of the information.

Vietnam Veterans of America further affirms that repatriation of any live prisoner of war merits substantial priority over the return of remains and other issues that are the subject of negotiation between the U.S. and Vietnamese Governments.

In conclusion, we feel it necessary to say what too many have avoided saying. It is our hope that, at some point in the future, the government agencies will have shared with the public all that can be known and disclosed on the POW/MIA issue. It is our hope that public confidence in these government agencies will then have been restored. At that point in time, all of us—family members, Vietnam veterans, political leaders, and the American public—must come to the humbling conclusion that everything humanly possible has been done to locate and return these missing servicemen.

Those 2,273 still listed as unaccounted for, as well as the 56,000 others whose names are engraved on the Vietnam Veterans Memorial, sacrificed their freedom and their lives so that we, the survivors, may live in peace. To permit the divisiveness of the Vietnam War to continue any longer dishonors these dead and missing.

Mr. Chairman, this concluded our statement.

Senator SMITH. Thank you, thank you very much Mr. Duker.  
Mr. Andry.

#### STATEMENT OF JOSEPH E. ANDRY, PAST NATIONAL COMMANDER DISABLED AMERICAN VETERANS

Mr. ANDRY. Thank you, Mr. Chairman. My name is Joe Andry. I was in the Army 1969 to 1970; served in Vietnam in the infantry.

Mr. Chairman and Members of the Committee. On behalf of the more than 1.4 million members of the Disabled American Veterans and its Ladies' Auxiliary, may I say that we deeply appreciate being given the opportunity to present our views on what has become a thorn in America's heart—the issue of America's 90,000 unaccounted for prisoners of war and missing in action from World War II, the Korean War, and the Vietnam War.

Mr. Chairman, at the outset, I wish to commend you, Vice Chairman Senator Smith, and all the Members of the Committee for your commitment to assess our Nation's ability to investigate alleged accounts of American POW's. Additionally, the DAV deeply appreciates the Committee's decision to investigate the U.S. Government's handling of POW/MIA matters since World War II.

As Chairman of the DAV's POW/MIA Advisory Committee, and as a combat-disabled veteran who lost an eye and a leg during the Vietnam War, I can assure you that the POW/MIA issue is one of great, emotional and symbolic importance to the membership of the DAV, and to me, personally. It is also an issue deserving the full attention of our Nation—and finally some answers.

In pursuit of these answers, the DAV feels strongly that this Committee must have a dual primary mission. The first part of the mission should focus on an aggressive pursuit of live sightings in Southeast Asia. The second part of the Committee's mission—and one we in the DAV feel is of equal importance—should be an encompassing investigation into why our Government still has not accounted for some 90,000 soldiers, sailors, airman, and Marines since the end of World War II.

Regarding Vietnam and Southeast Asia, the DAV strongly urges your Committee to aggressively investigate what specific political, diplomatic, and military actions led the U.S. Government to apparently "close the books" on our POW/MIA's after "Operation Homecoming" in 1973. We also urge the Committee to carefully scrutinize the actions our Government has taken—or failed to take—to resolve this issue during the past 18 years.

It is also critical, we feel, that this Committee conduct a thorough review and evaluation of raw intelligence materials from the appropriate Government agencies to determine the effectiveness and credibility of the U.S. intelligence community regarding the POW/MIA issue.

Regarding World War II and Korea, the DAV also urges this Committee to carefully examine our Government's political, diplomatic, and military actions to determine why 78,500 men remain unaccounted for from World War II, and 8,177 men remain unaccounted for from the Korean War. The Committee should also explore evidence that seems to indicate that the Soviet Union, prior to the fall of Communism, purposely held American prisoners as political pawns following World War II, the Korean War, and the Vietnam War.

Mr. Chairman, let me say we don't expect this Committee to take on a mission impossible by trying to account for every, single POW or MIA. But we do believe that every effort should be made to determine why the Government has been unable to do a better job of accounting for these soldiers. Furthermore, every effort should be made to determine what plans our Government has made to prevent this intolerable situation from happening again.

It is also my duty, Mr. Chairman, to inform you that the DAV membership feels so strongly about the POW/MIA issue that the delegates at our most recent national convention unanimously adopted two resolutions that deal specifically with this issue.

The first resolution urges our Government not to establish normalized relations with the Socialist Republic of Vietnam until the POW/MIA issue is resolved. The second resolution urges our Government not to lift the trade embargo with Vietnam until the POW/MIA issue is resolved.

Mr. Chairman, it is the feeling of the DAV that if a man or woman is good enough to put on the uniform of this country, and willing to make the sacrifices necessary to defend this country, that our Government should do whatever it takes to bring those warriors, or their remains, home. To do anything less would be a moral tragedy that goes against the grain of everything this Nation stands for.

This concludes my statement, Mr. Chairman. Again, I thank you for extending us the opportunity to participate in today's proceedings, and wish you and the Committee God Speed in your efforts to remove this thorn from America's hearts.

[The prepared statement of Mr. Andry and the information referred to follow:]

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Mr. Chairman, let me say here that we don't expect this Committee to take on "mission impossible" by trying to account for every single POW or MIA. But we do believe that every effort should be made to determine why the government has been unable to do a better job of accounting for these soldiers and that every effort should be made to determine what plans our government has made to prevent this intolerable situation from happening again.

It is also my duty, Mr. Chairman, to inform you that the DAV membership feels so strongly about the POW/MIA issue that the delegates at our most recent national convention unanimously adopted two resolutions that deal specifically with this issue. The first resolution urges our government not to establish normalized relations with the Socialist Republic of Vietnam until the POW/MIA issue is resolved, while the second resolution urges our government not to lift the trade embargo with Vietnam until the POW/MIA issue is resolved.

Mr. Chairman, it is the feeling of the DAV that if a man or woman is good enough to put on the uniform of this country and willing to make the sacrifices necessary to defend this country, then this country's government should do whatever it takes to bring those warriors, or their remains, home. To do anything less would be a moral tragedy and go against the grain of everything this Nation stands for.

This concludes my statement, Mr. Chairman. Again, I thank you for extending us the opportunity to participate in today's proceedings and wish you and the Committee God Speed in your efforts to remove this thorn from America's heart.

#### RESOLUTION No. 355 Legislative

IN SUPPORT OF THE CREATION OF A DAV POW/MIA ADVISORY COMMITTEE TO THE NATIONAL COMMANDER AND THE CREATION OF A PRESIDENTIAL COMMISSION ON POW/MIA'S

WHEREAS, the fate of American military personnel who are classified as Prisoner-of-War (POW) or Missing-in-Action (MIA) is of utmost concern to the Disabled American Veterans; and

WHEREAS, our Nation must never cease its efforts to secure the repatriation of all POW/MIA's who may still be alive, the return of the remains of all those who are deceased and the gathering of all related information; and

WHEREAS, the DAV should have a special POW/MIA Advisory Committee whose sole function would be to monitor this most important issue, act as a liaison with other public and private entities similarly involved and generally ensure that our organization is informed and in the best position to make appropriate POW/MIA policy decisions; NOW

THEREFORE, BE IT RESOLVED that the Disabled American Veterans in National Convention assembled in New Orleans, Louisiana, July 28-August 1, 1991, calls upon our National Commander to appoint a POW/MIA Advisory Committee; AND

BE IT FURTHER RESOLVED that we strongly urge the President of the United States to appoint a special Presidential Commission on POW/MIA's.

#### RESOLUTION No. 356 Legislative

SEEKING THE IMMEDIATE RELEASE OF ANY AMERICANS WHO MAY STILL BE HELD CAPTIVE FOLLOWING WORLD WAR II, THE KOREAN WAR AND VIETNAM WAR AND THE RETURN OF THE REMAINS OF ANY AMERICANS WHO DIED DURING THESE WARS

WHEREAS, the members of the Disabled American Veterans are deeply concerned for the thousands of American servicemen still unaccounted for in the aftermath of World War II, the Korean War and the Vietnam War; and

WHEREAS, numerous efforts by high level American delegations including Members of Congress have visited Southeast Asia in continuing efforts to solve the mystery of the whereabouts and fate of these brave men without success; and

WHEREAS, the brave families of these missing Americans continue to live in uncertainty and anguish regarding their missing sons and husbands; and

WHEREAS, there are still today more than seventy-eight thousand unaccounted for following World War II, some eight thousand from the Korean War and over two thousand two hundred in Southeast Asia from the Vietnam War who have not been forgotten; NOW

THEREFORE, BE IT RESOLVED that the Disabled American Veterans in National Convention assembled in New Orleans, Louisiana, July 28-August 1, 1991, urges the U.S. Government to ensure that this issue be considered as one of America's highest priorities, accelerating efforts to obtain the release of any American who still may be held captive and obtain the fullest possible accounting of those still missing and the repatriation of the remains of those who died while serving our nation; AND

BE IT FURTHER RESOLVED that we urge passage of Congressional legislation that would direct the heads of federal departments and agencies to fully disclose to the American public information concerning United States personnel classified as prisoners-of-war or missing in action from World War II, the Korean War and the Vietnam War; AND

BE IT FURTHER RESOLVED that we urge the U. S. Government not to establish normalized economic and diplomatic relations with the Socialist Republic of Vietnam until the government of the Socialist Republic of Vietnam provides the U.S. Government with the fullest possible accounting of over two thousand three hundred personnel classified as prisoners of war or missing in action from the Vietnam War.

The CHAIRMAN [presiding]. Thank you, Mr. Andry, thank you, gentlemen.

While I was not here for all of your testimony, Mr. Burch, Mr. Duker, as you see there's a hollow opening back there and we can hear. And I am sorry I missed part of it.

First of all, I want to thank you for taking the time to come here. I want to thank those of you who have made the journeys to Vietnam in pursuit of answers to this question. I want to thank

you for your cooperation—both with me, personally, as well as with the Committee. A lot of good suggestions have come forward from you and from the groups and organizations you represent—many of which I think you know have been incorporated into the approach of the Select Committee.

Over the course of the next months, I think we have worked out a good relationship where we will continue to be in communication with you and through you, to your memberships, and to the larger Veterans community which is so much involved in this.

I also think we have succeeded in working out a beneficial relationship between yourselves and the Defense Department. And you gentlemen should tell us whether or not that is working. But I believe that Secretary Ford and the Department have now made themselves available in ways they have not been previously—that they are available for briefings on demand, so to speak.

And there is no question that Senator Smith and I are convinced that you can play a very important role in helping to re-establish credibility. The fact that you are here today, saying what you said, is a huge message, in and of itself—when five, major, nationally chartered Veterans groups come before a Select Committee like this, and voice a frustration of their membership of millions of veterans in this country, and voice it through resolutions, as well as through the other efforts that have been made—there really is a big sign being painted on the wall that people in Government might take note of. Whether there is justification for every aspect of your disgruntlement or dissatisfaction is probably a legitimate question for the Pentagon or somebody else to ask. There may be some misinterpretations. There may be some miscommunications. There may be some misunderstandings that have resulted in these feelings.

But what is important is the bottom line—the feelings exist; the breach of the relationship is real. And so no matter what distance has been traveled in years by-gone, the reality is that in order to heal this Nation, as well as to provide a united front in the resolution of this issue, there has to be a new communication—there has to be a reaching out.

My question to you first of all, is do you believe that based on Secretary Cheney's testimony yesterday; based on the reorganization effort which General Christmas and others have articulated; based on the forthcoming testimony and admission as to prior fault put forward before this Committee by Secretary Ford—do you believe now that there is the makings of a new relationship, and/or that your pleas and complaints are being responded to?

Mr. Wallace.

Mr. WALLACE. I don't think there's any doubt about that. We do believe that there is a new level of cooperation. But we are always skeptical, because we've been told that for so many years. We want to see the proof actually happen.

Mr. SOMMER. I would have to agree with Bob. We've had these things laid out and some nice statements have been made. But we have to see whether these statements are going to be put into action, and whether there will actually be more communication with the Veterans organizations and other people involved with this issue—whether there will be more information provided to the

families, and to more things done to address the concerns that we've set forth in our statement.

The CHAIRMAN. Anybody else want to tackle that?

Mr. BURCH. Mr. Chairman, the Defense Department doesn't work with the National Vietnam Veterans Coalition. I have to tell you, Mr. Chairman, we're extremely concerned about this destruction of documents matter. We alleged that it happened, not only in the State Department but DIA and the White House. We will give the Committee all the information we have. But people who are informants on that don't want to leave their jobs on it. That's why we want this professional staff of the FBI and Secret Service Agents that we have met, with your very excellent Staff Director and the Vice Chairman about to be augmented in your Committee. Because it has to be professionally done to weed that out.

And if that's true, a lot of important, critical documents have been destroyed. That's a huge implications of that, and they will have to be reconstructed and brought to the Committee. You're not going to get that out unless you get this professional staff available to you, sir. We'll give you that information, but we don't want to destroy these people's career with an inept effort.

So we ask you very seriously to consider that proposal, so we can bring that information forward to the Committee.

The CHAIRMAN. Well, let me just say to you that the Committee is going to require that you bring that information forward. Because if the Committee now has in its hands evidence of a potential felony having been committed, it is our obligation to pursue that. And it is also our obligation to pursue it because there is no other way we can get to the bottom of this.

Now, I can assure you that we have hired what we hope, and what we consider to be extraordinarily capable professional staff.

Mr. BURCH. Sir, if I could, because I have been through this—this is the third time before a Committee. We did this with the Veterans Affairs Committee. We knew at that time it was a Mr. Muir who did the photo resolutions for the FBI. The information we had done to the room he was in. He had two files, one of confirmations of pictures that they knew were men in the photograph analysis, or they confirmed them, or one file of rejections. And the same thing, we came to the Committee—we often do in conference—we said please, protect the source, because that would be the best evidence, confirmation by the FBI that these men were there. They did not protect it. They leaked it. They transferred that person. They transferred the files. They never called him before the Committee. We don't want that to happen again, sir.

The CHAIRMAN. Let me assure you that that is not going to happen. We have brought to the Committee a general counsel that I worked with when I was a prosecutor in the District Attorney's Office, and subsequent to my departure here in that office. He is a private attorney today. He is a litigator. And he understands the workings of an investigation as well as anybody. And that is why he has been brought to this Committee.

In addition to that, we have a number of other lawyers and professionals who have been hired for their skill and expertise. For us to be able to pursue it, it is critical that this information be shared with us. And you are going to have to trust my word, and Senator

Smith's word that it is going to be handled properly. Obviously, we do not want anybody's life disrupted or compromised. But the time has come for these kinds of allegations to be laid on the table, and for the sources not to be hidden from the Committee, at least.

There is no way the Committee can proceed without that kind of information being put in front of it. So I ask you, and anyone else who has that kind of information—and you can hold this Senator and Senator Smith accountable, and I am sure you will if something happens. But we are going to have to proceed down that kind of road. And we rely on your cooperation to make that happen.

Now, I have written the Secretary of State, as per your original allegation. We have not yet had a response from the Secretary of State. But we expect your people to be forthcoming to us in order to permit us to follow through on that allegation.

Mr. BURCH. You have an excellent General Counsel. We will be able to work with him. He has the right kind of background.

The CHAIRMAN. Thank you.

Are there any other comments?

Mr. DUKER. Mr. Chairman, all we've ever asked is for this Committee to receive the truth; to receive the answers that you need to do the job. We are not looking for a witch hunt. We want this Committee to receive those answers. That's what we want. That's what we looked for.

Mr. Andry.

Mr. ANDRY. Mr. Chairman, I would just like to—in addition to what all the other organizations have said—if they were encouraged by the action that's been taken, we just hope to see some results this time.

Mr. DUKER. Thank you very much. We appreciate it.

With respect to the various groups' attitudes on the degree to which the Government has been forthcoming, is there a sense among you that the declassification process, and the openness will do a lot to break down the barrier that has existed, and a lot of the suspicion that has been created?

Mr. WALLACE. There's no question about that, Senator. You know and I know that if you go to a doctor and you don't get the report the next day, you start wondering, your mind starts wondering.

Since the Vietnam War has ended, we haven't gotten those answers. We don't know what's there, because the information is classified. And you're never going to get it. I think that moving to declassify the information is a step in the right direction—it's something the VFW has called for and supports, the Senate bill, that's in the process of going forward. And we hope that it happens immediately.

The CHAIRMAN. Let me say to you all, before I turn it over to Senator Smith—we need your help. We rely on you, and we need the families help. There is a lot of high emotion in this issue, and there's a lot of ability for people to take a kernel of truth or a tiny bit of evidence and make it into something that it might not be—for a lot of different reasons.

The Committee is going to be very careful about that. But we need your help to keep the communication process open so people are not jumping to conclusions and are not creating conspiracies where there are not any. And I hope we can rely on you as we pro-

ceed here, to be one of the channels of communication; to be able to make sure that people are understanding how we are approaching this and what we are doing; and also what ought to be interpreted appropriately, as what—

Mr. WALLACE. I can assure you the support of Veterans of Foreign Wars.

Mr. SOMMER. Additionally, Mr. Chairman, I can assure you the support of the American Legion. We certainly find refreshing the openness with which the Committee and the staff has been working since your organizational meeting. And we look forward to continue to cooperate with you and the staff in the give and take, and provide any information we can.

The CHAIRMAN. I just want to assure you that we are determined. And I have met with Secretary Ford and others, and they are determined. And I am convinced of this. And I said this yesterday. I believe they understand the problem. And I believe yesterday was an important departure point, because, in effect, they admitted that mistakes have been made in the past, but that they are trying to deal with where we are going now and in the future. And that is the first time I have heard that in 15 years, I must say to you.

So I thought that that was an important departure point. And what it means is that I think we can break-down the barriers of classification. We can open it up. And in many cases, we are going to need your help in terms of making sure families are fully apprised of what we are doing, to the degree that we are limited and cannot do it or so forth, but we are going to try to.

