

# **POW/MIA: WHERE DO WE GO FROM HERE?**

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**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON  
ASIA AND THE PACIFIC  
OF THE  
COMMITTEE ON FOREIGN AFFAIRS  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED THIRD CONGRESS  
SECOND SESSION

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FEBRUARY 10, 1994  
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THURSDAY, FEBRUARY 10, 1994

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
SUBCOMMITTEE ON ASIA AND THE PACIFIC,  
*Washington, DC.*

The subcommittee met, pursuant to call, at 10:15 a.m., in room 2172, Rayburn House Office Building, Hon. Gary L. Ackerman (chairman of the subcommittee) presiding.

Mr. ACKERMAN. The subcommittee will come to order. We apologize. We are running late. Before we do our opening statements, I would like to ask our first witness, the Honorable Robert Torricelli of New Jersey, the distinguished Chairman of the Subcommittee on the Western Hemisphere, who is our lead-off witness today. He has a hearing of his own. And we would like to not delay him any further, and ask him to testify at this time. Bob, welcome.

### STATEMENT OF HON. ROBERT G. TORRICELLI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. TORRICELLI. Mr. Chairman, thank you very much. And for your, and Mr. Rohrabacher's, and Mr. Gutierrez' cooperation, I appreciate it very much. And I commend you for holding this hearing today.

President Clinton's decision last week to lift the embargo against Vietnam cannot weaken our commitment for full settlement of all outstanding cases of missing U.S. personnel. It is, I think we would all agree, as important now as it has been all years in the past to resolve questions regarding each and every one of those servicemen. No issue is more important with regard to our relations with Vietnam.

I hope this hearing will assist us in finding ways to continue pressure on the Vietnamese now that the embargo has been lifted. While this issue has received broad attention and justifiably so, there is another, another important issue that looms just over the horizon that must be addressed before normalization can proceed. And that is the question of compensation of American corporations and individuals who were left in 1974 with the fall of the government in Saigon with property that was expropriated, lost, and confiscated in violation of international law.

Many of these claimants, individuals, private property of U.S. servicemen, government contractors, and corporations remained in Vietnam until the last final days at the urging of the U.S. Government. Many of their original investments were made at the request of the U.S. Government. Many certainly stayed longer than sound

business judgment might have dictated. They did so out of a sense of obligation to the foreign policy and military objectives of the United States.

Now the question arises this many years later whether we will ignore their lost property, forget the seizure of their assets, and proceed to normalization, without asking that their claims be addressed.

In addition to a case of simple justice or protecting the interests of our citizens, there is for this committee's purposes a more profound foreign policy question. Sadly, the war in Vietnam will not be the last that the United States in our history.

If indeed we enticed these individuals, these servicemen, these corporations, these contractors, to go and then remain in Vietnam for that period of time, and then ignore their claims, it will be far more difficult in the future to ever entice any similar interest to ever do so again. It is clear that the U.S. Government will not defend their interests, and now ignores their claims.

The Foreign Claims Settlement Commission, which was established within the Department of Justice to adjudicate the claims of U.S. nationals against foreign countries, has examined this question of Vietnam claims. Beginning in 1980, the Commission took 6 years to painstakingly receive testimony and conduct hearings to determine the validity of these claims.

After hearing 534 Vietnam claims, 192 were found to meet the extensive evidence requirement of the Commission. These awards had an aggregate total principal value of \$100 million. The Commission allows for 6 percent simple interest, bringing the current equivalent value to over \$200 million for these private claimants.

These claims are legally valid. They are recognized by the U.S. Government. They were adjudicated. They were established. They imply remain to be paid.

Fortunately, the U.S. controls the means to achieve an equitable settlement. In 1975, the Office of Foreign Asset Control issued regulations pursuant to the Trading with the Enemy Act that froze all assets of the former South Vietnamese Government in U.S. financial institutions.

According to a 1983 survey, the total value of these blocked assets at the time exceeded \$150 million. I am told that the administration testified yesterday before a Senate committee that the value is approximately \$290 million.

Whatever the exact amount of the claims of the blocked assets, it is clear there are now more than enough sums to compensate each and every one of those private American interests for what they lost in 1975.

I trust that the administration will take prompt action on these claims. And I would strongly urge that it refrain from negotiating these claims in conjunction with the government's own set of claims against the Vietnamese Government.

And this remains the central issue. The line that could be drawn potential U.S. Government claims is unclear. It could overwhelm the private claimants leaving nothing. Indeed what is the extent of U.S. Government claims? All aircraft left behind, expenses of waging the war in Vietnam, U.S. military property. There is an inexhaustible potential list.

The historic practice has been to negotiate the public and private claims separately. In 1980, a GAO report that urged that the Vietnam claims be jointly pursued was strongly opposed at the time by the State Department.

In fact, the State Department reported that adoption of a GAO recommendation would make it extraordinarily difficult in many cases to conclude settlements of private claims on terms acceptable to the claimants.

Mr. Chairman, exactly. Pursuing these claims together is unnecessary, it is unwise, and it will compromise the interests of private American interests. I would urge the administration to seek full value of these claims for private citizens. Historically, the department has weighed several factors, including the strategic importance of reaching an agreement, the morality of obtaining justice for U.S. citizens, and the availability of funds.

Each of these points argues in favor of separate settlements, immediate settlements, and protecting private interests.

In the present case with Vietnam, there would appear to be no legitimate reason why the department would reverse its position and accept a figure that is less than the total principal and interest of the awards. There are currently more than sufficient funds to satisfy private claimants.

These cases have been adjudicated, I have suggested, and there is no strategic importance in accepting a lower settlement. The U.S. Government is the sole representative, and the only defender of our former soldiers and our Government contractors who have now lost their assets. I trust that the Clinton administration will argue in their favor and protect their interests.

I hope, Mr. Chairman, in the questioning that follows that the members of the committee will pursue several points with the administration that I think remain central to this issue.

One, that the administration establish again for the record exactly how much money is available to satisfy these private claimants. As I have informed the committee, I believe from their previous testimony that the number is approximately \$290 million, far more than necessary to settle the private claimants.

Second, the administration should respond to whether or not it intends to negotiate government and private claims together or separately. In other words, has the administration changed the State Department's previous judgment that they should be separated. And if so, why.

Third, what criteria the Department will use to negotiate with Vietnam to determine the percentages of settlement. Indeed, why should the private claimants be settled at any less than full value.

And perhaps more importantly, Mr. Chairman, that since there is sufficient money, and since the claims have been adjudicated, and because of the historic record, that there is no reason to proceed with normalization until there is a full and satisfactory settlement of all claims. There is no reason not to satisfy these private interests.

When these negotiations will take place and how vigorously they will pursue full and not partial payment remains in my judgment a final question that is worth pursuing, Mr. Chairman.

In any case, I commend you for holding these hearings. These individuals, who long ago left Vietnam, who believed that they were going so because of the foreign policy interests of the United States, long ago only had the U.S. Government as their defenders.

Unless we receive proper answers today and a greater sense of commitment to these individuals, our former soldiers who left property behind, the only real defenders of their interests may be members of this committee. It is for that reason that I came here today. That I thank you for this opportunity to present testimony. And that I commend to you these suggestions on questions to advance to the administration.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Torricelli appears in the appendix.]

Mr. ACKERMAN. Thank you very much, Mr. Torricelli. Your points are very, very well taken. And this committee will do everything that it can to raise those points at every appropriate level within the administration, and to try to follow through on all of the suggestions that you have so eloquently put before us.

Mr. TORRICELLI. Thank you, Mr. Chairman, and members of the committee; and if you would excuse me.

Mr. ACKERMAN. The witness is excused.

We will go back to opening statements first.

Today the Subcommittee on Asia and the Pacific continues its hearings on the questions surrounding our missing servicemen in Southeast Asia. Now that President Clinton has decided to lift the trade embargo on Vietnam, we must immediately move to ensure that Hanoi does not interpret this action to mean that it is off the hook on providing a full accounting of our missing Vietnam war heroes.

As we enter on this new phase of our relationship with Hanoi, I urge the administration in the strongest possible terms to remind the Vietnamese at every opportunity that we expect a full accounting of our POWs and MIAs. Indeed, we will be satisfied with nothing less.

Let me reassure the families and friends of those who are missing that they should not for one moment think that the U.S. Congress has written them off or forgotten about them or their loved ones. To the contrary, we must use our expanded presence in Vietnam to pursue this issue with renewed vigor.

I would emphasize that the lifting of the trade embargo should not be confused with the normalization of diplomatic relations. Before we contemplate that step, there must be a far more forthright response from Hanoi on the POW/MIA issue than we have had over the past 19 years.

When the Congress returns the week after next, I will introduce a resolution into the House of Representatives that reiterates our determination to secure a full accounting for each and every one of our missing men. And what falls within that resolution is the establishment of an office within the U.S. interest section in Hanoi that will be available to assist the families of our POWs and MIAs. And I am inviting all of my colleagues on our subcommittee, and indeed on our full committee, to be original cosponsors of that resolution. I am confident that we will receive widespread bipartisan

support for this effort to remind Hanoi that we will not rest until the fate of all the men is known.

Mr. Rohrabacher.

Mr. ROHRBACHER. I would yield to Mr. Gilman.

Mr. ACKERMAN. Ben, would you like to speak?

Mr. GILMAN. With your permission, Mr. Chairman. I may have some intervening problems. If I could present my testimony as my opening statement.

Mr. ACKERMAN. We are always glad to accommodate the pressing schedule of the ranking minority member, Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman. And I appreciate Mr. Rohrabacher yielding.

Mr. Chairman, I want to thank you first of all for bringing together so many members of the POW/MIA community, so that they have an opportunity to share their thoughts with our colleagues with regard to the recent decision made by President Clinton to lift the trade embargo with Vietnam. And I am pleased to be able to join my colleague, the gentleman from New Jersey, Mr. Torricelli, who just testified in support of a full accounting.

Mr. Chairman, U.S. intelligence assessments accepted for many years and reinforced more recently by newly acquired information point out that officials of the Socialist Republic of Vietnam and the Laos People's Democratic Republic have been far less than forthcoming in providing our Government all of the information about U.S. personnel still missing from the Vietnam War.

And I still recall vividly when I first came to Congress in 1973 and made my first mission to that part of the world, and met in Laos with one of the leaders. They said yes, they may have information on hundreds, but they were not in a position to give us that information at that time. And we have still yet to receive that kind of information.

Accordingly, in a letter to President Clinton last week, many of my colleagues, and a number of my colleagues who are here today, joined with me to request that before lifting the trade embargo on Vietnam, that the President should reassure the American people, and in particular the POW and MIA families, that our own intelligence is not all that we desired and was not correct in many instances, but the President has not done so.

We also recommended to the President that he release a list of names of the missing and unaccounted for U.S. personnel for whom according to our intelligence Vietnamese and Laotian officials may have additional information. And in releasing such a list, we recommended to the President that he explain why he deems it appropriate to lift the trade embargo, notwithstanding the possibility that remains and information about the personnel identified on that list is still being withheld. And we again regret that the President did not heed our recommendations.

During the President's campaign for election, he pledged to the families and to the nation's veterans that there would be and I quote, "No normalizing of relations with any nation that is at all suspected of withholding any information on the POW/MIA issue."

For the past several months, the press has been reporting on the gratification that the administration has been experiencing regarding Vietnam's supposed cooperation. For this reason, including last

week's Senate passage of a nonbinding resolution, urging the President to lift the embargo, and reassurances from various distinguished Vietnam veterans, President Clinton lifted the embargo.

Permit me to point out, as I am certain that our families and veterans organizations pointed out to the President before he took that step of lifting the embargo against Vietnam, while there has been some activity in Vietnam on this issue over the last 12 months, only the remains of some three Americans previously unaccounted for have in fact been returned and identified since President Clinton took office.

In addition, if the administration needs to consult with distinguished Vietnam veterans about the question of remains, and Vietnam's cooperation in finding them, then permit me to call to the attention of our administration witnesses who may be here today a February 3 letter to the President signed by 70 former POWs, including our own colleague Sam Johnson, on this very issue. And if you will bear with me, let me read that brief letter. It is dated February 3, an open letter to President Clinton from former POWs.

"Dear Mr. President, we are deeply troubled by news reports that you may have an announcement to make on the trade embargo against Hanoi in a matter of days. You have also been quoted as saying that there are many distinguished veterans who think that the embargo should be lifted. As former American POWs of the Vietnam War, we urge you in the strongest possible terms not to take further steps to restore economic or diplomatic relations with Hanoi until you can certify that the Communist government there is being fully forthcoming in telling us what they know about our fellow POWs and MIAs who did not make it home with us in 1973.

"Mr. President, all of us who were held as POWs in North Vietnam know firsthand that there are no limits to what the Vietnamese will do to show that they are cooperating with the United States to account for our missing comrades. We consider ourselves experts at distinguishing between propaganda and results. As Dr. Kissinger once stated, Hanoi's leaders are duplicitous, and they will stop at nothing to achieve our goals. Your Honor, "Some of our fellow POWs died in captivity in Vietnam prisons, yet they have not been accounted for. Some of our crew mates became missing during the same incidents which we survived. They, too, have not been accounted for. Some were captured, and never heard about again. They have not been accounted for. Finally, a great many of our comrades never returned from Laos, even though we know that they survived their incidents.

"North Vietnam controlled Laos during the war. And yet they still have not accounted for a single POW captured and held in Laos during the war.

"And then there are those in Congress, who are urging you to lift the embargo as a means to get more information. Mr. President, such a recommendation is nothing but a submission to blackmail by Hanoi. Do not let yourself be manipulated on this issue. The only way to get Hanoi to unilaterally provide what they are withholding is to be firm.

"Do you really think that those of us who made it home would have been released if our Nation has not flexed its muscle during the December 1972 bombing campaign? Of course not.

"And while we certainly do not recommend military action, we do recommend that the sanctions continue until the Communists in Hanoi decide to be fully forthcoming in accounting for our fellow POWs and MIAs.

"Mr. President, we sacrificed precious years of our lives while in captivity. We survived, because we believed our country would not let us down by abandoning any hope that we had of firmly convincing Hanoi to account for the remaining POWs and MIAs who came into their possession or control during the war.

"Please do not tell us that crash site excavations and fragmentary archival documents should be the measure of success in judging Vietnam's cooperation to date. We know better. Sincerely."

It is signed by 70 POWs with a length of stay of imprisonment. Mr. Chairman, as you can see, this issue is not about remains. It is about the families' trust in their government, and seeking and discovering the truth. Permit me to point out.

Is it true that when a live sighting investigation is conducted, that our people give the Vietnamese about 48 hours before visiting the area in question?

Is it true that when we are going to do a live sighting inspection, that we do not take measures to monitor activity at those locations prior to and after their visit?

When we conduct no notice or short notice visits of our Rocky nuclear weapon sites, we task our satellites to look before and after those inspections.

How can the search for POWs and MIAs be of the highest national priority if we do not take these kind of simple precautionary measures?

Is it true, Mr. Chairman, that we learn of a Vietnamese source who had information regarding live sightings, that our investigators ask Vietnamese authorities for help in finding that person and helping in arranging such a meeting?

Mr. Chairman, is it true that the qualification standards for our key personnel who are directly involved in investigating and reporting the task force commander, and detachment commanders in Hanoi, and Bientiam, and Phnom Pehn, and team chiefs of field teams, priority case investigation teams, and oral history interview teams do not include language fluency relevant to the country assignment, or experience in intelligence interrogation or criminal investigation, or area studies, or attache experience relevant to the country of assignment, or previous POW and MIA experience; and why are not those qualifications included?

Mr. Chairman, regrettably, the answers to all of these questions is yes. And accordingly, we must conclude that we have not been truly seeking the truth. At which point, the overriding question becomes why is that? Perhaps the answer to that question can be attributed to the POW and MIA elements in the Pentagon having recently been reorganized, reorganized under the political Office of POW/ MIA Affairs. Such a reorganization violates the principle of maintaining the independence of intelligence entities from any political influence or decision.

Our Government is based upon a system of checks and balances. Those who handle the cash are not supposed to keep the books and vice versa. So Mr. Chairman, if we find who wants to control both

the funds and the books, we might discover that our assets in the field are not delivering any significant dividends.

Mr. Chairman and my colleagues, for far too long our Nation's veterans organizations, the families of our POWs and MIAs, and ex-POWs themselves have been described by some as being unable to put the war behind them. Their fears, we are told, are ghoulish and driven by sorrow. And now due to the overwhelmingly evidence available to the public, I hope and I believe that that will change. It is our responsibility to accelerate the process, the investigative process, by helping those who know the truth to step forward without fear or recrimination. The President has reached out his hand to the Vietnamese. Let us reach out ours to those Americans with heavy hearts, who have more information, and want to help our Nation to truly put the war behind us.

In conclusion, Mr. Chairman, while I have the greatest respect for my 62 colleagues in the other body, especially the seven who are Vietnam veterans, and one former POW who urged the President to lift the embargo, I would much prefer to rely on the advice of the 70 former POWs who are all Vietnam veterans, and who truly have expertise in this issue.

When they come forward to inform the administration that the Vietnamese are getting serious about searching for the truth, then I feel certain that our POW and MIA families and our veteran organizations will reach out to them and say yes, the war is finally over.

Thank you, Mr. Chairman.

Mr. ACKERMAN. Mr. Gilman, thank you very much for your abiding, never-dying interest in this very tragic episode in our country's history, and for your very passionate and persuasive remarks before us today. Thank you.

Mr. GILMAN. Thank you.

Mr. ACKERMAN. Mr. Rohrabacher.

Mr. ROHRABACHER. I will make this statement very brief. The President lifted the embargo on Vietnam. Yet, to my knowledge, we received no guarantees that there would be progress on human rights, and we did not ask for any progress in human rights before lifting the embargo.

This administration has just given up the tremendous leverage that we had on South Vietnam by lifting the embargo. We did not get any human rights guarantees in return, and we have not had any guarantees or any evidence of further cooperation on the POW and MIA issue. This was a mistake on the part of this administration. And I believe it is just one more of many tragic mistakes that reflect what has happened with America's involvement in South-East Asia.

It is regrettable. I think that basically our leaders have not lived up to the expectations and the morality of our own people once again.

Thank you, Mr. Chairman.

Mr. ACKERMAN. Thank you. Mr. Gutierrez.

Mr. GUTIERREZ. Thank you, Mr. Chairman. I want to thank you very much for calling this hearing. And I associate myself with your opening remarks.

This issue is one that interests and concerns me greatly. I have given this issue much thought. And I have also conferred with many people in my district who have strong feelings on this issue, and in some cases firsthand knowledge.

As you may know, there are many individuals in the Chicago area who have worked for years to put pressure on the Government of Vietnam to fully disclose all information and physical evidence regarding those Americans who were and may remain POWs or MIAs. Some of those concerned citizens are veterans who care deeply about their comrades. Others are family members, whose loved ones went to war but did not return.

It is out of respect for their commitment and in agreement with their concerns that I enter today's hearings with a deep reservation concerning the proposed lifting, and indeed the lifting of the trade embargo.

I am of the impression that an influx of American capital and financial expertise would represent a great reward to the Vietnamese Government as they look to modernize their economy. However, I am not certain that the actions of Vietnam to this point warrant such benefits.

Perhaps a closer relationship between our two countries could develop in the near future. But I believe that it should be incumbent on the Vietnamese Government to take constructive steps, if that is to become a reality.

I believe it is not in our best interests to forge a relationship at this stage when the process of disclosure is far from complete. All of us are interested in finally putting an end to the Vietnam War. I for one believe that the best way to put an end to the war is to find out all of the information of those who went to Vietnam, but did not return. I believe that we should close that chapter in our Nation's history before we move to another.

Thank you very much, Mr. Chairman.

Mr. ACKERMAN. Thank you. Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Mr. Chairman, thank you. And I really appreciate the leadership you have undertaken to especially call this very important hearing. And I have very strong mixed feelings about this issue, Mr. Chairman. And I suppose you might say that for the past several weeks that we have all been listening not only to the debates that have taken place in the other body, but the fact that there seems to be a very strong bipartisan support of the issue that the President recently has taken to lift the trade embargo against the Republic of Vietnam.

I say that I have very strong mixed feelings, because I suppose being one of the half of million soldiers who served in Vietnam, it is some very, very personal feelings about the situation, especially for the parents and families for all of these years that are still mourning the fact that they do not know whether their loved ones that they have been waiting for for all of these years, whether they are still alive or dead.

It is a question also of the strong influence, I suppose you might say, of corporate America, who say we better be there, or else the other countries are going to take advantage of the business opportunities that this country might offer.

The assumption also is the fact that the President has made this decision and that the Government of Vietnam will cooperate and assist in every way to find the MIAs or the POWs that are still missing there from during the war.

I want to hear from our good friend, the Assistant Secretary, Mr. Winston Lord, about this issue. And I very much want to know what kind of assurances that the administration is going to give, and the fact that this issue is not going to go away. And if the President has made this decision, that we are not going to let down not only the families, but as a basic policy issue in our country for all of these years. And to see that the POWs and MIAs will be fully accounted for. And I am looking forward to hearing Mr. Lord on this issue.

Thank you, Mr. Chairman.

Mr. ACKERMAN. Thank you very much.

Mr. Fingerhut, a distinguished member of the committee.

Mr. FINGERHUT. I do not have an opening statement, Mr. Chairman. I simply applaud you for holding this hearing, and I look forward to hearing the testimony of the witnesses.

Mr. ACKERMAN. Thank you very much.

The Chair would like to announce that Secretary Lord is still at the White House, and is expected here shortly, and is desirous of having the administration and public witnesses testify at the same time. And inasmuch as the third panel consists of, I believe, nine witnesses, what we would do at this time is taken half of the private witnesses, and bring them up now, and break that third panel to two panels.

So we will call up the first half of the third panel. Mr. Michael Lange, former POW; Ms. Linda Gurganus, Chairperson of the POW/MIA Grassroots; Ms. Carol Hrdlicka, POW and MIA family member; and Mr. William LeGro, former Department of Defense official.

We will give you a moment to get settled, because we know you anticipated not going on as quickly as this. And we will also try to get your appropriate respective names in front of you, rather than somebody else's.

We will begin, unless there is any objection, from left to right. And we will begin with Mr. William LeGro. Welcome to our subcommittee. Please feel at ease and relax, and make yourself very much at home. And you may begin, as you will, sir.

**STATEMENT OF WILLIAM E. LEGRO, FORMER STAFF INVESTIGATOR, SENATE SELECT COMMITTEE ON POW/MIA AFFAIRS**

Mr. LEGRO. Yes, Mr. Chairman. First, I think that I should give you a brief summary of my credentials to address the POW and MIA issue. From April until December 1993, I was a special assistant to Major General Bernard Loeffke, the director of Task Force Assia. This was a Department of Army organization that was supporting the U.S. side of the U.S.-Russia Joint Commission on POW/MIA Affairs.

This task force searched for evidence, and analyzed information concerning the American POWs who may have been taken into the

former Soviet Union following World War II, the Korean theater of war, the Indochina War, or taken captive during the cold war.

The task force was reorganized, General Loeffke retired, and my position was eliminated in the reorganization.

During February and March 1993, I was engaged by the American Legion to analyze, summarize, and write a report discussing the final report of the Select Committee on POW/MIA Affairs of the U.S. Senate.

During the year 1992 from February to January 1993, I was an investigator on the staff of the Senate Select Committee on POW/MIA Affairs. I was a member of the team that concentrated on live sightings, and later prepared hearings on World War II, Korea, and the cold war for the committee.

As a private citizen, I followed POW/MIA matters closely from 1986, and became associated with POW activists, researchers, authors, organizations, family members, and some Congressmen. For example in 1987, I consulted with Congressman Frank McCloskey of Indiana on a strategy for dealing with the POW/MIA issue.

As a consequence, Mr. McCloskey introduced a resolution recommending removing the POW/MIA matter from the Defense Department, assigning the responsibility to the Department of State, and placing it in the highest level in the Department of State.

From 1975 until 1977, I wrote for the U.S. Army of Military History, "Vietnam from Cease-fire to Capitulation". This book is regarded as the definitive military history of the last 2 years of the war.

I had returned to Vietnam in 1972 as the director of training of the U.S. Army Advisory Group until I was ordered to organize and head up the intelligence branch of the Defense Attache Office in Saigon. I performed this duty and the additional duty of chief of operations, plans, and training of the DAO Saigon until the evacuation at the end of April 1975.

These assignments enabled me to travel widely throughout Vietnam, South Vietnam, and I became familiar with the terrain and the situation in most of the provinces. As chief of intelligence, I was a senior military intelligence officer in South Vietnam, and I processed a number of reports of American prisoners of war still in captivity in the South.

I had served earlier as the G-2, the chief of intelligence that is, of the First Infantry Division, the Big Red One, for a year of combat in 1966 and 1967.

I had earlier been associated with Indochina matters as the desk officer for international plans and policy in the Department of Army, the Army staff.

Now relations between the United States and the Socialist Republic of Vietnam are rapidly improving. The process toward normalization of relations between the two former enemies was dependent upon Vietnam's cooperation in accounting for hundreds of Americans, who became missing during the course of the Indochina War, and whose fates are unknown.

All officials of the U.S. Departments of State and Defense, whose responsibilities included the POW/MIA question, testified that the Socialist Republic of Vietnam has cooperated to the fullest extent possible, and that normalization should proceed beginning with the

ing of the trade embargo. The President accepted this advice, and the embargo has been lifted.

Unfortunately, and indeed tragically, the facts of the situation do not fit the rationale for the conclusion. The fact is that the SRV, which then called itself the Democratic Republic of Vietnam, as a matter of policy, kept hundreds of Americans in separate facilities, and cut off communication with POWs that it released in 1973.

There is a large and solid body of evidence to support this conclusion. Without question, many if not most of these Americans perished during their captivity, but some may survive today. For the United States to lift the embargo is one thing. And this act may have been completely justified on economic, political or humanitarian grounds. But to move rapidly toward the normalization of relations as a reward for Vietnamese cooperation, and in the process to abandon the missing American warriors and the hopes of their families is unconscionable.

As stated as briefly as possible, my view of the background of the Indochina POW/MIA situation is this. During February and March 1973, in Operation Homecoming, the DRV released to the U.S. control 591 American POWs. This number included men held in the DRV prison system in and near Hanoi, a few released by the National Liberation Front, that is the Viet Cong, at Loc Ninh in the south, and nine men who had been captured by North Vietnamese forces in Laos. The total also included a few civilians, including the late Gen. Benjamin R. Smedley.

All American officials concerned with the matter, civilian as well as military, at the time had expected a far greater number to be released. Serious consideration was given to suspending the American withdrawal from South Vietnam until an acceptable accounting was produced by the Communists, but this action was swiftly aborted.

