

DEPOSITION OF WILLIAM P. CLEMENTS, JR.

Friday, March 27, 1992

U.S. Senate

Select Committee on POW/MIA

Affairs

Dallas, Texas

Deposition of WILLIAM P. CLEMENTS, JR., a witness herein, pursuant to notice, called for examination by counsel for the Senate Select Committee on POW/MIA Affairs, in Conference Room 2C14, Federal Building, 1100 Commerce Street, Dallas, Texas, commencing at 9:10 a.m., the witness having been duly sworn by MICHAL ANN SCHAFER, a Notary Public in and for the District of Columbia, and the proceedings being taken down by Stenomask by MICHAL ANN SCHAFER and transcribed under her direction.

APPEARANCES:

On behalf of the Select Committee on POW/MIA Affairs:

J. WILLIAM CODINHA, ESQ.

Chief Counsel

NEAL KRAVITZ, ESQ.

Investigative Attorney

C O N T E N T S

WITNESS EXAMINATION

William P. Clements, Jr.

By Mr. Codinha 3

AFTERNOON SESSION, P. 123

E X H I B I T S

CLEMENTS EXHIBIT NO. FOR IDENTIFICATION

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4	45
5	106
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NOTE: Exhibits 7, 9, and 10 retained at the Office of Senate Security.

PROCEEDINGS

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Whereupon,

WILLIAM P. CLEMENTS, JR.,

a witness herein, called for examination by counsel on behalf of the Senate Select Committee on POW/MIA Affairs and having been duly sworn by the Notary Public, was examined and testified as follows:

EXAMINATION BY COUNSEL ON BEHALF OF THE SELECT COMMITTEE

BY MR. CODINHA:

Q. Mr. Clements, I thank you for being here today. As I told you before, my name is William Codinha. I am Chief Counsel of the Senate Select Committee on POW/MIA Affairs. With me is Mr. Kravitz, who is also a counsel to the Senate Select Committee.

The idea of putting you under oath is something we are doing with all witnesses on this Committee, and you should not infer anything from putting you under oath. It has nothing to do with our assessment of credibility or anything else. We are doing it to everyone.

I'd like to outline today the procedures that we'll follow in taking this deposition. I'll be putting a series of questions to you this morning, under oath, which you should answer truthfully. If you don't understand a question I ask, tell me and I'll rephrase it in such a way that you can understand it. If you answer a question, I'm

1 going to assume that you understood it and you're giving a  
2 truthful answer to that question.

3 If at any time you become uncomfortable with an  
4 answer you've given and wish to change it, elaborate on it,  
5 take something away from it, advise me of that fact and I'll  
6 allow you to correct the record here today.

7 After the transcript of this proceeding is  
8 prepared, you'll have an opportunity to read and sign it,  
9 although because some of the documentation we will be using  
10 is at the Secret level it may be a little difficult for us  
11 to get the transcript to you, but we will make arrangements  
12 for that to happen. You may have to go somewhere to read it  
13 -- an FBI reading room or somewhere else.

14 The deposition will begin at 9:00, or shortly  
15 thereafter. We'll go until about 11:00 or 11:15. We'll  
16 then break for ten minutes or so. We'll then resume and go  
17 until 1:00. We'll break between 1:00 and 2:00, or 1:00 and  
18 1:45. The deposition will then resume and will go until  
19 3:00, 3:15; then we'll break and then we'll go again until  
20 4:00 or 5:00.

21 If at any time you wish to stop the deposition  
22 because you're tired, because you feel you've become  
23 confused by the questioning, if you just need a break -- if  
24 you need a bio break or for any other reason -- tell me.  
25 You control the deposition in that sense, and if you need a

1 break just to walk around and get some air, that's fine.

2 All statements that are made during the deposition  
3 will be on the record. The stenographer is here. She's  
4 taking everything that's being said today. Unless I say  
5 that whatever is said will be off the record, you should  
6 consider that everything is on the record. So there will be  
7 a transcript made of everything.

8 Do you have any questions about the information  
9 which I've just given you?

10 A. I can't imagine that we're going to be here as  
11 long as you are saying.

12 Q. Did you have any questions about anything I said?

13 A. No.

14 Q. As I told you, it's my understanding that there  
15 will be items that I'm going to discuss with you that are at  
16 least at the Secret level. There's a possibility we may  
17 discuss things that are at the Top Secret level, and there's  
18 also a possibility I may put a question to you, the answer  
19 to which will go into ~~a level above that~~, into a Codeword  
20 level.

21 If that happens, would you please advise me if  
22 your answer is going to be at the Codeword level, just  
23 because it will change how we have to handle the deposition,  
24 if you remember. And if you don't remember, don't worry  
25 about it.

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A. We'll see.

MR. CODINHA: I'd like to mark as Exhibit 1 the notice of Senate deposition.

[The document referred to was marked Clements Exhibit No. 1 for identification.]

MR. CODINHA: Exhibit Number 2 will be the subpoena.

[The document referred to was marked Clements Exhibit No. 2 for identification.]

MR. CODINHA: And Exhibit Number 3, authority and rules of the Senate Select Committee on POW/MIA Affairs.

[The document referred to was marked Clements Exhibit No. 3 for identification.]

BY MR. CODINHA:

Q. Mr. Clements, would you tell us your full name?

A. William Perry Clements, Jr.

Q. And where do you live, sir?

A. Dallas, Texas.

Q. And what's your home address?

A. 4800 Preston Road, Dallas, Texas.

Q. With whom do you live there?

A. My wife.

1 Q. And do you have children?

2 A. I do.

3 Q. And what is your date of birth, sir?

4 A. April 13, 1917.

5 Q. What is your social security number?

6 A. I haven't the foggiest idea, but I can tell you.

7 [Pause.]

8 449-12-5917.

9 Q. And where were you born?

10 A. Dallas, Texas.

11 Q. I'd like to discuss with you now your background  
12 and education. How far did you go in school, sir?

13 A. I was in SMU's engineering school roughly to the  
14 junior level.

15 Q. And what years was that, sir?

16 A. 1936 and '37, including summer school.

17 Q. Did you have any further college after that?

18 A. I was at the University of Texas for one year,  
19 engineering school.

20 Q. When was that, sir?

21 A. That was the next year, '37-'38, I guess.

22 Q. Did you graduate from any of those institutions?

23 A. No, I did not.

24 Q. Have you had any further education following that  
25 -- any formal education?

1 A. I think considerable education since then.

2 Q. Any formal education in terms of going to  
3 institutions of higher learning?

4 A. No.

5 Q. After you left the University of Texas, would you  
6 just give us a brief synopsis of your employment history  
7 following that?

8 A. Well, I went to the oil field in south Texas, and  
9 I worked for, oh, I guess a year and a half; and then I was  
10 employed in the engineering department, Oil Well Supply  
11 Company, which is a subsidiary of United States Steel. And  
12 I worked for them until January 1, 1947.

13 During those years, the war years, I had a special  
14 classification by the draft board, I guess, that exempted me  
15 and froze me in my engineering capacity. And I was sent to  
16 Canada to work on what is called Wartime Oils, Limited, in  
17 Canada. And I was up there for a little over a year, and  
18 then I was back here and was connected with, loaned to, or  
19 farmed out to, ~~seconded to, the Army Engineers~~, still frozen  
20 in my salary and capacity.

21 And I was in their wartime division as a war  
22 industry and was actually in charge of putting in heating  
23 installations and all kinds of mechanical equipment in camps  
24 all through the southwest, including Colorado, Oklahoma, New  
25 Mexico and Texas. And that's what I did. I was frozen.

1 Q. Following that, what was your employment history?

2 A. Well, I came back after the war and when I got  
3 unfrozen, I went to work again for Oil Well Supply, and I  
4 was the area manager located in San Antonio, in charge of  
5 south Texas for Oil Well Supply Company, with many  
6 employees, and I think there was a total of 11 different  
7 installations down there under my management.

8 And I did that until January 1, 1947, and at that  
9 point I went into the drilling contracting business with the  
10 help of two people -- Mr. I. P. Larue -- L-a-r-u-e -- and  
11 Mr. Toddy Lee Wynne -- W-y-n-n-e -- and they were my  
12 partners. They were old enough to be my father. I ran the  
13 company and they provided the financial means by which we  
14 got under way as a poor-boy operation, and it really was.

15 And we grew then, the company, to a company called  
16 Sedco -- S-e-d-c-o -- which was an international drilling  
17 company, and that's all it did. It had no oil production.  
18 It was strictly a drilling company working for major  
19 international oil companies around the world, everywhere in  
20 the world, really, where there was oil or oil exploration,  
21 except in Russia. We didn't have any activities in Russia.

22 And I did that until I was asked to go to DOD. I  
23 was chief executive officer. I went to DOD in January of  
24 1973, and was the Deputy Secretary of Defense from '73 to  
25 January '77, four years.

1 Q. And after you left Defense, what did you do?

2 A. Well, I came back to Texas and I resumed my  
3 chairmanship of Sedco, and about '84 -- excuse me. I'm  
4 getting ahead of myself.

5 About sometime in late '76 or '77 I decided to run  
6 for governor of the State of Texas, and I did, and I won and  
7 I was governor for 4 years. Then, at the end of that 4  
8 years, I went back to Sedco as chairman of the board, and in  
9 like 1984 we were approached by a company called Slumberget,  
10 and Slumberget just insisted that they buy us out, and we  
11 let them have it.

12 At that point I went on Slumberget's board and  
13 executive committee and was on that board then for about a  
14 year and a half, resigned, and have been looking after my  
15 ranching operations ever since.

16 Q. Thank you. Prior to going to the Department of  
17 Defense, had you had any direct military experience?

18 A. I'm not sure what you mean by direct.

19 Q. Had you served in the armed forces at any time?

20 A. No, I had not. I was classified, as I told you,  
21 in the period of the draft, and I was frozen in my capacity,  
22 and in effect I was farmed out to the U.S. Army Engineers,  
23 and my salary at that time was \$125 a month. I made less  
24 than a sergeant in the Army, and I was frozen.

25 Q. Prior to your going to the Department of Defense

1 in 1973, had you received any formal intelligence training?

2 A. The answer is no.

3 Q. At any time during your career prior to going to  
4 the Department of Defense in 1973, had you worked for any  
5 other -- besides what you've told me already, when you were  
6 frozen in your position -- had you worked for any government  
7 agency?

8 A. I'm not sure what you mean, "worked for."

9 Q. Let me ask you --

10 A. That implies I was on their salary. The answer is  
11 no, I was never employed by any government agency.

12 Q. Were you ever an employee or a consultant to the  
13 Central Intelligence Agency?

14 A. Well, again you are using -- I will expand your  
15 question.

16 Q. Please.

17 A. I was asked by President Nixon to serve on what  
18 was called the Blue Ribbon Defense Panel, and I did that for  
19 18 months. They have published a report. It was an  
20 official Presidential commission, and during that 18 months,  
21 I, of course, had many, many contacts with the CIA, with the  
22 Department of Defense, with all the services, and so forth  
23 and so on. It was an interminable 18 months. It went on  
24 forever, and it required a lot of time and it was a very  
25 worthwhile situation.

1 It lasted about 18 months.

2 Q. Which 18 months was that? When in time was that?

3 A. That would be -- let's see. I went into DOD in  
4 January of '73, and it would be the, for any practical  
5 purpose, the prior two years before that.

6 Q. Was that --

7 A. Those dates are easily obtained. It was a  
8 Presidential commission and it was prior to the time I went  
9 into DOD. As a matter of fact, if I hadn't served that 18  
10 months, rough 18 months, on that Blue Ribbon panel, which  
11 was charged with a carte blanche, so to speak, to look at  
12 DOD and make recommendations to President Nixon as to what  
13 needed to be done in DOD at that point in time.

14 Q. Now, in that two years before '73 -- so we're  
15 talking probably '71, sometime maybe late in '71, when you  
16 first got involved in that?

17 A. The dates are --

18 Q. The dates would be a matter of record.

19 A. That's right.

20 Q. But at some time you got involved in that. What  
21 was your position on the commission?

22 A. There was no position. We had a chairman, and I  
23 have forgotten his name just offhand, but again that's a  
24 matter of record. He was with one of the very large  
25 insurance companies. He was chairman of the board of that

1 insurance company.

2 But there were no officers or there were no  
3 subcommittees. We operated as a committee of the whole.  
4 Lewis Powell was a member of that committee, for example. I  
5 know Lewis is still living and he'd be available to you.

6 Q. How many people were on that commission, if you  
7 recall?

8 A. I don't remember. It's all a matter of record.

9 Q. How much of your time did you devote to it?

10 A. A lot.

11 Q. Was it a full-time position?

12 A. Oh, no. Oh, no. But it was the very next thing  
13 to full-time. It required -- we met frequently, and I would  
14 go to Washington and be there as long as two or three days  
15 at a time.

16 Q. Did you meet with the Secretary of Defense during  
17 this period?

18 A. Sure. Laird, and from Laird right on down through  
19 everybody. Everybody was available to us and we had  
20 subpoena powers, if we wanted to use them.

21 Q. You said that your charge was --

22 A. Look at the Defense Department and tell the  
23 President what needed to be done in DOD.

24 Q. And did you understand why the President wanted  
25 you to do that?

1           A. I think I understood it. I think that he was real  
2 unhappy with the state of affairs in Vietnam and our  
3 commitment to Vietnam and our efforts to get out of Vietnam.  
4 And he felt that DOD under McNamara and that regime needed  
5 to be looked at, in depth, and that there could be a  
6 significant downsizing of DOD, and also that the efforts of  
7 DOD and its budget could be directed into different avenues  
8 than it had been in the past.

9           We just had a carte blanche charter -- look at DOD  
10 and make recommendations. And that report is available to  
11 you. All you've got to do is look it up and you've got it.  
12 In fact, I'll give you one if you want one. I have several  
13 copies.

14           Q. Well, we'll first attempt to find it. I'm sure  
15 it's in the Library of Congress. But if we can't, we'll  
16 come back to you.

17           You say you, of course, met with the Secretary of  
18 Defense during this time period. Did you meet with the  
19 President during this time period?

20           A. Yes.

21           Q. And how often did you meet with the President in  
22 that time period?

23           A. Oh, I don't think that the committee as a whole, I  
24 don't think that the committee met with the President over  
25 perhaps, I don't know, two or three times, maybe.

1 Q. Were you able to make an assessment of how  
2 interested he was in the workings?

3 A. Extremely.

4 Q. Did you meet with Mr. Kissinger during this time  
5 period?

6 A. Yes.

7 Q. And in what position did you meet with Mr.  
8 Kissinger? What was his role at the time?

9 A. He was security advisor to the President.

10 Q. And in that role you met with him?

11 A. Why sure.

12 Q. Mr. Laird was then Secretary of Defense?

13 A. That's right.

14 Q. Did you meet with Mr. Scowcroft during that period  
15 of time?

16 A. No, not to my recollection.

17 Q. How often did you meet with Mr. Kissinger during  
18 this time period?

19 A. I don't remember. It would be all a matter of  
20 record, because that committee and its record and so forth  
21 is, I'm sure, available to you.

22 Q. The actual number of meetings, you think, would be  
23 reflected?

24 A. I don't think there's any question about it.  
25 Every bit of that would be available to you.

1 Q. All right. During the time you were on the blue  
2 ribbon defense panel for the President, did you look into  
3 the issue of POWs and MIAs?

4 A. We did not.

5 Q. Did you specifically not look into the issue?

6 A. We did not think that was in our charter.

7 Q. Well, you've already said you had a carte blanche  
8 charter. You could look into anything.

9 A. We did, but I just finished saying I did not think  
10 that our committee did not feel, in my opinion and my  
11 recollection, that POWs or the problem of the POWs was  
12 something that was under our charter. We were concerned  
13 essentially with DOD, period -- you know, the Pentagon  
14 operation and the services.

15 Q. Did you look into DIA? Do you know what DIA is,  
16 first? Of course you do.

17 A. DIA reported to me for four years.

18 Q. So did you look into DIA?

19 A. Yes.

20 Q. And the POW/MIA shop, as it were, was within DIA?

21 A. Not that I remember.

22 Q. Again, this is during the Presidential panel  
23 years.

24 A. Not that I remember.

25 Q. Now, again I'm just going to hit on this once more

1 because you've told me, I believe, that you had carte  
2 blanche, but did you decide not to look into the POW/MIA  
3 issue?