And we have one person assigned on the staff to act as a liaison to the families. And I want the families to understand that, that that access is also open to the Committee. But we are going to need to have open communication here, so that hopefully each month will bring a greater sense of openness and cooperative effort here. And we can dispel the sense that everybody is part of the problem. And I do not think we are.

Senator Smith.

Senator SMITH. Thank you, Senator Kerry.

First of all, I would like to read a short message from Senator Grassley, because he could not be here. He was here all morning.

I had to meet with constituents, and regret I was unable to attend this portion of the hearing. Yet, I want the members of this panel to know their contribution and grassroots effort on this issue were the key factor in getting Congress to refocus on this issue.

Thank you for your contribution and your testimony. I certainly would lend my support to those words as well, that you, gentlemen and the organizations that you represent have certainly been beyond belief, really, in terms of the public support for some resolution, any involvement of this issue, and listening to all of you, in listening to your responses to some of Senator Kerry's questions—I just want you to know, and I am speaking for myself, but I believe I speak for everyone on the Committee, and perhaps some, even in the Executive Branch—that given all the past history, that we have to earn your respect. We have to earn that—we know that—we, being all of us in the Government who, in whatever way, in whatever manner, so to speak, have been remiss in not resolving

this issue. And we do not expect that it is going to be provided to us, unless we earn it.

And it is not so much that, as it is that there is, I believe, a commitment on the part of every Member of this Committee. Senator Kerry and I have talked about it at great length, that there are a number of things that we have to do here. But we cannot correct mistakes in the past. We cannot undo them, but we can take action to see to it that future mistakes do not happen again. So in that sense, I suppose we could say correcting them—we are not the panacea, this Committee. We are human beings. There are 12 of us here. We are going to try to do a good job. It is a bi-partisan effort, as you know. Staff is bi-partisan—non-partisan, is a better word. We have made that commitment—Senator Kerry and I have made that commitment to each other. We hardly knew each other 2 months ago. But it seems like I have known him now for 10 years.

The CHAIRMAN. I am going to take that affirmatively. [Laughter.]

Senator SMITH. We are driven on this thing. I just want you to know that. We are driven and committed to resolving this. And I think it is important to look at where we are going.

The focus here, first of all, is to find out what, if there are live Americans in South East Asia. That is the number one focus—nothing else is as important to us as that. The second is, as you said, Mr. Wallace, to declassify information which should not be classified. And I have been fighting for that for those 7 years I have been in Congress, have had some minor successes on it on the House side. And I have supported that—subject to sources and methods. I have not had a lot of cooperation from many, both in and outside the Government, frankly, to do that. But I believe that that is a key answer, a key resolution to this problem that you are going to dispel a lot of these concerns if, in fact, we can get information out there that does not have to be classified.

For the life of me, I have never been able to understand why we take a position in 1973 that everybody is dead. And then we proceed to classify all information which says they are alive. Then, we now take a position—which is the official position, as I understand it from the Government—that there may be. We operate under the assumption that there are American—live Americans in South East Asia. Well, if they are all dead, how can you operate under that assumption? You either operate under the assumption they are all dead, or you operate under the assumption they may be alive. That is a conflict. Nobody yet—any of the witnesses—have yet addressed that, as far as I am concerned, in an adequate manner in terms of which it is. It is one or the other. That ought to be the Government policy. It is not—it is a mixed policy. It does not say anything.

So therefore, I want you to understand, too, what we get. And I do not—I am not discrediting anybody, do not mean to. But we get an awful lot of kooks out there who provide us a lot of stuff that is just pure hogwash. And we run down a lot of—a lot—of rabbit holes, with absolutely no hope of ever finding the bottom of the rabbit hole with a rabbit in it, at all. And that is very frustrating for us. Because it takes a lot of our staff time. And many—and much of the information which comes to us, I think, that—the good information that comes to us, comes to us as a result of the frustra-

tion with the process, not being able to trust somebody—maybe you knew one particular Member of Congress you do not trust so you come to me, or you do not trust me, you go to somebody else. Or you do not trust the Pentagon so you come to us. Or you do not trust the Congress, so you go to the Pentagon.

But I have to say—and I agree with Senator Kerry—that based on the remarks that have been made—and this is a big movement for me to say this, based on the testimony yesterday gave by Secretary Cheney, by Carl Ford and others, and some witnesses here today, I believe that there is a turn-around; that there is an effort being made now, a true effort, to share information, to get the truth out to resolve this issue. But the focus should be to do it, again focusing on declassification, getting the truth to the families, whatever the truth is; getting the remains to the families, if there are any.

But the most important issue is finding out whether or not there are live Americans. And that is what the focus of this Committee is. That is what we are going to try to do. And I appreciate your testimony. I know the Committee does, because you have been involved in it. You are dealing with the grassroots people. You are dealing with people in almost every case—in all cases, people who have served in Vietnam, or somehow served their country in some war who want an answer, that want answers. And we are going to try to find them.

And I think that this Committee has the resources, has the commitment to get the answers. And if we get the cooperation: A) from our own Government, which I believe is forthcoming now; and B) from the governments in South East Asia, which is where the answers are, I think we can resolve it. And I know the Vietnamese have been—are sitting in the audience now, and have been there. And I just say to them, point blank, we know you have answers. And we expect you to provide them and the Lao. And I hope that that will happen.

I do not really have any particular questions of any of you gentlemen, but if you have any further comments that you would like to make—I do want to respond very quickly, Senator Kerry, to what Mr. Burch has said.

As I indicated to you, Mr. Burch, we will follow-up on that evidence. And it is very difficult for Senator Kerry and I to say in an absolute that we can protect all leaks—we are going to—we are certainly going to do our best to do that. We understand that there are other human beings who are involved in staff, and so forth. And sometimes these things happen.

But I will tell you, if it does, whoever leaks it—if we find out who it is—will pay for it dearly. So we hope that we can deal with it. If you have that kind of information, and you say you have, we will pursue it to the full letter. Believe me, we will.

The CHAIRMAN. Thank you, Senator.

I just have one quick question—Mr. Andry, you raised the issue of normalization and the embargo, et cetera. I think there is unanimity here that we must move down the road to full cooperation before there is any kind of normalization. I have never heard a counter-argument, at least in this Committee. We all feel that very strongly, that that is an important lever.

But with respect to the question of the embargo, many have argued, and I must say I have been sort of subject to the belief that it would greatly enhance the resolution of the POW/MIA issue to get Americans into the country.

My attitude is, I have gone over there now several times. I have met with the foreign diplomats of other countries there, and they sit there and say to me, Senator, you know, as I recounted yesterday, they think we are a little crazy we do not have more people running around the country if we are really concerned about finding somebody.

And it just occurs to me, if you have a businessperson over there—I mean I can think of some Vietnam veteran business people who would like to go over there and do some business. But at the same time, as business people, if they are sitting down at dinner some night, and they are exchanging, breaking bread with people, we just have a different relationship. It seems to me that if somebody is alive over there, the chances of finding them are augmented ten-fold, 100-fold, by having more opportunities for flow of information about who may have been where, when. And if you are sitting down with somebody who was part of the war, who was sort of a contemporary in their forties or fifties, and you are doing business, and you talk about the war, and you say geez, you know, are there any Americans here? Now there is just a much greater chance that somebody is going to say hey, you know, 15 years ago I remember seeing this man—and you are going to have more eyes and ears.

So my notion has been that you do not give up everything because you still have normalization. But you gain something in terms of the human exchange that could help resolve this issue. Do you react differently to that, Mr. Burch?

Mr. BURCH. Mr. Chairman, I appreciate having a chance to do that. We think one of the biggest reasons this issue is not resolved is the money issue. We feel the Vietnamese believe that they were promised war reparations they didn't receive. And our Government has a policy against money for hostages—a well-known policy. And POW's might be hostages.

We feel like the only lever that's left if that policy remains in place is the negotiations over lifting the trade embargo, and the credits that go with the World Bank and Export Bank and all with that.

The CHAIRMAN. Let me just say to you, you clearly do not have to give credits. And I would be against giving credits until you go further. But credits, IMF, World Bank do not necessarily go hand in hand with businesses getting in there and beginning to get your commerce personnel increased.

Mr. BURCH. Well, you may have a special situation like with AT&T. But Mobil Oil is trying to negotiate them out. They are under-cutting the efforts to get POW's out because that is a very large, economic issue. So there are certain degrees of that, Senator. But we believe that we want this Committee first to know if these men are alive, before our Government lifts the trade embargo so you have all the information—our Government has all this information. After all, if we found out they were holding 500 people, and have held them under torturous conditions, I don't think any

American in this country would be for doing anything with them. I think we ought to have the facts first, and then they can move in those directions, if appropriate.

But we are opposed to lifting the trade embargo until such time as we got this issue resolved. And we think by lifting it, that they will get what they want economically. And then, lastly what we have, and we are concerned about the fate of these men, we are afraid they might kill them if that happens.

The CHAIRMAN. What were you going to say, Mr. Andry?

Mr. ANDRY. Mr. Chairman, something similar to that—but, we look at the policies as far as our Government has. And it just seems that it is always taken and gotten in the way of, they will not have a policy if it doesn't interrupt the diplomatic relations.

And I think one other thing, it is a leverage that can be used as far as trying to get an accounting for our missing. Yes, it is true that there be other people over there and everything like that. But they could take them up to the hills, we don't know.

Mr. SOMMER. Mr. Chairman, speaking for the American Legion, we have changed our policy somewhat as a result of our recent, national convention. We have no opposition to a certain amount of humanitarian aid being provided, and we have no opposition—we see maybe a need for some flexibility in the establishment of more of an American presence in Vietnam—if these things will help solve and resolve the POW/MIA issue.

However, we are opposed to normalization of relations until that issue is totally resolved.

Mr. WALLACE. The Veterans of Foreign Wars, Mr. Chairman, is opposed to the normalization or lifting the embargo with Vietnam until we see concrete evidence that the Vietnamese are cooperating on this issue. And I listened this morning to Mr. Bell, who is on the ground. And Mr. Bell said he doesn't feel that they are giving all the information they possibly have. And other witnesses have said the same thing.

So until we see that, and we see concrete evidence, the Veterans of Foreign Wars is adamantly opposed to normalization, lifting the embargo.

The CHAIRMAN. Well, let me say to you that I think that Mr. Bell—and I think this morning—were very helpful in laying out some of the things that the Vietnamese need to do in order to meet a qualification of cooperation. And I would certainly agree that that has to be met. And they need to do that.

Again, I reiterate, my principal rationale here is one of enhancing the resolution of the POW/MIA issue. If they are cooperating, and you move in the next months down the road, and you say to yourselves, hey, we could resolve the POW/MIA issue in 3 months, rather than a year and a half, I am in favor of the 3 months. I am in favor of tomorrow. And I want to do whatever gets us that resolution as fast as possible.

So you sort of weigh, I think a little bit, those equities. And who knows where you come out? It is a judgment call.

Mr. WALLACE. I don't think there's any question. You've been to Vietnam a couple of times, and we went in July. And the economic situation over there, they are in dire need of help. So I can't understand why they wouldn't want to cooperate fully to get that nor-

malization, to follow what the roadmap came out with and said, to do this, and do that, and let's go—let's start doing this.

The CHAIRMAN. I agree, and I suppose that's the test, and that's what's going to make the next month very interesting, because it is all on the line. The Select Committee is watching, you are watching, they have a need, we have a need, and hopefully that will help all of us to resolve this.

Mr. ANDRY. Mr. Chairman, on behalf of DAV I would also like to say we gave 58,000 lives over there, and some 2,200 to 2,400 POW's. And from our standpoint, we don't think we should give them anything else.

Senator SMITH. Let me respond to this point just briefly. I know we are ready to break for lunch here, and I will only take a minute.

It may have been during our hearing yesterday, and I am not certain whether it was during, or just after or just before—according to the AP wires this morning, Ambassador Trinh Xuau Lang, Ambassador to the U.N. from Vietnam was quoted, quote "meeting the press". And it is very interesting what he says, and I think I want to read this in the record.

Because of the fact that I believe there is just as much confusion as to just what the policy is by the Vietnamese, as there is on our side. And I am not sure we have a policy, whether it is to normalize or not to normalize. And I think—I am not sure what the policy is. And listen to this, if you can understand it and see what you think.

Question, from the reporter: "What are you saying"—to Ambassador Lang—"that it's the U.S. side that's stalling the conclusion of accounting for these discrepancy cases?" Ambassador: "As you know, the U.S. side put it in such a way that normalization of relations between the two countries depends on the pace and the scope of the resolution of the MIA issue. On our side, we understand. We can't understand that issue in a different way, that means the resolution of the MIA issues depends also on the pace and scope of the willingness of the American side to achieve normalization of relations." Question: "Does that mean that you have information you are withholding?" "I don't want to comment on that," the Ambassador says. Question: "Does your Government have it within its power to resolve this issue quickly?"—your government being the Vietnamese Government—"Yes, I can assure you." Question: "So once your Government makes a decision to resolve this issue, it will be resolved?" Ambassador: "Yes, but it depends on the American side, too." Question: "The point is, your government has the information and the material it needs?" Answer: "We are prepared to give full cooperation on the resolution of this issue—not conditional to the normalization of relations between the two countries. Whether you're prepared to normalize or not, it doesn't matter. Because that's a different issue." Question: "So what you're asking is, if the United States removed that prisoner issue as a condition to normalization?" Answer: "Yes, because they said that the pace and scope of normalization depends on the resolution of the MIA issue. So we understand that normalization of relations depends on the resolution of the MIA issue." Question: "In other words, you're saying that if this was removed as a condition, regardless of wheth-

er relations were normalized, your Government would cooperate?" "Yes, on our side."

It sounds to me like a hamster in a wheel.

The CHAIRMAN. It sounded like Pogo.

Senator SMITH. So I just am not sure that the Vietnamese understand. And this is a policy matter that we all may have some disagreements on, probably not the scope of this Committee. But to me, it ought to be made clear. I agree with Mr. Andry, that we gave 58,000 lives. You want business, and you want aid, and you want trade, and you want normalization, then cough up the information you have, and all of the information. When you get it here on the table—and I say it to the Vietnamese who are sitting here—when you give us that information, we'll talk.

The CHAIRMAN. We are going to break for lunch.

[Applause.]

The CHAIRMAN. We will be back at 2:15 p.m., and we stand in recess until then.

[Whereupon, at 1:25 p.m., the committee recessed until 2:15 p.m.]

## AFTERNOON SESSION

The CHAIRMAN. The Select Committee on POW/MIA will come to order.

This afternoon we have several panels; a panel divided within a panel and two separate panels. The first panel will be the Families' Perspective. And we will have two different groupings in order to have testimony on the families perspectives.

I would like to thank all of the members of the families who have been here, as they have been through so many of these hearings for such a long period of time. And I appreciate enormously both their patience as well as their extraordinary understanding of the difficulties that we faced over the course of this time.

At the end of the morning session, Senator Smith read a comment that had been made yesterday by the Ambassador to the U.N. from Vietnam, Ambassador Trinh Lang. And it obviously created some concern with the Committee yesterday when we first heard it.

I said to the reporter yesterday, we were going to try to find out exactly what it meant. And the Ambassador has submitted a statement which I will just very quickly read. He said: "I wish to take this opportunity to reiterate that for Vietnam the MIA issue is a purely humanitarian one. We have never considered it a political issue. We have never considered the resolution of this issue conditional to the normalization of relations between Vietnam and the United States. Whether there is normalization of relations or not, we will continue to extend full cooperation to the United States in resolving this issue. We fully understand the sentiments of the American people about this matter. Vietnam has time and again stated, and I would like to solemnly state here today, that there are no living American prisoners of war in Vietnam. As we have stated before, we are ready and willing to extend to full cooperation and assistance to any MIA family wishing to come to Vietnam to discuss the case of their missing loved one with officials of our government and to conduct their own investigation. I wish to clarify my response to several questions put to me by a reporter yesterday. I was asked if I thought the U.S. side was stalling the conclusion of accounting for the discrepancy cases. In answering that question, I stated that for the U.S. side normalization of relations depends on the pace and scope of the resolution of the MIA issue. That is the U.S. position. But it is not the Vietnamese position. We do not link humanitarian issues with political issues. My government will continue to provide full cooperation on the matter of American MIA's without regard to normalization. As a practical matter, however, it is our view that normalization of relations would assist in the resolution of this matter. I was also asked if we

had it within our power to resolve this issue quickly. My answer was in the affirmative; that is, we believe this issue can be resolved most quickly given continued full cooperation between the United States and Vietnam."

So that will be, or is now, a part of the record. And the Ambassador has asked me to say to any Members of the Committee that he is available here to meet with them if they have any further follow-up questions regarding this issue or would like to put to him any of the issues that were raised in the course of the morning session. And I would, obviously, submit that the Committee has really already laid out some of those concerns that came from the morning panel. And I think it would be well for the Ambassador to perhaps pass those on to his government and to express the concern of the Committee with those issues.

Ann Mills Griffiths, thank you very much for joining us this afternoon. We welcome your testimony. You, obviously, have had a long affiliation with this. And we appreciate your coming here to share your thoughts with us.

Ms. GRIFFITHS. Thank you. Thank you.

#### STATEMENT OF ANN MILLS GRIFFITHS, EXECUTIVE DIRECTOR, NATIONAL LEAGUE OF FAMILIES

Ms. GRIFFITHS. Mr. Chairman, Senator Smith, and Members of the Committee, I am pleased to be here today representing the 3,822 POW/MIA relatives currently who comprise the National League of Families of American Prisoners and Missing in Southeast Asia. Since inception in 1970, the League has focused solely on achieving our threefold objective.

