

all information which may pertain to my missing loved one regardless of final evaluation or correlation. This is what the Air Force asked them to do, and this is what they did.

In 1969 when my brother went down to 1974, we were told that there was no information. We believed what they told us. The Air Force is not going to lie to us. I mean they are too good of a person to do this. We accepted this.

When my sister-in-law closed the case in 1974, because the POWs had come out, and we were told that there was no information, they sent this letter. And we were not smart enough at the time to even question it. It reveals that no supplementary information has been received through the debriefing of a former prisoner of war, or from any official or unofficial source which would tell the ultimate fate of Major Robert F. Coady.

So we thought that they were saying again we have no information. In 1991, I was encouraged by a cousin to ask for his files. I said I would be glad to, but we will not get anything. They already told us that there is no information. A POW came out with his name. There is a CIA report. And now I find out that there is satellite imagery. Each time I move along, I am told I have all of the information.

Mr. ACKERMAN. These are pertaining to your brother?

Ms. RAINEY. Yes. They tell me that the information is not good. But it was important enough to classify, and not to tell the family. The government is now telling us that the POW who came out with his name really did not spell it COADY. They say that he spelled it CODY/COTE, when the original report says COADY.

The CIA report. When they were asking for that, it was from April of 1991 to December 24 before I got that report. It was faxed to me in San Diego. The whole time I was asking the Air Force what about the CIA report. They would check and then they would even write me letters saying that they had checked with CIA. That they had some more work to do, and that it would be forthcoming.

I received in my files at the league meeting where they give us the microfiche some papers that said do not fiche. It is where they sent the information back to the CIA, because CIA had sent another report along with it. They told the CIA that they only wanted originating documents. So if there is more information out there, they are not going to help us get it. If we do not know how to ask for it, we do not get it. And that is not right.

My time is up and I haven't said what I want to say.

Mr. ACKERMAN. Ms. Rainey, I don't think that light is working your time is not up.

Ms. RAINEY. Oh, it is not. OK.

Mr. ACKERMAN. I believe the light has malfunctioned, you take all the time you need.

Ms. RAINEY. OK. Good. I have another 10 minutes.

They did a site survey on my brother's case. They had a Laotian who took them to this site. The Laotian said that he saw this plane go down. It was at night, or it was at 6:00. It was during monsoon season, and the plane was all by itself. They said that this correlated to my brother's plane, because they took a prop away. My brother was flying a A1H that had a prop, propeller on it.

I could not understand how they could take a Laotian's word that would tell them this story when my brother went down at 9:35 in the morning. He was with a lot of other planes. And it was in January, and that was not monsoon season.

So how could they get all of this story mixed up and say that this was his crash site?

I went through my book, and I put down everybody that went down near my brother. There was a pilot by the name of Edward Leonard, Jr., who went down I think about 18 miles from my brother. He was flying an A1H, the same type of plane.

So I called Mr. Leonard, and I talked to him. I just wanted to find out what the area was like, what happened to him, and all of this. I told him the story of the crash site. And he said guess what, it is probably my plane.

They have gone back now and have excavated this same site, because they say it is my brother's site and now they have found a tooth. I do not know whether they will correlate it to him, but I am sure that is where it is going.

We need help. You have to stop them from closing cases on one tooth. This is unacceptable accounting.

Here is a family member who sent out an invitation to all family members to bury a tooth at Arlington. So it is happening. It is just one tooth. Now you all might want to bury one tooth. But one tooth to us does not mean somebody died, especially when they have information on people.

We want the truth. No one checks on what they say. They tell you a story, and that is it. Nobody goes back to see whether they have really done the work, except for Senator Smith.

Senator Smith checked out DIA's information on sources, on what the sources said about where prisons were. DIA said the sources lied, they fabricated everything and that there were no such prisons. Senator Smith took those documents to Vietnam when he went, and he went to those prisons. And they are there, and the sources did lie.

But nobody goes back and checks on DIA, JTFFA. What they end up saying is final word. It is accepted by the President, and he lifts the trade embargo. But he does not realize that he is the one who has to be responsible. The buck stops where it stops.

We need your help. The veterans have not given up on us. Do not give up on us either. You have to listen to us. We are not going to go away. We need you to do something. Do you want us to believe that the government officials who did not tell us that there was information, her family, my family, and other families, were not credible, or were not good men. What were their agendas then?

What about these men now, what is their agenda? Do we know what they are telling us are the truth? We do not know that. Just like back then. When we believed them, we believed them. We cannot do it anymore.

They talked about having funding for going to Vietnam. What about having funding for families to do DNA testing wherever they choose? We need that. That is very expensive. But if they come up with something, I have to have it DNA tested outside from their office, not from them. I do not trust them.

That is basically what I have to say.

[The prepared statement of Ms. Rainey appears in the appendix.]  
Mr. ACKERMAN. Thank you very much. I appreciate that testimony.

If I could ask your indulgence for again to answer the call of the bells. This might be the last one. I am not sure. We keep being promised. But it is kind of out of our control right now. I promise you that I am going to come back in a few minutes, and we will continue to hear you, if you can wait. We will recess for a few minutes.

[Recess.]

Mr. ACKERMAN. The subcommittee will come back to order.  
Our next witness is Barry Toll, former U.S. intelligence official.

#### STATEMENT OF BARRY TOLL, FORMER U.S. INTELLIGENCE OFFICIAL

Mr. TOLL. Good afternoon, Mr. Chairman. I cannot say that it is a pleasure to be here to discuss this subject, but I am gratified that the committee has invited me to speak.

I would begin with where Judy Rainey left off in her remarks in terms of her opinion that this issue is not going to go away, in stating that five U.S. Presidents have exhorted the American people at one time or another within their terms to "put Vietnam behind us," all to no avail.

The reason for that is quite simple. The American people know that virtually everything their government once told them about Vietnam, Laos, or Cambodia, or the conflict in those regions has turned out to be a lie, and has been discovered to be so.

I am a living participant to the lie, the fiction, the charade that we did not leave men behind in Southeast Asia. And I have been fighting this issue from the ground in Laos as a leader of top secret clandestine missions to rescue American POWs in Laos in 1968, than later detached to MACVSOG, to the White House just recently in arguments with Anthony Lake as to why this President should grasp the nettle of the issue and face the conundrum once and for all, and restore the national integrity in the matter at hand and end the trail of tears and grief that these families have had to endure.

I will begin by telling you that my service in the U.S. Army began as a draftee like most of my generation in 1967. And in 1968, after heavy combat as an infantryman in Vietnam, I became a volunteer team leader of long range reconnaissance patrol missions, and then was detached and operated under the auspices of MACVSOG, the studies and observations group, which of course we now know contained and conducted America's most covert operations in Southeast Asia.

And for 8 years, I virtually rode the spinal cord of the intelligence flow from the region back to the White House in assignments variously out of the Embassy in Bangkok; at CINCPAC, the Army command center in Hawaii; and finally in my final position in the years 1973 through 1975 as the operations and intelligence specialist to a battle staff team for what is known as a SIOP execution team.

These teams are euphemistically referred to as doomsday teams. And the purpose of the team was we were holders of Presidential

nuclear executions codes. And my function on that team, I had to stand ready to brief the President of the United States, or his designated successor, or alternate command authority as to how to proceed in a potential nuclear environment.

As such, I was privy to the combined integrated output of the entire U.S. intelligence community. Senate Select Committee (SSC) investigators have concluded that typically I would see materials that only 80 men in this government would see daily flowing to the White House. And I have testified about much of those to the SSC. Although my testimony was held very closely, and placed under the caveat, under the Senate Select Committee's rules, as being "under investigation," which thereby constrained any Senator, staff, or parties privy to the information of my testimony from commenting publicly, specifically after my initial testimony in June 1992 when Senator Smith in an outburst challenged one of the men who testified here today and a few others on the basis of my testimony.

Allow me, please, just to get to the heart of the matter of an irrefutable paradigm, if you will, that I defy anyone to dispute in terms of the record of the history now established on this matter as to events occurring in 1973.

On the 21st of January, President Nixon stood before the nation at a national press conference, and again repeated a long deceit that is at the very heart of this matter. And that is that he stated that we had no combat forces in Laos.

The secret war in Laos at that time had over 580 Americans missing in it comprised predominantly of flyers, and then those individuals who had participated in covert operations such as myself in that area. And our highest probability intelligence at that time—and if you wish to question me, I will go into detail about that, what Mr. Ross was talking about today that they just reviewed. Well, I helped to create some of that, and I watched it all.

And the highest probability intelligence at that time was in Laos alone we had 350 men held captive there. And I want to bring to your attention the reality that in the spring of 1974 in this body, one of the chief articles of impeachment arising against President Richard Nixon was the conduct of the illegal and unconstitutional wars in Laos and Cambodia.

Now on the 27th, of course, of January, the peace with honor accords were signed in Paris, and we got the list of how many men the North Vietnamese were going to immediately return to us. And we found out that they were going to give us in the neighborhood of 590 men.

At that point in time, the Joint Chiefs of Staff and the various specialized and unified commands, especially CINCPAC, which had the greatest level of input on our projections, predicted that we get approximately 1050 men back from North Vietnam, if they were fully forthcoming.

And of course, I just make note of the Quang Document's implications at 1205, and the questions that you asked Mr. Ross regarding that today.

On the first of February 1973, President Nixon had delivered to the Vietnamese a promissory letter of sorts, if you will, promising the Vietnamese or guaranteeing them that he would provide them a minimum of \$3.5 billion in reconstruction aid. And I would like

to put "reconstruction aid" in quotes. Because if you go back and you ask to see Rand Corporation studies commissioned by the Nixon White House in 1969 and 1971, you will find the same words in there warning Messrs. Kissinger and Nixon that indeed the Vietnamese would hold men back.

They had done so historically, as had other Communist regimes, for ransom. And in order to avoid the stigma of having to pay ransom, Rand advised that it would best proceed as such a guarantee under the guise of reconstruction aid.

Other recommendations contained in those highly classified studies, you will generally find that Dr. Kissinger followed almost to a T in the negotiations.

However, in exchange in return for that letter in a very secret clandestine meeting in Paris was the Laos POW list, which only contained nine names on it. At that point in time, the Chairman of the Joint Chiefs of Staff and the other commanders of the unified and specified commands literally went ballistic, as I was privy to their back channel messages.

And that precipitated an atmosphere where in on the 21st of March 1973, Admiral Moorer signed and executed a top secret order to the command in Saigon ordering them to halt the withdrawal from Vietnam, an event that should it have reached the public ears at that time would have caused an outcry and demonstrations throughout the United States, as those of us old enough can well remember what the climate existing was at the time in our haste to get out of Southeast Asia.

On the 22nd, Admiral Moorer reversed his order. His testimony about this before the SSC, and he was directly recalled and testified twice, because I contradicted his initial testimonies, was that he reversed that order, and the withdrawal began to proceed.

Admiral Moore in his order to halt the withdrawal specifically noted these men held back in Laos. On the 28th, Lawrence Eagleburger, then Assistant Secretary of Defense, drafted a memo stating on the highest probability intelligence that 350 men remained behind in Laos, apparently not going to be returned. And he urged massive B-52 strikes, and the movement of a carrier task force group into the Indian Ocean in order to pummel the Laotians and force them to give up the men.

Secretary of Defense Richardson deleted the idea of a carrier task force, but passed the memo on to the White House. And then we know that on the 29th of March that the President stood before the nation, and told them that all of their POWs were on the way home, as our men began stepping off the planes.

That caused Roger Shields, who was head of the POW/MIA effort in the Department of Defense at the time, to seek out who was then Acting Secretary of Defense Clements, and tell him that that could not really be said, as they were concerned about an upcoming press conference. And as SSC testimony reveals, Clements urged Shields to say the rest are dead. Mr. Shields said you cannot say that, and he thought he was going to be fired for his articulation of such a strong retort. And Mr. Clements again reiterated according to this sworn testimony, "You did not hear me Roger, the rest are dead."

On the 11th of April, Roger Shields met with Clements, Scowcroft, and Nixon in the Oval Office. The transcript of this, tapes, and notes of the NSC were refused to the SSC investigation. The next day, Shields at the press conference said words to the effect, "We got them all. The rest are dead."

But on May 26, 1973, amid continuing secret talks with the Vietnamese, Dr. Kissinger beseeches Vietnam's Le Duc Tho to not contradict any U.S. public statement that Article 8B POW/MIAs of the Paris accords applies "to all of Indochina." He then states, "Now we would like a sentence from you, which I cannot understand why you cannot give us, that all of the prisoners held in Laos have been released. It would be very important for us."

Nobody has asked Dr. Kissinger why he would say such a thing, reducing Lawrence Eagleburger's request to virtually restart a large portion of the war to merely demanding a sentence from the Vietnamese, within a few dozen days.

The fact of the matter is that we believed with the highest probability intelligence, as Dr. Schlesinger finally testified, and Elliot Richardson finally testified, and Melvin Laird testified, that indeed men were left behind.

The question now becomes what has happened to them. Well, I have watched virtually an Orwellian charade ensue for the last 20 years over this issue. And our Government has just now finally gotten around to where you notice that Winston Lord would not directly answer your question today of "did we leave men behind?" He said, what I recollect of his response, is that he "did not want to air unfair accusations."

What I just read you is irrefutable on the record of the Senate's investigation. Let the chips fall where they may on that matter.

I would like to bring to your attention the reality that as the Senate investigation shows that in 1975, having an exemplary career of 8 years, as a holder of Presidential nuclear execution codes. I walked into work one day and stated, "I will never wear the uniform again under a lying executive." And I said "I do not care if you put me in the stockade." And I went home over the abandonment of these men.

A series of top secret debriefings ensued on four different occasions, and that is attested to by the Judge Advocate General lawyers that represented me during that period of time, while the military decided what to do to me. Those files were refused to the Senate Select Committee's investigation.

And I certainly know why. Because they clearly state my contemporaneous recollection of those events at the time. I gave the Senate Select Committee a list of 32 persons who could corroborate exactly what I was saying, and my actions during those periods of time.

I see in this problem that we have now—having been requested by the families to come forward on this matter, which I did not really wish to do in 1992, and address the question and testify as to the facts and events that I witnessed at the time—that the Senate Select Committee in my opinion got to the edge of the abyss of this matter, and looked in and it was pretty ugly, and then they just backed off.

The record of the Senate is that two Senators actually threatened to resign over the scripting of witnesses, and complained bitterly about the failure of the committee itself.

Mr. ACKERMAN. Mr. Toll, you say two Senators?

Mr. TOLL. Yes. Senator Grassley and Senator Smith actually threatened to resign at various points during the investigation.

Mr. ACKERMAN. To resign from what?

Mr. TOLL. From the committee itself, from the Senate Select Committee on POW/MIA Affairs.

Mr. ACKERMAN. The Select Committee?

Mr. TOLL. That is correct, from the Select Committee.

Mr. ACKERMAN. And when was this?

Mr. TOLL. I believe in August, Mr. Chairman. But I would have to recheck my notes.

Mr. ACKERMAN. August of what year?

Mr. TOLL. 1992.

Mr. ACKERMAN. Thank you.

Mr. TOLL. During the course of the investigation.

And I was embroiled in several controversies behind the scenes while my testimony was "under investigation". It still remains under investigation, along with only a few others whose testimony was so provocative, and to my mind persons who did not want it to see the light of day.

The investigator handling the files relating to the investigation of the charges that I made in documents, and I am going to list them for you in a minute, so that this committee knows what critical CAPSTONE intelligence materials I named—

Mr. ACKERMAN. Could you do so briefly, because we are way, way into our time right now. We do have another panel.

Mr. TOLL. They were handed over a foot and a half files to the National Archives. If you go there now, and there is a man sitting in the audience, Roger Hall, an independent researcher, if you go to the National Archives, you will see that my file has been reduced to half an inch. Putting a lie to the fiction that all of the materials relating to this matter are being declassified.

I testified to critical CAPSTONE materials in CIA executive registry files, CIA director of operations files, NSC files, and other files. Critical CAPSTONE intelligence that was never released to that committee.

I argued to Anthony Lake in the White House in November, along with George Carver, former special assistant to three Directors of Central Intelligence, and with General Eugene Tighe who could not accompany us because he was too ill, in a team that we put together to attempt to convince this President that he was being misinformed, and that he should create an independent commission to review those critical CAPSTONE materials in accordance with his declassification orders.

The reality of the matter of what I am trying to say, Mr. Chairman, is the real materials dealing with this matter have never been exposed to investigation. They just simply have not. And the truth is that if the President wanted to get to the heart of this matter and answer the question, all he had to do as I told Anthony Lake—and he and Kent Wiedemann asked me several times over and over to provide them with lists of dates that they should re-

view the Nixon Oval Office tapes, which the Supreme Court of the United States says belong to the American people.

I also provided Mr. Lake and Mr. Wiedemann in meetings with Carol Hrdlicka and George Carver at the White House in a period of correspondence, and meetings, and telephone calls over a 2-month period in an attempt to convince them that the President should pursue this route and grasp the nettle of the issue, and thereby create an atmosphere under which true healing can finally begin, and to the bottom of the POW/MIA issue, stacks of intelligence documents, which they promised to return the next day, many of them quite provocative. They refuse to return them to me now. And I proffer some of them to the committee.

Mr. ACKERMAN. Do you have copies?

Mr. TOLL. Well, they will not return certain critical ones going to the Director of Central Intelligence himself.

Mr. ACKERMAN. Do you have a copy?

Mr. TOLL. I do have some here, reproductions, that I proffered to the committees.

Mr. ACKERMAN. Are there documents that you turned over that there are no other existing copies?

Mr. TOLL. Yes, there are. Yes, there are. I just simply have not assembled them all. I have perhaps 50 percent of 40 documents that I gave them here for you.

Mr. ACKERMAN. Why do you not take about 1 minute to summarize if you can. And if you would provide us with a list of questions that you think that we should be offering up.

Mr. TOLL. Let me get to the heart of the matter. There is provocative, compelling, explosive evidence existing in the U.S. Government archives right now that either the President has not been made aware of or has ignored. And I know that, and I have seen it. And I so told Mr. Lake and Mr. Wiedemann.

I told Mr. Lake in private that I had seen satellite photos brought to me by members of the intelligence community that were outraged at the conduct of the imagery investigation to the SS that a great deal of material had not been provided to that committee. And that in a cursory review of only 15 percent of the archival material existing on imagery, that they have discovered, and showed, and displayed to me 48 different photos containing either the secret identifiable codes, the names, or assigned ground distress symbols for individual pilots. And I looked at these myself.

When Carol Hrdlicka looked at it and George Carver—we originally went to the White House. And had we been given the meeting with the President like we thought we were going to get, I would have carried those in there at that time.

Those parties are fearing great political retribution. And what is being done here is to simply avoid the reality that these materials exist. And what is going to happen is that they are going to emerge, and there is going to be great retribution.

Mr. ACKERMAN. Do those photographs exist?

Mr. TOLL. Yes, I believe they exist. I have seen them.

Mr. ACKERMAN. You are saying that they are in the Archives now?

Mr. TOLL. And I described them. And I know that Anthony Lake knows some of them exist, because he asked me whether or not I had seen a certain one or not.

Mr. ACKERMAN. Mr. Toll, are you contending that they are presently in the Archives?

Mr. TOLL. Yes, I am. I contend that they are presently in the Archives. In fact, Mr. Lake and Mr. Wiedemann—

Mr. ACKERMAN. Has Senator Smith seen them?

Mr. TOLL. We are out of time. So if you would question me, Mr. Chairman, I would be glad to tell you about them.

Mr. ACKERMAN. Has Senator Smith seen those, has he gone to the Archives?

Mr. TOLL. No. These materials as represented to me were materials discovered by persons in the intelligence community who were so angered over the fact of what Senator Smith did not see, that they continued to work after the Senate Select Committee closed up shop. Because they knew that materials had been shunted around and only a cursory review had been done.

Mr. ACKERMAN. If I may, Mr. Toll.

Mr. TOLL. No, Senator Smith has not seen the materials that I spoke to Anthony Lake about.

Mr. ACKERMAN. Is there is a reason that he has not gone over to the Archives to take a look that you know of?

Mr. TOLL. I do not communicate with Senator Smith, so I would not know how to respond to the Chair. I did not tell Senator Smith. I was talking to Anthony Lake.

Mr. ACKERMAN. Let me ask this in the interest of time, because we do have another panel, and the weather is closing in yet again on our region. And there are some people who I think probably want to fly home before that happens rather than be trapped here for a day or so.

Would you be willing to share that information, what those documents are, with the staff of this subcommittee, so that we might make a judgment as to how to proceed in discovering them?

