

SCOMM

80:16

**STATE OF ALASKA
1991 LEGISLATIVE SESSION**

No. 1
Bill Version: CSHJR 41 (MLV)
(H) Publish Date: 5/3/91

Revision Date: May 1, 1991

Department Affected: None

Title: Relating to missing American

BRU: _____

service personnel

Component: _____

Sponsor: House Special Committee on Military

and Veterans Affairs
Requestor: Sponsor

COMPONENT SERIAL NO.

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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					
CCNTRACTUAL	0					
SUPPLIES	0					
EQUIPMENT	0					
LAND & STRUCTURES	0					
GRANTS, CLAIMS	0					
MISCELLANEOUS	0					
TOTAL OPERATING	0					

CAPITAL	0					
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REVENUE	0					
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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
Veterans Affairs

Date: May 1, 1991

Approved by Commissioner: Ivan M. Ivan, Chair

Agency: House Special Committee on Military and Veterans Affairs Date: May 1, 1991

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. HJR 41

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Department Affected: None

Title: Relating to missing American

BRU:

service personnel

Component:

Sponsor: House Special Committee on Military

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Requestor: Sponsor

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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SUPPLIES	0					
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LAND & STRUCTURES	0					
GRANTS, CLAIMS	0					
MISCELLANEOUS	0					
TOTAL OPERATING	0					

CAPITAL	0					
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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
Veterans Affairs

Date: May 1, 1991

Approved by Commissioner: Ivan M. Ivan, Chair

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Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

UNFINISHED BUSINESS - HOUSE LIMBO LIST

April 24, 1992

CS FOR HOUSE JOINT RESOLUTION NO. 41 (MLV)

Relating to missing American service personnel.

05/14/91 P.1392 PASSED Y39 N- E1

2D SCS CSHJR 41(STA)

PASSED SENATE 04/23/92 Y19 N- A1

Patrick M. Rodey
Senator

Alaska State Legislature



Senate

MEMORANDUM

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

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

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 serviceman, will be available by teleconference today.

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) 465-4527

Special Committee on Military & Veterans Affairs

M E M O R A N D U M

TO: Senator Fred Zharoff, Chair
Senate Rules Committee

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

DATE: February 4, 1992

RE: Request for Calendaring - HJR 41

Please consider this request to schedule House Joint Resolution 41: Relating to missing American service personnel, for the floor at your convenience.

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 urges Congress to begin committee hearings to consider enacting the POW/MIA Truth Bill, H.R. 1147, introduced by Representative John Miller of Washington; requests Congress to continue funding its investigation into the status of

missing American service personnel in an effort to resolve the POW/MIA situation; and, urges Congress to oppose normalization of affairs with Viet Nam until the POW/MIA issue is resolved based upon the recommendations of the Senate Select Committee on POW/MIA Affairs.

Thank you for 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

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
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Special Committee on Military & Veterans Affairs

M E M O R A N D U M

TO: Representative Johnny Ellis, Chair
House Rules Committee

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

DATE: May 10, 1991

RE: Request for Calendaring - HJR 41

Please consider this request to schedule House Joint Resolution 41: 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.

May 10, 1991

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

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

MEMORANDUM

TO: Representative Gene Kubina, Chair
House State Affairs Committee

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

DATE: May 1, 1991

RE: Request for Hearing - HJR 41

Please consider this request to hear House Joint Resolution 41: Relating to missing American service personnel, at your earliest possible convenience (pending referral).

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.

May 1, 1991

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

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) 465-4527

Special Committee on Military & Veterans Affairs

This
~~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.

Alaska State Legislature

House of Representatives

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



State Capitol
Juneau, Alaska 99801-1182
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Special Committee on Military & Veterans Affairs

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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.

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Special Committee on Military & Veterans Affairs

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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, 1,400 of those are first-hand, 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 ; 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.

Alaska State Legislature

House of Representatives

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



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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.

CHANGES ADOPTED IN SENATE VERSION OF HJR 41

There were some questions about sponsorship of an interim report referenced in the original resolution. The original version of the resolution, passed by the House, stated that the Senate Foreign Relations Committee issued an interim report on the POW/MIA controversy. However, after researching the issue further, it was found that the report was not issued by the committee itself, but was a report from the office of Senator Jesse Helms ~~of the~~ ~~Republican minority~~.

Referencing the report is not central to the resolution and was omitted from the other body's version of HJR 41.

The main thrust of the resolution is still urging Congress to support HR 1147, the POW/MIA Truth Bill, opposing normalization of relations with Viet Nam and Laos, to include not lifting trade embargoes and economic sanctions until the POW/MIA controversy is resolved and requesting Congress to continue funding its investigation into the status of missing Americans.

Another change made in the resolution is the request of Congress to oppose the lifting of trade embargoes and economic sanctions with Viet Nam or Laos.

I support the changes made in the resolution and urge this body to support the resolution.

(7)

Date Referred: May 3, 1991

HOUSE COMMITTEE REPORT

FURTHER REFERRALS:

Date of Committee Action: 5-10-91

The STATE AFFAIRS Committee considered:

HJR 41

HOUSE JOINT RESOLUTION NO. 41

MIA/POW AMERICAN SERVICE PERSONNEL

Relating to missing American service personnel.

RECOMMENDATIONS:

be replaced with _____

☐ the same title

☐ a new title

☐ have attached amendments(s)

☒ do pass

☐ do not pass

☐ no recommendations

☐ individual recommendations

☐ additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

☐ fiscal impact _____

☐ fiscal note(s) _____

☐ zero fiscal note _____

☒ zero fiscal note(s) H.S. Spec MhV 5-3-91

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Gene K. Rubin</i>					
<i>Tom M. Meyer</i>	☒				
<i>David H. ...</i>					
<i>Don ...</i>	☒				

Gene K. Rubin
CHAIRMAN'S SIGNATURE

7-LS1177J ✓
Bannister
3/24/92

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

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

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

13 WHEREAS there have been more than 11,700 live sighting reports received by the Department
14 of Defense since 1973 and, after detailed analysis, the Department of Defense admits there are a number
15 of unresolved and discrepancy cases; and

16 WHEREAS there is conjecture that congressional inquiries into the POW/MIA issue have been
17 hampered by information that was concealed from committee members or that was misinterpreted or

1 manipulated in government files; and

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

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

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

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

12 **BE IT RESOLVED** that the Alaska State Legislature urges the United States Congress to oppose
13 lifting trade embargoes, lifting economic sanctions, and normalizing affairs with Vietnam and Laos until
14 the Congress resolves the POW/MIA issue in Southeast Asia based on the recommendations of the
15 Senate Select Committee on POW/MIA Affairs; and be it

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

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

21 **COPIES** of this resolution shall be sent to the Honorable George Bush, President of the United
22 States; the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate;
23 the Honorable Robert C. Byrd, President Pro Tempore of the U.S. Senate; the Honorable George J.
24 Mitchell, Majority Leader of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S.
25 House of Representatives; the Honorable Richard A. Gephardt, Majority Leader of the U.S. House of
26 Representatives; the Honorable Robert Dole, Minority Leader of the U.S. Senate; the Honorable William
27 S. Broomfield, Minority Leader of the U.S. House of Representatives; the Honorable Claiborne Pell,
28 Chair of the Senate Committee on Foreign Relations; the Honorable Dante B. Fascell, Chair of the House
29 Committee on Foreign Affairs; the Honorable John F. Kerry, Chair of the Senate Select Committee on
30 POW/MIA Affairs; the Honorable Robert C. Smith, Vice-Chair of the Senate Select Committee on
31 POW/MIA affairs; the Honorable John Miller, U.S. Representative; the Honorable James A. Baker, III,
32 Secretary of the U.S. Department of State; the Honorable Dick Cheney, Secretary of the U.S. Department

WORK DRAFT

WORK DRAFT

WORK DRAFT

- 1 of Defense; the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the
- 2 Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and to the
- 3 Honorable Jerry W. Hefner, Chair of the Oklahoma House Veterans Affairs Committee.

7-LS1177G

Bannister

1/29/92

SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 41 (SA)**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 still 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.

HOUSE JOINT RESOLUTION NO. 41

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

Introduced: 4/12/91

Referred: House Special Committee on Military and Veterans' Affairs, State 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} ~~probability~~ that American service personnel are still 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} ~~probability~~ 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;

20 BE IT RESOLVED that the Alaska State Legislature urges the United States Congress to appoint
21 a select committee to assist the United States Senate Foreign Relations Committee to obtain information
22 in government files on missing American service personnel; and be it

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

25 FURTHER RESOLVED that the Alaska State Legislature requests the United States Congress
26 to continue funding its investigation into the status of missing American service personnel, which is vital
27 to resolving the POW/MIA issue, ~~in Southeast Asia, in the Pacific, and in the Caribbean~~

28 COPIES of this resolution shall be sent to the Honorable George Bush, President of the United
29 States; the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate;
30 the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; the Honorable James
31 A. Baker, III, Secretary of the U.S. Department of State; the Honorable Dick Cheney, Secretary of the
32 U.S. Department of Defense; and to the Honorable Ted Stevens and the Honorable Frank Murkowski,

other addresses

HJR 41

: *George Mitchell*

-2-

HJR041a

- bill sponsor

: Chairman of the Senate Foreign Relations Committee
House

1 U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation
2 in Congress.

7-LS1177A
Bannister
4/10/91

HOUSE JOINT RESOLUTION NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

Introduced:
Referred:

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 probability that American service personnel are still 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 probability 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;

20 **BE IT RESOLVED** that the Alaska State Legislature urges the United States Congress to appoint
21 a select committee to assist the United States Senate Foreign Relations Committee to obtain information
22 in government files on missing American service personnel; and be it

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

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

28 **COPIES** of this resolution shall be sent to the Honorable George Bush, President of the United
29 States; the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate;
30 the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; the Honorable James
31 A. Baker, III, Secretary of the U.S. Department of State; the Honorable Dick Cheney, Secretary of the
32 U.S. Department of Defense; and to the Honorable Ted Stevens and the Honorable Frank Murkowski,

WORK DRAFT

WORK DRAFT

WORK DRAFT

- 1 U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation
- 2 in Congress.



JERRY W. HEFNER
State Representative
District 12

State Capitol Bldg.
Room 304E
Oklahoma City, OK 73105-4885
(405) 521-2711

COMMITTEES:
Veterans Affairs
Chairman

Energy, Environment and
Natural Resources
Tourism and Recreation
Transportation
Rules

STATE OF OKLAHOMA

HOUSE OF REPRESENTATIVES

STATE CAPITOL
OKLAHOMA CITY, OKLAHOMA 73105-4885

April 19, 1991

Mr. Tom Wright
House of Representatives
P. O. Box V
Juneau, Alaska 99811

Dear Mr. Wright:

Enclosed is our itinerary and supporting documents from our Veteran Affairs Committee Meeting on March 26, 1991. I faxed the House Concurrent Resolution to your office today.

If you should have any additional questions or comments, please do not hesitate to call our office.

Sincerely,

Phyllis M. Isaacs
Secretary to
Rep. Jerry W. Hefner

PMI

enc.



JERRY W. HEFNER
State Representative
District 12

State Capitol Bldg.
Room 304E
Oklahoma City, OK 73105-4885
(405) 521-2711

COMMITTEES:
Veterans Affairs
Chairman

Energy, Environment and
Natural Resources
Tourism and Recreation
Transportation
Rules

STATE OF OKLAHOMA

HOUSE OF REPRESENTATIVES

STATE CAPITOL
OKLAHOMA CITY, OKLAHOMA 73105-4885

RECEIVED
APR 06 1991

April 4, 1991

Rep. Iwan

The Honorable ~~Ben~~ Grussendorf
Speaker of the House
State Capitol
P. O. Box V
Juneau, AK 99811

Dear Speaker Grussendorf:

The Oklahoma House of Representatives sponsored a Public Hearing at the State Capitol on March 26th of this year for the purpose of increasing the federal government's involvement in locating the POW/MIA's from the Viet Nam, Laos and Korean wars.

House Concurrent Resolution 1013 was passed in support of this effort. I am writing to encourage Alaska to join us in this endeavor and I am challenging every state to pass a Resolution to do the same. This **still** is an extremely important issue and hopefully by working together, we can change the process to locate our missing prisoners of war and bring them home.

Time is of the essence. Minnesota and Florida passed a similar Resolution and other states have pending legislation. Please let me know if you will be able to help. If you have any questions or need background information, please do not hesitate to contact me.

Sincerely,

Jerry W. Hefner

Jerry W. Hefner
State Representative
District 12

JWH/pi

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.

102d CONGRESS

1st Session

H.R. 1147

HLC

John Miller
(Original signature of Member)

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
report
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.

ENDING THE POW/MIA QUESTION

Recommendations to the United States Government to settle the POW/MIA issue.

This information was assembled by ex-POW Larry Stark, Wallace Robinson III, USAF Ret. and Wayne Groner USAF Ret.

It has been prepared in coordination with many POW groups and presents an approach that has broad base support within the POW community. Recommendations that do not have broad base support have not been included.

Our thanks to members of the following organizations who have provided positive input and constructive criticism in order to make this report possible.

The Last Patrol
Task Force Omega
Vietnow
Operation Rescue
National Alliance of Families
National Forget Me Nots

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 embarrassment 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.

#2. The U.S. should solicit the cooperation of its close friends (England, France, Australia, Canada, and Japan) to refrain from normalizing relations and limit trade until our POW's are released. We should press them to negotiate for our POW's.

#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

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 Reagan, 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) "...identity 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.

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.

 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 defending 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 Huallaga 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

MIAs: Help From Hanoi

Vietnam wants to repair its ties with America

On 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

POWS

1. During the Paris Peace Accords in 1973, the U.S. representatives readily accepted the list of 582 captives that the Vietnamese delegation proffered. Our representatives failed to demand the return of any of the POWS known to be held in Laos. Our representatives presented a list of ONLY 70 "discrepancy" cases to the Vietnamese when in fact hundreds of POW/MIAs were known or presumed to be POWS. Hanoi never released them because we never asked for them.
2. The countries of Laos and Cambodia, who held American POWs, did not participate in the Paris Peace negotiations which led to an agreement only between the U.S. and the North Vietnamese. No direct, formal negotiations for POWS were ever conducted with either country.
3. The final agreement reached in Paris said that the U.S. government would pay "...in the range of \$3.25 billion ..." in reconstruction aid. Prisoners could have been retained as insurance against what the Vietnamese termed a "blood debt".
4. A declassified intelligence report indicated that "remaining American prisoners" would be used as a bargaining tool if the planned military objectives against South Vietnam were not successful. (Foreign Intelligence Report, April, 1973)
5. Many of the missing men who were not returned had highly specialized expertise or advanced training in areas of particular value. A very small number of these "high priority captures" were returned during Homecoming II. For example, not ONE Electronics Warfare Officer (EWO) on the F-4 Phantom jet was ever returned.
6. Basic mechanical, repair and maintenance skills were also needed by an under-developed Vietnam. Many of the enlisted men captured and not returned had valuable "hardware" skills.
7. POWS were considered "war criminals" who were not entitled to the protection of the Geneva convention which requires the return of POWS after a negotiated settlement. Further, the Vietnamese did not feel bound to recognize these men as "POWS" because the United States never officially declared war in Vietnam.
8. POWS were retained for purposes on internal propaganda.
9. The countries of Vietnam, Laos and Cambodia include many different regional and political factions. These factions may have held POWS outside of "official government control" in remote areas.
10. There is substantial indication that there was a "secondary" prison system in Vietnam for POWS who were considered incorrigible and who did not cooperate. Many POWS who did return reported that they knew of such a system.



**PAUSE
AND
REFLECT:**

- On Americans who have **NO** freedom
 - Men who have **NO** graves
 - And families who have **NO** peace.