The United States' national policy became "they are all home." This is a policy that has influenced all of the official analyses of the hundreds of reports of Americans sighted in captivity throughout Indochina after the conclusion of Homecoming. It is this policy that gave rise to the mind set to debunk cited in official criticisms of the flawed analyses of POW reports conducted by the Defense Intelligence Agency.

This policy influenced the evaluation of all kinds of intelligence reports on POWs—communications intercepts, satellite photography, documentary evidence such as the recently exposed Russian documents, and the testimony, often under polygraph, of hundreds of Vietnamese refugees, ex-officials, ex-officers, and even ex-Communist officials and third country nationals.

Our Government insisted that those who had not come home were dead, and declared them to be so in presumptive findings of fact. Meanwhile, the United States imposed a trade embargo, and refused to engage in discussions toward normalization until the Vietnamese came forth with a full accounting of our MIAs. The full accounting demanded of the Vietnamese discounted entirely the possibility that POWs remained alive after Homecoming. It meant, simply, "Tell us where the bodies are."

This brings us to the current situation that I will describe as follows. The United States deployed to Vietnam Task Force Full Ac-

counting. For 2 years, this military unit has conducted field investigations of airplane crash sites and suspected American grave locations throughout Vietnam, Laos, and some attempts in Cambodia.

It has succeeded in recovering some fragments of remains which it transferred to the U.S. Army Central Identification Laboratory in Honolulu for identification. Despite truly heroic efforts under the most trying conditions in remote, extremely difficult terrain and weather, the Task Force had resolved only a few cases.

Another Defense Department entity has investigated live sightings, the term attached to reports of Americans in various degrees of control or captivity throughout Indochina after Homecoming. The validity of these live sighting investigations is questionable, because most were conducted months and years after the sighting, and were undertaken following advanced notification of the Vietnamese authorities, and in the company of Vietnamese security officials.

In June 1992, the Select Committee of the Senate identified 244 Americans, who were last known to be alive in enemy hands. None of these was returned to American control, and the Vietnamese have offered no conclusive or reliable information on what happened to many of them.

Moreover, the number of Americans who became missing in circumstances in which they could have survived the incident is far larger than this. The Senate Select Committee investigators examined hundreds of live sighting reports, and concluded that, viewed in its totality, this body of reporting clearly indicated concentrations of Americans in captivity after Homecoming in a number of locations in North Vietnam, Laos, and South Vietnam, and remote from the prisons from which the POWs returned.

Important aspects of this human intelligence on live sightings have been reliably corroborated by overhead photography and communications intelligence, leaving no reasonable doubt that American POWs remained in captivity in Vietnam and Laos long after homecoming.

Furthermore, two documents recovered from Russian archives attest to the North Vietnamese policy of retaining substantial numbers of POWs as security. The authenticity of the information in these documents is buttressed by testimony of ex-Communist officials. Efforts by the Defense Department's POW/MIA Office to debunk these documents are conspicuously unconvincing, but demonstrate that the "mind-set to debunk" is alive and well.

That is the end of my prepared statement, Mr. Chairman.

Mr. ACKERMAN. Thank you, Mr. LeGro.

Ms. Hrdlicka, welcome.

#### STATEMENT OF CAROL HRDLICKA, FAMILY MEMBER OF COL. DAVID L. HRDLICKA

Ms. HRDLICKA. Thank you, Mr. Chairman, and committee members. I appreciate you asking the family members to come today. I do have an objection to being moved up. I understood that the government people were going to go first, and then the families were going to follow. So I do have an objection there.

The other thing is there was a mistake made, and Karen Miller's name was not added to the list. And she is a family member. And we wanted at least three family members here to testify. And she is not able to testify, because she was not on the list.

Mr. ACKERMAN. Well, we did not have her on the list. She was not an invited speaker.

Ms. HRDLICKA. It was a mistake that was made. And I just wanted you to be aware of it. And I would appreciate it if you would ask her later.

Mr. ACKERMAN. If she has some testimony to hand in, we would be glad to review that. And perhaps at an appropriate future hearing, we might have her as well.

Ms. HRDLICKA. I would appreciate it, if you would consider that. Thank you.

What I would like to start with is first that the President has sold out the families as well as the POW activists. We asked that he honor his promise that he made to the families, that the families would come before the business interests; he lied to us. So now I have been lied to by the White House itself, as well as Senators, Pentagon officials, and down the line. So I have a complete dossier.

The other thing is the trade embargo was lifted. We watched the debates. We had Senator Kerry and Senator McCain leading the charge. They have led the charge to get the POWs buried as fast as they could for the last several years. And I question what agenda they are working on.

I suggest that Senator Kerry has a private agenda. He was working on getting normalization for Vietnam before he chaired the Senate Select Committee. I consider that a conflict of interest. I do not see how someone who has the interest of getting normalization can do a fair assessment of the POW issue.

Senator McCain has joined Senator Kerry in the charge. Senator McCain says that there is no evidence that there was a second prison system, I will tell you, I have a CIA document that shows that there was a second prison system, 54 camps in Laos that this government knew about. I have a stack here of pictures that they took of the camps in Laos. This comes from the Department of Navy. And he lied, or he was mistaken, I will not say he lied, I will say that he was mistaken that there was not a second prison system.

He then states that there was never any interrogation of American POWs by Russian agents. Yet General Kalugin testified before the Select Committee that yes, they did interrogate American prisoners. So he was wrong again.

Senator McCain stands on the committee floor, and he states that there are no POWs. Well, he has been wrong before. Why is he not wrong about live POWs?

I have a real problem with this government, I have a problem with the Pentagon, I have a problem with everybody associated with this issue, because they will not ask the question about last known alive cases. They had them. They know what happened to them. Our governments list start with remains. Then they go to discrepancy cases. Then they go to Laos. Last are archives. Is that the way that you get the answers?

#### THE DISCREPANCY CASES

The discrepancy cases. They have put General Needham in control of running the discrepancy cases with his magic marker, and marking them off. Well, I tell you that Senator Kerry said that they have reduced the list down to 60. Reduced the list? Each one on that list is a man. He is not a number. They have taken the POW issue, and they have dehumanized it by numbers.

My husband was not a number, he was a man, he was sent off by this country to do illegal acts with no regard of what was going to happen to him. When he committed the illegal acts and was captured, they abandoned him, they abandoned him! They are still abandoning him today.

The Pentagon should be with us in this fight. They should not be fighting against us. They should not be keeping documents from us. They sit here, and they tell you that everything is declassified. That is a lie. Because I cannot even get David Hrdlicka's authenticator code 29 years after the fact. Now you tell me, what national security risk it could be for me to have David Hrdlicka's authenticator code number. I have told them that I will not put it in the public domain, but it should be mine to do with, not theirs.

They have all the information. We scratch, and we dig. They tell you that they give the information to the family members, that is a lie. We file Freedom of Information, we fight for every scrap! Most of the documents that I have, I did not get through the Pentagon or through the DIA. I got them through the Freedom of Information. I have been trying to get answers to two simple documents from the DIA, and they have stonewalled me for 4 years.

Mr. Trowbridge will not answer my calls. They send the casualty officers to talk to me. This is not the way to treat the families. This government has not been forthcoming with the families for 20 years. This would not even have to be an issue today had they come to us 20 years ago and said look, I am sorry, we cannot get your husband out, but we will support you in any private venture you want to do.

But they did not do that. They immediately went into their denial mode, which is still very, very active today. Senator McCain talks about all of the distinguished individuals that are involved in the POW issue. I do not know anything about General Needham, other than I know that he has been hired to go down with his magic marker and mark off the names, which he is doing very fast.

And you might ask how, ask what remains they are sending back? You will find that we are getting a rash of just a tooth.

Then we have General Vessey. While General Vessey has worked very hard, and he is an honorable man. But he sits and he tells you that there are no POWs. He does not believe that there are any POWs.

I have a document here. In 1987, he was in Hanoi with talks to turn over seven or eight live POWs. It says here in this document. I will show you the document, and I will give you a copy of the document.

How can he say that there are no live POWs? Here is a document that says that he was dealing for them!

Mr. ACKERMAN. Could you just identify the document?

Ms. HRDLICKA. It is a JCRC liaison, Bangkok, Thailand, 88 January 7.

Do you need any other numbers off it?

Mr. ACKERMAN. We would just like to see a copy of that.

Ms. HRDLICKA. OK. I would be glad to give you a copy.

Then we have Admiral Larson. You see, I think that everybody seems to have their own agenda here, and it does not seem to be POWs. The only agenda that I have here today is a fair investigation, which we did not get with the Senate Select Committee. They promised us an open hearing. We did not get an open hearing. They took it behind closed doors.

So the committee here today, I will consider is the last court of appeals for the families. We are going to ask the representatives to represent us for a change instead of big business and instead of money. Let's turn it around. Let's say that we no longer have a government that is the best government that money can buy. Let's go back to representing the people, and protect the people.

You look at me, and you look at all of these individuals. Well, it is kind of hard for me to fight a group like that, when they have all of the documents, all of the intelligence, and they debunk everything.

I would like to mention that among the distinguished individuals, I consider Colonel Gaines a distinguished individual. He was the one who first brought to light the DIA's shoddy work on the investigative end of it.

Then we have General Tyghe. General Tyghe to his very last breath was willing to go with us to the White House to present the case to President Clinton. On his deathbed, he was going to get on a medical airplane and fly out here. But President Clinton would not see us, he fought until the very end. He believed men were left, and he thought that it was a disgrace.

Then we have Colonel Peck, a very distinguished Vietnam veteran. He had the moral courage to stand up when he saw what was going on in the DIA, and resigned.

I consider these men very distinguished, because they had the moral courage to do what was right.

I will run David's case to you. The DIA says that he died in 1966. And I have documents here that shows him alive in 1967, they will not show me the document that they say correlates to his death.

And the JCRC comes along, and says that he died in 1968. I have asked for 3 years for them to pick a date, pick a date. I have not received a date to this day. I have not received a document to this day to show when they think he died. I went to Russia, and I get a letter from the Russian reporter's wife who interviewed David in 1969.

So now I have disproved of their theories. But to this date, they still have not picked one date.

David was lost in Laos. And there has been no one who has come out of Laos. It has been said that Laos is an individual problem. Well, I have here a document today that we found in the archives. Now this government has had this document, and I want to read a portion to you. This document is dated September 1987. And this is a Stoney Beach message.

This is what it says: "Subject: Vietnamese Seizes Laotian POW/MIA Records." This is a Stoney Beach report. It provides limited information on the repository for POW information.

In mid-August 1987, the chief of the Vietnamese advisory mission went to the defense minister Khantai's office, and confronted him with the evidence of lack of appropriate security for the POW/MIA files. The Vietnamese then demanded that the PDRL immediately transfer the repository to the Vietnamese control, and at that time established a Vietnamese controlled quarantine on the file cabinet containing the POW/MIA files. General Khantai had lost face to a significant degree as a result of the security breach.

Now I am saying to you here today that if this document is debunked, I want you to pay particular attention to the date that it was debunked. I want you to also to find out what agencies were involved in debunking it. I also would like you to keep in mind whether the White House is involved. If they are, then it is politics.

Now in David's particular case, he was last known alive. They have never to this day proven to me that he has died. I have asked the DIA and I have asked everyone to show me their evidence. They tell me there is no evidence.

My son talked to Colonel Peck. And he asked Colonel Peck, "Have you ever seen my father's file?" And Colonel Peck said, "Yes, I have." He said, "Well, is my dad dead?" He said, "Well, I will say that I do not see any evidence in the file that he ever died."

Well, if he did not die, where is he today? I am still trying to get the answers. Instead of the Pentagon joining me and supporting me, they block me at every corner. I submit to you that if you want to find the remains, you go to the prisons, and you dig outside the prisons. You do not go to remote areas and waste the taxpayers' dollars.

We have wasted millions on this issue, all because the government could not be forthcoming to us in the very beginning. We would not have to be sitting here today if the government had been honorable to its fighting men.

I appreciate the time that you have given us today. And I would like to say that for 29 years I have been waiting to get the resolution to this. And I see that my time is limited to 7 minutes to speak to the committee, and to try to cram 20 years into 7 minutes.

But I do want you to follow up on this document. I have many documents here. I would be glad to show you. Because the POW issue is not a myth. It is backed by documents.

I thank you.

[The prepared statement of Ms. Hrdlicka appears in the appendix.]

Mr. ACKERMAN. Thank you very much, Ms. Hrdlicka. We have a vote on. Otherwise, I would have extended the time for you.

Mr. FINGERHUT. Mr. Chairman, just one brief comment. I appreciate the sincerity of all of the statements that have been made. But I was concerned with only one comment. And that was the belief that perhaps Senators McCain and Kerry had private agendas in their statements. I would just like the record to reflect that that is not the opinion of this member. We may disagree with their position if the record proves that, but I do not think that this commit-

tee record should reflect that we concur with the judgment that they are acting on private agendas in making their statements.

Mr. ACKERMAN. We had a little discussion about that while the testimony was going on. And we concluded that we would allow all of the witnesses to have their say, rather than interrupt and debate point by point the veracity of any of the statements. You are certainly entitled to express that to us, and we do want to hear it whether we agree or not.

Ms. HRDLICKA. I do have a document that shows he was.

Mr. ACKERMAN. We are not going to limit you. We will accept all of the testimony, documents, and papers that you have, and make it part of the official record. And we encourage all of the members to read them thoroughly.

Ms. Hrdlicka, you lost your husband fighting for our country. And you should not have to fight against our country in order to get him back.

Ms. HRDLICKA. Thank you.

Mr. ACKERMAN. We are going to work as hard as we can to make our Government a little bit more user friendly, and to see if we can get some of the answers for you. And we are going to be looking at that with all of the people involved as people of goodwill who have worked on it in the past, and are working on it now, and will work on it in the future, and assume that attitude. We will dig everywhere to get at the facts and the truth.

Ms. HRDLICKA. I appreciate that.

Mr. ACKERMAN. We will stand adjourned, and come back in a few moments after this vote.

[Recess.]

Mr. ACKERMAN. The subcommittee will come back to order. We will continue with our panel. Ms. Linda Gurganus, the chairperson of the POW/MIA Grassroots Association.

Ms. GURGANUS. Thank you, Mr. Chairman.

Mr. ACKERMAN. Welcome. And thank you for having patience with our voting schedule. And we are glad to have you here with us today also. You may begin as you will.

As you know, just for the record, the timer that we have is timed for 7 minutes. The green light goes on, and gives you another minute to warm up, and the yellow goes on. The red goes on when your 7 minutes are up. But the floor does not drop out from under you or anything. So you can have comfort in knowing that we are going to wrap up anyway if you take a little bit longer.

Ms. GURGANUS. Thank you.

Mr. ACKERMAN. You may begin.

#### STATEMENT OF LINDA GURGANUS, CHAIRPERSON, POW/MIA GRASSROOTS ASSOCIATION

Ms. GURGANUS. As we all know, the world is witnessing tremendous changes, and the East and the West are embarking on brotherly cooperation. The era of "the war" seems to be ending peace and development are on the horizon. People everywhere are demanding human rights, freedom, democracy, and political pluralism. We stand at the threshold of an opportunity that may never again be ours.

Can we not for once, just once, put aside all other considerations except for to secure the release of any Americans being held against their will? Power and authority once obtained cannot be easily relinquished, but it can be channeled into a cooperative effort.

Our presence as a trading partner with Vietnam seems anything but critical. It does not even appear to be important, since the country already has loans of billions of dollars in other international funds.

The trade embargo in itself has become symbolic. Keep in mind that most Americans believe that Vietnam has stubbornly held its position on our POWs, because of a promise that was broken when the United States failed to pay a secretly negotiated debt to them made by former President Nixon and Dr. Kissinger.

Vietnam has responded in kind to a situation created by this one act. We see frequent reports that progress is being made, and families are receiving final answers to their quest to learn the fates of their loved ones.

If any of you on the panel knows of such convincing and definitive cases, please inform us as we are not aware of any such cases at the present.

What I personally see are some disingenuous efforts to go through motions aimed at merely white-washing this issue. After all, any efforts made by veterans, activists, or grassroots groups are or should be in the interest of the families. Aside from the POWs themselves, they are the only ones who have anything to gain or lose.

Emotion makes it very difficult to analyze the hand of cards that we have been dealt. Implications to lifting of the trade embargo with a Communist government are overwhelming. The most obvious is the devaluation of the lives of our servicemen.

The policies of our Government with respect to POW/MIAs were exposed by the Foreign Relations Minority Staff Report endorsed by Senator Jesse Helms in May 1991. These facts were abhorred by everyone that read them. However, it seems that these policies have just been reinforced.

U.S. companies with assets in Southeast Asia will demand protection from our military at the threat of aggression from China or North Korea. We are already aware that these threats are very real.

In one of China's current publications, the United States is identified as China's principal military adversary in the future in the war scenario from China's seizure of oil fields in the South China Sea.

What do we tell our sons and daughters, who anticipate enlistment in the military? Do we tell them that their lives mean nothing? Do we tell them that patriotism is only propaganda used to protect business interests that have no respect for the sacrifices that our youth has to make?

My son is presently active duty military. I value his life above my own. How do I stop this madness that might place me in the chair of one of these mothers?

We have a brand new hand of cards to play. We must formulate new strategies to obtain accounting of POW/MIAs from Southeast

Asia. We suggest that funds be made available to the families who wish to go to the countries in question to try to solve their respective cases. It seems that the U.S. Government has chosen not to do this.

This money could be made available to the families by designating a percentage of the approximately \$100,000 per day that it currently costs the military to excavate these crash sites.

It has been determined that a large portion of this money is wasted. And the families, the activists, and the veterans organizations are not satisfied with such minimal progress that is being made looking for bones.

These funds should be made available until the last of our men have been repatriated, or for which their respective members agree that there has been a satisfactory accounting. After all, families members are the only appropriate people who should decide on a satisfactory accounting of their loved one.

Perhaps the very companies that forced our Government to choose between big businesses and the lives of the men that they sent to protect democracy can be lobbied to match such funds in a cooperative effort to finally put this issue to rest.

Through this initiative, the POW/MIA cause would be adequately subsidized at long last, so that the full accounting process can be pursued by President Clinton and Vice President Gore as promised. If they do not endorse this proposal or any other representative, they can then be hanged by the family values issue that we hear everyone spoke of so often.

Further, we feel that the next full year should be dedicated to the follow up of live sighting reports only, and making a true genuine effort to locate any live American who may still be detained against his will.

Many accuse us of holding a grudge. The fact is that past administration policies have created us. Now you must deal with us. If you not like who and what we are, then maybe you should change the way that you do business. We have made a promise to the family members, and the grassroots and the activists know how to keep their work. We have a responsibility to our children and to ourselves, that all the good and noble values for which our servicemen still fight are alive and well and worth the sacrifice; and that peace, honor, dignity, and fairness still exists. And that with our continued efforts, the American dream will mean something to our children, and not just to our enemies. There is also no price to our commitment.

Our vigilance is the product of this government's ineffective policies. We will not go away until we have answers. We will not let this happen again, I assure you. Our spirit is not broken. Our determination is stronger. And we will not pull out like the U.S. Government did. Thank you.

Mr. ACKERMAN. Thank you very much, Ms. Gurganus.

Our next witness is Mr. Michael Bengé, former POW, who I understand is counted among our best and bravest. We are honored to have you with us, sir.

#### STATEMENT OF MICHAEL BENGÉ, FORMER PRISONER OF WAR

Mr. BENGÉ. Thank you, Mr. Chairman. And I thank the committee inviting me here today.

I was captured in January 1968 in the central highlands of South Vietnam by a North Vietnamese army unit, although Hanoi repeatedly swore that it had no troops in the South. I was a foreign service officer. Despite Hanoi's signature of the Geneva agreement on the treatment of prisoners of war, stipulating that captured civilians would be released immediately, I was not released until 5 years later, in March, during Operation Homecoming in 1973.

During the time of my capture, I spent 27 months in solitary confinement. And of this time, 1 year in a black box. For the first year, I was held in over 12 POW camps in South Vietnam. The second year, I was held in a cage in Cambodia. This was over 1 year before the United States went into Cambodia. The Vietnamese, Hanoi, swore that they were not in Cambodia.

Hanoi repeatedly told lie after lie. Next I was held in one camp in several caves in Laos over a period of a month. Lastly, I was held in three camps in North Vietnam.

Communists are the world's foremost bureaucrats, although some inside the Beltway may question that. And they record everything in quadruplicate. There was no less than three dozen separate sets of documents recording my incarceration during my captivity.

I was captured by a North Vietnam battalion, and thus I was recorded in their battle report. I was turned over to Hanoi's enemy proselytizing department, which was responsible for all POWs, and this was recorded.

I was farmed out to a Vietcong prison camp, and again my existence was recorded. Twice a month, I was visited by EPD officers. Again these were recorded. I was interrogated by military intelligence officers from a different division oftentimes. After being moved to Cambodia, we stopped at military rest camps. Every night, I was recorded in the logs of each of these camps.

We went through checkpoints about every 3 days, and I was recorded at these checkpoints. When I arrived at the POW camp in Cambodia, the camp commander recorded my presence. I was visited by a doctor from a nearby NVA field hospital, and this was recorded in his log book.

Each of the three camps in North Vietnam where I was held had a political officer who repeatedly interrogated, and recorded everything. This was recorded. I was also interrogated by several guest political and intelligence officers including two Cubans, who kept records.

Therefore, to the nay sayers, I say please do not insult my intelligence by saying that the Vietnamese do not have information.

Two civilian prisoners with me died while we were in remote area. Our prison guards drew maps of where the bodies were buried. Two EPD officers came, and drew maps of the grave sites. The U.S. team visiting the sites said that the remains had been dug up and removed. However, the Vietnamese have not returned their remains.

Hanoi knows where all of the bodies are buried. Why would Hanoi hold POWs? The Vietnamese Communists are not born again Christians. They are not Mr. Nice Guy. Vietnam is ruled by

a totalitarian regime that is very repressive. Its leaders are very vindictive. Recently, Freedom House named them as one of the top 20 of the world's worst violators of human rights.

During the war, they repeatedly broadcast to their people that the Americans were war criminals, that they would be tried before a Nuremberg-like trial, and kept forever. They repeatedly told us this during my incarceration, and that they would hold us just like they still held French POWs. This is documented that they still hold French POWs.

The Vietnamese leaders lost faith with their people when we were released. And for their own self-satisfaction, that they did not capitulate and give the American aggressors their POWs, they kept POWs. They wanted bargaining chips and pawns to trade for prisoners held by the South Vietnamese, and ensure that they would be paid the \$3.5 billion they say Henry Kissinger promised them.

It is important to know what constitutes a Communist prison in Vietnam, Cambodia, and Laos. It is a chain, a padlock, and a tree. It is stocks made from tree trunks, and a bamboo cage on some remote mountain. It is a cave, and a guard at the entrance. It is a kind of room or storage bin with the windows bricked up and the door fastened with a steel bar. It is a generator room under the citadel with a locked door. It is shackles bolted to a bed in an infirmary on an island.

This is what constitutes Hanoi's second tier prison system. And it cannot be compared to a U.S. prison system where prisoners can readily be accessed.

While in the cage in Cambodia, I saw perhaps 8 to 10 American POWs taken up the side of a mountain to another part of the cage complex. These compounds, there were approximately eight of them on top of where I was.

Who were they, and what happened to them? They were not released. Could someone survive in the prison system of the Hanoi Communists after all this time? About 4 years ago, two or three Japanese soldiers from World War II surfaced in Malaysia. They have survived in the jungle for almost five decades. If the POWs believed that America would never abandon them, they could survive.

Yes, I believe that Hanoi is fully cooperating with the joint task force and full accounting. The Vietnamese Communists are answering the questions they are asked. However, the joint task force is not asking them the right questions.

Crash site investigation is a growth industry for Hanoi, reaping them millions of dollars in revenue as ransom for salted artifacts, as in salting a phony gold mine with a few nuggets. Examination of the crash sites is a joke. Hanoi had a policy and the Vietnamese as a way of life that immediately after a crash, they policed all sites of anything of value, including bodies, identification, and personal items, unless the site was in the remotest jungle or mountains.

Therefore, any remains or artifacts found on the surface of the majority of these crash sites were probably returned and placed there by Hanoi.

While Senator John Kerry visited the area of a prison in southern Vietnam in April 1992, Vietnamese officials told him that no Americans had ever been held there or in the area. Several months later, an American detainee was secretly released by the Vietnamese, who reported that one day prior to the Senator's arrival that he was moved from the prison that Kerry went to, and returned 2 days after the Senator departed.

Although the American detainee was not a POW from the war, it proves my point. The Vietnamese Communist officials are pathological liars. Anyone who thinks that the Vietnamese are being truthful and cooperating is either a fool or has other motivations.

Resolution of live sightings reports by JTFFA is a moribund joke. The names and locations of all witnesses are given far in advance to the draconian Vietnamese Communists, along with all available information in U.S. files. Therefore, witnesses are prepared, and I say prepared, prior to the arrival of the JTFFA personnel. Interviews are conducted in the presence of a Communist Vietnamese public security representative. All witnesses are subject to intimidation.

I have access to and will make available for joint viewing a CINCPAC videotape given to me in confidentiality that was made at the Vietnamese Presidential palace during Senator John Kerry's December 1992 visit. In his meeting with Vietnamese President Le Duc Anh, Kerry assured him that, as with the POW pictures, the U.S. Government will not release anything to the public that would embarrass the Communist officials of Hanoi.

He also told Anh that in order to get the trade embargo lifted, all Hanoi had to do is show that there was a process for accounting.

Was he relaying a message from the then President-elect Clinton? Surely, Kerry de facto was de facto setting policy and undermining Clinton's campaign promise that there would have to be a full accounting before he would approve lifting the trade embargo on Vietnam.

At the same meeting, Kerry also told Anh that the Laotian leaders told him on numerous occasions that they had no information on POWs, for Hanoi controlled all POWs and all information on them. There are about 550 Americans missing in Laos, and of these, approximately 80 percent of these men are missing in territory under the control of—total control of Hanoi.

Anyone proclaiming that the Laotian Government, not Hanoi, is responsible for accounting for these men is either extremely naive, lying or covering up for Hanoi, or a fool. The Lao leaders's statements relied by Kerry are corroborated by the attached 1969 cable and by other cables, revealing the agreement between the North Vietnamese Government and the Neo Lau Hak Sat Central Committee whereby all Americans, "All Americans captured on Laos would be sent to North Vietnam."

This document also records a shipment of 27 American POWs from Laos to North Vietnam, either from the CIS/NSA "Cold Spot," or similar intercept program files cited in the attached article by Al Santoli, who will speak later.

It records another transfer in 1973 of 112 U.S.A. pilots from Laos to Santay, North Vietnam, along with snapshots, names and ages.

