

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

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

The government publicists' preoccupation with remains is wearisome to the vast majority of us Vietnam veterans. But even if one assumes that there are only dead Americans, the negotiating effort has historically been inept. One would think that the negotiators would start by presenting all "discrepancy cases" to the Vietnamese. Yet, the only apparent efforts to do so were Henry Kissinger's 1973 presentation of 76 cases to the Vietnamese¹² and General John Vessey's submission, with more limited authority as a negotiator, of 70 such cases in 1987.¹³ (We have been told verbally by State Department officials that it is General Vessey who has placed the emphasis on discrepancy cases. If that is the case, one must truly wonder what his predecessors thought they were doing.) Among the implications of these statistics is that the United States has never presented a full list of discrepancy cases to the Vietnamese: in 1972, U.S. intelligence identified at least 180 unreturned men (as of 1973) whose fate was the subject of "confirmed enemy knowledge."¹⁴

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Chairman, that concludes my testimony.

[The prepared statement of Mr. Duker follows:]

PREPARED STATEMENT OF BILL DUKER

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Chairman, this concluded our statement.

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

Mr. Andry.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PREPARED STATEMENT OF JOSEPH E. ANDRY

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

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

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

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

RESOLUTION No. 355 Legislative

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

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

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

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

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

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

* * * * *

RESOLUTION No. 356 Legislative

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Wallace.

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

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

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

The CHAIRMAN. Anybody else want to tackle that?

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

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

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

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

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

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

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

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

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

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

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

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

The CHAIRMAN. Thank you.

Are there any other comments?

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

Mr. Andry.

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

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

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

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

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

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

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

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

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

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

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

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

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

Senator Smith.

Senator SMITH. Thank you, Senator Kerry.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The CHAIRMAN. Thank you, Senator.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

er relations were normalized, your Government would cooperate?"

"Yes, on our side."

It sounds to me like a hamster in a wheel.

The CHAIRMAN. It sounded like Pogo.

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

The CHAIRMAN. We are going to break for lunch.

[Applause.]

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

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

AFTERNOON SESSION

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

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

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

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

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

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

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

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

Ms. GRIFFITHS. Thank you. Thank you.

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

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

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

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

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

The CHAIRMAN. Without objection, so ordered.

[The prepared statement of Ms. Griffiths follows:]

PREPARED STATEMENT OF ANN MILLS GRIFFITHS

HISTORICAL PERSPECTIVE

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

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

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

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

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

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

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

COUNTERING THE NEGATIVE

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

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

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

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

THE FACTS

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

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

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

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

VIETNAM: THE CHALLENGES

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

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

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

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

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

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

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

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

LAOS: WHERE WE STAND

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

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

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

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

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

CAMBODIA: A BEGINNING

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

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

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

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

CONCLUSION

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

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

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

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

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

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

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

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

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

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