Mr. TOLL. If you convince me that the effort is going to be earnest, I certainly would. There are persons fearing political retribution, Mr. Chairman, on the matter. And I take it at your word that the effort would be earnest. So I will begin that process.

Mr. ACKERMAN. If there is information that this committee should look into and you are willing.

Mr. TOLL. Absolutely. I will be glad to give you specific lists.

Mr. ACKERMAN. We have had a lot of people tell us that things exist. And when we ask them to show it to us, there is always a reason why they will not, cannot, or should not.

Mr. TOLL. No, I am not saying that I will not show it you. I am not in possession of the photos.

Mr. ACKERMAN. I do understand that. But if they do exist. You say that they are in the Archives?

Mr. TOLL. Yes, correct.

Mr. ACKERMAN. If they exist and they are in the Archives, we will gain access to them, or we will make every valiant effort to do so, or find out why.

Mr. TOLL. All right, Mr. Chairman. On your word, I shall proceed to cooperate with your staff.

Mr. ACKERMAN. It is a pretty big Archives. We have to talk one at a time, otherwise it is not going to work out for the record. And I know you have a lot to say. And I know that I have a lot to hear and a lot to learn. But I have just got to ask the questions, so I can get this thing moving.

I think you indicated, is that correct, that you would assist us?

Mr. TOLL. Yes, I will.

Mr. ACKERMAN. And identify those documents, so that we might make an effort to find them.

Mr. TOLL. Yes, I will.

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

Mr. ACKERMAN. Thank you.

Let me first say to my good friend Bob that I have indeed read Karen Miller's statement, and I find it rather compelling. And we will make this also a part of the record at this point and at this time.

Let me say that this has been quite edifying. And we probably could spend a lot more time on this and we will, but we cannot do it all today, with this panel. This process will be continuing and ongoing. Let me thank each and every one of you on this panel for your patience, and for being with us today. The full committee appreciates it. Despite the fact that people have been running in and out, and some are not here right now, it is no indication of a lack of interest in this area. And I assure you that both members and staff will be looking at everything that you have said and submitted to us. Thank you very much.

The next panel is Mr. J. Thomas Burch, President of the National Vietnam Veterans Coalition; Ms. Anne Mills Griffiths, the Executive Director, National League of Families of American Prisoners and Missing in Southeast Asia; Mr. John Sommer, Executive Director, Washington Office of the American Legion; Mr. John Terzano, President, Vietnam Veterans of America Foundation; Mr. Richard F. Schultz, National Legislative Director, Disabled American Veterans; and Mr. Pat Gressman, POW/MIA, family member representing the National Families Alliance.

I do not want to appear to be rushing those who have had the most patience during the course of this very long day. But I do just want to ask people to be mindful of the time so that we can get through the entire panel and allow those who must leave to do so. So I know everybody has a statement. If you would like to either read your statements or to summarize them and we can place the entire statement in the record as you wish.

Mr. Richard Schultz. If we could just pass the microphone down, and pull it close to you and we will share those things. Welcome. Welcome to the entire panel. Thank you for exhibiting tremendous patience and I do appreciate the sacrifice that you have made in time and resources to be here with us today. Mr. Schultz.

#### STATEMENT OF RICHARD F. SCHULTZ, NATIONAL LEGISLATIVE DIRECTOR, DISABLED AMERICAN VETERANS

Mr. SCHULTZ. Thank you, Mr. Chairman, Mr. Gilman. You know, it has been a very emotional day for me sitting here just listening to the family—the family members discuss the roadblocks put up by the government in their request for documentation or informa-

tion about their husband and brothers and loved ones. And I would just like to say that, you know, personally having served in Vietnam myself, I am outraged by the treatment that was given to these family members. And I certainly appreciate the fact that you and the committee have held this hearing today and are doing everything you can to assist these families in obtaining the information that they have sought for so many years.

As a leading organization representing American service-connected disabled veterans, the DAV has a vital interest in the issue before the subcommittee here today. And before I address our specific views concerning Vietnam, allow me to state the philosophy of the Disabled American Veterans regarding the general issue of POW/MIAs.

When our national leaders have elected to send our country's best and brightest young men and women into combat, the members of our armed services have always gone and in each case, our servicemen and women have consistently displayed valor and courage far beyond the call of duty. In every instance requiring the use of force to protect our vital national interest, members of the armed forces have taken with them an unwritten, unspoken, but unbreakable contract to the battlefield; a contract from our Government that simply states, "We will leave no one dead or alive in the hands of the enemy."

Based on this unwritten, unspoken, but unbreakable contract, the DAV strongly believes that our Nation has a sacred obligation to account for its missing servicemen and women who do not return from the field of battle. This contract was meant to have no loopholes, no escape clauses, and absolutely no room for negotiation. In our view, the U.S. Government, dating back to World War II, has failed miserably in meeting the terms of this contract. Mr. Chairman, every DAV member in every corner of the country has a standing obligation to press our national leaders to develop policies consistent with this unwritten, unspoken, but unbreakable contract.

Regarding the situation with Vietnam, the delegates to DAV's recent national convention unanimously adopted a resolution which urges the President not to lift the embargo nor normalize relationships with Vietnam until we have received a full as possible accounting of our missing comrades. At the recent White House meeting, just hours before the embargo was lifted last Thursday, DAV headquarters executive director, Art Wilson, told the President that the DAV did not agree that recent Vietnamese actions justified lifting the embargo. Mr. Wilson added that much of the information and assistance Vietnam has provided in the past 6 months could have been and should have been provided nearly two decades ago.

We disagree with the President on lifting the embargo at this time. The DAV agrees with our commander and chief, however, that resolving the POW/MIA issue should remain our Nation's highest national priority.

Now that the embargo has been lifted, the DAV believes that the joint task force recently put in place should stay in tact so that we may continue to closely monitor Vietnam's level of cooperation. We also believe that the American public, 85 percent of whom do not believe Vietnam has been forthcoming on the POW/MIA issue, ac-

ording to a December, 1993 Associated Press poll, demands that our Nation continue to leave no stone unturned in the quest for the fullest possible accounting.

Mr. Chairman, the DAV also believes that our Nation must continue to seek the Vietnamese Government's full cooperation to improve Vietnam's horrendous human rights record. Just last month, for instance, a member of a humanitarian assistance group supported by the DAV and funded by the U.S. Agency for International Development were detained and harassed by overzealous Vietnamese police at the Hanoi airport. This group, whose trip was sanctioned by the Vietnamese Government, was in Vietnam to provide more than \$100,000 worth of prosthetic devices to needy Vietnamese war veterans, both from the North and the South.

Unfortunately, as the policeman ripped through the group's materials, some of the prosthetic devices were ruined, thus depriving a destitute war veteran of much needed assistance. This type of human rights abuses must not and cannot continue.

In summation, Mr. Chairman, the DAV believes that America as a sacred obligation to account for its servicemen and women who do not return from the fields of battle. We further believe that our Government must develop safeguards to ensure that our Nation never again places short-term economic and political agendas ahead of our Nation's longstanding moral obligation determine the fates of our POWs and MIAs. Thank you.

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

Mr. ACKERMAN. Thank you very much. Thank you for the wonderful work that you do. Mr. John Sommer.

**STATEMENT OF JOHN F. SOMMER, JR., EXECUTIVE DIRECTOR,  
WASHINGTON OFFICE, THE AMERICAN LEGION**

Mr. SOMMER. Mr. Chairman, Mr. Gilman, the American Legion appreciates the fact that you have held this hearing today, and that you are concerned about and listening to the interests of the family members especially and of the veterans organizations who have been heavily involved in the POW/MIA issue. I would ask in consideration of the lateness of the hour that my full statement be incorporated into the record, and I would be happy to briefly summarize on a few important points that we have set forth in it.

Mr. ACKERMAN. We appreciate that. Without objection, your entire prepared statement is in the record.

Mr. SOMMER. Thank you, Mr. Chairman.

The American Legion's position on the POW/MIA issue is a comprehensive one, and the one relating to specifically the embargo on Vietnam is and was that the American Legion opposes the lifting of the embargo until the fullest possible accounting of our POWs and MIAs has been effected. We felt that the embargo was the only leverage that the U.S. Government had to get real cooperation from the Vietnamese. However, as we all know, now the embargo has been lifted and I would like to express some of our concerns that we have now and what we are looking at into the future.

We are concerned about the cooperation that the United States will get from Hanoi. We had great concerns about the—well, we felt to be overstatements of Vietnam's cooperation prior to lifting

the embargo because there were a number of members of the administration and members of Congress, particularly in the Senate, prior to the debate who talked about how great Vietnam's cooperation was. And we agree that Vietnam had begun cooperating to a greater extent in helping move the Joint Task Force Full Accounting investigators around and help them dig through dirt at the crash sites, but that we term as logistical cooperation for which the Vietnamese were being paid. They were not doing it out of the goodness of their heart. And it is not meaningful cooperation in the sense that, as has been stated by previous witnesses, the U.S. Government knows that Vietnam had a great deal of information on some of our missing servicemen who have not been accounted for yet. We have asked for that information from the Vietnamese and there has been no response forthcoming from them on these particular cases.

That is what we call increased cooperation. We feel that the lifting of the embargo is a disincentive for any further cooperation on the part of the Vietnamese Government. We are concerned about the commitment to the U.S. Government and whether or not they are going to stay the course in attempting to reach the fullest possible accounting of our POWs and MIAs.

And I might offer a definition, because we are asked many times to define what we mean by fullest possible accounting. And the American Legion's definition, and it has also been adopted by some other organizations and some members of Congress, is that the fullest possible accounting is the turning over of live prisoners, the expeditious repatriation of remains of those who were killed in action or who died in captivity, or a valid conclusive report by the Vietnamese as to why neither of the other two are possible.

We are concerned about Joint Task Force Full Accounting and whether they are going to continue to excavate crash sites or if they are going to investigate some other important leads, including live-sighting reports and information on prisoners being buried outside of prisons after the war. We are concerned about the Defense POW/MIA office, and whether they are going to continue to refute evidence on cases as they have for 20 years or to have a new set of eyes take an objective look at the intelligence.

There is a great deal of intelligence in the U.S. Government files that needs to be investigated. And this, of course, is now coming to light because of the fact that a great many of these records have been declassified and people can now see what is in the records who—those of us who were not able to see them before because of the fact that they were kept under wraps. So the answers are all not in Hanoi. There are a number of them that can be gotten by investigating incidents and leads that are contained in our own intelligence files.

I think the greatest travesty of this whole issue is the way that the families of the missing servicemen have been treated over the years by the U.S. Government. One of our Government witnesses even admitted that they had been jerked around. And I think there is no question that they had been jerked around in the past and many are continuing to be treated that way now, in that they attempt to get records pertaining to their loved ones and much of the material that they receive has been so heavily redacted that what

they do get makes no sense whatsoever. In addition to that, as you have heard from some of the previous witnesses, and we have worked with many, many families and we know that many times they are not given information that is known to exist in the files.

We are also concerned about human rights. As the members of the subcommittee know, people who live in Vietnam have no religious freedom. They have no freedom of speech. Our former allies, the ARVN soldiers, are treated like less than human beings. In the last three trips that I have made in the last 3 years to Vietnam, I have made it a point to try to talk with some of our former allies on each occasion—on each occasion when we are in the South and they are not afforded the same rights that other citizens are in Vietnam, and that is meager as they are in such an autocratic society.

Human rights—I was in a television program earlier this week and the person who I was debating with, when I brought up Vietnam's despicable human rights record, said, "Oh, but the recent report has come out and it has improved so much over there." So a member of our staff was able to secure a copy of the State Department's report on human rights. And if there is any slight improvement that are noted in the report, they have come from the Vietnamese people ignoring the government, rather than the government relaxing its hold on the country.

Then, we get to the question of what has been learned from the Vietnam POW/MIA experience. And if anything has been learned with respect to the situation in Vietnam, it is that it must not even happen again. The American Legion has strongly recommended to the President and also to the Congress that the government immediately establish a national commission comprised of individuals including representatives of the major veterans organizations, to ascertain in any future conflicts involving the U.S. Armed Forces that American POWs and MIAs are accounted for, treated properly and released from captivity at the earliest possible moment.

Also, today's members of the armed forces have no protection if captured by a hostile force. Therefore, the American Legion has recommended that the Executive and the Congress seek appropriate changes to international law on regulations relating to prisoners of war and missing in action in order to protect both current and future members of the U.S. military services who are captured while participating in peacekeeping and humanitarian operations. At the present time, they are not covered by the Geneva Conventions or any other international law.

A case in point is Warrant Officer Michael Durant, who was captured in Somalia in October, 1993, was listed as a detainee, rather than a prisoner of war, and had no protection whatsoever. A similar and more tragic case was that of Marine Colonel Rich Higgins, who was captured by terrorists in Lebanon while serving as the United Nations observer and was executed in July of 1990.

The American Legion takes this issue very seriously and the protection of the members of our armed forces who are captured by hostile forces is of the utmost importance. Mr. Chairman, again the American Legion appreciates your interest in this very important issue and will be happy to answer any questions that you might have.

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

Mr. ACKERMAN. Thank you very much. We appreciate the fine work that you are doing as well.

Mr. SOMMER. Thank you.

Mr. ACKERMAN. You make reference to Colonel Higgins. Just anecdotally, after his assassination, I had called for the first time exercise of what we call the Long Arm Statute. Having suspicion of who it was that had ordered his execution and that person having been incarcerated in some other country, I called for, at that time, his extradition to the United States.

And the article that appeared in the paper, which so stated my declaration, had a picture of myself along with that article, which placed me on the hit list at the time of the gentleman, who is now in prison in New York, who has been—who had been declared at that time to have acted on his own in a different assassination, and is now implicated with all of those who have been on trial for the blowing up of the World Trade Center. So, I understand exactly where it is that you are coming from and with whom we are dealing.

Mr. SOMMER. Well, we certainly appreciate the action that you have taken on that and it makes it even clearer that changes need to be made to protect our people once they are captured by a hostile force in a situation such as that.

Mr. ACKERMAN. Thank you. We turn next to Ms. Anne Mills Griffiths, and we welcome you and thank you as well for your fine work and your wonderful patience today.

**STATEMENT OF ANNE MILLS GRIFFITHS, EXECUTIVE DIRECTOR, NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA**

Ms. GRIFFITHS. Well, thank you, Mr. Chairman and Mr. Gilman. I have been—keep trying to cut statements down, but I have provided actually two statements with the enclosures that I would like to—

Mr. ACKERMAN. All of the material that you have and wish to submit will be part of the permanent record.

Ms. GRIFFITHS. OK; good. Since the League was formed in 1970, we have worked through five successive administrations and now into the sixth. And as we have made public for years, we had two concerns: one was Vietnam; second was the United States.

From testimony in 1982, forward, we felt that the United States was beginning to be serious and increasingly so, so we were able to focus just on Vietnam. And now, we feel like we are basically back to square one; that we again have two concerns: both our own government and the Vietnamese Government.

That is a sad state of affairs. But, I think it was pointed out earlier what Vietnam is getting for this—what has been termed by one of our witnesses here today as absolutely superb cooperation: the massive subsidies for field activities, great PR from senior officials of our Government, an end to U.S. opposition to international funding with loans, a trade embargo lifted, and a political liaison office established or to be established, and all of this in the name of our

relatives without Vietnam having to address the core of the issue since it is not being negotiated for by our own government.

Long-term field operations were discussed nearly 10 years ago. At that time, they were visualized as operations to commence when Vietnam had begun to respond unilaterally and in substance to return remains and provide documents which impact on all of the issues, including our highest priority, which is, of course, the live prisoner issue. I heard when Ambassador Lord said today about the focus on remains, and I could only say that the League has always believed, and still does, and I was glad to see you say the same, Mr. Chairman, that there should be simultaneous action on all of these fronts and they are not mutually exclusive.

But the current administration has not only put the cart before the horse, they are using the cart, Joint Task Force Full Accounting, as the excuse for why the horse cannot walk. I mean, it is getting to be rather ridiculous the amount of activity, the amount of money, and in direct proportion, the decreased results that are coming in terms of real accountability. Although history will undoubtedly prove us correct, it is small solace that when everyone is calling for healing and reconciliation, this virtual cancer exists that is not going to go away. And Mr. Tho was right and others have been right, there is too much evidence in the hands of the U.S. Government concerning what Vietnam could rapidly do, which is being ignored or dismissed by senior officials with the task of misinforming the public and misinforming the President.

It is not a conspiracy and coverup, so to speak, at least in our view, in the League's view, and it is not shredding of documents, outrageous as that was. But, it—we who care about this issue are being painted as irrational. Armchair strategists talk about the need to improve relations with Vietnam as a counter to the PRC, but that is really only a Vietnamese hope and dream, and a wish to try to use us. There are others who have said that they are lifting the embargo for us, the families, that we do not know enough to know any better. And still others, we are just simply providing political cover for the President.

Some believe lifting the embargo will improve human rights in Vietnam, and I guess a legitimate debate could be held on that. I believe it is doubtful, however, if Hanoi does not even believe that our own government is serious in accounting for our own servicemen and civilians. We opposed formation of the Select Committee, because we knew that some would use that forum as a catharsis for their own purposes. When we saw that the committee was formed, we tried to urge that they focus on Vietnam's knowledge and ability to rapidly account for hundreds of Americans. If the League had been listened to, we probably would not now be seeing all the moves toward Vietnam, while our own intelligence and database is being ignored. There was really never any significant focus on the core, the accountability, which John Sommer just defined.

My brief comments were necessary, in my view, to make clear that rational people have been deceived. Congress and the American people need to know it. The families are not alone in this. You see who is with us here today. There are also former government officials, some still in the government, who agree with this.

In the February 4 Los Angeles Times, they carried a piece written by Richard Childress, who was for 8 years at the White House in the Reagan administration, and by Carl Ford, who was 4 years in the Bush administration, both with significant responsibility. I would like to quote one paragraph, but have included the whole article in my testimony. This quote, "Despite the administration's assertions, Hanoi's record of stonewalling and cynical manipulation for more than 20 years cannot be ignored. It is demonstrated in the thousands of formerly classified documents on file at the National Archives. One finds in these files that the cooperation forced on the Vietnamese in recent years, including their handing over internal documents and photographs, instead of clearing the record, demonstrates persuasively that they are still holding back evidence on hundreds of Americans."

At our 24th annual meeting, Robert McFarlane made a presentation, he addressed the group, and some of his comments—his comments were very warmly received. And I would like to quote one paragraph of that, and this was in July of 1993: "Today, your government is going through the final stages of a process begun roughly 18 months ago that before the end of this year"—and he was wrong on the date—"will lead to the normalization of relations with Vietnam. If you were to ask the administration if that were true, the response would be, 'No, the President has stated that he will not normalize relations without the fullest possible accounting of our POWs and MIA.' That will be a lie"—said Mr. McFarlane—"for the evidence is clear."

This plan was well executed by the administration. If they had used half of the policy effort to get us answers, I am convinced many of us, some here in this room, would not still be enduring the uncertainty that comes with having a loved one missing.

But now the embargo has been lifted, unfortunately in our view, but we hope we are wrong. We hope that the best and the brightest, or perhaps the dumbest, have stumbled onto a successful strategy. History says they are wrong. But since our own political leadership has not even read the history of negotiations on this issue with Vietnam, they might not even recognize the history if they saw it.

One thing is sure: if the administration wants this strategy to work, I believe they must do several things now and I will only mention a few. They need to read the negotiating record, first of all, including the admission by Vietnam that they were storing hundreds of remains. They need to read the three U.S. intelligence assessments from 1987 to 1992 on which the United States based a 10-year long effort. Briefing charts, some of these were put into briefing charts, even including specific numbers that were briefed to foreign government officials in an effort to get them to help us by weighing in with the Vietnamese.

Our Government needs to quit treating the issue like a domestic one and recognize that Vietnam depends on them, officials in our own government, to continue doing exactly what they are doing. They need to recognize that Vietnam knows that the United States knows what they can do unilaterally, and that Vietnam recognizes the United States is dismissing that evidence.

Forthrightly, they need to say now that if the current approach is really being pursued for all of us, that diplomatic relations, MFN and other steps will not be put on the table without unilateral Vietnamese actions on what our own government knows they can do. They also need to instruct all government officials to measure accounting results in terms of remains identified, only remains identified, instead of all of those fragments or otherwise that are turned over. That was never done, ever before in the history of this issue, until now. But now, the Clinton administration has done it in two colors, because it looked too bad to have only three under 1993. So, they put it in two colors, but then they distributed it to the press corps, a xerox copy from which you cannot tell the difference. That is a deliberate attempt to distort public perception.

But, we can count, all of us here, and we know there has only been 11 in the last 2 years from Vietnam, only three since President Clinton assumed office. These are statistics that you seldom hear. But just yesterday in the Senate for the first time, I heard extensive detailed discussion by Ed Ross, who is here today, about what those 67 really mean.