There is a plethora of other intelligence information supporting these transfers. Only nine POWs captured in Laos were released by Hanoi. According to a 1993 CIA document reported to have been given to National Security Advisor Anthony Lake by former intelligence officer Barry Tool, 150 American captives were moved from Laos to North Vietnam—excuse me—moved from Laos to North Vietnam—to Laos from Vietnam, and were offered for ransom.

In 1993, the report, confirmed by a second highly reliable independent source, quotes a high ranking member of the Lao Politburo as stating, "Now is the time to make a deal." At the bottom of this report was written, "Recommend no further action be taken for it is the policy of the United States not to pay ransom."

Last year a media-feeding frenzy evolved over the surfacing of a military Russian intelligence document, what was dubbed the "1205 document." The document stated in 1972, the Vietnamese held as pawns 700 or more Americans than the 368 they acknowledged in a second tier prison system. Pentagon officials and others with a mindset to debunk proclaimed that there was no other evidence to support that allegation. Later, a second Russian document emerged supporting the contention of the first.

This statement that there is no other evidence to support the allegation of holding these POWs is totally dishonest. I am listing in here six other documents that support it, and there are others. There is a convincing body of evidence for aberrating this Russian document.

They also have documents that the KGB was tasked to capture and take to Russia POWs. Hanoi knows who they are. Frankly, gentlemen, I do not think Hanoi wants or diplomatic relations, for they already have our money. Diplomatic relations would only provide a channel for the United States to put international pressure on the Hanoi Government to improve their human rights and to move toward democracy. The leaders do not want that.

A year ago—about 2 years China granted a Denver oil drilling firm a contract to drill on the northern end of the Spratley Islands. They called in the American ambassador and told the Ambassador that China was willing to back up these drilling rights with the entire might of their armed forces. From the revenue they are earning from trade with the United States, they are rapidly building their army and building their navy.

Vietnam only wants us to come in to drill for oil to protect them against China. Are we to become the Vietnamese Communist bodyguard?

By lifting the trade embargo, President Clinton lost a unique opportunity to heal the wounds of the Vietnam War. By abandoning these POWs and MIAs, a time-honored tradition that Americans do not intentionally leave their men behind has been defiled, and a message has been sent to future armed services personnel that when there is a choice between business and their lives, business comes first.

I saw on several occasions Vietnamese medics extracting teeth from the prisoners. These teeth could be easily salted among a few bone fragments at a crashed site. No MIA should ever be declared dead and remains returned to a family based on the identification

of one tooth. The only acceptable means of identification is by DNA testing of a key portion of skeletal remains.

If there is evidence that the person had been a POW, the family should demand that the age of the remains be verified, then matched with Hanoi's explanation of the time and circumstances of death. This should be revealed to the public. We should not lie and cover up for the Hanoi Communists. The families deserve and are only seeking and demanding the truth.

This bright, shining lie began after Operation Homecoming in 1973, when President Richard Milhouse Nixon stated that all American POWs were home, and he declared all the MIAs in Vietnam, Cambodia, and Laos dead. When will this lie end?

Thank you.

[The prepared statement of Mr. Bengé appears in the appendix.]

Mr. ACKERMAN. Thank you very much, Mr. Bengé, and especially thank you for putting yourself through so much of the pain and anguish that you have already been subjected to on behalf of so many others who cannot be here today.

Maybe just one or two questions for this panel before we go to our other witnesses. I had one question of Mr. LeGro.

I am of the understanding that you did a live sighting investigation in various areas in Vietnam in November and December of 1992. Is that correct?

Mr. LEGRO. Yes, sir. One investigation. Well, no, I participated in two come to think of it, yes.

Mr. ACKERMAN. In 1992?

Mr. LEGRO. Yes, sir.

Mr. ACKERMAN. Could you tell us the results of that investigation and whether or not you found any evidence during your investigation of POWs, and what the conclusions were of that investigation?

Mr. LEGRO. Well, we found no evidence that there were any American prisoners of war either still alive in those two sites or had been there. I would say the investigations were inconclusive— incomplete actually. Because of time constraints neither one of them really could be pursued to a conclusion.

Mr. ACKERMAN. When you say because of time constraints, did somebody rush you through that—

Mr. LeGro. Oh, no.

Mr. ACKERMAN [continuing]. To conclude before?

Mr. LEGRO. It was just the fact that I only had—we had about 5 days to complete it, and it is quite a long ride from Saigon to Pleiku.

Mr. ACKERMAN. Help me understand why is it that you only had 5 days?

Mr. LeGro. Well, as an investigator, I felt that I could not stay any longer. We had a funding limitation, and the longer I stayed the more money it would cost. Task Force Full Accounting supplied me with a—

Mr. ACKERMAN. Did you find any reason that you needed to stay a sixth or seventh day that would have been helpful?

Mr. LeGro. Actually not. We probably could not have done much more anyway. Having been in Pleiku, the Communists brought forward the man who they said was the officer responsible for border security in the regions west of Pleiku, where one source, one Viet-

namese had told us that we could find an American living in a village. This Communist officer testified to us in a meeting we had with the local province committee that there were no Americans out there in his villages, and he knew everyone that was in the village, and therefore there was no real reason to go out there.

If we had wanted to go out there, we would have had to walk, they said, and it would have taken about, oh, 24-48 hours to walk out to the village. They did not invite us to do that, but we probably would not have been able to accept the invitation anyway. And I am sure that—

Mr. ACKERMAN. Did anybody on your investigative team suggest that you wanted to go out there and do that?

Mr. LeGro. No, we did not. No.

It was pretty obvious that if we had done so we would have been in the company of all of the Communist officials of that particular province, and the chances that they would produce an American from a village out there I thought was nil anyway. It would have been rather a fool's errand.

Incidentally, I did not really believe the source anyway. I did not believe that he actually had valid information. I think this Vietnamese that we found up in Pleiku—I do not believe that he had good information.

That does not mean that I can conclude that therefore there are no Americans being held in the highlands. I cannot conclude that. But I cannot conclude that there were any there either.

Mr. ACKERMAN. Would you have any suggestions for those on mission today making determinations as to what they should be doing that they are not already doing?

Mr. LEGRO. No, I think that the constraints under which Americans operate in Vietnam preclude any reasonable live sighting investigation.

Mr. ACKERMAN. When you say the constraints under which they operate, are those self-imposed constraints?

Mr. LEGRO. No, sir.

Mr. ACKERMAN. Government-imposed constraints or Vietnam-imposed constraints?

Mr. LEGRO. Well, they are imposed by the Government of Vietnam, as far as I know. They insist that they be notified ahead of time where the investigation is going to be conducted, and they insist that they send their people along with our investigators. Having that sovereign right to do that, why there is not much the American side can do about it. That is the way these investigations are conducted, and that means, to me, that the investigation falls flat. There is no way to make a private, you might say discreet investigation without the Vietnamese knowing all about it. So if there is any information to be found there, it will not be found. That is the point.

Mr. ACKERMAN. Would you think that under this new policy, the trade embargo being lifted with more Americans being over there, that there would be the opportunity availing itself for Americans or others making investigations without the 48-hour prior notice?

Mr. LEGRO. I would think that it is possible if the Americans that go over there are charged with the responsibility for doing

that, and go there with enough information to guide their investigations and really know what they are looking for.

I cannot quite see how that can happen, however, because that would imply that you are going to do something covertly, and I do not believe we can get away with that. We cannot—at least I cannot conceive of how you would operate an intelligence collection operation in a country like Vietnam without them knowing about it, and it would, of course, be illegal as far as they are concerned.

Mr. ACKERMAN. Thank you.

Just one question for Mr. Bengé. Mr. Bengé, you had suggested that those who are asking the questions are perhaps asking the wrong questions. Would you be able to give some guidance as to what they might be asking or what they might do differently than they are doing?

Mr. BENGÉ. Mr. Chairman, the Pentagon did a grave disservice to the POW/MIAs and their families by firing Mr. Bill Bell. I say firing. He was forced into retirement. I would say myself that Mr. Bell probably had more residual knowledge in his head than the entire task force that is in Hanoi at this time.

You have to know the Vietnamese Communists. You have to know their military units. You have to know which units were where at the time so you can go to ask specific people what archives that were there, that are there.

It would take me a very long time to try to describe the questions that have to ask, but about 2 years ago there was a defection arranged by the DIA of a North Vietnamese cameraman who worked for the enemy, Pras Lacazing Bureau, and had been filming during the entire Vietnam War. He claimed that in the archives of North Vietnam, film archives, that there existed a film that he took of a secret camp of American POWs. He saw the POWs that were Moscow and Peking bound. He says that film exists in the archives, exists or existed.

As bureaucratic as the Vietnamese are, I would say it still exists. Access to it, I would say you would not have a snowball chance of getting it.

He also showed me pictures of some grave yards.

Mr. ACKERMAN. Are you saying that the current investigating team, no matter what they do, would be unable to obtain that, regardless of U.S. policy?

Mr. BENGÉ. I would say yes since we have given them our pocketbook. We have nothing that they need. They do not need our diplomatic relations. Why should they give us our secret data?

You know, this is interesting because, you know, you ask the questions whether we can go out, whether American—

Mr. ACKERMAN. That was the other shoe dropping. [Laughter.]

Mr. BENGÉ. American businessmen running around who do not go out to the boondocks where the camps are could find POWs.

I would like to know how many businessmen here in the United States have ever been to Los Alamos; has ever been allowed to the corners of the CIA compound at Langley; how many have been to Cheyenne Mountain or would be permitted to go to Cheyenne Mountain.

You know, the frustrating—it is very frustrating.

Mr. ACKERMAN. Yes, it certainly is, much more, I am sure, for you than any of us could really understand. But one of the things that confuses some of us is that when we talk about the change in the policy, that the existing policy over the last 20 years has been able to obtain either that film or so many of the documents and so much information and so many people, that perhaps, and this is speculation, the change in policy might provide some different response.

I do not know the answer to that question. I guess only time will tell. But it is certainly a couple of decades, and the forthrightness that we had hoped we would see from Vietnam has not taken place either.

Mr. BENGE. Nor has the forthrightness from the U.S. Government, sir.

Please release the documents that have been promised. It will show what is there. A 10 percent gleaning of classified documents turned up 45 additional satellite photos which are burying the pilot authenticator code, secret codes of POWs that were still in Vietnam captured.

Mr. ACKERMAN. Thank you. This committee will look into that.

Mr. Leach, the distinguished ranking member of this subcommittee?

Mr. LEACH. Mr. Chairman, I have no questions, but I would like to extend appreciation of all of us for your coming, and I think it is very important, Mr. Chairman, that you have called this hearing to hear from people so deeply affected.

I do have a modest statement I would simply like inserted in the record if I could. Thank you very much.

[The prepared statement of Mr. Leach follows:]

PREPARED STATEMENT OF HON. JAMES A. LEACH

Thank you, Mr. Chairman. I would like to extend a warm welcome to all our many distinguished witnesses, particularly the families of those missing in action.

While Vietnam is no longer considered by many to be a central geopolitical concern of the United States, any steps which might be taken toward more normal relations with Hanoi are deeply felt and of profound importance to the families of missing servicemen and women whose loved ones sacrificed all for their country. We owe it to them to make the fullest possible accounting the highest national priority; it is an must continue to be the touchstone of our relationship with Vietnam. More broadly, we owe it to ourselves to remember how much has been achieved, at enormous sacrifice, by the men and women who have served in our armed forces in this century.

Consequently, the administration bears a heavy burden of responsibility to show that lifting the trade embargo will strengthen and not weaken America's ability to account for our MIAs in Vietnam. Congress, too, has a responsibility to ensure this issue is not used for partisan gain and is dealt with in a bipartisan way to achieve the fullest accounting for our missing in action. As attractive as trade prospects may be in Indochina, the key issue is that of decency and fairness to the families of those missing. Maybe now is the time to take a step toward more openness with Vietnam, but it is key that accountability for the missing remains the linchpin of American concerns.

Mr. ACKERMAN. Let me, on behalf of all of us and the American people, thank this panel for their participation today. Thank you.

Mr. Faleomavaega, before the next panel.

Mr. FALEOMAVAEGA. Mr. Chairman, thank you.

I just want to extend my personal regards to Mr. Benge and the fact that he and I share a common history here, the fact that he

was captured as a POW in January 1968. I was in Vietnam in 1968, in January, the Tet offensive in Na Trang. And with the testimonies that I have heard this morning, Mr. Chairman, I just want to tip my hat so that we here as members of the panel could feel the sense of frustration and the sense of how these families feel about the problems that we are faced with as far as POWs/MIAs are concerned, and I want to reiterate that for the record, and I do intend very much to pursue this in all diligence with you, Mr. Chairman, and the other members of the committee, and to see where we might come up with.

As I said earlier, I look forward to hear from the administration to see where we are going now concerning this important issue. Thank you.

Mr. ACKERMAN. Thank you very much, Mr. Faleomavaega.

The next panel consists of the Honorable Winston Lord, Assistant Secretary of State for East Asia and Pacific Affairs; Mr. Edward Ross, Acting Deputy Assistant Secretary of Defense for POW/MIA Affairs; and Major General Thomas Needham, Commander, Joint Task Force Full Accounting.

Gentlemen, will you please come to the table and remain standing? Please raise your right hand.

[Witnesses sworn.]

Please be seated.

Gentlemen, welcome to our subcommittee. We are delighted to have you, and greatly look forward to your testimony. Your full statements will be included in the record and you may begin in any fashion that you feel comfortable with.

I think, Secretary Lord, we will begin with you. Welcome.

**STATEMENT OF WINSTON LORD, ASSISTANT SECRETARY OF STATE FOR EAST ASIA AND PACIFIC AFFAIRS**

Mr. LORD. Thank you, Mr. Chairman. I would also like to extend my respect and sympathies to the previous panel, whose testimony I listened to very carefully.

I would like to submit my full statement, as you say. I know that time is pressing, so I will read just excerpts and I will read them at New York speed, if that is agreeable, Mr. Chairman.

Mr. Chairman, distinguished members of the committee, "The investigation of case 0954 began in October 1992 when local Vietnamese villages unilaterally returned 531 bone fragments, 16 teeth, an ID tag, Geneva Convention Card, and aircraft data plate to local officials during the 20th Joint Field Activity. A CILHI team climbed to the site in November 1992, conducted a site survey and recommended against excavation due to the hazards involved in climbing to the site and the difficulty of the terrain. The Commander of the Joint Task Force Full Accounting directed that his detachment commander in Hanoi, an experienced infantry officer, go to the site and determine whether an excavation could be done safely. In March 1993, the detachment commander and another detachment member traveled to the remote site. Three aerial reconnaissance attempts failed to locate a landing zone close to the site due to the ruggedness of the terrain.

"From the nearest road the team climbed uphill for 5 hours to a small farm inhabited by only two people, remained overnight and

the next day climbed an additional 2 hours to reach the site. The site was located at an elevation of 4,780 feet on the side of a mountainous rock formation that varies in slope from 30 to 60 degrees. The detachment commander determined that an excavation could be done safely, but it would be extremely difficult and would require a hand picked team in top physical shape. Prior to the 26th Joint Field Activity, the Vietnamese cut a helicopter landing zone suitable for an MI-8 on the side of the mountain, thereby reducing the climbing time to the site.

"Over a 2-day period, six MI-8 sorties transported the 12 U.S. and 15 Vietnamese recovery team members with their water, equipment and supplies to the landing zone. From the landing zone the team carried equipment for about 2 hours over extremely rugged terrain to a base camp. The crash site was over an hour climb from the base camp and the terrain was so steep that at points it required scaling rock faces hand over hand. Over the next 2½ weeks, the team climbed an hour each day from the base camp to the site, excavating at the site, then climbed back for an hour to the base camp.

"The immediate area of the crash is a rocky slope 40 to 45 degrees in grade. Working from the lowest elevation to the heights at the site, the team worked over the next 16 days removing surface rock, scraping and sifting through screens the associated soil, aircraft debris and human remains. The excavation resulted in 187 bone fragments, 16 human teeth, personal effects, life support equipment, and other wreckage. This excavation, along with the earlier unilateral turn-in, resulted in a total of 718 bone fragments and 16 teeth."

Mr. Chairman, that is the story of just one case among the hundreds that brave and devoted Americans are pursuing every day—in the jungles and on the mountains of Vietnam, Laos and Cambodia, the laboratories in Hawaii, in Pentagon offices, and in hearts and minds. This brief vignette illustrates not only the labors of Americans but also the intensified cooperation of the Vietnamese. And it shows we are getting results from a process that is painstaking, incremental and will last for decades.

Against this backdrop, I welcome the opportunity to appear before you to discuss President Clinton's decisions last week to lift the trade embargo against Vietnam and to establish a liaison office in Hanoi.

The President took these steps because he was convinced that they offered the best way to achieve the fullest possible accounting for our POW/MIAs. At the outset, I want to emphasize that his decisions were based on that single judgment. Of course the administration is not oblivious to the potential economic and geo-political benefits that may now begin to unfold. But such benefits would flow from last week's decisions; they were not the reasons for them.

Thus, as the President stated, the POW/MIA issue will remain a central focus of our relationship with Vietnam. We will continue to acquire, in his words, "more progress, more cooperation, and more answers."

Mr. Chairman, I now begin to summarize much more briefly as we go through the rest of the statement, but there are some impor-

tant facts and assertions in here that I hope people will pay attention to, but I am trying to save time.

I describe the governmentwide effort throughout this administration that has led up to this decision, and will surely continue in the future, and the fact that more than 500 military and civilian personnel are assigned to this task.

I have talked about the full disclosure of information that the President promised on Memorial Day, and he fulfilled that pledge, except for a tiny fraction of documents relating to government sensitivity in terms of national security or privacy of the families.

I mention the fact that the President has made extraordinary efforts to consult many groups that share his concern on this issue, and he insists that all points of view be carefully considered. He has given unprecedented access to veterans organizations for the first time, and that is documented in my statement.

We have regularly consulted the National League of Families of POWs and MIAs and other family groups. I would like to pay tribute to the National League of Families, which during the 1980's was instrumental in pushing our Government to do more to account for our missing and much of the credit is due to Mrs. Ann Mills Griffiths, the head of that group.

To the veterans and the families, let me repeat that this administration remains steadfast in its determination to achieve the fullest possible accounting. Our doors remain open. We encourage them to continue working with us toward our common goal. And as the President stated last week, another delegation will be going out in April, and members of the families and veterans organizations will be invited along.

The President and his advisors also talked to a wide range, a bipartisan range of senators and representatives. I mention that as well. And, finally, he relied heavily on the information and advice provided by his military and civilian advisors here and on the ground.

Mr. Chairman, my statement then traces the various milestones in the first year of this administration on this issue, including the April 1993 mission by General John Vessey, and time limits I am going to cast to the wind, because I am going to say a few words about Jack Vessey no matter how much time I have got.

I would like to use this opportunity to salute him. Much of what we have accomplished on the POW/MIA issue is due to the dedicated labors of this patriot who has served three Presidents as special emissary to Hanoi. Entering the army as a private, he rose to the highest position in our armed forces, Chairman of the Joint Chiefs of Staff. He gave 46 years of outstanding service to the nation. A grateful country could not have asked for more, but General Vessey had more to offer. He devoted himself to seeking the answers to the questions that have plagued the families of the missing. He went to Hanoi in 1987, on the first of six missions for Presidents, and his work led, among other things, to the establishment of the Joint Task Force.

I then note the July 2 decision, removing the blockages of Vietnam's debt so that they are eligible for international financial institutional funding; the fact that a delegation, including General Mike Ryan, and Deputy Veterans head, Hershel Gober and myself, went

to Hanoi in July to press hard for more progress; on September 13, the decision to maintain the embargo, but to lift it partially; in December, my own trip returning to Vietnam. In every case, we pressed for more progress. We believe we have gotten results as a result of these efforts, but we worked extremely hard on behalf of the President to this end.

In late December, the President's senior advisors met to review the POW/MIA record. They came to the unanimous conclusion that there had been significant tangible progress in all four of the areas identified by the President in July.

I then describe those four areas, which this group is familiar with. It includes the recovery and repatriation of American remains; resolution of discrepancy cases; cooperation along the Vietnam-Laos border; and the return of POW/MIA-related documents, and we outline what has been achieved in this area. And the President agreed with his advisors that this represented significant tangible progress.

I would like to pay special tribute once again to the incredible work being done by the men and women of the Joint Task Force Full Accounting, under the leadership of Admiral Charles Larson and General Thomas Needham. They have endured hardships and dangers. They have displayed ingenuity, dedication and tenacity in tracking down every possible lead. They deserve our utmost gratitude and respect. These men and women are a source of immense pride for all Americans.

I would note also the assistance we have received in the field from both official and private Vietnamese. Our Joint Task Force Full Accounting personnel have reported that their operation during the last 6 months has been excellent, and I cite some examples.

We also have mechanisms in place to pursue this quest over the coming years. This will be a long journey. I describe those mechanisms and they will help us fulfill the pledge to the families that everything possible will be done to determine the fates of their fathers and sons, husbands and brothers.

I also briefly recall that Vietnam did fulfill one of the conditions of the original road map of the previous administration; namely, withdrawing their troops from Cambodia, and they have been supporting the peace process since then. They have also released from reeducation camps citizens who had been detained because of their association with us or the former South Vietnamese Government.

Now, these developments are encouraging. So too are Vietnamese pledges of continued cooperation on POW/MIAs. But, as the President cautioned, "It must not end here." We will relentlessly continue our search for answers.

We know this will take a long time. We have just been recovering remains from World War II in China. We have been getting remains from the Korean War and elsewhere just in recent months, and I again document that in my statement.

I am confident the Vietnamese understand the President's determination to see this issue through. They also know that any further steps in our relationship will depend on our making even more progress.

The Vietnamese, when we announced this, pledged their operation. We, of course, do not and never have and never will base our

actions on trust. We will base it on cooperation, on evidence, and our best calculation of the Vietnamese self-interest. I have dealt with them for several years. I know that we have to study their self-interest and not take things on trust.

I then describe the various people that the President consulted both within the government and outside, including many distinguished senators and Congressmen, and with the families and the veterans, before he reached his final decision. All these people share the same goal of achieving the fullest possible accounting. I think most agree in principle with the strategic approach of the administration; namely, to take incremental steps forward in our relations with Vietnam in response to progress, and to encourage further progress. And most would agree that the Vietnamese activity have intensified in recent months.

The disagreements arise over whether there has been sufficient progress as opposed to an extensive process to justify making another move forward. As I have outlined, we believe there has been not only unprecedented cooperation, but substantial tangible results from our joint efforts.

Despite these differences, and I do not wish to minimize them, we look forward to working closely with those who have the greatest personal stake in this difficult issue, and you have already heard from some of them. We welcome their continued counsel. We emphasize with their pain, not only over lost family members and comrades, but over the last deceptions by the Vietnamese and inadequate performance by the U.S. Government.

In any event, after considering all views, the President made his decision. He agrees with all his senior advisors, with our military personnel working on the ground, and with an overwhelming bipartisan majority in the Congress, that the actions he announced represent the best way to account for missing men.

These steps do not represent full normalization. We are not opening embassies or Ambassadors exchange. We are not granting Vietnam special economic privileges. We have retained considerable political and economic incentives to ensure that the Government of Vietnam does not waiver from its commitment to continue its cooperation on POW/MIA issues. Our efforts will continue undiminished; indeed, with fresh momentum.

I then describe briefly the other Presidential decision; namely, to establish a liaison office in Vietnam. We believe such offices will greatly assist in our search for MIA information. It will also serve to expand our dialogue with Vietnam on many issues, including human rights, and they will support and protect American visitors, tourists and business people.

We believe the vastly increased numbers of American visitors, tourists, business people, and other private groups who are now spread out across Vietnam should produce greater openness, greater contacts, greater information on our MIAs and concrete results.

We are only in the early stages of planning on these liaison officers, and questions on timing and staffing and purposes have to be worked out with the Vietnamese. We will be talking to them shortly. We will be glad to consult with you in this process.

Finally, I end up by noting that we have also been pursuing other important issues with the Vietnamese. One his human rights,

and I explain at some length the fact that we raise this in every meeting, and will continue to consider this a very high priority. Both Americans incarcerated in Vietnam and the fate of the Vietnamese people who are only expressing peacefully their political or religious views. Vietnam clearly has a long way to go in this area, and we will have it high on our agenda.

Let me close with the words of President Clinton last Thursday: "Whatever the Vietnam War may have done in dividing our country in the past, today our Nation is one in honoring those who served and pressing for answers about all those who did not return. This decision today, I believe," said the President, "renews that commitment and our constant, constant effort never to forget those until our job is done. Those who have sacrificed deserve a full and final accounting. I am absolutely convinced, as are so many in Congress who serve there and so many Americans who have studied the issue, that this decision today will help to ensure that fullest possible accounting."

Mr. Chairman, members of this committee, as we look back upon this time many years from now, perhaps the most significant dimension of the President's decision will prove to be psychological. Perhaps we have begun turning the pages of history. Perhaps we are moving toward eventual reconciliation with a former enemy. Perhaps for Americans, as one observer has put it, Vietnam will become a country, not a war. Perhaps we are further developing the President's vision of a new Pacific Community.

Above all, let us hope that—whatever our differences about the war or how to resolve its lingering questions—we have truly advanced the process of healing the wounds. May the families at last find answers. And may all Americans at last find peace.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Lord appears in the appendix.]

Mr. ACKERMAN. Thank you very much, Mr. Secretary.

I believe we go next to Mr. Ross.

#### STATEMENT OF EDWARD W. ROSS, ACTING DEPUTY ASSISTANT SECRETARY OF DEFENSE, POW/MIA AFFAIRS

Mr. ROSS. Good afternoon, Mr. Chairman.

Mr. ACKERMAN. Mr. Secretary, what time is the latest that you might stay with us?

Mr. LORD. I apologize. About 1:25. I am prepared to come back after the NSC meeting if you are still meeting, and that would be about 3:00. I do not know whether you will still be going then, or will come back any time in the future. I regret the schedule conflict.

Mr. ACKERMAN. We would like to be able to ask some questions of you, but our usual format is to go through the panel. If you could be back at 3—the General has to leave at 2.

Mr. Ross.

Mr. ROSS. Good afternoon, Mr. Chairman, members of the committee. My statement will be brief.

On 3 February 1994 President Clinton stated that the best way to ensure cooperation with Vietnam and to continue getting the information Americans want on our missing is to end the trade em-

bargo. The key, the President said, to continued progress lies in expanding our contacts with Vietnam.

The Department of Defense agrees. Lifting the trade embargo will provide us with greater access to Vietnam and the Vietnamese people, and we believe will increase our prospects of attaining the fullest possible accounting. We expect this decision will elicit renewed Vietnamese commitment to cooperation, and a continued high level of assistance to joint field activities, archival research, and special efforts to account for, locate and repatriate remains.

