

AFTERNOON SESSION

(1:50 p.m.)

1  
2  
3 Whereupon,

4 WILLIAM P. CLEMENTS, JR.,

5 the witness herein, called for examination by counsel for  
6 the Senate Select Committee on POW/MIA Affairs and having  
7 been previously duly sworn by the Notary Public, was further  
8 examined and testified as follows:

9 EXAMINATION ON BEHALF OF THE SELECT COMMITTEE - Resumed

10 BY MR. CODINHA:

11 Q. I think when we broke for lunch we were talking  
12 about Clements Exhibit Number 7, the document that is the  
13 OSD/ISA PW/MIA Task Force point paper. I think you said you  
14 didn't accept -- one of the statements you made is you  
15 didn't accept what was on the paper, as I was describing it  
16 to you. You're shaking your head.

17 A. I did not. That's exactly right. I didn't accept  
18 it, and I don't accept it.

19 Q. Do you recall whether you saw this Exhibit 7 at or  
20 around the time it was created?

21 A. No, I don't recall.

22 Q. Do you recall whether there was any discussion  
23 with you about the 56 men who had been carried as prisoners  
24 of war into Homecoming and who didn't come home?

25 A. I have no recollection of it, but I'm sure that

1 there was such a discussion. But I have no recollection of  
2 it.

3 Q. I think I also asked you whether you were aware of  
4 any of the complaints or negotiations that were ongoing in  
5 Paris involving Mr. Kissinger and the list of 20, and I  
6 think you said you were not specifically aware of that.

7 A. No, I wasn't.

8 Q. At any point did you become aware of the December  
9 22, 1970 Kennedy list, the list that had been given by the  
10 Vietnamese to Senator Kennedy of people that were being  
11 held?

12 A. Not aware of it.

13 Q. I ask that because when we deposed Mr. Shields he  
14 indicated he was aware of it, and what had happened on the  
15 December 22 list, the so-called Kennedy list, for lack of a  
16 better name. The Vietnamese had said they were holding 330  
17 individuals by name, and our complaints back shortly after  
18 1970 expressed by Secretary Laird were, well, what about the  
19 rest of our prisoners of war that we know by name that  
20 you're holding. And the Vietnamese never responded to that  
21 list.

22 But you're indicating you didn't know about that.

23 A. If I did, I've forgotten it now. I don't have any  
24 recollection of it.

25 Q. Was there any sense of fore-knowledge on the part

1 of our negotiating team that you ever became aware of later  
2 that we were going to have a problem in terms of the  
3 communists giving us back all our people?

4 A. No.

5 Q. So as far as you know there was never any  
6 discussion about the fact that this was exactly the same  
7 problem as had occurred with the December 22, 1970 list,  
8 that they said they had some people but they didn't say that  
9 others that we had knowledge that they did have?

10 A. I don't have any recollection of that.

11 Q. Before we broke for lunch, one of the things that  
12 you were talking about was that you had constant meetings --  
13 I don't want to put words in your mouth -- that you had  
14 regular meetings with Chappy James and with Friedheim about  
15 this issue into 1973. Is that right?

16 A. Into '73? I didn't mean to limit it to '73.

17 Q. That's what I want to ask, is how long these  
18 meetings continued with James and Friedheim.

19 A. Well, they both left their post at some point  
20 along this period.

21 Q. I don't have that information here.

22 A. And I've forgotten just when that was, but as long  
23 as they were in DOD I was having meetings with them on the  
24 POWs.

25 Q. Now I think one of the things that you indicated

1 was that by April you had built up a stock of knowledge, and  
2 I think your description was you were up to your eyebrows in  
3 the POW/MIA issue. For how long a time was this a first  
4 priority for you after April?

5 A. Well, you know, I don't like to use the term  
6 "first priority."

7 Q. It may in fact be an oxymoron, now that I think  
8 about it.

9 A. The real issue is, was it an issue of importance  
10 to DOD and to me specifically, and the answer is yes, it  
11 was. So it was an item that was constantly on my agenda,  
12 and as long as I was in DOD that item was never off of my  
13 agenda. Many reasons -- external pressures, Congressional  
14 pressures, Executive office pressures and so forth.  
15 Everybody was then, and they are now, you know, concerned  
16 about POWs.

17 So the issue never left.

18 Q. At some point did you become convinced that we  
19 were not going to get any people back out of Southeast Asia?

20 A. Yes. Somewhere, somehow, at some point in time, I  
21 began to realize that, regardless of all of our efforts, we  
22 couldn't find one shred of evidence of a person over there.

23 Q. From what you have said, that couldn't have been  
24 April of '73.

25 A. Well, it was not.

1 Q. Was it as late as 1977? I'm sorry, you left in  
2 '77.

3 A. I left in January '77.

4 Q. So where in terms of the '73 to '77?

5 A. I can't answer that.

6 Q. Do you think you would have come to that  
7 conclusion in the year '73?

8 A. Of course not.

9 Q. Do you think you would have come to that  
10 conclusion in the year '74?

11 A. No.

12 Q. Do you think it would have been '75?

13 A. It could have been sometime in late '75 or mid-  
14 '76, sometime in that time frame. After, you know, three  
15 years of effort, why I'm coming to some kind of conclusion  
16 that we're chasing a dead rabbit here.

17 Q. And one of the reasons why it would have taken  
18 that long is because so much needed to be done; is that  
19 right?

20 A. No, that's not right.

21 Q. What was the reason it took --

22 A. It wasn't a question that something needed to be  
23 done. The records will show, if you can dig into DOD  
24 records and find out, the records will show that over a  
25 period of time, over years, DOD was constantly trying to

1 keep in touch with those POWs, with the camps, by various  
2 intelligence reports and so forth and so on, as to who was  
3 where and what were they doing and how were they being  
4 treated and so forth.

5 Q. You're talking about before Homecoming?

6 A. Oh, sure. So this was not a new issue, the POW  
7 situation, and we were constantly answering questions to  
8 these families and interested parties, meaning the  
9 Congressmen, the Senators, and outside families per se about  
10 these POWs and what were we doing about it.

11 And you have to remember that these organizations  
12 were also being formed during this period that were being  
13 organized by the widows and the families and all that were  
14 bringing pressure, public pressure, in every way that they  
15 could, whether it would be the newspapers or articles in  
16 magazines or the Congress or whatever. They were bringing  
17 pressure to bear constantly of look into this, look into  
18 this, look into this. Do you have any late data on the  
19 issue?

20 So I do not want to leave the impression that this  
21 issue was ever laid aside. It was not. There was always an  
22 ongoing issue with respect to POWs, contrary to what a lot  
23 of people may believe. It was never a dead issue.

24 Q. What actions did you take? You had meetings with  
25 Chappy James and you had meetings with Friedheim. What

1 other actions, if any, did you take to become more  
2 knowledgeable about the POW issue once you were --

3 A. I met several times with Mr. Ross Perot, and if he  
4 didn't tell you that you need to go back and talk to him  
5 again.

6 Q. What period of time would you have been meeting  
7 with Ross Perot?

8 A. During all this period that we're talking about.

9 Q. '73 through '77?

10 A. '73, '74, '75, '76. I was intermittently in  
11 contact with Ross. And I've known Ross a long time, and our  
12 line of communication is wide open. I gave him a medal, the  
13 Defense Department medal, for his activities with the POWs.

14 Q. With respect to the Paris Peace Accords, were you  
15 ever aware of a separate side letter that was given by  
16 President Nixon to the Prime Minister of Vietnam?

17 A. No.

18 Q. Have you ever heard about a separate side letter  
19 promising \$3.25 billion in reparations?

20 A. No.

21 Q. Would it surprise you to know that a separate side  
22 letter promising \$3.25 billion in reparations was passed by  
23 Mr. Nixon at or about the time of the Paris Peace Accords  
24 signing?

25 A. Yes.

1 Q. That would surprise you?

2 A. Because I think it was unnecessary, and I say  
3 without any equivocation I would have been opposed to it,  
4 had I known about it.

5 Q. Do you think if we failed to pay the \$3.25  
6 billion in reparations that was promised in that letter that  
7 the Vietnamese might have considered we were in breach of  
8 our agreement?

9 A. I can't really comment on that because I don't  
10 know anything about a letter.

11 Q. Let me show you a copy of the text of the letter.  
12 This is Clements Exhibit Number 8.

13 [The document referred to was  
14 marked Clements Exhibit No. 8  
15 for identification.]

16 I'm showing you a Department of State announcement  
17 released on May 19, 1977, which is the text of the message  
18 dated February 1, '73, from former President Nixon to the  
19 Prime Minister of the former Democratic Republic of Vietnam,  
20 Mr. Pham Van Dong, and the letter is very short. You can  
21 just read from this portion down.

22 [Pause.]

23 A. Well, I wasn't aware of this, and I would assume  
24 that this was part of the Paris negotiations. That would be  
25 my assumption. It would be February 1, '73, so this was

1 immediately in that time frame. I don't know anything about  
2 it. I never saw it before.

3 Q. My questions about it were going to be whether  
4 this, the substance of the \$3.25 billion promise, was ever  
5 brought up at the parent group NSC meetings.

6 A. No.

7 Q. Is that a number that you might have recalled, if  
8 it had been brought up?

9 A. Not just the number. I would have been violently  
10 opposed to such a deal.

11 Q. And why would you have been violently opposed to  
12 such a deal?

13 A. You know, just the principle of the thing,  
14 considering the Vietnam war and everything. I have no  
15 reason whatsoever that I would support anything of that  
16 nature. And I wouldn't have.

17 And I would ask a further question, whether this  
18 was ever validated by Congress, and I would doubt it.

19 Q. Well, I can tell you it was never validated by  
20 Congress.

21 A. Okay. So it's just another piece of paper, as far  
22 as I'm concerned.

23 Q. Whether it's another piece of paper is going to be  
24 determined at some point down the road, but the questions I  
25 had for you which are the meaningful ones are whether you

1 knew about it, and in fact you said you didn't.

2 A. I did not know about it.

3 Q. Does it strike you as the sort of information that  
4 you should have known about in the position you were in?

5 A. No. I think that undoubtedly, undoubtedly, the  
6 President and his advisors -- Henry Kissinger, et al., State  
7 Department -- they must have considered that this was in a  
8 prior Administration, so to speak, and really didn't have  
9 anything to do with me. I never heard of this before.

10 Q. Did you become aware after April of '73 that we  
11 were attempting to get information from the communists about  
12 whether they had POWs?

13 A. That continued for the full four years that I was  
14 in office.

15 Q. Did anyone tell you along the way that the  
16 Vietnamese, the communists kept insisting on the reparations  
17 they'd been promised before they'd give information?

18 A. I have no recollection that that ever came up.

19 Q. Do you recall after Operation Homecoming and the  
20 reports from the returned American POWs were that they had  
21 been mistreated horribly in the communist prisons that the  
22 Congress said that they would give no money for those  
23 savages, or words to that effect?

24 A. I don't know anything about it, but I would have  
25 been in accord with it if I had.

1 Q. Do you know of any reason why the President of the  
2 United States would have to send a letter like Exhibit  
3 Number 8 to the Prime Minister of Vietnam promising this  
4 kind of money if we were in fact negotiating from a position  
5 of strength?

6 A. No. I'm at a loss.

7 Q. Did you assign anyone or did you know yourself  
8 about any of the so-called French experience that the French  
9 had had after the first Indochina war after the fall of Dien  
10 Bien Phu?

11 A. I am aware of Ding Pon Phu, or something like  
12 that, where the French troops were defeated and almost  
13 annihilated and so forth. I'm very much aware of all that.

14 Q. Were you aware of the situation that the  
15 communists or the Vietnamese at that time took many French  
16 prisoners?

17 A. No. The detail with respect to the French  
18 prisoners I don't really have any recollection about.

19 Q. Okay. Did you assign anyone or do you know if  
20 anyone at your direction or under the direction of somebody  
21 who was working for you looked into that issue -- the French  
22 experience after the first Indochina war?

23 A. I have no personal knowledge of that.

24 Do you plan to talk to Sam Johnson, who is now a  
25 Congressman from this district, as a matter of fact?

1 Q. Why would I talk to Sam Johnson, and then I'll  
2 tell you whether I'm going to talk to him.

3 A. I thought you might know him. He was a POW for 7  
4 years, I believe. My recollection is that he was a POW  
5 longer than any other POW. He was a colonel in the Air  
6 Force. He was the senior person in camp, so he was the  
7 commander of the camp, and he has written a book. He is now  
8 just elected, serving his first term as a Congressman from  
9 this district, this area, I should say. It's not this  
10 district. It's actually north of here, Plano-North Dallas  
11 district.

12 He is a really first-class, substantial wonderful  
13 person, and I really think you need to talk to him.

14 Q. Well, we'll certainly include him in our  
15 questions.

16 A. You're interested in POWs and the whole situation  
17 and what went on in the camp and whether there were people  
18 unaccounted for and all that sort of thing. Talk to Sam.  
19 He'd be the best authority that I could possibly think of in  
20 this regard. And he'd be right there in Washington where  
21 you could get him.

22 [Clements Exhibit No. 9  
23 was marked for  
24 identification.)

25 Q. I have marked as Exhibit Number 9 to this

1 deposition the materials that were provided in a memorandum  
2 for the House of Representatives Select Committee on Missing  
3 Persons in Southeast Asia, dated 17 December 75, but what it  
4 includes is the Kissinger list of 20 case summaries that I  
5 asked you about that you said you were not familiar with --  
6 the summaries that were passed in February of 1973, and you  
7 said that was a little too early for you to be really on top  
8 of it.

9 It indicates in this memo on page 492 that the 20  
10 summaries were a random sample of cases that were selected  
11 from a group of 104 cases. Would you have been familiar  
12 with the 104 cases, or would that have been somebody else?

13 A. Those numbers are just not familiar to me.

14 Q. It indicates that among the 20 cases were  
15 purposely included some of the 14 cases which Secretary of  
16 Defense Laird used as examples during his March '72 press  
17 conference with POW/MIA next-of-kin. The press conference  
18 emphasized the deliberate withholding of information by the  
19 North Vietnamese concerning the fate of selected U.S.  
20 personnel.

21 The cases used at the press conference were of 14  
22 U.S. airmen downed in North Vietnam, all of whom were known  
23 to be alive on the ground in North Vietnam or who had at one  
24 time actually been identified by North Vietnam as having  
25 been captured and on whom no information is being released

1 by the North Vietnamese.

2 So you were not knowledgeable about that, at least  
3 in February of '73?

4 A. Not in February '73. You know, as it moved  
5 forward, and assuming that those conditions still prevailed,  
6 I'm sure that I became familiar with it. Who wrote the  
7 letter?

8 Q. It appears to be under the signature of Raymond  
9 Vohden, who is on our list as POW/MIA Affairs. In 1975, he  
10 was POW/MIA Affairs, Captain Raymond Vohden, U.S. Navy.  
11 That's all the information, and prior to that he had been  
12 principal advisor on POW/MIA Affairs reporting to Roger  
13 Shields. So he is down the chain.

14 The second area is that between August of '73 and  
15 June of '74 case folders on 87 individuals were passed to  
16 the delegations of the Democratic Republic of Vietnam and  
17 provisional revolutionary government, PRG, by the U.S.  
18 delegation to the four-party joint military team. These 87  
19 cases included U.S. personnel lost in North and South  
20 Vietnam whose circumstances of capture or loss indicated  
21 that the other side should have knowledge concerning their  
22 fate.

23 Were you involved in the selection of those cases?

24 A. I don't recall.

25 Q. And I would tell you that for both the 20 cases,

1 the 20 case summaries presented by State and Mr. Kissinger,  
2 and for the 87 cases presented by the four-party joint  
3 military team, as of 1975 the communists had made no  
4 response to us as to any information on those.

5 What was your understanding in 1973, after April,  
6 after you become knowledgeable on the issue, about the  
7 situation in Laos as it regarded POWs?

8 A. I don't think that my position on that would be  
9 any different than what I have told you. Using the term  
10 Vietnam, I include that. I'm just talking in a generic  
11 sense, the whole southeast Asia picture. So there wouldn't  
12 be any difference in what I've already told you.

13 Q. Were you aware of a memorandum that was prepared  
14 by Acting Assistant Secretary Eagleburger for Elliot  
15 Richardson in March of 1973 concerning the Laos situation?

16 A. I'm sure I saw it.

17 Q. And in that memo -- I don't have a copy of it  
18 because of the level involved -- Mr. Eagleburger tells Mr.  
19 Richardson that there are 56 men listed as prisoners of war  
20 by us, by the United States, who didn't return in the  
21 Operation Homecoming return, which is consistent again with  
22 the information that we saw earlier.

23 He also says in that memorandum that even as the  
24 Accords had been signed the Laos issue for prisoners of war  
25 and MIAs was still an open question. He then makes

1 recommendations on the approaches that should be taken. He  
2 is passing this on to Secretary Richardson.

3 And he lists as one option to [   
4 ] Were you aware of that  
5 memorandum?

6 A. No. I know Larry very, very well. He's long on  
7 options and certainly that would be an option.

8 Q. That memo was passed to the Secretary of Defense.  
9 Would that have been cleared through you?

10 A. I wouldn't say cleared through me, but I certainly  
11 would know about it, and I would suspect, if, when and how  
12 you find the memorandum you'll find my initials on it.

13 Q. I looked at the memorandum yesterday. I just  
14 don't have a recollection.

15 So you'd say you would have known about a  
16 memorandum of that nature?

17 A. Yes.

18 Q. In the memorandum to the Secretary of Defense, Mr.  
19 Eagleburger discusses the percentile of returns of prisoners  
20 from different countries, and he says the reason why Laos is  
21 still a concern to him is that, of 350-plus people that we  
22 were carrying as prisoners of war or MIAs in Laos, only 9  
23 returned at Homecoming or shortly thereafter, and that was  
24 only 2.4 percent of the people we were carrying.

25 Were you aware of the statistics?

1 A. I'm sure I was.

2 Q. Were they a concern to you then?

3 A. Well, I was concerned generally with all of these  
4 facets that you're talking about. I don't think that the  
5 numbers in themselves are particularly significant.

6 Q. What's the reason for that?

7 A. Because of the recordkeeping. I just don't think  
8 that in the field that the reporting of missing people and  
9 people who perhaps were either prisoners and/or casualties  
10 and so forth, I don't think those records were very good. I  
11 sure don't. I think, boiled down to a word, they are  
12 suspect.

13 Q. Were you aware in April of 1973 that the Laotians  
14 had taken the position that if prisoners were captured in  
15 Laos they were going to be returned through Laos and not  
16 through the North Vietnamese?

17 A. If that was indeed an official communication, I'm  
18 sure I was aware of it, but I don't have any recollection at  
19 this time about it one way or the other.

20 Q. This was a document that was marked at the last  
21 deposition, and it's now your Exhibit Number 10.

22 [The document referred to was  
23 marked Clements Exhibit No. 10  
24 for identification.]

25 It is a document that was created on November 10

1 of '76 -- before November 10 of '76 -- again from Raymond  
2 Vohden and sent to Congress.

3 A. Bowden?

4 Q. Vohden. He's the Principal Advisor, Office of  
5 POW/MIA Affairs. And this is within DIA, reporting up to  
6 OSD/ISA.

7 A. I'm just confused. Are you saying that this  
8 person is a DOD employee?

9 Q. I would expect he is either an employee or  
10 detailee, but I don't know which.

11 A. A which?

12 Q. A detailee. He may be detailed from one of the  
13 services to work at DOD.

14 A. Well, he'd be a DOD employee. I'm talking about  
15 Department of Defense. Everybody in uniform is an employee.

16 Q. Well, then he would be an employee of the  
17 Department of Defense.

18 A. All right.

19 Q. And in response to Congressional requests he puts  
20 together background information about Laos, and this is  
21 called a Laos Report, prepared by the Defense Intelligence  
22 Agency.

23 A. DIA?

24 Q. Now DIA reported to you.

25 A. Yes.

1 North Vietnamese prison camps.

2 That was the reporting that DIA was giving to  
3 Congress as late f '76. It also indicates in the second  
4 paragraph that the list of Lao prisoners was far below  
5 expectation because it contained the names of only 10  
6 individuals, 9 Americans and one Canadian.

7 A. My impression from listening to you read this  
8 thing is that it's deceiving the way it's framed in that  
9 memorandum, because it's not clear to me from what you read  
10 whether these prisoners are in Laos or in Vietnam and where  
11 they are and exactly how many there are. In one instance  
12 you talk about passing to North Vietnam from Laos.

13 I would discount all that. I really would.

14 Q. When you say discount it, what do you mean,  
15 discount it?

16 A. I'd want to know where his information came from.

17 Q. Well, if DIA is producing it and giving it to  
18 Congress, wouldn't that indicate that they had the  
19 information?

20 A. No.

21 Q. You're going to have to explain that one.

22 A. I met with the heads of all of the intelligence  
23 agencies once a week at breakfast, and it would last  
24 generally from 7:00 to 9:00, a two-hour meeting, every week,  
25 with the head of DIA and the head of all the service

1 intelligence people. These were all two-star people, like  
2 in the Navy you've got a head of intelligence and in the Air  
3 Force you've got a head of intelligence and so forth.

4 I had breakfast with these people once a week,  
5 every week, for two hours, 7:00 to 9:00. So, you know, what  
6 some captain is writing here to a Congressional staff member  
7 and all, I don't know what he's writing. But that doesn't  
8 necessarily mean I believe it, I concur, and I endorse what  
9 he's writing. I just don't.

10 I go back to my 3 million people. There are 3  
11 million people over there, all of whom are flying paper  
12 around, and you can't depend on something like that.

13 Q. Well, the Defense Intelligence Agency, didn't it  
14 have the responsibility to be the coordinating group for  
15 information relating to the POW/MIA issue?

16 A. Your word is exactly right, coordinate. And so as  
17 a general coordinator they in turn are dependent upon the  
18 CIA, as an example. They're dependent upon the Army  
19 intelligence. They're dependent upon Air Force intelligence  
20 and Navy intelligence. And they're all doing their thing  
21 with their own people and these reports are filtering up  
22 through this channel.

23 And so the head of the DIA sits in on this  
24 intelligence breakfast once a week, and he is among his  
25 peers -- and they are peers; they're all two-stars -- and

1 every voice is an equal voice. And the DIA person is really  
2 a person who is a part of the Secretariat. We're talking  
3 about a different level here.

4 So you just have to listen to all this and make  
5 your own judgments.

6 Q. When you say that the statements here and the  
7 numbers here are unreliable or you can't rely on them --

8 A. They are to me.

9 Q. They're unreliable to you.

10 A. They're not reliable.

11 Q. Well, didn't you depend on these groups to give  
12 you your information?

13 A. Yes, but it's a filtering process.

14 Q. Well, you certainly didn't have time -- bearing in  
15 mind all the other things you were doing -- to examine each  
16 individual case of the 2,000 or so missing in action. I  
17 think there were 2,500 missing in action at that time. Just  
18 bearing in mind your other duties and responsibilities, I  
19 can't imagine that you were looking at the facts in each of  
20 those cases.