There are other steps that can be taken. And there is some information that you can keep secret, or quiet, or at least for a time, if there were serious negotiations with a serious strategy. But there is no negotiating strategy to resolve the core of this issue. And I have encountered more secretiveness in the Clinton administration than in any since I came here as executive director in 1978. We believe that is no accident. To claim that all of the government classified files have been released is also untrue. The two—the assessments that I referred to have not been released publicly, neither have the diplomatic exchanges been released publicly or the negotiating record.

But we have learned to suspect and fear definitions, including the definition of progress. We just heard, yesterday and today in Mr. Ross's testimony, that already DOD is redefining the President's stated criteria and changing those criteria. Definitions can be very important. Because when I met with the President just before the IFI decision, he assured me that if he decided to move on the IFIs, not one step forward—these are his words—not one step forward would be made to lift the embargo or normalize political relations without progress on POW/MIA. Again, the bureaucracy's definition of progress; it is very different from ours.

But with what we have gone through over the years, some of which you heard today, I think you can understand not only the frustration we feel with the lack of straightforwardness by our own government and certainly the lack of full cooperation, despite the statements of Admiral Larson, Ambassador Lord and others, but particularly Admiral Larson, the uniform military commander in chief of the Pacific, to state that Vietnam, in his view, is "Not holding anything back." Now, I know he either knows better and was ignoring it, or is ignorant of the facts. And he is a brilliant man who usually—certainly has a responsibility, if nothing else, to know the facts.

But now, you can understand, I think, why we are so concerned about the direction things are taking, and why we have such a lack

of trust and confidence in what we are hearing. Thank you, Mr. Chairman, and I am sorry I took so long.

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

Mr. ACKERMAN. We are sorry it took so long to get to you. The Chair is going to apologize, but I, too, have to make a flight. We are not going to conclude this hearing. Mr. Gilman will take the Chair. But, if we can—can we do this? Can we hear for about a minute from Mr. Burch and a minute from Mr. Terzano, and essentially get the flavor of this. I will read every word and the staff will go over it. Mr. Gilman will be here. And then we will come back to both of you and Mr. Gilman will flush out some questions that we have.

Mr. BURCH. And our remarks will be fully put in as if we had given them, if we had read them—they will be fully put into the record? In other words, what we—the testimony—

Mr. ACKERMAN. We will put your entire statement in the record, and whatever you say is being recorded as you say it.

**STATEMENT OF J. THOMAS BURCH, JR., PRESIDENT,  
NATIONAL VIETNAM VETERANS COALITION**

Mr. BURCH. Mr. Chairman, taking advantage of a couple initial penultimate points. Without repeating the type of things that have already been said in the past, one of the tragedies of the timing of this lifting of the embargo was the effect that it was having on—we believe to have on a democracy movement that is taking place in Vietnam right now, some of which is not fully publicly reported.

In particular, there is an emerging reformist leader named Hoang Viet Cuong, who is the chairman of the Vietnamese National Coalition of Parties, who is a leading reformist leader. They have been a source of a lot of information for us of what is happening in Vietnam, including, I continue to believe, that men are being held captive against their will in Southeast Asia. Most recently we believe that the Vietnamese have moved these men to primarily Sam Nuehy Province in Laos. We know if they are in Laos, they are under the control of the Vietnamese army. That is what we believe. We feel like there are almost no men left in Vietnam today, at least that is my movement, the way we feel about it.

Now, according to these reformist leaders, that what was happening in Vietnam when the current prime minister, a Communist leader, did not get a full lifting of the embargo in September, that this greatly undercut his position and the reformers felt maybe this was time to change—make some changes in the government; and frankly, to come forward with the live POWs, which we are primarily interested in, and deal with the human rights problems. And this was actually emerging and at the time—being debated at the recent party Congress in January, which has been in the newspapers. And even the *Washington Times* picked up there was some type of reform movement going on, that the reformer seemed to be coming to power.

The lifting of the embargo greatly undercut the hand of the reformers to come to an ascendancy in that country. We believe that that reformist movement will come to power this spring, notwithstanding that. And I noted—might comment on your—I notice you

have a bill—a resolution. I favor that resolution, Mr. Chairman, as to, you know, the offices and the conditions. But, we would rather have the timing of that so that the reformist movement might be able to get credit for that, and that is what they needed with this embargo. So that is another thought.

Last thing, Mr. Chairman, the problem here is with the Defense Intelligence Agency and the Department of Defense, they have got over 500 people working on this, but they have only got a handful looking at these live-sighting reports. I went to a briefing yesterday, and they only planned in the next 4 months nine investigations. They have over 10,000 reports and 1,500 live sighting—first-hand reports they should be looking into now they have access to that country.

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

Mr. ACKERMAN. We will hold their feet to the fire.

Mr. BURCH. If I could say one last thing, I ask this committee to look into the Laotian situation because usually your subpoena powers—

Mr. ACKERMAN. We will come back and keep you another 5 hours.

Mr. BURCH. I understand, Your Honor—excuse me, not Your Honor, I mean, Mr. Chairman. Excuse me.

Mr. ACKERMAN. That is OK. We do not want to cut you off—

Mr. BURCH. I know.

Mr. ACKERMAN [continuing]. and these microphones are going to remain open. I just want to just make sure that I am here for part of at least of what everybody has to say. And Mr. Gilman has generously agreed to stay all night if necessary. Is that what you said?

Mr. BURCH. Thank you, Mr. Chairman.

Mr. ACKERMAN. And I understand from staff that you, too, have a marvelous program that runs in Cambodia for prosthetic devices.

Mr. TERZANO. That is correct, which is run by Vietnam veterans, I may add.

**STATEMENT OF JOHN F. TERZANO, PRESIDENT, VIETNAM  
VETERANS OF AMERICA FOUNDATION**

Mr. TERZANO. I will be very brief with my oral statement.

Mr. Chairman, 1 week ago, in a very courageous and historic move, President Clinton, with the stroke of a pen, brought to an end 30 years of both armed and economic warfare between the United States and Vietnam. This hearing, Mr. Chairman, is focused primarily on the issue of MIAs and how it relates to U.S.-Vietnam relations.

Over the years, this issue has been virtually the only issue which has defined our relations with Vietnam, but is not the only issue which should do so. Fortunately, the President's decisions of last week opens not only a new door in U.S.-Vietnam relations, but to bring about the resolution of other compelling issues which have been held hostage for too long.

I believe, Mr. Chairman, that for too long in the United States, we have allowed our hearts and minds to remain captured by the war. An entire generation of American and Vietnamese children have grown up with little more than negative stereotypes of each other. Now, I believe we can begin the process to change those per-

ceptions. I touch in my written testimony, Mr. Chairman, on the issues of human rights, the MIAs, trade, claims issues, etc.

I would like to conclude very briefly by stating, once again, my firm conviction that the President's decision to lift the embargo was the right decision for our Nation. And I am very proud as a veteran of that war to have played a very small role in finally bringing an end to America's war with Vietnam. Now is the time, I believe, for healing, not only between the people of Vietnam and the people of the United States, but also between those of us in our country who have allowed the war to divide us still.

Mr. Chairman, I have spent the past 16 years of my professional life dealing with the consequences of that war, not only on our Nation's veterans, on our nation's psyche, but also on the people of Vietnam, Cambodia and Laos. And, Mr. Chairman, I can finally say, with a lot of conviction and with great pride, that I believe that there is a light at the end of the tunnel and it is peace. Thank you.

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

Mr. ACKERMAN. Thank you very much. We are going to continue with both of you and then the entire panel. But let me—let me just add my note here that this decision has now been made. Let us work together. Whatever we think of that decision, whether we are neutral on it, whether we think it was not the most appropriate, or whether we thought it was indeed the best way to meet our objectives, that what we do now is we join ranks together, find out how to leverage this decision for whatever it means to get the fullest possible accounting from the Vietnamese. And let us pledge on this committee, at least, that we are going to be working with you to get the truth from our own government as well.

And I want to thank you all for your patience and at this point, ask Mr. Gilman to please take the Chair.

Mr. GILMAN. Thank you, Mr. Chairman, and we wish you a safe trip.

I want to thank the panelists for your patience to stand by right till the end here. And we did cut you off, Mr. Burch, so why don't you proceed with your—the balance of the statement that you would like to pursue before us.

Mr. BURCH. Thank you, Congressman. I would like to just wrap up with something we would ask this committee to do, because you have the powers and the Senate Select Committee now does not have the powers because it is nonexistent any more.

There is some unfinished business. And even most recently in January in the *Washington Post*, the administration admitted that there were—there was a high probability that the Americans were being detained against their will in Laos. That was in the *Washington Post* the first week in January. And that is where we think they are. We think that they are being held not only by the—some of the warlord types from the Patho Lao, but also we feel like the Vietnamese moved most of who they have into the provinces of Laos. And so, we think that is the focal point.

We would ask that—

Mr. GILMAN. Let me interrupt you, Mr. Burch.

Mr. BURCH. I am sorry.

Mr. GILMAN. Do you have any specific information that that occurred?

Mr. BURCH. Yes, sir. As a matter of fact, I do. My two best sources for that are frankly the analysis that Congressman Henden has made—I am going to give you two of them—that is one of them. And we would—one of the things we would ask is this committee get his 1-hour briefing where he has put this information down after we got these reports. He put them on a cluster map and we can show you where we think we are after we got these DIA reports declassified.

Our second source of information is a submerging resistance leader—I mean reform leader—he is not a resistance leader, reform leader—Hoang Viet Cuong, who I talked to yesterday from Asia. And he tells me that these generals have admitted to him they are holding them in Vietnam—I mean, holding them in Laos. And I think that you would be able to confirm with—if you got the intelligence people here, that this fellow, Hoang Viet Cuong, who you hear me talking about is, in fact, a major reform leader and he is in a contest with Prime Minister Kiet for who is going to run this country right now.

He is certainly in a position to know by the people that he is having—there is a split in the Politburo right now going on over all of this, whether they should give us these people or not. We took a real stab when they lifted the embargo while this debate was going on. But, he has told me, and I believe him, and I have worked with him for 3½ years and that is part of the reason we get information. It makes us believe these people are still being held captive against their will.

Mr. GILMAN. Mr. Burch, was this information passed on to our DIA people?

Mr. BURCH. We do not trust the DIA whatsoever. The worst thing—the DIA knows, but they would rather use that to try to thwart the person that comes into power. They would rather work with the Communist people because that is a known quantity than a known leader coming to power. We actually think that Bob DeStad over there has picked that information up and was actually undercutting the—at least the reformist leader thinks that Bob DeStad over there was undercutting his position; let us put it that way. That is what he thinks.

Mr. GILMAN. Again, let me repeat my inquiry. Was the specific information that you have just related to the committee passed on to the DIA in any way?

Mr. BURCH. No, but I did pass it on to members of the National Security Council, with the President before he made his decision.

Mr. GILMAN. And who was that directed to?

Mr. BURCH. Congressman Gilman, I would be very pleased to give you that piece of information if we could be off the record, because I promised the official when I met with him and presented this information, and I am including a letter from the individual about it, that I would keep his name out of public a hearing. And I would be pleased to give it to you after this hearing.

Mr. GILMAN. And was that done in writing? Did you pass that on—

Mr. BURCH. I gave him a letter from that individual in writing where he asked the resistance leader—the reform leader asked to hold back the embargo for about 60 days so that reform movement could get the credit for it because they were coming to power. I gave him a letter which I was told it would be given to the President of the United States.

Mr. GILMAN. So that the reform movement could get the credit for lifting the embargo?

Mr. BURCH. Right. They were coming to power and they needed to give themselves—this was part of the package they felt that the reform movement could mobilize, could get the veterans community behind them. They could deal with the POW issue to our satisfaction. I think they would have dealt with it to our satisfaction. And they were coming to power and they wanted the Communist regime not to get credit for lifting the embargo, who wants to stay in power. And it is a power play going on. Right in the middle of this power play, the President lifts the embargo.

Mr. TERZANO. Mr. Chairman, if I may.

Mr. GILMAN. Yes.

Mr. TERZANO. I got to speak up. There has been a number of people that have worked this issue for a lot of years. And there have been a number who have done it very responsibly, who I have tremendous respect for, who I disagree with in most instances in terms of their conclusions.

But, you know, I get tired, as a Vietnam veteran, as one who has worked this issue, as one who has worked to try to bring about reconciliation, of people bringing up once again baseless claims, baseless accusations and refuse—outright—refuse to give the information when you, this committee, other committees and other reputable people have asked them for the information. And I get tired of them saying that this stuff is absolutely true, when it just is not. If you got the information, then put it on the table so everybody can take a look at it.

Mr. BURCH. I do not mind giving you the letter that I got from this individual that was delivered to the President.

Mr. GILMAN. Would you mind if we made that part of the record?

Mr. BURCH. No, I do not.

Mr. GILMAN. All right. Do you have the letter with you?

Mr. BURCH. I do not have it now. I will get it to you, Mr. Chairman.

Mr. GILMAN. You will submit it—

Mr. BURCH. The letter is to me signed by that individual, and it was transmitted to this National Security person. He is on the National Security Council. You will know him. I will give you his name.

Mr. GILMAN. And who wrote the letter?

Mr. BURCH. Hoang Viet Cuong, the person that we believe will be the next prime minister of Vietnam.

Mr. GILMAN. All right. Without objection, we will make that part of the record at this point in the record when you submit the letter. Thank you.

[The information appears in the appendix.]

Mr. GILMAN. Did you want to continue with any further information, Mr. Burch?

Mr. BURCH. That was my point. I would like this committee to further explore the situation in Laos since you have the subpoena powers to do so.

Mr. GILMAN. Well, I am sure that we will give—make certain the letter is looked at properly. Have all of the panelists now presented their full statement? Let me ask you—

Mr. SCHULTZ. Woodcock, we have said enough.

Mr. GILMAN. All right. During the course of the hearings today, and I am just sorry I had to run in and out because of the floor work and our other committee work, it was suggested that maybe what we need now is a commission, and I hate like the devil talking about new agencies, and new committees and new commissions. But what are your thoughts? Do you think a commission can pursue this avenue further, since we do not have any official body outside of the governmental agencies to pursue, do you think a commission consisting possibly of partially members of Congress and some independent people outside of the government realm might be appropriate to further pursue the issue? And I welcome all the panelists.

Mr. Schultz, what are your thoughts about it?

Mr. SCHULTZ. Well, Mr. Gilman, the DAV several years ago felt that we should have some sort of Presidential commission to look into that. That was at the time when they established the Select Committee in the Senate. We still—

Mr. GILMAN. You recall where you had a commission. I think it was the Woodcock Commission, was it not? Was that not a Presidential commission? I think Ms. Griffith worked with them for a while, if I am not mistaken. But go ahead, Mr. Schultz.

Mr. SCHULTZ. Well, just to briefly say, I believe that we certainly would support another commission to take a look at this out of the White House.

Mr. GILMAN. Mr. Sommer, how does the Legion feel about that?

Mr. SOMMER. Mr. Chairman, the American Legion has as part of its comprehensive policy resolution on this issue a recommendation that such a commission be established and that it include representatives of the veteran community, as well as other people who are well-versed in this issue.

Mr. GILMAN. And you think some good could come out of that?

Mr. SOMMER. Yes, we do, sir.

Mr. GILMAN. All right. Ms. Griffith.

Ms. GRIFFITHS. Well, I think—

Mr. GILMAN. How do the families feel about this?

Ms. GRIFFITHS. We have a—the last time this was considered, of course, you know from your long history with us, we have gone through Presidential commissions, Select Committees, more Presidential emissaries, more Select Committee proposals. The last one was that Ross Perot lead a Presidential or a special commission. Our Board voted that down unanimously.

Mr. GILMAN. Was that recently?

Ms. GRIFFITHS. Yes, that was in September, I believe, of this—of last year. But, really, it would have to depend on the charter and the people on it. And the reason why is there is no committee or commission comprised of Americans who can actually give us the

answers. Those are still going to be held by the Vietnamese, the Laos or the Cambodians; mostly the Vietnamese.

So, we have too often seen that a committee will say they are going—they are going to determine once and for all if anybody is alive. Well, you cannot determine that once and for all unless you know everything the Vietnamese and Laos know. So this is what concerns us. But invariably, that is the focus they get away from, just as the Select Committee did, the core problem of keeping the pressure on the Vietnamese to provide answers, including 85 percent of the cases in Laos and almost all of the last known live discrepancies in Laos. So, it will be another decision if the proposal came up.

And, you know, I could sure bring it to the Board and ask them to consider it again, if there is a serious effort to establish one.

Mr. GILMAN. My thought is that once we have lifted the trade embargo now, the main concern that all we will have is oversight to make certain that Vietnam is going to be cooperative and do what should be done and who—

Ms. GRIFFITHS. What we would like to see is—I mean, you served as chairman of the House Task Force on POW/MIA for a long time. We had urged earlier that a bipartisan task force of interested Senators and House Members—it does not have to be all House—but interested who would serve that purpose and have a committee structure through which they could work. Because, they certainly need oversight; absolutely need oversight on this issue.

Mr. GILMAN. I am inclined to think that the administration might welcome some vehicle of that nature, the Senate Select Committee having just concluded its work; previous to that, the House Select Committee having completed its work now. Maybe what we need is a new commission to do oversight.

Well, let me ask, Mr. Burch, what are your thoughts about that?

Mr. BURCH. Well, I am—I have to say that I would like to have that work continued on. And I agree with Ms. Griffith, as the first critical thing is who is going to make—you know, be on the committee. You have got to have the people that you have confidence. If you do not have confidence in the people they put on there, we are not going to accept the result.

The second thing is whatever commission or committee is set up, must have subpoena power. If it does not have subpoena power, it cannot do anything; and I mean, enforceable subpoena power.

Mr. GILMAN. Thank you. Mr. Terzano.

Mr. TERZANO. Mr. Chairman, as you said, there have been Presidential commissions. We have had a Senate Select Committee which did an exhaustive study. The House has had its own task force, as has been noted. You know, I think people have to take a step back. As Mr. Ackerman said, the President made a decision last week. We now have a new policy in place. And in 1 week's time—you know, we have got to give this new policy a chance.

There has been a lot of criticism of the President's decision. There is a lot of disagreement. That is people's right to do so. But at least give this thing a chance. Let's let this process move forward. Let us see if the Vietnamese will remain committed to this process. I think that too much money and too much attention has been given in the past to commissions, let us let this process work.

Mr. GILMAN. Well, I do not think any of us are thinking about interrupting that procedure, the process. I think what we want to do is just what you are talking about, to make certain it does work—

Mr. TERZANO. Well, there is—

Mr. GILMAN [continuing]. and to keep an eye on whether it is working.

Mr. TERZANO. You have this subcommittee here. You already have the authority to provide oversight on this issue. The same thing with the Senate and its subcommittee on East Asia and Pacific Affairs. And with the commitment of people like yourself and Mr. Ackerman, you know, I do not see how any Presidential commission or anything else that can be established is going to do any more—provide any more oversight than what you people already have and I am sure will continue to provide.

Ms. GRIFFITHS. If I could just add—

Mr. GILMAN. Mr. Terzano, excuse me a moment if I might, the problem with just leaving it up to subcommittees, and while they are effective, all of our subcommittees have so many issues before them that they cannot concentrate solely on one issue; whereas a commission can spend its time, and concentrate on the issue, and undertake some expeditions and missions overseas, and garner as much information as possible. Subcommittees will look at an issue from time to time, but do not concentrate, for example, like the Select Committee did in years gone by, and even they were not able to concentrate and give their full attention to all of this.

So, I am thinking, and I am thinking out loud with you, that maybe a commission might be the best way to ensure future oversight on the future—our future relations with Vietnam, with Laos, with Cambodia with regard to the issue. I interrupted you, Ms.—

Ms. GRIFFITHS. No, I was just going to say that I certainly agree with one thing, and I agree really with a lot of things that have been said here, but there needs to be a very definite ability to closely monitor. With the distortions that we have seen, and I think Mr. Sommer referred to them, we have seen them from General Needham, we have seen them from a whole spate, a very well orchestrated plan here to commend where it was not due.

Quite frankly, I think I could have lived with it better as a different approach if the President simply announced that he thought this would be better and that he is disappointed with the results so far, and had been honest enough to say that, rather than really trying to manufacture cooperation that did not even meet his own criteria. So, I think there needs to be monitoring and providing there were people that had, you know, knowledge, integrity and credibility on the issue, I—you know, there would be a different set of circumstances now, say, than there was before when the Board considered it at that time.

Mr. GILMAN. Any other comment by the panelists?