The CHAIRMAN. Pull the mike down a tiny bit and a little closer. Thanks.

Ms. GRIFFITHS. And that objective is the return of all prisoners, the fullest possible accounting for the missing and the repatriation of all recoverable remains of those who served our Nation in Southeast Asia.

In the interest of time, I would request that the full text of my statement and some other materials that I think the Committee would have interest in be included in the record. They are just factual.

The CHAIRMAN. Without objection, so ordered.  
[The prepared statement of Ms. Griffiths follows:]

#### PREPARED STATEMENT OF ANN MILLS GRIFFITHS

##### HISTORICAL PERSPECTIVE

Since founded in 1970, the National League of Families League has dealt with five successive administrations. During the earlier years, we witnessed official lies and deceit, as well as establishment of commissions or committees to get us off their backs or to "resolve this issue once and for all." We've dealt with declarations that our relatives were dead, based upon presumption rather than evidence, and cringed as the major media endorsed such findings while we demonstrated in front of the White House.

In 1981, after years of impatience and frustration, we began to see that President Reagan was going to keep his promise to try to rectify what was an outrage. The President, the Vice President, Secretaries of Defense and State, National Security Advisors and others in government began to make major addresses on the issue, most of which were not covered by the national media. A strategy was developed and approved, and policy level negotiations were initiated with Vietnam and Laos

on POW/MIA. The administration raised the issue with the Soviet Union, PRC, the ASEAN countries and all western diplomatic missions in Hanoi.

The POW/MIA Interagency Group became truly functional as a policy-making body, rather than a token gesture to appease the families. Though scheduled for phase-out in the late 1970's, the Defense Intelligence Agency's special POW/MIA office was upgraded and manpower increased threefold, including a special team formed and permanently stationed in Southeast Asia to investigate reported first-hand sightings of Americans. The Joint Casualty Resolution Center and the Central Identification Laboratory were similarly upgraded.

Throughout this period, the families were encouraged, not because we believed government efforts were perfect, but because we could then channel at least most of our energy on one front, not two. We could support a real strategy and focus our sights and actions on those who still hold the answers, or the ability to obtain them, the Indochinese governments. We've come a long way since the end of the Vietnam War, overcoming obstacles which often seemed insurmountable.

The partnership and priorities that evolved were endorsed by President Bush who was directly involved and supportive during the Reagan/Bush years. President Bush reappointed General Vessey as POW/MIA emissary to Hanoi to continue the priority effort. Does this mean that the process always runs smoothly? Of course not, but the League helps correct the problems, and responsible oversight by Congress has been and is our staunch ally.

The difference from the past is that the process has integrity and priority. Slow as it is for all of us, progress is being made. The U.S. POW/MIA Office in Hanoi offers great potential. We are again encouraged, not by false promises, speculation or wishful thinking, but by the knowledge that individuals of dedication, skill and professionalism are undertaking this mission on our behalf. If they receive serious cooperation, they will succeed. The expanded agreements with Laos, if fully implemented, also offer significant potential.

##### COUNTERING THE NEGATIVE

Greater challenges lie ahead, ranging from public education on the basic facts of the issue to current domestic and international factors which, if ignored, could lead us back to where we began. The priority in place since 1982 has subjected the issue, the families and the American people to unscrupulous activities. Self-appointed pied-pipers have led some into the caverns of endless exploitation. Our own office was forcibly taken over by a Vietnam veteran whom the Select Committee called to testify, and the League has been sued for allegedly interfering with his fundraising efforts by speaking the truth.

Eight congressional and executive branch investigations or inquiries have found no basis to support charges of conspiracy, cover-up, manipulation or malfeasance by those responsible for developing and implementing the U.S. Government's priority and policy. Each such requirement squandered valuable assets and resources, which should have been focused fully on resolving the issue, and brought domestic divisiveness rather than results.

New organizations, many professing to be acting for the families, claim that this issue can be resolved easily, but offer no viable alternative to current policy, nor has any family's uncertainty been ended as a result of their efforts. Self-described private experts and "investigators," who probably should themselves be investigated, mislead the public and subject POW/MIA families to emotional exploitation. Sensational books, Hollywood films and purportedly factual documentaries on national networks take the money and run. And, much of the media, touting banner headlines, neglect to seek the basic facts.

Some newly involved visitors to Hanoi become instant experts, advocate improved relations based on their perceptions of an allegedly reformist Vietnamese leadership, and imply that the issue is irrelevant, our own fault or trumped up vindictively as an obstacle to normalization of relations.

##### THE FACTS

The League strongly believes that the families, the American people and the Congress must have the courage to deal only in facts. The facts are . . . first, that discrepancies exist; Americans known to have been alive in captivity have not yet returned, alive or dead. Second, unfettered, immediate access is required to seriously investigate live-sighting reports which I am doubtful that the Vietnamese would ever provide and should be the subject of serious oversight. Third, several hundred Americans can be accounted for rapidly if the Vietnamese leadership decides on a path of full and open cooperation, to include repatriation of remains being held. (I

should note that our forensics experts can distinguish between remains stored for a long period, those buried, buried and stored, etc.) Fourth, real access, rather than rhetorical claims of openness, is required to obtain answers from archival records research. Fifth, nearly 85 percent of the 528 Americans missing in Laos and almost 90 percent of the 83 unaccounted for in Cambodia were lost in areas controlled by Vietnamese forces during the war; Vietnam can and must provide historical data to assist in accounting for them. This credible information is available to the Committee in the Defense Intelligence Agency.

Building steadily since 1981, the U.S. Government has an impressive record of dedicated effort to resolve the issue. Does the process always function smoothly, or as rapidly as we all desire? No! It is often slower than I believe necessary and nearly always more frustrating. Internal disagreements are most often based on divergent views concerning strategy or the relative knowledge base of newly involved officials. In that sense, the process is useful in that all serious proposals are considered and new officials become educated.

The real measure—results—depends on those who control the territory and the answers. Serious responses to U.S. initiatives by Hanoi, Vientiane and Phnom Penh could rapidly achieve the fullest possible accounting for missing Americans. The lack of greater results is simply not due to lack of priority, effort, resources or dedication by the U.S.

#### VIETNAM: THE CHALLENGES

Some in the U.S. business community and even in the Congress are lobbying hard for unilaterally lifting the U.S. economic embargo on Vietnam. What would this mean for leverage to achieve U.S. objectives? Now that international agreement has been reached on the Cambodia settlement, how will it impact on U.S. efforts to resolve the POW/MIA issue? Will Vietnam finally see it in their interest to come forward fully, or are they waiting for splits to develop and history to repeat itself?

Current U.S. policy, supported by the League, was conveyed to the Vietnamese on April 9th of this year. Within this "roadmap" to improved US/SRV relations are conditions related to implementing the Cambodia settlement agreement and reciprocal steps the U.S. is prepared to take in response to specific Vietnamese actions to resolve the POW/MIA issue as fully and rapidly as possible.

On October 23rd, Secretary of State Baker announced that the U.S. would immediately lift the 25-mile restriction on Vietnamese diplomats accredited to the United Nations in New York and take steps to change trade embargo rules to permit US-organized travel to Vietnam by individuals and groups. Most importantly, Secretary Baker proposed that talks begin in New York concerning the issues and modalities associated with normalization of diplomatic relations between the U.S. and Vietnam.

These reciprocal steps were to be taken at the time of the signing of the Cambodia settlement agreement and with concrete evidence that specific POW/MIA steps are being implemented. Reciprocity by the U.S. appears to have been geared primarily to Vietnamese cooperation on the Cambodia settlement; facts demonstrate that the POW/MIA criteria had not been met. Nevertheless, the League welcomes and strongly supports Secretary Baker's clarification that the pace and scope of discussions on normalization will "be governed by" Vietnam's cooperation on POW/MIA. This position must be held in subsequent phases of the roadmap or I believe any domestic consensus will be impossible.

In this context, it is important to understand that Vietnam has neither accepted nor rejected the roadmap. In view of the specific POW/MIA conditions in the roadmap, agreed to on an interagency basis, it is imperative that any further movement toward normalization of relations be closely monitored to ensure full compliance with stated criteria. Despite Hanoi's unwillingness to commit their government to implementing POW/MIA criteria in the roadmap, concrete Vietnamese actions are crucial to achieving U.S. objectives on the issue, and U.S. leverage has never been higher.

In our view, given Vietnam's negotiating history, reciprocity, rather than providing incentive in advance, is the key to obtaining Vietnam's cooperation on this issue. Promises have been made before, and broken. Early last month, General Vessey obtained agreements which simply reinforced earlier Vietnamese commitments. The primary difference was the political environment surrounding our visit. Hopefully, coming from premier Vo Van Kiet, Vietnam's promises this time will be implemented. If my comments appear skeptical, that is because history has taught the families that promises can be very hollow, and high level meetings are only that, unless there are measurable results. And, similarly, the U.S. cannot rely on Vietnamese assertions.

U.S. expectations on accountability are based on reliable DIA data and scientific evidence from the CILHI, reinforced by information obtained through the joint investigation process. Despite Vietnamese assertions to the contrary, there is simply no question that hundreds of Americans could rapidly be accounted for if Hanoi makes the decision to cooperate fully. Any softening of these basic facts could skew Hanoi's long-standing perceptions as to what the U.S. expects to achieve in terms of accountability.

Since the roadmap was provided to Vietnam in April of this year, not a single American has been accounted for as a result of US/SRV efforts. Thus, the importance of provisions in the roadmap which help ensure that there will be no further misunderstanding as to what is required to effect the pace and scope of improvements in our bilateral relations. The necessity now is to ensure that both governments implement the roadmap with integrity. A renewed opportunity exists with the recently established U.S. POW/MIA Office in Hanoi, particularly regarding access to important records and documents which can facilitate results. It is our sincere hope that Vietnam will make the decision to respond fully, and soon.

#### LAOS: WHERE WE STAND

The level of POW/MIA cooperation with Laos has continued to increase over the past several years; however, further expansion is required. This past year, joint activities have taken place more frequently than ever before, into several areas which were inaccessible during earlier years. Recognizing that nearly 85 percent of the 528 American losses occurred in areas of Laos controlled by Vietnamese forces during the war does not negate the need for greater effort to account for those missing in Laos, especially the discrepancy cases of Americans known at one time to be alive in Lao control.

Encouraging developments have included first-ever investigations, as yet inconclusive, into such last known alive cases. Despite limitations in terms of resources and personnel, the Lao Government reacted swiftly to unplanned requirements, such as investigating the photo incidents. Particularly helpful was their successful effort to locate and make available the individual depicted in the photo identified by the Borah family as their missing relative. Subsequent Lao agreement to a similar investigation on the photo identified by family members as Capt. Donald Carr, USA, is also a welcome development. In view of these unplanned interruptions to the agreed schedule, it is significant that two additional field operations are to be conducted before the end of this year.

Statistics regarding joint US/Lao POW/MIA bilateral efforts reveal that field operations are the primary means for obtaining results. There is no evidence that the Lao Government had a systematic program for collecting and storing information and remains. While there is no guarantee that further US/Lao activities will be successful, 43 of the 48 Americans previously missing in Laos were accounted for through cooperative field operations, while only five in Vietnam have been so resolved.

Accounting for most of the Americans missing in Laos will require Vietnam's cooperation to provide records and documents pertaining to incidents which occurred in areas their forces controlled during the war. Until such data is provided, field operations would be much more difficult and less successful; however, numerous crash sites are known to U.S. officials and can be pursued without awaiting Vietnam's provision of records.

While bilateral relations with Laos have been strengthened through a broad range of cooperation, efforts to resolve the POW/MIA issue remain an important element of the ever-improving relationship. Expanded cooperation, to include more frequent field activities, will undoubtedly require further U.S. assistance to augment Lao personnel and resources dedicated to the effort. If such is required, the U.S. should willingly provide appropriate assistance to facilitate the joint effort.

#### CAMBODIA: A BEGINNING

After years during which no positive reaction to the League's 1987 provision of narrative case files on all Americans missing in Cambodia was received, Phnom Penh authorities have recently begun cooperation. The steps thus far have been encouraging. Their prompt response and cooperation in investigating photographs identified by family members as their missing relatives was welcome and appreciated.

On a more comprehensive scale, it is our hope that a process similar to that underway with Laos can be undertaken. As with those missing in Laos, relevant records and documents will be required of the Vietnamese since nearly 90 percent of

the 83 Americans unaccounted for in Cambodia were lost in areas under Vietnamese control during the war.

After waiting for any signal of willingness from Phnom Penh to pursue resolution of the American losses in Cambodia, it is reassuring to the POW/MIA families directly affected to witness these recent positive steps.

#### CONCLUSION

Confirming the fates of America's POW/MIA's is obviously the highest priority of all involved, especially the families. Nevertheless, we do not believe such confirmation should be pursued in isolation. While the League's position is that POW/MIA's are still alive, we recognize that unilateral Vietnamese repatriations of remains impact directly on the live POW issue. If remains returned are identified as those of an American last known alive in captivity, the number who may still be alive decreases accordingly. The League has long maintained that all avenues to account for our missing loved ones are complimentary, not mutually exclusive.

These are the important questions on which efforts should be focused. Historical perspectives can be written after the issue is resolved. The League advocates and deeply appreciates responsible Congressional oversight of efforts to resolve this issue. There should, however, be no further squandering of time and energies chasing privately generated illusions or investigating repeatedly disproven accusations of conspiracy and coverup.

The opportunity which now exists will not come again, nor will it continue indefinitely. We urge all who are striving to account for America's POW's and MIA's, our missing relatives, to understand this reality. The conspiracy and cover-up crowd must not be permitted to continue to erode the confidence of the American body politic, nor must naive or unfounded assertions, public or private, be permitted to destroy the basic facts of the issue.

The vast majority of the POW/MIA families are realistic; we don't expect miracles. We expect seriousness by our own government, executive and legislative branches, rather than spontaneous reaction to the squeaky wheel or the latest editorial. We expect adherence to established policy and implementation with integrity, not comments from unnamed "senior officials" which dismiss facts and principle in the perceived interest of political or economic advantage.

The road to resolving this issue has been difficult and bumpy, but productive in many respects. Family members who have received answers which ended far too many years of uncertainty recognize the value of our collective efforts. While much remains to be done, there is reason for optimism that cooperation will increase and greater results will be achieved through the government-to-government process, as long as the U.S. Government proceeds with integrity. Vietnamese responsiveness is only predictable in that context. We ask the Congress to continue its important oversight, as will the League.

In conclusion, we would only hope that the Committee, through their efforts, will settle on the body of facts that we know to be true and ensure that Administration policy adheres to their public statements to follow the roadmap to achieve the answers. By doing so, I believe you can find the "one" within all of us who are seeking the end to uncertainty on this issue.

Thank you, Mr. Chairman. I look forward to your questions and those of the Committee Members.

#### CHRONOLOGICAL LISTING OF INVESTIGATIONS PERFORMED REGARDING ALLEGATIONS OF USG CONSPIRACY AND COVERUP ON THE POW/MIA ISSUE

- 1) 1982-83—Inspector General
- 2) 1984—House POW/MIA Task Force
- 3) 1984-85—Inspector General; ordered by General John Vessey, Jr., while serving as Chairman, Joint Chiefs of Staff.
- 4) 1985—House Permanent Select Committee on Intelligence
- 5) 1985—Internal DIA Review—Analytical review, i.e., analysts from other operations of the Defense Intelligence Agency reviewed the operations of the POW/MIA Division.
- 6) 1986—DIA Internal Review
- 7) 1987—Tighe Senior Review Group—LTG Eugene Tighe, USAF-Ret., former Director, DIA, with selected ranking, respected individuals as members of the group
- 8) 1991—DOD Inquiry; ordered by Secretary of Defense Cheney.

All of the above investigations concluded that there was no basis to the allegations of a government conspiracy or coverup on the POW/MIA issue. It should be noted that in addition to the above, the POW/MIA special office of the Defense Intelligence Agency is under constant supervision by the House and Senate Select Committee's on Intelligence as well as the House POW/MIA Task Force.

RESOLUTION OF INQUIRY CONCERNING AMERICAN  
PRISONERS OF WAR IN SOUTHEAST ASIA

SEPTEMBER 10, 1985.—Ordered to be printed

Mr. HAMILTON, from the Permanent Select Committee on  
Intelligence, submitted the following

## ADVERSE REPORT

[To accompany H. Res. 226 which on July 17, 1985 was referred jointly to the  
Committees on Armed Services and Intelligence]

The Permanent Select Committee on Intelligence, to whom was referred the resolution (H. Res. 226) directing the Secretary of Defense to furnish certain information to the House of Representatives relating to American prisoners of war in Southeast Asia, having considered the same, report unfavorably thereon and recommend that the resolution do not pass.

## COMMITTEE ACTION

On July 17, 1985, House Resolution 226 was introduced by the Honorable William M. Hendon and referred jointly to the Committee on Armed Services and the Permanent Select Committee on Intelligence. The resolution directs the Secretary of Defense to furnish to the House, not later than ten days following adoption of the resolution, full and complete information regarding all Defense Intelligence Agency case files and analyses concerning reports of live Americans in Southeast Asia from March 23, 1977 to the date of the adoption of the resolution.

Upon the introduction of the resolution, the Committee staff was directed to meet with appropriate officials of the Defense Intelligence Agency to assess the manning, funding, methodology, and operations of the DIA's POW/MIA Division. The Committee staff was also tasked to assess the professionalism and quality of the Division's finished analyses of POW/MIA-related intelligence. In particular, the staff examined a representative sampling of POW/MIA "live-sighting" files. Finally, the staff examined DIA security procedures and practices in responding to Congressional requests for information concerning POW/MIA matters.

