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41

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0					
TRAVEL	0					
CONTRACTUAL	0					
SUPPLIES	0					
EQUIPMENT	0					
LAND & STRUCTURES	0					
GRANTS, CLAIMS	0					
MISCELLANEOUS	0					
TOTAL OPERATING	0					
CAPITAL	0					
REVENUE	0					

FUNDING: (Thousands of Dollars)

GENERAL FUND	0					
FEDERAL FUNDS	0					
OTHER	0					
TOTAL	0					

POSITIONS:

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary.) No fiscal impact.

Prepared By: Thomas W. Wright, Committee Staff Phone: 465-4527  
Division: House Special Committee on Military and Date: May 1, 1991  
Veterans Affairs  
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# Mything in Action

**M.I.A. OR MYTHMAKING IN AMERICA**  
by H. Bruce Franklin  
Vintage Hill Books. 225 pp. \$17.95

by Marc Leepson

Franklin claims, the belief that American prisoners of war are currently being held in Indochina is "the closest thing we have to a national religion," then Franklin is that religion's most able heretic. Franklin wrote a long, passionately argued cover story in the Atlantic Monthly's December issue contending that the POW "religion"—which also includes be-

lieving in a massive U.S. government conspiracy to cover up the existence of live POWs—is an "elaborate fraud."

The POW fraud, he says, consists of a "superficially plausible pseudohistory compounded by self-deception, amateur research, anecdotes, half-truths, phony evidence, slick political and media manipulation, downright

lies, and near religious fervor."

In *M.I.A. or Mythmaking in America*, Franklin, a Rutgers University English and American Studies professor, expands at length on his heretical magazine article. He delves deeply into the history of American fighting men listed as missing during the Vietnam War. He concentrates on how the fate of

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a relatively small number of missing Americans in Indochina has evolved into a "religion" that remains very visible today, nearly 19 years after North Vietnam claimed to have released all American POWs.

How visible? A special U.S. Senate committee is currently investigating the issue, including reports that a former Russian KGB agent interrogated three American POWs in Vietnam in 1978. Last year saw the widespread publication of photographs purporting to show present-day American POWs. At the height of the POW-photo media explosion last August, nearly 70 percent of those surveyed in a national poll said they believed Americans were being held prisoner in Vietnam, Cambodia and/or Laos.

In his book Franklin makes a strong case that 7 out of 10 Americans believe in a myth. There is "no plausible basis," Franklin concludes, "for believing" —Continued on page 2.

Continued from page 1

that there are live American POWs in Indochina." His strongest evidence is a close examination of the actual number of potential POWs. Franklin notes that the current figure of some 2,267 missing Americans includes more than 1,100 men who were killed in combat but whose bodies never were recovered. Of the remaining number, Franklin says, an "exhaustive case-by-case [Pentagon] investigation, together with the absence of contradictory evidence, has led the Department of Defense to make a presumptive finding of death for every single person except one . . ."

If that is true, why do 70 percent of Americans believe the Vietnamese are still holding Americans? In this one area, Franklin agrees with the POW activists. Both place a good deal of the blame on the U.S. government, but for different reasons. The activists believe in a wide government conspiracy designed to cover up America's failure to win release of the POWs.

For his part, Franklin contends that the government conspiracy began when President Nixon first used the POW issue in 1969 "to continue the Vietnam War for four

years." Each succeeding president, Franklin claims, has used the POW issue to fan anti-Vietnamese sentiment, even though none of the presidents believed any POWs were being held. The government was helped by the popular Rambo and Chuck Norris "Missing in Action" movies of the '80s, which, Franklin says, used the POW issue to help "indoctrinate" Americans "with the notion that Americans were not the victimizers but the victims" in Vietnam.

**I**N HIS VIEW, the United States and South Vietnam were the only victimizers in Vietnam, committing "massacres such as My Lai," and "war crimes" such as the "systematic torture and execution of prisoners." The Viet Cong and North Vietnamese, on the other hand, were "insurgents" battling an enemy who waged a campaign of "systematic bombing throughout the north of schools and hospitals."

But Franklin's black-and-white version of the Vietnam war is at best a wild exaggeration. In fact, there were no other American "massacres" that even remotely compared with the horrors of My

Lai. Nor was there anything approaching "systematic" torturing and executing of prisoners. Nor was there some villainous American bombing campaign that zeroed in on North Vietnamese schools and hospitals. Franklin makes no mention of the war's greatest atrocity, the execution by communist death squads of some 2,800 civilians after the Battle of Hue in 1968, nor of the common Viet Cong tactic of murdering village chiefs and terrorizing civilians into aiding their guerrilla activities.

Franklin backs up his POW heresy by proffering a sort of counter-religion based on his conviction that the United States engaged in an illegal, immoral war in Vietnam. But Franklin's strident anti-Vietnam war attack only tarnishes his rationally argued main points. His unsupported allegations about American conduct in Vietnam will do nothing to win over those who believe in the existence of POWs. Granted, some true believers use the issue to keep the war alive. But many others have no political agenda; they merely want an accounting of the missing. Franklin's passionate condemnation of the war likely will help sustain the POW believers

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18 East Street  
Annapolis, MD 21401  
29 February 1992

The Atlantic Monthly  
745 Boylston Street  
Boston, MA 02116

Dear Sirs:

I once read "The Atlantic" regularly, but had not seen a copy in years until the December 1991 issue was brought to my attention. It is a pleasant surprise to find the quality remains the same; good news considering the demise of so many scholarly reviews on both sides of the Liberal-Conservative scene, as well as the "tabloid syndrome" affecting the current news weeklies.

This said, you can understand my shock that you would tolerate, much less feature, the poorly written MIA/POW article by M. Bruce Franklin. Mr. Franklin's padding alone would rate an "Unacceptable" by any English 101 teacher. (Was it really necessary to include such detailed scenarios of two recent movies?) The reverse is true in his sparing use of facts--e.g. an isolated instance, such as My Lai, is considered a norm, and used to reach an absolute conclusion. Nor does he shrink from omitting altogether, facts which do not support his purpose. Untidy loose ends are simply incorporated wherever-- This allows him to dispose of POWs in Laos with those in North Vietnam. Indeed, the only mention of Laos is always preceded, or followed, by a comma; yet this is the country where the largest number of number of MIAs were---then and now.

Sources, used in the same vein, are one-sided and spurious, e.g. crediting Sen. Tom Harkin with bringing the war home to America with his Tiger Cage pictures, but omits the fact that Harkin enriched himself by selling these pictures to "Life". Later, with a changed political climate, the senator tried to make political profit by claiming, untruthfully, to be a combat veteran. Unmentioned are the ranking military and intelligence people who jeopardized careers by maintaining the probability that POWs were left behind.

His concept of Logic is to compare numbers of MIAs in SEA with those in World War II and Korea. The multi-nation involvement and geographic spread of a world war makes this ridiculous. Korea is a valid point, but since it doesn't prove his, it is not developed. Also a no-win war, North Korea blocked international Red Cross inspections of prison camps, thus forcing the large classification of MIAs, which the end of the war left unsettled. The result was the founding of diverse MIA/POW organizations during SEA so that it would not happen again. In this they have had some measure of success. Desert Storm wives were much less trusting of government promises than those of Korea and SEA. It must come as a surprise to Sybil Stockdale that she and the government were in cahoots. In truth, she was stone-walled, as were all the families of MIAs and POWs under the Administration's gag rule, known as the "Keep Quiet Policy". This was not lifted until 1969, and led to her founding the National League. A quick read of In Love and War by Adm. and Mrs. Stockdale, published in 1975, would make this clear. Mr. Franklin obviously didn't ever approach the excellent Index---nor did he approach the leaders of MIA/POW organizations for interviews. His preferred mode of research is to pick up his phone and listen to recordings and request pamphlets.

The claim of cooperation between Hollywood and Government might be the easiest myth to dispel. Any movie goer, over the age of 40, knows that both Hollywood and TV portray military officers as buffoons and/or egomaniacs. The only exception being "The Green Berets", which deserved its poor reviews. How many film credits have you seen showing an Imprimatur by the government?

*Just reviewed this  
from my mother. It's a  
rebuttal to the Atlantic Monthly article.  
She apologizes for her typing.  
ct*

(3)

18 East Street                      Annapolis, MD 21401  
-2- R. Bruce Franklin

After struggling through the twenty-one page article, with its repetition and padding, one wonders how Mr. Franklin can possibly stretch it to a 225 page book. Certainly, neither footnotes nor bibliography can account for addenda. A 9 February 1992 "Washington Post" review of this book shows up his, "unsupported allegations", and concludes that this "passionate condemnation of the war likely will help sustain the POW believers even more".                      AMEN!

Very truly yours.

*Charlotte L. Kuhlmann*

Charlotte L. Kuhlmann  
(Mrs. Charles F. Kuhlmann)

P.S. I found Mr. Franklin's play on words in the title, M.I.A. or Mythmaking In America, precious. I think I may thro up.

# THE POW/MIA MYTH

BY H. BRUCE FRANKLIN



*According to a Wall Street Journal/NBC News poll, 69 percent of the American people believe that U.S. prisoners of war are still being held in Southeast Asia, nearly twenty years after the United States called its troops home. They hold this belief because of the cynical way the Nixon and subsequent administrations exploited the POW/MIA issue. And where Washington left off, Hollywood picked up, until fact and fantasy got hopelessly mingled in people's minds. Herewith the story of one of the most stubborn mass irrationalities of our times.*

★ ★ ★ ★ ★

ONLY ONE FLAG OTHER THAN THE STAR-SPANGLED Banner has ever flown over the White House. There on one day every year since 1982 has fluttered the black-and-white POW/MIA flag, designed and distributed by the National League of Families of American Prisoners and Missing in Southeast Asia.

The endless flow of visitors to the rotunda of the nation's Capitol streams past an object that may seem somewhat incongruous beneath the epic paintings and amid the heroic statues: the POW/MIA flag, the only flag displayed in the Capitol, given this ongoing position of hon-

or by vote of Congress in 1987. This banner thus displays to the world our nation's faith in the flag's central image, the silhouette of a handsome American prisoner of war, his head slightly bowed to reveal behind him the ominous shape of a guard tower. A strand of barbed wire cuts across just below his firm chin. Underneath runs the motto "YOU ARE NOT FORGOTTEN."

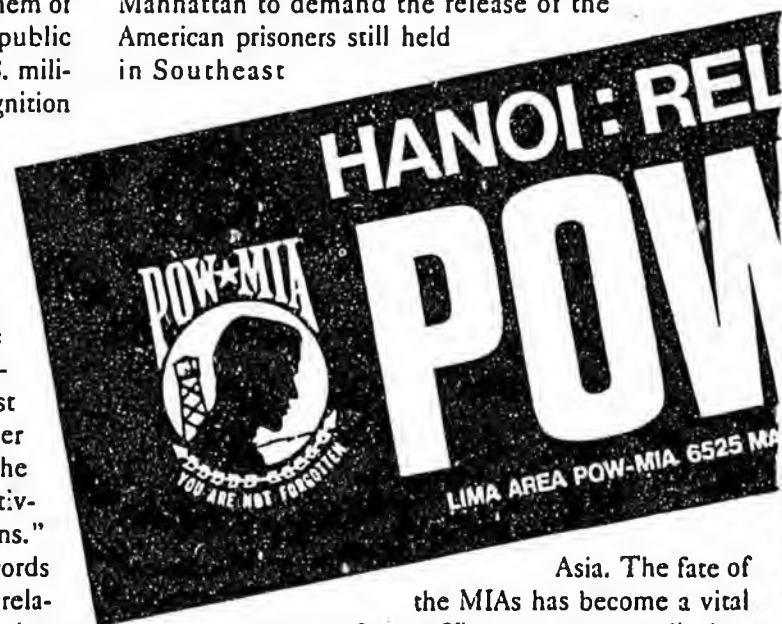
Each year since 1982 the U.S. government has officially declared it is operating "on the assumption that at least some Americans are still held captive." In 1983, ten years after the last official U.S. combat in Indochina, the President of the United States solemnly pledged that the fate

of the POW/MIAs had become "the highest national priority." The following year Michaci Dukakis, governor of a state that had been in the forefront of the movement against the Vietnam War, signed a decree authorizing that the POW/MIA flag fly above the statehouse lawn for a year. Today in Massachusetts every city and town must fly the POW/MIA flag over at least one municipal building and over all police and fire stations, while all state vehicles must display the POW/MIA logo. This policy is now typical of many states, and the flag is also a familiar sight at rest stops and toll plazas along state highways. Congress and the President every year enact legislation proclaiming National POW/MIA Recognition Day. By 1988 laws mandating observance of this day had been enacted by the legislatures and governors of forty-six states; the last four states fell into line by 1990. Last May, Secretary of Defense Dick Cheney sent a directive to the Secretary of each branch of the armed forces and to the Chairman of the Joint Chiefs of Staff reminding them of the preeminent importance of "the POW/MIA public awareness program" and specifying that every U.S. military installation should fly the flag, conduct Recognition Day ceremonies, and arrange for presentations from the National League of Families.

Official homage to the Americans still allegedly captive in Southeast Asia is no mere ritual. It is also a basis—at least an ostensible basis—for foreign policy. Last year the U.S. government boasted that it "has kept the live prisoner issue at the forefront of negotiations" with Vietnam and reiterated that "the POW/MIA issue is a matter of highest national priority," which can be resolved only after "the fullest possible accounting for the missing, the return of all Americans who may still be held in captivity, and the repatriation of all recoverable remains." Vietnam having signed the Cambodian peace accords in October, the main obstacle to normalizing U.S. relations with Vietnam is that nation's failure to meet these demands. Ever since 1982, under the Reagan Administration, the Department of Defense has issued annually a *POW-MIA Fact Book*, which states the official rationale for this policy. From 1984 through 1989 the key wording ran, "It would be irresponsible to rule out the possibility that live Americans are being held." In 1990, under the Bush Administration, the phrasing became less equivocal: "The U.S. Government's efforts are predicated on the assumption that some are still alive."

Devotion to American POWs in Indochina permeates the society, running especially strong in the working class. Throughout the nation, particularly in shopping malls and white working-class neighborhoods, the black-and-white flag often flies beneath or beside the Stars and Stripes. Bumper stickers, buttons, and T-shirts proclaim, AMERICAN POW/MIAS ARE ALIVE IN VIETNAM. ONLY HANOI KNOWS. RELEASE OUR POW/MIAS, and POWS NEVER HAVE A NICE DAY. A permanent vigil, staffed

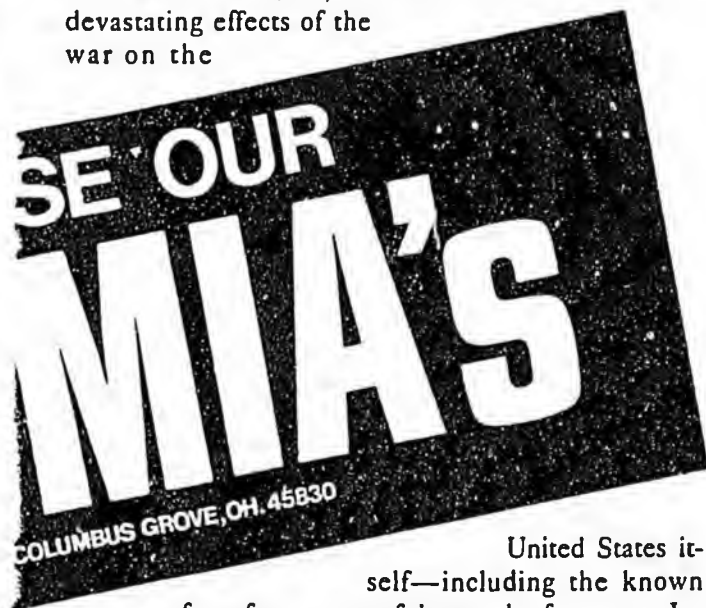
mainly by Vietnam veterans, is held at the Vietnam Veterans Memorial in Washington, D.C. Millions of Americans have worn POW/MIA bracelets, which are still sold by the thousands each year. The flag has waved over the General Motors parts-distribution center in Bensalem, Pennsylvania, ever since the United Auto Workers local there threatened to strike if it was not flown every day. Above the New York Stock Exchange, facing the visitors' gallery, hangs a large POW/MIA flag. Children of all ages play P.O.W.: Prisoners of War on Nintendo. A board game dedicated to the POW/MIAs "still alive and being held against their will" is played with 2,477 cards, each inscribed with a different serviceman's "name, rank, branch of service, casualty date, and country where lost or captured." Christmas trees are adorned with POW/MIA ornaments. This past September some 8,000 bikers staged the third annual Ride for Freedom, a motorcycle cavalcade that roared through New Jersey and Manhattan to demand the release of the American prisoners still held in Southeast



Asia. The fate of the MIAs has become a vital concern of many Vietnam veterans, displacing their problems with unemployment, homelessness, Agent Orange, and inadequate medical care.

How could anyone, especially any loyal American, doubt that there are still U.S. prisoners of war in Vietnam, Laos, and Cambodia? Hundreds of millions of people around the world have actually seen these forgotten heroes, abandoned by their government, emaciated, tortured, enslaved but unbowed—on movie and television screens. Their existence proves undeniably the cruelty and inhumanity of the Asian Communists, the fortitude and heroism of the American fighting man, and the nobility of the cause for which the United States fought in Indochina. David Cline, who was wounded when his position was overrun in a battle at the same time and place as the one depicted toward the end of the movie *Platoon*, describes one aspect of this phenomenon succinctly: "Americans want to believe that we were the good guys and those rotten gooks are still making our boys grow rice."

The POW/MIA myth has had a profound political, cultural, and psychological influence on American society that continues to deepen, although the likelihood of finding any living POWs wanes with each passing year. Those not possessed by the faith may find it difficult to comprehend its power. There has yet to be any credible evidence that any prisoners were withheld in Indochina, and even if some were held, their number could not have been more than a few dozen at the very most. The supposed fate of this conjectural small group might therefore seem to be almost incidental compared with the catastrophic effects of the war on the ruined nation of Vietnam, whose casualties ran into the millions and whose own MIAs still number more than 200,000, and also with the devastating effects of the war on the



United States itself—including the known fate of many tens of thousands of veterans. Indeed, for every missing man who the U.S. government at any time claimed might possibly have been a captive in Indochina after the war, there are now probably at least a thousand homeless Vietnam veterans on U.S. streets—to whom some people refer as “M.I.A.: Missing in America.” Gene Hackman, Chuck Norris, Sylvester Stallone, David Carradine, and the other saviors whom Hollywood has sent on quests to rescue imprisoned Vietnam veterans would have a more realistic chance of success in the United States, where hundreds of thousands are or have been incarcerated in jails and prisons.

### Counting the Unaccounted-For

**T**O KEEP ONE'S BEARINGS THROUGH THE THICKETS that lie ahead, these facts will be helpful:

- A total of 2,273 Americans are still “unaccounted for” from the war in Indochina.
- Approximately half this total (1,101) were never considered to be either missing in action or prisoners of war. They were known at the time of their loss to have been killed in action; they are listed as “unaccounted for” only because their bodies have not been recovered.

- Today only one man is still officially listed as either missing in action or a prisoner of war, and he is known to have died about a quarter of a century ago.

In all major wars many combatants die without being identified or having their bodies recovered. Approximately 78,750 Americans are still unaccounted for from the Second World War, and approximately 8,170 are unaccounted for from the Korean War. So the number unaccounted for from the Vietnam War would seem surprisingly small, especially since about 80 percent of the missing were airmen lost over the sea, remote mountains, or tropical rain forest, often in planes that exploded at supersonic speeds, while most of the rest disappeared amid confused fighting in dense jungle. In fact, the proportion of unaccounted-for Americans to the total killed in action is far smaller for the Vietnam War than for any previous war in the nation's history—even though this was its longest war, included protracted “secret” wars in Laos and Cambodia whose very existence was denied by the U.S. government, and ended with every battlefield in the possession of the enemy. For the Second World War, after which the United States was free to explore every battlefield, the 78,750 still unaccounted for represent 19.4 percent of the total 405,399 killed. For the Korean War, more than 15 percent of the dead are still unaccounted for. In contrast, the unaccounted-for from the Vietnam War constitute less than four percent of the 58,152 killed.

What is the likelihood of finding and identifying aviators lost under combat conditions? A U.S. Navy study of all fatal non-combat accidents from 1969 to 1975 involving the type of combat aircraft flown in Vietnam showed that in 40 percent of the cases remains were insufficient for positive identification through autopsy, even though naval investigators arrived on the scene within hours of a crash and the identities of the airmen were already known. Bodies left in Indochina would additionally suffer the ravages of the tropical climate, with its monsoon rains, engulfing mud, and vegetative overgrowth, and would likely be torn apart and scattered by animals.

Speedy recovery even of those bodies that might eventually be found cannot reasonably be expected, given that despite extensive prior searches, the dead from much earlier wars are still turning up. Almost every year the remains of Americans killed in the Second World War are discovered in the European countryside, and the crews of at least two American bombers that crashed in New Guinea in the early 1940s were finally found in the 1980s. Although there was never any question as to the site of death, remains of soldiers killed in General Custer's 1876 Battle of the Little Bighorn were still being found in 1985. The skeletons of thirty-two Confederate soldiers killed in the Civil War Battle of Glorieta Pass were unearthed in New Mexico in 1987. That same year the remains of twenty-eight U.S. soldiers killed during the War of 1812 were discovered in Canada.

Such grim facts highlight a misconception basic to the

POW/MIA issue. The total of 2,273 unaccounted-for in Indochina is quite misleading, because it includes those 1,101 who are known to have been killed in action in circumstances where their bodies could not be recovered. Their official designation is KIA/BNR—"killed in action, body not recovered." Crews of airplanes that exploded in the air or crashed within sight of their aircraft carriers, soldiers machine-gunned to death before the eyes of comrades unable to retrieve their bodies, or men so thoroughly blown apart that there were no retrievable remains—all these are listed in the total of "unaccounted for." This KIA/BNR category was never included with the missing in action during the Vietnam War; it was lumped together with the POW/MIA category only after the 1973 Paris Peace Agreement was signed.

So of the 2,273 unaccounted-for, only 1,172 were ever actually listed as POW/MIA. But the category POW/MIA itself was an unprecedented invention designed to suggest that each and every missing person might be a prisoner of war, even though most of those missing in action were lost under circumstances that made capture impossible. Previously, the designation POW applied only to those known or believed to be prisoners. It was quite distinct from the MIA category. While lumping these two designations together in most public announcements, the Department of Defense internally kept them separate throughout the war and its aftermath. The Pentagon listed as a POW anyone reported as a possible prisoner anywhere in Vietnam, Laos, Cambodia, or China at any time from 1964 to 1973, whether or not there was credible evidence of capture and even if there was evidence of subsequent death. After the 1973 Peace Agreement all but fifty-six men on this internal list were either released or reported to have died in captivity. Over the next three years analysis of these remaining cases resolved all but a handful.



The POW exhibit in the U.S. Capitol, 1970



*The category POW/MIA itself was*

*an unprecedented invention*

*designed to suggest that each and*

*every missing person might be*

*a prisoner of war, even though most*

*of those missing in action*

*were lost under circumstances that*

*made capture impossible.*

In the ensuing years exhaustive case-by-case investigation, together with the absence of contradictory evidence, has led the Department of Defense to make a presumptive finding of death for every single person on the combined POW/MIA list except one. This man is Air Force Captain (promoted after his loss to Colonel) Charles Shelton, who was shot down over Laos in April of 1965; according to the official U.S. position, Shelton is "listed as a prisoner of war as a symbolic gesture of the Administration's commitment to this issue." In discussing his case the Defense Department notes, "Shelton is the only American serviceman the U.S. Government still lists as a POW; this is for symbolic purposes as intelligence reports indicate that he . . . died in captivity in the mid-1960s." All other known or presumed prisoners of war have been either returned or determined to have died in captivity.

Every responsible investigation conducted since the end of the war has reached the same conclusion: there is no credible evidence that live Americans are being

held against their will in Vietnam, Laos, Cambodia, or China. Most telling are those studies initiated from the opposing point of view.

