

M E M O R A N D U M

TO: FAZ
FROM: Wick Tourison
DATE: June 10, 1992
RE: Preliminary Report, POW/MIA Accountability

Information in the attached document and numbered tabs represents an historical overview of the Administrations' casualty and intelligence accountability for unaccounted for servicemen from the Southeast Asian conflict. The numbered tabs and other material pending declassification were provided by CDO in response to SSC requests for this information. CDO's assistance has been outstanding. Documents which are not included and are pending declassification should all be available prior to the scheduled hearings.

I am prepared to answer any questions you or others may have regarding this material.

I must point out that the numbered tabs are my original material. Much of the material has been marked by CDO as "FOR OFFICIAL USE ONLY" and is not yet totally releasable. It must be handled as if it were Committee Confidential at this time. This does not apply to the remainder of the information in my report and to material that is not marked "FOR OFFICIAL USE ONLY." Release of this material for public presentation and discussion will hinge on next of kin authorizations.

MATERIAL FOR 11 JUNE BRIEFING (3:15-5:15 IN S-407)

DRAFT SCHEDULE

JUNE 24, 1992

PANEL 1

Directorate of Information, Operations and Reports- John
Sungenis

Defense Intelligence Agency - Charles Trowbridge

Casualty Officers

Joint Chiefs of Staff - Powell or representative

PANEL 2

Sungenis

Trowbridge

Admiral Thomas Moorer

General Eugene Tighe

Roger E. Shields

JUNE 25, 1992

PANEL 3

Service secretaries or their representatives

Sungenis

Trowbridge

Shields

Frank Sieverts

Gen. Robert Kingston

Gov. William Clements

Michael Oksenberg

Harold Brown

PANEL 4

General John Vessey

BG Thomas Needham

Sungenis

Bob Sheetz

Panel 1 : January 1, 1961 - January 27, 1973.

Overview: The first serious move to account for the fate of unaccounted for servicemen began in 1966. Available information shows that the number of missing and captured American servicemen was rising and there was no hard evidence on their fate and the location of those alive in captivity. Efforts to establish a focal point for POW/MIA accountability and a unified Defense Department level authority fell victim to bureaucratic infighting and an unwillingness to develop an alternative to the individual Service Secretary's statutory authority in the area of casualty accountability and determination. As a result, each separate service tended to take care of its own, often to the exclusion of any serious interaction with senior staffs in the Department of Defense.

The Southeast Asian war era did produce two separate worlds of data; pure casualty data and a less understood intelligence data. The two often operated in isolation and produced separate pictures of the universe of America's unaccounted for. Panel 1 will examine the two separate worlds of wartime casualty accountability and outside factors which affected the reliability of the information they collected and disseminated.

Casualty Accountability

The Defense Department's casualty accountability for servicemen sent to Southeast Asia was two part and did not change significantly throughout most of the Southeast Asian war between 1961-75. However, during the later half of the 1960s those involved in casualty accountability began to switch from manual data bases to electronic data bases and it is on the data generated from such systems that the names and number of casualties were based at the start of Operation Homecoming.

The manpower related casualty reporting system throughout this period was managed by the Office of the Secretary of Defense Comptroller staff. This staff was the Defense Department's element charged by the Secretary of Defense with responsibility for the issuance of directives to the military services regarding the definitions of different categories of casualties, what information would be reported and the frequency of such reporting.

The Comptroller staff defined military casualties as follows:

((Extract from DoD Memorandum)) ((TAB 1))

The basic document used throughout the Defense Department to report military casualties was a form DD 1300, a Report of Casualty. The individual military units sent electrical messages about casualties to their senior personnel staffs which submitted the Report of Casualty to the casualty statistics office within the Defense Department's Comptroller staff. The Comptroller staff did not generate any Report of Casualty on its own.

It was not unusual for corrections to be submitted when errors were detected in name spellings, dates of casualty, dates of birth and change in casualty status. Since the Comptroller staff was primarily concerned with current statistics but did need to be able to track prior reporting, it kept two computerized data bases; a working file with the most current information and a history file containing all previous casualty reporting, to include all corrections. It also maintained a master file of all Reports of Casualty to back up its data entry. The only routine element the Comptroller staff entered into its casualty data base which was not contained on the Report of Casualty was a process date entry; the year and month it entered the data into its data base.

Throughout the Southeast Asian conflict the Comptroller staff collated the information it received both for internal planning and for public dissemination. It was able to provide breakdowns by casualty type, country of loss, remains recovered versus not yet recovered and other demographic type information which could be either statistical in nature or in the form of list of names. From testimony to the Committee staff, in the later years of the war the services began to submit changes in the country of loss for an as yet undetermined number of

servicemen. The impact of these changes reportedly totaled several hundred changes and dealt primarily with Cambodia and Laos casualties which had previously been reported as occurring in North or South Vietnam. From all available evidence, there is only one recorded case when a group of servicemen were not entered into a casualty base--even with an incorrect country of loss--that was one group of U.S. Air Force personnel on a cover assignment in Laos at a TACAN site designated Lima Site 85.

((Produce DIA document showing exclusion of Lima Site 85 losses.))

((Pending declassification))

Nevertheless, to this very day there exists a belief that large numbers of servicemen were deliberately kept off the casualty rolls. The available evidence points to precisely the opposite, a "cover up" in the country of loss but not a deliberate omission from the casualty data base. For example, in 1970 and 1971 there were groups of U.S. Army personnel associated with covert operations in Laos dating back to 1966 or unspecified operations in Cambodia prior to the cross-border incursion in the late spring of 1970 who had their loss locations changed from Vietnam to Cambodia or Laos.

((Example of DIA casualty reports in 1970, 1971))

((TABS 2, 3))

In short, by the eve of the Paris Peace Accords, it appears that with the exception of the Lima Site 85 group, all other military personnel who can be identified were on the casualty rolls in some manner.

However, the Committee staff requested the Defense Department's senior casualty staff, now known as the Directorate of Information, Operations, and Reports, to provide the Committee with the specific number of such country of loss changes. The Directorate responded in writing that it could only identify four such changes in its history file. This is inconsistent with the available record of country of loss changes and indicates that some data has been permanently removed from the history file.

The Committee staff also examined the dates in the process date portion of the Directorate's data base and determined that the dates have been entered in an inconsistent manner. The Committee brought this problem to the attention of the Directorate and it has responded in writing that it is attempting to identify such problems and make corrections after consultation with the services. The significance of incorrect process dates is to give a deliberately false picture of the point in time when the Defense Department formally recorded an entry in its electronic data base. This has, in the judgement of the Committee staff, resulted in a Defense Department level data base which is inconsistent, unpredictable and unreliable. It was not designed to be so and the Directorate has responded that it is

examining this problem.

The Committee staff was provided the post-Operation Homecoming casualty statistics records of the Directorate staff, then known as the Comptroller, which reflect casualty status changes during the period June 1973-September 1977. There were no records dated on the date of the signing of the Paris Peace Accords and the June 1973 figures appear to reflect some casualty status changes which occurred during the January-June time frame but this can not be confirmed at present.

The Comptroller's documents provide the following picture of the number of unaccounted for servicemen as of the date of the signing of the Paris Peace Accords, the first bench mark selected.

((Extract from June 1973 DIOR document))
((TAB 4))

You will note that there are no wartime Killed-Body Not Recovered. This is because such individuals are included in the Killed in Action or Died Nonhostile totals. The wartime killed also include 21 individuals declared to have died in captivity but without the recovery of remains, a category of tremendous interest during and since Operation Homecoming. You will also see that 84 returned alive from captivity during the war and 112 persons initially reported missing returned to their unit and had not been captured. The Defense Intelligence Agency has records on the 84 who returned alive from captivity but does not have the records of the other 112 initially declared missing who were later accounted for. There are no deserter totals in the casualty totals because absentees and deserters have been exempted from normal casualty reporting, unless they are confirmed captured.

This represents the state of the unaccounted for universe from the standpoint of the Department of Defense as of the morning of January 27, 1973.

ISSUES TO BE ADDRESSED IN TESTIMONY BEFORE THE SENATE SELECT
COMMITTEE ON POW/MIA AFFAIRS
JUNE 24-25, 1992

JOHN SUNGENIS
CHIEF
DIRECTORATE OF INFORMATION, OPERATIONS, AND REPORTS
WASHINGTON HEADQUARTERS SERVICE

-What instructions did the senior casualty officials in the Defense Department receive regarding Joint Chiefs of Staff instructions to exempt cross-border losses in Cambodia and Laos from normal casualty reporting during 1965-1970?

-How did the Department of Defense describe and define military casualties from the Southeast Asia Combat Zone?

-What is the chronology of countries included within the Southeast Asia Combat Zone?

-Who has been authorized to provide casualty statistics within the Department of Defense and how has this authority been changed over the past thirty years?