POWs WERE ABANDONED, REPORT SAYS

The following interim report was released by the Senate Foreign Relations Committee, Monday, October 19, 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/MIA -- 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 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 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.

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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/MIAs 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 POW/MIAs 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) 346-7606
2507 Cherry Lane
Pekin, IL 61554

INFORMATION/MERCHANDISE -

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

Ron/Clarie Steinkner (309) 694-6696
123 Devron Circle
E. Peoria, IL 61611





Interim Report on the Southeast Asian POW/MIA Issue

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

RELEASE DATE: Monday, October 29, 1990

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JAMES P. LUCIER, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

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 DIA 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/MIAs 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/MIA 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/MIA 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 centered on the following questions:

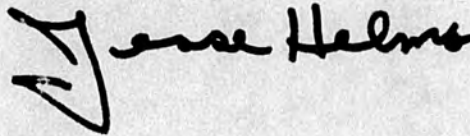
- 1. Does the U.S. Government possess valid information concerning living POWs in Southeast Asia?*
- 2. Has the U.S. Government failed to act on information concerning living POWs in Southeast Asia?*

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 black ink, reading "Jesse Helms". The signature is written in a cursive, slightly stylized font. The first letter "J" is large and loops around the first part of the name. The last name "Helms" is written in a more standard cursive script.

JESSE HELMS:lb

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--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

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

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 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

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

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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.

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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/MIAs 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.

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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.

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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

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.

United States Senate

WASHINGTON, DC 20510-2903

DISCUSS A DRAFT OF GOALS FOR PROPOSED SENATE SELECT COMMITTEE ON POW/MIA AFFAIRS

- * To provide a bipartisan group of Senators to exercise effective Congressional oversight in the POW/MIA issue.

- * To review and assess current U.S. policy concerning the POW/MIA issue.

- * To recommend and evaluate new initiatives and/or approaches to enhance resolution of the POW/MIA issue, including specific legislative proposals.

- * To review and assess how agencies are organized for purposes of declassifying POW/MIA information from the Second World War to the present.

- * To consider legislation to declassify government documents on the POW/MIA issue dating back to World War II when release of the documents would not jeopardize national security, including sources and methods.

- * To provide a forum for a closer, more coordinated working relationship between the Administration's POW/MIA Interagency Group (IAG) and the United States Senate.

- * To promote responsible efforts to increase public awareness on the POW/MIA issue.

- * To review and assess benefits and services provided by the Government to families of POW/MIAs.

- * To review and assess the Government's criteria for classifying American service personnel as prisoner of war, missing in action, or killed in action.

- * To coordinate with officials of the International Red Cross and the United Nations in order to review and recommend effective frameworks for enforcement of the Third Geneva Conventions of 1949.

* To review and assess the manning, funding, methodology, and operations of the POW/MIA division of the Defense Intelligence Agency.

* To review and assess the professionalism and quality of the Division's finished analyses of POW/MIA-related intelligence, including live-sighting reports.

* To examine Department of Defense security procedures and practices in responding to Congressional requests for information concerning POW/MIA matters.

* To examine the manning, funding, methodology and operations of the Joint Casualty Resolution Center in Bangkok, Thailand.

* To review and assess the manning, funding, methodology, and operations of the United States Central Identification Laboratory in Hawaii.

* To review and assess the professionalism and quality of the Laboratory's finished analyses of alleged U.S. MIA remains.

* To review and assess Government procedures and laws concerning POW/MIA information being provided to next of kin in a timely manner.

4200 W. 10th St.
 3rd Floor
 Room 1
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 3rd Floor
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 3rd Floor
 Room 1

November 13, 1990

Copy to: Lieutenant General Harry E. Soyator, U.S. Army
Director, Defense Intelligence Agency

United States Senate

WASHINGTON, DC 20510-2803

February 21, 1991

Dear Colleague:

We will shortly introduce a resolution to establish a Senate Select Committee on POW/MIA Affairs.

For nearly a decade, the Executive Branch has designated the fullest possible accounting of POW/MIAs as an issue of highest national priority. It is truly unfortunate that despite this designation, there continues to be foot-dragging by Communist governments in Southeast Asia and North Korea. Moreover, despite seven different investigations since the 1970's, extremely serious charges persist concerning the U.S. Government's handling of POW/MIA matters. We believe these charges are serious enough to warrant further investigation by a bipartisan select committee.

We are also very concerned with the issue of POWs in the Gulf War and Iraq's compliance with the Geneva Conventions of 1949. We all hope for a swift and favorable resolution to the Gulf War. However, we believe it is critical that Congress act now to review and assess our Gulf policies and objectives as they relate to the return of our captured service men and women. The formation of a Senate Select Committee on POW/MIA Affairs would strengthen efforts in the Senate to address the POW/MIA issue. It would also ensure that these efforts are pursued until the fullest possible accounting is achieved.

In addition, we believe a Select Committee would provide a much-needed structure for a closer, more coordinated working relationship with the Administration's POW/MIA Interagency Group. We recognize that several members of Congress have made substantial contributions toward resolution of POW/MIA matters from Southeast Asia and North Korea. We strongly feel that a coordinated approach in the Senate on these matters will only further enhance resolution of this issue.

Finally, the House of Representatives established a House POW/MIA Task Force in 1977. There is no comparable

structure in the Senate and, unfortunately, no Senate hearings have been held on this matter since 1986.

If there is any issue serious enough to justify establishing a Select Committee, it is clearly the POW/MIA issue. We also want to assure our colleagues that we will work with the leadership to find a mutually acceptable funding mechanism for the committee.

We have not received a satisfactory accounting of our missing service personnel, and the families and concerned veterans still wait for answers. The present POW situation in the Gulf has further convinced us that it is vital for the Senate to provide an effective oversight structure to address POW/MIA matters.

We ask you to support the creation of this committee by cosponsoring the Senate resolution which we will shortly introduce. Please contact Dino Carluccio at 46338 to cosponsor.

Sincerely,

Bob Smith

Allen Smith

James Helms

Harry Reid

Chuck Grassley

Don Riegle

STATEMENT BY SENATOR CHUCK GRASSLEY
REGARDING POW/MIA ISSUE
10/12/90

Mr. President, on July 31, I rose before this body to pose several questions regarding a request I had made of the Defense Department for access to eyewitness reports on American Prisoners of War in Southeast Asia. I and others of my colleagues had been denied access to these files for the sole reason that they are classified. That response came in April from Assistant Secretary of Defense for International Security Affairs, Mr. Henry Rowen. My July statement before this body raised the question of whether or not that response from Mr. Rowen was appropriate.

The day after my statement, I received a letter from Assistant Secretary of Defense for Legislative Affairs, Mr. David Gribbin. That letter reversed the position announced earlier by Mr. Rowen, and I and my colleagues were granted access to the POW files, although with the most extraordinary of restrictions.

Now, Mr. President, let me describe what I mean by 'the most extraordinary of restrictions.' I have to go to the Pentagon myself and camp out there if I want to review these documents. I am not allowed to bring my own staff, regardless of clearance. Instead, I have to bring staff from one of three committees, even though I do not sit on any of them. Furthermore, if I leave, the staff has to leave as well. Needless to say, this is a maximum inconvenience for a member of the United States Senate for documents that are classified mostly at SECRET, CONFIDENTIAL or FOR OFFICIAL USE ONLY, which is not a category of classification at all.

Now, Mr. President, my purpose in raising this issue today is not to quarrel with this arrangement at this time, even though it is a most inappropriate arrangement. In the end, the Department did the right thing by granting me and my colleagues access after its initial reluctance. And I have taken advantage of this access by spending 116 man-hours, together with staff, pouring through hundreds of these files. Having now seen many of the reports, I am not at all convinced they warrant such extreme precautionary measures. The question, and this is the purpose for which I rise today, Mr. President, is: What is it that compels such an unreasonable position on the part of DoD?

I may not have an answer to that question, but I do believe I have uncovered the first piece of the puzzle.

It shows little awareness of the responsibility under the Constitution for congressional access to government information. And it shows a deep misunderstanding of the laws and procedures for handling classified information. Furthermore, it suggests a lack of awareness of the line between advocacy of a principle or issue, in this case the POW issue, and the Government's own position. When a self-declared POW advocate, which Griffiths is in her non-quasi-governmental role, begins to take the government's position 'at face value,' as Ms. Griffiths declares in her memo that she has done, then that line is crossed. This is indeed the point that gives rise to the question of whether or not this quasi-governmental official has become "bureaucratized."

The more important question, though, Mr. President, is what impact did this rationale -- this 'sky is falling' hysteria -- have on the Defense Department's decision to restrict the access of United States Senators to eyewitness accounts of POWs, which documents are either SECRET, CONFIDENTIAL or FOR OFFICIAL USE ONLY -- not TOP SECRET or Code Word classified? Why is it that a quasi-government official can see them, but not a United States Senator? And why is it that a quasi-government official can dictate or heavily influence the access policy of the Department of Defense?

It is my hope, Mr. President, that the answers to these questions will become clearer in the weeks ahead as those of us who are interested in this issue continue our oversight responsibilities. I will continue to discuss this on-going matter with my colleagues on this floor from time to time in the future until these questions are resolved.

Thank you, Mr. President.

STATEMENT BY SENATOR CHUCK GRASSLEY
7/31/90

Mr. President, I would like to take a moment of my colleagues' time to address what I consider to be a very important and curious matter.

Like most of my colleagues, I have tried to respond to inquiries from my constituents about the POW/MIA issue. Many of them are concerned that we have not done all we can to resolve this issue. I have committed myself, as others of my colleagues have done, to verifying the assertion that the government has, in fact, done everything it can.

Last summer, the Secretary of Defense issued what is called the POW/MIA Fact Book. In it, the Secretary states the U.S. Government is doing all it can to help resolve the POW/MIA issue. Since the end of the Vietnam War, the Government has acquired over 10,000 reports on sightings of POWs. Of these 10,000, some 1200 are first-hand live sighting reports. Some of these are cases as yet unverified, some are suspected to be fabrications, and some allegedly pertain to individuals since accounted for.

On March 23, fully four months ago, I sent a letter to the Secretary of Defense requesting access to these documents. I asked for the documents in installments over a period of time, trying to mitigate the workload and effort associated with my request. This was a pretty straight-forward, simple request for information that the U.S. Government claims to be proud of with respect to the thoroughness of its investigation, analysis and evaluation of the POW/MIA issue.

On April 16, I received a response to my request. It came from Assistant Secretary of Defense for International Security Affairs Henry S. Rowen.

Mr. Rowen's response, Mr. President, was to deny a member of the United States Senate access to that information solely on the basis that the information is CLASSIFIED. Since when is that a condition for withholding information from a United States Senator?

In response to Mr. Rowen's letter, I wrote a second letter to Secretary Cheney dated May 24 indicating -- with irritation, I might add -- my dissatisfaction with this unacceptable, bureaucratic response. I have yet to receive a reply, and it's now over two months later.

Sunday, February 24, 1991

Fort Worth Star-Telegram

Honor Desert Storm POWs by remembering others kissed goodbye

Marine Lt. Col. Clifford M. Acree, 39, Oceanside, Calif.

Air Force Col. David W. Eberly, 43, Goldsboro, N.C.

Air Force Maj. Thomas E. Griffith, 34, Goldsboro, N.C.

Marine CWO Guy L. Hunter, 46, Camp Pendleton, Calif.

Air Force Capt. Harry M. Roberts, 30, Savannah, Ga.

Air Force Maj. Jeffrey S. Tice, 35, Sellersville, Pa.

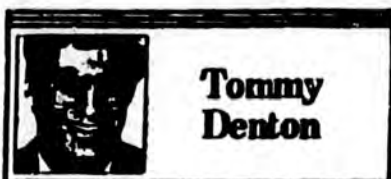
Navy Lt. Lawrence R. Slade, 26, Virginia Beach, Va.

Navy Lt. Jeffrey N. Zama, 28, Cherry Hill, N.J.

Those men are the known American prisoners of war captured and held by the Iraqis during Operation Desert Storm.

Remember them.

As the grim drama of war proceeds, the American public has demonstrated its strong support for the troops fighting in the Middle East. Whatever the painful ambivalence that millions of people may feel about the policies driving the war, the men and women caught in the vortex of battle



Tommy Denton

enjoy the sympathy, admiration and prayers of a nation at war.

Those held in enemy captivity occupy a special place of remorse and yet of honor for the cruel, tortuous ordeal we must hope they are still alive to endure.

Remember them. Do not let them be forgotten as the memories of their captured comrades-in-arms from earlier wars have been allowed to drift into the mists of time. Most certainly, do not allow them to be abandoned as those who were left by a callous, cynical government that treacherously dismissed thousands of American POWs knowingly left behind in Southeast Asia after the Vietnam War.

Those abandoned men are the bitter legacy of a point in history when the United

States lost its way. When the peace accords ended the American role in the war with Vietnam in 1973, all the prisoners of war were to have been released, and thousands were. Thousands of others were not, and the government's intelligence agencies knew it, even if the public and members of Congress did not.

Richard Nixon cut a secret deal with Hanoi that included payment of \$4 billion in exchange for all prisoners. Nixon never told Congress about the letter he signed, and when the administration sought the money, Congress refused.

Vietnam had a document in hand, a contract as it were. When the contract was broken, they retained some 2,000 American prisoners. Neither the American public nor Congress knew about them at the time, but people in the government did.

To have exposed their presence would have been embarrassing. The intelligence agencies had too much to hide, including an illegal "secret war" in Laos and a lucrative drug-running operation to finance it surreptitiously, out of the glare even of official scrutiny.

Any probing for prisoner-of-war camps might have revealed the illicit activities of the CIA and intelligence operatives in the Defense Department, so they stonewalled and fabricated an elaborate lie that remains official policy to this day: No live prisoners remained.

Despite solid evidence of actual sightings of live prisoners — from eyewitnesses, photographs and satellite images — four succeeding presidential administrations have perpetuated the lie.

A book published last fall, *Kiss the Boys Goodbye* by Monika-Jane Stevenson and William Stevenson, exposes the people and events that were part of the calculated deception.

Now the Select Committee on Intelligence has begun, although much too slowly, to lend its weight and authority to revealing the truth — gleaned not from the sanitized "official" reports from intelligence agencies used in the cover-up but from the raw data. The committee produced an interim report last October that summarized, and essentially confirmed, the findings docu-

mented in *Kiss the Boys Goodbye*.

Committee Chairman Jean Hahn has indicated that the final report, with specific and damning evidence, may be released this week. Already a number of senators have expressed interest in establishing a select committee, with subpoena power, to build on the findings of that report.

Sources within the committee have suggested, though not confirmed, that as many as 300 to 400 American men may still be in captivity, if not in Vietnam, possibly in Laos or even in the Soviet Union. Many steps — in Washington and Hanoi — have been taken to secure "plausible deniability."

Eighteen years of deceit make the task of uncovering the truth all the more difficult. Congress will move only as quickly to uncover and heal the ugly wounds of deception, betrayal and abandonment as the American people demand.

In remembering those of Desert Storm held captive, do not forget the boys kissed goodbye.

Tommy Denton is a senior editorial writer and columnist for the Star-Telegram.

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Campaign launched to account for POWs, MIAs

■ Backers hope to get support from legislators

ED STYCH ASSOCIATED PRESS

As the number of Americans missing in the Persian Gulf mounts, a national campaign aimed at accounting for soldiers missing in Vietnam was launched Friday in St. Paul.

"What happened in Vietnam could very well be the same scenario that will occur when the issue is finished in the Middle East," said Tracy Usry, a special investigator for the Republican staff of the Senate Foreign Relations Committee.

Retired Navy Capt. Eugene McDaniel, who organized the campaign, said the gulf war will help refocus attention on

POWs from previous wars. He said he and other prisoner-of-war and missing-in-action activists will work to ensure that each soldier missing in the Persian Gulf is accounted for.