21 A. I don't want to leave that impression at all. I  
22 would never make such a statement.

23 Q. So you had to rely on the people who were under  
24 you to do that.

25 A. That's right, but I'm not going to rely on some

1 person I never heard of who was maybe a captain or major or  
2 something else that writes a letter to a Congressman. That  
3 doesn't mean a thing to me.

4 In other words, if you had such a memorandum  
5 signed by the head of DIA, who would be a two-star, I'd pay  
6 a lot more attention to it.

7 Q. Well, you're aware that the head of DIA, General  
8 Tighe, a later head of DIA -- do you know who General Tighe  
9 is?

10 A. I don't know him.

11 Q. General Tighe, who was head of DIA -- T-i-g-h-e.

12 A. I do know him.

13 Q. General Eugene Tighe.

14 A. I thought you said Pie.

15 Q. Was he at DIA while you were at Defense?

16 A. Yes. I'm not sure he was the two-star in charge  
17 at that time, but he was perhaps a colonel or something of  
18 that kind, or he could have moved up to that point. There  
19 was a Navy person who was actually in charge of DIA at the  
20 time that I'm thinking about.

21 Q. Well, he has been deposed before this Committee.

22 A. Good.

23 Q. And he has also given statements before Congress,  
24 and he was the head of DIA, and the testimony that he has  
25 given indicates that this belief is that there were

1 prisoners left in Southeast Asia.

2 A. Okay. He's entitled to his opinion.

3 Q. You've just indicated that if a two-star or if the  
4 head of DIA is saying that, you're going to give more  
5 credence to it.

6 A. I would.

7 Q. Well, now that you've heard that General Tighe,  
8 who was the head of DIA from 1977 through 1981 --

9 A. '77 to '81?

10 Q. '77 to '81.

11 A. After I left, but I know who you're talking about.

12 Q. Said that he believed there were Americans left  
13 prisoner in Southeast Asia, would that change your opinion  
14 any?

15 A. Of course not. You know, there are always people  
16 and always have been people who believed that there were  
17 POWs over there, and all I've ever said -- and I'll say it  
18 again today -- show me some evidence. I don't care what the  
19 evidence is -- a handwritten letter, a picture, just any  
20 evidence whatsoever that you can present to me to show that  
21 there is one POW over there.

22 I tried diligently for four years, with all kinds  
23 of undercover help, inside Vietnam, South Vietnam, North  
24 Vietnam, Laos, Cambodia, and so forth. We never found one,  
25 not one. So why should I suddenly change my mind and say,

1 well, so and so believe it, so I'll believe it. I'm not  
2 going to do that.

3 Q. I had told you that there were indications that  
4 the Pathet Lao, the people who were running Laos had made  
5 various statements which tended to indicate their knowledge  
6 of U.S. prisoners in Laos, and they indicated, through Sov  
7 Petracci -- did you know who Sov Petracci was?

8 He was at that time the permanent Pathet Lao  
9 representative in Vientiane.

10 A. No. I don't know who he was.

11 Q. Okay. During his interviews, he made the  
12 statement that there were tens of prisoners that were being  
13 held, American prisoners, that were being held by the Pathet  
14 Lao, and he said that in '72. Again bear in mind we got 9  
15 back from Laos.

16 On April 22, '72, Petracci stated that there are  
17 many American prisoners held in liberated areas of Laos, but  
18 he wouldn't provide the specific numbers that they held.

19 A. I want to say once more every time that one of  
20 these people came up with -- speaking in that tense, in the  
21 past -- when I was in a position to do something about it,  
22 we ran those leads down. We left none of them uncovered, so  
23 to speak.

24 And I'm talking about with [ ]  
25 I'm talking about [ ] everything in

1 the world you can think of, spent millions of dollars. We  
2 have never found one, not one shred of hard evidence that  
3 there was a POW left behind or MIA -- well, not an MIA,  
4 because the remains were left for sure. But POWs, never.

5 You know, I'm glad to listen to everything you  
6 have to say and show me all who said what and who shot John  
7 and so forth and so on, but I'm telling you what my  
8 experience was. That's all I can tell you.

9 Q. Do you know who Bobby Garwood was?-

10 A. No, not offhand.

11 Q. Bobby Garwood was the last American to come out of  
12 Vietnam. He came out in 1979. He had been captured in  
13 1967, either '65 or '67, and he actually came out of Vietnam  
14 in 1979.

15 A. Garwood.

16 Q. Garwood. When he came out, he was arrested and  
17 charged with being a deserter.

18 A. I remember reading about that now. I know who  
19 you're talking about.

20 Q. After Garwood came out, he reported on POWs that  
21 were left behind.

22 A. Mm-hmm.

23 Q. And he reported exactly where they were and what  
24 the situation was. He was certainly an American who had  
25 been captured. There's no question he was carried as a

1 prisoner of war through the mid-'70s. Sometime during the  
2 mid-'70s, he was changed from prisoner of war status to  
3 deserter status or some status other than prisoner of war,  
4 because there was some indication that he had collaborated.

5 A. That's right. He was a traitor.

6 Q. And probably by the mid-'70s that's accurate, but  
7 the question is before that. He was a person who did not  
8 come back at the time of Homecoming and about whom the  
9 United States knew nothing until he came out in 1979. So  
10 that's a person who was an American soldier who didn't come  
11 back at Homecoming.

12 A. I hear all that and I remember the circumstances,  
13 and there has never been any evidence that what he said was  
14 true. They've never been able to confirm one thing that  
15 this man said.

16 Q. Was asking you about the Eagleburger memo of March  
17 23, 1973, and that was the one to the Secretary of Defense,  
18 Elliot Richardson, and I mentioned to you one of the options  
19 that Acting Assistant Secretary Eagleburger had raised was  
20 the possibility of [

21 ]

22 And there's another memorandum dated five days  
23 later from Secretary Richardson to Mr. Kissinger, the  
24 National Security Advisor, and it picks up all the  
25 information that's contained in the Eagleburger memorandum

1 that there were 56 men listed as prisoners of war who did  
2 not return, that there was a problem with the Laos  
3 accounting, that we only got 2.5 percent of the people back,  
4 that only 9 came back out of 350.

5 And the one item that is dropped from Secretary  
6 Richardson's memorandum to Mr. Kissinger, which was on Mr.  
7 Eagleburger's memorandum, was the suggestion that we [  
8 ] to get information about these people or to get these  
9 people back.

10 Would you have been consulted on the dropping of  
11 that item?

12 A. I have no recollection of it, but the answer is  
13 probably yes.

14 Q. Would you have recommended dropping that item?

15 A. Yes.

16 Q. Why would you have recommended that?

17 A. I think it's nuts.

18 Q. That's straight talk. Why do you think it's nuts?

19 A. Because the American public wouldn't stand for it  
20 and neither would Congress.

21 Q. When you say the American public wouldn't stand  
22 for it, was that just because they'd had a belly full of the  
23 war?

24 A. Absolutely.

25 Q. Was it also because essentially the American

1 public at that time didn't believe the President of the  
2 United States and the people working for him?

3 A. I don't know. I'm not going to get into all that.  
4 That may or may not be true, and I don't know how much of  
5 that had surfaced at that time. I don't know that that was  
6 a factor at all. But it would be inconceivable to me -- and  
7 this is supposition and judgment -- but it would be  
8 inconceivable to me that Henry Kissinger or President Nixon,  
9 either one or both of them, would give that the slightest  
10 credence, [ ] That's crazy.

11 Q. We knew, based on our own accounting, that there  
12 were at least 56 people who we had carried as prisoners of  
13 war who didn't come back and we've seen that repeated  
14 through the materials.

15 Is what you're saying that we wouldn't go back to  
16 war, even if we knew those 56 were held?

17 A. I'm not saying that at all. I'm saying that there  
18 is no proof whatsoever that you can show me and nobody else  
19 can that there were 56 people over there.

20 Q. Well, the only proof that we have, I suspect, is  
21 in the documentary evidence that we were carrying these  
22 people as prisoners of war.

23 A. Our records are not that good. Excuse me for  
24 interrupting you, but I don't accept that as proof at all.

25 Q. I asked you earlier how many prisoners were an

1 acceptable number for us to get back during Homecoming, at  
2 the end of the Paris Peace Accords. Was there any  
3 acceptable number that we had to get back?

4 A. I can't answer that, but I don't remember that  
5 that was ever something that I was involved in, about an  
6 acceptable number or a minimum number or maximum number or  
7 whatever. I don't remember any discussion about that.

8 And you're probably seeing an era here, a time  
9 frame, that was before I was involved. You're talking about  
10 signing some peace accords, but how long had those  
11 discussions been going on prior to the signing, so I didn't  
12 have anything to do with all that. That's before my time.

13 Q. When you were looking from April on, April of '73  
14 on, and really until you left in '77, and you said you were  
15 looking for something to constitute a shred of hard evidence  
16 -- and you've used that terminology -- what did you consider  
17 a shred of hard evidence?

18 A. Well, I've always been of the opinion that if  
19 there were POWs in this general area that we could determine  
20 that, that it could be established as a fact through either

21 [

22 ] and I don't  
23 think it's possible for them to have a stockade or a prison  
24 of American prisoners in that general area over a period of  
25 time and us not be able to find out about it.

1 I just don't believe that. When I know and I can  
2 tell you about all the things we do find out about, then for  
3 you to try to tell me that we can't find POWs in a stockade,  
4 however many the number, that's just dreaming. I'll  
5 guarantee you we can find them.

6 Q. Again, what I'm looking for is for you to define  
7 for me what you were looking for when you say a shred of  
8 hard evidence.

9 A. Well, I want some confirmation by somebody of  
10 these POWs or a POW. We never could get it.

11 Q. When you say confirmation by somebody, who does  
12 the somebody have to be?

13 A. It doesn't have to be anybody of any note. It  
14 could be someone that we employed. It could be one of our  
15 people. It could be a confirmed visit, visitation by  
16 somebody from Switzerland or Sweden or someplace else. But  
17 surely we could find some way to verify the fact that there  
18 are people over there.

19 Q. Well, how about people who had formerly been in  
20 the South Vietnamese army, for instance, general officers?

21 A. There have been several of those people who have  
22 come forward and talked about POWs, and upon investigation  
23 they have never stood up. Their stories have never stood  
24 up.

25 Q. Well, there were, whether they were general

1 officers or officers of fairly high rank in the South  
2 Vietnamese army who have come forward and have been  
3 debriefed and have passed polygraph tests, would that be a  
4 shred of evidence for you?

5 A. No, because those people are in a CYA mode, and  
6 they're telling you what you want to hear. And I've met  
7 some of those people and, you know, I'll couch it this way.  
8 If you were South Vietnamese and you were trying to get out  
9 of South Vietnam, or if you were a South Vietnamese in the  
10 United States and barely surviving, you'd tell anybody  
11 almost anything they wanted to hear, if it could mean  
12 something in the way of your life style or money in your  
13 pocket.

14 So I don't put any credence in that. It has to be  
15 proved. Listening to some of these tales is one thing, but  
16 the proof of the tale is something quite different.

17 Q. Mr. Clements, would you say that the mere passage  
18 of time itself is enough to convince us that someone is  
19 dead, with no other information?

20 A. I beg your pardon?

21 Q. For prisoners of war, would the mere passage of  
22 time itself be enough to move someone from being a prisoner  
23 of war to being dead?

24 A. Well, are you asking me do POWs die as POWs?

25 Q. No. What I'm asking is, is merely the passage of

1 time -- that a year goes by, two years go by, three years go  
2 by -- is that enough, is that a change of circumstance  
3 enough to say that the person is dead?

4 A. Oh, certainly not.

5 Q. So there has to be more than that? Is that what  
6 you're saying?

7 A. I didn't say anything like that. You know, I  
8 don't know what you're trying to say. Certainly just  
9 passage of time is no proof whatsoever that somebody's dead  
10 until they get past 100. You know, I've got some question  
11 about people that are over 100. But up to that point the  
12 answer is no.

13 Q. So if the United States has reliable information  
14 that someone is held in captivity by the communists and that  
15 they are alive in captivity, the mere passage of time does  
16 not indicate that they have died.

17 A. Well, certainly not.

18 Q. And before you in your position as Deputy  
19 Secretary of Defense would be comfortable with saying that  
20 there was some new evidence, you would have to see some new  
21 evidence that they had died?

22 A. I'd have to see it. There would have to be some  
23 kind of report that they had died.

24 Q. There would have to be more than the mere passage  
25 of time.

1 A. Why certainly. But you have to start -- that's a  
2 false premise.

3 Q. Which part is a false premise?

4 A. You can't go from there and get here because what  
5 we're really saying is the first thing that has to be  
6 established is there a POW in the general area, and then the  
7 question becomes is just the passage of time, after you once  
8 know the person is there, is the passage of time enough for  
9 you to say that he's dead.

10 Q. Right.

11 A. But you didn't say that. You start on the basis  
12 that there is someone there and the passage of time and so  
13 forth. I'm saying that the first thing you have to prove is  
14 that there is somebody there.

15 Q. Okay. How do you know there's someone there?

16 A. You don't. That's my whole point.

17 Q. But the Department of Defense must have had a  
18 method of determining whether someone was a prisoner of war.

19 A. You're absolutely wrong, and apparently this is  
20 the ring around the rosy that we're going through here,  
21 because the Department of Defense could never bring forth  
22 one shred of evidence that there was one POW alive in  
23 Vietnam in 1975.

24 Q. You are misunderstanding my question. Prior to  
25 1973, prior to the Paris Peace Accords, we had information

1 that there were prisoners of war in Vietnam.

2 A. Well, I'm not a part of that. I don't know  
3 anything about that.

4 Q. But you were part of being a human being in the  
5 United States, and you certainly were reading the newspapers  
6 and watching television, and you saw that during Christmas  
7 the Vietnamese trotted POWs out and made them say certain  
8 things. I mean, I saw them. I'm not that young.

9 A. I know some of these people, so I know there were  
10 POWs.

11 Q. Of course. So the fact is that the Department of  
12 Defense had information that there were POWs prior to 1973.

13 A. No question about that. That isn't what you said,  
14 though.

15 Q. Okay. Well, we've at least agreed on part of it,  
16 that we had information that there were POWs in 1973. Now  
17 all I have said is that if you were kept as a POW prior to  
18 '73, the mere passage of time doesn't mean that you died.

19 A. I am not going to get into some kind of gobbledy-  
20 gook here about '73, '72, '69 or whatever. I'm saying to  
21 you that when I became the Deputy Secretary of Defense and  
22 we supposedly had all of our people back -- supposedly had  
23 all of our people back -- we began to get reports that we  
24 didn't have all of our people back.

25 And we did everything that we could possibly think

1 of to prove that they were either still prisoners over there  
2 or that they weren't, and we could never, ever find one  
3 shred of evidence of any kind -- hard evidence -- that there  
4 was one of our POWs in that general area. Now that's about  
5 the fifth time I've told you that.

6 Q. Unfortunately, lawyers are the hardest people of  
7 hearing in the world, but I'm really not trying to waste  
8 your time. I'm really trying to understand this.

9 You say that when we supposedly had all our people  
10 back, when you were Deputy Secretary of Defense and we  
11 supposedly had all our people back, when was that? What  
12 period of time did we supposedly have all our people back?

13 A. I can't give you a date certain, but over the  
14 four-year period that I was in DOD, when we were going  
15 through this continuous exercise of trying to establish if  
16 there was just a prisoner over there, we could never find  
17 any evidence whatsoever.

18 Q. Mr. Clements, my question is, as Deputy Secretary  
19 of Defense, when Operation Homecoming ended, which was March  
20 30 -- I think the last prisoner came back on March 30 --

21 A. I don't know.

22 Q. It's March 30 of '73, I think. Were you involved  
23 in Operation Homecoming at all in any meaningful way?

24 A. I don't know what you mean, meaningful way. If  
25 you mean did I authorize the transportation to get them home

1 and so forth and so on and all that, the answer is yes. But  
2 as for me trying to become a public figure on Homecoming  
3 celebrations and the parties that were held in San Francisco  
4 and so forth, the answer is no.

5 But I was very much a part of all the planning  
6 that went into that, and I was almost in daily conversation  
7 with Ross Perot about what he was doing in this regard and  
8 so forth. And I ultimately hung a medal on Ross a year or  
9 so later for "all of his efforts" with the POWs.

10 Q. At the end of Operation Homecoming, was it at that  
11 point that we supposedly had all our people back?

12 A. I can't answer that definitively, because when you  
13 use the term supposedly had all of our people back --

14 Q. That was the term you had used. I was picking up  
15 your phraseology.

16 A. Supposedly had our people back?

17 Q. You said that and I wrote it down when you said  
18 it.

19 A. Well, supposedly in the sense that all of the data  
20 that we had indicated -- and I could use the term  
21 "confirmed"; that's a better word -- that all of our  
22 prisoners were back, but that didn't alter the fact that a  
23 lot of people out there in the public disagreed with that.

24 I do not recall a single person -- and this is  
25 important -- a single person at the upper echelons of DOD --

1 I'm talking about general officers and so forth, people in  
2 reasonable authority -- that disagreed with that.

3 Q. That disagreed with what?

4 A. That we had our people back. And Chappy James,  
5 who as I told you ultimately became a four-star Air Force  
6 general, was actively in charge of trying to determine  
7 whether or not there were any other prisoners out there, and  
8 we could never find any evidence whatsoever, using all of  
9 our resources.

10 Now that's about the fifth time I've told you  
11 that. But those are the facts.

12 Q. When in point of time were you able to make that  
13 determination -- the Department of Defense? You said  
14 general officer level and above. Were you able to say that  
15 by April?

16 A. Of course not. When you start talking about  
17 making that determination, I'm not sure what determination  
18 you're talking about, because over a period of four years  
19 when I was there the search never ceased, and all I've ever  
20 told you is that during those four years we could never find  
21 one shred of evidence. The search never stopped.

22 Q. I hear you, Mr. Clements, but you told me that  
23 general officers and above were of the opinion that we had  
24 all our people back.

25 A. In as far as I know, that's true.

1 Q. And you shared that opinion?

2 A. We're playing on words here.

3 Q. A lawyer's stock in trade.

4 A. Well, I'm getting impatient with this issue  
5 because what we're really saying is that no one really knew  
6 whether we did or we didn't have all of our prisoners back.  
7 It was a never-ending search for the four years that I was  
8 there. We never stopped searching.

9 And all I'm saying to you on the bottom line is,  
10 after all that effort and literally millions of dollars  
11 running down every rumor that came to our attention from  
12 these wives, from these organizations, whatever, from these  
13 Vietnamese, South Vietnamese that were talking about it and  
14 all, we could never find one shred of evidence to support  
15 what they were saying.

16 And anybody at DOD that tells you different than  
17 that is misrepresenting the facts.

18 Q. Did you ever diminish the resources that were  
19 available or put toward this never-ending search for  
20 prisoners of war?

21 A. Well, it took on a different dedication of  
22 resources, whether it be airplanes or helicopters or people  
23 or whatever, so that would go up and down as the situation  
24 required.

25 Q. Certainly during 1973 you wouldn't be diminishing

1 the resources.

2 A. Certainly not.

3 Q. There isn't enough information.

4 A. That's exactly right.

5 Q. And on March 29 of 1973 the President of the  
6 United States made the statement that all our people are  
7 home. That's what the President said.

8 A. Well, March 29?

9 Q. March 29. That's after Homecoming? My question  
10 to you is, was that a policy decision that was made, to make  
11 that statement?

12 A. I'm telling you -- I guess the answer has to be  
13 yes, that he wouldn't make that statement without this  
14 information flowing through the NSC channels. That's where  
15 it would come from. And at that point, and as far as we  
16 knew, our people were home.

17 Q. Now, the debriefs of the POWs, the returning POWs,  
18 hadn't been completed by then. They weren't completed until  
19 after July of '73.

20 A. I know some of these POWs very well.

21 Q. So you know that the debriefings of the POWs  
22 continued on into the summer of '73.

23 A. That's right.

24 Q. So my question is, were you present at NSC  
25 meetings, parent group meetings, where the position that all

1 our prisoners are home or all our men are home was  
2 discussed?

3 A. I don't recall it.

4 Q. Were you at any other meetings, any White House  
5 meetings where that was discussed?

6 A. No. I think, trying to answer your question that  
7 you're asking, there could well have been a paper that would  
8 come out of DOD that would say that in as far as we know up  
9 to this point "everybody's home." That would be all it would  
10 be. I don't think it would go through the NSC per se, but I  
11 think it sure would come through DOD in some form.

12 And I think it would be a true statement. But it  
13 would be couched in those terms. In as far as we know  
14 today, everybody's home.

15 Q. Are you familiar with a group, the Washington  
16 Special Action Group?

17 A. I was a member of that group.

18 Q. A charter member?

19 A. That's a very hush-hush group.

20 Q. And who else were members of it?

21 A. I've forgotten.

22 Q. The National Security Advisor? Mr. Kissinger was  
23 a member of that group?

24 A. Yes.

25 Q. And you were a member of that group. Was the

1 Secretary of State a member of that group?

2 A. I don't remember. I already told you I don't  
3 remember. The WSAG.

4 Q. The WSAG. Was that an official or unofficial  
5 group?

6 A. All these things that you're talking about at this  
7 point are a part of the national security apparatus, which  
8 in turn is a function of the President, and in my judgment -  
9 - and I can't vouch for this -- but in my judgment each  
10 President will approach this problem a little different than  
11 other Presidents. It's his call.

12 Q. This was the National Security Council's crisis  
13 management team, wasn't it?

14 A. Yes.

15 Q. And did this group have regular meetings?

16 A. No.

17 Q. Were they called at the request of the President?

18 A. Ostensibly so, but the National Security Advisor  
19 could call the meetings.

20 Q. Did the President attend these meetings?

21 A. Not regularly, but on occasion he might come in  
22 and stay for a little while.

23 Q. Where did the meetings take place?

24 A. The situation room.

25 Q. And they could be called by the National Security

1 Advisor. Did anyone else call meetings?

2 A. No.

3 Q. How often did these meetings occur?

4 A. Periodically.

5 Q. Were any minutes kept of these meetings?

6 A. Not that I know of.

7 Q. Were any notes kept of these meetings?

8 A. I don't know, no.

9 Q. Did you keep any notes of these meetings?

10 A. I might have, but they would be only for action  
11 notes.

12 Q. Do you remember a meeting of the WSAG that took  
13 place on March 28 of 1973?

14 A. No.

15 Q. That you attended?

16 A. I'm sure I did.

17 Q. So, if you don't remember the meeting, you don't  
18 remember what was discussed at the meeting?

19 A. Offhand I don't. You might want to refresh my  
20 memory.

21 Q. Do you recall whether the issue of what the  
22 position was on how many or whether all the men were home  
23 from Vietnam was discussed?