4 A. I don't remember.

5 Q. But that would be a matter of record, if you did?

6 A. I don't think that the POW issue was a matter of  
7 our concern at that point.

8 Q. It wasn't a matter of your concern as you were  
9 members of the blue ribbon panel?

10 A. I don't mean to downgrade whatever you're doing  
11 here, but I'm telling you that at that point, to my  
12 recollection, POWs were not an issue, to my recollection.  
13 Now we can go back to the newspapers of that day and so  
14 forth and so on, and we can easily check, but I don't think  
15 MIAs were at all an issue at that time.

16 Q. Mr. Clements, have you written or published  
17 anything -- first anything in general?

18 A. I'm adverse to that sort of thing.

19 Q. Once you came into the Department of Defense, in  
20 January of '73, how did it happen that you decided to become  
21 a member of the Department of Defense?

22 A. What's that?

23 Q. Strike that. How did you decide to join the  
24 Department of Defense?

25 A. I was recruited by President Nixon.

1 Q. So Nixon himself asked you to do it?

2 A. He certainly did.

3 Q. All right. Were you told what it was that  
4 President Nixon wanted you to do?

5 A. Absolutely.

6 Q. And what did President Nixon tell you?

7 A. He wanted me to be the general manager of the  
8 Department of Defense. We would normally -- and it has been  
9 referred to many times that I had a general manager's  
10 charter by President Nixon, and I did.

11 Q. What did you understand a general manager's  
12 charter from President Nixon to mean?

13 A. Initially it was in a first order of business to  
14 recruit like 42 or 43 assistant secretaries and secretaries  
15 of the services, which I did.

16 Q. What else did you understand were --

17 A. I was in charge of the day-to-day operations of  
18 DOD.

19 Q. Of all of DOD?

20 A. All of DOD.

21 Q. And what else did you understand --

22 A. That's enough.

23 Q. Did you understand that you had any other duties  
24 and responsibilities?

25 A. Well, I don't know what you mean by that.

1 Q. Well, you said you had a general manager's  
2 charter, which meant you could hire.

3 A. That's exactly right -- and fire.

4 Q. Hire and fire. You also had, you said,  
5 responsibility for the day-to-day operations of DOD.

6 A. That's exactly right.

7 Q. You'll have to help me, because I've never been in  
8 DOD. What does it mean to have responsibility for the day-  
9 to-day operations?

10 A. All of these assistant secretaries and the service  
11 secretaries and their assistant secretaries and so forth,  
12 there is a so-called chain of command, and it comes up  
13 through and to me as the Deputy Secretary or the general  
14 manager of DOD. And, you know, this is important for you to  
15 understand, and I'm assuming you don't.

16 At that time, in the hierarchy of the United  
17 States Government the Deputy Secretary and the Secretary of  
18 Defense had exactly the same authorities and, as is spoken  
19 of in DOD, charter. This was necessary because of the  
20 sensitivity of the situation, to where the Deputy Secretary  
21 and the Secretary of Defense could not be out of town at the  
22 same time, and in the chain of command, as an example, you  
23 go from the President to the Secretary of Defense to the  
24 Deputy Secretary of Defense, to the Chairman of the Joint  
25 Chiefs. That's called the chain of command.

1           And in the case of the Secretary and Deputy  
2 Secretary, there had to be one of us in town all the time.  
3 That's the way it worked.

4           Q.    You have hit upon exactly the next set of  
5 questions I'm going to ask you, which deals with the  
6 hierarchy in 1971 -- I'm sorry, you got there in '73, I  
7 think.

8           A.    January, '73.

9           Q.    In January of '73, the hierarchy as it applied to  
10 the Defense Department through the President, you've  
11 described that the President was at the top. Under him was  
12 the Secretary of Defense and Deputy Secretary --

13          A.    And the Chairman.

14          Q.    Well, you've described the Secretary of Defense  
15 and Deputy Secretary being on a plane, and then below them  
16 the Chairman of the Joint Chiefs.

17          A.    That's exactly right.

18          Q.    Okay. And below that --

19          A.    There isn't anybody. There literally is in a  
20 disaster situation. You would go to the Speaker of the  
21 House or the Secretary of State and so forth and so on down  
22 the line.

23          Q.    I think you're talking about war powers. Is that  
24 what you're referring to now?

25          A.    I'm not referring to anything. I'm just saying

1 that that's the way it works.

2 Q. Okay. That's the Defense Department chain. Do  
3 you know what the State chain was at this time?

4 A. I do not.

5 Q. Do you know who the Secretary of State was during  
6 that period of time, 1973?

7 A. I think his name was Rogers.

8 Q. Before I leave you getting your position as Deputy  
9 Secretary of Defense, when had you first known Nixon?

10 A. I think you need to rephrase the term.

11 Q. When had you first met Nixon?

12 A. That's better. I probably first met him -- I  
13 don't recall exactly, but I probably first met him when he  
14 was Vice President under Eisenhower.

15 Q. What was your relationship with Mr. Nixon prior to  
16 January of '73?

17 A. None.

18 Q. And when you say none, you had met him in passing?

19 A. Superficially.

20 Q. Do you know why Mr. Nixon came to you to be the  
21 person who he chose as his Deputy Secretary of Defense?

22 A. I've often wondered.

23 Q. Have you ever asked him?

24 A. No.

25 Q. You've told me Mr. Rogers was the Secretary of

1 State.

2 A. First let me go back to that other question. I  
3 want to make it very clear to you that I have never, I have  
4 never held a political office of any kind except governor of  
5 the State of Texas. I've never run for any office except  
6 for the State of Texas.

7 So I don't want you to imply or to be under the  
8 wrong impression -- maybe that's what I need to say -- that  
9 I was in some kind of a political arena where I knew Nixon  
10 in a political sense and I did this and I did that. That's  
11 just not so. The only reason I think that he picked me to  
12 be general manager of the Defense Department, as Deputy  
13 Secretary, it would be that I served on that blue ribbon  
14 panel.

15 Q. You've told me that at State you believe Mr.  
16 Rogers was the Secretary of State.

17 A. I think he was.

18 Q. Do you know who was the Deputy Secretary of State?

19 A. I think Ken Rush was. Ken Rush -- R-u-s-h. I  
20 think he lives in Connecticut.

21 Q. And did he hold the same position in State that  
22 you did in Defense?

23 A. He was Deputy Secretary.

24 Q. But did he have co-equal power with Rogers?

25 A. I don't think so. I think the only department --

1 my recollection is that the only department at that time  
2 that had this co-equal situation, because of the national  
3 security aspects and so forth, was the Department of  
4 Defense. Now I hasten to add that since that time there are  
5 various departments up there that have the title of a Deputy  
6 Secretary, which they didn't even have at that time.

7 So they may be powered the same way to their  
8 particular departments, where they are in effect co-equals,  
9 but I don't know that. But DOD at that time was the only  
10 one that had that.

11 Q. And during this time period I believe you told me  
12 that Mr. Kissinger was the Assistant to the President for  
13 National Security Affairs.

14 A. National security advisor.

15 Q. Do you know who his chief deputy was?

16 A. I don't know whether it was Scowcroft or not. It  
17 may be. I just don't remember. Probably was.

18 Q. When you came into DOD on January 1 of 1973, was  
19 Mr. Laird already in place as Secretary of Defense?

20 A. When I did what?

21 Q. When you came into DOD January 1 of '73, was Mr.  
22 Laird already in place as Secretary of Defense?

23 A. Are you asking me had he been the Secretary of  
24 Defense?

25 Q. Yes.

1 A. Yes, certainly.

2 Q. Was he Secretary of Defense when you came in?

3 A. Technically I guess you'd have to say he was,  
4 because at that time, at that point, you're talking about a  
5 very short period in here, but at that point in January,  
6 just after the President had been inaugurated for the second  
7 term and all, Elliot Richardson, who was then coming in as  
8 Secretary of Defense, had not been confirmed and so forth,  
9 so I guess Mel was still there. I don't really remember  
10 whether he was or not. I would assume he would be.

11 Q. So for a short time Laird was Secretary of  
12 Defense.

13 A. I'm not sure of that. He certainly had been  
14 Secretary of Defense.

15 Q. As you pointed out before, it's a matter of record  
16 who was, by title, Secretary of Defense.

17 A. Oh, certainly.

18 Q. So Elliot Richardson came in as Secretary of  
19 Defense.

20 A. Yes.

21 Q. Do you recall when he came in as Secretary of  
22 Defense?

23 A. Sometime in either January or February. I guess  
24 it was the latter part of January or the first part of  
25 February. I've forgotten exactly.

1 Q. When you came in as Deputy Secretary of Defense,  
2 did you report to the Secretary of Defense?

3 A. I did not.

4 Q. To whom did you report?

5 A. Nixon.

6 Q. With what regularity did you report to Nixon?

7 A. I only did it in the sense that in my charter --  
8 and that's what people refer to -- in my charter I was a co-  
9 equal with the Secretary of Defense, so if you ask me did I  
10 report to the Secretary of Defense, I didn't.

11 Now you have to realize that, the way the system  
12 works, the National Security Council, the NSC, is really the  
13 senior body, and it meets frequently, particularly during  
14 this period of the downsizing of the situation in Vietnam  
15 and the end of the Vietnam war and so forth. And so the NSC  
16 is really the senior body. And the President presides at  
17 the NSC meetings.

18 And any kind of an emergency or out-of-the-  
19 ordinary situation that would be a part of the national  
20 security overview, it would go to the NSC, and there'd be a  
21 meeting of the NSC, or there'd be a meeting of one of the  
22 NSC committees which would function under Kissinger, and we  
23 would meet in the situation room at the White House and  
24 discuss the issues, and occasionally the President might be  
25 there and he might not.

1 But at the NSC meeting, which escalates the  
2 situation, at the NSC meeting, the President always  
3 presides, and there's only one vote there, and that belongs  
4 to the President of the United States. This is a consultive  
5 body, but it's a free-flowing consultive body, and during my  
6 four years there were, I believe there were, six members.

7 Q. Who were they?

8 A. The President, the Vice President, the Secretary  
9 of Defense, the Deputy Secretary of Defense, the head of the  
10 CIA, and the National Security Advisor. Those were the six.

11 Now this is the highest body in the United States  
12 Government. That's the end of the road when you get to that  
13 point.

14 Q. During the four years you were there, you were the  
15 Deputy Secretary of Defense. Did you attend all the  
16 meetings?

17 A. I did.

18 Q. Who was the Director of the CIA? Do you recall?

19 A. I believe that at our first meetings, I believe  
20 Helms was. I'm not sure of that. And then Schlesinger, and  
21 then Colby, and then Bush. That's right; I almost forgot  
22 that.

23 Q. I think he holds another position today.

24 A. Right. But I think I have that in the right  
25 order. The only question I would have would be on Helms, as

1 to whether or not Helms was still in that capacity before  
2 Colby took over. I'm not real sure about Helms. I think he  
3 was.

4 Q. And the people who held the position of Secretary  
5 of Defense, you've told us Laird may have been there at some  
6 of the earlier meetings.

7 A. He was not, not at any of those meetings.

8 Q. Not at any of those meetings.

9 A. No, sir.

10 Q. And then Richardson would have been.

11 A. Richardson would have been, and then subsequently  
12 Schlesinger would have been in his place, and then Rumsfeld  
13 in his place. So I had three Secretaries of Defense.

14 Q. Did you stay there as long as Brown?

15 A. What?

16 Q. Did you stay there as long as until Brown came in?

17 A. No, no, no.

18 Q. You left before Brown?

19 A. Well, I was there during the transition, when  
20 Brown was getting ready to take his office, and, of course,  
21 I've known Harold Brown for years.

22 Q. All right. Now the Presidents that would have  
23 overseen this were Nixon, Ford --

24 A. Nixon and Ford.

25 Q. The Vice Presidents that were involved?

1 A. Well, first there would have been the former  
2 governor -- I don't remember who the Vice President was.

3 Q. Was Agnew involved at any time that you were  
4 there?

5 A. I don't remember. Who did Nixon run with the  
6 second time around?

7 Q. It was Nixon-Ford, wasn't it?

8 MR. KRAVITZ: No, it was Agnew.

9 THE WITNESS: Was it Agnew? Okay. So he was  
10 there for a short time, and then Rockefeller.

11 BY MR. CODINHA:

12 Q. And from NSC you've given me Mr. Kissinger, and  
13 who replaced Kissinger when he became State?

14 A. I believe Brent did, Scowcroft.

15 Q. And after Mr. Scowcroft?

16 A. Nobody. I think that's it.

17 Q. Once Mr. Kissinger became Secretary of State, did  
18 he continue to attend these meetings?

19 A. Sure.

20 Q. In what role?

21 A. I guess it would have been at the invitation of  
22 the President. Of course, I think the President -- you  
23 know, these members are not statutory. I think the National  
24 Security Council is by appointment of the President. I  
25 don't think it's statutory, so if he was there or if he was.

1 there at various intervals, it would have been because the  
2 President invited him.

3 Q. Where did these meetings take place?

4 A. In the Cabinet room, always.

5 Q. Was there a formal time that they occurred?

6 A. No. They were subject to the call of the  
7 President.

8 Q. In 1973, how often did they occur?

9 A. I don't know. I don't have any idea.

10 Q. Was it your sense that they occurred regularly?

11 A. I beg your pardon?

12 Q. Was it your sense that they occurred regularly?

13 A. No. They don't occur regularly. It's subject to  
14 the call of the President. We're talking about very much of  
15 a not-understood-in-the-public-view body. You don't ever  
16 read anything about this, the National Security Council --  
17 at least I don't think you do. So this is not a very on-  
18 top-of-the-table morning breakfast discussion matter.

19 Q. Was there anyone present who kept minutes?

20 A. There were never any official minutes that I know  
21 anything about.

22 Q. Was there anyone present who took minutes?

23 A. I think that at various times there were notes  
24 taken with respect to the decisions that might be reached  
25 that would call for action, and the Chairman of the Joint

1 Chiefs -- did I not include him?

2 Q. You didn't include him in our list of the six.

3 A. Excuse me. He certainly was a member. So the  
4 Chairman might make notes, simple, a pencil note of his own  
5 for an action and/or I might make a note, and/or the  
6 Secretary of Defense might make a note. If anyone else made  
7 notes, I don't know about it.

8 Q. What did you do with your notes?

9 A. Well, it all depends. I don't really remember  
10 what I did with them. I probably, on an action basis, I'd  
11 take the note and go back and do the action and throw it  
12 away. I don't know.

13 Q. Did you ever see any drafts circulated about what  
14 had been discussed at these meetings after the meetings  
15 occurred?

16 A. Never. That would be looked upon with great  
17 uneasiness.

18 Q. And what would the reason be that it would be  
19 looked on with great uneasiness?

20 A. Because this was an advisory body to the President  
21 of the United States, and there wasn't ever any vote taken.  
22 There was only one vote there, and that was his.

23 Q. And during the time that you were a member of the  
24 NSC, did the President voice his opinions on the way he was  
25 going to decide issues?

1           A. Not really. The way that generally worked is that  
2 there'd be a full-blown, no-holds-barred discussion, and the  
3 President would primarily listen and these people were there  
4 coming from their different directions and their different  
5 backgrounds and so forth, with all the intelligence  
6 apparatus behind them, whatever it might be.

7           The President would listen and we'd adjourn, and  
8 we would subsequently find out what he decided. And, you  
9 know, sometimes it could be within the hour you'd get the  
10 notice, well, this is what I want done.

11           Q. How did you first become aware that you were going  
12 to be a participant in the National Security Council?

13           A. I was in Palm Springs at the El Dorado Country  
14 Club, and I got a phone call from Henry Kissinger, who said  
15 that he would like for me to come to Washington for a  
16 discussion with President Nixon, and I said, well, I'll be  
17 back in Dallas in a couple of days and I'll be back in touch  
18 with you and we'll set it up.

19           He said, oh, no, we want you to come right today.  
20 I said no, I'm not going to do that. I'm out here. I'm  
21 going to go back to Dallas with my wife, and I'll be up  
22 there in a day or two. I'll let you know. So I did.

23           I didn't have any idea what he wanted. And when I  
24 got there I was told that President Nixon wanted to see me  
25 at Camp David, and so I went to Camp David, and I met with

1 the President, I guess for probably four or five hours, in  
2 which he gave me my charter and told me what he wanted me to  
3 do. And then he called Elliot Richardson, who at that time  
4 was the Secretary of Labor, I believe.