"We'd like to reassure the families of those missing in the Middle East that they will be unlike those that were left behind in Southeast Asia," said McDaniel, who was a POW for six years in Vietnam. "They will be coming home at the end of this war because of the public debate that has been created in this country."

Usry and McDaniel testified before Minnesota lawmakers, urging them to pass resolutions asking Congress to approve two bills that supporters say may lead to the return of Vietnam MIAs.

One of the resolutions asks Congress to

enact the POW-MIA truth bill, which was introduced in late 1989 and failed to get out of committee last year.

The proposal would require government officials to disclose information on alleged live sightings of American soldiers missing in World War II and the Korean and Vietnam wars.

Under the bill, sources and methods used to collect the reports would be censored to protect national security.

The second resolution urges Congress to continue funding of the POW-MIA special investigation that's being conducted by the Senate Foreign Relations Committee.

The POW-MIA activists said they will ask all state legislatures to pass similar resolutions. The effort is expected to culminate with a march on Washington in

the spring.

More than 88,000 Americans are listed as missing from World War II and the Vietnam and Korean wars, according to the Minnesota Veterans Affairs Department.

Usry and the other activists testified before a joint hearing of the Senate Veterans and General Legislation Committee and the House General Legislation, Veterans Affairs and Gaming Committee.

Before the hearing, about 150 people rallied for an hour on the state Capitol steps to show support for the resolutions.

Most of the demonstrators were veterans and wore military uniforms. Several carried American flags or POW flags that had the inscription, "You are not forgotten."

Coverups about POWs a betrayal of liberty and a threat to us all

It's rare when a book comes along that has the potential to make a significant impact on American politics. *Kiss the Boys Goodbye*, by Monika Jensen-Stevenson and William Stevenson, is that rare book.

Read this book, and you will never look at government again in quite the same way. This is the story of how our government -- at least a core of it hidden away in the bowels of national security agencies -- deliberately betrayed American prisoners of war in Vietnam. Our government knew there were living POWs left behind, and resorted to lies, intimidation, disinformation, frameups, character assassination and possibly even murder to keep that disgusting secret.

Men who would betray comrades, men who would deliberately leave behind Americans to suffer and die in captivity and who would attack those trying to tell the truth are dangerous men. Such indecency and fanaticism, or in some cases, cynicism and cowardice, put at risk our liberty. They would betray anyone or anything -- including the Constitution.

Jensen-Stevenson was an Emmy-winning producer for the CBS show *60 Minutes*. She stumbled into this government mafia when she decided to do a 60 Min-



Charley Reese

OF THE SENTINEL STAFF

utes segment on Bobby Garfield, a Marine POW who finally came out, only to be framed as a deserter. The government feared Garfield's knowledge of other living POWs, so it set out to discredit him.

As soon as she began to ask questions, she began to get anonymous threats. She began to be shadowed by clean-cut men with the look of government written all over them. Someone even extinguished the pilot lights on the gas appliances in her Georgetown

home, which could have led to an explosion.

You can get a copy of this book at your favorite bookstore or library. It's a Dutton book published by the Penguin Group. Ask for it. Demand it. I almost feel like printing bumper stickers urging Americans to read this book. It has that kind of impact.

If enough Americans read it, it has the potential to generate the political heat to excise a dangerous cancer that has developed in Washington and remains hidden by a group that uses the same tactics as the Mafia -- except that this group has infinitely more resources. The ordinary Mafia can't bury the evidence against it under security classifications.

Kiss the Boys Goodbye reads like a spy thriller, only all the names and people are real. Jensen-Stevenson tells the story just as she discovered it. It is not a textbook on the issue of missing in action soldiers. It is an exciting story of determined people pursuing the truth through the Washington bureaucracy and the back alleys of Southeast Asia.

Jensen-Stevenson became so absorbed as the magnitude of the coverup became evident that she left CBS to work on this book.

Read it, and you'll understand what a villain Rep. Stephen Solarz, D-Brooklyn, is. In view of his role as an anti war man in Vietnam and as one of the chief figures in discrediting and attacking anyone who came forward with information about living POWs, it is ironic that he became a war hawk for the Persian Gulf.

But you'll find more than villains, cowards and cynics. You'll also find heroes and heroines. People like Capt. Red McDaniel, a former POW who gave up a promising Navy career to pursue the truth about the MIAs. People like Ross Perot, the Texas billionaire, who stubbornly pursued the truth. People like a wonderful group of Vietnam vets with their own intelligence network, who come forward to help and to protect those trying to tell the truth.

Some of the finest people America has ever produced need your help, and some of the worst need to be rooted out and prosecuted. You can start the ball toward doing both by buying and reading this book.

It is more than the story of how the government betrayed its POWs and then covered up the crime. It is the story of how a free government can become dangerously corrupted by unaccountable men using national security as a camouflage.

Report fuels fight to find truth about 1968 Laos raid

► The wife of a man missing in action in Laos says a recent report indicates there were survivors of an attack where her husband was stationed.

By David E. Hendrix
The Press-Enterprise

For 22 years Ann Holland has battled high-ranking U.S. officials, her family and herself, arguing that nobody could prove all the Americans atop a super-secret radar site in northern Laos were killed in a 1968 communist raid.

Recently, one of the same American agencies with which she has fought, notified her that she had a new-found ally: A high-ranking Laotian official who led the raid against the mountaintop CIA post.

The notification is a significant disclosure by U.S. officials of evidence that American Air Force technicians survived the epic March 11, 1968, battle. A top secret Air Force report acknowledges that the American air war against North Vietnam changed significantly after the fall of what was known as Lima Site 85.

The site's overthrow also significantly changed Holland's life: her husband, Air Force Tech. Sgt. Melvin A. Holland, was one of the 11 men captured or killed in the raid. Until Dec. 10, Holland could get no American officials to publicly acknowledge that there was evidence some of the men might have survived.

On Dec. 10, the Air Force Casualty Office forwarded Ann Holland a message from U.S. officials in Bangkok, Thailand. The message said a Laotian general in

August and September interviews told an Air Force intelligence officer that "two or three Americans had been wounded and taken away by the (North) Vietnamese forces" after the Site 85 battle. "He added that the Pathet Lao had standing orders to send all captured Americans to Vietnam since the Pathet Lao had no facilities to care for them."

For Holland, the message is more than vindication about events that happened after her husband was sent to Southeast Asia.

The new report, she hopes, will make officials believe other information that has come to her attention during the past five years: That some of the men, including her husband, were alive as recently as 1987. She hopes also that someone seriously will consider reports that a 1984 CIA-sanctioned attempt to rescue Site 85 survivors was aborted by other American officials.

A Department of Defense spokesman called the new report "interesting" but said no comment could be made about the information or any investigation about its contents.

"We do not discuss the specifics of any ongoing investigation," said Lt. Cmdr. Ned Lundquist, a Pentagon public affairs officer.

The new information comes on the eve of a scheduled report by the Senate Foreign Relations Committee about the POW-MIA issue. A preliminary report Oct. 29 charged that U.S. authorities have consistently discounted their own intelligence reports that hundreds of American POWs were left behind at the end of the Vietnam War and some remained alive in the 1980s.

A committee staff member said recently that the final report would be even harder hitting about alleged



Ann Holland
husband lost in Laos



The Press-Enterprise



Melvin Holland
in 1967

American negligence of its missing servicemen.

The story of Site 85, and the fate of its 11 missing men, involves secrecy and intrigue at the highest levels. It includes supervisors whose names years later became publicly familiar during the Iran-Contra hearings and who handled some of the nation's more sensitive covert activities.

For 15 years the U.S. government would not acknowledge publicly that anyone was even missing

from atop the mountain. Even the agency responsible for determining the fate of the Americans did not know for years that they were missing.

In September 1967, some 48 Air Force technicians who would staff Site 85 were asked to accept discharges and be added to the work rosters of Lockheed Corp., which had produced the equipment they would use. They spent their last two weeks in the

Please see HOLLAND, D-2

Information flows in



CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

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Charley Reese
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January 29, 1991	WITN TV Channel 7	Washington, North Carolina
January 29, 1991	WCTI TV Channel 12	Newborn, North Carolina
January 29, 1991	WNCI TV Channel 9	Greenville, North Carolina
January 29, 1991	Kinston Free Press Newspaper	Kinston, North Carolina
January 30, 1991	Public Forum TV	North Carolina
January 31, 1991	WFIR Radio	Roanoke, Virginia
January 31, 1991	WILM Radio	Wilmington, Delaware
February 1, 1991	WBZ Radio	Boston, Massachusetts
February 4, 1991	BBC	Briton
February 5, 1991	KLBJ Radio	Austin, Texas
February 7 & 8, 1991	WCCO Radio	Minneapolis, Minnesota
February 19, 1991	WDJC Radio	Birmingham, Alabama
February 22, 1991	KABC Radio	Los Angeles, California
February 22, 1991	KFRU Radio	Columbia, Missouri
February 25, 1991	WGR Radio	Buffalo, New York
February 26, 1991	WTIC Radio	Hartford, Connecticut
February 26, 1991	Financial News Network Insiders	National
March 6, 1991	WGR Radio	Buffalo, New York
Date Unknown	Australian TV	Australia

Report fuels fight to find truth about 1968 Laos raid

► The wife of a man missing in action in Laos says a recent report indicates there were survivors of an attack where her husband was stationed.

By David E. Hendrix
The Press-Enterprise

For 22 years Ann Holland has battled high-ranking U.S. officials, her family and herself, arguing that nobody could prove all the Americans atop a super-secret radar site in northern Laos were killed in a 1968 communist raid.

Recently, one of the same American agencies with which she has fought, notified her that she had a new-found ally: A high-ranking Laotian official who led the raid against the mountaintop CIA post.

The notification is a significant disclosure by U.S. officials of evidence that American Air Force technicians survived the epic March 11, 1968, battle. A top secret Air Force report acknowledges that the American air war against North Vietnam changed significantly after the fall of what was known as Lima Site 85.

The site's overthrow also significantly changed Holland's life: her husband, Air Force Tech. Sgt. Melvin A. Holland, was one of the 11 men captured or killed in the raid. Until Dec. 10, Holland could get no American officials to publicly acknowledge that there was evidence some of the men might have survived.

On Dec. 10, the Air Force Casualty Office forwarded Ann Holland a message from U.S. officials in Bangkok, Thailand. The message said a Laotian general in

August and September interviews told an Air Force intelligence officer that "two or three Americans had been wounded and taken away by the (North) Vietnamese forces" after the Site 85 battle. "He added that the Pathet Lao had standing orders to send all captured Americans to Vietnam since the Pathet Lao had no facilities to care for them."

For Holland, the message is more than vindication about events that happened after her husband was sent to Southeast Asia.

The new report, she hopes, will make officials believe other information that has come to her attention during the past five years: That some of the men, including her husband, were alive as recently as 1987. She hopes also that someone seriously will consider reports that a 1984 CIA-sanctioned attempt to rescue Site 85 survivors was aborted by other American officials.

A Department of Defense spokesman called the new report "interesting" but said no comment could be made about the information or any investigation about its contents.

"We do not discuss the specifics of any ongoing investigation," said Lt. Cmdr. Ned Lundquist, a Pentagon public affairs officer.

The new information comes on the eve of a scheduled report by the Senate Foreign Relations Committee about the POW-MIA issue. A preliminary report Oct. 29 charged that U.S. authorities have consistently discounted their own intelligence reports that hundreds of American POWs were left behind at the end of the Vietnam War and some remained alive in the 1980s.

A committee staff member said recently that the final report would be even harder hitting about alleged



Ann Holland
husband lost in Laos



The Press-Enterprise



Melvin Holland
in 1967

American negligence of its missing servicemen.

The story of Site 85, and the fate of its 11 missing men, involves secrecy and intrigue at the highest levels. It includes supervisors whose names years later became publicly familiar during the Iran-Contra hearings and who handled some of the nation's more sensitive covert activities.

For 15 years the U.S. government would not acknowledge publicly that anyone was even missing

from atop the mountain. Even the agency responsible for determining the fate of the Americans did not know for years that they were missing.

In September 1967, some 48 Air Force technicians who would staff Site 85 were asked to accept discharges and be added to the work rosters of Lockheed Corp., which had produced the equipment they would use. They spent their last two weeks in the

Please see HOLLAND, D-2

Information flows in



Nation/world

Report on POWs holds chilling

By David Evans
Chicago Tribune

WASHINGTON—The Senate report on the fate of America's Vietnam-era prisoners of war is sure to fan the flames of a long-simmering debate that possibly hundreds of American prisoners were left behind in Southeast Asia.

The report comes at a time when up to 300,000 American troops increasingly face the prospect of a war with Iraq in which some of them would be taken prisoner, and it raises the question of whether the U.S. government would expend every effort to get them back at the end of hostilities.

"When the troops [in Saudi Arabia] learn that we left men in captivity, I'm not sure what they're going to think," said retired Navy Capt. Eugene "Red" McDaniel, who was shot down in May 1967 and spent six years as a POW in North Vietnam.

But the problem is not unique to the Vietnam War. Around 8,000 known U.S. prisoners and other missing personnel were un-

accounted for after the Korean War.

In a 1955 report, Pentagon officials noted that some POWs were transferred to China and Soviet Siberia early in the war and that the U.S. never pursued negotiations for their return because it did not recognize the Communist regime in China, where many were believed to be held.

The latest report, released Monday as part of a continuing investigation by Republican Sens. Jesse Helms of North Carolina and Charles Grassley of Iowa, charged that "the evidence indicates that the U.S. government made a decision to abandon U.S. citizens still in the custody of ... Vietnam, Laos and Cambodia at the conclusion of the U.S. involvement" in the Vietnam War.

Although 591 American prisoners were repatriated in 1973, the Senate report said, more than 4,000 personnel remain unaccounted for, including hundreds of airmen shot down over Laos.

The report charged that classi-

fied evidence in the files of the Defense Intelligence Agency, which tracks the status of unaccounted-for POWs and MIAs, 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."

The report stopped short of citing names but is part of a continuing investigation.

McDaniel, who supported the conclusions of the latest investigation, declared, "I was an absolute believer that we all came home"—until 1985. That's when an Army colonel on the National Security Council confirmed to him that prisoners were still alive in Southeast Asia, McDaniel said.

The Senate report cited the activities of the Defense Intelligence Agency, which "authoritatively concluded as late as April 1974 that several hundred living POW/MIAs were still held captive in Southeast Asia."

The report has remained in the

news for U.S. soldiers in gulf

agency's secret files ever since. But because of the continuing controversy over the matter, the Pentagon conducted a five-month review of about 100 unresolved POW/MIA case files in 1986. This effort was headed by retired Air Force Lt. Gen. Eugene Tighe.

From 1974 to 1981, Tighe was deputy chief and then the head of the Defense Intelligence Agency. The so-called Tighe Report concluded that American POWs were still alive in Southeast Asia.

In an interview last week, Tighe said, "There are reports of Americans alive in Southeast Asia that cannot be discarded. We've had all kinds of live sighting reports, and some of them were dismissed summarily, and that bothers me."

The Pentagon rebutted the Senate report Thursday, saying the Defense Department "did not conclude in April 1974 or at any other time that several hundred living American POWs remained in captivity."

In effect, this statement denied the existence of the 1974 Defense

Intelligence Agency report and the findings of the 1986 Tighe report.

In addition, the National League of Families of American Prisoners and Missing in Southeast Asia on Wednesday lambasted the Senate report—titled "Interim Report on the Southeast Asian POW/MIA Issue"—as "inaccurate, misleading, distorted and extremely simplistic."

But the group's director, Ann Griffiths, said her organization "doesn't rule out the possibility that some could still be alive."

Grassley spent a week in September reviewing about 500 of 1,200 POW/MIA sighting reports. "Nobody's gone through the other 700 sighting reports, but after spending four days going over those files, I can tell you that there are a lot of unanswered questions," Grassley said.