[No response]

Mr. GILMAN. Let me ask this question: Are the families still being advised from time to time when any additional information comes forth affecting the family?

Ms. GRIFFITHS. Well, the Defense Department is proud of saying on JTFFA's behalf that there have been thousands of reports—I

think it was 5,600 in the latest testimony—provided to the families within the last year and the families do welcome all information. But, I think it is important, and they do not point out, that in almost every case, it is simply that they have been out and they have looked, or they have visited, or they surveyed or whatever, and the case—the report comes back and recommends that the case go into a “pending category.” They do not say pending what.

And we were there when Carl Ford explained what pending means—that after careful review, after every investigation, and he wanted to make sure every case was investigated, that the outcome of that initial investigation would say, “pending unilateral repatriation remains by Vietnam” or “pending unilateral provision of records” or “pending further investigation.” We are getting lots of volumes of reports. They just do not say anything. And as they put it in JTFFA, their purpose and their plan was to “roll through Vietnam.” We do not need rolling through by even hardworking, dedicated people out in the field. They are risking ill health and all sorts of things.

But, we need experienced, capable, surgical and professional case-by-case kinds of interview investigations and then, where warranted, excavations. But in Vietnam, most everything in the country that was to be excavated, other than in very remote areas, has already been excavated and recovered, unlike Laos or Cambodia. So, it is—you know, I get—I am not interested in hearing about, talking about 500 people. Well, I would rather have 25 skilled, experienced, committed, language capable experts, than 350 people who do not have the knowledge to be able to deal with the Communist cadre with whom they are dealing.

I mean, those people go back clear—they have total continuity in their government, and you know how many times I have been there. Even in their Vietnam Office for Seeking Missing Persons, there has been consistency all the way through. And these are people that were in Paris, some of them.

Mr. GILMAN. How many times have you been to Vietnam, Ms. Griffith?

Ms. GRIFFITHS. We just figured that out: 12; 12, yes.

Mr. GILMAN. And you went over with a couple of the commissions, as I recall.

Ms. GRIFFITHS. I went on all of the official delegations that were policy level from 1982 to 1992. In 1982, went with the League solo delegation, which sort of broke things open a little bit in Vietnam and Laos. But right now, we are—actually, we are planning and have requested a trip to Vietnam, both governments, Vietnam and the United States, have urged to families to go and look for themselves. So the Board voted that the League should again send a delegation—send a delegation, which we did not do while we were supportive of the government-to-government process, mainly while we were getting answers; we were getting accountability. We are not getting accountability now.

So the Board voted that we should send a delegation. I notified the White House on—let us see—Monday after the Board made the decision, which would have been January 31, before the embargo was lifted; made the request to the Vietnamese on February 1. Unfortunately, we have not yet heard anything back, but the Presi-

dent went ahead and lifted the embargo. So, I think that Vietnam's response in this case may be—and our own government's facilitation, may be an initial indication of the seriousness of both governments.

Mr. GILMAN. Mr. Terzano, do you say the Vietnam veterans have been sponsoring a humanitarian effort in Cambodia, did you mention that?

Mr. TERZANO. Well, my organization specifically, Mr. Chairman, has a prosthetics clinic in Cambodia, which is run by Vietnam veterans, where we are manufacturing limbs and wheelchairs, and also training Cambodians. Thousands of Vietnam veterans have traveled back to Vietnam over the last decade; many have begun their own philanthropic and humanitarian efforts. As was noted at the outset of this panel, the Disabled American Veterans and the American Legion have helped sponsor a Vietnamese Assistance—what is the organization called, John?

Mr. SCHULTZ. Vietnam—

Mr. TERZANO. Vietnamese Assistance for the Handicap, and they have been providing support for prosthetics in Vietnam. My organization is looking to open up a—hopefully an orthotics program in Vietnam in the next several months.

Mr. GILMAN. Mr. Terzano, with relation to your work in Cambodia, have you had an opportunity to discuss our MIA/POW issue with any Cambodian officials? I think we have gotten very little information from the Government of Cambodia, whatever government it may be at the moment.

Mr. TERZANO. When we first traveled to Cambodia back in 1984, we had discussed that issue with then Prime Minister Hun Sen. Since we have opened up our clinic in 1991, there has been a U.S. presence—government presence in Phnom Penh. And we have been firm believers that as long as there is a government-to-government process going on, that it is best for them to deal with that. And Charles Twining, who is now the Ambassador to Cambodia, has been dealing with it. And I cannot remember when the MIA team went in there officially.

Ms. GRIFFITHS. I can. On Cambodia, they will shortly have investigated, at least one time, the 39 incidents involving 78 unaccounted for Americans. The Hun Sen Government, prior to the new government, was increasingly cooperative, particularly as the U.N. presence came in. They have allowed U.S. helicopters to be flown around the country transporting our teams. They have been fully cooperative. The current government is.

It is hard to find things in Cambodia due to the—you know, there is not heavy population; they are mostly in areas that were controlled by the Vietnamese. Ninety percent of the cases—90 percent of the 78 were in areas controlled by Vietnam, so Vietnam would have records or eyewitnesses. But the Cambodians, themselves, have tried in every way to facilitate these investigations.

My concern is that once JTFFA has visited or surveyed or whatever, investigated, that they will decide they have rolled through and leave. And they have already made noises about leaving; that they have—you know, that they have been there and they have done it. There are many more things that they need to do.

Mr. GILMAN. I have been informed that there are a few sites that are controlled by the Khmer Rouge and there has been a problem of getting into those sites. Mr. Terzano, how many patients have benefited from your project in Cambodia?

Mr. TERZANO. To date, Mr. Chairman, in the just over 2 years which we have been operating, there has been close to 2,000 patients which have received limbs and wheelchairs. And unfortunately, we are seeing right now on an average of 120 to 150 new patients come into the clinic every month.

As I am sure you are aware, one of the main problems in Cambodia is the problem of land mines. There is an estimated 6 million to 10 million land mines still on the ground in Cambodia, and they are still wounding and maiming and killing people on a daily basis; one of the most horrendous things that I have ever seen. In fact, Cambodia has been labeled proportionately the most disabled society in the world.

Mr. GILMAN. And who are the physicians who help you with your project? Are they Americans physicians?

Mr. TERZANO. We have Cambodian doctors who work with us. Our technicians are from India. The type of prosthesis that we use was developed in Jaipur, India. We have brought over Indian technicians to help train the Cambodians. The program, itself, was set up by two Vietnam veterans, both double amputees, and one of them, himself, a prosthetist.

Mr. GILMAN. I want to commend you for your effort.

Mr. TERZANO. Thank you.

Mr. GILMAN. And you say the American Legion is involved also in this effort?

Mr. TERZANO. No, they are involved in Vietnam.

Mr. SOMMER. The American Legion is in support of a program called Vietnam Assistance for the Handicap, which is run out of McClean, Virginia. But, it has two clinics in Vietnam, in the South. About 70 percent of those individuals who are helped with prostheses are former ARVN soldiers.

Mr. GILMAN. Again, I commend the Legion for its efforts. Well, I think we have overstayed our welcome here in the Foreign Affairs Committee. I think our staff people are getting a little hungry out there. And I want to thank you for your patience and for giving us the benefit of your thinking.

I still think we should be taking a good hard look at the possibility of having a commission, and we will explore that. I do not think we should allow this to go unattended. And that is not, Mr. Terzano, to interfere with any of the good that may come out of what has been accomplished by lifting the embargo, even though I may have some criticism of that. We certainly want it to be beneficial. But, I do think we—it does need some oversight; more oversight than maybe a subcommittee can render from time to time by having a steady look at this whole process. And God knows there are enough things that have to be pursued, enough evidentiary material and enough questions out there that should be fully pursued.

Again, we thank you, panelists, and the hearing will stand adjourned.

[Whereupon, at 7:14 p.m., the subcommittee was adjourned.]

## APPENDIX

TESTIMONY OF ROBERT G. TORRICELLI  
HOUSE FOREIGN AFFAIRS SUBCOMMITTEE  
ON ASIA AND PACIFIC

2/10/1994

Thank you Chairman Ackerman for holding this hearing and affording me the opportunity to testify. The issue of missing US service personnel is one that cannot be allowed to go away now that President Clinton has lifted the embargo. It is now even more imperative that we step up our efforts to aggressively pursue all possible means to pressure Hanoi to resolve any and all outstanding cases of missing servicemen. I am hopeful this hearing will assist us in finding ways we can continue to pressure the Vietnamese now that the embargo has been lifted.

With the lifting of the embargo, it is only a matter of time before a full normalization of relations with Vietnam will occur. It is my hope that the President will proceed with extreme caution to the next level of recognition. In addition to a greater display of cooperation by Hanoi on the POW/MIA issue, I also feel that there are other outstanding issues which must be resolved before we can normalize relations with Vietnam.

I am here today to not only give my full continued support to the families of POW/MIA's in their quest for a full accounting of their loved ones, but also to speak for the many American citizens who possess legitimate claims against the government of Vietnam for property that was seized without compensation.

After the fall of Saigon in 1975, the Vietnam government expropriated all American property and never compensated the victims of this confiscation in a clear violation of international law. These assets included real estate interests of both corporations and individuals, personal property, bank account balances, and natural resource concessions. Many of these claimants remained in Vietnam at the specific request of the U.S. government. Not only did the U.S. government originally encourage investment into South Vietnam, it also urged these investors to stay on longer than many would have liked.

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 the question of Vietnam claims. Starting in 1980, the Commission took six years to painstakingly receive testimony and conduct hearings to determine the validity of these claims. After hearing 534 claims, only 192 were found to meet the extensive evidence requirements of the commission. These awards had an aggregate total principal value of almost \$100 million. The Commission allows for 6% simple interest bringing the modern day total to over

\$200 million. These claims are legally valid and recognized by the United States government.

Fortunately, the United States controls the means to achieve an equitable settlement to these claims. In 1975, the Office of Foreign Assets Control issued regulations, pursuant to the Trading with the Enemy Act, that froze all assets of the South Vietnam government in U.S. financial institutions. According to a 1983 OFAC survey, the total value of these blocked assets at the time exceeded \$150 million. It is reasonable to assume that the aggregate amount of blocked assets is now at least \$200 million. Whatever the exact amount of the claims and blocked assets, it is clear that there are more than enough funds to cover the full amount of the claims. I believe this is the first time in history where this is the case.

At the same time, I am urging the Administration to take prompt action on these claims, I would also urge it to refrain from negotiating these claims in conjunction with the United States government's own set of claims against the Vietnamese government. The dollar amount of government claims is unknown and to jointly pursue the claims would greatly jeopardize the satisfactory resolution of individual claims and would be contrary to State Department precedent.

The historical practice has been to negotiate the public and private claims separately. In fact, a 1980 GAO report that urged Vietnam claims to be jointly pursued was strongly opposed by the State Department. In fact the State Department reported that "Adoption of the GAO recommendation would make it extraordinarily difficult in many cases to conclude settlements of private claims on terms acceptable to the claimants and the Congress".

I would also urge the Administration to seek the full value of the claims of private citizens. Historically, the Department has weighed several factors, including the strategic importance of reaching an agreement with the country, the morality of obtaining justice for U.S. citizens, and the availability of funds to satisfy the claims to determine the percentage of claims settlement. In the present case with Vietnam there would appear to be no legitimate reason why the Department would accept a figure that is less than the total principal and interest of the awards. There exist sufficient funds to satisfy the claims, the claims of the U.S. citizens have been adjudicated, and there is no strategic importance to justify accepting a lower settlement.

The U.S. government is the sole representative of our citizens' claims and has an obligation to them to reach the fairest possible settlement. These citizens have no legal recourse outside of the government's action. I urge the Clinton Administration to be as responsive to these citizens as they were to the government twenty years ago. We must forcefully assert the right of American claimants to full compensation.

The Clinton Administration has argued that the Vietnamese have been sufficiently forthcoming with information about our missing servicemen to justify a lifting of the trade embargo. We must demand that they also be cooperative with respect to compensating the Americans whose assets they seized. Until they are so forthcoming, we cannot consider a full normalization of relations.

STATEMENT OF  
William E. LeGro  
2018 Maleady Drive  
Herndon VA 22070

Concerning POW/MIA affairs before the Subcommittee on East Asia and Pacific Affairs,  
Foreign Affairs Committee, United States Congress, 10 February 1994.

My credentials to address the POW/MIA issue are as follows:

- o From April until the end of December, 1993, special assistant to Major General Bernard Loeffke, the director, *Task Force Russia*. The Department of the Army organized *Task Force Russia* to support 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 American POWs who may have been taken into the former U.S.S.R. following World War II, from the Korean theater of war, from the Indochina War, or taken captive during Cold War incidents. (The task force was reorganized, General Loeffke retired, and my position was eliminated.)
- o During February and March, 1993, was engaged by The American Legion to analyze, summarize, and write a report on the final *Report, Select Committee on POW/MIA Affairs, United States Senate*.
- o From February 1992 until January 1993, was an investigator on the staff of the Senate Select Committee on POW/MIA Affairs. Was a member of the team that concentrated on "live sightings" and later prepared the hearings on World War II, Korea, and the Cold War. Selected the sites for "live sighting investigations" for the committee chairman during the November 1992 visit to Vietnam and independently conducted an investigation that ranged from Saigon to Pleiku.
- o As a private citizen, followed POW/MIA matters closely from 1986 and became associated with POW affairs researchers, authors, organizations, family members, and interested congressmen. For example, in 1987 consulted with Congressman Frank McCloskey (Indiana) on a strategy for dealing with the POW 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 at the highest level.
- o From 1975 until 1977, wrote, for the U.S. Army Center of Military History, *Vietnam from Cease-fire to Capitulation*. This book is widely regarded as the definitive military history of this period of the war.

- o Returned to Vietnam in 1972 and served as director of training, the U.S. Army Advisory Group until ordered to organize and head the intelligence branch, Defense Attache' Office, Saigon. Performed this duty, and the additional duty of chief, operations, plans and training, until the evacuation of Saigon, 29 April 1975. These assignments enabled me to travel widely throughout South Vietnam and I became familiar with the terrain and military situation in most of the provinces. As chief of intelligence was the senior American military intelligence official in Vietnam, and I processed a number of reports of American POWs still in captivity in the South.
- o Following graduation from the U.S. Army War College, was assigned to the faculty as director of Asian and Pacific Studies. This enabled me to maintain my interest in the history, politics and military affairs of the region.
- o For one year, during heavy combat with enemy main forces during 1966 and 1967, was G2 (principal intelligence staff officer) in the 1st Infantry Division, *The Big Red One*.
- o Was assigned to the *The Big Red One* following duty on The Army Staff as desk officer for Indochina in the international plans and policy directorate, plans division, office of the deputy chief of staff for plans and operations (DCSOPS). In this assignment I handled all JCS actions involving the war in Indochina for the U.S. Army Chief of Staff.
- o Sent by the Army to earn a master's degree at The American University in Washington D. C. in 1963. International relations studies centered on international law and the history, culture and politics of southern and Southeast Asia. Thus began my special interest in Vietnam and the rest of Indochina.

Relations between the United States and the Socialist Republic of Vietnam (SRV) 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 SRV has cooperated to the fullest extent possible and that normalization should proceed with the lifting of the trade embargo. The president has accepted this advice and the embargo has been removed.

Unfortunately, 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 (DRV)*, as a matter of policy, kept hundreds of American POWs in separate facilities, out of communication with the POWs 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 to this day. 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, abandon the missing American warriors and the hopes of their families is unconscionable.

Stated as briefly as possible, my view of the background of the Indochina POW/MIA situation is as follows:

During February and March, 1973, in operation *Homecoming*, the DRV released to United States' control 591 American POWs. This number included men held in the DRjV prison system in and near Hanoi, a few released by the *National Liberation Front (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. All American officials concerned with the matter, civilian as well as military, 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 U.S. national policy became, "They are all home." This is the policy that has influenced all 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 it declared them to be so in presumptive findings of death. Meanwhile, the United States imposed a trade embargo on Vietnam, 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 in captivity after *Homecoming*. It meant only, "tell us where the bodies are."

This brings us to the current situation which I describe as follows:

The United States deployed to Vietnam *Task Force Full Accounting (TFFA)*. For two years this military unit has conducted field investigations of airplane crash sites and suspected American grave locations throughout Vietnam, Laos and 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, *TFFA* has resolved only a few cases. Another Defense Department entity has investigated "live sightings", the term attached to reports of Americans seen 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, were undertaken following advanced notification of the Vietnamese authorities, and in the company of Vietnamese security officials.

In June, 1992, the Senate Select Committee on POW/MIA Affairs (SSC) 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. SSC 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 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.

William E. LeGro  
Colonel (Retired)  
U. S. Army

#### General Military Experience

An infantry soldier and officer for over 30 years, commanding infantry units and serving as a staff officer for plans, operations, training and intelligence. A rifleman and machine-gunner in combat, an infantry platoon, company and battalion commander, and a battalion and division operations and intelligence officer. Served on national and theater-level staffs, as an instructor in a service school, and on the faculty of the Army War College.

Positions of significant responsibility included:

Chief of the Operations, Plans and Training Division, Defense Attache' Office, Saigon, and concurrently Chief of the Intelligence Branch. Was the senior U.S. military intelligence officer in Vietnam for over two years and, at the same time, was responsible for U.S. support of training of the Vietnamese Armed Forces, and for reporting on their activities. Was also responsible for planning within the U.S. military mission in Vietnam, which included the final American evacuation of Vietnam.

Director of Intelligence, then Director of Operations, Plans and Training, U.S. Army, Alaska. Responsible for all Army intelligence activities, and later for all operations, planning and training of U.S. Army forces in Alaska.

Commander of a Regular Army mechanized infantry battalion.

During a year of combat against Viet Cong and North Vietnamese Army main forces in Vietnam, was the intelligence staff officer (Assistant Chief of Staff, G2) of the 1st Infantry Division (*The Big Red One*).

Principal staff officer for Indochina affairs, International Plans and Policy Directorate in the office of the Deputy Chief of Staff for Operations and Plans, The Army Staff, during the critical period of the deployment and initial engagement of major U.S. forces in Vietnam.

#### Author

Author of *Vietnam from Cease-Fire to Capitulation*, U.S. Army Center of Military History, recognized as the definitive military history of the final years of the war. Also author of numerous articles and reviews for professional journals and magazines and editor of a series of monographs on the Indochina War written by Vietnamese and Laotian officers for the Center of Military History.

#### Analyst, Writer, and Program Manager

As analyst and program manager, conducted research and wrote studies for government agencies on special operations history, concepts, doctrine and supporting intelligence requirements. Originated scenarios for employment of hostile as well as friendly special operations forces and terrorists in low intensity conflict and conditions short of war. Reviewed special operations scenarios to validate the operational concepts depicted.

As an investigator for the U.S. Senate Select Committee on POW/MIA Affairs, analyzed, collated, and evaluated intelligence materials, prepared memoranda, and assisted in the preparation of presentations, hearings and reports. Responsible for preparation of hearings and the committee report on Korean War, Cold War, and World War II. Conducted independent on-site investigation of live-sighting report in Vietnam.

#### Education

University of California, Berkeley: *AB, Political Science*  
The American University, Washington, D.C.: *MA, International Relations*  
U.S. Army War College, Carlisle Barracks, Pa.: *Graduate*  
U.S. Army Command and General Staff College, Fort Leavenworth, Kan.: *Graduate*

#### Chronology of Employment

1993 Task Force Russia, Department of the Army: Special Assistant to the Director.  
1992-93 Senate Select Committee, POW/MIA: Investigator.  
1990-91 RDR Inc., Fairfax Va.: Program Manager, Studies.  
1988-89 Electrospace Inc., McLean Va.: Senior Operations Analyst.  
1979-88 Free-lance writer; tubist, Port Angeles Symphony Orchestra and Olympic Brass Quintet.  
1977-79 General Research Corp., McLean Va.: Consultant, editor, Indochina Project.  
1943-77 U.S. Army: Enlisted February 1943; discharged December 1945 as infantry staff sergeant in machine guns and reconnaissance. Enlisted reserve and civilian employment until commissioned, 2nd Lt., Infantry, and called to active duty May 1949. Retired 31 December 1976.

William E. LeGro, 2018 Maleady Drive, Herndon, VA 22070. (703) 437-6435

## STATEMENT OF CAROL HRDLICKA

I am here today to address the case of Col. David L. Hrdlicka who is a known captive and yet was never returned. When we asked questions we were labeled as emotional, distraught and unreasonable... and in return we have been lied to, deceived and manipulated. In our search for answers I have gone to Russia and back to the White House on two separate occasions. Each time we were promised an investigation into the most recently de-classified documents and satellite imagery but what we received was double talk while in turn our government began the motions of lifting the only means of leverage we had for truthful answers. With the lifting of the trade embargo it is evident we have been sold out to "THE HIGHEST BIDDER" ...which is the U.S. business community. Large U.S. corporations who wish to do business with no regard to human life...and that puts credence to the fact that we have the best government "money can buy"!!!