5 Q. I think Richardson was Secretary of HEW, but it  
6 might have been Labor.

7 A. You're right. It was HEW. I stand corrected. It  
8 was HEW. And so I went to Washington at President Nixon's  
9 request and met with Elliot, and in effect the President  
10 told him this is your deputy and I have given him his  
11 charter. You're going to be the Secretary of Defense, so I  
12 want you to meet him. And that was it.

13 Q. And when did you become aware that you were going  
14 to be participating in the National Security Council?

15 A. That meeting.

16 Q. Were you told what your role was supposed to be in  
17 the National Security Council?

18 A. Advise and counsel. That's all it's about.

19 Q. And the people who were in the National Security  
20 Council that you described all appear to be very strong  
21 individuals. Was there any person who was really in control  
22 of the National Security Council besides Mr. Nixon? Let's  
23 put aside the President.

24 A. No.

25 Q. Did everyone else have equal voice?

1           A.   Everybody there is on an equal basis.  In some of  
2 the discussions there are no holds barred, believe me, and  
3 there are occasions, of course, under these kind of  
4 circumstances, as you describe, with strong personalities  
5 and the kind of backgrounds that these people have, that  
6 sometimes the discussions could get pretty heated.

7           Q.   We do not have the person who was the Chairman of  
8 the Joint Chiefs along the way, Do you recall who that was?

9           A.   Tom Moorer, Admiral Moorer -- M-o-o-r-e-r.  Tom  
10 Moorer.

11          Q.   Was he the Chairman of the Joint Chiefs during the  
12 whole time period?

13          A.   No.  George Brown took his place somewhere along  
14 the line.  I think it was like two years and two years.  It  
15 fell that way.  So Admiral Moorer was the Chairman for like  
16 two years when I was Deputy Secretary, and George Brown took  
17 over as the Air Force General as Chairman.

18                   Incidentally, he's dead, but Moorer is still  
19 available.

20          Q.   In 1973, during the first year that you were on  
21 the job as Deputy Secretary of Defense, was there any  
22 particular area that took more of your time than others?

23          A.   No, not really.  It's a 7:00 in the morning till  
24 7:00 at night job, and it's catch as catch can.  Every time  
25 the door opens there's a new problem.

1 Q. You indicated that you had hired 40 or 42  
2 assistant secretaries.

3 A. That's right.

4 Q. Did you actually do the hiring for that?

5 A. Yes, and the interviewing. You bet.

6 Q. How long a time did it take you?

7 A. To get the team together?

8 Q. To get your team together.

9 A. I'd say it probably took something like five  
10 months.

11 Q. During the time you were doing that, were you  
12 devoting most of your time to attempting to pull your team  
13 together?

14 A. No.

15 Q. Were you devoting a substantial portion of your  
16 time to pulling the team together?

17 A. No. You use "substantial portion." When you are  
18 talking about a 12-hour day, and I had help pulling this  
19 team together, I put together a team to recruit and I knew  
20 from the general categories of industry where I wanted to  
21 get these people.

22 And I would sit down with this team and we would  
23 talk about different industries, different companies, and  
24 the level of person that I wanted.

25 Q. Now you indicated you were reaching out. It

1 sounds like you are indicating you were reaching out to the  
2 private sector.

3 A. Oh, I was.

4 Q. Is there a reason you were reaching out to the  
5 private sector rather than staying with the government?

6 A. I don't think there was anyone within the  
7 government that I put in one of those jobs. I don't think  
8 so. Everybody came from the private sector.

9 Q. What was your rationale in doing that?

10 A. Talent.

11 Q. There was an Assistant Secretary of Defense for  
12 ISA, was there not?

13 A. Yes, and that person's name that I recruited there  
14 was named Bob Hill, Robert Hill, and Robert Hill had worked  
15 for a Senator for a number of years as chief of staff and so  
16 forth, and he'd also been an Ambassador, and, as a matter of  
17 fact, Nixon had just asked him to go to Pakistan and be the  
18 Ambassador to Pakistan, and his trunks and everything were  
19 packed. I found him and recruited him, and he had to look  
20 for another ambassador.

21 I remember it very well.

22 Q. How does one convince someone who has just been  
23 appointed the Ambassador to a foreign country that they  
24 ought to be an assistant secretary of defense for ISA  
25 instead?

1 A. Well, fortunately, Bob Hill knew the importance of  
2 ISA and the ISA department of DOD is sometimes referred to  
3 as the little State Department within the hierarchy of the  
4 United States Government. The ISA is a very important  
5 department, and I'm not joking. It's literally referred to  
6 as the little State Department.

7 So Bob Hill, having been an ambassador, knew the  
8 importance of ISA, and I was able to sell him on the idea  
9 that this was more important than being Ambassador to  
10 Pakistan. Inasmuch as he had been an ambassador already, he  
11 understood all that and he accepted it and he became the  
12 head of ISA. Did a super job, too.

13 Q. Within the Department of Defense, you said you  
14 were hiring approximately 40 assistants.

15 A. About 42, as I recall.

16 Q. About 42 assistant secretaries. They couldn't  
17 have all been co-equal, could they?

18 A. No.

19 Q. Were there certain departments that were more  
20 significant than others? ISA, you have just indicated, was  
21 an important department.

22 A. Well, a lot of that depends on the view of the  
23 particular person. There were people that I recruited that  
24 were very anxious to become, as an example, Secretary of the  
25 Army, and I will mention a name -- Bo Callaway. He really

1 wanted to be Secretary of the Army. He had gone to West  
2 Point, and it was in his blood, so to speak, and he was an  
3 extremely capable individual, still is.

4 Bill Middendorf, his family has a long history of  
5 sea captains, going back to the time of the American  
6 Revolution, and he was ambassador -- I had forgotten that --  
7 he was ambassador to Holland, and I recruited him. You  
8 might well ask, well, why would somebody want to resign as  
9 Ambassador to Holland and become the Secretary of the Navy.  
10 He did.

11 And this is the way you identify these people of  
12 talent and background and you get them into these jobs.  
13 And, you know, within the hierarchy, the various echelons  
14 that we talk about of 42 or 43 people, there are  
15 differences. The Secretary of the Army, as an example, has,  
16 I believe, four assistant secretaries. That's part of the  
17 42 or 43 we're talking about. The same in the Navy. They  
18 have four or five assistant secretaries -- maybe four  
19 assistant secretaries and one under secretary, who is the  
20 number two person.

21 And then, at the level of DOD, which is a strata  
22 above the services, see, in DOD there are assistant  
23 secretaries, and then there's also the DDR&E person who is  
24 in charge of research and development, who was Mal Curry,  
25 and he's the number three person in the Department. So he

1 is literally in the hierarchy. He's above the assistant  
2 secretaries. He's the number three person, but he was known  
3 as the Director of Research and Engineering, DDR&E. And he's  
4 the number three person.

5 So you really have to understand the hierarchy  
6 when you start talking about these 42 or 43 people. There  
7 are differences.

8 Q. But the Assistant Secretary of Defense for ISA  
9 would have been a significant choice on your part.

10 A. No question about it.

11 Q. Did you view it as an important role?

12 A. Why certainly.

13 Q. Were there other assistant secretaries that you  
14 viewed as equally important in that hierarchy?

15 A. Well, included in those 42, plus or minus, there  
16 are the three service secretaries, and certainly they are  
17 more important than the assistant secretaries, and then this  
18 DDR&E person, Mal Curry, who has just now resigned as  
19 Chairman of Hughes Aircraft and all, well, he worked with  
20 me. I recruited him. He worked with me for four years and  
21 certainly he is officially the number three person in the  
22 Department.

23 So he is different from these assistant  
24 secretaries and so forth. And it's a very complicated  
25 organization and it's one that almost defies understanding.

1 Q. We've looked at many wiring charts, and I think  
2 we're coming to some understanding, but you've been very  
3 helpful to us today and I appreciate that.

4 A. Well, those wiring charts will fool you.

5 Q. Well, that's exactly why we're asking you these  
6 questions, because I want to know the people who really were  
7 in the important positions versus what it looks like on a  
8 wiring chart.

9 A. Right.

10 Q. So I think I understand the service secretaries.  
11 I understand DDR&E. I understand ASD for ISA. Who else was  
12 in an important assistant position, not as much by name but  
13 just by what area.

14 A. Well, I don't think there's any question but in  
15 its own unique way that the Assistant Secretary for Public  
16 Affairs was important, and Jerry Friedheim had that job.

17 Q. All right. Are there other people?

18 A. Well, you know, you're putting me in a bad  
19 position, where I'm being asked to say which is important  
20 and which was unimportant.

21 Q. Well, let me put it this way.

22 A. They're all important, but there are some that are  
23 more important than others.

24 Q. If I put it this way and I ask you for your  
25 opinion, then you're not stating as Deputy Secretary of

1 Defense. You're saying in my opinion these are the  
2 positions that I thought were important as I looked at it.

3 A. I thought they were all important, but they  
4 performed different functions.

5 Q. Which were the areas where you spent most of your  
6 time, with the under secretaries?

7 A. I can't answer that, because, just like I'm  
8 telling you, every time the door opened there was a new  
9 problem. You're talking about when I was in there. DOD had  
10 roughly 1 million civilian employees and 2 million uniformed  
11 employees. So we're talking about 3 million people, and  
12 they are scattered all over the world.

13 And all of the foreign relations and everything  
14 else that had to do with the United States Government and  
15 national security were coming through that door. So it was  
16 catch as catch can.

17 Q. What was your relationship with Secretary  
18 Richardson?

19 A. My relationship with him was excellent, but it  
20 lasted only about five months.

21 Q. From your description, it sounds like you were co-  
22 equals in the positions that you had.

23 A. Well, we were co-equal, except -- and I want to  
24 make that exception -- except you have to put us as co-  
25 equals in the sense of ultimate decisionmaking under an

1 emergency situation. Now that's where we become co-equal.

2 On a day-to-day basis, my charter was I was  
3 general manager of DOD. As an example of that charter, I  
4 was empowered by my charter to go recruit these 42 or 43  
5 people. Now I'm telling you something that's really  
6 significant here. And Elliot Richardson had nothing to do  
7 with recruiting those 42 or 3 people.

8 Q. It sounds to me like you've just discussed the  
9 difference between the general manager and chairman of the  
10 board. The chairman of the board sits in title over the  
11 corporation, but everyone knows who runs the corporation,  
12 and it's really the chairman of the board on a day-to-day  
13 basis.

14 A. In an oversimplified sense, you're right.

15 Q. How often did you deal with Richardson during the  
16 time he was there?

17 A. Look, the door -- our offices, Richardson's office  
18 is here. There's a big conference room here where all these  
19 assistant secretaries and so forth come to a weekly meeting,  
20 or more frequently, if it's called. And then my office is  
21 right here. The conference room is between us. These doors  
22 are always open.

23 And in both cases, both cases, those doors were  
24 always open, and it's carte blanche, and you never call  
25 ahead of time. You never ask permission. Just move back

1 and forth, whatever, and it makes no difference whatsoever  
2 who is in the Secretary's office or who is in my office, at  
3 whatever level of security or whatever, the doors are always  
4 open.

5 And you walk in or you walk out. In DOD at this  
6 level there are no private discussions. This is terribly  
7 important and most people don't realize that.

8 Q. You've told us about your relationship with  
9 Secretary Richardson. The next Secretary who came in was  
10 Schlesinger, and he was in until July of '74. What was your  
11 relationship with Secretary Schlesinger?

12 A. Terrible.

13 Q. Would you elaborate for us and explain how your  
14 relationship was terrible?

15 A. I think that word pretty well describes it.

16 Q. There are many reasons why a relationship can be  
17 terrible. I could suggest some to you, but I'd rather have  
18 you describe to me why your relationship was terrible.

19 A. I'm not sure I want to do that.

20 Q. Okay. Let me tell you that this record is  
21 confidential. It is not going to be released to the public,  
22 and no one will be able to read it except members of the  
23 Committee, and they are listed for you, or I can list for  
24 you who is on this Committee.

25 I don't ask the question lightly. We're trying to

1 understand decisionmaking that was going on in the 1973  
2 through '77 period. The way decisions were made is going to  
3 be an important one, and if, for some reason, you were moved  
4 out of the ability to make decisions or the Secretary of  
5 Defense was moved out of the channel of decisionmaking,  
6 that's going to be important. So I have to understand why  
7 your relationship was terrible.

8 A. Well, I have publicly said some pretty tough  
9 things about Schlesinger.

10 Q. Why don't we start there? What have you publicly  
11 said about Schlesinger?

12 A. I said he was a lying son of a bitch.

13 Q. It's hard to believe we could get worse than that.

14 [Laughter.]

15 A. So he's a funny person and I guess I can best  
16 describe Schlesinger in my own mind. When he was fired, the  
17 day he was fired, Ford called him into his office and it was  
18 just as simple as him saying -- I think I'm quoting it  
19 exactly; I've been told -- he just said, Jim, you've lied to  
20 me for the last time. You're fired.

21 So what I guess I'm saying to you is that  
22 Schlesinger is an unreliable, deceitful type person, and the  
23 only surprising thing to me is that Ford didn't fire him  
24 earlier than he did. It reached a point where at the NSC  
25 level Scowcroft and Kissinger and George Brown and I were

1 meeting and holding ad hoc meetings because we didn't want  
2 Schlesinger involved. That's about as bad as you can get.

3 So, I don't know what your relationship is with  
4 Schlesinger, and I don't really care.

5 Q. It's the same relationship I have with you, except  
6 I've met you for a longer time.

7 A. Or with these various Senators, but those are the  
8 facts, and that's exactly what happened, and that says it  
9 all.

10 Q. Had you found him personally to be unreliable?

11 A. Yes.

12 Q. On the subjects that you found him unreliable,  
13 were they related to issues of the Department of Defense, or  
14 were they personal issues?

15 A. I really never had a personal relationship with  
16 Schlesinger.

17 Q. So they were all business?

18 A. That's right. There was no social relationship.  
19 There was no personal relationship.

20 Q. According to my record here, Schlesinger was  
21 Secretary of Defense from November of 1973 through July of  
22 1974. Does that correspond to your memory?

23 A. I don't know. The record speaks for itself.

24 Q. Well, I have a record that was prepared by the  
25 Department of Defense, and I'm relying on that.

1 A. I'll rely on it, too.

2 Q. That appears to be about an 8 or 9-month time  
3 period that he was Secretary of Defense.

4 A. No, no. I think it was longer than that. What  
5 does it say? I think it's longer than that.

6 Q. Why don't I make this the next exhibit and I'll  
7 show it to you?

8 A. I don't want to endorse that because I don't  
9 believe that. I think it was longer than that.

10 [The document referred to was  
11 marked Clements Exhibit No. 4  
12 for identification.]

13 MR. KRAVITZ: Maybe it just seemed like it was  
14 longer.

15 [Laughter.]

16 THE WITNESS: It did, however long it was. It was  
17 the worst period of my whole life, believe me.

18 BY MR. CODINHA:

19 Q. Exhibit Number 4 to your deposition is what is  
20 called a Historical OSD POW/MIA Chain of Responsibility from  
21 August '67 through September of 1991.

22 A. '67?

23 Q. It went from '67 through '91. I've only given you  
24 two pages, which are actually '67 through '78. I'm only  
25 making this part of the record, and the reason I said, as I

1 followed who was Secretary of Defense, through '72, it was  
2 Laird, beginning in March of '73 my record indicates that  
3 it's Richardson.

4 A. You say March? You see, he was late getting  
5 confirmed.

6 Q. Again, this is just the record that I have. It  
7 was prepared by the Department of Defense for this  
8 Committee, and it says November of '73, Schlesinger, and it  
9 says July of '74. Oh, I'm sorry. July of '74 is  
10 Schlesinger, but then he apparently doesn't change until  
11 December of '75. So you are right. He would have been  
12 there through December.

13 A. That's more like it.

14 Q. There must have been a change in one of the under  
15 secretaries that they were trying to correct. I see the one  
16 they're correcting. So you're right. He was there through  
17 '75.

18 A. Wait a minute. You said through '75.

19 Q. It says December '75 the new Secretary would have  
20 become Rumsfeld.

21 A. Okay. That's possible. I'm going to depend on  
22 your record.

23 Q. Again, this was prepared by the Department of  
24 Defense for us, and we're relying on it to some degree too.

25 A. All right.

1 Q. You told us that Secretary Schlesinger was  
2 unreliable and deceitful. How did that manifest itself?  
3 How did he show that?