24 A. Well, I guess I have to reiterate again to you  
25 that this was a constant, recurring issue, so it could have

1 come up. I don't know that it came up, but it could have.

2 Q. Was that the type of issue that would have come up  
3 at WSAG in March of '73?

4 A. You know, that's hard to say. The issues that  
5 would come up are primarily issues that the President  
6 himself put on the agenda, and say, you know, I want these  
7 things discussed. And certainly I'm not in a position to  
8 put things on the agenda.

9 And this is an advisory group to the President of  
10 the United States.

11 Q. Was the Secretary of Defense a member of that  
12 group?

13 A. I can't answer that. I don't think so, but he may  
14 have been.

15 Q. Again bearing in mind that we know there was a  
16 meeting of this group on March 28, '73, and we know that the  
17 President makes the announcement that all the men are home  
18 on March 29 of '73, does that assist you in knowing whether  
19 this was a subject that was discussed at the meeting?

20 A. No.

21 Q. What was the purpose of the WSAG?

22 A. Well, I guess I'd have to say that the purpose was  
23 to discuss highly sensitive issues that were so sensitive  
24 that the President felt that he wanted certain people  
25 excluded. That would be my definition of it.

1 Q. Did the WSAG have a regular membership? In other  
2 words, the NSC had regular membership. You've already told  
3 me that there were six people, seven people who were members  
4 of the NSC.

5 A. That were designated by the President and always  
6 are.

7 Q. Did the WSAG have the same sort of membership that  
8 was a designated membership?

9 A. Yes.

10 Q. And who designated the membership? Was it the  
11 President or the National Security Advisor?

12 A. Both. We're talking about something I really have  
13 no firsthand knowledge of.

14 Q. Well, you were part of it.

15 A. I understand, but whether the President did this  
16 by himself or whether he did this in collaboration with  
17 Henry Kissinger or not, I can't answer that.

18 Q. Were the same people always at the WSAG?

19 A. Oh, sure.

20 Q. And those people sometimes included the President.  
21 You told us that.

22 A. Occasionally. Not often.

23 Q. They always included the National Security  
24 Advisor. They always included you. Who else did they  
25 always include?

1 A. I've forgotten. I don't remember.

2 Q. Did it ever include the Secretary of Defense?

3 A. I don't remember that it did. I wouldn't swear to  
4 that. I just don't have a recollection about whether he was  
5 there or not.

6 Q. On the meeting of March 28 of '73 of the WSAG, do  
7 you recall whether the Laos issue was discussed at that  
8 meeting?

9 A. Meaning what?

10 Q. Was there discussion of Laos at that meeting?

11 A. I don't know. I can't answer that.

12 Q. Do you recall whether there was a discussion of  
13 whether the war should be restarted unless --

14 A. There never was a discussion in my presence of  
15 restarting the war.

16 Q. When I say restarting the war, I hope we're not  
17 turning on a term, because war is a term of art and in order  
18 to have war you have to declare war, but was there a  
19 discussion of reinstating the bombing of Laos at that  
20 meeting?

21 A. There may have been, but I don't remember it one  
22 way or the other.

23 Q. Was the discussion of reinstating the bombing in  
24 Laos connected in any way with the failure of the Laotians  
25 to turn back our prisoners?

1 A. Not to my recollection.

2 Q. Was there a discussion at that meeting --

3 A. Because that implies that we knew there were  
4 prisoners there, and I never knew that.

5 Q. Well, you were aware of the Eagleburger memo which  
6 told you the statistics, and you were aware that we were  
7 keeping --

8 A. I've already told you I don't believe the  
9 statistics. "

10 Q. Well, there are some statistics that it isn't a  
11 question of whether you believe them or not. We lost a  
12 certain amount of men over Laos, and that's a statistic  
13 you've got to believe, is that right?

14 A. I understand that. That isn't the one we're  
15 talking about.

16 Q. Okay. We know that a certain number of people  
17 were lost.

18 A. That's right.

19 Q. And we know a certain number of people were  
20 returned. We know we lost over 350, and we know that we got  
21 9 back. Those are hard numbers that I don't think you're  
22 disputing.

23 A. I wouldn't.

24 Q. And we know that's 2.4 percent return of the  
25 people.

1 A. So what?

2 Q. We can agree on that. Now, at this meeting do you  
3 recall whether the Eagleburger letter to Mr. Richardson was  
4 discussed -- not letter, memorandum from Mr. Eagleburger to  
5 Mr. Richardson?

6 A. I don't recall.

7 Q. Do you recall whether the memo from Secretary  
8 Richardson to the President, which was sent on that day, was  
9 discussed, the one that outlined the possibilities for Laos?

10 A. Whether it was discussed where, at the meeting?

11 Q. Yes.

12 A. I don't remember that. I'm not saying it couldn't  
13 have been, but I just have no recollection of it.

14 Q. The WSAG was, you have described, for issues so  
15 sensitive that some people had to be excluded, and the  
16 people apparently who had to be excluded were people on the  
17 NSC parent group, because this sounds like a distillation of  
18 the NSC. Is that accurate?

19 A. Well, you know, I never heard the WSAG described,  
20 but that's your description.

21 Q. Will you accept my description of it?

22 A. More or less, yes.

23 Q. Was this a group that by its limited membership,  
24 was it limited to people who could be trusted never to talk  
25 about what went on at that group?

1           A. I don't think that in any of these groups at this  
2 highest level that anyone ever had any idea that there would  
3 be any discussion about it.

4           Q. Were the group of people there people that were  
5 trusted that they weren't going to be taking about what was  
6 happening at these meetings?

7           A. You know, inasmuch as this is not my group -- I  
8 didn't form this group -- you're asking me to read into the  
9 minds of the President and his national security advisor,  
10 Kissinger, as to why they did this, and you'll just have to  
11 ask them. I don't know why they did it.

12          Q. Have you ever talked to anybody about what too  
13 place in the WSAG group?

14          A. No.

15          Q. Is there a reason you've never talked about it?

16          A. I guess one of the reasons is that I figured that  
17 I was put on there for the purpose of confidentiality and  
18 good judgment and I've never had any reason to share  
19 anything that was in that group with anybody. And I haven't.

20          Q. Would you share what went on in that group with  
21 other people?

22          A. No, of course not. I never have. Why would I  
23 start now?

24          Q. Because I'm such a nice guy.

25                 [Laughter.]

1           Were you ever specifically told not to share any  
2 information that went on in that group?

3           A.    It was always assumed that it would be held in the  
4 strictest confidence.

5           Q.    Well, it was certainly assumed by you. How you  
6 know it was assumed by anybody else?

7           A.    Well, you'll just have to ask the rest of them. I  
8 don't know. You know, these are all individuals, and you  
9 can talk to them, and, as far as I know, again Tom Moorer  
10 would probably be your best person.

11          Q.    Was Tom Moorer present at that meeting?

12          A.    Yes.

13          Q.    So he was part of this group?

14          A.    Yes.

15          Q.    Were there any other people who would be my next-  
16 best sources?

17          A.    No. I'd talk to him, if I were you.

18          Q.    Is it accurate to say, then, that if you did  
19 recall that prisoner of war issues were discussed at the  
20 WSAG that you still wouldn't tell us what was discussed?

21          A.    I don't have to get in that posture because I  
22 don't remember that it was ever discussed.

23          Q.    But my question to you is, if you did --

24          A.    I'm not going to answer that question, because it  
25 was never discussed and I have no recollection of it.

1 Q. So you're saying you have no recollection of it  
2 ever being discussed at the WSAG?

3 A. That's right. I don't. It's not a question of  
4 telling you about it; I just don't remember it ever was  
5 discussed. That's not to say it couldn't have been  
6 discussed. I just don't remember it.

7 Q. Did President Nixon ever have any discussions with  
8 you prior to making the statement that all the U.S.  
9 prisoners of war were home?

10 A. No.

11 Q. If he had had that discussion with you --

12 A. He didn't.

13 Q. But had he had that discussion with you on March  
14 29, 1973, before he said it, would you have advised him to  
15 make that statement?

16 A. That's so problematical I can't answer that.

17 Q. As far as you know, did the President of the  
18 United States have more information on this subject as of  
19 March 29, 1973, than you did?

20 A. Probably.

21 Q. And on what would you base that?

22 A. On the fact he'd been in office for four and a  
23 half years before -- not four and a half, but over four. He  
24 was going into his fifth year.

25 Q. And had he asked you whether all the prisoners

1 were home on March 29 of 1973, you wouldn't have been able  
2 to give him any advice?

3 A. I'd have probably told him I didn't know.

4 Q. Now I've shown you a press release of April 13,  
5 press reporting of April 13, where the Department of Defense  
6 is saying it has no evidence there are any more U.S.  
7 prisoners of war still alive in Indochina under the headline  
8 "All U.S. POWs Free." That was made April 13.

9 Were you part of the decision to make that  
10 statement?

11 A. I can't answer that. I don't know. It's such an  
12 all-inclusive statement that I would certainly probably, if  
13 I had had any part of it, I'd have probably cast it in terms  
14 of insofar as we know.

15 Q. Does that statement encapsulate the formal DOD  
16 position at the time?

17 A. Yes. I don't think there's any question about  
18 that.

19 Q. That the statement in the newspaper encapsulates  
20 the DOD position?

21 A. Yes. By whom?

22 Q. This was the Roger Shields statement.

23 A. It probably did.

24 Q. Was there a decision made, as far as you know, to  
25 have Mr. Shields present the Department of Defense position?

1 A. I don't have any recollection of that, and he  
2 would not have been my choice.

3 Q. Who would have been your choice, Chappy James?

4 A. Friedheim.

5 Q. You were in a position to make choices like that  
6 as Deputy. How did that one slip by?

7 A. I doubt that I even knew he was going to make that  
8 statement.

9 Q. Who was authorized by you to make statements such  
10 as this for the Department of Defense?

11 A. We had what I guess you'd call a routine  
12 procedure, and we had a regular staff meeting and these  
13 kinds of things were discussed and allocated and what I  
14 would call central control put on these kinds of statements.

15 I keep telling you that during my tenure,  
16 irrespective of what Roger Shields or anybody else tells  
17 you, that I was really looking to Friedheim and Chappy James  
18 for my POW business. And there was a reason for that.

19 Q. What was the reason for that?

20 A. As much as anything else, it had to do with all of  
21 the hue and cry that was going on in the press from these  
22 different families and these different organizations, and so  
23 you can then extrapolate easily from that into the public  
24 affairs section, and Chappy James was a natural because he  
25 had had at least two, maybe three, tours over there, and was

1 vitally interested because some of these people were long-  
2 time, many-year buddies of his that he had fought with and  
3 he had flown with.

4 So it was a natural thing for me to have allocated  
5 this responsibility to Chappy and to Friedheim.

6 Q. Do you recall how much access Roger Shields had to  
7 you in 1973?

8 A. Minimal.

9 Q. What does that mean?

10 A. Minimal. That's what it means.

11 Q. Does that mean you might have met with him very  
12 infrequently?

13 A. Yes.

14 Q. Perhaps once or twice in the entire year?

15 A. I don't know how long he was up there.

16 Q. He was there beginning in 1973 through --

17 MR. KRAVITZ: He was there the whole time you were  
18 there.

19 THE WITNESS: The entire time?

20 MR. KRAVITZ: He left in 1976, but he actually  
21 came back shortly after that to work on behalf of DOD  
22 working with the Woodcock Commission, but he was the head of  
23 the POW task force within ISA from 1971 through 1976.

24 THE WITNESS: My contact with him was minimal.

25 BY MR. CODINHA:

1 Q. How much contact did he have, if you know, with  
2 the Secretary of Defense?

3 A. I'd say it was even more minimal. I think you  
4 need to ask him. If you're in communication with him, which  
5 I'm not, I think you need to ask him how much contact he had  
6 with Friedheim and Chappy James.

7 Q. Shields indicated at his deposition that Friedheim  
8 was present at this press conference, or he believed that  
9 Friedheim was present at this press conference.

10 A. I'm sure he would be.

11 Q. If Friedheim were present there, does that  
12 indicate that it was approved at higher levels than Roger  
13 Shields?

14 A. It could have been, as an indicator, and it could  
15 not have been. A lot of times Jerry would sense or know  
16 about a particular situation where somebody is getting ready  
17 to have a press conference or public announcement and so  
18 forth, and he would alert us in DOD at the Secretariat level  
19 and we would intervene and stop it or not stop it, and  
20 sometimes he didn't.

21 On this particular subject, I would suspect that  
22 Jerry knew about it and was generally in concurrence, if he  
23 was there, and you're saying he was there.

24 Q. I'm saying that Shields indicated he was there. I  
25 don't know personally that he was there.

1 A. You have to talk to Friedheim.

2 Q. I have not talked to Friedheim yet.

3 What was the reaction, if you can recall, to the  
4 press conference that was given saying that there were no  
5 more POWs left in Indochina?

6 A. Well, I have to say to you that I don't think this  
7 was ever really put to bed in my four years up there, and  
8 here we are in '92 and we're still talking about it.

9 Q. Was there a specific reaction to the press  
10 conference that you can recall?

11 A. I can't recall.

12 Q. Were you contacted from anywhere elsewhere in  
13 government relating to this statement?

14 A. I don't remember.

15 Q. Were you aware of any political reasons that  
16 President Nixon might have said that all the prisoners are  
17 home?

18 A. Would you say that once more?

19 Q. Are you aware of any political reasons that  
20 President Nixon might have had to say all the POWs are home  
21 on March 29, 1973?

22 A. No.

23 Q. Was it viewed as important that the government  
24 should be speaking with one voice on this issue?

25 A. It was never couched in those terms, as far as I

1 personally am concerned, and it was certainly no secret that  
2 Chappy James down there in the public affairs department had  
3 an ongoing effort in this regard, and all the press knew  
4 that. . . So it was common knowledge with these POW  
5 organizations and so forth that Chappy was the point person  
6 on this.

7 Q. Who do you believe the important decisionmakers  
8 would have been to Nixon relating to the statement that all  
9 the prisoners are home?

10 A. I don't think he would have conferred with anybody  
11 except Henry Kissinger.

12 Q. What do you base that on?

13 A. Observation, I guess.

14 Q. And in your observation during the time period  
15 that we're discussing Nixon turned to Kissinger on these  
16 issues?

17 A. Like that, yes.

18 Q. And when you say an issue like that --

19 A. I'm talking about security issues.

20 Q. Why is that a security issue?

21 A. Sure it is, because of the Vietnam war and  
22 hostilities and the treaty in Paris that you referred to  
23 with the Vietnamese and so forth. It certainly was a  
24 national security issue.

25 Q. So Nixon would have turned to Kissinger and said

1 words to the effect of I want to take this position?

2 A. I don't know what he would say to Kissinger.

3 Q. Well, I suspect you do know what he would have  
4 said to Kissinger because I suspect you were present at  
5 meetings where he turned to Kissinger on occasion.

6 So it would have been limited, you believe, to  
7 Nixon and Kissinger?

8 A. Yes.

9 Q. Would there have been any issue of Nixon reaching  
10 out to the Department of Defense to get any of that  
11 information?

12 A. No.

13 Q. After the position was elaborated that all  
14 prisoners of war were free and there's no evidence that any  
15 more U.S. prisoners of war were still alive in Indochina on  
16 April 13, did you become aware of objections within the  
17 Department of Defense to this official line?

18 A. No. I want to again make a suggestion to you, and  
19 that is talk to Tom Moorer. He was Chairman of the Joint  
20 Chiefs and he's a four-star Navy guy, and you need to hear  
21 what he'd have to say about something like that.

22 Q. Did you become aware that Roger Shields had  
23 misgivings about this particular statement?

24 A. I don't have any idea what Roger Shields felt.

25 Q. I'd like to turn your attention to Exhibit Number

1 11, which is a May 24, 1973, memorandum from Roger Shields  
2 to Ambassador Hill.

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

6 A. Within that section?

7 Q. Yes. It's within that section.

8 A. And I have discussed this with OSD/PA, Public  
9 Affairs.

10 [Pause.]

11 Q. Have you had an opportunity to read that?

12 A. Sure.

13 Q. Were you aware of this memorandum at the time it  
14 was created, May 24, 1973?

15 A. No. It's addressed to Ambassador Hill, and I  
16 don't have any recollection of ever having seen it before.

17 Q. Do you recall Ambassador Hill discussing with you  
18 the subject matter of this memorandum?

19 A. No.

20 Q. Were you aware from any other source of the fact  
21 that Mr. Shields no longer felt that the statements that he  
22 made at the April 13 news conference were accurate?

23 A. I don't think he's very positive in this  
24 memorandum.

25 Q. Well, I'm just saying he's saying, "in light of

1 more recent events, I believe the answer is no longer fully  
2 satisfactory." Were you aware that there, on May 7, was a  
3 shutdown of an Air America pilot and the pilot was  
4 captured?

5 A. I'm sure that I was.

6 Q. And were you aware that February 4 or 5 of '73  
7 U.S. Air Force EC-47Q was shot down?

8 A. I'm sure that I was.

9 Q. And were you aware that there was a sensitive  
10 intercept of communications between North Vietnamese army  
11 commands in Laos and the DRV indicating that four Americans  
12 had been captured in the area?

13 A. I would be certain that I did know that.

14 Q. Isn't that the sort of evidence that we're talking  
15 about when we say that people are alive in captivity in  
16 Southeast Asia?

17 A. Well, the normal procedure on that particular  
18 situation would be that we would do our utmost through all  
19 the various channels that would be available to us to  
20 determine where these people were and establish contact with  
21 them. And we never could do that.

22 Q. And the shutdown took place in February of 1973,  
23 the 4th-5th of February of 1973, and the records indicate  
24 that the service secretaries listed the individuals as  
25 killed in action within a month of that.

1 A. I can't comment on that because I don't remember  
2 that or any part of that or anything like that.

3 Q. Would that appear -- with the information that a  
4 sensitive intercept of communications by North Vietnamese  
5 army in Laos and DRV indicating that four Americans had been  
6 captured, doesn't that seem to be precipitous on the part of  
7 the service secretaries to declare them killed in action  
8 within a month?

9 A. I'm not sure whether or not they had additional  
10 information. I just don't know. Because we could never  
11 establish any contact with these people. So what happened  
12 to them and so forth, they just became a part of those  
13 missing in action, really.

14 Q. How high up did the information contained in the  
15 Shields memo go? I mean, clearly it went to Ambassador  
16 Hill, who reported to you, but it seems to have stopped at  
17 Ambassador Hill. Would it have gone any higher than that?

18 A. No.

19 Q. As far as you know, it didn't go higher than you?

20 A. No. Didn't go higher than me?

21 Q. Well, it didn't go up to you, because you don't  
22 recollect it.

23 A. No.

24 Q. Do you recall when the debriefing of the POWs,  
25 returned POWs, was completed?

1 A. I don't.

2 Q. Do you recall whether the official position on  
3 POWs from the Department of Defense changed after April 12,  
4 after the April 12 statement by Shields?

5 A. Did it change?

6 Q. Yes, to reflect the new information that you had?

7 A. Our efforts to contact any kind of a prisoner over  
8 there never let up, so there really wasn't any change. We  
9 were continuing to use our sources, trying to develop new  
10 sources, and to use all of our overhead capability, our  
11 intercept capability, and determine whether there were any  
12 or not. And we never could find any.

13 Let's go off the record.

14 [Whereupon, at 3:47 p.m., the taking of the  
15 instant deposition recessed, to reconvene at 9:00 a.m.,  
16 Saturday, March 28, 1992.]

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# UNITED STATES OF AMERICA

## Congress of the United States

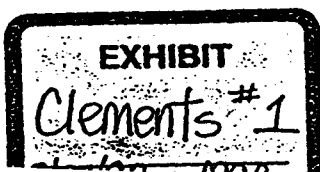
### Notice of Senate Deposition

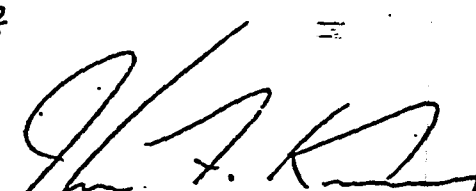
To Gov. William Clements  
1901 North Akard-Street  
Dallas, TX 75201

Greeting:

Please take notice that at 9:00 o'clock a. m., on March 27, 1992,  
at Room 2G14, 1100 Commerce, Dallas, TX, of the staff of the Select committee  
on POW/MIA Affairs of the Senate of the United States, will  
take your deposition on oral examination concerning what you may know relative to the subject  
matters under consideration by said Select committee. The deposition will be taken before a  
notary public, or before some other officer authorized by local law to administer oaths; it will  
be taken pursuant to the Select committee's rules, a copy of which are attached.

Given under my hand, by authority vested in me by  
the Select committee, on March 20,  
1992



  
John F. Kerry, Chairman  
Select Committee on POW/MIA Affairs

# UNITED STATES OF AMERICA

## Congress of the United States

Gov. William Clements

To

1901 North Akard Street

Dallas, TX 75210

Greeting:

Pursuant to lawful authority, YOU ARE HEREBY COMMANDED to  
appear before the Select Committee on POW/MIA Affairs

of the Senate of the United States, on March 27, 1992

at 9:00 o'clock a. ~~XXXXXXXXXXXXXXXXXXXX~~ Room 2C14, 1100  
Commerce, Dallas, Texas

*then and there to testify what you may know relative to the subject matters under consideration by said committee.*

You are further commanded to bring with you to the deposition the materials described in the attachment to this subpoena.

*Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.*

To any Select Committee staff member or U.S. Marshal

*to serve and return.*

Given under my hand, by order of the committee, this  
20th day of March, in the year of our  
Lord one thousand nine hundred and ninety-two.

John F. Kerry  
Select John F. Kerry POW/MIA Affairs  
Chairman, Committee on \_\_\_\_\_

EXHIBIT  
Clements #2  
3/27/92 mad

Clements, William  
Deposition Subpoena

ATTACHMENT

Bring to the deposition any and all public and private documents, papers, notes, notebooks, memoranda, dictations, files, correspondence, photographs, tapes, and other materials within your possession and/or control relating in any way to American prisoners of war in Southeast Asia between 1960 and the present. This includes but is not limited to any and all such materials relating to your involvement with the POW/MIA issue as Deputy Secretary of Defense from 1973 to 1977.