-How does the Department of Defense verify the accuracy of information contained in casualty reports and audit the accuracy of information it enters into its own Southeast Asia Casualty data base? What is the accuracy of that data base today, particularly with regard to the process dates, the dates your Department actually entered a particular casualty data transaction?

-What information is available about the number of dependents and Department of Defense civilian employee or DoD contractor casualties from the Southeast Asia combat zone?

-What was the number of U.S. military casualties, accounted for and unaccounted for as of January 27, 1973? How were those found to have died during the war and without the recovery of remains accounted for in casualty statistics?

-What were the numbers of accounted for and unaccounted for in your casualty statistics as of the first week of June 1973? As of the first week of January 1975? As of March 30, 1977?

-What casualty status changes were made from missing in action or missing nonhostile to POW after January 27, 1973?

-What are the most recent numbers of unaccounted for Americans by country of loss and how are they categorized by casualty category?

-What role did your staff play in advising DIA and others about corrected country of loss locations associated with Laos and Cambodia? What was the impact of these country of loss locations on the credibility of reports of casualty and the confusion on the part of the next of kin regarding the credibility of casualty statistics issued by the Department?

-How many instances in your data base are there changes in country of loss location? How does this agree with the actual number of corrected country of loss reports you provided over the years to DIA? How can we be sure that all information in the

Department's Southeast Asia casualty data base is totally accurate, even today?

Some sample questions for Mr. Sungenis:

-What authority did your staff have regarding casualty statistics and public release of casualty information as of January 27, 1973? Do you have that same authority today?

-What is the practical difference between missing in action and missing nonhostile?

-Given the Administration's interest in those who were killed without the recovery of remains, an interest which existed during the war years, how did the Comptroller view such information in its statistical reporting during the war years?

-What information can you provide, first hand or hearsay, about the submission of Reports of Casualty with deliberately incorrect country of loss locations?

-What from your experience was the impact of this falsification on the next of kin?

-What is the practical impact of such changes on the reliability of military casualty reporting?

-How is it possible to ensure that all corrections in your Southeast Asia casualty data base have been taken?

-Might any of the information in your data base have been provided for use on the Vietnam Wall? How accurate is that information?

-Since one of the primary functions of the reporting is to generate replacements, why have absentees and deserters been excluded from your casualty reporting?

-Since January 1973, what cases are you aware of where individuals have come forth to the Defense Department with information about persons who were missing or captured during the war and their names are not in your data base?

-Vietnam, Laos and Cambodia were part of the designated Southeast Asia Combat Zone as of January 27, 1973 but that Zone did not include China. Do your figures as of January 27, 1973 include any persons lost in China which was not then part of the designated Combat Zone?

-Do your casualty totals include anyone lost in Laos prior to the signing of the 1962 Geneva Accords on Laos? How do the provision of the Accords and any servicemen unaccounted for in Laos relate to the Southeast Asia Combat Zone casualty data base?

-Who is responsible for Defense Department civilian casualty reporting? Why are civilians excluded from your data base? Is it the policy of the Defense Department to not recognize civilian casualties among its civilian work force in a combat zone?

-What can you tell us about the authority to make casualty determinations? Who is authorized to make a finding of death? What is your own role in that process?

-Which other offices in the Department of Defense produce and maintain casualty statistics?

Intelligence Collection

The Defense Intelligence Agency was formed in 1961 as the senior intelligence staff supporting the Joint Chiefs of Staff and Department of Defense. During the Southeast Asian conflict it was assigned a specific role in 1966 to be responsible for the collection and production of POW/MIA intelligence.

((1966 Directive to DIA))
((Pending declassification))

From 1966 through January 27, 1973, the Defense Intelligence Agency collected and produced a significant quantity of intelligence about the fate of those servicemen who were reported either missing in action or prisoner. Satellite-derived intelligence was also used for the first time to pinpoint prison camp locations. Electronic data bases were then in their infancy and data base manipulations were not then beyond the concept stage.

DIA's primary focus from 1966 through the end of the war was on those who were reported by the individual services as either missing or a prisoner. Although there is a practical difference between those who disappeared in combat and those who disappeared in a nonhostile environment, the Agency did not distinguish between missing in action and missing nonhostile and grouped both into the category "MIA." This led to DIA developing its own terminology which has never been defined and is inconsistent with the rest of the Department of Defense.

Based on archival documents from shortly after the end of the war, the Agency did not collect information on those reported killed in action or died hostile without the recovery of remains unless they were first reported to DIA as missing or a POW. However, DIA did have access to such information through the Defense Department's Comptroller staff and was generally aware from time to time of the existence of such information.

Starting in 1966 the Agency began to compile weekly casualty statistics based on messages from Southeast Asia about those reported missing or captured. The information they received was tabulated by service and country of loss. Each individual declared missing or captured resulted in the creation of what has been called an intelligence file. As reports came in from various intelligence sources such as enemy news releases, captured documents, enemy prisoners, agency, signals intelligence and other sources, the Agency attempted to correlate such information to specific unaccounted for individuals. Many times, particularly in the case of prisoner reporting, it was difficult to match a report about an unnamed individual in one part of the country to a specific individual lost in another part.

Information made available to the Committee staff by the Defense Department included approximately 200 cubic feet of the

wartime files of the POW intelligence staff within the Defense Intelligence Agency. In addition, the Committee staff located the archival records of an Army military police unit which dealt both with American and enemy POWs. The files of both groups have contributed significantly to our understanding of the accounting which took place from the time an individual was first reported missing until information about his or her fate began flowing into the Pentagon.

Based on a review of archival casualty files, nearly every serviceman who disappeared and could not be located was initially reported as missing. Flash messages often came within minutes of the loss of an aircrew and subsequent messages document the search and rescue efforts. Such activities produced an initial body of information which described the loss location and circumstances of loss which became important in attempting to correlate reports from prisoners and other sources to a specific unaccounted for individual.

As with the Defense Department's Comptroller staff, DIA relied heavily on the accuracy of the reporting units in the field. Information on those missing and captured was entered into a computerized data base and--as with the Comptroller--the information was only as accurate as the information reaching the Agency. Based on a careful review of archival records, DIA was also provided incorrect country of loss location information for those individuals lost in Laos and Cambodia during 1965-70.

There are also repetitive examples of losses in Cambodia months before the Cambodia incursion after the overthrow of Prince Sihanouk in April 1973. Here is one example:

((1970 country of loss change))
((TAB 5))

A review of the archival information in the POW intelligence files repeatedly demonstrates that DIA relied heavily on information from wartime early releasees to obtain a more accurate listing of the identity of those alive and in captivity. While North Vietnam publicized some of the American POWs it captured, its southern Liberation Army did almost no such publicizing. Releases of American POWs in 1967 and 1969 produced a significant update in DIA's knowledge of the identity of those captured. But, there were far greater unknowns in the South than in the North and there was almost no information about American POWs captured alive in Laos. Americans captured in Cambodia more often than not were detained by Cambodian forces and often released. The Liberation Army also used Cambodia as an exit point for some early releasees.

Throughout the period 1966-69 there was an effort by the Administration to bring pressure on Vietnam to comply with the provisions of the 1949 Geneva Convention, a treaty North Vietnam refused to accept as binding on the war in Vietnam. For those next of kin in the United States, the few letters exiting Vietnam was almost nil until starting late in 1969 a number of anti-war

activists banded together and combined anti-war activities with efforts to obtain information from Hanoi on the fate of American POWs. In January 1970 an organization co-chaired by Cora Weiss and David Dellinger known as the Committee of Liaison began to gain access to some American POWs in North Vietnam. This led to a flow of mail and Vietnam's efforts to make public selected "lists" of American POWs. The Committee staff has compiled an abstract of these lists of names and lists of recipients of mail which, by January 1973, had helped confirm the presence of many American POWs alive in North Vietnam.

((Provide abstract))
((TAB 6))

The process of casualty status change within the Department of Defense relied heavily on information from the Defense Intelligence Agency and other sources to help change a status from missing to captured. There are few recorded instances where information from DIA led to a conclusion of death but information about death in captivity did result to over 20 changes from POW to Died in Captivity during the war in South Vietnam. In several instances some individuals were believed to have killed but intelligence later confirmed they were alive in prison and their casualty status was changed to POW. At least four deserters were also determined to have been captured but the individual services did not bring them into the casualty reporting system although DIA did carry them as a POW.

DIA's archival documents do provide a picture of intelligence information available to DIA which caused DIA to make a change in its own POW/MIA data base months or years before such a change was made by the individual services. In some cases we have noted that the source of information is SI-special intelligence-a euphemism for information from enemy communications. In other instances it appears that DIA had other sources of information which it may be prepared to provide the Committee in open session and which were highly reliable and accurate.

What is unclear from the archival records is why such differences always existed between DIA's POW status and that of the individual services. We can confirm that such gaps of time existed but it has not been possible to confirm the precise span in such timeframes. However, a sample from DIA's wartime casualty statistics confirmed that DIA did develop its own casualty status independent of the standard casualty status assigned by individual military services.