4 A. Well, it's too general, I guess, to say his  
5 personality, but in that spirit, you know, he gave off those  
6 kind of signals. But he also was not factual in the things  
7 that he would say. He was -- not ever with me, but with  
8 other people he was explosive. As an example, he broke his  
9 hand hitting his son. They got into a big argument, and he  
10 hit his son and broke his hand, had it in a cast for a long  
11 time.

12 He drank way too much, and at times he did this  
13 within DOD there in his office. He had a very peculiar  
14 personality. He's volatile, again not ever with me but with  
15 other people. He had a history of not getting along with  
16 people and a volatile personality.

17 If you dug into his record at the University of  
18 Virginia, where he was professor of economics, you'd find  
19 that these same characteristics existed there, because I  
20 looked into it. I thought is this something that's just  
21 come up, or is there a pattern here or whatever.

22 Anyway, he's that kind of guy.

23 Q. The Secretary that followed Schlesinger was  
24 Rumsfeld.

25 A. Mm-hmm.

1 Q. What was your relationship with Rumsfeld?

2 A. Fine. Don, I had known Don when he was chief of  
3 staff for Ford, so I had known Don before.

4 Q. You indicated that ad hoc meetings had begun  
5 between you and Scowcroft, Kissinger and Brown during the  
6 time period that Schlesinger was Secretary of Defense. Did  
7 these continue after Rumsfeld came in?

8 A. No.

9 Q. Did the President join the ad hoc meetings?

10 A. No.

11 Q. Where did these meetings occur?

12 A. In Scowcroft's office.

13 Q. Were they formalized in any way?

14 A. No.

15 Q. Did they have a name?

16 A. No.

17 Q. Did they meet with any regularity?

18 A. No.

19 Q. Did the NSC continue to meet during the time  
20 period of the ad hoc meetings?

21 A. Yes.

22 Q. One person who is on my lists beginning in June of  
23 1972, the ASD for ISA was G. Warren Nutter. Did you know  
24 Nutter?

25 A. Yes.

1 Q. Do you know when he left?

2 A. No.

3 Q. I can't tell whether the total change was made in  
4 March '73, but I see in March '73 that there is an ASD/ISA  
5 Acting, Lawrence Eagleburger.

6 A. Mm-hmm.

7 Q. Do you know Lawrence Eagleburger?

8 A. I know him very well.

9 Q. Did you hire Lawrence Eagleburger for that  
10 position?

11 A. No. Lawrence Eagleburger was over there as a  
12 person who was recruited from the State Department. He was  
13 a what do you call it -- regular employee of the State  
14 Department, member of the bureaucracy, if you want to term  
15 it that. I don't know exactly what the term is, but he had  
16 been a many-years employee of the State Department and he  
17 subsequently went back to the State Department as the Under  
18 Secretary in charge of all personnel at the State Department  
19 under Henry Kissinger when Henry was Secretary of State.

20 Q. Did Warren Nutter work for you as Assistant  
21 Secretary of Defense for ISA?

22 A. When did you say he left?

23 Q. I can't tell. We know he was there in June of  
24 '72, and we know that Eagleburger was there in March of '73.

25 A. But, you see, he was a carryover. He really

1 worked under Laird and I don't think that Nutter ever really  
2 worked for me or was a part of my team. I know he wasn't  
3 part of my team.

4 But, see, that's the job that I recruited Bob Hill  
5 for, so I really think that Nutter probably left and  
6 Eagleburger was acting as the Assistant Secretary.

7 Q. It says Acting Assistant Secretary.

8 A. Well, that's what he was doing until I recruited  
9 Bob.

10 Q. Now, when Eagleburger was Acting Assistant  
11 Secretary of Defense, did he report to you?

12 A. You bet you, and I had a very fine working  
13 relationship with Larry.

14 Q. Did you find his work satisfactory?

15 A. Excellent.

16 Q. Did he seem to know what he was doing?

17 A. Absolutely, top flight.

18 Q. How regularly would you meet with Eagleburger?

19 A. I don't know. I could meet with him every day or  
20 two or three times a week or two or three times a day. It  
21 just would depend on the circumstances.

22 Q. Had you known Eagleburger prior to him working as  
23 the Assistant Secretary of Defense for ISA?

24 A. No.

25 Q. Did you immediately determine that he was

1 performing in a satisfactory way in his position?

2 A. You don't immediately determine those things, but  
3 I was satisfied in due course that he was doing a good job.

4 Q. Do you know how he came to be Acting ASD?

5 A. Yes. When Nutter left.

6 Q. Obviously the government has hundreds of  
7 thousands, if not millions, of employees. How did it happen  
8 that Eagleburger got that position?

9 A. He was already in place. He was in DOD.

10 Q. I thought you said he was in State.

11 A. I beg your pardon?

12 Q. I thought you said he was in State.

13 A. No, no, no. He was in ISA when Nutter was there.  
14 He was already there. Do you follow me?

15 Q. I follow you, but that isn't what I had understood  
16 you to say. I thought you said he came from the State  
17 Department.

18 A. He came from the State Department to DOD, but it  
19 doesn't break his employment, ~~so to speak~~, his employment  
20 record with State. He is seconded. That's the word I was  
21 trying to reach for a while ago. He's put over there at the  
22 request of DOD. Send me a person from the State Department.  
23 Do you see what I mean? He was in place when I took office.

24 Q. Eagleburger was already in place?

25 A. Yes, sure.

1 Q. That's all I needed to know.

2 I see that in November of '73 Hill was in place.

3 A. Mm-hmm.

4 Q. Does that comport with your memory -- that it  
5 would have been November by the time Hill was in place, or  
6 does Hill come in earlier?

7 A. Again, I don't remember.

8 Q. We actually have some documentation that indicates  
9 Hill may have been there as early as May.

10 A. I don't know. You know, the record ought to speak  
11 for itself.

12 Q. Well, the difficulty is that DOD, when they  
13 prepared these charts for us, wasn't careful to go down and  
14 make changes for under secretaries as well as Secretary of  
15 Defense. They did it in a manner that doesn't make it easy  
16 to read.

17 Now, reporting to the Assistant Secretary of  
18 Defense for ISA we have a category which is Assistant to the  
19 Assistant Secretary of Defense for ISA. Would you have been  
20 involved in recruiting at that level? Perhaps if I told you  
21 the person you might recognize it, Dr. Roger Shields.

22 A. I remember him. I remember Roger. What was his  
23 title?

24 Q. His initial title was Assistant to the Assistant  
25 Secretary of Defense, ISA.

1           A. No, I wouldn't have hired him. You're getting too  
2 far down in the echelon. But I know who you're talking  
3 about.

4           Q. By 1974 Mr. Shields becomes Deputy Assistant  
5 Secretary of Defense. Would you have been involved in that?

6           A. I could have been, yes. Deputy Assistant. See,  
7 that would be a promotion within the structure. Who was  
8 head of ISA then?

9           Q. Who was the head of ISA then? That would have  
10 been Robert Ellsworth.

11          A. Bob Ellsworth. I'm sure -- well, I'm not sure  
12 either. Could have been.

13          Q. How do you remember Shields? How is it that you  
14 remember Roger Shields?

15          A. Vaguely.

16          Q. Do you remember him, that he was somebody who came  
17 to your office or that you had a working relationship with  
18 him?

19          A. No.

20          Q. You don't remember which way it was?

21          A. Well, I just don't remember. You know, when you  
22 bring up a name like that, I can't put a picture in my mind  
23 of who it is we're talking about. The name is familiar to  
24 me, but not the face.

25          Q: Robert Hill was your Assistant Secretary of

1 Defense/ISA, apparently through July of 1974. Was there a  
2 reason he left, or do you know why he left?

3 A. I'm sure I did at the time, but I don't remember  
4 offhand. I was close to Bob, and I liked him very much, and  
5 his wife, too. It might have been that he got sick. You  
6 know, he's not living now. He's dead.

7 Q. I did not know that.

8 A. It could have been he got sick. He came up with a  
9 heart problem and that could be. I just don't remember.

10 Q. In July of '74, the Assistant Secretary of Defense  
11 was Robert Ellsworth. Did you recruit him?

12 A. I didn't recruit him, but I approved him.

13 Q. Did you work with him?

14 A. So-so.

15 Q. Were there problems in your working relationship  
16 with Mr. Ellsworth?

17 A. Yes.

18 [Pause.]

19 Q. What were the problems you had in your  
20 relationship with Mr. Ellsworth?

21 A. First of all, he had a completely different style  
22 of operation and personality than Bob, and the change was  
23 traumatic, so to speak. Bob Hill and I had a very close  
24 mutual respect and ongoing relationship, communication was  
25 easy, extremely capable individual, great background,

1 different ambassadorships and so forth.

2 Ellsworth came from a NATO background. He'd been  
3 a congressman and, as I recall, he was over there in that  
4 job that Rumsfeld had had with NATO. He was kind of what I  
5 guess you'd call ambassador to NATO, and he had been, before  
6 that, a congressman from Kansas. As I recall, he got  
7 defeated, and he was then given this job by Nixon over there  
8 with NATO.

9 I thought with his background and so forth that he  
10 would be good in this job in the Defense Department, and I  
11 approved him. But I quickly found out it was a mistake, as  
12 far as I was concerned. He was very much impressed with  
13 himself and he was all full of his prerogatives as  
14 ambassador to NATO, and our relationship was not good.

15 Q. Did you find him competent in his job?

16 A. Not in my opinion.

17 Q. And I see that he was moved on as of December '75.

18 I see that Amos Jordan was the Acting Assistant Secretary  
19 for ISA. Did you select Mr. Jordan?

20 A. Yes.

21 Q. Did you recruit him?

22 A. Yes.

23 Q. And what was your relationship with Mr. Jordan?

24 A. Excellent.

25 Q. Did you find him competent in his job?

1 A. Very much so.

2 Q. And in April of '76 I see that there's a new  
3 ASD/ISA, and that's Eugene V. McAuliffe. Do you know why  
4 Mr. Jordan left?

5 A. No. I really don't recall that, and I don't have  
6 an immediate recollection and so forth of McAuliffe either.

7 Q. McAuliffe appears to be there through December of  
8 '76.

9 A. He went out with Ford.

10 Q. Apparently, because there's a whole new team in  
11 after April of '77. But you don't recall McAuliffe today?

12 A. I really don't. I don't have -- in my mind's eye,  
13 I can't even picture him.

14 Q. Now, obviously, Mr. Clements, we're dealing with a  
15 much more narrow issue here than understanding the Defense  
16 Department. I could listen all day to how the wiring  
17 diagram works and how things really got decided, but the  
18 charter of the Senate Select Committee on POW/MIA Affairs is  
19 really to understand a ~~much more narrow~~ slice of the pie you  
20 were working with at the time. So many of my questions are  
21 now going to be focused on ~~decisions~~ that related to POWs  
22 and MIAs, particularly beginning in January '73, when you  
23 became Deputy Secretary of Defense, until the time you left.

24 You've said that President Nixon was the ultimate  
25 decisionmaker, at least at the NSC.

1 A. No question about it. There wasn't anybody else  
2 making any decisions.

3 Q. Who was the ultimate decisionmaker at the  
4 Department of Defense? Let me rephrase that question  
5 because I don't think it's quite fair. In terms of policy  
6 that was being made, who was the ultimate decisionmaker at  
7 the Department of Defense?

8 A. You know, that's a difficult question to answer  
9 because in an organization the size of DOD you are always  
10 speaking about charter -- you know, who's got what charter -  
11 - and once you give them that charter they have the charter,  
12 and unless they get to a very sticky point that borders on  
13 national policy or something of that kind, they're going to  
14 perform, because you're talking about an organization with 3  
15 million people in it.

16 And certainly the uniformed side of that  
17 organization is trained to make decisions. That's what  
18 they're doing, is making decisions. And so I don't think  
19 you can just generally speak about decisions. You have to  
20 think in terms of what decision and under what circumstances  
21 and so forth, and then who makes that decision.

22 I'm not evading an answer; I'm just telling you  
23 the way it has to work with that many people, and  
24 particularly with the breed of cat that you're talking  
25 about, which is that uniformed body that is the heart and

1 soul of DOD, and whether it's a platoon leader or a company  
2 commander or a regimental commander or an Army commander,  
3 they are charged with making decisions.

4 And there's a gray area in here as to when you  
5 buck that decision up the line. Do you see what I'm saying?

6 Q. I see what you're saying. When did you become  
7 aware of that, the fact that you've just described to us --  
8 that in the uniformed services that it was their business to  
9 make decisions?

10 A. I'm sure that I really had an understanding of  
11 that when I was on this committee, this blue ribbon  
12 committee.

13 Q. So it would have been in the year or year and a  
14 half preceding your coming to the Department of Defense that  
15 you came to understand with some clarity?

16 A. Absolutely. You bet you. When you have the carte  
17 blanche of that committee, the charter of that committee,  
18 and you have people before you that are testifying, so to  
19 speak, appearing before the committee to explain the  
20 function -- and I'll use an example, like Rickover -- you  
21 begin to understand where he makes decisions and then where  
22 he doesn't make decisions.

23 And that uniformed hierarchy and the whole  
24 community within DOD is a unique body. It's different than  
25 any other body in the United States Government. There's no

1 question about it.

2 Q. With respect to the non-uniformed body, the, for  
3 lack of a better word, bureaucrats --

4 A. The civilians.

5 Q. That's a good non-uniformed term to use. Where  
6 were the decisions made?

7 A. In an organization again of that size, there has  
8 to be a real delegation of authority. That's why it's so  
9 important, and that's what President Nixon understood --  
10 that's why he gave me the job he did -- it's so important  
11 when you recruit these people to recruit people who have the  
12 kind of background and the kind of training, the kind of  
13 capacity that will enable him to make these important  
14 decisions as opposed to trying to stay within the  
15 bureaucracy or trying to be swayed by political background  
16 and so forth and so on.

17 These people that I recruited all came out of a  
18 decisionmaking background with industry, whatever that  
19 industry was. It's a far different concept than the  
20 bureaucracy per se.

21 Q. You have told me earlier today that during the  
22 blue ribbon commission year or year and a half that you were  
23 participating in it that the POW/MIA issue certainly wasn't  
24 an issue you dealt with, and I think you also described that  
25 it wasn't an issue that was high --

1 A. High visibility.

2 Q. Coming into January of 1973, did that remain true?

3 A. It began to surface.

4 Q. When, in your estimation, did you first begin to  
5 focus on this, if ever?

6 A. Oh, yes, I focused on it. We were terribly  
7 concerned about the POWs and within DOD there is no question  
8 that this was an ongoing, front-burner issue within a  
9 certain department and even clear up to my level. And I had  
10 many meetings about this and we pursued it vigorously,  
11 primarily in the spirit of determination whether there were  
12 or were not any POWs.

13 And that was an ongoing vigorous effort by DOD,  
14 and it was no second echelon, third echelon, fourth echelon  
15 issue. It was a front-burner issue. And the person who was  
16 then involved in the POW situation when I came in in January  
17 '73 was Jerry Friedheim and Chappy James.

18 Q. Jerry Friedheim was?

19 A. Public affairs, Assistant Secretary/Public  
20 Affairs, and he had been that for some time, and I mean by  
21 that two or three years or something of that kind for Laird,  
22 so he was not new to the job.

23 Q. And Chappy James?

24 A. Chappy James at that time was a colonel of the Air  
25 Force, and I think he had had two or maybe three tours in

1 Vietnam, a fighter pilot, and subsequently he became a four-  
2 star Air Force General, the first black four-star Air Force  
3 General, absolutely a first-class guy, super human being.

4 Q. The Deputy Assistant Secretary for Public Affairs?

5 A. Deputy Assistant Secretary for Public Affairs,  
6 okay.

7 Q. Did I say something else?

8 A. It just wanted to make sure I heard you right.

9 Q. That was Jerry Friedheim? Is that-right?

10 A. No.

11 Q. Was he the Assistant Secretary?

12 A. I think he was Assistant Secretary.

13 Q. I'm sorry. I demoted him one.

14 A. He wouldn't like that.

15 Q. The Assistant Secretary for Public Affairs. That  
16 sounds like -- well, describe that function. I'm not sure I  
17 understand what it does.

18 A. It's a very professional job and it's one that has  
19 to do with the media in all of its aspects, whether it's the  
20 newspapers or television or radio or whatever. It's a very  
21 important function within DOD. It doesn't sound like it,  
22 but it is.