In the immediate aftermath of the war, one of the principal figures in spreading the notion that Americans were still being held captive in Indochina was Gillespie "Sonny" Montgomery, a conservative representative from Mississippi, recognized at the time as being more outspoken about this belief "than any other member of Congress," according to *The Washington Post*. His fervor persuaded the House in 1975 to create the Select Committee on Missing Persons in Southeast Asia and to name him as its chair. After fifteen months of investigation, with access to every case file and all classified information, extensive hearings recorded in five volumes, and a fact-finding trip to Southeast Asia, the committee issued

its final report in 1976, presenting the unequivocal conclusions that "no Americans are still being held alive as prisoners in Indochina, or elsewhere, as a result of the war in Indochina," and that "because of the nature and circumstances in which many Americans were lost in combat in Indochina, a total accounting by the Indochinese Governments is not possible and should not be expected." Confronted with overwhelming evidence, Montgomery ruefully confessed his now-shattered belief in live prisoners had been "based more on hope than fact and more on rumors than hard evidence," for "like so many others I wanted to believe they were alive, so I did."

Three years later the National Defense University published a book-length study of the POW/MIA issue and its history, written by Navy Captain Douglas L. Clarke, of the National War College. A veteran of 300 combat missions in Indochina, many flown as commander of a carrier-based attack-bomber squadron, Clarke had close friends among the missing in action and had served for eighteen months in the Navy's office of the Special Assistant for Prisoner of War Matters. Clarke found himself not only in agreement with the conclusions of the House Select Committee but also thoroughly convinced that the entire "matter of the missing men has worked against the best interests of the United States," the men, and their families, as he stated in his final paragraph.

Whether there will ever be an adequate accounting of the men missing in Southeast Asia is extremely doubtful. There never was one in any previous conflict. The Government did the families—and therefore the lost men—a tragic disservice by encouraging the belief that there would be such an accounting in this war.

For eight years the Reagan Administration kept fomenting the issue of Americans supposedly held in captivity in Indochina. Yet its final report on the matter, jointly prepared by the Department of Defense and the Department of State and released just a few hours before Reagan left office (but never published by the Government Printing Office, listed as a government document, or made available to government-document depositories), was unable to cite any evidence of unrepatriated live POWs, despite intense scrutiny of "several million captured documents"; interrogation of "over one quarter of a million prisoners and defectors" during the war; thorough debriefing of all returning U.S. and allied prisoners; interrogation of thousands of refugees, including "defectors from Vietnam's security services, military and diplomatic corps"; the use of "national technical systems" (satellites, spy flights, and electronic monitoring); and "a special team deployed in Southeast Asia." The report was forced to state outright, "We have yet to find conclusive evidence of the existence of live prisoners, and returnees at Operation Homecoming in 1973 knew of no Americans who were left behind in captivity."

## Full Accounting and Live POWs

THE MAIN DEMAND MADE BY THE U.S. GOVERNMENT on the governments of Vietnam, Laos, and Cambodia is that they provide "the fullest possible accounting" for all Americans missing in action during the many years of U.S. warfare in Indochina. The U.S. position, as stated in the lead headline of the 1990 *POW-MIA Fact Book*, is that "THE INDO-CHINESE HOLD THE ANSWERS," and that because they refuse to tell the United States everything they know, the United States is justified in acting "on the assumption that at least some Americans are still held captive."

This logic confuses the issue of live POWs with the issue of accountability. The thorny question of what constitutes an adequate, acceptable, or "fullest possible" accounting is rife with debate and ambiguity. Many arguments—ethical, political, and legal—could be made on either side of the proposition that the governments of Vietnam, Laos, and Cambodia owe the government of the United States more information than they have provided. One's position on this question might very well be influenced by one's view of the history and justice of America's war against these nations. Laos and Vietnam have returned more than 300 sets of remains, and both countries have participated with the United States in a number of joint searches of crash sites. Vietnam has issued numerous diplomatic and public reports documenting what it argues are extraordinary efforts to determine the fate of the missing and to locate and return the remains of Americans who were killed. The United States aggressively disputes Vietnam's arguments. But, in any case, there is an enormous difference between retaining information and retaining prisoners.

The claim that "the Indochinese hold the answers" is at best disingenuous. How could they possibly know the circumstances of the loss of every missing American? The House Select Committee discovered hundreds of cases for which the United States was demanding an accounting although there was virtually no possibility whatsoever that the Indochinese governments could have any information. One of the many examples:

On February 2, 1968, a UH-1H helicopter with five U.S. Army men on board crashed into a mountain and exploded into flames while making a ground-controlled approach to Danang Air Base, according to airborne observers and those on the ground. A thoroughly trained Army crash-investigation team concluded that "everyone perished in the crash." The handful of charred and fractured



bone fragments that they could collect were determined to be useless for identification by the Army mortuary, which therefore disposed of them by incineration. The five crewmen were classified as MIA, and the Vietnamese were asked to account for each of them.

The committee concluded that listing such cases, "for which no accounting can be expected," may have convinced "the Indochinese leaders that the United States has deliberately requested information which they cannot furnish in order to embarrass them or to prevent meaningful talks."

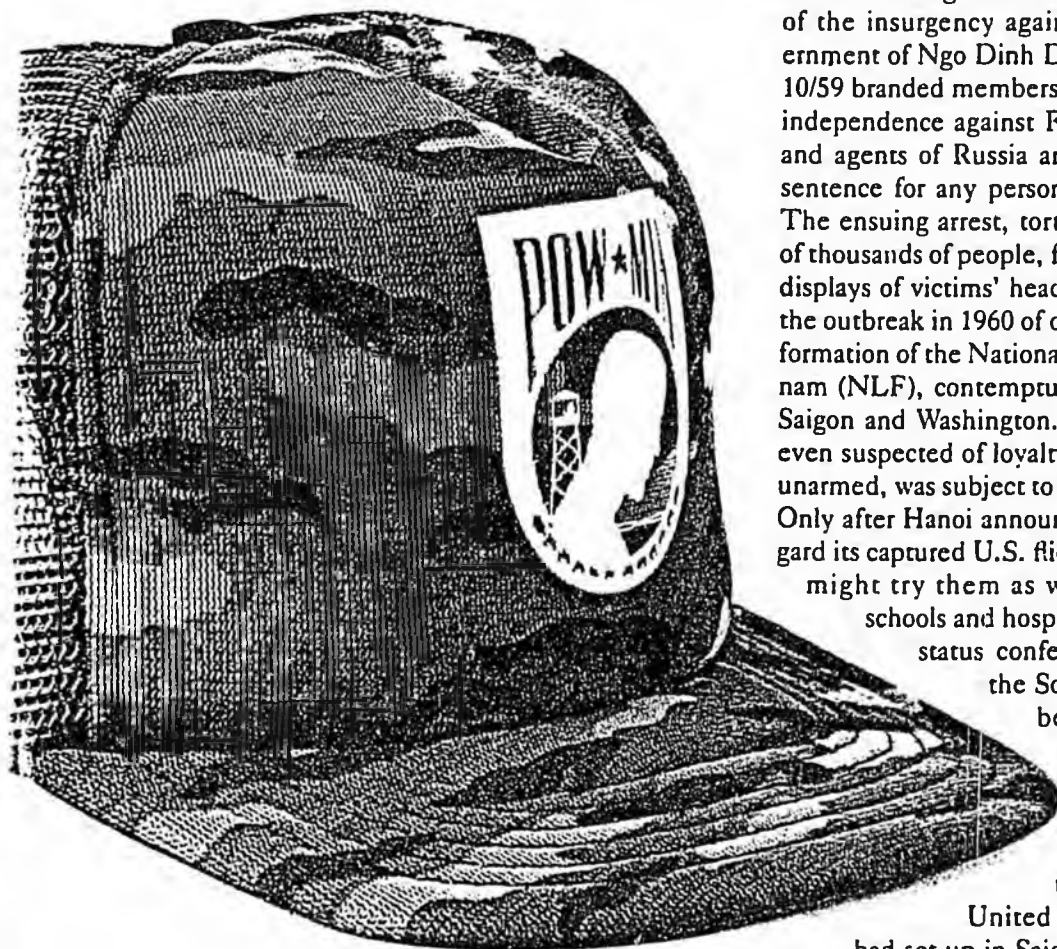
china war into 1973? Perhaps even fewer than those who remembered that back in 1954 he had been one of the key figures in engineering the events that led to the war. And who could possibly have predicted that President Nixon would rely on a brand-new issue—the fate of American prisoners of war and missing in action—to sustain the war that had defeated President Johnson and presidential candidate Hubert Humphrey?

Disturbing questions about prisoners in Vietnam had indeed already emerged, but these concerned mainly people captured by the United States and Saigon, not those held by Hanoi and the southern guerrillas. In fact, the fate of Saigon's prisoners had been one of the causes of the insurgency against the South Vietnamese government of Ngo Dinh Diem, whose infamous 1959 Law 10/59 branded members of the forces that had fought for independence against France as "Communists, traitors, and agents of Russia and China" and decreed a death sentence for any person actively resisting Diem's rule. The ensuing arrest, torture, and execution of hundreds of thousands of people, featuring portable guillotines and displays of victims' heads and intestines, helped lead to the outbreak in 1960 of organized armed struggle and the formation of the National Liberation Front of South Vietnam (NLF), contemptuously labeled the Viet Cong by Saigon and Washington. As the war developed, anyone even suspected of loyalty to the NLF, whether armed or unarmed, was subject to torture and summary execution. Only after Hanoi announced, in 1966, that it did not regard its captured U.S. fliers as prisoners of war and that it might try them as war criminals for bombing its

schools and hospitals was any semblance of POW status conferred on captured insurgents in the South. Soon the American public began to learn something about their actual treatment. Among many disturbing books published in early 1968 were two that exposed the barbaric treatment of prisoners by the

United States and the government it had set up in Saigon. Prominent U.S. clergymen published *In the Name of America*, a chronicle of U.S. war crimes in Vietnam, with several sections devoted to the torture, mutilation, and murder of combatant and civilian prisoners. Next came *Against the Crime of Silence*, the proceedings of the International War Crimes Tribunal held during 1967 in Stockholm and Copenhagen, with extended testimony by U.S. veterans about their participation in the systematic torture and execution of prisoners by both U.S. and Saigon soldiers and officials.

In February of 1968 the issue exploded into the consciousness of tens of millions of Americans, as they watched, in their own homes, the chief of the Saigon national police execute a manacled NLF prisoner. In a perfectly framed sequence Brigadier General Nguyen Ngoc



### The Origin of the Issue

**W**HEN RICHARD NIXON ACCEPTED THE REPUBLICAN presidential nomination in 1968, he vowed, "If the war is not ended when the people choose in November. . . . I pledge to you tonight that the first-priority foreign-policy objective of our next Administration will be to bring an honorable end to the war in Vietnam." This pledge was vital to his winning the presidency in a nation that had come to consider the war at best futile and possibly catastrophic. How many people living in America in 1968 could have predicted that Richard Nixon would protract the Indo-

Loan unholstered a snub-nosed revolver and placed its muzzle to the prisoner's right temple. The prisoner's head jolted, a spurt of blood gushed out of his left temple, and he collapsed in death. A decade later this image, with roles reversed, would be transformed into the central metaphor of a Hollywood production crucial to re-imaging the history of the Vietnam War and its POWs: *The Deer Hunter*. And yet the original image remained so potent in the popular imagination that further efforts to reverse it continued at least through the 1980s.

With increasing horror, Americans soon witnessed even worse pictures and accounts of U.S. and Saigon soldiers torturing and slaughtering prisoners, not only combatants captured in battle but also civilians rounded up in sweeps through villages. As early as May of 1968 came the first published descriptions of the My Lai massacre of March, in which U.S. soldiers had killed hundreds of villagers after raping and sodomizing the young women and using babies for target practice. The full story, including horrifying photographs taken by one of the GIs, would not appear in the general U.S. media until late in 1969. The CIA's Phoenix program, designed to wipe out the insurgent infrastructure by rounding up, imprisoning, and assassinating tens of thousands of suspects, was launched in mid-1968. By the end of the year Nguyen Van Thieu, the head of the Saigon regime, boasted that Phoenix had already killed 18,393 people; U.S. intelligence officers attached to Phoenix later testified that they never saw any of its prisoners survive interrogation. Enemy soldiers captured by U.S. forces were, in violation of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War, turned over to the Saigon government, whose appalling prison camps were gradually being exposed to American readers and viewers. The American public even saw photographs of the notorious tiger cages of Con Son Island, where the few survivors were almost all permanently disfigured and severely crippled by torture.

In this context the incoming Nixon Administration decided to make the American prisoners and missing a major issue. Five days after Richard Nixon's inauguration, his representative introduced it at the Paris peace talks. A month later the Defense and State departments began laying the groundwork for a tremendous campaign at

home. Although one possible benefit of this new controversy might have been to neutralize some of the outrage about what was being done to Vietnamese prisoners, that was not its main purpose. Throughout Nixon's first term the issue of POWs and MIAs served mainly as an indispensable device for continuing the war, functioning on the domestic front as a potent counterforce to the anti-war movement and providing an ingenious tool for building insurmountable roadblocks within the peace talks. And then the issue would be transmuted into a major obstacle to normalized relations for more than eighteen years after the 1973 peace accords.

Domestically, the issue was a masterstroke. After all, how else could any deeply emotional support for the war be generated? Certainly not by holding out the old, discredited promises of military victory. Although in the early stages of the war sentiment could be aroused to defend the "democracy" of Ngo Dinh Diem, who would be willing to fight and die for the notoriously corrupt generals ruling Saigon? But supporting their own POWs and MIAs was something loyal Americans could not oppose. It also seemed easy to understand, requiring no knowledge of the history of Vietnam and the war. One measure of the campaign's success was the sale of more than 50 million POW/MIA bumper stickers over the next four years. And once infused with this intense domestic support, the issue could be presented as a purely "humanitarian" question, thus transforming the peace negotiations into a stage for displaying the inhuman features of the enemy.



### The "Go Public" Campaign

THE NIXON ADMINISTRATION'S "GO PUBLIC" campaign, designed explicitly to marshal public support for the early release of all American prisoners of war, was initiated on March 1, 1969, and officially launched on May 19 in a press conference held by Defense Secretary Melvin Laird. It was immediately and enthusiastically promoted by the media, which, in the relatively restrained language of *The New York Times* editorial staff, denounced "the Communist side" as "inhuman," asserted that "at least half of the 1,300 Americans missing in action in Vietnam are believed to be alive," and insisted that "the prisoner-of-war question is a humanitarian, not a political issue."

By the fall the POW/MIA campaign was receiving media attention and exerting political influence far out of proportion to the small number of its participants, especially in comparison with the millions taking part in the anti-war movement. The campaign consisted of a medley of astute publicity schemes staged by the Nixon

White House, POW family organizations, Congress, and the Texas multimillionaire H. Ross Perot (a director of the Richard M. Nixon Foundation).

In September and October the media spotlighted three delegations of wives and parents of missing men who flew to Paris to demand meetings with the negotiators from the Democratic Republic of Vietnam (DRV) and the NLF. On November 5 and 6 Congress unanimously passed and President Nixon signed a bill declaring November 9 a national day of prayer for U.S. prisoners of war in Vietnam. On November 9 United We Stand, an organization formed and chaired by H. Ross Perot, ran full-page advertisements featuring a picture of two small children praying, "Bring our Daddy home safe, sound and soon." Headlined "THE MAJORITY SPEAKS: RELEASE THE PRISONERS," the ads demanded that the "North Vietnamese and Viet Cong . . . Release the prisoners now." On November 13 and 14 the House Subcommittee on National Security Policy and Scientific Developments of the Committee on Foreign Affairs held hearings to denounce "the ruthlessness and cruelty of North Vietnam" and to provide a pep rally for a congressional resolution demanding the release of American POWs; no one with a dissenting view testified. In mid-December the resolution, which had received unanimous endorsement from the Senate, passed the House by a vote of 405-0 and was immediately exploited by U.S. negotiators in Paris. A few days later Perot had 152 wives and children flown to Paris, while his own jetliner, laden with Christmas presents for the POWs and filled with reporters, was used to stage a major media event in Laos.

During the campaign's formative first few months, in 1969, Richard G. Capen, Laird's deputy assistant secretary of defense for public affairs, and other officials from the State and Defense departments had visited forty-five sites to conduct un-

publicized meetings with families of the missing men, thus shrewdly building a foundation among those who could most readily win heartfelt support from the American people. "We brought them together for the first time," Capen later boasted of this whirlwind national trip to organize the families.

The most productive meeting was held at a naval officers' club on a base near San Diego, where on March 26 the State and Defense departments' representatives conferred with selected wives from the Los Angeles area and a San Diego-area group of wives organized by Sybil Stockdale, whose husband was the highest-ranking naval officer imprisoned in Vietnam and who herself had been working closely with naval intelligence since May of 1966. By June, Stockdale had made herself the national coordinator of an organization she christened the National

League of Families of American Prisoners in Southeast Asia, linking groups of POW wives from various parts of the country. The following month she and several other selected POW family members met with Secretary of Defense Laird, and in December she and four other POW wives met with President Nixon, who pledged in their joint press conference that "this Government will do everything that it possibly can to separate out the prisoner issue and have it handled as it should be, as a separate issue on a humane basis."

In the spring of 1970 Sybil Stockdale received a phone call from Republican Senator Robert Dole, who asked whether she could "deliver 1,000 family members" to a POW/MIA "extravaganza" he was planning for May 1 in Constitution Hall if he were to help arrange government transportation for them. Dole pledged to orchestrate political support, putting Vice President Spiro Agnew and a bipartisan lineup of senators and representatives on the stage, and having Democratic Representative Clement Zablocki turn his Subcommittee on National

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*Five days after Richard Nixon's inauguration, his representative introduced the issue of American prisoners and missing at the Paris peace talks. A month later the Defense and State departments began laying the groundwork for a tremendous campaign at home.*

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At a White House gala for former POWs, 1973



Security Policy and Scientific Developments into a publicity forum just prior to the event. Dole, Stockdale, and Perot collaborated in organizing the festivities, aided by a host of senators and representatives, including such prominent Democrats as Senate Majority Leader Mike Mansfield and Senator Edmund Muskie.

The day after the rally Stockdale presided in Washington over the meeting that transformed her network into the National League of Families of American Prisoners and Missing in Southeast Asia. Its incorporating bylaws seem to have been decided upon three days earlier by Stockdale, a handful of wives chosen by her, and Charles Havens, an attorney with whom she had worked when he was in the Office of International Security Affairs. Within three weeks of its incorporation the National League received its IRS tax-exempt status as a "nonpartisan, humanitarian" organization, free long-distance WATS telephone service provided by the White House, and office space donated by the Reserve Officers Association.

From then until now the National League of Families has played changing but always crucial roles in the dramatization and evolution of the POW/MIA issue. Almost all its principal organizers and activists were wives or parents of career officers, not draftees (mainly because the vast majority of missing and captured men were flight officers), and the politics of the organization were dominated by their outlook, especially during the war. Receiving in its early years direct and indirect material support from the White House, the Department of Defense, and the Republican National Committee, the League (as it is known to activists in the movement) would have dramatically shifting relations with the government until it became, in the 1980s, the main official liaison between the Department of Defense and the American public on all POW/MIA matters, a function it still serves today.

Promoting the National League of Families was not the only accomplishment of the Zablocki subcommittee. It gave Perot a podium from which to lecture the media on its duties in the POW/MIA campaign. Perot also issued marching orders to Congress about its role in the media campaign, instructions that the subcommittee obediently agreed to implement. Its immediate task, he explained, would be to set up as a display in the Capitol a POW exhibit that he had designed and would finance.

On June 4, 1970, House Speaker John McCormack was the featured speaker during the televised ceremony inaugurating this display. The exhibit was designed, according to *The New York Times*, "to arouse public opinion in behalf of the release of American prisoners of war" and "to encourage the thousands of tourists" who would see it each day to raise this demand "in letters to North Viet-

namese leaders and members of Congress." At the center of the display were the figures of two American prisoners: "One sits in the corner of a bare cell, staring bleakly at an empty bowl and chopsticks on which a huge cockroach is perched. On the floor are other cockroaches and a large rat. The other figure lies in a bamboo cage, ankles shackled." By the end of the year this tableau was being set up in state capitols throughout the country, the *Steve Canyon* cartoon strip was featuring POW/MIA relatives in its daily sagas, ABC had presented a POW/MIA special, President Nixon had changed the official name of Veterans Day to Prisoner of War Day, the *Ladies' Home Journal* had published an article with a tear-out letter for readers to mail, and the U.S. Post Office, amid special fanfare by the President, had issued 135 million POW/MIA postage stamps.

America's vision of the war was being transformed. The actual photographs and TV footage of massacred villagers, napalmed children, Vietnamese prisoners being tortured and murdered, wounded GIs screaming in agony, and body bags being loaded for shipment back home were being replaced by simulated images of American POWs in the savage hands of Asian Communists.

### Enter VIVA and the Bracelets

**A**MID THESE EVENTS ANOTHER ORGANIZATION WAS launching an enterprise that would make the POW/MIA issue the subject of intense passion among millions of Americans for decades. This was the Victory in Vietnam Association, or VIVA.

Back in the spring of 1966 Russell Kirk, in the *National Review*, had ballyhooed VIVA as a courageous new student-faculty group dedicated to counteracting the rising tide of anti-war feeling on American campuses. Kirk applauded VIVA members for counterdemonstrating against the "peaceniks" at the Oakland naval terminal in November of 1965 and at UCLA, where

the group originated. He also lamented their "penniless" condition, displayed their address prominently, and noted that "as yet they have no financial angels."

By October, Gloria Coppin, wife of the Los Angeles industrialist Douglas Coppin, whose Hydro-Mill Company made airplane parts for major military contractors, was providing a headquarters for the organization and contacts with wealthy and influential members of southern California society. On March 9, 1967, the Victory in Vietnam Association received a state charter from California as an educational and service institution, and less than two months later the IRS granted



it tax-exempt status as a "charitable and educational" organization. VIVA was then able to hold the first of its lucrative annual Salute to the Armed Forces balls, organized by its Ladies Auxiliary (made up of wives of wealthy business, military, and political leaders), and the guests—including Barry Goldwater, Alexander Haig, H. Ross Perot, Bob Hope, Los Angeles Mayor Sam Yorty, and California Governor Ronald Reagan—were able to receive tax deductions for their contributions. With brimming coffers, VIVA expanded rapidly and planned ever more ambitious campaigns to thwart the anti-war movement.

But by the time of the November, 1968, elections, "peace," not "victory," had become the catchword, as the nation bet on Nixon's secret peace plan. So in 1969 VIVA ceased to be the Victory in Vietnam Association and became Voices in Vital America.

A few months later members of VIVA and Robert Dornan—today a Republican representative from California and a leading proselytizer about live POWs, then a right-wing Los Angeles TV talk-show host and a friend of Gloria Coppin's—contrived the idea of selling bracelets engraved with the names of POWs and MIAs to promote and fund the POW/MIA campaign. In addition to Gloria Coppin, who chaired VIVA's board of directors from its founding until 1974, one of the prime movers in VIVA's bracelet manufacturing was Carol Bates, who was to take over the directorship of the National League of Families in 1976 and to become a coordinator of the POW/MIA is-

## ON THE LIQUIDATION OF THE MUSTANG RANCH BY THE INTERNAL REVENUE SERVICE

This poor old spread, its waterholes turned dust,

Its paying herd stampeded, lies here slain.

On Reno's rock-shanked hills frustrated rain  
Refuses to descend. Spangles of rust

Bestride the bar where hands no longer shake

Quick daiquiris to blur the fear of AIDS,

Net stockings dangle hollow, grand parades  
Kick off no more. A hibernating snake

Lies not more still. Beneath the auctioneer's

Gavel fall crates of condoms, lingerie,

The sign from the mirrored orgy chamber: FIRE  
EXIT, the kindly tank of oxygen

Whose sweet breath could that reveler inspire  
To flare, who might have smoldered in dismay.

—X. J. Kennedy

sue for the Defense Intelligence Agency, a position she has held since 1984. Bracelets were produced just in time for the May 9, 1970, Salute to the Armed Forces ball, where Governor Reagan was the keynote speaker, Bob Hope and Martha Raye were made co-chairs of the bracelet campaign, H. Ross Perot was named Man of the Year, and Mrs. Perot accepted the first bracelet.