((Extract of casualty statistical sheet))
((TAB 7))

It must also be noted that each military department had a senior intelligence staff and these staffs also collected and produced POW intelligence pertaining to their own personnel. The Committee has requested such information from the individual

services and we have not received any of this archival information to date.

We have secured from the archival records of DIA their weekly casualty statistical report as of January 27, 1973. It, and the entire record for the period 1966-1978 were declassified by the Defense Department at the request of the Committee. Some material with names of MIAs has been marked with the protective marking For Official Use Only pending release of the names by next of kin. However, it is encouraging to note that all the casualty statistical data located, as well as all lists located, was declassified on an expedited basis.

Here are DIA's views on those last known in captivity prior to the exchange of POW lists on the morning of January 27, 1973:

((DIA's Casualty Status Report))

((TAB 8))

From archival files we have been able to trace the events of what was initially known as Egress Recap, the codeword assigned to the POW recovery effort. That name had been changed to Operation Homecoming prior to the actual return of the POWs.

The effort to recover and debrief all returning POWs had been in existence throughout the war and was largely service oriented. However, since 1966 DIA had served as a member of the Administration's PW Policy Committee and participated in the Interagency POW Task Force. DIA also chaired an Ad Hoc Committee which looked in detail on the knowns and unknowns of POW intelligence.

The Paris Peace Accords meant more than the return of 566 live American servicemen from captivity. It was also a test of the accuracy of the intelligence judgments DIA developed independent of the military services.

The archival records reviewed by the Committee provide a clear picture of the effort DIA expended. It also documents that DIA disseminated its information internally within the Defense Intelligence Agency, shared its views and information with the intelligence staff of the Pacific Command and dealt daily with its next higher supervisor in the Defense staff chain, the Assistant Secretary of Defense for International Security Affairs. Whatever information DIA received was indeed disseminated.

**ISSUES TO BE ADDRESSED IN TESTIMONY BEFORE THE SENATE SELECT
COMMITTEE ON POW/MIA AFFAIRS
JUNE 24-25, 1992**

CHARLES TROWBRIDGE
DEPUTY DIRECTOR
SPECIAL OFFICE FOR POW/MIA AFFAIRS
DEFENSE INTELLIGENCE AGENCY

-What was the criteria for DIA's judgements about prisoner of war status? Where was this criteria written, who approved its use and to what extent was it applied consistently?

-Did the military services carry an individual as a POW while the Defense Intelligence Agency considered the individual to be missing in action? Why did such differences exist and what steps did DIA take to work with the military services to develop a standard methodology?

-Prior to January 27, 1973, what types of information did the Defense Intelligence collect and maintain regarding casualties from the Southeast Asia combat zone and from what sources?

-How did the Defense Intelligence Agency classify casualties about whom it collected information? How did those terms agree or disagree with Defense Department military casualty terminology and useage?

-What information did the Defense Intelligence Agency maintain about these casualties, both in paper form and as electronic data, as of the date of the signing of the Paris Peace Accords? How did DIA verify the accuracy of the information they were provided?

-What statistical information did DIA disseminate during the war years?

-What was the scope of information your Agency collected during the war about servicemen reported to have died and without the recovery of their remains?

-What information did your Agency collect during the war about the fate of military absentees and deserters?

-How and when did DIA disagree with the Military Service or Defense Department casualty status? What information did DIA have which caused it to believe that some individuals were in a POW status? How and when did DIA share this information with the appropriate Military Services?

-Who was believed by DIA to be a POW as of January 27, 1973? What happened to the casualty status of those individuals after that date? What finished intelligence did DIA provide to the casualty review boards?

-What casualty statistical records did DIA maintain after January 27, 1973 and for what period of time? What information is there reflecting the various casualty categories on June 1, 1973, on January 1, 1975, on March 30, 1977? How did DIA

coordinate with the Military Services where its own figures differed from those of either the Department of Defense or individual Military Services?

-How did DIA cope with incorrect casualty information in its data base relating to cross border operations?

-How did DIA cope with a lack of hard copy information about the fate of those reported killed during the war and without the recovery of remains?

-When did DIA first begin to include the killed in action-body not recovered in its statistical reports and who directed this be done?

-What are the most recent numbers of unaccounted for Americans by country of loss and how are they categorized by casualty category?

-How did DIA factor reports of the death of a prisoner or MIA provided in the various "lists" from an official North Vietnamese source through one of the private groups? Did DIA recommend a change in casualty status from MIA to POW when information was received through these private groups and from an official source that an individual was alive?

-What are all the types of intelligence that DIA had access to which DIA considered to be an absolutely reliable indicator of capture or presence in the prison system? At what point and in what form was this information provided to the service casualty officers?

-As of January 27, 1973, the records of DIA reflect slightly over 300 servicemen missing or captured in Laos. How accurate was that figure and what role did the Laos unaccounted for, and those reflected in other countries, play in the recommendations by DIA to policy officials?

-How accurate were records in DIA about the actual country of loss? What was the source of your information correcting the country of loss and for how many years was DIA continuing to correct its data base regarding country of loss for covert operations losses?

-What information does the DIA have about the specific hostile units involved in the area of the loss of those whose remains have not yet been recovered in Laos? When did you begin to compile this information and from what authoritative sources?

Some sample questions for Mr. Trowbridge:

-What role did DIA's numbers of live POWs play in national decision making?

-When and how did you reconcile your data with that of the individual military service intelligence staffs?

-What working relationship and numbers sharing did you have with the Pacific Command? With JPRC? How did their numbers agree with your or disagree? How were such differences rectified?

-Describe the various sources of information DIA relied upon for its raw information. How reliable were they?

-How was DIA able to predict with such high accuracy the specific prisons in which American POWs were being held, almost down to the room in each prison?

-How much of a role did information from intercepted communications play in DIA's judgments about the fate of American POWs and MIAs?

-What types of imagery platforms did DIA have access to? How was the imagery used?

-What procedures did DIA employ to obtain information about mail coming from POWs in North Viet Nam? To what extent did they obtain this information from the next of kin and how was it obtained?

-What role did photographic identification play in confirming the identity of POWs? What role did the next of kin play in photo confirmation and how accurate were such identifications during the war?

-How could DIA conclude that an individual had been captured and then have no further information about the individual for years? How was your POW status used and who relied on it?

-How much of your statistical information was provided to Dr. Shields? To Mr. Sieverts? To General Scowcroft? To your Director? What actions did they take based on DIA's wartime estimates of the number and location of POWs?

-What part of DIA's wartime POW intelligence activity was pro-active and what was passive? How did DIA outreach to the next of kin?

-How many people in DIA were devoted to POW intelligence?

-How did you assess the accuracy of your own information as you approached the Paris Peace Accords? What updates did you conduct to reverify your data?

-Did you distinguish between missing in action and missing nonhostile?

-Why didn't you keep any detailed information during the war on those killed in action-body not recovered?

-Why did you describe as an MIA an individual killed in action outright where there was no possibility of the recovery of remains?

-If, as your own records show, you were receiving inaccurate information regarding the country of loss and were recording it

that way, how did your statistical data differ from any information you received which showed a different country of loss? Isn't this keeping "two sets of books?" How did you reconcile the two?

-During the war we accepted "official lists" through Cora Weiss and others, some of which reported that some of our POWs had died. Did you consider such information reliable? What was DIA's intelligence policy regarding recommendations on change of casualty status to dead based on such official reports?

Cross Border Operations

The Department of Defense was engaged in covert cross border operations into areas outside South Vietnam. Based on archival material located by the Committee, cross border operations into both Laos and Cambodia were exempted from normal casualty reporting procedures during 1965-70 and at the direction of the Joint Chiefs of Staff. From DIA's archival records it appears that all such losses, with the exception of one group in Laos at Lima Site 85, were reported as casualties but their precise location was either not reported or was covered up.

As of the morning of January 27, 1973, the JCS had not yet decided to declassify such operations although some, but not all, of the loss locations of those lost on cross border operations had been corrected in DIA records starting in 1970. There is some limited information that many operational records associated with such operations from Vietnam may have been destroyed there in 1972.

Early in 1973 the Defense Department declassified the existence of such covert operations into Laos and Cambodia and provided details about these activities to the press in July 1973 and to the Congress in October. Committee staff have located a quantity of wartime directives about these activities and has asked the Joint Chiefs of Staff to provide a full disclosure of these activities to the Committee.

In addition, the Committee staff located a document from the Chief of Naval Operations which suggest the Navy was, at that time, dealing with the fact that two Navy pilots confirmed captured China were not covered for release because China was not a country in the Southeast Asia combat zone. The Joint Chiefs of Staff may be able to provide information on how and why China was added at this juncture.

ISSUES TO BE ADDRESSED IN TESTIMONY BEFORE THE SENATE SELECT
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JUNE 24, 1992

GENERAL COLIN POWELL
CHAIRMAN
JOINT CHIEFS OF STAFF

-Describe the history of the decisions and authorities regarding the exemption from normal casualty reporting of U.S. military cross border operations into Laos and Cambodia. From a casualty reporting standpoint, what information was available about such losses during 1961-75?