23 Q. When did you come to understand it was an  
24 important function in DOD?

25 A. When I was on this blue ribbon committee.

1 Q. Do I understand that what you've testified to so  
2 far is you tried to recruit people who could make decisions  
3 themselves without bucking them up to the next level?

4 A. No. I tried to recruit people who would know the  
5 difference when they could make decisions and when they  
6 needed to buck them up. That is different.

7 Q. And with respect to the POW/MIA issues, it sort of  
8 first surfaced for you when?

9 A. Well, as any American I was certainly aware of the  
10 POW issue, but it became a front-burner issue, so to speak,  
11 with me when I took office.

12 Q. So in January?

13 A. Yes.

14 Q. What, if anything, did you do to make yourself  
15 knowledgeable about this?

16 A. I spent hours with Friedheim and James.

17 Q. How did you choose Friedheim and James as the  
18 persons?

19 A. Because they were already doing it.

20 Q. Because they were doing it?

21 A. Yes.

22 Q. Who told you that, your predecessor?

23 A. Oh, I don't know.

24 Q. When you were coming into the job of Deputy  
25 Secretary, how big a priority were prisoner-of-war issues

1 for the people you had spoken with? Had Nixon ever  
2 mentioned it to you prior to you taking the job?

3 A. No.

4 Q. Had Kissinger ever mentioned it to you prior to  
5 taking the job?

6 A. No.

7 Q. Had the Secretary of Defense ever mentioned it to  
8 you prior to taking the job?

9 A. Well, wait a minute. The Secretary of Defense.  
10 That could well be because you have to remember that Laird  
11 was still in DOD when I came into the building, and he  
12 undoubtedly did say something about POWs.

13 Q. You used the term front-burner issue. I take it  
14 that what you're meaning by that was that was something that  
15 was going to get a lot of your attention?

16 A. It was a priority issue.

17 Q. Was it your first priority?

18 A. I've tried to explain to you and I've said several  
19 times you don't have first priorities in DOD.

20 Q. How many priority issues did you have, if you can  
21 recall?

22 A. Many.

23 Q. Would you say you had ten?

24 A. I'm not going to get into that. No. You're  
25 talking about a huge budget, roughly a \$100 billion budget.

1 You're talking about 3 million people, and there are lots of  
2 priorities. The POW issue was a priority.

3 Q. Were you responsible for the budget too? Was that  
4 another area of your responsibility?

5 A. You can't say it was my responsibility. It was  
6 everybody's responsibility. I mean, each one of these  
7 departments within your wire diagram and everything had to  
8 bring forward a budget, and it moved its way up to finally  
9 the Deputy Secretary's office, and it has a full task force  
10 working on the budget.

11 You know, a budget is a budget. The same thing  
12 everywhere, I guess.

13 Q. Did you have any particularized knowledge of the  
14 POW issue before January '73?

15 A. Did I have any what?

16 Q. Any particularized knowledge of the POW issue.  
17 You've indicated that as an American you had some general  
18 knowledge, and I assume

19 A. Well, certainly I did, because of having been on  
20 the blue ribbon panel.

21 Q. You told me on the blue ribbon panel that was not  
22 a subject that was discussed.

23 A. I didn't say it wasn't discussed. I said it was  
24 not a priority issue, and my recollection is there is not  
25 even a mention made of the POWs in our report.

1 Q. If that's the case, then it was something that  
2 wasn't discussed.

3 A. No, that's not true.

4 Q. Well, it certainly wasn't discussed with enough  
5 attention to put it in the report.

6 A. I think that would be a fair assumption, but it  
7 certainly was discussed, and we were all aware of it and we  
8 all were concerned about the POWs.

9 Q. Well, then I get back to the question. During the  
10 blue ribbon commission, with whom did you discuss the POW  
11 issue?

12 A. I can't remember. I don't remember. Probably  
13 other members.

14 Q. Did you have any opinions on the POW issue prior  
15 to coming in in January '73?

16 A. No. In addition to the committee, the blue ribbon  
17 panel, and the fact that, you know, you pick up the paper  
18 practically every day and there's something in there about  
19 POWs or Vietnam, in addition to that, you must remember also  
20 that in the city of Dallas there is a guy named Ross Perot,  
21 and so our papers here are full of POW information and what  
22 Ross Perot is doing with the POWs, and interest that is  
23 manifested in the POWs.

24 So the POWs are not a new issue to me. I'm  
25 talking about prior to my going into the DOD in January of

1 '73. You need to know that I served on Ross Perot's EDS  
2 board, and so I was close to Ross. I knew what he was  
3 doing. I knew what he had done. I knew how he felt about  
4 the POWs. So the POWs is not a new subject for me.

5 Q. Had you served on the EDS board prior to '73?

6 A. Yes.

7 Q. So you were familiar in some generalized way with  
8 the POW issue?

9 A. I would say so, yes.

10 Q. You indicated you had special meetings with  
11 Friedheim and with James about the POW issue.

12 A. I did.

13 Q. Did you have special meetings with anyone else?

14 A. Oh, I'm sure I did, but I don't recall offhand. I  
15 suspect that I had meetings with the ISA person,  
16 Eagleburger, and some of his people. But really the point  
17 of action -- now that's the right word here -- the action  
18 point in DOD was Chappy James, who worked under Friedheim.  
19 He was Friedheim's deputy, as I recall.

20 Q. For how long a time did Chappy James remain the  
21 point of action for POW issues, prisoner of war issues?

22 A. I don't remember.

23 Q. You say you don't remember. Do you have any  
24 recollection did it continue into the summer of '73 that he  
25 was the point of action?

1 A. You are asking me to now pinpoint a date and  
2 everything. I don't remember.

3 Q. The only reason I ask it is because all the  
4 materials we've been given from DOD on the chain of  
5 responsibility they don't use the term "point of action."  
6 But in the chain of responsibility Chappy James name wasn't  
7 mentioned, so I need to understand.

8 A. Well, they are in error.

9 Q. That's why we are deposing you. When you say  
10 "point of action," what do you mean by point of action?

11 A. My recollection is that Chappy James and the  
12 little task force that he had working under him, they  
13 probably made not one but several trips to southeast Asia on  
14 this subject.

15 Q. So this is the POW/MIA task force? I have that in  
16 my chain of responsibility.

17 A. I don't know ~~whether that's~~ what it was called or  
18 not.

19 Q. Well, let me tell you some of the people who were  
20 on the POW/MIA task force and you can tell me whether they  
21 were point of action people too.

22 In '73 the director of the POW/MIA task force was  
23 Brigadier General Russell G. Ogan.

24 A. Don't know him.

25 Q. In '74, the principal advisor on POW/MIA affairs

1 was Captain Raymond A. Vohden.

2 A. Never heard of him.

3 Q. And Captain Vohden is there through '78.

4 A. You know, that may be some bureaucrat's idea about  
5 what was going on, but that's just not so. Chappy James was  
6 the point person, and there isn't any question about it.  
7 Now Jerry Friedheim -- and I think I told you this on the  
8 telephone -- Jerry Friedheim is the person for you to talk  
9 to because Chappy is dead. He had a heart attack and he  
10 died.

11 But to give you some idea of his abilities and  
12 everything, when I first knew him and when he was first  
13 involved in this, he was a colonel and when he died he was a  
14 four-star general, so we're not talking about some ribbon  
15 clerk. He was the point person on POWs, and Jerry Friedheim  
16 is fully informed about what Chappy was doing. He worked  
17 for Jerry.

18 Q. You said this was a front-burner issue for you  
19 when you came in.

20 A. It was.

21 Q. For how long a time did it remain a front-burner  
22 issue for you? When I say "this," I'm talking about the POW  
23 issue.

24 A. I would say it was a priority issue for me as long  
25 as I was in DOD, because the issue never went away, and it's

1 somewhat of a surprise to me to find out today it still  
2 hasn't gone away. So my statement is really short and  
3 sweet, and I will never change it. We did everything we  
4 knew how to do to determine if there were any POWs in  
5 Vietnam.

6 We examined every fragment of evidence that came  
7 to us. We ran it down, either true or not true, and we left  
8 no stone unturned. I will make you one flat statement, and  
9 you'll never hear me change it. We never found one iota's  
10 evidence that there was a single POW in Vietnam, not one.

11 Q. Are you using Vietnam specifically rather than  
12 Laos?

13 A. There was no serviceperson that we ever were able  
14 to determine that was left in the Vietnam theater.

15 Q. Southeast Asia?

16 A. Is that all-inclusive enough for you?

17 Q. Well, it's certainly helpful.

18 A. We spent a lot of money and a lot of time, and it  
19 was an ongoing effort.

20 Q. In an effort to make yourself knowledgeable about  
21 this area, you've told us you met with Friedheim and James,  
22 and you said Eagleburger. Did you also meet with Mr.  
23 Kissinger on this subject?

24 A. Not that I recall.

25 Q. Did you meet with Mr. Hill on this subject?

1 A. Oh, yes, many times, sure.

2 Q. But you wouldn't have been meeting with Mr. Hill  
3 when you first came in because he had no specific expertise  
4 in the area of POWs?

5 A. No, but Bob Hill, when he did come in -- and there  
6 was a lapse in there because he wasn't in there right at the  
7 beginning -- when he did finally come in you've got to  
8 remember that he was in charge of ISA, and ISA certainly had  
9 their avenues of information, and you've already recited  
10 some person at the third echelon or something like that that  
11 within ISA was designated as point person in ISA.

12 Q. When you came in in January of '73, did you review  
13 the intelligence information on POWs?

14 A. Sure.

15 Q. And did you do that yourself or did you have one  
16 of your assistants do it?

17 A. Both.

18 Q. Did you review the lists that we had available to  
19 us at the time -- when I say we, the United States had  
20 available to us?

21 A. Sure.

22 Q. And what lists do you recall that you looked at?

23 A. Of missing people.

24 Q. So our own records of missing in action?

25 A. Sure.

1 Q. Did you see that there was a difference or that  
2 the lists were kept in such a way that there was a  
3 breakdown? There were people who were prisoners of war,  
4 there were people who were missing in action, there were  
5 people who were killed in action, body not recovered?

6 A. Yes, the KIAs.

7 Q. And you examined those at the time?

8 A. Yes. I cannot tell you in what detail and all,  
9 but the answer is yes.

10 Q. Are you familiar with the term Homecoming as it  
11 applied to the Department of Defense?

12 A. Are you using this as a codeword?

13 Q. No. That's not a codeword.

14 A. If you're talking about those POWs --

15 Q. Actually, Homecoming was a codeword, but they  
16 changed it much later. She's cleared for Codeword, by the  
17 way. But they changed it and EGRESS RECAP became  
18 Homecoming. It's now a ~~word that has~~ come into the  
19 parlance. I'm not asking about codeword Homecoming. I'm  
20 asking only about Operation Homecoming.

21 A. I am familiar with it generally because of, if for  
22 no other reason, not only my position in DOD, but also  
23 because of my relationship with Ross Perot.

24 Q. Did you review the work that had been done when  
25 you came in to prepare for Operation Homecoming?

1 A. I can't say that I did.

2 Q. Did you review any memos that had been prepared on  
3 the prisoner of war issue when you came in?

4 A. Oh, sure.

5 Q. And, if you can recall --

6 A. I can't.

7 Q. I was going to ask the source of those memos.

8 A. No.

9 Q. Now, when did you become aware of the Paris peace  
10 negotiations?

11 A. Give me a time frame when you're talking about.

12 Q. I'm going to ask you when you first became aware  
13 of them, but I can give you some help in that the Peace  
14 Accords were signed on January 27 of 1973. That's when they  
15 actually were signed, if that's useful in you knowing when  
16 you first became aware of them.

17 A. Well, I had an awareness of them I guess -- well,  
18 it's hard for me to say because I think that Henry was  
19 meeting secretly --

20 Q. Henry being Henry Kissinger?

21 A. Yes -- with these people, and before I came into  
22 the scene I don't think I would have known about it. The  
23 minute I came into the scene, I did know about it.

24 Q. So when you say came into the scene, does that  
25 mean actually took your position in January?

1 A. No, I can't say. I would almost believe prior to  
 2 when I officially took my position, as long as I was  
 3 designated I probably knew about it, because, you see, I had  
 4 all my clearances and everything like that. As a matter of  
 5 fact, just as a tidbit, I'm the person who had to approve  
 6 all the clearances, even down to the code numbers.

7 Q. Did you have any discussions with Mr. Kissinger  
 8 prior to January of '73, when you were designated as the  
 9 deputy but had not actually taken the position, with respect  
 10 to prisoners?

11 A. I don't recall.

12 Q. Who would have had the responsibility to discuss  
 13 with Kissinger the issue of negotiation for prisoners from  
 14 the Department of Defense prior to you coming on board?

15 A. You know, I can't state this for a fact.

16 Q. I'll take your opinion on it.

17 A. I just have to give you my opinion. I think it  
 18 would have probably been Tom Moorer.

19 Q. So the Joint Chiefs of Staff, not the Secretary of  
 20 Defense or not the Deputy Secretary of Defense?

21 A. Yes, and there's a reason for that.

22 Q. On what do you base that opinion?

23 A. Two things. First of all, Henry had a very, very  
 24 high regard for Tom Moorer, which was prior and right. I  
 25 did too. And he had a good relationship with him. He did

1 not have a good relationship with Laird, and I just believe  
2 he probably talked to Moorer. Secondly because these were  
3 uniformed people we were talking about.

4 Q. Was it your perception, as you had been designated  
5 the deputy and became aware of the Paris peace talks, that  
6 the United States was negotiating from a position of  
7 strength or weakness in the Paris peace talks?

8 A. In my judgment --

9 Q. And that's all it is? I'm just asking your  
10 judgment on this.

11 A. In my judgment, we were negotiating from strength.

12 Q. What do you base that on?

13 A. On our capability. There were resources available  
14 to us that enhanced and strengthened Henry's position, and  
15 let no one doubt it.

16 Q. That's in face of the strong anti-war protests  
17 that were taking place all across the country?

18 A. I'm not worried about any war protest.

19 Q. But you've taken that into consideration, and in  
20 spite of that --

21 A. Yes.

22 Q. And the fact that Congress was discussing and  
23 debating the fact that they were going to cut off the money  
24 for the war, taking that into consideration?

25 A. Mm-hmm.

1 Q. Are you taking into consideration the pending  
2 Watergate situation?

3 A. I really don't think at that time that the, as you  
4 put it, the "pending" Watergate thing was an issue. I  
5 really don't.

6 Q. My memory -- and I think this will be borne out --  
7 is that by April Nixon's senior advisors -- Haldeman,  
8 Erlichman, et cetera -- had resigned over Watergate.

9 A. I would have thought it would be a little bit  
10 later than that, but, in any event, in January, which is the  
11 time frame you're talking about and Mr. Nixon's  
12 inauguration, which is in January and so forth, Watergate  
13 was not a factor. I think all the records will bear that  
14 out.

15 Q. So, in your opinion, Kissinger was negotiating  
16 from a position of strength in the Paris peace --

17 A. In the usual usage of that phrase, negotiating  
18 from strength, that would be an overstatement, but  
19 nevertheless Henry had resources, and to the normal citizen  
20 in the street and so forth it might appear that he was  
21 negotiating from weakness, but in my judgment that was not  
22 so.

23 Q. Was it your opinion that in the Paris Peace  
24 Accords it was the President's goal to get out of Vietnam as  
25 quickly as possible?

1 A. I think that would be a fair statement.

2 Q. Did you believe that it was Mr. Kissinger's goal  
3 to get out of Vietnam as quickly as possible?

4 A. Yes, I do.

5 Q. There had been overtures made earlier that if we  
6 would withdraw entirely -- "we" being the United States --  
7 from Vietnam that the Communists would return all of our  
8 prisoners of war, and this was deemed unacceptable in 1971.  
9 Had that opinion changed by 1973?

10 A. I'm not sure I understand your question.

11 Q. Okay. I'll have to withdraw it.

12 What did you understand that Nixon's real goals in  
13 Paris were in 1973 in terms of political goals?

14 A. I don't have any idea.

15 Q. Well, certainly to get out of Vietnam.

16 A. I'm sure he wanted to get out of Vietnam.

17 Q. Did you understand what his military goals were at  
18 the time?

19 A. No.

20 Q. Was that something that was discussed with you as  
21 Deputy Secretary of Defense?

22 A. Ultimately, after I took office and I got into the  
23 NSC, National Security Council, operation and all, I became  
24 aware of and familiar with the details of what was going on,  
25 but at the time that you're talking about, prior to the time

1 that I took office, I was not familiar with those details  
2 that you're talking about.