**HISTORICAL OSD POW/MIA CHAIN OF RESPONSIBILITY: AUG 1967- SEP 1991**  
(Based on Excerpts from the DoD Telephone Directory (Organizational Section),  
DoD Key Personnel Locator Charts, OUSD(P) Organizational Directories, and from  
the Draft DoD Study, "Prisoner of War Policy in SE Asia," being prepared in the OSD  
Historian's Office)

**August 1967:**

Secretary of Defense Robert S. McNamara  
ASD (ISA) Paul C. Warnke  
Asst to ASD(ISA) Charles W. Havens III  
Mil Advisor for POW Matters Capt John W. Thornton, USN  
(added November 1967)



**March 1969:**

Secretary of Defense Melvin R. Laird  
ASD (ISA) G. Warren Nutter  
Spec Asst (POW Affairs) Charles W. Havens III  
Mil Advisors for POW Matters Capt John W Thornton, USN and  
Col Robert E. Work, USAF (added June 1969)

**January 1970:**

Secretary of Defense Melvin R. Laird  
ASD (ISA) G. Warren Nutter  
Special Asst (POW Affairs) Ralph H. Jefferson  
Mil Advisors for POW Matters Capt John W Thornton, USN and  
Col Robert E. Work, USAF

**January 1971:**

Secretary of Defense Melvin R. Laird  
ASD(ISA) G. Warren Nutter  
Asst to ASD(ISA) Roger E. Shields  
Mil Advisors for POW Matters LTC Gordon M. Haggard, USAF and  
LTC Vincent A. DiMauro, USAF

**April 1971:**

Secretary of Defense Melvin R. Laird  
ASD(ISA) G. Warren Nutter  
Asst to ASD(ISA) and Chairman, POW/MIA Task Group, Roger E. Shields  
Dir, PW/MIA Task Force, RAdm H. H. Epes Jr, USN

**June 1972:**

Secretary of Defense Melvin R. Laird  
ASD(ISA) G. Warren Nutter  
Asst to ASD(ISA) and Chairman, POW/MIA Task Group, Roger E. Shields  
Dir, POW/MIA Task Force, BG Russell G. Ogan, USAF

**March 1973:**

Secretary of Defense Elliot L. Richardson  
ASD(ISA) (Acting) Lawrence S. Eagleburger  
Asst to ASD(ISA) and Chairman, POW/MIA Task Group, Roger E. Shields  
Dir, POW/MIA Task Force, BG Russell G. Ogan, USAF

November 1973:

Secretary of Defense James R. Schlesinger

ASD(ISA) Robert C. Hill

DASD (International Economic Affairs & POW/MIA Affairs) Roger E. Shields

July 1974:

Secretary of Defense James R. Schlesinger

ASD(ISA) Robert Ellsworth

DASD (International Economic Affairs & POW/MIA Affairs) Roger E. Shields

Principal Advisor, POW/MIA Affairs, Capt Raymond A. Vohden, USN

December 1975:

Secretary of Defense Donald Rumsfeld

ASD(ISA) (Acting) Amos A. Jordan

DASD (International Economic Affairs & PW/MIA Affairs) Roger E. Shields

POW/MIA Affairs Capt Raymond Vohden USN

April 1976:

Secretary of Defense Donald Rumsfeld

ASD(ISA) Eugene V. McAuliffe

DASD (International Economic Affairs & PW/MIA Affairs) Roger E. Shields

POW/MIA Affairs Capt Raymond Vohden USN

December 1976:

Secretary of Defense Donald Rumsfeld

ASD(ISA) Eugene V. McAuliffe

DASD (International Economic Affairs & PW/MIA Affairs) (Vacant)

POW/MIA Affairs Capt Raymond Vohden USN

April 1977:

Secretary of Defense Harold Brown

ASD(ISA) David E. McGiffert

DASD (International Economic Affairs & PW/MIA Affairs) (Vacant)

POW/MIA Affairs Capt Raymond Vohden USN

December 1977:

Secretary of Defense Harold Brown

ASD(ISA) David E. McGiffert

DASD (International Economic Affairs & PW/MIA Affairs) Ellen L. Frost

POW/MIA Affairs Capt Raymond Vohden USN

April 1978:

Secretary of Defense Harold Brown

Under Secretary of Defense (Policy) (Vacant)

ASD(ISA) and PDUSD (Policy) David E. McGiffert

DASD (International Economic Affairs & PW/MIA Affairs) Ellen L. Frost

Prin Advisor POW/MIA Affairs Capt Raymond Vohden USN

Frank A. Sieverts 1/31/72



Prisoner Release and Repatriation Study

Final Section: Negotiation policies and objectives

A. Basic Proposal.

Prisoner releases were covered in point two of the GVN/US negotiating proposal announced by President Nixon January 25, as follows: "The release of all military men and innocent civilians captured throughout Indochina will be carried out in parallel with the troop withdrawals mentioned in Point 1. Both sides will present a complete list of military men and innocent civilians held throughout Indochina on the day the agreement is signed. The release will begin on the same day as the troop withdrawals and will be completed when they are completed."

The proposal that prisoner releases be phased to U.S. withdrawals accepts the language of the communist side's June 26, 1971, "nine points" and July 1 "seven points," and should be seen as a concession to the communist position on this question. From the US/GVN point of view, it would be preferable to secure the release of all US/FW

personnel immediately and all at once, rather than in conjunction with the six-month withdrawal period specified in point one of the GVN/US proposal. Phased releases run the risk that the other side could hold a substantial number of our prisoners to enable them to subject our compliance with the withdrawal terms to their interpretation. It creates the possibility that the other side could add on conditions (such as reparations) prior to releasing the last prisoners. It could also complicate the problem of verifying that all prisoners are accounted for and released. We must expect that there will be strong pressure from PW relatives to speed up U.S. withdrawals to obtain the release of remaining prisoners.

In light of these considerations, our negotiators should be instructed to look for ways to arrange the early release of all PW's, without necessarily waiting until all US/FW forces have been withdrawn. If the other side insists on phased releases, we should state our concern about the above points and obtain clear understandings on the timing and completeness of releases.

It could be noted that the 1954 Geneva agreement specified that all prisoners must be released "within 30 days" after the effective ceasefire dates (Art. 21),

while providing up to a year for regroupment and withdrawals. Although the parallel is not exact, this provides precedent for release of all prisoners within 30 days, even if the period for troop withdrawal extends longer.

Regarding exchange of lists, we should press the other side for the fullest possible accounting of all US/FW personnel (including civilians) listed as missing or captured in Indochina. We should give the other side lists of our personnel and ask for an accounting on each one as prisoner, dead, or unknown.

Regarding lists of communist prisoners held by the GVN, it should be noted that lists of NVA/VC prisoners of war have been provided to the ICRC. Copies of these lists could be made available to the other side in exchange for complete lists of US/FW prisoners. If the other sides does not provide such lists, the GVN should delay providing its list, in light of the Korean war and French Indochina conflict experiences of 1953 and 1954, in which the subsequent accounting for all PW's on lists provided by the allied side became serious issues.

Regarding the provision of lists of "innocent civilians," we should ask the communist side for an

accounting of all US/FW civilians missing or captured in Indochina, including journalists lost in Cambodia. The GVN may take the position that it holds no "innocent" civilians. If the other side is prepared to furnish a list of US/FW civilians and asks for a list of "civilians captured in the war" in return, then we should be prepared to recommend to the GVN that they provide lists of civilian prisoners (VCI).

B. Release of US/FW PWs

(1) We would propose that US airplanes go to Hanoi to collect US/FW prisoners held in North Vietnam. Alternatively, we could agree to third country airplanes for this purpose (Swiss, Norwegian, Danish, French, Swedish) or to airplanes under ICRC auspices. Equally acceptable would be ships to Haiphong under U.S., third country, or ICRC auspices.

(2) If the communist side refuses to accept this, we could agree to have prisoners brought to Vientiane, Phnom Penh, Bangkok, or another third country airport, where they would be received by US/FW officials. We could also agree to have the prisoners delivered to a designated point in South Vietnam.

orders. Several factors go into the Pentagon's overall military assessment of the situation facing Saigon.

While the Defense Department on Wednesday confirmed that Hanoi has rebuilt its army in South Vietnam to levels at least as high as before last spring's big offensive, military officials say the movement of heavy artillery, tanks, anti-aircraft guns and troops has tapered off sharply since March.

Supplies continue to move into the south, but mostly by trucks believed to be carrying food, fuel and ammunition for stockpiling.

Most of the buildup is completed, in this estimate, and Hanoi would probably have to add considerably to its estimated 160,000 to 170,000 man force in the south to effectively handle much more armor or artillery.

While force levels are restored, Pentagon estimates are that it would still take Hanoi

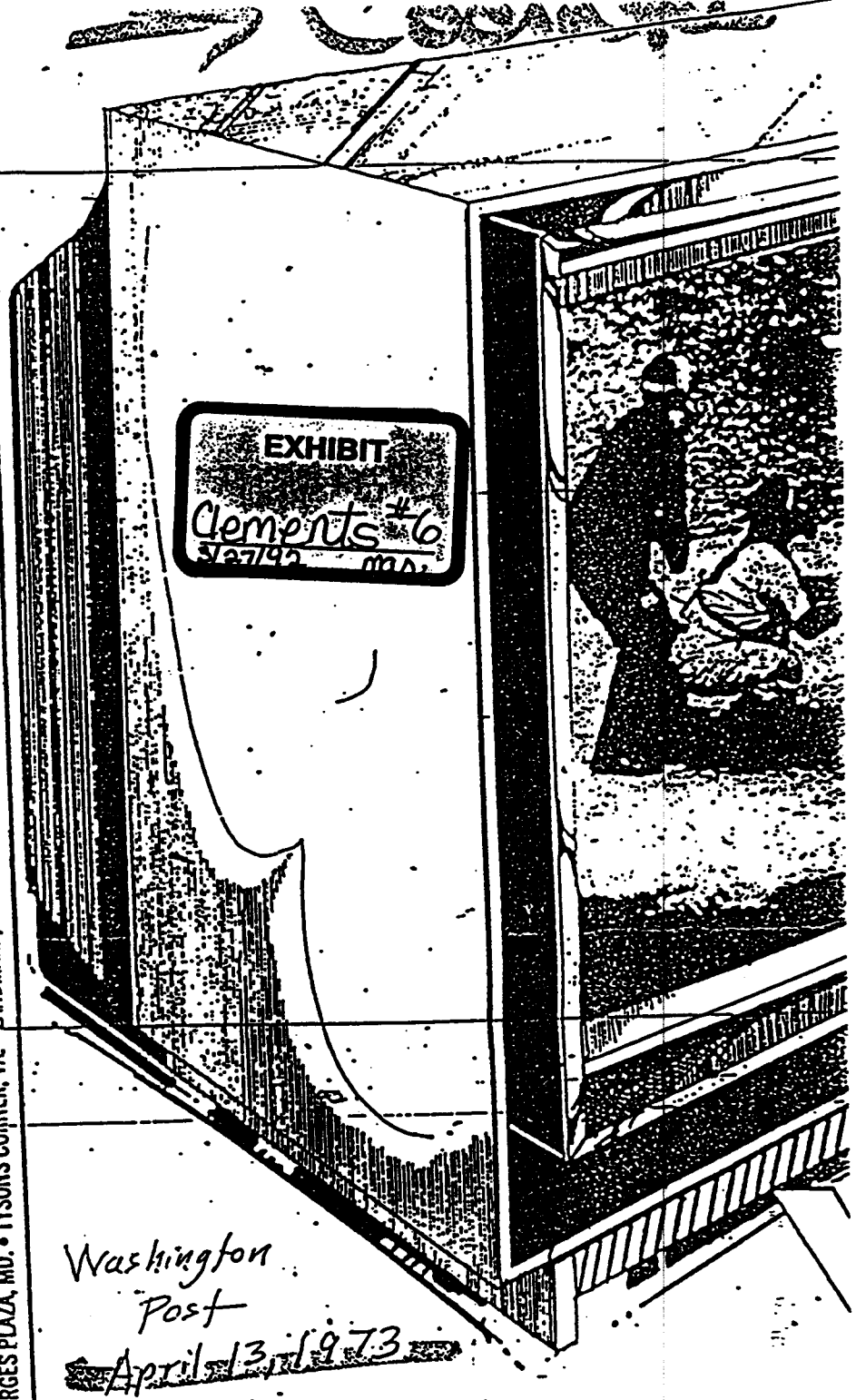
than moved into the south to support the spring offensive.

U.S. officials concede that the North Vietnamese built up their forces faster than was anticipated. They say it is still uncertain how much in supplies is hidden in the south or stockpiled in the north, although these are "soft" estimates which reportedly indicate that most of the war material stockpiled in the north has been moved southward.

Some supplies, though not necessarily tanks or guns, are still arriving from the Soviet Union and China. The United States is pressing to get Moscow and Peking to halt arms deliveries and to pressure Hanoi not to send what it still has stockpiled southward, as well as to end the fighting.

But estimates of Moscow's leverage with Hanoi vary, and some officials suggest the Communist superpowers have to keep some supplies coming to retain whatever leverage they do have with North Vietnam.

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# All U.S. POWs Free, Pentagon Maintains

Associated Press

The Pentagon said yesterday it has no evidence there are any more U.S. prisoners of war alive in Indochina.

Interviews with returning POWs almost complete, Pentagon official Dr. Roger Shields said none of the 1,359 Americans listed as missing has been changed to POW status.

Nonetheless, Shields said at a news conference, American officials are continuing to press for more information, especially in Laos, from which only 10 POWs were released.

Shields, in charge of the Pentagon's POW recovery operation, declined to rule out the possibility that POWs may charge other POWs with collaboration or other offenses committed while they were held in North Vietnam. There have been recurring reports that such charges would be filed.

Shields said there will be 153 Americans assigned to the Joint Casualty Resolution Center now setting up in Nakhon Phanom, Thailand, nine miles from the Laotian border.

From the center will go searchers looking for downed American planes and remains of airmen shot down throughout Indochina.

Noting that searchers will face hazards like remaining

booby traps in the jungle, Shields would say only that attempted recovery operations should begin soon.

Officials at the center, including North Vietnamese representatives, have been meeting for about a week, Shields said.

Generally, Shields said, the emotional, psychological and physical condition of the returned POWs has been excellent.

Of reports that many airmen in Laos were summarily executed by the Communist Pathet Lao, Shields said, "There is no basis in fact for this story."

Except for three GIs killed early in the war, Shields said neither is there any indication that any American POW was tortured to death either by the Viet Cong or the North Vietnamese.

**Rat Menace**

BUDAPEST, April 12 (AP) — Tadeus Muravsky of the World Health Organization told a symposium on rat control that the rodents destroy 33 million tons of foodstuffs and potential food annually and remain a major threat as disease carriers.

Washington Post  
 April 13, 1973  
 p. A10

# The File

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*The President:* I think he shares my views that it's too early to comment on the future policies of the new government. No one knows the composition of it yet. And I think it would be premature to comment.

*Q. In your public statements so far you haven't mentioned the 1977 Geneva conference possibilities or a Palestinian homeland.*

*Q. He mentioned it yesterday at the hand-out.<sup>4</sup>*

*Q. Not publicly.*

*Q. That's a public hand-out. It was placed right in your hand.*

*Q. Are you going to visit us in the Middle East, Mr. President, this year?*

*The President:* Well, some day, I hope. I'm not much on foreign travel. I don't know.

*Q. After each one of these meetings you usually think you are more optimistic or less. What is your impression now?*

*The President:* Well, it's hard to tell. I think a lot of the uncertainty there is involved in the recent election results in Israel. There's no way to predict what the formation of the government might be yet or what their policies might be after they are ultimately evolved.

So, that is not encouraging or discouraging. But it's much more difficult to predict at this point.

*Q. Could you tell us how your views have evolved on the Palestinian homeland as a entire state or as part of the Jordanian state?*

*The President:* No, my views are not firmed on what the composition of the Palestinian homeland might be. But all of the U.N. resolutions have contemplated a homeland for the Palestinians. And this is obviously something that will have to be accommodated.

<sup>4</sup> A notice to the press dated May 24 summarized the meeting that day between President Carter and Crown Prince Fahd. In part, it says:

"The President went over in detail the core issues: territorial and security problems, the nature of peace in the Middle East, and the Palestinian question, both the immediate problem of Palestinian representation in the negotiations and the question of a Palestinian homeland in the final settlement. They agreed that the major effort should continue toward trying to reconvene the Geneva conference in the second half of 1977. They also agreed that this conference should be well prepared so as to offer the best possible prospects for success."

## Former President Nixon's Message to Prime Minister Pham Van Dong

### Department Announcement

The Department released on ~~May 19, 1977~~ the ~~text of a message dated February 1, 1973, from former President Nixon to the Prime Minister of the former Democratic Republic of Vietnam, Mr. Pham Van Dong.~~ The existence and substance of this document have already been made public, including public references by the recipient. Its author has indicated no objection to its release. In light of all present circumstances, we have determined that the message is no longer deemed sensitive, and it has been declassified.

### TEXT OF MESSAGE FROM THE PRESIDENT OF THE UNITED STATES TO THE PRIME MINISTER OF THE DEMOCRATIC REPUBLIC OF VIETNAM

FEBRUARY 1, 1973:

The President wishes to inform the Democratic Republic of Vietnam of the principles which will govern United States participation in the postwar reconstruction of North Vietnam. As indicated in Article 21 of The Agreement on Ending the War and Restoring Peace in Vietnam signed in Paris on January 27, 1973, the United States undertakes this participation in accordance with its traditional policies. These principles are as follows:

1) The Government of the United States of America will contribute to postwar reconstruction in North Vietnam without any political conditions.

2) Preliminary United States studies indicate that the appropriate programs for the United States contribution to postwar reconstruction will fall in the range of ~~\$3.25 billion of grant aid over five years.~~ Other forms of aid will be agreed upon between the two parties. This estimate is subject to revision and to detailed discussion between the Government of the United States and the Government of the Democratic Republic of Vietnam.

3) The United States will propose to the Democratic Republic of Vietnam the establishment of a United States-North Vietnamese Joint Economic Commission within 30 days from the date of this message.

4) The function of this Commission will be to develop programs for the United States contribution to reconstruction of North Vietnam. This United States contribution will be based upon such factors as:

(a) The needs of North Vietnam arising from the dislocation of war;

(b) The requirements for postwar reconstruction in the agricultural and industrial sectors of North Vietnam's economy.

5) The Joint Economic Commission will have an equal number of representatives from each side. It will agree upon a mechanism to administer the program which will constitute the United States contribution to the reconstruction of North Vietnam. The Commission will attempt to complete this agreement within 60 days after its establishment.

6) The two members of the Commission will function on the principle of respect for each other's sovereignty, non-interference in each other's internal affairs, equality and mutual benefit. The offices of the Commission will be located at a place to be agreed upon by the United States and the Democratic Republic of Vietnam.

7) The United States considers that the implementation of the foregoing principles will promote economic, trade and other relations between the United States of America and the Democratic Republic of Vietnam and will contribute to insuring a stable and lasting peace in Indochina. These principles accord with the spirit of Chapter VIII of The Agreement on Ending the War and Restoring Peace in Vietnam which was signed in Paris on January 27, 1973.

#### UNDERSTANDING REGARDING ECONOMIC RECONSTRUCTION PROGRAM

It is understood that the recommendations of the Joint Economic Commission mentioned in the President's note to the Prime Minister

will be implemented by each member in accordance with its own constitutional provisions.

#### NOTE REGARDING OTHER FORMS OF AID

In regard to other forms of aid, United States studies indicate that the appropriate programs could fall in the range of 1 to 1.5 billion dollars depending on food and other commodity needs of the Democratic Republic of Vietnam.

#### U.S.-Vietnamese Officials Meet for Second Round of Talks

##### *U.S. Delegation Statement*<sup>1</sup>

The delegations, led by American Assistant Secretary of State for East Asian and Pacific Affairs Richard Holbrooke and Vietnamese Vice Minister of Foreign Affairs Phan Hien, met on June 2 and 3 for a total of about seven hours at the American Embassy in Paris. Each side presented its views in an atmosphere which was cordial and friendly. The delegations agreed to meet again in the near future to continue their talks aimed at normalizing relations. The exact time and place for the next meeting will be decided upon by mutual agreement.

The Vietnamese delegation provided new information about 20 Americans missing in action who died in Vietnam. There will be no public announcement of these names until the identifications have been confirmed by the U.S. Central Identification Laboratory in Hawaii after the return of the remains. The families of the men whose names are on the list are being informed by their respective military services. Arrangements for the return of the remains will be worked out through the technical channels established for the exchange of information on the subject. The U.S. delegation expressed its appreciation for this positive action on the part of the Socialist Republic of Vietnam.

<sup>1</sup> Issued at Paris on June 3, 1977.



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE  
WASHINGTON, D. C. 20301

Mr. HILL has seen

INTERNATIONAL SECURITY AFFAIRS



24 May 1973

MEMORANDUM FOR AMBASSADOR HILL

SUBJECT: Current PW/MIA Issues

In a DoD sponsored press conference held April 12, 1973, I made the statement that DoD had no specific knowledge indicating that any U.S. personnel were still alive and held prisoner in Southeast Asia. This statement has been the basis for all subsequent answers from DoD to questions concerning the possibility that Americans may still be held prisoner in Southeast Asia. It was a totally accurate and factual statement at the time it was made.

In light of more recent events, I believe that answer is no longer fully satisfactory. Specifically, there is reason to believe that the American pilot of an Air America aircraft downed in Laos on May 7 may have been captured along with six Meo passengers, by North Vietnamese forces. The last communication received from the pilot indicated he was landing on a hostile airstrip. A short time after, a sensitive intercept of communication traffic between North Vietnam and Laos indicated that the U.S. pilot and the Meo passengers had been captured. Embassy Vientiane now reports that Pathet Lao radio also reported the capture of the American and his passengers. The wife of Emmett Kay, the pilot, has been informed of the Pathet Lao broadcast as has the Royal Lao Government. The possibility of Kay's capture is therefore no longer closely held information.

Although this incident may be termed an exception from the general rule, it should be noted that only 10 persons, nine of whom were U.S., were released by the other side as Laos prisoners. Over 300 U.S. personnel remain unaccounted for in Laos.

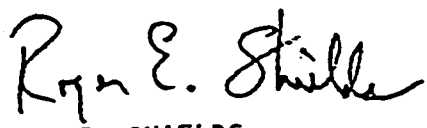
On 4-5 February 1973, a USAF EC-47 carrying a crew of 8 U.S. personnel was downed in Laos. The search and rescue team succeeded in locating and inspecting the wreckage of the aircraft. Because the area was a hostile one, the inspection was not completed. Nevertheless, parts of four bodies were recovered, only one of which was identified. A short time after the shootdown of the EC-47, a sensitive intercept of communication between North Vietnamese Army Commands in Laos and the DRV indicated that four Americans had been captured in an area some forty miles from the EC-47 crash site.