-How many military personnel became casualties during such operations? How many were declared dead without the recovery of remains and what is their current status?

-When and how were these casualties first made a part of the normal Defense Department casualty data base? When were erroneous country of loss locations authorized for disclosure and how were corrections made in the casualty and intelligence data bases associated with Southeast Asia Combat Zone casualties?

-There is a perception that many special operations records associated with the Southeast Asia Combat Zone were destroyed circa 1972. What finished reports, command histories and studies of such activities now exist to document the operations of units such as the Military Assistance Command, Vietnam Studies and Observation Group (MACVSOG)? How much of this material, particularly that relating to POW recovery operations, is still classified but could be considered for declassification?

-What was the basis for adding China and military personnel casualties associated with China as part of the Southeast Asia Combat Zone casualty data base? When were these individuals added to the data base and how many were added?

-What steps did the Joint Chiefs of Staff take to ensure that all country of loss locations associated with Cambodia and Laos casualties during 1965-1970 were accurately portrayed within military casualty and intelligence data bases prior to the signing of the Paris Peace Accords?

Questions for the JCS:

- What did we accomplish from the covert operations?
- How much information is there available about the scope of such operations, about their history?
- How much information are you prepared to declassify and make public about these operations? For example, what records do you have about the POW recovery operations of the Studies and Observations Group and the Joint Personnel Recovery Center?
- Since JCS exempted all such operations from normal casualty reporting, how did JCS ensure that all casualty data bases were corrected?
- Who was specifically excluded from even being reported as a casualty? For example, why were those at Lima Site 85 not even reported as casualties?
- What other casualties occurred in Asia and in conjunction with the war which were associated with covert operations in China, Burma or some other location?

SERVICE SENIOR CASUALTY OFFICERS

-How were military casualties reported from the Southeast Asia combat zone and who was excluded from such reporting?

-How were military absentees and deserters included in casualty statistics, particularly when confirmed to be a prisoner of war?

-What terms were used by your Military Service to define casualties, what did those terms mean and what was the authority for the use of those terms?

-What casualty statistics did your Service produce and disseminate?

-What are the most recent numbers of unaccounted for Americans and how are they categorized by casualty category?

-How many absentees/deserters have been added to the Southeast Asia casualty numbers since 1973? To what extent will what has been called the "MIAs" continue to grow?

Panel 2. January 27, 1973 - April 1, 1973.

On January 27, 1973, at Paris, the United States concluded the Paris Peace Accords with the representatives of the Democratic Republic of Vietnam and the Provisional Revolutionary Government. In accordance with the 1949 Geneva Convention, the United States and Republic of Vietnam provided the DRV and PRG with casualty data on all prisoners captured by the U.S. and other parties. The United States received from the PRG and DRV lists of those Americans and other foreign nationals who were to be repatriated alive, had died in captivity and had been released during the war. On February 1, 1973, the United States received a list of 10 individuals the Pathet Lao in Laos were repatriating alive.

Starting in February 1973 and continuing until April 1, 1973, the United States recovered 566 American servicemen alive from Asia, including two pilots from China. Press coverage at the time attributed to President Nixon the comment that all the prisoners were home.

In February 1973 and through mid-April 1973 the Defense Department conducted preliminary debriefings of returning POWs at Clark Air Base, Republic of the Philippines. This debriefing focused on an effort to account for the fate of all those who did not appear on any list of POWs to either return alive or who had died in captivity. In Saigon, the Joint Four Power Military Commission began to prepare for the post-60 period during which all POWs were to be repatriated. The U.S. side came under General Woodward, the architect of Operation Homecoming in Vietnam who had served as the Military Assistance Command, Vietnam Chief of Staff. Starting in April, Ambassador Bunker provided the direction to the post-Homecoming effort in Vietnam to account for the fate of all those still unaccounted for. Much of the remains recovery and effort to seek more answers about the fate came from the newly reformed Joint Casualty Resolution Center which relocated to Nakom Phanom, Thailand. At national level, the Defense Intelligence Agency began the task of supervising the following on extensive debriefings of the returnees. Much of the automated data support to this effort was provided by the U.S. Air Force which began to extract the identity and last known location of those identified by returnees as still unaccounted for.

In the Defense Department's Comptroller staff, returning POWs caused an immediate drop in the total unaccounted for. Some POWs captured in late December and early January were already announced as returning alive at a time service casualty review boards were just classifying them as Missing In Action.

This Panel is to explore what information about the accountability effort during the first two and a half months following the signing of the Paris Peace Accords, a period of time during which the effort shifted to attempting to account for

those still unaccounted for and clarify the fate of those still missing.

The Defense Intelligence Agency

On January 27, 1973, the United States received preliminary lists from the DRV/PRG, followed by supplemental information. Within seventy two hours of the exchange of lists in Paris the Defense Intelligence Agency had compared these lists against their data base and reported their results to the Chairman, Joint Chiefs of Staff and the Secretary of Defense. Their initial findings on 29 and 31 January were as follows:

((January 29 and 31, 1973 Reports))
((TAB 9, 9a))

On February 2, 1973, following the receipt of the Pathet Lao list, DIA submitted an updated finding as follows:

((February 2, 1973 Report))
((TAB 10))

DIA was well aware, based on a later document, that the provisions of the Paris Peace Accords applied only to Vietnam and there could be no accounting for the fate of U.S. POWs last known alive in Cambodia or Laos until a ceasefire was arranged in those two countries.

((DIA document))
((Pending declassification))

Starting in February 1973, DIA operated a POW intelligence command center on a 24 hour a day basis receiving reports from the Phase II preliminary returnee debriefings at Clark Air Base. DIA initiated an status report to all intelligence consumers in which it shared information on two critical areas: those carried as an MIA and who might be alive or dead, and the fate of those last known alive. By early April 1973 DIA reported that it had received information from returnees on over 120 MIAs who were believed to have perished. Information from returnees also appeared to validate Vietnam's claim that 21 Americans had died in captivity in northern Vietnam. Their names and grave locations were provided.

((graveyard sketch))
((TAB 11))

However, by the early part of April 1973 the United States was being told by Vietnam that all prisoners in captivity had been returned. Even after the February 22, 1973 ceasefire in Laos, the Pathet Lao asserted that the fate of American POWs

could be dealt with only after the United States withdrew from Laos. United States policy for Laos in State Department cable 060000 directed the U.S. Ambassador to provide maximum support to the Royal Lao Government pending reformation of a tri-partite coalition government which was still months away from agreement in principle.

((State Department cable of 1/74))
((Pending Declassification))

The Committee staff has located archival records regarding DIA's knowledge of the fate of Americans unaccounted for in Laos. That record is as follows:

((DIA's Laos recap))
((TAB 12))

The records also exist for those unaccounted for in China which had been added to the Southeast Asia Combat Zone in late March 1973, ostensibly to bring China into the post-ceasefire dialogue.

((CNO cable on the Navy's China losses))
((Pending declassification))

((DIA's China recap))
((TAB 13))

Although the Committee staff has not as yet been able to locate an archival document with Vietnam only unaccounted for following the return of one American POW on April 1, 1973, DIA did provide the Committee in January 1992 with a list of those it carried in a POW status as of the end of Operation Homecoming. The Committee staff located a 1976 document in DIA archives with the hand notation that it was a list of those 97 individuals the Comptroller and State Department carried as POWs in late January 1973, meaning following the exchange of Vietnam lists. This is a comparison of the two lists:

((List of discrepancies))
((SEE TAB 6)) /8

The Committee has requested post-Homecoming specific archival information from the individual service intelligence staffs. None has been received to date.

As the returnee debriefs were ongoing, the Joint Four Power Military Commission was preparing for the formation of the Military Team which was to address the post-60 effort to account for the fate of those still unaccounted for. In early April 1973 and following instructions from Washington, Ambassador Bunker cabled the Department of State with a list of his priorities. They are as follows:

((Extract from Bunker's cable))
((TAB 14))

Central to this accountability was precise knowledge of the fate of those still unaccounted for. One of the Military Team's first actions was to submit to the PRG and DRV the first of seven lists of those Americans and others for whom the United States required a full accounting. This is the first list:

((JFPMT List #1))
((TAB 15))

This list is, in general, similar to that provided by DIA as that list of those in a POW casualty status following the end of Operation Homecoming, but there are differences. Here is a comparison of DIA's list of 97 individuals and those names on the JFPMT List #1:

((Comparison of the two Lists))
((TAB 16)) (18)

The archival records of DIA do not contain any material which would suggest the existence of a list of names other than that provide either by DIA or that offered by the Military Team. In as much as the Joint Casualty Resolution Center was operating in direct support of the Military Team, it is likely that JFPMT List #1 is the result of input from JCRC.