3 Q. Were you familiar with the details of the Paris  
4 Peace Accords?

5 A. Not until I took office.

6 Q. Well, that would have been January 1 of 1973.

7 A. Well, I didn't take office then.

8 Q. I'm sorry. I misunderstood what you said earlier.

9 A. I said in January '73, I had to be sworn in, and  
10 I was not sworn into until Congress reconvened after the  
11 inauguration.

12 Q. So perhaps mid-January?

13 A. Sometime around in there. Again, it is a matter  
14 of record when I was sworn in, but it would certainly be  
15 after the President took office for the second term.

16 Q. Was that a --

17 A. But I was already in DOD. I had an office in DOD.

18 Q. Were you familiar with the Paris Peace Accords  
19 when you actually took office?

20 A. Yes, sure.

21 Q. When did you see the first drafts of the Paris  
22 Peace Accords?

23 A. Oh, I don't remember that.

24 Q. Did you at some time review them?

25 A. I'm sure I did.

1 Q. Did you review them with a particular interest in  
2 any area of the Paris Peace Accords?

3 A. I don't recall.

4 Q. Would it have been assigned by you to someone else  
5 to review them first and make an analysis of what they said?

6 A. I would -- in the normal course of events, it  
7 would go to ISA, and they would review it and give me a copy  
8 of their review, a resume, so to speak, or a review of their  
9 comments, a memorandum, and then, of course, the Accords  
10 themselves would be available to me if I really wanted to  
11 look at them in detail.

12 Q. Do you recall whether you really wanted to look at  
13 them in detail prior to the signing of the Accords?

14 A. No. Wait a minute now. Prior to signing?

15 Q. The signing was January 27, 1972.

16 A. That would be too quick. I wouldn't have done  
17 that.

18 Q. That's why I'm asking.

19 A. It wouldn't be possible.

20 Q. Did you have any input into the language in the  
21 Accords?

22 A. No.

23 Q. Were you asked to consult --

24 A. No.

25 Q. -- on the language of the Accords?

1 A. No. This is all happening simultaneously, you  
2 know. I'm not even in office at that point.

3 Q. Mr. Clements, I'll have to apologize, but you know  
4 this and we don't. And you clearly had the confidence of  
5 Mr. Nixon to put you in place, so I don't know what you were  
6 doing and what you weren't, and the only way I can know is  
7 to ask you.

8 Having said that, did you go to Paris?

9 A. No.

10 Q. You weren't in Paris?

11 A. No.

12 Q. Were you involved in any cable traffic back and  
13 forth from Paris about the signing of the Accords?

14 A. No.

15 Q. You had said earlier that you believed it was  
16 Nixon's main goal to get out of Vietnam or get out of the  
17 war as soon as possible. What do you base that on?

18 A. Well, I'm not sure, but I think that he publicly  
19 stated that as one of his objectives. I don't think there's  
20 any question about it. That's my recollection. But I can't  
21 give you a reference on it.

22 Q. Did you have any private conversation with Nixon  
23 in which he said that?

24 A. No.

25 Q. In the four-hour meeting, four hours with the

1 President of the United States is a long time. In that  
2 four-hour meeting did he have discussions with you about the  
3 course of the war in Vietnam?

4 A. The course of the war? I would have to answer yes  
5 to that because at that time it was winding down and he made  
6 that point, of course.

7 Q. Did you have any discussion with him during that  
8 four-hour conversation -- and I take it that's the one at  
9 which you were hired and given your charter -- about  
10 prisoners of war?

11 A. I don't remember that specifically, no.

12 Q. Did you have any other conversations with Nixon  
13 specifically about prisoners of war that you can now recall?

14 A. No. I can't recall. I'm not saying I didn't. I  
15 just can't recall.

16 Q. And every answer you've given today, that word  
17 could be added to every question I ask. You can only  
18 testify to what you can recall.

19 A. Right.

20 Q. You've stated that you believed it was Kissinger's  
21 main goal to get out of Vietnam as soon as possible.

22 A. It's my belief that he was charged by President  
23 Nixon to get us out of Vietnam.

24 Q. As soon as possible?

25 A. I beg your pardon?

1 Q. As soon as possible?

2 A. Or as soon as reasonably we can do it.

3 Q. When did you begin attending NSC meetings?

4 A. Immediately when I took office.

5 Q. So sometime after the inauguration?

6 A. There would have been a call by the President for  
7 a meeting.

8 Q. Do you recall there being a call for a meeting by  
9 the President during the January time frame?

10 A. No, I don't recall. Now I want to make one thing  
11 clear, and hopefully it's only in the sense of making it  
12 clear to you and your understanding here, to maybe help you  
13 in your asking questions.

14 The NSC that you refer to, I assume you're talking  
15 about a meeting called by the President, chaired by the  
16 President, with only those members that we talked about --

17 Q. The seven we talked about.

18 A. -- sitting there.

19 Q. Right.

20 A. You also have to understand as a piece of that  
21 that the NSC functions every day. I mean, it's got a big  
22 staff. At that time, I think the staff was about 30. I'm  
23 not sure of that number, but I think it was like 30. And in  
24 the situation room, as it's called, we had many, many, many  
25 meetings of the NSC at which the President would not be

1 present, and these were subcommittees of the NSC.

2 These meetings went on all the time, on all kinds  
3 of detailed subjects. And it was almost like doing your  
4 homework prior to meeting with the President for a full-  
5 fledged NSC meeting. So when you speak of the NSC, you're  
6 talking about a body run by the Assistant to the President  
7 for National Security Affairs and a staff that he has there  
8 of, as I say, maybe 35 or 40 people.

9 Q. But the meetings that you've described or that you  
10 described earlier and the participants -- the seven  
11 participants --

12 A. That's the NSC. That's the parent body. That's  
13 what I would refer to as the parent body.

14 Q. So if I referred to a meeting of the NSC, National  
15 Security Council, it would be the parent body that you are  
16 referring to.

17 A. Everything we're talked about up until now is the  
18 parent body, NSC.

19 Q. And the subcommittees of the NSC --

20 A. They all had different names, and I can't recall  
21 those names now, the subcommittee for this and that and so  
22 forth.

23 Q. Was there a subcommittee dealing with prisoner of  
24 war issues?

25 A. Per se, no.

1 Q. What subcommittee would that have fallen under?

2 A. I can't recall offhand.

3 Q. Who would have been the person at NSC responsible  
4 for that area of expertise?

5 A. I can't answer that, but you could ask Brent  
6 Scowcroft and he could probably tell you.

7 Q. Do you believe there was someone at the NSC who  
8 had that charter?

9 A. I really don't.

10 Q. So you don't believe that someone had that  
11 responsibility?

12 A. Not to my recollection, no. I think they were  
13 dependent primarily on DOD and, secondarily, on State. If  
14 they wanted to know something about that, they would ask me  
15 or they would ask somebody over at State, or maybe even  
16 bypass me and talk to Eagleburger. I don't know.

17 Q. You've mentioned State. You've mentioned DOD.  
18 Wouldn't an important component of that be the Director of  
19 Central Intelligence?

20 A. Well, all I can speak to, obviously, is when I was  
21 in this circuit, and during the four years that I was a  
22 member of the National Security Council, the director of CIA  
23 was there only not as a participating member but as a staff  
24 support.

25 Q. To whom?

1           A.    To the NSC. And so that function of the CIA was a  
2 matter of supplying information, intelligence, to the other  
3 members, and my recollection is -- and I could be wrong  
4 about this, but my recollection is that the Director of the  
5 CIA never voiced an opinion in the discussions. He was a  
6 staff assistant to the NSC, and as a consequence of that,  
7 when I said he was a member, I'm not sure that that's a  
8 right statement.

9           I think if you go back on the record he probably  
10 was not listed as a member but as a staff consultant or  
11 staff support.

12          Q.    Going back now to your description of the NSC that  
13 you gave me earlier, with the President, Vice President,  
14 Secretary of Defense, Deputy Secretary of Defense, CIA, NSC  
15 and JCS, you've now told me CIA never voiced an opinion.

16          A.    Now I didn't say never voiced an opinion. What I  
17 said was they certainly gave their report on whatever the  
18 issue was, and if they were addressed, like Colby, as an  
19 example, and an issue came up they'd say, Bill, what do you  
20 know about this. And he would respond on whatever he knew  
21 or he would even have been asked by the President to be  
22 there prepared, or the National Security Advisor, to be  
23 there prepared to brief on a particular subject.

24                And he'd have his charts and everything there, or  
25 viewgraphs, and he would brief the members, the voting

1 members -- I shouldn't say voting. That's not true. We  
2 never voted. The active members that were there by  
3 invitation of the President. But the CIA as a member of  
4 that body, they were really staff people

5 Am I making myself clear?

6 Q. You're making yourself very clear. Was there  
7 anyone else who was there as staff?

8 A. The chief of staff was there occasionally.

9 Q. Who was the chief of staff during this time?

10 A. Whoever it was at that time.

11 Q. When Ford was there I think Cheney was chief of  
12 staff, was he not?

13 A. Well, Rumsfeld was for a while for Ford. I know  
14 that. Haldeman? Yes, Haldeman was for Nixon, and they were  
15 not regularly there. They would float in and out of those  
16 meetings. You never knew whether they were going to be  
17 there or not. They were not members per se.

18 And they weren't ever allowed, and they never  
19 voiced their opinion. Now I want to say we're getting into  
20 nuances here, but that's also true of the National Security  
21 Advisor. In other words, the National Security Advisor,  
22 whether it was Henry when he was or it was Scowcroft  
23 subsequently with Ford, after Henry had gone, they were like  
24 the CIA. They were there in support of the body, but they  
25 weren't members per se.

1 Am I making that clear to you?

2 Q. You've made it very clear.

3 A. Okay.

4 Q. So the President was the only vote. What role did  
5 the Vice President play?

6 A. Well, he was certainly a member, and he would  
7 freely voice his opinions, but again I remind you he had no  
8 vote. Nobody had a vote.

9 Q. And the participating members were the Secretary  
10 of Defense, the Deputy Secretary of Defense, and the Joint  
11 Chiefs of Staff?

12 A. The Chairman of the Joint Chiefs, just the  
13 Chairman. And the Vice President and the President. So  
14 that made five members.

15 Q. And CIA and the National Security Advisor were  
16 there as staff?

17 A. Support, yes.

18 Q. And the chiefs of staff to the President were in  
19 and out?

20 A. In and out. You'd never know when they were going  
21 to be there or when they wouldn't.

22 Q. Were there other people now that you've thought  
23 about that were either in or out or --

24 A. No.

25 Q. So we basically have the list.

1 A. I'm glad we came back to that to let me clarify  
2 it.

3 [Recess.]

4 MR. CODINHA: Let's go back on the record.

5 BY MR. CODINHA:

6 Q. Governor, one of the things that, as I told you, I  
7 will do after each break is to ask you whether there's  
8 anything you've said this morning that, upon reflection, you  
9 need to add to, delete from, or change.

10 A. No.

11 Q. I think when we stopped we were discussing the  
12 Paris Peace Accords. Let me ask you, at the time the  
13 Accords were signed, which was January 27 of '73, I asked  
14 you whether there had been any meetings of the National  
15 Security Council, and that's when we discussed that smaller  
16 group and you went on to explain the subcommittees of the  
17 National Security Council.

18 Do you recall there being any meetings of the  
19 National Security Council?

20 A. At that time, no.

21 Q. I would assume -- and correct me if I'm wrong --  
22 that the first time you attended a meeting of the National  
23 Security Council, the select body, the six, would have been  
24 the sort of thing that you would remember.

25 A. Not necessarily, no.

1 Q. Do you remember the first one you attended?

2 A. That's what I'm saying. The answer is no. I  
3 don't.

4 Q. It wasn't the sort of thing that would stick in  
5 your memory?

6 A. I've already said no.

7 Q. It certainly didn't. Do you remember any specific  
8 National Security Council meetings that you attended in  
9 1973?

10 A. You mean just offhand?

11 Q. Yes, just offhand.

12 A. We met many times, but if you're asking me about a  
13 specific time and a specific circumstance and why I would  
14 remember it and so forth, the answer is no. I don't  
15 remember. It was just part of doing business, and you never  
16 know when you're going to meet because you're subject to the  
17 call of the President. It's his committee, and there are no  
18 scheduled meetings.

19 Q. At the time the Paris Peace Accords were signed,  
20 were you able to determine how much resolve there was on the  
21 part of the President to enforce the Accords?

22 A. I don't have any idea.

23 Q. Did you ever discuss that with the President?

24 A. No.

25 Q. At the time the Accords were signed, did you know

1 how much resolve there was on the part of Mr. Kissinger to  
2 make sure that the Accords were enforced?

3 A. I don't think that you could phrase it in those  
4 terms, because the National Security Advisor to the  
5 President has no line authority, and I want to remind you  
6 it's National Security "Advisor" to the President. So when  
7 you start talking about his line authority, I'm not exactly  
8 sure where that exists.

9 Q. Who would have had the line authority to enforce  
10 the Accords? The President clearly would have.

11 A. Yes.

12 Q. Next down from the President, who would have had  
13 it?

14 A. I think undoubtedly he would delegate that  
15 authority. It would flow into the natural channels of  
16 either the Secretary of State or the Secretary of Defense,  
17 Deputy Secretary of Defense. You're talking about for  
18 action.

19 Q. Action, yes.

20 A. It would go one of those two ways. It would  
21 really go to the NSC, and the NSC would meet and they'd talk  
22 about it and the President would make the decision, and when  
23 he'd make his decision it would go for action either in the  
24 State Department or over in DOD. That's the way the system  
25 works.

1           If I'm not making that clear, you need to ask me,  
2 because I want to make it clear how those lines of authority  
3 actually work -- not how they appear to work but how they  
4 work. There's a difference, and you can't look at that flow  
5 chart and ever tell that.

6           Q. From the time the Accords were signed, the  
7 communists began breaching the Accords. Do you recall that?

8           A. No.

9           Q. Well, do you recall that at least one of the  
10 issues in the Accords was that the fighting would cease,  
11 there was going to be a ceasefire, and the communists  
12 breached that almost immediately?

13          A. You tell me that's a fact.

14          Q. You just don't recall it?

15          A. That's right.

16          Q. If you don't recall it, just say I don't recall  
17 it.

18          A. I don't recall those kind of details. If it was a  
19 fact, it's a fact.

20          Q. Was there any discussion that you can recall with  
21 Mr. Nixon prior to the signing of the Accords relating to  
22 what would happen if the communists breached the Accords?

23          A. No.

24          Q. Do you recall whether you had any discussions with  
25 Mr. Kissinger prior to the signing of the Accords about what

1 was going to happen if the enemy breached the Accords?

2 A. No.

3 Q. We discussed that Mr. Kissinger was National  
4 Security Advisor to the President. I believe he was also  
5 special emissary to the Paris Peace Accords. Do you recall  
6 that?

7 A. No.

8 Q. One of the items that was negotiated during the  
9 Paris Peace Accords was for the return of American POWs.  
10 Are you aware of that?

11 A. I remember vaguely that this was a part of the  
12 discussions and so forth.

13 Q. When you say a part of the discussions, were those  
14 part of the discussions at NSC, part of the discussions with  
15 Kissinger, part of the discussions with Nixon? I'm just  
16 having trouble with that.

17 A. I'm having trouble with your line of questioning  
18 about the sequence and the date here, because you must  
19 remember that I did not take office in DOD until after Mr.  
20 Nixon was sworn in as President for his second term. Then  
21 there had to be Senate hearings. It had to be confirmed.  
22 And then I'm officially in office.

23 You're talking about a series of things here that  
24 all transpired prior to when I was officially confirmed and  
25 when I officially took office, and you're in a very gray

1 area here as far as my authority is concerned before I was  
2 sworn in or immediately after I was sworn in and so forth.  
3 So you're right at a point here of a gray area where I can't  
4 be very helpful.

5 Q. I think you make a very valid point. Let me  
6 address that point for a moment because it sounds -- and  
7 please correct me if I'm wrong -- like during this  
8 transition time between Nixon Administration 1 and Nixon  
9 Administration 2 that there is a major change in the Defense  
10 Department of personnel.

11 A. And authority. No question about it.

12 Q. I'm correct on that?

13 A. Absolutely.

14 Q. And this is happening, as near as I can tell from  
15 the testimony, sometime prior to the first of the year and  
16 going possibly into the first quarter of the new year. So  
17 we have the end of '72 and the beginning of '73 where  
18 there's a major change going on.