At his request, the staff also met with the sponsor of the resolution, Mr. Hendon, to receive his evaluation of DIA's performance and capabilities with regard to live-sighting cases. Finally, the staff met with the Honorable Gerald B.H. Solomon, Chairman of the Task Force on American Prisoners and Missing in Southeast Asia.

On September 5, the Committee conducted a hearing in executive session to hear from officials of the Defense Intelligence Agency, from the Honorable Stephen J. Solarz, Chairman of the Foreign Affairs Subcommittee on Asian and Pacific Affairs, from the Honorable Gerald B.H. Solomon, a member of the Subcommittee and the Chairman of the Task Force, and from the Honorable Benjamin A. Gilman, Vice Chairman and formerly Chairman of the Task Force. After hearing the testimony of

these witnesses and their responses to Members' questions, the Committee ordered the resolution reported adversely.

## BACKGROUND

The Committee's understanding of the concern which underlies the introduction of House Resolution 226 is that free and convenient access by any Member of the House to the files of the DIA live sightings of POW's and MIA's in Southeast Asia convince Members of the House that there were Americans being held prisoner in Southeast Asia and persuade them there was an institutional bias at DIA against accepting this fact. The method for achieving these ends would be to require the transfer of DIA's live-sighting files to the House. In so long, the resolution would bypass the mechanism of the Task Force and its sponsor, the Subcommittee on Asian and Pacific Affairs, together with the security procedures and working relationship that those bodies had developed with the DIA for the oversight and review of DIA activities.

The Committee reviewed in detail the role of the Task Force on American Prisoners and Missing in Southeast Asia. The Task Force, as indicated above, operates under the aegis of the Subcommittee on Asian and Pacific Affairs of the Foreign Affairs Committee. The Task Force has the principle responsibility for overseeing the work of the intelligence community in handling POW/MIA cases—work for which the DIA is the lead agency. The Task Force is made up of interested members of the Foreign Affairs and of any other Members of the House interested in the POW/MIA issue.

The Task Force may review the file of any POW/MIA case and question DIA officials concerning it. Hearing and subpoena power are held by the Subcommittee, which sponsors regular hearings on POW/MIA developments and frequent and thorough examination by the Task Force of DIA files. In addition, the Task Force promptly investigates all allegations and issues concerning POW/MIA matters as they arise. For instance, the Task Force in 1984 investigated the claim of the sponsor of the resolution, Mr. Hendon, that there had been a cover-up of information of live prisoners in Southeast Asia. That review covered some 80 case files cited by Mr. Hendon. The conclusion of the Task Force was that there had been no government coverup. The Task Force also said that it "generally satisfied that all options available to DIA were exercised" in the cases which it reviewed. The Task Force also made suggestions for improvements in DIA capabilities and practices. These recommendations were adopted.

DIA testimony and that of the Congressional witnesses established that the policy of the administration assumes at least some Americans are still held captive in Southeast Asia. Intelligence collection priorities and DIA resource allocations are the highest ever assigned to the POW/MIA topic. DIA efforts are directed at impartial assessments of live-sighting cases based on a full range of intelligence collection activities. DIA's POW/MIA Division personnel, most of whom are Vietnam veterans, thoroughly investigate and cross reference each report. No live-sighting case is closed, regardless of its classification as resolved or unresolved.

It is the policy of the DIA to respond to the request of any Member of the House for information on POW/MIA cases. DIA provides briefings and permits the review of materials under circumstances which protect the classified intelligence information from which they are derived. All the Congressional witnesses stated unequivocally that DIA had responded fully and without exception to all requests from the Task Force and Subcommittee for information on all POW/MIA matters. It was also the testimony of these witnesses that the Subcommittee and the Task Force believed strongly in the need to protect classified intelligence files and conducted their proceedings in a manner that ensured this end. At the same time, witnesses made clear that all cases where DIA believed there was unresolved live sightings were briefed not only to the Task Force and Subcommittee but also to the National League of Families of American Prisoners and Missing in Southeast Asia.

The Committee was greatly impressed by the amount of work done by the Task Force, particularly its operational philosophy of leaving no stone unturned in its review of POW/MIA matters and its unequivocal rejection of suggestions that there had been a cover-up within the Administration or DIA of credible information about Americans held prisoner in Southeast Asia. Either the Subcommittee or the Task Force have conducted a total of 41 hearings with 101 witnesses, producing 2,409 pages of testimony on POW/MIA matters, since the fall of Vietnam and Laos and Cambodia. The Committee believes that the work of the Task Force, which is largely unsung and often protracted, deserves the thanks of the House.

In addition to making a very positive assessment about the diligence and effectiveness of Task Force oversight of DIA and intelligence community performance on

POW/MIA matters, the Committee also examined the alternate framework which would be established by the resolution of inquiry for Congressional review of POW/MIA live-sighting cases. The Committee determined that the effect of the resolution would be to bypass the Task Force and the Subcommittee. The resolution provided no security framework for the appropriate handling and storage of DIA files. The Committee considers this deficiency to be a significant one. POW/MIA cases involve not only legitimately classified intelligence information but information affecting the privacy of the families of those who are unaccounted for in Southeast Asia. Such information requires rigorous systematic protection.

The Committee's review convinced Members that both the Task Force and the Subcommittee conduct careful and adequate oversight of POW/MIA matters. The Committee's examination, its regular review of DIA activities, and the Task Force's judgment on DIA performance on POW/MIA matters convinces the Committee that DIA performs unbiased, professional, and thorough analyses of POW/MIA live-sighting cases. Finally, the Committee concluded that the alternative offered by the resolution of inquiry posed important security problems and a lack of guidance for House review of POW/MIA live-sighting files. In view of these conclusions, the Committee voted to report H. Res. 226 adversely.

#### COMMITTEE POSITION

On September 5, 1985, the Permanent Select Committee on Intelligence, a quorum being present, ordered the resolution reported adversely by voice vote.

#### OVERSIGHT FINDINGS

With respect to clause 2(1)(3)(A) of rule XI of the House of Representatives, the Committee's findings and recommendations concerning House Resolution 226 are contained in the body of this report.

#### FISCAL YEAR COST PROJECTIONS

With respect to clause 2(1)(3)(A) of rule XI of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this resolution does not provide new budget authority or tax expenditures.

#### CONGRESSIONAL BUDGET OFFICE ESTIMATE

With respect to clause 2(1)(3)(A) of rule XI of the House of Representatives, the Committee has received no report from the Congressional Budget Office.

#### RECOMMENDATIONS OF THE COMMITTEE ON GOVERNMENT OPERATIONS

With respect to clause 2(1)(3)(A) of rule XI of the House of Representatives, the Committee has not received a report from the Committee on Government Operations pertaining to the subject of this resolution.

DEFENSE INTELLIGENCE AGENCY,  
WASHINGTON, DC, 20301,  
March 24, 1980.

Ms. ANN MILLS GRIFFITHS,  
Executive Director,  
National League of Families of American Prisoners and Missing in Southeast Asia,  
1608 K St., NW.,  
Washington, DC 20006.

DEAR Ms. GRIFFITHS: This is in response to your letter of 19 February 1980 in which you expressed concern that Colonel Earl P. Hopper, Sr., AUS-Ret., was not provided certain refugee reports he had requested for use in his son's status review board hearing, and asked that the reports be declassified. Unfortunately, this cannot be done.

I believe it is very important to protect the intelligence contained in these reports because of potential impact on the development of U.S. national policy toward the Socialist Republic of Vietnam; but, more so because their release at this time would provide the Vietnamese with a gauge of the extent and success of our intelligence effort in this matter and would enable the SRV to counter any future *demarche* our government might make concerning our unaccounted-for personnel. The Yen Bai sighting report falls under the same heading. I'm sure the League is probably equally concerned that the disclosure of refugee reports on live sightings might have a disastrous effect on our mutual goal.

In closing, Ann, please know the Defense Intelligence Agency will continue its efforts to resolve every possible facet of our investigation of U.S. personnel unaccounted for in Southeast Asia.

Sincerely,

EUGENE F. TIGHE, JR.,  
LIEUTENANT GENERAL, USAF,  
Director.

#### ACCOMPLISHMENTS OF THE NATIONAL LEAGUE OF POW/MIA FAMILIES 1982—PRESENT

Advocated the change of U.S. Government position on live prisoner issue from "no credible evidence" to "information available precludes ruling out the possibility," operating on the assumption that at least some Americans are still held. This led directly to increased intelligence assets, additional JCRC and CILHI personnel and resources, and upgraded priorities across the board on the issue.

Set up first high level POW/MIA meeting since 1970's between U.S. and Vietnamese officials, facilitated high level dialogue with Lao officials; participated in all policy level POW/MIA delegations to Vietnam and all such critical missions to Laos.

Provided Cambodian officials (for the first time) case file narratives of all Americans unaccounted for in Cambodia.

Through the POW/MIA Interagency Group, participated in the drafting and development of official policy documents to ensure the issue was integrated into national diplomatic, intelligence and economic policy.

Led effort to initiate a mass mailing to refugees in the U.S. who were not screened for POW/MIA information during the 1970's.

Provided knowledge and continuity to ever-changing U.S. Government officials responsible for POW/MIA policy and implementation, doing what was required to maintain factual and sustainable strategy.

Recommended, pushed and secured adoption of free military transportation (COIN ASSIST), discontinued in the 1970's, for families to attend each League annual meeting.

Consistently advocated primary next-of-kin (PNOK) rights to privacy and to decision-making on matters affecting their individual case.

Gained early Reagan Administration approval of full disclosure policy to primary next-of-kin (PNOK) on all information that pertains or may pertain to their missing relative; adopted into law, 1988.

Led effort with military services to update family contact information, permitted to become completely out of date in the 1970's, and obtain medical records and information for CILHI (Central Identification Laboratory) to be used for comparison with anticipated remains repatriations through government-to-government efforts.

Led effort to improve the review process for remains identification, including private (2nd opinion) consultant reviews, PNOK input and an Armed Forces Identification Review Board.

Built a strong bipartisan Congressional coalition on POW/MIA. Recommended and gained acceptance for Defense Department publication of a POW/MIA FACT Book and a Next-of-Kin Newsletter to the families.

Reviewed scores of POW/MIA case files at PNOK request; recommended countless necessary follow-up actions on individual cases which were adopted for implementation, both internally and in negotiations with Laos and Vietnam.

Advocated and gained approval to delay entombment of the Vietnam Unknown until all relevant medical records for comparison were present and remains could not be individually identified.

Prepared and proposed public awareness program on POW/MIA, based upon facts of the issue; *subsequently adopted by the U.S. Government.*

Included ASEAN countries (Thailand, Malaysia, Indonesia, Singapore, Brunei and the Philippines) into relevant POW/MIA activities and elicited their support to intervene with Hanoi.

Conceived and participated in countless major public awareness events that influenced Hanoi's cooperation, from "Real People" in the early 1980's, through each Recognition Day, this year with proclamations from all 50 States and thousands of League POW/MIA flags flying across the Nation and on ships at sea.

Secured, with Senator Bob Dole, permanent display of the League's POW/MIA flag at the U.S. Capitol Rotunda until the fullest possible accounting is achieved; sought and obtained approval for flying the League's POW/MIA flag over the White

House, Departments of State, Defense and Veterans Affairs, the Selective Service Headquarters and the National Vietnam Veterans Memorial on Recognition Day. Launched national campaign to counter misinformation which was discrediting the seriousness of the POW/MIA issue and serving as the basis for fraudulent fund-raising.

HIGH LEVEL U.S. GOVERNMENT COMMITMENT TO THE POW/MIA ISSUE\*

(CHRONOLOGICAL—COPIES AVAILABLE UPON REQUEST)

*October, 1991*

Secretary James Baker, Secretary of State, Signing of the Cambodian Settlement Agreement—Paris

*September, 1991*

Secretary Richard Cheney, Secretary of Defense, National POW/MIA Recognition Day

*July, 1991*

President Bush, Letter to the POW/MIA Families, 22nd Annual Meeting, National League of Families

Secretary Richard Cheney, Secretary of Defense, 22nd Annual Meeting, National League of Families

General John W. Vessey, Jr., Presidential Emissary to Hanoi for POW/MIA Affairs, 22nd Annual Meeting, National League of Families

Honorable Bob Kimmitt, Under Secretary of State, 22nd Annual Meeting, National League of Families

*December, 1990*

President Bush, Holiday letter to the POW/MIA Families

*November, 1990*

Secretary Richard Cheney, Secretary of Defense, Veterans Day Ceremony

*August, 1990*

President Bush, National Convention, Veterans of Foreign Wars

*July, 1990*

Secretary Paul Wolfowitz, Under Secretary of Defense, 21st Annual Meeting, National League of Families

General John W. Vessey, Jr., Presidential POW/MIA Emissary to Hanoi, 21st Annual Meeting, National League of Families

Secretary Robert Kimmitt, Under Secretary of State, 21st Annual Meeting, National League of Families

Vice President Quayle, 21st Annual Meeting, National League of Families

*May, 1990*

Vice President Quayle, Memorial Day Ceremony, Tomb of the Unknown Soldier, Arlington National Cemetery

*December, 1989*

President Bush, Holiday Letter to the POW/MIA Families

*November, 1989*

President Bush, Texas Vietnam Veterans Memorial, Veterans Day

BGEN Colin Powell, USA, Chairman, Joint Chiefs of Staff, Arlington Cemetery, Veterans Day

*September, 1989*

Secretary Richard Cheney, Secretary of Defense, National POW/MIA Recognition Day

General John W. Vessey, Jr., Presidential POW/MIA Emissary, West Point Academy, National POW/MIA Recognition Day

*July, 1989*

Secretary Richard Cheney, Secretary of Defense, 20th Annual Meeting of the National League of Families

Secretary Manuel Lujan, Secretary of the Interior, National Vietnam Veterans Memorial/20th Annual Meeting of the National League of Families

President Bush, 20th Annual Meeting of the National League of Families  
General John W. Vessey, Jr., Presidential Emissary to Hanoi for POW/MIA Affairs, 20th Annual Meeting of the National League of Families  
Secretary Edward Derwinski, Secretary for Veterans Affairs, 20th Annual Meeting of the National League of Families

*March, 1989*

President Bush, Dedication of the League POW/MIA flag in the Capitol Rotunda, (letter)

*January, 1989*

President Bush, Inaugural Address

*December, 1988*

President Reagan, Holiday letter to the POW/MIA Families

*November, 1988*

President Reagan, Veterans Day Ceremony, Vietnam Veterans Memorial

*September, 1988*

Vice President Bush, National POW/MIA Recognition Day

Secretary Frank Carlucci, Department of Defense, National POW/MIA Recognition Day

*July, 1988*

Vice President Bush, 19th Annual Meeting (letter), National League of Families

General John W. Vessey, Jr., Presidential POW/MIA Emissary to Hanoi, 19th Annual Meeting of the National League of Families

President Reagan, 19th Annual Meeting, National League of Families

*December, 1987*

President Reagan, Holiday letter to the POW/MIA Families

*September, 1987*

Secretary Casper Weinberger, Department of Defense, National POW/MIA Recognition Day

*July, 1987*

President Reagan, 18th Annual Meeting of the National League of Families (letter)

Secretary George Schultz, Department of State, 18th Annual Meeting of the National League of Families

LTG Colin Power, USA, National Security Council, 18th Annual Meeting of the National League of Families

Secretary Casper Weinberger, National League of Families (letter)

*December, 1986*

President Reagan, Holiday letter to the POW/MIA Families

*July, 1986*

President Reagan, 17th Annual Meeting of the National League of Families (radio broadcast)

Admiral William J. Crowe, Jr., Joint Chiefs of Staff, 17th Annual Meeting of the National League of Families

*December, 1985*

President Reagan, Holiday letter to the POW/MIA Families

*July, 1985*

Robert C. McFarlane, National Security Council, 16th Annual Meeting of the National League of Families

Vice President Bush, 16th Annual Meeting of the National League of Families

*December, 1984*

President Reagan, Holiday letter to the families

*July, 1984*

President Reagan, National POW/MIA Recognition Day, The White House

May, 1984

President Reagan, Memorial Day honoring the Tomb of the Unknown Soldier, Vietnam

December, 1983

President Reagan, Holiday letter to the POW/MIA families

July, 1983

President Reagan, 14th Annual Meeting of the National League of Families (letter)

Secretary George Schultz, 14th Annual Meeting of the National League of Families

General John W. Vessey, Jr., Joint Chiefs of Staff, 14th Annual Meeting of the National League of Families

January, 1983

President Reagan, 13th Annual Meeting of the National League of Families

Judge William P. Clark, National Security Council, 13th Annual Meeting of the National League of Families

June, 1982

Judge William P. Clark, National Security Council, Radio interview with WGN Chicago (Rick Rosenthal)

\*All of the above were conveyed publicly, in remarks, except as stipulated.

#### ANN MILLS GRIFFITHS

Mrs. Ann Mills Griffiths serves as Executive Director of the National League of POW/MIA Families, a position held since 1978. The League, a charitable organization comprised of over 3,800 family members of missing American servicemen and civilians, is dedicated to securing the return of all prisoners, the fullest possible accounting for the missing and the return of remains of those who died in Southeast Asia.

Prior to taking the reins of the League's leadership, Mrs. Griffiths was a member of the League's board of directors for 4 years, serving as legislative chairman. Since formed in 1980, she has played an active role in the U.S. Government's POW/MIA Interagency Group, established to formulate policy to resolve this humanitarian issue.

Her countless contacts with high level U.S. officials include meetings with Presidents Reagan and Bush, the Vice President, Secretaries of State and Defense and successive National Security Advisors. Mrs. Griffiths has had numerous meetings with senior officials of Vietnam, Laos, Cambodia and the countries of ASEAN. She was instrumental in facilitating high level negotiations between Vietnam and the United States in 1983 and has participated in U.S. Government policy-level POW/MIA delegations to Hanoi since 1982.