Thus, by mid-April 1973, DIA has drawn its preliminary conclusions, identified those last known in a POW status and provided its conclusion to those in the Department of Defense and Intelligence Community. The Committee staff has not yet located any documents disagreeing with DIA's conclusions and data. By early April 1973 DIA's weekly casualty status report showing its casualty status and compared to that of the military services was as follows:

((DIA casualty status report-April 1973))
((TAB 17))

Questions for Mr. Trowbridge:

-How many of those unaccounted for after the receipt of the Pathet Lao list were identified by returnees by April as having died in captivity during the war years?

-How many individuals in an MIA status were reported by returning POWs to have been captured alive and to have disappeared?

-What was done with your information within the Department of Defense?

-What was the source of the information which persuaded DIA to place 16 individuals in a POW status which the military services did not support and how did you resolve these cases?

-What instructions or directions did you receive from ISA, the Joint Chiefs of Staff, the Secretary of Defense and others relative to how an accounting would take place for those still unaccounted for?

-What specialized intelligence tasking did you undertake to focus an effort on attempting to locate sources of information about the fate of those you carried in a POW status?

-What coordination were you undertaking with the military service intelligence staffs? With the Comptroller? With the service casualty officers?

-What was the "mood" after Operation Homecoming about more live POWs come from Laos? From Cambodia?

ROGER SHIELDS

-What were the various types of lists of American prisoners and other casualties collected and maintained by the Defense Intelligence Agency prior to the date of the signing of the Paris Peace Accords?

-To what extent were lists from private activists considered to be official lists, even if received through private channels?

-Did the Defense Intelligence Agency collection information about POW/MIA related activities of private activists? How was this information collected and for what purpose was the information used?

-What types of intelligence information collection resources were available to the Defense Intelligence Agency as of the date of signing of the Paris Peace Accords?

-What information did you receive from within the Department of Defense regarding the numbers of unaccounted for Americans as of the date of the signing of the Paris Peace Accords?

-How and when did the identity of those to be repatriated alive or died in captivity affect your understanding of the fate of those still unaccounted for during Operation Homecoming?

-What information was available during Operation Homecoming about the details and numbers of Americans found to have died during the war years and without the recovery of their remains? What role did the need for information about the loss of these individuals play in POW/MIA intelligence collection and production?

-What information did your department learn about those carried as missing in action or missing nonhostile as of the date of the signing of the Paris Peace Accords and which was only obtained during or after Operation Homecoming?

-There is every indication that the number of Americans being officially reported as unaccounted for in Laos as of the end of Operation Homecoming was twice as high as then being reported. Were you aware of this? How did this factor into your policy input on negotiations to resolve their fate with the proper Indochina area government?

GENERAL EUGENE TIGHE

1. As the Paris peace negotiations neared their conclusion in late 1972 and early 1973, did CINCPAC receive a tasking from JCS to consolidate intelligence information and to create a list of missing military personnel whom the United States could reasonably expect to be returned as prisoners of war pursuant to the anticipated peace agreement in Southeast Asia?

-What was your involvement in this project, as the senior intelligence officer at CINCPAC?

-Who assisted you in this project, and what were your assistants' roles?

-What intelligence information did you have available to you? How complete and reliable was this information? How did it differ, if at all, from intelligence information available to the DIA and to the POW/MIA Task Force within OSD/ISA?

-What standard did you apply in determining whether a missing person was to be included on your list of expected prisoners of war? How strong did the evidence of captivity have to be? How, if at all, did your standard differ from the standards applied by the DIA and the military services? If you used a more lenient standard, why did you do so?

-What was the scope of your inquiry? Did you create a list of likely prisoners of war only for North and South Vietnam, or did you also make predictions concerning prisoners likely to be returned from Cambodia and Laos? Did the JCS tasking direct the scope of your inquiry in this way?

-What were the results of your inquiry? Which people and agencies received the CINCPAC list of likely prisoners? Over whose signature was the list sent out? Were you aware at the time that your list was substantially larger than lists kept by the DIA and by the military services?

-Did CINCPAC receive any feedback on its list before January 27, 1973, the date the Paris Peace Accords were signed?

-What was your reaction to the POW lists provided by the North Vietnamese and Viet Cong on January 27, 1973? Did you prepare a memorandum in response to these lists? What did the memorandum say? Did CINCPAC send a memo to JCS and/or the Secretary of Defense setting forth your opinion regarding the completeness of the Vietnamese lists of U.S. prisoners to be released during Operation Homecoming? What response did CINCPAC receive from this memo?

ADMIRAL THOMAS MOORER

1. What was your reaction to the lists of American POWs provided by the North Vietnamese on January 27 and February 1, 1973?

-In the spring of 1973, did you believe that the North Vietnamese held more American POWs than were included on the list provided on January 27, 1973? How strong was your belief? What was the basis of your belief? What intelligence information did you have access to, as Chairman of the JCS?

-Did the process of debriefing the POWs who returned during Operation Homecoming change your strong belief that American POWs were left behind in Vietnam? Is it inaccurate to say, as some have, that the returnee debriefs yielded no information whatsoever about American POWs who were last seen alive in captivity and neither returned during Operation Homecoming nor appeared on a "died in captivity" list?

-What was your opinion of the completeness of the Laos list provided by the North Vietnamese on February 1, 1973? When did you learn that this list did not cover POWs captured and held in Laos by the Pathet Lao? How many American POWs did you believe were being held in Laos by the Pathet Lao as the spring of 1973? What was the basis of this belief?

2. What were the reactions of other members of the National Security Council to the POW lists provided by the North Vietnamese on January 27 and February 1, 1973? Did they share your opinion regarding the completeness of the lists?

-President Nixon?

-Vice President Agnew?

-Secretary of Defense Laird? Richardson?

-Deputy Secretary of Defense Clements?

-Secretary of State Rogers?

-Director of Central Intelligence?

Panel 3. April 1973-December 1980.

By the summer of 1973 the effort by the Joint Four Power Military Team to account for the fate of those still unaccounted for had become mired down. Defense Department across the board cuts in military manpower ongoing since 1970 and a specific reduction in U.S. forces in Southeast Asia had already limited the flow of information through all intelligence collection systems which had operated throughout the war. Specific cuts in Army intelligence operations approved by DIA in 1972 are expanded and in 1974 the U.S. Ambassador in Thailand orders the Army to move to a low visibility posture in the face of the military withdrawal from Thailand. The disestablishment of the Army's Pacific Command in 1974 and vertical realignment of Army intelligence resources in the Pacific under the U.S. Army Intelligence Agency at Ft. Meade leads to further cuts. Intelligence resources in Vietnam are stretched thin by assignment of intelligence objectives which exceed their capabilities.

In 1975 the friendly governments in Laos, Cambodia and Vietnam are taken over by hostile forces and U.S. military intelligence operations there are all withdrawn to Thailand. Then, in 1975, the Army's military services intelligence operatives are directed to terminate all their sources and operations from Thailand, the long term traditional base of operations for activities in Southeast Asia. By 1976 all operations cease and the last human intelligence personnel are withdrawn early in 1977.

Following the collapse in Southeast Asia the flow of information leading to an understanding of the status of those still unaccounted for temporarily grinds to a halt. Refugees from Laos and southern Vietnam begin bringing out reports of sightings of Caucasians or others believed to be Americans but there is little hard information on their identity, at first.

At home there is a general malaise at what is termed an American defeat in Vietnam and all organizations having staffs with missions associated with Southeast Asia are slashed drastically. Within the Defense Department the information from returning POWs leads to the a constantly downward spiral as information from returnees and the provisions of the Missing Persons Act lead to a presumptive finding of death for all but two of those still unaccounted for as of April 1973. Robert Garwood exits Viet Nam, alive, in the spring of 1979 and is tried and convicted of collaboration with the enemy. By 1982 Colonel Charles E. Shelton is the last unaccounted for POW not declared dead.

What has been described is either in the public record or is information readily available through the Freedom of Information Action. Sadly, it is not the answer. Here are the truth and the facts.

Documents recently made available to the Committee staff from the archival records of the Defense Intelligence Agency offer concrete evidence that DIA concluded that some servicemen appeared to have been captured alive although their official status was maintained as "missing in action" by their respective military services. The identity of some of these individuals will be presented now.

The Committee staff is now beginning a strenuous effort to confirm the identity of all such individuals from archival records and it is clear that this unraveling is just beginning. It is also evident that decisions to suppress such information could only have been done as a matter of national policy and not as the act of a mid level manager.

In addition, there is an indication that DIA had as yet unspecified information that some U.S. Air Force personnel lost in Laos in February 1973 had been captured alive and had died in captivity. Recovered material also shows the Air Force officially reporting confirmation they had died but without the recovery of remains. What is unclear is the basis for DIA's conclusions, how long they survived into captivity, what was their actual fate and how the Air Force confirmed death without the recovery of any remains.

In short, there is evidence that the Administration has had information about some unaccounted for Americans who may have been captured alive but denied public release of this information and that all of these individuals were later declared dead while in a missing status. The reasons why this was done are unclear and a full accounting, not just in name, is demanded.