19 A. Glitch.

20 Q. It's a glitch. Would you agree with that?

21 A. Yes, I would.

22 Q. And from sometime, would you say, the last quarter  
23 of 1972, which is the last three months of 1972, until the  
24 first three months of 1973, from the last three months of  
25 1972 there was the beginning of this nebulous time?

1 A. Well, I wouldn't put that kind of a time frame on  
2 it.

3 Q. What time frame would you put on it?

4 A. I think that probably a more narrow time frame  
5 would be more suitable because most of those people, like  
6 Mel Laird, he stayed in place until the new me and new  
7 Secretary, until we came into being, and we had to go  
8 through our Senate hearings and had to be confirmed, prior  
9 to that. Do you see what I mean?

10 So there is a lag in there, like Elliot had some  
11 real difficulty in the Senate hearings and all, and he was  
12 not confirmed for quite a while. And so under those  
13 circumstances, why I'm trying to say that this gray area  
14 that we're talking about existed more into like January,  
15 right in this time frame of the Peace Accords that you're  
16 talking about.

17 Q. It certainly existed in January.

18 A. Right, in January. That's right. Now when you  
19 move back into December, those people, whether it was a Mel  
20 Laird or whatever, those people are basically in place, the  
21 same people, like Tom Moorer, Chairman of the Joint Chiefs,  
22 he's still in place. And he was for the next two years.

23 So there's no glitch here with the Chairman of the  
24 Joint Chiefs or how the Chiefs acted or reacted or whatever.  
25 So we want to be careful about that.

1 Q. But within DOD Laird must have known that he  
2 wasn't going to stay on.

3 A. Oh, he knew that, absolutely.

4 Q. So he was, to use the political parlance, a lame  
5 duck.

6 A. No question about it. He was.

7 Q. And he really didn't have the kind of say and  
8 authority that he would have had a year before?

9 A. That's true.

10 Q. And Mr. Nutter, who was the Assistant Secretary of  
11 Defense for ISA, would have been in the same position. He  
12 was a lame duck.

13 A. He may have already left, as far as I know. I  
14 don't know.

15 Q. We can't tell exactly when he left, so he may have  
16 already left, but there was a change in there. Who did you  
17 replace? Who had been the Deputy?

18 A. It wasn't Dave Packard. Dave had left shortly  
19 before, and there was another person in there who went over  
20 to State and he was the Deputy Secretary over at State, and  
21 he was a long-time friend of Nixon's and was a law professor  
22 at Duke University. He taught Nixon at Duke University. I  
23 can't think of his name right now.

24 Q. The significance of it, however, is that he was a  
25 lame duck, too. He wasn't going to be staying.

1 A. That's right. .

2 Q. And that knowledge would have been known by the  
3 last quarter of 1972, that all of these people were not  
4 going to be in the new Administration.

5 A. I think that's a little bit too much. You see,  
6 you're talking about last quarter.

7 Q. By December of 1972?

8 A. That's December. So if you want to talk about  
9 this gray area being in December, January, for a 60-day  
10 period, which would be the true transition period, I think  
11 that's probably right, that things were kind of catch as  
12 catch can, although there were still people there to give it  
13 continuity, you know.

14 Q. But the leadership was gone, the leadership of the  
15 Department of Defense was all --

16 A. Not really. Tom Moorer was still in place.

17 Q. But he wasn't leadership of the Department of  
18 Defense.

19 A. Yes, but he was the Chairman of the Joint Chiefs  
20 and he was a member of NSC. He sat on the NSC council and  
21 he was in the chain of command. He was the third person in  
22 the chain of command.

23 Q. Do you know why there was such a major change at  
24 the Department of Defense during this time period?

25 A. I really can't say, because I can only emphasize

1 to you that this had to be the decision of only one person,  
2 and that's President Nixon, so you'll have to ask him that  
3 question.

4 Q. I hope to.

5 Were you aware of any discussions with Mr. Nixon  
6 relating to the numbers of prisoners of war that we were  
7 going to get back under the Paris Peace Accords?

8 A. No, I was not.

9 Q. Were you aware of any discussions with Mr.  
10 Kissinger as to the numbers of prisoners of war?

11 A. No, not at that time.

12 Q. Did you have discussions with him at a later time?

13 A. Well, ultimately, as my responsibilities in DOD  
14 would entail, I was right in that prisoner of war situation  
15 up to my eyebrows about numbers and who they were and  
16 everything else.

17 Q. When did you really get in up to your eyebrows?

18 A. Well, it would be in the spring, after I had taken  
19 office.

20 Q. Spring comes early to Dallas. When do you think  
21 it was?

22 A. Well, it could have been by April that I was  
23 significantly involved with Chappy James and Jerry  
24 Friedheim.

25 Q. And you keep using those people.

1 A. I know.

2 Q. Those were the point of action people --

3 A. I keep telling you that they are the ones that --  
4 I'm trying to make it clear to you.

5 Q. Those were the point of action people, as far as  
6 you were concerned?

7 A. Absolutely.

8 Q. Were you aware of any discussions at the  
9 Presidential level prior to the April time frame as to what  
10 would have been too few prisoners for us to get back?

11 A. No.

12 Q. Were you aware of any discussions prior to the  
13 April time frame at the Kissinger level as to what would  
14 have been too few prisoners for us to get back?

15 A. Well, this is a very nebulous area because the  
16 MIAs, the missing in action numbers were always very  
17 disturbing to everybody concerned. We were all concerned  
18 with this. You know, where are these people, and why are  
19 there this number of people?

20 It was something that was very much on everyone's  
21 mind.

22 Q. When we signed the Paris Peace Accords, did you  
23 have an opinion about whether our goal at the Peace Accords  
24 was simply to obtain a decent-sounding agreement that would  
25 allow us to withdraw, or whether we intended to enforce that

1 agreement?

2 A. I can't say, because I want to emphasize to you  
3 that, you know, on certain things that we're talking about I  
4 can be specific. I can talk about time, place,  
5 circumstances, people. But you're talking about a small  
6 time frame here in my four years when I was just barely  
7 being sworn into office, and I can't really -- my recall or  
8 my participation or my knowledge of the facts and everything  
9 is minimal during this particular period. I was trying to  
10 find a place to live.

11 Q. I know how hard that is.

12 Well, as we came into the spring of 1972 and you  
13 began, as your role and your responsibility and your duties  
14 crystallized in front of you, there must have been  
15 discussions at the NSC about enforcement of the Accords.

16 A. There undoubtedly were, but I have no recollection  
17 specifically of such discussions.

18 Q. Do you recall prior to April -- and I use April as  
19 the date that you really began to get involved in this issue  
20 -- any discussions at the NSC, and when I use NSC I'm  
21 talking about the small body, not the subcommittee body, but  
22 the small body.

23 A. The parent body?

24 Q. Thank you, the parent body, of discussions of POW  
25 issues?

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A. No.

Q. My phrasing of that question may have been awkward. Do you have an affirmative memory that it wasn't discussed, or you just have no memory?

A. I have no memory.

Q. What did you know about the U.S. negotiating strategy at the Paris Peace Accords concerning POWs?

A. Nothing.

Q. Who would have been the person from Department of Defense who would have had that charter?

A. I'd say probably Tom Moorer, who was Chairman of the Joint Chiefs.

Q. Had you been in place the year before, in other words if you had come in in 1972 rather than '73, would that have been your role?

A. Yes. Ken Rush is the name of the person that I was searching for a while ago -- Ken Rush -- and he became the Deputy Secretary of State, Ken Rush.

Q. Was your charter different than your predecessor's charter?

A. Absolutely.

Q. When you say that Tom Moorer would have had this responsibility from Department of Defense, when I say "this responsibility," let me rephrase the question

A. I didn't say that.

1 Q. Who would have been the point person for the  
2 Department of Defense for knowledge of U.S. negotiating  
3 strategy for POW/MIA issues?

4 A. In a structural sense, normal sense, Mel Laird and  
5 Tom Moorer would be the two people who would have had an  
6 awareness of this sort of thing. In my judgment -- and I  
7 can't speak with absolute authority -- Ken Rush did not have  
8 the kind of charter that I had. He was over in the  
9 Department of Defense temporarily, and he knew from  
10 President Nixon that he was going to move to State, so that  
11 he was there just temporarily a Deputy Secretary.

12 The fact of the matter is that Mel Laird did not  
13 have the confidence of President Nixon nor Kissinger, and  
14 therefore I think it's entirely possible that during this  
15 period you're talking about he would have been short-  
16 circuited, so to speak, and Moorer would have been involved.

17 I'm trying to explain this to you without getting  
18 ugly.

19 Q. I appreciate this because it's very useful for us  
20 to know, looking structurally at the wiring diagrams, but  
21 then looking at in reality, who was the person these things  
22 were being discussed with.

23 A. I highly recommend Tom Moorer to you. If you  
24 haven't got him on your list to talk to, you need to.

25 Q. Tom Moorer may not be happy that you told us about

1 him, but he has just become part of our list, if he wasn't  
2 already part of our list.

3           Would President Nixon, to your knowledge, have  
4 been involved in the negotiating strategy for prisoners of  
5 war with Secretary Kissinger?

6           A. I'd have to answer yes, undoubtedly that was a  
7 facet of the negotiations, a piece of the negotiations.

8           Q. And was it a piece that Nixon would have become  
9 involved with?

10          A. Well, when you use the word "involved" --

11          Q. When I say involved, that he would have paid  
12 attention to and sought information.

13          A. Yes, and had knowledge of, yes.

14          Q. And who from Mr. Kissinger's staff would have been  
15 the most knowledgeable person on that issue, if you know?

16          A. I really don't know.

17          Q. We have been given a knowledgeable person as Dr.  
18 Shields, Roger Shields, from Department of Defense, who  
19 during this time period was the Assistant Secretary of  
20 Defense and chairman of the POW/MIA task group. Would he  
21 have been involved in this?

22          A. Superficially, in my opinion.

23          Q. From the State Department, was Rogers Secretary of  
24 State in the second Nixon Administration?

25          A. Only temporarily. No, he wasn't. Yes, he was,

1 and then Henry moved over there.

2 Q. But initially it would have been Secretary Rogers?

3 A. Right.

4 Q. Would he have been the person knowledgeable of  
5 U.S. negotiating strategy on POWs?

6 A. I personally doubt it.

7 Q. When you say you personally doubt it, do you have  
8 a reason for opining in that way?

9 A. Yes.

10 Q. Rather than pushing you and asking what the reason  
11 is --

12 A. I wouldn't tell you. Go ahead.

13 Q. -- do you know the person who he would have  
14 delegated that responsibility to?

15 A. No, but I'm sure that you can find out within the  
16 structure of State. They will know in their files who that  
17 had been delegated to.

18 Q. We have been given a name of Frank Sieverts, who  
19 apparently had the same role that Roger Shields did in  
20 Department of Defense. Would these decisions be made above  
21 that level?

22 A. In my opinion, yes. I don't know. As an example,  
23 I don't remember who was the then-Deputy Secretary of State.  
24 I don't remember who was the then-Under Secretary of State.  
25 But both of those would be key.

1 Q. From Mr. Kissinger's staff, would Mr. Scowcroft or  
2 General Scowcroft have been involved in this issue?

3 A. In my opinion, yes. I'll put it this way. If  
4 Brent was not involved, he would certainly know at NSC who  
5 was doing the staff work for Henry. Somebody on that NSC  
6 staff was doing Henry's staff work for him on this issue.

7 Q. In what form were Presidential directives on  
8 foreign policy decisions transmitted to the appropriate  
9 agencies, do you recall?

10 A. Say that again.

11 Q. In what form were written Presidential directives  
12 on foreign policy decisions transmitted to the appropriate  
13 agencies during the Nixon Administration? Were they called  
14 National Security Decision Directives, do you recall?

15 A. They were called NSDMs -- National Security  
16 Decision Memorandums, NSDMs.

17 Q. Where did those issue from?

18 A. Out of Henry's office.

19 Q. Did they serve as the highest order of guidance  
20 and direction for policymakers?

21 A. Yes, absolutely. They were the ultimate decision  
22 and guideline.

23 Q. Were there NSDMs that provided policymakers in the  
24 State Department or in the Pentagon Presidential guidance  
25 relating to the Vietnam conflict?

1 A. My judgment would be the answer is yes, but I  
2 can't say that for sure.

3 Q. Would you have been a receiver of NSDMs?

4 A. Yes. DOD would get basically two copies. One  
5 copy would be for the Chairman of the Joint Chiefs and one  
6 copy would be for the Office of the Secretary of Defense,  
7 which includes the Secretary and me.

8 Q. Do you recall whether any of the written  
9 Presidential directives or the NSDMs pertained in part or in  
10 toto to the POW issue?

11 A. No.

12 Q. You don't recall?

13 A. I don't recall.

14 Q. Do you recall whether a new Presidential directive  
15 was issued after the Paris Peace Accords outlining a new  
16 policy toward Vietnam concerning Vietnamization?

17 A. I don't specifically recall, but I would not be  
18 surprised if there were one.

19 Q. Do you recall whether there was a new Presidential  
20 directive issued after the Paris Peace Accords outlining a  
21 new policy with respect to the role of U.S. military  
22 involvement in Vietnam?

23 A. I'm not sure what that question means.

24 Q. Then let me withdraw it.

25 A. We certainly wanted to get out of Vietnam, so I

1 don't know what really your question means.

2 Q. Were you involved at any time in drafting these  
3 directives or proposed Presidential directives as they  
4 related to the Department of Defense?

5 A. Well, that's a difficult question to answer,  
6 because those directives, those NSDMs -- I assume you're  
7 still talking about the NSDMs -- they were essentially a  
8 product of the NSC meetings, so I certainly do not want to  
9 leave the impression that a national security advisor to the  
10 President, Henry Kissinger as an example, or, subsequently,  
11 Scowcroft, is sitting down there in the basement of the  
12 White House drafting NSDMs. He's not doing that.

13 Those NSDMs would have to be a product of the NSC,  
14 so whenever one of these NSDMs would float through and so  
15 forth, why I was already familiar with it because it's  
16 something that we had talked about at the NSC level. Am I  
17 making myself clear?

18 Q. Yes, you are.

19 In our negotiating strategy for the return of the  
20 POWs -- and now I'm again back on the Paris Peace Accords,  
21 so we're talking about negotiating strategy for return of  
22 the POWs -- how important was that issue in the overall  
23 Paris Peace Accords?

24 A. I can't answer those questions. You know, I was  
25 not involved.

1 Q. Did you have any discussions with people who were  
2 involved later who made representations as to that?

3 A. I don't recall.

4 Q. As you said, you were up to your eyebrows by  
5 April. I would think that you would have gone back or had  
6 someone at your direction go back and say, well, what did we  
7 agree to and what are we getting. Is that accurate?

8 A. Reasonably so. I am sure that I was reasonably  
9 informed not only about the Accords per se but also about  
10 the fulfillment of the obligations both ways. But I cannot  
11 specifically tell you that. I don't have any recall of it  
12 particularly.

13 Q. So you wouldn't be able to tell me from your  
14 recall about what specifically we asked for in the Accords?

15 A. No.

16 MR. CODINHA: This is Exhibit Number 5.

17 [The document referred to was  
18 ~~marked~~ Clements Exhibit No. 5  
19 ~~for identification.~~]

20 BY MR. CODINHA:

21 Q. In deposing other people during this process,  
22 we've come across material in the Department of Defense  
23 ASD/ISA files which dealt with the issues of prisoner  
24 release and repatriation and studies that were done. One of  
25 them was done by Frank Sieverts and was in the Roger Shields

1 files. Roger Shields is a name that we have mentioned  
2 before.

3 Exhibit Number 5 is a portion of Mr. Sieverts'  
4 memorandum on prisoner release and repatriation study, and  
5 he mentions a number of things within that. Did you ever  
6 review memos that were done at a level down to the Roger  
7 Shields' level?

8 A. Yes.

9 Q. You did. Are you familiar with that study?

10 A. No. I may be familiar with it in the sense that I  
11 knew about it at the time, but I have no recollection of it.

12 Q. And I'm not suggesting that you automatically  
13 would. I had to ask the question to see whether you did.

14 Did you understand that by April, when you became  
15 up to your eyebrows in the issue, had you become aware that  
16 we did not have a listing from the other side, from the  
17 enemy prior to the signing of the Accords as to who they  
18 held as prisoners?