We had a senate select committee which ignored the evidence and refused to have the moral courage to do an honest investigation. To date we have not had a truthful, honest or sincere investigation so that leaves me to believe that we no longer have a "government by representation" but a government that lies to it's people, misrepresents evidence to the families, and does not de-classify documents when it says they are being de-classified. Instead it turns to a former enemy and rewards them for their lying and stonewalling of our humanitarian requests for information on our POWs and MIAs.

Maybe our first trade with Vietnam should be to buy back our POWs.

The question is...has integrity and honor become non-existent with our government "by the people, for the people & of the people"? We have instead gone from honor and integrity to lying, stonewalling and denying. We have a beaucracy that is out of control and it is becoming well known to the American voters.

Since our Senators no longer abide by the wishes of the American people, but have "prostituted" themselves to the Vietnamese government, we would then hope that there are some people within this government who would find the moral courage and compassion to truly get the answers and give the families the justice we have long been seeking. "Our" government should have been supporting us and working with us instead of against us.

Some veterans say..."we've left many men behind in wars before Vietnam - why are we continuing this one for a mere 2,000"? My answer to those people is...if they had taken up the fight after WWII we wouldn't be fighting here today. Those of you sitting here today with children or grandchildren at home...I ask you...when will this end? When this government sends our men off to fight a war it is this governments responsibility to bring them home. Why has my husband not come home?

Thank you for the opportunity of allowing me to express my opinions in front of this committee.

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

The world is witnessing tremendous changes and the East and West are embarking upon brotherly cooperation. The era of "the war" seems to be ending and peace and development are on the horizon. People everywhere are demanding human rights, freedom and democracy, and political pluralism. We stand at the threshold of an opportunity that may never again be ours. Can we not for once put aside all other considerations except to secure the release of any American being held against their will? Power and authority once obtained cannot easily be relinquished, but 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 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 the 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 anyone on the panel knows of any 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, 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 which we have been dealt. Implications of lifting 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, 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 with the war scenario from China's seizure of oilfields 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 of our youth?

My son is 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 here?

We have a new hand of cards to play. We must formulate new strategies to obtain an accounting of POW/MIAs from Southeast Asia. We suggest that funds should be made available to the families who wish to go to countries in question to try and solve their respective cases. 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 the crash sights. It has been determined that a large portion of this money is wasted; and the families, activists and veterans organizations are not satisfied with such minimal progress that is being made looking for bones. These funds should be available until the last of our men have been repatriated or for which their respective family members agree that there has been a satisfactory accounting. After all, family members are the *only* appropriate people who should decide on a satisfactory accounting of their loved ones. Perhaps the very companies that forced our Government to choose between "big business" and lives of the men 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 as promised by the President and Vice President. If they or any other representative do not endorse this proposal, they can be hanged by the family values issue that we hear them speak 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 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 dealt with us. If you do not like who and what we

are, maybe you should change the way you do business. We made a promise to the families, and we know how to keep our word. 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; 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. And there is 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. And we will not let this happen again. Our spirit is not broken. Our determination is stronger and we will not "pull out" like the U.S. Government did.

Testimony Before the House Subcommittee on Asia and the Pacific  
February 10, 1994 by Michael D. Bengé\*

Honorable Congressmen and Distinguished Guests:

I was captured during the Tet offensive in January 1968, at Ban Me Thuot, Darlac Province, Central Highlands of South Vietnam by a North Vietnamese Army Unit, although Hanoi repeatedly swore it had no troops in the South. Despite Hanoi's signature of the Geneva Agreements on the Treatment of Prisoners of War, stipulating that captured civilians would be released immediately, I wasn't released until five years later in March 1973. During this time, I spent 27 months in solitary confinement, and of this time, one year in a black box. For the first year, I was held in a over twelve POW camps in South Vietnam. The second year, I was held in a cage in Cambodia--over one year before the U.S. invasion of Cambodia. Hanoi repeatedly swore they were not in Cambodia--another lie. Next, I was held in one camp and several caves in Laos over a period of a month. Lastly, I was held in three camps in North Vietnam.

Communists are world's the foremost bureaucrats and record everything in quadruplicate. There were no less than three dozen separate sets of documents recording my incarceration. I was captured by a North Vietnamese battalion, thus my capture was

I spent 11 years in Vietnam, over five years as a prisoner of war--1968-73, and am a diligent follower of the affairs of the region. While serving as a Foreign Service Officer with the Civil Operations and Revolutionary Development Support program (CORDS), I was captured at Ban Me Thuot, South Vietnam (Central Highlands) by the North Vietnamese, and was held in numerous camps in South Vietnam, Cambodia, Laos and North Vietnam. For efforts in rescuing several Americans before my capture, I received the State Department's highest award for heroism and also one for valor.

recorded in their battle report. I was turned over to Hanoi's Enemy Proselytizing Department (EPD), which was responsible all POWs, and this was recorded. I was farmed out to a Viet Cong prison camp, again my existence was recorded. Twice a month, I was visited by EPD officers, and these visits were recorded. I was interrogated by military intelligence officers, a different division from EPD, and they recorded the interviews. After being moved to Cambodia, we stopped at Vietnamese military rest camps every night, and the camp commanders recorded my presence. I was treated by a medic in one of the camps, and he recorded this in his separate logbook. 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. The same thing was repeated in Laos. Each of the three camps in North Vietnam where I was held had a political officer who repeatedly interrogated me and recorded everything. I was also interrogated by several "guest" political and intelligence officers, including two Cubans, who kept records. Therefore, please don't insult my intelligence by telling me that the Vietnamese cannot produce records of POWs. They know what happened to our POWs.

Two civilian prisoners with me died while were in a remote area. Our "prison chasers" drew maps of where the bodies were buried. Two EPD officers also came and drew maps of the grave sites. A U.S. team visiting the sites said that the remains had been dug up and removed; however, the Vietnamese have not returned

them. Hanoi knows where 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 twenty of the world's worst violators of human rights. During the war, they repeatedly broadcast to their people that the American POWs were "war criminals," and that they would try us before a Nurnberg-like tribunal and keep us forever. They repeatedly told us this, and said they would hold us just like they still held French POWs (which is also documented). The Vietnamese leaders lost face with their people when President Nixon bombed Hai Phong and Hanoi and forced the Vietnamese to release the 590 POWs. Therefore, they would hold POWs to prove to their people and to themselves that they did not capitulate and give into the American "aggressors. And they wanted "bargaining chips" and "pawns" to trade for their prisoners held by the South Vietnamese, and to ensure that they would be paid the \$3.5 billion promised by Henry Kissinger as war reparations.

It's important to note 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 in a bamboo cage on some remote mountain. It is a cave with a fence and a guard at the entrance. It is any 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 be readily accessed.

While in the cage in Cambodia, I saw perhaps eight to ten Americans POWs taken up the side of a mountain to another part of the cage-compound complex. The camp I was held in was one of six or eight cage-compounds situated a mountain top shaped somewhat like a Star of David, each compound situated on a point. I knew this because I was held for a short time in another of the cage-compounds, and from studying a map of the area and talking to other POWs who had been held in the same complex. None of the other POWs released from this camp complex had been moved at the time I saw these Americans. Who were they? What happened to them?

Could someone survive in the prison system of the Hanoi communists after all this time. About four years, two or three Japanese soldiers from World War II surfaced in Malaysia. They had survived in the jungle for almost five decades. If the POWs believed that America would never abandon them, they could survive!

Yes, I believe Hanoi is fully cooperating with the Joint Task Force Full Accounting (JTFFA). The Vietnamese communists are answering the questions they are asked. However, JTFFA isn't asking 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, as a policy, and the Vietnamese, as a way of life,

immediately after crash, 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.

The Pentagon committed a grave injustice to the POW/MIAs and their families by forcing the early retirement of Mr. Garnet "Bill" Bell, former Chief of the POW/MIA Office in Hanoi. Mr. Bell has more residual knowledge of the POW/MIAs than the entire staff of the Joint Task Force Full Accounting (JTFFA). JTFFA is composed primarily of neophytes, who have limited knowledge of the POW/MIA issue; who have inadequate investigative and language capabilities; who have little experience; who have little historical knowledge of the Vietnamese communists and their military; and who have no knowledge of correlating information from other reports which may be relevant to the case. In reality, they wouldn't know who to ask or how to ask it. It's best summed up by a statement made by Ken De Graffenreid, NSC Intelligence Chief assigned by President Reagan to investigate the POW issue who said, "People working that issue could not find a POW if a POW dropped on their head."

When 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. Several months later, an American detainee was secretly released by the Vietnamese, who reported that one day prior to the Senator's arrival, he was moved from the prison, and returned two days after the Senator departed.

Although the American detainee wasn't 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 sighting 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" prior to the arrival of 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 CINPAC video-tape 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 won't release anything to the public that would embarrass the communist officials. 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 was relaying a message from then President-elect Clinton? Surly, Kerry 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 Laotian leaders told him on numerous occasions that they had no information on POWs for Hanoi controlled all the

POWs and all information on them. There are about 550 Americans missing in Laos, and of these, approximately 80% of these men are missing in territory that was under the total control of Hanoi.

Anyone proclaiming that the Laotian Government, not Hanoi, is responsible for accounting for these men is either extremely naive, lying, covering for Hanoi or a fool. The Lao leader's statements relayed by Kerry are corroborated by the attached 1969 CIA document revealing an agreement "between the North Vietnamese Government and the Neo Lao Hak Sat Central Committee whereby all Americans captured in 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 CIA/NSA "Cold Spot," or similar intercept program, cited in the attached article by Al Santoli, records another transfer in 1973 of "112 USA pilots" from Laos to Sontay, 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 Toll), 150 American captives were moved to Laos from Vietnam and were offered for ransom. The report, confirmed by a second highly reliable independent source, quotes a high-ranking member of the Lao Polit Buro as stating, "Now is the time to make a deal." At the bottom of the report was written, "Recommend no further action be taken for it is the policy of the U.S. Government

not to pay ransom."

Last year, a media feeding frenzy evolved over the surfacing of a Russian military intelligence translation of what was dubbed the "1205" document." The document stated that in 1972, the Vietnamese held as "pawns" 700 more Americans than the 368 the 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. This is a totally dishonest statement.

There is a convincing body of evidence corroborating the information in the "1205 document" including: a 1968 cable from the British Government quoting Labor party Leader Clive Jenkins, who was a known communist sympathizer; a 1968 debriefing of Vietnamese defector Dr. Dang Tan; a 1970 debriefing of another defector, who commanded a U.S. POW camp in North Vietnam; a 1979 debriefing of yet another defector, Le Dinh, who handled the personnel records of these POWs and was considered a prize asset by DIA; and a 1977 intelligence report sent to the White House quoting North Vietnamese General Tran Minh Duc that the Hanoi Polit Buro had made a decision to hold back about one-half of the American POWs as "bargaining chips." Because of this report, President Nixon launched a year intelligence operation tracking those POWs. All of these documents are available. Also, in the attached article, I cited numerous documents evidencing that indeed Hanoi had "second tier" prison system.

On page 72 of the Pentagon's study, "The Transfer of U.S.

Korean War POWs to the Soviet Union," Russian Officials were asked, "Have KGB Archives been searched for this collection requirement (referring to Korea), similar to the one issued by the KGB for the capture of pilots during the Vietnam War?" (This infers that the Pentagon has such a document.) There are numerous intelligence reports supporting the fact that American POWs were given to the Russians by the North Vietnamese, including the severely injured POWs held in a East German military hospital. Russian military archivist Vladimir Galitsky has accused both Moscow and Washington of dragging their feet on efforts to locate American POWs and MIAs from Vietnam in the former Soviet Union. Also, Hanoi knows who they are.

By lifting the trade embargo against Vietnam, President Clinton has lost a unique opportunity to cast off his war protester hair shirt, and to gain the respect of the families and millions of veterans and active duty military personnel. He has also lost the opportunity to truly heal the wounds of the Vietnam War. In reality, if any POWs are still alive, their death warrants have now been signed, or even worse, they have given them a life-long sentence of depravation and slow-death. By abandoning the POWs and MIAs, the time-honored tradition that *Americans don't intentionally leave their men behind* has been defiled, and a message has been sent to future armed services personnel that when there's a choice between business and their lives, business comes first!

The Pentagon resolving a MIA case by identifying only one tooth, as has been reported, is highly questionable. While a POW,

I saw, on several occasions, Vietnamese medics extracting teeth from the prisoners. These teeth could easily be "salted" and a few bone fragments at a crash 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 DNA testing of a key portion of skeletal remains. If there is evidence that the person had been a POW, the families should demand that the age of the remains be verified, and then matched with Hanoi's explanation of the time and circumstances of death. This should be revealed to the public. The families deserve and are only seeking and demanding the truth.

This "*Bright Shining Lie*" began after Operation Homecoming in 1973 when President Richard Milhous 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?

Respectfully submitted,

*Michael D. Berge*

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INFO: J3-1 J5-1 SACSA-4, SECDEF-7 ASD/ISA-5  
DIA-15 CSA-1 CMO-8 CSAF-4 CMC-3  
ASD/SA-1 FILE-1(SI)CAC/LEP

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SERVICE NO AD 2

THIS IS AN INFORMATION REPORT, NOT FINALLY EVALUATED INTELLIGENCE

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0817 JULY 1968

COUNTRY LAOS/NORTH VIETNAM  
DOI DECEMBER 1968  
SUBJECT PATNET LAO TRANSFER OF ALL AMERICAN PRISONERS  
FROM LAOS TO NORTH VIETNAM

ACR

SOURCE

1. IN LATE DECEMBER 1968, 27 AMERICANS HELD PRISONER  
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PAGE 2 OF 2 PAGES

HELD CAPTIVE IN LAOS. THE REASON GIVEN FOR SENDING THEM TO  
NORTH VIETNAM WAS THAT THEY WERE TO BE USED IN PRISONER  
EXCHANGES BETWEEN THE NORTH VIETNAMESE AND THE SOUTH VIETNAMESE  
GOVERNMENTS.

2. BEFORE THE AMERICAN PRISONERS WERE RELEASED TO NORTH  
VIETNAMESE ARMY /NVA/ PERSONNEL, AN AGREEMENT WAS REACHED  
BETWEEN THE NORTH VIETNAMESE GOVERNMENT AND THE RED LAO HAK  
SAT CENTRAL COMMITTEE WHEREBY ALL AMERICANS CAPTURED IN LAOS  
WOULD BE SENT TO NORTH VIETNAM WHERE THEY WOULD BE USED IN  
PRISONER EXCHANGES WITH THE SOUTH VIETNAMESE GOVERNMENT. FOR  
SEVERAL WEEKS BEFORE THE AMERICAN PRISONERS WERE TURNED OVER  
TO THE NORTH VIETNAMESE, TEAMS OF NVA AND PL PROPAGANDISTS  
CIRCULATED THROUGHOUT NORTHEAST LAOS EXPLAINING THE IMPORTANCE  
OF RELEASING ALL AMERICAN PRISONERS TO THE NVA TO ASSIST THE  
NORTH VIETNAMESE GOVERNMENT IN ITS NEGOTIATIONS WITH THE  
SOUTH VIETNAMESE AND AMERICAN GOVERNMENTS.

3. FIELD DISSEM. STATE ARMY AIR USMACV TTH AIR FORCE  
CINCPAC PACFLT PACAF ARPAC

# Open the 'Cold Spot' files

By Al Bertoll

In the last battle of the Vietnam War, surviving American families and veterans are fighting to learn the fate of missing servicemen. Similar to victims of secret nuclear tests, they are trying to pry the truth from an entrenched bureaucracy that lacks adequate congressional or administrative oversight.

Many veterans now look to the new chairman of the Joint Chiefs, Gen. John Shalikashvili, to resolve the MIA tragedy with integrity and honor.

In an unorthodox campaign, U.S. civilian and military officials—supported by business communities and politicians—prize Hanoi for "essential cooperation" and "not holding anything back." Hundreds of live sightings of American prisoners by Vietnamese, Laos and even a Japanese vessel have been divulged.

Postwar analysts have declassified Soviet documents independently supported by testimony from unrelated sources. A top U.S. Department spokesman admits that prisoners could have been held back in Laos under control of Hanoi. More poignantly, documents from ex-secrét Defense and CIA archives point to a multi-agency cover-up.

Exposed "Cold Spot" was a joint CIA-Air Force program to intercept North Vietnamese and Laotian Communist radio communications from 1971 to 1973. Americans flew electronic spy planes, and indigenous soldiers with CIA advisors conducted land-based operations. Some inter-

Al Search is a former congressional investigator and author most recently of "Finding the Way Home: Vietnam Veterans Reveal the U.S. Military."

**Many veterans now look to the new chairman of the Joint Chiefs, Gen. John Shalikashvili, to resolve the MIA tragedy with integrity and honor.**

prisoners. And, "their captives were hidden and I will send them to Hanoi to negotiate with the Ministry of Defense . . . and names and ages of all will be attached."

On Nov. 11, 1973, the governor of Son Tay Province reported to the Minister of Defense in Hanoi: "112 USA prisoners in prison in Son Tay Province." He named a doctor who treated 10 prisoners with "pains in their backs. . . They are not in a good way. Therefore, I quickly send this cable for you to decide what to do."

There is no record of U.S. officials cross-referencing these and other "Cold Spot" records with in-prison prison commanders and doctors named in the communications.

In the past, intelligence analysts have declassified such documents using

a Murphy's Law gambit — that because the U.S. government had declared all prisoners returned, any contrary evidence must be false.

This "unprejudiced . . . attempt to declassify" was harshly criticized in 1983-86 DIA internal evaluations. However, rather than replace the official analysis, the Clinton administration refused to investigate detailed accusations, and the same unscrupulous bureaucrats have been promoted to wrap up MIA investigations.

In the field, the most experienced U.S. expert, Garrett Bell — who has a near-photographic memory of the Vietnamese prison and military systems — was replaced as chief of the Postwar's Hanoi office by young military officers lacking language or linguistic proficiency. These officers must deal with devious Vietnamese political officers, many of whom had decades of experience playing a double game with French MIAs.

Media leaders are intent on obscuring groups of American soldiers missing for years. On the other hand, dissenting intelligence officers state that during the war a two-pronged policy to salvage crash sites and repatriate hundreds of U.S. remains was consistently denied out as political clapnet.

Former investigators describe the Postwar's John Dick Parris Field Accounting (JTFFA) as a \$160 million per year "boon-doing" manipulated by Vietnamese military officers who accompany all JTFFA teams to interview villagers.

In 1992, the JTFFA chief, Maj. Gen. Thomas Needham, shredded 20 years worth of original U.S. interview reports filed in Bangkok. And in a slick political cover-up, Sen. John Kerry had 120 boxes of potentially explosive National Security Agency files reclassified before Senate investi-

gators could study them.

Clinton State Department spokesman William Lewis and Ken Quirk claim a conflict of interest case. In 1978, Mr. Lewis helped to create covers of U.S. consulates in Hanoi. Henry Kissinger claims in "How Many?" (page 433) that Mr. Kissinger's National Security Council study that purposely omitted 48 names on U.S. Army lists in 1967-68 CIA documents from 1967-68 U.S. captives by name in specific lists in prison. In 1979 at CIA headquarters in Lang, Pat Mahoney, a Force expert in special operations, discussed photos of American names and a wall map of prison. The CIA system chief said, "politicians had tied our hands lurching rescue."

The Vietnamese commander: He Chi Minh Trail area of Laos covers the movement and loss of U.S. prisoners there between 72 and Gen. Tran Van Quang (r. in the left) Soviet documents number Gen. John Vessey (r. W). Last released the names of prisoners Laos whom they met with Gen. Q. On Jan. 11, 1993, a dispatch the American Legion met with signs and administration officials: mentioned the "Cold Spot" act: The officials gave no response. Legion has filed a Freedom of Information Act request to gain access the records and to prevent an obscuring party by Gen. Needham his later-agency peers.

Before the administration revealed its duplicity with any more real or economic consequences. Shalikashvili should make sure all POW/MIA files — such as "Spot" — are made public. He must with Mr. Smith and representatives of the major veterans aid by organizations to review charts weaknesses and cover-up.

To conclude the Vietnam War, a new team of expert investigators of unscrupulous investigation must be appointed.

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Seventy-Five Cents

# Washington Inquirer

## Special POW Envoy Pleads Alzheimer's

by MIKE BENCE, former POW

[This is the first of a two-part series by Mike Bence, a former POW in Vietnam and close observer of POW/MIA efforts. He points to the further representatives of our government simply are not realistically facing challenges by the governments of Vietnam, or else they are involved in the intricate and often deceptive and parallel prism game of information politics to the extent that those who remain are to show their others were left behind.]