One person hoping some are still alive is Ann Curran of Bensenville, Ill., the mother of Marine 1st Lt. Patrick Curran, the bombardier on an A-6 jet that was shot down over Laos in 1969.

"The search planes heard the beep from his survival radio, so they knew he survived," she said. Lt. Curran was never found, however, and in 1978 he was administratively classified as "killed in action, body not recovered."

"Americans have been seen in Laos," she said. "Was he tortured, is he hungry? These are the questions that just break your heart, and four U.S. administrations have done nothing."

To resolve the continuing controversy, Tighe recommended that an independent presidential commission be created and strip custody of the files from the Defense Intelligence Agency.

McDaniel noted that "according to the studies I've seen, 39 percent of us hit the ground alive. Had I known in 1967 what I know now about my government, I could not have hung on [in captivity] for 2,110 days."

He added, "My advice to the boys in the Middle East is: Don't get captured."

NEWSMAKERS

BEHIND THE SCENES WITH PEOPLE IN THE HEADLINES

Ex-POW: Gulf troops are uneasy

A man who spent six years in North Vietnam's infamous "Hanoi Hilton" prison camp says today's soldiers fear they'll suffer the same fate.

Eugene "Red" McDaniel, founder of the conservative American Defense Institute, says, "I've given talks at dozens of military bases, and the first question is typically whether I think POWs still remain in Vietnam. I throw the question back at them, and the response is always over 90% 'yes.'"

"That means almost all the servicemen preparing for war in the gulf know the government might abandon them."

McDaniel, 59, has been trying since 1965 to win release of U.S. prisoners he claims are still held in Vietnam. "It's important that we resolve the issue to reassure the troops."

The Pentagon casts doubt on most reports of sightings.

"When I went to war, I was prepared to be killed, to be wounded, even to be a prisoner of war, but I was not prepared to be abandoned by the country that sent me there."

— Carol J. Castaneda

► Gulf crisis, 5A



McDANIEL's concern about Iraq: "We'll have prisoners there if we go to war."



San Francisco
Examiner
Oct. 25/90

WARREN HINCKLE

Has CIA concealed American POWs?

Well, George, I go in looking for prisoners, but I spend all my time discovering the government has been moving drugs around the world and is involved in illegal arms deals. . . I can't get at the prisoners because of the corruption among our own covert people.

— Ross Perot, on his search for American POWs in Southeast Asia, to Vice President George Bush, 1987.



William Webster was sworn in as the director of the Central Intelligence Agency on May 26, 1987. He selected, from all the spook books in the CIA library, Bill Stevenson's "A Man Called Intrepid" as the text for his inaugural sermon. It is the story of the ace Brit spymaster Sir William Stephenson, code named In-

trepid. The new CIA boss sought to inspire his troops with Intrepid's uplifting dictum that intelligence work requires men of great integrity, because when you operate in absolute secrecy, free from most rules of behavior, abuse comes easily.

Spy craft expert Stevenson is a veteran Southeast Asia war correspondent who has always been on close professional terms, and generally admiring of, the intelligence services of Great Britain, Israel and the United States. He was a welcome guest at the CIA's sylvan headquarters in rural Langley, Va.

The CIA no longer sets a place for Bill Stevenson at its table.

Stevenson, in a recent book called "Kiss the Boys Goodbye," co-written by his wife, a former producer for "60 Minutes," has reluctantly concluded that the CIA behaved in a beastly fashion toward American POWs still captive in Southeast Asia after the Vietnam peace accords of 1973.

Stevenson says the CIA continued a secret anti-communist

war in Indochina after 1973 — so secret from congressional scrutiny that some of its activities were financed by profits from drug profiteering. Because a full-scale effort to free POWs might expose the agency's clandestine networks in Laos and Cambodia, Stevenson says the CIA abused its secrecy privileges by concealing solid intelligence reports about captured Americans still alive in Southeast Asia.

Even recently, CIA personnel assigned to investigate reports of missing American servicemen were used as cover for recruiting and arming refugees to fight on the side of the genocidal Khmer Rouge against the Hanoi-supported government in Cambodia, said Stevenson.

As late as November 1989 there was a credible report of 20

OPINION

POW wife fought like a soldier for 25 years

By Eugene B. McDaniel

Marian Shelton, the wife of a POW from the Vietnam War, was buried in Arlington National Cemetery today. She went to her grave convinced that her husband, Air Force Col. Charles Shelton, is still alive somewhere in Southeast Asia. She was equally convinced that evidence of his survival is being suppressed. The mother of five took her own life on Oct. 5 after a quarter of a century of seeking the truth about her husband's fate.

Was she the tragic, but deluded, victim of the prisoner of war controversy? Tragic, yes; deluded, no. The overwhelming weight of evidence is on her side. Incredible as it seems, the issue of Americans still alive in Vietnam is no fantasy.

The evidence has escaped public scrutiny because it is enmeshed in the arcane realm of espionage. A faceless, but powerful, clique of intelligence operatives has controlled certain sensitive foreign policy issues through five presidencies. They control by withholding information, and this will continue until a public outcry puts an end to it.

What is this evidence?

■ 1) Hidden from public view is a large body of precise, high-quality intelligence examined by Lt. Gen. Eugene Tighe, widely regarded as a master of the intelligence craft. What Tighe gleaned from intelligence reports corresponds closely with information provided independently by a Marine who was released from the Vietnamese prison system in 1979.

Before any debriefing, that Marine, Bobby Garwood, endured a court martial on trumped-up charges of desertion. Debriefers finally made it



Associated Press
Marian Shelton

Was she the tragic, but deluded, victim of the prisoner of war controversy? Tragic, yes; deluded, no. The overwhelming weight of evidence is on her side. Incredible as it seems, the issue of Americans still alive in Vietnam is no fantasy.

clear to him, even with photos, that visual and human intelligence methods allowed experts to assemble a detailed record of his whereabouts throughout his imprisonment. Marian Shelton managed to obtain documents confirming this astounding capability in regard to other prisoners, including her husband.

■ 2) Texas industrialist H. Ross Perot, a member of a special commission headed by Tighe charged with examining POW evidence in 1986, was invited to visit Hanoi by the Vietnamese leadership. They acknowledged that the Americans were there. Perot's goal was to lay the groundwork for formal negotiations. To his exasperation, his report to President Ronald Reagan brought no action, making it clear that low-level bureaucrats were controlling the issue.

Many will ask: What motive could there be to suppress efforts that could result in the release of these Americans?

The most significant motive pertains to the determination of the "secret government" of intelligence bureaucrats to retain their foreign policy power and

pursue their private agenda. In Southeast Asia, that means keeping up the military pressure against the Hanoi-dominated governments in Laos and Cambodia. Any substantial US-Hanoi agreement would threaten this agenda.

Yet another reason is embarrassment. The longer the POWs languished in captivity, the more embarrassing would it be when they were returned to America. The zeal for supporting and waging secret warfare, moreover, led to practices of the sort that, in turn, led to prosecution in the Iran-contra case.

The Vietnamese, for their part, are holding American POWs for the same reason they held French POWs from their previous war — as bargaining chips for aid and diplomatic objectives. The POWs were also collateral for the payment of reparations agreed to by President Richard Nixon, which were never paid.

Over the past several years, I've supplied material and guidance to Monika Jensen-Stevenson and William Stevenson for their recently released book, *Kiss the Boys Goodbye*. Even if one discounts the vast majority of evidence in this book, such as the materi-

al regarding Charles and Marian Shelton, it is clear that we are dealing with a scandal far surpassing Watergate.

Some are astounded that this could occur without someone blowing the whistle. Some have tried, only to be rebuffed at every turn. Marian Shelton and her son, a former military chaplain, were harassed beyond endurance by the unelected foreign policymakers only for voicing what they believed to be true. Others, including decorated Vietnam veterans, have had their credibility questioned for daring to dissent.

The National League of Families, of which Marian was once a national director, has done nothing to stop the effort to silence those who ask too many questions. The league sometimes seems to be contributing to the harassment. Marian once said, "The league was started by wives to force a wartime administration to act on behalf of their men held in prison camps. Now it's run by the government as a front to kill open discussion." Her children urged me to stress that sad reality in this article.

By contrast, many families, active-duty service personnel, former POWs, and veterans are carrying on Marian Shelton's crusade. They're calling for the kind of courage on the part of our elected officials that will lead to the negotiated release of our up-to-now abandoned men before any more of them die.

Marian Shelton's fight is over. She can now rest in Arlington National Cemetery. The fight for our POWs is not over. We cannot rest.

Capt. McDaniel (USN-Retired) spent six years in a Hanoi POW camp. He is president of the American Defense Institute in Washington, DC.

Group offers reward in bid to find MIAs

By LULU YU

A GROUP of Americans setting sail for Vietnam this week is offering US\$2.5 million (HK\$19.3 million) to any one who can produce US servicemen declared missing in action from the Vietnam War.

The group, led by former Congressman Bill Hendon, plans to release hundreds of helium-filled balloons with messages attached to them along the Vietnam coast this weekend.

The messages, wrapped in sandwich bags and written in Vietnamese, will offer the multi-million reward to anyone who can help MIA servicemen escape from the Indochinese countries of Vietnam, Laos and Kampuchea.

Strong winds this time of the year are expected to carry the balloons to extensive areas of Indochina, particularly along the banks of the Mekong River.

The boat which the Americans are using for the ambitious mission is, ironically, one which achieved a similar mission for a group of Vietnamese people 23 years ago.

The 65-ft luxury cruiser was once a tattered fishing boat which refugees used for their escape to Hongkong. Those refugees, who sold their boat to Mr John Scrivener in 1979, have since been resettled in the US.

On Friday Mr Scrivener will be charting his cruiser, renamed Little John Thomas, back to where it originally came from — this time in a bid to help Americans escape.

"I don't know any MIAs in Vietnam, but I have a lot of compassion for them. I like to do what I can to help," said Mr



□ Mr Bill Hendon

Scrivener, a fund manager who spent two years working in Vietnam in the late 1960s.

Mr Hendon, a long-time lobbyist for the rescue of MIAs and prisoners of the Vietnam War, said yesterday the mission was the latest in a series of civilian efforts towards the recovery of the missing soldiers.

"We are going to deliver this message: If you can make an American pilot a free man, we'll make you a very rich man. We don't care who that person is, as long as he can bring out an MIA, we'll give him the full reward," said Mr Hendon.

There are an estimated 1,800 servicemen stranded in Vietnam 16 years after American troops pulled out of the country.

Said Mr Hendon, Republican Congressman until 1986 and presently the chairman of the POW Publicity Fund: "The question is no longer whether the men are there. The question is how do we get them out."

"The American Government is still counting on diplo-

macy, but diplomacy has failed for the last 16 years. We're going to do the best we can to spread the word to as many people in Indochina as possible.

"Who knows, maybe someone will get the message in a few days, or in a few months, and we will have the chance of saving one MIA."

Mr Jeffrey Donahue, another long-time champion of the controversial MIA issue, said he and another group of Americans had made a similar attempt at flying message balloons over the Mekong River in September 1987.

Mr Donahue is desperate to rescue his brother, Major Morgan Donahue, whom he believes is alive in Laos.

The 1987 attempt failed when Thai authorities intervened at the Thai-Lao border and put a halt to the release of balloons.

Efforts by Mr Donahue, Mr Hendon and others included dropping message leaflets in the Mekong River, interviewing potential witnesses in Indochina and lobbying Washington for assistance.

Joint American-Vietnamese teams staged an unprecedented search last September for witnesses of plane crashes involving American troops during the Vietnam War.

But, like previous American efforts, the search failed to bring out any MIAs.

Mr Hendon said the US\$2.5 million reward has been pledged by 11 congressmen and lobbyists and represented a first step in the use of a reward incentive.

"If we can bring out just one MIA, I'm sure more money will be pledged and more efforts will be put into it."



Traditions

Information flows in about Site 85 men

By David E. Hendrix
The Press-Enterprise

Except for her attorney in a suit against the United States government, Ann Holland in 1985 had worked alone for 17 years in her quest for information about the Site 85 men.

True to the code of secrecy to which the Air Force asked families of Site 85 workers to adhere, none of the workers' wives corresponded with each other.

In July 1985 Holland attended a national convention of relatives of MIAs and found people who had been looking for her because of the suit.

"I found somebody who knew what I was talking about," she said, her voice again choking with emotion. "They hugged me and said, 'You're not alone anymore.'"

Information snowballed to Holland. She hadn't even known that the mountain was called Site 85. She learned that officials knew weeks before the mountain fell that it would be overrun and that some of the men survived and were captured. Her "Deep Throat" source told her the Air Force for 10 days was ready to try to mount a rescue effort but that plans were called off.

She also eventually received from the Air Force a packet of information that included an intelligence report about an American survivor from Phou Pha Thi. The survivor was described as a male Caucasian in his early 20s and wearing light colored glasses.

Melvin would have been 32 at the time of the sighting but did wear glasses.

In the same report, defense intelligence analysts discredited the information solely because it was believed there were no Phou Pha Thi survivors.

"I remember looking at that and saying, 'They did take a prisoner and he was wearing glasses.' And I said, 'Those bastards lied to me,'" she said of Department of Defense personnel.

In March 1986 she received more information that reinforced her beliefs. The Press-Enterprise reported about an alleged CIA-sanctioned clandestine rescue attempt on behalf of Site 85 survivors. Holland was the first family member contacted about the story.

According to four of the team members, who spoke on the condition they not be identified, six American survivors of the Site 85 raid were being held in a Laotian prison cave in 1984. Two members of the attempted rescue team were former CIA agents, one a Special Forces officer and the other an Army intelligence officer.

One of the six Site 85 survivors died of bleeding ulcers in 1985, dropping the number number of survivors to five, the team members said. The mission was scuttled by Department of Defense intervention, they said.

The CIA, in keeping with its policy, declined to confirm or deny such an operation. The Defense Intelligence Agency POW/MIA spokesman in 1986, Col. Howard Hill, a former POW himself, said he was unfamiliar with the Site 85 case.

"Phou Pha Thi Mountain is

where those six were, where those six Air Force guys were taken prisoner," one of the rescue team members said. "They're not on any list, either. What did they do with (accounting for) those people?" the source asked.

In 1988, Holland and other Site 85 families received additional information, this from a man who claimed to be a former Air Force intelligence officer who was researching Site 85. The man, who also provided information to The Press-Enterprise on the condition he not be identified by name, disclosed detailed information previously known only to a limited number of military and intelligence officials and recently publicized in the book "Kiss The Boys Goodbye."

The man said two Australian journalists met with American POWs held near Luang Prabang in central Laos in 1987. Just before leaving Laos, the journalists allegedly were handed five photographs of Americans then being held in a northern Laotian POW camp.

"Each picture had a name, written in both Laotian and English on the back of the photograph," a written statement from the man said. One of the five names was Holland. Another of the last names was Price. One of the missing Site 85 technicians is David S. Price.

The man in mid-1988 severed contact with the families and The Press-Enterprise and disappeared. Efforts by congressional investigators to find him have proved fruitless.

Another report that at least three Americans survived the Site 85 assault came in late October in a San Bernardino interview. A former Thai intelligence officer, one of four Thai fieldworkers who supervised activities for the CIA in Laos, said he directed field interrogations of captured communist officers because of his linguistic skills.

The former CIA contract officer, who spoke on condition he not be identified because he feared reprisals against family members in Southeast Asia, said one of the captured officers was a North Vietnamese lieutenant named Chi. Chi, the Thai officer said, told him that at least three Americans from Site 85 were captured.

The Thai officer said he kept Li Chi as a servant for a lengthy period and found him to be a truthful man. The Thai said he was reassigned and after the fall of Laos asked other CIA crewworkers what had happened to Chi. Chi, the Thai was told, was taken up in a helicopter and pushed out the door.