DIA feels that the Air America pilot is now held prisoner, but is less sure about the fate of the four EC-47 crewmembers whose remains were not recovered. DIA is continuing its investigation, but feels there is some reason to believe that the four may actually have been captured. The Air Force carries all eight in a KIA status, based on the nature of the incident and on the recovery of four remains.

Given these circumstances, I believe that the DoD position regarding the possibility of men still being held prisoner in SEA should be altered slightly. The amended position should not be one which raises false hopes among the families of our men not yet accounted for. We have been very careful at all levels of DoD, in OSD and in the Military Services, not to give false hopes to these families, but to present the case honestly and forthrightly. Accordingly, I believe that the DoD position should simply be one which discourages speculation and points to implementation of the accounting procedures contained in the Cease Fire document as the procedure which promises to provide the quickest and most certain answers about our missing men. I have discussed this with OSD/PA. PA concurs and has prepared representative questions and answers which follow this line.

In conjunction with this issue, there is a great deal of Congressional interest in the MIA problem. One Congressman indicated to me that it was his impression that DoD believes that there are no more Americans alive and prisoner in SEA. I replied that we had over 1300 Americans who were unaccounted for, and that this meant that we had no information to show conclusively that a man was either alive or dead.

I am scheduled to testify on the MIA issue before the Subcommittee on National Security Policy and Scientific Developments of the House Committee on Foreign Affairs. With your concurrence, I will maintain the position that we do not know whether those now unaccounted for are alive or dead.



ROGER E. SHIELDS  
Assistant to the Assistant  
Secretary

**COMMITTEE CONFIDENTIAL**

Stenographic Transcript of  
**HEARINGS**  
Before the

**SELECT COMMITTEE ON POW/MIA AFFAIRS**

**UNITED STATES SENATE**

**CONTINUED DEPOSITION OF WILLIAM P. CLEMENTS, JR.**

Saturday, March 28, 1992

Dallas, Texas

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## COMMITTEE CONFIDENTIAL

CONTINUED DEPOSITION OF WILLIAM P. CLEMENTS, JR.

Saturday, March 28, 1992

U.S. Senate

Select Committee on POW/MIA

Affairs

Dallas, Texas

Continued deposition of WILLIAM P. CLEMENTS, JR., the witness herein, called for examination by counsel for the Select Committee on POW/MIA Affairs, pursuant to recess, in Conference Room 2C14, Federal Building, 1100 Commerce Street, Dallas, Texas, commencing at 9:07 a.m., on Saturday, March 28, 1992, the witness having been previously 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.

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1 APPEARANCES:

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

3 NEAL KRAVITZ, ESQ.

4 Investigative Counsel

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WITNESS	EXAMINATION
William P. Clements, Jr.	
By Mr. Kravitz	188

E X H I B I T S

CLEMENTS EXHIBIT NO.	FOR IDENTIFICATION
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15	203
16	218
17	218
18	251

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## P R O C E E D I N G S

1  
2 Whereupon,

3 WILLIAM P. CLEMENTS, JR.,

4 the witness herein, called for examination by counsel for the  
5 Select Committee on POW/MIA Affairs and having been previously  
6 duly sworn by the Notary Public, was further examined and  
7 testified as follows:

8 EXAMINATION BY COUNSEL ON BEHALF OF

9 THE SELECT COMMITTEE - Resumed

10 BY MR. KRAVITZ:

11 Q. Back on the record. We are here with Governor  
12 Clements and he is still under oath.

13 Governor, I just wanted to ask you a couple of  
14 questions to start off with about some of the things we talked  
15 about yesterday. You told us yesterday that the prisoner of  
16 war issue remained one of the main priority issues that you  
17 dealt with throughout your tenure at the Department of  
18 Defense.

19 A. For four years, yes.

20 Q. And that's still your testimony?

21 A. That's right.

22 Q. You also told us that you and others at the top of  
23 the Department of Defense did everything within your powers  
24 and within your authority to investigate leads and to  
25 determine whether or not there were any live prisoners left

1 behind in Southeast Asia.

2 A. That's true.

3 Q. I think you told us that at least from your  
4 standpoint the reason that you put that much effort into this  
5 issue was that it wasn't for several years after the end of  
6 Operation Homecoming that you decided that there was no shred  
7 of evidence to believe that anyone was still alive in  
8 captivity in Southeast Asia.

9 A. Well, that's right. I had an open mind about it  
10 until after several years we had made this full-blown effort  
11 and we had people into the different areas, both on the  
12 intelligence side -- overheads as well as HUMINT intelligence,  
13 where we actually had agents going into the area and so forth  
14 and exploring and finding and trying to confirm and all -- and  
15 after doing this for years we were not able to find one shred  
16 of evidence.

17 Q. So it's your recollection, then, that for most of  
18 the four years, if not all of the four years, that you were  
19 there the Department of Defense, at your direction and at the  
20 Secretary of Defense's direction, put an enormous amount of  
21 resources into this issue.

22 A. We did.

23 Q. As early as 1973, then, in light of your open mind  
24 and your approach to this, would you have tolerated any  
25 decrease in the amount of resources that DOD put toward the

1 POW issue?

2 A. Well, I guess I would have to say if you drew this  
3 in a curve it would have its peaks and its valleys, and it  
4 would go up and down as we ran down these rumors and tried to  
5 confirm the data that would come in to us and so forth, most  
6 of which was coming out of these leads coming from the widows  
7 and the families of the missing men.

8 Q. When you say peaks and valleys, would 1973  
9 conceivably have been a valley period?

10 A. Oh, I don't think so.

11 Q. So you certainly wouldn't have been tolerating any  
12 decrease in resources put toward the PW issue, say in the  
13 summer of 1973?

14 A. Summer of '73?

15 Q. Just a few months after the end of Operation  
16 Homecoming.

17 A. Well, it would depend entirely on the numbers of  
18 leads that we were getting, and really, whether you call them  
19 leads or rumors, that really was the spark that would ignite  
20 our effort in there, where we would try to run down and  
21 confirm these leads that came to us primarily through the  
22 families of these missing men.

23 Q. Is it accurate to say that the last place where a  
24 cut in resources would have made sense would be whatever  
25 organization within DOD was in charge of coordinating?

1 A. I don't think it was a question of resources ever.

2 Q. So, in other words, there was never a question of  
3 decreasing DOD's resources?

4 A. No, sir, not to my knowledge or memory.

5 Q. In 1973, could the Secretary of Defense ever have  
6 cut the amount of resources put toward the PW issue without  
7 your approval?

8 A. Could he have? I guess that would be possible, but  
9 highly unlikely, because our communication was excellent, and  
10 during this period that you're talking about would be the  
11 Elliot Richardson period, and he was only there for a short  
12 time and my memory would tell me that this was not one of his  
13 high priority items. It was a day-to-day issue, and I would  
14 be very, very surprised if he would have done anything like  
15 that. I just don't believe that.

16 Q. Is what you're saying that back in 1973 you were  
17 more involved in the POW issue than Secretary Richardson?

18 A. That's right.

19 Q. So the issue of the amount of resources put into  
20 that issue would be more likely to be controlled by you than  
21 by Secretary Richardson?

22 A. In all likelihood, that's true. It would not  
23 necessarily be true. If he had wanted to step in, unbeknowing  
24 to me, and do something of that nature, certainly he could do  
25 it. I could do it. But I don't think he did.

1 Q. Are you familiar with the prisoner of war task  
2 group, POW/MIA task group within the Department of Defense?

3 A. I'm sure I am, but I don't have any immediate  
4 recollection of that.

5 Q. That was the group that was headed by Roger Shields  
6 and its charter was to coordinate all of DOD's POW-related  
7 activities.

8 A. Which would have to do with the families and so  
9 forth and so on, yes.

10 Q. And investigations and intelligence.

11 A. Well, not necessarily now, because my recollection  
12 was and still is that I had far, far more to do with that on a  
13 continuing basis with Friedheim and Chappy James.

14 Q. I'd like to get a couple of documents marked and  
15 show them to you.

16 [Clements Exhibit No. 12 was  
17 marked for identification.]

18 MR. KRAVITZ: Why don't we make this one 13?

19 [The document referred to was  
20 marked Clements Exhibit No. 13 for  
21 identification.]

22 BY MR. KRAVITZ:

23 Q. Governor, I have in front of me what's marked as  
24 Clements Exhibit Number 12, and it's a memorandum dated  
25 February 13, 1971, from the Secretary of Defense, Melvin

1 Laird, the subject being the establishment of a prisoner of  
2 war/missing in action task group. It's a memorandum for the  
3 Secretaries of the military departments, for the Chairman of  
4 the Joint Chiefs of Staff, for the Assistant Secretary of  
5 Defense/A, for the Assistant Secretary of Defense/ISA, for the  
6 Assistant Secretary of Defense/M&RA, for the Assistant  
7 Secretary of Defense/PA, for the General Counsel, for the  
8 Assistant to the Secretary of Defense/LA, and for the Director  
9 of the Defense Intelligence Agency.

10 I'm going to show you the whole document in a  
11 minute, but I just want to read a portion of this to you and  
12 see if it is consistent with your understanding of the task  
13 group. I'm reading from page 2.

14 It says: "The primary function of the task group  
15 will be to provide close and continuing coordination of all  
16 activities in DOD in the PW/MIA area. In accord with policy  
17 guidance, it will ensure that responsible offices and agencies  
18 work together in planning, programming, assessing and carrying  
19 out all required actions."

20 Why don't you take a look at that?

21 [Pause.]

22 A. First, I want the record to reflect that I don't  
23 believe that I've ever seen this before.

24 Q. It was obviously written before you were there.

25 A. That's right.

1 [Pause.]

2 This is a little unusual, in my opinion, because  
3 there's no reference on here that I can detect -- there may be  
4 and I'm just overlooking it -- as to where the point of origin  
5 of this was.

6 Q. You mean other than the letterhead that says  
7 Secretary of Defense?

8 A. Yes. In other words, I'm not really sure that this  
9 came out of Laird's office. But maybe it did. It's just a  
10 matter of interest.

11 Q. All I can tell you is that that was provided to us  
12 by the Department of Defense this month.

13 A. I've never seen it before.

14 Q. But you would agree that the charter of the task  
15 group is to coordinate all prisoner of war planning and  
16 actions within the Department of Defense, according to that  
17 memorandum?

18 A. Well, yes, at that time.

19 Q. Are you aware of any superseding memorandum between  
20 that time and, say, the summer of 1973 that would have changed  
21 that charter?

22 A. I am sure that there are other pieces of  
23 correspondence that would bear on this. I don't have the  
24 copies, but I'm positive that they're there.

25 Q. Can you think of any one in particular that we

1 might request from DOD?

2 A. Well, I probably, if I were searching, I'd probably  
3 go to ISA and public affairs and ask them to search their  
4 file.

5 Q. I can tell you that this document came from the ISA  
6 files.

7 A. It did?

8 Q. Yes.

9 A. I would almost tell you that, in my judgment, this  
10 is an inoperative piece of paper.

11 Q. By 1973?

12 A. That's right.

13 Q. Let me show you another memorandum from the  
14 Secretary of Defense's office, again written before the time  
15 that you were at DOD but a little bit later than Exhibit 12,  
16 and this is Exhibit 13, another memo on the Secretary of  
17 Defense stationery actually signed by Melvin Laird, dated  
18 December 3, 1971, a memorandum to the same people as the memo  
19 that's Clements Exhibit 12, and the subject here is Prisoners  
20 of War/Missing in Action Matters; Coordination within the  
21 Department of Defense.

22 It's a one-page document, and in part it reads as  
23 follows: "The best interests of the Defense Department, the  
24 men and their families, require the closest and most thorough  
25 coordination of every aspect of the conduct of prisoner of

1 war/missing in action affairs. To this end, Dr. Roger Shields  
2 of the Office of the Assistant Secretary/ISA, has been tasked  
3 with overall Department of Defense coordinating responsibility  
4 for all PW/MIA matters. I ask that you direct all elements of  
5 your organization to coordinate with Dr. Shields or his staff  
6 (PW Task Force) all actions related to prisoners of war or  
7 missing in action.

8 "I consider this to be the only way in which we can  
9 satisfactorily handle this difficult problem, and I earnest  
10 solicit your cooperation to this purpose."

11 I ask you to take a look at that exhibit and tell  
12 us if that is consistent or inconsistent with your view of how  
13 POW issues were to be coordinated within the Department of  
14 Defense during your first year, in 1973.

15 [Pause.]

16 A. Well, you know, at that particular time this was  
17 probably entirely appropriate, and I don't have any particular  
18 comment about it. I have to emphasize to you that in this  
19 time frame of '69, '70, '71, '72, right up to '73, when the  
20 Paris Accords were written, you're talking about several years  
21 in there, and during that time frame there were actual combat  
22 situations taking place in Vietnam, as well as in Cambodia,  
23 and there were prisoners being taken.

24 Whether they were wounded or not, they were still  
25 being taken. And under the circumstances of an active

1 conflict where the forces are actually engaged and all, that's  
2 one situation. And I would not kubbitz what is being done  
3 here. And the families of these people that perhaps were  
4 missing in action, perhaps were known prisoners of war, or  
5 even were dead that were no claimed and so forth but were  
6 known to be dead, killed in action, KIAs, there has to be an  
7 immediate, so to speak, communication with their families and  
8 all.

9 I am sure that this is what this is all about.  
10 Once the peace accords in Paris were arranged, then the  
11 situation is completely different and there is no longer a  
12 combat theater of operations, so to speak, and now we're  
13 talking about known remains that we just are missing and we  
14 don't have any evidence one way or another whether they're  
15 alive or they're dead or whatever, and the situation changes  
16 completely.

17 Now, unfortunately, from a management standpoint  
18 there are several pieces of this problem, and Roger Shields  
19 and his department up there at ISA traditionally and  
20 historically and so forth had had a certain function to do. I  
21 have no reason to doubt that they continued to do that. But  
22 that is not the function that has to do with the continuing  
23 effort that we had through various means of trying to  
24 determine and run down some of these specific situations.

25 Q. Well, let me ask you a question about that, because

1 that's actually not consistent with some of the other  
2 information that we've received under oath in depositions.  
3 We've deposed Charles Trowbridge, who was the head of the  
4 DIA's special office for POW/MIA affairs during that entire  
5 period, from 1971 through 1977.

6 A. DIA?

7 Q. Right. And Mr. Trowbridge told us that Roger  
8 Shields was, in his words, the man, and that he was the person  
9 to whom DIA reported on POW issues. He was the person who was  
10 reading intelligence reports on a daily basis and supervising  
11 the intelligence work on this issue. There's no mention of  
12 Chappy James or Jerry Friedheim from those sources.

13 It's also clear that Roger Shields is the person  
14 who is speaking to the Congress. Every time anyone is asked  
15 to testify during that entire time period, 1971 to 1976, both  
16 before the peace accords and after the peace accords, any time  
17 anyone's asked to testify from DOD on POW issues, it's Roger  
18 Shields. It's not Chappy James. It's not Jerry Friedheim.

19 The April 12, 1973, press conference we talked  
20 about yesterday, it's Roger Shields stating DOD policy or what  
21 purports to be DOD policy. All those facts seem perfectly  
22 consistent with the two Melvin Laird memos that I just showed  
23 you.

24 Do you have a reaction to any of those pieces of  
25 information regarding what you were just saying?

1 A. No. I don't think they're in conflict.

2 Q. Why do you say that?

3 A. Well, I guess that you would have to say that  
4 within DOD there are many different avenues of effort and so  
5 forth, and I don't really think there's any conflict in what  
6 I'm telling you and what Roger Shields was doing.

7 There's an expression. There's grunt work and then  
8 there are other kinds of work and so forth, and I think that  
9 Roger Shields on a day-to-day basis, as it relates to  
10 maintaining contact with all these Congressmen who have  
11 constituents who are raising hell about where's my husband and  
12 where's my brother and so forth and so on, he's doing all that  
13 -- the nitty-gritty grunt work, so to speak.

14 I don't see any conflict in it.

15 Q. But you would agree that in light of what you said  
16 yesterday about the importance of following up leads that  
17 certainly supervising the Defense Intelligence Agency special  
18 office on POW/MIA affairs would not constitute grunt work in  
19 this context.

20 A. Now wait a minute. I don't think that he was  
21 supervising anything in DIA.

22 Q. That's what the head of the DIA POW special office  
23 told us.

24 A. Well, I think it's a matter of words and  
25 interpretation here and everything, because the DIA reports

1 strictly to the Secretary's office, meaning the Secretary and  
2 myself. His direct line of communication it to me, actually,  
3 in the organizational chart. As I told you, I had breakfast  
4 with him once a week, on that morning.

5 I don't see anything in any conflict here at all as  
6 far as Roger Shields going to him on a daily basis and finding  
7 out what he's doing in that regard. That's perfectly normal.  
8 But I don't think he could tell him boodley-do squat. You  
9 see the difference?

10 Q. Well, I understand what you're saying. It's just  
11 not consistent with what Mr. Trowbridge himself told us, and  
12 there's no question from what Mr. Trowbridge told us that he  
13 would have done what Mr. Shields told him to do.

14 A. Well, I will tell you he shouldn't have. He was  
15 not the head of DIA when I was there.

16 Q. He was never the head of DIA. He was just the head  
17 of the special POW/MIA office within DIA.

18 A. Oh. Well, that's a huge organization, and what  
19 some of those subordinate people are doing and what their  
20 concept of what they're doing and to whom they report and  
21 everything, Lord only knows. He could very well have been  
22 doing in good faith exactly what you're talking about.

23 Maybe he was even turned over to him, loaned to him  
24 in a sense from one section, DIA section, over to Roger. It  
25 could be.

1 Q. Well, in any event, regardless of your view or  
2 opinion of the level of Mr. Shields' work and the level of the  
3 work of the POW task force, would you agree that it still made  
4 sense in 1973 to keep up the resources of the group that was  
5 coordinating work at that level?

6 A. Yes. I am sure that they were still involved, if  
7 that's what you're asking me.

8 Q. I mean, it would have made sense to keep their  
9 resources at full strength so that they could coordinate  
10 whatever work they had to do and that they were involved in  
11 after Homecoming?

12 A. I don't know about their resources and the numbers  
13 of people assigned and so forth and so on. I just can't  
14 comment on that. To the contrary, now, when you start talking  
15 about a drawdown after the war's over and we have pulled the  
16 troops out and so forth and so on, there was a drawdown all  
17 through DOD, and it was a perfectly natural thing to do.

18 Instead of having 500,000 men in that Southeast  
19 Asia theater, we now have, for any practical purpose, zero.

20 Q. Right, but the prisoner of war issue didn't go away  
21 on January 27, 1973.

22 A. It certainly did not, but in a relative degree it  
23 did, and in a relative degree it did not. The importance of  
24 one thing, these MIAs, went up significantly, and the POW  
25 situation as such went down because we got a certain number of

1 people back, the war is over. There will be no more active  
2 POW situations or MIA situation.

3 So if you're asking me was it unnatural to pull  
4 down some of the assigned people, I'd say no, it was not  
5 unnatural.

6 Q. But you just said that the MIA situation went way  
7 up in priority.

8 A. It did.

9 Q. And this was the --

10 A. That doesn't necessarily mean you need several  
11 hundred people doing all that.

12 Q. But this was a task group that our understanding  
13 was that it had 9 people at around the time of Operation  
14 Homecoming. Does that sound right to you?

15 A. In ISA?

16 Q. No, no, in the POW/MIA task group within ISA.

17 A. That's what I'm talking about, within ISA. That  
18 doesn't sound exorbitant to me, no.

19 Q. So it's not a question of 300 people having to be  
20 pared down to a more manageable size.

21 A. No. Right.

22 Q. It's already a relatively manageable size at 9?

23 A. Mm-hmm.

24 Q. Well, in fact, Mr. Clements, what happened was that  
25 within one month of the end of Operation Homecoming the

1 Department of Defense announced plans to phase out the POW/MIA  
2 task group. Do you remember that?

3 A. No.

4 Q. I'm going to show you -- why don't we get this  
5 marked as the next exhibit?

6 [The document referred to was  
7 marked Clements Exhibit No. 14 for  
8 identification.]

9 Let me get two exhibits together.

10 [The document referred to was  
11 marked Clements Exhibit No. 15 for  
12 identification.]

13 The next exhibit, Number 14, is a memorandum from  
14 the Assistant Secretary of Defense for International Security  
15 Affairs, or Acting Assistant Secretary of Defense Lawrence  
16 Eagleburger, dated 25 April 1973, in which Assistant Secretary  
17 Eagleburger recommends to the Secretary of Defense that the  
18 prisoner of war/missing in action task force be phased out.

19 He says, in part: "With the recent ceasefire  
20 agreement in both Vietnam and Laos and the return of our  
21 servicemen held captive by the communist side, the PW/MIA  
22 situation no longer warrants the retention of the PW/MIA task  
23 force in its present size or configuration. Accordingly, this  
24 task force should be phased out over the next four months, and  
25 those functional areas currently being performed by the task

1 force should be reassigned to the military departments, Joint  
2 Chiefs of Staff and OSD component staff agencies, as  
3 appropriate."

4 He goes on about some other things, and I'll show  
5 you this whole document in a moment.

6 The next exhibit, Clements Number 15, is a memo  
7 dated 1 May 1973 from the Secretary of Defense, and he writes,  
8 in pertinent part, "The recent peace agreements in Vietnam and  
9 Laos, along with the withdrawal of our military forces from  
10 Vietnam and the return of our prisoners of war, provide a  
11 basis for the phaseout of the prisoner of war/missing in  
12 action task force and the functional reorganization of the DOD  
13 PW/MIA program."

14 He then goes on to direct that the phaseout of the  
15 entire task group is to be completed by 31 August 1973.

16 [Pause.]

17 A. Is this all there is to this?

18 Q. That's all I have to that one. That's all that was  
19 in the files that ISA gave us.

20 A. I'm sure there's more than this.

21 Q. Does it look like there's a second page?

22 A. Oh, sure.

23 Q. I was uncertain about that, I have to say, but  
24 that's all we have. It's not signed at the bottom. Would  
25 there definitely be something at the bottom?

1 A. Yes.

2 Q. Because one of these other ones I showed you didn't  
3 have his signature either. I guess it had the stamp. Well,  
4 that's all we have, unfortunately.

5 A. I've never seen anything like this in DOD.

6 Q. So maybe things have changed since you left.

7 A. This is in May '73. This is when I was there.

8 Q. Oh, that's right. I mean in terms of their  
9 recordkeeping since that time. These were all taken out of  
10 files that have been in archives for many years.