Post Homecoming Intelligence

After the end of Operation Homecoming, information continued to come from Laos, Cambodia and Vietnam about sightings of POWs, some of it wartime and some after the signing of the Paris Peace Accords. Whereas the wartime reporting was often correlatable, this new reporting did not lead to any specific conclusions regarding the probable identity of those seen. Such a determination was vital to a change in casualty status, even if only within intelligence circles.

JCRC has forwarded to the Committee a copy of all lists of names provided to the other sides since April 1973. JCRC's role then, and now, was to provide input to those involved with attempting to obtain information on those still unaccounted for or who had been killed without the recovery of their remains. List #1, a list of 104 names, was provided to all members of the Four Power Joint Military Team on 17 April 1973, including the PRG/DRV delegates, a list which was also provided to DIA.

((Copy of List #1))
((SEE TAB 15))

Most of the names on List #1 are readily identifiable with individuals who were either last known alive in captivity or, by inclusion on such a list, indicate a reason to believe that an accounting for their fate was reasonable and possible. A comparison was made between those on List #1 and DIA's official list of 97 individuals as well as those servicemen who the Defense Department currently records as having died in captivity, both those whose remains have been recovered and those not yet recovered. Here are the results:

((Comparison of three lists))
((TAB 18))

The Committee staff could find no indication that these different lists were ever compared and some mechanism developed to surface the different views to senior Administration officials.

DIA's records do adequately document how its post-Homecoming efforts are directed toward a reappraisal of its intelligence needs which focus more on locations of sightings which time shows it is unable to equate to the missing POWs. The U.S. Air Force had a requirement to provide DIA with the identities from Homecoming debriefs which should certainly have helped redirect the national intelligence focus.

((DIA Agreement with Air Force))
((Pending declassification))

There is anecdotal information that the Air Force did provide DIA with the names of those still unaccounted for, that

this information was provided at least as early as April 1973 but specific documentation of what was known as not yet been located.

The Committee staff was unable to locate any indication that the need for an intensive prioritized effort to focus on a concerted effort directedly specifically toward each individual named by returnees as alive or dead and still unaccounted for ever became the type of major priority effort it should have.

Furthermore, although the U.S. Air Force did delve into the captivity environment of the POWs for Escape & Evasion planning purposes and produced voluminous data in 1978 about those individuals named in returnee debriefs, there is no indication that DIA ever produced any substantive intelligence on DRV/PRG POW policies and prison practices which could have guided the casualty review boards having to draw conclusions about the fate of unaccounted for POWs. The absence of such a systematic approach appears to have denied casualty review boards the type of information which was needed to determine if an individual could have been kept alive in captivity and not returned as required by the Paris Accords. The absence of such information may have contributed to a presumptive finding of death in accordance with the Missing Persons Act which might have been reasonably delayed if it could have been shown that the hostile forces in Southeast Asia as a matter of historical record did not normally adhere to the 1949 Geneva Convention, routinely violated; other international agreements have had a demonstrated history of not returning all prisoners.

The changing environment in Southeast Asia did lead DIA to develop new intelligence requirements which could be used to justify agent operations in each of the countries in Southeast Asia.

((CCO's for each country in Southeast Asia))
((Pending declassification))

DIA did conclude it has no reporting about any live POWs in North Vietnam but this conclusion appears more based on a lack of information than substantive intelligence. In point of fact, Robert Garwood had been in North Vietnam since 1970. DIA notes that it is receiving some reporting about American POWs in Cambodia and is fully aware that McKinley Nolan was still being seen in Cambodia well into 1974 but takes no further action to move rapidly to resolve such reporting. Then, with U.S. intelligence forces being slowly withdrawn, DIA itself initiates action to suspend any effort to monitor the last known prisons where U.S. POWs were being detained.

All such intelligence staff efforts notwithstanding, there is little indication that these objectives led to the development of any viable human intelligence operations which could have helped answer the enigma. At the same time, there is some anecdotal information that one specific effort early in 1975 to gain POW/MIA intelligence from inside North Vietnam was summarily terminated by the Central Intelligence Agency.

There is also anecdotal evidence that the only human

intelligence operation associated with Vietnam after April 1975 which was viable and continued until the end of 1977 elicited little interest on the part of DIA into its POW/MIA collection potential.

Post-Homecoming intelligence products are found to contain correlations to unknown individuals or collaborators and there is no evidence that these intelligence products caused any serious rethink about the likelihood that there were other Americans still in Southeast Asia. Finally, in December 1978, DIA released fifteen volumes of "uncorrelated reports" on which no further action was taken. Or, if it was taken, the analysis was separated from the original report and the overall product has been cheapened.

The Committee previously heard from witnesses testifying the collection of communications intelligence. Much of this type of information has stringent security safeguards imposed by current public law and restrictions on the release of such information for national security reasons is well justified. Within the 15 volume set there is a quantity of sanitized intelligence information which some individuals have believed has come from communications intelligence. Information provided to the Committee appears to confirm that this heavily sanitized information is probably communications related due to a reference to such material as SI, a term routinely associated with such sensitive information.

((Page from DIA's transfer document))

((TAB 19))

The available record shows that DIA was stymied by the lack of any concrete information concerning the fate of U.S. POWs in Laos. And yet, there is no evidence of any focused effort to redirect the five man human joint Army/Air Force intelligence team in Laos, the Laos Exploitation Team, known alternatively as Project 5310-03-E.

DIA is also receiving reports come from various sources in southern Viet Nam about uncorrelatable "sightings" but there appears no clear pattern and the wartime sources of hard information could be seen as slowly evaporating. In short, DIA was being faced with the same lack of hard evidence it had faced in 1966. Unlike 1966, there was no stimulus to get those answers.

In January 1974 there was a concerted effort underway to phase out the POW/MIA staff within DIA and the extent to which this has affected morale and outlook cannot be underestimated.

((Trowbridge's reclama))

((Pending declassification))

Now, as ever since the end of Operation Homecoming, DIA has a constant flow of dialogue with JCRC regarding a variety of intelligence problems. For example, DIA is still finding individuals in its data base where they country of loss is South Vietnam but they are finding the individuals were lost in Laos.

((DIA document))

((TAB 20))

DIA's information exchanges with JCRC also show the specific coordinates of loss are frequently incorrect and considerable time is spent trying to correct these errors.

((DIA message to JCRC))

((Pending declassification))

DIA has its own internal problems because of the effort to account for the over 1,100 American servicemen declared dead during the war years and without the recovery of their remains, one of Ambassador Bunker's clear priorities. DIA openly acknowledges its primary focus has been on those designated a POW or MIA and not the wartime died, body not recovered. It is later in 1974 that DIA first obtains an electronic data base from JCRC to bring its own data base on par with the scope of that in JCRC.

((DIA message to JCRC))

((Pending declassification))

By 1975 DIA finds that national intelligence planners have planned to delete a national priority for POW/MIA matters for 1975-76 and current national intelligence thinking has ignored any focus on those declared dead without the recovery of remains as separate and distinct from those unaccounted for.

((DIA response to DCID 2/1 and DKIQ))

((Pending declassification))

Internally, DIA prepares a Memorandum attempting to explain the difference between POW/MIA and unaccounted for. Paraphrasing their commentary, unaccounted for is only a term in use after 1973 to refer to those previously called a POW who are all now dead. This may have reflected a broader thinking both within and outside the intelligence community.

Within days of the fall of South Vietnam on April 30, 1975, DIA's Intelligence Directorate undergoes a massive organization and Southeast Asia related operations almost cease to exist. By now the PW/MIA Section has no more than eight persons and it is clear there is no support from within DIA or from outside DIA to have the POW/MIA accountability effort given any more attention than it was then receiving. Efforts now are focused more on attempting to describe the reports of "first hand live sightings" reaching DIA and DIA appears stymied with how to correlate such reports to the several thousand still unaccounted for. The numbers of unaccounted for Americans in a POW status is reduced year by year, both by DIA and the Comptroller, and the numbers are similar but not identical.

((Samples from 1974-77 with comparison to specific dates between DIA and the DIOR Post-Ceasefire Book, except for 1977, which is DIOR only.))

((TABS 21-27))

Mr. Clements

On January 27, 1973, U.S. Navy Commander Harley H. Hall is shot down in South Vietnam. He is initially reported by the U.S. Navy as MIA and in February the Navy reports him to be a POW. He is the last such individual to be placed in that status.

In early February an EC-47Q aircraft based in Thailand is shot down in southern Laos. On February 12th the Air Force reports that they have confirmed one crew member is dead. On February 22nd the Air Force reports confirmed the entire crew is dead although not all remains are recovered.

((Air Force document))
((Pending declassification))

In February 1974 DIA's casualty report changes their status from missing in action to code KK, died in captivity. There is no explanation for DIA's conclusion that some had been captured alive and then may have been killed, information totally inconsistent with the Air Force's official version.