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Bewitching Scene

A 19-foot witch guarding a pumpkin pile at the Litchfield farm of Charles and Nancy McQuesten has caused a lot of double-takes by motorists traveling Route 3A, even though it's Halloween.

George Naim/Union Leader

N.H., and the subsequent rape and shooting of a Manhattan

Police said Caswell was with a 31-year-old Connecticut native who escaped by swimming for two hours in

POW-MIA Report Stirs Mother's Emotions

By GLENN WALLACE
Union Leader Staff

A Manchester woman whose son is listed as missing in action in Southeast Asia said yesterday that reports the Defense Department may have covered up evidence of U.S. servicemen still held captive in Vietnam after the war ended have stirred memories and left her confused.

Jennie Page, 75, whose son, Air Force Maj. Albert Linwood Page, a pilot, was shot down Aug. 6, 1967, said that no matter what his fate, her son lives on.

"This brings back memories of him. I remember when he flew in and buzzed a UNH football game. Oh, he caught hell for that. MIA/POW QUESTION, Page 12

\$20.9M Third-Quarter Loss For Amoskeag

By TOM FANEY
Union Leader Staff

Amoskeag Bank Shares, Inc. lost \$20.9 million in the third quarter of 1990, bringing to \$45.4 million its losses in the first nine months of the year.

Losses exceeded those for the same periods of 1989, when the company lost \$18 million and \$33.8 million respectively. The loss is equal to \$1.88 a share, compared with a loss of \$1.62 a share for the third quarter of 1989.

The Manchester bank holding company, one of the largest in the state, has been reduced in size by 19 percent, from \$2.1 billion to \$1.7 billion in assets in the 12 months ended Sept. 30.



NACKEY LOEB

Publisher

One Honest Man

Diogenes would be pleased. The searcher for an honest man would have found Ed Rollins — and in Washington, D.C., no

Rollins did the right thing recently advised candidates, "Do not hesitate to either the President or (budget) proponents in Congress."

As co-chairman of the National Republican Congressional Committee, he is duty-bound to support the beliefs of the party. It was 1

TODAY'S DIGEST

Connors Cuts 150 Workers

Connors Footwear of Lisbon will lay off about 150 of its work force of 200 beginning

Court Weighing Ban on Abortion Counseling

WASHINGTON (AP) — The Supreme Court began considering a ban on abortion counseling

but he was a fine lad and I miss him so much. He's a grandfather and doesn't even know it." Page said.

Page said information she received later regarding the POW-MIA issue included a possibility that Americans may have been taken prisoner the next day on a beach near where he was shot down - a possibility she said she clings to today.

Page said her greatest wish is to learn her son's fate before she dies. "For me, time is in charge," she said.

Meanwhile, U.S. Rep. Bob Smith, R-NH, a longtime advocate of full disclosure on the POW-MIA issue, yesterday said the nation will be stunned when the whole story behind the alleged coverup is revealed.

"I think this story is going to be a shocker," Smith said.

The allegations are contained in an interim report released Sunday by the Senate Foreign Relations Committee's Republican staff. The report states a recent staff investigation revealed the Defense Department in April 1974 "concluded beyond a doubt that several hundred American POWs remained in captivity in Southeast Asia."

The report further states that based on information in government documents, some American soldiers may still be held by the Vietnamese.

Page said she believes it is possible the government hid information about POWs and MIAs. "I think the government could have hushed it up because it doesn't mean anything to them; it's just another man. But to me, it's my only boy," she said.

Ever since reports about live Americans first surfaced in the 1970s, the government has repeatedly stated there was never any solid evidence Americans were being kept against their will in Vietnam.

Families of POWs and MIAs, private groups and some politicians, including Smith, have

U.S. May Open MIA Office in Hanoi

WASHINGTON (AP) — The State Department raised the possibility yesterday of opening an office in Vietnam as part of the government's effort to obtain an accounting for the nearly 1,700 missing American servicemen in that country.

The Vietnamese rejected the idea when it was proposed earlier but the two sides have since agreed to an expansion of their cooperation on the issue.

Two weeks ago, during a visit by Foreign Minister Nguyen Co Thach, it was decided that a U.S. technical team would be sent to Hanoi to work with Vietnamese military experts on improving procedures for locating the remains of the missing Americans.

The State Department said the U.S. team could stay there for an indefinite period if the results justified such a presence.

The U.S. government has never operated an office in Hanoi since what was then North Vietnam became independent in 1954.

over the years charged that the Defense Department never took seriously scores of reported live-sightings of U.S. personnel in Vietnam, Cambodia and Laos.

Smith said he is glad the Senate is now going to pursue an issue he has raised in the House for many years. "I'm excited about the possibility that there are live Americans, and I am repulsed that this information may have been covered up," Smith said.

He said, however, that satisfying POW-MIA families by learning the fate of all those who are missing should be the goal of any investigation, not just finding Americans who remain in Vietnam, either as captives or of their own volition.

He said Vietnamese officials recently hinted to him that there may well be Americans living in that country, but that any such men are not prisoners.

Smith also said there has never been even a partial accounting of U.S. pilots and aircrews lost during several months of unpublicized bombing raids in Laos after American

involvement in the war officially ended in March 1973.

"I've been intelligent on that. I can tell you that point blank. So where are they are today? The Vietnamese and the Laotians have been very evasive about all this," he said.

Smith said his next step will be a review of a previously classified Defense Intelligence Agency report that may shed new light on the issue.

Page praised Smith as "the only one who listened" and helped her with her attempts to learn the details of her son's disappearance. Maj. Page's jet crashed into the Tonkin Gulf, according to military accounts. Page said Smith obtained for her years later. He was nearing the end of his second combat tour when he disappeared, his mother said.

Sometimes I think he was taken prisoner and other times I think maybe they'll send the body back. So many years...Do I have hope? I don't know what this means. But maybe there'll be a miracle and he'll be the one to come home and prove they are there," she said.

Loan loss reserves: non-performers now to \$49 million a year

INSURANCE —

(Continued From Page One)

make the poorer do share," he said.

However, he said as companies lose more a change does not necessarily drop for solely, auto insurers would and compete for the by offering lower rates.

People in the industry chance to comment on hearing in Concord any changes he thinks the plan to the Rules Committee. To hold another public plan.

New Hampshire is that require insurance to anyone pool in 1975 to share.

ABORTION CASE

(Continued From Page One)

sional speech."

Starr, conceding "defended its view."

Although fueled by abortion, the legal centers on fr must decide whether with a 1970 federal violate the Constitution.

A decision is expected. The argument is the 5 million low on family planning providers.

Last year, some nationwide receive federal assistance.

Enforcement of the Reagan administration blocked virtually all challenges.

None of the just yesterday in using 1973 Roe vs. Wade.

Roe vs. Wade was Harvard law.

Union Leader

"THERE IS NOTHING SO POWERFUL AS TRUTH" — DANIEL WEBSTER



MANCHESTER, N.H. — TUESDAY, OCTOBER 30, 1990

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POW-MIA Cover-Up Charged

GOP Senate Committee Members Say Defense Dept. Undermined Evidence

from Staff and Wire Reports

WASHINGTON — Government documents cast serious doubt on the U.S. contention that no Americans who fought in Southeast Asia are still held there, says a report by the Republican staff of Senate Committee.

The interim report, released yesterday, accuses the Defense Department of reaching a negative conclusion about missing Americans and then undermining contrary evidence.

The Senate Foreign Relations Committee's Republican staff said, "Classified, declassified and unclassified information all confirm one startling fact: That the Defense Department in

"Here you're dealing with having politicians write off military people as expendable. . . . It's despicable."

Capt. Eugene "Red" McDaniel, U.S.N. (ret.)
head of the American Defense Institute

April 1974 concluded beyond a doubt that several hundred living American POWs remained in captivity in Southeast Asia."

In addition, the information does not rule out

the likelihood that Americans are still being held, the report said.

Defense intelligence discredited — often in error — live-sighting reports about U.S. personnel from hundreds of thousands of refugees fleeing Vietnam, Cambodia and Laos during the 1970s and 1980s, the report said, making an accusation of "analytical bias."

It also contended that some witnesses may have been intimidated and that information was dismissed on technicalities.

The government has contended that there is no evidence that American prisoners are still alive in

POW/MIA, Page 8

Fire at Rochester Lumberyard



Bush Set To Act With Military If Provoked by Iraq

OCT. 30, 1990 → POW/MIA

'rice' Varns

ack would also lead to Israel.

government' has threats seriously attributed gas mask as a general public.

Secretary of State Bush said he does not visit Israel on his Middle East trip on Friday.

will use the trip on the Gulf crisis, told a Los Angeles Times.

Israel would leave there is a linkage between Arab-Israeli conflict crisis.

erv anxious that a linkage." Baker

of his changes in the role of Democrats to play him — and means — as defense.

to that kind of and so I'm on the campaign trail."

Bush said, "I've been in focus because of getting away with rich, class warfare."

age that they always election time."

in Republican divide and the budget, clarity has dropped out of the polls, the Presidency.

don't mean any

POW/MIA

(Continued From Page One)

Southeast Asia — or that any were left behind alive after U.S. prisoners returned in 1973.

But the report said that information "uncovered during this inquiry provides enough corroboration to cast doubt upon the veracity of the U.S. government's conclusion."

A Pentagon spokesman, Lt. Cmdr. Ken Satterfield, said the department had not received the new report and had no comment.

Retired Navy Capt. Eugene "Red" McDaniel, who heads the American Defense Institute, said of the report yesterday: "It's something that will surpass Watergate. ... Here you're dealing with having politicians write off military people as expendable ... It's despicable."

McDaniel, a POW for six years after being shot down after 81 missions as a Navy flier in Vietnam, said, "this report represents six years of effort on my part."

McDaniel said he had been lobbying for such a study for five years, but the catalyst was an author he flew from Canada to Washington last January to meet with Sen. Jesse Helms, R-N.C., ranking member of the Foreign Relations Committee, and two other senators.

Monika Jensen-Stevenson is co-author of "Kiss the Boys Goodbye," a book about the issue being promoted by the institute, a public policy group.

Helms, a critic of the improving relations between the United States and Vietnam, asked the panel's minority staff to conduct the study.

McDaniel said the Senate committee report deals with 107 cases "that we can't resolve and can't discredit." He says he has a photo of one of the missing men that was taken in March, and knows of the existence of a photo of another man taken about three months ago.

The former POW praised Rep. Robert Smith, R-N.H., who has been pushing for action to resolve the POW-MIA issue.

McDaniel said Smith last week succeeded in attaching an amendment to an intelligence authorization bill that will permit access to a classified 1986 report — the Tighe Report — that studied 43 cases.

McDaniel says the investigation needs to be broadened and a special prosecutor may be needed.

"It didn't start out as a coverup. It (denial) started out as an embarrassment," he said.

"We promised them reparations. ... We reneged on the \$4.7 billion (and) they kept the collateral (prisoners)," McDaniel said.

The government considers 2,103 personnel missing since U.S. forces withdrew from Southeast Asia nearly 20 years ago. More than 55,000 Americans died in the war.

The number of military personnel missing in action could be higher because the Defense Department's files on various covert actions during the war have not been opened and those who took part were never identified, the report said.

The release of the report comes nearly two weeks after Vietnam promised to increase cooperation with the United States on an accounting of American servicemen still missing.

Vietnamese Foreign Minister Nguyen Co Thach, who met with President Bush's special envoy for the MIA issue, said both sides agreed to accelerate their efforts to locate missing Americans.

In a letter accompanying the report, Helms said Thach's visit was inappropriate at a time when the administration was unwilling to address the issue of living Americans being held captive in Southeast Asia.

In an interview Sunday, Helms said the major story may be "that there was a deliberate effort by certain people in the government to disregard all information or reports about living MIA-POWs."

CHAMBERS SUIT

(Continued From Page One)

tion public until the public hearings.

Traditionally, the amount of agency budget requests are far greater than what is finally approved by the Legislature. The department's

they (the administration) produced the documents," she said.

In light of her earlier "It's Grogg's mess — he has to clean it up" remarks on the

New York City Tribune



THURSDAY, NOVEMBER 22, 1990

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THIRTY CENTS

GLs 'Dead' on Secret Vietnam War Forays Were Really Captured, Senate Report Says

BY PETER SAMUEL
Special to the New York City Tribune

WASHINGTON, Nov. 21 — The Senate Foreign Relations Committee has concluded that extensive covert U.S. operations in countries on the fringes of Vietnam resulted in many American servicemen being declared dead to cover their activities.

The committee's staff investigation showed that some of those declared dead were almost certainly captured by Communist authorities, swelling unaccounted-for prisoner numbers well beyond those previously published.

Some of those declared dead may still be alive, the report said.

Men missing on covert operations whether in fact lost, captured or killed would normally be declared dead immediately and classified Killed-in-Action-Body-Not-Recovered (KIA-BNR), the report said. A "cover story" about a training or traffic accident would be made up for his family to explain the serviceman's disappearance without revealing anything about the secret mission.

The 67-page report obtained by the New York City Tribune, titled simply

"Issues," is an addendum to a report released Oct. 28 that concluded the Nixon Administration made a formal decision in 1973 to abandon remaining U.S. prisoners-of-war (POWs).

Since that time, the Department of Defense (DOD) has been over-eager to accept offerings of supposed human remains of servicemen missing in action (MIAs) from Vietnam, the report said, and too quick to dismiss reports of live sightings of prisoners.

"Given some of the evidence that staff has found during the course of our investigation, it is highly probable that a number of U.S. servicemen listed as POW, MIA or KIA-BNR [killed-in-action, body-not-recovered] are alive in southeast Asia today," the report said.

Senate staff, together with the investigation leader Sen. Charles Grassley, R-Iowa, spent weeks going through previously classified Defense Intelligence Agency (DIA) files at the Pentagon.

The most dramatic discovery of the Foreign Relations staff was a major DIA report dated April 1974 stating that there were "several hundred living

see MIAS pg. 8

MIAS

POW/MIAs" being held in Vietnam, Laos and Cambodia. It was signed by Admiral Donald B. Whitmire, then executive director of the DIA, and classified "Secret."

The assessment of "several hundred live prisoners" was a year after the Nixon Administration's decision to sweep the POW/MIA issue under the carpet by declaring all lost servicemen to be accounted for.

The latest report gave new details on the extent and nature of many secret operations and losses involving U.S. servicemen, State Department officers, Central Intelligence Agency employees and company contractors in Vietnam and in nearby countries, especially Laos.

It made no precise estimate, but quoted government sources as saying that the number of persons missing from covert operations "rivals" the DOD's list of 2,302 MIAs from U.S. military and intelligence operations.

The covert operations men, known inside the system as Black Cowboys, were involved mainly in Laos in reconnaissance and support of U.S. military operations in Vietnam, but because of the Geneva peace accords of 1962 banning outsiders in Laos, the U.S. government did not want to admit their presence in that country.

*The new report gave more details of one on going covert mission in Laos that supported U.S. Air Force bombing around Hanoi and Haiphong. A group

of 10 to 20 Air Force personnel and civilian technicians, officially listed as employees of Lockheed Corporation, were based on the top of Phao Pha Thi mountain in Sam Neua province, just 120 miles from Hanoi, at a site code-named Lima Site 85.

The U.S. servicemen were rotated every 10 days out of Thailand by CIA Air America helicopters, and they had a security guard of anti-Communist Hmong tribal soldiers on a CIA payroll.

In late March 1968, North Vietnamese and Pathet Lao troops made an early morning surprise attack on Site 85, eventually over-running it. Five air force technicians were rescued by a CIA helicopter, but another 11 were lost, their status whether dead or captured being unknown, the report said.

However, the next day all 11 missing were declared KIA-BNR, and saturation bombing of the site was ordered to prevent secret electronic equipment being retrieved by Communist forces.