11 A. There's more to this still.

12 Q. Just for the record, you're referring to Exhibit  
13 Number 15?

14 A. Yes.

15 Q. Okay.

16 A. So I don't think we have a full exhibit here.

17 Q. Well, why don't you read what we do have and see if  
18 you can still comment on it, with the understanding that it's  
19 probably not a complete document?

20 [Pause.]

21 A. The first comment I want to make about this is I'm  
22 not sure when Elliot left. Is he still there? Richardson?  
23 May 1.

24 Q. I can figure that out. You mean it might have been  
25 Secretary Schlesinger by that point?

1           A.     No, because he didn't come on board for quite a  
2 while.

3           Q.     Well, there was no one between Richardson and  
4 Schlesinger, was there?

5           A.     No.

6           Q.     So you think there might have been no Secretary of  
7 Defense?

8           A.     As such, that's right.

9           Q.     Is there anyone else who would have been --

10          A.     Besides me, you mean?

11          Q.     Writing memos on Secretary of Defense stationery?

12          A.     I wouldn't think so, although I don't know. It's  
13 an interesting piece of paper. I'm not sure about the date,  
14 the sequence of whether he was there or whether he wasn't  
15 there, and if he wasn't there I don't know who would be  
16 writing this, and particularly where is the signed deal.

17                 It always has a trace on it as to the secretary  
18 that wrote it, and the person who, if it's not the same person  
19 -- like I write a letter but somebody writing it for me,  
20 that's also on there, who that person is.

21                 I hasten to add that the phaseout of the task force  
22 in no way infers that those ongoing programs and long-range  
23 actions on behalf of our returned servicemen, their families,  
24 and missing in action will be terminated. That's the  
25 important part.

1 Q. But you'd agree that this coordinating body that  
2 Secretary Laird said was required to make sure that everything  
3 went smoothly within DOD is now being phased out and its  
4 duties are no longer centralized?

5 A. No. I'm not going to agree to that. There were  
6 enormous changes made in DOD, and I tried to cover that nicely  
7 in my information that I gave you the other day about the  
8 President and my charter and the people I recruited and the  
9 organizational chart and so forth and the whole lines of  
10 authority were turned upside-down in DOD, and it was a  
11 different building, as it was referred to, subsequently.

12 Q. It may be that in your laudable efforts not to be  
13 mean about anyone it just hasn't been made clear to us exactly  
14 what was going on in DOD.

15 A. I think that what you're going to find out, if you  
16 keep digging and get different pieces of paper, you're going  
17 to find that the allocation of authority in this regard went  
18 over to Friedheim and Chappy James.

19 Q. Can you explain, then, why it wasn't Friedheim or  
20 Chappy James who went and testified in front of Congress all  
21 throughout 1973 and to 1977 regarding DOD policy on POW/MIA  
22 issues?

23 A. I think that there was still a function and a  
24 responsibility that they had where ISA and DIA had had  
25 heretofore contacts with Congress. I know it's hard for

1 someone on the outside to understand, but when a Congressman  
2 pushes that button and says I want to talk to so-and-so, will  
3 you please come up here and discuss this with us, DOD is  
4 generally responsive to that and they go.

5 And some of those people in those congressional  
6 committees, whether it be the House Armed Services Committee  
7 or some subcommittees or the Senate Armed Services and its  
8 subcommittees, those people were used to talking to those  
9 particular people, and they'd just call them up on the phone  
10 and say would you come talk to me.

11 I don't think that's unnatural at all.

12 Q. Well, other than meeting with you, what were Chappy  
13 James and Jerry Friedheim doing on the POW/MIA issue that  
14 Roger Shields was not doing, say between 1973 and 1977?

15 A. Well, I can't specifically give you chapter and  
16 verse on it, but I've already suggested that you talk to Jerry  
17 Friedheim. I wish that you could talk to Chappy, but he's no  
18 longer with us.

19 Q. So you can't give us any specifics about what they  
20 were doing from day to day that the PW task group under Roger  
21 Shields' direction was not doing?

22 A. I'm sure they were doing a lot, but, you know, when  
23 you ask me about specifics as to what they were doing, I never  
24 talked to any of their subordinate people. I always talked to  
25 one or the other of both of them.

1 Q. Well, for example, were Friedheim or James involved  
2 in supervising the investigation of leads around the world?

3 A. I'm sure Chappy was, and Jerry would know about it.

4 Q. And what leads you to say that you're sure Chappy  
5 was?

6 A. Because, as I told you yesterday, he had at least  
7 two tours and maybe three tours in Vietnam. He was a fighter  
8 pilot, a squadron leader, and, you know, he was terribly  
9 interested in what happened to my comrades. So he had a very  
10 personal interest in all this, as opposed to a Roger Shields -  
11 - and I don't mean that in any mean way -- or any other person  
12 who did not have in fact that kind of experience in Vietnam.

13 Q. Well, one of the people whose name you didn't  
14 recognize yesterday, Captain Vohden, who we identified for you  
15 as the director directly under Roger Shields of the POW/MIA  
16 task force, he himself was a prisoner of war for many years,  
17 and he was returned during Operation Homecoming, and soon took  
18 up the position immediately beneath Roger Shields as director.

19 Roger Shields was chairman of the PW/MIA task  
20 force, and Captain Vohden was the director. So there was  
21 someone who certainly was perhaps even more personally  
22 involved in this issue than Chappy James.

23 A. Perhaps.

24 Q. Does that mean anything to you?

25 A. No.

1 Q. Okay. Well, in any event, let me ask you just  
2 about one more question about these two documents, 14 and 15.  
3 Would you agree that both memos have as a premise that all of  
4 our live prisoners of war are back?

5 A. I would say to you that at that time -- and I think  
6 we covered or at least we touched on this yesterday -- during  
7 that first few months after the Paris Peace Accords and the  
8 transition from the two Nixon Administrations, there was a  
9 huge upheaval of people, especially at the management level,  
10 and I think that probably it is a fair statement to say that  
11 we did not in that short period of a few months of 1973, that  
12 we really didn't have the appreciation of, what shall I call  
13 it, the latent problem that ultimately turned into this  
14 prisoner of war uproar, and it continues here 20 years later.

15 There's still a big uproar or you wouldn't be here.

16 Q. Right.

17 A. So I have to say that probably in general this new  
18 regime that came in, for which I was largely responsible, I  
19 think that we were probably surprised that this unrest and  
20 this latent problem out there existed, when it surfaced.

21 Q. So, in other words, around the time of late April-  
22 early May 1973, the people at the top of DOD really didn't  
23 think that there was going to be a big POW/MIA problem?

24 A. I'm sure that's right. You bet.

25 Q. Everyone thought that all the live POWs were home,

1 and that there really was no more need for the PW task group  
2 to act as a coordinating body within DOD?

3 A. And I want to further add and I don't think at that  
4 time, as I recall it, that there was any big uproar by the  
5 widows and the families and so forth of these MIAs. There  
6 just wasn't.

7 Q. And the premise of both of those memos and what you  
8 are saying is you all believed that all the live POWs were  
9 home?

10 A. Yes, and that is still a fact. There has never  
11 been one turned up in 20 years.

12 Q. How can you square what you just said, that by late  
13 April-early May 1973 you believed that all live POWs were home  
14 with what you told us yesterday, that it wasn't until several  
15 years later that you concluded -- that you had an open mind  
16 and that you concluded that there was no evidence, no shred of  
17 evidence --

18 A. I don't think there's any conflict whatsoever.  
19 When I went up there and was taking over as the Deputy  
20 Secretary with my charter, doing all this recruiting and  
21 everything, it was first things first, and by the charge of  
22 the President in an organizational sense, again thinking in  
23 terms of these 3 million people, my first order of business  
24 was to recruit the management of DOD, the Pentagon, the  
25 Department of Defense.

1 I did not recognize this as a problem because it  
2 had not surfaced at that point as a problem. Once it surfaced  
3 and I became familiar with the problem -- and you must realize  
4 that the problem was out here in the public sector; that's  
5 where the problem was, and I want to emphasize that. It was  
6 the families, the widows, the husbands, the wives and so  
7 forth, the brothers and sisters, that's where the problem was.

8 The problem was not POWs per se, because we never  
9 found one, and we still haven't found one. It was these  
10 families out here, which was a public relations problem, and  
11 that's where Friedheim and Chappy James come into the picture.  
12 Now obviously in handling the public relations problem -- and  
13 we recognized there was a problem because there was constantly  
14 turning up little tidbits of evidence, most of which was  
15 manufactured, was fake.

16 But, nevertheless, we felt an obligation to run it  
17 down, and absolutely confirm whether it was valid or not  
18 valid, and we had to maintain a relationship with those  
19 families.

20 Q. Well, let me ask you this because I may have  
21 misunderstood what you said yesterday, but I thought what you  
22 said yesterday was that you kept an open mind and you didn't  
23 decide what your belief was as to whether any live POWs were  
24 still there until several years after Homecoming, and then  
25 today you've just told us that within a month of the end of

1 Homecoming you believed that there were no live POWs left  
2 behind.

3 If I misunderstood what you said yesterday, just  
4 let me know.

5 A. I think you're misunderstanding what I'm saying  
6 today, too. I'm trying to say to you that until sometime in  
7 late spring, first of all, I had not recognized and had no  
8 reason to believe there was a problem.

9 Q. But you also told us that both of these documents,  
10 14 and 15, have as their premise that all the of the live  
11 POWs had been returned during Operation Homecoming, right?

12 A. Well, I think that that was generally understood in  
13 the public sector, not just in DOD, by the President and the  
14 Administration and the Congress and the public sector, that  
15 our POWs in general were home.

16 Q. And that was an opinion that you shared as of late  
17 April?

18 A. I had no reason to believe otherwise.

19 Q. So is it your testimony, then, that by late April  
20 or early May 1973 you shared the opinion that all of our live  
21 POWs were home?

22 A. I accepted the opinion of others.

23 Q. And it's your testimony you had no reason to think  
24 otherwise?

25 A. That's exactly right.

1 Q. In light of the possibility that you are the author  
2 of Exhibit Number 15, which unfortunately we ascertain  
3 today --

4 A. I don't want to seek authority for a piece of paper  
5 here. I'm telling you that until you show me a signature on  
6 here I don't know who wrote this.

7 Q. But you certainly don't disagree with this  
8 sentence. Just for the record, I'm reading from Exhibit 15.  
9 "The recent peace agreements in Vietnam and Laos, along with  
10 the withdrawal of our military forces from Vietnam and the  
11 return of our prisoners of war, provide a basis for the  
12 phaseout of the prisoner of war/missing in action task force  
13 and the functional reorganization of the DOD PW/MIA program."

14 A. I think everyone was in accord with that.

15 Q. And you agreed with the part of this sentence that  
16 refers to "the return of our prisoners of war," which to me  
17 implies all of our prisoners of war?

18 A. I'm not going to quibble about it. I have no  
19 problem with this letter.

20 Q. Okay. Would you agree that those memos and the  
21 statements that I've read aloud from them are consistent with  
22 the statements we showed you yesterday that Roger Shields made  
23 on April 12, 1973, to the effect that all of our POWs from  
24 Southeast Asia were home?

25 A. What was the date of his statement?

1 Q. April 12, 1973, the one we showed you the newspaper  
2 articles on.

3 A. There was no question whatsoever that the consensus  
4 of opinion at the White House, in Congress, in DOD, in the  
5 government that our servicepeople were home. We had no reason  
6 to believe otherwise at that point in as far as I can  
7 remember.

8 Q. I think you told us yesterday that you were  
9 generally familiar with the various status classifications of  
10 prisoner of war, missing in action, and killed in action/body  
11 not recovered.

12 A. I'm not sure what you're saying.

13 Q. Just how the services put someone in a prisoner of  
14 war status or a missing in action status or killed in action  
15 status. You remember yesterday you were referring to KIAs.

16 A. Yes.

17 Q. Are you generally familiar with the fact that when  
18 someone was lost the services were responsible by statute for  
19 classifying the person either as killed in action, missing in  
20 action, or prisoner of war?

21 A. I'm generally familiar with those classifications,  
22 yes.

23 Q. Are you familiar in any way with the mechanisms for  
24 making changes from one status to the other?

25 A. No, I'm not.

1 Q. Did you ever become involved in reviewing proposals  
2 to change a serviceman's status, as far as you can remember?

3 A. Not that I recall.

4 Q. In light of the fact that you were keeping an open  
5 mind for the whole time you were there about the issue of  
6 whether there were live POWs left behind, can you think of any  
7 reason why you would have inserted yourself and become  
8 involved in reviewing proposals by the services to change  
9 someone's status from missing in action to prisoner of war?

10 A. Yes, and I do remember that there were a few  
11 occasions when additional information would flow in to one of  
12 the services because -- and in no way am I depreciating what  
13 Roger Shields was doing or Jerry Friedheim and his department,  
14 but you have to remember that there was a piece of this sort  
15 of action here that would always remain within each of the  
16 services.

17 So the Army was concerned with their people and the  
18 Air Force their people, and so forth, Marines and Navy.

19 Q. In fact, I can tell you that by statute, Title 37  
20 of the U.S. Code, sections 551 to 557, the service secretaries  
21 have the sole authority to classify people within those  
22 classifications and to change someone's classification, if  
23 appropriate.

24 A. Okay. That's really -- I didn't know those  
25 references, but each of those services would handle these

1 situations, and there were times when, for whatever the source  
2 -- it could be from a comrade in arms who was next to a person  
3 and knew he was dead and subsequently would report that,  
4 either because of the service itself doing further  
5 investigation, or maybe there was a personal relationship  
6 between this person and the one who we're talking about, he  
7 says I know he's dead.

8 Q. For example, one situation that would have fallen  
9 into that category would be sometimes when an Air Force plane  
10 with two pilots or two people aboard would go down, and the  
11 wingman would see one chute but wouldn't know which one it  
12 was, both people would be listed as MIA, and a couple of  
13 times, apparently, one of the two people aboard came back  
14 during Operation Homecoming and said, yes, I made it, but  
15 before I ejected I looked over and my co-pilot had been shot  
16 through the head, and there's no way he's alive.

17 So they would change that person to KIA.

18 A. Those kind of situations went on all the time.

19 Q. My question, though, is can you think of any reason  
20 why you would have involved yourself in reviewing proposals  
21 not to change someone from MIA to KIA, but, rather, to change  
22 someone from MIA to POW?

23 A. From MIA to POW?

24 Q. After the end of Operation Homecoming. Is there  
25 any reason you can think of why you would have wanted to

1 involve yourself in those proposed status changes?

2 A. Well, I can't offhand, but I may have.

3 Q. So there's no reason that pops to mind as to why  
4 you'd be more interested in changes to prisoner of war status  
5 than you were in changes to killed in action status?

6 A. No.

7 [Clements Exhibit Nos. 16 and 17  
8 were marked for identification.]

9 Q. Exhibit Number 16, Governor, is a memorandum from  
10 the Assistant Secretary of Defense for ISA, Robert Hill, dated  
11 5 June 1973, a memorandum for the Deputy Secretary of Defense,  
12 Subject, Missing in Action Status Reclassification Action  
13 Memorandum.

14 It reads as follows: "As you requested, I have  
15 prepared for your signature a memorandum directing that all  
16 status changes from missing in action to prisoner of war be  
17 cleared by you. I also propose that actions pertaining to a  
18 status change be routed through my office first so that we may  
19 provide you with the background of each case and an  
20 appropriate recommendation."

21 Exhibit Number 17, it's interesting to note that  
22 it's on Secretary of Defense stationery and it indicates it  
23 was signed by Clements.

24 A. That's not unusual.

25 Q. Although it doesn't appear to be your signature,

1 but someone wrote s/Clements, dated 8 June 1973, Memorandum  
2 for the Secretaries of the military departments, and a whole  
3 list of people, Subject, Missing in Action Status  
4 Reclassification.

5 The memo reads as follows: "I request that all  
6 actions which recommend reclassification of military personnel  
7 from missing in action to captured status be submitted to me  
8 for approval. Proposed reclassification actions should be  
9 first routed through the Assistant Secretary of Defense for  
10 ISA for a preliminary review before referral to me."

11 I'd like to ask you to take a look at both of those  
12 documents and then tell us whether that helps you remember  
13 that you did in fact direct that any proposed changes to a  
14 prisoner of war status be referred first to you for approval.

15 A. Let me read these first.

16 Q. Sure.

17 [Pause.]

18 A. Aren't these basically the same thing?

19 Q. Right. One is just a memo to you saying you asked  
20 me to write the attached memo, and then I take it the attached  
21 memo is written at your request and you just signed it.

22 My reading of those two documents is that you asked  
23 Assistant Secretary of Defense Hill to draft a memo for your  
24 signature issuing this directive.

25 A. So you think these two things were together?

1 Q. That's my understanding.

2 A. I would think so, too.

3 Q. Because his memo says "as you requested."

4 A. I think what we have here would track exactly what  
5 we've been talking about, that here it is June and my  
6 awareness and Bob Hill's awareness -- now remember he's just  
7 come on board -- that all of a sudden we are now aware that  
8 there is a big hullabaloo out here about some people that in  
9 the euphoria of the peace accords no one was thinking about.  
10 And I think this is really the signal that says that we now  
11 have an awareness of this problem, which back at the peace  
12 accords we didn't really know we had a problem.

13 Q. What do you mean when you say no one was thinking  
14 about these people back at the time of the peace accords?

15 A. What I mean by that is that I don't really believe  
16 that at the time of the peace accords -- and this is just a  
17 retrospect opinion, because I can't recall any direct  
18 discussions about it, and I can only speak for myself -- but  
19 certainly in January and February, March, April, I was under  
20 the impression that we had gotten our prisoners of war back,  
21 that, as usual, in combat there are MIAs whose bodies are  
22 never recovered, and that the services, the Congress, the  
23 public and so forth were tranquil about the whole subject.

24 I didn't know anything about any problem with the  
25 subject at all.

1 Q. Isn't it true that what really was going on was  
2 that Nixon and Kissinger wanted to get out of Vietnam as soon  
3 as possible and that they made a decision to just take what  
4 they got and not complain about the rest?

5 A. I can't comment on that because I don't know that  
6 at all. And I would suggest that you ask Mr. Kissinger and  
7 Mr. Nixon.

8 Q. I'm sure they'll give us a straight answer on that  
9 one.

10 A. I sure can't comment.

11 Q. Let me ask you specifically about Exhibit Number  
12 17, your memo. You'll agree that that memo requests that any  
13 proposals to change a lost serviceman's status to prisoner of  
14 war be reviewed by you first. Is that right?

15 A. That's certainly what this memo says, and my  
16 awareness must have suddenly --

17 Q. There's no analogous requirement in that memo that  
18 a service secretary who is planning to change someone's status  
19 in the other direction -- that is, either from MIA to killed  
20 in action or from prisoner of war back down to missing in  
21 action, that one of those proposals be cleared by you first,  
22 is there?

23 A. I can't comment.

24 Q. Well, if you look at these classifications, there  
25 really are three levels. There's prisoner of war at the top.

1 There's missing in action in the middle. And there's killed  
2 in action at the bottom. I mean, I assume you'd agree that  
3 that's really one appropriate way to look at the three  
4 classifications -- prisoner of war being some information at  
5 some point to believe that the person was in captivity;  
6 missing in action being that there's really a lack of  
7 information to draw a conclusion either way; and then killed  
8 in action meaning that there's information indicating that the  
9 person was dead, even though we don't have his body.

10 Do you think that's a fair characterization?

11 A. I don't know where you're going with all this.

12 Q. Well, you don't have to know where I'm going. You  
13 just answer the question.

14 A. No, I don't agree with all that. As far as I'm  
15 concerned, this memorandum speaks for itself. And I had  
16 certain reasons for believing at that time that it was  
17 important that I review any kind of an action by these  
18 services for missing in action people to change that  
19 classification to a POW situation, because that's a way  
20 different classification.

21 Q. And you didn't see any need to review a change in  
22 classification from missing in action to killed in action?

23 A. No.

24 Q. And you didn't see any need to review a change in  
25 status from prisoner of war to missing in action?

1           A.     If I had seen any need, I'd have put it in this  
2 letter.

3           Q.     It's not in that letter, is it?

4           A.     It's not in that letter.

5           Q.     So there was no need?

6           A.     I didn't say that.

7           Q.     You didn't see any need?

8           A.     I didn't see any need.

9           Q.     And it certainly follows that you didn't see any  
10 need to review actions changing status from prisoner of war to  
11 killed in action. It's not in the letter.

12          A.     It's not in the letter.

13          Q.     You said that you assumed you must have seen some  
14 need for writing Exhibit Number 17. Why did you write that  
15 memo?

16          A.     I don't have any idea at this point. But, you  
17 know, retrospectively maybe at that time I was able to foresee  
18 this real serious issue that was on the horizon about POWs.

19          Q.     You said a moment ago that putting someone in PW  
20 status was a whole different ballgame, or something to that  
21 effect. What did you mean by that?

22          A.     Just what I said.

23          Q.     In what way was it different to have someone in POW  
24 status than to have that person in MIA status, from your  
25 standpoint as Deputy Secretary of Defense?

1           A.     Well, perhaps at that time I could foresee, and  
2 already maybe I had evidence, that there was a movement in the  
3 public with respect to, well, what does all this MIA business  
4 mean. Are they really missing in action, or are they dead, or  
5 are they prisoners of war? And I can't think of a more  
6 sensitive issue, and retrospectively, as I look at that  
7 letter, I think that was a very astute move on my part.

8           Q.     If you must say so yourself?

9           A.     Yes.

10          Q.     Wasn't having people listed formally and officially  
11 by the service secretaries as POWs in June of 1973 directly  
12 inconsistent with the official DOD line that everyone who was  
13 left behind was dead?

14          A.     You're quoting an official DOD line with which I am  
15 not familiar.

16          Q.     Well, you told us yesterday that what Roger Shields  
17 was reported to have said at that April 12, '73 press  
18 conference constituted the position of the Department of  
19 Defense, and that was that all of our live POWs had come back.

20          A.     Well, apparently when he made that statement he had  
21 reason to believe that from the services, because that would  
22 be his only source. There is certainly no source in the  
23 Department of Defense hierarchy, the Secretary, that would be  
24 able to give him that kind of information. It had to come  
25 from the services.

1           Q.     I really don't think that's true because, as we  
2 told you yesterday, whether you accept or reject the services'  
3 numbers, the fact is that at that time the services listed 57  
4 people as prisoners of war who did not come back and who were  
5 not listed as died in captivity. So he certainly couldn't  
6 have gotten that information from the service secretaries.

7           A.     I can't comment. I don't know.

8           Q.     But you told us yesterday and you've told us this  
9 morning that it was the position of the President and DOD and  
10 yourself that in March and April your position was that  
11 everybody alive was home, which means that everybody who  
12 didn't come home was dead.