Lifting the trade embargo does not mean that we will lessen our efforts to obtain an accounting for our missing servicemen. On the contrary, we continue to increase them. We are devoting more resources than ever to field work, and we are conducting ever more close and continuing discussions with Vietnam's political and military leaders to ensure that we leave no stone unturned and no question unasked in our pursuit of an accounting for our missing.

Let me interject here, Mr. Chairman, that the Department of Defense has cooperated closely with Congress, POW/MIA families and veterans organizations in pursuit of this end. We especially recognize the anguish of family members who, more than any other group, have endured years of not knowing what happened to their loved ones. We are sensitive to their concerns, and we have not, nor will we lessen our commitment to our common goal of full as possible accounting. Together with POW/MIA families members of Congress and veterans groups, we are prepared to follow all leads, expend whatever resource is necessary and dedicate our most talented personnel to this effort for as long as it takes.

Future progress on POW/MIA accounting likely will be measured in those same areas President Clinton used to evaluate Vietnam's efforts in making his decision on the embargo. As you are aware, last July the President set out four areas in which we seek to make tangible progress in accounting for our missing servicemen. Those are: the recovery and repatriation of remains; continued joint field investigations of the discrepancy cases, and continued live sighting investigations; trilateral cooperation on Lao border cases; and access to wartime information in archival holdings that will lead to genuine answers.

Regarding the area of recovery and repatriating remains, Vietnam has worked with the Joint Task Force detachment in Hanoi to recover and repatriate remains of individuals believed to be American service personnel. Vietnam has increased publicity for its remains amnesty program which encourages citizens to turn over remains they may have in their possession in return for a promise they will not be prosecuted, and a modest financial incentive. They have also opened an office in Ho Chi Minh City dedicated to recovering remains of Americans who died in captivity in the South.

Since the President's July statement, the United States has repatriated 39 remains from Vietnam, bringing the total number of repatriated remains for all of 1993 to 67.

Again, that number represents the number of remains that our forensic specialists have looked at in Vietnam, following joint field activities, and have decided might be the remains of American servicemen.

It does not mean that these remains necessarily will be identified as those of U.S. servicemen. Such identifications will come only as a result of exhaustive, time consuming, rigorous scientific tests and study.

What it does mean is that Vietnamese efforts to facilitate field excavations and to obtain remains in the hands of Vietnamese citizens have enabled us to examine more remains and therefore to potentially identify more remains. Vietnam has worked closely with the JTFFA to resolve priority, last known alive discrepancy cases, and has cooperated fully with U.S. efforts to investigate live sighting reports. The Joint U.S.-Vietnamese priority case investigation team is exclusively focused on joint investigations of the remaining last known alive discrepancy cases. Since July their efforts have enabled us to confirm the deaths of 19 additional individuals. Between 1989 and 1992, death was confirmed for 61 individuals. In 1993, we confirmed the deaths of 62 additional individuals, bringing the total to 123 out of the original priority discrepancy case list of 196 in Vietnam.

Approximately 78 live sightings have been investigated in Vietnam since 1991. None of those investigations have produced evidence that any American serviceman is being held captive in Vietnam today, and none of the approximately 200 last known alive discrepancy case investigations has produced evidence that missing Americans survived beyond Operation Homecoming in 1973. Nevertheless, we will continue to vigorously pursue any report of a live prisoner and to investigate thoroughly all remaining last known live discrepancy cases.

Turning to trilateral border cases, last August the Vietnamese and the Lao agreed to conduct trilateral investigations with U.S. teams along their common border in the vicinity of the Ho Chi Minh Trail. The first such operation, conducted in Quang Tri Province in December 1993, resulted in the location of remains and crash sites. Those sites will be excavated in coming months. Vietnamese cooperation during those operations was exceptional. They worked to identify witnesses and helped establish a model for future efforts to conduct border operations that will hopefully lead to uncovering information of remains in this group of cases.

Regarding the search for wartime archival information, in September 1993 the Vietnamese provided us with six wartime documents from key defense ministry subordinates, including a 46-page summary of aircraft shootdowns. In December, they provided information on cases involving U.S. personnel who died in Vietnamese custody, but whose remains have not yet been returned. In January 1992, the Vietnamese provided access to a personal diary of a former commander of an important air defense battalion.

Beyond this the Vietnamese have allowed the JTF-FA archivist to conduct independent research in the Ministry of Defense library and granted him access to personal unpublished memoirs of Vietnamese military officials and archival copies of the provincial newspapers, both of which are useful sources of information about American personnel.

Additionally, since mid-September the Vietnamese have provided the JTF-FA with reports prepared by the Vietnam Office for Seeking Missing Persons; the JTF-FA's primary point of contact on the

POW/MIA issue, on unilateral Vietnamese attempts to locate American remains.

To date, our archival research teams have processed approximately 30,000 documents, artifacts and photographs related to U.S. POWs and MIAs. Over 600 of those items have been correlated to missing servicemen. The entire collection has been placed in the Joint Documents Center in Hanoi, organized at the urging of Senator John Kerry. This repository and working research center enables American and Vietnamese specialists to examine these items, access witness interviews, catalogue personal effects recovered from crash sites, and devise courses of action to exploit the information revealed by those efforts.

In conclusion, Mr. Chairman, the mechanisms necessary to achieve the fullest possible accounting are in place. The results achieved during the last year demonstrate this. We must keep in mind, however, that the fullest possible accounting is a process that will be achieved only after many more years of very hard work. This point is brought home by the fact, as Ambassador Lord has pointed out, that we continue to recover remains from American servicemen lost more than 50 years ago.

Last year we dispatched a team to New Guinea and recovered the remains of servicemen lost during World War II. More recently we traveled to Tibet where we recovered the remains of three airmen lost flying the hump between Burma and China. Our obligation to our missing men and to their families will continue as long as there are POWs and MIAs to recover. We will keep our promise. Thank you.

Mr. ACKERMAN. I think we have no choice but to start some questions for Mr. Lord at least at this point inasmuch as we are going to lose him for awhile.

General, we do know you have some time constraints as well.

Gen. NEEDHAM. Sir, I do not need to read my statement. I am prepared to take the questions, and we can just get started.

[The prepared statement of Gen. Needham follows.]

Mr. ACKERMAN. Fine.

Has our Government in the past, and this goes through now six administrations, misled the families and the American people as to whether or not people were left behind?

Mr. LORD. Well, that is obviously a subjective judgment. I do believe, as I indicated in my statement, that ever since Operation Homecoming the performance of several administrations has been inadequate. I do not believe there is a grand conspiracy of covering up. I do believe from what I know, and I was not heavily involved in this during any of that period, that there was not sufficient efforts to get information to the families quickly. I do not pretend to be an expert on the mechanisms that were used. I do not believe anybody in a responsible position set out to mislead families. But certainly the kinds of information provided was inadequate on many occasions.

Mr. ACKERMAN. Was or is there anything in the national interest that would indicate that we should not have been as forthcoming throughout all these years as we could have been?

Mr. LORD. I am not sure.

Mr. ACKERMAN. Was there anything in the bureaucracy that says you hold on to all these documents?

Mr. LORD. Well, I do not want to level unfair charges. I was not involved in this issue in the government except, of course, during the Paris Peace Negotiations, and since I have been back in government under this administration. So I am basing this on what I have read from the outside.

There are many dedicated people throughout this period who did their best to help the families, and I do not wish to slight their effort.

Mr. ACKERMAN. I understand, Mr. Secretary. That has nothing to do with politics.

Mr. LORD. I understand.

Mr. ACKERMAN. We are now in our second Democratic administration. We have had four Republic administrations. We have had all kinds of Congresses, you know throughout these two decades. But it seems to so many that these people have been struggling mightily against the government and listening to us all here today collectively say that they should be entitled to the fullest possible accounting of everything, and then to hear so many stories of people having to jump through hoops to file papers and forms and petition the government and fight their own government at every turn to try to get documents, when we are saying we want a full accounting from the Vietnamese, there is so much frustration, and I know that you have just been recently on the scene and heretofore not involved in this particular facet.

But is there a reason that they have to fight against their government?

Mr. LORD. Well, they should not have to fight. The government should help them. I will let other—my colleagues may know more about this than I do.

I do believe that President Clinton has been the most open of any President. He ordered the declassification of all files. He kept that pledge, again with a tiny fraction, because of personal privacy or extreme national security sensitivity. He is continually consulted as his advisors on the outside. So I believe this administration is making a full-faith effort to avoid the kind of problems you are talking about. But others can talk about the history better than I can.

Mr. ACKERMAN. General.

Gen. NEEDHAM. Mr. Chairman, since our organization has been in existence for 2 years, it is our policy that we classify nothing, and that we try to get the information back to the service casualty officers for passage to the family as fast as we can process it.

I think we are doing that, and we continue to try to make it faster and more streamlined and we try to answer every question that comes our way.

Mr. ACKERMAN. Do we have information that we are withholding now from the families?

Gen. NEEDHAM. In my organization, I know of no information that is being withheld from the families. There is some information that there is a time lag. For example, the operation that was finished in Vietnam on the 30th of January—it will probably be about a 30 to 45-day lag before the information all gets to Washington

and distributed to the families. But I know of no information that our organization is sitting on.

Mr. ACKERMAN. Do you know of any information outside of your organization?

Gen. NEEDHAM. No, sir, I do not.

Mr. ACKERMAN. Mr. Secretary, do you know of any information that the families are looking for that we are still withholding?

Mr. LORD. No, I do not.

Mr. ACKERMAN. Mr. Ross.

Mr. ROSS. No, I do not, Mr. Chairman. In fact, I would point out that essentially over the past year and a half we have instituted a policy that all primary next of kin may have access to their classified files. And I would point out that most of what is in the classified file has now been declassified and is in the Library of Congress. But that they can see the original classified documents and we have had about 60 families come in to do that. They can see everything that is in the file on their case. There is nothing withheld from the families on the case.

Mr. ACKERMAN. General, have the Vietnamese provided us with access to all of the prison sites where we believe that our POWs may have been held?

Gen. NEEDHAM. Sir, I can't exactly tell you all of them. I can tell you that we have been to the prison sites that we felt that information was or a check needed to be made. We have just identified to the Vietnamese, last Thursday I gave them in Hanoi a warning that there were nine additional prisons that we wanted to go visit. I understand that we have been to two, possibly three of them before, and that we will be visiting those prisons commencing with the team that is going into Hanoi on the 21st of February.

Mr. ACKERMAN. Have they denied us access to any sites?

Gen. NEEDHAM. Sir, since I have had the job, there is only one site that they have denied me personal access to.

Mr. ACKERMAN. Could you repeat that?

Gen. NEEDHAM. Sir, since I have had the job, there is only one site that I have not had personal access to. That being the Ho Chi Minh Mausoleum.

Mr. ACKERMAN. What about—you say denied personal access.

Gen. NEEDHAM. Yes, sir. I have been in the equivalent of Walter Reed.

Mr. ACKERMAN. What about other members of your team? Have they denied the U.S. access?

Gen. NEEDHAM. Sir, there are three areas in the country we are working with the Vietnamese to get access to. The first area are some naval facilities east of Hanoi that they are working on. The second area is the—

Mr. ACKERMAN. I am sorry. I am just trying to understand the military jargon here.

Gen. NEEDHAM. Yes, sir.

The second area is—

Mr. ACKERMAN. When you say that we are working to gain access—

Gen. NEEDHAM. Yes, sir.

Mr. ACKERMAN [continuing]. does that mean they have denied us access?

Gen. NEEDHAM. Yes, sir. They have denied us access. We have gone back and say we have some cases that we need to investigate in there. It is a sensitive naval facility, and we are hoping to get back in there on this joint field activity.

Mr. ACKERMAN. In other words, there are three sites that they have denied us access to?

Gen. NEEDHAM. No, that is one area of sites east of Hanoi.

The second area is along the border between Cambodia in a place called Song Be Province, which is northwest of Ho Chi Minh City. They have said that they do not want us going to the border because they have military units up in that area, which I believe is true; that they are concerned about our safety because of the Khmer Rouge, and they are concerned about our safety because of the mines.

Mr. ACKERMAN. That is two.

Gen. NEEDHAM. We have asked permission to go in to that area coming later this month, and we believe that is going to be approved.

And the third area is Cam Ranh Bay. We have five cases in Cam Ranh Bay. I told them last week that they had to give us an answer when we could get into Cam Ranh Bay or tell us the reason we cannot get into Cam Ranh Bay. But one of the reasons, I believe, that we are having problems getting into Cam Ranh Bay is that they cannot get into Cam Ranh Bay.

Mr. ACKERMAN. That is three sites, right? That is three places?

Gen. NEEDHAM. Yes, sir.

Mr. ACKERMAN. What did you mean before when you said there was only one place that they have—

Gen. NEEDHAM. I thought you were talking about me personally that we—

Mr. ACKERMAN. We do not want to personalize this.

Gen. NEEDHAM. OK, sir.

Mr. ACKERMAN. We want to talk about our whole government here.

Gen. NEEDHAM. Yes, sir.

The three general areas outside of the center of Ho Chi Minh. I mean, center of Hanoi.

Mr. ACKERMAN. There are three sites denied to your team. And previous teams, were there additional sites denied?

Gen. NEEDHAM. Sir, most of the other sites that I know of since we have been in existence that we have asked to go to, we have been able to get to.

Just recently they got us permission to go on the border of Cambodia and Laos in the areas west of Pleiku that Mr. LeGro referred to.

Mr. ACKERMAN. Yes, but are there sites that you were denied in addition—not just you or you personally or the current team or the people there today, but throughout 20 years have there been places that we have asked to see, anybody has asked to see, that they have denied us access?

Gen. NEEDHAM. Sir, I am only familiar with the issue back 2 years because I just wasn't involved and do not know that much.

Mr. LORD. It would seem to me the relevant point here would be, Mr. Chairman, that I do not know how many were denied before,

but the General can back me up on this, but we are getting more access and being denied a lot less under President Clinton's policy.

Mr. ACKERMAN. No, that is not—

Mr. LORD. Well, but it is rather important. It is a policy implication of what works and what does not work in terms of getting more cooperation. If they were denied in the past, and under this administration are being opened up, it seems to me that suggests the policy is effective. That is the point I was going to make.

Excuse me.

Mr. ACKERMAN. Yes.

I am a bit concerned here because some of the things that we have heard indicate that there has been remarkable progress and we are getting access to everything, and we have had a change in policy because of that, and I am not trying to rechange any policy or anything. I just want to take this thing and move forward to see where we go.

But I am also, I am also trying to understand the answers, and I am concerned about that they are denying us less now than they did before, and the General's statement that there is no institutional memory—my words—but there is no institutional memory of other sites that they might have denied us access to.

If 5 years ago there were three or four sites and 12 years ago and 15 years ago there were several, several, several sites, there may be a whole bunch of sites and I would think that there would be somewhere an inventory of these sites to which we have not been able to visit.

Gen. NEEDHAM. Well, sir, I can tell you that 2 years ago there were many places that we could not go to. Now I virtually have identified every place in the country that we need to go to. They are either letting us go there, we are making provisions to go there, or these three sites that I outlined to you that we have identified to them that some movement has got to be made.

Mr. ACKERMAN. General, would you be able to come back later this afternoon?

Gen. NEEDHAM. Sir, I am due to leave to head out of town this afternoon.

Mr. ACKERMAN. We have a vote on.

Mr. ROHRBACHER. It is a series of votes.

Mr. ACKERMAN. Series of votes?

Mr. ROHRBACHER. It is a series of votes.

Mr. ACKERMAN. We have a series of votes, so we are going to be at least 20 minutes or so.

Would it be possible for this panel—what is the latest you can remain here, General?

Gen. NEEDHAM. Sir, about 3:30.

Mr. ACKERMAN. About 3:30.

And, Mr. Secretary, you have to leave?

Mr. LORD. I can be here—I will come back. I just checked. The meeting is still on. But I will come back as soon as it is finished. It is at the cabinet level, so I think I should be back by 3, and I can stay until 4:15, at that point I have to meet the Prime Minister of Japan.

Mr. ACKERMAN. OK, we are going to take a break for this series of votes, and we will resume at that time. And, Mr. Secretary, I

assume you will not be here, but you will return, and we will just begin where we left off.

Mr. LORD. I will come back as soon as I can.

Mr. ACKERMAN. Yes, please. We will fill in the pieces and try to get the answers to the questions that we seek.

We stand in recess.

[Recess.]

Mr. ACKERMAN. The subcommittee will continue.

I believe we left off discussing how many sites to which we might have been denied access both presently and during the course of the history of our quest for POWs and MIAs, and perhaps we can resume that point.

General.

Gen. NEEDHAM. Well, I would just say, sir, that since I have had the job 2 years, the access has been greater and greater. It is greater this month than it was last month and it is certainly greater than it was 2 years ago. Just recently in the last field activity there were a couple of sites that the province officials were hesitant to let us go to. We brought it to the attention of the Central Government folks, and we subsequently got to those sites. So it is a constant give and take.

But there are three sites that I brought to their attention last week; Thursday, as a matter of fact, that we wanted to get to, and we wanted an answer either when we could get to or why we could not get to them.

Mr. ACKERMAN. General, are we to infer from your comments before that the only record we have of sites denied to us are since you have been responsible for the team effort?

Gen. NEEDHAM. I would say, sir, that we could go back through the records of the Joint Casualty Resolution Center and probably check out where we have requested to go in the past. I believe that there are pretty good records since they started meeting regularly as a result of the General Vessey initiative in 1987.

Mr. ACKERMAN. Did General Vessey keep records of sites, the access to which were denied?

Gen. NEEDHAM. Sir, I do not know.

Mr. ACKERMAN. Would you not think it prudent in investigating sites where there might be or have been or could have been POWs or those missing in action to check the historical documentation so that that might be brought up? Maybe, maybe not, but maybe there may be a major find at one of those locations that were denied, and with the new thrust and impetus and fresh personality that you bring to bear with your team that going to a site that might have been denied previously might prove fruitful?

Gen. NEEDHAM. Sir, when I got the job my charter was to take each and every case and investigate it, regardless of what investigations have been conducted in the past.

We go through each file. We have pretty—

Mr. ACKERMAN. Is that each and every case that came to you new and fresh?

Gen. NEEDHAM. No, sir. No, sir.

Mr. ACKERMAN. Each and every case since the outset?

Gen. NEEDHAM. Sir, when I took the job there were 2,267 unaccounted for in Southeast Asia. And my charter was to investigate

each and every one of those cases anew commencing in January of 1992, regardless of how many investigations had been previously conducted.

Mr. ACKERMAN. What I am confused about, and I did not necessarily want to get into methodology here, but it would seem to me that one of the logical ways, and I am sure you have many ways of doing this, would be to see where they did not want us to look before.

Gen. NEEDHAM. Sir, I believe that would be in the records, but I cannot speak to each and every case. I can just tell you that we have kept track of where we wanted to go, where they would let us go, and I believe that we are down to just those three locations that we want to go that we have not been allowed to go to.

Mr. ACKERMAN. Yes, but the previous team—maybe you misunderstand. The previous team might have come up with three or six or any number of other additional locations that they suspected for any particular reason, maybe good reason, where they might have made some discoveries.

Gen. NEEDHAM. Yes, sir.

Mr. ACKERMAN. Would you not want to know that there was a site at location X that General Vessey or anyone before him might have suspected, to which the Vietnamese would have denied access?

Gen. NEEDHAM. Absolutely, sir. And I believe that right now we have gone through every case in Vietnam of the 1,600-plus cases, and we have them scheduled to go do, and we have already reviewed that, but I just cannot say that for sure that we have that particular data and checked that data. But we have every case on a scheduled investigation of the 1,600-plus cases in Vietnam.

Mr. ACKERMAN. Let me do it this way then. Could I make a suggestion to you?

Gen. NEEDHAM. Sure, sir.

Mr. ACKERMAN. And that would be that you check the historical record to see any site that had been previously reported, not necessarily to you during the course of the past 2 years or so, but that might have been reported to any other team, American group, entity, or individual, where a request was made of the Vietnamese, and that request was ignored or turned down; that that request be made anew?

Gen. NEEDHAM. Yes, sir.

Mr. ACKERMAN. And that you get back to us and let us know how many locations there might be and what your progress is?

I mean, it may be a huge volume and it may be only a scattered few. But I would think that might be a reasonable way to allay any concern that there are sites that they, for whatever reason and one would think if they had reason to deny us, these might be the places we might be real curious about.

Gen. NEEDHAM. Absolutely, sir.

Mr. ACKERMAN. Thank you.

Could you tell us what advantage we are taking with what I will call at this point a new opportunity under the new policy that has come down, the lifting of the embargo, what new opportunities abound and to what advantage are we using those to make further inquiry or investigation?

Mr. ROSS. Mr. Chairman, the policy decision was made based on an assessment that incremental moving forward with Vietnam, based on increased cooperation and increased results, would lead to greater and greater results as we go down the road.

Since the decision was made in July to not block Vietnam's arrears in the International Monetary Fund, and since the decision was made in September to modify the trade embargo, we believe that there has been a renewed attitude on the part of the Vietnamese to be more cooperative, to be more helpful in all aspects of our efforts in Vietnam.

The President, as I outlined in my statement, based on the four areas, made the decision that there had been sufficient progress to move forward and lift the embargo.

Now, we are not saying the Vietnamese have done everything, but we believe that in the coming months their commitment to continue progress in Vietnam will be greater, and that there will be greater results.

Now, someone asked the question earlier about access to businessmen and people going in and out of the country. Certainly that—you know, the more people that have an opportunity to go to Vietnam and as family members and others go to Vietnam, there will be greater contact.

But if I could refer briefly to a statement Ambassador Toon made yesterday in the veterans briefing in the Pentagon about the experiences we have had in the Soviet Union, he said that, you know, that President Yeltsin and General Volkaganov had been very cooperative, and he was confident that there was—that they were being as forthcoming as possible, but that there were people in the former KGB and GRU Apparatchiks who were not being as cooperative as possible.

Clearly, Vietnam has got a large and difficult bureaucracy. We believe that moving forward on the embargo and improving U.S. and Vietnam relations should have an effect on all individuals throughout the country and throughout the Ministry of Defense and the other organizations that we are involved with.

So we believe it sends a signal which tells everyone involved that private citizens and government officials and military personnel as well, that there is a new sense of cooperation in the relationship, and that they, to the maximum extent possible, should move forward and do what they can to help us resolve the issue.

Mr. ACKERMAN. Do you know of any reason to believe that the Vietnamese might have promised or indicated greater or further cooperation if we lifted the trade embargo?

Mr. ROSS. In my recollection, I am—in other words, you mean that of some deal being made beforehand that if we lifted the embargo, they would be more cooperative?

I do not know that any explicit statement of that was made, and I would hesitate to put a subjective interpretation on implicit interpretations of what Vietnamese Government officials have said.

Clearly, the Vietnamese have sought to have the trade embargo lifted and to move forward in the relationship. But the United States—

Mr. ACKERMAN. Have they hinted at it?

Mr. ROSS. I think that that is a question that Ambassador Lord should more properly answer since he has been leading in these negotiations. I have been there, but I would not want to—I think that is a question that he would better answer when he is here later.

I would not characterize it that way.

Mr. ACKERMAN. How do we best get the Laotians to cooperate?

Mr. ROSS. I think that—I think General Needham probably has some views on this, but I think that we have to continue to be strong. We have to continue to press the Laotians for various things that we have been asking for. The problem with Laos is, and I am not making any excuses for the Laotians, but it is a different problem in Laos. The nature of the government is different. The nature of the regional governments is different. It is a difficult problem, and we are working on it.

Maybe you would like to comment.

Gen. NEEDHAM. Sir, I think that is the most difficult question facing my organization at this time. Cooperation in Laos continues to move forward. It is better this month than it was last month, but it is moving at a more controlled pace, and there are some areas in Laos to which we have requested access and for which we are still awaiting an answer.

We have another meeting scheduled with them next week. We are optimistic that in one of the main areas of Laos, in the northeast corner where we are very interested in going to, we are hoping that they will allow us to go there in March of this year.

Mr. ACKERMAN. I believe we are going to hear from the American Legion a suggestion that a Presidential commission be established on POWs and MIAs.

How would you respond to that?

Mr. ROSS. Well, that is a decision for the President to make, and I would not presuppose to guess what he would do. All I would argue is or all I would say is that the Senate Select Committee made the most thorough review of the POW/MIA issue that has ever been made since the end of the war. Every issue was brought up and examined carefully, and I think the Senate Select Committee's recommendations in their final report speak for themselves.

We believe that the current mechanism within the Department of Defense is adequate, and more than adequate to accomplish the mission. Like I said in my statement, we will devote whatever time, whatever resources, whatever talent is necessary. We have recently formed the Defense Prisoner of War Missing in Action Office.

As you know, the Pentagon is under going various budget cuts. Offices are being cut. Civilian work force is being cut. The services are being cut. And yet in my organization we have 46 new positions to hire for. We have been expanding to do this. So my comment to you, Mr. Chairman, is that I think that we are doing the very best that we can. We are working as hard as we can on the issue.

Mr. ACKERMAN. General, why would someone who cannot get her husband back from the Vietnamese not be able to get his authenticator code from the Americans?

Gen. NEEDHAM. Sir, I do not understand that. The authenticator code is not in my area of operational control.

Mr. ROSS. I will be happy to address that, Mr. Chairman.

We, as a matter of policy, have not released authenticator codes. If you begin to hand out the authenticator codes of individuals who were lost in Vietnam, and they become public, you are going to be seeing those authenticator codes start popping up all over the place, and fabricators and individuals who have been seeking to take advantage of this issue will use that information and make it that much more difficult for us to investigate the issue. And so as a matter of policy, although some of these codes have made their way into the public, the Department of Defense as a matter of policy does not release those codes.

This was a very sensitive program throughout the war, and although much has become public in the ensuing months and years, the attempt here is to protect our ability to continue to investigate these cases through satellite photography and everything else. And all you will do is give individuals who wish to take advantage of the families and to seek profit or gain from this, begin to use those authenticator codes in that way.

Mr. ACKERMAN. You mean somebody in Vietnam, for example, would go over and stomp somebody's authenticator code in the grass?

Mr. ROSS. Things like that have been known to have been done in the past, and/or people can come in and say that they received a note or a message or something, and they can—just like the dog tag reports and all the things that we have got out over the years, those authenticator codes could be misused. And we believe, in the interest of protecting our ability to investigate what are legitimate—

Mr. ACKERMAN. Are you suggesting that it would impede the investigation and throw you off the trail because there are live Americans in Vietnam who are still well enough and capable enough to stamp out or paint somewhere the—

Mr. ROSS. No, Mr. Chairman. I am suggesting that we have never ruled out the possibility of there being live Americans, and individuals who are MIAs, who were given various different codes, to begin to take all the—if you do it for one family, you are going to have 1600 or 2200 individuals who are going to want access to that information. And if you begin releasing these authenticator codes to the public, you in all likelihood are going to see these numbers popping up in all different forms. And that, in our judgment in DOD, would not be helpful to the search.