Acknowledged as expert on the POW/MIA issue, Mrs. Griffiths frequently meets with Members of Congress, appears before Congressional committees, addresses national and international audiences, participates in appropriate policy seminars, publishes articles and newsletters and is a frequent spokesman on network and cable television news programs.

Mrs. Griffiths has been instrumental in building the League from a small POW/MIA family group into a nationally prominent, non-profit organization which influences U.S. Government policy to resolve the humanitarian POW/MIA issue. In managing the League's affairs, Mrs. Griffiths, assisted by her staff, supervises League operations, a successful direct-mail program, and plans and implements the League's yearly convention which includes the highest levels of the U.S. Government. With the assistance of her staff and over 40 volunteer League officials, Mrs. Griffiths also coordinates a nation-wide public awareness program on the issue.

Mrs. Griffiths' brother, Lt. Commander James B. Mills, USNR, has been missing since September 21, 1966, when his Navy F4 was lost on a night mission over North Vietnam. Born in Oklahoma, raised and educated in California, Mrs. Griffiths resides in the metropolitan Washington, DC area.

JAMES B. MILLS

MISSING IN ACTION, SEPTEMBER 21, 1966, NORTH VIETNAM

Lt. Commander James B. Mills, USNR, was born August 31, 1940. He moved to California in 1946, finally settling in Bakersfield in 1954.

Lt. Commander Mills graduated from Bakersfield High School where he compiled an excellent academic record. He participated in numerous extra-curricular activities, served in successive student government positions and earned letters for 4 years each in football, basketball and track, awarded as one of 20 outstanding seniors in a graduating class of over 800. Lt. Commander Mills attended Bakersfield College for 1 year before transferring to the University of California at Berkeley, where he majored in Business Administration, receiving his BA in 1963.

After graduation, Lt. Commander Mills attended Naval Officers Candidate School at Newport, Rhode Island, pre-flight training at Pensacola, Florida, additional flight training at Glenco Naval Air Station in Georgia, Survival School in Florida, and completed training at Miramar Naval Air Station in San Diego, California.

His first tour of duty was aboard the USS Midway as a Radar Intercept Officer on a Phantom F-4B, completing 148 missions over North Vietnam. Lt. Commander Mills was just beginning his second tour of duty aboard the USS Coral Sea when his plane disappeared about 20 miles north of the Demilitarized Zone between Thanh Hoa and Vinh, North Vietnam, on September 21, 1966.

Lt. Commander Mills is the son of the late E.C. "Bus" Mills and Lois P. Mills of Brea, California. His brother Bill, and family, reside in Texas. His sister Ann Mills Griffiths is serving her thirteenth year as Executive Director of the National League of Families of American Prisoners and Missing in Southeast Asia, a position held by her father in 1974-75. His other sister, Judie Mills Taber, and family live in La Habra, California; she serves as Regional Coordinator for the National League of Families.

#### NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

##### BACKGROUND INFORMATION

The National League of Families of American Prisoners and Missing in Southeast Asia was incorporated in the District of Columbia on May 28, 1970. Membership is comprised of the wives, children, parents and other close relatives of Americans who were or are listed as prisoners of war, missing in action, killed in action/body not recovered in Southeast Asia, and returned Vietnam POW's. The League is a non-profit, non-partisan organization financed through contributions from the families, concerned citizens and organizations. The League's sole purpose is to obtain the release of all prisoners, the fullest possible accounting for the missing and the repatriation of all recoverable remains of those who died serving our Nation in Southeast Asia.

The League originated on the west coast in the late 1960s. The wife of a ranking POW, believing that the U.S. Government's policy of keeping a low profile on the POW/MIA issue and encouraging the families to refrain from publicly discussing the problem was unjustified, initiated a loosely organized movement which eventually developed into the National League of Families.

In October 1968, the first POW/MIA story was published. As a result of that publicity, the families began communicating with each other. The group grew in strength from 50 to 100, to 300, and kept growing. Small POW/MIA family groups flooded the North Vietnamese delegation in Paris with telegraphic inquiries regarding the prisoners and missing, the first major activity in which hundreds of families participated.

Eventually, the necessity for formal incorporation was recognized. In May 1970, a special ADHOC meeting of families met in Washington DC, at which time the League's charter and by-laws were drafted.

A nine-member board of directors meets regularly to determine League policy and direction and is elected yearly by the membership which now stands at over 3,800. In addition, ten regional coordinators are responsible for activities in multi-state areas and state coordinators are in most of the fifty states.

The League's national office is staffed by three full-time employees. The executive director, an MIA sister who is the organization's chief executive officer, is responsible for management of the League and implementation of policies established by the membership and board of directors.

ARTICLES OF INCORPORATION OF NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

We, the undersigned natural persons of full age, do hereby associate ourselves as a non-profit corporation pursuant to the provisions of the District Columbia Non-profit Corporation Act and adopt the following articles of incorporation:

ARTICLE I

The corporation shall exist for so long as its purposes remain unfulfilled and its name is National League of Families of American Prisoners and Missing in Southeast Asia (hereinafter referred to as "the League").

ARTICLE II

The purposes of the League are to assist all Americans who are missing or captured in Southeast Asia and their families (1) by securing humane treatment in accordance with the requirements of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War and as recognized by general humanitarian standards for those Americans captured in Southeast Asia; (2) by obtaining identification of all those who are being held captive by the North Vietnamese, the Viet Cong, the Pathet Lao and any other hostile forces; (3) by obtaining proper medical care for all; (4) by making the American people and the people of the world aware of the unconscionable plight of those Americans who are missing or captured in Southeast Asia and their families; (5) by facilitating and promoting communication of information of mutual interest among all families of missing and captured Americans; (6) by facilitating and developing activities with other private or public groups or organizations and governmental agencies which are working to achieve the same humanitarian objectives; (7) by maintaining and supporting the morale of all captured and missing Americans and their families; and above all (8) obtaining at the earliest possible time the release of and a complete accounting for all captured or missing Americans in Southeast Asia.

ARTICLE III

The League shall have such powers as are provided by bylaws and these articles of incorporation, including the power to acquire, own and dispose of property and the power to do any lawful acts necessary or desirable for carrying out the League's purposes. Notwithstanding any other provisions hereof the League shall not engage in any activities that are inconsistent with the qualification of the League as a charitable, humanitarian, non-profit, non-partisan corporation exempt from federal income taxation in accordance with the provisions of Internal Revenue Code of 1954 or any successor thereto, and no part of the net earnings of the League shall inure to the benefit of any private person.

ARTICLE IV

The League shall have such classes of members, with such voting rights, as may be provided in the bylaws, shall set forth the manner of election and the qualifications, rights and duties of members, including the manner in which operating funds shall be obtained, and shall provide for an annual meeting of the members.

ARTICLE V

The affairs of the League shall be managed by a board of directors. The number of directors and the manner of their appointment shall be set forth in the bylaws, except that the initial board of directors is named herein.

ARTICLE VI

The initial board of directors, who shall hold office until their successors are duly elected and qualified in accordance with the bylaws, are as follows:

Mrs. Donald C. Rander  
126 Honeysuckle Court #22  
Baltimore, Maryland 21222

Mrs. James Powers  
1121 Eastin Avenue #5  
Orlando, Florida 32804

Mrs. Stephen Hanson  
24112 Birdrock Drive  
El Toro, California 92630

Mrs. Robert C. Davis  
23 East Broad Street  
Box 365  
Burlington, New Jersey

Mrs. Bruce Johnson  
138 Denver Street  
Salina, Kansas

Mrs. Kenneth North  
Box 136  
Wellfleet, Massachusetts 02667

Mrs. Arthur S. Mearns  
2376 Lyric Avenue  
Los Angeles, California 90027

Mrs. Jeremiah Denton  
3125 Watergate Lane  
Virginia Beach, Virginia 23452

ARTICLE VII

The initial bylaws shall be adopted by the initial board of directors.

ARTICLE VIII

The address of the initial registered office of the League is suite 512, 1025 Connecticut Avenue, NW., Washington, DC, 20036, and the initial registered agent at such office is Charles W. Havens III.

ARTICLE IX

The names and address of the incorporators are as follows:  
Ronald A. Jacks—1025 Connecticut Avenue, NW., Washington, DC 20036  
Charles W. Havens III—4316 Windom Place, NW., Washington, DC 20016  
Maryanne K. Brockley—1100 22nd Street, NW., Washington, DC 20037

ARTICLE X

The members shall have the power to amend or repeal any provision of these articles of incorporation or the bylaws, in the manner set forth in the bylaws and consistent with all applicable laws and regulations.

Mrs. James B. Stockdale  
547 "A" Avenue  
Coronado, California 92118

Mrs. Bobby G. Vinson  
2607 Childs Lane  
Alexandria, Virginia 22308

Mrs. Gordon M. Perisho  
Old Orchard Road  
Quincy, Illinois 62301

Mrs. Arthur Cormier  
12 Sunset Road  
Bay Shore, Long Island  
New York

Colonel Edwin L. Brinkmann  
90 Country Club Drive  
Shalimar, Florida 32579

Mrs. Samuel Johnson  
3204 Greenbriar Lane  
Plano, Texas 75074

Mrs. James F. Egan  
Farview Drive  
Mountainside, New Jersey 07092

## ARTICLE XI

First: No substantial part of the activities of the corporation shall be carrying on of propaganda, or otherwise attempting, to influence legislation, and the corporation shall not participate in, or intervene in any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1954, or (b) by a corporation contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code of 1954.

Second: Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the corporation, dispose of all the assets of the corporation exclusively for the purposes of the corporation in such manner, or, to such organization or organizations organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at the time qualify as an exempt organization or organizations under Section 501(c)(3) of the Internal Revenue Code of 1954 as the Board Directors shall determine. Any of such assets not so disposed of shall be disposed of by the U.S. District Court of said District, in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

Third: The corporation is not organized nor will be operated as a private foundation as defined in Section 509 of the Tax Reform Act of 1969. In addition and even though the corporation is not a private foundation within the meaning of Section 509 of the Tax Reform Act of 1969 the corporation will (a) distribute all of its income in accordance with paragraph second, above, in such manner as not to subject the corporation to any tax under Section 4942(a) of the Tax Reform Act of 1969; (b) will not engage in any act of self dealing as defined in Section 4941(d) of the Tax Reform Act of 1969; (c) will not retain any excess business holdings as defined in Section 4943(c) of the Tax Reform act of 1969; (d) will not make any investments in such manner as to subject it to tax under Section 4944 of the Tax Reform Act of 1969; (e) will not make any taxable expenditures as defined in Section 4945(d) of the Tax Reform Act of 1969.

IN WITNESS WHEREOF, we the undersigned incorporators have hereunto set hands and seal this 28th day of May, 1970.

s/ Maryanne K. Brockley (Seal)  
s/ Ronald A. Jacks (Seal)  
s/ Charles W. Havens III (Seal)

City of Washington  
ss:  
District of Columbia

I, Elizabeth M. Quinten, a Notary Public, hereby certify that on the 28th day of May 1970, personally appeared before me Maryanne X. Brockley, Ronald A. Jacks, and Charles W. Havens III, who being by me first duly sworn, declared that they signed the foregoing Articles of Incorporation of the National League of Families of American Prisoners and Missing in Southeast Asia as incorporators, and that the statements herein contained are true.

s/ ELIZABETH M. QUINTEN,  
Notary Public, DC.

NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

LEAGUE POSITIONS

#### On Live Prisoners

The League's position is that Americans are still held based on the history of the issue, known discrepancy cases and the weight of intelligence information which supports our view. The League's position places the burden on Hanoi to provide answers and is not in conflict with the U.S. Government position.

#### On the Fullest Possible Accounting

As stated in the League's charter and bylaws, the fullest possible accounting is critical to achieving answers for the families and directly impacts on the live prison-

er question. The two tracks must be pursued simultaneously, as a matter of highest national priority, using largely separate but complimentary assets.

#### On Current Priority and Policy

The League strongly supports current priority and policy, recognizing that the U.S. Government has adopted all initiatives proposed by the League. The League urges the U.S. Government to continue to recognize the importance to the United States of honoring and implementing the President's commitments by devoting the resources necessary to resolve the fates of Americans unaccounted for as thoroughly and rapidly as possible.

#### On Cooperation with Laos

The League recognizes the significant increases in cooperation which have occurred during the past 2 years and commends recent US/LAO agreements to expand the joint POW/MIA program by investigating cases of Americans last known to be alive in Lao control and implement other concrete actions in areas of Laos where U.S. teams were previously not allowed. The League urges the U.S. and Lao governments to rapidly implement these important agreements, and urges the U.S. Government to expand the level of assistance to meet humanitarian concerns of the Lao people and to upgrade the bilateral relationship between the two countries in keeping with long-standing U.S. assurances that serious cooperation on the POW/MIA and narcotics issues would lead to that development.

#### On Cooperation with Vietnam

The League supports U.S. policy regarding normalization of US/SRV relations, publicly known as the "roadmap," which contains specific steps required of Vietnam on POW/MIA before U.S. reciprocity on Hanoi's agenda. It is crucial that this process be monitored to ensure that POW/MIA conditions are adhered to and implemented fully by both governments. To achieve more rapid results, Vietnam must seriously implement their commitments by increasing unilateral efforts to immediately provide all information and remains available and by expediting the joint accounting process. The U.S. Government should continue, within legal and policy constraints, to address humanitarian concerns of the Vietnamese people.

#### On Cooperation with Cambodia

Encouraged by the recent responsiveness of officials in Phnom Penh to U.S. requests for cooperation, the League calls upon Phnom Penh to expand unilateral and bilateral efforts to account for Americans missing in Cambodia, including repatriation of any and all American remains.

#### On Cooperation with China

Recognizing that six Americans are still unaccounted for in territorial waters of the People's Republic of China and despite numerous efforts by the U.S., answers on their fates have not been obtained, the League urges the U.S. to seek immediate cooperation of the PRC to provide any and all information available.

#### On Release of Classified Information

The League supports U.S. policy of "full disclosure" to ensure the provision of all relevant information to the primary next-of-kin. The League strongly opposes public release of classified reports pertaining to Americans still held captive in southeast Asia. Public release of sensitive data aids counter-intelligence and destroys any hope of effective U.S. Government action to obtain the release of those involved, as pledged by the President.

#### On Bipartisan Support

The League calls upon the Republican and Democratic leadership to continue current bipartisan policy and priority to resolve the POW/MIA issue, recognizing that resolution can only be achieved through serious U.S. Government efforts to increase the cooperation of the governments of Vietnam, Laos, Cambodia and China.

#### On Use of Misinformation/Allegations

The League condemns any exploitation of the POW/MIA issue. Misinformation, unfounded allegations or claims without proof, including fund-raising appeals using false or distorted information, undermine the seriousness of the issue and must be countered with facts. The League condemns exploitation of the POW/MIA issue taking place at the National Vietnam Veterans Memorial and calls upon the Department of the Interior and all veterans organizations to take appropriate action to eliminate this desecration.

### *In Irresponsible Private Efforts*

The League is strongly opposed to offers of rewards which historically have been counterproductive to achieving our goals. Such offers have elicited strong Vietnamese and Lao government denials that Americans are still held captive, thus undermining serious U.S. attempts to generate responsiveness on the live POW question. In addition, the logical result of such offers is the tightening of security on any and all Americans held. The League opposes irresponsible private forays which interfere with legitimate efforts to confirm the existence of POW's as well as government-to-government negotiations to account for those still prisoner, missing or unaccounted for in Southeast Asia.

### *On Conspiracy and Coverup*

The League rejects charges of conspiracy and cover-up by the U.S. Government on the POW/MIA issue. Current priority assets, particularly within the Defense Intelligence Agency, must not be further squandered on responding or reacting to such unfounded allegations.

#### RESPONSES BY ANN MILLS GRIFFITH TO QUESTIONS POSED BY THE SUBCOMMITTEE ON ASIAN & PACIFIC AFFAIRS FOR THE HEARING ON JULY 17, 1991

1) Could you tell us when you first met Col. Peck and if you had any dealings with him prior to his becoming head of the Special Office for POW/MIA's at the Defense Intelligence Agency?

I first met Col. Peck just prior to the July 1990 National League of Families' 21st Annual Meeting. I had no prior dealings with him, nor did I know him, prior to his selection as Chief of DIA's Special Office for POW/MIA Affairs. The first substantive discussions occurred after the annual meeting.

2) How many times in the course of a day, or a week, did you deal directly with Col. Peck?

I would estimate an average of 3-4 contacts per week with Col. Peck during his approximate 8 month tenure as chief of DIA's POW/MIA office. On occasion, depending on specific questions which rose within the IAG, the contact would be more or less frequent, on a case-by-case basis.

3) How would you characterize your overall working relationship with Col. Peck?

Largely educational, as is common with newly assigned USG officials. A great deal of effort was made to provide Col. Peck with historical background, the functional operations of the IAG in the policy context of DIA's critical support to the issue, plus referrals to other officials, both current and former, who could assist in providing such background.

4) Did Col. Peck ever convey to you his dissatisfaction with the functioning of the Special Office?

Yes, in the context of complaints that his office was handling matters not strictly intelligence-related, such as inquiries from the Congress, public, families or veterans, which, in his view, should have been handled by others. Based upon his misunderstanding of the IAG process, he complained that DIA should have a more direct role in establishing overall policy, rather than providing intelligence support to policy-development.

5) Did he ever convey to you his displeasure with your role as a member of the IAG? If he did, when, and what were the circumstances?