In an April Pentagon news conference broadcast on CNN, the President's Special Envoy to Hanoi on POW/MIA Affairs, General (Ret.) John W. Vessey, Jr., phoned "my Alzheimer's" when he couldn't remember a reporter's question. The question concerned the authenticity of the Russian documents known to Washington Inquirer readers as the "Quang document," evidencing that Hanoi was holding 1,203 U.S. POWs in 1972, rather than just the 348 the communists acknowledged.

Perhaps Vessey's self-professed Alzheimer's was meant as a jab, but the memory of the facts of Hanoi's deception does seem to have slipped. Gen. Vessey's record as a battlefield commander is impeccable. He always took care of his men and never left anyone behind if he could help it. It's that "Jack" Vessey who set the standard by which we now measure

the disappointing performance of diplomats John Vessey.

Gen. Vessey, of course, claims not to have "made such a report, because it was not in my area of responsibility." However, according to George Carter, former special assistant to the director of current intelligence for Vietnamese affairs in 1972-73, Quang's true role did include the area of responsibility. "In Vietnamese communist military organization, [Vessey] is usually the chief political officer; in any command, the handling of prisoners is his job. . . . Gen. Vessey's official biographer, Gen. W. Vessey, Jr., phoned "my Alzheimer's" because he was unable to recall Vessey's name throughout the war," he said.

Nevertheless, Vessey said, "what Gen. Quang has told us is not inconsistent with what we know about General Quang." Thus, Vessey gave credence to Quang's lies, definitely contradicting the resolution of the question whether there still bring POWs in Vietnam. Any U.S. official (including Vessey) enough to make such a statement is either ignorant of the history of Hanoi's past lies concerning POWs, has been ordered to lie, or is really suffering from Alzheimer's. Any one is adequate reason to call for Gen. Vessey's replacement.

Here is a history of a few lies told to the U.S. government by the Hanoi



General John Vessey, USA (Ret.)

of the POWs they either killed or who had died in captivity.

- In March 1977 the Hanoi communists lied when they promised President Carter's Woodcock Commission to "hand over to the U.S. all available information on the POW/MIA's and satisfactorily resolve questions of their remains."
- In 1991, the Vietnamese promised the head of the POW/MIA Office in Hanoi that they would "throw open the doors to their archives and provide all the information they had." In 1991, they only accounted for three MIAs, and continued to withhold information on others whom they had killed or who had died in captivity. The only document they released at the time was the infamous "94 page document," which the U.S. already had.
- In October, 1992 ex-President Bush stated "Hanoi has agreed to provide us with all — and I repeat, all — information they have collected on American POWs and MIA's." They haven't.

Further commenting on the Russian document, Gen. Vessey stated that "no intelligence from any source has ever indicated the existence of such a prison network (parallel or second tier)." "The number of prisoners holding Americans was reduced — not increased — after the raid on a prison at Son Tay." "The numbers in the document do not square with U.S. records, and "U.S. prisoners were not segregated by rank."

Gen. Vessey knows things and many many more.

- In 1973, Hanoi lied and proceeded to break nearly every agreement on ceasing the war in Vietnam, including a cease-fire in place. They lied about their presence in Laos and Cambodia. Thus, they lied about the number of POWs that they held.
- On January 29, 1973, they lied when turning over to the U.S. a list of only 577 U.S. POWs. Later they were forced to acknowledge this and adjust the number to 591. Also at the time, the Vietnamese refused to admit to and provide the names

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## Vessey

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None of these statements is true. There is a plethora of documents and testimony evidencing a parallel prison system and supporting other facts in the Russian documents and disproving each of Vessey's statements.

U High-level Czech military defector Maj. Gen. Jan Sejna, who now works for the U.S. Defense Intelligence Agency, the Czechs and the Hanoi communists all collaborated on establishing a separate prison system, through which American POWs were sent to East-bloc countries. At the time, Sejna was Secretary of the Czech Defense Council and saw intelligence reports on at least two groups of 25 American POWs en route to Russia.

U A recently declassified CIA report reveals a processing center in Vinh Phuc Province, North Vietnam, staffed by Soviets and Chinese. Jim Sanders, co-author of the soon to be released book, "The Men We Left Behind," which documents POWs abandoned in Vietnam, defected a returned POW who had actually escaped a Soviet-Chinese interrogation center in Vietnam.

U A series of secret State Department cables in 1967 disclose negotiations with the KGB for the swap of a Soviet spy team for as many as six "wounded U.S. fliers captured in Vietnam and currently held in an East German hospital...including a double amputee." The deal fell apart before it could be proved the men were there. In testimony, defector Lee Quang Khai, a former Vietnamese Foreign Ministry official, corroborated the report, stating, "Some critical cases we could not treat in Vietnam, so those men were sent to Eastern bloc countries."

U North Vietnamese intelligence analyst Le Dinh, who defected to the West in 1978, said that at the time of Operation Homecoming in 1973, there were 12 U.S. POW camps in North Vietnam. DIA also concluded that "13 facilities in North Vietnam had been used as permanent detention camps."

U At the time of the raid on the Son Tay POW camp (South of Hanoi) in November 1970, U.S. intelligence had confirmed the existence of 8 camps in North Vietnam holding American POWs, and identified 18 others as suspect. Immediately after the raid, U.S. intelligence detected emergency defensive reactions ("lit up") at the 8 confirmed camps including new anti-

aircraft emplacements, trenching and sand bagging. Three of the suspect camps — Cach Mai, Tom Gioing and Cam Chau — also "lit up," leading analysts to conclude that they also held U.S. POWs. No returned POW was ever held at these camps. What happened to the men who were held there? Actually, there were two prison camps, called Son Tay, one South of Hanoi where the infamous POW raid was targeted, and the other North of Hanoi. According to intelligence reports, Son Tay North was used as a "way-station" in 1973-75 for U.S. POWs being transferred to Sain Nuan in Laos.

U Intelligence reports indicate the camp called "Dogpatch" may have been another "way station" for U.S. POWs that were "China Bound." Front debriefing reports, DIA reached an erroneous conclusion that these camps were opened and closed on specific dates. However, it was a common practice for the North Vietnamese to clear a camp of POWs before bringing in another group, and the only way you knew that other POWs had been held there was from names found on walls, trees, etc. I was in two such camps.

U Navy pilot Robert Flynn was shot down in North Vietnam and taken to a POW camp in China. While there, he was shown a Chinese propaganda photo of a group of Americans "in formation," and immediately recognized a personal friend in the photo, Navy pilot, John Eliason. After Flynn's release in 1973, he was given a batch of pro-captures file photos by DIA to see if he could identify any other POWs, and he recognized another Navy pilot, James Plovman, as the person in the Chinese propaganda photo who was standing immediately to Eliason's right. Plovman was Eliason's copilot when he was shot down. Other returnees reported seeing Eliason's name carved in a tree at Dogpatch. Eliason and Plovman have never been accounted for. The following intelligence reports may indicate that they were:

U In 1988, China formally acknowledged having had sent 380,000 Chinese troops to Vietnam during the war, replacing Vietnamese troops in the Northern Tier provinces starting at about 30 miles North of Hanoi. Dogpatch camp was well inside the Chinese controlled territory.

U Other reports document that U.S. POWs captured in Vietnam were sent to a camp near Kunming, China, for safe-keeping as

bargaining chips in case the war went bad for the Hanoi communists. The 1971-72 documents recorded serial surveillance of the camp — where the POWs were reportedly segregated by rank and from which none returned.

U Intelligence reports evidence that Col. Dean Pogrega was shot down and captured in Lang Son province in North Vietnam near the China border by a Chinese anti-aircraft unit. Although DOD listed him as KIA-BNR, recently released DOD documents show that he and nine others were actually carried as category "one" MIAs. Other reports show that POWs Joseph Matorov, James Barr, Ralph Biaz, Willie Cartwright, James Dooly, Steven Knott, and Cheng Lac were also "China Bound."

U Other intelligence reports show that F-111 backseater (electronics warfare specialist), Col. Robert N. Brown, was on a list of POWs transferred from Vietnam for questioning in the Soviet Union. He too has never been accounted for.

Other information that should have been in Vessey's fingertips regarding separate prison systems includes the following:

U CIA documents describe Dang Mang (Dong Vang) prison in North Vietnam as "unique" in its construction, built to keep groups of POWs segregated, comparable only to the Hanoi Hilton (Ho Lo prison). A satellite photo of this prison taken in 1973 depicted roof markings of a "K" (downed pilot) in Morse code; a second photo of a near-by field depicted a pilot's emblem; and a third photo depicted a missing pilot's name.

U A June 1, 1970, intelligence debriefing of a Vietnamese defector, who formerly commanded "a prison for U.S. company-grade aircrew officer PW's in Ha Tay Province, North Vietnam," details the following: "Beginning in mid-1965, 'U.S. aircrew PW's in the grade of Captain or below were transferred to the Ba Vi prison.' 'The prison had room for 'approx. 100-150 U.S. PW's.'"

U Then there is the camp just North of the DMZ near a prison hospital run by Cubans where a dozen or more U.S. POWs were held but never acknowledged by the Hanoi communists (WJ, 10/16/92). Hanoi has yet to account for these POWs.

U And a 1988 CIA memorandum and other 1970 U.S. intelligence reports show

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## Vessey

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that the U.S. suspected Americans captured in the Vietnam war were being shipped to North Korea for imprisonment (WJ, March 19, 1992).

After the last of the POWs were released in Operation Homecoming in March 1973, National Liberation Front General Tran Van Tri told U.S. officials he could arrange the release of additional POWs from South Vietnam and Laos if they would give him a plane to fly to Hanoi. The U.S. asked Gen. Tri to prove his claim and produce a POW, which he did — Capt. Robert White, released on April 1. Tri was given a plane and flew to Hanoi never to be heard of again.

Similarly, on April 6, Pathet Lao Gen. Soth Pathayra told U.S. Senator Brooke that he could arrange the release of POWs from Laos, reportedly in the hundreds. However, he was "routed in" and never heard from again as the North Vietnamese exercised total control over their "little brothers" in Laos and South Vietnam (WJ, 10/16/92).

Everyone seems to have forgotten the Laotian prisons controlled by Hanoi and the Laotian puppets — the Pathet Lao.

## Vessey

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"In Laos, the American teams were actually barred by the Vietnamese government (controlled by Hanoi) from going into key areas where Americans and distinct signals have been sighted over the years."

There was, and in all probability still is, an extensive "parallel prison system" in Laos controlled by Hanoi, including the numerous caves found there. For a short-time during my captivity, I was held in two huge caves where underground structures and tunnels had been carved.

During a "black operation" in 1969, Special Forces Master Sergeant Norm Dowry took a picture of a number of American POWs held in a cave just north of Attoppe. Other POW cave-camps controlled by CIA reports include a complex in the vicinity of Ban Na Kay Tan, near Sam Nuan. This is the same complex where other intelligence reports evidence U.S. POWs were transferred to from the Son Tay North POW camp in Vietnam.

According to Senate Select Committee on POW/MIA Affairs investigators, its Chairman, Sen. John Forbes Kerry (D-Mass.) stopped a June 17, 1992, briefing that identified the Lao prison and re-education system controlled by Hanoi. Numerous CIA and other reports document this system.

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Also, according to Senate investigators, the Select Committee had access to radio intercept messages that tracked the movement of specific numbers of U.S. POWs in Laos in 1979 and 1980. These still unidentified intercepts were matched by reports from former Laotian inmates that U.S. POWs were moved from northern Laos during the Chinese invasion of Vietnam in 1979 and 1980 in response to the repeated threat of additional military action — "the second lesson" — by the Chinese.

Other radio intercepts, matched by five-sighting reports, give the specific locations where U.S. POWs were held after being moved. "The Committee learned this by ignoring it. The Committee never heard a complete Staff briefing on Laos and only incomplete briefings on Vietnam," former Committee investigator says.

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## 'Mindset To Debunk' Still Prevails

by MIKE BENCE, former POW

[This is the second and concluding part of a report on America's special envoy to Vietnam for American POWs and MIAs, Gen. John Vessey, and other high government officials, and their apparent efforts to continue debunking information that indicates Americans were still in captivity a year ago.]

General Vessey is wrong again in his assertion that POWs weren't segregated by rank. The intelligence reports on the Kunning, China, camp and the Ba Vi prison camp for Company-grade aircrew officers evidence otherwise. The ten most senior POWs, all colonels or Navy captains, were put together in the same building in the Hanoi Hilton. And, in three camps where I was held, we were segregated by rank.

Vessey also claims "the numbers in the document do not square with U.S. re-



General John Vessey, USA (ret.)

ports." Is this another Vessey memory lapse? The Russian document asserts the Vietnamese communists were holding 1,203 U.S. POWs, while acknowledging only 368. The fact that they held a much larger number of POWs is corroborated by several sources.

According to investigators for the Senate Select Committee on POW/MIA Affairs, "the Committee obtained 12 Defense Department and Defense Intelligence Agency documents that indicated that in 1973 the Government expected some 1,260 more POWs in addition to the 591 who actually did return. These documents were supported by the testimony of three former Secretaries of Defense, a retired General, and at least one retired CIA officer."

Secretary of Defense Melvin R. Laird (1969-73) testified at September 1991 Select Committee Hearings that "about 474 or 478" POWs who had written list their names "never returned, and were never accounted for."

Senator Bob Smith (R-N.H.), former Vice-Chairman of the Select Committee said "evidence uncovered by Senate investigators indicates that as many as 8 U.S. POWs held by the Vietnamese wer-

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still alive through 1989." Even Senator Hank Brown (R.-Colo.), former member of the Select Committee, stated that evidence obtained by the Committee showed that U.S. POWs were still alive in Vietnam.

• The 700 additional POWs cited in the Russian document is almost the same number as the finding by Senate Select Committee investigators.

• A second Vietnamese defector, La Dinh, also confirmed the numbers in the Russian document. La Dinh, who defected in 1978, a People's Army intelligence officer assigned to an intelligence unit named "C-14" in the Vietnamese general staff, told DIA that "(Vietnam) retained a 'strategic asset' of over 700 American prisoners that could be used to force the U.S. to pay reparations." This same justification is found in the Russian documents.

According to DIA, La Dinh "demonstrated accurate knowledge" about U.S. POWs and POW detention facilities and about organizations, missions and personalities within elements of Vietnam's Ministry of Defense related to U.S. POWs. La Dinh also said he personally saw 33 American POWs in December, 1974, held at a former military compound on the outskirts of Hanoi. All were "progressives," meaning they had been successfully indoctrinated by the communists. "Progressives" are also discussed in the Russian documents.

• Dr. Dang Tan, a former official in the North Vietnamese Defense Ministry who defected in 1969, told U.S. officials that Hanoi was holding "over 800 American POWs" rather than just the 368 they acknowledged at that time, and that Vietnam's "Lao Dong Party intends to use these American POWs as hostages in bargaining to achieve its political objectives." Again, this justification is cited in the Russian document. Ironically, U.S. officials ordered U.S. Embassy Officials in Saigon to delete the 800 number from Dr. Tan's press briefing because they didn't correspond with the U.S.'s "official tally."

Even so, Dr. Tan even called into question the reliability of some of his information—the escape of U.S. POWs from Hoa Lo prison in North Vietnam. He felt that this information might have been distorted for he thought escape from Hoa Lo was impossible. Nevertheless, the accuracy of Dr. Tan's information was confirmed by Admiral Stockdale,

who described the escape and recapture of these POWs in his book.

The latest "bone" that the deceptive Hanoi communists have thrown the U.S. is the purportedly "just recently discovered" "Blue Book," the supposed sign-in sheet for all U.S. POWs in North Vietnam. Communist archives are notorious for disinformation and forgeries, and the Vietnamese are past masters of the art. What does it prove? It only proves that some POWs signed their names in a book. I never signed my name in the "Blue Book," nor did any of the other POWs who were engaged in South Vietnam or Laos. Nor would have the approximately 700 POWs who were kept in a "second tier" prison system.

It's just another small piece of the very large puzzle that Hanoi holds the key pieces to. If they were really serious about providing an accurate accounting, they would turn over the hundreds of diaries kept by the political and pay-war officers of each Vietnamese unit. These are the real records that detail the capture of each POW, and the names and locations of those killed in combat.

Although the Russians have "stepped up to interrogating U.S. POWs in Vietnam after 1975, and had even admitted that some were taken to the former Soviet Union, Hanoi has yet to come clean on these POWs, or provide information on other U.S. POWs taken to other communist countries as documented in numerous intelligence reports.

• In 1991, KGB Gen. Oleg Kalugin, who was brought back by former Soviet President Gorbachev to reorganize the intelligence agency, stated, "The Soviets were interrogating captured U.S. flight crews even after the 1973 end of the Vietnam war and after Hanoi said it had returned all American POWs. Soviet aviator Pavel Potomarev said he helped fly two captured U.S. pilots from Laos to KGB agents in North Vietnam in 1962, and the Chief of Soviet Secret flights in Vietnam, Pyotr Chevtunov, also admitted that his plane flew American POWs. None of the returned POWs was ever flown in a Soviet plane or questioned by Soviet agents after 1973."

Nor has Hanoi allowed a competent investigation of intelligence information evidencing that U.S. POWs were still being held as recent as June, 1992. Satellite photos taken then of the Dong Mang prison complex in North Vietnam reveals the authenticator codes of two American pilots, and the name of one of them, held

there—T. Peter Matthe, shot down in Laos, and Major Henry M. Smith, shot down in North Vietnam. Retired Air Force Colonel Larry Burrows, who did photo intelligence interpretation for 28 years and was highly decorated for his work, said that he was "100 percent" certain that there were men made. The chance of anyone duplicating these codes is mathematically mind boggling."

Recently, two former Vietnamese communist military officers reportedly met with DOD's MIA/POW representative in Cambodia and offered to lead a team to recover two live American POWs. According to the report, "As many as 150 American prisoners of war remain in two camps near Vietnam's border with China." Did they mean a prison called "Dagpach"? These two men asked for nothing in advance, only inquiring about the reward offered by former Congressman Billy Henderson, and about assistance in reuniting in another country. However, they were sent away after being told by DOD's representative "that the U.S. government does not pay for POW/MIA information, nor will it help someone providing this information to another country." The DOD representative identified both officers by name and address, and widely disseminated the unclassified report—a highly probable death-warrant in a communist totalitarian system, such as that in Vietnam.

According to the National League of Families, as of March 3, 1993, there were 1,674 first-hand live sighting reports since 1975. Of those, 1,662 have "reportedly" been resolved. How has DOD resolved these cases? Sidney Shubert, a Pulitzer Prize recipient and columnist who recently returned from North Vietnam, witnessed the method DOD uses to follow-up on live sighting reports in Vietnam, Laos and Cambodia, and confirms that DOD's investigations are incompetent. He comments, "Their investigations can not be described as anything approaching exhaustive, or even thorough. When they travel to areas of crash sites or reported sightings of live Americans, they do not interview witnesses in private but rather in the presence of Vietnamese officials. Also, the Americans have no independent language capability, relying entirely on official Vietnamese (communist) interpreters."

Over 90% of the POW/MIAs in Laos and 80% in Cambodia were missing in

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territory under the control of North Vietnam. In a March 1973 Memorandum, Acting Assistant Secretary of Defense Lawrence Eagleburger recommended to the Secretary of Defense and to the President that "Hanoi should be advised unequivocally that we still hold them responsible for the... accounting for and/or release of U.S. prisoners being held in Laos. Once again, NVN should be clearly informed that an accounting for ten men out of a total of more than 350 is considered unacceptable." (estimate run as high as 600 MIAs in Laos) Senator John Forbes Kerry has been repeatedly told, when asking the Laotian Government about the POW/MIAs, "Don't ask us, ask the Vietnamese for they were responsible for the U.S. POW/MIAs."

Senators John Forbes Kerry (D.-Mass.) and John McCain (R.-Ariz), DOD and the others have recently recommended to President Clinton that the U.S. withdraw opposition to the ban on IMF and other loans and grants to Vietnam. They, like Gen. Vessey, seem to be suffering from memory loss when it comes to holding Hanoi responsible for accounting for the POW/MIAs in Laos. If official figures are to be believed, there are yet 2,253 Americans still prisoner, missing and unaccounted for from the Vietnam war. And one must not forget that eight of the 1,100 service men DOD classified as KIA-BNR (killed in action—body not recovered), came home in the 1973 POW release. Accounting for only 12 Americans (11 in Vietnam and one in Laos) in two years by Hanoi is not "enormous progress," as proclaimed by Senators Kerry and McCain, General Vessey, DOD and others.