Mr. ACKERMAN. Cannot people now go and make up a code and just stomp it out somewhere?

Mr. ROSS. Yes, certainly they can. But they are not necessarily the correct codes.

Mr. ACKERMAN. But it might be a code belonging to somebody.

Mr. ROSS. That is correct, Mr. Chairman.

Mr. ACKERMAN. But we have not seen that happen or have we?

Mr. ROSS. We have—for example, there are two in the Senate Select Committee hearings, we have—of all the satellite photography of Southeast Asia during this period, we have two symbols that we know were man made. One is the infamous U.S.A. in a rice paddy in Laos, and the other is the 15 or 1973 TH that appeared around 1976.

We do not have examples, to my knowledge, of individuals going out and stomping authenticator codes. But we have had many accusations or many claims that there are hundreds of authenticator codes out there in various photographs, which have been looked at and examined thoroughly by the intelligence community.

Again, I go back to my original—

Mr. ACKERMAN. What conclusions have been formed?

Mr. ROSS. The conclusions that were formed were that the only two symbols that are clearly man made are the two that I mentioned, and all the other symbols that allegedly appear in various photographs are anomalies in the photographs, are optical illusions, or do not in fact exist on the ground. And if they do exist on the ground, are shadows and trees or various things. They were not made by human beings.

Mr. ACKERMAN. Is that a universally held conclusion?

Mr. ROSS. That is universally held by all photo interpreters currently employed by the CIA or the DIA. That is not held by some independent—

Mr. ACKERMAN. What about formerly employed—

Mr. ROSS. There is Mr. Burroughs who has held some different views, but I would leave him to speak for himself. I would say that current employees of the CIA and DIA, representing a large number of years of photo interpreter experience, have looked at all of these photographs. I have looked at these photographs. I am not a trained photo interpreter, but I have looked at them. And those individuals have stated under oath before the Senate Select Committee that the only man made photograph, the only man made images on the ground are the two that I mentioned.

Mr. ACKERMAN. Are there or are there not any independent, recognized expert not affiliated with the DOD or agencies of the government that we could turn to to dispel anybody's notion or whim or wish to find—I do not mean members of Congress. I cannot even find Waldo in those pictures that I know he is in. But people looking at these things who are some kinds of experts?

Mr. ROSS. Well, photo imagery interpretation of the time we are talking about is not an art that is regularly practiced in private industry. There are—like I said, there are individuals who have been in the government, who are no longer members of the government, that are maybe qualified to do that. But during the Senate Select Committee hearing, the Senate Select Committee was given an opportunity of bringing its own experts, noncurrent employees of the government in, to look at these photographs. So I believe that process was—that process has been gone through.

Mr. ACKERMAN. We heard testimony before that we should be uncovering the ground around some of the prison sites. Are there prison sites that we have not done that at?

Gen. NEEDHAM. Yes, sir. There are nine prison sites that have been identified by Mr. Ross's office that have been tasked to the field for us to investigate. The DIA Stony Beach investigator will be going into country on Monday, the 21st of February. His team will be composed of two investigators and one grave registration expert, and they will conduct the investigations at these nine sites and have the ability to check out the grave information if it becomes apparent that there is something there.

Mr. ACKERMAN. Are those the only prison sites, or former prison sites?

Gen. NEEDHAM. Those are the only sites that are presently on the books that I know of for investigation. There may be a 10th one coming but—

Mr. ACKERMAN. No, no, no. The question was not on the books for investigation. The ones that you are investigating. I assume are on the books for investigation. But are there prison sites that are either on or off the books but at which there has been no plan to make discoveries at?

Gen. NEEDHAM. There are other sites that we have investigated. We have found nothing that would warrant further investigation at those sites or to look for any graves.

Mr. ACKERMAN. Let's go to Mr. Rohrabacher who has been very patient.

Mr. ROHRABACHER. Thank you, Mr. Chairman.

I would like you to listen to these figures to, first of all, see if I have got them correct. There are 98 individuals who we term or who are termed by our Government as being—I mean, special remains cases, which means that we know that Vietnam knows what happened to them, or we believe Vietnam knows what happened to them.

We have 73 cases where people were last known alive, meaning we have the reason to believe that these people were at one time alive in the POW camp system. And we have 53 cases from Laos where people bailed out of their aircraft or were out of their aircraft and their planes crashed, but they were—they actually parachuted down before the plane crashed. They were out of the airplane before it hit the ground, and all of these people, the 53 cases, hit the ground in areas that were controlled by the North Vietnamese.

Am I inaccurate in that analysis?

Mr. ROSS. The first number you quoted, the 98—

Mr. ROHRABACHER. Yes.

Mr. ROSS [continuing]. There are 98 individuals in 84 cases that are the focus of efforts by the special remains team in Vietnam. These 98 individuals were derived from 12 individuals in the photographs that were given to us by the Vietnamese. A larger number, I don't have the exact number, of individuals who are in graves registration documents—

Gen. NEEDHAM. Forty-three.

Mr. ROSS. Forty-three?

Gen. NEEDHAM. Yes, sir.

Mr. ROSS. And then the remainder are from information that was developed by the Joint Task Force Full Accounting through interviews, et cetera. You are correct on that number.

The 73 is the remaining individuals last known alive, priority discrepancy cases in Vietnam. I do not have any reason to dispute the number in Laos, but I do not have that one on the tip of my head.

Mr. ROHRABACHER. Is it your position then today at this hearing that the Vietnamese are not holding back any information that they currently have about these several hundred cases that I am referring to?

Mr. ROSS. I do not know whether the Vietnamese are holding back information or not. What I know is, is that we have gone to the Vietnamese and said you yourselves have given us photos and graves registration. Let me, if I may, Mr. Congressman, just explain about one of these graves registration documents.

There may be a document for a particular province that has 15 or 20 names on it. And you go down that document and 10 of those individuals have been returned and identified. And then there may be five individuals who are listed that have never been returned. We do not have the remains.

So we presented this in August of last year when we met with the Vietnamese in Hawaii. And we said that, you know, we would like you to look for the information that you have on these, and they also recommended forming a joint team with General Needham's people to go out and do that. And to date, I think 16 of those cases have been investigated and seven grave sites have been recommended for excavation.

Mr. ROHRABACHER. OK. But you cannot say, you are not testifying to us today saying that you feel with any certainty whatsoever that the Vietnamese are not holding back information on the cases.

Mr. ROSS. Of course not. No American official can testify for certain what the Vietnamese are doing or not doing.

Mr. ROHRABACHER. But your inclination is, let's say, OK, without—we are not saying certainty, but your inclination would be to believe that the Vietnamese are not holding back information on these cases?

Mr. ROSS. The belief is that what the Vietnamese may be holding back or not holding back has been one of the most hotly debated issues within the POW/MIA issue for many years, and this has been looked at by DOD and by State and by the NSC, and the belief is that for years and years and years we made very little progress. The belief is whatever there is out there, whether somebody is holding it back or not, the best way to get access to that information is to move forward. That is why the decision was made.

Mr. ROHRABACHER. I guess what I am asking you, we had two experts here. I am just asking your personal opinion. I mean, you are under oath, but this is an opinion matter. So whatever you tell me is your personal opinion, it does not—

Mr. ROSS. My personal opinion is that out of a given number, if you say—as we say, the number is 98. My opinion is the Vietnamese ought to be able to either come up with the remains or come up with information as to why they cannot come up with the remains. I do not know for certain what they are withholding and what they are not withholding.

Mr. ROHRABACHER. So you do not know—OK.

General, do you want to express an opinion on this?

Gen. NEEDHAM. Well, I could say on the 84 cases, and I said there were 43, one of the numbers, I meant 43 cases because my numbers are in cases. You are talking, sir, about numbers.

But of the 84 cases, they are broken down into three groups. Twenty-nine cases, the individual died in captivity. Twelve, they gave us the picture of the individual dead. Forty-three, we have ex-

tracted from documents that they gave us, information, that they should have the records.

Now as Mr. Ross said, we have actually found seven sites. One of them we have excavated. We found no remains, right on the border of Tay Ninh Province, Vietnam, and Cambodia. The other six sites are due to be excavated in the next month.

As far as the special remains team goes, I think since we have only investigated 16 of the 84 cases, it is a little too early to tell exactly what we are going to find. But they have got, from what my observation is, very good people on it because they realize this is the one area where they have got to account for where these remains are.

Mr. ROHRABACHER. Is my interpretation of your answer to say that you personally believe that they probably are cooperating and are not holding back information on the cases that I have listed here?

Gen. NEEDHAM. I do not think that you can ever say that everybody is totally cooperating. My personal opinion is that the individuals at the senior level at the central government are trying to give us the information. I am not totally convinced that everybody at the lower level, that some of the low level officials are telling us everything we want to know.

Mr. ROHRABACHER. All right. With that understanding that that is your personal opinion and fine. When I was there in December with you, I saw the heroic efforts of your team in a jungle effort that was probably one of the most incredible exercises that I have ever witnessed where people are actually having to come down from the helicopters on cable and go into the jungle and on a hillside cut out a helicopter landing pad, and then stumble around these jungles looking for what was a major North Vietnamese hospital and an attached POW camp.

You remember that area that I am talking about?

Gen. NEEDHAM. Yes, sir.

Mr. ACKERMAN. Was the hospital and POW camp that they were looking for found?

Gen. NEEDHAM. No, sir.

Mr. ROHRABACHER. OK.

Gen. NEEDHAM. And I believe Mr. Bengé said something today that caught my attention. We cannot find that hospital and that prison camp. I have asked that we make it a top intelligence priority to find it. We are pretty sure, as you know, you were there, it is not in northeast Cambodia. We are reasonably sure it may not be in western Vietnam.

Now, we are exploring that it may be just over the Cambodian border. You know, Cambodia gets very thin there, in Laos. We are trying to find that particular hospital.

Mr. ROHRABACHER. General, if I can just go on at that point.

I guess the point that I am making is that, and, Mr. Chairman, there must be at least 500 or perhaps 1,000, perhaps 2,000 men to be served in the North Vietnamese Army who were at this prison site and this hospital site. And for us to assume that the Vietnamese Government is cooperating with us, while they will let our teams, which are heroic and you take pictures of them and you say, look, we are working really hard, and they are working really hard.

They demand our respect. But the North Vietnamese could pinpoint the location of that POW camp and that hospital. They must have had 500 to 1,000 men who were there for significant time periods during the war. Yet they allow us to stumble around.

Now, how can any of us assume that these leaders of this government are cooperating with us when we have that type of situation staring us in the face?

Gen. NEEDHAM. Well, I cannot comment directly, but I can tell you that it is a very difficult thing to find. Mr. Bengé stated that the prison camp was not as we envision a prison camp, that it was a tree, and it was not the built up area. But that is a question that is foremost on our mind and we are putting all the assets we have against it to try to find that complex.

Mr. ROHRABACHER. OK, let me move on to another point, another example making the same point.

General, we have a colleague with us, Mr. Pete Peterson, who was a prisoner of war during the war. On the way to Vietnam in what month? May? May, when I saw you in Hanoi. Pete mentioned to me that he had been held for 6 years, and he told me that for the first 3 of those 6 years he was an MIA and not a POW, and that his family was told that he was MIA, and the government official was that he was MIA and not a prisoner of war. And then after 3 years he became a prisoner of war.

When I asked him as to whether or not he had met any Americans during that time period when he was an MIA for those first 3 years, he told me no. He was kept totally isolated from other Americans.

Does this not indicate to you that maybe some people who were held MIA might have been kept afterwards?

Gen. NEEDHAM. Well, sir, that is our number one priority, and we spend every day trying to find as much information as we can. But to date, we have found no information that can confirm that.

Mr. ROHRABACHER. All right. OK, with that said, General, when I was there with you in Vietnam and we were negotiating with the Vietnamese, one of the requests that I made was to have the records of the prison in which Pete Peterson was kept. In fact, I enlarged that to say let us have the records of the prisons where our guys were kept.

Can you tell us whether or not the Vietnamese have made those prison records available to us?

Gen. NEEDHAM. Sir, I am just not—I will have to get back with that. I do not know the answer to that specific question.

Mr. ROHRABACHER. From what I have been told the North Vietnamese have not made those records available to us. I do not understand how anybody in this government, and I do not understand how Senator Kerry, I do not understand how anybody representing this government can sit here with a straight face and suggest that there has been a high level of cooperation at a time when they do not even permit the records from the prisons where our guys were being held to be made available to us. There is something wrong here.

Now, the President of the United States knows that. I sat at a table in the White House and mentioned this specific demand.

said before the embargo is lifted, at the very least let us get a copy of the records of the prisons where our people were kept.

Was any demand like that made, Mr. Ross, before this embargo was lifted?

Mr. ROSS. I am not aware of a specific demand about the records of the prisons although we have been asking—we have been asking the Vietnamese for a long list of things for a long time.

Mr. ROHRABACHER. Well, when Secretary Lord gets back, we will ask whether or not that demand was made. Now, there are other human rights things that I would hope would be on the list as well.

Maybe you could give us a list of—could you mention some of the other things that you have been asking for that the Vietnamese have not been forthcoming? You just mentioned that you have some things that are on the list.

Mr. ROSS. Well, we have been after for a long time the Group 875 and 559 documents, which we have begun to get at this point. We have been asking for records of POWs; records that apply to particular individuals and POWs.

Let me say about the prison system that we have a great deal of information on prisons in Vietnam, and we have talked to hundreds, if not thousands, of former inmates—

Mr. ROHRABACHER. Do you believe all the records from those prisons were destroyed after the war and they just are not available or are they being held back?

Mr. ROSS. I do not believe they were all destroyed, but I—

Mr. ROHRABACHER. I have talked—I have talked to scores of people on this specific issue. Not one expert on this issue believes that the records of those prisons were destroyed at the end of the war and that they do not have those records.

Mr. Chairman, I submit to you there is a very valuable piece of information that is being withheld from us by the Vietnamese. We should have demanded that evidence before the embargo was lifted. And anyone who tells us from this government—I am not suggesting you are telling us this because you have not suggested that—that the Vietnamese are giving us all the information and giving us full cooperation does not know what they are talking about.

Gen. NEEDHAM. Sir, we demand those records every time we meet with them. A week ago Thursday we talked about these documents Mr. Ross talked about for Group 875, which controlled the U.S. prisoners, and for Group 559, which produced the information along the Ho Chi Minh Trail.

In January they produced a battalion commander from a defense battalion that we had been asking them to produce. He brought in some of his own personal records. He said he would go back and try to canvas other members of his battalion to produce records.

So that I believe they are out trying to find some of these things, but there is more to be found, and you are absolutely correct there.

Mr. ROHRABACHER. If you two gentlemen could submit for the record, please, a list of the demands that have been made for information that have not been forthcoming by the Vietnamese, that would be very helpful to the committee.

Mr. Chairman, we have another vote on, but I have some other questions that I would—

Mr. ACKERMAN. We will at this time break for this one vote, I believe, and get back here as quickly as possible to continue.

[Recess.]

Mr. ACKERMAN. The subcommittee will continue.

Mr. Rohrabacher?

Mr. ROHRABACHER. Yes. I would like to thank both of the witnesses for staying, especially the General who I know is under time—do not tell me that. This is not it?

Mr. ACKERMAN. That is it.

Mr. ROHRABACHER. That is it. All right.

Mr. ACKERMAN. We were lied to.

Mr. ROHRABACHER. Do either of you—

Mr. ACKERMAN. We were told we had 10 minutes before they rang the bell.

Mr. ROHRABACHER. Have there ever been a situation where dog bones were returned to the people of the United States and told that these bones were the bones of POWs?

Mr. ROSS. In the years after the war, before we initiated forensic examinations, I cannot specifically say dog bones, but I am sure that we have gotten bones of a little of everything over time.

But we now, since the JTFFA has been business, we do a forensic examination in Vietnam, and we only bring back to the United States the bones of human beings that we believe are probably American servicemen.

Mr. ROHRABACHER. In the last few years, we have received no bones that were nonhuman bones back when we were being told that these were the remains of our POWs?

Mr. ROSS. I cannot give you a definitive answer on that. I would have to refer to CILHI to get a definitive answer on every set of remains.

Mr. ROHRABACHER. General, do you know?

Gen. NEEDHAM. I can say, sir, that there were no sets of remains to my knowledge brought back from Hanoi as a result of the joint forensic review of that nature.

Mr. ROHRABACHER. Well, let us see because we have only got a few minutes. I would like to—first of all, when I worked at the White House, and I want this for the record, Mr. Chairman, I had 5 minutes with President Reagan upon my exit of leaving the White House. President Reagan, you have that when you work at the White House, OK, when you are a special assistant to the President. President Reagan told me that there were American POWs in Vietnam when I was there, and I was aghast when he told me that. But he said, "But, Dana, they want to be there. They are married to Vietnamese women. They do not want to come home. They do not want to be disturbed."

Do you know of any cases where there are Americans in Vietnam who were at one time, at any time prisoners of war?

Mr. ROSS. No.

Gen. NEEDHAM. No, sir. And I do not—starting last May we have repeatedly asked the Vietnamese that question. They have started saying, and I quote, "There are no Americans living freely in Vietnam at this time." And they believe that there are no Americans of that nature that may have stayed behind, married a Vietnamese and are there raising a family.

Mr. ROHRBACHER. OK. Do you think that Ronald Reagan just—he got that information out of official channels?

Mr. ROSS. Over the years, especially in the early 1980's, as you are all aware if you go to the Library of Congress and you read any of the many reports and the thousands of pages of documents that have been declassified, there are lots of different human intelligence reports that have come in that have reported one thing or another, and some of these reports are still debated.

But the President may have formed an opinion based on some piece of intelligence that was fresh at the time, but looking back on all that information we do not believe there was any information at that time.

Mr. ROHRBACHER. OK, with that said, I just have one area left that I want to discuss, and it is probably—and I hate to do this because this makes me into some sort of, you know, a person who is being an aggressive and hard knock, and I know you fellows have worked real hard on this issue. I know the teams are out there working. But I have got some very serious questions about the way the job not only is being handled right now. We have heard allegations about the way the job was handled in the past. We will ignore that for right now. We have had that on the testimony.

General, you know of the specific life sighting report that I spoke to you about in Cambodia.

Gen. NEEDHAM. Yes, sir.

Mr. ROHRBACHER. And I hate to say this, Mr. Chairman, but this is really too important an issue, because I have spoken directly with the President of the United States about this report, for us to try to go over it in 5 minutes. And what I would like to do is go vote, and then we can continue talking, because this deserves an honest, on the record examination.

Mr. ACKERMAN. We are under, and it is not anybody's fault, but we are under some strict time constraints that we knew of at the outset of the hearing. The General has a car waiting to get him to a plane. He has to leave at 5 minutes to.

Mr. ROHRBACHER. Well, let me modify it down to a central question, and I hate to do this.

Mr. ACKERMAN. Go straight to the General.

Mr. ROHRBACHER. I will go—

Mr. ACKERMAN. And we will come back and—

Mr. ROHRBACHER. I am sorry we cannot go through all of this, but, General, it seemed to me that when we met in Vietnam, that you were suggesting to me that what I considered to be the most credible live sighting report that I had seen in 25 years had not been followed up on; meaning two Vietnamese military officers. The only reason I am making this public today is because I was told by officials of this government that we had already given this information to the North Vietnamese, and there is no reason to keep this secret at this point.

Two majors in the Vietnamese army came into our Phnom Penh MIA/POW headquarters reporting a live sighting report in May of this year, and that the live sighting report was of two Americans held in prison last year.

And when I talked to you in Phnom Penh, in December, it seems to me you were telling me that that report had not been followed up on. And perhaps you can—

Gen. NEEDHAM. No, sir. What I thought I told you is that report had not been field investigated; that I know that it was being assigned for a field investigation, and the field investigation was subsequently conducted in January.

Mr. ROHRBACHER. OK, if I can then analyze what you just told me, that is totally consistent with what I just said meaning up until the point that I spoke to you it had not been investigated.

Here was two Vietnamese officers coming to us telling us about a sighting of two Americans held at that time that was not investigated for 6 months until a member of Congress came to you and personally confronted you with it.

Mr. ROSS. If I can, Mr. Congressman, General Needham's office is not responsible for investigating live sightings. That is done by DIA.

Mr. ROHRBACHER. That is correct. And let me add before you go on, my office has repeatedly called the DIA on this matter. We have not had our phone calls returned. I had to go the President of the United States before I could get any answers on this case.

Mr. ROSS. I am not aware of that.

Mr. ROHRBACHER. And I still do not have an answer. The President's National Security Advisor called me to give us a report on the supposed investigation. And when he gave us his report, which of course the magazines have said was the final thing that permitted the President to lift the embargo, we have gone over the report that was given to us, and it is filled with factual errors that were given to the President of the United States.

Mr. ROSS. I am prepared to address a specific live sighting you have mentioned. What I could say is—

Mr. ROHRBACHER. Can you address why the DIA has not bothered to call my office to address it with me—

Mr. ROSS. No, I cannot, Mr. Congressman.

Mr. ROHRBACHER [continuing]. rather than having us to go through this in public at a hearing, and have a member of Congress waste the time of the President.

Mr. ROSS. I cannot explain why you did not get a call.

Mr. ROHRBACHER. All right.

Mr. ROSS. All I can say is that in May of 1993, an interview by Det 4 in Phnom Penh, they interviewed the individual that came in, and that interview was taped. The Defense POW/MIA data base search in May of 1993 for corroborating information on that was negative. In June of 1993, Stoney Beach tasked to locate the sources in Phnom Penh. None of the sources known at the address—were found at the address provided. No further leads were available in Phnom Penh.

In June of 1993, the DPMO requested Det 4 interview—the interview tapes and the notes. In July of 1993, Stoney Beach asked to look for the Pavn Major in Hanoi. The name and address when passed to VNSOP with negative response.

In August and November, additional analysis was conducted on potential prison locations, source names and possible sights for follow-up investigations. No known prisons matched the descriptions

given. No corroborating reporting was found. Three sites were defined for tasking.

In December 1993, Stoney Beach was tasked to conduct the LSI investigation in Vietnam.

Mr. ROHRABACHER. We are going to have to go through this in a little bit more detail because the fact is what you have already told me is filled with misinformation. Not that you are personally saying something you do not believe is true.

Mr. ROSS. I am just giving you a list of what was done as a follow-up to that.

Mr. ROHRABACHER. Well, for example, what you just said was that the person giving the report is unavailable and they could not find her.

Why is it that my staff was able to find her—

Mr. ROSS. No, I did not say that. I did not say that. I did not say that.

Mr. ROHRABACHER. Mr. Chairman, we should vote. This needs to be followed up on.

Mr. ACKERMAN. We do have to vote—

Mr. ROHRABACHER. I know the General has to go.

Mr. ACKERMAN [continuing]. On final passage of a bill before us.

Mr. ROHRABACHER. I am sorry.

Mr. ACKERMAN. The General does have to leave in about 10 or 15 minutes or so, which will probably be before we get back.

I will ask Mr. Faleomavaega if he would be kind enough to assume the chair. He having some greater liberties than some of us and he has some questions that he would be able to ask the General prior to his leaving.

But let me say this before I depart. General, we appreciate the job you are doing. You have basically a very, very thankless task. We sent you out there to find information that may or may not be findable. The odds are that all the questions can never be answered; that all of the remains will never be returned. This is the great penalty of war that we as a society pay, and pay doubly and triply and quadruply by the families who have personally made those kinds of sacrifices.

Sometimes the questions get sharp and sometimes they get heated, but this in no way casts aspersions on your good intentions and the good intentions of those who serve under you. We all have a responsibility to ourselves and to our society to collectively work to try to discover everything that we can discover. We do not mean to be taking shots at you as you do your job. We mean to give you all of the encouragement, all of the tools, all of the assets that you need. We in return just ask for the most truthful and forthright answers and effort. And we continue to hope that that is what we will continue to get from you and your team. I just wanted that on the record as well.

The record will continue to be open, General, and the other witnesses, because the subcommittee will very probably submit some questions in writing that you may respond to in writing. Thank you.

Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman, and I too would like to echo the sentiments that have been expressed earlier by the

Chairman of the subcommittee to you, Mr. Secretary, and also to you, General Needham.

I think there is no question that one might say that the question is moot, to the extent that the President has made the decision to lift the embargo. And then I think this is where then it takes us to the very essence of why the Chairman has held this hearing in terms of asking the question where do we go from here.

I am not one also to relate any sins of the past or what we have not done, and what corrective actions we have taken to correct those deficiencies. But it seems to me that only since 1991 that actually the administration or past administrations have tried in a more earnest effort to resolve this very issue that we have been troubled with for all these years.

Someone once said put your money where your mouth is, and one of the things that I always raise, the question both on resources from the Department of Defense. Unfortunately, no one from the State Department is here. Is how much resources did the administration really put forth in an effort to raise or to correct or to resolve some of these questions or issues dealing with the POWs and the MIAs. And perhaps, Mr. Secretary, you can respond to that.

If not, I certainly would like for the DOD to submit for the record, by way of DOD, personnel committed to this project, in terms of the dollar valuation of how much actually have we really committed, by way of money going into the actual pot, and saying that this number of personnel have been committed to conduct this project both by way of military as well as civilian personnel.

Is that a proper question, Mr. Secretary?

Mr. ROSS. Yes, sir.

Mr. FALEOMAVAEGA. Can you respond to that now?

Mr. ROSS. Well, let me just say that prior to 1991, there were maybe 150 full-time people throughout the Department of Defense, maybe 150, 175, who worked the POW/MIA issue. Now there are over 500 individuals who work full time on POW/MIA issues. I have 120-some. I think General Needham has 160. There is 100-and-some people in CILHI and all the various other organizations.

Putting a number on the exact figure depends on what you want to count. If you want to count everyone's salary and benefits and all the other things, the number goes up. But the estimate that we have used is approximately \$100 million or more a year goes into this process. I am sure that is probably a low estimate.

But what I would emphasize is that no one has ever said that there is a limit to what can be spent. I think the money that General Needham spends comes out of the overall CINCPAC budget, and I think that General Needham will tell you that his boss places no financial restrictions on him, nor personnel restrictions, nor does the Secretary of Defense place any fundamental personnel or financial restrictions on us. We try to organize to the most optimum to do the job.

Mr. FALEOMAVAEGA. Mr. Secretary, I think that is the very essence of my question, to say that there was no limit in terms of what we could have done, or what we are doing now. It surprises me that from 150 people, now all of the sudden we have 500 people making an honest effort to look into this.

Why have we not done this maybe 20 years ago?

Mr. ROSS. There is a very simple answer to that.

Mr. FALEOMAVAEGA. Again, I am not putting the blame on you.