Later that month VIVA sold 1,200 bracelets at the National League of Families convention in Washington and ordered 5,000 more. The bracelet idea quickly mushroomed into a propaganda coup and financial bonanza for the POW/MIA campaign and especially for VIVA, which was soon wholesaling bracelets to the National League, Perot's United We Stand, and junior chambers of commerce across the country. Bracelets were prominently worn by such luminaries as Richard Nixon, General William Westmoreland, Billy Graham, George Wallace, Charlton Heston, Bill Cosby, Pat Boone, Cher and Sonny Bono, Fred Astaire, Johnny Cash, Steve Allen, Princess Grace of Monaco, and, of course, Bob Hope, who personally distributed more than a thousand.

By the time of the January, 1973, Paris Peace Agreement, from four million to ten million Americans were wearing POW/MIA bracelets. The influence on the national imagination cannot be calculated. Every person who wore a bracelet vowed not to remove it until his or her POW/MIA was either found to be dead or returned home. Millions of people thus developed profound emotional bonds with the men whose names were displayed all day on their wrists. Countless American schoolchildren went through some of their most formative years linked to these amulets. How could they not believe in the living existence of their POW/MIAs then—and perhaps today? And the bracelets themselves must still be potent amulets, because even now the National League of Families' official distributors and other organizations are reportedly selling hundreds daily.

## The POWs in War and Peace

THE POW/MIA ISSUE SERVED TWO CRUCIAL FUNCTIONS in allowing Richard Nixon to continue the war for four years—and thus avoid the "loss" of Vietnam—even though he had assumed office almost a year after the nation had shown its desperate desire for peace. It was both a booby trap for the anti-war movement and a wrench to be thrown into the works of the Paris peace talks.

The Nixon Administration's four-year campaign to secure the release of American prisoners of war separate from U.S. withdrawal from Vietnam was doomed, along with its other war goals, by the peace accords signed in Paris on January 27, 1973. The agreement among the four parties—the United States, the Democratic Republic of Vietnam, the Republic of Vietnam, and the Provisional Revolutionary Government of South Vietnam—

called for the withdrawal from Vietnam of all "United States forces and those of the other foreign countries allied with the United States" within sixty days and the return of all prisoners of war to be "carried out simultaneously with and completed not later than the same day" as the U.S. troop withdrawal.

In conformity with the agreement, North Vietnam had already delivered to the United States and certified as complete a list of its prisoners of war and those who had died in captivity. Within the stipulated two months the living prisoners on the list, including all those who had been captured in Laos and South Vietnam, were repatriated. Their return was staged as Operation Homecoming, an event transformed by an awesome media blitz into a public-relations coup for President Nixon, who boasted at his formal White House dinner party for the ex-POWs that he had achieved "the return of all of our prisoners of war" as part of his successful conclusion of the war in Vietnam.

But the President's claims by no means satisfied many of those who had been agitating about the POW/MIA issue. They argued that there were "discrepancies" between the Vietnamese lists and American information. Some claimed that there were as many as fifty-six men "known" to have been captured for whom there was now no accounting. The myth of the forsaken POWs enslaved by the Asian Communists was about to emerge from the war to poison the peace.

### The Pentagon's New Math

**W**AS THERE ANY BASIS FOR THE CLAIM THAT the DRV, the PRG, the Pathet Lao, and the Khmer Rouge were secretly keeping Americans as prisoners? As soon as the Paris agreements were signed, the Department of Defense started trying to make the American people think so. While the Administration was basking in glory for bringing home all the POWs, the Pentagon was issuing a series of conflicting statements evidently designed to create both suspicion and confusion. Readers of these statements—especially the families of the missing—could hardly avoid thinking that some men might be held captive someplace in Indochina. For in drafting its announcements the Defense Department was using ink as an octopus does, clouding the waters so as to obscure its own activity.

Here, for example, is what readers of *The New York Times* were encountering from day to day in early 1973:

"The [Defense] department presently lists 587 prisoners—473 in North Vietnam, 108 in South Vietnam and six in Laos—plus 1,335 more men missing in action. In addition, the State Department . . . believes that 51 American civilians have been captured in Indochina, principally in South Vietnam" (January 26).

"The list that the North Vietnamese turned over to American officials in Paris today named 27 American ci-

vilians as prisoners of the Vietcong, and listed seven other Americans as having died in captivity" (January 28).

"The Defense Department lists 1,334 men missing in action—519 in North Vietnam, 504 in South Vietnam and 311 in Laos" (January 29).

"Fifty-six Americans known to have been prisoners of war in Southeast Asia remain unaccounted for by North Vietnam, a Pentagon spokesman said today. . . . There were no clues to the whereabouts of 1,269 men now listed by the Pentagon as missing in Southeast Asia" (January 30).

"Fifty-four men . . . thought by American officials to be prisoners did not appear on the list of 562 confirmed P.O.W.'s held captive in North and South Vietnam and Laos. Nor were they listed as having died in captivity" (February 26).

Not having access to the mathematics of the Pentagon's computers, American citizens—not to mention the Vietnamese—would have to resort to simple arithmetic to try to understand what was being revealed, or obfuscated, by these shifting numbers.

Let us begin with the Defense and State departments' original figures, while bearing in mind that the Nixon Administration had been trying for more than three years to establish as high a total as possible of Americans believed to be prisoners. The Pentagon listed 587 servicemen it considered likely to be prisoners—473 in North Vietnam, 108 in South Vietnam, and six in Laos. Add to that the fifty-one American civilians that the State Department thought were captured throughout Indochina. The total is 638. How many did Vietnam and the Pathet Lao release or otherwise account for as having died in captivity? Here is the total:

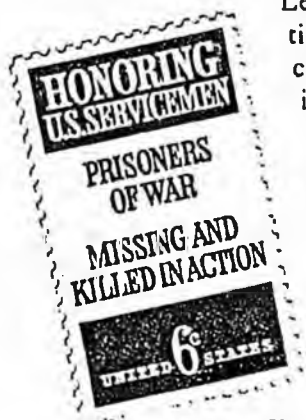
Military prisoners from Vietnam released	555
Military prisoners from Laos released	7
Civilian prisoners from Vietnam released	27
Civilian prisoners from Laos released	2
Military prisoners died in captivity	55
Civilian prisoners died in captivity	7
<i>Total prisoners released or died</i>	<u>653</u>

So Vietnam and the Pathet Lao actually released or accounted for fifteen more prisoners than the Defense and State departments had listed as likely prisoners, even though both agencies, as revealed by their own documents, had attempted to inflate their figures. (Note also that the State Department's figure included civilians believed to have been captured in Cambodia.) The figures for Laos, due for a key role in the POW/MIA myth, were especially embarrassing for the Pentagon, which had listed six men thought to be prisoners there. Seven military prisoners were returned from Laos, and two of the supposed six Laotian military prisoners were actually in the hands of the Vietnamese; instead of the six on the Pentagon's list of Laotian POWs, it got back nine.



## The Case of the Disappearing POWs

**T**HE HOUSE SELECT COMMITTEE ON AMERICANS Missing in Southeast Asia, although it carefully reviewed the individual files of 200 other unresolved MIA cases, scrutinized most intensely the cases of unaccounted-for men actually listed by the various services as POWs. How many of these were there? It turns out that the number of cases classified as POWs was not fifty-six, fifty-four, or even fifty-three but thirty-six. Thirty-six was the number presented by the Defense Department. Thirty-six was the number accepted not only by the select committee but also by the chairman of the board of the National League of Families (which by this time was controlled by activists committed to the POW/MIA issue).



The committee conducted an exhaustive study of each of the thirty-six cases. This included a thorough analysis of the complete classified case file maintained by each man's own service, followed by an intensive cross-check with the classified intelligence file maintained by the Defense Intelligence Agency. For fifteen, the committee could find no evidence that the men had been taken alive. Eight of the rest could "possibly" have been captured alive, and eleven, twelve, or thirteen had been at one time "definitely" alive in enemy hands. Of crucial importance were the committee's findings about those eleven, twelve, or thirteen who were known to have been captured:

In six cases, reports from indigenous sources indicate that the individual died in captivity. Another one was reported in 1973, both by the PRG and by returnees, as having died in captivity in 1967, but for technical reasons his case has not been reviewed. Still another defected to the Viet Cong in 1967, and he could still be alive in Vietnam. There is no evidence in the remaining four cases to suggest whether the individual is now dead or alive, but in no case did any of these four appear in a regular POW camp, and all have been missing for at least 6 years.

This handful of cases is the foundation on which the colossal structure of the POW/MIA myth has been built.

So there were not fifty-six or fifty-four or fifty-three unaccounted-for POWs. There were not even thirty-six or twenty-seven or twenty. At the most there were thirteen or twelve or eleven. Except for the defector, all but four of these had evidently died in captivity. None of the four had ever appeared in a regular POW camp, and there is no evidence that any survived later than 1970.

## Crucifixion and Resurrection

**I**N THE LATE 1970S PRESIDENT JIMMY CARTER BEGAN to reverse course not just on possible relations with Vietnam but also on détente in general, which led, in the final two years of his Administration, to the restoration of draft registration, the removal of SALT II from consideration by the Senate, the embargo of grain sales to the Soviet Union, the boycott of the Olympics in Moscow, and the initiation of the biggest arms buildup in U.S. history.

Simultaneously there began a rewriting and re-imagining of the history of the Vietnam War which would restore the discredited vision of idealistic, courageous Americans heroically battling hordes of sadistic Asian Communists. On the academic front the charge was led by a brigade of revisionist historians who attempted to place the origins of the war and America's conduct of it in a more favorable light. Their task was formidable. Those who fought on the popular-culture front had a much easier job, for they could simply ignore the history and rely entirely on manipulative images. And no image had proved more powerful during the war than that of American prisoners.

By far the most influential work in this campaign was the movie *The Deer Hunter*, which in 1978 received four Academy Awards, including one for best picture, and was designated the best English-language film of the year by the New York Film Critics' Circle. *The Deer Hunter* succeeded not only in radically re-imagining the war but also in transforming POWs into crucial symbols of American manhood.

The re-imagining appears quite conscious, though most critics at the time seemed oblivious of it. The basic technique was to take images of the war that had become deeply embedded in America's consciousness and transform them into their opposite. For example, in the first scene in Vietnam a uniformed soldier throws a grenade into an underground shelter harboring village women and children, and then with his automatic assault rifle mows down a woman and her baby. Although the scene resembles *Life's* pictures of the My Lai massacre, the soldier is not an American but a North Vietnamese. He is then killed by a lone guerrilla, who is not a Viet Cong but our Special Forces hero, Robert DeNiro.

When two men plummet from a helicopter, the images replicate a telephotographic sequence from the war showing an NLF prisoner being pushed from a helicopter to make other prisoners talk; but the falling men in the movie are American POWs attempting to escape from their murderous NLF captors. The central, structuring metaphor of the film is the Russian roulette that the sadistic Asian Communists force their prisoners to play. POW after POW is shown with a revolver at his right temple, framed to match with precision the sequence seen by tens of millions of Americans in which the chief of the Saigon police placed a revolver to the right temple of an

NLF prisoner and killed him with a single shot; even the blood spurting out of the temple is exactly replicated. There is no evidence that any such atrocity was ever committed against a single American prisoner of the NLF or North Vietnam.

*The Deer Hunter's* manipulation of images culminates in a long sequence in which DeNiro persuades Christopher Walken that their only hope of escape is to use the Russian-roulette revolver to kill their captors. The fiendish Vietnamese have placed them in a half-submerged tiger cage, behind which we see a single vertical and a single horizontal strand of barbed wire, which somehow frequently replace the bars of the tiger cage in the camera's field of vision. Whatever reason their captors may have had for this arrangement, it allows the camera to show only the heads and torsos of the two men, and the lighting is set up—by the director, not the Communists—so that throughout much of this sequence the heads and torsos are silhouetted in profile. Thus in frame after frame appears the logo, including the single strand of barbed wire, of the POW/MIA flag.

Intercut with this sequence are images of the POWs as crucified Christs, bloody headbands replacing the crown of thorns, with the hands of soldiers hauling them up to their torture and death. The religious and patriotic messages of *The Deer Hunter* are unified from the beginning, when a banner that proclaims SERVING GOD AND COUNTRY PROUDLY hangs over the wedding celebration, to the very end, when, just as at a National League of Families convention, everybody sings "God Bless America." And the unifying images are those of American white working-class men as crucified prisoners of the Vietnamese.

But for the POWs and MIAs to become an authentic myth gripping America's heart, less subtle visions had to be shaped by Hollywood. Who could resurrect those

missing American fighting men who had been crucified by the Asian Communists and their domestic accomplices? This was a job for true heroes, led by one of VIVA's original boosters, Ronald Reagan.

### Hollywood Heroes I: Bo Gritz and Ronald Reagan

THE STORY OF THE HEROIC AMERICAN PRISONERS abandoned in Southeast Asia could not become a major American myth until the dream factory geared up its assembly line for mass production of the essential images. But Hollywood was actually involved in creating the historical raw materials that the POW rescue movies were later to fantasize.

The character central to the POW/MIA story as it attained its full mythic status in the 1980s was retired Special Forces Colonel James "Bo" Gritz, who organized raids into Laos to rescue men he already envisioned in images that would later be projected on movie and TV screens around the world. With devout faith in living POWs abandoned by their government to cruel Communist slavery, Gritz conceived of their rescue as a mission forced upon him by destiny. Why was he the chosen one? Because the only two other men capable of such intense "action," as he put it, were no longer around to do the job: "Both Teddy Roosevelt and John Wayne are dead."

But two other men of action were available at least to help finance the mission: Captain Kirk, of the starship *Enterprise*, and Dirty Harry. William Shatner put up \$10,000 and received movie rights to the Gritz story. Clint Eastwood, who contributed \$30,000, was assigned a far more crucial role in the adventure.

Ever since the Paris agreement of 1973 POW activists had been elaborating the theme of a conspiracy high in the government to

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*Those who fought on the popular-*

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*culture front had a much easier job,*

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*for they could simply ignore*

---

*the history of the Vietnam War and*

---

*rely entirely on manipulative*

---

*images. And no image proved more*

---

*powerful during the war*

---

*than that of American prisoners.*



POWs as depicted in *The Deer Hunter* (1978)



deny the existence of American prisoners. The villains were government bureaucrats, CIA operatives, and liberal politicians, personified by President Carter himself. With the inauguration of Ronald Reagan in early 1981, the myth evolved with a new twist: the good President amid the evil officials. Ronald Reagan's heart yearned to save the POWs, but the President was surrounded and kept in ignorance by that clique of scheming bureaucrats and liberals now known as the doorkeepers or gatekeepers. Who could possibly get by the all-powerful evil gatekeepers and bring the truth to the good President?

The one man in America Colonel Gritz knew he could rely on for the job was Clint Eastwood. His plan hinged on two tête-à-têtes between Eastwood and the President. On the night of November 27, 1982, after receiving word that Gritz's team had crossed the Mekong River from Thailand into Laos, Eastwood was to fly from his California ranch to a prearranged meeting at Reagan's California ranch and inform the President about the raid. When the raiders had actually freed American POWs, they were to send a message by means of "nuclear fire plan boxes" ("state-of-the-art . . . Indirect Transmission Devices" furnished by Litton Industries) to their base in Thailand, which would relay the message to their "Angels West" base in Los Angeles, which would in turn relay the message to Eastwood, who would then once again fly to see his old friend Ronald Reagan, who would then have to do what he wanted to do all along: send U.S. forces to rescue the POWs. So crucial was Eastwood's first meeting with the President that Gritz led his men across the Mekong before most of their weapons had arrived, so that they would be in Laos by the night of the

twenty-seventh, California time. Eastwood reportedly carried out his assignment—either flying from his Shasta ranch to Reagan's Santa Barbara ranch to meet with the President at the appointed time or, in a less theatrical version, informing the President about the raid by telephone. When the raiders returned from Laos to Thailand, on December 3, they found this message waiting for them from a team member in California:

CLINT AND I MET WITH PRESIDENT ON 27TH. PRESIDENT SAID: QUOTE, IF YOU BRING OUT ONE U.S. POW, I WILL START WORLD WAR III TO GET THE REST OUT. UNQUOTE.

Whether the President indeed said these words we don't know, but they would certainly be in character. After all, Ronald Reagan had been active in POW issues ever since he was himself a POW of Asian Communists during the Korean War—as the star of the 1954 movie *Prisoner of War*.

Gritz's raid, however, was not entirely a Hollywood production. Unlike all those heroes in the subsequent movies inspired by their adventure, the Americans did not ambush and wipe out hordes of Asian Communists. In fact, almost as soon as they arrived in Laos, they were ambushed, routed, and forced to flee back to Thailand—not by treacherous Communists, as they initially assumed, but by a rival anti-Communist Laotian group whom Gritz's men had offended in Thailand and to whom Gritz, ironically enough, reportedly had to pay a ransom of \$17,500 to recover a captured American teammate. The raiders of course encountered no POWs.

In fact, neither this raid nor ones that Gritz claimed to have carried out deeper in Laos in the ensuing months yielded any tangible evidence of American POWs. Thirty rolls of photographs taken with high-tech cameras, which Gritz promised to give to a congressional subcommittee investigating his raids, never materialized. Alleged remains of two American POWs which Gritz brought back with him turned out to be bones from two Asians mixed with animal bones.

Yet Gritz was tremendously effective in achieving one of his principal goals: "We have heightened public awareness of the POW question." His escapades were to be vital to what the Reagan Administration was calling, in the same words used by Gritz, its "public awareness" campaign, initiated just as Gritz was preparing his raiders. As the *Final Interagency Report of the Reagan Administration on the POW/MIA Issue* phrased it, "From its inception in 1982, the public awareness campaign steadily gained momentum."

As it left office, in 1989, the Reagan Administration could truthfully exult that this "aggressive public awareness campaign," waged "in coordination with the National League of POW/MIA Families," had "raised domestic consciousness of this issue to the highest level

OPERATION

When one American  
is not worth the effort  
to be found, we as  
Americans have lost.

TRIUMPH

since the end of the war" while causing "media coverage" to increase "dramatically." A full "integration of the National League of Families into our efforts" meant that the League became even more thoroughly intertwined with the government than it had been with its creator, the Nixon Administration. The 1990 *POW/MIA Fact Book* states outright,

United States Government policy regarding the POW/MIA issue is coordinated through the POW/MIA Interagency Group (IAG). Membership in the IAG includes the Defense Department, the White House National Security Council (NSC) staff, the State Department, the Joint Chiefs of Staff (JCS), the Defense Intelligence Agency (DIA) and the National League of POW/MIA Families.

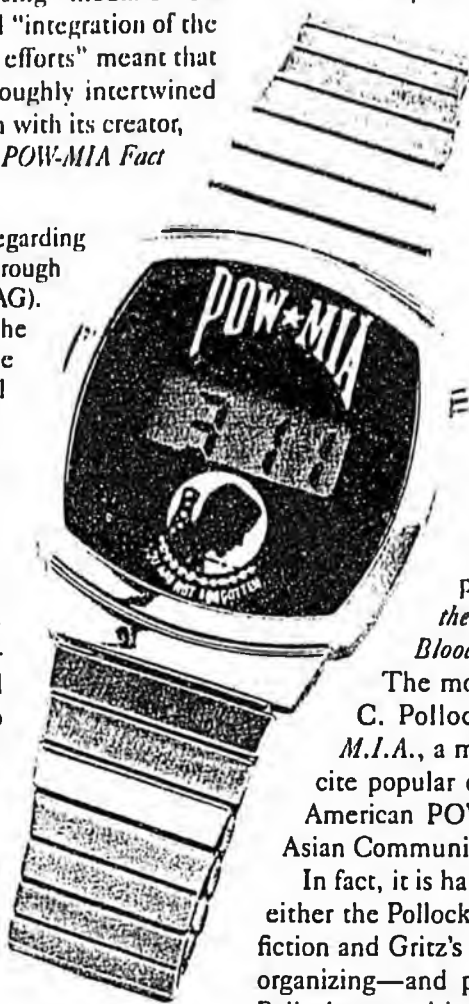
President Reagan vastly expanded the POW/MIA section of the Defense Intelligence Agency, more than tripling its staff and adding "a special team deployed in Southeast Asia" to solicit "refugee information." A key addition to the DIA staff was Carol Bates, who had been a co-founder of VIVA and its bracelet campaign and the executive director of the National League of Families during the period when it was transformed into the leading promoter of the belief in live postwar POWs.

Three days before news of Gritz's first raid burst upon the public, while Gritz was conducting his second raid, President Reagan, who had been kept closely informed, declared to a special meeting of the National League of Families that from now on "the government bureaucracy" would have to understand that the POW/MIA issue had assumed "the highest national priority" (a phrase echoing VIVA's "one of our nation's top priorities").

In the next few months Colonel Gritz became a star of magazines, newspapers, radio, and TV. But he was a fast-fading luminary, for the story of his raids was hardly a tale of spectacularly successful heroism. Hollywood would now have to show how the story was supposed to look.

### Hollywood Heroes II: Gene Hackman and Chuck Norris

**A**MID THE MEDIA HOOPLA ABOUT THE GRITZ RAIDS, the first fantasized movie version began shooting. Starring Gene Hackman as a retired Marine colonel, *Uncommon Valor* made it to the screen in time for the Christmas season of 1983. The following year came *Missing in Action*, with Chuck Norris as retired



Special Forces Colonel James Braddock, an even more thinly disguised impersonation of retired Special Forces Colonel Bo Gritz. And in 1985 the POW/MIA myth attained its apotheosis in *Rambo: First Blood Part II*, with Sylvester Stallone now incarnate as the true American superhero of our epoch.

The ideological agenda of *Uncommon Valor* is suggested by the identity of its co-producers: John Milius, whose vision is expressed most clearly in two films he directed during this period, *Conan the Barbarian* (1982) and *Red Dawn* (1984), and Buzz Feitshans, Milius's frequent collaborator, whose other productions include *First Blood*, *Conan the Barbarian*, *Red Dawn*, *Rambo: First Blood Part II*, *Rambo III*, and *Total Recall*.

The movie also appears to draw heavily on J. C. Pollock's best-selling 1982 novel *Mission M.I.A.*, a militarist tract explicitly designed to incite popular demand for mercenary raids to rescue American POWs and to slaughter their subhuman Asian Communist captors.

In fact, it is hard to disentangle *Uncommon Valor* from either the Pollock novel or the actual raids, for Pollock's fiction and Gritz's adventures are intertwined. Gritz was organizing—and publicizing—his raids in 1981, while Pollock was writing *Mission M.I.A.*, and an extended excerpt from the novel appeared in the same issue of *Penthouse* (March, 1982) that printed a long interview with Gritz about his plans. So evidently Gritz and Pollock gave ideas to each other as well as to *Uncommon Valor*.

The film was labeled a mere "Okay grind actioner" by *Variety* and dismissed at first by most reviewers, whose reactions can be summed up by this headline: "COMIC-STRIP-LEVEL HEROISM MAKES UNCOMMON VALOR A COMMON BORE." But within a few weeks critics were trying to comprehend the startling audience response to what was turning out to be the "biggest movie surprise" of the 1983–1984 season. The best explanation seemed to come from "an ordinary moviegoer who said with satisfaction of the bloody ending in which dozens of the enemy are mowed down by the Americans, 'We get to win the Vietnam War.'"

*Uncommon Valor's* formula for such a revision of history was identified by the cultural critic Rob Edelman in terms that would soon also apply to its spectacular successors:

The Vietnam war is not really over. . . and we—America—can still pass for a touchdown at Ho Chi Minh Stadium and eke out a last second victory in the Rice Paddy Bowl. Just send a few good boys back there, kick some Asian ass, liberate a few MIAs. The Laotians—or

Cambodians, or Vietnamese, for they are really all alike—will fall like Indians in a John Wayne movie, and America will be proud and regain its honor.

This message would become explicit later in 1984, as full-page shoot-'em-up ads for *Missing in Action* proclaimed: "THE WAR'S NOT OVER UNTIL THE LAST MAN COMES HOME!"