((DIA document))
((Tab 28))

As late as 1979 DIA analytical comments raise the possibility that some from this aircraft may have been captured but DIA initiates no action to have any status review.

((DoD document))
((Tab 29))

Several months later Mr. Clements issues instructions that there will be no more status changes to POW unless such proposed changes have been first submitted to him for his review. This action has the effect of inhibiting the statutory authority of the service secretaries. Perhaps as a sign of the times, no individual after Commander Harley H. Hall and none of the 61 reported dead and without the recovery of remains during January 1973-May 1975 in Southeast Asia are ever recommended for change to a POW status. In fact, DIA even stops its wartime practice of annotating weekly casualty reports to identify those individuals on whom it had information that they had been captured, an action more reflective of a policy decision than a simple administrative correction.

Questions for Service Secretaries:

DONALD RICE

-What is the authority of the Service Secretaries regarding casualty determinations?

-How have the Service Secretaries exercised their authority in casualty determination matters and when has this authority been overridden?

MICHAEL P.W. STONE

-What is the authority of the Service Secretaries regarding casualty determinations?

-How have the Service Secretaries exercised their authority in casualty determination matters and when has this authority been overridden?

H. LAWRENCE GARRETT, III

-What is the authority of the Service Secretaries regarding casualty determinations?

-How have the Service Secretaries exercised their authority in casualty determination matters and when has this authority been overridden?

**ISSUES TO BE ADDRESSED IN TESTIMONY BEFORE THE SENATE SELECT
COMMITTEE ON POW/MIA AFFAIRS
JUNE 25, 1992**

THE HONORABLE WILLIAM CLEMENTS

-What information did you have access to about the numbers of unaccounted for servicemen as of the date of the signing of the Paris Peace Accords? What information did you have access to about the status of those report to have died during the wartime and without the recovery of remains?

-How did the numbers of POWs increase or decrease during and after the Paris Peace Accords? How much information increasing the number of POWs came from returnees during and after Operation Homecoming?

-What instructions did you issue after during or after Operating Homecoming regarding reclassification of individuals from missing or killed to POW? What authority did you have for such instructions?

Questions for Mr. Clements:

-What information did you have access to about the numbers of unaccounted for servicemen as of the date of the signing of the Paris Peace Accords? What information did you have access to about the status of those reported to have died during the wartime and without the recovery of remains?

-How did the numbers of POWs increase or decrease during and after the Paris Peace Accords? How much information increasing the number of POWs came from returnees during and after Operation Homecoming?

-What instructions did you issue during or after Operation Homecoming regarding reclassification of individuals from missing or killed to POW? What authority did you have for such instructions?

FRANK SIEVERTS

-Which U.S. government agency was responsible for the collection of information about the fate of U.S. private citizens and civilian government officials who became unaccounted for in the Southeast Asia combat zone?

-Who is responsible for accounting for the fate of these individuals?

-What information did the Department of State have about the identity and status of unaccounted for civilians as of the date of the signing of the Paris Peace Accords? After the end of Operation Homecoming?

-What was U.S. foreign policy after Operation Homecoming regarding the accountability for the fate of unaccounted for private U.S. citizens and U.S. government officials?

GENERAL ROBERT KINGSTON

1. What was the mission of the Joint Casualty Resolution Center when you were its first Commander in 1973-74?

-Did the JCRC's work include investigating the possibility that live Americans remained in captivity against their will in Southeast Asia after Operation Homecoming, or was the JCRC's work limited to searching for remains of dead U.S. personnel?

2. What POW-related intelligence information did you have access to as Commander of JCRC?

-Did you have access to intelligence information held by the DIA and the military services?

-Did you have access to intelligence information from other sources?

3. Based upon the intelligence information you reviewed as Commander of JCRC, did you conclude that approximately 100 U.S. prisoners of war were left behind in captivity after Operation Homecoming?

-In each of these approximately 100 cases, was there strong, hard evidence of captivity and no evidence of death?

4. To what extent were you aware of the number of incorrect country of loss locations associated with cross border losses in Cambodia and Laos from the 1965-1970 time frame? At what point did you ever come to believe that our unaccounted for in Laos was higher than that being reported? What did you do to bring this problem to the attention of U.S. officials?

5. What specific lists and casualty statistics were you provided, or did you have access to at the time you took command of JCRC? How reliable was the information you received? How were cross border operations losses reflected?

6. What files existed about those reported dead and without the recovery of remains? If no detailed files existed, how were you able to deal effectively with your North Vietnamese and VC counterparts in resolving the fate of those declared dead and without the recovery of remains? Precisely how many such cases were there and were they in addition to or part of the unaccounted for totals?

June 5, 1992

Michael Oskenberg
East West Center
177 East West Road
Honolulu, HI 96848

Dear Mr. Oskenberg:

The Select Committee on POW/MIA Affairs would like to take your deposition and possible public testimony on June 15th and June 25th respectively.

We are interested in examining events with which you were involved during your tenure on the National Security Council staff relative to the status reviews of servicemen missing in Southeast Asia.

Specifically, we would like to understand your involvement with the 1977 Paris negotiations with the Vietnamese, and related considerations given to the issue of MIAs during this period.

Our rules (which are enclosed) require that you supply the Committee with 40 copies of the testimony 48 hours in advance of your appearance. If you have any questions about the hearings, please call the Select Committee Staff Director, Frances A. Zwenig at (202) 224-2306.

Given the importance of this issue, we look forward to your testimony on the 15th and the 25th.

Sincerely,

Bob Smith
Vice Chairman

John F. Kerry
Chairman

JFK/kb

June 5, 1992

Harold Brown
Chair
Johns Hopkins Foreign Policy Institute
1619 Massachusetts Avenue, NW
Washington, DC 20036

Dear Mr. Brown:

The Select Committee on POW/MIA Affairs would like to take your deposition and possible public testimony on June 18th and June 25th, respectively.

We are interested in examining actions taken by the Department of Defense during your tenure as Secretary relative to the status reviews for servicemen missing in Southeast Asia.

Specifically, we would like to understand the events which led to your 1977 decision to allow the Secretaries of the Army, Navy and Air Force to proceed with status reviews.

Our rules (which are enclosed) require that you supply the Committee with 40 copies of the testimony 48 hours in advance of your appearance. If you have any questions about the hearings, please call the Select Committee Staff Director, Frances A. Zwenig at (202) 224-2306.

Given the importance of this issue, we look forward to your testimony on the 18th and the 25th.

Sincerely,

Bob Smith
Vice Chairman

John F. Kerry
Chairman

JFK/kb

Panel 4. Current Status of Unaccounted For Servicemen.

Starting in December 1991 the Committee staff began to reconstruct what the Administration knew about the fate of those servicemen who became unaccounted for during the war. This included a look at both the public record and many of the Administration's internal documents which had never before been made public. Here is the sequence of our actions and what we received.

In December 1991 the Committee asked for all lists and other casualty related information within the current and archival files of the Department of Defense. That December, the Committee was provided the archival record of post-ceasefire casualty status changes from the files of the Directorate of Information, Operations and Reports (DIOR), the successor organization to the wartime casualty accounting effort of the Comptroller. This document provided a by-name accounting for the information provided by the individual military services to the Department of Defense and covered changes made during the period January 27, 1973 - September 30, 1977. In January 1991 we were provided detailed sortings by casualty category of all those unaccounted for from the war. In February and March, at the Committee's request, we received even more detailed data sortings.

During the period January-May 1992 the individual services provided the Committee copies of pertinent casualty files, hard copy or on microfiche. The U.S. Air Force and Army each provided a list each reflecting its unaccounted as of January 27, 1973, the date of the signing of the Paris Peace Accords and the start of Operation Homecoming. The Navy and Marines were unable to provide archival records for that date but did provide other material it could locate.

The Committee staff was aware that each individual military service intelligence staff conducted a strenuous intelligence look its wartime casualties. To date, and after repeated written requests for their wartime archival documents, not one of individual military service intelligence staffs have provided archival material to the Committee.

The National Archives made available the entire wartime records of the 22nd Prisoner of War Information Center, a Joint Chiefs of Staff supported unit which kept the wartime records on enemy prisoners. These files were valuable for background but yielded no significant data on U.S. POWs.

Committee staff conducted an extensive review of the public record. Testimony to the Congress did provide a mechanism to compare what the Congress was being told versus what the Administration's internal documents were stating.

In May 1992, the Department of Defense provided the Committee staff unrestricted access to approximately 200 cubic feet of material representing nearly the archival records of the Defense Intelligence Agency's internal efforts to track the fate of unaccounted for Americans and others during the 1966-80. This

material yielded valuable lists, casualty statistics and other material vital to the investigative effort. At the request of the Committee, some of that material has been declassified and is being presented here today, in public, for the first time.