13          A.     That was certainly my impression.

14          Q.     So my question for you is, isn't continuing to  
15 carry people or classify people as prisoner of war after that  
16 time and after that position has been public, that everyone is  
17 dead, isn't that inconsistent with the public position of DOD?

18                 In other words, isn't it a problem for DOD to be  
19 saying publicly through official spokespeople our position,  
20 the Pentagon, is that everyone who didn't come home is dead,  
21 saying that on the one hand, and then on the other hand  
22 formally listing people who didn't come home as prisoner of  
23 war?

24          A.     I am not sure what all the intricacies of this  
25 issue might have been at that point, but this is one of the

1 reasons I undoubtedly wrote that letter.

2 Q. You'd agree, as you said, the prisoner of war issue  
3 became a public relations problem, right?

4 A. Well, it wasn't just a public relations problem,  
5 but certainly a piece of the problem was the public relations  
6 factor.

7 Q. So you'd agree that at least in terms of public  
8 relations it would be potentially a big problem for DOD to be  
9 saying out of one side of its mouth that everybody's dead and  
10 to be saying out of the other side of its mouth we've got this  
11 number of people who are still officially, under law,  
12 classified as prisoners of war?

13 A. You know, I want to make it very clear to you and  
14 the record. I didn't consider that this was a DOD problem.  
15 You keep referring to it as a DOD problem.

16 Q. I never referred to it as a DOD problem at all.

17 A. You just did, and what I'm saying to you is it's an  
18 American problem. It wasn't a DOD problem. These are  
19 American citizens.

20 Q. But they are DOD employees, and by law DOD is  
21 required to classify them as prisoner of war, missing in  
22 action, or killed in action. I think we can all agree it was  
23 an American problem, but DOD was at the forefront in dealing  
24 with it.

25 A. In trying to solve the problem. And we've never

1 solved it.

2 Q. And the questions I'm asking you are aimed to get  
3 at DOD's decisionmaking, so I don't mean to say that DOD was  
4 the only agency that would have been dealing with this issue,  
5 if I referred to it as a DOD problem. But my question to you  
6 is, in dealing with this issue and in being the focal point of  
7 this American problem, doesn't DOD itself run into  
8 difficulties or weren't you concerned that it would run into  
9 difficulties if it was saying, on the one hand, everyone who  
10 didn't come back is dead, but, on the other hand, saying in  
11 its official records which are open to the public and to the  
12 press and anyone who wants to look at them that even though  
13 we're saying everybody who didn't come back is dead, we're now  
14 carrying people who didn't come back officially as prisoners  
15 of war?

16 A. I really don't know what your question is, and I  
17 also don't know what to answer you. I don't know what you're  
18 asking me.

19 Q. My question is, didn't you see that as a problem?

20 A. No, I didn't.

21 Q. Why not?

22 A. I just didn't. And I think that my reaction to the  
23 problem that you're talking about here is contained in that  
24 letter right there, that there would be no classification  
25 about POWs without my reviewing each individual case.

1 Q. And what was your intention in reviewing those  
2 individual cases where the service secretary was proposing a  
3 change from MIA status to PW status?

4 A. I really don't remember what was behind this  
5 letter.

6 Q. Do you think your intention probably was to limit  
7 the number of cases where someone was moved into a prisoner of  
8 war status?

9 A. No. I guess that letter would be the first  
10 indication that I had become aware that there was a problem  
11 about POWs in Vietnam. Up until then, I don't know, but I  
12 don't think I had any particular awareness of the POW problem.

13 Q. Understand that two months before this memorandum  
14 is written an official spokesperson for the Department of  
15 Defense has said publicly at a press conference all of our  
16 live American prisoners are home. Keep in mind that still, to  
17 this date, 8 June 1973, DOD still carries some people  
18 officially classified as prisoner of war.

19 Can you think of any reason why you would have  
20 inserted yourself into the review of status changes, something  
21 that by law is delegated specifically and exclusively to the  
22 service secretaries, unless it was your intention to limit the  
23 number of cases in which a status change was made to prisoner  
24 of war status? Can you think of any other reason that you  
25 would have inserted yourself into that issue?

1           A.     Yes.  It could well be that by this time -- and I  
2 don't remember any of the details with respect to this letter  
3 -- it could well be by this time I was becoming disenchanted  
4 with what had been going on in DOD about POWs, and I was not  
5 satisfied and I had an open mind, and I injected myself into  
6 the situation.

7           Q.     What caused your dissatisfaction?

8           A.     I don't remember.

9           Q.     So are you just speculating that could have been  
10 why you wrote that memo?

11          A.     That's exactly right.

12          Q.     Do you have any specific or do you have a general  
13 recollection that you were in fact dissatisfied?

14          A.     No.

15          Q.     So that's just a speculative possibility?

16          A.     That's conjecture.  You're asking me what might  
17 have brought this about, and I'm telling you what might have  
18 brought it about.

19          Q.     Can you think of any other possibilities for why  
20 you would have written that?

21          A.     No.

22          Q.     Let me ask you about that.  If you were just  
23 generally disenchanted with what was going on within DOD on  
24 the POW issue, why would you have chosen to inject yourself  
25 not generally with all status change proposals but simply with

1 proposals to change status, to ratchet status up to the POW  
2 level as opposed to the other direction?

3 A. Because perhaps in my wisdom I was able to foresee  
4 that the POW issue could become extremely sensitive, which it  
5 did.

6 Q. So I don't understand why that would require you or  
7 that would make you decide to get involved with only one type  
8 of status change as opposed to all the other types.

9 A. Look. Just like you said, the services are  
10 primarily responsible for their people, and at that level and  
11 considering the bureaucracy that we've already talked about  
12 and everything, I felt that this was far too sensitive an area  
13 to be handled at that lower level. I'm just sure that's the  
14 reason I wrote that letter.

15 Q. So it's your testimony that changes from MIA to POW  
16 status were too sensitive to be handled at the lower level,  
17 but changes from MIA to KIA were not so sensitive that they  
18 had to be handled at the Deputy Secretary of Defense level?

19 A. Well, you could assume that.

20 Q. Well, I'm asking you if that's true.

21 A. Well, no. I picked this out and I did it, and I  
22 did it for the purposes I'm telling you.

23 Q. So the answer to my question is yes?

24 A. No. No, there isn't any answer to your question.  
25 I'm not going to answer your question.

1 Q. What do you mean, there's no answer to my question?

2 A. Because I don't have any recollection of having  
3 made the kind of decision that you're trying to get me to say  
4 I made.

5 Q. Can you think of any reason why you thought that  
6 the changes in the direction of prisoner of war were more  
7 sensitive than proposed status changes in other directions?

8 A. No, but I think time has borne me out, that this is  
9 and was the right and proper decision to have made, and I  
10 stand by that decision?

11 Q. Why do you say that time has borne you out, that  
12 that was the proper decision to have made?

13 A. Because the issue has been rehashed and hashed  
14 again and there's never been a live POW brought forth.

15 Q. I guess I just don't really follow that. I mean,  
16 there hasn't been an MIA brought forth either, so why does  
17 that mean that your decision has been kind of proved a good  
18 one?

19 A. The real issue here was the POW issue, not the KIA  
20 or MIA. It was the POW.

21 Q. You mean the issue of what was happening with those  
22 57 or so listed as POWs who didn't come home?

23 A. Perhaps. I don't know. I don't remember the 57  
24 that you're talking about.

25 Q. You understand that there was some number. We're

1 telling you it was 57, but you understand there was some  
2 number of people who were listed by the services at the time  
3 of Homecoming as prisoner of war but who didn't come home.

4 A. Well, you tell me that, but I don't recall the  
5 number, and I don't recall that circumstance.

6 Q. We've shown you yesterday official DOD documents  
7 which have those numbers, and we got those documents from DOD,  
8 so I think you should assume that that's at least what DOD was  
9 saying. Whether or not they were right, as you said  
10 yesterday, we don't know. But certainly there was an issue  
11 that DOD was carrying people classified officially, as a  
12 matter of law, as prisoner of war who didn't come home.

13 Is what you're saying that that was the issue, that  
14 was the issue for DOD, what to do with those people?

15 A. With what people?

16 Q. With the people who were listed prisoner of war who  
17 didn't come home -- what to do about those people?

18 A. What we were trying to do was confirm that they  
19 were prisoners of war, and we were never able to do that.

20 Q. If you were trying to confirm that they were  
21 prisoner of war, why did you declare that they were all dead  
22 on April 12, about 2 weeks after Homecoming?

23 A. I don't think that I did that.

24 Q. I'm not saying you personally, but your official  
25 spokesperson on this issue, and you told us that he was

1 stating the official belief of you and the President and  
2 Secretary Kissinger -- I'm sorry, and National Security  
3 Advisor Kissinger. So why was that permitted to happen?

4 A. I can't really comment about it one way or the  
5 other, because I don't have any direct recollection of it. I  
6 don't remember that it was ever an issue who signed that piece  
7 of paper, who transferred these people from POWs to what.  
8 Where did they transfer them to -- KIAs or MIAs?

9 Q. One or the other.

10 A. Who authorized that and who did that and so forth,  
11 I don't have any idea, and apparently you don't either, or you  
12 would have already told me.

13 Q. Oh, I can tell you exactly who authorized it. That  
14 was the service secretaries. The service secretaries by law,  
15 under the statute.

16 A. Do you have a piece of paper so stating?

17 Q. I can show you the statute. It's right in Title  
18 37.

19 A. I'm not interested in the statute. I'm talking  
20 about who did it.

21 Q. Who actually made the status changes? The service  
22 secretaries.

23 A. Where's the piece of paper? Are you sure?

24 Q. I'm positive. In Title 37, in the statute sections  
25 I cited for you before, the authority to make status changes

1 is officially in the service secretaries' hands.

2 A. I don't mean to quibble, but I'm asking you do you  
3 have a piece of paper and who signed that piece of paper,  
4 because within those secretaries -- and remember that those  
5 secretaries, there's an office of the Secretary of the Navy,  
6 an office of the Secretary of the Army and so forth, and then  
7 there's the Department of the Army and the Department of the  
8 Navy, and so on.

9 Well, who really did that? I don't know, and I  
10 would suggest that you don't know either, and it might be  
11 worthwhile finding out.

12 Q. I mean, I don't know who specifically did the work.  
13 I know that the service secretary, who certainly was the  
14 person who by law was required to sign the paper --

15 A. That doesn't necessarily make it so, that he did  
16 it.

17 Q. But I guess my question for you is, what difference  
18 does it make who's doing it within those services in terms of  
19 your decision to inject yourself into the issue?

20 A. Well, DOD is a difficult place to understand.

21 Q. I'm learning that.

22 A. And, as I was trying just now to explain to you,  
23 even an issue as sensitive as reclassifying someone could  
24 happen down in the bowels of the Army, and the secretary would  
25 never know anything about it. It could happen.

1 Q. Okay. I can tell you we have sworn testimony from  
2 a number of people who have been deposed by this Committee  
3 that that in fact never happened, and that status changes were  
4 always made ultimately the highest levels of the service  
5 secretaries, and that they were often done in consultation  
6 with Roger Shields and the POW task group.

7 A. Okay. Good.

8 Q. So these were not decisions that were being made by  
9 brand-new people who just turned 18 years old and signed up  
10 for the Army. In light of that, do you have any further  
11 comment as to why you would have felt the need to become  
12 involved in status changes to POW in June of 1973?

13 A. Yes. It could have been that in my crystal ball I  
14 anticipated that this could become an extremely sensitive  
15 issue, and it may have been one of the smartest things I ever  
16 did.

17 Q. But what about having someone --

18 A. I can't explain why I did it at this point.

19 Q. What about having someone's status changed from MIA  
20 to POW in June of 1973 was so sensitive?

21 A. Well, we've never found one, have we?

22 Q. But my question to you is what was so sensitive at  
23 that point?

24 A. Well, because perhaps even at that time I had a  
25 perception or a sense that those prisoners of war weren't

1 there, like a lot of people thought they were. I don't know.  
2 I can't answer your question. I made that decision and I  
3 stand by that decision. I think it was a good decision and  
4 time had borne me out.

5 Q. You may be right about that, but my question is,  
6 isn't the reason that you thought it was so sensitive to be  
7 changing someone to a prisoner of war status in June 1973 was  
8 that doing so was directly inconsistent with the official,  
9 announced DOD line that everybody was dead who hadn't come  
10 home?

11 A. You may be right. I won't say you're right, but  
12 you may be right. But you may be giving me credit for  
13 something that I'm not entitled to. Maybe I perceived  
14 something. I don't know. But I made that decision and I made  
15 the right decision.

16 Q. And I might be right as to what the reason was?

17 A. You could or could not be right. I don't know  
18 whether you're right or not. And I'm not being argumentative  
19 about this. I just don't know.

20 Q. If anyone, who had input into your June 8, 1973,  
21 memo that's Exhibit Number 17? I suppose it's fair to assume  
22 that Assistant Secretary of Defense Robert Hill had some  
23 input.

24 A. I started to say that without any question  
25 whatsoever this was done with lengthy consultation with Bob

1 Hill. Now who else, I'm not sure.

2 Q. Is that the type of issue that you would ever have  
3 consulted with President Nixon on?

4 A. No.

5 Q. Can you say that categorically?

6 A. Without any equivocation.

7 Q. You never consulted with President Nixon on the  
8 memo?

9 A. Never.

10 Q. On that issue?

11 A. Never.

12 Q. Did you ever consult with Henry Kissinger on the  
13 issue of whether you should be involved in reviewing proposed  
14 status changes to a prisoner of war status?

15 A. I can't answer that. I don't know.

16 Q. That's something that you might have consulted with  
17 Kissinger about?

18 A. It's possible, because at that time he was National  
19 Security Advisor and it's entirely possible. And Henry and I  
20 -- contrary to a lot of people in Washington, D. C., Henry and  
21 I had an excellent relationship.

22 Q. So this was certainly an issue that was important  
23 and sensitive enough that you could have talked to Kissinger  
24 about it?

25 A. I want to emphasize "could." I'm not saying I did.

1 I could have talked to him about that.

2 Q. You just don't remember?

3 A. I don't remember.

4 Q. Do you know if there was a Secretary of Defense yet  
5 on June 8, 1973?

6 A. I don't think so.

7 Q. Does that fact explain why you were sending out a  
8 memo on Secretary of Defense stationery?

9 A. I was Acting Secretary of Defense.

10 Q. So you were Acting Secretary in-between Laird and  
11 Richardson?

12 A. I was on several occasions.

13 Q. Was this between Laird and Richardson or between  
14 Richardson and Schlesinger?

15 A. Richardson and Schlesinger.

16 Q. So every time there was a gap you were Acting  
17 Secretary?

18 A. I had to be the Acting Secretary.

19 Q. Which in fact probably didn't really change your  
20 responsibilities?

21 A. Didn't change one thing.

22 Q. It changed your stationery.

23 A. Or the secretary who wrote it or something.

24 Q. Do you have any recollection whether the issue of  
25 your involvement in reviewing status changes to prisoner of

1 war status was ever discussed at a National Security Council  
2 meeting?

3 A. No. I don't have any recollection.

4 Q. Was that the kind of issue that could have been?

5 A. No.

6 Q. So you don't remember, but you believe it probably  
7 was not discussed at an NSC meeting?

8 A. Probably not, but I have no recollection one way or  
9 the other.

10 Q. How about one of those WSAG meetings that you were  
11 describing for us yesterday? Is it possible that this issue  
12 could have been discussed at a WSAG meeting?

13 A. I would not think so. I've already said -- and I  
14 will say it again -- it's entirely possible that I discussed  
15 it one-on-one with Henry, but I'm not even sure I did that.

16 Q. Are you familiar with what Kissinger's opinion was  
17 regarding whether all the live POWs had come home?

18 A. No. I'm sure at the time that I knew what he  
19 thought about it one way or the other, but I don't have any  
20 recollection now.

21 Q. Was Kissinger someone who, back in the time frame  
22 we're talking about, in the spring of 1973, was concerned  
23 about public perceptions of him and the level of his success  
24 in the Paris Accords, in your opinion?

25 A. I think it's reasonable and right to say that Henry

1 was always concerned about his public image.

2 Q. And certainly he wanted as much as possible to be  
3 viewed as having won a victory in signing the Accords?

4 A. Henry is a very, very intelligent person, and he  
5 likes to be given credit when credit's due, like most of us  
6 do.

7 Q. So he wanted, as much as possible, to be viewed as  
8 having won a victory for the United States in the Paris Peace  
9 Accords?

10 A. And I think he also wanted an enhancement of  
11 Nixon's role in the thing, in the issue and so forth, and  
12 America's role and the public relations of the whole  
13 situation. Henry is an extremely capable, intelligent person,  
14 and he has an ego, like most of us. But in the bigger picture  
15 he thought it was in America's interest to do what he was  
16 doing. I have great respect for him.

17 Q. Certainly a formal listing by the Department of  
18 Defense that a growing number of servicemen are prisoners of  
19 war but didn't come home would be inconsistent with  
20 Kissinger's wishes that he be viewed as having scored a  
21 victory in the peace accords, particularly in light of the  
22 fact that, as you told us yesterday, we weren't going to go  
23 back to war with Laos over this issue.

24 Isn't that fair to say?

25 A. I can't say whether we were going to go to war or

1 not. In my opinion, we weren't going to go to war.

2 Q. You were pretty high up. Your opinion carries  
3 great weight.

4 A. I don't think in my personal opinion that we were  
5 going to go to war over this issue, and particularly when we  
6 could never establish whether there were any prisoners of war  
7 or not. And we never have established whether there were any  
8 or not.

9 Q. But my only point is that listing people as  
10 prisoner of war, having the services and DOD officially  
11 listing people as prisoners of war and the possibility that  
12 that number might even grow when proposals came forward to  
13 change more people's status to prisoner of war, wasn't  
14 Kissinger concerned that that would have tarnished his image  
15 as having won a victory for the United States?

16 A. I'm not at all sure that I ever discussed this with  
17 Henry Kissinger.

18 Q. What do you think his concern would have been on  
19 that subject?

20 A. I would not speculate on that.

21 Q. At least not out loud.

22 Let me ask you this. Were any status change  
23 proposals ever brought to your attention for review as a  
24 result of your June 8, 1973, directive?

25 A. The answer, in my recollection, is no, but, having

1 said that, there were several cases that were very, very  
2 carefully scrutinized, and the investigation went on over a  
3 reasonably long period of time, where there was a gathering of  
4 evidence and interviewing witnesses and sending task forces  
5 into whatever area you were talking about, trying to make  
6 confirmation of the situation with individuals and so forth.

7 So there were a few of those cases that were  
8 thoroughly, thoroughly, thoroughly investigated and they came  
9 close to a reclassification, but in the final analysis we  
10 could never prove up any of them. Never.

11 Q. Were those cases that came to your level for  
12 review?

13 A. Yes.

14 Q. So, in other words, you were involved in at least  
15 overseeing the investigation of specific cases?

16 A. I think that's an overstatement when you say  
17 overseeing the investigation. No. I wasn't overseeing.

18 Q. Well, what was your involvement?

19 A. I was looking at a result, the bottom line.

20 Q. Would you say that you were involved in the  
21 decision whether or not to reclassify someone to prisoner of  
22 war?

23 A. No, because it never, ever got that far. It was  
24 always right down to the end, and then it was disproved.

25 Q. You were involved, then, in discussions as to

1 whether someone should be reclassified, and those discussions  
2 always ended with the answer being no?

3 A. Yes.

4 Q. You told us yesterday that you were familiar with  
5 the EC-47Q incident, a helicopter that went down in Laos, I  
6 think February 4, 1973, where there were 8 people aboard.

7 A. When I say I was familiar with it, I knew about it.  
8 That means I'm familiar with it.

9 Q. Well, let me ask you if these facts sound familiar.  
10 There were 8 people aboard. The crash was viewed by American  
11 personnel, and it was found that there were four bodies in the  
12 area dead, four were missing, and then there was an intercept  
13 -- I think it was a North Vietnamese army intercept, or Viet  
14 Cong army intercept -- saying we've got four pirates at such-  
15 and-such a location that was correlated, send them up to  
16 Hanoi.

17 Are those the facts that you recall?

18 A. We went over this yesterday.

19 Q. Right. So my question for you is --

20 A. I don't recall all those facts, but I remember the  
21 incident.

22 Q. As Mr. Codinha told you yesterday, all 8 of the  
23 people aboard that helicopter were listed by their service,  
24 within a month of the date of loss -- that is, before the end  
25 of Homecoming -- they were already listed as killed in action.

1 A. All 8 of them?

2 Q. All 8 of them, notwithstanding that information  
3 that certainly indicated that four of them may very well have  
4 been taken prisoner.

5 Was that one of the cases where anyone ever  
6 proposed changing a status to prisoner of war?

7 A. I don't recall that.

8 Q. Do you remember being involved in any way in the  
9 review of any of those cases?

10 A. No.

11 Q. Also yesterday was mentioned an Air America  
12 incident that you said you were generally familiar with.

13 A. You'll have to refresh my memory.

14 Q. That was the other incident that was referred to in  
15 that memo we showed you yesterday that Roger Shields wrote to  
16 Assistant Secretary Hill when Shields was saying that he felt  
17 uncomfortable in the aftermath of his press conference, in  
18 which he said that everyone was dead, but now we had this  
19 other information that maybe was inconsistent with that.

20 [Pause.]

21 The Air America incident is described in paragraph  
22 2 of Roger Shields' memo to Robert Hill.

23 [Document handed to the witness.]

24 [Pause.]

25 Does that refresh your recollection as to what the

1 Air America incident was? Was that one of the cases that was  
2 brought to your attention in 1973 or thereafter for your  
3 review regarding a proposed status change?

4 A. I can't really say whether it was or not, but I  
5 would imagine that it was.

6 Q. So do you mean in the context of someone actually  
7 proposing that Mr. Kay's status be changed to PW, and then  
8 your reviewing that proposal, or just your reviewing the  
9 general course of the investigation?

10 A. I am really only saying that I would be generally  
11 aware of this letter and these circumstances. Now when you  
12 start asking me specifics, I have no recollection of any of  
13 that.

14 Q. So are you testifying today, then, that you would  
15 have been aware of this letter from Roger Shields to Robert  
16 Hill?

17 A. No. What I'm really saying is I may never have  
18 seen the letter, but I would bet that I was generally aware of  
19 the circumstances, the incident.