Yet the revised history offered by *Uncommon Valor* was not quite as "mindless" as many critics labeled it, for they were ignoring a subtext based on the POW/MIA pseudohistory already widely diffused throughout sections of American society and accepted by many viewers as a true, even the essential, version of the Vietnam War.

The experience of Colonel Jason Rhodes (Hackman), whose son had been missing in action for a decade since

the end of the war, helped to transform details of this pseudohistory into mythology that became part of the shared cultural inheritance of 1980s America. Like Colonel Gritz, Colonel Rhodes learned that there had been "over four hundred live sightings of men held against their will" and "there are compounds all over northern Laos." Why Laos? The case for live POWs in Vietnam was so untenable that true believers had been forced to shift the burden of their argument onto Laos. Colonel Gritz had testified to Congress, "Nearly 700 airmen were shot down over Laos during the Vietnam War. Not one has been returned." In fact, as previously discussed, more prisoners were returned from Laos than the Defense and State departments had listed as probable prisoners there; subsequent investigation demonstrated that no more than five others had ever been captive in Laos,

## THE POW/MIA LOBBY

THE FEDERAL government is primarily responsible for the notion that U.S. prisoners of war languish in Indochina. However, several nonprofit organizations concern themselves with the issue, and their activities bolster its significance in the public mind. POW/MIA organizations have varying goals: some claim to have evidence of the whereabouts of prisoners and to be planning rescue missions; others, more modestly, seek to influence government policy. But each of the major groups has in its charter the goal of educating the public about the POW/MIA issue and raising its level of concern, mostly through direct-mail solicitations. The direct mail and speeches and videos that raise public concern thus also raise funds; the funds pay for more mail, which raises funds, which pay for mail.

Capsule descriptions of four of the major groups dealing with the POW/MIA issue appear below. Commenting on the first three of these groups in a 1987 report to Representative Stephen J. Solarz, the chairman of the House Subcommittee on Asian and Pacific Affairs, Brigadier General James W. Shufelt, of the Defense Intelligence Agency, wrote, "In closing, it is noteworthy that for all their 'proof' and the untold millions of dol-

lars raised, none of these groups or individuals have yet to furnish even the slightest shred of evidence of PWs, much less secure the return of a living American captive."

*American Defense Foundation* and the *American Defense Institute*: Incorporated in 1983 by a retired Navy captain and former prisoner of war, Eugene B. "Red" McDaniel, the American Defense Foundation and its educational arm, the American Defense Institute, have been responsible for providing several of the photographs of alleged prisoners that have circulated in recent years. McDaniel's was the group that last summer publicized the now-familiar photograph of three "American prisoners" holding up a sign—a photograph that is widely regarded to be fake. In one fundraising letter McDaniel writes, "I promise to tell all of our hostages, when they are finally freed, of the vital role you played in their release. I wish you would write a brief note on the enclosed donation card, which I will personally hand to the first man to regain his freedom." McDaniel's groups have interests wider than the POW/MIA issue. On the back of McDaniel's memoir of his life as a prisoner, *Scars & Stripes*, the American Defense Foundation is described as a nonprofit foundation that "promotes American moral and military strength as essential elements of world peace." The American Defense Institute supports continued

government funding of the Strategic Defense Initiative and the B-2 Stealth bomber. In 1989 the ADI received \$2.3 million in contributions. In that same year it spent \$523,769 on publications, research, and public affairs, \$223,369 on its speakers' bureau, \$217,625 on internships for young people, \$159,135 on seminars and videos, \$325,648 on a drive to register members of the military and their eligible dependents to vote, \$197,710 on POW awareness, and \$422,753 on fund-raising.

*Account For POW/MIA* (also known as the *Skyhook II Project*): Incorporated in 1984 by John LeBoutillier, a one-term Republican congressman from Long Island, Account for POW/MIA describes its mission as "To secure humane treatment of, status information, and accountability and to promulgate concern for American Prisoners of War and Missing in Action in Southeast Asia in accordance with the Geneva Convention of 1949." Its appeals feature references to specific numbers of prisoners known to be held, detailed descriptions of the conditions under which prisoners live, and outlines of how prisoners might be rescued if the organization could raise the necessary money. "We are close to making contact with an American POW who has been alone since his fellow prisoner died of natural causes less than a year ago," one LeBoutillier letter reads. "That effort could fail for a lack of funds.

and all these had almost certainly died in the mid- or late 1960s. Yet by the time *Uncommon Valor* was screened, millions of Americans believed the Gritz version.

In a scene charged with a shock of recognition for viewers familiar with the widely accepted pseudohistory, Colonel Rhodes becomes convinced that his son is a prisoner in one of the Laotian camps. After ten years of being brushed off by government bureaucrats and victimized by con men in Thailand, Rhodes finally learns the truth from an active-duty Air Force colonel. Noting with a sigh, "I suppose someone could call this treason," the officer pulls from his briefcase a photograph taken from an SR-71 Blackbird high-altitude reconnaissance plane. "There's your proof," he declares. "It's a prison camp in Laos." Whatever the photograph's effect on most of the movie's reviewers, countless members of the audience

were reminded of the famous "Fort Apache" photograph that inspired Colonel Gritz's raids, and were thrilled that the film anticipated their recognition.

The scene enshrines the Fort Apache photograph while wiping away its tarnished history. Word of such a photograph or photographs, taken either from an SR-71 flying at 80,000 feet and 2,000 miles per hour or from a spy satellite, began leaking out soon after Ronald Reagan assumed the presidency, in January of 1981. This was the interpretation of the photo: thirty men, who were in some kind of formation, cast shadows longer than Asians would; they seemed "posed in a secret body-language code taught to selected airmen facing a risk of capture"; tools were evident that were too big for Asians; one structure might be a guard tower; on one side of the camp there appeared to be a 5

Please be as generous as you can as soon as you can." LeBoutillier typically attributes his claims to reports from refugees, "secret information," or "sources," or gives no attribution.

In 1989 Account For POW/MIA raised \$343,862 from direct mail and received \$98,626 in unsolicited contributions. Of that money, \$276,832 went for postage and mailing costs and \$71,500 went to unspecified "program field expenses." It is difficult to determine how much of its money Account For POW/MIA spent on its aim of disseminating information and how much on fund-raising. The organization's financial statement makes the link between the two explicit: the expenses column includes the category "public information combined with fund raising."

*Operation Rescue:* Incorporated by a former fighter pilot, Jack Bailey, in 1981, Operation Rescue has produced photographs allegedly of missing servicemen, turned in bone fragments that it claimed were those of missing servicemen, and, both for humanitarian reasons and in the hope of getting information about POWs, sought to rescue Southeast Asian refugees from boats off the coast of Vietnam. One 1986 fund-raising letter reads, "Must raise \$13,671.71 by Friday, October 31, or vital intelligence gathering missions may have to be stopped. Unless these missions continue, there is no hope for the return of POWs and MIAs captive in Vietnam.

Again, if I cannot raise \$13,671.71 by October 31, vital intelligence gathering cannot continue. And an American serviceman will die in the jungles of Vietnam." In 1989 Operation Rescue raised \$228,005 in contributions. Of that money, \$29,026 went to collecting intelligence on missing servicemen and aiding Southeast Asian refugees, \$25,279 went to management expenses, and \$163,298 went to fund-raising. From 1981 to 1989 Operation Rescue raised \$3.3 million dollars. At no point from 1985 to 1989 did the amount of money that Operation Rescue spent on direct services rise above 16.6 percent of its total expenditures. The floor set by the Council of Better Business Bureaus for the portion of contributed money that a charitable group should spend on direct services is 50 percent.

*National League of Families of American Prisoners and Missing in Southeast Asia:* A copy of Brigadier General Shufelt's report is included in the information routinely provided to the public by the National League of Families. Incorporated in 1970, the League is the oldest and most respected POW/MIA organization. Membership is restricted to relatives of unaccounted-for servicemen. The league's executive director, Ann Mills Griffiths, is the only nongovernment representative on an interagency government panel that crafts policy positions on the POW/MIA issue. Griffiths travels with official delegations to South-

east Asia on missions concerning POW/MIAs.

The league endorses the U.S.

government's official position on POW/MIAs and, as its dissemination of the Shufelt report shows, is highly critical of the groups listed above.

If you call the National League's Washington, D.C., telephone number and request information, this is what you'll receive in the mail: statistics from the Defense Intelligence Agency on live-sighting reports and the number of servicemen unaccounted for, status reports on the POW/MIA issue and on the league's activities, answers to frequently asked questions about the league and the POW/MIA issue, and, on different-colored paper, a request for support. Among the suggested things you can do to support the league: participate in the adopt-a-missing-man program, at a cost of \$5.00 a month; wear a POW/MIA pin, available for \$3.00 each or two for \$5.00; display a logo decal, available for \$10.00 per hundred; fly the league flag, available for \$35.00. In 1989 the National League brought in contributions of \$932,344 and spent \$193,884 for fund-raising and \$843,188 on its programs. Among the program costs were \$150,732 for printing and postage, \$228,505 for public awareness, and \$198,266 for salaries and employee benefits for the league's six employees.

—Ethan Sridman

AMERICAN POW/MIAs  
IN SOUTHEAST ASIA  
STILL WAIT

and on the other side a 2, no doubt meant as either a call for help or a signal from the prisoners or both, referring to the number of men held in the camp or to the crew of a B-52 or to the number of hostages being held in Iran. The ostensible chronology of subsequent events is central to the POW/MIA myth.

Colonel Gritz, with considerable assistance from the Pentagon, immediately began training a team to rescue the prisoners from Fort Apache, a mission he dubbed Operation Velvet Hammer. But, according to his account,

In mid-March 1981, at almost the precise moment that the 'VELVET HAMMER' team was preparing for overseas movement, I was informed that the new Reagan Administration had become fully persuaded of the existence of American POWs in Southeast Asia and had decided on an official rescue mission. . . . I was asked, therefore, to abandon the VELVET HAMMER Operation.

The official raid was to be carried out by Delta Force commandos. "In May 1981, the official rescue mission—the DELTA OPERATION—was also cancelled," Gritz testified. To him and to later true believers this was proof of government cowardice and betrayal.

One would never guess from the POW/MIA movies and writings and folklore that the U.S. government did in fact stage a raid into Laos, a raid that penetrated to the site of the alleged Fort Apache, only to discover that it was not a POW camp after all. This mission, by Laotian mercenaries trained, equipped, and paid by the CIA, was carried out in May of 1981; the failure of its on-site photographs to disclose any trace whatsoever of POWs was evidently the real reason that the Delta Force raid was called off. That raid, involving more than a hundred helicopters and transport planes, had been primed to go.

Nevertheless, government cowardice and betrayal could now be built into the mythological structure of *Uncommon Valor*

and its successors. Hackman's efforts to recruit and train a team to rescue his son, which take up more than half the film, are constantly menaced by "the politicians" and omnipresent government

agents equipped with high-tech spy mikes and phone taps. These sinister figures also try to intimidate the Texas oil tycoon who finances the raiders' training camp (he, too, has an MIA son)—by threatening an IRS audit of his corporation. Just as Hack-

man and his team are about to launch their mission from Thailand into Laos, U.S. agents have them apprehended by Thai authorities, who confiscate their weapons, forcing them to rely on a Bangkok gun dealer and an aged Laotian drug runner.

To recruit his team of rescuers, Hackman first had to rescue each man from the corrupting and emasculating bonds of civilian life in America, including the domestic bondage imposed by women. Only then could these all-American heroes slaughter hordes of puny little Asians, rescue their enslaved comrades, give the Vietnam War a noble ending, and redeem America.

The image of a nation run by "bureaucrats," "politicians," and shadowy secret agents in business suits who revile and betray its true warrior-heroes forms part of the tableau that gives the POW/MIA myth such potency. For the myth rejects and repudiates not only the history of the Vietnam War but also what, according to the myth, is the quintessence of everyday life in post-Vietnam America. The idealism, virility, and heroism of men who dedicate their lives to rescuing their abandoned comrades, sons, and fathers are presented as the alternative to a weak, decadent America subjugated by materialism, hedonism, and feminism.

### Hollywood Heroes III: Rambo

THE TRANSFORMATION OF THE POW/MIA STORY into genuine myth was consummated in a fantasy whose hero's name would soon become a term in the political discourse and everyday vocabulary not only of the nation but of the world. Without this movie (or some equally sensational dramatization) the POW/MIA issue could hardly have assumed its mythic role in the lives of tens of millions of Americans, for essential to their personal faith was some powerful visual display of the key elements of the myth.

Six weeks after the opening of *Rambo: First Blood Part II*, President Reagan projected himself into its star role—while symbiotically hyping the film with a presidential plug—as he declared (ostensibly as a microphone test before his national address on the release of U.S. hostages in Beirut): "Boy, I saw *Rambo* last night. Now I know what to do the next time this happens." Later that month members of Congress "signaled a new tough-minded attitude" on foreign relations by invoking the image of Rambo a dozen times in debating a foreign-aid bill. Rambo's political repercussions have continued to be heard around the world. Late last year, for example, President Saddam Hussein of Iraq defiantly responded to the U.S. threat of war with his own bluster in the guise of cultural criticism: "The Americans are still influenced by Rambo movies, but this is not a Rambo movie."

As *Rambo* packed theaters with audiences who howled with pleasure and wildly cheered every slaying of a Vietnamese or Russian by its invulnerable hero, the nation



was flooded with Rambo "action dolls," watches, walkie-talkies, water guns, bubble gum, pinball machines, sportswear for all ages, and even "Rambo-Grans," messages delivered by headbanded musclemen sporting bandoliers across their bare chests. A TV cartoon serial transformed Rambo into "liberty's champion," a Superman-like figure engaged in global struggles against evil; designed by Family Home Entertainment "for ages 5-12," it began its extended run in 1986.

This new American hero was constructed in Hollywood through highly sophisticated manipulation of recycled cultural materials. Rambo's roots tap into the very foundation of American self-identity: the myth of the frontier. As Richard Slotkin has shown, the frontier's corollary "myth of regeneration through violence became the structuring metaphor of the American experience." Rambo perpetuates the wartime vision of Vietnam as "Injun country." But Rambo is not just the Indian-fighter, recognized as the first national hero of the American state; he is also the Indian. For as the myth of the frontier continued to evolve, its hero metamorphosed from being just the captive or destroyer of Indians into a figure coalescing with the Indian and the wilderness. John Rambo, we are told, is of "Indian-German descent"—"a hell of a combination." "What you choose to call hell, he calls home."

But the main models for Rambo come much more directly out of American popular culture, a genesis that helps account for his tremendous impact on audiences. Perhaps once the most popular author in America, Edgar Rice Burroughs created two of Rambo's forebears: a martial-arts expert and veteran of a defeated American army who fights for good causes in alien lands against seemingly insurmountable odds (John Carter), and a bare-chested, muscular he-man who merges completely with the tropical jungle to carry out spectacular deeds of heroism



A scene from *Rambo: First Blood Part II* (1985)



*The transformation of the  
POW/MIA story into genuine  
myth was consummated in a fantasy  
whose hero's name would  
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but of the world.*

(Tarzan). And Rambo draws much of his psychological power from one of America's most distinctive cultural products, the comic-book hero who may seem to be an ordinary human being but really possesses superhuman powers that allow him to fight, like Superman, for "truth, justice, and the American way" and to personify national fantasies, like Captain America.

In *Uncommon Valor* and *Missing in Action*, the imprisonment to which American society subjects its Vietnam veterans is mostly domestic and metaphorical. But when we first see Rambo in *First Blood Part II*, he is performing slave labor, breaking rocks in a desolate prison as punishment for his rebellion against the brutal lawmen of *First Blood* (1982); so he suffers the same fate in America that his buddies, abandoned by America, suffer in Vietnam. When his former commanding officer, Green Beret Lieutenant Colonel Trautman, offers him freedom in exchange for undertaking the mission in Vietnam, Rambo makes his famous reply: "Do we get to win this time?" Resonating in the question are years of

rewritten and re-imaged history which have taught the 1985 audience that we could have won the war if only the politicians, the media, the liberal establishment, bureaucrats, draft-dodging college students and their pinko professors, hippies, wimps, bleeding-heart housewives, and Jane Fonda hadn't tied our boys' hands and stabbed them in the back.

The real enemy is personified as the archetypal bureaucrat, the perfidious, gutless, but seemingly omnipotent Marshall Murdock. Accused of being "a stinking bureaucrat that's trying to cover his ass," Murdock, who explicitly represents "Washington," replies, "Not just mine . . . a nation's." Trautman advises Rambo, "Let technology do most of the work," referring to Murdock's wondrous computer complex and high-tech weaponry. But Murdock uses his machines and underlings to sabo-

tage the mission. The climax of *First Blood Part II* comes after Rambo returns with the POWs he has rescued, when he proceeds to blast Murdock's computers with automatic-weapon fire and then uses his gigantic knife to subjugate the whining, quivering, wimpy traitor.

### The Plots Thicken

THE CULTURAL PRODUCTS THAT DISSEMINATE the MIA mythology and help to give it potent forms in the popular imagination have tended increasingly to project a vast government cover-up and conspiracy. *Vietnam Journal*, for example, last year ran a three-part series titled "Is the U.S. Hiding the Truth About Missing Soldiers?" (The answer, of course, was yes.) In the 1989 TV movie *The Forgotten*, starring Keith Carradine and Stacy Keach, high government officials actually conspire to psychologically torture and assassinate POWs previously held by Vietnam so that they won't reveal that these officials had colluded with North Vietnam to sabotage a POW rescue mission. The hero of Jack Buchanan's sixteen M.I.A. Hunter novels constantly battles against "Washington" and its sinister operatives; in *M.I.A. Hunter: Cambodian Hellhole* he can pursue his quest only "after demolishing a C.I.A. hit team sent to arrest him."

Meanwhile, however, Rambo was having an influence on the government itself. No postwar White House spokesperson actually claimed that American prisoners were still being held in Vietnam until October of 1985, when *Rambo*, released in May, was still packing the theaters. The assertion that "there have to be live Americans there" was made by none other than Robert C. McFarlane, President Reagan's National Security Adviser, to a forum for business executives and political consultants sponsored by the syndicated columnists Rowland Evans and Robert Novak.

But just as in the movie, Rambo proved difficult for the government to control once he was unleashed and empowered. Within weeks of the release of the film its messages were being taken too literally by a group of POW/MIA activists that came to be known as the Rambo faction. At the July convention of the National League of Families a speech declaring that the government had "attempted to track down every lead, and respond to every allegation, and we will continue to do so" was interrupted by belligerent chants of "Rambo! Rambo!"

In December, *60 Minutes* aired a segment on the POW issue titled "Dead or Alive." Its producer, Monika Jensen-Stevenson, claimed that the show was designed to present the "two sides" of the issue. One side was the official position of the Reagan Administration: there might be live POWs in Southeast Asia; when and if their existence was proved, the government would use all necessary means to recover them. And what was the other

side? That live POWs were merely a myth that had become a distinctive feature of American culture? No, the other side was the position of the Rambo faction: the government itself was engaged in a vast conspiracy to conceal its own certain knowledge of the existence of dozens if not hundreds of live POWs.

Jensen-Stevenson, soon aided by her husband, William Stevenson, the author of *A Man Called Intrepid* and *Ninety Minutes at Entebbe*, spent the next five years building a case for this enormous conspiracy by the State Department, the Defense Department, the CIA, and other branches of government under the Reagan Administration. But before the couple published *Kiss the Boys Goodbye: How the United States Betrayed Its Own POWs in Vietnam*, in the fall of last year, an even more radical attack on the government appeared in a volume titled *A Nation Betrayed*, by none other than Colonel Bo Gritz.

In 1987 Gritz made his second trip to a remote region of Burma that forms part of the Golden Triangle, one of the world's major sources of heroin, to interview the drug lord and warlord General Khun Sa about American POWs in Laos. But the interview, which Gritz videotaped, evidently consisted mainly of detailed allegations by Khun Sa about his drug dealings with U.S. government agents, including officials high in the Reagan and Bush Administrations, who were using facilities in Bangkok not to resolve the POW/MIA question but mainly as a cover for their own drug deals and illicit cloak-and-dagger activities. The following year Gritz published *A Nation Betrayed*, an astonishing document whose thesis is that "a parallel government has existed for decades, which led us into a war that cost more than 58,000 lives and infused our nation with drugs," that this "shadow government has used drug and arms trafficking to fund illegal covert operations," and that the agents of this "cancerous bureaucracy," realizing that the discovery of American POWs would lead to the unmasking of their own sinister activities in Indochina, have systematically sabotaged every effort to find and rescue the prisoners.

*Kiss the Boys Goodbye* considerably elaborates Gritz's argument, incorporating it into a wider thesis: "America's wars in Southeast Asia had not ended with the fall of Saigon," and the "rogue secret wars in Asia," conducted by "a really deep-cover privatized CIA" and other covert agencies, were financed by a "trillion-dollar drug trade." The Stevensons thus explain not only why Vietnam, Laos, and Cambodia would continue to hold American POWs but also why officials and agencies of the U.S. government would conspire to conceal the existence of the POWs, even resorting to assassinations of those who knew too much: the Indochinese governments keep prisoners because wars are still being waged on them, and the U.S. officials are afraid that discovery of the POWs will expose the connection between their covert wars and



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their complicity in the global drug trade.

*Kiss the Boys Goodbye* will certainly reinforce the faith of believers in live POWs, and might even win some converts. But it will hardly persuade any skeptical or careful readers, because it consists largely of accounts of interviews with shadowy, pseudonymous figures from the world of covert operations, and its argument is riddled with inconsistencies and permeated by exaggeration. Yet its underlying case for secret wars, government deceit, drug connections, and other illegal government activities rests on a solid foundation, built by its principal written sources. *Kiss the Boys Goodbye*, like *A Nation Betrayed*—to the surprise of those who would regard both books as right-wing tracts—relies heavily on written sources generally perceived as coming from the left, such as Jonathan Kwitny's *The Crimes of Patriots: A True Tale of Dope, Dirty Money, and the CIA*, legal papers from the Christie Institute, and, fundamentally, that classic work of scholarship, Alfred McCoy's *The Politics of Heroin in Southeast Asia* (whose discrediting by the CIA the newer book documents). Though it fails to demonstrate how the reality of covert, illegal government activities proves the existence of live POWs, *Kiss the Boys Goodbye* does succeed in suggesting why the people engaged in these activities might desperately want to keep unrestrained POW/MIA investigators from mucking around in Southeast Asia. And the main effect of the book may be to introduce people who believe in live prisoners of war to the scholarship demonstrating that the Vietnam War itself was one of those "murky foreign wars" conducted for aims shrouded by U.S. govern-

ment duplicity and waged by "disposable soldiers."

So as the final decade of the twentieth century dawned, the POW/MIA myth, which had already assumed a life of its own, was beginning to resemble a Frankenstein's monster for the forces that had fabricated it out of spare parts from older myths. Whether it can be disposed of, once it has fulfilled the varying purposes that it has been serving since 1969, remains to be seen. □

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### THE PROBLEM AND THE SOLUTION

Almost eighteen years have passed since American prisoners of war were released from Vietnam. Not a day has gone by without doubt from both the private and public sector that not every living American had been released.

Americans have been promised by every president since Richard Nixon to obtain a full accounting of our servicemen missing in action, yet not one concrete step has been taken to look for LIVING survivors still held captive against their will.

It is inconceivable that our Government has not used every means at its disposal to get these men back to the country they gave their freedom for.

On the following pages we have provided a summary of the current status of the MIA/POW situation as well as our conclusion and recommendations for solving the problem.

#### SUMMARY

It is common knowledge that the Republic of Vietnam is in dire straights and is desperate to lift the trade embargo and normalize relations with the United States. It is one of the poorest nations in the world, unemployment is high, its Gross National Product is low, and the Russians are decreasing their aid. Vietnam wants world acceptance and recognition of its communist system of government. There is broad discontent with its harsh totalitarian rule. There is a great need for economic and medical assistance.

While Hunt Oil Co., Mobil Oil, Exxon, Pepsico, Holiday Inns, and the U.S. Chamber of Commerce want normal relations with Vietnam for their personal gain, the people of the United States have little or nothing to gain unless the release of live POW's is a condition for normalization. In fact, normalizing relations with Vietnam will be another monetary burden for the United States taxpayer. The Vietnamese deny they have any live POW's under their control even though ample evidence such as the Tighe Report, Helms-Grassley Report, Garwood debriefing and live sightings by creditable people (some of whom have been polygraphed and double polygraphed), indicates otherwise. If we normalize relations without obtaining the return of the POW's, Vietnam will no longer have any reason to keep them alive and will most likely kill them to avoid embarrassmen. should they show up at a later date.