19 A. I don't remember that, whether we did or not.

20 Q. Let me ask you, if we did not have such a list  
21 from the enemy do you believe that should have made a  
22 difference in what went into the Paris Peace Accords portion  
23 as it related to POWs and MIAs?

24 A. Well, I would have to say that, retrospectively  
25 looking at it, that would have been an oversight. That

1 question certainly should have been asked.

2 Q. In terms of by April, as you were looking at the  
3 prisoner of war issue as it existed for you then and you had  
4 had someone on your staff or yourself review what we'd  
5 gotten versus what we thought we were going to get, were you  
6 able to form an opinion as to how we did under the Paris  
7 Peace Accords?

8 A. No, and I want to make it clear here. You keep  
9 referring to these Peace Accords, and as the Deputy  
10 Secretary of Defense I then was concerned with are there any  
11 MIAs. All this other is kind of beside the point, the Peace  
12 Accords and whatever has transpired prior to my arrival up  
13 there. There's nothing I can do about that.

14 But what I am concerned with would be are there  
15 any MIAs, and my effort in DOD, starting from the time that  
16 I officially took office and began working with Friedheim  
17 and Chappy James and with their task force and with the  
18 monies and effort and energies that we expended, was on the  
19 basis of are there in fact any left in Vietnam. That's my  
20 sole thrust at that point, not the Paris Peace Accords.

21 I had nothing to do with those, and you would  
22 infer that I'm going back to those Accords and I am reading  
23 them with a fine-tooth comb and I'm going over them and so  
24 forth. I'm not doing that. I had nothing to do with them.  
25 What I am interested in, are there any POWs over there, and

1 that was my sole effort in that regard.

2 Q. You used the term Vietnam. Can we extend it to  
3 Southeast Asia?

4 A. Yes, Southeast Asia. That's an oversight on my  
5 part.

6 Q. The reason I keep going back to the Paris Peace  
7 Accords is because I believe that was the operative tool  
8 that you had to work with in terms of getting information.  
9 Was there some other way that we were operating other than  
10 through the Paris Peace Accords during the spring of 1973?

11 A. I cannot give you the names and means by which we  
12 got information out of Vietnam, Southeast Asia, but we had  
13 access and had avenues that were certainly different from  
14 what you're talking about. We were leaving no stone  
15 unturned, and I want to emphasize that.

16 If you think there's pressure today, you don't  
17 know what pressure is, because the war is still fresh on  
18 everyone's mind and those families where there were MIAs and  
19 so forth, it was very fresh on their mind. Where's my  
20 brother? Where's my husband? Where's my father? And those  
21 pressures were extreme.

22 So I don't want you to have the impression as an  
23 investigating party here that you think we were kind of  
24 sitting back sucking our thumb and that we weren't doing  
25 anything, and this was sort of a passe issue and so forth.

1 That's absolutely nonsense. We were turning things inside-  
2 out, using every avenue available to us to find out if there  
3 were indeed prisoners of war in Vietnam.

4 And I want to emphasize that the people that were  
5 doing this in the form of Chappy James was like a three-tour  
6 Air Force colonel, much-decorated fighter pilot, who was  
7 looking for his buddies as much as anything else, and there  
8 were no resource problems. We had available to us whatever  
9 resources were necessary to fully explore and determine  
10 whether or not there were any POWs over there.

11 And I think we did a thorough, first-class job,  
12 and I can tell you without any equivocation there was not  
13 shred of one evidence of one person that we could ever find.  
14 I fully support your effort and everything, but I want you  
15 to understand fully how I feel about this. I've been down  
16 this road time and time and time again, and we used every  
17 resource that we knew how to tap.

18 Q. How long did it take you to arrive at the  
19 conclusion that you just stated for us here today?

20 A. I was still looking at evidence and meeting with  
21 people and looking at very high-classified intelligence  
22 reports and so forth up until the day I left office, because  
23 this issue is 20 years old. You know, it just keeps coming  
24 back. We investigated a lot of the organizations. Some of  
25 them were absolutely valid and deserved all the attention in

1 the world that we could give them. Some of them were  
2 absolute fakes and all they were trying to do was exploit  
3 the situation and sell bracelets or whatever, you know.

4 ~~. And it was a very disgusting set of circumstances.~~

5 Q. Well, let me ask you, Mr. Clements. Would you say  
6 you had not arrived at the conclusion that you stated for us  
7 today, the conclusion that there wasn't a shred of evidence,  
8 by April of 1973?

9 A. Of course not.

10 Q. So it would have been long after that?

11 A. Oh, yes, certainly it would have been, and all I  
12 can tell you is that when I left office in January '77 that  
13 was my conclusion.

14 Q. Are you aware that the Department of Defense, in  
15 April of '73, through Roger Shields, the chief spokesman,  
16 was putting out the word that all the prisoners were dead in  
17 Southeast Asia?

18 A. I don't know what Roger Shields was saying, and I  
19 don't really care. I'm telling you that Chappy James and  
20 Jerry Friedheim and our task force and DOD were working just  
21 as hard as we knew how to work to make a determination if  
22 there were any POWs in Vietnam. To think otherwise is just  
23 absolutely nonsense.

24 [Clements Exhibit No. 6 was  
25 marked for identification.]

1 Q. I'm showing you your Exhibit Number 6. This is a  
2 Washington Post article of April 13th of 1973, and the  
3 headline of the article is "All U.S. POWs Free, Pentagon  
4 Maintains. The Pentagon said yesterday it has no evidence  
5 there are any more U.S. prisoners of war still alive in  
6 Indochina." And Roger Shields, who is described here as the  
7 spokesman for the Pentagon, made that statement in April of  
8 1973.

9 So you are saying that was not your opinion in  
10 1973?

11 A. And it certainly did not represent the effort we  
12 were putting forward.

13 Q. I'm not talking about the effort you were putting  
14 forward. I'm talking about your personal opinion.

15 A. You're wrong.

16 Q. I'm asking. I'm not telling you.

17 A. I didn't have any personal opinion at that point.  
18 I was still trying to find out whether it was true or not  
19 true. And I kept that effort moving forward for four years,  
20 so in April of 1973, which is the date you're talking about,  
21 I certainly had no such opinion at that time, because I  
22 didn't know.

23 Q. And it was years later that you developed the  
24 information that allowed you to say there wasn't a shred of  
25 evidence?

1 A. That's exactly right.

2 Q. Do you recall having a meeting with Roger Shields  
3 prior to this press conference in April of '73?

4 A. No. I don't have any recollection of that.

5 Q. Well, let's see if I can refresh your memory. At  
6 the meeting, Mr. Shields came into your office and you  
7 discussed the POW/MIA issue, and you said to Mr. Shields  
8 they're all dead. All the POWs are dead. And his response  
9 to that was we don't have the evidence for that, and you  
10 responded, you didn't hear me; they're all dead, or words to  
11 that effect.

12 A. I have no recollection of any such discussion, no.

13 Q. Would a discussion like that be significant enough  
14 for you to remember?

15 A. I would think so, because, as I've just finished  
16 telling you, this was an ongoing investigation. You know,  
17 this is a sensitive issue with me, and it was before I ever  
18 went to DOD because of my relationship that I've already  
19 told you about with Ross Perot. I know all of his efforts.  
20 I've known a lot of the POWs that have come back. I've had  
21 close association with them even up until right now with  
22 some of those POWs.

23 So I don't accept that statement at all. If Roger  
24 told you that, I vigorously disagree.

25 Q. You have no memory of the statement, but can you

1 further and say you would not have said something like that?

2 A. I certainly can't imagine me saying anything like  
3 that.

4 Q. We have talked some this morning about information  
5 that you had as Deputy Secretary into April of 1973 when you  
6 were up to your eyebrows in information on POWs/MIAs, and  
7 you talked about the MIAs, but you didn't mention the  
8 prisoners of war that didn't come home at Homecoming.

9 Do you recall that certain POWs did not come home  
10 at Homecoming?

11 A. I'm vague about that. While he's looking for  
12 that, let me give you the names of two other people that I  
13 think will be worthwhile for you. Ken Carr, Admiral Ken  
14 Carr -- spelled C-a-r-r. He's a Vice Admiral, retired,  
15 Navy, and he was my chief of staff for four years. And  
16 General John Jones, Army general, two-star, and he was the  
17 deputy chief of staff for me for four years.

18 Both of these men are Vietnam veterans, both of  
19 them are entirely familiar with everything I'm talking to  
20 you about, and I would strongly recommend to you that you  
21 talk to them. First of all, I'm sure that they will support  
22 and substantiate everything I'm telling you, but they may  
23 also have better memories than I do about some of these  
24 details. They are extremely capable.

25 Q. Vice Admiral Carr, who was your chief of staff,

1 did he come on board when you did?

2 A. I recruited him.

3 Q. So he's more or less contemporaneous with you  
4 through the four years?

5 A. Absolutely. I recruited him.

6 Q. Were either of these people, either Admiral Carr  
7 or General Jones, tasked by you to become involved in the  
8 POW/MIA issue, or were they just generally your staff?

9 A. There's nothing that went on in my office that  
10 these two were not aware of, and one or the other of them  
11 sat in on every person who ever came into my office.

12 [Discussion off the record.]

13 MR. CODINHA: This is Clements Exhibit Number 7.

14 [The document referred to was  
15 marked Clements Exhibit No. 7  
16 for identification.]

17 BY MR. CODINHA:

18 Q. What I have here is a point paper which was the  
19 summary of OSD/ISA POW/MIA task force activities at  
20 Homecoming, and this would have been -- it has been  
21 described to us by Dr. Shields, whose deposition we've  
22 already taken as the task force that had been given the  
23 responsibility of coordinating information from Homecoming  
24 for Department of Defense, and I suspect ultimately for you  
25 or a person who was in your position.

1 A. What's the date of it?

2 Q. This is dated actually January 30, 1973, so you're  
3 just there but you aren't very into this yet. There are a  
4 couple of issues that I do want to mention to you from the  
5 list.

6 The list discussed the names on the list, and it  
7 says the lists -- and these are the Paris Peace Accord lists  
8 -- were dispatched by U.S. Delegation to France by flash  
9 message and voice communications, and there were 555 U.S.  
10 military that were being on the lists, people who were on  
11 the lists. And then there's a summary of the military  
12 personnel.

13 The bullet the third from the bottom says, "The  
14 names of 56 men previously carried as prisoners of war were  
15 not on the DRV/PRG list." So this was 56 individuals that  
16 the United States Government had previously carried as  
17 prisoners of war who were not on the list of people who were  
18 released. Okay?

19 And it says the names of ~~1,269~~ men previously  
20 carried as missing in action were not on the DRV or PRG  
21 lists. And it says names of men who were either prisoner of  
22 war or MIA in Laos were not included at all. That was the  
23 information that came out of the Paris Peace Accords.

24 Now, were you aware in April, when you began  
25 getting involved in this, that 56 men who were previously

1 carried as prisoners of war were not on these lists?

2 A. I can't say. I have no recollection of all that.

3 Q. Okay. Would that have been a major issue for you,  
4 people that we, being the United States Government, had  
5 previously carried as prisoners of war but who didn't come  
6 back at Homecoming?

7 A. Well, it may or may not have been, because it  
8 could well have been that they died while they were in  
9 prison and maybe some of those people by other prisoners had  
10 been identified as having died in prison. So that would be  
11 a fallacy of those numbers.

12 Q. One of the numbers that was included with this was  
13 that -- it is not on this document, but I can tell you that  
14 the Vietnamese also provided -- I'm sorry, it wasn't just  
15 the Vietnamese. It was the communists also provided a list  
16 of people who had died in captivity that were not part of  
17 that 555 who were being repatriated. Those are live people,  
18 but they included another group that had died in captivity.

19 Now this list, the names of 56 men previously  
20 carried as prisoners of war, were not on the DRV or PRG  
21 list. These are people who we previously had carried as  
22 alive.

23 A. But my point to you is I have no idea as to the  
24 accuracy of those numbers, and I don't know who would have.

25 Q. When you say the accuracy of the numbers, what do

1 you mean?

2 A. Where did the numbers come from? Who put the  
3 numbers together? Were they people that were actually in  
4 the prisons that gave these numbers? I've been in this  
5 thing for years, and I'm telling you that it's kind of like  
6 a lot of other things. There are numbers and there are  
7 numbers. Now until you tell me where these numbers come  
8 from and the validation of those numbers, I'm not buying  
9 those numbers. I don't know what those numbers are.

10 Q. Well, what I can tell you is that this is a point  
11 paper that is entitled Summary of OSD/ISA PW/MIA Task Force  
12 Activities, Homecoming," and it's documents numbered 254  
13 through 256, your Exhibit Number 7.

14 A. Well, I'll go on the record and tell you I have no  
15 confidence in that paper. We can go on to the next subject,  
16 as far as I'm concerned.

17 Q. The fact that this paper indicates and the  
18 Department of Defense has indicated that there were at least  
19 56 men who were previously carried as prisoners of war who  
20 were not returned at Homecoming.

21 A. I understand, and there may be many reasons for  
22 that.

23 Q. My question to you is, were you aware of that in  
24 April of '71.

25 A. I was not.

1 THE REPORTER: Did you say April of '71?

2 BY MR. CODINHA:

3 Q. I'm sorry. I said April of '71, and the  
4 stenographer corrects me. It was April of '73.

5 A. I was not aware of that.

6 Q. Would the fact that the United States Government  
7 listed people as prisoners of war and they didn't come home  
8 at Homecoming have affected your opinion that there wasn't a  
9 shred of evidence that people were kept after Homecoming?

10 A. I repeat what I said. I, after spending four  
11 years heavily involved in all this, I was then satisfied  
12 that there wasn't one shred of evidence of a live POW in  
13 Southeast Asia. And I'm not going to change.

14 Q. Do you recall having any discussions after April  
15 of '73 with President Nixon about the prisoner of war issue?

16 A. No.

17 Q. Do you specifically recall not discussing that  
18 with Nixon?

19 A. No.

20 Q. Do you recall having any discussions with  
21 Secretary Kissinger about the prisoner of war issue after  
22 April of '73?

23 A. I am positive that Henry and I discussed it many  
24 times.

25 Q. Do you have any specific recollection of

1 particular times?

2 A. No.

3 Q. Do you have any memory of discussing the prisoner  
4 of war issue with the Secretary of Defense after April of  
5 '73?

6 A. I'm sure we discussed it many, many times, but I  
7 have no specific recollection.

8 Q. Do you have any specific recollection of  
9 discussing the prisoner of war issue with any-particular  
10 individual?

11 A. I don't. Many, many, many discussions, but when  
12 you get down to specifics and what was said and so forth,  
13 no.

14 Q. After April of '73, when you became aware of what  
15 was going on, do you recall taking any actions in response  
16 to the information that you had received?

17 A. Oh, sure.

18 Q. What action did you take?

19 A. Just constantly meeting with Chappy James and  
20 Jerry Friedheim on this issue and being updated and actually  
21 meeting with some of the MIA widows and family people.

22 Q. Were you involved in any of the ongoing  
23 negotiations that were going on in Paris by Mr. Kissinger to  
24 get more information about our prisoners of war?

25 A. I'm not sure what discussions and when you're

1 referring to. But certainly Henry and I were talking about  
2 this periodically.

3 Q. In February of 1973 there is some suggestion that  
4 Secretary Kissinger gave a list of 20 individuals to the  
5 Vietnamese and Paris for more information about those POWs.  
6 Were you involved in that?

7 A. No. I'm not aware of that.

8 Q. In June or July of 1973 there was a list of 87  
9 files passed by the four-party joint military commission.  
10 Were you involved in that?

11 A. I'm sure I was.

12 Q. Were you involved at all in the selection of those  
13 files, or was that made at a lower level?

14 A. I can't answer that. If you'll tell me who the  
15 five are, I could tell you whether I was involved.

16 Q. There were 87. I'm sorry. You said five. I must  
17 have misspoken. 87 files.

18 A. Weren't there five people?

19 Q. It was the four-party joint military commission,  
20 and that's who passed the files to the Vietnamese in June or  
21 July.

22 A. Who was on this commission?

23 Q. I'll have to dig out that information.

24 A. You just don't strike a note with me about the  
25 commission. I just don't know.

1 MR. CODINHA: It's 1:00. Why don't we break for  
2 lunch?

3 [Whereupon, at 1:00 p.m., the taking of the  
4 instant deposition recessed, to reconvene at 1:45 p.m. the  
5 same day.]  
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