Mr. ROSS. No, there is a very simple answer. The simple answer is from 1975 until the late 1980's, we had no access to Vietnam, any real access. You could not conduct operations because we were closed out of that country.

Only when joint operations under the Joint Casualty Resolution Center began incrementally in the late 1980's, and then the formation of the Joint Task Force, that we had access, could we actually use those people.

We increased the assets when the opportunity for access presented itself.

Gen. NEEDHAM. Sir, I would just like to echo what Mr. Ross said. I do not believe there are many military officers that can stand before you today and say unequivocally that they have all the resources they need to do the job. And I do not have a budget problem. I am well financed. And if I need more, all I have to do is call Admiral Larson, and that money automatically becomes available to us.

Mr. FALEOMAVAEGA. Now, that is an absolute assurance from the—

Mr. ROSS. Sir, I can guarantee you that is an absolute assurance.

Gen. NEEDHAM. Yes, sir.

Mr. ROSS. And I am already projected funding for 1995 and 1996 that is more than adequate for what we foresee that we need. But if we need more, we just go get it.

Mr. FALEOMAVAEGA. So I think this raises another question to this matter, General and Mr. Secretary.

What happened, taking this huge presumption on our part that there is going to be more cooperation, more assistance that we are going to get from the Government of Vietnam on this very issue, what happens if as a result, do we have some sense of a time table to say 1-year or a 2-year period we go back and look at the results, how much resources have we really committed to really look into this 2238 POWs/MIAs that we are still looking for?

I mean, do we have some kind of a time table in saying within 1 year we are going to reassess the situation again? Are we going to be adding more resources? Or is it just going to be just all of a sudden disappears in the wind and becomes only a password and do not even seem to remember what happened in the past?

Mr. ROSS. General Needham can address the specific operational things. We have X number of crash sites. There are X number of loss incidents. From an operational standpoint, there is one aspect to it.

But the other aspect to it is, just like we pointed out in the earlier testimony about when the Chinese came to us with information that there was a crash site in Tibet from World War II, we put together a team. We went off to China, and we did everything we could to bring back those remains. And we will go back as soon as the weather breaks and actually excavate that crash site.

We will pursue—it goes to the definition of "full as possible accounting." Full as possible accounting means as long as there is information, as long as there are leads, as long as there is a crash site unexcavated, as long as there is a witness uninterrogated,

untalked to, then we will continue to do this, and we will keep whatever level of resources, I am confident, whatever level of resources is necessary to accomplish that mission.

Today if, for example, the Korean War has now been over for 40 years, 40 plus years. The North Koreans repatriated 194 sets of remains recently. We have the hope that the North Koreans will permit us to have an organization similar to General Needham's that would enable us to go into the DMZ or into North Korea and to recover ourselves remains from that war. And I can tell you with reasonable confidence that we would put together and fund that organization with whatever resources are necessary to go accomplish that mission. So there will be in the Department of Defense whatever we need to do the job as long as there is a job to do.

Gen. NEEDHAM. Sir, we were formed in January of 1992. Most of the personnel were on a 3-year tour. The decision has already been made to start replacing those personnel, and some of the people are actually in training, so that we have no foreseeable end at this point for Joint Task Force Full Accounting. I mentioned to you that the budget is funded out, to my knowledge, through 1996. And the system is being reloaded with people. That should put us into the 1998 timeframe.

Mr. FALEOMAVAEGA. Do you think it would be wise if the President—it would be nice periodically if he could invite the families of the various organizations of these families of the POWs to really make it really a sense of sincere effort that this—that he is not going to drop the ball on this?

The reason for my asking this is that I know when I go to CINCPAC I get a briefing, and I must say the briefing is very comprehensive; not only in terms of our security interests, but then the equation also touches on the very fact that the economic interests that we have in this region of the world. And I am sure that maybe another member may have raised that question.

But has the Department of Defense quantified what is the economic stakes that we have with Vietnam, with 70 million people, potential resources of oil discoveries, things of this sort? Has this taken any real serious efforts on the part of DOD to conduct the studies economically, what this means to us economically?

Mr. ROSS. Well, I am sure that the various intelligence organizations in DOD and CIA and Defense Intelligence Agencies and others have studied various aspects of this. But I can tell you, and I am sure Ambassador Lord will tell you, that economic benefits, various things like that, have never entered into the conversation from the standpoint of those of us who have been evaluating Vietnamese cooperation and results in none of the meetings.

In fact, Ambassador Lord has been asked several questions about what we are going to do in the liaison office and what is this and what is that. And his response has been we really have not—we do not have the answers to those questions yet because that has not been the subject of our conversation.

Mr. FALEOMAVAEGA. You do not think that this has been one of the primary factors leading up to the President's decision to lift the embargo?

Mr. ROSS. Again, I would direct this question to Ambassador Lord. But yesterday before the Senate he was asked that question,

and his response was that we deliberately did not discuss in the various principles meetings, in the various high-level policy meetings that were taken over the past several months on this issue, we specifically did not address economic and various other strategic issues. We only addressed the POW/MIA issue and human rights issues.

Mr. FALEOMAVAEGA. General Needham, I understand you have to leave.

Gen. NEEDHAM. Sir, I am good for a few more minutes.

Mr. FALEOMAVAEGA. I will look forward in meeting with you in Honolulu.

Gen. NEEDHAM. Sir, I hope I am there.

Mr. FALEOMAVAEGA. Are you based in CINCPAC or are you—

Gen. NEEDHAM. Yes, sir. As you come in the gate to Camp Smith, our building is right over on the right in the old Intelligence Center.

Mr. FALEOMAVAEGA. I definitely will get ahold of you and we will get together on this.

Gen. NEEDHAM. Yes, sir.

Mr. FALEOMAVAEGA. Mr. Secretary, I am trying just to relate to this. If you had an option in terms of the priorities that you have to make a decision on, whether to continue our present policy of the POWs or to get the pressure that we have sometimes from some of our business associates and what a beautiful economic opportunity this would be for our country by lifting the embargo, that we will then promote trade in that respect. The fear that I have that in exchange for this trade and business, promotions and all this that we have with Vietnam, as France has already done last year, I say that France is one of the great democracies and one of the worst colonialists that we have had in the history, would you think that perhaps the President took this into serious consideration, that the economics of the whole issue is actually one of the more important factors that led him to lift this embargo?

Mr. ROSS. I have never discussed this issue personally with the President. But I take the President at his word. The President has made several public statements on this issue, and I have talked to others who have talked personally to the President. I can tell you that in all my discussions with Ambassador Lord, with senior DOD officials, with senior NSC officials, to include Mr. Lake and others, the subject of economic benefit, the subject of that never came up.

Again, my responsibility is strictly POW/MIA affairs. And in all the discussions that I have participated in the subject has always been tangible results in the POW/MIA area.

Mr. FALEOMAVAEGA. The 2238 POWs/MIAs that we so far have a number for, does that include the 550 that are in Laos?

Gen. NEEDHAM. Yes, sir.

Mr. ROSS. Yes, sir. That includes all that are lost from the war in Vietnam.

Mr. FALEOMAVAEGA. I see.

Mr. ROSS. That number is very deceptive since—let me take the opportunity to say that 1095 of those individuals are people who we have a 99 percent assurance that they are dead, killed in action, body not recovered, eye witnesses to their death, but we are unable to recover their bodies. There is a number of individuals

who have been lost over water. Looking at the breakdown of that number, I think is very important.

Mr. FALEOMAVAEGA. General, I know you have to go. I appreciate it.

Mr. Secretary, I do not have any further questions unless you have further comments.

Mr. ROSS. No, I have none. I am just waiting for Ambassador Lord to return.

Gen. NEEDHAM. Thank you, sir. Hope to see you in Hawaii.

Mr. FALEOMAVAEGA. All right. We will stand in recess for now until the Chairman and the other members return to the committee.

Thank you, Mr. Secretary. Thank you, General.

[Recess.]

Mr. ACKERMAN. We will continue with Mr. Ross. We should be safe for a little bit on this side as far as time. They tricked us last time.

Have you been able to examine further the so-called Russian archives documents, as far as to whether or not they shed any light on the real numbers or the status of any of the POWs or MIAs in Vietnam?

Mr. ROSS. As I think you are aware, Mr. Chairman, we released a week or two ago the interagency analysis that was done on the so-called 1205 and 735 documents. I can make that available to the committee or for the record.

Mr. ACKERMAN. Without objection, we will make that a part of the record.

[The information appears in the appendix.]

Mr. ROSS. The analysis looked at those documents and concluded that they were authentic intelligence reports of that time; that they were not, for example, fabricated, recently fabricated documents; and it analyzed the information in those documents and found that some of the information not pertaining to POWs was accurate and rang true, but that the experts from CIA, DIA, INR and the former Task Force Russia concluded that the numbers, with regard to POWs held in North Vietnam, were likely not accurate.

Now, let me say, because right away everyone—not meaning the Chairman or the committee—that right away many people accuse the government of “debunking” these documents. It is important to keep in mind what it is they compared the information in these documents to. They compared it to 30 years of detailed all-source intelligence information, to include HUMINT reporting, SIGINT reporting, satellite reporting, debriefings of POWs, debriefings of 500,000 refugees, all the information we have on the prison system, and they found that the numbers of 600 or 735 prisoners in one case, and 100 and some, 200 and some in the other, not to be credible.

Mr. ACKERMAN. You state that the documents are genuine as to their authenticity as original documents.

Mr. ROSS. Well, as copies of a report, of a HUMIT intelligence, a HUMIT intelligence report that was written at the time by some GRU or KGB case officer from a Vietnamese, like Vietnamese intelligence source.

Mr. ACKERMAN. In your view, are the documents consistent with each other?

Mr. ROSS. No, I do not even think the documents are consistent with each other, because if you look at the two sets of numbers there is some contradiction in the numbers.

Mr. ACKERMAN. Does that mean they are both wrong or one is right and one is wrong, or somewhere in between, or it is neither?

Mr. ROSS. The intelligence analyst, the body of intelligence analysts, and we deliberately went—did not just give this to DIA or to DOD—we deliberately requested that this be an interagency analysis, concluded that they found neither document to be credible with regard to the numbers.

Mr. ACKERMAN. Well, one would assume that is the conclusion they came to before those documents ever came to light; is that not so?

Mr. ROSS. I would not phrase it that way, Mr. Chairman. I would say that—

Mr. ACKERMAN. Phrase it your way.

Mr. ROSS. I would phrase it the way I phrased it before. They looked at the numbers that the two documents purported to talk about in terms of additional POWs that we supposedly knew nothing about that were in other prison systems. And they went back and compared this information against 30 years of voluminous information that we have on Vietnamese prisons, on POWs, on what we know about how many POWs were in Vietnamese hands at any given time and any given month of the war, and on the POWs that came back. And they concluded that they found these documents not to be credible.

Now, we said, and it says in the analysis that we continue to look, we continue to investigation. In fact, one of the criticisms is why did we not release the document earlier. And the answer to that one, if I can anticipate the question, is that we went through two more commission meetings in Moscow, in which we continued to press the Russians very hard, and Ambassador Toon can testify to this, we pressed the Russians very hard for any additional documents they might have on this issue.

And once we had gone through two additional commission meetings and no more documents were forthcoming, and we had done the analysis, we felt that the analyses should be made public, and we did so.

Mr. ACKERMAN. There was nothing in the documents that gave us anything new?

Mr. ROSS. There was nothing in the documents in that gave us anything new about POWs.

Mr. ACKERMAN. What did the documents contain that gave us—

Mr. ROSS. The documents contained some information, and I would have to refer you to, or I would have to go to the actual analyst who worked on it. There may have been some information in there about political military discussions or things that were going on at the time that may have been new information. I cannot say for sure.

Mr. ACKERMAN. Can you tell us if that other information that it gave us, this new information, was that real? Was it accurate?

Mr. ROSS. There are things in the document that is accurate. There are things in one of the other document that does ring accurate. In other words, they are not fabrications. Like any HUMIT intelligence report in our own government, source reports to his case officer on something, some of the information is accurate, some is inaccurate. A lot depends on how he came by the information.

If it was first-hand, it may be accurate. If he got it second or third-hand, it may be inaccurate. The problem with a lot of these reports and many other reports that are commonly cited as evidence of prison camps in China or of one thing or another is that they are HUMIT intelligence reports, often second and third-hand source reporting, which—

Mr. ACKERMAN. Specifically, was the reporting in these documents second or third-hand?

Mr. ROSS. We cannot say for certain because we had a report that—the allegation was originally on the 1205 document, is that it was a translation of a speech that was given by General Tran Van Quang. And the analysis looked at it and said that the way it was done, it did not ring as though it was a speech to the Politburo. It sounded more like it was a report given to another kind of forum. There were a lot of other things they found that were wrong or that did not match with other—

Mr. ACKERMAN. I have made speeches like that before, too. [Laughter.]

Mr. ROSS. Good point.

But it comes back to the fact that—oh, I was answering your question. They could not conclude from the document whether it was a translation of a—a direct translation of a document, whether it was a document based on an oral debriefing, as to whether it was a translation of another document based on an oral debriefing. You cannot know that for certain.

Mr. ACKERMAN. I can understand the difference in translation or interpretation, but usually when you are dealing with numbers, unless somebody was exaggerating; is that a possibility?

Mr. ROSS. That is quite a possibility. In fact, I remember having a conversation with Congressman Johnson, when we were in one of the commission meetings in Russia, and he recalled that he remembers that back during the time of his captivity that the Vietnamese oftentimes inflated their public statements on the numbers of POWs that they were holding.

One could speculate why whoever made the speech, if it was Tran Van Quang or someone else, may have chosen to inflate the numbers. This was after the—

Mr. ACKERMAN. To what end?

Mr. ROSS. Pardon me?

Mr. ACKERMAN. To what end?

Mr. ROSS. To influence domestic political things within Vietnam. This supposed speech was not long after the disastrous Easter offensive. There was a lot of relooking, a lot of soul searching on the part of the Vietnamese.

Mr. ACKERMAN. Can you tell us for the record how far off were the numbers based on our best guess?

Mr. ROSS. The best guess is that we got 591 American POWs out at homecoming, and that there were no other POWs held back.

Mr. ACKERMAN. The document indicates there were how many?

Mr. ROSS. I think if you go from the 1205, you would subtract 531 from 1205, and that would be the difference. We continue to maintain that, and this point I want to make very clear, there were individuals at the end of the war in Vietnam that were unaccounted for. This was known from the day the war ended. Henry Kissinger has it in his memoirs. There were some 80 or so individuals who were simply unaccounted for. We did not know if they were dead. We did not know if they were alive. When the Senate Select Committee talked about this issue, it said men may have been left behind. It did not mean that the known individuals in prison were left behind. It meant that there were individuals that we could not account for.

We are fairly confident, reasonably confident, to a high degree of certainty, that the 591 Americans who came out of the North Vietnamese prison system, plus the 24 individuals who died in captivity and whose remains were repatriated at another time, plus the 8 individuals who were repatriated earlier, were the only prisoners that were held in the prison system in North Vietnam.

Now, there are many other guys who died and who, some of the last known alive cases, and others who were temporarily in custody at one point or another. But we are talking about people who made it inot the prison system in the North.

Mr. ACKERMAN. Could you tell us if we have made any attempt to verify the information in the Russian document with the Vietnamese?

Mr. ROSS. Yes, we have. When we went to Vietnam, General Vessey went in April, we actually debriefed or talked to General Tranhvan Quong personally. We discussed it with the Vietnamese vice foreign minister. The issue has been raised considerably with the Vietnamese and with the Russians.

Mr. ACKERMAN. Could you tell us what the Vietnamese have provided us as far as shedding light on the accuracy or lack thereof with regard to the two—

Mr. ROSS. The Vietnamese have stated that the document is not correct and not accurate; that there was no Politburo meeting at the time that is claimed in the—that was claimed to have been conducted in the report, and the Vietnamese have disavowed the information.

Mr. ACKERMAN. Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

I want to apologize for all the interruptions today that we have had and ask you to linger.

Are there new procedures now in place for investigations of sightings? Any new procedures or any new criteria, any new priority that you have established for seeking out identification and investigating reports of sightings?

Mr. ROSS. For live sightings? The live sighting mechanism which has been going on now since I have been here, since May of 1992, is the same. We task DIA to conduct these live sightings. We task these out to the field, and they are scheduled and carried out as efficiently and as effectively as possible.

I am not quite sure what you refer to.

Mr. GILMAN. How many personnel are dedicated to this?

Mr. ROSS. I cannot give you the specific number.

What is the specific number of people that are dedicated to the live sighting mechanism?

Yes, there are eight full-time live sighting investigators in Stoney Beach.

Mr. GILMAN. That is for the whole of Vietnam? Does that also cover Laos and any potentials in Cambodia?

Mr. ROSS. Yes. Vietnam, Laos and Cambodia.

Mr. GILMAN. Do you consider that to be sufficient in number?

Mr. ROSS. I believe at this point it is because there are all—there are very few live sightings that we have—we at one time had no live sightings which required field investigation. New ones come in all the time. For example, the one that Congressman Rohrabacher mentioned is an active, ongoing live sighting investigation and will remain so until it is resolved.

Mr. GILMAN. Are these personnel also engaged in excavation work?

Mr. ROSS. Pardon me, sir?

Mr. GILMAN. Are they also engaged in searching crash sites and—

Mr. ROSS. No. Our live sighting investigators are separate from the individuals who conduct crash site investigations.

Mr. GILMAN. What sort of a budget do the people out in the field have at the present time both for excavation and for live sightings?

Mr. ROSS. I cannot give you the exact numbers. General Needham can give you his budget. But like he said, he has no real upper limit. Whatever he needs to conduct those investigations, whatever he needs to conduct those excavations, he has.

Mr. GILMAN. So it is open-ended?

Mr. ROSS. I would describe it as open-ended, yes.

Mr. GILMAN. And there is no need for any more material, supply or personnel?

Mr. ROSS. If that were the case, I am sure Admiral Larson or General Needham would raise the issue. But Admiral Larson has provided General Needham with all the resources he needs to carry out his mission.

Mr. GILMAN. How much funding is dedicated this year for that effort?

Mr. ROSS. I will have to take that and get you the exact numbers as I can. A number of \$100 million has been thrown around. I am not exactly sure what all that includes. But I would be happy to go back and get you a more detailed response.

Mr. GILMAN. All right.

Mr. Chairman, I would like to request that we receive a report on the total number of personnel involved and what their categories are, and the funding that has been provided to carry on this investigation.

Mr. ACKERMAN. We will keep the record open for those responses.



COMMANDER IN CHIEF, U.S. PACIFIC COMMAND  
(USCINCPAC)  
CAMP H.M. SMITH, HAWAII 96861-5025

J3  
5216  
Ser: 0619  
5 May 1994

To: Vice Director for Strategic Plans & Policy (J-5)  
Via: Office of the Chairman, Joint Chiefs of Staff,  
Legislative Affairs

Subj: HOUSE ASIA & PACIFIC SUBCOMMITTEE TESTIMONY

Ref: (a) Joint Staff memo, J-5A 01614-94, of 11 Apr 94

1. Reference (a) requested updated data on USCINCPAC annual operating expenses devoted directly to the POW/MIA effort.
2. The following general breakdown includes USCINCPAC, Joint Task Force-Full Accounting, Life Sciences Equipment Laboratory and Title 10 funding.

Joint Activity/Host Nation	\$14,695,248
Travel	\$ 1,800,000
Civilian Personnel	\$ 1,203,600
Headquarters	\$ 1,082,152
Detachments	\$ 1,144,000
<b>Total</b>	<b>\$19,925,000</b>

3. Sources of POW/MIA expenditures not included:

a. USACILHI Southeast Asia mission support, which will be provided via separate cover by USAPERSCOM if desired.

b. USAF airlift expenses associated with deployment of Joint Field Activity teams, repatriation of remains, and departure ceremonies for identified remains are maintained by Air Mobility Command not by USCINCPAC Service components.

4. USCINCPAC/J30M point of contact is Maj Mason, 608-477-5632.

*Harold T. Fields, Jr.*  
HAROLD T. FIELDS, JR.  
Lieutenant General, USA  
Deputy USCINCPAC/Chief of Staff

Mr. GILMAN. Now, there has been some question about the procedures of tracking down live sighting investigations. If, for example, your reports of an American being held, the procedures you go through of giving the Vietnam notice that you want to go inspect that site, is that still the procedure or do we have freedom now to go where we want to go?

Mr. ROSS. Well, it certainly is their country and we do not have the freedom to just go anywhere. We use their helicopters. It is not possible to get to all locations without the Vietnamese. It is a sovereign country.

Again, we are not investigating reports of a guy being held in captivity at this moment. Most live sighting reports are reports of an American who was seen or who was held in captivity or one thing and another, 2 and 5 and 6 and some—as was pointed out in the Senate Select Committee, 200 or 300 live sighting reports were reports about Bobby Garwood. So these live sighting reports are investigated energetically.

But, no, we do not have the ability to unilaterally get in a car or get in our helicopter and fly into a village without the Vietnamese around and begin to, you know, knock on doors and look in there for people.

Mr. GILMAN. Mr. Ross, are there any hard core cases right now of live sightings that you are still investigating?

Mr. ROSS. We are investigating Congressman Rohrabacher's.

Mr. GILMAN. Besides that?

Mr. ROSS. How many others do we have?

Mr. ACKERMAN. Congressman Rohrabacher's case?

Mr. ROSS. There are no other active ones at this time.

Mr. FALCOMA. No other active live sighting cases?

Mr. ROSS. No, sir.

Mr. ACKERMAN. When was the last live sighting besides Congressman Rohrabacher's case?

Mr. ROSS. We have had live sighting reports as recently as a month or two ago. They come up all the time. In other words, we complete the live sightings that are resolved either through investigation in the field or through some other means, and live sightings come in from time to time and they are actively investigated.

Just like in the case of the Congressman's, when somebody tells someone that they saw a live American or they knew about a live American, a report to Stoney Beach or someone in the field writes the report. It comes back to my office. My people immediately task that back out as a formal live sighting investigation. So at any one time, in any given week, the number could be up or down.

Mr. GILMAN. Now, if there is a source that says they have some information, a Vietnamese source, with regard to live prisoners, how do you handle that?

Mr. ROSS. We attempt to interrogate—interview—I do not want to use the word interrogate—interview that individual thoroughly to get all the information and all the possible leads, and follow it up.

Mr. GILMAN. How do you go about contacting that individual?

Mr. ROSS. In Vietnam, we go through the VNSOP to contact those individuals.

Mr. GILMAN. And who is the Vietnamese VNSOP?

Mr. ROSS. This is the office within the Ministry of Foreign Affairs that is the counterpart to the Joint Task Force Full Accounting.

Let me also say that live sighting investigations is an all-source issue. We do not just go with interviews and on-the-ground discussions. We use all sources of intelligence available to the U.S. Government to verify a report, to the extent that that source of intelligence is capable of revealing information. And, of course, I can go into that in greater—I cannot go into all aspects of that in an opening hearing, but let me just say that live sighting investigations is the top priority for the POW/MIA accounting effort, determining whether there is a live American out there, or whether there ever has been a live American out there, and we use all the capability of the U.S. Government to do that.

Mr. GILMAN. Do you feel that you are getting a frank and candid report from the Vietnamese person who had indicated they had some information after you have told the Vietnamese SOP that you want to interrogate this person?

Mr. ROSS. Certainly I would not—I would not deny that there are probably individuals who are intimidated, who do not want to talk, whatever. But if you listen and talk to the people who have been out in the field, and I have sent many of my people out to the field with General Needham and his people, and they talk about the differences in their—that have occurred over the past couple of years and the past year when they go out to villages and they talk to people. More and more people come forward. More and more people speak freely.

An example, in our last known alive discrepancy case investigations of the—all the investigations that we have been able to confirm death in the past 6 or 8 months has been because of information provided by eye witnesses, Vietnamese eye witnesses, that we have interviewed during these operations.

Mr. GILMAN. All right, now, when you are out in the field in one of those operations and some of the neighbors come up and say, hey, I know a little bit about this thing, are you then—do you require a Vietnamese official to be present while you interrogate?

Mr. ROSS. I think in almost—in all cases there is usually a Vietnamese official present, yes.

Mr. GILMAN. There is no way you can conduct an interrogation without a Vietnamese person?

Mr. ROSS. I think, again, we are dealing in their country. It is very difficult not to operate with their cooperation.

The same way in Russia, in the U.S.-Russia Joint Commission, we do everything with the Russians.

Mr. ACKERMAN. Will the gentleman yield on that?

Mr. GILMAN. Be pleased to yield to the gentleman.

Mr. ACKERMAN. During the course of the policy change vis-a-vis lifting of the embargo, were any points raised with the Vietnamese on this issue, as far as with the lifting of the embargo would there be a relaxation of these regulations that required either prior notice or accompaniment by Vietnamese?

Mr. ROSS. I do not think so, because I think that you—in my experience, whether it is Russia or Vietnam or any other country, when you are out and doing such investigations, for example, if a

police officer goes to France to conduct a murder investigation, it is normal practice, in my understanding, that he usually work with a local police. That, you know, our authority to go out and to interview people and to deal with people is under the authority of the Vietnamese Government. So I think it would be a rare situation where you would go and the Vietnamese would then let you rummage through the country and interview people without them around.

Mr. ACKERMAN. Well, I do not know. I think that if I went to France or my mother did, and asked some questions of people, that we could probably do that pretty freely without prior arrangements. And if anybody came here and wanted to interview U.S. citizens, as they do all the time—we have got people calling us up, writing books and asking questions and doing all kinds of things.

Mr. ROSS. But you would not be compelled to talk to anybody if you did not want to. And the fact of the matter is that the Vietnamese official authorities oftentimes we have found have gone and brought people to us who were reluctant to come to us and talk to us; and that the Vietnamese have gone and said, no, no, we want you to talk to these individuals.

Mr. ACKERMAN. So you find the people with whom you are required to be accompanied in Vietnam to be more of a help than a hindrance?

Mr. ROSS. In many cases; not in every case. But keep in mind that, you know, we bombed a lot of Vietnam. There are certain areas in Vietnam just north of the DMZ where Americans are not very welcome people because the local inhabitants of those areas do not need to be ginned up by the Vietnamese Government to not like Americans. And we have found in that particular area, where a great number of our losses are, that the Vietnamese officials have been more helpful than not by encouraging people to talk to us both in live sighting investigations and in the last known alive investigations.

So, I mean, you can find examples of both. You can find an example of where maybe someone was intimidated by a Vietnamese official. You can find an example of where we probably would not have gotten the interview without the Vietnamese official.

Mr. ACKERMAN. Mr. Secretary, do you want to comment?

Mr. LORD. I would like to comment on this issue.