RECOMMENDATIONS FOR IMPROVING GOVERNMENT EFFECTIVENESS IN  
SOLVING THE POW PROBLEM

#1. Agencies that have been responsible for past POW policy should be closely scrutinized to determine if they have actually contributed toward solving the problem. If not, changes in direction and leadership should be made.

#2. A new Southeast Asian Political and military affairs officer should be appointed to the National Security Council. This appointee should be an expert on POW issues and have an extensive background in SE Asian politics as well as personal contacts with key individuals in Thailand, Laos, Cambodia, and the Republic of Vietnam.

#3. People with fresh, positive approaches should be appointed to key positions such as State Dept. Advisor, member of Interagency Group and advisor to the Negotiation Team.

#4. A special assistant for MIA/POW's should be established to work directly under Vice-President Dan Quayle. The Special Assistant should be an expert on the POW issue and have broad based support from the POW community.

#5. An advisory board made up of people who are dedicated to the POW cause should be established to work with the Special Assistant. This board should have full access to all POW/MIA material classified as well as unclassified and would evaluate current National Policy and recommend changes where necessary.

#6. Government agencies and private POW organizations should work together to develop a coordinated course of action rather than each discrediting each other.

For 18 years the private sector and the government have worked separately with neither accomplishing anything positive. The private sector has a great deal to offer in the form of intelligence, personal contacts expertise and motivations. A whole-hearted coordinated effort could be the decisive factor in affecting the release of the live POW's.

#7. The people of the United States and the world should be made aware of the concerted effort that is being made to resolve the POW issue.

This report is submitted with the sincere hope that it will assist the Government to bring our loved ones home and put an end to the terrible scar that has been with all of us for so many years.

## RECOMMENDATIONS FOR RELEASE OF POW'S

#1. The U.S. Government should negotiate from a position of strength and make no concessions without the release of the live POW's.

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#3. Concessions should only be made to Vietnam if they release our POW's. Steps can be taken leading towards normalization as our POW's are released.

#4. The Vietnamese should be provided with a face saving method such as assisting the U.S. Government in obtaining the release of our POW's from Cambodia, Laos, and remote areas of Vietnam. We need one also.

#5. The President should begin a dialogue with General-Secretary Gorbachev to ask for his assistance in obtaining the release of our POW's. Gorbachev has already expressed a willingness to pursue this matter.

#6. Military force should not be ruled out as an option if negotiations are not successful including support for Vietnam resistance forces.

## CONCLUSIONS

For the past 18 years all efforts by the U.S. Government to secure the release of American POW's in SE Asia have been totally ineffective. If the Government has had a viable plan to obtain their release it is not apparent. The DIA denies the existence of live POW's, four presidents have said our POW's were their number one priority, but accomplished nothing. The National League of Families has lost its creditability with the families they supposedly represent and with the POW community. Hundreds of families are uncertain as to the fate of their loved ones, and have been lied to so much that they no longer trust the League or the Government. Finally, U.S. Government agencies are openly accused of having sold drugs and weapons to finance illegal activities. (The Politics of Heroin in SE Asia by Alfred C. McCoy).

In reality, the U.S. has never been in a stronger position to obtain the release of our POW's, only the will to do so is lacking. The Vietnamese should be told in the strongest terms that the U.S. Government knows live POW's are in SE Asia under Laotian and Vietnamese control. There will be no normalizing of relations until the POW's are released. In addition, there will be no loans from the World Bank or IMF, no exchange of cultural representatives, and no endorsement of trade with Vietnam by other nations.

Perhaps even more importantly, our own government's embarrassment would militate against anyone coming out after normalized relations.

SMITH/MCINTIRE LAWSUIT -- UPDATE

JULY 19, 1986

COMPILED BY:

HOMEcoming II PROJECT

P.O. BOX 8222 SHAWNEE MISSION, KANSAS 66208 (913) 432-1518

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On Jan. 29, Major Mark Smith, testifying before the Senate Veterans' Affairs Committee, said that within the preceding 5 days he had "... viewed evidence which proves beyond any doubt that in excess of 30 Americans and other nationalities are presently being held as prisoners of war in Southeast Asia." Information has now been made public regarding the conclusive evidence viewed by Major Smith. This report provides all relevant facts which can be revealed and corrects some misunderstandings about the resultant controversy....

The intelligence service of a foreign power friendly to the United States showed Major Smith a 4-hour, 8-minute videotape which had been produced from a 16mm film which was shot over a period of 5 days in the recent past. It was produced for the purpose of documenting certain facts which an unidentified organization in Southeast Asia wanted to make known to certain other political organizations worldwide.

Smith says the videotape shows (incidental to the purpose for which the film was produced) 4 segments which reveal the existence of Caucasian prisoners, many of whom are believed to be, and are reported by other sources to be, Americans. A portion of the film reveals a unique landmark which allows conclusive identification of the location in which it was made. A portion of the film reveals conclusively that the film was made in the recent past (2-3 years at most). Through alternative means, it has been determined that it was probably produced in mid-late 1985.

The four segments which show Caucasians are as follows: (1) 20-40 individuals who appear to be Caucasians who are a part of a much larger group of prisoners of several nationalities; (2) 30-40 Caucasians panning gold and doing related hard labor. These men are in chains and shackles and under armed guard -- guards are identifiable as to their political association by the uniforms they are wearing; (3) A close-up of an individual (not in a captive environment) thought to be American but not yet conclusively identified; (4) A segment in which "John Obassy" (one of the affiants in the Smith/McIntire lawsuit) is shown examining male Caucasians and administering medical treatment to them. Other portions of the film reveal information which can have profound international political consequences if it becomes publicly known.

Obassy showed an edited version of the tape to Major Smith, SFC McIntire and attorney Mark Waple in December, 1985. He refused to show an unedited copy of the tape because some information revealed in it could put lives in danger if that information fell into the wrong hands. [The reason he originally obtained the tape was to prove certain facts contained in his affidavit in the Smith/McIntire lawsuit. DIA had contended that he was lying about the existence of something in a certain region. The videotape proved that DIA was wrong!]

Not being able to obtain the videotape from Obassy, Maj. Smith initiated an effort to discover who else might have access to, or possession of, the unedited version. He discovered that the intelligence service of a nation friendly to the United States had a copy. Smith made contact with a member of that foreign intelligence service who was personally known to him. An opportunity was arranged for Smith to see the tape, with the caveat that he not reveal publicly the most sensitive portions thereof.

In the tape Smith saw that other evidence, which was even more conclusive than the tape itself, was in the possession of a particular anti-communist group. Smith knew that Obassy had contact with that group, and asked Obassy to investigate whether the other evidence might be obtained from that group.

After meeting with that group, Obassy returned with a list of items for which the group would trade the "other evidence". The list included food, clothing, medical supplies, arms and ammunition. Smith, McIntire and Waple attempted to estimate the cost of the listed items and arrived at a figure of \$4.2 million.

Waple drafted a letter to President Rengan, hoping to obtain the assistance of the President in acquiring the needed materiel. Not wanting to confuse the

issue in the initial communication by including the entire list of demanded items, Waple wrote, "...required to pay the sum of \$4.2 million in cash and take receipt of the original of the film and other evidence of live Americans and other allied POWs still being held in Southeast Asia." This minor misstatement of the facts for the purpose of simplicity would come back to haunt them later. Even though the whole truth was completely and exhaustively revealed to USG representatives in follow-up meetings, someone leaked the letter to the media (a possibility which should have been foreseen). The letter created the impression that someone was demanding \$4.2 million in ransom for the tape. Actually, the real importance of the tape was that it would prove that the "other evidence" was in the hands of the group requesting the supplies.

Subsequently, the Vice President reportedly authorized Hendon, Smith and Waple to travel to Southeast Asia to acquire the tape and the "other evidence". Mr. Bush is said to have arranged to pay the travel costs and to have caused \$4.2 million to be deposited in the Singapore Bank of America in the name of Bill Hendon. The 3 Americans met with Obassy and told him that they had the ability to supply the \$4.2 Million for the "other evidence" but that Hendon's authorization to proceed with negotiations was contingent upon his viewing the tape.

Obassy refused, saying that money was not and never had been the issue. It was the supplies themselves, and the ability to accumulate and deliver them, for which the involvement of the U.S. government was most needed. Further, because it had been revealed in the American press that Obassy was a Briton, some people in Southeast Asia had been able to determine his true identity. As a result, his life was in danger, and he had been denied authorization to show the unedited version of the tape to anyone, including Bill Hendon. He did, however, show an edited version to Hendon, and Hendon was able to confirm many of the elements of Smith's report regarding the content of the videotape.

When questioned in closed session of the Senate Veterans' Affairs Committee by Chairman Frank Murkowski about the supplies being requested, Major Smith read the list compiled by Obassy. Murkowski interrupted, "I don't want to hear a laundry list, what's the bottom line -- what will it cost us?" Major Smith responded that it appeared the cost of the materiel would be in the neighborhood of \$4.2 Million. After the closed-door meeting, someone told the media that Obassy was demanding \$4.2 Million in ransom for the tape.

One of the conditions required by Obassy for his cooperation was that his true identity be absolutely protected. Although never told by Smith and McIntire, U.S. intelligence officials believed that they had "figured out" who he was. (He is an individual long known to the intelligence community, but not known to them as "John Obassy".) U.S. Navy Commander Frank Brown, who is associated with U.S. intelligence in a manner which we have not yet determined, allegedly notified the Senate Veterans' Affairs Committee staff that "Obassy" was one Robin Gregson. A member of the Committee staff then reportedly called Washington Times reporter Susan Katz and spilled the beans. Brown also called Katz. An unknown source in Southeast Asia informed an associate of former Congressman John LeBoutillier that Obassy and Gregson were one and the same. Katz was told to confirm the story with LeBoutillier. Another person whose identity we know but cannot reveal, was informed by Brown of the alleged identity of Obassy, and Katz obtained further confirmation from him. On April 28, The Washington Times published a story by Katz (entitled "Rumors Aplenty") in which Obassy was identified as Gregson. On May 1, in an open, public hearing, Chairman Murkowski identified Obassy as Gregson.

On May 6, Rep. Bill Hendon wrote Murkowski, "Mr. Chairman, your identifying this critical witness is the most reprehensible action I have ever witnessed in my 5 1/2 year effort to help return U.S. military personnel from communist prisons in Southeast Asia... here we have what appears to be the ultimate in dirty tricks: you subpoena Major Mark Smith to produce the Obassy videotape - and then in the same breath you virtually ensure that he cannot produce it when you divulge his source's true identity in open session. Had you asked

me, I could have told you that divulging this man's identity would jeopardize not only Obassy's life but the lives of U.S. prisoners of war whom I am convinced he has direct access to."

Murkowski then wrote Hendon on May 8, defending himself by saying: (1) "Mr. Gregson's identity was revealed some time ago [3 days before the hearing] in an internationally available publication..." [An article entitled "Rumors Aplenty" hardly provides conclusive identification. Publication of a rumor article did not release Murkowski from his obligation to guard sensitive information. Murkowski had been told that efforts to obtain further cooperation and assistance from Gregson would be seriously damaged if his identity became publicly known. What did Murkowski hope to gain by confirming Katz' story?] (2) "Former Congressman John LeBoutillier, in a letter to CIA Director William Casey, also revealed Mr. Gregson's identity." [The fact that the Director of CIA knows something shouldn't automatically make that information public!]; (3) "...Mr. Obassy's true identity is contained in an unclassified document given to me by the Office of the Secretary of Defense prior to the May 1 hearing." [The "unclassified document" was reportedly a memorandum authored by Frank Brown. Why is it in the interest of the Department of Defense and/or the U.S. government to reveal this man's name? Are they so desirous of defending themselves from the various allegations about their bad faith in pursuing live POW information that they're willing to throw away any assistance he may be able to provide?]; (4) "...identit, was not 'divulged' against the wishes of the Defense Department.." [True, it was divulged over the objections of DIA Director General Leonard Perroots who has privately stated that he believes Smith and McIntire.]

Fortunately, Gregson was in Southeast Asia and did not know that his identity had been compromised. Following a series of discussions between Smith, Waple and Gregson, Gregson brought a copy of the edited version of the tape to Washington, D.C. on June 25th with the intention of taking it to the White House. Being convinced that he would never "get within 100 yards of the White House" he agreed to show it in closed session to the Senate Veterans Affairs Committee on the next day. Upon arriving in Washington, however, he discovered that his true identity had been revealed in a session of the Senate Committee by Chairman Murkowski. He was furious!

After several hours of unsuccessful attempts by Smith, McIntire and Waple to convince him to show the tape anyway, or at least some still frames from it, Gregson took it and left town.

Smith was scheduled to testify before the Committee on the next day. A subpoena had been issued by the Committee demanding his presence, but upon his promise to appear, the Committee decided not to serve the subpoena. Smith, McIntire and Waple knew that the subpoena demanded evidence which they had earlier claimed to have, but exactly which of the evidence was in demand was unknown to them. Smith knew that if he went with no videotape, no Gregson, and no documentary evidence, the Committee would serve him with the subpoena demanding information which he did not want to turn over to them. In a last-minute meeting, Smith decided not to testify, so those involved could have time to decide what to do next.

When Waple called the Committee to tell them Smith would not be appearing, 3 Committee staffers rushed to National Airport with the subpoena and an AP photographer and a newspaper reporter in tow. Smith, unwilling to participate in a media event, ducked out and returned to North Carolina. Eight days later, Waple invited US Marshals to his law office where Smith accepted the subpoena.

The subpoena, as written, demanded all evidence in Smith's possession. However, in a cover letter authored by Committee Counsel Tony Principi, specific references were made to closed session testimony of Smith in which certain evidence had been mentioned. These references were to pictures of Americans left behind in 1975, and specific locations where American prisoners have been

held. Unwilling to provide all evidence to the Committee, Smith chose to supply only that which was specifically demanded in the cover letter, as that information was not particularly sensitive. If the Committee were to demand additional material, he was prepared to refuse, be charged with contempt of Congress, and go to jail if necessary. When asked by the Committee why he had presented only such insubstantial material, Smith responded, "I brought exactly what you asked for." The Committee did not pursue the matter.

The reason that Smith is willing to pay such a price to keep information out of the hands of the Committee and its staff is that it is extremely sensitive in several ways, and the Committee has already shown that it cannot be trusted with sensitive information--on three occasions, critically sensitive information has been "leaked". Some of it could endanger the life of Gregson, and his assistance is much needed, not only in acquiring various kinds of information about identities and locations of American prisoners but in obtaining the cooperation of foreign organizations which can be very helpful in implementing any kind of extraction plan. Some of it, if revealed publicly could endanger the lives of some of the prisoners. Some of it, if revealed, would endanger and/or alienate foreign organizations which have already been helpful in some ways and which can be even more helpful in the future.

Smith has also become convinced that the Committee does not intend to do anything useful with any evidence he provides to them. The Chairman has refused to pursue several available avenues to the truth, and besides the Chairman, only Senator DeConcini has made himself available for all of the hearings to hear the testimony and cross-examine witnesses.

Perhaps the most compelling evidence that the Chairman is not interested in a good faith pursuit of the truth is his denial of Congressman Hendon's request to sit on the panel where Hendon would have the opportunity to cross-examine government witnesses if and when they are "less than accurate" in their statements. It is interesting that the Chairman would deny participation to the man widely known to be the most knowledgeable on Capitol Hill regarding the evidence presently in the possession of DIA.

After having been twice refused a seat on the panel, Hendon wrote Murkowski in the May 6 letter, "if you want to see overwhelming evidence of U.S. prisoners of war being held in Southeast Asia, why don't you direct Defense Intelligence to let me and several of my colleagues show you and your Committee some of the evidence DIA already has in its possession? We don't want to show your personal staff or your Committee staff, we want to show you and your Committee along with 'Interagency Intelligence Senior Review Panel' which is now investigating the work of DIA..... If you really want to get to the bottom of this, I challenge you to arrange such a session immediately."

Murkowski wrote back in his May 8 letter, "...my earlier invitation to you to testify still stands" - No comment on whether he thought it would be useful to have DIA analysts bring intelligence files and explain them in the presence of someone knowledgeable enough to make sure they keep their story straight!

Another problem with providing to the Committee all evidence in their possession, according to Smith and McIntire, is that certain of it proves their allegation that individuals within USG have destroyed files which contain evidence of living American POWs. If Smith and McIntire were to provide proof of that allegation to the Committee, it could be given to the government so that destroyed files could be "reconstituted". Additionally, it is clear that the Justice Department attorneys are much in need of advance knowledge of the evidence which they intend to produce in court, as that will give Justice the greatest opportunity to take actions and formulate plans to off-set the impact of that evidence. Smith and McIntire believe that the Senate Committee could

way. Judge Boyle has made it clear that this case is not going to be "tried in the media". While the priority must remain bringing prisoners home, the lawsuit is important in itself because it will provide an opportunity to obtain information, in 2 ways, which can never be acquired outside of court: (1) Many individuals have notified Smith, McIntire and Waple that if subpoenaed and placed under oath, they will provide information that they cannot supply in any other forum. These include individuals presently employed in the U.S. intelligence community, active duty military personnel, and officials of foreign governments; (2) If the court allows and the litigants agree upon terms which will allow "discovery", Waple will be granted access to information not otherwise accessible. "Discovery" is the process through which the two sides can agree to provide all their evidence to each other before the case is tried. It gives side the opportunity to put the adversary's evidence to the harshest test, and evaluate their own chances to win in court. If the Justice Department is able to determine from the Senate exactly what Smith and McIntire have, they will argue against discovery in order to deny Waple access to important Live POW information now in USG files.

Publicly revealing conclusive evidence of the existence of Live POWs could accomplish one important objective: cause the American People to DEMAND their return. However, those same revelations could destroy the best opportunity to bring some of the men home quickly, and Smith and McIntire won't throw away those opportunities unless they give up hope that necessary USG cooperation can be obtained to implement actions with the greatest hope for success.

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 On June 19, 1986, U.S. District Court Judge Terrence Boyle announced his decision on the U.S. Justice Department motion to dismiss the lawsuit. In rendering his decision, Judge Boyle issued an order denying defendants' motion to dismiss the case. A portion of the suit, the mandamus action, was dismissed on the grounds that such was a question of foreign policy and therefore under the exclusive authority of the Executive Branch.

On the declaratory judgement action, the court ruled that whether or not American Prisoners of War exist is a question of fact for decision by the court. Judge Boyle wrote:

"The government claims that the court is barred by political question considerations from entertaining any inquiry into the existence of the alleged group of persons. If there is a contested issue of fact over the existence of such persons, then the government finds itself claiming dual power. It claims the executive power to exclusively administer and execute the government and laws of the United States. This is a legitimate claim. It also claims the exclusive power to determine the facts that it will use in administering the government and executing the law as it applies to this class of persons. This claim of power is in excess of the government's legitimate executive authority..the court is mindful of its obligation to accept the exercise of judicial power under the United States Constitution where parties seek relief and have the right to the exercise of the judicial power of the United States."

"For the reasons outlined in this opinion, the defendants' motion to dismiss the plaintiffs' claim for mandamus relief under the Hostage Act...for lack of subject matter jurisdiction is ALLOWED. The defendants' motion to dismiss the plaintiffs' action for declaratory judgement ... is DENIED."

Plaintiffs Smith and McIntire were dismissed from the case on the grounds that they have no legally recognized representative capacity regarding the rights of American POWs who may still be alive. According to attorney Waple, "...this is an inconsequential development in the case... they stand ready as material and relevant witnesses on the ultimate issue."

Twenty-five POW/MIA family members who have joined the suit as plaintiffs have been allowed to continue to seek declaratory judgement as to the existence of living American POWs. This is an important victory for the plaintiffs. The case may now proceed to the critical process of discovery. There is a

question whether that right exists, and even if the court should rule that appeal is permissible, then the appeal itself would have to be argued on its own merits. Whether the defendants intend to appeal will likely not be known until the time limitations approach expiration.

Whatever the outcome of the case, it is already clear that the U.S. government is feeling the pressure as a result of the victories already won by the plaintiffs. The clearest evidence of this is presented by the outlandish attacks on the integrity of Smith and McIntire themselves. Interestingly, and wisely, the defamers have left Lt. Col. Howard alone. America's most highly decorated soldier says Smith and McIntire are telling the truth. We believe him.

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 This case must not be allowed to fail because of inadequate funding. If you care, and if you can, HELP NOW! The following is provided by:

Smith/McIntire/Howard Foundation  
 P.O. Box 650  
 Fayetteville, NC 28302

Dear Concerned American:

This letter is intended to relay our sincere appreciation for your expressed interest and financial support in our battle to resolve the issue of living Americans still being held as Prisoners of War in Southeast Asia. Your interest and financial support is making the difference. As you know in September 1985, Major (Ret) Mark A. Smith and Sergeant First Class Melvin C. McIntire filed a federal class action lawsuit in United States District Court seeking to have the provisions of the Hostage Act and Fifth Amendment of the United States Constitution made applicable to Americans being held as Prisoners of War in Southeast Asia. During that same month four additional plaintiffs joined the lawsuit. Mrs. Anne Hart, Mr. Jerry Dennis, Mrs. Kathryn Fanning and Mrs. Dorothy Shelton all joined the lawsuit on behalf of members of their family and in a representative capacity on behalf of American Prisoners of War being held in Southeast Asia. Since January, 18 more members have joined the lawsuit.

Since that time our attorney, Mark L. Waple and his staff have interviewed in excess of 100 witnesses and have reviewed thousands of documents relating to this problem. The Department of Justice, representing the Defendants, responded in late 1985 by claiming that the lawsuit was a "political question" and therefore there should be no trial and that the Government should not be required to answer the allegations. In January 1986, a 185-page response was filed on our behalf and approximately one month later the Government agreed that they "did not necessarily disagree" with our allegations that Americans were being held as POWs in Southeast Asia. On Feb. 18th our attorneys and the Justice Department argued in United States District Court over this entire issue. Our attorneys argued that the fact that the Government has so radically changed its position in the past six months was in itself a clear indication that there was something terribly wrong in how our Government was handling this problem. The Government lawyers argued that there has been no cover-up and that the Government is doing all that it can. On the 20th of June 1986, the Federal Courts refused to dismiss this litigation by saying whether such persons exist (American POWs) . . . is a question of fact . . . for decision by the court!

Since filing the lawsuit tremendous developments have occurred. The Government has changed its position and now states that "they cannot rule out the possibility that Americans are being held against their will in Southeast Asia." At least three Government delegations have visited Hanoi since the case was filed. The Senate Veterans Affairs Committee continues hearings in Washington, D.C. Additionally, the DIA (a Defendant in this lawsuit) now agrees to an "oversight committee" headed by former DIA Director Lieutenant General Retired Eugene Tighe. And, Robert McFarlane has resigned as the President's National Security Adviser and has stated that "I think there have to be live Americans" in Southeast Asia. It is our belief that none of these things would have occurred if this lawsuit had not been filed.

The litigation and the expenses of developing evidence has been and will continue to be extremely expensive. Your interest and your financial assistance is the only reason that we have come this far. This issue and this case has been supported entirely by public interest alone. No private organization and no single individual is financially supporting this case. We urge you to do the following: (1) any financial contribution in support of this case will be most appreciated and should be sent to "Smith — McIntire — Howard Foundation, Post Office Box 650, Fayetteville, North Carolina 28302. (2) please write and call your United States Congressmen and Senators and get them moving on this problem. (3) if you have any information concerning this matter please send it to the above address.

President Reagan said "We've learned in these past few months that we're frail and fallible," as he accepted the report issued by the 13-member commission investigating the cause of January's Challenger disaster. "But we have also learned that we have the courage to face our faults and the strength to correct our errors." The Foundation is dedicated to receiving the same attitude from our government for our POWs in SE Asia.

go verified the existence of the document, denying it represented Army policy. But Gen. Luis Pérez Documet, the commander of Army forces in the central Andean highlands, says: "The State Department is deferring the terrorists by talking about human rights."