"There is evidence that as many as four of the technicians left on the mountaintop were taken prisoner by Pathet/Lao/North Vietnamese troops," the Senate staff report said.

Another on-going series of covert operations involved planes used for target spotting in Laos along the many North Vietnamese trails and safe havens. The pilots, known as "Ravens," were officially based in Thailand but operated their light planes from rough air strips in Laos. They were involved in collecting intelligence, spotting for artillery fire and providing targetting

for fighter bomber operations in Laos.

High Casualties

The report said many Raven pilots were lost because of ground fire, bad weather, mechanical failures or pilot error in the dangerous mountainous flying conditions. Those missing would have been declared KIA-BNR by the U.S. government, but some would actually have been captured.

"Between 1957 and 1975 Army SF [Special Forces] lost large numbers of personnel in Laos and other areas of Indochina... the vast majority of KIA-BNR losses and those individuals that vanished [MIAs] remain unaccounted for to date," the report said.

It added that others involved in dangerous covert operations in nearby countries during the Vietnam war years included Air Force commandos, Marine Corps reconnaissance, Navy SEALs (Sea Air Land commandos) and other Navy and Army units. It said they were involved in what the report calls "covert ground and air operations in Laos, Cambodia, North Vietnam, South Vietnam, Burma, China and Thailand."

"Due to the covert nature of their activities, personnel losses from intelligence agencies do not appear in public documents from the Second Indochina War [1965-75]... The number of persons lost during covert operations in southeast Asia is not public. Circumstances of these losses are generally kept from loved ones, from Congress and from others," the report said.

New York City Tribune



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THIRTY CEN

Fake Doctors Falsely Identified Remains of G.I.s Missing in Southeast Asia, Senate Panel Report Says

BY PETER SAMUEL
Special to the New York City Tribune

WASHINGTON, Nov. 20 - A congressional report says the Pentagon employed unqualified forensic personnel who misrepresented themselves as doctors and falsely identified the remains of missing U.S. servicemen in Vietnam and Laos.

According to the Senate Foreign Relations committee staff report, which was obtained by the *New York City Tribune*, a U.S. government agency "has falsely identified as many as 80 separate sets of remains of U.S. servicemen who were listed as MIA," and warned that "the total number of sets of remains falsely identified may be much higher."

In one case, bones later inspected by a qualified forensic scientist as those of an animal, not a human, were accepted as missing in action (MIA) remains, the report said. In another case a completely empty coffin was allegedly presented to a serviceman's family as "remains."

The actions reportedly occurred at the Defense Department's Central

Identification Laboratory in Hawaii (CIL-HI), the staff report says.

It was not clear from the report, which still appeared to be in draft form, exactly when the misrepresentations occurred, but some observers have suggested that it was during the late years of the Reagan Administration.

The 67-page report, titled "Issues," is described as an addendum to an

Interim Report released by the committee October 28, 1990.

The Senate investigators quote Dr. Michael Charney, a physical anthropologist and emeritus professor at the University of Colorado, as concluding that CIL-HI engaged in fraudulent findings: "This facility entrusted with the analysis of mostly skeletonized

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REMAINS

from page 1

remains of our servicemen ... is guilty of unscientific, unprofessional work. The administrative and technical personnel have engaged knowingly in deliberate distortion of details deduced from the bones to give credibility to otherwise impossible identification."

The Senate investigators quote Charney as saying that that CIL-HI personnel had been "blatantly, deliberately lying" in order to close out MIA cases.

He says that many of the personnel who performed the identifications lacked necessary forensic training and "had never been awarded doctorates, yet referred to themselves as doctors."

Another witness, Dr. George Gill, secretary of the physical anthropology section of the American Academy of Forensic Sciences, made similar charges of forensic fraud against the Hawaii laboratory, telling the Senate staff that the misrepresentation of MIA remains "results either from extreme carelessness, incompetence, fabrication of data, or some combination of these things."

The staff paper says that to date the Defense Department has not contested the outside experts' charges of forensic fraud. But it says that two so-

called "doctors" at the Hawaii laboratory were replaced following the complaints by the forensic scientists.

However, it says the Defense Department overall has been responsible for a long-term effort to discredit all live-sighting reports of MIAs.

Staff reviewed hundreds of these classified and unclassified live sighting reports. In the opinion of staff many live sighting reports were closed prematurely [by the Defense Department], when minimal additional effort could have resolved the veracity of the report," the report explains.

It says that the Defense Department has dismissed the credibility of live sighting reports based on even the slightest inconsistencies in descriptions of time, location or circumstances. It denounces such "debunking."

It also accuses the Defense Department of arbitrary findings of death, saying that its review at the Pentagon showed that often the facts contained in the MIA files did not support the finding of death.

"The method of making a presumptive finding of death has been abused by the [Department of Defense]," says the report.

If the department has issued a presumptive finding of death then it is prepared to conduct ceremonial burials of non-existent remains, the report notes.

And it says that just last month at Arlington National Cemetery the Pentagon buried with full military honors what were described as the remains of two U.S. airmen presumed to have died in Laos 20 years ago.

It adds: "However, the caskets of 'remains' of the two servicemen contained no bones, no physical matter whatsoever. The coffins contained nothing but air. The Defense Department has its own meaning for the word 'remains' of U.S. servicemen, which is not found in any English language dictionary."

A Senate Foreign Relations Committee staff report released Oct. 28 says the Nixon Administration made a decision to abandon remaining U.S. prisoners in Vietnam, Laos and Cambodia. Subsequent administrations have resisted efforts to reopen the issue, officials say.

With the repatriation of 591 prisoners of war (POWs) in "Operation Homecoming," the Nixon Administration claimed April 12, 1973, that all live prisoners of war had been returned, and subsequent administrations have insisted that reported sightings of American prisoners were false.

But a government official told the *New York City Tribune* last month that while many of the live sighting reports are incorrect, others are almost certainly accurate.

He said that for diplomatic and political reasons

all administrations since the Nixon Administration have misled the public about the sightings. He said satellite photography has confirmed the presence of live U.S. prisoners in Indochina.

Senate Foreign Relations Committee staff, under the direction of Sen. Charles Grassley, R-Iowa, and minority leader Sen. Jesse Helms, R-N.C., have spent the past year examining classified Defense Intelligence Agency (DIA) documents on the issue.

The most dramatic discovery of the Foreign Relations staff was a major DIA report dated April 1974 addressed to all service intelligence chiefs stating that there were "several hundred living POW/MIAs" being held in Vietnam, Laos and Cambodia. This was a year after the Nixon Administration's decision to sweep the POW/MIA issue under the carpet.

The Whitmire Report is likely to be the subject of future inquiry and controversy.

"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," the report says.

Report of U.S. Servicemen Still in Vietnam Raises Questions of Who, What and Why

By GLENN WALLACE
Times Leader Staff

If there are live American servicemen still in Vietnam, who are they and what are the circumstances of their presence there?

Questions such as these are beginning to surface anew in the wake of a report this week that the U.S. Defense Department may have covered up information it possessed about Americans being held by the Vietnamese years after the war ended.

The report, compiled by a Senate Foreign Relations Committee staff, said the information in classified and unclassified government documents leads to the conclusion that the government knew several hundred Americans were still held there in 1974 — a year after the war officially ended and the last U.S. troops departed.

The report also said the available evidence leaves open the possibility some Americans to this day remain captives of the Vietnamese.

According to some people close to the POW-MIA issue, finding some veterans, the possibility of live Americans raises a troubling probability. Almost certainly, some of those men are either deserters — men America might not necessarily welcome home — or others who for some reason might decline to come home.

Said Ray Caron of the Greater Manchester Veterans Council, a coalition of local veterans groups, "We have to be realistic. There are going to be some, maybe plenty, that aren't worth

looking for because they're deserters. You don't want to see them again, anyway. Let them stay over there," Caron said.

Caron said, however, that the possibility deserters might be uncovered is no reason not to look for others who may be held captive. "We've said for a long time that the government was putting up a smokescreen on this. We have always believed some of our people are there as prisoners. Now maybe the smoke will be lifted from all this and we'll get answers," Caron said.

The Vietnamese themselves, although generally evasive about the entire subject, according to U.S. officials who have met with them, have in the past dropped hints that Americans may indeed be living in their country. But they insist these men are not being held captive.

"The words they (the Vietnamese) use are 'not under our control.' They say there might be some of our boys out there in the countryside, but they are 'not under our control,'" said U.S. Rep. Robert Smith, R-N.H.

Smith, who has worked closely with POW-MIA families nationwide in their quest to learn the fate of their relatives, has himself considered the disconcerting idea that some of the men who are still there — if indeed any are — may be there of their own volition.

"Yes, there's always the possibility you're going to find deserters. But the main focus is and always has been on the men being kept against their will. We continue to seek a full account-

ing from the governments of Vietnam, Laos and Cambodia regarding these men," said Smith.

But Smith also said that any American who is supposedly there of his own free will should still be interviewed about the circumstances of his decision. He said such men cannot simply be written off.

"When did they become deserters? Why and how? You still want to talk to them to see when they became deserters. Was it after the war? What convinced them to stay? These are things I think we should at least ask," said Smith.

Capt. Eugene "Red" McDaniel, a former six-year POW who is now head of the non-profit American Defense Institute, said his organization has the names of 18 Americans who he said definitely defected and were known to be living in Vietnam after the war.

"There were (some) of our people who were in the Long Binh jail on murder charges, and they got away and went over to the VC. There were some others who were imprisoned in the North with me who resisted for 12 years and then gave up after the Vietnamese convinced them the American government had abandoned them. Some of them married Vietnamese girls and live in hamlets that they can't leave," McDaniel said.

But McDaniel said the men he is mainly concerned with are "those who are still in cells tonight."

"I'm convinced some of our people are in captivity as of this

very hour, and I am convinced my government knows who they are and where they are. There is an effort on the part of the government to call them traitors, and that is a tragedy."

The desertion issue first arose in 1979 when Marine Cpl. Robert Garwood returned to the U.S. from Vietnam. Captured by the Vietnamese during the war, Garwood was later accused of collaborating with the enemy. Former Marines who had been in Garwood's unit testified that he had aided the Vietnamese and even accompanied NVA (North Vietnamese Army) troops on combat forays.

Garwood in 1981 was convicted of collaboration. He received a dishonorable discharge and lost pay and benefits but did not go to prison.

McDaniel said he, Smith and others were convinced after interviewing Garwood years later that he did not desert, but only did what he had to do to survive while a captive.

Monika Jensen-Stevenson, a former television producer for "60 Minutes" and the author of a book on the MIA subject, "Kiss The Boys Goodbye," agreed. In a September interview with the New Hampshire Sunday News, Jensen-Stevenson asserted Garwood was innocent and that the government's effort to portray him and other POWs as traitors is "sinister."

"There is simply no question that one of the most horrible and sinister things the government has done is to intimate that these men, the POWs, are traitors who want to stay there," she said.

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New York City Tribune



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THIRTY CENT

Some U.S. MIAs in Vietnam May Still Be Alive, Probers On a Senate Panel Declare *Government Coverup Is Charged*

Secrecy of Operations Believed to Be Factor

BY PETER SAMUEL
Special to the New York City Tribune

WASHINGTON, Oct. 28 — U.S. airmen and special operations men captured in the Vietnam War remained alive in prison camps for many years after the war ended, and some may be alive to this day, according to government officials and Senate investigators.

A Senate Foreign Relations Committee Republican staff report released this weekend said that during the Nixon Administration (1969-74), the government decided to abandon some U.S. prisoners in Vietnam, Laos and Cambodia.

Subsequent administrations have resisted efforts to reopen the issue, officials said.

With the repatriation of 591 prisoners of war (POWs) in "Operation Homecoming," Nixon Administration officials

claimed on April 12, 1973, that all live prisoners of war had been returned.

Subsequent administrations have insisted that reported sightings of American prisoners were false.

But a government official told the *New York City Tribune* last week that while many of the live-sighting reports are incorrect, others are almost certainly accurate.

He said that for diplomatic and political reasons all administrations since the Nixon Administration have misled the public about the sightings. He said satellite photography has confirmed the presence of live U.S. prisoners in Southeast Asia.

A new book, *Kiss the Boys Goodbye*, by Monika and William Stevenson said the coverup was inspired in part by the highly secret and controversial nature of many of the operations during which the prisoners were taken. They said that the Reagan White House planned two Delta Force rescue missions to bring the prisoners home in 1981 and 1983, but operational factors caused

MIAs See page 1

them to be called off.

Senate Foreign Relations Committee staff, under the direction of Sens. Charles Grassley, R-Iowa, and Jesse Helms, R-N.C., have spent the past year examining classified Defense Intelligence Agency (DIA) documents on the issue.

An interim report released this weekend said it found "a disturbing pattern of arbitrary rejection" of evidence of live POWs following adoption of an internal policy in April 1973 that all missing-in-action (MIA) Americans were to be presumed dead.

"The pattern of arbitrary rejection [of sighting reports] resulted in a declaration of presumptive finding of death ... 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," the report said.

It said that an excessive zeal at the Pentagon to dispose of the hot political issue of MIAs led to an exaggeration of the capabilities of forensic science and "identification based on dubious presumptions and illogical deductions rather than actual physical identification."

The report also said that as a result there have been "numerous misidentifications of remains" handed over by the Hanoi regime.

The most dramatic discovery of the Foreign Relations staff was a major

DIA report dated April 1974 addressed to all service intelligence chiefs stating that there were "several hundred living POW/MIAs" being held in Vietnam, Laos and Cambodia. This was a year after the Nixon administration's decision to sweep the POW/MIA issue under the carpet.

The report is likely to be the subject of future inquiry and controversy.

"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 being held captive in southeast Asia," the Senate staff report stated.

The Stevensons' book, *Kiss the Boys Goodbye* described the stories of losses of Americans in Southeast Asia during covert operations.

In one example in the late 1960s, the CIA ran a small secret outpost called Site 85 in Laos on a 5,600 foot mountaintop 160 miles west of Hanoi to provide guidance for U.S. bombers in Thailand attacking the North Vietnamese. A surprise North Vietnamese special forces attack had captured the Americans, but the decision was taken in Washington to abandon them. The men involved had signed contracts with the CIA in which they had acknowledged beforehand that the U.S. government would deny any relationship with them if they were captured.

NY City Tribune

Senate Probers Say U.S. Abandoned MIAs When a Nixon Deal With Hanoi Collapsed

Nov. 26, 1990

BY PETER SAMUEL
Special to the New York City Tribune

WASHINGTON — A secret deal was made in 1973 between the Nixon Administration and the newly victorious North Vietnamese regime that would have allowed thousands of U.S. prisoners to be exchanged for billions in U.S. aid, according to Senate probers.

But, according to a copy of a report obtained by the *New York City Tribune*, the prisoners were abandoned and the deal fell apart when Nixon, already weakened by the Watergate scandal at home, could not push the package through Congress.

Several thousand prisoners of war (POWs) and servicemen missing in

action (MIAs) who the Nixon Administration was bargaining for with promises of \$3.25 billion in aid one week were the next week written off with the adamant declaration from the Pentagon on April 13, 1973: "There are no more [U.S.] prisoners in southeast Asia. They are all dead," according to the report.

The Nixon Administration simply writing off the prisoners is the dramatic conclusion of the Senate Foreign Relations Committee under the direction of Sen. Charles Grassley, R-Iowa, who have been studying previously classified documents at the Pentagon as well as recently declassified documents at the National Archives.

A new report by the committee calls

the April 1973 statement a lie. As well as abandoning known prisoners in Vietnam, the report says: "The fact of the matter is that we left men in Laos, men the Pathet Lao publicly admitted to be holding."

Following the formal U.S. surrender in Vietnam signed January 27, 1973, President Nixon proposed in a then-secret letter to Hanoi that the United States would provide \$3.25 billion of economic aid over 5 years.