Also, Hanoi's continued non-walling on admitting to its culpability in shipping U.S. POWs to China, the former Soviet Union and other communist countries is all the more reason why the U.S. should continue to oppose all loans and grants to Vietnam and continue the trade-embargo.

Besides the purported "enormous progress," which is not true, another of Kerry's justifications for paying blackmail to Hanoi by not opposing loans, is that improved relations will result in an increased flow of information about the POW/MIAs. This does not hold up under scrutiny for we have had diplomatic relations with Laos, do not oppose loans, and have been giving aid to that country a very long time. Regardless of our show of good faith, the U.S. gets next to nothing on information on the POW/MIAs and

the Laotian Government has only unilaterally repatriated the remains of one U.S. serviceman in the last two years.

According to Veterans' reports, Kerry had the Vietnamese communists and the POW/MIA Office's team in Hanoi coached in preparation for a Memorial Day visit by a Congressional Delegation (CODEL), which included Veterans groups. Reportedly, Kerry sent a staff member of the Foreign Relations Committee to Hanoi one week before the CODEL arrival to work in concert with Hanoi's paid lobbyist, Virginia Foose of the U.S.-Vietnam Trade Council. Accordingly, they gave a crash course to the Vietnamese and the Americans in Hanoi on what answers to give to the Veterans and the other members of the delegation in order to give the impression that "enormous progress" was being made in the accounting for POW/MIAs. This included the setting up of an unauthorized "Joint Archive Center."

#### Vietnam Constructing "Export Processing Zones":

To allow foreign investors to take advantage of cheap labor and tax incentives in Vietnam, that country has started developing a reported five export processing zones (EPZ), of which two are near Ho Chi Minh City and are expected to be ready for operation by early next year. The HCMC location has already received 50 foreign investors' applications, with electronics companies from Japan and Singapore accounting for 12% of the space already leased. Caterpillar, the U.S.-based construction machinery company, has received approval from the Vietnamese Ministry of Trade for a license to setup an office in Hanoi. Vietnamese government officials said other U.S. companies, such as Citibank, G.E., IBM, and Philip Morris, will be granted licenses soon. [Indochina Digest]

OPENING STATEMENT OF AMBASSADOR WINSTON LORD  
HOUSE COMMITTEE ON FOREIGN AFFAIRS - SUBCOMMITTEE  
ON ASIAN AND PACIFIC AFFAIRS  
FEBRUARY 10, 1994

Mr. Chairman, distinguished members of the Committee:

"The investigation of case 0954 began in October 1992 when local Vietnamese villagers 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 five hours to a small farm inhabited by only two people, remained overnight and the next day climbed an additional two hours to reach the site. The site was located at an elevation of 4780 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 two-day period, six MI-8 sorties transported the twelve U.S. and fifteen Vietnamese recovery team members with their water, equipment and supplies to the landing zone. From the landing zone the team carried equipment for about two 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 two and a half weeks, the team climbed an hour each day from the base camp to the site, excavating at the site, then climbed for an hour back 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 sixteen 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, in 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 require, in his words, "more progress, more cooperation, and more answers."

#### The Administration's Search For Answers

President Clinton's decisions were preceded by an intense government-wide effort during the first year of his term. This Administration has devoted more resources to the POW/MIA accounting effort than any previous one; there are now more than 500 military and civilian personnel assigned to this task under the leadership of Secretary Perry, General Shalikashvili and the Commander in Chief of the Pacific, Admiral Larson.

From the beginning, President Clinton has worked hard to change the way the government handles information about the POW/MIA issue to ensure full disclosure. On Memorial Day, he pledged to declassify and make available all possible government documents related to our unaccounted for men. On Veterans Day, we fulfilled that pledge. The State Department reviewed about 200,000 pages of documents, and we declassified and released more than 99 percent. The small amount of material that has been withheld from release consists of matters relating to personal privacy or sensitive foreign policy discussions. The public can gain access to the released documents at our Freedom of Information Reading Room. I understand that the Defense Department declassified about 1.5 million pages of documents, which are available at the Library of Congress.

President Clinton and his top advisers have also made extraordinary efforts to consult many groups that share his concern for the POW/MIA issue. He insisted that all points of view be carefully considered. As is well known, some of those we consulted do not support lifting the embargo at this time.

This Administration has provided American veterans organizations an unprecedented role on this issue. For the first time, leaders of major groups accompanied a Presidential Delegation to Vietnam last July to press for more progress. We have continued to meet with those organizations and other representatives of veterans. The various leaders and their constituents hold diverse perspectives and we have benefitted from them all.

We have also consulted regularly with the National League of Families of POWs and MIAs. I would like to pay tribute to that organization, which, during the 1980s, was instrumental in pushing our government to do more to account for our missing men. Much of the credit is due to Mrs. Ann Mills Griffiths, the League's executive director and the sister of one of our missing. We invited the League to join the July mission to Vietnam, but they were unable to participate.

To the veterans and 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. As the President stated last week, this spring he will send another high level delegation to Vietnam and will again invite the veterans organizations and the League of Families to participate.

The President and his advisers also sought the views of a large, bi-partisan group of Senators and Representatives, including members of this sub-committee and many who were themselves prisoners of war or served in Vietnam.

Finally, the President has relied heavily on the information and advice provided by his military and civilian advisers here and on the ground.

#### Chronology of Developments

These intensive consultations are part of the careful, steady course on Vietnam that the President has charted during the first year of his Administration. Let me briefly review the events that led to the President's decision to end the embargo and establish reciprocal liaison offices.

The first milestone was the April 1993 mission to Hanoi of General John Vessey. Mr. Chairman, I would like to use this opportunity to salute Jack Vessey. 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. In 1987, he went on the first of six missions to Hanoi as Special Emissary. His work led to the establishment of the Joint Task Force-Full Accounting, and to our full-time POW/MIA office in Hanoi.

During General Vessey's April mission we were able to investigate the information we had just received from the archives of the former Soviet Union. Hanoi agreed to establish special teams to investigate the remaining discrepancy cases. For the first time, we received documents from Vietnam's wartime general political directorate.

On July 2nd last year, the President announced two new steps toward our goal of the fullest possible accounting. First, to acknowledge the progress we had made, but more importantly to encourage further advances, we ended our blockage of Vietnam's access to international financial institutions. Second, the President decided to send a new, high-level delegation to Vietnam to press for more progress on unresolved POW/MIA issues. I had the honor of co-leading that delegation, along with Deputy Secretary of Veterans Affairs Hershel Gober and Lt. General Michael Ryan, assistant to the Chairman of the Joint Chiefs. We were accompanied by leading representatives of the four largest veterans organizations.

Our mission was to ensure that Hanoi's top leaders understood the President's commitment to the POW/MIA issue. We stressed that further movement in bilateral relations required additional concrete results in four key areas identified by the President: remains, discrepancy cases, trilateral cooperation with Laos and Vietnam, and documents. We also emphasized the importance we attach to human rights.

We accomplished our mission. We delivered the President's message to the Party General Secretary, the Minister of Defense, the Acting Foreign Minister and the Minister of the Interior. We also had a very productive session between veterans of both sides.

On September 13, the President decided to renew his authority to continue the embargo against Vietnam. However, to recognize POW/MIA progress in the four key areas and to stimulate further results, we modified the embargo to permit American companies to undertake development projects in Vietnam funded by international financial institutions.

In December, I returned to Vietnam to assess the overall situation, including progress in the four key areas. I held lengthy discussions with the outstanding personnel serving in our Joint Task Force. I met with Vietnam's Prime Minister, Foreign Minister and other leaders. I travelled to the border with Laos to observe first hand the trilateral cooperation process there. And I had the honor to witness the beginning of the journey home for the remains of missing Americans -- a ceremony of stunning dignity that I will never forget.

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.

#### The Criteria For Progress

What then were the results upon which the President's actions were based? Let me summarize the detailed information that was provided last week.

#### The first area identified by the President is the recovery and repatriation of American remains:

During the six months following the President's July announcement we brought home the remains of 39 Americans, more than we repatriated in all of 1992.

Throughout 1993, we repatriated the remains of 67 Americans, making last year the third most productive one for recovering remains since the end of the war. In the first month of this year, we have already brought home 12 more American remains.

#### The second area is the continued resolution of discrepancy cases and continued accomplishment of live sighting investigations:

Since July 1993, we have confirmed the deaths of 19 individuals on our list of discrepancy cases.

Since the beginning of the Administration, we have confirmed the deaths of 62 individuals, reducing the number of these cases from 135 to 73. We have a special team operating in Vietnam which is continuing to investigate the remaining 73.

We have conducted more than 300 investigations on the ground in Vietnam of reported sightings of live American POWs and of cases of Americans who were last known to be alive during the war. None of these has produced evidence that an American POW is being held captive in Vietnam today. But we will continue to pursue vigorously any reports of live prisoners that we receive.

The third area is further assistance in implementing trilateral investigations along the Vietnamese-Lao border:

For many years we tried without success to investigate cases of Americans missing along the Vietnamese-Lao border, particularly airmen shot down over the Ho Chi Minh Trail. As a direct result of the President's July initiative the governments of Vietnam and Laos reached agreement in August last year to cooperate jointly on such investigations. The first such operation took place on the border of Vietnam and Laos in December. I personally visited with the Vietnamese, Lao and American teams during my trip. The operation has succeeded in locating new remains as well as crash sites that we plan to excavate in the coming months.

And the fourth area is accelerated efforts to provide all POW/MIA-related documents that can give us answers to individual cases:

Since July, we have received for the first time records from Vietnam's wartime anti-aircraft units along the Ho Chi Minh Trail. These records contain information about hundreds of U.S. airmen who were shot down and are listed as missing. This information should help us locate crash sites and recover remains in both Vietnam and Laos.

We also have obtained for the first time documents from a wartime political-military unit. This material contains information on American servicemen buried by North Vietnamese forces and written reports recounting unilateral efforts by Hanoi to locate the remains of Americans. This information should assist our efforts to achieve the fullest possible accounting.

Since the archival research program was initiated in October 1992 we have received from the Vietnamese 25,000 POW/MIA-related documents and artifacts. Six hundred of these have been correlated to unresolved cases. This represents more POW/MIA-related documentation than we had previously received during the entire period since the end of the Vietnam War.

The President agreed with his advisers that this record represented "significant tangible progress". Overall, we believe that 1993 was the most productive year for POW/MIA progress since the war.

Once again, I would like to pay special tribute 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 also note 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 cooperation during the past six months has been excellent. I cite two brief examples. In one instance, Vietnamese soldiers participating in an activity helped U.S. teams cross a Vietnam War-era minefield to an investigation site and helped remove four one hundred pound bombs from a crater we wanted to excavate. In another incident, a U.S. excavation team had been working without success for two weeks when a local villager approached and said he had witnessed the wartime burial of an American. The villager then directed the team to the burial site, resulting in the recovery of remains for which the JTF-FA were searching.

We now have in place the mechanisms we need to achieve the fullest possible accounting. We have the means to investigate any reports of possible live American prisoners. We have the mechanisms to excavate crash sites and burial locations. We have the means to interview witnesses in villages and Vietnam's wartime military leaders. We have special teams to search for remains and information on the highest priority discrepancy cases. We have mechanisms to review documents related to our missing men. And we have the means to investigate cases along the Vietnamese-Lao border. All of these instruments will help President Clinton fulfill his pledge to the families of the missing -- that everything possible will be done to determine the fates of their missing fathers and sons, husbands and brothers.

Let us also briefly recall two other positive aspects of recent U.S. engagement with Vietnam. As a result of the 1991 "roadmap" policy, Hanoi withdrew its troops from Cambodia and has supported the promising advance toward peace, freedom and human rights in that country. The overwhelming turnout for last year's free Cambodian elections, in spite of intimidation and violence, clearly demonstrated that democracy is not only a Western ideal.

Hanoi has also released from re-education camps its citizens who had been detained because of their pre-1975 association with the United States or the former South Vietnamese government.

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 from experience that this search will take a long time. Just two months ago we repatriated the remains of American aviators who were lost in World War Two. Their remains, and the wreckage of their airplane, were found in the glaciers of Tibet, and returned with the cooperation and assistance of the Chinese government. In recent months we have also retrieved more remains and more answers concerning the Korean and Vietnam wars from North Korea, Russia and China as well as the countries of Indochina.

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.

Following the President's announcement, the Ministry of Foreign Affairs declared that, "The Vietnamese government reiterates its policy of consistently regarding the question of Americans missing from the war as a humanitarian concern not linked with political issues . . . the government and people of Vietnam have been, are and will be cooperating in a constructive spirit with the American government and people to solve this issue to the fullest possible extent."

When I informed Vietnam's Ambassador to the United Nations of the President's decisions, he said, "We promise to go forward with you to see the MIA issue resolved. I have a promise from Hanoi that cooperation will continue."

#### The Views of Others

The question for the President then was, what actions could we take to continue this important progress? How could we keep Vietnam motivated to pursue and expand its cooperation?

The President turned to many people for advice on these questions. He consulted with all members of his cabinet most directly concerned with the POW/MIA issue, including the Secretary of State, the Secretary of Defense and the National Security Advisor. The President asked General Shalikashvili and the Commander of our Pacific forces, Admiral Larson. He asked General John Vessey, and the leaders of the delegation he sent to Hanoi last July.

Everyone recommended that the best way to make more progress and resolve POW/MIA issues is to lift the embargo and expand our presence in Vietnam.

As I noted earlier, the President also sought the advice of many Members of Congress. Here I would note the special contribution of Senator John Kerry, who co-chaired the Senate Select Committee on POW/MIA Affairs. For 15 months, the Senator, a decorated veteran of Vietnam, steered his committee through an exhaustive investigation. The committee's findings played an important part in our deliberations. Senator Kerry also sponsored and championed the amendment endorsing an end to the embargo which the Senate overwhelmingly passed late last month.

At the risk of not mentioning all of the amendment's co-sponsors, I do want to single out two others with particular backgrounds. In very personal and moving remarks on the floor, Senator John McCain, who spent almost six years as a POW in Vietnam, recommended ending the embargo as the best way to account finally for his missing brothers in arms. Senator Bob Kerrey, who earned the Medal of Honor in Vietnam, also urged us to end the embargo to resolve the POW/MIA issue, and to make more progress on human rights and democracy issues.

In the House of Representatives I believe a broad majority also supports the President's decisions. They include many veterans and former POWs such as Congressman Pete Peterson, who has served a central role in our search for answers not only in Indochina but in the former Soviet Union.

The President and other Administration officials also consulted once again with the representatives of veterans organizations and family groups. While many of them disagree with the President's decision to lift the trade embargo, they all share his objective of achieving the fullest possible accounting. They 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. They agree that Vietnamese activity has 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 that we have witnessed not only unprecedented cooperation from the Vietnamese but also substantial tangible results from our joint efforts.

Despite these differences -- and I don't wish to minimize them -- we look forward to working closely with those who have the greatest personal stake in this difficult issue. We welcome their continued counsel. We empathize with their pain -- not only over lost family members and comrades but over the past deceptions by the Vietnamese and inadequate performance by the U.S. Government.

After considering all views, the President made his decisions. In short, 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 our missing men.

The steps we have taken do not represent full "normalization" of relations with Vietnam. We are not opening embassies or exchanging ambassadors. We are not granting Vietnam special economic privileges. We retain considerable political and economic incentives to ensure that the government of Vietnam does not waver from its commitment to continue its cooperation on POW/MIA issues.

Our efforts will continue undiminished, indeed with fresh momentum.

With these prospects in mind, President Clinton also decided to establish a liaison office in Vietnam and to permit the Vietnamese to open a similar office here. We believe such offices will greatly assist in our search for MIA information. They 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 businesspeople.

The vastly increased numbers of American visitors, tourists, businesspeople and other private groups who will now spread across Vietnam should produce greater openness, greater contacts, greater information on our MIAs -- and concrete results.

At this moment we are only in the initial planning stages for the liaison offices. Questions on timing, staffing, privileges and immunities, and functions will be the subject of discussions with the Vietnamese. We plan to begin these talks in the near future. We welcome your views and will keep you and your staff apprised of significant developments.

In sum, President Clinton and all his top advisers believe that it is time to acknowledge the help of the Vietnamese. The February 3, 1994 decisions will encourage further efforts by demonstrating to Vietnamese leaders and the Vietnamese people that we will meet cooperation with reciprocal steps, that it is in their interest to continue helping us.

The families and loved ones of our missing Americans deserve answers. The President's actions mark a major milestone on a lengthy journey in pursuit of that goal. They represent a new beginning, a rededication to our ongoing labors.

Human Rights

Before concluding, let me cite two other important issues with Vietnam. My colleagues and I have raised these subjects regularly, including at the highest levels in Hanoi, and in Secretary Christopher's meeting last fall with Deputy Prime Minister Khai.

The first issue concerns American citizens who are incarcerated in Vietnam. We know of five such Americans, and are disappointed that we have only been granted access to one of them. Now, with the opening of an official U.S. office in Hanoi, we expect our discussions with Vietnam to lead to normal consular access in accordance with international practice and law.

The second issue is human rights. The just published State Department 1994 human rights report for Vietnam spells out our deep concerns. It states, in part, that the Vietnamese government "continued to violate human rights in 1993. The authorities continued to limit severely freedom of speech, press, assembly and association, as well as worker rights and the right of citizens to change their government."

In my December meetings in Hanoi, Vietnam agreed to hold regular bilateral discussions with us on human rights. These should commence later this month. We expect a constructive, productive forum in which we will continue to urge Hanoi to respect universal human rights, and release those detained for the peaceful expression of political or religious beliefs. I would note here our sustained, personal concern for the health of Dr. Nguyen Dan Que among others. We have raised his case on many occasions, most recently in my meeting last week with the Vietnamese Ambassador to the United Nations. We will continue to follow closely his fate and others in similar situations. The further exposure of Vietnamese society to outside trade, investment, people, information and ideas as a result of the President's decisions should work to open up the political system of Vietnam.

Vietnam clearly has far to go to improve its observance of human rights. Some actions by the Vietnamese leadership in recent years, however, have signaled their intention to reintegrate their nation in the world and contribute to the stability of the Southeast Asian region. As I already noted, the Vietnamese were a signatory to the Cambodia Peace Accords and have faithfully supported the implementation of the peace process. While the government's institution of economic reforms is clearly in Vietnam's self-interest, it has also had a positive impact on the region and drawn that nation more into the world trading community. The Vietnamese have also demonstrated a willingness to resolve their territorial disputes in the South China Sea with China and other Southeast Asian claimants in a peaceful and constructive manner.

Conclusion

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, 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 served 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 very much.



STATEMENT BEFORE THE HOUSE FOREIGN AFFAIRS COMMITTEE

SUBCOMMITTEE ON ASIA AND THE PACIFIC

OPEN HEARING ON POW/MIA ISSUES

(AS PREPARED FOR DELIVERY)

BY

EDWARD W. ROSS

ACTING DEPUTY ASSISTANT SECRETARY OF DEFENSE

(POW/MIA AFFAIRS)

WEDNESDAY JUNE 30, 1993

Mr. Chairman, Members of the House Foreign Affairs Committee Subcommittee on Asian and Pacific Affairs, on behalf of Secretary of Defense Aspin I am pleased to be here today to speak to you on the POW/MIA issue.

It has been over 20 years since 591 Americans were repatriated by the Vietnamese Government during Operation Homecoming. This event captured the hearts and minds of the American people and has not let go. Indeed, those who returned symbolized the strength of American character and their story has been told many times. There is another story that remains unfinished--the last chapter has not been written for the many Americans who did not come home from the war in Vietnam. The emotion this last chapter evokes in the families of the MIAs, the veterans who fought along side these men, and the American people is both profound and varied. Indeed, the very mention of this issue in almost any forum sparks heated debate.

Nevertheless, there is a positive story to tell and on behalf of the Department of Defense, I welcome this opportunity to inform you of what has transpired in recent months.

On January 13, 1993 the Senate Select Committee on POW/MIA Affairs submitted a comprehensive report based on an exhaustive study of the Government's handling of this issue. The committee's review, headed by Senators John Kerry and Robert Smith was the most thorough

conducted since the end of the war. It's findings were enlightening. I believe it is useful to summarize some of these findings here today.

On alleged conspiracy and cover-up theories, the Committee found: "There is at least one aspect of the POW/MIA controversy that should be laid to rest conclusively with this investigation and that is the issue of conspiracy...The isolated bits of information out of which some have constructed whole labyrinths of intrigue and deception have not withstood the tests of objective investigation; and the vast archives of secret U.S. documents that some felt contained incriminating evidence have been thoroughly examined by the Committee only to find that the conspiracy cupboard is bare."