Brutal tactics do produce temporary results. In the highlands of Peru's Ayacucho Department, where Guzmán's forces began their revolution, the military has killed, tortured and "disappeared" thousands over the last decade. A soccer stadium in the town of Huanta, site of mass executions between 1983 and 1986, became known as Pinochet Stadium, after Chile's former military dictator. Bullet holes in its walls are still visible. Today Shining Path has largely been ousted from Huanta, giving way to Army-controlled *rondas campesinas*, or peasant patrols. Instead of torturing and killing peasants, the Army lets them live—as long as they inform on Shining Path and join the patrols.

**Drug trade:** Like his predecessors, Fujimori affirms that the best weapon against Shining Path is economic development. Yet even with U.S. aid, Fujimori's government will never have the funds to end Peru's profound rural poverty. No amount of U.S. crop-substitution money can compete with drug profits—much less terrorist intimidation. "The objective of a counterinsurgency war is not to win territory, but people," says Gen. Alberto Arciniega, who won popular support for the anti-guerrilla fight in the upper Hualaga Valley two years ago by allowing people to grow coca—only to be ousted amid American charges he was on the traffickers' payroll. Yet U.S.-financed coca eradication has driven many peasants into the guerrillas' arms, leading the United States to demand Peru escalate military pressure.

The administration's aid proposal is being held up by congressional Democrats who want more proof that Peru's human-rights record has really improved. Says Democratic Sen. Patrick Leahy of Vermont, "We all want to stop the flow of drugs into this country. But . . . we cannot ignore the deplorable human-rights situation in Peru today." Embattled Peru, which has an often brutal Army but also a functioning democracy with broad participation by everyone from conservatives to nonviolent Marxists, is not exactly "another El Salvador," as the administration's critics contend. But for American Special Forces, it won't be Kuwait revisited, either. It could follow another, tragic, model. Says Enrique Obando: "The future of Peru is Lebanon—a country so factionalized that no group is able to dominate the entire territory." And U.S. counterinsurgency manuals don't contain much proven advice about how to piece a broken country back together again.

CHARLES LANE with BROOK LARMER in Lima and CLARA BINGHAM in Washington



JEFF WIDENER—AP

'Grueling': Recovered bones and GI gear

## MIA: Help From Hanoi

### Vietnam wants to repair its ties with America

**O**n a hillside in Vietnam's Quang Binh province, American experts and Vietnamese laborers have dug a massive pit. They work shovelfuls of dirt through fine, wire-mesh sifters. In three days, they turn up only bullets, metal fragments and aircraft springs. Their mission: to find proof that a Navy pilot was killed when he flew his A-7 attack jet into the mountain in 1968. "It's very grueling work," says Maj. Brenda Bradley, 42, her brown T shirt soaked with sweat. And there is no guarantee of success. Says Sara Collins, the search team's archeologist: "Sometimes there is simply not enough left to make an ID."

On their 14th trip to Vietnam in three years, American MIA hunters last week were only halfway to their target: accounting for all 119 U.S. servicemen who were reported—or could possibly have been—captured in Vietnam, yet never came home. An additional 2,154 servicemen also are still classified as missing in action; the searchers may be able to resolve the fates of only a few. But at least Vietnam has eased their burden. Amid uproar over the release

last month of dubious photographs purporting to show U.S. prisoners still in captivity, Hanoi has thrown open its classified war files. American specialists have retrieved fading, insect-eaten war reports from military headquarters and libraries around Hanoi that they can cross-check with U.S. records to locate remains. The most dramatic discovery: an 84-page report documenting 1,811 air crashes in central Vietnam between 1964 and 1973. "I have seen more documentary evidence on this trip than on all my other trips here put together," says team leader James Coyle. "It helps us confirm our own records and pinpoint crashes."

**Classified files:** Suddenly, almost nothing is off-limits to the U.S. experts. "They are doing more for us than we'd do for them," says Robert Destatte, chief research analyst at the newly opened U.S. MIA office in Hanoi. "Can you imagine the Pentagon giving the Vietnamese access to our classified military files?" When rumors began circulating that two Navy fliers were still being held west of Da Nang, U.S. experts were permitted to visit prison camps in the area. No Americans were found. The Vietnamese turned over classified war documents describing the downing of an F-4 Phantom fighter over the Red River Delta in 1966. Local militiamen, an antiaircraft crew and a MiG fighter pilot all report that the U.S. pilot, Air Force Col. John Robertson, was in the plane when it crashed.

Still, finding physical evidence to back up the newly unearthed records remains agonizingly difficult—and sometimes impossible. That frustrates Vietnamese officials, who are seeking their own reward: the trade, loans and investment that would result from improved ties to the United States. "The pilot flies his plane into a mountain and he and his plane are blown to bits," said Ngo Hoang, deputy director of Vietnam's MIA office. "Yet Americans think he's alive. What can we do?"

Vietnam may be doing what it can to resolve the MIA issue, but officials in Washington say that alone won't thaw relations. It is only the first step in what administration officials hope will be a two-step process. They also want Vietnam to apply pressure on the government it installed in Cambodia to negotiate a settlement to that country's festering civil war. The Americans say normalization talks will begin only after the Phnom Penh government endorses a U.N. plan for a cease-fire leading to internationally supervised national elections. Still, the United States is "very pleased" about Vietnam's stepped-up assistance on the MIA search, says a State Department official. The hunt goes on, but a long era of mutual suspicion appears to be ending.

RON MOREAU in Quang Binh province with JANE WHITMORE in Washington

I spent seven weeks toward the end of 1991 in Washington D.C. attempting to receive a "full accounting". I did not receive such and still have not.

What I did receive was a close relationship with many family members and an extensive background knowledge of the POW/MIA issue from J. Thomas Burch, National Vietnam Veteran Coalition, Chairman. The NVVC is the umbrella over 56 grass root organizations comprised of 350,000 American citizens.

This education was startling and very unsettling. I have reviewed hundreds of pages of documentation myself. I do not have a staff to do this for me. I have been exhausted financially and emotionally.

It came as a further shock to me to realize that Alaska has yet to take a firm stand regarding this issue, especially given our veteran population numbers.

I have made request of Senator Fischer to introduce a bill to the Senate floor making it State law to fly the POW/MIA flag at any State office that flies the American flag.

This issue has been directed by Senator Fischer to Governor Hickel, as he is the administrator of all state facilities.

I have been in the communities of Alaska, speaking publicly, regarding POW/MIA and normalization of relations with Vietnam. The rebuttal I have received has been from Senators Murkowski and Stevens.

Senator Murkowski is the sponsor of the bill for normalization. I want to make it very clear to you. Senator Murkowski, IS NOT carrying the voice of his constituents regarding normalization.

If you feel this to be false, I challenge you to poll the residents of Alaska, after providing them with the pro's and con's regarding this issue.

I know for fact that Senators Murkowski and Stevens have received rebuttal in their Washington Senate offices and will continue to until Senator Murkowski revokes his sponsorship of the bill for normalization or until he loses his Senate seat. It is my hope that Senator Stevens rethinks and changes his position on normalization.

Normalization of relations with Vietnam will be the smoking gun that consumes the lives of American captives and will hinder the full and complete accounting for missing Americans in Southeast Asia.

I have pages of signatures from Alaskans that it is their belief that the trade embargo currently enforced against the

Socialist Republic of Vietnam by the United States is our best and most effective leverage to urge Vietnamese government cooperations in determining the fates of American prisoners of war and missing in action in Southeast Asia.

If the voice of Alaskans is not being carried by Senator Murkowski regarding this nations "highest priority", how can we be certain he speaks for us regarding issues of lesser importance?

Senator Stevens supports Senator Murkowski's views.

Therefore, it is imperative that as a State, we stand firm, united as Alaskans, and speak for ourselves on a State level.

House Joint Resolution #41 is a step in this process. I fully support this bill as do many Alaskans.

Especially those state residents currently serving in the military forces, those working for the military and the veterans of Alaska. Additionally, the military plays a vital role in the economy of our state.

There is currently a Senate Select committee investigating the POW/MIA issue in Southeast Asia. Should you have any questions regarding this committee and its progress, please feel free to ask questions. If I don't have the answer now, I can obtain an answer in short order.

Additionally, the State of Alaska needs to take a stand on normalization in the form of a bill to be introduced and passed on the Senate floor in opposition to the normalization of relations with ANY country suspect of holding Americans captive.... dead or alive.

Thank you for the opportunity to express my views.

# POWs WERE ABANDONED, REPORT SAYS

The following interim report was released by the Foreign Relations Committee, Monday, October 9, 1990

Introduction: One year ago, the Ranking Member of the Senate Committee on Foreign Relations assigned members of the Minority Staff to investigate the following three questions:

1.) Whether the United States Government has received and still possesses valid information concerning living prisoners of war/missing in action -- POW/MIAs -- in Southeast Asia;

2.) Whether the U.S. Government has failed to act on such information; and

3.) Whether the U.S. Government has acted improperly to intimidate and discredit sources of such information.

It is not the purpose of this investigation to determine whether any POW/MIAs remain alive today. Its purpose is only to determine whether the U.S. government has handled the question in a truthful and effective manner.

The inquiry remains on-going. It is based not only on the review of thousands of classified and non-classified documents, but also upon hundreds of telephonic and face-to-face interviews with government officials and those affected by their decisions with regard to POW/MIAs. A full report will require much additional investigation and analysis. The following, however, represents an interim report at the conclusion of one year's work. It allows the presentation of some preliminary conclusions.

## Preliminary Conclusions

The U.S. Government states it has no evidence that POWs were left behind in Southeast Asia. The official policy asserts that it is open to investigation of all reports. For example, the official Department of Defense (DOD) POW/MIA Fact Book, issued July, 1990, states:

Although we have thus far been unable to prove that Americans are still detained against their will, the information available to us precludes ruling out that possibility. Actions to investigate live sighting reports receive and will continue to receive necessary priority and resources based on the assumption that at least some Americans are still held captive. Should any report prove true, we will take appropriate action to ensure the return of those involved.

Notwithstanding this professed openness to new evidence, the U.S. Government has insisted since April 12, 1973 that it has no evidence of living POWs. In fact, on that date -- at the conclusion of OPERATION HOMECOMING, which brought home 591 POWs -- Dr. Roger Shields, then Assistant Secretary of Defense, stated that the DOD had "no evidence that there were any more POWs still alive in all of Indochina."

This assertion has been consistent. For example, last July, Col. Joseph A. Schlatter, then chief of the Defense Intelligence Agency's Special Office for POW/MIAs, was saying that "If we look at everything we collected during the war and everything we've collected since the war, we don't find any evidence that Americans are captive."

Furthermore, as late as October, 1990 an unnamed senior State Department official was quoted in the press as saying the U.S. Government has "no evidence" of living American prisoners in Southeast Asia.

However, to say that the U.S. Government has "no evidence" is not the same as saying that no evidence exists. After all, there have been nearly 11,700 reports relating to POW/MIAs over the years, including 1,400 first-hand, live-sighting reports. The question is whether every single one of these reports can be dismissed from the category of credible evidence.

The U.S. Government position makes sense only if every single one of these reports can be shown to have been fabricated, erroneous, or not relating directly to a POW/MIA -- for example, some reports may relate to Europeans in the area. In fact, DIA analysts have rejected the evidence of all these reports, except for a small pool of less than 150 still considered "unresolved."

The preliminary conclusions presented by staff for review by Senators are as follows:

1. After the conclusion of OPERATION HOMECOMING in April, 1973 brought the return of the 591 POWs, official U.S. Government policy internally adopted and acted upon the presumption that all other

POWs were dead, despite public assertions that the government was still open to investigating the possibility of discovering the existence of living prisoners.

2. Following the adoption of an internal policy in April, 1973 that all POW/MIAs were presumed dead, the U.S. Government convened commissions in each military service to consider each case on the POW/MIA list in order to make a statutory declaration of presumption of death.

3. While there is no reason to believe that the majority, if not most, of the declarations of presumptive death are incorrect, staff review of live-sighting report files at DIA found a disturbing pattern of arbitrary rejection of evidence that connected a sighting or to specific POW/MIA or U.S. POW/MIA in general.

4. The pattern of arbitrary rejection resulted in a declaration of presumptive finding of death for every such individual case, except one.

5. The internal policy that all POW/MIAs were presumed dead resulted in an emphasis on finding and identifying remains of dead personnel, rather than searching for living POW/MIAs.

6. The desire to identify specific sets of remains with specific names on the POW/MIA list led DOD to an exaggeration of the capabilities of forensic science, and identification based on dubious presumptions and illogical deductions rather than actual physical identification -- a process which resulted in numerous misidentifications of remains.

7. Despite adherence to internal policies and public statements after April, 1973 that "no evidence" existed of living POWs, DIA authoritatively concluded as late as April, 1974 that several hundred living POW/MIAs were still held captive in Southeast Asia.

8. Although the Pathet Lao declared on April 3, 1973 that Laotian Communist forces were holding American POWs and were prepared to give an accounting, nine days later a DOD spokesman declared that there were no more American prisoners anywhere in Southeast Asia. No POWs held by Laotian Communist forces were ever returned. The evidence indicates that American government officials made a decision to abandon U.S. citizens still in the custody of the Socialist Republic of Vietnam, Laos and Cambodia, at the conclusion of U.S. involvement in the Second Indochina War.

9. U.S. casualties, to include POW/MIAs in Southeast Asia, resulting from covert or cross border operation, may not be included on the list of those missing.

10. The executive branch has failed to address adequately the concerns of the family members of the POW/MIAs, and has profoundly mishandled the POW/MIA problem.

## Definition of POW/MIA

The subject of POW/MIAs requires some definitions. After the Second Indochina War -- popularly known as the Vietnam War, even though Thailand, Burma, Laos and Cambodia saw U.S. combat action -- hundreds of POWs returned alive, notably in OPERATION HOMECOMING, which concluded in April, 1973.

Those who did not return home are classified by the Department of Defense into two categories: POW/MIAs -- that is, those for whom there is some documentation that they were captured but never repatriated; and KIA/BNRs -- that is, those believed to have been killed in action, but whose bodies were not recovered. For the latter, there is no evidence of their death except DOD's evaluation of the circumstances, even though no physical evidence of death may be available.

In April, 1973, DOD reported that 2,383 personnel were unaccounted for: 1,259 POW/MIAs, and 1,124 KIA/BNRs. This study assumes that both categories of the unaccounted for deserve review. Since 1973, DOD has announced the return of 280 sets of remains, diminishing the over-all number by that amount.

In addition, there could well be an equal number of military personnel missing in action from various U.S. covert actions during the war. Since DOD files on covert actions have not been opened, and the participants in such actions never publicly identified, this inquiry could not establish any number for covert POW/MIAs. However, public source books and interviews with participants suggest that the issue of covert operations adds a substantial, but unknown, dimension to the MIA question which has received no scrutiny

## Review of Live-Sighting Documents

In this inquiry, staff has reviewed hundreds of U.S. Government classified, declassified, and open-source documents. In addition, Senator Grassley and Committee Minority staff were given access to, and have reviewed personally, hundreds of classified live-sighting reports (accounts by Southeast Asians of live POWs in Southeast Asia) in the files of the Defense Intelligence Agency (DIA). According to DIA, this is the first time that either a United States Senator or any United States Congressional Committee staff have been given access to the raw intelligence contained in the 1,400 live-sighting reports.

Out of the 1,400 live-sighting reports, approximately 1,200 are considered by DIA to be "resolved." Each of the so-called "resolved" sightings was resolved by concluding that the live-sighting report did not pertain to U.S. POWs present after April 1973. Staff felt that in some cases such a conclusion was correct, but that in many it was not supported by the facts.

Staff began by first examining so-called resolved cases in order to study DIA methodology by which a conclusion of "resolution" was reached. Since the guidelines set by DIA for access to the files were extremely restrictive, the time available allowed review of only about one-quarter of the so-called "resolved" cases, and none of those in the category of "unresolved." Nevertheless, staff concluded that a significant number of the "resolved" cases reviewed showed that the DIA methodology was faulty, or that the evidence did not support the DIA conclusion in the case, or both.

The information collected and reviewed to date by the staff shows that the position held by the United States Government -- namely, that no evidence exists that Americans are still being held against their will -- cannot be supported. Rather, the information uncovered during this inquiry provides enough corroboration to cast doubt upon the veracity of the U.S. Government's conclusion.

Without revealing classified information, staff believes that the review of the classified live-sighting reports forces that doubt. Although more information remains to be reviewed, the evidence this inquiry has thus far uncovered shows that:

1) living U.S. citizens, military and civilian, were held in Southeast Asia against their will after the U.S. Government's statement on April 13, 1973 that no prisoners remained alive; and

2) the information available to the U.S. Government does not rule out the probability that U.S. citizens are still being held in Southeast Asia.

In fact, classified, declassified and unclassified information all confirm one startling fact: That DOD in April, 1974 concluded beyond a doubt that several hundred living American POWs remained in captivity in Southeast Asia. This was a full year after DOD spokesmen were saying publicly that no prisoners remained alive.

Evidence uncovered in the several hundred cases reviewed thus far clearly demonstrates that, in a disturbing number of cases, DOD made significant errors in drawing conclusions about live-sighting reports, the presumed deaths of individuals, or about individuals that were unaccounted for at the conclusion of the war. Although many cases were resolved correctly based upon the files, there were too many errors apparent to rule out the need to undertake and complete the review of the "unresolved" cases.

Staff also concluded that DOD spent an excessive amount of effort in discrediting live-sighting reports, while exaggerating or mishandling forensic data in order to confirm a presumptive finding of death. DOD appeared to be more anxious to declare a presumptive finding of death than in following up reports of sightings with creative investigative work.

Furthermore, there is evidence of insensitivity on the part of the Executive Branch of the U.S. Government in providing complete and accurate information to the next-of-kin of missing American servicemen.

The classified evidence in DIA files suggests a pattern by a few U.S. Government officials of misleading Congressional inquiries by concealing information, and misinterpreting or manipulating data in government files. Interested Senators and staff with proper clearances are

doubt will want to review the classified files themselves and draw their own conclusions.

## The 1973 Policy Decision

Those who have not dealt with the POW/MIA issue find it difficult to understand how DOD's analysis of the information could be in error. Unfortunately, staff believes that DOD has allowed its procedures to be dictated by a pre-conceived policy finding.

The New York Times reported on April 12, 1973 as follows:

WASHINGTON, April 12 (AP) — The Pentagon, two months after the first American prisoners of war began coming home, said today that it had no evidence that there were any more prisoners still alive in all of Indochina.

Despite the fact that interviews with all returning prisoners are nearly complete, a Pentagon official, Dr. Roger Shields said that none of the 1,389 Americans listed as missing were now technically considered prisoners. "We have no indication at this time that there are any Americans missing alive in Indochina," Dr. Shields said at a news conference.

Dr. Shields was at that time Assistant Secretary of Defense, but he was following guidance issued on that date by the Department of State in a memorandum to DOD which stated that "There are no more prisoners in Southeast Asia. They are all dead." This directive was issued immediately after the return of the last POWs in OPERATION HOMECOMING. This finding was made despite the fact that none of the hundreds of POWMIAs that the Pathet Lao publicly acknowledged holding were ever returned from Laos. There were hundreds of live-sighting reports on file in 1973. Thousands of such reports have continued to be received since then.

## Process for

### "Presumption of Death"

Since it was official policy, then, that all MIAs were dead, it became a bureaucratic necessity for all "unresolved" cases to be resolved in favor of a presumed finding of death.

Each respective military service from time to time convenes its own special commissions to pronounce on individual cases. Such a commission has before it at least three categories of information: The first is intelligence-related information concerning the individual. The second is eyewitness accounts of the loss event. The third is the so called "incident report" -- the official report of the loss incident.

If a year passes without new information, the respective military service can convene a commission to determine whether a presumptive finding of death should be declared.

The April, 1973 statement of policy was a political statement, rather than a finding according to statutory authority. As a result, the military services subsequently reviewed each individual case of those who previously had been declared dead en masse. And in every case except one, the commissions made a determination of a presumptive finding of death.

Because of this procedure, the bureaucratic necessity arose for discrediting any evidence that might cast doubt on the mass presumptive finding of death of April, 1973. From the standpoint of law and military regulations, the procedure followed in each case gave a legal affirmation to the original political statement.

Therefore, in order to discredit any information which might undermine the political thesis, the analysis of intelligence files fell into a systematic pattern of debunking information contrary to the thesis.

This systematic debunking included discrediting of reports, possible intimidation of witnesses, dismissal of credible evidence through technicalities, and -- if all else failed -- the arbitrary disregard of evidence contrary to the thesis.

## DOD's Working Hypothesis

An analysis of DOD's working hypothesis for fully accounting for American MIAs is the key to understanding the discrepancies between DOD's position on the POW issue and the evidence uncovered by the staff.

DOD's premise, beginning in April, 1973, has been that all MIAs are dead; the corollary, therefore, is that DOD must never find any evidence that any MIA is alive. The best evidence, in DOD's opinion, is a set of physical remains that can be identified as a specific individual on the POW/MIA list. Once such an identification has been made, the case of that individual can be removed forever from the list. This is an easier task than to accept live-sighting reports that might point to a living POW necessitating appropriate follow-up action.

It is a reasonable assumption to remove POWMIAs from the list when remains are identified, if the identification is correct. But the fact is that such identifications have been made on the basis of inadequate physical evidence, using presumptive deductions that may or may not be true. The pressure to identify sets of remains has resulted in specific cases where caskets have been buried with full military honors as the "remains" of the individual when, in fact, the casket is empty.

Therefore, DOD acts on its premise by vigorously investigating for the remains of dead MIAs. The list of MIAs presumed dead following the conclusion of the war totaled 2,383. DOD has received and claimed to have identified a total of 280 sets of remains since 1973.

Any full accounting of MIAs, according to DOD's working hypothesis, would necessarily involve only those cases in which either a presumptive finding of death could be made, or else full or partial remains could be discovered. As each presumptive finding of death is declared or set of remains is identified, DIA would remove, as accounted for, the names that matched those on the original MIA list. In this respect, DOD claims that DIA has vigorously investigated and resolved hundreds of such cases.

The policy of DOD is to focus attention on the cases where some evidence, no matter how small, of physical remains can be recovered. But even while DOD enthusiastically and vigorously investigates remains cases -- no matter how fragmentary -- it just as vigorously discredits live-sighting and other witness accounts. Throughout the 1970s and 1980s hundreds of thousands of Asians fled Vietnam, Cambodia and Laos. These refugees provided many first-hand reports, or knew by second- or third-hand reports, of American prisoners being held in their respective countries.

To date, over 11,700 accounts have been received by DOD; 1,400 of these are first-hand, live-sighting reports. DIA claims to have analyzed fully each of these live-sighting reports, and to have left "no stone unturned" in searching for living prisoners. After analyzing the live-sighting reports, DIA has concluded that the majority are not related to living American POWs, with the possible exception of a small percentage of reports that DIA describes as "unresolved."

However, no "resolved" case has ever concluded that an American POW remains captive in Southeast Asia. In this way DIA concludes that there is no evidence of Americans currently being held captive in Southeast Asia. This contention is consistent with both the working hypothesis described above and with DIA's apparent success at removing from the MIA list names that involve only those cases in which remains are identified, or a finding of death declared.

Insofar as these discrepancies relate to the 1,400 first-hand reports of living prisoners, DOD's original premise comes into question. Numerous live-sighting reports have been erroneously discredited by DIA analysts. Moreover, staff has reason to believe that DOD has misidentified the remains of scores of MIAs, and has incorrectly presumed dead many others.

This analytical bias is typical of a bureaucracy defending an established policy at all costs, even if it means denying the obvious. It is also a typical characteristic of an out-moded paradigm that can no longer explain the real world or real facts. If the original premise of DOD were that at least some of the 2,383 MIAs were alive, then the evidence collected by DOD, including the thousands of live-sighting reports, would have to be viewed as valid or potentially valid. Therefore, the evidence would have to be presumed worthy of consideration.

The same could be said of problems relating to the forensic identification of remains and the presumptive finding of death: Unless convincing or conclusive evidence were known, remains cases and presumptive finding of death would not be prematurely made.