20 Q. Which incident? The incidents referred to in  
21 there?

22 A. Yes.

23 Q. Or the fact that this letter was written?

24 A. No. I'm talking about the circumstances of the  
25 pilot in one case and also about the EC-47 in the other case.

1 I'm reasonably sure that I would have been aware of these two  
2 circumstances.

3 Q. And your opinion would have been sought in those  
4 cases as to whether someone's status should be changed to  
5 prisoner of war?

6 A. No. I think what would have happened is that I  
7 would have been aware of these circumstances probably through  
8 Bob Hill, or it could have been Jerry Friedheim or both of  
9 them. And this even could have come up in the general staff  
10 meeting by one or the other, where it's just not my awareness;  
11 it's awareness of the secretaries and so forth.

12 And we would have generally concurred with the  
13 action taken.

14 Q. Approximately how many cases, individual cases, do  
15 you remember being brought to your attention after the end of  
16 Homecoming?

17 A. Well, quite a few, and for me to put a number on it  
18 would be very difficult.

19 Q. Was it more of the magnitude of 5 or 100? Can you  
20 give us some idea of how many cases would have been brought to  
21 your attention?

22 A. Not with any accuracy.

23 Q. I'll understand that it's just an approximation.

24 A. Over a four-year period, there could easily have  
25 been 50 or 75 cases that were investigated in depth that would

1 have been brought to my attention.

2 Q. Okay. And it's fair to say that any opinion that  
3 you as Deputy Secretary of Defense put forth as to the outcome  
4 of any of these investigations would have carried great  
5 weight?

6 A. I want to make it very clear to you I didn't have  
7 any opinion. I was reading what they had.

8 Q. Okay. I guess my question to you is how many cases  
9 were discussed with you as opposed to just your receiving a  
10 memorandum?

11 A. I thought that's what we were talking about, the 50  
12 to 75. I would think that probably those were all discussed  
13 with me, where Friedheim or Chappy or somebody like that, and  
14 those were the only two that I ever remember doing it, would  
15 come in and lay down the file and go through the file and say  
16 this is where we are.

17 It never came to me to make a final decision  
18 because it always flunked out. Do you really understand what  
19 I'm saying to you?

20 Q. Well, why did they bring it to you at all if it had  
21 flunked out before it got to you?

22 A. Well, because they were keeping me current on what  
23 possibly is going to turn into a POW.

24 Q. I mean, your directive of June 8, 1973, doesn't  
25 tell people to bring to you cases that have flunked out;

1 rather, it tells them to bring cases to you where presumably  
2 they haven't flunked out because someone's proposing that the  
3 person be changed to PW.

4 A. No. I think it's important that you understand  
5 that this became a highly sensitive, ongoing effort with DOD,  
6 and I mean that sincerely. We may have been subjected to  
7 severe criticism at times by the families or by even their  
8 Congressmen and so forth and so on, but our effort was full-  
9 blown and we recognize the sensitivity of it, and we were  
10 doing our utmost to find a POW.

11 And we could never find one, with all those  
12 efforts, and we still haven't found one 20 years later.

13 Q. So what you're saying is that more cases than those  
14 merely required to be brought to you by your June 8, 1973,  
15 memo were actually brought to your attention?

16 A. No, I'm not saying that. I'm saying to you that as  
17 these cases developed and it appeared that there was a  
18 legitimate POW getting ready to be identified, they would be  
19 brought to me, as those cases were developed. When they were  
20 immediately termed invalid, nothing to it, they never were  
21 brought to me.

22 Q. So about 50 or 75 potentially legitimate cases were  
23 brought to your attention, and they all flunked out?

24 A. You said it better than I. That's exactly what I'm  
25 trying to say to you.

1 Q. And they all flunked out?

2 A. They all flunked out.

3 Q. And it's your testimony that in not one of these  
4 cases did anyone actually get to the point of proposing that  
5 someone's status be changed from MIA to POW?

6 A. Never.

7 Q. So it's your testimony that at no time did you ever  
8 have to step in and say, no, we're not going to change that  
9 person's status to POW?

10 A. No, not ever.

11 Q. You told us yesterday that you, as Deputy Secretary  
12 of Defense, reported directly to the President. My question  
13 for you is --

14 A. I want to modify that to this extent. I really, in  
15 a very real sense I had four bosses. I had five bosses. The  
16 President was certainly one. I didn't report to him very  
17 often. But I had four Congressional people that I looked upon  
18 as my bosses -- Senator Stennis, Senate Armed Services  
19 Committee; Congressman Ebert, the Chairman of the House Armed  
20 Services Committee. I was with these two people several times  
21 a week, and they were fully informed as to the most sensitive  
22 things that we were doing, whether it was intelligence,  
23 whether it was POWs. It made no difference.

24 Whatever was the most sensitive, highly-classified  
25 things that we were involved in, including intelligence take

1 from the Russians at the highest level, those two people knew  
2 about it. To a slightly lesser degree -- and it was really a  
3 lesser degree -- Mahon, who was House Appropriations, and  
4 McClellan, who was Senate Appropriations, were informed.

5 So these four people, I looked upon them as my  
6 bosses.

7 Q. Okay. You said you didn't report to the President  
8 all that often, but certainly when you did report to him you  
9 wanted to make sure that you weren't stating things as facts  
10 if you didn't believe them or know them to be facts.

11 A. I can assure you that that never happened.

12 Q. Okay. So, in other words, if you had information  
13 which you rejected or believed was unreliable, you certainly  
14 would never pass it along to the President as a fact.

15 A. Absolutely not.

16 Q. You told us yesterday and again today that you  
17 always rejected the DOD's numbers of POWs who didn't return,  
18 right? You found them unreliable?

19 A. I'm not sure exactly what you're saying, again.

20 Q. Well, you told us yesterday that you didn't buy --  
21 when we showed you that paper that said 57 people listed as  
22 POWs, that point paper which said that 57 people listed as  
23 POWs by the services didn't come home during Operation  
24 Homecoming, you said I don't buy that. I reject it. It's  
25 unreliable.

1 A. Yes.

2 Q. And you said again this morning that you didn't buy  
3 the DOD's official numbers when it came to listing POWs,  
4 right?

5 A. Yes.

6 Q. So it's fair to say, then, that you would never  
7 pass DOD numbers like that along to the President just as a  
8 fact?

9 A. No, I would not.

10 Q. Okay. I'm going to show you what's going to be  
11 marked as the next exhibit, Number 18, which is a memorandum  
12 from the Deputy Secretary of Defense, dated 17 July 1973, a  
13 memorandum for the President, subject, Status Determinations.

14 [The document referred to was  
15 marked Clements Exhibit No. 18 for  
16 identification.]

17 In the second paragraph you write the following,  
18 and this is a two-page document with an indication that you  
19 signed it at the bottom, although again -- that's not your  
20 real signature, is it?

21 A. No.

22 Q. You write, in the second paragraph of page 1:  
23 "Presently there are 1278 military personnel who are  
24 unaccounted for as a result of hostilities in Southeast Asia.  
25 Of this number, 67 are officially listed as prisoner of war

1 based on information that they reached the ground safely and  
2 were captured." And then you go on.

3 Let me show that to you and ask you to read that.

4 [Pause.]

5 A. It's an excellent letter.

6 Q. You couldn't have written it better yourself, huh?

7 A. That's right.

8 Q. Mr. Clements, did you tell the President in a  
9 memorandum dated July 17, 1973, that presently there are 1278  
10 military personnel who are unaccounted for as a result of  
11 hostilities in Southeast Asia, and that of this number 67 are  
12 officially listed as prisoner of war based on information that  
13 they reached the ground safely and were captured?

14 A. That's exactly right.

15 Q. Was that unreliable information or information that  
16 you had rejected as of the time that you wrote this  
17 memorandum?

18 A. No. At that time I had processed the information  
19 and I accepted the information that is in that letter.

20 Q. So, in other words, sometime between the date of  
21 that point paper that we showed you, which was January 30,  
22 1973, and the date of this memorandum, July 17, 1973, you had  
23 brought yourself up to speed on the PW issue and you had  
24 understood that these were the official DOD numbers?

25 A. Yes.

1 Q. And you accepted these DOD numbers as reliable as  
2 of July 17, 1973?

3 A. I accepted the report as written in that letter.

4 Q. In other words, you accepted as reliable the fact  
5 that the services carried 67 people officially as prisoner of  
6 war, based on information that they reached the ground safely  
7 and were captured?

8 A. And were captured. That's right.

9 Q. I think we can both agree that that doesn't  
10 necessarily mean that you believed they were still prisoners.

11 A. That's the point I'm trying to make.

12 Q. I think we're on the same wavelength. But my point  
13 is that at least by July '73 you had accepted the fact that  
14 DOD had numbers and that they were reliable numbers, for  
15 whatever they were meant to show?

16 A. I don't want the two of us to misunderstand what  
17 we're saying here. I reported what the services had compiled.  
18 Whether or not I agreed with those numbers or whether I  
19 considered that they were accurate or not is beside the point.  
20 I am reporting what the services reported to me.

21 Q. But there's no question you considered it accurate  
22 that the services carried 67 people as prisoners of war?

23 A. You said it better than I did.

24 Q. And that's very different from what you said  
25 yesterday, which was you never paid any attention to the

1 services' numbers because their records were so messed up that  
2 you just rejected them out of hand, isn't it?

3 A. We were talking informally about those same  
4 numbers, so to speak, and what I'm reporting there is what the  
5 services said as a matter of their record.

6 Q. I know. But yesterday when we showed you that  
7 point paper from January 30, 1973, which indicated --

8 A. January 30?

9 Q. January 30, which indicated that the services  
10 carried at that time 57 people as prisoners of war who had not  
11 come home, you told us -- and the record will speak for  
12 itself, but my recollection is that you told us that those  
13 numbers were all off and that you never listened to any of  
14 their numbers, even as to how many people they were carrying,  
15 regardless of what being carried meant.

16 A. Well, I don't take any of that back. I can agree  
17 with that, and I can tell you right now that I didn't accept  
18 those numbers.

19 Q. Which numbers?

20 A. That are in that letter. I am reporting what the  
21 services said to the President.

22 Q. But you accepted that 67 people were carried by the  
23 services as prisoner of war?

24 A. Yes, sure.

25 Q. You told us yesterday that that point paper didn't

1 even convince you that 57 people were carried by the services  
2 as prisoner of war.

3 A. I don't remember that I said that. If the services  
4 were carrying them as POWs, I would certainly not have any  
5 reason to say they weren't carrying them, if they were.

6 Q. Well, that was my feeling yesterday, and I was  
7 worried why it seemed that you were saying something  
8 different.

9 A. Maybe we misunderstood each other. I don't know.  
10 But if the services carried it, I wouldn't argue the fact that  
11 they're carrying it. That doesn't necessarily mean I believe  
12 it.

13 Q. I understand that.

14 A. That's the whole point.

15 Q. It's just that yesterday you at least implied, if  
16 you didn't state directly, that you didn't even believe their  
17 point paper indicated the right number of how many they were  
18 carrying.

19 A. Well, if I left that impression with you, I  
20 certainly didn't intend to. The record ought to speak for  
21 itself, and if they are carrying 50 or 60 or 70, they are  
22 carrying, 50, 60, or 70, not that I believe that they actually  
23 were accurate. But I certainly wouldn't dispute the fact  
24 whether the Air Force was carrying a specific number or not.  
25 The record ought to speak for itself.

1 Q. So, going back to some of the questioning from  
2 yesterday -- and we don't have that exhibit here and let me  
3 know if you need to look at it, but I'm sure you remember --  
4 there was a point paper out of the PW/MIA task force dated  
5 January 30, 1973, which indicated that 57 people carried by  
6 the services as prisoner of war neither appeared on any of the  
7 lists of prisoners, enemy lists of U.S. prisoners to be  
8 returned during Homecoming, nor appeared on any of the enemy  
9 lists as having died in captivity.

10 A. And what?

11 Q. My question is, will you agree now that those  
12 statistics were at least accurate as to what the services were  
13 carrying as of January 30, 1973?

14 A. I don't think there's really any conflict in what  
15 we're talking about here, but just like that letter there  
16 says, I guess what I'm saying to you is that while the  
17 services were carrying certain people and while there was some  
18 indication in a crashed aircraft there were a certain number  
19 alive, this letter, this memorandum makes the point that the  
20 returned POWs, on being interrogated, never could confirm that  
21 those people ever got to the camps.

22 Q. I understand. That's a different issue. It's just  
23 yesterday, when we asked you -- I remember distinctly Mr.  
24 Codinha asked you, well, at the time the lists were passed on  
25 January 27, 1973, we were carrying, our services were carrying

1 57 people as prisoners of war who didn't appear either on the  
2 enemy lists of U.S. prisoners to be returned or on the enemy  
3 list of U.S. prisoners who had died in captivity.

4 And you said, well, I don't know what our services  
5 carried, and we showed you the point paper which indicated  
6 that, and you said, well, I don't put any faith in those point  
7 papers. I don't know whether that means we carried them or  
8 not.

9 I guess what you're saying now is that you'll agree  
10 that the point paper shows what we were carrying. You just  
11 don't necessarily agree with the conclusion that being carried  
12 as prisoner of war means they are alive.

13 A. I did a very poor job of saying what you are now  
14 saying.

15 Q. I think we now agree on that.

16 A. Yes. I'm not disputing what's in the memorandum at  
17 all.

18 Q. You're just disputing the judgments of getting into  
19 prisoner of war status or of remaining in prisoner of war  
20 status?

21 A. Yes, or that they ever got to really be prisoners  
22 of war.

23 Q. Again yesterday you told us that you had an open  
24 mind and that you didn't determine or conclude that there was  
25 no shred of evidence that live prisoners had remained in

1 Southeast Asia after Homecoming until several years had  
2 passed, perhaps even all four of your years as Deputy  
3 Secretary of Defense.

4 A. By the time I left office after four years,  
5 sometime in that latter part of my tenure.

6 Q. You reached that conclusion?

7 A. That's right.

8 Q. You certainly had not reached that conclusion,  
9 according to your testimony, by July 17, 1973?

10 A. No, of course not.

11 Q. You just read this memorandum, Clements Exhibit  
12 Number 18. In this memorandum you tell the President that DOD  
13 has not been changing the status of lost servicemen who are  
14 currently listed as MIA to KIA status except in cases where  
15 the person was lost over water. Do you remember that part of  
16 the memorandum?

17 A. Yes.

18 Q. And then the memorandum's recommendation or  
19 information given to the President is that that policy is to  
20 be changed as of July 17, 1973, and that status changes in a  
21 wider variety of cases are to go forward -- in other words,  
22 status changes from MIA or POW into the killed in action  
23 status.

24 A. I remember vividly all this discussion.

25 Q. Tell me why you thought it was appropriate to

1 enlarge the group of cases for status changes to the KIA  
2 status at a time before you had reached your conclusion,  
3 several years before you had reached your conclusion as to  
4 whether anyone was left alive in Vietnam, Laos, or Cambodia.

5 A. Well, first of all, I don't remember the number  
6 exactly, but there was like 1300 or 1400 total missing,  
7 whatever the number was.

8 Q. The number in your letter is 1278, so you are  
9 pretty close.

10 A. Okay. You can't imagine the sorrow and trauma and  
11 dislocations that took place because of those 1200-plus  
12 people, disruptions in families. Some of these people had  
13 been out several years and had never had a letter back to  
14 their wife or their families or anything like that.

15 A lot of these women wanted to remarry, and yet if  
16 they did they would be penalized by the not killed in action  
17 or missing in action and so forth, and a lot of this had to do  
18 with the domestic situation with respect to certain of these  
19 individuals, and there was a lot of pressure being brought to  
20 bear because of this.

21 Q. But that is not entirely consistent with your  
22 memorandum to the President, because you say on page 2, "the  
23 decision to change status should not be unalterably tied to  
24 the inspection of combat sites, the recovery of remains, or  
25 the personal desires of family members." So it certainly

1 wasn't your position that you were going ahead with these  
2 status changes simply because family members were demanding  
3 them.

4 In fact, our information from Roger Shields is that  
5 even when there were general moratoriums on status changes the  
6 services were always willing to hold hearings and status  
7 review hearings when requested by the primary next of kin or  
8 family. So that couldn't have been the basis for this change  
9 in policy. There must have been some other reason.

10 A. I don't think there is a change of policy. I think  
11 what we were trying to do, as far as I know this was the first  
12 letter to the President in the new Administration establishing  
13 policy. This is the policy.

14 Q. But in the letter itself it says that our prior  
15 policy was not to hold status review hearings except in cases  
16 where the loss was over water. So it may be a new policy, but  
17 it's clearly changing a policy.

18 A. I beg your pardon?

19 Q. It may be policy as of July 17, 1973, but it's  
20 clearly changing a policy that had been in effect since the  
21 end of Homecoming.

22 A. I don't think there was any change of policy at  
23 Homecoming per se. I think that that policy goes back to the,  
24 to use a word, Laird's regime, and that policy had been going  
25 forward for a number of years. So this is the first

1 substantive change of that policy.

2 Q. So you agree it is a change of policy?

3 A. Oh, yes. That's what I'm trying to say.

4 Q. Okay. I thought you said it wasn't a change in  
5 policy.

6 A. I said it was.

7 Q. Okay. My question for you is, what was the reason  
8 for the change in policy in light of the fact that family  
9 members were always able to get a status review hearing if  
10 they requested it even before you changed this policy?

11 A. I can't answer why we felt that a change of policy  
12 was necessary at this point, but we did, and we changed it.

13 Q. And it wasn't because you thought it was important  
14 to have as many people put into the KIA category as possible  
15 to be consistent with the DOD official line that everybody was  
16 dead?

17 A. I guess you'd have to say that that was the DOD  
18 official line, because we had no reason to believe otherwise,  
19 and at the same time we had that official line you might say  
20 that's the right hand, but the left hand was over there  
21 turning every stone up trying to find POWs, if they existed.

22 So we had a policy on the one hand, and we had a  
23 policy on the other of making a strenuous effort to disprove  
24 this policy.

25 Q. Okay. Just to use your own analogy, wasn't the

1 left hand that you were really concerned about those folks who  
2 were over there listed as PWs?

3 A. Absolutely. You bet.

4 Q. Because they were inconsistent with the official  
5 DOD line?

6 A. Well, not only that, but because they were rumored  
7 to be prisoners of the Vietnamese, and they were of great  
8 concern to me.

9 Q. I don't have any other questions to ask you, and I  
10 meant to ask you this question actually at the beginning this  
11 morning and I forgot, so I'll ask you now whether there was  
12 anything that you have said yesterday or this morning that you  
13 want to add to or subtract from or change in any way.

14 A. Nothing. I don' think so.

15 Q. Let me ask you just one general wrap-up question.  
16 We'd appreciate your giving us as expansive an answer as you  
17 feel comfortable giving. That is, if you were the Senate  
18 Select Committee in 1992, who would you talk to, who would you  
19 go to, what documents would you ask for, where would you go to  
20 try to understand more how decisions were made within DOD and  
21 the rest of the Administration at around the time that we're  
22 talking, or just to understand more about what happened to our  
23 prisoners of war and our missing in action.

24 A. I've already given you the name of Jerry Friedheim.

25 Q. And you gave us Tom Moorer's name.

1           A.     I was getting ready to say Tom Moorer, Admiral Tom  
2 Moorer, and he was Chairman of the Joint Chiefs, I believe for  
3 six years. It could have been only four, but I think it was  
4 six. And he knows more about the Vietnam war and all the  
5 nuances of the Vietnam war more so than anybody that I know  
6 of.

7                     And certainly he was, as a serviceperson vitally,  
8 vitally interested in the POW situation. So really those  
9 sources I think are the best possible sources for this era  
10 that you could talk with.

11                    And Friedheim and Moorer both overlap the 8-year  
12 period. They went in during the Laird regime and they were  
13 also on the next 4-year period, and I served with them for two  
14 years, I guess. I think they'd be your absolute best sources,  
15 I really do.

16                    Sure you can talk to these low-echelon people,  
17 whether it's this captain or whether it's Roger or whoever it  
18 may be, but you're at the heart of the decisionmaking when you  
19 talk to these people.

20            Q.     We've obviously talked to you in great detail about  
21 National Security Council meetings and WSAG meetings.  
22 Obviously if we depose Mr. Kissinger we'd be asking him  
23 similar type questions. Are there other areas that he would  
24 know about that we haven't asked you about that we should be  
25 aware of when we get to talk to him?

1           A.     Well, you know, a lot of that would depend on the  
2 thrust of your endeavors here. If you're talking about POWs,  
3 which I thought was the charge that you have, the charter that  
4 you have, I don't really think that Henry can help you. I  
5 mean, you may explore with him a lot of extraneous information  
6 and thoroughly enjoy the discussion, and I'm sure you will.  
7 He's a highly-intelligent person. But I really don't believe  
8 that Henry knows an awful lot about this POW thing.

9           Tom Moorer does, and Friedheim does, but I don't  
10 think that Henry does, and I'd be really surprised if he has  
11 any really fundamental information to pass to you.

12           The one area that you could explore with him that  
13 would cast some light on the POW situation would be to explore  
14 with him whether or not and to what extent and to what depth  
15 the POW issue was a part of his discussion with the  
16 Vietnamese, and I can't answer that. I really don't know  
17 that.

18           Q.     It's interesting. It's really not discussed that  
19 much in his memoirs, which I read recently. He refers to that  
20 as a requirement, obviously one of our requirements, that they  
21 agree to release all of our prisoners, but he doesn't discuss  
22 in any detail the negotiations about that subject.

23           A.     It could be that there were no negotiations about  
24 it. It was listed as a requirement. The Vietnamese accepted  
25 it, and that was the end of it. It could have been very

1 straightforward. I don't know.

2 And certainly it was before my time, and if Henry  
3 and I ever discussed it in any detail I don't recall it.

4 Q. Well, thank you very much. We apologize again for  
5 ruining a day and a half of your life. But we really do  
6 appreciate all the information you were able to provide.

7 A. Well, I'm happy to do it. I don't have anything to  
8 hold back. I'd be happy to share whatever I have with you.

9 Q. And I should say that your comments about our  
10 talking to Kissinger I think apply to a large extent to our  
11 talking with you. I know a lot of our discussions yesterday  
12 were not directly related to the prisoner of war issue, but  
13 not only was it fascinating for us who are interested in  
14 American politics and American history to hear how it really  
15 works, but I also think it is very informative for us in terms  
16 of understanding how decisions were made.

17 So I hope you don't think that it was a waste of  
18 anyone's time, because it certainly wasn't from our  
19 standpoint. The discussion was very helpful to us.

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**CERTIFICATE OF REPORTER**

**UNITED STATES OF AMERICA ) ss.:**

**DISTRICT OF COLUMBIA )**

I, **MICHAL ANN SCHAFFER**, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

*Michal Ann Schaffer*

*Notary Public in and for*

*the District of Columbia*

*My commission expires: 02-28-95*