Over the past five months the Committee staff has pursued an effort to bring together these different lists of names into a single data base. The Chairman asked that this information be compared to electronic data provided by the Joint Task Force Full Accounting, the Defense Intelligence Agency and the Directorate of Information, Operations, and Reports. This has now been done and we have, for the first time, succeeded in merging all three electronic data bases into one single data base. The effort to enter the various lists of names is still ongoing but some of those crucial to this hearing have been entered, compared and have been presented today.

In this effort, the first task addressed by the Committee staff was to merge the data bases and determine the extent to which they all agree and move to a critical examination of those areas in which they do not agree. This effort will be an ongoing effort for the immediate future. All discrepancies for which an answer is needed will be forwarded to the Administration for a response. This is the first copy of the merged data base.

((Copy of data base printout))
((Pending))

To date we have been able to compare the current electronic records agree on the identity of those unique servicemen who were unaccounted for as of, and since, January 27, 1973. We have also identified a number of internal discrepancies in name spellings, dates and other areas. We have prepared a brief description of such problem areas with the Defense Departments data bases for the Committee.

((Presentation of Jackson's paper))
((Pending))

We have also found the one area in which they do not agree is in the area of wartime absentees and deserters. We also find indications that some electronic data in Defense Department computerized casualty files pertaining to casualties from covert cross border operations into Laos and Cambodia during 1965-72 has been deliberately and permanently removed from the Defense Department's Southeast Asia casualty data base. We will be addressing this in separate correspondence to the Department of Defense.

Regarding military absentees and deserters, the Defense Department's long term policy has been to exclude from wartime casualty reporting of those killed and unaccounted for all individuals reported as absentees and deserters. DIA and JCRC monitored the known fate of those individuals located in hostile captivity whom the services had categorized as deserters and did not list in their casualty reporting. Since the end of the war over 60 servicemen who did not appear on casualty rolls at the

end of war because of being in a deserter status have had their records formally changed. This change has resulted in their entry into the casualty roles as missing nonhostile and all were declared dead without the recovery of remains.

The Committee staff requested the Federal Bureau of Investigation and Social Security Administration to audit its files for information about the last known location of those servicemen identified on current and archival deserter lists provided by each of the military services. The objective was to determine if any deserters might have been stranded in Vietnam and could somehow be related to some of the first hand live sightings received either during the war or after the end of the war. The FBI conducted a rigorous and exacting files search of nearly 1,300 files and was able to identify at least 391 individuals for whom they had no definitive answer. Committee staff determined that the majority of these individuals are U.S. Army deserters and some may have been accounted for by the Army. The results of the FBI and Social Security Administration's effort investigation have just been concluded and are presented here for the record. This material will be provided to the individual military services for further research.

It is the recommendation of the Committee staff that the Defense Department endeavor to confirm through appropriate means if any of the Southeast Asian governments can provide information on the fate of any deserters who can not be confirmed as having departed Southeast Asia.

The second major task was to begin to compare all the current and archival data within the data base and develop a picture of what we knew about unaccounted for servicemen then and what we know now. This is an ongoing effort and will be completed during the lifetime of this Committee.

Nevertheless, documents recently made available to the Committee staff from the archival records of the Defense Intelligence Agency offer concrete evidence that DIA made professional judgements during the war that some servicemen had been captured alive while their official status was missing in action. Most appear to have been placed in a POW status by their individual services with the exception of that group of individuals identified by DIA in the previous panel.

In addition, DIA continued to believe that some individuals lost as late as February 1973 had been captured alive but had died in captivity. What remains unclear is the basis for DIA's conclusions, whether those DIA concluded had been captured alive survive and what is their current fate. That, in a nutshell, is what this accountability examination has attempted to come to grips with.

In short, it is now evident that the Administration has had information about the capture of some individuals, that the Administration has denied this information for two or more decades and for reasons which are unclear. It is obvious that if Joint Task Force Full Accounting is to have any real meaning and creditability, a full accounting is demanded, not just an

accounting in name only.

There exists now, just as during the war, different approaches by DIA, DIOR and the Joint Task Force Full Accounting to describe the accountability effort for those still unaccounted for. The responses from this panel should help provide a comprehensive explanation.

Questions for the panel.

-What is the current number of servicemen found to have died and without the recovery of their remains?

-How many American servicemen previously as having been captured and died in captivity have been accounted for?

-What special efforts have been extended to verify the intelligence conclusions of DIA and others regarding the fate of those believed to have been captured alive and later declared dead by the services without the recovery of remains?

-Precisely who has been declared dead and without the recovery of their remains?

-In what country did they become unaccounted for and in which country were they at the time they are believed to have died?

-What is the likelihood their remains can be recovered--or are not recoverable--and when may this take place or such judgments be made?

-Based on current efforts in Southeast Asia, what evidence is there about specific individuals who were in a Missing category--hostile or nonhostile--or an absentee/deserter as of the time of Operation Homecoming and about whom you now have some indication the individual had been captured and died in captivity? What actions have been taken to correct their casualty records?

-How many of those killed in action outright and without the recovery of their remains have remains which are recoverable? How many are unrecoverable?

-What are the general circumstances of fate of those defined as missing nonhostile who have been declared dead without the recovery of their remains? How many are reliably reported to have died? How many of their remains are recoverable versus nonrecoverable?

-How many individuals who were in a POW status after Operation Homecoming were subsequently determined to have probably died in their incident of loss and never have been captured? How many of their remains are recoverable versus nonrecoverable?

-How many individuals categorized as Missing in Action were reliably reported by returnees to have died in their incident of loss and never have been captured?

-Who of those Missing in Action about whom there was no concrete evidence about their fate as of Operation Homecoming or post-Homecoming have been--or can be--located and/or recovered by any of the Indochina governments? How many of their remains have

been found to be unrecoverable? What is the likelihood of an accurate account for their fate?

-How many individuals initially categorized as an absentee or deserter during the war have been added to the unaccounted for total since the end of the war as missing and then been declared dead based on a presumptive finding of death? What is the likelihood of an accounting for their fate?

-Who among those currently carried as dead, body not recovered, offers the greatest likelihood of life?

-What information is available to describe the fate of Colonel Charles E. Shelton, the only wartime POW still in a POW status and for symbolic reasons?

-To what extent are the Indochina Governments cooperating in the effort to obtain the fullest possible accounting?

GENERAL JOHN VESSEY

-What were your instructions from the President?
-What have you accomplished over the past five years?
-What can you tell us about those "last known alive" and those reported to have died in captivity whose remains have not been recovered to date?

-What reports have you made which are available to the American public?

-What lists of individuals have you presented directly or indirectly to the Southeast Asian governments? Which agency prepared those lists, and what was the criteria for placing names on them and what is the difference between what has been termed at times your Vessey I and Vessey II lists?

-Specifically who has been accounted for since you provided these lists to the Indochina governments and define precisely how they have been accounted for. Who has not as yet been formally accounted for but you believe that a final accounting may be imminent?

BG THOMAS NEEDHAM
DIRECTOR
JOINT TASK FORCE FOR FULL ACCOUNTING

-What efforts are being undertaken to resolve the fate of each individual "unaccounted for" Americans? To what extent is this being done on an individual by case basis? How adequate is the information about the fate of each individual in Joint Task Force holdings?

-What progress has been made and how much cooperation is being received by the Southeast Asia governments? Describe the specific evidence chain your Joint Task Force is following in attempting to determine the precise fate of each individual.

-What information does Joint Task Force Full Accounting possess about those found dead during the war and without the recovery of their remains? Are these remains now being located?

-Describe the basis for the Joint Task Force judgements that the Southeast Asia governments are believed to possess information about some "unaccounted for personnel." Specifically who does this apply to and when will the Southeast Asia governments provide this information?

-Identify and describe what remains are recoverable and the basis for your conclusions that some remains may not be recoverable.

-What information can you provide about the types of incidents of loss of individuals determined to have died while Missing Nonhostile and killed in action (body not recovered)? How does the remains recovery aspect of these cases differ--or are they the same as--those previously reported as missing in action and declared dead based on a presumptive finding of death?

-What numbers of "unaccounted for" do you currently have and by each specific loss category as defined by JCRC? Why and how do these categories differ from the casualty categories employed by the Defense Intelligence Agency and Department of Defense senior casualty statistics directorate?

-What information does your Joint Task Force have in each casualty file about the identity of specific hostile units involved in the area of loss of those whose remains have not yet been recovered in Laos? When did you begin to compile this information and from what authoritative sources?

-We have been given to understand that Vietnam has published hundreds of wartime histories, many of which speak of the death and/or capture of Americans. Can you provide us with a list of

the material you currently possess? Which of this material has already been translated and when can you make copies of this translated material available to this Committee? How many individuals at a full professional level of the northern style of the Vietnamese writing do you have employed and how are they being utilized in document translation?

-What has been the role of the Joint Task Force with regard to any focus on those individuals named on the Vessey I and II lists? Why does an accounting for these individuals represent a more compelling priority than all others? What accounting has been accomplished from those names on each of these lists? What further accounting is imminent?