The administration and the Vietnamese agreed on a long, detailed list of items the United States would furnish in the first year, including: 700,000 square meters of pre-fabricated housing and warehousing; 201,000 tons of steel building supplies; 50,000 cubic meters of lumber; 40 million meters of

cloth.

When details of the proposed aid leaked to Capitol Hill, criticism was widespread and sharp. Secretary of State William Rogers reportedly called on congressmen to exercise "restraint" in their criticism of the aid proposal at least until American prisoners were released by the North Vietnamese. By the end of March 1973 Hanoi had released 591 U.S. prisoners, but their tales of mistreatment and atrocities in the prison camps only fueled congressional determination not to authorize any aid to Hanoi.

For example, Rep. Joel Brody, R-Va., said that "not a cent of American aid should be spent on a country that is apparently run by savages."

The Senate Foreign Relations Committee report quotes a source from 1973 as stating that the 591 released prisoners constituted 15 percent of the total

servicemen held by Hanoi, suggesting that there were in fact about 4,000 there before the release and that about 3,400 were eventually abandoned.

The Associated Press and *The New York Times* quoted Nixon administration sources as stating in February 1973 that Hanoi held about 5,000 American prisoners, which would mean that about 4,400 were left behind, officially declared dead.

The report says that the Vietnamese communist leaders always regarded the U.S. prisoners as collateral for the promised economic aid: "Apparently the North Vietnamese were waiting for the aid that Nixon promised before they released the vast majority of the American POWs."

By April 1973 the chairman of the Armed Services Committee, Edward Hebert, D-La., had said he could see no justification for Nixon's request of \$1.3

billion aid to Hanoi. It was then that the administration decided it had no hope of freeing the thousands of remaining POWs, so it decided to declare them non-existent, the Senate committee says.

It says that this political decision to declare all unaccounted-for U.S. prisoners dead was pursued "to extraordinary lengths." It quotes a June 1973 cable in which the U.S. embassy in Saigon said it persuaded U.S. reporters from United Press International, The Associated Press and NBC to omit from their dispatches a reference by a North Vietnamese defector to live U.S. POWs remaining in North Vietnam.

The report says that similar abandonment of remaining live POWs were made in the Korean War and World War II.

Kissing the

"It's dangerous to be right when your government is wrong." Quoting Voltaire in his opening remarks, Captain Eugene "Red" McDaniel (U.S. Navy, Retired) addressed a group of about 100 in the small Michigan town of Stockbridge. It was January 5th and those assembled had braved snow and ice to learn what could be done to bring American prisoners of war home from Vietnam.

McDaniel, who spent six years as a POW, is now president of the American Defense Institute. He traveled from his home in Virginia to speak on a subject that has become a very personal issue for him. He was also asserting his position once more on the right side of an issue in which the government is wrong.

In 1973 the Department of Defense proclaimed that all remaining prisoners of war had returned from Vietnam. Serious observers have said for years that this is not the case. Now there is irrefutable evidence that hundreds of prisoners were deliberately abandoned even though their exact locations were known.

Offering his audience more hope than many had come to expect of a near-hopeless situation, McDaniel declared: "The wheels are set in motion. This issue will be resolved. It cannot be stopped." This new sense of optimism has been sparked by the publication, in September 1990, of the book *Kiss the Boys Goodbye: How the United States Betrayed its own POWs in Vietnam*. The book was written by Monica Jensen-Stevenson, Emmy award-winning producer of CBS-TV's *60 Minutes*, and her husband, William Stevenson, author of *A Man Called Intrepid*.

Embarrassing Revelation

In 1979, six years after President Nixon had announced that all American prisoners had come home, a Marine named Robert Garwood smuggled a message out of Hanoi, and the entire world discovered that we had left at least one American prisoner in Vietnam. To make mat-

Boys Goodbye

ers worse. Garwood spoke of "many" other Americans still being held.

Bobby Garwood presented a problem for the U.S. government. His very existence was an embarrassment, but what he was saying, even before he got out of Hanoi, threatened to be far more than embarrassing. The government responded to this crisis in predictable fashion. It court-martialed Garwood, thereby destroying his credibility and, at the same time, punishing him for opening his mouth.

Work on *Kiss the Boys Goodbye* began the day that Jensen-Stevenson decided to do a segment for 60 Minutes on Garwood. Before it was over, her entire life was changed. As word of her project got around, she found herself on the receiving end of more information than she was prepared to deal with. Worse yet, the more information she accumulated, the more questions were raised. The issue obviously went well beyond Garwood. Eventually, the CBS production became a story about the missing POWs; but, before it was completed, Jensen-Stevenson would encounter opposition she had never experienced before. First her career was threatened, then her life.



Garwood challenged DOD's 1973 lie

Jensen-Stevenson was allowed to produce a watered-down version of the program that she had planned for CBS; but, by the time it went on the air, she was convinced that the real story could only be told in book form. When Jensen-Stevenson quit her job with CBS to work full-time on the book, she was drawn deeper and deeper into a shadowy world of intrigue where deception and distrust were commonplace. After doing everything he could to discourage her from pursuing the story, her husband eventually joined in the effort.

Scoundrels and Heroes

In *Kiss the Boys Goodbye*, the reader encounters officials of our government who make the Watergate conspirators seem like Sunday School teachers. But for every unethical character presented there are others who have elevated the concept of ethics to new heights. Of Captain McDaniel (a recipient of the Navy's highest award for heroism), Jensen-Stevenson says: "He had the look of someone who has suffered and risked so much that nothing is left to frighten him; who is so secure in his sense of integrity that it would never occur to him to dissemble." McDaniel gave up a career that would clearly have taken him to high rank, in order "to do what he felt was more important: arouse civilians and politicians to an awareness of defense needs...."

Lieutenant General Eugene Tighe was director of the Defense Intelligence Agency from June 1977 to September 1981. From 1974 to 1977 he served both as deputy director and acting director. In each of the positions, he was able to analyze the best intelligence information available concerning POWs. Tighe told the author flatly that "he had seen the best possible evidence of Americans still alive. For speaking out, he was publicly humiliated."

H. Ross Perot is "much more than a Texan entrepreneur. He displayed a grim resolve to get to the bottom of the POW/MIA issue from the moment

he realized the numbers of prisoners returned in 1973 were inexplicably small." Perot is the man who organized the rescue of two employees when the U.S. government refused to work for their release from an Iranian jail. His efforts on behalf of American POWs have been no less valiant. Perot was successful in getting his people out of Iran. He has probably come close to negotiating the release of POWs held in South-east Asia. If Jensen-Stevenson is correct, Perot would have been successful in that endeavor had his efforts not been sabotaged by the government he served.

The reader can also expect to learn much about men like Colonel James "Nick" Rowe (who escaped from the Viet Cong after five years of imprisonment), Colonel James "Bo" Gritz (prosecuted by the government because of his personal attempts to gain the release of prisoners in Laos), and Major Mark Smith and Sergeant First Class Melvin McIntire (who sued President Reagan and other U.S. officials for covering up information on POWs).

One Gnawing Question

This book provokes an unavoidable question: Why would our government be so determined to avoid the possible return of any live POWs and to destroy the reputation of anyone presenting a case for their existence? In answering it, the authors display astounding objectivity. If a case could be made for appointing a special prosecutor to assess the guilt of the politicians and bureaucrats involved in this shameful chapter of history, Jensen-Stevenson and her husband have made it. The question now is whether or not their book will be used to gain the freedom of the men our government has "kissed goodbye." If McDaniel has his way, the answer will be yes, but he stressed that "time is running out" for those still being held.

Kiss the Boys Goodbye has been widely circulated on Capitol Hill. "Hundreds of copies have been presented to Congressmen, and they are getting read," said McDaniel. "I know of former POWs who didn't believe we had left anybody behind. Now they are buying hundreds of

copies at a time to present one-on-one to others." In late 1990 McDaniel flew Jensen-Stevenson to Washington to meet with senators on a special committee looking into "whether the U.S. government has handled the question in a truthful and effective manner." She convinced them that Americans had been abandoned.

On October 29, 1990 the Senate Foreign Relations Committee released an interim report containing many revealing statements. Perhaps the most shocking: "... 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 South-east Asia. This was a full year after DOD spokesmen were saying publicly that no prisoners remained alive."

In December the Tighe Report was declassified for members of Congress to see. This report was prepared under the leadership of Lieutenant General Eugene Tighe when he served as director of the Defense

Intelligence Agency. According to McDaniel, the report contains information confirming the abandonment of hundreds of POWs. As soon as it was released, it was classified to prevent it from being read by POW family members or even by members of Congress. Now that the classification has been lifted for Congress, McDaniel emphasized that "it is imperative that we ask our senators and congressmen to read the report and then tell us what they are going to do to get our men back."

"We've got to turn the heat up on Congress," urged McDaniel. "We've got the ammunition we need now, and we're closer than we've ever been to getting our men home. Now is the time to double our efforts. Read the book. Share it with others and then talk to your elected officials." He concluded with some sober thoughts: "If we do nothing, the men will die. If I had known, as a POW, what I know now about my government, I could not have lived the 2110 days I spent in captivity." ■

— GARY S. BRAINARD

THE INSTITUTE FOR ADVANCED STUDY

PRINCETON, NEW JERSEY 08540

Telephone (609) 734-8000 Telex 329734-IAS-UR Fax 609-924-8399

SCHOOL OF HISTORICAL STUDIES

December 13, 1988

Dear Mr. Brown:

I have your further letter, of December 5, concerning your study of questions connected with the American prisoners of war who fell into Russian hands in the final months of the Second World War. I have also received the many copies of documents that accompanied your letter, as well as the volume of reminiscences of your Vietnam service, the gift of which I am pleased to have received.

It would seem to me that the sort of documentation you have sent to me should permit you to form a pretty fair picture of the course of these

Mr. John M. G. Brown

-2-

December 13, 1988

exchanges with the Russians on the part of both the British and ourselves, and of the results obtained.

I can only give you one memory that may be of interest to you. I thought it, at the time, highly probable that General Golikov, while wearing a regular military uniform, was actually a high official of the then N.K.V.D. and not of the regular Russian military authorities. I believe I made my view plain to General Deane, but that he felt that he had no choice but to deal with the man assigned for this purpose, and had no formal grounds for questioning his status. I could understand his position, but I resented this sort of obfuscation and saw it as an attempt to prevent and contact between our Military Mission and the regular Russian military establishment.

Very sincerely,

George Kennan
George Kennan

Mr. John M. G. Brown
37477 Macaula Road

FM JCRC LIAISON BANGKOK TH

TO CDR JCRC BARGERS PT HI

INFO JCS WASHDC//OCJCS-PW-MIA/J5//
USCINCPAC HONOLULU HI//J3//
NSC WASHDC
AMEMBASSY VIENTIANE

SECDEF WASHDC//OASD-ISA/PW-MIA//
DIA WASHINGTON DC//PW-MIA//
SECSTATE WASHDC//RAP-VLC//

BT

BANGKOK TH 08012

0627 SEP 90

SUBJ: LAO OFFICIAL COMMENTS ON LIMA SITE 85

1. CAPT [REDACTED], AN AIR FORCE INSTITUTE OF TECHNOLOGY PHD STUDENT AND CAREER INTELLIGENCE OFFICER, RECENTLY RETURNED FROM A THREE WEEK RESEARCH VISIT TO LAOS DURING WHICH TIME HE MET AND TALKED WITH SEVERAL LAO OFFICIALS. ON 21 AUG 90, HE INTERVIEWED GENERAL [REDACTED], PRESENTLY THE PRESIDENT OF THE LAO PEACE COMMITTEE AND CHIEF COORDINATOR OF THE LAO OLYMPIC COMMITTEE. DURING HIS DISCUSSION WITH GEN [REDACTED], CAPT [REDACTED] ASKED HIM ABOUT THE ATTACK ON LIMA SITE 85 (PHOU PHATHI RADAR SITE). GEN [REDACTED] TALKED ABOUT THE IMPORTANCE OF THE SITE IN DIRECTING U.S. BOMBING. HE ALSO PROVIDED OTHER DETAILS WHICH CORRELATE WITH KNOWN INFORMATION ABOUT THE PHOU PHATHI INCIDENT: FOR EXAMPLE, HE RELATED HOW THE VIETNAMESE/LAO FORCES USED SOVIET MINE DETECTORS TO AVOID MINES AS THEY BEGAN THEIR ASSAULT ON THE MOUNTAIN TOP INSTALLATION. HE ALSO MENTIONED THAT 100 PATHET LAO SOLDIERS AND DOUBLE THAT NUMBER OF VIETNAMESE PARTICIPATED IN THE ASSAULT. WHEN ASKED ABOUT THE U.S. PERSONNEL WHO WERE AT THE SITE WHEN IT WAS OVERRUN, THE GENERAL RESPONDED THAT TWO OR THREE AMERICANS HAD BEEN WOUNDED AND TAKEN AWAY BY THE VIETNAMESE FORCES. HE ADDED THAT THE PATHET LAO HAD STANDING ORDERS TO SEND ALL CAPTURED AMERICANS TO VIETNAM SINCE THE PL HAD NO FACILITIES TO CARE

FOR THEM.

2. CAPT [REDACTED] CHARACTERIZED THE GENERAL AS BEING VERY FORTHCOMING BOTH IN THE 21 AUG INTERVIEW AND IN A SECOND INTERVIEW WHICH WAS HELD A FEW WEEKS LATER. [REDACTED] WAS A SENIOR PATHET LAO MILITARY LEADER, AND SAID HE WAS THE PATHET LAO COMMANDER OF FORCES INVOLVED IN THE MARCH 68 ATTACK ON LIMA SITE

3. WHEN ASKED IF HE WOULD BE WILLING TO DISCUSS THIS INFORMATION WITH OTHER U.S. OFFICIALS, HE SAID THAT HE WOULD.

3. CAPT [REDACTED] WILL DEPART BANGKOK ON 18 SEP AND RETURN TO [REDACTED], UNTIL COMPLETION OF HIS DOCTORAL PROGRAM AT THE UNIVERSITY OF [REDACTED] IN JUL 91. CONTACT NUMBER IS [REDACTED]

JUTINE

R 160450Z OCT 89 PSN 547617P37

FM JCRC LIAISON BANGKOK TH

TO CDK JCRC BARBERS PT HI

INFO JCS WASHDC//DCJCS-PW-MIA/J5//
USCINCPAC HONOLULU HI//J3A//
WHITEHOUSE WASHDC//NSC//

SECDEF WASHDC//OASD-ISA/PW-MIA//
DIA WASHINGTON DC//PW-MIA//
SECSTATE WASHDC//EAP-VLC//

BT

SECRET LIAISON BANGKOK 57246

SECRET WFOH 0600 OCT 89
SUBJ: JCRC RPT T69-381; HEARSAY OF
LAOS

US POW IN

1. SOURCE/ADMINISTRATIVE DATA:

2. SUMMARY: SOURCE, A LOCAL THAI
BUSINESSMAN, PROVIDED HEARSAY CONCERNING AN ALLEGED
POW AND FORMER B-52 PILOT IN LAOS.

3. SOURCE CONTACTED RO ON 11 OCT 89 AND
ASKED FOR ASSISTANCE IN CHECKING OUT A NAME ALLEGED
TO BE THAT OF A POW IN LAOS. THE NAME PROVIDED
BY SOURCE IS "MILLINER, WICCTAMP 401745001."

4. SOURCE SAID HIS CONTACTS IN NAKHON PHANOM
HAVE RECEIVED INFORMATION FROM INSIDE LAOS THAT
"MILLINER" IS AND CAN BE BROUGHT TO THE THAI
BORDER. SOURCE SAID THE PEOPLE (U/I) WHO ARE INSIDE
LAOS INDICATED "MILLINER" IS A FORMER B-52 PILOT AND
THEY ARE INTERESTED IN RETURNING HIM TO THE US IN
EXCHANGE FOR A REWARD.