First, let me express my appreciation to the Chairman and the committee for putting up with my schedule today. It is an unfortunate coincidence. There are two NSC level meetings on Asia, plus the arrival of the Prime Minister of Japan, and that is why I have been going back and forth, and I appreciate your indulgence.

These are fair questions. It seems to me we are dealing in a controlled society. This is a politically repressive society. So therefore you are always going to have the dilemma as you are talking—

Mr. ACKERMAN. You are talking about Vietnam?

Mr. LORD. Yes. As you are talking about people—

Mr. ACKERMAN. Just for the record, you're talking about Vietnam?

Mr. LORD. Yes. As you're talking about people—

Mr. ACKERMAN. It was just the sentence structure that I was—It never crossed my mind. You've got the problem. If you go to a

village or you talk to somebody, how much of it is a Potemkin village. I mean, it's a dilemma that's very difficult, and as Mr. Lord says, you need their cooperation. So I think one indicator to look at—and you may have to correct me, because I haven't been around here for a couple of years ago, maybe 4 or 5 years ago—what is the attitude of the individual citizens, the local villagers today versus 3 or 4 years ago.

As I understand what you're saying, and you can confirm this, is that it's going to vary by locality and by memories of the war, but in terms to the extent that this government, which after all is in pretty close political control, can influence attitudes, people seem more free to talk now and to come forward, and, indeed, the government officials are going out and seeking out witnesses to talk to us, whereas perhaps a few years ago it would be much more difficult to get that kind of cooperation. So this is perhaps evidence that the attitude of the government is being more cooperative than it used to be. It's not a definitive argument, but it seems to me it's something that we might keep in mind.

Mr. GILMAN. Thank you, Mr. Chairman. You know, several years ago when we still had the full scale select committee at work and the task force at work, there was a Chinese mortician that worked for the Vietnam Government that came before us, was credible, had been polygraphed, indicated there were 400 sets of remains warehoused. Have we ever pursued that any further? As a matter of fact, I think even President Bush mentioned that in one of his speeches.

Mr. ROSS. As I said yesterday in my testimony in the Senate to a similar question, there is an analytical assessment—there has been an analytical assessment within the Department of Defense which has looked at Vietnamese remains-handling practices during the war, directives about collecting American remains, at the testimony of the mortician, at various other things, and concluded from an analytical assessment that the Vietnamese should have access to anywhere from 100 to 150 remains to as many as 400 or 500 sets of remains.

Now that analytical assessment is—has been briefed around to all the members of the NSC and to the State Department, and is well known to all the people involved in the decision. On the other hand, you have the fact the we—one other thing, the Vietnamese admit that they stored remains. The Vietnamese admit that there was a warehouse at one point. They say that they no longer have a warehouse.

On the other hand, we have not seen remains that are—show sides of chemical curation since 1990. We have made remains that the Vietnamese should know something about, a major point of our discussion. We have presented, as it was mentioned earlier, we have presented by Congressman Rohrabacher a list of the Vietnamese of 98 individuals and 84 cases where we have a photograph or we have a Graves registration document that we believe that they ought to either know what happened to be able to provide us the remains, or that they ought to know what happened to the remains. The bottom line—and I think Ambassador Lord may want to comment because he said it best yesterday—is that we don't have a satellite photograph of a warehouse, we don't have current

eyewitnesses that there are X number of remains out there, we don't have hard, current intelligence of storing remains, so that we don't know for certain just how many remains the Vietnamese have or don't have, if they have any. And I think Ambassador Lord probably would want to comment on that.

Mr. GILMAN. Mr. Ambassador.

Mr. LORD. This is a very difficult question because you can't prove a negative, and there's genuine disagreements on whether they're holding back lots of remains, whether in the warehouse or not. There's no way to be definitive about that. They're capable of doing that certainly, based on their past records through many years when they were not cooperating. So what you have to do to come to a conclusion is not only look at the evidence, but also try to figure out the Vietnamese self-interest. I personally—and I believe this is true of everyone else in the government connected with this issues—I have never based any judgments on trusting the Vietnamese. You look at evidence, but you also look at self-interest.

Now let's take an example. I was not here during the last months of the Bush administration. I am told by members of that administration that there was at least a good chance that the President might have considered lifting the embargo, or at least his advisors would have recommended it, if in the final months the Vietnamese would have given, say, 25 or 30 or 40 remains. If that's true and if the Vietnamese are aware of it—I'm not sure of these facts—it seems to me that if they're sitting on let's say 300 or 400 remains, why wouldn't they dole out 25 or 30? They could still hold another 350. Dole out some of what they had in order to get the embargo lifted, if that's important to them.

This doesn't prove that they don't have a warehouse or they don't have several hundred remains, but it's the kind of analysis that at least that I apply on not trust. And we'll never be sure.

But perhaps the more basic question is since we can't be sure of the answer of whether they're holding back lots of remains, and there's no evidence that they are, but they may well be. But there is evidence but it's disputed by other evidence. Then the question it seems to me is what is the best way to get those remains if they exist? And reasonable people can disagree on that. Do you hold in your tracks, stop engagements, sit down and say we're not taking another step until you give us those remains, when you're not sure they have the remains. Or you take an incremental step forward, still hanging on the leverage in other ways, but saying in effect you've cooperated to a certain extent. We expect more cooperation, and see whether you get the remains that way. It may not work. There may not be any remains, but it's not self-evident to me that stopping in our tracks and waiting that they're necessarily going to turn it over.

Now reasonable people can disagree on that, but that's the way I come at this issue.

Mr. GILMAN. Ambassador Lord, you mentioned something very important about leverage. What leverage do we have now that we have lifted the trade embargo?

Mr. LORD. Well, I know that previous witnesses have made the point that they think that that's the most important to the Viet-

namese, and that what's remaining is not important. It was important to the Vietnamese. I think that's clear.

Mr. GILMAN. Is normalization important to the Vietnamese?

Mr. LORD. I think it is. I think full normalization, full diplomatic relations—certainly there's a lot of trade restrictions, even with the lifting of the embargo, whether it's items licensed by Commerce, or whether it's a munitions list licensed by State, or whether it's various provisions under Jackson Vanik, not only MFN but OPEC and EXIM Bank. All of these things are out there. They're not freed up by the embargo.

Mr. GILMAN. Well, let's assume, Mr. Ambassador, if I might interrupt. Let's assume that we find that the Vietnamese have not been forthcoming in the next few months, and that there is something substantial, substantive that they haven't revealed to us. What do we do then? What is our leverage?

Mr. LORD. We've made it very clear privately, and the President has made it clear publicly in his statements that we expect continued progress. Now it's hard to quantify that.

Mr. GILMAN. But if we don't have continued progress, what then?

Mr. LORD. Well, if we don't have continued progress—and it's a hypothetical questions—and we fully expect them to cooperate, of course we have to review our policy decisions. This step taken by the President was design number one to acknowledge cooperation which we believe they are providing, and tangible results. But above all to encourage further cooperation and further results, and we've made clear that that's our expectation. If that does not happen I can't prejudge a Presidential decision, but since we took the step on the expectation that that would happen, clearly all our policies would have to be reviewed if we felt they were not cooperating. I do not expect that to happen. I expect the President's decision to encourage cooperation.

Mr. GILMAN. Is it realistic to assume that if they are not cooperative, we would reimpose the embargo?

Mr. LORD. Well, I don't want to get a headline out of context here, to be honest with you, so I am not going to prejudge—it is realistic to assume, and that the Vietnamese already know this that if they do not continue cooperation that it's gonna affect this whole process, but I'm not about to spell out how that might be. But I want to stress we genuinely don't think that's the case—not only because they've assured us. They've said time and again it's a humanitarian issue; they're gonna cooperate no matter what we do. You can't just go by words, of course not. But we are looking at the record of the last couple of years, the progress we made in response to the Clinton policies, and their self-interest. It is not clear to me why they would stop now and risk hurting the process which they wish to encourage.

Mr. GILMAN. Well, I know that a number of us in the Congress if we found that in the next few months there has been very little progress would be calling for the reimposition of the trade embargo. As unrealistic as that is, once our business community is in there and trading like mad, I wonder how successful we would be in that kind of initiative. We've opened the door. I don't know how easy it's going to be to close that door if we find there isn't any movement, and that's why a number of us have been very much concerned

about the lifting of the trade embargo, which was an important leverage. And I don't know how important normalization is. It sounds good on the books, but without the economic structure I don't think we're going very far, and that's why a number of us have been very critical.

Mr. LORD. I would point out in addition to their economic objectives, they have some geopolitical concerns, and a stronger, closer relationship with us is important in geopolitical terms, not just economic terms.

Mr. GILMAN. Thank you, Mr. Ambassador. Thank you, Mr. Chairman.

Mr. ACKERMAN. If I might ask a question before turning to Congressman Rohrabacher. Were there any discussions with American corporate interests that have been anxious to do business in Vietnam as to what their moral obligations might be vis-a-vis the POW and MIA issues and/or families?

Mr. LORD. Let me take a crack at that, Mr. Chairman, and pursue the question if I don't answer it adequately. First of all, there are all kinds of business people. There are some, frankly, for whom human rights or MIAs are not important. There are many, however, for which they are important, and they genuinely believe—of course they're going to pursue their business interests, but they genuinely believe that if more business people, more tourists, more visitors go in there, we're going to get more information, and, therefore, there's not a choice here between greed and humanity, that this whole process will actually help the families.

Now, one idea we've already come up—I have immediately convened some groups after the President's decision—to begin to implement it, and one idea that we are examining and I think it's a good one myself is to draw up—and we've had the Defense Department and others draw up a list of suggestions for business people and tourists about how they could help. Here's the kind of questions you might ask, or here is what to keep your eye out for. I'm not pretending they're going to be sleuthing around. I mean in an above board way. A lot of these people are going to be in villages. They're going to be moving around. So it seems to me we can help them—arm them with questions and things to look for. I'm not saying it's going to make major breakthroughs, but I think we can at least do that, and I think any business person who has a sense of obligation would be willing to keep his or her eyes open. But that's about all I can say in response to your question at this time.

Mr. ACKERMAN. Thank you. Let me try it this way. If we all were to draw up a resolution, and send it to Congress, having no necessarily legal binding effect that proposes something like the major corporations that go into Vietnam to do business, set aside some small, very finite number one-tenth of 1 percent or some number of their profits to be set aside so as to assist three families and friends of POWs and MIAs, would that be something you think businesses might be responsive and receptive to?

Mr. LORD. I don't know the answer to that question. As I understand it, money is not really the problem now. It's—you know, it's effort which we're trying to make the maximum of, and more people could help, but maybe you'd like to comment.

Mr. ROSS. Well, you're talking about specifically providing funds to let families travel to Vietnam. Is that what you're talking about?

Mr. ACKERMAN. It would be to help them to travel to—you know, there's a lot of pain involved here, and we don't know if—you know, money's not going to solve and take away the pain, but at least people have to feel that they have done everything. Certainly they have come to a conclusion, and many of us believe rightfully so, that we have not been as responsive as we can in answering those questions, and we not having unturned some of those stones that so much comes back to them that it becomes their responsibility almost exclusively sometimes to try to do that. That they have no way of putting behind them a closure to this tragic, tragic American tragedy and personal tragedy. That they must try to resolve somehow, and hopefully resolve indeed.

And despite the fact that money doesn't necessarily cure the problem, at least it would help to provide the wherewithal for some folks to be able to go over and know that in addition to prodding us to do what we should have been doing for 21 years that they at least have personally tried to do everything that they can, if they so desire. And even though money doesn't cure things in general, we're going to be having American companies and factories go to a foreign place and build edifices of creation and capital and profit for themselves, quite possibly on the unknown graves of their loved ones. Would it not be appropriate for them to set aside symbolically though it were in the corporate sense, but it would be small lot though it might be in the aggregate as far as individuals' wherewithal to be able to help themselves in this?

Mr. LORD. I would say this. If I were a top executive of a company who's going to do business in Vietnam, I would consider it both a humanitarian gesture and frankly very good public relations—above all the first, but let's face it, the second as well for that company to do something like that. But let me say in all my discussions with the business people, I say, look, you go to the Vietnamese. You're lobbying us very effectively. That's very legitimate. But please lobby the Vietnamese for cooperation on MIAs, and so I urge them to do that.

And I must say that most business people that I've met fall into the category that I've described earlier, where they're concerned with this issue, but they honestly believe the opening up that society to more outsiders will help the MIA cause.

Mr. ROSS. Let me stick my neck out for a second, Mr. Chairman. We do get requests from various families to go to Vietnam. Some families get money, and they go over there on their own. Other families come and request that the U.S. Government fund their travel, and that once they get to Vietnam we fund all their travel around Vietnam.

It's been a very difficult issue for us because our experience has been that some of the crash sites and some of the locations these families want to go to are in very remote, very difficult, very dangerous places. And in trying to be equitable to all families, we have a general policy that we don't encourage families to—not to not go to Vietnam, but that we don't encourage families or take families out on excavations. But I think that if private corporations were to see it in their own interests on a humanitarian basis to provide

money for families to travel to Vietnam, we certainly—the government certainly would when they got to Vietnam provide them assistance and be as open to them as we can. Certainly with the liaison office there there would be people to do that. I think we would still draw the line on actually going out on excavations and digs because of the hardship and because of the limited resources. When I say limited resources I don't mean to counteract what I said before, but when you've got a helicopter and you're going out on a mission, it's usually packed full of equipment and individuals, and not all family members are really in shape or trained to go out and do that. But I certainly think that the spirit of your idea is a good one, and I think it would—many corporations that would do this would be wise to give that a good look, and I think that many family members would appreciate it.

Mr. ACKERMAN. I appreciate that. Mr. Rohrabacher.

Mr. ROHRABACHER. It's up to the U.S. Government to make decisions as to what is moral or immoral or legal or illegal in terms of dealing with countries. It's not up to the businessmen. The fact is that this government had to make the determination as to whether or not our businessmen would be doing business in Vietnam, and that determination was made. The question is whether or not that was the right determination or not. As far as I'm concerned right now, any businessman that wants to do business in Vietnam, he's free—he's totally freed of his obligations as a citizen or a moral human being. That decision's been made for him. It's OK for him to trade, because that's the decision that's left up to the government to make of what's in the strategic interest of the United States. I think it was a wrong decision; however, if people in my area want to do business or people all over the country, I don't care. I don't think they have any special obligation either. It's up to us to determine that, and I think that in this particular case for whatever reason our Government made the wrong decision. We gave up a certain amount of leverage.

Let me ask a few questions before I get to the case that I wanted to make sure we got on the record and had a little exchange about. First of all, I want to ask Secretary Lord, have you had any communication whatsoever in any form with Secretary of Commerce Brown since the 1992 election concerning the lifting of the embargo on Vietnam?

Mr. LORD. No.

Mr. ROHRABACHER. Do you know of any communication that he has had with anybody within the State Department or representatives of Secretary of Commerce Brown concerning the lifting of the embargo since the 1992 election?

Mr. LORD. No.

Mr. ROHRABACHER. All right.

Mr. LORD. We deal with Commerce officials on Vietnam. I want to make that clear. But not in the sense that you're asking.

Mr. ROHRABACHER. All right. Fine. The—in terms of—well, there's a lot of issues that we need to cover here. First of all, in your opening statement you talked in great detail about the heroic effort at a particular crash site in Vietnam, and let me note that I have been to those crash sites. I went out there, I went into the jungle and shared this experience with these brave men and

women of our task force, and I have nothing but wonderful praise for them in their dedication. They are away from their families, they're working hard. That doesn't mean they're getting the decisions are the right decisions as to where they're going to use their energies, but they themselves we should have nothing but praise—

Mr. LORD. I hope we can all agree on that. And one reason I'd like to see the families get out there—it may not ease their pain, but they could see these young people—and in some cases older people—the efforts they're making. They may feel they're making the wrong efforts, but they would see these people really care, and it's really quite inspiring.

Mr. ROHRABACHER. Well, I think they do care. I unfortunately don't believe that when you have a bunch of people caring at that level, that doesn't necessarily carry over. They are doing what is necessary to come to the decisions that have been made about lifting the embargo and other such major decisions that the state has to make. In the crash site that you talked about, was the pilot of that crash site—the person who they were looking for—was he an MIA or a KIA?

Mr. LORD. I don't know the answer to that question. What I asked the Joint Task Force to give me some vignettes to demonstrate the efforts by Americans and Vietnamese, so I know nothing beyond that—

Mr. ROHRABACHER. Mr. Secretary, what I'm afraid of is you have people who are out creating great photo ops and creating a great deal of impression about a lot of work that's being done, enabling Senator Kerry to say my goodness, the Vietnamese are going to quit hauling the dirt out of the ditch unless we commit a certain amount of money, when actually the dirt in the ditch is being used to prove the case on someone who we already have the case proven, meaning the people who are labeled killed in action.

Several of the sites that I visited when I was in Southeast Asia, people were doing an enormous amount of work, and, again, I praise them for their dedication to be out there, but they were being directed to dig at sites in which the pilots and which the people on the crash had already been catalogued as killed in action. I knew that they were dead.

Mr. LORD. But we're going after remains in this particular case, and remains are extremely important to the family.

Mr. ROHRABACHER. Well, I would submit to you that those people who are on the list of the MIAs are much more important to deal with that issue than to deal with digging up bones of the killed in action who people know—

Mr. LORD. Well, I think, with all due respect, I think they're both very important. The single most important, I think, is that if there's anybody alive—

Mr. ROHRABACHER. Yes.

Mr. LORD [continuing]. we find him.

Mr. ROHRABACHER. But you see—but the point I'm getting at.

Mr. LORD. Excuse me, this is an important point. We're doing a lot of efforts on remains, and if you talk to the National League of Families or something, they think that's where the effort should be placed. They don't like the way we're doing it, perhaps. So remains

are extremely important to some of these families. Other families it's less important. So I just don't think we can dismiss this kind of effort for that objective.

Mr. ROHRABACHER. Well, I'm not necessarily dismissing it. I'm just talking about priorities, and it seems to me that one of the great objections that we've had to the whole MIA/POW issue is that the priorities have been misplaced. And when they say the concept of debunking—this attitude of debunking—means that people basically have been focused on getting the bones. I think getting the bones of people already labeled killed in action is not anywhere near as high a priority as, for example, actually coming up with what happened to the people who are missing in action.

Now to be fair about it, let me say the effort—you weren't here when I described this heroic effort that was taking place to try to find a hospital encampment up in the Northern Cambodia which had an American POW encampment as part of it—that that, too, they were really out there digging through the jungles and they had to cut out a landing site, and I will lead this into my next question, which is what I posed earlier, Mr. Ross, was the point I'm about to make. And that is there are probably 500 to 1000 Vietnamese who know exactly where that hospital location was, and the Vietnamese have not been forthcoming in telling us where that location actually is, and all I've heard from—and we have our guys out there and our men and women who are struggling for this horrible job; they have not found it.

And when I was there—I mean, that was back in December and they've been looking for a long time—doesn't this indicate to you that we're not getting full cooperation which was heralded by the administration as the reason why we could lift the embargo?

Mr. LORD. I'm not familiar with all the details of that particular case, and this is a very high priority for me, but I don't have the level of detail that Mr. Ross would have. That's his whole job. So I probably cannot add anything to whatever he said in response.

Mr. ROHRABACHER. Well, we basically have a situation where I didn't hear anything that said that they are not holding back on certain information. No matter how you try to couch the words, what I'm hearing out of this hearing is there is certain information that's being held back. We don't know how much it is. For example, and I will ask you what I asked earlier, do you believe that all of the records from the prisons where POWs were held up that they have been destroyed, as the Vietnamese suggest. Or are they holding back information on their prisons—the records?

Mr. LORD. Again, it's like remains. You can't prove a negative. With respect to their cooperation, I have to base my analyses on the people, for example, I've talked to on the ground who have worked at this problem for several years, and they contrast the effort and the attitude now the Vietnamese to what they had 3 or 4 years ago. And I say it's vastly improved. And these are people who are very dedicated to this cause.

Are they holding things back? They may well be. How much, what kind of material, I can't tell you. I think the question has to be since we can't prove it one way or the other is to decide what is the best way to get something if they're holding it back. We're certainly getting more from them. They're holding back less in rel-

ative terms than they were before the policies in this administration. So we think it's working, but I can't prove you they aren't holding things back.

Mr. ROHRABACHER. Mr. Secretary, I've talked to people, scores of people about this issue. Not one of the people who have spent considerable time—and probably not yourself because you're couching your answers in a way that you could actually believe this and you wouldn't want to go on the record with it. Nobody believes that they have come forward with all the information they have about their prisons. They believe they're holding the records. I believe they're holding the records. Just to say it very clearly for the record, I believe the records are not being forthcoming. I believe the information that we are not being given is due to the fact that they kept several hundred Americans after supposedly they had returned all of them, and have probably since murdered all of them. They don't want us to know that. That's just my speculation. Everyone that I've talked to who's an expert in this particular area agrees in the very least that they're holding back a lot of information.

Mr. LORD. But if that's the case and they're going to be embarrassed, why wouldn't they destroy the records?

Mr. ROHRABACHER. You know, someone mentioned it here earlier that one of the witnesses talked about how everytime—I think the gentleman sitting right there was a prisoner of war—every place that he was in, this was the typical bureaucratic totalitarian state. That everything has duplicates, and this is typical of the Nazis and the Communists all over the place. Let me ask you before we go into one other area, I want to ask you about the human rights element of this decision because we're not here just talking about POWs, MIAs, we're talking about the concept of lifting the embargo.

Now when I was in Vietnam with Senator Kerry, I placed into the hands of the head of the Community Party a list of 500 political prisoners that were given to me by the Vietnamese community which I represent in California—which I represent Little Saigon. I placed that same hand—that same list in the hands of President Clinton. Here is a list of 500 individuals who are political prisoners, and so both of these gentlemen have it. It wouldn't have taken even 30 seconds for the President of the United States to say there was a list that was given to you by Congressman Rohrabacher. Let's at least as a sign of good faith having these political prisoners released. Were there any political prisoners released as a sign of good faith, and if so why not?

Mr. LORD. Well, none directly related to the lifting of the embargo that I'm aware of, although when I informed their Ambassador to the U.N. about this decision I said in addition to generally pressing them on human rights, it seems to me that this was a particularly appropriate time to make some real gestures. It's a difficult decision for the President. It was a painful one for many families and veterans and Congressmen. The least you can do is—these weren't my exact words, but that was the rationale—this is the time to start getting serious about helping us in some of these cases.

Now on the general question of human rights, we've made it very clear—if you look at every Presidential statement, if you look at every meeting I've been at with the Vietnamese—everyone whether I was the leader of that meeting or I was a spear carrier, this issue has been raised. The general issue of human rights, specific cases. I specifically raised the case of Dr. Quay, for example, last week, when I informed them as an example—not the only one but here's an example of someone they should make a gesture on.

We achieved in July their willingness to talk about in a public statement human rights along with other issues. Then when I went back in December I took it a step further, got their agreement to a human rights dialog just on that subject, not just as part of a broad agenda, and we expect to begin that dialog probably in New York before this month is out. I've been talking to Mr. Shattuck about that. I don't want to leave you any illusions this is not going to be an easy course with this—

Mr. ROHRABACHER. Well, it certainly won't be easy now that we've given up our major piece of leverage, and I believe that the United States has something to do more with just having a group of people who came here from all over the world, and we came here to make money. Unless there's some human rights component to what America is all about, I mean this is not a decent society for people to live in. In fact, we have to stand for something, and it seems to me that that part of what America stands for has been undervalued by people in power—not just this administration, but past administrations.

Mr. LORD. Well, again, excuse me for interrupting, but I want to be responsive here. First, on the last comment, I've been involved in China policy as you may know, and I think my record on that about worrying about human rights is quite clear. More importantly is the President's.

Mr. ROHRABACHER. Let me ask you, did the President's statement in lifting the embargo mention human rights?

Mr. LORD. Yes, of course it did.

Mr. ROHRABACHER. OK.

Mr. LORD. Absolutely. Every statement he's made has mentioned human rights as part of our efforts. He's specifically said with respect to the liaison office, for example, that this will allow us to have more dialog with the Vietnamese including on the issue of human rights.

Mr. ROHRABACHER. OK, well, I'm glad that they got in, and I'm sorry that we let this opportunity pass without having something where you could come back to me and say oh, no, we got an agreement. There are 25 prisoners. Just as a sign of good faith we can't do it now—

Mr. LORD. Well, I would recall that under the previous administration's road map there were two criteria: One was the withdrawal from Cambodia, and the other was the MIA question. So they have fulfilled the Cambodia condition, according to the top leaders of Cambodia, because I went to Cambodia after Vietnam. On the MIA, that's the other major condition. We've discussed that. We have indicated that as we go forward—or if we go forward—and that depends on MIA progress—that human rights will be an increasingly important element of how far we go in the future. So I

think they're under no illusions about that, but I want to be honest with you, this is not going to easy as you well know.

Mr. ROHRABACHER. Sure. You mean just at this administration. The fact is that when this road map was set down by the previous administration or Republican administration, human rights was left out of the equation, and I think that was not a proper decision, not a right decision.

Now just one last thing, and I'm sorry I'm taking so much time. I would like just to talk with you about the specific case that—when we say apparently there is only one live sighting active file right now, and that's the one that I brought up. I, frankly, am aghast to think that if I would not have gone to Southeast Asia last time and got the information myself that there might not even be one live sighting case.

Mr. ROSS. That's not my understanding. My understanding is that live sighting report was brought in and that process that went forward to bring that live sighting investigation was not simply motivated by the fact that you brought it up.

Mr. ROHRABACHER. OK, because we talked to General Needham in Phnom Penh. I'm sorry the General had to leave. But he had told us just the opposite. He told us that there was not—that there was not something that was ongoing.

Mr. ROSS. I say in all fairness, he does not have responsibility for the live sighting investigation program. And all I'm saying is that what I will do for you, Congressman, is I will give you a complete detailed report on everything that's happened on this case from day one to the present.

Mr. ROHRABACHER. OK, we had a detailed report—just to let you know, Mr. Ross—from the National Security Council that was Kent Wiedemann, who was just basically telling us the report you gave him, which was passed on to the President. And just to be very fair to you, I'm sure that some of your people were basing—were very sincere when they passed that information on to you—Mr. Wiedemann's very sincere. I'm not accusing anyone of being a venial liar, but there were several important pieces of wrong information in that report. And maybe we can go through it because you went through that list earlier on. Just for Mr. Lord's—so that he will understand what we are saying—that I have heard about this case. One of the reasons I went to Cambodia and Southeast Asia last time was the report that two Vietnamese majors—it was in May, I believe—came into our Phnom Penh headquarters of our MIA/POWs—reported that there were two Americans being held in Vietnam in a prison. They were disgruntled Vietnamese officers.

And I believe the report that you gave to the White House—and correct me if I'm wrong—is that those Vietnamese officers did not actually go into our Phnom Penh headquarters.