No. To the contrary, he often appealed for assistance in understanding the IAG process, taskings and other matters, and for intervention on DIA's behalf to promote their position on questions which came to the IAG. He also consistently sought to form a "partnership" between himself, me and Col. Cliff Stanley, USMC, then the special Advisor to the Secretary of Defense for POW/MIA Matters, noting that in his view some undefined "they" were after us and we had to stick together.

6) In his letter of resignation, Col. Peck asserted that you were "adamantly opposed to any initiative to get to the heart of the problem" and that you have "interfered in or actively sabotaged POW-MIA analyses and investigations." Would you respond to this allegation?

It is false and absurd. To the contrary, I assisted as appropriate in all instances. As an MIA sister, it is incredible that anyone would make such an allegation; anyone who knows me or my many years of involvement in this issue could never believe such an outrageous accusation.

7) Is it true that, as Col. Peck asserts, you rewrite or edit all significant documents produced by the Special Office for POW/MIA's at DIA and that you "insert (your) own twist or meaning to what was originally prepared?"

As part of the IAG, I provide input to whatever is circulated for coordination and approval. I have never altered or changed facts written by DIA or analytical judgments based upon such facts. What I have done is urge additional follow-up as I felt was needed and, with IAG members, integrate DIA objective data and assessments into policy documents.

8) Did you ever reprimand, openly criticize, or threaten Col. Peck in any way? When, and what were the circumstances?

No. I am not in a position to reprimand or threaten Col. Peck. After many attempts to help Col. Peck grasp his new responsibilities, I, along with all others in the IAG, became increasingly concerned with Col. Peck's inability to deal with the issue, his basic lack of understanding of the issue and DIA's critical role, meshed into the policy process of getting real answers. These criticisms were generally discussed among the senior IAG members and with Lt. General Harry E. Soyster, USA, Director of DIA, as well as Mr. Dennis Nagy, Executive Director of DIA. All shared these concerns.

9) Did you ever oppose any effort by the special Office to set up an operation for POW/MIA's from World War II and Korea?

No. In fact, the League began distributing information on the Korean situation in the early 1980's, and I have supported CIL operations in Asia concerning both WWII and Korea. I have expressed concerns, given recent calls for a new research effort on what could only be termed a massive undertaking of archival sources, that assets and resources recruited for resolving the Indochina POW/MIA issue could be deflected. I also noted that as a matter of principle, the Korea and World War II family members should have access to information on the same basis as Vietnam War POW/MIA families, but all should recognize the difficulties involved in locating and retrieving information which goes back so many years.

10) Have you, in the course of your work, ever called DIA analysts directly and given them direct taskings? How often did this occur and what were the circumstances? Under what authority did you do so?

I maintain contact with every department/agency involved with this issue from the desk officer level up. After IAG meetings or when I received critical information on the issue, I frequently attempted to alert those whom I knew would have responsibility for implementing policy decisions or to act upon new information. The intent of such calls was to accelerate response time. In such cases, which were frequent, I would call Col. Peck. If he was not available, which was frequent, I would alert the responsible analyst. On many occasions when Col. Peck was available, he would refer me directly to his analysts. In addition, Col. Peck would occasionally call for me to explain in greater detail what policy directives meant or what was expected from DIA. My attempting to do this is not a question—it is my responsibility to the issue.

11) At any point, did you tell DIA analysts to ignore Col. Peck, or did you try to go around him in any way? When did this occur and under what circumstances?

As noted above concerning the process, I have received calls from DIA analysts or others at DOD requesting clarification on what Col. Peck might mean by the taskings given to them. From time to time, given the complexities of the issue, serious analysts were confused about what was expected, and the complexities were exacerbated by Col. Peck's lack of understanding.

12) Did you at any time undertake to have any person fired from the Special Office for POW/MIA's? Did you ever threaten to have anyone fired from that office—or ISA? What were the circumstances?

No. I am in no position to fire anyone in DOD, including DIA.

13) Did you ever attempt to scuttle an investigation in Laos—or anywhere else in Southeast Asia—to resolve a POW/MIA case?

No. I believe, however, that you are referring to the case involving a former Lao General, Singkappo, who provided information which warranted follow-up. In fact, my sole objective was to ensure either a direct interview by a trained POW/MIA specialist or another means of receiving the relevant information which could help resolve the case in question. In view of the critical need to have access to the information and, at that time, reluctance by the Lao Government to arrange a direct interview, written questions were supplied with a request for response during the April 1991 trip to Laos by PDASD/ISA Carl Ford and me.

14) Did you ever tell Col. Peck that you would have General Vessey fired?

No. While General Vessey and I are not always in full agreement on the approach to be taken, it was I who proposed General Vessey for selection by President Reagan. General Vessey's integrity and dedication to his mission are unquestioned. The point of contention was General Vessey's concentration on selected "compelling discrepancy cases," to the virtual exclusion of others, and concern that the Vietnamese would perceive efforts to determine fate on these specific cases as having resolved the issue. The resumption of a geographic approach to field operations, rather than pursuing only the initial 119 "compelling discrepancy cases" offers greater potential for resolving the issue, rather than focusing all efforts on determining fate of the selected few.

In general terms, the IAG has discussed the tenure of the special emissary, recognizing that as cooperation moves forward, the process should become institutionalized and the need for a special emissary would decrease. When named, the rationale was to break an existing stalemate and seek renewed cooperation. If Hanoi decides to seriously cooperate and facilitate the efforts of the U.S. POW/MIA Office in Hanoi, the point may be reached where attention by a special emissary will no longer be required. General Vessey has repeatedly stated that he did not consider his role as special emissary an extended one and again told the families at the League's 22nd Annual Meeting that he would continue as long as his participation was useful to the process.

15) What has been the nature of the feedback you have received from family members regarding Col. Peck's allegations?

The families' reaction ranged from outrage and disbelief, to concern and suspicion; however, all questioned why Col. Peck would lash out in such a manner. As a result, it was especially helpful to receive clarification from Director of Defense Intelligence Agency Lt. General Harry E. Soyster, USA, during our 22nd Annual Meeting. He made clear that he had removed Col. Peck from his position as Chief of the POW/MIA Office and that Col. Peck knew of his removal prior to writing his letter of "resignation."

16) Are you presently satisfied with the way that the Bush Administration is handling the POW/MIA problem? Do you believe they are still treating it as an issue of the highest national priority?

The League will never be "satisfied" until the fates of our missing loved ones are resolved as fully as possible; however, we do hold the view that the U.S. Government is pursuing current policy in keeping with the President's pledge that resolution of the issue is a matter of highest national priority. Implementation of policy is an evolutionary matter, and tremendous improvements have been made over the years; however, there is always room for close scrutiny to ensure that all avenues are being exhausted.

17) Is there anything the Administration should be doing that it is not doing?

The League supports current, overall policy and implementation which, in our view, is pursued as a matter of highest national priority. Secretary of Defense Cheney and Under Secretary of State Kimmitt reaffirmed policy and priority during the League's 22nd Annual Meeting, July 12-14, 1991.

Some areas which, in our view, require additional attention include: 1) adopting a more aggressive public affairs approach, including additional manpower to handle functions external to policy and implementation; 2) more rapid responses to the Congress to convey Executive Branch positions on pending legislation; 3) improved Interagency Group coordination; 4) given potential adoption by the Congress of what is termed the "truth bill," additional manpower to handle Korea and World War II archival research for information releasable to the families; 5) insertion of a line item in the DOD budget to cover POW/MIA requirements, including field operations.

18) What is the present League position on normalization of relations with Laos and Vietnam?

The League strongly supports upgrading relations with Laos to the ambassador level, a step long overdue and in keeping with pledges made since 1983. POW/MIA and counter-narcotics criteria, established by the U.S. Government, were long ago met by Lao Government actions. In our view, the word of the United States has not been upheld, and opportunities for further expansion of bilateral cooperation to achieve U.S. objectives are being overlooked. Maintaining lower level diplomatic relations with Laos inaccurately depicts the status of the bilateral relationship which now includes greatly expanded cooperation across the board, including on the two

primary U.S. objective—POW/MIA and narcotics issues. It is time for full normalization of relations.

The League takes no position on the political question concerning resumption of bilateral relations with Vietnam; however, the League supports provisions in the "roadmap" which protect the interest of the POW/MIA issue. In our view, reciprocity, rather than incentive, is the key to obtaining Vietnam's cooperation on this issue; promises have been made repeatedly, and broken. The "roadmap" ensures that there can be no misunderstanding as to steps required on POW/MIA which, if fulfilled, will impact positively on Vietnam's agenda—lifting elements of the U.S. economic embargo.

19) What is the current status of the joint Lao/U.S. investigations on discrepancy cases and grave site recoveries? Has there been an expansion of surveys and excavations of aircraft sites, as was promised by the Lao during your May visit there?

Expanded agreements between the U.S. and Laos, reached during the date April 1991 visit to Laos by PDASD/ISA Carl Ford and me, offer significant potential for increased results in accounting for Americans missing in Laos. Since the first of this year, joint field operations have been conducted in 3 provinces not previously accessible to American POW/MIA specialists, including the first ever joint investigation into incidents involving Americans known to have been captured by the Pathet Lao. More recently, joint operations were conducted in Khammouane and Xieng Khoang Provinces, both of which had not previously been accessible. While these are very encouraging developments, there is concern over deletion of portions of the planned schedule. For the most parts reasons given are plausible; however, additional effort should be made to explain the need for full implementation and regaining momentum to complete the scheduled activities, all of which were planned to maximize time and resources in the field to the best advantage.

20) Will the League have any representative in the POW/MIA office in Hanoi? Will it play any other role in the operation of the Hanoi office?

No. The families have full confidence in the professionalism and expertise of the skilled personnel assigned to the U.S. POW/MIA Office in Hanoi, as well as those augmenting that effort to ongoing field operations. The League has no plan to be involved in such efforts, nor do we believe other private individuals should insert themselves, despite what may be commendable intentions. The families are concerned that interference by untrained personnel into this difficult process will endanger the potential for success.

ASSISTANT SECRETARY OF DEFENSE,  
WASHINGTON, DC 20301-3040,  
September 26, 1991.

Ms. SUE SCOTT,  
Chairman, Board of Directors,  
National League of Families of American Prisoners and Missing in Southeast Asia,  
2401 Chelsea Court,  
Troy, Michigan, 48084.

DEAR Ms. SCOTT: Secretary Cheney asked me to provide a detailed response on his behalf to your letter of August 13, 1991, concerning the Department's review of allegations by Colonel Millard Peck. The results of the inquiry into Colonel Peck's allegations were presented to Secretary Cheney orally. I will summarize our inquiry process and its key findings for you to share with your members.

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 3-person team 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 were senior personnel from my staff and from the staff of the Under Secretary of Defense for Policy. They 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 exam-

ined work reports, internal memoranda, mission and duty functions, and case files. Much of the documentation reviewed during the inquiry reflected confidential communications between supervisors and subordinates or consisted of internal memoranda for the record that must be protected to ensure that agency personnel can continue to discuss sensitive issues without fear of disclosure and classified files. Several of the interviews conducted during the inquiry were conditioned with a promise of non-disclosure and non-attribution.

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 to the POW/MIA Interagency Group. 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 is a French speaker who 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 DC 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, as Colonel Peck's effectiveness had not improved, 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 any facts that support Colonel Peck's various allegations of impropriety in the POW/MIA resolution process. They did find that Colonel Peck disagreed with the policy of the U.S. Government on the POW/MIA resolution process. Both Colonel Peck and the inquiry team identified some shortcomings in the management of the Special Office for POW/MIA and the new chief of this office already has corrective management actions underway. Ironically, in November 1990, Colonel Peck was asked by his immediate supervisor to make some of these same management improvements and he did not do so.

Of particular interest, I am sure, to your Board of Directors are the conclusions reached by the management inquiry regarding Colonel Peck's allegations against the Executive Director of the National League of Families. These allegations were carefully examined and they were found to be without foundation. Colonel Peck was unable to produce any facts supporting his allegations against your Executive Director.

I hope the above has clarified the record of our inquiry for you and your members. I am hopeful that the rate of progress demonstrated in recent weeks in Vietnam, Cambodia and Laos will continue and lead soon to the fullest possible accounting of our missing servicemen and civilians.

Sincerely,

*Duane P. Andrews.*

Ms. GRIFFITHS. I intend to focus here on the League's views regarding current U.S. government efforts, as I was requested to do.

Before beginning that assessment, I would like to comment on statements frequently heard that this issue has taken on a life of its own. What is often neglected here is the real reason, and that has been Vietnam's manipulation of information, withholding of remains and qualified denials regarding whether Americans are still held prisoner.

Since the end of the Vietnam War, Hanoi's denials have consistently been qualified, either because Americans are still held, or to promote that belief here in this country. And the statement that was just read, once again, I believe it said, no American prisoners of war in Vietnam. And it has been an evolutionary thing since my first visit in 1982, and certainly long before that.

Qualifications have often included statements to the effect that the central governments know of no Americans, leaving open the possibility, of course, that U.S. personnel could be held—could be held or living in remote areas unknown to the central governments.

What is important is to ensure that the Indochinese countries do not view the return of Americans who may be located as destructive to bilateral relations with the United States. Any perception that there would be retribution by the United States for locating and returning Americans would likely be a death knell to these individuals.

I have frequently been asked why Vietnam would withhold remains. While speculation on Hanoi's mentality has never been a very productive exercise for Americans, it is clear that no other issue would have brought senior U.S. government officials to Hanoi during earlier years. Had it not been for this issue, such contacts just would not have occurred.

Vietnam obviously perceived it in its own interest as best being served by qualifying denials of live prisoners and manipulating provision of information of remains to bring in those senior officials, such as Mr. Wolfowitz, Mr. Armitage, and subsequently the naming of a Presidential Emissary.

In addition, some have commented that the U.S. is now suddenly serious and moving forward with great intensity, as if there had been no earlier priority or commitment. That is not true. Recent increases in personnel and frequency of negotiations and field operations are not simply because of recently publicized photographs, compelling as they are. The expanded U.S. activity is due to a changed political environment related to the Cambodia settlement and increased willingness on the part of the Indochinese countries to permit in-country activities.

The League strongly believes that the families, the American people and the Congress must have the courage to deal only in facts. The facts are: First, that discrepancies exist; Americans known to have been alive in captivity have not yet returned, alive or dead.

Second, unfettered, immediate access is required to seriously investigate live-sighting reports. While I am doubtful that the Vietnamese will readily provide such access, this should be the subject of serious oversight by this Committee.

Third, several hundred Americans can be accounted for rapidly if the Vietnamese leadership decides on a path of full and open cooperation, to include repatriation of remains being held.

I should note that our forensics experts can distinguish between remains stored for a long period of time, those buried, those buried and stored, et cetera.

Fourth, real access, rather than rhetorical claims of openness, is required to obtain answers from archival records research.

Fifth, nearly 85 percent of the 528 Americans missing in Laos and almost 90 percent of those missing, the 83 unaccounted for in Cambodia, were lost in areas controlled by Vietnamese forces during the war. Vietnam can and must provide historical data to assist in accounting for them. As you know, that kind of credible information does exist in DIA and is available to the Committee.

Building steadily since 1981, the U.S. Government has an impressive record of dedicated effort to resolve the issue. Does the process also—always function smoothly or rapidly as we all desire? No. It is often slower than I believe necessary and nearly always more frustrating.

Internal disagreements are most often based on divergent views concerning strategy or the relative knowledge base of newly involved officials. In that sense, the process is useful in that all serious proposals are considered and new officials become educated.

The real measure, results, depends on those who control the territory and the answers. Serious responses to U.S. initiatives by Hanoi, Vientiane and Phnom Penh could rapidly achieve the fullest possible accounting for missing Americans. The lack of greater results is simply not due to lack of priority, effort, resources or dedication by the U.S.

Some in the U.S. business community, and even in Congress, are lobbying hard for unilaterally lifting the U.S. economic embargo on Vietnam. What would this mean for leverage to achieve U.S. objectives? Now that the international agreement has been reached on the Cambodia settlement, how will that impact on U.S. efforts to resolve the POW/MIA issue? Will Vietnam finally see it in their interest to come forward fully, or are they waiting for splits to develop and history to repeat itself?

Current U.S. policy, supported by the League, was conveyed to the Vietnamese on April 9th of this year. Within this roadmap to improved US/SRV relations are conditions related to implementing the Cambodia settlement agreement and reciprocal steps the U.S. is prepared to take in response to specific Vietnamese actions to resolve the issue as fully and rapidly as possible.

On October 23, as you heard from Deputy Assistant Secretary Quinn, Secretary Baker announced that the U.S. would immediately lift the 25-mile restriction on Vietnamese diplomats accredited to the United Nations and take steps to change the trade embargo rules to permit U.S.-organized travel to Vietnam by individuals and groups.

Most importantly, Secretary Baker proposed that talks begin in New York concerning the issues and modalities associated with normalization of relations between the United States and Vietnam. These reciprocal steps were to be taken at the time of the signing of the Cambodia agreement and with concrete evidence that specific POW/MIA steps were being implemented.

Reciprocity by the United States appears to be—have been geared primarily to Vietnamese cooperation on the Cambodia settlement. Facts demonstrate that the POW/MIA criteria had not yet been met. Nevertheless, the League welcomes and strongly supports Secretary Baker's clarification that the pace and scope of discussions on normalization will, quote, be governed by, quote, Vietnam's cooperation on POW/MIA. This principled position must be

maintained. As Senator McCain noted in the article I just read, this position must be maintained in subsequent phases of the roadmap, or I believe any domestic consensus to move forward on normalized relations will be impossible.

In this context, it's important to understand that Vietnam has neither accepted nor rejected the roadmap. In view of the specific POW/MIA conditions, agreed to on an interagency basis, it is imperative that any further movement toward normalization be closely monitored by this Committee and others to ensure full compliance with the stated criteria.