On the issue of live Americans in Southeast Asia the Committee stated: "While the Committee has some evidence suggesting the possibility a POW may have survived to the present, and while some information remains yet to be investigated, there is, at this time, no compelling evidence that proves that any American remains alive in captivity in Southeast Asia."

Finally, on the overall effort of accounting for missing Americans, the Committee stated: "By far the greatest obstacle to a successful accounting effort over the past twenty years has been the refusal of the foreign governments involved, until recently, to allow the U.S. access to key files or to carry out in-country, on-site investigations . . . The accounting process has improved dramatically in recent years as a result of the high priority attached to it by Presidents Reagan and Bush; because of the success of

Gen. Vessey and the JTF-FA in gaining permission for the U.S. to conduct investigations on the ground in Southeast Asia; because of an increase in resources; and because of the Committee's own efforts, in association with the Executive branch, to gain greater cooperation from the Governments of Vietnam, Laos and Cambodia."

Since the termination of the Committee we have continued pressing to achieve our goal of the fullest possible accounting for missing Americans. President Clinton has confirmed his support of this issue as one of highest national priority and Secretary Aspin has ensured the implementation of this policy.

Our operations in Southeast Asia have continued to progress and improve. Today there are over 70 Americans on the ground in Vietnam conducting the 24th joint field activity. These activities are aimed at specific case investigation in the areas where individual incidents occurred. These operations are conducted by Joint Task Force-Full Accounting (JTF-FA) a CINCPAC element based in Hawaii with headquarters at Camp H.M. Smith. Commanded by Army Major General Tom Needham, JTF-FA has detachments in Bangkok, Hanoi, Vientiane and Phnom Penh. While we do conduct important activities in Cambodia and Laos, the majority of our efforts on the POW/MIA issue in Southeast Asia are focused on Vietnam. Accordingly, I will devote the remainder of my statement to our POW/MIA interaction with Vietnam.

The Vietnamese Government is well aware of the type of cooperation we require to achieve the fullest possible accounting. As you will recall, in

April of 1991 Assistant Secretary of State Solomon delivered the U.S. Government's policy regarding normalization of relations with Vietnam to the Vietnamese Ambassador to the United Nations. This policy, known as "The Roadmap" defined for the Vietnamese the type of information and POW/MIA resolution efforts that were a prerequisite to normalization. This process was broadly defined in the early stages and has narrowed considerably through an accelerated negotiation process involving the efforts of General Vessey, Assistant Secretary Solomon and Members of the Senate Select Committee on POW/MIA Affairs. At each meeting the cooperation we received was enhanced and expanded as we continued to build on our own operational process.

In January of 1992, General Vessey traveled to Hanoi and laid the foundation for five key areas of cooperation. These areas were archival access, live sighting investigations, accelerated investigation of 135 discrepancy cases, remains repatriation, and expanded trilateral cooperation. In March of 1992, the Vietnamese met with Assistant Secretary of State Solomon and committed to cooperating on these five areas. These areas became the benchmark of our bilateral POW/MIA efforts.

General Vessey has traveled to Vietnam twice since Assistant Secretary Solomon's visit. At each meeting, the General was able to obtain new agreements which supported or complemented the five areas. In April of this year General Vessey redefined the five areas into four areas. Through the process of negotiations and an acceleration of investigation of live sightings and last known alive discrepancy cases (LKA), the five areas

had "evolved" into four areas essentially by grouping our investigation of the live American issue into one category.

Also during his April meeting, General Vessey delivered to the Vietnamese a DoD assessment of the progress made on investigation of the 135 LKA cases--telling them we had confirmed the death of 43 of these individuals. He gained Vietnamese agreement to pursue the remaining 92 discrepancy cases through a new small team concept, the "priority case investigation team" (PCIT). The PCIT, currently in place in Hanoi, is essentially a full time effort aimed at investigation of the remaining 92 cases.

During this visit, General Vessey also received numerous new POW/MIA documents from the Vietnamese who were anxious to provide information which would present their position about their prisoner of war handling during wartime--which was recently brought into question by a document unearthed from Russian archives that alleged the Vietnamese held over 600 more prisoners than the 591 who returned at Operation Homecoming. This document has been referred to as "The 1205 Document." This document is still under analysis with the hope new information comes available from Vietnamese and Russian archives. We believe the information contained in the document regarding U.S. POWs and the number of Americans held by the Vietnamese in September 1972 is not accurate. While portions of the document are plausible, evidence in support of its accuracy is far outweighed by errors, omissions and propaganda that detract from its credibility.

Senator Kerry traveled to Hanoi twice in the past 45 days and gained Vietnamese agreement to establish a joint POW/MIA document center for compiling records and information about MIAs from both sides, Senator Kerry was also given several new documents.

The following are the four key areas of Vietnamese cooperation through which we strive to gain answers about individual MIA cases:

The first area is investigation of the remaining 92 "Last Known Alive Discrepancy Cases" (LKA) and Live Sighting Investigations (LSI): We aggressively seek to resolve the remaining 92 LKA cases through the PCIT mechanism. Resolution of these cases on a priority basis is the key to resolving the live prisoner issue in Vietnam. This mechanism is designed to work independently of and not interfere with the live sighting investigation and joint field activity mechanisms.

The second area is trilateral cooperation. The Vietnamese have agreed to conduct trilateral operations with the Government of Laos aimed at resolution of those cases which occurred along the Ho Chi Minh Trail and other areas of the Vietnam-Laos border where many Americans were lost. Although we have received verbal assurances of cooperation, implementation has yet to occur. We believe Vietnam holds the key to success in this area. We are optimistic about the prospects for future results from this effort.

The third area is the broadest category and entails access to archival information. This area is not limited to documents alone, but includes

museum artifacts, oral histories and witness interviews, bureau records, documentary films, and personal diaries etc... The Vietnamese have provided a steady flow of this type of information. Much of the information has been very helpful in confirming what our analysis had previously concluded. Some of the material has added pieces to some individual cases. The Vietnamese have been generally very cooperative on this issue. They have yet to provide, however, some specific records we have requested. For example, we believe the records of Group 875 of the General Political Directorate--the arm of the Vietnamese Government that handled Prisoners of war will be helpful in individual case resolution. We have asked for these records repeatedly. The area of archival research is perhaps the most difficult to judge and gage because we can not know with absolute certainty what archives actually exist. We will continue to pursue this area with the Vietnamese as we believe this is potentially the best area for finding answers about the fate of many of our MIAs.

The fourth area is the repatriation of the remains of missing Americans. The Vietnamese have yet to provide the remains of the 11 individuals where photographs from Vietnamese archives have confirmed death. We have repeatedly asked them for an explanation as to why, if they took the time to extensively photograph these persons at the time of death, can't they produce information concerning the disposition of the remains. At a minimum, these 11 cases and the discrepancy cases involving 31 individuals who died in captivity must be satisfactorily resolved with either remains repatriation or an adequate and convincing explanation of why they are not available.

From an operational perspective we believe the mechanism necessary for us to obtain the answers to achieve the fullest possible accounting is now in place. We are poised to capitalize on opportunities in Southeast Asia as the Governments of Indochina make them available. We are committed to this goal and will not rest until it is achieved. The most challenging aspect of this lies in explaining to the families of the 2253 unaccounted for Americans, veterans, members of Congress and the American people what constitutes the fullest possible accounting and how it will be achieved.

The process of achieving the fullest possible accounting will take a long time. Every MIA case must be investigated and we must ensure that all available information has been collected and thoroughly analyzed. Even then, not all cases will be resolved and it is not realistic to expect to bring the remains of all our MIAs home. This of course, is the most difficult aspect for us--conveying to the next of kin that despite our best efforts the answers still are not available. I assure you Mr. Chairman and members of this committee we will keep faith and continue to aggressively pursue the fullest possible accounting for as long as it takes.

Thank you for this opportunity. I will be happy to answer any questions you may have.

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HOUSE FOREIGN AFFAIRS COMMITTEE

STATEMENT OF

MAJOR GENERAL THOMAS H. NEEDHAM, U.S. ARMY  
COMMANDER, JOINT TASK FORCE FULL ACCOUNTING

UNITED STATES PACIFIC COMMAND

BEFORE THE ASIA AND THE PACIFIC SUBCOMMITTEE,  
HOUSE FOREIGN AFFAIRS COMMITTEE

ON UNITED STATES POLICY ON VIETNAM

FEBRUARY 10, 1994

Mr. Chairman and members of the committee:

Thank you for the opportunity to be here today. I look forward to explaining the efforts of my command to achieve the fullest possible accounting of those Americans still unaccounted-for as a result of the Vietnam War.

When I took command of Joint Task Force Full Accounting two years ago, I knew the mission before us was daunting: a difficult task -- and one that carried with it a great deal of emotion. The mission is straightforward: find out what happened to the men who did not return from Southeast Asia. But this task is far from simple: the ravages of war; the violent nature of some of the loss incidents; and the passage of time conceal the answers to many of our questions. In some cases, we may never know the answers. But we are determined to continue seeking those answers -- until we have achieved the fullest possible accounting.

From the beginning I have believed that achievement of the fullest possible accounting is a task that we, as a nation, need to confront on a basis of complete openness and honesty. I have spent two years doing exactly that. We have developed an organization and a mechanism which have already answered many questions. I am convinced, furthermore, that we will continue to answer many questions in the future.

An important measure of our progress is the resolution of discrepancy cases. Discrepancy cases are those in which we had compelling evidence that the individual may have survived his incident of loss. This is an area where the Vietnamese have provided outstanding support. The establishment of our in-country priority case investigation team is testimony to Vietnamese willingness to help us solve these vexing cases. The efforts of the priority case investigation team -- and the excellent support from its Vietnamese counterparts -- were central in providing the information and evidence necessary for the determination of fate of 62 individuals. Since January 1992, the number of discrepancy cases has been reduced from 135 to 73. We have a well-established live-sighting investigation mechanism in Vietnam. We have conducted more than 75 live sighting investigations there -- all since JTF-FA was established. Currently only a handful of reports require investigation in Vietnam.

The Vietnamese have placed a renewed emphasis on their remains amnesty program. This program calls upon Vietnamese citizens to turn in remains they may be holding. This increased emphasis has resulted in new remains being turned in to both Vietnamese officials and our teams. In addition, we have jointly established a new team, the Special Remains Team. This team pursues leads about Americans known to have

died in captivity, as well as others whose bodies have been identified as having been under the control of Vietnamese officials or citizens. The Special Remains Team has already located seven potential grave sites -- sites which will be excavated in the near future. Remains believed to be those of 102 Americans have been returned from Vietnam in the past two years -- 67 in 1993 alone.

Cooperation in conducting operations along the Vietnamese/Lao border is another important area. Many of our unaccounted-for servicemen were lost either in this border area between Vietnam and Laos, or in areas of Laos controlled by Vietnamese forces during the war. Our first trilateral operation was conducted last December. All reports received -- from our team leaders to Assistant Secretary of State Lord, who visited the operation -- were that Vietnamese cooperation was whole-hearted and sincere. This operation produced remains recoveries and new information; we are planning another trilateral operation for later this year.

Increased access to wartime documents is critical to our success. Resolution of many of our cases will be possible only if Vietnamese documents offer us new leads. Since July, the Vietnamese have intensified their efforts to locate and provide documents to U.S. analysts. The Ministry of Defense ordered all units to search for pertinent

materials and a special office was established to search for documents from Group 559, the organization which ran the Ho Chi Minh Trail logistics operation, and Group 875, which was responsible for administering POW camps. Vietnamese cooperation with our Oral History Program -- the effort to capture the memories of those who may have been involved with or knew of the Vietnamese prisoner system -- has been excellent. The Vietnamese have been very helpful, especially in their increased willingness to produce witnesses -- particularly senior-level members of their military hierarchy -- for interview. In addition, our Hanoi-based research-historian has been granted unescorted and unprecedented access to the Peoples Army of Vietnam military library.

In summary, increased access, increased cooperation, and increased assistance have been forthcoming from the Vietnamese in each of the four areas of discrepancy cases, remains, trilateral cooperation, and archival research. I have reported those findings to Admiral Larson, who himself visited the most recent joint field activity in Vietnam.

After two years of searching, we have not found credible evidence of American prisoners still alive in Southeast Asia. I do not know if there are any unaccounted-for Americans held alive in Vietnam or anywhere else in Southeast Asia. But -- as long as the possibility exists --

we will continue to search, to interview refugees and other potential witnesses, and to investigate live sighting reports. We must continue our efforts -- until we achieve the fullest possible accounting.

Thank you. I look forward to your questions.

Testimony of Al Santoli, historian  
 "The Ongoing U.S. Government POW/MIA Cover-Up"  
 Asia & Pacific Subcommittee of the House Foreign Relations Committee  
 February 10, 1994

Chairman Ackerman and Mr. Gilman:

Thank you for the opportunity to testify today. My statement is not based on either emotion or prejudice toward the U.S. military or the people of Vietnam. Rather it is based on more than 16 years of research as a historian, which has made me cognizant of the fact that the POW/MIA question is controlled by a mere handful of Vietnamese Communist Party leaders who have a long history of manipulating the issue, beginning with French POWs.

Crash site excavations in Vietnam and Laos by scores of young American soldiers make for great television and public relations images. However, it has little bearing on whether Hanoi or the U.S. Government are providing real answers. My concern is the process by which the Pentagon is rapidly closing out cases of American prisoners last known alive in Indochina. This problem involves 1) The lack of access by field investigators to still classified wartime signal intelligence archives. A small percentage of these documents were only made available during the past few years, after numerous MIA discrepancy cases and live sighting reports were written off based on incomplete information. 2) The lack of professional experience or competence of Joint Task Force Full Accounting investigators and commanders; and 3) 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, the remains of a pilot have been returned from an area of North Vietnam -- near Dong Vai prison -- where post-war satellite imagery indicates the presence of distress signals and authenticator codes. Although the remains of the pilot had scientific evidence of malnutrition consistent with long term confinement, the results of the forensic analysis performed on the remains was not passed to investigators who went to the same area of Vietnam to investigate the distress signals on the ground.

In some cases, the Vietnamese have returned the remains one crew member of a multi-crew aircraft, and U.S. forensic analysis shows that the individual was not involved in a crash. These results should have been given to field investigators before they went to the site to look for remains. Investigation on other crew members should be based on the possibility that they may have been captured instead of perishing in a crash. But it hasn't. This is why families are protesting the determination of death of numerous crew members based on the finding of one or two teeth at a crash site. And they are resisting group burials based upon comingled fragments of remains.

This is also a reason the families protested the removal of Dr. Ellis Kerley as the director of CILHI Lab. Dr. Kerley, the former dean of the American Academy of Forensic Science, does not believe that finding a tooth, in itself, is basis for determination of death. Dr. Kerley was replaced at CILHI in 1992 by a U.S. Army Lt. Colonel dentist, who has limited forensic experience.

Joint Task Force Fill Accounting officers, such as General Tomhas Needham and Lt. Colonel John Cray continually praise Vietnamese cooperation, while they rapidly write off discrepancy cases. Their findings are based on

investigations by young infantry and artillery officers and forensic examinations conducted by young army dentists. At the same time, experts such as Bill Bell, the former senior Pentagon field investigator, and Dr. Kerley have been forced out of the process. This highly technical investigative process has been purposely delegated to inexperienced infantry and artillery officers who are under direct command influence, rather than an independent commission capable of rendering objective findings.

The JTFFA investigative process -- similar to the military's scandalous investigations of Agent Orange, the Atomic Veterans and Tail Hook, and the 1993 document shredding in Bangkok -- is tragically flawed. Included as part of my written testimony is the Army's biography of Lt. Colonel John Cray who assumed leadership of the JTFFA Vietnam Detachment in 1993. Like all other JTFFA Detachment commanders, Cray has no intelligence background, no previous experience in POW/MIA investigations, no area studies training in Southeast Asia and only brief language training prior to assignment. And he has little knowledge of classified CIA and NSA communications intercept archives to compare the information he receives from the Vietnamese.

Senior Defense Intelligence Agency analysts, including Robert DeStatte the chief analyst in Hanoi, have made numerous blatantly false and misinformed testimonies before Congressional panels. Despite their lack of credibility, most of these men have worked the MIA issue for two decades. Although Senator Bob Smith's request for a perjury charges against these men was turned down by the Clinton Justice Department, it merits a full Congressional probe.

Recently, General Needham's Joint Task Force took Maj. 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.

This JTFFA finding totally ignores the sworn testimony of Jerry Mooney, a former National Security Agency [NSA] cryptologist before the Senate Select Committee that the NSA had intercepted Vietnamese military communications that Major Apadoca and/or his co-pilot were captured. Mooney's credibility was supported by senior Select Committee intelligence analyst ██████████, who claims, "I found lots of data in the NSA files to substantiate Mooney's testimony. Some radio intercepts mention names of specific captured pilots."

Mr. Chairman, Senate Select Committee investigators express frustration that the Committee disbanded before they could look through a large amount 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 non-biased experts.

Recently, the American Legion has filed a Freedom of Information Act request for records of a CIA/ NSA/ Air Force intercept program called "Cold Spot." This program included ground intercepts of North Vietnamese and Laotian military and political radio communications, as well as possible airborne intercepts.

In addition, until 1975 the U.S. Army Security Agency, in cooperation with NSA, conducted a massive intercept program out of Ubon, Thailand, with decoding conducted at Ben Hill Farms 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 shutdown, capture and transport of American prisoners.

The CIA has responded that they don't have records of a Cold Spot program. However, highly credible former intelligence officials claim 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 programs to remain classified. Mr Chairman, I am asking the members of your Subcommittee to assist the Legion to rapidly obtain all communications intercept records relevant to POW/MIAs, from any agency, whether filed under the operational name of Cold Spot or any other program before or after 1973.

In addition, U.S. officials have often debunked radio intercepts related to MIAs collected by allied forces in Southeast Asia. However, the debunkers have never conclusively disproved the validity of the intercepts. The facts that the intercepts may be collected by other countries or that they do not exist on tape recordings should not constitute proof that they are not valid. In the absence of U.S. collection, we need to thoroughly examine them to see if they correlate to other intelligence information.

Mr. Chairman, to successfully conclude the POW/MIA tragedy, a non-biased independent commission of experts must be created to conduct oversight of the Pentagon and other U.S. Government agencies' who are involved with POW/MIA investigations. In addition, the 1942 law regarding Prisoner of War determinations must be revised to permit families of POW/MIAs to a credible appeal process if they have documents, eyewitnesses or forensic evidence that challenges government determination of death or closing down cases without the fullest possible accounting.

Thank you.

BIOGRAPHY  
LIEUTENANT COLONEL JOHN C. CRAY

LTC John C. Cray was born in New York on 20 February 1951. He received his regular Army commission from the University of Cincinnati in 1973. He received a Bachelor of Arts Degree in Political Science.

From 1974 to 1978, LTC Cray served as rifle and scout platoon leader, Brigade S3 Air, Company Executive Officer, and Company Commander with the 325 Infantry, 82nd Airborne Division. From 1979 to 1982, LTC Cray served as Adjutant, Company Commander, and Assistant Operations Officer with the 2d Battalion (Ranger), 75th Infantry at Fort Lewis. While assigned to USA MILPERCEN from 1982-1985, LTC Cray served in OPMD as Special Distribution Plans Officer and as Chief, Assignments Officer for Infantry Captains. He later served with the 25th Infantry Division (LIght) at Schofield Barracks, Hawaii, where he worked as Battalion Executive Officer, G3 Air/Edre, Deputy G3, and Brigade S3. LTC Cray's most recent assignment was as the Commander of 2d Battalion (IOBC), 11th Infantry Regiment from February 1991 until February 1993.

LTC Cray's military schooling includes the Infantry Officer Basic and Advanced Courses, Airborne, Ranger, Jumpmaster Courses, and the Command and General Staff College. He holds a Master's Degree in Business Management from Central Michigan University.

His awards include the Meritorious Service Medal with Four Oak Leaf Clusters, the Army Commendation Medal, the Master Parachutist Badge, the Expert Infantryman's Badge, and the Army Ranger Tab.

LTC Cray and his wife, Kathy, have two children, Cheryl and John Adam.

currently JTFFA DETACHMENT CO,  
HANOI.

Committee of Foreign Affairs  
Sub Committee on Asian Pacific Affairs

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 towards 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 I do not accept their apology or 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 battle field along with 14 other Marines on September 21st, 1967. He was declared KIA/BNR. 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 a soldier they had captured on September 21st, 1967, who subsequently died seven 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 is the likelihood that the remains recovered in 1967 were misidentified and my brother was buried in someone else's grave?"

The reply from CIL-HI was that was not very likely. The returned remains did not correlate to any of the 15 Marines left on the battlefield.