Mr. ROSS. I never said that.

Mr. ROHRABACHER. No, we were told. We were told—

Mr. ROSS. Well, we didn't tell that to anybody. We didn't tell that to the White House.

Mr. ROHRABACHER. Well, I guess they just sort of got it mixed up, too.

Mr. ROSS. I don't think we've got anything mixed up. All I'm saying is that I'm confident that we can sit down and we can go

through this entire thing. And again if you were misinformed that there was some miscommunication, I don't know about it. All I'm saying is that we got that report and like we do with everything we don't treat any report lightly. We investigate them thoroughly, and there's some miscommunication here.

Mr. ROHRABACHER. I'm just sorry we have to hash this out in front of a congressional hearing, and that I was forced to call the President of the United States the night before he was going to lift the embargo in order to get a reply about what you now to consider to be an open live sighting case. Instead, the D.I.A. has repeatedly not returned our phone calls, and the only people who are talking to us are at the National Security Council. We shouldn't even have to go that high. Those people are busy over there. I mean, I worked at the White House. The President of the United States is a busy man. I don't want to have to bother him with this, but instead I end up having to review it with you now in open hearing.

Mr. ROSS. No, I'm confident that there's a reasonable explanation here. And I will give it to you.

Mr. ROHRABACHER. Well, I imagine there is, and let me just note there were several major discrepancies between what the White House reported to the President in terms of confidently being said that this case has been looked into and it didn't check out, and when they came back to us to give us a report of what they'd been told, there were several major discrepancies in what they were told. I will be happy to work out that with you and the D.I.A.

Mr. ROSS. I will run every one of those down to ground.

Mr. ROHRABACHER. All right. Mr. Chairman, I'm sorry, frankly, that this decision was made. It's been made now. Our businessmen are going to go into Vietnam. I don't think that we can blame them, and I think in fact that the turning point has been made. And I'm sorry to tell my friends who have been so active in MIA and POW thing: we've lost a great deal of leverage. We can do what we can now, and maybe with more people going there maybe we'll be able to find out more information. That theory will be proven out. I do not think that we can treat governments like that in Vietnam and in Nazi Germany and in Stalinist Russia the same way we treat the governments of France. I don't think we can make those calculations. I think that when we talk about them as being on that same category we're missing the fundamental point, and the fact is these officers—I understand. And, by the way, you might tell me now because we'll discuss it later. What I was told is that the Government of Vietnam—we went to them to find out where these majors were that came into that office. Did we do that?

Mr. ROSS. Yes.

Mr. ROHRABACHER. And I just want everybody in this room to note that we're looking for some Nazi officers who turned in the information about some secret Nazi thing, and then we go to the Nazi government to ask them to track them down for us. You can tell—this is a very—

Mr. ROSS. I think it should be brought out that the individual who came in with the information was requesting \$300,000.00 for the information, and that we have not substantiated that indeed the individual was a Vietnamese major. He claimed to be a Viet-

nameless major. We do not know for a fact that the individual was what he claimed, and one has to suspect his motives somewhat, when you ask for \$300,000 for this information.

Mr. ROHRABACHER. It's OK to question people's motives. I would think that if sometimes you can question motives and say, OK what was their motive. That doesn't mean what they're saying is absolutely incorrect, and we were told that you couldn't find the woman who was their translator who came in with them, and my staff was able to find that person. We were told it was a phony address. I had someone in the underground in Phnom Penh who found the address and found the woman. I mean, this is what the President of the United States was told.

Mr. ROSS. I guarantee you, we will run every aspect of this down to your satisfaction.

Mr. LORD. I would also point out we're not treating Vietnam like France, either, in diplomatic or economic terms.

Mr. ROHRABACHER. Well, thank you very much. And I will look forward to working—I know I'm being a touch guy today, but I want to work together. Listen, our country has got a lot of problems we've got to iron out. We want to make this thing work. We're concerned and we care about our people who serve in our military, and we're concerned about the foreign policy of our country. I'm not disputing your patriotism. I know a lot of people think there are just a lot of people who are unpatriotic or something. I'm not suggesting that at all. But sometimes you get in these bureaucratic modes and things happen that shouldn't happen at all.

Mr. LORD. Well, let me comment on that specifically because first of all that's the spirit I take your questions. Namely,——

Mr. ROHRABACHER. Thank you.

Mr. LORD [continuing]. We'll have disagreement and serious disagreement on tactics. I genuinely believe we share the same goal. This is not the end of the process. I think you're too pessimistic. I think there's considerable leverage. The President made it clear, I made it clear in my statement that this is one more step we're going to keep, and we hope this will help us even further, and we have expectations that it will, and I expressly said in my statement—I couldn't read the whole statement—that my door continues to be open to the families and to those who most disagree with me and the President, and to the veterans, and I understand, frankly, the emotions on this issue. I dealt with the Vietnamese for 3 years, so I know a little bit of whom we're dealing with.

I also know that the families in particular were jerked around for years with deception and with holding of remains and so on. So the issue is are we doing better the last couple of years with this different policy under Bush and Clinton than we had done before. Reasonable people disagree on that, but the goal remains a shared one, and I would like to work with you as well as others.

Mr. ROSS. I'd like to note one thing, too, and I share Ambassador Lord's comment on that, and I take your comments in the spirit that you intended. I would like to make just one observation. I came into this business in May of 1992 in the middle of the Senate Select Committee Hearing on POW/MIA affairs, and I came into an office in which we had Senate investigators hauling our files off in boxes in which we were accused—and the people in the government

and the former D.I.A. were accused of everything. I have subsequently been accused of high crimes and misdemeanors by a member of Congress and various other things. If I've learned one lesson in this business—in reorganizing the new DPMO—the Defense POW/MIA office that we have—is that everything we do sooner or later we're going to be here in front of a committee of Congress, or we're going to be in front of a committee in the Senate, and we're going to have to answer for every single thing that we do.

So I can assure you that we do not have a bunch of bureaucrats running around peddling paper because we know that we're going to get called on the carpet in front of the American people and the Congress to answer for every action that we take, and I am confident that the people that we have on the job are people of the highest integrity, that they are trying to get the answers, that they are not people who are trying to cover up, they are not people who are trying to simply be bureaucratic and say I don't believe this I'm not going to follow it up. What we believe or don't believe about an issue or about American POW/MIAs is not the question. It's not what we believe, it's what we do that counts.

Mr. GILMAN. Thank you. Thank you, Mr. Chairman.

Mr. ACKERMAN. Thank you very much. And let me first say about my colleague that you haven't been rough today. You've been a pussy. [Laughter.]

And those of us who have watched you and worked with you appreciate the kind of steadfastness that you have shown toward this issue for the willingness to do this kind of thing hands-on, certainly is not within the realm of one's congressional responsibilities but using the resources of your office and your dedication to this cause and purpose to indeed take your own life into your own hands and go over there on a one-on-one basis to see what has to be seen, to be able to come to the kinds of conclusions that sometimes are necessary for us to make the appropriate value judgments. We have a tremendous amount of respect for your having done that and sharing your conclusions with us, and I'm sure not everybody's going to agree with all of your conclusions, but we certainly respect you for them and accept them as often as not.

And let me assure everyone else the questions that you have heard offered in the way that you have accepted them are certainly not offered to be sure by anybody on this panel, but my colleagues have been just as brutal with other administrations, whether they be of their particular party or not. This is not a party issue. These families have been frustrated by administrations of more than one party, that nobody to my knowledge on the congressional or administration sides has ever asked the families what their political affiliation might be. This is not a political issue. This is an American tragedy, and this is something that dedicated men and women have to work together to try to get the correct answers to, not just the appropriate or politically correct answers to, but the correct answers to so that we might once and for all be able to close this chapter of our history.

There seemed to have been a little discussion before as to live sightings, the priorities, whether it should be the remains we're looking for or the live sightings that we go after. Is that any indication that we do not have the resources to do all of the above simul-

taneously, and I ask that because as we approach the aging process which we do from the moment that we are born, going through this life I know that these eyes don't get any sharper with the passage of years and the memory is not as clean as it once might have been, and we are racing against the clock in order to clean this up as fast as we can. Can we not do the live sightings part and the pursual of the remains part? Do we need more persons in the field to be able to do that? Have we asked directly of field commanders if they need more resources or if more resources would be helpful?

Mr. ROSS. Mr. Chairman, we do all three simultaneously. When we talk about priorities, we simply mean that anything that has to do with a possible live American always takes precedence over looking for the remains of someone who is dead. But we have separate independent teams—we have three independent teams that work these issues simultaneously. There is a priority case, live sightings teams that go out, we have an independent priority case investigation team to look at the last known alive discrepancy cases, and we have the people that do the field excavations. The field excavations go in every other month. The live sighting and the priority case investigation teams are on-going. They work 7 days a week, 365 days a year if there is something to investigate. So I think that there are adequate resources being devoted to the problem, and if we had more live sighting investigations at work and we didn't have enough people, we would bring the people that we could do out there to do it.

Mr. ACKERMAN. The record will be kept open for members to ask additional questions of our witnesses. Before dismissing this panel and leaving to vote, let me also say that the Chair was remiss in not swearing in all of the witnesses from the beginning. It casts no aspersion on any witnesses that we started at this point. We swore witnesses in at the other hearings and briefing that this subcommittee had, and we will continue to do that. The fact that we started where we did should be no indication that we're questioning the veracity of anybody's intention or statements that are made at this hearing.

Mr. LORD. Mr. Chairman, just one answer to Mr.—to Congressman Rohrabacher's questions. We've run it down. I'm told—I'll have to confirm this that that case that I cited in my statement was an MIA case, not a KIA.

Mr. ACKERMAN. Let me thank this panel for their longevity. You, Mr. Secretary, especially for getting into the Guinness Book of World Records for returning the most times during the course of one hearing. We appreciate, Mr. Ross, the fact that you've sat through this entire thing, as well, and we look forward to continually working with you to resolve this issue. Thank you both.

We will recess to vote. I think that if there are any of the other witnesses soon to get up—or any of the other witnesses who remain—who'd like some coffee, we'll be glad to send out. We don't want to subject you to any cruel and unusual treatment, and want you to have a little substance before we continue. We'll return shortly.

[Recess.]

Mr. ACKERMAN. The subcommittee will continue. We will resume with our third panel, part two. And as our witnesses, we are

pleased to have with us Mr. Bob Necci, the executive director of the Advocacy and Intelligence Index for POW/MIAs. Ms. Patricia Plumadore, POW/MIA family member. Ms. Judy Coady Rainey, POW/MIA family member. Mr. Santoli, author. And Mr. Barry Toll, former U.S. intelligence official.

Let me welcome you even at this late hour. Thank you for your very considerable patience. And we appreciate you waiting this out, and tolerating the kind of schedule that we have to live with while getting things done down here, or sometimes not getting things done in the fashion that we like.

Why don't we begin from left to right. And before doing that, I am reminded that we have to swear everybody in. If everybody would stand.

[Witnesses sworn.]

Mr. ACKERMAN. Please be seated. Beginning from left to right, we have Mr. Al Santoli. And if that is OK, we will just begin in that fashion.

#### STATEMENT OF AL SANTOLI, HISTORIAN

Mr. SANTOLI. Thank you, Mr. Chairman. It has been a long day, but we appreciate your endurance and your continuing interest in following through for some type of hopefully honest and satisfactory resolution to at least a substantial number of these missing in action cases.

The Alliance of Families asked if I would represent them today, and I am honored to do so, regarding concerns of the family. I know that Ann Mills Griffith will be testifying for the League. And I think that Ann as well as the independent family members here, can best talk of the concerns of the families.

Having covered this issue for 15 or 16 years, including a short stint as an investigator for the Chairman of the House Task Force on POW/MIAs back in 1982, I felt that what I can best address is process. Because I do not believe that we can get a satisfactory resolution until we have a process of investigation and of forensic analysis at the lab in Hawaii, that all of us can have confidence in doing the best possible and the most professional job.

I feel that there are problems right now in the way that the process is being conducted. They involve number one, the lack of access by field investigators to still classified wartime signal intelligence archives, of which there are substantial amounts of materials that the Senate Select Committee investigators say that they did not have time to go through.

Two, the lack of professional experience or competence of Joint Task Force Full Accounting investigators and commanders.

When I was in Vietnam as a soldier, I served in both the infantry and in a combined intelligence and recon unit within the same geographical area. I got to understand the difference from the way that an infantryman looks at a problem and goes about his business, compared to somebody who was tasked with and has experience in intelligence operations.

I feel that there has been a problem with the fact that many people involved in the Joint Task Force are infantry or artillery personnel, who do not have the experience to be able to do the type of job needed in this highly technical and very complicated matter

of dealing with the Vietnamese Communists who are difficult to deal with for even the best professional analysts.

And number three is the dubious results of forensic analysis of returned remains. In addition, field investigators have not received adequate information regarding Vietnamese Communist policy to hold Americans for prisoner exchanges even after 1973. Nor are they receiving from the CILHI Lab in Hawaii the forensic analysis of returned or recovered remains, which may have a direct impact on further investigation of other MIAs involved in the same incident.

For example, we were talking before about the satellite pictures from North Vietnam taken in 1992 that were near a place called Dong Vai Prison, where there were distress signals and pilot authenticator codes seen by satellites. There was a set of remains returned from that site earlier. The remains of the pilot that was identified showed scientific evidence of malnutrition that are consistent with long term confinement. In other words, this was a person who was not killed in an airplane crash, but who died in captivity.

However, the results of that forensic analysis that was done at CILHI was not passed to investigators at the Joint Task Force, who went out into North Vietnam to the same area to investigate those distress signals.

In some cases, the Vietnamese have returned the remains of one member of a multicrew aircraft, and U.S. forensic analysis shows that the individual was not involved in an airplane crash. These results should have been given to the field teams before they went to the sites to look for other remains.

Investigation of other crew members should be based on the possibility that they may have been captured instead of perishing in a crash. But that consistently has not happened.

This is why families are protesting cases where the determination of death of numerous crew members in an incident is based on the finding of one or two teeth at a crash site. And they are resisting group burials based upon the commingling of fragments of remains from any particular site.

This is also the reason that the families protested the removal of Dr. Ellis Kerley as the director of the CILHI Lab. Dr. Kerley was the former dean of the American Academy of Forensic Science. And he did not believe that finding a tooth by itself is a basis for determination of death. Dr. Kerley was replaced at CILHI in 1992 by a U.S. Army Lt. Colonel, professionally a dentist, who has limited forensic experience.

Joint Task Force Full Accounting officers, such as General Needham and Lt. Colonel John Cray, up through last week were repeatedly praising the Vietnamese for giving even more cooperation than they could have possibly hoped, which was very different from what we heard General Needham say today. Meanwhile the JTFFA are rapidly writing off discrepancy cases.

I would like to look at these reports on JTFFA determinations of either death or to close the case, and look on what basis are they closing these cases. Their findings are based on investigations by young infantry and artillery officers, and forensic examinations conducted by Army dentists.

At the same time, expert field investigators such as Bill Bell, who just coincidentally is an important player when Congressman Rohrabacher talked about the case when these poor JTFFA guys were on helicopters looking for the prison sites. General Needham did not know or he did not tell you that Bell had interviewed the former prison camp doctor. They could have brought that former chief doctor of the hospital to that site with them. He could have helped them to pinpoint the camp.

The problem is that the Vietnamese are using these manipulating the way that they used cemetery upkeep with the French. This is an important point.

[Pause.]

Mr. SANTOLI. We are paying the Vietnamese through the nose to do these crash site excavations. We are paying the central government. For every extra day that our people remain in the field on one of these excavations, they pay the Vietnamese more money. They pay them for lodging, for transportation, and for fuel. And it goes into the hundreds of thousands of dollars per day. I think that there is a real problem with having a \$100 million budget, and going out and wastefully using these crash site excavations as basically the means by which we are dealing with this issue, which the Vietnamese in fact are manipulating as a growth industry.

Now I included with my testimony the Army's biography of Lt. Colonel John Cray, who may be an outstanding infantry officer and a master parachutist. However, like most other JTFFA Detachment commanders, he has no intelligence background, and no previous experience in POW/MIA investigations. And he only had a brief amount of Vietnamese language training before he was assigned the job.

Senior Defense Intelligence Agency analysts include Robert DeStatte, the chief analyst in Hanoi. He is among a number who have made numerous blatantly false or misinformed testimonies before congressional panels. Despite their lack of credibility, most of these DIA men have worked the MIA issue for more than two decades. Senator Bob Smith requested an investigation into perjury charges against some of these men, but he was turned down by the Clinton Justice Department.

I believe that Senator Smith's allegations merits a full congressional probe, whether it be in the Senate or in the House. But it needs to be looked into, because the accused are the same DOD analysts that the families feel are not cooperating with them. The families have numerous nightmare stories about these men.

Recently, General Needham's Joint Task Force took Major Victor Apadoca's name off of the discrepancy case list. This was not because they found him alive, recovered his body, or received irrefutable evidence regarding his fate. Instead the JTFFA closed the investigation, because the Vietnamese provided no further information about his case.

I believe that if you have a man who was either last known alive or suspected of being alive, it should not take 10 or 20 years for information to be provided by the Vietnamese. They should provide it now.

This JTFFA finding also ignored the sworn testimony of Jerry Mooney, a former National Security Agency cryptologist, who told

the Senate Select Committee under oath that the NSA had intercepted Vietnamese military communications that Major Apadoca and/or his co-pilot were captured. Mooney's credibility was supported by a senior Select Committee analyst, who claims when looking through NSA archives, "I found lots of data in the NSA files to substantiate Mooney's testimony. Some radio intercepts mentioned names of specific captured pilots."

Mr. Chairman, Senate Select Committee investigators expressed frustration that the committee disbanded before they could look through a large amount of NSA records, which could shed further light on numerous POW/MIA cases. In addition, there are archives of other Air Force, CIA, and NSA intercept programs that existed until the 1975 Communist victory that have yet to be declassified or adequately examined by nonbiased experts.

Recently, the American Legion has filed a Freedom of Information Act request of a CIA/NSA Air Force intercept programs including one called Cold Spot. These programs included ground intercepts of North Vietnamese and Laotian military and political radio communications, as well as possible airborne intercepts.

Simultaneously, from 1973 to 1975, the NSA with the Air Force was conducting communications intercepts using Air Force units that were based in Japan and Okinawa that flew off of the coast of Vietnam. So there are a number of operations where intercepts could lead to more answers or more clues regarding the fate of missing men.

In addition, until 1975, the U.S. Army Security Agency in cooperation with the NSA conducted a massive intercept program out of Ubon, Thailand with decoding conducted at Vint Hill Farms right here nearby in Warrenton, Virginia. At the same time, there was a combined microwave and airborne intercept program conducted out of Nakhon Phanom, Thailand.

Earlier U.S. airborne communications intercept programs such as Olympic Torch and Comfy Gator conducted out of Thailand intercepted numerous messages related to the shoot down, capture, and transport of American prisoners. It was these programs that Jerry Mooney was talking about. And I should say between 1986 when he first tried to approach the Congress about this information until 1992, basically U.S. Government bureaucrats said the guy is crazy, he does not know what he is talking about.

But when the Senate Committee investigators followed Mooney's advice and his information, they in fact did find relevant information in files that NSA earlier claimed that they did not have or did not know where it was located. We need more of this. We need to have a team or a commission of independent nonbiased experts who can help locate some of this information, and move this investigation forward in an honorable manner.

The CIA has responded that they do not have records of a Cold Spot program. However, a highly credible intelligence official—and I have spoken to two others who were in the program—claimed that such an intercept operation did exist. Twenty years after the end of the war, there is no valid reason for records of any intercept program to remain classified.

Mr. Chairman, I am asking the members of your subcommittee to assist the American Legion to rapidly obtain all communication

intercept records relative to POW/MIAs from any agency, whether filed under the operational name of Cold Spot or any other program before or after 1973.

To successfully conclude the POW/MIA tragedy, a nonbiased independent commission of experts must be created to conduct oversight of the Pentagon and other U.S. Government agencies involved in POW/MIA investigations.

In addition, I believe that a major part of the families' problem is the 1942 Missing Persons Act regarding prisoner of war determinations. This must be revised to permit families of POW/MIAs a credible appeal process if they have documents, eyewitness reports, or forensic evidence that challenges government determination of death or closing down cases without the fullest possible accounting.

Thank you.

[The prepared statement of Mr. Santoli appears in the appendix.]

Mr. ACKERMAN. Thank you very much.

Mr. Necci.

#### STATEMENT OF ROBERT NECCI, EXECUTIVE DIRECTOR, ADVOCACY AND INTELLIGENCE INDEX FOR PRISONERS OF WAR/MISSING IN ACTION

Mr. NECCI. Chairman Ackerman, and Congressmen. My name is Bob Necci. I serve on the board of directors of Vietnam Veterans of America, Chapter 11, Long Island, New York, in Congressman Ackerman's area. I also serve as Director of AII. It is an educational and informational fax network on the POW/MIA issue.

I would also like to take this opportunity to thank Congressman Ackerman and his staff director, Rus Wilson, for allowing me to put together the panel which spoke here this afternoon before the government officials and us now. I am very appreciative of that responsibility and trust. Thank you.

My remarks are brief. Those who have spoken and will speak after me will present information that this subcommittee must hear. For my part, I am here to tell you that we are witnesses and living participants to a failed policy of the past concerning POWs and MIAs. We are the voice of the present asking many questions and one specifically, what happened to those live Americans who were held in captivity and not returned? And lastly, we are to be the insurance policy of the future that these tragic mistakes of the past shall not again be repeated. That concludes my remarks.

But Karen Miller, who was not able to speak because of an oversight in the subcommittee rules, I would just like to read into the record her short statement.

Mr. ACKERMAN. As we told you, we will take that statement and review it.

Mr. NECCI. Thank you.

Mr. ACKERMAN. Ms. Patricia Plumadore.

#### STATEMENT OF PATRICIA PLUMADORE, FAMILY MEMBER OF L/CPL KENNETH L. PLUMADORE, U.S. MARINE CORPS

Ms. PLUMADORE. Mr. Chairman, and committee members, thank you for this opportunity to speak before you today.

I believe I know now how my brother felt when he was left behind the first time in 1967. Having first put my hopes into a committee that never even followed through with its own recommendations, and secondly placing my faith in a President who has broken his promise, I feel abandoned and betrayed. How much more so the men we left behind again.

I was not aware of the circumstances surrounding my brother's loss until 1992. I will not go into my feelings toward the Marine Corps and the Pentagon for having forgotten to pass on to my family the information they had about my brother. However, I will tell you that I do not accept their apology of their explanation.

That aside, my purpose for appearing before you today is hopefully to show you what I believe to be Vietnam's lack of cooperation in resolving the fate of my brother.

My brother, L/CPL Kenneth L. Plumadore USMC, was left behind on the battlefield along with 14 other Marines on September 21, 1967. He was declared killed in action, body not recovered. Nineteen days later, his unit returned to the area, and recovered the remains of 14 Marines. Kenny was still KIA/BNR.

In April 1986, Vietnam returned a set of remains that they stated were the remains of L/CPL Kenneth Plumadore they had captured on September 21, 1967, who subsequently died 7 days later in a prison hospital at Vin Linh.

When I was made aware of this information in June 1992, the first question I asked the casualty officer was what was the likelihood that the remains recovered in 1967 were misidentified, and that my brother was buried in somebody else's grave. The reply from Colonel Webb was that that was not very likely to have happened. The returned remains did not correlate to any of the 15 Marines left on the field.

I have some very straightforward questions I want Vietnam to answer. What records did they use in 1986 to associate the returned remains of the soldier they said they captured in 1967 to the Con Thien incident? Where are the personal effects, ID, jewelry, et cetera taken from the POW in 1967? Where were the remains kept from 1967 until 1986?

And as we talked about earlier, I heard you talking earlier about the prison hospital records, and any records that would have been generated by a POW that they had under their control. They had records.

The statements provided by the Vietnamese witnesses to the September 21, 1967 battle and subsequent capture are not consistent with our own intelligence data that was available at that time.

Witnesses stated that the prisoner was placed by a culvert which sustained a direct hit by artillery or bomb. Our intelligence said that the prisoner had arrived at the DMZ alive. One would think that my brother being a priority case for investigation, that at least some information would have been obtained during the 1993 JTFFA investigations.

However, I was told that there was no new information in Kenny's file for all of 1993. Either our Government did not ask the questions or the Vietnamese refused to answer. Something is terribly wrong here.

I have dreams of my brother turned old and crippled from torture and captivity. I have dreams of sneaking into graveyard digging up graves of other Marines looking for my brother.

Will I ever know what Vietnam knows about my brother? Will I ever know what our Government knows about my brother? Will my questions be answered or an explanation be given as to why they cannot be answered? Until then the nightmare continues.

But the thing that really gets me so angry is the lack of information that I can get from our Government. And the fact that what they do have that is classified, I have to travel to Washington or Arlington, Virginia to look at it. They cannot send me anything through the mail.

It is so classified, and it is so top secret that they have to have me come under escort to the Virginia Commonwealth Bank Building, and be under the eyes of a casualty officer and a member of DIA to look at what they know about my brother. And half of that will be blacked out and redacted.

They are still redacting his vicinity, the vicinity that they are investigating him in. After 26 years, they cannot even tell me where he was.

And another thing, you were discussing the numbers, the disputed numbers, and the Russian documents, the numbers that the Vietnamese were holding back, possibly holding back. Either I have been lied to, and my family was lied to for 25 years, or my brother is one of those POWs that Vietnam held back, because the Marine Corps claimed he was examined, declared dead on the battlefield. For 25 years, the Marine Corps said the same thing, that he was dead and his body blown up. Then in 1986, Vietnam said here he is, we had him.

So is he one of those POWs they held back? He must be, or the Marine Corps intentionally lied to me for 25 years. It is one or the other. And I wish you could find out. If you could get answers for me. I cannot get any.

Thank you.

[The prepared statement of Ms. Plumadore appears in the appendix.]

Mr. ACKERMAN. Thank you very much.

The staff will be directed on the subcommittee's behalf to prepare those questions in writing for the government witnesses that appeared here today.

Ms. Judy Coady Rainey.

**STATEMENT OF JUDY COADY RAINEY, FAMILY MEMBER OF MAJOR ROBERT FRANKLIN COADY, U.S. AIR FORCE**

Ms. RAINEY. Thank you for having me. I would like to back up what everybody is saying. We do not get answers. When my brother first went down, it says that any new information that becomes available, it will be furnished to you immediately. This is signed by Colonel Fallon, who I believe was the acting officer where he was stationed at the time. Colonel Fallon is also missing. So I am sure that he thought that any information that the Air Force got would be passed on to the families.

This is a sheet that my mother signed, and my father signed one and my sister-in-law signed one. It is x'd where it says provide r