Despite Hanoi's unwillingness to commit their government to implementing criteria in the roadmap, concrete Vietnamese actions are crucial to achieving U.S. objectives on the issue. And U.S. leverage has never been higher than it is right now.

In our view, given Vietnam's negotiating history, reciprocity, rather than providing incentives in advance, is the key to obtaining Vietnam's cooperation on this issue. Promises have been made before and broken.

Early last month, General Vessey obtained agreements which simply reinforced earlier Vietnamese commitments, with the exception of the possibility of joint venture helicopter support, which, in my view, is crucial.

The primary difference was that these agreements were reached in a different political environment that surrounded our visit at the time. Hopefully, coming from Premier Vo Van Kiet, Vietnam's promises this time will be implemented.

If my comments appear skeptical, that's because history has taught the families that promises can be very hollow, and high level meetings are only that, unless there are measurable results. And, similarly, the United States cannot simply rely on Vietnamese assertions.

U.S. expectations on accountability are based on reliable DIA data and scientific evidence from the Central Identification Laboratory, reinforced by information being obtained through the joint investigation process. Despite Vietnamese assertions to the contrary, there is simply no question that hundreds of Americans could rapidly be accounted for, as Secretary Cheney stated, if Hanoi makes the decision to cooperate fully. Relating to this is the unquestionable fact that Vietnam has easy access to remains of Americans in large quantities.

In 1982, they took me and three other League officials to 17 Le Nam De Street in an effort to convince me that the so-called warehouse was empty. Of course, it would be empty since they took me there. But subsequent repatriations also confirm their continued access to remains. Thus, I can only conclude that stored remains were moved to another location or perhaps to several.

I should also point out that U.S. intelligence judgments indicate that Hanoi has ready access to remains still interred in locations known to them. Any softening of these basic facts could skew Hanoi's longstanding perception as to what the United States expects to achieve in terms of accountability.

Since the roadmap was provided to Vietnam in April of this year, not a single American has been accounted for as a result of

US/SRV efforts. A requirement to resolve discrepancy cases of Americans known to have been alive is as yet unfulfilled.

The remains of only 5 Americans have been repatriated as a direct result of field investigations into the first priority discrepancy cases. A total of 22 Americans of this initial 119 have been accounted for, most through unilateral repatriations. This is logical considering the circumstances of these cases were mostly last known alive.

In another 35 cases out of that original 119, joint investigation as confirmed death, but also lead to the judgment in nearly one-half of those that remains not yet returned were recovered earlier by the Vietnamese.

As I noted, no remains of Americans have been returned since the roadmap was presented in April of this year. Thus, the importance of provisions in the roadmap which help ensure that there will be no further misunderstanding as to what is required to effect the pace and scope of improvements in bilateral relations. The necessity now is to ensure that both governments implement the roadmap with integrity.

A renewed opportunity exists with the recently established POW/MIA office in Hanoi, particularly regarding access to important records and documents which can facilitate results. Deputy Foreign Minister Le Mai's recently publicized commitment to give full access to classified records has not yet been fulfilled. However, recent developments indicate that procedures are being worked out to permit DIA's Hanoi-based research specialist to work with his Vietnamese counterparts to exploit this and other important historical records.

Again, actions to follow-up are required before a valid judgment can be made. Thus far, access has been insufficient. However, I am optimistic that it is beginning to improve.

A frequently asked question is what expect—what is expected by the United States as the far as the fullest possible accounting. The United States database on Vietnamese knowledgeability is the starting point. It indicates, as I said, that Vietnam could easily and rapidly account for hundreds. This would be supplemented by new data from the Vietnamese. And, if so, then hundreds more could be accounted for, perhaps without repatriations of identifiable remains, but with plausible explanations of what happened to these Americans.

Since gaping holes still exist, including incidents involving Americans last known in captivity and not yet returned, alive or dead, an numerical judgment now would be premature. Once more of these cases are resolved and confidence buildings in the joint process the U.S. would be likely in a much better position to make such a judgment.

Turning to Laos, the level of POW/MIA cooperation with Laos has continued to increase over the past several years. However, further expansion is required. This past year joint activities have taken place more frequently than ever before into several areas which were inaccessible during earlier years.

Recognizing that nearly 85 percent of the 528 American losses occurred in areas of Laos under Vietnamese control during the war does not negate the need for a greater effort to account for those

missing in Laos, especially the discrepancy cases of Americans known at one time to be in Lao control.

Encouraging developments have included first-ever investigations, as yet inconclusive, into such last known alive cases, including at the former Pathet Lao headquarters in Xam Nua—Xiangkhoang—Xam Nua in the Khammouane Province area. Despite limitations in terms of resources and personnel, the Lao government reacted swiftly to unplanned requirements, such as investigating the photo incidents.

Particularly helpful was their successful effort to locate the individual depicted in the photograph identified by the Borah family. Subsequent Lao agreement to a similar investigation into the Carr photograph is also a welcome development. In view of these unplanned interruptions to the agreed work schedule, it is significant that two additional field operations are to be conducted before the end of this year.

Statistics regarding joint U.S./Lao POW/MIA bilateral efforts reveal that field operations are the primary means for obtaining results. There is no evidence that I am aware of that the Lao government had a systematic program for collecting and storing remains and information.

While there is no guarantee that further U.S./Lao activities will be successful, I believe I am correct in stating that all but 4 of the 44 Americans previously missing in Laos were accounted for through joint field operations, while only 5 of the 265 from Vietnam have been so resolved.

Accounting for most of the Americans missing in Laos will require Vietnam's cooperation to provide records and documents pertaining to the areas over which they maintained control. Until such data is provided, field operations would be much more difficult and less successful.

However, numerous crash sites are known to U.S. officials and can be pursued without awaiting Vietnam's provision of data. And it is encouraging that both governments have agreed to trilateral discussions at a technical level, hopefully soon to be arranged, to work out the modalities of that really bilateral, but in a way trilateral frame work, trilateral frame work, for cooperation.

While bilateral relations with Laos have been strengthened through a broad range of cooperation, efforts to resolve the POW/MIA issue remain an important element of the ever-improving relationship. Expanded cooperation, to include more frequent field activities, will undoubtedly require further U.S. assistance to augment Lao personnel and resources dedicated to the effort.

I was interested to see Secretary Cheney mention that in his view that resources and personnel were more the reason for the minimal number, comparatively speaking, of joint activities with Laos, and it was not a lack of commitment, but in fact a lack of resources and personnel.

But if such assistance is required, the U.S. should willingly provide appropriate assistance to facilitate as much as needs to be facilitated for U.S./Lao efforts. And I have seen them do so consistently.

It is important to note that U.S./Lao cooperation to resolve this issue is a matter of continuous and effective interchange in Vien-

tiane through the American Charge d'Affaires, Charles Salmon. Of course, Charge Salmon is extremely knowledgeable and involved in pursuing all bilateral issues. But he has taken a special interest and a very active and important role in generating expanded POW/MIA activities with Laos.

Regarding Cambodia, after years during which no positive reaction was received to the 1987 provision which the League facilitated of narrative case files, Phnom Penh authorities have recently begun cooperation. The steps thus far have been quite encouraging, particularly to the 83 families with loved ones missing in that country, because for so many years there was absolutely nothing.

The prompt response and cooperation in investigating photographs identified by family members as their missing relatives were also welcome and appreciated.

On a more comprehensive scale, it is our hope that a process similar to that underway with Laos can be undertaken. As with Laos, Vietnamese records will be required.

Confirming the fates of America's POW/MIA's is obviously the highest priority for all involved, especially the families. Nevertheless, we do not believe such confirmation into the live prisoner issue should be pursued in isolation. While the League's position is that POW/MIA's are still alive, we recognize that unilateral Vietnamese repatriations of remains impact directly on the live prisoner issue.

If remains returned are identified as an American who was last known alive, the number who may still be alive decreases accordingly. The League has long maintained that all avenues to account for our missing loved ones are complementary, not mutually exclusive, and should be pursued simultaneously, and all with priority.

These are the important questions on which efforts should be focused. Historical perspectives can be written after the issue is resolved. The League advocates and deeply appreciates responsible Congressional oversight of efforts to resolve this issue.

There should, however, in our view, be no further squandering of time and energy chasing privately generated illusions or investigations repeatedly disproven accusations of conspiracy and cover-up.

The opportunity which now exists will not come again, nor will it continue indefinitely. We urge all who are striving to account for America's POW/MIA's to understand this reality. The conspiracy and cover-up theories must not be permitted to continue to erode the confidence of the American people, nor must naivete or unfounded assertions, public or private, be permitted to destroy the basic facts of the issue.

The vast majority of the POW/MIA families are realistic. We don't expect miracles. We expect seriousness by our own government, Executive and Legislative branches, rather than spontaneous reaction to the squeaky wheel or the latest editorial. We expect adherence to established policy and implementation with integrity, not comments from unnamed senior officials which dismiss facts and principle in the perceived interest of political or economic advantage.

The road to resolving this issue has been difficult and bumpy, but productive in many respects. Family members who have received answers which ended far too many years of uncertainty rec-

ognize the value of our collective efforts. While much remains to be done, there is reason for optimism that cooperation will increase and greater results will be achieved through the government-to-government process, as long as U.S. Government—as the U.S. Government proceeds with integrity in implementing the roadmap.

Vietnamese responsiveness is only predictable in that context. We ask the Congress to continue its important oversight, as will the League.

In conclusion, we hope that this Committee, through its efforts, will settle on the body of facts which constitutes that information which is just irrefutable and that we all really know to be valid. In doing so, I believe that you all will be able to find the one in all of us who are seeking the end to uncertainty on this issue, for the families and for our Nation.

Thank you, Mr. Chairman, and I look forward to your questions and those of the other members.

The CHAIRMAN. Thank you very much, Ms. Griffiths. I was struck listening to your testimony by the degree to which it really was sort of almost a technical recitation of where each of these countries stand and where the analysis stands, rather than really where the process is, if you will. I mean, you seem to be saying with respect to Vietnam, Laos, et cetera, these are the numbers, et cetera.

But I guess that prompts my first question to you, which is: Is the League happy with the process? Does the League believe that this is and has been treated as the highest national priority?

Ms. GRIFFITHS. Not as the highest national priority, but as a matter of the highest national priority. That is—

The CHAIRMAN. Has it always been treated as a matter of the highest national priority?

Ms. GRIFFITHS. It certainly has not. The League used to demonstrate in front of the White House and the State Department.

The CHAIRMAN. Do you believe, in that context, that it is important for the Committee in evaluating how much is being done to find somebody who might be alive today, that we understand the probabilities of the likelihood of somebody being alive today?

Ms. GRIFFITHS. Absolutely.

The CHAIRMAN. Do you agree that in order to understand the probability that somebody is alive today we have to have a baseline, we have to have a beginning point, which is—

Ms. GRIFFITHS. Absolutely.

The CHAIRMAN. —what is the probability that people were alive in 1973, 1974, or 1975.

Ms. GRIFFITHS. Right.

The CHAIRMAN. You accept that?

Ms. GRIFFITHS. Absolutely, yes.

The CHAIRMAN. The Department of Defense announced in 1973 that everybody was dead.

Ms. GRIFFITHS. That's right. We didn't accept that. We don't think you should.

The CHAIRMAN. And we shouldn't either?

Ms. GRIFFITHS. That's right.

The CHAIRMAN. OK. Now as a beginning point, then, did you ever or do you now have any way of trying to help us to under-

stand how many might have been alive, what your sort of operative concept is as to what the possibilities were in 1973 and 1974?

Ms. GRIFFITHS. Well, our current policy and our position and my personal view is that Americans are alive. Quite obviously, if that our current view, we do believe that there were Americans who were alive at the conclusion of hostilities and when Senator McCain and the others came home in 1973.

The CHAIRMAN. But what I am asking you is, do you have any—Bill Bell this morning said that his best sense was there might have been 10 or 11 or so, and that's his current concept, and based on subsequent information that seems to confirm that. Did you or have you come across any confirmational numbers that suggest to you what the operative number might have been at the beginning?

Ms. GRIFFITHS. Unfortunately, I have not come across confirmational numbers. We have the body of evidence, which is people that were known to have been alive who have not been returned alive or dead. And that is largely the basis on which the League of Families throughout the years has maintained that Americans are still held.

The CHAIRMAN. And that would be the current discrepancy case docket, so to speak?

Ms. GRIFFITHS. The last known alive discrepancy cases, that's correct.

The CHAIRMAN. Right.

Ms. GRIFFITHS. And the additional—the—Also the unresolved first-hand sighting reports that are being pursued, which lend credence certainly to that body of evidence that existed at the end of the war.

The CHAIRMAN. And you are satisfied that that is the operative area of current concern, then? I mean, you wouldn't assert that there are cases that ought to be, at this point, put on that list or that there are some that never were included that should have been. You are satisfied with that grouping?

Ms. GRIFFITHS. Oh, absolutely.

Well, it depends on if you—if you consider the 119 the sum total. The 119 is not the sum total. I think it's—I don't know if I can remember the exact numbers. I am sure DOD was going to provide them to you. It is something close to 200, I believe, that were last known alive discrepancy cases, maybe not quite that many, but closer to 200 than 119.

The CHAIRMAN. But you are satisfied that that has been legitimately and properly worked down to the number that they are currently operating?

Ms. GRIFFITHS. I know a great deal of effort has been put into analyzing and scrubbing and scrubbing and scrubbing that list. Now, that does not, in my view, and I don't think I've—I have certainly never heard anybody in the government say that others could not still be alive. For instance, a lot of these cases are, quote, unknown cases. Unknown people came back in 1973. So there are many cases that are truly missing, like my own brother, that is a missing case. And he—you know, the chances are not as good. He was a 1966 shoot-down. They weren't doing many favors, as the Senator can attest to, in those days. And there was no evidence

that he survived his incident. So his chances certainly are less likely than somebody who say in 1972, alive on the ground.

The CHAIRMAN. Now, what is your sense, Ann, if you can help us understand, what has happened that some families feel more adamantly than others or have been treated, perhaps, differently than others and have such significant questions today?

Ms. GRIFFITHS. Well, I think a lot of it is based on not only the skepticism, but the well-founded knowledge that we have that a lot of the families were lied to in the earlier years. And it wasn't until 1982 that there was even a policy of full disclosure to the primary next of kin.

And then that policy was made into law with Senator Smith's amendment or bill, I think it was originally a bill and became an amendment, in the House side and then subsequently what is taking place now on full disclosure. The—the League fought hard for full disclosure. We didn't have the information. We had to all file FOIA Acts in the late 1970's and—

The CHAIRMAN. Well, what was going on? If I can interrupt you, because my time is almost up. Excuse me for doing that. What was going on? What was happening that, as you say, people were declared dead, you didn't believe they were, you had to fight under the Freedom of Information Act—

Ms. GRIFFITHS. Right.

The CHAIRMAN. —to get information.

Ms. GRIFFITHS. Right.

The CHAIRMAN. And, as you say, people were lied to. What was happening? Was this an effort to shut this thing away?

Ms. GRIFFITHS. Yes. Well, it is a complex answer, actually, because, first of all, this war, the Vietnam War, was very divisive in this country. And, of course, part of it was a secret war. We weren't there. Part of the lying; concerned families who were told their relatives were missing in Vietnam, when in fact they were in Cambodia or Lao. There was a multitude of misrepresentations, distortions, and outright falsehoods. That is part of the past, but that is an inherited thing that all of us had to deal with.

So when you start getting information that is different from what you got earlier, even though you welcome the new information, you compare the two and they are not the same. I mean, the President of the United States admitted that this issue was not handled properly in the past. There is no question that it wasn't. There was no political will. This country didn't want to hear the words Vietnam and the Vietnam veterans can—you know, attest to that. They certainly didn't want to hear POW/MIA.

So that was a 7-year period in there where we had to focus almost all of our efforts on trying to get our own government's attention, to make our own government take the issue seriously. Now, we fought hard to do that. And, at that point, the League was smaller than it had ever been because it is very hard to get support. The media certainly wouldn't pay attention, because it just was not the popular thing to do.

Subsequent to that when people started to get a better realistic grasp on dealing with Vietnam and certainly after President Reagan came into office the priority was raised. We knew it would be. He had a commitment from the time they came back all of the

way through before he was ever a candidate. So we knew he would bring in some seriousness and it was an evolutionary policy, an evolutionary process, that brought us up to where it is worthwhile to have 88 additional people and a Deputy Assistant Secretary of Defense. It wouldn't have done any good in the earlier years when they wouldn't even let us in.

The CHAIRMAN. Well, I appreciate that. My time is up. And I want to pass the baton, so to speak. But I do want to say that the Committee, and we have all talked about this privately, this is not going to be a quote, witch hunt. We are all determined about that. And I don't want this Committee turned into that.

And we are not trying to go back for the purpose of trying to do anything except understanding that if we can't lay it on the table, as I think you have now, and as we must continue to, we are not going to be able to establish baselines, we are not going to have an understanding of probabilities, and we are not going to be able to draw conclusions.

So we are determined to do that with that view in mind. And I think it is very important to be able to make that inquiry appropriately.

Ms. GRIFFITHS. I do, too. I think—What the Board of Directors is concerned about, and many of the families are, we lived through a Select Committee Investigation. We lived through a Presidential Commission. In both instances, it took us years to overcome the damage that was done to the credibility of this issue.

There is concern that the body of facts in the middle will get lost. And that is our concern. There are viable facts here. You have started this investigation. We encourage you to make it fully open to interview everybody in the world and get to the bottom of this. What concerns us is that the Committee, using only U.S. information because you can't get what we don't yet have from the Vietnamese, Lao, or Cambodians.