DLVR:CDK JCRC BARBERS PT HI(2)...ACT

RTD:000-000/COPIES:0003

547617/0322/289
CSN:RXBP0045

1 OF 2 MI 0046

257 247
289/04:49Z 160450Z OCT 89
JCRC LIAISON BANGKOK TH

R 180049Z NOV 80 P41 039699P36

SUBJ: JCRC RPT TAA-6055 HEARSAY OF AMERICAN PRISONERS
IN [REDACTED] LAOS

2. SUMMARY: SOURCE REPORTS HEARSAY OF 260 AMERICANS CURRENTLY BEING HELD IN A CAVE IN [REDACTED] LAOS. SOURCE STATED THAT [REDACTED] IS ABLE TO OBTAIN RECENT PHOTOGRAPHS OF SEVERAL OF THE PRISONERS

WHICH WERE OBTAINED FROM A LAO CONTACT.

3. INFORMATION: SOURCE REPORTS THAT "WITHIN THE PAST MONTH [REDACTED] HAS BEEN IN CONTACT WITH A LAO WHO HAS TOLD [REDACTED] ABOUT AND SHOWN [REDACTED] PROOF OF AMERICAN PRISONERS WHO ARE BEING HELD IN LAOS. SOURCE STATED THAT THE LAO, WHOSE NAME [REDACTED] DOES NOT WISH TO REVEAL AT THIS TIME, RECENTLY CROSSED INTO THAILAND FROM LAOS AND MADE CONTACT WITH SOURCE. THE LAO TOLD [REDACTED] THAT HE HAD OBSERVED A LOCATION IN HUGGED MOUNTAINS IN THE TRI-BORDER (LAOS, VIETNAM, CAMBODIA) AREA WHERE 260 AMERICANS ARE PRESENTLY BEING HELD. SOURCE WAS TOLD THAT UNTIL RECENTLY THERE WERE 270 PRISONERS, BUT TEN HAD DIED DUE TO POOR HEALTH. SOURCE STATED THAT [REDACTED] HAD MAILED A LIST OF SIX NAMES TO JCRC AND INQUIRED IF JCRC REP HAD RECEIVED THE LIST. WHEN INFORMED THAT JCRC HAD NOT RECEIVED SUCH A LIST OR ANY OTHER MAIL FROM SOURCE, SOURCE STATED THAT [REDACTED] COULD ONLY RECALL THAT ONE OF THE SIX PEOPLE ON [REDACTED] LIST WAS A MAN NAMED "MR. MORGAN." [REDACTED] STATED THAT [REDACTED] RECALLED THIS NAME BECAUSE IT WAS THE MOST IMPORTANT ONE, BUT WHEN ASKED WHY, [REDACTED] WASN'T SURE.

4. SOURCE STATED THAT HIS LAO CONTACT HAD GONE TO THE AREA HIMSELF AND OBSERVED THAT THE 260 PRISONERS WERE BEING HELD IN A CAVE AT THE FOOT OF A LARGE KARST MOUNTAIN. THERE IS ONLY A SINGLE ROAD INTO THE VALLEY, AND IT IS WELL GUARDED; ONLY RESUPPLY TRUCKS TO THE CAVE-PRISON ARE ALLOWED IN. ACCORDING TO SOURCE, LAO CONTACT IS RELATED TO ONE OF THE GUARDS WHO EXPRESSED INTEREST IN HELPING THE AMERICAN PRISONERS RETURN TO FREEDOM IF HE AND HIS MEN COULD ALSO BE ACCOMMODATED. SOURCE SAID THAT THE LAO SHOWED HIM SIX RECENTLY SHOT COLOR PHOTOGRAPHS WHICH SHOWED EIGHT OR NINE OF THE AMERICAN PRISONERS AT THE CAVE-PRISON. SOURCE SAID THAT [REDACTED] DID NOT KNOW THE EXACT LOCATION OF THE CAVE, BUT THAT HIS FRIEND HAD BEEN THERE AND COULD PROBABLY DRAW A MAP SHOWING THE LOCATION.

SOURCE STATED THAT [REDACTED] WOULD BE WILLING TO COOPERATE, BUT INSISTED IN KNOWING THE TERMS OF THE 2.4 MILLION DOLLAR REWARD [REDACTED] HAD HEARD ABOUT IN THE NEWS RECENTLY. JCRC REP EXPLAINED THAT THE U.S. GOVERNMENT WAS NOT OFFERING A REWARD AND DID NOT SUPPORT THE PRIVATE GROUP WHO IS ADVERTISING THE REWARD. JCRC REP ALSO POINTED OUT THAT MANY PEOPLE HAVE BEEN INQUIRING RECENTLY ABOUT THE REWARD, AND CAUTIONED SOURCE NOT TO BE TOO QUICK TO BELIEVE EVERY RUMOR HEARS. SOURCE INSISTED THAT THE INFORMATION [REDACTED] HAS IS VALID, STATING THAT [REDACTED] SAW THE PHOTOS [REDACTED]. JCRC REP IMPRESSED ON SOURCE THAT WHETHER OR NOT THE PRIVATE GROUP WHO WAS OFFERING THE REWARD WAS SINCERE, NOTHING COULD BE DONE UNTIL THE USC HAD A CHANCE TO EVALUATE THE INFORMATION SOURCE CLAIMED TO HAVE. SOURCE AGREED, AND SAID [REDACTED] WOULD ATTEMPT TO OBTAIN THE PHOTOS AND A MAP SHOWING THE LOCATION OF THE CAVE AND SEND THEM TO JCRC BY REGISTERED MAIL AS SOON AS POSSIBLE, DEPENDING ON WHEN SEES [REDACTED] LAD SOURCE NEXT.



ENGLISH

I am a citizen of the United States of America. I do not speak your language. Misfortune forces me to seek your assistance in obtaining food, shelter and protection. Please take me to someone who will provide for my safety and see that I am returned to my people. My government will reward you.

BURMESE

ကျွန်ုပ်တို့သည် အမေရိကန် ပေါ့မင်းတို့၏ နိုင်ငံသားများ ဖြစ်ပါသည်။
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THAI

ข้าพเจ้าเป็นคนสัญชาติอเมริกัน พูดภาษาของท่านไม่ได้
โรคภัยทำให้ข้าพเจ้าต้องมาขอความช่วยเหลือจากท่านในเรื่อง อาหาร
ที่พัก และความคุ้มครอง โปรดนำข้าพเจ้ามาพบผู้ใดคนหนึ่ง
ที่สามารถจะให้ความปลอดภัยแก่ข้าพเจ้า และนำทางส่งข้าพเจ้ากลับ
ยังบ้านเมืองของข้าพเจ้าด้วย รัฐบาลของข้าพเจ้าจะตอบแทนใน
ความช่วยเหลือของท่าน.

LAOTIAN

CHINESE

幸要食住求你幫助我獲得
全國的領袖到所和幫
府設我住求你幫助我獲得
必的領袖到所和幫
大人設我住求你幫助我獲得
大那法到所和幫
酬裡送能和我幫
謝美我給保我
你國回我護獲
們政美安請得

CHINESE (MODERN)

我是美國人民。我不會說
Wǒ shì Měiguó Rénmín. Wǒ bù huì shuō

United States Senate

WASHINGTON, DC 20510-2903

February 2, 1991

Kris Kolesnik
Office of Senator Grassley
SH-135, INSIDE MAIL

Dear Kris:

I am writing to invite you to a staff meeting concerning the establishment of a Senate Select Committee on POW/MIA Affairs. The meeting will take place this Wednesday, February 6th, at 3:30 p.m. in room 823 Hart.

I know your boss has been interested in the POW/MIA issue for many years, and we know he shares our concerns about the Gulf POW dilemma.

Before we left the House side to come here, the Senator had already determined that one of his first goals here would be to formally establish a group of Senators to work on the POW/MIA issue. We believe that the new POW situation in the Gulf makes the formation of a committee on this issue even more urgent.

On the House side, Senator Smith was part of the House POW/MIA Task Force which operated under Rep. Steve Solarz (D-NY) and the Subcommittee on Asian and Pacific Affairs. Nothing comparable exists on the Senate side. In fact, it's been more than FIVE years since any Senate committee has had a hearing on the POW/MIA issue. We recognize that during this time, some Senators, including yours, have made substantial progress toward resolution of POW/MIA matters from Southeast Asia and Korea. We strongly feel that a coordinated approach in the Senate on these matters will only further enhance resolution of this issue.

For nearly a decade, the Executive Branch has designated POW/MIA matters as an issue of highest national priority. We believe that the Senate, as an institution, needs to show Americans and Communist nations in North Korea, Laos, Vietnam, Cambodia, and now Iraq, that we are committed to achieving the fullest possible accounting and return of American service personnel. A Senate Select Committee on

POW/MIA Affairs would provide an effective vehicle in the Senate to help resolve this troubling issue.

Attached is a discussion draft of goals for the proposed committee. It would be helpful if you could review the goals before Wednesday's meeting and make any suggestions at that time. I've also enclosed information on why the Senator wants to establish this committee instead of a task force or ad hoc caucus.

Right now, our first goal is to circulate a Dear Colleague asking Senators to cosponsor a Senate resolution to establish this committee. We do not need a commitment from Senators to SERVE on the committee - only to SUPPORT the committee and its goals.

At Wednesday's meeting, I would like to know if your boss is interested in signing a Dear Colleague to the rest of the Senate urging support for the establishment of a Senate Select Committee on POW/MIA Affairs.

I'm contacting a bipartisan group of 20 other Senators whom Senator Smith initially thought would be interested in this issue. I realize it's short notice, so if you cannot make the meeting on Wednesday and want to talk about this further, please call me at 48338.

Sincerely,



DINO L. CARLUCCIO
Legislative Assistant

enclosures

THE POW SCANDAL: A GUIDE TO SOME OF THE PLAYERS

ROSS PEROT

INDUSTRIALIST;
RESCUED SEVERAL
OF HIS OWN
EMPLOYEES FROM
A PRISON IN
TEHERAN.

- o A member of the commission, headed by Lt. Gen. Tighe, whose members arrived at the conclusion that the evidence of POWs in Vietnam was overwhelming.

- o Visited the leadership in Hanoi, at their invitation, and received confirmation that the men were there.

- o Met with President Reagan following the Hanoi trip and informed him that the groundwork for successful negotiation had been laid; received no sign of appropriate follow-up. Revisited Reagan, told him that he had gone back on his promise to take decisive action.

LT. GEN. EUGENE TIGHE

KNOWN INTERNATIONALLY
AS ONE OF HISTORY'S
GREAT MASTERS OF THE
INTELLIGENCE CRAFT;
FORMER DIRECTOR OF
DEFENSE INTELLIGENCE
AGENCY.

- o Headed a commission, appointed by President Reagan, whose members concluded that approximately 100 men were still alive as POWs in Vietnam. Much of the evidence has been given to Hanoi, even though none is available to American legislators or people.

- o Has reviewed evidence he regards to be of the highest quality, including extremely detailed descriptions of camps, how men were dressed, etc.

ROBERT GARWOOD

MARINE WHO WAS A
PRISONER IN MANY
VIETNAMESE CAMPS
FOR 14 YEARS.

- o Has given specifics about numbers and locations of prisoners that correspond with evidence reviewed by Lt. Gen. Tighe.

- o Upon arrival back from Vietnam, was told immediately that he should remain quiet about other American prisoners. Was never debriefed until long after a trial on trumped-up charges of desertion and collaboration. Later, at his first full debriefing, nine years later, he was shown photographs demonstrating that U.S. intelligence had known complete details of his whereabouts and activities throughout his entire captivity.

(over)

SYNOPSIS OF KISS THE BOYS GOODBYE

THE SCANDAL LARGER THAN WATERGATE

YET IGNORED BY CONGRESS AND PRESS

Bureaucrats Are Obstructing the Release of POWs in Vietnam

Picture these dramatic -- and true -- scenes presented in the just-released book, KISS THE BOYS GOODBYE: HOW THE UNITED STATES BETRAYED ITS OWN POWS IN VIETNAM:

SCENE 1. Ross Perot, the billionaire industrialist, is seated at a conference table before the leadership in Hanoi, who invited him there. They confirm for Perot that the POWs are indeed still alive. They set forth easy terms by which a successful negotiation may be concluded. Perot flies to Washington on his private jet and reports all this to the Administration. He returns to Dallas, expecting the immediate beginning of serious action on negotiating for the POWs' release, and he waits. And waits. And waits.

SCENE 2. Now Perot is angry. He flies to Washington again and is seated at a table in front of President Reagan. Looking at Reagan directly, he says, "You've gone back on your word!" By that he means that President Reagan promised him support in getting to the bottom of the POW question and in doing whatever it took to resolve it. Reagan reaches for some index cards that contained responses to whatever Perot might say. With Defense Secretary Carlucci at his elbow, Reagan begins mumbling these prepared statements. Perot leaves in exasperation; it is clear that others are controlling the issue.

A COMMISSION'S CONCLUSION: THE PROOF IS THERE.

This was not Perot's first journey into the Byzantine realm of the all-powerful intelligence clique. In 1986, he had been asked to join a commission to review the evidence about live Americans in Vietnam. The commission was to be headed by a three-star general who was considered by NATO colleagues as one of history's great masters of the intelligence craft, Lt. Gen. Eugene F. Tighe (pronounced "tie").

For Tighe, Perot, and the others on the commission, the proof was there. Americans were still being held in Vietnam. One might have assumed that such a conclusion would have prompted immediate action on the part of the Congress, and press, and Administration. On the contrary, it was never even released, let alone acted upon. Like all the other information about our servicemen left behind, it sits in a file cabinet labeled "TOP SECRET."

Unknown to ordinary citizens, the capabilities of surveillance have attained a level of incredible precision. High-tech intelligence reporting is so good that satellite photos can show minute details of prison camps, and a person can transmit information from a Vietnamese jungle to the Oval Office within five minutes.

One high-tech intelligence expert would use super-secret procedures to track hundreds of POWs long after the official POW homecoming in 1973, but the information would disappear before it reached the level where someone might take action. When this expert sought to testify about this, he was harassed by intelligence operatives and cut off in his official testimony by a self-important Congressman.

Human surveillance is so good that observers can be trained to record the exact details about what prisoners are wearing, what the camp commanders do for after-hours amusement, and so on. Using a combination of high-tech and human methods, our intelligence people have been tracking our POWs from place to place throughout their entire captivity.

OUR OWN ON-SITE REPORTER ON THE PRISON SCENE.

Beyond these high-tech and specialized human methods, it became clear to Gen. Tighe, Mr. Perot, and others that we also had another extraordinary resource -- a serviceman who had spent his entire adult life in various Vietnamese prison camps.

This marine, Bobby Garwood, emerged from the system in 1979. One would logically assume that our intelligence people would have debriefed him exhaustively to learn everything about the Vietnamese prison system and especially about POWs. Logical, but unnecessary, since our intelligence agents had already tracked his whereabouts throughout his captivity and even had photographs of him in the different camps. They knew things about his immediate guards that he didn't know himself!

The only important thing to the intelligence bureaucrats was that Garwood's message about other prisoners never be believed. As soon as he arrived back from Vietnam, he was intimidated and threatened the moment he would speak about other prisoners. To demoralize him beyond what the Vietnamese had done, and to discredit any reports he might make to the American people, Garwood was put through a whirlwind farce of a trial on charges of desertion and collaboration. Over the years, however, Bobby Garwood has not only recovered from his ordeal under the thumb of the Vietnamese and U.S. officials but is reporting what he saw and heard in Vietnam. His information corresponds closely with the evidence reviewed by Lt. Gen. Tighe.

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Mary Van Nimwegen

HJR 41

H m EVA

5/1/91