## Importance of the Problem

The resolution of these questions is important not only to any MIA/POWs who may be still alive, but also to the families involved. It is also important to the fate of any possible POWs in a future military action. With 200,000 U.S. troops now deployed to the Persian Gulf, the question of possible prisoners of war once again becomes an urgent matter.

Moreover, the resolution of issues relating to Southeast Asia is a key priority of our nation's foreign policy. Secretary of State James A. Baker III stated recently that the POW/MIA issue is the last remaining obstacle to resumption of relations with the government of Vietnam. But if it turns out that Vietnam has been concealing the existence of POWs, then it would be a complicating factor in initiating relations with the present regime.

-- From POW-MIA Fact Book, Department of Defense, July 1990:

"The fullest possible accounting for the missing, the return of all Americans who may still be held in captivity, and the repatriation of all recoverable remains is required to resolve the POW/MIA issue. While the live prisoner issue remains at the forefront of our negotiation and intelligence efforts, we recognize that accountability is both a complementary goal to resolving this pressing question and vital to obtaining the answers which the POW/MIA families of our nation so richly deserve."

-- Dick Cheney, Secretary of Defense, July 1990.

"Accountability lies in oversight by Congress or in criticism from the electorate, but not in the judgment of the courts."

-- From Smith vs. Reagan, United States Court of Appeals, for the Fourth Circuit, No. 87-1661, April, 20, 1988, regarding the POW/MIA issue.

This is a SPECIAL MAILING FROM THE

Heart of Illinois POW/MIA Association

MEMBERSHIP - Joe Schott (309) 246-7606  
2507 Cherry Lane  
Pekin, IL 61554

INFORMATION/MERCHANDISE -

Sam Cretaro (309) 352-5564  
P.O. Box 1193  
Pekin, IL 61554

Ron/Claris Stalnaker (309) 694-5696  
123 Devon Circle  
E. Peoria, IL 61611





**Interim Report on the  
Southeast Asian  
POW/MIA Issue**

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**By the U.S. Senate Committee on Foreign  
Relations Republican Staff**

RELEASE DATE: Monday, October 29, 1990

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## United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 205 10-6225

October 26, 1990

*Dear Republican Colleague:*

*Enclosed is an Interim Report prepared by the Minority Staff of the Senate Committee on Foreign Relations on the U.S. Government's handling of the POW/MIA matter. This summary document represents a year of intensive investigation, culminating in a major breakthrough in the careful examination of DLA live-sighting reports on POW/MIAs--the first time in 17 years that an independent branch of the government has had an opportunity to make an objective evaluation of the methods used in accounting for those categorized as POW/MIAs in Southeast Asia.*

*On October 17, 1990, the Foreign Minister of Vietnam, Nguyen Cao Thac addressed a coffee at the Foreign Relations Committee and attended by Senators of the Committee as well as invited guests. In my opinion, the Department of State's invitation to Thac to visit the United States was inappropriate at a time when the Executive Branch is still unwilling to address the hard issue of living American POWs still being held captive in Southeast Asia.*

*The thrust of Thac's address was to call for the acceleration of the time table for renewal of relations between the governments of Vietnam and the United States. Thac indicated that the resolution of the POW/MIA issue is one of two major areas of contention. Furthermore, Thac stated that he had agreed to all terms levied by the President through his special envoy, General John Vessey USA (Ret.). But in re-stating the terms to which he had agreed, Thac never once mentioned that the issue of living American POWs in Vietnam had been addressed.*

*The position of the Executive Branch is that there is "no evidence" that living Americans exist in SE Asia, nor were any left after American prisoners were returned in 1973.*

Nevertheless, public opinion polls continue to suggest that 62% of the American people believe that U.S. POW/MLAs are still alive in Vietnam, and 84% of Vietnam veterans believe so. Clearly the U.S. Government no longer maintains credibility on this issue.

For this reason, a year ago, I assigned investigators on the Minority Staff of the Senate Foreign Relations Committee to conduct a staff investigation of the handling of the POW/MLA issue by the U.S. Government. These investigators are highly trained professionals, with a total of more than 68 years of investigative experience in the Executive Branch, including criminal investigative experience, as well as more than 17 years of experience in intelligence analysis. All served in Vietnam and are knowledgeable about the history, geography, and language of that unfortunate country.

The investigation has proceeded quietly, and without public fanfare. But much remains to be done. Information developed in the course of the inquiry was the result of the following methods: 1) face-to-face and telephonic interviews; 2) review of various classified and unclassified official documents; 3) corroborative information from government and private sources; and 4) historical research. This report is in all respects an interim report: It is incomplete and it is a summary report of conclusions which must be further tested.

The Committee on Foreign Relations has authority to engage in oversight of POW/MLA issues implicit in its broad mandate to study and review foreign policy. Senate Rule 25.1j specifically refers to the Committee on Foreign Relations matters dealing with: "[11.] Intervention abroad and declarations of war," and "[15.] Protection of United States citizens abroad and expatriation."

The focus of the inquiry has been on the following questions:

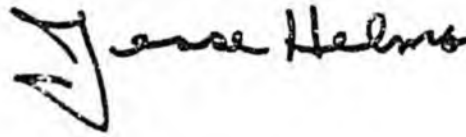
1. Does the U.S. Government possess valid information concerning living POWs in Southeast Asia?
2. Has the U.S. Government failed to act on information concerning living POWs in Southeast Asia?

3. *Has the U.S. Government acted improperly to intimidate, coerce, or discredit sources which have valid information concerning living POWs in Southeast Asia?*

*I believe that the investigators have come to valid conclusions, although of course much of the material they reviewed remains classified. Moreover, I believe that the American people have the right to see that this inquiry is pursued to a proper conclusion.*

*I am deeply grateful for the enormous contribution of Senator Chuck Grassley who, out of his deep concern for American service personnel, joined me at the very beginning and supported and encouraged it at every step.*

*Sincerely,*

A handwritten signature in cursive script that reads "Jesse Helms". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

JESSE HELMS:lb

"Accountability lies in oversight by Congress or in criticism from the electorate, but not in the judgement of the courts."

--From *Smith vs. Reagan*, United States Court of Appeals, for the Fourth Circuit, No. 87-1661, April, 20, 1988, regarding the POW/MIA issue.

## Introduction

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One year ago, the Ranking Minority Member of the Senate Committee on Foreign Relations assigned members of the Minority Staff to investigate the following three questions:

1.) Whether the United States Government has received and still possesses valid information concerning living prisoners of war/missing in action--POW/MIAs--in Southeast Asia;

2.) Whether the U.S. Government has failed to act on such information; and,

3.) Whether the U.S. Government has acted improperly to intimidate and discredit sources of such information.

The primary purpose of this investigation has been, and will continue to be, to determine whether the U.S. government has handled the question in a truthful and effective manner. But if it results in a determination that even one POW may still be alive, it will result in a dividend of blessings.

The inquiry remains on-going. It is based not only on the review of thousands of classified and non-classified documents, but also upon hundreds of telephonic and face-to-face interviews with government officials and those affected by their decisions with regard to POW/MIAs. A full report will require much additional investigation and analysis. The following, however,

represents an interim report at the conclusion of one year's work. It allows the presentation of some preliminary conclusions.

## Preliminary Conclusions

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The U.S. Government states it has no evidence that POWs were left behind in Southeast Asia. The official policy asserts that it is open to investigation of all reports. For example, the official Department of Defense (DOD) *POW-MLA Fact Book*, issued July, 1990, states:

Although we have thus far been unable to prove that Americans are still detained against their will, the information available to us precludes ruling out that possibility. Actions to investigate live sighting reports receive and will continue to receive necessary priority and resources based on the assumption that at least some Americans are still held captive. Should any report prove true, we will take appropriate action to ensure the return of those involved.

Notwithstanding this professed openness to new evidence, the U.S. Government has insisted since April 12, 1973, that it has no evidence of living POWs. In fact, on that date--at the conclusion of OPERATION HOMECOMING, which brought home 591 POWs--Dr. Roger Shields, then Assistant Secretary of Defense, stated that the DOD had "no evidence that there were any more POWs still alive in all of Indochina."

This assertion has been consistent. For example, last July, Col. Joseph

A. Schlatter, then chief of the Defense Intelligence Agency's Special Office for POW/MIAs, was saying that "If we look at everything we collected during the war and everything we've collected since the war, we don't find any evidence that Americans are captive."

Furthermore, as late as October, 1990, an unnamed "senior State Department official" was quoted in the press as saying the U.S. Government has "no evidence" of living American prisoners in Southeast Asia.

However, to say that the U.S. Government has "no evidence" is not the same as saying that no evidence exists. After all, there have been nearly 11,700 reports relating to POW/MIAs over the years, including 1,400 first-hand, live-sighting reports. The question is whether every single one of these reports can be dismissed from the category of credible evidence.

The U.S. Government position makes sense only if every single one of these reports can be shown to have been fabricated, erroneous, or not relating directly to a POW/MIA--for example, some reports may relate to Europeans in the area. In fact, DIA analysts have rejected the evidence of all these reports, except for a small pool of less than 150 still considered "unresolved."

The preliminary conclusions presented by staff for review by Senators are as follows:

1. After the conclusion of OPERATION HOMECOMING in April, 1973, brought the return of the 591 POWs, official U.S. Government policy internally adopted and acted upon the presumption that all other POWs were dead, despite public assertions that the government was still open to investigating the possibility of discovering the existence of living prisoners.

2. Following the adoption of an internal policy in April, 1973, that all POW/MIAs were presumed dead, the U.S. Government, convened commissions in each military service to consider each case on the POW/MIA list in order to make a statutory declaration of presumption of death.

3. While there is no reason to believe that the majority, if not most, of the declarations of presumptive death are incorrect, staff review of live-sighting report files at DIA found a disturbing pattern of arbitrary rejection of evidence that connected a sighting to a specific POW/MIA or U.S. POW/MIAs in general.

4. The pattern of arbitrary rejection resulted in a declaration of presumptive finding of death for every such individual case, except one.

5. The internal policy that all POW/MIAs were presumed dead resulted in an emphasis on finding and identifying remains of dead personnel, rather than searching for living POW/MIAs.

6. The desire to identify specific sets of remains with specific names on the POW/MIA list led DOD to an exaggeration of the capabilities of forensic science, and identification based on dubious presumptions and illogical deductions rather than actual physical identification--a process which resulted in numerous misidentifications of remains.

7. Despite adherence to internal policies and public statements after April, 1973 that "no evidence" existed of living POWs, DIA authoritatively concluded as late as April, 1974 that several hundred living POW/MIAs were still held captive in South East Asia.

8. Although the Pathet Lao declared on April 3, 1973, that Laotian Communist forces were holding American POWs and were prepared to give an accounting, nine days later a DOD spokesman declared that there were no more American prisoners anywhere in South East Asia. No POWs held by Laotian Communist forces ever returned. The evidence indicates that the U.S. Government made a decision to abandon U.S. citizens still in the custody of the Socialist Republic of Vietnam, Laos and Cambodia, at the conclusion of U.S. involvement in the Second Indochina War.

9. U.S. casualties, including POW/MIAs in South East Asia, resulting from covert or cross border operation, may not be included on the list of those missing.

10. The executive branch has failed to address adequately the concerns of the family members of the POW/MIAs, and has profoundly mishandled the POW/MIA problem.

### Definition of POW/MIA

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The subject of POW/MIAs requires some definitions. After the Second Indochina War--popularly known as the Vietnam War, even though Thailand, Burma, Laos and Cambodia saw U.S. combat action--hundreds of POWs returned alive, notably in OPERATION HOMECOMING, which concluded in April, 1973.

Those who did not return home are classified by the Department of Defense into two categories: POW/MIAs--that is, those for whom there is some documentation that they were captured but never repatriated; and KIA/BNRs--that is, those believed to have been killed in action, but whose bodies were not recovered. For the latter, there is no evidence of their death except DOD's evaluation of the circumstances, even though no physical evidence of death may be available.

In April, 1973, DOD reported that 2,383 personnel were unaccounted

for: 1,259 POW/MIAs, and 1,124 KIA/BNRs. This study assumes that both categories of the unaccounted for deserve review. Since 1973, DOD has announced the return of 280 sets of remains, diminishing the over-all number by that amount.

In addition, there could well be an equal number of military personnel missing in action from various U.S. covert actions during the war. Since DOD files on covert actions have not been opened, and the participants in such actions never publicly identified, this inquiry could not establish any number for covert POW/MIAs. However, public source books and interviews with participants suggest that the issue of covert operations adds a substantial, but unknown, dimension to the MIA question which has received no scrutiny.

## Review of Live-Sighting Documents

In this inquiry, staff has reviewed hundreds of U.S. Government classified, declassified, and open-source documents. In addition, Senator Grassley and Committee Minority staff were given access to, and have reviewed personally, hundreds of classified live-sighting reports (accounts by Southeast Asians of live POWs in Southeast Asia) in the files of the Defense Intelligence Agency (DIA). According to DIA, this is the first time

that either a United States Senator or any United States Congressional Committee staff have been given access to the raw intelligence contained in the 1,400 live-sighting reports.

Out of the 1,400 live-sighting reports, approximately 1,200 are considered by DIA to be "resolved." Each of the so-called "resolved" sightings was resolved by concluding that the live-sighting report did not pertain to U.S. POWs present after April 1979. Staff felt that in some cases such a conclusion was correct, but that in many it was not supported by the facts.

Staff began by first examining so-called resolved cases in order to study DIA methodology by which a conclusion of "resolution" was reached. Since the guidelines set by DIA for access to the files were extremely restrictive, the time available allowed review of only about one-quarter of the so-called "resolved" cases, and none of those in the category of "unresolved." Nevertheless, staff concluded that a significant number of the "resolved" cases reviewed showed that the DIA methodology was faulty, or that the evidence did not support the DIA conclusion in the case, or both.

The information collected and reviewed to date by the staff shows that the position held by the United States Government--namely, that no evidence exists that Americans are still being held against their will--cannot be supported. Rather, the information uncovered during this inquiry provides enough corroboration to cast doubt upon the veracity of the U.S. Government's

conclusion.

Without revealing classified information, staff believes that the review of the classified live-sighting reports reinforces that doubt. Although more information remains to be reviewed, the evidence this inquiry has thus far uncovered shows that:

1) living U.S. citizens, military and civilian, were held in Southeast Asia against their will after the U.S. Government's statement on April 13, 1973, that no prisoners remained alive; and

2) the information available to the U.S. Government does not rule out the probability that U.S. citizens are still being held in Southeast Asia.

In fact, classified, declassified and unclassified information all confirm one startling fact: That DOD in April, 1974, concluded beyond a doubt that several hundred living American POWs remained in captivity in Southeast Asia. This was a full year after DOD spokesmen were saying publicly that no prisoners remained alive.

Evidence uncovered in the several hundred cases reviewed thus far clearly demonstrates that, in a disturbing number of cases, DOD made significant errors in drawing conclusions about live-sighting reports, the presumed deaths of individuals, or about individuals that were unaccounted for at the conclusion of the war. Although many cases were resolved correctly

based upon the files, there were too many errors apparent to rule out the need to undertake and complete the review of the "unresolved" cases.

Staff also concluded that DOD spent an excessive amount of effort in discrediting live-sighting reports, while exaggerating or mishandling forensic data in order to confirm a presumptive finding of death. DOD appeared to be more anxious to declare a presumptive finding of death than in following up reports of sightings with creative investigative work.

Furthermore, there is evidence of insensitivity on the part of the Executive Branch of the U.S. Government in providing complete and accurate information to the next-of-kin of missing American servicemen.

The classified evidence in DIA files suggests a pattern by a few U.S. Government officials of misleading Congressional inquiries by concealing information, and misinterpreting or manipulating data in government files. Interested Senators and staff with proper clearances no doubt will want to review the classified files themselves and draw their own conclusions.

## The 1973 Policy Decision

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Those who have not dealt with the POW/MIA issue may find it

difficult to understand how DOD's analysis of the information could be in error. Unfortunately, staff believes that DOD has allowed its procedures to be dictated by a pre-conceived policy finding.

The *New York Times* reported on April 12, 1973, as follows:

WASHINGTON, April 12 (AP)--The Pentagon, two months after the first American prisoners of war began coming home, said today that it had no evidence that there were any more prisoners still alive in all of Indochina.

Despite the fact that interviews with all returning prisoners are nearly complete, a Pentagon official, Dr. Roger Shields, said that none of the 1,389 Americans listed as missing were now technically considered prisoners. "We have no indication at this time that there are any Americans missing alive in Indochina," Dr. Shields said at a news conference.

Dr. Shields was at that time Assistant Secretary of Defense, but he was following guidance issued on that date by the Department of State in a memorandum to DOD which stated that "There are no more prisoners in Southeast Asia. They are all dead." This directive was issued immediately after the return of the last POWs in OPERATION HOMECOMING. This finding was made despite the fact that none of the hundreds of POW/MIA's that the Pathet Lao publicly acknowledged holding were ever returned from Laos. There were hundreds of live-sighting reports on file in 1973. Thousands of such reports have continued to be received since then.

## Process for "Presumption of Death"

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Since it was official policy, then, that all MLAs were dead, it became a bureaucratic necessity for all "unresolved" cases to be resolved in favor of a presumed finding of death.

Each respective military service from time to time convenes its own special commissions to pronounce on individual cases. Such a commission has before it at least three categories of information: The first is intelligence-related information concerning the individual. The second is eyewitness accounts of the loss event. The third is the so-called "incident report"--the official report of the loss incident.

If a year passes without new information, the respective military service can convene a commission to determine whether a presumptive finding of death should be declared.

The April, 1973, statement of policy was a political statement, rather than a finding according to statutory authority. As a result, the military services subsequently reviewed each individual case of those who previously had been declared dead *en masse*. And in every case except one, the commissions made a determination of a presumptive finding of death.

Because of this procedure, the bureaucratic necessity arose for discrediting any evidence that might cast doubt on the mass presumptive finding of death of April, 1973. From the standpoint of law and military regulations, the procedure followed in each case gave a legal affirmation to the original political statement.

Therefore, in order to discredit any information which might undermine the political thesis, the analysis of intelligence files fell into a systematic pattern of debunking information contrary to the thesis.

This systematic debunking included discrediting of reports, possible intimidation of witnesses, dismissal of credible evidence through technicalities, and--if all else failed--the arbitrary disregard of evidence contrary to the thesis.

## DOD's Working Hypothesis

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An analysis of DOD's working hypothesis for fully accounting for American MIAs is the key to understanding the discrepancies between DOD's position on the POW issue and the evidence uncovered by the staff.

DOD's premise, beginning in April, 1973, has been that all MIAs are dead; the corollary, therefore, is that DOD must never find any evidence that

any MIA is alive. The best evidence, in DOD's opinion, is a set of physical remains that can be identified as a specific individual on the POW/MIA list. Once such an identification has been made, the case of that individual can be removed forever from the list. This is an easier task than to accept live-sighting reports that might point to a living POW, thereby necessitating appropriate follow-up action.

It is a reasonable assumption to remove POW/MIAs from the list when remains are identified, if the identification is correct. But the fact is that in a significant number of cases, such identifications have been made on the basis of inadequate physical evidence, using presumptive deductions that may or may not be true. The pressure to identify sets of remains even has resulted in specific cases where caskets have been buried with full military honors as the "remains" of the individual when, in fact, the casket is empty.

Therefore, DOD acts on its premise by vigorously investigating for the remains of dead MIAs. The list of MIAs presumed dead following the conclusion of the war totalled 2,383. DOD has received and claimed to have identified a total of 280 sets of remains since 1973.

Any full accounting of MIAs, according to DOD's working hypothesis, would necessarily involve only those cases in which either a presumptive finding of death could be made, or else full or partial remains could be discovered. As each presumptive finding of death is declared or set of

remains is identified, DIA would remove, as accounted for, the names that matched those on the original MIA list. In this respect, DOD claims that DIA has vigorously investigated and resolved hundreds of such cases.

The policy of DOD is to focus attention on the cases where some evidence, no matter how small, of physical remains can be recovered. But even while DOD enthusiastically and vigorously investigates remains case--no matter how fragmentary--it just as vigorously discredits live-sighting and other witness accounts. Throughout the 1970s and 1980s hundreds of thousands of Asians fled Vietnam, Cambodia and Laos. These refugees provided many first-hand reports, or knew by second- or third-hand reports, of American prisoners being held in their respective countries.

To date, over 11,700 accounts have been received by DOD; 1,400 of these are first-hand, live-sighting reports. DIA claims to have analyzed fully each of these live-sighting reports, and to have left "no stone unturned" in searching for living prisoners. After analyzing the live-sighting reports, DIA has concluded that the majority are not related to living American POWs, with the possible exception of a small percentage of reports that DIA describes as "unresolved."

However, no "resolved" case has ever concluded that an American POW remains captive in Southeast Asia. In this way DIA concludes that there is no evidence of Americans currently being held captive in Southeast

Asia. This contention is consistent with both the working hypothesis described above and with DIA's apparent success at removing from the MIA list names that involve only those cases in which remains are identified, or a finding of death declared.

Insofar as these discrepancies relate to the 1,400 first-hand reports of living prisoners, DOD's original premise comes into question. Numerous live-sighting reports have been erroneously discredited by DIA analysts. Moreover, staff has reason to believe that DOD has misidentified the remains of scores of MIAs, and has incorrectly presumed dead many others.

This analytical bias is typical of a bureaucracy defending an established policy at all costs, even if it means denying the obvious. It is also a typical characteristic of an out-moded paradigm that can no longer explain the real world or real facts. If the original premise of DOD had been that at least *some* of the 2,383 MIAs were alive, then DOD would have been forced by circumstance to view the evidence collected, including the hundreds of live-sighting reports, from an objective standpoint. The relevance and validity of each report could have been judged on its own merits rather than whether it supported a pre-determined hypothesis that no living POW/MIAs remained.

Unfortunately, DOD choose to make its own analysis, without proper legislative oversight. Claiming extreme sensitivity and possible threats to sources and methods of intelligence gathering, DOD evaded the proper

oversight that would have assured the objectivity of their process, The result has been a disservice to the POW/MIAs, their families and the American people.

## Importance of the Problem

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The resolution of these questions is important not only to any MIA/POWs who may be still alive, but also to the families involved. It is also important to the fate of any possible POWs in a future military action. With 200,000 U.S. troops now deployed to the Persian Gulf, the question of possible prisoners of war once again becomes an urgent matter.

Moreover, the resolution of issues relating to Southeast Asia is a key priority of our nation's foreign policy. Secretary of State James A. Baker III stated recently that the POW/MIA issue is the last remaining obstacle to resumption of relations with the government of Vietnam. But if it turns out that Vietnam has been concealing the existence of POWs, then it would be a complicating factor in initiating relations with the present regime.

SPECIAL COMMITTEE ON  
MILITARY & VETERANS AFFAIRS  
May 1, 1991  
5:30 p.m.

MEMBERS PRESENT

Chairman Ivan Ivan  
Vice-Chairman Richard Foster  
Representative Max Gruenberg

MEMBERS ABSENT

Representative Cliff Davidson  
Representative Mike W. Miller

COMMITTEE CALENDAR

HOUSE JOINT RESOLUTION 41: Relating to missing American Service personnel.

WITNESS REGISTER

PREVIOUS ACTION

ACTION NARRATIVE

TAPE 13, SIDE A  
Number 000

The House Special Committee on Military and Veterans Affairs meeting was called to order by Chairman Ivan at 5:30 p.m. Members present were Representatives Ivan, Foster and Gruenberg.

Chairman Ivan announced that the committee would hear House Joint Resolution 41, relating to missing American service personnel. He recognized committee staff, Tom Wright.

Number 023

Tom Wright, House Special Committee on Military and Veterans Affairs staff, stated that the resolution was brought to the committee's attention by Rep. Jerry Hefner of Oklahoma. The purpose of the resolution was to recognize that there still existed the probability of POW/MIA's in Southeast Asia and that the federal government needed to continue investigations into the status of those missing personnel. He further stated a zero

fiscal note had been prepared by the committee and was in the committee members' packets. Mr. Wright added that he would answer any questions from the committee on HJR 41.