It will be impossible for this Committee to decide today if Americans are still held, because you don't have the information that we have been trying to obtain. Those prior Select Committee and Commission did exactly that. And they concluded that nobody was alive based on assertions of the Vietnamese and not a factual objective effort. So we have legitimate concerns.

The CHAIRMAN. Well, that is—

Ms. GRIFFITHS. We don't want the body of evidence to be lost.

The CHAIRMAN. That's why you are here today. That's why we are having these baseline hearings at the beginning. And we hope we will heed your warnings and frame this thing in a way that we don't lose the body of the evidence. And we look to you and others to help us do that.

Senator Smith.

Senator SMITH. Thank you. Mr. Chairman, at this time, I am going to pass and yield my time to Senator Grassley. I will leave it up to the Chairman, do you want to give it to him now or when his time comes.

The CHAIRMAN. I am comfortable doing whatever both of you gentleman want to do. Do you want to go now, Senator Grassley?

Senator GRASSLEY. I will take my turn after Senator Brown.

The CHAIRMAN. Fine. Senator Brown.

Senator BROWN. Thank you. Ann, you have talked with the leaders of a number—

The CHAIRMAN. I have just been reminded that I neglected to swear the witness, and I need to do that for all further testimony. I apologize for that. It is my fault. If you could just stand. Do you swear to tell the truth, the whole truth and nothing but the truth?

Ms. GRIFFITHS. I certainly do. It's a law, too.

The CHAIRMAN. Thank you very much.

Senator BROWN. Ann, I understand you have talked with the leaders of a number of the countries in Southeast Asia about this issue. Early in your testimony you mentioned what sounded like a loophole in the way they talk, my phraseology. Something to the point that the central governments know of no POW's being held.

Ms. GRIFFITHS. Yes.

Senator BROWN. The implication being that perhaps others may be aware, or maybe there are people outside of the control of the central government, who know where POW's are.

Ms. GRIFFITHS. Yes.

Senator BROWN. Have you ever had anyone suggest that alternative to you from those governments?

Ms. GRIFFITHS. Not as directly as what you are raising the question to me now, Senator, but what I am saying is that the official positions of the Vietnamese government have been evolutionary and have always been conditional or leaving some sort of, as you put it, loophole.

American prisoners of war to the knowledge of the government, or American prisoners of war in Vietnam. And they have done that with Congressional delegations as well. So is that to mislead us? Is that to continue a belief when they are not alive or is that because, in fact, they do.

I have a good example. Robert Schwab, for instance. And clear back to the Select Committee, the Montgomery Select Committee, when that Committee travelled to Vietnam, they were told that there were no Americans being held captive and Tucker Googleman died in prison after their visit. Now—according to the record.

With Robert Schwab, many people have said this was the American who sailed over to follow his heart and sailed into Vietnam to rescue his fiancée. Some of us never gave up the hope that he might be alive and we pursued that very hard. Others have said the Vietnamese denied that anyone was alive. They never denied that Robert Schwab was alive. I am just saying what they did say is, well, we are unaware that he is alive and being held here, but we will check with authorities in the South. I mean, there was always a caveat there. We have found caveats throughout. Now, is that intentional to mislead or is it because they are still holding?

Senator BROWN. Well, with Bobby Garwood—

Ms. GRIFFITHS. Right.

Senator BROWN. —clearly they had indicated they did not hold American POW's—

Ms. GRIFFITHS. Correct. That's another obvious.

Senator BROWN. —prior to his being released. Do you recall how they explained that when he was released?

Ms. GRIFFITHS. Yes.

Senator BROWN. Explained their previous denials.

Ms. GRIFFITHS. Basically, I think they said that we—something like, we considered him one of us, that—I mean, it was kind of like that. I don't know the exact phrase.

Senator BROWN. So, presumably, someone they considered one of them would no longer fall into the classification, in their mind, of a POW?

Ms. GRIFFITHS. Presumably not.

Senator BROWN. Well, the letter from the Ambassador says, quote, no living American prisoners of war in Vietnam. Potential loopholes there?

Ms. GRIFFITHS. Sure.

Senator BROWN. One, that they could be outside of the country?

Ms. GRIFFITHS. In another of the Indochina countries, possibly, not called a prisoner of war, may be living freely. Half of the DIA first-hand sighting reports that are under continuing investigation are, quote, living freely. And that isn't a judgment the U.S. government makes as to whether or not that person is living there of their own volition. That would be done according to policy after the individual returned.

But that is kind of the breakdown that DIA has, captivity cases, living freely cases, and the other, in Vietnam, prisoner of war. But I can assure you that the Vietnamese certainly have been asked for knowledge of any Americans under any circumstances who may have elected to remain there, who may have committed what they consider to be crimes according to Vietnamese law there for criminals. We have asked them for people in any category and even—I once used the example, even if my own brother had elected to stay in Vietnam, my family, my mother, would like to know that he made that decision of his own volition. But still no response.

Senator BROWN. Well, the bottom line is, your belief is they haven't issued a flat denial yet, a flat total denial.

Ms. GRIFFITHS. I haven't seen a categorical one, but I don't think it would be helpful if they did. That backs—I mean, it is sort of like the time that I remember Walter Cronkite was going into talk to Pham Van Dong and the one thing we asked him not to do was to put a microphone in front of him and say, are you holding prisoners. Quite obviously he would say no. And that makes it even more difficult then for prisoners to be removed.

I think it very important on the live prisoner issue that should they locate someone outside their control that there not be appropriate attitude of recrimination, that such individuals that the U.S. would work sensitively with them to effect immediate return.

Senator BROWN. Last question. I do not know if you have seen the May 23rd, 1991, Report on Examination of U.S. Policies toward POW's. It was issued by the U.S. Senate Committee on Foreign Relations.

Ms. GRIFFITHS. We have it.

Senator BROWN. You have not seen it?

Ms. GRIFFITHS. No, no, we have.

Senator BROWN. You have?

Ms. GRIFFITHS. Yes.

Senator BROWN. Simply, for the record, there were some grumpy comments about you.

Ms. GRIFFITHS. That's usual, Senator.

Senator BROWN. Including the statement, "She apparently has access to top secret code worded message traffic for which she is supposedly not cleared and she receives it well ahead of DIA intelligence analysts."

Just to clear up the record, do you have access and are you cleared?

Ms. GRIFFITHS. Isn't that in the Colonel Peck alleged resignation letter?

Senator BROWN. Yes.

Ms. GRIFFITHS. I say alleged because, Senator—I mean, General Soyster told all the families at our national convention that Colonel Peck was removed from his position and did not resign. I have a top secret clearance, not a code word clearance. And I would be embarrassed if I were the Chief of POW/MIA Office to admit that as little time as I have to read, I get message traffic before he does. I just can't imagine that is true.

Senator BROWN. You do have clearance?

Ms. GRIFFITHS. Yes.

Senator BROWN. You do see these messages?

Ms. GRIFFITHS. To the extent that I have time. Unfortunately, I don't have the time I wish I had.

Senator BROWN. Thank you.

The CHAIRMAN. Senator Reid.

Senator REID. I would like to follow Senator Brown and get this matter cleared up. In fact, what Colonel Peck wrote, and he's talking about you, "The Director of the National League of Families occupies an interesting and questionable position in the whole process. Although assiduously churning the account to give a tawdry illusion of progress, she is adamantly opposed to any initiative to actually get to the heart of the problem, and more importantly, interferes in or actively sabotages POW/MIA analysis of investigations. "She insists on rewriting or editing all significant documents produced by the office, then touted as the DIA position. She apparently has access to top secret code word message traffic for which she is supposedly not cleared, and she receives it well ahead of the DIA intelligence analysts. Her influence in jerking around everyone and everything involved in the issue goes far beyond the war and MIA protestor gone straight scenario.

"She was brought from the outside into the center of the imbroglio and then cloaked in a mantle of sanctimony, routinely impedes real progress and insidiously muddles up the issue. One wonders who she really is and where she came from."

Following up on what Senator Brown said, that's the end of his quote, have you ever had access to secret government documents on the POW/MIA issue?

Ms. GRIFFITHS. Regularly.

Senator REID. How do you get those?

Ms. GRIFFITHS. From every agency of the government. As a member of the Interagency Group, I have a top secret clearance.

Senator REID. Have you ever asked to rewrite a DIA position?

Ms. GRIFFITHS. No. What I think—well, first of all, Colonel Peck was there for such a short time, I don't think he had a very good grasp on interagency coordination and differentiated between policy documents or the kinds of things like press guidance and

policy positions that everyone puts their comments on who is a member of the IAG.

As far as for instance, the outrageous slander that I would impede efforts to resolve this issue, particularly on the live prisoner issue, is just outrageous and it's false and I can't imagine why he would say it except to say what the—Secretary Andrews said and General Soyster has said. He was the wrong man for the job. I'm sure he was frustrated.

Contrary to him, I wish I had the authority that is being ascribed to me. I don't think we would have quite as many mistakes and as much bureaucratic in-fighting and discussion as sometimes takes place in the Interagency Group.

Senator REID. Have you ever interfered with a POW/MIA investigation?

Ms. GRIFFITHS. No.

Senator REID. I think it would be important to us then if you would give us your background before coming direct to the League of Families, and then tell us what your duties encompass as Director of the League of Families.

Ms. GRIFFITHS. My duties encompass?

Senator REID. Yes. What is your background?

Ms. GRIFFITHS. My background?

Senator REID. Yes.

Ms. GRIFFITHS. I'm not an intelligence analyst. I have a background sheet that I provided for the record, background on the League. I have the letter from Secretary Andrews to our Chairman of the Board responding to Colonel Peck's allegations.

I understand you all were successful, which pleases me greatly, in getting them to agree to release their inquiry on Colonel Peck's accusations or their internal inquiry on that matter. That's something that the League had requested as well, so I'm very pleased that they've decided to provide that.

I've been Executive Director of the League for 13 years.

Senator REID. Is that a full time job?

Ms. GRIFFITHS. Oh, yes, more than full time.

Senator REID. What kind of a staff does the League have?

Ms. GRIFFITHS. Right now, let's see, 1, 2, 3. Only 3.

Senator REID. How is it funded?

Ms. GRIFFITHS. Publicly—contributions, donations. It's a non-profit 501C3 organization.

Senator REID. What did you do before you became Director of the League?

Ms. GRIFFITHS. I worked on the Hill shortly for Congressman Bill Young of Florida. Before that I was a housewife and mother, now grandmother of 5.

The CHAIRMAN. Thank you very much, Senator Reid.

Senator McCain.

Ms. GRIFFITHS. Oh, I forgot. Excuse me. I was on the Board of Directors for 4 years. My duties within the League, I forgot to mention those. My brother has been missing for twenty-six years. My duties as League Executive Director are to represent all of the families, not individual cases. I am instructed to implement the policies adopted by the Board of Directors and/or membership.

I do not develop my own policies and that is my instructions. Within that context I work, in fact, helped found, the Interagency Group, the only member still existing on the Interagency Group, and that Group is to develop policy for resolving the issue.

My obligation within that is to provide the views of the families within policy established by the Board and the membership.

Senator MCCAIN. Just to follow up on Senator Reid's question, what rationale was used, since you are a non-government official, you are a Director of the National League of Families, that would give you access to the classified top secret information?

Ms. GRIFFITHS. Actually it was at the very end of the Carter administration at the time, and there was justifiable suspicion on the part of all of the families about the fact that we had not been provided full information. This was long before, of course, the policy decision to full disclosure. And it was, I believe, the IG was first formed in 1980, probably early 1980, and the rationale earlier, before that formation, General Tighe is the one who gave me first—first gave me access to classified information and it was largely at that time to follow up on DIA's performance as far as their professionalism and pursuing and resolving firsthand live-sighting reports.

Senator MCCAIN. Are you satisfied with the provisions that are included in the Defense Authorization Bill concerning full disclosure?

Ms. GRIFFITHS. I am with one provision, and that is—and that's a position of the families, it's not my personal position. I happen to agree with it, and that is that information be provided to the primary next of kin. There's a—as in all things affecting all of us in legal matters, there is a primary next of kin, kind of like a chain of command, and the primary next of kin and the secondary next of kin are not always in agreement.

A wife may differ with the child, for instance. So the Board's concern and the families' concern was to ensure that the rights and prerogatives of the primary next of kin are not violated by public disclosure or just loose handling or indiscriminate dissemination of information over which they feel as primary next of kin of the missing men should be up to them to make that decision.

Senator MCCAIN. And I'm sure you appreciate our point of view on that issue. We have ventilated it pretty much.

You heard Mr. Bell's testimony this morning?

Ms. GRIFFITHS. No, I didn't, Senator, but I did hear about it.

Senator MCCAIN. Mr. Bell basically—I hope I'm accurately stating his view, that following the cessation of hostilities in Southeast Asia there could have been as many as 10 Americans alive. Whether they are still alive now is another question, but there was hard evidence, in his view, at the time that would give him that view.

Do you share that view generally or specifically?

Ms. GRIFFITHS. Certainly generally. I have not seen such hard evidence other than what I responded to the Chairman awhile ago, and to me that's pretty hard evidence about people that we knew were alive, some of them pretty close to the signing of the Paris Peace Accords.

We've never put a number on how many because we don't have that evidence. If there is such hard evidence, I have not seen it

during all of my years with access to classified information that would definitely prove Americans were alive at the time that you all came home, other than what I've said.

The CHAIRMAN. When did your access begin?

Ms. GRIFFITHS. Initially it was only—it was secret, not top secret, and it was, I think—General Tighe is the one that authorized it; 1978 maybe, 1979. Admiral Tuttle was there. I can't remember.

Senator McCAIN. So that really is a very crucial period. You were not at that time up to speed on the information—

Ms. GRIFFITHS. Oh, no, and as you know, there are volumes.

Senator McCAIN.—that Mr. Bell describes?

Ms. GRIFFITHS. No. He would have been; he was in a position to know.

Senator McCAIN. Is it your personal view, not the view of the Board, that the numbers of Americans alive left in Southeast Asia are, assuming that there are, we both operate on the assumption that there are, would be in the tens or the hundreds?

Ms. GRIFFITHS. My personal view. It's very hard to define, you know, to say how many you think there are, especially either one of us, Senator, with the position of having access to classified information, to speculate on numbers.

For instance, if I said tens and there were really two hundred and fifteen, then what would be the obligation on the part of the Vietnamese to return more than one hundred if we said only tens?

I just think it's unwise to speculate on numbers. I don't think they're massive numbers.

Senator McCAIN. I understand. We have solicited from the panel of witnesses this morning, those who were having to do the job in the field, recommendations and proposals in order for this issue to be rapidly resolved. In other words, for the Vietnamese government to be in full compliance with the process for resolution of this issue.

Since you obviously have some concerns, and in light of the letter that Chairman Kerry read, we would like to have your input also, and I know that the Chairman and the Vice Chairman will pass those on to the Vietnamese Ambassador and perhaps we can lay out exactly what we expect from the Vietnamese government and that will help us over time to make a full determination as to whether they are being cooperative or not cooperative, roadmap aside, as to whether they are or not; since there is some difference of opinion, not that the Vietnamese, whether they are being fully cooperative or not, but to what degree they are cooperating.

I think, for example, General Vessey might have some gradient of difference in view with you as to the degree of cooperation, so we would appreciate that.

Ms. GRIFFITHS. Well, I think that if you look at the roadmap, the way that it's strictly written, I think that it's well written to achieve the fullest possible accounting there can be, and we fully support that.

I think where we had concerns is that there would be any softening of the basic data base—

Senator McCAIN. Fine, but you misunderstand my question. I would like your recommendations, either in writing or whatever

you choose, as to what the Vietnamese need to do, in your view, to be fully cooperative in helping resolve this issue.

Ms. GRIFFITHS. OK.

Senator McCAIN. We would appreciate that.

Ms. GRIFFITHS. OK. I'll be glad to provide it.

Senator McCAIN. In fact, if you would like to say verbally—

Ms. GRIFFITHS. I can say it right now.

Senator McCAIN.—some of the things that—

Ms. GRIFFITHS. OK. As outlined, immediate repatriation of all recovered or recoverable remains, full access, free and open access for our live-sighting investigators to be able to go not with written advance notice of where they want to go, but actual access, that it's viable, that's going to hold up to scrutiny of the families, the American people, the Congress and everybody else.

You can't give them notice of a prison you want to go to 24 hours or 2 days in advance and expect that to be viable.

Full access to the archival research, which I think will do a great deal to account for missing Americans, including many that we will probably not be able to get recoverable remains, and then there was one other point.

Well, I can't think of the other one right now, but I will put that in writing if I think of another one.

Now, that's what they need to do. Our government needs to make sure that they implement the provisions of the road map as stated, without any decreasing of the strength of the provisions in the roadmap.

Senator McCAIN. Thank you very much.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator McCain.

Senator Grassley is recognized for 10 minutes for his time and Senator Smith's time.

Senator GRASSLEY. Thank you very much.

Ms. Griffiths, last time you and I had a chance to visit was in my office. Colonel Schlatter asked me to visit with you. I found the information you gave me very good. At that particular time I said I was after original information. I do not have any reason to question the truthfulness of what you told me then or your sincerity then, and I have no reason to question that now.

When you and I separated at that particular time, I told you I thought access to information was what was absolutely necessary for me to fulfill my constitutional responsibility of oversight, to see that money was spent the way the Congress decided it should be spent, and that laws are being carried out the way we write those laws.

So here we are again today, only at a much greater expense in the pursuit of that information that it takes us to do our job adequately, to see that the law and money appropriated by the Congress is adequately spent, and you are part of that process.

My topic of discussion with you today will be along that same line. I was first going to ask you, but I think you clarified very well, about the fact that you have had 26 years of interest in this issue, and for the last 13 years you have been very much deeply, very actively involved.