Number 053

Rep. Gruenberg asked that if the word "probability" found on page 1, line 10, and on page 2, line 7, was the language used in the U.S. Senate Interim Report on the Southeast Asian POW/MIA Issue. Mr. Wright replied that he had not yet received the report and was not sure if the word "probability" was used. He stated the language for HJR 41 was basically that used by the Oklahoma legislature and they included the word "probability".

Rep. Gruenberg moved that the word "probability" be replaced with "possibility". Chairman Ivan asked for objections. Hearing none, the amendment by Rep. Gruenberg was adopted.

Number 169

Rep. Gruenberg noted that the resolution made reference to American service personnel in World War II, the Korean and Viet Nam conflicts. He moved that on page 2, line 27, the words "in Southeast Asia" be deleted since it made no reference to World War II nor the Korean conflict. Chairman Ivan asked for objections. There were no objections and Rep. Gruenberg's second amendment was adopted.

Number 171

Rep. Gruenberg requested that the committee send copies of HJR 41 to U.S. Senate Majority Leader, George Mitchell, to the sponsors of H.R. 1147, the POW/MIA Truth Bill in the U.S. House, the chairs of the Senate and House Foreign Relations Committees, and the majority and minority leaders of the both Congressional bodies. Rep. Gruenberg moved that the inclusion of those he just named be included into HJR 41. Chairman Ivan asked for objections and hearing none, moved that Rep. Gruenberg's third amendment be adopted.

Number 200

Rep. Gruenberg commented that on page 2, line 4, the word "Issue" should not be capitalized. Mr. Wright stated that the word "Issue" was part of the report title and should be capitalized.

Number 205

Rep. Gruenberg then made a motion that the committee adopt the Military and Veterans Affairs committee substitute for HJR 41 and move it from committee with individual recommendations. Chairman Ivan asked if there any objections. There were no objections and

Chairman Ivan moved the bill from committee with individual recommendations.

Number 218

Chairman Ivan asked if the committee members had any other business to come before the committee.

Number 212

Mr. Wright expressed concerns about the definitions of the duties of the adjutant general as addressed in House Bill 272 and whether or not to include language to further define those duties or to leave the language as is which is very broad and gives all discretion to the adjutant general.

Number 219

Rep. Gruenberg responded that the definition of duties be worked out with the adjutant general and his staff. He also indicated the possibility of including in the duties, an annual report by the department to include the plans by the active military and problems faced by the federal military in the state and possible remedies.

Number 233

Mr. Wright asked if the annual report should include state military activities.

Number 246

Rep. Gruenberg stated he would like to have the report focus on the active military and not so much the activities of the National Guard which he felt were significantly different. He added that the Coast Guard should be included when discussing active military.

Number 252

Chairman Ivan stated that he found USAF Lt. Gen. McInerney's address to the committee informative and the information he passed on to legislators could possibly be the basis or format for the annual report as far as what should be included. He asked Rep. Gruenberg's staff and the committee staff to work on the language and bring it back at the beginning of the next session.

Number 268

Rep. Gruenberg suggested that the committee introduce companion bills to the veterans home should the Senate bills for the veterans home be delayed much longer. He requested Mr. Wright to

# Alaska State Legislature

## House of Representatives

Rep. Ivan, Chair  
Rep. Davidson  
Rep. Foster  
Rep. Gruenberg  
Rep. M.W. Miller



P.O. Box V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-4527

### Special Committee on Military & Veterans Affairs

#### M E M O R A N D U M

TO: Representative Pat Rodey, Chair  
Senate State Affairs Committee

FROM: Representative Ivan M. Ivan, Chair *Ivan*  
House Special Committee on Military and  
Veterans Affairs

DATE: May 15, 1991

RE: Request to Hear HJR 41

Please consider this request to hear Committee Substitute for House Joint Resolution 41 (MLV): Relating to missing American service personnel, for the floor at your earliest possible convenience.

This resolution requests that Congress increase the federal governments involvement in locating POW/MIA's from the Viet Nam, Laos and Korean Wars. Other states are passing similar resolutions.

In 1990, the U.S. Senate Foreign Relations Committee released an interim report that concluded that American Service personnel were held in Southeast Asia after the end of the Viet Nam conflict and that information available to the U.S. government does not rule out the probability that American service personnel are still being held. In fact, the Department of Defense has received more than 11,700 live sighting reports of POW/MIA's since 1973 and the department admits there are a number of unresolved and discrepancy cases.

The resolution requests Congress to appoint a select committee to assist in the obtaining of information in government files on missing American service personnel; urges Congress to begin committee hearings immediately to consider enacting the POW/MIA Truth Bill; and requests Congress to continue funding its

investigation into the status of missing American service personnel in an effort to resolve the POW/MIA situation in Southeast Asia.

I appreciate your consideration of my request. Please do not hesitate to contact Tom Wright of my staff or me if you need further information or if I can be of assistance.

Thank you.

IMI:tw

Patrick M. Rodey  
Senator

# Alaska State Legislature



3111 C. St., Suite 510  
Anchorage, Alaska 99503  
(907) 561-7618

During Session:  
P.O. Box V  
Juneau, Alaska 99811  
(907) 465-3793

## Senate

### M E M O R A N D U M

DATE: March 24, 1992

TO: Committee Members  
Senate State Affairs Committee

FROM: Senator Pat Rodey, Chairman  
Senate State Affairs Committee

SUBJ: HJR 41 Relating to missing American service personnel

Today in committee, we will readdress this measure. As it came back from the senate floor, Senator Cotten had questions concerning references to an "interim report" of the US Senate Foreign Relations Committee, and whether or not we should endorse the resolution without knowing more about the report.

Research into the matter has determined that the Committee itself did not write an interim nor a final report. Senator Jesse Helms of the Republican minority wrote an "interim report" (copy enclosed).

Referencing the report is not central to the thrust of HJR 41. The resolution urges support for HR 1147, the Truth Bill (copy enclosed); it calls for opposing normalizing relations with Vietnam and Laos, including not lifting trade embargoes and economic sanctions, until POW/MIA issues are "resolved"; and it requests Congress to continue funding its investigation into the status of missing Americans.

A draft CS is enclosed to address the above by deleting two sections which refer to the report, and by inserting into the the current Senate State Affairs version wording which opposes lifting trade embargoes and economic sanctions. This is consistent with the intent, and is at the request of members of POW/MIA families. It is supported by Senator Cotten and Representative Ivan.

Also included in the folder is an article from ATLANTIC MONTHLY, "The POW/MIA Myth", and an article and letter criticizing that article.

Mr. Charles Coleman, son of a missing service man, will be available by teleconference today.

Patrick M. Rodey  
Senator

# Alaska State Legislature

3111 C. St., Suite 510  
Anchorage, Alaska 99503  
(907) 561-7618



During Session:  
P.O. Box V  
Juneau, Alaska 99811  
(907) 465-3793

March 25, 1992

Senate

Mr. David Gilbertson  
3206 Oregon #3  
Anchorage, AK 99517.

Dear Mr. Gilbertson:

Thank you for your message on HJR 41, the resolution relating to missing American service personnel. I appreciate hearing from you on this matter.

Today in the Senate State Affairs Committee, which I chair, we passed out the measure which I have attached. This version is highlighted with the changes I proposed. My staff worked closely with several people who remain interested in a full accounting of missing personnel from this unfortunate era.

From here, the bill will go back to the House for concurrence, and then to the governor for signature. My office, along with the House Military and Veterans Affairs Committee, will follow the progress of this measure until it is signed.

Thank you again for your interest in this resolution, and in the fate of American military personnel.

Sincerely,

A handwritten signature in cursive script that reads "Patrick".

Patrick M. Rodey

PMR/tb/ltr004

*I also oppose  
lifting sanctions!*

PUBLIC OPINION MESSAGE

*Tim?*  
ZIP: 99517

DEAR: SENATOR RODEY

NAME: DAVID GILBERTSON  
TITLE:  
ADDRESS: 3206 OREGON #3  
CITY: ANCHORAGE  
PHONE: 258-7276  
BILL NO: HJR 41  
SUBJECT: MIA/POW AMERICAN SERVICE PERSONNEL  
MESSAGE: WE WANT NO LIFT OF SANCTIONS AGAINST SOUTH VIETNAM, NO LIFT OF EMBARGO AND UNTIL COMPLETE ACCOUNTING OF MISSING IN ACTION IS MADE PUBLIC./RD

POMID: 03105627  
DATE: 92/03/24  
TIME: 10:56:27  
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES    REPRESENTATIVES    SENATORS

BAKER  
BOYER  
BRUCKMAN  
CHOQUETTE  
B.DAVIS  
DONLEY  
FINKELSTEIN  
GONZALES  
GRUSSENDORF  
HUDSON  
JACKO  
KUBINA  
LEMAN  
MACKIE  
MARTIN  
M.W.MILLER  
NAVARRE  
G.PHILLIPS  
SHARP  
ULMER

BARNES  
BROWN  
CARNEY  
DAVIDSON  
C.DAVIS  
ELLIS  
FOSTER  
GRUENBERG  
HANLEY  
IVAN  
KOFONEN  
LARSON  
LINCOLN  
MACLEAN  
M.A.MILLER  
MOYER  
PARNELL  
R.PHILLIPS  
TAYLOR  
ZAHACKI

ADAMS  
COLLINS  
COTTEN  
CRAFT  
DUNCAN  
ELIASON  
FISCHER  
FRANK  
HALFORD  
HOFFMAN  
JONES  
KERTTULA  
MENARD  
PEARCE  
POURCHOT  
SHULTZ  
STURGULEWSKI  
UEHLING  
ZHAROFF

Patrick M. Rodey  
Senator

# Alaska State Legislature



3111 C. Sr., Suite 510  
Anchorage, Alaska 99503  
(907) 561-7618

During Session:  
P.O. Box V  
Juneau, Alaska 99811  
(907) 465-3793

March 28, 1992

Senate

Mr. Charles Kuhlmann  
Box 241602  
Anchorage, AK 99524-1602

Dear Mr. Kuhlmann: *Charles*

Thank you for your testimony on HJR 41, the resolution relating to missing American military personnel. The entire committee appreciated hearing your concern during the Senate State Affairs meeting on March 25th.

The Committee, which I chair, passed out the measure, a copy of which I have attached. This version is highlighted with the changes I proposed. My staff worked closely with you and others who remain interested in a full accounting of missing personnel from this unfortunate era.

From here, the bill will go back to the House for concurrence, and then to the governor for signature. My office, along with the House Military and Veterans Affairs Committee, will follow its progress until it is signed.

Thank you again for your interest in this resolution, and in the fate of American military personnel.

Sincerely,

A handwritten signature in cursive script that reads "Patrick M. Rodey".

Patrick M. Rodey

PMR/tb/ltr004

7-LS1177G  
Bannister  
1/29/92

SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 41 ( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

A RESOLUTION

1 Relating to missing American service personnel.

2 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 WHEREAS there are more than 88,000 American service personnel missing in action from  
4 World War II, the Korean War, and the Vietnam conflict; and

5 WHEREAS recent information has been released regarding American service personnel held  
6 against their will after World War II, the Korean War, and the Vietnam conflict; and

7 WHEREAS the United States Senate Foreign Relations Committee released an interim report  
8 in October 1990 that concluded that American service personnel were held in Southeast Asia after the  
9 end of the Vietnam conflict and that information available to the United States government does not rule  
10 out the possibility that American service personnel are being held in Southeast Asia; and

11 WHEREAS on April 12, 1973, the United States Department of Defense publicly stated that  
12 there was no evidence of live American prisoners of war in Southeast Asia; and

13 WHEREAS the public statement was given nine days after Pathet Lao leaders had declared that  
14 Laotian communist forces did in fact have live American prisoners of war in their control; and

15 WHEREAS the prisoners of war held by the Laotian government and its military forces were  
16 never released; and

17 WHEREAS there have been more than 11,700 live sighting reports received by the Department

1 of Defense since 1973 and, after detailed analysis, the Department of Defense admits there are a number  
2 of unresolved and discrepancy cases; and

3       **WHEREAS** in October 1990 the United States Senate Foreign Relations Committee released an  
4 Interim Report on the Southeast Asian POW/MIA Issue that concluded that United States military and  
5 civilian personnel were held against their will in Southeast Asia, despite earlier public statements by the  
6 Department of Defense that there was no evidence of live prisoners of war, and the report also concluded  
7 that information available to the United States government does not rule out the possibility that United  
8 States citizens are still held in Southeast Asia; and

9       **WHEREAS** the interim report states that congressional inquiries into the POW/MIA issue have  
10 been hampered by information that was concealed from committee members or that was misinterpreted  
11 or manipulated in government files; and

12       **WHEREAS** the POW/MIA Truth Bill has been introduced into the United States Congress, and  
13 the bill would direct the heads of the federal government agencies and departments to disclose  
14 information concerning the United States service personnel classified as prisoners of war or missing in  
15 action from World War II, the Korean War, and the Vietnam conflict; and

16       **WHEREAS** the bill protects national security by censoring the sources and methods used to  
17 collect the live sighting reports; and

18       **WHEREAS** the families of these missing service personnel need and deserve the opportunity to  
19 have access to the information concerning the status of their loved ones; and

20       **WHEREAS** the Senate Select Committee on POW/MIA Affairs has been established in the  
21 United States Congress to resolve the POW/MIA issue;

22       **BE IT RESOLVED** that the Alaska State Legislature urges the United States Congress to oppose  
23 the normalization of affairs with Vietnam until Congress resolves the POW/MIA issue in Southeast Asia  
24 based on the recommendations of the Senate Select Committee on POW/MIA Affairs; and be it

25       **FURTHER RESOLVED** that the Alaska State Legislature urges the United States Congress to  
26 begin committee hearings immediately to consider enacting the POW/MIA Truth Bill; and be it

27       **FURTHER RESOLVED** that the Alaska State Legislature requests the United States Congress  
28 to continue funding its investigation into the status of missing American service personnel, which is vital  
29 to resolving the POW/MIA issue.

30       **COPIES** of this resolution shall be sent to the Honorable George Bush, President of the United  
31 States; the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate;  
32 the Honorable Robert C. Byrd, President Pro Tempore of the U.S. Senate; the Honorable George J.

1 Mitchell, Majority Leader of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S.  
2 House of Representatives; the Honorable Richard A. Gephardt, Majority Leader of the U.S. House of  
3 Representatives; the Honorable Robert Dole, Minority Leader of the U.S. Senate; the Honorable William  
4 S. Broomfield, Minority Leader of the U.S. House of Representatives; the Honorable Claiborne Pell,  
5 Chair of the Senate Committee on Foreign Relations; the Honorable Dante B. Fascell, Chair of the House  
6 Committee on Foreign Affairs; the Honorable John F. Kerry, Co-Chair of the Senate Select Committee  
7 on POW/MIA Affairs; the Honorable Robert C. Smith, Co-Chair of the Senate Select Committee on  
8 POW/MIA affairs; the Honorable John Miller, U.S. Representative; the Honorable James A. Baker, III,  
9 Secretary of the U.S. Department of State; the Honorable Dick Cheney, Secretary of the U.S. Department  
10 of Defense; the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the  
11 Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and to the  
12 Honorable Jerry W. Hefner, Chair of the Oklahoma House Veterans Affairs Committee.

# Alaska State Legislature

## House of Representatives

Rep. Ivan, Chair  
Rep. Davidson  
Rep. Foster  
Rep. Gruenberg  
Rep. M.W. Miller



P.O. Box V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-1327

### Special Committee on Military & Veterans Affairs

#### SUMMARY OF HJR 41

House Joint Resolution 41 requests Congress to enact the POW-MIA Truth Bill, H.R. 1147, introduced by Representative John Miller of Washington. This bill would require federal government officials to disclose information on live sightings of American soldiers missing in World War II and the Korean and Viet Nam wars. Under the bill, sources and methods used to collect the reports would be censored to protect national security.

HJR 41 also urges Congress to continue funding of the POW-MIA special investigation that's being conducted by the Senate Foreign Relations Committee and to appoint a select committee to assist in obtaining information in government files on missing American service personnel.

SUMMARY

# Alaska State Legislature

## House of Representatives

Rep. Ivan, Chair  
Rep. Davidson  
Rep. Foster  
Rep. Gonzales  
Rep. Gruenberg  
Rep. M.W. Miller  
Rep. Parnell



State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-1527

### Special Committee on Military & Veterans Affairs

House Joint Resolution 41 was introduced by the House Special Committee on Military and Veterans Affairs to recognize that POW/MIA's probably still exist in Southeast Asia, as well as Korea and possibly from World War II. The resolution requests that Congress increase the federal government's involvement in locating POW/MIA's from the Viet Nam, Laos, Korean and Second World Wars. Other states have passed or are passing similar resolutions.

In 1990, the U.S. Senate Foreign Relations Committee released an interim report that concluded that American service personnel were still being held in Southeast Asia after the end of the Viet Nam conflict and that information available to the U.S. government does not rule out the probability that American service personnel are still being held. In fact, the Department of Defense has received more than 11,700 live sighting reports, and the department admits there are a number of unresolved and discrepancy cases.

The resolution requests Congress to appoint a select committee to assist in the obtaining of information in government files on missing American service personnel; urges Congress to begin committee hearings immediately to consider enacting the POW/MIA Truth Bill, H.R. 1147, introduced by Representative John Miller of Washington; and requests Congress to continue funding its investigation into the status of missing American service personnel in an effort to resolve the POW/MIA situation.

STATEMENT

102d CONGRESS

1st Session

**H.R. 1147**

*John Miller*  
(Original signature of Member)

HLC

Insert  
title  
here  
☛

To direct the heads of agencies to disclose information concerning United States personnel classified as prisoners of war or missing in action after 1940, including from World War II, the Korean conflict, and the Vietnam conflict.

IN THE HOUSE OF REPRESENTATIVES

Feb. 17 1991

Insert  
sponsor's  
name  
here  
☛

Mr. MILLER of Washington introduced the following bill; which was referred to the Committee on \_\_\_\_\_

# A BILL

- 1 *Be it enacted by the Senate and House of Representatives of the United*
- 2 *States of America in Congress assembled,*

1 SECTION 1. DISCLOSURE OF INFORMATION CONCERNING UNITED STATES  
2 PERSONNEL CLASSIFIED AS PRISONER OF WAR OR  
3 MISSING IN ACTION AFTER 1940.

4 (a) IN GENERAL.--Except as provided in section 2, the  
5 head of each department or agency which holds or receives any  
6 records and information, including live-sighting reports,  
7 which have been correlated or possibly correlated to United  
8 States personnel listed as prisoner of war or missing in  
9 action after 1940, including from World War II, the Korean  
10 conflict, and the Vietnam conflict, shall make available to  
11 the public all such records and information.

12 (b) DEPARTMENT OF DEFENSE.--The Department of Defense  
13 shall make available to the public with its records and  
14 information a complete listing of United States personnel  
15 classified as prisoner of war, missing in action, or killed  
16 in action (body not returned) after 1940, including from  
17 World War II, the Korean conflict, and the Vietnam conflict.  
18 The listing shall include--

19 (1) the current classification for each service  
20 member; and

21 (2) any changes which have occurred in the service  
22 member's classification during or after the conclusion of  
23 hostilities of World War II, the Korean conflict, and the  
24 Vietnam conflict.

25 SEC. 2. LIMITATIONS ON DISCLOSURE.

1 (a) PROTECTION OF SOURCES AND METHODS.--

2 (1) IN GENERAL.--Section 1 does not apply with  
3 respect to information that would reveal sources and  
4 methods of intelligence collection that if released would  
5 compromise national security.

6 (2) PERSONS OF AMERICAN PARENTAGE.--For purposes of  
7 this subsection, information regarding the existence or  
8 possible existence of persons of American parentage in  
9 communist countries shall not be interpreted compromising  
10 national security.

11 (b) SPECIFIC MENTION BY NAME.--No records or information,  
12 including fatality reports, which specifically mention a  
13 United States service member by name and does not correlate  
14 or possibly correlate to circumstances which may involve  
15 United States personnel listed as prisoner of war or missing  
16 in action, shall be made available to the public pursuant to  
17 this Act without the expressed written consent of the closest  
18 living relative. This proscription does not limit the access  
19 of that family member to the information. This authority may  
20 not be delegated to any other person or organization without  
21 express legal power of attorney from the closest living  
22 relative.

23 SEC. 3. DEADLINES.

24 (a) EXISTING RECORDS AND INFORMATION.--The head of each  
25 department or agency covered in subsection (a) shall make

1 records and information available pursuant to this Act not  
2 later than 180 days after the date of the enactment of this  
3 Act.

4 (b) NEW RECORDS AND INFORMATION.--If the head of a  
5 department or agency covered in subsection (a) receives  
6 records and information after the date of the enactment of  
7 this Act, such records and information shall be made  
8 available not later than 180 days after it is received by the  
9 department or agency.

10 (c) EXCEPTIONS.--If the head of a department or agency  
11 determines that release of certain records and information  
12 after the date required by subsection (a) or (b) will  
13 compromise the safety of United States personnel known or  
14 thought to be held prisoner of war, then such a determination  
15 once made must be immediately reported to and is subject to  
16 the review of the appropriate intelligence committees of the  
17 United States Congress and the President.

BILL TEXT Report for H.R.3603

As introduced in the House, November 7, 1989

-----  
101st CONGRESS  
1st Session

H. R. 3603

To direct the heads of Federal departments and agencies to disclose information concerning United States personnel classified as prisoners of war or missing in action from World War II, the Korean conflict, and the Vietnam conflict.

-----  
IN THE HOUSE OF REPRESENTATIVES  
November 7, 1989

Mr. Denny Smith (for himself, Mr. Smith of New Hampshire, Mrs. Bentley, Mr. Hansen, Mr. Jones of North Carolina, Mr. Lancaster, Mr. Donald E. Lukens, Mr. McCloskey, Mr. Regula, Mr. Rowland of Connecticut, and Mr. Sundquist) introduced the following bill; which was referred to the Committee on Government Operations

-----  
A BILL

To direct the heads of Federal departments and agencies to disclose information concerning United States personnel classified as prisoners of war or missing in action from World War II, the Korean conflict, and the Vietnam conflict.

=====  
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. DISCLOSURE OF INFORMATION CONCERNING UNITED STATES PERSONNEL CLASSIFIED AS PRISONER OF WAR OR MISSING IN ACTION FROM WORLD WAR II, THE KOREAN CONFLICT, AND THE VIETNAM CONFLICT.

(a) Information To Be Disclosed.--Except as provided in subsection (b), the head of each department or agency which holds or receives any records and information, including live-sighting reports, which have been correlated or possibly correlated to United States personnel listed as prisoner of war or missing in action from World War II, the Korean conflict, and the Vietnam conflict shall make available to the public all such records and information held or received by that department or agency. In addition, the Department of Defense shall make available to the public with its records and information a complete listing of United States personnel classified as prisoner of war,

missing in action, or killed in action (body not returned) from World War II, the Korean conflict, and the Vietnam conflict. This listing shall include the current classification for each service member as well as any changes which may have occurred in the service member's classification during or after the conclusion of hostilities of World War II, the Korean conflict, and the Vietnam conflict.

(b) Exceptions To Subsection (a).--As follows:

(1) Does not apply with respect to information that would reveal sources and methods of intelligence collection that when released would compromise national security. By definition, the existence or possible existence of persons of American parentage in communist countries shall not be interpreted as compromising national security.

(2) No records or information, including fatality reports, which specifically mention a United States service member by name and does not correlate or possibly correlate to circumstances which may involve United States personnel listed as prisoner of war or missing in action shall be made available to the public without the expressed written consent of the closest living relative. This proscription in no way limits the access of that family member to the information. This authority may not be delegated to any other person or organization without express legal power of attorney from the closest living relative.

(c) Deadline.--As follows:

(1) The head of each department or agency covered in subsection (a) shall make records and information available not later than one hundred and eighty days after the date of enactment of this Act.

(2) When the head of each department or agency covered in subsection (a) receives records and information after the date of enactment of this Act, such records and information shall be made available not later than one hundred and eighty days after it is received by the department or agency.

(d) Exceptions to Deadline.--If the head of a department or agency determines that release of certain records and information after the deadlines in subsection (c) will compromise the safety of United States personnel known or thought to be held prisoner of war, then such a determination once made must be immediately reported to and is subject to the review of the appropriate intelligence committees of the United States Congress and the President of the United States.

---